APRIL 10, 2019 CITY COUNCIL AGENDA
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated April 10, 2019. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

T.C. Broadnax
City Manager

03/29/19
Date

for Elizabeth Reich
Chief Financial Officer

3/29/19
Date

RECEIVED
2019 MAR 29 PM 6:31
CITY SECRETARY
DALLAS, TEXAS

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Public Notice

190330

POSTED CITY SECRETARY DALLAS, TX

COUNCIL AGENDA

April 10, 2019

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

General Information

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

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

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

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

Rules of Courtesy

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

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

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

Información General

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

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

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

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

Reglas de Cortesía

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

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

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

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

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

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

AGENDA
CITY COUNCIL MEETING
WEDNESDAY, APRIL 10, 2019
ORDER OF BUSINESS

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

2:00 p.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 51
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 2:15 p.m.		Items 52 - 54
	PUBLIC HEARINGS AND RELATED ACTIONS	
6:00 p.m.		Items 55 - 73

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

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. 19-465 Approval of Minutes of the March 27, 2019 City Council Meeting

CONSENT AGENDA

Building Services Department

2. 19-339 Authorize **(1)** a resolution establishing the City of Dallas' commitment to the use of clean and efficient energy, the use of 100 percent renewable energy for municipal operations, and to sustain and promote renewable energy projects and partnerships that reduce environmental impacts for the benefit of Dallas residents and the region; and **(2)** the City Manager to determine the most advantageous proposal and enter into an electricity services contract consistent with the adopted City of Dallas Green Energy Policy - Financing: This action has no cost consideration to the City (see Fiscal Information for future potential costs)

City Attorney's Office

3. 19-469 Authorize Supplemental Agreement No. 1 to the professional services contract with Brown & Hofmeister, L.L.P., for additional legal services in connection with the Board of Adjustment compliance proceedings regarding Jim's Car Wash - Not to exceed $20,000.00, from $50,000.00 to $70,000.00 - Financing: Risk Management Funds

4. 19-415 Authorize Supplemental Agreement No. 2 to the professional services contract with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., for additional legal services in connection with the representation of the City of Dallas in the lawsuit styled Terrance Bass, et al. v. City of Dallas, Civil Action No. 3:17-CV-03330-C - Not to exceed $50,000.00, from $100,000.00 to $150,000.00 - Financing: Risk Management Funds

5. 19-470 Authorize Supplemental Agreement No. 3 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services to the City of Dallas in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443 - Not to exceed $275,000.00, from $300,000.00 to $575,000.00 - Financing: Risk Management Funds

Department of Aviation

6. 19-410 Authorize a professional services contract with M. Arthur Gensler Jr. & Associates, Inc. to provide architectural and engineering design and construction administration services for the new Transportation Network Center on the first floor of Garage A at Dallas Love Field - Not to exceed $195,000.00 - Financing: Aviation Capital Construction Fund

7. 19-308 Authorize **(1)** a construction contract for the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field - Austin Bridge and Road, L.P., lowest responsible bidder of two; and **(2)** an increase in appropriations in an amount not to exceed $6,000,000.00 in the Aviation Passenger Facility Charge - Near Term Projects Fund - Not to exceed $28,092,994.35 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund

8. 19-277 Authorize Supplemental Agreement No. 5 to the professional services contract with M. Arthur Gensler Jr. & Associates, Inc. to provide design engineering and construction administration services for the next phase of major maintenance and repairs to Garages A and B at Dallas Love Field - Not to exceed $221,700.00, from $1,087,452.00 to $1,309,152.00 - Financing: Aviation Capital Construction Fund

9. 19-305 Authorize Supplemental Agreement No. 5 to the professional services contract with Alliance Geotechnical Group, Inc. to provide construction materials testing services for the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field - Not to exceed $551,399.26, from $949,600.65 to $1,500,999.91 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund

10. 19-244 Authorize Supplemental Agreement No. 10 to the professional services contract with Garver, LLC to provide full time on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phases III and IV at Dallas Love Field - Not to exceed $1,733,600.00, from $9,078,199.00 to $10,811,799.00 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund

Department of Public Works

11. 19-122 Authorize a professional services contract with Bridgefarmer & Associates, Inc. for the engineering design of a thoroughfare improvement project on South Ewing Avenue from Interstate Highway-35E to East Clarendon Drive - Not to exceed $883,331.78 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($860,711.78) and Water Utilities Capital Improvement Funds ($22,620.00)

12. 19-375 Authorize a professional services contract with Arredondo, Zepeda & Brunz, LLC for the engineering design of Ridgecrest Road from Holly Hill Drive to SoPac Trail East of Eastridge Drive - Not to exceed $573,691.85 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($498,466.85) and Water Utilities Capital Improvement Funds ($75,225.00)

13. 18-1210 Authorize a professional services contract with Dikita Enterprises, Inc. for the engineering design of Alley Reconstruction Group 17-8004 (list attached to the Agenda Information Sheet) - Not to exceed $166,629.38 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($142,629.38) and Wastewater Capital Improvement Fund ($24,000.00)

14. 19-136 Authorize a professional services contract with Arredondo, Zepeda & Brunz, LLC for the engineering design of Street Reconstruction Group 17-1105 (list attached to the Agenda Information Sheet) - Not to exceed $174,170.60 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($135,825.60) and Water Utilities Capital Improvement Funds ($38,345.00)

15. 19-262 Authorize a professional services contract with EJES, Inc. for the engineering design of Street Reconstruction Group 17-1404 (list attached to the Agenda Information Sheet) - Not to exceed $76,091.90 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($62,821.19) and Water Utilities Capital Improvement Funds ($13,270.71)

16. 19-257 Authorize a professional services contract with IMS Engineers, Inc. for the engineering design of Street Reconstruction Group 17-1406 (list attached to the Agenda Information Sheet) - Not to exceed $210,063.30 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($172,754.30) and Water Utilities Capital Improvement Funds ($37,309.00)

17. 19-389 Authorize a design-build services contract with Harrison, Walker & Harper, L.P. for the design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of the new replacement Fire Station Number 46 to be located at 331 East Camp Wisdom Road - Not to exceed $616,065.00 - Financing: Public Safety (G) Fund (2017 Bond Funds)

18. 19-322 Authorize a construction contract to provide construction services for the 2019 Slurry Seal and Polymer Modified Micro-Surfacing Contract - Viking Construction, Inc., lowest responsible bidder of two - Not to exceed $15,139,688.70 - Financing: General Fund ($10,175,000.00) and Resurfacing and Reconstruction Improvements Fund ($4,964,688.70) (subject to annual appropriations)

19. 19-383 Authorize an increase in the construction services contract with E-MC Electrical, Inc. for additional fire alarm installation and equipment at Dallas City Hall located at 1500 Marilla Street - Not to exceed $113,966.75, from $2,075,000.00 to $2,188,966.75 - Financing: City Hall, City Service and Maintenance Facilities Fund (2006 Bond Funds)

20. 19-127 Authorize an increase in the construction services contract with Camino Construction, L.P. to relocate the proposed waterline in the same trench as the existing waterline in the alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane; and to adjust a wastewater manhole in the alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane - Not to exceed $305,863.42, from $2,044,928.00 to $2,350,791.42 - Financing: Water Utilities Capital Improvement Funds

Department of Sanitation Services

21. 19-443 Authorize Supplemental Agreement No. 1 to the contract with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. for operation and management of the City's materials recovery facility (MRF) to **(1)** extend the primary contract term from 15 years to a period of 15 years, plus a period equal to a temporary adjusted host fee period (3 years, with two additional 1-year extension options); **(2)** allow for a temporary adjustment to a portion of the host fees for non-city single-stream recycling tonnage processed at the MRF above contractually guaranteed tons, for a period of three years, with two 1-year renewal options; and **(3)** provide for a Clean Material host fee to be applied to clean pre-segregated material processed at the MRF for a period of three years, with annual extension options for the term of the contract - Estimated Revenue: $2,010,000.00 (over the extended three-year term)

Department of Sustainable Development and Construction

22. 19-414 Authorize **(1)** the quitclaim of 422 North Denley Drive acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale that will be sold to the highest qualified bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached to the Agenda Information Sheet) - Estimated Revenue: $30,000.00 (see Fiscal Information)

23. 19-281 Authorize acquisition from Wayne Williams and Evelyn Williams, of a total of approximately 612,536 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $321,116.00 ($318,116.00, plus closing costs and title expenses not to exceed $3,000.00) - Financing: Water Construction Fund

24. 19-300 A resolution **(1)** rejecting the high bid received from Mercy Presbyterian Church of $2,400,000.00 for approximately 150,702 square feet of unwanted and unneeded City-owned land, located near the intersection of Forest and Quincy Lanes, and authorizing its advertisement for sale by public auction; **(2)** establishing a reserve and a contingency to close for the auctioned surplus property; and **(3)** authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property receiving the highest qualified bid that meets or exceeds the reserve amount - Revenue: TBD

25. 19-282 An ordinance granting a private license to GPIF 2401 CS LLC, for the use of a total of approximately 1,866 square feet of land to occupy, maintain and utilize five trees, pavers, landscaping and irrigation system, seventeen tree lights, wall uplighting, barrier wall and garage vent on portions of Cedar Springs Road and Maple Avenue rights-of-way, near its intersection - Revenue: $4,314.00 annually and a $700.00 one-time fee, plus the $20.00 ordinance publication fee

26. 18-470 An ordinance granting a private license to GUGV Victory Park Dallas Property Owning, LLC, for the use of a total of approximately 378 square feet of land to maintain, occupy and utilize a sidewalk café and four planters on a portion of Houston Street right-of-way located near its intersection with Payne Street - Revenue: $200.00 annually and a $100.00 one-time fee, plus the $20.00 ordinance publication fee

27. 19-56 An ordinance abandoning a portion of Pacific Avenue to 4100 Commerce, LP, the abutting owner, containing approximately 1,739 square feet of land, located near the intersection of Commerce Street and Parry Avenue; and authorizing the quitclaim - Revenue: $34,780.00, plus the $20.00 ordinance publication fee

28. 19-364 An ordinance amending Ordinance No. 31058, previously approved on December 12, 2018, which abandoned a portion of Matilda Street and street corner clip, located near the intersection of Matilda Street and Lovers Lane to Lincoln LAG Ltd. to alter Section 12 to revise the square footage of the water easement area from approximately 8,702 square feet of land to approximately 6,942 square feet of land and delete Exhibit C and substitute a new Exhibit C - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

29. 19-315 Authorize an amendment to an existing lease agreement with Towne Square Market LP to **(1)** extend the lease agreement for an additional three-years for approximately 8,100 square feet of office space located at 3312 North Buckner Boulevard, Suites 124 and 130, for the period June 1, 2019 through May 31, 2022; and **(2)** amend Sections VI and IX of the lease agreement to provide clarification of permitted use and intention for continued use as a Women, Infants and Children Clinic - Not to exceed $389,205.00 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

30. 19-425 Authorize an increase in the purchase price for the acquisition from Cox Commercial Development, Ltd., a permanent easement of approximately 2,942 square feet of land and a temporary working space easement of approximately 10,553 square feet of land located in Dallas County, Texas for the Elm Fork Water Transmission Main Project - Not to exceed $14,273.00, increased from $12,592.00 to $26,865.00 ($25,665.00, plus closing costs and title expenses not to exceed $1,200.00) - Financing: Water Construction and Improvement Funds

31. 19-464 Authorize a boundary adjustment agreement with the City of Irving on properties located **(1)** on the northeast corner of South Northlake Road and Bluegill Bay Road; and **(2)** east of South Northlake Road, south of Belt Line Road to allow more efficient development and delivery of city services - Financing: This action has no cost consideration to the City

Mayor and City Council Office

32. 19-514 Authorize amendments to the 2019 City Calendar to **(1)** cancel the May 1, 2019, City Council briefing meeting; and **(2)** change the location for the August 14, 2019, off-site City Council agenda meeting from Bachman Lake Branch Library to Lake Highlands Recreation Center - Financing: No cost consideration to the City

Office of Cultural Affairs

33. 19-284 Authorize **(1)** the acceptance of four grants from the Texas Commission on the Arts (Grant Nos. 19-44179, 19-44363, 19-44373, 19-44361) in an amount not to exceed $32,000.00 to provide cultural services for the period September 1, 2018 through August 31, 2019; **(2)** a local 1:1 match in the amount of $32,000.00; **(3)** the receipt and deposit of funds in an amount not to exceed $32,000.00 in the Texas Commission on the Arts-Arts Create Grant 18-19 Fund; **(4)** the establishment of appropriations in an amount not to exceed $32,000.00 in the Texas Commission on the Arts-Arts Create Grant 18-19 Fund; and **(5)** the execution of the grant agreements and all terms, conditions, and documents required by the grant agreements - Total not to exceed $64,000.00 - Financing: Texas Commission on the Arts Grant Funds ($32,000.00) and General Fund ($32,000.00)

Office of Homeless Solutions

34. 19-404 Authorize an amendment to Resolution No. 18-1692, previously approved on November 28, 2018, to: **(1)** revise the term of the assignment to PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as recipient grantee in place of the City of Dallas, to begin April 1, 2019, instead of December 1, 2018, and end September 30, 2019 for the Continuum of Care Grant ("CoC Grant") (Grant No. TX0236L6T001709 and CFDA No. 14.267) in an amount not to exceed $718,103.00 from the U.S. Department of Housing and Urban Development for the City of Dallas' Gateway to Permanent Supportive Housing Project ("Project"), to provide project-based rental assistance and case management for single chronically homeless persons; and **(2)** increase the local cash match from the City of Dallas for the CoC Grant for the Project, by $49,697.00, from $29,921.00 to $79,618.00 and decrease the matching contribution from the local partner agencies by $49,697.00, from $149,605.00 to $99,908.00 - Not to exceed $49,697.00 - Financing: General Fund

Office of Procurement Services

35. 19-409 Authorize a three-year service price agreement for grounds maintenance for Water Utilities Department facilities and lots - Good Earth Corporation in an estimated amount of $1,883,300.00 and Gardner's Touch Lawn Care, LLC in an estimated amount of $887,754.40, lowest responsive bidders of four - Total estimated amount of $2,771,054.40 - Financing: Dallas Water Utilities Fund

36. 19-417 Authorize a five-year service contract, with a one-year renewal option, for licenses, training, maintenance, and support of a vendor hosted short-term rental and hotel occupancy tax system - MUNIRevs Inc. dba LODGINGRevs, most advantageous proposer of four - Not to exceed $495,000 - Financing: Convention Center Fund (subject to annual appropriations)

37. 18-1397 Authorize **(1)** a fifty-eight month service contract for online criminal activity database services for the Police Department in the amount of $372,548.24 - LexisNexis Risk Solutions, sole source; and **(2)** Supplemental Agreement No. 2 to extend the service contract with LexisNexis Claims Solutions for an online resident incident reporting portal for the Police Department in the amount of $487,200.00 from February 28, 2019 to December 31, 2023 - Total not to exceed $859,748.24 - Financing: Data Services Fund ($372,548.24) and Confiscated Monies - State Fund ($487,200.00) (subject to annual appropriations)

38. 19-233 Authorize a three-year master agreement for the purchase of laboratory supplies and equipment - Taylor Distribution Group, LLC in an estimated amount of $3,439,031.37, Hach Company in an estimated amount of $1,209,494.00, Fox Scientific, Inc. in an estimated amount of $642,979.00, and Horizon Technology, Inc. in an estimated amount of $53,000.00, lowest responsible bidders of six - Total estimated amount of $5,344,504.37 - Financing: General Fund ($262,900.00), Dallas Water Utilities Fund ($5,019,104.37), Aviation Fund ($60,000.00), and Sanitation Services Fund ($2,500.00)

39. 19-377 Authorize a three-year master agreement for animal identification microchips for the Department of Dallas Animal Services - Pethealth Services USA, Inc., lowest responsible bidder of five - Estimated amount of $146,250 - Financing: General Fund

Park & Recreation Department

40. 19-434 Authorize a Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40227, for trail design and construction of the FM 1382 Sidepath Trail from Camp Wisdom Road to Mansfield Road - Financing: This item has no cost consideration to the City (see Fiscal Information for future estimated costs)

Water Utilities Department

41. 19-290 Authorize a professional services contract with RJN Group, Inc. for the engineering design of Erosion Control Contract No. A (list attached to the Agenda Information Sheet) - Not to exceed $573,981.38 - Financing: Flood Control (D) Fund (2017 Bond Funds)

42. 19-292 Authorize a professional services contract with Gresham Smith for the engineering design of Erosion Control Contract No. B (list attached to the Agenda Information Sheet) - Not to exceed $635,394.30 - Financing: Flood Control (D) Fund (2017 Bond Funds)

43. 19-294 Authorize a professional services contract with AECOM Technical Services, Inc. for the engineering design of Erosion Control Contract No. 1 (list attached to the Agenda Information Sheet) - Not to exceed $232,422.39 - Financing: Storm Drainage Management Capital Construction Fund

44. 19-291 Authorize a professional services contract with LIM & Associates, Inc. for the engineering design of Erosion Control Contract No. 3 (list attached to the Agenda Information Sheet) - Not to exceed $256,000.00 - Financing: Storm Drainage Management Capital Construction Fund

45. 19-285 Authorize a professional services contract with IEA, Inc. for the engineering design of Erosion Control Contract No. 4 (list attached to the Agenda Information Sheet) - Not to exceed $161,867.50 - Financing: Storm Drainage Management Capital Construction Fund

46. 19-245 Authorize a construction contract for the Elm Fork Water Treatment Plant Lagoon Cleaning - Merrell Bros., Inc., lowest responsible bidder of four - Not to exceed $12,946,224.00 - Financing: Water Utilities Capital Improvement Funds

Note: Agenda Item Nos. 47 and 48 must be considered collectively.

47. 18-1235 Authorize Supplemental Agreement No. 1 to the design-build contract with Eagle Contracting L.P. for the replacement of the Walnut Hill Pump Station located within the City of Dallas water distribution system - Not to exceed $13,854,111.45, from $575,192.00 to $14,429,303.45 - Financing: Water Utilities Capital Improvement Funds

48. 19-240 Authorize Supplemental Agreement No. 2 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering services associated with improvements to the Walnut Hill Pump Station facility - Not to exceed $454,972.00, from $1,900,991.00 to $2,355,963.00 - Financing: Water Utilities Capital Improvement Funds

49. 19-386 Authorize the **(1)** establishment of appropriations in the amount of $7,091,014.00 in the IH30 Construction Fund; **(2)** transfer of funds in the amount up to $7,091,014.00 from the General Capital Reserve Fund to the IH30 Construction Fund; and **(3)** payment to Texas Department of Transportation for additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway in an amount up to $7,094,014.00 - Financing: IH30 Construction Fund

50. 19-428 Authorize the **(1)** rejection of bids received for the installation of water and wastewater mains at various locations; and **(2)** re-advertisement for new bids - Financing: No cost consideration to the City

51. 19-436 Ordinances authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019A, in the amount of $22,000,000.00, and City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019B, in the amount of $44,000,000.00, to the Texas Water Development Board; approving the execution of the agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed $238,320.00 - Financing: Water Utilities Fund

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

52. 19-466 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)

Office of Economic Development

53. 19-439 Authorize a development agreement with 1412 Main Street, LLC ("Developer") and/or its affiliates in an amount not to exceed $2,247,605.00, payable from future City Center TIF District Funds, in consideration of the Adolphus Tower Project ("Project") on property currently addressed at 1412 Main Street in Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) - Not to exceed $2,247,605.00 - Financing: City Center TIF District Funds (subject to future appropriations from tax increments)

54. 19-385 Authorize a development agreement with 3309 Elm TIF, Inc. ("Developer") and/or its affiliates in an amount not to exceed $3,000,000.00, payable from future Deep Ellum TIF District Funds, in consideration of the Continental Gin Redevelopment Project ("Project") on property currently addressed at 3309 Elm Street in Tax Increment Financing Reinvestment Zone Number Twelve (Deep Ellum TIF District) - Not to exceed $3,000,000.00 - Financing: Deep Ellum TIF District Funds (subject to future appropriations from tax increments)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Sustainable Development and Construction

ZONING CASES - CONSENT

55. 19-447 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned a Residential Transition District (RTN) within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, generally bounded by North Madison Avenue, Ballard Avenue, Elsbeth Avenue and Neches Street
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, a traffic management plan, and conditions
Z167-347(PD)

56. 19-448 A public hearing to receive comments regarding an application for **(1)** an ordinance granting a new subdistrict to allow for single family uses on property zoned Subdistrict 6 within Planned Development District No. 830 and a portion of Planned Development District No. 450; **(2)** an ordinance granting an amendment to reduce Planned Development District No. 450; and **(3)** an amendment to the development plan and landscape plan for a public school use on property zoned Planned Development District No. 450, on the northeast corner of West Davis Street and North Plymouth Road
Recommendation of Staff: Approval, subject to a conceptual plan and staff's recommended conditions; approval of an amendment to reduce Planned Development District No. 450; and approval of a revised development plan and revised landscape plan for a public school use
Recommendation of CPC: Approval, subject to a conceptual plan and conditions; approval of an amendment to reduce Planned Development District No. 450; and approval of a revised development plan and revised landscape plan for a public school use
Z178-316(CY)

57. 19-449 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2076 for an inside commercial amusement limited to a live music venue and a dance hall on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north line of Canton Street, west of Crowdus Street
Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions
Z189-107(SM)

58. 19-450 A public hearing to receive comments regarding an application for and an ordinance granting a new tract for a community, welfare, or health center use and child-care facility use, on property zoned Tract I, Subarea 1 within Planned Development District No. 65, on the southeast line of Holly Hill Drive, between Ridgecrest Road and Phoenix Drive
Recommendation of Staff and CPC: Approval, subject to a revised Exhibit 65B development plan for Tract III and conditions
Z189-130(SM)

59. 19-451 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2009 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the southeast corner of Commerce Street and Lane Street
Recommendation of Staff and CPC: Approval for a six-year period, subject to conditions
Z189-146(CY)

60. 19-452 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2008 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the southwest corner of Commerce Street and South Ervay Street
Recommendation of Staff and CPC: Approval for a six-year period, subject to conditions
Z189-147(CY)

61. 19-453 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2221 for a tattoo studio on property zoned Subdistrict 1A within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the south line of Levee Street, between Manufacturing Street and Express Street
Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions
Z189-160(SM)

ZONING CASES - INDIVIDUAL

62. 19-454 A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for IR Industrial Research District uses plus a community resource campus on property zoned an IR Industrial Research District, on the west side of North Stemmons Freeway, south of Regal Row and at the northeast corner of Empress Row and Viceroy Drive
Recommendation of Staff: Approval, subject to a conceptual plan and staff's recommended conditions
Recommendation of CPC: Approval, subject to a conceptual plan and conditions
Z178-121(JM)

63. 19-455 A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for restaurant and retail uses on property zoned Subdistrict F, WMU-12 Walkable Urban Mixed Use within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, generally bounded by East 6th Street, East Jefferson Boulevard, and Fleming Place
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development/landscape plan and conditions
Z178-292(CY)

64. 19-456 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1740 for a mini-warehouse use on property zoned an MU-2 Mixed Use District, on the north line of Gannon Lane between South Cockrell Hill Road and South Westmoreland Road
Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions
Recommendation of CPC: Approval for a five-year period, subject to a revised site plan and conditions
Z178-373(AM)

65. 19-458 A public hearing to receive comments regarding an application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with a MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, between Oram Street and La Vista Drive
Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions
Recommendation of CPC: Denial without prejudice
Z189-131(PD)

66. 19-459 A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a Planned Development Subdistrict for O-2 Office uses, a health studio use, and a restaurant without drive-in or drive-thru use; and **(2)** an ordinance granting the removal of the D Liquor Control Overlay on property zoned an O-2-D Office Subdistrict with a D Liquor Control Overlay within Planned Development District No. 193, the Oak Lawn Special Purpose District with consideration of a D-1 Liquor Control Overlay in lieu of the removal of the D Liquor Control Overlay, on the west corner of Turtle Creek Boulevard and Dickason Avenue and the east line of Gillespie Street

Recommendation of Staff: Approval, subject to a development plan, landscape plan and staff's recommended conditions; and approval of a D-1 Liquor Control Overlay in lieu of the removal of the D Liquor Control Overlay

Recommendation of CPC: Approval, subject to a development plan, landscape plan and conditions; and approval of the removal of the D Liquor Control Overlay

Z189-136(SM)

67. 19-460 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District with Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service, on the east side of Greenville Avenue, south of Prospect Avenue

Recommendation of Staff: Approval for a two-year period, subject to a site plan and staff's recommended conditions

Recommendation of CPC: Approval for a one-year period, subject to a site plan and conditions

Z189-150(JM)

68. 19-461 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2005 and Specific Use Permit No. 2006, on the northwest corner of North Griffin Street and Elm Street

Recommendation of Staff: Approval for a six-year period, subject to conditions

Recommendation of CPC: Approval for a three-year period, subject to conditions

Z189-164(PD)

69. 19-462 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2005 and Specific Use Permit No. 2006, on the northwest corner of North Griffin Street and Elm Street
Recommendation of Staff: Approval for a six-year period, subject to conditions
Recommendation of CPC: Approval for a three-year period, subject to conditions
Z189-165(PD)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

70. 19-391 A public hearing to receive comments regarding an application for and **(1)** an ordinance granting an amendment to Tract 6 for LO-1(A) Limited Office District uses; and **(2)** an ordinance terminating Specific Use Permit No. 610 for a health center, on property zoned Tract 6 for LO-1(A) Limited Office District uses within Planned Development District No. 508, on property bounded by Bickers Street, Holystone Street, and Greenleaf Street
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, development plan, landscape plan, traffic management plan, and conditions; and approval of the termination of Specific Use Permit No. 610 for a health center use
Z178-260(SM)
Note: This item was deferred by the City Council before opening the public hearing on February 27, 2019, and is scheduled for consideration on April 10, 2019

71. 19-509 A public hearing to receive comments regarding an application for an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the northeast corner of West Illinois Avenue and Hollywood Avenue
Recommendation of Staff and CPC: Denial without prejudice
Z178-351(CY)
Note: This item was considered by the City Council at a public hearing on March 27, 2019, and was held under advisement until April 10, 2019, with the public hearing open

DEVELOPMENT CODE AMENDMENTS – INDIVIDUAL

72. 19-463 A public hearing to receive comments regarding consideration of amending the Dallas Development Code to create regulations for a new overlay called a Neighborhood Forest Overlay and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA178-012

MISCELLANEOUS HEARINGS

Office of Budget

73. 19-483 A public hearing to receive comments on the adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan to: **(a)** use unspent prior year Community Development Block Grant funds in the total amount of $2,883,673, as follows: $2,097,567 to be used for the Housing and Neighborhood Revitalization, 2018 Notice of Funding Availability (2018 NOFA) and $786,106 to be used for the Mingo/Beall Street Improvement project; **(b)** reclassify $7,751,611 allocated for the 2018 NOFA from the reconstruction and rehabilitation category to the land acquisition category to allow for acquisition of land for residential purposes; **(c)** addition of the Residential Housing Development Program to the FY 2018-19 Action Plan; and **(d)** the use of funds for the Residential Housing Development Program; and at the close of the public hearing, authorize: **(1)** final adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1); and **(2)** the establishment of appropriations in the total amount of $10,635,284 - Financing: FY 2018-19 CDBG Reprogramming No. 1 Funds ($10,635,284)

EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]

2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]

3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]

4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]

5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]

6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]

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

Agenda Date: April 10, 2019

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	V	N/A	N/A	Approval of Minutes of the March 27, 2019 City Council Meeting
2.	All	C	BSD	NC	Authorize (1) a resolution establishing the City of Dallas' commitment to the use of clean and efficient energy, the use of 100 percent renewable energy for municipal operations, and to sustain and promote renewable energy projects and partnerships that reduce environmental impacts for the benefit of Dallas residents and the region; and (2) the City Manager to determine the most advantageous proposal and enter into an electricity services contract consistent with the adopted City of Dallas Green Energy Policy - Financing: This action has no cost consideration to the City (see Fiscal Information for future potential costs)
3.	N/A	C	ATT	$20,000.00	Authorize Supplemental Agreement No. 1 to the professional services contract with Brown & Hofmeister, L.L.P., for additional legal services in connection with the Board of Adjustment compliance proceedings regarding Jim's Car Wash - Not to exceed $20,000.00, from $50,000.00 to $70,000.00 - Financing: Risk Management Funds
4.	N/A	C	ATT	$50,000.00	Authorize Supplemental Agreement No. 2 to the professional services contract with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., for additional legal services in connection with the representation of the City of Dallas in the lawsuit styled Terrance Bass, et al. v. City of Dallas, Civil Action No. 3:17-CV-03330-C - Not to exceed $50,000.00, from $100,000.00 to $150,000.00 - Financing: Risk Management Funds
5.	N/A	C	ATT	$275,000.00	Authorize Supplemental Agreement No. 3 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services to the City of Dallas in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443 - Not to exceed $275,000.00, from $300,000.00 to $575,000.00 - Financing: Risk Management Funds
6.	2	C	AVI	$195,000.00	Authorize a professional services contract with M. Arthur Gensler Jr. & Associates, Inc. to provide architectural and engineering design and construction administration services for the new Transportation Network Center on the first floor of Garage A at Dallas Love Field - Not to exceed $195,000.00 - Financing: Aviation Capital Construction Fund
7.	2	C	AVI	$28,092,994.35	Authorize (1) a construction contract for the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field - Austin Bridge and Road, L.P., lowest responsible bidder of two; and (2) an increase in appropriations in an

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					amount not to exceed $6,000,000.00 in the Aviation Passenger Facility Charge - Near Term Projects Fund - Not to exceed $28,092,994.35 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund
8.	2	C	AVI	$221,700.00	Authorize Supplemental Agreement No. 5 to the professional services contract with M. Arthur Gensler Jr. & Associates, Inc. to provide design engineering and construction administration services for the next phase of major maintenance and repairs to Garages A and B at Dallas Love Field - Not to exceed $221,700.00, from $1,087,452.00 to $1,309,152.00 - Financing: Aviation Capital Construction Fund
9.	2	C	AVI	$551,399.26	Authorize Supplemental Agreement No. 5 to the professional services contract with Alliance Geotechnical Group, Inc. to provide construction materials testing services for the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field - Not to exceed $551,399.26, from $949,600.65 to $1,500,999.91 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund
10.	2	C	AVI	$1,733,600.00	Authorize Supplemental Agreement No. 10 to the professional services contract with Garver, LLC to provide full time on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phases III and IV at Dallas Love Field - Not to exceed $1,733,600.00, from $9,078,199.00 to $10,811,799.00 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund
11.	4	C	PBW	$883,331.78	Authorize a professional services contract with Bridgefarmer & Associates, Inc. for the engineering design of a thoroughfare improvement project on South Ewing Avenue from Interstate Highway-35E to East Clarendon Drive - Not to exceed $883,331.78 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($860,711.78) and Water Utilities Capital Improvement Funds ($22,620.00)
12.	13	C	PBW	$573,691.85	Authorize a professional services contract with Arredondo, Zepeda & Brunz, LLC for the engineering design of Ridgecrest Road from Holly Hill Drive to SoPac Trail East of Eastridge Drive - Not to exceed $573,691.85 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($498,466.85) and Water Utilities Capital Improvement Funds ($75,225.00)
13.	8	C	PBW	$166,629.38	Authorize a professional services contract with Dikita Enterprises, Inc. for the engineering design of Alley Reconstruction Group 17-8004 (list attached to the Agenda Information Sheet) - Not to exceed $166,629.38 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($142,629.38) and Wastewater Capital Improvement Fund ($24,000.00)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
14.	11	C	PBW	$174,170.60	Authorize a professional services contract with Arredondo, Zepeda & Brunz, LLC for the engineering design of Street Reconstruction Group 17-1105 (list attached to the Agenda Information Sheet) - Not to exceed $174,170.60 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($135,825.60) and Water Utilities Capital Improvement Funds ($38,345.00)
15.	14	C	PBW	$76,091.90	Authorize a professional services contract with EJES, Inc. for the engineering design of Street Reconstruction Group 17-1404 (list attached to the Agenda Information Sheet) - Not to exceed $76,091.90 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($62,821.19) and Water Utilities Capital Improvement Funds ($13,270.71)
16.	14	C	PBW	$210,063.30	Authorize a professional services contract with IMS Engineers, Inc. for the engineering design of Street Reconstruction Group 17-1406 (list attached to the Agenda Information Sheet) - Not to exceed $210,063.30 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($172,754.30) and Water Utilities Capital Improvement Funds ($37,309.00)
17.	3	C	PBW	$616,065.00	Authorize a design-build services contract with Harrison, Walker & Harper, L.P. for the design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of the new replacement Fire Station Number 46 to be located at 331 East Camp Wisdom Road - Not to exceed $616,065.00 - Financing: Public Safety (G) Fund (2017 Bond Funds)
18.	All	C	PBW	$15,139,688.70	Authorize a construction contract to provide construction services for the 2019 Slurry Seal and Polymer Modified Micro-Surfacing Contract - Viking Construction, Inc., lowest responsible bidder of two - Not to exceed $15,139,688.70 - Financing: General Fund ($10,175,000.00) and Resurfacing and Reconstruction Improvements Fund ($4,964,688.70) (subject to annual appropriations)
19.	2	C	PBW	$113,966.75	Authorize an increase in the construction services contract with E-MC Electrical, Inc. for additional fire alarm installation and equipment at Dallas City Hall located at 1500 Marilla Street - Not to exceed $113,966.75, from $2,075,000.00 to $2,188,966.75 - Financing: City Hall, City Service and Maintenance Facilities Fund (2006 Bond Funds)
20.	6	C	PBW	$305,863.42	Authorize an increase in the construction services contract with Camino Construction, L.P. to relocate the proposed waterline in the same trench as the existing waterline in the alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane; and to adjust a wastewater manhole in the alley between Hurley Way and Lenel Place from Williamsburg Road to “T” alley

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					south of Walnut Hill Lane - Not to exceed $305,863.42, from $2,044,928.00 to $2,350,791.42 - Financing: Water Utilities Capital Improvement Funds
21.	All	C	SAN	REV $2,010,000.00	Authorize Supplemental Agreement No. 1 to the contract with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. for operation and management of the City's materials recovery facility (MRF) to (1) extend the primary contract term from 15 years to a period of 15 years, plus a period equal to a temporary adjusted host fee period (3 years, with two additional 1-year extension options); (2) allow for a temporary adjustment to a portion of the host fees for non-city single-stream recycling tonnage processed at the MRF above contractually guaranteed tons, for a period of three years, with two 1-year renewal options; and (3) provide for a Clean Material host fee to be applied to clean pre-segregated material processed at the MRF for a period of three years, with annual extension options for the term of the contract - Estimated Revenue: $2,010,000.00 (over the extended three-year term)
22.	4	C	DEV	REV $30,000.00	Authorize (1) the quitclaim of 422 North Denley Drive acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale that will be sold to the highest qualified bidders; and (2) the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached to the Agenda Information Sheet) - Estimated Revenue: $30,000.00 (see Fiscal Information)
23.	Outside	C	DEV	$321,116.00	Authorize acquisition from Wayne Williams and Evelyn Williams, of a total of approximately 612,536 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $321,116.00 ($318,116.00, plus closing costs and title expenses not to exceed $3,000.00) - Financing: Water Construction Fund
24.	13	C	DEV	REV: TBD	A resolution (1) rejecting the high bid received from Mercy Presbyterian Church of $2,400,000.00 for approximately 150,702 square feet of unwanted and unneeded City-owned land, located near the intersection of Forest and Quincy Lanes, and authorizing its advertisement for sale by public auction; (2) establishing a reserve and a contingency to close for the auctioned surplus property; and (3) authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property receiving the highest qualified bid that meets or exceeds the reserve amount - Revenue: TBD
25.	14	C	DEV	REV $5,014.00	An ordinance granting a private license to GPIF 2401 CS LLC, for the use of a total of approximately 1,866 square feet of land to occupy, maintain and utilize five trees, pavers, landscaping and irrigation system, seventeen tree lights, wall uplighting, barrier wall and garage vent on portions of Cedar

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Springs Road and Maple Avenue rights-of-way, near its intersection - Revenue: $4,314.00 annually and a $700.00 one-time fee, plus the $20.00 ordinance publication fee
26.	2	C	DEV	REV $300.00	An ordinance granting a private license to GUGV Victory Park Dallas Property Owning, LLC, for the use of a total of approximately 378 square feet of land to maintain, occupy and utilize a sidewalk café and four planters on a portion of Houston Street right-of-way located near its intersection with Payne Street - Revenue: $200.00 annually and a $100.00 one-time fee, plus the $20.00 ordinance publication fee
27.	7	C	DEV	REV $34,780.00	An ordinance abandoning a portion of Pacific Avenue to 4100 Commerce, LP, the abutting owner, containing approximately 1,739 square feet of land, located near the intersection of Commerce Street and Parry Avenue; and authorizing the quitclaim - Revenue: $34,780.00, plus the $20.00 ordinance publication fee
28.	14	C	DEV	REV $5,400.00	An ordinance amending Ordinance No. 31058, previously approved on December 12, 2018, which abandoned a portion of Matilda Street and street corner clip, located near the intersection of Matilda Street and Lovers Lane to Lincoln LAG Ltd. to alter Section 12 to revise the square footage of the water easement area from approximately 8,702 square feet of land to approximately 6,942 square feet of land and delete Exhibit C and substitute a new Exhibit C - Revenue: $5,400.00, plus the $20.00 ordinance publication fee
29.	7	C	DEV	GT	Authorize an amendment to an existing lease agreement with Towne Square Market LP to (1) extend the lease agreement for an additional three-years for approximately 8,100 square feet of office space located at 3312 North Buckner Boulevard, Suites 124 and 130, for the period June 1, 2019 through May 31, 2022; and (2) amend Sections VI and IX of the lease agreement to provide clarification of permitted use and intention for continued use as a Women, Infants and Children Clinic - Not to exceed $389,205.00 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)
30.	Outside	C	DEV	$14,273.00	Authorize an increase in the purchase price for the acquisition from Cox Commercial Development, Ltd., a permanent easement of approximately 2,942 square feet of land and a temporary working space easement of approximately 10,553 square feet of land located in Dallas County, Texas for the Elm Fork Water Transmission Main Project - Not to exceed $14,273.00, increased from $12,592.00 to $26,865.00 ($25,665.00, plus closing costs and title expenses not to exceed $1,200.00) - Financing: Water Construction

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					and Improvement Funds
31.	6	C	DEV	NC	Authorize a boundary adjustment agreement with the City of Irving on properties located (1) on the northeast corner of South Northlake Road and Bluegill Bay Road; and (2) east of South Northlake Road, south of Belt Line Road to allow more efficient development and delivery of city services - Financing: This action has no cost consideration to the City
32.	All	C	MCC	NC	Authorize amendments to the 2019 City Calendar to (1) cancel the May 1, 2019, City Council briefing meeting; and (2) change the location for the August 14, 2019, off-site City Council agenda meeting from Bachman Lake Branch Library to Lake Highlands Recreation Center - Financing: No cost consideration to the City
33.	All	C	OCA	$32,000.00	Authorize (1) the acceptance of four grants from the Texas Commission on the Arts (Grant Nos. 19-44179, 19-44363, 19-44373, 19-44361) in an amount not to exceed $32,000.00 to provide cultural services for the period September 1, 2018 through August 31, 2019; (2) a local 1:1 match in the amount of $32,000.00; (3) the receipt and deposit of funds in an amount not to exceed $32,000.00 in the Texas Commission on the Arts-Arts Create Grant 18-19 Fund; (4) the establishment of appropriations in an amount not to exceed $32,000.00 in the Texas Commission on the Arts-Arts Create Grant 18-19 Fund; and (5) the execution of the grant agreements and all terms, conditions, and documents required by the grant agreements - Total not to exceed $64,000.00 - Financing: Texas Commission on the Arts Grant Funds ($32,000.00) and General Fund ($32,000.00)
34.	All	C	OHS	$49,697.00	Authorize an amendment to Resolution No. 18-1692, previously approved on November 28, 2018, to: (1) revise the term of the assignment to PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as recipient grantee in place of the City of Dallas, to begin April 1, 2019, instead of December 1, 2018, and end September 30, 2019 for the Continuum of Care Grant ("CoC Grant") (Grant No. TX0236L6T001709 and CFDA No. 14.267) in an amount not to exceed $718,103.00 from the U.S. Department of Housing and Urban Development for the City of Dallas' Gateway to Permanent Supportive Housing Project ("Project"), to provide project-based rental assistance and case management for single chronically homeless persons; and (2) increase the local cash match from the City of Dallas for the CoC Grant for the Project, by $49,697.00, from $29,921.00 to $79,618.00 and decrease the matching contribution from the local partner agencies by $49,697.00, from $149,605.00 to $99,908.00 - Not to exceed $49,697.00 - Financing: General Fund

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
35.	All	C	POM	$2,771,054.40	Authorize a three-year service price agreement for grounds maintenance for Water Utilities Department facilities and lots - Good Earth Corporation in an estimated amount of $1,883,300.00 and Gardner's Touch Lawn Care, LLC in an estimated amount of $887,754.40, lowest responsive bidders of four - Total estimated amount of $2,771,054.40 - Financing: Dallas Water Utilities Fund
36.	All	C	POM	$495,000.00	Authorize a five-year service contract, with a one-year renewal option, for licenses, training, maintenance, and support of a vendor hosted short-term rental and hotel occupancy tax system - MUNIRevs Inc. dba LODGINGRevs, most advantageous proposer of four - Not to exceed $495,000 - Financing: Convention Center Fund (subject to annual appropriations)
37.	All	C	POM	$859,748.24	Authorize (1) a fifty-eight month service contract for online criminal activity database services for the Police Department in the amount of $372,548.24 - LexisNexis Risk Solutions, sole source; and (2) Supplemental Agreement No. 2 to extend the service contract with LexisNexis Claims Solutions for an online resident incident reporting portal for the Police Department in the amount of $487,200.00 from February 28, 2019 to December 31, 2023 - Total not to exceed $859,748.24 - Financing: Data Services Fund ($372,548.24) and Confiscated Monies - State Fund ($487,200.00) (subject to annual appropriations)
38.	All	C	POM	$5,344,504.37	Authorize a three-year master agreement for the purchase of laboratory supplies and equipment - Taylor Distribution Group, LLC in an estimated amount of $3,439,031.37, Hach Company in an estimated amount of $1,209,494.00, Fox Scientific, Inc. in an estimated amount of $642,979.00, and Horizon Technology, Inc. in an estimated amount of $53,000.00, lowest responsible bidders of six - Total estimated amount of $5,344,504.37 - Financing: General Fund ($262,900.00), Dallas Water Utilities Fund ($5,019,104.37), Aviation Fund ($60,000.00), and Sanitation Services Fund ($2,500.00)
39.	All	C	POM	$146,250.00	Authorize a three-year master agreement for animal identification microchips for the Department of Dallas Animal Services - Pethealth Services USA, Inc., lowest responsible bidder of five - Estimated amount of $146,250 - Financing: General Fund
40.	3	C	PKR	NC	Authorize a Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40227, for trail design and construction of the FM 1382 Sidepath Trail from Camp Wisdom Road to Mansfield Road - Financing: This item has no cost consideration to the City (see Fiscal Information for future estimated costs)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
41.	9, 10, 12, 13	C	DWU	$573,981.38	Authorize a professional services contract with RJN Group, Inc. for the engineering design of Erosion Control Contract No. A (list attached to the Agenda Information Sheet) - Not to exceed $573,981.38 - Financing: Flood Control (D) Fund (2017 Bond Funds)
42.	1, 3, 4, 5	C	DWU	$635,394.30	Authorize a professional services contract with Gresham Smith for the engineering design of Erosion Control Contract No. B (list attached to the Agenda Information Sheet) - Not to exceed $635,394.30 - Financing: Flood Control (D) Fund (2017 Bond Funds)
43.	1, 3, 4, 12	C	DWU	$232,422.39	Authorize a professional services contract with AECOM Technical Services, Inc. for the engineering design of Erosion Control Contract No. 1 (list attached to the Agenda Information Sheet) - Not to exceed $232,422.39 - Financing: Storm Drainage Management Capital Construction Fund
44.	3	C	DWU	$256,000.00	Authorize a professional services contract with LIM & Associates, Inc. for the engineering design of Erosion Control Contract No. 3 (list attached to the Agenda Information Sheet) - Not to exceed $256,000.00 - Financing: Storm Drainage Management Capital Construction Fund
45.	9, 12, 13	C	DWU	$161,867.50	Authorize a professional services contract with IEA, Inc. for the engineering design of Erosion Control Contract No. 4 (list attached to the Agenda Information Sheet) - Not to exceed $161,867.50 - Financing: Storm Drainage Management Capital Construction Fund
46.	Outside	C	DWU	$12,946,224.00	Authorize a construction contract for the Elm Fork Water Treatment Plant Lagoon Cleaning - Merrell Bros., Inc., lowest responsible bidder of four - Not to exceed $12,946,224.00 - Financing: Water Utilities Capital Improvement Funds
47.	6	C	DWU	$13,854,111.45	Authorize Supplemental Agreement No. 1 to the design-build contract with Eagle Contracting L.P. for the replacement of the Walnut Hill Pump Station located within the City of Dallas water distribution system - Not to exceed $13,854,111.45, from $575,192.00 to $14,429,303.45 - Financing: Water Utilities Capital Improvement Funds
48.	6	C	DWU	$454,972.00	Authorize Supplemental Agreement No. 2 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering services associated with improvements to the Walnut Hill Pump Station facility - Not to exceed $454,972.00, from $1,900,991.00 to $2,355,963.00 - Financing: Water Utilities Capital Improvement Funds
49.	1, 6	C	DWU	$7,091,013.05	Authorize the (1) establishment of appropriations in the amount of $7,091,014.00 in the IH30 Construction Fund; (2) transfer of funds in the

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					amount up to $7,091,014.00 from the General Capital Reserve Fund to the IH30 Construction Fund; and (3) payment to Texas Department of Transportation for additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway in an amount up to $7,094,014.00 - Financing: IH30 Construction Fund
50.	All	C	DWU	NC	Authorize the (1) rejection of bids received for the installation of water and wastewater mains at various locations; and (2) re-advertisement for new bids - Financing: No cost consideration to the City
51.	All	C	DWU	$238,320.00	Ordinances authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019A, in the amount of $22,000,000.00, and City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019B, in the amount of $44,000,000.00, to the Texas Water Development Board; approving the execution of the agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed $238,320.00 - Financing: Water Utilities Fund
52.	N/A	I	SEC	NC	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
53.	14	I	ECO	$2,247,605.00	Authorize a development agreement with 1412 Main Street, LLC ("Developer") and/or its affiliates in an amount not to exceed $2,247,605.00, payable from future City Center TIF District Funds, in consideration of the Adolphus Tower Project ("Project") on property currently addressed at 1412 Main Street in Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) - Not to exceed $2,247,605.00 - Financing: City Center TIF District Funds (subject to future appropriations from tax increments)
54.	2	I	ECO	$3,000,000.00	Authorize a development agreement with 3309 Elm TIF, Inc. ("Developer") and/or its affiliates in an amount not to exceed $3,000,000.00, payable from future Deep Ellum TIF District Funds, in consideration of the Continental Gin Redevelopment Project ("Project") on property currently addressed at 3309 Elm Street in Tax Increment Financing Reinvestment Zone Number Twelve (Deep Ellum TIF District) - Not to exceed $3,000,000.00 - Financing: Deep Ellum TIF District Funds (subject to future appropriations from tax increments)
55.	1	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned a Residential Transition District (RTN) within Planned Development

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					District No. 468, the Oak Cliff Gateway Special Purpose District, generally bounded by North Madison Avenue, Ballard Avenue, Elsbeth Avenue and Neches Street Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, a traffic management plan, and conditions Z167-347(PD)
56.	1	PH	DEV	NC	A public hearing to receive comments regarding an application for (1) an ordinance granting a new subdistrict to allow for single family uses on property zoned Subdistrict 6 within Planned Development District No. 830 and a portion of Planned Development District No. 450; (2) an ordinance granting an amendment to reduce Planned Development District No. 450; and (3) an amendment to the development plan and landscape plan for a public school use on property zoned Planned Development District No. 450, on the northeast corner of West Davis Street and North Plymouth Road Recommendation of Staff: Approval, subject to a conceptual plan and staff's recommended conditions; approval of an amendment to reduce Planned Development District No. 450; and approval of a revised development plan and revised landscape plan for a public school use Recommendation of CPC: Approval, subject to a conceptual plan and conditions; approval of an amendment to reduce Planned Development District No. 450; and approval of a revised development plan and revised landscape plan for a public school use Z178-316(CY)
57.	2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2076 for an inside commercial amusement limited to a live music venue and a dance hall on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north line of Canton Street, west of Crowdus Street Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions Z189-107(SM)
58.	13	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a new tract for a community, welfare, or health center use and child-care facility use, on property zoned Tract I, Subarea 1 within Planned Development District No. 65, on the southeast line of Holly Hill Drive, between Ridgecrest Road and Phoenix Drive Recommendation of Staff and CPC: Approval, subject to a revised Exhibit

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					65B development plan for Tract III and conditions Z189-130(SM)
59.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2009 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the southeast corner of Commerce Street and Lane Street Recommendation of Staff and CPC: Approval for a six-year period, subject to conditions Z189-146(CY)
60.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2008 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the southwest corner of Commerce Street and South Ervay Street Recommendation of Staff and CPC: Approval for a six-year period, subject to conditions Z189-147(CY)
61.	6	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2221 for a tattoo studio on property zoned Subdistrict 1A within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the south line of Levee Street, between Manufacturing Street and Express Street Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions Z189-160(SM)
62.	6	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for IR Industrial Research District uses plus a community resource campus on property zoned an IR Industrial Research District, on the west side of North Stemmons Freeway, south of Regal Row and at the northeast corner of Empress Row and Viceroy Drive Recommendation of Staff: Approval, subject to a conceptual plan and staff's recommended conditions Recommendation of CPC: Approval, subject to a conceptual plan and conditions Z178-121(JM)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
63.	1	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for restaurant and retail uses on property zoned Subdistrict F, WMU-12 Walkable Urban Mixed Use within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, generally bounded by East 6th Street, East Jefferson Boulevard, and Fleming Place Recommendation of Staff: Denial Recommendation of CPC: Approval, subject to a development/landscape plan and conditions Z178-292(CY)
64.	8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1740 for a mini-warehouse use on property zoned an MU-2 Mixed Use District, on the north line of Gannon Lane between South Cockrell Hill Road and South Westmoreland Road Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions Recommendation of CPC: Approval for a five-year period, subject to a revised site plan and conditions Z178-373(AM)
65.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with a MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, between Oram Street and La Vista Drive Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions Recommendation of CPC: Denial without prejudice Z189-131(PD)
66.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and (1) an ordinance granting a Planned Development Subdistrict for O-2 Office uses, a health studio use, and a restaurant without drive-in or drive-thru use; and (2) an ordinance granting the removal of the D Liquor Control Overlay on property zoned an O-2-D Office Subdistrict with a D Liquor Control Overlay within Planned Development District No. 193, the Oak Lawn Special Purpose District with consideration of a D-1 Liquor Control Overlay in lieu of the removal of the D Liquor Control Overlay, on the west corner of Turtle Creek

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Boulevard and Dickason Avenue and the east line of Gillespie Street Recommendation of Staff: Approval, subject to a development plan, landscape plan and staff's recommended conditions; and approval of a D-1 Liquor Control Overlay in lieu of the removal of the D Liquor Control Overlay Recommendation of CPC: Approval, subject to a development plan, landscape plan and conditions; and approval of the removal of the D Liquor Control Overlay Z189-136(SM)
67.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District with Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service, on the east side of Greenville Avenue, south of Prospect Avenue Recommendation of Staff: Approval for a two-year period, subject to a site plan and staff's recommended conditions Recommendation of CPC: Approval for a one-year period, subject to a site plan and conditions Z189-150(JM)
68.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2005 and Specific Use Permit No. 2006, on the northwest corner of North Griffin Street and Elm Street Recommendation of Staff: Approval for a six-year period, subject to conditions Recommendation of CPC: Approval for a three-year period, subject to conditions Z189-164(PD)
69.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2005 and Specific Use Permit No. 2006, on the northwest corner of North Griffin Street and Elm Street Recommendation of Staff: Approval for a six-year period, subject to conditions

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Recommendation of CPC: Approval for a three-year period, subject to conditions Z189-165(PD)
70.	6	PH	DEV	NC	A public hearing to receive comments regarding an application for and (1) an ordinance granting an amendment to Tract 6 for LO-1(A) Limited Office District uses; and (2) an ordinance terminating Specific Use Permit No. 610 for a health center, on property zoned Tract 6 for LO-1(A) Limited Office District uses within Planned Development District No. 508, on property bounded by Bickers Street, Holystone Street, and Greenleaf Street Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, development plan, landscape plan, traffic management plan, and conditions; and approval of the termination of Specific Use Permit No. 610 for a health center use Z178-260(SM) Note: This item was deferred by the City Council before opening the public hearing on February 27, 2019, and is scheduled for consideration on April 10, 2019
71.	1	PH	DEV	NC	A public hearing to receive comments regarding an application for an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the northeast corner of West Illinois Avenue and Hollywood Avenue Recommendation of Staff and CPC: Denial without prejudice Z178-351(CY) Note: This item was considered by the City Council at a public hearing on March 27, 2019, and was held under advisement until April 10, 2019, with the public hearing open
72.	All	PH	DEV	NC	A public hearing to receive comments regarding consideration of amending the Dallas Development Code to create regulations for a new overlay called a Neighborhood Forest Overlay and an ordinance granting the amendments Recommendation of Staff and CPC: Approval DCA178-012
73.	N/A	PH	BMS	GT	A public hearing to receive comments on the adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan to: (a) use unspent prior year Community Development Block Grant funds in the total amount of $2,883,673, as follows: $2,097,567 to be used for the Housing and Neighborhood Revitalization, 2018 Notice of Funding Availability (2018 NOFA) and $786,106 to be used for the Mingo/Beall Street Improvement project; (b) reclassify $7,751,611 allocated for the 2018 NOFA

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					from the reconstruction and rehabilitation category to the land acquisition category to allow for acquisition of land for residential purposes; (c) addition of the Residential Housing Development Program to the FY 2018-19 Action Plan; and (d) the use of funds for the Residential Housing Development Program; and at the close of the public hearing, authorize: (1) final adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1); and (2) the establishment of appropriations in the total amount of $10,635,284 - Financing: FY 2018-19 CDBG Reprogramming No. 1 Funds ($10,635,284)

TOTAL $101,124,810.37

Agenda Information Sheet

File #: 19-465 **Item #:** 1.

SUBJECT

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

Agenda Information Sheet

File #: 19-339 **Item #:** 2.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Building Services Department

EXECUTIVE: Joey Zapata

SUBJECT

Authorize **(1)** a resolution establishing the City of Dallas' commitment to the use of clean and efficient energy, the use of 100 percent renewable energy for municipal operations, and to sustain and promote renewable energy projects and partnerships that reduce environmental impacts for the benefit of Dallas residents and the region; and **(2)** the City Manager to determine the most advantageous proposal and enter into an electricity services contract consistent with the adopted City of Dallas Green Energy Policy - Financing: This action has no cost consideration to the City (see Fiscal Information for future potential costs)

BACKGROUND

The City of Dallas has been a leader in addressing climate change and other environmental challenges for several years, and has developed several planning efforts, such as the 2014 Sustainability Plan, the 2014 Balanced Vision Plan, the Neighborhood Revitalization Plan, the Long Range Water Supply Plan and others.

On January 23, 2019, City Council adopted a resolution calling for federal action on climate change and continued local efforts to develop a comprehensive environmental and climate action plan with goals that will ensure that the City of Dallas is addressing climate change in a manner that is effective and equitable by Resolution No. 19-0223.

The City's current electricity contract with TXU Energy Retail Company LLC, expires May 31, 2019. In preparation for a new procurement, the City hired TFS Energy Solutions, LLC dba Tradition Energy, as an independent, third-party procurement advisor to assist the City with procuring the next electricity contract, providing market analysis, and exploring longer-term strategy to provide cost-effective and sustainable power to meet the City's needs and ultimately increase our renewable energy profile.

Texas Government Code Section 252.022 (a)(15), exempts utility purchases from the standard purchasing procedures. The City's typical procurement and approval processes are not utilized due

to the nature of the energy market. Instead, a process with greater flexibility is necessary that authorizes the City Manager to negotiate the final process and enter into an electricity services contract.

Tradition Energy, the City's electricity procurement advisor, will evaluate the final terms for market competitiveness.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Budget, Finance and Audit Committee was briefed on the electricity procurement on June 15, 2015.

On June 17, 2015, City Council authorized the City Manager to negotiate final prices and enter into an electric services contract by Resolution No. 15-1237.

On January 23, 2019, City Council adopted a resolution calling for federal action on climate change and continued local efforts to develop a comprehensive environmental and climate action plan with goals that will ensure that the City of Dallas is addressing climate change in a manner that is effective and equitable by Resolution No. 19-0223.

The Government Performance and Financial Management Committee will be briefed on this item on April 1, 2019.

The Quality of Life, Arts and Culture Committee will be briefed by memorandum regarding this matter on April 8, 2019.

FISCAL INFORMATION

This action has future cost consideration to the City. A reduction in future electricity service costs is anticipated, resulting from a lower rate and implementation of a citywide energy management system and energy efficiency improvements.

Future year appropriations will be established through the annual budget development process, subject to City Council approval.

Estimated future expenditures:

- FY 2018-2019 $62,228,415.00 (subject to annual appropriations)
- FY 2019-2020 $62,228,415.00 (subject to annual appropriations)
- FY 2020-2021 $62,000,000.00 (subject to annual appropriations)
- FY 2021-2022 $62,000,000.00 (subject to annual appropriations)

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WHEREAS, the City of Dallas is committed to energy efficiency and being a good steward of resources in the procurement of energy for municipal operations; and

WHEREAS, the City of Dallas is similarly committed to protecting its residents by reducing emissions, improving regional air quality, and addressing the real consequences of climate change; and

WHEREAS, the City of Dallas achieved a 68% reduction of municipal greenhouse gas (GHG) emissions from 1990 levels by 2017, exceeding a strategic goal of 39% reduction; and

WHEREAS, the municipal emissions reductions were achieved in large part through the procurement of renewable energy, municipal energy efficiency retrofit projects, and on-site renewable energy projects such as landfill gas capture at McCommas Bluff Landfill and co-generation of electricity at Southside Wastewater Treatment Plant; and

WHEREAS, the City of Dallas is the most populous municipality in the United States to use 100% renewable energy according to the U.S. Environmental Protection Agency Green Power Partnership Top 30 Local Government list dated February 5, 2019; and

WHEREAS, the City of Dallas currently achieves its 100% renewable energy usage in part through the purchase of renewable energy credits (RECs); and

WHEREAS, the City of Dallas desires to expand renewable energy use and generation through on- and off-site options; and

WHEREAS, solar or wind energy sources accounted for approximately 18% of the energy generated in Texas last year, and Texas led the nation in wind energy generation and was sixth in solar energy generation; and

WHEREAS, on June 15, 2016, City Council adopted a resolution encouraging the State of Texas to explore changes that would promote “net metering” and the creation of distributed energy districts or additional programs to expand the use of solar power and other renewable green energy sources by Resolution No. 16-0974; and

WHEREAS, on January 23, 2019, City Council adopted a resolution calling for federal action on climate change and continued local efforts to develop a comprehensive environmental and climate action plan with goals that will ensure that the City of Dallas is addressing climate change in a manner that is effective and equitable by Resolution No 19-0223; and

WHEREAS, the City of Dallas' comprehensive environmental and climate action plan will chart the path forward towards additional emissions reduction goals that will help ensure that we improve the environment and avoid the most severe impacts of climate change; and

WHEREAS, by adopting a green energy policy through this resolution, the City of Dallas will ensure that emissions reductions achievements to date will continue; and

WHEREAS, the energy policy should be re-evaluated and, as appropriate, updated subject to Dallas City Council approval as part of the comprehensive environmental and climate action plan process and other actions hereby resolved; and

WHEREAS, Texas Government Code Section 252.022 (a)(15), exempts electricity purchases from the standard purchasing procedures; and

WHEREAS, due to the nature of the energy market, an electricity procurement process with greater flexibility is necessary that authorizes the City Manager to negotiate the final process and enter into an electricity services contract; and

WHEREAS, on December 13, 2018, Administrative Action No. 19-5149 authorized the City of Dallas to enter into a consulting contract with TFS Energy Solutions, LLC d/b/a Tradition Energy to provide energy procurement and management advisory services.

Now, Therefore,

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

SECTION 1. That the City of Dallas Green Energy Policy shall read as follows: The City of Dallas is committed to clean and efficient energy use and the commitment is embodied by our use of 100 percent renewable energy for municipal operations. The City of Dallas further recognizes the advantage presented by green energy produced by on- and off-site renewable energy projects. Accordingly, we will seek to sustain and promote renewable energy projects and partnerships that reduce emissions and environmental impacts for the benefit of Dallas residents and the region.

SECTION 2. That the City Manager is hereby authorized to determine the most advantageous proposal and enter into an electricity services contract, approved as to form by the City Attorney, consistent with the adopted City of Dallas Green Energy Policy and the direction presented in Section 1.

SECTION 3. That the City Manager (1) examine the feasibility of on- and off-site renewable energy projects at City and other properties; (2) establish a citywide energy management system to include continued benchmarking of municipal energy efficiency efforts and identification of areas for improvement to ensure Dallas remains an energy leader; and (3) continue to explore options to expand the use of renewable energy beyond municipal operations in the Dallas community.

SECTION 4. That this electricity service contract will be designated as Contract No. BSD-2019-00009705.

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.

1500 Marilla Street
Dallas, Texas 75201

City of Dallas

Agenda Information Sheet

File #: 19-469 **Item #:** 3.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Brown & Hofmeister, L.L.P., for additional legal services in connection with the Board of Adjustment compliance proceedings regarding Jim's Car Wash - Not to exceed $20,000.00, from $50,000.00 to $70,000.00 - Financing: Risk Management Funds

BACKGROUND

Supplemental Agreement No. 1 with Brown & Hofmeister, L.L.P., will provide additional legal services in connection with the Board of Adjustment compliance proceedings regarding Jim's Car Wash.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on April 5, 2019.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

Risk Management Funds - $20,000.00

Original Contract	$50,000.00
Supplemental Agreement No. 1 (this action)	$20,000.00
Total	$70,000.00

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April 10, 2019

WHEREAS, the City of Dallas has engaged Brown & Hofmeister, L.L.P., to provide legal services in connection with the Board of Adjustment compliance proceedings regarding Jim's Car Wash; and

WHEREAS, on November 6, 2018, Administrative Action No. 18-6720, authorized a professional services contract with Brown & Hofmeister, L.L.P., to provide legal services in connection with the Board of Adjustment compliance proceedings regarding Jim's Car Wash, in an amount not to exceed $50,000.00; and

WHEREAS, the professional legal services of Brown & Hofmeister, L.L.P., continue to be necessary.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the professional services contract with Brown & Hofmeister, L.L.P., approved as to form by the City Attorney, for additional legal services in connection with the Board of Adjustment compliance proceedings regarding Jim's Car Wash, in an amount not to exceed $20,000.00, increasing the contract amount from $50,000.00 to $70,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $20,000.00, in periodic payments to Brown & Hofmeister, L.L.P., from Fund 0192, Department ORM, Unit 3888, Object 3033, Contract No. ATT-2019-00008605, Vendor 339582.

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.

1500 Marilla Street
Dallas, Texas 75201

City of Dallas

Agenda Information Sheet

File #: 19-415 **Item #:** 4.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., for additional legal services in connection with the representation of the City of Dallas in the lawsuit styled Terrance Bass, et al. v. City of Dallas, Civil Action No. 3:17-CV-03330-C - Not to exceed $50,000.00, from $100,000.00 to $150,000.00 - Financing: Risk Management Funds

BACKGROUND

Supplemental Agreement No. 2 will authorize Ogletree, Deakins, Nash, Smoak & Stewart, P.C., to provide additional legal services and representation to the City of Dallas in connection with the lawsuit styled Terrance Bass, et al. v. City of Dallas, Civil Action No. 3:17-CV-03330-C.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council was briefed in Executive Session on June 6, 2018.

On June 13, 2018, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., for additional legal services to represent the City of Dallas by Resolution No. 18-0807.

City Council will be briefed by memorandum regarding this matter on April 5, 2019.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

Risk Management Funds - $50,000.00

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Original Contract	$ 50,000.00
Supplemental Agreement No. 1	$ 50,000.00
Supplemental Agreement No. 2 (this action)	$ 50,000.00
Total	$150,000.00

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April 10, 2019

WHEREAS, the City of Dallas has engaged Ogletree, Deakins, Nash, Smoak & Stewart, P.C., to provide legal services in connection with the lawsuit styled Terrance Bass, et al. v. City of Dallas, Civil Action No. 3:17-CV-03330-C; and

WHEREAS, on January 12, 2018, Administrative Action No. 18-5130, authorized a professional services contract with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., for legal services to represent the City of Dallas, in an amount not to exceed $50,000.00; and

WHEREAS, on June 13, 2018, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., to provide additional legal services to represent the City of Dallas, in an amount not to exceed $50,000.00, from $50,000.00 to $100,000.00, by Resolution No. 18-0807; and

WHEREAS, the professional legal services of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., continue to be necessary.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the professional services contract with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., approved as to form by the City Attorney, for additional legal services in the lawsuit styled Terrance Bass, et al. v. City of Dallas, Civil Action No. 3:17-CV-03330-C, in an amount not to exceed $50,000.00, increasing the contract amount from $100,000.00 to $150,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $50,000.00, in periodic payments to Ogletree, Deakins, Nash, Smoak & Stewart, P.C., from Fund 0192, Department ORM, Unit 3890, Object 3033, Contract No. ATT-2018-00005161, Vendor VC0000010490.

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

Agenda Information Sheet

File #: 19-470 **Item #:** 5.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services to the City of Dallas in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443 - Not to exceed $275,000.00, from $300,000.00 to $575,000.00 - Financing: Risk Management Funds

BACKGROUND

Supplemental Agreement No. 3 will authorize Moses, Palmer & Howell, L.L.P., for additional legal services to the City of Dallas in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 19, 2013, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Moses, Palmer & Howell, L.L.P., to provide additional legal advice regarding laws pertaining to mineral rights and potential litigation by Resolution No. 13-1036.

City Council was briefed by memorandum regarding this matter on November 9, 2018.

On November 14, 2018, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Moses, Palmer & Howell, L.L.P., to provide additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, by Resolution No. 18-1585.

City Council will be briefed by memorandum regarding this matter on April 5, 2019.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

Risk Management Funds - $275,000.00

Original Contract	$ 50,000.00
Supplemental Agreement No. 1	$150,000.00
Supplemental Agreement No. 2	$100,000.00
Supplemental Agreement No. 3 (this action)	$275,000.00
Total	$575,000.00

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WHEREAS, the City of Dallas has engaged Moses, Palmer & Howell, L.L.P., to provide legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443; and

WHEREAS, on April 8, 2013, Administrative Action No. 13-5401, authorized a professional services contract with Moses, Palmer & Howell, L.L.P., to provide legal advice regarding laws pertaining to mineral rights and potential litigation, in an amount not to exceed $50,000.00; and

WHEREAS, on June 19, 2013, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Moses, Palmer & Howell, L.L.P., to provide additional legal advice regarding laws pertaining to mineral rights and potential litigation, in an amount not to exceed $150,000.00, from $50,000.00 to $200,000.00, by Resolution No. 13-1036; and

WHEREAS, on November 14, 2018, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Moses, Palmer & Howell, L.L.P., to provide additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, in an amount not to exceed $100,000.00, from $200,000.00 to $300,000.00, by Resolution No. 18-1585; and

WHEREAS, the professional legal services of Moses, Palmer & Howell, L.L.P., continue to be necessary.

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 professional services contract with Moses, Palmer & Howell, L.L.P., approved as to form by the City Attorney, for additional legal services to the City of Dallas in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, in an amount not to exceed $275,000.00, increasing the contract amount from $300,000.00 to $575,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $275,000.00, in periodic payments to Moses, Palmer & Howell, L.L.P., from Fund 0192, Department ORM, Unit 3890, Object 3033, Contract No. ATT-2019-00008440, Encumbrance CT-ATT389013J287, Vendor VS0000023531.

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

Agenda Information Sheet

File #: 19-410 **Item #:** 6.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize a professional services contract with M. Arthur Gensler Jr. & Associates, Inc. to provide architectural and engineering design and construction administration services for the new Transportation Network Center on the first floor of Garage A at Dallas Love Field - Not to exceed $195,000.00 - Financing: Aviation Capital Construction Fund

BACKGROUND

Garage A was built in 1984 and currently offers parking for 3,000 vehicles. Garage B, which currently provides 4,000 parking spaces, and the Pedestrian Concourse were completed in 2004. To extend the useful life of the buildings, a condition assessment was completed on both garages in 2014 to establish a prioritized identification of major maintenance and repairs. Annual progress on prioritized work has been completed from 2015 to the present.

This action will authorize a professional services contract with M. Arthur Gensler Jr. & Associates, Inc. to provide architectural and engineering design and construction administration services for the new Transportation Network Center on the first floor of Garage A. Thereby, providing a dedicated pick -up area for transportation network companies, also known as, app-based rides.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	July 2019
Begin Construction	August 2019
Complete Construction	October 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Aviation Capital Construction Fund - $195,000.00

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$195,000.00	Architectural & Engineering	25.66%	31.79%	$62,000.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

Pursuant to the requirements of Administrative Directive 4-5: Contracting Policy, Section 10.5.6 identifies the department's responsibility to send a justification memorandum to the City Manager's Office for their concurrence in utilization of Special Need Justification process for Consultant Contracting. The Department of Aviation has respectfully asked for concurrence from the City Manager's Office in authorizing a new contract with M. Arthur Gensler Jr. & Associates, Inc. for the proposed Garage A Transportation Network Center.

The Department of Aviation selected M. Arthur Gensler Jr. & Associates, Inc. to assess conditions, prioritize major repairs, design solutions, and perform construction administration for Dallas Love Field Garages A and B Major Maintenance. Their familiarity and understanding of existing garage conditions were developed over the last three years and offer the Department of Aviation many benefits as quick planning is launched for accommodation of the new Transportation Network Center (TNC) on the first floor of Garage A. M. Arthur Gensler Jr. & Associates, Inc.'s project team will provide immediate response on traffic flow and a structural system that will guide reconfiguration of the parking layout, allowing access for TNC drivers and passengers.

OWNER

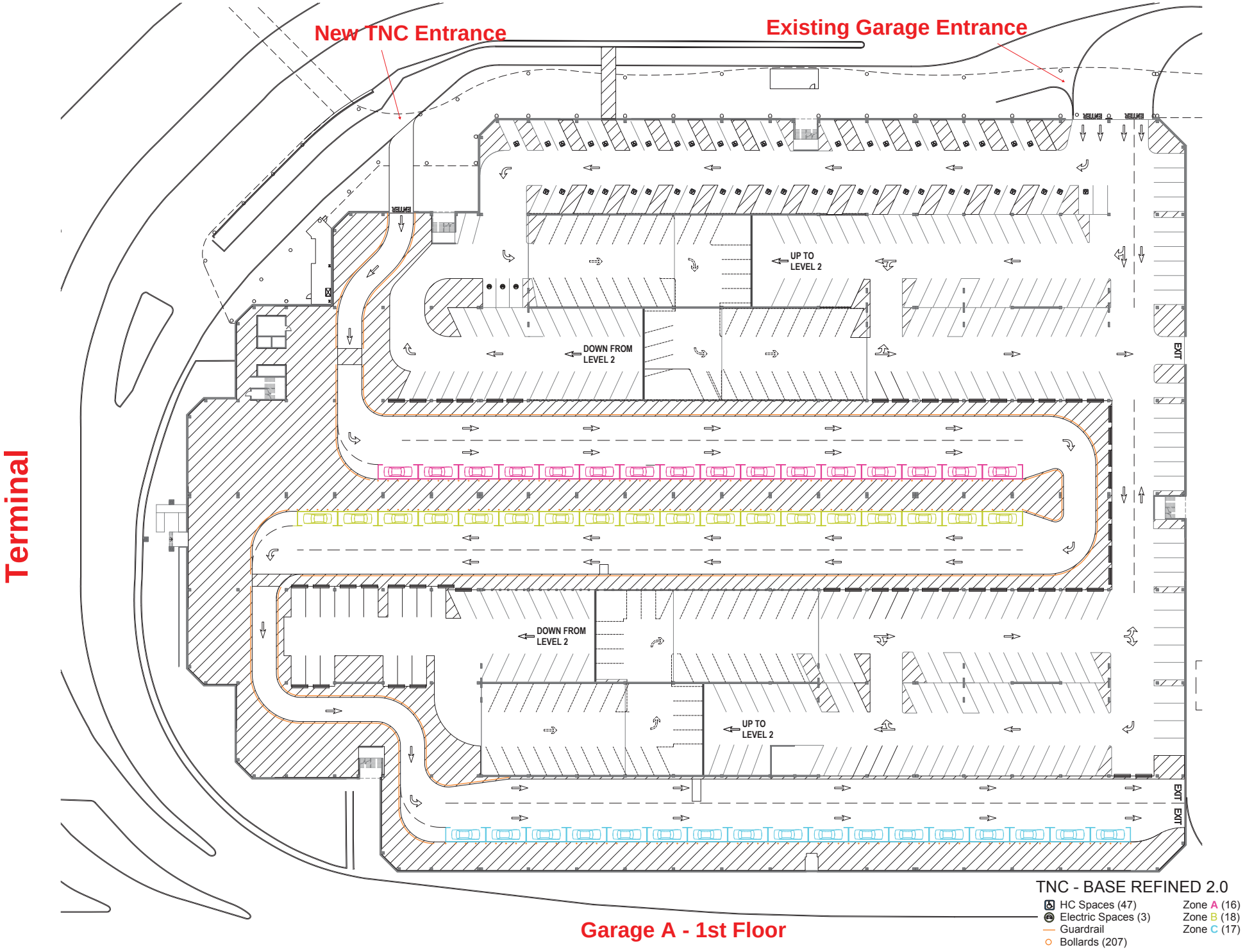
M. Arthur Gensler Jr. & Associates, Inc.

Cindy Simpson, Managing Director and Principal

MAP

Attached

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New TNC Entrance
Existing Garage Entrance
Terminal
UP TO LEVEL 2
DOWN FROM LEVEL 2
DOWN FROM LEVEL 2
UP TO LEVEL 2
ENTRY
ENTRY
EXIT
EXIT
EXIT
Garage A - 1st Floor
TNC - BASE REFINED 2.0
HC Spaces (47)
Electric Spaces (3)
Guardrail
Bollards (207)
Zone A (16)
Zone B (18)
Zone C (17)

April 10, 2019

WHEREAS, Dallas Love Field has 7,000 parking spaces in existing Garages A and B; and

WHEREAS, current conditions of both structures have been assessed, and structural and building system upgrades have been prioritized; and

WHEREAS, phased completion of major maintenance and repairs is ongoing to extend the useful life of the buildings; and

WHEREAS, architectural and engineering design and construction administration services are required for the new Transportation Network Center on the first floor of Garage A; and

WHEREAS, it is now necessary to authorize a professional services contract with M. Arthur Gensler Jr. & Associates, Inc. to provide design and construction administration services for the new Transportation Network Center on the first floor of Garage A at Dallas Love Field.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with M. Arthur Gensler Jr. & Associates, Inc., approved as to form by the City Attorney, to provide architectural and engineering design and construction administration services for the new Transportation Network Center on the first floor of Garage A at Dallas Love Field.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $195,000.00 to M. Arthur Gensler Jr. & Associates, Inc. in accordance with the terms and conditions of the contract from Aviation Capital Construction Fund, Fund 0131, Department AVI, Unit 8738, Object 4111, Activity AAIP, Program AV8738, Commodity 91817, Encumbrance/Contract No. CX-AVI-2019-00009616, Vendor VS000001122.

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

Agenda Information Sheet

File #: 19-308 **Item #:** 7.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize **(1)** a construction contract for the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field - Austin Bridge and Road, L.P., lowest responsible bidder of two; and **(2)** an increase in appropriations in an amount not to exceed $6,000,000.00 in the Aviation Passenger Facility Charge - Near Term Projects Fund - Not to exceed $28,092,994.35 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund

BACKGROUND

This action will authorize a construction contract with Austin Bridge and Road, L.P. for construction services for the Rehabilitation of Taxiway Bravo Phases III and IV at Dallas Love Field.

The project includes, reconstruction of Taxiway Bravo from the Runway 31R end to Taxiway B1, reconfiguration of taxiway connectors, rehabilitation of the holding bay on Taxiway Bravo at the Runway 31R hold-line, reconstruction of Taxiway Bravo from Taxiway P to Taxiway B4 and construction of a new portion of Taxiway Mike from the existing Taxiway D to the existing Taxiway B4, along with new connecting taxiways.

On April 10, 2019, City Council will be asked to authorize Supplemental Agreement No. 10 to the professional services contract with Garver, LLC to provide full time on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phases III and IV at Dallas Love Field. City Council will also be asked to authorize Supplemental Agreement No. 5 to the professional services contract with Alliance Geotechnical Group to provide Construction Materials Testing services for this project.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2018
Completed Design	January 2019
Begin Construction	May 2019
Complete Construction	June 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Aviation Passenger Facility Charge - Near Term Projects Fund - $28,092,994.35

Design	$ 2,755,500.00
Construction Administration	$ 1,733,600.00 (concurrent item)
Materials Testing	$ 551,399.26 (concurrent item)
Construction (this action)	$28,092,994.35
Total Project Cost	$33,133,493.61

M/WBE INFORMATION

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

Contract Amount	Category	DBE Goal	DBE %	DBE $
$28,092,994.35	Construction	24.36%	24.36%	$6,844,603.00
• This contract meets the DBE goal.				

PROCUREMENT INFORMATION

The following two bids were received and opened on February 8, 2019:

*Denotes successful bidder

Bidders	Address	Amount
*Austin Bridge & Road, L.P.	11143 Goodnight Lane Dallas, TX 75229	$28,092,994.35
Flatiron Constructors Inc.	385 Interlocken Crescent Ste. 900 Broomfield, CO 80021	$31,467,254.00

OWNER

Austin Bridge & Road, L.P.

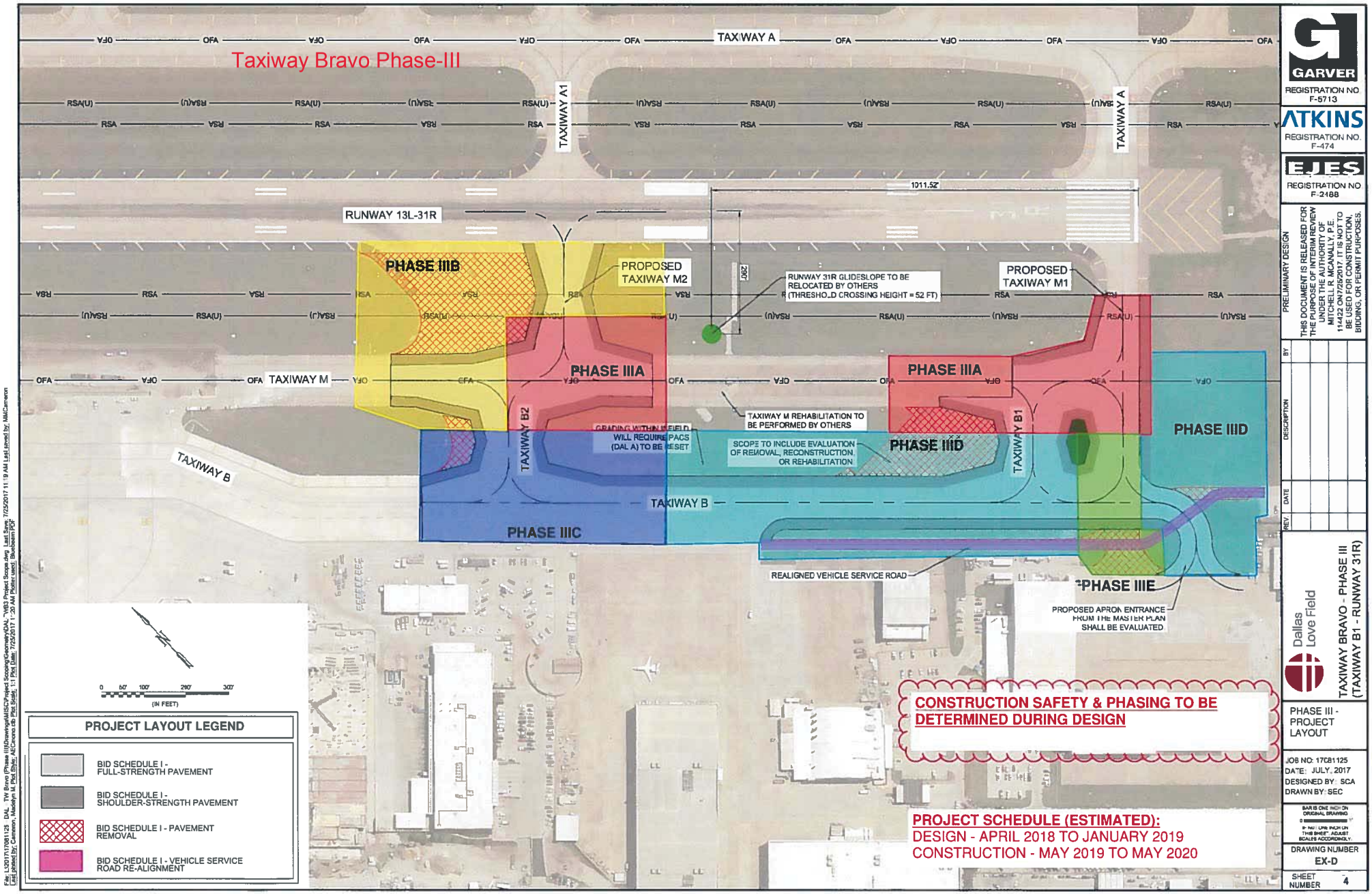
Mike Manning, Executive Vice President

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MAPS

Attached

powered by Legistar™



GARVER
REGISTRATION NO F-5713

ATKINS
REGISTRATION NO F-474

EJES
REGISTRATION NO F-2488

PRELIMINARY DESIGN
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF MITCHELL R. MCANALLY, P.E. 114422 ON 7/25/2017. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

REV	DATE	DESCRIPTION	BY

Dallas Love Field

TAXIWAY BRAVO - PHASE III (TAXIWAY B1 - RUNWAY 31R)

PHASE III - PROJECT LAYOUT

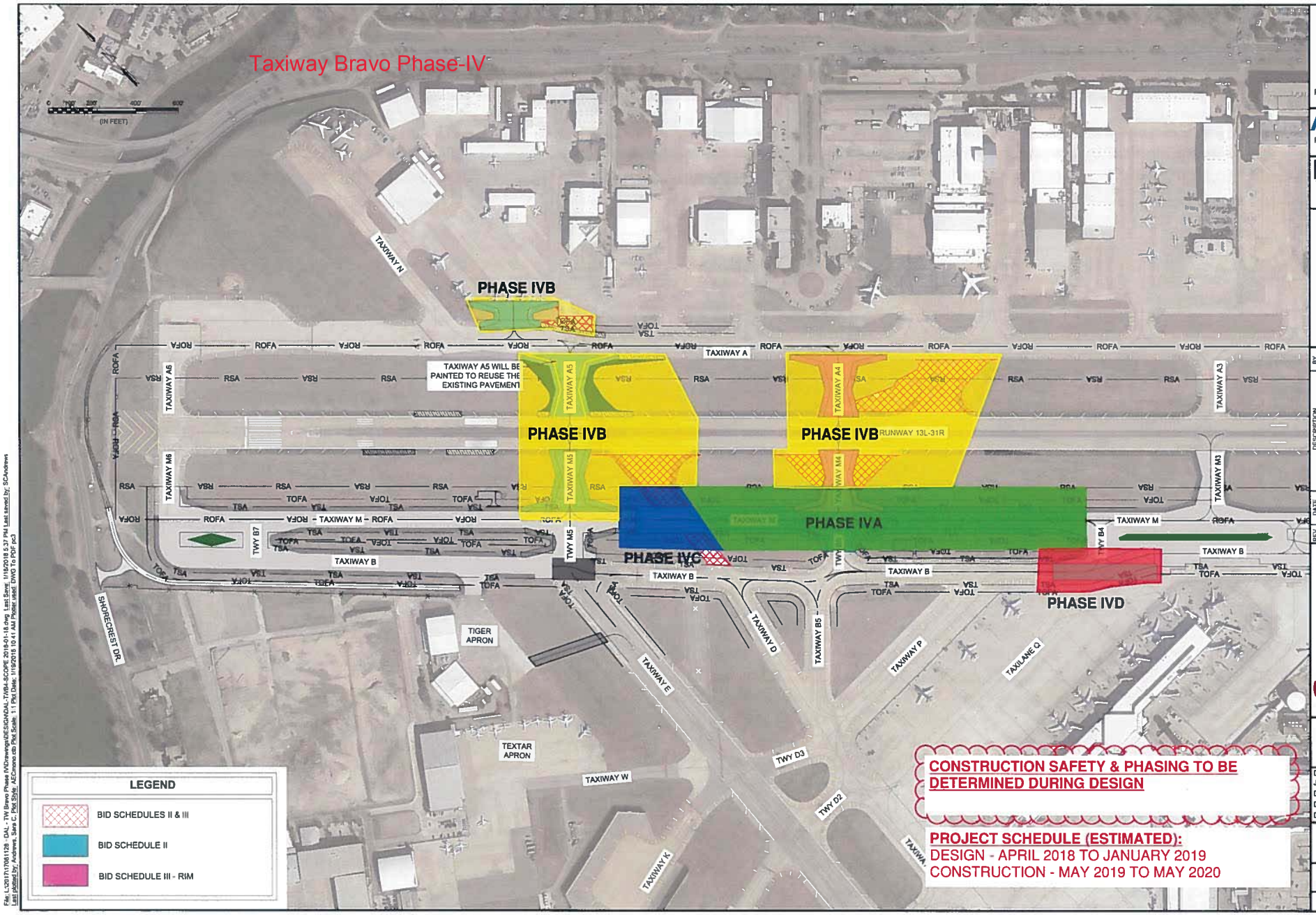
JOB NO: 17C81125
DATE: JULY, 2017
DESIGNED BY: SCA
DRAWN BY: SEC

BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
EX-D

SHEET NUMBER 4

File: L:\2017\17081125 - DAL - TW Bravo (Phase III)\Drawings\AIS\CPlotted Scoping\Geometry\DAL_TW03 Project Scope.dwg Last Save: 7/22/2017 11:19 AM Last saved by: MMCameron
Last plotted by: Cameron, Madelyn M. Plot Style: ACCivil3D.ctb Plot Date: 7/22/2017 - 7:39 AM Plotted using: Bookfold.PSP



GARVER
REGISTRATION NO. F-5713

ATKINS
REGISTRATION NO. F-474

EJES
REGISTRATION NO. F-2488

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF MITCHELL R. MCANALLY, P.E. 114422 ON 01/19/2018. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

REV.	DATE	DESCRIPTION	BY

Dallas Love Field

TAXIWAY BRAVO - PHASE IV

PHASE IV - PROJECT LAYOUT

DALLAS NO.: ####
JOB NO.: 17081128
DATE: JAN. 2018
DESIGNED BY: SCA
DRAWN BY: SCA

BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
EX-E

SHEET NUMBER 5

File: L:\2017\17081128 - DAL - TW Bravo Phase IV\Drawings\DESIGN\DAL-TWBA-SCOPE 2018-01-18.dwg Last Save: 1/18/2018 5:37 PM Last saved by: SCAndrews
Last plotted by: Andrews, Sara C. Plot Style: AECmono.ctb Plot Scale: 1:1 Plot Date: 1/19/2018 10:41 AM Plotter used: DWG To PDF.pc3

April 10, 2019

WHEREAS, it is desirable for the Department of Aviation to rehabilitate Taxiway Bravo Phases III and IV; and

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

WHEREAS, construction bids were publicly advertised, received and opened on February 8, 2019 for the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field, as follows:

Bidders	**Bid Amount**
Austin Bridge & Road, L.P.	$28,092,994.35
Flatiron Construction Inc.	$31,467,254.00

WHEREAS, it is now necessary to authorize a construction contract with Austin Bridge & Road, L.P., lowest responsive bidder of two, for the construction of the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field, in an amount not to exceed $28,092,994.35.

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 contract with Austin Bridge & Road, L.P., approved as to form by the City Attorney, for the construction of the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field, in an amount not to exceed $28,092,994.35.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed $6,000,000.00 in the Aviation Passenger Facility Charge - Near Term Projects Fund, Fund A477, Department AVI, Unit D015, Object 4599, Activity AAIP, Program AVID015.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $28,092,994.35 in accordance with the terms and conditions of the contract:

Aviation Passenger Facility Charge - Near Term Projects Fund	
Fund A477, Department AVI, Unit D015, Object 4599	
Activity AAIP, Program AVID015	
Encumbrance/Contract No. CX-AVI-2019-00009529	
Commodity 92500, Vendor 505455	$16,773,573.66

SECTION 3. (continued)

Aviation Passenger Facility Charge - Near Term Projects Fund	
Fund A477, Department AVI, Unit D017, Object 4599	
Activity AAIP, Program AVID017	
Encumbrance/Contract No. CX-AVI-2019-00009529	
Commodity 92500, Vendor 505455	$11,319,420.69
Total amount not to exceed	$28,092,994.35

SECTION 4. That the City will apply for Passenger Facility Charge (PFC) funding for the eligible Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field; and upon the approval of PFC funding by the Federal Aviation Administration (FAA) for this project in an amount not to exceed $28,092,994.35. Upon approval of the PFC by the FAA for this project, the City Manager is hereby authorized to increase appropriations in an amount not to exceed $28,092,994.35 in the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099; and the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed $28,092,994.35 from the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099, as follows:

Aviation Passenger Facility Charge - Near Term Projects Fund	
Fund A477, Department AVI, Unit D015, Object 5011	
Activity AAIP, Program AVID015	
Encumbrance/Contract No. CX-AVI-2019-00009529	
Commodity 92500, Vendor 505455	$16,773,573.66
Aviation Passenger Facility Charge - Near Term Projects Fund	
Fund A477, Department AVI, Unit D017, Object 5011	
Activity AAIP, Program AVID017	
Encumbrance/Contract No. CX-AVI-2019-00009529	
Commodity 92500, Vendor 505455	$11,319,420.69
Total amount not to exceed	$28,092,994.35

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

Agenda Information Sheet

File #: 19-277 **Item #:** 8.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize Supplemental Agreement No. 5 to the professional services contract with M. Arthur Gensler Jr. & Associates, Inc. to provide design engineering and construction administration services for the next phase of major maintenance and repairs to Garages A and B at Dallas Love Field - Not to exceed $221,700.00, from $1,087,452.00 to $1,309,152.00 - Financing: Aviation Capital Construction Fund

BACKGROUND

Garage A was built in 1984 and currently offers parking for 3,000 vehicles. Garage B and the Pedestrian Concourse were completed in 2004. Garage B currently provides 4,000 parking spaces.

On June 25, 2014, City Council authorized a professional services contract with M. Arthur Gensler Jr. & Associates, Inc. to provide design services for Dallas Love Field Garages A and B Condition Assessment Project, in an amount not to exceed $228,140.00, by Resolution No. 14-1012.

This action will authorize Supplemental Agreement No. 5 to the professional services contract with M. Arthur Gensler Jr. & Associates, Inc. to provide design engineering and construction administration services for the next phase of major maintenance and repairs to Garages A and B.

Total fee increase in Supplemental Agreement No. 5 is $221,700.00.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	September 2019
Begin Construction	November 2019
Complete Construction	June 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2014, City Council authorized a professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. dba Gensler to perform a condition assessment of Dallas Love Field Garages A & B and the Pedestrian Concourse to identify and prioritize needed repairs and provide estimated costs of the repairs by Resolution No. 14-1012.

On May 25, 2016, City Council authorized Supplemental Agreement No. 3 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. to provide design, construction documents, and construction administration services for repairs to the Dallas Love Field Garage A & B and Pedestrian Concourse by Resolution No. 16-0813.

On August 22, 2018, City Council authorized Supplemental Agreement No. 4 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. to provide design and construction administration services for Garages A and B Fire Alarm System Replacement at Dallas Love Field by Resolution No. 18-1129.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Aviation Capital Construction Fund - $221,700.00

Original Contract	$ 228,140.00
Supplemental Agreement No. 1	$ 10,882.00
Supplemental Agreement No. 2	$ 17,600.00
Supplemental Agreement No. 3	$ 560,176.00
Supplemental Agreement No. 4	$ 270,654.00
Supplemental Agreement No. 5 (this action)	$ 221,700.00
Total Contract Cost	$1,309,152.00

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$221,700.00	Construction	25.00%	34.28%	$76,000.00
• This contract exceeds the M/WBE goal.				
• Supplemental Agreement No. 5 - 32.93% Overall M/WBE participation				

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OWNER

M. Arthur Gensler Jr. & Associates, Inc.

Cindy Simpson, Managing Director and Principal

MAP

Attached

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N
57%

WHEREAS, Dallas Love Field has 7,000 parking spaces in existing Garages A and B; and

WHEREAS, current conditions of both structures have been assessed, and structural and building system upgrades have been prioritized; and

WHEREAS, next phase of planned major maintenance upgrades to both garages are scheduled to be completed in Fiscal Year 19-20 and Fiscal Year 20-21; and

WHEREAS, design engineering and construction administration services are required for the next phase of major maintenance and repairs for Garages A and B; and

WHEREAS, on June 25, 2014, City Council authorized a professional services contract with M. Arthur Gensler Jr. & Associates Inc. dba Gensler (Gensler) to perform a condition assessment of Dallas Love Field Garages A & B and the Pedestrian Concourse to identify and prioritize needed repairs and provide estimated costs of the repairs, in an amount not to exceed $228,140.00, by Resolution No. 14-1012; and

WHEREAS, on November 24, 2014, Administrative Action No. 14-7192 authorized Supplemental Agreement No. 1 to the professional services contract with Gensler to provide water infiltration testing as part of the assessment, in an amount not to exceed $10,882.00, from $228,140.00 to $239,022.00; and

WHEREAS, on July 7, 2015, Administrative Action No. 15-6347 authorized Supplemental Agreement No. 2 to the professional services contract with Gensler to provide additional assessment data, prioritize repairs, and cost analysis, in an amount not to exceed $17,600.00, from $239,022.00 to $256,622.00; and

WHEREAS, on May 25, 2016, City Council authorized Supplemental Agreement No. 3 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. to provide design, construction documents, and construction administration services for repairs to the Dallas Love Field Garage A & B and Pedestrian Concourse, in an amount of $560,176.00, from $256,622.00 to $816,798.00, by Resolution No. 16-0813; and

WHEREAS, on August 22, 2018, City Council authorized Supplemental Agreement No. 4 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. to provide design and construction administration services for Garages A and B Fire Alarm System Replacement at Dallas Love Field, in an amount not to exceed $270,654.00, from $816,798.00 to $1,087,452.00, by Resolution No. 18-1129; and

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 5 to the professional services contract with M. Arthur Gensler Jr. & Associates, Inc. to provide design engineering and construction administration services for the next phase of major maintenance and repairs to Garages A and B at Dallas Love Field, in an amount not to exceed $221,700.00, increasing the contract amount from $1,087,452.00 to $1,309,152.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 5 to the professional services contract with M. Arthur Gensler Jr. & Associates, Inc., approved as to form by the City Attorney, to provide design engineering and construction administration services for the next phase of major maintenance and repairs to Garages A and B at Dallas Love Field, in an amount not to exceed $221,700.00, increasing the contract amount from $1,087,452.00 to $1,309,152.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $221,700.00 to M. Arthur Gensler Jr. & Associates, Inc. in accordance with the terms and conditions of the contract from Aviation Capital Construction Fund, Fund 0131, Department AVI, Unit 8738, Object 4111, Activity AAIP, Program AV8738, Commodity 91817, Encumbrance CT-AVIMAGA0414.1, Vendor VS0000001122.

SECTION 3. That this contract is designated as Contract No. PBW-2016-00000705.

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

Agenda Information Sheet

File #: 19-305 **Item #:** 9.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize Supplemental Agreement No. 5 to the professional services contract with Alliance Geotechnical Group, Inc. to provide construction materials testing services for the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field - Not to exceed $551,399.26, from $949,600.65 to $1,500,999.91 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund

BACKGROUND

This action will authorize Supplemental Agreement No. 5 to the professional services contract with Alliance Geotechnical Group, Inc. for construction materials testing services for the Rehabilitation of Taxiway Bravo Phases III and IV at Dallas Love Field.

The project includes, reconstruction of Taxiway Bravo from the Runway 31R end to Taxiway B1, reconfiguration of taxiway connectors, rehabilitation of a holding bay on Taxiway Bravo at the Runway 31R hold-line, reconstruction of Taxiway Bravo from Taxiway P to Taxiway B4 and construction of a new portion of Taxiway Mike from the existing Taxiway D to the existing Taxiway B4, along with new connecting taxiways.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2018
Completed Design	January 2019
Begin Construction	May 2019
Complete Construction	June 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

On May 23, 2018, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Alliance Geotechnical Group, Inc. to perform construction materials testing for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field by Resolution No. 18-0738.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Aviation Passenger Facility Charge - Near Term Projects Fund - $551,399.26

Original Contract	$ 534,194.00
Supplemental Agreement No. 1	$ 10,000.00
Supplemental Agreement No. 2	$ 49,873.75
Supplemental Agreement No. 3	$ 344,240.15
Supplemental Agreement No. 4	$ 11,292.75
Supplemental Agreement No. 5 (this action)	$ 551,399.26
Total Contract Cost	$1,500,999.91

M/WBE INFORMATION

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

Contract Amount	Category	DBE Goal	DBE %	DBE $
$551,399.26	Construction	24.36%	100.00%	$551,399.26
• This contract exceeds the DBE goal.				
• Supplemental Agreement No. 5 - 83.87% Overall DBE participation				

OWNER

Alliance Geotechnical Group, Inc.

Josh Davis, Branch Manager

MAPS

Attached

powered by Legistar™

TAXIWAY A

TAXIWAY A1

TAXIWAY A

RUNWAY 13L-31R

1011.52'

290'

PHASE IIIB

PROPOSED TAXIWAY M2

RUNWAY 31R GLIDESLOPE TO BE RELOCATED BY OTHERS (THRESHOLD CROSSING HEIGHT = 52 FT)

PROPOSED TAXIWAY M1

PHASE IIIA

PHASE IIIA

TAXIWAY M

TAXIWAY M REHABILITATION TO BE PERFORMED BY OTHERS

TAXIWAY B2

GRADING WITHIN INFIELD WILL REQUIRE PACS (DAL A) TO BE RESET

SCOPE TO INCLUDE EVALUATION OF REMOVAL, RECONSTRUCTION, OR REHABILITATION

PHASE IIID

TAXIWAY B1

PHASE IIID

TAXIWAY B

TAXIWAY B

PHASE IIIC

REALIGNED VEHICLE SERVICE ROAD

PHASE IIIE

PROPOSED APRON ENTRANCE FROM THE MASTER PLAN SHALL BE EVALUATED

0 50' 100' 200' 300'

(IN FEET)

PROJECT LAYOUT LEGEND

- BID SCHEDULE I - FULL-STRENGTH PAVEMENT
- BID SCHEDULE I - SHOULDER-STRENGTH PAVEMENT
- BID SCHEDULE I - PAVEMENT REMOVAL
- BID SCHEDULE I - VEHICLE SERVICE ROAD RE-ALIGNMENT

CONSTRUCTION SAFETY & PHASING TO BE DETERMINED DURING DESIGN

PROJECT SCHEDULE (ESTIMATED):
DESIGN - APRIL 2018 TO JANUARY 2019
CONSTRUCTION - MAY 2019 TO MAY 2020

GARVER
REGISTRATION NO. F-5713

ATKINS
REGISTRATION NO. F-474

EJES
REGISTRATION NO. F-2488

PRELIMINARY DESIGN

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF MITCHELL R. MCANALLY, P.E. 114422 ON 7/25/2017. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

REV	DATE	DESCRIPTION	BY

Dallas Love Field

TAXIWAY BRAVO - PHASE III (TAXIWAY B1 - RUNWAY 31R)

PHASE III - PROJECT LAYOUT

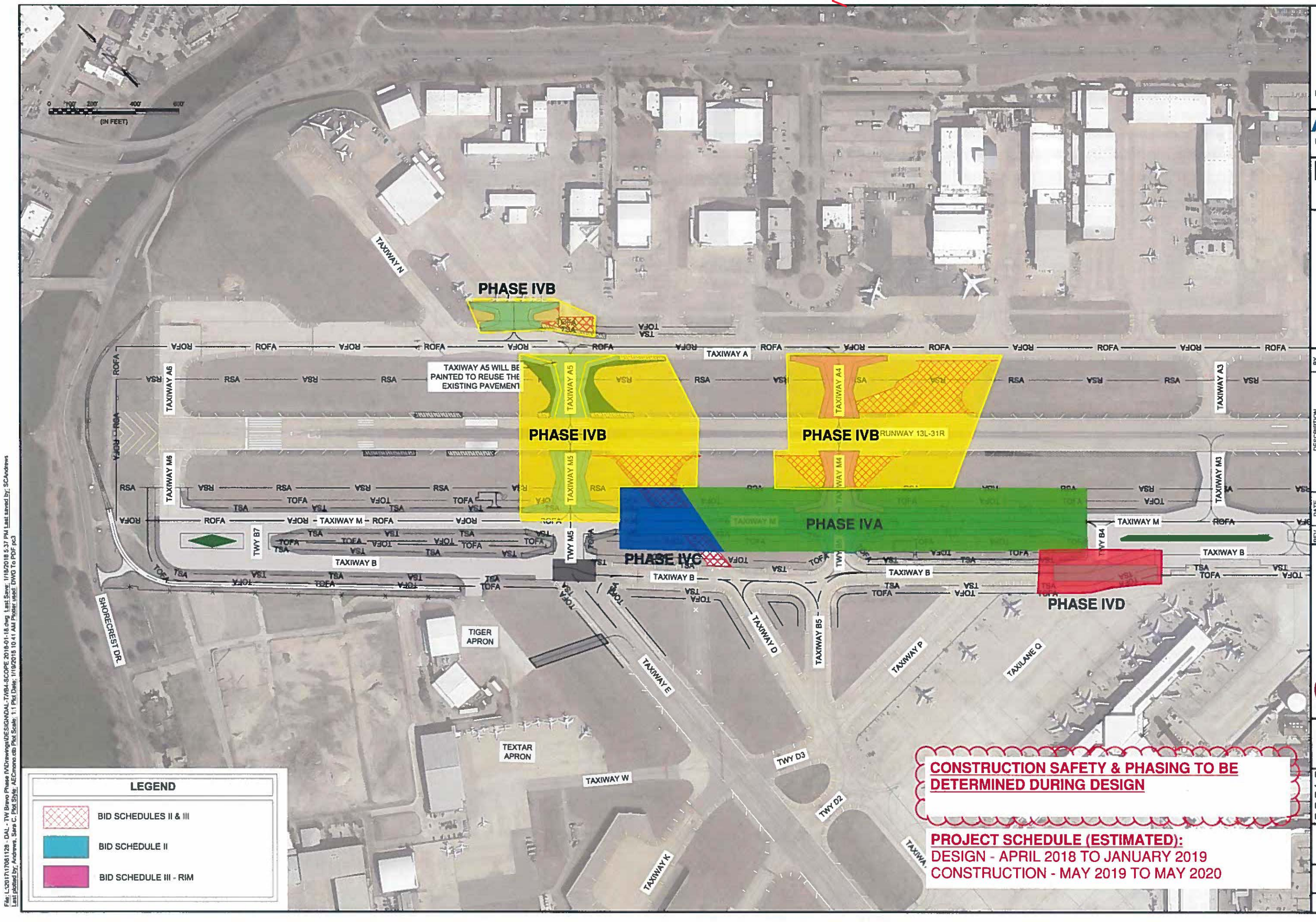
JOB NO: 17C81125
DATE: JULY, 2017
DESIGNED BY: SCA
DRAWN BY: SEC

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IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

DRAWING NUMBER
EX-D

SHEET NUMBER 4

File: L:\2017\17081125 DAL - TW Bravo (Phase III)\Drawings&MISC\Project Scoping\Geometry\DAL_TWB3 Project Scope.dwg Last Save: 7/25/2017 11:19 AM Last saved by: MMCameron
Last plotted by: Cameron, Madelyn M. Plot Style: AECnano.ctb Plot Scale: 1:1 Plot Date: 7/25/2017 11:20 AM Plotter used: Bluebeam PDF



CONSTRUCTION SAFETY & PHASING TO BE DETERMINED DURING DESIGN

PROJECT SCHEDULE (ESTIMATED):
DESIGN - APRIL 2018 TO JANUARY 2019
CONSTRUCTION - MAY 2019 TO MAY 2020

GARVER
REGISTRATION NO. F-5713

ATKINS
REGISTRATION NO. F-474

EJES
REGISTRATION NO. F-2488

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REV	DATE	DESCRIPTION	BY

Dallas Love Field

TAXIWAY BRAVO - PHASE IV

PHASE IV - PROJECT LAYOUT

DALLAS NO: ####
JOB NO: 17081128
DATE: JAN. 2018
DESIGNED BY: SCA
DRAWN BY: SCA

BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
EX-E

SHEET NUMBER 5

File: L:\2017\17081128 - DAL - TW Bravo Phase IV\Drawings\DESIGN\DAL-TWBA-SCOPE 2018-01-18.dwg Last Save: 1/18/2018 5:37 PM Last saved by: SCAndrews
Last plotted by: Andrews, Sara C. Plot Style: AECmono.ctb Plot Scale: 1:1 Plot Date: 1/19/2018 10:41 AM Plotter used: DWG To PDF.pc3

April 10, 2019

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

WHEREAS, on October 17, 2017, Administrative Action No. 17-1146 authorized Supplemental Agreement No. 1 to the professional services contract with Alliance Geotechnical Group, Inc. to complete the construction materials testing services for the continuation of the Runway Incursion Mitigation Project at Dallas Love Field, in an amount not to exceed $10,000.00 from $534,194.00 to $544,194.00; and

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

WHEREAS, on May 23, 2018, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Alliance Geotechnical Group, Inc. for construction materials testing services for the Rehabilitation of TWY Bravo Phase-II Project at Dallas Love Field, in an amount not to exceed $344,240.15 from $594,067.75 to $938,307.90, by Resolution No. 18-0738; and

WHEREAS, on October 30, 2018, Administrative Action No. 18-0888 authorized Supplemental Agreement No. 4 to the professional services contract with Alliance Geotechnical Group, Inc. to complete the construction materials testing services for the Runway 31R Glideslope Relocation Project at Dallas Love Field, in an amount not exceed $11,292.75 from $938,307.90 to $949,600.65; and

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 5 to the professional services contract with Alliance Geotechnical Group, Inc. to provide construction materials testing services for the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field, in an amount not to exceed $551,399.26, increasing the contract amount from $949,600.65 to $1,500,999.91.

Now, Therefore,

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

April 10, 2019

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 5 to the professional services contract with Alliance Geotechnical Group, Inc., approved as to form by the City Attorney, to provide construction materials testing services for the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field, in an amount not to exceed $551,399.26, increasing the contract amount from $949,600.65 to $1,500.999.91.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $551,399.26 to Alliance Geotechnical Group, Inc., as follows:

Aviation Passenger Facility Charge - Near Term Projects Fund Fund A477, Department AVI, Unit D015, Object 4113 Activity AAIP, Program AVID015 Encumbrance CT-AVIAGGW003FY17 Commodity 91200, Vendor 338366	$305,687.86
Aviation Passenger Facility Charge - Near Term Projects Fund Fund A477, Department AVI, Unit D017, Object 4113 Activity AAIP, Program AVID017 Encumbrance CT-AVIAGGW003FY17 Commodity 91200, Vendor 338366	$245,711.40
Total amount not to exceed	$551,399.26

SECTION 3. That this contract is designated as Contract No. EBS-2016-00001542.

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

Agenda Information Sheet

File #: 19-244 **Item #:** 10.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize Supplemental Agreement No. 10 to the professional services contract with Garver, LLC to provide full time on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phases III and IV at Dallas Love Field - Not to exceed $1,733,600.00, from $9,078,199.00 to $10,811,799.00 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund

BACKGROUND

This action will authorize Supplemental Agreement No. 10 to the professional services contract with Garver, LLC to provide full time on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phases III and IV at Dallas Love Field.

The project includes, reconstruction of Taxiway Bravo from the Runway 31R end to Taxiway B1, reconfiguration of taxiway connectors, rehabilitation of the holding bay on Taxiway Bravo at the Runway 31R hold-line, reconstruction of Taxiway Bravo from Taxiway P to Taxiway B4 and construction of a new portion of Taxiway Mike from the existing Taxiway D to the existing Taxiway B4, along with new connecting taxiways.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2018
Completed Design	January 2019
Begin Construction	May 2019
Complete Construction	June 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

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

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

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

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

On May 23, 2018, City Council authorized Supplemental Agreement No. 8 to the professional services contract with Garver, LLC to provide full time services, on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field by Resolution No. 18-0739.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Aviation Passenger Facility Charge - Near Term Projects Fund- $1,733,600.00

Design	$ 1,323,890.00
Supplemental Agreement No. 1	$ 48,840.00
Supplemental Agreement No. 2	$ 314,464.00
Supplemental Agreement No. 3	$ 1,769,340.00
Supplemental Agreement No. 4	$ 1,737,770.00
Supplemental Agreement No. 5	$ 24,200.00
Supplemental Agreement No. 6	$ 2,755,500.00
Supplemental Agreement No. 7	$ 0.00
Supplemental Agreement No. 8	$ 1,062,200.00
Supplemental Agreement No. 9	$ 41,995.00
Supplemental Agreement No. 10 (this action)	$ 1,733,600.00
Materials Testing Services	$ 551,399.26
Construction	$28,092,994.35
Total Contract Cost	$39,456,192.61

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M/WBE INFORMATION

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

Contract Amount	Category	DBE Goal	DBE %	DBE $
$1,733,600.00	Construction	24.36%	47.81%	$828,779.76
• This contract exceeds the DBE goal.				
• Supplemental Agreement No. 10 - 33.82% overall DBE participation				

OWNER

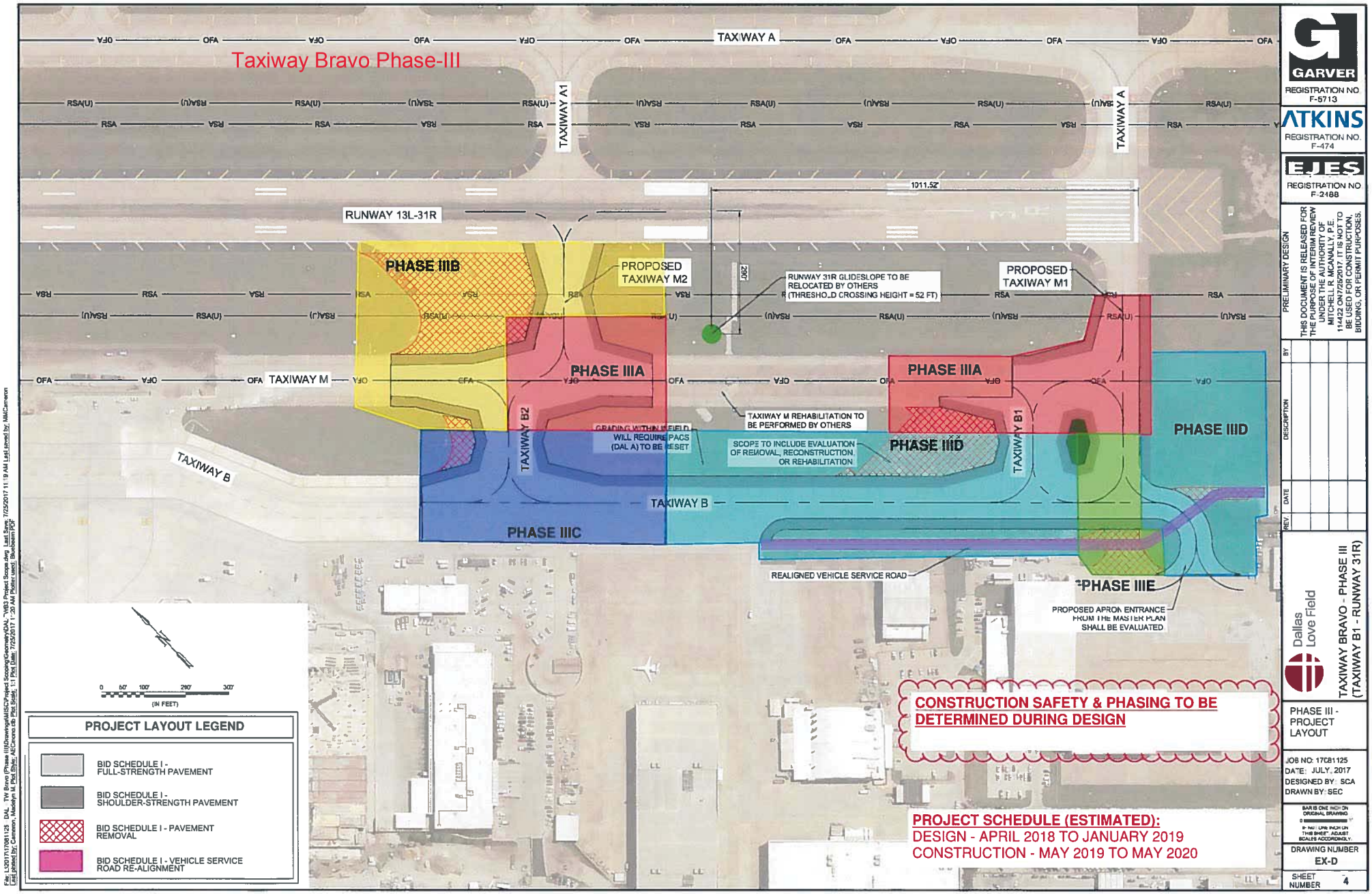
Garver, LLC

Frank McIllwain, Vice President

MAPS

Attached

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GARVER
REGISTRATION NO F-5713

ATKINS
REGISTRATION NO F-474

EJES
REGISTRATION NO F-2488

PRELIMINARY DESIGN
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REV	DATE	DESCRIPTION	BY

Dallas Love Field

TAXIWAY BRAVO - PHASE III (TAXIWAY B1 - RUNWAY 31R)

PHASE III - PROJECT LAYOUT

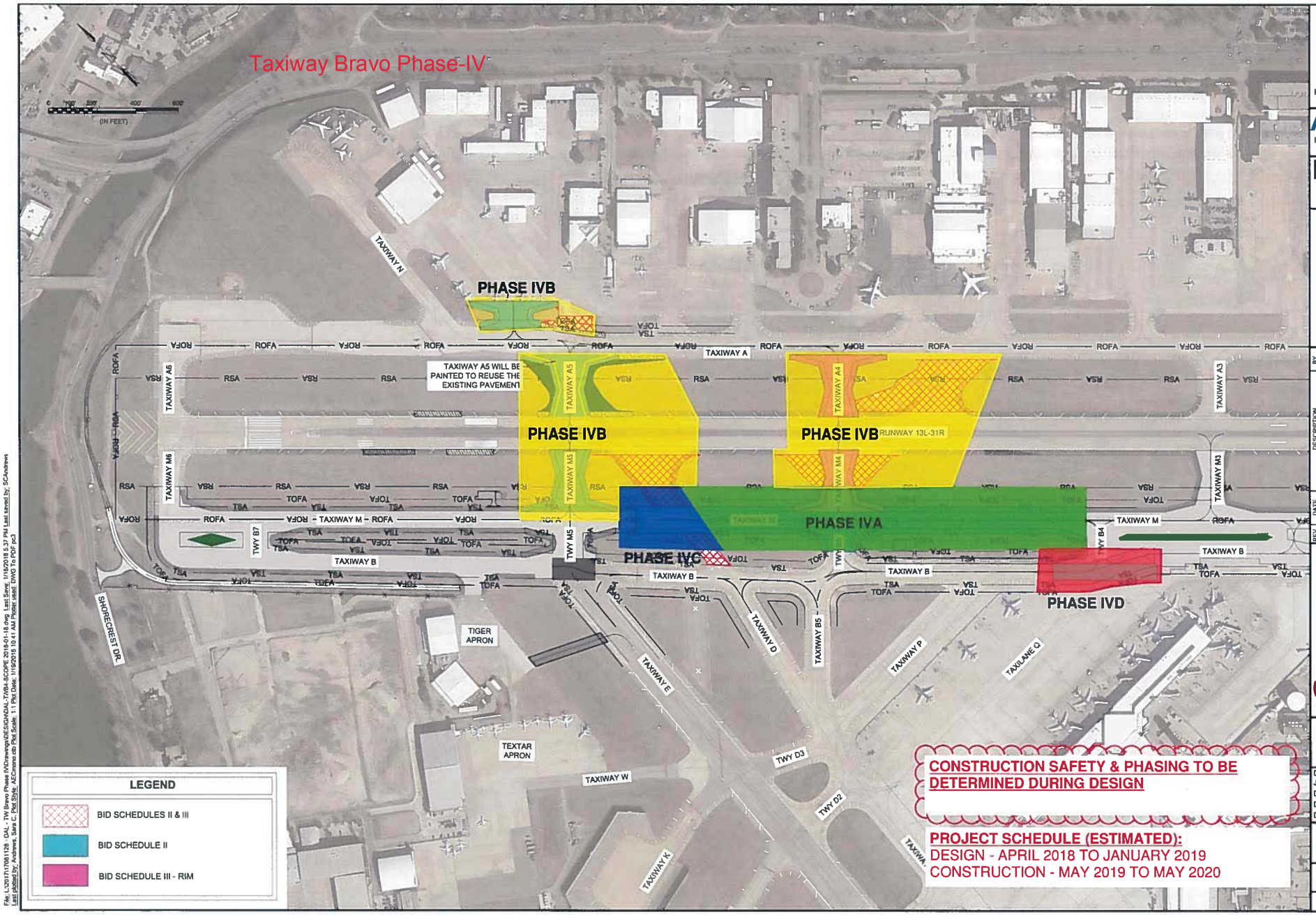
JOB NO: 17C81125
DATE: JULY, 2017
DESIGNED BY: SCA
DRAWN BY: SEC

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IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
EX-D

SHEET NUMBER 4

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Last plotted by: Cameron, Madelyn M. Plot Style: ACCivil3D.ctb Plot Date: 7/22/2017 - 7:39 AM Plotted using: Bookfold.PSP



GARVER
REGISTRATION NO. F-5713

ATKINS
REGISTRATION NO. F-474

EJES
REGISTRATION NO. F-2488

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REV.	DATE	DESCRIPTION	BY

Dallas Love Field

TAXIWAY BRAVO - PHASE IV

PHASE IV - PROJECT LAYOUT

DALLAS NO.: ####
JOB NO.: 17081128
DATE: JAN. 2018
DESIGNED BY: SCA
DRAWN BY: SCA

BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
EX-E

SHEET NUMBER 5

File: L:\2017\17081128 - DAL - TW Bravo Phase IV\Drawings\DESIGN\DAL-TWBA-SCOPE 2018-01-18.dwg Last Save: 1/18/2018 5:37 PM Last saved by: SCAndrews
Last plotted by: Andrews, Sara C. Plot Style: AECmono.ctb Plot Scale: 1:1 Plot Date: 1/19/2018 10:41 AM Plotter used: DWG To PDF.pc3

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

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

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

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

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

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

WHEREAS, on April 25, 2018, City Council authorized Supplemental Agreement No. 6 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Rehabilitation Project Phases III and IV at Dallas Love Field, in an amount not to exceed $2,755,500.00, from $5,218,504.00 to $7,974,004.00, by Resolution No. 18-0599; and

WHEREAS, on April 6, 2018, Administrative Action No. 18-0175 authorized Supplemental Agreement No. 7 to the professional services contract with Garver, LLC for the transfer of funds from the Love Field Taxiway Echo Intersection Project to the Taxiway Bravo Rehabilitation Phase I Project, no cost consideration to the City of Dallas; and

WHEREAS, on May 23, 2018, City Council authorized Supplemental Agreement No. 8 with Garver, LLC for full time services, on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field, in an amount not to exceed $1,062,200.00, from $7,974,004.00 to $9,036,204.00, by Resolution No. 18-0739; and

WHEREAS, on January 9, 2019, Administrative Action No. 19-5239 authorized Supplemental Agreement No. 9 to the professional Services contract with Garver, LLC to provide additional construction inspection hours to complete construction punch list and warranty related items for the Taxiway Bravo Phase-I Project at Dallas Love Field, in an amount not to exceed $41,995.00, from $9,036,204.00 to $9,078,199.00; and

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 10 to the professional services contract with Garver, LLC to provide full time on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phases III and IV at Dallas Love Field, in an amount not to exceed $1,733,600.00, increasing the contract amount from $9,078,199.00 to $10,811,799.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 10 to the professional services contract with Garver, LLC, approved as to form by the City Attorney, to provide full time on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phases III and IV at Dallas Love Field, in an amount not to exceed $1,733,600.00, increasing the contract amount from $9,078,199.00 to $10,811,799.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,733,600.00 to Garver, LLC, as follows:

Aviation Passenger Facility Charge - Near Term Projects Fund	
Fund A477, Department AVI, Unit D015, Object 4116	
Activity AAIP, Program AVID015	
Encumbrance CT-AVI-AVIW003GARVFY16	
Commodity 92500, Vendor VS0000016343	$1,097,051.00

SECTION 2. (continued)

Aviation Passenger Facility Charge - Near Term Projects Fund	
Fund A477, Department AVI, Unit D015, Object 4116	
Activity AAIP, Program AVID017	
Encumbrance CT-AVI-AVIW003GARVFY16	
Commodity 92500, Vendor VS0000016343	$ 636,549.00
Total amount not to exceed	$1,733,600.00

SECTION 3. That this contract is designated as Contract No. AVI-2018-00005766.

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

Agenda Information Sheet

File #: 19-122 **Item #:** 11.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 4

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Bridgefarmer & Associates, Inc. for the engineering design of a thoroughfare improvement project on South Ewing Avenue from Interstate Highway-35E to East Clarendon Drive - Not to exceed $883,331.78 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($860,711.78) and Water Utilities Capital Improvement Funds ($22,620.00)

BACKGROUND

The Request for Qualifications (CIZ1744) was issued on June 21, 2018 for the Special Bond Projects. The consulting firm Bridgefarmer & Associates, Inc. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Bridgefarmer & Associates, Inc. for the engineering design of a thoroughfare improvement project on South Ewing Avenue from Interstate Highway (IH)-35E to East Clarendon Drive. The proposed project will widen Ewing Avenue from IH-35E to East Clarendon Drive from a two-lane undivided roadway to a four-lane undivided concrete roadway with sidewalks and bike facilities. The improvements will include paving, drainage, complete street, water main and wastewater main. The engineering services will include a drainage study and analysis to determine the necessary drainage improvements near the intersection of South Ewing Avenue and East Clarendon Drive. The total estimated project cost for design and construction is $8,356,282.80.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	November 2020
Begin Construction	March 2021
Complete Construction	April 2023

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $860,711.78
Water Utilities Capital Improvement Funds - $22,620.00

Estimated Future Cost - Construction - $7,472,951.02

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$883,331.78	Architectural & Engineering	25.66%	26.01%	$229,721.16
• This contract exceeds the M/WBE goal.				

OWNER

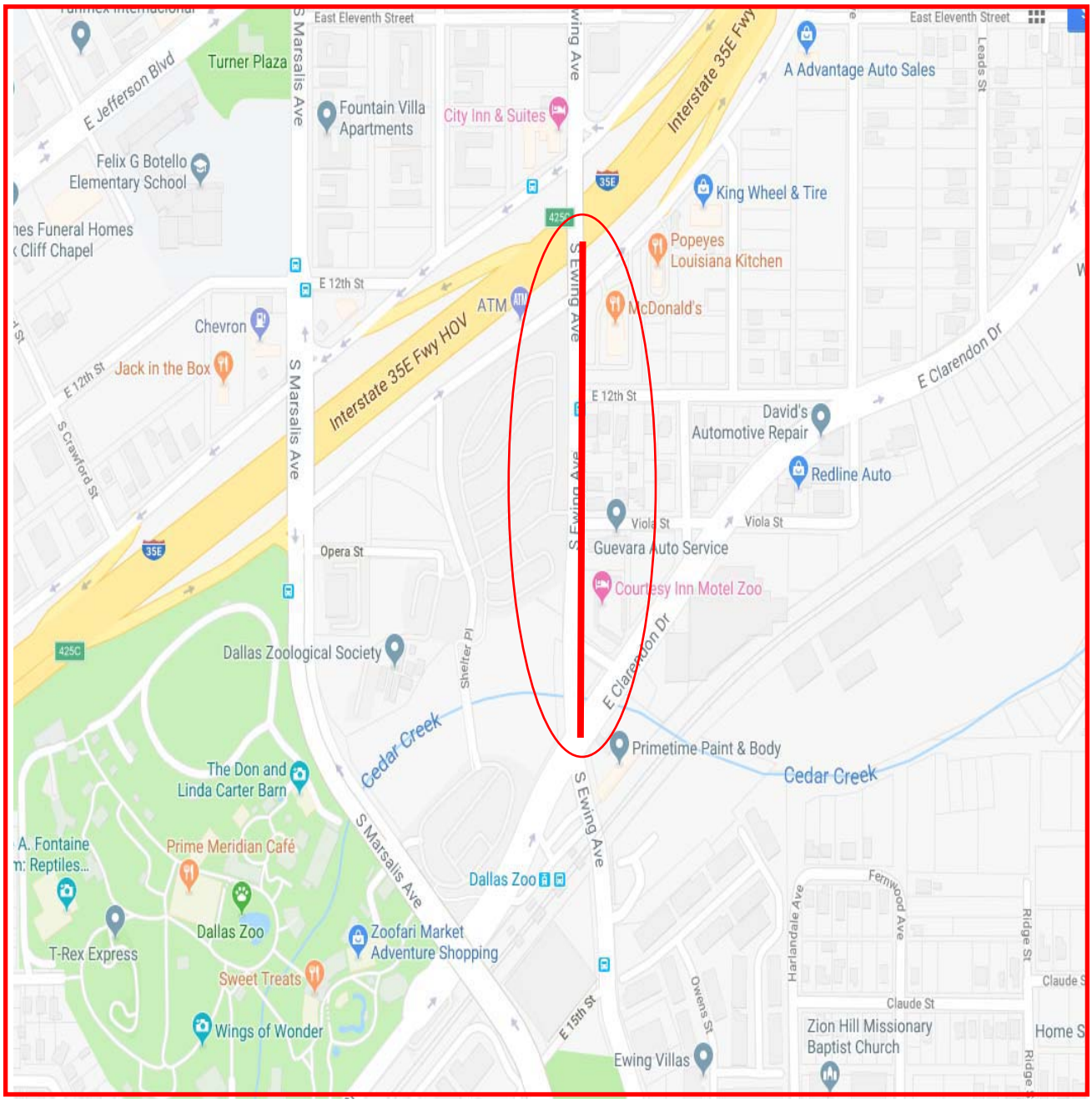
Bridgefarmer & Associates, Inc.

M. Mansoor Ahsoon, P.E., Chief Executive Officer

MAP

Attached

THOROUGHFARE IMPROVEMENT PROJECT SOUTH EWING AVENUE FROM INTERSTATE HIGHWAY 35E TO EAST CLARENDON DRIVE



COUNCIL DISTRICT 4

April 10, 2019

WHEREAS, Bridgefarmer & Associates, Inc. was selected to provide engineering design of a thoroughfare improvement project on South Ewing Avenue from Interstate Highway-35E to East Clarendon Drive.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Bridgefarmer & Associates, Inc., approved as to form by the City Attorney, to provide engineering design of a thoroughfare improvement project on South Ewing Avenue from Interstate Highway-35E to East Clarendon Drive, in an amount not to exceed $883,331.78.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $883,331.78 to Bridgefarmer & Associates, Inc., as follows:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit VA15, Activity THRF Object 4111, Program PB17VA15 Encumbrance/Contract No. CX-PBW-2019-00009107 Vendor 148766	$860,711.78
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Object 4111, Program 719311 Encumbrance/Contract No. CX-PBW-2019-00009107 Vendor 148766	$ 12,840.80
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4111, Program 719312 Encumbrance/Contract No. CX-PBW-2019-00009107 Vendor 148766	$ 9,779.20
Total amount not to exceed	$883,331.78

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

Agenda Information Sheet

File #: 19-375 **Item #:** 12.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Arredondo, Zepeda & Brunz, LLC for the engineering design of Ridgecrest Road from Holly Hill Drive to SoPac Trail East of Eastridge Drive - Not to exceed $573,691.85 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($498,466.85) and Water Utilities Capital Improvement Funds ($75,225.00)

BACKGROUND

The Request for Qualifications (CIZ1744) was issued on June 21, 2018 for the Special Bond Projects. The consulting firm, Arredondo, Zepeda & Brunz, LLC, was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Arredondo, Zepeda & Brunz, LLC for the engineering design of Ridgecrest Road from Holly Hill Drive to SoPac Trail East of Eastridge Drive. This street petition project will include improving the existing asphalt street with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, water and wastewater, storm drainage, street lighting, landscaping and pedestrian enhancements.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2019
Complete Design	April 2020
Begin Construction	July 2020
Complete Construction	April 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $498,466.85
Water Utilities Capital Improvement Funds - $75,225.00

Estimated Future Cost - Construction - $4,874,482.18

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$573,691.85	Architectural & Engineering	25.66%	100.00%	$573,691.85
• This contract exceeds the M/WBE goal.				

OWNER

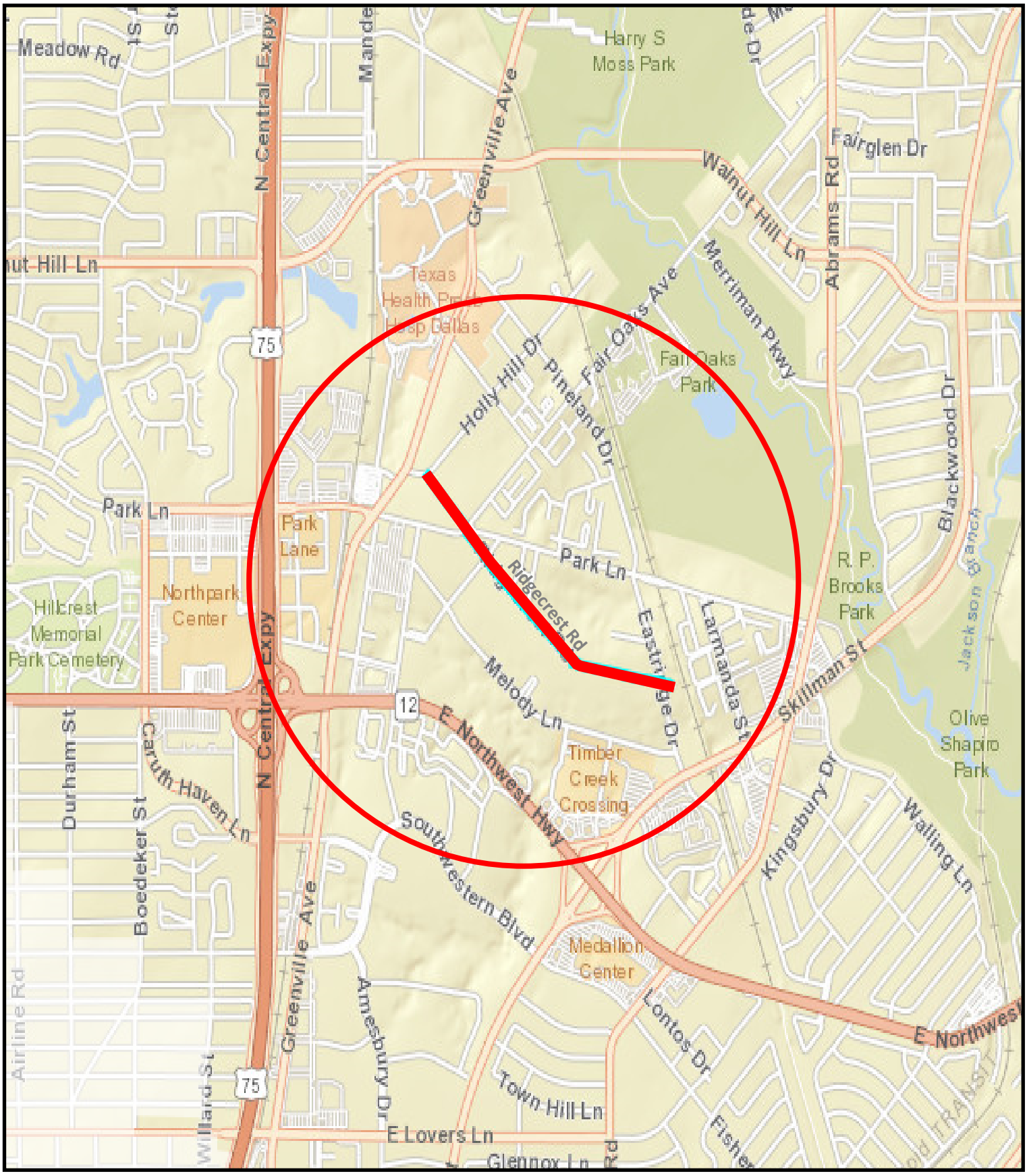
Arredondo, Zepeda & Brunz, LLC

Alfonso P. Garza, P.E., Registered Professional Land Surveyor, President
Roy Brunz, P.E., Registered Professional Land Surveyor, Vice President

MAP

Attached

STREET PETITION
RIDGECREST ROAD FROM HOLLY HILL DRIVE
TO SOPAC TRAIL EAST OF EASTRIDGE DRIVE



COUNCIL DISTRICT 13

WHEREAS, Arredondo, Zepeda & Brunz, LLC was selected to provide engineering design of Ridgecrest Road from Holly Hill Drive to SoPac Trail East of Eastridge Drive.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Arredondo, Zepeda & Brunz, LLC, approved as to form by the City Attorney, for engineering design services for the indicated project, in an amount not to exceed $573,691.85.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $573,691.85 in accordance with the terms and conditions of the contract:

Arredondo, Zepeda & Brunz, LLC for the engineering design of the street petition project on Ridgecrest Road from Holly Hill Drive to SoPac Trail East of Eastridge Drive:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V186, Activity STPT Object 4111, Program PB17V186 Encumbrance/Contract No. CX-PBW-2019-00009647 Vendor 080851	$498,466.85
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Object 4111, Program 719313 Encumbrance/Contract No. CX-PBW-2019-00009647 Vendor 080851	$ 44,229.14
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4111, Program 719314 Encumbrance/Contract No. CX-PBW-2019-00009647 Vendor 080851	$ 30,995.86
Total amount not to exceed	$573,691.85

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

Agenda Information Sheet

File #: 18-1210 **Item #:** 13.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Dikita Enterprises, Inc. for the engineering design of Alley Reconstruction Group 17-8004 (list attached to the Agenda Information Sheet) - Not to exceed $166,629.38 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($142,629.38) and Wastewater Capital Improvement Fund ($24,000.00)

BACKGROUND

The Request for Qualification (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Dikita Enterprises, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Dikita Enterprises, Inc. for the engineering design of four alley reconstruction projects as Alley Reconstruction Group 17-8004. The alley reconstruction projects will include replacing the existing deteriorating concrete alleys with new reinforced concrete alley pavement, storm drainage, and wastewater improvements.

Following are the locations and design costs for each project:

Alley Reconstruction Improvements

Project	Council District	Amount
Kirnwood Drive (1225-1423) and 7601 South Polk Street	8	$33,851.88
Bettyrae Way (207-347) and Ryan Ridge Drive (7708-7770)	8	$48,175.37

Hunters Run Drive (2304-2348) and Mesa Verde Trail (7407-7415)	8	$50,700.14
Ivywood Drive (806-954) and Jadewood Drive (807-951)	8	$33,901.99

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2019
Complete Design	June 2020
Begin Construction	August 2020
Complete Construction	August 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $142,629.38
Wastewater Capital Improvement Fund - $24,000.00

Estimated Future Cost - Construction - $1,394,045.40

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$166,629.38	Architectural & Engineering	25.66%	100.00%	$166,629.38
• This contract exceeds the M/WBE goal.				

OWNER

Dikita Enterprises, Inc.

Evalynn A. Williams, President

MAPS

Attached

powered by Legistar™

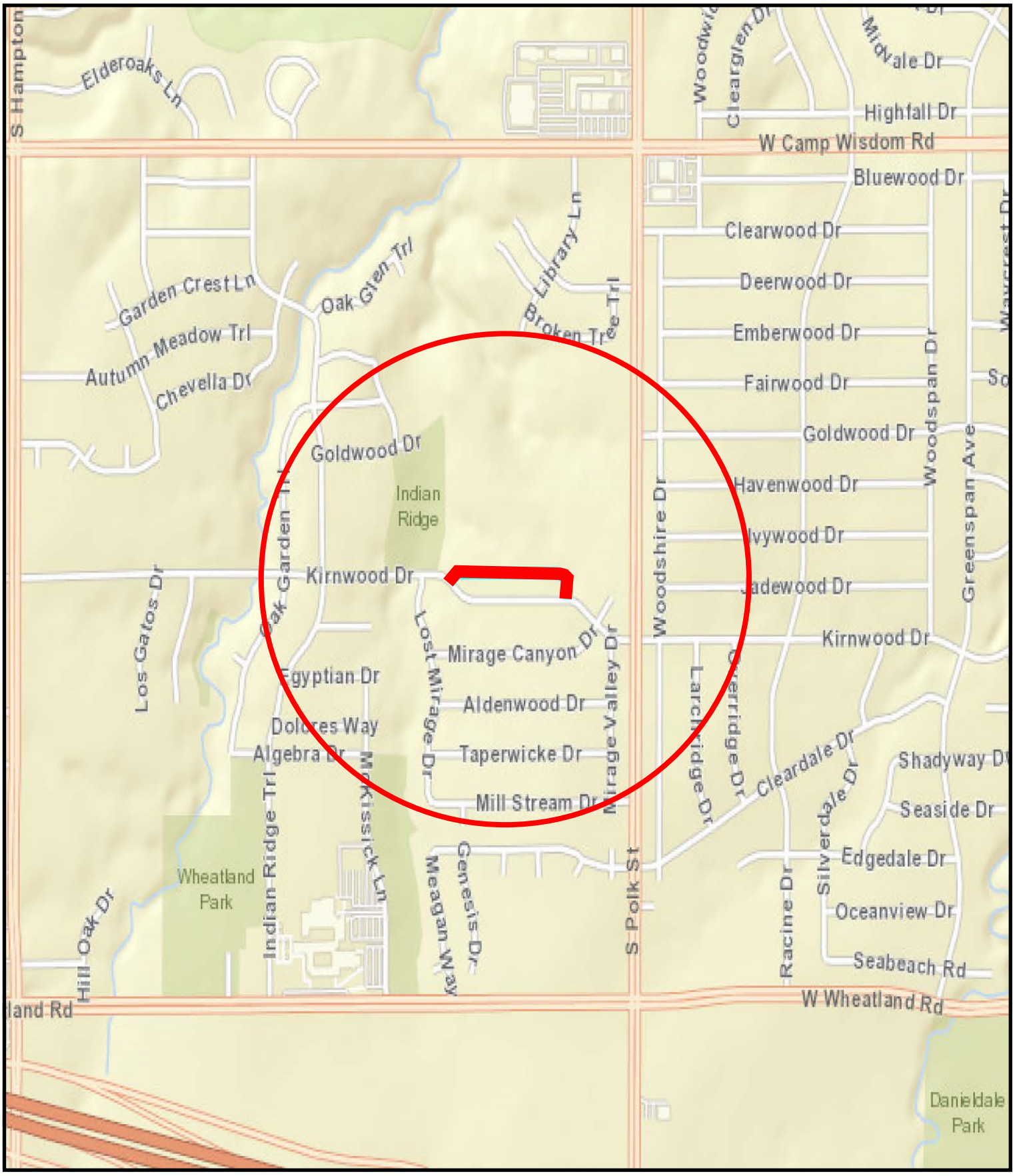
Alley Reconstruction Group 17-8004

Alley Reconstruction Improvements

Project	Council District
Kirnwood Drive (1225-1423) and 7601 South Polk Street	8
Bettyrae Way (207-347) and Ryan Ridge Drive (7708-7770)	8
Hunters Run Drive (2304-2348) and Mesa Verde Trail (7407-7415)	8
Ivywood Drive (806-954) and Jadewood Drive (807-951)	8

ALLEY RECONSTRUCTION

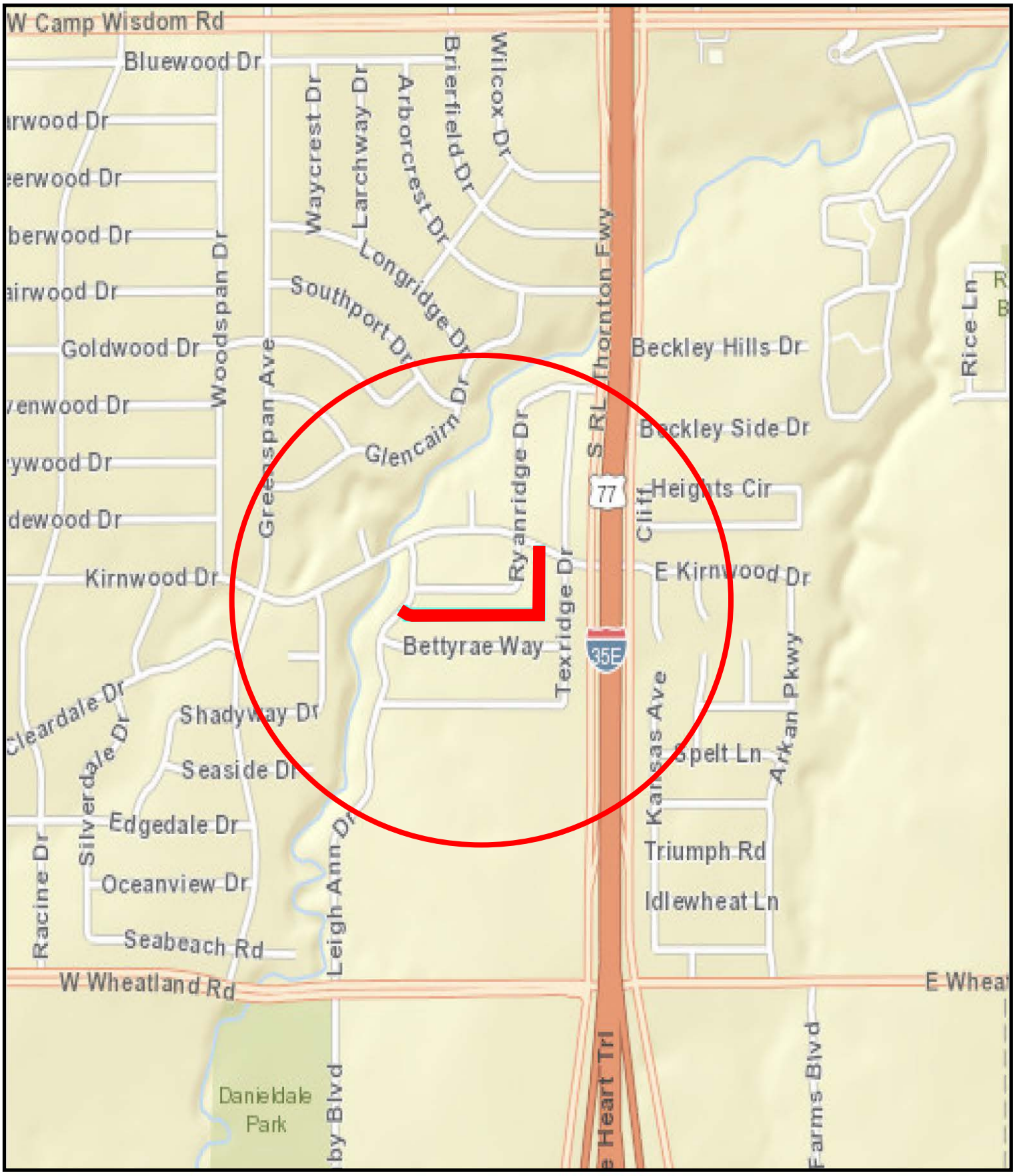
1225-1423 KIRNWOOD DRIVE & 7601 SOUTH POLK STREET



COUNCIL DISTRICT 8

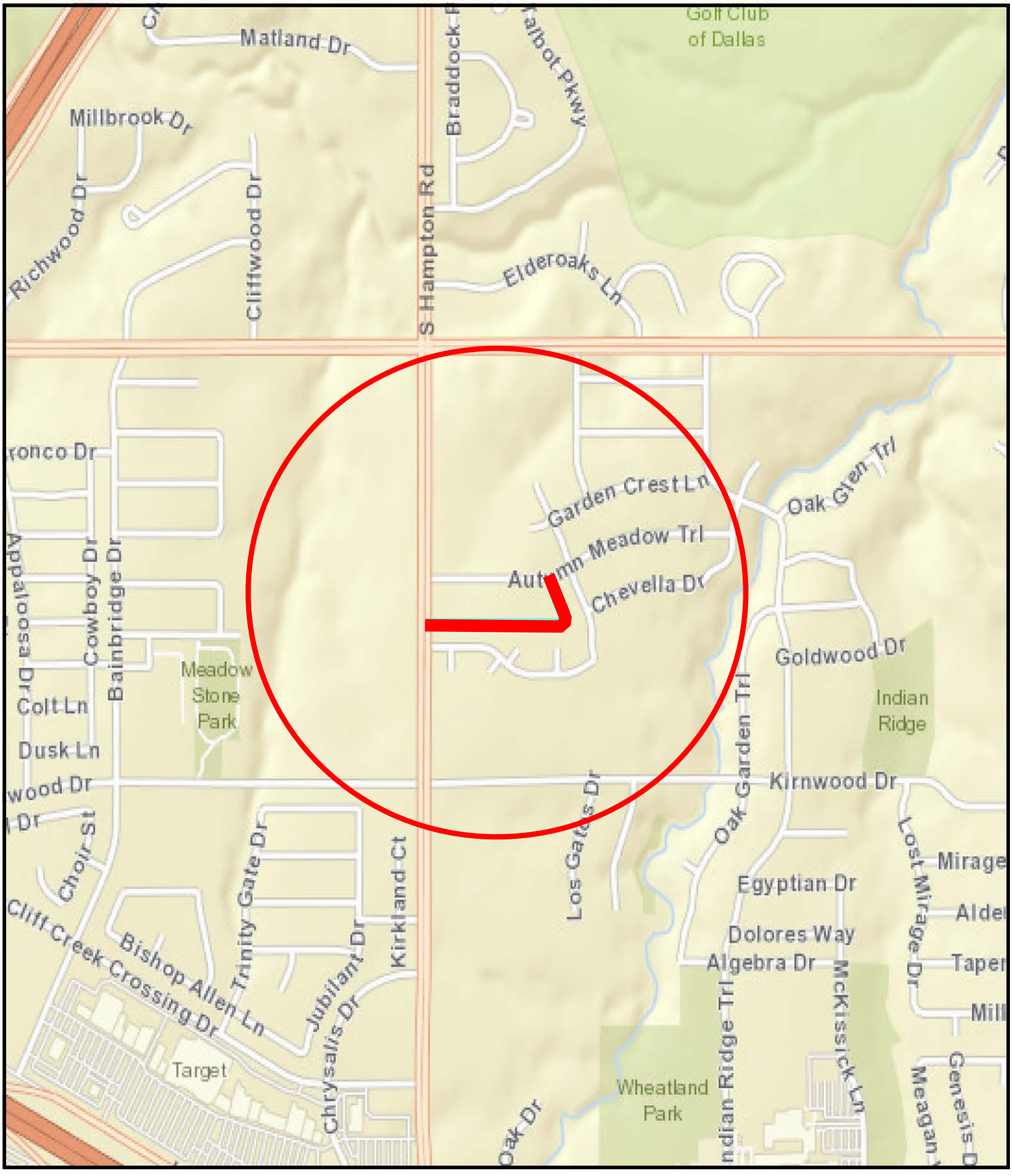
ALLEY RECONSTRUCTION

207-347 BETTYRAE WAY & 7708-7770 RYAN RIDGE DRIVE



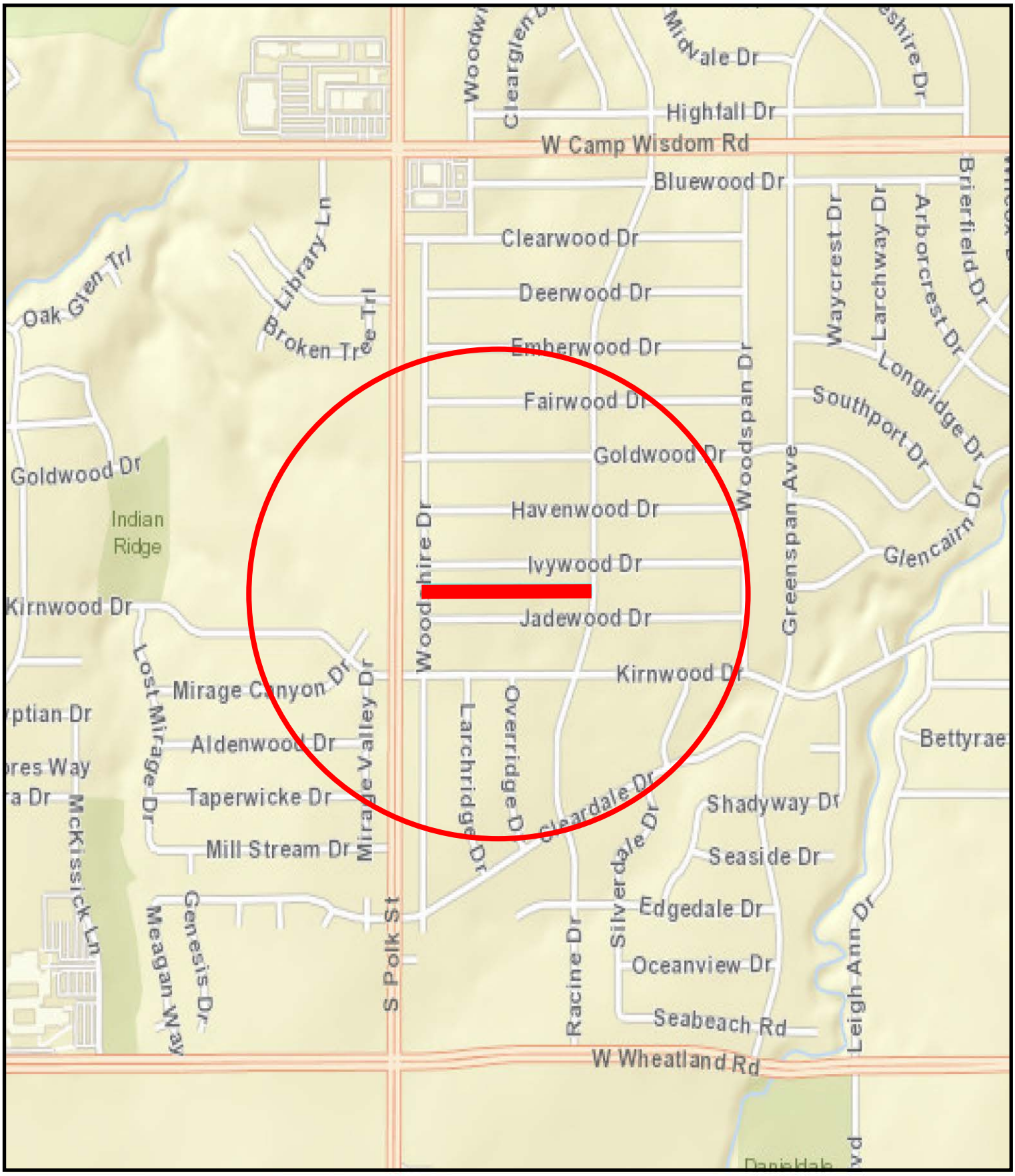
COUNCIL DISTRICT 8

ALLEY RECONSTRUCTION
2304-2348 HUNTERS RUN DRIVE &
7407-7415 MESA VERDE TRAIL



COUNCIL DISTRICT 8

ALLEY RECONSTRUCTION
806-954 IVYWOOD DRIVE & 807-951 JADEWOOD DRIVE



COUNCIL DISTRICT 8

WHEREAS, Dikita Enterprises, Inc. was selected to provide engineering design for Alley Reconstruction Group 17-8004.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Dikita Enterprises, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $166,629.38.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $166,629.38 in accordance with the terms and conditions of the contract:

Dikita Enterprises, Inc. for the engineering design of alley reconstruction projects on: Kirnwood Drive (1225-1423) and 7601 South Polk Street; Bettyrae Way (207-347) and Ryan Ridge Drive (7708-7770); Hunters Run Drive (2304-2348) and Mesa Verde Trail (7407-7415); and Ivywood Drive (806-954) and Jadewood Drive (807-951):

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V062, Activity AREC Object 4111, Program PB17V062 Encumbrance/Contract No. CX-PBW-2019-00009555 Vendor VS0000076529	$ 33,851.88
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V063, Activity AREC Object 4111, Program PB17V063 Encumbrance/Contract No. CX-PBW-2019-00009555 Vendor VS0000076529	$ 36,175.37
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V064, Activity AREC Object 4111, Program PB17V064 Encumbrance/Contract No. CX-PBW-2019-00009555 Vendor VS0000076529	$ 38,700.14
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V068, Activity AREC Object 4111, Program PB17V068 Encumbrance/Contract No. CX-PBW-2019-00009555 Vendor VS0000076529	$ 33,901.99

SECTION 2. (continued)

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS42	
Object 4111, Program 719272	
Encumbrance/Contract No. CX-PBW-2019-00009555	
Vendor VS0000076529	$ 24,000.00
Total amount not to exceed	$166,629.38

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

Agenda Information Sheet

File #: 19-136 **Item #:** 14.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 11

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Arredondo, Zepeda & Brunz, LLC for the engineering design of Street Reconstruction Group 17-1105 (list attached to the Agenda Information Sheet) - Not to exceed $174,170.60 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($135,825.60) and Water Utilities Capital Improvement Funds ($38,345.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Arredondo, Zepeda & Brunz, LLC, was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Arredondo, Zepeda & Brunz, LLC for the engineering design of two street reconstruction projects of local streets as Street Reconstruction Group 17-1105. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, drainage system, and water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

Project	Council District	Amount
Edelweiss Circle from Hillcrest Road to End of Pavement	11	$ 52,007.40
Hughes Lane from Wilderness Court to Preston Road	11	$122,163.20

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2019
Complete Design	June 2020
Begin Construction	September 2020
Complete Construction	September 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $135,825.60
Water Utilities Capital Improvement Funds - $38,345.00

Estimated Future Cost - Construction - $1,644,930.64

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$174,170.60	Architectural & Engineering	25.66%	100.00%	$174,170.60
• This contract exceeds the M/WBE goal.				

OWNER

Arredondo, Zepeda & Brunz, LLC

Alfonso P. Garza, P.E., Registered Professional Land Surveyor, Certified Public Manager, President
Roy Brunz, P.E., Principal

MAPS

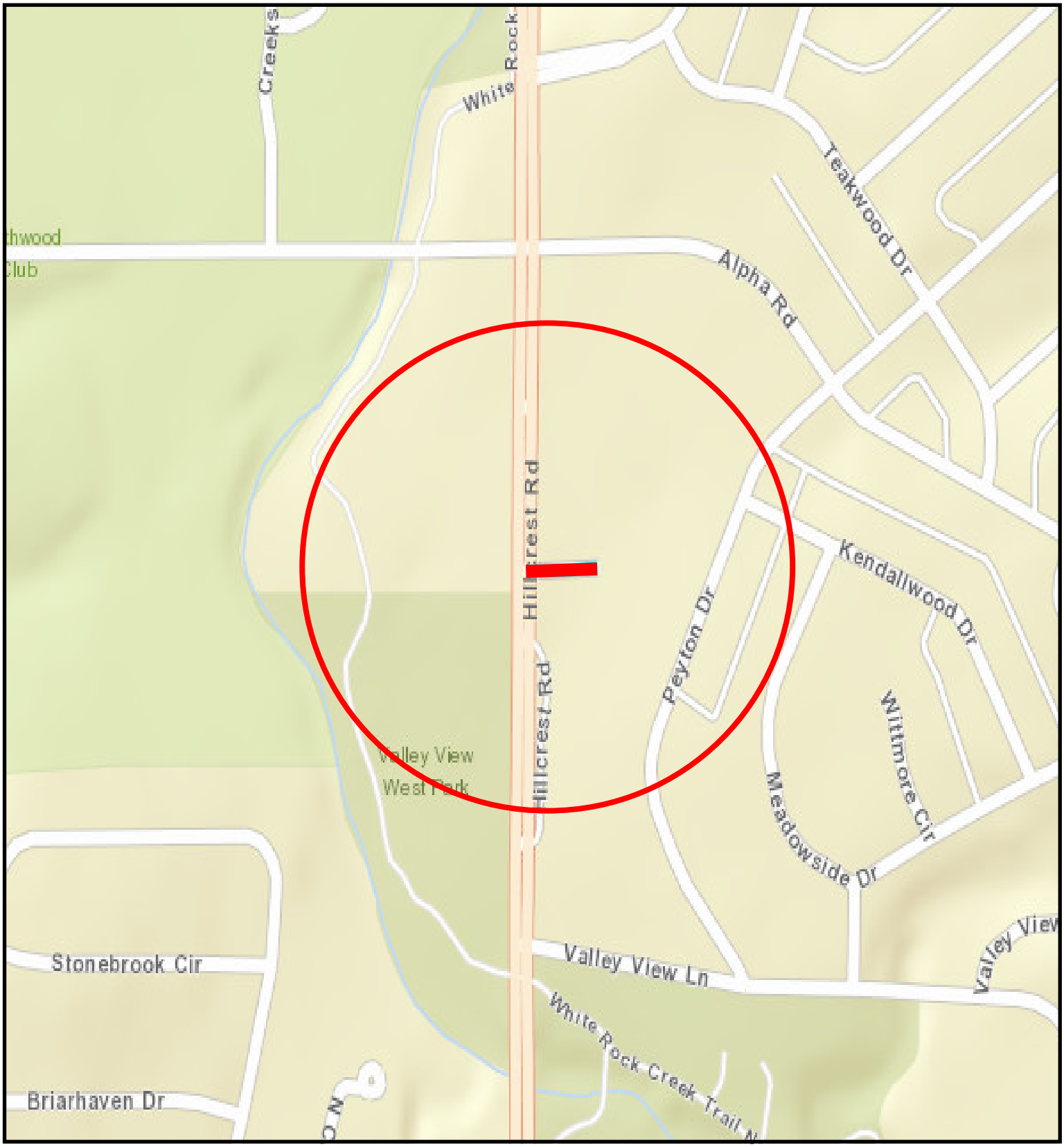
Attached

Street Reconstruction Group 17-1105

Street Reconstruction - Local Streets - Improvements

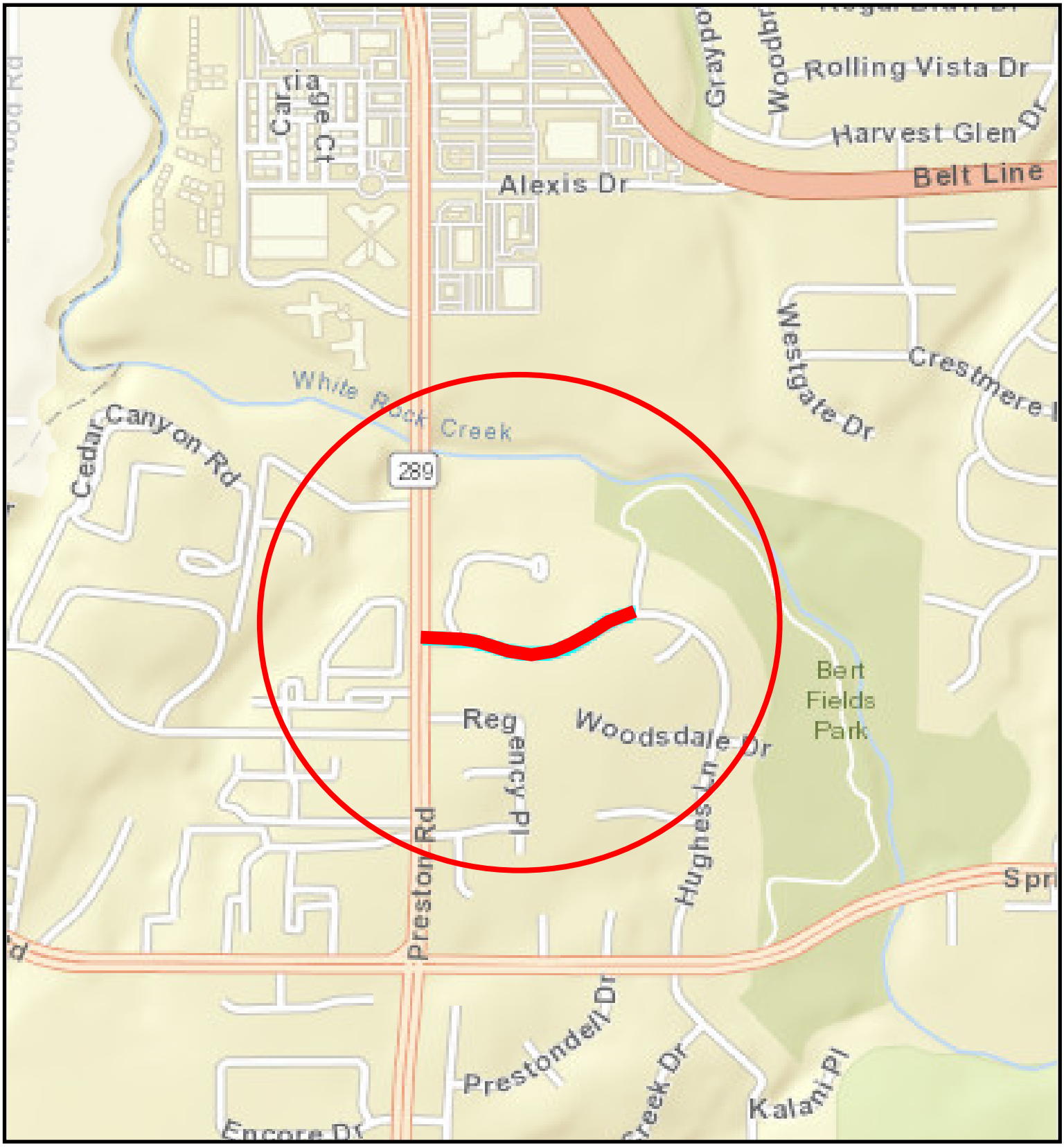
Project	Council District
Edelweiss Circle from Hillcrest Road to End of Pavement	11
Hughes Lane from Wilderness Court to Preston Road	11

STREET RECONSTRUCTION
EDELWEISS CIRCLE FROM HILLCREST ROAD TO END OF PAVEMENT



COUNCIL DISTRICT 11

STREET RECONSTRUCTION
HUGHES LANE FROM WILDERNESS COURT
TO PRESTON ROAD



COUNCIL DISTRICT 11

WHEREAS, Arredondo, Zepeda & Brunz, LLC was selected to provide engineering design for Street Reconstruction Group 17-1105.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Arredondo, Zepeda & Brunz, LLC, approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $174,170.60.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $174,170.60 in accordance with the terms and conditions of the contract:

Arredondo, Zepeda & Brunz, LLC for the engineering design of street reconstruction projects of local streets on: Edelweiss Circle from Hillcrest Road to End of Pavement; and Hughes Lane from Wilderness Court to Preston Road:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V279, Activity SREC Object 4111, Program PB17V279 Encumbrance/Contract No. CX-PBW-2019-00009645 Vendor 080851	$ 40,642.40
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V224, Activity SREC Object 4111, Program PB17V224 Encumbrance/Contract No. CX-PBW-2019-00009645 Vendor 080851	$ 95,183.20
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Object 4111, Program 719315 Encumbrance/Contract No. CX-PBW-2019-00009645 Vendor 080851	$ 19,172.50
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4111, Program 719316 Encumbrance/Contract No. CX-PBW-2019-00009645 Vendor 080851	$ 19,172.50
Total amount not to exceed	$174,170.60

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

Agenda Information Sheet

File #: 19-262 **Item #:** 15.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with EJES, Inc. for the engineering design of Street Reconstruction Group 17-1404 (list attached to the Agenda Information Sheet) - Not to exceed $76,091.90 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($62,821.19) and Water Utilities Capital Improvement Funds ($13,270.71)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, EJES, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with EJES, Inc. for the engineering design of three street reconstruction of local streets projects as Street Reconstruction Group 17-1404. The street reconstruction projects will include replacing the existing deteriorating streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, storm drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

Project	Council District	Amount
Adair Street from Cobb Street to 500 Feet North of Cobb Street	14	$13,524.56
Cobb Street from Cobb Street to Adair Street	14	$11,096.15

San Jacinto Street from North Pearl Street to Crockett Street	14	$51,471.19

ESTIMATED SCHEDULE OF PROJECT

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $62,821.19
Water Utilities Capital Improvement Funds - $13,270.71

Estimated Future Cost - Construction - $652,089.32

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$76,091.90	Architectural & Engineering	25.66%	100.00%	$76,091.90
• This contract exceeds the M/WBE goal.				

OWNER

EJES, Inc.

Edwin B. Jones, P.E., Chief Executive Officer/President

MAPS

Attached

Street Reconstruction Group 17-1404

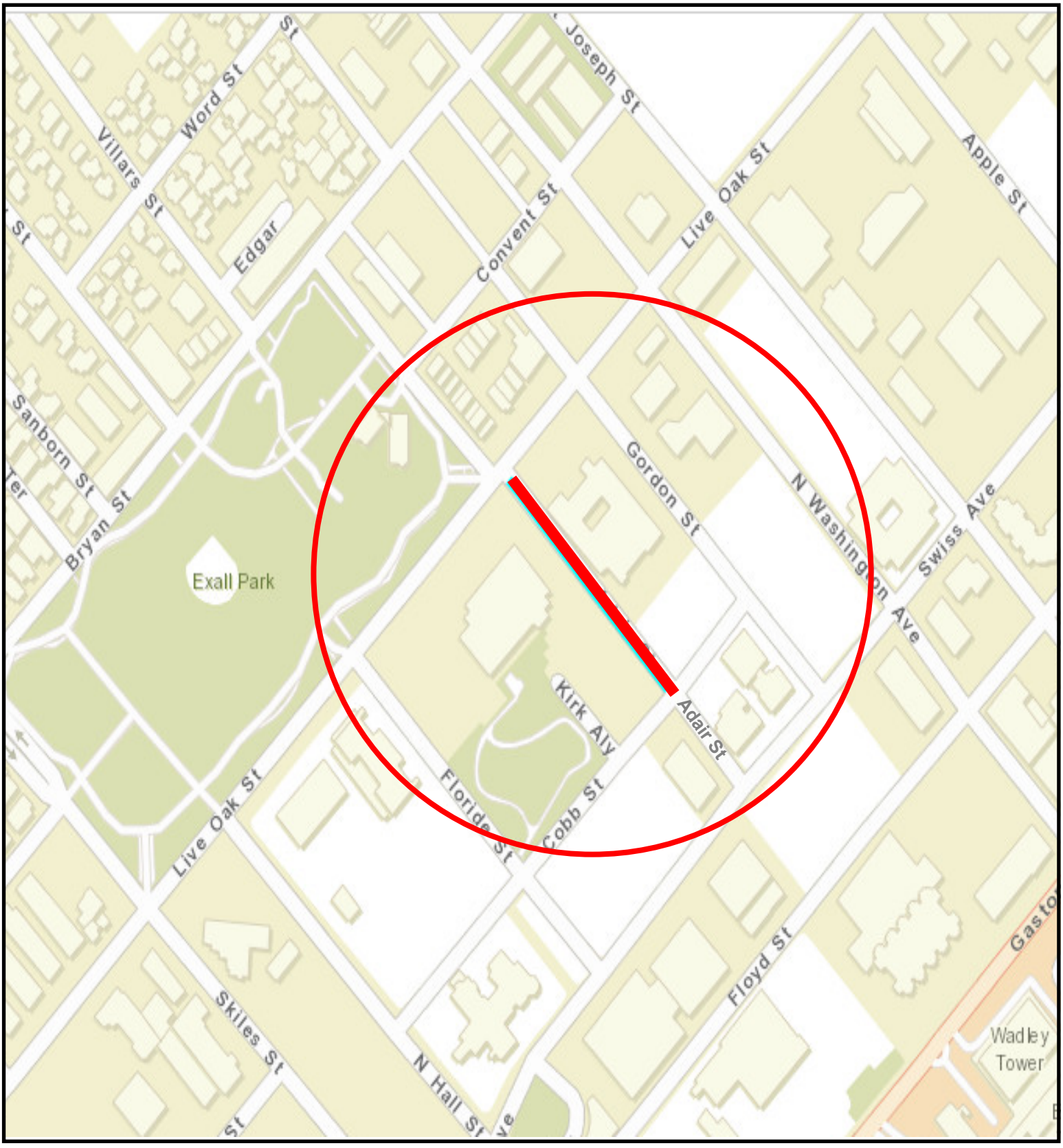
Street Reconstruction – Local Streets - Improvements

Project	**Council District**
Adair Street from Cobb Street to 500 feet North of Cobb Street	14
Cobb Street from Cobb Street to Adair Street	14
San Jacinto Street from North Pearl Street to Crockett Street	14

STREET RECONSTRUCTION

ADAIR STREET

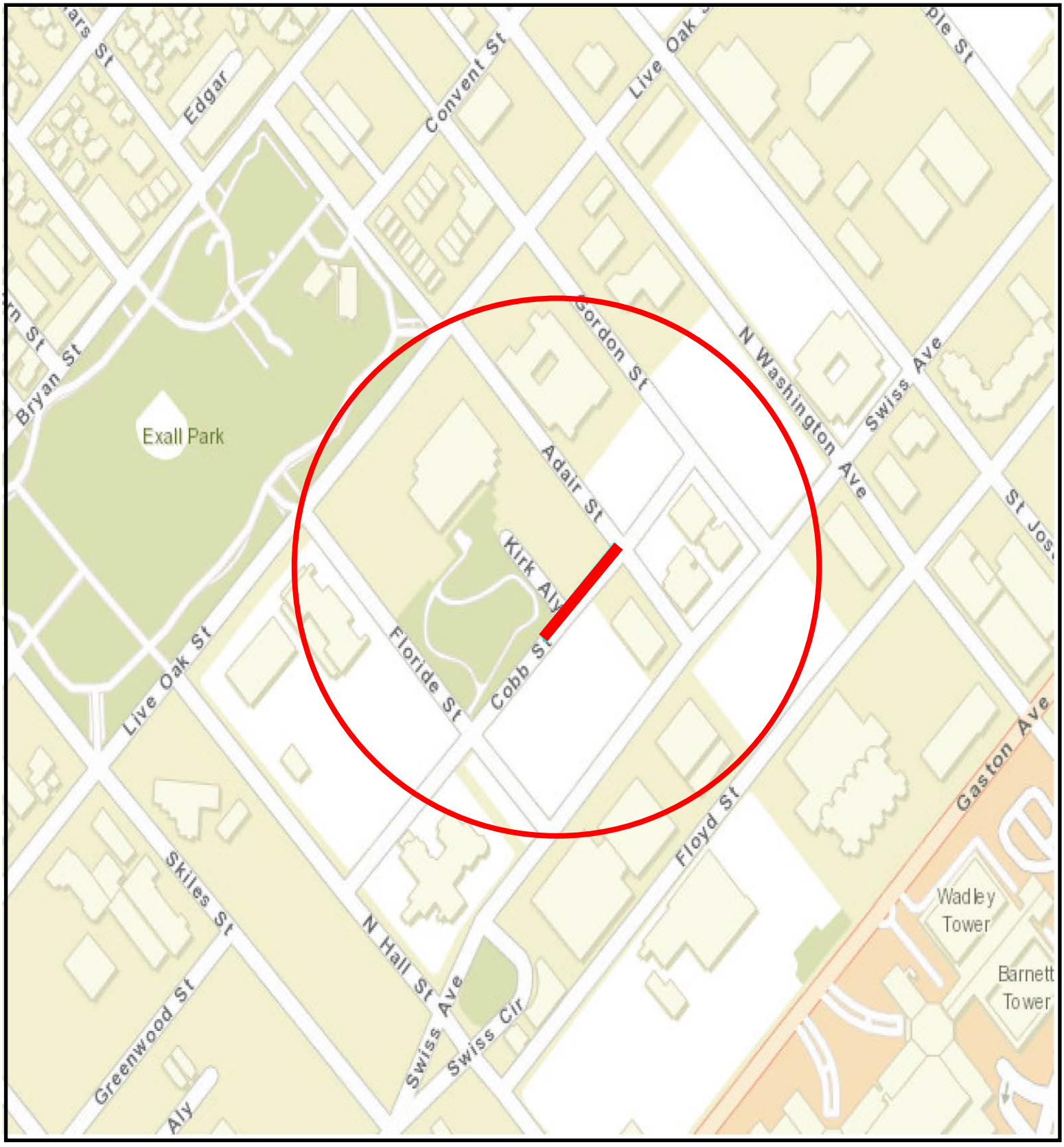
FROM COBB STREET TO 500 FEET NORTH OF COBB STREET



COUNCIL DISTRICT 14

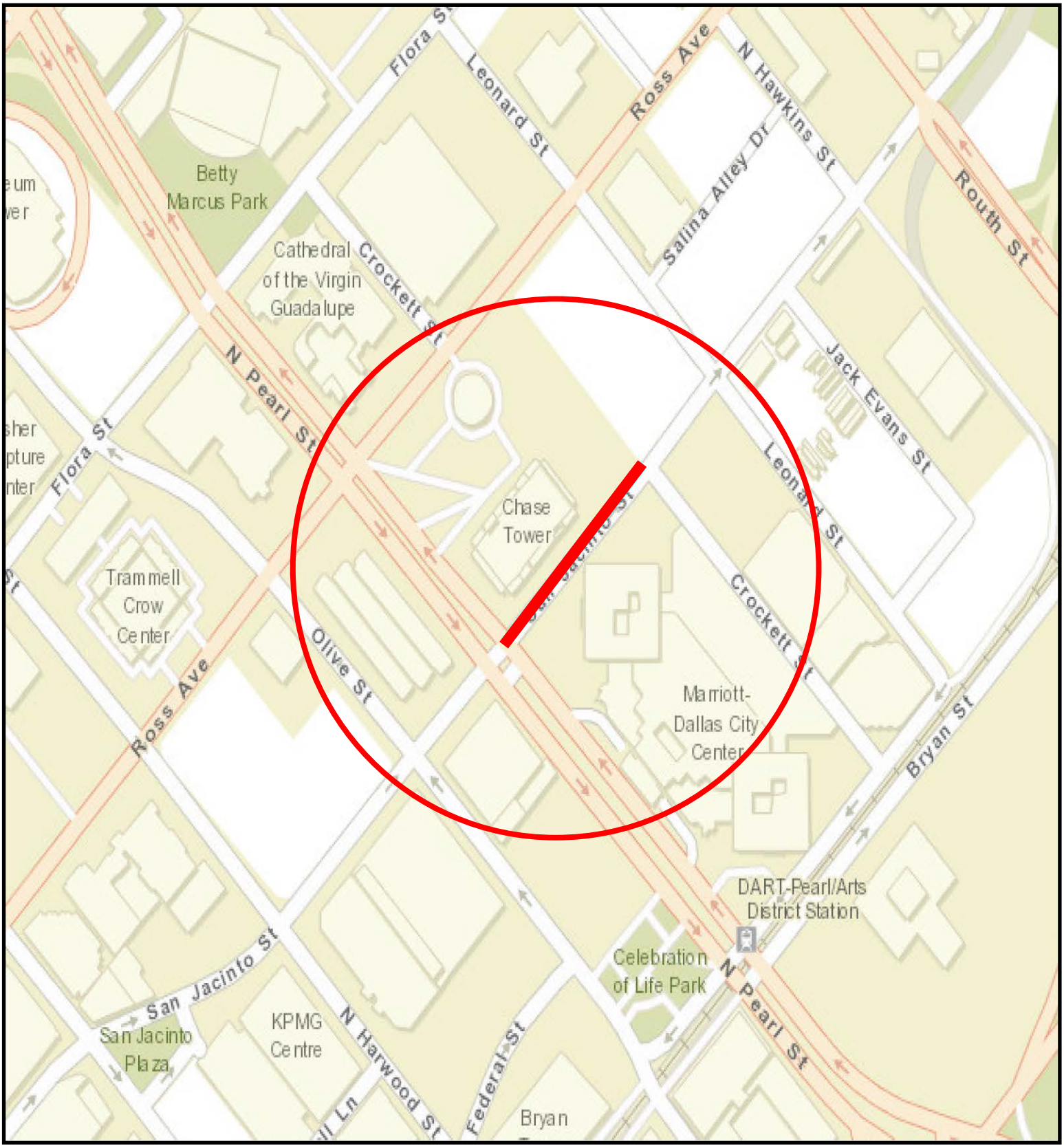
STREET RECONSTRUCTION

COBB STREET FROM COBB STREET TO ADAIR STREET



COUNCIL DISTRICT 14

STREET RECONSTRUCTION
SAN JACINTO STREET FROM NORTH PEARL STREET TO CROCKETT STREET



COUNCIL DISTRICT 14

WHEREAS, EJES, Inc. was selected to provide engineering design for Street Reconstruction Group 17-1404.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with EJES, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $76,091.90.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $76,091.90 in accordance with the terms and conditions of the contract:

EJES, Inc. for the engineering design of street reconstruction of local streets projects on: Adair Street from Cobb Street to 500 feet North of Cobb Street; Cobb Street from Cobb Street to Adair Street; and San Jacinto Street from North Pearl Street to Crockett Street:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V287, Activity SREC Object 4111, Program PB17V287 Encumbrance/Contract No. CX- PBW-2019-00008711 Vendor 505524	$ 6,435.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V288, Activity SREC Object 4111, Program PB17V288 Encumbrance/Contract No. CX-PBW-2019-00008711 Vendor 505524	$ 4,915.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V291, Activity SREC Object 4111, Program PB17V291 Encumbrance/Contract No. CX-PBW-2019-00008711 Vendor 505524	$ 51,471.19
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Object 4111, Program 719093 Encumbrance/Contract No. CX-PBW-2019-00008711 Vendor 505524	$ 4,962.69

SECTION 2. (continued)

Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4111, Program 719094 Encumbrance/Contract No. CX-PBW-2019-00008711 Vendor 505524	$ 8,308.02
Total amount not to exceed	$76,091.90

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

Agenda Information Sheet

File #: 19-257 **Item #:** 16.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with IMS Engineers, Inc. for the engineering design of Street Reconstruction Group 17-1406 (list attached to the Agenda Information Sheet) - Not to exceed $210,063.30 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($172,754.30) and Water Utilities Capital Improvement Funds ($37,309.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, IMS Engineers, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with IMS Engineers, Inc. for the engineering design of two street reconstruction of local streets projects and one street thoroughfare reconstruction project as Street Reconstruction Group 17-1406. The street reconstruction projects will include replacing the existing deteriorating streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, storm drainage system, and water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

Project	Council District	Amount
Concho Street from Richmond Avenue to Belmont Avenue	14	$49,895.70
Gilbert Avenue from Oak Lawn Avenue to Reagan Street	14	$67,385.20

Street Reconstruction - Thoroughfares - Improvements

Project	Council District	Amount
North Fitzhugh Avenue from McKinney Avenue to Cole Avenue	14	$92,782.40

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	May 2020
Begin Construction	August 2020
Complete Construction	August 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $172,754.30
Water Utilities Capital Improvement Funds - $37,309.00

Estimated Future Cost - Construction - $1,791,279.24

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$210,063.30	Architectural & Engineering	25.66%	100.00%	$210,063.30
• This contract exceeds the M/WBE goal.				

OWNER

IMS Engineers, Inc.

Tommy J. Avant, P.E., Corporate Vice President of Engineering

MAPS

Attached

Street Reconstruction Group 17-1406

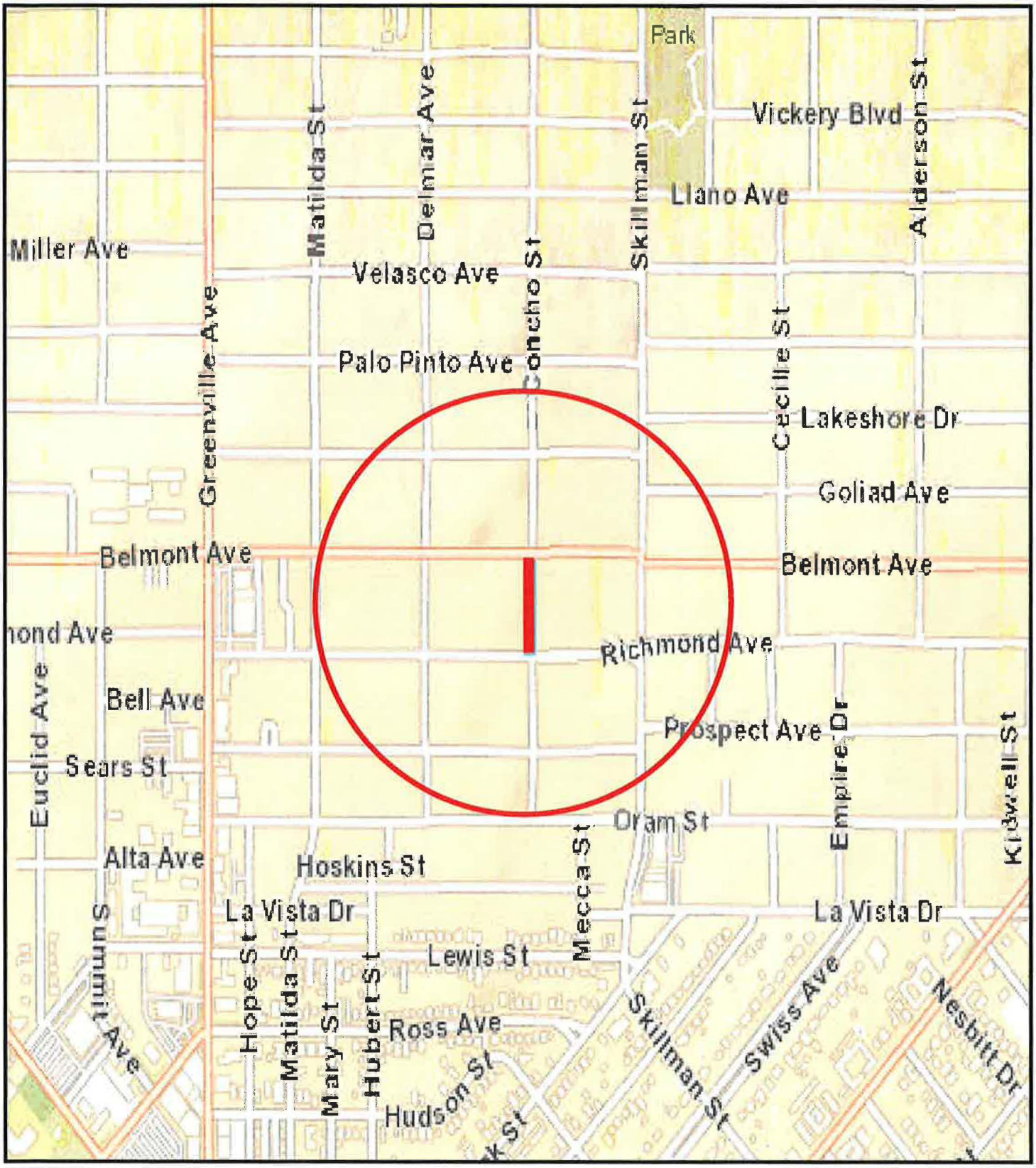
Street Reconstruction - Local Streets - Improvements

Project	Council District
Concho Street from Richmond Avenue to Belmont Avenue	14
Gilbert Avenue from Oak Lawn Avenue to Reagan Street	14

Street Reconstruction - Thoroughfares - Improvements

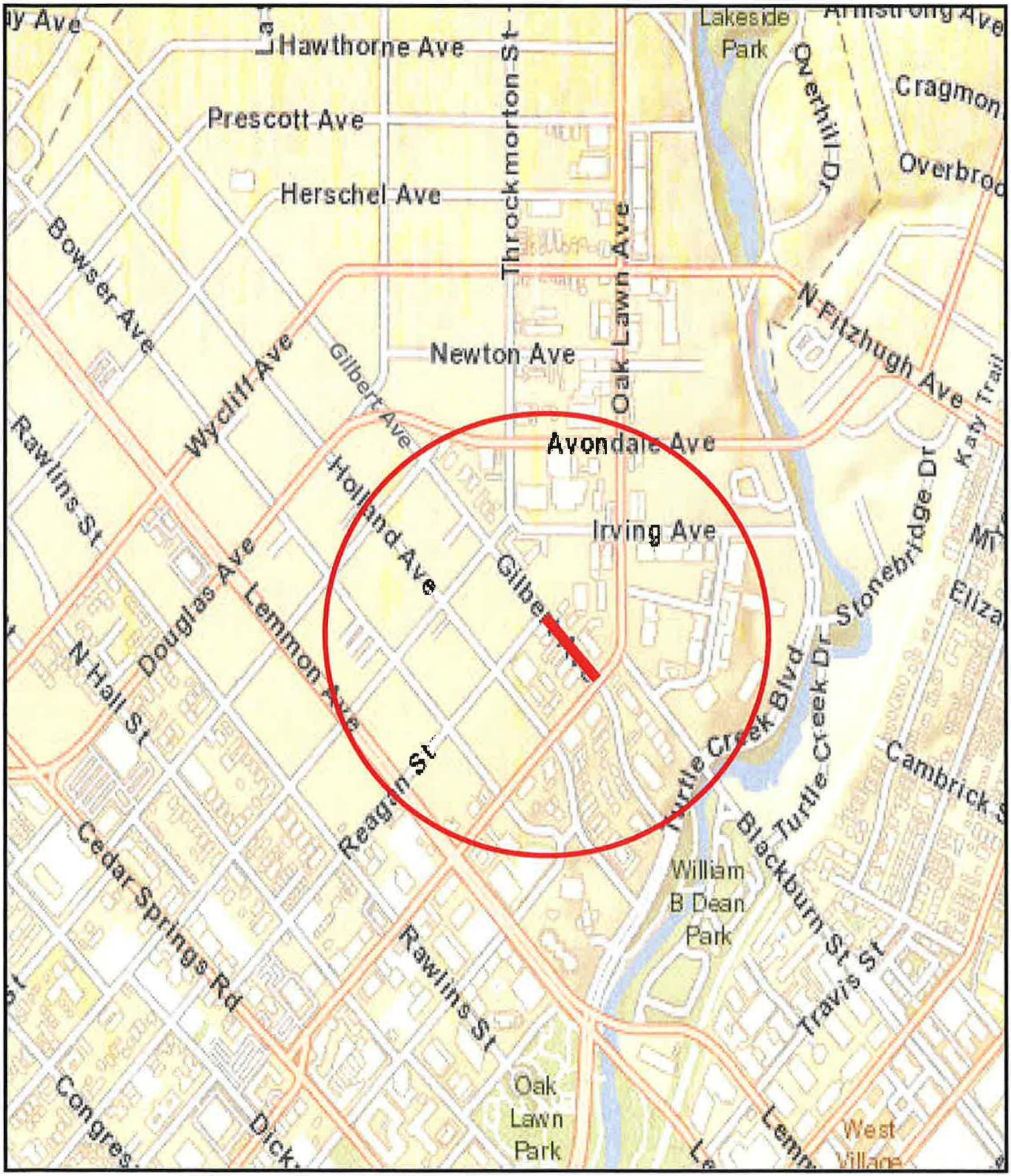
Project	Council District
North Fitzhugh Avenue from McKinney Avenue to Cole Avenue	14

STREET RECONSTRUCTION
CONCHO STREET FROM RICHMOND AVENUE
TO BELMONT AVENUE



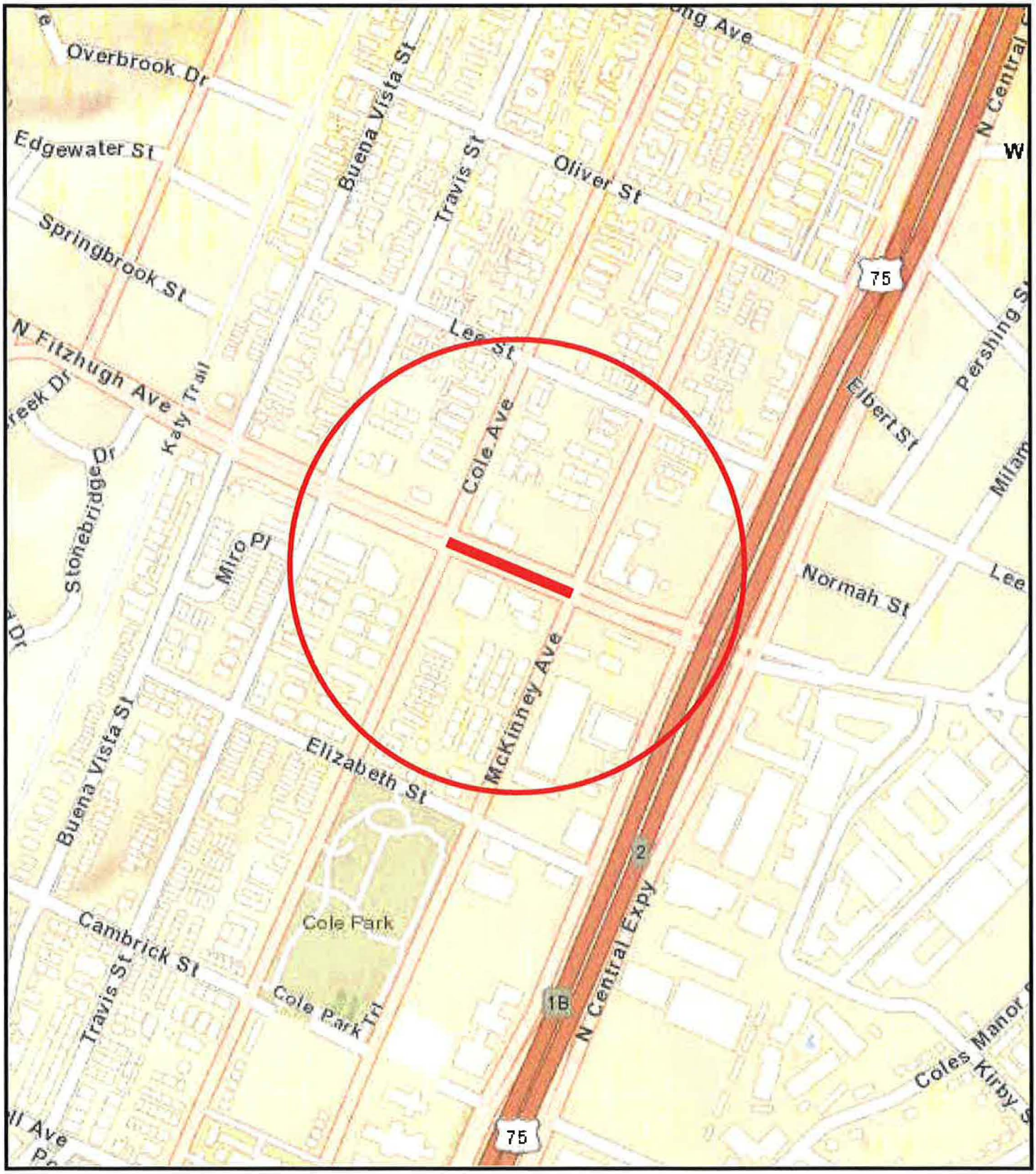
COUNCIL DISTRICT 14

STREET RECONSTRUCTION
GILBERT AVENUE FROM OAK LAWN AVENUE
TO REAGAN STREET



COUNCIL DISTRICT 14

STREET RECONSTRUCTION
NORTH FITZHUGH AVENUE
FROM MCKINNEY AVENUE TO COLE AVENUE



COUNCIL DISTRICT 14

WHEREAS, IMS Engineers, Inc. was selected to provide engineering design for Street Reconstruction Group 17-1406.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with IMS Engineers, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $210,063.30.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $210,063.30 in accordance with the terms and conditions of the contract:

IMS Engineers, Inc. for the engineering design of two street reconstruction of local streets projects and one street thoroughfare reconstruction project on: Concho Street from Richmond Avenue to Belmont Avenue; Gilbert Avenue from Oak Lawn Avenue to Reagan Street; and North Fitzhugh Avenue from McKinney Avenue to Cole Avenue:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V289, Activity SREC Object 4111, Program PB17V289 Encumbrance/Contract No. CX-PBW-2019-00008728 Vendor VS95300	$ 49,895.70
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V290, Activity SREC Object 4111, Program PB17V290 Encumbrance/Contract No. CX-PBW-2019-00008728 Vendor VS95300	$ 48,635.70
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V299, Activity SREC Object 4111, Program PB17V299 Encumbrance/Contract No. CX-PBW-2019-00008728 Vendor VS95300	$ 74,222.90
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Object 4111, Program 719095 Encumbrance/Contract No. CX-PBW-2019-00008728 Vendor VS95300	$ 26,116.30

SECTION 2. (continued)

Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4111, Program 719096 Encumbrance/Contract No. CX-PBW-2019-00008728 Vendor VS95300	$ 11,192.70
Total amount not to exceed	$210,063.30

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

Agenda Information Sheet

File #: 19-389 **Item #:** 17.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 3

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a design-build services contract with Harrison, Walker & Harper, L.P. for the design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of the new replacement Fire Station Number 46 to be located at 331 East Camp Wisdom Road - Not to exceed $616,065.00 - Financing: Public Safety (G) Fund (2017 Bond Funds)

BACKGROUND

Harrison, Walker & Harper, L.P. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will approve professional services fees for design in the amount of $591,065.00 and pre-construction services for $25,000.00. The design will include architectural, and engineering design, including schematic design, design development, construction documents and construction administration for design services and bidding and earlystart construction items for pre-construction services. These fees are based on a total guaranteed maximum price for the project of $6,000,000.00.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	April 2019
Complete Design	November 2019
Begin Construction	February 2020
Complete Construction	April 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Public Safety (G) Fund (2017 Bond Funds) - $616,065.00

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$616,065.00	Architectural & Engineering	25.66%	77.78%	$479,165.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

Four proposals were received from solicitation number CIZ1756 on December 21, 2018. The following proposers were interviewed and ranked on January 17, 2019.

*Denotes successful proposer

Proposers	Total Score	Rank
*Harrison, Walker & Harper, L.P. /GSR Andrade Architects 2510 South Church Street Paris, Texas 75460	288	1
CORE Construction/BRW Architects	271	2
CORE Construction/PSC Architects	256	3
Big Sky Construction/McAfee 3 Architects	249	4

OWNER

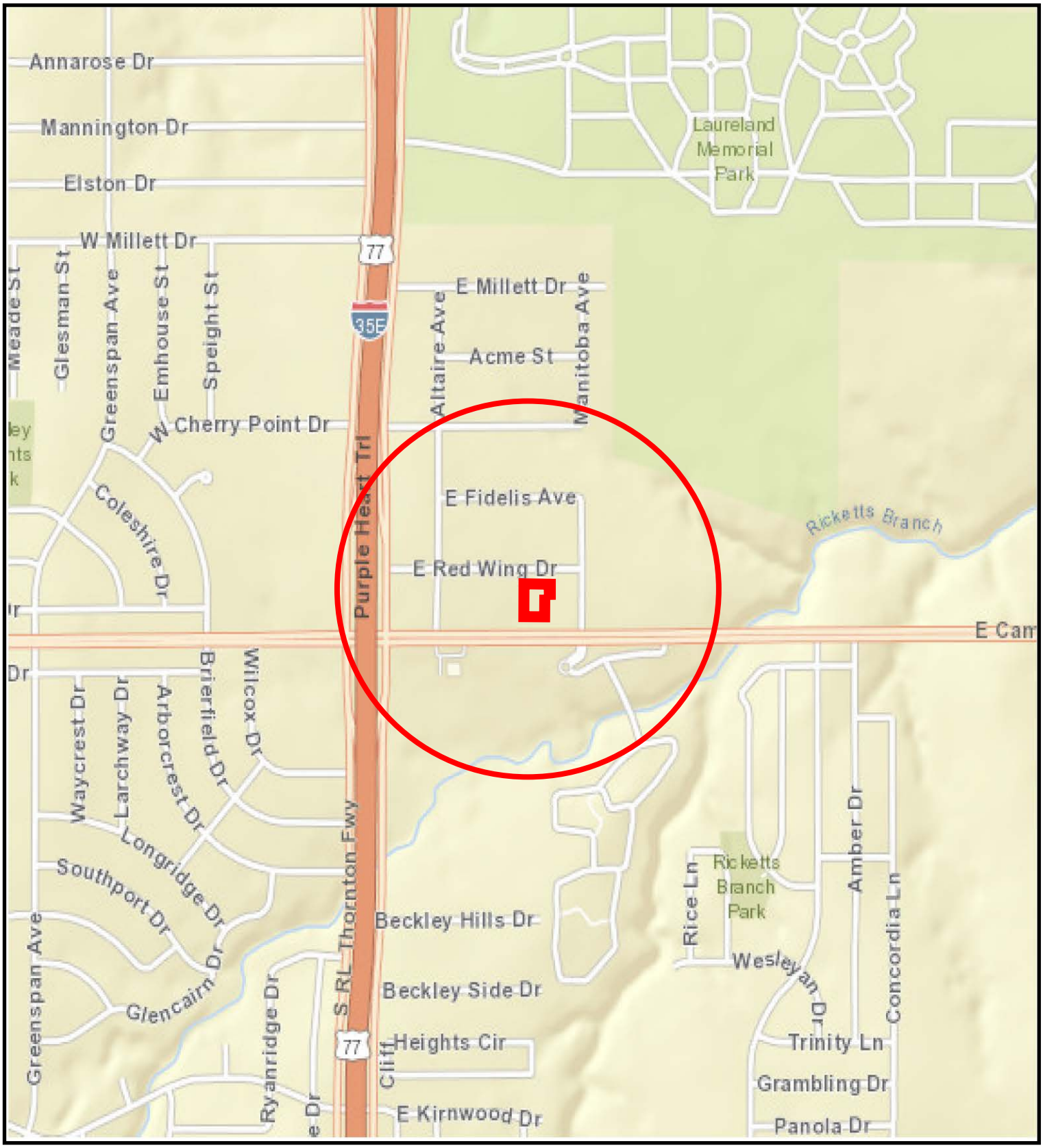
Harrison, Walker & Harper, L.P.

Holland Harper, President
Jordon Harper, Chief Executive Officer

MAP

Attached

NEW REPLACEMENT FIRE STATION NUMBER 46 FACILITY
331 EAST CAMP WISDOM ROAD



COUNCIL DISTRICT 3

April 10, 2019

WHEREAS, in the 2017 Bond Program, the citizens of Dallas approved funding for design and construction of a new fire station facility to replace the existing Fire Station Number 46 located at 331 East Camp Wisdom Road; and

WHEREAS, it was determined that the best procurement method to meet the schedule for the new replacement Fire Station Number 46 would be the design-build process; and

WHEREAS, on January 17, 2019, at the conclusion of a selection process conducted by City staff, Harrison, Walker & Harper, L.P. was selected as the most qualified, proposer of four to provide design-build services for this project; and

WHEREAS, it is now desirable to authorize a design-build services contract with Harrison, Walker & Harper, L.P. for design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of the new replacement Fire Station Number 46 facility to be located at 331 East Camp Wisdom Road, in an amount not to exceed $616,065.00.

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 design-build services contract with Harrison, Walker & Harper, L.P., approved as to form by the City Attorney, for the design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of the new replacement Fire Station Number 46 facility to be located at 331 East Camp Wisdom Road, in an amount not to exceed $616,065.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $616,065.00 to Harrison, Walker & Harper, L.P. in accordance with the terms and conditions of the contract from Public Safety (G) Fund, Fund 1V33, Department BSD, Unit VG02, Activity FIRF, Object 4112, Program EB17VG02, Encumbrance/Contract No. PBW-2019-00009460, Vendor 513339.

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

Agenda Information Sheet

File #: 19-322 **Item #:** 18.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract to provide construction services for the 2019 Slurry Seal and Polymer Modified Micro-Surfacing Contract - Viking Construction, Inc., lowest responsible bidder of two - Not to exceed $15,139,688.70 - Financing: General Fund ($10,175,000.00) and Resurfacing and Reconstruction Improvements Fund ($4,964,688.70) (subject to annual appropriations)

BACKGROUND

This action will authorize a construction contract with Viking Construction, Inc., lowest responsible bidder of two, to provide construction services for the 2019 Slurry Seal and Polymer Modified Micro-Surfacing Contract.

This project provides for construction services scheduled for Fiscal Year 2019. Bid specifications were developed and publicly advertised on January 9 and January 16, 2019 for competitive bids associated with the 2019 Slurry Seal and Polymer Modified Micro-Surfacing Contract.

The following chart illustrates Viking Construction, Inc.'s contractual activities with the City of Dallas for the past three years:

	PBW	DWU	PKR
Projects Completed	1	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

Begin Construction	April 2019
Complete Construction	September 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Year 1	Year 2
General Fund $4,977,000.00	General Fund $5,198,000.00 (subject to annual appropriations)
Resurfacing and Reconstruction Improvements Fund $3,052,421.00	Resurfacing and Reconstruction Improvements Fund $1,912,267.70 (subject to annual appropriations)
Total $8,029,421.00	Total $7,110,267.70

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$15,139,688.70	Construction	25.00%	10.19%	$1,542,765.05
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

The following bids with quotes were opened on February 8, 2019:

*Denotes successful bidder

Bidders	Bid Amount
*Viking Construction, Inc. 2592 Shell Road Georgetown, Texas 78628	$15,139,688.70
Intermountain Slurry Seal, Inc.	$16,547,207.00

OWNER

Viking Construction, Inc.

Brad J. Pearce, Vice President

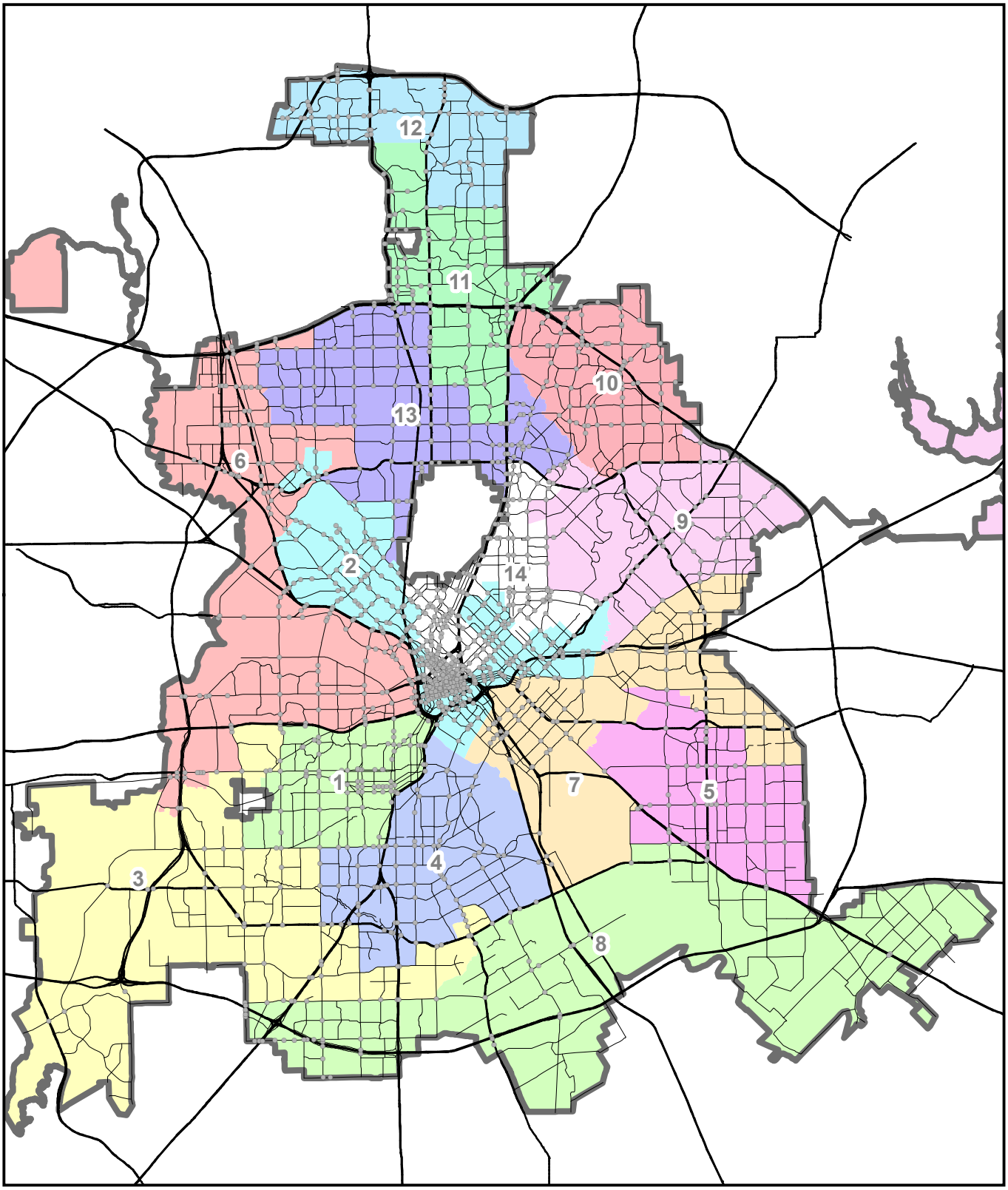
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MAP

Attached

powered by Legistar™

2019 Slurry Seal and Polymer Modified Micro-Surfacing Contract



WHEREAS, it became necessary to supplement City Forces for Slurry Seal and Polymer Modified Micro-Surfacing improvements throughout the City; and

WHEREAS, bid specifications were developed and publicly advertised for competitive bids associated with the 2019 Slurry Seal and Polymer Modified Micro-Surfacing Contract; and

WHEREAS, bids were received on February 8, 2019, for the 2019 Slurry Seal and Polymer Modified Micro-Surfacing Contract; and

WHEREAS, the two bids were received for the construction of the 2019 Slurry Seal and Polymer Modified Micro-Surfacing Contract as follows:

Bidders	**Bid Amount**
Viking Construction, Inc.	$15,139,688.70
Intermountain Slurry Seal, Inc.	$16,547,207.00

WHEREAS, it is now desirable to authorize a construction contract with Viking Construction, Inc., lowest responsible bidder of two, to provide construction services for the 2019 Slurry Seal and Polymer Modified Micro-Surfacing Contract, in an amount not to exceed $15,139,688.70.

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 contract with Viking Construction, Inc., approved as to form by the City Attorney, to provide construction services for the 2019 Slurry Seal and Polymer Modified Micro-Surfacing Project, in an amount not to exceed $15,139,688.70.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $15,139,688.70 (subject to annual appropriations) to Viking Construction, Inc., as follows:

General Fund
Fund 0001, Department PBW, Unit 3008, Activity PB51
Object 3072, Program Various
Encumbrance MASC/Contract No. PBW-2019-00009531
Vendor 340268 $ 4,977,000.00
(FY 2018-19)

SECTION 2. (continued)

General Fund Fund 0001, Department PBW, Unit 3008, Activity PB51 Object 3072, Program Various Encumbrance MASC/Contract No. PBW-2019-00009531 Vendor 340268	$ 5,198,000.00 (FY 2019-20)
Resurfacing and Reconstruction Improvements Fund Fund 0717, Department PBW, Unit W186, Activity PB51 Object 3072, Program Various Encumbrance MASC/Contract No. PBW-2019-00009531 Vendor 340268	$ 4,964,688.70
Total amount not to exceed	$15,139,688.70

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

Agenda Information Sheet

File #: 19-383 **Item #:** 19.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize an increase in the construction services contract with E-MC Electrical, Inc. for additional fire alarm installation and equipment at Dallas City Hall located at 1500 Marilla Street - Not to exceed $113,966.75, from $2,075,000.00 to $2,188,966.75 - Financing: City Hall, City Service and Maintenance Facilities Fund (2006 Bond Funds)

BACKGROUND

On April 26, 2017, City Council authorized a construction services contract with E-MC Electrical, Inc. for the removal of the existing fire alarm system and the installation of a new fire alarm system at Dallas City Hall.

Dallas City Hall had undergone multiple internal space remodels after completion of the bid set completed by the consulting engineer, resulting in plan revisions and submissions to the Fire Marshal for review and approval of these changes. These internal space remodels required additional fire alarm devices and installation costs to the project in order to meet fire code.

This action will authorize Change Order No. 1 to the construction services contract with E-MC Electrical, Inc. for the Fire Alarm installation at Dallas City Hall located at 1500 Marilla Street, in an amount not to exceed $113,966.75.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	April 2019
Complete Construction	June 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 26, 2017, City Council authorized a construction services contract with E-MC Electrical, Inc. for the removal and replacement of the Fire Alarm at Dallas City Hall by Resolution No. 17-0685.

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

City Hall, City Service and Maintenance Facilities Fund (2006 Bond Funds) - $113,966.75

Construction Amount	$2,075,000.00
Change Order No. 1 (this action)	$ 113,966.75
Total	$2,188,966.75

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$113,966.75	Construction	25.00%	38.00%	$43,307.36
• This contract exceeds the M/WBE goal.				
• Change Order No. 1 - 25.00% Overall M/WBE participation				

OWNER

E-MC Electrical, Inc.

Spencer McDonald, Chief Financial Officer

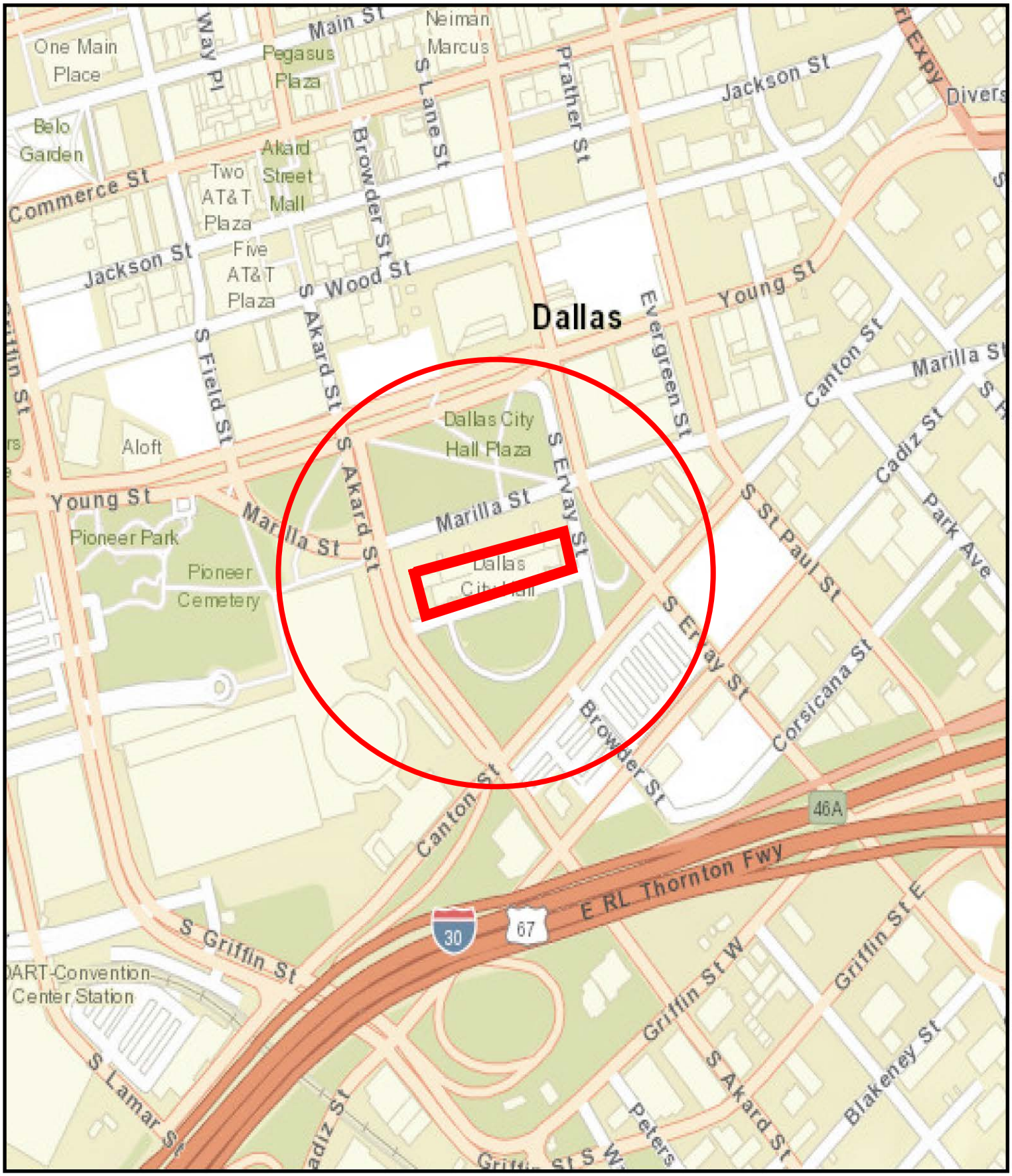
MAP

Attached

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FIRE ALARM INSTALLATION

1500 MARILLA STREET - DALLAS CITY HALL



COUNCIL DISTRICT 2

April 10, 2019

WHEREAS, on April 26, 2017, City Council authorized a construction services contract with E-MC Electrical, Inc. for the removal of the existing fire alarm system and the installation of a new fire alarm system at Dallas City Hall, in an amount not to exceed $2,075,000.00, by Resolution No. 17-0685; and

WHEREAS, Dallas City Hall had undergone multiple internal space remodels after completion of the bid set completed by the consulting engineer, resulting in plan revisions and submissions to the Fire Marshal for review and approval of these changes. These internal space remodels required additional fire alarm devices and installation costs to the project in order to meet fire code; and

WHEREAS, it is now desirable to authorize Change Order No. 1 to the construction services contract with E-MC Electrical, Inc. for additional fire alarm installation and equipment at Dallas City Hall located at 1500 Marilla Street, in an amount not to exceed $113,966.75, increasing the contract amount from $2,075,000.00 to $2,188,966.75.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with E-MC Electrical, Inc. (Change Order No. 1) is authorized for additional fire alarm installation and equipment at Dallas City Hall located at 1500 Marilla Street, in an amount not to exceed $113,966.75, increasing the contract amount from $2,075,000.00 to $2,188,966.75.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $113,966.75. to E-MC Electrical, Inc. in accordance with the terms and conditions of the Dallas City Hall contract from the City Hall, City Service and Maintenance Facilities Fund, Fund 8T60, Department BSD, Unit T738, Activity EB01, Object 4310, Program EBS06T738, Encumbrance EBS06T738CTG01, Vendor VS91582.

SECTION 3. That this contract is designated as Contract No. EBS-2017-00001754.

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

Agenda Information Sheet

File #: 19-127 **Item #:** 20.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize an increase in the construction services contract with Camino Construction, L.P. to relocate the proposed waterline in the same trench as the existing waterline in the alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane; and to adjust a wastewater manhole in the alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane - Not to exceed $305,863.42, from $2,044,928.00 to $2,350,791.42 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The 2012 Bond Program funded the design and construction of Project Group 12-3001. This project included roadway improvements on Palacios Avenue from Ottawa Road to Canada Drive, and alley improvements consisting of 10-foot wide concrete pavement, drainage improvements and water main improvements, where needed, for the following alleys: between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane; between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane; and between Manana Drive and Park Lane from Larga Drive to Marsh Lane.

On February 22, 2017, City Council authorized a construction contract with Camino Construction, L.P. by Resolution No. 17-0432.

This action will authorize Change Order No. 1 to the construction services contract with Camino Construction, L.P., in an amount not to exceed $305,863.42, from $2,044,928.00 to $2,350,791.42, to relocate the proposed waterline in the same trench as the existing waterline in the alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane; and to adjust a wastewater manhole in the alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane. The original location of the proposed waterline is not possible since the franchise utilities were unable to obtain the required aerial easements from the adjoining property owners needed for the waterline installation as shown in the plans.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2014
Completed Design	October 2016
Began Construction	June 2017
Complete Construction	September 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 22, 2014, City Council authorized a professional services contract with BDS Technologies, Inc. for the engineering design of seven alley petition projects and two street petition projects by Resolution No. 14-0190.

On January 11, 2017, City Council authorized street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3001; 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 a benefit assessment hearing to be held on February 22, 2017, to receive comments by Resolution No. 17-0080.

On February 22, 2017, City Council held a benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements, and alley paving for Project Group 12-3001; and authorized a construction contract with Camino Construction, L.P., for the construction of street and alley paving, storm drainage, and water and wastewater main improvements for Project Group 12-3001, by Resolution No. 17-0432.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $305,863.42

Design Contract	
Design (PBW)	$ 109,355.50
Design (DWU)	$ 49,620.00
Total	$ 158,975.50
Construction Contract	
Paving & Drainage (PBW)	$1,254,801.00
Water & Wastewater (DWU)	$ 790,127.00
Change Order No. 1 (this action) (DWU)	$ 305,863.42
Total	$2,350,791.42
Total Project Cost	$2,509,766.92

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M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$305,863.42	Architectural & Engineering	25.66%	3.12%	$9,539.54
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Change Order No. 1 - 70.78% Overall M/WBE participation				

OWNER

Camino Construction, L.P.

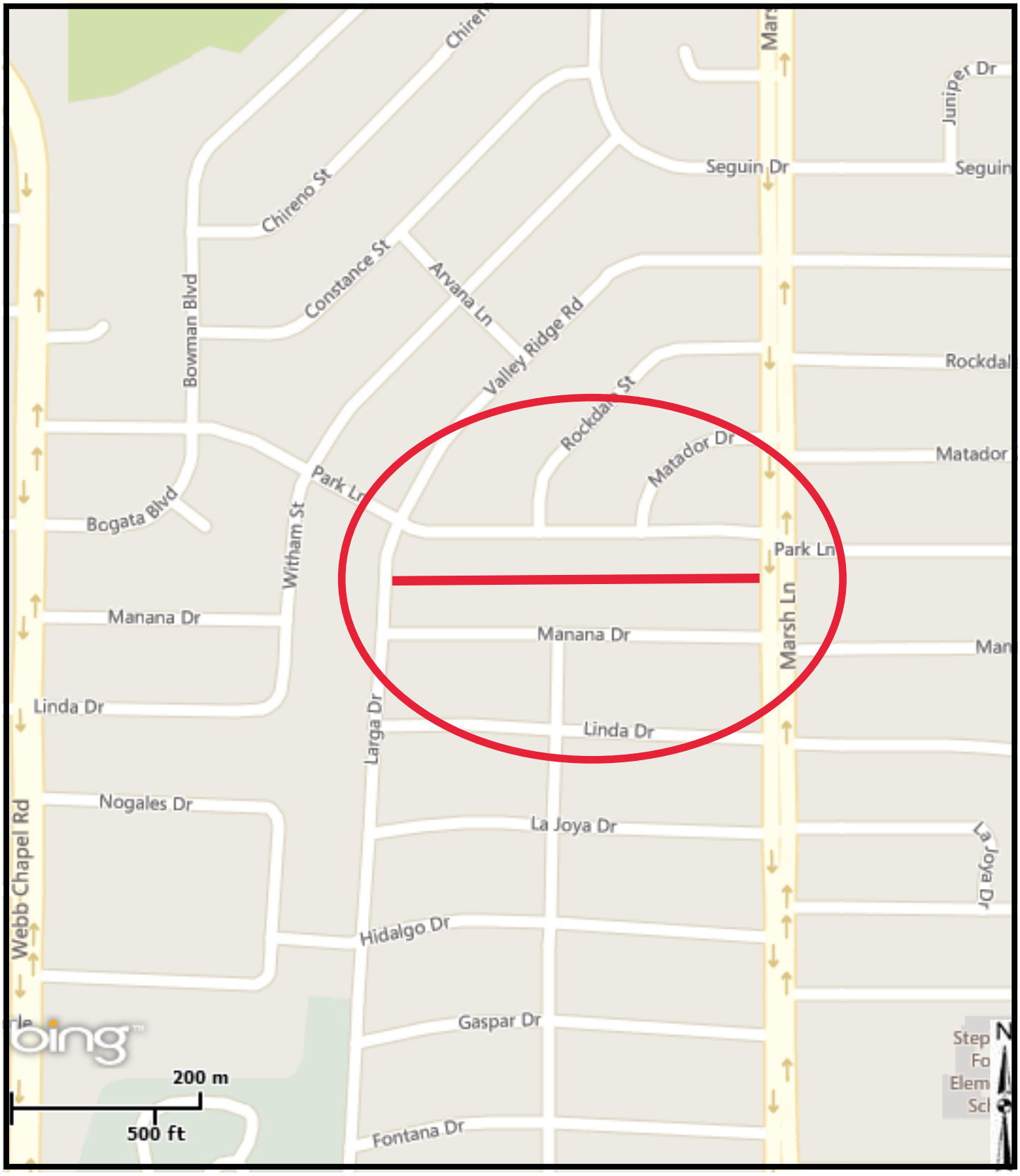
Roy Ayala, General Manager

MAPS

Attached

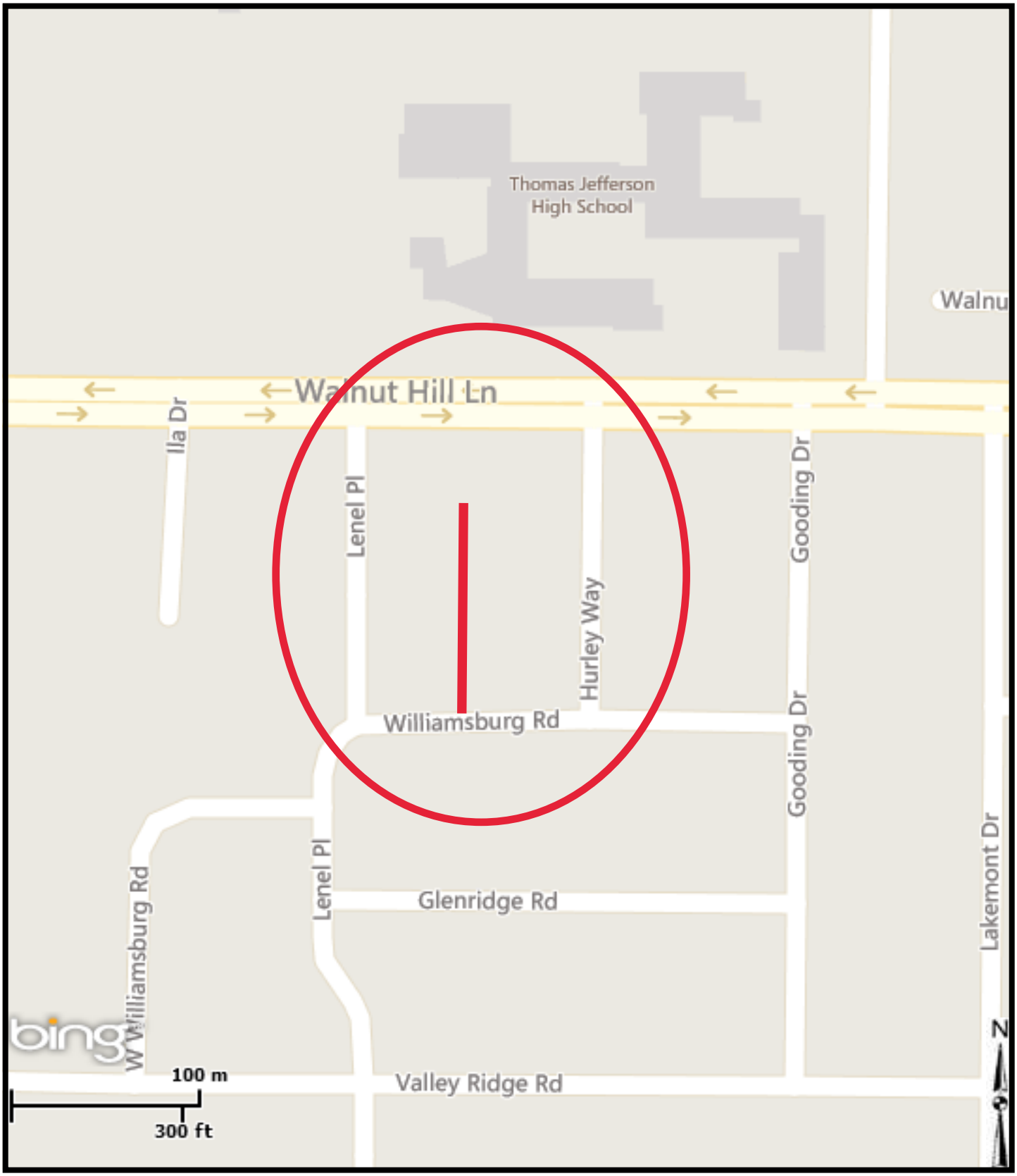
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ALLEY PETITION
ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE TO MARSH LANE



COUNCIL DISTRICT 6

ALLEY PETITION
ALLEY BETWEEN HURLEY WAY AND LENEL PLACE FROM WILLIAMSBURG ROAD TO "T" ALLEY SOUTH OF WALNUT HILL LANE



COUNCIL DISTRICT 6

April 10, 2019

WHEREAS, on January 22, 2014, City Council authorized a professional services contract with BDS Technologies, Inc. for the design of alley petition projects on alleys between: Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane, Hibernia Street and McKinney Avenue from Routh Street to Boll Street, Hibernia Street and State Street from Boll Street to Worthington Street, Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane, Manana Drive and Park Lane from Larga Drive to Marsh Lane, State Street and Thomas Avenue from Routh Street to Boll Street and alley southwest and parallel to Shoreview Road from Forest Trail to Nimrod Trail; and design of street petition projects on Palacios Avenue from Ottawa Road to Canada Drive and Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street, in an amount not to exceed $284,658.75, by Resolution No. 14-0190; and

WHEREAS, on January 11, 2017, City Council authorized street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3001; 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 a benefit assessment hearing to be held on February 22, 2017, to receive comments by Resolution No. 17-0080; and

WHEREAS, on February 22, 2017, City Council held a benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements, and alley paving for Project Group 12-3001; and authorized a construction contract with Camino Construction, L.P. for the construction of street and alley paving, drainage, and water and wastewater main improvements for Project Group 12-3001, in an amount not to exceed $2,044,928.00, by Resolution No. 17-0432; and

WHEREAS, it is now necessary to authorize Change Order No. 1 to the construction services contract with Camino Construction, L.P. to relocate the proposed waterline in the same trench as the existing waterline in the alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane; and to adjust a wastewater manhole in the alley between Hurley Way and Lenel Place from Williamsburg Road to “T” alley south of Walnut Hill Lane, in an amount not to exceed $305,863.42, increasing the contract amount from $2,044,928.00 to $2,350,791.42.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with Camino Construction, L.P. (Change Order No. 1) is authorized to relocate the proposed waterline in the same trench as the existing waterline in the alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane; and to adjust a wastewater manhole in the alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane, in an amount not to exceed $305,863.42, increasing the contract amount from $2,044,928.00 to $2,350,791.42.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $305,863.42 in accordance with the terms and conditions of the contract to Camino Construction, L.P., as follows:

Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Object 4550, Program 717007 Encumbrance CT-PBW717007CP Vendor 144735	$284,818.42
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Object 3222, Program 717008 Encumbrance CT-PBW717008EN Vendor 144735	$ 21,045.00
Total amount not to exceed	$305,863.42

SECTION 3. That this contract is designated as Contract No. STS-2017-00001600.

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

Agenda Information Sheet

File #: 19-443 **Item #:** 21.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Sanitation Services

EXECUTIVE: Joey Zapata

SUBJECT

Authorize Supplemental Agreement No. 1 to the contract with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. for operation and management of the City's materials recovery facility (MRF) to **(1)** extend the primary contract term from 15 years to a period of 15 years, plus a period equal to a temporary adjusted host fee period (3 years, with two additional 1-year extension options); **(2)** allow for a temporary adjustment to a portion of the host fees for non-city single-stream recycling tonnage processed at the MRF above contractually guaranteed tons, for a period of three years, with two 1-year renewal options; and **(3)** provide for a Clean Material host fee to be applied to clean pre-segregated material processed at the MRF for a period of three years, with annual extension options for the term of the contract - Estimated Revenue: $2,010,000.00 (over the extended three-year term)

BACKGROUND

On September 9, 2015, the City Council approved a 15-year contract with Fomento de Construcciones y Contratas, S.A. (FCC) to design, construct, operate and manage a new $20M+ state of the art materials recovery facility (MRF) at the City's McCommas Bluff Landfill. The contract allows for conditional contract extension options from 1 to 10 years (if both parties agree). The new facility officially began operations on January 2, 2017. FCC processes the recyclable materials collected by the Sanitation Services Department with revenue sharing and at no cost to the City, even if processing costs exceeds the revenue share.

Since beginning operations, the recycling commodity markets have changed considerably. The largest importer of recycling commodities in the world, China, has established tariffs on the import of recyclables, has begun banning certain recyclable imports, and is placing tougher restrictions on importing recyclables that exceed strict contamination limits. These restrictions have created an excess of available material in the market and have caused commodity prices to tumble in the U.S. Additionally, although commodity values are declining, processing costs have increased to meet new export standards.

Although recycling commodity markets have declined in the past, current recycling commodity markets are projected to remain low for an extended period. FCC and other market analysts believe that new global markets and U.S. markets will be able to replace much of the demand for recycling commodities previously filled by China, but it could take several years for this to occur. To remain competitive during this adjustment period and stem ongoing financial loses, FCC has requested temporarily amending their contract related to a portion of the host fees paid to the City for non-City tons processed at the facility. FCC currently pays the City a $15 per ton host fee on all non-City recycling processed at the facility and FCC guarantees specific annual quantities.

FCC has requested the City consider approving a temporary host fee adjustment period of three years, with two additional 1-year extension options, if market conditions remained depressed. They have requested a variable, market-based host fee that would only be applied to non-City tons above contractually guaranteed tons. The market-based host fee could range from $3.00 to $17.50 per ton during the temporary adjustment period. FCC believes that without this amendment, they may not be able to remain competitive and retain several short-term contracts that provide host fee revenues to the City above the guaranteed tons.

FCC has also requested a modified host fee ($2.50 per ton) that would be applied to clean pre-segregated material processed at the MRF (e.g., clean cardboard that is baled and sold). Due to the current host fee requirements, FCC has not been able to pursue this market segment which could aid in offsetting facility operating costs and provide additional non-City tons above guaranteed volumes.

In consideration for the temporary host fee adjustments, FCC has agreed to extend the current 15-year contract term for an additional three years (18 years total), plus a potential for two more if extensions approved, without additional conditions or changes in base contract terms. They also agreed to guarantee host fee tons of 28,000 annually during the extended period. These guaranteed host fee tons, in addition to annual education fees paid by the contractor, will provide a value of approximately $2,010,000 to the City over the extended three-year term.

This action will authorize 1) an extension to the primary contract term from 15 years to a period of 15 years, plus a period equal to a temporary adjusted host fee period (3 years, with two additional 1-year extension options); 2) a temporary host fee adjustment period of three years, with two 1-year renewal options for non-City tons above contractually guaranteed tons; and 3) will provide for a Clean Material host fee to be applied to clean pre-segregated material processed at the MRF for period of three years, with annual extension options for the term of the contract. (See Attachment for a more detailed amendment summary.)

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 9, 2015, City Council authorized a fifteen-year contract with conditional extension options from one to ten years for the development, construction, operation and management of a materials recovery facility to process single-stream recycling material at the McCommas Bluff Landfill and a concurrent ground lease agreement for a fifteen-year lease term with conditional extension options from one to ten years with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. for approximately 15 acres of land located at 5100 Youngblood Road within the McCommas Bluff Landfill by Resolution No. 15-1650.

Information about this item was provided to the Quality of Life, Arts & Culture Committee on February 25, 2019.

FISCAL INFORMATION

Estimated Revenue: $2,010,000.00

FY2032-33 - $670,000.00
FY2033-34 - $670,000.00
FY2034-35 - $670,000.00

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$2,010,000.00	Revenue	N/A	N/A	N/A
• The Business Inclusion and Development Plan does not apply to Revenue contracts.				

OWNER

Fomento de Construcciones y Contratas, S.A. dba FCC, S.A.

Esther Alcocer Koplowitz, President
Pablo Colio Abril, Chief Executive Officer
Francisco Vincent Chulia, Secretary
Miguel Martinez Parra, Director of Administration and Finance

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Attachment
Supplemental Agreement No. 1 – FCC Recycle Processing Services Contract
Key Contract Terms

Supplemental Agreement No. 1 – changes in bold

- Material Recovery Facility Background
  - FCC Recycle Processing Services contract approved on September 9, 2015
    - FCC to design, build, operate and manage a new material recovery facility at the City's McCommas Bluff landfill
    - Land at McCommas Bluff Landfill made available for the facility
    - FCC invested over $20M in building the new facility
    - The term for the operation and management of the facility commenced on January 1, 2017 for a 15-year term (to 2032) with options to renew at mutually agreed upon terms for up to an additional 10 years.

- Host Fee on Non-City Tons ***(Supplemental Agreement No. 1 Amendments)***
  - FCC pays a $15 per ton host fee on all non-City tons processed at the facility
    - Subject to annual CPI increases
    - Year 1 guarantee of 5,000 tons *(no change)*
    - Year 2 guarantee of 10,000 tons *(no change)*
    - Year 3 guarantee of 15,000 tons *(no change)*
    - Year 4 - 15 guarantee of 28,000 tons per year *(no change)*
  - ***For a period of three years, beginning this contract year (year 3), any <u>mixed/single stream recycling</u> tons above the guaranteed host fee tons, will apply a host fee based monthly recycling commodity market conditions.***
    - ***This amendment would allow for two additional 1-year extensions based upon market conditions at the end of the 3-year period***
    - ***City Manager's approval required for annual extensions of the reduced rates***
  - ***Variable host fee rates established based on monthly blended values***
    - ***Host fee would range from $3.00 - $17.50 per ton***

Monthly Blended Value for such month (based on average monthly actual sales price)	***Applicable Host Fee for such month (Per Ton)***
$110.00 or more	***$17.50***
$105.00 - $109.99	***$15.00***
$100.00 - $104.99	***$12.50***
$95.00 - $99.99	***$10.00***
$90.00 - $94.99	***$7.50***
$85.00 - $89.99	***$5.00***
$80.00 - $84.99	***$4.00***
Below $80.00	***$3.00***

  - ***For a period of 3 years, beginning this contract year (year 3) any <u>clean pre-segregated material</u> could be processed at the facility with a Clean Material host fee of $2.50 per ton. Clean pre-segregated material (e.g., clean warehouse cardboard) is minimally processed, essentially baled and sold by FCC.***

Supplemental Agreement No. 1 –changes in bold (continued)

- ***This amendment would allow for annual renewals for processing of this new commodity for the term of the contract***
- ***City Manager's approval required for annual renewal***

- Contract Term ***(amendments)***
  - 15-year primary contract term, with concurrent ground lease
  - Extension options from 1 - 10 years. No more than 10 years total
  - At the termination of the contract, the building ownership transfers to the City. Equipment ownership is maintained by FCC
  - Estimated $22.8M in revenue over the 15-year contract term
    - Based on revenue share to City, education contribution and guaranteed host fee revenues (non-guaranteed host fee tons not included)
  - ***3-year extension of primary contract term with no changes in base contract***
    - ***FCC has agreed to guarantee 28,000 tons of non-City tons for each year of the 3-year contract extension***
      - ***Estimated additional revenue - $1.3M***
  - ***For any extension options related to processing mixed recyclables, in addition to the proposed three years, the primary contract term will be extended by an equal amount with continued guaranteed annual tons and no other base contract changes***

- Processing cost and Revenue Share *(no changes)*
  - $70.84 per ton processing fee (subject to annual CPI increases)
  - 50/50 revenue share on sale of commodities
  - If processing costs exceeds revenue share, the City does not pay

- Public Education Contribution *(no changes)*
  - FCC pays $1 per household per year (based on 250k homes) to be used for the City's outreach and education efforts **($750,000 in value over 3-year extended term).**

WHEREAS, on September 9, 2015, City Council authorized a fifteen-year contract with conditional extension options from one to ten years, not to exceed ten years, with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. ("Contractor" and "Tenant") for the development, construction, operation and management of a materials recovery facility to process single-stream recycling material at McCommas Bluff Landfill and a concurrent ground lease agreement for a fifteen-year lease term with conditional extension options of from one to ten years for approximately 15 acres of land located at 5100 Youngblood Road within the McCommas Bluff Municipal Solid Waste Landfill by Resolution No. 15-1650; and

WHEREAS, the largest importer of recycling commodities in the world, China, has established tariffs on the import of recyclables, has begun banning certain recyclable imports, and is placing tougher restrictions on importing recyclables that exceed strict contamination limits. Additionally, due to these restrictions recycling commodity market prices have fallen drastically and are projected to remain low for an extended period of time; and

WHEREAS, the current market conditions and contract Host Fee provision impact Contractor's ability to remain competitive in pursuing some non-City tons and are resulting in financial losses to the contractor which could eventually affect the long-term viability of the materials recovery facility (MRF); and

WHEREAS, Contractor believes new global markets and markets within the U.S. will be able to replace much of the demand for recycling commodities previously filled by China, and Contractor also believes it will take a few years to further develop these new facilities and markets that will eventually lead to an increase in the value of recycling commodities and stabilize these markets; and

WHEREAS, the Contractor has requested the City consider approving a temporary host fee adjustment period of 3 years, with two additional 1-year extension options, if market conditions remained depressed and they have requested a variable, market-based host fee that would only be applied to non-City tons above contractually guaranteed tons and keeps the original guaranteed host fee terms unchanged; and

WHEREAS, the Contractor has also requested a modified Clean Material host fee that would be applied to clean pre-segregated material processed at the MRF because the current host fee requirements prevent the contractor from pursuing this market segment which could aid in offsetting facility operating costs and provide additional non-City tons above guaranteed volumes; and

WHEREAS, in consideration for the City temporarily modifying the contract as set forth in this Supplemental Agreement No. 1, the Contractor has agreed to extend the primary Contract term by an amount equal to the temporarily modified contract period, will maintain guaranteed host fee tons for the extended period.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A., approved as to form by the City Attorney, to develop, construct, operate and manage a materials recovery facility at McCommas Bluff Landfill, with an estimated additional revenue amount of $2,010,000.00.

SECTION 2. That the salient terms of Supplemental Agreement No. 1 are:

- Extending the primary contract term from 15 years to a period of 15 years, plus a period equal to a temporary adjusted host fee period (3 years, with two additional 1-year extension options). No changes in the base contract terms and extending annual guaranteed host fee tons of 28,000 tons annually for the extended three-year period and any annual extensions, if approved.
- Allowing for a temporary adjustment to a portion of the host fees for non-city single-stream recycling tonnage processed at the MRF above the contractual guarantee, for a period of 3 years, with two 1-year renewal options.
- Providing for Clean Material host fee to be applied to clean pre-segregated material processed at the MRF for a period of three years, with annual extension options for the term of the contract.

SECTION 3. That the Chief Financial Officer is hereby authorized to deposit all revenues received from the Contractor in Sanitation Operation Fund, Fund 0440, Department SAN, Unit 3598, Revenue Code 7438.

SECTION 4. That this contract is designated as Contract No. SAN-2019-00009819.

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

Agenda Information Sheet

File #: 19-414 **Item #:** 22.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 4

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize **(1)** the quitclaim of 422 North Denley Drive acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale that will be sold to the highest qualified bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached to the Agenda Information Sheet) - Estimated Revenue: $30,000.00 (see Fiscal Information)

BACKGROUND

This item authorizes the quitclaim of 422 North Denley Drive that was foreclosed by the Sheriff's Department for unpaid taxes pursuant to judgments or seizure warrants from a District Court and the release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment. This property will be sold to the highest qualified bidder and will return to the tax rolls upon conveyance.

Successful bidders will be required to sign a certification stating that they are not purchasing this property on behalf of the foreclosed owners and that they have no debts owed to the City, no pending code violations, and are not chronic code violators.

This property was reviewed by the Housing and Neighborhood Revitalization Department for infill houses and is not desired for that program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Estimated Revenue: $30,000.00 (City Revenue: $3,900.00, Disbursed according to Tax Code: $26,100.00)

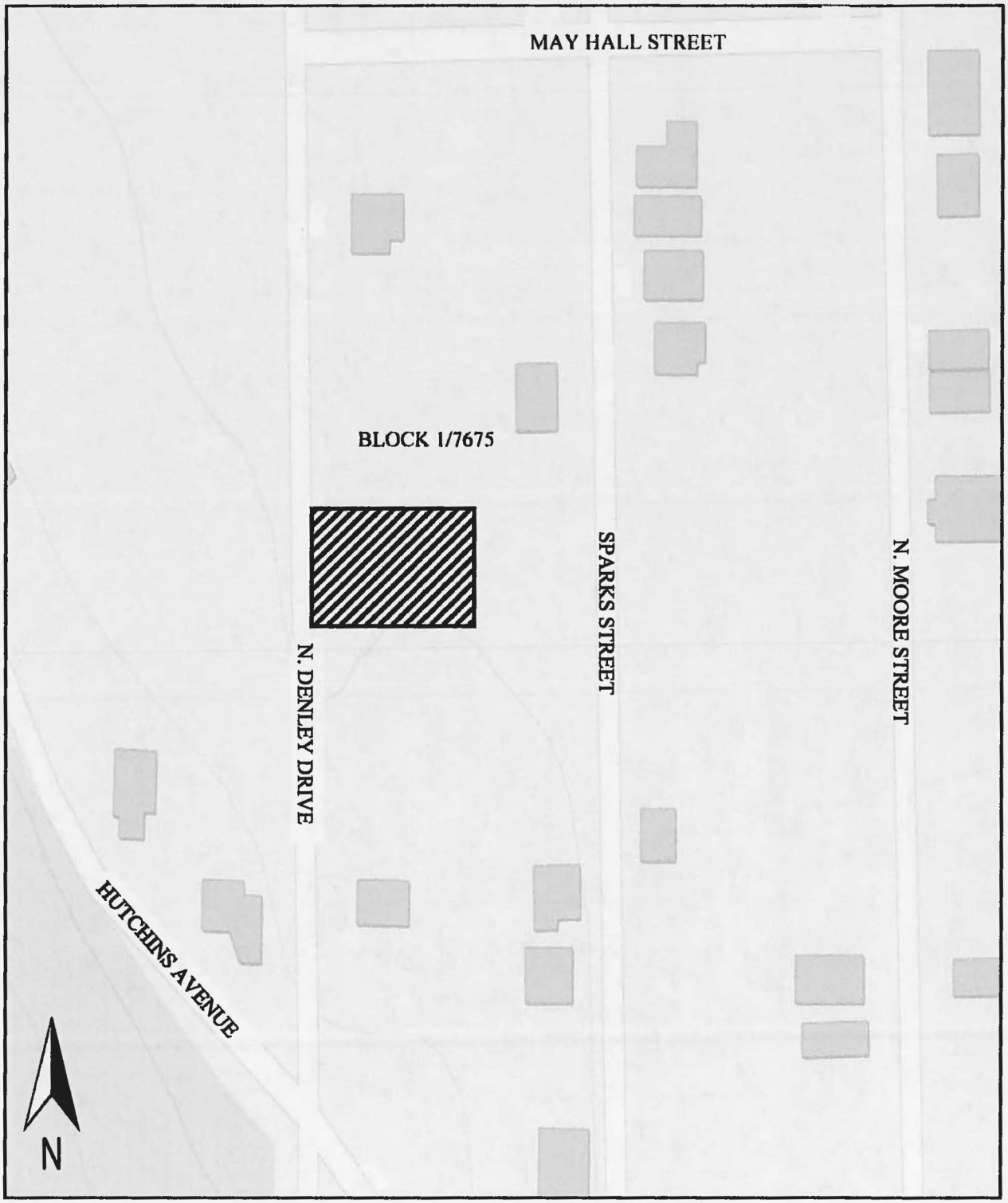
MAP

Attached

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TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
PROPERTY LIST

ITEM #	STREET ADDRESS	VAC/ IMP	COUNCIL DISTRICT	ZONING	PARCEL SIZE	STRUCKOFF AMOUNT	DCAD
1	422 N. DENLEY DRIVE	I	04	R-5(A)	.1105	$76,060.00	$76,060.00



Subject Property— 422 N. Denley Drive

WHEREAS, the City of Dallas ("City"), the State of Texas ("State"), the County of Dallas, ("County"), and/or Dallas Independent School District ("DISD") acquired a Sheriff Deed to 422 North Denley ("Property") at a sheriff tax sale ("the First Sale") authorized by a Judicial Foreclosure ("Judgment") in a District Court in Dallas County, Texas. The Sheriff's Deed was recorded in the real property records of Dallas County, Texas as described on Exhibit "A," attached herein and incorporated by reference; and

WHEREAS, pursuant to the Texas Attorney General Opinion No. JM-1232 and Section 34.05(a) of the Texas Property Tax Code, the City may re-sell the Property ("the Second Sale") subject to any right of redemption existing at the time of the Second Sale; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Texas Property Tax Code, a taxing entity is authorized to re-sell the Property ("the Second Sale"); and

WHEREAS, by accepting its pro rata proceeds from the Second Sale, the State agrees to the transfer of the Property in which it has an interest; and

WHEREAS, the City Manager, acting on behalf of the County pursuant to a County Commissioner's Court Order, and acting on behalf of DISD pursuant to a School Board Resolution have the authority to execute the Quitclaim Deed to the purchaser of the Property at the Second Sale, and transfer any rights, title, or interests acquired or held by each taxing entity that was a party to the Judgment at the First Sale; and

WHEREAS, the Property will be advertised in the Dallas Morning News to be offered for re-sale; and

WHEREAS, the City Council has previously approved the re-sale of other Properties where funds were not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County; and

WHEREAS, the distribution of the proceeds from the resale of the Property will be in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code.

Now, Therefore,

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

SECTION 1. That upon receipt of the monetary consideration from the purchaser, and upon consent by the County and DISD, the City Manager after approval as to form by the City Attorney and attested by the City Secretary, is hereby authorized to execute the Quitclaim Deed to the Property to be sold to the highest qualified bidder, conveying to the purchaser the right, title, and interest acquired or held by each taxing entity that was a party to the Judgment, subject to any right of redemption, post-Judgment taxes and post

SECTION 1. (continued)
Judgment non-municipal liens, and in accordance with the written agreement of the terms, conditions, and release of the taxing entities.

SECTION 2. That the consideration received from the Second Sale shall be distributed pursuant to Chapter 34, Section 34.06 of the Texas Property Tax Code, and applied to the payment of the court costs, interest, and cost of sale and applied to the amount of delinquent taxes, penalties, and non-tax municipal liens as set forth in the Judgment and pursuant to the order of the court.

SECTION 3. That purchaser shall be responsible for the pro rata portion of property taxes for the remaining part of the current calendar year that will be assessed from the date of closing of the Second Sale. Purchaser shall also be responsible for any post-Judgment taxes, penalties and interest, pursuant to the Texas Property Tax Code, and post-Judgment non-municipal liens. The Property shall be replaced on the tax rolls as of the date of execution of Quitclaim Deed.

SECTION 4. That to the extent authorized by law, any liens securing taxes referenced in Section 2 above are hereby released. That the City Manager, after approval as to form by the City Attorney, is hereby authorized to execute a release(s) of lien for any non-tax municipal lien(s) which (i) are included in the Judgments issued in the foreclosure suits filed by the City on the lot(s) shown on Exhibit “A”; or (ii) arise or are filed of record post Judgment and prior to the Second Sale by the City on the lot(s) shown on Exhibit “A”.

SECTION 5. That any and all proceeds from the Second Sale, including funds not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County will be deposited to General Fund, Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 6. That upon receipt of the consideration from the Second Sale, the Chief Financial Officer is hereby authorized to disburse the proceeds in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code. Calculations for disbursements 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 5, above.

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.

TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
EXHIBIT A

ITEM #	STREET ADDRESS	LEGAL DESCRIPTION	VAC/IMP	OWNED BY TAXING ENTITIES
1	422 N. DENLEY DRIVE	LOTS 9 AND 10, BLOCK 1/7675	I	1, 2, 3

*1=CITY, 2=DISD, 3=COUNTY, 4=STATE (All properties are located in the City of Dallas, Dallas County, Texas)

Agenda Information Sheet

File #: 19-281 **Item #:** 23.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 10, 2019
COUNCIL DISTRICT(S):	Outside City Limits
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

Authorize acquisition from Wayne Williams and Evelyn Williams, of a total of approximately 612,536 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $321,116.00 ($318,116.00, plus closing costs and title expenses not to exceed $3,000.00) - Financing: Water Construction Fund

BACKGROUND

This item authorizes the acquisition from Wayne Williams and Evelyn Williams of a total of approximately 612,536 square feet of land located in Kaufman County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal. There are no relocation benefits associated.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment Plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Water Construction Fund - $321,116.00 ($318,116.00, plus closing costs and title expenses not to exceed $3,000.00)

OWNERS

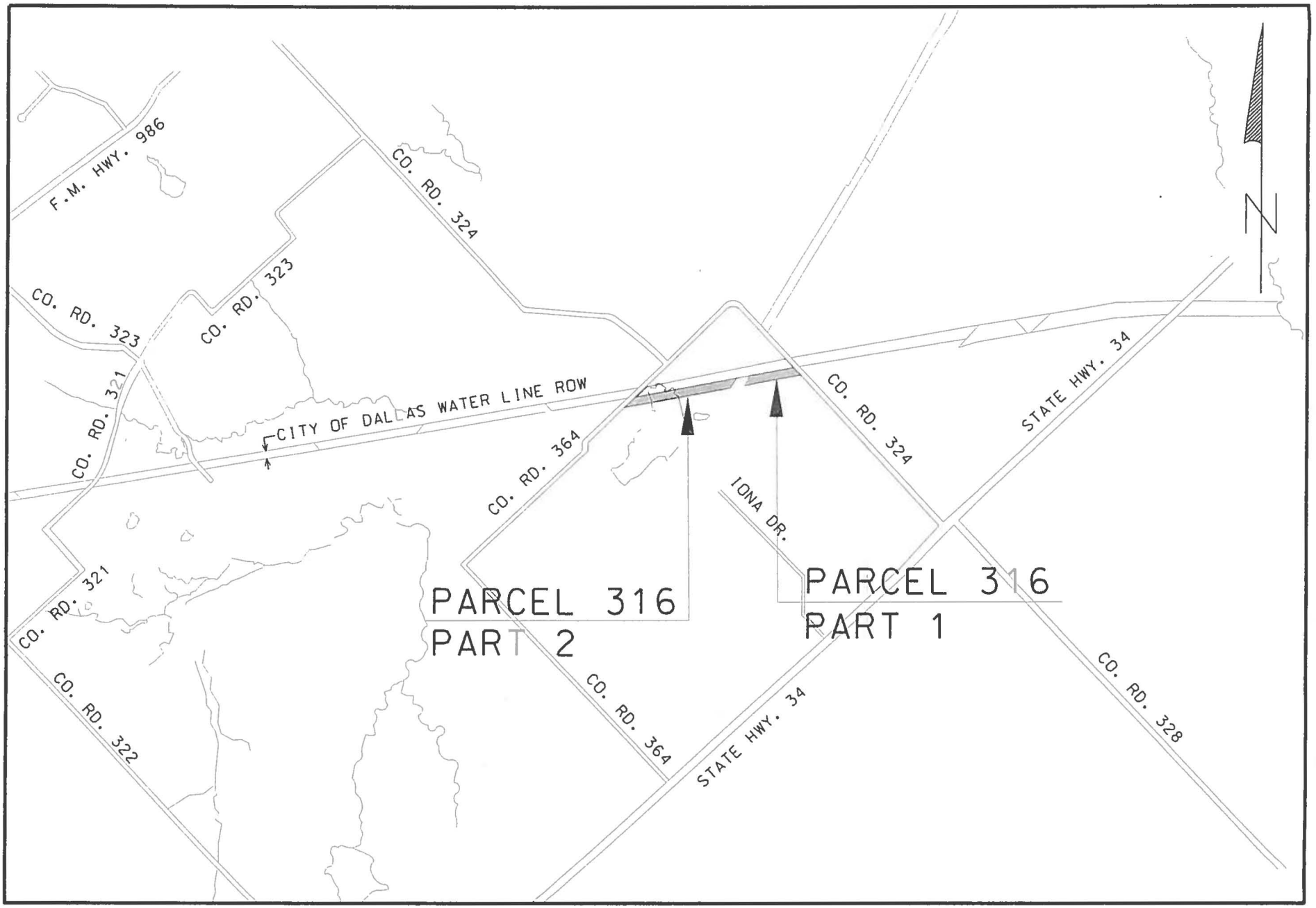
Wayne Williams

Evelyn Williams

MAPS

Attached

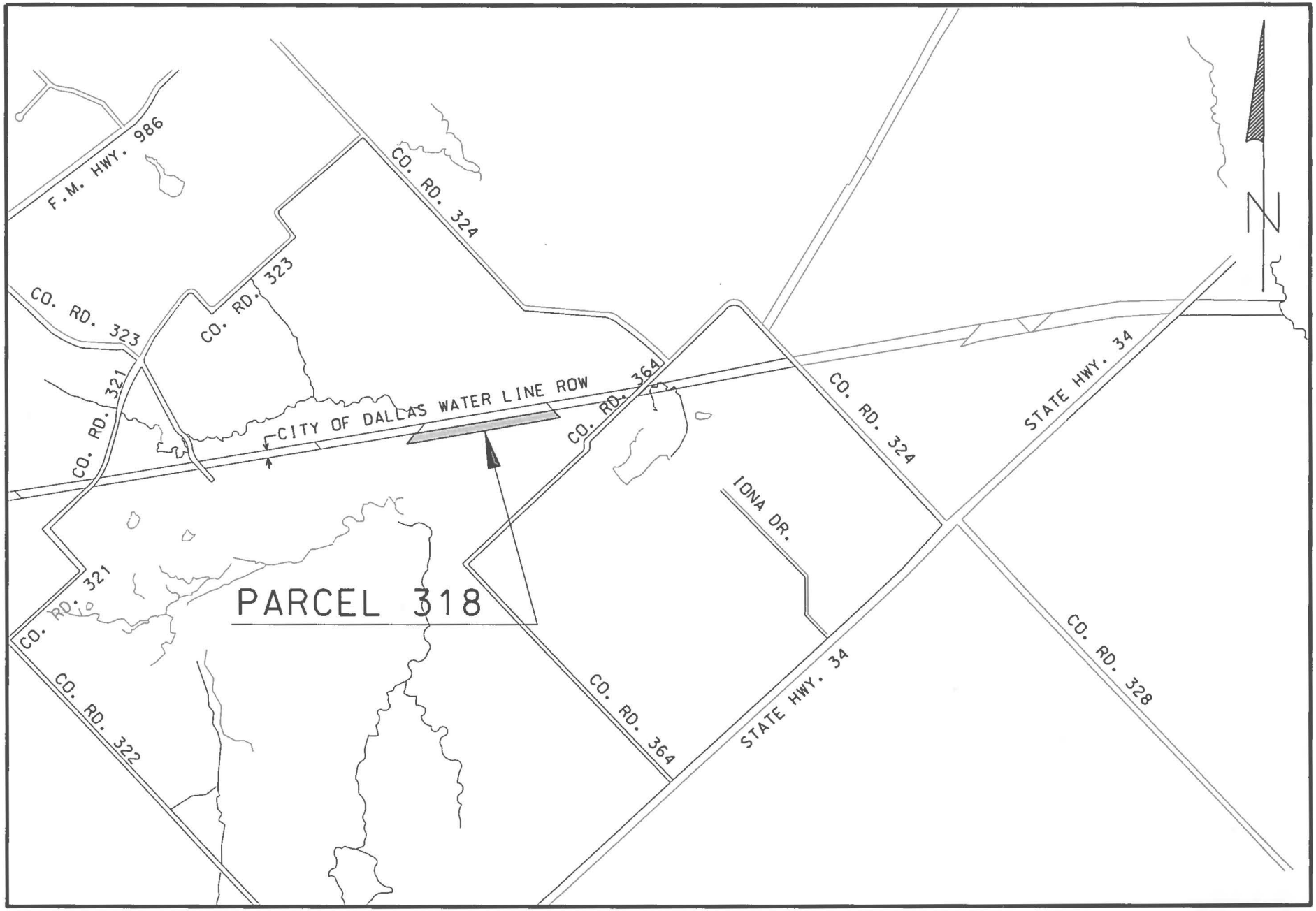
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VICINITY MAP

APPROXIMATE SCALE 1"= 2000'

Tract 1



VICINITY MAP

APPROXIMATE SCALE 1"= 2000'

Tract 2

P:\0515-LakeTawakoni\Parcel\ParcelsMap_318.dgn Plotted on 12/10/2013 at 3:26:28 PM By jason Project:City Of Dallas Plot Driver: dtcrmter.pltcfg PenTable:dte.tbl

April 10, 2019

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 612,536 square feet of land located in Kaufman County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

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

"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.

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

"PURCHASE AMOUNT": $318,116.00

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

"AUTHORIZED AMOUNT": Not to exceed $321,116.00

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00008805. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

BY: _____
Assistant City Attorney

Exhibit A

Tract 1

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN KAUFMAN COUNTY, TEXAS
Parcel: 316, Parts 1 & 2

Part 1

BEING a 2.521 acre tract of land in the Thomas Hunt Survey, Abstract No. 201, in Kaufman County, Texas, and being part of a called 133.13 acre tract of land described in Warranty Deed with Vendor's Lien to Wayne Williams and wife, Evelyn Williams, dated July 6, 1990, as recorded in Volume 995, Page 674, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set in the northeast line of said Willams tract and the southwest line of a tract of land described as "Second Tract" in Gift Deed to Larry Douglas Lane and wife, Teri Lianne Lane, dated December 30, 1994, as recorded in Volume 1154, Page 316, D.R.K.C.T., and in Gift Deed dated December 16, 1996, as recorded in Volume 1238, Page 318, D.R.K.C.T., and at the southeast corner of a City of Dallas Water Line Right-of-Way (a variable width Right-of-Way at this point) as recorded in Volume 443, Page 343, D.R.K.C.T., and the southwest corner of a City of Dallas Water Line Right-of-Way (130' Right-of-Way at this point) as recorded in Volume 439, Page 253, D.R.K.C.T., and in the approximate center of Kaufman County Road No. 324 (variable width Right-of-Way by "use & occupation");

THENCE South 45 degrees 07 minutes 06 seconds East, departing the southwest line of said City of Dallas Water Line Right-of-Way and with the northeast line of said Williams tract and the southwest line of said "Second Tract" and with the approximate center of said County Road No. 324, a distance of 154.17 feet to a 1/2-inch iron rod with cap set;

THENCE South 77 degrees 23 minutes 59 seconds West, departing the northeast line of said Williams tract and the southwest line of said "Second Tract" and the approximate center of County Road No. 324, a distance of 939.61 feet to a 1/2-inch iron rod with cap set in the southeast line of a called 5.656 acre tract of land described as "Tract 2" in Deed without Warranty to Doyle Anderton, recorded on October 1, 2009, as recorded in Volume 3658, Page 77, of the Official Public Records of Kaufman County, Texas (O.P.R.K.C.T.);

THENCE North 26 degrees 47 minutes 33 seconds East, with the southeast line of said "Tract 2", a distance of 168.22 feet to a found broken concrete monument at the northeast corner of said "Tract 2" and the southeast corner of a City of Dallas Water Line Right-of-Way (140' Right-of-Way at this point) as recorded in Volume 437, Page 326, D.R.K.C.T.;

THENCE North 77 degrees 23 minutes 59 seconds East, with the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 749.98 feet to the POINT OF BEGINNING and containing 109,824 square feet or 2.521 acres of land, more or less.

FIELD NOTES APPROVED: 12/24/13

Exhibit A

Tract 1

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 316, Parts 1 & 2

Part 2

BEING a 4.937 acre tract of land in the Thomas Hunt Survey, Abstract No. 201, in Kaufman County, Texas, and being part of a called 133.13 acre tract of land described in Warranty Deed with Vendor's Lien to Wayne Williams and wife, Evelyn Williams, dated July 6, 1990, as recorded in Volume 995, Page 674, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set in the northwest line of said Williams tract and the northeast corner of a called 7.476 acre tract of land described as "Tract II" in Warranty Deed with Vendor's Lien to Dennis Ray Hightower and wife, Mary Elizabeth Hightower, dated October 12, 1995, as recorded in Volume 1187, Page 399, D.R.K.C.T., and at the southeast corner of a City of Dallas Water Line Right-of Way (130' Right-of-Way at this point) as recorded in Volume 437, Page 264, D.R.K.C.T., and the southwest corner of a City of Dallas Water Line Right-of-Way (a variable width Right-of-Way at this point) as recorded in Volume 443, Page 343, D.R.K.C.T. and in the approximate center of Kaufman County Road No. 364 (variable width Right-of-Way by "use & occupation");

THENCE North 77 degrees 23 minutes 59 seconds East, departing the northwest line of said Williams tract and the northeast line of said "Tract II" and with the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 1,611.43 feet to a 1/2-inch iron rod with cap set at the northwest corner of a called 5.656 acre tract of land described as "Tract 2" in Deed without Warranty to Doyle Anderton, dated October 1, 2009, as recorded in Volume 3658, Page 77, of the Official Public Records of Kaufman County, Texas (O.P.R.K.C.T.), and the southwest corner of a City of Dallas Water Line Right-of-Way (140' Right-of-Way at this point) as recorded in Volume 437, Page 326, D.R.K.C.T.;

THENCE South 26 degrees 47 minutes 33 seconds West, departing the southeast line of said City of Dallas Water Line Right-of-Way and with the northwest line of said "Tract 2", a distance of 168.22 feet to a 1/2-inch iron rod with cap set;

THENCE South 77 degrees 23 minutes 59 seconds West, departing the northwest line of said "Tract 2", a distance of 1,696.91 feet to a 1/2-inch iron rod with cap set in the northwest line of said Williams tract and the southeast line of said "Tract II" and the approximate center of said County Road No. 364;

THENCE North 43 degrees 19 minutes 54 seconds East, with the northwest line of said Williams tract and the southeast line of said "Tract II" and the approximate center of said County Road No. 364, a distance of 232.07 feet to the POINT OF BEGINNING and containing 215,042 square feet or 4.937 acres of land, more or less.

Exhibit A

Tract 1

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 316, Parts 1 & 2

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

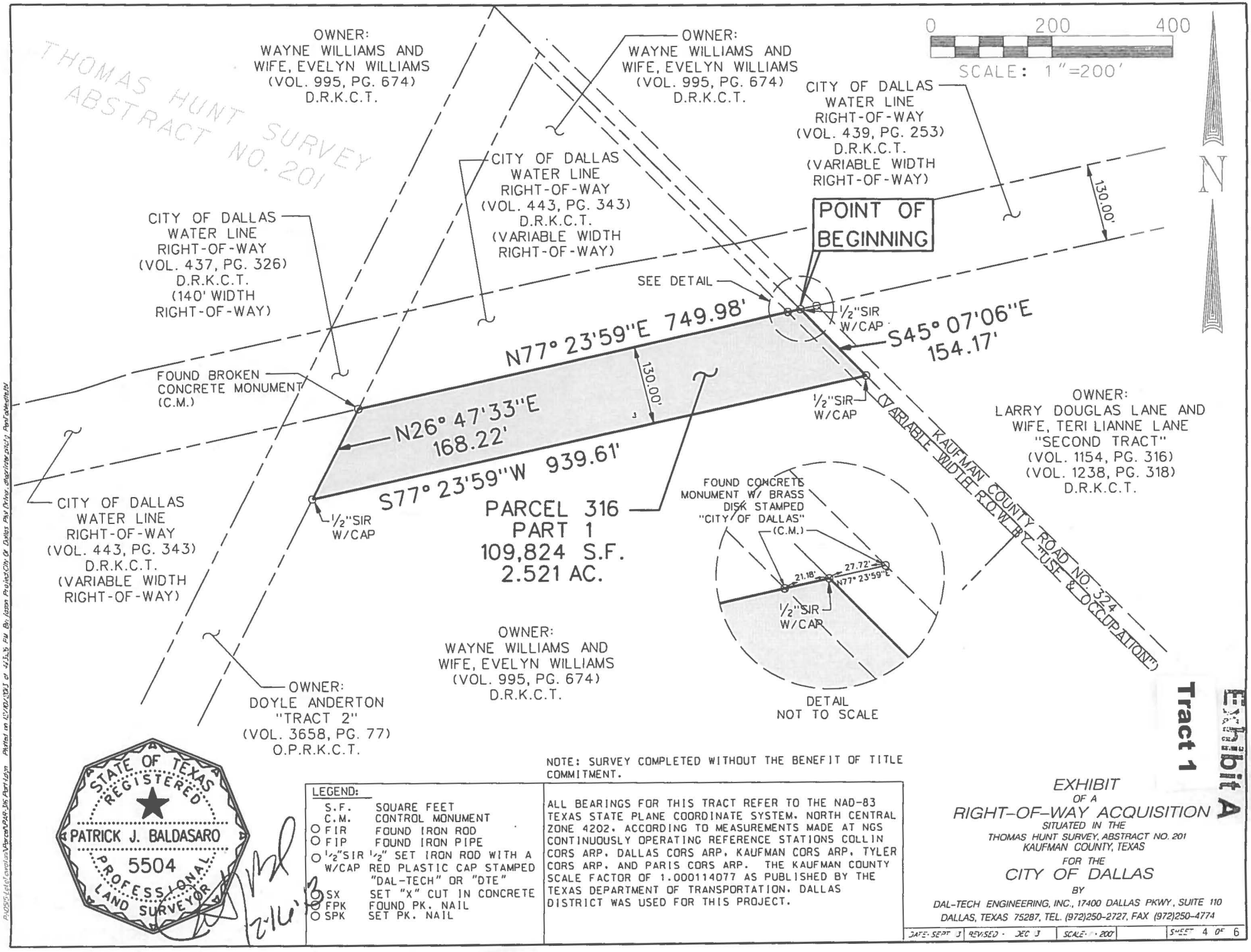
A plat of even survey date herewith accompanies this legal description.



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

By: _____ Date: 12-16-13

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



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

LEGEND:

	S.F.	SQUARE FEET
	C.M.	CONTROL MONUMENT
O	FIR	FOUND IRON ROD
O	FIP	FOUND IRON PIPE
O	1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O	SX	SET "X" CUT IN CONCRETE
O	FPK	FOUND PK. NAIL
O	SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

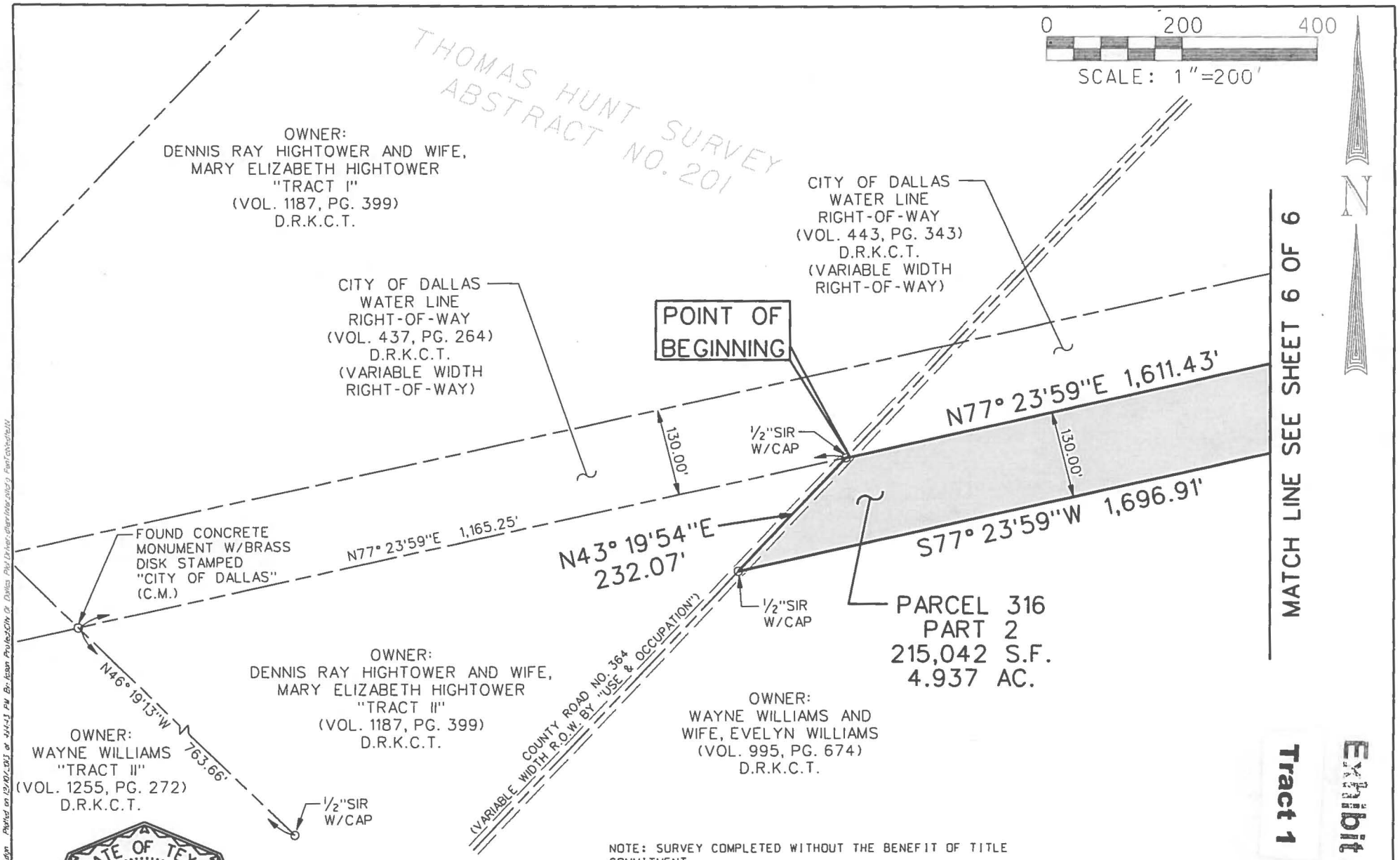
Exhibit A
Tract 1

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
THOMAS HUNT SURVEY, ABSTRACT NO. 201
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY

DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY, SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE: SEPT 3	REVISED - DEC 3	SCALE: 1"=200'	SHEET 4 OF 6

P:\0915\Legal\exhibit\Parcel\PAR-316 Part1.dgn Plotted on 12/10/2013 at 4:13:16 PM By: Jason Projects\City Of Dallas Pay Drive_staging\only Part\sheets.tbl



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

12-14-'13

NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

LEGEND:

	S.F.	SQUARE FEET
	C.M.	CONTROL MONUMENT
O	FIR	FOUND IRON ROD
O	FIP	FOUND IRON PIPE
O	1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O	SX	SET "X" CUT IN CONCRETE
O	FPK	FOUND PK. NAIL
O	SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

Exhibit A

Tract 1

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
THOMAS HUNT SURVEY, ABSTRACT NO. 201
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE: SEPT 13	REVISED: DEC 13	SCALE: 1"=200'	SHEET 5 OF 6

P:\2013 Land Projects\Kaufman\PAR 316 Part 2.dgn Plotted on 12/10/2013 at 3:43 PM By: Jason Polezon (S:\Data Files\Driver-dtm\Metric\NAD Font.rsc=Arial)

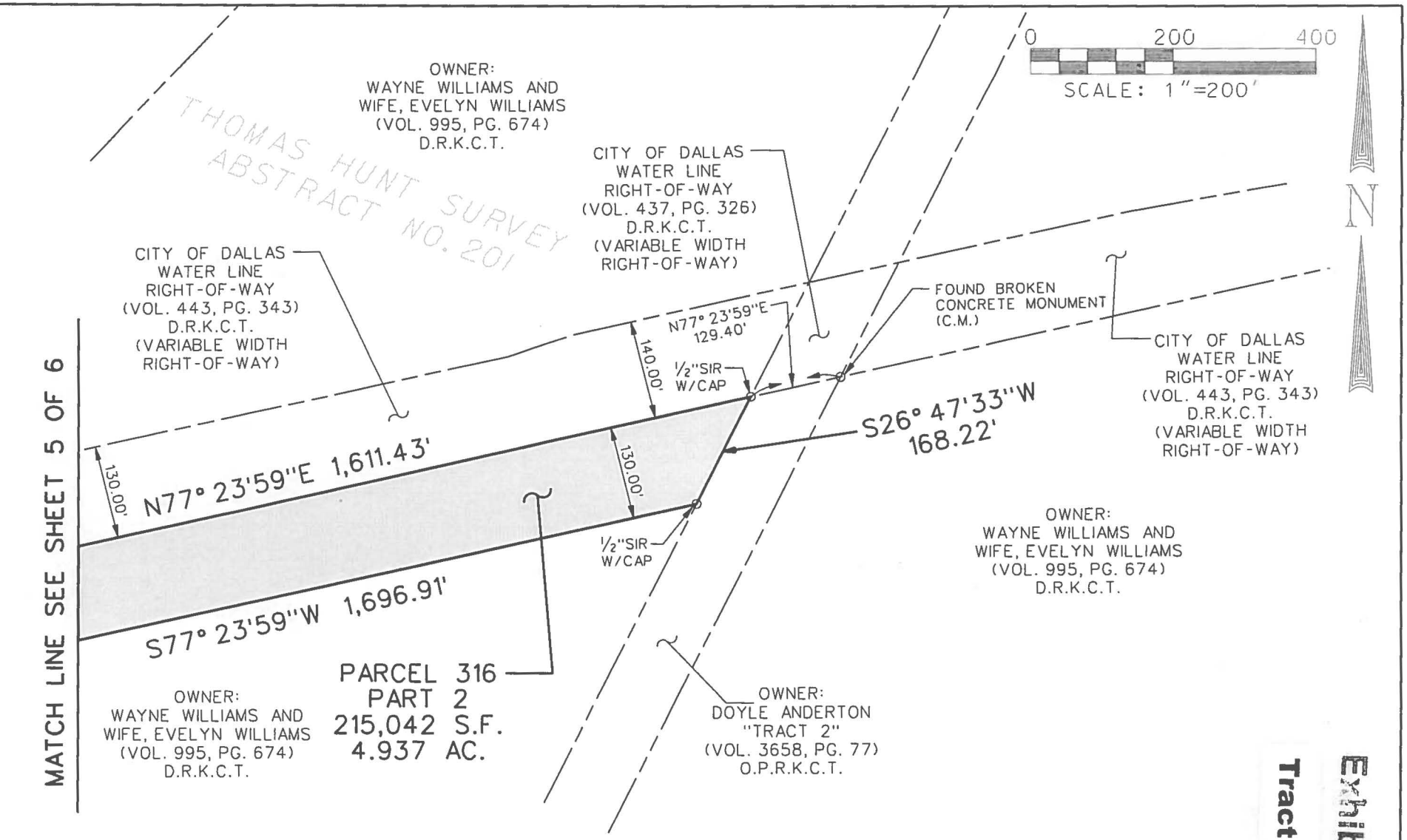


Exhibit A

Tract 1

STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

12/11/13

NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

LEGEND:

	S.F.	SQUARE FEET
	C.M.	CONTROL MONUMENT
O	FIR	FOUND IRON ROD
O	FIP	FOUND IRON PIPE
O	1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O	SX	SET "X" CUT IN CONCRETE
O	FPK	FOUND PK. NAIL
O	SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
THOMAS HUNT SURVEY, ABSTRACT NO 201
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY

DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE: SEPT 3	REVISED: DEC 3	SCALE: 1"=200'	SHEET 6 OF 6

P:\PROJ\Interroad\Plans\PJB\R-316 Part 2.dgn Plotted on 12/10/2013 at 4:15:15 PM by Bo Jason Protection Of Dallas PW Driver: dhardin (Preferred by Pat Baldasaro)

Exhibit A

Tract 2

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 318

BEING a 6.604 acre tract of land in the E. Turner Survey, Abstract No. 529, in Kaufman County, Texas, and being part of a called 84.189 acre tract of land described as "Tract II" in Warranty Deed to Wayne Williams, dated May 9, 1997, as recorded in Volume 1255, Page 272, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a concrete monument with brass disk stamped "City of Dallas" found at the northwest corner of said Williams "Tract II" and the northeast corner of a called 63.625 acre tract of land described as "Tract 2" in Warranty Deed with Vendor's Lien to Scott A. Ervin and Brooke A. Ervin, dated December 5, 2003, as recorded in Volume 2330, Page 407, D.R.K.C.T., and the southeast corner of a City of Dallas Water Line Right-of-Way (a variable width Right-of-Way at this point) as recorded in Volume 10, Page 467, Cause No. 5786, of the Civil Court Records of Kaufman County, Texas, and the southwest corner of a City of Dallas Water Line Right-of-Way (a variable width Right-of-Way at this point) as recorded and Volume 441, Page 301, D.R.K.C.T.;

THENCE North 77 degrees 23 minutes 59 seconds East, departing the northeast line of said Ervin "Tract 2" and the northwest line of said Williams "Tract II" and with the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 2,100.10 feet to a concrete monument with brass disk stamped "City of Dallas" found at the northeast corner of said Williams "Tract II" and at the west corner of a called 7.476 acre tract of land described as "Tract II" in Warranty Deed with Vendor's Lien to Dennis Ray Hightower and wife, Mary Elizabeth Hightower, dated October 12, 1995, as recorded in Volume 1187, Page 399, D.R.K.C.T., and the southeast corner of said City of Dallas Water Line Right-of-Way and the southwest corner of a City of Dallas Water Line Right-of-Way as recorded in Volume 437, Page 264, D.R.K.C.T.;

THENCE South 46 degrees 19 minutes 13 seconds East, with the northeast line of said Williams "Tract II" and the southwest line of said Hightower "Tract II", a distance of 156.30 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set;

THENCE South 77 degrees 23 minutes 59 seconds West, departing the northeast line of said Williams "Tract 2" and the southwest line of said Hightower "Tract II", a distance of 2,325.59 feet to a 1/2-inch iron rod with cap set in the northwest line of said Williams "Tract II" and the northeast line of said northeast line of said Ervin "Tract 2";

THENCE North 34 degrees 15 minutes 33 seconds East, with the northwest line of said Williams "Tract II" and the northeast line of said northeast line of said Ervin "Tract 2", a distance of 190.12 feet to the POINT OF BEGINNING and containing 287,670 square feet or 6.604 acres of land, more or less.

FIELD NOTES APPROVED: 12/4/13

Exhibit A

Tract 2

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 318

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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



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

By: _____ Date: 12-14-13

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

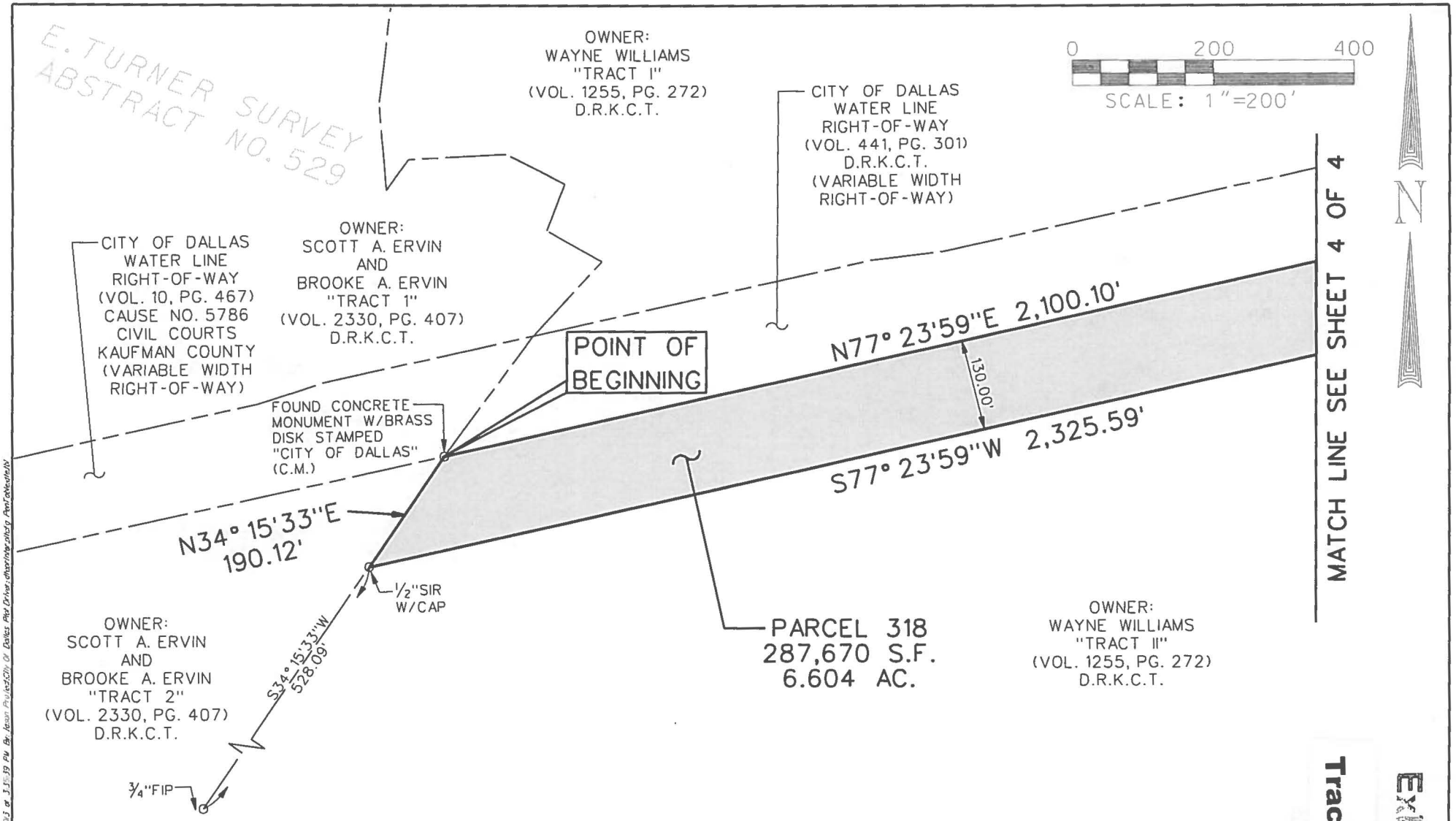


Exhibit A

Tract 2

STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

12-11-13

NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

LEGEND:

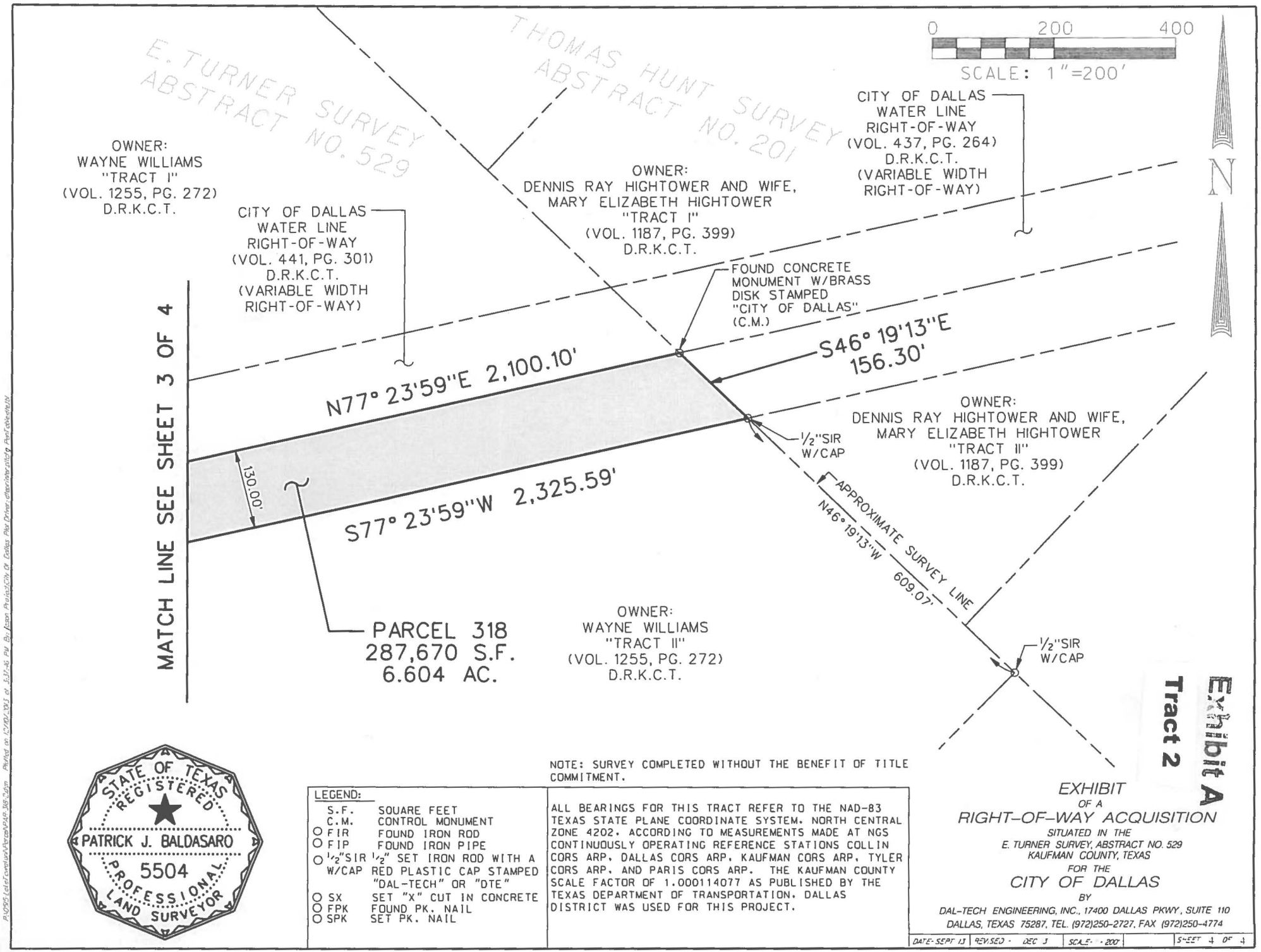
	S.F.	SQUARE FEET
	C.M.	CONTROL MONUMENT
O	FIR	FOUND IRON ROD
O	FIP	FOUND IRON PIPE
O	1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O	SX	SET "X" CUT IN CONCRETE
O	FPK	FOUND PK. NAIL
O	SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
E TURNER SURVEY, ABSTRACT NO. 529
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE: SEPT 13	REVISED - DEC 13	SCALE: 1"=200'	SHEET 3 OF 4

P:\095\Jobs\Tract\Tract2\Tract2ROW.dgn Plotted on 12/10/2013 at 3:15:19 PM By: Jason Project:City Of Dallas Plot Driver: dhardin.tbgconfig PenTable:dtedfw.tbl



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
O FIR	FOUND IRON ROD
O FIP	FOUND IRON PIPE
O 1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O SX	SET "X" CUT IN CONCRETE
O FPK	FOUND PK. NAIL
O SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

Exhibit A
Tract 2

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
E. TURNER SURVEY, ABSTRACT NO. 529
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY

DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY, SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE: SEPT 13	REVISED - DEC 3	SCALE: 1"=200'	SHEET 4 OF 4

EXHIBIT B

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

WARRANTY DEED

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

That Wayne Williams and Evelyn Williams, a married couple (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of THREE HUNDRED EIGHTEEN THOUSAND ONE HUNDRED SIXTEEN AND 00/100 DOLLARS ($318,116.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: This conveyance is made and accepted subject to the reservations provided in Exhibit B which is attached hereto and incorporated herein for all purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

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

By: _____
Assistant City Attorney

_____
Wayne Williams

_____
Evelyn Williams

EXHIBIT B

* *

STATE OF TEXAS '
COUNTY OF KAUFMAN '

This instrument was acknowledged before me on _____
by Wayne Williams.

_____
Notary Public, State of TEXAS

* *

STATE OF TEXAS '
COUNTY OF KAUFMAN '

This instrument was acknowledged before me on _____
by Evelyn Williams.

_____
Notary Public, State of TEXAS

* *

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

Warranty Deed Log No. 40512

Exhibit A

Tract 1

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN KAUFMAN COUNTY, TEXAS
Parcel: 316, Parts 1 & 2

Part 1

BEING a 2.521 acre tract of land in the Thomas Hunt Survey, Abstract No. 201, in Kaufman County, Texas, and being part of a called 133.13 acre tract of land described in Warranty Deed with Vendor's Lien to Wayne Williams and wife, Evelyn Williams, dated July 6, 1990, as recorded in Volume 995, Page 674, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set in the northeast line of said Willams tract and the southwest line of a tract of land described as "Second Tract" in Gift Deed to Larry Douglas Lane and wife, Teri Lianne Lane, dated December 30, 1994, as recorded in Volume 1154, Page 316, D.R.K.C.T., and in Gift Deed dated December 16, 1996, as recorded in Volume 1238, Page 318, D.R.K.C.T., and at the southeast corner of a City of Dallas Water Line Right-of-Way (a variable width Right-of-Way at this point) as recorded in Volume 443, Page 343, D.R.K.C.T., and the southwest corner of a City of Dallas Water Line Right-of-Way (130' Right-of-Way at this point) as recorded in Volume 439, Page 253, D.R.K.C.T., and in the approximate center of Kaufman County Road No. 324 (variable width Right-of-Way by "use & occupation");

THENCE South 45 degrees 07 minutes 06 seconds East, departing the southwest line of said City of Dallas Water Line Right-of-Way and with the northeast line of said Williams tract and the southwest line of said "Second Tract" and with the approximate center of said County Road No. 324, a distance of 154.17 feet to a 1/2-inch iron rod with cap set;

THENCE South 77 degrees 23 minutes 59 seconds West, departing the northeast line of said Williams tract and the southwest line of said "Second Tract" and the approximate center of County Road No. 324, a distance of 939.61 feet to a 1/2-inch iron rod with cap set in the southeast line of a called 5.656 acre tract of land described as "Tract 2" in Deed without Warranty to Doyle Anderton, recorded on October 1, 2009, as recorded in Volume 3658, Page 77, of the Official Public Records of Kaufman County, Texas (O.P.R.K.C.T.);

THENCE North 26 degrees 47 minutes 33 seconds East, with the southeast line of said "Tract 2", a distance of 168.22 feet to a found broken concrete monument at the northeast corner of said "Tract 2" and the southeast corner of a City of Dallas Water Line Right-of-Way (140' Right-of-Way at this point) as recorded in Volume 437, Page 326, D.R.K.C.T.;

THENCE North 77 degrees 23 minutes 59 seconds East, with the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 749.98 feet to the POINT OF BEGINNING and containing 109,824 square feet or 2.521 acres of land, more or less.



Exhibit A

Tract 1

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 316, Parts 1 & 2

Part 2

BEING a 4.937 acre tract of land in the Thomas Hunt Survey, Abstract No. 201, in Kaufman County, Texas, and being part of a called 133.13 acre tract of land described in Warranty Deed with Vendor's Lien to Wayne Williams and wife, Evelyn Williams, dated July 6, 1990, as recorded in Volume 995, Page 674, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set in the northwest line of said Williams tract and the northeast corner of a called 7.476 acre tract of land described as "Tract II" in Warranty Deed with Vendor's Lien to Dennis Ray Hightower and wife, Mary Elizabeth Hightower, dated October 12, 1995, as recorded in Volume 1187, Page 399, D.R.K.C.T., and at the southeast corner of a City of Dallas Water Line Right-of Way (130' Right-of-Way at this point) as recorded in Volume 437, Page 264, D.R.K.C.T., and the southwest corner of a City of Dallas Water Line Right-of-Way (a variable width Right-of-Way at this point) as recorded in Volume 443, Page 343, D.R.K.C.T. and in the approximate center of Kaufman County Road No. 364 (variable width Right-of-Way by "use & occupation");

THENCE North 77 degrees 23 minutes 59 seconds East, departing the northwest line of said Williams tract and the northeast line of said "Tract II" and with the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 1,611.43 feet to a 1/2-inch iron rod with cap set at the northwest corner of a called 5.656 acre tract of land described as "Tract 2" in Deed without Warranty to Doyle Anderton, dated October 1, 2009, as recorded in Volume 3658, Page 77, of the Official Public Records of Kaufman County, Texas (O.P.R.K.C.T.), and the southwest corner of a City of Dallas Water Line Right-of-Way (140' Right-of-Way at this point) as recorded in Volume 437, Page 326, D.R.K.C.T.;

THENCE South 26 degrees 47 minutes 33 seconds West, departing the southeast line of said City of Dallas Water Line Right-of-Way and with the northwest line of said "Tract 2", a distance of 168.22 feet to a 1/2-inch iron rod with cap set;

THENCE South 77 degrees 23 minutes 59 seconds West, departing the northwest line of said "Tract 2", a distance of 1,696.91 feet to a 1/2-inch iron rod with cap set in the northwest line of said Williams tract and the southeast line of said "Tract II" and the approximate center of said County Road No. 364;

THENCE North 43 degrees 19 minutes 54 seconds East, with the northwest line of said Williams tract and the southeast line of said "Tract II" and the approximate center of said County Road No. 364, a distance of 232.07 feet to the POINT OF BEGINNING and containing 215,042 square feet or 4.937 acres of land, more or less.

Exhibit A

Tract 1

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 316, Parts 1 & 2

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

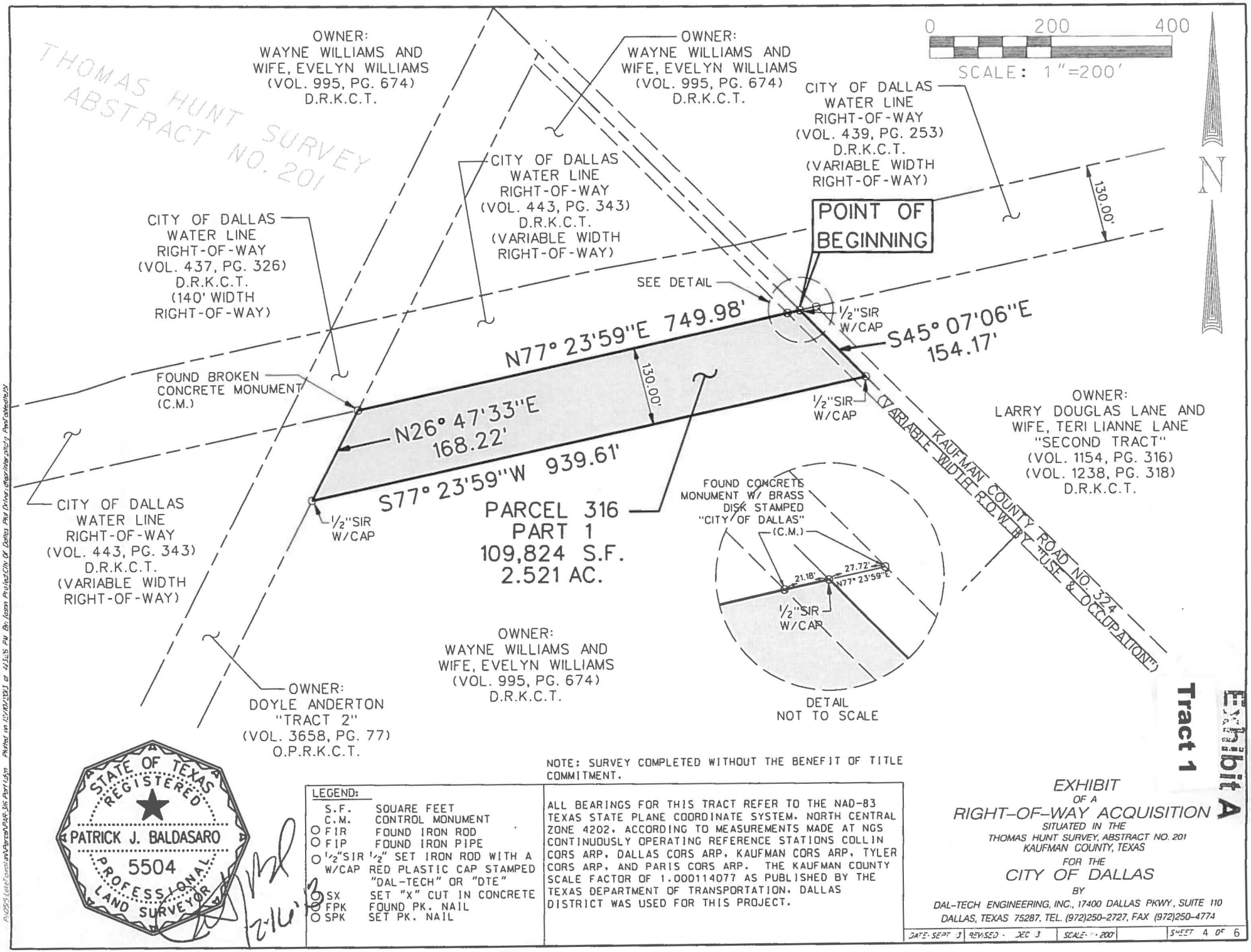
A plat of even survey date herewith accompanies this legal description.



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

By: _____ Date: 12-16-13

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



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

LEGEND:

	S.F.	SQUARE FEET
	C.M.	CONTROL MONUMENT
O	FIR	FOUND IRON ROD
O	FIP	FOUND IRON PIPE
O	1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
	SX	SET "X" CUT IN CONCRETE
O	FPK	FOUND PK. NAIL
O	SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

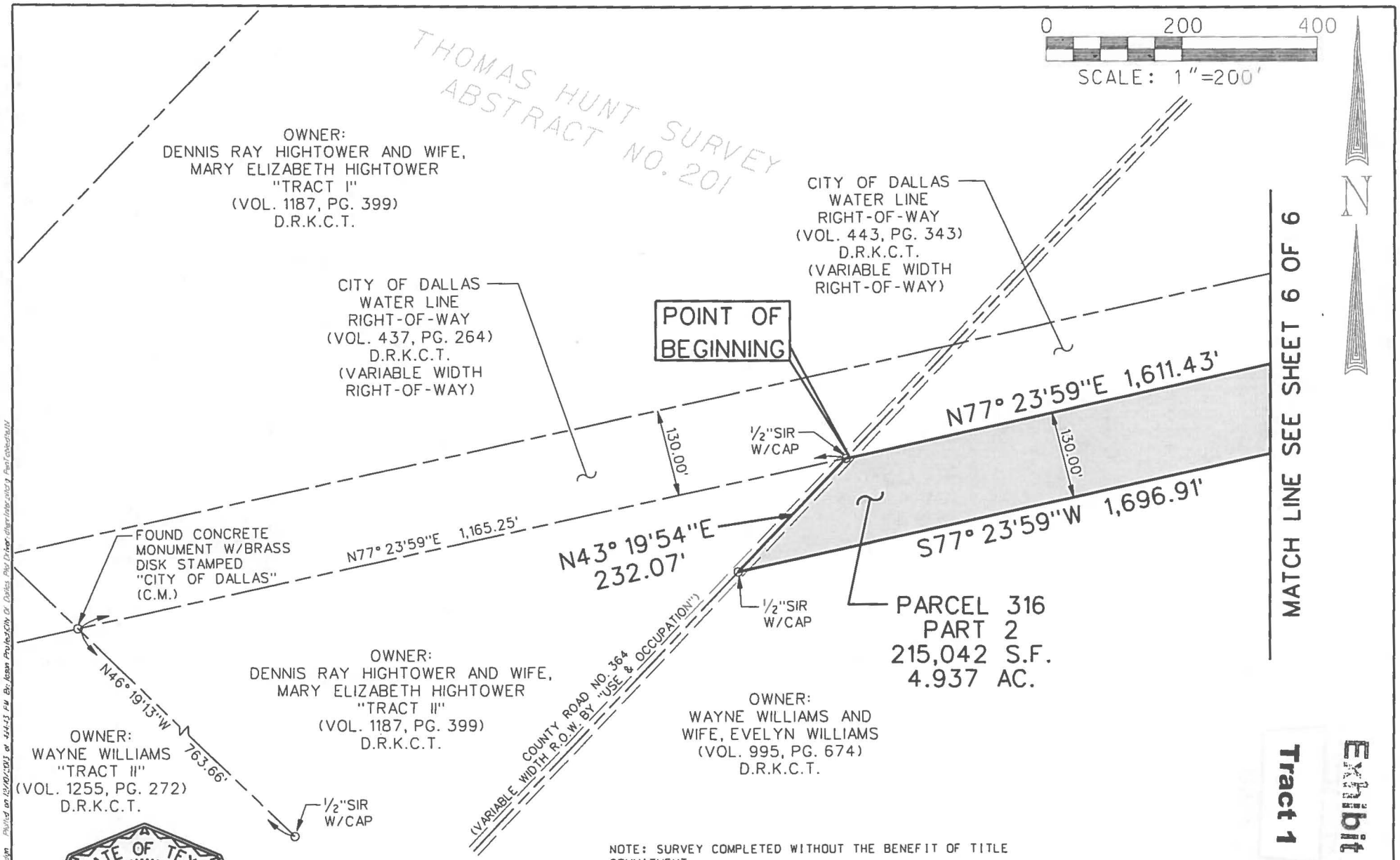
Exhibit A
Tract 1

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
THOMAS HUNT SURVEY, ABSTRACT NO. 201
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY

DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY, SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE: SEPT 3 | REVISED: DEC 3 | SCALE: 1"=200' | SHEET 4 OF 6

P:\05\05 Lots\Town\Lyn\Parcels\PAR-316 Part 1.dgn Plotted on 12/12/2013 at 11:35 PM By: Jason Project: City Of Dallas Plot Driver: dfgprint.pltcfg Pen Table: ctb



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

12/4/13

NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

LEGEND:

	S.F.	SQUARE FEET
	C.M.	CONTROL MONUMENT
O	FIR	FOUND IRON ROD
O	FIP	FOUND IRON PIPE
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O	SX	SET "X" CUT IN CONCRETE
O	FPK	FOUND PK. NAIL
O	SPK	SET PK. NAIL

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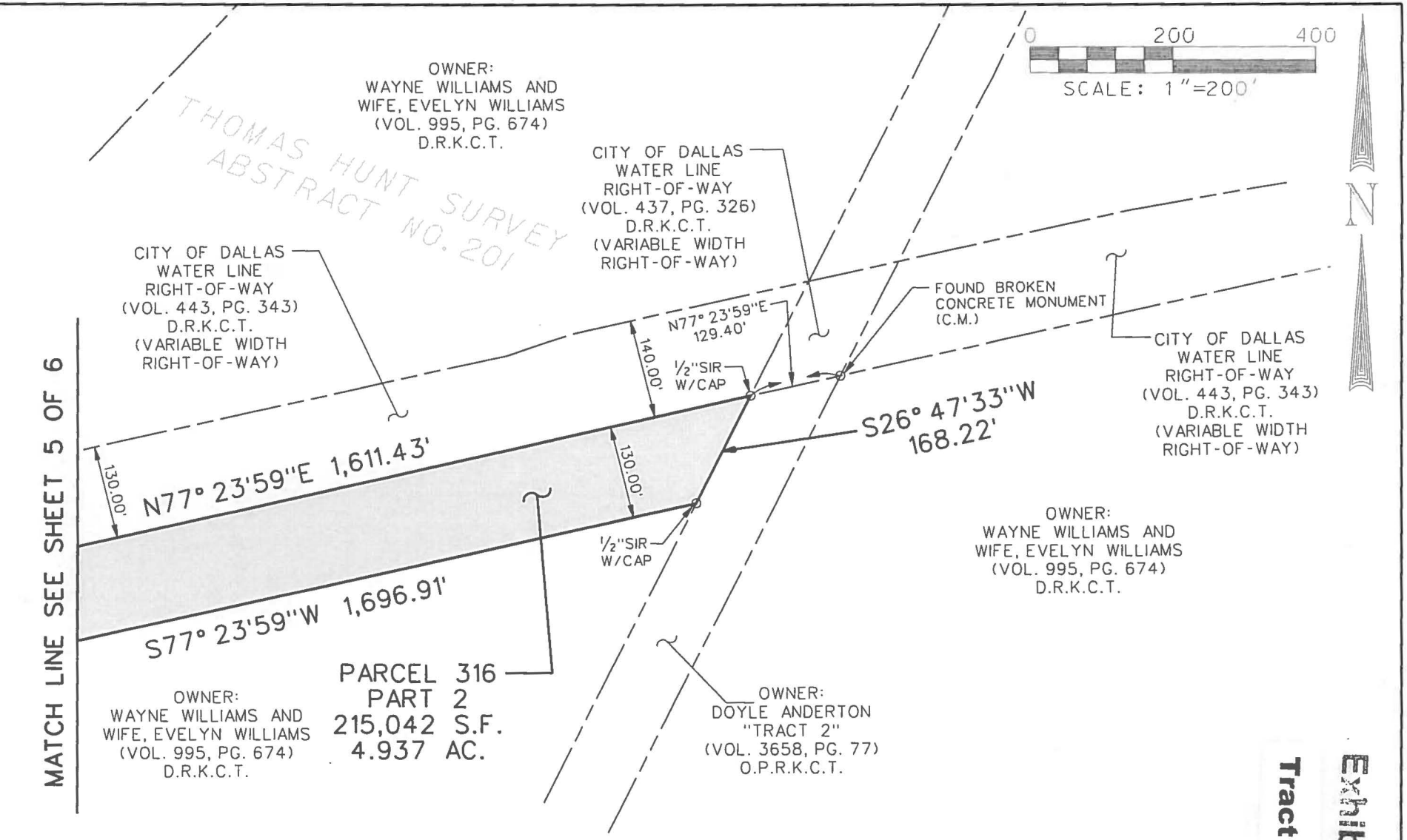
Exhibit A

Tract 1

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DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE: SEPT '13	REVISED: DEC '13	SCALE: 1"=200'		SHEET 5 OF 6



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

12-11-13

NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

LEGEND:

	S.F.	SQUARE FEET
	C.M.	CONTROL MONUMENT
O	FIR	FOUND IRON ROD
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O	SPK	SET PK. NAIL

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Exhibit A

Tract 1

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DATE: SEPT 3 | REVISED - DEC 3 | SCALE: - 200' | SHEET 6 OF 6

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Exhibit A

Tract 2

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 318

BEING a 6.604 acre tract of land in the E. Turner Survey, Abstract No. 529, in Kaufman County, Texas, and being part of a called 84.189 acre tract of land described as "Tract II" in Warranty Deed to Wayne Williams, dated May 9, 1997, as recorded in Volume 1255, Page 272, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a concrete monument with brass disk stamped "City of Dallas" found at the northwest corner of said Williams "Tract II" and the northeast corner of a called 63.625 acre tract of land described as "Tract 2" in Warranty Deed with Vendor's Lien to Scott A. Ervin and Brooke A. Ervin, dated December 5, 2003, as recorded in Volume 2330, Page 407, D.R.K.C.T., and the southeast corner of a City of Dallas Water Line Right-of-Way (a variable width Right-of-Way at this point) as recorded in Volume 10, Page 467, Cause No. 5786, of the Civil Court Records of Kaufman County, Texas, and the southwest corner of a City of Dallas Water Line Right-of-Way (a variable width Right-of-Way at this point) as recorded and Volume 441, Page 301, D.R.K.C.T.;

THENCE North 77 degrees 23 minutes 59 seconds East, departing the northeast line of said Ervin "Tract 2" and the northwest line of said Williams "Tract II" and with the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 2,100.10 feet to a concrete monument with brass disk stamped "City of Dallas" found at the northeast corner of said Williams "Tract II" and at the west corner of a called 7.476 acre tract of land described as "Tract II" in Warranty Deed with Vendor's Lien to Dennis Ray Hightower and wife, Mary Elizabeth Hightower, dated October 12, 1995, as recorded in Volume 1187, Page 399, D.R.K.C.T., and the southeast corner of said City of Dallas Water Line Right-of-Way and the southwest corner of a City of Dallas Water Line Right-of-Way as recorded in Volume 437, Page 264, D.R.K.C.T.;

THENCE South 46 degrees 19 minutes 13 seconds East, with the northeast line of said Williams "Tract II" and the southwest line of said Hightower "Tract II", a distance of 156.30 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set;

THENCE South 77 degrees 23 minutes 59 seconds West, departing the northeast line of said Williams "Tract 2" and the southwest line of said Hightower "Tract II", a distance of 2,325.59 feet to a 1/2-inch iron rod with cap set in the northwest line of said Williams "Tract II" and the northeast line of said northeast line of said Ervin "Tract 2";

THENCE North 34 degrees 15 minutes 33 seconds East, with the northwest line of said Williams "Tract II" and the northeast line of said northeast line of said Ervin "Tract 2", a distance of 190.12 feet to the POINT OF BEGINNING and containing 287,670 square feet or 6.604 acres of land, more or less.

FIELD NOTES APPROVED: 12/4/13

Exhibit A

Tract 2

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 318

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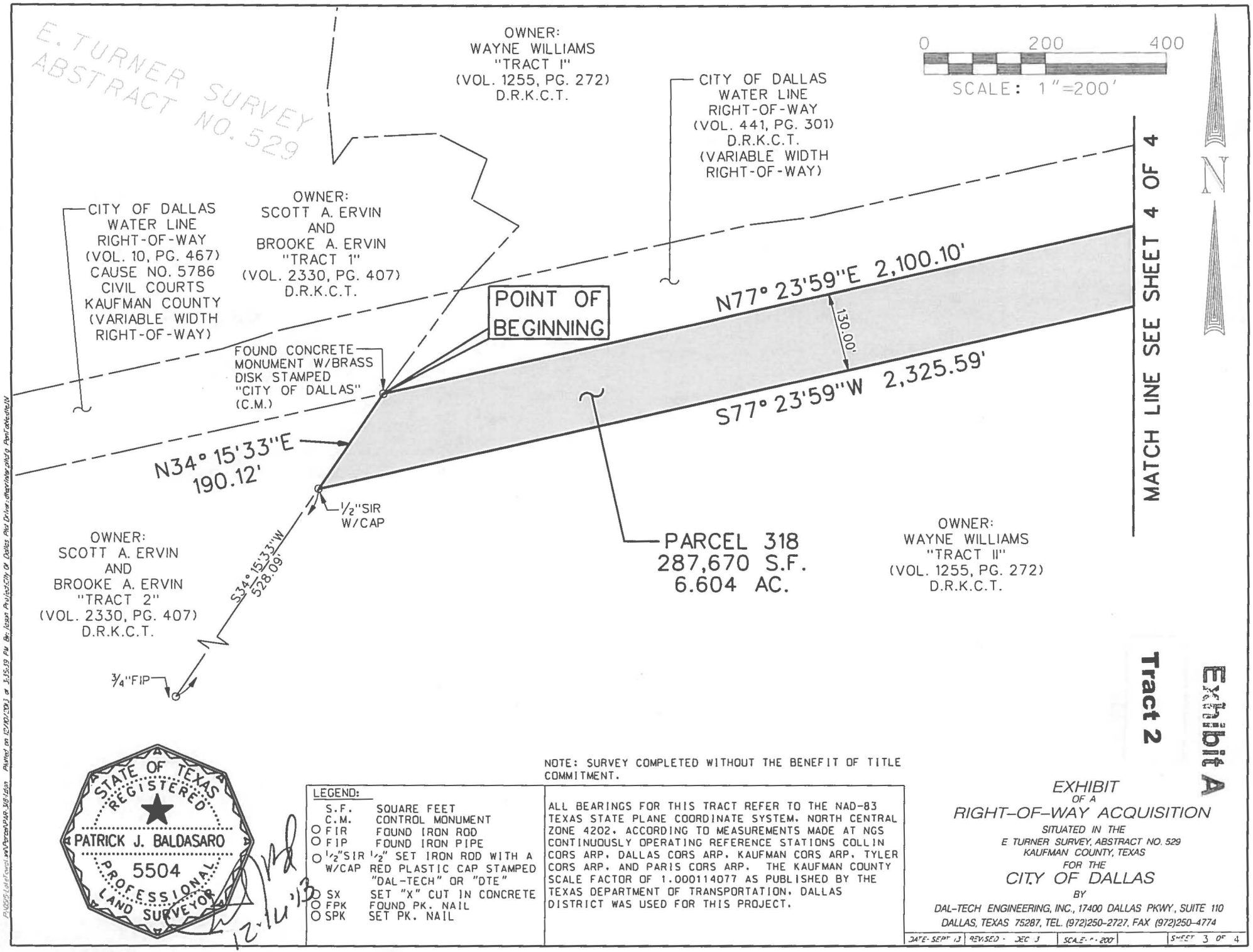
A plat of even survey date herewith accompanies this legal description.



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

By: _____ Date: 12-14-13

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



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

12-11-13

NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

LEGEND:

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Exhibit A

Tract 2

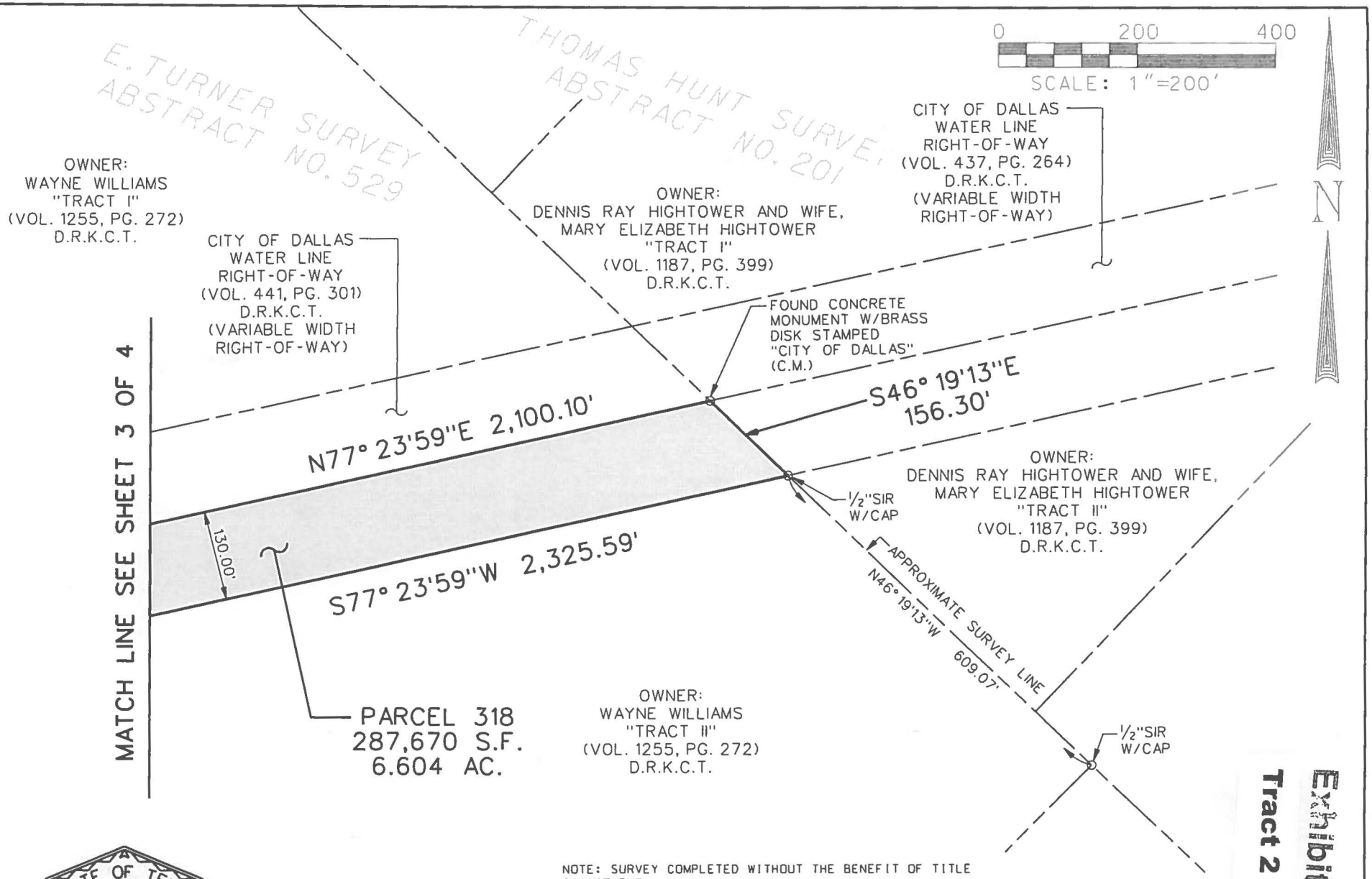
EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION

SITUATED IN THE
E TURNER SURVEY, ABSTRACT NO. 529
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY

DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY, SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE: SEPT '13	REVISED - DEC '13	SCALE: 1" = 200'		SHEET 3 OF 4

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STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

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Exhibit A
Tract 2

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SITUATED IN THE
E. TURNER SURVEY, ABSTRACT NO. 529
KAUFMAN COUNTY, TEXAS
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DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY, SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE: SEPT 13	REVISED: DEC 3	SCALE: 1"=200'	SHEET 4 OF 4

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EXHIBIT B EXHIBIT B

EASEMENT -- GRAZING AND AGRICULTURAL USE

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

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

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

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

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

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

Agenda Information Sheet

File #: 19-300 **Item #:** 24.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 10, 2019
COUNCIL DISTRICT(S):	13
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

A resolution **(1)** rejecting the high bid received from Mercy Presbyterian Church of $2,400,000.00 for approximately 150,702 square feet of unwanted and unneeded City-owned land, located near the intersection of Forest and Quincy Lanes, and authorizing its advertisement for sale by public auction; **(2)** establishing a reserve and a contingency to close for the auctioned surplus property; and **(3)** authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property receiving the highest qualified bid that meets or exceeds the reserve amount - Revenue: TBD

BACKGROUND

This item authorizes the rejection of the highest bid received from Mercy Presbyterian Church for approximately 150,702 square feet of unwanted and unneeded City-owned land located near the intersection Forest and Quincy Lanes and authorizing its sale by public auction. On November 28, 2018, City Council authorized this property to be auctioned by Hudson and Marshall by Resolution No. 18-1674. This property was auctioned by Hudson and Marshall on January 31, 2019. The high bid of $2,400,000.00 did not meet the City's minimum reserve amount.

Texas Local Government Code Section 253.008 authorizes municipalities to sell real property owned by the municipality at an advertised public auction. Section 272.001 states fair market value may be determined by the highest bid price obtained by a municipality at an advertised auction.

This property will be advertised for sale by public auction with a reservation of all oil, gas and other minerals in and under the property and a restriction prohibiting the placement of industrialized housing.

A reserve amount and contingency to close will be established on the auctioned surplus property. Reserve amounts are not published but are the minimum price the City Council will accept for the property, and the minimum bid for which the auction firm will declare a property sold.

Upon receipt of the highest qualified bid that meets or exceeds the reserve, a Purchase and Sale Agreement, approved as to form by the City Attorney, will be prepared for the highest bidder. Staff will ensure the highest bidder is qualified to bid and be awarded the property.

This property will return to the tax rolls upon conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 28, 2018, City Council authorized declaring this property unwanted and unneeded and to sell by public auction by Resolution No. 18-1674.

The Government Performance and Financial Management Committee was briefed in Executive Session on November 5, 2018.

The Government Performance and Financial Management Committee was briefed in Executive Session on March 18, 2019.

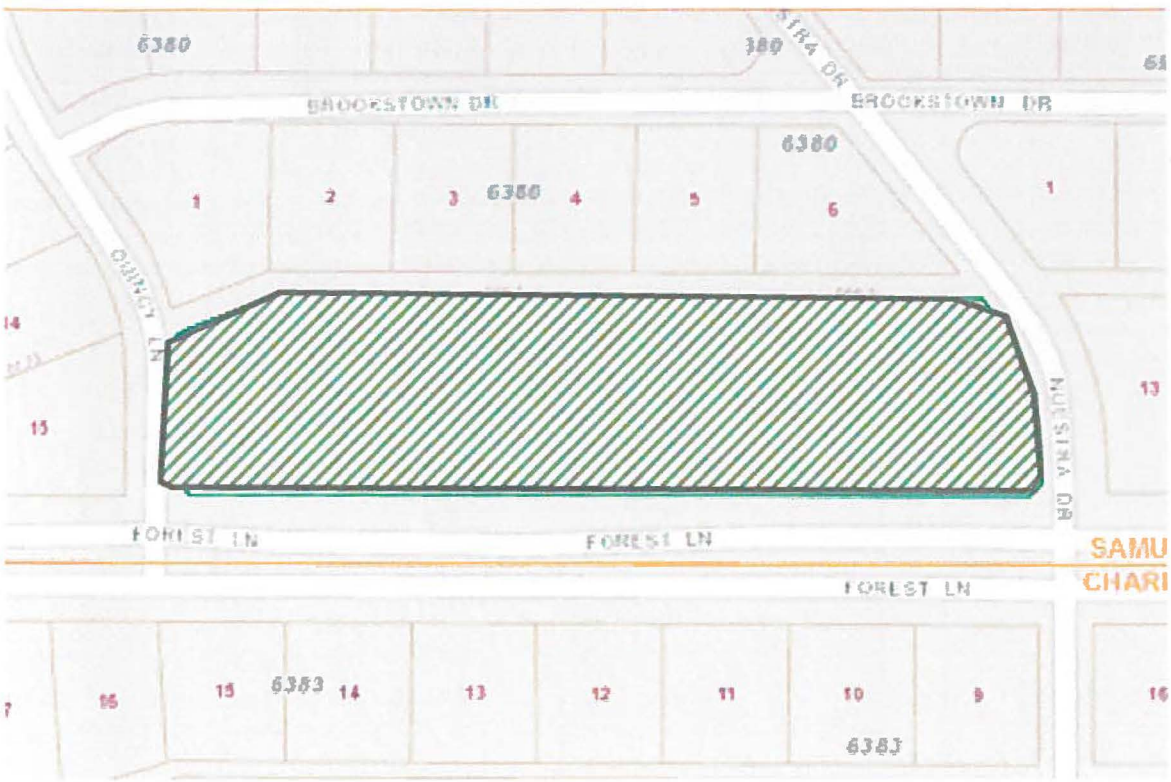
Information about this item will be provided to the Government Performance and Financial Management Committee on April 1, 2019.

FISCAL INFORMATION

Revenue: TBD

MAP

Attached



5639 FOREST LN – SURPLUS PROPERTY

N

April 10, 2019

WHEREAS, the City of Dallas ("City") is the owner of a tract of land containing approximately 150,702 square feet, located in the City of Dallas, Dallas County, Texas as described on Exhibit "A" ("Property"), attached herein and incorporated by reference; and

WHEREAS, the City of Dallas may sell its Property by public auction, pursuant to Section 253.008 and Section 272.001 of the Texas Local Government Code; and

WHEREAS, the Property was declared surplus to the City's needs and a reserve amount was established by Resolution No. 18-1674 on November 28, 2018; and

WHEREAS, on January 31, 2019 the City received a high bid from Mercy Presbyterian Church in the amount of $2,400,000.00 and the specified high bid did not meet the minimum established reserve amount; and

WHEREAS, pursuant to Section 2-26.1(3) of the Dallas City Code, the City may accept or reject the bid received if the established reserve amount is not met; and

WHEREAS, the City Council of the City of Dallas is of the opinion and hereby finds that the best interest and welfare of the public will be served by rejecting the high bid received for the Property and that the Property should be re-advertised for sale and be sold by public auction pursuant to state law subject to the reserve amount; and

WHEREAS, an alternative closing condition for the Property ("alternative closing") shall be recommended as part of the offer for sale whereby City offers the sale of Property subject to a closing delay of six (6) months, to allow for submittal of a zoning change application, at the winning bidder's election at the close of the auction (the "Initial Delay Period"). To avail itself of the Initial Delay Period, at the close of the auction, the winning bidder shall be prepared to deliver a nonrefundable payment equal to 1% of the winning bidder's bid amount (the "Initial Delay Payment") made payable to the City of Dallas. The Initial Delay Payment shall be in addition to and not be credited toward the winning bidder's bid amount. In addition to the Initial Delay Period, the City is making available three (3) separate six (6) month closing delay periods to the winning bidder to further extend the closing before the purchase must be consummated or forfeited. These additional delay periods, must each be elected separately by the winning bidder, and shall be effective only when the winning bidder has delivered a nonrefundable payment amount equal to 1% of the winning bidder's bid amount (the "Extension Delay Payment") to the City of Dallas no later than seven (7) days prior to the expiration of the prior delay period. The Extension Delay Payment(s) shall be in addition to and not credited toward the winning bidder's bid amount. Failure to close the purchase of the Property prior to the expiration of the effective delay period shall result in forfeiture of any claims of winning bidder to the Property.

Now, Therefore,

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

SECTION 1. That the City Council of the City of Dallas does not find that the best interest and welfare of the public will be served by rejecting the high bid received for the Property from Mercy Presbyterian Church.

SECTION 2. That the unwanted and unneeded City-owned property listed on Exhibit "A", attached herein and incorporated by reference, is to be auctioned with a minimum reserve and closing contingency by the City Council and the property is to be advertised for sale and sold by public auction pursuant Section 2-24.1 of the Dallas City Code and Sections 253.008 and Section 272.001 of the Texas Local Government Code.

SECTION 3. That the reserve amount and closing contingency briefed to the Government Performance and Financial Management Committee on March 18, 2019 is hereby established for the sale of property tract listed on Exhibit "A".

SECTION 4. That the Director of Department of Sustainable Development and Construction is authorized to advertise the property listed on Exhibit "A" for sale by public auction and upon conclusion of the advertising period conduct the public auction as authorized herein.

SECTION 5. That the advertisement of the property shall state:

(a) That the sale shall be by a Deed in a form approved by the City Attorney.

(b) That the sale shall be subject to the terms, covenants, conditions, reservations, restrictions and exceptions of this authorizing resolution, including without limitation the following:

(i) a restriction prohibiting the placement of industrialized housing on the property;

(ii) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals;

(iii) any and all visible and apparent easements and encroachments, whether of record or not;

(iv) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record and applicable to the property or any part thereof; and

(v) standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes, and assessments being assumed by **GRANTEE**.

(c) That, to the maximum extent allowed by law, the sale shall be strictly on an "AS IS, WHERE IS, WITH ALL FAULTS" basis.

(d) That as a material part of the consideration for the sale, the grantee and the City shall acknowledge and agree and provided in any relevant instrument that, to the maximum extent allowed by law, (a) **GRANTEE** is taking the property "AS IS, WHERE IS, WITH ALL FAULTS", (b) the City disclaims responsibility as to the accuracy or completeness of any information relating to the property,

(e) **GRANTEE** assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) the City expressly disclaims and grantee expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the property. Without limiting the foregoing, the City makes no representations of any nature regarding the property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the property, including without limitation, the water, soil and geology, and the suitability thereof and the property for any and all activities and uses which grantee may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. 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 lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous

waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. 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.

(f) Such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 6. That, upon the conclusion of the public auction that has been advertised and conducted pursuant to Section 2-24.1 and state law, as applicable, the highest qualified bid received at such auction for each listed surplus property shall be deemed the sales price and shall be conclusive of the fair market value of such property and shall be accepted by the City.

SECTION 7. That the City Manager or designee is authorized to execute a Purchase and Sales Agreement, approved as to form by the City Attorney, to be entered into with respect to each such surplus property between the City and the highest qualified bidder for such property at such advertised public auction.

SECTION 8. That upon receipt of the consideration from the highest bidder, the City Manager or designee is authorized to execute a Deed in a form approved by City Attorney to be attested by the City Secretary, and other miscellaneous closing documents upon approval as to from by the City Attorney.

SECTION 9. That the sale proceeds shall be deposited into the General Fund, Fund 0001, Department DEV, Balance Sheet 0519, and Department of Sustainable Development and Construction, Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the Library Facilities Fund, Fund 7T42, Department PBW, Unit T643, Activity LIBF, Program PB06T643, Revenue Code 8416.

SECTION 10. That if a title policy is desired by **GRANTEE**, same shall be at the expense of the **GRANTEE**.

SECTION 11. That the sale shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of the closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by **GRANTEE**.

SECTION 12. That this Resolution is also designated for City purposes as Contract No. LIB-2019-00009520.

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

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

BY: _____
Assistant City Attorney

Exhibit A

FIELD NOTES DESCRIBING LAND TO BE ACQUIRED IN CITY BLOCK 6/6380 FROM The Korean Young Nak Presbyterian Church (P.C.A.) of Dallas, Inc.

BEING situated in the S. Lockhart Survey, Abstract Number 821, Dallas County, Texas, and being in Block 6/6380, official City Numbers, and being all of Lot 7-A of Replat of Lots 7,8,9,10,11,12,13, &14 City Block 6/6380, Melshire Estates No. 4, an addition to the City of Dallas, according to the map or plat thereof, recorded in Volume 93037, Page 5914, Deed Records of said county, and being all of the property conveyed to The Korean Young Nak Presbyterian Church (P.C.A.) of Dallas, Inc., a Texas Non-Profit Corporation from Dallas Independent Presbyterian Church, by Warranty Deed dated December 17, 1991, recorded in Volume 91247, Page 3583, of said deed records, and containing approximately 150,702 square feet, or 3.460 acres of land, based on the dimensions of the above referenced plat.

Approved as to Form
Larry T. Billingsley, R.P.L.S.
Chief City Surveyor

18th Dec., 2009
Date

UNOFFICIAL

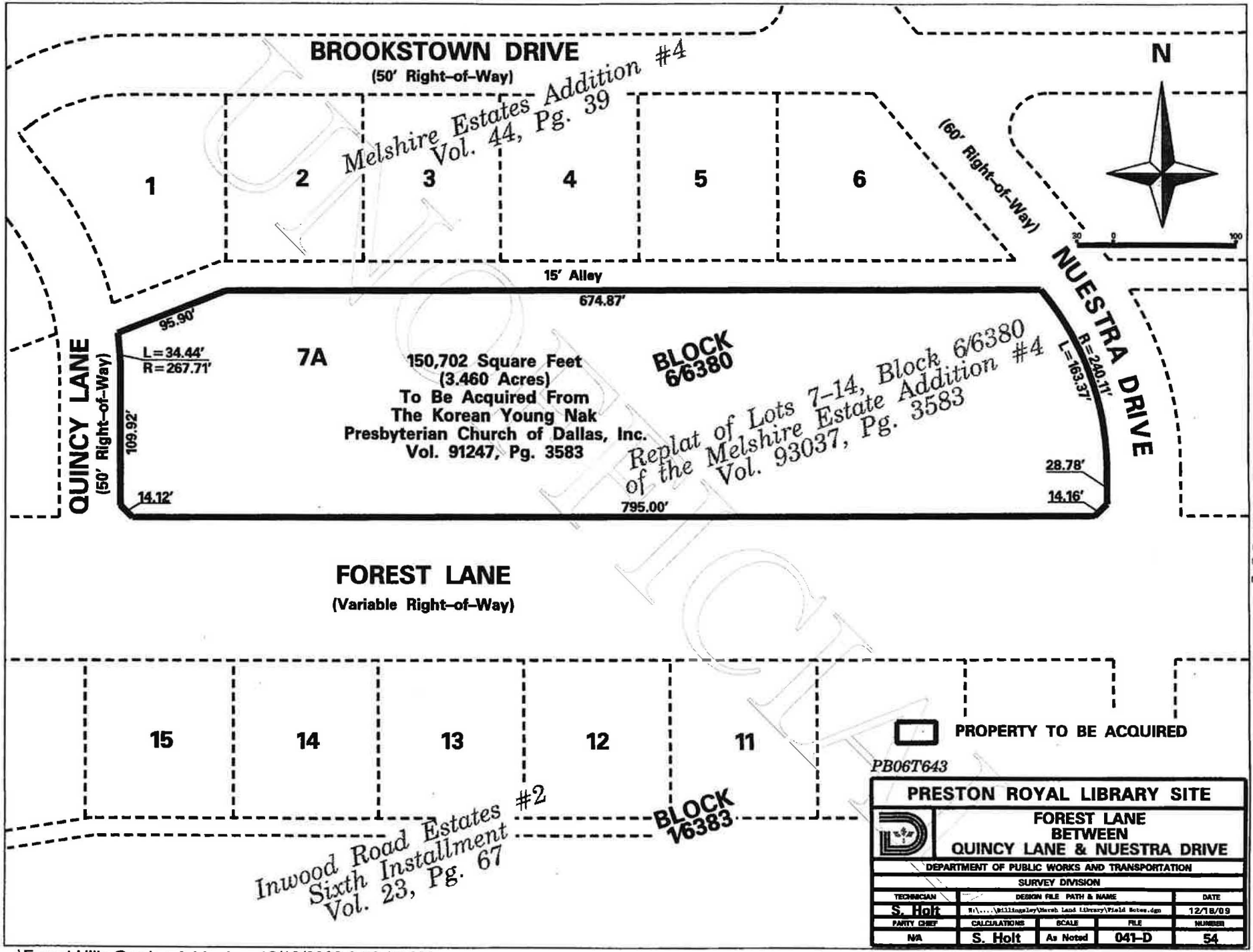


Exhibit A

...\Forest Hills Garden Addn.dgn 12/18/2009 9:56:17 AM

Agenda Information Sheet

File #: 19-282 **Item #:** 25.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance granting a private license to GPIF 2401 CS LLC, for the use of a total of approximately 1,866 square feet of land to occupy, maintain and utilize five trees, pavers, landscaping and irrigation system, seventeen tree lights, wall uplighting, barrier wall and garage vent on portions of Cedar Springs Road and Maple Avenue rights-of-way, near its intersection - Revenue: $4,314.00 annually and a $700.00 one-time fee, plus the $20.00 ordinance publication fee

BACKGROUND

This item grants a private license to GPIF 2401 CS LLC, for the use of a total of approximately 1,866 square feet of land to occupy, maintain and utilize five trees, pavers, landscaping and irrigation system, seventeen tree lights, wall uplighting, barrier wall and garage vent on portions of Cedar Springs Road and Maple Avenue rights-of-way, near its intersection. The use of this area will not impede pedestrian or vehicular traffic. The term of this license is 40 years.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Revenue: $4,314.00 annually and a $700.00 one-time fee, plus the $20.00 ordinance publication fee

OWNER

GPIF 2401 CS LLC

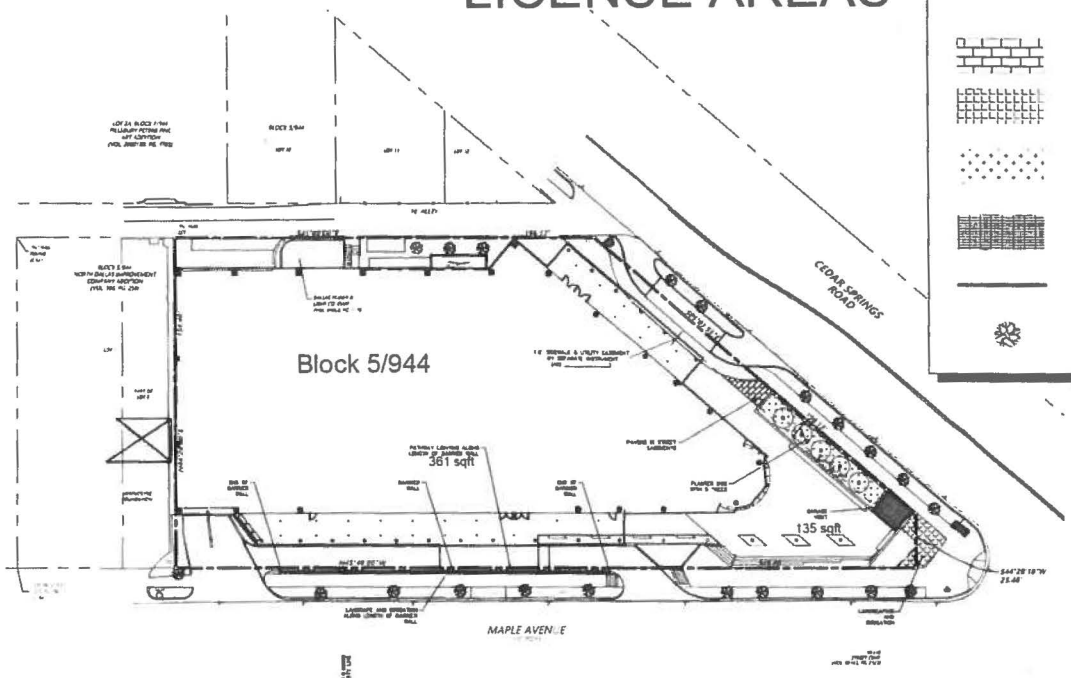
GPIF 2401 CS Partners, LLC

Joseph F. Pitchford

MAP

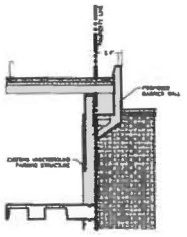
Attached

LICENSE AREAS



LEGEND

- PROPERTY LINE
- PAVERS INSIDE CITY STREET EASEMENT
- LANDSCAPE AND IRRIGATION AREA
- PLANTER BOX WITH 5 TREES
- GARAGE VENT 135 sqft
- BARRIER WALL 361 sqft
- TREE WITH DOWN LIGHTING 2 FIXTURES PER TREE TOTAL TREES=17 TOTAL FIXTURES= 34



License Areas

1,866 sqft

- Five (5) trees
- Pavers
- Landscaping and Irrigation system
- Seventeen (17) tree lights
- Wall uplighting
- Barrier wall (361 sqft)
- Garage vent (135 sqft)

CITY PROJECT No : 311T-9730

HART GAUGLER + ASSOCIATES

2401 CEDAR SPRINGS
LOT 1R, BLOCK 5/944
NORTH DALLAS IMPROVEMENT ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LICENSE AGREEMENT PLAN

SHEET C01

ORDINANCE NO. _____

An ordinance granting a private license to GPIF 2401 CS LLC to occupy, maintain and utilize a portion of Cedar Springs Road and Maple Avenue rights-of-way located near the intersection of Cedar Springs Road and Maple Avenue adjacent to City Block 5/944 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing five (5) trees, pavers, landscaping and irrigation system, seventeen (17) tree lights, wall uplighting, barrier wall and garage vent; providing for the terms and conditions of this license; providing for the annual and one-time fee compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

ooo0ooo

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

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to GPIF 2401 CS LLC, a Delaware limited liability company, its successors and assigns, hereinafter referred to as **"GRANTEE"**, to occupy, maintain and utilize for the purpose set out hereinbelow the tracts of land described in Exhibit A Tract 1 and 2, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of **FOUR THOUSAND THREE HUNDRED FOURTEEN AND NO/100 DOLLARS ($4,314.00)** annually for the license herein granted for the barrier wall and garage vent, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **FOUR THOUSAND THREE HUNDRED FOURTEEN AND NO/100 DOLLARS ($4,314.00)** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2019. In addition, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code, **GRANTEE** shall pay to the City of Dallas a one-time license fee in

the sum of **SEVEN HUNDRED AND NO/100 DOLLARS ($700.00)**, for the license herein granted for five (5) trees, pavers, landscaping and irrigation system, seventeen (17) tree lights and wall uplighting, said sum to be paid prior to the final passage of this ordinance and shall cover the total consideration for said purpose during the license term. Such annual and one-time fee consideration, collectively, shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: occupy, maintain, and utilize five (5) trees, pavers, landscaping and irrigation system on a portion of Cedar Springs, landscaping and irrigation system on a portion of Maple Avenue, seventeen (17) tree lights, wall uplighting, barrier wall and garage vent.

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

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by Resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said Resolution shall be final and shall not be subject to

review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

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

(a) **GRANTEE** shall adhere to the City of Dallas Complete Street Vision, regarding a minimum of six feet unobstructed sidewalk on Cedar Springs Road and Maple Avenue.

(b) **GRANTEE** shall adhere to the construction of the work in Project Identification Number 8488 must be completed in accordance with the plans approved by Sustainable Development and Construction – Water/Wastewater Engineering.

(c) **GRANTEE** shall provide Americans with Disabilities Act (ADA) and Texas Accessibility Standard Requirements (TDLR) and may need coordinating with Dallas Area Rapid Transit (DART).

(d) **GRANTEE** shall provide and maintain a 6-foot minimum unobstructed sidewalk at all times.

(e) **GRANTEE** shall comply with landscaping requirements of Planned Development 193, Part 1, as applicable.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of

License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 9. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 10. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed areas and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fees pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance is also designated for City purposes as Contract No. DEV-2019-00009053.

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

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

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

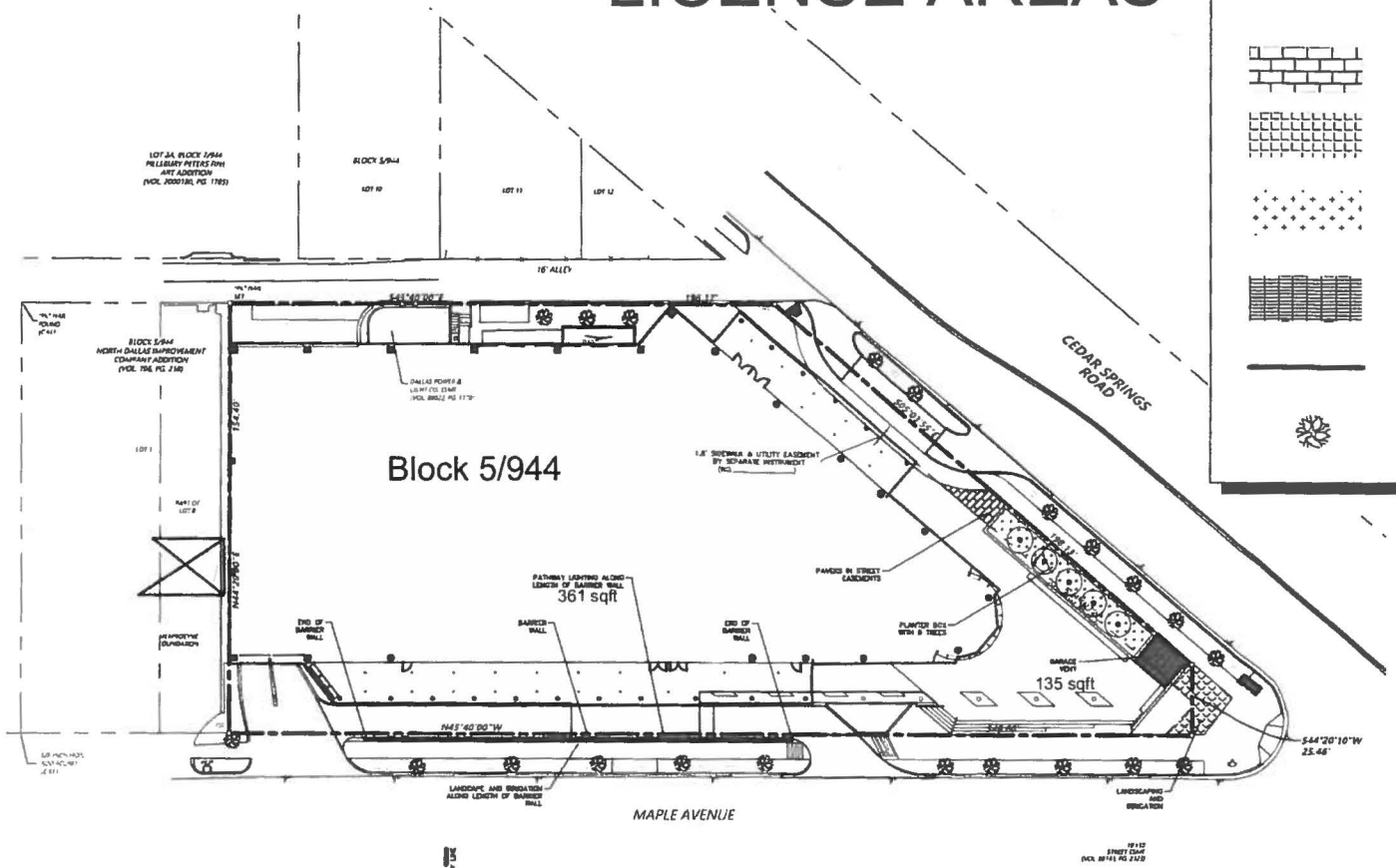
BY: _____
Assistant Director

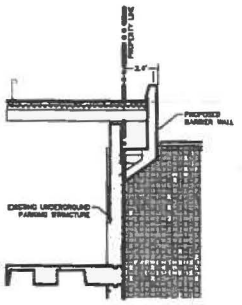
Passed _____.

MG/47010

EXHIBIT A

LICENSE AREAS





LEGEND

- PROPERTY LINE
- PAVERS INSIDE CITY STREET EASEMENT
- LANDSCAPE AND IRRIAGTION AREA
- PLANTER BOX WITH 5 TREES
- GARAGE VENT 135 sqft
- BARRIER WALL 361 sqft
- TREE WITH DOWN LIGHTING
  2 FIXTURES PER TREE
  TOTAL TREES–17
  TOTAL FIXTURES– 34

N E S W

License Areas

1,866 sqft

- Five (5) trees
- Pavers
- Landscaping and Irrigation system
- Seventeen (17) tree lights
- Wall uplighting
- Barrier wall (361 sqft)
- Garage vent (135 sqft)

PROJECT BENCHMARK
CMD BENCHMARK 1340– ON STORM INLET SE CORNER OF CEDAR SPRING AND WOODROW INTERSECTION
N: 6,975,897.424
E: 2,488,078.815
ELEV= 549.230

BM–1
"I"–CUT ONTO MEDIAN OF CEDAR SPRINGS ROAD
ELEV= 551.06

CITY PROJECT No.: 311T-9730

HART GAUGLER + ASSOCIATES
Structural + Civil Engineering Services
12801 N. Central Expressway, Suite 1400
Dallas, Texas 75243
972.239.5111 / 972.239.5055 fax
www.hartgaugler.com
Texas Registered Engineering Firm #F-5053

2401 CEDAR SPRINGS
LOT 1R, BLOCK 5/944
NORTH DALLAS IMPROVEMENT ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LICENSE AGREEMENT PLAN

SHEET
C01

EXHIBIT A-TRACT 1

LICENSE AGREEMENT
MAPLE AVENUE
ADJACENT TO LOT 1A, BLOCK 5/944
REPLAT OF PART OF LOTS 1 THROUGH 4 ALL OF LOTS 5 THROUGH 7
& PART OF LOT 8, BLOCK 5/944
NORTH DALLAS IMPROVEMENT COMPANY ADDITION
J. GRIGSBY SURVEY, ABSTRACT NO. 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 361 square foot or 0.008 acres tract of land situated in the J. Grigsby Survey, Abstract No. 495, Dallas County, Texas and being within the right-of-way of Maple Avenue (a 70' right-of-way) created by the Amended Map of North Dallas Improvement Company according to the plat recorded in Volume 106, Page 258, Deed Records of Dallas County, Texas, said tract being adjacent to Lot 1A, Block 5/944 of Replat of part of Lots 1-4, all of Lots 5-7 and part of Lot 8, Block 5/944, North Dallas Improvement Addition, an addition to the City of Dallas according to the map thereof recorded in Volume 88143, Page 2123, Deed Records of Dallas County, Texas; said 361 square foot tract being more particularly described as follows:

COMMENCING, at a 1/2-inch iron rod found at the southwest end of a right-of-way corner clip recorded in Volume 127, Page 630, Deed Records, Dallas County, Texas at the intersection of the west right-of-way line of Cedar Springs Road (a 80' right-of-way, recorded in Volume 106, Page 258, Deed Records, Dallas County, Texas and Volume 2325, Page 183, Deed Records, Dallas County, Texas) and the northeast right-of-way line of said Maple Avenue and being the south corner of said Lot 1A, City Block 5/994, Replat of part of Lots 1-4, all of Lots 5-7 and part of Lot 8, Block 5/944, North Dallas Improvement Company Addition; said point also being South 05 degrees 03 minutes 55 seconds East, a distance of 198.13 feet and South 44 degrees 20 minutes 10 seconds West, a distance of 25.46 feet from a 1/2-inch iron rod found at the intersection of said west line of Cedar Springs Road and the southwest right-of-way line of a 16-foot alley;

THENCE, North 45 degrees 40 minutes 00 seconds West, along the said northeast line of Maple Avenue, a distance of 144.15 feet to the **POINT-OF-BEGINNING**;

THENCE, departing the said northeast line of Maple Avenue and over and across said Maple Avenue, the following courses and distances:

South 43 degrees 17 minutes 13 seconds West, a distance of 2.21 feet to a point for corner;

North 45 degrees 46 minutes 27 seconds West, a distance of 153.47 feet to a point for corner;

(For SPRG use only)	
Reviewed by:	G.S.
Date:	1-30-19
SPRG No.	4736

LICENSE AGREEMENT
MAPLE AVENUE
ADJACENT TO LOT 1A, BLOCK 5/944
REPLAT OF PART OF LOTS 1 THROUGH 4 ALL OF LOTS 5 THROUGH 7
& PART OF LOT 8, BLOCK 5/944
NORTH DALLAS IMPROVEMENT COMPANY ADDITION
J. GRIGSBY SURVEY, ABSTRACT NO. 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS

(Continued)

North 44 degrees 20 minutes 00 seconds East, a distance of 2.50 feet to a point for corner in said northeast line of Maple Avenue;

THENCE, South 45 degrees 40 minutes 00 seconds East, along said northeast line of Maple Avenue, a distance of 153.43 feet to the **POINT-OF-BEGINNING**, containing **361 square feet or 0.008 acres of land.**

Bearing system for this survey is based on a bearing of North 05 degrees 03 minutes 55 seconds West for the west right-of-way line of Cedar Springs Road according to Lot 1A, Block 5/944, Replat of part of Lots 1-4, all of Lots 5-7 and part of Lot 8, Block 5/944, North Dallas Improvement Company Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 88143, Page 2123 of the Deed Records of Dallas County, Texas.

An exhibit of even date accompanies this description.

Date: December 19, 2018

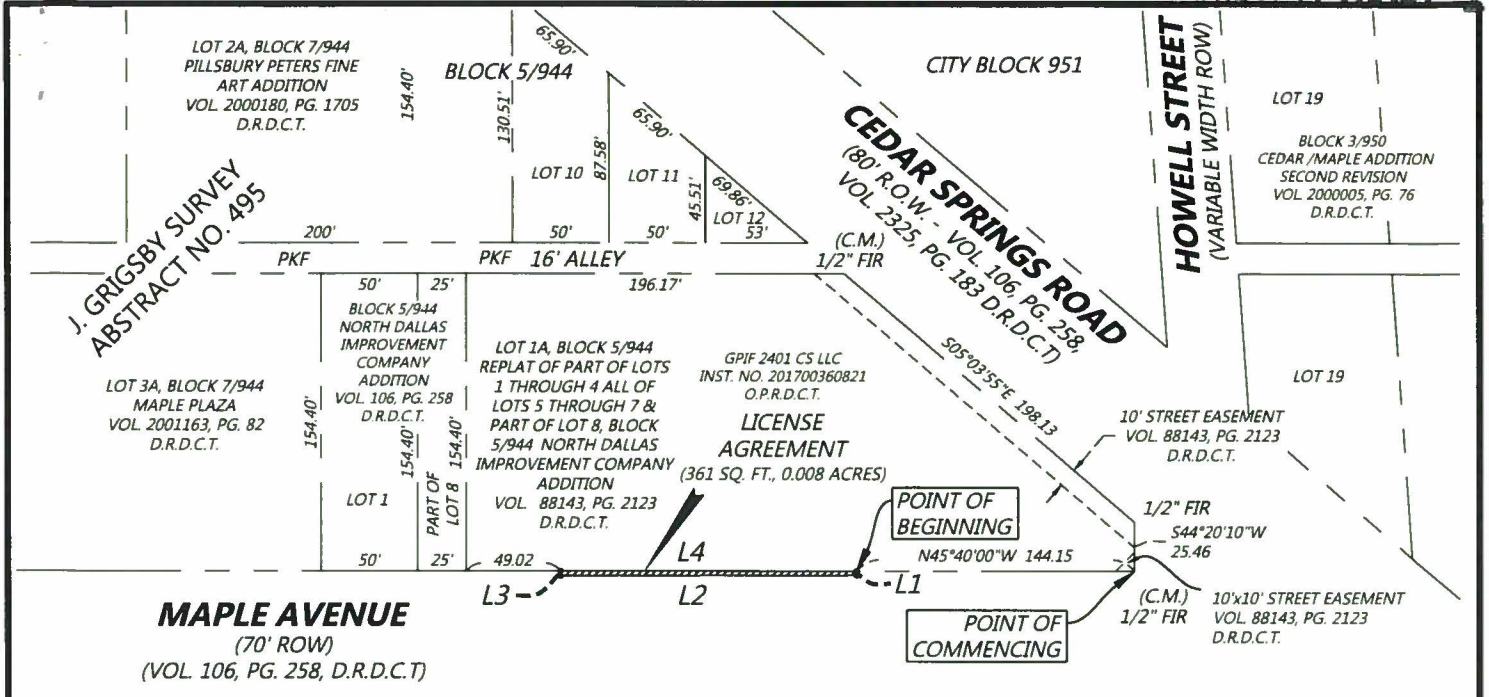
R. Groysman

Roman L. Groysman
Registered Professional Land Surveyor
Texas Registration No. 5864



(For SPRG use only)	
Reviewed by:	G.S.
Date:	1-30-19
SPRG No.	4736

EXHIBIT A-TRACT 1



LEGEND	
R.O.W.	RIGHT-OF-WAY
VOL./PG.	VOLUME / PAGE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
C.M.	CONTROLLING MONUMENT
INST. NO.	INSTRUMENT NUMBER
SQ. FT.	SQUARE FOOT
FIR	FOUND IRON ROD

Line Table		
Line #	Length	Direction
L1	2.21	S43°17'13"W
L2	153.47	N45°46'27"W
L3	2.50	N44°20'00"E
L4	153.43	S45°40'00"E

0' 100' 200'

NOTES:

1. Bearing system for this survey is based on a bearing of North 05 degrees, 03 minutes, 55 seconds West for the west right-of-way line of Cedar Springs Road according to Lot 1A, Block 5/944, Replat of part of Lots 1-4, all of Lots 5-7 and part of Lot 8, Block 5/944, North Dallas Improvement Company Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 88143, Page 2123 of the Deed Records of Dallas County, Texas.

(For SPRG use only)
Reviewed by: G.S.
Date: 1-30-19
SPRG No. 4736

STATE OF TEXAS
REGISTERED
ROMAN L. GROYSMAN
5864
PROFESSIONAL
LAND SURVEYOR

R. Groysman

ROMAN L. GROYSMAN 12/19/18
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5864

N:\0015544.00\DWG\SURVEY\EXHIBITS\0015544 LICENSE AGREEMENT (RETAINING WALL).DWG

LICENSE AGREEMENT - BLOCK 5/944 - CITY OF DALLAS, DALLAS COUNTY, TEXAS

Westwood

Phone (214) 473-4640
Toll Free (888) 937-5150
2740 Dallas Parkway, Suite 280
Plano, TX 75093
westwoodps.com

Westwood Professional Services, Inc.
TBPE Firm Reg. No. 11756
TBPLS Firm Reg. No. 10074301

LICENSE AGREEMENT
MAPLE AVENUE
ADJACENT TO LOT 1A, BLOCK 5/944
REPLAT OF PART OF LOTS 1 THROUGH 4 ALL OF LOTS 5 THROUGH 7
& PART OF LOT 8, BLOCK 5/944
NORTH DALLAS IMPROVEMENT COMPANY ADDITION
J. GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

0015544

EXHIBIT A-TRACT 2

LICENSE AGREEMENT
CEDAR SPRINGS ROAD
REPLAT OF PART OF LOTS 1 THROUGH 4 ALL OF LOTS 5 THROUGH 7
& PART OF LOT 8, BLOCK 5/944, NORTH DALLAS IMPROVEMENT COMPANY
LOT 1A, BLOCK 5/944
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING, an 135 square foot or 0.003 acre tract of land situated in the John Grigsby Survey, Abstract No. 495 and being a part of a 10-foot Street Easement in Lot 1A, Block 5/944, Replat of part of Lots 1-4, all of Lots 5-7 and part of Lot 8, Block 5/944, North Dallas Improvement Company, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 88143, Page 2123, Deed Records of Dallas County, Texas, and being a part of a tract of land described in a Special Warranty Deed to GPIF 2401 CS LLC, recorded in Instrument No. 201700360821, of the Official Public Records of Dallas County, Texas; said 135 square foot tract being more particularly described as follows:

COMMENCING, at a 1/2" iron rod found at the east end of a right-of-way corner clip recorded in Volume 127, Page 630, Deed Records, Dallas County, Texas, at the intersection of the west right-of-way line of Cedar Springs Road (an 80' right-of-way, recorded in Volume 106, Page 258, Deed Records, Dallas County, Texas and Volume 2325, Page 183, Deed Records, Dallas County, Texas) and the northeast right-of-way line of Maple Avenue (a 70' right-of-way, recorded in Volume 106, Page 258, Deed Records, Dallas County, Texas), and being the southeast corner of said Lot 1A, Block 5/994; said point also being South 05 degrees 03 minutes 55 seconds East, a distance of 198.13 feet from a 1/2" iron rod found at the intersection of the said west line of Cedar Springs Road and the southwest right-of-way line of a 16' alley and being the northeast corner of said Lot 1A, Block 5/944;

THENCE, South 44 degrees 20 minutes 10 seconds West, along said along said right-of-way corner clip, a distance of 13.17 feet to a point at southwest corner of a 10-foot wide Street Easement as shown on the said Replat of part of Lots 1-4, all of Lots 5-7 and part of Lot 8, Block 5/944, North Dallas Improvement Company addition; said point also being North 44 degrees 20 minutes 10 seconds East, a distance of 12.29 feet from a 1/2" iron rod found at the west end of said right-of-way corner clip;

THENCE, North 05 degrees 03 minutes 55 seconds West, departing said right-of-way corner clip and along the west line of said Street Easement, a distance of 10.39 feet to a point for corner at the **POINT-OF-BEGINNING** of the herein described tract;

(For SPRG use only)	
Reviewed by:	G.S.
Date:	1-30-19
SPRG No.	4737

EXHIBIT A-TRACT 2

LICENSE AGREEMENT
CEDAR SPRINGS ROAD
REPLAT OF PART OF LOTS 1 THROUGH 4 ALL OF LOTS 5 THROUGH 7
& PART OF LOT 8, BLOCK 5/944, NORTH DALLAS IMPROVEMENT COMPANY
LOT 1A, BLOCK 5/944
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(Continued)

THENCE, North 05 degrees 03 minutes 55 seconds West, continuing along the west line of said Street Easement, a distance of 15.00 feet to a point for corner;

THENCE, North 84 degrees 56 minutes 05 seconds East, departing the west line of said Street Easement, a distance of 9.00 feet to a point for corner;

THENCE, South 05 degrees 03 minutes 55 seconds East, a distance of 15.00 feet to a point for corner;

THENCE, South 84 degrees 56 minutes 05 seconds West, a distance of 9.00 feet to the POINT OF BEGINNING;

CONTAINING, 135 square feet or 0.003 acres of land, more or less.

Bearing system for this survey is based on a bearing of South 05 degrees 03 minutes 55 seconds East for the west right-of-way line of Cedar Springs Road according to Lot 1A, Block 5/944, Replat of part of Lots 1-4, all of Lots 5-7 and part of Lot 8, Block 5/944, North Dallas Improvement Company Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 88143, Page 2123 of the Deed Records of Dallas County, Texas.

An exhibit of even date accompanies this description.
Date: December 19, 2018

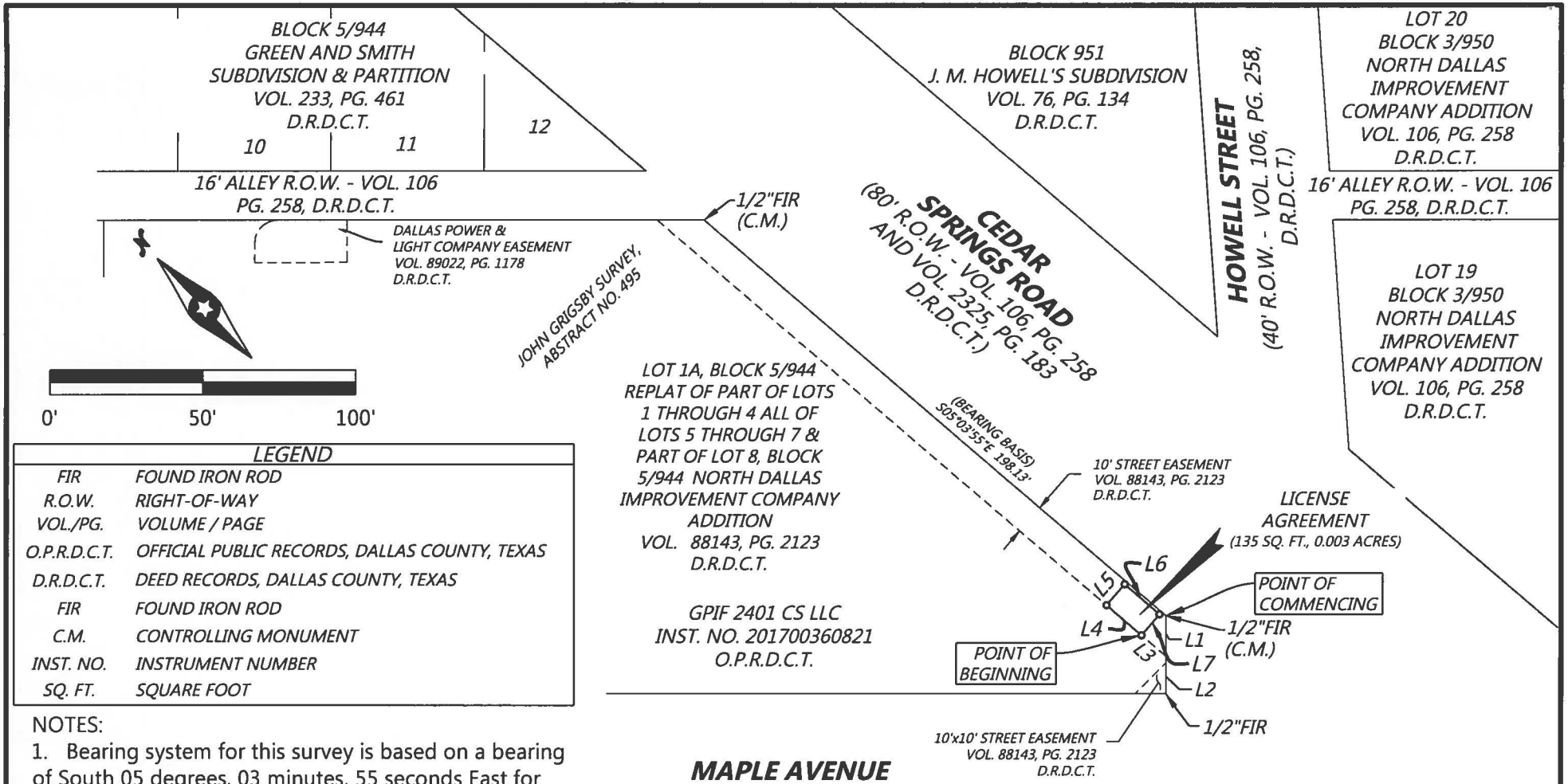
R. Groysman

Roman L. Groysman
Registered Professional Land Surveyor
Texas Registration No. 5864



(For SPRG use only)	
Reviewed by:	G.S.
Date:	1-30-19
SPRG No.	4737

EXHIBIT A-TRACT 2



LEGEND	
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
VOL./PG.	VOLUME / PAGE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
FIR	FOUND IRON ROD
C.M.	CONTROLLING MONUMENT
INST. NO.	INSTRUMENT NUMBER
SQ. FT.	SQUARE FOOT

NOTES:

1. Bearing system for this survey is based on a bearing of South 05 degrees, 03 minutes, 55 seconds East for the west right-of-way line of Cedar Springs Road according to Lot 1A, Block 5/944, Replat of part of Lots 1-4, all of Lots 5-7 and part of Lot 8, Block 5/944, North Dallas Improvement Company Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 88143, Page 2123 of the Deed Records of Dallas County, Texas.

2. See Page 4 of 4 for Line Table.

(For SPRG use only)	
Reviewed by:	G.S.
Date:	1-30-19
SPRG No.	4737

Call 48 Hours before digging:
811 or call811.com
Common Ground Alliance

N:\0015544.00\DWG\SURVEY\EXHIBITS\0015544 LICENSE AGREEMENT (GARAGE VENT).DWG

LICENSE AGREEMENT - BLOCK 5/944 - CITY OF DALLAS, DALLAS COUNTY, TEXAS

Westwood

Phone (214) 473-4640
Toll Free (888) 937 5150
2740 Dallas Parkway, Suite 280
Plano, TX 75093
westwoodps.com

Westwood Professional Services, Inc.
TBPE Firm Reg. No. 11756
TBPLS Firm Reg. No. 10074301

LICENSE AGREEMENT
CEDAR SPRINGS ROAD
REPLAT OF PART OF LOTS 1 THROUGH 4 ALL OF LOTS 5 THROUGH 7 & PART OF LOT 8, BLOCK 5/944 , NORTH DALLAS IMPROVEMENT COMPANY, LOT 1A, BLOCK 5/944
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

0015544

DATE: 10/18/2018

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EXHIBIT A-TRACT 2

Call 48 Hours before digging:
811 or call811.com
Common Ground Alliance

Line Table		
Line #	Length	Direction
L1	13.17'	S44°20'10"W
L2	12.29'	N44°20'10"E
L3	10.39'	N05°03'55"W
L4	15.00'	N05°03'55"W
L5	9.00'	N84°56'05"E
L6	15.00'	S05°03'55"E
L7	9.00'	S84°56'05"W

(For SPRG use only)
Reviewed by: G.S.
Date: 1-30-19
SPRG No. 4737

STATE OF TEXAS
REGISTERED
ROMAN L. GROYSMAN
5864
PROFESSIONAL
LAND SURVEYOR

R. Groysman
ROMAN L. GROYSMAN 12/19/18
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5864

N:\0015544.00\DWG\SURVEY\EXHIBITS\0015544 LICENSE AGREEMENT (GARAGE VENT).DWG

LICENSE AGREEMENT - BLOCK 5/944 - CITY OF DALLAS DALLAS COUNTY TEXAS

Westwood
Phone (214) 473-4640
Toll Free (888) 937-5150
2740 Dallas Parkway, Suite 280
Plano, TX 75093
westwoodps.com
Westwood Professional Services, Inc.
TBPE Firm Reg. No. 11756
TBPLS Firm Reg. No. 10074301

LICENSE AGREEMENT
CEDAR SPRINGS ROAD
REPLAT OF PART OF LOTS 1 THROUGH 4 ALL OF LOTS 5 THROUGH 7 & PART OF LOT 8, BLOCK 5/944 , NORTH DALLAS IMPROVEMENT COMPANY, LOT 1A, BLOCK 5/944
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
0015544

EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

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

(a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

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

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

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

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.

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

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

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

Agenda Information Sheet

File #: 18-470 **Item #:** 26.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance granting a private license to GUGV Victory Park Dallas Property Owning, LLC, for the use of a total of approximately 378 square feet of land to maintain, occupy and utilize a sidewalk café and four planters on a portion of Houston Street right-of-way located near its intersection with Payne Street - Revenue: $200.00 annually and a $100.00 one-time fee, plus the $20.00 ordinance publication fee

BACKGROUND

This item grants a private license to GUGV Victory Park Dallas Property Owning, LLC, for the use of a total of approximately 378 square feet of land to maintain, occupy and utilize a sidewalk café and four planters on a portion of Houston Street right-of-way located near its intersection with Payne Street. The use of this area will not impede pedestrian or vehicular traffic. The term of this license is 40 years.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Revenue: $200.00 annually and a $100.00 one-time fee, plus the $20.00 ordinance publication fee

OWNER

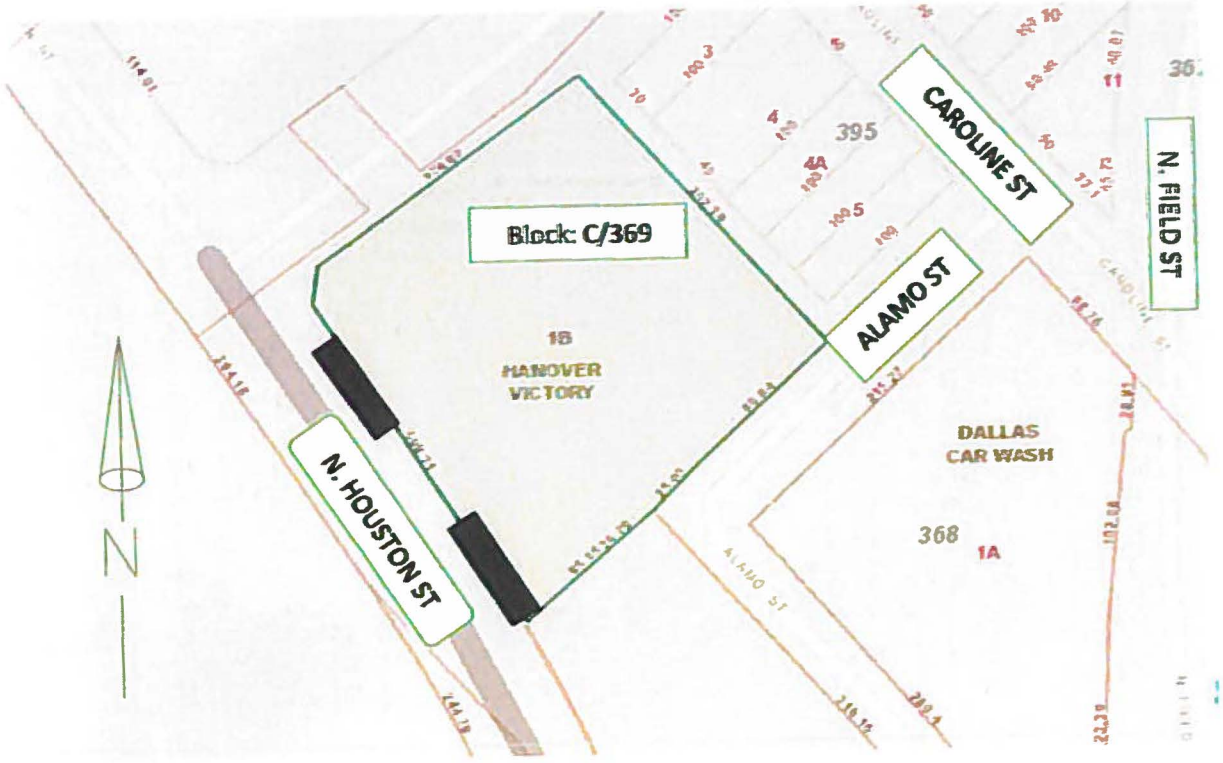
GUGV Victory Park Dallas Property Owning, LLC

Robert A. Faith, President

MAP

Attached

powered by Legistar™



License Area

ORDINANCE NO. _____

An ordinance granting a private license to GUGV Victory Park Dallas Property Owning, LLC, to occupy, maintain and utilize a portion of Houston Street right-of-way near its intersection with Payne Street, adjacent to City Block C/369 within the limits hereinafter more fully described for the purpose of occupying maintaining and utilizing a sidewalk café and four (4) planters; providing for the terms and conditions of this license; providing for the annual and one-time fee compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

ooo0ooo

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

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to GUGV Victory Park Dallas Property Owning, LLC, a Delaware limited liability company, its successors and assigns, hereinafter referred to as **"GRANTEE"**, to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of **TWO HUNDRED AND NO/I100 DOLLARS ($200.00)** annually for the license herein granted for the sidewalk café, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **TWO HUNDRED AND NO/100 DOLLARS ($200.00)** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2019. In addition, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code, **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **ONE HUNDRED AND NO/100 DOLLARS ($100.00)**, for the license herein granted for the four (4) planters, said sum to be paid prior to the final passage of this ordinance and shall cover the total consideration for said purpose during the license term.

Such annual and one-time fee consideration, collectively, shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: occupying maintaining and utilizing a sidewalk café and four (4) planters.

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

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

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

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

(a) **GRANTEE** acknowledges per the City of Dallas Thoroughfare Plan, Section 51A-9, Canton Street requires eighty (80) feet of right-of-way (S-4D) and Malcom X and Boulevard requires sixty (60) feet of right-of-way (S-4-U)

(b) **GRANTEE** acknowledges the Complete Street Manual suggests a preferred minimum unobstructed continuous pedestrian path of six (6) feet.

(c) **GRANTEE** shall allow enough clearance per Americans with Disabilities Act (ADA) and Texas Department of Licensing and Regulation (TDLR).

(d) **GRANTEE** acknowledges Atmos may have facilities in the area, if it is found that the gas lines will be in the way of construction, a cost estimate to re-route will be furnished upon request.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 9. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 10. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of

Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fees pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00007073.

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

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

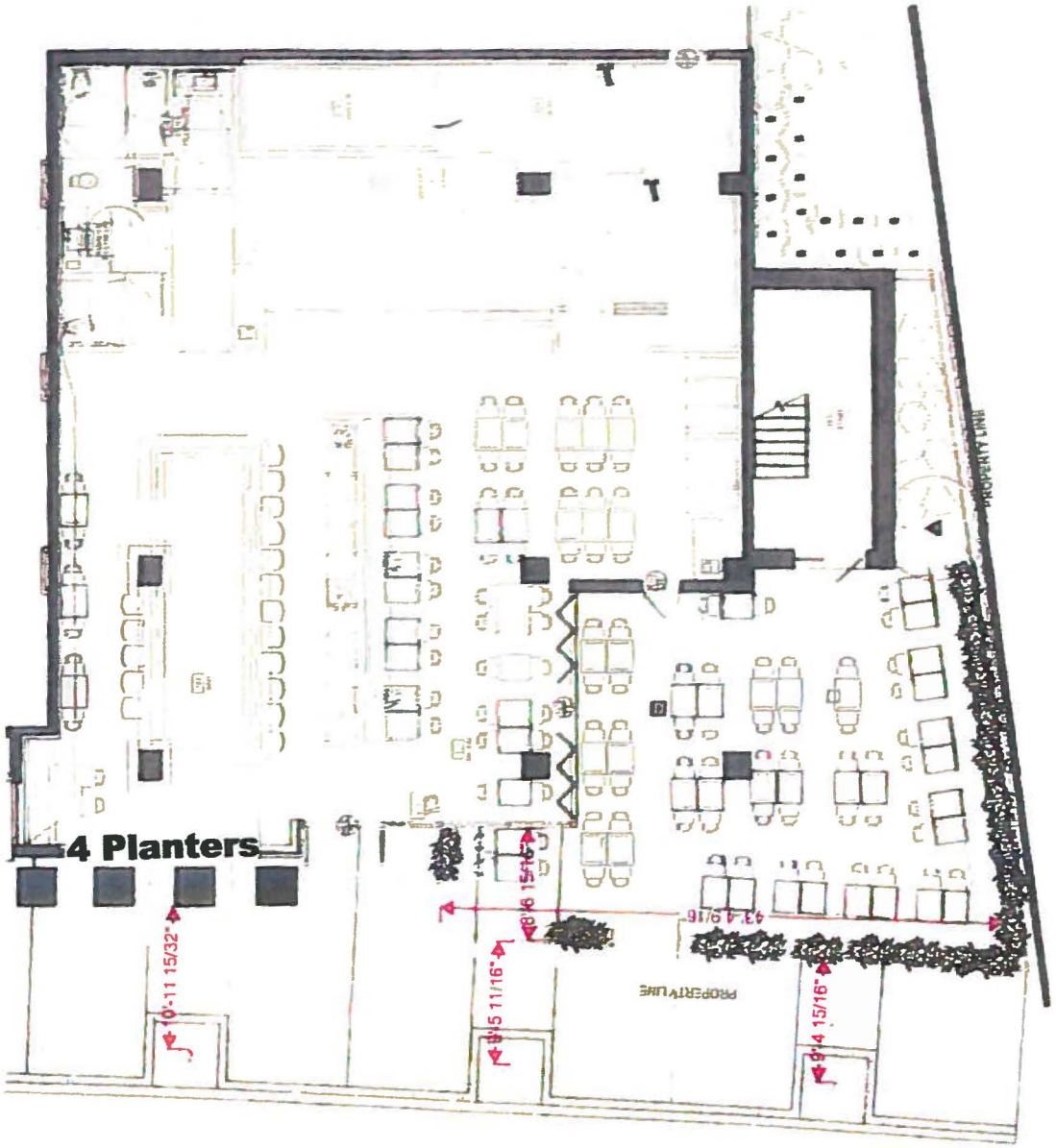
KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant City Attorney

BY: _____
Assistant Director

Passed _____.

Exhibit A



Alley

Houston Street

GUGV Victory Park Dallas Owning, LLC
2588 N. Houston Street
Total use space Square foot= 378

BLOCK: C/369

EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

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

(a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

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

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

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

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.

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

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

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

File #: 19-56 **Item #:** 27.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning a portion of Pacific Avenue to 4100 Commerce, LP, the abutting owner, containing approximately 1,739 square feet of land, located near the intersection of Commerce Street and Parry Avenue; and authorizing the quitclaim - Revenue: $34,780.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of Pacific Avenue to 4100 Commerce, LP, the abutting owner. The area will be included with the property of the abutting owner for additional parking. The abandonment fee is based on an independent appraisal.

Notices were sent to 12 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Revenue: $34,780.00, plus the $20.00 ordinance publication fee

OWNER

4100 Commerce, LP

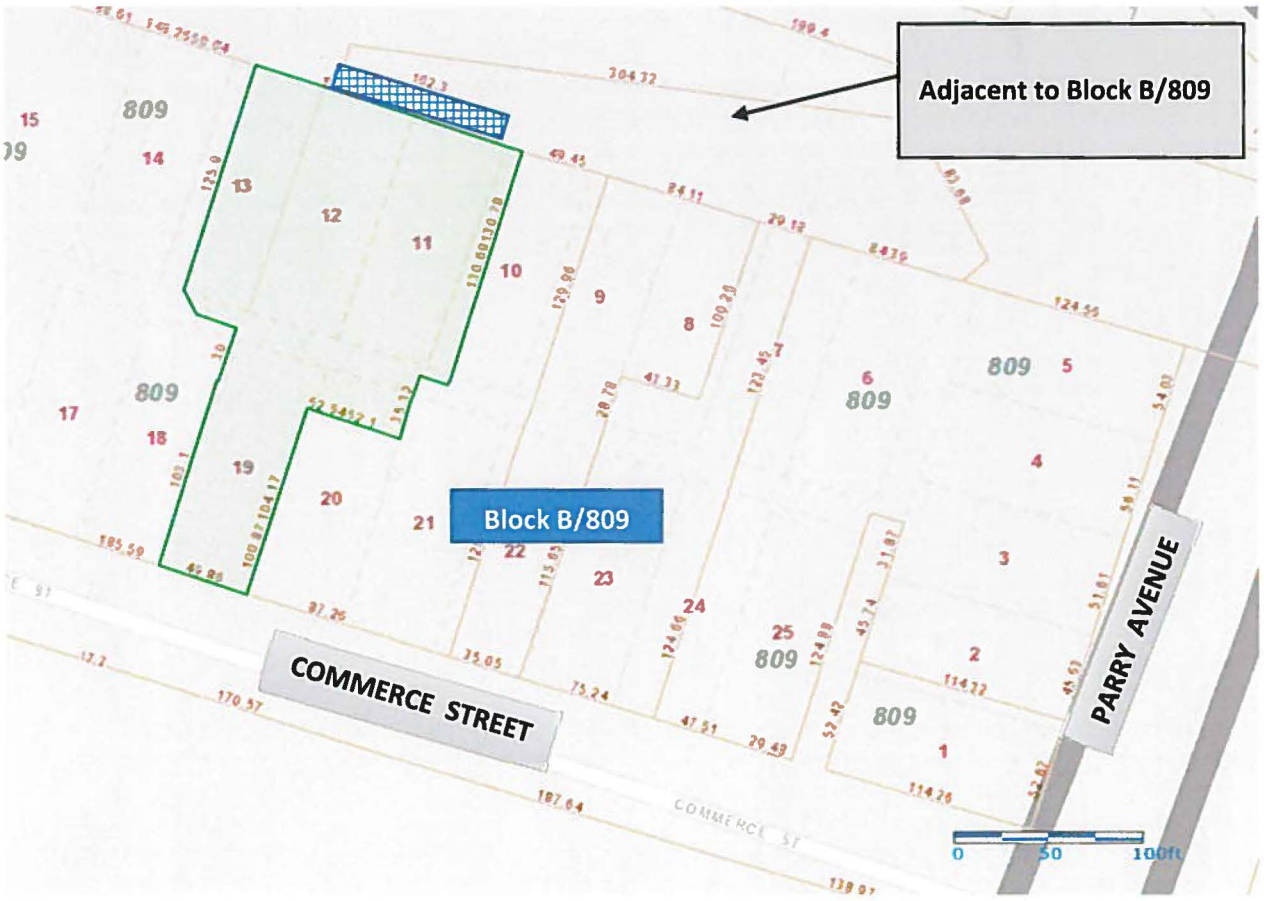
DHG Holdings LLC

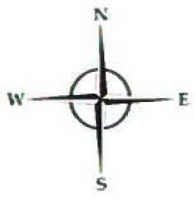
David H. Gibson, Managing Member

MAP

Attached

powered by Legistar™





STREET ABANDONMENT

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Pacific Avenue located adjacent to City Block B/809 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to 4100 Commerce, LP; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of 4100 Commerce, LP, a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portion of street is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms, conditions and reverter hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the reverter and the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **THIRTY FOUR THOUSAND SEVEN HUNDRED AND EIGHTY AND NO/100 DOLLARS ($34,780.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10 the

City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, the reverter, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. Provided however, that if **GRANTEE,** its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 9 of this ordinance by the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

> "(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator's action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005";

or (ii) the date that is the sixth anniversary of the passage of this ordinance; THEN this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE**.

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

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal

description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

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

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A; which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any

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

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this abandonment, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director

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

SECTION 12. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005865.

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

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

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

JL/45698

Exhibit A

STREET ABANDONMENT
PART OF PACIFIC AVENUE
ADJACENT TO BLOCK B/809
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being 1,739 square foot (0.04 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas being a part of Pacific Avenue (17 foot right-of-way), created in Deed recorded in Volume 103, Page 577, Deed Records, Dallas County, Texas, adjacent to City of Dallas Block B/809, and to that tract of land conveyed to 4100 Commerce, LP by Special Warranty Deed recorded in Instrument No. 201500287661, Official Public Records, Dallas County, Texas, and by Correction Deed recorded in Instrument No. 201700047942, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the intersection of the Southeast right-of-way line of Ash Lane (30 foot right-of-way), created by Ordinance No. 722, and the Southwest right-of-way line of said Pacific Avenue, said point being the North corner of said 4100 Commerce tract;

THENCE South 73 degrees 00 minutes 00 seconds East, along the common said Southwest right-of-way line of Pacific Avenue and the Northeast line of said 4100 Commerce tract, a distance of 195.66 feet to a 1/2 inch iron rod with a yellow cap stamped "CBG Survyeing, Inc." set for corner and the POINT OF BEGINNING;

THENCE North 16 degrees 58 minutes 50 seconds East, leaving said Southwest right-of-way line and traversing through Pacific Avenue, a distance of 17.00 feet to a 1/2 inch iron rod with a yellow cap stamped "CBG Surveying, Inc." found at the Southwest corner of a tract of land conveyed to Block 809, Ltd., by Deed recorded in Instrument No. 200600225162, Official Public Records, Dallas County, Texas, said point being on the common Northeast right-of-way line of said Pacific Avenue and the Southwest line of a tract of land conveyed to Dallas Area Rapid Transit (DART), (80 foot right-of-way) by Deed recorded in Volume 90177, Page 4230, Deed Records, Dallas County, Texas;

THENCE South 73 degrees 00 minutes 00 seconds East, along the common Southwest line of said Block 809 tract and said Northeast right-of-way line of Pacific Avenue, a distance of 102.27 feet to a 1/2 inch iron rod with a yellow cap stamped "CBG Survyeing, Inc." set for corner;

THENCE South 16 degrees 50 minutes 30 seconds West, leaving said common line and traversing through said Pacific Avenue, a distance of 17.00 feet to a point for corner in building at the common North corner of a tract of land conveyed to 4118-4130 Commerce, Ltd., a Texas limited partnership, by Deed recorded in Volume 99084, Page 168, Deed Records, Dallas County, Texas, and the East corner of a tract of land conveyed to 4100 Commerce, LP, a Texas limited partnership by Deed recorded in Instrument No. 201700047942, Official Public Records, Dallas County, Texas, said point being on aforementioned Southwest right-of-way line of Pacific Avenue;

THENCE North 73 degrees 00 minutes 00 seconds West, along the common said Southwest right-of-way line of Pacific Avenue and the Northeast line of said 4100 Commerce tract, a distance of 102.31 feet to the POINT OF BEGINNING and containing 1,739 square feet or 0.04 of an acre of land.

(For SPRG use only)
Reviewed By: JD
Date: 3/29/2018
SPRG No.: 4461

GENERAL NOTES:
Bearings based on the Northwest line of Deed (N18°08'00"E), recorded in Instrument No. 201700047943, Official Public Records, Dallas County, Texas.

STATE OF TEXAS
REGISTERED
BRYAN CONNALLY
5513
PROFESSIONAL
LAND SURVEYOR

BRYAN CONNALLY
R.P.L.S. NO. 5513

CBG Surveying, Inc.
PLANNING SURVEYING
12025 Shiloh Road • Suite 230 Dallas, Texas 75228
P 214.349.9485 F 214.349.2216
Firm No. 10168800
www.cbginctx.com

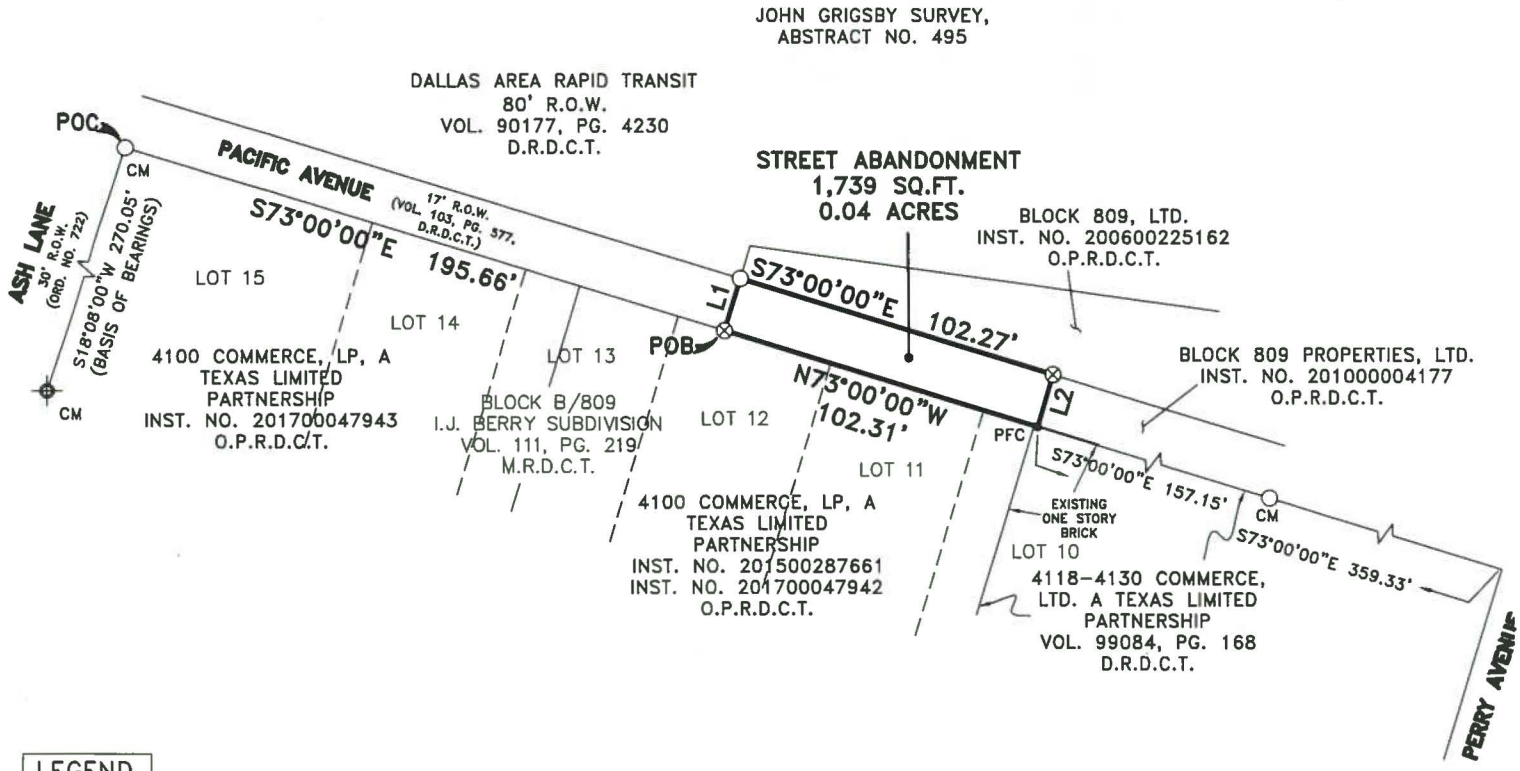
SHEET 1 OF 2
JOB NO. 1510160-1
DRAWN BY: MC
DATE: 03/27/18

Exhibit A

STREET ABANDONMENT
PART OF PACIFIC AVENUE
ADJACENT TO BLOCK B/809
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

60' 30' 0 60' 120'

SCALE: 1" = 60'



LEGEND

- ○ 1/2" IRON ROD FOUND
- ⊗ 1/2" IRON ROD YELLOW CAP "CBG SURVEYING, INC."
- ● PFC – POINT FOR CORNER
- ⊕ PK NAIL FOUND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
CM	CONTROL MONUMENT
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
SQ.FT.	SQUARE FEET

(For SPRG use only)
Reviewed By: JD
Date: 3/29/2018
SPRG No.: 4461

Line Table		
Line #	Direction	Length
L1	N16°58'50"E	17.00'
L2	S16°50'30"W	17.00'

GENERAL NOTES:
Bearings based on the Northwest line of Deed (N18°08'00"E), recorded in Instrument No. 201700047943, Official Public Records, Dallas County, Texas.

STATE OF TEXAS REGISTERED BRYAN CONNALLY 5513 SURVEYOR

BRYAN CONNALLY
R.P.L.S. NO. 5513

CBG Surveying, Inc.
PLANNING · SURVEYING
12025 Shiloh Road · Suite 230 · Dallas, Texas 75228
P 214.349.9485 · F 214.349.2216
Firm No. 10168800
www.cbginctx.com

SHEET 2 OF 2
JOB NO. 1510160-1
SCALE: 1"=50'
DRAWN BY: MC
DATE: 03/27/18

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

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

Agenda Information Sheet

File #: 19-364 **Item #:** 28.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 10, 2019
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

An ordinance amending Ordinance No. 31058, previously approved on December 12, 2018, which abandoned a portion of Matilda Street and street corner clip, located near the intersection of Matilda Street and Lovers Lane to Lincoln LAG Ltd. to alter Section 12 to revise the square footage of the water easement area from approximately 8,702 square feet of land to approximately 6,942 square feet of land and delete Exhibit C and substitute a new Exhibit C - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the amendment of Ordinance No. 31058, which abandoned a portion of Matilda Street and street corner clip, to Lincoln LAG Ltd., previously approved on December 12, 2018, to alter Section 12 to revise the square footage of the water easement area from approximately 8,702 square feet of land to approximately 6,942 square feet of land and delete Exhibit C and substitute a new Exhibit C.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 12, 2018, City Council authorized the abandonment of portions of Matilda Street and street corner clip to Lincoln LAG Ltd., for the use of a total of approximately 17,212 square feet of land to expand parking for the HEB Central Market grocery store located near the intersection of Matilda Street and Lovers Lane by Resolution No. 18-1782; Ordinance No. 31058.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Revenue: $5,400.00, plus the $20.00 ordinance publication fee

OWNER

Lincoln LAG Ltd.

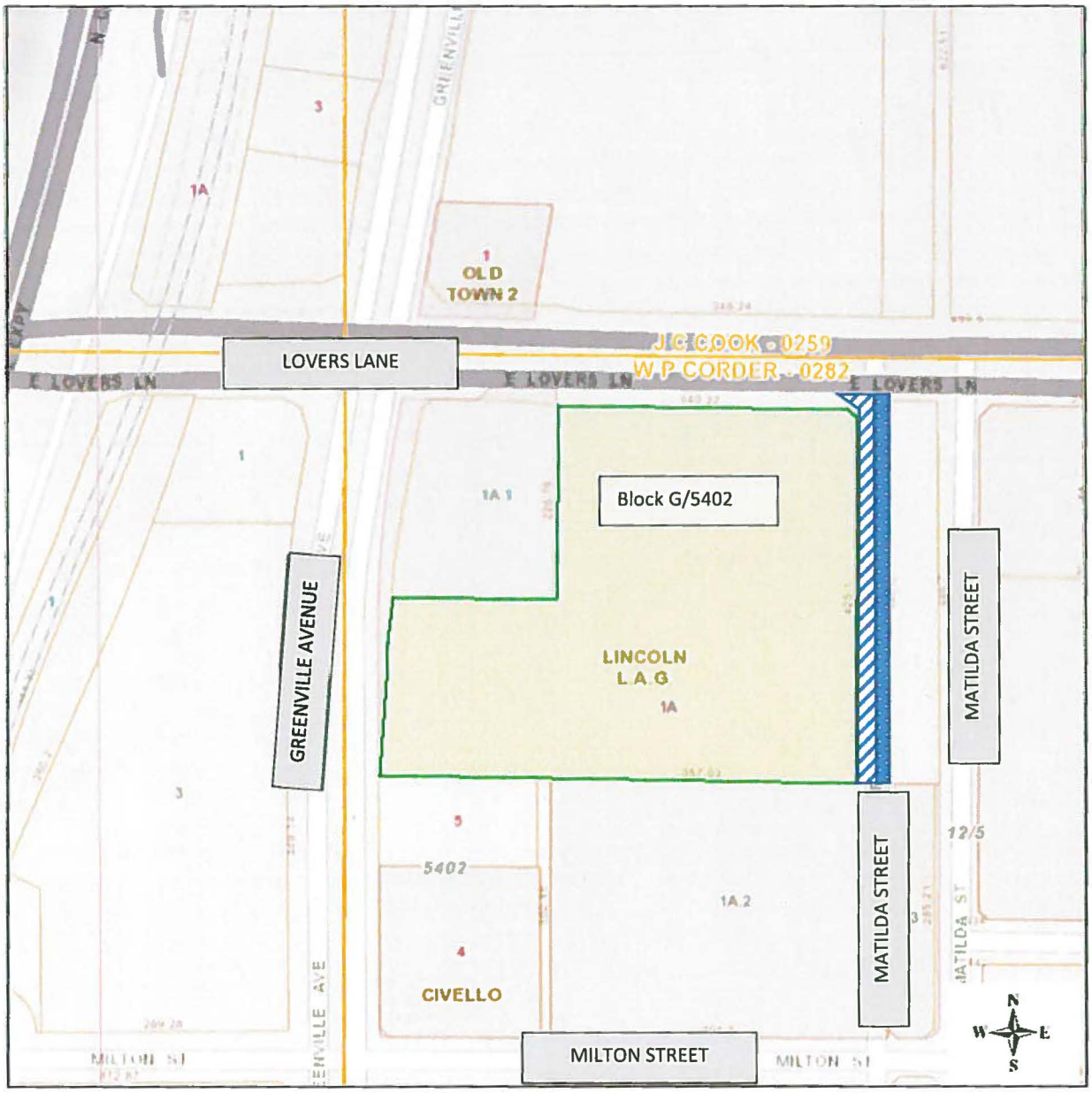
Akard Ervay, Inc., General Partner

William C. Duvall, President

MAP

Attached

powered by Legistar™



Abandonment Area:

Dedication Area:
(Water Easement)

ORDINANCE NO. _____

An ordinance amending Ordinance No. 31058, by altering Section 12 to revise the square footage of the water easement area thereof, deleting Exhibit C thereof and substituting a new Exhibit C thereto; providing for consideration to be paid to the City of Dallas; providing for payment of the publication fee; providing a savings clause; and providing an effective date.

oooOooo

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

SECTION 1. That Ordinance No. 31058 adopted by the City Council of the City of Dallas on December 12, 2018, be and the same is hereby amended by altering Section 12 to read as follows:

> **SECTION 12.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey to the City of Dallas a water easement, within 180 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Blocks G/5402 and 12/5406 as part consideration for the property herein abandoned by the City of Dallas and QUITCLAIMED to **GRANTEE**. Said property to be conveyed shall be acceptable to the Director of Department of Sustainable Development and Construction of the City of Dallas and contain approximately ~~8,702~~ 6,942 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. Failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 2. That, as consideration for amending Ordinance No. 31058, Lincoln LAG Ltd. agrees to pay monetary consideration in the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** to the City of Dallas, and, by its tender thereof, accepts the terms and conditions of this ordinance.

SECTION 3. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal

description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 4. That Ordinance No. 31058 adopted by the City Council of the City of Dallas on December 12, 2018, be and the same is hereby amended by deleting Exhibit C and substituting a new Exhibit C, attached hereto and made a part hereof.

SECTION 5. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay and completion of the dedication set forth in Section 12, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one (1) year after its passage.

SECTION 6. That this ordinance is designated for City purposes as Contract No. DEV-2016-00000108.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provision of the Charter of the City of Dallas and it is accordingly so ordained.

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

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
SDR Assistant Director

Passed _____.

Revised Exhibit C

WATER EASEMENT
MATILDA STREET
BETWEEN BLOCK G/5402 AND BLOCK 12/5406
W.P. CARDER SURVEY, ABSTRACT NO. 282
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 6,942 square foot (0.1594 acres) tract of land situated in the W.P. Carder Survey, Abstract No. 282, City of Dallas, Dallas County, Texas, being part of Matilda Street, a variable width street easement conveyed to the City of Dallas by deed recorded in Volume 5149, Page 314, Deed Records, Dallas County, Texas, between block G/5402 and Block 12/5406, and being more particularly described as follows:

COMMENCING at a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found for the northeast interior ell corner of Lot 1A, Block G/5402, Lincoln L.A.G. Addition, an addition to the City of Dallas according to the plat recorded in Volume 2002023, Page 35, Deed Records, Dallas County, Texas, said rod being the southwest corner of said Matilda Street (street easement), the southeast corner of a 4.4957 acre tract of land conveyed to Lincoln LAG, Ltd. by Special Warranty Deed recorded in Volume 2002019, Page 46, Deed Records, Dallas County, Texas, the northeast corner of Tract 1 and the northwest corner of Tract 2 as conveyed to Lincoln LAG, Ltd. by Special Warranty Deed recorded in Instrument No. 201400120831, Official Public Records, Dallas County, Texas;

THENCE North 00° 02' 20" West, along the east line of said Lot 1A and the west line of said Matilda Street (street easement), a distance of 96.99 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for the **POINT OF BEGINNING**;

THENCE North 00° 02' 20" West, continuing along the east line of said Lot 1A and the west line of said Matilda Street (street easement), passing at a distance of 328.11 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found for the southerly northeast corner of said Lot 1A and the south corner of a right-of-way dedication recorded in Volume 2002023, Page 35, Deed Records, Dallas County, Texas, continuing along the east line of said right-of-way dedication for a total distance of 338.11 feet to a MAG nail found for the northeast corner of said right-of-way dedication at the ell corner of said street easement;

THENCE South 89° 16' 00" East, along the eastward projection of the north line of said Lot 1A and the south line of said street easement, a distance of 20.00 feet to a chiseled "X" in concrete set for corner;

THENCE South 00° 06' 08" West, departing the eastward projection of the north line of said Lot 1A and the south line of said street easement, a distance of 356.96 feet to a MAG nail set with washer stamped "RLG INC" set for corner;

THENCE North 45° 02' 20" West, a distance of 27.04 feet to the **POINT OF BEGINNING** and containing 6,492 square feet or 0.1594 acres, more or less.

Basis of Bearing: The east line of said Lot 1A, Block G/5402, Lincoln L.A.G. Addition, (S 00° 02' 20" E) as shown on plat of Lot 1A, Block G/5402, Lincoln L.A.G. Addition, recorded in Volume 2002023, Page 35, Deed Records, Dallas County, Texas.



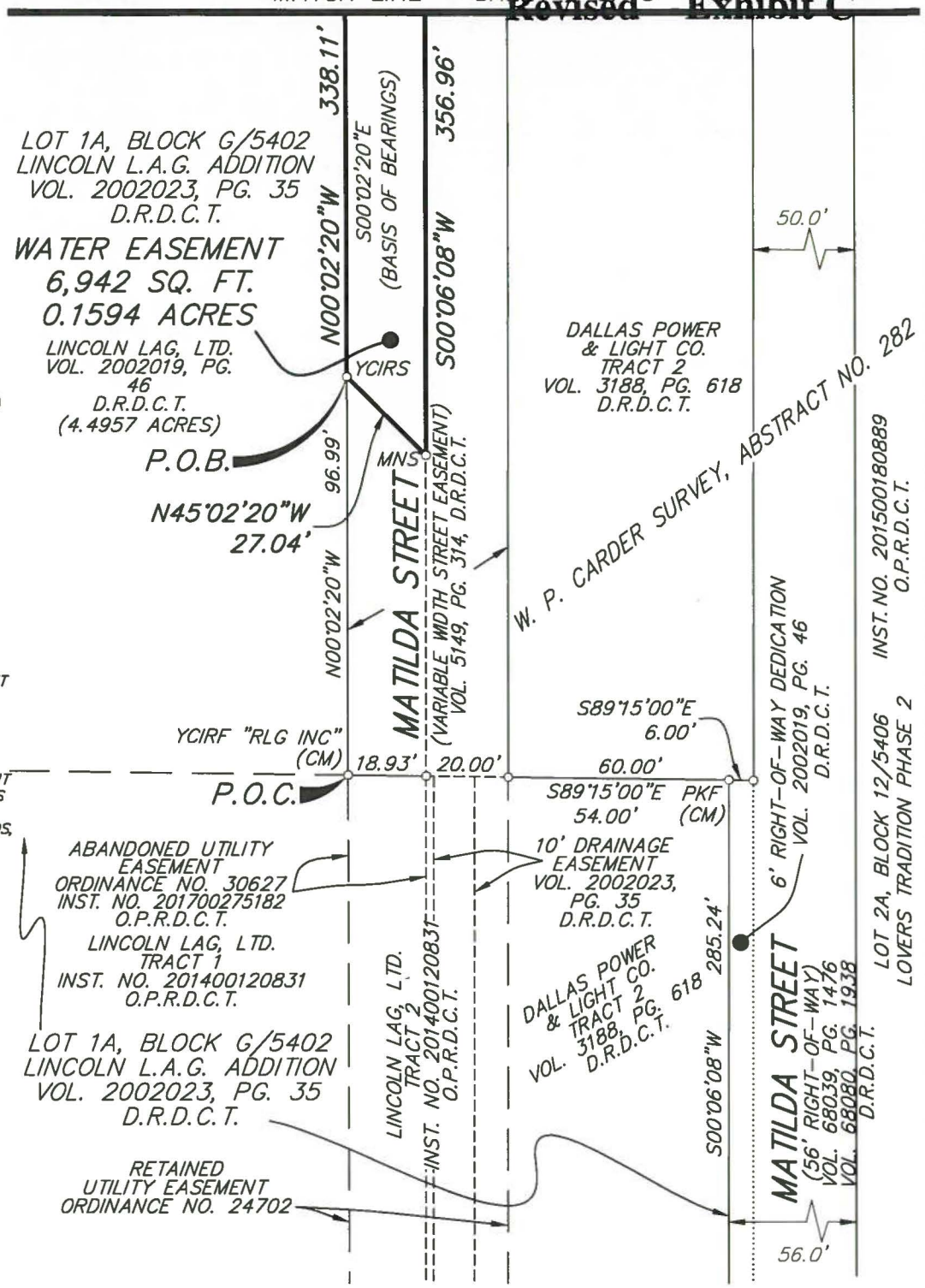
Dale R. White R.P.L.S. No. 4762
10/04/2018

(For SPRG use only)
Reviewed By: G.S.
Date: 12-26-18
SPRG NO.: 47114

26,981X

MATCH LINE – SHEET 3 OF 3

Revised Exhibit C



0 20 40 80

(FEET)

1 inch = 40 ft.

LEGEND

- ..... WATER EASEMENT LINE
- ..... PLAT LINE
- — — — ..... DEED LINE
- ---------- ..... EASEMENT LINE
- YCIRS ..... 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RLG INC" SET
- IRF ..... IRON ROD FOUND
- MNF ..... MAG NAIL FOUND
- CMS / CMF ..... CHISELED "X" SET / FOUND
- PKF ..... PK NAIL FOUND
- (CM) ..... CONTROLLING MONUMENT
- D.R.D.C.T. ..... DEED RECORDS, DALLAS COUNTY, TX
- O.P.R.D.C.T. ..... OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
- INST. NO. ..... INSTRUMENT NUMBER
- VOL. ..... VOLUME
- PG. ..... PAGE
- P.O.C. ..... POINT OF COMMENCING
- P.O.B. ..... POINT OF BEGINNING
- MNS ..... MAG NAIL WITH WASHER STAMPED "RLG INC" SET
- SQ. FT. ..... SQUARE FEET
- CO. ..... COMPANY

STATE OF TEXAS
REGISTERED
DALE R. WHITE
4762
PROFESSIONAL
LAND SURVEYOR

Dale R. White R.P.L.S. No. 4762
12/11/2018

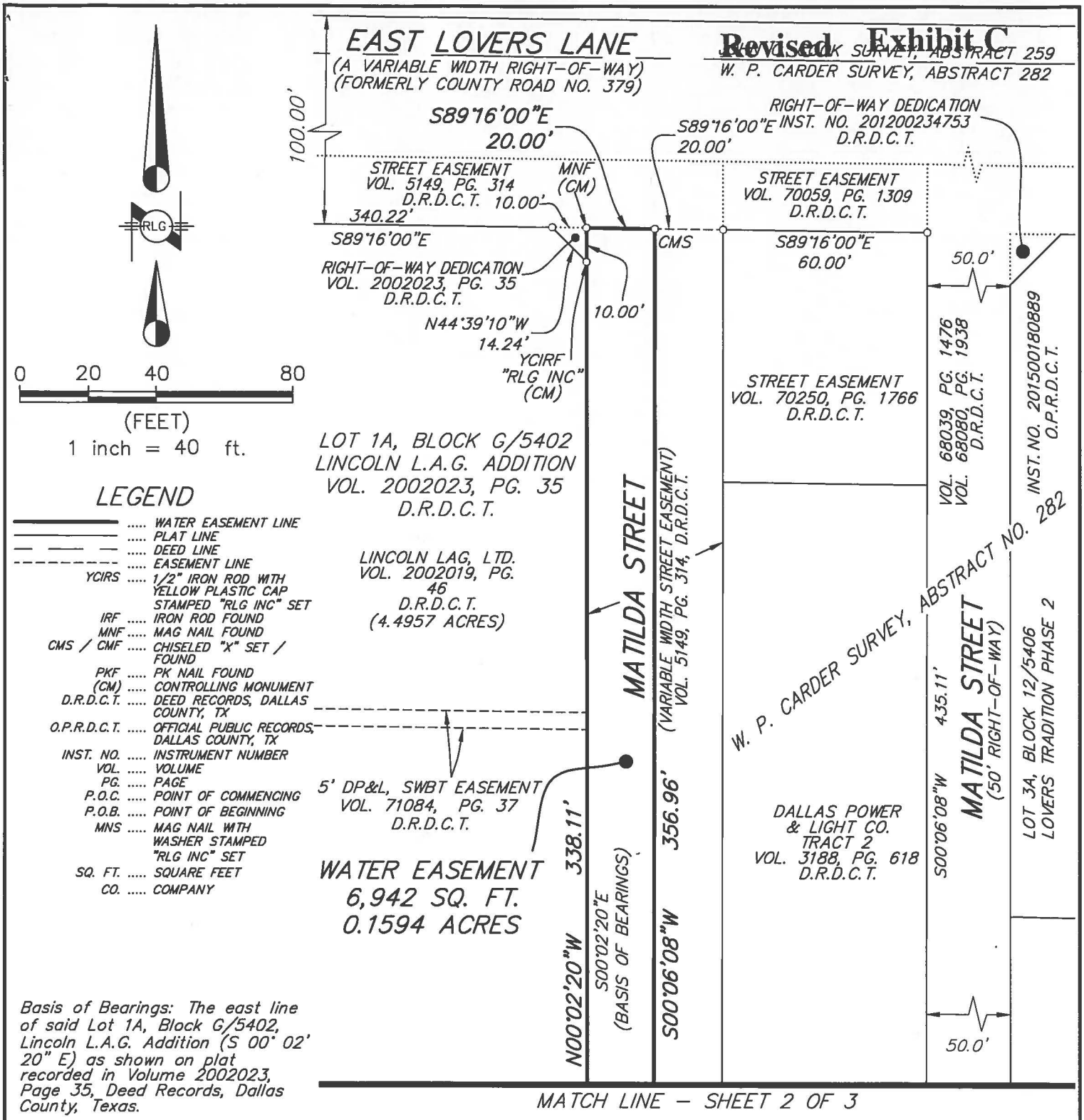
RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

WATER EASEMENT
MATILDA STREET
BETWEEN BLOCK G/5402 & BLOCK 12/5406
W. P. CARDER SURVEY, ABSTRACT NO. 282
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 12-26-18
SPRG NO.: 4714

SCALE	1" = 40'	DATE	12/11/18	SHEET	2 OF 3
JOB NO.	1711.049.002	E-FILE	1711.049.002UE	DWG NO.	26,981X

Revised Exhibit C



LEGEND

- ..... WATER EASEMENT LINE
- ..... PLAT LINE
- ..... DEED LINE
- ..... EASEMENT LINE
- YCIRS ..... 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RLG INC" SET
- IRF ..... IRON ROD FOUND
- MNF ..... MAG NAIL FOUND
- CMS / CMF ..... CHISELED "X" SET / FOUND
- PKF ..... PK NAIL FOUND
- (CM) ..... CONTROLLING MONUMENT
- D.R.D.C.T. ..... DEED RECORDS, DALLAS COUNTY, TX
- O.P.R.D.C.T. ..... OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
- INST. NO. ..... INSTRUMENT NUMBER
- VOL. ..... VOLUME
- PG. ..... PAGE
- P.O.C. ..... POINT OF COMMENCING
- P.O.B. ..... POINT OF BEGINNING
- MNS ..... MAG NAIL WITH WASHER STAMPED "RLG INC" SET
- SQ. FT. ..... SQUARE FEET
- CO. ..... COMPANY

Basis of Bearings: The east line of said Lot 1A, Block G/5402, Lincoln L.A.G. Addition (S 00° 02' 20" E) as shown on plat recorded in Volume 2002023, Page 35, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

MATCH LINE – SHEET 2 OF 3

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

WATER EASEMENT
MATILDA STREET
BETWEEN BLOCK G/5402 & BLOCK 12/5406
W. P. CARDER SURVEY, ABSTRACT NO. 282
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 12-26-18
SPRG NO.: 4714

SCALE	1" = 40'	DATE	12/11/18	SHEET	3 OF 3
JOB NO.	1711.049.002	E-FILE	1711.049.002UE	DWG NO.	26,981X

Agenda Information Sheet

File #: 19-315 **Item #:** 29.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 10, 2019
COUNCIL DISTRICT(S):	7
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

Authorize an amendment to an existing lease agreement with Towne Square Market LP to **(1)** extend the lease agreement for an additional three-years for approximately 8,100 square feet of office space located at 3312 North Buckner Boulevard, Suites 124 and 130, for the period June 1, 2019 through May 31, 2022; and **(2)** amend Sections VI and IX of the lease agreement to provide clarification of permitted use and intention for continued use as a Women, Infants and Children Clinic - Not to exceed $389,205.00 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

BACKGROUND

This item authorizes an amendment to an existing lease agreement with Towne Square Market LP, to extend the lease agreement for an additional three-years for approximately 8,100 square feet of office space located at 3312 North Buckner Boulevard, Suites 124 and 130.

This item will amend Sections VI and IX of the lease agreement to define the 100 parking spaces as “non-exclusive”, and delete language referenced to the use as office and clinic space for the Child Health Services program of the Environmental and Health Services Department of the City of Dallas.

The three-year extension and changes to Sections VI and XI of the lease agreement will provide for the continued use for the Women, Infants and Children (“WIC”) Clinic which serves residents in the northeast Dallas area.

The WIC program is a United States Department of Agriculture program administered in Texas by the Department of State Health Services. The countywide program has been administered by the City of Dallas Housing/Community Services Department since 1974. The WIC program provides nutritious food, nutrition education, breastfeeding promotion and support, referrals to health services, and immunizations. The program serves infants and children under age five and pregnant, postpartum and breastfeeding women.

The three-year extension will begin on June 1, 2019 through May 31, 2022.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 27, 1994, City Council authorized a five-year Lease Agreement by Resolution No. 94-1582.

On May 26, 1999, City Council authorized a First Amendment to the Lease Agreement for a three-year extension by Resolution No. 99-1699.

On May 23, 2001, City Council authorized a Second Amendment to the Lease Agreement for a four-year extension by Resolution No. 01-1623.

On April 27, 2005, City Council authorized a Third Amendment to the Lease Agreement for a nine-year extension by Resolution No. 05-1324.

On September 23, 2009, City Council authorized a Fourth Amendment to the Lease Agreement for a four-year extension by Resolution No. 09-2370.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Department of State Health Services Grant Funds - $389,205.00 (subject to annual appropriations)

FY 2018-19 $ 41,850.00
FY 2019-20 $125,550.00
FY 2020-21 $129,735.00
FY 2021-22 $ 92,070.00

OWNER

Towne Square Market LP

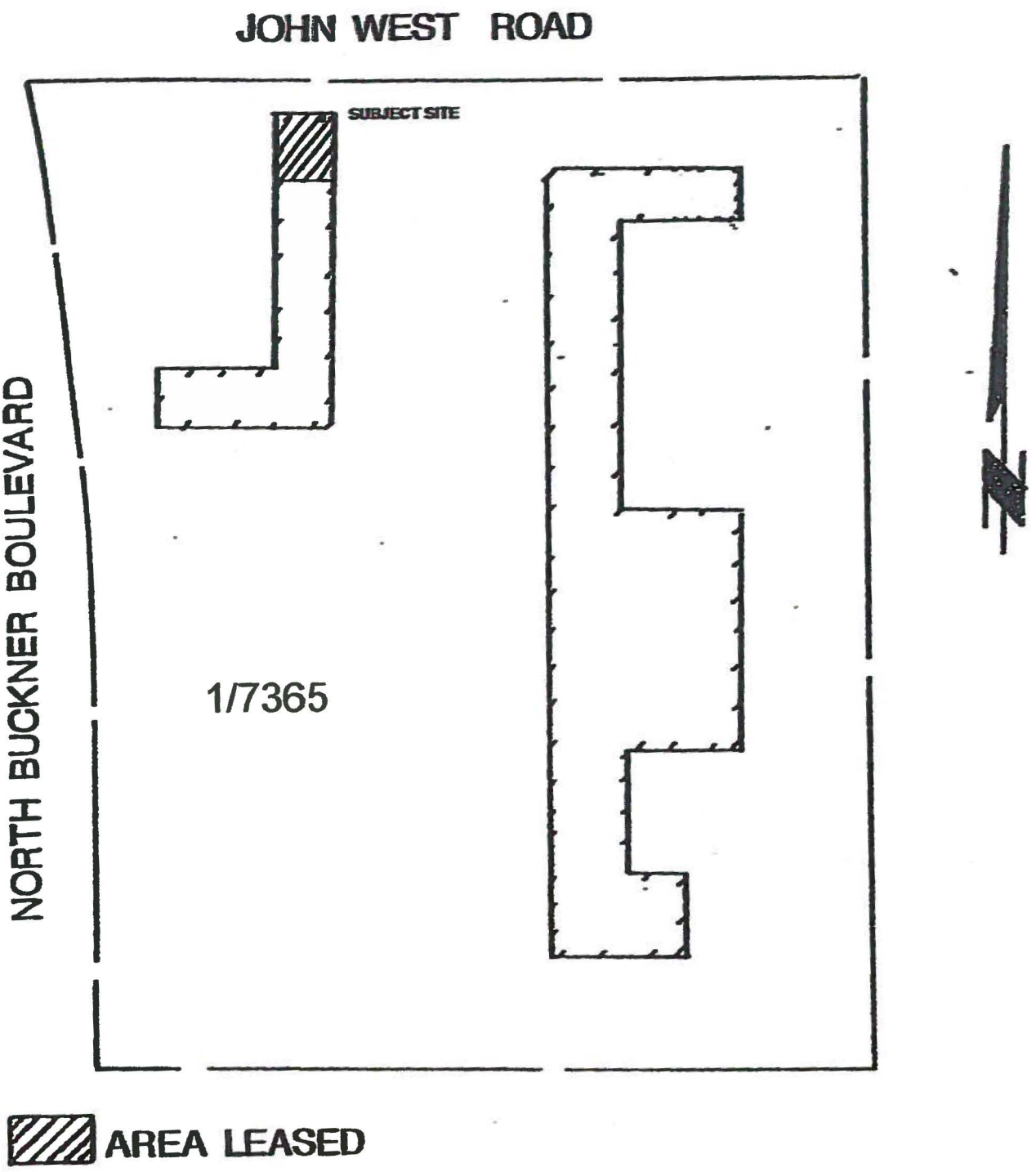
Towne Square Market GP, LLC, its general partner

Eric Cassis, Managing Manager

MAP

Attached

powered by Legistar™


JOHN WEST ROAD
SUBJECT SITE
NORTH BUCKNER BOULEVARD
1/7365
AREA LEASED
EAST R.L. THORNTON FREEWAY IH 30

WHEREAS, on April 27, 1994, by Resolution No. 94-1582, the City Council of the City of Dallas authorized a five-year lease agreement dated April 27, 1994 (the "Lease") between the City of Dallas, a Texas municipal corporation ("City"), as tenant, and Buckner & I-30, Ltd., a Texas limited partnership, or its successor and assigns, ("Landlord") as landlord, for approximately 3,400 square feet of office space, located at 3312 North Buckner Boulevard, Suite 200, Dallas, Dallas County, Texas (the "Premises") to be used by the Housing/Community Services' Women, Infants and Children ("WIC") Program; and

WHEREAS, on May 26, 1999, by Resolution No. 99-1699, City Council authorized the First Amendment to the Lease Agreement dated May 27, 1999, to extend the lease term for an additional three-years; and

WHEREAS, on May 23, 2001, by Resolution No. 01-1623, City Council authorized the Second Amendment to the Lease Agreement dated June 1, 2001, to extend the lease term for an additional four-years and amending the Premises to include an additional area of approximately 1,407 square feet of office space located in Suite 205, for a total of approximately 4,807 square feet and a minimum of 42 parking spaces; and

WHEREAS, on April 27, 2005, by Resolution No. 05-1324, City Council authorized the Third Amendment to the Lease Agreement dated May 5, 2005 to extend the lease term for an additional nine-years and amending the Premises to include an additional area of approximately 8,100 square feet of office space located in Suites 124 and 130 and relinquishing 1,407 square feet of office space located in Suite 205, for a total of approximately 11,500 square feet and a minimum of 100 parking spaces; and

WHEREAS, on December 28, 2005, Buckner & I-30, Ltd., conveyed certain real property, which included the Premises, to Towne Square Market LP, a Texas limited partnership (hereinafter "Landlord") as successor in interest; and

WHEREAS, on September 23, 2009, by Resolution No. 09-2370, City Council authorized the Fourth Amendment to the Lease Agreement dated October 3, 2009, to extend the lease term for an additional four-years and amending the Premises to relinquish approximately 3,400 square feet of office space located in Suite 200, for a total of approximately 8,100 square feet; and

WHEREAS, the Lease expires by its own terms on May 31, 2019; and

WHEREAS, the parties desire to renew, extend, modify and/or amend the lease to (1) extend the term for an additional three-year term ("Extension Term"), (2) set monthly rental rates for the Extension Term, and (2) modify language where required for clarification of permitted use and intention, and upon certain amended terms as provided below.

Now, Therefore,

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

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, be and is hereby authorized to execute a Fifth Amendment to the Lease Agreement between Towne Square Market, LP, a Texas limited partnership and the City of Dallas.

SECTION 2. That the special terms and conditions of the Fifth Amendment to Lease Agreement are:

(a) The term of the Lease is hereby extended for an additional three (3) years (the "Extension Term") beginning June 1, 2019 and ending May 31, 2022, provided however, that City and Landlord retain the right to terminate the Lease as provided elsewhere therein.

(b) Monthly Rental Payments during the Extension Term shall be as follows: (subject to annual appropriations)

June 1, 2019 – May 31, 2020	$10,462.50 per month
June 1, 2020 – May 31, 2021	$10,462.50 per month
June 1, 2021 – May 31, 2022	$11,508.75 per month

(c) The portion of the fifth paragraph of Section VI of the Lease as amended by the Third Amendment of the Lease to read "a minimum of 100 parking spaces", is hereby amended to read "a minimum of 100 *non-exclusive* parking spaces".

(d) The following language added to the end of the first sentence of Section IX of the Lease by the Second Amendment of the Lease, is hereby deleted "and as an office and clinic space for the Child Health Services program of the Environmental and Health Services Department of the City of Dallas."

(e) All other terms and conditions of the Lease, as amended, not expressly amended hereby, shall remain in full force and effect.

SECTION 3. That the Chief Financial Officer be and is hereby authorized to draw warrants payable to Towne Square Market, LP, or its successors and assigns on the first day of each month in advance during the extended lease term beginning June 1, 2019 in the amount specified below:

June 1, 2019 – May 31, 2020: (subject to annual appropriations)	$10,462.50 per month

June 1, 2020 – May 31, 2021 (subject to annual appropriations)	$10,462.50 per month
June 1, 2021 – May 31, 2022 (subject to annual appropriations)	$11,508.75 per month

SECTION 4. That the payments will be charged as follows:

June 1, 2019 – September 30, 2019: FY19 WIC Program-Women, Infants, and Children Fund, Fund F551, Department MGT, Unit 3841, Object 3330, Encumbrance/Contract No. CX-MGT-2018-00004483, Commodity 97145, Vendor VC0000000475.

October 1, 2019 – September 30, 2020: FY20 WIC Program-Women, Infants, and Children Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-MGT-2018-00004483, Commodity 97145, Vendor VC0000000475.

October 1, 2020 – September 30, 2021: FY21 WIC Program-Women, Infants, and Children Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-MGT-2018-00004483, Commodity 97145, Vendor VC0000000475.

October 1, 2021 – May 31, 2022: FY22 WIC Program-Women, Infants, and Children Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-MGT-2018-00004483, Commodity 97145, Vendor VC0000000475.

SECTION 5. That the Chief Financial Officer is hereby authorized to draw warrants payable to the respective communications, utility and janitorial companies upon receipt of a bill for such services or other applicable charges throughout the lease term.

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

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

BY: _____
Assistant City Attorney

CA/46999

Agenda Information Sheet

File #: 19-425 **Item #:** 30.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize an increase in the purchase price for the acquisition from Cox Commercial Development, Ltd., a permanent easement of approximately 2,942 square feet of land and a temporary working space easement of approximately 10,553 square feet of land located in Dallas County, Texas for the Elm Fork Water Transmission Main Project - Not to exceed $14,273.00, increased from $12,592.00 to $26,865.00 ($25,665.00, plus closing costs and title expenses not to exceed $1,200.00) - Financing: Water Construction and Improvement Funds

BACKGROUND

This item authorizes an increase in the purchase price for the acquisition from Cox Commercial Development, Ltd., of a permanent easement of approximately 2,942 square feet of land and a temporary working space easement of approximately 10,553 square feet of land located in Dallas County, Texas for the Elm Fork Water Transmission Main Project. This property will be used for the transmission of treated water from Harry Hines Boulevard north of IH 635, along Burlington Northern Santa Fee Railroad in the City of Farmers Branch to the Elm Fork Water Treatment Plant in the City of Carrollton. The consideration is based on an independent appraisal. There are no relocation benefits associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 13, 2000, City Council authorized acquisition, including the exercise of eminent domain for 23 tracts of unimproved land including temporary construction easements and access easements, containing a total of approximately 307,402 square feet located from Harry Hines Boulevard north IH 635, along Burlington Northern Santa Fe Railroad in the City of Farmers Branch to Elm Fork Water Treatment Plant in the City of Carrollton for the installation and maintenance of a water transmission main by Resolution No. 00-2767.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Water Construction and Improvement Funds - $26,865.00 ($25,665.00, plus closing costs and title expenses not to exceed $1,200.00)

Resolution No. 00-2767	$12,592.00
Additional Amount (this action)	$14,273.00
Total Authorized Amount	$26,865.00

OWNER

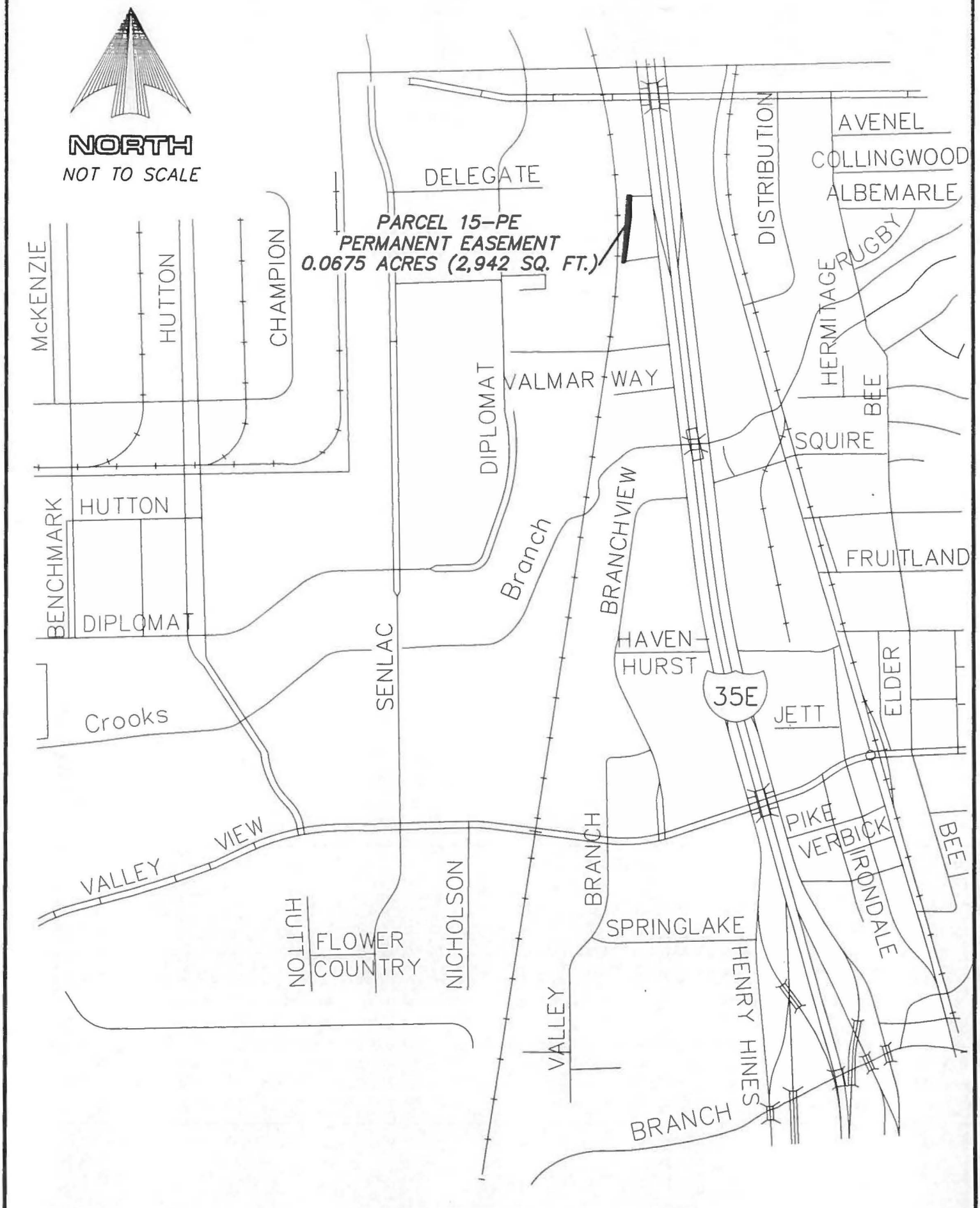
Cox Commercial Development, Ltd.

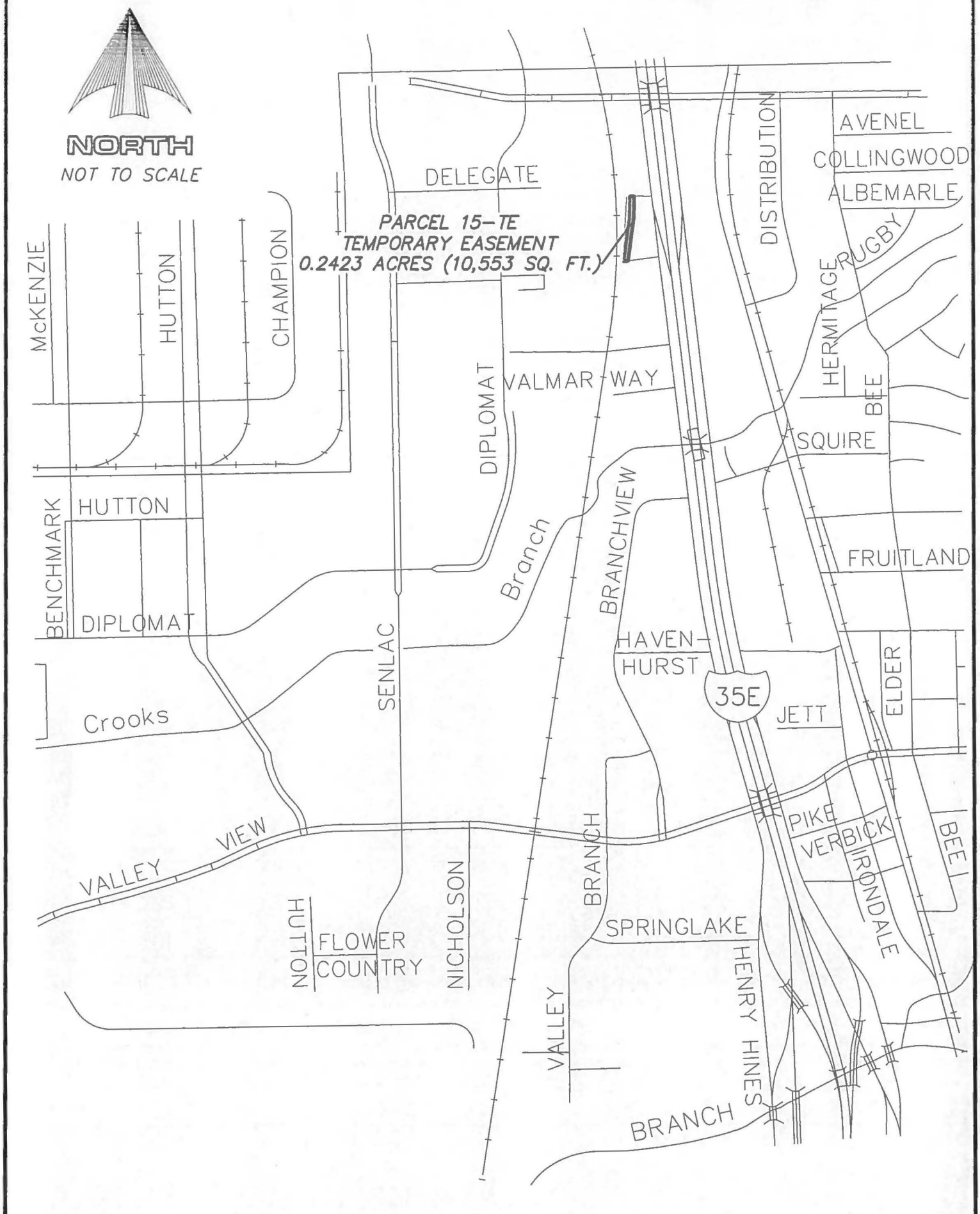
Gary Lee Cox, Managing General Partner

MAPS

Attached

powered by Legistar™


NORTH
NOT TO SCALE
PARCEL 15-PE
PERMANENT EASEMENT
0.0675 ACRES (2,942 SQ. FT.)
DELEGATE
DISTRIBUTION
AVENEL
COLLINGWOOD
ALBEMARLE
RUGBY
HERMITAGE
McKENZIE
HUTTON
CHAMPION
DIPLOMAT
VALMAR WAY
BEE
SQUIRE
BENCHMARK
HUTTON
DIPLOMAT
Branch
BRANCHVIEW
FRUITLAND
SENLAC
HAVEN
HURST
35E
JETT
ELDER
Crooks
PIKE
VERBICK
IRONDALE
BEE
VALLEY
VIEW
BRANCH
SPRINGLAKE
HUTTON
FLOWER
COUNTRY
NICHOLSON
VALLEY
HENRY HINES
BRANCH


NORTH
NOT TO SCALE
PARCEL 15-TE
TEMPORARY EASEMENT
0.2423 ACRES (10,553 SQ. FT.)
DELEGATE
McKENZIE
HUTTON
CHAMPION
DIPLOMAT
VALMAR WAY
DISTRIBUTION
AVENEL
COLLINGWOOD
ALBEMARLE
RUGBY
HERMITAGE
BEE
SQUIRE
BENCHMARK
HUTTON
DIPLOMAT
Branch
BRANCHVIEW
FRUITLAND
SENLAC
HAVEN-
HURST
35E
JETT
ELDER
Crooks
VALLEY
VIEW
PIKE
VERBICK
IRONDALE
BEE
BRANCH
SPRINGLAKE
HUTTON
FLOWER
COUNTRY
NICHOLSON
VALLEY
HENRY HINES
BRANCH

April 10, 2019

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

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

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

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

Now, Therefore,

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

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

"CITY": The City of Dallas

"FIRST RESOLUTION": Resolution No. 00-2767 approved by the Dallas City Council on September 13, 2000 authorized the acquisition by purchase and/or condemnation of 23 tracts of unimproved land containing approximately 307,402 square feet for a purchase amount of $251,788.00

"PROJECT": Elm Fork Water Transmission Main Project

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

"OWNER": Cox Commercial Development, Ltd, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

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

"PROPERTY": Approximately 2,942 square feet of land in permanent easement and approximately 10,553 square feet of land for a temporary working space easement located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

"FIRST RESOLUTION PURCHASE AMOUNT": $12,592.00

"SETTLEMENT AMOUNT": $25,665.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $1,200.00

"REVISED AUTHORIZED AMOUNT": $26,865.00

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

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

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

SECTION 5. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the SETTLEMENT AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable as follows:

Water Construction Fund, Fund 0102, Department DWU, Unit CW40, Activity 7CIP, Program 706035, Object 4250, Encumbrance/Contract No. CX-DWU-2019-00006912, in an amount not to exceed $3,325.00.

Water Construction Fund, Fund 0102, Department DWU, Unit CW40, Program 706035, Object 4250, Encumbrance/Contract No. CX-DWU-2018-00006911, in an amount not to exceed $9,267.00.

Water Improvement Fund, Fund 2115, Department DWU, Unit PW40, Program 706035, Object 4250, Encumbrance/Contract No. CX-DWU-2018-00006911, in an amount not to exceed $4,708.00.

Water Improvement Fund, Fund 2115, Department DWU, Unit PW40, Program 706035, Object 4250, Encumbrance/Contract No. CX-DWU-2018-00006912, in an amount not to exceed $8,365.00.

Water Construction Fund, Fund 2115, Department DWU, Unit PW40, Program 706035, Object 4230, Encumbrance/Contract No. CX-DWU-2018-00007338, in an amount not to exceed $1,200.00. The SETTLEMENT AMOUNT and the CLOSING COSTS and TITLE EXPENSES together shall not exceed the REVISED AUTHORIZED AMOUNT.

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

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

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

BY: _____
Assistant City Attorney

EXHIBIT "A"
PAGE 1 OF 3

PARCEL NO. 15-PE
PERMANENT EASEMENT

COX DEVELOPMENT, LTD.
0.0675 ACRES (2,942 SQUARE FEET)
J.A. ARMSTRONG SURVEY, ABSTRACT NO. 28
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

TRACT ONE

DESCRIPTION

BEING a 0.0675 acre (2,942 square feet) tract of land situated in the J.A. Armstrong Survey, Abstract No. 28, in the City of Farmers Branch, Dallas County, Texas, and being a portion of a tract of land conveyed to Cox Development, Ltd. according to the Warranty Deed recorded in Volume 97252, Page 6493 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being a portion of Lot 2A-R of the Cox Addition, an addition to the City of Farmers Branch, Texas, according to the plat thereof recorded in Volume 90144, Page 5325, D.R.D.C.T., 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 northwest corner of said Cox Development, Ltd. tract, same being the northwest corner of said Lot 2A-R of the Cox Addition and the southwest corner of Lot 1-R of said Cox Addition, and being the southwest corner of a tract of land conveyed to George Matthews and wife Licy Matthews (Matthews) according to the Warranty Deed recorded in Instrument Number 200900173487 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being in the east line of a tract of land conveyed from Chicago Pacific Corporation to the City of Dallas according to the Special Warranty Deed (Tract 2) recorded in Volume 86057, Page 342, D.R.D.C.T., from whence a 1/2" iron rod with plastic cap stamped "Halff" found bears N 89°16'29" E, 0.62 feet;

THENCE N 89°16'29" E (plat~S 89°44'00" E), departing the east line of said City of Dallas tract and with the north line of said Cox Development, Ltd. tract and the south line of said Matthews tract, 11.29 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 1/2" iron rod found for the northeast corner of said Cox Development, Ltd. tract and the southeast corner of said Matthews tract bears N 89°16'29" E, 148.60 feet, thence, S 75°32'20" E, 126.60 feet;

THENCE S 01°00'50" W, departing the north line of said Cox Development, Ltd. tract and the south line of said Matthews tract, 86.83 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 07°34'47" W, 179.62 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the south line of said Cox Development tract, and being in the north line of a tract of land conveyed to Wesco Real Estate IV, LLC according to the Special Warranty Deed recorded in Volume 2003051, Page 7086, D.R.D.C.T., and being in the north line of Lot 3-A, Block 1 of TDIndsutries Park Addition No. 2, an addition to the City of Farmers Branch, Texas, according to the plat thereof recorded in Volume 89250, Page 3364, D.R.D.C.T.;

FIELD NOTES APPROVED: 5/17/13

Dallas Water Utilities
72-inch ELM FORK TO HARRY HINES
72-inch ALIGNMENT

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-3082

5/09/2013 | PARCEL 15-PE.DWG

EXHIBIT "A"
PAGE 2 OF 3

PARCEL NO. 15-PE
PERMANENT EASEMENT

COX DEVELOPMENT, LTD.
0.0675 ACRES (2,942 SQUARE FEET)
J.A. ARMSTRONG SURVEY, ABSTRACT NO. 28
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

TRACT ONE

THENCE S 82°09'41" W (plat~S 83°00'0" W), with the south line of said Cox Development tract and the north line of said Wesco Real Estate IV, LLC tract, 6.37 feet to a 1/2" iron rod found for the southwest corner of said Cox Development, Ltd. tract and the northwest corner of said Wesco Real Estate IV, LLC tract, and being in the east line of said City of Dallas tract, and being the beginning of a non-tangent curve to the left having a central angle of 02°38'27", a radius of 5779.58 feet, a tangent length of 133.22 feet, a chord bearing of N 04°21'32" E and a chord length of 266.36 feet;

THENCE with the west line of said Cox Development, Ltd. tract and the east line of said City of Dallas tract, and along said non-tangent curve to the left, an arc length of 266.39 feet (plat~266.40 feet) to the POINT OF BEGINNING and containing 0.0675 acres (2,942 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

NOTES:

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 DUNP-g0811 and DML2-g0811 were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

Dallas Water Utilities
72-inch ELM FORK TO HARRY HINES
72-inch ALIGNMENT

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5/09/2013 | PARCEL 15-PE.DWG

EXHIBIT "A"
PAGE 3 OF 3

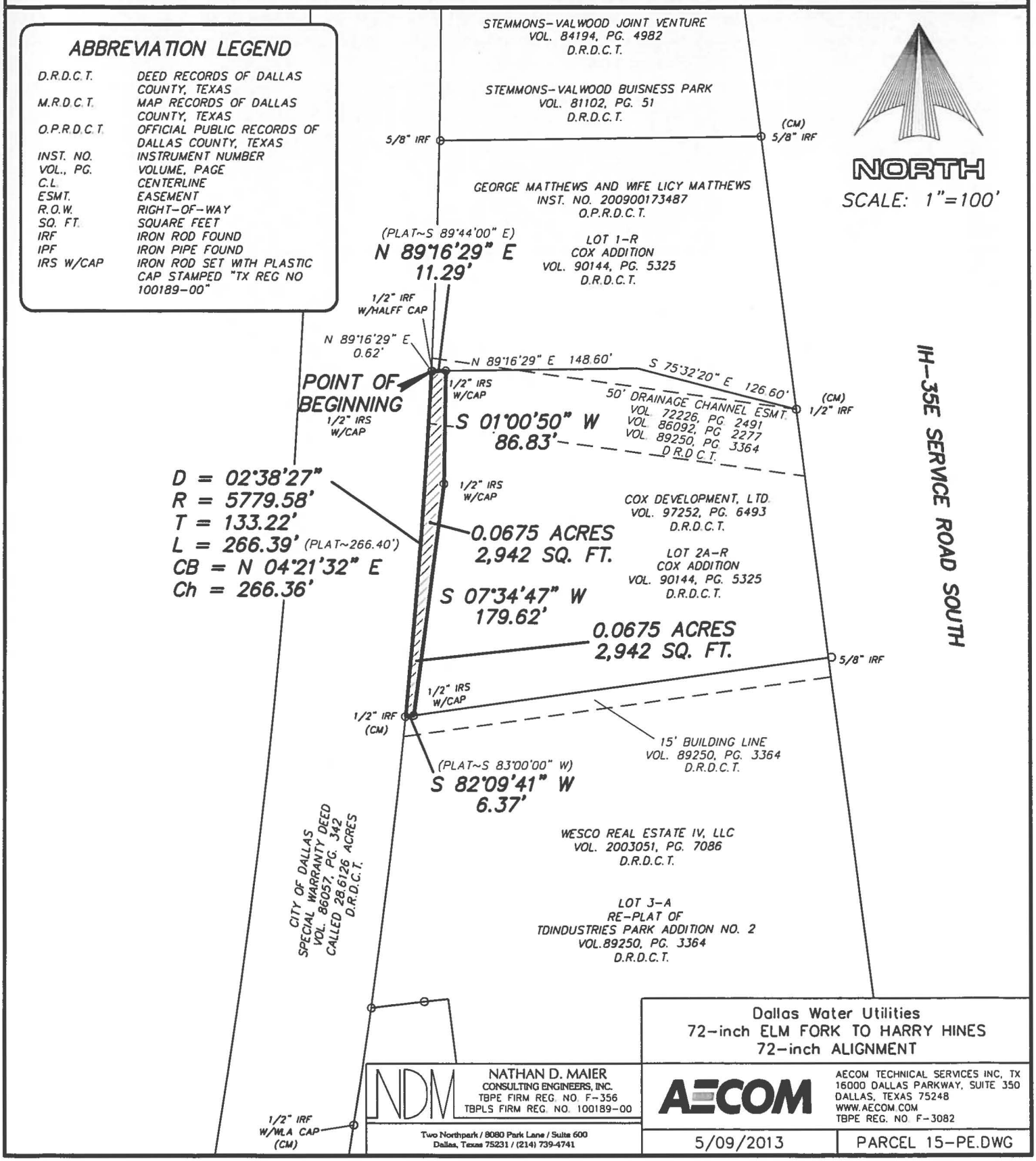
PARCEL NO. 15-PE
PERMANENT EASEMENT

COX DEVELOPMENT, LTD.
0.0675 ACRES (2,942 SQUARE FEET)
J.A. ARMSTRONG SURVEY, ABSTRACT NO. 28
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

TRACT ONE

ABBREVIATION LEGEND

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
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
C.L.	CENTERLINE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



Dallas Water Utilities
72-inch ELM FORK TO HARRY HINES
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5/09/2013 | PARCEL 15-PE.DWG

EXHIBIT "A"
PAGE 1 OF 3

PARCEL NO. 15-TE
TEMPORARY EASEMENT

COX DEVELOPMENT, LTD.
0.2423 ACRES (10,553 SQUARE FEET)
J.A. ARMSTRONG SURVEY, ABSTRACT NO. 28
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

TRACT TWO

DESCRIPTION

BEING a 0.2423 acre (10,553 square feet) tract of land situated in the J.A. Armstrong Survey, Abstract No. 28, in the City of Farmers Branch, Dallas County, Texas, and being a portion of a tract of land conveyed to Cox Development, Ltd. according to the Warranty Deed recorded in Volume 97252, Page 6493 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being a portion of Lot 2A-R of the Cox Addition, an addition to the City of Farmers Branch, Texas, according to the plat thereof recorded in Volume 90144, Page 5325, D.R.D.C.T., 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 in the north line of said Cox Development, Ltd. tract, same being the south line of a tract of land conveyed to George Matthews and wife Licy Matthews (Matthews) according to the Warranty Deed recorded in Instrument Number 200900173487 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), from whence a 1/2" iron rod found for the northeast corner of said Cox Development, Ltd. tract and the southeast corner of said Matthews tract bears N 89°16'29" E, 108.58 feet, thence, S 75°32'20" E, 126.60 feet;

THENCE S 01°00'50" W, departing the north line of said Cox Development, Ltd. tract and the south line of said Matthews tract, 90.34 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 07°34'47" W, 170.88 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the south line of said Cox Development tract, and being in the north line of a tract of land conveyed to Wesco Real Estate IV, LLC according to the Special Warranty Deed recorded in Volume 2003051, Page 7086, D.R.D.C.T., and being in the north line of Lot 3-A, Block 1 of TDIndsutries Park Addition No. 2, an addition to the City of Farmers Branch, Texas, according to the plat thereof recorded in Volume 89250, Page 3364, D.R.D.C.T.;

THENCE S 82°09'41" W (plat~S 83°00'00" W) with the south line of said Cox Development, Ltd. tract and the north line of said Wesco Real Estate IV, LLC tract, 41.49 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner from whence a 1/2" iron rod found for the southwest corner of said Cox Development, Ltd. tract and the northwest corner of said Wesco Real Estate IV, LLC tract, bears S 82°09'41" W, 6.37 feet, said found iron rod being in the east line of a tract of land conveyed from Chicago Pacific Corporation to the City of Dallas according to the Special Warranty Deed (Tract 2) recorded in Volume 86057, Page 342, D.R.D.C.T.;

FIELD NOTES APPROVED: 5/17/13

Dallas Water Utilities
72-inch ELM FORK TO HARRY HINES
72-inch ALIGNMENT

NDM NATHAN D. MAIER CONSULTING ENGINEERS, INC.
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TBPLS FIRM REG. NO. 100189-00
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5/09/2013 | PARCEL 15-TE.DWG

PARCEL NO. 15-TE
TEMPORARY EASEMENT

COX DEVELOPMENT, LTD.
0.2423 ACRES (10,553 SQUARE FEET)
J.A. ARMSTRONG SURVEY, ABSTRACT NO. 28
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

TRACT TWO

THENCE N 07°34'47" E, departing the south line of said Cox Development, Ltd. tract and the north line of said Wesco Real Estate IV, LLC tract, 179.62 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 01°00'50" E, 86.83 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the north line of said Cox Development, Ltd. tract and the south line of said Matthews tract, from whence a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the northwest corner of said Cox Development, Ltd. tract and the southwest corner of said Matthews tract bears S 89°16'29" W, 11.29 feet, and from said set iron rod a found 1/2" iron rod with plastic cap stamped "Halff" bears N 89°16'29" E, 0.62 feet;

THENCE N 89°16'29" E (plat~S 89°44'00" E), with the north line of said Cox Development, Ltd. tract and the south line of said Matthews tract, 40.02 feet to the POINT OF BEGINNING and containing 0.2423 acres (10,553 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

NOTES:

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 DUNP-g0811 and DML2-g0811 were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

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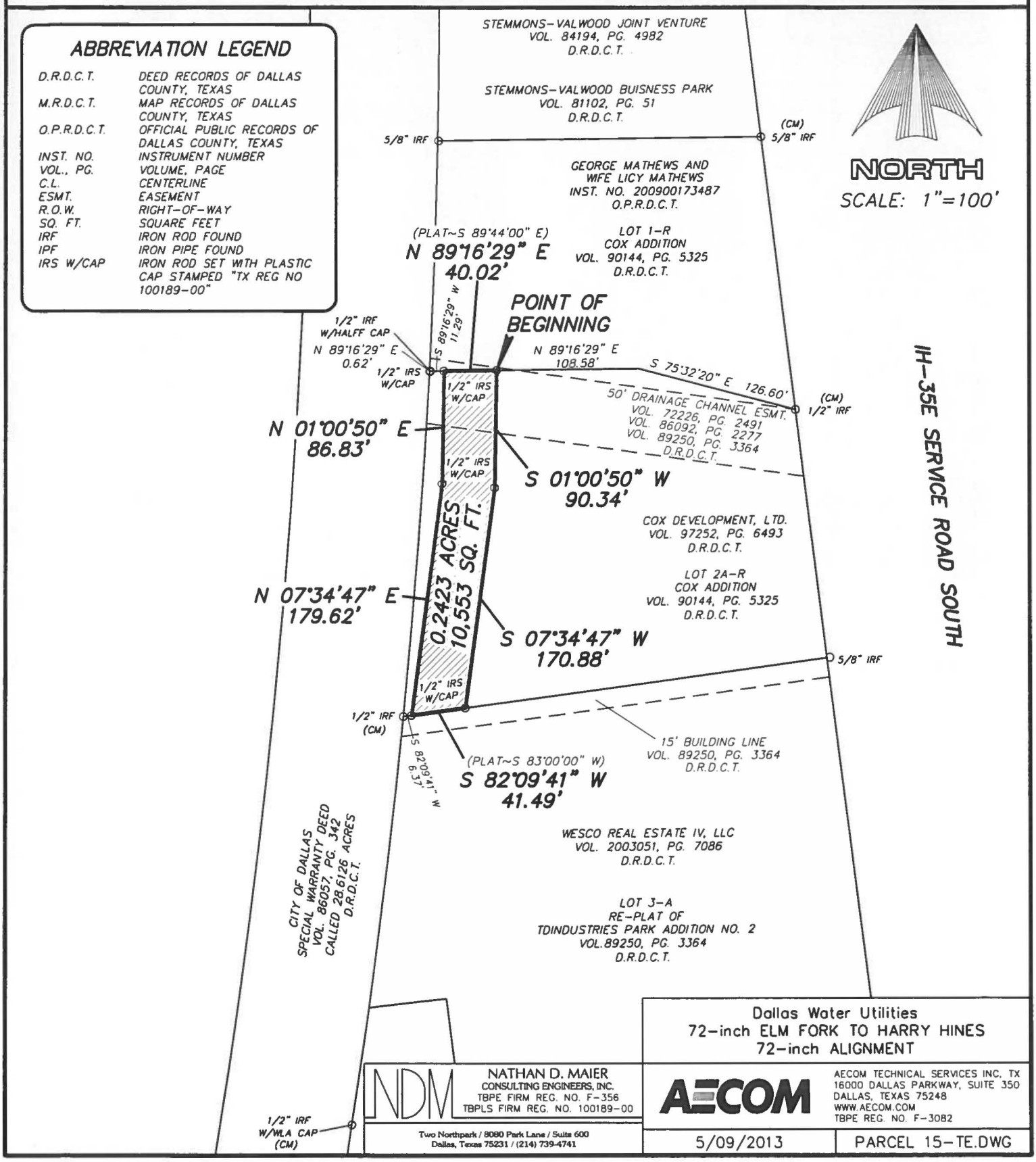
5/09/2013 | PARCEL 15-TE.DWG

EXHIBIT "A"
PAGE 3 OF 3

PARCEL NO. 15-TE
TEMPORARY EASEMENT

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0.2423 ACRES (10,553 SQUARE FEET)
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CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

TRACT TWO



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5/09/2013 | PARCEL 15-TE.DWG

EXHIBIT B

WATER EASEMENT

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

That Cox Commercial Development, Ltd., a Texas limited partnership (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of THIRTEEN THOUSAND NINE HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS ($13,975.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, an easement for the purpose of laying, constructing, maintaining, repairing and replacing a City water main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future in, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of laying, constructing, maintaining, repairing and replacing a City water main or mains and appurtenances, and such additional main or mains and appurtenances as are needed in the future, according to such plans and specifications as will, in City's opinion, best serve the public purpose. The payment of the purchase price shall be considered full and adequate compensation for the easement rights herein granted.

Should one or more of the Grantors herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the right of ingress and egress over and across said property to and from said easement for the purpose of constructing, reconstructing, maintaining, inspecting or repairing said main or mains and appurtenances.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance, repair or operation of the said main or mains. (Grantor, its successors or assigns, shall not place or store any material upon, or cover, bury, pave over or otherwise obstruct any cleanout, valve, meter or manhole located within the herein described permanent easement.)

Grantor, its successors or assigns, shall not be permitted to plant trees or shrubs of any kind within the boundaries of the herein described permanent easement.

EXHIBIT B

All expenses in the construction and maintenance of said main or mains and appurtenances shall be borne by the City. In the construction of said main or mains and appurtenances, should the City find it necessary to remove any improvements now on the above-described property, all of those expenses shall also be borne by the City. Upon completion of construction, all surplus excavation, debris, trash or litter resulting from construction shall be cleaned up and hauled off the premises, and the easement property, including any fences disturbed, shall be restored to its original contour and condition.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: "None".

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said easement unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this _____ day of _____, 2019.

Cox Commercial Development, Ltd.,
a Texas limited partnership

By: _____
Gary Lee Cox
Managing General Partner

Approved As To Form:
Christopher J. Caso, Interim City Attorney

By: _____
Assistant City Attorney

* * * * * * * * * * * * * * * * * * * *

This instrument was acknowledged before me on _____ by Gary Lee Cox, managing General Partner of Cox Commercial Development, Ltd., a Texas limited partnership, on behalf of said limited partnership.

_____
Notary Public, State of _____

* * * * * * * * * * * * * * * * * * * *

EXHIBIT B

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Mark Proctor
Water Easement Log No. 39779

EXHIBIT "A"
PAGE 1 OF 3

PARCEL NO. 15–PE
PERMANENT EASEMENT

COX DEVELOPMENT, LTD.
0.0675 ACRES (2,942 SQUARE FEET)
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TRACT ONE

DESCRIPTION

BEING a 0.0675 acre (2,942 square feet) tract of land situated in the J.A. Armstrong Survey, Abstract No. 28, in the City of Farmers Branch, Dallas County, Texas, and being a portion of a tract of land conveyed to Cox Development, Ltd. according to the Warranty Deed recorded in Volume 97252, Page 6493 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being a portion of Lot 2A–R of the Cox Addition, an addition to the City of Farmers Branch, Texas, according to the plat thereof recorded in Volume 90144, Page 5325, D.R.D.C.T., 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 northwest corner of said Cox Development, Ltd. tract, same being the northwest corner of said Lot 2A–R of the Cox Addition and the southwest corner of Lot 1–R of said Cox Addition, and being the southwest corner of a tract of land conveyed to George Matthews and wife Licy Matthews (Matthews) according to the Warranty Deed recorded in Instrument Number 200900173487 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being in the east line of a tract of land conveyed from Chicago Pacific Corporation to the City of Dallas according to the Special Warranty Deed (Tract 2) recorded in Volume 86057, Page 342, D.R.D.C.T., from whence a 1/2" iron rod with plastic cap stamped "Halff" found bears N 89°16'29" E, 0.62 feet;

THENCE N 89°16'29" E (plat~S 89°44'00" E), departing the east line of said City of Dallas tract and with the north line of said Cox Development, Ltd. tract and the south line of said Matthews tract, 11.29 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189–00" set for corner, from whence a 1/2" iron rod found for the northeast corner of said Cox Development, Ltd. tract and the southeast corner of said Matthews tract bears N 89°16'29" E, 148.60 feet, thence, S 75°32'20" E, 126.60 feet;

THENCE S 01°00'50" W, departing the north line of said Cox Development, Ltd. tract and the south line of said Matthews tract, 86.83 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189–00" set for corner;

THENCE S 07°34'47" W, 179.62 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189–00" set for corner in the south line of said Cox Development tract, and being in the north line of a tract of land conveyed to Wesco Real Estate IV, LLC according to the Special Warranty Deed recorded in Volume 2003051, Page 7086, D.R.D.C.T., and being in the north line of Lot 3–A, Block 1 of TDIndsutries Park Addition No. 2, an addition to the City of Farmers Branch, Texas, according to the plat thereof recorded in Volume 89250, Page 3364, D.R.D.C.T.;

FIELD NOTES APPROVED:
5/17/13

Dallas Water Utilities
72–inch ELM FORK TO HARRY HINES
72–inch ALIGNMENT

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–3082

5/09/2013 | PARCEL 15–PE.DWG

PARCEL NO. 15-PE
PERMANENT EASEMENT

COX DEVELOPMENT, LTD.
0.0675 ACRES (2,942 SQUARE FEET)
J.A. ARMSTRONG SURVEY, ABSTRACT NO. 28
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

TRACT ONE

THENCE S 82°09'41" W (plat~S 83°00'0" W), with the south line of said Cox Development tract and the north line of said Wesco Real Estate IV, LLC tract, 6.37 feet to a 1/2" iron rod found for the southwest corner of said Cox Development, Ltd. tract and the northwest corner of said Wesco Real Estate IV, LLC tract, and being in the east line of said City of Dallas tract, and being the beginning of a non-tangent curve to the left having a central angle of 02°38'27", a radius of 5779.58 feet, a tangent length of 133.22 feet, a chord bearing of N 04°21'32" E and a chord length of 266.36 feet;

THENCE with the west line of said Cox Development, Ltd. tract and the east line of said City of Dallas tract, and along said non-tangent curve to the left, an arc length of 266.39 feet (plat~266.40 feet) to the POINT OF BEGINNING and containing 0.0675 acres (2,942 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

NOTES:

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 DUNP-g0811 and DML2-g0811 were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

Dallas Water Utilities
72-inch ELM FORK TO HARRY HINES
72-inch ALIGNMENT

NDM NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
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5/09/2013 | PARCEL 15-PE.DWG

EXHIBIT "A"
PAGE 3 OF 3

PARCEL NO. 15-PE
PERMANENT EASEMENT

COX DEVELOPMENT, LTD.
0.0675 ACRES (2,942 SQUARE FEET)
J.A. ARMSTRONG SURVEY, ABSTRACT NO. 28
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

TRACT ONE

ABBREVIATION LEGEND

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
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
C.L.	CENTERLINE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

STEMMONS-VALWOOD JOINT VENTURE
VOL. 84194, PG. 4982
D.R.D.C.T.

STEMMONS-VALWOOD BUISNESS PARK
VOL. 81102, PG. 51
D.R.D.C.T.

5/8" IRF

(CM) 5/8" IRF

NORTH

SCALE: 1"=100'

GEORGE MATTHEWS AND WIFE LICY MATTHEWS
INST. NO. 200900173487
O.P.R.D.C.T.

(PLAT~S 89°44'00" E)
N 89°16'29" E
11.29'

LOT 1-R
COX ADDITION
VOL. 90144, PG. 5325
D.R.D.C.T.

1/2" IRF W/HALFF CAP

N 89°16'29" E 0.62'

N 89°16'29" E 148.60'

S 75°32'20" E 126.60'

50' DRAINAGE CHANNEL ESMT.
VOL. 72226, PG. 2491
VOL. 86092, PG. 2277
VOL. 89250, PG. 3364
D.R.D.C.T.

(CM) 1/2" IRF

POINT OF BEGINNING
1/2" IRS W/CAP

1/2" IRS W/CAP

S 01°00'50" W
86.83'

D = 02°38'27"
R = 5779.58'
T = 133.22'
L = 266.39' (PLAT~266.40')
CB = N 04°21'32" E
Ch = 266.36'

1/2" IRS W/CAP

COX DEVELOPMENT, LTD.
VOL. 97252, PG. 6493
D.R.D.C.T.

0.0675 ACRES
2,942 SQ. FT.

LOT 2A-R
COX ADDITION
VOL. 90144, PG. 5325
D.R.D.C.T.

S 07°34'47" W
179.62'

0.0675 ACRES
2,942 SQ. FT.

5/8" IRF

1/2" IRS W/CAP

1/2" IRF (CM)

15' BUILDING LINE
VOL. 89250, PG. 3364
D.R.D.C.T.

(PLAT~S 83°00'00" W)
S 82°09'41" W
6.37'

WESCO REAL ESTATE IV, LLC
VOL. 2003051, PG. 7086
D.R.D.C.T.

LOT 3-A
RE-PLAT OF
TDINDUSTRIES PARK ADDITION NO. 2
VOL.89250, PG. 3364
D.R.D.C.T.

CITY OF DALLAS
SPECIAL WARRANTY DEED
VOL. 86057, PG. 342
CALLED 28.6126 ACRES
D.R.D.C.T.

IH-35E SERVICE ROAD SOUTH

1/2" IRF W/WLA CAP (CM)

Dallas Water Utilities
72-inch ELM FORK TO HARRY HINES
72-inch ALIGNMENT

NDM
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TBPE REG. NO. F-3082

5/09/2013

PARCEL 15-PE.DWG

EXHIBIT B

TEMPORARY WORKING SPACE EASEMENT

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

That Cox Commercial Development, Ltd., a Texas limited partnership (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ELEVEN THOUSAND SIX HUNDRED NINETY AND NO/100 DOLLARS ($11,690.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, a right-of-way under, in and along the property described in "Exhibit A", attached hereto and made a part hereof by reference for all purposes, for the purpose of working space and storage of machinery; supplies, equipment and material in connection with the construction of the Elm Fork 72" Water Transmission Line.

Any and all trees which lie within this temporary working space may be trimmed of low limbs or removed by the City or its contractor without liability to Grantor if deemed essential to allow for the normal use or passage of construction equipment during the construction of said main or mains.

Upon completion of construction, all surplus excavation, debris, trash or litter resulting from said construction shall be cleaned up and hauled off the premises, and said property, including the fences disturbed, shall be restored as nearly as practicable to its original contour and condition.

It is understood and agreed by Grantor that the consideration herein represents full and adequate consideration for the right-of-way granted, together with any and all damages, costs and/or inconvenience that may be incident to the construction.

This grant shall be for a term of 425 days, beginning upon notice to proceed with construction from City addressed to the approved construction contractor and terminating upon completion of construction on Grantor's property or expiration of the time period, whichever occurs first, at which time all rights granted under this instrument shall terminate and cease and the described property shall be restored to it's former condition as nearly as possible.

SPECIAL PROVISIONS: "None"

TO HAVE AND TO HOLD the above described property unto the City of Dallas for the purposes hereinbefore provided, and said City or Dallas, its agents, servants and contractors shall have the right to go upon said property for the purpose of a working

EXHIBIT B

easement and as an easement for the storage of supplies, materials, machinery and equipment for the term herein provided.

EXECUTED this _____ day of _____, 2019.

Approved As To Form:
Christopher J. Caso, Interim City Attorney

By: _____
Assistant City Attorney

Cox Commercial Development, Ltd.,
a Texas limited partnership

By: _____
Gary Lee Cox
Managing General Partner

* *

STATE OF _____ §
COUNTY OF_____ §

This instrument was acknowledged before me on _____ by Gary Lee Cox, managing General Partner of Cox Commercial Development, Ltd., a Texas limited partnership, on behalf of said limited partnership.

_____
Notary Public, State of _____

* *

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

Temporary Easement Log No. 39791

EXHIBIT "A"
PAGE 1 OF 3

PARCEL NO. 15-TE
TEMPORARY EASEMENT

COX DEVELOPMENT, LTD.
0.2423 ACRES (10,553 SQUARE FEET)
J.A. ARMSTRONG SURVEY, ABSTRACT NO. 28
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

TRACT TWO

DESCRIPTION

BEING a 0.2423 acre (10,553 square feet) tract of land situated in the J.A. Armstrong Survey, Abstract No. 28, in the City of Farmers Branch, Dallas County, Texas, and being a portion of a tract of land conveyed to Cox Development, Ltd. according to the Warranty Deed recorded in Volume 97252, Page 6493 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being a portion of Lot 2A-R of the Cox Addition, an addition to the City of Farmers Branch, Texas, according to the plat thereof recorded in Volume 90144, Page 5325, D.R.D.C.T., 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 in the north line of said Cox Development, Ltd. tract, same being the south line of a tract of land conveyed to George Matthews and wife Licy Matthews (Matthews) according to the Warranty Deed recorded in Instrument Number 200900173487 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), from whence a 1/2" iron rod found for the northeast corner of said Cox Development, Ltd. tract and the southeast corner of said Matthews tract bears N 89°16'29" E, 108.58 feet, thence, S 75°32'20" E, 126.60 feet;

THENCE S 01°00'50" W, departing the north line of said Cox Development, Ltd. tract and the south line of said Matthews tract, 90.34 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 07°34'47" W, 170.88 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the south line of said Cox Development tract, and being in the north line of a tract of land conveyed to Wesco Real Estate IV, LLC according to the Special Warranty Deed recorded in Volume 2003051, Page 7086, D.R.D.C.T., and being in the north line of Lot 3-A, Block 1 of TDIndsutries Park Addition No. 2, an addition to the City of Farmers Branch, Texas, according to the plat thereof recorded in Volume 89250, Page 3364, D.R.D.C.T.;

THENCE S 82°09'41" W (plat~S 83°00'00" W) with the south line of said Cox Development, Ltd. tract and the north line of said Wesco Real Estate IV, LLC tract, 41.49 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner from whence a 1/2" iron rod found for the southwest corner of said Cox Development, Ltd. tract and the northwest corner of said Wesco Real Estate IV, LLC tract, bears S 82°09'41" W, 6.37 feet, said found iron rod being in the east line of a tract of land conveyed from Chicago Pacific Corporation to the City of Dallas according to the Special Warranty Deed (Tract 2) recorded in Volume 86057, Page 342, D.R.D.C.T.;

FIELD NOTES APPROVED:
5/7/13

Dallas Water Utilities
72-inch ELM FORK TO HARRY HINES
72-inch ALIGNMENT

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
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WWW.AECOM.COM
TBPE REG. NO. F-3082

5/09/2013 | PARCEL 15-TE.DWG

PARCEL NO. 15-TE
TEMPORARY EASEMENT

COX DEVELOPMENT, LTD.
0.2423 ACRES (10,553 SQUARE FEET)
J.A. ARMSTRONG SURVEY, ABSTRACT NO. 28
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

TRACT TWO

THENCE N 07°34'47" E, departing the south line of said Cox Development, Ltd. tract and the north line of said Wesco Real Estate IV, LLC tract, 179.62 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 01°00'50" E, 86.83 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the north line of said Cox Development, Ltd. tract and the south line of said Matthews tract, from whence a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the northwest corner of said Cox Development, Ltd. tract and the southwest corner of said Matthews tract bears S 89°16'29" W, 11.29 feet, and from said set iron rod a found 1/2" iron rod with plastic cap stamped "Halff" bears N 89°16'29" E, 0.62 feet;

THENCE N 89°16'29" E (plat~S 89°44'00" E), with the north line of said Cox Development, Ltd. tract and the south line of said Matthews tract, 40.02 feet to the POINT OF BEGINNING and containing 0.2423 acres (10,553 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



NOTES:

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 DUNP-g0811 and DML2-g0811 were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

Dallas Water Utilities
72-inch ELM FORK TO HARRY HINES
72-inch ALIGNMENT

NDM NATHAN D. MAIER
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5/09/2013 | PARCEL 15-TE.DWG

EXHIBIT "A"
PAGE 3 OF 3

PARCEL NO. 15-TE
TEMPORARY EASEMENT

COX DEVELOPMENT, LTD.
0.2423 ACRES (10,553 SQUARE FEET)
J.A. ARMSTRONG SURVEY, ABSTRACT NO. 28
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

TRACT TWO

ABBREVIATION LEGEND

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
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
C.L.	CENTERLINE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

STEMMONS-VALWOOD JOINT VENTURE
VOL. 84194, PG. 4982
D.R.D.C.T.

STEMMONS-VALWOOD BUISNESS PARK
VOL. 81102, PG. 51
D.R.D.C.T.

5/8" IRF

(CM) 5/8" IRF

GEORGE MATHEWS AND WIFE LICY MATHEWS
INST. NO. 200900173487
O.P.R.D.C.T.

NORTH
SCALE: 1"=100'

(PLAT~S 89°44'00" E)
N 89°16'29" E
40.02'

LOT 1-R
COX ADDITION
VOL. 90144, PG. 5325
D.R.D.C.T.

POINT OF BEGINNING

1/2" IRF W/HALFF CAP

N 89°16'29" E 0.62'

S 89°16'29" W 11.29'

1/2" IRS W/CAP

N 89°16'29" E 108.58'

S 75°32'20" E 126.60'

(CM) 1/2" IRF

50' DRAINAGE CHANNEL ESMT.
VOL. 72226, PG. 2491
VOL. 86092, PG. 2277
VOL. 89250, PG. 3364
D.R.D.C.T.

N 01°00'50" E
86.83'

1/2" IRS W/CAP

S 01°00'50" W
90.34'

0.2423 ACRES
10,553 SQ. FT.

COX DEVELOPMENT, LTD.
VOL. 97252, PG. 6493
D.R.D.C.T.

LOT 2A-R
COX ADDITION
VOL. 90144, PG. 5325
D.R.D.C.T.

N 07°34'47" E
179.62'

S 07°34'47" W
170.88'

5/8" IRF

1/2" IRS W/CAP

1/2" IRF (CM)

S 82°09'41" W 6.37'

(PLAT~S 83°00'00" W)
S 82°09'41" W
41.49'

15' BUILDING LINE
VOL. 89250, PG. 3364
D.R.D.C.T.

IH-35E SERVICE ROAD SOUTH

CITY OF DALLAS
SPECIAL WARRANTY DEED
VOL. 86057, PG. 342
CALLED 28.6126 ACRES
D.R.D.C.T.

WESCO REAL ESTATE IV, LLC
VOL. 2003051, PG. 7086
D.R.D.C.T.

LOT 3-A
RE-PLAT OF
TDINDUSTRIES PARK ADDITION NO. 2
VOL.89250, PG. 3364
D.R.D.C.T.

1/2" IRF W/MLA CAP (CM)

Dallas Water Utilities
72-inch ELM FORK TO HARRY HINES
72-inch ALIGNMENT

NDM
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5/09/2013

PARCEL 15-TE.DWG

Agenda Information Sheet

File #: 19-464 **Item #:** 31.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 10, 2019
COUNCIL DISTRICT(S):	6
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

Authorize a boundary adjustment agreement with the City of Irving on properties located **(1)** on the northeast corner of South Northlake Road and Bluegill Bay Road; and **(2)** east of South Northlake Road, south of Belt Line Road to allow more efficient development and delivery of city services - Financing: This action has no cost consideration to the City

BACKGROUND

On August 10, 2016, the City Council authorized a boundary adjustment with the City of Irving. In addition, City Council authorized the City Manager to enter into a treated water service contract and wastewater service contract with the City of Irving to facilitate development and allow for efficient delivery of City services in the West Cell area of the Cypress Waters Development. The boundary adjustment in 2016 included adjusting an approximate 6.5 acres then located in the City of Dallas into the City of Irving. In exchange for the boundary adjustment, the City of Irving agreed to serve wholesale treated water, storm water, and wastewater needs of an approximately 22 acres, 96-lot single-family development within the City of Dallas. A map is attached to show the properties in the 2016 adjustment as well as the parcels in the current request.

In August 2017, a request was submitted by GRBK Edgewood, LLC for consideration of a boundary adjustment of approximately 1.322 acres from the City of Dallas to the City of Irving located on the northeast corner of South Northlake Road and Bluegill Bay Road. The current request is north of the boundary adjustment in 2016.

The initial request in 2017 consisted of adjusting the mutual boundary between the two cities to allow the proposed seven single-family lots be located within the City of Irving to provide consistent services within the subdivision. The proposal only included the property within the proposed lots and did not connect to North Lake Road.

The applicant indicated the request was made due to a design change in the Irving portion of the West Cell Development. The change provided an additional ingress and egress to the South Haven subdivision with seven additional lots being created within the subdivision that lie within the Dallas corporate limits. Given this design change, the existing municipal boundary does not allow for efficient development or delivery of city services for the lots.

Upon receipt of the request, staff discussed options that included an exchange similar to the one made for the boundary adjustment in 2016 as well as identifying a similarly-situated parcel to exchange. Dallas Water Utilities worked with the developer and City of Irving staff to locate a parcel to exchange as well as modifying the size of property to move into the City of Irving.

The proposed boundary adjustment is to exchange approximately 2.0 acres currently within the City of Dallas for an approximate 3.7-acre parcel currently within the City of Irving. The property to move into the City of Dallas is owned by Crow-Billingsley Belt Line Ltd. There are no current plans for the 3.7-acre parcel.

Both properties are less than 1,000 feet in width and qualify under Section 43.031 of the Texas Local Government Code as candidates for the mutually agreeable municipal boundary adjustments. If approved, these two boundary adjustments will consolidate properties north of the Texas Utilities/Oncor Electric transmission corridor within the City of Dallas and will consolidate properties south of this corridor within the City of Irving. This consolidation will allow for more efficient development and delivery of City services.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 8, 2019.

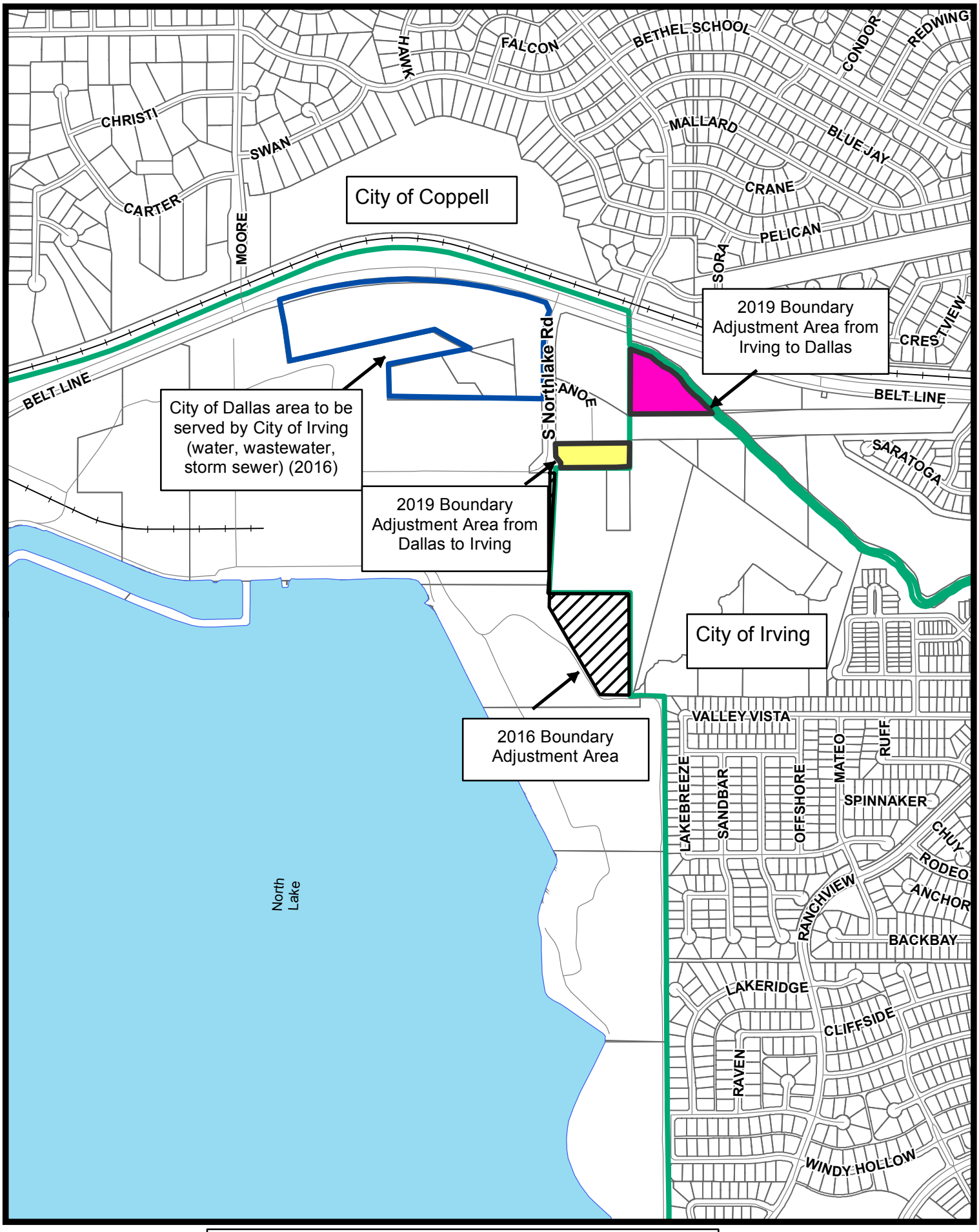
FISCAL INFORMATION

This action has no cost consideration to the City.

MAP

Attached

powered by Legistar™



1:10,000

Proposed Boundary Adjustment with City of Irving

City of Dallas

GNBK Edgewood, LLC

List of Officers

GRBK Edgewood, LLC

James R. Brickman, Chief Executive Officer and Director

Richard A. Costello, Chief Financial Officer

Jed Dolson, President

April 10, 2019

WHEREAS, it is the desire of the cities of Dallas and Irving to adjust their common city limit boundaries in order to establish clear demarcation lines for the efficient development and delivery of city services to their citizens; and

WHEREAS, it is the desire of the City of Dallas to enter into a written agreement with the City of Irving wherein both parties agree to adjust their common boundary.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized and directed to execute a boundary adjustment agreement with the City of Irving on behalf of the city, approved as to form by the City Attorney.

SECTION 2. That the city agrees to the inclusion of a tract of land, along with all extraterritorial jurisdiction pertaining thereto, located east of Northlake Road, south of Belt Line Road as described in Exhibit A, into the city limits of the City of Dallas.

SECTION 3. That the city agrees to the release of a tract of land, along with all extraterritorial jurisdiction pertaining thereto, located at the northeast corner of Northlake road and Bluegill Bay Road in the City of Dallas as described in Exhibit B, into the city limits of the City of Irving.

SECTION 4. That the agreement authorized by this resolution shall be ratified by future ordinance, thus effecting an exchange of these tracts of land with the City of Irving.

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

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

Exhibit A: 3.7239 acres from City of Irving to City of Dallas

BEING a 3.7239 acre (162,214 square feet) tract of land situated in the John C. Cook Survey, Abstract No.315, City of Irving, Dallas County, Texas and being a portion of a tract of land described in Warranty Deed to Crow-Billingsley Belt Line, Ltd. recorded in Volume 86068, Page5186, Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with 3 1/2" aluminum disk stamped "South Haven Addn, KHA, Block 8461" found at the southwest corner of Lot 7X, Block H, and in the north line of Lot 6, Block H of South Haven Addition, an addition to the City of Irving, Texas, according to the plat thereof recorded in Instrument No. 201800020024, of said Official Public Records and the southeast corner of a 5.491 acre tract of land described in Special Warranty Deed to GRBK Edgewood LLC, recorded in Instrument No. 201700189399, Official Public Records of Dallas County, Texas;

THENCE with the east line of said 5.491 acre tract, the west line of said South Haven Addition plat and the west line of a 9.34 acre tract of land described in deed to Dallas Power and Light Company, recorded in Volume 4594, Page 300, of said Deed Records, North 0°34'58" West, passing at a distance of 333.41 feet to a 1/2" iron rod found for the northeast corner of said 5.491 acre tract and the southeast corner of a 5.8430 acre tract of land described in Special Warranty Deed to Billingsley Yorkshire Partners, Ltd. recorded in Instrument No. 201500096360 and Instrument No. 201500096361, of said Official Records, in all a total distance of 365.54 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the northwest corner of said 9.34 acre tract, and being the **POINT OF BEGINNING**;

THENCE with the west line of said Crow-Billingsley Belt Line, Ltd. tract and the east line of said 5.8430 acre tract, North 0°34'58" West, a distance of 456.10 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner in the southwest bank of Grapevine Creek as described in the Approximate Location of City Limit Line according to Ordinance No. 8394, dated October 17, 1955;

THENCE departing said west line of the Crow-Billingsley Belt Line, Ltd. tract and said east line of the 5.8430 acre tract and along said southwest bank of Grapevine Creek of the Ordinance No. 8394, and over and across said Crow-Billingsley Belt Line, Ltd. tract the following courses and distances to wit:

South 71°35'00" East, a distance of 15.44 feet to a 5/8" iron rod with plastic cap stamped "KHA" set;
South 85°36'23" East, a distance of 67.41 feet to a 5/8" iron rod with plastic cap stamped "KHA" set;
South 69°00'01" East, a distance of 42.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set;
South 57°26'16" East, a distance of 41.58 feet to a 5/8" iron rod with plastic cap stamped "KHA" set;
South 55°04'24" East, a distance of 146.51 feet to a 5/8" iron rod with plastic cap stamped "KHA" set;
South 56°57'59" East, a distance of 72.63 feet to a 5/8" iron rod with plastic cap stamped "KHA" set;
South 36°57'43" East, a distance of 86.96 feet to a 5/8" iron rod with plastic cap stamped "KHA" set;
South 44°44'13" East, a distance of 160.02 feet to a 5/8" iron rod with plastic cap stamped "KHA" set;
South 41°34'56" East, a distance of 119.81 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the north line of said 9.34 acre tract;

THENCE with said north line of the 9.34 acre tract, South 88°46'24" West, a distance of 577.05 feet to the **POINT OF BEGINNING** and containing 3.7239 acres or 162,214 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

(For SPRG use only)
Reviewed By: _____
Date: _____
SPRG NO: _____

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
dana.brown@kimley-horn.com

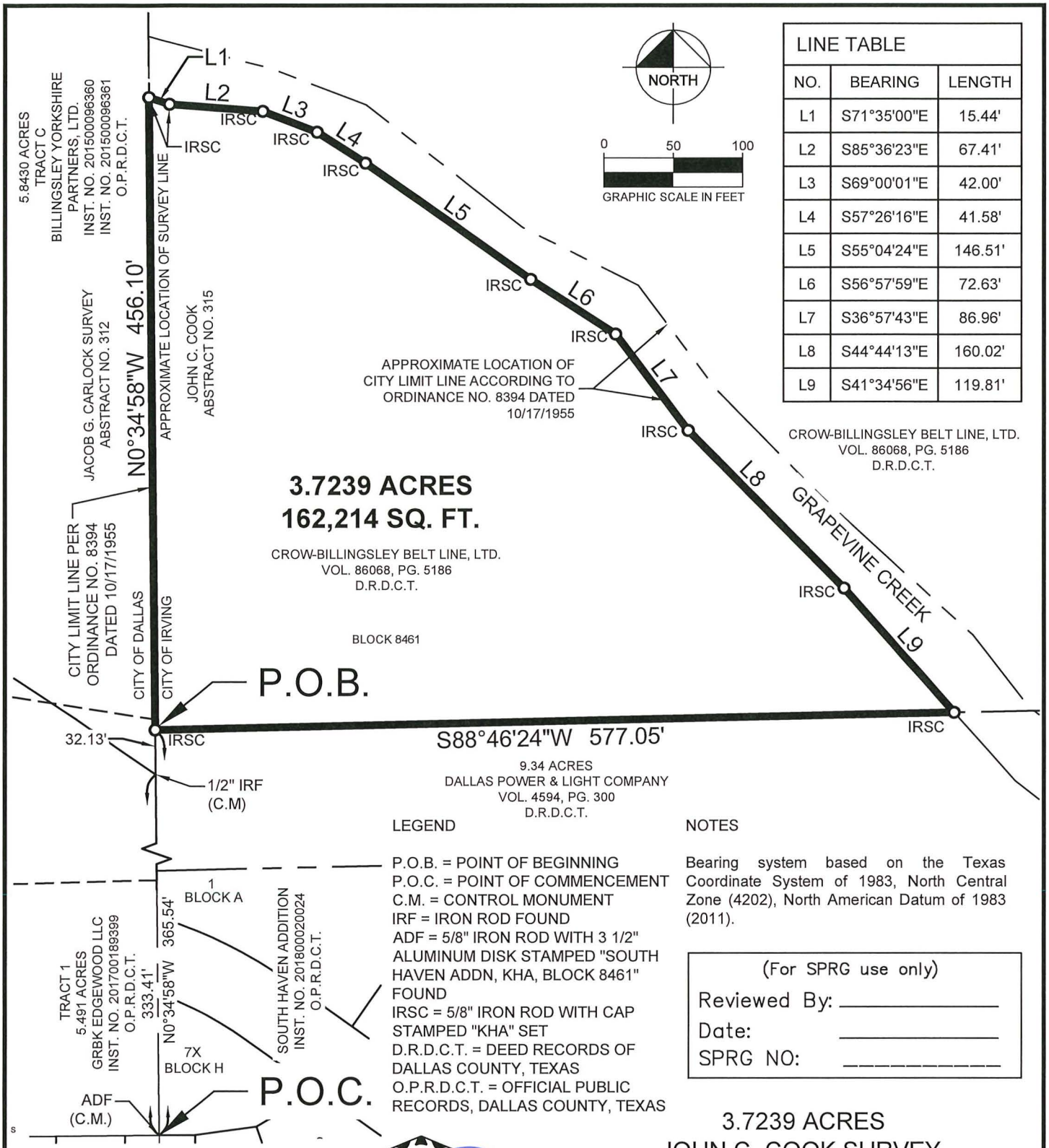


11.2.18

3.7239 ACRES
JOHN C. COOK SURVEY,
ABSTRACT NO. 315
CITY OF IRVING, DALLAS
COUNTY, TEXAS

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	LJG	DAB	NOV. 2018	064497505	1 OF 2



LINE TABLE		
NO.	BEARING	LENGTH
L1	S71°35'00"E	15.44'
L2	S85°36'23"E	67.41'
L3	S69°00'01"E	42.00'
L4	S57°26'16"E	41.58'
L5	S55°04'24"E	146.51'
L6	S56°57'59"E	72.63'
L7	S36°57'43"E	86.96'
L8	S44°44'13"E	160.02'
L9	S41°34'56"E	119.81'

LEGEND

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
C.M. = CONTROL MONUMENT
IRF = IRON ROD FOUND
ADF = 5/8" IRON ROD WITH 3 1/2" ALUMINUM DISK STAMPED "SOUTH HAVEN ADDN, KHA, BLOCK 8461" FOUND
IRSC = 5/8" IRON ROD WITH CAP STAMPED "KHA" SET
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

(For SPRG use only)
Reviewed By: _____
Date: _____
SPRG NO: _____

3.7239 ACRES
JOHN C. COOK SURVEY, ABSTRACT NO. 315
CITY OF IRVING, DALLAS COUNTY, TEXAS

DANA BROWN
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STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
11.2.18

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	LJG	DAB	NOV. 2018	064497505	2 OF 2

Exhibit B: 2.0112 Acres From City of Dallas to City of Irving

BEING a 2.0112 acre (87,608 square feet) tract of land situated in the Jacob G. Carlock Survey, Abstract No. 312, City of Dallas Block 8461, City of Dallas, Dallas County, Texas and being part of a 5.491 acre tract of land described in Special Warranty Deed to GRBK Edgewood LLC, recorded in Instrument No. 201700189399, Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with 3 1/2" aluminum disk stamped "South Haven Addn, KHA, Block 8461" found at the southwest corner of Lot 7X, Block H, and in the north line of Lot 6, Block H of South Haven Addition, an addition to the City of Irving, Texas, according to the plat thereof recorded in Instrument No. 201800020024, of said Official Public Records and the southeast corner of said 5.491 acre tract;

THENCE with the south line of said 5.491 acre tract and the north line of said Block H, South Haven Addition, South 89°29'28" West, a distance of 458.97 feet to a 5/8-inch iron rod with 3 1/2" aluminum disk stamped "South Haven Addn, KHA, Block 8461" found for the southwest corner of said 5.491 acre tract, and in the east right-of-way line of North Lake Road, a variable width right-of-way easement to the County of Dallas, recorded in Volume 4669, Page 443, of said Deed Records, from which a 1/2" iron rod found for the southerly terminus of said North Lake Road, bears South 89°29'28" West, a distance of 40.07 feet;

THENCE with said east right-of-way line of North Lake Road and the west line of said 5.491 acre tract the following courses and distances to wit:

North 0°30'56" West, a distance of 30.00 feet to a 5/8-inch iron rod with 3 1/2" aluminum disk stamped "South Haven Addn, KHA, Block 8461" found for corner;
North 45°30'56" West, a distance of 56.57 feet to a 5/8-inch iron rod with 3 1/2" aluminum disk stamped "South Haven Addn, KHA, Block 8461" found for corner;
North 0°30'56" West, a distance of 105.54 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

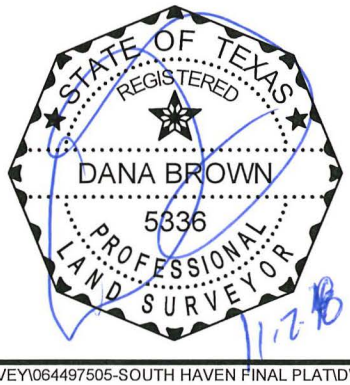
THENCE departing said east right-of-way line of North Lake Road, over and across said 5.491 acre tract, North 88°33'15" East, a distance of 498.83 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner in the east line of said 5.491 acre tract and in the west line of Lot 1, Block A of said South Haven Addition plat;

THENCE with said east line of the 5.491 acre tract and the west line of said Lot 1, Block A and said Lot 7, Block H, of the South Haven Addition plat, South 0°34'47" East, a distance of 183.70 feet to the **POINT OF BEGINNING** and containing 2.0112 acres or 87,608 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

(For SPRG use only)
Reviewed By: _____
Date: _____
SPRG NO: _____

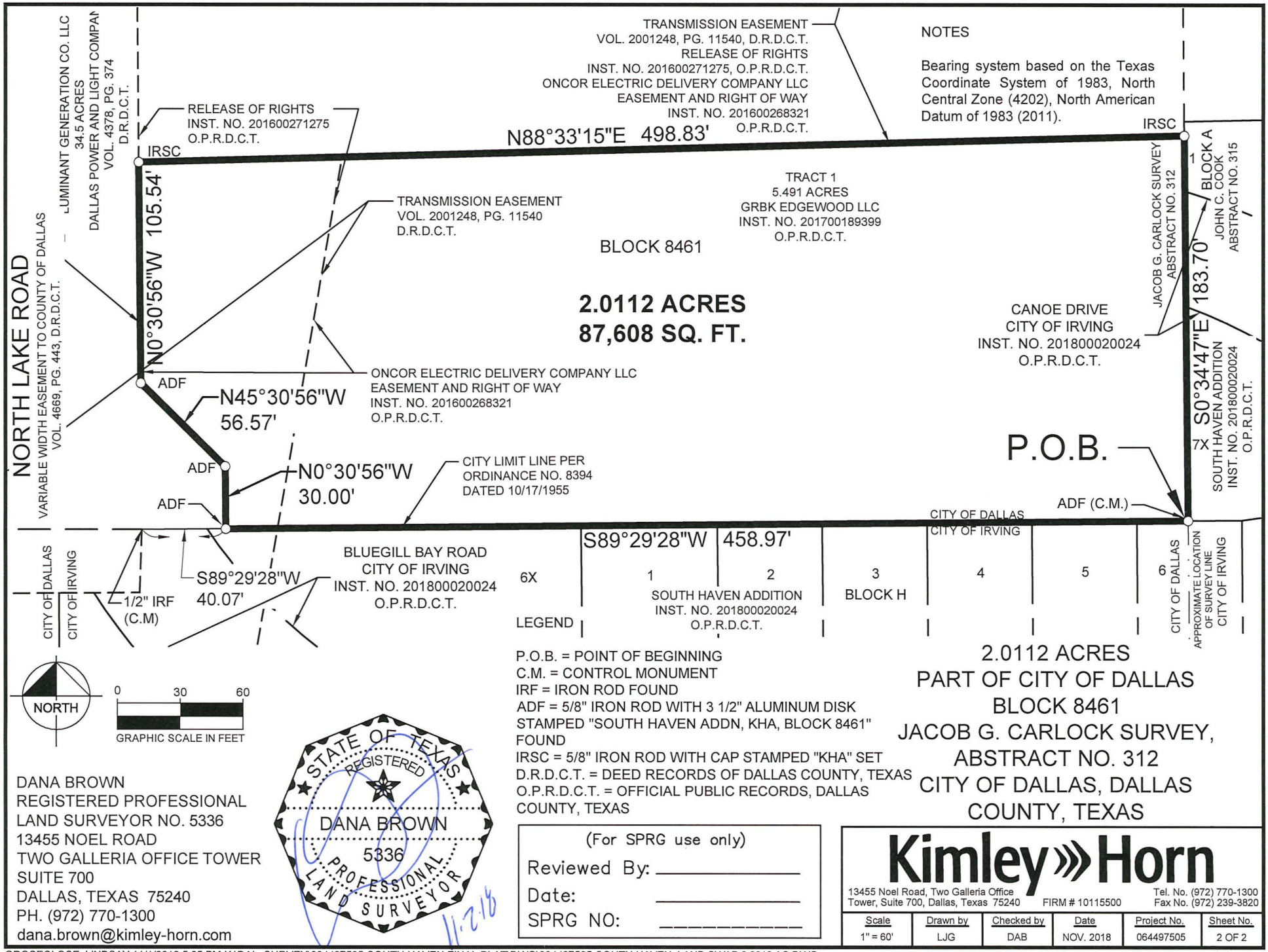
2.0112 ACRES
PART OF CITY OF DALLAS
BLOCK 8461
JACOB G. CARLOCK SURVEY,
ABSTRACT NO. 312
CITY OF DALLAS, DALLAS
COUNTY, TEXAS



DANA BROWN
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	LJG	DAB	NOV. 2018	064497505	1 OF 2



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City of Dallas

Agenda Information Sheet

File #: 19-514 **Item #:** 32.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Mayor and City Council Office

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize amendments to the 2019 City Calendar to **(1)** cancel the May 1, 2019, City Council briefing meeting; and **(2)** change the location for the August 14, 2019, off-site City Council agenda meeting from Bachman Lake Branch Library to Lake Highlands Recreation Center - Financing: No cost consideration to the City

BACKGROUND

Resolution No. 89-3796 requires the City Council to adopt an annual calendar. Resolution No. 90-2673 establishes the annual July recess. Resolution No. 18-0849 requires the second Wednesday meeting each month to begin at 2:00 p.m., and for up to five meetings each year to be conducted off-site from City Hall. The City Calendar includes all City Council briefing and agenda meetings, budget briefings and workshops, City Council Committee meetings, and City holidays. The City Calendar is available on the City's website at www.dallascityhall.com and is made available in the Office of Budget to all residents who request copies. The City Calendar is also available for download and synching into calendar software on computers or mobile devices via a link on the City's website.

The 2019 City Calendar is being amended to cancel the May 1, 2019, City Council briefing meeting; and change the location for the August 14, 2019, off-site City Council agenda meeting from Bachman Lake Branch Library to Lake Highlands Recreation Center.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 24, 2018, City Council authorized the adoption of the 2019 City Calendar by Resolution No. 18-1504.

FISCAL INFORMATION

No cost consideration to the City.

powered by Legistar™

April 10, 2019

WHEREAS, it is the desire of the City to improve the efficiency of our municipal operations by adopting an annual City Calendar; and

WHEREAS, the annual City Calendar should be presented to the City Council for adoption in October of each year for the upcoming calendar year; and

WHEREAS, the annual City Calendar should include all City Council briefing and agenda meetings, budget briefings and workshops, City Council Committee meetings, and City holidays; and

WHEREAS, the City Calendar should be updated periodically to incorporate any additions and/or changes in the schedule of meetings; and

WHEREAS, the City Calendar should be made available to all residents, upon request, in the Office of Budget.

Now, Therefore,

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

SECTION 1. That the Dallas City Council amends Resolution No. 18-1504, passed on October 24, 2018, to **(1)** cancel the May 1, 2019, City Council briefing meeting; and **(2)** change the location for the August 14, 2019, off-site City Council agenda meeting from Bachman Lake Branch Library to Lake Highlands Recreation Center.

SECTION 2. That the Dallas City Council adopts the amended 2019 City Calendar per Attachment 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.

Attachment A

May 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 CANCELLED Council Briefing 9 a.m. Budget Workshop	2	3	4 Council Election
5	6 Council Committees: 9 a.m. EDH 11 a.m. HSN 2 p.m. GPFM	7	8 Off-Site Council Agenda 2 p.m. at Kleberg-Rylie Recreation Center Budget Public Hearing	9	10	11 ~~Council Election~~
12	13 Council Committees: 9 a.m. QOLAC 11 a.m. PSCJ 2 p.m. MSIS	14	15 Council Briefing 9 a.m.	16	17	18
19	20 Council Committees: 9 a.m. EDH 11 a.m. HSN 2 p.m. GPFM	21	22 Council Agenda 9 a.m.	23	24	25
26	**27** Council Committee Meetings Canceled Memorial Day – City Holiday	28	29 Fifth Wednesday – No City Council Meeting	30	31	

QOLAC: Quality of Life, Arts, and Culture
PSCJ: Public Safety and Criminal Justice
MSIS: Mobility Solutions, Infrastructure, and Sustainability

EDH: Economic Development and Housing
HSN: Human and Social Needs
GPFM: Government Performance and Financial Management

Council Agenda meetings are conducted in Council Chambers. Council Briefings and Council Committee meetings are conducted in Room 6ES.
For board and commission meeting dates, please visit https://dallascityhall.com/government/citysecretary/Pages/Public-Meetings.aspx.

August 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 Council Committees: 9 a.m. EDH 11 a.m. HSN 2 p.m. GPFM	6	7 Council Briefing 9 a.m.	8	9	10
11	12 Council Committees: 9 a.m. QOLAC 11 a.m. PSCJ 2 p.m. MSIS	13 Council Briefing 9 a.m. Budget Workshop: City Manager's Recommended Budget	14 Off-Site Council Agenda 2 p.m. at Lake Highlands Recreation Center	15 Budget Town Hall Meetings Begin	16	17
18	19 Council Committees: 9 a.m. EDH 11 a.m. HSN 2 p.m. GPFM	20	21 Council Briefing 9 a.m. Budget Workshop	22	23	24
25	26 Council Briefing 9 a.m. Budget Workshop: Consider Budget Amendments (straw votes anticipated)	27	28 Council Agenda 9 a.m. Budget Public Hearing	29 Budget Town Hall Meetings End	30	31

QOLAC: Quality of Life, Arts, and Culture
PSCJ: Public Safety and Criminal Justice
MSIS: Mobility Solutions, Infrastructure, and Sustainability

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Council Agenda meetings are conducted in Council Chambers. Council Briefings and Council Committee meetings are conducted in Room 6ES.
For board and commission meeting dates, please visit https://dallascityhall.com/government/citysecretary/Pages/Public-Meetings.aspx.

Agenda Information Sheet

File #: 19-284 **Item #:** 33.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Cultural Affairs

EXECUTIVE: Joey Zapata

SUBJECT

Authorize **(1)** the acceptance of four grants from the Texas Commission on the Arts (Grant Nos. 19-44179, 19-44363, 19-44373, 19-44361) in an amount not to exceed $32,000.00 to provide cultural services for the period September 1, 2018 through August 31, 2019; **(2)** a local 1:1 match in the amount of $32,000.00; **(3)** the receipt and deposit of funds in an amount not to exceed $32,000.00 in the Texas Commission on the Arts-Arts Create Grant 18-19 Fund; **(4)** the establishment of appropriations in an amount not to exceed $32,000.00 in the Texas Commission on the Arts-Arts Create Grant 18-19 Fund; and **(5)** the execution of the grant agreements and all terms, conditions, and documents required by the grant agreements - Total not to exceed $64,000.00 - Financing: Texas Commission on the Arts Grant Funds ($32,000.00) and General Fund ($32,000.00)

BACKGROUND

The Office of Cultural Affairs applied for Texas Commission on the Arts (TCA) funding for Fiscal Year 2018-19 through the Arts Create program for administrative, operational and/or program support for presentation, promotion or production of artistic disciplines. TCA has notified the City of Dallas Office of Cultural Affairs (OCA) that the following grant awards have been recommended for funding:

- $6,000 through the Arts Create program for the Bath House Cultural Center programs and artist services.
- $5,000 through the Arts Create program for the Latino Cultural Center programs and artist services.
- $8,000 through the Arts Create program for the South Dallas Cultural Center programs and artist services.
- $13,000 through the Arts Create / Core Support Programs for the Office of Cultural Affairs programs and artist services.

The TCA grants require a 1:1 match for which no new funds will be required. OCA will meet the TCA's requirements for the match with its General Fund appropriation in the previously approved FY 2018-19 budget.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 28, 2018, City Council authorized acceptance of grants from the Texas Commission on the Arts to provide cultural services for the period September 1, 2017 through August 31, 2018, by Resolution No. 18-0441.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on April 8, 2019.

FISCAL INFORMATION

Texas Commission on the Arts Grant Funds - $32,000.00
General Fund - $32,000.00

powered by Legistar™

April 10, 2019

WHEREAS, the Texas Commission on the Arts provides matching grants, through various programs under its purview, to public bodies to assist them in the development of culturally-oriented programs; and

WHEREAS, the Texas Commission on the Arts has notified the City of Dallas Office of Cultural Affairs that it is recommending $32,000.00 in grant funding to the Office of Cultural Affairs under the Arts Create programs to support arts and cultural services in the city of Dallas for FY 2018-19.

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 the four grants from the Texas Commission on the Arts in the amount of $32,000.00 (Grant Nos. 19-44179, 19-44363, 19-44373, 19-44361) to provide cultural services for the period September 1, 2018 through August 31, 2019; provide a local 1:1 match in the amount of $32,000.00; and execute the grant agreements and all terms, conditions and documents required by the grant/contract, approved as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed $32,000.00 in the Texas Commission on the Arts-Arts Create Grant 18-19 Fund, Fund S337, Department OCA, Units 3873, 3874, 3875 and 3876, Revenue Code 6516.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $32,000.00 as follows:

Fund	Department	Unit	Object	Amount
S337	OCA	3873	3089	$ 6,000.00
S337	OCA	3874	3089	$ 5,000.00
S337	OCA	3875	3089	$ 8,000.00
S337	OCA	3876	3089	$13,000.00

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $32,000.00 from the following:

Fund	Department	Unit	Object	Amount
S337	OCA	3873	3089	$ 6,000.00
S337	OCA	3874	3089	$ 5,000.00
S337	OCA	3875	3089	$ 8,000.00
S337	OCA	3876	3089	$13,000.00

SECTION 5. That the Chief Financial Officer is hereby authorized to encumber and disburse the required matching funds in an amount not to exceed $32,000.00 in accordance with the terms and conditions of the grant agreements from the following:

Fund	Department	Unit	Object	Amount
0001	OCA	4833	3089	$ 6,000.00
0001	OCA	4805	3089	$ 5,000.00
0001	OCA	4832	3089	$ 8,000.00
0001	OCA	4880	3089	$13,000.00

SECTION 6. That the City Manager is hereby authorized to reimburse Texas Commission on the Arts for any expenditures identified as ineligible and 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 Texas Commission on the Arts monitoring reports not later than 30 days after the receipt of the report.

SECTION 8. That these grant agreements are designated as Contract No. OCA-2019-00009471.

SECTION 9. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Agenda Information Sheet

File #: 19-404 **Item #:** 34.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize an amendment to Resolution No. 18-1692, previously approved on November 28, 2018, to: **(1)** revise the term of the assignment to PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as recipient grantee in place of the City of Dallas, to begin April 1, 2019, instead of December 1, 2018, and end September 30, 2019 for the Continuum of Care Grant ("CoC Grant") (Grant No. TX0236L6T001709 and CFDA No. 14.267) in an amount not to exceed $718,103.00 from the U.S. Department of Housing and Urban Development for the City of Dallas' Gateway to Permanent Supportive Housing Project ("Project"), to provide project-based rental assistance and case management for single chronically homeless persons; and **(2)** increase the local cash match from the City of Dallas for the CoC Grant for the Project, by $49,697.00, from $29,921.00 to $79,618.00 and decrease the matching contribution from the local partner agencies by $49,697.00, from $149,605.00 to $99,908.00 - Not to exceed $49,697.00 - Financing: General Fund

BACKGROUND

On September 26, 2018, City Council authorized acceptance of the CoC Grant (Grant No. TX0236L6T001709 and CFDA No. 14.267) from U.S. Department of Housing and Urban Development for the City of Dallas' Gateway to Permanent Supportive Housing Project ("Project") in an amount not to exceed $718,103.00, to provide rental assistance and case management to chronically homeless individuals, for the period October 1, 2018 through September 30, 2019, by Resolution No. 18-1376.

Under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), all eligible funding costs must be matched with no less than a 25 percent cash match or in-kind contribution. The total match for the CoC Grant fund equals $179,526.00.

At the time of grant acceptance, the Office of Homeless Solutions ("OHS") informed City Council that it was in the process of outsourcing or transitioning the operation of the Project to non-profit organization(s); that it expected to seek authorization from City Council at a later date to transfer the CoC Grant to a substitute grantee, subject to approval from U.S. Department of Housing and Urban

Development (HUD); and that, until the transition is complete, OHS would continue to operate the Project and ensure that participants can remain in housing. At that time, it was also estimated that $96,550.00 of the required match would be a local cash match from the City of Dallas paid through FY 2018-19 General Funds, and $82,976.00 of the required match would be from one or more local partner agencies.

On August 24, 2018, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposals ("RFCSP") (#BTZ1802) for Continuum of Care Administration, under which the City sought proposals from local area non-profit organizations to assume the grantee responsibilities and operate one or more of the City's Continuum of Care projects. In the RFCSP, additional funds were made available to assist awarded organizations with meeting the 25 percent match requirement during the grant term through September 30, 2019, to reduce any barrier posed by the match requirement. The RFCSP closed on September 20, 2018, and two proposals were received.

PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas ("PWA") submitted a proposal to assume and operate the Gateway to Permanent Supportive Housing project as a substitute grantee, with all rights and obligations of the CoC Grant, with no request for local cash match assistance, and was recommended for award.

On November 28, 2018, City Council authorized the assignment of the CoC Grant to PWA as recipient grantee in place of the City of Dallas, for the period December 1, 2018 through September 30, 2019, by Resolution No. 18-1692. Based on the December 1, 2018 start date, City Council also authorized an amendment to Resolution No. 18-1376, previously approved on September 26, 2018, to decrease the local cash match from the City of Dallas for the CoC Grant for the Project, by $66,629.00, from $96,550.00 to $29,921.00, and increase the matching contribution from the local partner agencies (specifically, PWA as recipient grantee) by $66,629.00, from $82,976.00 to $149,605.00.

Due to the shutdown of the federal government and the furlough of HUD staff, there has been a delay in HUD's process of amending the grant amendment and the transition of the assignment. For this reason, it is necessary to revise the beginning date of the assignment from December 1, 2018 to April 1, 2019. Based on the new start date, it is also necessary to adjust the respective matching amounts by $49,697.00, from $29,921.00 to $79,618.00 for the City of Dallas and from $149,605.00 to $99,908.00 for PWA.

Under the grant agreement, the Project pays rent and utilities for 70 one-bedroom units for chronically homeless persons annually who are high utilizers of public services (e.g., emergency room, jail, etc.). Clients are currently housed in three locations (The Vineyards at Forest Edge, The Vineyards at the Ranch, and The Way Apartments) to better ensure full access to services. Rental payments are made directly to the apartment complex based on the reasonable rent for the area.

OHS has made, or will make, rental payments for participants approved for March 2019 rents. PWA will assume all rental payments thereafter, and will provide case management and administrative staff for the Project. PWA will also assume all rights and obligations under the CoC Grant, including the requirement to provide a 25 percent match, for the period April 1, 2019 through September 30, 2019.

PWA is already a recipient of CoC Grant funds for a separate project and, thus, is an eligible recipient. HUD has indicated that it would accept PWA as a substitute grantee for the CoC Grant for this Project.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 26, 2018, City Council authorized acceptance of the CoC Grant (Grant No. TX0236L6T001709 and CFDA No. 14.267) from HUD for the City of Dallas' Gateway to Permanent Supportive Housing Project in an amount not to exceed $718,103.00, to provide rental assistance and case management to chronically homeless individuals, for the period October 1, 2018 through September 30, 2019, by Resolution No. 18-1376.

The Citizen Homelessness Commission was briefed regarding this item on October 11, 2018.

The Human and Social Needs Committee was briefed regarding this item on November 5, 2018.

On November 28, 2018, City Council authorized: (1) execution of an assignment to PWA as recipient grantee in place of the City of Dallas, for the period December 1, 2018 through September 30, 2019, of the grant agreement for the CoC Grant (Grant No. TX 0236L6T001709 and CFDA No. 14.267) from HUD in an amount not to exceed $718,103.00 for the City of Dallas' Gateway to Permanent Supportive Housing Project, to provide project-based rental assistance and case management for single chronically homeless persons; (2) amendment of Resolution No. 18-1376, previously approved on September 26, 2018, to decrease the local cash match from the City of Dallas for the CoC Grant for the Project, by $66,629.00, from $96,550.00 to $29,921.00, and increase the matching contribution from the local partner agencies by $66,629.00, from $82,976.00 to $149,605.00; and (3) execution of any and all documents required for the grantee substitution, by Resolution No. 18-1692.

The Human and Social Needs Committee will be briefed regarding this item on April 1, 2019.

FISCAL INFORMATION

General Fund - $49,697.00

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April 10, 2019

WHEREAS, the City of Dallas recognizes the need to assist single chronically homeless persons by providing Rental assistance, in conjunction with support services, to break the cycle of homelessness; and

WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") provides grant funds to assist the homeless with rental assistance, and under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 ("HEARTH Act"), enacted into law on May 20, 2009, all eligible funding costs accepted must be matched with no less than a 25 percent cash match or in-kind contributions; and

WHEREAS, on September 26, 2018, City Council authorized acceptance of a Continuum of Care Grant ("CoC Grant") (Grant No. TX0236L6T001709 and CFDA No. 14.267) from the U.S. Department of Housing and Urban Development ("HUD") for the City of Dallas' Gateway to Permanent Supportive Housing project ("Project") to provide rental assistance and case management to chronically homeless individuals, for the period October 1, 2018 through September 30, 2019, by Resolution No. 18-1376; and

WHEREAS, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposals ("RFCSP") (#BTZ1802) to fulfill Continuum of Care administration by assuming the City's grantee responsibilities, with local cash match assistance, and PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas ("PWA") submitted a proposal and was recommended for award; and

WHEREAS, on November 28, 2018, City Council authorized the assignment of the CoC Grant to PWA as recipient grantee in place of the City of Dallas, for the period December 1, 2018 through September 30, 2019, and an amendment to Resolution No. 18-1376, previously approved on September 26, 2018, to decrease the local cash match from the City of Dallas for the CoC Grant for the Project, by $66,629.00, from $96,550.00 to $29,921.00, and increase the matching contribution from the local partner agencies (specifically, PWA) by $66,629.00, from $82,976.00 to $149,605.00, by Resolution No. 18-1692; and

WHEREAS, due to the delay in processing the grant amendment caused by the federal shutdown and furlough, the City of Dallas and PWA now desire to substitute PWA as grantee under the CoC Grant in place of the City of Dallas, and have PWA assume all rights and obligations under the CoC grant for the period April 1, 2019 through September 30, 2019, including the requirement to provide a 25 percent match for the respective period.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to amend Resolution No. 18-1692, previously authorized on November 28, 2018, to: **(1)** revise the term of the assignment to PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as recipient grantee in place of the City of Dallas, to begin April 1, 2019, instead of December 1, 2018, and end September 30, 2019 for the Continuum of Care Grant ("CoC Grant") (Grant No. TX0236L6T001709 and CFDA No. 14.267) in an amount not to exceed $718,103.00 from the U.S. Department of Housing and Urban Development for the City of Dallas' Gateway to Permanent Supportive Housing Project ("Project"), to provide project-based rental assistance and case management for single chronically homeless persons; **(2)** increase the local cash match from the City of Dallas for the CoC Grant for the Project, by $49,697.00, from $29,921.00 to $79,618.00 and decrease the matching contribution from the local partner agencies by $49,697.00, from $149,605.00 to $99,908.00, approved as to form by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to provide additional information and make adjustments to take other actions relating to the grant as may be necessary in order to satisfy HUD requirements relating to the grantee substitution.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse a local cash match in an amount not to exceed $49,697.00 (subject to appropriations) from Fund 0001, Department MGT, Unit 4311, Object 3070.

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

Agenda Information Sheet

File #: 19-409 **Item #:** 35.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year service price agreement for grounds maintenance for Water Utilities Department facilities and lots - Good Earth Corporation in an estimated amount of $1,883,300.00 and Gardner's Touch Lawn Care, LLC in an estimated amount of $887,754.40, lowest responsive bidders of four - Total estimated amount of $2,771,054.40 - Financing: Dallas Water Utilities Fund

BACKGROUND

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This service price agreement will provide grounds maintenance of the Water Utilities Department facilities and lots.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 509 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $10.94; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 17, 2015, City Council authorized a three-year service contract for grounds maintenance services at various Dallas Water Utilities' properties and the Dallas Animal Shelter with Weldon's Lawn and Tree, Urban Landscaping & Irrigation, and JBA Land Management, LLC by Resolution No. 15-1230.

The Government Performance & Financial Management Committee will receive this item for consideration on April 1, 2019.

FISCAL INFORMATION

Dallas Water Utilities Fund - $2,771,054.40 (Estimated amount)

FY2018-19 $ 694,562.58
FY2019-20 $ 1,038,245.91
FY2020-21 $ 1,038,245.91

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$2,771,054.40	Other Services	23.80%	6.80%	$188,300.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Low Bid	• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements • Negotiations are not allowed

The Office of Procurement Services received the following bids from solicitation number BI1817. We opened them on August 31, 2018. We recommend the City Council award this service price agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

Bidders	**Address**	**Amount**
*Good Earth Corporation	7922 Forney Rd. Dallas, TX 75227	Multiple Lines
*Gardner's Touch Lawn Care, LLC	3200 Todd Ave. Fort Worth, TX 76110	Multiple Lines
Stellar Execucare Cleaning	6523 Autumnwoods Trl Dallas, TX 75232	Multiple Lines
Urban Landscaping & Irrigation	700 S. Dallas Ave. Lancaster, TX 75146	Multiple Lines

OWNERS

Good Earth Corporation

George Belk, Chief Operating Officer

Gardner's Touch Lawn Care, LLC

Reginald R. Gardner Jr., Owner

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April 10, 2019

WHEREAS, on June 17, 2015, City Council authorized a three-year service contract for grounds maintenance services at various Dallas Water Utilities' properties and the Dallas Animal Shelter with Weldon's Lawn and Tree in the amount of $828,335.00, Urban Landscaping & Irrigation in the amount of $84,625.00, and JBa Land Management, LLC in the amount of $18,780.00, by Resolution No. 15-1230.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a service price agreement with Good Earth Corporation (510006) in the estimated amount of $1,883,300.00 and Gardner's Touch Lawn Care LLC (VC19912) in the estimated amount of $887,754.40, approved as to form by the City Attorney, for grounds maintenance for Water Utilities Department facilities and lots, for a term of three-years, in a total estimated amount of $2,771,054.40. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Good Earth and Gardner's Touch Lawn Care LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Good Earth and Gardner's Touch Lawn Care LLC under the contract. The amount payable pursuant to the service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least $2,771,054.40, but not more than the amount of budgetary appropriations for this service price agreement during its term to Good Earth Corporation and Gardner's Touch Lawn Care LLC from Service Contract No. DWU-2019-00009562.

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

Agenda Information Sheet

File #: 19-417 **Item #:** 36.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a five-year service contract, with a one-year renewal option, for licenses, training, maintenance, and support of a vendor hosted short-term rental and hotel occupancy tax system - MUNIRevs Inc. dba LODGINGRevs, most advantageous proposer of four - Not to exceed $495,000 - Financing: Convention Center Fund (subject to annual appropriations)

BACKGROUND

This service contract will provide licenses, training, maintenance, and support of a vendor hosted hotel occupancy tax (HOT) and short-term rental (STR) online portal for the City Controller's Office.

This system includes electronic compliance monitoring, registration, billing, and remittance capabilities for the City, hoteliers, and STR hosts. The system also provides continuous discovery of the STRs within the city limits, communication with STR hosts regarding requirements for registration and self-reporting, and training on the process to register. Importantly, this system will be more efficient for the City Controller's Office because it will eliminate the manual processes currently in place to manage HOT collections and provide the ability to pay HOT and Tourism Public Improvement District (TPID) Assessment Fees electronically. This system will become increasingly important as the number registered STRs continues to grow. In 2018, the City had 52 STRs registered and paying HOT/TPID. With the significant growth of the city as a major tourism destination, it is estimated there may be up to 2,000 STRs currently operating in the city.

The City collects a 7 percent HOT from approximately 250 hotels and STR hosts based on their room receipts each month. The City also collects the TPID Assessment Fees for the Dallas TPID Board. The hoteliers and STR hosts self-report their receipts and exemptions and pay accordingly. A common question that the City Controller's Office receives is why the self-reporting and payment of the monthly tax is not available online. Currently, hoteliers and hosts are required to fill out and mail or hand deliver a reporting form/spreadsheet along with their payment.

A seven member committee from the following departments reviewed and evaluated the qualifications:

- City Controller's Office (2)
- Department of Communication and Information Services (1)
- Department of Convention and Event Services (1)
- Water Utilities (1)
- Office of Business Diversity (1)*
- Office of Procurement Services (1)*

*The Office of Procurement Services evaluated cost and the Office of Business Diversity evaluated the Business Inclusion and Development Plan.

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

- Cost to the City 30 points
- Technical match 25 points
- Functional match 20 points
- Business Inclusion and Development Plan (BID) 15 points
- Capabilities and expertise 10 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 2,235 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on April 1, 2019.

FISCAL INFORMATION

Convention Center Fund - $495,000.00 (subject to annual appropriations)

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FY 2019 $111,000.00
FY 2020 $ 96,000.00 (subject to annual appropriations)
FY 2021 $ 96,000.00 (subject to annual appropriations)
FY 2022 $ 96,000.00 (subject to annual appropriations)
FY 2023 $ 96,000.00 (subject to annual appropriations)

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$495,000.00	Other Services	23.80%	0.00%	$0.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Request for Competitive Sealed Proposal	• Utilized for high technology procurements, insurance procurements, and other goods and services • Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications • Always involves a team evaluation • Allows for negotiation on contract terms, including price

The Office of Procurement Services received the following proposals from solicitation number BUZ1902. We opened them on December 20, 2018. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score	Amount
*MUNIRevs Inc. dba LODGINGRevs	900 Main Ave. Suite 10 Durango, CO 81301	86.25	$495,000.00
LTAS Technologies, Inc.	505 Consumers Rd. Suite 314 Toronto, Ontario M2J4V8	49.38	$702,685.00

NebuLogic Technologies, LLC	5700 Granite Pkwy. Suite 405 Plano, TX 75024	48.87	$830,822.00
Pioneer Technology Group, LLC	1100 Central Park Dr. Suite 100 Sanford, Fl 32771	39.54	$2,563,500.00

OWNER

MUNIRevs Inc. dba LODGINGRevs

Erin Neer, President

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April 10, 2019

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

SECTION 1. That the City Manager is hereby authorized to execute a service contract with MUNIRevs Inc. dba LODGINGRevs (VS99581), approved as to form by the City Attorney, for licenses, training, maintenance, and support of a vendor hosted short-term rental and hotel occupancy tax system for a term of five years, with a one-year renewal option, in an amount not to exceed $495,000. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to MUNIRevs Inc. dba LODGINGRevs shall be based only on the amount of the services directed to be performed by the City and properly performed by MUNIRevs Inc. dba LODGINGRevs under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $495,000 (subject to annual appropriations) to MUNIRevs Inc. dba LODGINGRevs from Master Agreement Service Contract No. MASC-DSV-2019-00009686.

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

Agenda Information Sheet

File #: 18-1397 **Item #:** 37.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize **(1)** a fifty-eight month service contract for online criminal activity database services for the Police Department in the amount of $372,548.24 - LexisNexis Risk Solutions, sole source; and **(2)** Supplemental Agreement No. 2 to extend the service contract with LexisNexis Claims Solutions for an online resident incident reporting portal for the Police Department in the amount of $487,200.00 from February 28, 2019 to December 31, 2023 - Total not to exceed $859,748.24 - Financing: Data Services Fund ($372,548.24) and Confiscated Monies - State Fund ($487,200.00) (subject to annual appropriations)

BACKGROUND

These service contracts will provide access to online criminal activity database services to assist in locating individuals involved in criminal activities as well as provide an online portal for city residents to report criminal incidents. The database services are designed to simplify access to relevant information by authorized Police personnel, in a user-friendly manner which allows searches of several external databases with a single search query. Additionally, the services provide a secure online dashboard that enables crime data sharing, pattern analysis, crime mapping, and predictive analytics based on data from agencies in the City of Dallas region and across the nation.

The database services provide an efficient and effective tool for the Police Department's Fusion Center. The Fusion Center's main task is to quickly research databases and analyze information to create criminal intelligence for real time dissemination to patrol officers and detectives in the field. This level of operation requires a more detailed and analytical investigative tool than that used by detectives in the field. Through this database the Fusion Center can research public records such as:

- Department of Motor Vehicles
- Court records
- Multiple telephone sources, including cell phones
- Utility companies

The online resident incident reporting portal provides residents and businesses the ability to enter incident reports on routines matters that do not require Police assistance. This can include instances such as:

- Minor motor vehicle accidents
- Small acts of theft/burglary
- Shoplifting reports
- Anti-bullying reporting

Services also includes the ability for residents, insurers, and other authorized parties to purchase accident reports online. This module is included at no cost to the City and allows the City to utilize crash report revenue to offset the monthly service fees of the incident reporting portal services. These services provide a more customer-friendly experience by providing the ability to enter and retrieve incident and crash incident reports without having to visit a police station to fill out a report. Additionally, the portal provides efficiencies by allowing police officers to deal with more urgent matters.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety and Criminal Justice Committee on April 8, 2019.

FISCAL INFORMATION

Data Services Fund - $372,548.24 (subject to annual appropriations)
Confiscated Monies - State Fund - $487,200.00 (subject to annual appropriations)

Fund	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Data Services	$64,232.40	$77,078.96	$77,078.96	$77,078.96	$77,078.96
Confiscated Monies-State Fund	$84,000.00	$100,800.00	$100,800.00	$100,800.00	$100,800.00
Total	$148,232.40	$177,878.96	$177,878.96	$177,878.96	$177,878.96

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$859,748.24	Other Services	N/A	N/A	N/A
• M/WBE Goal Waived				
• LexisNexis Risk Solutions is providing a fifty-eight month service contract for online criminal activity database services for the Police Department and is the sole source provider. No sub-contracting opportunities are available.				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Sole Source	• Utilized for procurements where functional requirements can only be satisfied by one vendor, such as those where patents, copyrights or monopolies exists • Exempted from competitive bidding process • Reviewed by Procurement Services to ensure the procurement meets at least one general exception as stated in the Texas Local Government Code

Bidder	Address	Amount
LexisNexis Risk Solutions	1000 Alderman Drive Alpharetta, GA 30005	$859,748.24

Note: The Office of Procurement Services conducted a sole source review and found no exceptions.

OWNER

LexisNexis Risk Solutions

LexisNexis Claim Solutions

Mark Kelsey, President

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WHEREAS, on March 22, 2010, Administrative Action No. 10-0795 authorized a three-year service contract for Automated Tactical Analysis of Crime (ATAC) upgrade software from March 25, 2010 to March 24, 2013 for the Dallas Police Department with Blair Software, in an amount not to exceed $8,419.00; and

WHEREAS, on April 25, 2012, Administrative Action No. 12-1103 authorized Supplemental Agreement No. 1 for Automatic Tactical Analysis of Crime (ATAC) translations service upgrade from December 20, 2011 to December 19, 2012 for the Dallas Police Department with Blair Software, in an amount not to exceed $3,750.00; and

WHEREAS, on January 23, 2013, Administrative Action No. 13-5128 authorized Supplemental Agreement No. 2 for Automatic Tactical Analysis of Crime (ATAC) software from March 25, 2013 to March 24, 2018 for the Dallas Police Department with Blair Software, in an amount not to exceed $7,250.00; and

WHEREAS, on April 3, 2015, Administrative Action No. 15-5702 authorized Supplemental Agreement No. 3 to the service contract for Automated Tactical Analysis of Crime Regional Analysis and Information Data Sharing (ATACRAIDS) software subscription from July 1, 2014 to June 30, 2016 for the Dallas Police Department with Blair Software, in an amount not to exceed $50,000.00; and

WHEREAS, on June 7, 2015, Administrative Action No. 15-6308 authorized an extension of the Accurint for Law Enforcement internet database subscription from July 1, 2015 to December 31, 2015 for the Dallas Police Department with LexisNexis, in an amount not to exceed $45,480.00; and

WHEREAS, on October 5, 2016, Administrative Action No. 16-6718 authorized payment for services rendered for access to the Accurint for Law Enforcement internet database subscription from May 1, 2016 to July 31, 2016 for the Dallas Police Department with LexisNexis, in an amount not to exceed $22,108.60; and

WHEREAS, on August 4, 2017, Administrative Action No. 17-6426 authorized a one-year service contract for a subscription to Accurint for Law Enforcement from July 1, 2017 to June 30, 2018 for the Dallas Police Department with LexisNexis, in an amount not to exceed $39,705.00; and

WHEREAS, on February 13, 2017, Administrative Action No. 17-5503 authorized the renewal to access the ATACRAIDS software subscription from July 1, 2016 to June 30, 2018 for the Dallas Police Department with LexisNexis, in an amount not to exceed $50,000.00; and

WHEREAS, on April 17, 2018, Administrative Action No. 18-5670 authorized a one-time payment for ATACRAIDS subscription services per the 4% annual increase clause in the Contract Data Sharing database for Dallas Police Department with LexisNexis, in an amount not to exceed $1,000.00; and

WHEREAS, on October 23, 2018, Administrative Action No. 18-6660 authorized a subscription for the Dallas Police Department to use Desk Officer Reporting System (DORS) for online citizen and business incident reporting from October 1, 2018 to December 31, 2018 for Dallas Police Department with LexisNexis, in an amount not to exceed $25,200.00; and

WHEREAS, on February 25, 2019, Administrative Action No. 19-5474 authorized payment for services rendered for Accurint, ATAC/ATACRAIDS from July 1, 2018 to February 28, 2019 for the Dallas Police Department with LexisNexis, in an amount not to exceed $47,440.10; and

WHEREAS, on February 25, 2019, Administrative Action No. 19-5466 authorized a two-month extension of subscription to DORS from January 1, 2019 to February 28, 2019 for the Dallas Police Department with LexisNexis, in an amount not to exceed $16,800.00.

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 service contract with LexisNexis Risk Solutions (VS0000016667), for online criminal activity database services for the Police Department in the amount of $372,548.24 and Supplemental Agreement No. 2 to extend the service contract with LexisNexis Claims Solutions (VC19225), for an online resident incident reporting portal for the Police Department in the amount of $487,200.00, from February 28, 2019 to December 31, 2023 for a total amount not to exceed $859,748.24. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to LexisNexis Risk Solutions and LexisNexis Claim Solutions shall be based only on the amount of the services directed to be performed by the City and properly performed by LexisNexis Risk Solutions and LexisNexis Claim Solutions under the contract, 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 $859,748.24 (subject to annual appropriations) to LexisNexis Risk Solutions and LexisNexis Claim Solutions from Service Contract No. DSV-2018-00006474.

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

Agenda Information Sheet

File #: 19-233 **Item #:** 38.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year master agreement for the purchase of laboratory supplies and equipment - Taylor Distribution Group, LLC in an estimated amount of $3,439,031.37, Hach Company in an estimated amount of $1,209,494.00, Fox Scientific, Inc. in an estimated amount of $642,979.00, and Horizon Technology, Inc. in an estimated amount of $53,000.00, lowest responsible bidders of six - Total estimated amount of $5,344,504.37 - Financing: General Fund ($262,900.00), Dallas Water Utilities Fund ($5,019,104.37), Aviation Fund ($60,000.00), and Sanitation Services Fund ($2,500.00)

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement. We anticipate the following City departments will use this agreement:

- Water Utilities Department
- Police Department
- Department of Aviation
- Department of Sanitation Services

This master agreement will allow for the purchase of laboratory supplies and equipment. This master agreement will be used to purchase laboratory supplies for testing water and wastewater. The Water Utilities Department will perform an estimated 930 tests daily on approximately 470 million gallons of drinking water and 480 tests on approximately 180 million gallons of wastewater.

Testing is necessary to comply with State and Environmental Protection Agency (EPA) requirements. In addition, this agreement will allow each division the flexibility to purchase newly standardized laboratory supplies, equipment, and chemicals as required by the EPA due to mandatory updates.

The Police Department's Crime Scene Response Section will utilize this master agreement to purchase various supplies needed for the division to document, photograph, process, and collect evidence from crime scenes. In 2018, the Police Department's Crime Scene Response Section responded to over 16,000 calls for service.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 6,777 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on April 1, 2019.

FISCAL INFORMATION

General Fund - $262,900.00 (Estimated amount)
Dallas Water Utilities Fund - $5,019,104.37 (Estimated amount)
Aviation Fund - $60,000.00 (Estimated amount)
Sanitation Services Fund - $2,500.00 (Estimated amount)

Fund	FY 2018-19	FY 2019-20	FY 2020-21	Total
General Fund	$45,000.00	$108,950.00	$108,950.00	$262,900.00
Dallas Water Utilities Fund	$1,123,849.69	$1,947,627.35	$1,947,627.33	$5,019,104.37
Aviation Fund	$20,000.00	$20,000.00	$20,000.00	$60,000.00
Sanitation Services Fund	$833.33	$833.33	$833.34	$2,500.00
Total	$1,189,683.02	$2,077,410.68	$2,077,410.67	$5,344,504.37

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$5,344,504.37	Goods	18.00%	76.38%	$4,082,010.37
• This contract exceeds the M/WBE goal.				

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PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Low Bid	• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements • Negotiations are not allowed

The Office of Procurement Services received the following bids from solicitation number BL1810. We opened them on October 19, 2018. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

Bidders	Address	Amount
*Taylor Distribution Group, LLC	15950 North Dallas Pkwy. #400 Dallas, TX 75248	Multiple Lines
*Hach Company	5600 Lindbergh Dr. Loveland, CO 80538	Multiple Lines
*Fox Scientific, Inc.	8221 E. FM 917 Alvarado, TX 76009	Multiple Lines
*Horizon Technology, Inc.	16 Northwestern Dr. Salem, NH 03079	Multiple Lines
BVA Scientific, Inc.	231 E. Nakoma St. #300 San Antonio, TX 78216	Multiple Lines
HD Supply Facilities dba USA Bluebook	3781 Burwood Dr. Waukegan, IL 60085	Multiple Lines

OWNERS

Taylor Distribution Group, LLC

Artura Taylor, President
John Taylor, Vice President

Hach Company

Kevin Alexius Klau, President
Michael J. Strycker, Vice President
James F. O'Reilly, Secretary
Frank T. McFaden, Treasurer

Fox Scientific, Inc.

Tim Green, President
Paisley Green, Vice President
Debra Cline, Treasurer

Horizon Technology, Inc.

Torben Jørgenson, President
Scott Carr, Vice President
Lars Bäckman, Secretary
Erika Söderberg, Treasurer

April 10, 2019

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

SECTION 1. That a master agreement for the purchase of laboratory supplies and equipment is authorized with Taylor Distribution Group, LLC (VS0000063028) in the estimated amount of $3,439,031.37, Hach Company (029911) in the estimated amount of $1,209,494.00, Fox Scientific, Inc. (267154) in the estimated amount of $642,979.00, Horizon Technology, Inc. (504384) in the estimated amount of $53,000.00, approved as to form by the City Attorney, for a term of three years in a total estimated amount of $5,344,504.37. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term.

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

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least $5,344,504.37, but not more than the amount of budgetary appropriations for this master agreement during its term to Taylor Distribution Group, LLC, Hach Company, Fox Scientific, Inc. and Horizon Technology, Inc. from Master Agreement No. POM-2019-00009190.

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

Agenda Information Sheet

File #: 19-377 **Item #:** 39.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year master agreement for animal identification microchips for the Department of Dallas Animal Services - Pethealth Services USA, Inc., lowest responsible bidder of five - Estimated amount of $146,250 - Financing: General Fund

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This master agreement will provide for the purchase of animal identification microchips for the Department of Dallas Animal Services (DAS). DAS microchips approximately 15,000 animals per year which includes both resident requests for microchipping of their pets and animals that are adopted from DAS. On June 14, 2017, City Council authorized an amendment to Chapter 7 of the Dallas City Code replacing pet registration with mandatory microchipping. It's necessary to ensure every pet adopted through the Department of Dallas Animal Services has met this requirement, as well as, offering low cost microchipping of pets to the residents of Dallas.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 284 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life, Arts, and Culture Committee on April 8, 2019.

FISCAL INFORMATION

General Fund - $146,250.00 (Estimated amount)

FY 2018-19 $24,375.00
FY 2019-20 $48,750.00
FY 2020-21 $48,750.00
FY 2021-22 $24,375.00

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$146,250.00	Goods	N/A	N/A	N/A
• M/WBE goal waived due to no M/WBE availability				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Low Bid	• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements • Negotiations are not allowed

The Office of Procurement Services received the following bids from solicitation number BT1901. We opened them on January 11, 2019. We recommend the City Council award this master agreement in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

Bidders	Address	Amount
*Pethealth Services USA, Inc.	3315 Algonquin Rd. Rolling Meadows, IL 60008	$146,250.00
American Kennel Club Companion Animal Recovery	8051 Arco Corporate Dr. Suite. 200	$168,750.00

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Corp. dba AKC Reunite	Raleigh, NC 27617	
Intervet, Inc. dba Merck Animal Health	2 Giralda Farms Madison, NJ 07940	$200,250.00
Datamars, Inc.	1110 Industrial Blvd. Temple, TX 76504	$281,250.00
Michelson Found Animals	8885 Venice Blvd. Suite 101 Los Angeles, CA 90034	Non-responsive**

**Michelson Found Animals was deemed non-responsive due to not meeting specifications.

OWNER

Pethealth Services USA, Inc.

Sean Smith, President
Michelle Cole, Vice President

April 10, 2019

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

SECTION 1. That a master agreement for the purchase of animal identification microchips for the Department of Dallas Animal Services is authorized with Pethealth Services USA, Inc. (VS0000071661), approved as to form by the City Attorney, for a term of three years, in the estimated amount of $146,250. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for animal identification microchips for the Department of Dallas Animal Services. If a written contract is required or requested for any or all purchases of animal identification microchips for the Department of Dallas Animal Services under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least $146,250, but not more than the amount of budgetary appropriations for this master agreement during its term to Pethealth Services USA, Inc. from Master Agreement Contract No. DAS-2019-00009514.

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

Agenda Information Sheet

File #: 19-434 **Item #:** 40.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 3

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize a Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40227, for trail design and construction of the FM 1382 Sidepath Trail from Camp Wisdom Road to Mansfield Road - Financing: This item has no cost consideration to the City (see Fiscal Information for future estimated costs)

BACKGROUND

This action will authorize a Project Specific Agreement (PSA) with Dallas County to establish the terms for the design, right-of-way acquisition, and other responsibilities for the approximately 1.25 miles of trail along FM 1382 (Belt Line Road) from Camp Wisdom Road to Mansfield Road (Exhibit A). This project will provide a vital multimodal transportation connection on the Regional Veloweb identified in the North Central Texas Council of Government's Mobility 2040 trail network. This project is one segment of the Veloweb passing through the City of Grand Prairie, City of Dallas, and City of Cedar Hill. This segment of the Veloweb will provide access to employment, residential areas, schools, parks, and commercial centers.

Under coordination by, and as project lead, Dallas County is currently designing and constructing multiple trail projects which connect to the proposed FM 1382 Sidepath Trail. To the north, Dallas County is designing a trail through Grand Prairie adjacent to Camp Wisdom Road. To the south, Dallas County is coordinating with the City of Cedar Hill to construct a trail on FM 1382 (Belt Line Road). Between these two projects an approximately 1.25-mile section of proposed trail passes through the City of Dallas on FM 1382. To make this multi-city trail network connection, Dallas County needs to enter into a PSA with the City of Dallas. Dallas County will fund and manage the design and construction of the project, including obtaining the necessary right-of-way acquisition required for the project. There will be no cost to the City. The total project budget is just over $2,325,000.00. Upon completion of the project the City will manage, operate, and maintain the trail within the City limits as part of its trail network. Once completed, the FM 1382 Sidepath Trail will be the southernmost active trail in the City of Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 21, 2019, the Park and Recreation Board authorized a Project Specific Agreement with Dallas County.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on April 8, 2019.

FISCAL INFORMATION

This item has no cost consideration to the City. Future estimated costs for operation and maintenance is $29,320.00 beginning in Fiscal Year 2021-22.

MAP

Attached

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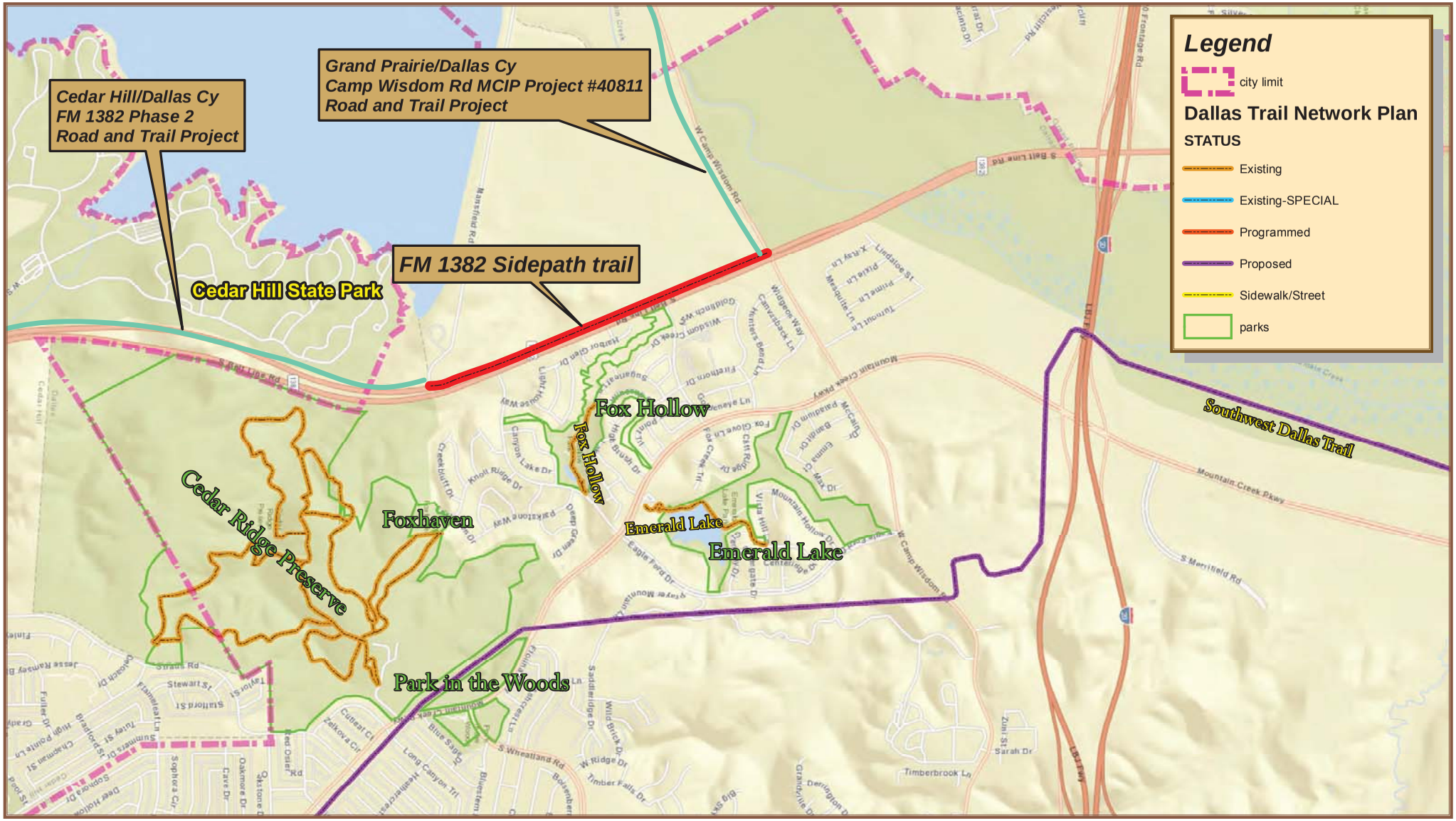
Proposed Trail Connection between Camp Wisdom Rd Trail and FM 1382 Trail

PROJECT LENGTH : approx. 1.25 miles

DALLAS COUNTY PUBLIC WORKS

Exhibit A

Disclaimer : This map is for reference use only.



0 750 1,500 3,000 4,500 Feet

1 in = 1,500 ft

Dallas Park & Recreation

FM 1382 Sidepath trail

District 3

WHEREAS, Chapter 791 of the Texas Government Code and Texas Transportation Code Article 251 provides authorization for local governments to contract with each other for the performance of governmental functions and services, and joint funding of transportation projects; and

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

WHEREAS, Dallas County is currently designing and constructing multiple trail projects which connect to the proposed FM 1382 Sidepath Trail; and

WHEREAS, Dallas County and the City of Dallas (City) desire to be partners on the development of FM 1382 Sidepath Trail from Camp Wisdom Road to Mansfield Road; and

WHEREAS, it is necessary to authorize a Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40227, to establish the terms for the design, right-of-way acquisition, and other responsibilities for the FM 1382 Sidepath Trail from Camp Wisdom Road to Mansfield Road.

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40227, approved as to form by the City Attorney, for trail design and construction of the FM 1382 Sidepath Trail from Camp Wisdom Road to Mansfield Road.

SECTION 2. That the project will be led by Dallas County and there will be no cost to the City.

SECTION 3. That Dallas County will fund and manage the design and construction of the project, including obtaining the necessary right-of-way acquisition required for the project.

SECTION 4. That upon completion of the project the City will manage, operate, and maintain the trail within the City limits as part of its trail network.

SECTION 5. That this contract is designated as Contract No. PKR-2019-00009785.

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

Agenda Information Sheet

File #: 19-290 **Item #:** 41.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 9, 10, 12, 13

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with RJN Group, Inc. for the engineering design of Erosion Control Contract No. A (list attached to the Agenda Information Sheet) - Not to exceed $573,981.38 - Financing: Flood Control (D) Fund (2017 Bond Funds)

BACKGROUND

This action will authorize a professional services contract with RJN Group, Inc. for the engineering design of 13 erosion control improvement projects.

The stream banks located along various property boundaries are experiencing severe erosion. This project will evaluate options to address erosion and develop construction documents to stabilize eroded stream banks utilizing gabion walls or other approved erosion control structures. The proposed improvements will stabilize the existing stream banks while staying within the existing property boundary and floodway or erosion control easements.

The services provided include project management, topographic and boundary surveys, subsurface utility exploration, geotechnical investigations, permitting assistance, structural analysis, development of conceptual and preliminary construction plans, and development of pre-final and final construction plans and special specifications.

The consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines.

Following are the locations and design costs for each project:

Erosion Control Improvements

Project	Council District	Amount
10500 Block of Clearbrook Lane	9	$ 20,741.25
3604 Hillside Drive	9	$ 20,649.25
1407 Oates Drive	9	$ 26,154.00
8470-8506 Brittania Way	10	$ 37,281.00
8903, 8907, 8911 Clubcreek Circle	10	$120,827.50
10720, 10726 Meadowcliff Lane	10	$117,746.25
17309, 17315 Stedman Circle	12	$ 41,453.50
15821, 15827 Nedra Way	12	$ 20,026.75
17418 Riverhill Drive	12	$ 25,944.00
5719 Brushy Creek Trail	12	$ 43,388.00
7106, 7110, 7114 Claren Court	12	$ 23,923.50
6201 Baymar Lane	12	$ 27,630.13
Joe’s Creek, TXU Right of Way & 3900 Vinecrest Drive	13	$ 48,216.25

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	May 2020
Begin Construction	November 2020
Complete Construction	May 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Flood Control (D) Fund (2017 Bond Funds) - $573,981.38

Estimated Future Cost - Construction - $3,586,926.20

Council District	Amount
9	$ 67,544.50
10	$275,854.75
12	$182,365.88
13	$ 48,216.25
Total	$573,981.38

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$573,981.38	Architectural & Engineering	25.66%	51.44%	$295,233.25
• This contract exceeds the M/WBE goal.				

OWNER

RJN Group, Inc.

Daniel Jackson, Vice President

MAPS

Attached

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Segment List
Contract No. 19-063E
Erosion Control Contract No. A
Stormwater Project Management

District 9

Clearbrook Lane, 10500 Block
3604 Hillside Drive
1407 Oates Drive

District 10

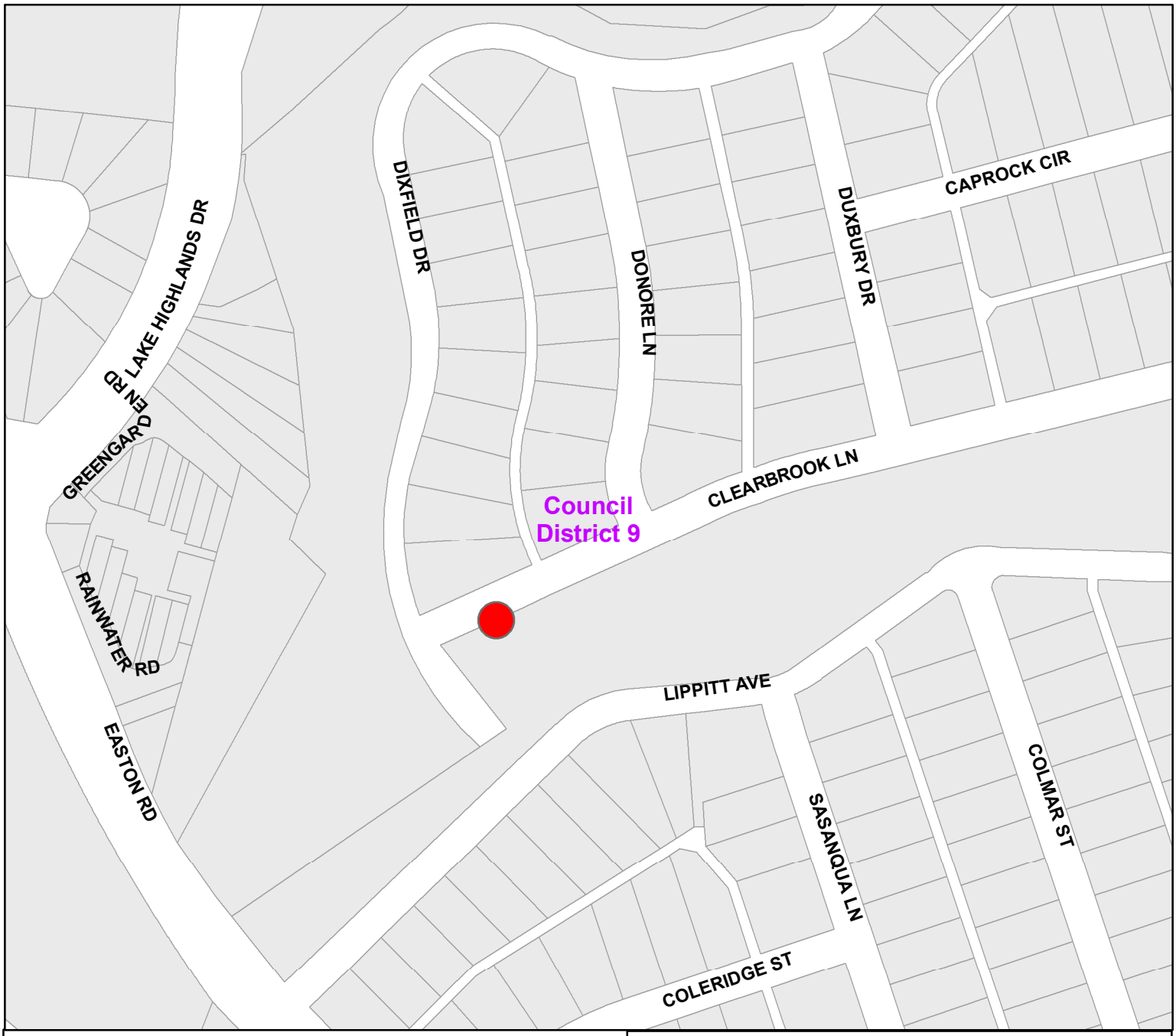
8470-8506 Brittania Way
8903, 8907, 8911 Clubcreek Circle
10720, 10726 Meadowcliff Lane

District 12

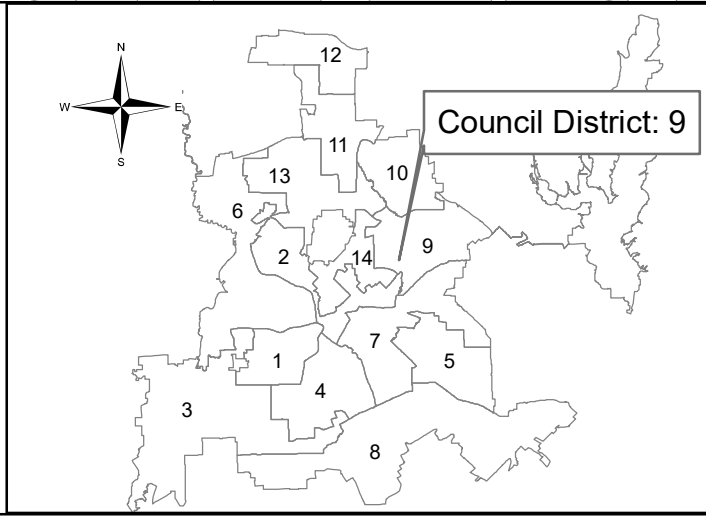
17309, 17315 Stedman Circle
15821, 15827 Nedra Way
17418 Riverhill Drive
5719 Brushy Creek Trail
7106, 7110, 7114 Claren Court
6201 Baymar Lane

District 13

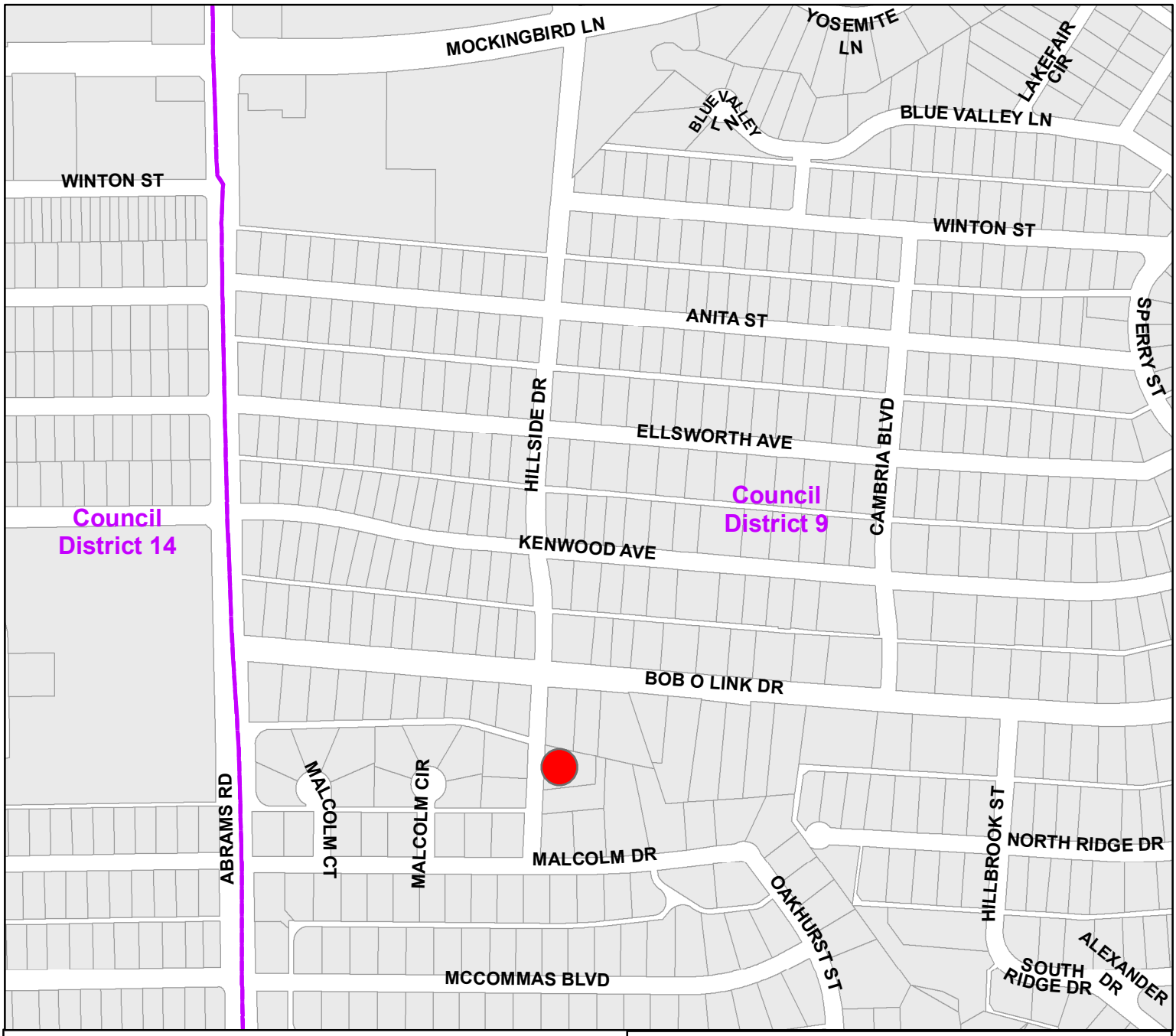
Joe's Creek - TXU ROW & 3900 Block Vinecrest Drive



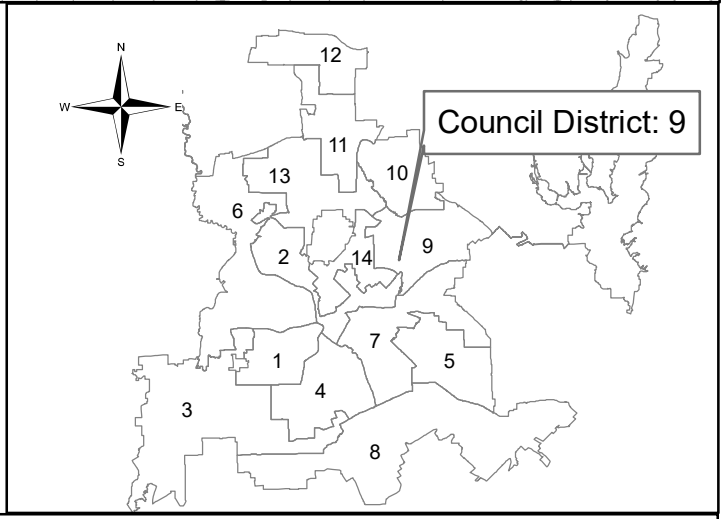
Clearboork Lane, 10500 Block



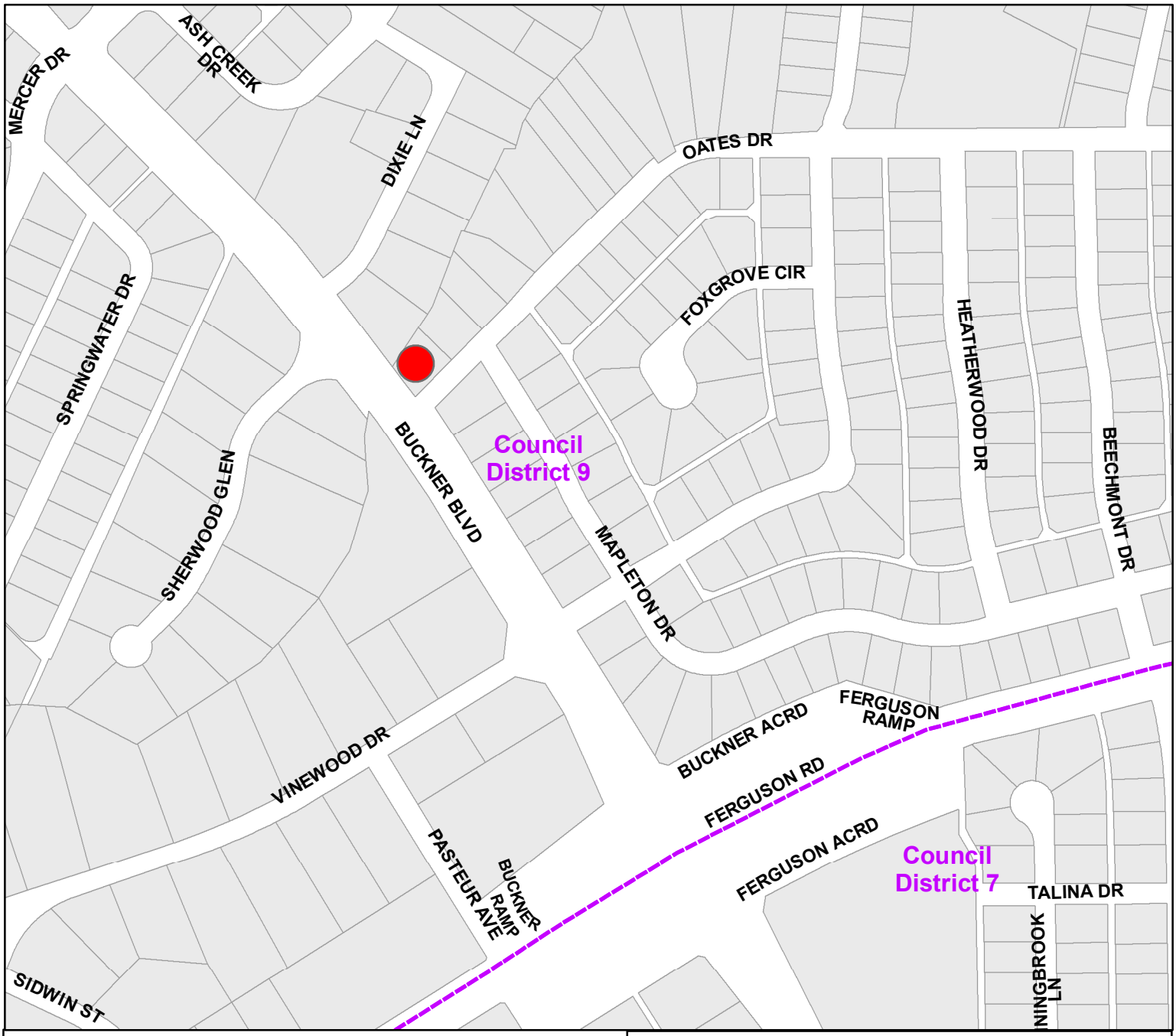
Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management



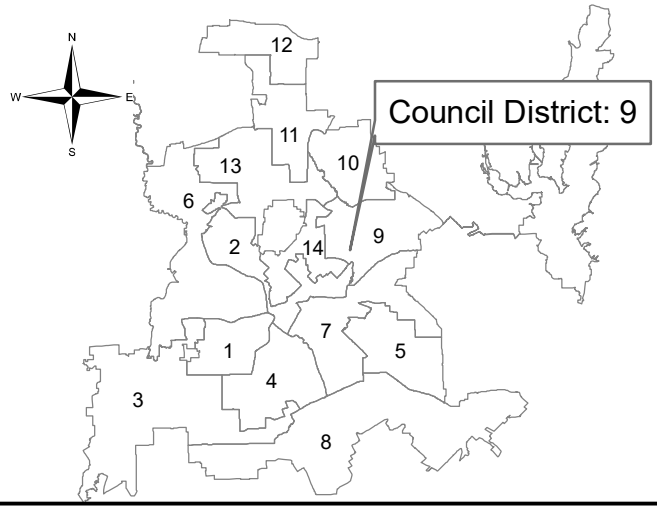
3604 Hillside Drive



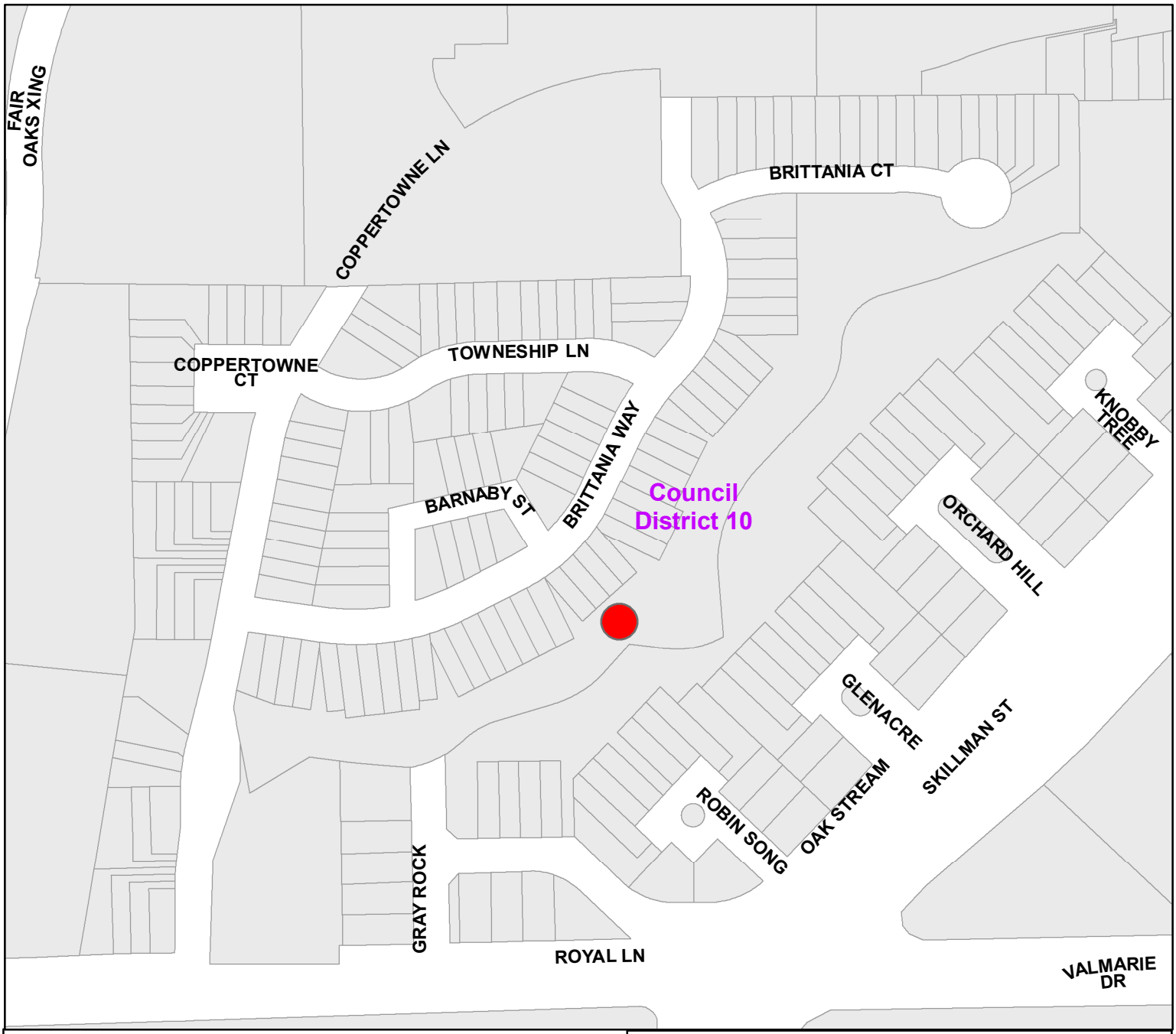
Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management



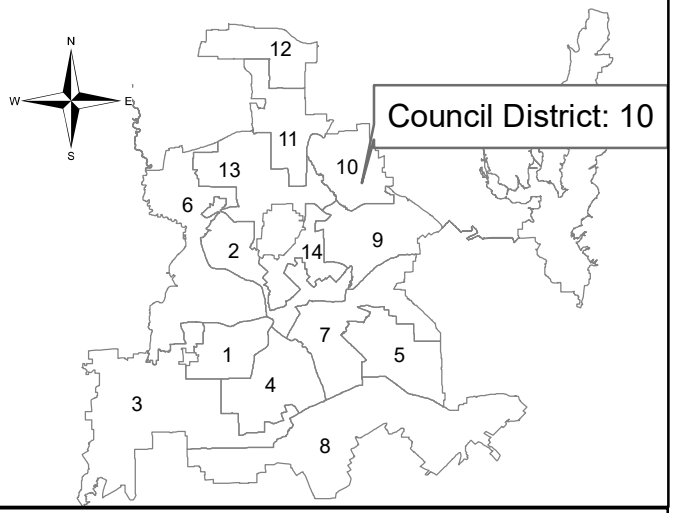
1407 Oates Drive



Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management



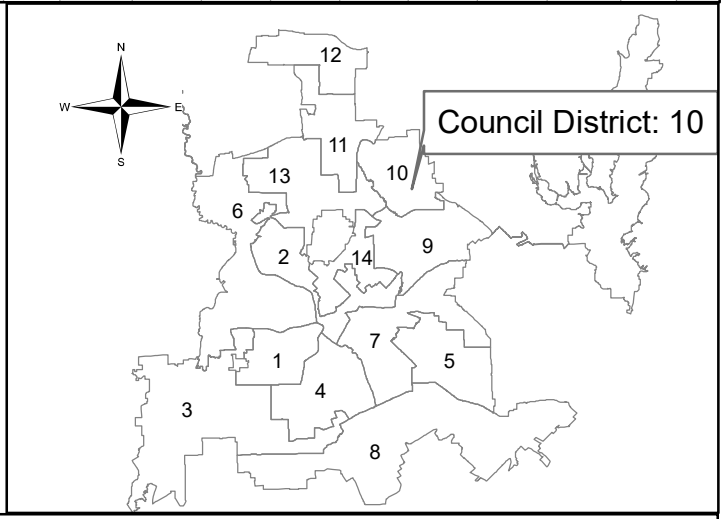
8470-8506 Brittania Way



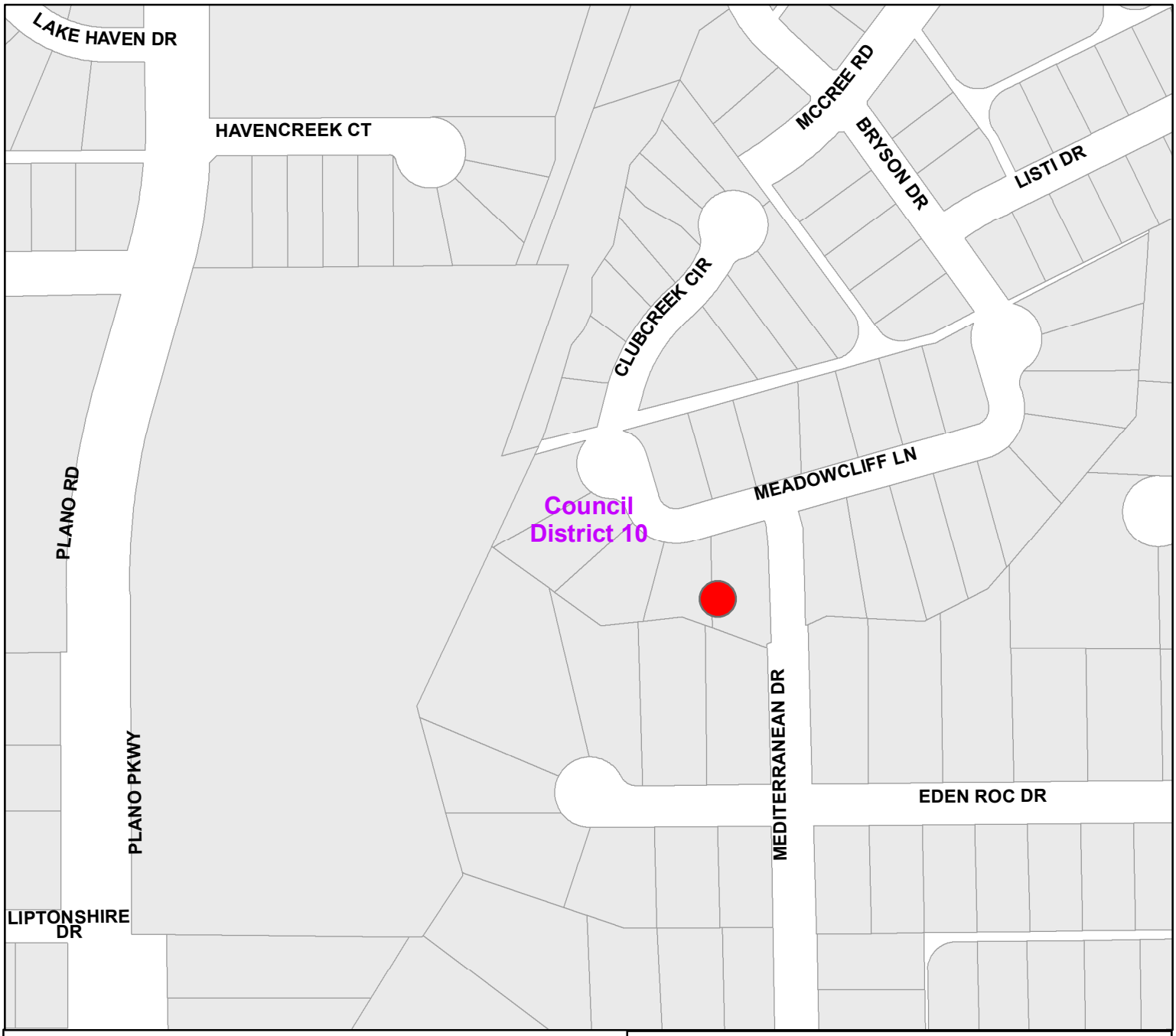
Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management



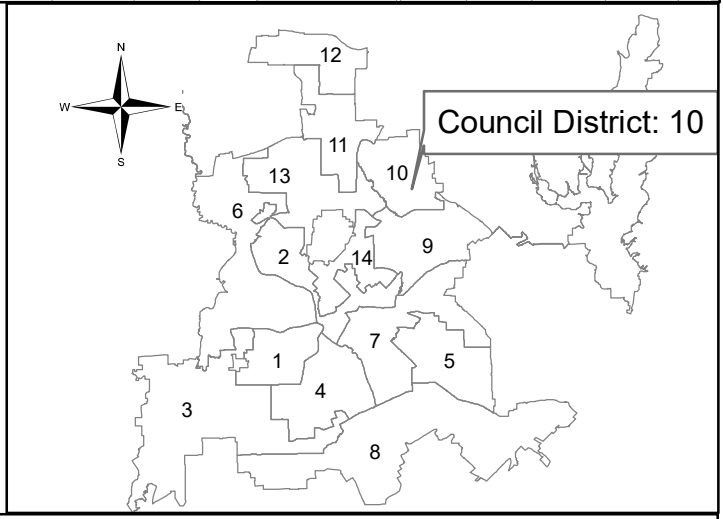
8903, 8907, 8911 Clubcreek Circle



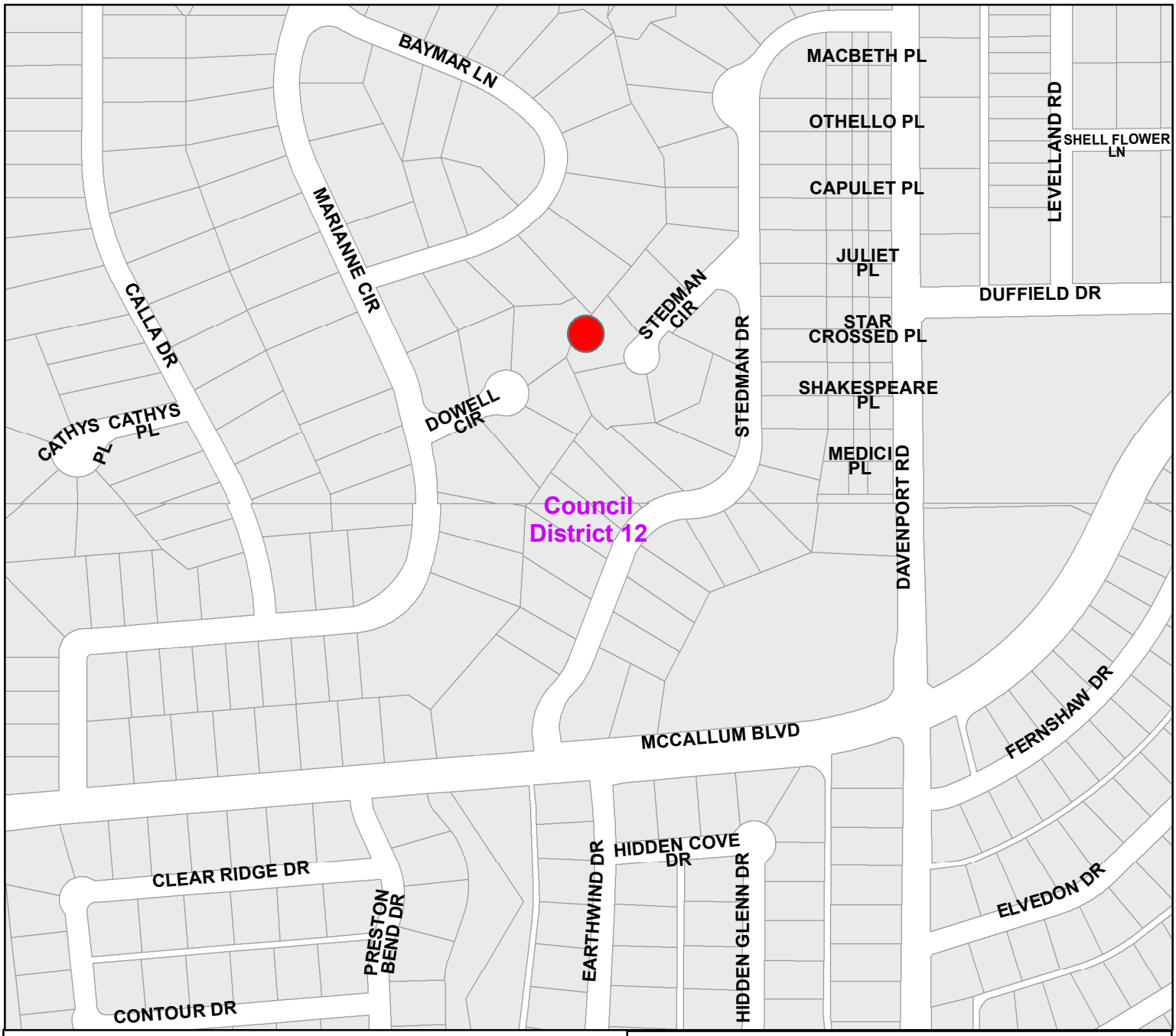
Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management



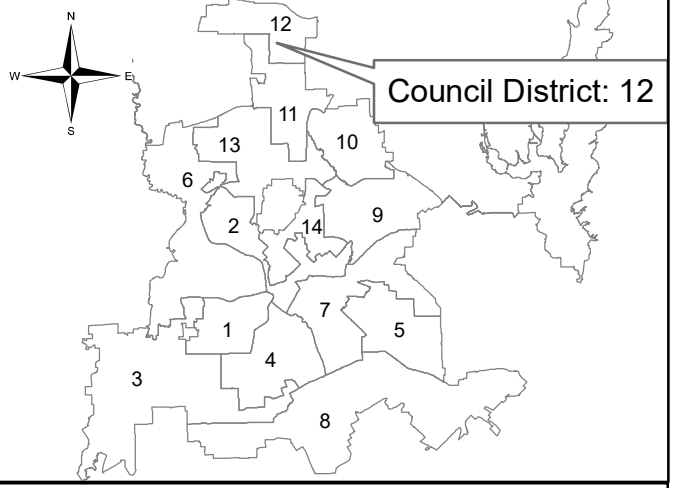
10720, 10726 Meadowcliff Lane



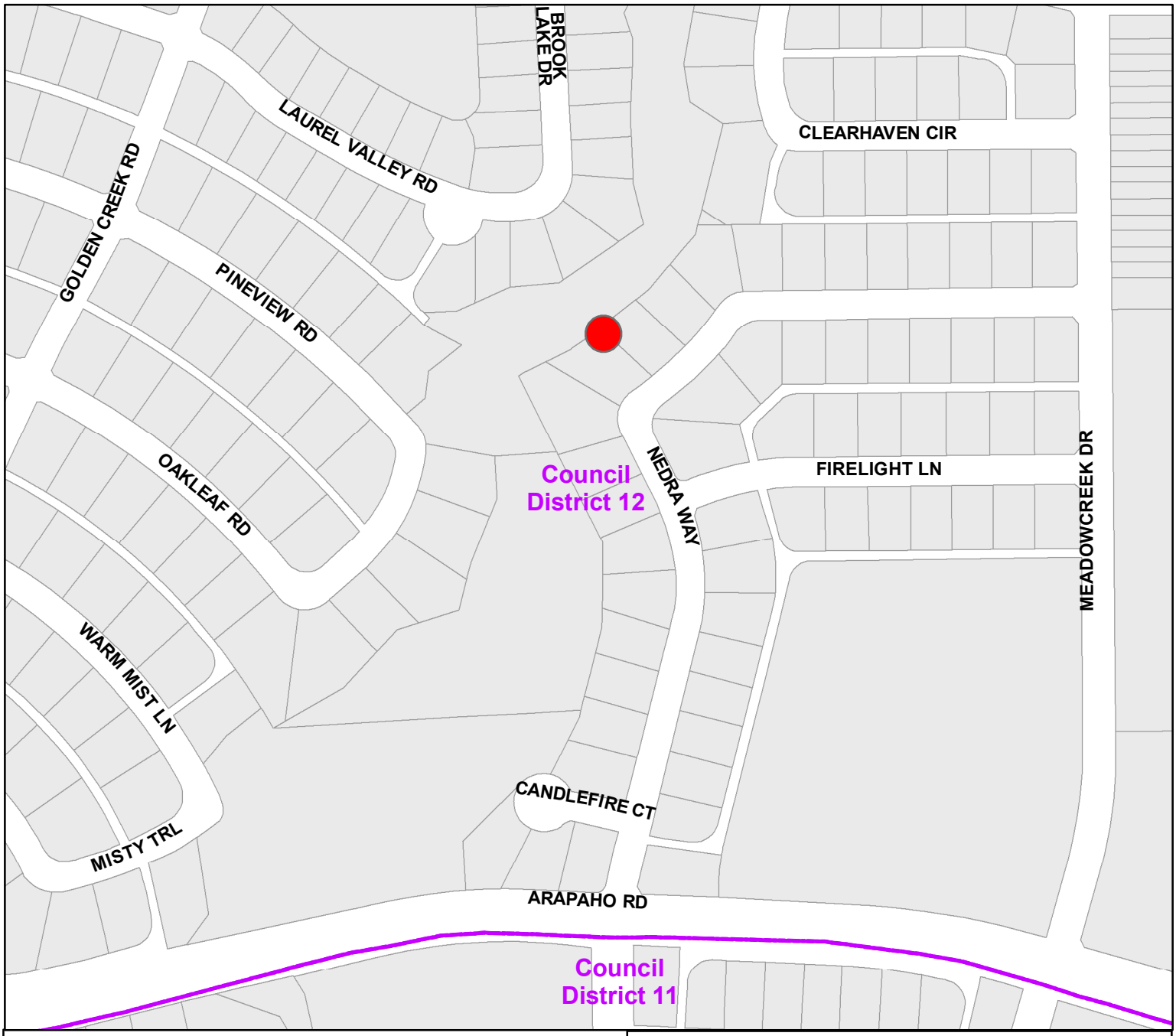
Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management



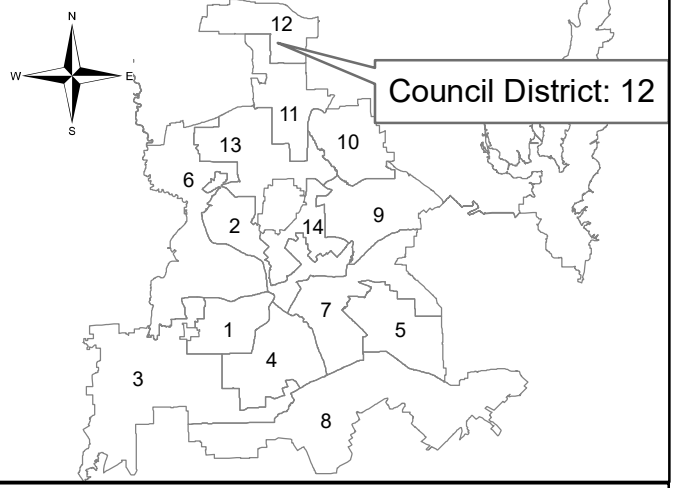
17309, 17315 Stedman Circle



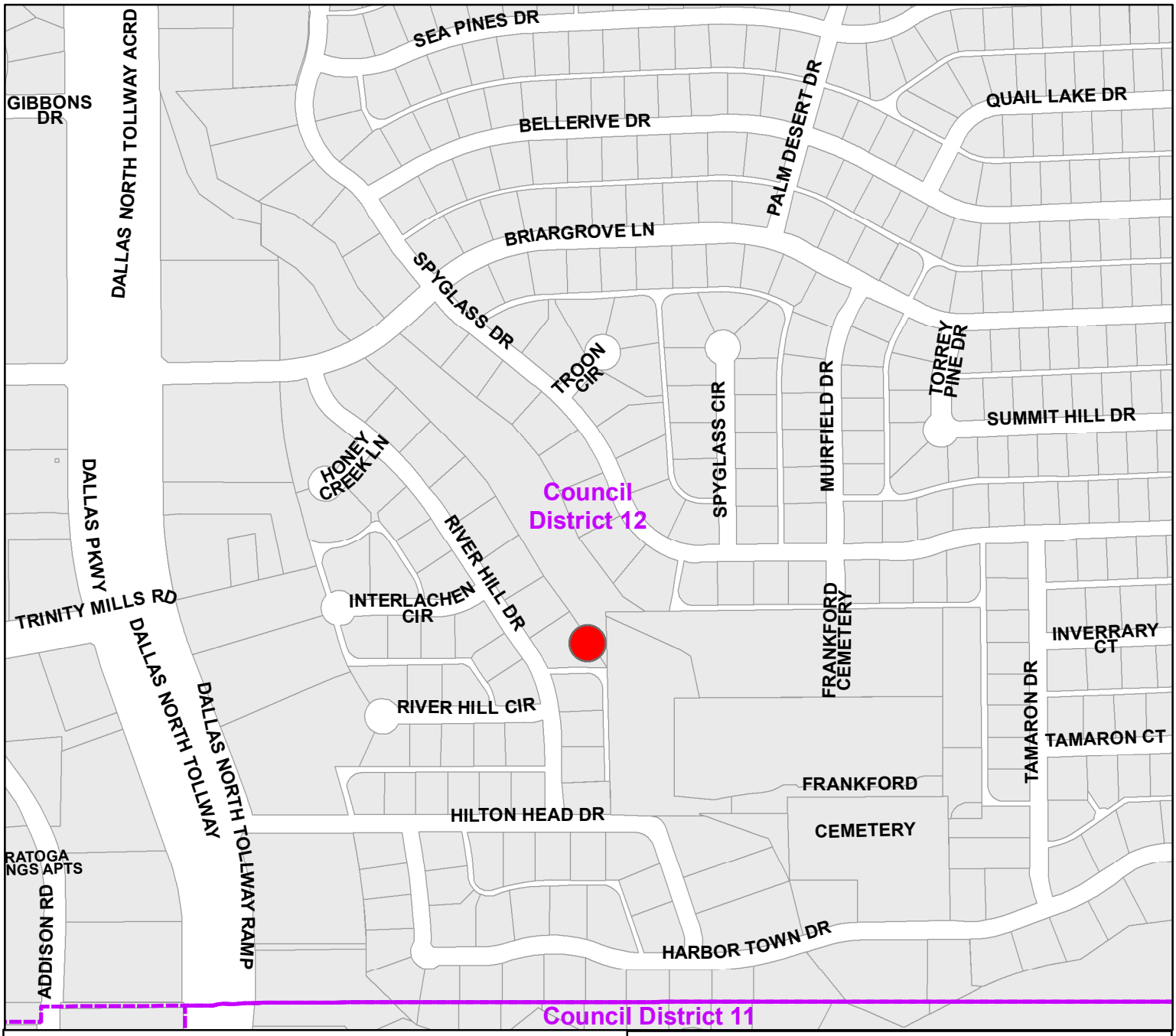
Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management



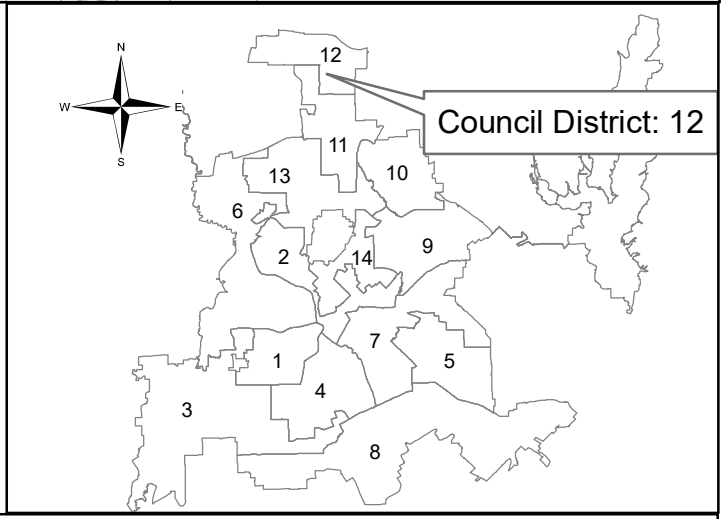
15821, 15827 Nedra Way



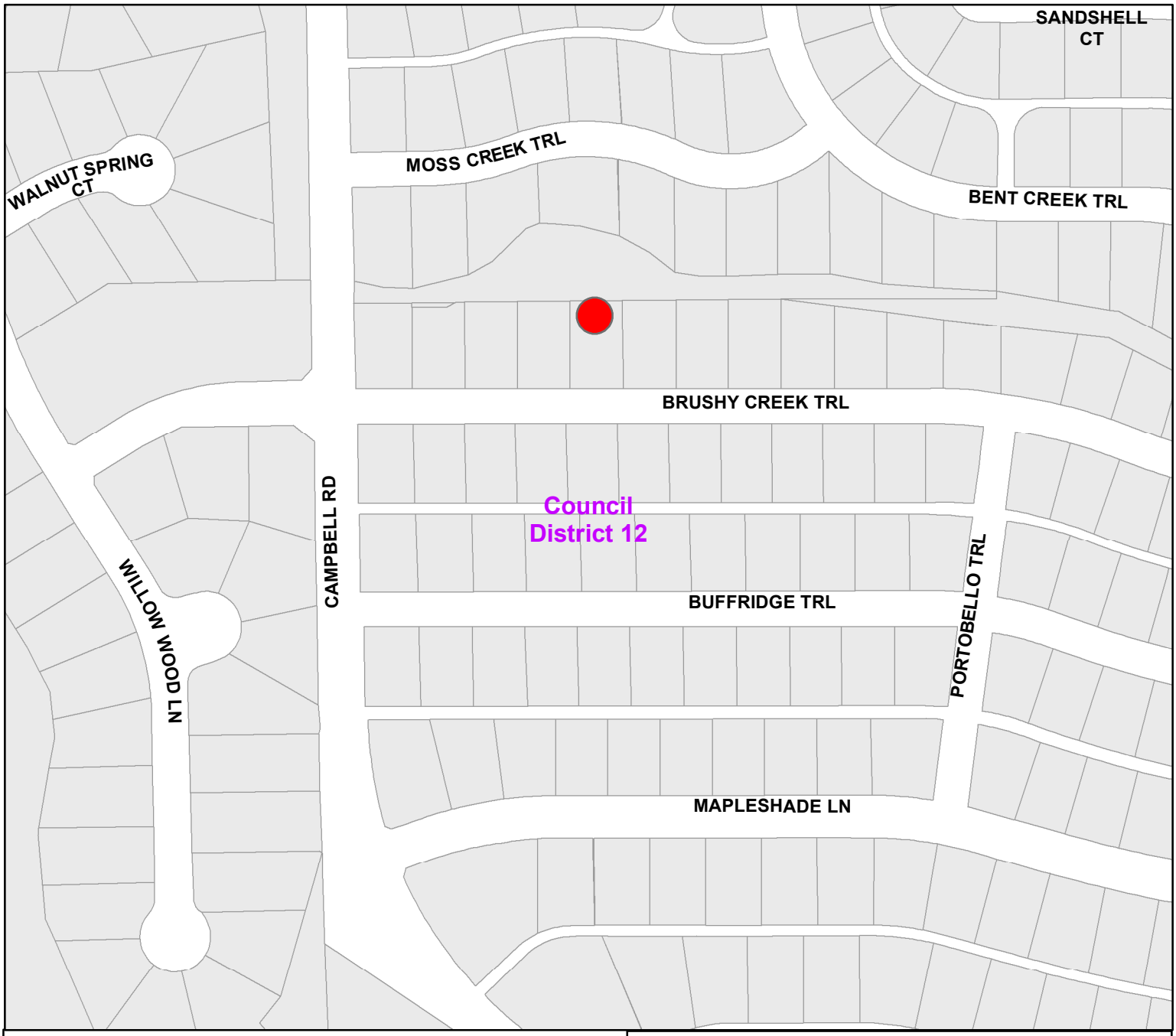
Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management



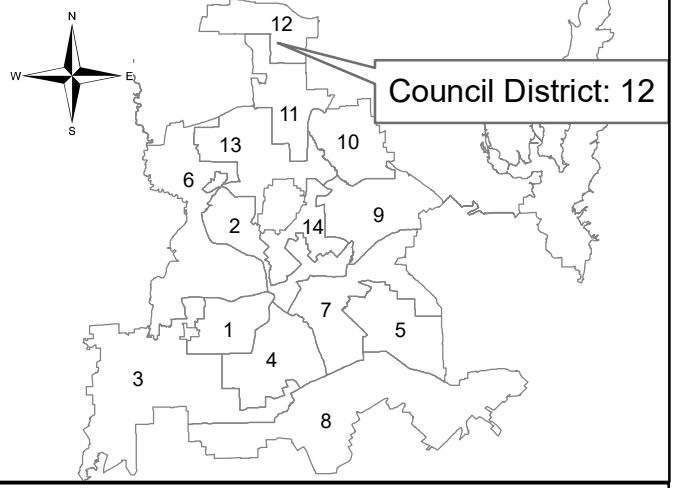
17418 Riverhill Drive



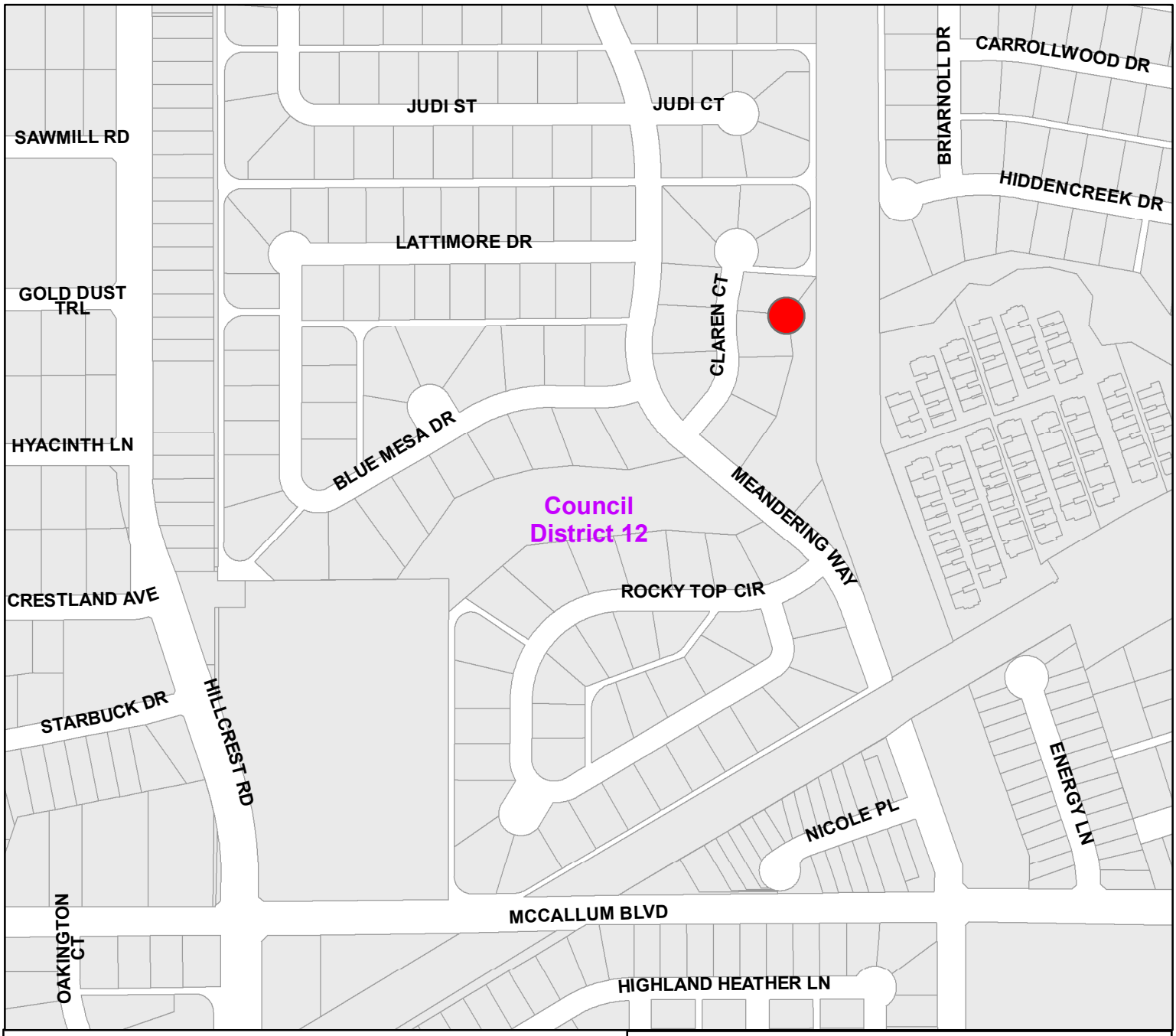
Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management



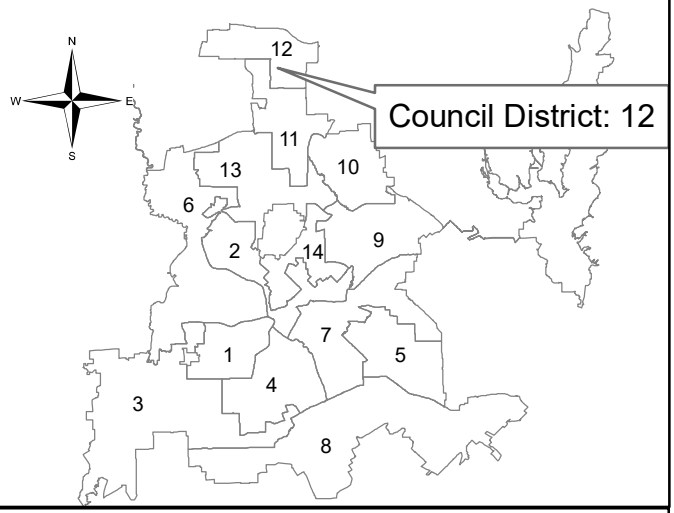
5719 Brushy Creek Trail



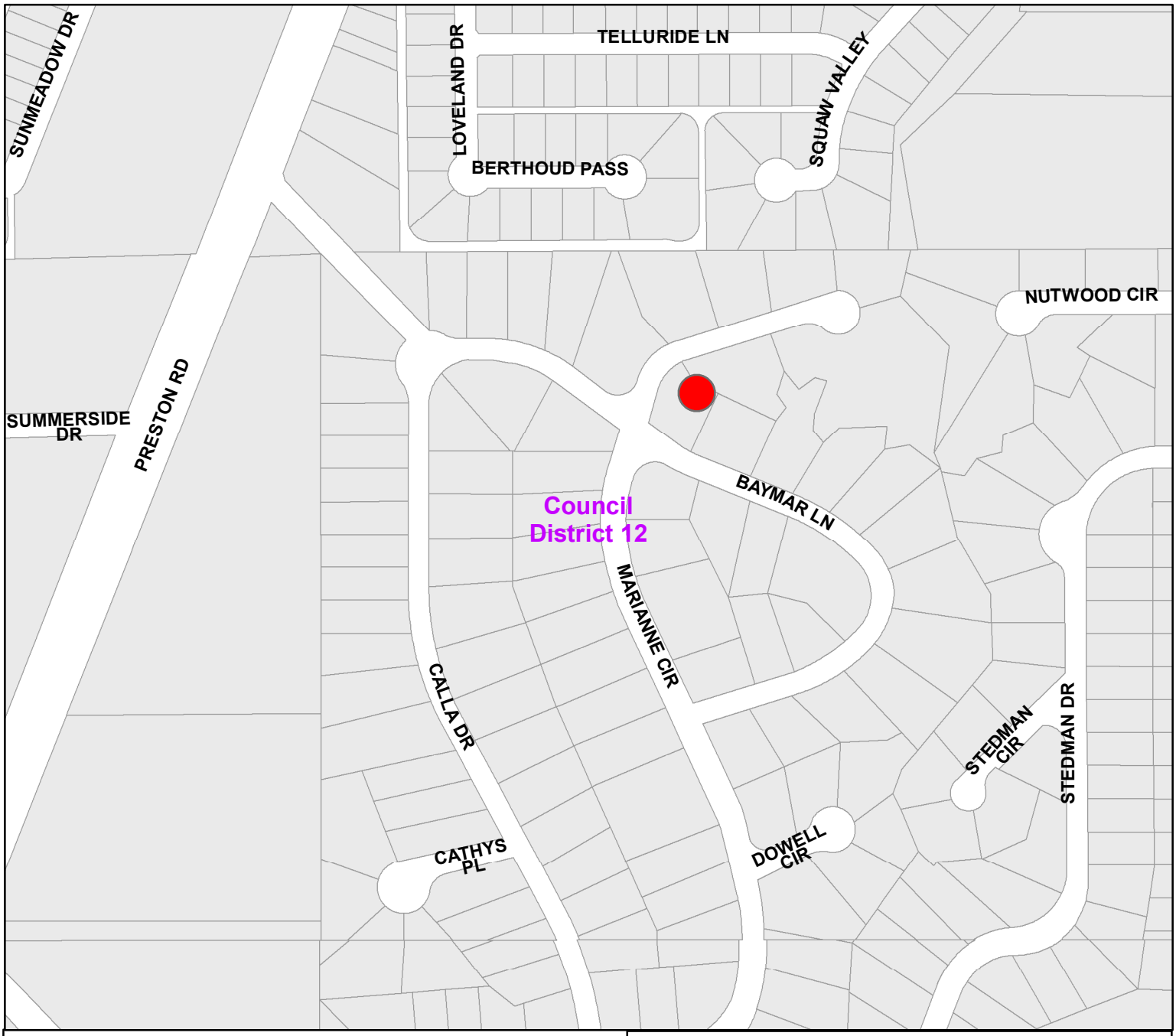
Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management



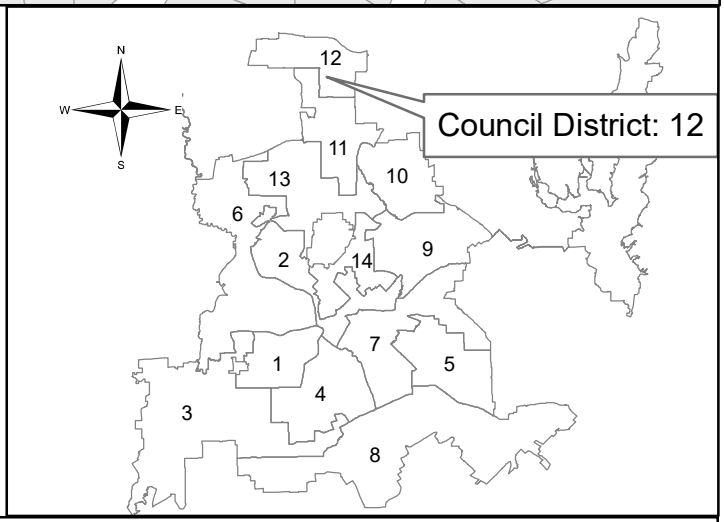
7106, 7110, 7114 Claren Court



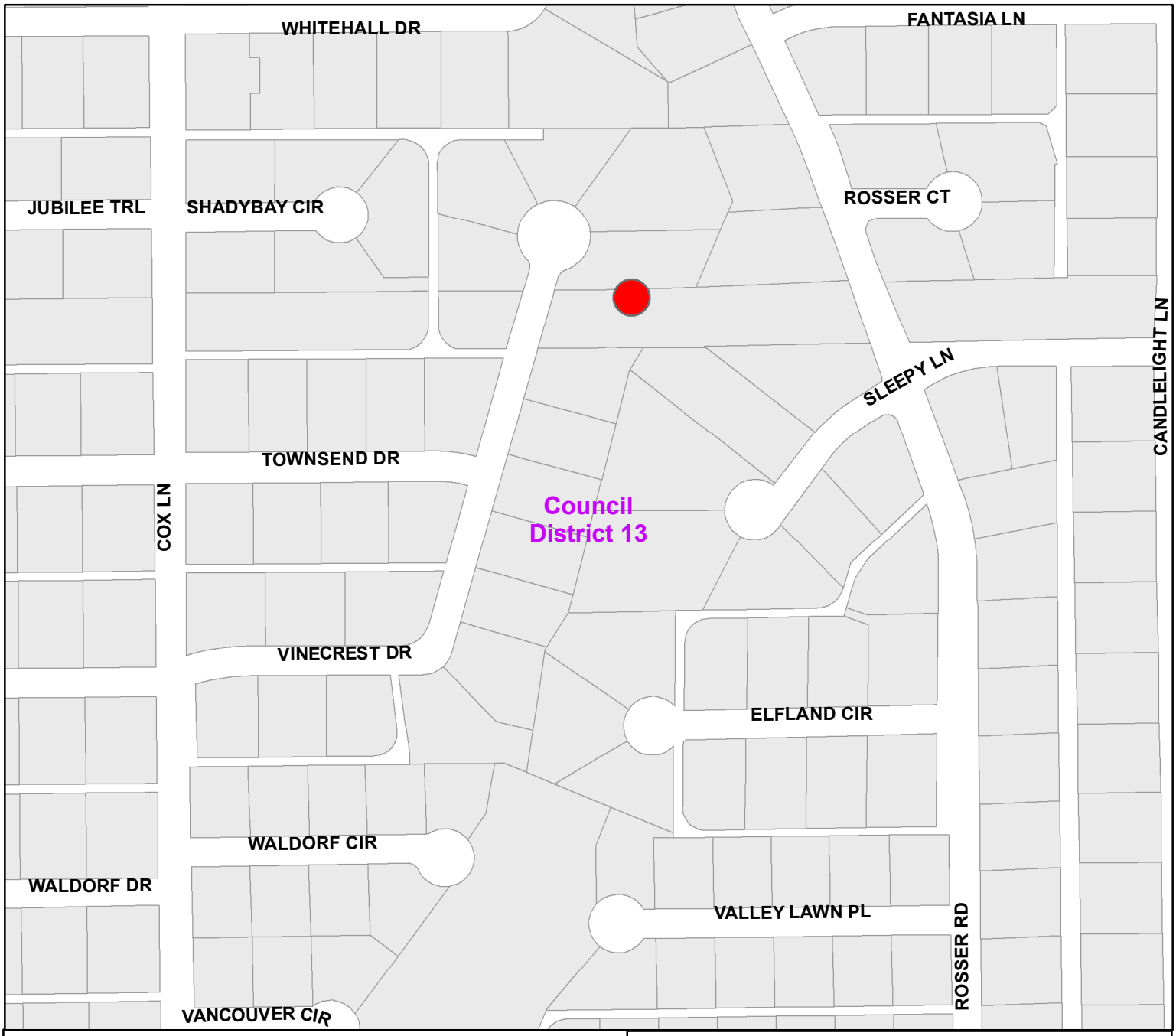
Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management



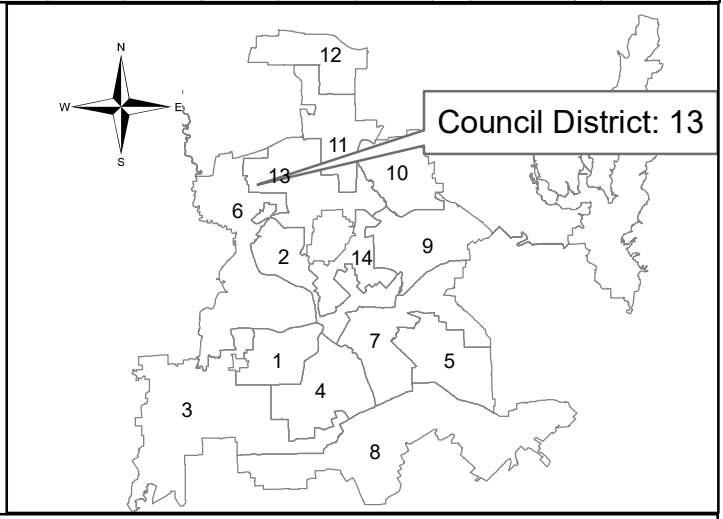
6201 Baymar Lane



Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management



Joe's Creek -
TXU ROW & 3900 Block Vinecrest Drive



Dallas Water Utilities
Contract No. 19-063E
Erosion Contract Group A
Stormwater Project Management

WHEREAS, stream banks along various property boundaries are experiencing severe erosion; and

WHEREAS, engineering services are required for the evaluation and design of improvements to address erosion at 13 locations; and

WHEREAS, RJN Group, Inc. was selected to provide engineering services for these erosion control improvement projects and has submitted an acceptable proposal to provide these services.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with RJN Group, Inc., approved as to form by the City Attorney, for the engineering design of Erosion Control Contract No. A, in an amount not to exceed $573,981.38.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $573,981.38 to RJN Group, Inc., in accordance with the terms and conditions of the contract, as follows:

Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD17, Activity ERCT Object 4111, Program TW17VD17 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$ 20,741.25
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD18, Activity ERCT Object 4111, Program TW17VD18 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$ 20,649.25
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD19, Activity ERCT Object 4111, Program TW17VD19 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$ 26,154.00

SECTION 2. (continued)

Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD20, Activity ERCT Object 4111, Program TW17VD20 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$ 37,281.00
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD14, Activity ERCT Object 4111, Program TW17D14 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$120,827.50
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD13, Activity ERCT Object 4111, Program TW17VD13 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$117,746.25
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD21, Activity ERCT Object 4111, Program TW17VD21 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$ 41,453.50
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD25, Activity ERCT Object 4111, Program TW17VD25 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$ 20,026.75
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD22, Activity ERCT Object 4111, Program TW17VD22 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$ 25,944.00
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD23, Activity ERCT Object 4111, Program TW17VD23 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$ 43,388.00

SECTION 2. (continued)

Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD24, Activity ERCT Object 4111, Program TW17VD24 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$ 23,923.50
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD26, Activity ERCT Object 4111, Program TW17D26 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$ 27,630.13
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD28, Activity ERCT Object 4111, Program TW17VD28 Encumbrance/Contract No. CX-DWU-2019-00009201 Vendor 244922	$ 48,216.25
Total amount not to exceed	$573,981.38

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

Agenda Information Sheet

File #: 19-292 **Item #:** 42.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 1, 3, 4, 5

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Gresham Smith for the engineering design of Erosion Control Contract No. B (list attached to the Agenda Information Sheet) - Not to exceed $635,394.30 - Financing: Flood Control (D) Fund (2017 Bond Funds)

BACKGROUND

This action will authorize a professional services contract with Gresham Smith for the engineering design of six erosion control improvement projects. Erosion control improvements will be evaluated and designed for Coombs Creek - Hampton Road to Davis Street, 3335 Kiesthill Drive, 6521, 6629, 6637, and 6729 Putting Green Drive, 6760 Talbot Parkway, 1122 West Pentagon Parkway and 3100 Urban Avenue.

The stream banks located along various property boundaries are experiencing severe erosion. This project will evaluate options to address erosion and develop construction documents to stabilize eroded stream banks utilizing gabion walls or other approved erosion control structures. The proposed improvements will stabilize the existing stream banks while staying within the existing property boundary and floodway or erosion control easements.

The services provided include project management, topographic and boundary surveys, subsurface utility exploration, geotechnical investigations, permitting assistance, structural analysis, development of conceptual and preliminary construction plans, and development of pre-final and final construction plans and special specifications.

The consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines.

Following are the locations and design costs for each project:

Erosion Control Improvements

Project	Council District	Amount
Coombs Creek - Hampton Road to Davis Street	1	$342,238.30
3335 Kiesthill Drive	3	$ 41,061.00
6521, 6629, 6637, 6729 Putting Green Drive	3	$114,461.00
6760 Talbot Parkway	3	$ 46,031.00
1122 West Pentagon Parkway	4	$ 46,949.00
3100 Urban Avenue	5	$ 44,654.00

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	May 2020
Begin Construction	November 2020
Complete Construction	May 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Flood Control (D) Fund (2017 Bond Funds) - $635,394.30

Estimated Future Cost - Construction - $4,232,630.86

Council District	Amount
1	$342,238.30
3	$201,553.00
4	$ 46,949.00
5	$ 44,654.00
Total	$635,394.30

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M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$635,394.30	Architectural & Engineering	25.66%	32.77%	$208,250.00
• This contract exceeds the M/WBE goal.				

OWNER

Gresham Smith

Alan J. Pramuk, Chief Executive Officer

MAPS

Attached

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Segment List
Contract No. 19-065E
Erosion Control Contract No. B
Stormwater Project Management

District 1

Coombs Creek – Hampton Road to Davis Street

District 3

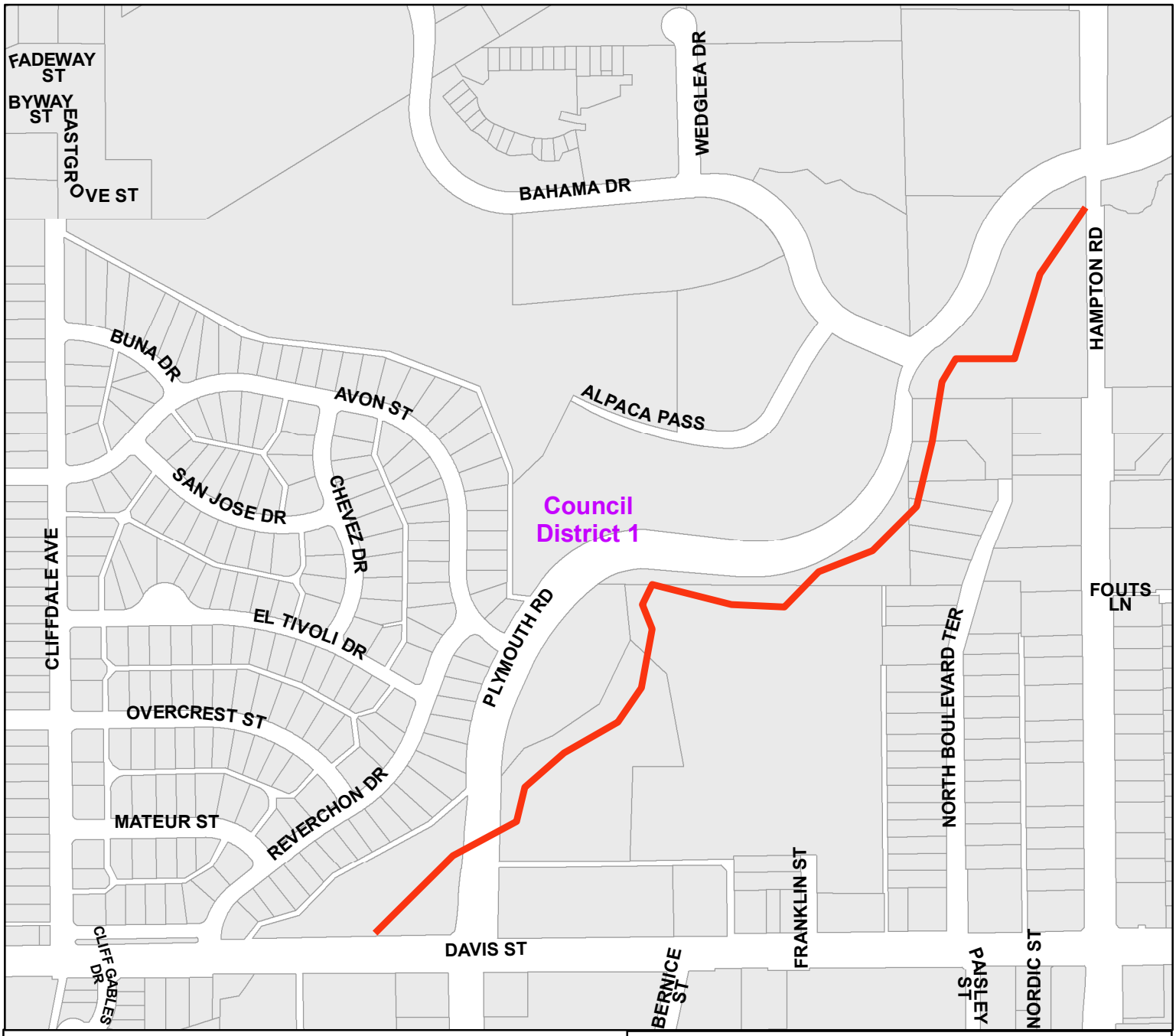
3335 Kiesthill Drive
6521, 6629, 6637, 6729 Putting Green Drive
6760 Talbot Parkway

District 4

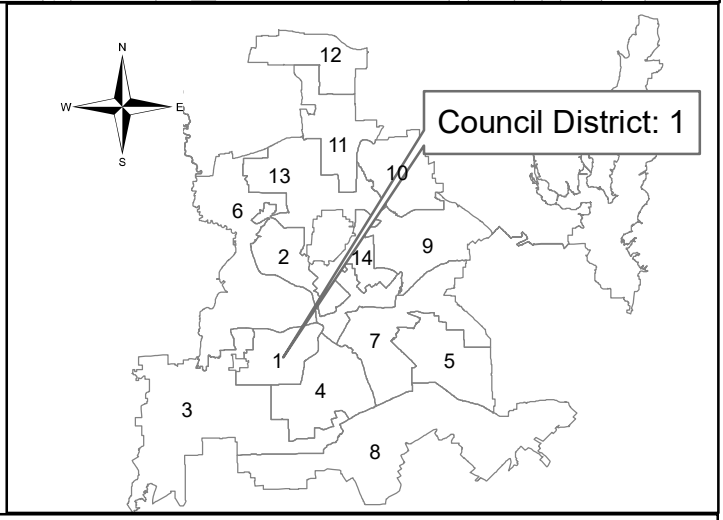
1122 West Pentagon Parkway

District 5

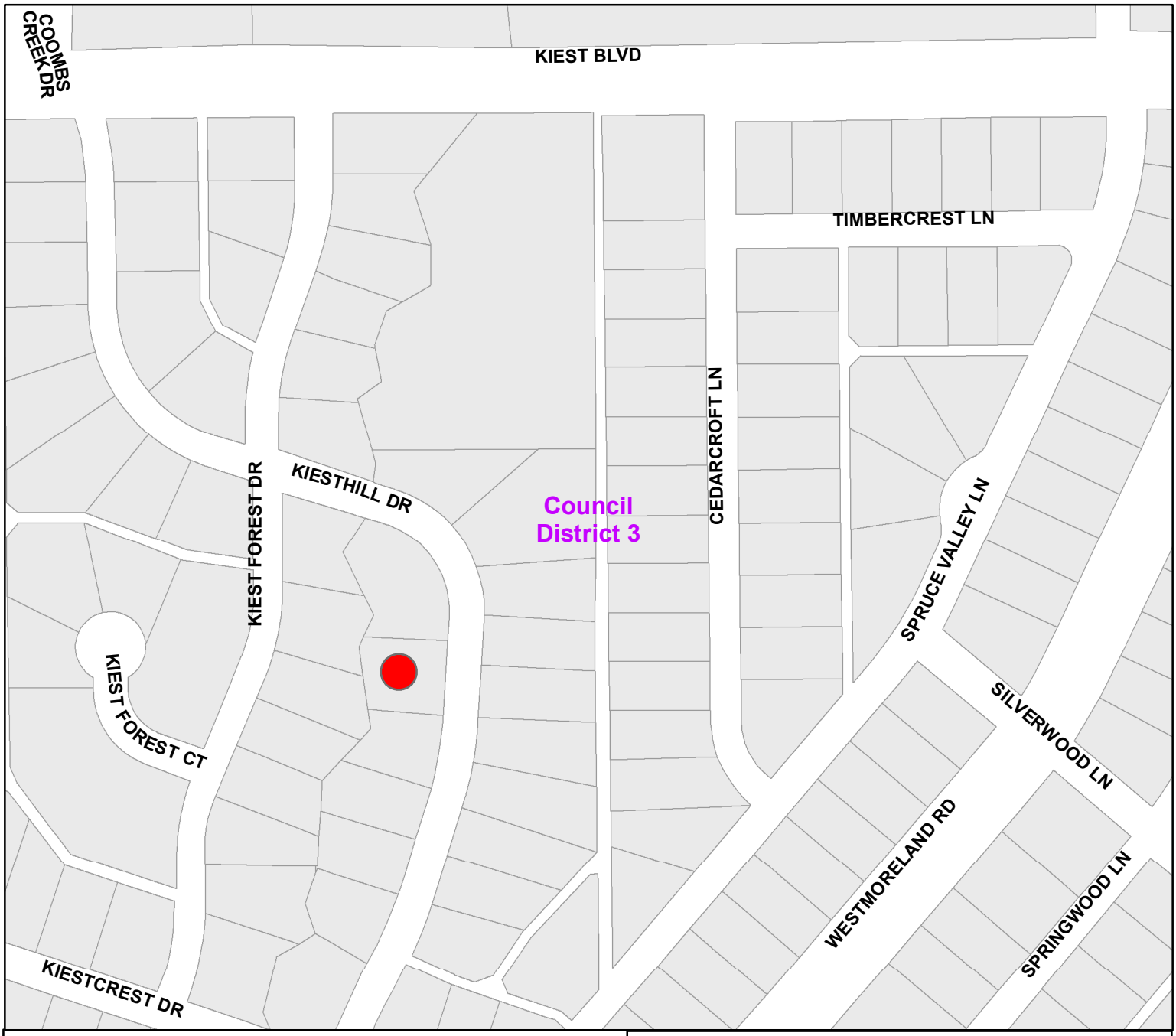
3100 Urban Avenue



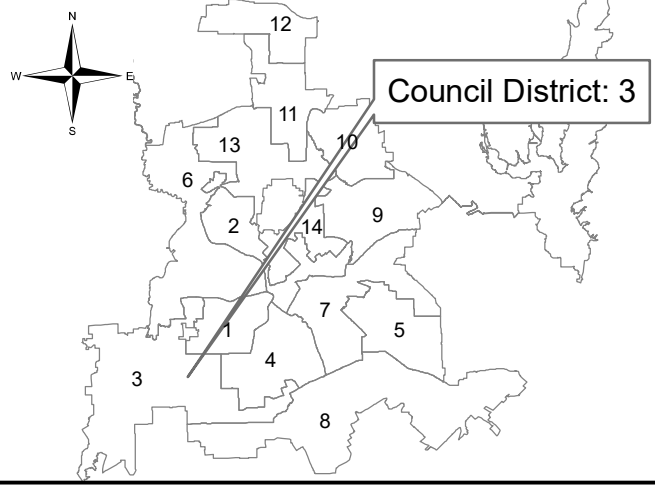
Coombs Creek - Hampton Road to Davis Street



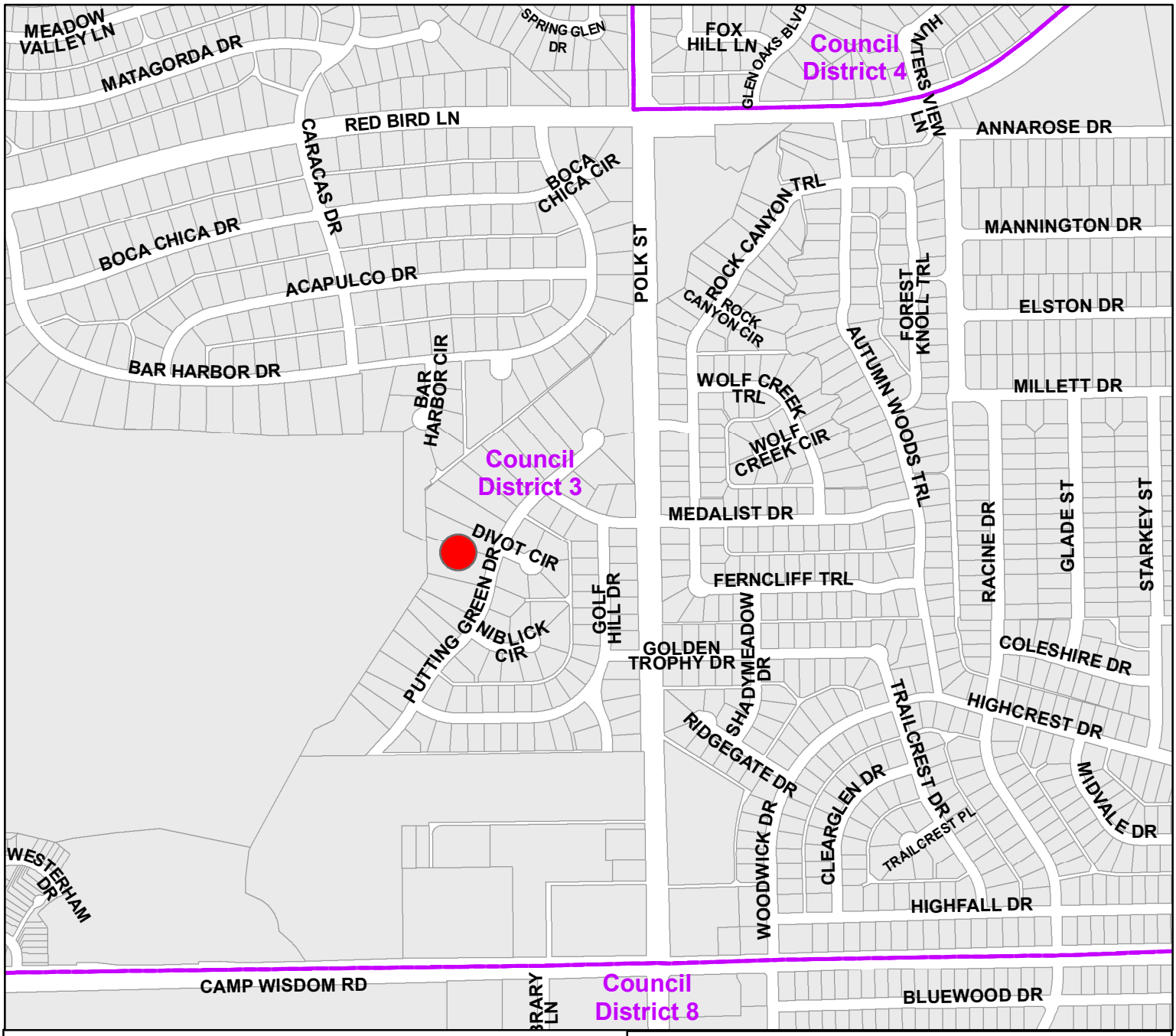
Dallas Water Utilities
Contract No. 19-065E
Erosion Contract Group B
Stormwater Project Management



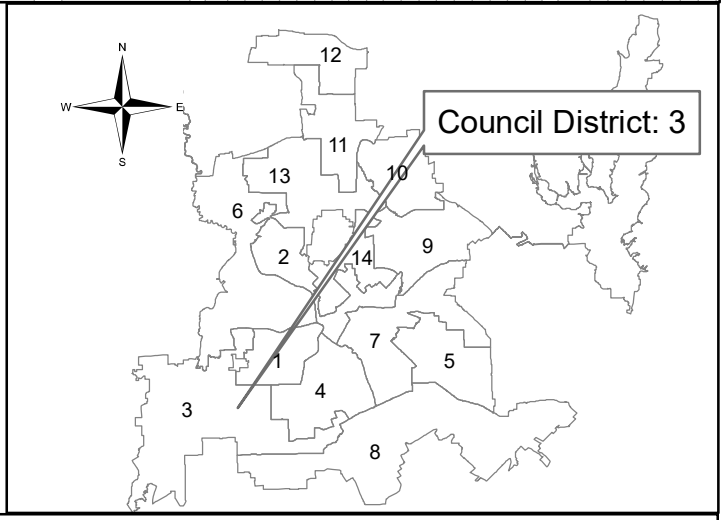
3335 Kiesthill Drive



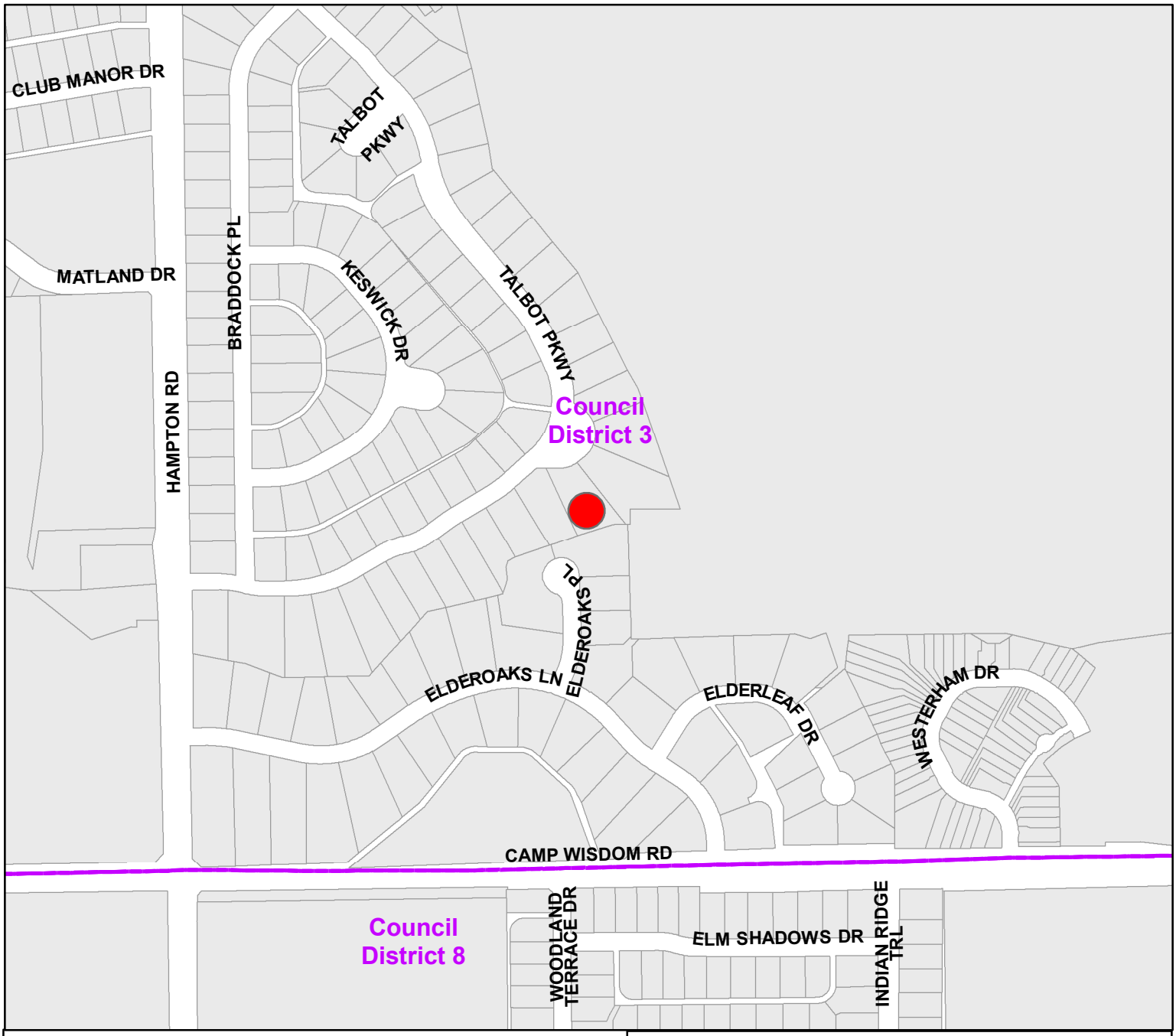
Dallas Water Utilities
Contract No. 19-065E
Erosion Contract Group B
Stormwater Project Management



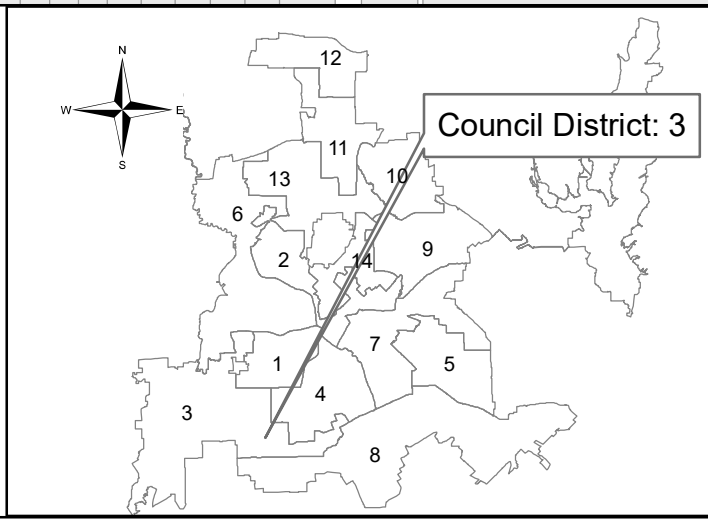
6521, 6629, 637, 6729 Putting Green Drive



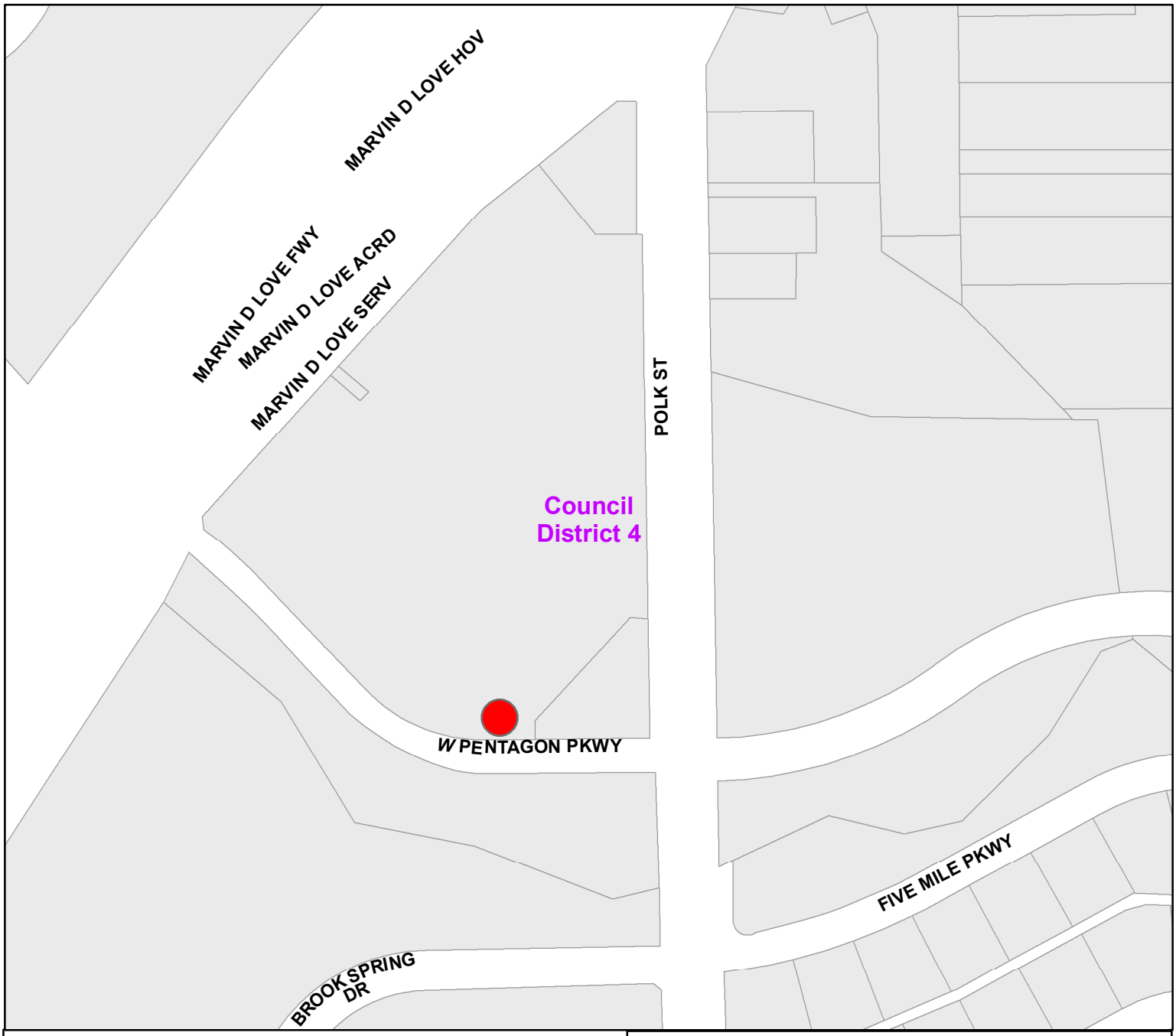
Dallas Water Utilities
Contract No. 19-065E
Erosion Contract Group B
Stormwater Project Management



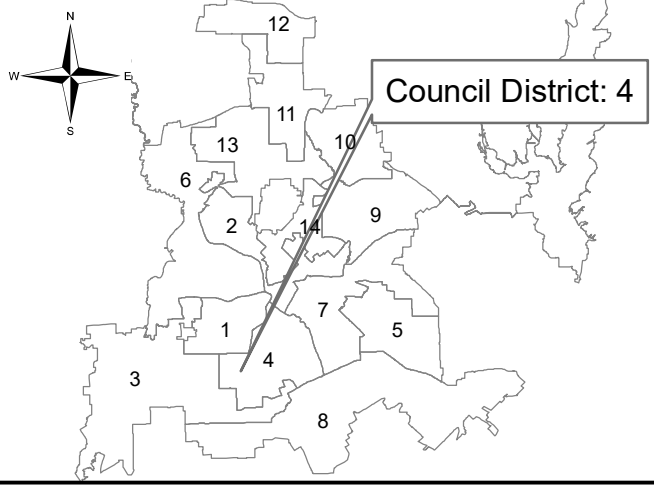
6760 Talbot Parkway



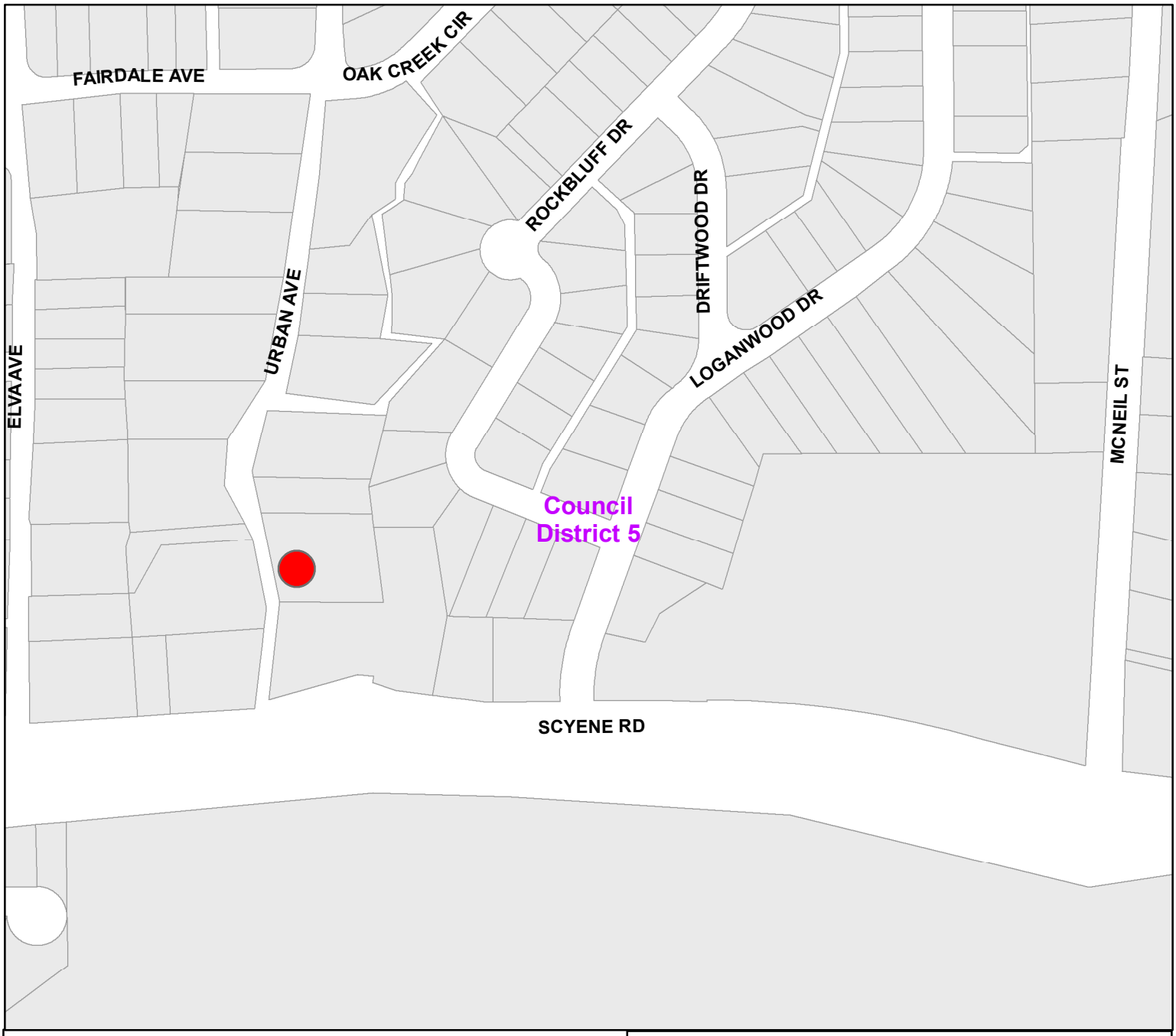
Dallas Water Utilities
Contract No. 19-065E
Erosion Contract Group B
Stormwater Project Management



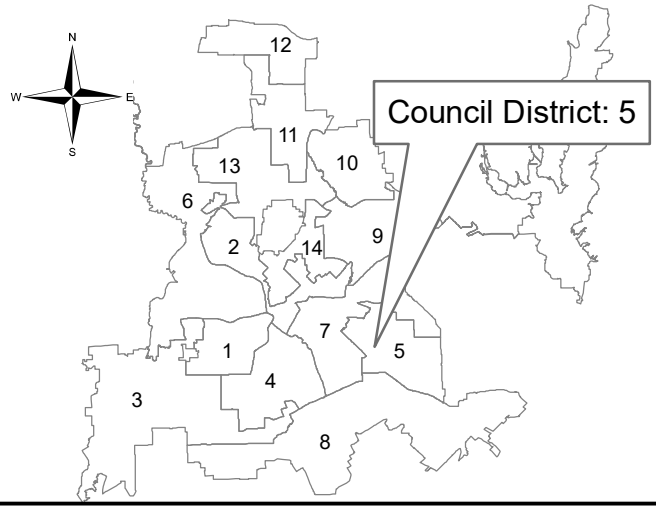
1122 West Pentagon Parkway



Dallas Water Utilities
Contract No. 19-065E
Erosion Contract Group B
Stormwater Project Management



3100 Urban Avenue



Dallas Water Utilities
Contract No. 19-065E
Erosion Contract Group B
Stormwater Project Management

WHEREAS, stream banks along various property boundaries are experiencing severe erosion; and

WHEREAS, engineering services are required for the evaluation and design of improvements to address erosion at six locations; and

WHEREAS, Gresham Smith was selected to provide engineering services for these erosion control improvement projects and has submitted an acceptable proposal to provide these services.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Gresham Smith, approved as to form by the City Attorney, for the engineering design of Erosion Control Contract No. B, in an amount not to exceed $635,394.30

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $635,394.30 to Gresham Smith, in accordance with the terms and conditions of the contract:

Flood Control (D) Fund Fund1V23, Department DWU, Unit VD01, Activity ERCT Object 4111, Program TW17VD01 Encumbrance/Contract No. CX-DWU-2019-00009202 Vendor 503071	$342,238.30
Flood Control (D) Fund Fund1V23, Department DWU, Unit VD04, Activity ERCT Object 4111, Program TW17VD04 Encumbrance/Contract No. CX-DWU-2019-00009202 Vendor 503071	$ 41,061.00
Flood Control (D) Fund Fund1V23, Department DWU, Unit VD03, Activity ERCT Object 4111, Program TW17VD03 Encumbrance/Contract No. CX-DWU-2019-00009202 Vendor 503071	$114,461.00

SECTION 2. (continued)

Flood Control (D) Fund Fund1V23, Department DWU, Unit VD05, Activity ERCT Object 4111, Program TW17VD05 Encumbrance/Contract No. CX-DWU-2019-00009202 Vendor 503071	$ 46,031.00
Flood Control (D) Fund Fund1V23, Department DWU, Unit VD06, Activity ERCT Object 4111, Program TW17VD06 Encumbrance/Contract No. CX-DWU-2019-00009202 Vendor 503071	$ 46,949.00
Flood Control (D) Fund Fund1V23, Department DWU, Unit VD07, Activity ERCT Object 4111, Program TW17VD07 Encumbrance/Contract No. CX-DWU-2019-00009202 Vendor 503071	$ 44,654.00
Total amount not to exceed	$635,394.30

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

Agenda Information Sheet

File #: 19-294 **Item #:** 43.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 1, 3, 4, 12

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with AECOM Technical Services, Inc. for the engineering design of Erosion Control Contract No. 1 (list attached to the Agenda Information Sheet) - Not to exceed $232,422.39 - Financing: Storm Drainage Management Capital Construction Fund

BACKGROUND

This action will authorize a professional services contract with AECOM Technical Services, Inc. for the engineering design of seven erosion control improvement projects. Erosion control improvements will be evaluated and designed for the Cedar Branch Culvert at Clarendon Drive, 2901 West Kiest Boulevard, 3918 Pyka Drive, 2200 Block of Five Mile Parkway, 408 Glen Oaks Boulevard, 412 and 416 Ohio Avenue, and 6431 Riverview Lane.

The stream banks located along various property boundaries are experiencing severe erosion. This project will evaluate options to address erosion and develop construction documents to stabilize eroded stream banks utilizing gabion walls or other approved erosion control structures. The proposed improvements will stabilize the existing stream banks while staying within the existing property boundary and floodway or erosion control easements.

The services provided include project management, topographic and boundary surveys, subsurface utility exploration, geotechnical investigations, permitting assistance, structural analysis, development of conceptual and preliminary construction plans, and development of pre-final and final construction plans and special specifications.

The consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	May 2020
Begin Construction	November 2020
Complete Construction	May 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Storm Drainage Management Capital Construction Fund - $232,422.39

Estimated Future Cost - Construction - $1,950,740.00

Council District	Amount
1	$ 28,547.47
3	$ 66,429.94
4	$ 66,022.51
12	$ 71,422.47
Total	$232,422.39

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$232,422.39	Architectural & Engineering	25.66%	28.57%	$66,400.00
• This contract exceeds the M/WBE goal.				

OWNER

AECOM Technical Services, Inc.

Michael S. Burke, Chief Executive Officer

MAPS

Attached

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Segment List
Contract No. 19-083E
Erosion Control Contract No. 1
Stormwater Project Management

District 1

Cedar Branch Culvert at W. Clarendon Drive

District 3

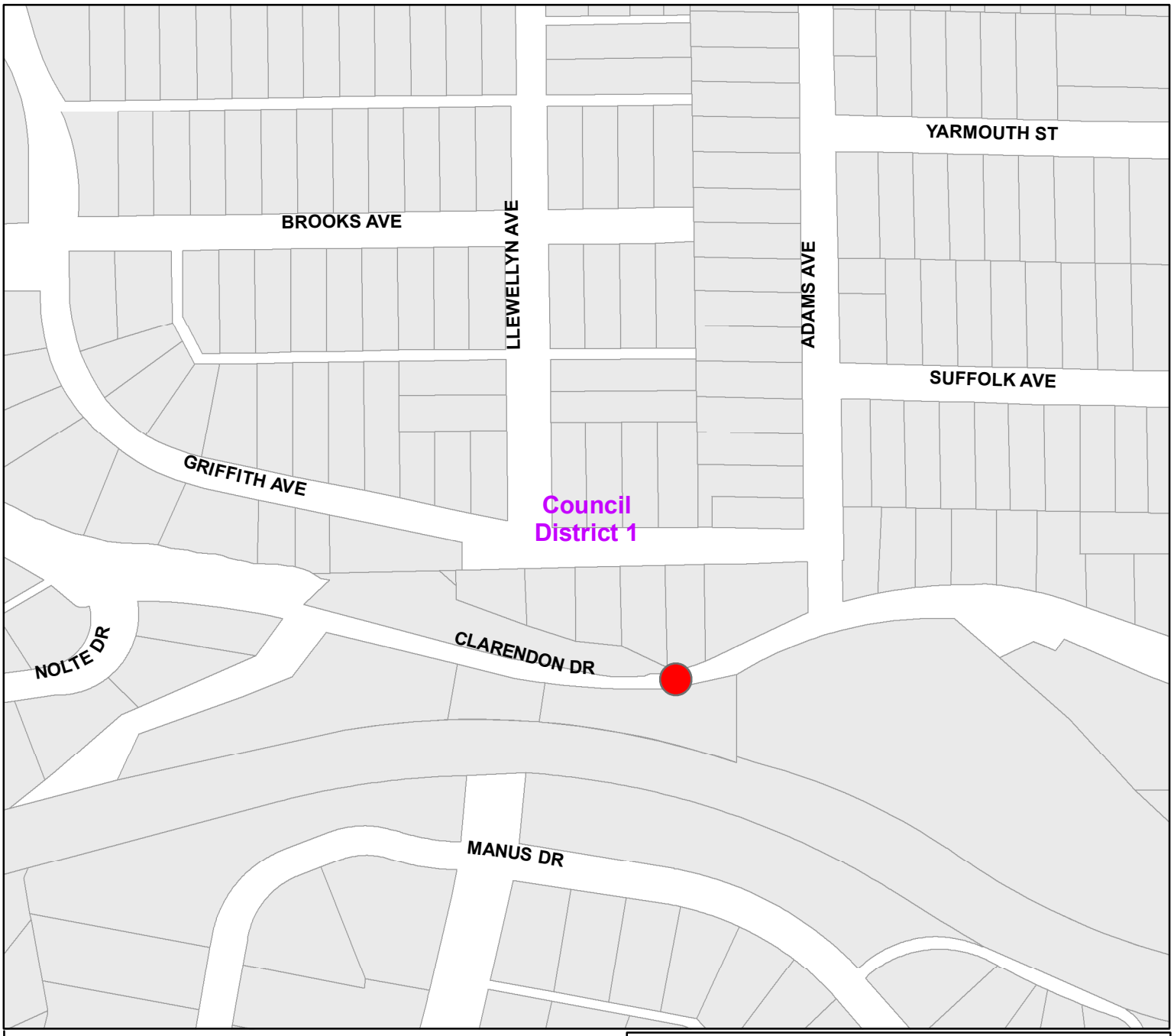
2901 W. Kiest Boulevard
3918 Pyka Drive

District 4

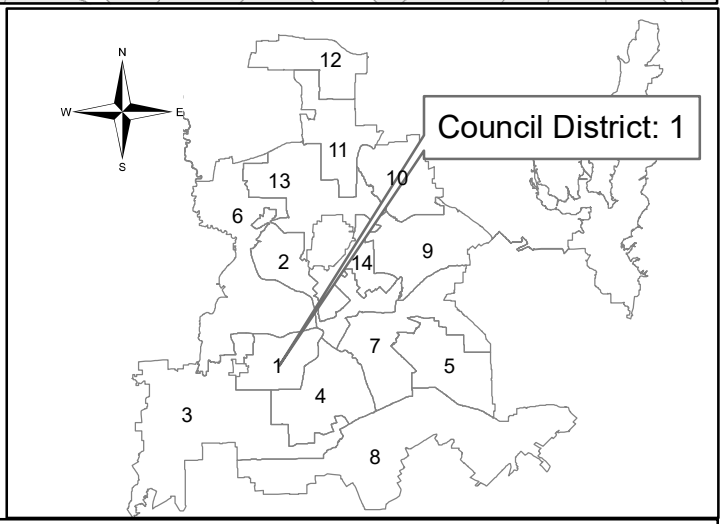
2200 Block of Five Mile Parkway
408 Glen Oaks Boulevard
412 Ohio Avenue
416 Ohio Avenue

District 12

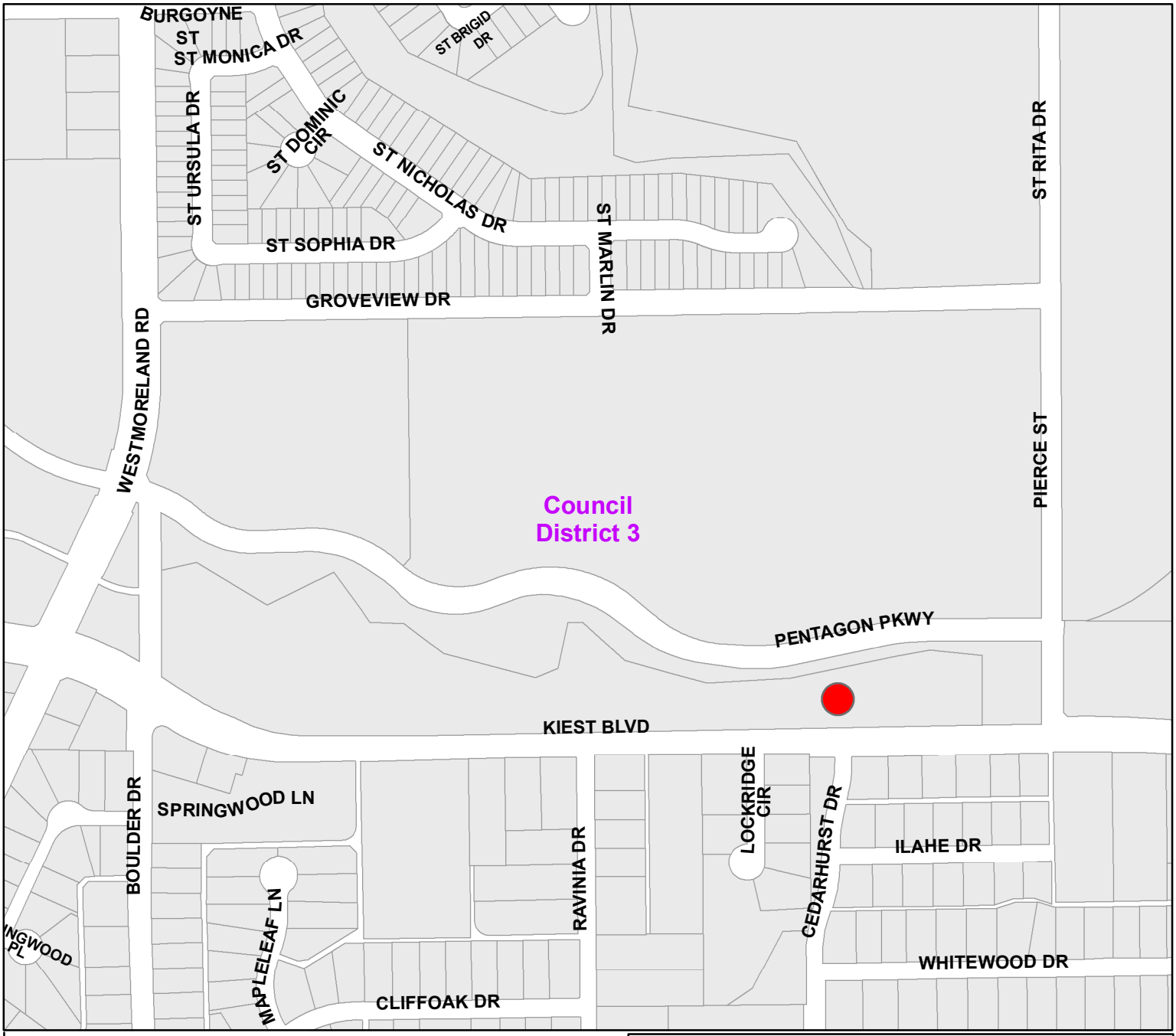
6431 Riverview Lane



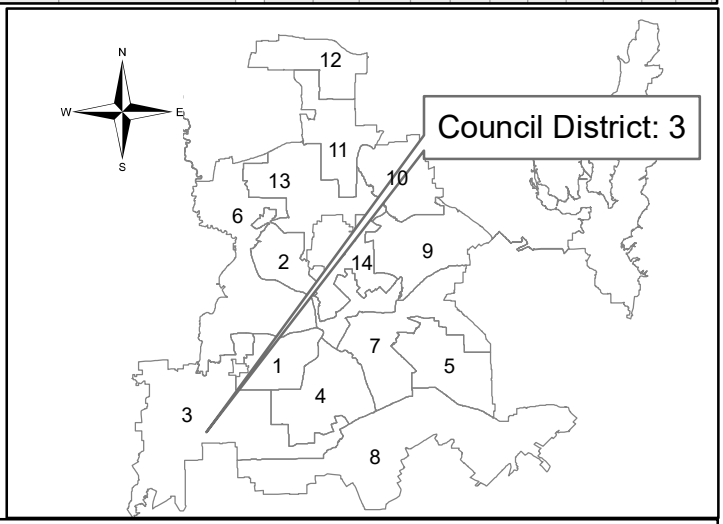
Cedar Branch Culvert at
W. Clarendon Drive



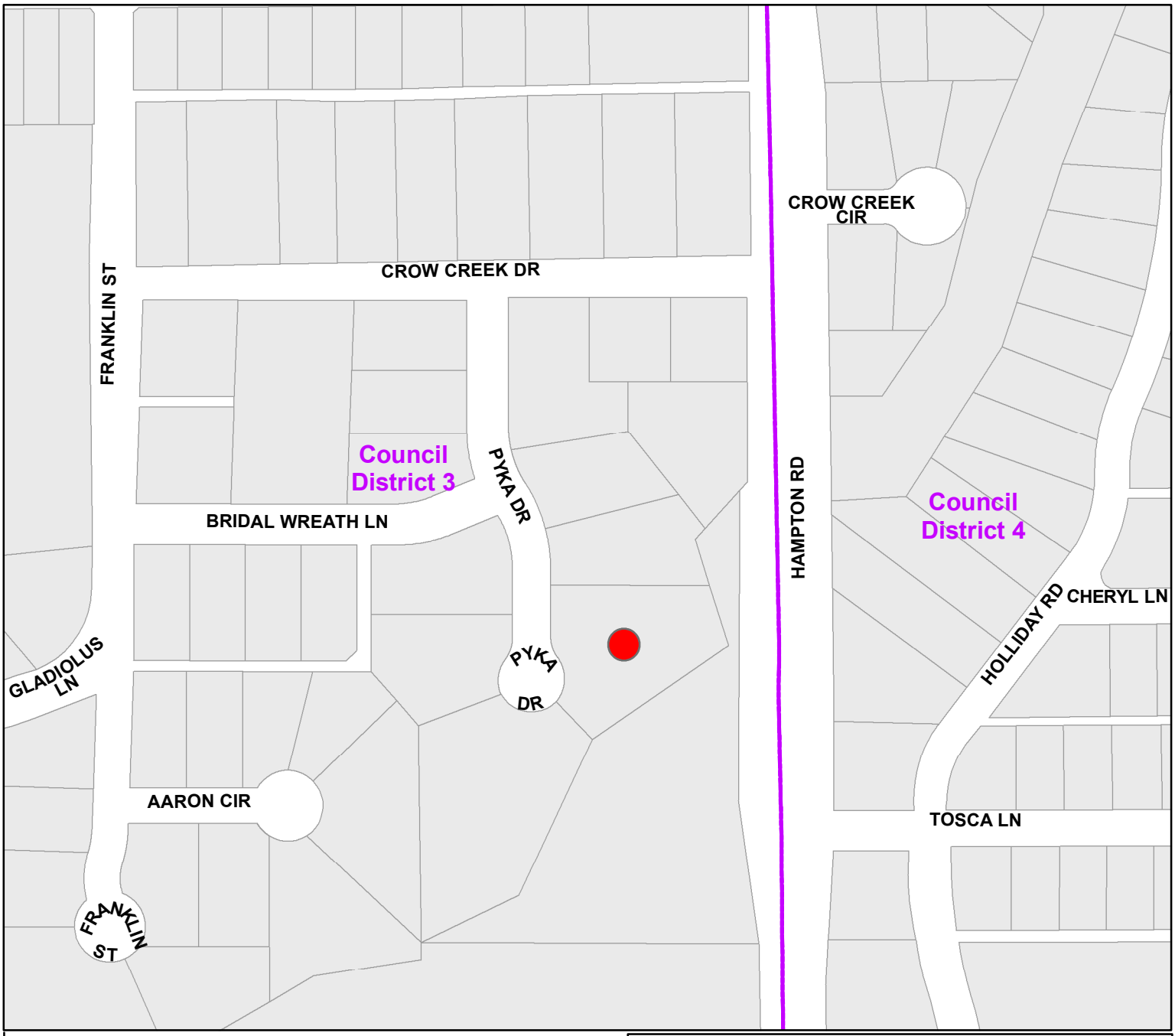
Dallas Water Utilities
Contract No. 19-083E
Erosion Control Contract No. 1
Stormwater Project Management



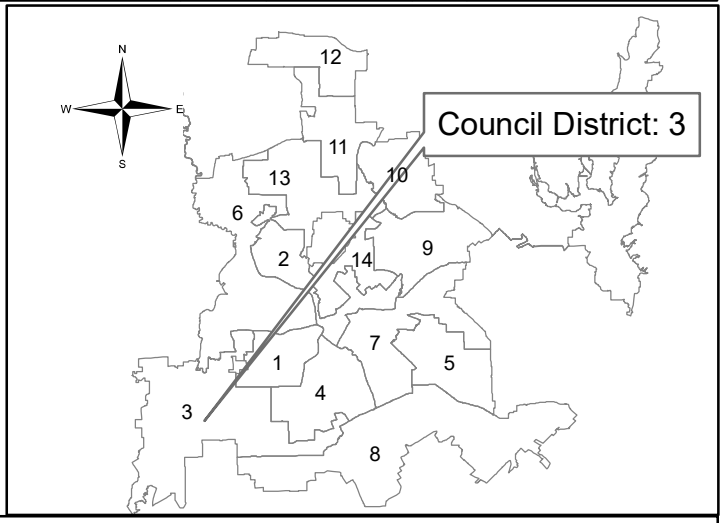
2901 W Kiest Boulevard



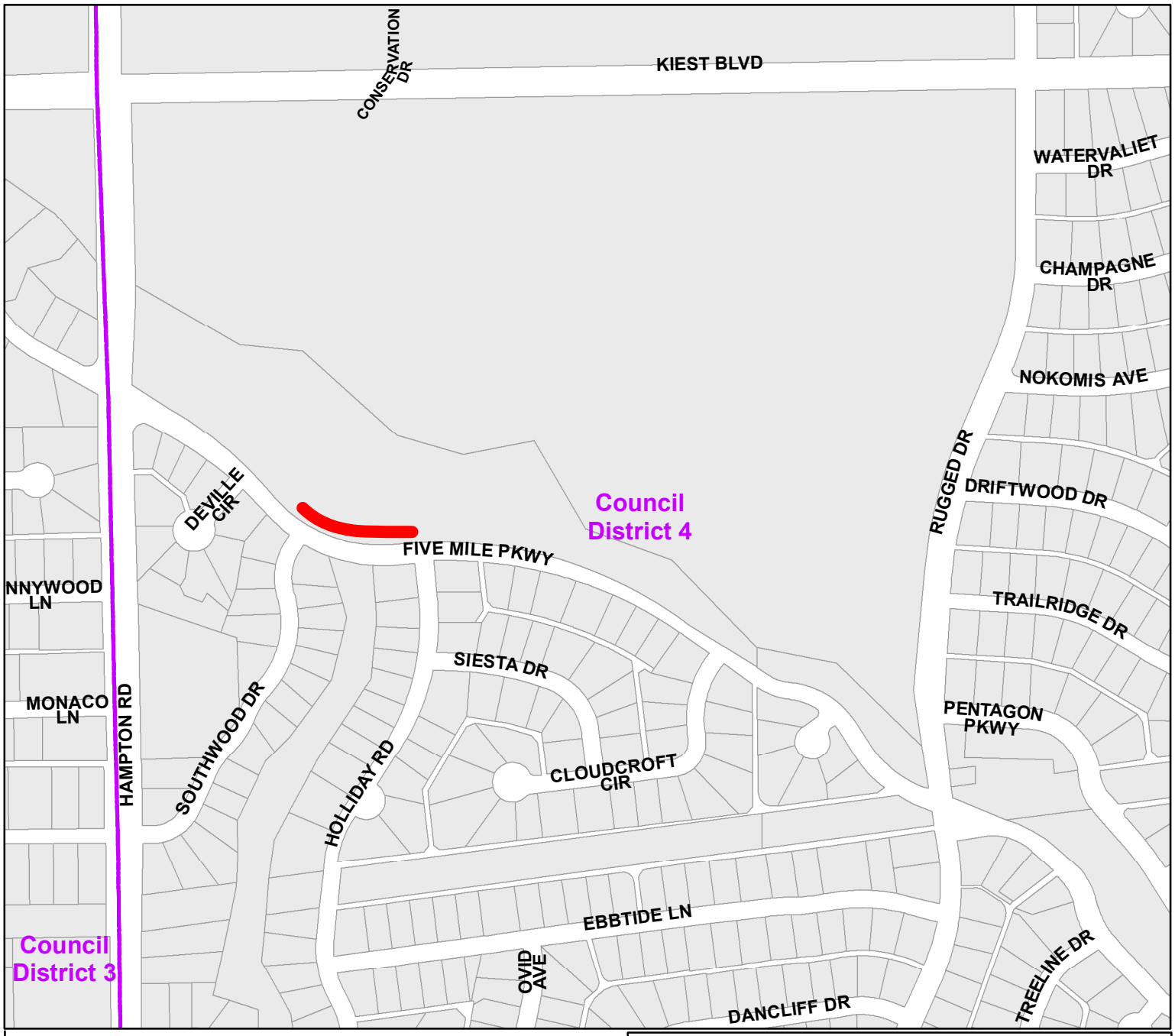
Dallas Water Utilities
Contract No. 19-083E
Erosion Control Contract No. 1
Stormwater Project Management



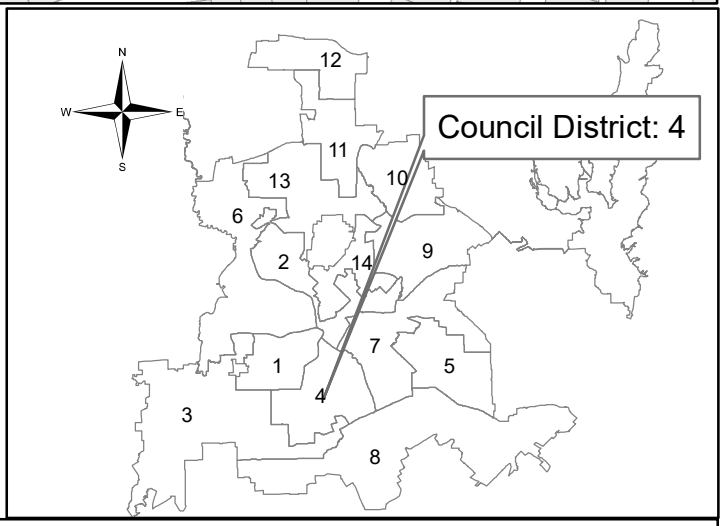
3918 Pyka Drive



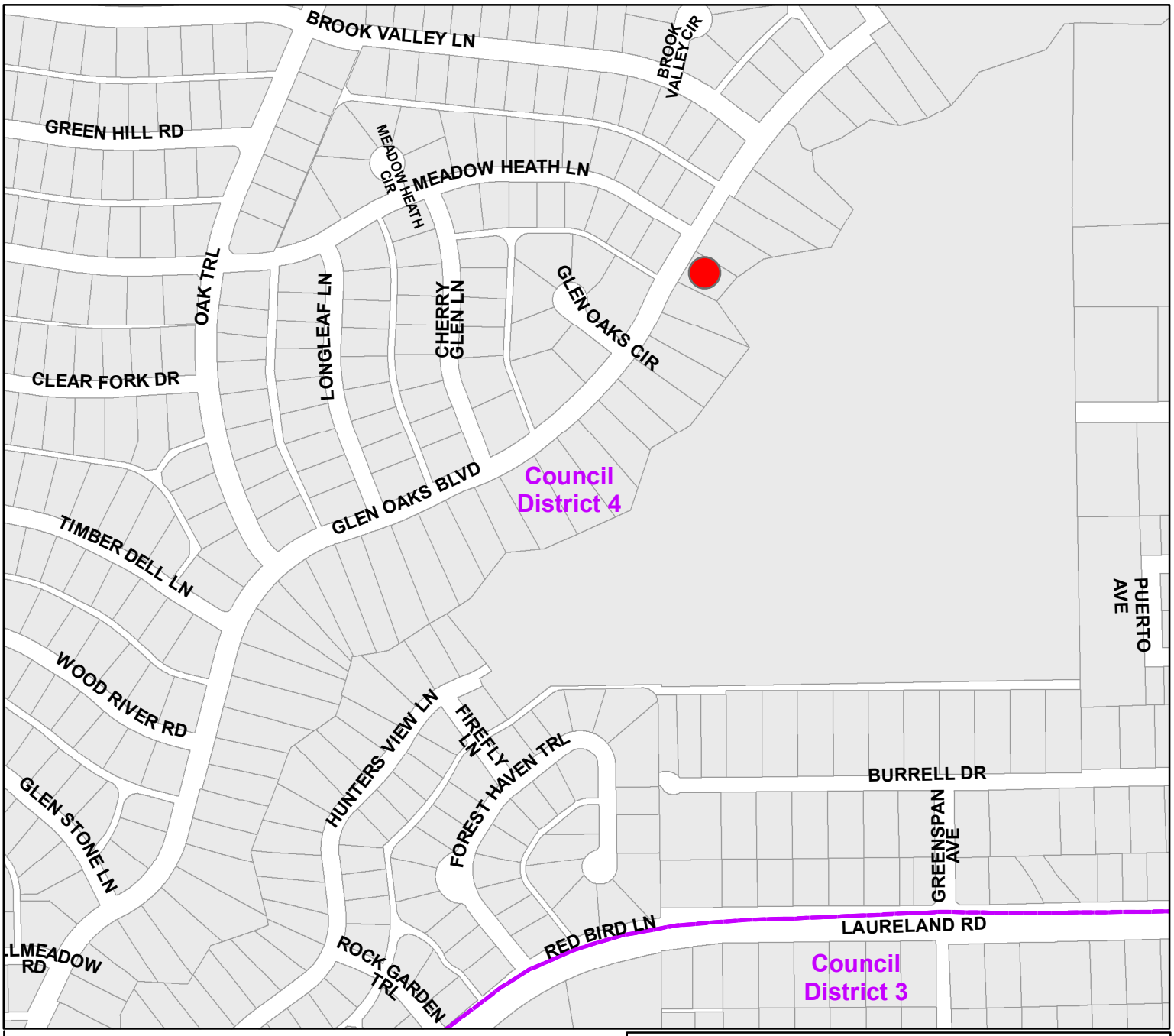
Dallas Water Utilities
Contract No. 19-083E
Erosion Control Contract No. 1
Stormwater Project Management



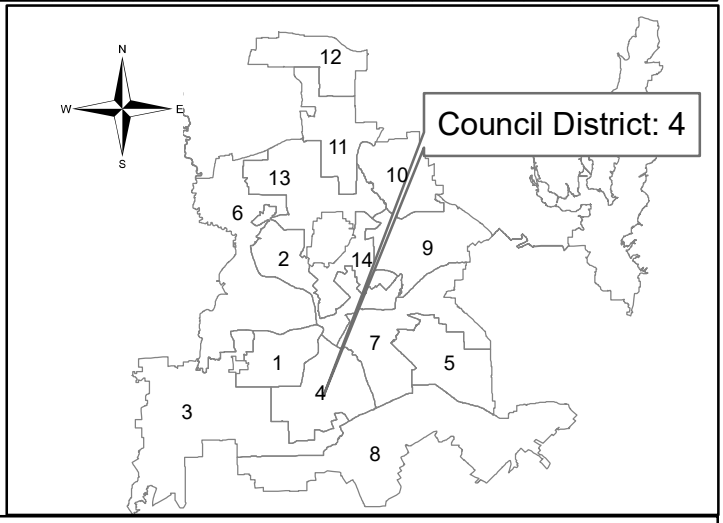
Five Mile Parkway



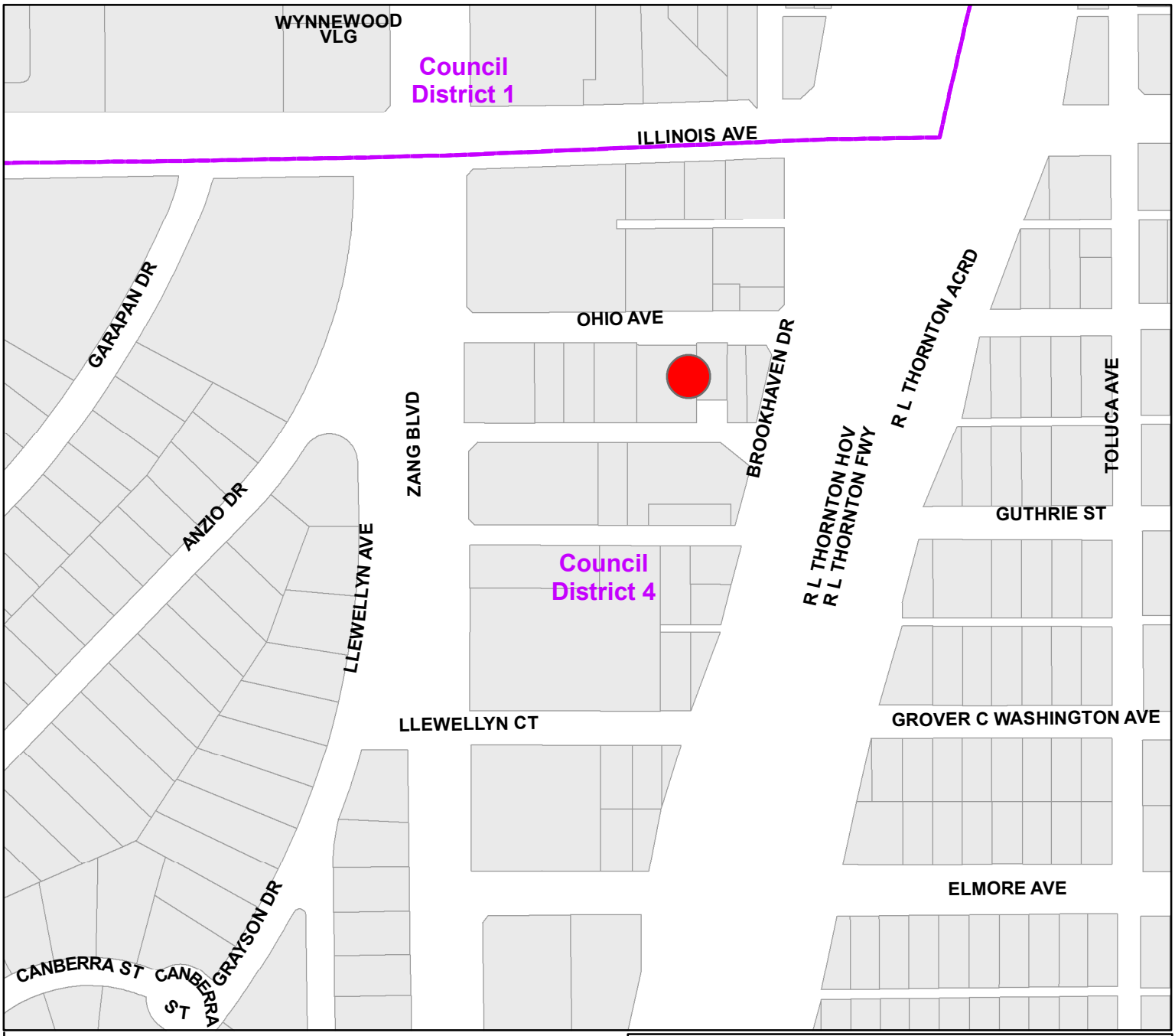
Dallas Water Utilities
Contract No. 19-083E
Erosion Control Contract No. 1
Stormwater Project Management



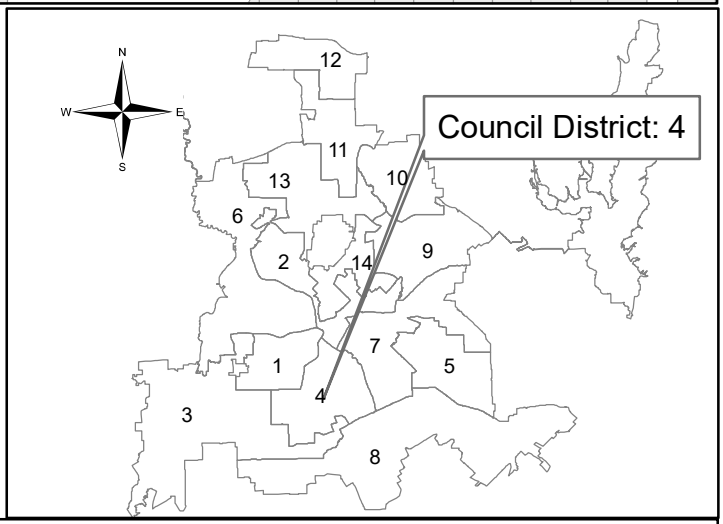
408 Glen Oaks Boulevard



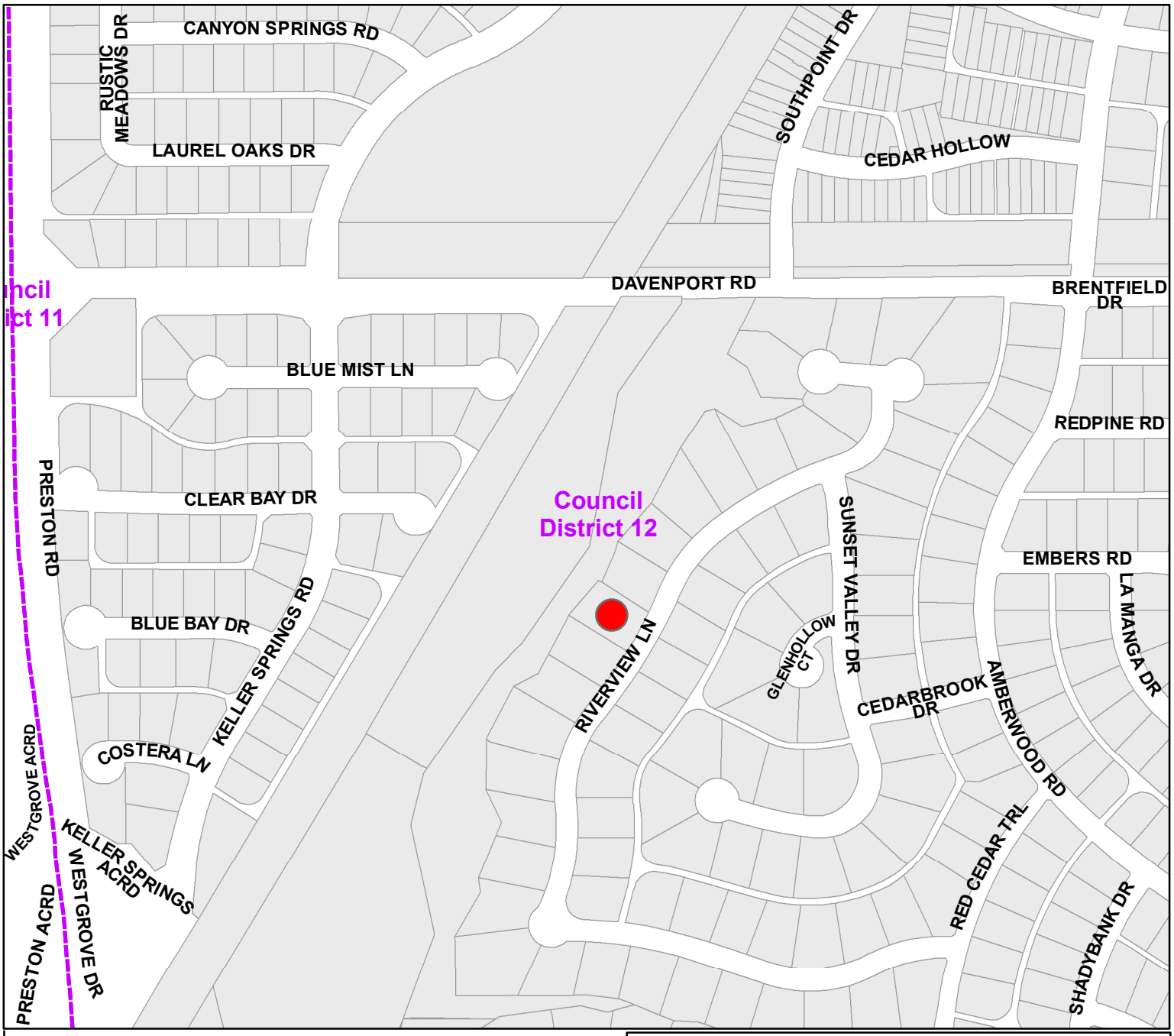
Dallas Water Utilities
Contract No. 19-083E
Erosion Control Contract No. 1
Stormwater Project Management



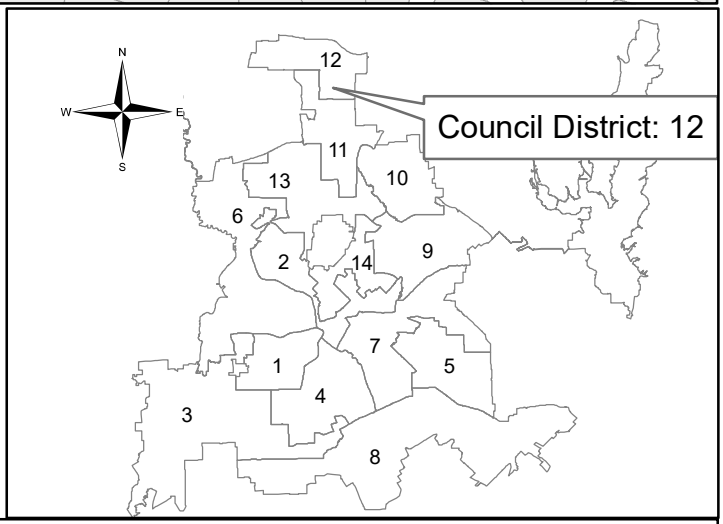
412 Ohio Avenue
416 Ohio Avenue



Dallas Water Utilities
Contract No. 19-083E
Erosion Control Contract No. 1
Stormwater Project Management



6431 Riverview Lane



Dallas Water Utilities
Contract No. 19-083E
Erosion Control Contract No. 1
Stormwater Project Management

WHEREAS, stream banks along various property boundaries are experiencing severe erosion; and

WHEREAS, engineering services are required for the evaluation and design of improvements to address erosion at seven locations; and

WHEREAS, AECOM Technical Services, Inc. was selected to provide engineering services for these erosion control improvement projects and has submitted an acceptable proposal to provide these services.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with AECOM Technical Services, Inc., approved as to form by the City Attorney, for the engineering design of Erosion Control Contract No. 1, in an amount not to exceed $232,422.39.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $232,422.39 to AECOM Technical Services, Inc. in accordance with the terms and conditions of the contract, as follows:

Storm Drainage Management Capital Construction Fund Fund 0063, Department DWU, Unit W230, Activity SD01 Object 4111, Program TW17W230 Encumbrance/Contract No. CX-DWU-2019-00009211 Vendor VC0000011194	$ 28,547.47
Storm Drainage Management Capital Construction Fund Fund 0063, Department DWU, Unit W234, Activity SD01 Object 4111, Program TW17W234 Encumbrance/Contract No. CX-DWU-2019-00009211 Vendor VC0000011194	$ 35,492.47
Storm Drainage Management Capital Construction Fund Fund 0063, Department DWU, Unit W239, Activity SD01 Object 4111, Program TW17W239 Encumbrance/Contract No. CX-DWU-2019-00009211 Vendor VC0000011194	$ 30,937.47
Storm Drainage Management Capital Construction Fund Fund 0063, Department DWU, Unit W356, Activity SD01 Object 4111, Program SD19W356 Encumbrance/Contract No. CX-DWU-2019-00009211 Vendor VC0000011194	$ 7,682.52

SECTION 2. (continued)

Storm Drainage Management Capital Construction Fund Fund 0063, Department DWU, Unit W232, Activity SD01 Object 4111, Program TW17W232 Encumbrance/Contract No. CX-DWU-2019-00009211 Vendor VC0000011194	$ 50,457.47
Storm Drainage Management Capital Construction Fund Fund 0063, Department DWU, Unit W236, Activity SD01 Object 4111, Program TW17W236 Encumbrance/Contract No. CX-DWU-2019-00009211 Vendor VC0000011194	$ 7,882.52
Storm Drainage Management Capital Construction Fund Fund 0063, Department DWU, Unit W355, Activity SD01 Object 4111, Program SD19W355 Encumbrance/Contract No. CX-DWU-2019-00009211 Vendor VC0000011194	$ 71,422.47
Total amount not to exceed	$232,422.39

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

Agenda Information Sheet

File #: 19-291 **Item #:** 44.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 3

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with LIM & Associates, Inc. for the engineering design of Erosion Control Contract No. 3 (list attached to the Agenda Information Sheet) - Not to exceed $256,000.00 - Financing: Storm Drainage Management Capital Construction Fund

BACKGROUND

This action will authorize a professional services contract with LIM & Associates, Inc. for the engineering design of four erosion control improvement projects. Erosion control improvements will be evaluated and designed for 6806 Richwood Drive, 6822 Richwood Drive, 6906 Richwood Drive, and 7014 Richwood Drive.

The stream banks located along various property boundaries are experiencing severe erosion. This project will evaluate options to address erosion and develop construction documents to stabilize eroded stream banks utilizing gabion walls or other approved erosion control structures. The proposed improvements will stabilize the existing stream banks while staying within the existing property boundary and floodway or erosion control easements.

The services provided include project management, topographic and boundary surveys, subsurface utility exploration, geotechnical investigations, permitting assistance, structural analysis, development of conceptual and preliminary construction plans, and development of pre-final and final construction plans and special specifications.

The consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	May 2020
Begin Construction	November 2020
Complete Construction	May 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Storm Drainage Management Capital Construction Fund - $256,000.00

Estimated Future Cost - Construction - $1,580,294.71

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$256,000.00	Architectural & Engineering	25.66%	100.00%	$256,000.00
• This contract exceeds the M/WBE goal.				

OWNER

LIM & Associates, Inc.

Siang W. "Daniel" Lim, P.E., President

MAPS

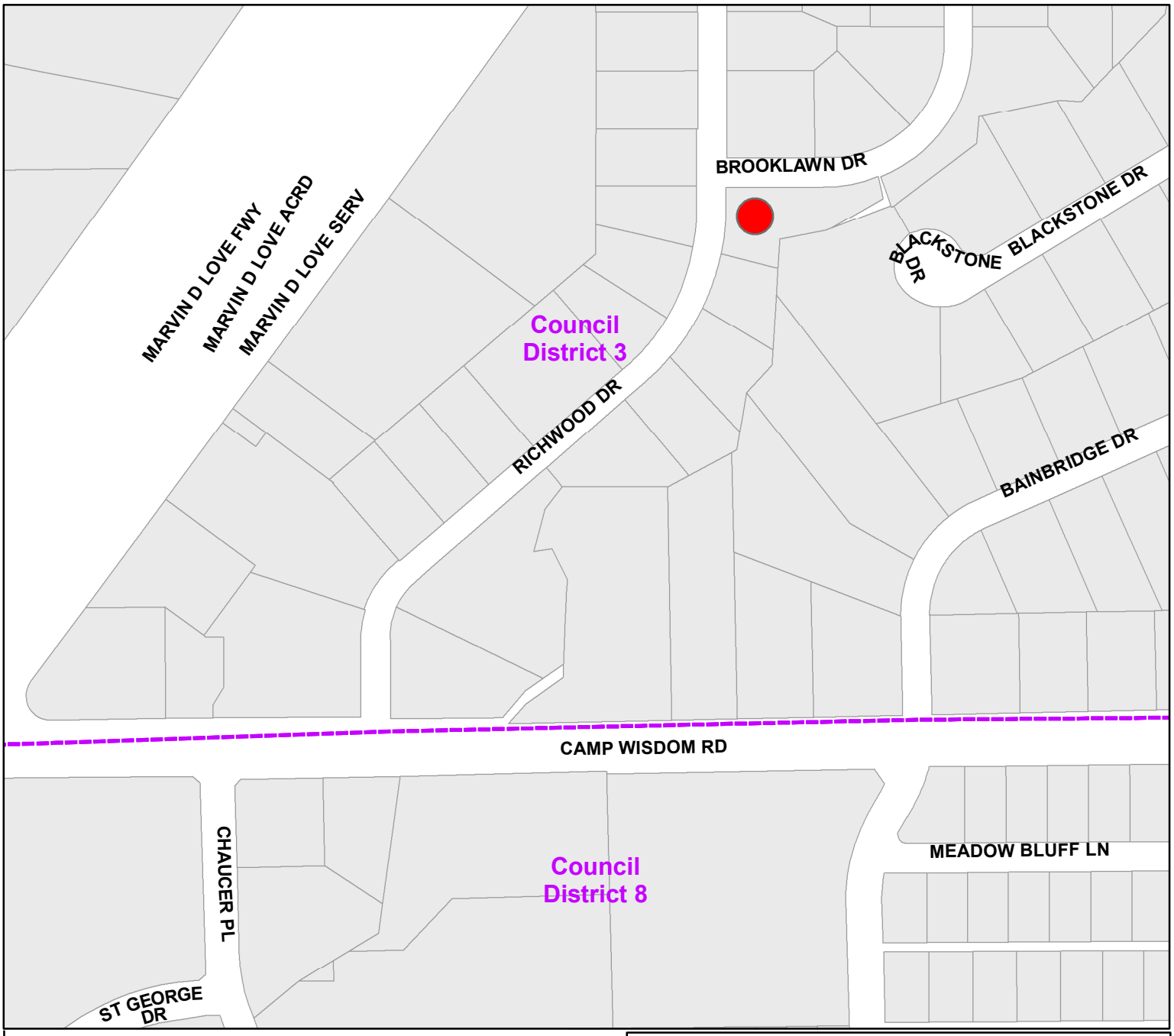
Attached

powered by Legistar™

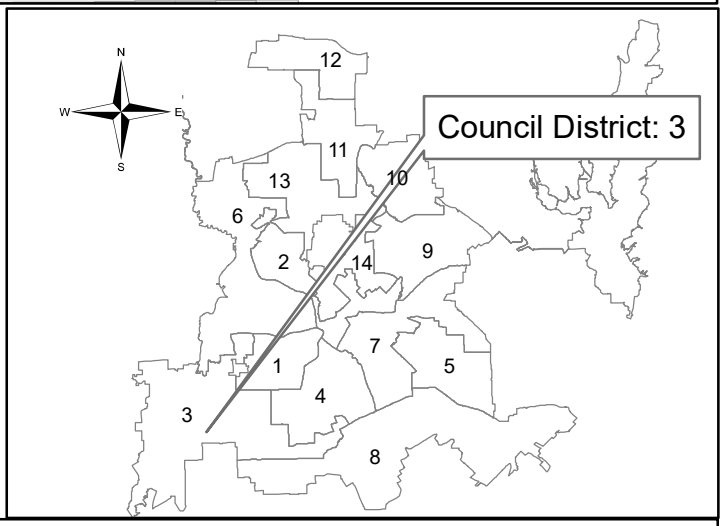
Segment List
Contract No. 19-087E
Erosion Control Contract No. 3
Stormwater Project Management

District 3

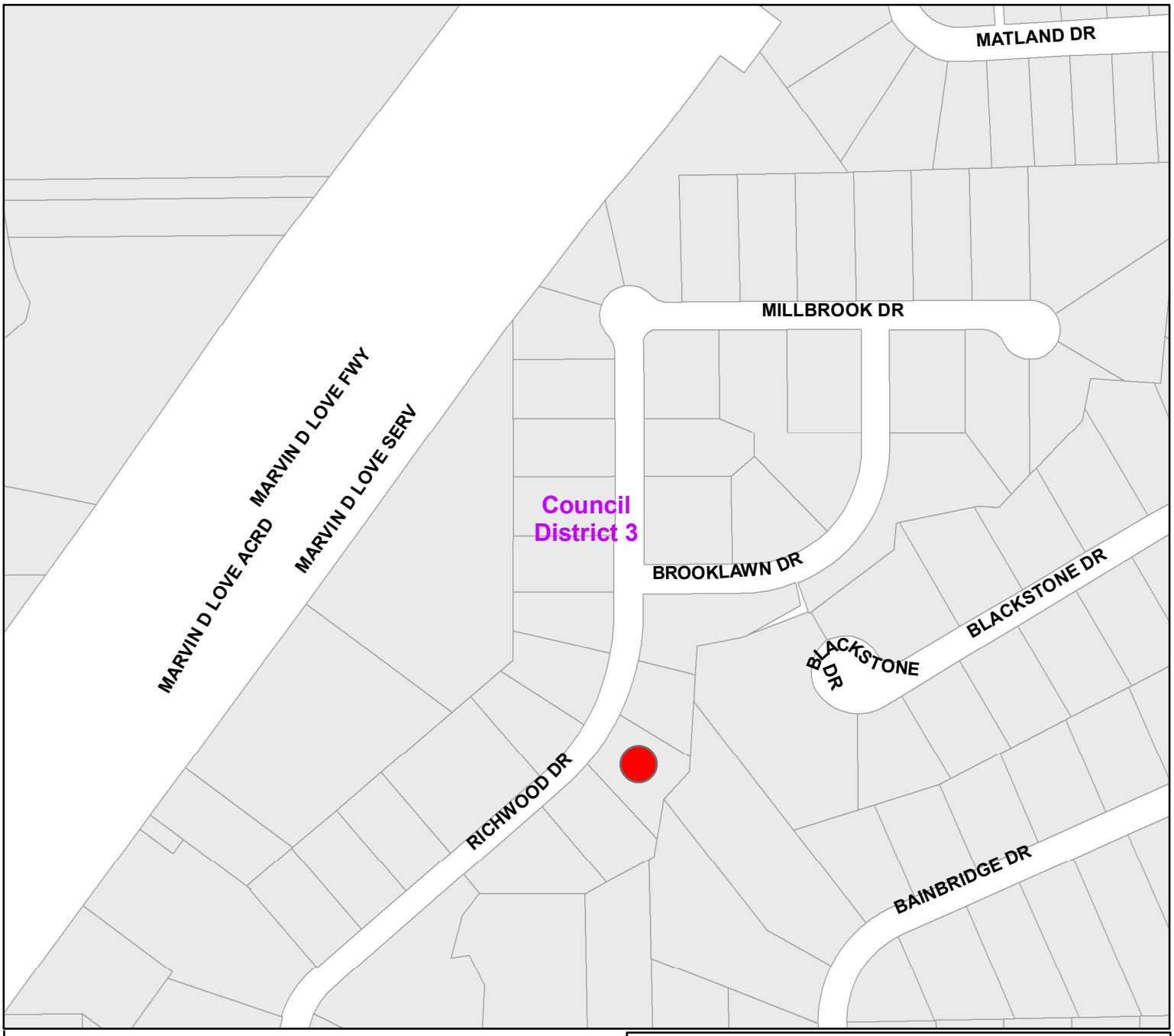
6806 Richwood Drive
6822 Richwood Drive
6906 Richwood Drive
7014 Richwood Drive



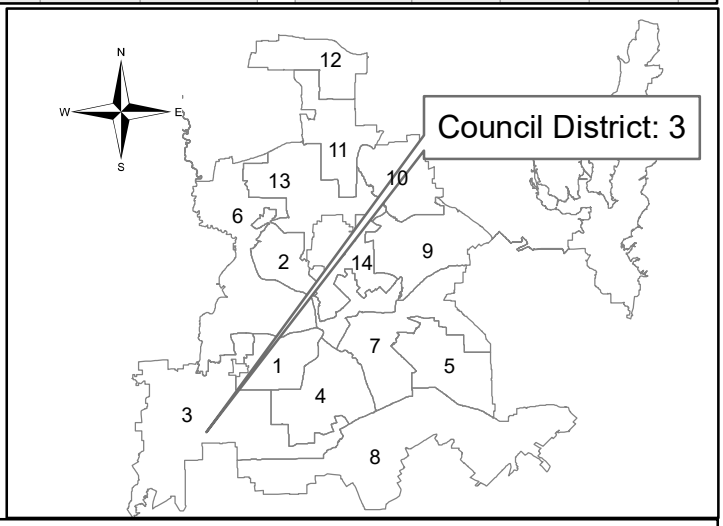
6806 Richwood Drive



Dallas Water Utilities
Contract No. 19-087E
Erosion Control Contract No. 3
Stormwater Project Management



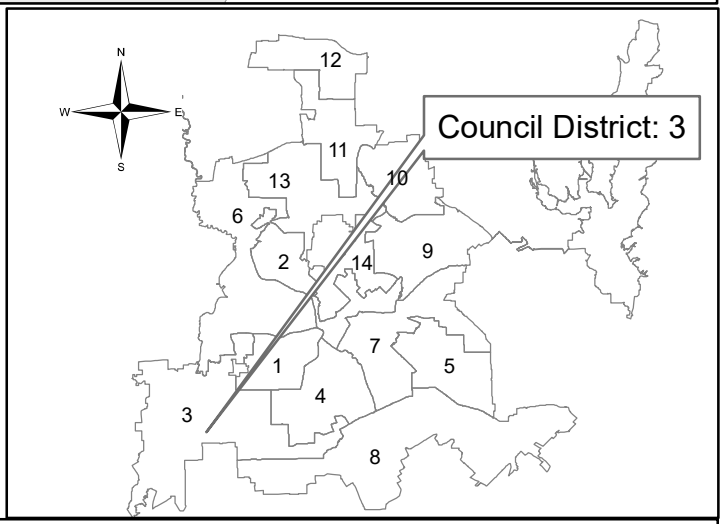
6822 Richwood Drive



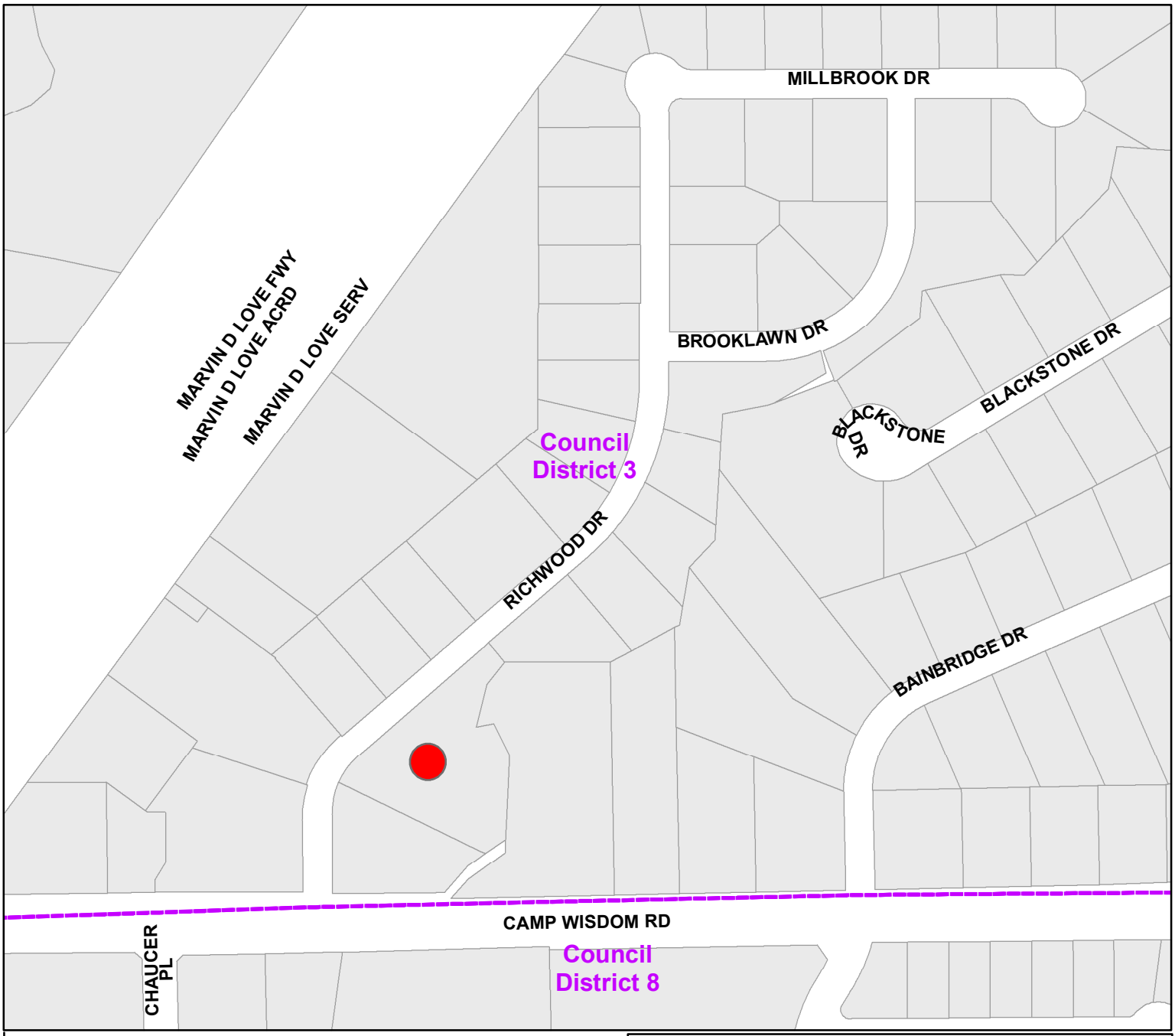
Dallas Water Utilities
Contract No. 19-087E
Erosion Control Contract No. 3
Stormwater Project Management



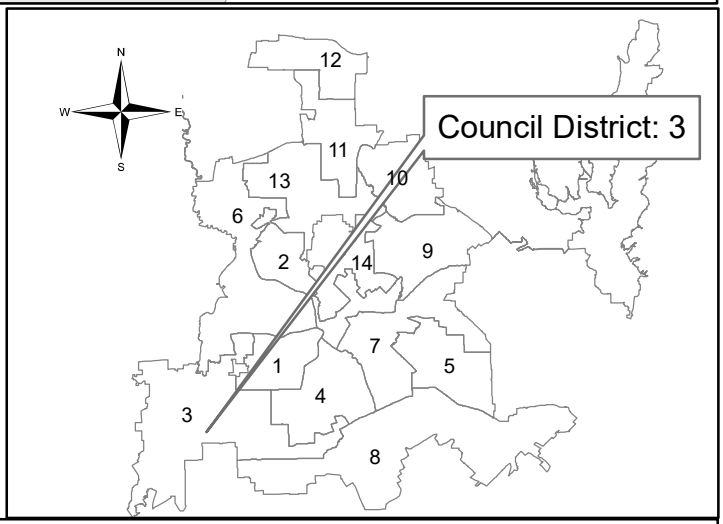
6906 Richwood Drive



Dallas Water Utilities
Contract No. 19-087E
Erosion Control Contract No. 3
Stormwater Project Management



7014 Richwood Drive



Dallas Water Utilities
Contract No. 19-087E
Erosion Control Contract No. 3
Stormwater Project Management

April 10, 2019

WHEREAS, stream banks along various property boundaries are experiencing severe erosion; and

WHEREAS, engineering services are required for the evaluation and design of improvements to address erosion at four locations; and

WHEREAS, LIM & Associates, Inc. was selected to provide engineering was selected to provide engineering services for these erosion control improvement projects and has submitted an acceptable proposal to provide these services.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with LIM & Associates, Inc., approved as to form by the City Attorney, for the engineering design of Erosion Control Contract No. 3, in an amount not to exceed $256,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $256,000.00 to LIM & Associates, Inc. from the SDM - Capital Construction Fund, Fund 0063, Department DWU, Unit W241, Object 4111, Program TW17W241, Encumbrance/Contract No. CX-DWU-2019-00009213, Vendor 514273.

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

Agenda Information Sheet

File #: 19-285 **Item #:** 45.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 9, 12, 13

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with IEA, Inc. for the engineering design of Erosion Control Contract No. 4 (list attached to the Agenda Information Sheet) - Not to exceed $161,867.50 - Financing: Storm Drainage Management Capital Construction Fund

BACKGROUND

This action will authorize a professional services contract with IEA, Inc. for the engineering design of four erosion control improvement projects. Erosion control improvements will be evaluated and designed for 2214 Lakeland Drive, 8725 Vinewood Drive, 18731 Rembrandt Terrace, and 10245 Timber Trail Drive.

The stream banks located along various property boundaries are experiencing severe erosion. This project will evaluate options to address erosion and develop construction documents to stabilize eroded stream banks utilizing gabion walls or other approved erosion control structures. The proposed improvements will stabilize the existing stream banks while staying within the existing property boundary and floodway or erosion control easements. In all four locations, a residential private home or detached structure on the residential lot is at risk from creek bank erosion.

The services provided include project management, topographic and boundary surveys, subsurface utility exploration, geotechnical investigations, permitting assistance, structural analysis, development of conceptual and preliminary construction plans, and development of pre-final and final construction plans and special specifications.

The consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	May 2020
Begin Construction	November 2020
Complete Construction	May 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Storm Drainage Management Capital Construction Fund - $161,867.50

Estimated Future Cost - Construction - $994,342.22

Council District	Amount
9	$ 82,535.00
12	$ 24,555.00
13	$ 54,777.50
Total	$161,867.50

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$161,867.50	Architectural & Engineering	25.66%	100.00%	$161,867.50
• This contract exceeds the M/WBE goal.				

OWNER

IEA, Inc.

Shakeel Ahmed P.E., President

MAPS

Attached

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Segment List
Contract No. 19-089E
Erosion Control Contract No. 4
Stormwater Project Management

District 9

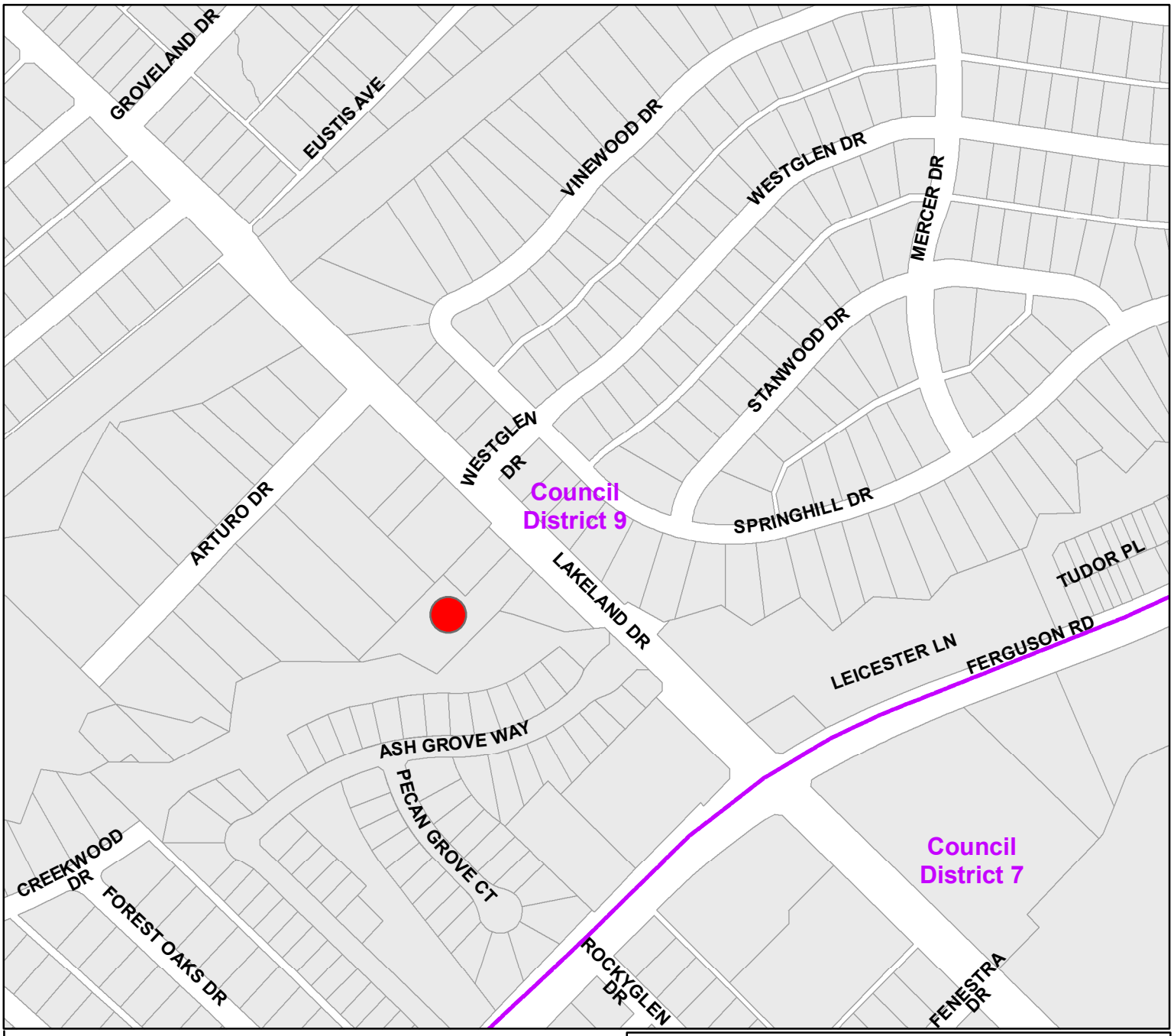
2214 Lakeland Drive
8725 Vinewood Drive

District 12

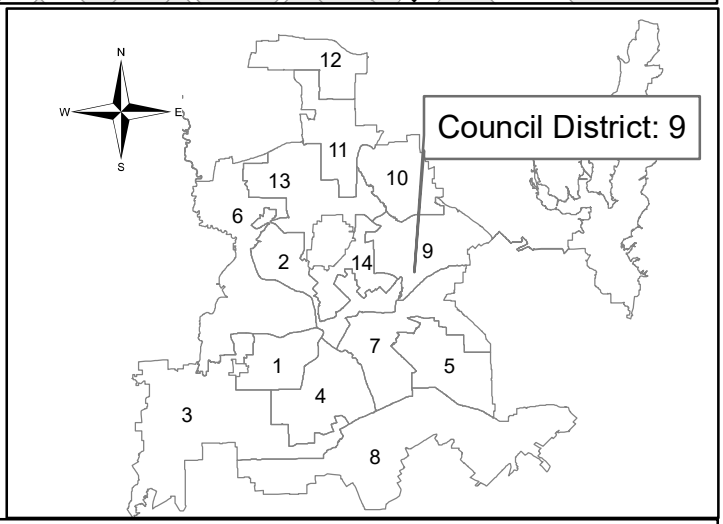
18731 Rembrandt Terrace

District 13

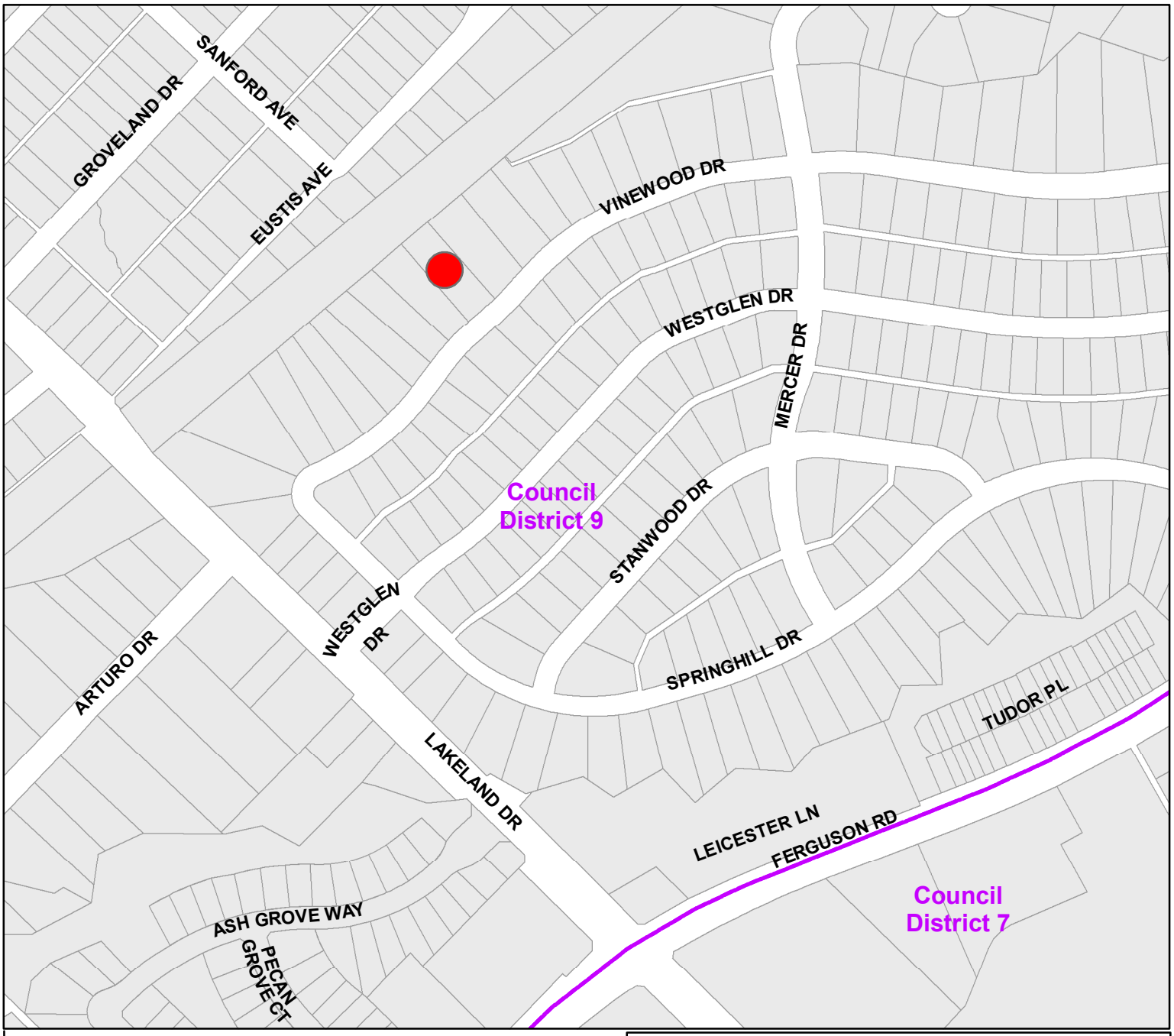
10245 Timber Trail Drive



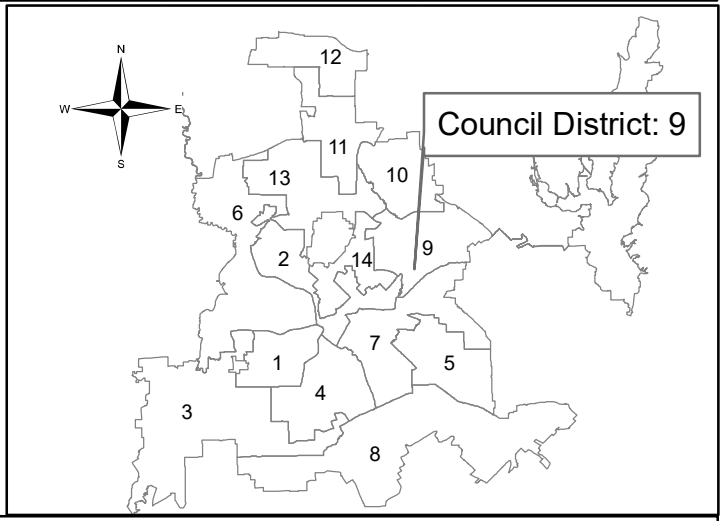
2214 Lakeland Drive



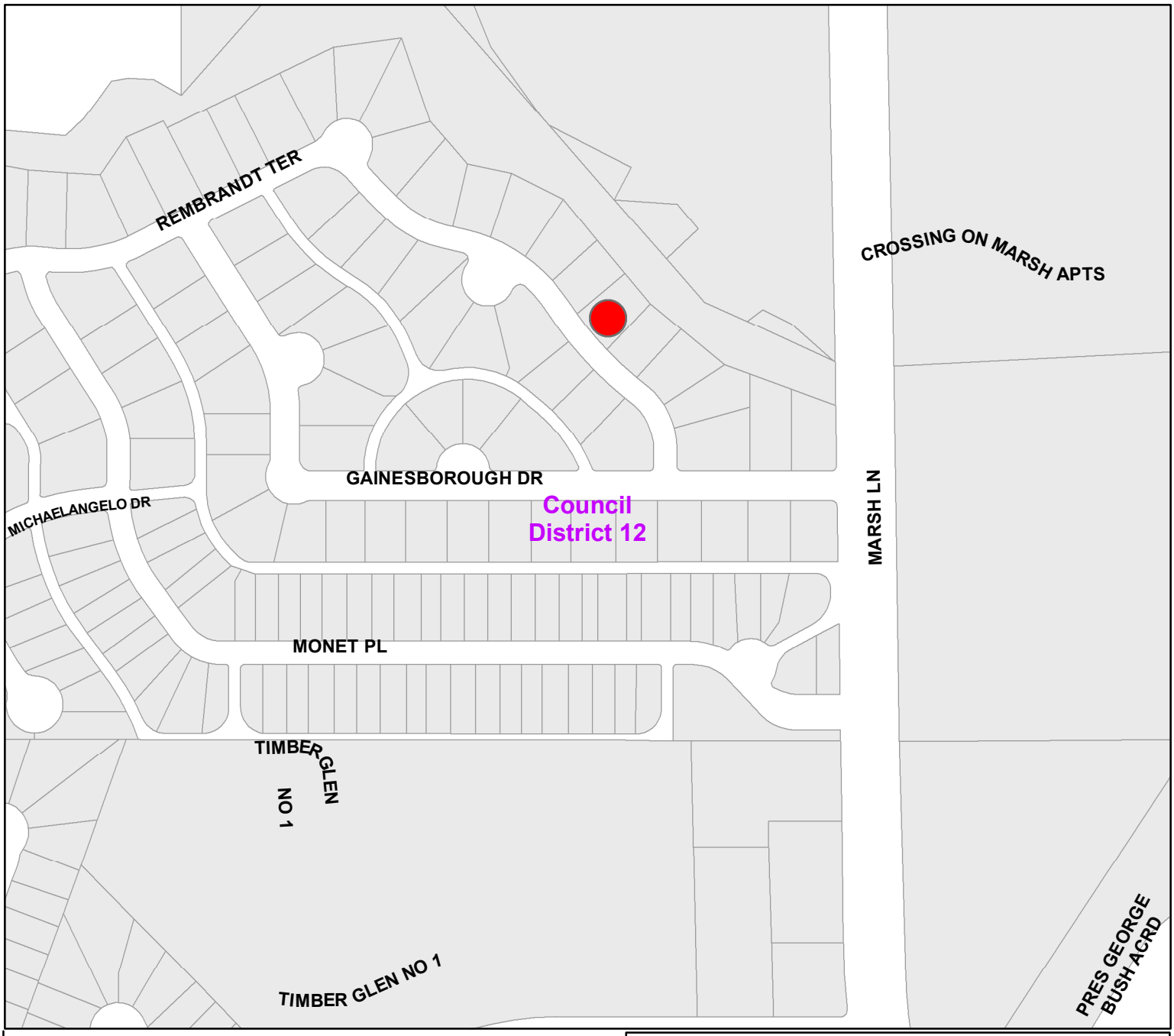
Dallas Water Utilities
Contract No. 19-089E
Erosion Control Contract No. 4
Stormwater Project Management



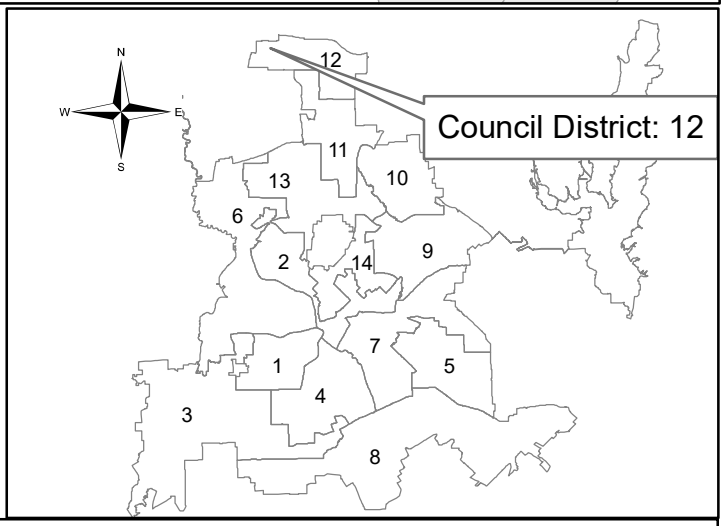
8725 Vinewood Drive



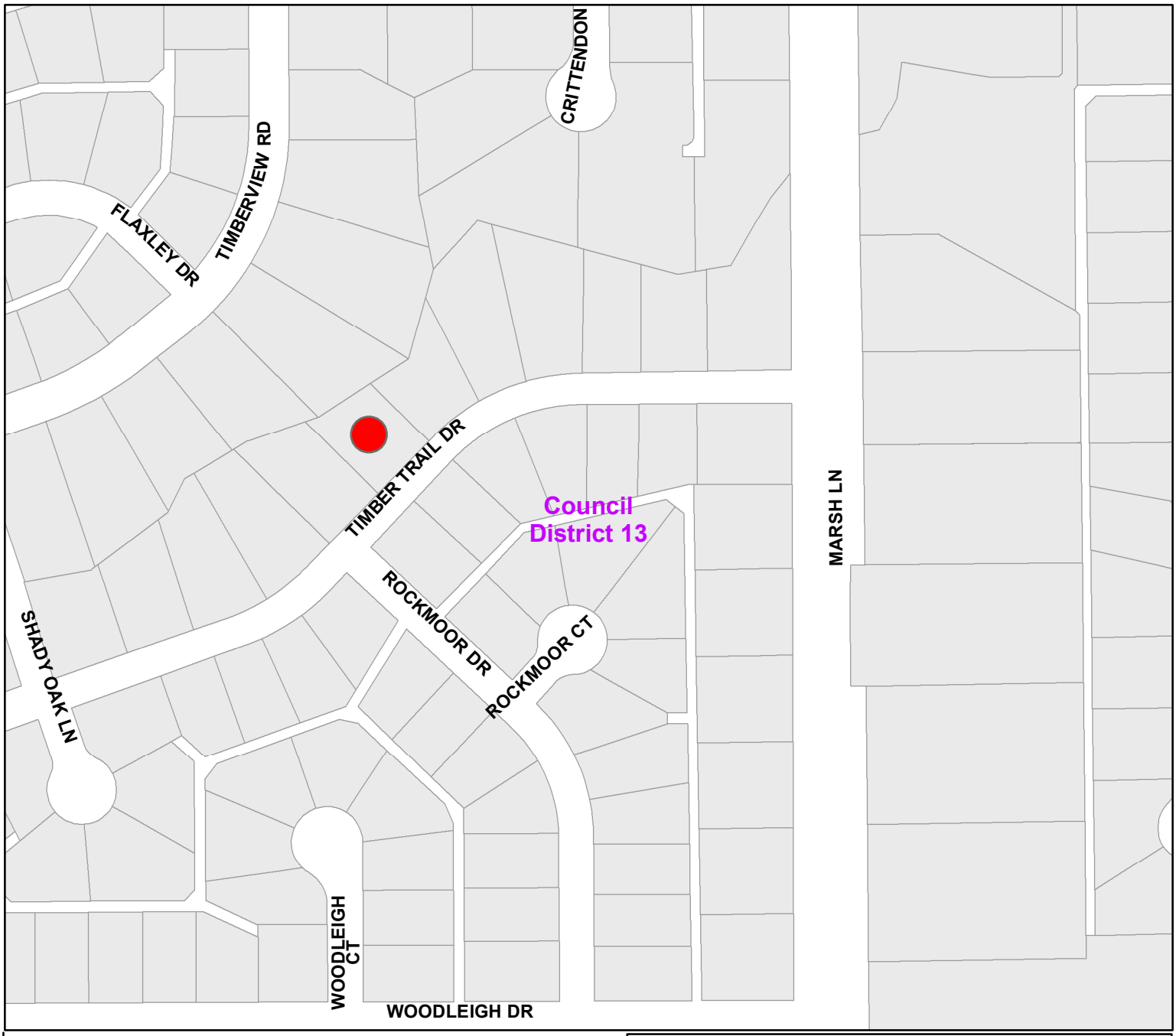
Dallas Water Utilities
Contract No. 19-089E
Erosion Control Contract No. 4
Stormwater Project Management



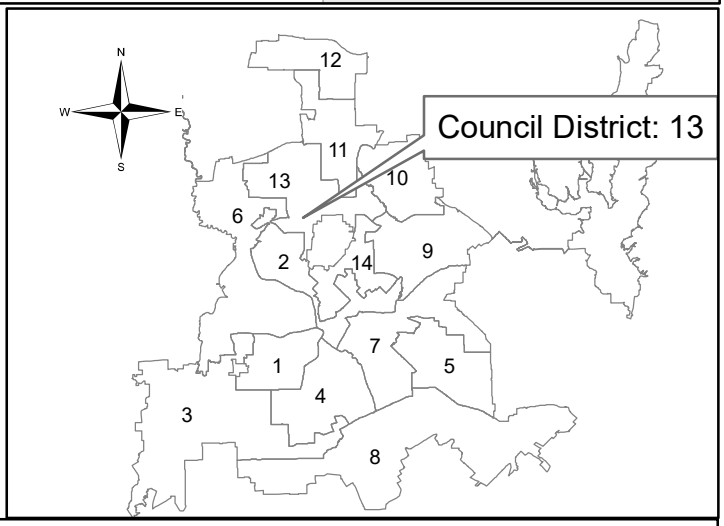
18731 Rembrandt Terrace



Dallas Water Utilities
Contract No. 19-089E
Erosion Control Contract No. 4
Stormwater Project Management



10245 Timber Trail Drive



Dallas Water Utilities
Contract No. 19-089E
Erosion Control Contract No. 4
Stormwater Project Management

WHEREAS, stream banks along various property boundaries are experiencing severe erosion; and

WHEREAS, engineering services are required for the evaluation and design of improvements to address erosion at four locations; and

WHEREAS, IEA, Inc. was selected to provide engineering services for these erosion control improvement projects and has submitted an acceptable proposal to provide these services.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with IEA, Inc., approved as to form by the City Attorney, for the engineering design of Erosion Control Contract No. 4, in an amount not to exceed $161,867.50.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $161,867.50 to IEA, Inc., in accordance with the terms and conditions of the contract:

Storm Drainage Capital Construction Fund Fund 0063, Department DWU, Unit W235, Activity SD01 Object 4599, Program TW17W235 Encumbrance/Contract No. CX-DWU-2019-00009214 Vendor VS0000030431	$ 47,077.50
Storm Drainage Capital Construction Fund Fund 0063, Department DWU, Unit W244, Activity SD01 Object 4599, Program TW17W244 Encumbrance/Contract No. CX-DWU-2019-00009214 Vendor VS0000030431	$ 35,457.50
Storm Drainage Capital Construction Fund Fund 0063, Department DWU, Unit W240, Activity SD01 Object 4599, Program TW17W240 Encumbrance/Contract No. CX-DWU-2019-00009214 Vendor VS0000030431	$ 24,555.00

SECTION 2. (continued)

Storm Drainage Capital Construction Fund	
Fund 0063, Department DWU, Unit W243, Activity SD01	
Object 4599, Program TW17W243	
Encumbrance/Contract No. CX-DWU-2019-00009214	
Vendor VS0000030431	$ 54,777.50
Total amount not to exceed	$161,867.50

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

Agenda Information Sheet

File #: 19-245 **Item #:** 46.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for the Elm Fork Water Treatment Plant Lagoon Cleaning - Merrell Bros., Inc., lowest responsible bidder of four - Not to exceed $12,946,224.00 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of cleaning two residual collection lagoons at the Elm Fork Water Treatment Plant (EFWTP) and making repairs to any defects in the clay liners. The EFWTP is the second largest of three water treatment plants serving customers of the City of Dallas Water Utilities Department. It was constructed in the 1950s and has a current capacity of 310 million gallons per day.

Residuals are a normal byproduct of the drinking water treatment process and are stored in on-site lagoons. Periodic cleaning is required as these lagoons reach their storage capacity to ensure continued, reliable operation. This project will restore storage capacity within the lagoons and ensure the EFWTP continues to meet production demands and environmental regulations mandated by the Texas Commission on Environmental Quality.

Merrell Bros., Inc. has had no contractual activities with the City of Dallas within the past three years.

ESTIMATED SCHEDULE OF PROJECT

Began Design	July 2018
Completed Design	October 2018
Begin Construction	May 2019
Complete Construction	June 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 10, 2018, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Arcadis CE, Inc. f/k/a Malcolm Pirnie, Inc. for additional engineering services for the Elm Fork Water Treatment Plant water quality improvements by Resolution No. 18-0102.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $12,946,224.00

Design	$ 142,000.00
Construction (this action)	$12,946,224.00
Total Project Cost	$13,088,224.00

PROCUREMENT INFORMATION

The following four bids with quotes were opened on December 14, 2018:

*Denotes successful bidder

Bidders	Bid Amount
*Merrell Bros., Inc. 8811 West 500 North Kokomo, Indiana 46901	$12,946,224.00
American Process Group Inc.	$14,005,888.00
Renda Environmental, Inc.	$15,282,500.00
Bio-Nomic Services, Inc.	$24,851,000.00

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$12,946,224.00	Construction	25.00%	26.27%	$3,400,973.05
• This contract exceeds the M/WBE goal.				

OWNER

Merrell Bros., Inc.

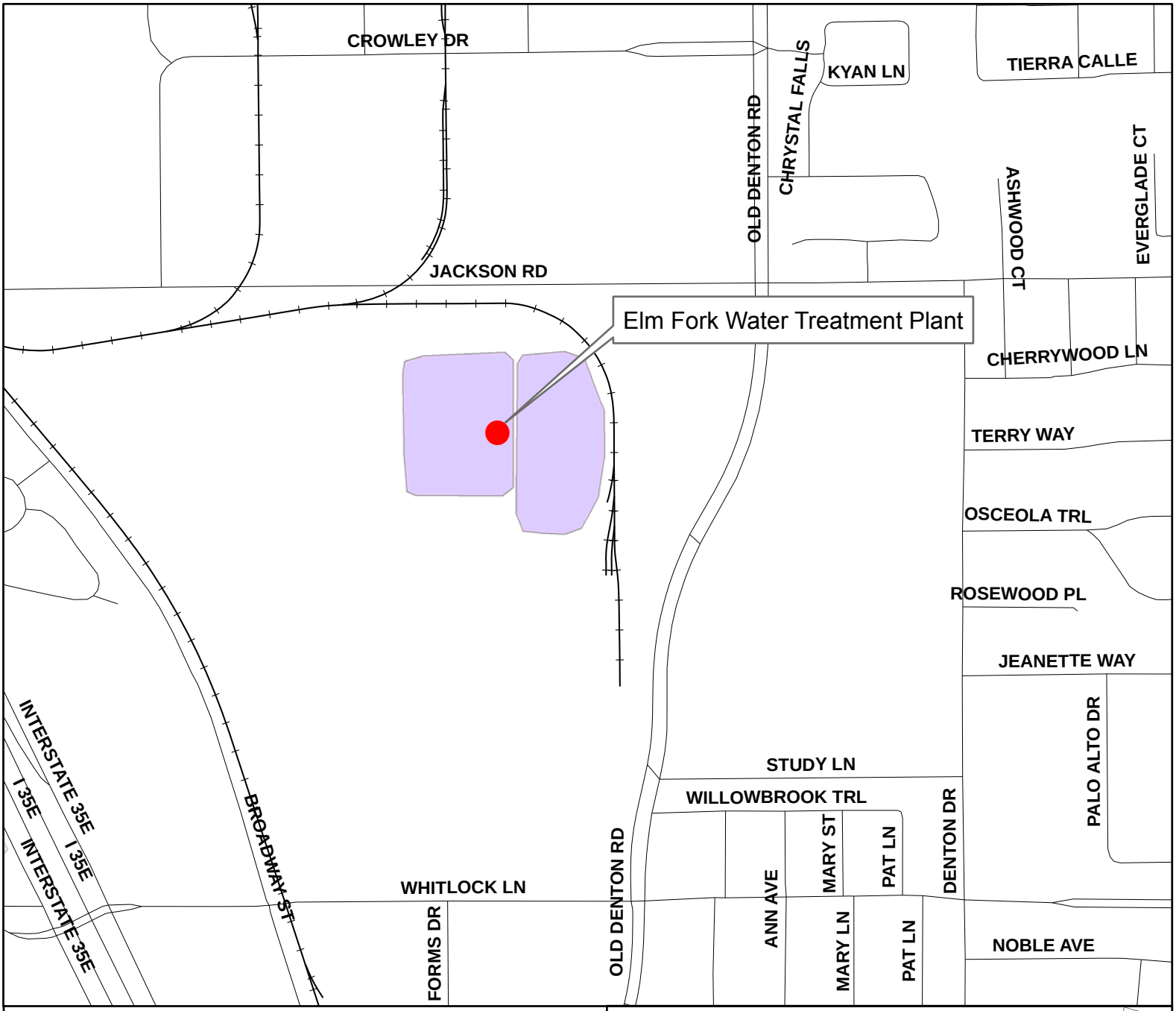
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Nieta Merrell, President
Ted Merrell, Vice President

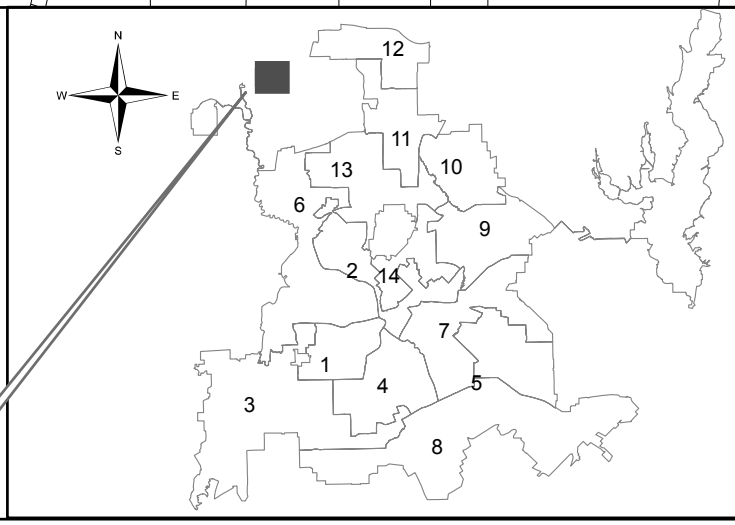
MAP

Attached

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Mapsco: 2 T



Council District: Outside City Limits

Dallas Water Utilities
Contract No. 19-039
Elm Fork Water Treatment Plant
Lagoon Cleaning

April 10, 2019

WHEREAS, on December 14, 2018, four bids were received for the Elm Fork Water Treatment Plant Lagoon Cleaning, Contract No. 19-039, listed as follows:

Bidders	**Bid Amount**
Merrell Bros., Inc.	$12,946,224.00
American Process Group Inc.	$14,005,888.00
Renda Environmental, Inc.	$15,282,500.00
Bio-Nomic Services, Inc.	$24,851,000.00

WHEREAS, the bid submitted by Merrell Bros., Inc., 8811 West 500 North, Kokomo, Indiana, 46901, in the amount of $12,946,224.00, 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 Merrell Bros., Inc., in the amount of $12,946,224.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 19-039, be accepted.

SECTION 2. That the City Manager is hereby authorized to execute a construction contract with Merrell Bros., Inc., approved as to form by the City Attorney, for the Elm Fork Water Treatment Plant Lagoon Cleaning, in an amount not to exceed $12,946,224.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $12,946,224.00 to Merrell Bros., Inc. from the Water Capital Improvement Fund, Fund 2115, Department DWU, Unit PW31, Object 4320, Program 719039, Encumbrance/Contract No. CX-DWU-2019-00009328, Vendor VS0000063711.

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

Agenda Information Sheet

File #: 18-1235 **Item #:** 47.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize Supplemental Agreement No. 1 to the design-build contract with Eagle Contracting L.P. for the replacement of the Walnut Hill Pump Station located within the City of Dallas water distribution system - Not to exceed $13,854,111.45, from $575,192.00 to $14,429,303.45 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The Walnut Hill Pump Station facility is located at 3820 Walnut Hill Lane, just east of Marsh Lane. The facility, which supplies water to north Dallas, is comprised of two separate pump stations with a combined capacity of 50 million gallons per day. The original facility was constructed in 1949 with a temporary facility being constructed in 1999 to support additional demands. The facility is a critical component of the distribution system because of its vital role of boosting pressures and increasing flow to the north Dallas service area. Both pump stations have exceeded their service life and were identified for improvements in the 2007 Water Capital Infrastructure Assessment Report.

On November 8, 2017, City Council authorized a design-build contract with Eagle Contracting, Limited Partnership for the design and construction of improvements to the Walnut Hill Pump Station facility by Resolution No.17-1777. The project was planned to be awarded in two phases, with the first phase taking the project to 60 percent design and the second phase to include construction and completion of design services based on an agreed Guaranteed Maximum Price (GMP).

The first phase has been completed and Eagle Contracting has submitted an acceptable GMP to complete the second phase of the project. This action will authorize the second phase of the design-build contract, which includes full design, construction, and permitting services required for the pump station facility improvements. Improvements will consist of a single new structure, pumps, motors, valves, piping, transformers, Supervisory Control and Data Acquisition instrumentation, flow meters, surge protection devices, new driveways, sidewalk, parking area, security fences, cameras and personnel training. Landscaping improvements are not included in the design-build contract and will be constructed under a separate contract upon completion of the pump station facility improvements.

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2017
Complete Design	October 2019
Begin Construction	July 2019
Complete Construction	June 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 8, 2017, City Council authorized a design-build contract with Eagle Contracting Limited Partnership for the design and construction of improvements to the Walnut Hill Pump Station facility by Resolution No. 17-1777.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Water Utilities Capital Improvement Fund - $13,854,111.45

Preliminary Design	$ 1,544,241.00
Design-Build	$ 575,192.00
Supplemental Agreement No. 1 (this action)	$13,854,111.45
Total Project Cost	$15,973,544.45

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$13,854,111.45	Architectural & Engineering	25.66%	24.06%	$3,333,347.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Supplemental Agreement No. 1 - 25.93% Overall M/WBE participation				

OWNER

Eagle Contracting L.P.

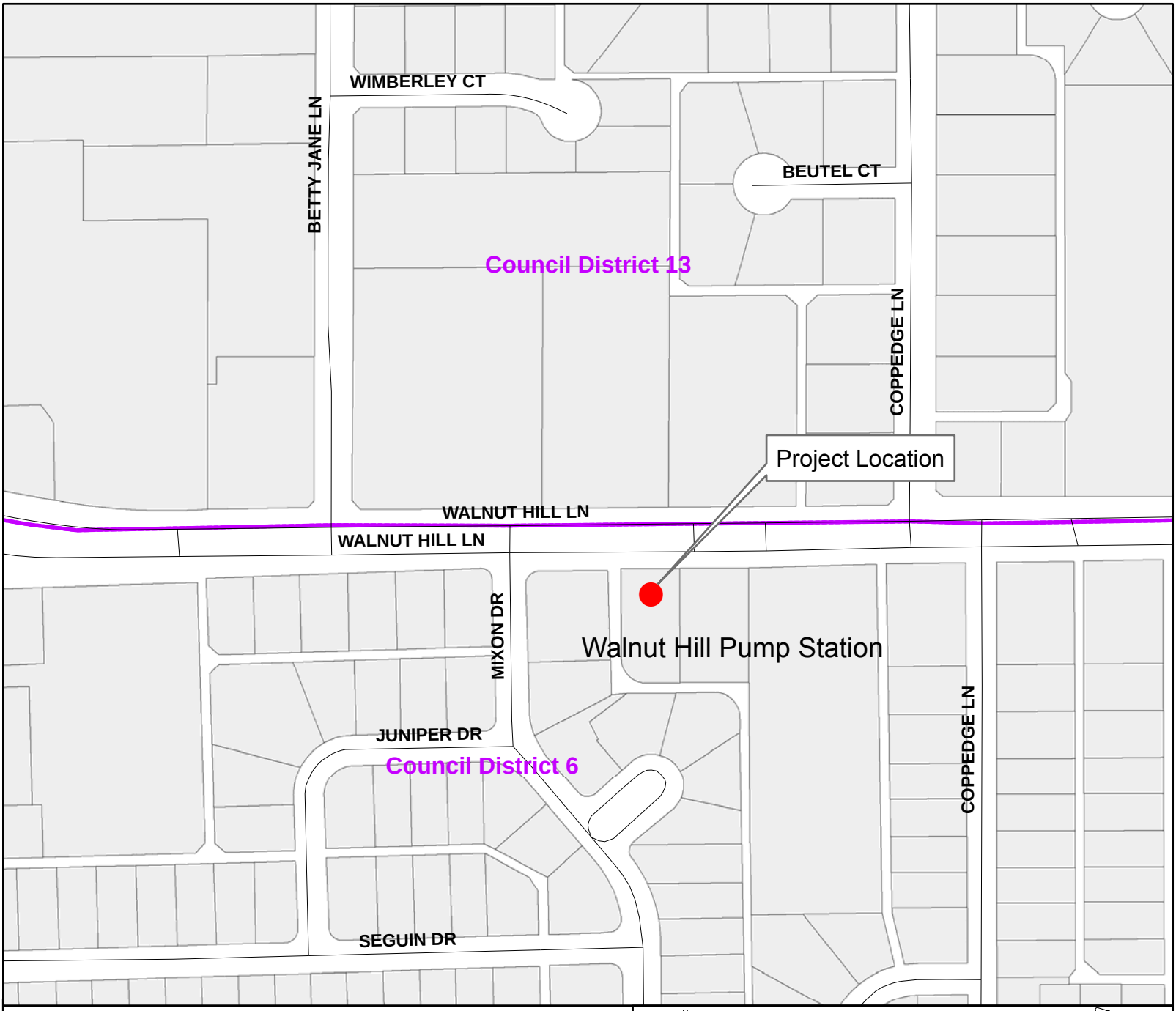
Roy Ewen, President

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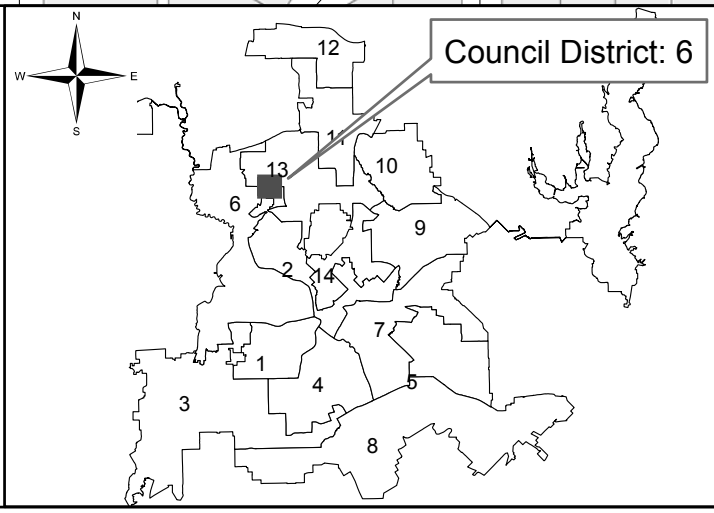
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Walnut HIll Pump Station



Dallas Water Utilities
Contract No. 18-017E, Supplemental Agreement No. 1
Walnut Hill Pump Station
Improvements

WHEREAS, the City of Dallas has identified the need to improve the 70-year-old Walnut Hill Pump Station, a key facility for boosting system pressures and flows, which has exceeded its service life; and

WHEREAS, on February 25, 2015, City Council authorized an engineering contract with Nathan D. Maier Consulting Engineers, Inc. to provide engineering services associated with improvements to the Walnut Hill Pump Station facility, in an amount not to exceed $1,544,241.00, by Resolution No. 15-0392; and

WHEREAS, on November 8, 2017, City Council authorized a design-build contract with Eagle Contracting Limited Partnership for improvements to the Walnut Hill Pump Station facility, in an amount not to exceed $575,192.00, by Resolution No. 17-1777; and

WHEREAS, 60 percent designs have been prepared by Eagle Contracting Limited Partnership and approved by the City of Dallas; and

WHEREAS, Eagle Contracting L.P., 5700 Park Vista Circle, Fort Worth, Texas 76244, has submitted an acceptable Guaranteed Maximum Price to complete the remaining design and construction of the Walnut Hill Pump Station facility improvements; and

WHEREAS, Dallas Water Utilities recommends that Contract No. 18-017E be increased by $13,854,111.45, from $575,192.00 to $14,429,303.45.

Now, Therefore,

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

SECTION 1. That the proposed Supplemental Agreement No. 1 to the design-build contract be accepted and that Contract No. 18-017E with Eagle Contracting, L.P., be revised accordingly.

SECTION 2. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the design-build contract with Eagle Contracting, L.P., approved as to form by the City Attorney, for the replacement of the Walnut Hill Pump Station located within the City of Dallas water distribution system, in an amount not to exceed $13,854,111.45, increasing the contract amount from $575,192.00 to $14,429,303.45.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $13,854,111.45 to Eagle Contracting, L.P., as follows:

Water Capital Improvement Fund
Fund 2115, Department DWU, Unit PW40
Object 4550, Program 718017, Vendor 356959
Encumbrance/Contract No. CX-DWU-2017-00003956 $13,419,739.45

SECTION 3. (continued)

Water Capital Construction Fund	
Fund 2115, Department DWU, Unit PW40	
Object 4111, Program 718017, Vendor 356959	
Encumbrance/Contract No. CX-DWU-2017-00003956	$ 434,372.00
Total amount not to exceed	$13,854,111.45

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

Agenda Information Sheet

File #: 19-240 **Item #:** 48.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering services associated with improvements to the Walnut Hill Pump Station facility - Not to exceed $454,972.00, from $1,900,991.00 to $2,355,963.00 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The Walnut Hill Pump Station facility is located at 3820 Walnut Hill Lane, just east of Marsh Lane. The facility, which boosts water pressures and flows to north Dallas, is comprised of two separate pump stations with a combined capacity of 50 million gallons per day. The original facility was constructed in 1949 with a temporary facility being constructed in 1999 to support additional water demands. The facility is a critical component of the water distribution system because of its vital role of boosting pressures and increasing flow to the north Dallas service area. Both pump stations have exceeded their service life and were identified for improvements in the 2007 Water Capital Infrastructure Assessment Report.

On February 25, 2015, an engineering contract with Nathan D. Maier was authorized to provide engineering services associated with improvements to the Walnut Hill Pump Station facility. The engineering contract included an evaluation of replacement options, site development plans, and preparation of procurement documents for design-build project delivery. On November 8, 2017, a design-build contract with Eagle Contracting Limited Partnership was authorized for improvements to the Walnut Hill Pump Station.

On April 11, 2018, Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier was authorized to provide additional engineering services support during the execution of the design-build contract. Supplemental Agreement No. 1 was originally anticipated to provide engineering services throughout construction. Due to the need for additional services and evaluations during the course of the design-build process, a second supplemental agreement is needed to provide owner representation services through the completion of the Walnut Hill Pump Station Project.

Continued engineering services will ensure proper implementation and oversight during the design-build process.

ESTIMATED SCHEDULE OF PROJECT

Begin Engineering Services	June 2019
Complete Engineering Services	June 2021
Begin Construction	July 2019
Complete Construction	June 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 25, 2015, City Council authorized an engineering contract with Nathan D. Maier Consulting Engineers, Inc. to provide engineering services associated with improvements to the Walnut Hill Pump Station facility by Resolution No. 15-0392.

On April 11, 2018, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering services associated with improvements to the Walnut Hill Pump Station facility by Resolution No. 18-0554.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $454,972.00

Design	$1,544,241.00
Supplemental Agreement No. 1	$ 356,750.00
Supplemental Agreement No. 2 (this action)	$ 454,972.00
Total Project Cost	$2,355,963.00

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$454,972.00	Architectural & Engineering	25.66%	100.00%	$454,972.00
• This contract exceeds the M/WBE goal.				
• Supplemental Agreement No. 2 - 85.27% Overall M/WBE Participation				

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OWNER

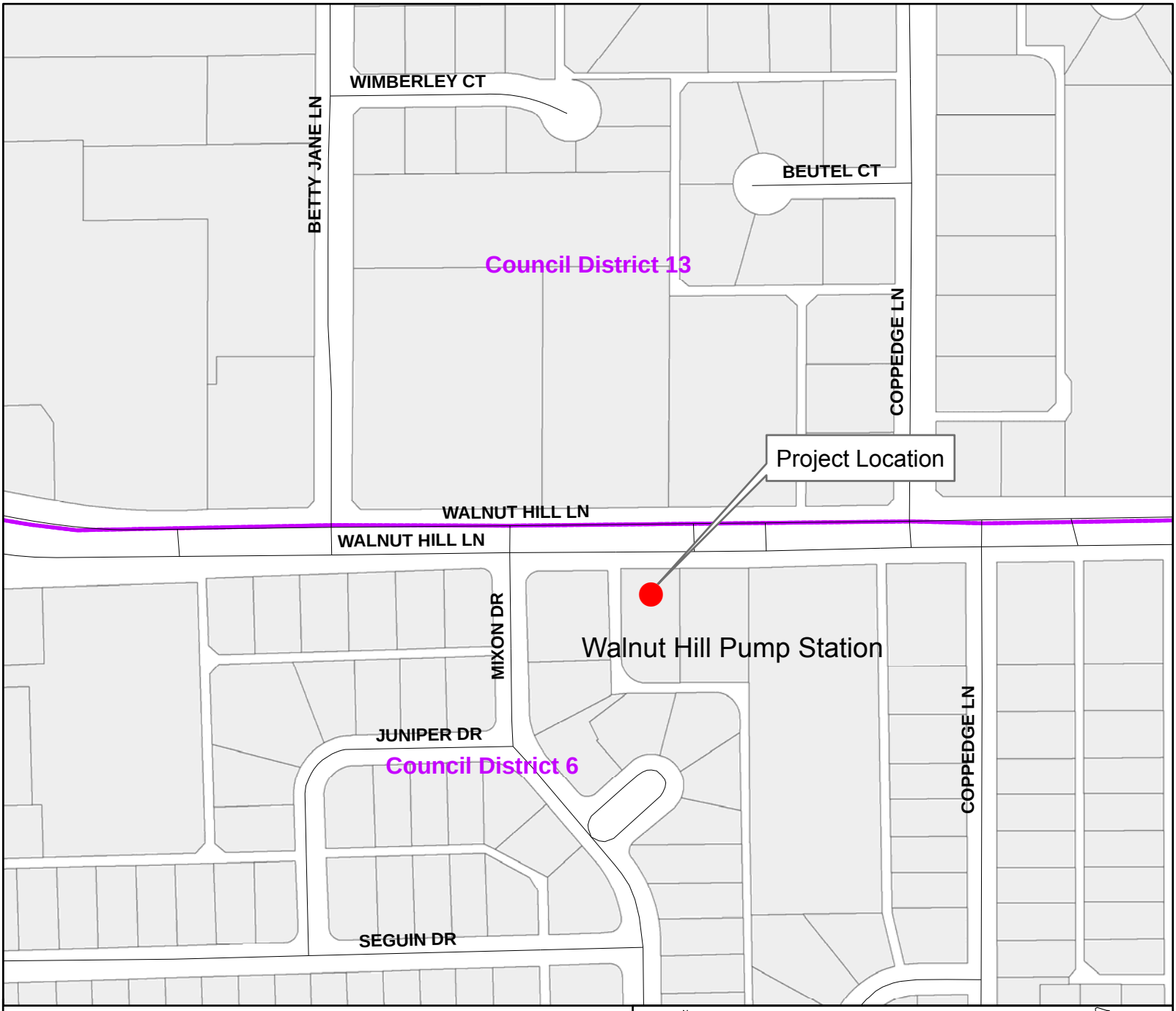
Nathan D. Maier Consulting Engineers, Inc.

Jean Maier Dean, P.E., President and Chief Executive Officer

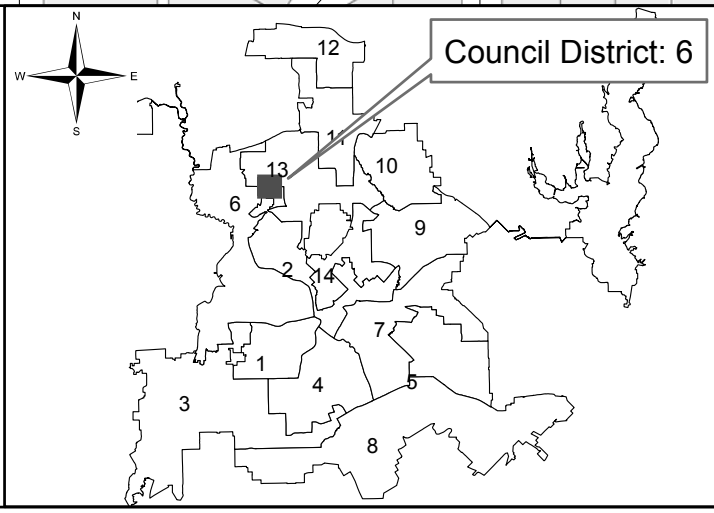
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Dallas Water Utilities
Contract No. 15-003E, Supplemental Agreement No. 2
Walnut Hill Pump Station
Improvements

WHEREAS, on February 25, 2015, City Council authorized an engineering contract with Nathan D. Maier Consulting Engineers, Inc. to provide engineering services associated with improvements to the Walnut Hill Pump Station facility, in an amount not to exceed $1,544,241.00, by Resolution No. 15-0392; and

WHEREAS, on April 11, 2018, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering services associated with improvements to the Walnut Hill Pump Station facility, in an amount not to exceed $356,750.00, from $1,544,241.00 to $1,900,991.00, by Resolution No. 18-0554; and

WHEREAS, the City of Dallas has identified a need to improve the 70-year-old Walnut Hill Pump Station, a key facility for boosting system pressures and flows, which has exceeded its service life; and

WHEREAS, additional services are required to provide engineering support and owner representation services through the completion of the Walnut Hill Pump Station design-build delivery process; and

WHEREAS, Nathan D. Maier Consulting Engineers, Inc., 12377 Merit Drive, Suite 700, Dallas, Texas 75251, has submitted an acceptable proposal to provide these engineering services; and

WHEREAS, Dallas Water Utilities recommends that Contract No. 15-003E be increased by $454,972.00, from $1,900,991.00 to $2,355,963.00.

Now, Therefore,

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

SECTION 1. That the proposed Supplemental Agreement No. 2 to the professional services contract be accepted and that Contract No. 15-003E with Nathan D. Maier Consulting Engineers, Inc., be revised accordingly.

SECTION 2. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc., approved as to form by the City Attorney, to provide additional engineering services associated with improvements to the Walnut Hill Pump Station facility, in an amount not to exceed $454,972.00, increasing the contract amount from $1,900,991.00 to $2,355,963.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $454,972.00 to Nathan D. Maier Consulting Engineers, Inc. from the Water Capital Improvement Fund, Fund 2115, Department DWU, Unit PW40, Object 4111, Program 715003, Encumbrance CT–DWU715003CP, Vendor 192659.

SECTION 4. That this contract is designated as Contract No. DWU-2017-00003508.

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

Agenda Information Sheet

File #: 19-386 **Item #:** 49.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 1, 6

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize the **(1)** establishment of appropriations in the amount of $7,091,014.00 in the IH30 Construction Fund; **(2)** transfer of funds in the amount up to $7,091,014.00 from the General Capital Reserve Fund to the IH30 Construction Fund; and **(3)** payment to Texas Department of Transportation for additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway in an amount up to $7,094,014.00 - Financing: IH30 Construction Fund

BACKGROUND

Since the early 1990's, the Trinity River Corridor Project has been discussed with the community at large. Thousands of participants have contributed to the overall plan which includes flood protection, recreation, transportation, ecosystem restoration and economic development. Signature bridges have been considered a critical component of both the transportation and economic development initiatives. The City worked with Santiago Calatrava, LLC as a part of the 1998 Bond Program to design signature bridge components for the Trinity River Corridor Project. The first Calatrava bridge is the Margaret Hunt Hill Bridge which was completed in 2012. The Margaret McDermott (IH30) Bridge is the second Calatrava designed bridge crossing The Trinity.

The Texas Department of Transportation (TxDOT) is responsible for the construction of the Margaret McDermott Bridge (IH30) and the project has been included into the Horseshoe Project. The Horseshoe Project's scope entails the reconstruction of the Margaret McDermott (IH30) and Interstate Highway 35 bridges across the Trinity River Floodway and the connecting freeway segment locally known as the downtown "mixmaster". Design of the signature bridges was completed in August 2012.

TxDOT awarded the Horseshoe Design-Build contract to Pegasus Link Constructors (PLC) on November 15, 2012. The actual bids for the IH30 signature bridges came in at $114,987,000.00. However, due to several value engineering strategies, the costs have been reduced to a total of $112,518,433.71 which has been made available for the construction of the signature bridges

including $91,353,860.00 in federal funding, $11,633,140.00 in Regional Transportation Council funding, and $9,531,433.71 in City and private funding.

To address the fatigue issue associated with the constructed cable anchorage assemblies, the Engineer of Record recommended two options. Option 1 entails retrofitting the lower cable anchorage assembly with a new lower socket and a larger anchor rod. Option 2 entails replacing all cables including a new lower cable anchorage assembly with a larger anchor rod. Both options call for additional cable dampers. TxDOT provided a cost estimate in the amount of $7,091,013.05 for Option 2 which involves fabricating and testing new lower cable anchorage assemblies, replacing all existing cables, and installing additional cable dampers. Included in this cost are frontage road lane closures and additional contractor's bonding and insurance costs as the engineering solution was being investigated and developed.

TxDOT anticipates completing the full cable replacements within approximately 34 months from the date of authorizing the change order. TxDOT's contractor was unable to price retrofit Option 1 due to a level of uncertainty of fabrication engineering and non-standard components.

Funding for the full cable replacements will be from the original sale of land and easements associated with this project. Per the City's Local Project Advance Funding Agreement with TxDOT, the City is responsible for construction cost overruns.

This action will authorize a payment to TxDOT for the City's share of additional construction costs in an amount not to exceed $7,091,013.05.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2011
Completed Design	January 2013
Began Construction	April 2013
Complete Construction	April 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1999, City Council authorized support of the concept of signature bridges by Resolution No. 99-2138.

On April 5, 2011, the Trinity River Corridor Project Committee was briefed and recommended the IH30 Bridge Possible New Strategy and contract for Santiago Calatrava, LLC be moved forward to full Council for approval.

On April 13, 2011, City Council authorized a professional services contract with Santiago Calatrava, LLC for engineering and design services for IH30 Bridge Pedestrian and Bicycle Components by Resolution No. 11-1004.

On June 27, 2012, City Council authorized an Interlocal Agreement with the Texas Department of Transportation to establish responsibilities for construction funding for the bicycle and pedestrian components for the Margaret McDermott (IH30) Bridge over the Trinity River by Resolution No. 12-1739.

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On January 14, 2013, the Trinity River Corridor Project Committee was briefed on the Margaret McDermott Bridge Update.

On January 23, 2013, City Council authorized payment to the Texas Department of Transportation in the amount of $8,438,228 for the City's construction funding responsibilities for the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway by Resolution No. 13-0250.

On January 23, 2013, City Council authorized a Project Specific Agreement with Dallas County for funding participation for design and construction of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue, including the Margaret McDermott (IH30) Bicycle and Pedestrian Bridges over the Trinity River Floodway by Resolution No. 13-0251.

On February 22, 2016, the Transportation and Trinity River Project Committee was briefed on the Margaret McDermott Bridge.

On June 22, 2016, City Council authorized payment to the Texas Department of Transportation for additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway by Resolution No. 16-1082.

On April 12, 2017, City Council authorized (1) the receipt and deposit of funds from the Trinity Trust Foundation in support of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; (2) Supplemental Agreement No. 3 to decrease the value of the professional services contract with Santiago Calatrava, LLC for the Margaret McDermott (IH30) Bridge over the Trinity Floodway; (3) an increase in appropriations in the IH30 Bridge Donation Fund; and (4) payment to the Texas Department of Transportation, for additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway by Resolution No. 17-0615.

City Council was briefed on the Margaret McDermott Bridge on May 4, 2018.

City Council was briefed on the Margaret McDermott Bridge on June 29, 2018.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed on the Margaret McDermott Bridge on August 13, 2018.

City Council was briefed on the Margaret McDermott Bridge on October 26, 2018.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

IH30 Construction Fund - $7,091,013.05

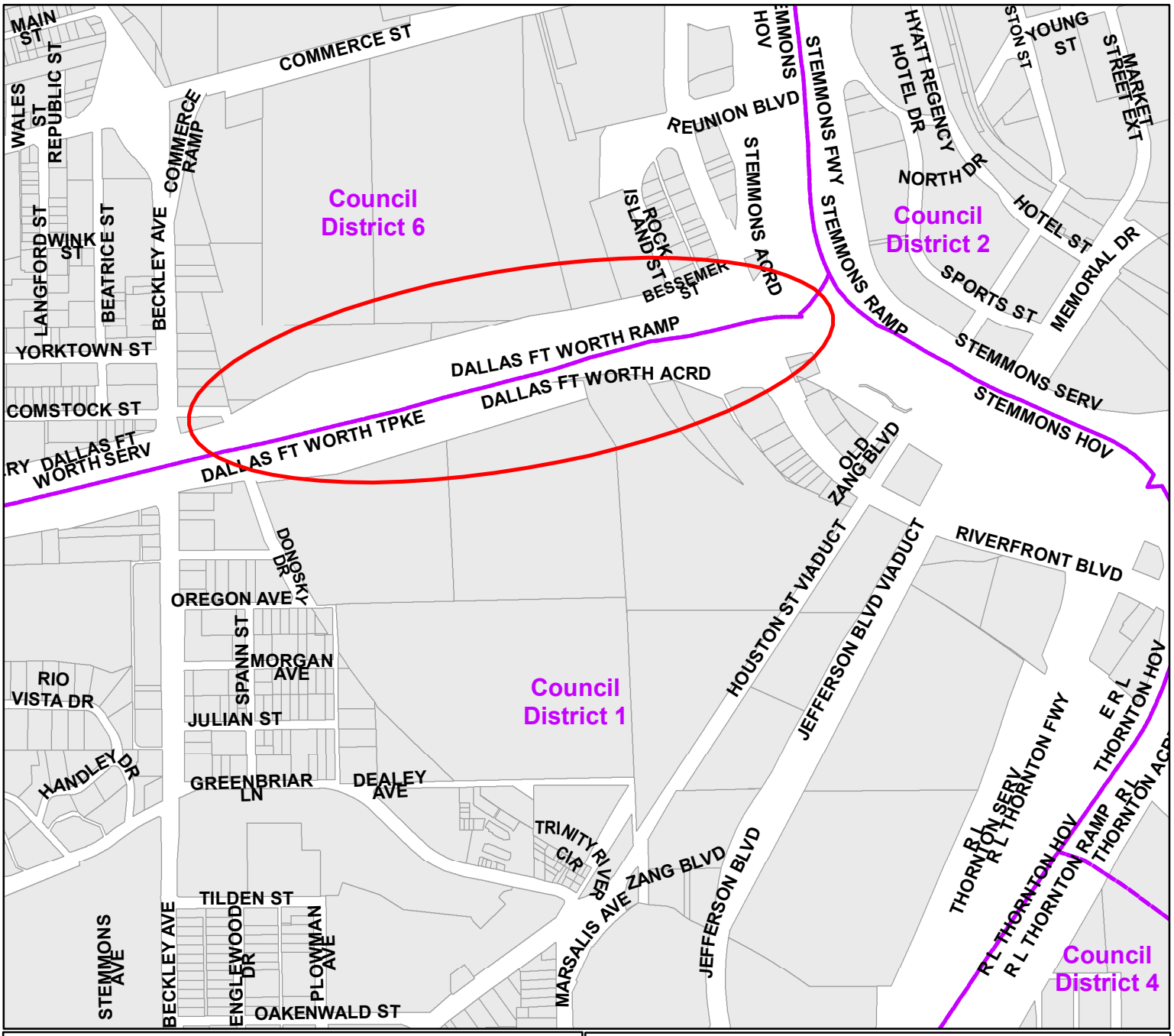
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Council District	Amount
1	$3,545,506.52
6	$3,545,506.53
Total	$7,091,013.05

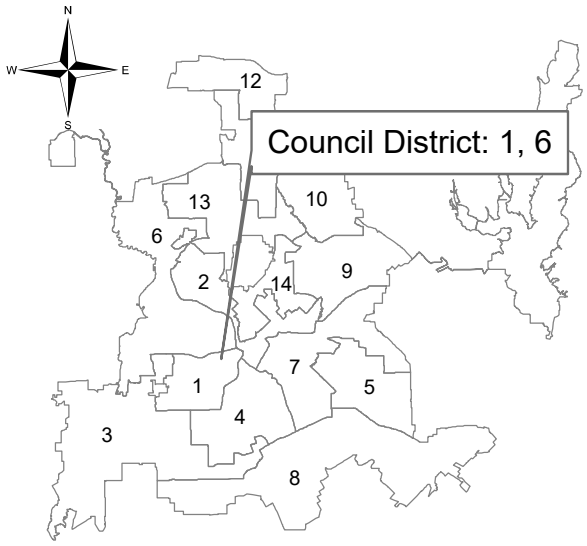
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Margaret McDermott (IH30) Bridge



WHEREAS, on January 23, 2013, City Council authorized a Project Specific Agreement with Dallas County for funding participation in design and construction of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue, including the Margaret McDermott (IH30) Bicycle and Pedestrian Bridges over the Trinity River Floodway by Resolution No. 13-0251; and

WHEREAS, on June 22, 2016, City Council authorized payment to the Texas Department of Transportation for the City's share of construction funding difference for the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway, in an amount of $1,093,205.71, by Resolution No. 16-1082; and

WHEREAS, on December 2, 2016, Administrative Action No. 16-1266 authorized payment to the Texas Department of Transportation for the City's share of additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway, in an amount of $45,024.79; and

WHEREAS, on March 8, 2017, Administrative Action No. 17- 0317 authorized payment to the Texas Department of Transportation for the City's share of additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway, in an amount of $45,370.79; and

WHEREAS, on April 12, 2017, City Council authorized **(1)** the receipt and deposit of funds in the amount of $100,000.00 from the Trinity Trust Foundation in support of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; **(2)** Supplemental Agreement No. 3 to decrease the value of the professional services contract with Santiago Calatrava, LLC for the Margaret McDermott (IH30) Bridge over the Trinity Floodway for a contract credit in an amount not to exceed ($125,000.00), from $10,688,500.00 to $10,563,500.00 without any change in the services to be performed under the contract; **(3)** an increase in appropriations in the IH30 Bridge Donation Fund in the amount of $100,000.00; and **(4)** payment to the Texas Department of Transportation, in an amount not to exceed $222,017.00 for additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway by Resolution No. 17-0615; and

WHEREAS, it is now necessary to authorize payment to the Texas Department of Transportation (TxDOT) for additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway.

Now, Therefore,

April 10, 2019

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

SECTION 1. That the City has no other option than to pay the additional cost to get the project completed and reserves its right to pursue all other responsible third parties for these additional costs.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in the amount of $7,091,014.00 in the IH30 Construction Fund, Fund DL16, Department DWU, Unit W369, Object 3511.

SECTION 3. That the Chief Financial Officer is hereby authorized to transfer $7,091,014.00 from the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416 to the IH30 Construction Fund, Fund DL16, Department DWU, Unit W369, Object 3511.

SECTION 4. That the Chief Financial Officer is hereby authorized to make payment to the Texas Department of Transportation in an amount up to $7,091,014, for the City's share of additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway in accordance with the terms and conditions of the Local Transportation Project Advance Funding Agreement from IH30 Construction Fund, Fund DL16, Department DWU, Unit W369, Activity TRPP, Object 3511, Program PB98P107, Encumbrance CT-PBW98P107D2-3, Vendor 239588.

SECTION 5. That this contract is designated as Contract No. DWU-2019-00009903.

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

Agenda Information Sheet

File #: 19-428 **Item #:** 50.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize the **(1)** rejection of bids received for the installation of water and wastewater mains at various locations; and **(2)** re-advertisement for new bids - Financing: No cost consideration to the City

BACKGROUND

This project consists of the installation of approximately 48,163 feet of water and wastewater mains. This includes the installation of approximately 33,317 of 4-inch thru 24-inch water mains, and the installation of 14,846 feet of 8-inch thru 24-inch wastewater mains.

On March 1, 2019, two bids were received. Bid proposals received were significantly higher than the engineer's estimate and the project budget. In the best interest of the City of Dallas, the Water Utilities Department is recommending rejection of bids received and the re-advertisement of this project at a later date. The project will be repackaged in an effort to receive more bids and better proposals.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 8, 2019.

FISCAL INFORMATION

No cost consideration to the City.

April 10, 2019

WHEREAS, on March 1, 2019, bids were received for water and wastewater main replacements at various locations; and

WHEREAS, bid proposals were significantly higher than the engineer's estimate and the project budget; and

WHEREAS, it has been determined that it is in the best interest of the City of Dallas to reject the bids received and re-advertise for new bids at a later date.

Now, Therefore,

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

SECTION 1. That all bids received for the installation of water and wastewater mains at various locations, Contract No. 18-173/174, be rejected; and re-advertise for new bids.

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

Agenda Information Sheet

File #: 19-436 **Item #:** 51.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Ordinances authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019A, in the amount of $22,000,000.00, and City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019B, in the amount of $44,000,000.00, to the Texas Water Development Board; approving the execution of the agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed $238,320.00 - Financing: Water Utilities Fund

BACKGROUND

On December 14, 2016, City Council authorized the City Manager and the Director of Dallas Water Utilities (DWU) to submit loan applications to the Texas Water Development Board (TWDB) for low-cost financial assistance to help facilitate DWU's annual small diameter water and wastewater main replacement programs. Financial assistance applications for the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF) were submitted by DWU in January 2017 and financial commitments were received from the TWDB on May 31, 2017.

In accordance with the financial assistance programs, DWU will issue $66 million in bonds that will be purchased by the TWDB. Through the purchase of our bonds, the TWDB will in turn provide Dallas with interest rates 165 basis points below CWSRF and 135 basis points below DWSRF current market rates. This will result in an average annual debt service payment reduction of approximately $879,000.00 when compared to a public offering.

This item represents the second year of a five-year funding commitment from the TWDB, totaling $330 million. Subsequent items will be presented to Council for approval, annually over the next three years. Participation in these programs will benefit DWU and its customers by providing lower overall costs for financing its water and wastewater main replacement programs.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 14, 2016, City Council authorized a loan application to the Texas Water Development Board for low cost financial assistance through the Drinking Water State Revolving Fund to fund the engineering and construction of Dallas Water Utilities' water main replacement program for the next five years by Resolution No. 16-1942.

On December 14, 2016, City Council authorized a loan application to the Texas Water Development Board for low cost financial assistance through the Clean Water State Revolving Fund to fund the engineering and construction of Dallas Water Utilities' wastewater main replacement program for the next five years by Resolution No. 16-1943.

On April 11, 2018, City Council authorized the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018A, in the amount of $22,000,000, and City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018B, in the amount of $44,000,000, to the Texas Water Development Board; approving the execution of the agreements in connection with the sale of the bonds; and all other matters related thereto by Resolution No. 18-0555.

The Government Performance and Financial Management Committee will be briefed by memorandum regarding this matter on April 1, 2019.

FISCAL INFORMATION

Water Utilities Fund - $238,320.00

M/WBE INFORMATION

See Attachment I and II for M/WBE participation.

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Attachment I

SERIES 2019 A
WATERWORKS AND SEWER SYSTEM
REVENUE BONDS
$22,000,000
Estimate of Total Bond Issuance Costs and M/WBE Participation

Co-Bond Counsel		
McCall, Parkhurst & Horton LLP (Vendor #193173)	$37,500	
Escamilla & Poneck (Vendor #518903) *	$16,300	
Co-Financial Advisor		
Hilltop Securities (Vendor #VS52889)	$33,052	
Estrada Hinojosa (Vendor #259910) *	$17,868	
Out-of-Pocket Expenses		
Hilltop Securities (Vendor #VS52889)	$500	
Total Issuance Cost	**$105,220**	
Total M/WBE Participation as % of Total Issuance Costs	$34,168	32.47%

* M/WBE Vendor

Attachment II

SERIES 2019 B
WATERWORKS AND SEWER SYSTEM
REVENUE BONDS
$44,000,000
Estimate of Total Bond Issuance Costs and M/WBE Participation

Co-Bond Counsel		
McCall, Parkhurst & Horton LLP (Vendor #193173)	$47,500	
Escamilla & Poneck (Vendor #518903) *	$20,700	
Co-Financial Advisor		
Hilltop Securities (Vendor #VS52889)	$41,140	
Estrada Hinojosa (Vendor #259910) *	$23,260	
Out-of-Pocket Expenses		
Hilltop Securities (Vendor #VS52889)	$500	
Total Issuance Cost	**$133,100**	
Total M/WBE Participation as % of Total Issuance Costs	$43,960	33.02%

* M/WBE Vendor

ORDINANCE NO. _____

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2019A; AWARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :
CITY OF DALLAS :

WHEREAS, the City of Dallas (the "City" or the "Issuer") has heretofore issued its City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981 (the "Series 1981 Bonds"); and

WHEREAS, defined terms used in this Ordinance shall have the meaning given said terms in Section 7 of this Ordinance, unless otherwise indicated herein; and

WHEREAS, in the ordinance authorizing the issuance of the Series 1981 Bonds (the "1981 Ordinance"), the City reserved the right to issue revenue bonds on a parity with the Series 1981 Bonds; and

WHEREAS, under authority of the right reserved in the 1981 Ordinance, the City issued and there currently remain outstanding revenue bonds from each series of bonds described in the definition of "Previously Issued Parity Bonds" set forth in Section 7 of this Ordinance; and

WHEREAS, in addition to the outstanding Previously Issued Parity Bonds, the City has authorized the issuance from time to time and at any one time outstanding of up to $600,000,000 of its Waterworks and Sewer System Commercial Paper Notes, Series D and Series E (the "Commercial Paper Notes"), for the purpose of improving and extending the System; and

WHEREAS, the City deems it appropriate to issue the hereinafter authorized bonds for the purpose of planning, acquisition, designing, and constructing extensions and improvements to the System; and

WHEREAS, the Texas Water Development Board has committed to purchase the bonds hereinafter authorized pursuant to Subchapter Q of Chapter 15, Texas Water Code; and

WHEREAS, the bonds hereinafter authorized are to be issued and delivered pursuant to the laws of the State of Texas, including Chapter 1502, Texas Government Code; and

WHEREAS, the bonds hereinafter authorized shall be on a parity with the outstanding Previously Issued Parity Bonds; and

WHEREAS, concurrently with the adoption of this Ordinance, the City Council adopted an ordinance authorizing the issuance of the obligations hereinafter defined as the "Concurrent Bonds"; and

WHEREAS, the City Council does hereby determine that it is necessary and desirable to adopt this Ordinance for the purposes hereinafter stated;

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

Section 1. **BONDS AUTHORIZED**. That the City's bonds (the "Bonds") are hereby authorized to be issued in the aggregate principal amount of $22,000,000 for the purpose of planning, acquisition, designing, and constructing extensions and improvements to the System. The Bonds shall be designated as the **"City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019A"**. The Bonds are issued as "Additional Bonds" as such term is defined in the 1981 Ordinance, and shall be in all respects on a parity with the outstanding Previously Issued Parity Bonds.

Section 2. **DATES, DENOMINATIONS, NUMBER AND MATURITIES**. That the Bonds shall be dated April 1, 2019, shall be in the denomination of $5,000 or any integral multiple thereof (an "Authorized Denomination"), shall be numbered consecutively from R-1 upward, and shall mature on the maturity date, in each of the years and in the amounts as set forth in Schedule I to this Ordinance. The Texas Water Development Board (the "TWDB") will purchase the Bonds in the manner described in Section 30 of this Ordinance.

Section 3. **REDEMPTION**. (a) That the City reserves the right to redeem the Bonds maturing on or after October 1, 2030, in whole or in part in principal amounts of $5,000 or any integral multiple thereof, on October 1, 2029, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the amounts thereof to be redeemed, and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; provided, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

(b) The Bonds are not subject to mandatory sinking fund redemption prior to their scheduled maturities.

(c) At least thirty (30) days prior to the date any such Bonds are to be redeemed, (i) a written notice of redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at the address thereof as shown on the Registration Books and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that should the TWDB be the owner of 100% in

aggregate principal amount of the Bonds then outstanding, notice of redemption shall not be required to be published in the manner described in (ii) above; and provided, further, that should the TWDB not be the owner of 100% in aggregate principal amount of the Bonds then outstanding, the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bond, and the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Bonds, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of the Bonds or any portion thereof. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing or accruing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in this Ordinance. In addition, notice of such redemption shall be provided in the manner described in Section 5(h) hereof, but the failure to provide such notice as described in Section 5(h) hereof shall not affect the validity or effectiveness of the proceedings for the redemption of the Bonds.

Section 4. **INTEREST**. That interest on the Bonds shall be payable on October 1, 2019, and semiannually thereafter on April 1 and October 1 of each year, until maturity or redemption prior to maturity, to the registered owner of any such Bond as of the Record Date (as defined in the FORM OF BOND) next preceding such interest payment date, in the manner provided in the FORM OF BOND, at the rates per annum as set forth in Schedule I to this Ordinance. Interest on the Bonds shall accrue from the date of delivery of the Bonds, and shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

Section 5. **PAYING AGENT/REGISTRAR; BOOK-ENTRY ONLY SYSTEM**. (a) That the City shall keep or cause to be kept at the corporate trust office designated by UMB Bank, N.A., as its place of payment for the Bonds, or such other bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve and perform duties of and services of paying agent and registrar, named in accordance with the provisions of (g) of this Section hereof (the "Paying Agent/Registrar"), books or records of the registration and transfer of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep the Registration Books and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and registrations as herein provided. The place of payment so designated by the Paying Agent/Registrar shall be referred to herein as the "Designated Trust Office" of the Paying

Agent/Registrar. It shall be the duty of the Paying Agent/Registrar to obtain from the registered owner and record in the Registration Books the address of such registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided. The Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any entity other than the City. Registration of each Bond may be transferred in the Registration Books only upon presentation and surrender of such Bond for transfer of registration and cancellation to the Paying Agent/Registrar at its Designated Trust Office during normal business hours, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing the assignment of the Bond, or any portion thereof in any Authorized Denomination, to the assignee or assignees thereof, and the right of such assignee or assignees to have the Bond or any such portion thereof registered in the name of such assignee or assignees. Upon the assignment and transfer of any Bond or any portion thereof, a new substitute bond or bonds shall be issued in exchange therefor in the manner herein provided. As of the date this Ordinance is approved by the City, the Designated Trust Office is the Dallas, Texas corporate trust office of UMB Bank, N.A.

(b) The entity in whose name any Bond shall be registered in the Registration Books at any time shall be treated as the absolute owner thereof for all purposes of this Ordinance, whether such Bond shall be overdue, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary unless otherwise required by law; and payment of, or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(c) The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds, and to act as its agent to exchange or replace Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all exchanges of the Bonds, and all replacements of the Bonds, as provided in this Ordinance.

(d) Each Bond may be exchanged for fully registered bonds in the manner set forth herein. Each Bond issued and delivered pursuant to this Ordinance, to the extent of the unpaid or unredeemed principal amount thereof, may, upon surrender thereof at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered bonds, without interest coupons, in the form prescribed in the FORM OF BOND, in an Authorized Denomination (subject to the requirement hereinafter stated that each substitute Bond shall have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the unpaid or unredeemed principal amount of any Bond or Bonds so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Bond shall be redeemed prior to its scheduled maturity as provided herein, at the request of the registered owner a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in an Authorized Denomination, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for

cancellation. If any Bond or portion thereof is assigned and transferred, each Bond issued in exchange therefor shall have the same principal maturity date and bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange or replace Bonds as provided herein, and each fully registered substitute Bond delivered in exchange for or replacement of any Bond or portion thereof as permitted or required by any provision of this Ordinance shall constitute one of the Bonds for all purposes of this Ordinance, and may again be exchanged or replaced. On each substitute Bond issued in exchange for or replacement of any Bond or Bonds issued under this Ordinance there shall be printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF BOND (the "Authentication Certificate"). An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date the Authentication Certificate, and no such Bond shall be deemed to be issued or outstanding unless the Authentication Certificate is so executed and dated. The Paying Agent/Registrar promptly shall cancel all Bonds surrendered for exchange or replacement. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, pursuant to Chapter 1206, particularly Subchapter B thereof. The duty of such exchange or replacement of Bonds as described in the preceding sentence is hereby imposed upon the Paying Agent/Registrar, and upon the execution of the Authentication Certificate, the exchanged or replaced Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which originally were delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts. Neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business fifteen (15) days before the day of the first mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bond after it is selected for redemption, in whole or in part, when such redemption is scheduled to occur within thirty (30) calendar days; provided, however, that such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

(e) All Bonds issued in exchange or replacement of any other Bond or portion thereof, (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on the Bonds to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BOND.

(f) The City shall pay all of the Paying Agent/Registrar's reasonable and customary fees and charges for making transfers, conversions and exchanges of the Bonds in accordance with an agreement between the City and the Paying Agent/Registrar, but the registered owner of any Bond requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. In addition, the City hereby covenants with the registered owners of the Bonds that it will pay the reasonable standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due.

(g) The City covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar, to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than sixty (60) days' written notice to the Paying Agent/Registrar. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the services of Paying Agent/Registrar, which shall be a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state authority, and whose qualifications substantially are similar to the previous Paying Agent/Registrar, to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the City and to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class, postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(h)(i) In addition to the manner of providing notice of redemption of Bonds as described in Section 3 hereof, the Paying Agent/Registrar shall give notice of redemption of Bonds by United States mail, first-class, postage prepaid, at least thirty (30) days prior to a redemption date to the MSRB. In addition, in the event of a redemption caused by an advance refunding of the Bonds, the Paying Agent/Registrar shall send a second notice of redemption to the persons specified in the immediately preceding sentence at least thirty (30) days but not more than ninety (90) days prior to the actual redemption date. Any notice sent to the MSRB shall be sent so that such notice is received at least two (2) days prior to the general mailing or publication date of such notice. The Paying Agent/Registrar shall also send a notice of redemption to the registered owner of any Bonds who has not sent the Bonds in for redemption sixty (60) days after the redemption date. The failure to send, mail or receive any such notice described in this clause (i), or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond.

(ii) Each redemption notice, whether required in the FORM OF BOND or otherwise by this Ordinance, shall contain a description of the Bonds to be redeemed including the complete name of the Bonds, the Series, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts called of each Bond, the publication and mailing date for the notice, the date of redemption, the redemption price, the name of the Paying Agent/Registrar and the address at which the Bond may be redeemed including a contact person and telephone number.

(iii) All redemption payments made by the Paying Agent/Registrar to the registered owners of the Bonds shall include a CUSIP number relating to each amount paid to such registered owner.

(i) The Bonds initially shall be issued and delivered in such manner that no physical distribution of the Bonds will be made to the public, and DTC initially will act as depository for the Bonds. DTC has represented to the City that it is a limited purpose trust company incorporated under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered under Section 17A of the Securities Exchange Act of 1934, as amended, and the City accepts, but in no way verifies, such representations. It is expected that upon the initial delivery of Bonds, DTC will hold the Bonds on behalf of the TWDB, and that the definitive Bonds held at DTC upon delivery of the Bonds to the TWDB shall be registered in the name of CEDE & CO., the nominee of DTC. So long as each Bond is registered in the name of CEDE & CO., the Paying Agent/Registrar shall treat and deal with DTC the same in all respects as if it were the actual and beneficial owner thereof. It is expected that DTC will maintain a book-entry system which will identify ownership of the Bonds in Authorized Denominations, with transfers of ownership being effected on the records of DTC and its participants pursuant to rules and regulations established by them, and that the Bonds initially deposited with DTC shall be immobilized and not be further exchanged for substitute Bonds except as hereinafter provided. The City is not responsible or liable for any functions of DTC, will not be responsible for paying any fees or charges with respect to the services of DTC, will not be responsible or liable for maintaining, supervising, or reviewing the records of DTC or its participants, or protecting any interests or rights of the beneficial owners of the Bonds. It shall be the duty of the DTC Participants (in the case of the Bonds, the TWDB) to make all arrangements with DTC to establish this book-entry system, the beneficial ownership of the Bonds, and the method of paying the fees and charges of DTC. The City does not represent, nor does it in any way covenant that the initial book-entry system established with DTC will be maintained in the future. Notwithstanding the initial establishment of the foregoing book-entry system with DTC, if for any reason any of the originally delivered Bonds is duly filed with the Paying Agent/Registrar with proper request for transfer and substitution, as provided for in this Ordinance, substitute Bonds will be duly delivered as provided in this Ordinance, and there will be no assurance or representation that any book-entry system will be maintained for the Bonds. The City heretofore has executed a "Blanket Letter of Representations" prepared by DTC in order to implement the book-entry system described above. The foregoing notwithstanding, for so long as the TWDB is an owner of any outstanding Bonds, the City will not discontinue the DTC book-entry system without the consent of the TWDB.

(j) The Paying Agent/Registrar shall complete the "Date of Delivery" on each installment of Bonds initially delivered to the TWDB, upon the satisfaction of the conditions described in Section 30 of this Ordinance.

Section 6. **FORM OF BONDS**. That the form of all Bonds, including the form of the Authentication Certificate, the form of Assignment, and the form of the Comptroller's Registration Certificate to accompany the Bonds on the initial delivery thereof, shall be, respectively, substantially in the form set forth in Exhibit A to this Ordinance, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance.

Section 7. **DEFINITIONS**. That, as used in this Ordinance, the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term "Additional Bonds" shall mean the additional parity revenue bonds which the City reserves the right to issue in the future, as provided in this Ordinance.

The term "Amortization Installment", with respect to any Term Bonds of any Previously Issued Parity Bonds, any of the Bonds designated in this Ordinance as Term Bonds, or any series of Additional Bonds, shall mean the amount of money which is required to be deposited into the Mandatory Redemption Account referred to in Section 10(b) hereof for retirement of such Term Bonds (whether at maturity or by mandatory redemption and including redemption premium, if any), provided that the total Amortization Installments for such Term Bonds shall be sufficient to provide for retirement of the aggregate principal amount of such Term Bonds.

The term "Application" shall mean the application for financial assistance filed by the City with the TWDB to finance the Project.

The term "Authorized Denomination" shall have the same meaning as set forth in Section 2(a) hereof.

The terms "Bonds" and "Series 2019A Bonds" shall mean one or more, as the case may be, of the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019A, authorized to be issued by this Ordinance.

The term "Business Day" shall mean a day other than a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the City or the city where the Designated Trust Office of the Paying Agent/Registrar is located.

The term "Chapter 9" shall mean Chapter 9, Texas Business & Commerce Code, as amended.

The term "Chapter 1206" shall mean Chapter 1206, Texas Government Code, as amended.

The term "Chapter 1208" shall mean Chapter 1208, Texas Government Code, as amended.

The term "Chapter 2256" shall mean the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended.

The term "Chapter 2257" shall mean the Public Funds Collateral Act, Chapter 2257, Texas Government Code.

The terms "City" and "Issuer" shall mean the City of Dallas, Texas.

The term "Code" shall mean the Internal Revenue Code of 1986, as amended.

The term "Concurrent Bonds" shall mean the Series 2019B Bonds.

The term "DTC" shall mean The Depository Trust Company, New York, New York.

The term "DTC Participant" shall mean the securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants, and shall include, for so long as it is an owner of Bonds, the TWDB.

The term "Designated Trust Office" shall have the same meaning as set forth in Section 5(a) hereof.

The terms "Gross Revenues of the City's Combined Waterworks and Sewer System" and "Gross Revenues" shall mean all revenues, income, and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the investment or deposit of money in any Fund created by this Ordinance, or maintained by the City in connection with the System.

The term "Interest and Sinking Fund" shall have the meaning as set forth in Section 10(a) hereof.

The term "MSRB" shall mean the Municipal Securities Rulemaking Board.

The terms "Net Revenues of the City's Combined Waterworks and Sewer System" and "Net Revenues" shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Section 1502.056, Texas Government Code, including all salaries, labor, materials, interest, repairs, and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the Previously Issued Parity Bonds, the Bonds or Additional Bonds, shall be deducted in determining "Net Revenues". Payments made by the City for water supply or treatment of sewage which constitute under the law an operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation and any payments to the City in lieu of ad valorem taxes and any other similar payments shall never be considered as an expense of operation and maintenance.

The term "1981 Ordinance" shall mean the ordinance authorizing the issuance of the Series 1981 Bonds.

The term "Paying Agent/Registrar" shall have the meaning as set forth in Section 5(a) hereof.

The term "Pledged Revenues" shall mean

(1) the Net Revenues, plus

(2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter may be pledged to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds.

The term "Previously Issued Parity Bonds" shall mean the Series 2009B Bonds, the Series 2009C Bonds, the Series 2010 Bonds, the Series 2011 Bonds, the Series 2012A Bonds, the Series 2012B Bonds, the Series 2013 Bonds, the Series 2015A Bonds, the Series 2015B Bonds, the Series 2016A Bonds, the Series 2016B Bonds, the Series 2017 Bonds, the Series 2018A Bonds, the Series 2018B Bonds and the Series 2018C Bonds.

The term "Project" shall mean the costs of planning, acquisition, designing, and constructing extensions and improvements to the System to be funded with the proceeds of the Bonds, consistent with the terms and conditions set forth in the TWDB Resolution.

The term "Project Fund" shall have the meaning as set forth in Section 29 hereof.

The term "Registration Books" shall have the meaning as set forth in Section 5(a) hereof.

The term "Reserve Fund" shall have the meaning as set forth in Section 11 hereof.

The term "Revenue Fund" shall have the meaning as set forth in Section 9 hereof.

The term "Rule" shall mean SEC Rule 15c2-12, as amended from time to time.

The term "SEC" shall mean the United States Securities and Exchange Commission.

The term "Series 1981 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981, dated April 1, 1981, and authorized by ordinance of the City passed April 1, 1981; the term "Series 2009B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009B, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009C, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2010 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2010, dated June 15, 2010, and authorized by ordinance of the City passed June 9, 2010; the term "Series 2011 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2011, dated July 26, 2011, and authorized by ordinance of the City passed June 23, 2011; the term "Series 2012A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2012B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2012B, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2013 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2013, dated September 17, 2013, and authorized by ordinance of the City passed August 14, 2013; the term "Series 2015A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015A,

dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2015B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2015B, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2016A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; the term "Series 2016B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; the term "Series 2017 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017, dated August 17, 2017, and authorized by ordinance of the City passed June 14, 2017; the term "Series 2018A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018A, dated April 1, 2018, and authorized by ordinance of the City passed April 11, 2018; the term "Series 2018B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018B, dated April 1, 2018, and authorized by ordinance of the City passed April 11, 2018; the term "Series 2018C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, dated September 26, 2018, and authorized by ordinance of the City passed August 8, 2018; and the term "Series 2019B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019B, dated April 1, 2019, and authorized by ordinance of the City passed April 10, 2019.

The term "System" shall mean and include the City's combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements, and additions thereto, and all replacements thereof; provided, however, that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Pledged Revenues as defined herein, but which are secured by and payable solely from special contract revenues or payments received from any other legal entity in connection with such facilities; and such revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

The term "Term Bonds" shall mean those Bonds (if any) so designated pursuant to this Ordinance, and those Previously Issued Parity Bonds or Additional Bonds so designated in the ordinances authorizing such bonds, which shall be subject to retirement by operation of the Mandatory Redemption Account referred to in Section 10(b) hereof.

The term "TWDB" shall mean the Texas Water Development Board.

The term "TWDB Resolution" shall mean the Resolution 17-043, adopted by the TWDB on May 31, 2017.

The term "Year" shall mean the regular fiscal year used by the City in connection with the operation of the System, which may be any twelve consecutive months period established by the City.

Section 8. **PLEDGE**. (a) That the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, and any interest payable thereon, are and shall be secured by and payable from an irrevocable first lien on and pledge of the Pledged Revenues; and the Pledged Revenues are further pledged irrevocably to the establishment and maintenance of the Interest and Sinking Fund and the Reserve Fund as hereinafter provided. The Previously Issued Parity Bonds, the Bonds and any Additional Bonds are and will be secured by and payable only from the Pledged Revenues, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting the System.

(b) Chapter 1208 applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues granted by the City is to be subject to the filing requirements of Chapter 9, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9 and enable a filing to perfect the security interest in said pledge to occur.

Section 9. **REVENUE FUND**. That there has been created and established on the books of the City, and accounted for separate and apart from all other funds of the City, a special fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Fund" (the "Revenue Fund"). All Gross Revenues are and shall be credited to the Revenue Fund immediately upon receipt. All current expenses of operation and maintenance of the System are and shall be paid from such Gross Revenues as a first charge against same.

Section 10. **INTEREST AND SINKING FUND**. (a) That for the sole purpose of paying the principal of and interest on the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, as the same come due, there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Interest and Sinking Fund" (the "Interest and Sinking Fund"). Monies in the Interest and Sinking Fund are and shall be maintained at an official depository bank of the City.

(b) That within the Interest and Sinking Fund there has been established the Mandatory Redemption Account, into which account shall be credited the Amortization Installments which shall be used for the payment of the principal of Term Bonds as the same shall come due, whether by maturity thereof or by redemption, through the operation of the Mandatory Redemption Account.

Section 11. **RESERVE FUND**. That there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Reserve Fund" (the "Reserve Fund"). Monies in the Reserve Fund shall be used solely for the purpose of retiring the last of any Previously Issued Parity Bonds, Bonds or Additional Bonds as they become due or paying principal of and interest on any Previously Issued Parity Bonds, Bonds or Additional Bonds when and to the extent the amounts in the Interest and Sinking Fund are insufficient for such purpose. Monies in the Reserve Fund shall be maintained at an official depository bank of the City.

Section 12. **DEPOSITS OF PLEDGED REVENUES; INVESTMENTS**. (a) That the Pledged Revenues shall be deposited in the Interest and Sinking Fund and the Reserve Fund when and as required by ordinances authorizing Previously Issued Parity Bonds and by this Ordinance.

(b) That money in any Fund established by this Ordinance or by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be invested in Authorized Investments; provided, however, that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds. As used in this Section, the term "Authorized Investments" shall mean those investments in which the City is now or hereafter authorized by law, including, but not limited to, Chapter 2256, and consistent with the City's investment policy adopted and approved from time to time by the City Council pursuant to the provisions of Chapter 2256, to purchase, sell and invest its funds and funds under its control.

Section 13. **FUNDS SECURED**. That money in all Funds created by this Ordinance, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City. All uninvested and unescrowed proceeds from the delivery of the Bonds shall be subject to the provisions of Chapter 2257. Proceeds of the Bonds shall be held at a designated state depository institution or other properly chartered and authorized institution in accordance with Chapter 2256 and Chapter 2257.

Section 14. **DEBT SERVICE REQUIREMENTS**. (a) That promptly after the delivery of the Bonds the City shall cause to be deposited to the credit of the Interest and Sinking Fund any accrued interest received from the sale and delivery of the Bonds, and any such deposit shall be used to pay part of the interest next coming due on the Bonds.

(b) That in addition to all amounts heretofore required to be transferred from the Pledged Revenues and deposited to the credit of the Interest and Sinking Fund by the ordinances authorizing the issuance of the Previously Issued Parity Bonds, the City shall transfer from the Pledged Revenues and deposit to the credit of the Interest and Sinking Fund the amounts, at the times, as follows:

(1) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the interest scheduled to accrue and come due on the Bonds on the next succeeding interest payment date; and

(2) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the principal scheduled to mature and come due on the Bonds on the next succeeding principal payment date.

Section 15. **RESERVE REQUIREMENTS**. That the Reserve Fund shall be maintained in an amount equal to the average annual principal and interest requirements (including Amortization Installments) of the Previously Issued Parity Bonds, the Bonds and Additional Bonds (the "Required Amount"). When and so long as the money and investments in the Reserve Fund are not less than the Required Amount, no deposits need be made to the credit of the Reserve Fund. When and if the Reserve Fund contains less than the Required Amount due to the issuance of the Bonds or Additional Bonds, beginning on the 25th day of the month following the delivery of the Bonds or Additional Bonds to the purchasers thereof, and continuing for sixty (60) months, the City shall transfer from the Pledged Revenues and deposit to the credit of the Reserve Fund an amount equal to 1/60th of the difference determined as of such delivery date between the amount in the Reserve Fund and the Required Amount. When and if the Reserve Fund at any time contains less than the Required Amount due to any cause or condition other than the issuance of Additional Bonds, then, subject and subordinate to making the required deposits to the credit of the Interest and Sinking Fund, such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose. The City may, at its option, withdraw and use for any lawful purpose not inconsistent with the City's Charter, all surplus in the Reserve Fund over the Required Amount.

Section 16. **DEFICIENCIES; EXCESS PLEDGED REVENUES**. (a) That if on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Sinking Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

(b) That, subject to making the required deposits to the credit of the Interest and Sinking Fund and the Reserve Fund when and as required by this Ordinance, or any ordinance authorizing the issuance of Previously Issued Parity Bonds or Additional Bonds, the excess Pledged Revenues may be used by the City for any lawful purpose not inconsistent with the City's Charter.

Section 17. **PAYMENT OF THE BONDS AND ADDITIONAL BONDS**. That on or before October 1, 2019, and semiannually on or before each April 1 and October 1 thereafter while any of the Previously Issued Parity Bonds, the Bonds or Additional Bonds are outstanding and unpaid, the City shall make available to the paying agents therefor (including the Paying Agent/Registrar), out of the Interest and Sinking Fund and the Reserve Fund (if necessary), money sufficient to pay such interest on and such principal of the Previously Issued Parity Bonds, the Bonds and Additional Bonds as shall become due on such dates, respectively, at maturity or by redemption prior to maturity. The aforesaid paying agents (including the Paying Agent/Registrar) shall destroy all paid Previously Issued Parity Bonds, Bonds and Additional Bonds, and furnish the City with an appropriate certificate of cancellation or destruction.

Section 18. **FINAL DEPOSITS; GOVERNMENTAL OBLIGATIONS**. (a) That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Defeasance Securities, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Defeasance Securities.

(b) That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from all Defeasance Securities in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) That for the purpose of this Section, the term "Defeasance Securities" shall mean (i) direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the City provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the Board provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, or (iv) any other then authorized

securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

(e) That notwithstanding any other provisions of this Ordinance, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes.

Section 19. **ADDITIONAL BONDS**. (a) That the City shall have the right and power at any time and from time to time to authorize, issue and deliver additional parity revenue bonds (herein called "Additional Bonds") in one or more series or issues, in accordance with law, in any amounts, for purposes of extending, improving or repairing the System or for the purpose of refunding of any Previously Issued Parity Bonds, Bonds, Additional Bonds or other obligations of the City incurred in connection with the ownership or operation of the System. Such Additional Bonds, if and when authorized, issued and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with the Previously Issued Parity Bonds, the Bonds, and all other outstanding Additional Bonds, from an irrevocable first lien on and pledge of the Pledged Revenues.

(b) That the Interest and Sinking Fund and the Reserve Fund established by the 1981 Ordinance shall secure and be used to pay all Additional Bonds as well as the Previously Issued Parity Bonds and the Bonds. However, each ordinance under which Additional Bonds are issued shall provide and require that, in addition to the amounts required to be deposited to the credit of the Interest and Sinking Fund by the provisions of this Ordinance and the provisions of any other ordinance or ordinances authorizing Additional Bonds, the City shall deposit to the credit of the Interest and Sinking Fund at least such amounts as are required for the payment of all principal of and interest on said Additional Bonds then being issued, as the same come due; and that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased (if and to the extent necessary) to an amount not less than the average annual principal and interest requirements (including Amortization Installments) of all Previously Issued Parity Bonds, Bonds and Additional Bonds which will be outstanding after the issuance and delivery of the then proposed Additional Bonds; and that the required additional amount shall be so accumulated by the deposit in the Reserve Fund of all or any part of said required additional amount in cash immediately after the delivery of the then proposed Additional Bonds, or, at the option of the City, by the deposit of said required additional amount (or any balance of said required

additional amount not deposited in cash as permitted above) in monthly installments, made on or before the 25th day of each month following the delivery of the then proposed Additional Bonds, of not less than 1/60th of said required additional amount (or 1/60th of the balance of said required additional amount not deposited in cash as permitted above).

(c) That all calculations of average annual principal and interest requirements (including Amortization Installments) made pursuant to this Section shall be made as of and from the date of the Additional Bonds then proposed to be issued.

(d) That the principal of all Additional Bonds must be scheduled to be paid or mature on April 1 or October 1 (or both) of the years in which such principal is scheduled to be paid or mature; and all interest thereon must be payable on April 1 and October 1.

Section 20. **FURTHER REQUIREMENTS FOR ADDITIONAL BONDS**. That Additional Bonds shall be issued only in accordance with this Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, Series or issue of Additional Bonds shall be issued or delivered unless:

(a) The Mayor and the City Secretary of the City sign a written certificate to the effect that the City is not in default as to any covenant, condition or obligation in connection with all outstanding Previously Issued Parity Bonds, the Bonds and Additional Bonds, and the ordinances authorizing same, and that the Interest and Sinking Fund and the Reserve Fund each contains the amount then required to be therein.

(b) The Chief Financial Officer of the City signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in her or his opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds.

Section 21. **GENERAL COVENANTS**. That the City further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) **Performance**. It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance, and each ordinance authorizing the issuance of Previously Issued Parity Bonds and Additional Bonds, and in each and every Previously Issued Parity Bond, Bond and Additional Bond; it will promptly pay or cause to be paid the principal of and interest on every Previously Issued Parity Bond, Bond and Additional Bond, on the dates and in the places and manner prescribed in such ordinances and Previously Issued Parity Bonds, Bonds or Additional Bonds; and it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Interest and Sinking Fund and the Reserve Fund; and any holder of the Previously Issued Parity Bonds, Bonds or Additional Bonds may require the City, its officials and employees to carry out, respect or enforce the covenants and obligations of this Ordinance, or any ordinance authorizing the issuance of Additional Bonds, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the City, its officials and employees.

(b) **City's Legal Authority**. It is a duly created and existing home rule city of the State of Texas, and is duly authorized under the laws of the State of Texas to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable special obligations of the City in accordance with their terms.

(c) **Title**. It has or will obtain lawful title to the lands, buildings, structures and facilities constituting the System, that it warrants that it will defend the title to all the aforesaid lands, buildings, structures and facilities, and every part thereof, for the benefit of the holders and owners of the Previously Issued Parity Bonds, Bonds and Additional Bonds, against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds in the manner prescribed herein, and has lawfully exercised such rights.

(d) **Liens**. It will from time to time and before the same become delinquent pay and discharge all taxes, assessments and governmental charges, if any, which shall be lawfully imposed upon it, or the System; it will pay all lawful claims for rents, royalties, labor, materials, and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein; and it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the City.

(e) **Operation of System; No Free Service**. It will, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, continuously and efficiently operate the System, and shall maintain the System in good condition, repair and working order, all at reasonable cost. No free service of the System shall be allowed, and should the City or any of its agencies or instrumentalities make use of the services and facilities of the System, payment of the reasonable value shall be made by the City out of funds from sources other than the revenues of the System, unless made from surplus or excess Pledged Revenues as permitted in Section 16(b) hereof.

(f) **Further Encumbrance**. It, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional Bonds, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and agreements of this Ordinance; but the right of the City to issue revenue bonds payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(g) **Sale or Disposal of Property**. It, while the Previously Issued Parity Bonds, the Bonds or any Additional Bonds are outstanding and unpaid, will not sell, convey, mortgage, encumber, lease or in any manner transfer title to, or otherwise dispose of the System, or any significant or substantial part thereof; provided, however, that whenever the City deems it

necessary to dispose of any property, machinery, fixtures or equipment, it may sell or otherwise dispose of such property, machinery, fixtures or equipment when it has made arrangements to replace the same or provide substitutes therefor, unless it is determined that no such replacement or substitute is necessary. Proceeds from any sale hereunder not used to replace or provide for substitution of such property sold, shall be used for improvements to the System or to purchase or redeem Previously Issued Parity Bonds, Bonds and Additional Bonds.

(h) **Insurance**. (1) It shall cause to be insured such parts of the System as would usually be insured by corporations operating like properties, with a responsible insurance company or companies, against risks, accidents or casualties against which, and to the extent, insurance is usually carried by corporations operating like properties, including, to the extent reasonably obtainable, fire and extended coverage insurance, insurance against damage by floods, and use and occupancy insurance. Public liability and property damage insurance shall also be carried unless the City Attorney of the City gives a written opinion to the effect that the City is not liable for claims which would be protected by such insurance. At any time while any contractor engaged in construction work shall be fully responsible therefor, the City shall not be required to carry insurance on the work being constructed if the contractor is required to carry appropriate insurance. All such policies shall be open to the inspection of the bondholders and their representatives at all reasonable times. Upon the happening of any loss or damage covered by insurance from one or more of said causes, the City shall make due proof of loss and shall do all things necessary or desirable to cause the insuring companies to make payment in full directly to the City. The proceeds of insurance covering such property, together with any other funds necessary and available for such purpose, shall be used forthwith by the City for repairing the property damaged or replacing the property destroyed; provided, however, that if said insurance proceeds and other funds are insufficient for such purpose, then said insurance proceeds pertaining to the System shall be used promptly as follows:

(i) for the redemption prior to maturity of the Previously Issued Parity Bonds, the Bonds and Additional Bonds, ratably in the proportion that the outstanding principal of each series of Previously Issued Parity Bonds, Bonds or Additional Bonds bears to the total outstanding principal of all Previously Issued Parity Bonds, Bonds and Additional Bonds, provided that, if on any such occasion the principal of any such series is not subject to redemption, it shall not be regarded as outstanding in making the foregoing computation; or

(ii) if none of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds is subject to redemption, then for the purchase on the open market and retirement of said Previously Issued Parity Bonds, Bonds and Additional Bonds in the same proportion as prescribed in the foregoing clause (i), to the extent practicable; provided, however, that the purchase price for any Previously Issued Parity Bond, Bond or Additional Bond shall not exceed the redemption price of such Previously Issued Parity Bond, Bond or Additional Bond on the first date upon which it becomes subject to redemption; or

(iii) to the extent that the foregoing clauses (i) and (ii) cannot be complied with at the time, the insurance proceeds, or the remainder thereof, shall be deposited in a special and separate trust fund, at an official depository of the City, to be designated the Insurance Account. The Insurance Account shall be held until such time as the foregoing clauses (i) and/or (ii) can be complied with, or until other funds become available which,

together with the Insurance Account, will be sufficient to make the repairs or replacements originally required, whichever of said events occurs first.

(2) The foregoing provisions of (1) above notwithstanding, the City shall have authority to enter into coinsurance or similar plans where risk of loss is shared in whole or in part by the City.

(3) The annual audit hereinafter required shall contain a section commenting on whether or not the City has complied with the requirements of this Section with respect to the maintenance of insurance, and listing all policies carried, and whether or not all insurance premiums upon the insurance policies to which reference is hereinbefore made have been paid.

(i) **Rate Covenant**. The City Council of the City will fix, establish, maintain and collect such rates, charges and fees for the use and availability of the System at all times as are necessary to produce Gross Revenues sufficient, (1) to pay all current operation and maintenance expenses of the System, (2) to produce Net Revenues for each Year at least equal to 1.25 times the principal and interest requirements (including Amortization Installments) of all then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds for the Year during which such requirements are scheduled to be the greatest, and (3) to pay all other obligations of the System.

(j) **Records**. It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the System, the Pledged Revenues and the Funds created pursuant to this Ordinance, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

(k) **Governmental Agencies**. The City will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorization and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

Section 22. **COMPLIANCE WITH THE TWDB'S RULES AND REGULATIONS**. That the provisions of this Section shall apply so long as the Bonds, or any of them, are owned by the TWDB.

(a) **Annual Audit Reporting**. For so long as the State of Texas owns any of the Bonds, the City shall mail a copy of the audit to the TWDB. In addition, monthly operating statements for the System shall be maintained by the City and made available, upon request, to the TWDB as long as the State owns any Bond, and the monthly operating statement shall be in such detail as requested by the Development Fund Manager of the TWDB, until the Development Fund Manager of the TWDB waives this requirement.

(b) **No Competition**. The City will not grant any franchise or permit for the acquisition, construction or operation of any competing facilities which might be used as a substitute for the System's facilities, and, to the extent that it legally may, the City will prohibit any such competing facilities.

(c) **Final Accounting**. The City shall render a final accounting to the TWDB in reference to the total cost incurred by the City for improvements and extensions to the System which were financed by the issuance of the Bonds, together with a copy of the complete set of "as built" plans of such improvements and extensions promptly upon completion.

(d) **Compliance with the Texas Water Development Board's Rules and Regulations**. The City shall comply with the rules and regulations of the TWDB relating to the loan funds evidenced by the Bonds and the Project for which the Bonds are issued, sold and delivered, and to maintain insurance on the System in such amount as may be required by the TWDB.

(e) **Indemnification of the Texas Water Development Board**. The City shall, to the extent permitted by law, indemnify, hold harmless and protect the TWDB from any and all claims arising from the sampling, analysis, transport, storage, treatment, removal and off-site disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the City, its contractors, consultants, agents, officials and employees as a result of activities relating to the Project financed with the proceeds of the Bonds.

(f) **Water Conservation Program**. The City will implement an approved water conservation program, in satisfaction of the requirements of Section 375.43 of Title 31 of the Texas Administrative Code.

(g) **Environmental Determinations**. The City agrees and covenants that it will comply with any special conditions of the environmental determination of the Executive Administrator in accordance with Title 31, Texas Administrative Code, Chapter 375, Subchapter E, as amended.

(h) **Prohibition on Use of Proceeds**. The City covenants and agrees that none of the proceeds of the Bonds will be expended on costs incurred or to be incurred relating to the sampling, testing, removing or disposing of potentially contaminated soils and/or media at the project site.

(i) **Conveyance of Obligations**. Prior to any action by the City to convey its obligations under the Bonds to another entity, if permitted by law, the conveyance and the assumption of such obligations must be approved by the TWDB. The Issuer shall notify the Executive Administrator prior to taking any actions to alter its legal status in any manner, such a sale-transfer-merger with another retail public utility.

(j) **Davis-Bacon Act Compliance**. All laborers and mechanics employed by contractors and subcontractors for the Project who are paid from proceeds of the Bonds on deposit in the Construction Fund shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality of the City in accordance with the federal Davis-Bacon Act and the U.S. Department of Labor’s implementing regulations pertaining thereto.

(k) **Federal Funding Accountability and Transparency Act**. The City shall provide the TWDB with all information required by the Federal Funding Accountability and Transparency Act of 2006, Pub. L. 109-282.

(l) **DUNS Number and CAGE Code**. The City shall obtain a Data Information Numbering System (DUNS) Number and shall register with the System for Award Management

to obtain a Commercial and Government Entity (CAGE) Code, and maintain current registration at all times during which the Bonds are outstanding.

(m) **Timely Expenditures**. All proceeds of the Bonds will be timely and expeditiously used, as required by applicable federal statutes and U.S. Environmental Protection Agency regulations, and the City shall adhere to a project construction schedule acceptable to the Executive Administrator that facilitates timely use of funds and project completion.

(n) **Insurance**. Insurance coverage be obtained and maintained by the Issuer in an amount sufficient to protect the interest of the TWDB in the Project.

(o) **Remedies**. The TWDB may exercise all remedies available to it in law or equity, and any provision of the Bonds or this Ordinance that restricts or limits the TWDB's full exercise of such remedies shall be of no force and effect.

(p) **Covenant Regarding Taxes and System Rates**. The City hereby agrees that, for so long as the Bonds are outstanding, to levy a tax and/or maintain and collect sufficient rates and charges to produce System revenues in an amount necessary to meet the debt service requirements of all outstanding obligations and to maintain the funds established and required by the Bonds.

(q) **American Iron and Steel Requirements**. The City will abide by all applicable construction contract requirements related to the use of iron and steel products in the United States, as required by the 2014 Federal Appropriations Act and related State Revolving Fund Policy Guidelines.

(r) **Notice of Defeasance.** For so long as the TWDB is an owner of any Bond, the City will provide to the Development Fund Manager of the TWDB written notice of any defeasance of Bonds at least sixty (60) days prior to the defeasance being effected by the City.

(s) **Procurement Requirements**. The City shall provide documentation that it has met all applicable state procurement requirements as well as all federal procurement requirements under the Disadvantaged Business Enterprises program prior to the release of funds for professional consultants including, but not limited to, engineers, financial advisors and bond counsel.

Section 23. **AMENDMENT OF ORDINANCE**. (a) That the holders of the Previously Issued Parity Bonds, Bonds and Additional Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall have the right from time to time to approve any amendment to this Ordinance which may be deemed necessary or desirable by the City; provided, however, that without the consent of the holders of all of the Previously Issued Parity Bonds, Bonds and Additional Bonds at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Ordinance or in the Previously Issued Parity Bonds, Bonds or Additional Bonds so as to:

(1) Make any change in the maturity of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(2) Reduce the rate of interest borne by any of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) Reduce the amount of the principal payable on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(4) Modify the terms of payment of principal of or interest on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds or impose any conditions with respect to such payment;

(5) Affect the rights of the holders of less than all of the Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding; or

(6) Change the minimum percentage of the principal amount of Previously Issued Parity Bonds, Bonds and Additional Bonds necessary for consent to such amendment.

(b) That if at any time the City shall desire to amend the Ordinance under this Section, the City shall cause notice of the proposed amendment to be published in a financial newspaper or journal published in The City of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Paying Agent/Registrar for inspection by all holders of Previously Issued Parity Bonds, Bonds and Additional Bonds. Such publication is not required, however, if notice in writing is given to each holder of Previously Issued Parity Bonds, Bonds and Additional Bonds.

(c) That whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the City Council may pass the amendatory ordinance in substantially the same form.

(d) That upon the passage of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with such amendatory ordinance, and the respective rights, duties and obligations under this Ordinance of the City and all the holders of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) That any consent given by the holder of a Previously Issued Parity Bond, Bond or Additional Bond pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of the first publication of the notice or other service of written notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Previously Issued Parity Bond, Bond or Additional Bond during such period. Such consent may be revoked at any time after six (6) months from the date of the first publication of such notice or other service of written notice by the holder who gave such consent, or by a successor

in title, by filing notice thereof with the paying agent/registrar therefor and the City, but such revocation shall not be effective if the holders, identified in accordance with subsection (f) of this Section, of 51% in aggregate principal amount of the then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds have, prior to the attempted revocation, consented to and approve the amendment.

(f) That for the purpose of this Section, the fact of the holding of Previously Issued Parity Bonds, Bonds, or Additional Bonds issued in registered form without coupons and the amounts and numbers of such Previously Issued Parity Bonds, Bonds or Additional Bonds and the date of their holding same shall be proved by the bond registration books of the paying agent/registrar therefor. For purposes of this Section, the holder of a Previously Issued Parity Bond, Bond or Additional Bond in such registered form shall be the owner thereof as shown on such registration books. The City may conclusively assume that such ownership continues until written notice to the contrary is served upon the City.

(g) The foregoing provisions of this Section notwithstanding, the City by action of the City Council may amend this Ordinance for any one or more of the following purposes:

(1) To add to the covenants and agreements of the City in this Ordinance contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the City;

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Ordinance, or in regard to clarifying matters or questions arising under this Ordinance, including, without limitation, those matters described in Section 27(c)(v) hereof, (or those matters necessary to obtain the approving opinion of the Attorney General of Texas as required by law, as are necessary or desirable and not contrary to or inconsistent with this Ordinance and which shall not adversely affect the interests of the holders of the Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) To modify any of the provisions of this Ordinance in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Previously Issued Parity Bonds outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Bonds issued after the date of the adoption of such modification.

Section 24. **DAMAGED, MUTILATED, LOST, STOLEN OR DESTROYED BONDS**. (a) That in the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them

harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) In accordance with Chapter 1206, particularly Subchapter B thereof, this Section of this Ordinance shall constitute authority for the issuance of any such replacement bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such bonds in the form and manner and with the effect, as provided in Section 5(d) of this Ordinance for Bonds issued in exchange for other Bonds.

Section 25. **TAX COVENANTS**. That the City covenants to refrain from any action which would adversely affect, or to take any action to assure, the treatment of the Bonds as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use", as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds are so used, that amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event that the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and

not "disproportionate", within the meaning of section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any), is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(a) of the Code;

(e) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

(1) proceeds of the Bonds invested for a reasonable temporary period, until such proceeds are needed for the purpose for which the Bonds are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(g) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(h) to refrain from using the proceeds of the Bonds or the proceeds of any prior bonds to pay debt service on another issue more than ninety (90) days after the issuance of the Bonds in contravention of Section 149(d) of the Code (relating to advance refundings);

(i) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "excess earnings", within the meaning of section 148(f) of the Code, and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code;

(j) to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which

the Bonds are issued, an information statement concerning the Bonds, all under and in accordance with section 149(e) of the Code and the applicable Treasury Regulations promulgated thereunder; and

(k) the City will not acquire any of the source series bonds issued by the TWDB in an amount related to the amount of Bonds acquired by the TWDB.

The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of a refunding bond, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of the issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of the foregoing, the Mayor, the City Manager, the Chief Financial Officer of the City, and any Assistant City Manager may execute any certificates or other reports required by the Code and make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds. In order to facilitate compliance with the above clause (i), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such Rebate Fund shall not be subject to the claim of any other person, including without limitation the registered owners of the Bonds. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

Section 26. **ADDITIONAL TAX COVENANTS.** (a) **Allocation of Bond Proceeds, and Limitation on, Expenditures for the Project.** That the City covenants to account for on its books and records the expenditure of proceeds from the sale of the Bonds and any investment earnings thereon to be used for the Project in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within eighteen (18) months of the later of the date that (a) the expenditure on a Project is made or (b) each such Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (a) the fifth anniversary of the date of delivery of the Bonds or (b) the date the Bonds are retired. The City agrees to obtain the advice of a nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Bonds. For purposes of this Section, the City shall not be obligated to comply with this covenant if it obtains an opinion of a nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(b) **Disposition of Bond Financed Property.** The City covenants that property financed with the proceeds of the Bonds, or the property constituting a Project, will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of this Section, the portion of the property comprising personal property and disposed of in the ordinary course of business shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest, on the Bonds, if any.

Section 27. **CONTINUING DISCLOSURE UNDERTAKING**. (a) **Annual Reports.** (i) That the City shall provide annually to the MSRB, within six months after the end of each Year ending in or after 2019, financial information and operating data with respect to the City of the general type included in the final application submitted to the TWDB and to the MSRB with respect to the Previously Issued Parity Bonds. Any financial statements so to be provided shall be: (1) prepared in accordance with the accounting principles generally applicable to cities such as the City and as described in the notes to the financial statements filed with the TWDB as part of the Application, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, when and if available, and in any event, within twelve (12) months after the end of each Year ending in or after 2019. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial information of the type described in the numbered tables referenced in the continuing disclosure undertaking of the City set forth in the ordinance authorizing the issuance of the Series 2018C Bonds by the required time, and will provide audited financial statements for the applicable Year to the MSRB, when and if the audit report on such statements become available. Such information shall be transmitted electronically to the MSRB, in such format as prescribed by the MSRB.

(ii) If the Year is changed by the City, the City will notify the MSRB of such change (and of the date of the new Year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(b) **Disclosure Event Notices.** The City shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten (10) Business Days after the occurrence of the event), of any of the following events with respect to the Bonds:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;

4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material;
15. Incurrence of a Financial Obligation of the Obligated Person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Obligated Person, any of which affect security holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar event under the terms of a Financial Obligation of the Obligated Person, and which reflect financial difficulties.

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

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

As used in clauses 15 and 16 above, the term "Financial Obligation" means: (i) a debt obligation; (ii) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) a guarantee of (i) or (ii); however, the term Financial Obligation shall not include Municipal Securities as to which a final

official statement has been provided to the MSRB consistent with the Rule; the term "Municipal Securities" means securities which are direct obligations of, or obligations guaranteed as to principal or interest by, a state or any political subdivision thereof, or any agency or instrumentality of a state or any political subdivision thereof, or any municipal corporate instrumentality of one or more states and any other Municipal Securities described by Section 3(a)(29) of the Securities Exchange Act of 1934, as the same may be amended from time to time; and the term "Obligated Person" means the City.

(c) **Limitations, Disclaimers, and Amendments.** (i) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed

circumstances and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

Section 28. **DEFAULT AND REMEDIES**. (a) **Events of Default**. That each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

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

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

(b) **Remedies for Default**.

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

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

(c) **Remedies Not Exclusive**.

(i) That no remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative

and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

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

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 29. **PROJECT FUND**. (a) That there is hereby created, established and maintained on the books of the City, a separate fund to be entitled the "City of Dallas, Texas Waterworks and Sewer System Series 2019A Revenue Bonds Project Fund" (hereinafter called the "Project Fund"). Monies in the Project Fund shall be maintained at an official depository bank of the City.

(b) Except as otherwise provided in Section 14(a) hereof, the proceeds of the Bonds shall be deposited into the Project Fund and used by the City for payment of the costs of the Project, and the payment of costs associated therewith, including any costs for engineering, financing, financial consultation, administrative, auditing and legal expenses.

(c) Any surplus proceeds, including the investment earnings derived from the investment of monies on deposit in the Project Fund, from the Bonds remaining on deposit in the Project Fund after completing the planning, acquisition, designing, and constructing extensions and improvements to the System and upon the completion of the final accounting as described in Section 22(c) hereof, shall be used to: (1) redeem the Bonds owned by the TWDB; (2) deposit into the Interest and Sinking Fund for the payment of interest or principal on the Bonds owned by the TWDB; or (3) to the extent applicable and permitted by law, deposit to a reserve fund. The foregoing notwithstanding, it is further provided, however, that any interest earnings on monies on deposit in the Project Fund which are required to be rebated to the United States of America pursuant to Section 25 hereof in order to prevent the Bonds from being arbitrage bonds shall be transferred to the "Rebate Fund" hereinafter established and shall not be considered as interest earnings for purposes of this subsection.

(d) If required by the TWDB as a condition to the purchase of the Bonds, the City Manager or the designee thereof may approve, execute and deliver an appropriate escrow agreement or establish an appropriate trust and agency fund on the books of the City. In either case, proceeds of the Bonds required to be deposited under an escrow agreement or into a trust

and agency fund shall be disbursed in accordance with the TWDB Rules Relating to Financial Programs or as otherwise authorized and directed by the TWDB.

Section 30. **SALE OF BONDS**. (a) **Sale to the TWDB**. That the Bonds are hereby sold to the TWDB for the price of par, less the origination fee calculated in the manner provided in the TWDB Resolution. The Bonds may be delivered to the TWDB in accordance with the schedule set forth in Schedule I of this Ordinance, and paid for in whole, or in installments at such times as shall be approved by the City Manager, provided none of the Bonds shall be so delivered without the City's receiving full payment therefor. The Bonds submitted to the Office of the Attorney General for review shall be registered in the name of the Texas Water Development Board.

(b) **City Manager to Execute Documents**. The City hereby authorizes the City Manager to approve and execute such documents necessary to effect the delivery of the Bonds.

(c) **Date of Delivery of Bonds**. The Paying Agent/Registrar shall complete the "Date of Delivery" on each Bond delivered to the TWDB as provided in Section 5(j) of this Ordinance, and interest on the Bonds so delivered shall commence from such date.

(d) **Sale of Bonds by the TWDB**. It is the intent of the parties to the sale of the Bonds that if the TWDB ever determines to sell all or a part of the Bonds, it shall notify the City at least sixty (60) days prior to the sale of the Bonds of the decision to so sell the Bonds.

Section 31. **APPROVAL AND REGISTRATION OF BONDS**. That the City Manager of the City is hereby authorized to have control of the Bonds and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds, the Comptroller of Public Accounts (or a deputy designated in writing to act therefor) shall manually sign the Comptroller's Registration Certificate set forth in the FORM OF BOND. The Bonds thus registered shall remain in the custody of the City Manager (or the designee thereof) until delivered to the TWDB.

Section 32. **FURTHER PROCEDURES**. That the City Manager, the Chief Financial Officer of the City, any Assistant City Manager, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, and the sale and delivery of the Bonds and fixing all details in connection therewith. The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the issuance of the Bonds, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

Section 33. **PREAMBLE**. That the preamble to this Ordinance is incorporated by reference and made a part hereof for all purposes.

Section 34. **RULES OF CONSTRUCTION**. That for all purposes of this Ordinance, unless the context requires otherwise, all references to designated Sections and other subdivisions are to the Sections and other subdivisions of this Ordinance. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular Section or other subdivision. Except where the context otherwise requires, terms defined in this Ordinance to impart the singular number shall be considered to include the plural number and vice versa. References to an officer or designated position (e.g., City Manager) include any person acting in the capacity of such officer or designated position, whether on an acting, interim or permanent basis. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Ordinance is adopted by the City and any future amendments thereto or successor provisions thereof. Any reference to the payment of principal in this Ordinance shall be deemed to include the payment of Amortization Installments (if any). Any reference to "FORM OF BOND" shall refer to the form of the Bonds set forth in Exhibit A to this Ordinance. The calculation of average annual principal and interest requirements as may be required by this Ordinance shall be made at the beginning of each Year and shall be the sum of the annual principal and interest requirements due for the current and each subsequent Year in which the Previously Issued Parity Bonds, the Bonds and any Additional Bonds are outstanding divided by the number of such Years, or partial Years, if applicable. Surplus moneys in the Reserve Fund the source of which are proceeds of bonds may be used only to complete projects for which such bond proceeds were issued, for improvements to the System, or for other costs for which the City could issue bonds for the System. The terms "owner" and "holder" and "bondholder", as used in this Ordinance, shall mean the registered or beneficial owner of a Bond. For purposes of Section 18, the term "Previously Issued Parity Bonds" means the Series 2015A Bonds, the Series 2015B Bonds, the Series 2016A Bonds, the Series 2016B Bonds, the Series 2017 Bonds, the Series 2018A Bonds, the Series 2018B Bonds and the Series 2018C Bonds. Should the issuance of the Concurrent Bonds not be approved by the City Council, references in this Ordinance to Concurrent Bonds and Series 2019B Bonds shall be of no force and effect.

Section 35. **IMMEDIATE EFFECT**. That this Ordinance shall be effective immediately from and after its passage in accordance with the provisions of Section 1201.028, Texas Government Code.

Section 36. **SEVERABILITY.** That if any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 37. **WRITTEN PROCEDURES FOR FEDERAL TAX LAW COMPLIANCE**. That unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the written procedures adopted by the City in the ordinance authorizing the issuance of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, adopted by the City Council on September 19, 2012, apply to the Bonds.

PASSED AND APPROVED the 10th day of April, 2019.

APPROVED AS TO FORM:
Christopher J. Caso, Interim City Attorney

_____

SCHEDULE I

The Bonds shall mature on October 1 in each of the years, in the amounts, and bear interest at the interest rates per annum, as set forth in the following schedule:

YEARS	AMOUNTS ($)	INTEREST RATES (%)
2020		
2021		
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		
2035		
2036		
2037		
2038		
2039		
2040		
2041		
2042		
2043		
2044		
2045		
2046		
2047		
2048		

Exhibit A

FORM OF BOND:

NO. R- $_____

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL
CITY OF DALLAS, TEXAS
WATERWORKS AND SEWER SYSTEM REVENUE BOND
SERIES 2019A

MATURITY DATE	INTEREST RATE	DATE OF DELIVERY	CUSIP

ON THE MATURITY DATE SPECIFIED ABOVE, THE CITY OF DALLAS, IN DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL COUNTIES, TEXAS (the "City"), hereby promises to pay to _____, or the registered assignee hereof (either being hereinafter called the "registered owner") the principal amount of

_____

and to pay interest thereon, from the original date of delivery of this Bond specified above, to the date of its scheduled maturity or the date of its redemption prior to scheduled maturity, at the rate of interest per annum specified above, with said interest being payable on October 1, 2019, and semiannually on each April 1 and October 1 thereafter, except that if the Paying Agent/Registrar's Authentication Certificate appearing on the face of this Bond is dated later than October 1, 2019, such interest is payable semiannually on each April 1 and October 1 following such date. Interest on this Bond shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the designated corporate trust office in Dallas, Texas (the "Designated Trust Office"), of UMB Bank, N.A., which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof as shown by the "Registration Books" kept by the Paying Agent/Registrar at the close of business on the Record Date (hereinafter defined) by check drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class, postage prepaid, on each such interest payment date, to the registered owner hereof at its address as it appears on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described, or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. The record date ("Record Date") for the interest payable on any interest payment date means the 15th day of the preceding month. In the event of a non-payment of interest on a scheduled payment date, and for 30 days

thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. The foregoing notwithstanding, so long as the Texas Water Development Board is the owner of 100% in aggregate principal amount of the Bonds then outstanding, payment of principal and interest on the Bonds shall be made by wire transfer, at no expense to the Texas Water Development Board. The City covenants with the registered owner of this Bond that no later than each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due, in the manner set forth in the ordinance authorizing the issuance of the bonds (the "Ordinance").

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the city where the Designated Trust Office of the Paying Agent/Registrar is located, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. Notwithstanding the foregoing, during any period in which ownership of the bonds of this Series is determined only by a book entry at a securities depository therefor, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THIS BOND is one of a Series of bonds of like tenor and effect except as to denomination, number, maturity, interest rate and right of prior redemption, dated April 1, 2019, issued in the aggregate principal amount of $22,000,000 for the purpose of planning, acquisition, designing, and constructing extensions and improvements to the System (as defined in the Ordinance). All Bonds of this Series are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of $5,000 (an "Authorized Denomination").

THE BONDS of this Series scheduled to mature on and after October 1, 2030 may be redeemed prior to their scheduled maturities, in whole or in part, in principal amounts of $5,000 or any integral multiple thereof, at the option of the City, on October 1, 2029, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the principal amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; *provided*, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

AT LEAST 30 days prior to the date fixed for any such redemption, (i) a written notice of such redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; *provided, however*, that should the Texas Water Development Board be the owner of 100% in aggregate principal amount of the Bonds then outstanding, notice of redemption shall not be required to be published in the manner described in (ii) above; and *provided, further*, that should the Texas Water Development Board not be the owner of 100% in aggregate principal amount of the Bonds then outstanding, the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bond, and the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for this Bond or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, this Bond, or the portion hereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Bond or any portion hereof. If a portion of this Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender hereof for cancellation, at the expense of the City, all as provided in the Ordinance.

AS PROVIDED IN THE ORDINANCE, this Bond, or any unredeemed portion hereof, may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at the same rate, in any Authorized Denomination as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar at its Designated Trust Office for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any Authorized Denomination to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the

assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The City shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring, converting and exchanging any Bond or portion thereof; provided, however, that any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such transfer, conversion and exchange. In any circumstance, neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business 15 days before the day of the first mailing of a notice of redemption of bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bonds so selected for redemption when such redemption is scheduled to occur within 30 calendar days; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the City, and agrees that the terms and provisions of this Bond and the Ordinance constitute a contract between each registered owner hereof and the City.

THE CITY has reserved the right, subject to the restrictions stated, and adopted by reference, in the Ordinance, to issue additional parity revenue bonds which also may be made payable from, and secured by a first lien on and pledge of, the "Pledged Revenues" (as defined in the Ordinance).

THE REGISTERED OWNER HEREOF is not entitled to demand payment of this obligation out of any money raised or to be raised by taxation, or from any source whatsoever other than the Pledged Revenues.

IT IS HEREBY certified and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is a special obligation; and that the principal of and interest on this Bond together with outstanding parity revenue bonds are payable from, and secured by a first lien on and pledge of, the Pledged Revenues, which include the Net Revenues (as defined in the Ordinance) of the System.

IN TESTIMONY WHEREOF, the City Council has caused the seal of the City to be duly impressed or placed in facsimile hereon, and this Bond to be signed with the imprinted facsimile signature of the Mayor and countersigned by the facsimile signatures of the City Manager and the City Secretary.

COUNTERSIGNED:

City Manager

Mayor

City Secretary

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

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

Dated_____

UMB BANK, N.A.,
Paying Agent/Registrar

By:_____
Authorized Representative

(FORM OF COMPTROLLER'S CERTIFICATE ATTACHED TO
THE BONDS UPON INITIAL DELIVERY THEREOF ONLY)

OFFICE OF COMPTROLLER :

REGISTER NO._____

STATE OF TEXAS :

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

_____
Comptroller of Public Accounts of the
State of Texas

FORM OF ASSIGNMENT:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

_____

Please insert Social Security or Taxpayer Identification Number of Transferee

_____
/_____/

_____
(Please print or typewrite name and address, including zip code of Transferee)

_____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____

Signature Guaranteed:

_____

NOTICE: Signatures must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

_____

NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

THE STATE OF TEXAS :

COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :
CITY OF DALLAS :

I, Bilierae Johnson, City Secretary of the City of Dallas, Texas, do hereby certify that the above and foregoing is a true and correct copy of an excerpt from the minutes of the City Council of the City of Dallas, had in Regular Meeting on the 10th day of April, 2019, and an Ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019A, which Ordinance is duly of record in the minutes of said City Council; and that said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and seal of the City of Dallas, Texas, this the ____ day of April, 2019.

_____
Bilierae Johnson, City Secretary
City of Dallas, Texas

(SEAL)

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2019A; AWARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO

ADOPTED:
April 10, 2019

TABLE OF CONTENTS

Page

Recitals....1
Section 1. Bonds Authorized....2
Section 2. Dates and Maturities....2
Section 3. Redemption....2
Section 4. Interest....3
Section 5. Paying Agent/Registrar; Book-Entry Only System....3
Section 6. Form of Bonds....7
Section 7. Definitions....8
Section 8. Pledge....12
Section 9. Revenue Fund....12
Section 10. Interest and Sinking Fund....12
Section 11. Reserve Fund....12
Section 12. Deposits of Pledged Revenues; Investments....13
Section 13. Funds Secured....13
Section 14. Debt Service Requirements....13
Section 15. Reserve Requirements....14
Section 16. Deficiencies; Excess Pledged Revenues....14
Section 17. Payment of the Bonds and Additional Bonds....14
Section 18. Final Deposits; Governmental Obligations....15
Section 19. Additional Bonds....16
Section 20. Further Requirements for Additional Bonds....17
Section 21. General Covenants....17
Section 22. Compliance with the TWDB's Rules and Regulations....20
Section 23. Amendment of Ordinance....22
Section 24. Damaged, Mutilated, Lost, Stolen or Destroyed Bonds....24
Section 25. Tax Covenants....25
Section 26. Additional Tax Covenants....27
Section 27. Continuing Disclosure Undertaking....28
Section 28. Default and Remedies....30
Section 29. Project Fund....31
Section 30. Sale of Bonds....32
Section 31. Approval and Registration of Bonds....33
Section 32. Further Procedures....33
Section 33. Preamble....33
Section 34. Rules of Construction....33
Section 35. Immediate Effect....34
Section 36. Severability....34
Section 37. Written Procedures for Federal Tax Law Compliance....34

Schedule I Terms of Bonds

Exhibit A Form of Bond

ORDINANCE NO. _____

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2019B; AWARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :
CITY OF DALLAS :

WHEREAS, the City of Dallas (the "City" or the "Issuer") has heretofore issued its City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981 (the "Series 1981 Bonds"); and

WHEREAS, defined terms used in this Ordinance shall have the meaning given said terms in Section 7 of this Ordinance, unless otherwise indicated herein; and

WHEREAS, in the ordinance authorizing the issuance of the Series 1981 Bonds (the "1981 Ordinance"), the City reserved the right to issue revenue bonds on a parity with the Series 1981 Bonds; and

WHEREAS, under authority of the right reserved in the 1981 Ordinance, the City issued and there currently remain outstanding revenue bonds from each series of bonds described in the definition of "Previously Issued Parity Bonds" set forth in Section 7 of this Ordinance; and

WHEREAS, in addition to the outstanding Previously Issued Parity Bonds, the City has authorized the issuance from time to time and at any one time outstanding of up to $600,000,000 of its Waterworks and Sewer System Commercial Paper Notes, Series D and Series E (the "Commercial Paper Notes"), for the purpose of improving and extending the System; and

WHEREAS, the City deems it appropriate to issue the hereinafter authorized bonds for the purpose of planning, acquisition, designing, and constructing extensions and improvements to the System; and

WHEREAS, the Texas Water Development Board has committed to purchase the bonds hereinafter authorized pursuant to Subchapter Q of Chapter 15, Texas Water Code; and

WHEREAS, the bonds hereinafter authorized are to be issued and delivered pursuant to the laws of the State of Texas, including Chapter 1502, Texas Government Code; and

WHEREAS, the bonds hereinafter authorized shall be on a parity with the outstanding Previously Issued Parity Bonds; and

WHEREAS, concurrently with the adoption of this Ordinance, the City Council adopted an ordinance authorizing the issuance of the obligations hereinafter defined as the "Concurrent Bonds"; and

WHEREAS, the City Council does hereby determine that it is necessary and desirable to adopt this Ordinance for the purposes hereinafter stated;

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

Section 1. **BONDS AUTHORIZED**. That the City's bonds (the "Bonds") are hereby authorized to be issued in the aggregate principal amount of $44,000,000 for the purpose of planning, acquisition, designing, and constructing extensions and improvements to the System. The Bonds shall be designated as the **"City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019B"**. The Bonds are issued as "Additional Bonds" as such term is defined in the 1981 Ordinance, and shall be in all respects on a parity with the outstanding Previously Issued Parity Bonds.

Section 2. **DATES, DENOMINATIONS, NUMBER AND MATURITIES**. That the Bonds shall be dated April 1, 2019, shall be in the denomination of $5,000 or any integral multiple thereof (an "Authorized Denomination"), shall be numbered consecutively from R-1 upward, and shall mature on the maturity date, in each of the years and in the amounts as set forth in Schedule I to this Ordinance. The Texas Water Development Board (the "TWDB") will purchase the Bonds in the manner described in Section 30 of this Ordinance.

Section 3. **REDEMPTION**. (a) That the City reserves the right to redeem the Bonds maturing on or after October 1, 2030, in whole or in part in principal amounts of $5,000 or any integral multiple thereof, on October 1, 2029, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the amounts thereof to be redeemed, and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; provided, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

(b) The Bonds are not subject to mandatory sinking fund redemption prior to their scheduled maturities.

(c) At least thirty (30) days prior to the date any such Bonds are to be redeemed, (i) a written notice of redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at the address thereof as shown on the Registration Books and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that should the TWDB be the owner of 100% in

aggregate principal amount of the Bonds then outstanding, notice of redemption shall not be required to be published in the manner described in (ii) above; and provided, further, that should the TWDB not be the owner of 100% in aggregate principal amount of the Bonds then outstanding, the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bond, and the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Bonds, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of the Bonds or any portion thereof. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing or accruing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in this Ordinance. In addition, notice of such redemption shall be provided in the manner described in Section 5(h) hereof, but the failure to provide such notice as described in Section 5(h) hereof shall not affect the validity or effectiveness of the proceedings for the redemption of the Bonds.

Section 4. **INTEREST**. That interest on the Bonds shall be payable on October 1, 2019, and semiannually thereafter on April 1 and October 1 of each year, until maturity or redemption prior to maturity, to the registered owner of any such Bond as of the Record Date (as defined in the FORM OF BOND) next preceding such interest payment date, in the manner provided in the FORM OF BOND, at the rates per annum as set forth in Schedule I to this Ordinance. Interest on the Bonds shall accrue from the date of delivery of the Bonds, and shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

Section 5. **PAYING AGENT/REGISTRAR; BOOK-ENTRY ONLY SYSTEM**. (a) That the City shall keep or cause to be kept at the corporate trust office designated by UMB Bank, N.A., as its place of payment for the Bonds, or such other bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve and perform duties of and services of paying agent and registrar, named in accordance with the provisions of (g) of this Section hereof (the "Paying Agent/Registrar"), books or records of the registration and transfer of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep the Registration Books and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and registrations as herein provided. The place of payment so designated by the Paying Agent/Registrar shall be referred to herein as the "Designated Trust Office" of the Paying

Agent/Registrar. It shall be the duty of the Paying Agent/Registrar to obtain from the registered owner and record in the Registration Books the address of such registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided. The Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any entity other than the City. Registration of each Bond may be transferred in the Registration Books only upon presentation and surrender of such Bond for transfer of registration and cancellation to the Paying Agent/Registrar at its Designated Trust Office during normal business hours, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing the assignment of the Bond, or any portion thereof in any Authorized Denomination, to the assignee or assignees thereof, and the right of such assignee or assignees to have the Bond or any such portion thereof registered in the name of such assignee or assignees. Upon the assignment and transfer of any Bond or any portion thereof, a new substitute bond or bonds shall be issued in exchange therefor in the manner herein provided. As of the date this Ordinance is approved by the City, the Designated Trust Office is the Dallas, Texas corporate trust office of UMB Bank, N.A.

(b) The entity in whose name any Bond shall be registered in the Registration Books at any time shall be treated as the absolute owner thereof for all purposes of this Ordinance, whether such Bond shall be overdue, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary unless otherwise required by law; and payment of, or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(c) The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds, and to act as its agent to exchange or replace Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all exchanges of the Bonds, and all replacements of the Bonds, as provided in this Ordinance.

(d) Each Bond may be exchanged for fully registered bonds in the manner set forth herein. Each Bond issued and delivered pursuant to this Ordinance, to the extent of the unpaid or unredeemed principal amount thereof, may, upon surrender thereof at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered bonds, without interest coupons, in the form prescribed in the FORM OF BOND, in an Authorized Denomination (subject to the requirement hereinafter stated that each substitute Bond shall have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the unpaid or unredeemed principal amount of any Bond or Bonds so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Bond shall be redeemed prior to its scheduled maturity as provided herein, at the request of the registered owner a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in an Authorized Denomination, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for

cancellation. If any Bond or portion thereof is assigned and transferred, each Bond issued in exchange therefor shall have the same principal maturity date and bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange or replace Bonds as provided herein, and each fully registered substitute Bond delivered in exchange for or replacement of any Bond or portion thereof as permitted or required by any provision of this Ordinance shall constitute one of the Bonds for all purposes of this Ordinance, and may again be exchanged or replaced. On each substitute Bond issued in exchange for or replacement of any Bond or Bonds issued under this Ordinance there shall be printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF BOND (the "Authentication Certificate"). An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date the Authentication Certificate, and no such Bond shall be deemed to be issued or outstanding unless the Authentication Certificate is so executed and dated. The Paying Agent/Registrar promptly shall cancel all Bonds surrendered for exchange or replacement. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, pursuant to Chapter 1206, particularly Subchapter B thereof. The duty of such exchange or replacement of Bonds as described in the preceding sentence is hereby imposed upon the Paying Agent/Registrar, and upon the execution of the Authentication Certificate, the exchanged or replaced Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which originally were delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts. Neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business fifteen (15) days before the day of the first mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bond after it is selected for redemption, in whole or in part, when such redemption is scheduled to occur within thirty (30) calendar days; provided, however, that such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

(e) All Bonds issued in exchange or replacement of any other Bond or portion thereof, (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on the Bonds to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BOND.

(f) The City shall pay all of the Paying Agent/Registrar's reasonable and customary fees and charges for making transfers, conversions and exchanges of the Bonds in accordance with an agreement between the City and the Paying Agent/Registrar, but the registered owner of any Bond requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. In addition, the City hereby covenants with the registered owners of the Bonds that it will pay the reasonable standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due.

(g) The City covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar, to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than sixty (60) days' written notice to the Paying Agent/Registrar. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the services of Paying Agent/Registrar, which shall be a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state authority, and whose qualifications substantially are similar to the previous Paying Agent/Registrar, to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the City and to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class, postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(h)(i) In addition to the manner of providing notice of redemption of Bonds as described in Section 3 hereof, the Paying Agent/Registrar shall give notice of redemption of Bonds by United States mail, first-class, postage prepaid, at least thirty (30) days prior to a redemption date to the MSRB. In addition, in the event of a redemption caused by an advance refunding of the Bonds, the Paying Agent/Registrar shall send a second notice of redemption to the persons specified in the immediately preceding sentence at least thirty (30) days but not more than ninety (90) days prior to the actual redemption date. Any notice sent to the MSRB shall be sent so that such notice is received at least two (2) days prior to the general mailing or publication date of such notice. The Paying Agent/Registrar shall also send a notice of redemption to the registered owner of any Bonds who has not sent the Bonds in for redemption sixty (60) days after the redemption date. The failure to send, mail or receive any such notice described in this clause (i), or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond.

(ii) Each redemption notice, whether required in the FORM OF BOND or otherwise by this Ordinance, shall contain a description of the Bonds to be redeemed including the complete name of the Bonds, the Series, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts called of each Bond, the publication and mailing date for the notice, the date of redemption, the redemption price, the name of the Paying Agent/Registrar and the address at which the Bond may be redeemed including a contact person and telephone number.

(iii) All redemption payments made by the Paying Agent/Registrar to the registered owners of the Bonds shall include a CUSIP number relating to each amount paid to such registered owner.

(i) The Bonds initially shall be issued and delivered in such manner that no physical distribution of the Bonds will be made to the public, and DTC initially will act as depository for the Bonds. DTC has represented to the City that it is a limited purpose trust company incorporated under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered under Section 17A of the Securities Exchange Act of 1934, as amended, and the City accepts, but in no way verifies, such representations. It is expected that upon the initial delivery of Bonds, DTC will hold the Bonds on behalf of the TWDB, and that the definitive Bonds held at DTC upon delivery of the Bonds to the TWDB shall be registered in the name of CEDE & CO., the nominee of DTC. So long as each Bond is registered in the name of CEDE & CO., the Paying Agent/Registrar shall treat and deal with DTC the same in all respects as if it were the actual and beneficial owner thereof. It is expected that DTC will maintain a book-entry system which will identify ownership of the Bonds in Authorized Denominations, with transfers of ownership being effected on the records of DTC and its participants pursuant to rules and regulations established by them, and that the Bonds initially deposited with DTC shall be immobilized and not be further exchanged for substitute Bonds except as hereinafter provided. The City is not responsible or liable for any functions of DTC, will not be responsible for paying any fees or charges with respect to the services of DTC, will not be responsible or liable for maintaining, supervising, or reviewing the records of DTC or its participants, or protecting any interests or rights of the beneficial owners of the Bonds. It shall be the duty of the DTC Participants (in the case of the Bonds, the TWDB) to make all arrangements with DTC to establish this book-entry system, the beneficial ownership of the Bonds, and the method of paying the fees and charges of DTC. The City does not represent, nor does it in any way covenant that the initial book-entry system established with DTC will be maintained in the future. Notwithstanding the initial establishment of the foregoing book-entry system with DTC, if for any reason any of the originally delivered Bonds is duly filed with the Paying Agent/Registrar with proper request for transfer and substitution, as provided for in this Ordinance, substitute Bonds will be duly delivered as provided in this Ordinance, and there will be no assurance or representation that any book-entry system will be maintained for the Bonds. The City heretofore has executed a "Blanket Letter of Representations" prepared by DTC in order to implement the book-entry system described above. The foregoing notwithstanding, for so long as the TWDB is an owner of any outstanding Bonds, the City will not discontinue the DTC book-entry system without the consent of the TWDB.

(j) The Paying Agent/Registrar shall complete the "Date of Delivery" on each installment of Bonds initially delivered to the TWDB, upon the satisfaction of the conditions described in Section 30 of this Ordinance.

Section 6. **FORM OF BONDS**. That the form of all Bonds, including the form of the Authentication Certificate, the form of Assignment, and the form of the Comptroller's Registration Certificate to accompany the Bonds on the initial delivery thereof, shall be, respectively, substantially in the form set forth in Exhibit A to this Ordinance, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance.

Section 7. **DEFINITIONS**. That, as used in this Ordinance, the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term "Additional Bonds" shall mean the additional parity revenue bonds which the City reserves the right to issue in the future, as provided in this Ordinance.

The term "Amortization Installment", with respect to any Term Bonds of any Previously Issued Parity Bonds, any of the Bonds designated in this Ordinance as Term Bonds, or any series of Additional Bonds, shall mean the amount of money which is required to be deposited into the Mandatory Redemption Account referred to in Section 10(b) hereof for retirement of such Term Bonds (whether at maturity or by mandatory redemption and including redemption premium, if any), provided that the total Amortization Installments for such Term Bonds shall be sufficient to provide for retirement of the aggregate principal amount of such Term Bonds.

The term "Application" shall mean the application for financial assistance filed by the City with the TWDB to finance the Project.

The term "Authorized Denomination" shall have the same meaning as set forth in Section 2(a) hereof.

The terms "Bonds" and "Series 2019B Bonds" shall mean one or more, as the case may be, of the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019B, authorized to be issued by this Ordinance.

The term "Business Day" shall mean a day other than a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the City or the city where the Designated Trust Office of the Paying Agent/Registrar is located.

The term "Chapter 9" shall mean Chapter 9, Texas Business & Commerce Code, as amended.

The term "Chapter 1206" shall mean Chapter 1206, Texas Government Code, as amended.

The term "Chapter 1208" shall mean Chapter 1208, Texas Government Code, as amended.

The term "Chapter 2256" shall mean the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended.

The term "Chapter 2257" shall mean the Public Funds Collateral Act, Chapter 2257, Texas Government Code.

The terms "City" and "Issuer" shall mean the City of Dallas, Texas.

The term "Code" shall mean the Internal Revenue Code of 1986, as amended.

The term "Concurrent Bonds" shall mean the Series 2019A Bonds.

The term "DTC" shall mean The Depository Trust Company, New York, New York.

The term "DTC Participant" shall mean the securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants, and shall include, for so long as it is an owner of Bonds, the TWDB.

The term "Designated Trust Office" shall have the same meaning as set forth in Section 5(a) hereof.

The terms "Gross Revenues of the City's Combined Waterworks and Sewer System" and "Gross Revenues" shall mean all revenues, income, and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the investment or deposit of money in any Fund created by this Ordinance, or maintained by the City in connection with the System.

The term "Interest and Sinking Fund" shall have the meaning as set forth in Section 10(a) hereof.

The term "MSRB" shall mean the Municipal Securities Rulemaking Board.

The terms "Net Revenues of the City's Combined Waterworks and Sewer System" and "Net Revenues" shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Section 1502.056, Texas Government Code, including all salaries, labor, materials, interest, repairs, and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the Previously Issued Parity Bonds, the Bonds or Additional Bonds, shall be deducted in determining "Net Revenues". Payments made by the City for water supply or treatment of sewage which constitute under the law an operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation and any payments to the City in lieu of ad valorem taxes and any other similar payments shall never be considered as an expense of operation and maintenance.

The term "1981 Ordinance" shall mean the ordinance authorizing the issuance of the Series 1981 Bonds.

The term "Paying Agent/Registrar" shall have the meaning as set forth in Section 5(a) hereof.

The term "Pledged Revenues" shall mean

(1) the Net Revenues, plus

(2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter may be pledged to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds.

The term "Previously Issued Parity Bonds" shall mean the Series 2009B Bonds, the Series 2009C Bonds, the Series 2010 Bonds, the Series 2011 Bonds, the Series 2012A Bonds, the Series 2012B Bonds, the Series 2013 Bonds, the Series 2015A Bonds, the Series 2015B Bonds, the Series 2016A Bonds, the Series 2016B Bonds, the Series 2017 Bonds, the Series 2018A Bonds, the Series 2018B Bonds and the Series 2018C Bonds.

The term "Project" shall mean the costs of planning, acquisition, designing, and constructing extensions and improvements to the System to be funded with the proceeds of the Bonds, consistent with the terms and conditions set forth in the TWDB Resolution.

The term "Project Fund" shall have the meaning as set forth in Section 29 hereof.

The term "Registration Books" shall have the meaning as set forth in Section 5(a) hereof.

The term "Reserve Fund" shall have the meaning as set forth in Section 11 hereof.

The term "Revenue Fund" shall have the meaning as set forth in Section 9 hereof.

The term "Rule" shall mean SEC Rule 15c2-12, as amended from time to time.

The term "SEC" shall mean the United States Securities and Exchange Commission.

The term "Series 1981 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981, dated April 1, 1981, and authorized by ordinance of the City passed April 1, 1981; the term "Series 2009B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009B, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009C, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2010 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2010, dated June 15, 2010, and authorized by ordinance of the City passed June 9, 2010; the term "Series 2011 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2011, dated July 26, 2011, and authorized by ordinance of the City passed June 23, 2011; the term "Series 2012A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2012B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2012B, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2013 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2013, dated September 17, 2013, and authorized by ordinance of the City passed August 14, 2013; the term "Series 2015A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015A,

dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2015B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2015B, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2016A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; the term "Series 2016B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; the term "Series 2017 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017, dated August 17, 2017, and authorized by ordinance of the City passed June 14, 2017; the term "Series 2018A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018A, dated April 1, 2018, and authorized by ordinance of the City passed April 11, 2018; the term "Series 2018B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018B, dated April 1, 2018, and authorized by ordinance of the City passed April 11, 2018; the term "Series 2018C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, dated September 26, 2018, and authorized by ordinance of the City passed August 8, 2018; and the term "Series 2019A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019A, dated April 1, 2019, and authorized by ordinance of the City passed April 10, 2019.

The term "System" shall mean and include the City's combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements, and additions thereto, and all replacements thereof; provided, however, that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Pledged Revenues as defined herein, but which are secured by and payable solely from special contract revenues or payments received from any other legal entity in connection with such facilities; and such revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

The term "Term Bonds" shall mean those Bonds (if any) so designated pursuant to this Ordinance, and those Previously Issued Parity Bonds or Additional Bonds so designated in the ordinances authorizing such bonds, which shall be subject to retirement by operation of the Mandatory Redemption Account referred to in Section 10(b) hereof.

The term "TWDB" shall mean the Texas Water Development Board.

The term "TWDB Resolution" shall mean the Resolution 17-044, adopted by the TWDB on May 31, 2017.

The term "Year" shall mean the regular fiscal year used by the City in connection with the operation of the System, which may be any twelve consecutive months period established by the City.

Section 8. **PLEDGE**. (a) That the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, and any interest payable thereon, are and shall be secured by and payable from an irrevocable first lien on and pledge of the Pledged Revenues; and the Pledged Revenues are further pledged irrevocably to the establishment and maintenance of the Interest and Sinking Fund and the Reserve Fund as hereinafter provided. The Previously Issued Parity Bonds, the Bonds and any Additional Bonds are and will be secured by and payable only from the Pledged Revenues, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting the System.

(b) Chapter 1208 applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues granted by the City is to be subject to the filing requirements of Chapter 9, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9 and enable a filing to perfect the security interest in said pledge to occur.

Section 9. **REVENUE FUND**. That there has been created and established on the books of the City, and accounted for separate and apart from all other funds of the City, a special fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Fund" (the "Revenue Fund"). All Gross Revenues are and shall be credited to the Revenue Fund immediately upon receipt. All current expenses of operation and maintenance of the System are and shall be paid from such Gross Revenues as a first charge against same.

Section 10. **INTEREST AND SINKING FUND**. (a) That for the sole purpose of paying the principal of and interest on the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, as the same come due, there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Interest and Sinking Fund" (the "Interest and Sinking Fund"). Monies in the Interest and Sinking Fund are and shall be maintained at an official depository bank of the City.

(b) That within the Interest and Sinking Fund there has been established the Mandatory Redemption Account, into which account shall be credited the Amortization Installments which shall be used for the payment of the principal of Term Bonds as the same shall come due, whether by maturity thereof or by redemption, through the operation of the Mandatory Redemption Account.

Section 11. **RESERVE FUND**. That there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Reserve Fund" (the "Reserve Fund"). Monies in the Reserve Fund shall be used solely for the purpose of retiring the last of any Previously Issued Parity Bonds, Bonds or Additional Bonds as they become due or paying principal of and interest on any Previously Issued Parity Bonds, Bonds or Additional Bonds when and to the extent the amounts in the Interest and Sinking Fund are insufficient for such purpose. Monies in the Reserve Fund shall be maintained at an official depository bank of the City.

Section 12. **DEPOSITS OF PLEDGED REVENUES; INVESTMENTS**. (a) That the Pledged Revenues shall be deposited in the Interest and Sinking Fund and the Reserve Fund when and as required by ordinances authorizing Previously Issued Parity Bonds and by this Ordinance.

(b) That money in any Fund established by this Ordinance or by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be invested in Authorized Investments; provided, however, that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds. As used in this Section, the term "Authorized Investments" shall mean those investments in which the City is now or hereafter authorized by law, including, but not limited to, Chapter 2256, and consistent with the City's investment policy adopted and approved from time to time by the City Council pursuant to the provisions of Chapter 2256, to purchase, sell and invest its funds and funds under its control.

Section 13. **FUNDS SECURED**. That money in all Funds created by this Ordinance, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City. All uninvested and unescrowed proceeds from the delivery of the Bonds shall be subject to the provisions of Chapter 2257. Proceeds of the Bonds shall be held at a designated state depository institution or other properly chartered and authorized institution in accordance with Chapter 2256 and Chapter 2257.

Section 14. **DEBT SERVICE REQUIREMENTS**. (a) That promptly after the delivery of the Bonds the City shall cause to be deposited to the credit of the Interest and Sinking Fund any accrued interest received from the sale and delivery of the Bonds, and any such deposit shall be used to pay part of the interest next coming due on the Bonds.

(b) That in addition to all amounts heretofore required to be transferred from the Pledged Revenues and deposited to the credit of the Interest and Sinking Fund by the ordinances authorizing the issuance of the Previously Issued Parity Bonds, the City shall transfer from the Pledged Revenues and deposit to the credit of the Interest and Sinking Fund the amounts, at the times, as follows:

(1) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the interest scheduled to accrue and come due on the Bonds on the next succeeding interest payment date; and

(2) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the principal scheduled to mature and come due on the Bonds on the next succeeding principal payment date.

Section 15. **RESERVE REQUIREMENTS**. That the Reserve Fund shall be maintained in an amount equal to the average annual principal and interest requirements (including Amortization Installments) of the Previously Issued Parity Bonds, the Bonds and Additional Bonds (the "Required Amount"). When and so long as the money and investments in the Reserve Fund are not less than the Required Amount, no deposits need be made to the credit of the Reserve Fund. When and if the Reserve Fund contains less than the Required Amount due to the issuance of the Bonds or Additional Bonds, beginning on the 25th day of the month following the delivery of the Bonds or Additional Bonds to the purchasers thereof, and continuing for sixty (60) months, the City shall transfer from the Pledged Revenues and deposit to the credit of the Reserve Fund an amount equal to 1/60th of the difference determined as of such delivery date between the amount in the Reserve Fund and the Required Amount. When and if the Reserve Fund at any time contains less than the Required Amount due to any cause or condition other than the issuance of Additional Bonds, then, subject and subordinate to making the required deposits to the credit of the Interest and Sinking Fund, such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose. The City may, at its option, withdraw and use for any lawful purpose not inconsistent with the City's Charter, all surplus in the Reserve Fund over the Required Amount.

Section 16. **DEFICIENCIES; EXCESS PLEDGED REVENUES**. (a) That if on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Sinking Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

(b) That, subject to making the required deposits to the credit of the Interest and Sinking Fund and the Reserve Fund when and as required by this Ordinance, or any ordinance authorizing the issuance of Previously Issued Parity Bonds or Additional Bonds, the excess Pledged Revenues may be used by the City for any lawful purpose not inconsistent with the City's Charter.

Section 17. **PAYMENT OF THE BONDS AND ADDITIONAL BONDS**. That on or before October 1, 2019, and semiannually on or before each April 1 and October 1 thereafter while any of the Previously Issued Parity Bonds, the Bonds or Additional Bonds are outstanding and unpaid, the City shall make available to the paying agents therefor (including the Paying Agent/Registrar), out of the Interest and Sinking Fund and the Reserve Fund (if necessary), money sufficient to pay such interest on and such principal of the Previously Issued Parity Bonds, the Bonds and Additional Bonds as shall become due on such dates, respectively, at maturity or by redemption prior to maturity. The aforesaid paying agents (including the Paying Agent/Registrar) shall destroy all paid Previously Issued Parity Bonds, Bonds and Additional Bonds, and furnish the City with an appropriate certificate of cancellation or destruction.

Section 18. **FINAL DEPOSITS; GOVERNMENTAL OBLIGATIONS**. (a) That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Defeasance Securities, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Defeasance Securities.

(b) That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from all Defeasance Securities in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) That for the purpose of this Section, the term "Defeasance Securities" shall mean (i) direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the City provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the Board provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, or (iv) any other then authorized

securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

(e) That notwithstanding any other provisions of this Ordinance, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes.

Section 19. **ADDITIONAL BONDS**. (a) That the City shall have the right and power at any time and from time to time to authorize, issue and deliver additional parity revenue bonds (herein called "Additional Bonds") in one or more series or issues, in accordance with law, in any amounts, for purposes of extending, improving or repairing the System or for the purpose of refunding of any Previously Issued Parity Bonds, Bonds, Additional Bonds or other obligations of the City incurred in connection with the ownership or operation of the System. Such Additional Bonds, if and when authorized, issued and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with the Previously Issued Parity Bonds, the Bonds, and all other outstanding Additional Bonds, from an irrevocable first lien on and pledge of the Pledged Revenues.

(b) That the Interest and Sinking Fund and the Reserve Fund established by the 1981 Ordinance shall secure and be used to pay all Additional Bonds as well as the Previously Issued Parity Bonds and the Bonds. However, each ordinance under which Additional Bonds are issued shall provide and require that, in addition to the amounts required to be deposited to the credit of the Interest and Sinking Fund by the provisions of this Ordinance and the provisions of any other ordinance or ordinances authorizing Additional Bonds, the City shall deposit to the credit of the Interest and Sinking Fund at least such amounts as are required for the payment of all principal of and interest on said Additional Bonds then being issued, as the same come due; and that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased (if and to the extent necessary) to an amount not less than the average annual principal and interest requirements (including Amortization Installments) of all Previously Issued Parity Bonds, Bonds and Additional Bonds which will be outstanding after the issuance and delivery of the then proposed Additional Bonds; and that the required additional amount shall be so accumulated by the deposit in the Reserve Fund of all or any part of said required additional amount in cash immediately after the delivery of the then proposed Additional Bonds, or, at the option of the City, by the deposit of said required additional amount (or any balance of said required

additional amount not deposited in cash as permitted above) in monthly installments, made on or before the 25th day of each month following the delivery of the then proposed Additional Bonds, of not less than 1/60th of said required additional amount (or 1/60th of the balance of said required additional amount not deposited in cash as permitted above).

(c) That all calculations of average annual principal and interest requirements (including Amortization Installments) made pursuant to this Section shall be made as of and from the date of the Additional Bonds then proposed to be issued.

(d) That the principal of all Additional Bonds must be scheduled to be paid or mature on April 1 or October 1 (or both) of the years in which such principal is scheduled to be paid or mature; and all interest thereon must be payable on April 1 and October 1.

Section 20. **FURTHER REQUIREMENTS FOR ADDITIONAL BONDS**. That Additional Bonds shall be issued only in accordance with this Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, Series or issue of Additional Bonds shall be issued or delivered unless:

(a) The Mayor and the City Secretary of the City sign a written certificate to the effect that the City is not in default as to any covenant, condition or obligation in connection with all outstanding Previously Issued Parity Bonds, the Bonds and Additional Bonds, and the ordinances authorizing same, and that the Interest and Sinking Fund and the Reserve Fund each contains the amount then required to be therein.

(b) The Chief Financial Officer of the City signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in her or his opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds.

Section 21. **GENERAL COVENANTS**. That the City further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) **Performance**. It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance, and each ordinance authorizing the issuance of Previously Issued Parity Bonds and Additional Bonds, and in each and every Previously Issued Parity Bond, Bond and Additional Bond; it will promptly pay or cause to be paid the principal of and interest on every Previously Issued Parity Bond, Bond and Additional Bond, on the dates and in the places and manner prescribed in such ordinances and Previously Issued Parity Bonds, Bonds or Additional Bonds; and it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Interest and Sinking Fund and the Reserve Fund; and any holder of the Previously Issued Parity Bonds, Bonds or Additional Bonds may require the City, its officials and employees to carry out, respect or enforce the covenants and obligations of this Ordinance, or any ordinance authorizing the issuance of Additional Bonds, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the City, its officials and employees.

(b) **City's Legal Authority**. It is a duly created and existing home rule city of the State of Texas, and is duly authorized under the laws of the State of Texas to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable special obligations of the City in accordance with their terms.

(c) **Title**. It has or will obtain lawful title to the lands, buildings, structures and facilities constituting the System, that it warrants that it will defend the title to all the aforesaid lands, buildings, structures and facilities, and every part thereof, for the benefit of the holders and owners of the Previously Issued Parity Bonds, Bonds and Additional Bonds, against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds in the manner prescribed herein, and has lawfully exercised such rights.

(d) **Liens**. It will from time to time and before the same become delinquent pay and discharge all taxes, assessments and governmental charges, if any, which shall be lawfully imposed upon it, or the System; it will pay all lawful claims for rents, royalties, labor, materials, and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein; and it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the City.

(e) **Operation of System; No Free Service**. It will, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, continuously and efficiently operate the System, and shall maintain the System in good condition, repair and working order, all at reasonable cost. No free service of the System shall be allowed, and should the City or any of its agencies or instrumentalities make use of the services and facilities of the System, payment of the reasonable value shall be made by the City out of funds from sources other than the revenues of the System, unless made from surplus or excess Pledged Revenues as permitted in Section 16(b) hereof.

(f) **Further Encumbrance**. It, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional Bonds, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and agreements of this Ordinance; but the right of the City to issue revenue bonds payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(g) **Sale or Disposal of Property**. It, while the Previously Issued Parity Bonds, the Bonds or any Additional Bonds are outstanding and unpaid, will not sell, convey, mortgage, encumber, lease or in any manner transfer title to, or otherwise dispose of the System, or any significant or substantial part thereof; provided, however, that whenever the City deems it

necessary to dispose of any property, machinery, fixtures or equipment, it may sell or otherwise dispose of such property, machinery, fixtures or equipment when it has made arrangements to replace the same or provide substitutes therefor, unless it is determined that no such replacement or substitute is necessary. Proceeds from any sale hereunder not used to replace or provide for substitution of such property sold, shall be used for improvements to the System or to purchase or redeem Previously Issued Parity Bonds, Bonds and Additional Bonds.

(h) **Insurance**. (1) It shall cause to be insured such parts of the System as would usually be insured by corporations operating like properties, with a responsible insurance company or companies, against risks, accidents or casualties against which, and to the extent, insurance is usually carried by corporations operating like properties, including, to the extent reasonably obtainable, fire and extended coverage insurance, insurance against damage by floods, and use and occupancy insurance. Public liability and property damage insurance shall also be carried unless the City Attorney of the City gives a written opinion to the effect that the City is not liable for claims which would be protected by such insurance. At any time while any contractor engaged in construction work shall be fully responsible therefor, the City shall not be required to carry insurance on the work being constructed if the contractor is required to carry appropriate insurance. All such policies shall be open to the inspection of the bondholders and their representatives at all reasonable times. Upon the happening of any loss or damage covered by insurance from one or more of said causes, the City shall make due proof of loss and shall do all things necessary or desirable to cause the insuring companies to make payment in full directly to the City. The proceeds of insurance covering such property, together with any other funds necessary and available for such purpose, shall be used forthwith by the City for repairing the property damaged or replacing the property destroyed; provided, however, that if said insurance proceeds and other funds are insufficient for such purpose, then said insurance proceeds pertaining to the System shall be used promptly as follows:

(i) for the redemption prior to maturity of the Previously Issued Parity Bonds, the Bonds and Additional Bonds, ratably in the proportion that the outstanding principal of each series of Previously Issued Parity Bonds, Bonds or Additional Bonds bears to the total outstanding principal of all Previously Issued Parity Bonds, Bonds and Additional Bonds, provided that, if on any such occasion the principal of any such series is not subject to redemption, it shall not be regarded as outstanding in making the foregoing computation; or

(ii) if none of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds is subject to redemption, then for the purchase on the open market and retirement of said Previously Issued Parity Bonds, Bonds and Additional Bonds in the same proportion as prescribed in the foregoing clause (i), to the extent practicable; provided, however, that the purchase price for any Previously Issued Parity Bond, Bond or Additional Bond shall not exceed the redemption price of such Previously Issued Parity Bond, Bond or Additional Bond on the first date upon which it becomes subject to redemption; or

(iii) to the extent that the foregoing clauses (i) and (ii) cannot be complied with at the time, the insurance proceeds, or the remainder thereof, shall be deposited in a special and separate trust fund, at an official depository of the City, to be designated the Insurance Account. The Insurance Account shall be held until such time as the foregoing clauses (i) and/or (ii) can be complied with, or until other funds become available which,

together with the Insurance Account, will be sufficient to make the repairs or replacements originally required, whichever of said events occurs first.

(2) The foregoing provisions of (1) above notwithstanding, the City shall have authority to enter into coinsurance or similar plans where risk of loss is shared in whole or in part by the City.

(3) The annual audit hereinafter required shall contain a section commenting on whether or not the City has complied with the requirements of this Section with respect to the maintenance of insurance, and listing all policies carried, and whether or not all insurance premiums upon the insurance policies to which reference is hereinbefore made have been paid.

(i) **Rate Covenant**. The City Council of the City will fix, establish, maintain and collect such rates, charges and fees for the use and availability of the System at all times as are necessary to produce Gross Revenues sufficient, (1) to pay all current operation and maintenance expenses of the System, (2) to produce Net Revenues for each Year at least equal to 1.25 times the principal and interest requirements (including Amortization Installments) of all then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds for the Year during which such requirements are scheduled to be the greatest, and (3) to pay all other obligations of the System.

(j) **Records**. It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the System, the Pledged Revenues and the Funds created pursuant to this Ordinance, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

(k) **Governmental Agencies**. The City will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorization and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

Section 22. **COMPLIANCE WITH THE TWDB'S RULES AND REGULATIONS**. That the provisions of this Section shall apply so long as the Bonds, or any of them, are owned by the TWDB.

(a) **Annual Audit Reporting**. For so long as the State of Texas owns any of the Bonds, the City shall mail a copy of the audit to the TWDB. In addition, monthly operating statements for the System shall be maintained by the City and made available, upon request, to the TWDB as long as the State owns any Bond, and the monthly operating statement shall be in such detail as requested by the Development Fund Manager of the TWDB, until the Development Fund Manager of the TWDB waives this requirement.

(b) **No Competition**. The City will not grant any franchise or permit for the acquisition, construction or operation of any competing facilities which might be used as a substitute for the System's facilities, and, to the extent that it legally may, the City will prohibit any such competing facilities.

(c) **Final Accounting**. The City shall render a final accounting to the TWDB in reference to the total cost incurred by the City for improvements and extensions to the System which were financed by the issuance of the Bonds, together with a copy of the complete set of "as built" plans of such improvements and extensions promptly upon completion.

(d) **Compliance with the Texas Water Development Board's Rules and Regulations**. The City shall comply with the rules and regulations of the TWDB relating to the loan funds evidenced by the Bonds and the Project for which the Bonds are issued, sold and delivered, and to maintain insurance on the System in such amount as may be required by the TWDB.

(e) **Indemnification of the Texas Water Development Board**. The City shall, to the extent permitted by law, indemnify, hold harmless and protect the TWDB from any and all claims arising from the sampling, analysis, transport, storage, treatment, removal and off-site disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the City, its contractors, consultants, agents, officials and employees as a result of activities relating to the Project financed with the proceeds of the Bonds.

(f) **Water Conservation Program**. The City will implement an approved water conservation program, in satisfaction of the requirements of Section 375.43 of Title 31 of the Texas Administrative Code.

(g) **Environmental Determinations**. The City agrees and covenants that it will comply with any special conditions of the environmental determination of the Executive Administrator in accordance with Title 31, Texas Administrative Code, Chapter 375, Subchapter E, as amended.

(h) **Prohibition on Use of Proceeds**. The City covenants and agrees that none of the proceeds of the Bonds will be expended on costs incurred or to be incurred relating to the sampling, testing, removing or disposing of potentially contaminated soils and/or media at the project site.

(i) **Conveyance of Obligations**. Prior to any action by the City to convey its obligations under the Bonds to another entity, if permitted by law, the conveyance and the assumption of such obligations must be approved by the TWDB. The Issuer shall notify the Executive Administrator prior to taking any actions to alter its legal status in any manner, such a sale-transfer-merger with another retail public utility.

(j) **Davis-Bacon Act Compliance**. All laborers and mechanics employed by contractors and subcontractors for the Project who are paid from proceeds of the Bonds on deposit in the Construction Fund shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality of the City in accordance with the federal Davis-Bacon Act and the U.S. Department of Labor’s implementing regulations pertaining thereto.

(k) **Federal Funding Accountability and Transparency Act**. The City shall provide the TWDB with all information required by the Federal Funding Accountability and Transparency Act of 2006, Pub. L. 109-282.

(l) **DUNS Number and CAGE Code**. The City shall obtain a Data Information Numbering System (DUNS) Number and shall register with the System for Award Management

to obtain a Commercial and Government Entity (CAGE) Code, and maintain current registration at all times during which the Bonds are outstanding.

(m) **Timely Expenditures**. All proceeds of the Bonds will be timely and expeditiously used, as required by applicable federal statutes and U.S. Environmental Protection Agency regulations, and the City shall adhere to a project construction schedule acceptable to the Executive Administrator that facilitates timely use of funds and project completion.

(n) **Insurance**. Insurance coverage be obtained and maintained by the Issuer in an amount sufficient to protect the interest of the TWDB in the Project.

(o) **Remedies**. The TWDB may exercise all remedies available to it in law or equity, and any provision of the Bonds or this Ordinance that restricts or limits the TWDB's full exercise of such remedies shall be of no force and effect.

(p) **Covenant Regarding Taxes and System Rates**. The City hereby agrees that, for so long as the Bonds are outstanding, to levy a tax and/or maintain and collect sufficient rates and charges to produce System revenues in an amount necessary to meet the debt service requirements of all outstanding obligations and to maintain the funds established and required by the Bonds.

(q) **American Iron and Steel Requirements**. The City will abide by all applicable construction contract requirements related to the use of iron and steel products in the United States, as required by the 2014 Federal Appropriations Act and related State Revolving Fund Policy Guidelines.

(r) **Notice of Defeasance.** For so long as the TWDB is an owner of any Bond, the City will provide to the Development Fund Manager of the TWDB written notice of any defeasance of Bonds at least sixty (60) days prior to the defeasance being effected by the City.

(s) **Procurement Requirements**. The City shall provide documentation that it has met all applicable state procurement requirements as well as all federal procurement requirements under the Disadvantaged Business Enterprises program prior to the release of funds for professional consultants including, but not limited to, engineers, financial advisors and bond counsel.

Section 23. **AMENDMENT OF ORDINANCE**. (a) That the holders of the Previously Issued Parity Bonds, Bonds and Additional Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall have the right from time to time to approve any amendment to this Ordinance which may be deemed necessary or desirable by the City; provided, however, that without the consent of the holders of all of the Previously Issued Parity Bonds, Bonds and Additional Bonds at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Ordinance or in the Previously Issued Parity Bonds, Bonds or Additional Bonds so as to:

(1) Make any change in the maturity of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(2) Reduce the rate of interest borne by any of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) Reduce the amount of the principal payable on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(4) Modify the terms of payment of principal of or interest on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds or impose any conditions with respect to such payment;

(5) Affect the rights of the holders of less than all of the Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding; or

(6) Change the minimum percentage of the principal amount of Previously Issued Parity Bonds, Bonds and Additional Bonds necessary for consent to such amendment.

(b) That if at any time the City shall desire to amend the Ordinance under this Section, the City shall cause notice of the proposed amendment to be published in a financial newspaper or journal published in The City of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Paying Agent/Registrar for inspection by all holders of Previously Issued Parity Bonds, Bonds and Additional Bonds. Such publication is not required, however, if notice in writing is given to each holder of Previously Issued Parity Bonds, Bonds and Additional Bonds.

(c) That whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the City Council may pass the amendatory ordinance in substantially the same form.

(d) That upon the passage of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with such amendatory ordinance, and the respective rights, duties and obligations under this Ordinance of the City and all the holders of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) That any consent given by the holder of a Previously Issued Parity Bond, Bond or Additional Bond pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of the first publication of the notice or other service of written notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Previously Issued Parity Bond, Bond or Additional Bond during such period. Such consent may be revoked at any time after six (6) months from the date of the first publication of such notice or other service of written notice by the holder who gave such consent, or by a successor

in title, by filing notice thereof with the paying agent/registrar therefor and the City, but such revocation shall not be effective if the holders, identified in accordance with subsection (f) of this Section, of 51% in aggregate principal amount of the then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds have, prior to the attempted revocation, consented to and approve the amendment.

(f) That for the purpose of this Section, the fact of the holding of Previously Issued Parity Bonds, Bonds, or Additional Bonds issued in registered form without coupons and the amounts and numbers of such Previously Issued Parity Bonds, Bonds or Additional Bonds and the date of their holding same shall be proved by the bond registration books of the paying agent/registrar therefor. For purposes of this Section, the holder of a Previously Issued Parity Bond, Bond or Additional Bond in such registered form shall be the owner thereof as shown on such registration books. The City may conclusively assume that such ownership continues until written notice to the contrary is served upon the City.

(g) The foregoing provisions of this Section notwithstanding, the City by action of the City Council may amend this Ordinance for any one or more of the following purposes:

(1) To add to the covenants and agreements of the City in this Ordinance contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the City;

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Ordinance, or in regard to clarifying matters or questions arising under this Ordinance, including, without limitation, those matters described in Section 27(c)(v) hereof, (or those matters necessary to obtain the approving opinion of the Attorney General of Texas as required by law, as are necessary or desirable and not contrary to or inconsistent with this Ordinance and which shall not adversely affect the interests of the holders of the Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) To modify any of the provisions of this Ordinance in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Previously Issued Parity Bonds outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Bonds issued after the date of the adoption of such modification.

Section 24. **DAMAGED, MUTILATED, LOST, STOLEN OR DESTROYED BONDS**. (a) That in the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them

harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) In accordance with Chapter 1206, particularly Subchapter B thereof, this Section of this Ordinance shall constitute authority for the issuance of any such replacement bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such bonds in the form and manner and with the effect, as provided in Section 5(d) of this Ordinance for Bonds issued in exchange for other Bonds.

Section 25. **TAX COVENANTS**. That the City covenants to refrain from any action which would adversely affect, or to take any action to assure, the treatment of the Bonds as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use", as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds are so used, that amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event that the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and

not "disproportionate", within the meaning of section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any), is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(a) of the Code;

(e) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

(1) proceeds of the Bonds invested for a reasonable temporary period, until such proceeds are needed for the purpose for which the Bonds are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(g) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(h) to refrain from using the proceeds of the Bonds or the proceeds of any prior bonds to pay debt service on another issue more than ninety (90) days after the issuance of the Bonds in contravention of Section 149(d) of the Code (relating to advance refundings);

(i) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "excess earnings", within the meaning of section 148(f) of the Code, and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code;

(j) to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which

the Bonds are issued, an information statement concerning the Bonds, all under and in accordance with section 149(e) of the Code and the applicable Treasury Regulations promulgated thereunder; and

(k) the City will not acquire any of the source series bonds issued by the TWDB in an amount related to the amount of Bonds acquired by the TWDB.

The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of a refunding bond, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of the issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of the foregoing, the Mayor, the City Manager, the Chief Financial Officer of the City, and any Assistant City Manager may execute any certificates or other reports required by the Code and make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds. In order to facilitate compliance with the above clause (i), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such Rebate Fund shall not be subject to the claim of any other person, including without limitation the registered owners of the Bonds. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

Section 26. **ADDITIONAL TAX COVENANTS.** (a) **Allocation of Bond Proceeds, and Limitation on, Expenditures for the Project.** That the City covenants to account for on its books and records the expenditure of proceeds from the sale of the Bonds and any investment earnings thereon to be used for the Project in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within eighteen (18) months of the later of the date that (a) the expenditure on a Project is made or (b) each such Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (a) the fifth anniversary of the date of delivery of the Bonds or (b) the date the Bonds are retired. The City agrees to obtain the advice of a nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Bonds. For purposes of this Section, the City shall not be obligated to comply with this covenant if it obtains an opinion of a nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(b) **Disposition of Bond Financed Property.** The City covenants that property financed with the proceeds of the Bonds, or the property constituting a Project, will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of this Section, the portion of the property comprising personal property and disposed of in the ordinary course of business shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest, on the Bonds, if any.

Section 27. **CONTINUING DISCLOSURE UNDERTAKING**. (a) **Annual Reports.** (i) That the City shall provide annually to the MSRB, within six months after the end of each Year ending in or after 2019, financial information and operating data with respect to the City of the general type included in the final application submitted to the TWDB and to the MSRB with respect to the Previously Issued Parity Bonds. Any financial statements so to be provided shall be: (1) prepared in accordance with the accounting principles generally applicable to cities such as the City and as described in the notes to the financial statements filed with the TWDB as part of the Application, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, when and if available, and in any event, within twelve (12) months after the end of each Year ending in or after 2019. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial information of the type described in the numbered tables referenced in the continuing disclosure undertaking of the City set forth in the ordinance authorizing the issuance of the Series 2018C Bonds by the required time, and will provide audited financial statements for the applicable Year to the MSRB, when and if the audit report on such statements become available. Such information shall be transmitted electronically to the MSRB, in such format as prescribed by the MSRB.

(ii) If the Year is changed by the City, the City will notify the MSRB of such change (and of the date of the new Year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(b) **Disclosure Event Notices.** The City shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten (10) Business Days after the occurrence of the event), of any of the following events with respect to the Bonds:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;

4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material;
15. Incurrence of a Financial Obligation of the Obligated Person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Obligated Person, any of which affect security holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar event under the terms of a Financial Obligation of the Obligated Person, and which reflect financial difficulties.

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

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

As used in clauses 15 and 16 above, the term "Financial Obligation" means: (i) a debt obligation; (ii) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) a guarantee of (i) or (ii); however, the term Financial Obligation shall not include Municipal Securities as to which a final

official statement has been provided to the MSRB consistent with the Rule; the term "Municipal Securities" means securities which are direct obligations of, or obligations guaranteed as to principal or interest by, a state or any political subdivision thereof, or any agency or instrumentality of a state or any political subdivision thereof, or any municipal corporate instrumentality of one or more states and any other Municipal Securities described by Section 3(a)(29) of the Securities Exchange Act of 1934, as the same may be amended from time to time; and the term "Obligated Person" means the City.

(c) **Limitations, Disclaimers, and Amendments.** (i) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed

circumstances and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

Section 28. **DEFAULT AND REMEDIES**. (a) **Events of Default**. That each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

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

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

(b) **Remedies for Default**.

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

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

(c) **Remedies Not Exclusive**.

(i) That no remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative

and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

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

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 29. **PROJECT FUND**. (a) That there is hereby created, established and maintained on the books of the City, a separate fund to be entitled the "City of Dallas, Texas Waterworks and Sewer System Series 2019B Revenue Bonds Project Fund" (hereinafter called the "Project Fund"). Monies in the Project Fund shall be maintained at an official depository bank of the City.

(b) Except as otherwise provided in Section 14(a) hereof, the proceeds of the Bonds shall be deposited into the Project Fund and used by the City for payment of the costs of the Project, and the payment of costs associated therewith, including any costs for engineering, financing, financial consultation, administrative, auditing and legal expenses.

(c) Any surplus proceeds, including the investment earnings derived from the investment of monies on deposit in the Project Fund, from the Bonds remaining on deposit in the Project Fund after completing the planning, acquisition, designing, and constructing extensions and improvements to the System and upon the completion of the final accounting as described in Section 22(c) hereof, shall be used to: (1) redeem the Bonds owned by the TWDB; (2) deposit into the Interest and Sinking Fund for the payment of interest or principal on the Bonds owned by the TWDB; or (3) to the extent applicable and permitted by law, deposit to a reserve fund. The foregoing notwithstanding, it is further provided, however, that any interest earnings on monies on deposit in the Project Fund which are required to be rebated to the United States of America pursuant to Section 25 hereof in order to prevent the Bonds from being arbitrage bonds shall be transferred to the "Rebate Fund" hereinafter established and shall not be considered as interest earnings for purposes of this subsection.

(d) If required by the TWDB as a condition to the purchase of the Bonds, the City Manager or the designee thereof may approve, execute and deliver an appropriate escrow agreement or establish an appropriate trust and agency fund on the books of the City. In either case, proceeds of the Bonds required to be deposited under an escrow agreement or into a trust

and agency fund shall be disbursed in accordance with the TWDB Rules Relating to Financial Programs or as otherwise authorized and directed by the TWDB.

Section 30. **SALE OF BONDS**. (a) **Sale to the TWDB**. That the Bonds are hereby sold to the TWDB for the price of par, less the origination fee calculated in the manner provided in the TWDB Resolution. The Bonds may be delivered to the TWDB in accordance with the schedule set forth in Schedule I of this Ordinance, and paid for in whole, or in installments at such times as shall be approved by the City Manager, provided none of the Bonds shall be so delivered without the City's receiving full payment therefor. The Bonds submitted to the Office of the Attorney General for review shall be registered in the name of the Texas Water Development Board.

(b) **City Manager to Execute Documents**. The City hereby authorizes the City Manager to approve and execute such documents necessary to effect the delivery of the Bonds.

(c) **Date of Delivery of Bonds**. The Paying Agent/Registrar shall complete the "Date of Delivery" on each Bond delivered to the TWDB as provided in Section 5(j) of this Ordinance, and interest on the Bonds so delivered shall commence from such date.

(d) **Sale of Bonds by the TWDB**. It is the intent of the parties to the sale of the Bonds that if the TWDB ever determines to sell all or a part of the Bonds, it shall notify the City at least sixty (60) days prior to the sale of the Bonds of the decision to so sell the Bonds.

Section 31. **APPROVAL AND REGISTRATION OF BONDS**. That the City Manager of the City is hereby authorized to have control of the Bonds and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds, the Comptroller of Public Accounts (or a deputy designated in writing to act therefor) shall manually sign the Comptroller's Registration Certificate set forth in the FORM OF BOND. The Bonds thus registered shall remain in the custody of the City Manager (or the designee thereof) until delivered to the TWDB.

Section 32. **FURTHER PROCEDURES**. That the City Manager, the Chief Financial Officer of the City, any Assistant City Manager, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, and the sale and delivery of the Bonds and fixing all details in connection therewith. The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the issuance of the Bonds, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

Section 33. **PREAMBLE**. That the preamble to this Ordinance is incorporated by reference and made a part hereof for all purposes.

Section 34. **RULES OF CONSTRUCTION**. That for all purposes of this Ordinance, unless the context requires otherwise, all references to designated Sections and other subdivisions are to the Sections and other subdivisions of this Ordinance. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular Section or other subdivision. Except where the context otherwise requires, terms defined in this Ordinance to impart the singular number shall be considered to include the plural number and vice versa. References to an officer or designated position (e.g., City Manager) include any person acting in the capacity of such officer or designated position, whether on an acting, interim or permanent basis. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Ordinance is adopted by the City and any future amendments thereto or successor provisions thereof. Any reference to the payment of principal in this Ordinance shall be deemed to include the payment of Amortization Installments (if any). Any reference to "FORM OF BOND" shall refer to the form of the Bonds set forth in Exhibit A to this Ordinance. The calculation of average annual principal and interest requirements as may be required by this Ordinance shall be made at the beginning of each Year and shall be the sum of the annual principal and interest requirements due for the current and each subsequent Year in which the Previously Issued Parity Bonds, the Bonds and any Additional Bonds are outstanding divided by the number of such Years, or partial Years, if applicable. Surplus moneys in the Reserve Fund the source of which are proceeds of bonds may be used only to complete projects for which such bond proceeds were issued, for improvements to the System, or for other costs for which the City could issue bonds for the System. The terms "owner" and "holder" and "bondholder", as used in this Ordinance, shall mean the registered or beneficial owner of a Bond. For purposes of Section 18, the term "Previously Issued Parity Bonds" means the Series 2015A Bonds, the Series 2015B Bonds, the Series 2016A Bonds, the Series 2016B Bonds, the Series 2017 Bonds, the Series 2018A Bonds, the Series 2018B Bonds and the Series 2018C Bonds. Should the issuance of the Concurrent Bonds not be approved by the City Council, references in this Ordinance to Concurrent Bonds and Series 2019A Bonds shall be of no force and effect.

Section 35. **IMMEDIATE EFFECT**. That this Ordinance shall be effective immediately from and after its passage in accordance with the provisions of Section 1201.028, Texas Government Code.

Section 36. **SEVERABILITY.** That if any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 37. **WRITTEN PROCEDURES FOR FEDERAL TAX LAW COMPLIANCE**. That unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the written procedures adopted by the City in the ordinance authorizing the issuance of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, adopted by the City Council on September 19, 2012, apply to the Bonds.

PASSED AND APPROVED the 10th day of April, 2019.

APPROVED AS TO FORM:
Christopher J. Caso, Interim City Attorney

_____

SCHEDULE I

The Bonds shall mature on October 1 in each of the years, in the amounts, and bear interest at the interest rates per annum, as set forth in the following schedule:

YEARS	AMOUNTS ($)	INTEREST RATES (%)
2020		
2021		
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		
2035		
2036		
2037		
2038		
2039		
2040		
2041		
2042		
2043		
2044		
2045		
2046		
2047		
2048		

Exhibit A

FORM OF BOND:

NO. R- $_____

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL
CITY OF DALLAS, TEXAS
WATERWORKS AND SEWER SYSTEM REVENUE BOND
SERIES 2019B

MATURITY DATE	INTEREST RATE	DATE OF DELIVERY	CUSIP

ON THE MATURITY DATE SPECIFIED ABOVE, THE CITY OF DALLAS, IN DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL COUNTIES, TEXAS (the "City"), hereby promises to pay to _____, or the registered assignee hereof (either being hereinafter called the "registered owner") the principal amount of

_____

and to pay interest thereon, from the original date of delivery of this Bond specified above, to the date of its scheduled maturity or the date of its redemption prior to scheduled maturity, at the rate of interest per annum specified above, with said interest being payable on October 1, 2019, and semiannually on each April 1 and October 1 thereafter, except that if the Paying Agent/Registrar's Authentication Certificate appearing on the face of this Bond is dated later than October 1, 2019, such interest is payable semiannually on each April 1 and October 1 following such date. Interest on this Bond shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the designated corporate trust office in Dallas, Texas (the "Designated Trust Office"), of UMB Bank, N.A., which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof as shown by the "Registration Books" kept by the Paying Agent/Registrar at the close of business on the Record Date (hereinafter defined) by check drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class, postage prepaid, on each such interest payment date, to the registered owner hereof at its address as it appears on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described, or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. The record date ("Record

Date") for the interest payable on any interest payment date means the 15th day of the preceding month. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. The foregoing notwithstanding, so long as the Texas Water Development Board is the owner of 100% in aggregate principal amount of the Bonds then outstanding, payment of principal and interest on the Bonds shall be made by wire transfer, at no expense to the Texas Water Development Board. The City covenants with the registered owner of this Bond that no later than each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due, in the manner set forth in the ordinance authorizing the issuance of the bonds (the "Ordinance").

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the city where the Designated Trust Office of the Paying Agent/Registrar is located, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. Notwithstanding the foregoing, during any period in which ownership of the bonds of this Series is determined only by a book entry at a securities depository therefor, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THIS BOND is one of a Series of bonds of like tenor and effect except as to denomination, number, maturity, interest rate and right of prior redemption, dated April 1, 2019, issued in the aggregate principal amount of $44,000,000 for the purpose of planning, acquisition, designing, and constructing extensions and improvements to the System (as defined in the Ordinance). All Bonds of this Series are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of $5,000 (an "Authorized Denomination").

THE BONDS of this Series scheduled to mature on and after October 1, 2030 may be redeemed prior to their scheduled maturities, in whole or in part, in principal amounts of $5,000 or any integral multiple thereof, at the option of the City, on October 1, 2029, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the principal amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; *provided*, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed,

the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

AT LEAST 30 days prior to the date fixed for any such redemption, (i) a written notice of such redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; *provided, however*, that should the Texas Water Development Board be the owner of 100% in aggregate principal amount of the Bonds then outstanding, notice of redemption shall not be required to be published in the manner described in (ii) above; and *provided, further*, that should the Texas Water Development Board not be the owner of 100% in aggregate principal amount of the Bonds then outstanding, the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bond, and the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for this Bond or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, this Bond, or the portion hereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Bond or any portion hereof. If a portion of this Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender hereof for cancellation, at the expense of the City, all as provided in the Ordinance.

AS PROVIDED IN THE ORDINANCE, this Bond, or any unredeemed portion hereof, may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at the same rate, in any Authorized Denomination as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar at its Designated Trust Office for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any Authorized Denomination to the assignee or assignees in whose name or names this Bond or any

such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The City shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring, converting and exchanging any Bond or portion thereof; provided, however, that any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such transfer, conversion and exchange. In any circumstance, neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business 15 days before the day of the first mailing of a notice of redemption of bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bonds so selected for redemption when such redemption is scheduled to occur within 30 calendar days; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the City, and agrees that the terms and provisions of this Bond and the Ordinance constitute a contract between each registered owner hereof and the City.

THE CITY has reserved the right, subject to the restrictions stated, and adopted by reference, in the Ordinance, to issue additional parity revenue bonds which also may be made payable from, and secured by a first lien on and pledge of, the "Pledged Revenues" (as defined in the Ordinance).

THE REGISTERED OWNER HEREOF is not entitled to demand payment of this obligation out of any money raised or to be raised by taxation, or from any source whatsoever other than the Pledged Revenues.

IT IS HEREBY certified and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is a special obligation; and that the principal of and interest on this Bond together with outstanding parity revenue bonds are payable from, and secured by a first lien on and pledge of, the Pledged Revenues, which include the Net Revenues (as defined in the Ordinance) of the System.

IN TESTIMONY WHEREOF, the City Council has caused the seal of the City to be duly impressed or placed in facsimile hereon, and this Bond to be signed with the imprinted facsimile signature of the Mayor and countersigned by the facsimile signatures of the City Manager and the City Secretary.

COUNTERSIGNED:

_____ _____

City Manager Mayor

(SEAL)

_____

City Secretary

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

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

Dated_____

UMB BANK, N.A.,
Paying Agent/Registrar

By:_____
Authorized Representative

(FORM OF COMPTROLLER'S CERTIFICATE ATTACHED TO
THE BONDS UPON INITIAL DELIVERY THEREOF ONLY)

OFFICE OF COMPTROLLER :

REGISTER NO._____

STATE OF TEXAS :

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

_____
Comptroller of Public Accounts of the
State of Texas

FORM OF ASSIGNMENT:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

_____

Please insert Social Security or Taxpayer Identification Number of Transferee

_____
/_____/

_____
(Please print or typewrite name and address, including zip code of Transferee)

_____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____

Signature Guaranteed:

_____
NOTICE: Signatures must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

_____
NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :
CITY OF DALLAS :

I, Bilierae Johnson, City Secretary of the City of Dallas, Texas, do hereby certify that the above and foregoing is a true and correct copy of an excerpt from the minutes of the City Council of the City of Dallas, had in Regular Meeting on the 10th day of April, 2019, and an Ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2019B, which Ordinance is duly of record in the minutes of said City Council; and that said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and seal of the City of Dallas, Texas, this the ____ day of April, 2019.

_____
Bilierae Johnson, City Secretary
City of Dallas, Texas

(SEAL)

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2019B; AWARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO

ADOPTED:
April 10, 2019

TABLE OF CONTENTS

		Page
Recitals		1
Section 1.	Bonds Authorized	2
Section 2.	Dates and Maturities	2
Section 3.	Redemption	2
Section 4.	Interest	3
Section 5.	Paying Agent/Registrar; Book-Entry Only System	3
Section 6.	Form of Bonds	7
Section 7.	Definitions	8
Section 8.	Pledge	12
Section 9.	Revenue Fund	12
Section 10.	Interest and Sinking Fund	12
Section 11.	Reserve Fund	12
Section 12.	Deposits of Pledged Revenues; Investments	13
Section 13.	Funds Secured	13
Section 14.	Debt Service Requirements	13
Section 15.	Reserve Requirements	14
Section 16.	Deficiencies; Excess Pledged Revenues	14
Section 17.	Payment of the Bonds and Additional Bonds	14
Section 18.	Final Deposits; Governmental Obligations	15
Section 19.	Additional Bonds	16
Section 20.	Further Requirements for Additional Bonds	17
Section 21.	General Covenants	17
Section 22.	Compliance with the TWDB's Rules and Regulations	20
Section 23.	Amendment of Ordinance	22
Section 24.	Damaged, Mutilated, Lost, Stolen or Destroyed Bonds	24
Section 25.	Tax Covenants	25
Section 26.	Additional Tax Covenants	27
Section 27.	Continuing Disclosure Undertaking	28
Section 28.	Default and Remedies	30
Section 29.	Project Fund	31
Section 30.	Sale of Bonds	32
Section 31.	Approval and Registration of Bonds	33
Section 32.	Further Procedures	33
Section 33.	Preamble	33
Section 34.	Rules of Construction	33
Section 35.	Immediate Effect	34
Section 36.	Severability	34
Section 37.	Written Procedures for Federal Tax Law Compliance	34

Schedule I Terms of Bonds

Exhibit A Form of Bond

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-466 **Item #:** 52.

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary's Office

SUBJECT

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

powered by Legistar™

Agenda Information Sheet

File #: 19-439 **Item #:** 53.

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	April 10, 2019
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Office of Economic Development
EXECUTIVE:	T.C. Broadnax

SUBJECT

Authorize a development agreement with 1412 Main Street, LLC ("Developer") and/or its affiliates in an amount not to exceed $2,247,605.00, payable from future City Center TIF District Funds, in consideration of the Adolphus Tower Project ("Project") on property currently addressed at 1412 Main Street in Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) - Not to exceed $2,247,605.00 - Financing: City Center TIF District Funds (subject to future appropriations from tax increments)

BACKGROUND

The Adolphus Tower, located at 1412 Main Street in the downtown core at the southwest corner of Main Street and Akard Street, was constructed in 1954. Of the 185,990 square feet of net rentable office space, 63 percent is currently occupied. The ground floor currently has just over 2,000 square feet of retail space, occupied by Freshii. Interior improvements are underway to modernize the office tower. The proposed future phase includes façade improvements as well as expansion of the ground floor retail to over 6,000 square feet, addition of outdoor dining space, and enhancements to the public realm.

The developer, 1412 Main Street, LLC (Sardar (Mike) Hoque), has requested Tax Increment Financing funding assistance for the public realm and façade improvements. Plans for the proposed ground floor improvements have been reviewed and adjusted by the Urban Design Peer Review Panel. The adjustments ensure ample walking space, Americans with Disabilities Act compliance and pavement lighting.

Allocating $2,247,605.00 in City Center TIF District Funds for the Adolphus Tower Project is likely to be the last City Center Sub-District development/redevelopment project. The City Center Sub-District of the City Center TIF District expires December 31, 2022, with final collection and disbursement in 2023. No TIF subsidy would be paid until all terms of the development agreement are met, including occupancy of at least 50 percent of the ground floor space. This project will complete a key downtown corner and will increase the retail opportunities for the growing office and residential populations.

ESTIMATED SCHEDULE OF PROJECT

Project Start Date July 2019 (public improvements)
Project Completion Date March 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 14, 2019, the City Center TIF District Board of Directors reviewed the proposed Adolphus Tower Project and, in accordance with the City Center TIF District Project Plan and Reinvestment Zone Financing Plan, recommended City Council authorization of a development agreement with 1412 Main Street, LLC and/or its affiliates in an amount not to exceed $2,247,605.00.

The Economic Development and Housing Committee will be briefed regarding this matter on April 1, 2019.

FISCAL INFORMATION

City Center TIF District Funds - $2,247,605.00 (subject to future appropriations from future tax increments)

OWNER/DEVELOPER

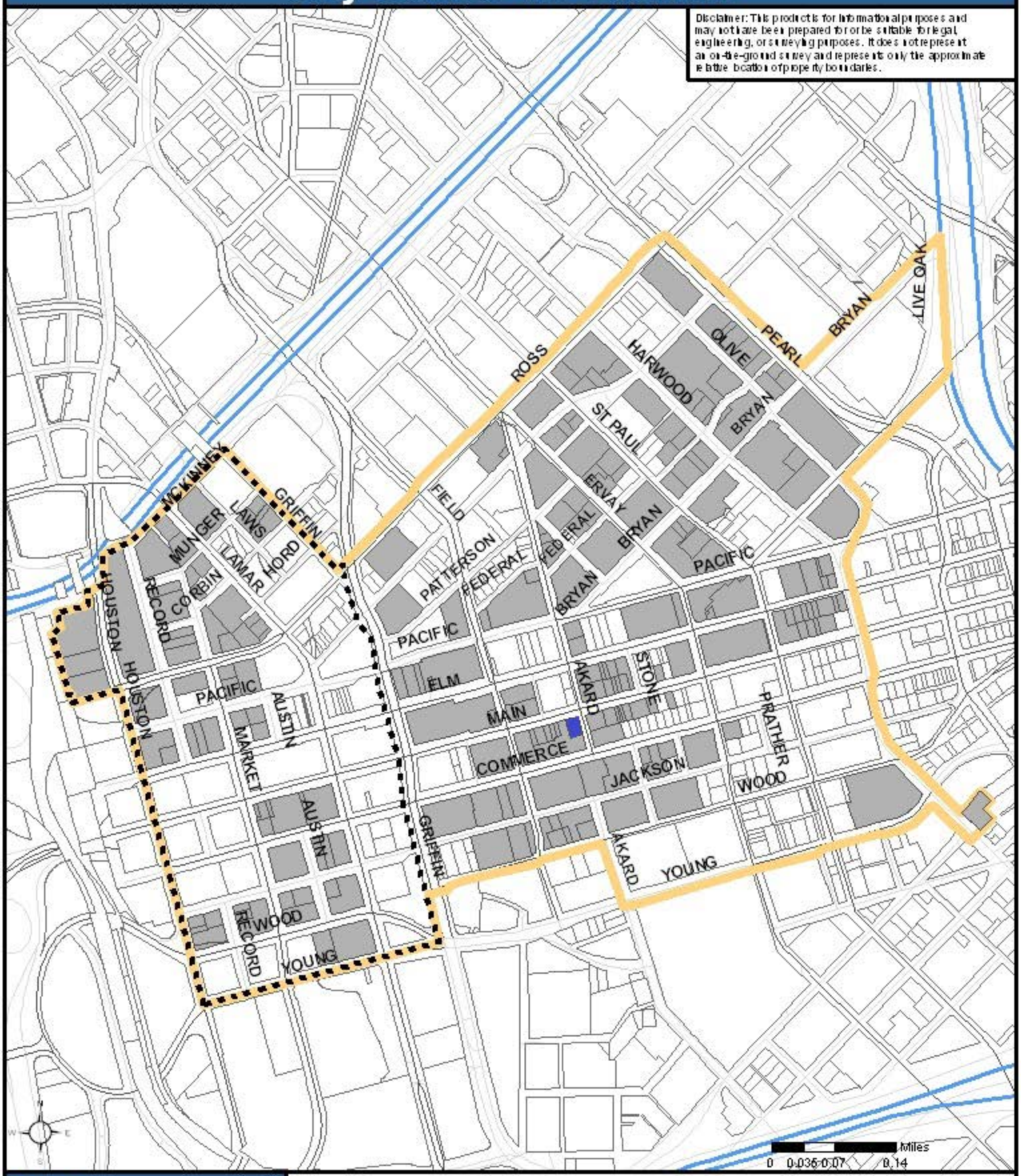
1412 Main Street, LLC

Sardar Mike Hoque
1717 Main Street, Suite 5630
Dallas, Texas 75201

MAP

Attached

ADOLPHUS TOWER City Center TIF District



DALLAS
ECONOMIC
DEVELOPMENT

Area Redevelopment Division
214.670.1685
dallas-ecodev.org

Legend

- City Center TIF District Boundary
- City Center TIF District Parcels
- Lamar Corridor/West End Sub-District

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 26, 1996, City Council pursuant to Resolution No. 96-2248; Ordinance No. 22802, established Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the City Center area through the use of tax increment financing as amended; and

WHEREAS, on February 12, 1997, City Council, pursuant to Resolution No. 97-0484; Ordinance No. 23034, authorized the City Center TIF District Project Plan and Reinvestment Zone Financing Plan for the City Center TIF District, as amended; and

WHEREAS, on December 12, 2012, City Council conducted a public hearing, received comments and approved amendments to the City Center TIF District Project and Reinvestment Zone Financing Plans and authorized Resolution No. 12-3040; Ordinance No. 28865 amending Ordinance No. 22802, previously approved on June 26, 1996, and an Ordinance No. 23034, previously approved February 12, 1997, to: (1) create two sub-districts within the City Center TIF District: (a) City Center Sub-district (original district boundary) and (b) Lamar Corridor/West End Sub-district; (2) increase the geographic area of the City Center TIF District to add approximately 27.14 acres to create the Lamar Corridor/West End Sub-district; (3) extend the current termination date of the City Center TIF District from December 31, 2012, to December 31, 2022, for the City Center Sub-district and establish a termination date for the Lamar Corridor/West End Sub-district of December 31, 2037; (4) decrease the percentage of tax increment contributed by the City of Dallas during the extended term of the TIF District and establish other taxing jurisdictions participation percentages; (5) increase the City Center TIF District's budget from $87,567,717 total dollars to $151,968,546 total dollars; and (6) make corresponding modifications to the City Center TIF District boundary, budget and Project and Reinvestment Zone Financing Plans; and

WHEREAS, on March 14, 2019, the City Center TIF District Board of Directors ("Board") reviewed the proposed Adolphus Tower Project and, in accordance with the City Center TIF District Project Plan and Reinvestment Zone Financing Plan, recommended City Council authorization of a development agreement with 1412 Main Street, LLC and/or its affiliates in an amount not to exceed $2,247,605.00; and

WHEREAS, to further implement the City Center TIF District Project Plan and Reinvestment Zone Financing Plan, the City desires to enter into a development agreement with 1412 Main Street, LLC ("Developer") and/or its affiliates in an amount not to exceed $2,247,605.00 ("TIF Subsidy"), payable from future City Center TIF District Funds, in consideration of the Adolphus Tower Project ("Project") on property currently addressed at 1412 Main Street.

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 development agreement between 1412 Main Street, LLC ("Developer") and/or its affiliates in an amount not to exceed $2,247,605.00, payable from future City Center TIF District Funds, in consideration of the Adolphus Tower Project ("Project") on property currently addressed at 1412 Main Street in Tax Increment Reinvestment Zone Number Five (City Center TIF District), approved as to form by the City Attorney, thereby confirming the City Center TIF District Board of Director's dedication of future tax increment revenues in an amount not to exceed $2,247,605.00 as shown in **Exhibit A**.

SECTION 2. That the Chief Financial Officer is hereby authorized to encumber and disburse funds in an amount not to exceed $2,247,605.00 to 1412 Main Street, LLC from future tax increments and subject to future appropriations, as follows:

Fund 0035, Department ECO, Unit 1880, Object 3072 Activity TCCN, Program CCTIF0017 Encumbrance/Contract No. CX ECO-2019-00009600-01 Vendor VS100210	$386,656.00
Fund 0035, Department ECO, Unit 1880, Object 4510 Activity TCCN, Program CCTIF0017 Encumbrance/Contract No. CX ECO-2019-00009600-02 Vendor VS100210	$1,860,949.00
Total amount not to exceed	$2,247,605.00

Funds may be shifted between categories, as long as the total TIF Subsidy does not exceed $2,247,605.00.

SECTION 3. That nothing in this resolution shall be construed to require the City to approve payment of the TIF Subsidy from any source of the City funds other than the City Center TIF District (City Center Sub-District) Fund. Any portion of the TIF Subsidy that remains unpaid due to lack or unavailability of City Center TIF District Funds shall no longer be considered project costs of the City Center TIF District or the City, and the obligation of the City Center TIF District to pay Developer shall automatically expire.

SECTION 4. That in addition to the conditions set out in the sections above, the development agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

SECTION 4. (continued)

A. Minimum private investment (acquisition, construction, and construction-related soft costs) of $17,700,000.00 for the Project, as defined in 4.B of this Section, and includes interior renovation of the 27 story, 231,660 square foot office tower. The term “Invest” or “Investment” means the sum of all acquisition costs, construction costs (hard and soft) paid, payable or actually incurred by or on behalf of the Developer, with respect to the Project and the improvements thereon. Construction- related soft costs include the following items: architecture and engineering, interior design, consulting, construction management. Construction management is solely intended to cover fees paid to an outside consultant or third party who confirms the quality of the work. Construction management fees must be invoiced with a detailed description of work performed. Carrying or other similar costs shall not be considered toward this definition of project investment. Developer must provide verification of all expenditures.

B. The Project shall include the following:

1. Minimum 6,000 square feet of leasable retail space (ground floor)
2. Enhanced façade (all floors)
3. Improved sidewalk with Americans with Disabilities Act (ADA) compliant standards

C. Obtain a building and/or demolition permit from the City and start construction for Project by July 1, 2019; and

D. Obtain a Certificate of Occupancy (CO) or similar City of Dallas documentation of completion for a minimum of 6,000 square feet of ground floor retail/commercial space by March 31, 2020; and

E. Obtain final acceptance of public infrastructure improvements associated with the Project, as evidenced by the issuance of a green tag, or other equivalent evidence of completion, from the Department of Transportation by March 31, 2020, and submit documentation to the Office of Economic Development (the “OED”); and

F. If applicable, execute an Operating and Maintenance agreement for non-standard public infrastructure improvements associated with the Project (i.e. for those improvements located within City right-of-way) by March 31, 2020, for a period of 20 years. If Developer chooses to forgo the TIF Subsidy or if the TIF development agreement terminates due to an uncured default by Developer, Developer shall remain responsible for the maintenance of those non-standard public improvements that it has installed for the term of the Operating and Maintenance agreement; and

SECTION 4. (continued)

G. At least 50 percent of the leasable ground floor retail/commercial space must be occupied prior to initial payment of the TIF Subsidy and throughout the TIF Subsidy payments; and

H. Design Review by the Urban Design Peer Review Panel ("Panel"), an independent group of design, engineering, and/or planning professionals selected by the Dallas City Manager, is required for all City Center TIF District projects. The Project was reviewed by the Panel, and the Project shall be constructed in substantial conformance with Panel recommended design plans as approved by the City Center TIF Board of Directors and Dallas City Council **(Exhibit B)**; and

I. Developer shall submit to the Director of the OED a quarterly status report for ongoing work on the Project. Status reports will be due once every three months after the City Council approval date; and

J. Developer shall make a good faith effort to comply with the Business Inclusion and Development ("BID") goal of 40 percent Minority/Women-owned Business Enterprise (M/WBE) participation for the Project and meet all reporting requirements; and

K. Within three months of the effective date of the development agreement, and prior to payment of any TIF Subsidy, Developer shall submit to the City a written plan describing (i) how Developer shall use and document best efforts to recruit and hire residents of the city of Dallas and (ii) how Developer shall cause all tenants of the retail/commercial spaces to use and document best efforts to recruit and hire residents of the city of Dallas. At a minimum, the written plan shall describe how Developer and tenants will target local recruitment through local advertisement, community outreach, local engagement, participation in local job fairs, and/or coordination with local hiring sources. The plan shall be subject to approval by the Director of the Office of Economic Development to ensure that employment opportunities are targeted to Dallas residents.

   No TIF Subsidy shall be paid to Developer until Director approves the written plan. Compliance with the approved written plan shall be a material obligation of the development agreement.

L. Developer shall not appeal the taxable real property value of 1412 Main Street if the proposed Dallas Central Appraisal District (DCAD) value is $10,000,000.00 or less, at least until after the expiration of the City Center TIF District, City Center sub-district, December 31, 2022; and

SECTION 4. (continued)

M. If necessary, the Project deadlines can be extended up to six months, subject to OED Director's and City Center TIF District Board of Director's approval.

SECTION 5. That should 1412 Main Street, LLC not perform one or more of the contingencies listed above, the City Manager is authorized to terminate the development agreement and disallow the total TIF Subsidy up to an amount not to exceed $2,247,605.00.

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

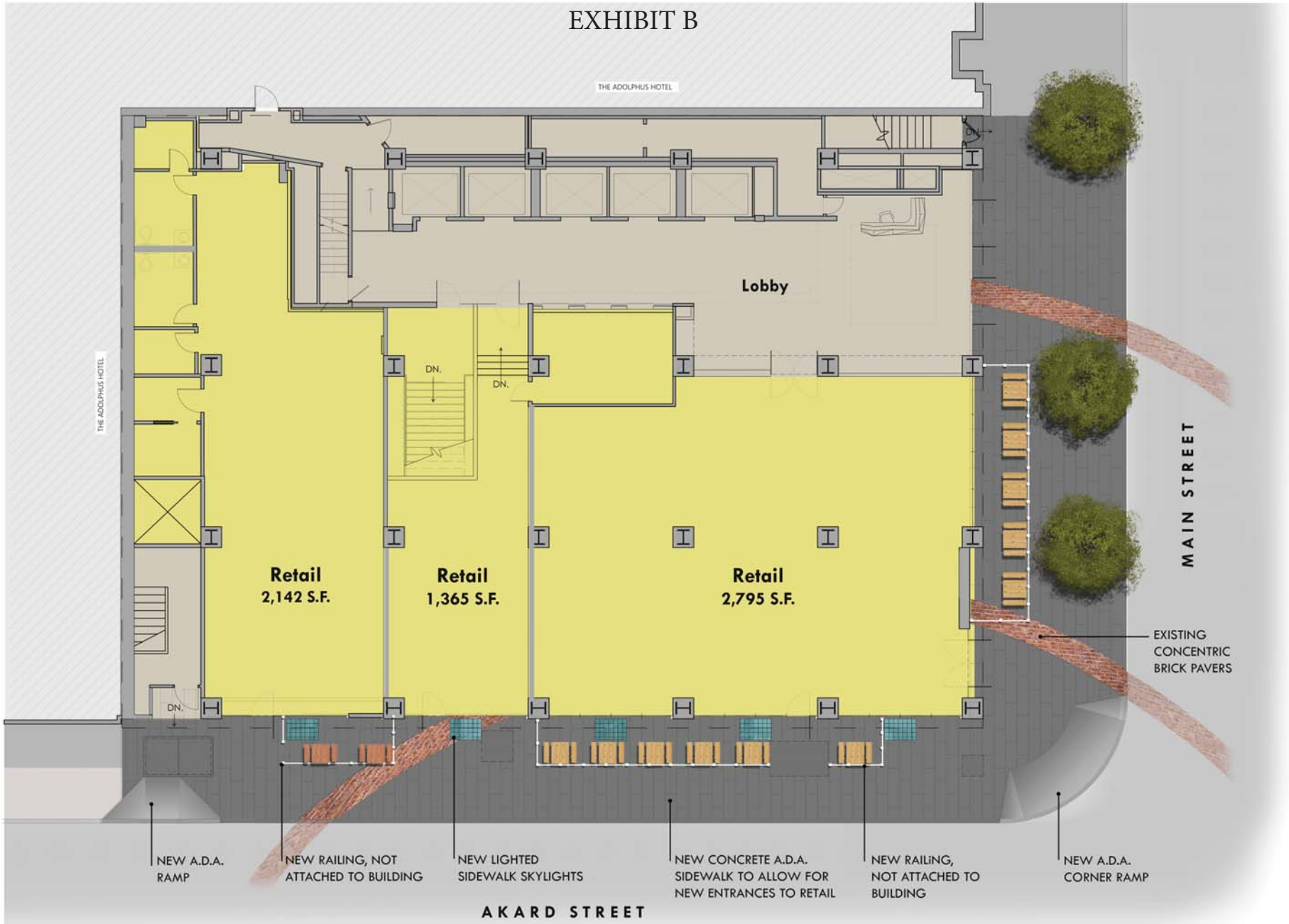
Exhibit A – Adolphus Tower TIF Budget

Description	Amount
Streetscape Improvements *Streetscape/Sidewalk Improvements, Landscaping, Lighting, Design and Engineering, Contingency Costs (5%)*	*$1,860,949*
Façade Improvements (Preservation) *Façade Improvements (preservation), Design and Engineering, Contingency Costs (5%)*	*$386,656*
Total TIF Funding Recommended	**$2,247,605**

The budget shown above outlines anticipated TIF reimbursements for the project. No interest shall accrue on any portion of the TIF reimbursement. Funds may be shifted between categories, as long as the total TIF funding does not exceed $2,247,605.

Note: The amounts listed above may include engineering, construction, design, construction management, and contingency. Construction management is solely intended to cover fees paid to an outside consultant or third party who confirms the quality of the work. Construction management fees must be invoiced with a detailed description of work performed.

EXHIBIT B



RADIUS

1717 MAIN ST, STE 5630
DALLAS, TX 75201
214.461.1197

DATE:
06.20.18

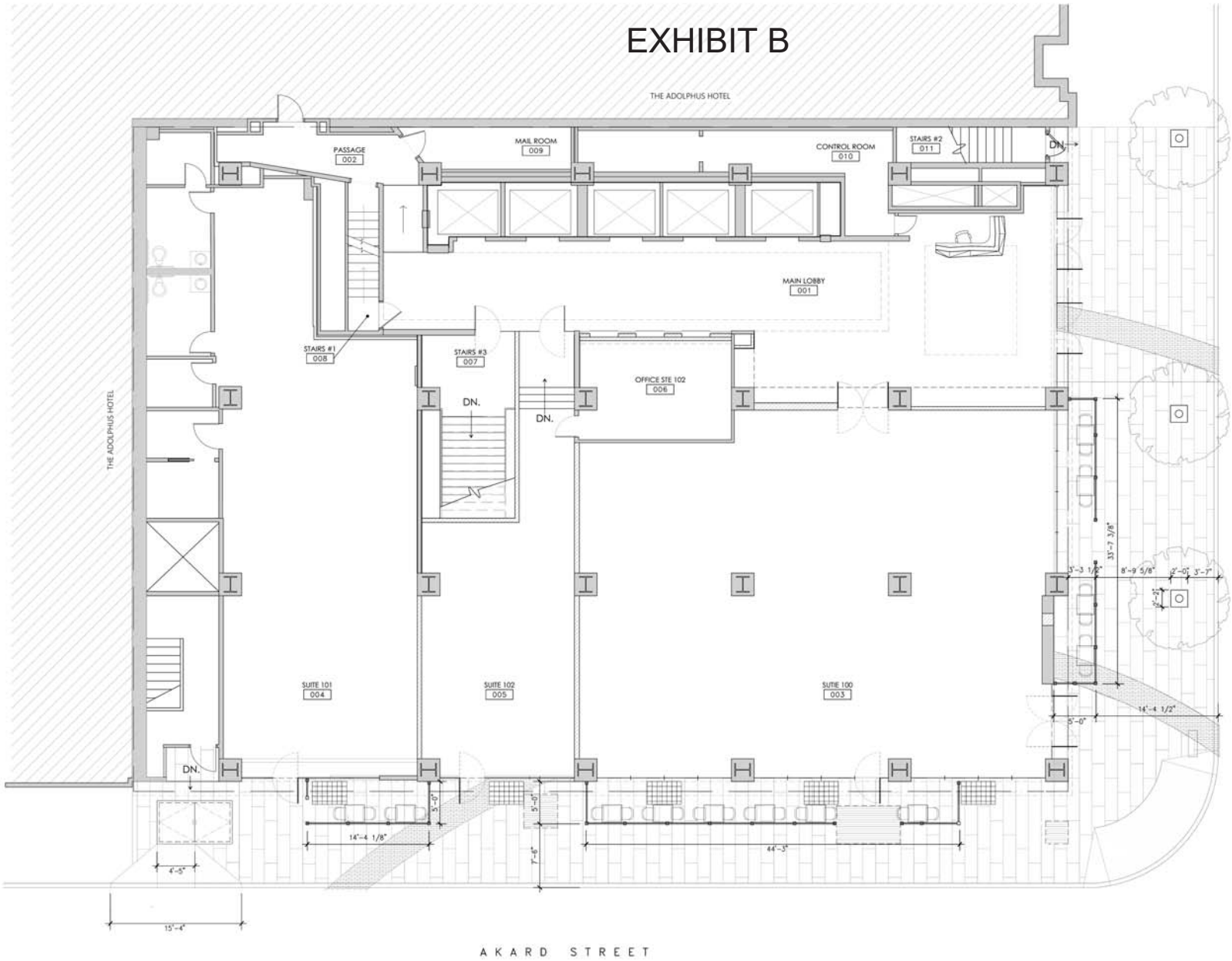
ADOLPHUS TOWER
1412 MAIN ST. DALLAS, TEXAS 75202
1ST FLOOR RENOVATION

DRAWN BY:
AQB

DRAWING TITLE:
SITE PLAN

NOT FOR CONSTRUCTION
OR PERMITTING

EXHIBIT B



RADIUS
architecture · design

1717 MAIN ST. STE 5630
DALLAS, TX 75201
214.461.1197

DATE:
06.20.18

ADOLPHUS
TOWER
1412 MAIN ST. DALLAS, TEXAS 75202
1ST FLOOR RENOVATION

DRAWN BY:
AQB

DRAWING TITLE:
SITE PLAN

NOT FOR CONSTRUCTION
OR PERMITTING

EXHIBIT B



MAIN ST. ELEVATION



AKARD ST. ELEVATION

EXTERIOR ELEVATIONS

ADOLPHUS TOWER



ENTRANCE ON MAIN ST.

ADOLPHUS
TOWER

Agenda Information Sheet

File #: 19-385 **Item #:** 54.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize a development agreement with 3309 Elm TIF, Inc. ("Developer") and/or its affiliates in an amount not to exceed $3,000,000.00, payable from future Deep Ellum TIF District Funds, in consideration of the Continental Gin Redevelopment Project ("Project") on property currently addressed at 3309 Elm Street in Tax Increment Financing Reinvestment Zone Number Twelve (Deep Ellum TIF District) - Not to exceed $3,000,000.00 - Financing: Deep Ellum TIF District Funds (subject to future appropriations from tax increments)

BACKGROUND

3309 Elm TIF, Inc., a Texas corporation controlled by the August Family, has submitted an incentive application to the City of Dallas Office of Economic Development for the renovation and redevelopment of the Continental Gin building located at 3309 Elm Street in Deep Ellum. The Continental Gin building is a three-story structure built in 1888 and is listed on the National Register of Historic Places. The Developer plans to renovate the property, and, upon completion of the Project, the property will feature approximately 54,680 square feet of Class A/B office space and 5,437 square feet of ground level restaurant/retail space. The Developer's total Project cost, including property acquisition, is estimated at $28.7 million.

On March 26, 2019, the Deep Ellum TIF District Board of Directors reviewed the proposed Project and recommended that, upon completion of the Project and satisfaction of all Project requirements, the Project shall be eligible for a total Tax Increment Financing (TIF) subsidy ("TIF Subsidy") in an amount not to exceed $3,000,000.00 from future Deep Ellum TIF District revenues to be dedicated as gap financing for the Project.

In accordance with the Project Plan and Reinvestment Zone Financing Plan as well as the Grant Program for the Deep Ellum TIF District, the TIF Subsidy is proposed to include a reimbursement to the Developer in an amount not to exceed $1,250,000.00 for actual Project expenditures within the Water, Wastewater, Storm and Off-Site Utility Replacement budget category and a grant in an amount not to exceed $1,750,000.00 for assisting with Project costs within the Façade Restoration/Environmental Remediation/Demolition budget category. The Project is not financially viable without the TIF Subsidy. No interest shall accrue on any portion of the TIF Subsidy.

City Council's approval of this item will authorize the City Manager to execute the development agreement as well as any other related documents.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	July 2019
Complete Construction	December 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 22, 2005, City Council held a public hearing and authorized the establishment of Tax Increment Financing Reinvestment Zone Number Twelve (Deep Ellum TIF District) by Resolution No. 05-1971; Ordinance No. 26043, as amended.

On April 12, 2006, City Council authorized the Project Plan and Reinvestment Zone Financing Plan for the Deep Ellum TIF District by Resolution No. 06-1077; Ordinance No. 26304, as amended.

On September 10, 2014, City Council held a public hearing and amended the Project Plan and Reinvestment Zone Financing Plan for the Deep Ellum TIF District by Resolution No. 14-1519; Ordinance No. 29469.

On March 26, 2019, the Deep Ellum TIF District Board of Directors reviewed the proposed Continental Gin Redevelopment Project and recommended City Council authorization of a development agreement with 3309 Elm TIF, Inc. and/or its affiliates in an amount not to exceed $3,000,000.00.

The Economic Development and Housing Committee will be briefed regarding this matter on April 1, 2019.

FISCAL INFORMATION

Deep Ellum TIF District Funds - $3,000,000.00 (subject to future appropriations from tax increments)

OWNER/DEVELOPER

3309 Elm TIF, Inc.

Thomas F. August, President

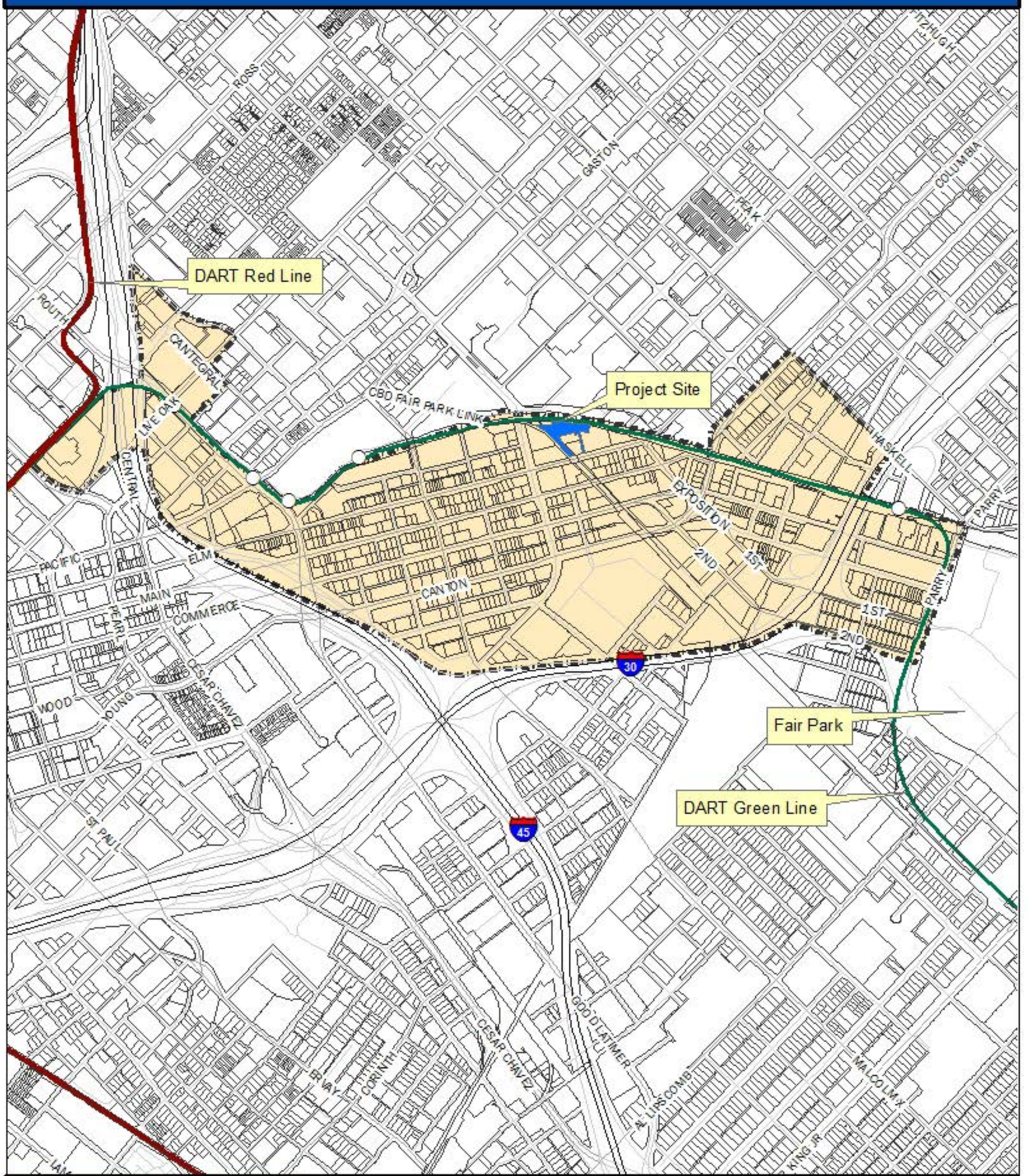
powered by Legistar™

MAP

Attached

powered by Legistar™

Continental Gin Redevelopment Project



City of Dallas

www.dallasecodev.org
Created 3/2019

Legend

- Continental Gin Redo
- DART 2030 Stations
  - DART Station
  - TRE Station
  - D2
  - D2Alt
- DART Orange
- DART Green
- DART Red
- DART Blue
- Parcel
- Deep Ellum TIF Boundary

Dallas Area Roads

- Freeway or Tollway
- Highway
- Arterial
- Local Road

N

0 0.075 0.15 0.3 Miles

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 22, 2005, City Council held a public hearing and authorized the establishment of Tax Increment Financing Reinvestment Zone Number Twelve (the "Deep Ellum TIF District") in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the Deep Ellum area through the use of tax increment financing by Resolution No. 05-1971; Ordinance No. 26043, as amended; and

WHEREAS, on April 12, 2006, City Council authorized the Project Plan and Reinvestment Zone Financing Plan for the Deep Ellum TIF District by Resolution No. 06-1077; Ordinance No. 26304, as amended; and

WHEREAS, on September 10, 2014, City Council held a public hearing and amended the Project Plan and Reinvestment Zone Financing Plan for the Deep Ellum TIF District by Resolution No. 14-1519; Ordinance No. 29469; and

WHEREAS, on March 26, 2019, the Deep Ellum TIF District Board of Directors ("Board") reviewed the proposed Continental Gin Redevelopment Project and, in accordance with the Project Plan and Reinvestment Zone Financing Plan as well as the Grant Program for the Deep Ellum TIF District, recommended City Council authorization of a development agreement with 3309 Elm TIF, Inc. and/or its affiliates in an amount not to exceed $3,000,000.00; and

WHEREAS, to further implement the Deep Ellum TIF District Project Plan and Reinvestment Zone Financing Plan, the City desires to enter into a development agreement with 3309 Elm TIF, Inc. ("Developer") and/or its affiliates in an amount not to exceed $3,000,000.00 ("TIF Subsidy"), payable from future Deep Ellum TIF District Funds, in consideration of the Continental Gin Redevelopment Project ("Project") on property currently addressed at 3309 Elm Street.

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 development agreement between 3309 Elm TIF, Inc., ("Developer") and/or its affiliates in an amount not to exceed $3,000,000.00, payable from future Deep Ellum TIF District Funds, in consideration of the Continental Gin Redevelopment Project ("Project") on property currently addressed at 3309 Elm Street in Tax Increment Financing Reinvestment Zone Number Twelve (Deep Ellum TIF District), approved as to form by the City Attorney, thereby confirming the Deep Ellum TIF District Board of Director's dedication of future tax increment revenues in an amount not to exceed $3,000,000.00 as shown in **Exhibit A**.

SECTION 1. (continued)

This Project includes interior/exterior demolition, environmental remediation, utility and infrastructure replacements/improvements, and facade restoration as part of the implementation of the Deep Ellum TIF District Project Plan and Reinvestment Zone Financing Plan.

SECTION 2. That the facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds to 3309 Elm TIF, Inc. from the Deep Ellum TIF District Fund (subject to future appropriations from tax increments), as follows:

Deep Ellum TIF District Fund Fund 0056, Department ECO, Unit:7328 Object 4510 Activity DETI, Program DETIF0006 Encumbrance/Contract No. CX-ECO-2019-00009763-01 Vendor VC19910, in an estimated amount of	$1,250,000.00
Deep Ellum TIF District Fund Fund 0056, Department ECO, Unit:7328, Object 3016 Activity DETI, Program DETIF0006 Encumbrance/Contract No. CX-ECO-2019-00009763-02 Vendor VC19910, in an estimated amount of	$1,750,000.00
For a total amount not to exceed	$3,000,000.00

SECTION 4. That the Developer shall design, fund and/or construct the Continental Gin Redevelopment Project ("Project") on property currently addressed at 3309 Elm Street located at the northwest corner of Hall Street and North Trunk Avenue in the Deep Ellum TIF District as described in Section 6 and in substantial conformance with **Exhibit B-1 and Exhibit B-2**.

SECTION 5. That nothing in this resolution shall be construed to require the City to approve payment from any source of City funds other than the Deep Ellum TIF District Fund and/or Tax Increment Bonds. Any funds expended under the development agreement that remain unpaid upon termination of the Deep Ellum TIF District, due to lack or unavailability of Deep Ellum TIF District Funds, shall no longer be considered project costs of the Deep Ellum TIF District or the City, and the obligation of the Deep Ellum TIF District to pay Owner shall automatically expire.

SECTION 6. That in addition to the conditions set out in the sections above, the development agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

A. Developer shall document a minimum private investment in the Project of $15,000,000.00. The term “Invest” or “Investment” shall mean the sum of all development costs (hard and soft) for the Project but specifically excludes land acquisition costs. Development costs include environmental remediation, demolition, site preparation, utilities, façade improvement, core and shell building construction, and tenant improvements paid, payable, or actually incurred by or on behalf of the Developer. Soft costs specifically include the following construction-related items: architecture, engineering, interior design, and historic preservation. Developer fees, legal fees, marketing fees, leasing commissions, furniture/fixture/equipment costs, construction material testing costs, permit/inspection fees, builder’s risk insurance, property insurance during construction, consultant fees, construction financing fees, construction loan interest, construction loan closing costs, carrying costs (e.g. interest costs on land; maintenance costs on land; ad valorem taxes, etc.), operating deficits through stabilization and other similar costs shall not be considered toward this definition of Investment. The Developer shall provide verification of all expenditures utilized to satisfy the minimum private investment requirement. Expenditures made towards the minimum investment requirement shall include only amounts paid for those eligible costs incurred on or after February 27, 2019 (i.e. the date of execution of the terms letter).

B. The Project shall include the renovation of a minimum of 50,000 net leasable square feet, including:

   (i) Minimum of 45,000 net leasable square feet of office/commercial space; and
   (ii) Minimum of 5,000 net leasable square feet of retail/restaurant space.

   The square footage allocations for (i) and (ii) may be adjusted and reallocated between categories up to a maximum of 20% with the sole approval of the Director of the Office of Economic Development (the “Director”), as long as the minimum total of 50,000 square feet of building space is renovated within the Project. Approval from the Director and the Board shall be required for adjustment and reallocation of the minimum square foot requirement for any of the square foot allocations in (i) and (ii) if the adjustment and reallocation exceeds 20% of the square footage for that category.

C. Prior to or contemporaneously with the execution of the development agreement, Developer shall provide evidence of binding commitments of all capital sources necessary to construct the Project.

SECTION 6. (continued)

D. Prior to or contemporaneously with the execution of the development agreement, Developer shall provide evidence of an executed flow of funds memorandum.

E. Developer shall obtain building permit(s) for the construction of all core and shell components of the Project by June 30, 2020. Developer shall obtain building permit(s) for the construction of all tenant improvements by December 31, 2021.

F. Developer shall complete construction of the Project and obtain final certificate of occupancy (CO), temporary certificate(s) of occupancy, green tag, or other equivalent evidence of completion issued by the City for the minimum 50,000 net leasable square feet by June 30, 2022.

G. If applicable, Developer shall obtain a letter of acceptance or similar documentation issued by the City, which may include a green tag issued from the Public Works Department, signifying acceptance of any public infrastructure improvements associated with the Project by June 30, 2022.

H. If applicable, Developer shall execute an operating and maintenance ("O&M") agreement with the City for all non-standard public infrastructure improvements associated with the Project by June 30, 2022. Compliance with the executed O&M agreement shall be required of all future owners for the entire 20-year term of the O&M agreement. If Developer chooses to forgo the TIF Subsidy or if the development agreement is otherwise terminated after Developer's installation of non-standard public improvements, Developer shall remain responsible for the maintenance of the non-standard public improvements for the term of the O&M agreement. The maintenance obligation under the development agreement (and the O&M agreement) is assignable to a new owner of all or a portion of the Project or to a manager of a public improvement district or property owner's association with the written consent of the Director of the Office of Economic Development, which consent shall not be unreasonably withheld.

I. The lesser of 75% of the total net leasable square footage in the Project or 34,375 square feet shall be occupied prior to initial payment of the TIF Subsidy, and at least 50% of the total net leasable square footage in the Project or 25,000 square feet shall continue to be occupied for a period of five years from initial payment of the TIF Subsidy. After initial payment of the TIF Subsidy, Developer shall immediately notify City in writing if at least 50% of the total net leasable square footage in the Project or 25,000 square feet is not occupied (the "Occupancy Default"). Such notice shall specify the nature of the default, the period of existence thereof, and the action Developer is taking or proposes to take with respect to curing the Occupancy Default.

SECTION 6. (continued)

Failure of Developer to cure the Occupancy Default within 180 calendar days following written notice by City shall constitute an uncured occupancy default ("Uncured Occupancy Default"). In the event of Uncured Occupancy Default, then City shall reduce the TIF Subsidy in the following manner: the required minimum percentage of total net leasable square feet minus the actual percentage of total net leasable square feet times the TIF Subsidy. (Example: 50% - 40% = 10% x $3,000,000.00 = $300,000.00 immediately remitted back to City or withheld by City if the entire TIF Subsidy has not yet been disbursed).

J. The Urban Design Peer Review Panel ("UDPRP") is an independent group of professional designers selected by the City Manager with expertise in architecture, landscape architecture, engineering, and urban planning. Review by the UDPRP is required for all projects requesting TIF funding assistance. Following a formal review of Developer's initial submittal (attached hereto as **Exhibit B-1**) on June 22, 2018, the UDPRP provided advice for the Project, thereby satisfying the initial requirement for urban design peer review related to Developer's application for TIF funding assistance. On February 12, 2019, Developer submitted a set of permit drawings to the Planning and Urban Design Department for a staff review to ensure that the Project (i.e. public and private improvements) will be constructed in substantial conformance with the spirit and intent of the UDPRP advice. On February 15, 2019, the Planning and Urban Design Department confirmed that the permit drawings, attached hereto as **Exhibit B-2**, meet the spirit and intent of the UDPRP advice. Developer shall construct the Project (i.e. public and private improvements) in substantial conformance with **Exhibit B-1** and **Exhibit B-2**.

K. Developer shall make a good faith effort to comply with the City's Business Inclusion and Development ("BID") goal of 25% participation by certified Minority/Women-owned Business Enterprises ("M/WBE") for all hard construction expenditures on the Project (i.e. public and private improvements) and meet all reporting requirements.

L. Within six months of the effective date of the development agreement, and prior to payment of any TIF Subsidy, Developer shall submit to the City a written plan describing how Developer shall use and document best efforts to recruit and hire residents of the city of Dallas and (ii) how Developer shall cause all tenants to use and document best efforts to recruit and hire residents of the city of Dallas. At a minimum, the written plan shall describe how Developer and tenants will target local recruitment through local advertisement, community outreach, local engagement, participation in local job fairs, and/or coordination with local hiring sources. The plan shall be subject to approval by the Director of the Office of Economic Development to ensure that employment opportunities are targeted to Dallas residents. No TIF Subsidy shall be paid to Developer until Director approves the written plan.

SECTION 6. (continued)

Compliance with the approved written plan shall be a material obligation of the agreement.

M. If necessary, the Director of the Office of Economic Development, after approval and recommendation of the Deep Ellum TIF District Board, may authorize minor modifications to the Project, including (1) adjustment of the square footage allocations listed in Section 6.B if the adjustment exceeds 20% of the square footage for either category, or (2) an extension of the Project deadlines up to 9 months.

N. Until the Project has received final certificates of occupancy (and/or equivalent evidence of completion, which may include a green tag and temporary certificates of occupancy) and all required documentation for initial payment of the TIF Subsidy has been submitted, Developer shall submit to the Office of Economic Development a quarterly status report for ongoing work on the Project (including any related public improvements). After City Council approval, such status reports shall be due within 30 calendar days following the end of each quarter.

O. After initial payment of the TIF Subsidy, the Developer shall provide written annual reports to the Office of Economic Development certifying the maintenance of and annual compliance with the terms noted herein (specifically including the minimum occupancy requirement described in Section 6.I).

SECTION 7. That payment of the TIF Subsidy is subject to the availability of tax increment. If the appraised value of the property in the Deep Ellum TIF District remains constant or decreases in value from the base year value, the TIF Subsidy for that year may be reduced or unpaid due to the lack of available increment. The TIF Subsidy shall be paid solely from the Tax Increment Fund, if and when tax increments are received and available for such purpose, during the life of the Deep Ellum TIF District (including collection of the 2027 tax year increments in calendar year 2028), subject to the limitations on repayment of the TIF Subsidy provided in the development agreement.

SECTION 8. That assuming all other conditions for payment have been met, the City of Dallas will administer the payment of the TIF Subsidy for the Project annually, pursuant to the Deep Ellum TIF District Increment Allocation Policy attached hereto as **Exhibit C**.

SECTION 9. That until completion of the Project, an assignment of the rights and/or the obligations of the development agreement, in whole or in part, will only be allowed to a direct affiliate of Developer with the prior written approval of the Director of the Office of Economic Development.

SECTION 9. (continued)

After completion of the Project and all conditions for the TIF Subsidy have been met, Developer may assign its rights or obligations under the development agreement to any entity with the prior written approval of the Director of the Office of Economic Development. Any receivables due under the development agreement may be assigned by Developer or assignee upon providing the Director with written notice within 30 calendar days of such assignment. Developer and assignee have the right, from time to time, to collaterally assign, pledge, grant a lien or security interest in, or otherwise encumber any of their respective rights, title, or interest under the development agreement for the benefit of their respective lenders without the consent of, but with written notice to, the Director. The collateral assignment, pledge, grant of lien or security interest, or other encumbrance shall not, however, obligate the lender to perform any obligations or incur any liability under the development agreement unless the lender agrees in writing to perform such obligations or incur such liability.

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
Continental Gin Redevelopment Project
Deep Ellum TIF District
TIF Project Budget

Category	Amount
Water, Wastewater, Storm, and Off-Site Utility Replacement	$ 1,250,000.00
Façade Restoration/Environmental Remediation/Demolition	$ 1,750,000.00
Total TIF Subsidy	**$ 3,000,000.00**

The TIF Subsidy includes: (1) a reimbursement to Developer in the amount of $1,250,000 for actual expenditures within the Water, Wastewater, Storm and Off-Site Utility Replacement budget category; and (2) a grant in the amount of $1,750,000 for assisting with the Project costs within the Façade Restoration/Environmental Remediation/Demolition budget category. The budget shown above outlines the anticipated TIF Subsidy broken down by the TIF-eligible budget categories in accordance with the established budget in the Deep Ellum TIF District Project Plan and Reinvestment Zone Financing Plan. No interest shall accrue on any portion of the TIF Subsidy. Expenditures may be shifted from one category to another as long as the total amount of TIF Subsidy does not exceed $3,000,000. The TIF Subsidy to the Project could be less if actual TIF-eligible expenditures are less and/or adequate increment does not accrue to the TIF fund. Note: District funds contributed by Dallas County may only be used for the TIF Reimbursement and may not be used for the TIF Grant.

EXHIBIT B-1

Applicable Urban Design Priorities Project Should Achieve

[1] **The proposed central parking court area provides an opportunity for well defined plaza space that serves the office, retail and neighborhood -**

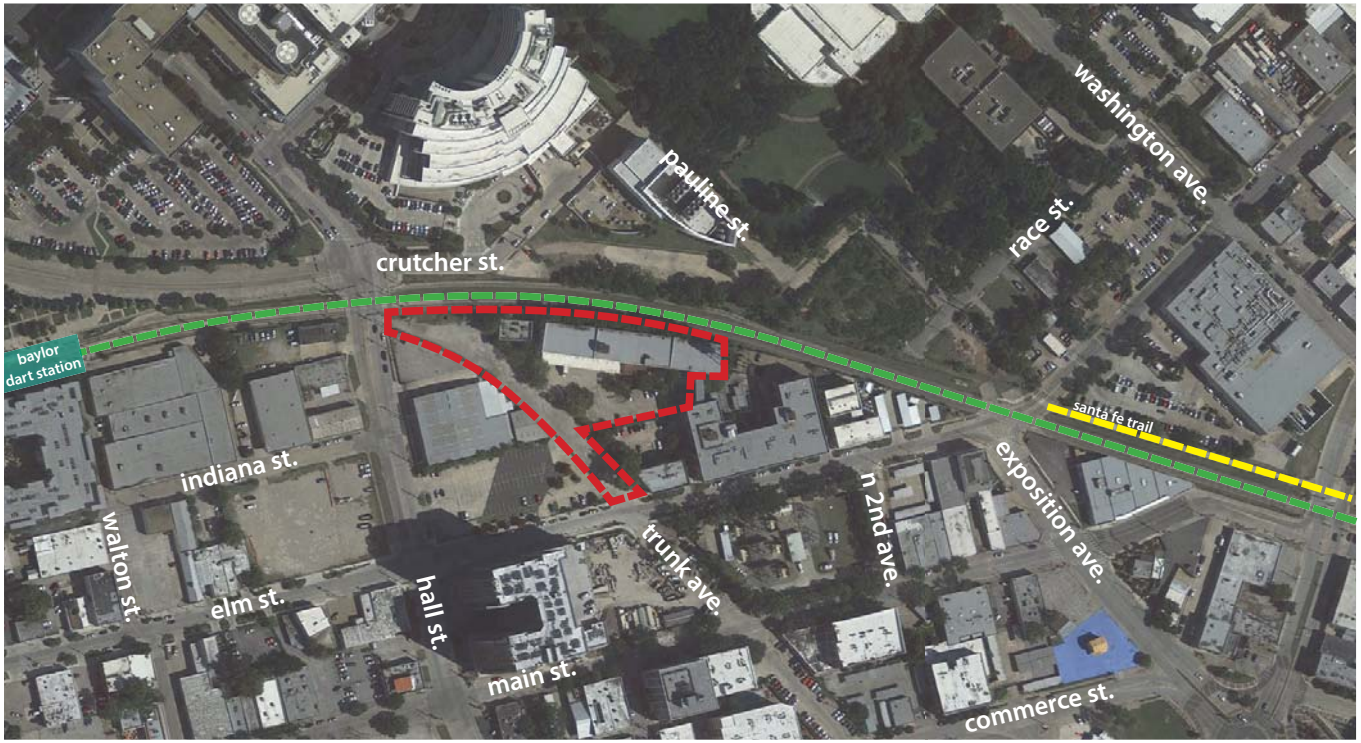
The proposed parking court area represents an opportunity to provide occupiable space defined by the backdrop of the restored Continental Gin Building. Treatment of this space to minimize automobile use and maximize usable public plaza space is encouraged.

[2] **Explore opportunities to reference or incorporate elements of previous historic structures as components of the design of public space throughout the larger site -**

Explore the utilization of organizing schemes for public space that reference pre-existing structures and the historical significance of the former complex of buildings.

[3] **The location of the project site provides opportunities to better link the Santa Fe Trail to the project and neighborhood, as well as improve connections to the Baylor DART station. -**

Consideration should be given to providing enhanced pathways from the Santa Fe Trail through the site, as well as leveraging opportunities to provide enhanced pathways to DART.



Policy References

The 360 Plan
Section III, IV, V, VI, VII

Forward Dallas!
Section 5 [urban design element]

TIF Urban Design Guidelines
Part III, IV [deep ellum]

Context Description

The Continental Gin Building, located on Elm Street between Trunk Avenue and Exposition Avenue, is the last remaining structure of the larger Continental Gin Company complex originally constructed over a number of years from 1888 to 1914. Originally constructed as a office and warehouse, for the last 30 years the building has served as studio art spaces operated most recently by Dallas CreativeSpace. The structure itself has endured a patchwork of repairs throughout its occupancy, and has reached a point in which its continued use will require a significant redevelopment effort.

The redevelopment effort involves a major overhaul in keeping with the historic character of the original structure. The program intent for the project includes 21,000 sqft. of restaurant and retail space, and 42,000 sqft. of office. Design considerations for the overall project include utilizing the proposed parking court area as a plaza space serving both the office and the retail, while also exploring opportunities to reference the previous historic structures in either plaza treatment or vertical elements. Lastly the project also provides a significant opportunity to link both the Santa Fe Trail to the project and neighborhood, as well as improve connections to the Baylor DART station.

The Continental Gin Building

TIF District:
Deep Ellum

Program:
Office and Commercial



THE CONTINENTAL GIN BUILDING

3309 ELM STREET

CITY OF DALLAS URBAN DESIGN REVIEW

22 JUNE 2018

AUGUST
FAMILY PARTNERSHIP

TKTR
ARCHITECTS

COMPLETE
LANDSCULPTURE

URBAN DESIGN PRIORITIES

1. THE REHABILITATION OF THE CONTINENTAL GIN BUILDING WILL HELP MAINTAIN THE HISTORIC FABRIC OF THE DEEP ELLUM NEIGHBORHOOD BY ADAPTING A STRUCTURE IMPORTANT TO DALLAS HISTORY FOR A CONTEMPORARY USE, EXTENDING THE LIFE OF THE BUILDING INTO THE 21ST CENTURY.

2. STABILIZE AND RESTORE THE HISTORIC BUILDING EXTERIOR TO THE SECRETARY OF THE INTERIOR STANDARDS.

3. PROVIDE INCREASED PEDESTRIAN CONNECTIVITY BY A POSSIBLE EXTENSION OF THE SANTA FE TRAIL TO THE BAYLOR DART STATION BY A WALKWAY THROUGH THE SITE

4. PROVIDE WAYFINDING SIGNAGE FOR THE PATH TO FROM ELM STREET TO THE GIN BUILDING, WHICH IS IN THE CENTER OF THE BLOCK AND NOT FULLY VISIBLE FROM ELM STREET

5. INCREASE GREEN SPACE AND SITE TREES

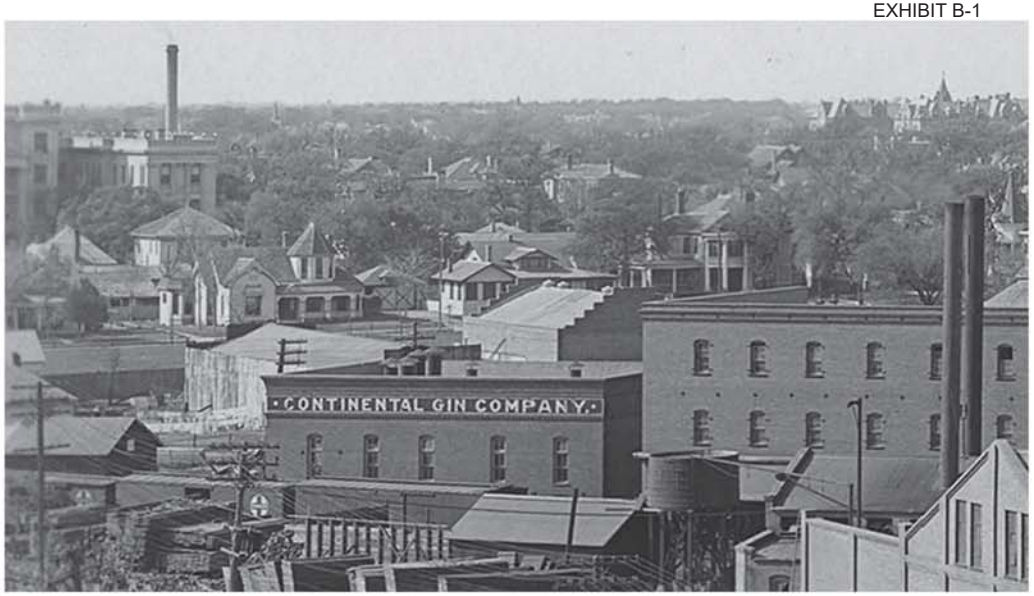
6. PROVIDE PUBLIC AMENITIES INCLUDING SEATING, SITE LIGHTING, AND OPEN LANDSCAPE AREAS ALONG THE PATH FROM ELM STREET TO THE SANTA FE TRAIL



CONTEXT DESCRIPTION

THE BUILDING IS NEAR THE INTERSECTION OF TRUNK AVENUE AND THE DART GREEN LINE, AT THE EASTERN EDGE OF THE DEEP ELLUM NEIGHBORHOOD. IT IS BOUNDED BY THE TRUNK STREET ON THE EAST SIDE, 3311 ELM LOFTS ON THE WEST SIDE AND THE BUILDING AT 3301. THE DART RAIL LINE FORMS THE BOUNDARY ON THE NORTH. THE BAYLOR HOSPITAL COMPLEX IS DIRECTLY ACROSS THE DART TRACKS. CURRENTLY THE PROPERTY IS ACCESSED FROM ELM STREET BY AN UNPAVED SECTION OF TRUNK AVENUE THAT HAS BEEN ACQUIRED BY THE OWNERS OF THE COTTON GIN BUILDING. TRUNK AVENUE WILL BECOME THE ACCESS FOR CARS AND PEDESTRIANS AND PROVIDE SOME PARKING FOR THE PROPERTY.

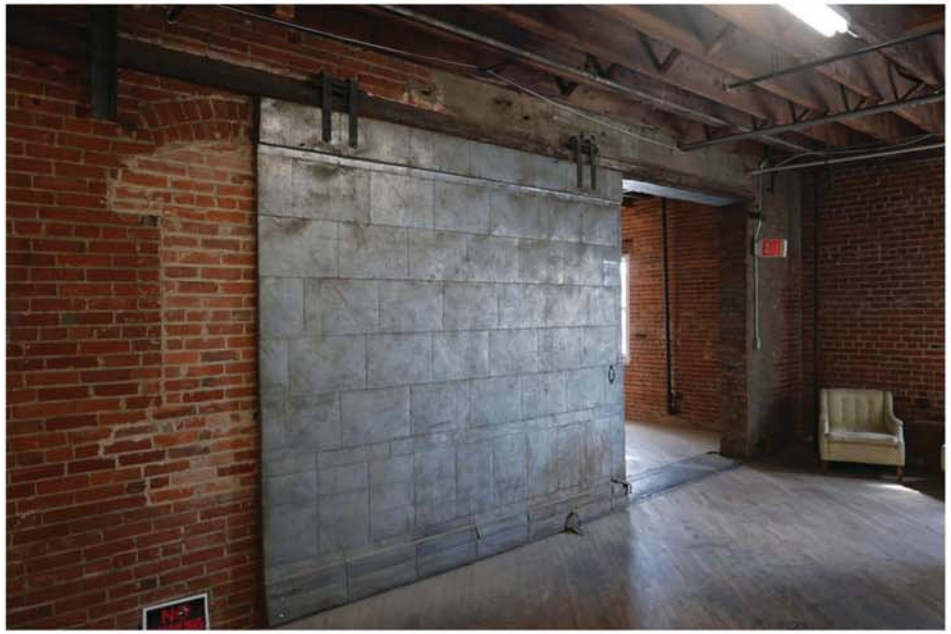
THE CONTINENTAL GIN COMPANY WAS FORMED IN 1899 IN BIRMINGHAM, ALABAMA BY MERGER OF THE MUNGER COMPANY AND THREE OTHERS AND SOON BECAME THE UNITED STATES' LARGEST MANUFACTURER OF COTTON GINS. THE DALLAS SITE REMAINED A MANUFACTURING CENTER AND ITS FOUNDRY (SINCE DEMOLISHED) PRODUCED COMPONENTS FOR THE SATELLITE ASSEMBLY FACTORIES. THE BUILDINGS THAT MAKE UP THE CONTINENTAL GIN COMPANY COMPLEX WERE LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES IN 1983 BECAUSE THEY STAND AS "A SUBSTANTIAL AND INTACT EXAMPLE OF INDUSTRIAL ARCHITECTURE AROUND THE TURN OF THE [20TH] CENTURY." CONSTRUCTED OVER A PERIOD OF YEARS BETWEEN 1888 AND 1914, THE COMPLEX SERVES AS PHYSICAL EVIDENCE OF THE GROWTH AND EVOLUTION OF AN INDUSTRIAL COMPANY FROM ITS LOCAL BEGINNINGS TO ITS EVENTUAL ROLE OF PROMINENCE IN NATIONAL COTTON GIN MANUFACTURING. 3309 ELM STREET IS ONE OF THE EARLIEST STRUCTURES TO BE BUILT ON THE SITE. AT THE TIME OF ITS CONSTRUCTION, IN 1888, IT SERVED AS THE MAIN BUILDING FOR THE MUNGER COMPANIES. THE LOAD-BEARING MASONRY AND TIMBER CONSTRUCTION OF THE WAREHOUSE REFLECTS THE FIRST OF TWO GENERATIONS OF CONSTRUCTION TECHNOLOGY PRESENT ON THE CONTINENTAL GIN SITE, ONE WHICH WOULD EVENTUALLY GIVE WAY TO THE REINFORCED CAST-IN-PLACE CONCRETE AND INFILL CONSTRUCTION OF THE OFFICE, FACTORY AND PATTERN SHOP BUILDINGS CONSTRUCTED LATER. FEW EXAMPLES OF STRUCTURES FROM THIS TRANSITIONAL PERIOD OF INDUSTRIAL CONSTRUCTION IN THE UNITED STATES REMAIN IN THE CITY OF DALLAS TODAY.





THE EXTERIOR SHELL OF THE BUILDING IS INTACT BUT IN NEED OF EXTENSIVE RENOVATION. THE LOAD BEARING MASONRY WALLS HAVE EXTENSIVE CRACKING AT THE JOINTS AND SOME SPALLED BRICKS, ESPECIALLY IN THE AREA OF THE CORNICE, WHERE THE WALLS HAVE BEEN EXPOSED TO MORE MOISTURE THAN OTHER AREAS BECAUSE OF PROXIMITY TO STANDING WATER ON THE ROOF AND INADEQUATE WATERPROOFING ON THE TOPS OF THE PARAPETS. THIS CRACKING EXTENDS TO THE INTERIOR OF THE BUILDING AROUND WINDOWS ON THE THIRD FLOOR. OVERALL, HOWEVER, BUILDING IS IN RELATIVELY GOOD CONDITION STRUCTURALLY. THE BUILT UP ROOF MEMBRANES ARE OLD AND IN NEED OF REPLACEMENT. THE WOOD WINDOWS ARE A MIXTURE OF ORIGINAL, OLDER REPLACEMENT WINDOWS AND NEW REPLACEMENT WINDOWS. OVER 60% OF THE ORIGINAL AND OLD REPLACEMENT WINDOWS NEED REPAIR OR REPLACEMENT AND THE MOST RECENT REPLACEMENT WINDOWS WERE NOT MADE TO MATCH THE ORIGINAL PATTERN. THE METAL ROOF DECKS COVERING THE LOADING DOCK ARE CORRODED AND NEED REPLACEMENT.





THE INTENT OF THE REHABILITATION IS TO THOROUGHLY CLEAN AND REPAIR THE HISTORIC FABRIC OF THE BUILDING BUT TO LEAVE AS MUCH AS POSSIBLE OF THE ORIGINAL MATERIALS IN PLACE AND VISIBLE. THE DOMINANT INTERIOR MATERIALS WILL REMAIN THE EXISTING WOOD STRUCTURE AND MASONRY WALLS. WHERE NECESSARY, NEW CONSTRUCTION WILL BE PLACED TO MINIMALLY ALTER THE ORIGINAL HISTORIC MATERIAL. THE OWNERS INTEND TO RENOVATE THE BUILDING TO THE SECRETARY OF THE INTERIOR'S STANDARDS FOR TREATMENT OF HISTORIC BUILDINGS AND ANY DALLAS LANDMARK COMMISSION REQUIREMENTS. THE PROPERTY IS DESIGNATED AS HISTORICALLY SIGNIFICANT ON CITY, STATE AND FEDERAL LEVELS AND IS ELIGIBLE FOR STATE AND FEDERAL TAX CREDITS IF THE RENOVATION IS DONE TO THE SECRETARY OF THE INTERIOR STANDARDS. THE OWNERS HAVE SUBMITTED THE PROJECT TO THE TEXAS HISTORIC COMMISSION AND THE NATIONAL PARK SERVICE FOR REVIEW. TO DATE THE PROJECT HAS RECEIVED APPROVALS FOR PART 1 AND 2 AT THE STATE LEVEL. THE PART 1 APPLICATION WAS APPROVED AT THE FEDERAL LEVEL AND PART 2 IS CURRENTLY UNDER REVIEW.

THE NEW USES FOR THE BUILDING WILL INCLUDE 21,000 SF OF RESTAURANT AND RETAIL SPACES ON THE GROUND FLOOR AND 42,000 SF OFFICE SPACE ON THE SECOND AND THIRD FLOORS. THE LOADING DOCK WILL BE USED AS OUTDOOR SEATING FOR THE RESTAURANT AND RETAIL TENANTS. NEW WOOD DECKS WILL BE ADDED TO THE NORTH AND WEST SIDE AND ALONG THE REAR OF THE BUILDING TO PROVIDE ADDITIONAL OUTDOOR SEATING AND ACTIVITY SPACE. OFFICE TENANTS WILL HAVE ACCESS TO A NEW ROOFTOP DECK. SITE IMPROVEMENTS WILL INCLUDE NEW PARKING AREAS ON THE EXISTING SITE. THE OWNERS HAVE ACQUIRED THE SECTION OF TRUNK AVENUE ADJACENT TO THE PROPERTY FOR A NEW DRIVEWAY, PARKING AND WALKS. NEW HANDICAP RAMPS AND EXTERIOR STAIRS WILL BE CONSTRUCTED OF STEEL AND CONCRETE ALONG THE FRONT OF THE BUILDING TO PROVIDE ACCESS. SITE AMENITIES WILL INCLUDE ENHANCED PAVING, NEW LANDSCAPING AND TREES, WALKWAYS WITH ENHANCED PAVING, SITE LIGHTING AND SITE FURNITURE.

THE RENOVATION CONSTRUCTION WILL PROCEED IN TWO PHASES. PHASE 1 WILL RENOVATE THE CORE AND SHELL OF THE BUILDING. PHASE 2 WILL BE THE CONSTRUCTION OF THE TENANT SPACES. PHASE 1 WILL ADDRESS THE DEFICIENCIES NOTED ABOVE. ROOFING WILL BE REPLACED, THE PAINT ON THE EXTERIOR WALLS WILL BE REMOVED AND THE MASONRY REPAIRED TO RETURN THE BUILDING TO ITS ORIGINAL APPEARANCE. DEPENDING ON DISCUSSIONS WITH THE STATE AND FEDERAL HISTORIC COMMISSION, EXISTING WINDOWS WILL BE REPLACED OR REPAIRED. SKYLIGHTS WILL BE ADDED TO THE ROOF. ALL NEW MECHANICAL, ELECTRICAL AND PLUMBING SYSTEMS WILL BE INSTALLED. CORE CONSTRUCTION WILL INCLUDE NEW COMMUNICATING STAIRS, FIRE STAIRS, ELEVATORS AND LIFE SAFETY EQUIPMENT. CONSTRUCTION OF NEW TENANT SPACES AND FINISH OUT WILL BE DONE IN PHASE 2.







1. THE END OF SANTA FE TRAIL LOOKING WEST TOWARDS GIN COMPLEX



2. 3311 ELM AND POWER STATION LOOKING WEST FROM ELM STREET



3. 3333 ELM LOOKING NORTH



4. CONNECTING BRIDGE OVER DRIVE BETWEEN 3311 ELM AND 3333 ELM



5. 3311 ELM LOOKING NORTH



6. 3311 ELM LOOKING EAST



7. 3301 ELM AND TRUNK AVENUE LOOKING NORTHEAST FROM ELM STREET



8. TRUNK AVENUE AND BAYLOR LOOKING NORTH FROM ELM STREET



9. COTTON GIN LOOKING NORTHEAST FROM TRUNK AVENUE



10. LOOKING SOUTH ON TRUNK AVENUE FROM DART LINE



11. NORTH SIDE OF DART TRACK LOOKING EAST FROM HALL STREET



12. BAYLOR CANCER CENTER LOOKING NORTH FROM TRUNK AVENUE



13. CASE BUILDING LOOKING WEST FROM TRUNK AVENUE AND ELM STREET



CONTINENTAL GIN BUILDING VIEW FROM THE NORTH



CONTINENTAL GIN BUILDING VIEW FROM THE SOUTH



CONTINENTAL GIN COMPANY SIGN



CONTINENTAL GIN BUILDING VIEW FROM THE NORTH



CONTINENTAL GIN BUILDING VIEW FROM THE EAST



CONTINENTAL GIN BUILDING VIEW FROM THE SOUTH

** Drawings and renderings are not final and may change subject to various City of Dallas approvals.*



GROUND FLOOR LOADING AREA



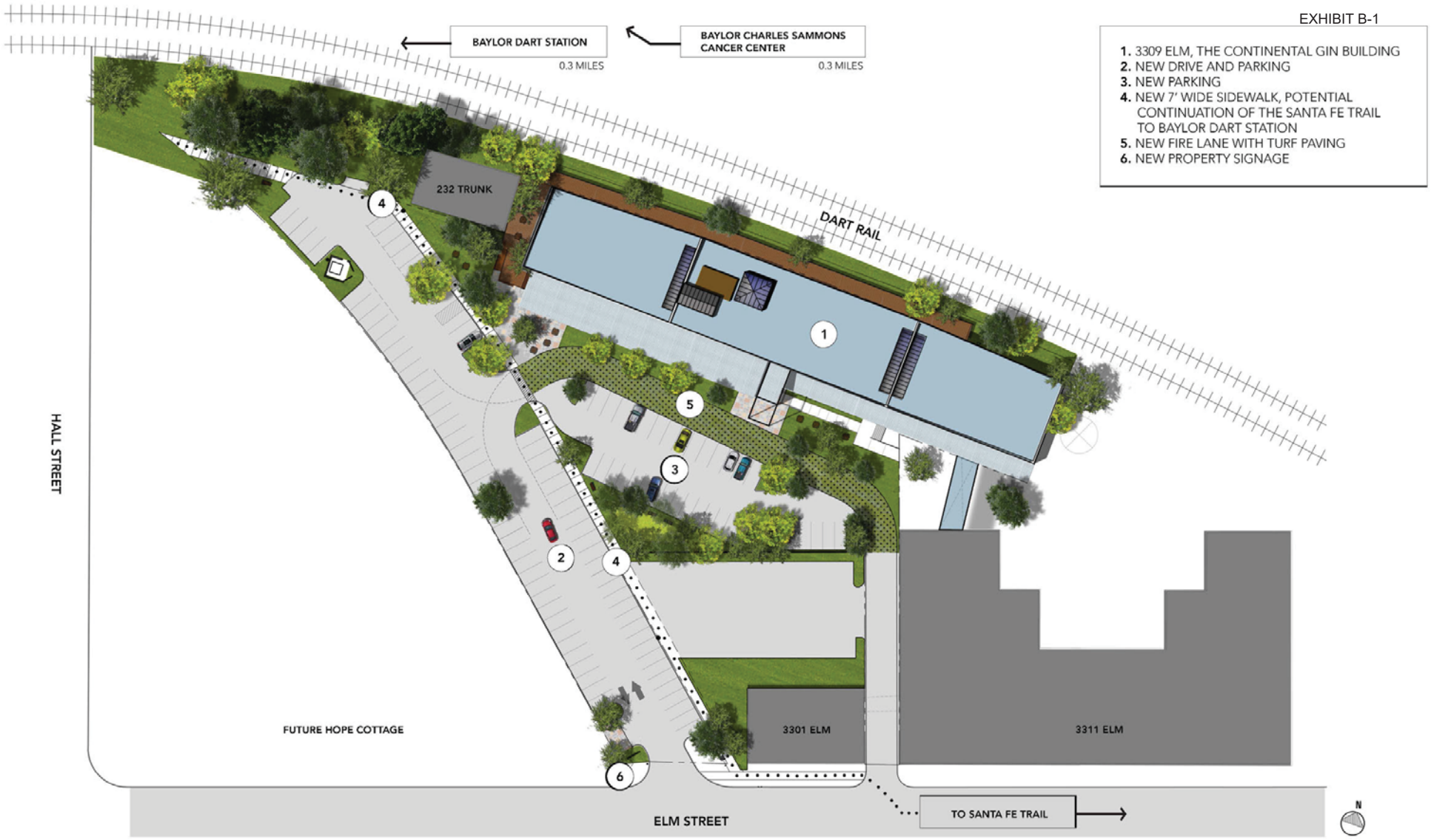
VIEW SOUTH - CONCRETE LOADING PLATFORM



BRIDGE CONNECTION TO 3311 ELM ST.

** Drawings and renderings are not final and may change subject to various City of Dallas approvals.*

EXHIBIT B-1



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THE CONTINETAL GIN BUILDING
3309 ELM STREET
CITY OF DALLAS URBAN DESIGN PEER REVIEW

SITE PLAN

AUGUST FAMILY PARTNERSHIP | TKTR ARCHITECTS
COMPLETE LANDSCULPTURE

EXHIBIT B-1



THE COTTON GIN REHABILITATION
3309 ELM STREET
CITY OF DALLAS URBAN DESIGN PEER REVIEW

LANDSCAPE PLAN

AUGUST FAMILY PARTNERSHIP | TKTR ARCHITECTS
COMPLETE LANDSCULPTURE

EXHIBIT B-1



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THE CONTINENTAL GIN REHABILITATION
3309 ELM STREET
CITY OF DALLAS URBAN DESIGN PEER REVIEW

CONTINENTAL GIN BUILDING - LOOKING NORTHEAST

AUGUST FAMILY PARTNERSHIP | TKTR ARCHITECTS

EXHIBIT B-1



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THE CONTINENTAL GIN REHABILITATION
3309 ELM STREET
CITY OF DALLAS URBAN DESIGN PEER REVIEW

CONTINENTAL GIN BUILDING - SOUTHWEST CORNER OUTDOOR CAFE

AUGUST FAMILY PARTNERSHIP | TKTR ARCHITECTS



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THE CONTINENTAL GIN REHABILITATION
3309 ELM STREET
CITY OF DALLAS URBAN DESIGN PEER REVIEW

CONTINENTAL GIN BUILDING - MAIN ENTRY

AUGUST FAMILY PARTNERSHIP | TKTR ARCHITECTS



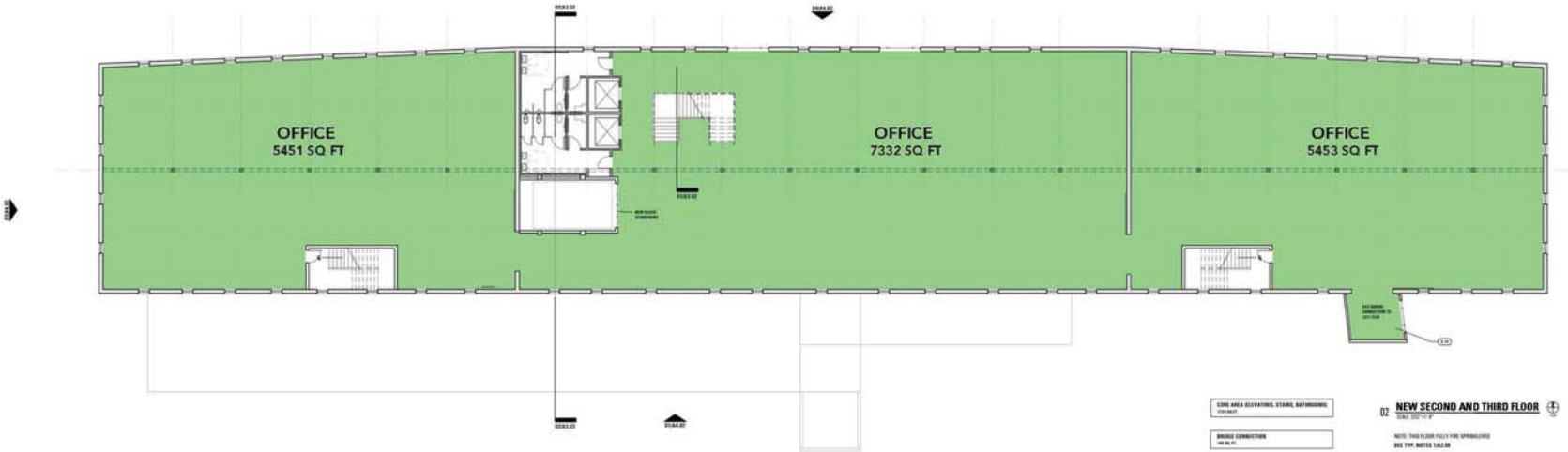
** Drawings and renderings are not final and may change subject to various City of Dallas approvals.*

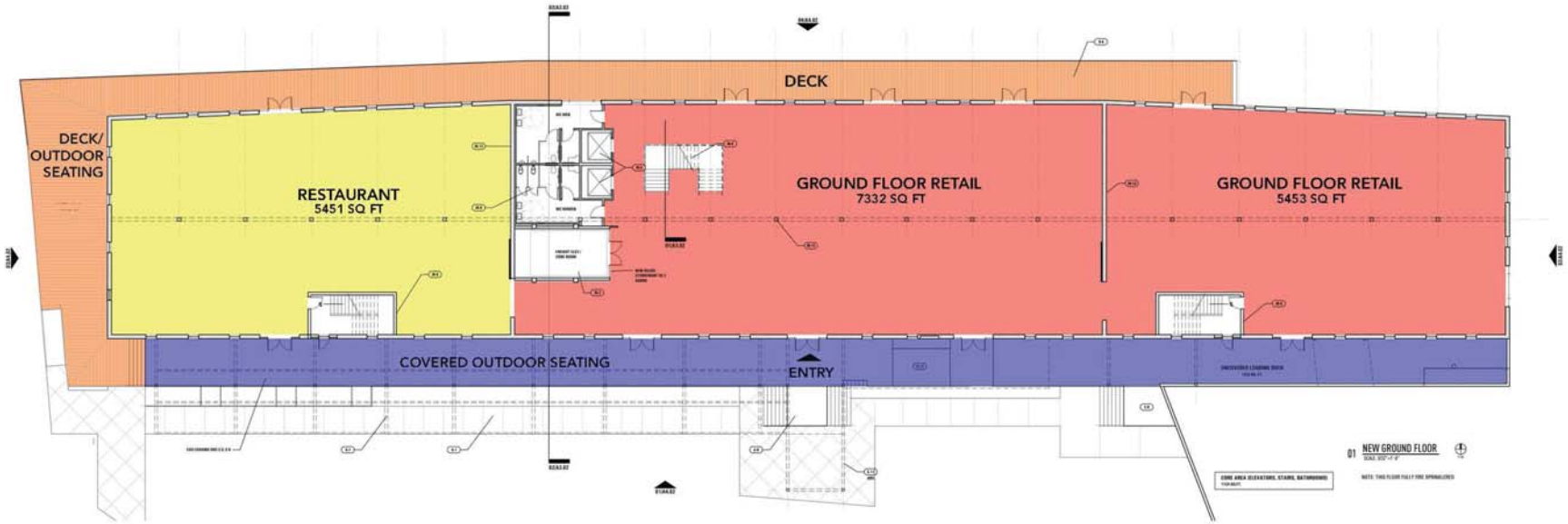
THE CONTINENTAL GIN REHABILITATION
3309 ELM STREET
CITY OF DALLAS URBAN DESIGN PEER REVIEW

CONTINENTAL GIN BUILDING - RESTAURANT INTERIOR

AUGUST FAMILY PARTNERSHIP | TKTR ARCHITECTS

EXHIBIT B-1





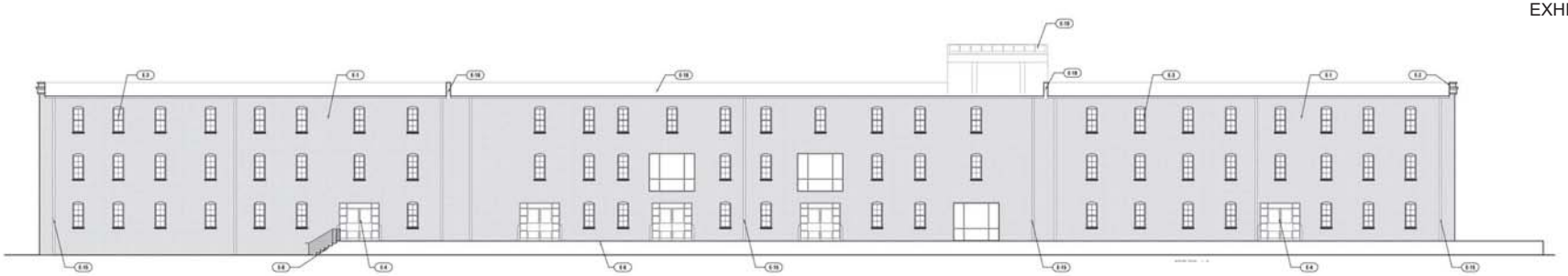
** Drawings and renderings are not final and may change subject to various City of Dallas approvals.*

THE CONTINENTAL GIN REHABILITATION
3309 ELM STREET
CITY OF DALLAS URBAN DESIGN PEER REVIEW

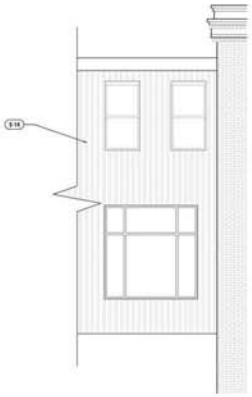
FLOOR PLANS

AUGUST FAMILY PARTNERSHIP | TKTR ARCHITECTS

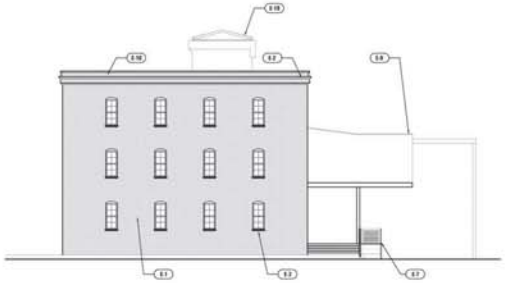
EXHIBIT B-1



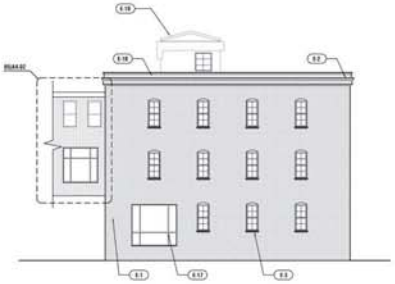
04 PROPOSED NEW ELEVATION - NORTH



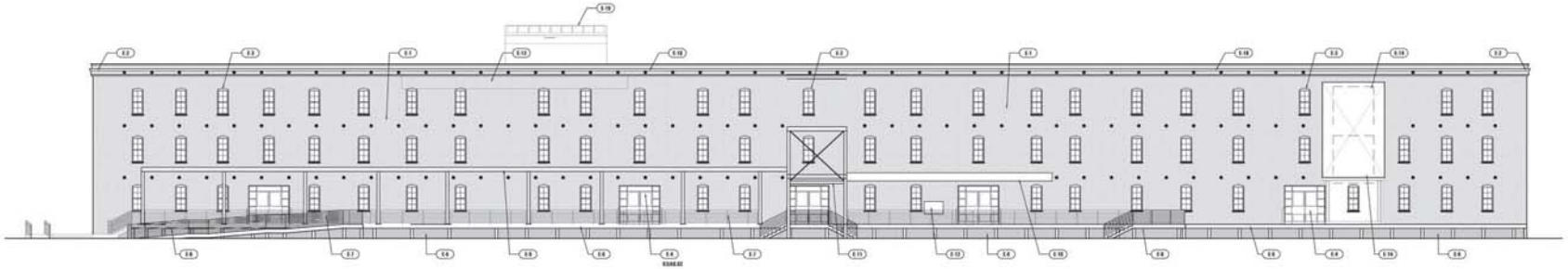
05 ELEVATION @ BRIDGE



03 PROPOSED NEW ELEVATION - WEST



02 PROPOSED NEW ELEVATION - EAST



01 PROPOSED NEW ELEVATION - SOUTH

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THE CONTINENTAL GIN REHABILITATION
3309 ELM STREET
CITY OF DALLAS URBAN DESIGN PEER REVIEW

NEW BUILDING ELEVATIONS

AUGUST FAMILY PARTNERSHIP | TKTR ARCHITECTS

EXHIBIT B-1

REPLACE ROOF MEMBRANE

REPAIR AND WATERPROOF PARAPET

REMOVE PAINT FROM EXISTING MASONRY USING CHEMICAL STRIPPER, REPOINT MORTAR JOINT T/O

CLEAN AND REPAIR STAR BOLTS

REPLACE EXISTING WINDOWS WITH NEW WOOD WINDOWS TO MATCH HISTORIC PATTERN

CLEAN AND REPAIR CAST IRON SILLS

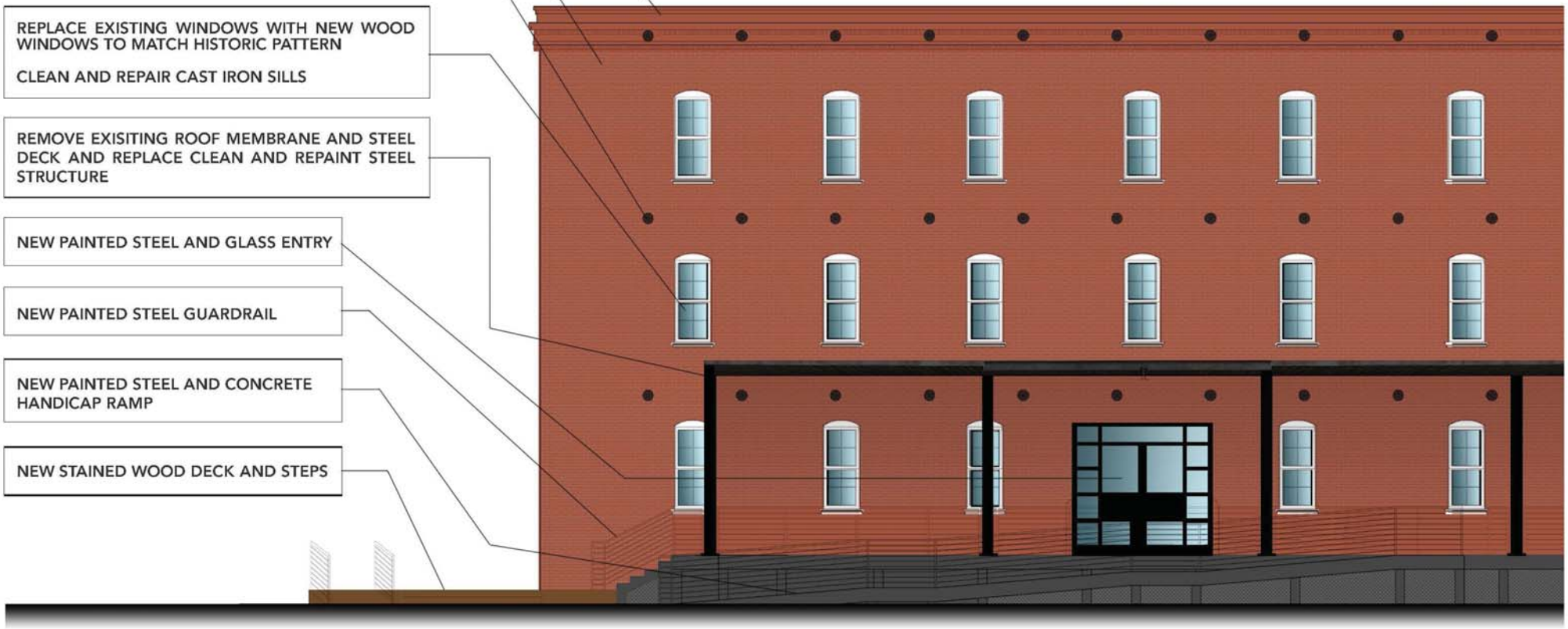
REMOVE EXISITING ROOF MEMBRANE AND STEEL DECK AND REPLACE CLEAN AND REPAINT STEEL STRUCTURE

NEW PAINTED STEEL AND GLASS ENTRY

NEW PAINTED STEEL GUARDRAIL

NEW PAINTED STEEL AND CONCRETE HANDICAP RAMP

NEW STAINED WOOD DECK AND STEPS



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THE CONTINENTAL GIN BUILDING

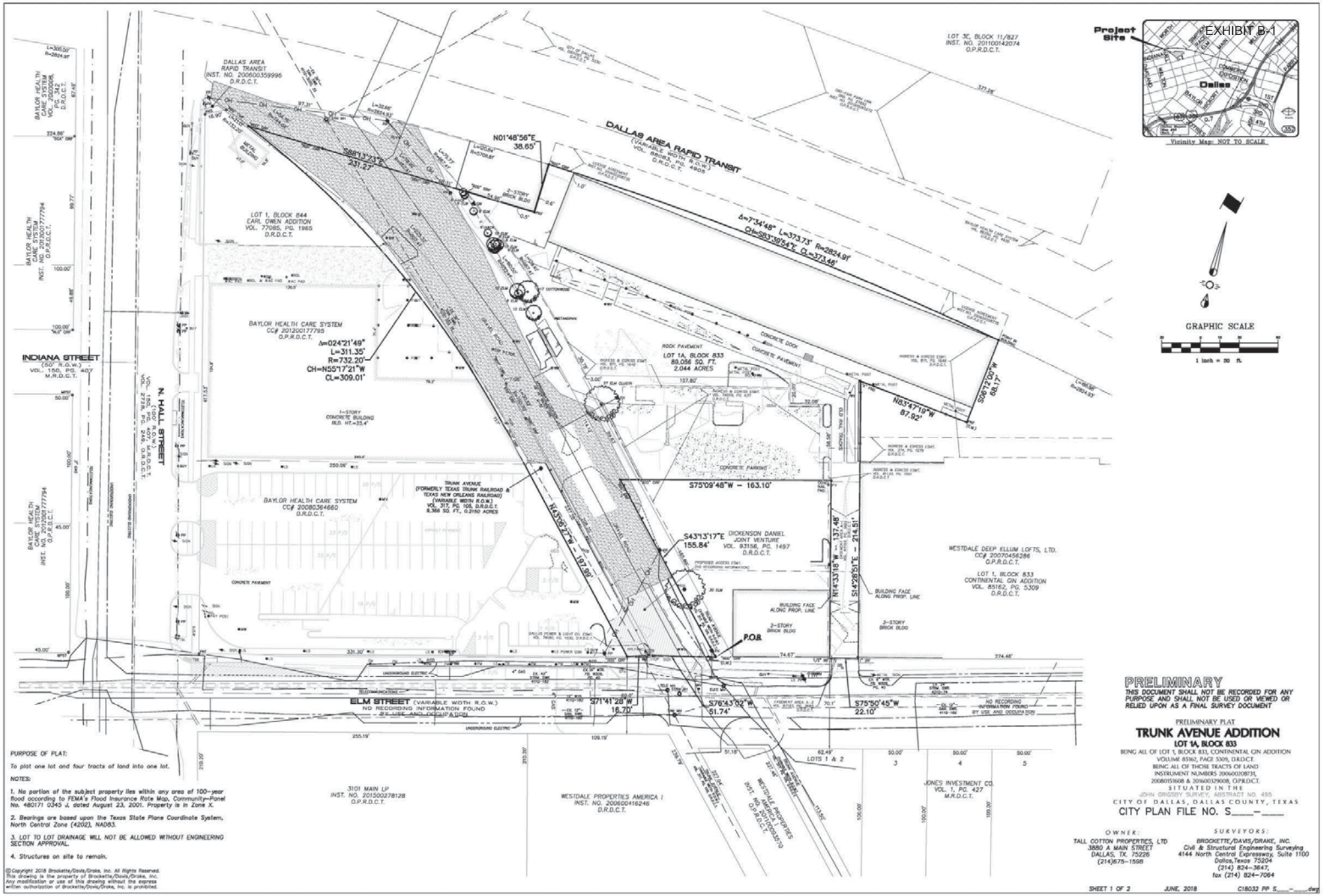
3309 ELM STREET

CITY OF DALLAS URBAN DESIGN PEER REVIEW

ENLARGED PARTIAL SOUTH (MAIN) ELEVATION

AUGUST FAMILY PARTNERSHIP | TKTR ARCHITECTS

EXHIBIT B-1



PURPOSE OF PLAT:

To plat one lot and four tracts of land into one lot.

NOTES:

1. No portion of the subject property lies within any area of 100-year flood according to FEMA's Flood Insurance Rate Map, Community-Panel No. 480171 0345 J, dated August 23, 2001. Property is in Zone X.

2. Bearings are based upon the Texas State Plane Coordinate System, North Central Zone (4202), NAD83.

3. LOT TO LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT ENGINEERING SECTION APPROVAL.

4. Structures on site to remain.

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PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

PRELIMINARY PLAT

TRUNK AVENUE ADDITION

LOT 1A, BLOCK 833

BEING ALL OF LOT 1, BLOCK 833, CONTINENTAL GIN ADDITION
VOLUME 85162, PAGE 5309, D.R.D.C.T.
BEING ALL OF THOSE TRACTS OF LAND
INSTRUMENT NUMBERS 20060020B731,
20080151608 & 201600329008, O.P.R.D.C.T.
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S____-____

OWNER:
TALL COTTON PROPERTIES, LTD
3880 A MAIN STREET
DALLAS, TX. 75226
(214)675-1598

SURVEYORS:
BROCKETTE/DAVIS/DRAKE, INC.
Civil & Structural Engineering Surveying
4144 North Central Expressway, Suite 1100
Dallas, Texas 75204
(214) 824-3647,
fax (214) 824-7064

EXHIBIT B-1

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS **TALL COTTON PROPERTIES LLC** is the owner of a acre tract of land, situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being a portion of Trunk Avenue (variable width R.O.W.) conveyed by Deed, recorded in Volume 317, Page 105 of the Deed Records, Dallas County, Texas (D.R.D.C.T.), being all of a tract of land conveyed to the City of Dallas, by Quitclaim Deed recorded in Instrument Number 20080151603 (D.R.D.C.T.), being all of that tract of land conveyed to Tall Cotton Properties, LTD. (herein referred to as Tall Cotton 1) by Special Warranty Deed recorded in Instrument Number 20060208731 of the Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) and by Correction to Special Warranty Deed, recorded in Instrument Number 20160329008 (O.P.R.D.C.T.), being all of that tract of land conveyed to Tall Cotton Properties, LTD. (herein referred to as Tall Cotton 2) by Quitclaim Deed, recorded in Instrument Number 20080151608 (O.P.R.D.C.T.), being part of Lot 1, Block 833 of the Continental Gin Addition, an addition to the City of Dallas, recorded in Volume 85162, Page 5309 (D.R.D.C.T.) and being part of that tract of land conveyed to Tall Cotton Properties, LTD. (herein referred to as Tall Cotton 3) by Warranty Deed, recorded in Volume 88044, Page 1969 (D.R.D.C.T.), being all of that tract of land conveyed to Tall Cotton Properties, LTD. (herein referred to as Tall Cotton 4) by Warranty Deed, recorded in Volume 89086, Page 963 (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a 5/8-inch "BDD" capped iron rod found for corner at the intersection of the northwest right-of-way line of Elm Street (variable width R.O.W.) and the southwest right-of-way line of Trunk Avenue (variable width R.O.W.), same being the southeast corner of said Tall Cotton 1 tract;

THENCE S76°43'02"W, departing the southwest line of said Trunk Avenue and along the northwest line of said Elm Street, passing at a distance of 48.11 feet, the northeast line of said City of Dallas tract, continuing for a total distance of 51.74 feet to a 5/8-inch "BDD" capped iron rod found for the southwest corner of said City of Dallas tract, same being the East corner of said portion of Trunk Avenue;

THENCE S71°41'28"W, continuing along the northwest line of said Elm Street, a distance of 18.70 feet to a 5/8-inch "BDD" capped iron rod found for corner in the northeast line of said Elm Street, same being the East corner of a tract of land conveyed to Baylor Health Care System by Special Warranty Deed, recorded in Instrument Number 20080364660 (D.R.D.C.T.);

THENCE N43°06'23"W, passing at a distance of 168.86 feet, the North corner of said Baylor Health Care System, same being the East corner of a tract of land conveyed to Baylor Health Care System by Special Warranty Deed, recorded in Instrument Number 20120017795 (O.P.R.D.C.T.), continuing for a total distance of 197.99 feet to 1/2-inch "RLS" capped iron rod found for the beginning of a tangent curve to the left;

THENCE along said tangent curve to the left and along the North line of said Baylor Health Care System tract, through a central angle of 24°21'49", an arc length of 311.35 feet, having a radius of 732.20 feet and a chord bearing and distance of N55°17'21"W, 309.01 feet to a 5/8-inch "BDD" capped iron rod found for corner;

THENCE S88°13'23"E, departing the northeast line of said Baylor Health Care System tract, passing at a distance of 38.15 feet the South corner of a tract of land conveyed to Patricia L. Stahl by Deed without Warranty, recorded in Instrument Number 201100137089 (O.P.R.D.C.T.), continuing for a total distance of 59.88 feet to a 5/8-inch "BDD" capped iron rod found for the southeast corner of said Tall Cotton 1 tract, passing at a distance of 148.01 feet a 5/8-inch "BDD" capped iron rod found for the northwest corner of said Tall Cotton 1 and the southwest corner of said Tall Cotton 2, said iron being in the southeast line of a tract of land conveyed to Patricia L. Stahl by Quitclaim Deed, recorded in Instrument Number 20080151608 (O.P.R.D.C.T.), passing at a distance of 176.31 feet a 5/8-inch "BDD" capped iron rod found for the northeast corner of said Tall Cotton 2, the southeast corner of said Tall Cotton 3 and Lot 1, Block 833, same being in the southeast line of a tract of land conveyed to Patricia L. Stahl by Warranty Deed without Vendor's Lien, recorded in Volume 81007, Page 1360 (D.R.D.C.T.), continuing for a total distance of 231.27 feet to a pk nail found for the southeast corner of said Patricia L. Stahl tract;

THENCE N01°48'36"E, along the northeast line of said Patricia L. Stahl tract and the southeast line of said Lot 1, Block 833, a distance of 38.65 feet to a 5/8-inch "BDD" capped iron rod found for the northeast corner of said Lot 1, Block 833, said iron being in the South line of a tract of land conveyed to Dallas Area Rapid Transit by Quitclaim Deed, recorded in Instrument Number 200600208732 (O.P.R.D.C.T.) and the beginning of a non-tangent curve to the right;

THENCE along said non-tangent curve to the right and the common line of said Dallas Area Rapid Transit tract and the North line of said Lot 1, Block 833, through a central angle of 07°34'48", an arc length of 373.73 feet, a radius of 2824.91 feet and a chord bearing and distance of N83°39'54"W, 373.46 feet to a building corner, same being the northwest corner of a tract of land conveyed to Westdale Deep Ellum Lofts, LTD. by Special Warranty Deed, recorded in Instrument Number 20070458288 (O.P.R.D.C.T.);

THENCE S06°12'00"E, departing the South line of said Dallas Area Rapid Transit tract and along the West and southwest lines of said Westdale Deep Ellum Lofts, LTD. tract, a distance of 68.17 feet to a pk nail found for the inner ell corner;

THENCE N83°47'19"E, a distance of 87.92 feet to an "X" cut in concrete found at the base of a fence post for an inner ell corner;

THENCE S14°28'31"E, continuing along the southwest line of said Westdale Deep Ellum Lofts, LTD. tract, a distance of 214.31 feet to a point for corner, from which a 1-inch iron pipe found bears N27°25'E, 1.2 feet, in the northwest line of said Elm Street;

THENCE S75°50'45"W, departing the southwest line of said Westdale Deep Ellum Lofts, LTD. tract and along the northwest line of said Elm Street, a distance of 22.10 feet to a 1/2-inch iron rod found for corner, same being the East corner of a tract of land conveyed to Dickenson Daniel Joint Venture by Warranty Deed, recorded in Volume 83156, Page 1497 (D.R.D.C.T.);

THENCE N14°33'18"W, departing the northeast line of said Elm Street and along the northeast line of said Dickenson Daniel Joint Venture tract, a distance of 137.48 feet to a concrete nail found for the East corner of said Tall Cotton 4 tract, same being the North corner of said Dickenson Daniel Joint Venture tract;

THENCE S75°09'48"W, along the common northwest line of said Dickenson Daniel Joint Venture tract and the southeast line of said Tall Cotton 4 tract, passing at a distance of 148.48 feet the South corner of said Tall Cotton 4 tract, same being the East corner of said Tall Cotton 2 tract, continuing for a total distance of 163.10 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for the South corner of said Tall Cotton 2 tract, being in the northeast line of said Tall Cotton 1 tract;

THENCE S43°13'17"E, along the northeast line of said Tall Cotton 1 tract, a distance of 155.84 feet to the POINT OF BEGINNING, containing 89,056 square feet or 2.044 acres of land, more or less.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That **TALL COTTON PROPERTIES LLC**, acting by and through its duly authorized agent, does hereby adopt this plat, designating the herein described property as **TRUNK AVENUE ADDITION**, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Dallas.

WITNESS, my hand at Dallas, Texas, this the ___ day of _____, 2018.

TALL COTTON PROPERTIES LLC

By: _____

Name: _____

Title: _____

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____ known to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for purposes and considerations therein expressed and in the capacity therein stated and as the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of _____ 2018.

_____
Notary Public in and for the State of Texas

SURVEYOR'S STATEMENT

I, Stanley Ray Felts, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance no. 19455, as amended), and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A–8.617 (a)(b)(c)(d) & (e), and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the _ day of _____, 2018.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

_____
Stanley Ray Felts, R.P.L.S.
Registration No. 4625

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Stanley Ray Felts, known to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for purposes and considerations therein expressed and in the capacity therein stated and as the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of _____ 2018.

_____
Notary Public in and for the State of Texas

PRELIMINARY PLAT

TRUNK AVENUE ADDITION

LOT 1A, BLOCK 833

BEING ALL OF LOT 1, BLOCK 833, CONTINENTAL GIN ADDITION
VOLUME 85162, PAGE 5309, D.R.D.C.T.
BEING ALL OF THOSE TRACTS OF LAND
INSTRUMENT NUMBERS 20060208731,
20080151608 & 201600329008, O.P.R.D.C.T.
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S____–____

OWNER:
TALL COTTON PROPERTIES, LTD
3880 A MAIN STREET
DALLAS, TX. 75226
(214)575–1588

SURVEYORS:
BROCKETTE/DAVIS/DRAKE, INC.
Civil & Structural Engineering Surveying
4144 North Central Expressway, Suite 1100
Dallas, Texas 75204
(214) 824–3647,
fax (214) 824–7064

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PERMIT SET

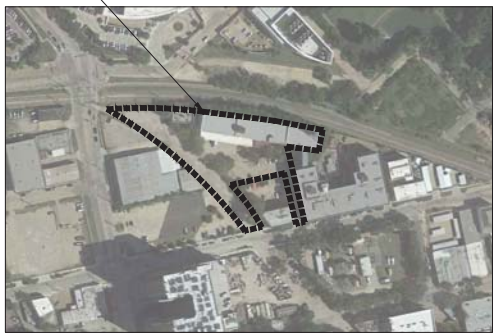
Exhibit B-2

THE CONTINENTAL GIN BUILDING REHABILITATION

DEEP ELLUM - DALLAS, TX

LOCATION MAP

PROJECT AREA



A PROJECT BY

OWNER:
AUGUST FAMILY PARTNERSHIP

CONTACT: EVAN AUGUST
DALLAS, TX 75201
P: 214.218.1233

LANDSCAPE ARCHITECT:
COMPLETE LANDSCULPTURE OF TEXAS, L.P.

CONTACT: SANTOSH GEORGE
2000 SANDY LANE
DALLAS, TX 75220
P:214-358-5296

PROJECT MANAGER:

JON HENDRICKSON
INSPIRED STEWARDSHIP, LLC
(469)263-7609

ARCHITECT: TKTR ARCHITECTS

CONTACT: TRUETT ROBERTS
3800 MAIN ST.
DALLAS, TX 75226
P: 214.855.9344

SHEET INDEX

SHEET №	SHEET TITLE	
L0-00	Cover Sheet	x
L0-01	General Information Sheet	x
L0-02	Site Key Plan	x
L1-00	Tree Preservation General Information Sheet	x
L1-01	Tree Preservation Plan	x
L2-00	Not in Set	
L3-01	Site Hardscape Plan	x
L4	Not in Set	
L5	Not in Set	
L6	Not in Set	
L7-01	Site Details	x
L7-02	Site Details	x
L8-00	Planting General Information Sheet	x
L8-01	Planting Plan	x
L8-02	Planting Plan	x
L8-03	Planting Plan	x
L8-04	Planting Plan	x
L8-05	Planting Plan	x
SHEET 1	Irrigation Plan	x

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COMPLETE LANDSCULPTURE

CREATING A COMPLETE OUTDOOR EXPERIENCE

CONTINENTAL GIN BUILDING REHABILITATION
3309 ELM STREET
DALLAS, TX 75226

CONSTRUCTION REVIEW SET

No.	Date	Revision
1	02.07.19	Vendor Comments

Drawn: CS
Approved: SG Date: 10.01.18

NOT FOR CONSTRUCTION

COVER SHEET

L0-00

SHEET 1 OF 3

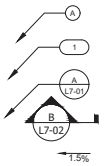
ABBREVIATION INDEX

@	AT (THE RATE OF)
AFF	ABOVE FINISHED FLOOR
APPROX	APPROXIMATE
B&B	BALLED AND BURLAPPED
CAL.	CALIPER
C.B.	CATCH BASIN
CIR.	CIRCULAR
℄	CENTER LINE
C.F.	CUBIC FEET
C.Y.	CUBIC YARD
DIA.	DIAMETER
DI	DRAIN INLET
EQ.	EQUAL
E.J.	EXPANSION JOINT
F.F.	FINISHED FLOOR ELEVATION
F.G.	FINISHED GRADE
F.H.	FIRE HYDRANT
F.L.	FLOW LINE
GAL.	GALLON
INL.	INLET
INV.	INVERT
L.F	LINEAR FEET
MAX.	MAXIMUM
M.H.	MANHOLE
MIN.	MINIMUM
MISC.	MISCELLANEOUS
N.I.C.	NOT IN CONTRACT
N.T.S.	NOT TO SCALE
O.C.	ON CENTER
O.C.E.W.	ON CENTER EACH WAY
P.A.	PLANTING AREA
PL	PROPERTY LINE
R	RADIUS
R.O.W.	RIGHT OF WAY
REV.	REVISION
SPEC.	SPECIFICATIONS
S.F.	SQUARE FOOT
S.Y.	SQUARE YARD
T.C.	TOP OF CURB
T.W.	TOP OF WALL
TYP.	TYPICAL
VAR.	VARIES
W/	WITH
W/O	WITHOUT
W.V.	WATERVALVE

GENERAL NOTES

1. ALL CONSTRUCTION WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE BUILDING CODES AND ORDINANCES OR AGENCIES HAVING JURISDICTION OVER THIS PROJECT.
2. ESTABLISH AND MAINTAIN PROJECT SAFETY DURING CONSTRUCTION TO PROTECT PERSONNEL, TENANTS, AND BUILDING OCCUPANTS. REQUIREMENTS INCLUDE, BUT SHALL NOT BE LIMITED TO O.S.H.A. PART 1926 LATEST EDITION.
4. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF WORK. IF CONFLICT OCCURS, CONTACT THE LANDSCAPE ARCHITECT.
5. CONTRACTOR SHALL FIELD VERIFY ALL MEASUREMENTS, LOCATIONS AND CHARACTERISTICS OF ALL WORK AND EQUIPMENT (WHETHER SUPPLIED BY THE OWNER OR OTHERS) WITH THE SUPPLIER OR MANUFACTURER PRIOR TO THE START OF RELATED WORK.
6. NO CHANGES TO BE MADE WITHOUT APPROVAL OF THE LANDSCAPE ARCHITECT.
7. CONTRACTOR TO BE RESPONSIBLE FOR PROTECTION OF ALL EXISTING IMPROVEMENTS BOTH ON SITE AND ADJACENT TO THE WORK SITE AND SHALL REPAIR ANY DAMAGE TO THESE IMPROVEMENTS TO THE SATISFACTION OF THE OWNER.
8. COORDINATE WORK WITH SUBCONTRACTORS TO ACCOMPLISH THE SCOPE OF WORK AS SHOWN AND NOTED IN THE CONTRACT DOCUMENTS AS WELL AS COORDINATE CONSTRUCTION WITH OTHER CONTRACTORS ON THE SITE.
9. ALL WORK SHALL CONFORM IN QUALITY TO ACCEPTED INDUSTRY STANDARDS. ALL MILLWORK SHALL CONFORM TO A.W.I. PREMIUM GRADE STANDARDS, UNLESS OTHERWISE NOTED.
10. MANUFACTURER'S NAME, TRADEMARK, LOGOS, ETC. SHALL NOT BE PROMINENTLY VISIBLE TO THE PUBLIC.
11. CONTRACTOR IS RESPONSIBLE FOR LEGAL OFF-SITE DISPOSAL OF SURPLUS MATERIAL AND DEBRIS.

LEGEND



MATERIAL CALLOUT
DEMOLITION CALLOUT
DETAIL CALLOUT
SECTION CALLOUT
CROSS SLOPE CALLOUT

LIGHTING LEGEND

KEY	DESCRIPTION	COLOR	FINISH	CONTACT	REMARKS
	LED UPLIGHT				LOCATE PER LIGHTING PLANS
	PATH LIGHT				LOCATE PER LIGHTING PLANS
	STEP/WALL LIGHT				LOCATE PER LIGHTING PLANS

MATERIAL AND FINISH SCHEDULE

Exhibit B-2

MATERIAL AND FINISH SCHEDULE

A. Concrete Pavers (Pedestrian)

LOCATION: Plaza areas

http://www.belgardcommercial.com/products/interlocking_concrete_pavers/urbana_stone

BRAND & MAKE: Urbana Stone Paver by Belgard

SHAPE: 3 Piece Modular (4x8, 8x12, 8x8, 60 mm Thick)

COLOR: Danville Beige

TEXTURE & FINISH: Tumbled / Antiqued

PATTERN: Urbana Pattern B

INFILL: Polymer Sand for interlocking pavers

INSTALLATION: Dry laid as per details & product specifications for pedestrian use

B. Concrete Pavers (Vehicular)

LOCATION: Enhanced Paving Areas

https://www.belgard.com/products/pavers/holland-stone

BRAND & MAKE: Belgard Holland Stone Classic

SHAPE: 4x8x2 ¾ / 60 mm

COLOR: Hill Country

TEXTURE & FINISH: Tumbled / Antiqued

PATTERN: Running bond

INSTALLATION: On concrete subbase as per Details & product specifications for vehicular use

C. Concrete

LOCATION: Plaza & Walkways

BRAND & MAKE: Hand Formed by Concrete vendor

COLOR: Light Grey

TEXTURE & FINISH: Plain Concrete

PATTERN: Scores as per layout

INSTALLATION: As per Specifications CSI 32 12 14

D. Decomposed Granite

LOCATION: Seating Areas & Gardens

BRAND & MAKE: Cheshir Stone Supply

SIZE / SHAPE: ¾"

Color: Red

INSTALLATION: As per Details & product specifications, vehicular grade

E. Corten Steel Pots

LOCATION: Building Edge

SUPPLIER: Bent it to shape / Curt Roland

SIZE: 3' height x 5' long x 2' wide of 11 Gauze with bottom piece to include drainage and irrigation openings

COLOR: Natural Rust

INSTALLATION: As per Details & product specifications

F. Steel Edging, 6 inches and 4 Inches

LOCATION: Garden & DG edge

BRAND & MAKE: JD Russell or Equivalent

SIZE: 1/8" x 4" x Length as per plan

COLOR: Black

INSTALLATION: As per Details & product specifications

G. Exterior Grade Wood

LOCATION: Deck & Ramps

BRAND & MAKE: Thermory USA Mark A. Challinor / M: 847 962-3583

SIZE & SHAPE: ¾ thick x 6" wide (length 8', 10' & 12')

COLOR: Apply Cuteck Stain (walnut color tone to retain color), if not stained the wood bleaches to Gray in 3 months

INSTALLATION: As per Details & product specifications

H. Lueders Limestone Chop Blocks

LOCATION: Plaza & Gardens

MAKE: Lueders Gray Limestone

SHAPE: Rectangular

SIZE: 5' Long x 18" x 18" or equivalent from Quarry

COLOR: Creme Yellow

TEXTURE & FINISH: Rough finish on 4 sides, top & bottom smooth

INSTALLATION: As per details, anchored in concrete with steel pin

I. Bike Rack

LOCATION: Community garden

SHAPE: Circular

MAKE: Victor Stanley BRHS 101

INSTALLATION: As per Manufacturer Details

J. Steel Slat

LOCATION: Chiller & Garbage Enclosure, Fence along the DART

MAKE: Custom Creations / Michael Cooper

PATTERN: As per detail

INSTALLATION: As per Manufacturer Details

2000 SANDY LANE
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COMPLETE LANDSCULPTURE
CREATING A COMPLETE OUTDOOR EXPERIENCE

CONTINENTAL GIN BUILDING REHABILITATION
3309 ELM STREET
DALLAS, TX 75226

CONSTRUCTION REVIEW SET

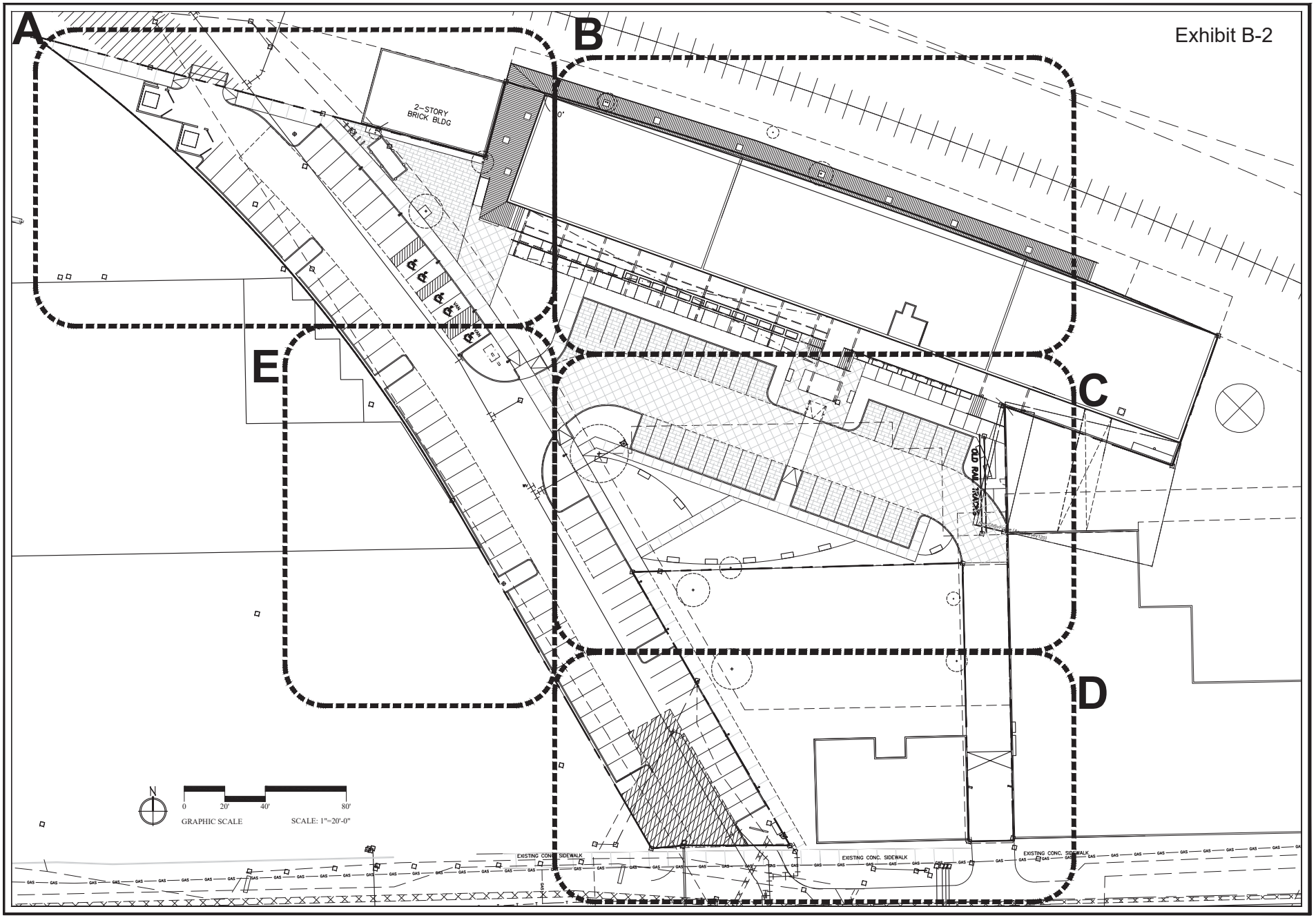
No.	Date	Revision
1	02.07.19	Vendor Comments

Drawn: CS
Approved: SG Date: 10.01.18

NOT FOR CONSTRUCTION

GENERAL INFORMATION SHEET

L0-01



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Drawn: CS
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NOT FOR CONSTRUCTION

SITE KEY PLAN

L0-02

TREE LIST:

Tree #	Caliper	Common Name	Scientific Name	Protected	Remove	Reason	Replacement Ratio
SIGNIFICANT TREES							
1	30	American Elm	Ulmus americana	yes	yes	design - off site	1.5 in. / 1 in.
50	27	American Elm	Ulmus americana	yes	yes	design	1.5 in. / 1 in.
51	36	American Elm	Ulmus americana	yes	yes	design	1.5 in. / 1 in.
CLASS 2 TREES							
13	12	American Elm	Ulmus americana	yes	yes	design	.7 in. / 1 in.
16	12	American Elm	Ulmus americana	yes	yes	design	.7 in. / 1 in.
20	11	American Elm	Ulmus americana	yes	yes	design	.7 in. / 1 in.
30	21	Cedar Elm	Ulmus crassifolia	yes	yes	design	.7 in. / 1 in.
35	14	Cedar Elm	Ulmus crassifolia	yes	yes	design	.7 in. / 1 in.
36	14	Cedar Elm	Ulmus crassifolia	yes	yes	design	.7 in. / 1 in.
37	15	Cedar Elm	Ulmus crassifolia	yes	yes	design	.7 in. / 1 in.
38	9	Cedar Elm	Ulmus crassifolia	yes	yes	design	.7 in. / 1 in.
39	8	Lacebark Elm	Ulmus parvifolia	yes	yes	design	.7 in. / 1 in.
40	10	American Elm	Ulmus americana	yes	yes	design	.7 in. / 1 in.
43	11	American Elm	Ulmus americana	yes	yes	design	.7 in. / 1 in.
44	10	Lacebark Elm	Ulmus parvifolia	yes	yes	design	.7 in. / 1 in.
45	9	Cedar Elm	Ulmus crassifolia	yes	yes	design	.7 in. / 1 in.
CLASS 3 TREES							
14	17	Cottonwood	Populus deltoides	yes	yes	design	.4 in. / 1 in.
22	17	Hackberry		yes	yes	design	.4 in. / 1 in.
42	21	Mulberry	Morus rubra	yes	yes	design	.4 in. / 1 in.
UNPROTECTED TREES							
2	20	Live Oak	Quercus virginiana	yes	no		
3	18	Live Oak	Quercus virginiana	yes	no		
4	10	Live Oak	Quercus virginiana	yes	no		
5	6	American Elm	Ulmus americana	no	yes	design	none
6	27	American Elm	Ulmus americana	yes	no		
7	6	American Elm	Ulmus americana	no	yes	design	none
8	15	Bradford Pear	Celtis occidentalis	no	yes	design	none
9	10	Bradford Pear	Celtis occidentalis	no	yes	design	none
10	8	Bradford Pear	Celtis occidentalis	no	yes	design	none
11	7	Bradford Pear	Celtis occidentalis	no	yes	design	none
12	9	Bradford Pear	Celtis occidentalis	no	yes	design	none
15	6	American Elm	Ulmus americana	no	yes	design	none
17	42	American Elm	Ulmus americana	yes	no		
18	6	American Elm	Ulmus americana	no	yes	design	none
19	6	American Elm	Ulmus americana	no	no		
21	7	American Elm	Ulmus americana	no	yes	design	none
23	38	American Elm	Ulmus americana	yes	no		
24	12	Cedar Elm	Ulmus crassifolia	yes	yes	design - off site	none
25	8	Cedar Elm	Ulmus crassifolia	yes	no		
26	10	Cedar Elm	Ulmus crassifolia	yes	no		
27	7	Cedar Elm	Ulmus crassifolia	no	yes	design-off site	none
28	7	Cedar Elm	Ulmus crassifolia	no	yes	design - off site	none
29	7	Cedar Elm	Ulmus crassifolia	no	yes	design-off site	none
31	6	Cedar Elm	Ulmus crassifolia	no	yes	design-off site	none
32	28	Cedar Elm	Ulmus crassifolia	yes	yes	design-off site	none
33	6	Cedar Elm	Ulmus crassifolia	no	no		
34	12	Cedar Elm	Ulmus crassifolia	yes	no		
41	6	Lacebark Elm	Ulmus parvifolia	no	yes	design	none
46	6	Cedar Elm	Ulmus crassifolia	no	yes	design	none
47	6	Bradford Pear	Celtis occidentalis	no	yes	design	none
48	24	Bradford Pear	Celtis occidentalis	no	yes	design	none
49	7	American Elm	Celtis occidentalis	no	yes	design	none
52	7	Cedar Elm	Ulmus crassifolia	no	no		
53	11	Cedar Elm	Ulmus crassifolia	yes	no		

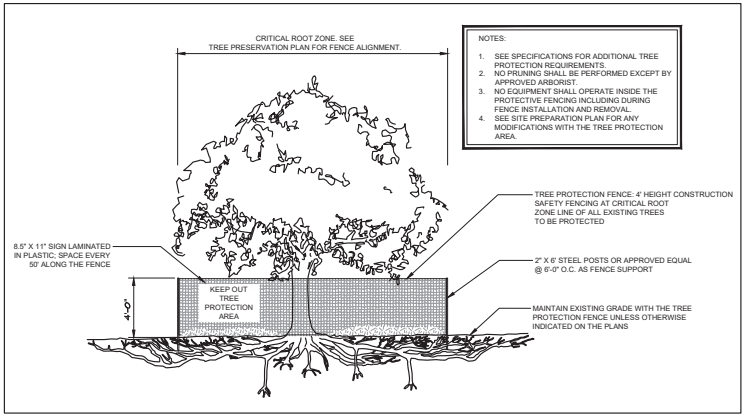
TREE LEGEND:

EXISTING TREE TO REMAIN

EXISTING TREE TO BE REMOVED

PROTECTED TREE REPLACEMENT REQUIREMENTS:

Tree #	Tree - Common Name	Tree - Scientific Name	DBH	Mitigation Inches
1	American Elm	Ulmus americana	30	45
13	American Elm	Ulmus americana	12	8.4
14	Cottonwood	Populus deltoides	17	6.8
16	American Elm	Ulmus americana	12	8.4
20	American Elm	Ulmus americana	11	7.7
22	Hackberry	Ulmus	17	6.8
30	Cedar Elm	Ulmus crassifolia	21	14.7
35	Cedar Elm	Ulmus crassifolia	14	9.8
36	Cedar Elm	Ulmus crassifolia	14	9.8
37	Cedar Elm	Ulmus crassifolia	15	10.5
38	Cedar Elm	Ulmus crassifolia	9	6.3
39	Lacebark Elm	Ulmus parvifolia	8	5.6
40	American Elm	Ulmus americana	10	7
42	Mulberry	Morus rubra	21	8.4
43	American Elm	Ulmus americana	11	7.7
44	Lacebark Elm	Ulmus parvifolia	10	7
45	Cedar Elm	Ulmus crassifolia	9	6.3
50	American Elm	Ulmus americana	27	40.5
51	American Elm	Ulmus americana	36	54
		Total Mitigation Inches:		**270.7**
		Replacement Trees:		**147**
		Remaining Inches:		**124**



1 TREE PROTECTION FENCE DETAIL

Scale: NOT TO SCALE

TREE PROTECTION NOTES:

Exhibit B-2

1. ALL TREES SHALL REMAIN UNLESS NOTED ON THE PLANS.
2. NO SITE PREPARATION WORK SHALL BEGIN IN AREAS WHERE TREE PRESERVATION AND TREATMENT MEASURES HAVE NOT BE COMPLETED AND APPROVED.
3. TREES, INCLUDING THOSE THAT ARE WITHIN 25 FEET OF THE PROPOSED SITE OR TRACT, WHICH ARE NOT PROPOSED FOR REMOVAL OR HAVE BEEN IDENTIFIED ON THE TREE PRESERVATION PLAN TO BE PRESERVED, MUST BE PROTECTED UNDER THE FOLLOWING CONDITIONS:
4. NO MATERIALS INTENDED FOR THE USE IN CONSTRUCTION OR WASTE MATERIALS ACCUMULATED DUE TO EXCAVATIONS OR DEMOLITION SHALL BE PLACED WITHIN THE LIMITS OF THE CRITICAL ROOT ZONE
5. EQUIPMENT SHALL BE CLEANED OR OTHER FOREIGN MATERIALS DEPOSITED OR ALLOWED TO FLOW OVERLAND WITHIN THE CRITICAL ROOT ZONE OF A PROTECTED TREE INCLUDING BUT NOT LIMITED TO PAINT, OIL, SOLVENTS, ASPHALT, CONCRETE, MORTAR OR SIMILAR MATERIALS.
6. NO SIGNS, WIRES OR OTHER OBJECTS, OTHER THAN THOSE OF A PROTECTIVE NATURE SHALL BE ATTACHED TO ANY TREE. HOWEVER, LIGHTING OF A DECORATIVE NATURE MAY BE ATTACHED TO ANY TREE. THE LIGHTING SHALL BE ATTACHED IN A MANNER AS NOT TO DAMAGE THE PROTECTED TREE. A DETAIL OF THE PROPOSED LIGHTING SHALL BE SUBMITTED AND APPROVED BY THE CITY MANAGER OR DESIGNEE PRIOR TO INSTALLATION.
7. NO VEHICULAR AND OR CONSTRUCTION MACHINERY TRAFFIC OR PARKING SHALL TAKE PLACE WITHIN THE LIMITS OF THE CRITICAL ROOT ZONE OF ANY TREE OTHER THAN ON AN EXISTING PAVED SURFACE, EXCEPT WHEN ACCESSING THE CRITICAL ROOT ZONE FOR CLEARING UNDERBRUSH, ESTABLISHING THE BUILDING PAD AND ASSOCIATED LOT GRADING, VEHICULAR TRAFFIC NECESSARY FOR ROUTINE UTILITY MAINTENANCE OR EMERGENCY RESTORATION OF UTILITY SERVICE OR ROUTINE MOWING OPERATIONS.
8. GRADE CHANGES SHALL BE ALLOWED WITHIN THE LIMITS OF THE CRITICAL ROOT ZONE OF ANY PROTECTED TREE ONLY UPON APPROVAL BY THE CITY MANAGER OR DESIGNEE.
9. ASPHALT, CONCRETE OR OTHER IMPERVIOUS PAVING MATERIALS IS PROHIBITED-WITHIN THE CRITICAL ROOT ZONE OF A PROTECTED TREE. PAVING MAY ENCROACH UP TO SEVEN FEET (7') FROM THE TRUNK UPON APPROVAL AND CERTAIN STIPULATIONS BY THE CITY MANAGER OR DESIGNEE.
10. TREE PROTECTION FENCES MUST BE A MINIMUM OF FOUR FEET HIGH, CONSTRUCTED WITH ADEQUATE, DURABLE MATERIAL (E.G. ORANGE PLASTIC CONSTRUCTION FENCING) APPROVED BY THE BUILDING OFFICIAL, AND LOCATED AT THE DRIP LINE OR THE EDGE OF THE CRITICAL ROOT ZONE, WHICHEVER IS FARTHEST FROM THE TRUNK, UNLESS THE BUILDING OFFICIAL DETERMINES THAT A FENCE LINE CLOSER TO THE TRUNK WILL NOT BE LIKELY TO RESULT IN DAMAGE TO THE TREE.
11. ALL PROTECTED TREES OR STANDS OF TREES, AND TREE PROTECTION ZONES MUST BE PROTECTED FROM THE SEDIMENTATION OF EROSION MATERIAL. SILT SCREENING MUST BE PLACED ALONG THE OUTER UPHILL EDGE OF TREE PROTECTION ZONES.
12. THE RESPONSIBLE PARTY MUST INSTALL AND MAINTAIN ALL TREE PROTECTION MEASURES INDICATED IN THE APPROVED PLAN PRIOR TO AND THROUGHOUT THE LAND DISTURBANCE PROCESS AND THE CONSTRUCTION PHASE.
13. THE RESPONSIBLE PARTY MUST MULCH AREAS WHERE SOIL COMPACTION IS LIKELY TO OCCUR AS INDICATED ON THE PLAN WITH A MINIMUM FOUR INCH LAYER OR PROCESSED PINE BARK OR WOOD CHIPS, OR A SIX INCH LAYER OF PINE STRAW.
14. IF A CUT IS MADE TO THE ROOT OF A TREE THAT IS NOT INTENDED TO BE REMOVED OR SERIOUSLY INJURED AS INDICATED ON THE PLAN, THE CUT MUST BE MADE AT A 90 DEGREE ANGLE.
15. THE RESPONSIBLE PARTY MUST TUNNEL UTILITIES IF UTILITIES ARE TO RUN THROUGH A TREE PROTECTION ZONE, RATHER THAN BEING PLACED ALONG CORRIDORS BETWEEN TREE PROTECTION ZONES.

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CREATING A COMPLETE OUTDOOR EXPERIENCE

CONTINENTAL GIN BUILDING REHABILITATION
3309 ELM STREET
DALLAS, TX 75226

CONSTRUCTION REVIEW SET

No.	Date	Revision
1	02.07.19	Vendor Comments

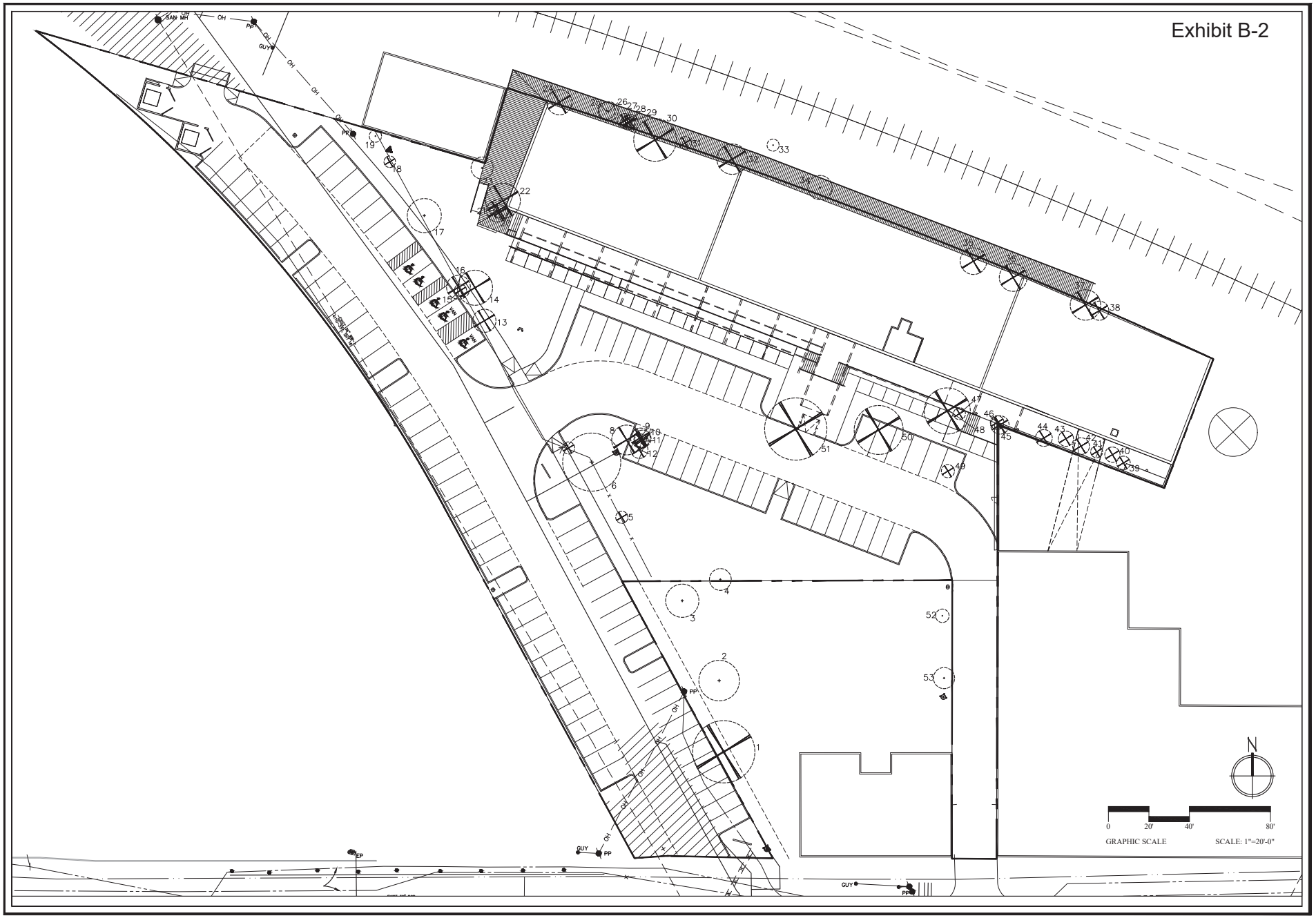
Drawn: CS
Approved: SG Date: 10.01.18

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TREE PRESERVATION GENERAL INFORMATION SHEET

L1-00

SHEET 1 OF 2



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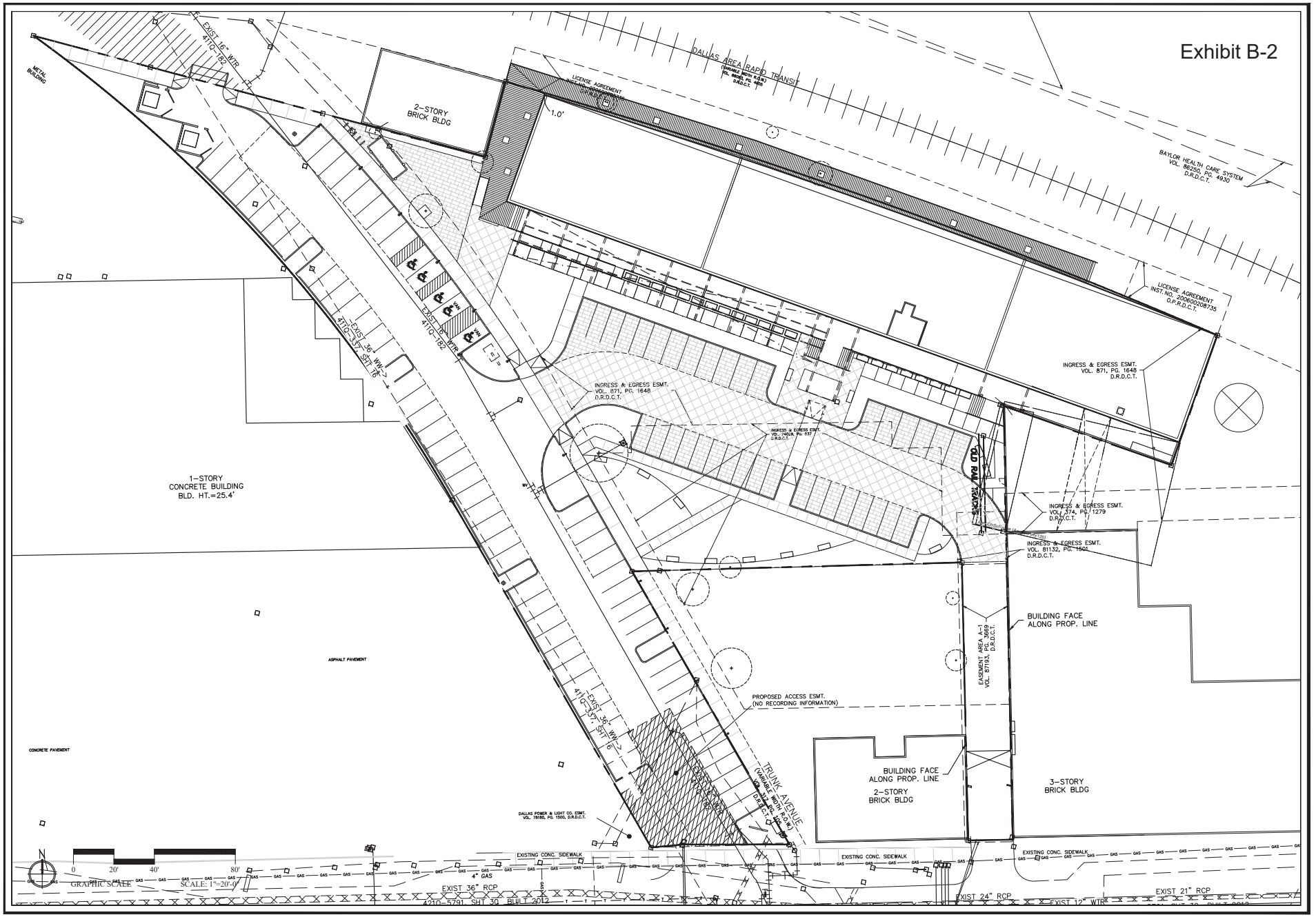
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TREE PRESERVATION PLAN

L1-01
SHEET 2 OF 2



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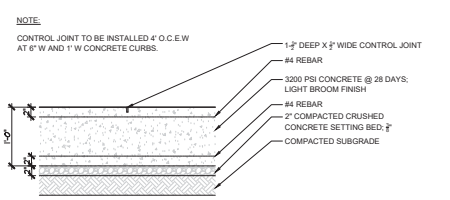
NOT FOR CONSTRUCTION

LANDSCAPE LIGHTING PLAN

L5-01

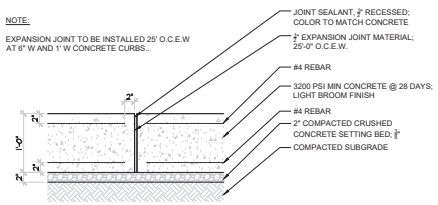
SHEET 1 OF 1

Exhibit B-2



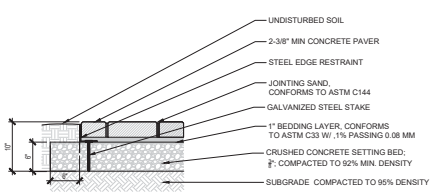
1 CONTROL JOINT, TYP.

Scale: 1"=1'-0"



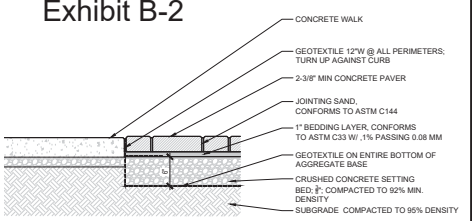
2 EXPANSION JOINT AT CONCRETE CURB

Scale: 1"=1'-0"



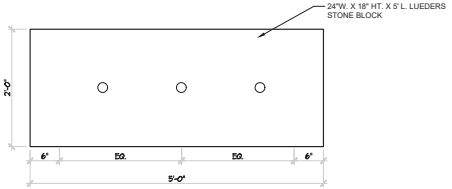
3 PAVERS AT PLANTING BED

Scale: 1"=1'-0"



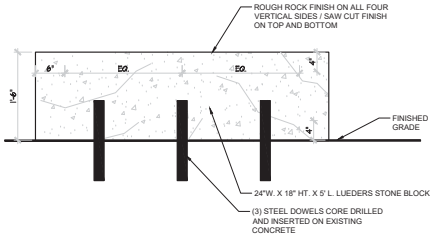
4 PEDESTRIAN PAVERS AT WALK

Scale: 1"=1'-0"



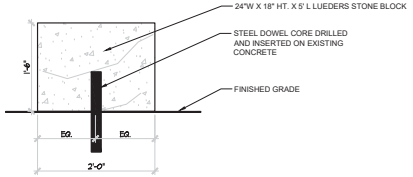
5 STONE SEAT BLOCK, PLAN

Scale: 1"=1'-0"



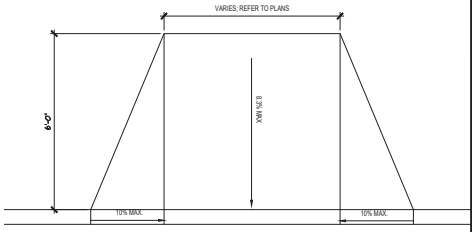
6 STONE SEAT BLOCK, FRONT ELEVATION

Scale: 1"=1'-0"



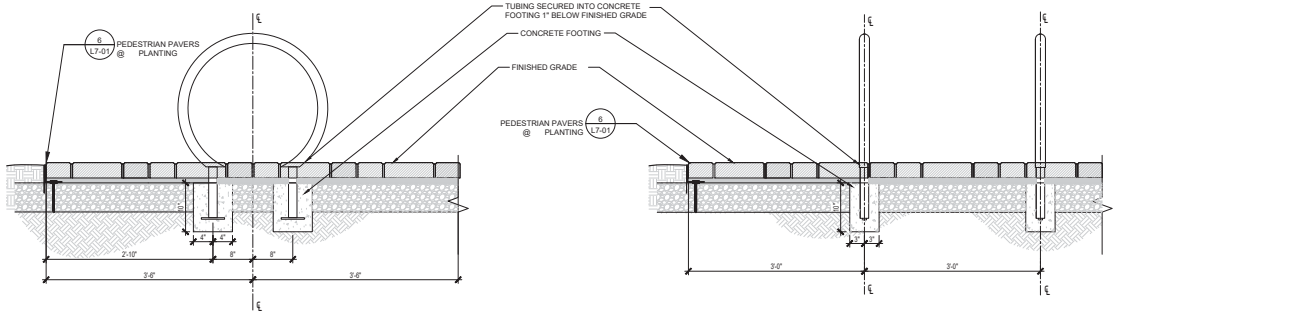
7 STONE SEAT BLOCK, SIDE ELEVATION

Scale: 1"=1'-0"



8 SIDEWALK RAMP

Scale: 1/2"=1'-0"



9 BIKE RACK IN-GROUND MOUNTING

Scale: 1"=1'-0"

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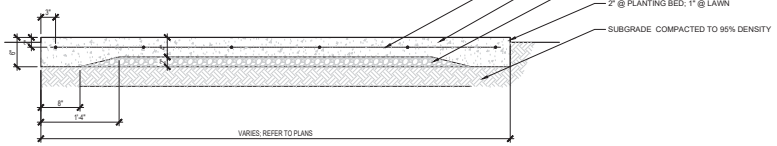
NOT FOR CONSTRUCTION

SITE DETAILS

L7-01

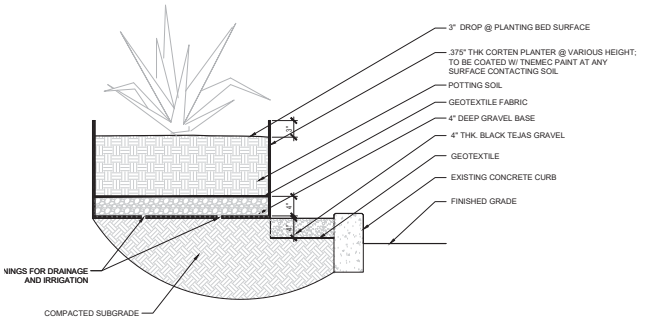
SHEET 1 OF 2

Exhibit B-2



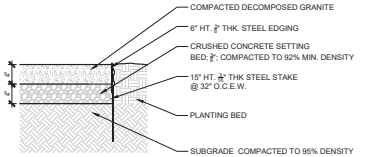
1 CONCRETE PATH, TYP.

Scale: 1/2"=1'-0"



2 CORTEN STEEL RAISED PLANTER

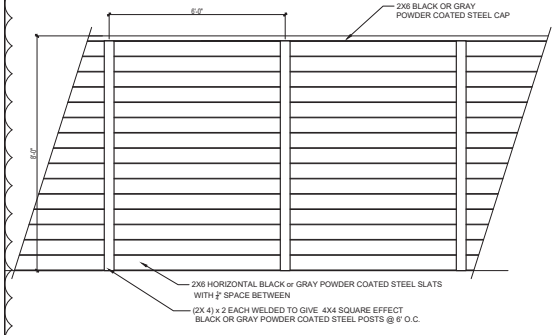
Scale: 1"=1'-0"



3 DECOMPOSED GRANITE, TYP.

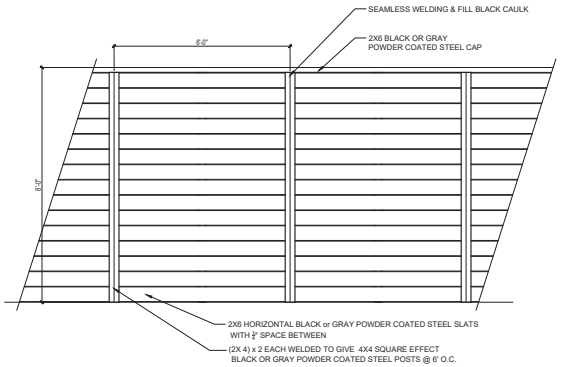
Scale: 1"=1'-0"

NOTE: DESIGN INTENT ONLY. SHOP DRAWINGS TO BE APPROVED BY LANDSCAPE ARCHITECT / PM



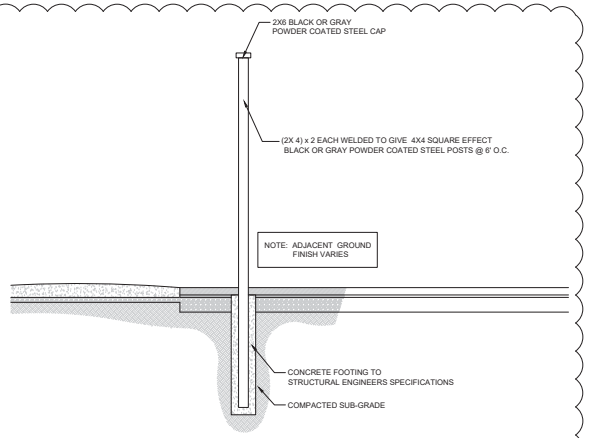
4 STEEL SCREENING FENCE ELEVATION (INTERIOR)

Scale: 1/2"=1'-0"



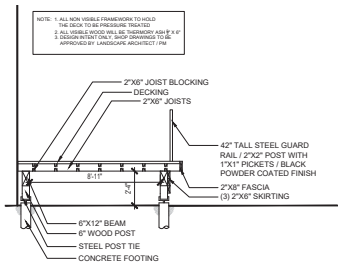
5 STEEL SCREENING FENCE ELEVATION (EXTERIOR)

Scale: 1-2"=1'-0"



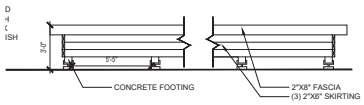
6 FENCE POST SECTION & FOOTING

Scale: 1/2"=1'-0"



7 DECK SECTION AT REAR OF BUILDING

Scale: 1/4"=1'-0"



8 REAR ELEVATION OF DECK

Scale: 1/4"=1'-0"

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1	10.16.2018	Changes to material & dimensions
2	02.07.19	Vendor Comments

Drawn: CS
Approved: SG Date: 10.01.18

NOT FOR CONSTRUCTION

SITE DETAILS

L7-02

SHEET 2 OF 2

PLANTING NOTES:

1. PROPOSED LANDSCAPING SHALL BE IN CONFORMANCE WITH ARTICLE X OF THE ZONING ORDINANCE FOR THE CITY OF DALLAS.
2. CONTRACTOR SHALL STAKE OUT ALL TREE LOCATIONS IN FIELD FOR REVIEW BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO ADJUST PLANTS TO EXACT LOCATION IN FIELD.
3. PLANTING BEDS SHALL BE STAKED FOR REVIEW BY LANDSCAPE ARCHITECT PRIOR TO EXCAVATION AND BED PREPARATION.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UNDERGROUND UTILITIES, PIPES, STRUCTURES. AND LINE RUNS IN THE FIELD PRIOR TO THE INSTALLATION OF ANY PLANT MATERIAL.
5. CONTRACTOR SHALL BE RESPONSIBLE TO ADVISE THE LANDSCAPE ARCHITECT OF ANY CONDITION FOUND ON THE SITE WHICH PROHIBITS INSTALLATION AS SHOWN ON THESE DRAWINGS.
6. ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AND MUST BE REPLACED WITH PLANT MATERIAL OF SAME VARIETY AND SIZE IF DAMAGED, DESTROYED, OR REMOVED.
7. CONTRACTOR SHALL BE RESPONSIBLE FOR FINE GRADING AND DEBRIS PRIOR TO PLANTING OF ALL AREAS.
8. FINAL FINISH GRADING SHALL BE REVIEWED BY LANDSCAPE ARCHITECT. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL TOPSOIL REQUIRED TO CREATE A SMOOTH CONDITION PRIOR TO PLANTING.
9. ALL PLANTS QUANTITIES LISTED ARE FOR INFORMATION ONLY. IT IS THE CONTRACTOR RESPONSIBILITY TO PROVIDE FULL COVERAGE IN ALL PLANTING AREAS AS SPECIFIED IN THE PLANT SCHEDULE AND VERIFY ALL QUANTITIES.
10. REFER TO PLANS FOR STEEL EDGING LAYOUT/LOCATION. REFER TO MATERIAL LEGEND FOR SIZE AND FINISH.
11. ALL PLANT MATERIAL SHALL CONFORM TO THE SPECIFICATIONS AND SIZES GIVEN IN THE PLANT LIST AND SHALL BE NURSERY GROWN IN ACCORDANCE WITH AMERICAN STANDARD FOR NURSERY STOCK. ANY PLANT SUBSTITUTION SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PURCHASE.
12. CONTRACTOR IS REQUIRED TO PERFORM A PERCOLATION TEST FOR EACH TREE PIT PRIOR TO INSTALLATION. IF DRAINAGE DOES NOT OCCUR WITHIN 24 HOURS THE CONTRACTOR WILL BE REQUIRED TO PROVIDE A GRAVEL SUMP, FILTER FABRIC, AND STAND PIPE. ALL SUMPS SHOULD BE INCLUDED IN THE BASE BID AND PROVIDED AS DEDUCT ALTERNATE IF NOT REQUIRED AFTER THE PERCOLATION TEST IS PERFORMED.
13. CONTRACTOR IS RESPONSIBLE FOR ANY COORDINATION WITH OTHER CONTRACTORS ON SITE AS REQUIRED TO ACCOMPLISH ALL PLANTING OPERATIONS.
14. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE PROVIDED FOR ALL PLANTING AREAS. CONTRACTOR TO MODIFY IRRIGATION SYSTEM TO PROVIDE 100% COVERAGE OF ALL LANDSCAPE AREAS. INSTALL NEW CONTROLLERS AS REQUIRED. THE CONTRACTOR SHALL VISIT SITE TO DETERMINE REQUIREMENTS PRIOR TO BID. OVER SPRAY ON STREETS AND WALKS IS PROHIBITED.
15. ALL PLANT MATERIAL TO BE GUARANTEED FOR A PERIOD OF ONE YEAR FROM SUBSTANTIAL COMPLETION AND ACCEPTANCE BY OWNER.
16. ALL TREES AND LARGE SHRUBS TO BE GROWN LOCALLY OR IN THE SIMILAR SOIL CONDITION.
17. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL LANDSCAPING IN ACCORDANCE WITH STANDARD HORTICULTURAL PROCEDURES, INCLUDING IRRIGATION AS NECESSARY, UNTIL SUBSTANTIAL COMPLETION AND ACCEPTANCE BY THE OWNER.

PLANT SCHEDULE CG

TREES	CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	
	QUE SHU	7	Acer rubrum `October Glory` / October Glory Red Maple	6" cal	
	GIN PR2	13	Ginkgo biloba `Princeton Sentry` / Princeton Sentry Ginkgo	3" cal.	
	PLA MEX	5	Platanus mexicana / Mexican Sycamore	6" cal	
	QUE VIR	6	Quercus virginiana / Southern Live Oak	6" cal	
SHRUBS	CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	
	HES PAR	71	Hesperaloe parviflora / Red Yucca	3-5 gal	
	MUH CAP	55	Muhlenbergia capillaris / Pink Muhly	3-5 gal	
GROUND COVERS	CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	SPACING
	EQU HYE	147	Equisetum hyemale / Horsetail Reed Grass	1 gal	18" o.c.
	HER GAR	99	Herb Garden / varies	1-3 gal.	18" o.c.
	NAS PON	1,301	Nassella tenuissima `Pony Tails` / Mexican Feathergrass	1 gal	18" o.c.
	VIN CO2	138	Vinca minor / Common Periwinkle	flat	10" o.c.
	ZOY PAL	4,805 sf	Zoysia x `Palisades` / Palisades Zoysia	Sod	

LANDSCAPE REQUIREMENTS:

PD 269
TREE LOCATION REQUIREMENTS:

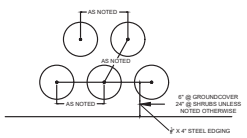
ALL TREES ARE LOCATED 2' OR GREATER FROM SIDE AND REAR PROPERTY BOUNDARIES
ALL TREES ARE LOCATED 20' OR GREATER FROM TRAFFIC SIGNS
ALL TREES ARE LOCATED 20' FROM LIGHT POLES
ALL TREES ARE LOCATED 5' FROM UNDERGROUND LOCAL UTILITY LINES
ALL TREES ARE LOCATED 5' FROM FIRE HYDRANTS, ELECTRICAL TRANSMISSION BOXES, AND WATER METERS

DISTANCE FROM BUILDINGS IS 15' FOR LARGE TREES, 12' FOR SMALL TREES
DISTANCE FROM LARGE TREES IS 25' FOR LARGE TREES, 20' FOR MEDIUM TREES
DISTANCE FROM MEDIUM TREES IS 25' FOR LARGE TREES, 20' FOR MEDIUM TREES
DISTANCE FROM SMALL TREES IS 10' FROM SMALL TREES

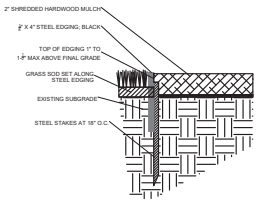
Exhibit B-2

LEGEND

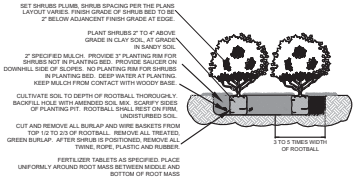
- EXISTING TREE
- SCOPE OF WORK BOUNDARY
- MATCHLINE
- 3/16" x 4" STEEL EDGING
- PLANT QUANTITY
- PLANT CODE



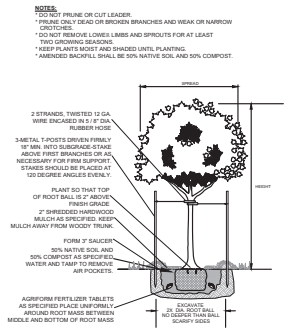
A PLANT SPACING DETAIL
SCALE: NTS



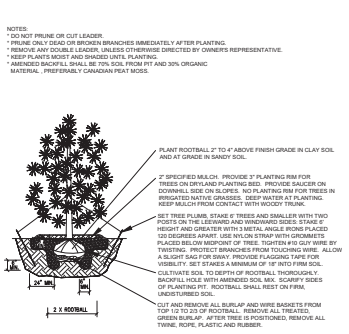
B STEEL EDGING DETAIL
SCALE: NTS



C SHRUB PLANTING DETAIL
SCALE: NTS



D TREE PLANTING DETAIL
SCALE: NTS



E EVERGREEN SHRUB PLANTING DETAIL
SCALE: NTS

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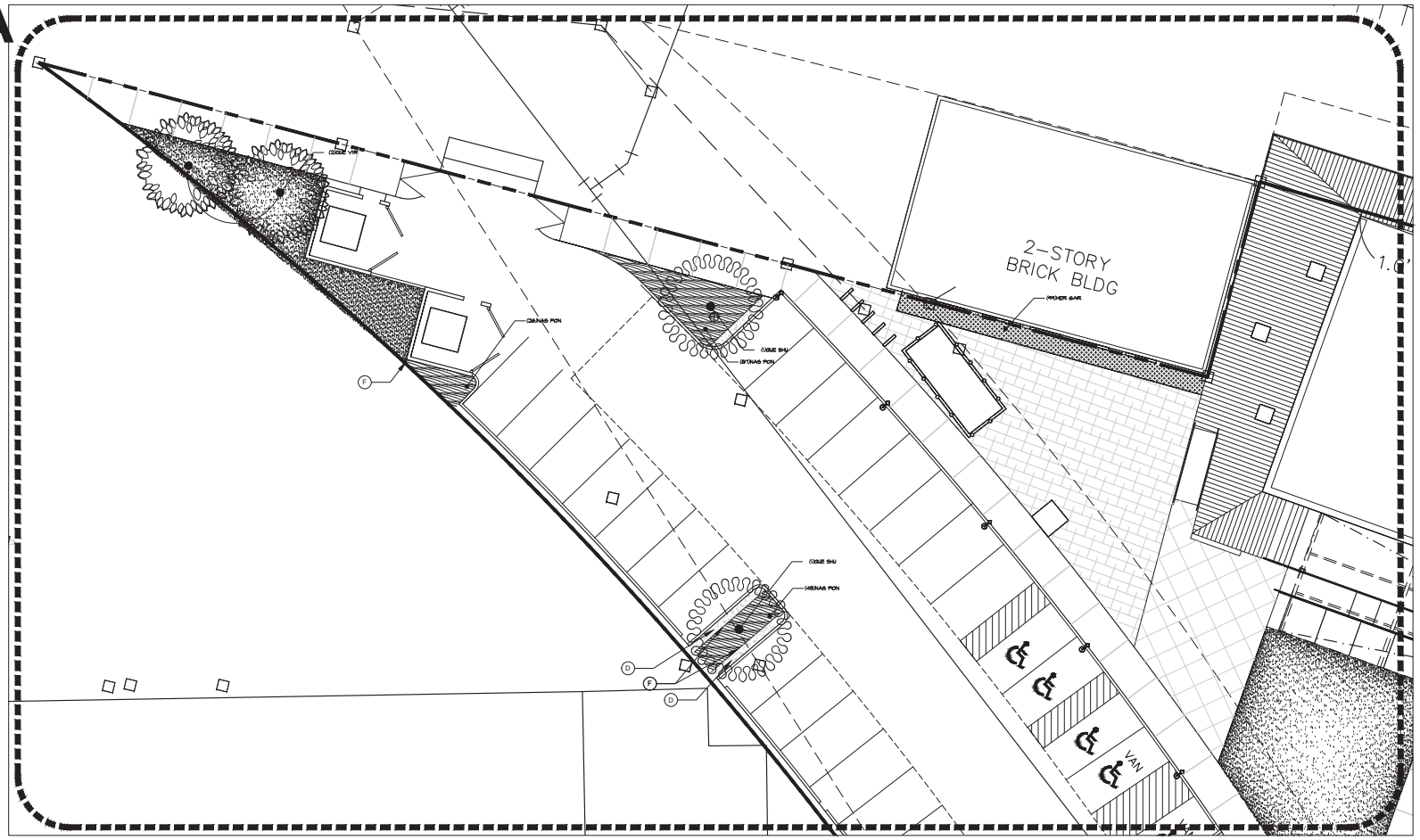
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PLANTING GENERAL INFORMATION SHEET

L8-00
SHEET 1 OF 6

Exhibit B-2

A



N

0 10' 20' 40'

GRAPHIC SCALE SCALE: 1"=10'-0"

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1	02.07.19	Vendor Comments

Drawn: CS
Approved: SG Date: 10.01.18

NOT FOR CONSTRUCTION

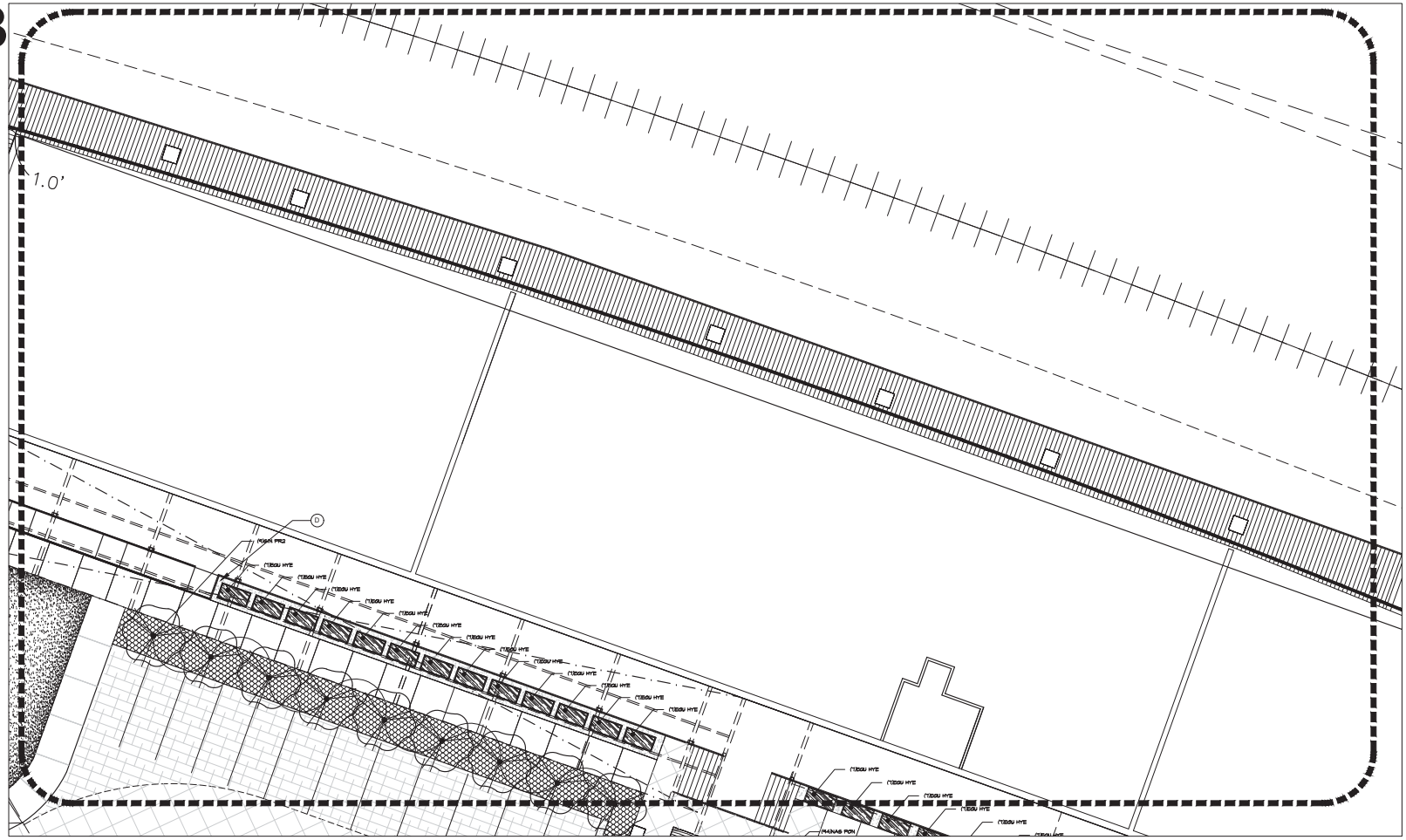
PLANTING PLAN

L8-01

SHEET 2 OF 6

Exhibit B-2

B



N

0 10' 20' 40'

GRAPHIC SCALE SCALE: 1"=10'-0"

2000 SANDY LANE
DALLAS, TEXAS 75220
call. 214.358.5296
fax. 214.357.5121
WWW.COMPLETELANDSCULPTURE.COM

COMPLETE LANDSCULPTURE

CREATING A COMPLETE OUTDOOR EXPERIENCE

CONTINENTAL GIN BUILDING REHABILITATION
3309 ELM STREET
DALLAS, TX 75226

CONSTRUCTION REVIEW SET

No.	Date	Revision
1	02.07.19	Vendor Comments

Drawn: CS
Approved: SG Date: 10.01.18

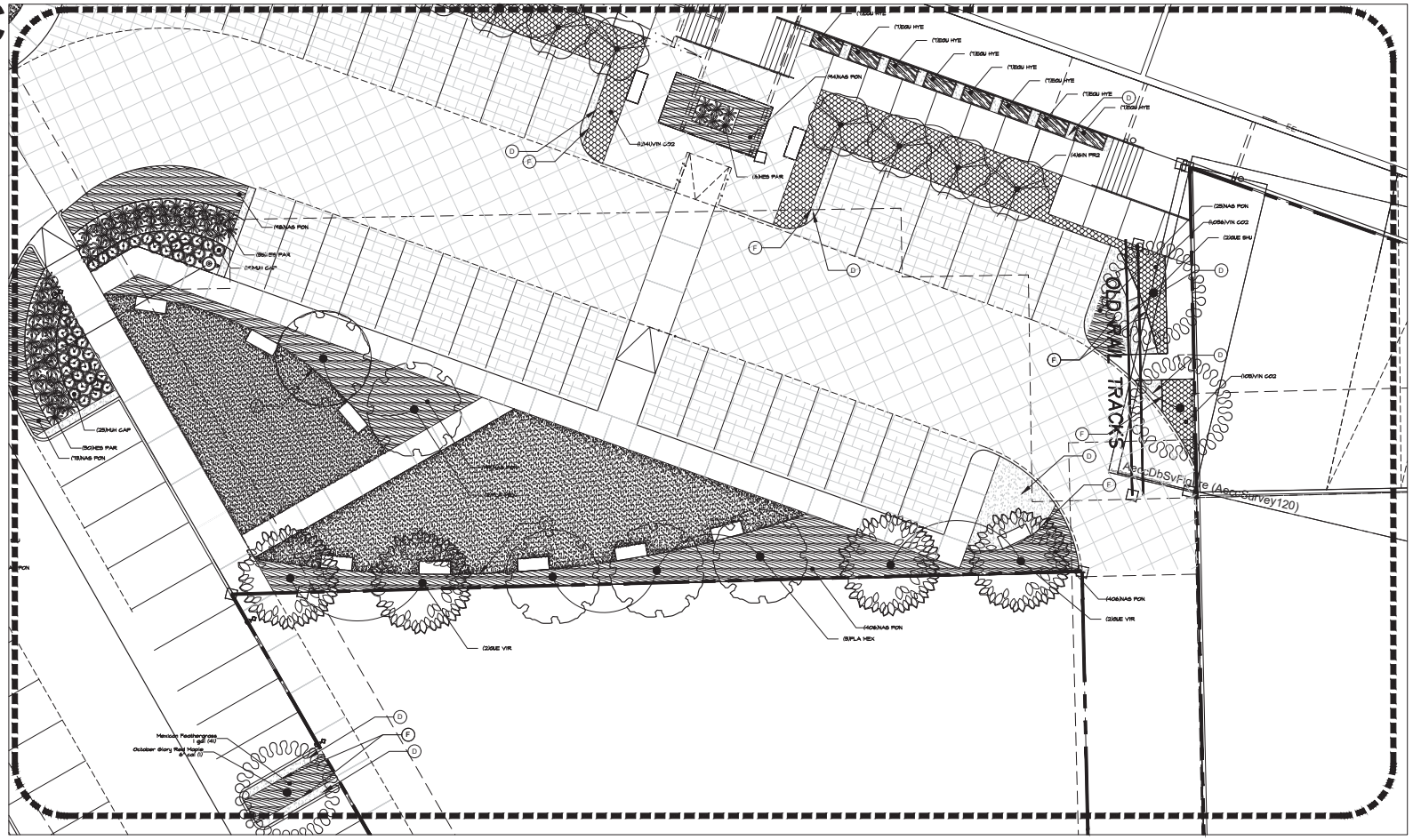
NOT FOR CONSTRUCTION

PLANTING PLAN

L8-02

SHEET 3 OF 6

Exhibit B-2



N

0 10' 20' 40'

GRAPHIC SCALE SCALE: 1"=10'-0"

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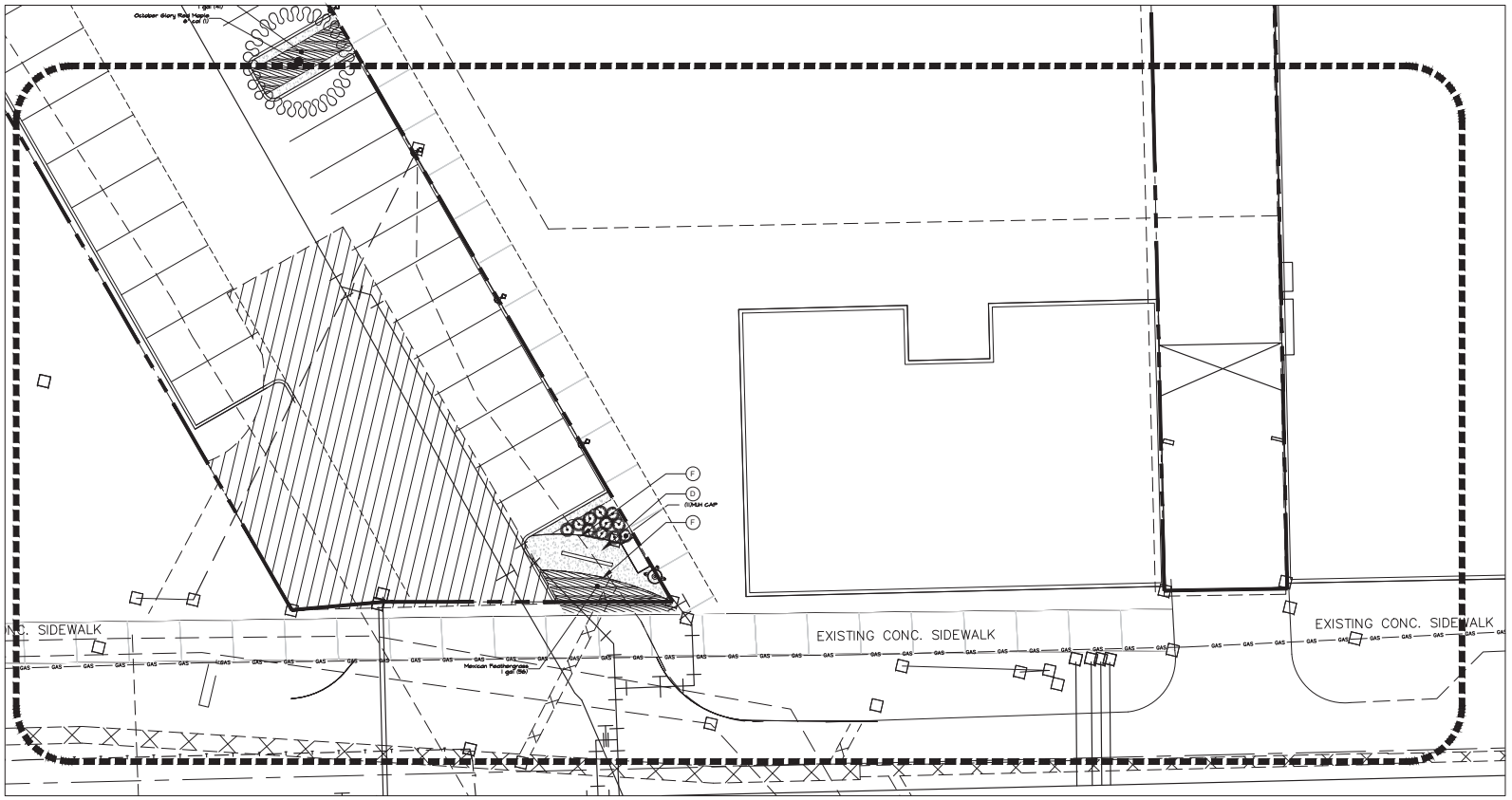
NOT FOR CONSTRUCTION

PLANTING PLAN

L8-03

SHEET 4 OF 6

Exhibit B-2



N

0 10' 20' 40'

GRAPHIC SCALE SCALE: 1"=10'-0"

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3309 ELM STREET
DALLAS, TX 75226

CONSTRUCTION REVIEW SET

No.	Date	Revision
1	02.07.19	Vendor Comments

Drawn: CS
Approved: SG Date: 10.01.18

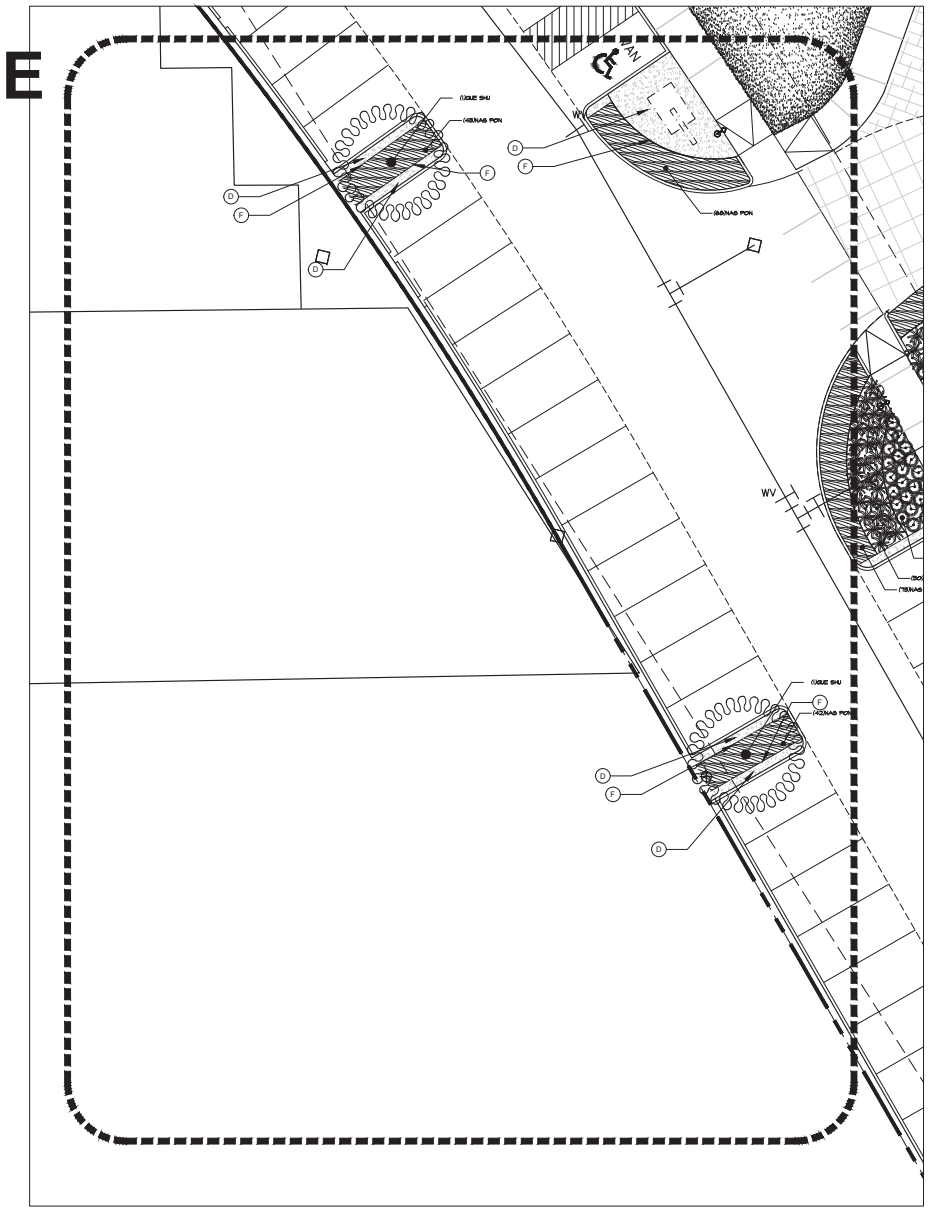
NOT FOR CONSTRUCTION

PLANTING PLAN

L8-04

SHEET 5 OF 6

Exhibit B-2



N

0 10' 20' 40'

GRAPHIC SCALE

SCALE: 1"=10'-0"

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CONTINENTAL GIN BUILDING REHABILITATION
3309 ELM STREET
DALLAS, TX 75226

CONSTRUCTION REVIEW SET

No.	Date	Revision
1	02.07.19	Vendor Comments

Drawn: CS
Approved: SG Date: 10.01.18

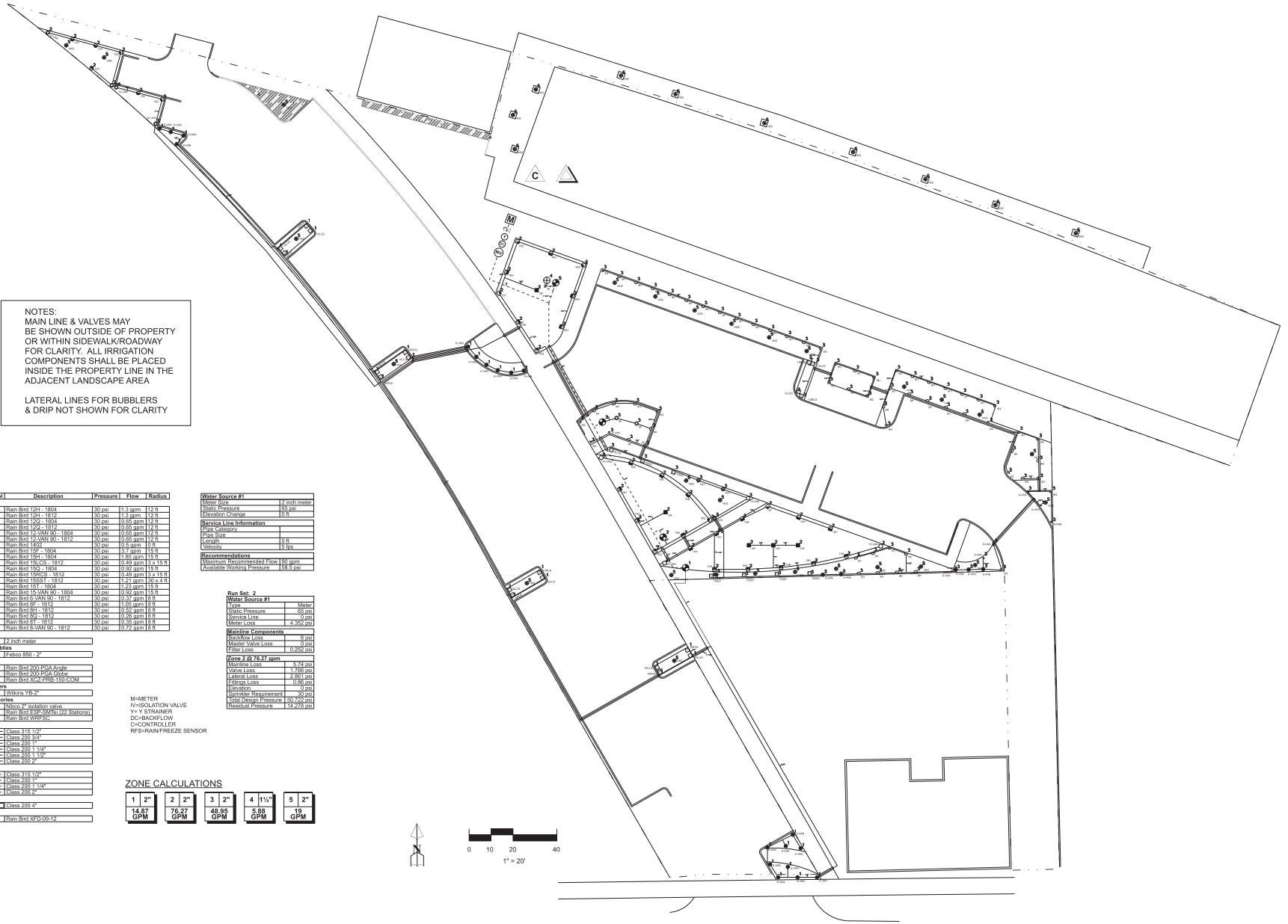
NOT FOR CONSTRUCTION

PLANTING PLAN

L8-05

SHEET 6 OF 6

Exhibit B-2



NOTES:
MAIN LINE & VALVES MAY BE SHOWN OUTSIDE OF PROPERTY OR WITHIN SIDEWALK/ROADWAY FOR CLARITY. ALL IRRIGATION COMPONENTS SHALL BE PLACED INSIDE THE PROPERTY LINE IN THE ADJACENT LANDSCAPE AREA

LATERAL LINES FOR BUBBLERS & DRIP NOT SHOWN FOR CLARITY

Irrigation

Quantity	Symbol	Description	Pressure	Flow	Radius
Sprinklers					
4		Rain Bird 12H - 1804	30 psi	1.3 gpm	12 ft
2		Rain Bird 12H - 1812	30 psi	1.3 gpm	12 ft
2		Rain Bird 12Q - 1804	30 psi	0.65 gpm	12 ft
1		Rain Bird 12Q - 1812	30 psi	0.65 gpm	12 ft
4		Rain Bird 12-VAN 90 - 1804	30 psi	0.65 gpm	12 ft
1		Rain Bird 12-VAN 90 - 1812	30 psi	0.65 gpm	12 ft
38		Rain Bird 1402	30 psi	0.5 gpm	10 ft
5		Rain Bird 15F - 1804	30 psi	3.7 gpm	15 ft
21		Rain Bird 15H - 1804	30 psi	1.85 gpm	15 ft
11		Rain Bird 15LCS - 1812	30 psi	0.49 gpm	3 x 15 ft
5		Rain Bird 15Q - 1804	30 psi	0.92 gpm	15 ft
10		Rain Bird 15RCS - 1812	30 psi	0.49 gpm	3 x 15 ft
6		Rain Bird 15SST - 1812	30 psi	1.21 gpm	30 x 4 ft
2		Rain Bird 15T - 1804	30 psi	1.23 gpm	15 ft
3		Rain Bird 15-VAN 90 - 1804	30 psi	0.92 gpm	15 ft
24		Rain Bird 6-VAN 90 - 1812	30 psi	0.37 gpm	6 ft
2		Rain Bird 8F - 1812	30 psi	1.05 gpm	8 ft
40		Rain Bird 8H - 1812	30 psi	0.52 gpm	8 ft
20		Rain Bird 8Q - 1812	30 psi	0.26 gpm	8 ft
1		Rain Bird 8T - 1812	30 psi	0.53 gpm	8 ft
7		Rain Bird 8-VAN 90 - 1812	30 psi	0.72 gpm	8 ft
Meters/Pumps					
1		2 inch meter			
Backflow Assemblies					
1		Febco 850 - 2"			
Control Valves					
4		Rain Bird 200-PGA Angle			
1		Rain Bird 200-PGA Globe			
1		Rain Bird XCZ-PRS-150-COM			
Y-Strainers / Filters					
1		Wilkins YB-2"			
Irrigation Accessories					
1		Nibco 2" isolation valve			
1		Rain Bird ESP-SMTei (22 Stations)			
1		Rain Bird WRFSC			
Lateral Line Pipe					
783 ft		Class 315 1/2"			
413 ft		Class 200 3/4"			
300 ft		Class 200 1"			
344 ft		Class 200 1 1/4"			
289 ft		Class 200 1 1/2"			
406 ft		Class 200 2"			
Mainline Pipe					
8 ft		Class 315 1/2"			
24 ft		Class 200 1"			
10 ft		Class 200 1 1/4"			
187 ft		Class 200 2"			
Sleeving					
285 ft		Class 200 4"			
Drip Tubing					
393 ft		Rain Bird XFD-06-12			

Water Source #1	
Meter Size	2 inch meter
Static Pressure	65 psi
Elevation Change	0 ft
Service Line Information	
Pipe Category	
Pipe Size	
Length	0 ft
Velocity	5 fps
Recommendations	
Maximum Recommended Flow	90 gpm
Available Working Pressure	58.5 psi

Run Set: 2

Water Source #1	
Type	Meter
Static Pressure	65 psi
Service Line	0 psi
Meter Loss	4.382 psi
Mainline Components	
Backflow Loss	6 psi
Master Valve Loss	0 psi
Filter Loss	0.252 psi
Zone 2 @ 76.27 gpm	
Mainline Loss	5.74 psi
Valve Loss	1.795 psi
Lateral Loss	2.861 psi
Fittings Loss	0.86 psi
Elevation	0 psi
Sprinkler Requirement	30 psi
Total Design Pressure	50.722 psi
Residual Pressure	14.276 psi

M=METER
V=ISOLATION VALVE
Y= Y STRAINER
DC=BACKFLOW
C=CONTROLLER
RFS=RAIN/FREEZE SENSOR

ZONE CALCULATIONS

1	2"	2	2"	3	2"	4	1½"	5	2"
14.87 GPM		76.27 GPM		48.95 GPM		5.88 GPM		19 GPM	

DISCLAIMER:

THIS PLAN WAS DRAWN BY WILLIAM STANFORD AND ANY ATTEMPT TO USE THIS PLAN WITHOUT THE AUTHORIZATION BY WILLIAM STANFORD IS PROHIBITED.
WILLIAM STANFORD IS NOT RESPONSIBLE TO CHANGES TO CONCRETE, LANDSCAPING, FENCE LINES OR ANY OTHER FEATURES THAT MAY CHANGE BEFORE INSTALLATION.
IF CHANGES ARE MADE AND THE CITY REQUIRES PLANS TO BE MODIFIED, APPLICABLE CHARGES MAY APPLY

IRRIGATION IN TEXAS IS REGULATED BY THE TEXAS COMISSION ON ENVIRONMENTAL EQUALITY (TCEQ). M-C-178, PO BOX 13087 AUSTIN, TX 78711-3087. TCEQ'S WEBSITE IS WWW.TCEQ.STATE.TX.US

EXHIBIT B-2

Complete Landsculpture
2000 Sandy Lane
Dallas, Texas

SHEET DESCRIPTION:
Irrigation Design

William Casey Stanford 09/29/18

PROJECT:
Continental Gin Building
3309 Elm Street
Dallas, Texas 75226

REVISIONS:
None

DATE:
9/29/18

JOB NUMBER:
3309

DRAWN BY:
W Stanford

CHECKED BY:

SCALE:
1" = 20'

SHEET:
1 of 1

TIF Increment Allocation Policy
Deep Ellum TIF District
Approved by the TIF Board August 5, 2014
Revised by the TIF Board March 3, 2015

It is important for the City of Dallas to encourage as many projects as possible in the Deep Ellum TIF District (the "Deep Ellum TIF District" or "District"). In that spirit, after priority expenditures that benefit the district as a whole, Deep Ellum TIF District funds will be allocated to Developers proportionately, based on the increment created by the Project (as defined below) and Related Projects/Developers (as defined below) within the District, after payment of administrative expenses.

Definitions:

Project (TIF-eligible) - development or redevelopment that adds taxable real property value at a particular site or is a space or facility of public benefit such as open space, trails or cultural facilities. The Project has been approved for TIF funds and all requirements set forth in the development agreement have been completed.

Developer – A person or entity that has completed all requirements for a TIF-eligible Project as set out in the fully executed development agreement for the Project.

Related Project/Developer – if a Developer or a Developer's affiliates (as defined in a development agreement) has other development or redevelopment projects in addition to a TIF-eligible Project, increment from those Related Project(s) may be included in Individual Increment for reimbursement of the TIF-eligible Project expenses. A Developer of a TIF-eligible Project must have at least 50% ownership in any Related Project. These requirements will be further specified in a development agreement where applicable.

Related Projects must create new taxable real property value for the District based on the following criteria:

- New development on previously vacant land or demolished structures.
- Redevelopment or major modification of an existing building if this results in an increased taxable value of 50% or more of the original building or any increase in the floor area of an original building if the expansion is over 50% for residential projects, over 65% for mixed-use projects, and over 75% for office/showroom projects.

Total Increment – the annual amount of increment deposited into the TIF fund from the participating jurisdictions.

Individual Increment – the portion of the increment that a Project or Related Project creates each year.

Net Individual Increment – Individual Increment less the Project's and/or Related Project's portion of Administrative Expenses each year. This portion will be based on the ratio of Individual Increment to Total Increment.

Administrative Expenses – the City will take a share of TIF revenue from this District for the amount it bills to the District for costs necessary for administration of the TIF District program, which may include charges from other departments, each year.

District-Wide Improvements – improvements that are not specific to a single development site such as gateways, trails, open space, public facilities, or utility/streetscape improvements benefiting multiple properties or blocks.

Shared Increment – the Total Increment less (1) Administrative Expenses, (2) a set-aside for District-Wide Improvements, (3) Catalyst Project Set-Asides and (4) the sum of the Individual Increments of all eligible Developers.

Available Cash - cash in the Deep Ellum TIF District fund that is not already allocated, encumbered, or otherwise set aside for other purposes.

Procedure:

Annually, after the Total Increment has been deposited in the TIF fund, the fund will pay or set aside Administrative Expenses as a first priority prior to any other funds being allocated. A set-aside for District-Wide improvements will be the second funding priority. These funds are intended to be used for projects benefitting the district as a whole and/or be used to leverage funding from non-TIF related sources. Catalyst Project reimbursement will be the third funding priority. These funds are intended to provide incentives related to the Deep Ellum Core District.

After Administrative Expenses, District-Wide Improvement and Catalyst project allocations have been paid or set aside, Developers approved for TIF funding from the Deep Ellum TIF District will be eligible to receive their Net Individual Increment.

In addition to their Net Individual Increment, Developers will be eligible to receive a portion of any Shared Increment. The Shared Increment allotted to an eligible Developer shall be a ratio of an eligible Developer's Individual Increment to the sum of the Individual Increments for all Projects eligible for reimbursement for that year.

Dallas Central Appraisal District (DCAD) certified values for each tax year will be the data source used to determine values for the increment allocation procedure. However, no increment allocation will be made unless a total Project or specific phase as defined in a development agreement is completed by May 1st of a given year, as evidenced by City approval of all supporting documents required in the development agreement. The City's Director of Economic Development will make the final determination in applying future available revenues in the TIF Fund among Projects.

Pre-existing Agreements

The Deep Ellum TIF District has a previous outstanding agreement related to the Reel FX expansion and related streetscape improvements. Funding exists to cover these reimbursements/expenditures. This agreement will be fully funded prior to implementation of this policy.

District-Wide Improvement Set-Aside

The TIF Board shall set-aside 5% of any Shared increment for District-Wide Improvements after administrative expenses. Specific improvement projects are to be determined and the amount of this set aside will be reviewed annually based on updated financial projections and District needs.

Catalyst Projects – Deep Ellum Core increment set-aside

The TIF Board shall set-aside for projects located in the core area of Deep Ellum that make substantial improvements and maintain existing buildings, courtyards and alleys.
A set aside of 10% of any Shared increment shall be allocated to the Deep Ellum Crossroads Project for Catalyst Project reimbursement. This set-aside will be funded after administrative expenses and the District-Wide Set-Aside accounts have been fully funded out of general increment. A set aside of 5% of any Shared increment shall be allocated to the Westdale redevelopment Westdale 2800 DE project. An additional set-aside for the redevelopment of the old Dallas High School/Crozier Tech site shall be capped at 5% of any Shared Increment.

These redevelopment projects will benefit the Deep Ellum area as a whole and provide a model for future redevelopment efforts in the area. The small buildings create a large part of the character of the district as a whole, yet are prohibitively costly to improve. These projects will be eligible to receive their own increment in addition to this set-aside, subject to successful completion of all contractual requirements.

Notes:

In general, the assignment of increment will be done annually, after each participating jurisdiction has deposited its annual increment into the TIF fund. Upon completion of a Project, developers are eligible to be reimbursed for TIF eligible expenditures from Available Cash currently in the TIF fund, if any.

If the appraised value of the remaining property in the TIF District decreases in value despite new development and as additional TIF Projects are approved and completed, the TIF subsidy for Projects that year may be reduced or unpaid. Similarly, if the sum (1) Administrative Expenses, (2) a set-aside for District-Wide Improvements, (3) Catalyst Project Set-Asides and (4) the sum of the Individual Increments of all eligible Developers, then the Individual Increments shall be allotted on a proportional basis based on the ratio of each Developer's Individual Increment to the sum of the Individual Increments for that year. If there is no revenue available after administrative expenses, there will be no increment payments that year.

At its discretion, the Deep Ellum TIF Board may make modifications or corrections to this Policy to increase its effectiveness.

Agenda Information Sheet

File #: 19-447 **Item #:** 55.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned a Residential Transition District (RTN) within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, generally bounded by North Madison Avenue, Ballard Avenue, Elsbeth Avenue and Neches Street
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, a traffic management plan, and conditions
Z167-347(PD)

powered by Legistar™

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z167-347(PD)	**DATE FILED:**	July 13, 2017
LOCATION:	Generally bounded by North Madison Avenue, Ballard Avenue, Elsbeth Avenue and Neches Street		
COUNCIL DISTRICT:	1	**MAPSCO:**	44 Z
SIZE OF REQUEST:	± 4.274 acres	**CENSUS TRACT:**	42.01

APPLICANT: ChildCare Group

OWNER: Dallas Independent School District

REPRESENTATIVE: Peter Kavanagh, Zone Systems, Inc.

REQUEST: An application for a Specific Use Permit for a child-care facility on property zoned a Residential Transition District (RTN) within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District.

SUMMARY: The purpose of the request is to allow for a child-care facility [ChildCare Group] to operate within an existing elementary school [James Hogg Elementary]. The applicant will provide care to children from six weeks to three years of age, and will operate the child-care facility Monday through Friday, between the hours of 7:00 a.m. to 6:00 p.m.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, a traffic management plan, and conditions**.**

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, a traffic management plan, and conditions**.**

BACKGROUND INFORMATION:

- Planned Development District No. 468 was established by Ordinance No. 23057, passed by the Dallas City Council on March 12, 1997.

- The request site is currently developed with an existing 41,733-square foot elementary school [James Hogg Elementary] which was constructed during the summer of 1972 and received a Certificate of Occupancy on December 16, 1978.

- The applicant proposes to lease a portion of the James Hogg Elementary School property from DISD to operate a nationally accredited Early Childhood Program to provide care to children from newborn to six years of age. The applicant will operate the child-care facility between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.

- The surrounding land uses consist of single family uses, multifamily uses, vacant lots, and surface parking lots.

Zoning History: There have been no zoning changes requested in the area within the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Madison Avenue	Minor Arterial	80 ft.
Bollard Avenue	Minor Arterial	80 ft.
Elsbeth Avenue	Minor Arterial	50 ft.
Neches Street	Minor Arterial	50 ft.

Traffic:

Upon reviewing the submitted Traffic Management Plan (TMP), the Engineering Division of the Sustainable Development and Construction Department determined that while the proposed use will not have a negative impact on the surrounding street system, a revised TMP is needed to identify proposed traffic operations of the proposed child care use to help identify future conflicts of child care traffic flow.

Land Use:

	Zoning	Land Use
Site	RTN within PDD No. 468	School
Northwest	A-TR 1 within PDD No. 468	Undeveloped
North	WR-3 within PDD No. 468	Surface parking lot, single family
Northeast	D-TR 5 within PDD No. 468	Surface parking lot
East	R-5(A)	Single family
Southeast	R-5(A)	Single family
South	Tract 1C within PDD No. 160	Single family
Southwest	Subdistrict 1B within PDD No. 830	Single Family, Multifamily
West	Subdistrict 1B within PDD No. 830	Single Family

COMPREHENSIVE PLAN: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The following goals and policies support the proposed development:

Land Use Element

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

The proposed development will provide a service to the neighborhood and provide one of the preferred uses in a residential neighborhood.

Urban Design

GOAL 5.2 Strengthen Community and Neighborhood Identity

Policy 5.2.1 Maintain neighborhood scale and character.

The structure is existing and will therefore be compatible with the existing surrounding scale and character of the neighborhood.

STAFF ANALYSIS:

Land Use Compatibility:

The request site is currently developed with an existing 41,733-square-foot elementary school [James Hogg Elementary] which was constructed during the summer of 1972. The applicant proposes to utilize a 6,200-square-foot portion of the building that will include four classrooms and three office spaces.

The applicant [ChildCare Group] currently leases a portion of James Hogg Elementary School property from the Dallas Independent School District (DISD). The applicant is proposing to operate the child-care facility between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. The program proposes to provide eight teachers to care for a maximum of 32 children with ages ranging from six weeks to three years old.

Additionally, as an added service to DISD and the community, the program provides educational programming and other services free of charge to eligible low-income families (infants, toddlers and their parents). Lastly, while staff supports the request, it is recommended that the traffic management plan be revised for consistency with the queuing circulation and proposed site plan.

The surrounding land uses include single family uses on all sides, with multifamily uses to the southwest, a vacant lot to the northwest, and surface parking lots to the north and northeast.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff recommends approval because 1) the request will provide a nationally-accredited early childhood education program and service needed by families within the community, 2) the small scope of the proposed child-care facility limits the potential impact upon surrounding properties, and 3) because the proposed condition of a five-year approval period with eligibility of automatic renewals for additional five-year periods will allow an opportunity for staff to reevaluate and monitor the use to determine whether there is a harmonious relationship with adjacent properties.

Landscaping:

Landscaping of any development will be in accordance with Article X, as amended. However, due to the site not increasing any impervious surface or floor area, additional landscaping of the site is not required.

Parking:

The Dallas Development Code requires that the off-street parking for a child-care facility may be established in the ordinance granting the SUP, otherwise one space per 500 square feet of floor area.

In addition, there is a provision in the Development Code under Special Parking that states "institutional and community service uses may share parking in residential districts on the same lot where both uses are located." The applicant has submitted a parking analysis, as outlined below that demonstrates that the school and child-care facility have a sufficient amount of off-street parking to serve both uses, combined:

Elementary School:

23 classrooms
23*1.5 per classroom = 35 spaces required

Child-care facility:

Classrooms, Office – 6,200 square ft.
6,200 sq. ft. /500 sq. ft. = 12 spaces

Total required off-street parking for both uses: 47 spaces
Total number of spaces provided: 47 spaces

CPC ACTION:
November 1, 2018

Motion: It was moved to recommend **approval** of a Specific Use Permit for a child-care facility for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, revised traffic management plan, and conditions with the following modifications to specific use permit Condition #6, the second sentence reworded to read as follows: "A minimum of 12 parking spaces are required within the attached site plan" on property zoned a Residential Transition District (RTN) within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, generally bounded by North Madison Avenue, Bollard Avenue, Elsbeth Avenue and Neches Street.

Maker: West
Second: Schultz
Result: Carried: 13 to 0

For: 13 - West, Rieves, Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7

Notices: Area: 300 Mailed: 99
Replies: For: 2 Against: 1

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Tori Mannes, 1420 W. Mockingbird Ln., Dallas, TX, 75247
Vicky Lyons, 1144 N. Madison Ave., Dallas, TX, 75208
Against: Pam Conley, 901 N. Madison Ave., Dallas, TX, 75208

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is a child-care facility.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on (five-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced.)

4. FLOOR AREA: The maximum floor area for the child-care facility is 6,200 square feet in the location shown on the attached site plan.

5. HOURS OF OPERATION: The child-care facility may only operate between 7:00 a.m. and 6:00 p.m., Monday through Friday.

6. OFF-STREET PARKING: A minimum of 12 off-street parking spaces are required in the location shown on the attached site plan.

7. INGRESS AND EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.

8. OUTDOOR PLAY AREA: The outdoor play area must be located as shown on the attached site plan and enclosed by a minimum six-foot high fence as shown on the attached site plan.

9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulation, and with all ordinances, rules, and regulations of the City of Dallas.

TRAFFIC MANAGEMENT PLAN

DeShazo Group

Traffic. Transportation Planning. Parking. Design.

Texas Registered Engineering Firm F-3199



01/31/2019

Technical Memorandum

To: Ms. Tori Mannes – ChildCareGroup

From: John J. DeShazo Jr., P.E. - DeShazo Group, Inc.

Date: Jan 31, 2019

Re: Traffic Management Plan for ChildCareGroup Early Childhood Program in Dallas, Texas
DeShazo Project Number 17143; Zoned PD 468

Introduction

The services of DeShazo were retained by ChildCareGroup to provide a Traffic Management Plan (TMP) for their Early Childhood Program located at 1144 N. Madison Avenue in Dallas, Texas. DeShazo Group, Inc. (DeShazo) is an engineering consulting firm providing licensed professional engineers and planners skilled in the field of traffic and transportation engineering.

The ChildCareGroup currently leases a portion of the James Hogg Elementary School property from the Dallas Independent School District (DISD) to operate a nationally accredited Early Childhood Program. The Early Childhood Program operates Monday through Friday from 7 AM to 6 PM. The program provides eight teachers to care for 32 children. The ages of the children range from six weeks to three years. Due to the young ages of the children, parents are required to carry or escort all children to and from the building. Parents are allowed to drop-off children any time between 7 AM and 9 AM and may pick-up children between 3 PM and 6 PM.

Due to the lack of dedicated parking areas, parents are currently parking on the corner of Neches Street at Elsbeth Avenue; directly in front of the entrance to the Early Childhood Program. Although parking in front of the entrance is convenient, vehicles must be restricted from parking in this area to prevent visibility obstructions and blocking access to a fire hydrant.

The City requested that a Traffic Management Plan be developed to designate parking areas for parents to pick-up and drop-off their child(ren).

Review of Existing Traffic and Parking Conditions

Field observations were conducted during the hours parents drop-off and pick-up children attending the Early Childhood Program. The City also requested that observations be made during the student arrival and dismissal hours for James Hogg Elementary School to determine if traffic from the elementary school was obstructing available parking for the Early Childhood Program. The dates and times of the observations are listed below.

- Wednesday, March 28, 2018, during James Hogg ES student arrival (7:30 AM to 8:15 AM)
- Monday, April 16, 2018, during James Hogg ES student arrival (7:45 AM to 8:45 AM)
- Monday, April 16, 2018, during James Hogg ES student dismissal (2:40 PM to 3:25 PM)
- Tuesday, April 17, 2018, during the PM peak period (5:00 PM to 6:00 PM)

DeShazo also met with the Neighborhood Association Vice President to determine any concerns the community has related to the parking and operation of the Early Childhood Program.

Findings

The following list summarizes observed traffic queueing and parking in front of the Early Childhood Program and James Hogg Elementary School. Existing traffic conditions are depicted in ***Exhibit 1A***.

- The traffic queueing/parking related to the James Hogg elementary school does not extend to the area near the Early Childhood Program. Traffic related to the elementary school is contained on Madison Avenue between Neches Street and Bishop Avenue. Deshazo observed a maximum queue of 42 vehicles queued/parked on Madison Avenue during the afternoon dismissal period. An additional 15 vehicles parked in the lot next to the playground area.

- Parents were observed to park illegally on Neches Street in front of the Early Childhood Program. As shown in ***Exhibit 1B***, parking in this area obstructs visibility of vehicles approaching on the cross-streets (45-foot visibility triangle) and vehicles trying to exit the James Hogg staff parking lot (20-foot visibility triangle). The only area that would allow parking without obstructing visibility cannot be allowed due to the location of an existing fire hydrant. The Fire Marshall code forbids any parking with 15 feet distance of a fire hydrant. The street curb in front of the entrance to the Early Childhood Program has been painted red to discourage parking in this area.

- Parking required for the Early Childhood Program
    - During the four peak period observations, Deshazo observed a maximum of 7 simultaneously parked vehicles related to parent drop-off and pick-up. This occurred at around 8:15 AM.
    - The ChildCareGroup administrators report that about 13 employees work at that location daily, and on average, eight (8) employees use the Hogg staff parking lot and 5 employees currently park on street.

- Parking Availability
    - James Hogg ES property provides 50 parking spaces for visitors and staff. The parking lot is located on the south side of the elementary school. Multiple site visits determined that 12 parking spaces are consistently unoccupied throughout the day.
    - The 12 unoccupied plus 8 currently used spaces will accommodate all parking required for visitors and employees of the Early Childhood Program.

- No-Parking restriction signs on streets surrounding the school are faded and require replacement.

Traffic Management Plan

Traffic related to the Early Childhood Program should be operated in accordance with the traffic circulation and parking depicted in ***Exhibit 2***. Administrators from ChildCareGroup should make a concentrated effort to educate parents and actively manage parking during drop-off and pick-up hours.

Recommendations

The following list of recommendations are provided to maintain ChildCareGroup parking activity without obstructing cross-street visibility or violating any city codes.

- DISD should designate seven (7) parking spaces in the James Hogg Elementary School parking lot for ChildCareGroup visitors (parents). The locations of the reserved parking spaces are depicted in ***Exhibit 2***. Parking spaces should be clearly marked as reserved for visitors of the Early Childhood Program.
- Subject to the approval of the City Traffic Engineer, the City should implement the following.
    - Install additional signs to designate "No Parking" on the north side of Neches Street between the staff parking-lot driveway and Elsbeth Avenue.
    - Replace faded signs along streets adjacent to the school related to parking restrictions, speed limits and one-way operation during school hours.
- Staff from ChildCareGroup should distribute information to parents of children attending the Early Childhood Program about the TMP. Information should direct parents to park in designated areas and warn against parking in restricted areas along Neches. This information could be distributed as part of parent orientation packages and/or rules of conduct.
- Staff from the ChildCareGroup should actively monitor the area in front of the Early Childhood Program for illegal parking. Parents found parking in unauthorized areas should be counseled and repeat violators should be reported to the City of Dallas Parking Enforcement authorities.

End of Memo

REVIEW AND COMMITMENT

The Traffic Management Plan for the ChildCareGroup Early Childhood Program was developed with the intent of optimizing safety and accommodating vehicular traffic queues generated by the Early Childhood Program. A concerted effort and full participation by the DISD, ChildCareGroup and parents are essential to maintain safe and efficient traffic operations.

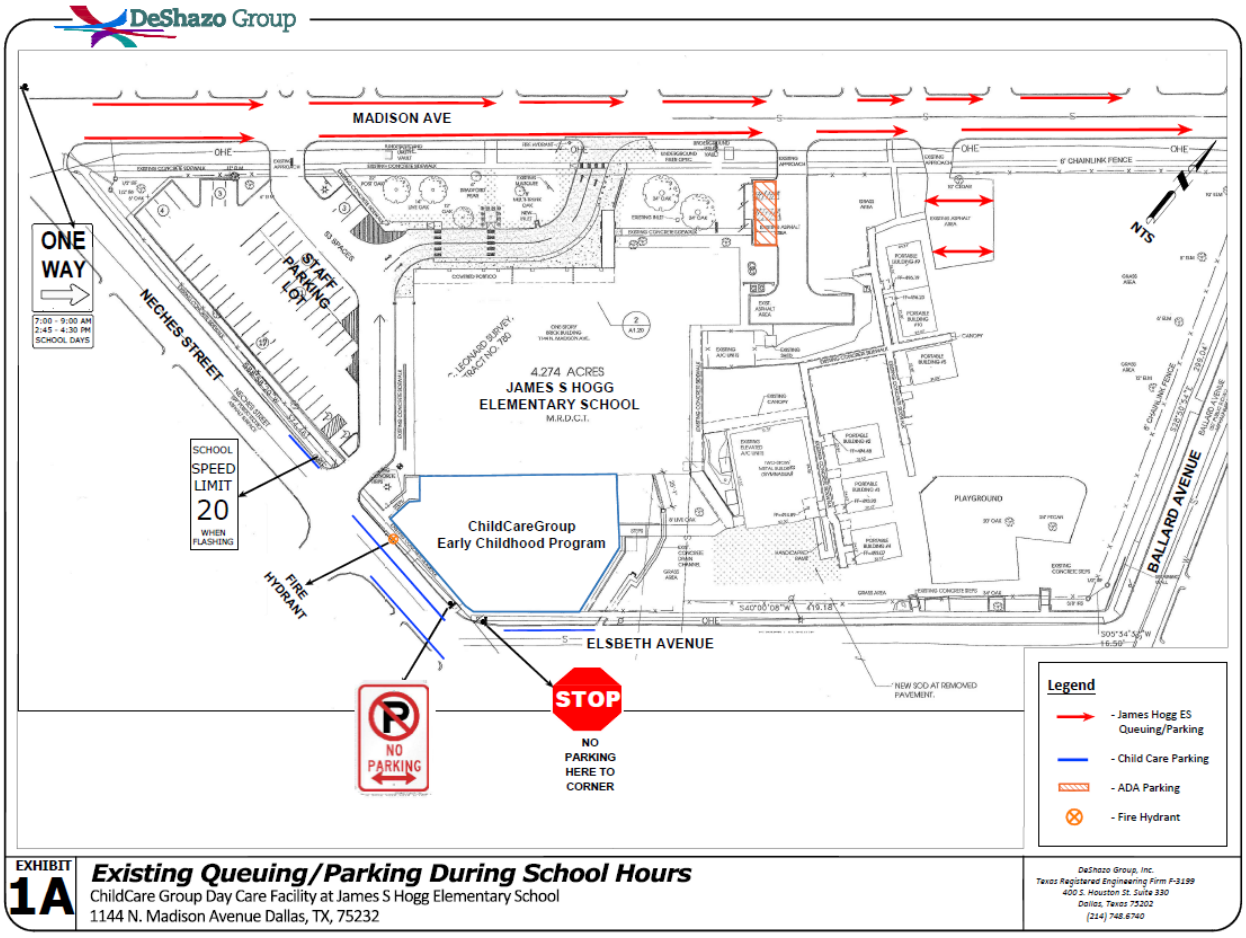
By consent of this TMP submittal, ChildCareGroup is agreeing to the strategies presented herein for which they will be held accountable unless the City deems further measures are appropriate.

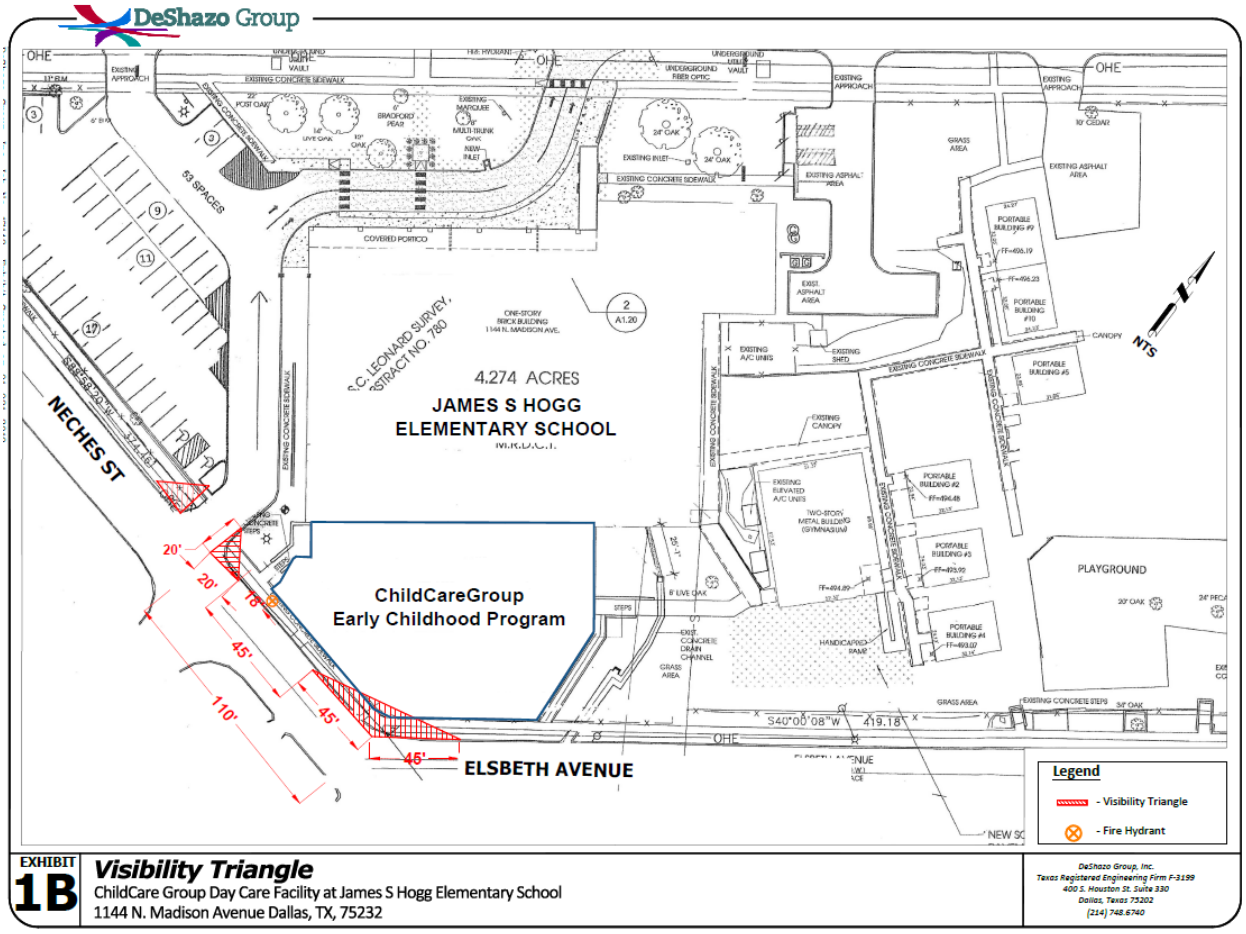
ChildCareGroup is also committed to continually reviewing and assessing the effectiveness of the TMP and if warranted, will implement changes in the interest of increasing safety and minimizing impacts on the surrounding community.

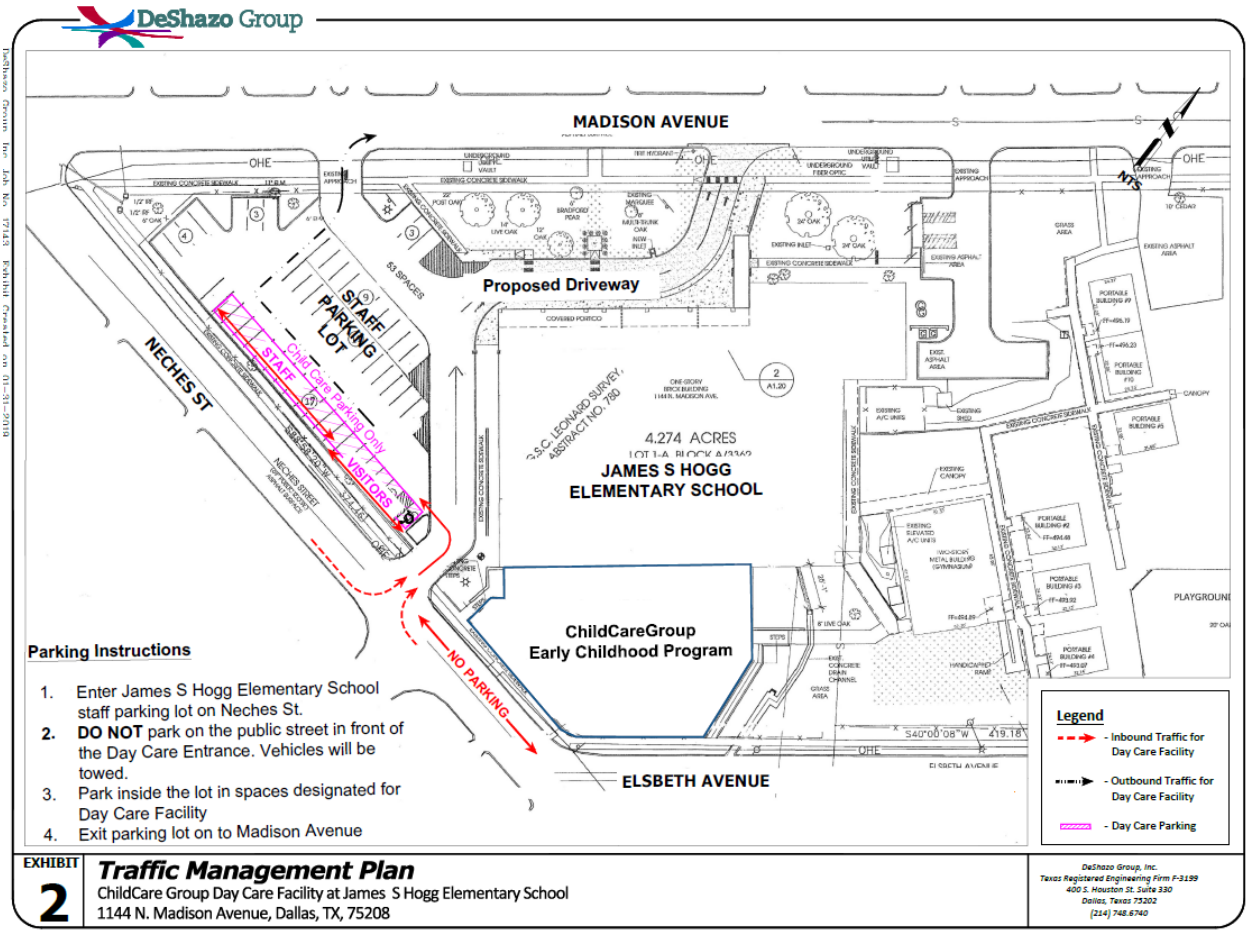
Victoria J. Manno 2.8.19

Title: President + CEO
ChildCareGroup

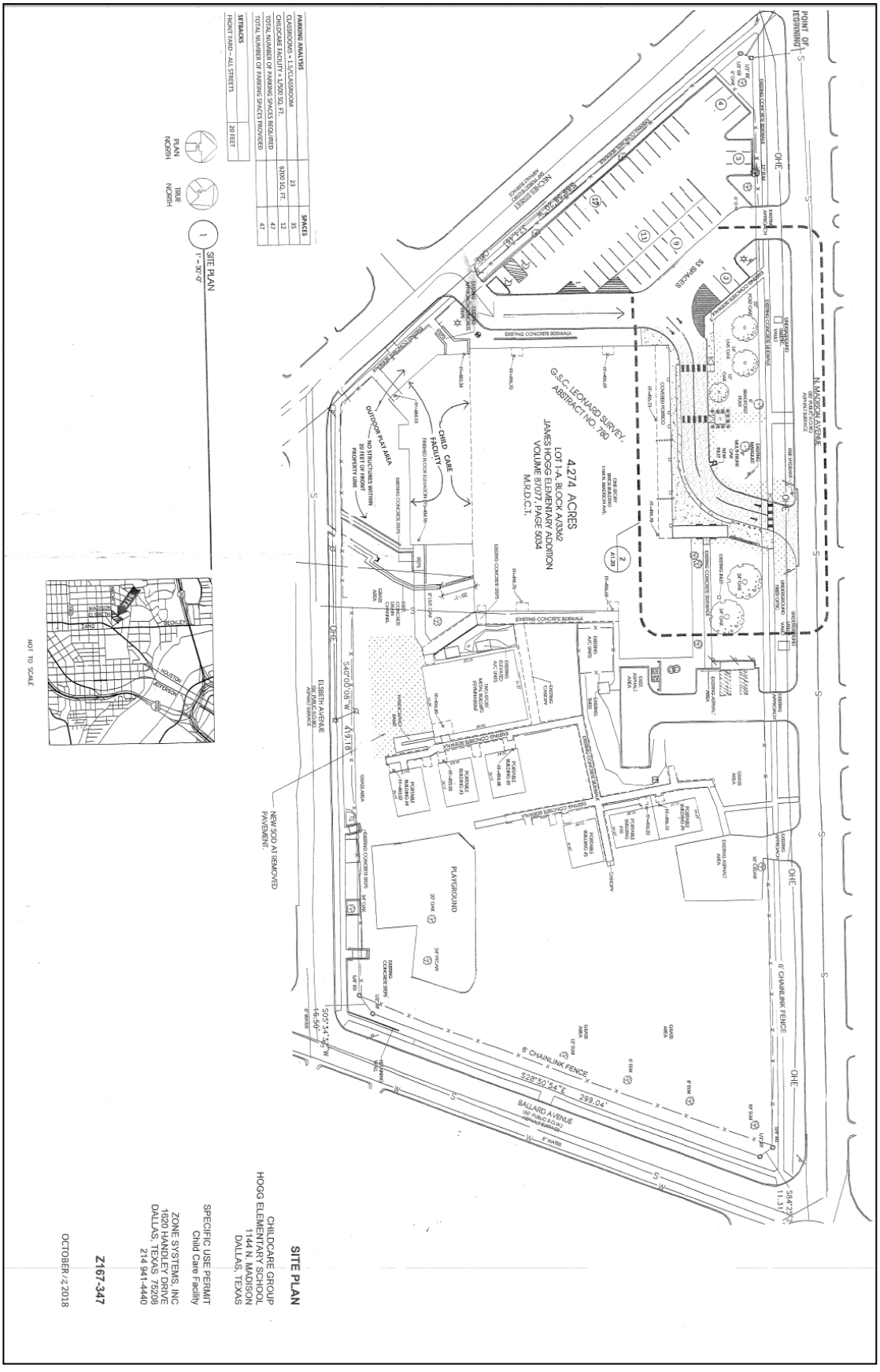
Date

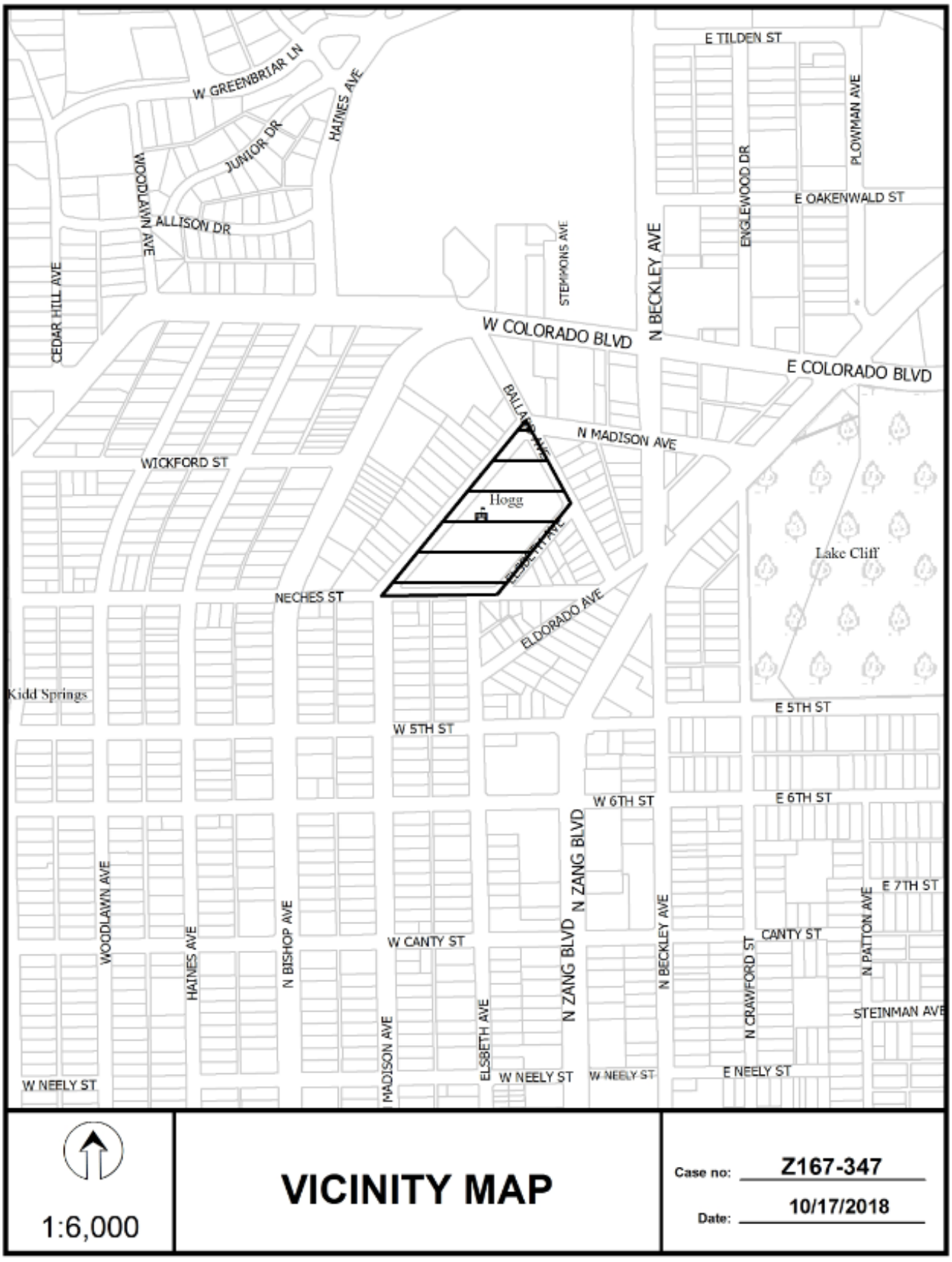

DeShazo Group
MADISON AVE
ONE WAY
7:00 - 9:00 AM
2:45 - 4:30 PM
SCHOOL DAYS
STAFF PARKING LOT
NECHES STREET
SCHOOL SPEED LIMIT 20 WHEN FLASHING
FIRE HYDRANT
4.274 ACRES
JAMES S HOGG ELEMENTARY SCHOOL
M.R.D.C.T.
ChildCareGroup Early Childhood Program
PLAYGROUND
BALLARD AVENUE
ELSBETH AVENUE
NO PARKING
STOP
NO PARKING HERE TO CORNER
NTS
6' CHAINLINK FENCE
Legend
- James Hogg ES Queuing/Parking
- Child Care Parking
- ADA Parking
- Fire Hydrant
EXHIBIT 1A
Existing Queuing/Parking During School Hours
ChildCare Group Day Care Facility at James S Hogg Elementary School
1144 N. Madison Avenue Dallas, TX, 75232
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748.6740


DeShazo Group
4.274 ACRES
JAMES S HOGG
ELEMENTARY SCHOOL
ChildCareGroup
Early Childhood Program
NECHES ST
ELSBETH AVENUE
PLAYGROUND
63 SPACES
20'
20'
15'
45'
45'
110'
45'
S40°00'08"W 419.18'
NTS
Legend
- Visibility Triangle
- Fire Hydrant
EXHIBIT
1B
Visibility Triangle
ChildCare Group Day Care Facility at James S Hogg Elementary School
1144 N. Madison Avenue Dallas, TX, 75232
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
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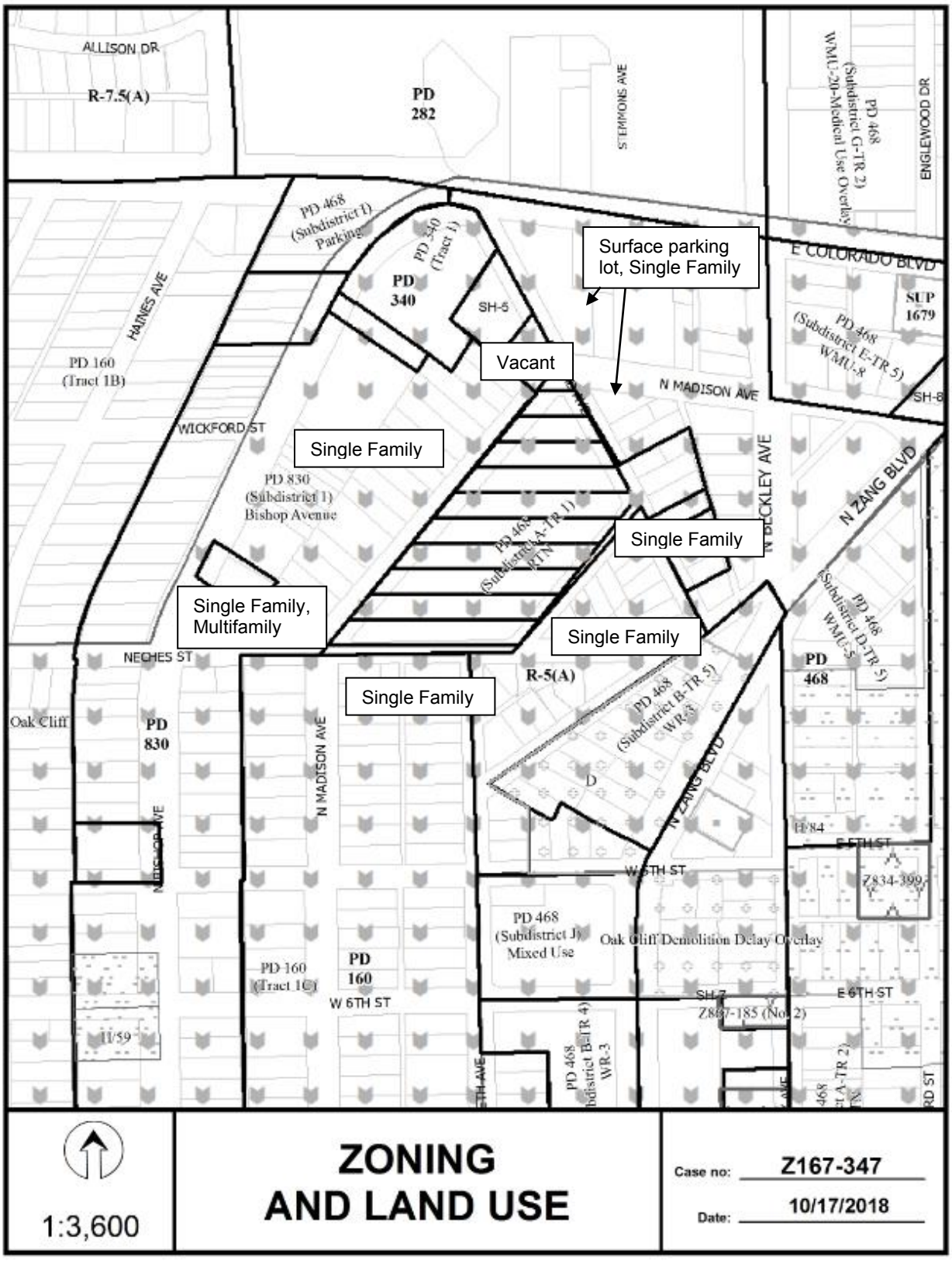

DeShazo Group
MADISON AVENUE
Proposed Driveway
STAFF PARKING LOT
NECHES ST
Child Care Parking Only
STAFF
VISITORS
NO PARKING
4.274 ACRES
JAMES S HOGG
ELEMENTARY SCHOOL
ChildCareGroup
Early Childhood Program
ELSBETH AVENUE
Parking Instructions
1. Enter James S Hogg Elementary School staff parking lot on Neches St.
2. DO NOT park on the public street in front of the Day Care Entrance. Vehicles will be towed.
3. Park inside the lot in spaces designated for Day Care Facility
4. Exit parking lot on to Madison Avenue
Legend
- Inbound Traffic for Day Care Facility
- Outbound Traffic for Day Care Facility
- Day Care Parking
EXHIBIT 2
Traffic Management Plan
ChildCare Group Day Care Facility at James S Hogg Elementary School
1144 N. Madison Avenue, Dallas, TX, 75208
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748.6740

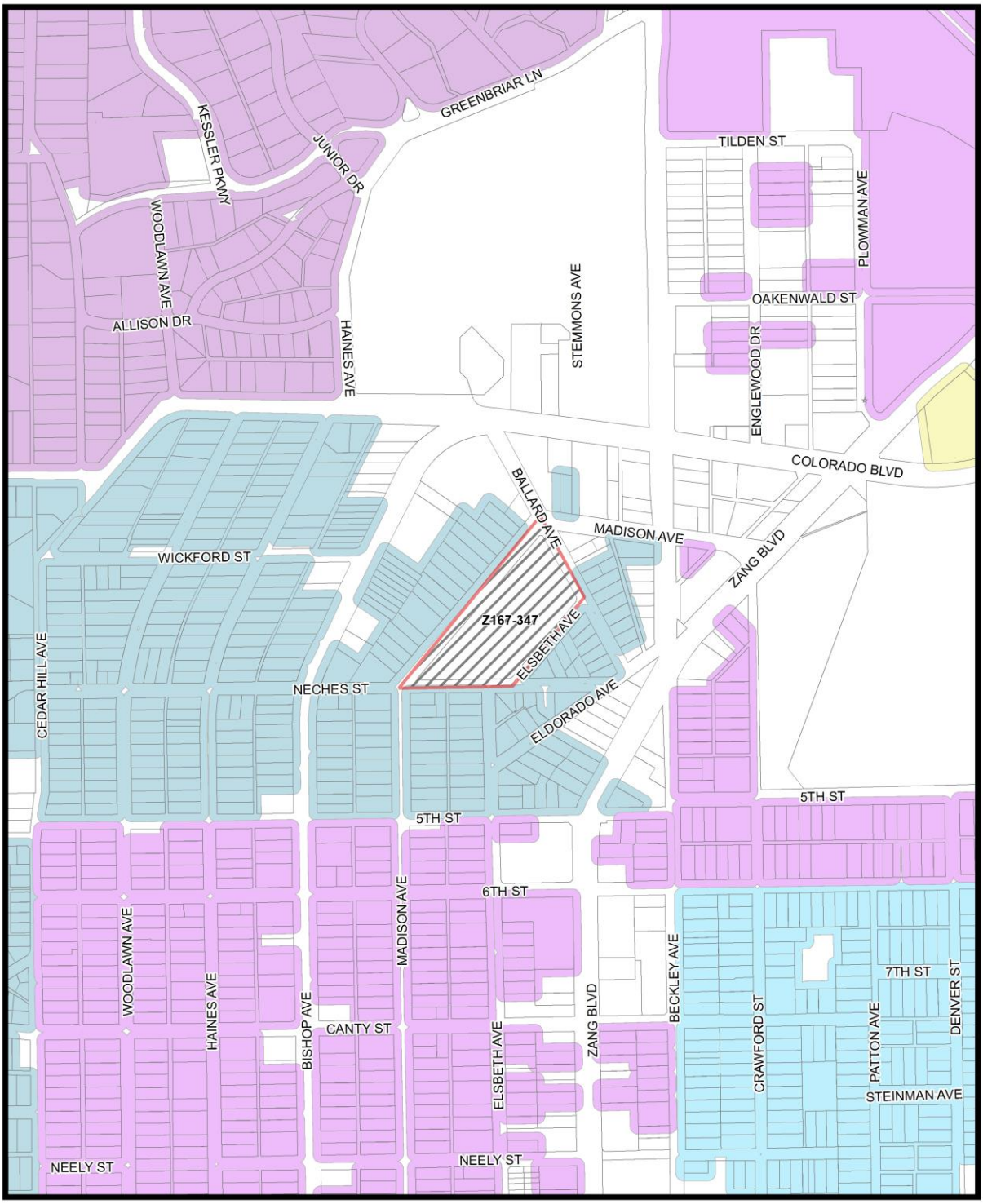
PROPOSED SITE PLAN




E TILDEN ST
W GREENBRIAR LN
HAINES AVE
JUNIOR DR
WOODLAWN AVE
ALLISON DR
CEDAR HILL AVE
PLOWMAN AVE
ENGLEWOOD DR
E OAKENWALD ST
STEMMONS AVE
N BECKLEY AVE
W COLORADO BLVD
E COLORADO BLVD
BALLARD AVE
N MADISON AVE
WICKFORD ST
Hogg
Lake Cliff
NECHES ST
ELDORADO AVE
Kidd Springs
E 5TH ST
W 5TH ST
W 6TH ST
E 6TH ST
N ZANG BLVD
E 7TH ST
N PATTON AVE
CANTY ST
W CANTY ST
N BECKLEY AVE
N CRAWFORD ST
STEINMAN AVE
WOODLAWN AVE
HAINES AVE
N BISHOP AVE
MADISON AVE
ELSBETH AVE
W NEELY ST
E NEELY ST
1:6,000
VICINITY MAP
Case no: Z167-347
Date: 10/17/2018


ALLISON DR
HAINES AVE
S EMMONS AVE
ENGLEWOOD DR
W COLORADO BLVD
E COLORADO BLVD
HAINES AVE
BALLARD AVE
N MADISON AVE
WICKFORD ST
N BECKLEY AVE
N ZANG BLVD
ELSBETH AVE
MECHES ST
ELDORADO AVE
N MADISON AVE
N ZANG BLVD
N BISHOP AVE
W 5TH ST
E 5TH ST
W 6TH ST
E 6TH ST
ELSBETH AVE
1:3,600
AERIAL MAP
Case no: Z167-347
Date: 10/17/2018


Surface parking lot, Single Family
Vacant
Single Family
Single Family
Single Family, Multifamily
Single Family
Single Family
ALLISON DR
R-7.5(A)
PD 282
STEMMONS AVE
ENGLEWOOD DR
PD 468 (Subdistrict G-TR 2) WMU-20-Medical Use Overlay
PD 468 (Subdistrict I) Parking
PD 340 (Tract 1)
PD 340
SH-5
E COLORADO BLVD
SUP 1679
PD 468 (Subdistrict E-TR 5) WMU-8
HAINES AVE
PD 160 (Tract 1B)
N MADISON AVE
SH-8
WICKFORD ST
PD 830 (Subdistrict 1) Bishop Avenue
N BECKLEY AVE
N ZANG BLVD
PD 468 (Subdistrict A-TR 1) RTN
PD 468 (Subdistrict D-TR 5) WMU-5
NECHES ST
R-5(A)
PD 468
Oak Cliff
PD 830
N MADISON AVE
PD 468 (Subdistrict B-TR 5) WR-3
D
N ZANG BLVD
H/84
E 5TH ST
W 5TH ST
Z834-399
PD 468 (Subdistrict J) Mixed Use
Oak Cliff Demolition Delay Overlay
PD 160 (Tract 1C)
PD 160
W 6TH ST
SH-7
Z887-185 (No. 2)
E 6TH ST
H/59
PD 468 (Subdistrict B-TR 4) WR-3
ZONING AND LAND USE
1:3,600
Case no: Z167-347
Date: 10/17/2018



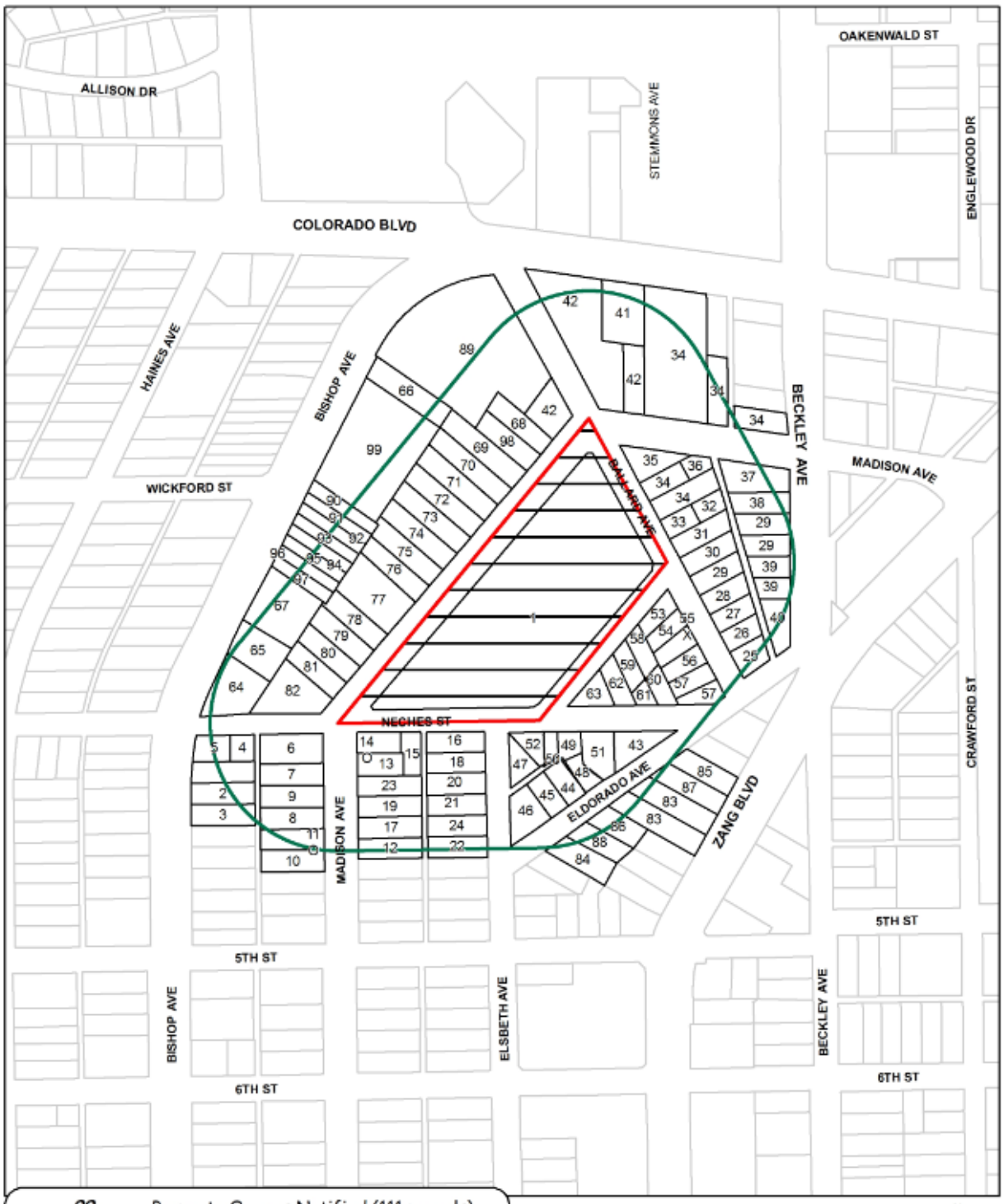
MVACluster A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 10/17/2018

CPC RESPONSES



Reply List of Property Owners

Z167-347

99 Property Owners Notified ***2 Property Owners in Favor*** ***1 Property Owner Opposed***

Reply	*Label #*	*Address*	*Owner*
	1	1144 N MADISON AVE	Dallas ISD
	2	1026 N BISHOP AVE	HERRERA RAMIRO
	3	1018 N BISHOP AVE	VELASQUEZ JOSHUA
	4	314 NECHES ST	HERNANDEZ FRANCISCO
	5	1034 N BISHOP AVE	LOPEZ MARIA
	6	1037 N MADISON AVE	CHIBLI EMILIO
	7	1031 N MADISON AVE	CRAWFORD ALLISON
	8	1023 N MADISON AVE	K & B CONSULTING GROUP INC
	9	1029 N MADISON AVE	CHIBLI EMILIO & ANA
	10	1015 N MADISON AVE	GAZDA MICHELLE E & WILLIAM T HARDIN
O	11	1019 N MADISON AVE	SONICK LLC
	12	1016 N MADISON AVE	RANGEL JOSE DE LA LUZ
	13	1034 N MADISON AVE	TOBAR SALVADOR
O	14	1036 N MADISON AVE	JONISO LLC
	15	212 NECHES ST	CORDOSO ERNESTO
	16	1041 ELSBETH ST	OJEDA ISAIAS &
	17	1020 N MADISON AVE	SANCHEZ CONRRADO VALADEZ
	18	1037 ELSBETH ST	CARDOSO PRUDENCIO
	19	1024 N MADISON AVE	DELMORAL JAVIER GARCIA
	20	1033 ELSBETH ST	DAVILA PEDRO R &
	21	1027 ELSBETH ST	JIMENEZ MARIA
	22	1021 ELSBETH ST	DAVILA JOSE R
	23	1028 N MADISON AVE	DIAZ CARMEN D
	24	1023 ELSBETH ST	ALMAZAN BENITA DEL CARMEN
	25	1201 ELDORADO AVE	WISTERIA HILLS I LLC
	26	1106 BALLARD AVE	MONTGOMERY AUDREY LEE ANN

Reply	*Label #*	*Address*	*Owner*
	27	1112 BALLARD AVE	ANNIS BETTY JEAN SHORES LIFE ESTATE
	28	1116 BALLARD AVE	GRIFFIN CLINT
	29	1118 BALLARD AVE	BECKLEY PROPERTIES LTD
	30	1124 BALLARD AVE	WALDEN PAUL &
	31	1126 BALLARD AVE	COLECIO JUAN ANTONIO &
	32	1134 BALLARD AVE	HELLEN RYAN
	33	1132 BALLARD AVE	BABB K PATRICK
	34	1136 BALLARD AVE	METHODIST HOSPITALS OF DALLAS
	35	1210 N MADISON AVE	METHODIST HOSPITALS OF DALLAS
	36	1212 N MADISON AVE	METHODIST HOSPITALS OF DALLAS
	37	1129 N BECKLEY AVE	1129 N BECKLEY AVE LLC
	38	1127 N BECKLEY AVE	MTX NOOR REAL ESTATE LLC
	39	1115 N BECKLEY AVE	BECKLEY PPTIES LTD
	40	1101 N BECKLEY AVE	BECKLEY PPTIES LTD
	41	200 W COLORADO BLVD	KECHEJIAN CAPITAL LP
	42	1205 N MADISON AVE	KECHEJIAN ENTERPRISES LP
	43	1047 ELDORADO AVE	MORENO MARIO
	44	1031 ELDORADO AVE	MONTANI MARIA CLAUDIA
	45	1027 ELDORADO AVE	KING JACOB BENJAMIN &
	46	1019 ELDORADO AVE	SKINNER DANIEL M
	47	1032 ELSBETH ST	GRANADOS ANDRES &
	48	1035 ELDORADO AVE	MENDOZA JUAN
	49	124 NECHES ST	MONRIAL JOSE F &
	50	126 NECHES ST	JAS MAVERICK PROPERTIES LLC
	51	1037 ELDORADO AVE	ARANDA MAURA PARAMO
	52	130 NECHES ST	ASLAM MURTAZA &
	53	1123 BALLARD AVE	ANL INVESTMENTS LLC
	54	1119 BALLARD AVE	CASTILLO GONZALO
X	55	1115 BALLARD AVE	WORSHAM JAMES B &
	56	1111 BALLARD AVE	WISTERIA HILLS 2 LLC
	57	1105 BALLARD AVE	WISTERIA HILLS 14 LLC

Reply	*Label #*	*Address*	*Owner*
	58	1118 ELSBETH ST	SALDIVAR FAMILY I LIMITED PARTNERSHIP
	59	1114 ELSBETH ST	MENDOZA JUAN H
	60	111 NECHES ST	GONZALES RAMON & ELSA T
	61	121 NECHES ST	GONZALES RAMON &
	62	1110 ELSBETH ST	SANDOVAL RODRIGO & MARIA
	63	1104 ELSBETH ST	NGUYEN HUYEN
	64	1102 N BISHOP AVE	ALBA MERCEDES
	65	1114 N BISHOP AVE	BOMBAY HOLDINGS LLC
	66	1218 N BISHOP AVE	AXXIS ENTERPRISES
	67	1122 N BISHOP AVE	WILLIAMS DEBRA C M K
	68	1167 N MADISON AVE	DELEON SERGIO & OLGA A
	69	1159 N MADISON AVE	1159 NORTH MADISON LLC
	70	1155 N MADISON AVE	LOMAS HOMAR C &
	71	1151 N MADISON AVE	RIVERA ELOINA R
	72	1147 N MADISON AVE	GARY ROLLIN F &
	73	1141 N MADISON AVE	HOUSOS & WEBB LLC
	74	1139 N MADISON AVE	ALANIZ MARIA DEL R
	75	1135 N MADISON AVE	JC LEASING LLP
	76	1131 N MADISON AVE	NAVARRO EVA GLORIA
	77	1125 N MADISON AVE	OCHOA RENE A &
	78	1119 N MADISON AVE	LOPEZ PEDRO
	79	1115 N MADISON AVE	TORRES JUAN M &
	80	1111 N MADISON AVE	OCHOA JUAN S & MARTHA C
	81	1107 N MADISON AVE	VILLEGAS MARY ISABEL
	82	1101 N MADISON AVE	ARELLANO JULIO NAVA &
	83	1019 N ZANG BLVD	INVEST CLASSIC LLC
	84	1020 ELDORADO AVE	MENDOZA OSCAR &
	85	1033 N ZANG BLVD	BALLAS VICTOR E
	86	1024 ELDORADO AVE	CORTEZ NATIVIDAD
	87	1029 N ZANG BLVD	BALLAS VICTOR
	88	1022 ELDORADO AVE	MODERA BUILDERS LLC

Reply	*Label #*	*Address*	*Owner*
	89	1222 N BISHOP AVE	1222 BISHOP LLC
	90	1148 N BISHOP AVE	SEMOS ANASTASIA K
	91	1144 N BISHOP AVE	MCDERMOTT PATRICK & STEPHANIE
	92	1142 N BISHOP AVE	GASTON BRYCE C &
	93	1140 N BISHOP AVE	HADER STEVEN S
	94	1138 N BISHOP AVE	RICE MICHAEL B
	95	1134 N BISHOP AVE	SOLIS NICHOLAS & CYNTHIA
	96	1132 N BISHOP AVE	DODSON CHARLES &
	97	1130 N BISHOP AVE	GIELOW AMANDA MICHELLE
	98	1163 N MADISON AVE	ARELLANO JULIO &
	99	1150 N BISHOP AVE	OAK CLIFF LAND DEV CO

Agenda Information Sheet

File #: 19-448 **Item #:** 56.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for **(1)** an ordinance granting a new subdistrict to allow for single family uses on property zoned Subdistrict 6 within Planned Development District No. 830 and a portion of Planned Development District No. 450; **(2)** an ordinance granting an amendment to reduce Planned Development District No. 450; and **(3)** an amendment to the development plan and landscape plan for a public school use on property zoned Planned Development District No. 450, on the northeast corner of West Davis Street and North Plymouth Road

Recommendation of Staff: Approval, subject to a conceptual plan and staff's recommended conditions; approval of an amendment to reduce Planned Development District No. 450; and approval of a revised development plan and revised landscape plan for a public school use

Recommendation of CPC: Approval, subject to a conceptual plan and conditions; approval of an amendment to reduce Planned Development District No. 450; and approval of a revised development plan and revised landscape plan for a public school use

Z178-316(CY)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**
ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-316(CY)	**DATE FILED:**	July 27, 2018
LOCATION:	Northeast corner of West Davis Street and North Plymouth Road		
COUNCIL DISTRICT:	1	**MAPSCO:**	53 D
SIZE OF REQUEST:	Approx. 19.872 acres	**CENSUS TRACT:**	68.00

OWNER: West Davis Plymouth Development, LLC.

APPLICANT: David Weekley, LLC.

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

REQUEST: An application for **(1)** a new subdistrict to allow for single family uses on property zoned Subdistrict 6 within Planned Development District No. 830 and a portion of Planned Development District No. 450; **(2)** an amendment to reduce Planned Development District No. 450; and, **(3)** an amendment to the development plan and landscape plan for a public school use on property zoned Planned Development District No. 450.

SUMMARY: The proposed subdistrict will allow for the same uses as Subdistrict 6 plus a shared access development with up to 82 lots and will reduce the boundaries of Planned Development District No. 450.

CPC RECOMMENDATION: **Approval**, subject to a conceptual plan and conditions; **approval** of an amendment to reduce Planned Development District No. 450; and **approval** of a revised development plan and revised landscape plan for a public school use.

STAFF RECOMMENDATION: **Approval**, subject to a conceptual plan and staff's recommended conditions; **approval** of an amendment to reduce Planned Development District No. 450; and **approval** of a revised development plan and revised landscape plan for a public school use.

BACKGROUND INFORMATION:

- Planned Development District No. 830 was established by City Council on August 11, 2010 and comprises approximately 290.5 acres divided into 12 subdistricts.

- Planned Development District No. 450 was established by City Council on August 14, 1996 and comprises approximately 11.319 acres.

- The 19.872-acre area of request is zoned subdistrict 6, the Davis Corridor, within Planned Development District No.830, and Planned Development District No. 450.

- Subdistrict 6 of PD No. 830 is a non-residential district but allows for residential uses and PD No. 450 is considered to be a residential zoning districts but is currently developed with a public school use.

- The area of request is mostly undeveloped except for one existing one-story building containing a furniture store use and the public school use.

- On August 3, 2017, the City Plan Commission approved an authorized hearing to determine the proper zoning on property zoned Subdistrict 6 within Planned Development District No. 830 with consideration given to a new subdistrict with appropriate amendments to the Subdistrict 6 regulations pertaining to height, lot size, lot width, residential proximity slope, urban form setback and architectural designs such as articulation. Pending City Plan Commission public hearing.

- The applicant proposes to reduce the boundaries of Planned Development District No. 450 and to create a new subdistrict within Planned Development District No. 830 to allow for a shared access development containing up to 82 lots with two access points on a public street.

Zoning History: There have been two zoning changes in the vicinity.

1. **Z178-320** On November 28, 2018 City Council approved the renewal of Specific Use Permit No. 1919 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned Subdistrict 6 within Planned Development District No. 830 with a D-1 Liquor Control Overlay on the northwest corner of North Hampton Road and West Jefferson Boulevard, southeast of the area of request.
2. **Z178-235** On November 28, 2018, City Council approved Planned Development District No. 1006 for Single Family uses on property zoned R-7.5(A) Single Family District on the southwest corner of North Tennant Street and West Davis Street, southeast of the area of request.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
West Davis Street	Major Arterial	100’
North Plymouth Road	Community Collector	100’

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and recommended to align the westernmost access point along West Davis with Bernice Street. Alternatively, Engineering recommended an access point that is not less than 300 feet away from an existing stop bar[1] at the northeast corner of the intersection of North Plymouth Road and West Davis Street, which is approximately 260 feet from the westernmost property line. This improvement will provide adequate driveway spacing for overlapping left turns on the two-way left turn lane on West Davis Street. The proposed conceptual plan depicts the access point at the recommended alternative location.

As part of the request, the applicant also proposes to provide for a new 50-foot public street that will connect to the school’s existing driveway. The proposed street will require approval from the Department of Transportation given the proposed 90-foot offset (overlapping lefts) between the proposed new street and Bernice Street which is on the opposite side of West Davis Street. The Department of Transportation will also be required to review and approve the proposed street to evaluate the limited visibility distance existing at the intersection with West Davis Street. The approval of the design and operation of the proposed public street will be part of the platting process.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

[1] A stop bar is a pavement mark on a road that indicates where motorists must stop as they approach an intersection.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.1.1 Create housing opportunities through Dallas

ECONOMIC ELEMENT

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.2 Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

URBAN DESIGN

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

Land Use Plan:

WEST DAVIS LAND USE STUDY (2002)

The West Davis Land Use Study was created in 2002 as the first of a two-part study which provided recommendations to address the issues West Davis Street was facing at that time. One of the recommendations of this study was an authorized hearing to determine proper zoning for the area which would constitute the second part of the study.

The study focused on evaluating zoning and land uses, improving economic viability, and improving the urban design of Davis Street from Hampton Road west to Walton Walker (Loop 12). The study area was divided into five different sections; a portion of the area of request is in what the study identified as Section 1 [Hampton Road to the Coombs Creek crossing].

One of the primarily issues the study seek to address was the mix of non-residential uses allowed that were not compatible with the existing residential neighborhoods. To address this issue, the study established three goals: 1) Protect residential neighborhoods from undesirable land uses, 2) increase the commercial viability on West Davis Street, and 3) Improve the image of West Davis Street.

Among the land use and zoning recommendations the study made was the adoption of a proposed land use plan which identifies the area of request within Section 1 of the study and proposes single-family uses to be allowed in the northern portion of the area of request and medium-density commercial/office uses on that portion of the site that fronts West Davis Street. While the proposed development does not propose any commercial use along Davis Street, the new subdistrict is proposed to retain the uses

currently allowed in Subdistrict 6, which include the recommended medium-density commercial and retail and personal service uses found in this study.

BISHOP-DAVIS LAND USE STUDY (2010)

The Bishop-Davis Land Use Study was created in 2009 and revised in 2010 providing recommendations that were later taken into consideration to create Planned Development District No. 830, the Davis Street Special Purpose District. Section 51P-830.107 indicates that this study should be consulted for goals and recommendations for development of this district.

The goals of this land use study focused on the desired results envisioned for the area, which among other aspects included: stimulating reinvestment in the area, encourage density (in the right places), create incentives to increase open space and provide public art and to create a set of land uses for each subarea.

The Bishop-Davis Land Use Study identified the area of request within Subarea 6 and established characteristics and objectives that included the beautification and rehabilitation of Davis Street streetscape, creating a desirable pedestrian experience and a pleasant walkable environment, street trees, sidewalks and other amenities. The study also proposed for this subarea uses that included a mix of residential and light to medium density commercial uses which are consistent with the uses allowed in the existing Subdistrict 6 within PD No. 830.

Land Use:

	Zoning	Land Use
Site	PD No. 830 (Subdistrict 6) and PD No. 450	Furniture Store, Undeveloped Land, Public School
North	PD No. 830 (Subdistrict 6) and PD No. 801 (Subarea 2)	Multifamily
East	PD No. 830 (Subdistrict 6) and TH-3(A) Townhouse District	Building Repair and Maintenance Shop, Restaurant, General Merchandise, Single Family.
South	PD No. 830 (Subdistrict 6)	Auto Service Center, Office, Retail and Personal Service
West	PD No. 631 (Tract 2) and R-7.5(A) Single Family District.	Pawn Shop, Single Family.

Land Use Compatibility:

The 19.872-acre area of request is zoned Subdistrict 6, within Planned Development District No. 830, and Planned Development District No. 450. The site is mostly

undeveloped except for an existing one-story building occupied with a furniture store and a public school. Building Inspections' records and historical aerial images indicate that the northwest portion of the area of request was previously developed with a multifamily use that was demolished in 2008. The southern portion of the site that fronts West Davis Street was developed with three commercial buildings. Two of them were demolished in 2009 leaving only the existing furniture store building. The portion of the area of request that is zoned PD No. 450 and that will be part of the proposed subdistrict is also undeveloped. The remainder of PD No. 450 is developed with a public school [Kahn Elementary School].

The purpose of the request is to reduce the boundaries of PD No. 450, amend the existing development plan and landscape plan for the existing school and to create a new subdistrict within PD No. 830 to allow for the same uses currently allowed in Subdistrict 6. The applicant proposes to redevelop the property within the new subdistrict with a shared access development consisting of a maximum of 82 lots.

The Dallas Development Code defines a shared access development as a development where one or more of the lots within the development do not front on a public or private street, where access to the lots within the development is provided via a shared access area and that meets all the requirements of Section 51A-4.411.

While Subdistrict 6 is a non-residential district, it allows for single-family uses. However, the current code regulations allow a shared access development to contain a maximum of 36 lots. In order to develop the site with a shared access development exceeding this maximum number of lots, the applicant proposes to create the new subdistrict establishing specific regulations for this type of development.

Planned Development District No. 450 was established by City Council on August 14, 1996, is comprised of approximately 11.319 acres, and is currently developed with a public school use that, according to the Dallas Central Appraisal District's records, was constructed in 1996.

With the ordinance that established PD No. 450, a development plan and a landscape plan were approved by City Council for the public school use. As part of the request, the applicant proposes to rezone a portion of the property to make it part of the new subdistrict within PD No. 830. This requires the existing development plan and landscape plan to be amended to reflect the new boundaries of PD No. 450.

No other changes are being proposed to the existing school and, with the reduction of the property boundaries, it will still comply with all the development standards and regulations established in PD No. 450. Staff supports this part of the request as it is not foreseen to have a negative impact in the surrounding areas.

Uses surrounding the area of request include a mix of residential, commercial and retail and personal service uses. The residential uses are located to the north, northwest and east of the area of request and include a multifamily use containing 60 dwelling units

located directly adjacent to the site to the northwest. Another multifamily use containing 104 units is located further north, across North Plymouth Road. Single family uses are further northwest, across North Plymouth Road, and to the east beyond a TH-3(A) Townhouse District that also contains single family uses.

The commercial and retail and personal service uses are located primarily to the west and south along West Davis Street and include a pawn shop, restaurant without drive-thru or drive-in service, auto service center, and a retail center with general merchandise, personal service, financial institution and medical clinic uses.

Development Standards

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Lot Size	PRIMARY Uses
	Front	Side/Rear					
Existing: PD No. 830 Subdistrict 6	Min 0', Max 10' if fronting Davis Other Min. 10'	No minimum.	No maximum.	75' *	100%	No minimum	Commercial and Residential.
Existing: PD No. 450	15'	No minimum for SFD, 5' for Duplex, 10' for all other. Rear: 10' for Duplex, 15' All others	-	50' for public school, 36' all other structures	60% for residential structures, 50% for non-residential.	No Min. for public school, 1000 sf/ unit sfd; 3,000 sf /unit duplex; 800 sf/ mfd unit no br; 1000sf/ mfd unit 1 br; 1200sf/ mfd unit 2 br, and 150sf/additional br	Commercial and Residential.
Proposed: PD No. 830 Subdistrict 6X	Min 10'	No change	85 units in a SAD (8.55 units per acre), other no maximum	36' for SFD structures, 75' all other structures*	60% for SFD structures, 100% for other.	No change	Commercial, Accessory Community Center (private) and Residential**

*no more than 80 percent of any building footprint may exceed 60 feet in height.
** Shared access development with up to 85 lots

The proposed subdistrict in general retains the uses and most of the development standards of the existing zoning with the following changes:

1. Conceptual Plan and Development Plan: The proposed subdistrict will be subject to a conceptual plan (included as an exhibit in the PD conditions), and a final plat will serve as a development plan.

2. Uses: The only change proposed for the new subdistrict regarding the uses is allowing accessory community center (private) as a use by right. The purpose of this provision is to allow for the amenities to be on a separate lot than the main use. Staff has no objection to this request.

3. Density: The proposed subdistrict will limit the number of dwelling units in a shared access development to a maximum of 82 [approximately 9.3 dwellings per acre] but proposes no maximum density in other cases. In supporting this dwelling density, staff considered that the existing zoning regulations do not limit the maximum dwelling units, do not require a maximum floor area ratio nor establish a minimum lot size. Furthermore, the existing zoning allows for a maximum of 100 percent lot coverage.

Staff also evaluated the density of the zoning districts in the surrounding areas and determined that, the zoning district with the lowest density is the R-7.5(A) Single Family District located to the northwest and to the east of the area of request. This residential district requires a minimum lot size of 7,500 square feet for a single-family residential use which represents a maximum density of approximately 5.8 dwelling units per acre allowed. Subarea 2 within Planned Development District No. 801, located to the north of the area of request, allows the greatest maximum density in the surrounding areas. This PD District allows for a maximum of 85 units per acre. Finally, in the TH-3(A) District to the east, the maximum dwelling unit density is 12 units per acre.

The proposed subdistrict, if developed with a shared access development with up to 82 lots, would be consistent with the dwelling density in the surrounding areas. Staff finds this portion of the request reasonable.

4. Height: The height regulations in the existing zoning are retained for the proposed subdistrict except that for single family structures, the maximum height allowed is 36 feet with certain projections allowed to extend an additional 12 feet. Staff supports this regulation because it is consistent with the existing fire safety regulations that indicate that for structures higher than 30 feet, the access road for emergency vehicles must be a minimum of 26 feet in width. As depicted in the Conceptual Plan, the minimum width for the shared access areas providing access to the units is 26 feet. Additionally, the proposed height is consistent with the height regulations of the surrounding zoning, being 36 feet for the TH-3(A) District to the east, 85 feet for Subarea 2 in PD No. 801, to the north and 30 feet for the R-7.5(A) District to the west.

5. Lot coverage: The proposed subdistrict will maintain the lot coverage of 100 percent for structures other than single family. For single family use the maximum lot coverage will be 60 percent and the shared access area easement may be used to determine lot coverage. This lot coverage is consistent with the surrounding areas that range from a maximum lot coverage of 80 percent for single-family uses in PD No. 801, 60 percent in the TH-3(A) District, and 45 percent in the R-7.5(A) District.

More specific development standards for a shared access development are included as part of the proposed subdistrict conditions which in general will require the development to comply with the regulations in Section 51A-4.411 “Shared Access Development” of the Dallas Development Code, as amended, but also incorporates regulations as to the maximum number of lots, minimum number of access points, and architectural and urban design standards.

In regard to these regulations, some of staff's recommended conditions do not fully align with the applicant's request. Staff considers that the recommended conditions seek to ensure that as much as possible, the proposed development engages in creating a desirable pedestrian experience and pleasant walkable environment, especially along West Davis Street. Section 51P-830.123 includes provisions for street and sidewalk standards including pedestrian amenities required along Davis Street and applicable to the entire District that encourage developments to provide for this pedestrian experience. This development could serve as a catalyst for future developments that will help achieve this vision of Davis Street.

Staff's recommended conditions include requiring for all individual lots along West Davis Street that abut a mews, to provide a minimum ten-foot setback measured from the edge of the mews and to not allow any fences nor structures to encroach in this setback. The purpose of this provision is to create the impression that the proposed ten-foot-wide mews that front West Davis Street are wider and offer the perception of open space areas to the pedestrians and not just a ten-foot "alley", with fences or structures on each side.

The applicant's proposed PD conditions include a provision agreeing to not allow structures within the ten-foot setback; however, the applicant's proposed conditions would allow projections for up to two feet and would also allow fences within this setback. Staff's recommendation is to require the ten-foot setback to be completely unobstructed and to only allow projections to encroach a maximum of 12 inches.

Fence standards are also included as part of the new subdistrict conditions. The standards require all fences to be masonry, wrought iron or a combination of these materials and to prohibit wood fences. Additionally, the applicant proposes all fences to be a minimum of 50 percent open. Staff supports these conditions.

An additional fence provision that staff recommends is prohibiting fences on either side of the mews fronting West Davis Street. The applicant's proposed condition is to allow for fences with a maximum height of 42 inches [3.5 feet] on both sides of these mews. Staff does not support this part of the request and considers the recommended fencing restriction is necessary to preserve unobstructed yards that would provide additional width to the proposed ten-foot mews.

As a result of a series of neighborhood meetings, the applicant incorporated a condition requiring a pedestrian connection within the easternmost open space area. The pedestrian path will connect to the sidewalk of the proposed 50-foot public street that will connect to the school's existing driveway as shown on the proposed conceptual plan. While staff is always supportive of enhancing pedestrian connectivity, staff is concerned that the proposed pathway will not completely fulfill its purpose unless such pedestrian connection provides for a way to go over the existing creek to the north [Coombs Creek] and sidewalk improvements are made along North Plymouth Street.

Notwithstanding the aspects of the request on which staff and applicant did not agree; in general, staff is supportive of the request to create the new subdistrict to allow for the shared access development with a maximum of 82 lots and recommends approval subject to a conceptual plan and staff's recommended conditions. Staff is also in support of the proposed amendments to the Development Plan and Landscape Plan for a public school use within PD No. 450.

Parking:

The off-street parking and loading regulations in PD No. 830 indicate that parking must be provided per the use regulations in the Dallas Development Code, as amended. For the proposed shared access development, two parking spaces will be required for each dwelling unit and a minimum of 0.25 unassigned spaces available for guests must be provided for each dwelling unit [Sec. 51A-4.411(g)]. Guest parking spaces must be located where they will not impede access from any other guest parking space or dwelling unit to the shared access point.

For the proposed 82 units, and at the required ratio of 0.25 space per dwelling unit, a total of 21 guest parking spaces will be required. The proposed Conceptual Plan indicates parallel parking with curbed neck-downs will be provided along the 44-foot main shared access area as the required ratio. According to the applicant, a total of 41 parking spaces will be provided at these locations along the shared access area which is equivalent to providing 0.5 guest parking spaces per unit [41/82 = 0.5] At this ration the development will meet the requirement for guest parking. Additionally, each unit will also provide for a two-car garage to meet the required two parking spaces per unit.

Parking is not being affected by the proposed reduction of the boundaries of PD No. 450 since that portion is currently undeveloped and does not modify existing off-street parking provided for the public school use.

Landscaping:

In general, the proposed development will be required to comply with the regulations in Section 51A-10.125(a)(2) of Article X of the Dallas Development Code that provides for regulations for shared access developments for up to 36 lots. However, due to the most recent amendments to this section of the code, the proposed PD conditions include a regulation for the proposed 85-lot development to provide for a landscape area equal to 20 percent of the total shared access development area. The proposed conceptual plan indicates that open space areas will be provided throughout the development. The applicant stated that per their calculations, the total open space area equals 143,659 square feet, which represents 39 percent of the total shared access development area. Staff consulted with the Chief Arborist in regard to counting the open space areas as the landscape areas required and it was determined that both landscape areas and open areas can occupy the same space.

The applicant proposes to require that all the landscaping provisions in Section 51P-830.120(b) apply to the proposed shared access development, specifically along Davis Street. Staff consulted with the Chief Arborist the applicability of this regulation and it was recommended not to apply these requirements given the existing underground and overhead utilities. It is the Chief Arborist's opinion that for the proposed development, landscaping requirements should be provided in accordance with Section 51A-10.125(a)(2) *"Shared access development"* and not according to the existing regulations in PD No. 830.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The site is not within an identifiable MVA Category; however, it is in proximity to an "E" MVA Cluster to the northwest and to the east.

CPC ACTION
January 3, 2019

Motion: In considering an application for 1) a new subdistrict to allow for a shared access development with up to 85 lots and served by two shared access points on property zoned Subdistrict 6 within Planned Development District No. 830 and a portion of Planned Development District No. 450; 2) an amendment to reduce Planned Development District No. 450 for a public school; and, 3) an amendment to the development plan and landscape plan, on the northeast corner of West Davis Street and North Plymouth Road, it was moved to **hold** this case under advisement until February 7, 2019.

Maker: MacGregor
Second: Murphy
Result: Carried: 10 to 0

For: 10 - MacGregor, Rieves, Davis, Shidid, Carpenter, Jung, Housewright, Schultz, Murphy, Ridley

Against: 0
Absent: 2 - Lewis, Tarpley
Vacancy: 3 - District 3, District 7, District 12

Notices: Area: 500 Mailed: 120
Replies: For: 0 Against: 1

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

CPC ACTION
February 7, 2019

Motion: In considering an application for 1) a new subdistrict to allow for a shared access development with up to 85 lots and served by two shared access points on property zoned Subdistrict 6 within Planned Development District No. 830 and a portion of Planned Development District No. 450; 2) an amendment to reduce Planned Development District No. 450 for a public school; and, 3) an amendment to the development plan and landscape plan, on the northeast corner of West Davis Street and North Plymouth Road, it was moved to **hold** this case under advisement until February 21, 2019.

Maker: Davis
Second: Shidid
Result: Carried: 9 to 0

For: 9 - Davis, Shidid, Carpenter, Lewis, Jung, Housewright*, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - MacGregor, Schultz
Vacancy: 4 - District 2, District 3, District 7, District 12

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 120
Replies: For: 2 Against: 2

Speakers: None

CPC ACTION
February 21, 2019

Motion: In considering an application for 1) a new subdistrict to allow for a single family uses on property zoned Subdistrict 6 within Planned Development District No. 830 and a portion of Planned Development District No. 450; 2) an amendment to reduce Planned Development District No. 450; and, 3) an amendment to the development plan and landscape plan for a public school use, on the northeast corner of West Davis Street and North Plymouth Road, it was moved to **hold** this case under advisement until March 7, 2019.

Maker: MacGregor
Second: Murphy
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 500 Mailed: 120
Replies: For: 2 Against: 2

Speakers: None

CPC ACTION
March 7, 2019

Motion: It was moved to recommend 1) **approval** of a new subdistrict to allow for a single family uses, subject to a conceptual plan (Exhibit 830E) and applicant's recommended conditions (as briefed) on property zoned Subdistrict 6 within Planned Development District No. 830 and a portion of Planned Development District No. 450; 2) **approval** of an amendment to reduce Planned Development District No. 450; and 3) **approval** of an amendment to the development plan and landscape plan for a public school use, subject a revised development plan and revised landscape plan for a public school use, on the northeast corner of West Davis Street and North Plymouth Road.

Maker: MacGregor
Second: Lewis
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Ridley, Tarpley

Against: 0
Absent: 1 - Murphy
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 500 Mailed: 120
Replies: For: 2 Against: 4

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Karen Ray, Address not given
Joseph Beckham, 808 N. Hampton Rd., Dallas, TX, 75208
Against: None

List of Officers

David Weekley, LLC

- David Weekley — Chairman / CEO
- Dick Weekley — Vice President
- John Johnson — COO
- Heather Humphrey — CFO
- Ken McDonald — Dallas Area President

West Davis Plymouth Development, LLC

- Mark Branigan — Manager
- Jay Y. Liao — Manager

PROPOSED PD CONDITIONS

ARTICLE 830.

PD 830.

SEC. 51P-830.101. LEGISLATIVE HISTORY.

PD 830 was established by Ordinance No. 27944, passed by the Dallas City Council on August 11, 2010. (Ord. 27944)

SEC. 51P-830.102. PROPERTY LOCATION AND SIZE.

PD 830 is established on property located along the Bishop Avenue Corridor between Colorado Boulevard and Davis Street; property located along the Davis Street Corridor, bounded by Plymouth Road on the west and Zang Boulevard on the east; and excluding property zoned Planned Development District No. 160, Planned Development No. 340, Planned Development No. 87/Historic District 15, Conservation District No. 1, and Conservation District 7. The size of PD 830 is approximately 290.5 acres. (Ord. 27944)

SEC. 51P-830.103. CREATION OF SUBDISTRICTS.

This district is divided into the following subdistricts:

(1) Subdistricts 1 and 1A: Bishop Avenue.

(2) Subdistict 2: **Subdistrict 2 is not created as part of this PD. *See* Conservation District No. 7 (Bishop/Eighth Street Conservation District) for the use regulations and development standards in that area.**

(3) Subdistrict 3: East Garden District [~~and~~], Subdistrict 3A: Bishop Arts Branch Library, and Subdistrict 3B: Bishop Arts Mixed Use District.

(4) Subdistrict 4: Kidd Springs Park.

(5) Subdistrict 5: Kings Highway Gateway.

(6) Subdistricts 6 ~~and~~ 6A, and 6B: Davis Corridor.

(7) Subdistrict 7: Winnetka Heights Village.

(8) Subdistricts 8 and 8A: West Garden District. (Ord. Nos. 27944; 28733; 28745; 29126; 29678; 30374)

SEC. 51P-830.104. DEFINITIONS.

Unless otherwise stated, the definitions in Chapter 51A apply to this article. In this district:

(1) A-FRAME SIGN means a portable detached premise sign that is hinged at the top and is made of durable, rigid materials such as wood, plastic, or metal.

(2) ANTIQUE SHOP means an establishment for the retail sale of articles such as glass, china, furniture, or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.

(3) ART GALLERY means an establishment where original works of art or limited editions of original works of art are bought, sold, loaned, appraised, or exhibited to the general public.

(4) ART OR CRAFT PRODUCTION FACILITY means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking and for retail sale of the products to the general public.

(5) ATTIC STORY means that portion of a building between the top floor and the ceiling above it that is located within a roof structure.

(6) BED AND BREAKFAST means a lodging use that has no more than five guest rooms; provides accommodations for periods not to exceed five nights; serves no meals other than breakfast; and is a member of, or certified by, a recognized bed and breakfast association such as the National Bed and Breakfast Association (NBBA) or Historic and Hospitality Accommodation of Texas.

(7) BLADE SIGN means a sign that projects perpendicularly from a main building facade and is visible from both sides.

(8) BLANK WALL AREA means any portion of the exterior of a building façade that does not include a material change, windows or doors, or columns, pilasters, or other articulation greater than 12 inches in depth. Blank wall area is measured horizontally on each story of a building.

(9) (~~8~~) BODY PIERCING STUDIO means a facility in which body piercing is performed. BODY PIERCING means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(10) (~~9~~) BOUTIQUE HOTEL means a lodging facility with 30 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days; provides food that is prepared on-site; and more than 50 percent of the guest rooms are internal- entry.

(11) (~~10~~) DOOR YARD means the area between the edge of the sidewalk furthest from the street and the front building facade.

(12) (~~11~~) EVENT CENTER means a facility with indoor and outdoor areas for gathering and entertainment.

(13) (~~12~~) HOTEL means a lodging facility having between 31 and 120 guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days; provides food that is prepared on-site; and more than 50 percent of the guest rooms are internal-entry.

(14) (~~13~~) LEGACY BUILDING means a building that fronts on Davis Street or Bishop Avenue and that is listed on Exhibit "830B" or determined to be a legacy building in accordance with Section 51P-830.118.

(15) (~~14~~) MAJOR MODIFICATION means reconstruction, alteration, or renovation of a single family or duplex structure that exceeds 50 percent of the structure assessed by the Dallas Central Appraisal District or any increase in the floor area of a structure if the expansion is over 50 percent of the floor area of the existing structure.

(16) (~~15~~) MASSAGE ESTABLISHMENT and MASSAGE mean a massage establishment or massage as defined by Texas Occupation Code Chapter 455, as amended.

(17) (~~16~~) MIXED USE DEVELOPMENT means a development that has both main residential and main nonresidential uses on the same building site.

(18) (~~17~~) MIXED USE RESIDENTIAL PROJECT (MURP) means a development that has street-level nonresidential uses with hours of operation that are limited to 7:30 a.m. through 6:30 p.m., Monday through Saturday, and that has residential uses only above street level.

(19) (~~18~~) MULTI-VENDOR MARKET means a retail location with independently owned and operated vendor spaces within it.

(20) (~~19~~) NEIGHBORHOOD MARKET means a temporary outdoor marketplace.

(21) (~~20~~) OPEN SPACE means an area that is open to the public for at least eight hours each day, limited to pedestrians, is at least 80 percent open to the sky, a contiguous area of not less than 15 feet in width and 25 feet in length, and where a minimum of 25 percent of the open space area is landscaped with turf, ground cover, shrubs, trees, seasonal plantings, or a combination of these plant materials.

(22) (~~21~~) PROJECTING SIGN means an attached sign projecting more than 12 inches from a building at an angle other than parallel to the facade.

(23) (~~22~~) REMOTE SURFACE PARKING LOT means a nonstructural passenger- vehicle parking facility where at least 30 percent of its parking spaces are subject to remote parking agreements and where the remaining parking spaces may serve as off-site parking for a valet service that may charge a fee.

(24) (~~23~~) RETAIL-RELATED USES means any of the following uses:

(A) Antique shop.

(B) Art gallery.

(C) Dry cleaning or laundry store.

(D) General merchandise or food store.

(E) Nursery, garden shop, or plant sales.

(F) Personal service uses.

(25) (~~24~~) TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(26) (~~25~~) TRANSPARENCY means the total area of windows and door openings with glass that is a percentage of the total street-level facade. (Ord. Nos. 27944; 30374)

SEC. 51P-830.105. INTERPRETATIONS.

(a) Unless otherwise stated, the 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) Section 51A-2.101, "Interpretations," applies to this article.

(d) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol ***[L]*** appearing after a listed use means that the use is permitted by right as a limited use only. (For more information regarding limited uses, see Section 51A- 4.218, "Limited Uses.")

(3) The symbol ***[SUP]*** appearing after a listed use means that the use is permitted by specific use permit only. ["SUP" means "specific use permit." For more information regarding specific use permits, see Section 51A-4.219, "Specific Use Permit (SUP)."]

(4) The symbol ***[DIR]*** appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803, "Site Plan Review." ("DIR" means "development impact review." For more information regarding development impact review, see Division 51A-4.800, "Development Impact Review.")

(5) The symbol ***[RAR]*** appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, "Site Plan Review," a site plan must be submitted and approved in accordance with the requirements of that section. ("RAR" means "residential adjacency review." For more information regarding residential adjacency review, see Division 51A-4.800, "Development Impact Review.")

(e) If there is a conflict, the text of this article controls over any charts, exhibits, graphic displays, or maps.

(f) Subdistricts 1, 1A, 3, 4, 8, and 8A of this district are considered to be residential zoning districts. Subdistricts 3A, 3B, 5, 6, 6A, 6B, and 7 are considered to be nonresidential zoning districts. (Ord. Nos. 27944; 28733; 28745; 29126; 29678; 30374)

SEC. 51P-830.106. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 830A: Subdistrict maps.

(2) Exhibit 830B: Legacy buildings list.

(3) Exhibit 830C: Mixed use development parking chart.

(4) Exhibit 830D: Subdistrict 3A building corner marker elevation. (Ord. Nos. 27944; 28745)

(5) Exhibit 830E: Subdistrict 6B Conceptual Plan.

SEC. 51P-830.107. CONCEPTUAL PLAN.

(a) Except as provided in this section, t~~T~~here is no conceptual plan for this district.

(b) The Bishop/Davis Land Use and Zoning Study should be consulted for goals, objectives, policy statements, and recommendations for development of this district. (Ord. 27944)

(c) In Subdistrict 6B, for single family uses, use of the property must comply with the conceptual plan (Exhibit 830E). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P-830.108. DEVELOPMENT PLAN.

(a) Except as provided in this section, n~~N~~o development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. 27944)

(b) In Subdistrict 6B, for single family uses, a final plat may serve as the development plan. In the event of a conflict between the provisions of this article and the development plan, the provisions of this article controls.

SEC. 51P-830.109. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICTS 1, 1A, AND 1B: BISHOP AVENUE.

OMITTED FOR BREVITY

SEC. 51P-830.110. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 2: THE BISHOP ARTS-EIGHTH STREET CONSERVATION DISTRICT.

Subdistrict No. 2 is not part of this PD. *See* Conservation District No. 7 (Bishop/Eighth Street Conservation District) for the use regulations and development standards in that area. (Ord. 27944)

SEC. 51P-830.111. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 3: EAST GARDEN DISTRICT.

OMITTED FOR BREVITY

SEC. 51P-830.111.1. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 3A: BISHOP ARTS BRANCH LIBRARY.

OMITTED FOR BREVITY

SEC. 51P-830.111.2. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 3B: BISHOP ARTS MIXED USE DISTRICT.

OMITTED FOR BREVITY

SEC. 51P-830.112. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 4: KIDD SPRINGS PARK.

OMITTED FOR BREVITY

SEC. 51P-830.113. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 5: KINGS HIGHWAY GATEWAY.

OMITTED FOR BREVITY

SEC. 51P-830.114. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 6: DAVIS CORRIDOR.

(a) Uses. The following uses are the only main uses permitted:

(1) Agricultural uses.

-- Crop production.

(2) Commercial and business service uses.

-- Catering service.
-- Custom business services.

(3) Industrial uses.

-- None permitted.

(4) Institutional and community service uses.

-- Child-care facility.
-- Church.
-- Community service center. *[SUP]*

(5) Lodging uses.

-- Bed and breakfast.

(6) Miscellaneous uses.

-- Temporary construction or sales office.

(7) Office uses.

-- Financial institution without drive-in window.
-- Medical clinic or ambulatory surgical center.
-- Office.

(8) Recreation uses.

-- Private recreation center, club, or area. *[SUP]*
-- Public park, playground, or golf course.

(9) Residential uses.

-- Duplex.
-- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*
-- Multifamily.
-- Retirement housing.
-- Single family.

(10) Retail and personal service uses.

-- Alcoholic beverage establishments. *[SUP]*
-- Antique shop.
-- Art gallery.
- -Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store. *[By right if 50,000 square feet of floor area or less; otherwise by SUP.]*
-- Nursery, garden shop, or plant sales.
-- Personal service uses. *[Body piercing studios, massage establishments, and tattoo studios are prohibited.]*
-- Restaurant without drive-in or drive-through service. *[RAR]*
-- Remote surface parking lot.
-- Theater. *[SUP]*

(11) Transportation uses.

-- Transit passenger shelter.

(12) Utility and public service uses.

-- Local utilities.

(13) Wholesale, distribution, and storage uses.

-- 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.]*

(b) Drive-in and drive-through uses. Drive-in and drive-through lanes, windows, or services are not permitted.

(c) Accessory uses.

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

(2) The following accessory use is permitted by SUP only:

-- Accessory community center (private).

(3) The following accessory uses are not permitted:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory pathological waste incinerator.

(d) Yard, lot, and space regulations.

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

(1) Front yard.

(A) Except as provided in this paragraph, minimum front yard is 10 feet.

(B) For lots fronting on Davis Street, minimum front yard is 0 feet and maximum front yard is 10 feet. A minimum of 75 percent of the street-facing facade must be located within the area between the minimum and maximum front yard setback. The remaining street-facing facade (25 percent) is not required to comply with the maximum front yard setback.

(2) Side yard. No minimum side yard.

(3) Rear yard.

(A) Except as provided in this paragraph, no minimum rear yard.

(B) If abutting or across the alley from a single family district, minimum rear yard is 10 feet.

(4) Density. No maximum number of dwelling units.

(5) Floor area ratio. No maximum floor area ratio.

(6) Height.

(A) Except as provided in this paragraph and Section 51P- 830.122(g)(2), maximum structure height is 75 feet.

(B) South of Davis Street between Hampton Road and the east side of Rosemont Avenue, maximum structure height is 50 feet.

(C) Any portion of a structure over 30 feet in height may not be located above a residential proximity slope.

(i) The residential proximity slope is a plane projected upward and outward at a one-to-one rise over run from private property that is outside the district, abutting Subdistrict 6 with no intervening street, and zoned for residential uses with a density of less than 12 dwelling units per acre. An institutional use on a lot of two acres or more does not trigger the residential proximity slope.

(ii) Structures listed in Section 51A-4.408(a)(2) may project through the residential proximity slope to a height not to exceed the maximum structure height, or 12 feet above the residential proximity slope, whichever is less, provided that the total projections on a building are no more than 20 percent of the building foot print.

(7) Lot coverage. Except as provided in this paragraph, maximum lot coverage is 100 percent. South of Davis Street between Hampton Road and the east side of Rosemont Avenue, maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(8) Lot size. No minimum lot size.

(9) Lot width. No minimum or maximum lot width.

(10) Stories.

(A) Except as provided in this paragraph, maximum number of stories above grade is five.

(B) South of Davis Street between Hampton Road and the east side of Rosemont Avenue, maximum number of stories above grade is four. (Ord. 27944)

SEC. 51P-830.114.1 USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 6A: DAVIS CORRIDOR.

OMITTED FOR BREVITY

SEC. 51P-830.114.2 USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 6B: DAVIS CORRIDOR.

(a) Uses. The following uses are the only main uses permitted:

(1) Agricultural uses.

-- Crop production.

(2) Commercial and business service uses.

-- Catering service.

-- Custom business services.

(3) Industrial uses.

-- None permitted.

(4) Institutional and community service uses.

-- Child-care facility.
-- Church.
-- Community service center. *[SUP]*

(5) Lodging uses.

-- Bed and breakfast.

(6) Miscellaneous uses.

-- Temporary construction or sales office.

(7) Office uses.

-- Financial institution without drive-in window.
-- Medical clinic or ambulatory surgical center.
-- Office.

(8) Recreation uses.

-- Private recreation center, club, or area. *[SUP]*
-- Public park, playground, or golf course.

(9) Residential uses.

--Duplex.
--Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*
--Multifamily.
--Retirement housing.
--Single family.

(10) Retail and personal service uses.

-- Alcoholic beverage establishments. *[SUP]*
-- Antique shop.
-- Art gallery.
-- Dry cleaning or laundry store.
-- Furniture store.

-- General merchandise or food store. *[By right if 50,000 square feet of floor area or less; otherwise by SUP.]*
-- Nursery, garden shop, or plant sales.
-- Personal service uses. *[Body piercing studios, massage establishments, and tattoo studios are prohibited.]*
-- Restaurant without drive-in or drive-through service. *[RAR]*
-- Remote surface parking lot.
-- Theater. *[SUP]*

(11) Transportation uses.

-- Transit passenger shelter.

(12) Utility and public service uses.

-- Local utilities.

(13) Wholesale, distribution, and storage uses.

-- 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.]*

(b) Drive-in and drive-through uses. Drive-in and drive-through lanes, windows, or services are not permitted.

(c) Accessory uses.

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

(2) The following accessory use is permitted by right:

-- Accessory community center (private). When located within a shared access development, an accessory community center (private) does not have to be located on the same lot as the main use.

(3) The following accessory uses are not permitted:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory pathological waste incinerator.

(d) Yard, lot, and space regulations.

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

(1) Front yard.

(A) Except as provided in this paragraph, minimum front yard is ten feet.

(B) For non-residential main uses, lots fronting on Davis Street, minimum front yard is 0 feet and maximum front yard is 10 feet. A minimum of 75 percent of the street-facing facade of a non-residential main use must be located within the area between the minimum and maximum front yard setback. The remaining street-facing facade (25 percent) is not required to comply with the maximum front yard setback.

(2) Side yard. No minimum side yard.

(3) Rear yard. No minimum rear yard.

(4) Density. Maximum number of dwelling units is 82 in a shared access development; otherwise, no maximum density.

(5) Floor area ratio. No maximum floor area ratio.

(6) Height.

(A) Except as provided in this paragraph and Section 51P- 830.122(g)(2), maximum structure height is 75 feet.

(B) Any portion of a structure over 30 feet in height may not be located above a residential proximity slope.

(C) The residential proximity slope is a plane projected upward and outward at a one-to-one rise over run from private property that is outside the district, abutting Subdistrict 6B with no intervening street, and zoned for residential uses with a density of less than 12 dwelling units per acre. An institutional use on a lot of two acres or more does not trigger the residential proximity slope.

(D) Structures listed in Section 51A-4.408(a)(2) may project through the residential proximity slope to a height not to exceed the maximum structure height, or 12 feet above the residential proximity slope, whichever is less, provided that the total projections on a building are no more than 20 percent of the building foot print.

(E) Except as provided, for single family structures, maximum height is 36 feet. Projections listed in Sec. 51A-4.408(a)(2) and stairwell bulkheads may project a maximum of 12 feet above the maximum structure height.

(7) Lot coverage. Except as provided in this paragraph, maximum lot coverage is 100 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(A) Maximum lot coverage is 60% for single family structures. The shared access easement may be counted towards the lot in calculating lot coverage.

(8) Lot size. No minimum lot size.

(9) Lot width. No minimum or maximum lot width.

(10) Stories. Maximum number of stories above grade is five.

(e) Shared access development.

(1) Except as provided in this section, shared access development must comply with Section 51A-4.411, "Shared Access Development".

(2) Maximum number of lots in a shared access development is 82.

Staff recommendation:

(3) Minimum number of shared access points providing ingress and egress to and from a shared access development containing up to 82 lots is 2.

Applicant's request and CPC recommendation:

(3) Minimum number of shared access points in a shared access development containing up to 82 lots is 2. One of the shared access points may serve as exit only.

Staff recommendation:

(4) In a shared access development, all individual lots along West Davis Street and that abut a mews must provide a minimum ten-foot setback measured from the edge of the mews. No structures or fences are allowed within this setback. Ordinary projections of window sills, belt courses, cornices and other architectural features may project a maximum of 12 inches into this require setback. Cantilevered roof eaves may project up to three feet into this required setback.

Applicant's request and CPC recommendation:

(4) In a shared access development, all individual lots along West Davis Street and that abut a mews must provide a minimum ten-foot setback measured from the edge of the mews. No structures are allowed within this setback. Ordinary projections of window sills, belt courses, cornices and other architectural features may project a maximum of ~~12 inches~~ **two feet** into this require setback. Cantilevered roof eaves may project up to three feet into this required setback.

(f) Architectural and urban design standards.

(1) Except as provided in this subsection, see Section 51P-830.122, "Architectural Design Standards".

(2) In a shared access development, fences in the required front yard setback must

not exceed six feet in height when fronting West Davis Street, and must not exceed eight feet in height when fronting North Plymouth Road.

(3) Except as provided, in a shared access development, fences may be masonry, wrought iron or a combination of these materials. Wood fences are prohibited.

(A) All fences must be a minimum of 50 percent open.

(B) Fences along open space, mews and along a minimum of ten feet on each side of every mews that adjoins West Davis Street, must be open fence materials such as wrought iron. A pedestrian access gate must be provided at each mews shown on the Subdistrict 6__ Conceptual Plan (Exhibit 830E).

(4) Fencing is prohibited within the eastern-most open space shown on the Subdistrict 6__ Conceptual Plan (Exhibit 830E).

Staff's recommendation:

(5) Except as provided in 51P-830.114.2(f)(3)(B) in a shared access development, and in accordance with 51P-830.114.2(e)(4), fences are not allowed within the ten-foot setback required for those lots along West Davis Street that abut a mews.

Applicant's request and CPC Recommendation:

(5) Except as provided in 51P-830.114.2(f)(3)(B) in a shared access development, and in accordance with 51P-830.114.2(e)(4), fences within the ten-foot setback required for those lots along West Davis Street that abut a mews have a maximum height of 42 inches.

(6) All single family structures fronting West Davis Street must provide all of the following:

(A) an entrance within the street-facing façade. The entrance may be recessed within a porch facing the street or the mews or at a corner angle, and must have access to the street through an improved path connecting to the public sidewalk;

(B) changes in plane such as an offset, reveal, recess or projection on all street-facing facades 50 feet in length. Changes in plane must have a width of no less than 24 inches and a depth of at least 24 inches;

(C) pedestrian-oriented elements such as balconies, porches or awnings;

(D) maximum blank wall area of 30 feet, measured per story;

(E) the ground floor façade materials for the West Davis Street facing façade (excluding doors, windows and changes in plane) must consist of stone or brick;

(F) the upper floor primary façade material must be painted horizontal lap siding composed of wood or cement-fiber board. No more than 15 percent of any façade may be clay-fired brick; and

(G) structures may only have hipped-roofed or gable-roofed forms with a minimum roof slope of four (vertical) to12 (horizontal) and a maximum roof slope of 12 (vertical) to 12

(horizontal). Elements such as porched or roof dormers may have a minimum roof slope of at least two (vertical) to 12 (horizontal).

(7) In a shared access development, minimum five-foot-wide unobstructed sidewalks must be provided along the shared access area as shown on the Subdistrict 6B Conceptual Plan (Exhibit 830E).

(8) In a shared access development, a pedestrian connection must be provided within the open space along the eastern property line as shown on the Subdistrict 6B Conceptual Plan (Exhibit 830E). The pedestrian connection must run the length of the eastern-most property line and connect to the sidewalk terminus along the new public street in Exhibit 830F. The pedestrian connection must be improved but does not need to be concrete or asphalt. If the easement holders within this open space area do not consent to the pedestrian connection, no improvements are required for this paragraph.

(9) In a shared access development, parking is prohibited in the front yard.

SEC. 51P-830.115. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 7: WINNETKA HEIGHTS VILLAGE.

OMITTED FOR BREVITY

SEC. 51P-830.116. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICTS 8 AND 8A: WEST GARDEN DISTRICT.

OMITTED FOR BREVITY

SEC. 51P-830.117. OFF-STREET PARKING AND LOADING.

OMITTED FOR BREVITY

SEC. 51P-830.118. LEGACY BUILDING AMENDMENTS.

OMITTED FOR BREVITY

SEC. 51P-830.119. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 27944)

SEC. 51P-830.120. LANDSCAPING.

(a) In general.

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

(2) Required landscaping may be located in the public right-of-way.

(3) Required landscaping and design standards located in adjacent rights-of- way may count toward the site requirements.

(4) Except as provided in this subsection, in a shared access development in Subdistrict 6B, landscaping must be provided in accordance with section 51A-10.125(a)(2).

(A) A shared access development containing up to 82 lots must provide a minimum landscape area equal to 20 percent of the total shared access development area. Open space areas shown on the conceptual plan may count as landscape area.

Staff's recommendation:

(5) The additional landscaping provisions in Sec. 51P-830.120(b) do not apply to a shared access development in Subdistrict 6B.

Applicant's request and CPC Recommendation:

(5) The additional landscaping provisions in Sec. 51P-830.120(b) ~~do not~~ also apply to a shared access development in Subdistrict 6B along West Davis Street.

(6) In Subdistrict 6B, Reverchon Hawthorn is an approved tree species.

(b) Subdistricts 3, 3A, 3B, ~~and~~ 6, and 6B. The following additional landscaping provisions apply:

(1) Street trees.

(A) Except as provided in this paragraph, in Subdistricts 3, 3B, 6, and 6B one large canopy tree having a caliper of at least three inches must be provided no closer than 25 feet on center for every 40 feet of street frontage and may be planted within 25 feet of back of curb. Except as provided in this paragraph, in Subdistrict 3A, one large canopy tree having a caliper of at least three inches must be provided no closer than 20 feet on center for every 40 feet of street frontage and may be planted within 25 feet of back of curb.

(B) If the city arborist determines that the planting space for the required tree is inadequate or that utility lines prohibit the planting, two small trees may count toward the street tree requirements.

(2) Surface parking landscaping.

(A) Parking spaces in a surface parking lot may be located no more than

75 feet from the trunk of a large canopy tree in a median or island.

(B) Each large canopy tree must have a caliper of at least two inches, must be located in a median or island that is no closer than four feet to the paved portion of the parking lot.

(C) A median or island that is located in a surface parking lot must be a minimum of 125 square feet in area.

(3) Residential adjacency buffer. In Subdistrict 3B, a residential adjacency buffer must have a minimum depth of five feet with a minimum six-foot tall solid screening fence. Shrubs must form a three-foot-high screen that is 95 percent opaque year-round within three years of planting. Landscaping must consist of hedge-like evergreen plant materials recommended for local area use by the building official. Landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(c) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. "Parkway" means the portion of a street right-of-way between the street curb and the lot line. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than $1,000,000 for each occurrence, and $2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal,

or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(4) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of- way.

(d) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the building official. The application must be in writing on a form approved by the building official and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the building official shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a parkway landscape permit to the property owner; otherwise, the building official shall deny the permit.

(3) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the building official's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the building official's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way.

(e) Maintenance. Plant materials must be maintained in a healthy, growing condition.
(Ord. Nos. 27944; 30374)

SEC. 51P-830.121. SIGNS.

(a) In general.

(1) Except as provided in this subsection, for lots fronting on Bishop Avenue in Subdistricts 3 and 3B, Davis Street, Zang Boulevard, Hampton Road, Jefferson Boulevard, or 7th Street east of Madison Avenue, signs must comply with the provisions for business zoning districts in Article VII.

(2) For all other lots, signs must comply with the provisions for the non- business zoning districts in Article VII.

(3) Except for A-frame signs, movement control signs used for parking, and monument signs in Subdistricts 1, 1A, and 1B detached signs are prohibited.

(b) Signs in the right-of-way. All signs located in or intruding into the public right-of-way must have approval by the director of public works and transportation to prevent conflict with government signs. If the director of public works and transportation determines that a previously-approved sign must be removed or relocated because of safety requirements or changing traffic conditions, the relocation or removal must be done at the owner's expense within 30 days.

(c) A-frame signs. The following regulations apply:

(1) A-frame signs may identify a business use.

(2) The maximum size of an A-frame sign is 32 inches wide and 36 inches tall.

(3) An A-frame sign may only be displayed when the business it identifies is open.

(4) A-frame signs may be located on the sidewalk if a minimum of four feet of unobstructed sidewalk area is provided, and all necessary licenses and permits have been obtained.

(5) Only one A-frame sign is permitted for each business use.

(6) A-frame signs must be separated by a minimum of 50 feet.

(7) A-frame signs may not be located within 25 feet of an intersection or within a visibility triangle.

(d) Blade signs. The following regulations apply:

(1) Blade signs must be attached premise signs.

(2) Blade signs may not be internally illuminated.

(3) There is no limit on the number of blade signs.

(4) The maximum effective area for blade signs is 30 square feet.

(5) The lowest part of a blade sign may be located no lower than 12 feet and no higher than 25 feet above street level.

(6) A blade sign may not project more than three feet into the right-of-way.

(7) A blade sign may not be located closer than 15 feet to another projecting sign.

(e) Monument signs. The following regulations apply:

(1) Monument signs are only permitted in Subdistricts 1, 1A, 1B, and 6A. In Subdistrict 6A, the entire property is considered one lot.

(2) Monument signs must be premise signs.

(3) Monument signs may not be internally illuminated.

(4) Except as provided in this paragraph, one monument sign is permitted per premise. In Subdistrict 3A, one monument sign is permitted per street frontage; applied signage on exterior planters is permitted and not considered a monument sign. In Subdistrict 6A, two monument sign are permitted per premise.

(5) Except as provided in this paragraph, monument signs must be setback five feet from the right-of-way. In Subdistrict 3A, there is no setback requirement for monument signs.

(6) The maximum height for a monument signs is four feet.

(7) The maximum effective area for a monument sign is 40 square feet.

(f) Building corner markers with graphic identification in Subdistrict 3A.

(1) "Building corner marker with graphic identification" means "a vertical architectural element on the corner of a project site for graphic identification of a civic project."

(2) The maximum height for building corner markers with graphic identification is equal to the maximum building height set by the subdistrict regulations.

(3) Building corner markers with graphic identification may be internally illuminated.

(4) Design of the building corner marker with graphic identification must comply with Exhibit 380D. (Ord. Nos. 27944; 28733; 28745; 29126; 29678; 30374)

SEC. 51P-830.122. ARCHITECTURAL DESIGN STANDARDS.

(a) Applicability.

(1) Except as provided in this subsection, architectural design standards apply

only to new construction of buildings with multifamily, mixed-use, or nonresidential uses on a vacant lot in all subdistricts and new construction of single family and duplex uses on a vacant lot in Subdistrict 8 (see Section 51P-830.122(l) for standards for Subdistrict 8).

(2) Architectural design standards are not required for a motor vehicle fueling station and general merchandise or food store 3,500 square feet or less located in Subdistrict 6A.

(3) In Subdistrict 3B, structures fronting an access easement dedicated in accordance with Section 51P-830.124 must comply with the requirements for a street-facing facade. Paragraphs (d), (e), and (f) do not apply to a building that does not have any street frontage and is located more than 40 feet from a street.

OMITTED FOR BREVITY

SEC. 51P-830.123. STREET AND SIDEWALK STANDARDS.

(a) Davis Street and Bishop Avenue (South of Davis).

(1) A minimum 10-foot-wide sidewalk, with a minimum seven-foot-wide unobstructed sidewalk must be provided.

(2) Where the existing right-of-way width does not allow for the required sidewalk width, an additional sidewalk easement must be provided at the time of platting to achieve a 10-foot-wide sidewalk, unless a building exists as of August 11, 2010 does not allow for the required sidewalk width.

(3) On-street parallel parking with curbed neck-downs is required in accordance with Article XIII, "Form Districts."

(b) All other streets. A minimum six-foot-wide unobstructed sidewalk must be provided.

(c) Pedestrian amenities.

(1) In general.

(A) Pedestrian amenities must be accessible to the public.

(B) Pedestrian amenities must be located at least seven feet away from a transit stop.

(C) Canopies, awning, and street lamps must have a minimum clearance above a sidewalk of eight feet.

(D) Light fixtures may not exceed 14 feet in height. Light fixtures must be cut-off type luminaires that direct lighting downward.

(E) Except as provided in this subsection, pedestrian amenities must be provided on each building site with a minimum street frontage of 100 feet and must be located within the curb-to-building area, but may not be located within the unobstructed sidewalk width.

(2) Davis Street and Bishop Avenue.

(A) The following pedestrian amenities must be provided:

(i) At least one bench per 100 feet of street frontage.

(ii) At least one trash receptacle per 100 feet of street frontage.

(iii) Free-standing or wall-mounted street lamps as specified in Article XIII, "Form Districts."

(B) At least one of the following pedestrian amenities must be provided on each building site:

(i) Awnings or canopies with a minimum overhang of four feet and a minimum length of 25 feet per 100 feet of building facade along the street frontage.

(ii) At least one five-bicycle parking unit per 100 feet of street frontage.

(iii) Public art, approved in writing by the director of the office of cultural affairs or the cultural affairs commission.

(3) All other streets. The following pedestrian amenities must be provided:

(A) At least one free-standing street lamp, street light suspended between structures, or wall mounted street lamp per 60 feet of street frontage.

(B) At least one trash receptacle per 100 feet of street frontage.

(4) Maintenance. Pedestrian amenities must be maintained in a state of good repair and neat appearance.

(5) Driveway design.

(A) Pedestrian crosswalks across ingress and egress driveways must be clearly marked by colored concrete or patterned or stamped concrete and approved by the director of public works and transportation. Pedestrian crosswalk markings on the same block frontage must be consistent.

(B) Curb cuts for driveways must be at least 12 feet but not more than 24 feet in length measured parallel to the frontage.

(C) In Subdistrict 3A, ingress/egress is prohibited on Bishop Avenue. Primary ingress/egress is permitted on Madison Avenue. Secondary ingress/egress is permitted on the alley south of the subdistrict running between Bishop Avenue and Madison Avenue.

SEC. 51P-830.124. ADDITIONAL PROVISIONS.

(a) For purposes of platting, structures that exist as of August 11, 2010 that are nonconforming as to the zoning setback regulations or that encroach upon a setback line are not subject to the setback provisions in Sections 51A-8.501(a) or 51A-8.503(e)(1).

(b) If Ninth Street is abandoned, an access easement must be dedicated in the approximate location of the former street to provide pedestrian and vehicular access. Except for maintenance, the access easement may only be closed to public access a maximum of 15 days per month.

(c) The Property must be properly maintained in a state of good repair and neat appearance.

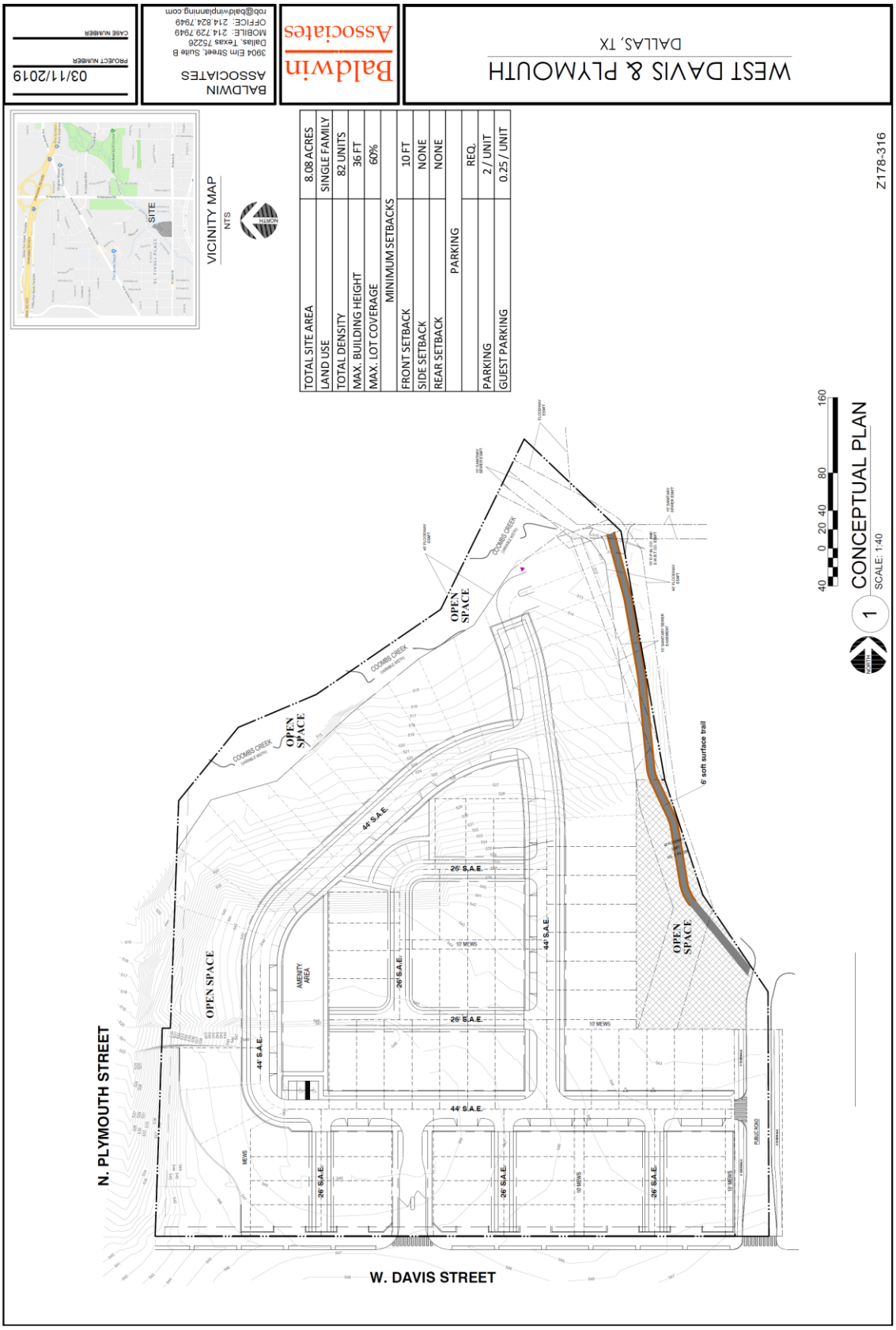
(d) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 27944; 30374)

SEC. 51P-830.125. COMPLIANCE WITH CONDITIONS.

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

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 27944)

PROPOSED CONCEPTUAL PLAN



PROPOSED PD CONDITIONS

ARTICLE
450.

PD 450.

SEC. 51P-450.101. LEGISLATIVE HISTORY.

PD 450 was established by Ordinance No. 22820, passed by the Dallas City Council on August 14, 1996. Ordinance No. 22820 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. (Ord. Nos. 19455; 22820; 26042)

SEC. 51P-450.102. PROPERTY LOCATION AND SIZE.

PD 450 is established on property generally located along the east and west lines of Franklin Avenue, north of the north line of Davis Street. The size of PD 450 is approximately **11.067** ~~11.319~~ acres. (Ord. Nos. 22820; 26042)

SEC. 51P-450.103. DEFINITIONS AND INTERPRETATIONS.

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

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

(c) This district is considered to be a residential zoning district. (Ord. Nos. 22820; 26042)

SEC. 51P-450.104. DEVELOPMENT PLAN.

(a) For a public school, development and use of the Property must comply with the development plan (Exhibit 450A). In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control.

(b) For all other permitted uses, Subsection 51A-4.702(c)(2) through (i), regarding submission of and amendments to a site plan, a development plan, and a landscape plan, do not apply. (Ord. Nos. 22820; 26042)

SEC. 51P-450.105. MAIN USES PERMITTED.

(a) Agricultural uses.

-- Crop production.

(b) Commercial and business service uses.

-- None permitted.

(c) Industrial uses.

-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(d) Institutional and community service uses.

-- Adult day care facility. *[SUP]*
-- Cemetery or mausoleum. *[SUP]*
-- Child-care facility. *[SUP]*
-- Church.
-- College, university, or seminary. *[SUP]*
-- Community service center. *[SUP]*
-- Convalescent and nursing homes, hospice care, and related institutions. *[RAR]*
-- Convent or monastery.
-- Foster home.
-- Hospital. *[SUP]*
-- Library, art gallery, or museum. *[SUP]*
-- Public or private school.

(e) Lodging uses.

-- Lodging or boarding house.

(f) Miscellaneous uses.

-- Carnival or circus (temporary). *[By special authorization of the building official.]*
-- Temporary construction or sales office.

(g) Office uses.

-- None permitted.

(h) Recreation uses.

-- Country club with private membership. *[RAR]*
-- Private recreation center, club, or area. *[SUP]*
-- Public park, playground, or golf course.

(i) Residential uses.

-- College dormitory, fraternity, or sorority house.
-- Duplex.
-- Group residential facility. *[SUP required if spacing component of Section 51A-4.209(3) is not met.]*
-- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
-- Multifamily.
-- Residential hotel.
-- Retirement housing.
-- Single family.

(j) Retail and personal service uses.

-- None permitted.

(k) Transportation uses.

-- Transit passenger shelter.
-- Transit passenger station or transfer center. *[SUP]*

(l) Utility and public service uses.

-- Electrical substation. *[SUP]*
-- Local utilities.
-- Police or fire station. *[SUP]*
-- Radio, television, or microwave tower. *[SUP]*
-- Tower/antenna for cellular communication. *[SUP if an SUP is required in the MF-2(A) Multifamily District under Section 51A-4.212(10.1).]*
-- Utility or government installation other than listed. *[SUP]*

(m) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.]*
-- Recycling drop-off for special occasion collection. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.3) are not satisfied.]*

(Ord. Nos. 22820; 26042)

SEC. 51P-450.106. ACCESSORY USES.

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

(b) The following accessory uses are not permitted in this district:
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(c) The "accessory helistop" use is permitted by SUP only. (Ord. Nos. 22820; 26042)

SEC. 51P-450.107. 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 contained in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard. For all permitted uses, minimum front yard is 15 feet.

(b) Side and rear yard.

(1) No minimum side and rear yard for single family structures.

(2) Minimum side yard for duplex structures is five feet.

(3) Minimum side yard for all other permitted structures is 10 feet.

(4) Minimum rear yard for duplex structures is 10 feet.

(5) Minimum rear yard for all other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF(A), NO(A), LO(A), MO(A), GO(A), NS(A), CR, RR, CS, CA-1(A), CA-2(A), LI, IR, IM, mixed use, or multiple commercial district.

(c) Floor area. For a public school, a maximum of 76,010 square feet is permitted. For all other permitted uses, no maximum floor area ratio.

(d) Height.

(1) For a public school, maximum structure height is 50 feet.

(2) For all other permitted structures, maximum structure height is 36 feet.

(e) Lot coverage.

(1) Maximum lot coverage is 60 percent for residential structures and 50 percent for nonresidential structures.

(2) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not included in lot coverage calculations.

(f) Lot size.

(1) For a public school, no minimum lot size.

(2) Minimum lot area per dwelling unit must comply with Section 51A-4.116(b)(G)(i).

(g) Stories. No maximum number of stories. (Ord. Nos. 22820; 26042)

SEC. 51P-450.108. OFF-STREET PARKING AND LOADING.

(a) For a public school, off-street parking must be provided as shown on the development plan. Parking may be provided in the required yards.

(b) For all other permitted uses, consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.)

SEC. 51P-450.109. FENCING.

For a public school, fencing must be provided as shown on the development plan. Fencing may be provided in the required yards. (Ord. Nos. 22820; 26042)

SEC. 51P-450.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 22820; 26042)

SEC. 51P-450.111. LANDSCAPING.

(a) For a public school, landscaping must be provided as shown on the landscape plan (Exhibit 450B) prior to the issuance of a certificate of occupancy. Plant materials must be maintained in a healthy, growing condition. Prior to the issuance of a building permit, tree preservation criteria must be met as outlined in Division 51A-10.101.

(b) For all other uses, landscaping must comply with the requirements contained in Article X, including the tree preservation regulations. (Ord. Nos. 22820; 26042)

SEC. 51P-450.112. SIGNS.

Signs must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 22820; 26042).

SEC. 51P-450.113. ADDITIONAL PROVISIONS.

(a) In this PD, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this PD when, in the opinion of the board, the special exception will:

(1) not be contrary to the public interest;

(2) not adversely affect neighboring properties; and

(3) not be used to conduct a use not permitted in this district.

(b) The entire Property must be properly maintained in a state of good repair and neat appearance.

(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. (Ord. Nos. 22820; 26042).

SEC. 51P-450.114. PAVING.

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation. (Ord. Nos. 22820; 26042)

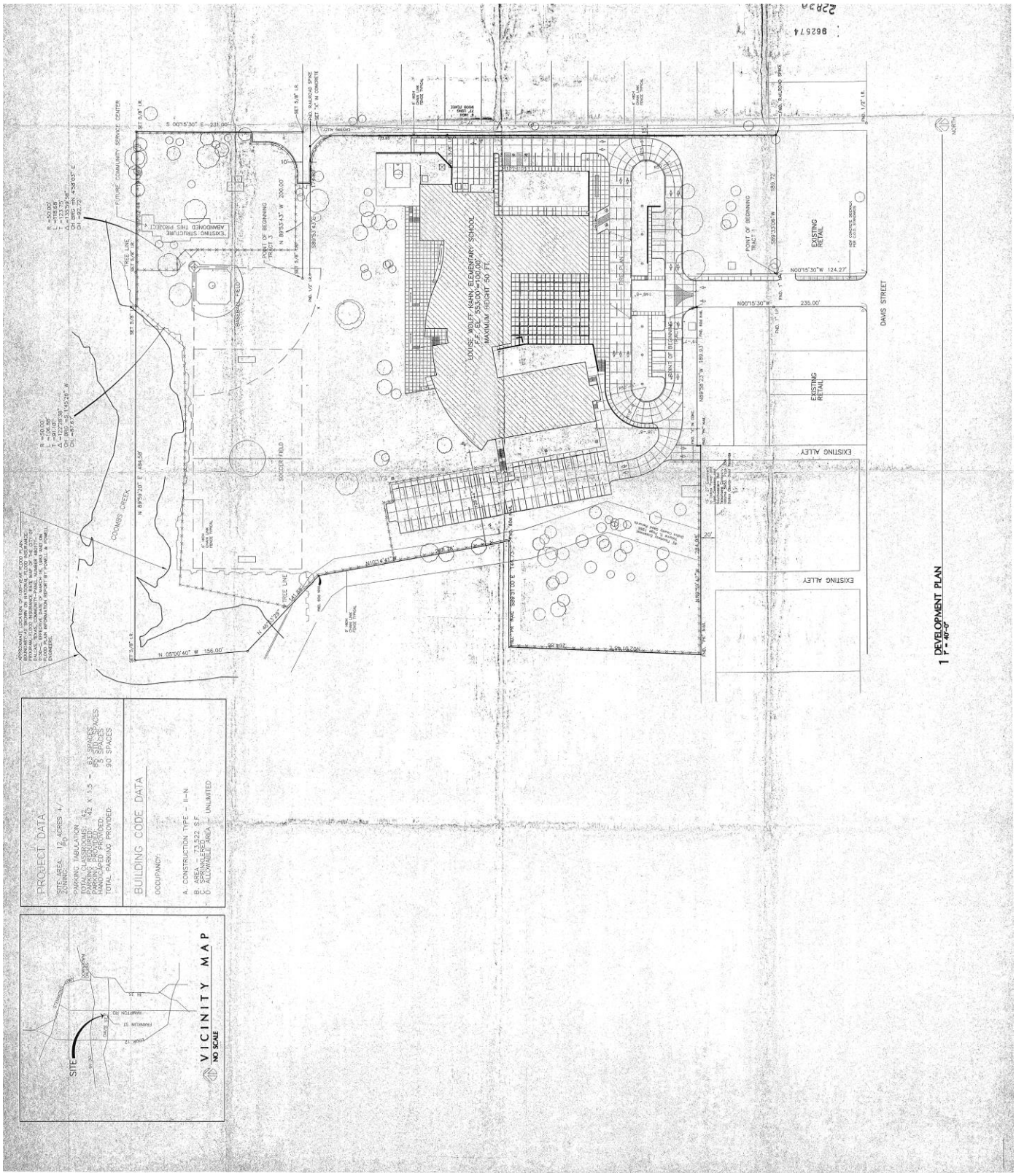
SEC. 51P-450.115. COMPLIANCE WITH CONDITIONS.

The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 22820; 26042)

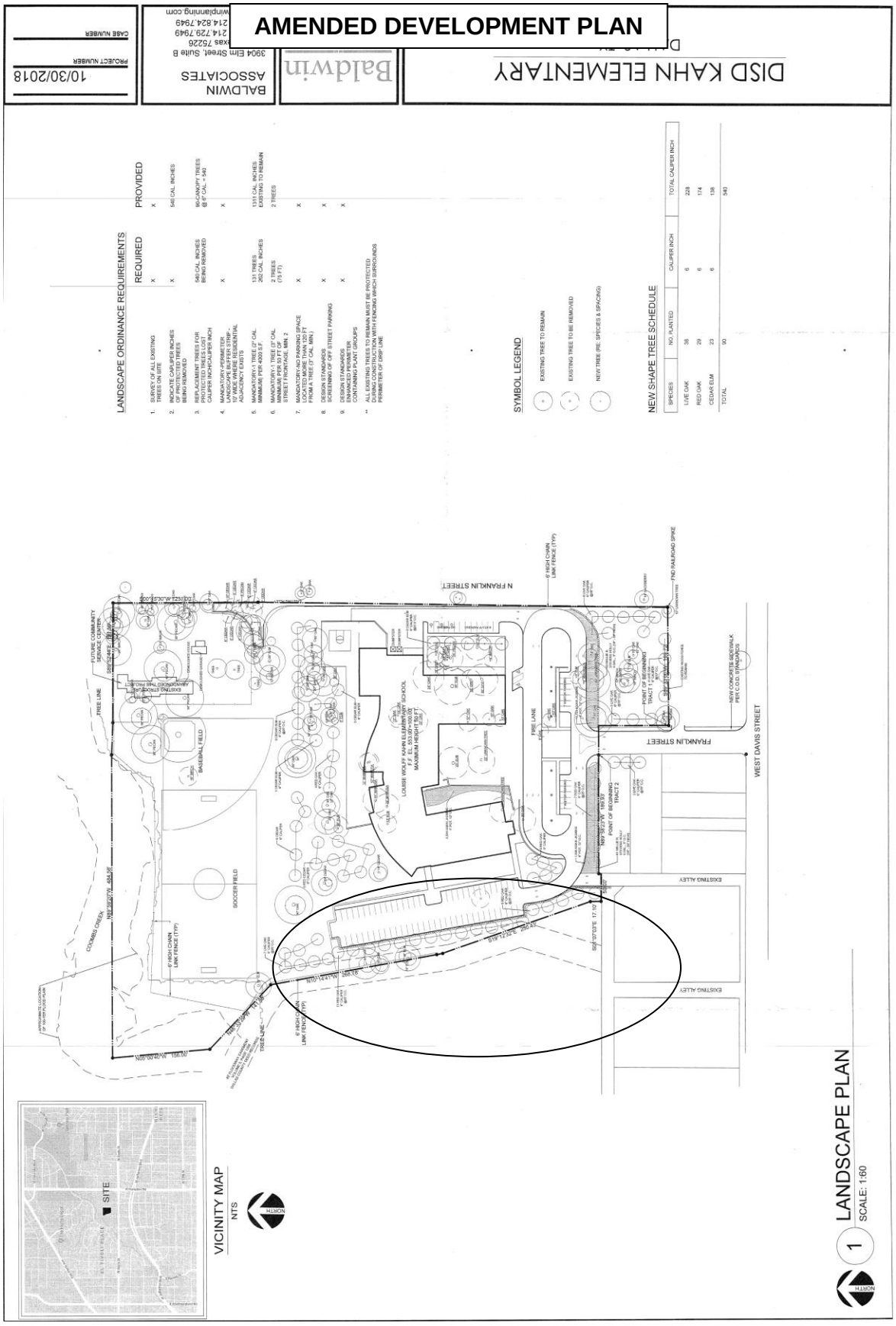
SEC. 51P-450.116. ZONING MAP.

PD 450 is located on Zoning Map No. L-6. (Ord. Nos. 22820; 26042)

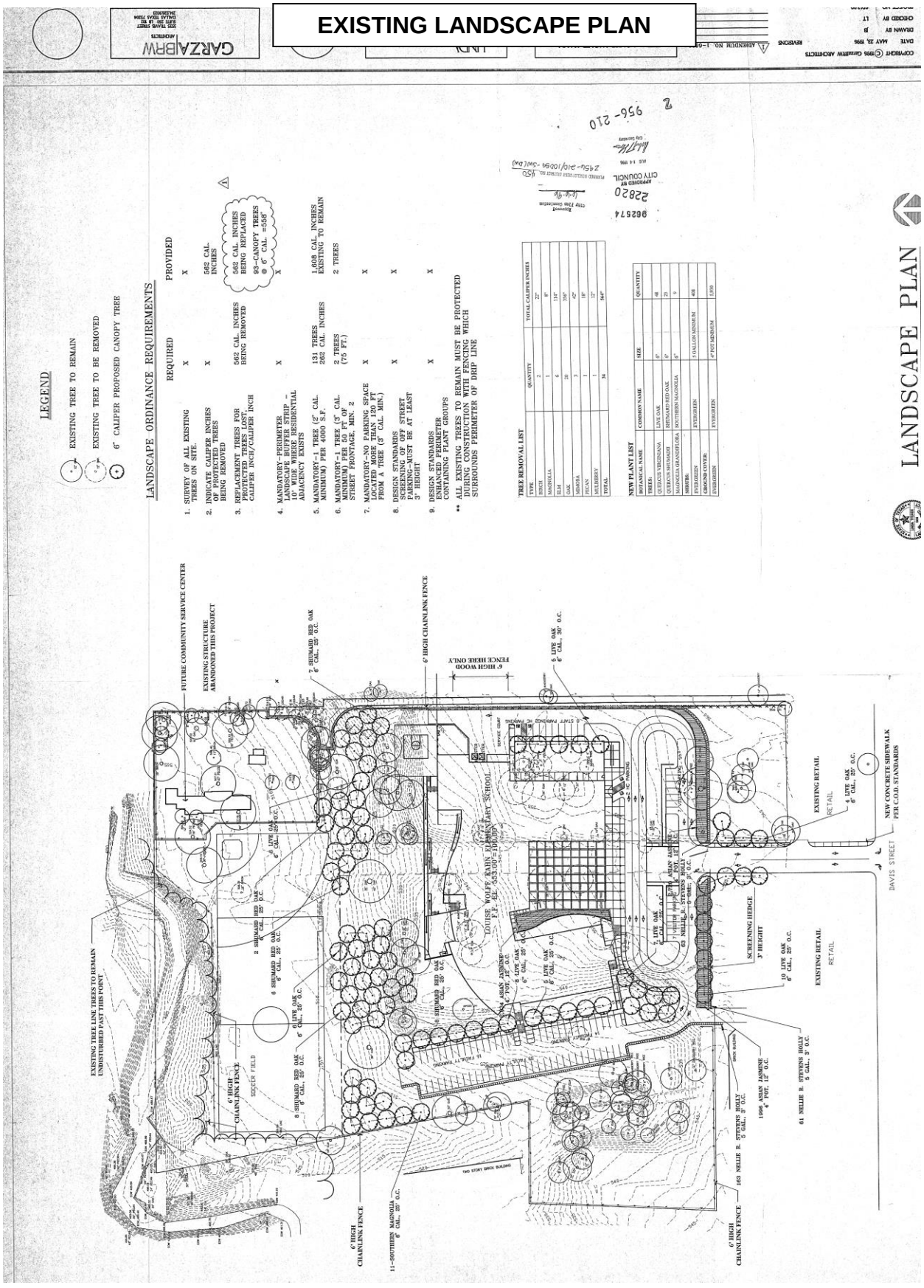
EXISTING DEVELOPMENT PLAN



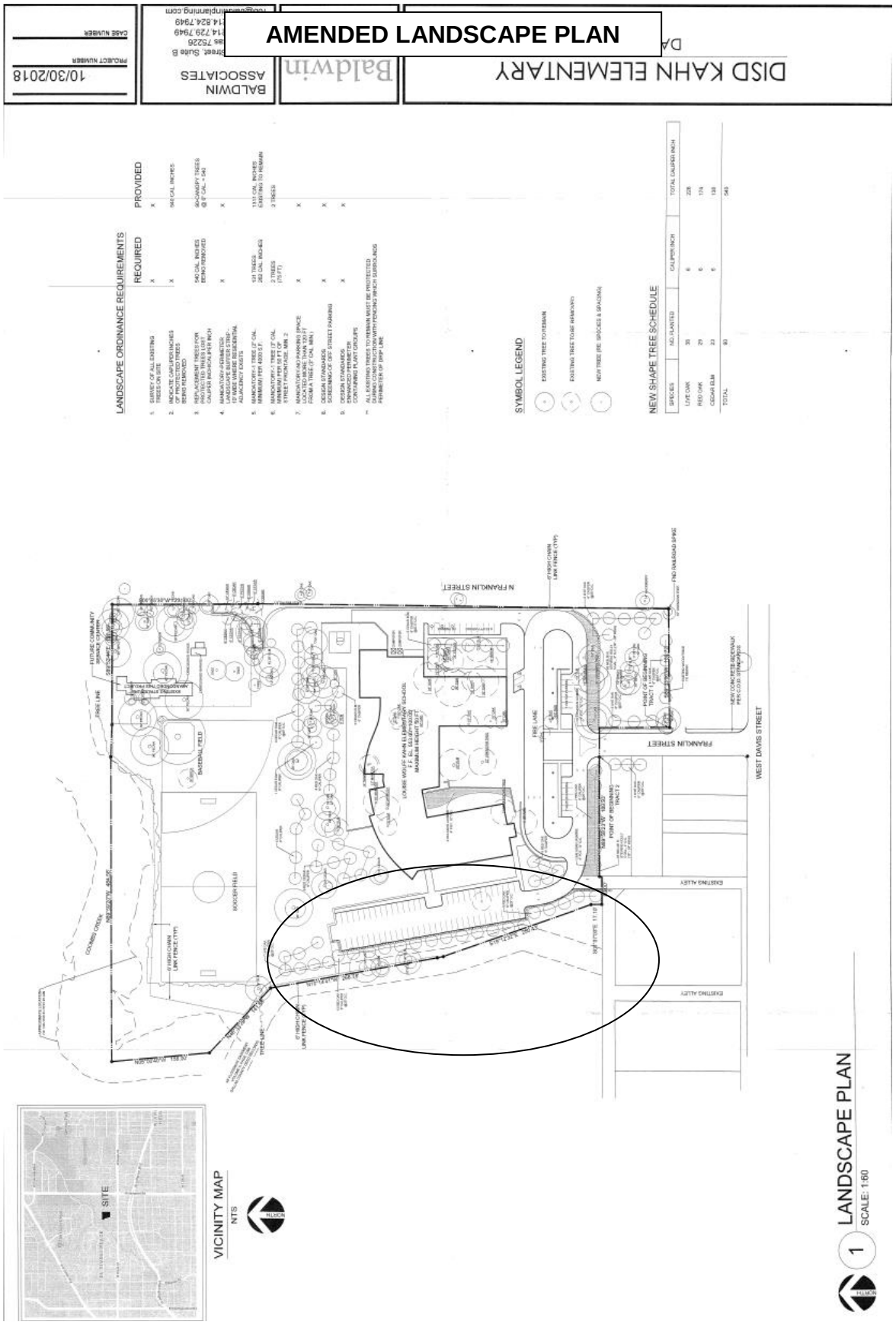
AMENDED DEVELOPMENT PLAN

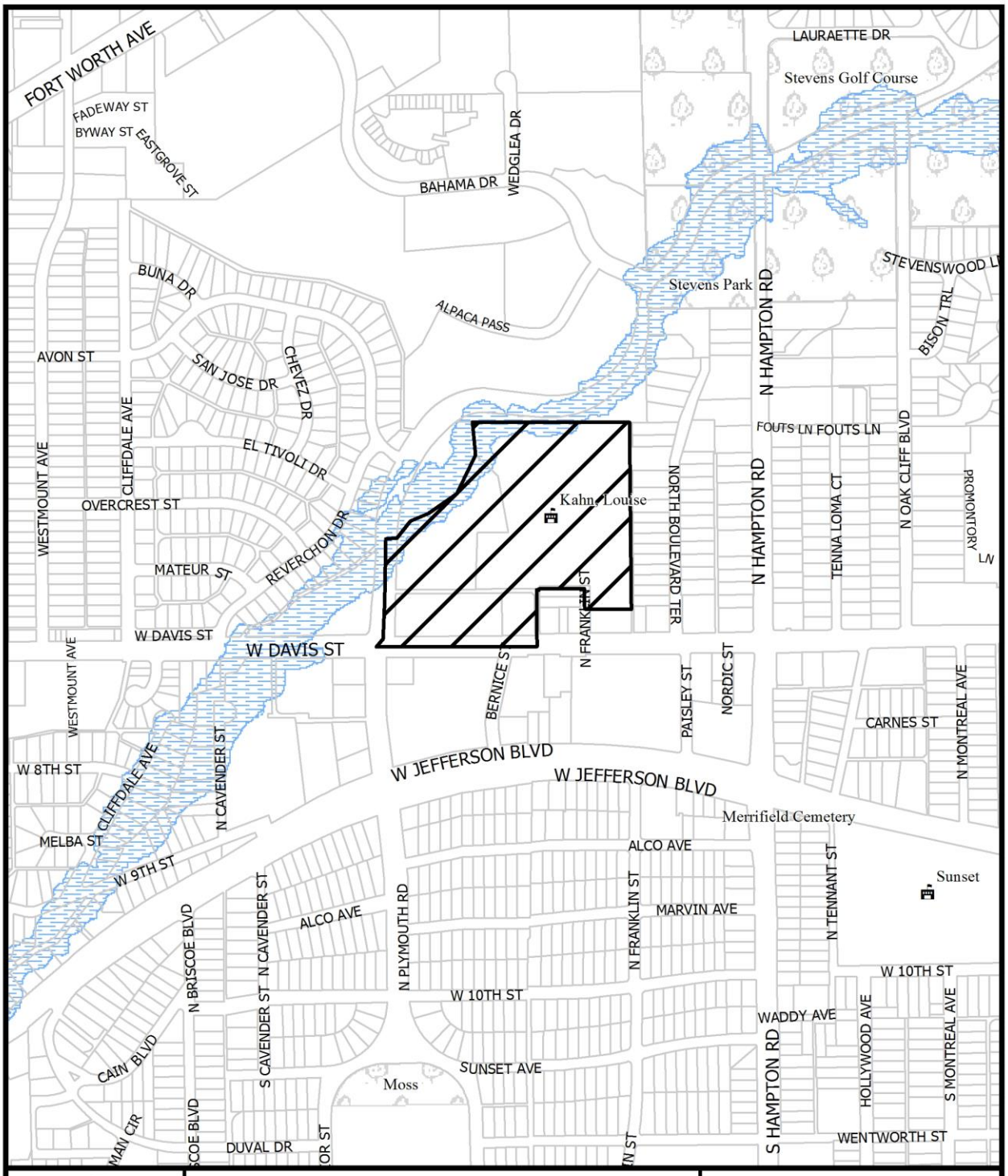


EXISTING LANDSCAPE PLAN



AMENDED LANDSCAPE PLAN





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VICINITY MAP

Case no: Z178-316

Date: 12/18/2018

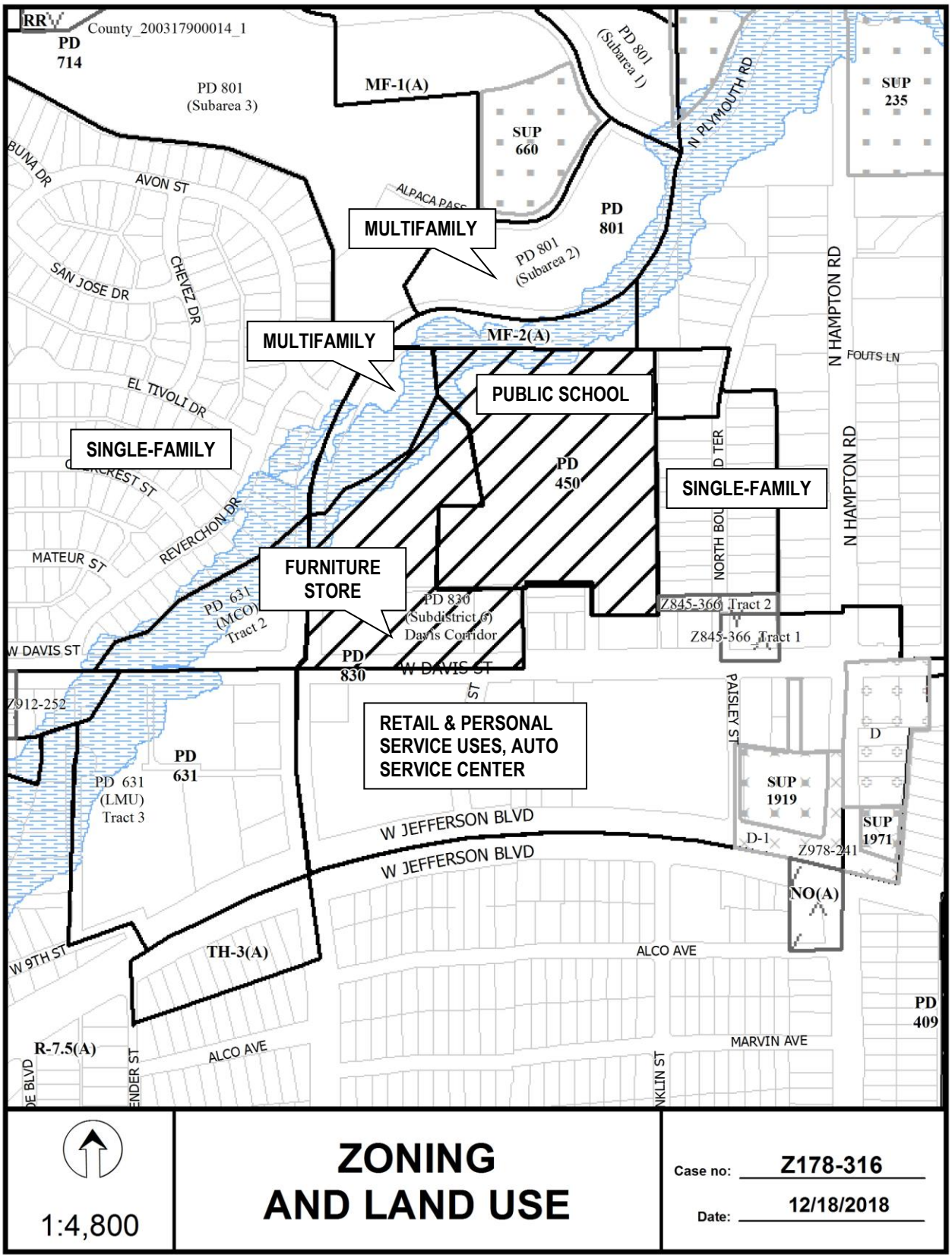


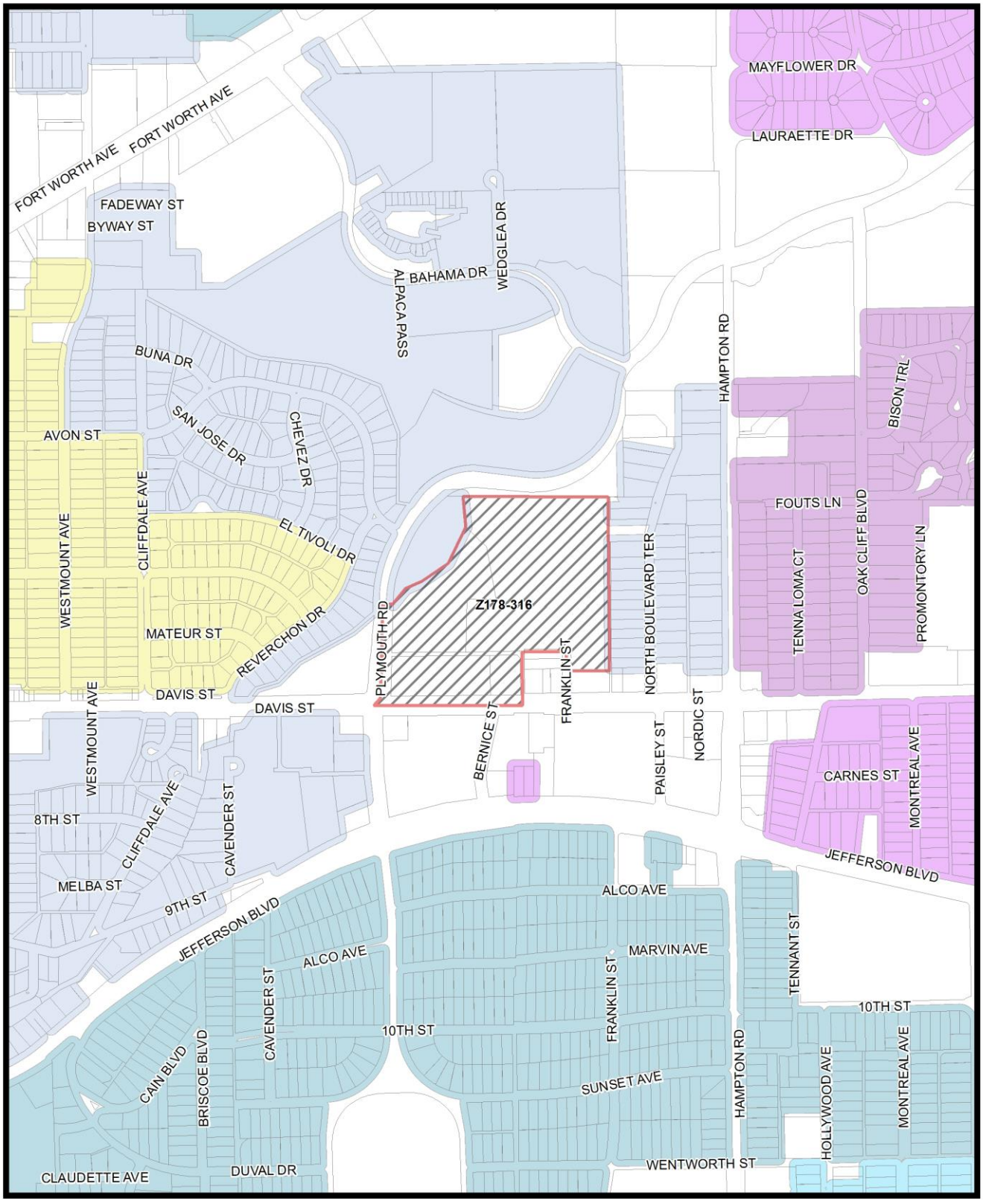
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AERIAL MAP

Case no: Z178-316

Date: 12/18/2018


MULTIFAMILY
MULTIFAMILY
PUBLIC SCHOOL
SINGLE-FAMILY
SINGLE-FAMILY
FURNITURE STORE
RETAIL & PERSONAL SERVICE USES, AUTO SERVICE CENTER
PD 714
PD 801 (Subarea 3)
MF-1(A)
PD 801 (Subarea 1)
SUP 660
SUP 235
PD 801
PD 801 (Subarea 2)
MF-2(A)
PD 450
PD 830
PD 830 (Subdistrict 9) Davis Corridor
PD 631 (MCO) Tract 2
PD 631 (LMU) Tract 3
PD 631
SUP 1919
SUP 1971
D
D-1
NO(A)
TH-3(A)
R-7.5(A)
PD 409
Z845-366 Tract 2
Z845-366 Tract 1
Z978-241
Z912-252
BUNA DR
AVON ST
ALPACA PASS
SAN JOSE DR
CHEVEZ DR
EL TIVOLI DR
REVERCHON DR
MATEUR ST
W DAVIS ST
W JEFFERSON BLVD
W 9TH ST
ALCO AVE
MARVIN AVE
N PLYMOUTH RD
N HAMPTON RD
FOUTS LN
NORTH BOULEVARD TER
PAISLEY ST
1:4,800
ZONING AND LAND USE
Case no: Z178-316
Date: 12/18/2018



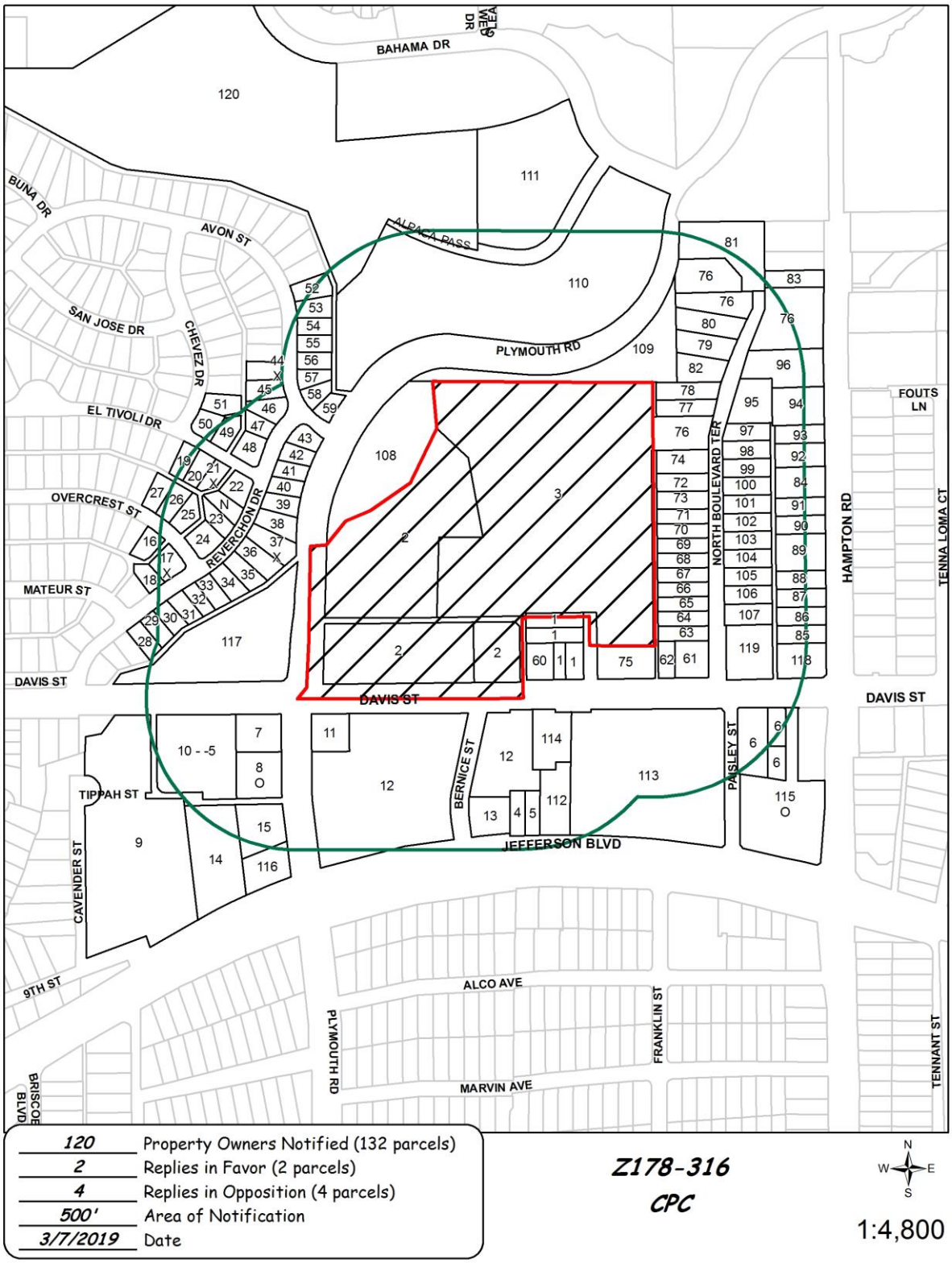
MVACluster A B C D E F G H I NA

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Market Value Analysis

Printed Date: 12/18/2018

CPC RESPONSES



03/06/2019

Reply List of Property Owners

Z178-316

120 Property Owners Notified 2 Property Owners in Favor 4 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	2539	W DAVIS ST	HINOJOSA MARIA ISABEL
	2	640	N PLYMOUTH RD	WEST DAVIS PLYMOUTH DEVELOPMENT LLC
	3	610	N FRANKLIN AVE	Dallas ISD
	4	2537	W JEFFERSON BLVD	WILLIAMS ERNEST P &
	5	2535	W JEFFERSON BLVD	FUENTES IRMA &
	6	2414	W DAVIS ST	TEXAS UTILITIES ELEC CO
	7	2716	W DAVIS ST	JUNIO VEINTINUEVE LP
O	8	515	N PLYMOUTH RD	AVANTI HOLDING INC
	9	2738	W DAVIS ST	CANTERA CROSSING
	10	2738	W DAVIS ST	CANTERA CROSSING
	11	2650	W DAVIS ST	AGUILAR MARTIN B &
	12	2627	W JEFFERSON BLVD	CENTRO NP HOLDINGS 12 SPE LLC
	13	2603	W JEFFERSON BLVD	SAENZ GUADALUPE T
	14	2717	W JEFFERSON BLVD	2717 CTYDS JEFFERSN I LLC
	15	411	N PLYMOUTH RD	AL BRIDGEVIEW IL LLC
	16	2714	OVERCREST ST	VARGAS ISIDRO IV
X	17	715	REVERCHON DR	STEWART DAVE V
	18	711	REVERCHON DR	MEDINA MARICELA
	19	2720	EL TIVOLI DR	MCNEIL STEPHANIE E
	20	2714	EL TIVOLI DR	RAYMOND JORDAN E
X	21	2710	EL TIVOLI DR	JASSO JOSE D
	22	2704	EL TIVOLI DR	JIMENEZ CHRISTOPHER & BERLINDA
	23	811	REVERCHON DR	HERNANDEZ RUDY I &
	24	2707	OVERCREST ST	SOTO ANIBAL
	25	2711	OVERCREST ST	MARTINEZ LORENZO G &
	26	2715	OVERCREST ST	BENITEZ JOSE A

03/06/2019

Reply	*Label #*	*Address*		*Owner*
	27	2719	OVERCREST ST	JACOBO SANTOS & FRANCES
	28	620	REVERCHON DR	DIAZ VALENTIN
	29	702	REVERCHON DR	GHISELLI KAITLIN M &
	30	706	REVERCHON DR	HINOJOSA VICTORIA M &
	31	710	REVERCHON DR	CASTILLO ERASMO &
	32	714	REVERCHON DR	ALFARO ROBERTO
	33	718	REVERCHON DR	DERDEYN DANIEL A
	34	802	REVERCHON DR	BOTHUN TODD
	35	806	REVERCHON DR	GONZALES IRENE R
	36	810	REVERCHON DR	PEREZ ARTURO
X	37	814	REVERCHON DR	KING JOANNE G
	38	820	REVERCHON DR	SANTIAGO JOSE M &
	39	824	REVERCHON DR	ORTIZ BENITO FELIPE
	40	828	REVERCHON DR	MARTINEZ JOSE & JOSEFA R
	41	902	REVERCHON DR	MENDEZ RICHARD & MARY
	42	906	REVERCHON DR	FAVORS BRADLEY
	43	910	REVERCHON DR	SALTER DONALD Y ESTATE &
X	44	909	AVON ST	ARANDA ARTURO ALEX &
	45	905	AVON ST	DUPLESSIS JILL EGBERT
	46	913	REVERCHON DR	HUNT RUSSELL ALAN
	47	911	REVERCHON DR	LUDY QASIM
	48	907	REVERCHON DR	MORA MARIA L
	49	2711	EL TIVOLI DR	KELEMEN ANNA &
	50	2717	EL TIVOLI DR	CEBALLOS PEDRO SIMON
	51	910	CHEVEZ DR	GLASS VIVIAN JOY
	52	1002	AVON ST	TREVINODETORRES BLANCA A
	53	934	AVON ST	SOLOMON YEMANE KIFLU
	54	930	AVON ST	BRISTOW NATHAN RYAN &
	55	926	AVON ST	CHAMBERLAIN MARJORIE E
	56	920	AVON ST	KHURSHUDIAN ARTUR & ELLEN
	57	914	AVON ST	MAZZMANIA LP

03/06/2019

Reply	*Label #*	*Address*		*Owner*
	58	910	AVON ST	GEORGE K NICOLE
	59	904	AVON ST	HATINGER PATRICIA PERRY
	60	2547	W DAVIS ST	RANSOM RANDY W
	61	2505	W DAVIS ST	DAVIS NP LLC
	62	2515	W DAVIS ST	DILLING KEITH
	63	613	N BOULEVARD TERRACE	ULLOA EUGENIO & ANA ELIZABETH VELASQUEZ
	64	615	N BOULEVARD TERRACE	ESTRADA JOSE ALFREDO &
	65	619	N BOULEVARD TERRACE	RODRIGUEZ JOSE & CIRA
	66	623	N BOULEVARD TERRACE	JIMINEZ MARTIN
	67	629	N BOULEVARD TERRACE	DOMINQUEZ JOSE LUIS LOPEZ &
	68	633	N BOULEVARD TERRACE	MORALES ROLANDO
	69	637	N BOULEVARD TERRACE	FLORES PANTALEON &
	70	701	N BOULEVARD TERRACE	CORIA MELISSA SERRANO
	71	705	N BOULEVARD TERRACE	MORENO JANE
	72	717	N BOULEVARD TERRACE	COOK LILIA N
	73	709	N BOULEVARD TERRACE	KELLEY MORAIMA &
	74	721	N BOULEVARD TERRACE	ESCOBEDO MARIA ISABEL
	75	2525	W DAVIS ST	PILLSBURY CO TAX DEPT
	76	727	N BOULEVARD TERRACE	CHERNOCK CHRISTIAN
	77	739	N BOULEVARD TERRACE	CASTRO JOSE A &
	78	743	N BOULEVARD TERRACE	CABALLERO RIGOBERTO
	79	807	N BOULEVARD TERRACE	CHERNOCK CHRISTIAN
	80	815	N BOULEVARD TERRACE	CHERNOCK CHRISTIAN
	81	845	N BOULEVARD TERRACE	CHERNOCK CHRISTIAN STEPHEN
	82	803	N BOULEVARD TERRACE	RANKIN WILBURN ELLIS &
	83	821	N HAMPTON RD	ESPER CARLOTA C
	84	715	N HAMPTON RD	GINGERICH JAMES FREDRICK &
	85	615	N HAMPTON RD	HALL AZURE
	86	619	N HAMPTON RD	LOW SAVANNAH C
	87	623	N HAMPTON RD	PAREDES JOSE M &
	88	627	N HAMPTON RD	DUGAN JOE M LIFE ESTATE

Reply	*Label #*	*Address*		*Owner*
	89	635	N HAMPTON RD	SHEPHERD SHENTELY
	90	703	N HAMPTON RD	HEWITT JOSEPH &
	91	711	N HAMPTON RD	MILLER JERI LEIGH & JOHNATHON PETER
	92	723	N HAMPTON RD	CARRIZALES GILBERT V &
	93	727	N HAMPTON RD	PRADO JOSE LUIS JR
	94	737	N HAMPTON RD	RUDD JOSEPH L
	95	738	N BOULEVARD TERRACE	OPPELT PATRICIA
	96	809	N HAMPTON RD	ORNELAS MANUEL H
	97	732	N BOULEVARD TERRACE	MARTINEZ JOHNNY C &
	98	724	N BOULEVARD TERRACE	ANWEILER DAVID WALTER
	99	720	N BOULEVARD TERRACE	LOPEZ ALFREDO
	100	716	N BOULEVARD TERRACE	LOPEZ ALBERTANO
	101	710	N BOULEVARD TERRACE	HALCHE YARED &
	102	704	N BOULEVARD TERRACE	BARRERA ERIC L
	103	636	N BOULEVARD TERRACE	SANKOORIKAL NITTY
	104	634	N BOULEVARD TERRACE	SANKOORIKAL NITTY &
	105	626	N BOULEVARD TERRACE	MACIAS MIGUEL A & MARTHA
	106	624	N BOULEVARD TERRACE	CABALLERO ANTONIO &
	107	616	N BOULEVARD TERRACE	MARTINEZ LUIS & CARMEN
	108	716	N PLYMOUTH RD	DALLAS SONOMA APARTMENTS LLC
	109	800	S PLYMOUTH RD	RDDP PARTNERS PLYMOUTH LLC
	110	811	N PLYMOUTH RD	WAK HH PARTNERS
	111	2428	BAHAMA DR	2428 BAHAMA DR LLC
	112	2531	W JEFFERSON BLVD	GARCIA CIRILO &
	113	2515	W JEFFERSON BLVD	REALTY INCOME PPTIES 4 LLC
	114	2534	W DAVIS ST	RODRIGUEZ FERNANDO &
O	115	2427	W JEFFERSON BLVD	DALLAS YANKEES LLC
	116	2707	W JEFFERSON BLVD	MORELIA MEXICAN REST INC
	117	2701	W DAVIS ST	FAMILY BS LP
	118	2407	W DAVIS ST	AMPEX HOLDINGS OF DALLAS LLC
	119	2433	W DAVIS ST	APOLLONIA MANAGEMENT GROUP PLLC

03/06/2019

Reply	*Label #*	*Address*		*Owner*
	120	2450	BAHAMA DR	WAK BG PARTNERS

Agenda Information Sheet

File #: 19-449 **Item #:** 57.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2076 for an inside commercial amusement limited to a live music venue and a dance hall on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north line of Canton Street, west of Crowdus Street
Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions
Z189-107(SM)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER: Z189-107(SM) **DATE FILED:** October 11, 2018

LOCATION: North line of Canton Street, west of Crowdus Street

COUNCIL DISTRICT: 2 **MAPSCO:** 45 M

SIZE OF REQUEST: Approximately 0.79 acres **CENSUS TRACT:** 204.00

OWNER: Westdale Properties America I, Ltd.

APPLICANT: Bomb Factory

REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application for the renewal of Specific Use Permit No. 2076 for an inside commercial amusement limited to a live music venue and a dance hall on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District.

SUMMARY: The applicant proposes to continue to operate within the existing building for an inside commercial amusement limited to live music venue and a dance hall use [Bomb Factory].

CPC RECOMMENDATION: **Approval** for a five-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to conditions.

BACKGROUND INFORMATION

- On January 22, 2014, the applicant was approved an 89-space special exception to the parking requirements of PDD No. 269 by the Board of Adjustment.

- On February 26, 2014, City Council approved Specific Use Permit No. 2076 for a five-year period, subject to a site plan and conditions.

- On May 29, 2015, a certificate of occupancy was issued to the applicant.

- The applicant proposes to continue to use the existing building for a live music venue and flexible event/meeting space. The applicant proposes to continue to include the ability to have a dance floor in conjunction with the flexible event/meeting space use; however, the certificate of occupancy does not include a dance floor. The live music venue and dance hall components of the use require a Specific Use Permit in PDD No. 269.

Zoning History: There have been nine recent zoning cases requested in the area in the past five years:

1. **Z156-295:** On October 26, 2016, City Council renewed and amended Specific Use Permit No. 1767 for an alcoholic beverage establishment limited to a bar, lounge or tavern and the addition of an inside commercial amusement use limited to a live music venue for a four-year period on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, north of Commerce Street, east of South Good Latimer Expressway.

2. **Z178-175:** On May 9, 2018, City Council approved Specific Use Permit No. 2291 for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery for a three-year period with eligibility for automatic renewal for additional five-year periods on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the southwest corner of Main Street and Pryor Street.

3. **Z178-207:** On June 27, 2018, City Council approved Specific Use Permit No. 2298 for a bar, lounge, or tavern and a microbrewery, distillery, or winery for a two-year period on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the south line of Main Street, between South Malcolm X Boulevard and South Crowdus Street.

4. **Z178-101:** On March 28, 2018, City Council approved renewal of Specific Use Permit No. 1687 for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall for a five-year period on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District located on the south side of Commerce Street, west of Henry Street.

5. **Z167-382:** On December 13, 2017, City Council approved Specific Use Permit No. 2268 for an alcoholic beverage establishment limited to a bar, lounge or tavern for a two-year period on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south line of Commerce Street, between Malcom X Boulevard and Crowdus Street.

6. **Z167-346:** On September 22, 2015, City Council approved Specific Use Permit No. 2156 for an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery for a three-year period with eligibility for automatic renewal for additional five-year periods on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south line of Commerce Street, between Malcom X Boulevard and Crowdus Street.

7. **Z145-286:** On February 24, 2016, City Council repealed Specific Use Permit No. 2158 for a microbrewery, microdistillery, or winery for a two-year period with eligibility for automatic renewal for additional five-year periods on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District located on the northwest corner of Canton Street and South Malcolm X Boulevard.

8. **Z178-279:** On September 26, 2018, City Council renewed Specific Use Permit No. 2156 for a microbrewery, microdistillery, or winery for a five-year period with eligibility for automatic renewal for additional five-year periods on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the northwest corner of Canton Street and South Malcolm X Boulevard.

9. **Z145-253:** On August 12, 2015, City Council approved Specific Use Permit No. 1991 for a microbrewery, microdistillery, or winery for a ten-year period with eligibility for automatic renewal for additional ten-year periods on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District on the northwest corner of St. Louis Street and South Malcolm X Boulevard.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Thoroughfare Plan ROW
Canton Street	Major Arterial	100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the existing roadway system.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.
The applicant's request is consistent with the following goals and policies of the comprehensive plan.

ECONOMIC ELEMENT

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 269 Tract A SUP No. 2076	Commercial amusement (inside) and Live music venue
North	PDD No. 269 Tract A	Restaurant and parking lot
East	PDD No. 269 Tract A	Commercial amusement (inside)
South	PDD No. 269 Tract A	Multifamily and parking lot
West	PDD No. 269 Tract A	Office

Land Use Compatibility:

The request site is developed with an approximately 41,000 square foot building that covers almost all of the property. The applicant operates a live music venue and requests to continue to have the ability to operate an event center (inside commercial amusement) that is flexible for rental for various events with the potential periodic use of a dance floor (dance hall). The dance hall and live music venue require a Specific Use Permit within PDD No. 269. Live music venue is a use specific to PDD No. 269, defined as a venue primarily for the performance of live music for an audience.

The site is surrounded by a mix of retail/restaurant/office uses that are served by various surface parking lots and metered spaces along Elm Street. To the south, across Canton Street, is a multifamily use.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The proposed SUP conditions are drafted to ensure the most compatibility of the live music venue use with the multifamily use across Canton Street to the south. Conditions include hours of operation, restrictions on entrances on Canton Street, restricting rooftop occupancy and outdoor speakers. The request site is large enough to have floor area available to require a vestibule for the public entrance on Canton Street. The vestibule will act as a chamber to reduce the escape of sound during a live music event.

The use is surrounded by other commercial uses and various surface parking lots. The site is in walking distance to the DART Green Line. Staff supports the request and considers the continuance of the use compatible with the current surrounding uses. Therefore, staff recommends a five-year time period without eligibility for automatic renewals.

Parking:

The existing SUP limits floor area for the site to 40,900 square feet within the space that includes the live music venue and event center without a dance floor. Pursuant to the parking regulations for PDD No. 269, off street parking is required at a ratio of one space per 100 square feet of floor area and inside commercial amusement uses do not require parking for the first 2,500 square feet of floor area in a ground level use within an original building; therefore, the resulting non-reduced parking requirement is 384 parking spaces. PDD No. 269 also allows a 10-percent parking reduction for uses within one-fourth mile of a DART light-rail station and another reduction for the 13 adjacent on-street parking spaces. The applicant was also approved an 89-space special exception to the parking requirements of PDD No. 269 by the Board of Adjustment on January 22, 2014. Therefore, the total reduced parking requirement for an inside commercial amusement and live music venue is 241.

Two remote parking agreements are filed with the Building Official: one at 2700 Commerce Street, adjacent to the site in the surface parking lot, for 120 spaces and another shared parking agreement with Uplift Academy at 2625 Elm Street for an additional 120 spaces. According to this analysis, one additional parking space is required. Two options for the applicant to comply with parking requirements are either via a remote parking agreement or through a fee in lieu payment as prescribed by the PDD No. 269 off-street parking regulations.

Landscaping:

The applicant's request does not trigger any landscape requirements.

Market Value Analysis: Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, it is in the vicinity of an "E" MVA cluster.

Crime Report: From February 26, 2014, to November 18, 2018, 18 phone calls were placed to the Dallas Police Department (DPD) with the location name of The Bomb Factory, of which 14 calls were coded either a general service, non-critical, or unit initiated and 3 calls were coded an emergency. DPD also reported the following 39 incidents and 11 arrest charges as detailed below within the same period since the previous SUP approval action.

Calls:

Incident No.	Date	Time	Problem	Description
15-0575204	3/28/2015	12:15:00 AM	6M - Loud Music Disturbance	4 - Non Critical
15-0575453	3/28/2015	12:59:00 AM	6M - Loud Music Disturbance	4 - Non Critical
15-0847001	5/3/2015	10:36:00 PM	6M - Loud Music Disturbance	4 - Non Critical
15-0897629	5/10/2015	9:23:00 PM	6M - Loud Music Disturbance	4 - Non Critical
15-1434459	7/18/2015	3:36:00 PM	PH - Panhandler	4 - Non Critical
15-1514786	7/28/2015	10:07:00 PM	40 - Other	3 - General Service
16-0392743	2/29/2016	12:23:00 AM	07 - Minor Accident	3 - General Service
16-2464515	12/14/2016	8:41:00 PM	ODJ - Off Duty Job	7 - Unit Initiated
16-2464587	12/14/2016	8:55:00 PM	ODJ - Off Duty Job	7 - Unit Initiated
16-2465146	12/14/2016	11:00:00 PM	23 - Parking Violation	4 - Non Critical
17-0499594	3/15/2017	7:56:00 PM	40 - Other	3 - General Service
17-0917002	5/15/2017	12:27:00 PM	40/01 - Other	2 - Urgent
17-1530544	8/11/2017	8:06:00 PM	40 - Other	3 - General Service
17-1769589	9/16/2017	8:20:00 PM	38 - Meet Complainant	4 - Non Critical
18-1073539	6/15/2018	11:10:00 PM	40/01 - Other	2 - Urgent
18-1805936	10/3/2018	5:42:00 PM	7X - Major Accident	2 - Urgent
18-1815188	10/5/2018	1:42:00 AM	6M - Loud Music Disturbance	4 - Non Critical

Incidents:

Incident No.	Date	Time	UCR Offense	Description	Premise	MO
220906-2018	10/6/2018	5:58:00 PM	UUMV	UUMV	Highway, street, alley etc.	Known suspect took comps vehicle without consent
220776-2018	10/6/2018	5:50:00 PM	Other Thefts	All Other Larceny	Highway, street, alley etc.	Known suspect took property without consent
034111-2018	2/11/2018	12:00:00 AM	Other Thefts	Theft	Bar/nightclub/ dancehall etc.	Unknown suspect stole victim's cell phone from his pants pocket.
009715-2018	1/13/2018	10:00:00 PM	Assault	Assault	Bar/nightclub/ dancehall etc.	Suspect tackled the complainant to the ground
009714-2018	1/13/2018	10:00:00 PM	Assault	Assault	Bar/nightclub/ dancehall etc.	Suspect struck comp in the face with suspect fist.
243824-2017	10/24/2017	11:30:00 PM	Assault	Assault	Other	Known suspect slapped the comp causing comp to be offended
162452-2017	7/15/2017	1:00:00 AM	Assault	Assault	Bar/nightclub/ dancehall etc.	Unknown suspect hit victim multiple times to the face causing injury
073384-2017	4/1/2017	8:45:00 PM	Other Thefts	Theft	Bar/nightclub/ dancehall etc.	Theft of cell phone
283688-2016	11/28/2016	9:45:00 AM	Alarm Incident	Alarm Incident	Entertainment/ sports venue	False alarm
281712-2016	11/25/2016	6:55:00 PM	Alarm Incident	Alarm Incident	Entertainment/ sports venue	False alarm
278531-2016	11/18/2016	9:30:00 PM	Investigation Of	Preliminary Investigation	Bar/nightclub/ dancehall etc.	Unknown suspect removed 2 necklaces from intoxicated comp's neck
276823-2016	11/18/2016	7:30:00 PM	Theft/ BMV	Theft	Highway, street, alley etc.	Suspect removed front and rear license plates w/o permission.
268332-2016	11/9/2016	1:04:00 AM	Alarm Incident	Alarm Incident	Bar/nightclub/ dancehall etc.	False alarm

Incident No.	Date	Time	UCR Offense	Description	Premise	MO
265681-2016	11/5/2016	7:00:00 PM	Not Coded	No UCR Reportable Offense	Highway, street, alley etc.	A/p was intoxicated in public
262182-2016	10/30/2016	7:00:00 PM	Theft/BMV	Theft	Highway, street, alley etc.	Unknown suspect broke into comp vehicle and took property
262157-2016	10/29/2016	10:00:00 PM	Investigation Of	Preliminary Investigation	Entertainment/ sports venue	Unknown suspect(s) took complainant's property without consent
245768-2016	10/12/2016	11:15:00 PM	Injured Public	Accidental Injury	Bar/nightclub/ dancehall etc.	Comp was dancing and fell causing injury
160774-2016	7/3/2016	1:05:00 AM	Not Coded	No UCR Reportable Offense	Bar/nightclub/ dancehall etc.	Ap arrested for pi
199252-2016	5/21/2016	10:30:00 PM	Assault	Assault	Bar/nightclub/ dancehall etc.	Suspect verbally threatened to do bodily harm to victim
102385-2016	4/30/2016	3:02:00 AM	Miscellaneous	Miscellaneous	Bar/nightclub/ dancehall etc.	Criminal trespass warning
300882-2015	12/27/2015	2:00:00 AM	Not Coded	No UCR Reportable Offense	Entertainment/ sports venue	AP was intoxicated in public.
005442-2016	12/27/2015	2:00:00 AM	Agg Assault - NFV	Aggravated Assault	Bar/nightclub/ dancehall etc.	Suspects punched/choked comp causing SBI
285397-2015	12/8/2015	8:14:00 PM	Injured Public	Accidental Injury	Bar/nightclub/ dancehall etc.	Comp consumed alcohol and possible prescribed meds
291289-2015	11/23/2015	11:30:00 PM	Other Thefts	Theft	Bar/nightclub/ dancehall etc.	Unknown suspect removed wallet from backpack at concert
272286-2015	11/22/2015	12:00:00 PM	Investigation Of	Preliminary Investigation	Entertainment/ sports venue	Preliminary investigation of sexual assault offense.
260006-2015	11/7/2015	10:00:00 PM	Miscellaneous	Miscellaneous	Bar/nightclub/ dancehall etc.	Comp and suspect were involved in a

Incident No.	Date	Time	UCR Offense	Description	Premise	MO
						verbal disturbance
254879-2015	11/1/2015	11:47:00 PM	Not Coded	No UCR Reportable Offense	Outdoor area public/private	AP was publicly intoxicated
254634-2015	11/1/2015	12:00:00 AM	Lost	Lost Property	Entertainment/ sports venue	Comp observed her watch missing from her arm after returning home
256261-2015	10/31/2015	3:00:00 AM	Assault	Assault	Bar/nightclub/ dancehall etc.	Unknown suspect hit victim in the face with fist
253226-2015	10/31/2015	1:17:00 AM	Not Coded	No UCR Reportable Offense	Parking lot (all others)	Public intoxication.
253653-2015	10/30/2015	9:00:00 PM	Miscellaneous	Miscellaneous	Bar/nightclub/ dancehall etc.	MIR
248150-2015	10/25/2015	2:30:00 AM	Miscellaneous	Miscellaneous	Bar/nightclub /dancehall etc.	MIR only
248106-2015	10/25/2015	1:57:00 AM	Assault	Assault	Motor vehicle	Suspect hit comp with closed fist
234250-2015	10/8/2015	6:00:00 PM	Theft/BMV	Theft	Parking lot (all others)	Suspect removed stereo to comps truck
160267-2015	7/13/2015	2:50:00 AM	Not Coded	No UCR Reportable Offense	Outdoor area public/private	The ap was intoxicated in public
155479-2015	7/7/2015	11:00:00 AM	Criminal Trespass	Miscellaneous	Entertainment/ sports venue	Criminal trespass affidavit. No weapons. NFI.
140375-2015	6/20/2015	1:45:00 AM	Investigation Of	Preliminary Investigation	Convenience store	Aggravated robbery
124434-2015	5/22/2015	8:00:00 PM	Investigation Of	Preliminary Investigation	Parking lot (all others)	Unknown suspect opened unlocked door and removed property from vehicle
116324-2015	5/9/2015	11:00:00 PM	Investigation Of	Preliminary Investigation	Parking lot (all others)	Unknown suspects assaulted comp.

Arrest Charges:

Charge Description	Arrest No.	Date	Time	Day	UCR Arrest Charge
Public intoxication	18-028678	8/12/2018	1:40:00 am	Sunday	
Resist arrest search or transport	18-028678	8/12/2018	1:40:00 am	Sunday	
Public intoxication	18-021038	6/20/2018	2:40:00 am	Wednesday	Public intoxication
Assault (agg) fam vio sbi	18-007677	3/7/2018	10:05:00 pm	Thursday	Agg assault
Poss cont sub pen grp 1 > or equal 4g<200g	18-007677	3/7/2018	10:05:00 pm	Thursday	Narcotic charges
Other offense - misdemeanor	18-007677	3/7/2018	10:05:00 pm	Thursday	Other
Public intoxication	17-043885	10/28/2017	11:00:00 pm	Sunday	Public intoxication
Public intoxication	17-016920	4/25/2017	10:15:00 pm	Tuesday	Public intoxication
Public intoxication	17-013233	4/1/2017	10:45:00 pm	Saturday	Public intoxication
Public intoxication	17-013248	4/1/2017	11:33:00 pm	Sunday	Public intoxication
Public intoxication	17-002757	1/22/2017	12:00:00 am	Sunday	Public intoxication

CPC Action

February 21, 2019

Motion: In considering an application for the renewal of Specific Use Permit No. 2181 for an inside commercial amusement limited to a live music venue and a dance hall on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north line of Canton Street, west of Crowdus Street, it was moved to **hold** this case under advisement until March 7, 2019 and to instruct staff to re-advertise the case with the Specific Use Permit No. 2076.

Maker: Schulte
Second: Carpenter
Result: Carried: 11 to 0

For: 11 - Macgregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 200 Mailed: 14
Replies: For: 4 Against: 0

Speakers: None

March 7, 2019

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2076 for an inside commercial amusement limited to a live music venue and a dance hall for a five-year period, subject to conditions on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north line of Canton Street, west of Crowdus Street.

Maker: Schulte
Second: Housewright
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Ridley, Tarpley

Against: 0
Absent: 1 - Murphy
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 200 Mailed: 14
Replies: For: 6 Against: 0

Speakers: None

List of Partners/Principals/Officers

Westdale Properties America I, Ltd., a Texas limited partnership
Officers of Westdale Properties America I, Ltd.
Joseph G. Beard, President
Ken Carlson, Vice President
Chuck Hixson, Vice President

JGB Ventures 1, Ltd., a Texas corporation, General Partner
Officers of JGB Ventures, Inc.
Joseph G. Beard, President
Ken Carlson, Vice President

JGB Holdings, Inc., a Texas corporation, General Partner
Joseph G. Beard, President

Bomb Factory
Whitney Barlow, Owner
Clint Barlow, Owner

CPC Recommended Conditions

1. USE: The only use authorized by this specific use permit is an inside commercial amusement limited to a live music venue and a dance hall.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on (five years from the passage of this ordinance) [~~February 26, 2019~~].

4. ENTRANCES:

   A. Loading dock doors. The loading dock doors shown on the attached site plan must remain closed when live music is being performed.

   B. Canton Street main entrance. For noise mitigation, vestibules with exterior and interior doors must be provided at the main entrances shown on the attached site plan. When live music is being performed, the exterior door must remain closed except to allow entry and exit.

5. FLOOR AREA:

   A. Maximum floor area for an inside commercial amusement limited to a live music venue and dance hall is 41,000 square feet.

   B. Maximum area for a dance floor is 625 square feet.

6. HOURS OF OPERATION: The inside commercial amusement limited to a live music venue and dance hall may only operate between 5:00 p.m. and 12:00 a.m., Monday through Friday, and between 12:00 p.m. and 12:00 a.m., Saturday and Sunday.

7. OUTSIDE SPEAKERS: Outside speakers and any outside amplification are prohibited.

8. PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269. Delta credits, as defined in Dallas Development Code Section 51A-4.704(b)(4), may not be used to meet the off-street parking requirements for the dance hall use.

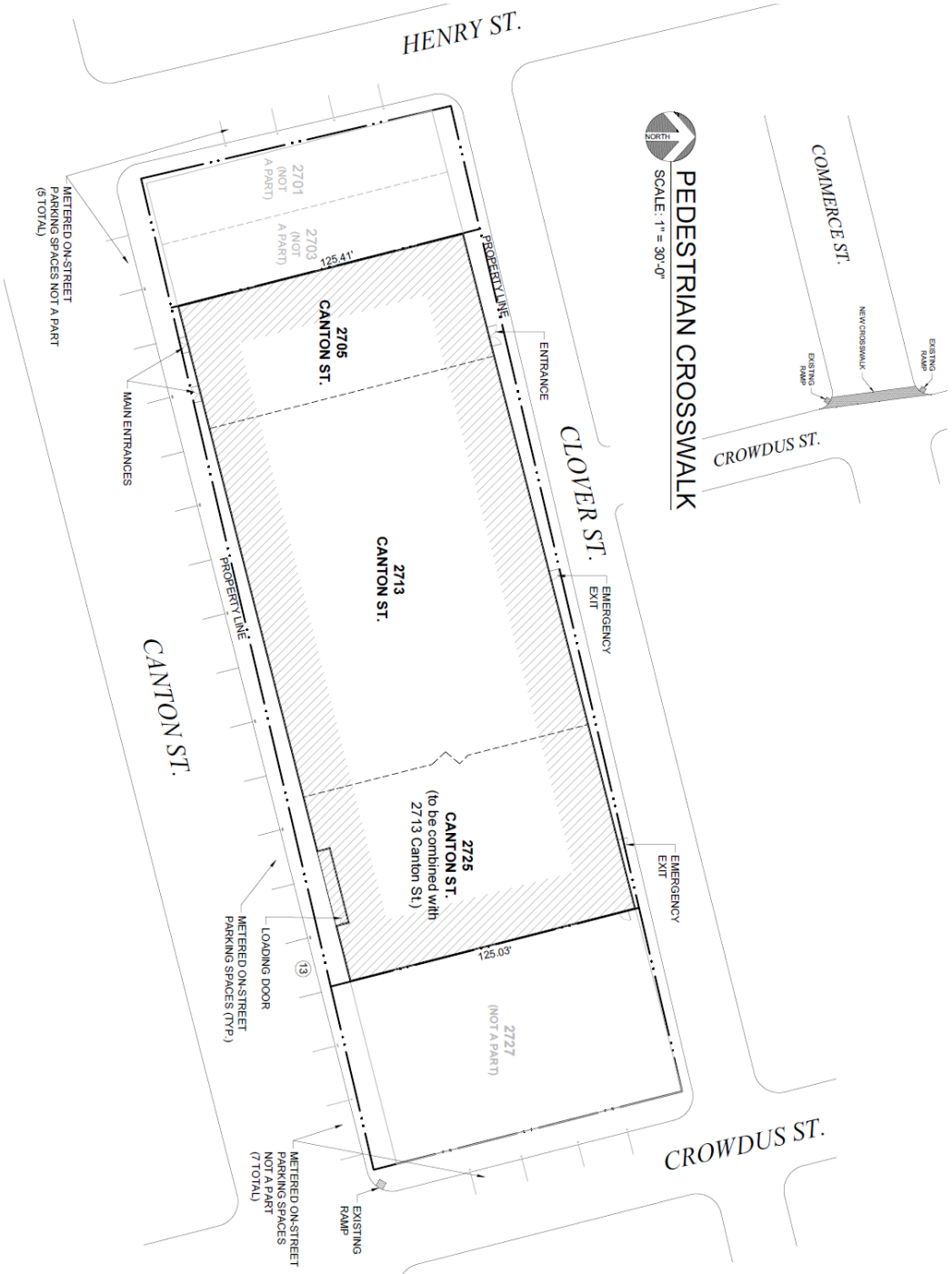
9. ROOFTOP OCCUPANCY: Use of the rooftop for customers or the public is prohibited.

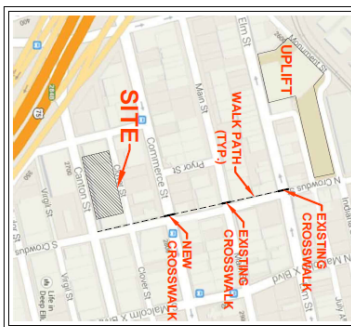
10. STREET IMPROVEMENTS: Before the issuance of a certificate of occupancy for a commercial amusement inside limited to a live music venue and dance hail use, crosswalk pavement markings must be provided, if warranted, on the west side of the intersection of Crowdus Street and Commerce Street in accordance with city standards and in the location approved by the city's traffic engineer.

11. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

12. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SITE PLAN (no changes)





Zoning	PD 269, Tract A
Site Information:	
Lot coverage	92.5%
FAR	2.0
Lot area	34,504 sf (0.792 ac)
Total Floor Area	40,900 sf

Total parking required for entire site	***409**
Provided spaces:	
Parking provided via parking agreements	307
BDA Special Exception 21%	89
Metered spaces along Canton	13
Total provided spaces	***409**

*If a dance hall license is pursued, the dance floor will park separately from the live music venue. Parking for the dance floor not included in the 409.

* NO ROOFTOP PATIO

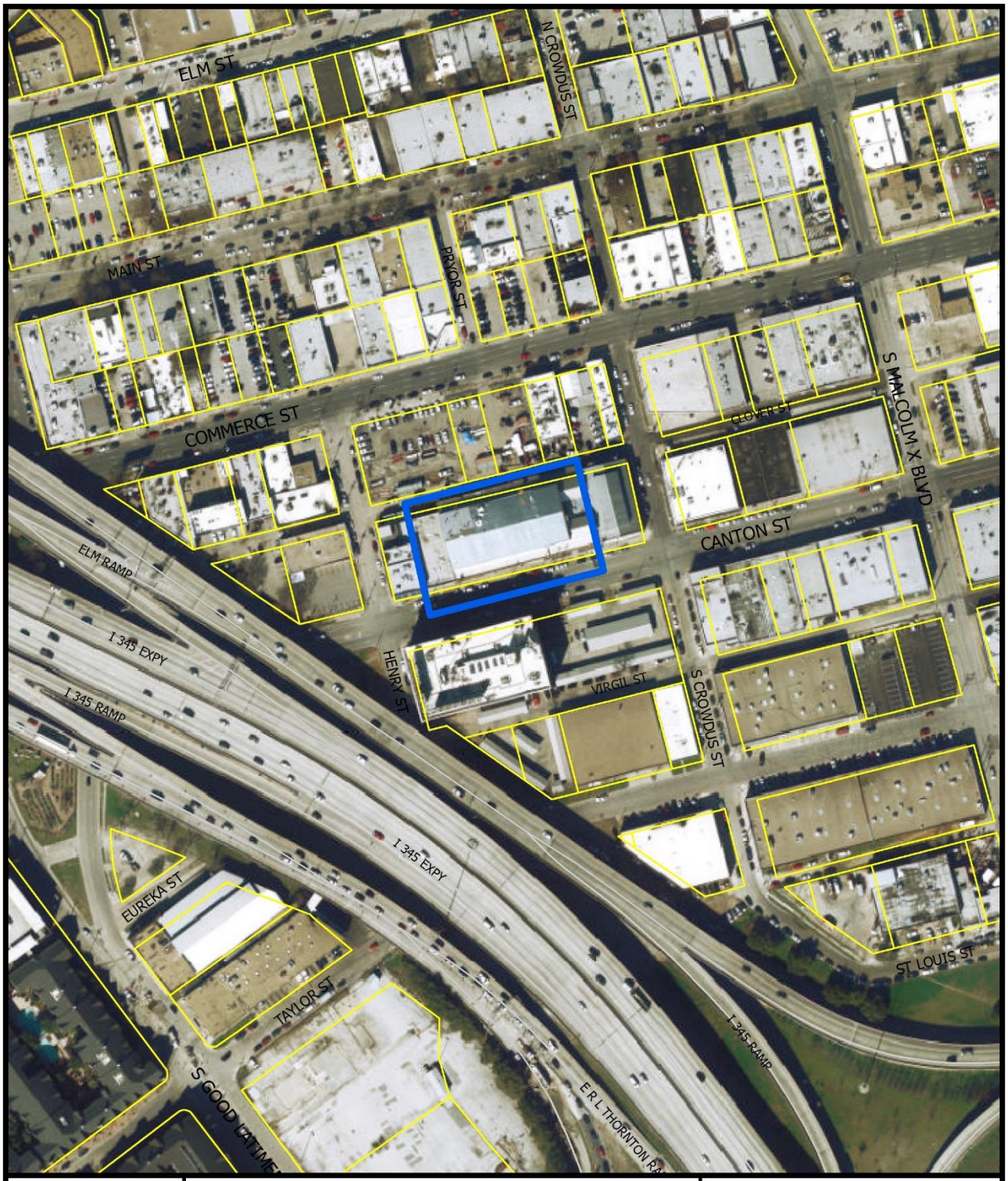


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VICINITY MAP

Case no: Z189-107

Date: 11/27/2018

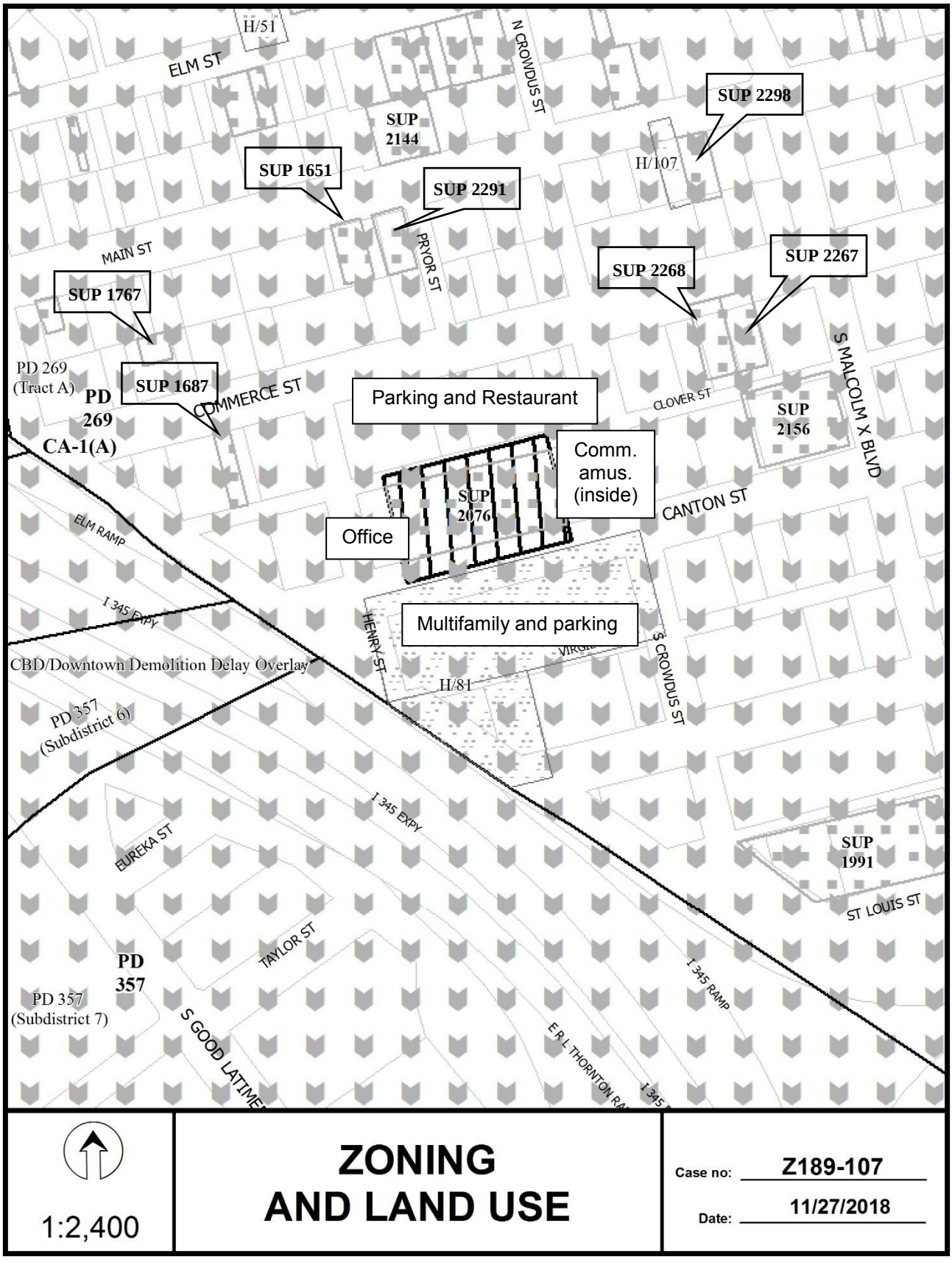


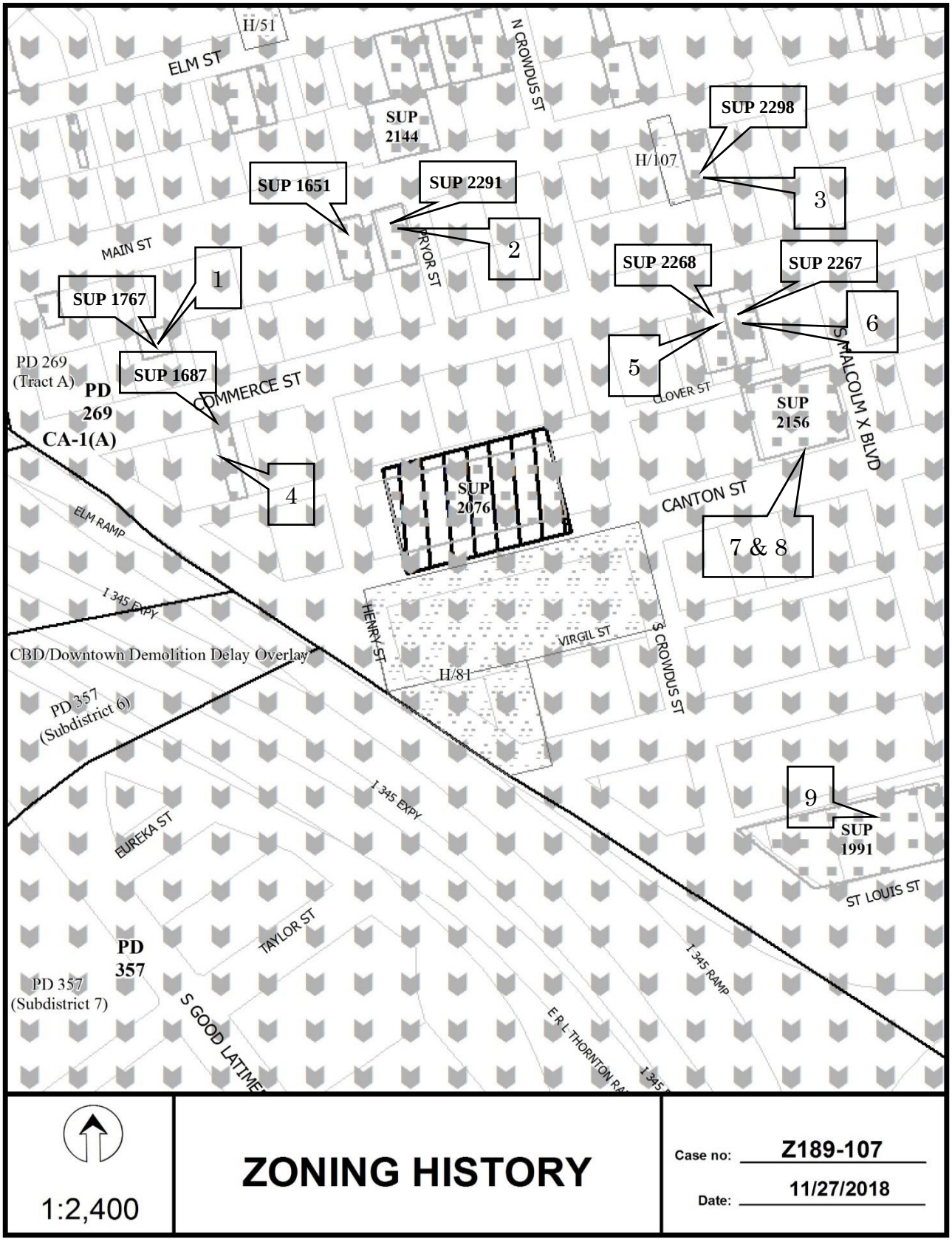
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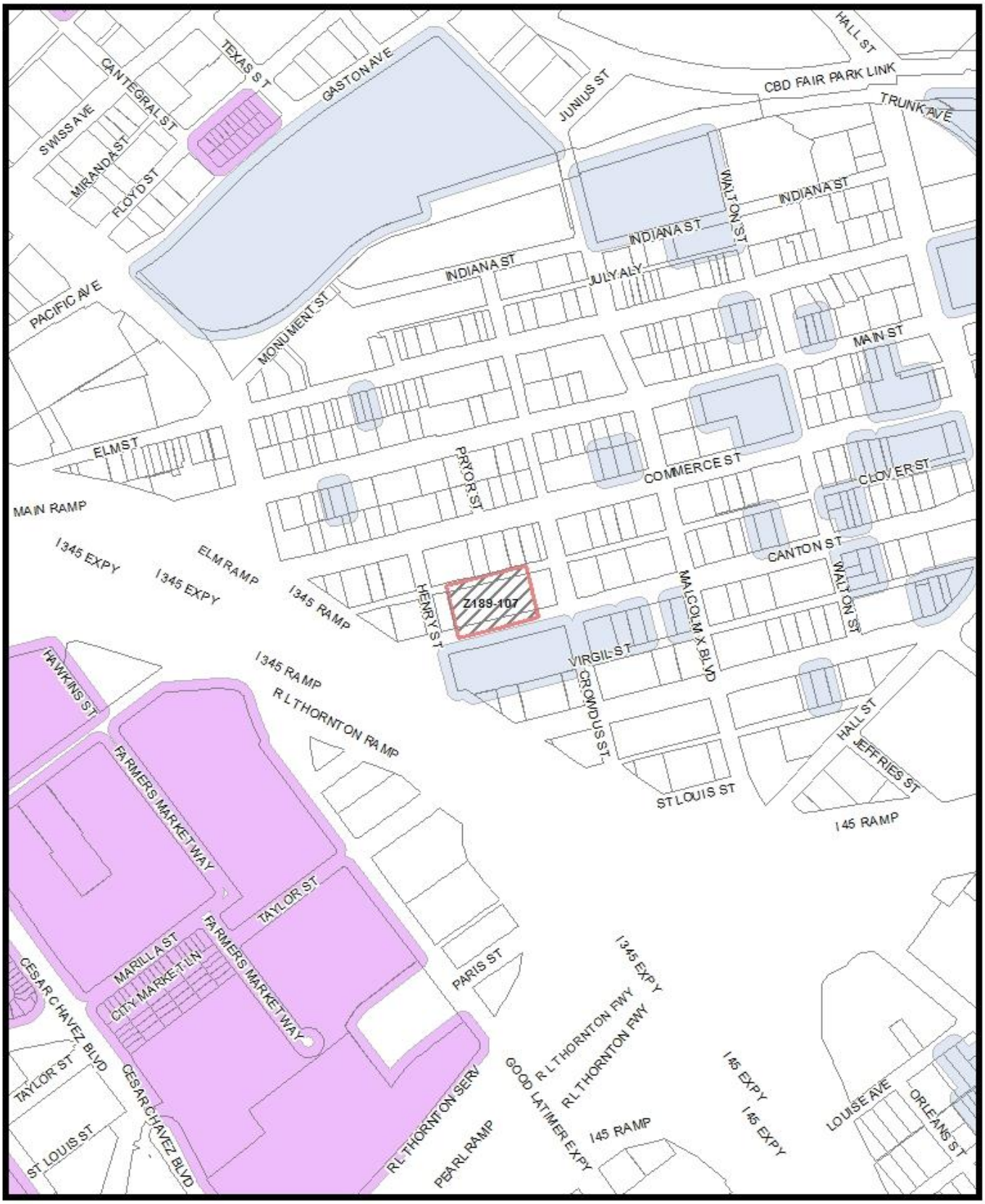
AERIAL MAP

Case no: Z189-107

Date: 11/27/2018


H/51
ELM ST
N CROWDUS ST
SUP 2144
SUP 1651
SUP 2291
SUP 2298
H/107
MAIN ST
PRYOR ST
SUP 1767
SUP 2268
SUP 2267
PD 269 (Tract A)
PD 269
CA-1(A)
SUP 1687
COMMERCE ST
Parking and Restaurant
CLOVER ST
SUP 2156
S MALCOLM X BLVD
Comm. amus. (inside)
SUP 2076
CANTON ST
Office
ELM RAMP
I 345 EXPY
Multifamily and parking
HENRY ST
S CROWDUS ST
CBD/Downtown Demolition Delay Overlay
H/81
PD 357 (Subdistrict 6)
I 345 EXPY
SUP 1991
EUREKA ST
ST LOUIS ST
TAYLOR ST
PD 357
PD 357 (Subdistrict 7)
I 345 RAMP
S GOOD LATIMER
E R L THORNTON RA
1:2,400
ZONING AND LAND USE
Case no: Z189-107
Date: 11/27/2018


ELM ST
H/51
N CROWDUS ST
SUP 2144
SUP 2298
H/107
SUP 1651
SUP 2291
3
2
MAIN ST
PRYOR ST
1
SUP 1767
SUP 2268
SUP 2267
6
5
PD 269 (Tract A)
SUP 1687
COMMERCE ST
PD 269 CA-1(A)
CLOVER ST
SUP 2156
S MALCOLM X BLVD
4
SUP 2076
CANTON ST
7 & 8
ELM RAMP
I 345 EXPY
HENRY ST
VIRGIL ST
S CROWDUS ST
CBD/Downtown Demolition Delay Overlay
H/81
PD 357 (Subdistrict 6)
I 345 EXPY
9
SUP 1991
EUREKA ST
ST LOUIS ST
TAYLOR ST
PD 357
I 345 RAMP
PD 357 (Subdistrict 7)
S GOOD LATIMER
E R L THORNTON RA
I 345
1:2,400
ZONING HISTORY
Case no: Z189-107
Date: 11/27/2018

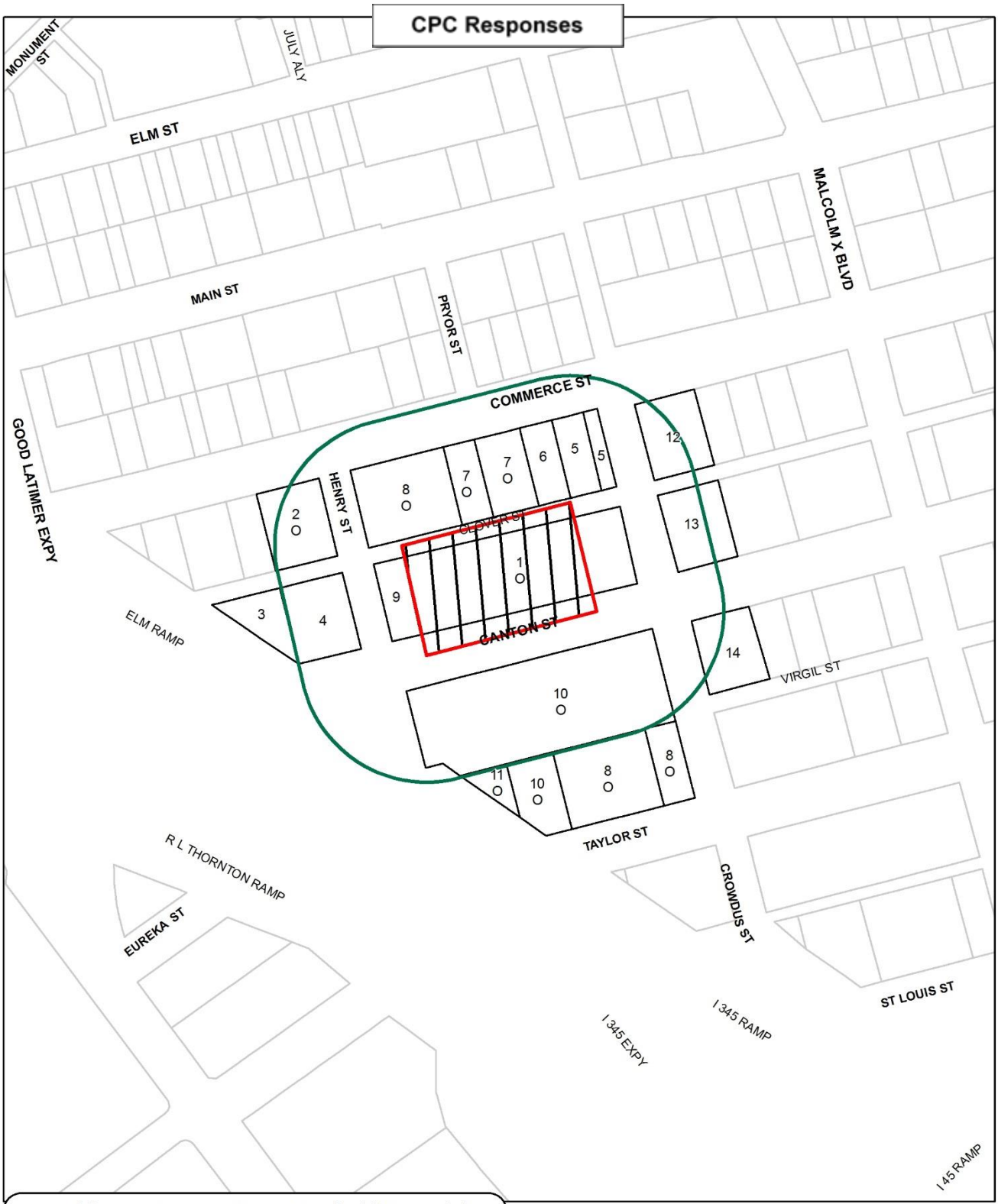


MVACluster A B C D E F G H I NA

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Market Value Analysis

Printed Date: 11/27/2018



14	Property Owners Notified (19 parcels)
6	Replies in Favor (10 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
3/7/2019	Date

Z189-107
CPC

N W E S

1:2,400

03/06/2019

Reply List of Property Owners

Z189-107

14 Property Owners Notified ***6 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	2713	CANTON ST	2713 CANTON LTD
O	2	2630	COMMERCE ST	WESTDALE PPTIES AMERICA I
	3	2622	CLOVER ST	DEEP ELLUM HOLDINGS LLC
	4	215	HENRY ST	DEEP ELLUM HOLDINGS LLC
	5	2730	COMMERCE ST	MADISON PACIFIC DEV CO
	6	2724	COMMERCE ST	SDL PARTNERS INC
O	7	2718	COMMERCE ST	WESTDALE PROPERTIES AMERICA I LTD
O	8	2700	COMMERCE ST	WESTDALE PROPERTIES
	9	2701	CANTON ST	BARNES & ROBERTS REAL ESTATE
O	10	2700	CANTON ST	WESTDALE ADAM HATS LTD
O	11	2705	TAYLOR ST	WESTDALE ADAM HATS LTD
	12	2800	COMMERCE ST	BEND TRUST THE
	13	2805	CANTON ST	GEBHARDT BROADCASTING LLC
	14	2801	VIRGIL ST	AP BLANTON DEEP ELLUM LLC

Agenda Information Sheet

File #: 19-450 **Item #:** 58.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new tract for a community, welfare, or health center use and child-care facility use, on property zoned Tract I, Subarea 1 within Planned Development District No. 65, on the southeast line of Holly Hill Drive, between Ridgecrest Road and Phoenix Drive
Recommendation of Staff and CPC: Approval, subject to a revised Exhibit 65B development plan for Tract III and conditions
Z189-130(SM)

powered by Legistar™

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z189-130(SM)	**DATE FILED:**	November 12, 2018
LOCATION:	Southeast line of Holly Hill Drive, between Ridgecrest Road and Phoenix Drive		
COUNCIL DISTRICT:	13	**MAPSCO:**	45 Q
SIZE OF REQUEST:	Approx. 2.7 acres	**CENSUS TRACT:**	31.01

OWNER/APPLICANT: Vickery Meadow Youth Development Foundation

REPRESENTATIVE: David Martin, Winstead PC

REQUEST: An application for a new tract for a community, welfare, or health center use and child-care facility use, on property zoned Tract I, Subarea 1 within Planned Development District No. 65.

SUMMARY: The applicant [Vickery Meadow Youth Development Foundation] proposes to construct a two-story, 25,500-square-foot facility with 46 surface parking spaces to serve a new community center and child care facility.

CPC RECOMMENDATION: **Approval**, subject to a revised Exhibit 65B development plan for Tract III and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a revised Exhibit 65B development plan for Tract III and conditions.

BACKGROUND INFORMATION

- On December 10, 1973, City Council approved Planned Development District No. 65. The original PDD contained five groups of apartments (Groups I through V) and for a portion of the current area of request, the original development plan showed four sets of tennis courts and a small community building southeast of the tennis courts.
- On June 2, 1975, the City Council approved an expansion of PDD No. 65, Tract I to include the area identified as apartment Group VI on the existing development plan.
- On June 23, 1975, the City Council approved an amendment to the original development plan to reduce the number of tennis courts from four to three and to move the location of the small community building, approximately 625 square feet in floor area, south of the northernmost tennis court. Sometime prior to this amendment, but after the creation of PDD No. 65, Groups III and IV of PDD No. 65 were rezoned to an MF-1 Multifamily District.
- On January 3, 1977, the west corner of Park Lane and Ridgecrest Road was rezoned from an MF-2 Multifamily District to Tract II within PDD No. 65 for nonresidential uses.
- On February 11, 1998, the area of request was rezoned from a portion of Tract I within PDD No. 65 that allowed only tennis courts and a small community building to Subarea I within Tract I of PDD No. 65 to allow for the construction of the current child-care facility building, play area, and existing surface parking lot.
- On March 9, 2005, a large portion of Tract I of PDD No. 65, which included Groups I, II, and a portion of V was rezoned to PDD No. 720 in order to construct the adjacent public school.
- Therefore, the remainder PDD No. 65 included only three properties: 1) the area of request which is currently zoned Subarea 1 within Tract I; 2) the adjacent parcel to the northeast, which is identified as Group VI within Tract I on the development plan for the PDD; and, 3) Tract II remained unchanged and nonresidential and is located on the west corner of Park Lane and Ridgecrest Road, disconnected from the remainder of PDD No. 65.
- When the adjacent PDD No. 720 was created in 2005, the regulations of PDD No. 65 that pertained to that property were not deleted from PDD No. 65; therefore, this amendment includes corrections to delete references to areas that are now zoned PDD No. 720, which include references to Groups I, II, and V.
- This amendment also proposes to rename *Subarea 1 within Tract* I to *Tract III* to clearly delineate the area of request's regulations from the remainder of PDD No. 65.

Zoning History: There has been one zoning change requested in the vicinity in the past five years.

1. **Z167-252:** On June 28, 2017, the City Council approved an MF-3(A) Multifamily District with deed restrictions volunteered by the applicant, on property zoned an MF-2(A) Multifamily District, on the south line of Park Lane, west of Ridgecrest Road, and on the southwest corner of Ridgecrest Road and Hemlock Avenue.

Thoroughfares/Streets:

Street	Type	Proposed ROW
Holly Hill Drive	Local	55 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it 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.

LAND USE ELEMENT

GOAL 1.1 Align land use strategies with economic development priorities.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

Acknowledge the importance of neighborhoods to the city's long-term health and vitality. Dallas is a city of great neighborhoods. To attract new families and maintain existing stable neighborhoods, residents must take pride in and feel confident in investing in their neighborhoods over the long term. Existing neighborhoods require public and private investment and attention to maintain their desirability as places to live. New neighborhoods must be pedestrian-friendly, have a sense of community and exhibit long-term viability.

The proposed community, welfare, or health center use and child-care facility will provide support services to the job force in downtown and it will provide an amenity to the neighborhood to attract new families and support the existing neighborhood.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 65 Tract I (Subarea 1),	Child-care facility
Northeast	PDD No. 65 Tract I	Multifamily
Southeast	PDD No. 65 Tract I PDD No. 720	Public school
Southwest	PDD No. 720	Public school
Northwest	MF-1(A)	Multifamily

Land Use Compatibility:

The request site is situated within an area that primarily consists of multifamily uses and family-oriented supporting uses such as schools and playing fields. Staff supports the applicant's request to redevelop the site with a two-story building to replace the existing child-care facility use and add a new community, welfare, or health center use because those uses would be compatible with the surrounding properties and because the development would be further restricted by the proposed development plan.

Corrections and Exhibits:

Within this amendment staff has included some corrections which delete references to other parts of the district that have previously been removed the district (i.e. property within PDD No. 720) and rename the area of request *Tract III* rather than *Subarea I of Tract I*, as previously discussed in the Background Information section. Since Groups I, II, and V are currently identified in the areas now zoned PDD No. 720, all references to these Groups are shown as deletions in the proposed conditions because they are no longer regulated by PDD No. 65.

Similarly, the existing Exhibit 65B is an elevation plan for multifamily structures that have been demolished for years. Staff proposes to replace the now obsolete Exhibit 65B elevation plan with the applicant's proposed development plan for the area of request, Tract III (formerly Subarea I, Tract I).

Parking:

Pursuant to §51A-4.200 of the Dallas Development Code, a child-care facility requires one off-street parking space for each 500 square feet of floor area and a community, welfare, or health center use requires on off-street parking space for each 200 square feet of floor area. The applicant proposes to construct approximately 12,000 square feet of a community, welfare, or health center use and approximately 12,000 square feet of child-care facility, and a 1,500 square foot greenhouse for the child-care facility. The Dallas Development Code would require 87 parking spaces for the proposed mix of uses; however, the applicant requests that both uses require one space per 555 square feet of floor area with a total of 46 parking spaces required and 46 spaces provided for the site.

The applicant has provided a parking demand study of the proposed facility which concludes that the requested parking reduction will satisfy the demands of the proposed facility. Therefore, staff supports the requested parking reduction.

Landscaping:

Landscaping must be provided in accordance with Article X, as amended.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an MVA cluster, it abuts an “E” MVA cluster to the northwest, northeast, and southeast.

CPC Action

February 21, 2019

Motion: It was moved to recommend **approval** of a new tract for a community, welfare, or health center use and child-care facility use, subject to a revised Exhibit 65B development plan for Tract III and conditions on property zoned Tract I, Subarea 1 within Planned Development District No. 65, on the southeast line of Holly Hill Drive, between Ridgecrest Road and Phoenix Drive.

Maker: Murphy
Second: Ridley
Result: Carried: 11 to 0

For: 11 - Macgregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 500 Mailed: 203
Replies: For: 0 Against: 0

Speakers: None

List of Officers – Vickery Meadow Youth Development Foundation

Paige Brauer – Director

John Neill – Director

Bervin Smith – Director

Harry Smith – Director

Martha Stowe – Director

Ellen Wood - Director

CPC RECOMMENDED AMENDMENTS TO

ARTICLE 65.

PD 65.

SEC. 51P-65.101. LEGISLATIVE HISTORY.

PD 65 was established by Ordinance No. 14347, passed by the Dallas City Council on December 10, 1973. Ordinance No. 14347 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas. Ordinance No. 14347 was amended by Ordinance No. 14477, passed by the Dallas City Council on March 25, 1974; Ordinance No. 14492, passed by the Dallas City Council on April 8, 1974; and Ordinance No. 14514, passed by the Dallas City Council on April 29, 1974. Subsequently, Ordinance No. 14903, passed by the Dallas City Council on June 2, 1975, repealed Ordinance No. 14347 and re-established PD 65. Ordinance No. 14903 was amended by Resolution No. 75-2030, passed by the Dallas City Council. On June 23, 1975, and Ordinance No. 15141, passed by the Dallas City Council on April 5, 1976. On January 3, 1977, the Dallas City Council passed Ordinance No. 15374. Ordinance No. 15374 repealed Ordinance No. 14903, as amended, and expanded PD 65. Ordinance No. 15374 was amended by Ordinance No. 22103, passed by the Dallas City Council on June 22, 1994, and Ordinance No. 23434, passed by the Dallas City Council on February 11, 1998. (Ord. Nos. 10962; 14347; 14477; 14492; 14514; 14903; 15141; 15374; 22103; 23434; 25423; Res. No.
75-2030)

SEC. 51P-65.102. PROPERTY LOCATION AND SIZE.

PD 65 is established on property generally located on the southeast side of Holly Hill Drive, beginning at a point approximately 397.00 feet southwest of the southwest line of Phoenix Drive. The size of PD 65 is approximately 3.10 acres. (Ord. Nos. 15374; 25423; 25924)

SEC. 51P-65.103. DEFINITIONS AND INTERPRETATIONS.

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

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51. (Ord. 25423)

SEC. 51P-65.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 65A: development plan for Tract I and Tract II.

(2) Exhibit 65B: development plan for Tract III.

(3) Exhibit 65C: landscape plan for Tract I and Tract II.

SEC. 51P-65.104. TRACTS AND SUBAREAS.

(a) ~~Tracts.~~ This PD is divided into three [~~two~~] Tracts: Tract I, [~~and~~] Tract II, and Tract III. [~~A metes and bounds description of the tracts is contained in Ordinance No. 15374.~~]

~~(b) Subarea 1. Tract I contains one subarea which is identified on the development plan (Exhibit 65A) as Subarea 1. A metes and bounds description of Subarea 1 is attached to Ordinance No. 23434. In the event of a conflict between the written description and the boundaries of Subarea 1 as shown on the development plan, the written description controls. (Ord. Nos. 15374; 23434; 25423)~~

SEC. 51P-65.105. DEVELOPMENT PLAN.

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls[~~Development must be in accordance with the city plan commission approved development plan~~]. (Ord. Nos. 15374; 23434; 25423)

SEC. 51P-65.106. USES.

(a) Tract I. The following uses, as defined and limited by Division 10-300 of the Comprehensive General Zoning Ordinance, are allowed within the PD:

(1) Apartments. Allowed in Group[~~s I, II, V, and~~]VI as shown on the development plan.

(2) Private community center uses. Allowed in Group[~~s II, V, and~~] VI as shown on the development plan.

~~(3) [Retail and office uses. Allowed in Groups I and II and limited to the following:~~

~~(A) Art gallery.~~

~~(B) Craft studio (teaching art, ceramics, various crafts).~~

~~(C) Studio for art display or sales.~~

~~(D) Art needlework shop.~~

~~(E) Hobby or art supply shop.~~

~~(F) Camera or film shop.~~

~~(G) Florist shop.~~

~~(H) Restaurants to include bar service and entertainment.~~

~~(I) Ice cream shop.~~

~~(J) Food specialty shop/grocery store.~~

~~(K) Bakery and confectionery shop.~~

~~(L) Cigar, beverage, candy, or tobacco shop.~~

~~(M) Professional offices.~~

~~(N) Decorating service, draperies, accessories, etc.~~

~~(O) Antique shop.~~

~~(P) Book or stationery store.~~

~~(Q) Fabric shop.~~

~~(R) Retail clothing specialty shops.~~

~~(S) Custom sewing or tailoring shop.~~

~~(T) Drug store or apothecary.~~

~~(U) Hairstyling shop, men or women.~~

~~(V) Sporting goods.~~

~~(W) Pet grooming.~~

~~(X) Laundry/cleaning pick-up station.~~

~~(Y) Gift shop. Shops might include limited sales of jewelry, art objects, glassware, housewares, small appliances or boutique furnishings, accessories, specialty sporting goods, etc.~~

~~(Z) Key shop. Shop may not be a parking lot operation.~~

~~(AA) Record shop.~~

~~(4) Institutional and community service uses. Limited to child care facility in Subarea 1.]~~

(b) Tract II.

(1) Tract II may be uses for the following purposes as defined and limited by Division 10-300 of the Comprehensive General Zoning Ordinance:

(A) Art gallery.

(B) Craft studio (teaching art, ceramics, various crafts).

(C) Studio for art display or sales.

(D) Art needlework shop.

(E) Hobby or art supply shop.

(F) Camera or film shop.

(G) Florist shop.

(H) Savings and loan.

(I) Ice cream shop.

(J) Food specialty shop/grocery store except as prohibited below.

(K) Bakery and confectionery shop.

(L) Cigar, beverage, candy, or tobacco shop.

(M) Professional offices.

(N) Decorating service, draperies, accessories, etc.

(O) Antique shop.

(P) Book or stationery store.

(Q) Fabric shop.

(R) Retail clothing specialty shops.

(S) Custom sewing or tailoring shop.

(T) Drug store or apothecary.

(U) Hairstyling shop, men or women.

(V) Sporting goods.

(W) Pet grooming.

(X) Laundry/cleaning pick-up station.

(Y) Gift shop. Shops might include limited sales of jewelry, art objects, glassware, housewares, small appliances or boutique furnishings, accessories, specialty sporting goods, etc.

(Z) Key shop. Shop may not be a parking lot operation.

(AA) Record shop.

(c) Tract III. The following uses are the only main uses permitted:

(1) Community, welfare, or health center.

(2) Child-care facility.

SEC. 51P-65.106.1. TRACT III SETBACKS.

(a) Front yard. Minimum front yard is 10 feet.

(b) Side and rear yard. Minimum side and rear yard is five feet.

SEC. 51P-65.107. MAXIMUM HEIGHT.

(a) Tract I and Tract III. Maximum [~~No~~] structure height is [~~may exceed~~] 36 feet[~~ in height except for those buildings within the area designated as Group I on the development plan. Structures within the Group I area may not exceed 42 feet and 46 feet in height as designated on the development plan and on the elevation plan (Exhibit 65B)~~].

(b) Tract II. Maximum [~~No building or~~] structure height is [~~may exceed~~] 24 feet [~~in height~~].

SEC. 51P-65.108. DENSITY.

On Tract I, the density may not exceed that allowed in the MF-1 zoning district. (Ord. Nos. 15374; 25423)

SEC. 51P-65.109. FLOOR AREAS.

(a) Tract I. The gross floor area for retail and office uses may not exceed 19,307 square feet. No more than 7,000 square feet of gross floor area may be used for restaurant uses. No more than 2,000 square feet of gross floor area may be used for any single office or retail store other than

restaurants.

(b) Tract II. The gross floor area for retail and office uses may not exceed 8,400 square feet.

(c) Tract III. The maximum combined floor area is 25,500 square feet. The maximum floor area for child-care facility uses is 12,000 square feet. The maximum floor area for a community, welfare, or health center uses is 12,000 square feet. Additionally, the maximum floor area for accessory structures for both uses is 1,500 square feet.

SEC. 51P-65.110. OFF-STREET PARKING.

(a) Tract I. Off-street parking must be provided in accordance with the development plan and at the following ratios:

(1) Apartments. One space per 500 square feet of gross floor area.

(2) Community centers. Four spaces per tennis court and one space per 100 square feet of gross floor are for the community center buildings.

(3) Personal service and retail uses. One parking space per 200 square feet of gross floor area.

(4) Restaurants. One space per 100 square feet of gross floor area.

(5) Child-care facilities. One parking space per 500 square feet of gross floor area.

(b) Tract II. Off-street parking must be provided in accordance with the development plan and at the following ratios:

(1) Personal service and retail uses. One parking space per 200 square feet of gross floor area.

(2) General office uses. One parking space per 300 square feet of gross floor area.

(3) Doctor's offices. One parking space per 150 square feet of gross floor area.

(c) Tract III. For child-care facility and community, welfare, or health center uses, a minimum of one space per 555 square feet of floor area is required.

SEC. 51P-65.111. LANDSCAPING.

Landscaping for any development within Tract III [~~Subarea 1~~] must be provided in accordance with Article X. Landscaping for [~~the remainder of~~] Tract I and [~~all of~~] Tract II must be provided as shown on the city plan commission approved landscape plan (Exhibit 65C). Plants must be maintained in a healthy growing condition at all times. Any plant that dies must be replaced with planting material comparable in type and quantity. (Ord. Nos. 15374; 23434; 25423)

SEC. 51P-65.112. SIGNS.

(a) Tract I and Tract III. Except as provided in this subsection, Signs must comply with the provisions for non-business zoning districts in Article VII. [~~All signs must conform to Article IV (Non-business Districts) of Chapter 41, "Sign Standards," of the Dallas City Code except as follows:~~]

(1) One detached premise sign may be erected within one hundred feet of the right- of-way of Fair Oaks Avenue.

(2) Two detached premise signs may be erected within one hundred feet of the right- of-way of Holly Hill Drive.

(b) Tract II. All signs must conform to Article IV (Non-business Districts) of Chapter 41, "Sign Standards," of the Dallas City Code. (Ord. Nos. 15374; 25423)

SEC. 51P-65.113. SUBDIVISION PLAT.

(a) A final plat must be submitted to and approved by the city plan commission prior to the issuance of a building permit.

(b) A subdivision plat must be submitted to and approved by the city plan commission and filed for record prior to the issuance of a building permit. The plat must provide for any necessary dedication for street widening. (Ord. Nos. 15374; 25423)

SEC. 51P-65.114. STREETS, PAVING, AND DEDICATIONS.

(a) All driveways, entrances, and parking areas must meet or exceed the requirements of the department of public works and transportation.

(b) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications to the satisfaction of the director of public works and transportation. (Ord. Nos. 15374; 25423; 26102)

SEC. 51P-65.115. FIRE LANES.

Fire lanes must be provided and designated as required by the fire department. (Ord. Nos. 15374; 25423)

SEC. 51P-65.116. ACCESS TO TRACT II.

All vehicular access to the property must be provided in accordance with the development plan. (Ord. Nos. 15374; 25423)

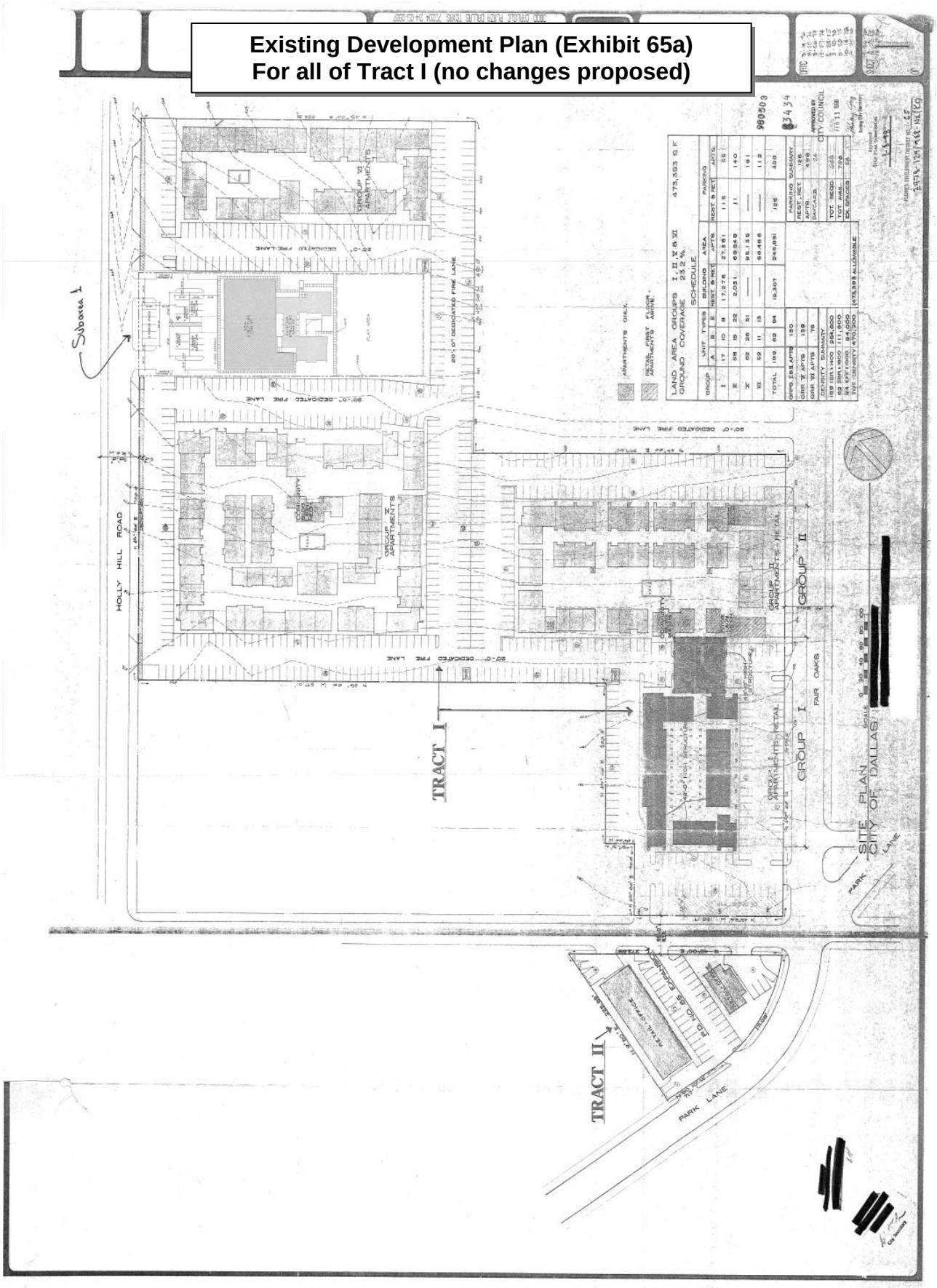
SEC. 51P-65.117. COMPLIANCE WITH CONDITIONS.

No certificate of occupancy may be issued by the building official until there has been full compliance with this article and any applicable provisions of the zoning ordinance and the building codes. (Ord. Nos. 15374; 25423)

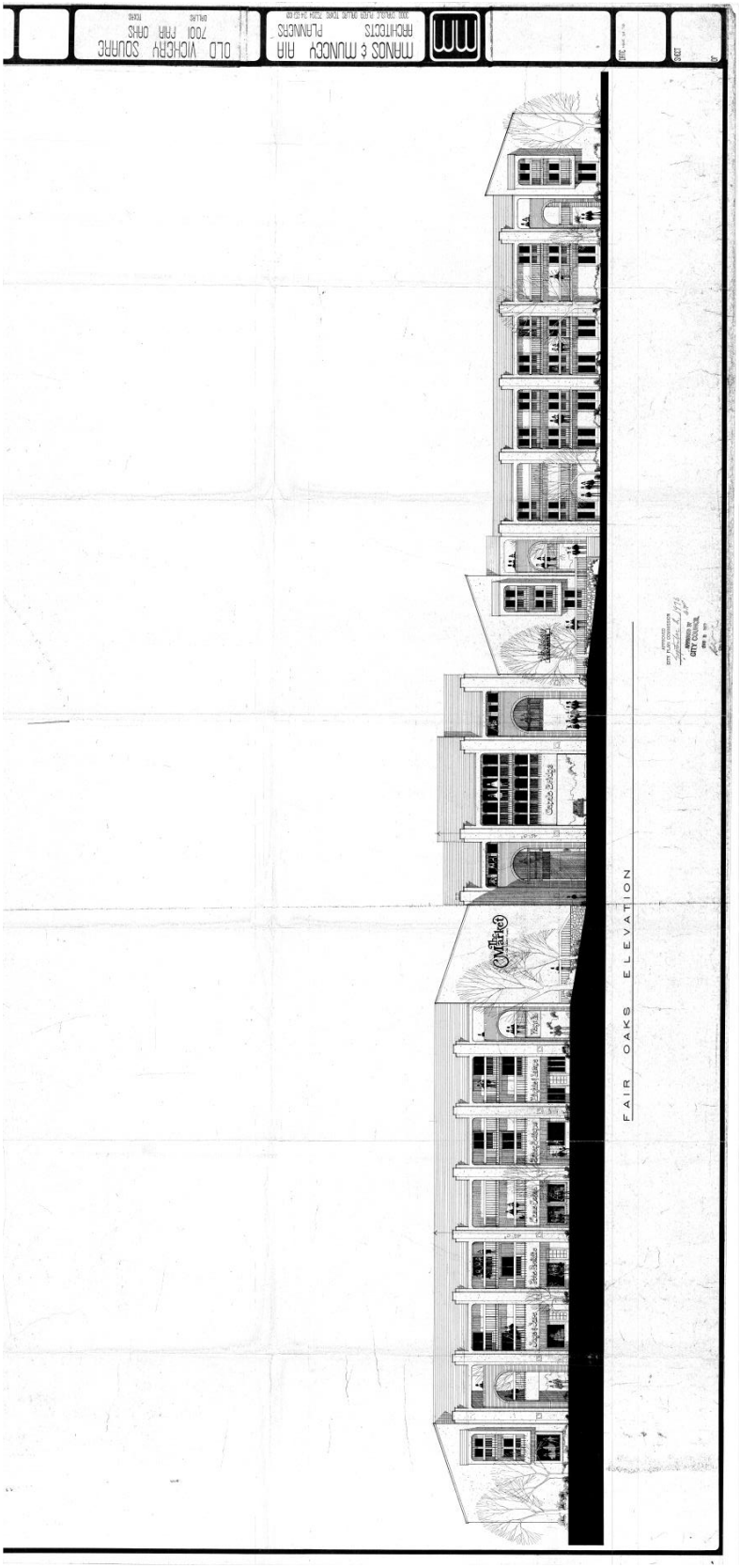
~~**SEC. 51P-65.118. ZONING MAP.**~~

~~PD 65 is located on Zoning Map No. F-8. (Ord. Nos. 22103; 25423)~~

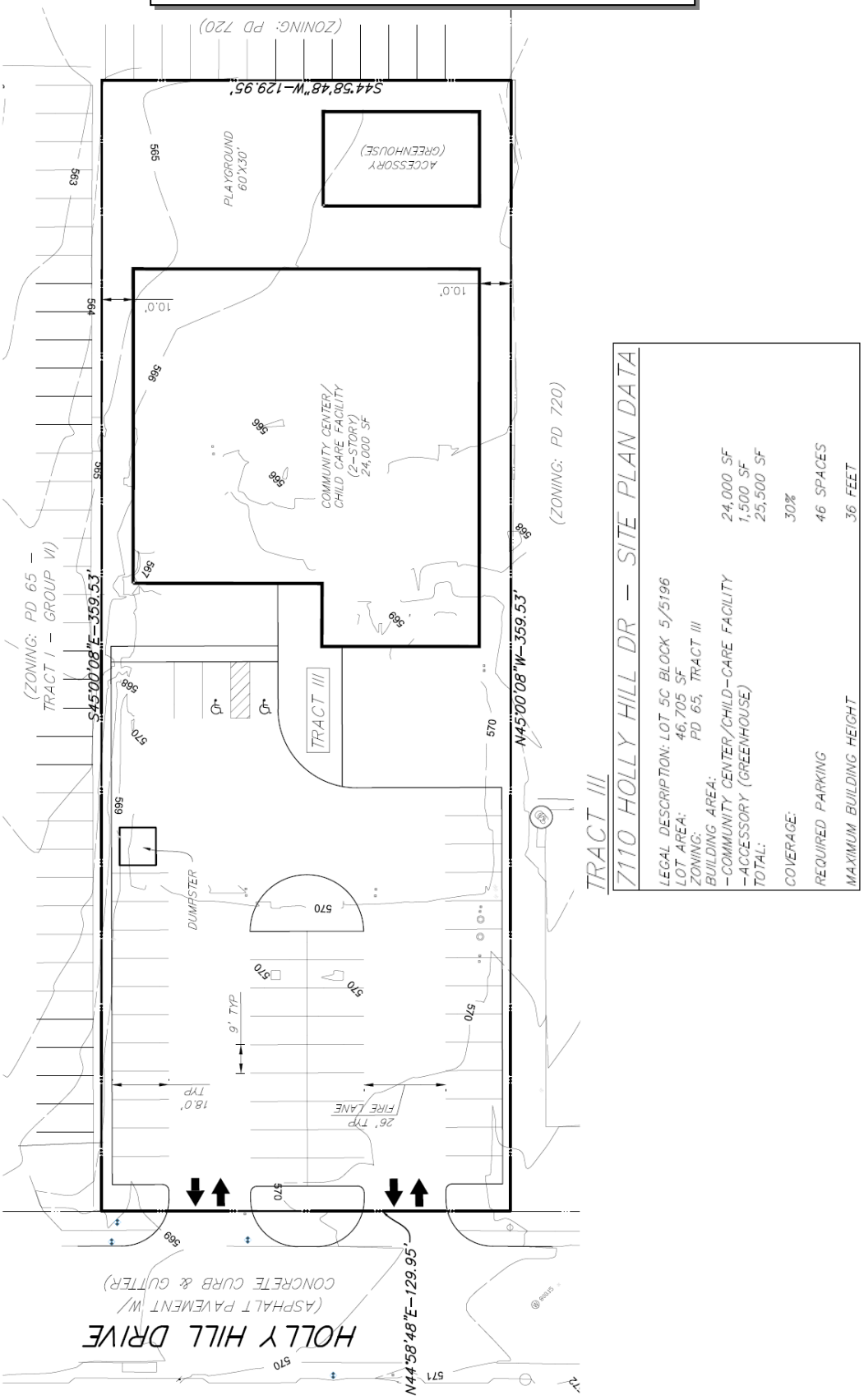
Existing Development Plan (Exhibit 65a)
For all of Tract I (no changes proposed)

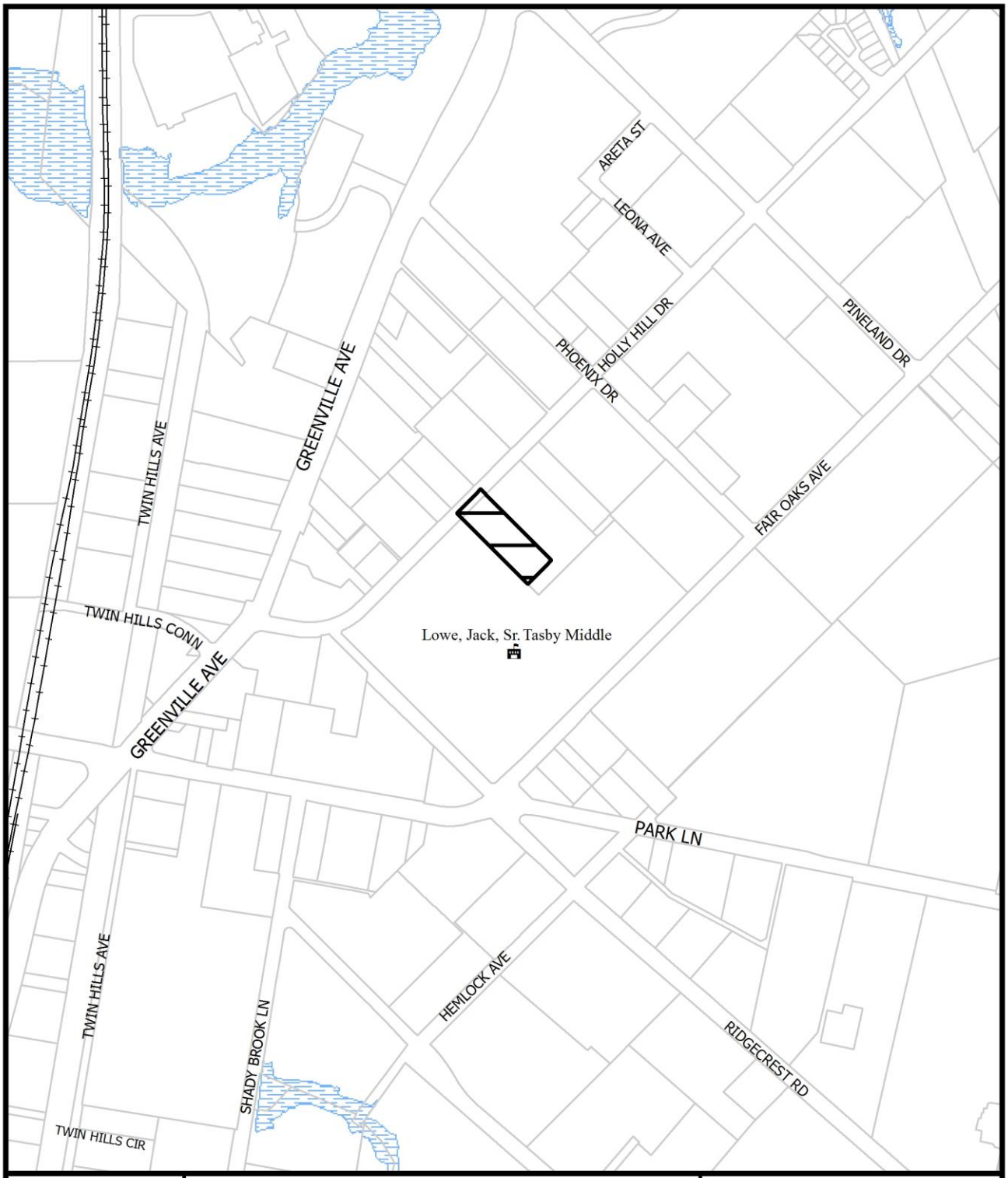


Existing Elevation Plan (Exhibit 65B)
For Property now zoned PDD No. 720
(to be replaced by the proposed development plan)



PROPOSED DEVELOPMENT PLAN For the Proposed Tract III (Exhibit 65B)



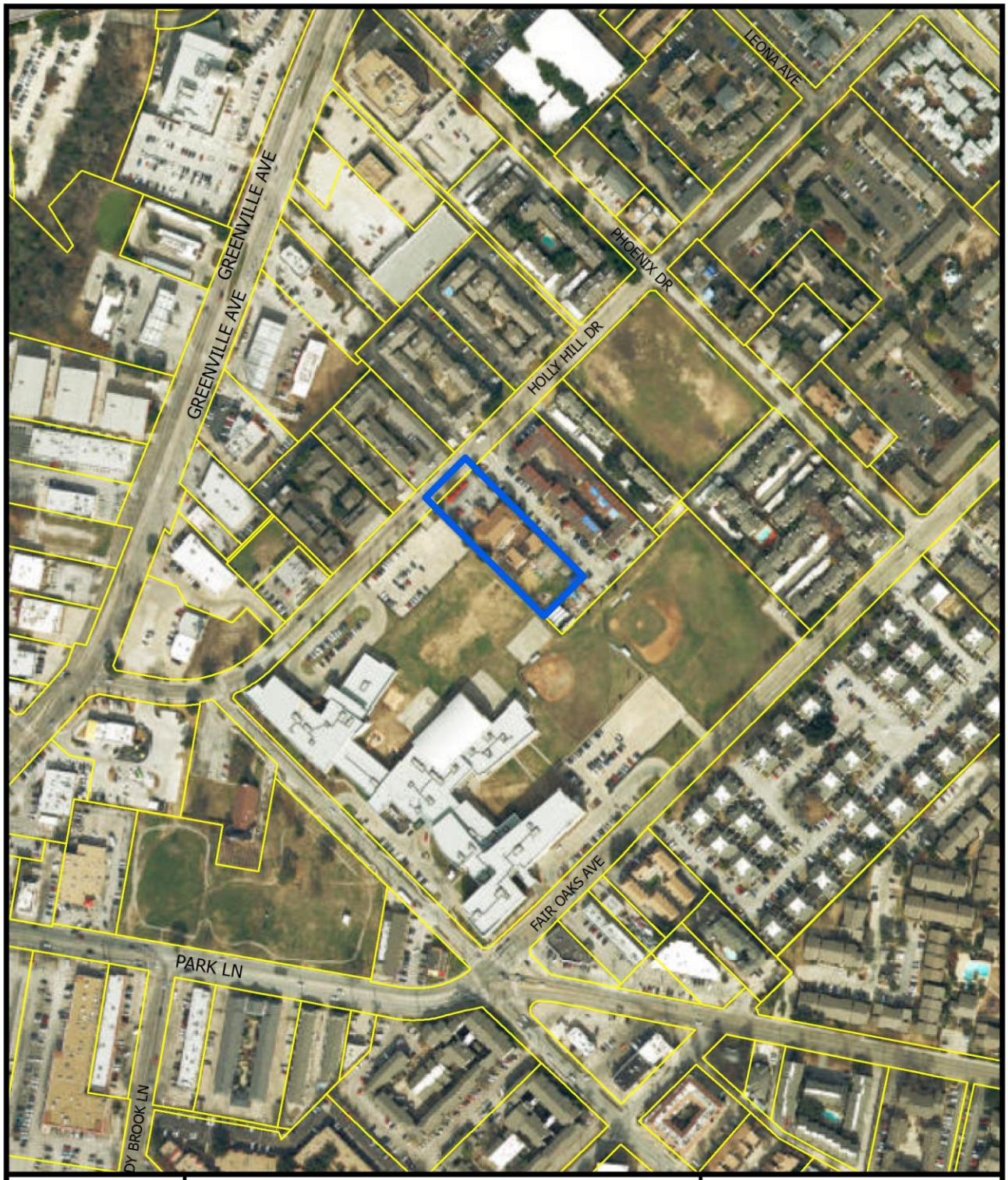


1:6,000

VICINITY MAP

Case no: Z189-130

Date: 12/24/2018

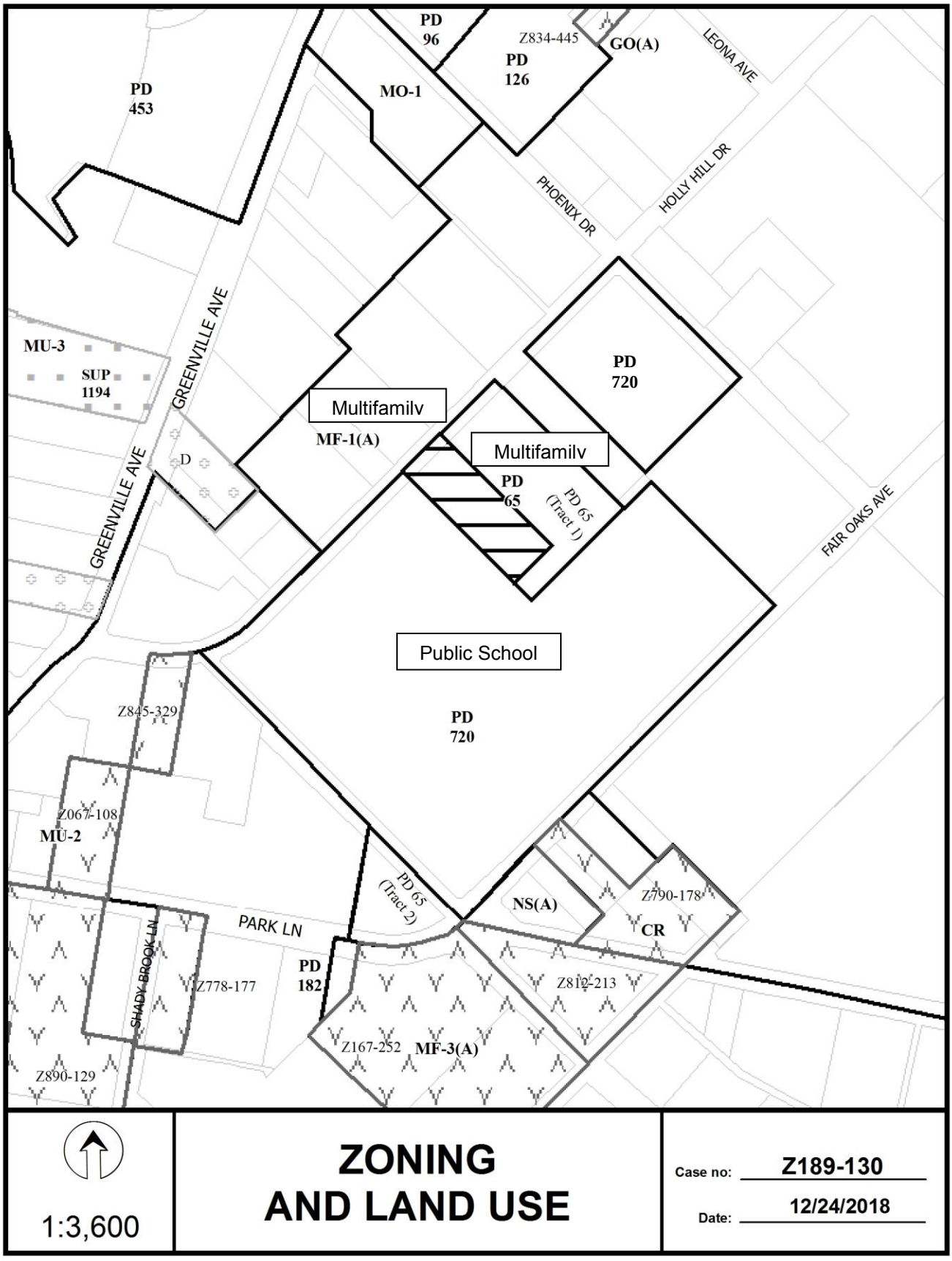


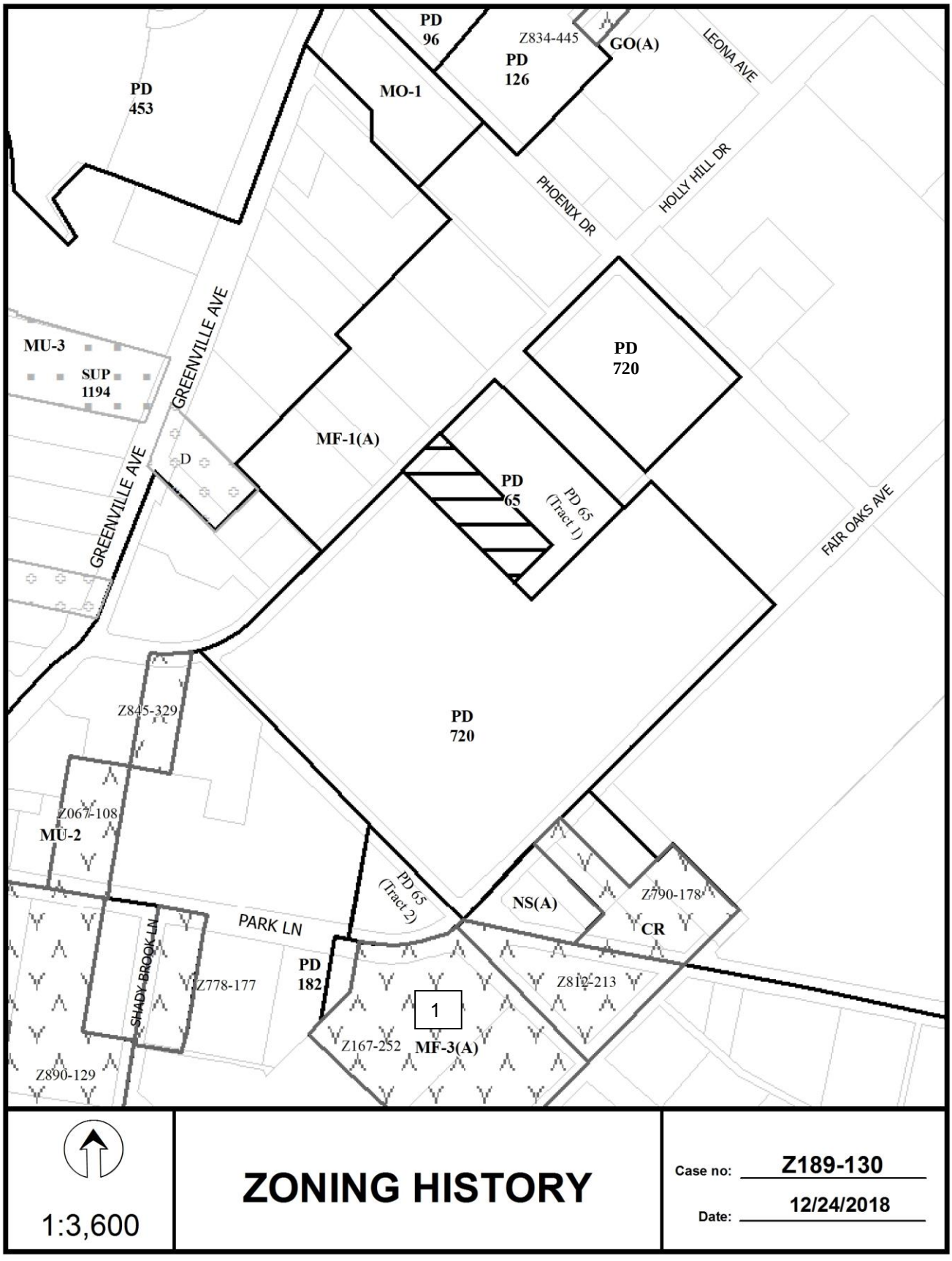
1:3,600

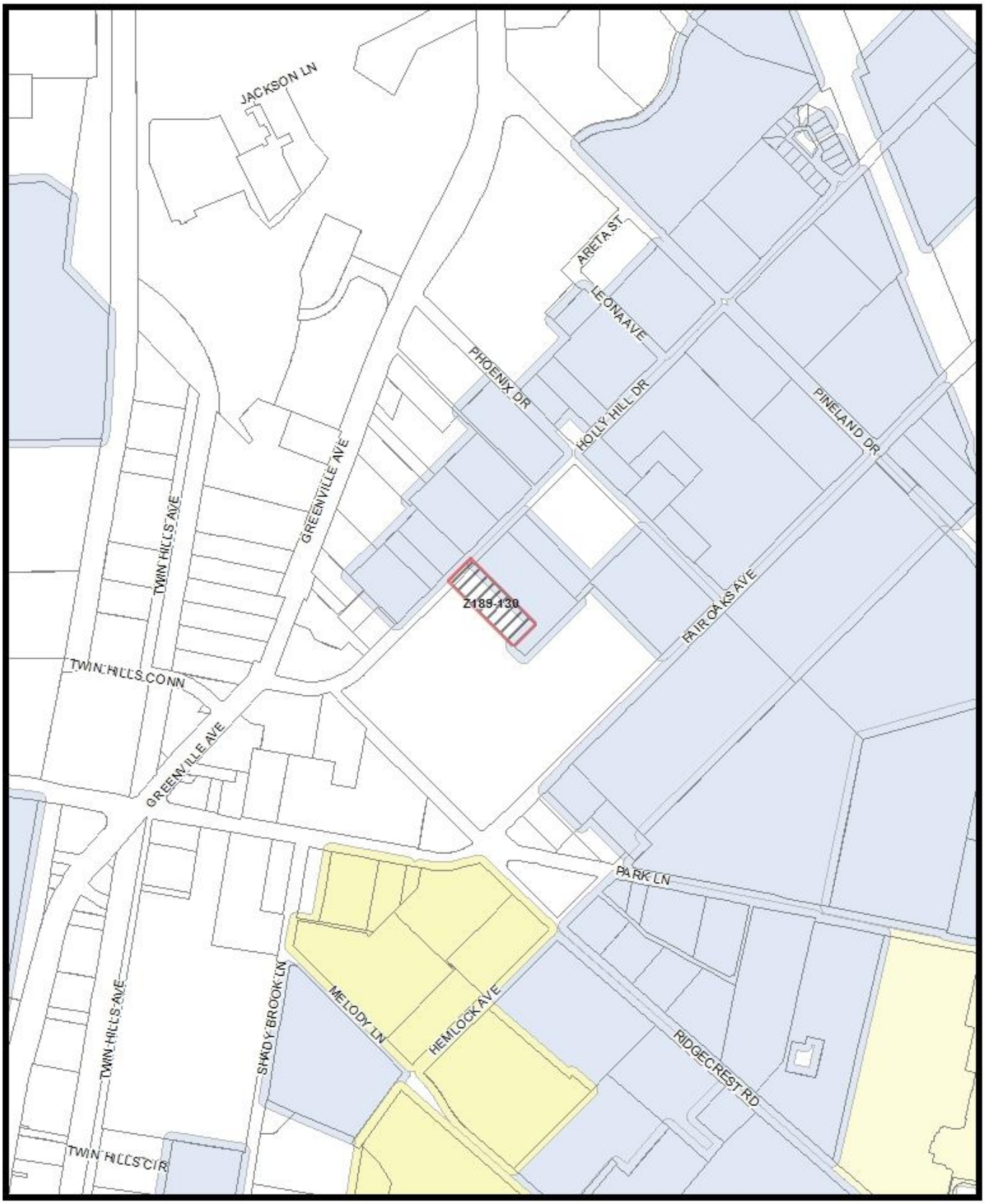
AERIAL MAP

Case no: Z189-130

Date: 12/24/2018


PD 96
Z834-445
GO(A)
PD 126
LEONA AVE
PD 453
MO-1
PHOENIX DR
HOLLY HILL DR
MU-3
SUP 1194
GREENVILLE AVE
Multifamilv
MF-1(A)
PD 720
Multifamilv
PD 65
PD 65 (Tract I)
D
GREENVILLE AVE
FAIR OAKS AVE
Public School
PD 720
Z845-329
Z067-108
MU-2
PD 65 (Tract 2)
NS(A)
Z790-178
CR
PARK LN
SHADY BROOK LN
Z778-177
PD 182
Z812-213
Z167-252
MF-3(A)
Z890-129
1:3,600
ZONING AND LAND USE
Case no: Z189-130
Date: 12/24/2018


PD 96
Z834-445
GO(A)
LEONA AVE
PD 126
PD 453
MO-1
PHOENIX DR
HOLLY HILL DR
MU-3
SUP 1194
GREENVILLE AVE
PD 720
MF-1(A)
D
PD 65
PD 65 (Tract 1)
FAIR OAKS AVE
Z845-329
PD 720
Z067-108
MU-2
PD 65 (Tract 2)
NS(A)
Z790-178
CR
PARK LN
SHADY BROOK LN
Z778-177
PD 182
Z812-213
1
Z167-252
MF-3(A)
Z890-129
1:3,600
ZONING HISTORY
Case no: Z189-130
Date: 12/24/2018



MVA Cluster A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 12/24/2018



203	Property Owners Notified (23 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
2/21/2019	Date

Z189-130
CPC

N
W E
S

1:3,600

02/20/2019

Reply List of Property Owners

Z189-130

203 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	7110	HOLLY HILL DR	VICKERY MEADOW YOUTH
	2	7124	GREENVILLE AVE	7124 GREENVILLE LTD
	3	7118	GREENVILLE AVE	SUNSHINE RICHARD B
	4	7050	GREENVILLE AVE	KLINE STANLEY M TRUSTEE
	5	7131	HOLLY HILL DR	ECHO GW PARTNERS III LP
	6	7034	GREENVILLE AVE	KBCP REAL ESTATE INC
	7	7038	GREENVILLE AVE	HOGAN BRIAN
	8	7150	HOLLY HILL DR	Dallas ISD
	9	7112	HOLLY HILL DR	LYRIC GW PARTNERS II LP
	10	7110	GREENVILLE AVE	KLINE STANLEY N TRUSTEE
	11	7104	GREENVILLE AVE	KLINE STANLEY N TRUSTEE
	12	7015	HOLLY HILL DR	BELAYNEH BENIAM T
	13	7010	GREENVILLE AVE	PARK GREENVILLE PPTIES I &
	14	7028	GREENVILLE AVE	PARK GREENVILLE PPTIES I &
	15	7043	HOLLY HILL DR	ZAPATA MANUEL
	16	7043	HOLLY HILL DR	GORSKI GREG & TERESA
	17	7043	HOLLY HILL DR	GORSKI GREGORY & TERESA
	18	7043	HOLLY HILL DR	GORSKI GREGORY &
	19	7043	HOLLY HILL DR	GORSKI GREGORY &
	20	7043	HOLLY HILL DR	AGUILAR JOSE A
	21	7043	HOLLY HILL DR	TAYLOR JOHN A
	22	7043	HOLLY HILL DR	GORSKI GREGORY & TERESA
	23	7043	HOLLY HILL DR	GORSKI GREGORY &
	24	7043	HOLLY HILL DR	GORSKI JAROSLAW
	25	5750	PHOENIX DR	VASQUEZ ISRAEL
	26	5750	PHOENIX DR	COHEN ABRAHAM

02/20/2019

Reply	*Label #*	*Address*		*Owner*
	27	5750	PHOENIX DR	GANDARA CARLOS &
	28	5750	PHOENIX DR	GARRETSON BILLY C II
	29	5750	PHOENIX DR	MAI NHAN V &
	30	5750	PHOENIX DR	SANCHEZ JOHN MICHAEL
	31	5750	PHOENIX DR	SUTTLE PHILIP M JR
	32	5750	PHOENIX DR	PIKE JAMES L &
	33	5750	PHOENIX DR	BOWEN LORNA
	34	5750	PHOENIX DR	VO LONG V
	35	5750	PHOENIX DR	SANDERS DAVID BRADLEY &
	36	5750	PHOENIX DR	MUHLBERG CURTIS H
	37	5750	PHOENIX DR	MUHLBERG CURTIS
	38	5750	PHOENIX DR	MAJESTIC SKIES SERIES LLC
	39	5750	PHOENIX DR	CAMPBELL WILL G III TR&
	40	5750	PHOENIX DR	SIGNATURE LEASING & MGMT INC
	41	5750	PHOENIX DR	WILSON CYNTHIA H
	42	5750	PHOENIX DR	RINN ED M JR
	43	5750	PHOENIX DR	MAI NHAN VAN &
	44	5750	PHOENIX DR	DELACRUZ JOEL A TRUSTEE &
	45	5750	PHOENIX DR	GORDON CHARLIE
	46	5750	PHOENIX DR	THOMPSON GARY
	47	5750	PHOENIX DR	JOHNSON ROBBIE M &
	48	5750	PHOENIX DR	LI ZIAOYAN
	49	5750	PHOENIX DR	MILAZZO DAVID A
	50	5750	PHOENIX DR	TALON SARAH GJW RICHARDSON PROPERTIES LLC
	51	5750	PHOENIX DR	HERRERA JOSE J
	52	5750	PHOENIX DR	STODDARD ROSS W III
	53	5750	PHOENIX DR	HERRERA JOSE J
	54	5750	PHOENIX DR	RAFRAF KAMBIZ & REGINA
	55	5750	PHOENIX DR	NGUYEN HAI TRONG
	56	5750	PHOENIX DR	ROWLAND JAY & THERESA
	57	5750	PHOENIX DR	SMALL JAY &

02/20/2019

Reply	*Label #*	*Address*		*Owner*
	58	5750	PHOENIX DR	SCHEDULE SEA SERIES F LLC
	59	5750	PHOENIX DR	MARTINEZ RAYMOND
	60	5750	PHOENIX DR	5750 PHOENIX 38 PROPERTY TRUST
	61	5750	PHOENIX DR	MEHANI AVIRAM
	62	5750	PHOENIX DR	COHEN BRAHAM
	63	5750	PHOENIX DR	DAN YARON MOSHE MOSES
	64	5750	PHOENIX DR	HOLMES SAMUEL A & EBONY M
	65	5750	PHOENIX DR	NELSON PAUL & DAGMAR
	66	5750	PHOENIX DR	GREEN DONALD J & TERSHEA L
	67	5750	PHOENIX DR	DELIRA MICHAEL A
	68	5750	PHOENIX DR	TAYLOR KEVIN K & NANCY
	69	5750	PHOENIX DR	BROOKS CONDOS
	70	5750	PHOENIX DR	SALINAS ORFA L
	71	5750	PHOENIX DR	JACKSON DONALD F
	72	5750	PHOENIX DR	KARIC ALMIR
	73	5750	PHOENIX DR	TAYLOR KEVIN & NANCY
	74	5750	PHOENIX DR	C & K RESIDENTIAL PROPERTIES
	75	5750	PHOENIX DR	ROWLAND JAY T
	76	5750	PHOENIX DR	NJOKU CHIDI
	77	7031	HOLLY HILL DR	FANNIE MAE
	78	7031	HOLLY HILL DR	GARCIA LEROY
	79	7031	HOLLY HILL DR	VU LOC &
	80	7031	HOLLY HILL DR	RUIZ JUAN J
	81	7031	HOLLY HILL DR	HEARN HARRISON R
	82	7031	HOLLY HILL DR	MOWOE DIANNE
	83	7031	HOLLY HILL DR	LAWSON JEAN
	84	7031	HOLLY HILL DR	SERPA ALDO L MEDINA &
	85	7031	HOLLY HILL DR	EDWARDS BRUCE L
	86	7031	HOLLY HILL DR	GREENE RONALD B
	87	7031	HOLLY HILL DR	HOLLY HILL 7031#11 LAND TRUST
	88	7031	HOLLY HILL DR	CROWLEY MATTHEW

02/20/2019

Reply	*Label #*	*Address*		*Owner*
	89	7031	HOLLY HILL DR	NGUYEN NGHIA
	90	7031	HOLLY HILL DR	WILLIAMS CAROLYN MARIE
	91	7031	HOLLY HILL DR	ARCINIEGA JULISSA
	92	7031	HOLLY HILL DR	MEINERS JOHN
	93	7031	HOLLY HILL DR	SIMSSMITH JALEESA DENISE
	94	7031	HOLLY HILL DR	DARDEN PAUL W LIVING TR
	95	7031	HOLLY HILL DR	BELAYNEH BENIAM
	96	7031	HOLLY HILL DR	YLAGAN EVELYN L &
	97	7031	HOLLY HILL DR	ENSEY SHARLET
	98	7031	HOLLY HILL DR	AJATUAEWO JONES
	99	7031	HOLLY HILL DR	7031 HOLLY HILL DR UNIT 24 LLC
	100	7107	HOLLY HILL DR	RAFRAF KAMBIZ & REGINA
	101	7107	HOLLY HILL DR	CASTILLO RAQUEL
	102	7107	HOLLY HILL DR	HOLLINS DEBORAH F
	103	7107	HOLLY HILL DR	HILL ADRIAN D
	104	7107	HOLLY HILL DR	KIRCH DAVID J
	105	7107	HOLLY HILL DR	KHLAID OMAR BIN &
	106	7107	HOLLY HILL DR	JACKSON MATTHEW ALLAN & CRAE DYLAN
	107	7107	HOLLY HILL DR	JOHNSON BRENDA G
	108	7107	HOLLY HILL DR	RAY STEVEN
	109	7107	HOLLY HILL DR	MOORE LATOYA M
	110	7107	HOLLY HILL DR	MAESTAS R Y
	111	7107	HOLLY HILL DR	SHOCKLEY CARL R JR
	112	7107	HOLLY HILL DR	ARZABALA DAVID
	113	7107	HOLLY HILL DR	CLEVELAND DON L
	114	7107	HOLLY HILL DR	MICHAEL BRYAN N
	115	7107	HOLLY HILL DR	LEWIS GEORGE B
	116	7107	HOLLY HILL DR	STEPHENS CALIE G
	117	7107	HOLLY HILL DR	CRUZ MIGUEL ANGEL HEMENEGILDO
	118	7107	HOLLY HILL DR	SANCHEZ PEDRO J
	119	7125	FAIR OAKS AVE	BAEZA MERCY

02/20/2019

Reply	*Label #*	*Address*		*Owner*
	120	7125	FAIR OAKS AVE	BROWN JEFFREY ROYSTON
	121	7125	FAIR OAKS AVE	PKA99 REAL ESTATE COMPANY
	122	7125	FAIR OAKS AVE	PKA99 REAL ESTATE CO LLC
	123	7125	FAIR OAKS AVE	ARROYO OBED
	124	7125	FAIR OAKS AVE	WATSON IAN &
	125	7125	FAIR OAKS AVE	HARRINGTON JAMES ARTHUR JR
	126	7125	FAIR OAKS AVE	REYNA TERESA NAVARRO
	127	7125	FAIR OAKS AVE	GIBBONS KENNETH R TR &
	128	7125	FAIR OAKS AVE	KOTROFI JOHN M
	129	7125	FAIR OAKS AVE	WARREN ANNE
	130	7125	FAIR OAKS AVE	CALZADA AUDELIO YASQUES &
	131	7135	FAIR OAKS AVE	MINH TAI INTERNATIONAL LLC
	132	7135	FAIR OAKS AVE	HILL GWENDA
	133	7135	FAIR OAKS AVE	JAHANGIRI ANILA
	134	7135	FAIR OAKS AVE	MURRAY MARILYN MARCELE
	135	7135	FAIR OAKS AVE	SALIH ASAAD H &
	136	7135	FAIR OAKS AVE	CALZADA JOSE J & CIRINA
	137	7135	FAIR OAKS AVE	CALZADA AUDELIO V &
	138	7135	FAIR OAKS AVE	PIEDRA SALVAODR & ALICIA
	139	7155	FAIR OAKS AVE	NGUYEN ANH &
	140	7155	FAIR OAKS AVE	MEDINA CRISEIDA
	141	7155	FAIR OAKS AVE	EMBREE BONITA & WILSON & WILSON INV PPTIES LLC
	142	7155	FAIR OAKS AVE	REYNA JOEL &
	143	7155	FAIR OAKS AVE	TAYLOR KIMBERLY
	144	7155	FAIR OAKS AVE	KRASPUR DAPSADA & TOUNE
	145	7155	FAIR OAKS AVE	BOULOM SOMSACK
	146	7155	FAIR OAKS AVE	REUBEN ALEXIS T
	147	7155	FAIR OAKS AVE	PKA99 FAMILY LTD PS
	148	7145	FAIR OAKS AVE	AUNKST PATRICK
	149	7145	FAIR OAKS AVE	MATTHEWS EDWARD L
	150	7145	FAIR OAKS AVE	CAGE RONNIE

02/20/2019

Reply	*Label #*	*Address*		*Owner*
	151	7145	FAIR OAKS AVE	DE GUIA THERESA
	152	7145	FAIR OAKS AVE	OLSON KYLE &
	153	7145	FAIR OAKS AVE	ROBINSON ROOSEVELT L & EASTER
	154	7145	FAIR OAKS AVE	SUNDARA ALEX &
	155	7145	FAIR OAKS AVE	MORGENTHAU JOE D
	156	7145	FAIR OAKS AVE	BEST SAMANTHA &
	157	7145	FAIR OAKS AVE	REYNA JOEL
	158	7145	FAIR OAKS AVE	BROOKS JONATHAN
	159	7145	FAIR OAKS AVE	SUNDARY ALEX
	160	7165	FAIR OAKS AVE	RAYO ABEL
	161	7165	FAIR OAKS AVE	YLITALO AMANDA
	162	7165	FAIR OAKS AVE	GARCIA JEANETTE
	163	7165	FAIR OAKS AVE	TAYLOR RICHARD D
	164	7165	FAIR OAKS AVE	GARCIA GUILLERMO CHAVEZ &
	165	7165	FAIR OAKS AVE	MIRANDA MIGUEL ANGEL & ADRIANA CHAVARRIA
	166	7165	FAIR OAKS AVE	CHAVEZ ALEJANDRO MENDOZA
	167	7165	FAIR OAKS AVE	MAI NHAM V &
	168	7165	FAIR OAKS AVE	SHAFIK WAGDY S
	169	7175	FAIR OAKS AVE	CASTELLANOS EVETH &
	170	7175	FAIR OAKS AVE	PHAN XUAN THANH THI &
	171	7175	FAIR OAKS AVE	PIERCE JAMES D &
	172	7175	FAIR OAKS AVE	STEACY DAREY
	173	7175	FAIR OAKS AVE	HEMMI CHRISTIAN O
	174	7175	FAIR OAKS AVE	WILSON & WILSON INVESTMENT PROP LLC
	175	7175	FAIR OAKS AVE	BENITZ DHINA
	176	7175	FAIR OAKS AVE	CORTES URBANA &
	177	7175	FAIR OAKS AVE	BROWN HELEN J
	178	7126	HOLLY HILL DR	GONZALEZ ROBERTO
	179	7126	HOLLY HILL DR	HERNANDEZ RAQUEL ET AL
	180	7126	HOLLY HILL DR	YASMIN NAHEED
	181	7126	HOLLY HILL DR	HALCO LLC

02/20/2019

Reply	*Label #*	*Address*		*Owner*
	182	7126	HOLLY HILL DR	RATLIFF FRANKLIN X &
	183	7126	HOLLY HILL DR	RIZVI SYED ADNAN ALI
	184	7126	HOLLY HILL DR	LOCKE PPTIES INC &
	185	7126	HOLLY HILL DR	GUO CHANG
	186	7126	HOLLY HILL DR	YASMEEN NAHEED &
	187	7126	HOLLY HILL DR	HERRERA JOSE J
	188	7126	HOLLY HILL DR	RATLIFF HARVEY LOCKE
	189	7126	HOLLY HILL DR	KHAN SARFARAZ
	190	7126	HOLLY HILL DR	BLECKER TAMARA
	191	7126	HOLLY HILL DR	RATLIFF HARVEY
	192	7126	HOLLY HILL DR	MARTINES LOUIS D A
	193	7126	HOLLY HILL DR	ARROYO SENORINA
	194	7126	HOLLY HILL DR	RATLIFF FRANKLIN S &
	195	7126	HOLLY HILL DR	RATLIFF HARVEY L JR &
	196	7126	HOLLY HILL DR	MINH TAI INTL INC
	197	7126	HOLLY HILL DR	TOTARO JEFFREY A
	198	7126	HOLLY HILL DR	HALCO LLC
	199	7126	HOLLY HILL DR	HALCO LLC
	200	7126	HOLLY HILL DR	ROSENQUIST BRAD
	201	7126	HOLLY HILL DR	HALCO LLC
	202	7126	HOLLY HILL DR	PATTERSON WDP FAMILY LP
	203	7126	HOLLY HILL DR	VIGIL ANTONIO A

Agenda Information Sheet

File #: 19-451 **Item #:** 59.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2009 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the southeast corner of Commerce Street and Lane Street
Recommendation of Staff and CPC: Approval for a six-year period, subject to conditions
Z189-146(CY)

powered by Legistar™

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY APRIL 10, 2019**
ACM: Majed Al-Ghafry

FILE NUMBER:	Z189-146(CY)	**DATE FILED:**	November 30, 2018
LOCATION:	Southeast corner of Commerce Street and Lane Street		
COUNCIL DISTRICT:	14	**MAPSCO:**	45 Q
SIZE OF REQUEST:	Approx. 0.87 acres	**CENSUS TRACT:**	31.01

OWNER/APPLICANT: Dalpark Land Lease Ltd.

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

REQUEST: An application for the renewal of Specific Use Permit No. 2009 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619.

SUMMARY: The purpose of the request is to continue the display of an existing attached projecting sign on the northern façade of an existing commercial building.

CPC RECOMMENDATION: **Approval** for a six-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a six-year period, subject to conditions.

BACKGROUND INFORMATION:

- The area of request is zoned Planned Development District No. 619 with Specific Use Permits No. 2008 and 2009 both for an attached projecting non-premise district activity videoboard sign.

- The site is located in the Retail Subdistrict A within the Downtown Special Provision Sign District and is developed with an 11-story parking garage.

- Ordinance No. 27481, adopted by City Council on February 11, 2009, allowed for non-premise district activity videoboard signs in the Downtown Special Provision Sign District. In this ordinance, there was a limit of five videoboard signs allowed.

- Ordinance No. 28347 was adopted by City council on August 24, 2011. Among the amendments in this ordinance, was to increase the number of videoboard signs allowed in the Downtown SPSD to a total of 15 and increase the area in which the videoboard signs are allowed.

- SUP No. 2009 was approved by City Council on January 23, 2013 for a six-year period. [Expiration date: January 23, 2019]. This application for the renewal of the SUP was submitted on November 30, 2018.

- The existing videoboard sign is located on the northern façade of the existing building [along Commerce Street].

- Currently, there are 14 active Specific Use Permits for a total of 15 videoboard signs. Five of these Specific Use Permits have active cases for their renewal; four of them are on this agenda and one is pending approval of a waiver of the two year limitation. Out of the 14 active Specific Use Permits, ten videoboard signs are installed and four have not been installed.

Zoning History: There have been two zoning changes in the vicinity during the last five years.

1. Z145-277: On September 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign on property located on the northeast corner of Commerce Street and South Field Street, northwest of the area of request.

2. Z145-278: On September 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign on property located on the south side of Elm Street, east of North Akard Street, northwest of the area of request.

Videoboard Signs:

The chart below indicates that currently, there are 14 active Specific Use Permits for a total of 15 videoboard signs. Five of these Specific Use Permits have active cases for their renewal; four of them are on this agenda and one is pending approval of a waiver of the two year limitation. Out of the 14 active Specific Use Permits, ten videoboard signs are installed and four have not been installed.

A map showing the status of the SUP's for videoboard signs in the district is provided further in this report.

No.	SUP No.	Case No.	Approved	Expiration	Sign Installed (permit #)	Renewal application submitted
1&2	*1755	Z145-276 (Renewal)	9/9/2015	9/9/2021	0910095005	
3	1788	Z145-277 (Renewal)	9/9/2015	9/9/2021	0912305001	
4	1791	Z145-278 (Renewal)	9/9/2015	9/9/2021	1104055002	
5	1796	Z123-224 (Renewal)	8/14/2013	8/14/2019	1709191108	
6	1957	Z178-123 (Renewal)	6/13/2018	6/13/2028	1403311122	
7	1958	Z178-124 (Renewal)	2/14/2018	2/14/2028	1403311124	
8	1959	Z178-214 (Amendment/Renewal)	6/27/2018	6/27/2024	Not installed	
9	2005	Z123-123	1/23/2013	1/23/2019	Not installed	01/02/2019 case No. Z189-165
10	2006	Z123-122	1/23/2013	1/23/2019	Not installed	01/02/2019 case No. Z189-164
11	2007	Z123-112	1/23/2013	1/23/2019	1403311118	11/30/2018** case No. Z189-148
12	2008	Z123-110	1/23/2013	1/23/2019	1403311114	11/30/2018 case No. Z189-147
13	2009	Z123-111	1/23/2013	1/23/2019	1403311109	11/30/2018 case No. Z189-146
14	2302	Z178-242	9/26/2018	9/26/2024	Not installed	

*Includes 2 videoboard signs
** Pending approval of two-year waiver

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
Commerce Street	Major Arterial	80 feet	80 feet
Lane Street	Minor Arterial	50 feet	50 feet
South Ervay Street	Minor Arterial	57 feet	57 feet
Jackson Street	Minor Arterial	50 feet	50 feet

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas!* Comprehensive Plan was adopted by the City Council in June 2006. The *forwardDallas!* Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded Downtown.

ECONOMIC ELEMENT

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN.

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY.

Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

Land Use Compatibility:

The approximate 0.87-acre area of request is zoned Planned Development District No. 619 with SUP No. 2008 and 2009, both for a non-premise district activity videoboard sign and is developed with an 11-story parking garage. The site is also within Subdistrict Retail A within the Downtown Special Provision Sign District.

SUP No. 2009 was approved by City Council on January 23, 2013, for a six-year time period [Expiration date: January 23, 2019]. The purpose of the request is to renew the SUP to continue the display of an existing attached projecting videoboard sign on the northern façade of the parking garage building.

According to Building Inspections' records, the existing projecting videoboard sign was installed on August 2014.

Uses surrounding the area of request include hotel, personal service, general merchandise and multifamily uses to the northeast, north and northwest across Commerce Street. Additional multifamily uses and retail and personal service uses are to the west across Lane Street; two commercial parking lots are to the south and southeast across Jackson Street, and a hotel use is to the east across South Ervay Street.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The existing projecting sign is consistent with the general provisions for a Specific Use Permit listed above, and with the provisions for attached non-premise district activity videoboard signs in Section 51A-7.909 for as they pertain to: content, location and number, size, SUP requirement, installation, projecting, and building occupancy requirements.

Staff is in support of the request and recommends approval for a six-year period, subject to conditions.

Land Use:

	Zoning	Land Use
Site	PD No. 619 with SUP No. 2008 and 2009	Commercial parking garage
North	PD No. 619, H/129	Hotel, retail and personal service, general merchandise, multifamily
East	PD No. 619, H/146	Hotel
South	CA-1(A)	Commercial parking lot
West	PD No. 619, H/121	Retail and Personal Service, multifamily

Development Standards:

A maximum of 15 non-premise district activity videoboard signs are permitted within the Downtown SPSD and may only be erected on buildings with frontage on streets within the Retail Subdistrict bounded by Jackson Street, Lamar Street, Pacific Street, and Cesar Chavez Boulevard.

Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street. Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.

A maximum of one non-premise district activity videoboard sign is permitted per block face. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have maximum of 150 square feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP.

Non-premise district activity videoboard signs are only permitted on buildings with retail and personal service uses, lodging uses, or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. Non-premise district activity videoboard signs are not allowed on a lot containing a commercial surface parking lot use.

Projecting non-premise activity videoboard signs:

- must have a vertical orientation with height exceeding the width at a minimum of 16:9 width-to-height ratio;
- may project a maximum of 12 feet into the right-of-way;
- must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk; and

- must have video displays on both sides of the sign.

All videoboard signs:

- must contain a default mechanism that freezes the image in one position in case of malfunction;
- must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
    - the ambient light level measure in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then
    - the dimming level, multiplied by .0039 equal the brightness level; then
    - the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed brightness, measured in nits;
- must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and
- may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

Non-premise district activity videoboard signs:

- must have a full color display able to display a minimum of 281 trillion color shades; and
- must be able to display a high-quality image with a minimum resolution equivalent to 19mm maximum pixel size.

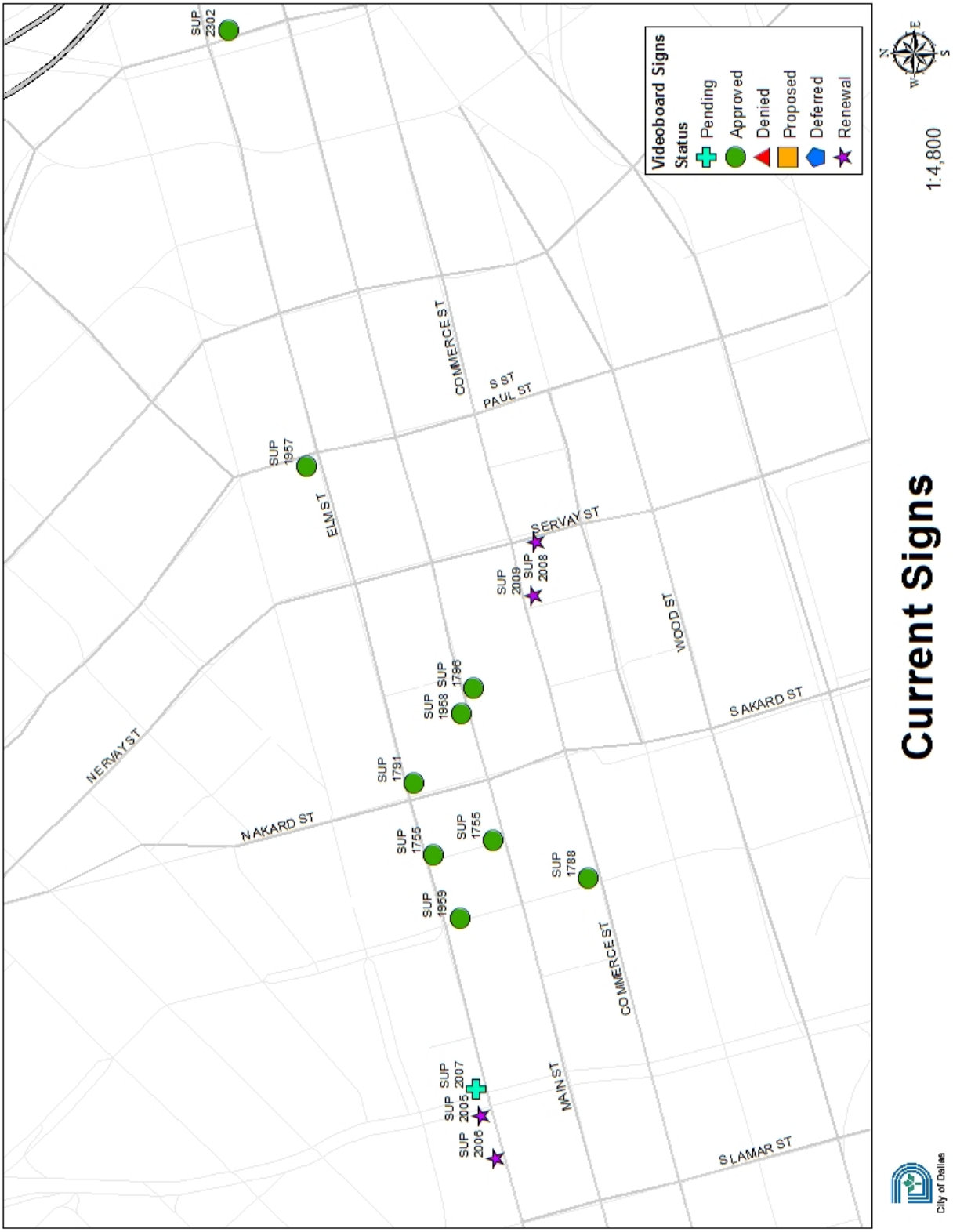
Changes of message must comply with the following:

- Each message must be displayed for a minimum of eight seconds;
- Changes of message must be accomplished within two seconds;
- Changes of message must occur simultaneously on the entire sign face; and
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The site is not within an identifiable MVA Category; however, it is in proximity to an “E” MVA Cluster to the west across Lane Street and to the northeast across Commerce Street.

VIDEOBOARDS CURRENT & RENEWALS



CPC Action

February 21, 2019

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2009 for an attached projecting non-premise district activity videoboard sign for a six-year period, subject to conditions on property zoned Planned Development District No. 619, on the southeast corner of Commerce Street and Lane Street.

Maker: Murphy
Second: Ridley
Result: Carried: 11 to 0

For: 11 - Macgregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 200 Mailed: 27
Replies: For: 2 Against: 0

Speakers: None

LIST OF OFFICERS

Dalpark Land Lease, Ltd.

- John C. Tatum, Jr. General Partner

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.

3. TIME LIMIT: This specific use permit automatically terminates on (six years after the passage of this ordinance) [~~January 23, 2019~~].

4. BUILDING REQUIREMENTS: This use is only permitted if the building that the sign is attached to has:

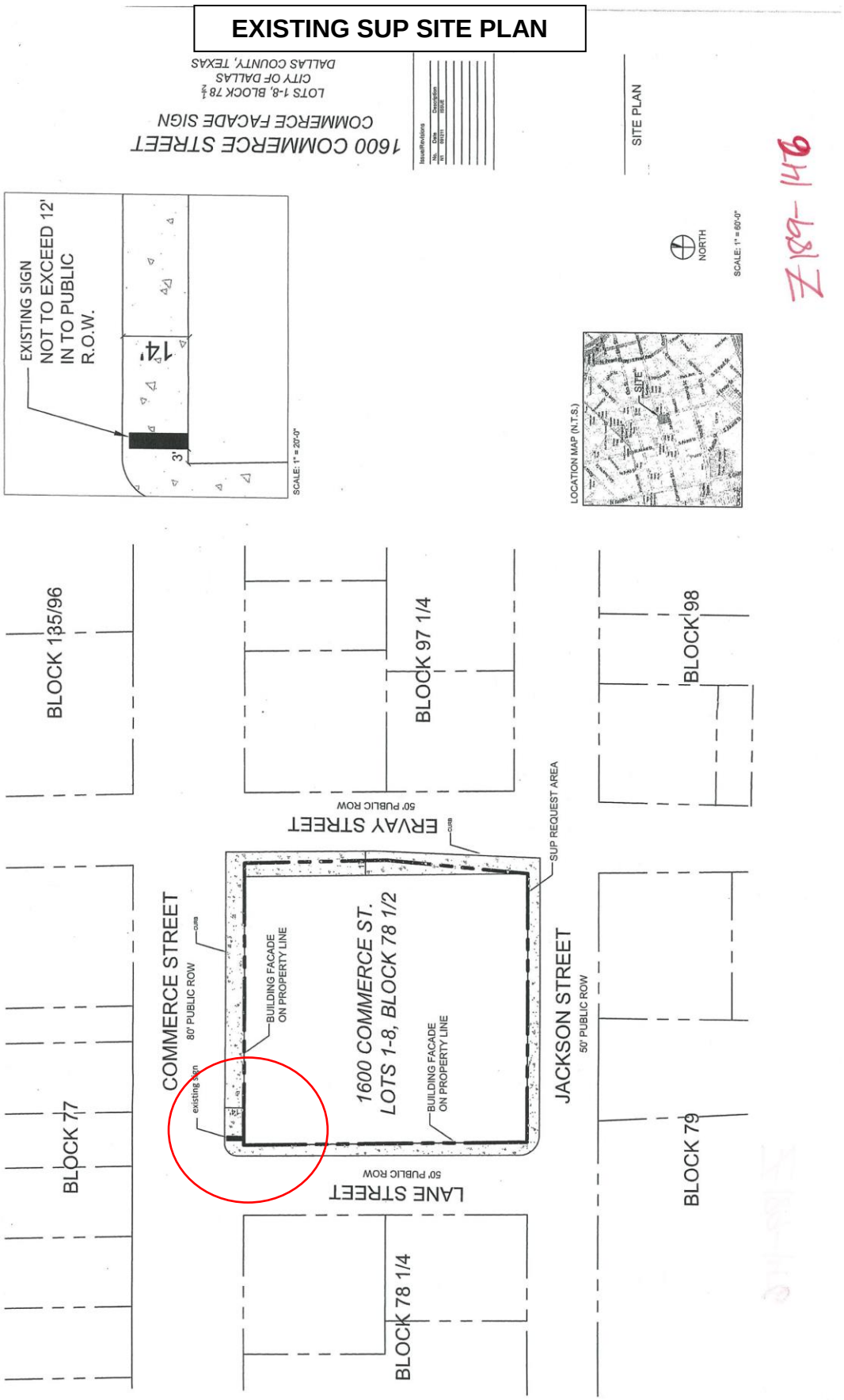
(a) a minimum of 15,000 square feet at street level occupied by lodging uses, office uses, or retail and personal service uses; or

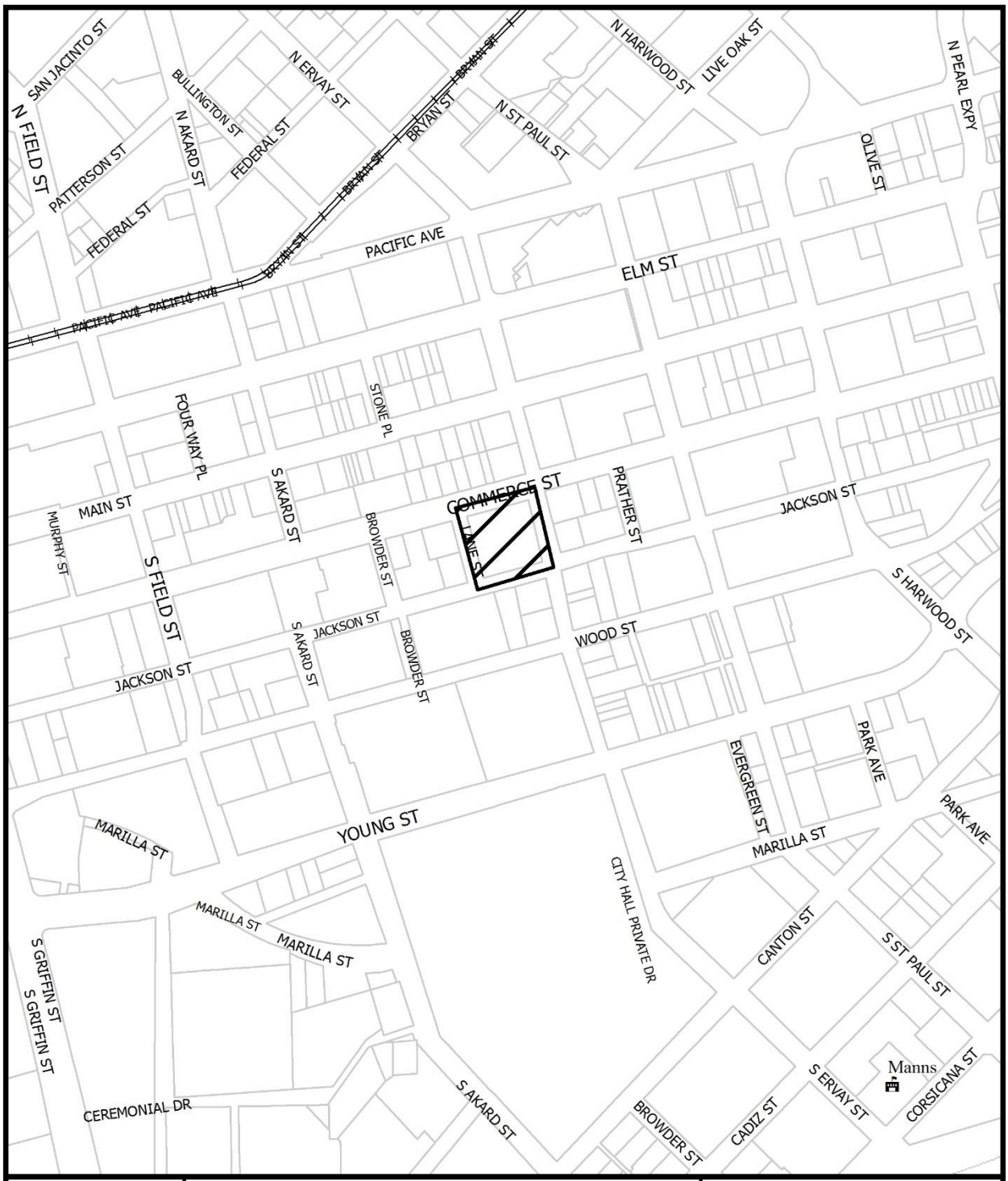
(b) at least 50 percent of the street level façade areas facing Commerce Street and Ervay Street have window art displays or graphics.

5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules and regulations of the City of Dallas.

EXISTING SUP SITE PLAN



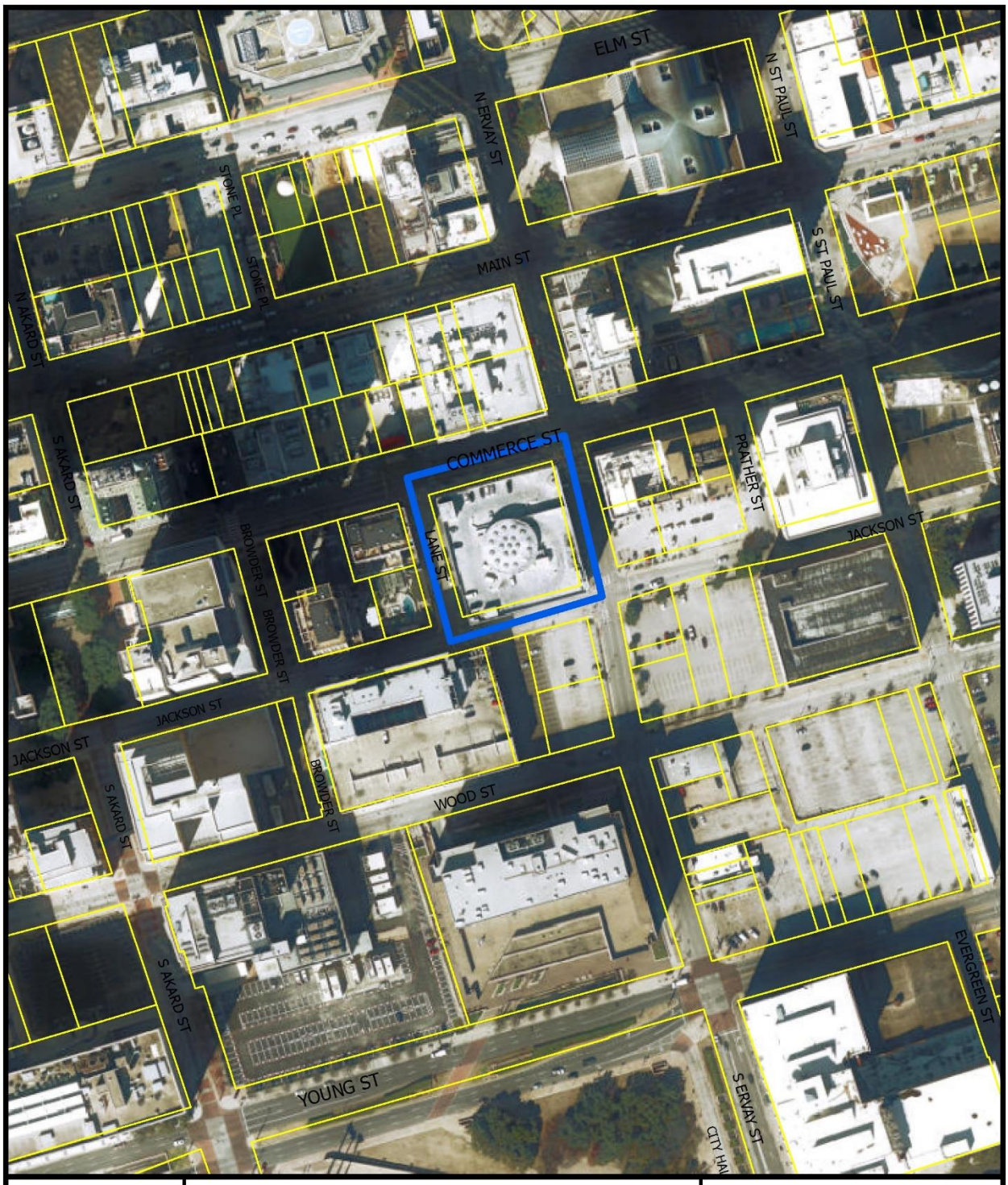


1:4,800

VICINITY MAP

Case no: Z189-146

Date: 1/15/2019

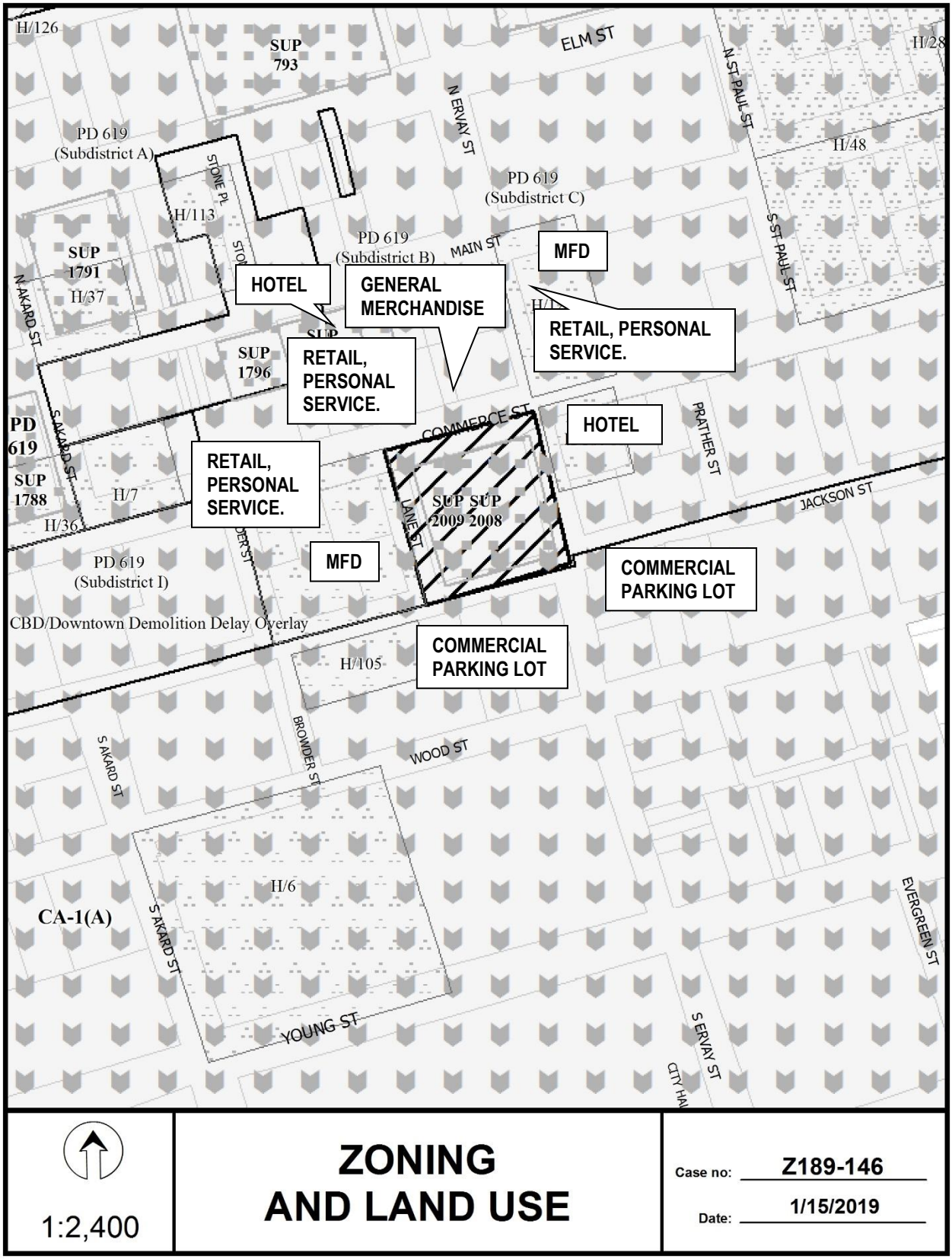


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AERIAL MAP

Case no: Z189-146

Date: 1/15/2019

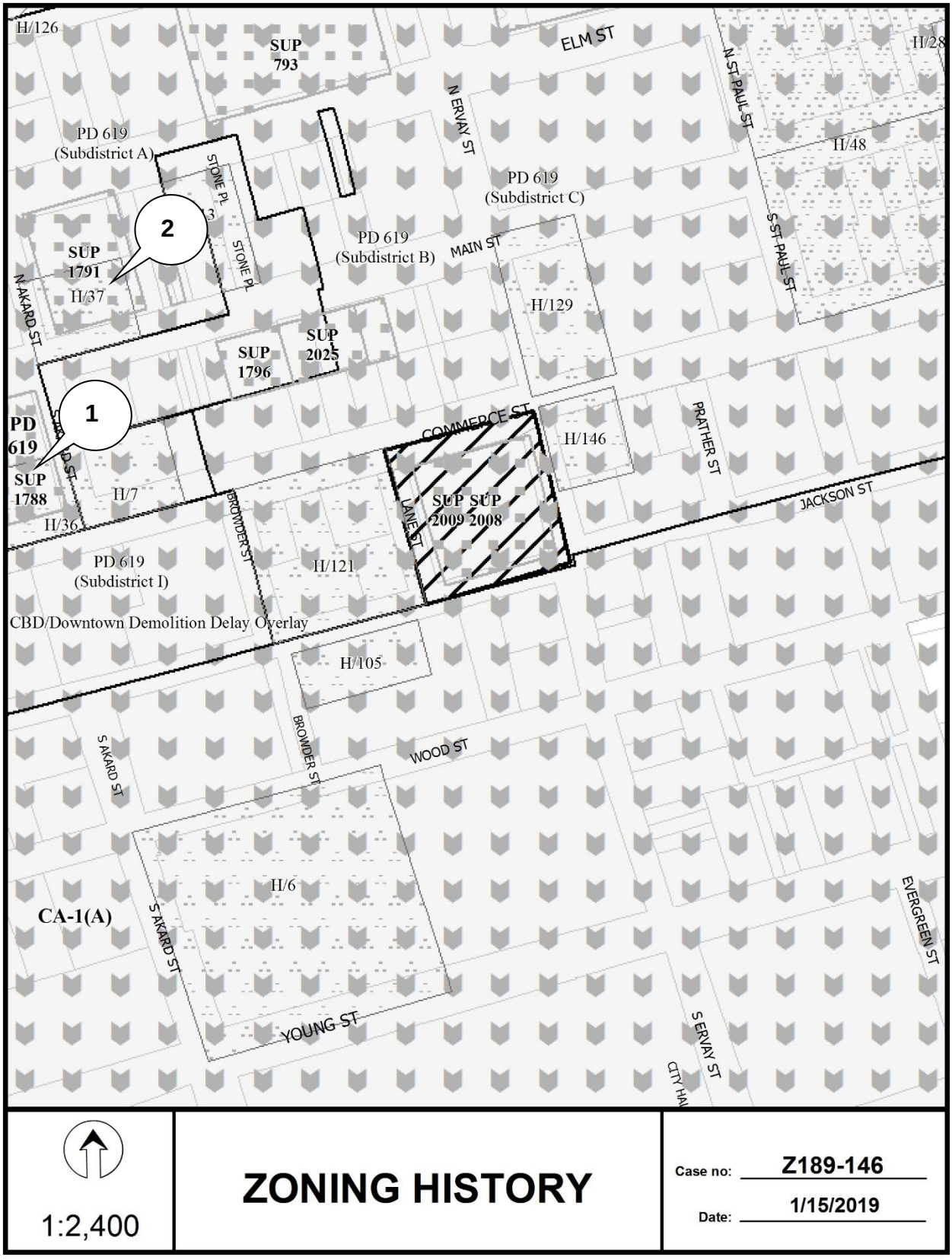


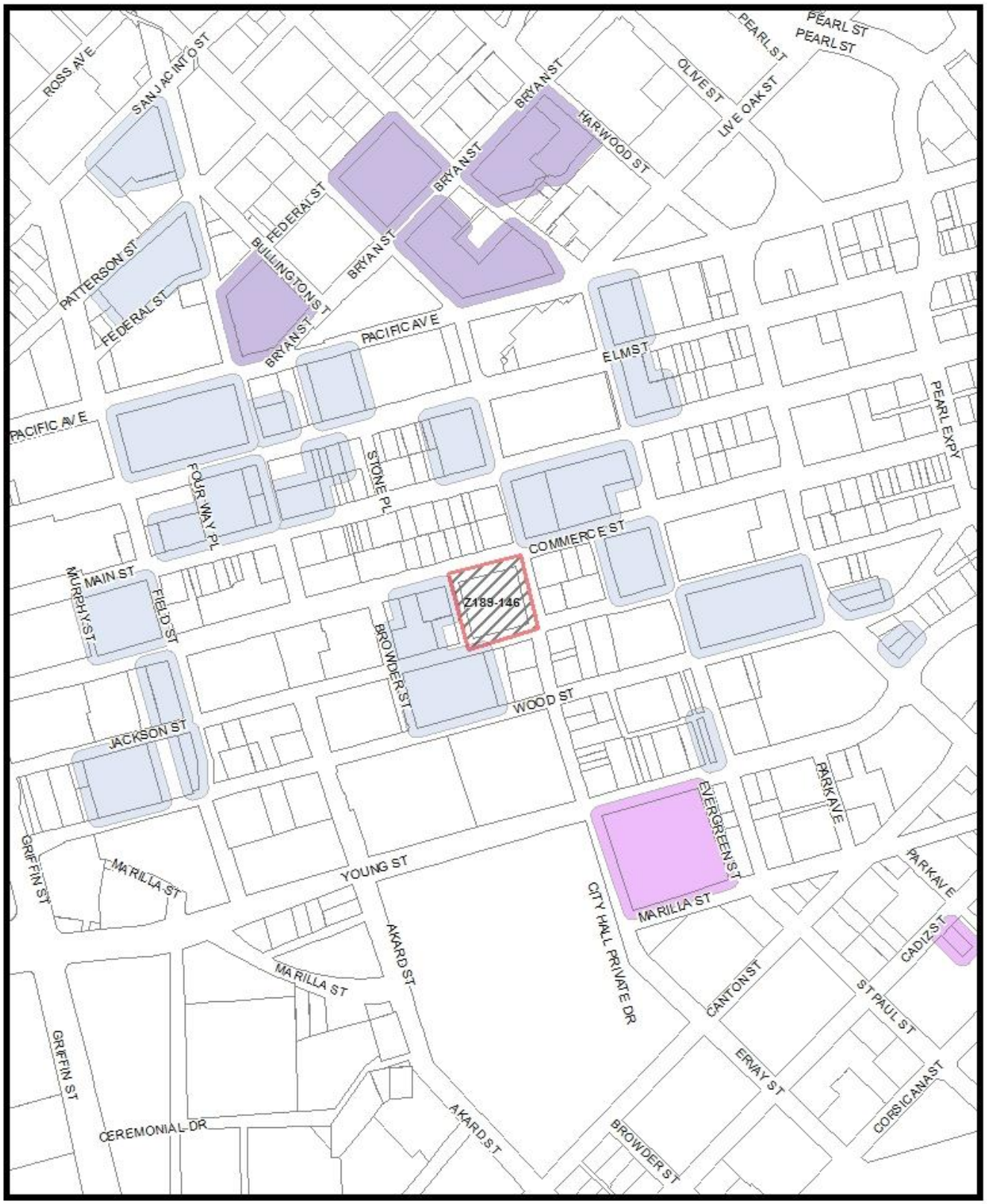
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ZONING AND LAND USE

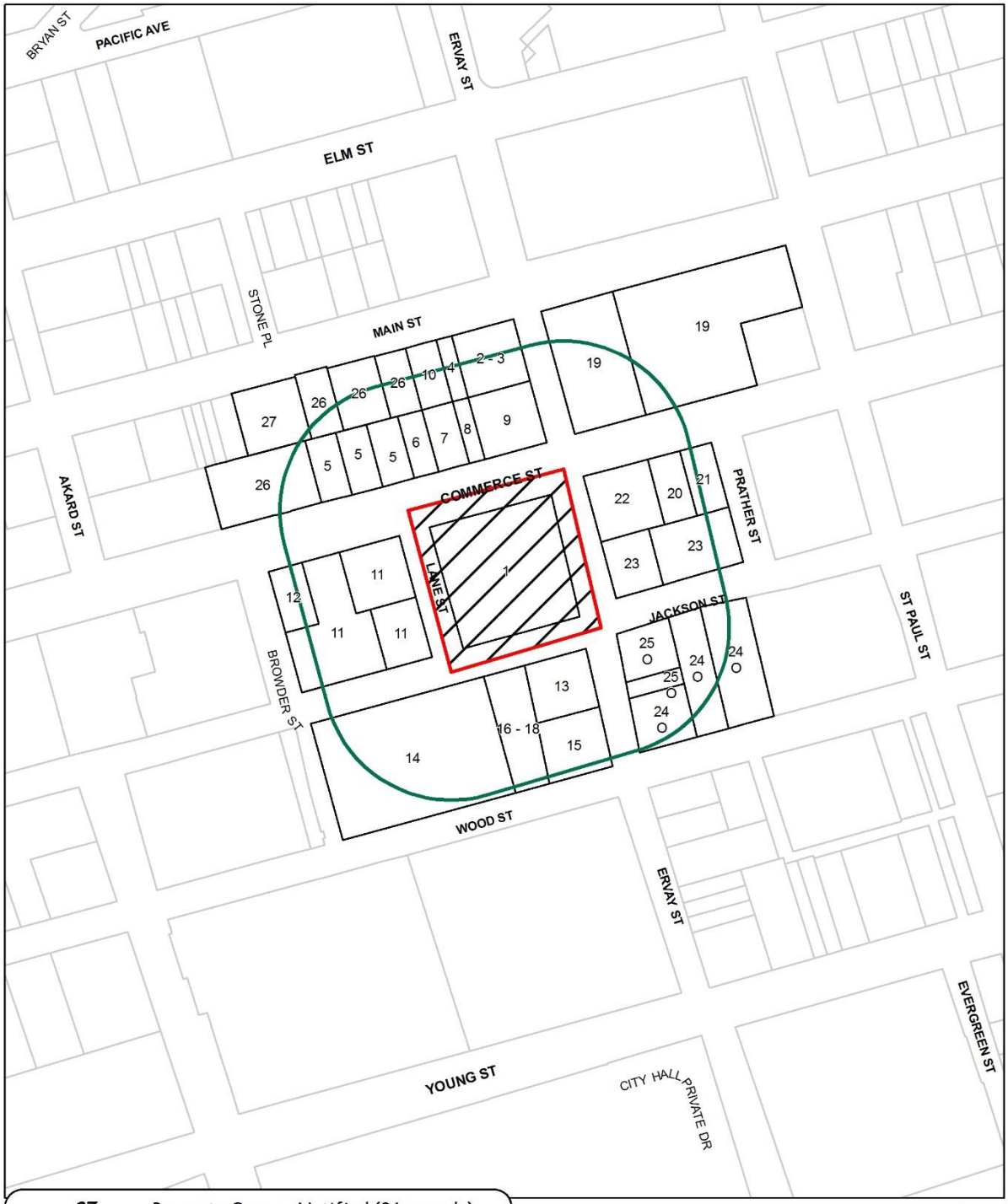
Case no: Z189-146

Date: 1/15/2019


H/126
SUP 793
ELM ST
N ST PAUL ST
H/28
PD 619 (Subdistrict A)
STONE PL
N ERVAY ST
H/48
PD 619 (Subdistrict C)
2
SUP 1791
H/37
PD 619 (Subdistrict B)
MAIN ST
S ST PAUL ST
N AKARD ST
H/129
SUP 1796
SUP 2025
1
PD 619
COMMERCE ST
H/146
PRATHER ST
SUP 1788
H/7
SUP SUP 2009 2008
JACKSON ST
H/36
BROWDER ST
LAMAR ST
PD 619 (Subdistrict I)
H/121
CBD/Downtown Demolition Delay Overlay
H/105
WOOD ST
S AKARD ST
H/6
CA-1(A)
EVERGREEN ST
YOUNG ST
S ERVAY ST
CITY HA
1:2,400
ZONING HISTORY
Case no: Z189-146
Date: 1/15/2019


ROSS AVE
SAN JACINTO ST
PEARL ST
PEARL ST
PEARL ST
OLIVE ST
LIVE OAK ST
BRYAN ST
HARWOOD ST
BRYAN ST
FEDERAL ST
BULLINGTON ST
BRYAN ST
PATTERSON ST
FEDERAL ST
PACIFIC AVE
ELM ST
PACIFIC AVE
PEARL EXPY
FOUR WAY PL
STONE PL
COMMERCE ST
MAIN ST
MURPHY ST
FIELD ST
Z189-146
BROWDER ST
WOOD ST
JACKSON ST
EVERGREEN ST
PARK AVE
GRIFFIN ST
MARILLA ST
YOUNG ST
CITY HALL PRIVATE DR
MARILLA ST
PARK AVE
AKARD ST
CADIZ ST
MARILLA ST
CANTON ST
ST PAUL ST
GRIFFIN ST
ERVAY ST
CORSICANA ST
CEREMONIAL DR
AKARD ST
BROWDER ST
MVACluster
A
B
C
D
E
F
G
H
I
NA
1:4,800
Market Value Analysis
Printed Date: 2/8/2019

CPC RESPONSES



27	Property Owners Notified (36 parcels)
2	Replies in Favor (5 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
2/21/2019	Date

Z189-146
CPC

N
W E
S

1:2,400

02/20/2019

Reply List of Property Owners

Z189-146

27 Property Owners Notified ***2 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1600	COMMERCE ST	DALPARK LAND LEASE LTD
	2	1603	COMMERCE ST	NEIMAN MARCUS CO
	3	1622	MAIN ST	NEIMAN MARCUS CO LESSEE
	4	1618	MAIN ST	THE NEIMAN MARCUS GROUP INC
	5	1513	COMMERCE ST	1530 MAIN LP
	6	1525	COMMERCE ST	POLLOCK ROBERT ETAL
	7	1603	COMMERCE ST	KEATING PROPERTIES LLC
	8	1607	COMMERCE ST	ROGERS WILLIAM SLAUGHTER &
	9	1609	COMMERCE ST	NEIMAN MARCUS GROUP INC
	10	1616	MAIN ST	DALLAS FOUNDATION
	11	1512	COMMERCE ST	DPL LOAN HOLDINGS LLC
	12	1500	COMMERCE ST	DPL LAND LLC
	13	1610	JACKSON ST	1610 JACKSON LLC
	14	1500	JACKSON ST	FPG INTERURBAN LLC
	15	315	S ERVAY ST	315 ERVAY LLC
	16	1600	JACKSON ST	SWAIN JACK R JR
	17	1600	JACKSON ST	SABO MARY ELIZABETH
	18	1600	JACKSON ST	1600 JACKSON LLC
	19	1800	MAIN ST	FC MERC COMPLEX LP
	20	1712	COMMERCE ST	SUPREME BRIGHT DALLAS II LLC
	21	1712	COMMERCE ST	SUPREME BRIGHT DALLAS II LLC
	22	1700	COMMERCE ST	SUPREME BRIGHT DALLAS LLC
	23	208	S ERVAY ST	SUPREME BRIGHT DALLAS PARKING LLC
O	24	1708	JACKSON ST	RADER PARKING SYSTEM LP
O	25	308	S ERVAY ST	RADER PARKING SYSTEMS LP
	26	1501	COMMERCE ST	1600 MAIN STREET HOLDINGS LP
	27	1530	MAIN ST	DUNHILL 1530 MAIN LP

Agenda Information Sheet

File #: 19-452 **Item #:** 60.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2008 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the southwest corner of Commerce Street and South Ervay Street
Recommendation of Staff and CPC: Approval for a six-year period, subject to conditions
Z189-147(CY)

powered by Legistar™

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**
ACM: Majed Al-Ghafry

FILE NUMBER:	Z189-147(CY)	**DATE FILED:**	November 30, 2018
LOCATION:	Southwest corner of Commerce Street and South Ervay Street.		
COUNCIL DISTRICT:	14	**MAPSCO:**	45 Q
SIZE OF REQUEST:	Approx. 0.87 acres	**CENSUS TRACT:**	31.01

OWNER/APPLICANT: Dalpark Land Lease Ltd.

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

REQUEST: An application for the renewal of Specific Use Permit No. 2008 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619.

SUMMARY: The purpose of the request is to continue the display of an existing attached projecting sign on the eastern façade of an existing commercial building.

CPC RECOMMENDATION: **Approval** for a six-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a six-year period, subject to conditions.

BACKGROUND INFORMATION:

- The area of request is zoned Planned Development District No. 619 with Specific Use Permit No. 2008 and 2009, both for an attached projecting non-premise district activity videoboard sign.

- The site is located in the Retail Subdistrict A within the Downtown Special Provision Sign District and is developed with an 11-story parking garage.

- Ordinance No. 27481, adopted by City Council on February 11, 2009, allowed for non-premise district activity videoboard signs in the Downtown Special Provision Sign District. In this ordinance, there was a limit of five videoboard signs allowed.

- Ordinance No. 28347 was adopted by City council on August 24, 2011. Among the amendments in this ordinance, was to increase the number of videoboard signs allowed in the Downtown SPSD to a total of 15 and increase the area in which the videoboard signs are allowed.

- SUP No. 2008 was approved by City Council on January 23, 2013 for a six-year period. [Expiration date: January 23, 2019]. This application for the renewal of the SUP was submitted on November 30, 2018.

- The existing videoboard sign is located on the eastern façade of the existing building [along South Ervay Street].

- Currently, there are 14 active Specific Use Permits for a total of 15 videoboard signs. Five of these Specific Use Permits have active cases for their renewal; four of them are on this agenda and one is pending approval of a waiver of the two-year limitation. Out of the 14 active Specific Use Permits, ten videoboard signs are installed and four have not been installed.

Zoning History: There have been two zoning changes in the vicinity during the last five years.

1. Z145-277: On September 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign on property located on the northeast corner of Commerce Street and South Field Street, northwest of the area of request.

2. Z145-278: On September 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign on property located on the south side of Elm Street, east of North Akard Street, northwest of the area of request.

Videoboard Signs:

The chart below indicates that currently, there are 14 active Specific Use Permits for a total of 15 videoboard signs. Five of these Specific Use Permits have active cases for their renewal; four of them are on this agenda and one is pending approval of a waiver of the two-year limitation. Out of the 14 active Specific Use Permits, ten videoboard signs are installed and four have not been installed.

A map showing the status of the SUP's for videoboard signs in the district is provided further in this report.

No.	SUP No.	Case No.	Approved	Expiration	Sign Installed (permit #)	Renewal application submitted
1&2	***1755**	Z145-276 (Renewal)	9/9/2015	9/9/2021	0910095005	
3	**1788**	Z145-277 (Renewal)	9/9/2015	9/9/2021	0912305001	
4	**1791**	Z145-278 (Renewal)	9/9/2015	9/9/2021	1104055002	
5	**1796**	Z123-224 (Renewal)	8/14/2013	8/14/2019	1709191108	
6	**1957**	Z178-123 (Renewal)	6/13/2018	6/13/2028	1403311122	
7	**1958**	Z178-124 (Renewal)	2/14/2018	2/14/2028	1403311124	
8	**1959**	Z178-214 (Amendment/Renewal)	6/27/2018	6/27/2024	Not installed	
9	**2005**	Z123-123	1/23/2013	1/23/2019	Not installed	01/02/2019 case No. Z189-165
10	**2006**	Z123-122	1/23/2013	1/23/2019	Not installed	01/02/2019 case No. Z189-164
11	**2007**	Z123-112	1/23/2013	1/23/2019	1403311118	11/30/2018** case No. Z189-148
12	**2008**	Z123-110	1/23/2013	1/23/2019	1403311114	11/30/2018 case No. Z189-147
13	**2009**	Z123-111	1/23/2013	1/23/2019	1403311109	11/30/2018 case No. Z189-146
14	**2302**	Z178-242	9/26/2018	9/26/2024	Not installed	

*Includes 2 videoboard signs
** Pending approval of two-year waiver

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
Commerce Street	Major Arterial	80 feet	80 feet
Lane Street	Minor Arterial	50 feet	50 feet
South Ervay Street	Minor Arterial	57 feet	57 feet
Jackson Street	Minor Arterial	50 feet	50 feet

Traffic:
The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas!* Comprehensive Plan was adopted by the City Council in June 2006. The *forwardDallas!* Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded Downtown.

ECONOMIC ELEMENT

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN.

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY.

Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

Land Use Compatibility:

The approximate 0.87-acre area of request is zoned Planned Development District No. 619 with SUP No. 2008 and 2009, both for a non-premise district activity videoboard sign and is developed with an 11-story parking garage. The site is also within Subdistrict Retail A within the Downtown Special Provision Sign District.

SUP No. 2008 was approved by City Council on January 23, 2013, for a six-year time period [Expiration date: January 23, 2019]. The purpose of the request is to renew the SUP to continue the display of an existing attached projecting videoboard sign on the eastern façade of the parking garage building.

According to Building Inspections' records, the existing projecting videoboard sign was installed on August 2014.

Uses surrounding the area of request include hotel, personal service, general merchandise and multifamily uses to the northeast, north and northwest across Commerce Street. Additional multifamily uses and retail and personal service uses are to the west across South Lane Street; two commercial parking lots are to the south and southeast across Jackson Street, and a hotel use is to the east across South Ervay Street.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The existing projecting sign is consistent with the general provisions for a Specific Use Permit listed above, and with the provisions for attached non-premise district activity videoboard signs in Section 51A-7.909 as they pertain to: content, location and number, size, SUP requirement, installation, projecting, and building occupancy requirements.

Staff is in support of the request and recommends approval for a six-year period, subject to conditions.

Land Use:

	Zoning	Land Use
Site	PD No. 619 with SUP No. 2008, and 2009	Commercial parking garage
North	PD No. 619, H/129	Hotel, retail and personal service, general merchandise, multifamily
East	PD No. 619, H/146	Hotel
South	CA-1(A)	Commercial parking lot
West	PD No. 619, H/121	Retail and Personal Service, multifamily

Development Standards:

A maximum of 15 non-premise district activity videoboard signs are permitted within the Downtown SPSD and may only be erected on buildings with frontage on streets within the Retail Subdistrict bounded by Jackson Street, Lamar Street, Pacific Street, and Cesar Chavez Boulevard.

Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street. Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.

A maximum of one non-premise district activity videoboard sign is permitted per block face. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have a maximum of 150 square feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP.

Non-premise district activity videoboard signs are only permitted on buildings with retail and personal service uses, lodging uses, or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. Non-premise district activity videoboard signs are not allowed on a lot containing a commercial surface parking lot use.

Projecting non-premise activity videoboard signs:

- must have a vertical orientation with height exceeding the width at a minimum of 16:9 width-to-height ratio;
- may project a maximum of 12 feet into the right-of-way;
- must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk; and
- must have video displays on both sides of the sign.

All videoboard signs:

- must contain a default mechanism that freezes the image in one position in case of malfunction;
- must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
    - the ambient light level measure in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then
    - the dimming level, multiplied by .0039 equal the brightness level; then
    - the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed brightness, measured in nits;
- must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and
- may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

Non-premise district activity videoboard signs:

- must have a full color display able to display a minimum of 281 trillion color shades; and
- must be able to display a high-quality image with a minimum resolution equivalent to 19mm maximum pixel size.

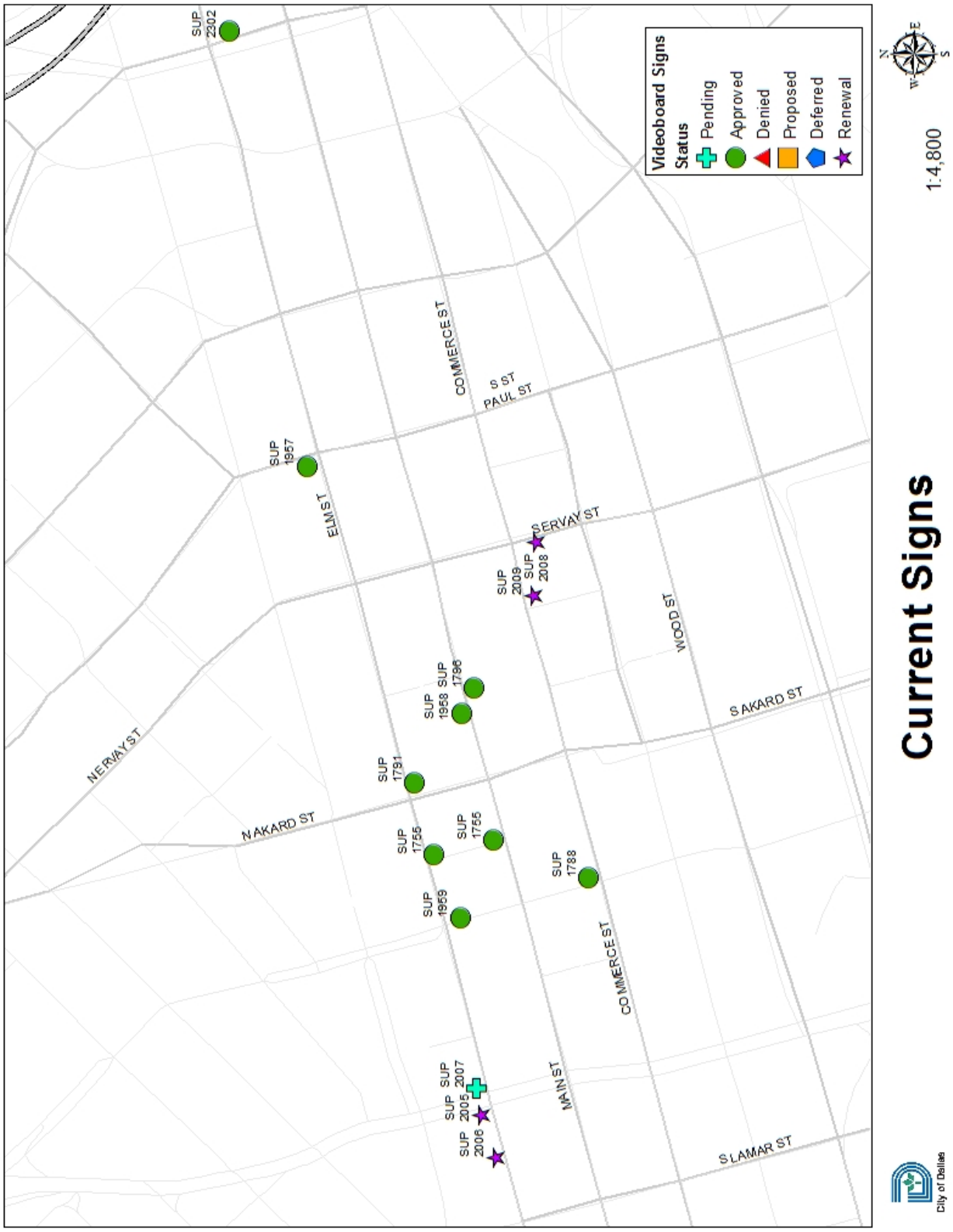
Changes of message must comply with the following:

- Each message must be displayed for a minimum of eight seconds;
- Changes of message must be accomplished within two seconds;
- Changes of message must occur simultaneously on the entire sign face; and
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The site is not within an identifiable MVA Category; however, it is in proximity to an “E” MVA Cluster to the west across South Lane Street and to the northeast across Commerce Street.

VIDEOBOARDS CURRENT & RENEWALS



CPC Action

February 21, 2019

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2008 for an attached projecting non-premise district activity videoboard sign for a six-year period, subject to conditions on property zoned Planned Development District No. 619, on the southeast corner of Commerce Street and Lane Street.

Maker: Murphy
Second: Ridley
Result: Carried: 11 to 0

For: 11 - Macgregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 200 Mailed: 27
Replies: For: 2 Against: 0

Speakers: None

LIST OF OFFICERS
Dalpark Land Lease, Ltd.

- John C. Tatum, Jr. General Partner

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.

3. TIME LIMIT: This specific use permit automatically terminates on (six years after the passage of this ordinance) [~~January 23, 2019~~].

4. BUILDING REQUIREMENTS: This use is only permitted if the building that the sign is attached to has:

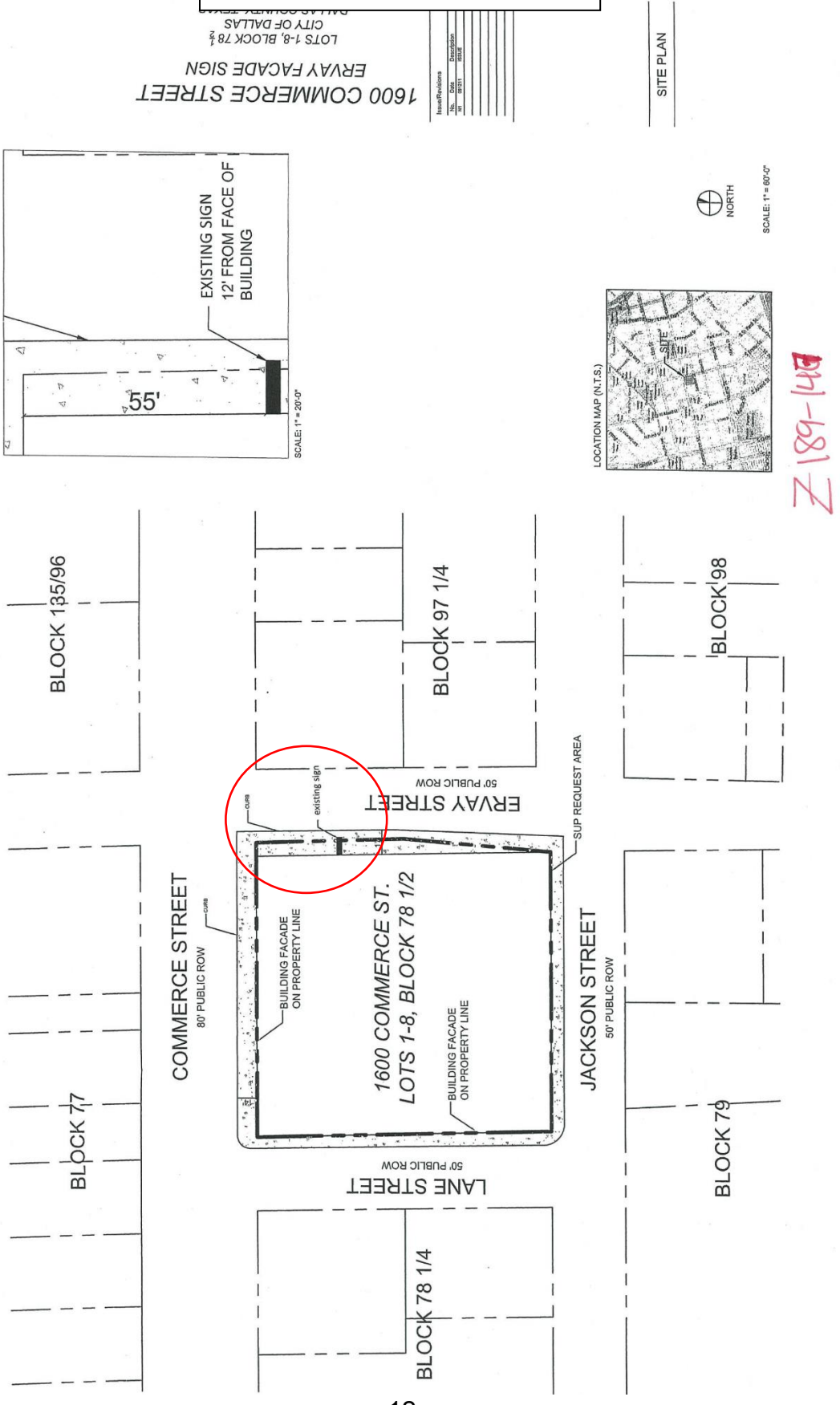
(a) a minimum of 15,000 square feet at street level occupied by lodging uses, office uses, or retail and personal service uses; or

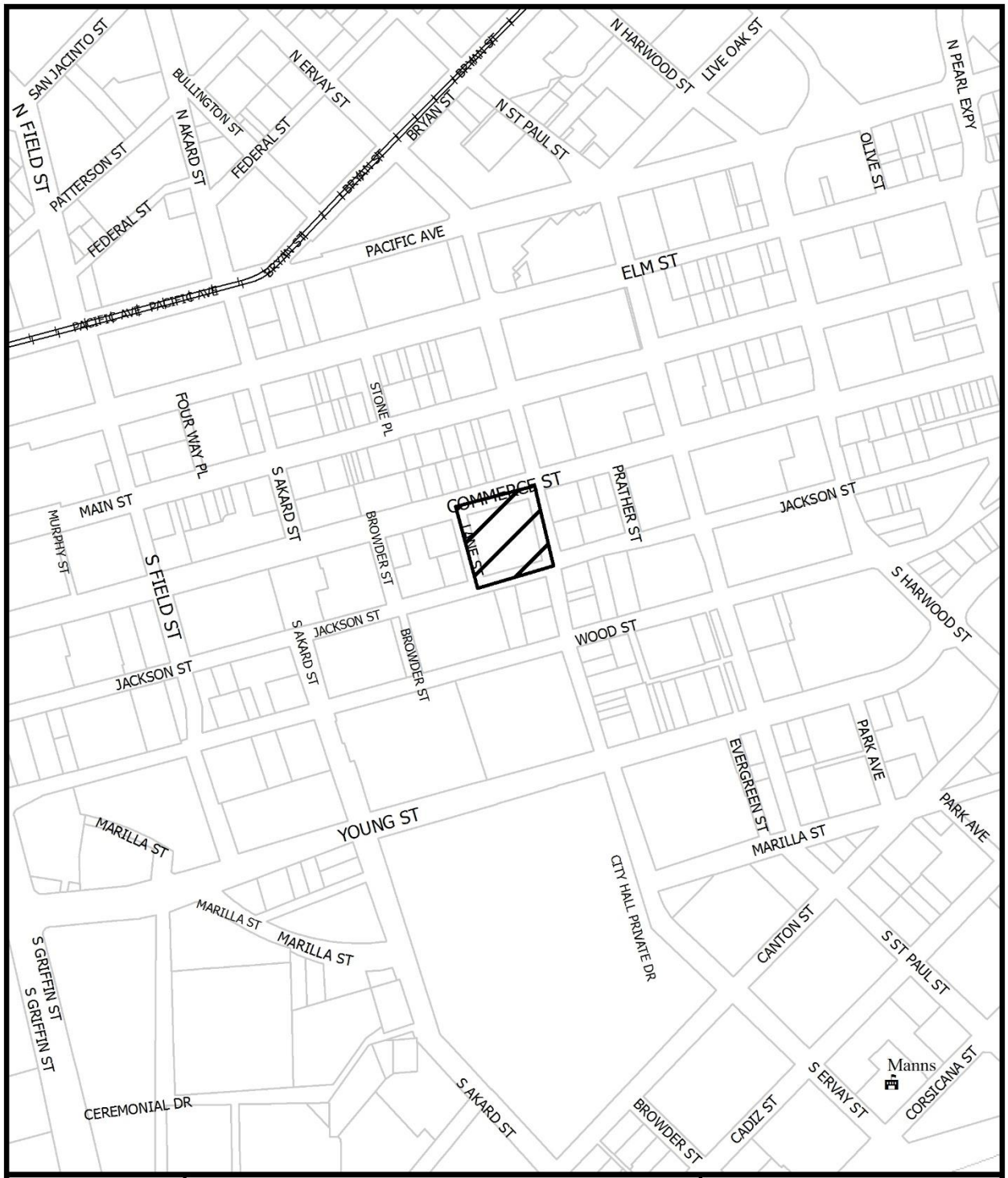
(b) at least 50 percent of the street level façade areas facing Commerce Street and Ervay Street have window art displays or graphics.

5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules and regulations of the City of Dallas.

EXISTING SUP SITE PLAN



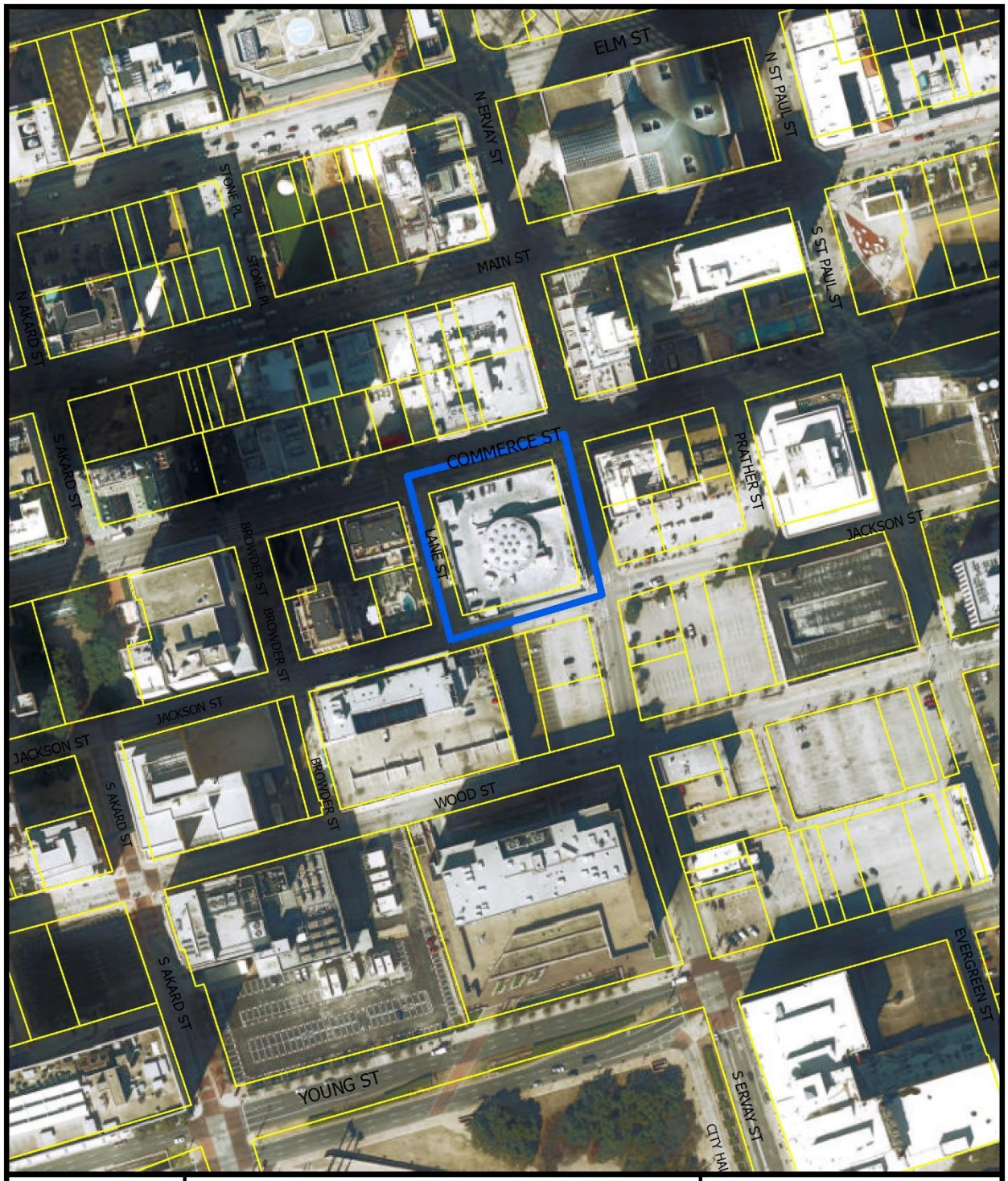


1:4,800

VICINITY MAP

Case no: Z189-147

Date: 2/7/2019

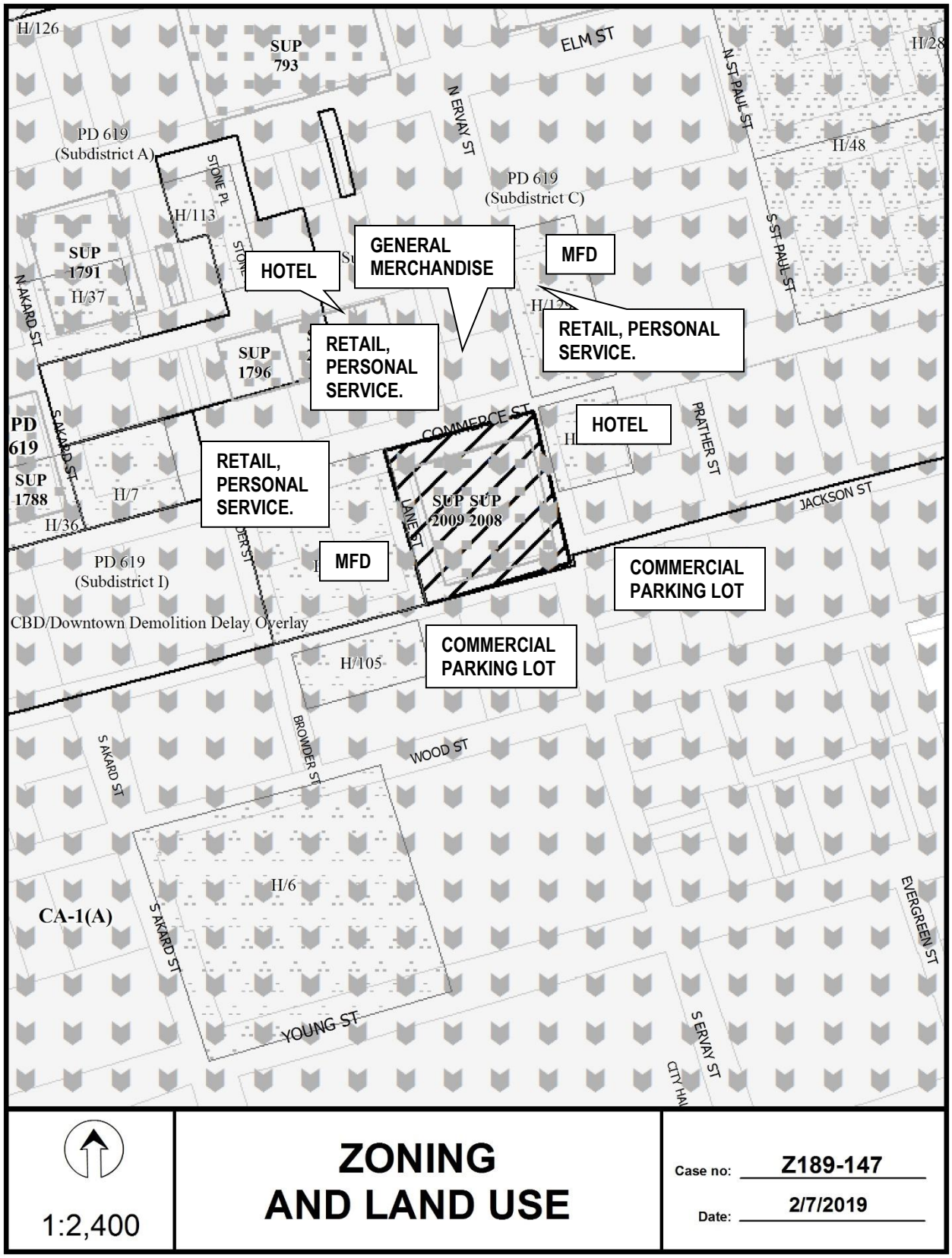


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AERIAL MAP

Case no: Z189-147

Date: 2/7/2019

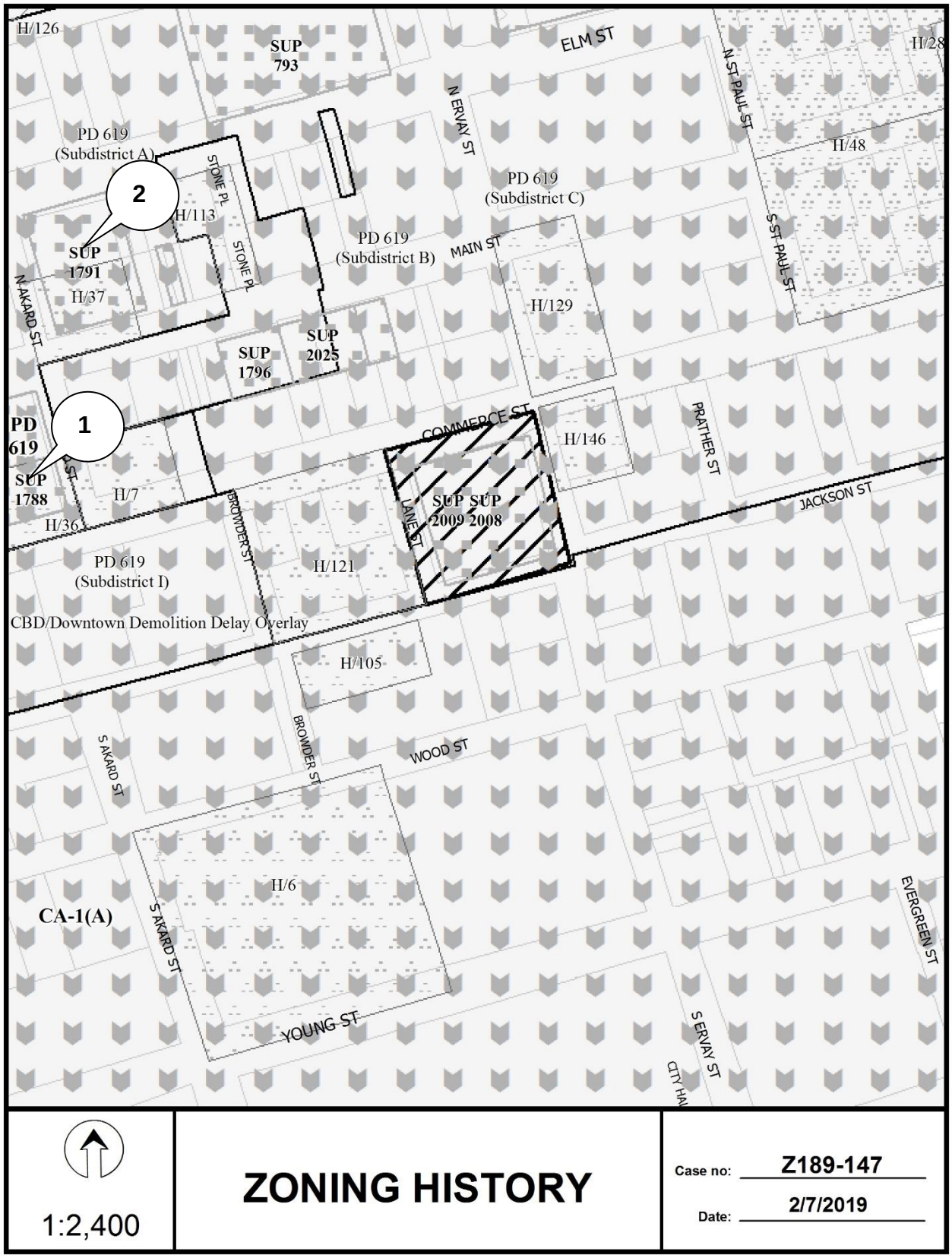


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ZONING AND LAND USE

Case no: Z189-147

Date: 2/7/2019

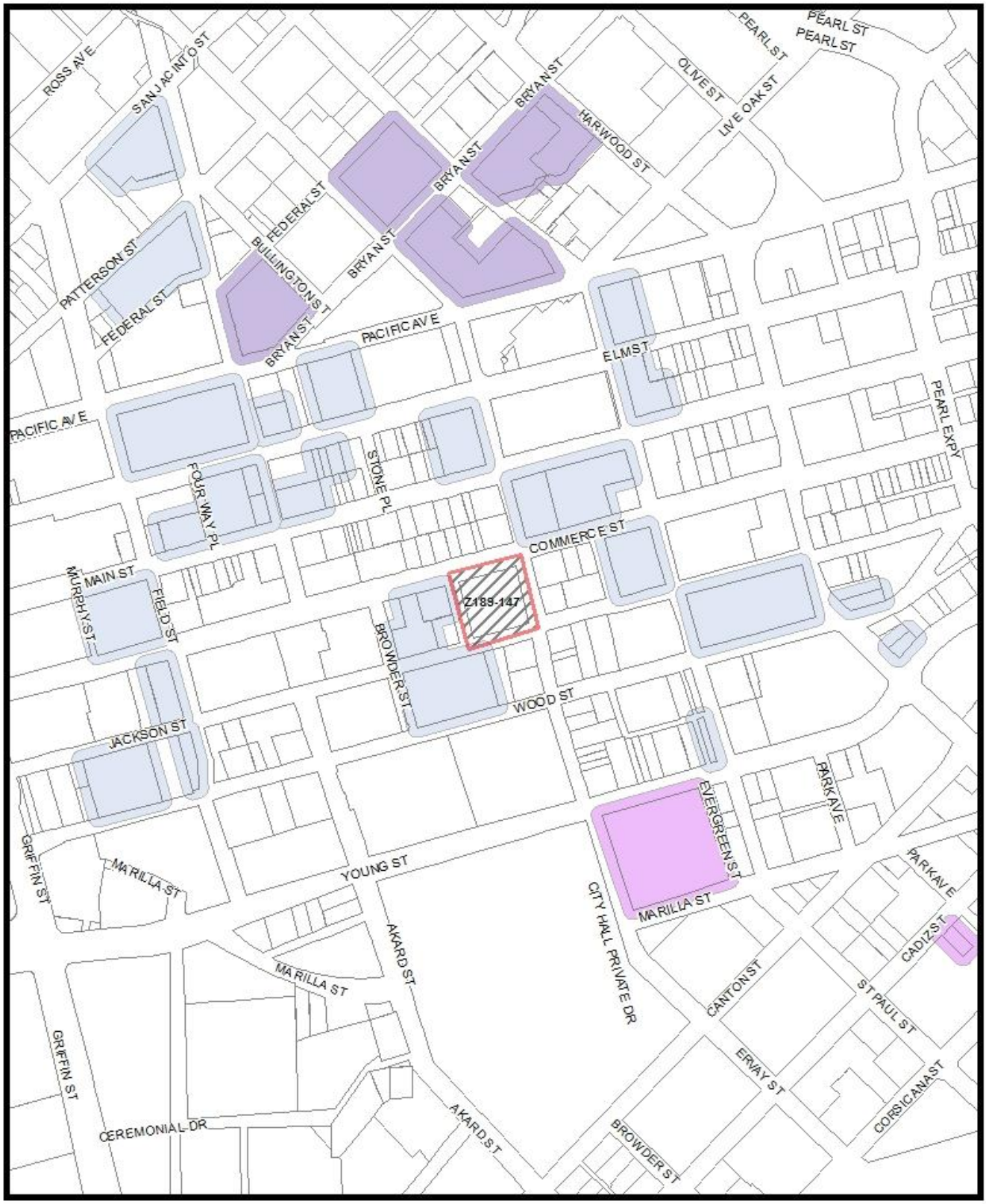


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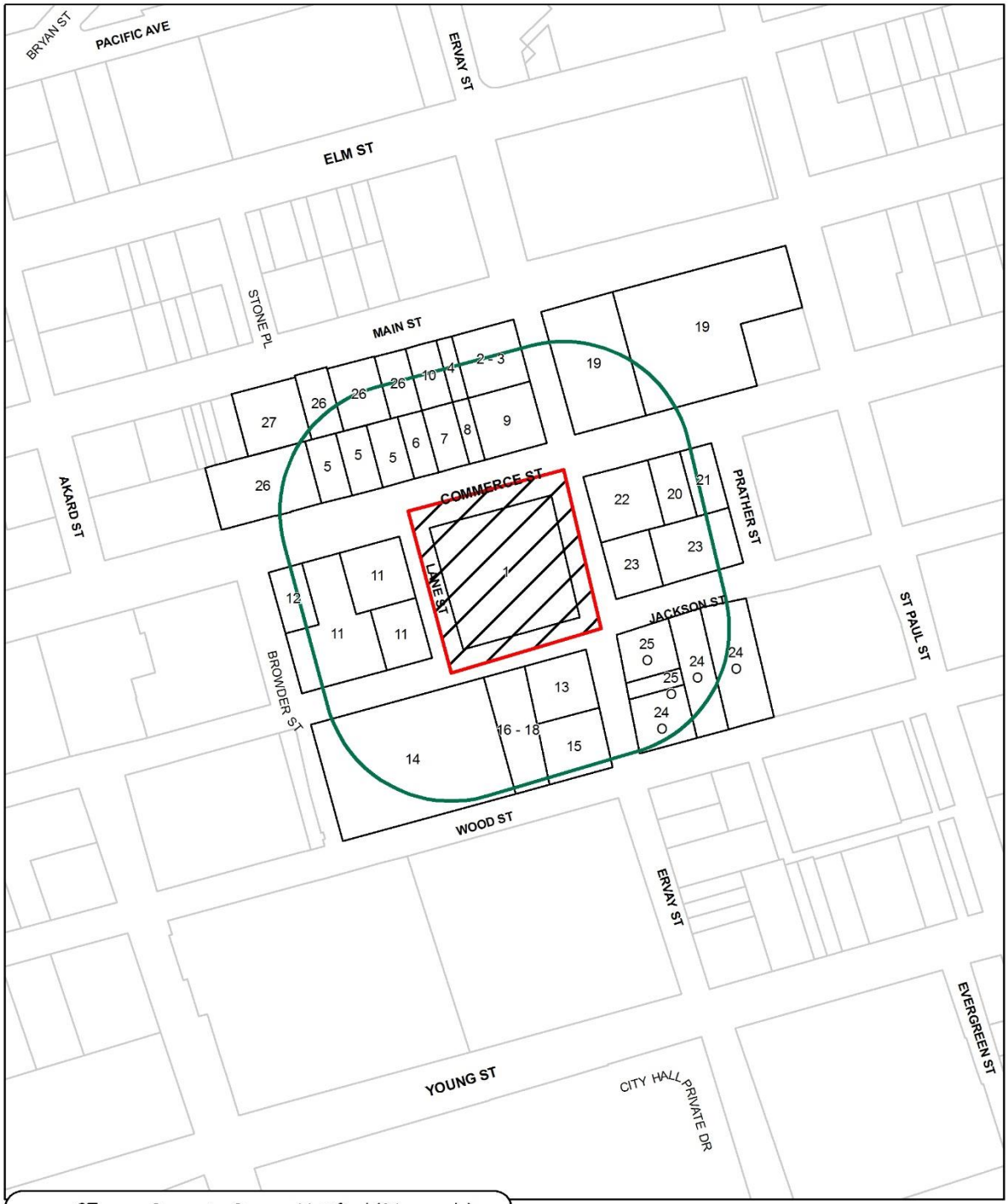
ZONING HISTORY

Case no: Z189-147

Date: 2/7/2019


Z189-147
ROSS AVE
SAN JACINTO ST
PEARL ST
PEARL ST
PEARL ST
OLIVE ST
LIVE OAK ST
BRYAN ST
HARWOOD ST
BRYAN ST
FEDERAL ST
BULLINGTON ST
BRYAN ST
PATTERSON ST
FEDERAL ST
PACIFIC AVE
ELM ST
PACIFIC AVE
PEARL EXPY
FOUR WAY PL
STONE PL
COMMERCE ST
MAIN ST
MURPHY ST
FIELD ST
BROWDER ST
WOOD ST
JACKSON ST
EVERGREEN ST
PARK AVE
GRIFFIN ST
MARILLA ST
YOUNG ST
CITY HALL PRIVATE DR
MARILLA ST
PARK AVE
AKARD ST
MARILLA ST
CADIZ ST
CANTON ST
ST PAUL ST
GRIFFIN ST
ERVAY ST
CORSICANA ST
CEREMONIAL DR
AKARD ST
BROWDER ST
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:4,800
Market Value Analysis
Printed Date: 2/7/2019

CPC RESPONSES



27	Property Owners Notified (36 parcels)
2	Replies in Favor (5 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
2/21/2019	Date

Z189-147
CPC

N
W E
S

1:2,400

02/20/2019

Reply List of Property Owners

Z189-147

27 Property Owners Notified ***2 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1600	COMMERCE ST	DALPARK LAND LEASE LTD
	2	1603	COMMERCE ST	NEIMAN MARCUS CO
	3	1622	MAIN ST	NEIMAN MARCUS CO LESSEE
	4	1618	MAIN ST	THE NEIMAN MARCUS GROUP INC
	5	1513	COMMERCE ST	1530 MAIN LP
	6	1525	COMMERCE ST	POLLOCK ROBERT ETAL
	7	1603	COMMERCE ST	KEATING PROPERTIES LLC
	8	1607	COMMERCE ST	ROGERS WILLIAM SLAUGHTER &
	9	1609	COMMERCE ST	NEIMAN MARCUS GROUP INC
	10	1616	MAIN ST	DALLAS FOUNDATION
	11	1512	COMMERCE ST	DPL LOAN HOLDINGS LLC
	12	1500	COMMERCE ST	DPL LAND LLC
	13	1610	JACKSON ST	1610 JACKSON LLC
	14	1500	JACKSON ST	FPG INTERURBAN LLC
	15	315	S ERVAY ST	315 ERVAY LLC
	16	1600	JACKSON ST	SWAIN JACK R JR
	17	1600	JACKSON ST	SABO MARY ELIZABETH
	18	1600	JACKSON ST	1600 JACKSON LLC
	19	1800	MAIN ST	FC MERC COMPLEX LP
	20	1712	COMMERCE ST	SUPREME BRIGHT DALLAS II LLC
	21	1712	COMMERCE ST	SUPREME BRIGHT DALLAS II LLC
	22	1700	COMMERCE ST	SUPREME BRIGHT DALLAS LLC
	23	208	S ERVAY ST	SUPREME BRIGHT DALLAS PARKING LLC
O	24	1708	JACKSON ST	RADER PARKING SYSTEM LP
O	25	308	S ERVAY ST	RADER PARKING SYSTEMS LP
	26	1501	COMMERCE ST	1600 MAIN STREET HOLDINGS LP
	27	1530	MAIN ST	DUNHILL 1530 MAIN LP

Agenda Information Sheet

File #: 19-453 **Item #:** 61.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2221 for a tattoo studio on property zoned Subdistrict 1A within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the south line of Levee Street, between Manufacturing Street and Express Street
Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions
Z189-160(SM)

powered by Legistar™

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER: Z189-160(SM) **DATE FILED:** December 24, 2018

LOCATION: South line of Levee Street, between Manufacturing Street and Express Street

COUNCIL DISTRICT: 6 **MAPSCO:** 44 G

SIZE OF REQUEST: Approx. 5,004 sq. ft. **CENSUS TRACT:** 100.00

APPLICANT: Freddie Trevino

OWNER: Wristen Trust, Cathy and Donald Wristen (Trustees)

REQUEST: An application for the renewal of Specific Use Permit No. 2221 for a tattoo studio on property zoned Subdistrict 1A within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.

SUMMARY: The applicant proposes to continue to operate a tattoo studio [Third Eye Gallery] in the existing 2,580 square foot structure.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to conditions.

BACKGROUND INFORMATION:

- On January 11, 2017, the City Council approved SUP No. 2221 to allow a tattoo studio to operate within the approximately 2,580-square-foot then-vacant building.

- The applicant proposes to continue to operate a tattoo studio, which is classified as a personal service use. This use requires an SUP in the Subdistrict 1A portion of Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.

- Subdistrict 1A is for transit-oriented, mixed use, but retains the potential for limited industrial and warehouse uses (along with seven other subdistricts).

Zoning History: There is no recent zoning history.

Thoroughfares:

Thoroughfare/Street	Type	Existing ROW
Levee Street	Local	70’

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration* 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 Plan identifies the request site as being within an *Urban Mixed Use* Building Block. Urban

Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area.

The request to renew SUP No. 2221 for a tattoo studio will continue to the mix of uses provided to visitors and residents of the area. Currently, while the intent is for this area to be mixed-use, the surrounding land uses along this street is primarily office and showroom/warehouse. The continued operation of another business-type will encourage overall redevelopment and investment in the area by attracting new visitors to the shops.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.1 Implement the Trinity River Corridor Plan.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

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

Land Use Plan:

Additionally, the comprehensive plan was amended by the *Trinity River Corridor Comprehensive Land Use Plan* in 2005. The request area is located within the Trinity River Corridor. “The Trinity River Corridor is a unified collection of diverse neighborhoods and business centers at the heart of a unified and thriving Dallas, connected by a ribbon of blue water and green spaces that is the Trinity River,”. A future land use plan for the corridor region provides preferred redevelopment scenarios. The site is located in a Mixed Use/Adaptive Reuse land use module. The continuance of this personal service use will provide a different service to the community. Surrounding land use patterns are mostly office, showroom/warehouse uses. Creatively reusing the structure to provide a new service and attract new foot traffic to the neighborhood aligns with the intent of the Trinity Plan, Building Block, and PD No. 621 classification for mixed-use.

The Trinity Corridor also has district plans. The subject site is within the Downtown-Lakes District. This district is one of two districts that blend both sides of the Trinity River. It is the recognized core of the city of Dallas and includes the city's founding site as well as major civic and cultural institutions located Downtown. Mixed Use – High Density; Mixed Use – Adaptive Reuse; Residential Urban and Residential Riverside modules are all included in the plans for this district. The result should be a variety of exciting new urban neighborhoods and business areas. The continued use of a previous office/showroom warehouse use with the existing personal service will continue to complement the changing area.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	PD 621, Subdistrict 1A	Tattoo studio
North	PD 621, Subdistrict 1A	Office showroom/ warehouse
East	PD 621, Subdistrict 1A	Office showroom/ warehouse
South	A(A)	Levee; Trinity River Greenbelt
West	PD 621, Subdistrict 1A	Office showroom/ warehouse

Land Use Compatibility:

The site is located in PD No. 621, which was adopted by the City Council on August 28, 2002. Prior to the creation of the district, the ±422 acre area was home to various commercial, business service, and industrial uses. PD No. 621 provides a commitment to design standards, enhanced open space, and a variety of mixed uses, all within close proximity to mass transit and components of the trail system.

The surrounding uses are predominately commercial and business service, and wholesale, distribution, and storage uses. As the area has shifted into mixed use, new uses have entered the vicinity, including retail and personal service uses. The renewal of the existing business supports that mix by providing a personal service use and is helping to develop the character of the neighborhood. The renewal proposes to maintain the existing hours of operation between 10:00 a.m. and 8:00 p.m., Monday through Friday; and between 12:00 p.m. and 9:00 p.m. on Saturday. These limited hours provide a protective measure for potential mixed uses including residential. The applicant proposes to continue to operate a tattoo studio, which requires a specific use permit.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff considers the request to comply with all of the above findings; however, as the area transitions, a five-year time period will allow the use to be re-evaluated as to the compatibility with the area.

Parking:

Pursuant to PDD No. 621, the off-street parking requirement for a tattoo studio use is one space per 275 square feet of floor area. However, a portion of the site will be utilized as an art gallery. Under PDD No. 621, an art gallery use is required to provide one space per 600 square feet of floor area. Since each use will have a separate certificate of occupancy, each will provide parking per the PDD.

Therefore, the 2,580 square foot unit requires two parking spaces for the 571 square feet of tattoo studio area (retail and personal service use), and three parking spaces for the 2,009 square feet of art gallery (retail and personal service use). PDD No. 621 allows on-street parking to count towards required parking, but handicapped parking is not allowed on-street. Five spaces are provided on-street. One handicapped space is provided with sufficient maneuvering space on the east side of the structure. The applicant has provided sufficient parking as identified on the existing site plan with no changes proposed at this time.

Landscaping:

The applicant does not propose new construction at this time; therefore, no landscaping is required.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, the nearest MVA cluster is located to the east and is identified as an "E" MVA cluster.

CPC Action

March 7, 2019

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2221 for a tattoo studio for a five-year period, subject to conditions on property zoned Subdistrict 1A within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the south line of Levee Street, between Manufacturing Street and Express Street.

Maker: Carpenter
Second: Housewright
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Ridley, Tarpley
Against: 0
Absent: 1 - Murphy
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 200 Mailed: 14
Replies: For: 1 Against: 0

Speakers: None

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a tattoo studio.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on (five years from the passage of this ordinance) [~~January 11, 2019~~].

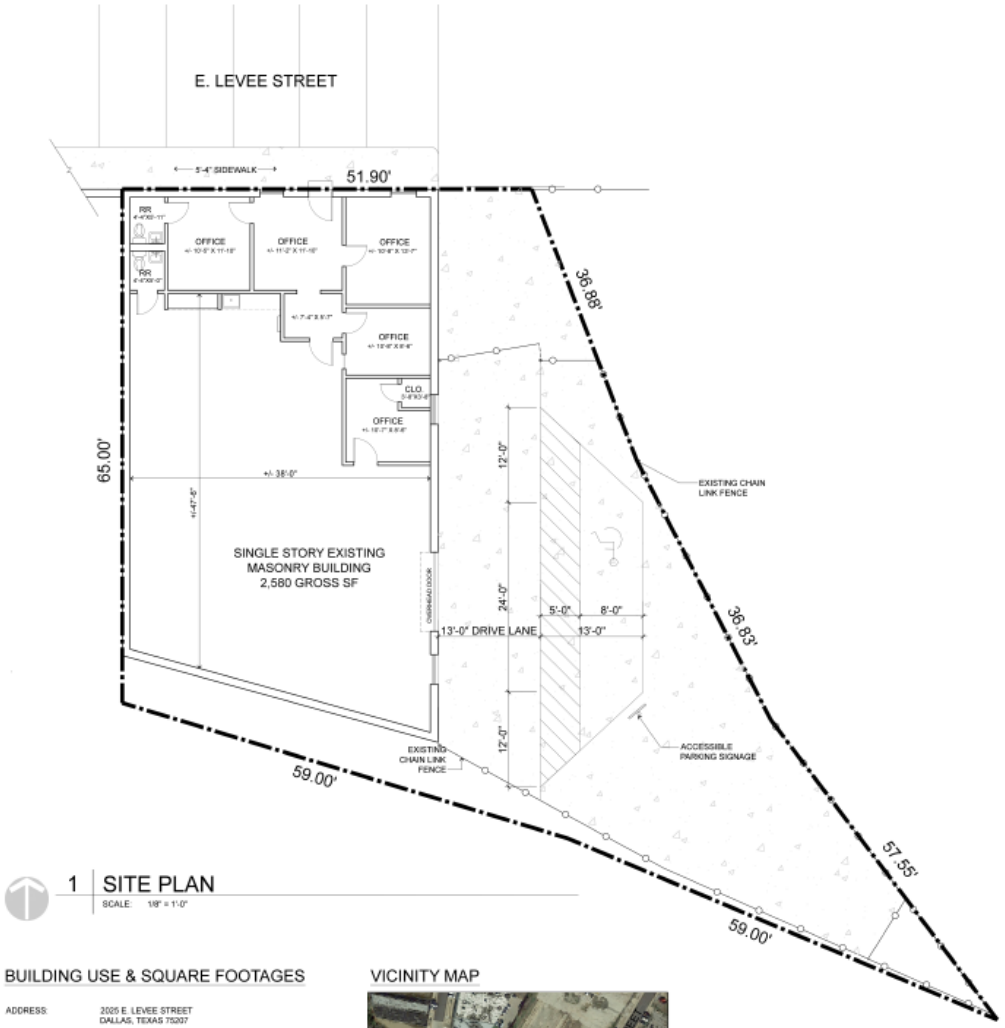
4. FLOOR AREA: The maximum floor area is 571 square feet.

5. HOURS OF OPERATION: The tattoo studio may only operate between 10:00 a.m. and 8:00 p.m., Monday through Friday; and between 12:00 p.m. and 9:00 p.m. on Saturday.

6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Existing Site Plan (no changes)



1 SITE PLAN
SCALE: 1/8" = 1'-0"

BUILDING USE & SQUARE FOOTAGES

ADDRESS:	2025 E. LEVEE STREET DALLAS, TEXAS 75207
MAPSCO:	44-G
FLOOD ZONE:	X PROTECTED BY LEVEE
ZONING:	PD 621, SUBDISTRICT 1A
ZONING USE:	PERSONAL SERVICE USE
BUILDING USE:	TATOO STUDIO - BY APPOINTMENT ONLY THIRD EYE GALLERY
GROSS BUILDING SQUARE FOOTAGE:	2,580 SQUARE FEET
SQUARE FOOTAGE BY USE:	
TATOO STUDIO:	571 SQUARE FEET
ART GALLERY:	2,009 SQUARE FEET

VICINITY MAP



PARKING ANALYSIS

ANALYSIS:
PURSUANT TO 51P-621.110, PERSONAL SERVICE USE = 275 SF PER PARKING SPACE
PURSUANT PD NO. 621, ART GALLERY USE = 600 SF PER PARKING SPACE

REQUIRED PARKING:	571 SF / 275 SF = 2 SPACES 2,009 SF/600 = 3 SPACES
	5 SPACES REQUIRED
PROVIDED PARKING:	5 SPACES

THRASHER WORKS
architecture | design | graphic design
WWW.THRASHERWORKS.COM
428 W Davis,Studio3, Dallas, Tx 75208

THIRD EYE GALLERY
2025 E. LEVEE STREET
DALLAS, TEXAS 75207

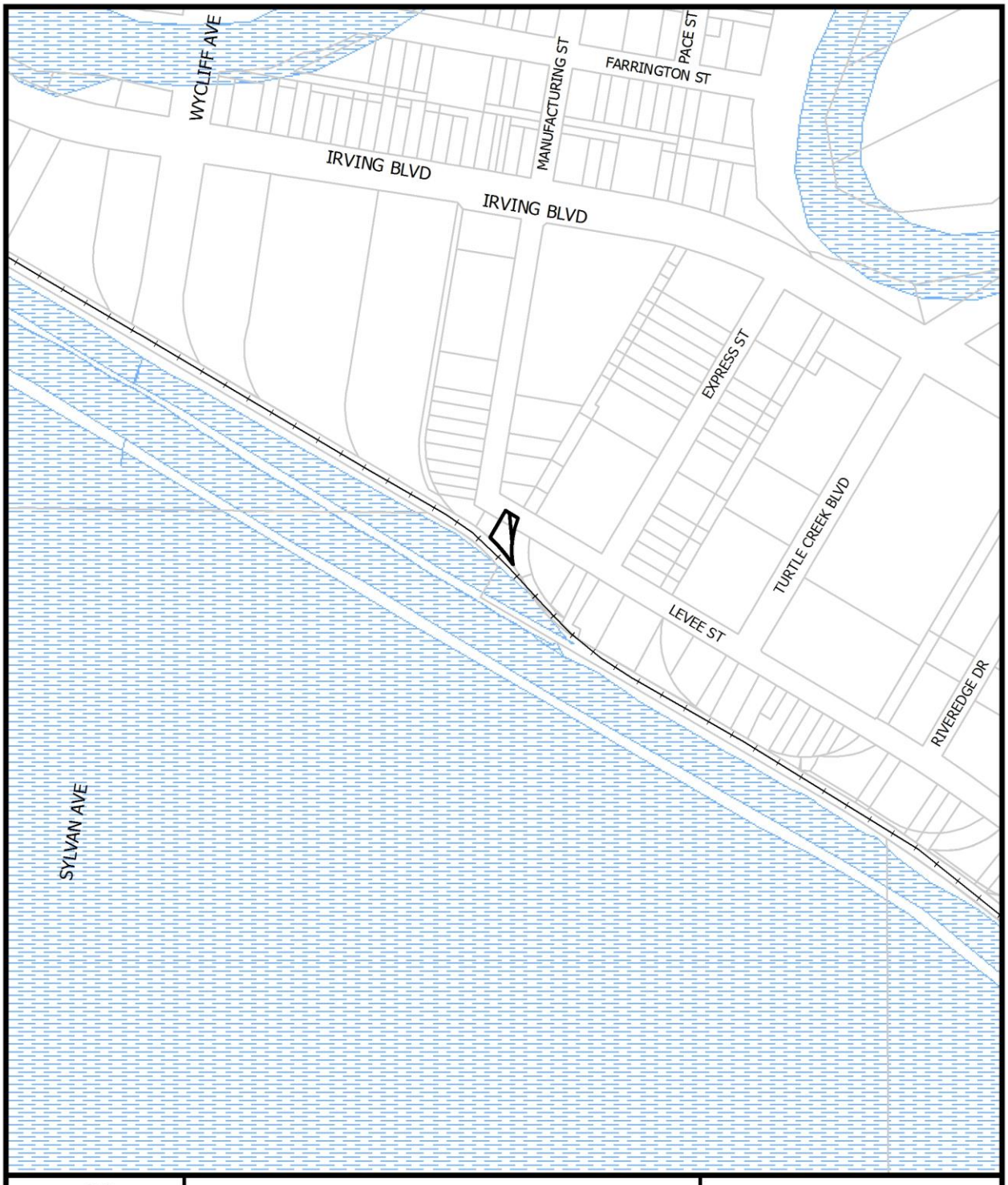
issue date:
DATE OF ISSUE MM.DD.YYYY
ZONING 10.27.2016

zoning case no.:
Z156-317 (JM)

06.22.16

SITE PLAN

A1.0


WYCLIFF AVE
MANUFACTURING ST
PACE ST
FARRINGTON ST
IRVING BLVD
IRVING BLVD
EXPRESS ST
TURTLE CREEK BLVD
LEVEE ST
RIVEREDGE DR
SYLVAN AVE
1:4,800
VICINITY MAP
Case no: Z189-160
Date: 1/17/2019

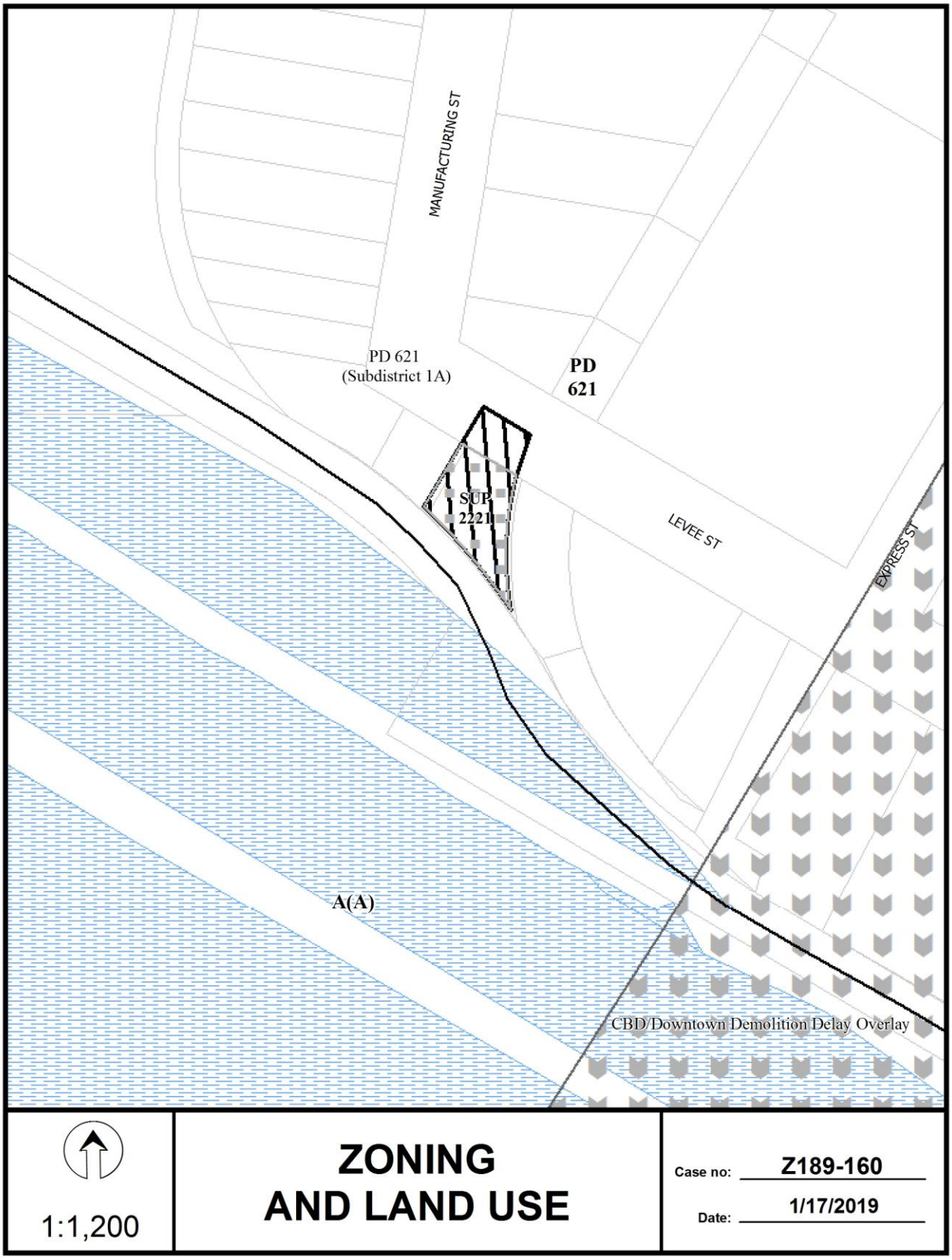


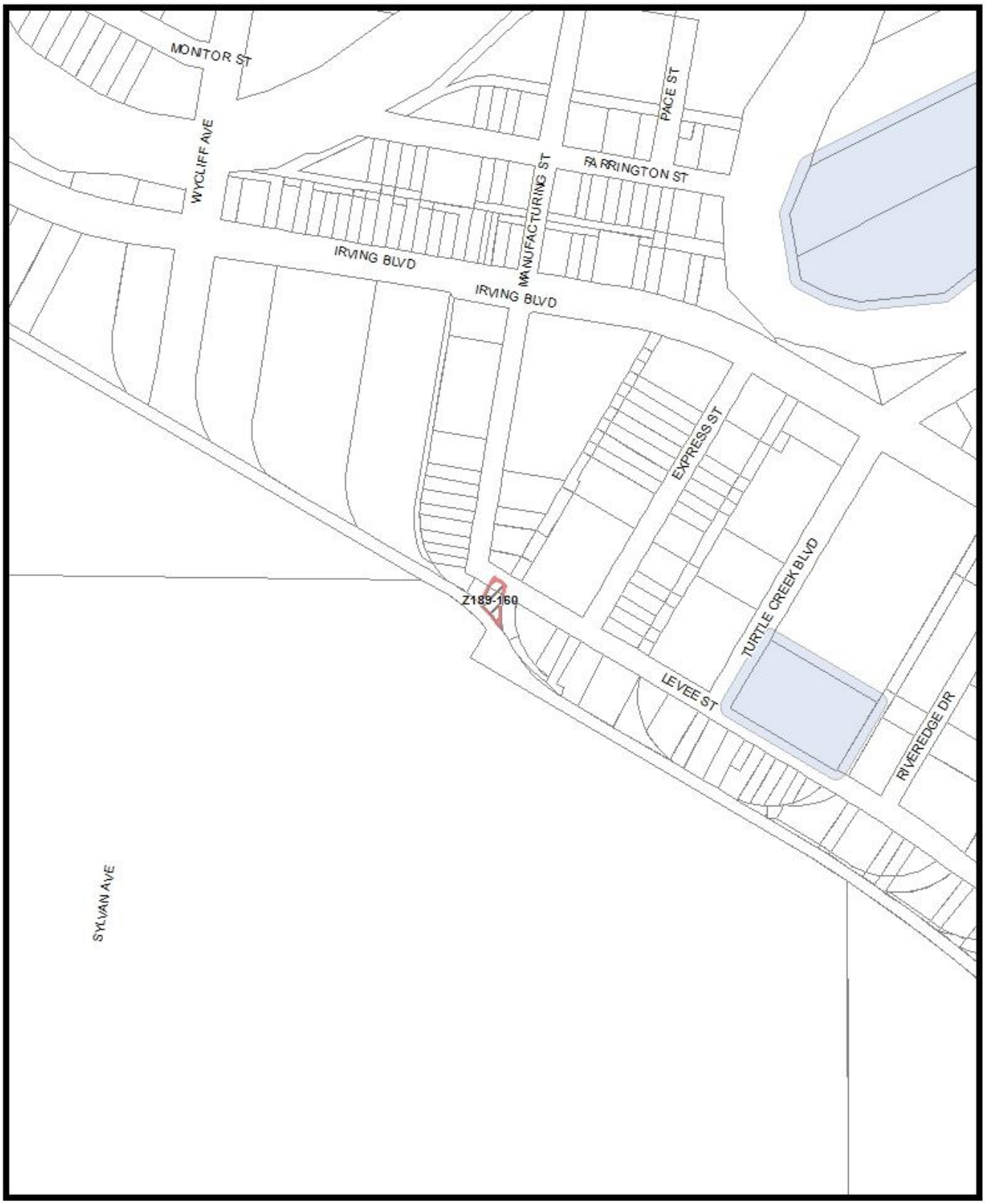
1:1,200

AERIAL MAP

Case no: Z189-160

Date: 1/17/2019


MANUFACTURING ST
PD 621
(Subdistrict 1A)
PD
621
SUP
2221
LEVEE ST
EXPRESS ST
A(A)
CBD/Downtown Demolition Delay Overlay
1:1,200
ZONING
AND LAND USE
Case no: Z189-160
Date: 1/17/2019

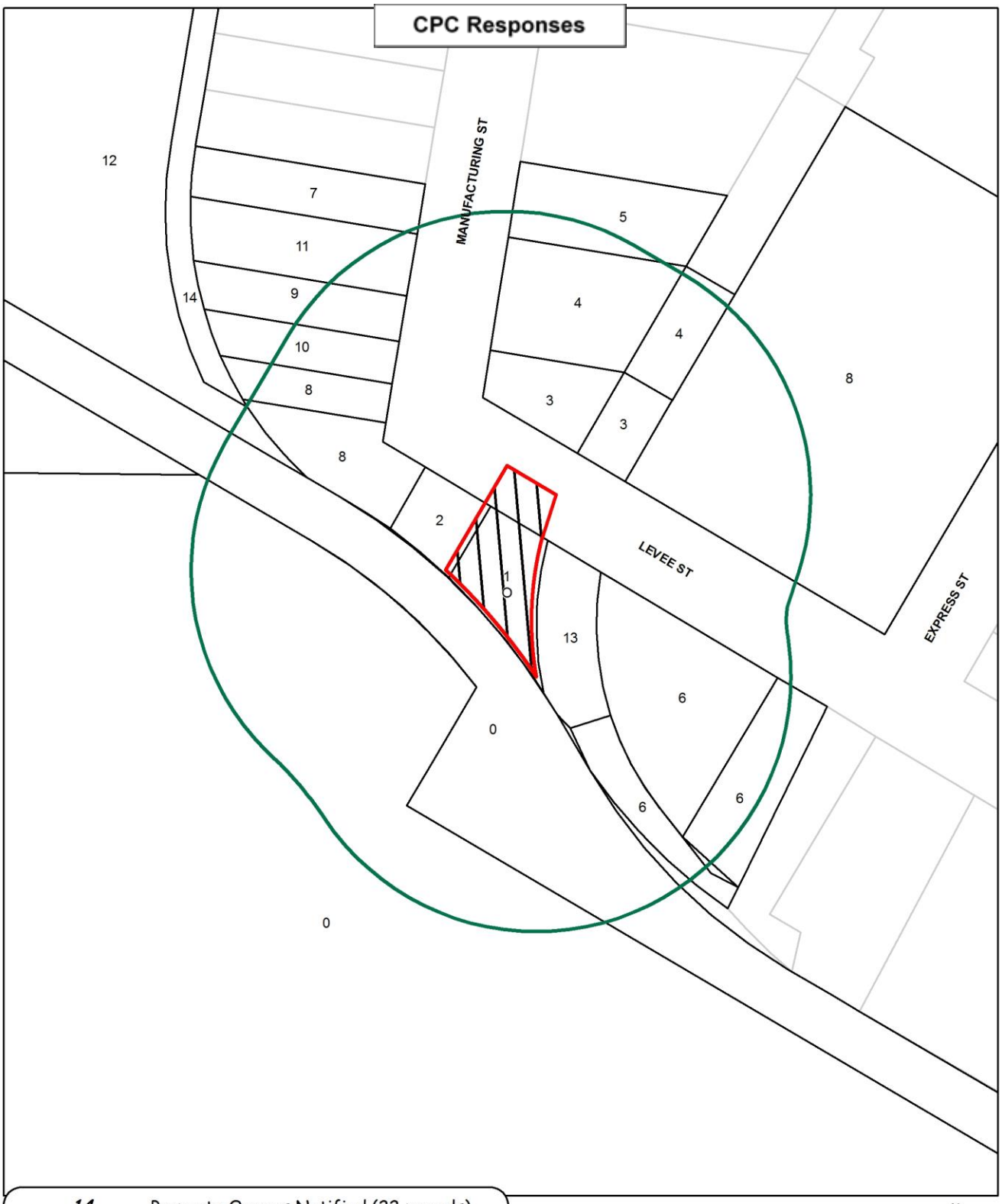


MVA Cluster A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 1/25/2019



14	Property Owners Notified (22 parcels)
1	Replies in Favor (1 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
3/7/2019	Date

Z189-160
CPC

N
W E
S

1:1,200

03/06/2019

Reply List of Property Owners

Z189-160

14 Property Owners Notified ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	2025	LEVEE ST	WRISTEN TRUST
	2	2029	LEVEE ST	2029 LEVEE LLC
	3	100	MANUFACTURING ST	GRG GROUP INC
	4	110	MANUFACTURING ST	JBJACKSON PROPERTIES LLC
	5	9025	MANUFACTURING ST	DUNCAN JENNIFER TR
	6	2001	LEVEE ST	NAVIN THOMAS J & JANE R
	7	115	MANUFACTURING ST	BURDINE C E
	8	101	MANUFACTURING ST	IPENEMA INVESTMENTS LTF
	9	109	MANUFACTURING ST	CADDO RETAIL LTD
	10	107	MANUFACTURING ST	HAMILTON JACK &
	11	111	MANUFACTURING ST	MADDOX WILLIAM P JR &
	12	2121	IRVING BLVD	BROOK 2121 IB LP
	13	2023	LEVEE ST	MADDOX WILLIAM P
	14	2100	IRVING BLVD	MADDOX WILLIAM P JR &

Agenda Information Sheet

File #: 19-454 **Item #:** 62.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for IR Industrial Research District uses plus a community resource campus on property zoned an IR Industrial Research District, on the west side of North Stemmons Freeway, south of Regal Row and at the northeast corner of Empress Row and Viceroy Drive
Recommendation of Staff: Approval, subject to a conceptual plan and staff's recommended conditions
Recommendation of CPC: Approval, subject to a conceptual plan and conditions
Z178-121(JM)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-121(JM) **DATE FILED:** November 1, 2017

LOCATION: West side of North Stemmons Freeway, south of Regal Row and at the northeast corner of Empress Row and Viceroy Drive

COUNCIL DISTRICT: 6 **MAPSCO:** 33 K

SIZE OF REQUEST: ±20.99 acres **CENSUS TRACT:** 100.00

APPLICANT: The Salvation Army

OWNER: The Rowling Foundation

REPRESENTATIVE: Karl Crawley, Masterplan
Angela Hunt, Munsch Hardt

REQUEST: An application for a Planned Development District for IR Industrial Research District uses plus a community resource campus on property zoned an IR Industrial Research District.

SUMMARY: The purpose of this request is to allow for the creation and operation of a community resource campus [Salvation Army] which is defined as a mixed-use development with the primary purpose of providing programs, resources, assistance and shelter to at-risk, pre-homeless, and homeless individuals. Some of the uses the campus will provide include: emergency and permanent supportive housing; overnight general purpose shelter; transitional housing; convalescent and nursing home, hospice care and related institutions; community service center; private recreation center; church; medical clinic; office; indoor animal shelters; technical school; child-care facility; and, warehouse.

CPC RECOMMENDATION: **Approval**, subject to a conceptual plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a conceptual plan and staff's recommended conditions.

BACKGROUND INFORMATION:

- The request site contains over 20 acres of vacant land currently zoned for IR Industrial Research District uses along the west side of North Stemmons Freeway, south of Regal Row.

- The proposed PD for IR District uses creates a community resource campus which is defined as a mixed-use development with the primary purpose of providing programs, resources, assistance and shelter to at-risk, pre-homeless, and homeless individuals. Some of the uses the campus will provide include: emergency and permanent supportive housing; overnight general purpose shelter; transitional housing; convalescent and nursing home, hospice care and related institutions; community service center; private recreation center; church; medical clinic; office; indoor animal shelters; technical school; child-care facility; and, warehouse.

- The community resource campus more specifically requires a minimum of two of the following:

    - Permanent supportive housing as defined by the PD;
    - Overnight general purpose shelter. The spacing requirements in Section 51A-4.205 2(2.1)(E) do not apply;
    - Transitional housing as defined by the PD;
    - Convalescent and nursing home, hospice care and related institutions; or,
    - A dining facility as defined by the PD.

- Maximum overnight guests in association with a community resource campus including transitional housing, convalescent and nursing home, hospice care and related institutions, and overnight general purpose shelters is 600, except during Extreme Weather Conditions or Declared Emergencies, as defined in the PD.

Zoning History: There has been one zoning case in the area over the past five years.

1. **Z145-223:** On June 1, 2015, the City Council denied an application for a Specific Use Permit for an alternative financial establishment on property zoned an MU-3 Mixed Use District, located on the east side of North Stemmons Freeway (I-35), north of Empire Central Drive.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

An additional provision in the proposed PD language requires that the conceptual plan for a community resource campus must include a deceleration lane for the main

access/driveway on Stemmons Freeway southbound frontage road pending review and approval by the Texas Department of Transportation. The southern driveway on Empress Row must also be aligned with Titan Drive. These requests have been met and will be required at permitting.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
N. Stemmons Freeway	Principal Arterial	Variable	Variable
Viceroy Drive	Local	60 feet	60 feet
Empress Row	Local	60 feet	60 feet

Surrounding Land Uses:

	Zoning	Land Use
Site	IR	Undeveloped
North	IR, MU-3	Retail, office, financial institution, restaurant w/drive-through, undeveloped
East	MU-3	Office and personal service
South	IR, MU-3	Hotel, office, office showroom/warehouse, light manufacturing (inside)
West	IR	Retail and personal service, commercial printing

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 applicant's request generally complies with the following goals and policies of the Comprehensive Plan.

NEIGHBORHOOD PLUS PLAN

GOAL 2.1 Increase the earning capacity of low wage earners.
GOAL 2.2 Expand workforce training programs.
GOAL 2.5 Facilitate integration of homeless population back into the workforce and society.

The proposed community resource campus will integrate a range of services and uses to assist at-risk, pre-homeless, and homeless individuals. The training and counseling services planned will facilitate the goals of the *Neighborhood Plus Plan.*

Land Use Compatibility:

Surrounding land uses include office, retail, financial institution, restaurant with drive-through, and undeveloped land to the north; office and personal service uses to the east; hotel, office, office showroom/warehouse, and light manufacturing (inside) to the south; and, retail and personal service and commercial printing uses to the west. According to City records, the site was previously developed with a 377,735 square-foot, one-story, office/showroom warehouse structure before being demolished in 2007. The subject site has remained undeveloped since.

The proposed development will maintain the IR Industrial Research District development standards while adding and defining a community resource campus to include a minimum of two of the following uses: permanent supportive housing, as defined; overnight general purpose shelter; transitional housing, as defined; convalescent and nursing home, hospice care and related institutions; and dining facility, as defined.

Permanent Supportive Housing: This use is not currently defined in the Dallas Development Code. The proposed PD has defined the housing element for the project as a structure or group of structures with three or more dwelling units that are for persons transitioning out of homelessness into permanent housing with access to social services at a community resource campus. Permanent supportive housing at this campus will serve seniors, ages 55 and older, or veterans of the United States armed services. While this housing could be classified as a multifamily use, the applicant chose to further define the services being provided as specifically qualified to veterans and retirement-age individuals. The maximum number of dwelling units is 100 and are limited to efficiencies or one-bedroom units.

Overnight General Purpose Shelter: An emergency lodging facility (as opposed to a residential or medical treatment facility) that provides room and board to more than four persons who are not related by blood, marriage, or adoption to the head of the household or the owner or operator of the facility, and that negotiates sleeping arrangements on a daily basis, whether or not the facility is operated for profit or charges for the services it offers.

The Dallas Development Code requires that an overnight general purpose shelter must be spaced at least 1,000 feet away from a church; a public or private elementary or secondary school; any residential use listed in Section 51A-4.209 except a "college dormitory, fraternity, or sorority house," and including group residential facility; any residential district, historic overlay district, or public park; and, any other overnight general purpose shelter. While no Certificates of Occupancy were found for a church in the adjoining properties, and there are no known schools, residential uses, historic overlays, public parks, or other shelters nearby, the applicant has chosen to eliminate this spacing requirement in the proposed PD.

Additionally, the applicant has proposed to allow the use by right, whereas an SUP would typically be required for this use in the IR District. This requirement has been removed. Finally, the use must be located within one-half mile of public transit. According to the conceptual plan and discussions with the representative for the case and our Engineering Division, a DART bus stop is being added within the boundaries of the site to service the population of the community resource campus.

Transitional housing: An interim or permanent residential facility that provides room and board to individuals or families transitioning from homelessness to long-term housing. This use is similar to a group residential facility, except that with a group facility, the service population is a group of persons who are not a "family," whether or not the facility is operated for profit or charges for the services it offers. The proposed transitional housing use as defined by the PD is modeled directly after the group residential facility. The group residential facility use is not allowed in an IR District. The Dallas Development Code requires that group residential facilities be spaced 1,000 feet away from other group residential facilities. The proposed PD will allow the use with no spacing requirements.

Convalescent and nursing home, hospice care and related institutions: This use includes both **(1)** an establishment which furnishes (in single or multiple facilities) food and shelter to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment and, in addition, provides minor treatment under the direction and supervision of a physician, or services which meet some need beyond the basic provision of food, shelter, and laundry; and, **(2)** an establishment conducted by or for the adherence of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively upon prayer or spiritual means for healing, without the use of any drug or material remedy, provided safety, sanitary, and quarantine laws and regulations are complied with. This use is not allowed in an IR District.

Finally, the total number of beds for all overnight guests to include transitional housing, convalescent and nursing home, hospice care and related institutions, and overnight general purpose shelters is 600 per proposed conditions, except during Extreme Weather Conditions or Declared Emergencies. The Dallas Development Code maintains bed limits for group residential facilities and convalescent and nursing home, hospice care and related institutions based upon the existing zoning and total acreage

of the site. The IR District does not allow these two uses, but the least restrictive zoning district would allow 70 beds per acre. The site contains 20.99 acres and would be allowed to operate with up to 1,469 beds at minimum. The highest zoning classification is MF-4(A) and would allow 320 beds per acre for a total of 6,717 total beds between the two uses.

Extreme Weather Conditions means any day during which at any time the wind chill is below 32 degrees Fahrenheit or the heat index is more than 100 degrees Fahrenheit. *Declared Emergencies* means an event during which a government official has made an official declaration of emergency within, or for, the State of Texas or a contiguous state.

Dining facility: A facility for the preparation and service of food within a community resource campus. A dining facility may include kitchen facilities as well as dining and wash rooms. A dining facility is for use by clients, employees, and volunteers of the campus and is not open to the general public. This use is being defined to allow for the structure to stand alone on the property without being required to meet the standards of an accessory use, as required in Section 51A-4.217. Accessory uses are incidental to a main use and must encompass no more than five percent of the total floor area for the main use.

While the community resource campus must contain a minimum of two of the aforementioned residential or shelter uses, it may also encompass many more services already allowed in the IR District including a community service center, private recreation center, church, medical clinic, office, indoor animal shelters, technical school, child-care facility, and warehouse. All of these uses would serve the community resource campus residents and visitors as the rehabilitation portion of the campus. Specifically, residents and visitors could acquire medical and mental health care, form a community through church services, and maintain pets or practice new skill sets, while caring for their children. The office and warehouse components are solely to maintain the campus.

Overall, staff supports the proposed PD conditions to alleviate any potential issues, due to the mix of uses, at the permitting phase of development. The requests are minor and the combination of uses proposed will allow the facility to expedite services currently in demand in the City.

Development Standards:

District	Setbacks		Height	Lot Coverage	Dwelling Unit Density and FAR	Lot Size	Special Standards	Primary Uses
	Front	Side/Rear						
To Maintain: IR Industrial Research District	15’	0’ 30’ w/res. adj.	200’	80%	No max. 0.5 retail/personal service 0.75 combo 2.0 all uses	No min.	RPS	IR uses Proposed IR plus community resource campus

No changes are proposed to the IR District development standards other than the creation and addition of a community resource campus which adds four uses: permanent supportive housing, transitional housing, convalescent and nursing home, hospice care and related institutions, and dining facility.

Parking:

The Dallas Development Code requires the following parking for the proposed uses. Numbers for the proposed uses are gathered from the parking demand analysis provided by the representative.

Use	**Number**	**Sec. 51A Required Parking**	**Proposed Parking per PD**
Convalescent and nursing home, hospice care and related institutions.	150 beds	0.3 spaces per bed = 45 spaces	No parking.
Permanent supportive housing.	100 units	1 space per dwelling unit plus 0.25 for visitor = 125 spaces	1 space per dwelling unit = 100 spaces
Group residential facility (Transitional housing)	*450 beds 168,000 sf	0.25 spaces per bed = 113 spaces	1 space per 3,000 sf = *56 spaces
Overnight general purpose shelter	*450 beds 168,000 sf	0.0025 spaces per bed, min. 4 spaces = 4 spaces	1 space per 3,000 sf = *56 spaces
Office	60,000 sf	1 space per 333 sf = 181 spaces	1 space per 500 sf = 120 spaces
Church	21,500 sf 300 seats	1 space per 333 sf or 1 space per 4 seats = 65-75 spaces	1 space per 10 seats = 30 spaces
Warehouse	35,000 sf	1 space per 1,000 sf = 35 spaces	1 space per 4,000 sf = 9 spaces
Community service center	60,000 sf	1 space per 200 sf = 300 spaces	1 space per 500 sf = 120 spaces
Private recreation center	10,800 sf 1 Gamecourt	3 spaces per gamecourt plus 1 space per 150 sf = 75 spaces	No parking.
All other uses only accessible to campus clients.			No parking.
Total:		**953 spaces**	**435 spaces**
Parking Demand Analysis:	Did not count 4 spaces for overnight general purpose shelter use.	948 spaces	435 spaces

***These two uses will be split and share the number of beds.**

The bulk of the PD request comes from the reduction of required parking associated with the conglomerate of uses for the community resource campus. A parking demand analysis was submitted for review and approved by the Engineering Division. The parking reductions are associated directly with the community resource campus, which shares all of the proposed uses between residents of the campus only.

If the office space were to be rented to an outside company unaffiliated with the community resource campus, the parking reduction for the office use would be lost.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request and all surrounding properties are not categorized as being within an MVA cluster.

Landscaping:

The new development will be required to provide landscaping per Article X, as well as five percent open space which may include recreational facilities available to residents of the site or un-programmed green space with a minimum area of 10,000 square feet. Open space must be landscaped to include a minimum of grass or other ground cover and may include sidewalks and/or other pedestrian facilities. The proposed conceptual plan identifies multiple areas of open space throughout the site.

Sidewalks:

A minimum of five-foot-wide sidewalks must be provided between all buildings and recreational facilities internal to development. Sidewalks must also be provided between any transit facility located abutting the perimeter of the site and the interior sidewalk system.

In response to neighborhood concerns, the applicant has proposed to exempt the site from perimeter sidewalk requirements per Section 51A-8.606. Staff does not agree with this request. Any development would be required to provide the required sidewalks. Otherwise, a sidewalk waiver may be requested.

Fences:

A minimum eight-foot masonry or decorative metal perimeter fence must be provided as depicted on the conceptual plan. Chain-link fencing is prohibited, along with any prohibited fencing material listed in Section 51A-4.602(a)(9).

Additional Provisions:

A minimum of four security officers are required on site at all times. Except for the DART bus turn-around, all driveways along Viceroy Drive and Empress Row must be gated and secured.

Perimeter lighting between the required fence and the street curb on Viceroy Drive and Empress Row must be provided with a minimum three (3) foot-candle.

Public vehicular entry to a community resource campus is limited to the Stemmons Freeway driveways as shown on the concept plan. All visitors and clients must enter the campus through the community service center building as located on the concept plan at a staffed and secure entrance to the campus.

The following additional provisions were found to be unenforceable and are not supported by staff. While staff may support the intent of these additional provisions, a private deed restriction would be the appropriate method to enforce them.

An additional provision added to the PD requires that access to programs and services at the community resource campus be limited to clients enrolled in a program on campus. The provision of day sheltering and meals to people experiencing homelessness who are not residents of the campus is prohibited. The campus may not serve registered sex offenders.

The owner or operator of a community resource campus shall establish a community review committee to discuss problems and concerns, and to suggest improvements and changes if needed. This committee shall meet once every three months for the first year following a certificate of occupancy for a residential use associated with a community service campus; once every six months for the three following years; and once per year for the remaining lifetime of this use. Membership of the review committee shall include one representative for each property owner within a 500-foot radius of the property.

The owner or operator of a community resource campus shall provide for daily refuse collection around the perimeter of the site.

CPC Action
March 7, 2019

Motion I: In considering an application for a Planned Development District for IR Industrial Research District uses plus a community resource campus on property zoned an IR Industrial Research District, on the west side of North Stemmons Freeway, south of Regal Row and at the northeast corner of Empress Row and Viceroy Drive, it was moved to **hold** this case under advisement until May 2, 2019.

Maker: Carpenter
Second: Ridley
Result: Failed: 3 to 8

For: 3 - MacGregor, Carpenter, Ridley

Against: 8 - Schulte, Criss, Shidid, Lewis, Jung, Housewright, Schultz, Tarpley
Absent: 1 - Murphy
Vacancy: 3 - District 4, District 7, District 12

Motion II: It was moved to recommend **approval** of a Planned Development District for IR Industrial Research District uses plus a community resource campus, subject to a revised conceptual plan and staff's recommended conditions to include the following modifications: 1) revise SEC. __.112., LANDSCAPING., (b)(2) to read as follows: "Sidewalks. Sidewalks must be provided between all buildings and recreational facilities. Sidewalks must also be provided between any transit facility located on the perimeter of the site and the interior sidewalk system. Minimum sidewalk width is five (5) feet. The requirements of Section 51A-8.606 for perimeter sidewalks do not apply to the Empress Row and Viceroy Drive street frontages." and 2) revise SEC. __.114., ADDITIONAL PROVISIONS., (d) to read as follows: "Property Owner Engagement. The owner or operator of a community resource campus shall establish a community review committee to discuss problems and concerns, and to suggest improvements and changes if needed. This committee shall meet once every three months for the first year following a certificate of occupancy for a residential use associated with a community service campus; twice per year for the remaining lifetime of this use. Membership of the review committee shall include one representative for each property owner within a 500-foot radius of the property." on property zoned an IR Industrial Research District, on the west side of North Stemmons Freeway, south of Regal Row and at the northeast corner of Empress Row and Viceroy Drive.

Friendly Amendment: Commissioner Shidid offered a friendly amendment to revise SEC. __.114., ADDITIONAL PROVISIONS., (d) to read as follows: "Property Owner Engagement. The owner or operator of a community

resource campus shall establish a community review committee to discuss problems and concerns, and to suggest improvements and changes if needed. This committee shall meet once every three months for the first year following a certificate of occupancy for a residential use associated with a community service campus; twice per year for the remaining lifetime of this use. Membership of the review committee shall include one representative for each property owner within a 500-foot radius of the property." Commissioner Jung, the maker of the motion, and Commissioner Criss, the seconder of the motion, accept the friendly amendment

Maker: Jung
Second: Criss
Result: Carried: 10 to 1

For: 10 - MacGregor, Schulte, Criss, Shidid, Lewis, Jung, Housewright, Schultz, Ridley, Tarpley

Against: 1 - Carpenter
Absent: 1 - Murphy
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 500 Mailed: 26
Replies: For: 5 Against: 15

Speakers: For: John Rich, 8787 N. Stemmons Fwy., Dallas, TX, 75247
Blake Fetterman, 5302 Harry Hines Blvd., Dallas, TX, 75235
Ken Webb, 1722 Routh St., Dallas, TX, 75201
Michael Mata, Address not given
David Woodyard, 1421 W. Mockingbird Ln., Dallas, TX, 75248
Paige Flink, 11722 Marsh Ln, Dallas, TX, 75229
David Lopez, 5200 Harry Hines Blvd., Dallas, TX, 75235
Angela Hunt, 500 N. Akard St., Dallas, TX, 75218
Roger Croom, 5302 Harry Hines Blvd., Dallas, TX, 75235
For (Did not speak): Richard Davis, 4328 Beverly Dr., Dallas, TX, 75205
Mardie Schoellkopf, 4812 Bluffview Blvd., Dallas, TX, 75209
Murphy Webster, 1351 Regal Row, Dallas, TX, 75247
Robert Ceccarelli, 1822 Young St., Dallas, TX, 75201
Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Michael Powell, 3843 Shenandoah, Dallas, TX, 75205
Melissa McNeil, 6924 Hill Forest Dr., Dallas, TX, 75230
Elliott Rosevelt, 8819 McCraw Dr., Dallas, TX, 75209
Charles O'Connell, 634 Kessler Reserve Ct., Dallas, TX, 75208
Jason Coffman, 8609 Glencrest Ln., Dallas, TX, 75209
Bob Dill, 3921 McFarlin Blvd., Dallas, TX, 75205
Stacie Hyatt, 6534 Danbury Ln., Dallas, TX, 75214
Susan Kiser, 11452 Strait Ln., Dallas, TX, 75229

John Kiser, 1452 Strait Ln., Dallas, TX, 75229
Elizabeth Camp, 3252 Latham Dr., Dallas, TX, 75229
Windy Tag, 5904 Fairway Ave., Dallas, TX, 75227
Don Lehew, 3519 Cedar Lake Dr., Dallas, TX, 75227
Gwen Cassel, 5006 W. Purdue St., Dallas, TX, 75209
Jerry Don McCaslin, 3500 Marquette St., Dallas, TX, 75225
Mary Preeman, 6036 Buffridge Trl., Dallas, TX, 75252
Bobby Lyle, 34 Masland Cir., Dallas, TX, 75230
Rob Farrell, 5329 Montrose Dr., Dallas, TX, 75209
David Smith, 5302 Harry Hines Blvd., Dallas, TX, 75235
Bruce Butler, 3211 Irving Blvd., Dallas, TX, 75247
Preston McAfee, 1901 Regal Row, Dallas, TX, 75235
George Underwood, 15615 Coit Rd., Dallas, TX, 75248
Robert Scott, 12128 Talmay Dr., Dallas, TX, 75230
Shavon Moore, 2816 Swiss Ave., Dallas, TX, 75204
Ed Vonder, 8800 Ambassador Row, Dallas, TX, 75247
Alan Friedman, 8235 Douglas Ave., Dallas, TX, 75225
Mary Clare Finney, 8201 Preston Rd., Dallas, TX, 75225
Maggie Saucedo, 6729 Santa Maria Ln., Dallas, TX, 75214
Felix Saucedo, 6729 Santa Maria Ln., Dallas, TX, 75214
James Mattingly, 4501 Pomona Rd., Dallas, TX, 75209
Sara Martineau, Dallas, TX
Fran Blacha, 7343 Fenton Dr., Dallas, TX, 75231
Adam Beathard, Dallas, TX, 75231
Virgil Harris, 3400 Welborn St., Dallas, TX, 75219
Dustin Perkins, 2929 Hickory St., Dallas, TX, 75226
Michelita Gonzales, 5302 Harry Hines Blvd., Dallas, TX, 75235
Alex Aguilar, 5302 Harry Hines Blvd., Dallas, TX, 75235
A.K. Mago, 7115 Van Hook Dr., Dallas, TX, 75248
Christopher Lawson, 5302 Harry Hines Blvd., Dallas, TX, 75235
John Carreker, 4321 Overhill Dr., Dallas, TX, 75205
David Gruber, 2816 Swiss Ave., Dallas, TX, 75204
Cheryl Srinivasan, 18619 Vista Del Sol, Dallas, TX, 75287
Joe Garcia, 1809 Hickory St., Dallas, TX, 75215
Fahdel Scriven, 3011 Park Row Ave., Dallas, TX, 75215
Samuel, 5302 Harry Hines Blvd., Dallas, TX, 75235
Graciela Ponce, 3949 Buena Vista St., Dallas, TX, 75204
John Campbell, 1881 Sylvan Ave., Dallas, TX, 75208
Berdie Difiore, 7035 Lake Edge Dr., Dallas, TX, 75230
Ann Meyer, 6918 Kenwhite Dr., Dallas, TX, 75231
Doug Thompson, 3605 Colgate Ave., Dallas, TX, 75225
Roland Parrish, 400 S. Zang Blvd., Dallas, TX, 75208
Sam Coats, 26 Ryddington Pl., Dallas, TX, 75230
Allison Sheeder, 2924 Lucas Dr., Dallas, TX, 75219
Alice Fairchild, 419 Country Side Ln., Richardson, TX, 75081
Isabella Mohr, 2736 Mateur St., Dallas, TX, 75211

Crystal Jones, 7272 Marvin D. Love Fwy., Dallas, TX, 75237
Denise Gallimore, 305 Laramie Ln., DeSoto, TX, 75115
LeTisha Hudson, 5302 Harry Hines Blvd., Dallas, TX, 75235
Joyce Fox, 12115 Madeleine Cir., Dallas, TX, 75230
Loretta Young, 1822 Young St., Dallas, TX, 75201
Joe Dingman, 3928 Forest Ln., Dallas, TX, 75229
Judy Gibbs, 3514 Caruth Blvd., Dallas, TX, 75225
Elva Friesenhahn, 1003 Cliffdale Ave., Dallas, TX, 75211
Michael Thern, 2413 Kelsey Dr., Plano, TX, 75075
Diane Johnson, 10118 Norman Ct., Irving, TX, 75063
Almas Muscatwalla, 1817 Danby Dr., Plano, TX, 75093
Samantha Wyman, 123 Brookwood Dr., Richardson, TX, 75080
Clay Kinney, 2221 Lakeside Blvd., Richardson, TX, 75082
Ruslan Stratieuw, 2400 Evergreen Dr., Plano, TX, 75075
Ecole Stokes, 2537 Thomason Cir., Arlington, TX, 76006
Diana Detering-Paddison, 5412 Glenwick Ln., Dallas, TX, 75209
Jeremy Goering, 408 River Birch Trl., Forney, TX, 75126
Corey Strickland, 11701 Mira Lago Blvd., Farmers Branch, TX, 75234
Joseph Tafur, 3433 Brushy Creek Dr., Plano, TX, 75025
Keith Noonan, 7004 Bishop Rd., Plano, TX, 75024
Charlotte Anderson, 1 Cowboys Way, Frisco, TX, 75034
Dana Gibson, 3104 Foxcreek Dr., Richardson, TX, 75082
Kathie Kennemer, 6809 Knollwood Dr., McKinney, TX, 75072
Linda White, 5016 Forest Ln., McKinney, TX, 75069
Maureen Thomas, 5141 Pond Spring Cir., Fairview, TX, 75069
Brandon Wallace, 121 Hampton Dr., Forney, TX, 75126
Susan Addington, 1 Cowboys Way, Frisco, TX, 75034
LaMonk Thomas, 15040 Edna Ln., Frisco, TX, 75035
Dennis Drake, 1200 Quapaw Trl., Mesquite, TX, 75149
Wilma Riley-Jacobs, 3639 Swiss Ln., Irving, Texas, 75038
Michele Etemad, 108 Bay Meadows Dr., Irving, TX, 75063
Darryl Smith, 4651 Liam Dr., Frisco, TX, 75034
Willie Dillard, 301 Joe Wilson Rd., Cedar Hill, TX, 75104
Janet Braun, 11209 Rylie Crest Dr., Balch Springs, TX, 75180
Paul Massey, 307 Creekside Dr., Mabank, TX, 75147
Myrna Hawkins, 1425 Mockingbird Dr., Aubrey, TX, 76227
Richard New, 1307 McCoy Ct., Allen, TX, 75002
Jacyn Reeves, 613 Ray Andra Dr., DeSoto, TX, 75115
Wayne Walker, 1702 S. Cesar Chavez Blvd., Dallas, TX, 75215
Scott Thompson, 3131 Maple Ave., Dallas, TX, 75201
Lou Schaufele, 8235 Douglas Ave., Dallas, TX, 75225
Nicholas Dano, 3900 Swiss Ave., Dallas, TX, 75204
Scott Turpin, 3929 Centenary Dr., Dallas, TX, 75225
Jay Dunn, 3831 Turtle Creek Blvd., Dallas, TX, 75219
Anne Monning, 3601 Amherst Ave., Dallas, TX, 75225
Frank King, 3712 Miramar Ave., Dallas, TX, 75205

Daniel Roby, 2929 Hickory St., Dallas, TX, 75226
Tom Dunning, 9239 Hathaway St., Dallas, TX, 75220
Laurene Rosen, 6959 Sperry St., Dallas, TX, 75214
David Cole, 4377 San Carlos Dr., Dallas, TX, 75205
Mark Connally, 4605 Fairfay Ave., Dallas, TX, 75209
Justin Eatherly, 8787 N. Stemmons Fwy., Dallas, TX, 75247
Barbara Rich, 8787 N. Stemmons Fwy., Dallas, TX, 75247
Lisa Marie Kupfer, 8787 N. Stemmons Fwy., Dallas, TX, 75247
Lisa Thompson, 19515 Rowden Trl., Dallas, TX, 75252
Ruth Wilson, 12538 Renoir Ln., Dallas, TX, 75230
Elizabeth Andrus, 8787 N. Stemmons Fwy., Dallas, TX, 75247
Reba Martin, 9202 Westwind Ct., Dallas, TX, 75231
Richard Martin, 9202 Westwind Ct., Dallas, TX, 75231
Shannon Howard, 8787 N. Stemmons Fwy., Dallas, TX, 75247
Jeffery Upperman, 5302 Harry Hines Blvd., Dallas, TX, 75235
Lois Saenz, 11004 Joaquin Dr., Dallas, TX, 75228
Ellen Magnis, 43 Vanguard Way, Dallas, TX, 75243
Sarah Losinger, 4506 Park Ln., Dallas, TX, 75220
Ron Hall, 5962 Preston Valley Dr., Dallas, TX, 75240
Priscilla Underwood, 3804 Maplewood Ave., Dallas, TX, 75205
Kendra Larach, 900 Jackson St., Dallas, TX, 75202
Edd Eason, 1610 S. Malcolm X Blvd., Dallas, TX, 75226
Alden McCall, 7308 Centenary Ave., Dallas, TX, 75225

Against: Tomima Edmark, 8941 Empress Row, Dallas, TX, 75247
Joanne Alonzo-Gloria, 5316 Chippewa Dr., Dallas, TX, 75212
Sushil Patel, 11950 Webb Chapel Rd., Dallas, TX, 75234
Mayur “Mike” Patel, 1625 Regal Row, Dallas, TX, 75247
Jonathan Vinson, 2323 Ross Ave., Dallas, TX, 75201
Ketan Masters, 8650 N. Stemmons Fwy., Dallas, TX, 75247
Danny Patel, 1575 Regal Row, Dallas, TX, 75247

Against (Did not speak): Kreg Hodge, 16910 Dallas Parkway, Dallas, TX, 75248
Charles Lavender, 7900 W. John Carpenter Fwy., Dallas,TX, 75247
Naresh Patel, 8830 N. Stemmons Fwy., Irving, TX, 75235
Raj Patel, 7900 W. John Carpenter Fwy., Dallas,TX, 75247
Animesh Patel, 7900 W. John Carpenter Fwy., Dallas, TX, 75247
Rajan Patel, 7600 W. John Carpenter Fwy., Dallas, TX, 75247
Hasy Patel, 1625 Regal Row, Dallas, TX, 75247
Pravinkumar Patel, 1625 Regal Row, Dallas, TX, 75247
Kirtan Patel, 7002 Harry Hines Blvd., Dallas, TX, 75235
Bipin Patel, 2361 W. Northwest Hwy., Dallas, TX, 75220
Gauran Patel, 2287 W. Northwest Hwy., Dallas, TX, 75220
Ruby Jakhu, 2370 W. Northwest Hwy., Dallas, TX, 75220
Amish Patel, 2380 W. Northwest Hwy., Dallas, TX, 75220
Velan Marimuthu, 8650 N. Stemmons Fwy., Dallas, TX, 75247
Lawrence Cobb, 1314 Viceroy Dr., Dallas, TX, 75247
Randall Cobb, 1314 Viceroy Dr., Dallas, TX, 75247

Naresh Prajapati, 10326 Finnell St., Dallas, TX, 75220
Anant Patel, 11069 Composite Dr., Dallas, TX, 75229
Viren Patel, 2217 Connector Dr., Dallas, TX, 75220
Staff: Monica Hardman, Director, Office of Homeless Solutions

List of Officers

Rowling Foundation

Robert Rowling, owner, founder and President

The Salvation Army

C. Mark Brown, Divisional Secretary for Business

William Booth, founder

Andre Cox, General

Commissioner Donald C. Bell, Territorial Commander

Lt. Colonel Ronnie Raymer, Divisional Commander

Major Barbara Rich, DFW Metroplex Commander

Major Jonathan Rich, DFW Metroplex Commander

Z178-121

CPC Recommended PD Conditions

ARTICLE _____.

PD _____.

SEC.___.101. LEGISLATIVE HISTORY.

_____ was established by Ordinance No. _____, passed by the Dallas City Council on (Date) (Ord. _____)

SEC.___.102. PROPERTY LOCATION AND SIZE.

PD is established on property generally located to the northwest of N Stemmons Freeway Service Road and Viceroy Drive. The size of PD ___ is 20.99 acres. (Ord.____)

SEC.____.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 division are to articles, divisions, or sections in Chapter 51A.

(c) In this division:

(1) COMMUNITY RESOURCE CAMPUS means a mixed-use development with the primary purpose of providing programs, resources, assistance and shelter to at-risk, pre-homeless, and homeless individuals. A community resource campus may include uses allowed in the IR Industrial Research district such as community service center, private recreation center, church, medical clinic, office, indoor animal shelters, technical school, child-care facility, and warehouse, but also include the following residential uses only in conjunction with at least two of the above mentioned associated supportive services:

(A) Permanent supportive housing;

(B) Overnight general purpose shelter;

(C) Transitional housing;

(D) Convalescent and nursing home, hospice care and related institutions.

(2) DECLARED EMERGENCY means an event during which a government official has made an official declaration of emergency within or for the State of Texas or a contiguous state.

(3) DINING FACILITY means a facility for the preparation and service of food within a community resource campus. A dining facility may include kitchen facilities as well as dining and wash rooms. A dining facility is for use by clients, employees, and volunteers of the campus and is not open to the general public.

(4) EXTREME WEATHER CONDITIONS means any day during which at any time the wind chill is below 32 degrees Fahrenheit or the heat index is more than 100 degrees Fahrenheit.

(5) PERMANENT SUPPORTIVE HOUSING means a structure or group of structures with three or more dwelling units that are for persons transitioning out of homelessness into permanent housing with access to social services at a community resource campus. Permanent supportive housing at this campus will serve seniors, ages 55 and older, or veterans of the United States armed services.

(6) TRANSITIONAL HOUSING means an interim residential facility that provides room and board to individuals or families transitioning from homelessness to long-term housing.

(d) This district is considered to be a nonresidential zoning district. (Ord. _____)

SEC. ___.104. EXHIBITS.

The following exhibit is incorporated into this article: Exhibit _____A: conceptual plan.

SEC. ___.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit ___). If there is a conflict between the text of this division and the development plan, the text of this division controls.

SEC. ___.106. DEVELOPMENT PLAN.

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. ___.107. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this PD 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 PD only by SUP; a use subject to development impact review (DIR) in the IR Industrial Research district is subject to DIR in this PD; etc.

(1) The following additional uses are permitted:

-- Community Resource Campus

(2) The following uses are permitted only in association with a Community Resource Campus:

-- Permanent supportive housing.

-- Overnight general purpose shelter. The requirements in Section 51A-4.205 (2.1)(E),(v) do not apply.
-- Transitional housing.
-- Convalescent and nursing home, hospice care and related institutions.
-- Dining Facility,

SEC. ___.108. 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 Division 51A-4.217. For more information regarding accessory uses, consult Division 51A-4.217.

SEC. ___.109. YARD, LOT, AND SPACE REGULATIONS.

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

(a) In general. Except as provided in this section, the yard, lot, and space regulations for IR Industrial Research district apply.

(b) Maximum overnight guests in association with a Community Resource Campus. The maximum number of overnight guests in transitional housing, convalescent and nursing home, hospice care and related institutions, and overnight general purpose shelters is 600 except during Extreme Weather Conditions or Declared Emergencies.

(c) Permanent supportive housing use in association with a Community Resource Campus. The maximum number of dwelling units is 100. Permanent supportive housing units are limited to efficiencies or one-bedroom units.

SEC. .110. OFF-STREET PARKING AND LOADING.

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. For parking purposes, the entire Property is considered as one lot. The following parking ratios are required in association with a Community Resource Campus:

(a) Community Resource Campus. In order to qualify for the following parking reductions, a development plan must be approved by the city plan commission with a minimum of three allowable uses in a community resource campus. If the development plan is phased, the first phase of the development plan must include a minimum of 100 parking spaces or the sum of required parking for the individual uses included in the first phase of the development plan, whichever is greater.

(1) Convalescent and nursing home, hospice care and related institutions. No parking is required.

(2) Permanent supportive housing. One space per dwelling unit for an efficiency and one-bedroom units;

(3) Office. Required parking is one space per 500 square feet of floor area associated with a Community Resource Campus For all other office uses required parking is one space per 333 square feet of floor area.

(4) Transitional Housing and Overnight General Purpose Shelter. Required off-street parking is one space per 3,000 square feet of transitional housing and overnight general purpose shelter facilities. Single-bed sleeping quarters must have a minimum usable floor area of 125 square feet. Sleeping quarters containing two or more beds must have a minimum usable floor area that is equal to or greater than 60 square feet times the number of beds in the room. Additional parking is not required during a Declared Emergency or Extreme Weather Conditions.

(5) Church: 1 space per 10 seats up to a maximum of 300 seats, parking for more than 300 seats must be provided at a ratio of one space per 4 seats for the seats over 300. If seating is not fixed, one space per 180 square feet is required for sanctuary or auditorium space less than 5,400 square feet in size. Parking for more than 5,400 square feet of sanctuary or auditorium space must be provided at a ratio of one space per 28 square feet for the area over 5,400 square feet.

(6) Warehouse: 1 space per 4,000 square feet of floor area.

(7) Community Service Center: 1 space per 500 square feet of floor area.

(8) Other Uses. Parking is not required for private recreation centers, dining facilities, classrooms, child care facilities, and animal shelter that are accessible only to campus clients.

SEC. ___.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. X)

SEC. ___.112. LANDSCAPING.

(a) Except as provided in this paragraph, landscaping must be provided in accordance with Article X as amended

(b) Additional landscaping requirements for a Community Resource Campus:

(1) Open space. A minimum of five (5) percent of the total site area must be provided in open space. Open space may include recreational facilities available to residents of the site or unprogrammed green space with a minimum area of 10,000 square feet. Open space must be landscaped to include a minimum of grass or other ground cover and may include sidewalks and/or other pedestrian facilities.

CPC Recommendation:

(2) Sidewalks. Sidewalks must be provided between all buildings and recreational facilities. Sidewalks must also be provided between any transit facility located on the perimeter of the site and the interior sidewalk system. Minimum sidewalk width is five (5) feet. The requirements of Section 51A-8.606 for perimeter sidewalks do not apply to the Empress Row and Viceroy Drive street frontages.

Staff's Recommendation:

(2) Sidewalks. Sidewalks must be provided between all buildings and recreational facilities. Sidewalks must also be provided between any transit facility located on the perimeter of the site and the interior sidewalk system. Minimum sidewalk width is five (5) feet.

Applicant's Request:

(2) Sidewalks. Sidewalks must be provided between all buildings and recreational facilities. Sidewalks must also be provided between any transit facility located on the perimeter of the site and the interior sidewalk system. Minimum sidewalk width is five (5) feet. The requirements of Section 51A-8.606 for perimeter sidewalks do not apply.

(3) Fences. A minimum eight-foot masonry or decorative metal perimeter fence must be provided as depicted in the Conceptual Plan. Chain-link fencing is prohibited, along with any prohibited fencing material listed in Section 51A-4.602(a)(9).

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

SEC. ___.113. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) For signage purposes the entire Property is considered as one lot.

SEC. ___.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.

(c) Security. A minimum of four security officers are required on site at all times. Except for the DART bus turn-around, all driveways along Viceroy Drive and Empress Row must be gated and secured.

CPC Recommendation:

(d) Property Owner Engagement. The owner or operator of a community resource campus shall establish a community review committee to discuss problems and concerns, and to suggest improvements and changes if needed. This committee shall meet once every three months for the first year following a certificate of occupancy for a residential use associated with a community service campus; twice per year for the remaining lifetime of this use. Membership of the review committee shall include one representative for each property owner within a 500-foot radius of the property.

Staff's Recommendation:

(d) Staff recommends removal of this unenforceable condition.

Applicant's Request:

(d) Property Owner Engagement. The owner or operator of a community resource campus shall establish a community review committee to discuss problems and concerns, and to suggest improvements and changes if needed. This committee shall meet once every three months for the first year following a certificate of occupancy for a residential use associated with a community service campus; once every six months for the three following years; and once per year for the remaining lifetime of this use. Membership of the review committee shall include one representative for each property owner within a 500-foot radius of the property.

CPC and Staff's Recommendation:

(e) Staff recommends removal of this unenforceable condition.

Applicant's Request:

(e) Access to services. Access to programs and services at the community resource campus is limited to clients enrolled in a program on campus. The provision of day sheltering and meals to people experiencing homelessness who are not residents of the campus is prohibited. The campus may not serve registered sex offenders.

(f) Driveway locations. The development plan for a community resource campus must include a deceleration lane for the main access/driveway on Stemmons Freeway southbound frontage road pending review and approval by the Texas Department of Transportation. The southern driveway on Empress Row must also be aligned with Titan Drive.

(g) Perimeter refuse collection. The owner or operator of a community resource campus shall provide for daily refuse collection around the perimeter of the site.

(h) Perimeter lighting. Perimeter lighting between the required fence and the street curb on Viceroy Drive and Empress Row must be provided with a minimum three (3) foot-candle.

(i) Public entry. Public vehicular entry to a community resource campus is limited to the Stemmons Freeway driveways as shown on the concept plan. All visitors and clients must enter the campus through the community service center building as located on the concept plan at a staffed and secure entrance to the campus.

SEC. __.114. COMPLIANCE WITH CONDITIONS.

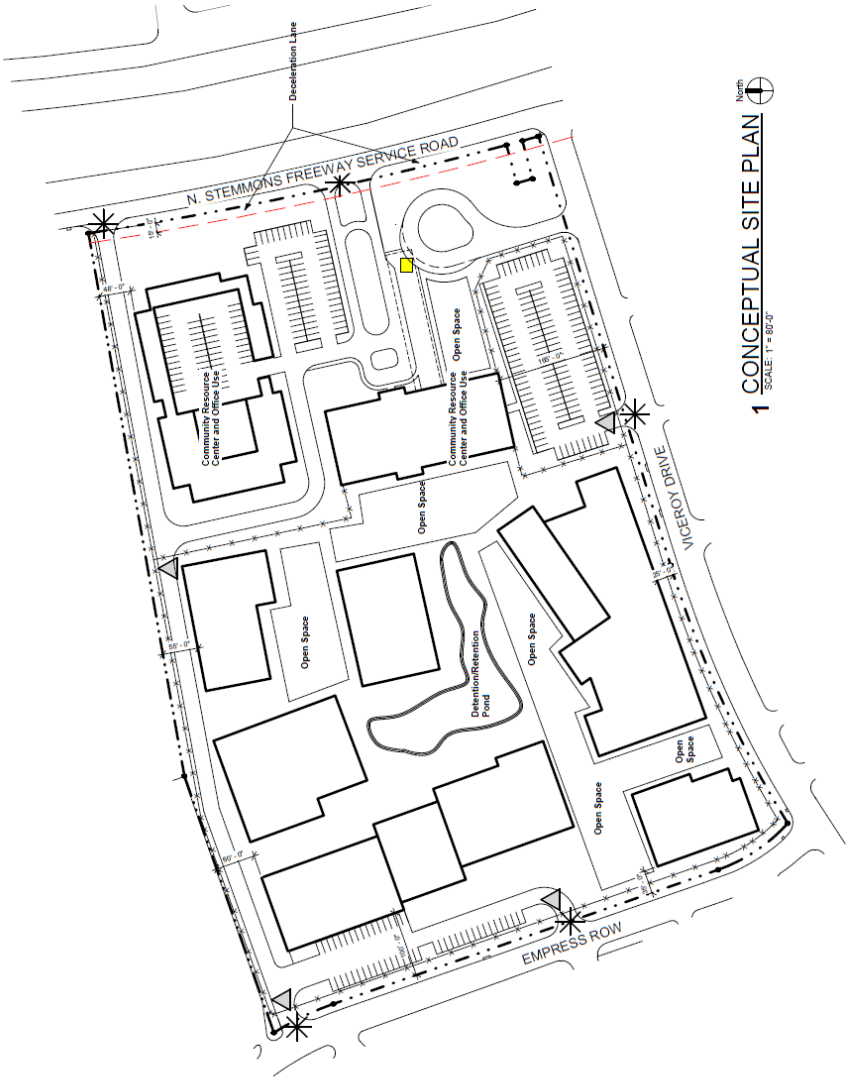
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

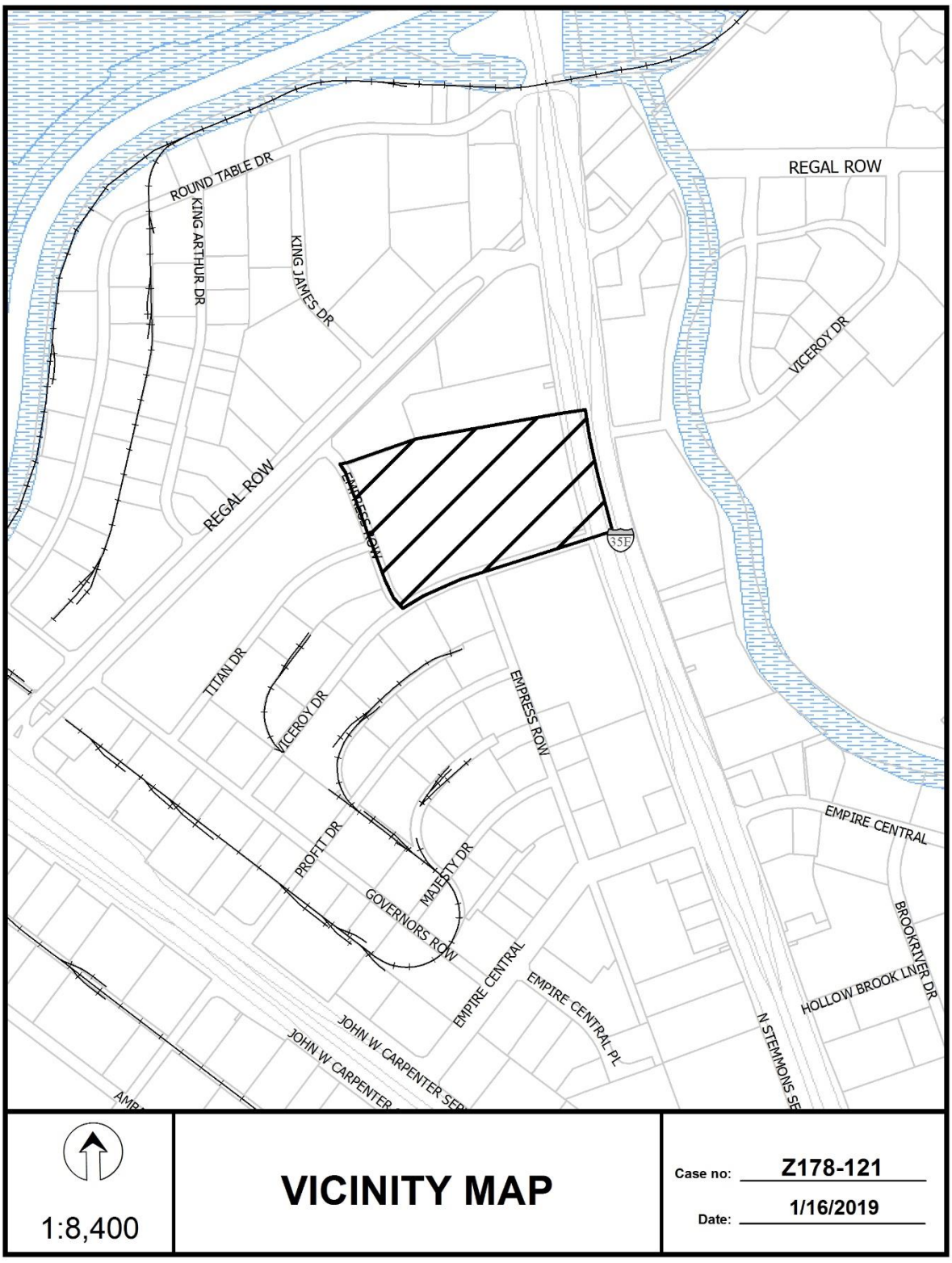
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this PD until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 28916)

Proposed Conceptual Plan

Zoning Table	
Site Acreage:	21
Perimeter Fence:	Denoted by:
Ingress/Egress:	Denoted by:
Gated Ingress/Egress:	Denoted by:
Proposed DART Stop:	Denoted by:

Yard, Lot and Space Regulations Per PD	
Uses:	Community Resource Center and Offices
Maximum Lot Coverage:	80%
Maximum Height:	200'-0"
Maximum FAR:	0.68
Maximum Beds:	600
Setback (Front):	15'-0"
Setback (Side/Rear):	No Minimum




ROUND TABLE DR
KING ARTHUR DR
KING JAMES DR
REGAL ROW
REGAL ROW
VICEROY DR
EMPRESS ROW
35E
TITAN DR
VICEROY DR
EMPRESS ROW
EMPIRE CENTRAL
PROFIT DR
MAJESTY DR
GOVERNORS ROW
BROOKRIVER DR
EMPIRE CENTRAL
EMPIRE CENTRAL PL
HOLLOW BROOK LN
JOHN W. CARPENTER SE
JOHN W CARPENTER
N STEMMONS SE
1:8,400
VICINITY MAP
Case no: Z178-121
Date: 1/16/2019

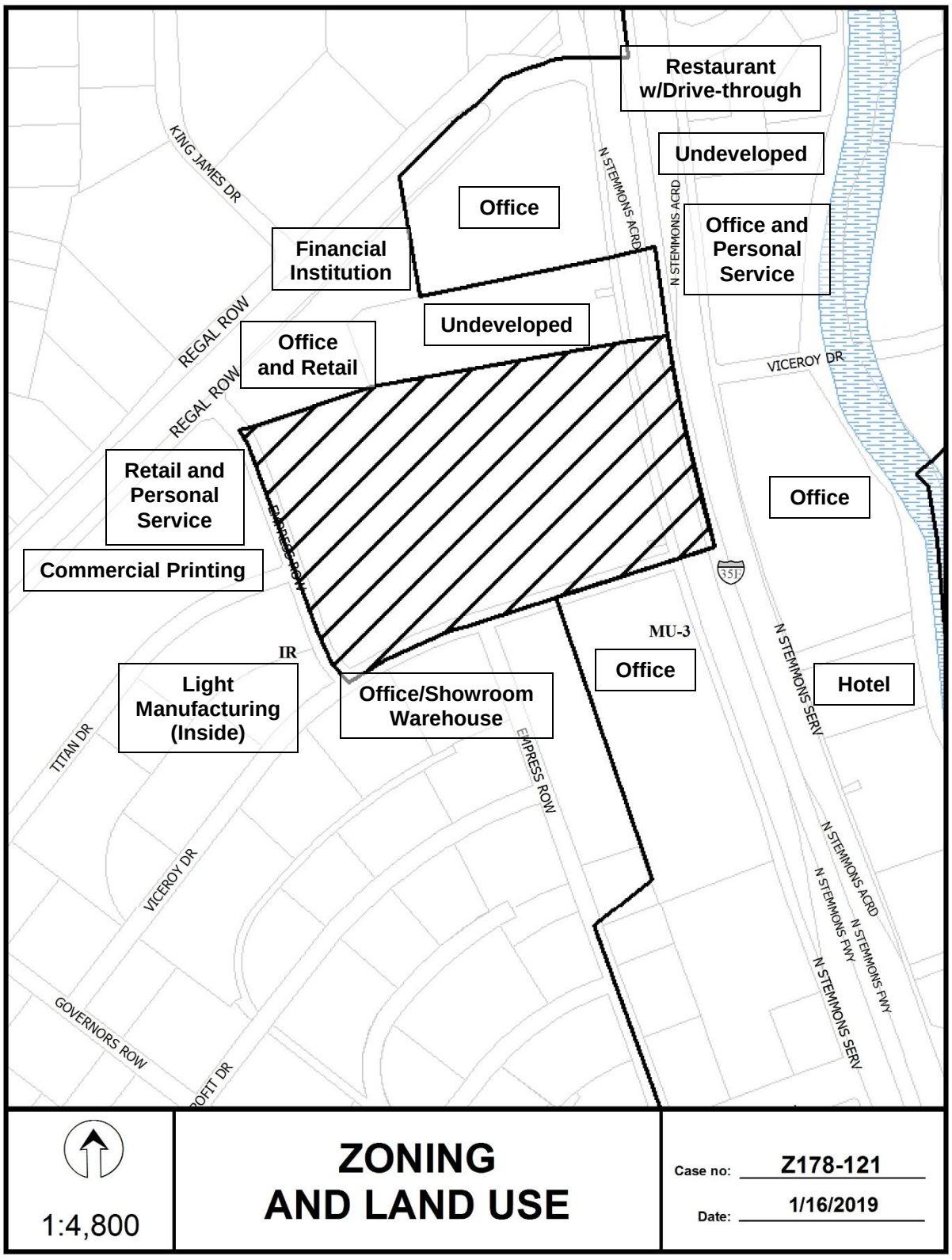


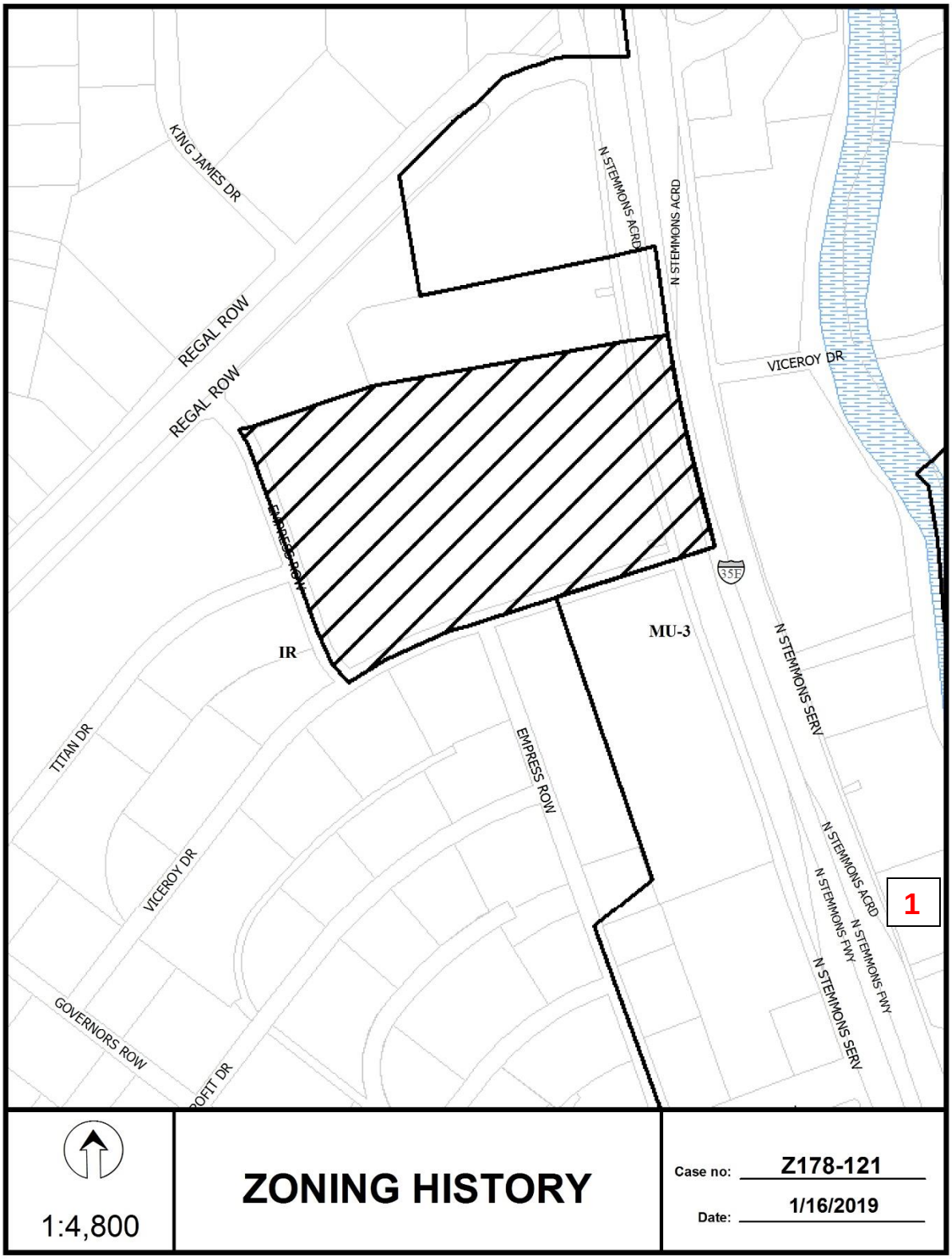
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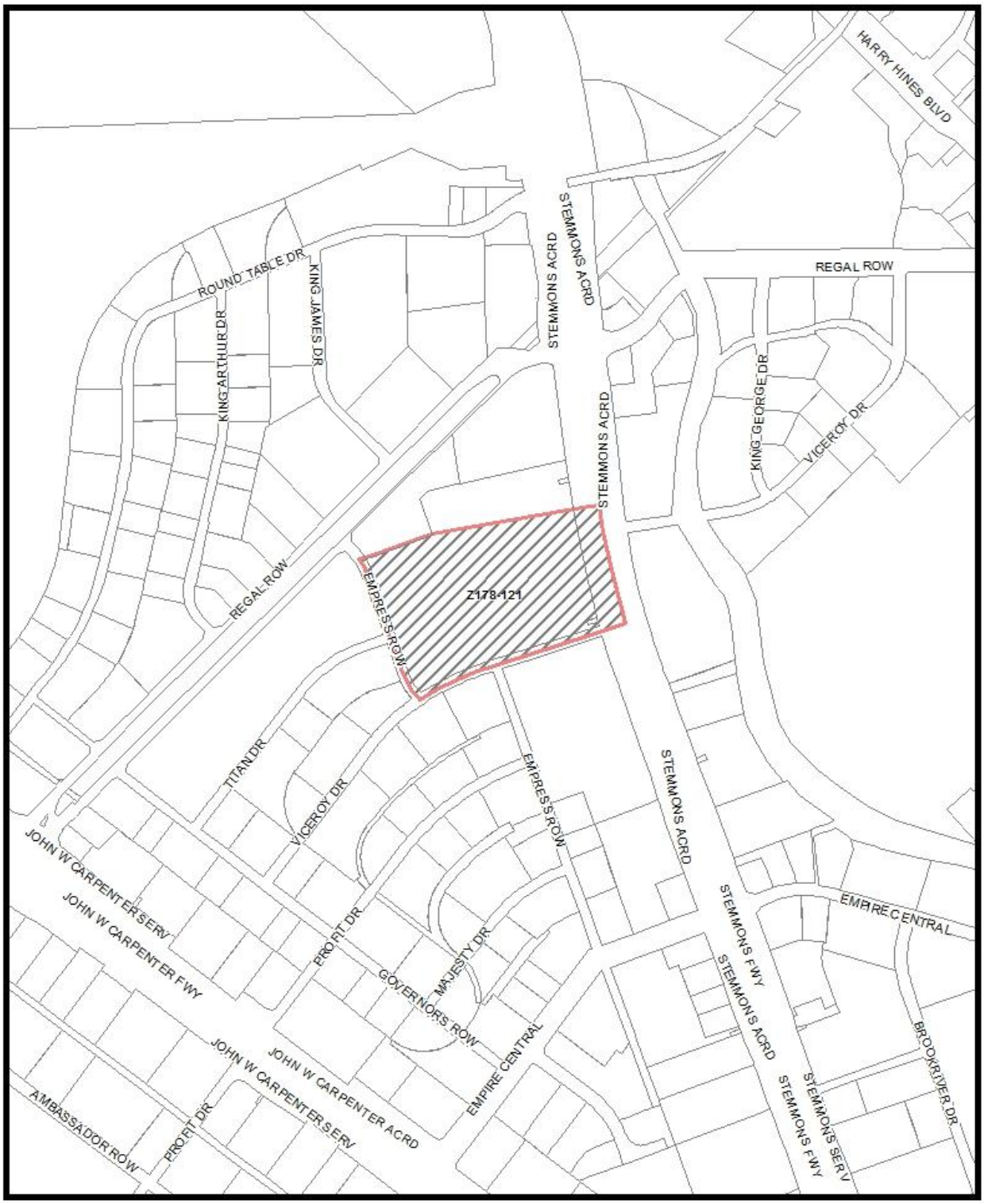
AERIAL MAP

Case no: Z178-121

Date: 1/16/2019


Restaurant w/Drive-through
Undeveloped
Office
Office and Personal Service
Financial Institution
Undeveloped
Office and Retail
Retail and Personal Service
Commercial Printing
Office
MU-3
Office
Hotel
IR
Light Manufacturing (Inside)
Office/Showroom Warehouse
KING JAMES DR
REGAL ROW
REGAL ROW
N STEMMONS ACRD
N STEMMONS ACRD
VICEROY DR
EMPRESS ROW
EMPRESS ROW
N STEMMONS SERV
TITAN DR
VICEROY DR
GOVERNORS ROW
N STEMMONS ACRD
N STEMMONS FWY
N STEMMONS FWY
N STEMMONS SERV
351
1:4,800
ZONING
AND LAND USE
Case no: Z178-121
Date: 1/16/2019


KING JAMES DR
REGAL ROW
REGAL ROW
N STEMMONS ACRD
N STEMMONS ACRD
VICEROY DR
EMPRESS ROW
IR
MU-3
35E
N STEMMONS SERV
TITAN DR
EMPRESS ROW
VICEROY DR
N STEMMONS ACRD
N STEMMONS FWY
N STEMMONS FWY
N STEMMONS SERV
GOVERNORS ROW
1
1:4,800
ZONING HISTORY
Case no: Z178-121
Date: 1/16/2019



Legend

1:8,400

Market Value Analysis

Printed Date: 1/15/2019

CPC RESPONSES



26	Property Owners Notified (28 parcels)
5	Replies in Favor (6 parcels)
15	Replies in Opposition (16 parcels)
500'	Area of Notification
3/7/2019	Date

Z178-121
CPC

N
W E
S

1:4,800

03/06/2019

Reply List of Property Owners

Z178-121

26 Property Owners Notified ***5 Property Owners in Favor*** ***15 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	8625	N STEMMONS FWY	ROWLING FOUNDATION
O	2	8625	N STEMMONS FWY	ROWLING FOUNDATION
X	4	8650	N STEMMONS FWY	8700 RICCHI LLC
	5	1275	PROFIT DR	COWELL & GUZMAN ENT
O	6	1261	PROFIT DR	DOUBLE E INC
	7	1235	PROFIT DR	SCI L P II
	8	1501	REGAL ROW	TEXAS UTILITIES ELEC CO
	9	1501	REGAL ROW	TEXAS UTILITIES ELEC CO
	10	1201	PROFIT DR	BROOK HOLLOW PPTIES INC
	11	1331	REGAL ROW	HOUSMAN REAL EST
X	12	1258	TITAN DR	STORAGE EQUIPT CO
X	13	1278	TITAN DR	1278 TITAN LLC
X	15	1255	VICEROY DR	1255 VICEROY LLC
X	16	1262	VICEROY DR	ALLIED ENTERPRISES
X	17	8941	EMPRESS ROW	EMPRESS GROUP REALTY LLC
X	18	1314	VICEROY DR	COBB COMPANY
X	19	8585	N STEMMONS FWY	RICCHI TOWERS LLC
X	24	8777	N STEMMONS FWY	OPTIMA STEMMONS LLC
X	A1	1349	REGAL ROW	1351 REGAL ROW BLVD LLC
X	A2	1365	REGAL ROW	NIA ENTERPRISES LLC
X	A3	8650	N STEMMONS FWY	TRINITY LODGING LLC
X	A4	8828	N STEMMONS FWY	REGAL CENTER LLC &
X	A5	1330	REGAL ROW	HUMANETICS REGAL ROW
X	A6	1431	REGAL ROW	S & S REALTY LTD
O	A7	1245	VICEROY DR	HORD STREET PROPERTIES INC
O	A8	1430	REGAL ROW	JESSUP INVESTMENTS LLC

Agenda Information Sheet

File #: 19-455 **Item #:** 63.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for restaurant and retail uses on property zoned Subdistrict F, WMU-12 Walkable Urban Mixed Use within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, generally bounded by East 6th Street, East Jefferson Boulevard, and Fleming Place
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development/landscape plan and conditions
Z178-292(CY)

powered by Legistar™

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**
ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-292(CY)	**DATE FILED:**	June 27, 2018
LOCATION:	Bounded by East 6th Street, East Jefferson Boulevard, and Fleming Place		
COUNCIL DISTRICT:	1	**MAPSCO:**	55 A
SIZE OF REQUEST:	Approx. 0.57 acres	**CENSUS TRACT:**	20.00

OWNER: Island Jefferson, LLC.

APPLICANT: Scott Rodgers

REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application for a new subdistrict for restaurant and retail uses on property zoned Subdistrict F, WMU-12 Walkable Urban Mixed Use within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District.

SUMMARY: The purpose of the request is to create a new subdistrict to allow for single-story shopfront development type, modify the required front setback required for side streets, and modify the street frontage requirements for the single-story shopfront development type. The applicant proposes to develop the site with a one-story building for retail and restaurant uses. The proposed subdistrict will be subject to a development plan.

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

STAFF RECOMMENDATION: **Denial**.

BACKGROUND INFORMATION:

- Planned Development No. 468 was established by City Council on March 12, 1997 and comprises approximately 842 acres.

- The purpose of Planned Development No. 468 is to provide standards to meet the needs of the Oak Cliff Gateway corridor which has been designated as an area of historical, cultural and architectural importance and significance.

- In February 2009, the City Council approved the creation of Article XIII of the Dallas Development Code, which created the form based zoning districts. The Form Based Districts provide an additional tool for the implementation of *ForwardDallas!* and create walkable urban neighborhoods where higher density mixed uses and mixed housing types promote less dependence on the automobiles.

- On May 13, 2015, the City Council adopted Ordinance No. 29743 which enlarged and amended Planned Development District No. 468 to adopt form district regulations with modifications and created ten Shopfront Overlays.

- The area of request is zoned Subdistrict F within PD No. 468 which is regulated by the WMU-12 Walkable Urban Mixed-Use 12 Form District. The site is currently developed with two one-story structures, one is a vacant car wash building and the other an auto service center use

- WMU-12 District is considered a medium-density district.

- The purpose of the request is to create a new subdistrict that allows for Single-Story Shopfront development type.

Zoning History: There has been one zoning change request in the surrounding area, including the area of request in the past five years.

1. **Z178-185** On April 25, 2018, City Council approved a Demolition Delay Overlay for nearby properties that also included the area of request. A demolition delay overlay district is intended to encourage the preservation of historically significant buildings that are not located in a historic overlay district by helping the property owner identify alternatives to demolition.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
East Jefferson Boulevard	Major Arterial	100’	90’
Fleming Place	Minor Arterial	70’	60’
East 6th Street	Minor Arterial	60’	60’

Traffic:
The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not support the following Plan's goals or policies.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.3 Encourage complementary building height, scale, design and character.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.3 Ensure attractive gateways into the city

Land Use:

	Zoning	Land Use
Site	PD No. 468 Subdistrict F (WMU-12) Tract 1	Vacant building, Auto service center
North	PD No. 468 Subdistrict F (WMU-12) Tract 1	Bus or rail transit vehicle maintenance or storage
East	PD No. 468 Subdistrict F (WMU-12) Tract 1, RR Regional Retail District	IH-35, Office, Child-care facility
South	PD No. 468 Subdistrict F (WMU-12) Tract 1	Vehicle display sales and service
West	PD No. 468 Subdistrict D (WMU-5) Tract 3	Vacant building, Vehicle display sales and service

Land Use Compatibility:

The approximate 0.57-acre site is currently developed with two one-story structures: one is a vacant car wash building and the other one is occupied with an auto service center use, which is currently operating. The site is zoned subdistrict F (WMU-12) Tract 1 within Planned Development District No. 468, The Oak Cliff Gateway Special Purpose District. Walkable Urban Mixed-Use districts are intended to accommodate a mix of compatible uses in close proximity to one another in a pedestrian-friendly environment.

The applicant proposes to demolish the existing structures and redevelop the site with a one-story building for retail sales and restaurant uses. The regulations for the Walkable Mixed Use 12 District allows for a minimum story height of two stories above ground. In order to develop the site with the proposed one-story building, the applicant requests to create a new subdistrict that will preserve most of the regulations and development standards of the WMU-12 form-based district in Article XIII of the Dallas Development Code, but proposes the following modifications:

1. Allow for single-story shopfront development type. Section 51A-13.304(c) defines a single-story shopfront development type as a development type intended primarily for single-story retail uses. It also establishes that in this development type, ground-story spaces should be flexible enough to accommodate a variety of retail and office uses; buildings must be pulled up to the street and on-site surface parking areas must be located to the rear of the building. Large storefront windows must be provided to encourage interaction between the pedestrian and the ground-story space.

The applicant's request to allow the single-story shopfront development type is based on the off-street parking requirements. According to the applicant, a two-story building would require additional parking that cannot be provided. Staff does not agree with this rationale because there are other alternatives to provide for required off-street parking. Furthermore, the remote parking alternative in PD. No. 468 allows for a greater walking distance [500 feet] than what is normally required per the Dallas Development Code [300 feet]. This distance may be extended by the building official for up to 1,000 feet and for up to 50 percent of the required parking.

Staff considers that allowing a development type intended for low density districts such as a WMU-3 or a WMU-5 district, is not consistent with the surrounding areas. The subdistrict map in Exhibit 468A presents the vision of Subdistrict F as a medium-density corridor along Jefferson Boulevard transitioning to areas planned for mixed-use developments with greater density in Subdistricts H and G. This flow would be interrupted by the proposed subdistrict allowing a less intense development type.

2. Side street designation. The area of request is bounded by streets on all sides. East 6th Street is to the north, East Jefferson Boulevard to the west and Fleming Place to the southeast. In reviewing this site configuration, and after consulting with Building Inspections, it was determined that all three streets would be designated as primary

streets as defined in Section 51A-13.200(21)[1]. The applicant proposes to designate Fleming Place and East 6th Street as Side Streets, thus seeking to provide relief from other regulations such as the required front setback area, required street frontage and parking setback.

While the proposed side street designation does not fully align with future code amendments of Article XIII regarding primary and side streets designation that are currently underway, staff does not believe that the proposed change will have a negative impact on the adjacent uses given the location and the irregular shape of the site. Staff supports this part of the request. If the Commission recommends retaining East 6th Street and Fleming Place as a primary street, the applicant will have to revise the development plan and/or the proposed conditions to address front setback, parking setback and street frontage regulations.

3. Modify the front setback. The front setback area is the required distance for a building to be set back from the property boundaries, and according to the regulations in Article XIII, it varies depending on the street designation and the development type [Sec. 51A-13.304(a)(4)]. For the proposed single-story shopfront development type, the required front setback area from a primary street and from a side street is a minimum of five feet and maximum of 15 feet.

The applicant requests that in the proposed subdistrict and for the proposed development type, the required front setback from a side street be a minimum of five feet, with no maximum front setback required. This request seeks to provide flexibility with regards to the location of the proposed building on the odd-shaped property. By not requiring a maximum setback, the building can be placed further than 15 feet from the proposed side streets [East 6th Street and Fleming Place]; otherwise, the building would have to extend on every direction, covering almost the entire lot. The front setback area from a primary street will not be modified.

Staff supports this request due to the challenges the triangular shape of the site presents and does not believe that this front setback modification will have an adverse effect on the surrounding areas.

4. Modify the required street frontage. The required street frontage is the minimum percentage of a front lot line that any proposed building is required to cover, and it varies depending on the proposed development type. For the proposed single-story shopfront development type, a minimum of 90 percent street frontage is required for primary streets and a minimum of 40 percent is required for side streets. The applicant proposes to reduce this requirement to 25 percent required for primary streets and none required for side streets.

While staff acknowledges the challenges that the site presents, we do not support this request for a drastic reduction in the requirement for the street frontages and alternatively recommend a minimum of 70 percent street frontage for primary streets

[1] Primary Street: means the principal frontage for a building site, as defined during site plan review.

and a minimum of 25 percent for side streets. In recommending these percentages, staff considered all the minimum street frontage requirements for all the development types allowed in the WMU-12 district as well as the lot configuration and dimensions.

It is staff's opinion that with the proposed side street designation for East 6th Street and Fleming Place, in addition to the exception to the street frontage requirement in Section 51A-13.304(a)(3)(F) that allows for this frontage to be interrupted to allow for a maximum of 30-foot-wide vehicular entrance to a parking structure or parking area, the recommended street frontages can be achieved. This recommended requirement can provide for a development more compatible with any future development proposed within the remainder of Subdistrict F (WMU-12) either north or south of the area of request.

Uses surrounding the area of request include a bus or rail transit vehicle maintenance or storage use to the north, office and medical clinic to the northwest, a vacant single-family structure to the west followed by vehicle display sales and service to the southwest across East Jefferson Boulevard; auto service center uses are to the south and south east across Fleming Place, and the Interstate Highway 35 is to the east.

Understanding the challenges the site presents, staff's recommendation of denial is primarily based on the effects of allowing a development type that is not consistent with the surrounding area. It is staff's opinion that the proposed side street designation of East 6th Street and Fleming Place, and the proposed modifications to the side street front setback to be minimum five feet with no maximum required; are regulations that provide with adequate relief from the existing regulations for the site to be developed with any of the development types allowed in the WMU-12 district.

Development Standards:

The District Regulations in Article XIII apply to the district regulations in Planned Development District No. 468. Below is a table indicating the Development Types allowed in the existing WMU-12 and the proposed subdistrict followed by a Summary of the existing and proposed Development Type Regulations, and the Regulations for the proposed Single-Story Shopfront Development Type.

	Mixed Use Shopfront	Single Story Shopfront	General Commercial	Apartment	Townhouse Stacked	Townhouse	Civic Building	Open Space Lot
DISTRICT	Mu	Ss	Gc	Apt	Ts	Th	Civ	O
Existing. Subdistrict F (WMU-12)	☑	☐	☑	☑	☑	☑	☑	☑
Proposed. Subdistrict __ (WMU-12)	☑	☑	☑	☑	☑	☑	☑	☑

☑ Development Type Allowed

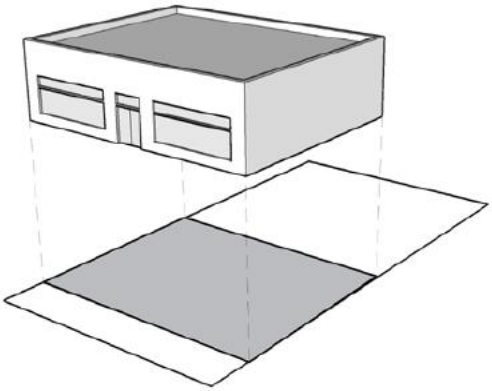
DISTRICT	PROPOSED SUBDISTRICT								Existing Regulation
	EXISTING SUBDISTRICT F (WMU-12)								
REGULATION/ DEV. TYPE	MU	GC	APT	TS	TH	CIV	O	SS	SS
LOT									
Area per unit or bldg (min sf)	none	none	none	1,200	1,200	3,000	2,000	none	none
Area per building (max sf)	none	none	none	none	none	none	none	none	none
Width (min ft)	none	none	none	16	16	30	30	none	none
Width (max ft)	none	none	none	none	none	none	none	none	none
Lot coverage (max)	100%	80%	80%	80%	80%	60%	60%	80%	80%
FRONT SETBACK									
Primary Street (min/max)	5/15	5/15	5/15	5/15	5/15	20/none	10/none	5/15	5/15
Side Street (min/max)	5/15	5/15	5/15	5/15	5/15	10/none	10/none	**5/none**	5/15
Service street (min/max)	none	none	none	none	none	none	10/none	none	none
STREET FRONTAGE									
Primary Street (min/max)	90%	70%	70%	70%	70%	none	none	**25%**	90%
Side Street (min/max)	40%	40%	40%	40%	40%	none	none	**none**	40%
Service Street (min/max)	none	none	none	none	none	none	none	none	none
PARKING SETBACK									
Primary Street (min)	30	30	30	30	30	20	none	30	30
Side Street (min)	5	5	5	5	5	5	none	5	5
Service Street (min)	5	5	5	5	5	5	none	5	5
Abutting SFD district (min)	10	10	10	10	10	10	none	10	10
Abutting MFD and non-res dist. or alley (min)	5	5	5	5	5	5	none	5	5
SIDE SETBACK									
Abutting SFD district (min)	15	15	15	10	10	10	10	15	15
Abutting MFD and non-res dist. (min)	0 or 15	0 or 15	0 or 15	0 or 15	0 or 15	10	10	0 or 15	0 or 15
Abutting Alley(min)	5	5	5	5	5	10	10	5	5
REAR SETBACK									
Abutting SFD district (min)	15	15	15	24	24	10	10	15	15
Abutting MFD and non-res dist. (min)	5	5	5	24	24	10	10	5	5
Abutting Alley	5	5	5	3/20+	3/20+	10	10	5	5
Abutting service street	10	10	10	3/20+	3/20+	10	10	10	10
HEIGHT									
Building Ht. (min stories)	District Dependent	District Dependent	District. Dependent	2	District. Dependent	1	none	1	1
Building Ht. (max stories/ft)				3-1/2 / 50		Dist. Dep.	35	1/30	1/30
STORY HEIGHT									
Ground (min/max ft)	15/30	11/22	10/15	10/15	10/15	none	none	15/30	15/30
Upper Story (min/max ft)	10/15	10/15	10/15	10/15	10/15	none	none	none	none
GROUND STORY TRANSPARENCY									
Primary street façade (min)	50%	30%	30%	30%	30%	none	none	50%	50%
Side street façade (min)	25%	25%	25%	25%	25%	none	none	25%	25%
Service Street façade (min)	none	none	none	none	none	none	none	none	none
UPPER STORY TRANSPARENCY									
Primary street façade (min)	20%	20%	20%	20%	20%	none	none	none	none
Side street façade (min)	20%	20%	20%	20%	20%	none	none	none	none
Service Street façade (min)	none	none	none	none	none	none	none	none	none
ENTRANCE									
Primary street entrance	req'd	req'd	req'd	req'd	req'd	none	none	req'd	req'd
Entrance spacing (max lf)	100	none	none	none	none	none	none	100	100
Side street entrance	allowed	allowed	allowed	allowed	allowed	none	none	allowed	allowed
Service Street entrance	allowed	allowed	allowed	allowed	allowed	none	none	allowed	allowed
BLANK WALL AREA									
Primary Street (max lf)	20	30	30	30	31	none	none	20	20
Side street (max lf)	none	none	none	none	none	none	none	none	none
Service Street (max lf)	none	none	none	none	none	none	none	none	none

Ss

single story shopfront

(c) Single-Story Shopfront.

(1) Definition.



A development type intended primarily for single-story retail uses.

Ground-story spaces should be flexible enough to accommodate a variety of retail and office uses. 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 areas must be located to the rear of the building. Primary entrances must be prominent and street-facing. Large storefront windows must be provided to encourage interaction between the pedestrian and the ground-story space.

(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.













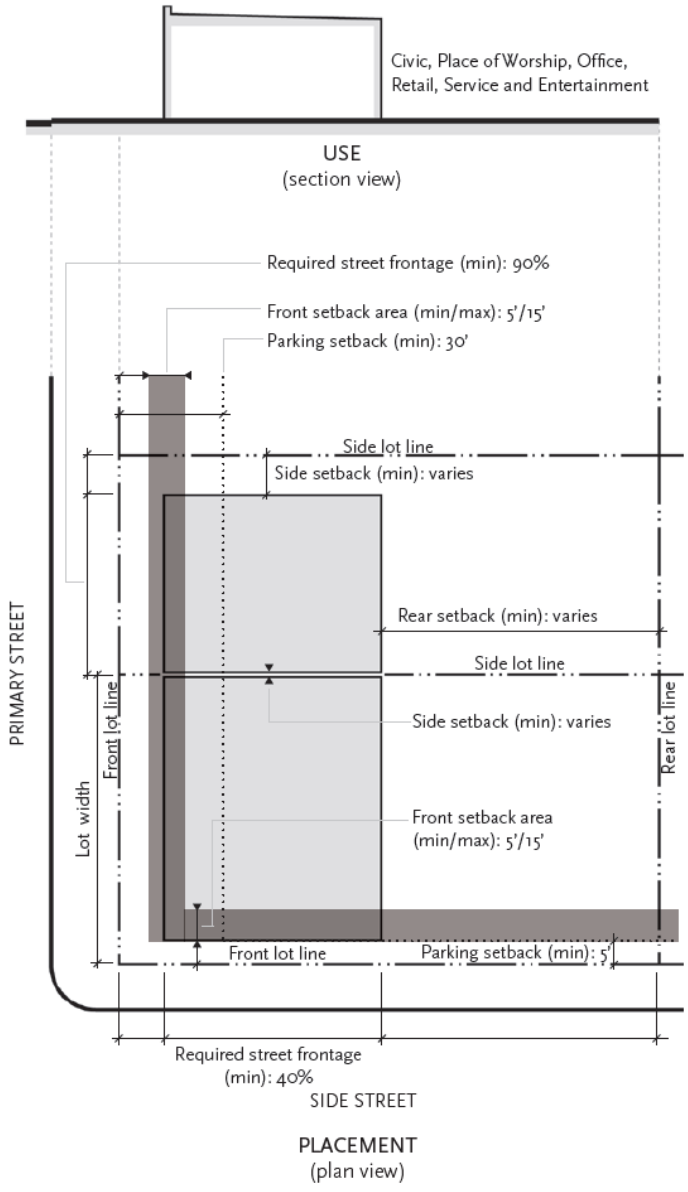
(3) Districts Permitted.

LOW: WMU-3, WMU-5
OVERLAY: -SH

Ss

single story shopfront

(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)	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)	90%
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

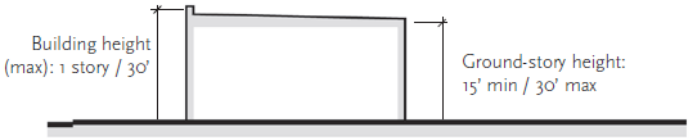
SIDE SETBACK	
Abutting single-family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	0 or 5
Abutting alley (min ft)	5

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

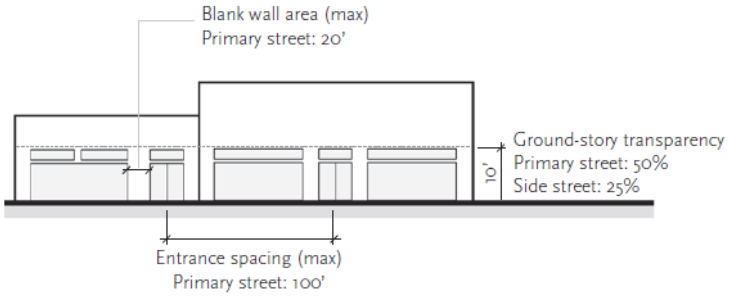
Ss

single story shopfront

(5) Height and Elements.



HEIGHT
(section view)



ELEMENTS
(elevation view)

BUILDING HEIGHT

HEIGHT	
Building height (max stories/ft)	1 / 30
Building height (min stories)	1

STORY HEIGHT	
Ground story (min/max ft)	15/30
Upper story (min/max ft)	none

BUILDING FACADE

GROUND-STORY TRANSPARENCY	
Primary street facade (min)	50%
Side street facade (min)	25%
Service street facade (min)	none

Measured between 0 and 10 ft above adjacent sidewalk.

UPPER-STORY TRANSPARENCY	
Primary street facade (min)	none
Side street facade (min)	none
Service street facade (min)	none

Measured from floor to floor.

BUILDING ENTRANCE	
Primary street	required
Entrance spacing (max linear ft)	100
Side street	allowed
Service street	allowed

BLANK WALL AREA	
Primary street (max linear ft)	20
Side street (max linear ft)	none
Service street (max linear ft)	none

(6) Ground-Story Shopfront Windows.

A minimum of 60 percent of the street-fronting, street-level window pane surface area must allow views into the ground-story use for a depth of at least four feet. Windows must be clear or unpainted, or, if treated, must be translucent. Spandrel glass or backpainted glass does not comply with this provision.

(7) 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.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The site is not within an identifiable MVA Category; however, it is in proximity to a "G" MVA cluster to the west across East Jefferson Boulevard and further south along Dale Street.

Parking:

The parking requirements for all subdistricts in PD No. 468 must comply with the parking regulations in Section 51A-13-400 with the exception of Walkable Mixed Use and Walkable Urban Residential Districts, where the table *"Required parking in WMU and WR Districts"* in Article XIII is replaced by the *"Subdistricts B-G required parking"* chart [Exhibit 468C] in PD No. 468. Although it may be clear that the chart in Exhibit 468C applies to all WMU and WR subdistricts in PD No. 468, the cross-reference between PD No. 468 and Article XIII and the label of the chart, can leave room for interpretation that it is only applicable to Subdistricts B through G. For this reason, the applicant proposes to include a provision that requires that off-street parking for the proposed subdistrict be provided at the ratios in the *"Subdistricts B-G required parking".* Staff is in support of this clarifying regulation.

Based on the ratios in the *"Subdistricts B-G required parking"* table, the proposed 4,500-square-foot one-story building would require a total of 36 parking spaces if developed with a restaurant use[2] and a total of 18 parking spaces if developed with a retail use[3]. As depicted in the proposed development plan, 30 off-street parking, four on-street parking spaces and two bicycle racks [12 Class I bicycle parking] are being proposed.

The parking regulations in PD No. 468 allow for on-street parking to be counted as a reduction of the parking requirement for the use adjacent to the on-street parking. Additionally, the same regulations indicate that the provisions in Chapter 51A of the Dallas City Code regarding bicycle parking apply to this district. This allows for the site to comply with the parking requirements of 36 spaces for a restaurant use[4] which is the proposed use with the higher parking requirement.

[2] 4,500 sf / 125* = 36 spaces
* one space for every 125 sf of floor area
[3] 4,500 sf / 250* = 18 spaces
* one space for every 250 sf of floor area
[4] Per Sec. 51A-4.314, required off-street parking may be reduced by one space for every six Class I bicycle parking spaces required. 12 Class I bicycle spaces provided = 2 off-street parking spaces credit.

Landscaping:

The applicant proposes to provide landscaping in accordance with the proposed development / landscape plan. The plan was reviewed by the Chief Arborist and determined that the proposed plan is an acceptable alternative from the standard requirements of PD No. 468 given the site limitations.

CPC Action
February 21, 2019

Motion: It was moved to recommend **approval** of a new subdistrict for restaurant and retail uses, subject to revised conditions to include the following additional conditions: 1) set the height requirement to a minimum of one story and 2) allow the required street frontage to 40 percent along the property's main street on property zoned Subdistrict F, WMU-12 Walkable Urban Mixed Use within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, generally bounded by East 6th Street, East Jefferson Boulevard, and Fleming Place.

Maker: MacGregor
Second: Shidid
Result: Carried: 7 to 4

For: 7 - MacGregor, Criss, Shidid, Lewis, Murphy, Ridley, Tarpley

Against: 4 - Schulte, Carpenter, Jung, Schultz
Absent: 1 - Housewright
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 500 Mailed: 62
Replies: For: 1 Against: 0

Speakers: For: Audra Buckley, 1414 Bellview St., Dallas, TX, 75215
Frank Obergon, 2315 Moser Ave., Dallas, TX, 75206
Against: None

PROPOSED CONDITIONS.

ARTICLE
468.

PD 468.

Oak Cliff Gateway Special Purpose District

SEC. 51P-468.101. LEGISLATIVE HISTORY.

PD 468 was established by Ordinance No. 23057, passed by the Dallas City Council on March 12, 1997. Ordinance No. 23057 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Ordinance No. 23057 was amended by Ordinance No. 23868, passed by the Dallas City Council on April 28, 1999, and Ordinance No. 25866, passed by the Dallas City Council on January 26, 2005.

SEC. 51P-468.102. PROPERTY LOCATION AND SIZE.

PD 468 is established on property generally bounded by Interstate 30, the Levee on the east side of the Trinity River, Interstate 35E (South R.L. Thornton Freeway), Marsalis Avenue, Eighth Street, Elsbeth Avenue, Neches Street, Bishop Avenue, Colorado Boulevard, and Beckley Avenue. The size of PD 468 is approximately 842.168 acres.

SEC. 51P-468.103. PURPOSE.

This article provides standards specifically tailored to meet the needs of the Oak Cliff Gateway area of the city, which is hereby designated as an area of historical, cultural, and architectural importance and significance to the citizens of the city. The general objectives of these standards are to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

(1) Accommodate the existing mix of uses in the area.

(2) Protect the internal and adjacent stable residential neighborhoods.

(3) Preserve and enhance the historical, cultural, and architectural significance of the area while specifically encouraging the future historic designation of the following structures:

(A) Polar Bear Ice Cream Stand.

(B) Mayor William Sergeant Home.

(C) Grace Presbyterian Church.

(D) Lee Harvey Oswald Boarding House.

(4) Strengthen the neighborhood identity.

(5) Create a more desirable pedestrian environment.

(6) Periodically review proper zoning of the Property. (Ord. Nos. 23057; 26042;29743)

SEC. 51P-468.104. DEFINITIONS AND INTERPRETATIONS.

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

(b) Unless the context clearly indicates otherwise, in this article:

(1) ACCESSORY DWELLING UNIT means a dwelling unit accessory to a single family or duplex use that is located in the rear 50 percent of a lot.

(2) ALTERNATIVE ENERGY PLANT means equipment used to generate power from alternative energy sources using solar panels, turbines, and other power-creating means that have the ability to return some or all of the newly-created power to the energy grid.

(3) ANTIQUE SHOP means an establishment for the retail sale of articles such as glass, china, furniture, or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.

(4) AQUARIUM means an establishment where aquatic animals and plants are kept and exhibited.

(5) ART GALLERY means an establishment where original works of art or limited editions of original works of art are bought, sold, loaned, appraised, or exhibited to the general public.

(6) ART OR CRAFT PRODUCTION FACILITY means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking and for sale of the products to the general public.

(7) BOUTIQUE HOTEL means a lodging facility with 30 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days; provides food that is prepared onsite; and more than 50 percent of the guest rooms are internal- entry.

(8) BULB-OUT means the area of the sidewalk or curb line that is extended into the street at sidewalk grade to narrow the street and increase pedestrian space.

(9) CUSTOM VEHICLE SHOP means a facility for the restoration, fabrication, modification, display, and sale of customized or modified automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers.

(10) ENTERTAINMENT COMPLEX means a public, multi-use sports, entertainment, and convention facility where people view and participate in events and performances, including theatrical, musical, and dramatic performances; professional or amateur sporting events; and meetings and assemblages.

(11) GOURMET MARKETPLACE means a facility that offers prepared meals, catered meals, and retail grocery items that may include the sale of alcoholic beverages for consumption on-premise or off-premise and that may also allow customers in motor vehicles to pick-up food for off-premise consumption. The display area for the sale of alcoholic beverages may not exceed 40 percent of the floor area for this use.

(12) IDENTIFICATION SIGN means an attached premise sign that identifies the name or logo of the district, business, or tenant.

(13) LEGACY BUILDING means:

(A) a building constructed before 1957 that has:

(i) all original street-facing facades remaining;

(ii) a primary street-facing facade located within 15 feet of a right-of-way line;

(iii) a main entrance that faces Colorado Boulevard, Zang Boulevard, Beckley Avenue, Marsalis Avenue, Jefferson Boulevard, Eighth Street, Tenth Street, Lancaster Avenue, Ewing Avenue, or the southbound Interstate 35E service road;

(iv) window and door openings that total at least 20 percent of the street-facing facades; and

(v) off-street parking located 100 percent outside of the required front yard; or

(B) the Grace Presbyterian Church sanctuary building located on Zang Boulevard between Fifth Street and Sixth Street.

(14) LEGACY BUILDING MIXED USE DEVELOPMENT means a project containing at least three different uses developed as a single project and must include at least one use in a legacy building.

(15) LINER DEVELOPMENT means a development specifically designed to mask a parking structure from a public street or public space.

(16) LIVE/WORK UNIT means an interior space that combines a single occupancy residential use and an office or retail and personal service use. A live/work unit is considered a nonresidential use.

(17) MASSAGE ESTABLISHMENT and MASSAGE mean a massage establishment or massage as defined by Chapter 455 of the Texas Occupation Code, as amended.

(18) MEWS means the public or private right-of-way for pedestrians or low-speed vehicular traffic that provides access to a building, serves as a small street, and may provide access to vehicle parking.

(19) MIXED USE DEVELOPMENT means a combination of any two categories of permitted main uses on a building site.

(20) MOBILE FOOD ESTABLISHMENT means a container or vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes mobile food preparation vehicles and pushcarts.

(21) NEW CONSTRUCTION means construction of a main structure that did not exist on May 13, 2015 or permitted work that increases floor area of a use or structure, excluding uncovered porches and uncovered patios, if the increase in floor area is more than 50 percent for nonresidential projects, more than 65 percent for mixed use projects, or more than 75 percent for residential projects.

(22) PROJECT ANNOUNCEMENT SIGN means an attached premise sign constructed of rigid material, mesh or fabric surface, or a projection of a light image onto a wall face that announces a project, tenant, or activity in the district.

(23) STREETSCAPE means the area between the buildings and edge of the vehicular or parking lanes. The principal streetscape components are curbs, sidewalks, street trees, tree planters, bicycle racks, litter containers, benches, and street lights. Treatments may also include paving materials, street/pedestrian wayfinding signs, parking meters, public art, water features, bollards, and other elements.

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

(d) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(3) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800.)

(4) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. ("RAR" means "residential adjacency review." For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(e) Unless the context indicates otherwise, for purposes of interpreting Chapter 51A, the subdistricts are considered to be residential or nonresidential as indicated:

(1) Subdistrict A: residential.

(2) Subdistrict B: residential.

(3) Subdistrict C: nonresidential.

(4) Subdistrict D: nonresidential.

(5) Subdistrict E: nonresidential.

(6) Subdistrict F: nonresidential.

(7) Subdistrict G: nonresidential.

(8) Subdistrict H: nonresidential.

(9) Subdistrict I: nonresidential.

(10) Subdistrict J: nonresidential.

(11) Subdistrict K: nonresidential.

(12) Subdistrict L: nonresidential.

(13) Subdistrict M: nonresidential. (Ord. Nos. 23057; 25866; 26042; 26149; 26190; 28880; 29200; 29280; 29743; 30190; 30702; 30717)

(14) <u>Subdistrict __: nonresidential</u>

SEC. 51P-468.104.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 468A: Subdistrict map.

(2) Exhibit 468B: Medical use overlay street hierarchy plan.

(3) Exhibit 468C: Subdistricts B-G required parking chart.

(4) Exhibit 468D: Subdistrict H master parking and floor area plan supplement.

(5) Exhibit 468E: Subdistrict H mixed use development parking chart

(6) Exhibit 468F: Subdistrict H site plan development table.

(7) Exhibit 468G. Subdistrict K development plan.

(8) Exhibit 468H. Subdistrict L development plan and elevation plan.

(9) Exhibit 468I: Subdistrict M development plan. (Ord. Nos. 28880; 29200; 29743; 30190; 30702; 30717)

(10) Exhibit 468__: Subdistrict __ development/ landscape plan.

SEC. 51P-468.105. CREATION OF SUBDISTRICTS.

(a) This district is known as the Oak Cliff Gateway Special Purpose District, and is divided into the following 14 [~~13~~] subdistricts, as described in Exhibit B of Ordinance No. 29743, as amended, and as shown on the map labelled Exhibit 468A:

(1) Subdistrict A – Residential Transition (RTN).

(2) Subdistrict B – Walkable Urban Residential 3 (WR-3).

(3) Subdistrict C – Walkable Urban Mixed Use 3 (WMU-3).

(4) Subdistrict D – Walkable Urban Mixed Use 5 (WMU-5).

(5) Subdistrict E – Walkable Urban Mixed Use 8 (WMU-8).

(6) Subdistrict F – Walkable Urban Mixed Use 12.

(7) Subdistrict G – Walkable Urban Mixed Use 20.

(8) Subdistrict H.

(9) Subdistrict I.

(10) Subdistrict J.

(11) Subdistrict K – Walkable Urban Mixed Use 8 (WMU-8).

(12) Subdistrict L – Walkable Urban Mixed Use 8 (WMU-3).

(13) Subdistrict M – Walkable Urban Mixed Use 8 (WMU-8).

(14) Subdistrict __ - Walkable Urban Mixed Use 12 (WMU-12).

(b) If there is a conflict between Exhibit A of Ordinance No. 23057, as amended, and Exhibit 468A, Exhibit A, as amended, controls.

(c) Use regulations and development standards for each subdistrict are set out below.

SEC. 51P-468.106. SUBDISTRICTS A, B, C, D, E, F, G, K, L, [~~AND~~] M, AND __.

(a) General provisions. Except as provided in this subsection, Division 51A-13.100, "General Provisions," applies.

(1) Nonconforming structures. See Sections 51A-4.704 and 51A-13.102(4)(S) for details on nonconforming structures. In this district, the only work that causes a structure to become more nonconforming is a major renovation. For purposes of this provision, MAJOR RENOVATION means a building permit or series of building permits for the reconstruction, alteration, or modification of a building that increases the floor area that existed on May 13, 2015 by 50 percent or more.

(A) Additions of up to 50 percent of permitted square footage. Additional floor area, building height, and any new construction must comply with the regulations defined by each development type. The additional floor area, building height, and new construction are not required to fill the buildable envelope, but must be contained wholly within the buildable envelope. BUILDABLE ENVELOPE means the three dimensional form within which the horizontal and vertical elements of a structure must be built to comply with the use and placement requirements and with the height and elements requirements in Section 51A-13.304 for each development type.

(B) Additions of more than 50 percent of permitted square footage. The site must come into complete compliance with Article XIII regulations.

(2) Amortization of nonconforming uses. Uses that become nonconforming on May 13, 2015 may not be brought before the board of adjustment for amortization.

(3) Development plan for Subdistrict K. Development and use of the Property in Subdistrict K must comply with the Subdistrict K development plan (Exhibit 468G). If there is a conflict between the text of this article and the Subdistrict K development plan, the text of this article controls.

(4) Development plan for Subdistrict L. Development and use of the Property in Subdistrict M must comply with the Subdistrict L development plan (Exhibit 468H). If there is a conflict between the text of this article and the Subdistrict M development plan, the text of this article controls.

(5) Development plan for Subdistrict M. Development and use of the Property in Subdistrict M must comply with the Subdistrict M development plan (Exhibit 468I). If there is a conflict between the text of this article and the Subdistrict M development plan, the text of this article controls.

(6) Development plan for Subdistrict __ Development and use of the Property in Subdistrict __ must comply with the Subdistrict __ development/landscape plan (Exhibit 468_). If there is a conflict between the text of this article and the Subdistrict __ development plan, the text of this article controls.

(b) District regulations. Except as provided in this section, Division 51A-13.300, "District Regulations," applies.

(1) Subdistrict A. Except as provided in this section, Subdistrict A must comply with the RTN regulations and development standards in Article XIII.

(2) Subdistrict B. Except as provided in this section, Subdistrict B must comply with the WR-3 regulations and development standards in Article XIII.

(3) Subdistrict C. Except as provided in this section, Subdistrict C must comply with the WMU-3 regulations and development standards in Article XIII.

(4) Subdistrict D. Except as provided in this section, Subdistrict D must comply with the WMU-5 regulations and development standards in Article XIII.

(5) Subdistricts E, K, and M. Except as provided in this section, Section 51P- 468-109.1, and section 51P-468.109.2, Subdistricts E, K, and M must comply with the WMU-8 regulations and development standards in Article XIII.

(6) Subdistrict F and _. Except as provided in this section, Subdistrict F must comply with the WMU-12 regulations and development standards in Article XIII.

(7) Subdistrict G. Except as provided in this section, Subdistrict G must comply with the WMU-20 regulations and development standards in Article XIII.

(8) Accessory dwelling units. In Subdistrict A south of Colorado Boulevard, east of Beckley Avenue, and west of Marsalis Avenue, accessory dwelling units are allowed on a lot containing a single-family use. Single-family garages are not required to have vehicular access from an alley.

(9) Detention center, jail, or prison. Detention center, jail, or prison is prohibited as a main use.

(10) Fences and walls. In a door yard, a fence may not exceed four feet in height. In all other required yards, no fence or wall may exceed six feet in height.

(11) Height. The following structures may project a maximum of 12 feet above the maximum structure height specified in a subdistrict:

(A) Amateur communications tower.

(B) Cooling tower.

(C) Clerestory.

(D) Chimney and vent stack.

(E) Elevator penthouse or bulkhead.

(F) Flagpoles.

(G) Mechanical equipment room.

(H) Ornamental cupola or dome.

(I) Parapet wall, limited to a height of four feet.

(J) Stairway access to roof.

(K) Roof top deck.

(L) Skylights.

(M) Spires and belfries.

(N) Solar panels.

(O) Tank designed to hold liquids.

(P) Visual screens surrounding roof-mounted mechanical equipment.

(Q) Wind turbines and other integrated renewable energy systems.

(12) Medical and office uses. Medical and office uses are allowed as additional permitted uses in the following areas:

(A) Subdistrict A, Tract 3.

(B) Subdistrict A, Tract 4.

(13) Residential proximity slope. The residential proximity slope defined in Section 51A-4.412 governs development in Subdistricts A-G and Subdistrict __.

(14) Retail uses over 50,000 square feet. A specific use permit is required for retail uses over 50,000 square feet in floor area.

(c) Parking regulations. Except as otherwise provided in this subsection, Division 51A-13.400, "Parking Regulations," applies.

(1) In general. The "Required Parking in WMU and WR Districts Chart" in Section 51A-13.402(a)(2) is replaced by the Subdistricts B-G required parking chart (Exhibit 468C).

(2) Bicycle parking. Consult Division 51A-4.330, "Bicycle Parking Regulations," for bicycle parking requirements.

(3) Delta credits. The maximum parking reduction authorized by this section and Article XIII is the total reduction minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(B). If delta credits exceed the total reduction, delta credits will be used, and no reduction will apply.

(4) Legacy building parking reduction. If the director finds that a building meets the definition of a legacy building, the director may grant the following off-street parking reductions:

(A) For residential uses within a legacy building, required off-street parking may be reduced by up to 25 percent.

(B) For office uses within a legacy building, required off-street parking may be reduced by up to 100 percent.

(C) For retail uses other than restaurant uses within a legacy building, required off-street parking may be reduced by up to 100 percent.

(D) For restaurant uses within a legacy building, required off-street parking may be reduced by up to 25 percent.

(5) Mechanized parking. Consult Division 51A-4.340, "Mechanized Parking," for mechanized parking regulations.

(6) On-street parking.

(A) Except as provided in this subsection, any on-street parking spaces may be counted as a reduction of the parking requirement of the use adjacent to the on-street parking space.

(i) An on-street parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space (8÷24 = one-third). The total of the limited-availability parking spaces will be counted to the nearest whole number, with one half counted as an additional space.

(B) All on-street parking must be approved as to design and construction by the director of public works. On-street parking must be striped in accordance with standard city specifications.

(7) Outdoor covered patios.

(A) For restaurant or bar uses, the outdoor covered patio area is not included in parking requirement calculations for up to 25 percent of the size of the indoor floor area.

(B) For a restaurant use, the combined area of covered and uncovered outdoor dining area that is not included in parking requirement calculations may not exceed 50 percent of the indoor dining area. Any portion of the outdoor dining patio area in excess of the 50 percent of the indoor dining area must be parked in accordance with the Subdistricts B-G required parking chart (Exhibit 468C).

(8) Remote parking.

(A) Remote parking for uses in these subdistricts may not be located outside the boundaries of the district.

(B) Remote parking must be located within a walking distance of 500 feet from the use served by the remote parking unless an extension of walking distance is approved by the building official.

(C) The building official shall extend the walking distance for remote parking to no more than 1,000 feet for up to 50 percent of the required off-street parking unless the extension would:

(i) significantly discourage patrons of the use from using the remote parking;

(ii) unreasonable endanger the safety of persons or property; or

(iii) not otherwise be in the public interest.

(D) A license is required to authorize the extension of walking distance for remote parking beyond 1,000 feet. The building official must require that either a shuttle or an attendant be provided by the applicant as a condition of approval of an extension of the walking distance for remote parking beyond 1,000 feet.

(E) Remote parking may be based on a lease for the remote parking space in lieu of the remote parking agreement required in Section 51A-4.328. The lease must:

(i) be in writing on a form obtained from the building official;

(ii) contain legal descriptions of the properties affected;

(iii) specify the special parking being provided and the hours of operation of any use involved;

(iv) be governed by the laws of the state of Texas;

(v) be signed by all lien holders, other than taxing entities, that have an interest in or an improvement on the properties;

(vi) be for a minimum of three years; and

(vii) provide that both the owner of the lot occupied by the use and the owner of the remote parking lot shall notify the building official in writing if any provision of the lease is breached or if the lease is modified or terminated.

(d) Minor streets and streetscapes.

(1) Except as provided in this subsection, Division 51A-13.500, "Minor Streets and Streetscapes," applies. This subsection applies only to new construction.

(2) The block lengths and perimeters requirements in Section 51A-13.502(a) may be broken by ungated private streets.

(3) In lieu of compliance with Section 51A-13.503, "Existing Streets," the

following street sections must be completed as follows:

(A) West side of Beckley Avenue between Interstate 30 and Colorado Boulevard. The 14-foot parkway in the right-of-way must include a four-foot planting zone adjacent to the vehicular lanes and a 10-foot sidewalk.

(B) East side of Beckley Avenue between Interstate 30 and Colorado Boulevard. The 14-foot parkway in the right-of-way must include a two-foot planting zone adjacent to the vehicular lanes, an eight-foot, two-way cycle track, and a four-foot sidewalk. An additional six-foot sidewalk is required adjacent to the right-of-way.

(C) West side of Beckley Avenue between Colorado Boulevard and Zang Boulevard. The eight-foot parkway in the right-of-way must include a three-foot planting zone next to the vehicular lanes and a five-foot sidewalk. An additional five-foot sidewalk is required adjacent to the right-of-way.

(D) East side of Beckley Avenue between Colorado Boulevard to Zang Boulevard. The 16-foot parkway in the right-of-way must include a three-foot planting zone next to the vehicular lanes, an eight-foot two-way cycle track, and a five-foot sidewalk. An additional five-foot sidewalk is required adjacent to the right-of-way.

(E) Zang Boulevard between the Jefferson/Houston Viaduct and Colorado Boulevard. The 10-foot parkway in the right-of-way must include a six-foot planting zone adjacent to the vehicular lanes and a four-foot sidewalk. An additional two-foot sidewalk is required adjacent to the right-of-way.

(F) West side of Zang Boulevard between Beckley Avenue and Davis Street. The 14-foot parkway in the right-of-way must include a six-foot planting zone adjacent to the vehicular lanes and an eight-foot sidewalk.

(G) East side of Zang Boulevard between Beckley Avenue and Davis Street. The 12-foot indented parking lane and the 14-foot parkway must include a six-foot planting zone adjacent to the vehicular lanes and an eight-foot sidewalk.

(e) Site development regulations. Division 51A-13.600, "Site Development Regulations," applies.

(f) Administration. Division 51A-13.700, "Administration," applies.

SEC. 51P-468.107. SUBDISTRICT H.

Omitted for brevity.

SEC. 51P-468.109. SUBDISTRICT I.

Omitted for brevity.

SEC. 51P-468.109. SUBDISTRICT J.

Omitted for brevity.

SEC. 51P-468.109.1 SUBDISTRICT K.

Omitted for brevity.

SEC. 51P-468.109.2. SUBDISTRICT M.

(a) In general. Except as provided in this section, Subdistrict M must comply with the WMU-8 regulations and development standards in Article XIII.

(b) Side street designation. Sixth Street is considered a side street.

(c) Shopfront windows. Ground story shopfront window requirements in the Mixed-Use Shopfront development type only apply to non-residential portions of a building.

(d) Building elements. For a Mixed-Use Shopfront development type, stoops and front
porches are permitted building elements in accordance with Section 51 A- 13.305(e) and (f).

(e) Live/work unit.

(1) Use. A live/work unit is a permitted use in a Mixed-Use Shopfront development type and may be located on the ground story. This paragraph controls over the requirement for non-residential uses on the ground story in a SH Shopfront Overlay.

(2) Parking. One space per live/work unit is required. If the nonresidential component of this use exceeds 1,000 square feet of floor area, off-street parking must be provided as if the nonresidential component is a main use. Off-street loading is not required.

(f) On-street parking. On-street parking in Section 51P-468.106(d)(3)(G) is not required for the Zang Boulevard street frontage that contains trolley infrastructure."

SEC. 51P-468.109._ SUBDISTRICT __.

(a) In general. Except as provided in this section, Subdistrict __ must comply with the WMU-12 Walkable Mixed Use 12 regulations and development standards in Article XIII.

(b) Development types and uses permitted. Any development type and uses allowed in a WMU-12 District. Single-story shopfront development type and the uses allowed for this development type as defined in Article XIII, are permitted.

(c) Stories: Minimum number of stories is one

(d) Side street designation. Sixth Street and Fleming Place are considered side streets.

(e) Front setback. For a Single-Story Shopfront development type, minimum front setback from a side street is five feet and no maximum front setback is required

(f) Off-street parking. Parking ratios must comply with Exhibit 468C: Subdistricts B-G required parking chart

(g) Landscape. For a single-story development type, landscaping shall comply with Exhibit 468_ Development/Landscape Plan.

Applicant's request and CPC Recommendation

(h) Required street frontage. A minimum of 40 percent of the street frontage along Jefferson Boulevard. None required on side streets.

Staff's recommendation:

(h) Street frontage. For a single-story development type, required street frontage is:

(1) Primary street: Minimum street frontage is 70 percent

(2) Side Street: Minimum street frontage is 25 percent

SEC. 51P-468.110. MEDICAL USE OVERLAY.

Omitted for brevity

SEC. 51P-468.111. TRANSITIONAL USES.

(a) Application. This section applies to Subdistricts B, C, D, E, F, G, and K only.

(b) Purpose. When a form district is initiated, it may not be possible to develop and completely transition the entire area at the inception. Transitional uses are intended to provide an opportunity for owners in a form district to make appropriate use of their Property during the interim period as the district develops. Transitional uses are intended to allow underused or vacant properties to have value between the effective date of this article and the time that full implementation of the zoning changes become practical and feasible with strict compliance.

(c) Specific use permit.

(1) The uses listed in Subsection (d) below are allowed as transitional uses

by a specific use permit only.

(2) A specific use permit approved for a transitional use must provide a time limit that may not exceed five years. A specific use permit for a transitional use is not subject to automatic renewal. No off-street parking reductions are allowed.

(3) A specific use permit approved for a transitional use may modify the following regulations if the city council determines that no adverse impact on surrounding properties will result:

(A) Section 51A-13.302, "Height."

(B) Section 51A-13.304, "Development Types."

(C) Section 51A-13.305, "Building Elements."

(4) A specific use permit for a transitional use does not create nonconforming rights in the use, structure, or any modifications to the regulations. Upon expiration of the specific use permit, immediate compliance with all regulations of this article is required.

(5) No expiration for a specific use permit may occur while an application for renewal of the specific use permit is pending before the city plan commission or city council. If an application is pending at the end of the current time limit stated in the specific use permit ordinance, the time limit shall be extended:

(A) until the day following the next succeeding official agenda meeting of the city council after the council makes a final decision to deny the application; or

(B) if the city council votes to create a new time limit, until the effective date of the amending ordinance establishing the new time limit.

(d) List of transitional uses.

(1) All uses permitted in Section 51A-13.306, regardless of the subdistrict in which the use is located.

(2) Crop production.

(3) Building repair and maintenance shop.

(4) Catering service, large scale.

(5) Electronics service center.

(6) Tool or equipment rental.

(7) Lumber, brick, or building materials sales yard.

(8) Recycling collection center.

(9) Outdoor recreation, including, but not limited to, country club with private membership, private recreation center, club, or area (outside), public golf course, and commercial amusement (outside).

(10) Nursery or plant sales on an open lot.

SEC. 51P-468.113. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-468.114. ADDITIONAL PROVISIONS.

(a) Subject to engineering approval, permeable pavement is allowed for surface parking lots, provided that individual parking spaces are clearly marked in accordance with city standards.

(b) The Property must be properly maintained in a state of good repair and neat appearance.

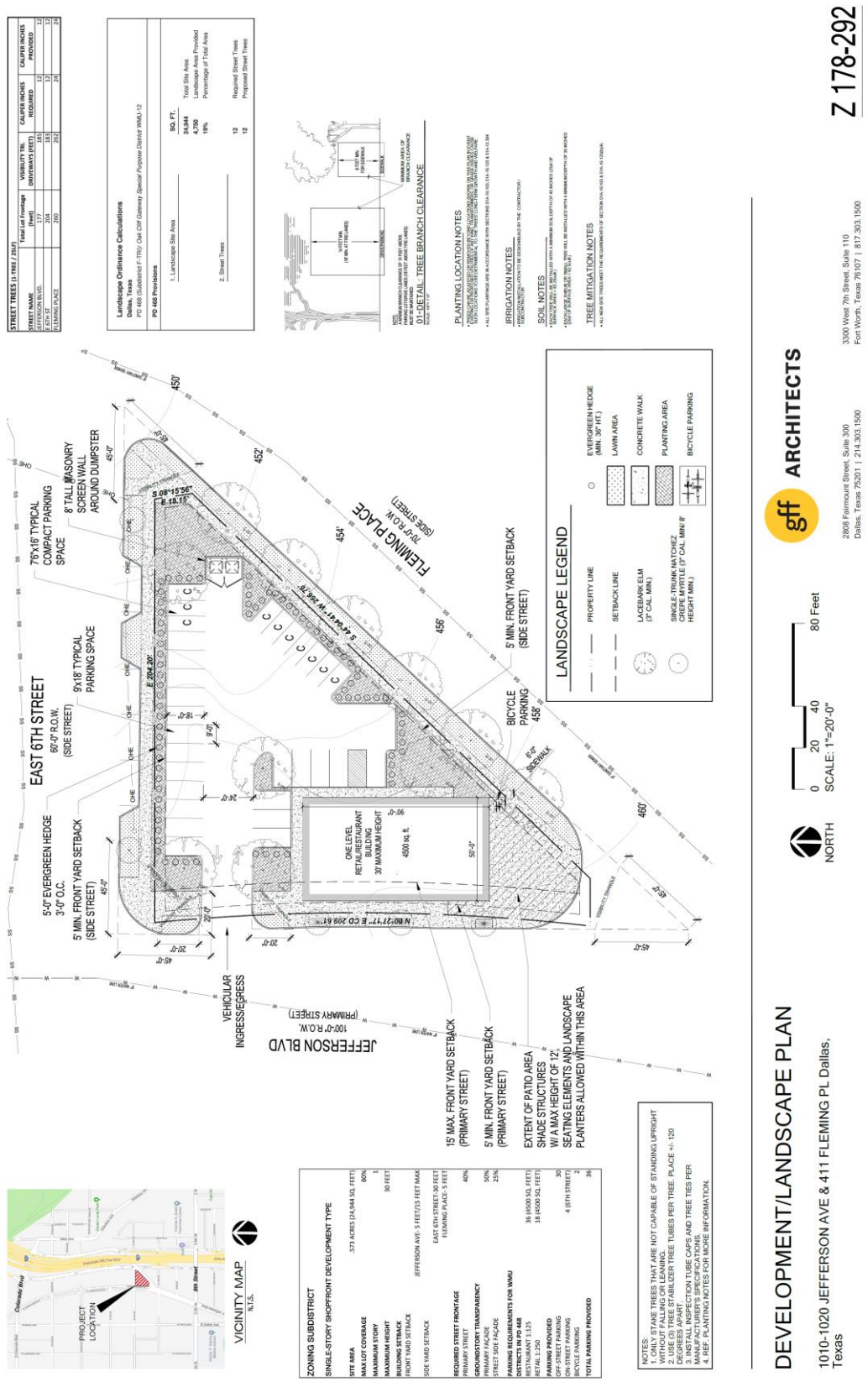
(c) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-468.115. 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 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

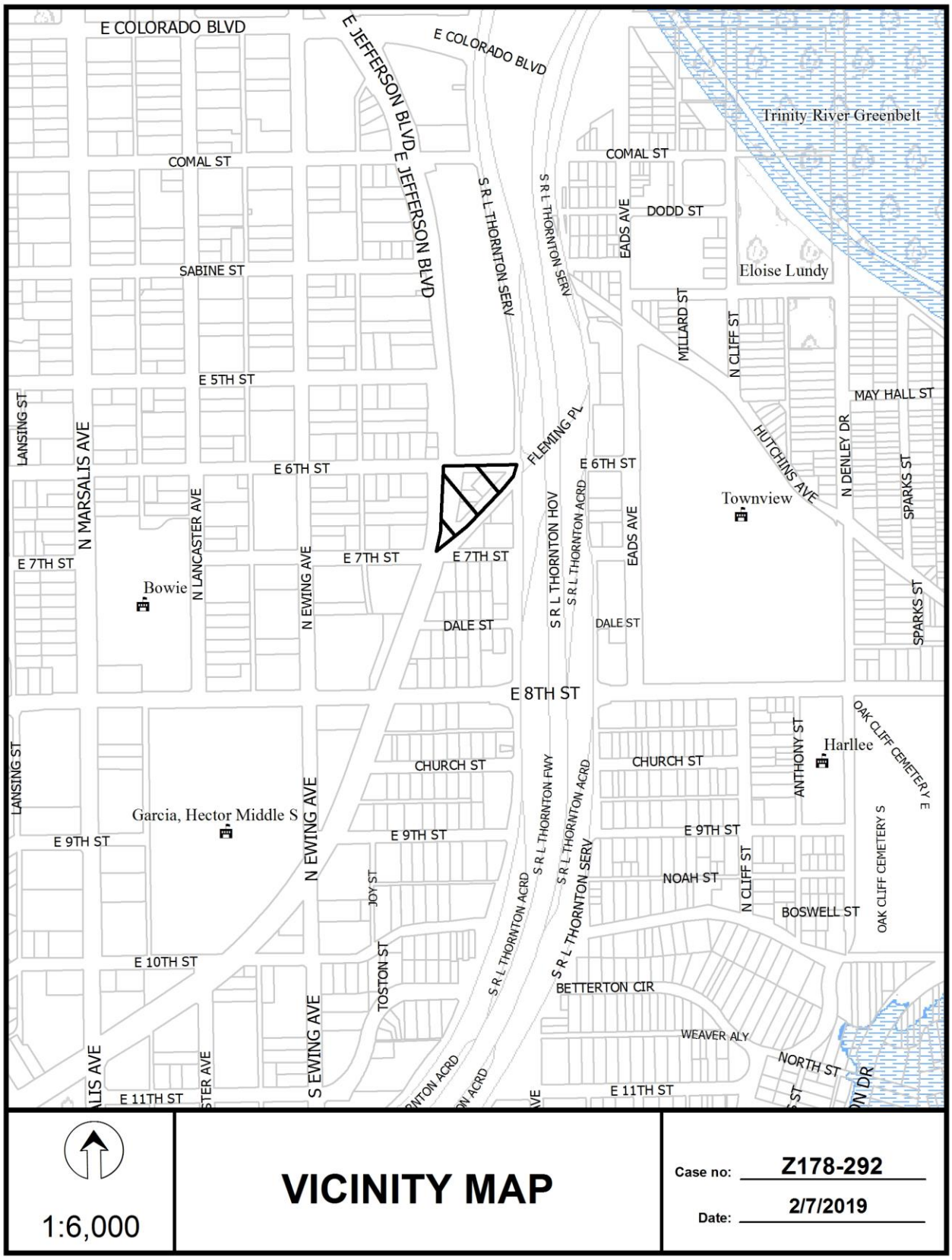
PROPOSED DEVELOPMENT / LANDSCAPE PLAN



List of Officers

Island Jefferson, LLC

- Tadd D Tobkin Managing Member
- Chris Williams Managing Member
- Olie Williams Managing Member
- Joe Lea Managing Member



1:6,000

VICINITY MAP

Case no: Z178-292

Date: 2/7/2019

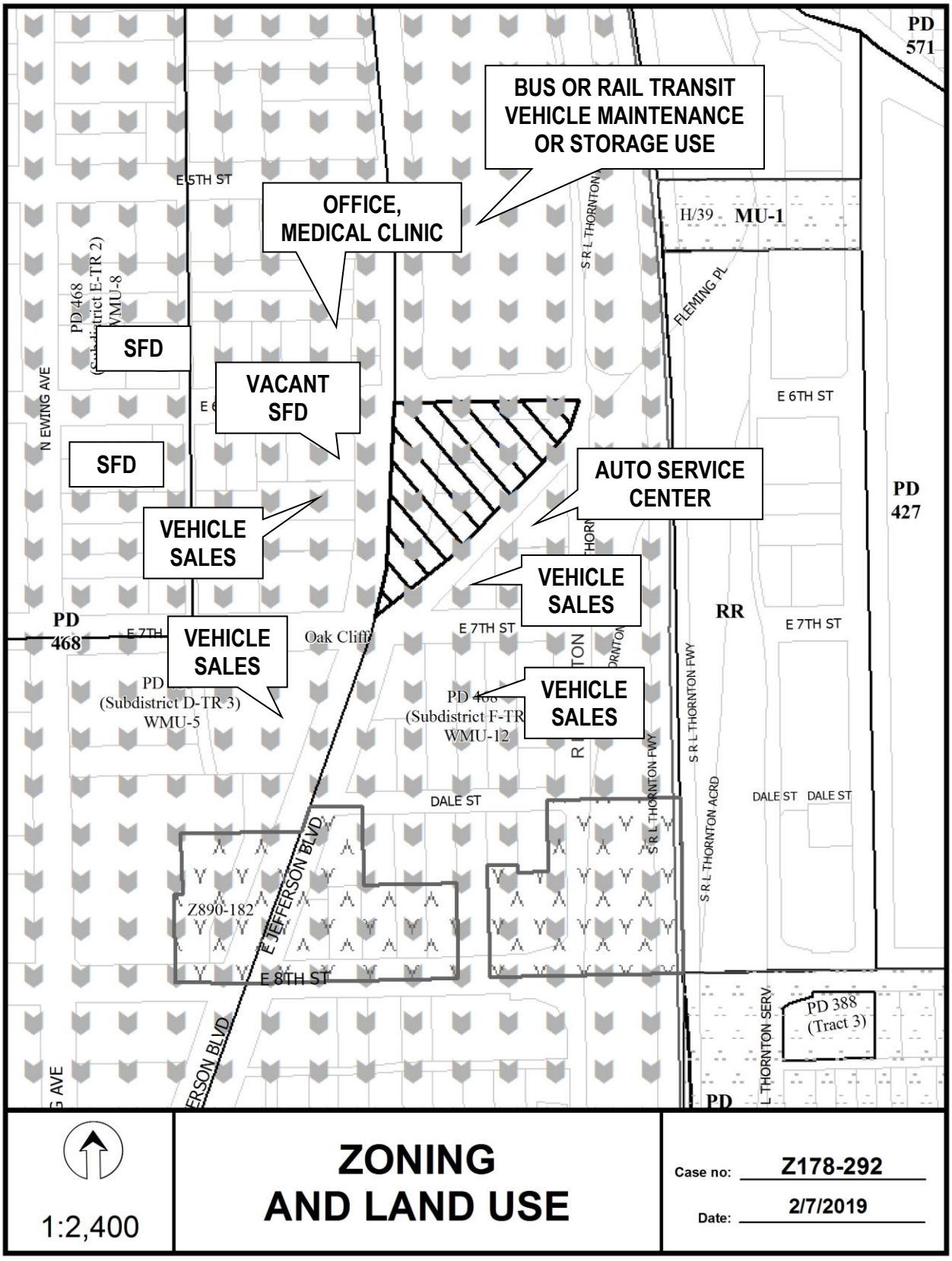


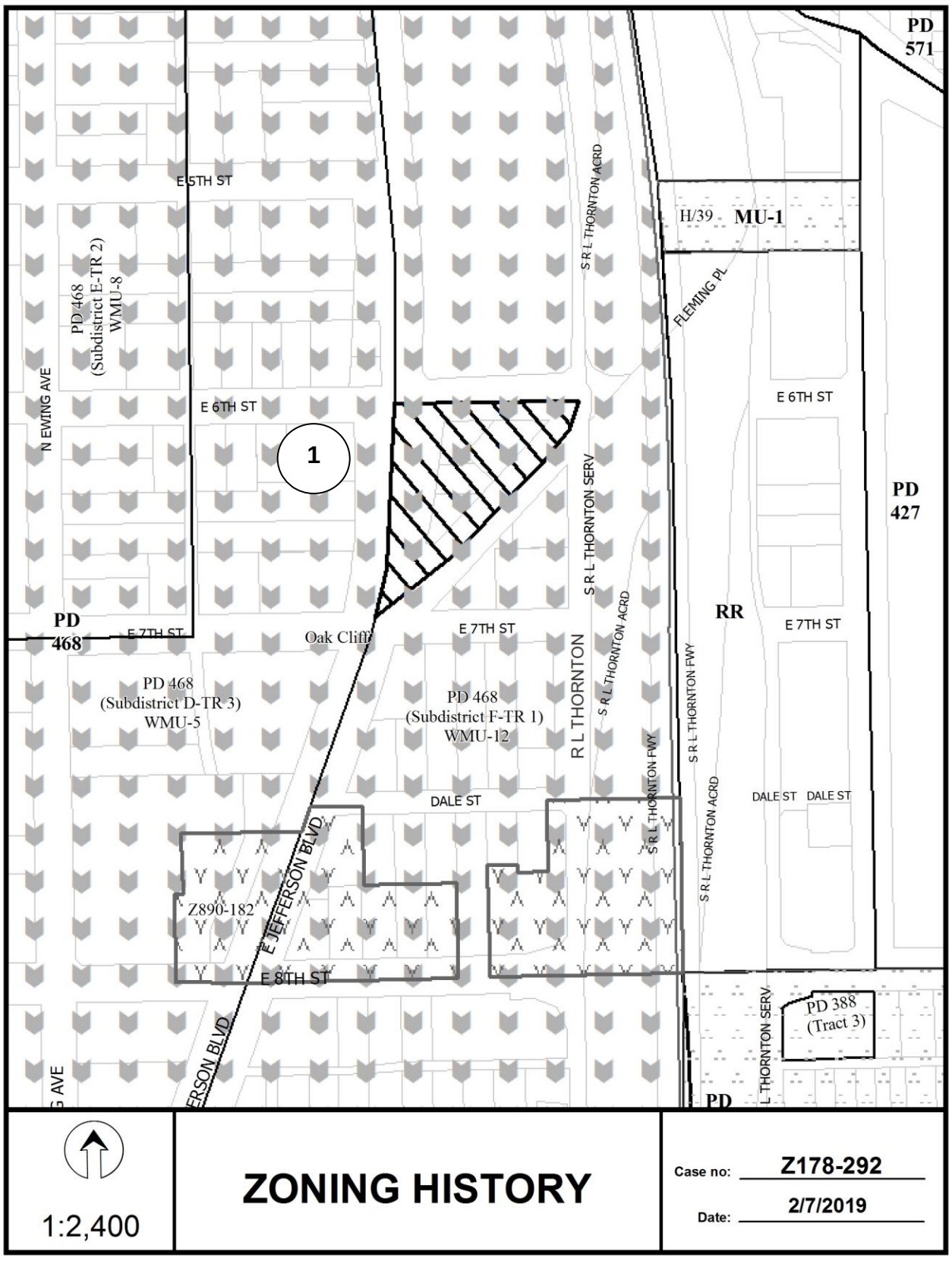
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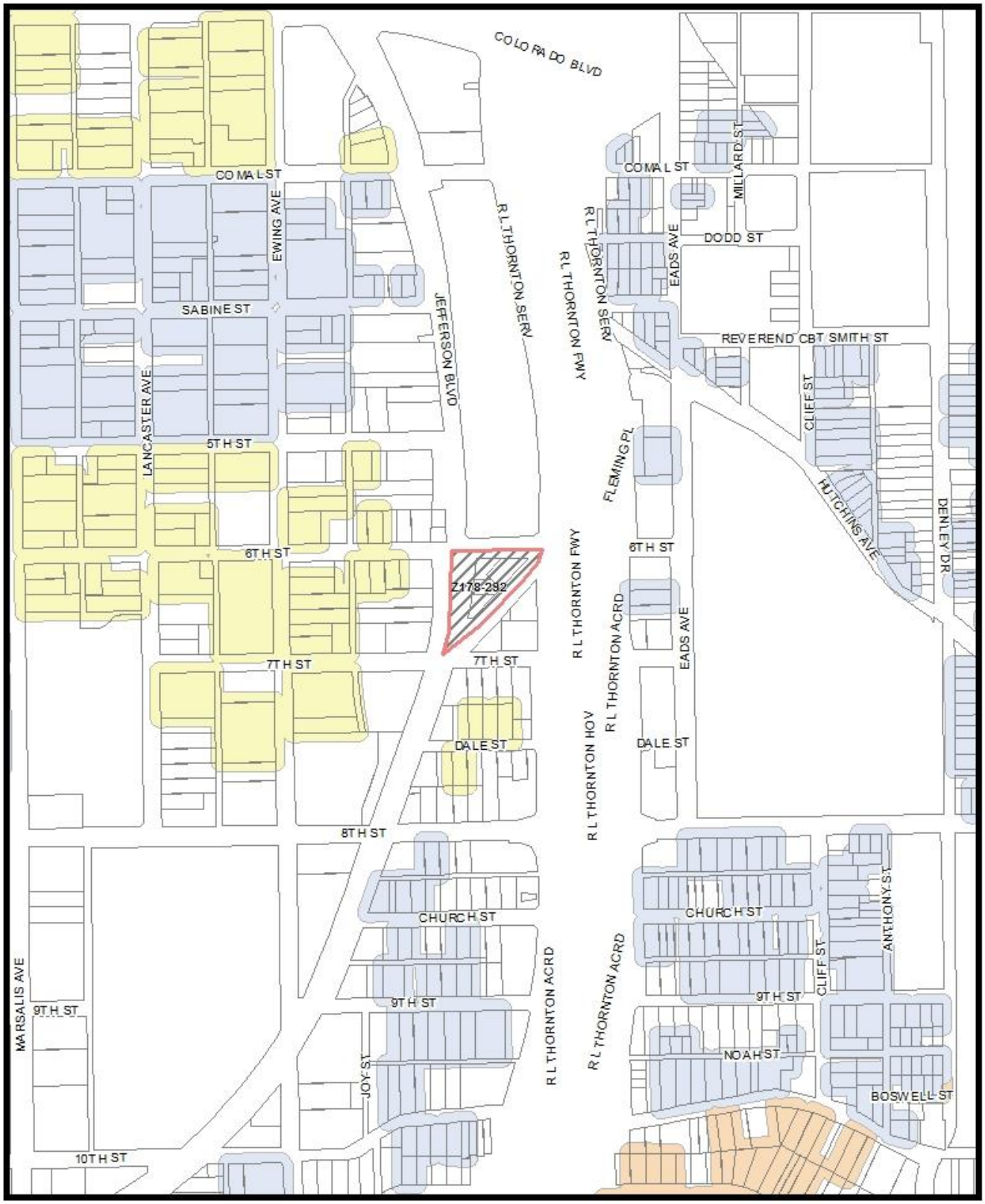
AERIAL MAP

Case no: Z178-292

Date: 2/7/2019


BUS OR RAIL TRANSIT VEHICLE MAINTENANCE OR STORAGE USE
OFFICE, MEDICAL CLINIC
SFD
VACANT SFD
SFD
AUTO SERVICE CENTER
VEHICLE SALES
VEHICLE SALES
VEHICLE SALES
VEHICLE SALES
PD 571
PD 427
PD 468
PD 468 (Subdistrict E-TR 2) WMU-8
PD 468 (Subdistrict D-TR 3) WMU-5
PD 468 (Subdistrict F-TR WMU-12
PD 388 (Tract 3)
MU-1
RR
E 8TH ST
E 7TH ST
E 6TH ST
DALE ST
FLEMING PL
N EWING AVE
E JEFFERSON BLVD
S R L THORNTON FWY
S R L THORNTON ACRD
Z890-182
Oak Cliff
1:2,400
ZONING AND LAND USE
Case no: Z178-292
Date: 2/7/2019


PD 571
E 5TH ST
H/39
MU-1
S R L THORNTON ACRD
FLEMING PL
PD 468 (Subdistrict E-TR 2) WMU-8
N EWING AVE
E 6TH ST
1
E 6TH ST
PD 427
S R L THORNTON SERV
PD 468
E 7TH ST
Oak Cliff
E 7TH ST
RR
E 7TH ST
S R L THORNTON ACRD
S R L THORNTON FWY
PD 468 (Subdistrict D-TR 3) WMU-5
PD 468 (Subdistrict F-TR 1) WMU-12
R L THORNTON
DALE ST
DALE ST
DALE ST
S R L THORNTON FWY
S R L THORNTON ACRD
E JEFFERSON BLVD
Z890-182
E 8TH ST
PD 388 (Tract 3)
L THORNTON SERV
PD
1:2,400
ZONING HISTORY
Case no: Z178-292
Date: 2/7/2019



MVA Cluster A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 2/7/2019

CPC RESPONSES



02/20/2019

Reply List of Property Owners

Z178-292

62 Property Owners Notified ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1010	E JEFFERSON BLVD	ISLAND JEFFERSON LLC
	2	821	E 5TH ST	DALLAS AREA RAPID TRANSIT
	3	1101	E JEFFERSON BLVD	MARCER INVESTMENTS LLC
	4	500	N EWING AVE	PEDROZA JOSE L &
	5	500	N EWING AVE	PEDROZA SALVADOR
	6	508	N EWING AVE	PEDROZA SALVADOR ET AL
	7	512	N EWING AVE	GRANOFF ALVIN ROY
	8	518	N EWING AVE	SALA ANTHONY
	9	822	E 5TH ST	OBREGON BERTHA G
	10	826	E 5TH ST	SALA ANTHONY
	11	820	E 5TH ST	MARCER INVESTMENTS LLC
	12	1113	E JEFFERSON BLVD	MARCER INV LLC
	13	817	E 6TH ST	PIKAR HIDER A
	14	831	E 6TH ST	MARCER INVESTMENTS LLC TR
	15	821	E 6TH ST	LIRA MANUEL &
	16	523	EADS AVE	SKYVIEW DEVELOPMENT LLC
	17	330	S R L THORNTON FWY	KIRBYS KREATIVE LEARNING
	18	409	EADS AVE	KUNOFSKY MORRIS &
	19	413	EADS AVE	WISNER TWAMEEKA
	20	414	S R L THORNTON FWY	County of Dallas
	21	911	E 7TH ST	NOVA INVESTMENTS
	22	400	FLEMING PL	MEAZELL M GEAN
	23	317	S R L THORNTON FWY	NOVA INVESTMENT
	24	402	N EWING AVE	SALINAS LEOBARDO &
	25	406	N EWING AVE	SALINAS ANTONIO
	26	817	E 7TH ST	RODRIGUEZ ROBERTO &

02/20/2019

Reply	*Label #*	*Address*		*Owner*
	27	408	N EWING AVE	SALINAS ANTONIO &
	28	414	N EWING AVE	SALINAS OLGA &
	29	420	N EWING AVE	LACIO JAMES
	30	418	N EWING AVE	HERNANDEZ GABRIEL &
	31	816	E 6TH ST	BARTOLO VICTOR &
	32	820	E 6TH ST	VILLARREAL SOCORRO
	33	1021	E JEFFERSON BLVD	CHRISTIAN CHAPEL MISSIONARY BAPTIST CHURCH
	34	1013	E JEFFERSON BLVD	CAMPBELL HORACE G
	35	828	E 6TH ST	HERNANDEZ JAIME & MARIA E
	36	1009	E JEFFERSON BLVD	6TH & JEFFERSON LLC
	37	1001	E JEFFERSON BLVD	KARLE GEORGE FRANK
	38	800	E 7TH ST	KARLEN AUTO CO INC
	39	326	N EWING AVE	BANDA RAUL & EPIFANIA
	40	330	N EWING AVE	MARLEY MANSION LLC
	41	945	E JEFFERSON BLVD	KARLEN AUTO COMP INC
	42	921	E 8TH ST	PATEL RAJNIKANT L & USHA R
	43	910	E JEFFERSON BLVD	MORRISON JAY II
	44	909	E 8TH ST	MORRISON JAY II
	45	920	E 7TH ST	MCLAIN WILLIAM BRADLEY
	46	924	DALE ST	MEEM CORPORATION
	47	929	E 8TH ST	MEEM CORPORATION
	48	911	E 8TH ST	ABDOLLAHIDEMENEH MORTAZA
	49	920	DALE ST	MEEM CORPORATION
	50	912	DALE ST	ABDOLLANIDEMENEH MORTAZA
	51	908	DALE ST	QUEME EASTER MARISELVA
	52	904	DALE ST	MORRISON JAY R &
	53	932	E JEFFERSON BLVD	TONEY JERMAINE & SYDELLE
	54	905	DALE ST	MORRISON JAY R
O	55	917	DALE ST	LOUETTA'S PLACE LLC
	56	925	DALE ST	MCCRARY REAL EST HOLDINGS LLC
	57	908	E 7TH ST	GALINDO SERVANDO

02/20/2019

Reply	*Label #*	*Address*		*Owner*
	58	904	E 7TH ST	719 MARSALIS LLC
	59	1008	E 7TH ST	DALLAS COUNTY PUBLIC
	60	320	S R L THORNTON FWY	SKYVIEW DEVELOPMENT LLC
	61	855	E 8TH ST	TRINITY BASIN PREPARATORY INC
	62	919	E JEFFERSON BLVD	TRINITY BASIN PREPARATORY INC

Agenda Information Sheet

File #: 19-456 **Item #:** 64.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1740 for a mini-warehouse use on property zoned an MU-2 Mixed Use District, on the north line of Gannon Lane between South Cockrell Hill Road and South Westmoreland Road
Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions
Recommendation of CPC: Approval for a five-year period, subject to a revised site plan and conditions
Z178-373(AM)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-373(AM) **DATE FILED:** September 13, 2018

LOCATION: North line of Gannon Lane, between South Cockrell Hill Road and South Westmoreland Road

COUNCIL DISTRICT: 8 **MAPSCO:** 63 W

SIZE OF REQUEST: ± 3.55 acres **CENSUS TRACT:** 116.07

APPLICANT/OWNER: Gannon Partners Addition

REPRESENTATIVE: April Moore

REQUEST: An application for an amendment to and renewal of Specific Use Permit No. 1740 for a mini-warehouse use on property zoned an MU-2 Mixed Use District.

SUMMARY: The purpose of the request is to continue the allowance of a mini-warehouse use; amend the parking requirement as shown on the site plan; increase the total floor area; and reconfigure the overall site layout.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- On January 14, 2009, SUP No. 1740 for a mini-warehouse use was granted by the Dallas City Council through Ordinance No. 27452.

- The application for this SUP amendment and renewal request was submitted on September 13, 2018, prior to the expiry date of January 14, 2019.

- The ± 3.55 acres request site is presently undeveloped. The mini-warehouse use was not constructed under the previously approved site plan.

- The applicant proposes to amend the previously approved site plan to include: 1) the overall reconfiguration of the site layout; 2) additional stories added to the central storage area to accommodate for an increase in storage area square-footage; 3) an increase in the floor area for the office/caretakers quarters; 4) and the readjustment to the off-street parking space stall count.

Zoning History: There has been one zoning request within the vicinity in the past five years.

1. **Z178-173**: On April 25, 2018, the Dallas City Council approved Ordinance No. 30847 granting an MU-3 Mixed Use District on a property zoned MU-2 Mixed Use District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Gannon Lane	Local	64 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested amendment and determined that while the proposed use will not significantly impact the surrounding roadway system, the proposed use may discourage walkability and adversely affect pedestrian safety.

Land Use:

	Zoning	Land Use
Site	MU-2; SUP No. 1740	Undeveloped
North	MU-3	Interstate Highway
East	MU-3; SUP No. 1332	Shopping Center; Post Office; Private Club/Bar
South	MU-1	Multifamily
West	MU-2; MU-3 with Deed Restrictions	Office Showroom Warehouse/Retail

STAFF ANALYSIS:

Comprehensive Plan:

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The proposed zoning request meets the following goals and objectives of the comprehensive plan:

Economic Element

GOAL 2.1 Promote balanced growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.4 Create and maintain an environment friendly to businesses and entrepreneurs

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

Land Use Compatibility:

On January 14, 2009, SUP No. 1740 was granted for a mini-warehouse use. The ± 3.55-acre site is currently undeveloped as the mini-warehouse was not constructed in accordance with the previously approved site plan. The applicant's current request is for the renewal and continuation of Specific Use Permit No. 1740 for a mini-warehouse use and an amendment to the previously approved site plan and conditions that would reflect proposed changes to the property.

The applicant's proposed amendment to SUP No. 1740 will only reflect and be limited to the proposed buildout to the site, as detailed: include an additional two stories to the central storage area (three stories total) to accommodate for an additional 70,440-square-feet in storage space (138,240-square-feet total or an increase of 103.89 percent); an additional 1,075-square-feet in caretaker-quarters/office space (2,400-square-feet total or an increase of 81.13 percent); and the reduction of the number of available parking spaces from 27 to 8 (as a minimum required per the Dallas City Code §51A-4.213(7)).

Surrounding properties are commercial in nature and include retail and personal service uses to the east, office showroom warehouse to the west, a multifamily development to the south, and Lyndon B. Johnson Freeway to the north.

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 for renewal of SUP No. 1740 for a mini-warehouse use would not adversely impact the existing commercial uses, which are similar in nature along the north line of Gannon Lane, or the surrounding residential uses found to the south and generally dispersed in proximity to the property. The façade and fencing requirements outlined as part of the conditions provide for screening that will adequately shield and provide minimal visual obstruction in the community. Through the incorporation of compatible front-facing façade material (such as masonry, brick, split face CMU, stucco, or exposed aggregate concrete as required per conditions) the negative visual obstructions will be minimized. The mini-warehouse use would provide an additional use that the surrounding community may find beneficial. Staff recommends approval of the applicants request for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is not within an identifiable MVA Category; however, it is in proximity to an "E" MVA Cluster to the south and north.

Parking:

Pursuant to §51A-4.213(7) of the Dallas Development Code, the off-street parking requirement for a mini-warehouse use provides for a minimum of six parking spaces. Caretaker's quarters are permitted as an accessory use. One parking space must be provided per 500 square feet of floor area of caretaker's quarters; however, no more than two spaces are required for each caretaker's quarters. The requested reduction in parking from 27 to 8, although significant, will meet Code requirements, as outlined above, which stipulates a minimum of eight parking stalls for a facility of this use and size.

Landscaping:

Landscaping is required per Article X of the Dallas Development Code, as amended

List of Partners/ Principals / Officers

Gannon Partners Addition

Don Valk	Managing Member
Krisha Shockley	Member

CPC Recommended 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 (five-years from the passage of this ordinance).

4. FACADE: To ensure compatibility with surrounding land uses, all facades facing the perimeter of the Property must be masonry, such as brick, split face CMU, stucco, or exposed aggregate concrete.

5. FENCES: If fencing or screening is provided, it must be constructed of brick, stone, wrought iron or a similar material, or a combination of these materials.

6. FLOOR AREA: The maximum floor area for the storage area is (138,240 square feet) ~~67,800 square feet~~ in the location shown on the attached site plan. Maximum floor area for an office and caretaker's quarters is (2,400 square feet) ~~1,325 square feet~~ in the location shown on the attached site plan.

7. PARKING: A minimum of (8 off-street parking spaces pursuant to Section 51A-4.213 of the Dallas City Code, as amended) ~~25 off-street parking spaces~~ must be provided in the location shown on the attached site plan.

8. STORAGE: Outside storage of vehicles, equipment, or any other materials is prohibited.

9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

CPC Action
February 21, 2019

Motion: In considering an application for an amendment to Specific Use Permit No. 1740 for a mini-warehouse use on property zoned a MU-2 Mixed Use District, on the north line of Gannon Lane, between South Cockrell Hill Road and South Westmoreland Road, it was moved to **hold** this case under advisement until March 7, 2019 and to instruct staff to re-advertise the case in a 300-foot notification area.

Maker: Lewis
Second: Shidid
Result: Carried: 11 to 0

For: 11 - Macgregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Schultz, Murphy, Ridley, Tarpley
Against: 0
Absent: 1 - Housewright
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 200 Mailed: 5
Replies: For: 0 Against: 0

Speakers: None

CPC Action
March 7, 2019

Motion: It was moved to recommend **approval** of an amendment to and a renewal of Specific Use Permit No. 1740 for a mini-warehouse use for a five-year period, subject to a revised site plan and conditions on property zoned a MU-2 Mixed Use District, on the north line of Gannon Lane, between South Cockrell Hill Road and South Westmoreland Road.

Maker: Lewis
Second: Schulte
Result: Carried: 11 to 0

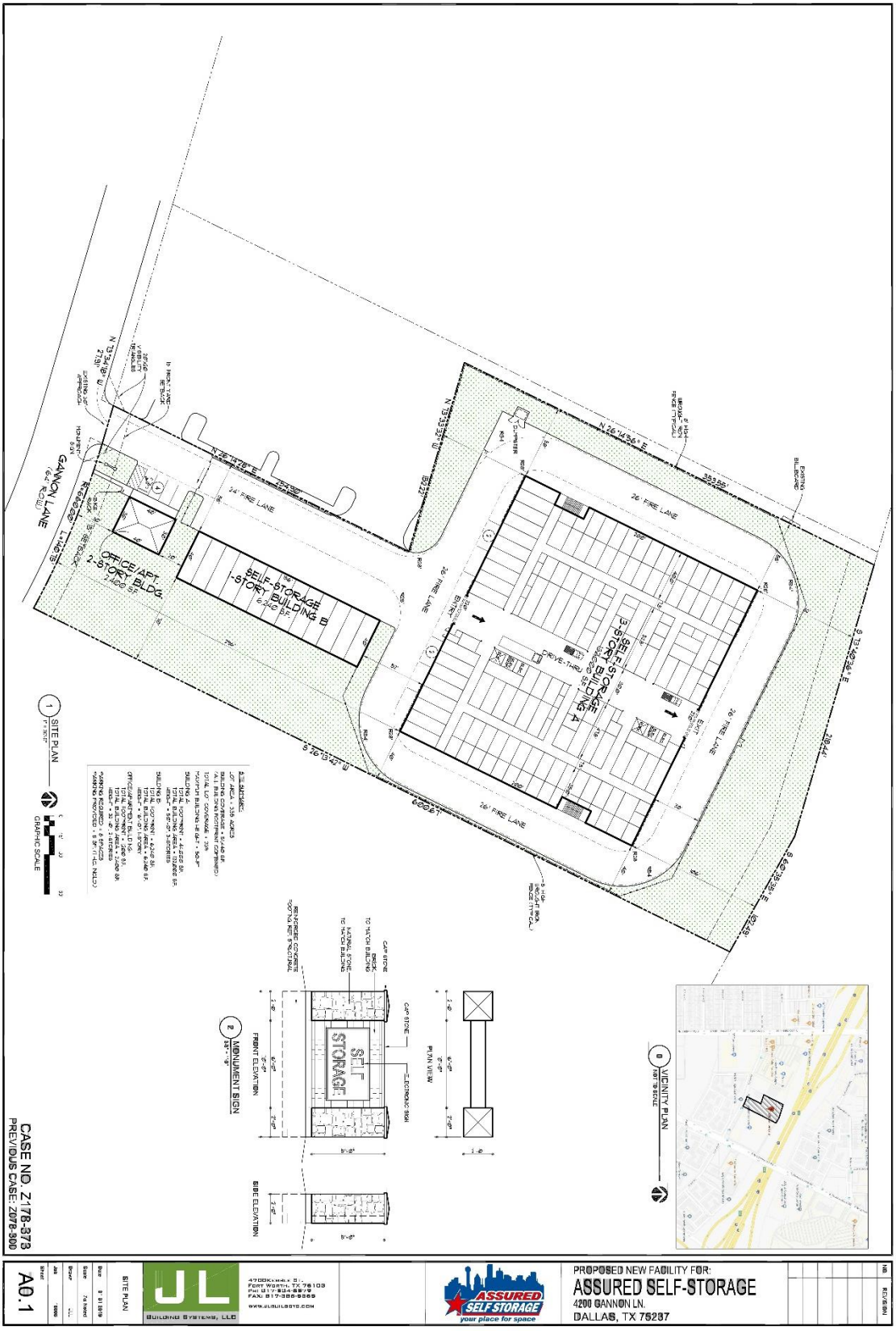
For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Ridley, Tarpley

Against: 0
Absent: 1 - Murphy
Vacancy: 3 - District 4, District 7, District 12

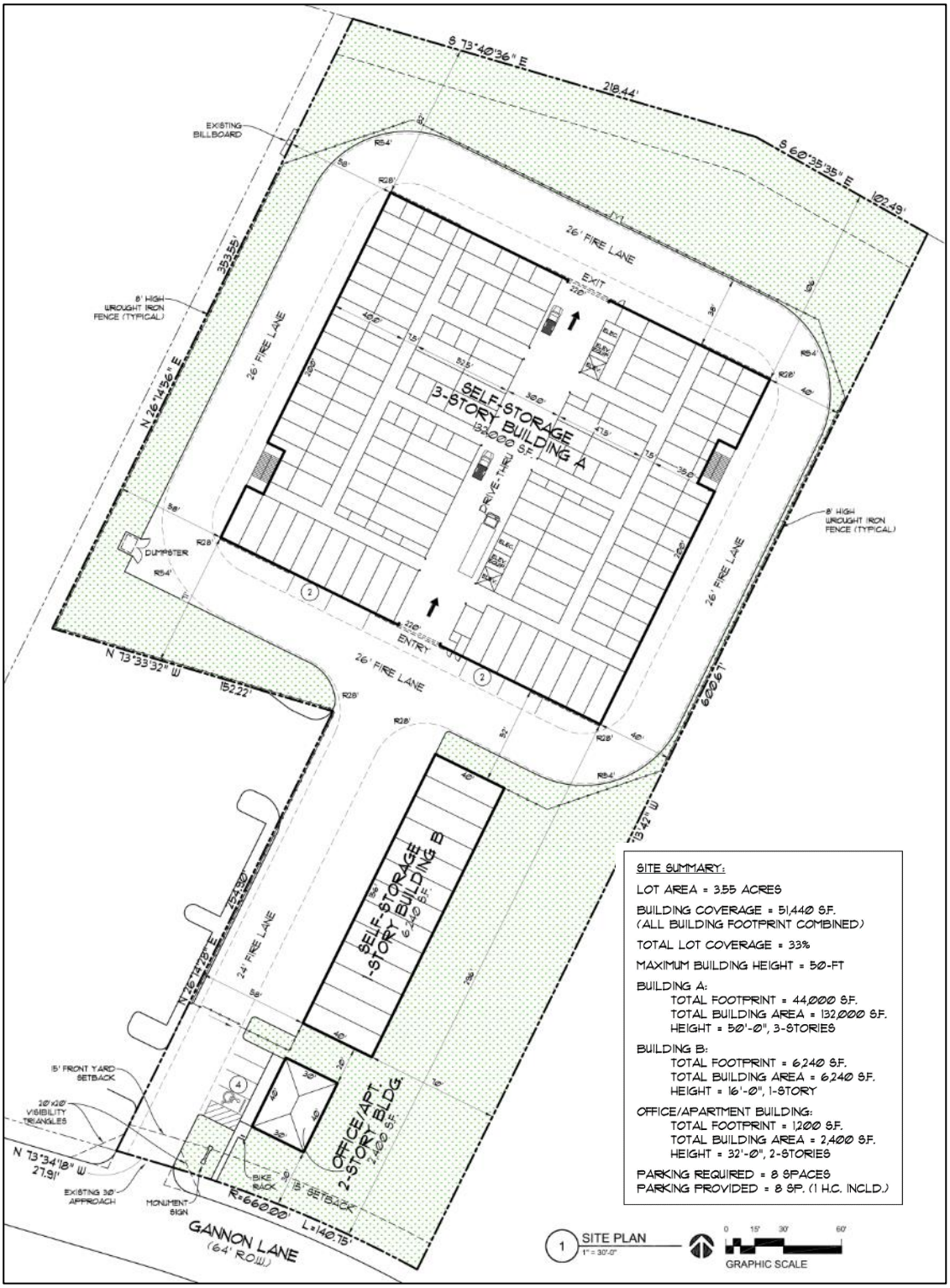
Notices: Area: 300 Mailed: 9
Replies: For: 0 Against: 0

Speakers: For: April Moore, 1233 Greenbriar Ln., Lancaster, TX, 75146
Against: None

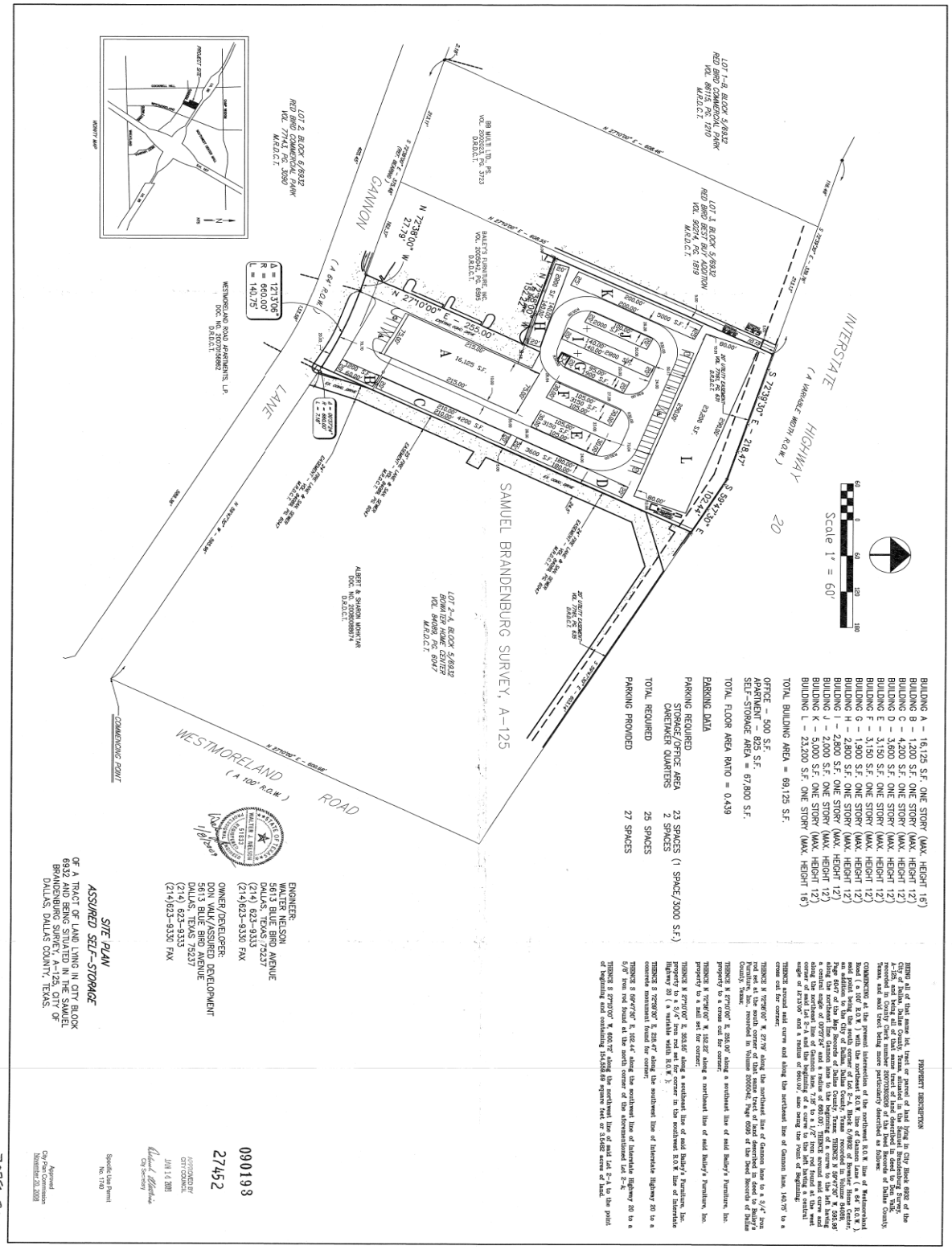
Proposed SUP Site Plan

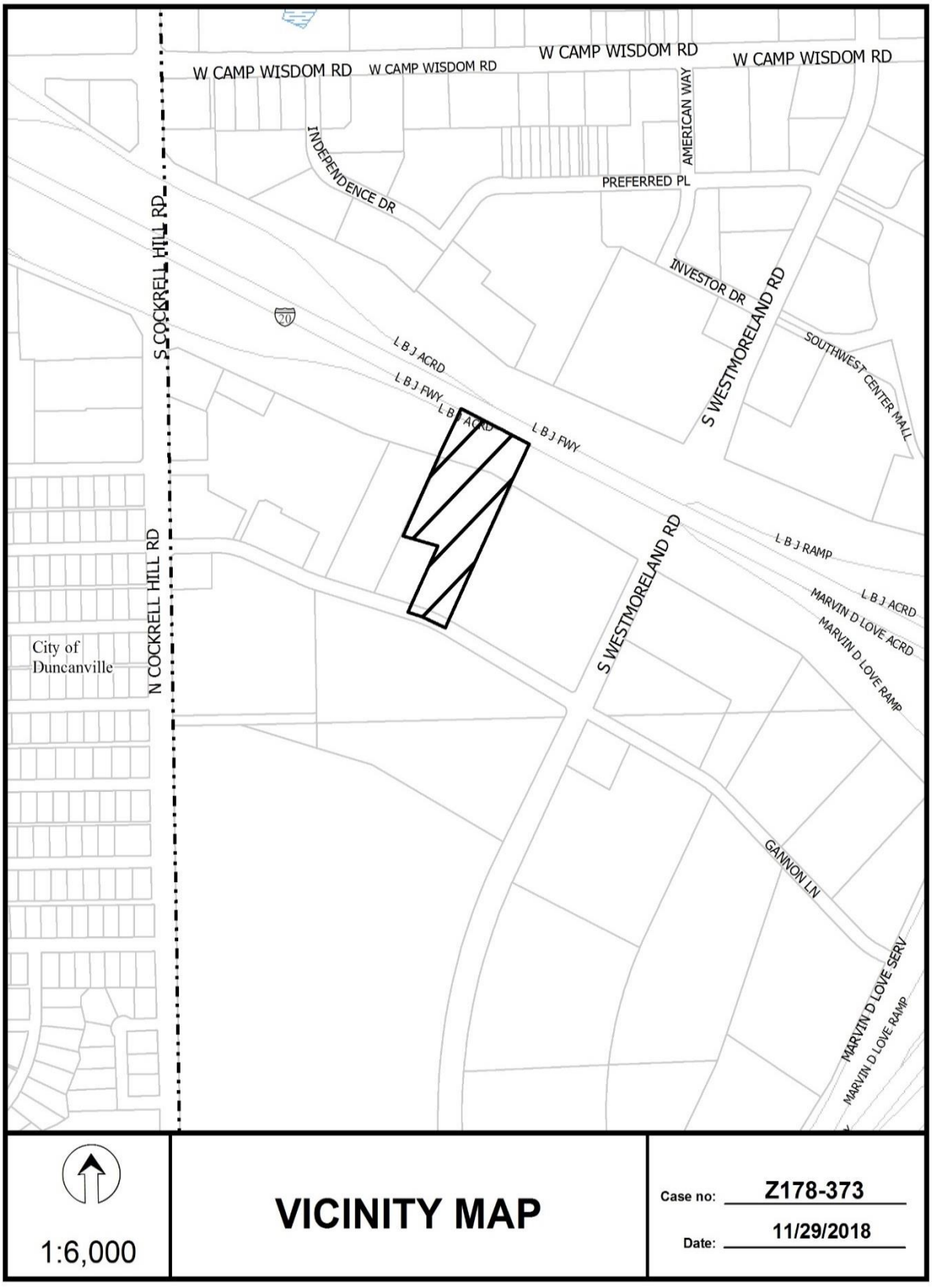


Proposed Site Plan - Enlarged



Existing SUP Site Plan




W CAMP WISDOM RD
W CAMP WISDOM RD
W CAMP WISDOM RD
W CAMP WISDOM RD
INDEPENDENCE DR
AMERICAN WAY
PREFERRED PL
INVESTOR DR
S WESTMORELAND RD
SOUTHWEST CENTER MALL
S COCKRELL HILL RD
20
L B J ACRD
L B J FWY
L B J ACRD
L B J FWY
L B J RAMP
L B J ACRD
MARVIN D LOVE ACRD
MARVIN D LOVE RAMP
S WESTMORELAND RD
N COCKRELL HILL RD
City of
Duncanville
GANNON LN
MARVIN D LOVE SERV
MARVIN D LOVE RAMP
1:6,000
VICINITY MAP
Case no: Z178-373
Date: 11/29/2018

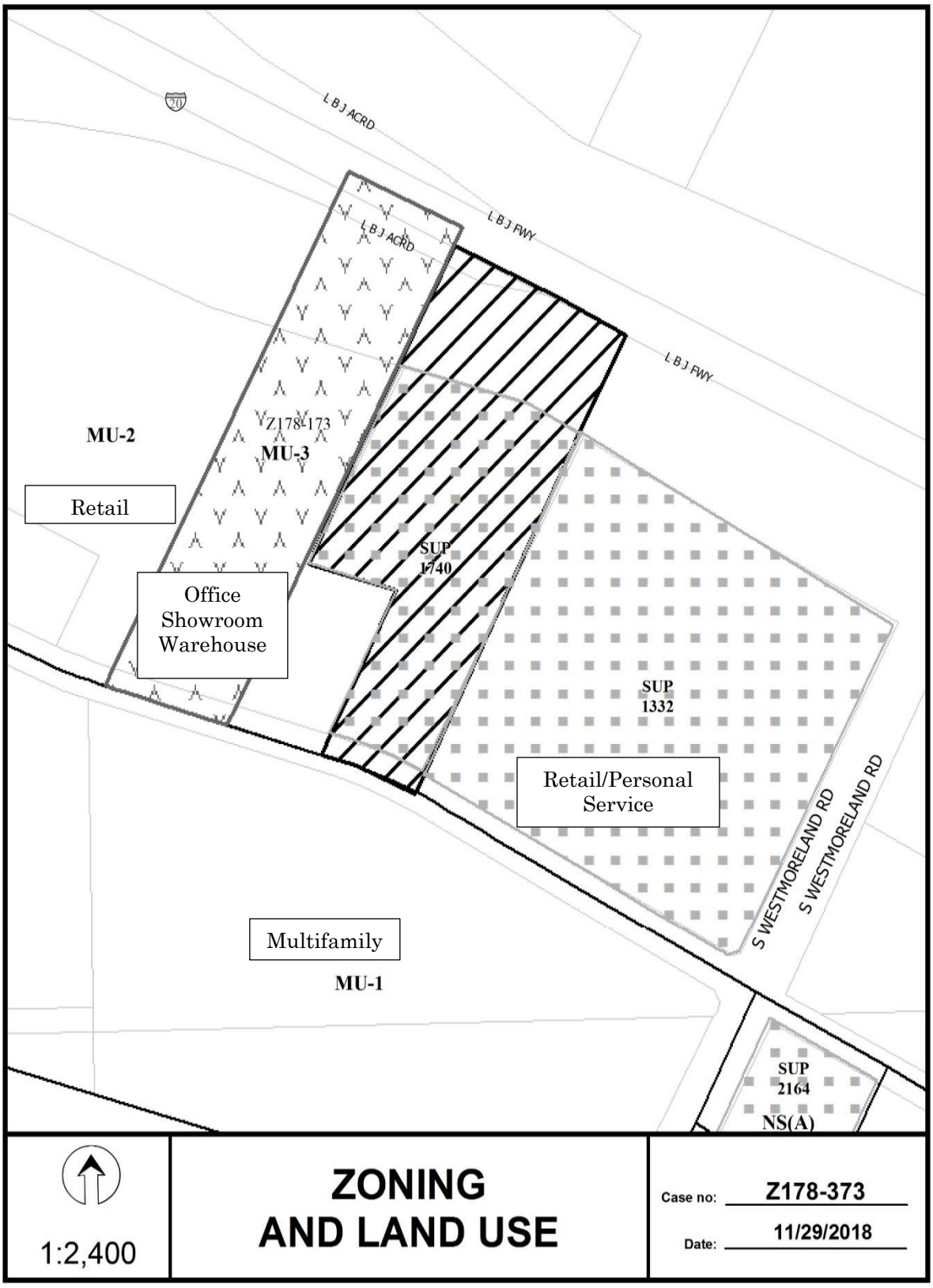


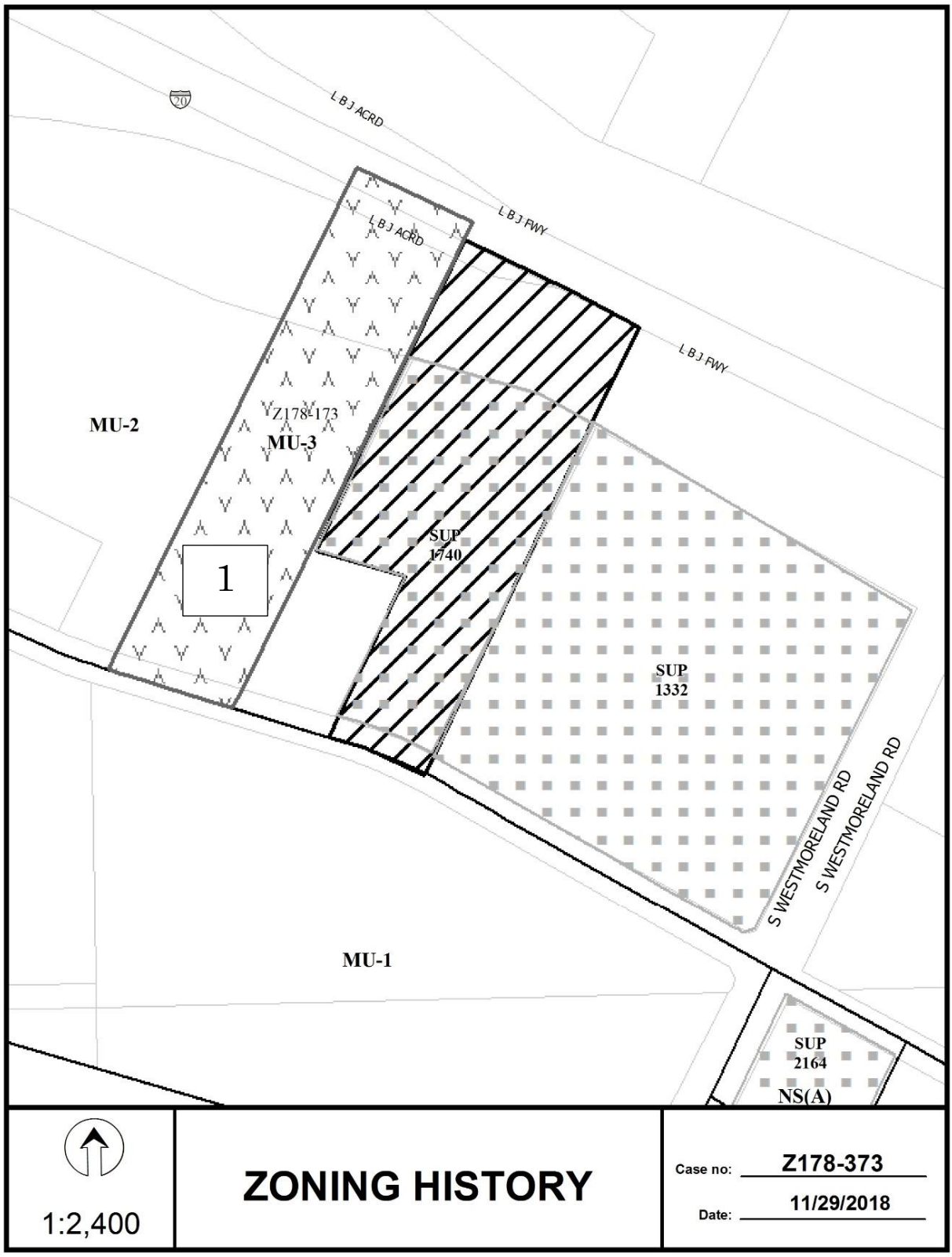
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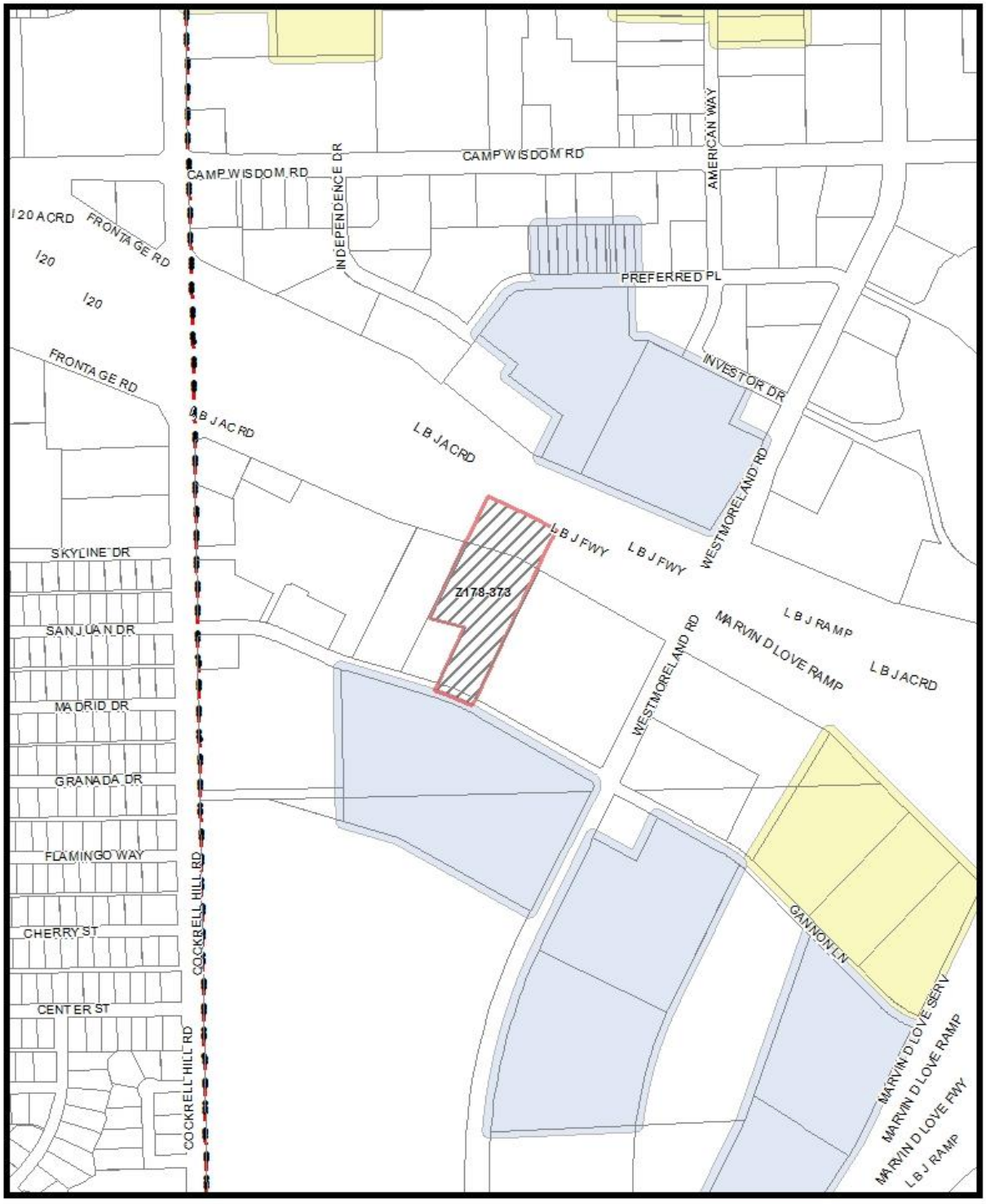
AERIAL MAP

Case no: Z178-373

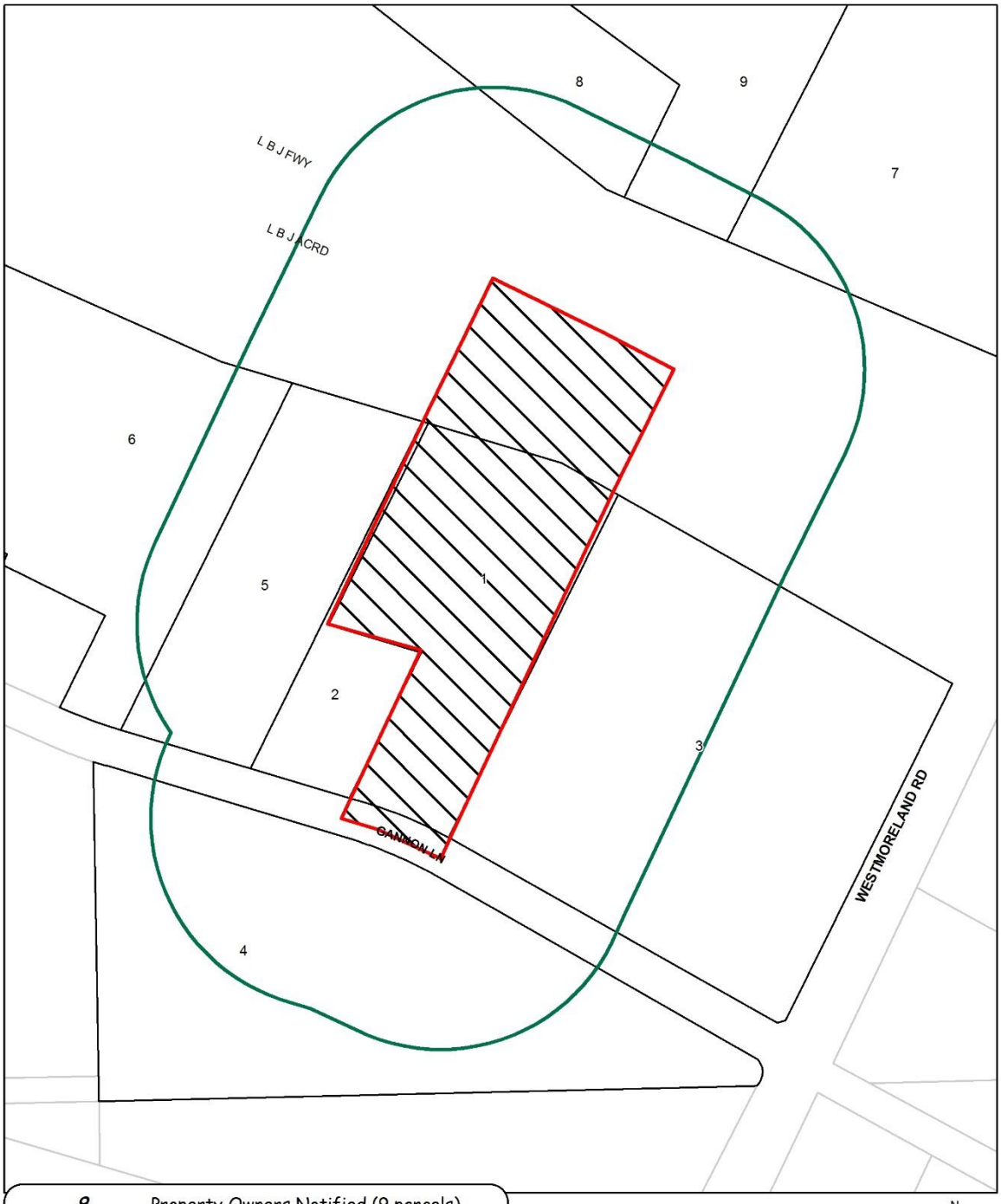
Date: 11/29/2018


L B J ACRD
L B J FWY
L B J ACRD
L B J FWY
MU-2
Z178-173
MU-3
Retail
Office
Showroom
Warehouse
SUP
1740
SUP
1332
Retail/Personal
Service
S WESTMORELAND RD
S WESTMORELAND RD
Multifamily
MU-1
SUP
2164
NS(A)
1:2,400
ZONING
AND LAND USE
Case no: Z178-373
Date: 11/29/2018


L B J ACRD
L B J FWY
L B J ACRD
L B J FWY
MU-2
Z178-173
MU-3
1
SUP
1740
SUP
1332
S WESTMORELAND RD
S WESTMORELAND RD
MU-1
SUP
2164
NS(A)
1:2,400
ZONING HISTORY
Case no: Z178-373
Date: 11/29/2018


CAMP WISDOM RD
CAMP WISDOM RD
INDEPENDENCE DR
AMERICAN WAY
I20 ACRD
FRONTAGE RD
I20
I20
PREFERRED PL
INVESTOR DR
FRONTAGE RD
LBJ ACRD
LBJ ACRD
WESTMORELAND RD
LBJ FWY
LBJ FWY
SKYLINE DR
Z178-373
LBJ RAMP
MARVIN D LOVE RAMP
LBJ ACRD
SAN JUAN DR
WESTMORELAND RD
MADRID DR
GRANADA DR
FLAMINGO WAY
GANNON LN
COCKRELL HILL RD
CHERRY ST
CENTER ST
COCKRELL HILL RD
MARVIN D LOVE SERV
MARVIN D LOVE RAMP
MARVIN D LOVE FWY
LBJ RAMP
MVA Cluster A B C D E F G H I NA
1:6,000
Market Value Analysis
Printed Date: 11/29/2018

CPC Responses



03/06/2019

Reply List of Property Owners

Z178-373

9 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	4200	GANNON LN	VALK DON
	2	4215	GANNON LN	BAILEYS FURNITURE INC
	3	7401	S WESTMORELAND RD	126 GANNON PLAZA LLC
	4	7575	S WESTMORELAND RD	WIP PARK VILLAGE LLP
	5	4225	GANNON LN	4225 GANNON LANE DALLAS LLC
	6	4343	GANNON LN	LYS HOLDINGS LLC
	7	3900	INVESTOR DR	RFE BROADMOOR APTS LLC
	8	4154	PREFERRED PL	FALU HOSPITALITY LLC
	9	4060	PREFERRED PL	PC BROOKFIELD LLC

Agenda Information Sheet

File #: 19-458 **Item #:** 65.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with a MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, between Oram Street and La Vista Drive
Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions
Recommendation of CPC: Denial without prejudice
Z189-131(PD)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER: Z189-131(PD) **DATE FILED:** November 16, 2018

LOCATION: East line of Greenville Avenue, between Oram Street and La Vista Drive

COUNCIL DISTRICT: 14 **MAPSCO:** 36 X

SIZE OF REQUEST: ± 1,742 sq. ft. **CENSUS TRACT:** 11.01

APPLICANT/ REPRESENTATIVE: Sameer Patel

OWNER: Lowgreen PS LTD

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with a MD-1 Modified Delta Overlay.

SUMMARY: The applicant requests to operate the existing restaurant with approximately 1,500 square feet of floor area past midnight. [Louie King]

CPC RECOMMENDATION: **Denial without prejudice.**

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- On January 26, 2011, the City Council approved Planned Development District No. 842 for CR District Uses, and furthermore requires an SUP for any retail and personal service uses operating after 12:00 a. m.

- The subject site lies within the Tract 3 portion of Modified Delta Overlay No. 1.

- On August 13, 2014, SUP No. 1879 was approved for a late hours establishment limited to an alcohol beverage establishment limited to a bar, lounge, or tavern use for a three-year period. [Z134-177]

- On August 31, 2017, a Certificate of Occupancy was issued for a restaurant without drive-in or drive-through use [Louie King] at 1916 Greenville Avenue, the northernmost suite adjacent to the alley.

- The applicant is requesting an SUP for late hours to provide for daily operation between the hours of 12:00 a.m. (midnight) and 4:00 a.m., Monday through Sunday.

Zoning History: There have been twelve zoning change requests in the area within the last five years.

1. Z189-124: On February 7, 2019, the City Plan Commission will consider an application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service.

2. Z134-177: On August 13, 2014, the City Council approved Specific Use Permit No. 1879 for a late hours establishment limited to an alcohol beverage establishment operated as a bar, lounge, or tavern use for a three-year period.

3. Z167-367: On December 13, 2017, the City Council approved Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period, subject to a site plan and conditions.

4. Z178-304: On November 14, 2018, the City Council approved the renewal of Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period, subject to conditions.

5. Z156-300: On October 26, 2016, the City Council approved the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through for a four-year period subject

to a site plan and conditions.

6. Z178-272: On October 24, 2108, the City Council approved Subdistrict 1 within Planned Development District No. 842, subject to and conditions.

7. Z156-294 On October 26, 2016 the City Council approved the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to a bar, lounge or tavern for a three-year period subject to a site plan and conditions.

8. Z167-342 On October 11, 2017, the City Council approved the renewal of Specific Use Permit No. 1903 for a late-hours establishment limited to a restaurant without drive-in or drive through service for a one-year period subject to conditions.

9. Z178-387 On January 23, 2019, the City Council approved the renewal of Specific Use Permit No. 1903 for a late-hours establishment limited to a restaurant without drive-in or drive through service for a two-year period subject to conditions.

10. Z167-238 On December 13, 2017 the City Council approved an amendment to Planned Development District No. 691, with a MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, located on the northwest corner of Greenville Avenue and Lewis Street, subject to conditions.

11. Z178-281 On September 26, 2018, the City Council approved amendment to Subdistricts 1, 2, and 4 within Planned Development District No. 691 with a MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion to allow a tower/antenna for cellular communication, located on the northwest corner of Greenville Avenue and Lewis Street, subject to a revised development plan, elevation, and conditions.

12. Z156-224 On June 22, 2016, the City Council approved Specific Use Permit No. 2230 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period, subject to a site plan and conditions.

Thoroughfare/Street

Thoroughfare/Street	Type	Existing/Proposed ROW
Greenville Avenue	Collector	56 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined it will not negatively impact the surrounding street system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas!* Comprehensive Plan was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

URBAN DESIGN

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.

Area Plans:

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that "the City enforce premise code violations as it does in other parts of the City of Dallas". Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that "initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action." Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Modified Delta Overlay No. 1: In general terms, 'delta theory' means the number of nonconforming parking or loading spaces for a use that may be carried forward when the use is converted or expanded.

The 'modified delta', in effect, prohibits the application of the delta theory due to a ceasing of a need to encourage redevelopment and adaptive reuse of existing structures or that the continued application of the delta theory will create traffic congestion and public safety issues.

The site lies within Modified Delta Overlay No. 1 (MD-1), which consists of three 'Areas' in an area generally bounded by Ellsworth Avenue, west of Matilda Street, north of Ross Avenue, and east of Summit Avenue/Worcola Street. This site lies within the Area 3 portion of MD-1. MD-1 was adopted by the City Council on October 1, 1987.

On June 14, 1995, City Council approved a resolution that provides for replacing parking in the right-of-way that is lost due to locating public dining space (subject to the granting of a private license) within this area, and requiring parking for the public dining area at a ratio of 1 space per 300 square feet of public dining space. Lastly, a June 28, 1995, amendment to the ordinance provides for the following: 1) a use that is discontinued or remains vacant for 12 months loses the right to carry forward nonconforming parking/loading under the delta theory; 2) the Board of Adjustment may not grant a special exception for required parking; 3) walking distance for remote parking is increased to 900 feet; and, 4) special parking may account for more than 50 percent of required parking for a use.

Land Use:

	Zoning	Land Use
Site	PDD No. 842	Restaurant
North	PDD No. 842	Restaurant
East	MF-2(A)	Townhomes
South	PDD No. 842, SUP No. 1879	Bar, lounge or tavern, Late hours establishment
West	PDD No. 842; SUP No. 1904	Restaurant, Late hours establishment

Land Use Compatibility:

The request site is improved with a 1,500-square-foot, one-story restaurant with a 106-square-foot, uncovered patio in the front yard. The applicant proposes to continue the operation of the existing restaurant use [Louie King]. The existing uncovered patio does not require a private license due to the area not being within the public sidewalk. The applicant is now requesting an SUP for a late-hours establishment to permit the existing restaurant to operate between 12:00 a.m. to 4:00 a.m., Monday through Sunday, which is consistent with other restaurant, bar, lounge, or tavern uses, and retail and personal service uses in the area.

The site is surrounded by restaurant uses to the north, and west, a bar, lounge or tavern use to the south with townhouses to the east.

The purpose of PDD No. 842 is to 'ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional-serving, late-night venues.' As defined in the PDD, a late-hours establishment is any retail or personal service use that operates between 12:00 a.m. and 6:00 a.m., and furthermore requires an SUP for this defined use. Additionally,

the City Council adopted a compliance date of September 23, 2011 for any retail and personal service use operating beyond 12:00 a.m. to obtain the required SUP.

PDD No. 842 establishes the following criteria for consideration of an SUP for a late-hours establishment:

> (e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):
>
> (1) the number of citations issued by police to patrons of the establishment;
>
> (2) the number of citations issued by police for noise ordinance violations by the establishment;
>
> (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;
>
> (4) the number of Texas Alcoholic Beverage Code violations of the establishment; and
>
> (5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

These factors cannot be considered as they are not applicable to the applicant's request for a specific use permit for a late-hours establishment because the use for this request is only now being considered.

Crime statistics covering the period between October 8, 2017, through January 29, 2019, showed no data (Incidents, Calls, Arrest) for the time period.

In addition to the regulations of PDD No. 842, the Dallas Development Code establishes general criteria for any use requiring an SUP:

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 purposes of promoting the health, safety, morals, and general welfare of the city.

Staff supports the request and recommends approval for a two-year period because the limited time period will allow the applicant to operate for a short duration so that the compatibility of the application to surrounding properties can be reevaluated.

Parking:

Because of the Modified Delta Overlay regulations, the site has lost all delta credits and has no parking provided on site. The site must comply with parking requirements for all existing and future uses at a ratio of one space per 100 square feet for restaurant floor area. Therefore, the restaurant use requires 15 parking spaces, which are all provided via remote parking agreements.

Landscaping:

The request will not trigger compliance with Article X, as amended.

Market Value Analysis: Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, it is surrounded by “C” MVA clusters.

Partners/Principals/Officers:

City Griddle

Corporate Address:

1916 Greenville Avenue
Dallas, TX 75206

Sameer Patel, Partner
Patrick Bruce, Partner
Martang Desai, Partner
Ronak Desai, Partner
Claire Bruce, Partner

CPC ACTION:
February 7, 2019

Motion: It was moved to recommend **denial without prejudice** of a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with a MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, between Oram Street and La Vista Drive.

Maker: Ridley
Second: Carpenter
Result: Carried: 8 to 1

For: 8 - Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 1 - Davis
Absent: 2 - MacGregor, Schultz
Vacancy: 4 - District 2, District 3, District 7, District 12

Notices: Area: 200 Mailed: 52
Replies: For: 5 Against: 0

Speakers: For: Sameer Patel, 4646 Amesbury Dr., Dallas, TX, 75206
Against: Rick Bentley, 5551 Vickery Blvd., Dallas, TX, 75206

Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is late hours establishment limited to a restaurant without drive-in or drive-through service.

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 TWO-YEARS from passage of ordinance.

4. FLOOR AREA:

   A. The maximum floor area is 1,500 square feet in the location shown on the attached site plan.

   B. The patio must be uncovered.

5. HOURS OF OPERATION:

   A. The restaurant must cease operation by 4:00a.m., Monday through Sunday.

   B. All customers must be removed from the Property by 4:15 a.m.

6. OUTDOOR SPEAKERS: Use of loudspeakers outdoors is prohibited between the hours of 12:00 a.m. and 4:00 a.m.

7. PATIO:

   A. An outdoor patio is only allowed in the location shown on the attached site plan.

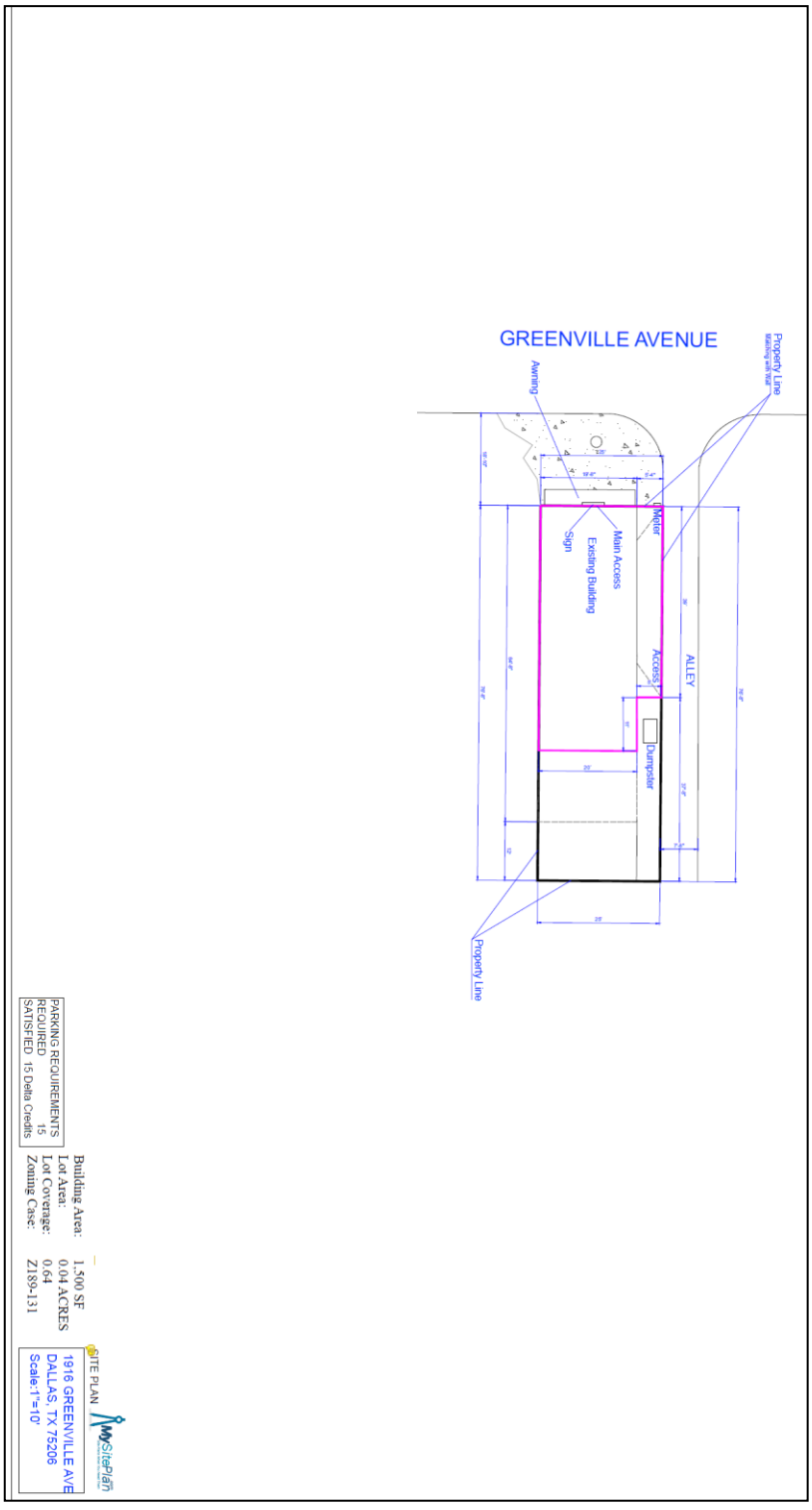
   B. The maximum floor area of the patio is 106 square feet.

   C. The patio must be uncovered.

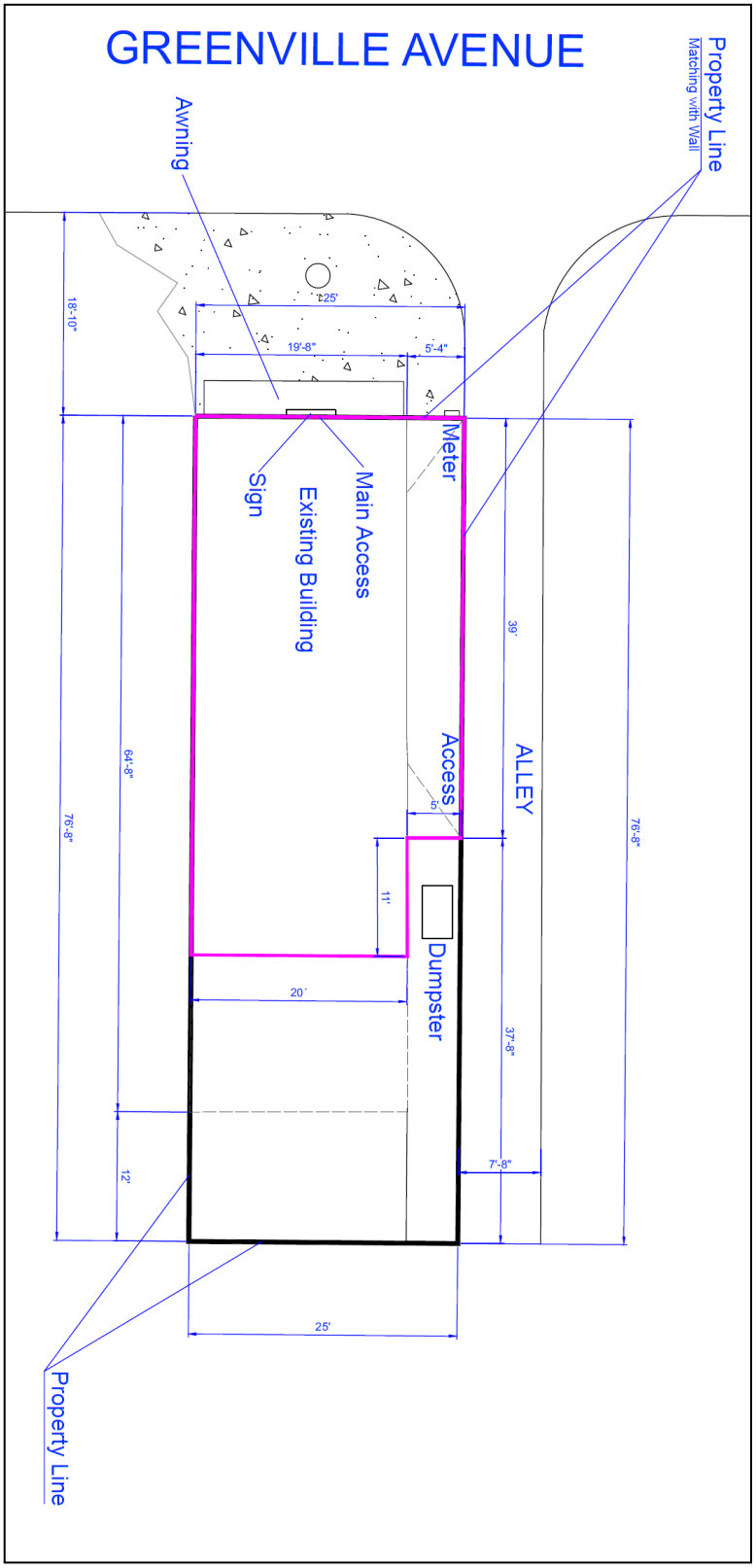
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

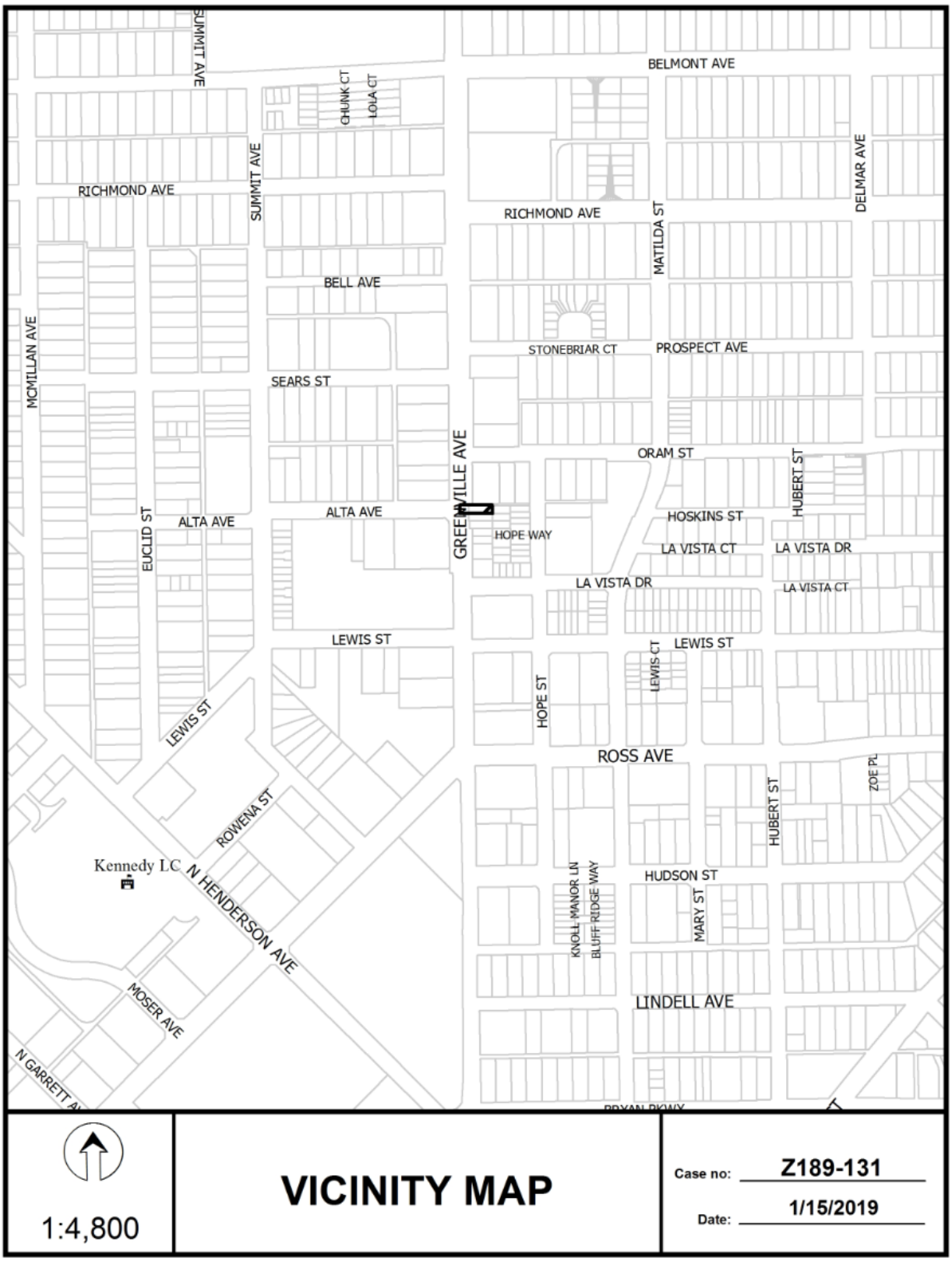
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Proposed Site Plan

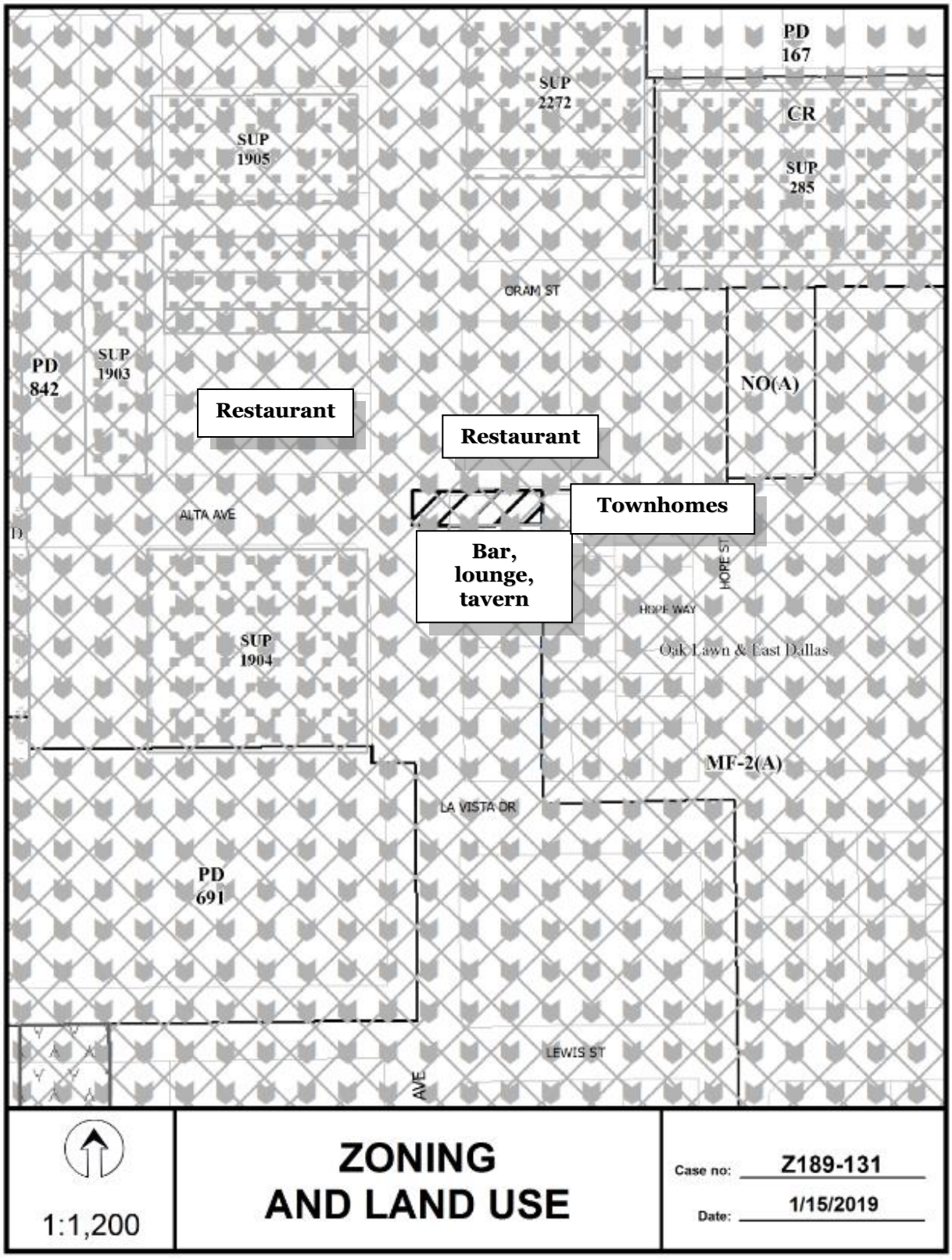


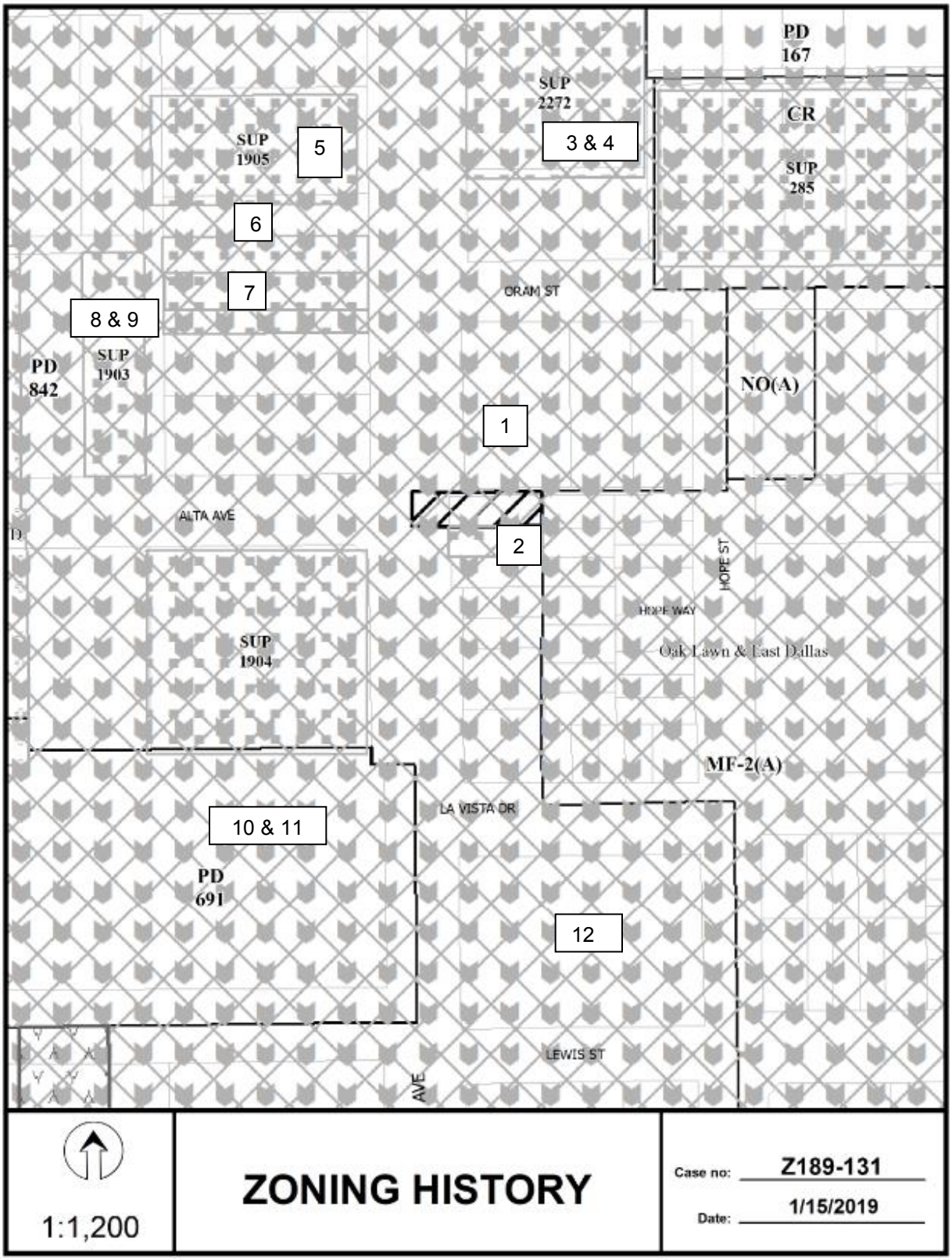
Enlarged Proposed Site Plan

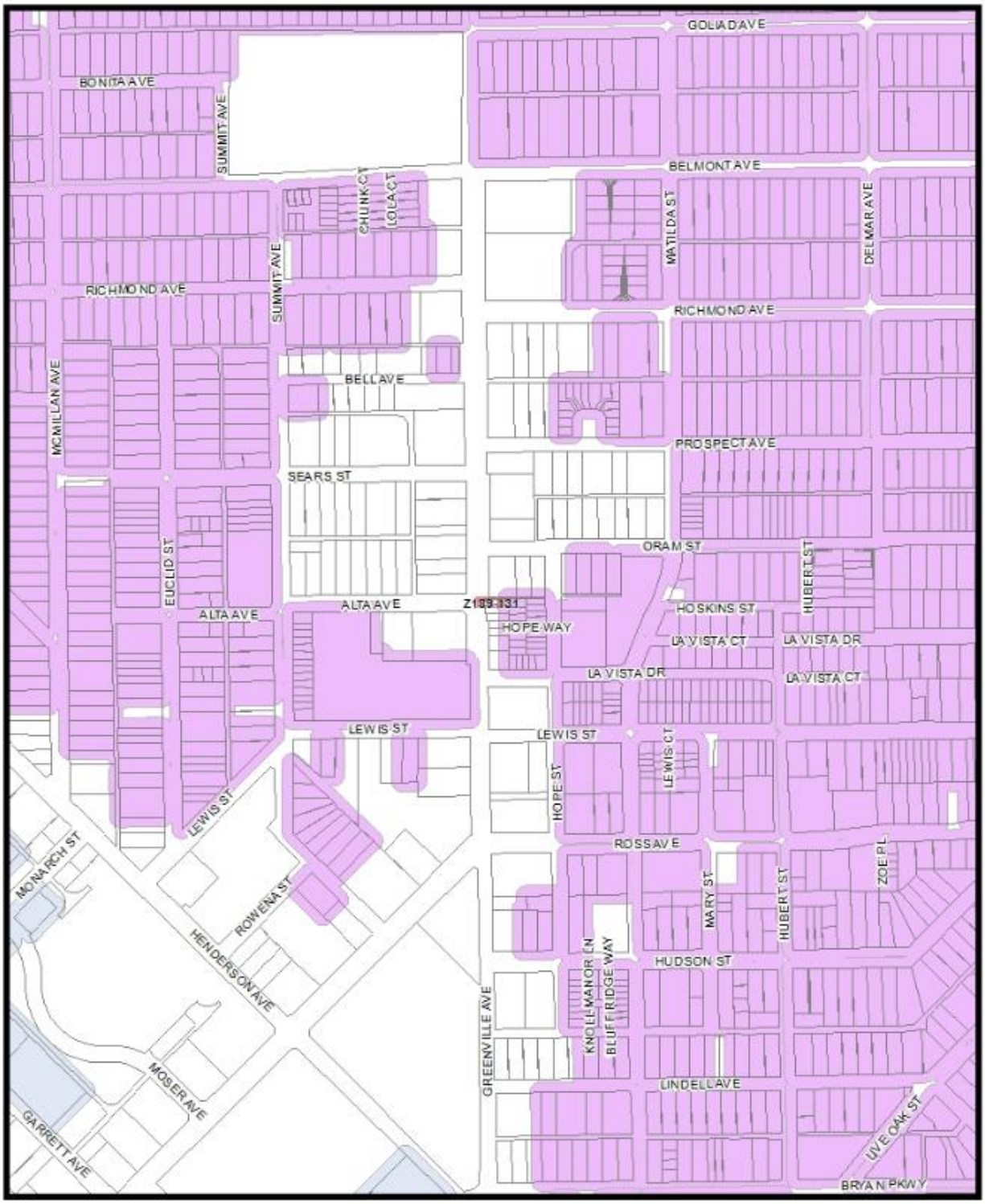



SUMMIT AVE
CHUNK CT
LOLA CT
BELMONT AVE
RICHMOND AVE
SUMMIT AVE
RICHMOND AVE
MATILDA ST
DELMAR AVE
BELL AVE
MCMILLAN AVE
STONEBRIAR CT
PROSPECT AVE
SEARS ST
ORAM ST
HUBERT ST
GREENVILLE AVE
ALTA AVE
ALTA AVE
HOSKINS ST
EUCLID ST
HOPE WAY
LA VISTA CT
LA VISTA DR
LA VISTA DR
LA VISTA CT
LEWIS ST
LEWIS CT
LEWIS ST
HOPE ST
LEWIS ST
ROSS AVE
ZOE PL
HUBERT ST
ROWENA ST
Kennedy LC
N HENDERSON AVE
HUDSON ST
KNOLL MANOR LN
BLUFF RIDGE WAY
MARY ST
MOSER AVE
LINDELL AVE
N GARRETT AVE
BRYAN PKWY
1:4,800
VICINITY MAP
Case no: Z189-131
Date: 1/15/2019


ORAM ST
ALTA AVE
HOPE WAY
HOPE ST
LA VISTA DR
LEWIS ST
LEWIS ST
AVE
1:1,200
AERIAL MAP
Case no: Z189-131
Date: 1/15/2019


PD 167
SUP 2272
CR
SUP 1905
SUP 285
ORAM ST
PD 842
SUP 1903
NO(A)
Restaurant
Restaurant
Townhomes
ALTA AVE
Bar, lounge, tavern
HOPE ST
HOPE WAY
SUP 1904
Oak Lawn & East Dallas
MF-2(A)
LA VISTA DR
PD 691
LEWIS ST
AVE
1:1,200
ZONING AND LAND USE
Case no: Z189-131
Date: 1/15/2019


PD 167
SUP 2272
3 & 4
CR
SUP 1905
5
SUP 285
6
7
ORAM ST
8 & 9
PD 842
SUP 1903
NO(A)
1
ALTA AVE
2
HOPE ST
HOPE WAY
SUP 1904
Oak Lawn & East Dallas
MF-2(A)
LA VISTA DR
10 & 11
PD 691
12
LEWIS ST
AVE
1:1,200
ZONING HISTORY
Case no: Z189-131
Date: 1/15/2019


GOLIAD AVE
BONITA AVE
SUMMIT AVE
CHUNK CT
LOLA CT
BELMONT AVE
MATILDA ST
DELMAR AVE
RICHMOND AVE
MCMILLAN AVE
BELL AVE
PROSPECT AVE
SEARS ST
ORAM ST
HUBERT ST
EUCLID ST
ALTA AVE
Z189-131
HOPE WAY
HOSKINS ST
LA VISTA CT
LA VISTA DR
LEWIS ST
HOPE ST
ROSS AVE
MARY ST
ZOE PL
MONARCH ST
ROWENA ST
HENDERSON AVE
HUDSON ST
KNOLL MANOR LN
BLUFF RIDGE WAY
GREENVILLE AVE
MOSER AVE
GARRETT AVE
LINDELL AVE
LIVE OAK ST
BRYAN PKWY
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:4,800
Market Value Analysis
Printed Date: 1/25/2019

CPC RESPONSES



02/06/2019

Reply List of Property Owners

Z189-131

52 Property Owners Notified ***5 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	1914	GREENVILLE AVE	LOWGREEN PS LTD
	2	2000	GREENVILLE AVE	LANDE PAUL &
	3	1900	GREENVILLE AVE	TRUST REAL ESTATE
	4	1904	GREENVILLE AVE	GREENVILLE PARKS LP
	5	1908	GREENVILLE AVE	GREENVILLE PARKS LP
	6	1910	GREENVILLE AVE	MORENO RICHARD
	7	1912	GREENVILLE AVE	CAMPBELL OLIVER
	8	1916	HOPE ST	1916 HOPE LLC
	9	5722	ORAM ST	MCKINNEY FEARGAL &
O	10	5712	ORAM ST	LOWGREEN PS
	11	5710	ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
	12	1911	GREENVILLE AVE	INTERCITY INVESTMENT PROP
	13	1909	GREENVILLE AVE	WORLDWIDE FOOD INC
O	14	1903	GREENVILLE AVE	LOWGREEN PS
	15	1919	HOPE WAY	NGUYEN NGOC DIEP
	16	1922	HOPE WAY	ELGUEA CARLOS &
	17	1917	HOPE WAY	MCFALL JAMES
	18	1920	HOPE WAY	ISAACSON CHRISTOPHER M
O	19	1918	HOPE WAY	MARCH SEAN
	20	1915	HOPE WAY	ALARCON WALDO & YAZMIN R
	21	1913	HOPE WAY	HERNDON LINDSEY
	22	1916	HOPE WAY	OTOOLE TIMOTHY
	23	1911	HOPE WAY	NIEHUUS MICHAEL
	24	1912	HOPE WAY	SHUCH MATTHEW T &
	25	1910	HOPE WAY	DANISH DAVID
	26	1909	HOPE WAY	JOHNSON RONALD L

02/06/2019

Reply	*Label #*	*Address*		*Owner*
	27	1908	HOPE WAY	GANDHI ANUPAMA K
	28	1907	HOPE WAY	WEINER ERIC DAVID
	29	1906	HOPE WAY	ABOUJAOUDE DORY
	30	5715	LA VISTA DR	CATHCART DAVID
	31	5713	LA VISTA DR	JACOBSON TYLER B &
O	32	5711	LA VISTA DR	WHITE JULIUS
	33	5709	LA VISTA DR	SHANE MARIO M & RACHELLE
	34	1827	GREENVILLE AVE	LOWGREEN PS
	35	1811	GREENVILLE AVE	EGW GREENVILLE INVESTMENTS LP
	36	1811	GREENVILLE AVE	GREENWAY GREENVILLE LP
	37	1910	HOPE ST	MOJICA EDWARD
	38	1910	HOPE ST	KEELING THOMAS
	39	1910	HOPE ST	CALVERT DAVID
	40	1910	HOPE ST	KUPERMAN YELENA
	41	1910	HOPE ST	CROUCH EDIE D
	42	1910	HOPE ST	HANLON WILLIAM R &
	43	1910	HOPE ST	BEAHM CYNTHIA DIANE
	44	1910	HOPE ST	RADIGAN MEGAN M
	45	1910	HOPE ST	UTKOV GARY S & CAROL C
	46	1910	HOPE ST	KOBAYASHI AARON S &
	47	1910	HOPE ST	MERZ RYAN E
	48	1910	HOPE ST	HOPE STREET RENTAL COMPANY LLC
	49	1910	HOPE ST	ANKERSEN KRISTEN A
	50	1910	HOPE ST	DROUILLARD SUZETTE M
	51	1910	HOPE ST	VITALE JOSEPH K & ANNE
	52	1910	HOPE ST	BREWSTER LLOYD R & DANA L

Agenda Information Sheet

File #: 19-459 **Item #:** 66.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a Planned Development Subdistrict for O-2 Office uses, a health studio use, and a restaurant without drive-in or drive-thru use; and **(2)** an ordinance granting the removal of the D Liquor Control Overlay on property zoned an O-2-D Office Subdistrict with a D Liquor Control Overlay within Planned Development District No. 193, the Oak Lawn Special Purpose District with consideration of a D-1 Liquor Control Overlay in lieu of the removal of the D Liquor Control Overlay, on the west corner of Turtle Creek Boulevard and Dickason Avenue and the east line of Gillespie Street
Recommendation of Staff: Approval, subject to a development plan, landscape plan and staff's recommended conditions; and approval of a D-1 Liquor Control Overlay in lieu of the removal of the D Liquor Control Overlay
Recommendation of CPC: Approval, subject to a development plan, landscape plan and conditions; and approval of the removal of the D Liquor Control Overlay
Z189-136(SM)

powered by Legistar™

FILE NUMBER: Z189-136(SM) **DATE FILED:** November 21, 2018

LOCATION: West corner of Turtle Creek Boulevard and Dickason Avenue and the east line of Gillespie Street

COUNCIL DISTRICT: 14 **MAPSCO:** 45 B

SIZE OF REQUEST: Approx. 2.47 acres **CENSUS TRACT:** 5.00

OWNER: Turtle Creek Dickason, Ltd.

APPLICANT: JMJ Development

REPRESENTATIVE: Suzan Kedron, Jackson Walker LLP.

REQUEST: An application for **(1)** a Planned Development Subdistrict for O-2 Office uses, a health studio use, and a restaurant without drive-in or drive-thru use; and **(2)** the removal of the D Liquor Control Overlay on property zoned an O-2-D Office Subdistrict with a D Liquor Control Overlay within Planned Development District No. 193, the Oak Lawn Special Purpose District with consideration of a D-1 Liquor Control Overlay in lieu of the removal of the D Liquor Control Overlay.

SUMMARY: The purpose of this request is to construct a hotel project with residences, restaurant, and spa. The applicant requests to 1) remove the D Liquor Control Overlay to sell alcohol without a Specific Use Permit, 2) decrease side and rear yard setbacks for portions of a building above 36 feet in height, 3) increase floor area ratio from 4.5:1 to 5.25:1, and 4) increase the maximum building height from 240 feet to 325 feet. The new subdistrict will be subject to urban design standards, a development plan, and landscape plan.

CPC RECOMMENDATION: **Approval**, subject to a development plan, landscape plan and conditions; and **approval** of the removal of the D Liquor Control Overlay.

STAFF RECOMMENDATION: **Approval**, subject to a development plan, landscape plan and staff's recommended conditions; and **approval** of a D-1 Liquor Control Overlay in lieu of the removal of the D Liquor Control Overlay.

BACKGROUND INFORMATION:

- On February 8, 1985, City Council approved Planned Development District No. 193, the Oak Lawn Special Purpose District. The PD is comprised of approximately 2,593 acres.

- On April 22, 1975, City Council passed Ordinance No. 14874, adopting the Turtle Creek Environmental Corridor which established a setback line as a mechanism to preserve the open space of those properties adjoining streets from Turtle Creek Boulevard, Oak Lawn Park and Reverchon Park from Wycliff Avenue to Maple Avenue. The 2.47-acre area of request is partially located within the Turtle Creek Environmental Corridor.

- The site is currently developed with a one-story office building in the northwest corner, a two-story office building in the southeast corner, separated by a circular motor court, and a one-story below ground parking structure. The buildings are currently vacant.

- The applicant is proposing to demolish the existing structures and redevelop the site with a mixed-use development including hotel, residences, restaurant, and health spa in a tiered high-rise building with underground parking.

Zoning History: There have been four zoning requests in the surrounding area in the past five years.

1. Z167-306 On October 11, 2017, the City Council created a PDS for O-2 Office uses within PD No. 193 to allow for an increase in the total square footage of retail and certain street level uses and for reduced landscape requirements on property located on the west corner of Turtle Creek Boulevard and Cedar Springs Road, northeast of the area of request. (PDS No.135)

2. Z167-131 On October 25, 2017, the City Council created a PDS for O-2 Office uses within PD No. 193 to allow for the encroachment on the side yard setback of a covered stairwell to the parking garage on property located at the north corner of Turtle Creek Boulevard and Gillespie Street, northeast of the area of request (PDS No. 136)

3. Z178-186 On April 25, 2018, City Council created a Demolition Delay Overlay for the area of request and surrounding areas.

4. Z178-218 On September 28, 2018, City Council approved Planned Development Subdistrict No. 142 for O-2 Office uses and a restaurant without drive-in or drive-thru use, removed a portion of the D Liquor Control Overlay and terminated Specific Use Permit No. 1293 for a bank or savings and loan office with drive-in window use on property zoned an O-2-D Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District with Specific Use Permit No. 1293 for a bank or savings and loan office with drive-in window use on a portion located on the northwest line of Turtle Creek Boulevard, between Gillespie Street and Fairmount Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Turtle Creek Boulevard	Minor Arterial	70 feet
Dickason Avenue	Local	40 feet
Gillespie Street	Local	50 feet

Traffic: The applicant submitted a Traffic Impact Analysis that identifies traffic generation characteristics and potential traffic related impacts on the local street system.

According to the study, the proposed development at the subject site is expected to generate approximately 122 new weekday AM peak hour one-way trips and 145 new weekday PM peak hour one-way trips at buildout. The trip generation presented in the study is based on the development containing 180 hotel rooms and 85 residences. The distribution of the site-generated traffic volumes onto the street system was based on the surrounding roadway network, existing traffic patterns, and the project's proposed access locations.

The Engineering Division of the Sustainable Development and Construction Department reviewed the request and the Traffic Impact Analysis submitted with the application and determined that the proposed development is not foreseen to cause a significant impact to the adjacent roadways.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request complies with the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Area Plan:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

(1) To achieve buildings more urban in form.

(2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

The request complies with objectives 1, 3, 4, and 7 in the following manner:

The urban design standards in the proposed subdistrict conditions, ensure the proposed building is urban in form by offering pedestrian lighting, sidewalks, and open space. Although the required setback per the Turtle Creek Environmental Corridor does not allow for the proposed buildings to be pulled closer to the street, Dickason Avenue and Gillespie Street both have lower structures that are proposed closer to the street. The applicant also proposes to provide architectural elements such as prominent public entrances, variation in fenestration and increased transparency all which improve security and pedestrian access.

Because Turtle Creek is not considered a retail area and the Turtle Creek Environmental Corridor regulations will be complied with, objective 2 is not applicable.

The proposed development also proposes off-street parking to be provided within below grade structures.

Because the site has frontage in the Turtle Creek Environmental Corridor and that this focuses in preserving the open space of those properties adjoining Turtle Creek Boulevard, the proposed landscape plan promotes streetscape appearance by providing green open space along Turtle Creek Boulevard.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 193 Subdistrict O-2-D with a D Liquor Control Overlay	Office Building
Northeast	PDD No. 193 Subdistrict O-2	Undeveloped
Southeast	PDD No. 193 (PDS No. 61)	Office
South	PDD No. 193 (PDS No. 136)	Office
Southwest	PDD No. 374 with Historic Overlay No. 29	Hotel and multiple family
Northwest	PDD No. 193 Subdistrict O-2 with a D Liquor Control Overlay on a portion	Multiple family developments

Land Use Compatibility:

Surrounding properties include a parcel to the northeast, across Dickason Avenue, which is currently undeveloped, but has an approved development plan for a maximum 240-foot tall office building with an above-ground parking garage. A two-story office building with a three-level underground parking garage is developed to the southeast, across Turtle Creek Boulevard. The area of request abuts a 14-story office building to the south with a seven-level above-ground parking garage that abuts the site. The historic King Mansion (Historic Overlay No. 29) is located to the southwest of the site and contains hotel and restaurant uses and a separate residential component with structured parking. Finally, the site abuts two multifamily developments to the northwest which include a two-story multiple family development that fronts on Gillespie Street and a six-story multiple family building with a two-story above-ground parking garage that fronts on Dickason Avenue.

The applicant proposes to redevelop the site with a two-tier platform and a high-rise tower in the northeast sector of the site. The applicant proposes to occupy the building with a special hotel project, which is comprised of a mixture of uses that would be anchored by a 180-room hotel, 85-unit multiple family use, and some ground-story restaurant and health spa uses. The applicant also proposes to remove the D Liquor Control Overlay that exists on site. Staff supports the proposed land uses; however, staff does not support the removal of the D Liquor Control Overlay. Instead, staff supports a change to a D-1 Liquor Control Overlay because it would require uses to obtain Specific Use Permits to sell and serve alcohol.

Development Standards:

District	Setbacks		Density	Height	Lot Coverage	Primary Uses
	Front	Side/Rear	FAR			
PD 193 O-2 (existing)	20' + TCEC setback	10' for Residential 10'* Other structures.	4.0 :1**	240'	75%	Office, Multiple family
PDS No.___ (Proposed)	20' + TCEC setback	10' for Residential or hotel wrapped 10'* Other structures.	4.75 :1** Max 85 dwelling units and 180 guest rooms	Staff: 299' Applicant: 325'	60%	Office, Multiple family, Restaurant w/o drive-in or drive-thru and Health studio.

*An additional setback required for portions of a structure over 36 feet in height.
**4.5: 1 When the floor area for residential uses is equal to or greater than lot area.

The applicant requests three modifications from the O-2 Office Subdistrict development standards 1) a conditional reduction in the side and rear yard setback for portions of a structure above 36 feet, 2) an additional 0.75:1 floor area ratio increase, and 3) an 85-foot increase in maximum structure height.

Side and rear yard setbacks:

At this location, the existing O-2 Office Subdistrict regulations would require a 10-foot setback for all portions of a residential structure and, for a nonresidential structure that exceeds 100 feet in height[1], a 10-foot setback for the first 36 feet in height and an additional setback that is equal to half the total height of the building, a 50-foot setback for portions of the nonresidential structure above 36 feet in height. Since the proposed structure would be occupied by both residential and nonresidential uses, the structure would be considered a nonresidential structure and therefore, the existing side yard setback would require an additional setback for portions of the structure above 36 feet.

Staff supports the applicant's request of a minimum 10-foot side and rear setback, regardless of height, when that portion of a building contains residential and hotel and motel uses for at least 40-feet in depth from the exterior facade. Staff's supports this portion of the request because the O-2 Office Subdistrict only requires a 10-foot side and rear yard setback for residential structures and staff believes hotel and motel uses are similar in function to residential uses when located above 36 feet in height.

[1] Subsection 7 of 51P-193.119(c) (side yard) and subsection 3 of 51P-193.120(c) (rear yard) says,

> In the O-2 subdistrict, if a nonresidential building is erected or altered to exceed 36 feet in height, an additional setback must be provided that is equal to one-half the total height of the building, up to a maximum total setback of 50 feet. The additional setback is only required for that portion of a building that exceeds 36 feet in height. In case of conflict between this provision and Subsections (a)(3) and (c)(1), Subsections (a)(3) and (c)(1) apply.

Additionally, staff supports the second requested modification for all other nonresidential portions of a structure, because the proposed establishes the additional setback on a basis of the overall height of that portion of the building rather than the total height of the building. For example, the applicant proposes a two-tier platform and tower design where the bottom two tiers of the building increases in height from 50 feet to 130 feet approximately 168 feet of Gillespie Street; therefore, the existing O-2 Office Subdistrict would require the maximum 50-foot setback for the entire side and rear yard setbacks because the total height of the building exceeds 100 feet, whereas the proposed additional setback condition would require an additional 25-foot side yard setback for the portion of the building height between 36 feet and 50 feet in height and the 130-foot tall tier would require the maximum 50-foot side and rear yard setback because it exceeds 100 feet in height for that portion of the building.

Floor Area Ratio:

The Dallas Development Code has two pertinent definitions for this section. First, *floor area ratio (FAR)* means the ratio of floor area to lot area. Second, *floor area* means the total square feet of floor space in a building excluding area used solely for off-street parking.

The purpose of FAR is to uniformly limit the amount of building mass within the building envelope prescribed by setbacks, height, and lot coverage. However, since above ground parking structures contribute to building mass but are not included in the calculation of FAR—because parking garages do not count as floor area—developments that contain above-ground parking structures, which are prevalent in the surrounding properties, have more building mass without increasing floor area ratio.

Therefore, staff supports the additional floor area ratio increase by 0.75 FAR, for a total of 5.25:1, when the floor area for residential uses is equal to or greater than lot area because the applicant has committed to 1) a prohibition of above-ground parking structures, 2) a mixture of uses which is a factor in achieving additional FAR in the Chapter 51A Mixed Use Districts and 2) the proposed design standards will ensure that the development is urban in form.

Height:

Staff does not support the applicant's request to increase height by 85 feet with eight-foot projections, from the O-2 Office Subdistrict maximum height of 240 feet to 325 feet with eight-foot projections; however, staff supports a maximum structure height of 299 feet because 1) 299 feet is consistent with recent zoning approvals in the area that also contain urban design standards without mixed-income housing development bonuses

(PDS No. 142, to the southwest and PDD No. 184 to the south), 2) the applicant has proposed to lower maximum lot coverage from 75% allowed in the O-2 Office Subdistrict to 60%, and 3) the additional height is limited to the tower's maximum floor plate (28,386 square feet).

Staff has not included a recommendation for additional height in exchange for mixed-income housing because 1) 299 feet exceeds the maximum height of the MU-3 Mixed Use District, 2) the Incentive Zoning code amendment (DCA156-008) does not consider granting additional height for including mixed-income housing in the MU-3 Mixed Use District, and 3) since the applicant proposes a development that is primarily a lodging use with less than half of the unit count is dedicated to multiple family uses, staff does not consider a uniform increase in additional height for the entire project in exchange for providing a small percentage of units as mixed-income housing as a balanced exchange.

Parking:

Off-street parking will be provided for each use in accordance with Part I of PD No. 193. The applicant proposes to provide the off-street parking in underground structures which is encouraged in the Oak Lawn Special Purpose District and the Oak Lawn Plan. The applicant also proposes to allow for tandem parking for up to 100 percent of the required parking for the hotel and motel use provided that a valet license is secured from the City.

Landscaping and the Turtle Creek Environmental Corridor:

The property is in the Turtle Creek Environmental Corridor. This corridor, in addition to the setback regulations, requires that no building permit for any proposed subsurface parking facility shall be issued by the Building Official unless a surface landscape plan is approved by the Park and Recreation Board of the City.

Landscaping will also be provided per the proposed landscape plan which will be subject to the approval from the Park and Recreation Board prior to the issuance of a building permit since it is within the Turtle Creek Environmental Corridor. Any modifications to the plan required by the Board will require an amendment of the landscape plan approved with this application.

The applicant has worked with the chief arborist to ensure the proposed landscape plan includes all the necessary information for staff to review at permitting. The applicant provided the following comparison of the O-2 Office Subdistrict landscape requirements

to the proposed landscape plan which shows the proposed plan exceeds existing landscape area requirements.

LANDSCAPE REQUIREMENTS FOR O-2

	LANDSCAPE SITE AREA (LSA)		GENERAL PLANTING AREA (GPA)		SPECIAL PLANTING AREA 1 PLANT / 6 SF	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
LOT AREA (LA): 107,709 SF	21,542 SF (20% OF LA)	37,200 SF (34.5% OF LA)	18,600 SF (50% OF LSA)	18,667 SF (50.2% OF LSA)	3,733 SF (20% OF GPA)	18,667 SF (100% OF GPA)
REQUIRED FRONT YARD (RFY): 29,897 SF	17,938 SF (60% OF RFY)	23,502 SF (78.6% OF RFY)	8,969 SF (30% OF RFY)	13,071 SF (43.7% OF RFY)	1,794 SF (6% OF RFY)	13,071 SF (43.7% OF RFY)

PRIOR CPC ACTION:

February 21, 2019

Motion: In considering an application for 1) a Planned Development Subdistrict for O-2 Office uses, a health studio use, and a restaurant without drive-in or drive-thru use; and 2) the removal of the D Liquor Control Overlay on property zoned an O-2-D Office Subdistrict with a D Liquor Control Overlay within Planned Development District No. 193, the Oak Lawn Special Purpose District with consideration of a D-1 Liquor Control Overlay in lieu of the removal of the D Liquor Control Overlay, on the west corner of Turtle Creek Boulevard and Dickason Avenue and the east line of Gillespie Street, it was moved to **hold** this case under advisement until March 7, 2019.

Maker: Ridley
Second: Murphy
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid*, Carpenter, Lewis, Jung, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 3 - District 4, District 7, District 12

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 799
Replies: For: 18 Against: 1

Speakers: For: Suzan Kedron, 2323 Ross Ave, Dallas, TX, 75201
Against: Charles Bowen, 2801 Turtle Creek Blvd., Dallas, TX, 75219
Against (Did not speak): Nancy Allen, 2801 Turtle Creek Blvd., Dallas, TX, 75219
Jason Taylor, 2801 Turtle Creek Blvd., Dallas, TX, 75219

March 7, 2019

***De minimus* Significant Change Motion:** In considering the requirement in Section 5(m)(1)(B) of the CPC Rules of Procedure, the finding is it does not apply because the impact of the proposed change in the Commission's judgment is *de minimus* in nature.

Maker: Ridley
Second: Schultz
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Ridley, Tarpley

Against: 0
Absent: 1 - Murphy
Vacancy: 3 - District 4, District 7, District 12

Motion: It was moved to recommend 1) **approval** of a Planned Development Subdistrict for O-2 Office uses, a health studio use, and a restaurant without drive-in or drive-thru use, subject to a revised development plan, revised landscape plan and staff's recommended conditions with the following modifications: 1) add a condition to prohibit service drive access on Gillespie Street and 2) follow applicant's request for a height of 325 feet; and 2) **approval** of the removal of the D Liquor Control Overlay on property zoned an O-2-D Office Subdistrict with a D Liquor Control Overlay within Planned Development District No. 193, the Oak Lawn Special Purpose District with consideration of a D-1 Liquor Control Overlay in lieu of the removal of the D Liquor Control Overlay, on the west corner of Turtle Creek Boulevard and Dickason Avenue and the east line of Gillespie Street.

Maker: Ridley
Second: Schultz
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Ridley, Tarpley

Against: 0
Absent: 1 - Murphy
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 500 Mailed: 799
Replies: For: 18 Against: 72

Speakers: For: Suzan Kedron, 2323 Ross Ave, Dallas, TX, 75201
Timothy Barton, 3525 Arrowhead Dr., Dallas, TX, 75204
Trey Lentz, 3511B Dickason Ave., Dallas, TX, 75219
Rob Elmore, 223 N. Shore Dr., Dallas, TX, 75216
Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Charles Bowen, 2801 Turtle Creek Blvd., Dallas, TX, 75219
Tara Conway, 2828 Hood St., Dallas, TX, 75219
Against: None
Against (Did not speak): Nancy Allen, 2801 Turtle Creek Blvd., Dallas, TX, 75219
Jason Taylor, 2801 Turtle Creek Blvd., Dallas, TX, 75219

List of Officers and Directors

Turtle Creek Dickason Ltd, Property Owner

- Lee R. Baker Jr., Vice President
- Gregory S. Courtwright, Director
- Nancy A. Davis, Vice President
- Stephen G. Seitz, Vice President
- Clay Duvall, Vice President
- Leigh Ann Everett, Assistant Secretary
- John Walter, Vice President

JMJ DEVELOPMENT

Officers and Directors

Tim Barton
Chief Executive Officer/President

Joseph Danenza
Chief Financial Officer

Mark Adams
Vice President of Capital Markets

Saskya Bedoya
Vice President of Operations

Michael Matthews
Vice President of Construction

Beverly Roberts
Senior Accountat

David Messersmith
Director of Hospitality

Kimberly Rhodes
Director of Marketing

CPC RECOMMENDED PDS CONDITIONS

Division S-_____. PD Subdistrict_____.

SEC. S-_____.101. LEGISLATIVE HISTORY.

PD Subdistrict _____ was established by Ordinance No.____, passed by the Dallas City Council on _____.

SEC. S-_____.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict__ is established on property located at __. The size of PD Subdistrict _____ is 2.47 acres.

SEC. S-_____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division,

(1) BLANK WALL AREA means any portion of the exterior of a building that does not include a material change, windows, doors, columns, pilasters, or other articulation greater than 12 inches in depth. Blank wall area is measured horizontally on each story.

(2) GREEN ROOF means a roof assembly which consists of a waterproofing membrane, growing medium, and vegetation.

(3) OPEN SPACE means the portion of a building site that is principally open to the sky but allows for architectural elements. Open space must be a contiguous open area of not less than 10 feet in width or length and reserved for active or passive recreation, green roofs, or landscaping.

(4) SPECIAL HOTEL PROJECT means a development having:

(i) A hotel and motel use, with a minimum of 40 percent of the total floor area;

(ii) A residential use, with a minimum of 15 percent of the total floor area;

(iii) A combination of a recreation and entertainment; bar and restaurant; professional, personal service, and custom craft; offices; and retail uses as defined by Part I with a minimum of 5 percent of the total floor area.

(5) SUBDISTRICT means a subdistrict of PD 193.

(6) TANDEM PARKING means one parking space in front of another parking space, making it necessary to pass through one parking space to gain vehicular access to the other parking space.

(7) TRANSPARENCY means the total area of window and door openings filled with glass, or openings in a parking garage facade, expressed as a percentage of the total facade area by story.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

SEC. S-_____.104. EXHIBITS.

The following exhibits are incorporated into this division:

(1) Exhibit S-___A: development plan.

(2) Exhibit S-___B: landscape plan.

SEC. S-_____.105. DEVELOPMENT PLAN.

(a) Special hotel projects. Except as provided in this subsection, development and use of the Property must comply with the development plan (Exhibit S-___A). If there is a conflict between the text of this division and the development plan, the text of this division controls.

(b) All other development. No development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, development schedule, and landscape plan do not apply.

SEC. S-____.106. MAIN USES PERMITTED.

(a) The only main uses permitted in this subdistrict are those main uses permitted in the O-2 Subdistrict, subject to the same conditions applicable in the O-2 Subdistrict, as set out in Part I of this article. For example, a use permitted in the O-2 Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the O-2 Subdistrict is subject to DIR in this subdistrict; etc.

(b) When located within a special hotel project, the following main uses are also permitted in this subdistrict:

-- Health studio.
-- Restaurant without drive-in or drive-through service.

SEC. S-____.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-____.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the O-2 Office Subdistrict apply.

(b) Increased development standards. For a special hotel project and when the provisions of S-___.113 are met, the following modifications to the O-2 Office Subdistrict apply.

(1) Side and rear yard.

(A) Except as provided in this subsection, minimum side and rear yard is 10 feet.

(B) For portions of a nonresidential structure that exceed 36 feet in height and contain residential uses or a hotel or motel use for a minimum 40 feet of depth

from the side or rear property line, minimum side and rear yard is 10 feet.

(C) For portions of a nonresidential structure that exceed 36 feet in height and do not contain residential uses or a hotel or motel use for a minimum 40 feet of depth from the side or rear property line, minimum side and rear yard is one-half the overall height of that portion of the building, up to a maximum total setback of 50 feet. The additional setback is only required for that portion of a building that exceeds 36 feet in height.

(2) Density.

(A) For a multiple family use, maximum number of dwelling units is 85.

(B) For a hotel and motel use, maximum number of guest rooms is 180.

(3) Floor area ratio.

(A) Maximum floor area ratio is 4.75:1.

(B) When the total floor area of residential uses on a lot is equal to or greater than the lot area, maximum floor area ratio may be increased by 0.5.

CPC recommended:

(4) Height.

(A) Except as provided in this section, maximum structure height is 150 feet.

(B) Maximum structure height is 325 feet for portions of a building with a maximum of floor plate of 28,386 square feet.

(C) Mechanical equipment and penthouses and visual screens which surround roof mounted mechanical equipment may project a maximum of 8 feet.

Staff recommendation:

(4) Height. Except as provided in this subsection, maximum height is 240 feet. Maximum structure height is 299 feet for portions of a structure with a maximum floor plate of 28,386 square feet.

(5) Coverage. Maximum lot coverage is 60 percent. Above ground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

SEC. S-_____.109. OFF-STREET PARKING AND LOADING.

(a) Consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) For a special hotel project,

(1) Parking spaces are not required to be shown on detailed development plan.

(2) Tandem parking is permitted up to 100 percent of the required parking for hotel and motel, extended stay hotel or motel, and multiple-family uses provided a valet license is secured from the City of Dallas.

(3) All required loading spaces must be within a structure.

(c) Service drives are prohibited on Gillespie Street.

SEC. S-_____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-_____.111. LANDSCAPING.

(a) Except as provided in this section, landscaping and screening must be provided in accordance with Part I of this article.

(b) For a special hotel project,

(1) Landscaping must be provided as shown on the landscape plan (Exhibit S-___B).

(2) Street trees must be spaced a minimum of 20 feet and maximum of 30 feet on center. Spacing may be adjusted to accommodate visibility triangles, fire safety requirements, or existing trees to be preserved.

(3) Tree species may be singular or varied.

(4) Trees must not be located within a utility easement.

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

SEC. S-_____.112. SIGNS.

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

SEC. S-_____.113. URBAN DESIGN STANDARDS FOR A SPECIAL HOTEL PROJECT.

(a) Public realm design.

(1) Sidewalks.

(A) Sidewalks must be a minimum width of six feet.

(B) Sidewalk materials must be constructed of enhanced concrete, concrete pavers, or stone materials, as approved by the director.

(C) The sidewalk edge must be located a minimum of three feet and a maximum of five feet from the back of the projected street curb.

(D) Sidewalks must be constructed at a continuous level across all driveways.

(2) Lighting.

(A) Pedestrian lighting must be provided at regular intervals consistent with street tree locations along Dickason Avenue in order to enhance pedestrian safety on sidewalks, streets, walkways, and plazas to enhance pedestrian safety. Pedestrian light fixtures must be spaced no more than 100 feet apart. Spacing may be adjusted to achieve optimal photometric performance with a minimum of 0.5-foot candles between fixtures.

(B) Lighting must have illumination cut-offs.

(b) Architectural Elements.

(A) The ground-level, street-facing facades must provide a minimum of 60 percent transparency.

(B) Maximum blank wall area for street-facing ground-story building facades within 100 feet of a street is 20 feet.

(c) Bicycle Parking. The provisions of Division 51A-4.330 regarding bicycle parking regulations apply.

(d) Mechanical equipment. All utility boxes, generators, and other mechanical equipment must be located out of view from the street. When conditions do not permit compliance with this provision, equipment must be screened from view by a minimum six-foot-tall solid screening structure or building element or landscaping elements such as shrubs, bushes, and trees.

(e) Open Space.

(1) A minimum of 30 percent of the building site must be reserved as open space.

(2) A minimum of twenty percent of building roof structures must be landscaped.

(3) No structures are permitted in the open space except for the following: architectural elements, playground equipment, fountains, temporary tents located in the area designated as function lawn on the development plan, trellises, pergolas, bridges, and signs.

(4) Open space may contain landscaping, water, natural elements, benches, walks, outdoor decks and terraces, roof terraces including pool amenities, green roofs, and publicly accessible outdoor balconies or terraces.

(5) Private balconies, sidewalks, parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(f) Structured parking. Above-ground structured parking is prohibited.

SEC. S-____.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.

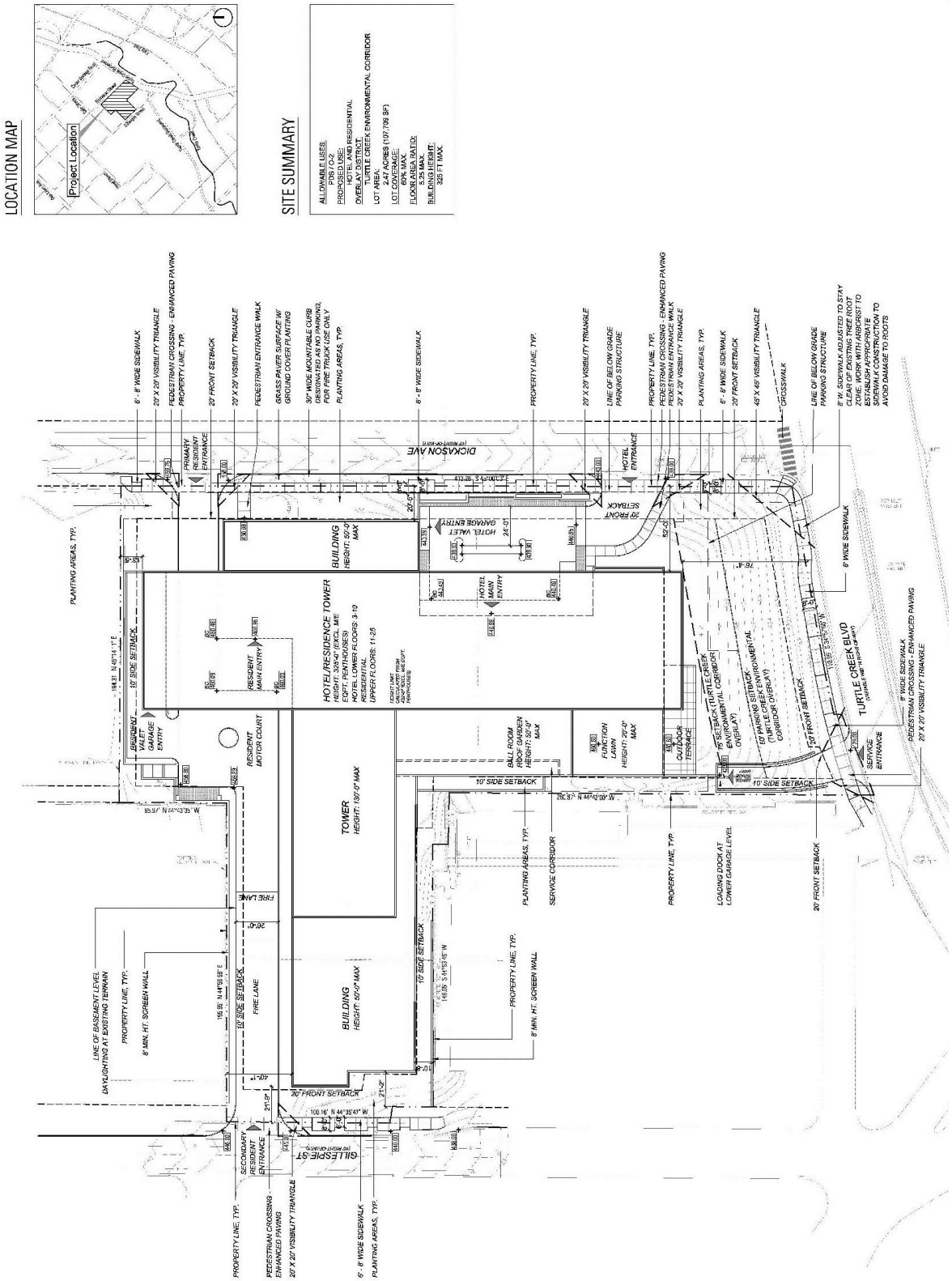
(c) Development and use of the Property must comply with Part I of this article.

SEC. S-____.115. COMPLIANCE WITH CONDITIONS.

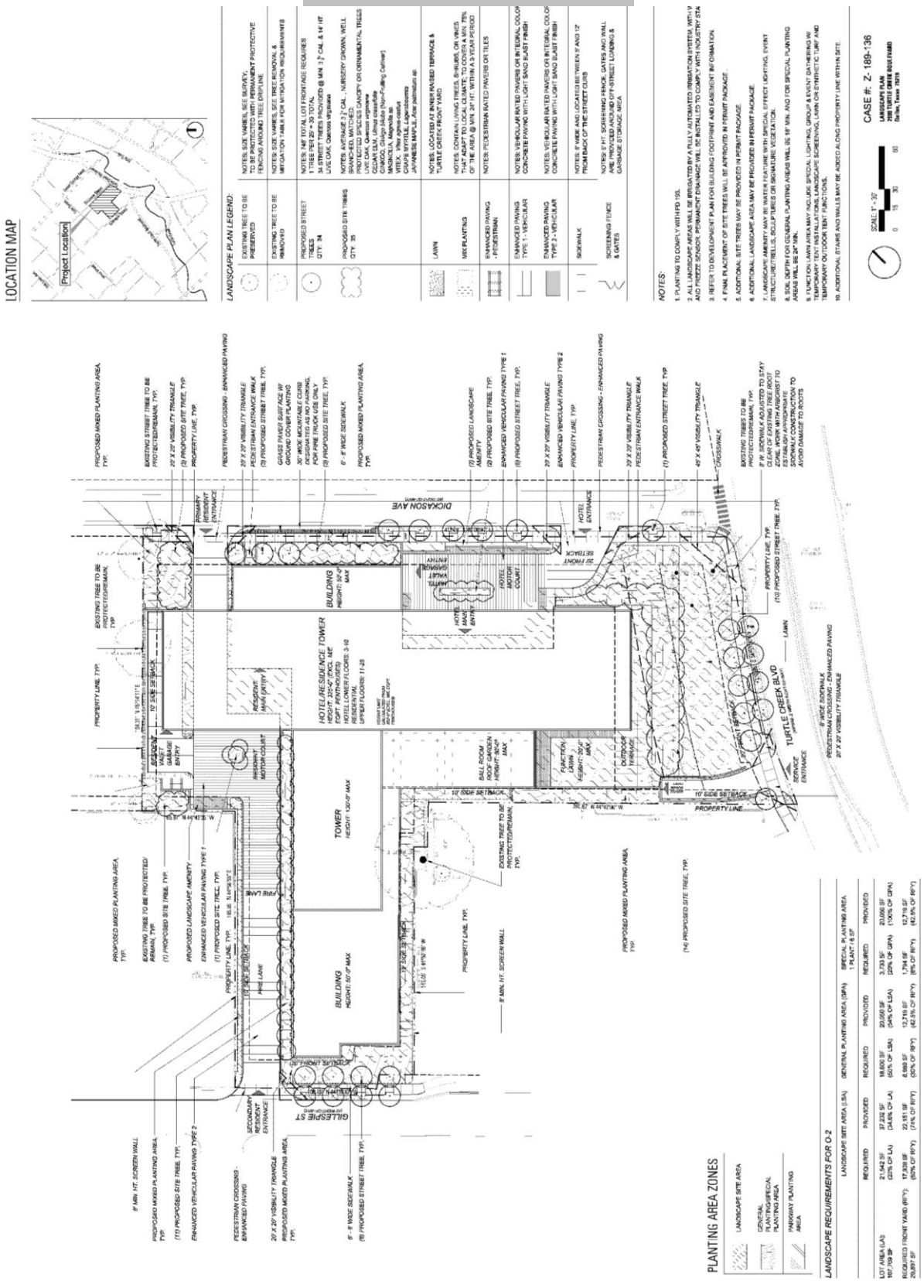
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

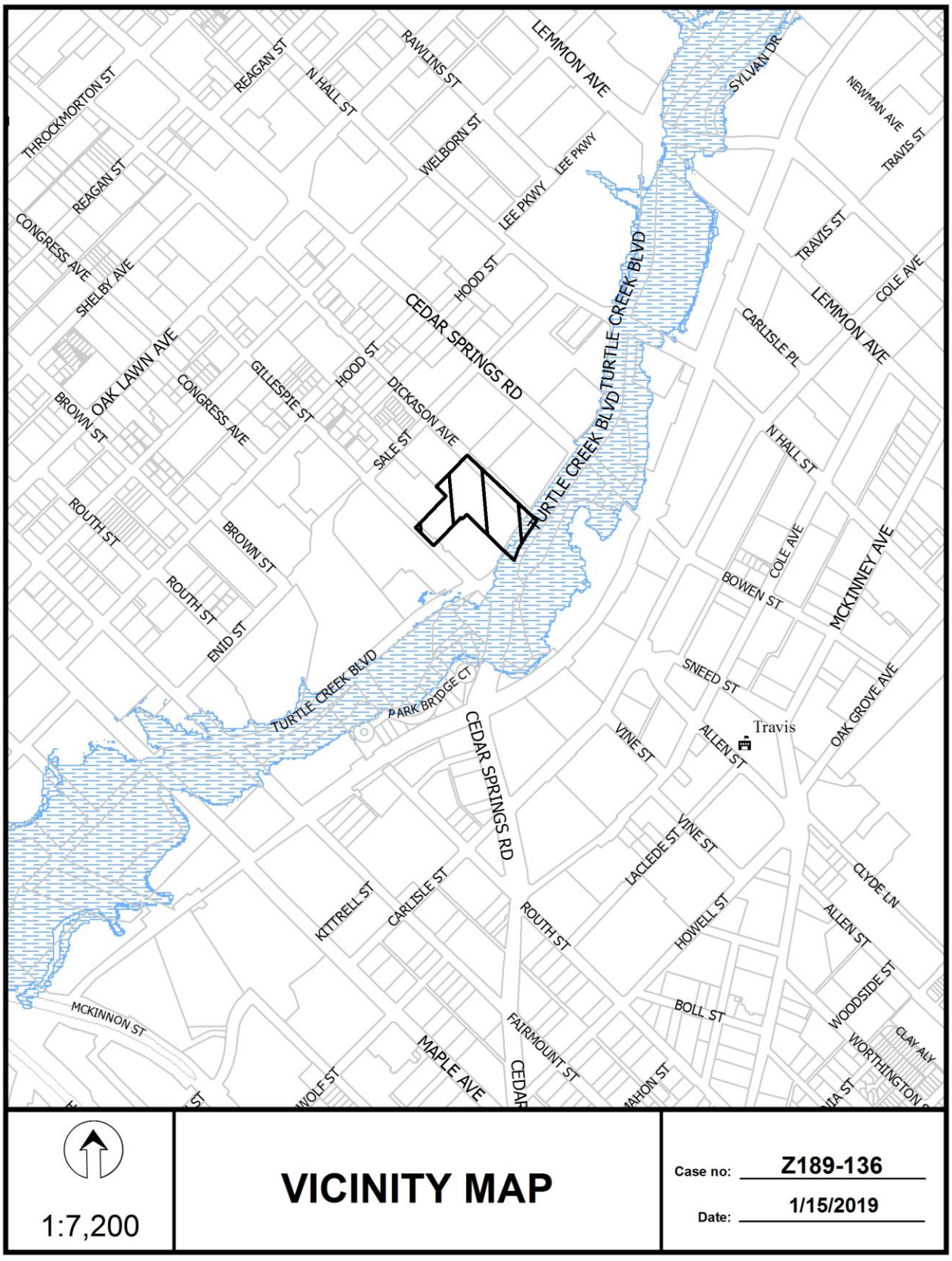
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances,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

CPC RECOMMENDED DEVELOPMENT PLAN



CPC RECOMMENDED LANDSCAPE PLAN



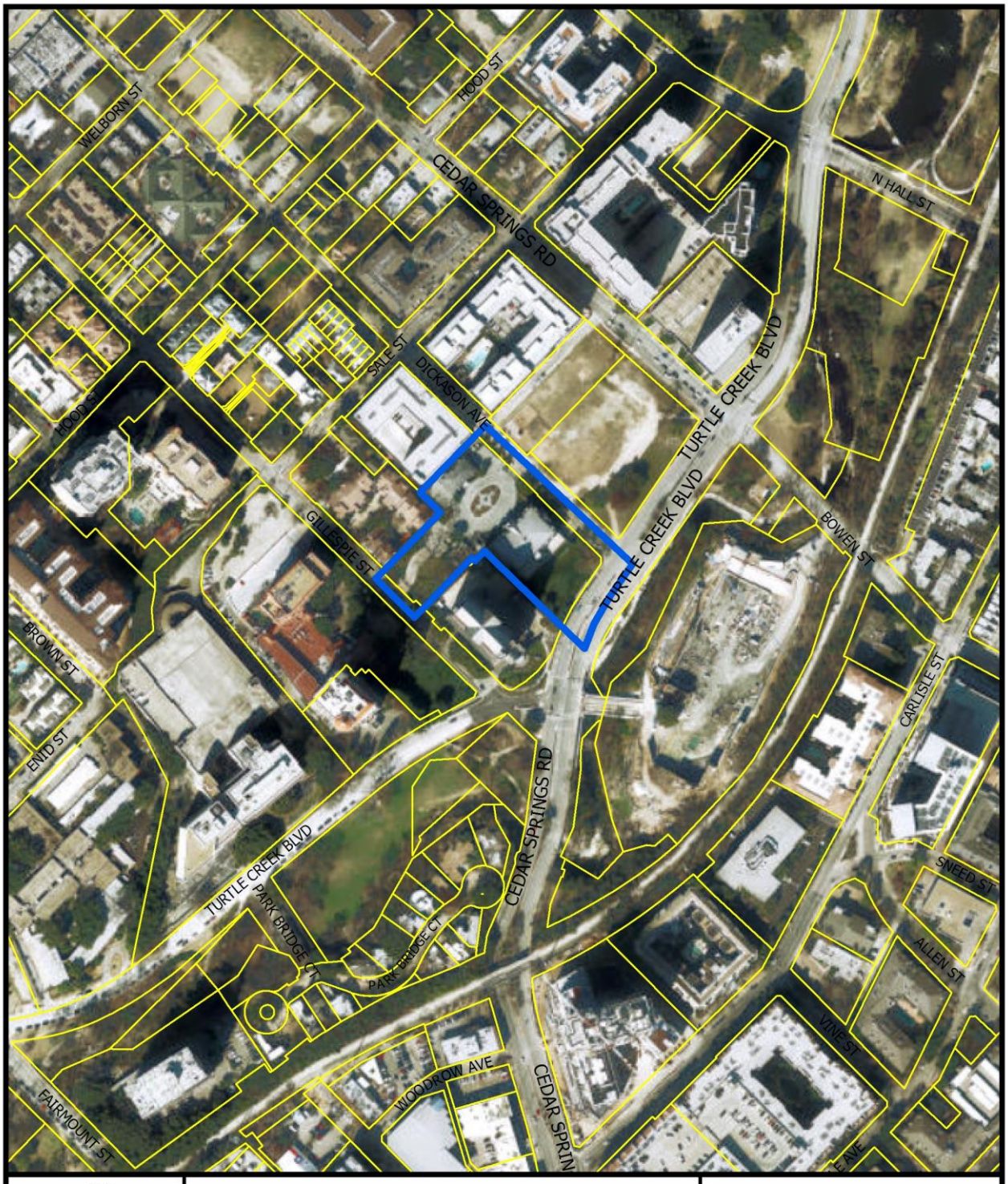


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VICINITY MAP

Case no: Z189-136

Date: 1/15/2019

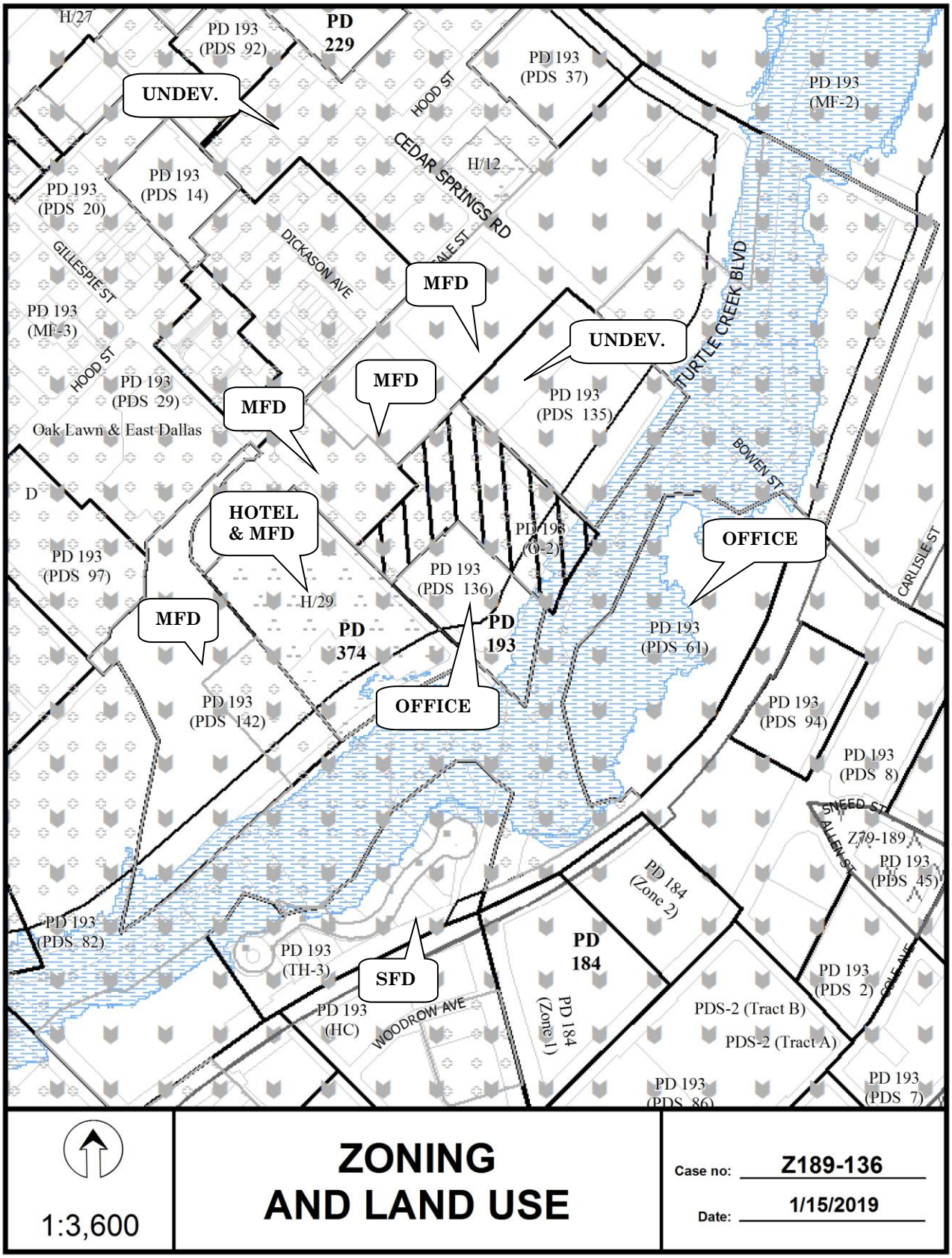


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AERIAL MAP

Case no: Z189-136

Date: 1/15/2019

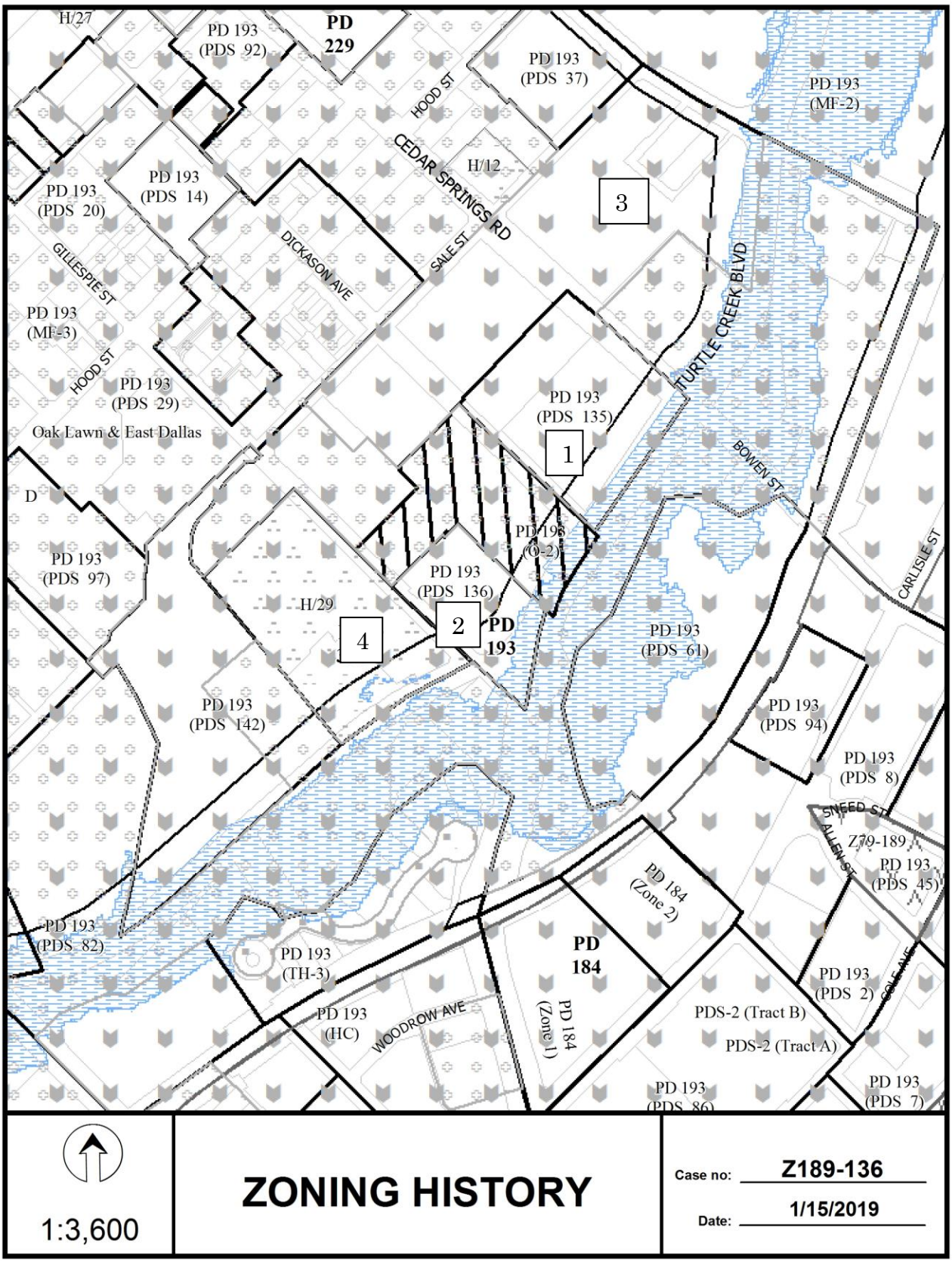


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ZONING AND LAND USE

Case no: Z189-136

Date: 1/15/2019

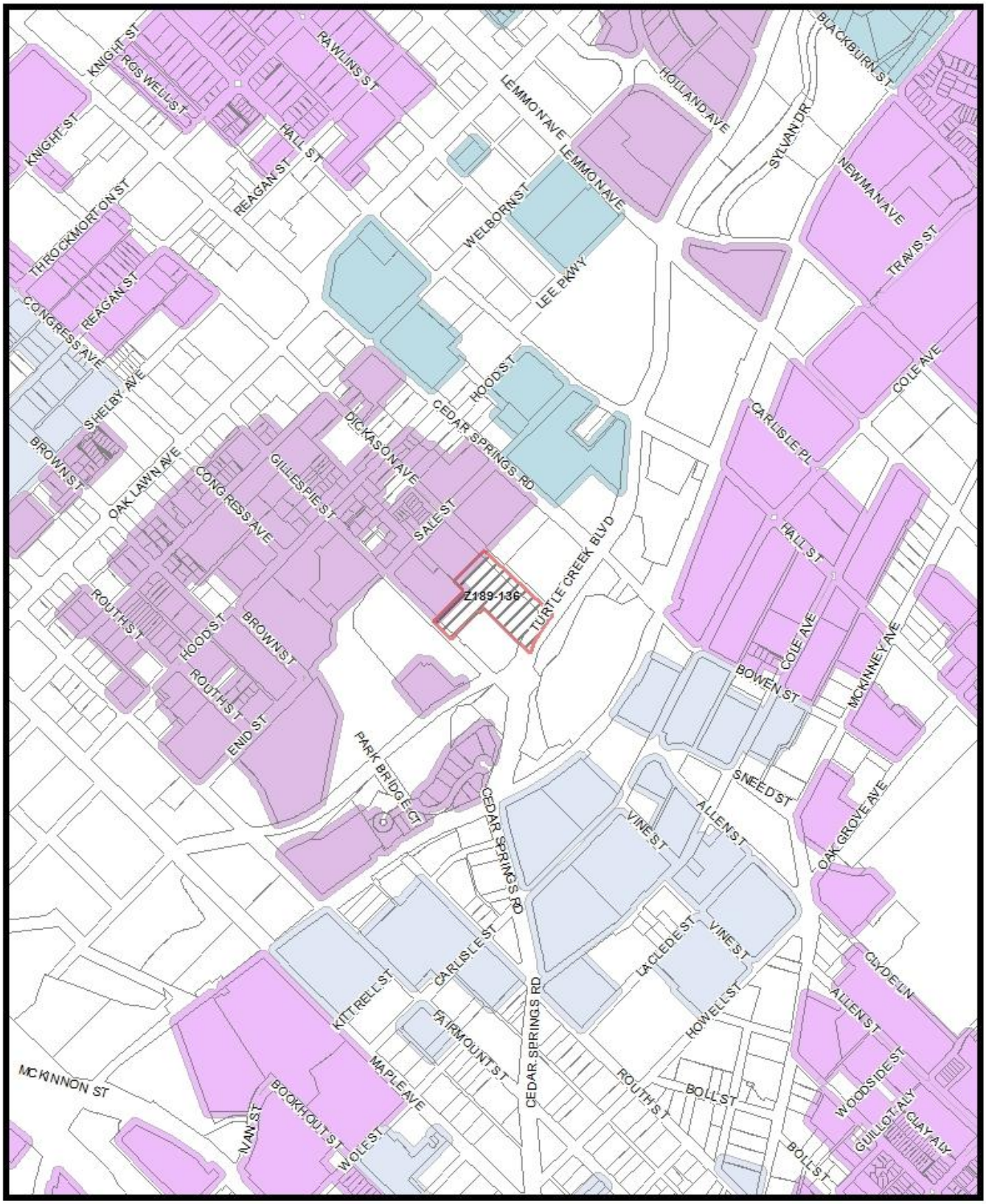


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ZONING HISTORY

Case no: Z189-136

Date: 1/15/2019



MVACluster A B C D E F G H I NA

1:7,200

Market Value Analysis

Printed Date: 1/25/2019



799	Property Owners Notified (55 parcels)
18	Replies in Favor (17 parcels)
72	Replies in Opposition (3 parcels)
500'	Area of Notification
3/7/2019	Date

Z189-136
CPC

N
W E
S

1:3,600

03/06/2019

Reply List of Property Owners

Z189-136

799 Property Owners Notified ***18 Property Owners in Favor*** ***72 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	2999	TURTLE CREEK BLVD	TURTLE CREEK DICKASON LTD
	2	3506	CEDAR SPRINGS RD	SPC CEDAR SPRINGS LLC
	4	2727	TURTLE CREEK BLVD	REPUBLIC TOWER PROPERTY LP
	5	2921	SALE ST	GRANOWSKI SCOTT
	6	3515	DICKASON AVE	TDRE HOOD LLC
	9	3511	DICKASON AVE	GIRON THERESA LYNN
	10	3509	DICKASON AVE	STREIDL LISA
	11	3509	DICKASON AVE	WANG LIN & ERIC W MILLER
	12	3507	DICKASON AVE	SHUEY JOHN MILLER III
	13	3507	DICKASON AVE	ROSA EMILIO
	14	3505	DICKASON AVE	ADAMS DAVID G
	15	3505	DICKASON AVE	STILES DONNA M
	16	3503	DICKASON AVE	SCHENKELBERG ERIC T
	17	3503	DICKASON AVE	BARBER MONTY C LIFE EST
	18	3501	DICKASON AVE	PETTY JOHN D & SIDNEY S
	19	3501	DICKASON AVE	MOORE MICHAEL JUDD
	21	2919	CEDAR SPRINGS RD	BURLESON PATE & GIBSON
	22	3511	CEDAR SPRINGS RD	WINHAVIR LP
	23	3516	DICKASON AVE	CUTSHALL RALPH S TR & HANNAH D TR
	24	3015	CEDAR SPRINGS RD	3015 CEDAR SPRINGS LP
	25	3000	TURTLE CREEK PLAZA	TURTLE CREEK CAMPUS LP
	26	2849	PARK BRIDGE CT	SMITH JERRIE M
O	27	2841	PARK BRIDGE CT	LAMBERT PAULA S
	33	3001	SALE ST	CWS ROYALE FRANCISCAN LP
X	35	2801	TURTLE CREEK BLVD	LEVY IRVIN L &
X	36	2801	TURTLE CREEK BLVD	WALKER PAULA S

Reply	*Label #*	*Address*		*Owner*
X	37	2801	TURTLE CREEK BLVD	EICHORN MARK D
X	38	2801	TURTLE CREEK BLVD	LOWDON ETHEL PATTY REVOCABLE TR
X	39	2801	TURTLE CREEK BLVD	NORTHERN TRUST TRUSTEE
X	40	2801	TURTLE CREEK BLVD	BOCK LAWRENCE R & KATHRYN N
X	41	2801	TURTLE CREEK BLVD	PILGRIM LONNIE BO &
X	42	2801	TURTLE CREEK BLVD	KENILWORTH TRUST
X	43	2801	TURTLE CREEK BLVD	SANDS SARA FAULCONER LIVING TRUST
X	44	2801	TURTLE CREEK BLVD	EWING GAIL ORAND
X	45	2801	TURTLE CREEK BLVD	CAMPBELL ELIZABETH STEPHENS
X	46	2801	TURTLE CREEK BLVD	JACOBY JAMEEN WESSON TRUST
X	47	2801	TURTLE CREEK BLVD	TAYLOR JASON M & LEIGH SYKES
X	48	2801	TURTLE CREEK BLVD	WRW SECURE TRUST THE
X	49	2801	TURTLE CREEK BLVD	WRW SECURE TRUST
X	50	2801	TURTLE CREEK BLVD	LEVY FAMILY TRUST THE
X	51	2801	TURTLE CREEK BLVD	CHAMBERS PATRICIA L
X	52	2801	TURTLE CREEK BLVD	WILLIAMS J MCDONALD & ELLEN C
X	53	2801	TURTLE CREEK BLVD	LEVY BARBARA J
X	54	2801	TURTLE CREEK BLVD	MRSBENLEZAR LLC
X	55	2801	TURTLE CREEK BLVD	CREE MARY ANNE
X	56	2801	TURTLE CREEK BLVD	BOWEN CASSANDRA C 1996
X	57	2801	TURTLE CREEK BLVD	MCADAMS SHELIA W
X	58	2801	TURTLE CREEK BLVD	KEY CHARLES B
X	59	3535	GILLESPIE ST	MENDELSON BARRY
X	60	3535	GILLESPIE ST	RHODES COLLIN D
X	61	3535	GILLESPIE ST	HEDRICK JAMES THOMAS & GEORGIA A
X	62	3535	GILLESPIE ST	MURPHY SUSAN W
X	63	3535	GILLESPIE ST	AUGUR MARILYN
X	64	3535	GILLESPIE ST	HAYNES MICHAEL R &
X	65	3535	GILLESPIE ST	PRIDHAM WILLIAM C &
X	66	3535	GILLESPIE ST	MONTANA ROBERT C II &
X	67	3535	GILLESPIE ST	BONNE CHASSE LLC

Reply	*Label #*	*Address*		*Owner*
X	68	3535	GILLESPIE ST	F&M PPTIES INC &
X	69	3535	GILLESPIE ST	YABLON ASHLEY & DONNA
X	70	3535	GILLESPIE ST	GREEN G GARDINER JR &
X	71	3535	GILLESPIE ST	SCHNEIDER SUSAN BRITT &
X	72	3535	GILLESPIE ST	FASKEN PAULA PIERSON REV TRUST
X	73	3535	GILLESPIE ST	OLD AMERICAN CAPITAL CORP
X	74	3535	GILLESPIE ST	YOUNG JOHN WILLIAM &
X	75	3535	GILLESPIE ST	JFA TRUST THE
X	76	3535	GILLESPIE ST	MCDANIEL DWIGHT THOMAS
X	77	3535	GILLESPIE ST	ALVAREZ SERGIO R
X	78	3535	GILLESPIE ST	CLIFTON JUDITH W
X	79	3535	GILLESPIE ST	GILBERT SHAWN D & JOSLYN JENKINS
X	80	3535	GILLESPIE ST	NAVIAS LOUIS & ARLENE
X	81	3535	GILLESPIE ST	SOUTH DAN LEE &
X	82	3535	GILLESPIE ST	DOKKEN TAMI ANN
X	83	3535	GILLESPIE ST	DUBIN ANA P
X	84	3535	GILLESPIE ST	SAVARIEGO VELINDA
X	85	3535	GILLESPIE ST	MCWILLIAMS GEORGE L & LIFE ESTATE
X	86	3535	GILLESPIE ST	PUTMAN MARY DELL
X	87	3535	GILLESPIE ST	MERROLE STEINWAY REVOCABLE TRUST
X	88	3535	GILLESPIE ST	LAPHAM PHYLLIS
X	89	3535	GILLESPIE ST	PAYNE JONATHAN III & MARGARET
X	90	3535	GILLESPIE ST	SANDERS GEORGE
X	91	3535	GILLESPIE ST	DO TUAN ANH &
X	92	3535	GILLESPIE ST	506 TURTLE CREEK LLC
X	93	3535	GILLESPIE ST	BRADLEY KATRINA D
X	94	3535	GILLESPIE ST	HENDERSON DAWN
X	95	3535	GILLESPIE ST	CROZIER LESLIE ANN
X	96	3535	GILLESPIE ST	COULTER JAMIE B
X	97	3535	GILLESPIE ST	FERNANDES GARY J & SANDRA
X	98	3535	GILLESPIE ST	BOWMAN BRUCE W & BEVERLY

Reply	*Label #*	*Address*		*Owner*
X	99	3535	GILLESPIE ST	SILVERMAN IRA &
X	100	3535	GILLESPIE ST	SERPA ROY M & VICTORIA M
X	101	3535	GILLESPIE ST	MCCLURE SHARA B & CRAIG A
X	102	3535	GILLESPIE ST	KIVOWITZ STACEY & DON RESIDENCE TRUST
X	103	3535	GILLESPIE ST	PETRYLIENE RENATA
X	104	3535	GILLESPIE ST	GAUTIER VENTURES LLC
X	105	3535	GILLESPIE ST	EC ENGERGY PARTNERS LP
	106	2828	HOOD ST	HADEN VAN R
	107	2828	HOOD ST	PLAZA TURTLE CREEK IV
	108	2828	HOOD ST	DEVLIN MICHAEL &
	109	2828	HOOD ST	MINICK ROBIN
	110	2828	HOOD ST	WHITE NANCY S
	111	2828	HOOD ST	YAMINI SARA M
	112	2828	HOOD ST	JOHNSON LINDA A LIFE EST
	113	2828	HOOD ST	RISINGER DENNIS R & MELBA
	114	2828	HOOD ST	RANSOM CURTIS
	115	2828	HOOD ST	SONNENSCHEIN INVESTMENTS LTD
	116	2828	HOOD ST	CANNING MICHAEL & MINA G
	117	2828	HOOD ST	LEACH JOSEPH
	118	2828	HOOD ST	HARVEY R CHRIS &
	119	2828	HOOD ST	BAKER CHARLES DON
	120	2828	HOOD ST	SCHWENK RON R &
	121	2828	HOOD ST	PINK ELISABETH R
	122	2828	HOOD ST	BASILBAY PARTICIPATION
	123	2828	HOOD ST	MEXICAN & GOURMET INTL
	124	2828	HOOD ST	DEININGER JOHN H & MARY ELIZABETH DEININGER
	125	2828	HOOD ST	BLACKIE GARY W
	126	2828	HOOD ST	PE GLORIA ST
	127	2828	HOOD ST	CONWAY JAMES F & TARA M
	128	2828	HOOD ST	KERRANE EDWARD B &
	129	2828	HOOD ST	GARZA ARACELI

Reply	*Label #*	*Address*		*Owner*
	130	2828	HOOD ST	HAIRGROVE GERRY MEANS
	131	2828	HOOD ST	ADAMO KENNETH R
	132	2828	HOOD ST	SAFIR ANN GENE
	133	2828	HOOD ST	BOBBY MURCER 2003 TRUST B THE
	134	2828	HOOD ST	SHELTON RUSSELL & SUSAN
	135	2828	HOOD ST	HURST PAT R
	136	2828	HOOD ST	STONER MARY &
	137	2828	HOOD ST	TELLO RHONDA
	138	2828	HOOD ST	COX BARTON R & JACQUELINE R
	139	2828	HOOD ST	MINITAS COMPANY S A
	140	2828	HOOD ST	GINERIS MARC A & JEAN M
	141	2828	HOOD ST	RIZOS FAMILY PARTNERSHIP LTD
	142	2828	HOOD ST	WARD DAVID PAUL & JOYCE KAY
	143	2828	HOOD ST	PORTER JARVIS H & PAMELA
	144	2828	HOOD ST	AUFFENBERG DANIEL P REVOCABLE TRUST
	145	2828	HOOD ST	OSUAGWU CHUKWUMA J
	146	2828	HOOD ST	MCCLENAHAN JAMES M & SUSAN B
	147	2828	HOOD ST	ROBERTS WILLIAM CLIFFORD
	148	2828	HOOD ST	KUSE GARY DAVID
	149	2828	HOOD ST	HOPKINS RANDOLPH JOHN
	150	2828	HOOD ST	LOPEZ LEONARD MR
	151	2828	HOOD ST	BAUGH MARK T LIVING TRUST THE
	152	2828	HOOD ST	DAVIS CARY & CATHERINE
	153	2828	HOOD ST	SAHLIYEH HANNA F
	154	2828	HOOD ST	SPERO KATHLEEN KAY
	155	2828	HOOD ST	SILVERMAN MICHAEL RICHARD & MARY M
	156	2828	HOOD ST	HAYNES NORINE C
	157	2828	HOOD ST	TRAPP MICHAEL & POLLY
	158	2828	HOOD ST	YATES DENISE
	159	2828	HOOD ST	GOURLEY JOHN D
	160	2828	HOOD ST	MOORER REVOCABLE TRUST

Reply	*Label #*	*Address*		*Owner*
	161	2828	HOOD ST	KETTMAN JOHN R & DIANA M
	162	2828	HOOD ST	MCGARRY MICHAEL J
	163	2828	HOOD ST	BRIDWELL GINA L & TUCKER S
	164	2828	HOOD ST	GARRETT DONNA N
	165	2828	HOOD ST	ROBERTS RITA A & DEWAYNE W
	166	2828	HOOD ST	ELLIOTT MARISA
	167	2828	HOOD ST	JACOBSON G & M FAMILY TR
	168	2828	HOOD ST	DW OPERATING LLC
	169	2828	HOOD ST	ZELAZNY CHARLES L
	170	2828	HOOD ST	LUSTIG MARY LYNNE
	171	2828	HOOD ST	WISMER ANN
	172	2828	HOOD ST	CHOOLJIAN ANDREW M &
	173	2828	HOOD ST	KAROL SHARON
	174	2828	HOOD ST	REICHSTADT EMIL & SHIRLEY
	175	2828	HOOD ST	ST PE ROZALYN
	176	2828	HOOD ST	FORD JOE T &
	177	2828	HOOD ST	FAULKNER STEPHEN W &
	178	2828	HOOD ST	GILLEAN JOHN A III & MYRA M
	179	2828	HOOD ST	RVO TEXAS HOLDINGS LLC
	180	2828	HOOD ST	BACKA LOUISE PAPARELLA
	181	2828	HOOD ST	WOLIN BARTON AND JUDITH
	182	2828	HOOD ST	SIEMER MARY RITA
	183	2828	HOOD ST	BARTON THOMAS P & ANNIE A
	184	2828	HOOD ST	GARNER JESSICA WHITT
	185	2828	HOOD ST	HIGHFIELD EQUITIES INC
	186	2828	HOOD ST	MILLER RETTA A
	187	2828	HOOD ST	HOWARD CASSIE
	188	2828	HOOD ST	REVERCHON PARTNERS II LTD
	189	2828	HOOD ST	STREETER THOMAS C
	190	2828	HOOD ST	LEAKE LYNDALU H
	191	2828	HOOD ST	WHITE ROBERT WAYNE & ANNELLE BURTON

Reply	*Label #*	*Address*		*Owner*
	192	2828	HOOD ST	MCBRIDE NANCY YATES
	193	2828	HOOD ST	BEAUCHAMP ALAN & JACKIE
	194	2828	HOOD ST	ROBINSON DAVID B & REBECCA M
	195	2828	HOOD ST	2828 HOOD STREET LLC
	196	2828	HOOD ST	SPENCER WILLIAM B & SHERRY D
	197	2828	HOOD ST	MARGOLIN FRED H & ANN E
	198	2828	HOOD ST	ANDERSON ROGER & MARAGARET
	199	2828	HOOD ST	JOHNSTON CHARLES E & ELLEN T
	200	2828	HOOD ST	SHOR ALAN P & RUTH L
	201	2828	HOOD ST	HALL CRAIG & KATHRYN HALL LVG TR
	202	2828	HOOD ST	DALE RICHARD P JR
	203	2828	HOOD ST	HOLLINGSHEAD TERRY R
	204	2828	HOOD ST	DHARMAGUNARANTNE TISSA C
	205	2828	HOOD ST	LARUE JOHN H JR
	206	2828	HOOD ST	TURTLE HOME LLC
	207	2828	HOOD ST	MAUS CYNTHIA LAURA
	208	2828	HOOD ST	LARUE JOHN
	209	3225	TURTLE CREEK BLVD	SCOTT EDWARD MANAGEMENT TRUST THE
	210	3225	TURTLE CREEK BLVD	FOSTER HENSTON TRUST THE
	211	3225	TURTLE CREEK BLVD	T F W MANAGEMENT INC
	212	3225	TURTLE CREEK BLVD	COONER REBECCA
	213	3225	TURTLE CREEK BLVD	LAKEY IRENE
	214	3225	TURTLE CREEK BLVD	KIRKPATRICK EMILY A
	215	3225	TURTLE CREEK BLVD	GARCIA ADRIAN
	216	3225	TURTLE CREEK BLVD	GENTRY CHERYL A &
	217	3225	TURTLE CREEK BLVD	FAIR LAURA
	218	3225	TURTLE CREEK BLVD	BATLLE FRANCISCO J REV TR
	219	3225	TURTLE CREEK BLVD	DELGADO GLORIA TATIS &
	220	3225	TURTLE CREEK BLVD	GILBERT FRANCES M
	221	3225	TURTLE CREEK BLVD	SINCLAIR MARGARET TRUSTEE
	222	3225	TURTLE CREEK BLVD	LEWIS KIM DUKE

Reply	*Label #*	*Address*		*Owner*
	223	3225	TURTLE CREEK BLVD	MOORE RANDALL & DEBORAH
	224	3225	TURTLE CREEK BLVD	MOORE ASHLEY W
	225	3225	TURTLE CREEK BLVD	ASCERTAINABLE ASSETS LLC
	226	3225	TURTLE CREEK BLVD	ABTAHI ALLEN
	227	3225	TURTLE CREEK BLVD	GRUBBS GARY A & DONNA L
	228	3225	TURTLE CREEK BLVD	PAGANINI MARC
	229	3225	TURTLE CREEK BLVD	KHONSARI AMIR EFTEKHARI
	230	3225	TURTLE CREEK BLVD	GARCIA LEE
	231	3225	TURTLE CREEK BLVD	LIESNER DARLENE
	232	3225	TURTLE CREEK BLVD	BLAKESLEY DAVID WAYNE &
	233	3225	TURTLE CREEK BLVD	GRAF CAROL
	234	3225	TURTLE CREEK BLVD	CALDWELL ROGER & KIMBERLY S
	235	3225	TURTLE CREEK BLVD	NGUYEN HAIYEN T &
	236	3225	TURTLE CREEK BLVD	SANTIAGO SAMUEL
	237	3225	TURTLE CREEK BLVD	MCCANCE MELISSA
	238	3225	TURTLE CREEK BLVD	CHIEN NANCY K
	239	3225	TURTLE CREEK BLVD	KSNN REALTY LLC
	240	3225	TURTLE CREEK BLVD	BRISCOE SHEILA A
	241	3225	TURTLE CREEK BLVD	ADAMS ARMELIA A
	242	3225	TURTLE CREEK BLVD	GERVAIS TINA
	243	3225	TURTLE CREEK BLVD	MCCALLISTER RONALD D &
	244	3225	TURTLE CREEK BLVD	WEBB GARY L & RONDA R
	245	3225	TURTLE CREEK BLVD	HATAM ANDREW A JR
	246	3225	TURTLE CREEK BLVD	STEFKA IRIS
	247	3225	TURTLE CREEK BLVD	DREYER WILLIAM E &
	248	3225	TURTLE CREEK BLVD	FETZER MARC
	249	3225	TURTLE CREEK BLVD	JAMES GEORGE C &
	250	3225	TURTLE CREEK BLVD	HIGHTOWER MALLORY ANNE
	251	3225	TURTLE CREEK BLVD	FELD MARK B
	252	3225	TURTLE CREEK BLVD	LUTTRELL TRACY L
	253	3225	TURTLE CREEK BLVD	OWSTON CATHERINE L

Reply	*Label #*	*Address*		*Owner*
	254	3225	TURTLE CREEK BLVD	SHIRK FRANCESCA
	255	3225	TURTLE CREEK BLVD	CASADELEON SYLVIA K
	256	3225	TURTLE CREEK BLVD	FERNANDEZ DE LEON IRMA MAY
	257	3225	TURTLE CREEK BLVD	PRESTON CAPITAL INVESTMENT LLC
	258	3225	TURTLE CREEK BLVD	ANDERSON ALLAN L & KAY K
	259	3225	TURTLE CREEK BLVD	LOEBER JESSICA
	260	3225	TURTLE CREEK BLVD	NAYLOR RACHEL MARIE
	261	3225	TURTLE CREEK BLVD	KESTER RONALD C
	262	3225	TURTLE CREEK BLVD	GANTI GIRIJA &
	263	3225	TURTLE CREEK BLVD	SCHENCK ANDY W
	264	3225	TURTLE CREEK BLVD	PADLO SONDRA L
	265	3225	TURTLE CREEK BLVD	GARRIS LISA C
	266	3225	TURTLE CREEK BLVD	WINOKUR TATYANA
	267	3225	TURTLE CREEK BLVD	EQUITY TRUST CO CUSTODIAN FBO
	268	3225	TURTLE CREEK BLVD	BONE MEGAN E
	269	3225	TURTLE CREEK BLVD	BULL BRIAN W
	270	3225	TURTLE CREEK BLVD	POLURU SRINIVAS & HEATHER
	271	3225	TURTLE CREEK BLVD	JOHNSON LANCE E & DENISE M
	272	3225	TURTLE CREEK BLVD	LEIBASCHOFF GUSTAVO &
	273	3225	TURTLE CREEK BLVD	BONNEY ERIC
	274	3225	TURTLE CREEK BLVD	FORBUS SHANNON
	275	3225	TURTLE CREEK BLVD	VICTEC INTERNATIONAL LLC
	276	3225	TURTLE CREEK BLVD	CLOUGH WILLIAM J & JACQUELINE
	277	3225	TURTLE CREEK BLVD	ONEAL SHELDON
	278	3225	TURTLE CREEK BLVD	PATEL NARENDRA &
	279	3225	TURTLE CREEK BLVD	TURNER RICK
	280	3225	TURTLE CREEK BLVD	ARISTY ARISMENDY NICOLAS
	281	3225	TURTLE CREEK BLVD	HE AMANDA ZIWEI
	282	3225	TURTLE CREEK BLVD	TORRES DENNIS M &
	283	3225	TURTLE CREEK BLVD	CAI ZHUO J & XIAOHONG J CHU
	284	3225	TURTLE CREEK BLVD	YOUNG ALISHA Y

Reply	*Label #*	*Address*		*Owner*
	285	3225	TURTLE CREEK BLVD	GOODHEART MELANIE
	286	3225	TURTLE CREEK BLVD	RIOS RAYMOND & DEE ANNA E
	287	3225	TURTLE CREEK BLVD	CHUNG PAUL
	288	3225	TURTLE CREEK BLVD	CARDNEAUX CATHERINE
	289	3225	TURTLE CREEK BLVD	CROUCH J MITCHELL &
	290	3225	TURTLE CREEK BLVD	MARTIN ERIC C
	291	3225	TURTLE CREEK BLVD	TURTLE CREEK 330 LLC
	292	3225	TURTLE CREEK BLVD	YAVANZA LLC
	293	3225	TURTLE CREEK BLVD	TOLAND JANICE
	294	3225	TURTLE CREEK BLVD	STURGESS MARK
	295	3225	TURTLE CREEK BLVD	LEWIS LUCINDA J
	296	3225	TURTLE CREEK BLVD	KIM JANICE
	297	3225	TURTLE CREEK BLVD	BENOIST GLENN SR
	298	3225	TURTLE CREEK BLVD	MUNCIE DIANNA
	299	3225	TURTLE CREEK BLVD	GARDNER ELIZABETH P
	300	3225	TURTLE CREEK BLVD	RUMINKSI RICHARD K REVOCABLE
	301	3225	TURTLE CREEK BLVD	WRIGHT ALISON MARGARET
	302	3225	TURTLE CREEK BLVD	ROLIM GEVERSON
	303	3225	TURTLE CREEK BLVD	MCDERMOTT JOHN P
	304	3225	TURTLE CREEK BLVD	LEAHY DEDIE
	305	3225	TURTLE CREEK BLVD	BROOKS JOANNA
	306	3225	TURTLE CREEK BLVD	WILEMON ALAYNE
	307	3225	TURTLE CREEK BLVD	CHAUDHRY UDIT
	308	3225	TURTLE CREEK BLVD	TIPTON CHARLES
	309	3225	TURTLE CREEK BLVD	PAVLOCK TARA
	310	3225	TURTLE CREEK BLVD	RSNFL MANAGEMENT LLC
	311	3225	TURTLE CREEK BLVD	MCLEAN KATHLEEN
	312	3225	TURTLE CREEK BLVD	DEAN ASAD
	313	3225	TURTLE CREEK BLVD	SWEENEY CHARLES M & SHANNON H &
	314	3225	TURTLE CREEK BLVD	EPSHTEYN ELEONORA
	315	3225	TURTLE CREEK BLVD	LIZARRALDE ELISA MARIA

Reply	*Label #*	*Address*		*Owner*
	316	3225	TURTLE CREEK BLVD	BROOKS ANDRE &
	317	3225	TURTLE CREEK BLVD	HOPPER KELLY M
	318	3225	TURTLE CREEK BLVD	ANDERSON JEFFREY ALLEN &
	319	3225	TURTLE CREEK BLVD	SIMON MARK H
	320	3225	TURTLE CREEK BLVD	CORDERO LUIS
	321	3225	TURTLE CREEK BLVD	AIZENMAN 430 LLC
	322	3225	TURTLE CREEK BLVD	BACCHUS SHAYLA
	323	3225	TURTLE CREEK BLVD	HERNANDEZ CARLOS
	324	3225	TURTLE CREEK BLVD	ADAMS DARREN &
	325	3225	TURTLE CREEK BLVD	XIE MENG & MICHAEL A BECK
	326	3225	TURTLE CREEK BLVD	LEFEBVRE RONALD
	327	3225	TURTLE CREEK BLVD	BURNETT AMBER &
	328	3225	TURTLE CREEK BLVD	SHAIKH NAVEED &
	329	3225	TURTLE CREEK BLVD	WU ISABEL
	330	3225	TURTLE CREEK BLVD	MAEDA SONIA A
	331	3225	TURTLE CREEK BLVD	CURTSINGER ERNEST EVERETT JR
	332	3225	TURTLE CREEK BLVD	SUMMEROUR SHELLY
	333	3225	TURTLE CREEK BLVD	HIDELL TIMOTHY B &
	334	3225	TURTLE CREEK BLVD	EASTLAWN AVENUE LLC
	335	3225	TURTLE CREEK BLVD	ROPER RONDA K
	336	3225	TURTLE CREEK BLVD	NIEDERMEYER ANDREA
	337	3225	TURTLE CREEK BLVD	SONG JEONG SOON
	338	3225	TURTLE CREEK BLVD	WALKER ROSLYN A
	339	3225	TURTLE CREEK BLVD	WILBER LYN REID
	340	3225	TURTLE CREEK BLVD	LEWIS MICHAEL RAY &
	341	3225	TURTLE CREEK BLVD	SEATTLE RETURNS LLC
	342	3225	TURTLE CREEK BLVD	YANUS MARGARET
	343	3225	TURTLE CREEK BLVD	PATRICIA ELLEN LAU REV TR
	344	3225	TURTLE CREEK BLVD	BCD SINGH PROPERTIES OF PLANO LLC
	345	3225	TURTLE CREEK BLVD	REDDY JAYANTH V
	346	3225	TURTLE CREEK BLVD	MORROW KATHLEEN

Reply	*Label #*	*Address*		*Owner*
	347	3225	TURTLE CREEK BLVD	CHOY DAVID & PATRICIA L
	348	3225	TURTLE CREEK BLVD	RICO ANGEL
	349	3225	TURTLE CREEK BLVD	SIS REAL ESTATE LLC
	350	3225	TURTLE CREEK BLVD	PAUP PROPERTY MGMT LLC
	351	3225	TURTLE CREEK BLVD	COOLEY SUSAN
	352	3225	TURTLE CREEK BLVD	PANDEY RENU & SHUBHAM
	353	3225	TURTLE CREEK BLVD	WALLACE LOUISE L
	354	3225	TURTLE CREEK BLVD	KELLEY CLARENCE
	355	3225	TURTLE CREEK BLVD	GONZALES KIMBERLY SHARON &
	356	3225	TURTLE CREEK BLVD	PATIL ABHITABH
	357	3225	TURTLE CREEK BLVD	HANKINS JACK C
	358	3225	TURTLE CREEK BLVD	KARAMALLY ZAHOOR A
	359	3225	TURTLE CREEK BLVD	PINE TREE REAL ESTATE
	360	3225	TURTLE CREEK BLVD	BRYAN ROBERT E
	361	3225	TURTLE CREEK BLVD	KLS INVESTMENTS LLC
	362	3225	TURTLE CREEK BLVD	KUENZLI STEPHEN C &
	363	3225	TURTLE CREEK BLVD	ELAYDI JIHAD H
	364	3225	TURTLE CREEK BLVD	RIGNEY PAUL W
	365	3225	TURTLE CREEK BLVD	MARTINEZ MATISSE M &
	366	3225	TURTLE CREEK BLVD	HUKIC OMER & SONJA
	367	3225	TURTLE CREEK BLVD	BEACH DENNIS E
	368	3225	TURTLE CREEK BLVD	CARY STACY E
	369	3225	TURTLE CREEK BLVD	RAMEZAN FRED TR
	370	3225	TURTLE CREEK BLVD	EDGAR TROY DEAN &
	371	3225	TURTLE CREEK BLVD	NIEDERMEYER VALERY A
	372	3225	TURTLE CREEK BLVD	HU YUAN PAI
	373	3225	TURTLE CREEK BLVD	MARCHE LIVE LLC
	374	3225	TURTLE CREEK BLVD	AGUSALA MADHAVA & VASANTHA
	375	3225	TURTLE CREEK BLVD	WILMOTH DAVID D & JULIE D
	376	3225	TURTLE CREEK BLVD	PANDYA ALMA R
	377	3225	TURTLE CREEK BLVD	BALARSKY BRIAN A &

Reply	*Label #*	*Address*		*Owner*
	378	3225	TURTLE CREEK BLVD	ABBASI PARHAM
	379	3225	TURTLE CREEK BLVD	CASTAGNET GERARDO & ROSA PATRICIA
	380	3225	TURTLE CREEK BLVD	TU PENG CHU BENJAMIN
	381	3225	TURTLE CREEK BLVD	GONZALEZ JESUS J
	382	3225	TURTLE CREEK BLVD	COOK BRAD M
	383	3225	TURTLE CREEK BLVD	KERBY TROY W
	384	3225	TURTLE CREEK BLVD	HATFIELD BRYAN BENTON
	385	3225	TURTLE CREEK BLVD	VELA ALAJANDRA
	386	3225	TURTLE CREEK BLVD	AZARARYA HOLDINGS LLC
	387	3225	TURTLE CREEK BLVD	CAIN MARTIN &
	388	3225	TURTLE CREEK BLVD	ASFAQ RAHEELA
	389	3225	TURTLE CREEK BLVD	NGUYEN LAN N
	390	3225	TURTLE CREEK BLVD	HARRIS CHERYL L
	391	3225	TURTLE CREEK BLVD	MILLER JOSEPH F
	392	3225	TURTLE CREEK BLVD	EQUITY TRUST COMPANY CUSTODIAN &
	393	3225	TURTLE CREEK BLVD	MARTIN ROBERT H &
	394	3225	TURTLE CREEK BLVD	CLINTON RONALD DALE & SUSAN K
	395	3225	TURTLE CREEK BLVD	SHERRY JAMES TODD & CHRISTINE LYNN
	396	3225	TURTLE CREEK BLVD	KLS INVESTMENTS
	397	3225	TURTLE CREEK BLVD	MCKENNETT MICHELLE D
	398	3225	TURTLE CREEK BLVD	MYUNG ROE & AHRIM
	399	3225	TURTLE CREEK BLVD	GANESH CHAT P & LALITHA
	400	3225	TURTLE CREEK BLVD	CATALANI ALLISON
	401	3225	TURTLE CREEK BLVD	R & B REAL ESTATE PROPERTIES LLC
	402	3225	TURTLE CREEK BLVD	SCHMIDT FAMILY TRUST
	403	3225	TURTLE CREEK BLVD	SWEENEY DAN & RENEE
	404	3225	TURTLE CREEK BLVD	DOULCET FELICIE T
	405	3225	TURTLE CREEK BLVD	STAGGS WILLIAM F JR
	406	3225	TURTLE CREEK BLVD	KENNEDY LESLIE A
	407	3225	TURTLE CREEK BLVD	CORBIN FAMILY REVOCABLE TRUST
	408	3225	TURTLE CREEK BLVD	BABA RP1 LLC

Reply	*Label #*	*Address*		*Owner*
	409	3225	TURTLE CREEK BLVD	TRACY LYNDA P
	410	3225	TURTLE CREEK BLVD	MOGHADAM ALI
	411	3225	TURTLE CREEK BLVD	GLICK HOWARD
	412	3225	TURTLE CREEK BLVD	LIGHTWALA TASNEEM &
	413	3225	TURTLE CREEK BLVD	XU JING & YING
	414	3225	TURTLE CREEK BLVD	HADAVAND REZA
	415	3225	TURTLE CREEK BLVD	PATEL MITESH
	416	3225	TURTLE CREEK BLVD	LEPP JANICE
	417	3225	TURTLE CREEK BLVD	VUKOVICH DEBORAH J
	418	3225	TURTLE CREEK BLVD	PELOSOF LORRAINE C
	419	3225	TURTLE CREEK BLVD	ITANI OMAR &
	420	3225	TURTLE CREEK BLVD	MONETTE MEGAN MICHELLE
	421	3225	TURTLE CREEK BLVD	SREEWASTAV KIRAN
	422	3225	TURTLE CREEK BLVD	MILAM ADAM
	423	3225	TURTLE CREEK BLVD	HESTIA REAL ESTATE
	424	3225	TURTLE CREEK BLVD	GERALD ROBERT E
	425	3225	TURTLE CREEK BLVD	CANTU CHRISTOPHER J
	426	3225	TURTLE CREEK BLVD	STEVENS TYLER C
	427	3225	TURTLE CREEK BLVD	MOORE GARRETT M
	428	3225	TURTLE CREEK BLVD	LESNIEWSKI LORI A
	429	3225	TURTLE CREEK BLVD	BARNEY FRED O JR &
	430	3225	TURTLE CREEK BLVD	LONNGREN KENT STEFAN
	431	3225	TURTLE CREEK BLVD	WIRTNER ANDREW GREGORY
	432	3225	TURTLE CREEK BLVD	HUKIC OMER & SONJA
	433	3225	TURTLE CREEK BLVD	HENNEBERG WILLIAM H III
	434	3225	TURTLE CREEK BLVD	ENDRES JACK R & MARY K
	435	3225	TURTLE CREEK BLVD	HABEEB ROBERT A
	436	3225	TURTLE CREEK BLVD	AUSTIN KILEY & DREW
	437	3225	TURTLE CREEK BLVD	SNN 15 HOLDINGS LLC
	438	3225	TURTLE CREEK BLVD	MURPHY GARY
	439	3225	TURTLE CREEK BLVD	MARASLIOGLU SAHIN & DIKRANUHI

Reply	*Label #*	*Address*		*Owner*
	440	3225	TURTLE CREEK BLVD	SAPITSKY JACOBA R
	441	3225	TURTLE CREEK BLVD	AMSTEIN MICHAEL B & CYNTHIA B
	442	3225	TURTLE CREEK BLVD	STRONG JENNIFER M &
	443	3225	TURTLE CREEK BLVD	ENGLAND JULIE S & ROBERT W
	444	3225	TURTLE CREEK BLVD	BAHRAMNEJAD RAMIN &
	445	3225	TURTLE CREEK BLVD	DIBBLE LARRY
	446	3225	TURTLE CREEK BLVD	KOVAL JOHN & LAURA
	447	3225	TURTLE CREEK BLVD	EED ALIA
	448	3225	TURTLE CREEK BLVD	LEE VIVIAN S
	449	3225	TURTLE CREEK BLVD	DURKAN MARTIN
	450	3225	TURTLE CREEK BLVD	CHAMBERS LINDA SUSAN
	451	3225	TURTLE CREEK BLVD	DUKKIPATI SAIRAM PRASAD &
	452	3225	TURTLE CREEK BLVD	DUNCAN JOHN M &
	453	3225	TURTLE CREEK BLVD	MOSTAFAIE ALIREZA
	454	3225	TURTLE CREEK BLVD	KARLOCK KENDRA
	455	3225	TURTLE CREEK BLVD	WALLS DAVID & JANA
	456	3225	TURTLE CREEK BLVD	SIMIC MARIO
	457	3225	TURTLE CREEK BLVD	ZARBINIAN MAXINE
	458	3225	TURTLE CREEK BLVD	LUCIO JESSE & ERICK L
	459	3225	TURTLE CREEK BLVD	KUSTOFF JULIE
	460	3225	TURTLE CREEK BLVD	GRIFFITH CARROLL P JR 2011 TR &
	461	3225	TURTLE CREEK BLVD	FAIR ROGERS P JR
	462	3225	TURTLE CREEK BLVD	MAMLOUK RANIA
	463	3225	TURTLE CREEK BLVD	YOUNG MARK D
	464	3225	TURTLE CREEK BLVD	LESLEY PEGGY
	465	3225	TURTLE CREEK BLVD	CHEEMA ROOHI
	466	3225	TURTLE CREEK BLVD	MADANI RAMTIN
	467	3225	TURTLE CREEK BLVD	PANNEERSELVAM ISHWARIAH
	468	3225	TURTLE CREEK BLVD	SCHMIDT JARRET
	469	3225	TURTLE CREEK BLVD	GOPAL AKILAN
	470	3225	TURTLE CREEK BLVD	MARTINEZ FRANCISCO JAVIER C

Reply	*Label #*	*Address*		*Owner*
	471	3225	TURTLE CREEK BLVD	CAMPBELL THOMAS MICHAEL &
	472	3225	TURTLE CREEK BLVD	SAUER GARY L & CLAUDIA M
	473	3225	TURTLE CREEK BLVD	GONZALEZ INGRID
	474	3225	TURTLE CREEK BLVD	WARMINGTON MARIA C
	475	3225	TURTLE CREEK BLVD	BROWNFIELD GARY
	476	3225	TURTLE CREEK BLVD	RUSSELL KIMMIE LLC
	477	3225	TURTLE CREEK BLVD	SHAHINPOUR SHAHRAM &
	478	3225	TURTLE CREEK BLVD	SHAFFER DIANA L
	479	3225	TURTLE CREEK BLVD	KAMALI BEHNOOSH
	480	3225	TURTLE CREEK BLVD	BASHIROVA ULVIYYA
	481	3225	TURTLE CREEK BLVD	KORAB JEANETTE
	482	3225	TURTLE CREEK BLVD	LAAKE JARED A &
	483	3225	TURTLE CREEK BLVD	RUTHERFORD AL F
	484	3225	TURTLE CREEK BLVD	REECE BOBBY N
	485	3225	TURTLE CREEK BLVD	SNOVER BURT ALLEN
	486	3225	TURTLE CREEK BLVD	KIM EUNSUP
	487	3225	TURTLE CREEK BLVD	LI SANDRA
	488	3225	TURTLE CREEK BLVD	DOWD SEAN
	489	3225	TURTLE CREEK BLVD	EDWARDS WILLIAM B & RHONDA M
	490	3225	TURTLE CREEK BLVD	LOPEZ CARLOS JR & LAURIE A
	491	3225	TURTLE CREEK BLVD	WITMER SCOTT TUAN
	492	3225	TURTLE CREEK BLVD	MITTLEMAN KIMI
	493	3225	TURTLE CREEK BLVD	RICHARDS-CARTY CHERRI J
	494	3225	TURTLE CREEK BLVD	HOUARI SAMMY & MARWAN I
	495	3225	TURTLE CREEK BLVD	AGUILAR ESTEBAN
	496	3225	TURTLE CREEK BLVD	EVSEEV EKATERINA V & PETER E
	497	3225	TURTLE CREEK BLVD	CHAO LIN
	498	3225	TURTLE CREEK BLVD	CANTON MICHAEL
	499	3225	TURTLE CREEK BLVD	HUANG LEO Z & LISA LAU
	500	3225	TURTLE CREEK BLVD	SMITH MEREDITH C
	501	3225	TURTLE CREEK BLVD	NVK PPTIES LLC

Reply	*Label #*	*Address*		*Owner*
	502	3225	TURTLE CREEK BLVD	WALSER CHRIS
	503	3225	TURTLE CREEK BLVD	SPERO KIMBERLY
	504	3225	TURTLE CREEK BLVD	LANKA MURALI KRISHNA
	505	3225	TURTLE CREEK BLVD	MANCINI MASSIMO G
	506	3225	TURTLE CREEK BLVD	HARTMAN ISRAEL A & FANNY K
	507	3225	TURTLE CREEK BLVD	RAUPP MAGDALA
	508	3225	TURTLE CREEK BLVD	DONOVAN GEORGE J III
	509	3225	TURTLE CREEK BLVD	GIAP FANTINE
	510	3225	TURTLE CREEK BLVD	CHAN CHUN
	511	3225	TURTLE CREEK BLVD	MIRASOL ESTRELLA & REYNALDO
	512	3225	TURTLE CREEK BLVD	RUBLE EILEEN M
	513	3225	TURTLE CREEK BLVD	ZHANG VIVI
	514	3225	TURTLE CREEK BLVD	MULLINS MEGAN DANIELA
	515	3225	TURTLE CREEK BLVD	MASSARE JORGE &
	516	3225	TURTLE CREEK BLVD	COONS ROBERT A &
	517	3225	TURTLE CREEK BLVD	DAGHIGHI KIAN M
	518	3225	TURTLE CREEK BLVD	HOAGLAND JOHN H III TRUST 2016
	519	3225	TURTLE CREEK BLVD	JONES ANN LUTZ
	520	3225	TURTLE CREEK BLVD	ZARBINIAN SEDA
	521	3225	TURTLE CREEK BLVD	RVRK CONSULTING LLC
	522	3225	TURTLE CREEK BLVD	FANG SUE
	523	3225	TURTLE CREEK BLVD	BARBER JAMES
	524	3225	TURTLE CREEK BLVD	MARCHE LIVING LLC
	525	3225	TURTLE CREEK BLVD	FEIKEMA JOHN & DAWN
	526	3225	TURTLE CREEK BLVD	BAGHERI BEHROUZ
	527	3225	TURTLE CREEK BLVD	CLIFTON RICHARD BRENT
	528	3225	TURTLE CREEK BLVD	FEDOCK RICHARD NICHOLAS & CAROLE CURRY
	529	3225	TURTLE CREEK BLVD	DUFFY PAMELA C
	530	3225	TURTLE CREEK BLVD	MESSENGER CLYDE J IV & YAIMA Q
	531	3225	TURTLE CREEK BLVD	VRLA KELLI
	532	3225	TURTLE CREEK BLVD	ABRAHAM CHARLES T

Reply	*Label #*	*Address*		*Owner*
	533	3225	TURTLE CREEK BLVD	DAI CHENGHUA
	534	3225	TURTLE CREEK BLVD	PINE TREE REAL E INV INC
	535	3225	TURTLE CREEK BLVD	MASROUR SHAMIN
	536	3225	TURTLE CREEK BLVD	SHASTRI SHANI
	537	3225	TURTLE CREEK BLVD	GENTRY NEWMAN FRANKLIN
	538	3225	TURTLE CREEK BLVD	THAMM MARY C & RICK W
	539	3225	TURTLE CREEK BLVD	KASMI AZEDDINE
	540	3225	TURTLE CREEK BLVD	GERMANWALA SAMIR V &
	541	3225	TURTLE CREEK BLVD	DAVIS ALLISON E
	542	3225	TURTLE CREEK BLVD	DAY WILLIAM D & KAREN M
	543	3225	TURTLE CREEK BLVD	FRIEDMAN JACQUELINE
	544	3225	TURTLE CREEK BLVD	PADMANABAN ANAND K &
	545	3225	TURTLE CREEK BLVD	MARTINEZ JAIME A & LESLIE N
	546	3225	TURTLE CREEK BLVD	LEBLEBICIOGLU ASLI
	547	3225	TURTLE CREEK BLVD	NOURANI MEHRDAD
	548	3225	TURTLE CREEK BLVD	KING MICHAEL G
	549	3225	TURTLE CREEK BLVD	REZNIK YAIR
	550	3225	TURTLE CREEK BLVD	BOYKIN MICHAEL
	551	3225	TURTLE CREEK BLVD	SHI BING
	552	3225	TURTLE CREEK BLVD	PERRY SHIRLEY LOUISE JOHNSON
	553	3225	TURTLE CREEK BLVD	ABUD ANGELICA & MANUEL
	554	3225	TURTLE CREEK BLVD	CORNELL DOUGLAS T &
	555	3225	TURTLE CREEK BLVD	CHURCH MICHAEL F
	556	3225	TURTLE CREEK BLVD	WILSON JAY L &
	557	3225	TURTLE CREEK BLVD	HEAD KEITH L &
	558	3225	TURTLE CREEK BLVD	BURHANS STANLEY D
	559	3225	TURTLE CREEK BLVD	REDDY JAYAPRAKASH N & JYOTHI J
	560	3225	TURTLE CREEK BLVD	PRSAD ROY H & SATOE SOGA
	561	3225	TURTLE CREEK BLVD	DASH RANGADHAR
	562	3225	TURTLE CREEK BLVD	PUWETO LLC
	563	3225	TURTLE CREEK BLVD	MANNING ADAM

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	564	3225	TURTLE CREEK BLVD	BRISBIN ANDREW &
	565	3225	TURTLE CREEK BLVD	MADNANI KUNAL M
	566	3225	TURTLE CREEK BLVD	MOOSCHEKIAN TERRY TR &
	567	3225	TURTLE CREEK BLVD	GRASSO RANDALL & LISA
	568	3225	TURTLE CREEK BLVD	GIRALDO HERNAN F
	569	3225	TURTLE CREEK BLVD	WALLS DAVID
	570	3225	TURTLE CREEK BLVD	VIDAKOVIC ROBERT L
	571	3225	TURTLE CREEK BLVD	JU MICHELLE RAYU
	572	3225	TURTLE CREEK BLVD	CAUDELL CHRISTINA C
	573	3225	TURTLE CREEK BLVD	TAN FANGYUN
	574	3225	TURTLE CREEK BLVD	PEYROVI LILLY
	575	3225	TURTLE CREEK BLVD	PHILLIPS KERRI L
	576	3225	TURTLE CREEK BLVD	SAMEI ROZITA &
	577	3225	TURTLE CREEK BLVD	GRESHAM ANN
	578	3225	TURTLE CREEK BLVD	HILL MARILYN K
	579	3225	TURTLE CREEK BLVD	DAVID SIKORA FAMILY TRUST
	580	3225	TURTLE CREEK BLVD	CORTEZ GLORIA J
	581	3225	TURTLE CREEK BLVD	ORTIZ LUIS A
	582	3225	TURTLE CREEK BLVD	KLS INVESTMENTS LLC
	583	3225	TURTLE CREEK BLVD	ROSE JAMES E
	584	3225	TURTLE CREEK BLVD	SCHWER CRAIG M
	585	3225	TURTLE CREEK BLVD	SHAHRESTANI FRANK & SEAN
	586	3225	TURTLE CREEK BLVD	TARTIBI MOHSEN & HANA
	587	3225	TURTLE CREEK BLVD	JHANGIANI NARAIN & LALITA
	588	3225	TURTLE CREEK BLVD	DEERING PAULA G
	589	3225	TURTLE CREEK BLVD	GARZA DAVID SEPULVEDA
	590	3225	TURTLE CREEK BLVD	AKIVA RONEN & MICHAEL B
	591	3225	TURTLE CREEK BLVD	MENDOZA GONZALO A BAEZ
	592	3225	TURTLE CREEK BLVD	BAHIRWANI RANJEETA
	593	3225	TURTLE CREEK BLVD	JL PPTY INV LLC JL TURTLE CREEK SERIES
	594	3225	TURTLE CREEK BLVD	HOPPER KELLY

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	595	3225	TURTLE CREEK BLVD	KARLOCK KENDRA
	596	3225	TURTLE CREEK BLVD	PEREZ ROBERTO
	597	3225	TURTLE CREEK BLVD	KOWALSKI ELIZABETH
	598	3225	TURTLE CREEK BLVD	WONG KRISTIN
	599	3225	TURTLE CREEK BLVD	MAGUIRE BARBARA A & LAMBERT
	600	3225	TURTLE CREEK BLVD	MCQUATTERS ARIEL E
	601	3225	TURTLE CREEK BLVD	ABOLMAALI SEYED
	602	3225	TURTLE CREEK BLVD	KEENAN MATTHEW JOHN
	603	3225	TURTLE CREEK BLVD	BUISIER SALEH
	604	3225	TURTLE CREEK BLVD	BALL LESLIE &
	605	3225	TURTLE CREEK BLVD	HOPKINS TIMOTHY
	606	3225	TURTLE CREEK BLVD	PAUP PROPERTY MANAGEMENT LLC
	607	3225	TURTLE CREEK BLVD	KARIMI MANDY
	608	3225	TURTLE CREEK BLVD	HEIDE JACQUELINE
	609	3225	TURTLE CREEK BLVD	CONSTANTINE SAMI
	610	3225	TURTLE CREEK BLVD	PAUP PROPERTY MANAGEMENT LLC
	611	3225	TURTLE CREEK BLVD	ESQUEDA ADA L
	612	3225	TURTLE CREEK BLVD	SALIM NASIM
	613	3225	TURTLE CREEK BLVD	MINITEXAS LLC
	614	3225	TURTLE CREEK BLVD	CHARAN RAM
	615	3225	TURTLE CREEK BLVD	NASH MARIANNE E
	616	3225	TURTLE CREEK BLVD	KING DANIEL
	617	3225	TURTLE CREEK BLVD	FREY CARL
	618	3225	TURTLE CREEK BLVD	WARE KENYA &
	619	3225	TURTLE CREEK BLVD	BROWN KIM CHA & VERNON
	620	3225	TURTLE CREEK BLVD	WHITWORTH LINA & BRIAN
	621	3225	TURTLE CREEK BLVD	AMADOR MARISOL
	622	3225	TURTLE CREEK BLVD	CASTLES JAMES B &
	623	3225	TURTLE CREEK BLVD	HUNG JLANHSIUNG &
	624	3225	TURTLE CREEK BLVD	MCCRARY KRISTIE K
	625	3225	TURTLE CREEK BLVD	ZHANG GUANG

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	626	3225	TURTLE CREEK BLVD	SEATTLE RETURNS LLC
	627	3225	TURTLE CREEK BLVD	KLS INVESTMENTS LLC
	628	3225	TURTLE CREEK BLVD	RICHARDSCARTY CHERRI J
	629	3225	TURTLE CREEK BLVD	KOBLER CHRISTOPHER
	630	3225	TURTLE CREEK BLVD	MODY ALKA
	631	3225	TURTLE CREEK BLVD	KESSLER TIMOTHY
	632	3225	TURTLE CREEK BLVD	ADAMS JENNY DIAN &
	633	3225	TURTLE CREEK BLVD	BISMAR HISHAM & DIMA
	634	3225	TURTLE CREEK BLVD	KEARNS THOMAS V
	635	3225	TURTLE CREEK BLVD	MACHON ED &
	636	3225	TURTLE CREEK BLVD	MORGAN MARK G
	637	3225	TURTLE CREEK BLVD	KUCERA DOUGLAS &
	638	3225	TURTLE CREEK BLVD	SIEBER JOHN
	639	3225	TURTLE CREEK BLVD	IVEY EDWARD J JR
	640	3225	TURTLE CREEK BLVD	MANDAVA PREM K
	641	3225	TURTLE CREEK BLVD	MCDANIEL LISA K
	642	3225	TURTLE CREEK BLVD	NASTRI ANDREW &
	643	3225	TURTLE CREEK BLVD	BARTUS DAVID
	644	3225	TURTLE CREEK BLVD	GAGNET UNKEFER CORRINE
	645	3225	TURTLE CREEK BLVD	BROWN VICTORIA REBECCA
	646	3225	TURTLE CREEK BLVD	CANNATA JAMES
	647	3225	TURTLE CREEK BLVD	AHMED MOHAMMED SAIFUDDIN
	648	3225	TURTLE CREEK BLVD	MOSS ANDRELYN C &
	649	3225	TURTLE CREEK BLVD	SANKALIA JAINAN
	650	3225	TURTLE CREEK BLVD	RAMSEY JEFFERY &
	651	3225	TURTLE CREEK BLVD	MURRAY NATALIE TRUSTEE
	652	3225	TURTLE CREEK BLVD	TEAGUE TRAVIS M
	653	3225	TURTLE CREEK BLVD	INGMAN ROBERT MITCHELL
	654	3225	TURTLE CREEK BLVD	VILLARREAL RAUL ROJAS &
	655	3225	TURTLE CREEK BLVD	FOGLER JASON C
	656	3225	TURTLE CREEK BLVD	MANCHANDA KSHITIJ &

Reply	*Label #*	*Address*		*Owner*
	657	3225	TURTLE CREEK BLVD	FREESE JAMES
	658	3225	TURTLE CREEK BLVD	WHEAT TRAVIS & ERICA
	659	3225	TURTLE CREEK BLVD	HARBER SHAWN T
	660	3225	TURTLE CREEK BLVD	MASROUR FARBOD
	661	3225	TURTLE CREEK BLVD	REZAI JOHN &
	662	3225	TURTLE CREEK BLVD	ZHAO ROBIN M &
	663	3225	TURTLE CREEK BLVD	DEFURIA LINDA M
	664	3225	TURTLE CREEK BLVD	ZHANG GUANG
	665	3225	TURTLE CREEK BLVD	TURTLE CREEK 3223 1438 LAND TRUST
	666	3225	TURTLE CREEK BLVD	POWELL BRETT W
	667	3225	TURTLE CREEK BLVD	LIU ENCHI & PIN YUAN WANG
	668	3225	TURTLE CREEK BLVD	KING IVORY L
	669	3225	TURTLE CREEK BLVD	RUSSELL STEPHEN & MELANY
	670	3225	TURTLE CREEK BLVD	MULLENS DAVID B JR & JUDITH L
	671	3225	TURTLE CREEK BLVD	DERINGER MATTHEW ROBERT
	672	3225	TURTLE CREEK BLVD	PATEL RAJESH
	673	3225	TURTLE CREEK BLVD	LARSON MARK & FAYE LARSON
	674	3225	TURTLE CREEK BLVD	CAMPBELL JIM L
	675	3225	TURTLE CREEK BLVD	MELTON BENJAMIN CORD
	676	3225	TURTLE CREEK BLVD	CHINDHY SHAHZAD A
	677	3225	TURTLE CREEK BLVD	YAZDANI MAHMOUD MAGHSOUD &
	678	3225	TURTLE CREEK BLVD	HERBST PAUL & LORI
	679	3225	TURTLE CREEK BLVD	CHAYKOVSKA VALERIYA
	680	3225	TURTLE CREEK BLVD	OSUAGWU CHUKWUMA J
	681	3225	TURTLE CREEK BLVD	SULLIVAN PATRICK
	682	3225	TURTLE CREEK BLVD	KRALIS LESLEY E
	683	3225	TURTLE CREEK BLVD	CRONK M ESTELLE TRUST OF 2010
	684	3225	TURTLE CREEK BLVD	JANKIRAMAN PAVAN
	685	3225	TURTLE CREEK BLVD	CHANG TERESA ALLISON
	686	3225	TURTLE CREEK BLVD	LANKA INDIRA &
	687	3225	TURTLE CREEK BLVD	TAN FANGYUN

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	688	3225	TURTLE CREEK BLVD	LANKA SURYA PRAKASH &
	689	3225	TURTLE CREEK BLVD	COFFEY ELIZABETH M
	690	3225	TURTLE CREEK BLVD	SUGIURA YOSHIE
	691	3225	TURTLE CREEK BLVD	DODDAPANENI YESASWI
	692	3225	TURTLE CREEK BLVD	NAIR CKP & SYAMALA C
	693	3225	TURTLE CREEK BLVD	PATEL PIYUSH K & MINA P
	694	3225	TURTLE CREEK BLVD	SAKS KATHRINE TORY &
	695	3225	TURTLE CREEK BLVD	BINFORD OSWALD &
	696	3225	TURTLE CREEK BLVD	VELASQUEZ JOSE
	697	3225	TURTLE CREEK BLVD	DESAI PRAVIN & ARATI
	698	3225	TURTLE CREEK BLVD	PATEL SHITAL J & SUKETU KAUSHIK
	699	3225	TURTLE CREEK BLVD	NEAL ELLIOTT
	700	3225	TURTLE CREEK BLVD	LACARRA ADRIANNA
	701	3225	TURTLE CREEK BLVD	RAMIREZ CINDY
	702	3225	TURTLE CREEK BLVD	ZHANG GUANG
	703	3225	TURTLE CREEK BLVD	SOM SOLINA
	704	3225	TURTLE CREEK BLVD	STARR NIKKI
	705	3225	TURTLE CREEK BLVD	MASCOLO EMMANUELLA
	706	3225	TURTLE CREEK BLVD	VELASQUEZ RUBEN II
	707	3225	TURTLE CREEK BLVD	WENNO HILDA
	708	3225	TURTLE CREEK BLVD	SPENCER JOSHUA L
	709	3225	TURTLE CREEK BLVD	KOGAN ALLAN J
	710	3225	TURTLE CREEK BLVD	CHATTERJEE PALLAB & MITA
	711	3225	TURTLE CREEK BLVD	DONOFRIO SAMANTHA
	712	3225	TURTLE CREEK BLVD	LIDJI MYRIAM B
	713	3225	TURTLE CREEK BLVD	ZAKHOUR BASSAM
	714	3225	TURTLE CREEK BLVD	COOGAN JOHN J JR & MARY ELLEN
	715	3225	TURTLE CREEK BLVD	DAO VU A & KIM LANG
	716	3225	TURTLE CREEK BLVD	WATSON STEPHEN TRAGER
	717	3225	TURTLE CREEK BLVD	MOGHADAM ALI
	718	3225	TURTLE CREEK BLVD	ALLEN DANDRIC E

Reply	*Label #*	*Address*		*Owner*
	719	3225	TURTLE CREEK BLVD	MATTHEWS STEVEN KEITH & JUDY G
	720	3225	TURTLE CREEK BLVD	EIREW AARON
	721	3225	TURTLE CREEK BLVD	BRUCHMILLER BOYD & LUSHILE
	722	3225	TURTLE CREEK BLVD	SOUCHAK JASON P
	723	3225	TURTLE CREEK BLVD	AHMED MAHRIN
	724	3225	TURTLE CREEK BLVD	LANKA INDIRA
	725	3225	TURTLE CREEK BLVD	WU GEORGE & XUNZHI JENNIFER
	726	3225	TURTLE CREEK BLVD	PAVIA FAMILY TRUST
	727	3225	TURTLE CREEK BLVD	BARDIN ALLISON C & ANDREW
	728	3225	TURTLE CREEK BLVD	POWERS DANIEL D
	729	3225	TURTLE CREEK BLVD	MOORE TIMOTHY J & PAMELA M
	730	3225	TURTLE CREEK BLVD	FANCHER TIFFANY
	731	3225	TURTLE CREEK BLVD	PATEL KAMAL V
	732	3225	TURTLE CREEK BLVD	DIJOSEPH JOHN
	733	3225	TURTLE CREEK BLVD	PUERESCHITZ MARKUS &
	734	3225	TURTLE CREEK BLVD	DUNCAN JOHN MICHAEL &
	735	3225	TURTLE CREEK BLVD	WETTREICH DANNY
	736	3225	TURTLE CREEK BLVD	LANKA INDIRA &
	737	3225	TURTLE CREEK BLVD	LEPP JANICE
	738	3225	TURTLE CREEK BLVD	NAZIFPOUR SHAYDA & SHAHAB
	739	3225	TURTLE CREEK BLVD	MASOUMALIZADEH MAHIN &
	740	3225	TURTLE CREEK BLVD	BAEK STEVEN A
	741	3225	TURTLE CREEK BLVD	ROZENZVIG YEHIEL
	742	3225	TURTLE CREEK BLVD	PATEL DHARMESH
	743	3225	TURTLE CREEK BLVD	FREEMAN RACHEL OLIVIA
	744	3225	TURTLE CREEK BLVD	KELLETT RICHARD D
	745	3225	TURTLE CREEK BLVD	MAH JEFFERY
	746	3225	TURTLE CREEK BLVD	DUFFY MARY B
	747	3225	TURTLE CREEK BLVD	PHAM LAN D
	748	3225	TURTLE CREEK BLVD	DILDAY ELIZABETH A
	749	3225	TURTLE CREEK BLVD	RSNFL LLC

Reply	*Label #*	*Address*		*Owner*
	750	3225	TURTLE CREEK BLVD	EMER SCOTT J
	751	3225	TURTLE CREEK BLVD	AN JADHAVJI INVESTMENTS
	752	3225	TURTLE CREEK BLVD	HUNTER REBECCA BATES
	753	3225	TURTLE CREEK BLVD	KAMPINE JOHN M &
	754	3225	TURTLE CREEK BLVD	BONILLA EVA
	755	3225	TURTLE CREEK BLVD	RANDEL SUSAN B
	756	3225	TURTLE CREEK BLVD	CELLI ROBERT MICHAEL
	757	3225	TURTLE CREEK BLVD	CAUTHEN DON & JULIA
	758	3225	TURTLE CREEK BLVD	BLAKE NINA CERVANTES
	759	3225	TURTLE CREEK BLVD	WATTS JANET L
	760	3225	TURTLE CREEK BLVD	RIZK AMINE
	761	3225	TURTLE CREEK BLVD	DOYLE TIMOTHY B &
	762	3225	TURTLE CREEK BLVD	GREEN JIMMY
	763	3225	TURTLE CREEK BLVD	KHANBEIGI MANOOCH & ANNIE
	764	3225	TURTLE CREEK BLVD	BLACKLEDGE LAWRENCE A
	765	3225	TURTLE CREEK BLVD	LEE BILL G
	766	3225	TURTLE CREEK BLVD	MARTINEZ FAUSTINA
	767	3225	TURTLE CREEK BLVD	AKIN MARK & DEBI AKIN
	768	3225	TURTLE CREEK BLVD	SEEBERGER JOAN P
	769	3225	TURTLE CREEK BLVD	BOWLES NEAL A
	770	3225	TURTLE CREEK BLVD	MINTZ MARTIN L
	771	3225	TURTLE CREEK BLVD	STINSON JANET LYNN
	772	3225	TURTLE CREEK BLVD	DEBLANK ANNE B
	773	3225	TURTLE CREEK BLVD	GUREVITZ JENNIFER REV TR
	774	3225	TURTLE CREEK BLVD	SPIES RONALD & CHERI
	775	3225	TURTLE CREEK BLVD	BLOOM ROBERT A
	776	3225	TURTLE CREEK BLVD	SALAS CARLOS G
	777	3225	TURTLE CREEK BLVD	BLAS RENATA & EDUARDO
	778	3225	TURTLE CREEK BLVD	HERNANDEZ ELISA C
	779	3225	TURTLE CREEK BLVD	BINFORD OSWALD S &
	780	3225	TURTLE CREEK BLVD	DUNDON KENNETH J

Reply	*Label #*	*Address*		*Owner*
	781	3225	TURTLE CREEK BLVD	PANCHASARP VANEE &
	782	3225	TURTLE CREEK BLVD	STEIN GIFFORD P & SHARON
	783	3225	TURTLE CREEK BLVD	RUGWANI RAJIV M &
	784	3225	TURTLE CREEK BLVD	REDDY SONYA D
	785	3225	TURTLE CREEK BLVD	BURGIO DONALD A
	786	3225	TURTLE CREEK BLVD	DELBAGNO JOHN B TR &
	787	3225	TURTLE CREEK BLVD	ROOZROKH MICHAEL
	788	3225	TURTLE CREEK BLVD	ZAKHOUR KAMIL
	789	3225	TURTLE CREEK BLVD	LAU ANDRES G
	790	3225	TURTLE CREEK BLVD	STRONG JAMES II & LESLIE KAY
	791	3225	TURTLE CREEK BLVD	BENAHARON SOL
	792	3225	TURTLE CREEK BLVD	BURGIO DONALD A
	793	3225	TURTLE CREEK BLVD	ALKAYED RIYAD
	794	3225	TURTLE CREEK BLVD	MATHER MATTHEW JAMES
	795	3225	TURTLE CREEK BLVD	DOYLE TIMOTHY BRIAN &
	796	3225	TURTLE CREEK BLVD	ROBINSON DAVID & JULIE GARDES
	797	3225	TURTLE CREEK BLVD	MROZ MELANIE
	798	3225	TURTLE CREEK BLVD	RENAISSANCE ON TURTLE CREEK
	799	3225	TURTLE CREEK BLVD	THE RENAISSANCE ON TURTLE CREEK
O	A1	3131	TURTLE CREEK BLVD	STRS OHIO TX REAL ESTATE
O	A2	3502	GILLESPIE ST	SALE STREET PROPERTIES LLC
O	A3	3511	DICKASON AVE	LENTZ HAROLD CALVIN III
O	A4	2916	SALE ST	LENNOX JOEL
O	A5	3500	DICKASON AVE	SALE STREET HOMEOWNERS AS
O	A6	2913	SALE ST	LENNOX EDWARD & LISA
O	A7	3508	GILLESPIE ST	LENNOX EDWARD & LISA
O	A8	3510	GILLESPIE ST	LENNOX EDWARD & LISA
O	A9	3512	GILLESPIE ST	LENNOX EDWARD & LISA
O	A10	3514	GILLESPIE ST	LENNOX EDWARD & LISA
O	A11	3516	GILLESPIE ST	LENNOX EDWARD & LISA
O	A12	3424	GILLESPIE ST	PUIG A WINSTON

03/06/2019

Reply	*Label #*	*Address*		*Owner*
O	A13	2911	TURTLE CREEK BLVD	PIEDMONT PARK PLACE LP
O	A14	3427	CEDAR SPRINGS RD	TR GALLERY TURTLE CREEK CORP
O	A15	3435	CEDAR SPRINGS RD	TR GALLERY TURTLE CREEK CORP
X	A16	2821	TURTLE CREEK BLVD	MANSION HOTEL LLC
O	A17	3424	GILLESPIE ST	PUIG A WINSTON

Agenda Information Sheet

File #: 19-460 **Item #:** 67.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District with Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service, on the east side of Greenville Avenue, south of Prospect Avenue
Recommendation of Staff: Approval for a two-year period, subject to a site plan and staff's recommended conditions
Recommendation of CPC: Approval for a one-year period, subject to a site plan and conditions
Z189-150(JM)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z189-150(JM)	**DATE FILED:**	December 11, 2018
LOCATION:	East side of Greenville Avenue, south of Prospect Avenue		
COUNCIL DISTRICT:	14	**MAPSCO:**	I 8
SIZE OF REQUEST:	±22,204 square feet	**CENSUS TRACT:**	10.02

APPLICANT: Tacos Mariachi, LLC

OWNER: Lavo Properties, LLC

REPRESENTATIVE: Rob Baldwin, Baldwin and Associates

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District with Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service.

SUMMARY: The applicant proposes to operate a restaurant [Tacos Mariachi] after midnight.

CPC RECOMMENDATION: **Approval** for a one-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and staff's recommended conditions.

BACKGROUND INFORMATION:

- On January 26, 2011, the City Council approved Planned Development District No. 842 for Community Retail District uses.

- On December 13, 2017, City Council granted Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service [Gung Ho], for a one-year time period. This is a different restaurant within the multitenant building. On November 14, 2018, the SUP was renewed for a one-year time period. The SUP will expire on November 14, 2019.

- The site contains five suites. The purpose of this request is to operate a restaurant without drive-in or drive-through service [Tacos Mariachi] past midnight. The restaurant without drive-in or drive-through service use is allowed by right; however, pursuant to the provisions of PD No. 842, a Specific Use Permit for late hours is required for the establishment to operate after midnight.

- The SUP suite is located at the northern end of the building and contains 2,035 square feet of floor area and a 650-square-foot uncovered patio on the street level.

Zoning History: There have been approximately ten zoning cases at eight locations in the area over the past five years.

1. **Z156-294:** On October 26, 2016, the City Council approved a renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1 Modified Delta Overlay.
2. **Z156-300:** On October 26, 2016, the City Council approved a renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1 Modified Delta Overlay.
3. **Z167-227:** On June 28, 2017, Specific Use Permit No. 1879 for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge, or tavern was automatically renewed on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1 Modified Delta Overlay.
4. **Z178-304 & Z167-367:** On December 13, 2017, the City Council approved Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1 Modified Delta Overlay. This request was renewed on November 14, 2018. *This is a different suite at the subject site.*

5. **Z178-186:** On April 25, 2018, the City Council approved the Oak Lawn/East Dallas Demolition Delay Overlay District in an area generally bound by Live Oak Street, Bryan Parkway, Matilda Street, Martel Avenue, municipal boundary of Dallas and Highland Park, Lemmon Avenue, Dallas North Tollway, Turtle Creek Boulevard, Carlisle Street, Blackburn Street, and Haskell Avenue to Main Street, both sides of Main Street from Haskell Avenue to Carroll Avenue, Main Place, Prairie Avenue, Columbia Avenue, and Fitzhugh Avenue; and containing approximately 3,277.30 acres.
6. **Z156-217:** On June 22, 2016, the City Council approved the renewal of Specific Use Permit No. 1889 for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern use on property within Planned Development District No. 842 for CR Community Retail District Uses with a MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, north of Prospect Avenue.
7. **Z178-387 & Z167-342:** On January 23, 2019 and October 11, 2017, the City Council approved the renewal of Specific Use Permit No. 1903 for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the north line of Alta Avenue, west of Greenville Avenue.
8. **Z145-307:** An application for a Planned Development District for MF-2 Multifamily District and surface parking uses on property zoned an MF-2(A) Multifamily District located on the south line of Oram Street, east of Hope Street, and on the east line of Hope Street, south of Oram Street. *This case was terminated due to inactivity.*

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Greenville Avenue	Collector	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Land Use:

Area	Zone	Use
Site	PD No. 842, MD Modified Delta Overlay, DDO Demolition Delay Overlay	Restaurant without drive through
North	PD No. 842, MD Modified Delta Overlay, DDO Demolition Delay Overlay	Restaurant without drive through and General merchandise or food store

East	PD No. 167 and CR District with SUP No. 285, MD Modified Delta Overlay, DDO Demolition Delay Overlay	Surface Parking and Electrical Substation
South	PD No. 842, MD Modified Delta Overlay, DDO Demolition Delay Overlay	General merchandise or food store and Restaurant without drive through
West	PD No. 842 with SUP No. 1905, MD Modified Delta Overlay, DDO Demolition Delay Overlay	Late Hours Establishment Limited to a Restaurant without drive through, and Office

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 applicant's request is consistent with the following goals and policies of the comprehensive plan.

ECONOMIC ELEMENT

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

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.

Area Plans:

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that "the City enforce premise code violations as it does in other parts of the City of Dallas". Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that "initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to

the City for follow-up action." Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Land Use Compatibility:

The property contains 22,204 square feet developed with a multitenant structure with approximately 15,680 square feet of floor area erected in 1922 per DCAD records, and divided into five suites. The purpose of this request is to operate a restaurant without drive-in or drive-through service [Tacos Mariachi] past midnight. The restaurant without drive-in or drive-through service use is allowed by right; however, pursuant to the provisions of PD No. 842, a Specific Use Permit for late hours is required for the establishment to operate after midnight. The SUP suite is located at the northern end of the building and contains 2,035 square feet of floor area and a 650-square-foot uncovered patio on the street level. According to City records, a Certificate of Occupancy was issued for the existing restaurant on November 15, 2018.

Surrounding land uses include: general merchandise or food store 3,500 square feet or greater and restaurant to the north; surface parking and an electrical substation to the east; general merchandise or food store 3,500 square feet or less and restaurant without drive-in or drive through service to the south; and, a late hours establishment limited to a restaurant without a drive-in or drive through service and office uses to the west.

The main uses permitted in PD No. 842 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. PD No. 842 is intended to help mitigate the possible negative impacts of late hour uses on adjacent residential neighborhoods. In order to operate certain uses between midnight and 6:00 a.m., the land use becomes a late-hours establishment and a Specific Use Permit is required. The owner or operator must obtain a certificate of occupancy for a late-hours establishment, in order to operate after 12:00 a.m. (midnight).

The PD gives additional criteria for evaluating a request for a specific use permit:

> (e) Factors to be considered for a specific use permit for a late-hours establishment. The City Plan Commission and City Council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):
>
> (1) the number of citations issued by police to patrons of the establishment;
>
> (2) the number of citations issued by police for noise ordinance violations by the establishment;
>
> (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;

(4) the number of Texas Alcoholic Beverage Code violations of the establishment; and

(5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

The Dallas Police Department has provided a report since the operation of Tacos Mariachi commenced on November 15, 2018, to present day [per Certificate of Occupancy records]. No data was available for this time period. There have not been any reported citations issued to patrons of the establishment or for violations of the noise ordinance. There have not been any arrests for public intoxication or disorderly conduct nor have there been any violent crimes associated with the establishment.

Additionally, a search on the TABC database shows that Tacos Mariachi has operated under license #RM1044054 since February 4, 2019. There had not been any violations at the time of this report.

License #:	RM1044054		
Trade Name:	TACOS MARIACHI		
Owner:	MICO 21 CLUB INC.		
Location Address:	2018 GREENVILLE AVENUE DALLAS , TX 75206	**Mailing Address:**	350 E ROYAL LANE BLDG 4 STE 126 IRVING , TX 75039
County:	Dallas	**Orig. Issue Date:**	2/4/2019
Status:	Current	**Exp. Date:**	2/3/2021
		Wine Percent:	
Location Phone No.:	214-217-3002		
Subordinates:	FB,LB,PE		
Related To:		**Gun Sign:**	BLUE

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.

Additional provisions within the SUP conditions will limit the floor area, uncovered patio area, hours of operation, and outdoor live music and speaker usage. The restaurant must cease operation by 2:00 a.m., Monday through Sunday. Furthermore, the use of outdoor speakers and outdoor live music on the property is prohibited between the hours of 12:00 a.m. and 2:15 a.m. While the site does not have immediate residential

adjacency, there is an R-7.5(A) Single Family District with residential uses located a block further to the east along Matilda Street and Prospect Avenue. By restricting the business and outdoor noise to earlier times, as well as having an initial short time period of two-years, staff believes the late hours restaurant will have an opportunity to establish itself within the neighborhood before the next review and report of all incidences at the site.

Landscaping:

The request will not trigger any Article X requirements, as no new construction is proposed on the site.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the subject site is not located within a designated market type, Category C can be found surrounding the site in every direction, including immediately south on Greenville Avenue.

Parking:

Pursuant to §51A-4.210, a restaurant requires one (1) space per 100 square feet of floor area. Therefore, the ±2,035-square foot restaurant requires 20 spaces. According to City records, parking agreements have been made to satisfy the required parking for the entire 22,204 square-foot structure, and a total of 169 parking spaces are provided accordingly. The building does not have any delta credits.

CPC Action
February 21, 2019

Motion: It was moved to recommend **approval** of a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period, subject to a site plan and conditions with the following modifications: 1) Condition #5, HOURS OF OPERATION, restated to read as follows: "The restaurant must cease operation by 2:00 a.m., Monday through Sunday with the exception that the outdoor patio area must close at midnight. All customers must be removed from the Property by 2:15 a.m." and 2) Condition #7, OUTDOOR LIVE MUSIC AND SPEAKER, modified to read as follows: "Use of outdoor speakers and outdoor live music [speakers] and amplification on the Property is prohibited." on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District with Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service, on the east side of Greenville Avenue, south of Prospect Avenue.

Maker: Ridley
Second: Murphy
Result: Carried: 11 to 0

For: 11 - Macgregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Schultz, Murphy, Ridley, Tarpley
Against: 0
Absent: 1 - Housewright
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 200 Mailed: 24
Replies: For: 4 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

LIST OF OFFICERS

Lavo Properites, LLC

Wonderful Seven GP

Marc Andres, President
Roger Andres, Director

Tacos Mariachi, LLC

M CROWD RESTAURANT GROUP, LLC

Bill Stroud, Member
Todd Blankenship, Controller
Clay McAfee, Member
Ray W. Washburne, Member

Z189-150

CPC Recommended SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is late hours establishment limited to a restaurant without drive through service.

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 automatically terminates on [one-year from the passage of this ordinance].

Staff Recommendation:

3. TIME LIMIT: This specific use permit automatically terminates on [two-years from the passage of this ordinance].

4. FLOOR AREA: The maximum floor area is 2,035 square feet in the location shown on the attached site plan.

CPC Recommendation:

5. HOURS OF OPERATION: The restaurant must cease operation by 2:00 a.m., Monday through Sunday with the exception that the outdoor patio area must close at midnight. All customers must be removed from the Property by 2:15 a.m.

Staff Recommendation:

5. HOURS OF OPERATION: The restaurant must cease operation by 2:00 a.m., Monday through Sunday. All customers must be removed from the Property by 2:15 a.m.

6. PATIO:

   A. An outdoor patio is only allowed in the location shown on the attached site plan.

   B. The maximum floor area of the patio may not exceed 650 square feet in area.

   C. The patio must be uncovered.

   D. The Property owner or operator must maintain a private license for an outdoor patio, with a copy provided to the building official before the outdoor patio may be used by customers.

CPC Recommendation:

7. OUTDOOR LIVE MUSIC AND SPEAKERS: Use of outdoor speakers and outdoor live music [speakers] and amplification on the Property is prohibited.

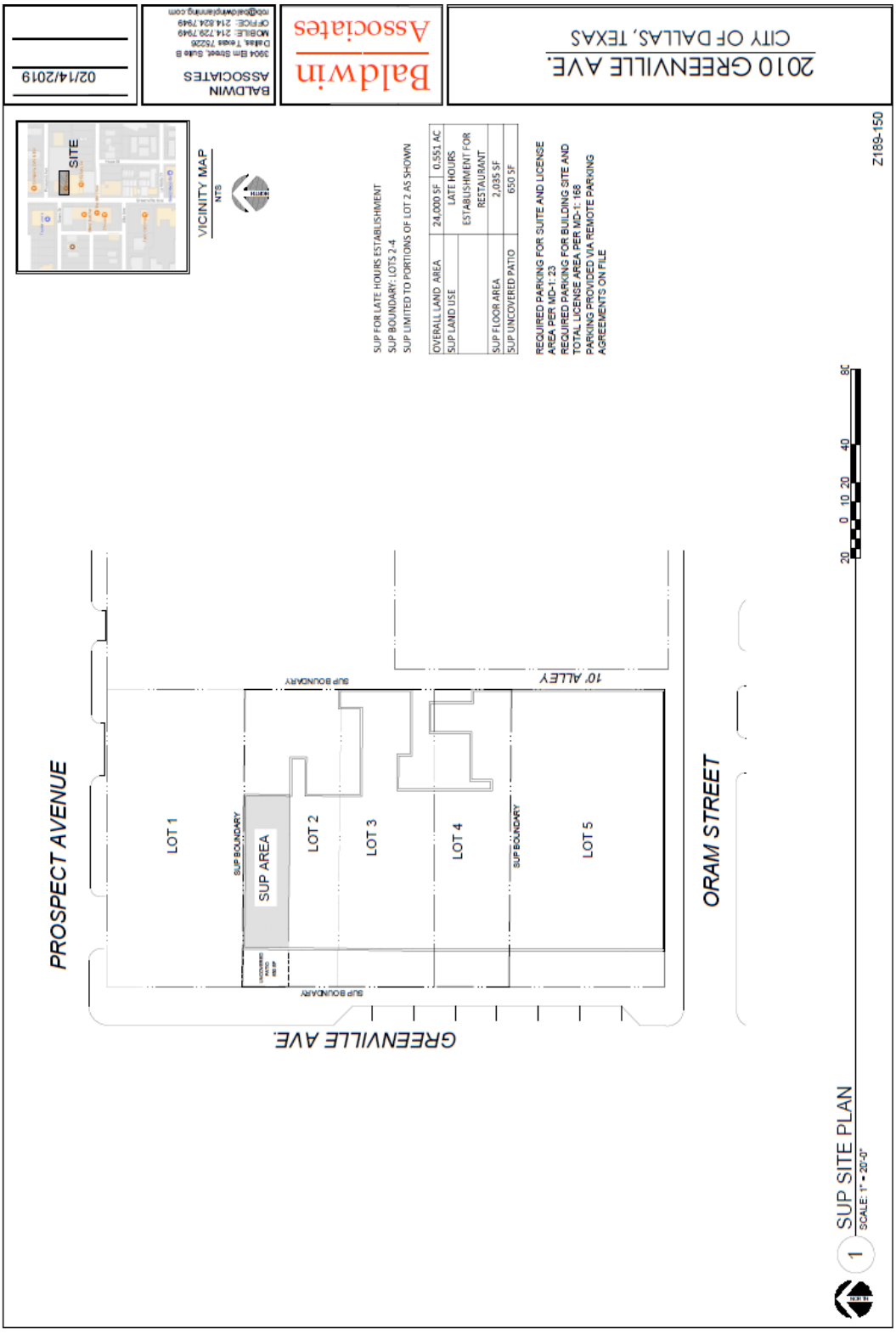
Staff Recommendation:

7. OUTDOOR LIVE MUSIC AND SPEAKERS: Use of outdoor speakers and outdoor live music [speakers] on the Property is prohibited between the hours of 12:00 a.m. and 2:15 a.m.
8. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.

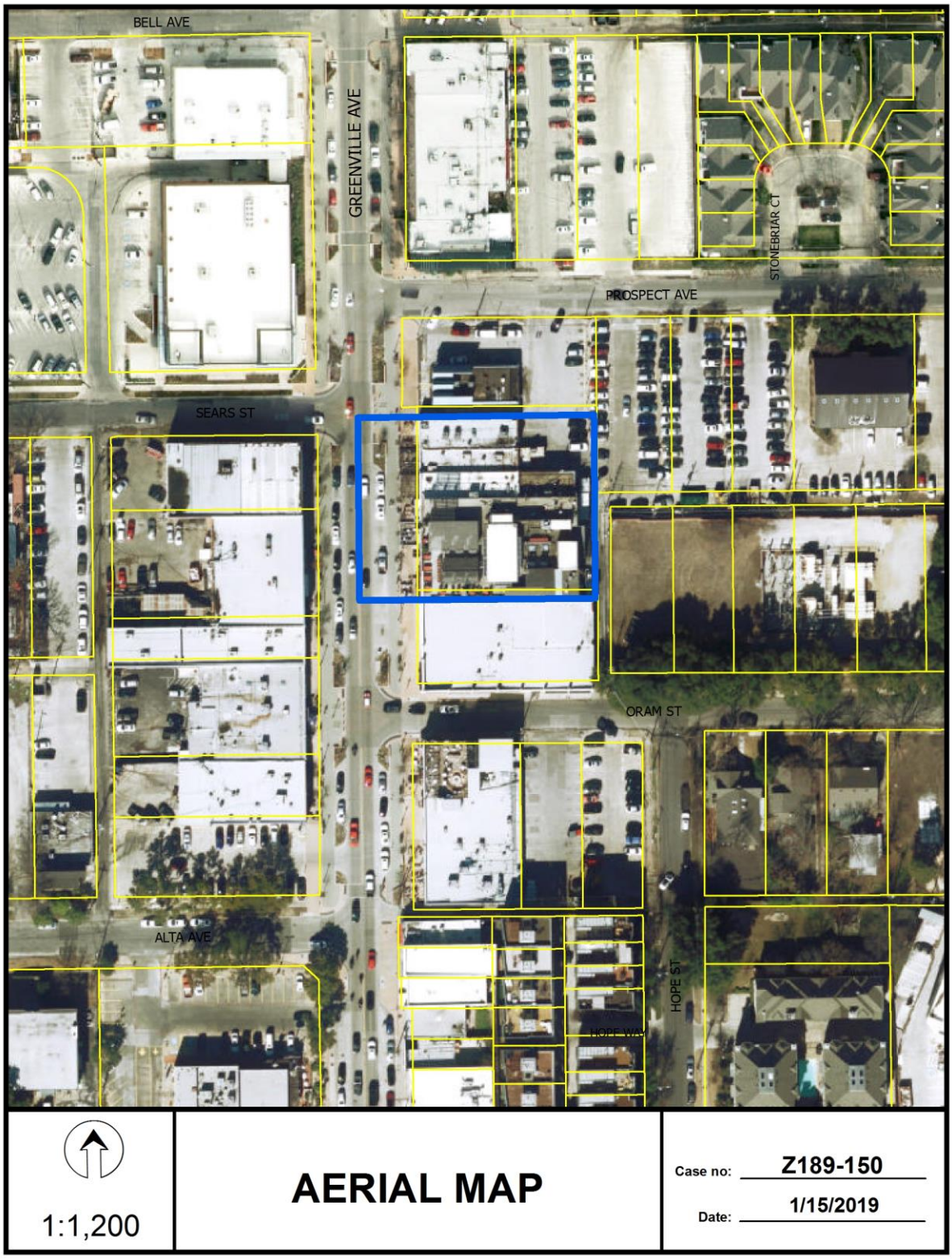
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

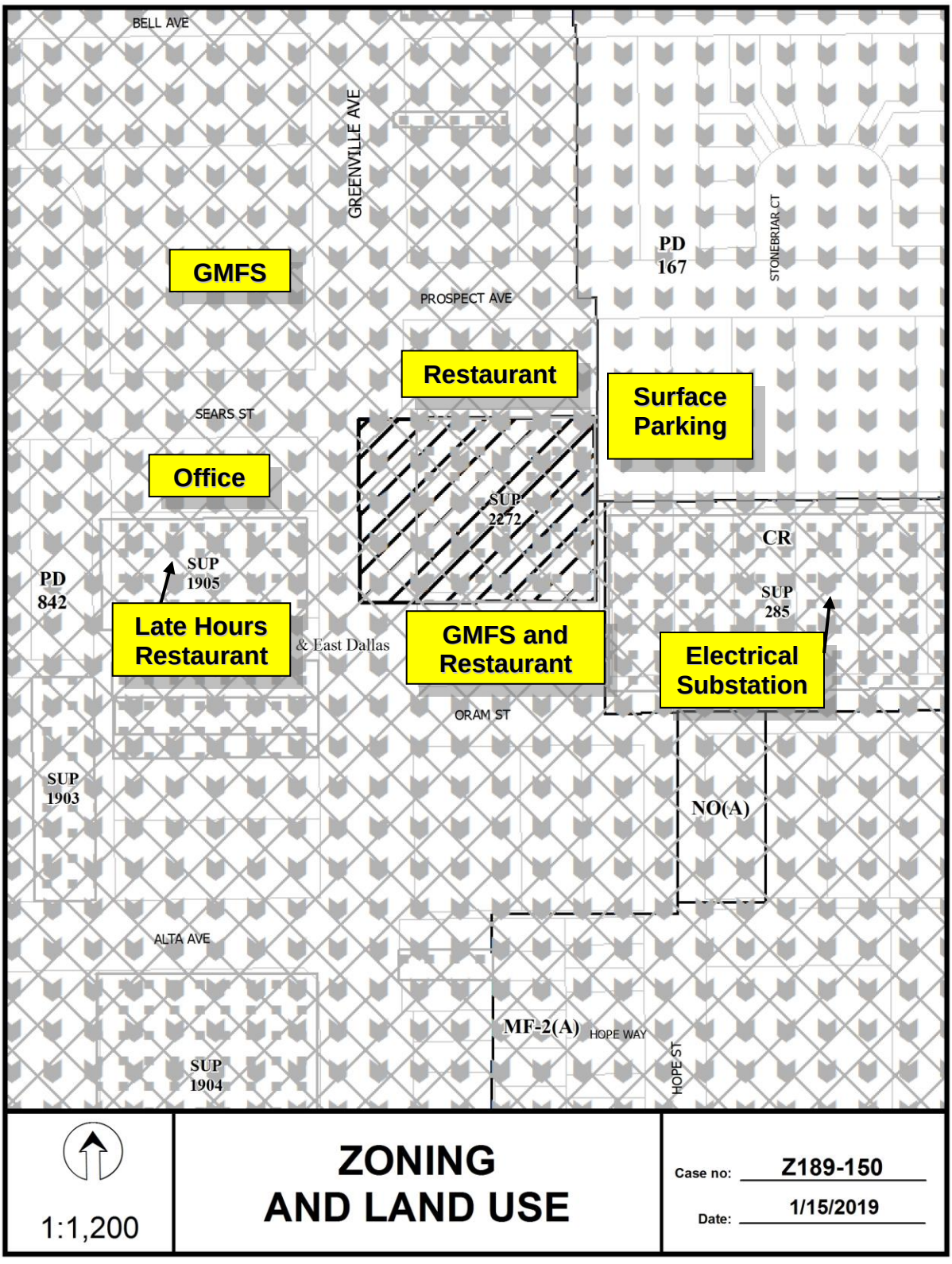
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

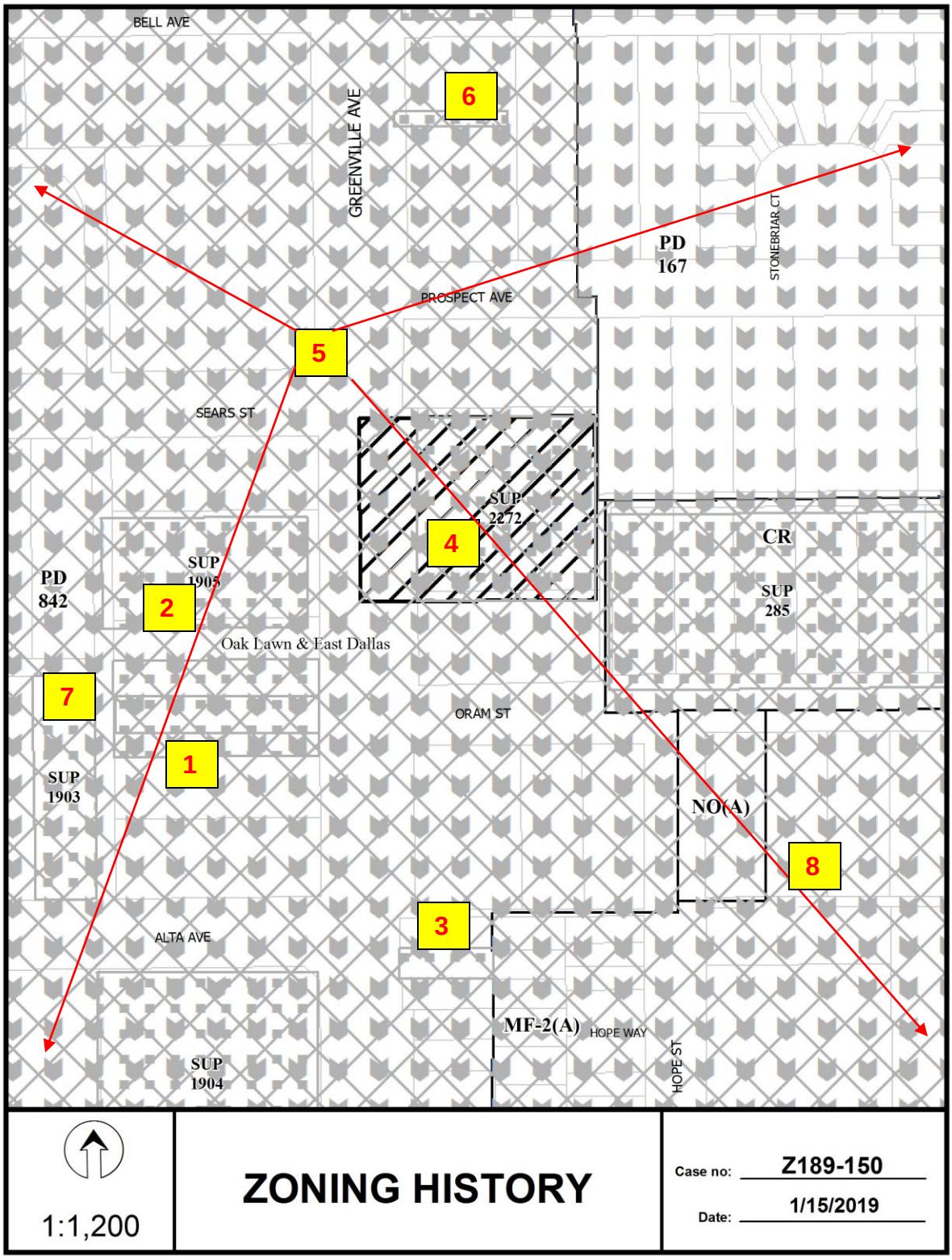
Proposed SUP Site Plan

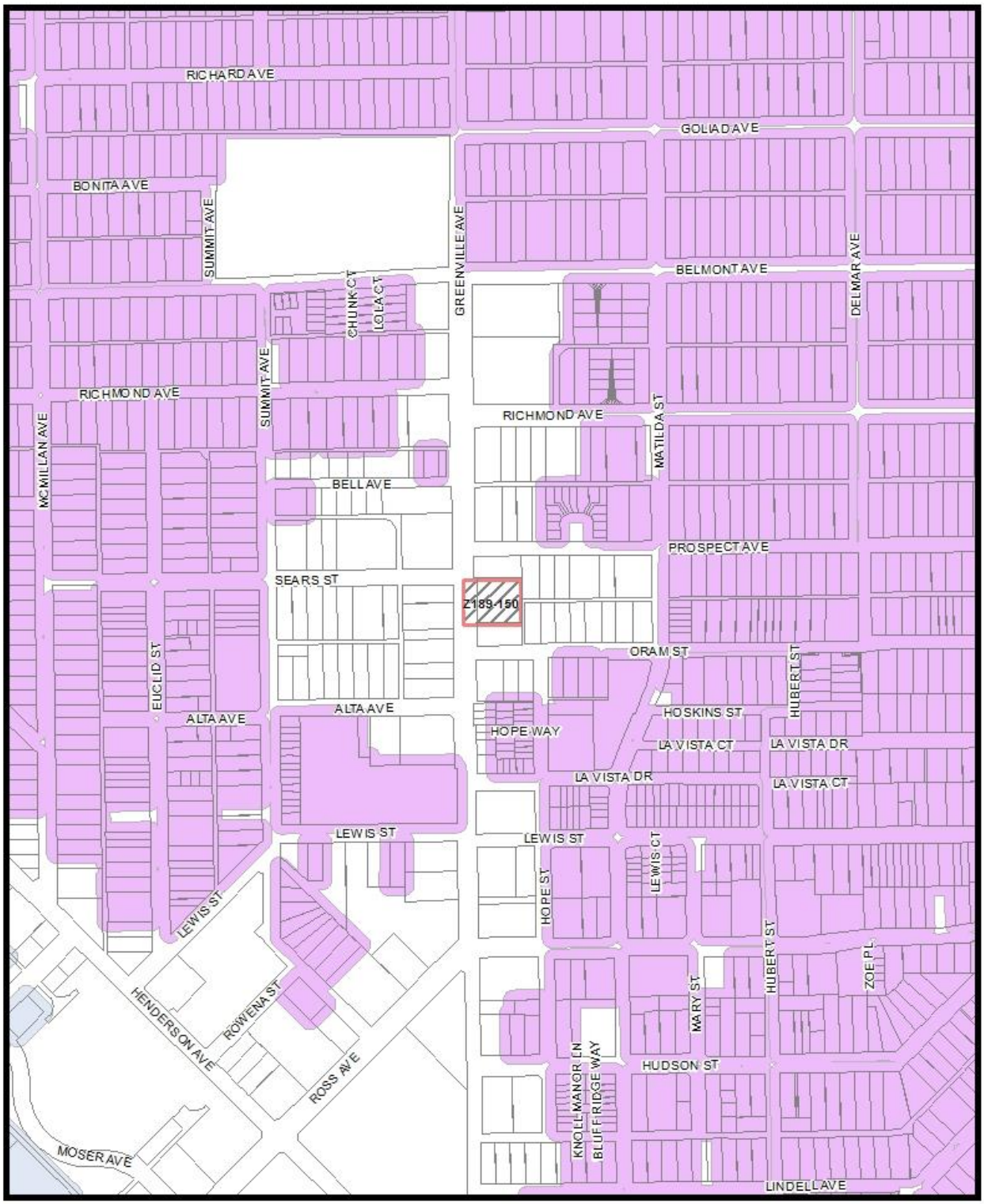



GOLIAD AVE
BONITA AVE
SUMMIT AVE
GREENVILLE AVE
BELMONT AVE
CHUNK CT
LOLA CT
MATILDA ST
DELMAR AVE
RICHMOND AVE
SUMMIT AVE
RICHMOND AVE
BELL AVE
STONEBRIAR CT
PROSPECT AVE
MCMILLAN AVE
SEARS ST
ORAM ST
HUBERT ST
EUCLID ST
ALTA AVE
ALTA AVE
HOPE WAY
HOSKINS ST
LA VISTA CT
LA VISTA DR
LA VISTA DR
LA VISTA CT
LEWIS ST
LEWIS ST
LEWIS CT
HOPE ST
LEWIS ST
N HENDERSON AVE
ROWENA ST
ZOE PL
Kennedy LC
MARY ST
HUBERT ST
HUDSON ST
ROSS AVE
LINDELL AVE
1:4,800
VICINITY MAP
Case no: Z189-150
Date: 1/15/2019

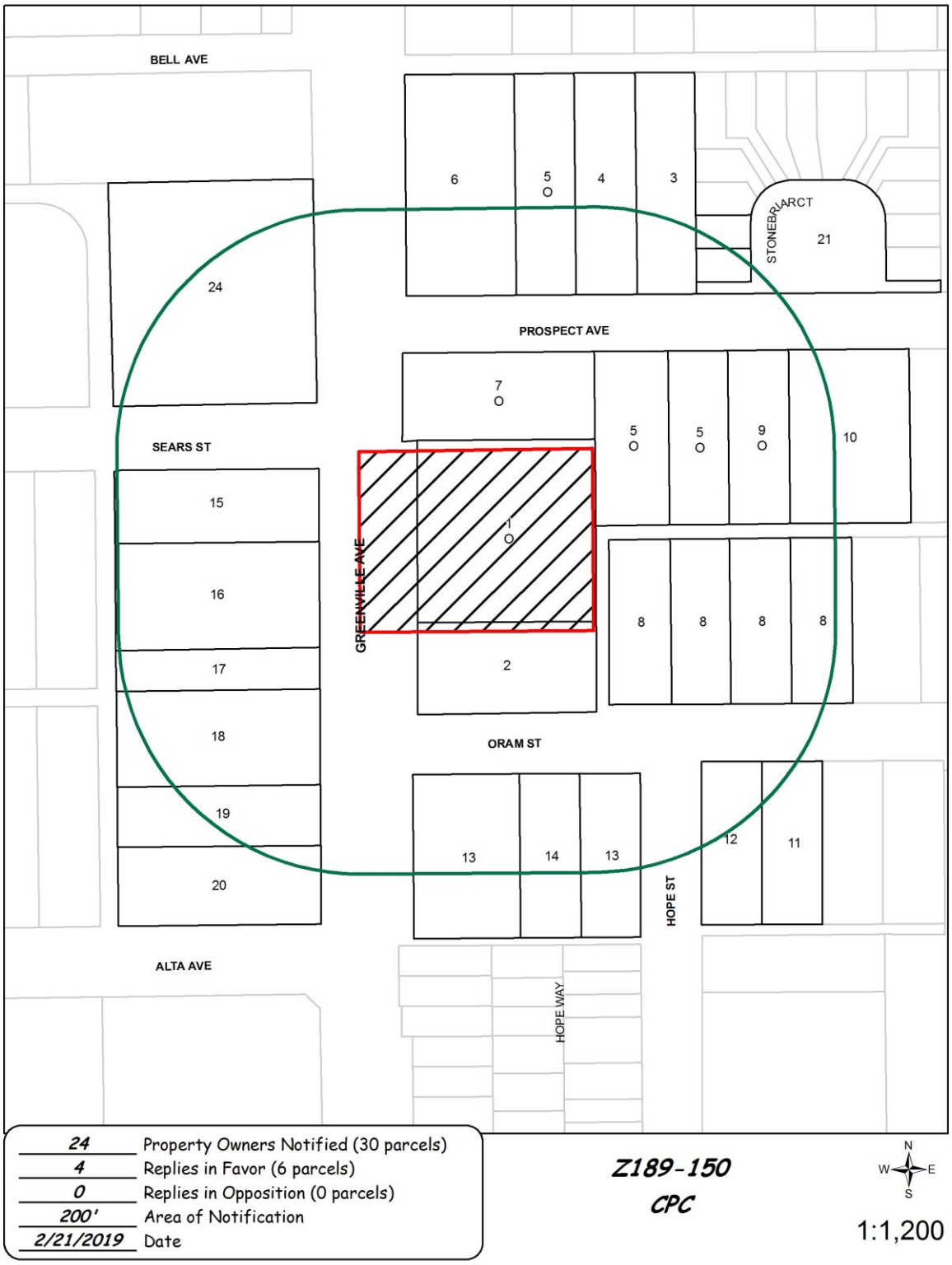

BELL AVE
GREENVILLE AVE
STONEBRIAR CT
PROSPECT AVE
SEARS ST
ORAM ST
ALTA AVE
HOPE ST
HOPE WAY
1:1,200
AERIAL MAP
Case no: Z189-150
Date: 1/15/2019


BELL AVE
GREENVILLE AVE
STONEBRIAR CT
PD 167
GMFS
PROSPECT AVE
Restaurant
Surface Parking
SEARS ST
Office
SUP 2272
CR
PD 842
SUP 1905
Late Hours Restaurant
& East Dallas
GMFS and Restaurant
SUP 285
Electrical Substation
ORAM ST
SUP 1903
NO(A)
ALTA AVE
MF-2(A)
HOPE WAY
HOPE ST
SUP 1904
1:1,200
ZONING AND LAND USE
Case no: Z189-150
Date: 1/15/2019


BELL AVE
GREENVILLE AVE
6
PD
167
STONEBRIAR CT
PROSPECT AVE
5
SEARS ST
SUP
2272
4
CR
SUP
285
PD
842
SUP
1905
2
Oak Lawn & East Dallas
7
ORAM ST
1
SUP
1903
NO(A)
8
3
ALTA AVE
MF-2(A)
HOPE WAY
HOPE ST
SUP
1904
1:1,200
ZONING HISTORY
Case no: Z189-150
Date: 1/15/2019


RICHARD AVE
GOLIAD AVE
BONITA AVE
SUMMIT AVE
GREENVILLE AVE
BELMONT AVE
DELMAR AVE
CHUNK CT
LOLA CT
RICHMOND AVE
MCMILLAN AVE
MATILDA ST
BELL AVE
PROSPECT AVE
SEARS ST
Z189-150
ORAM ST
HUBERT ST
EUCLID ST
ALTA AVE
HOSKINS ST
HOPE WAY
LA VISTA CT
LA VISTA DR
LEWIS ST
HOPE ST
LEWIS CT
HENDERSON AVE
ROWENA ST
ROSS AVE
MARY ST
ZOE PL
KNOLL MANOR LN
BLUFF RIDGE WAY
HUDSON ST
MOSER AVE
LINDELL AVE
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:4,800
Market Value Analysis
Printed Date: 1/25/2019

CPC RESPONSES



02/20/2019

Reply List of Property Owners

Z189-150

24 Property Owners Notified ***4 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	2008	GREENVILLE AVE	LAVO PROPERTIES LLC
	2	2000	GREENVILLE AVE	LANDE PAUL &
	3	5719	PROSPECT AVE	MADISON PACIFIC DEV COM
	4	5715	PROSPECT AVE	REESE GRANDCHILDRENS
O	5	5711	PROSPECT AVE	ANDRES FAMILY TRUST
	6	2100	GREENVILLE AVE	GREENVILLE 2100 LTD
O	7	2026	GREENVILLE AVE	ANDRES FAMILY TRUSTS THE
	8	5715	ORAM ST	TEXAS UTILITIES ELEC CO
O	9	5724	PROSPECT AVE	ANDRES FAMILY TRUST
	10	5728	PROSPECT AVE	WALL JOHN E JR
	11	5726	ORAM ST	TARL CABOT LLC &
	12	5722	ORAM ST	MCKINNEY FEARGAL &
	13	5712	ORAM ST	LOWGREEN PS
	14	5710	ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
	15	1931	GREENVILLE AVE	GREENWAY SEARS LP
	16	1919	GREENVILLE AVE	1919 27 GREENVILLE LTD
	17	1917	GREENVILLE AVE	SEB GROUP LLC
	18	1911	GREENVILLE AVE	INTERCITY INVESTMENT PROP
	19	1909	GREENVILLE AVE	WORLDWIDE FOOD INC
	20	1903	GREENVILLE AVE	LOWGREEN PS
	21	2100	STONEBRIAR CT	STONEBRIAR CT H O A
	22	2	STONEBRIAR CT	GERDES ANDREW KIRK
	23	1	STONEBRIAR CT	HOOPER NICOLE E
	24	2001	GREENVILLE AVE	2001 GREENVILLE VENTURE LTD

Agenda Information Sheet

File #: 19-461 **Item #:** 68.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2005 and Specific Use Permit No. 2006, on the northwest corner of North Griffin Street and Elm Street
Recommendation of Staff: Approval for a six-year period, subject to conditions
Recommendation of CPC: Approval for a three-year period, subject to conditions
Z189-164(PD)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**
ACM: Majed Al-Ghafry

FILE NUMBER:	Z189-164(PD)	**DATE FILED:**	January 2, 2019
LOCATION:	Northwest corner of North Griffin Street and Elm Street		
COUNCIL DISTRICT:	14	**MAPSCO:**	45 K
SIZE OF REQUEST:	Approx. 0.70 acres	**CENSUS TRACT:**	31.01

APPLICANT: Radiant Outdoor, LLC

OWNER: TOG Hotels Downtown Dallas LLC

REPRESENTATIVE: Suzan Kedron, Jackson Walker LLP

REQUEST: An application for the renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2005 and Specific Use Permit No. 2006.

SUMMARY: The applicant proposes to allow the display and operation of an attached projecting sign on the southeastern façade of an existing structure housing a hotel use. [Crown Plaza]

CPC RECOMMENDATION: **Approval** for a three-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a six-year period, subject to conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a 23-story, 444,675-square-foot hotel use. [Crown Plaza]

- Ordinance No. 27481, adopted by City Council on February 11, 2009, allowed for non-premise district activity videoboard signs in the Downtown Special Provision Sign District. In this ordinance, there was a limit of five videoboard signs.

- Ordinance No. 28347 was adopted by City Council on August 24, 2011. One of the amendments in this ordinance was to increase the number of videoboard signs in the Downtown SPSD to a total of 15 and another amendment was to increase the area in which the videoboard signs are allowed.

- Specific Use Permit No. 2006 was approved by City Council on January 23, 2013 for a six-year period. [Expired January 23, 2019]. This application for the renewal of the SUP was submitted on January 2, 2019.

- Although the sign has never been installed within the six years that it was permitted, the applicant is proposing to continue the operation and installation of a 16'x 9' (144 square feet) videoboard sign. The proposed sign will be installed 20 feet above the sidewalk, on the southeastern façade of the hotel along Elm Street.

- Currently, the City Council has approved 14 non-premise district activity videoboard signs in the Downtown Special Provision Sign District. Four of the 14 videoboards were approved by the City Plan Commission, (CPC) on February 21, 2019 and are scheduled for the April 10, 2019, City Council meeting. One additional videoboard renewal requires a two-year waiver to be heard at the March 21, 2019 CPC meeting.

Zoning History: There have been two zoning changes in the vicinity during the last five years.

1. Z189-148: On a date to be determined, the City Plan Commission may consider an application for the renewal of Specific Use Permit No. 2007 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with Specific Use Permit No. 2007, located on the northeast corner of the intersection of Griffin Street and Elm Street.

2. Z178-241: On August 8, 2018, the City Council denied an application for a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property Planned Development District No. 619 with Specific Use Permit No. 2007, located on the northeast corner of the intersection of Griffin Street and Elm Street.

Videoboard Signs:

Currently, there are fourteen active Specific Use Permits for videoboards with nine current videoboards, four requests for renewal of videoboards, and one videoboard sign requesting a two-year waiver to be heard at the March 21, 2019 CPC meeting.

The chart below indicates that of the fourteen SUP's, ten videoboard signs are installed and four have not been installed. Five Specific Use Permits recently expired on January 23, 2019 but the applications for their renewal, including SUP No. 2008, were submitted prior to the expiration date. Four of those applications are being considered at this hearing and one is pending approval of a two-year waiver.
Should all four SUP renewals be approved, there will be 13 active videoboard signs in the Downtown SPSD District. Exhibit "A" shows a map with the status of the SUP's for videoboard signs in the district.

NO.	SUP NO.	Case no.	Approved	Expiration	Sign Installed (permit #)	Renewal application submitted
1&2	***1755**	Z145-276 (Renewal)	9/9/2015	9/9/2021	0910095005	
3	**1788**	Z145-277 (Renewal)	9/9/2015	9/9/2021	0912305001	
4	**1791**	Z145-278 (Renewal)	9/9/2015	9/9/2021	1104055002	
5	**1796**	Z123-224 (Renewal)	8/14/2013	8/14/2019	1709191108	
6	**1957**	Z178-123 (Renewal)	6/13/2018	6/13/2028	1403311122	
7	**1958**	Z178-124 (Renewal)	2/14/2018	2/14/2028	1403311124	
8	**1959**	Z178-214 (Amendment/Renewal)	6/27/2018	6/27/2024	Not installed	
9	**2005**	Z123-123	1/23/2013	1/23/2019	Not installed	01/02/2019 Case No. Z189-165
10	**2006**	Z123-122	1/23/2013	1/23/2019	Not installed	01/02/2019 Case No. Z189-164
11	**2007**	Z123-112	1/23/2013	1/23/2019	1403311118	11/30/2018** Case no. Z189-148
12	**2008**	Z123-110	1/23/2013	1/23/2019	1403311114	11/30/2018 Case No. Z189-147
13	**2009**	Z123-111	1/23/2013	1/23/2019	1403311109	11/30/2018 Case No. Z189-146
14	**2302**	Z178-242	9/26/2018	9/26/2024	Not installed	

* Includes 2 videoboards
** CPC date is contingent on approval of a two-year waiver

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
Elm Street	Collector	80 feet	80 feet
N. Griffin Street	Minor Arterial	100 feet	100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas!* Comprehensive Plan was adopted by the City Council in June 2006. The *forwardDallas!* Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC EVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded Downtown.

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

- Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

- Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

Land Use Compatibility:

The approximate 0.70-acres area of request is zoned a CA-1(A) Central Area District with SUP No. 2005 and SUP No. 2006. The request site is developed with a 23-story, 444,675-square-foot hotel use [Crown Plaza] with parking garage.

SUP No. 2006 was approved by City Council on January 23, 2013, for a six-year time period. While the SUP expired on January 23, 2019, the applicant submitted the application on January 2, 2019, 22 days prior to the expiration date. Although the sign has never been installed, the applicant seeks the renewal of the SUP to allow the display of an existing attached projecting videoboard sign on the southeastern façade of the hotel.

Uses surrounding the area of request include the DART West Transfer Center to the north, a hotel use [Hilton] to the east, a bank use to the south and an office and surface parking lot 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.

As listed under the development standards, the existing projecting sign is consistent with the general provision for a Specific Use Permit and with the provisions for attached non-premise district activity videoboard signs in Section 51A-7.909 as they pertain to: content, location and number, size, SUP requirement, installation, projecting, and building occupancy requirements.

Building occupancy requirements. Non-premise district activity videoboard signs are only permitted on buildings with retail and personal service uses, lodging uses, or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. Non-premise district activity videoboard signs are not allowed on a lot containing a commercial surface parking lot use. The director shall notify City Council of any building that falls below the occupancy requirements and fails to reestablish the occupancy requirement within 120 days. The director may waive the occupancy requirements of this subsection for up to one year if the director determines that the building or multi-building complex is currently being

redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more. (Ord. Nos. 27481; 28347; 28424; 28553; 28822; 29227)

Staff supports the request and recommends approval for a six-year period, subject to conditions rather than the ten-year period requested by the applicant.

Land Use:

	Zoning	Land Use
Site	CA-1(A)	Hotel, [Crown Plaza]
North	CA-1(A)	DART West Transfer Center
East	PDD No. 619	Hotel, [Hilton]
South	CA-1(A)	Bank
West	PDD No. 619, H/2	Office, Surface Parking Lot

Development Standards:

A maximum of 15 non-premise district activity videoboard signs are permitted and may only be erected on buildings with frontage on streets within the Retail Subdistrict bounded by Jackson Street, Lamar Street, Pacific Street, and Cesar Chavez Boulevard.

Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street. Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.
A maximum of one non-premise district activity videoboard sign is permitted per block face. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have maximum of 150 square feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP.

Projecting non-premise activity videoboard signs:

- must have a vertical orientation with height exceeding the width at a minimum of 16:9 width-to-height ratio;
- may project a maximum of 12 feet into the right-of-way;
- must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk; and
- must have video displays on both sides of the sign.

All videoboard signs:

- must contain a default mechanism that freezes the image in one position in case of malfunction;

- must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
    - the ambient light level measure in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then
    - the dimming level, multiplied by .0039 equal the brightness level; then
    - the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed brightness, measured in nits;
- must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and
- may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

Non-premise district activity videoboard signs:

- must have a full color display able to display a minimum of 281 trillion color shades; and
- must be able to display a high-quality image with a minimum resolution equivalent to 19mm maximum pixel size.

Changes of message must comply with the following:

- Each message must be displayed for a minimum of eight seconds;
- Changes of message must be accomplished within two seconds;
- Changes of message must occur simultaneously on the entire sign face; and
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The site is not within an identifiable MVA Category; however, it is in proximity to an “E” MVA Cluster to the far northwest across Pacific Avenue and to the far east across Pacific Avenue and Elm Street.

LIST OF OFFICERS

Radiant Outdoor, LLC

Brad Berkley, CEO
Erin Watkins, Secretary

TOG Hotels Downtown Dallas LLC

Terry Tagnazzini, President

CPC ACTION:
February 21, 2019

Z189-164(PD)

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign for a three-year period, subject to conditions on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2005 and Specific Use Permit No. 2006, on the northwest corner of North Griffin Street and Elm Street.

Maker: Ridley
Second: Murphy
Result: Carried: 10 to 0

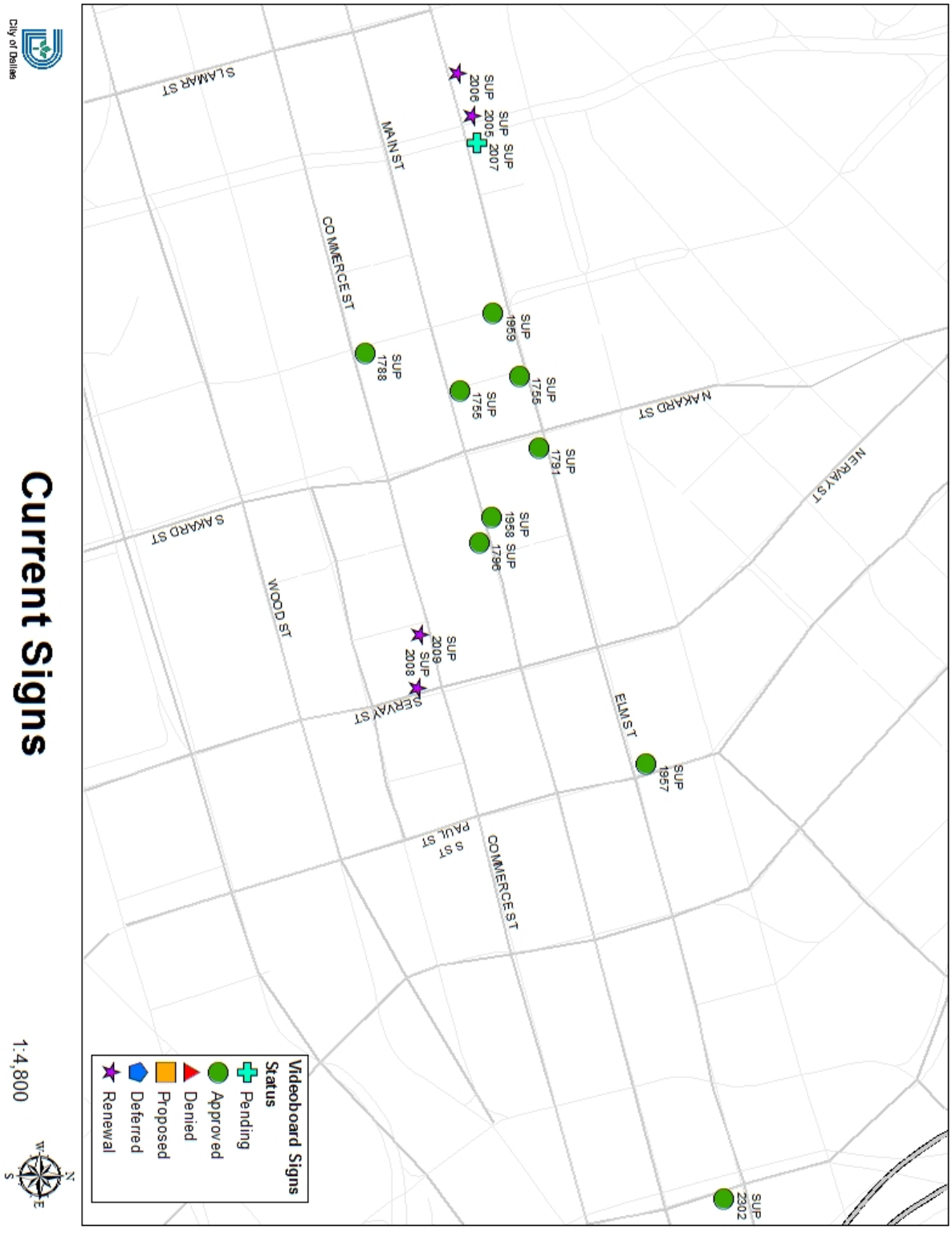
For: 10 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 3 - District 4, District 7, District 12
Conflict: 1 - Jung**

**out of the room, when vote taken

Notices: Area: 200 Mailed: 15
Replies: For: 0 Against: 0
Speakers: For: Suzan Kedron, 2323 Ross Ave, Dallas, TX, 75201
Brad Berkley, 1528 Slocum St., Dallas, TX, 75207
Against: None

Videoboards Current & Renewals (Exhibit A)



CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.

CPC Recommendation:

3. TIME LIMIT: This specific use permit expires on (three years from the passage of this ordinance). ~~[January 23, 2019].~~

Staff Recommendation:

3. TIME LIMIT: This specific use permit expires on (six years from the passage of this ordinance). [~~January 23, 2019~~].

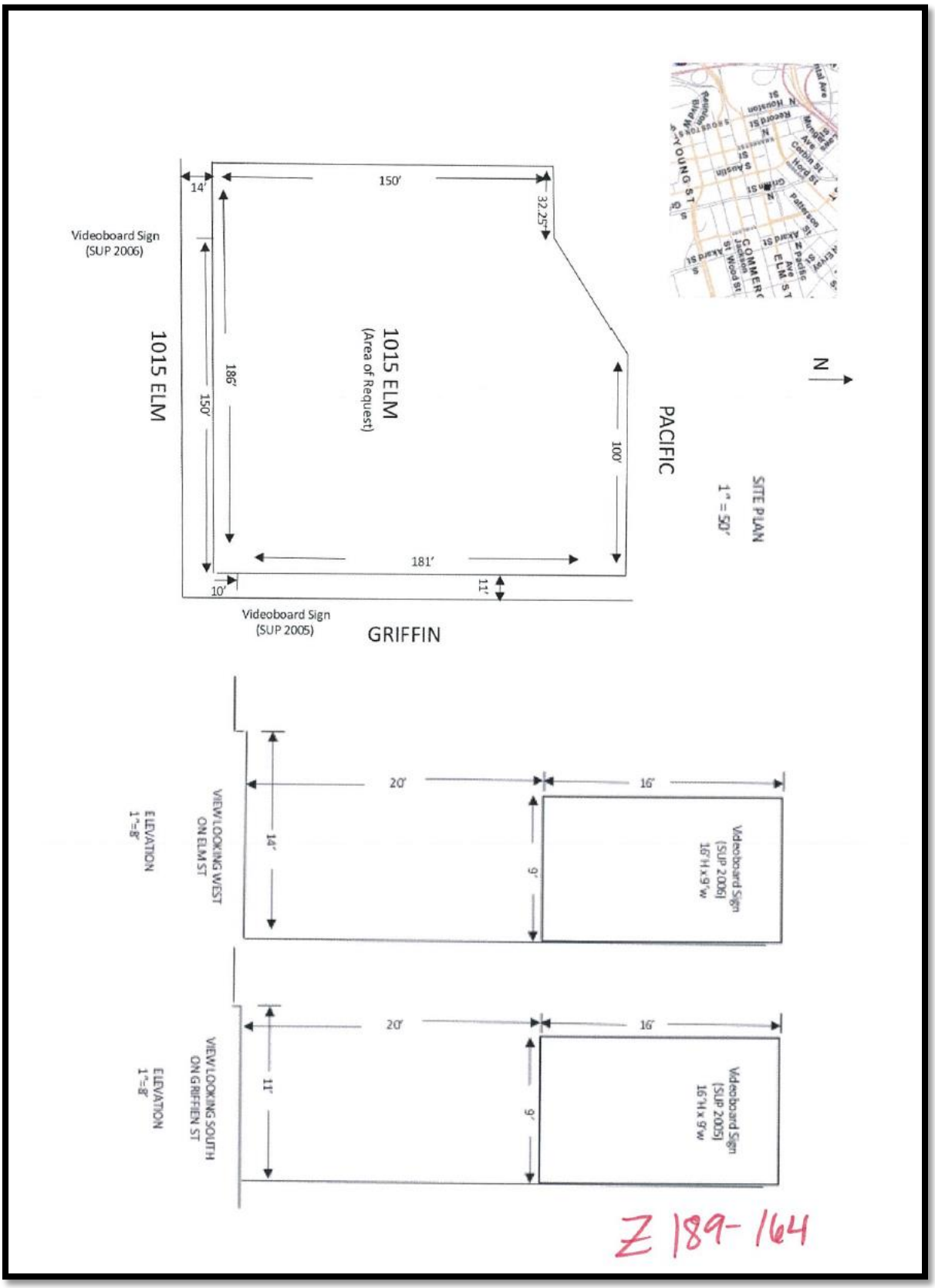
Applicant's Request

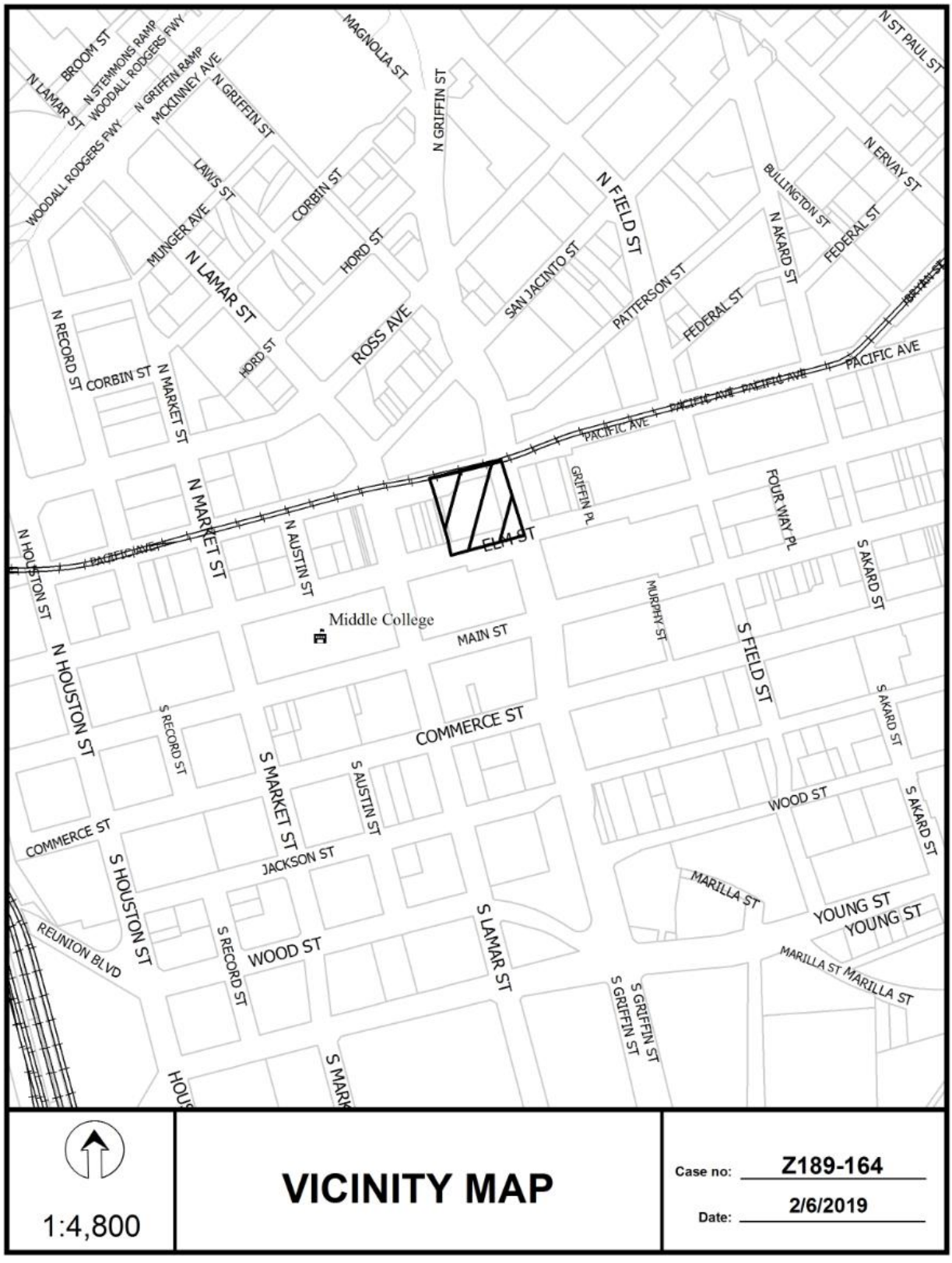
3. TIME LIMIT: This specific use permit expires on (ten-year from the passage of this ordinance). [~~January 23, 2019~~].

4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SUP SITE PLAN



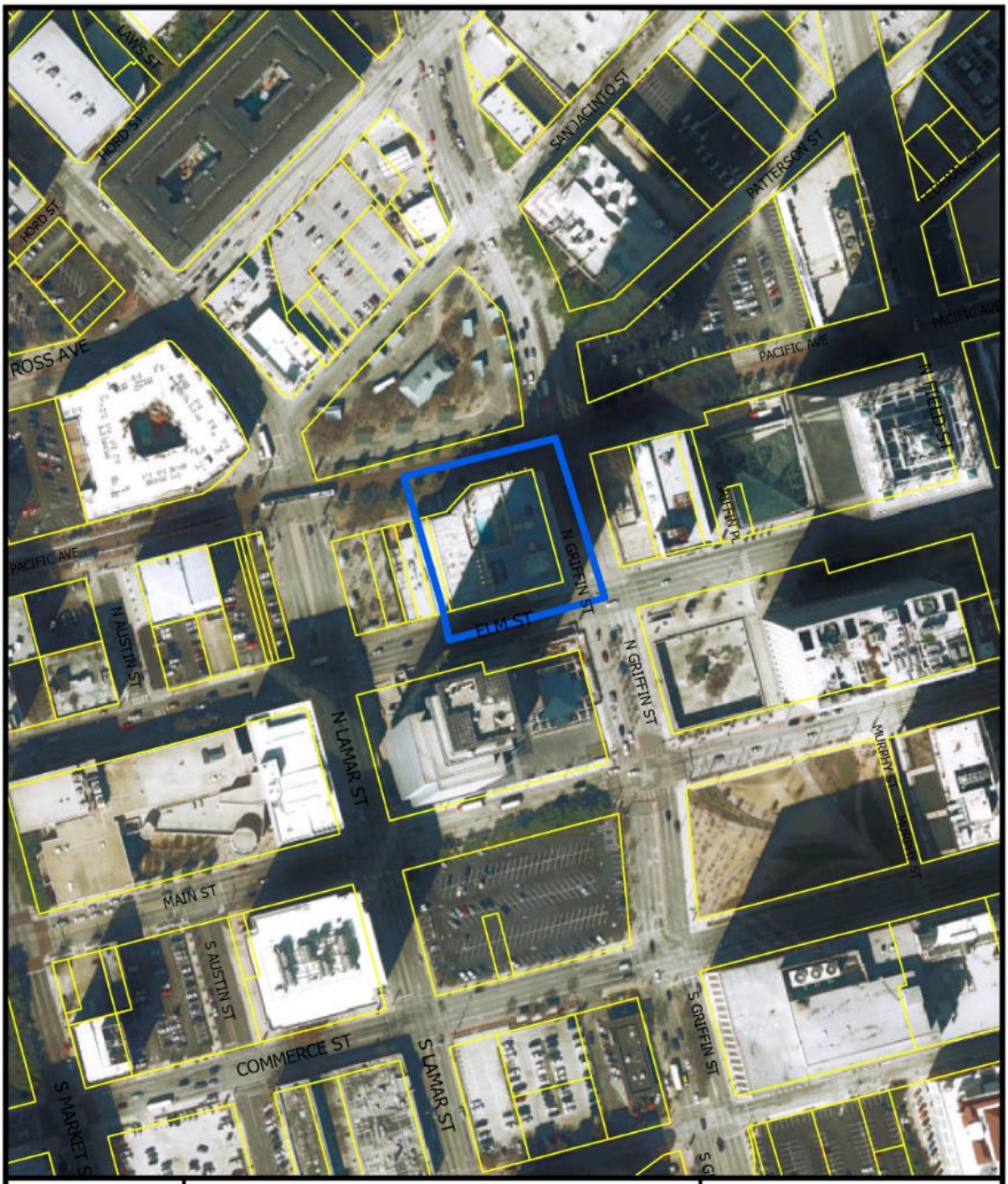


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VICINITY MAP

Case no: Z189-164

Date: 2/6/2019

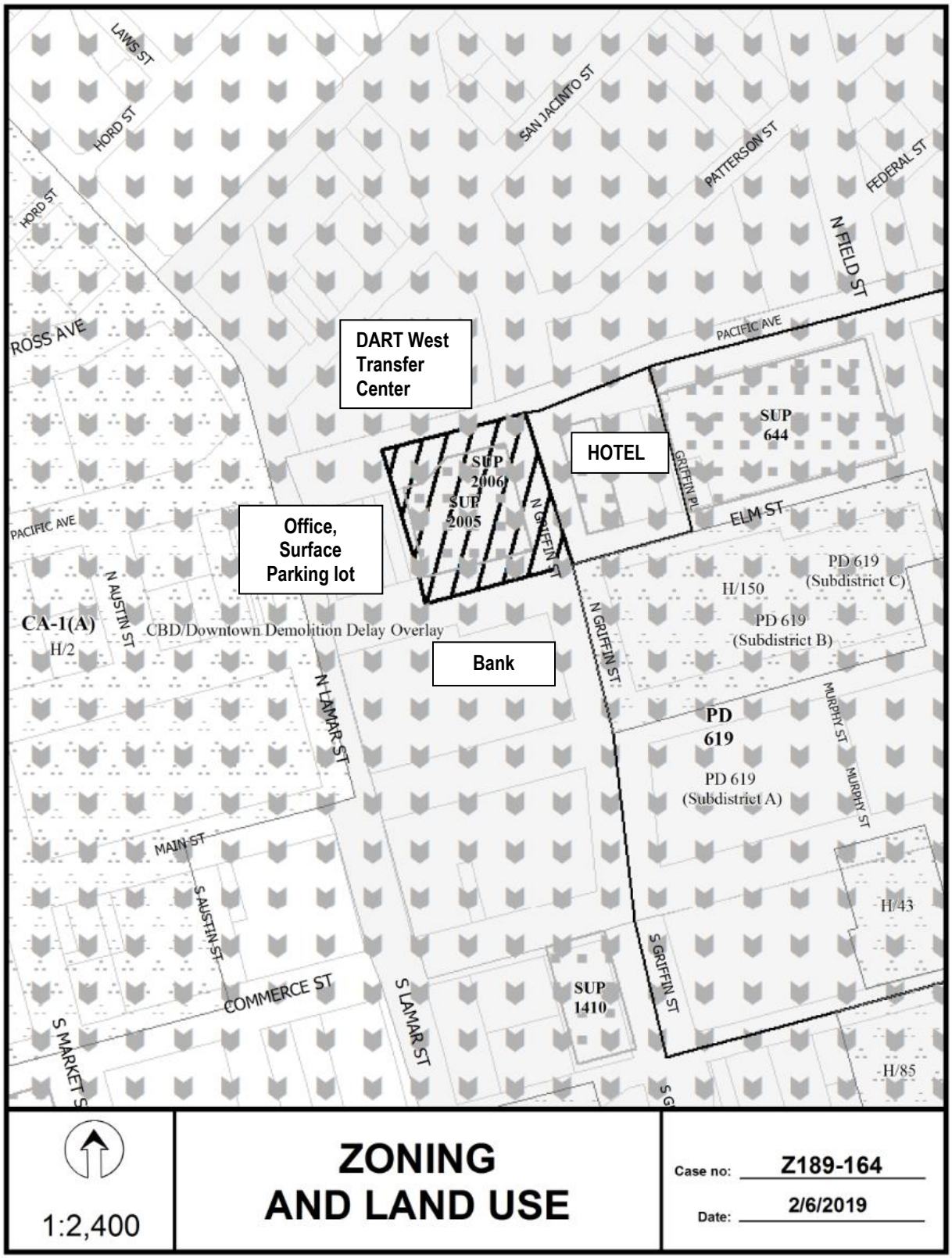


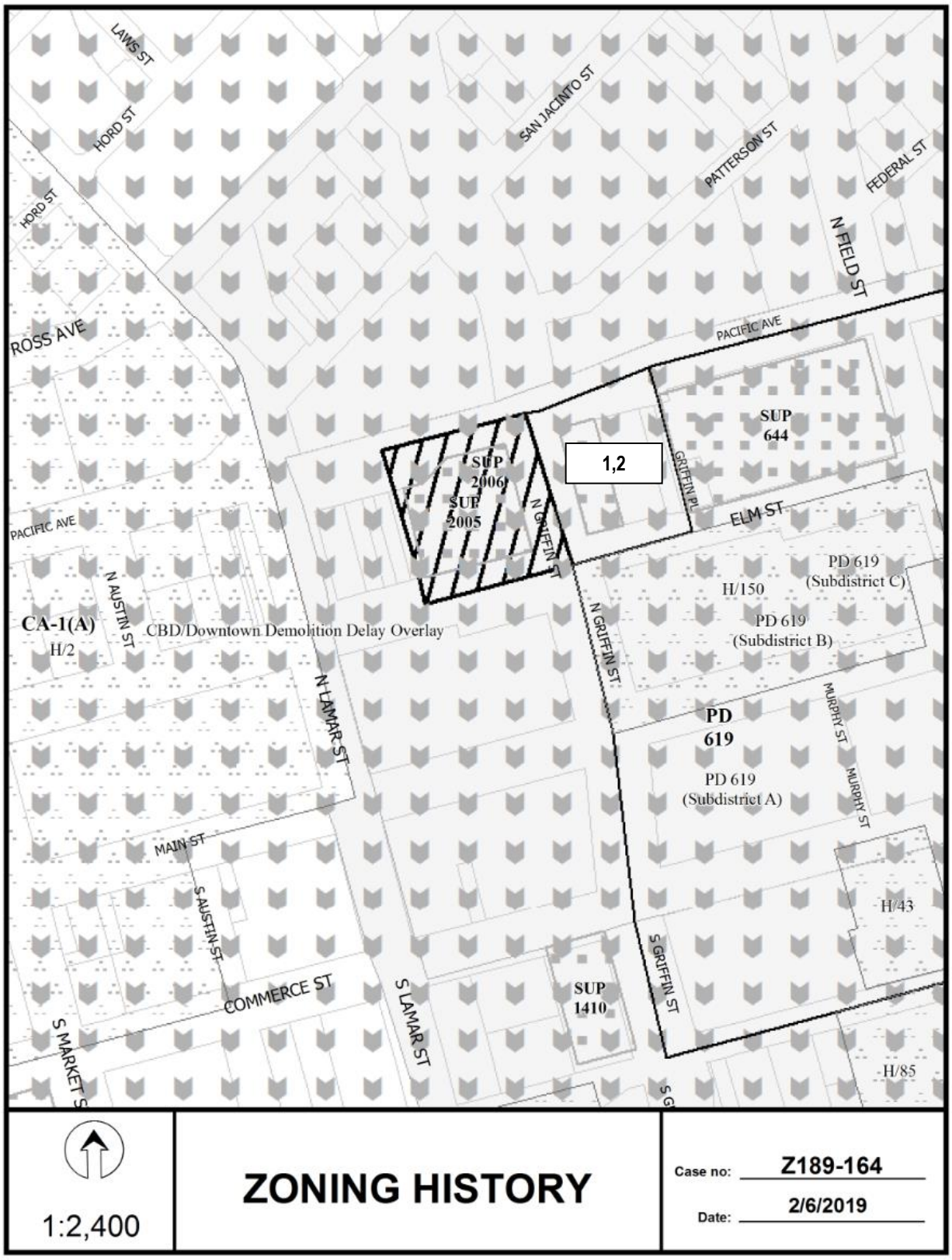
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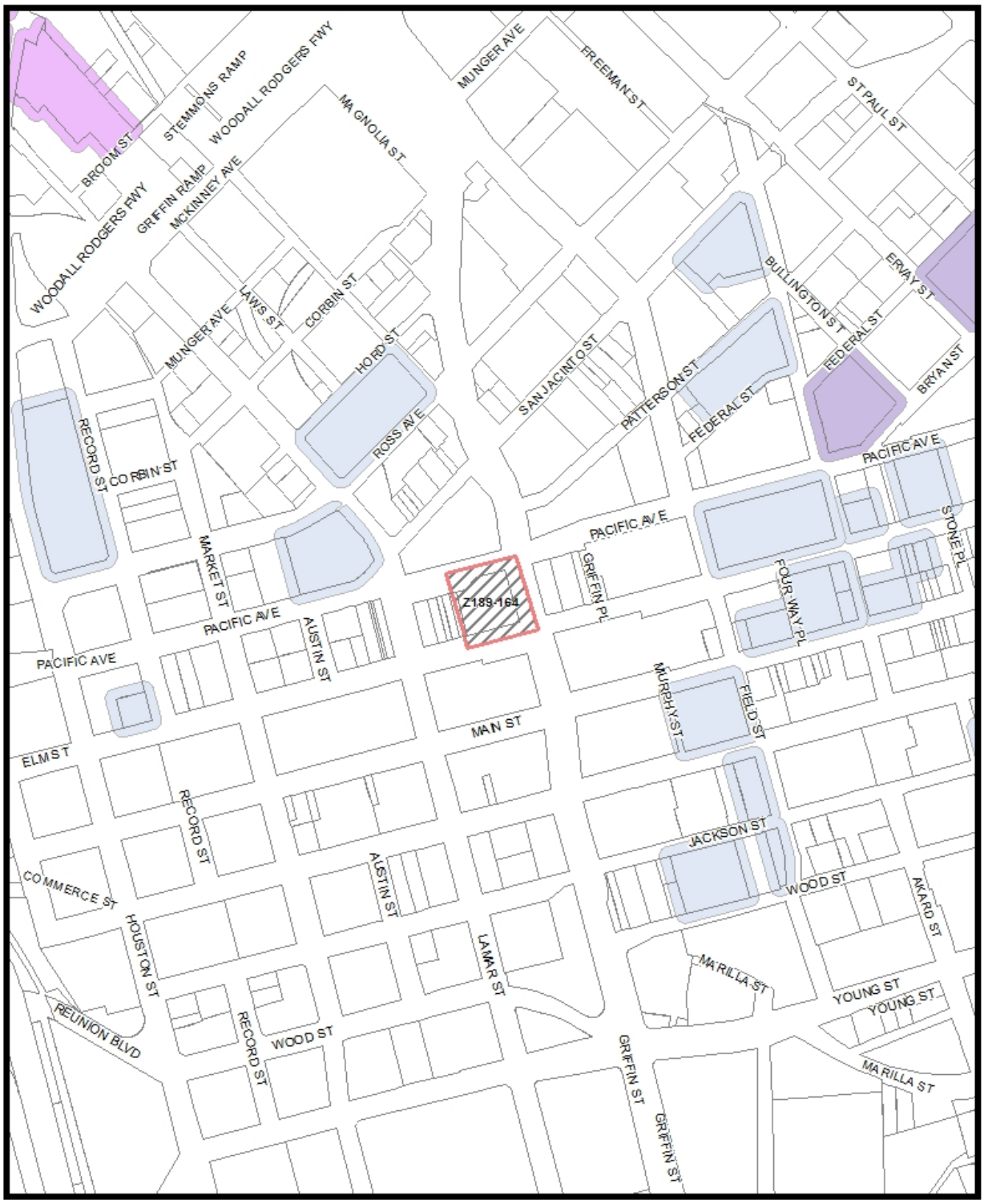
AERIAL MAP

Case no: Z189-164

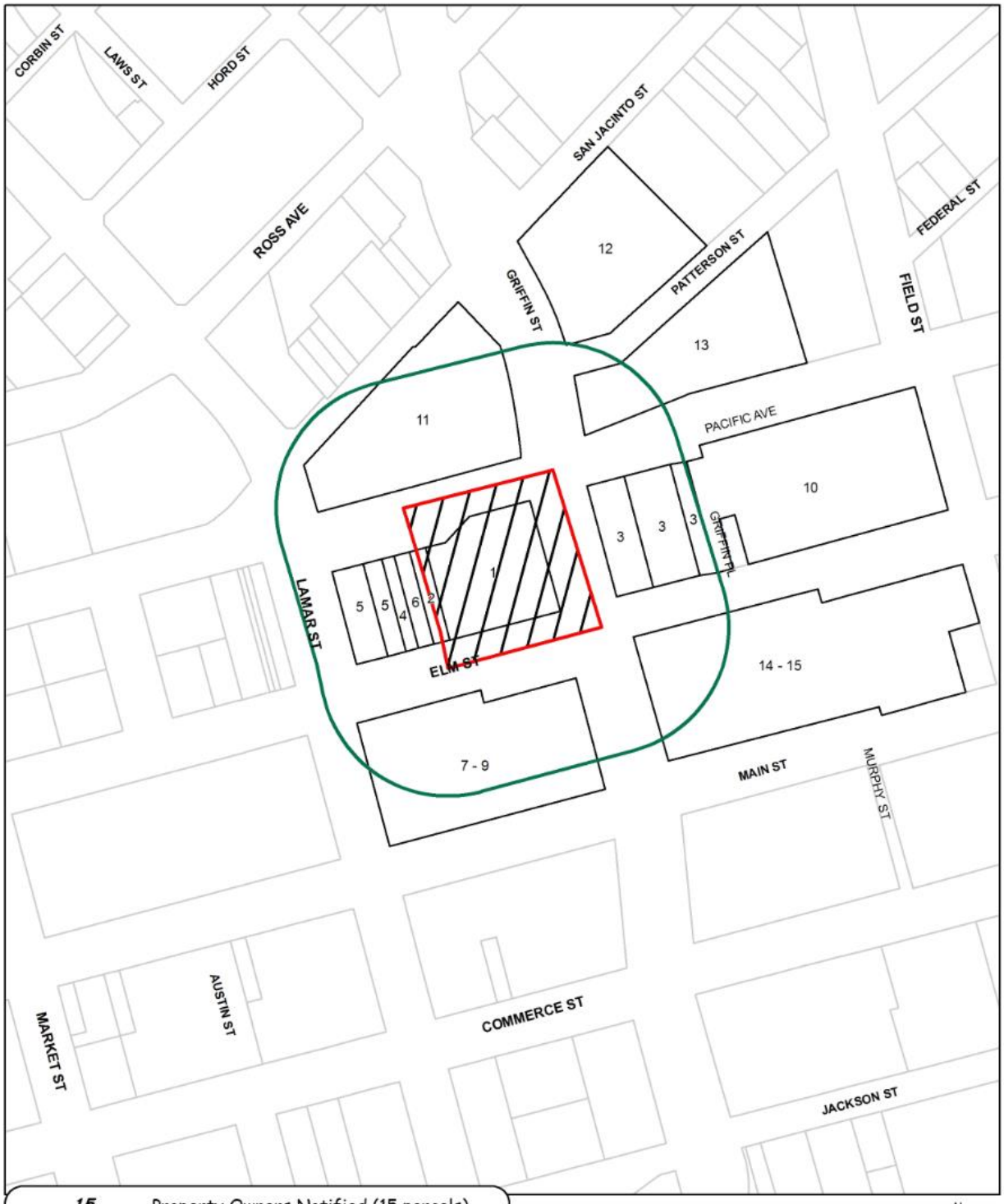
Date: 2/6/2019


LAWS ST
HORD ST
HORD ST
SAN JACINTO ST
PATTERSON ST
FEDERAL ST
N FIELD ST
ROSS AVE
DART West Transfer Center
PACIFIC AVE
SUP 644
HOTEL
GRIFFIN PL
SUP 2006
SUP 2005
N GRIFFIN ST
ELM ST
PACIFIC AVE
Office, Surface Parking lot
N AUSTIN ST
PD 619 (Subdistrict C)
H/150
CA-1(A)
H/2
CBD/Downtown Demolition Delay Overlay
PD 619 (Subdistrict B)
Bank
N GRIFFIN ST
N LAMAR ST
PD 619
MURPHY ST
PD 619 (Subdistrict A)
MURPHY ST
MAIN ST
H/43
S AUSTIN ST
S GRIFFIN ST
COMMERCE ST
S LAMAR ST
SUP 1410
S MARKET ST
H/85
1:2,400
ZONING AND LAND USE
Case no: Z189-164
Date: 2/6/2019


LAWS ST
HORD ST
HORD ST
SAN JACINTO ST
PATTERSON ST
FEDERAL ST
N FIELD ST
ROSS AVE
PACIFIC AVE
PACIFIC AVE
SUP 644
1,2
GRIFFIN PL
ELM ST
SUP 2006
SUP 2005
N GRIFFIN ST
PD 619 (Subdistrict C)
H/150
PD 619 (Subdistrict B)
CA-1(A)
H/2
N AUSTIN ST
CBD/Downtown Demolition Delay Overlay
N LAMAR ST
N GRIFFIN ST
PD 619
PD 619 (Subdistrict A)
MURPHY ST
MURPHY ST
MAIN ST
S AUSTIN ST
H/43
COMMERCE ST
S LAMAR ST
SUP 1410
S GRIFFIN ST
S MARKET ST
H/85
1:2,400
ZONING HISTORY
Case no: Z189-164
Date: 2/6/2019


Z189-164
MUNGER AVE
FREEMAN ST
ST PAUL ST
STEMMONS RAMP
WOODALL RODGERS FWY
MAGNOLIA ST
BROOM ST
GRIFFIN RAMP
MCKINNEY AVE
WOODALL RODGERS FWY
LAWS ST
CORBIN ST
HORD ST
ROSS AVE
SAN JACINTO ST
PATTERSON ST
FEDERAL ST
BULLINGTON ST
ERVAY ST
BRYAN ST
PACIFIC AVE
RECORD ST
CORBIN ST
MARKET ST
AUSTIN ST
GRIFFIN PL
FOUR WAY PL
STONE PL
MAIN ST
MURPHY ST
FIELD ST
ELM ST
JACKSON ST
WOOD ST
AKARD ST
COMMERCE ST
HOUSTON ST
LAMAR ST
MARILLA ST
YOUNG ST
REUNION BLVD
GRIFFIN ST
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:4,800
Market Value Analysis
Printed Date: 2/6/2019

CPC RESPONSES



03/14/2019

Reply List of Property Owners

Z189-164

15 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1015	ELM ST	TOG HOTELS DOWNTOWN
	2	911	ELM ST	TOG HOTELS DOWNTOWN DALLAS LLC
	3	1025	ELM ST	APPLE TEN HOSPITALITY
	4	907	ELM ST	HARMON FRANK G III ET AL
	5	901	ELM ST	DART
	6	909	ELM ST	909 ELM STREET LLC
	7	901	MAIN ST	DALLAS MAIN LP
	8	100	N LAMAR ST	INTERFIRST BANK DALLAS
	9	901	MAIN ST	INTERFIRST BANK DALLAS
	10	1201	ELM ST	JM BMM LLC &
	11	202	N LAMAR ST	DALLAS AREA RAPID TRANSIT
	12	1109	PATTERSON AVE	DALLAS FORT WORTH ARGYLE
	13	1100	PATTERSON AVE	CHAVEZ LAND INCOME
	14	1201	MAIN ST	ONE MAIN PLACE HOTEL LLC
	15	1201	MAIN ST	ONE MAIN PLACE OFFICE LLC

Agenda Information Sheet

File #: 19-462 **Item #:** 69.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2005 and Specific Use Permit No. 2006, on the northwest corner of North Griffin Street and Elm Street
Recommendation of Staff: Approval for a six-year period, subject to conditions
Recommendation of CPC: Approval for a three-year period, subject to conditions
Z189-165(PD)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY APRIL 10, 2019**
ACM: Majed Al-Ghafry

FILE NUMBER:	Z189-165(PD)	**DATE FILED:**	January 2, 2019
LOCATION:	Northwest corner of North Griffin Street and Elm Street		
COUNCIL DISTRICT:	14	**MAPSCO:**	45 K
SIZE OF REQUEST:	Approx. 0.69 acres	**CENSUS TRACT:**	31.01

APPLICANT:	Radiant Outdoor, LLC
OWNER:	TOG Hotels Downtown Dallas LLC
REPRESENTATIVE:	Suzan Kedron, Jackson Walker LLP
REQUEST:	An application for the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2005 and Specific Use Permit No. 2006.
SUMMARY:	The applicant proposes to allow the display and operation of an attached projecting sign on the western façade of an existing structure housing a hotel use. [Crown Plaza]

CPC RECOMMENDATION: **Approval** for a three-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a six-year period, subject to conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a 444,675 square foot hotel use. [Crown Plaza]

- Ordinance No. 27481, adopted by City Council on February 11, 2009, allowed for non-premise district activity videoboard signs in the Downtown Special Provision Sign District. In this ordinance, there was a limit of five videoboard signs.

- Ordinance No. 28347 was adopted by City Council on August 24, 2011. One of the amendments in this ordinance was to increase the number of videoboard signs the in Downtown SPSD to a total of 15 and increase the area in which the videoboard signs are allowed.

- Specific Use Permit No. 2005 was approved by City Council on January 23, 2013, for a six-year period. [Expired January 23, 2019]. This application for the renewal of the SUP was submitted on January 2, 2019.

- Although the sign has never been installed within the six years that it was permitted, the applicant is proposing to continue the operation and installation of a 16'x 9' (144 square feet) videoboard sign. The proposed sign will be installed 20 feet above the sidewalk western façade of the hotel along Elm Street.

- Currently, the City Council has approved 14 non-premise district activity videoboard signs in the Downtown Special Provision Sign District. Four of the 14 videoboards were approved by the City Plan Commission, (CPC) on February 21, 2019 and are scheduled for the April 10, 2019, City Council meeting. One additional videoboard renewal requires a two-year waiver to be heard at the March 21, 2019 CPC meeting.

Zoning History: There have been two zoning changes in the vicinity during the last five years.

1. Z189-148: On a date to be determined, the City Plan Commission may consider an application for the renewal of Specific Use Permit No. 2007 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with Specific Use Permit No. 2007, located on the northeast corner of the intersection of Griffin Street and Elm Street.

2. Z178-241: On August 8, 2018, the City Council denied an application for a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property Planned Development District No. 619 with Specific Use Permit No. 2007, located on the northeast corner of the intersection of Griffin Street and Elm Street.

Videoboard Signs:

Currently, there are fourteen active Specific Use Permits for videoboards with nine current videoboards, four requests for renewal of videoboards, and one videoboard sign requesting a two-year waiver to be heard at the March 21, 2019 CPC meeting.

The chart below indicates that of the fourteen SUP's, ten videoboard signs are installed and four have not been installed. Five Specific Use Permits recently expired on January 23, 2019 but the applications for their renewal, including SUP No. 2008, were submitted prior to the expiration date. Four of those applications are being considered at this hearing and one is pending approval of a two-year waiver.
Should all four SUP renewals be approved, there will be 13 active videoboard signs in the Downtown SPSD District. Exhibit "A" shows a map with the status of the SUP's for videoboard signs in the district.

NO.	SUP NO.	CASE NO.	APPROVED	Expiration	Sign Installed (permit #)	Renewal application submitted
1&2	***1755**	Z145-276 (Renewal)	9/9/2015	9/9/2021	0910095005	
3	**1788**	Z145-277 (Renewal)	9/9/2015	9/9/2021	0912305001	
4	**1791**	Z145-278 (Renewal)	9/9/2015	9/9/2021	1104055002	
5	**1796**	Z123-224 (Renewal)	8/14/2013	8/14/2019	1709191108	
6	**1957**	Z178-123 (Renewal)	6/13/2018	6/13/2028	1403311122	
7	**1958**	Z178-124 (Renewal)	2/14/2018	2/14/2028	1403311124	
8	**1959**	Z178-214 (Amendment/Renewal)	6/27/2018	6/27/2024	Not installed	
9	**2005**	Z123-123	1/23/2013	1/23/2019	Not installed	01/02/2019 case No. Z189-165
10	**2006**	Z123-122	1/23/2013	1/23/2019	Not installed	01/02/2019 case No. Z189-164
11	**2007**	Z123-112	1/23/2013	1/23/2019	1403311118	11/30/2018** Case no. Z189-148
12	**2008**	Z123-110	1/23/2013	1/23/2019	1403311114	11/30/2018 case No. Z189-147
13	**2009**	Z123-111	1/23/2013	1/23/2019	1403311109	11/30/2018 case No. Z189-146
14	**2302**	Z178-242	9/26/2018	9/26/2024	Not installed	

* Includes 2 videoboards
** CPC date is contingent on approval of a two-year waiver

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
Elm Street	Collector	80 feet	80 feet
N. Griffin Street	Minor Arterial	100 feet	100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas!* Comprehensive Plan was adopted by the City Council in June 2006. The *forwardDallas!* Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC EVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded Downtown.

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

- Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

- Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

Land Use Compatibility:

The approximate 0.69-acre area of request is zoned a CA-1(A) Central Area District with SUP No. 2005 and SUP No. 2006. The request site is developed with a 23-story, 444,675-square-foot hotel use [Crown Plaza] with parking garage.

SUP No. 2005 was approved by City Council on January 23, 2013 for a six-year time period. While the SUP expired on January 23, 2019, the applicant submitted the application 22 days prior on January 2, 2019. Although the sign as never been installed, the applicant seeks the renewal of the SUP to continue the display of an existing attached projecting videoboard sign on the western façade of the hotel.

Uses surrounding the area of request include the DART West Transfer Center to the north, a hotel use [Hilton] to the east, a bank use to the south and an office and surface parking lot 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.

As listed under the development standards, the existing projecting sign is consistent with the general provision for a Specific Use Permit and with the provisions for attached non-premise district activity videoboard signs in Section 51A-7.909 as they pertain to: content, location and number, size, SUP requirement, installation, projecting, and building occupancy requirements.

Building occupancy requirements. Non-premise district activity videoboard signs are only permitted on buildings with retail and personal service uses, lodging uses, or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. Non-premise district activity videoboard signs are not allowed on a lot containing a commercial surface parking lot use. The director shall notify City Council of any building that falls below the occupancy requirements and fails to reestablish the occupancy requirement within 120 days. The director may waive the occupancy requirements of this subsection for up to one year if the director determines that the building or multi-building complex is currently being

redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more. (Ord. Nos. 27481; 28347; 28424; 28553; 28822; 29227)

Staff supports the request and recommends approval for a six-year period, subject to conditions rather than the ten-year period requested by the applicant.

Land Use:

	Zoning	Land Use
Site	CA-1(A)	Hotel, [Crown Plaza]
North	CA-1(A)	DART West Transfer Center
East	PDD No. 619	Hotel, [Hilton]
South	CA-1(A)	Bank
West	PDD No. 619, H/2	Office, Surface Parking Lot

Development Standards:

A maximum of 15 non-premise district activity videoboard signs are permitted and may only be erected on buildings with frontage on streets within the Retail Subdistrict bounded by Jackson Street, Lamar Street, Pacific Street, and Cesar Chavez Boulevard.

Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street. Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.
A maximum of one non-premise district activity videoboard sign is permitted per block face. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have maximum of 150 square feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP.

Projecting non-premise activity videoboard signs:

- must have a vertical orientation with height exceeding the width at a minimum of 16:9 width-to-height ratio;
- may project a maximum of 12 feet into the right-of-way;
- must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk; and
- must have video displays on both sides of the sign.

All videoboard signs:

- must contain a default mechanism that freezes the image in one position in case of malfunction;

- must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
    - the ambient light level measure in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then
    - the dimming level, multiplied by .0039 equal the brightness level; then
    - the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed brightness, measured in nits;
- must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and
- may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

Non-premise district activity videoboard signs:

- must have a full color display able to display a minimum of 281 trillion color shades; and
- must be able to display a high-quality image with a minimum resolution equivalent to 19mm maximum pixel size.

Changes of message must comply with the following:

- Each message must be displayed for a minimum of eight seconds;
- Changes of message must be accomplished within two seconds;
- Changes of message must occur simultaneously on the entire sign face; and
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The site is not within an identifiable MVA Category; however, it is in proximity to an “E” MVA Cluster to the far northwest across Pacific Avenue and to the far east across Pacific Avenue and Elm Street.

LIST OF OFFICERS

Radiant Outdoor, LLC

Brad Berkley, CEO
Erin Watkins, Secretary

TOG Hotels Downtown Dallas LLC

Terry Tagnazzini, President

CPC ACTION:
February 21, 2019

Z189-165(PD)

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign for a three-year period, subject to conditions on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2005 and Specific Use Permit No. 2006, on the northwest corner of North Griffin Street and Elm Street.

Maker: Ridley
Second: Murphy
Result: Carried: 10 to 0

For: 10 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Schultz, Murphy, Ridley, Tarpley

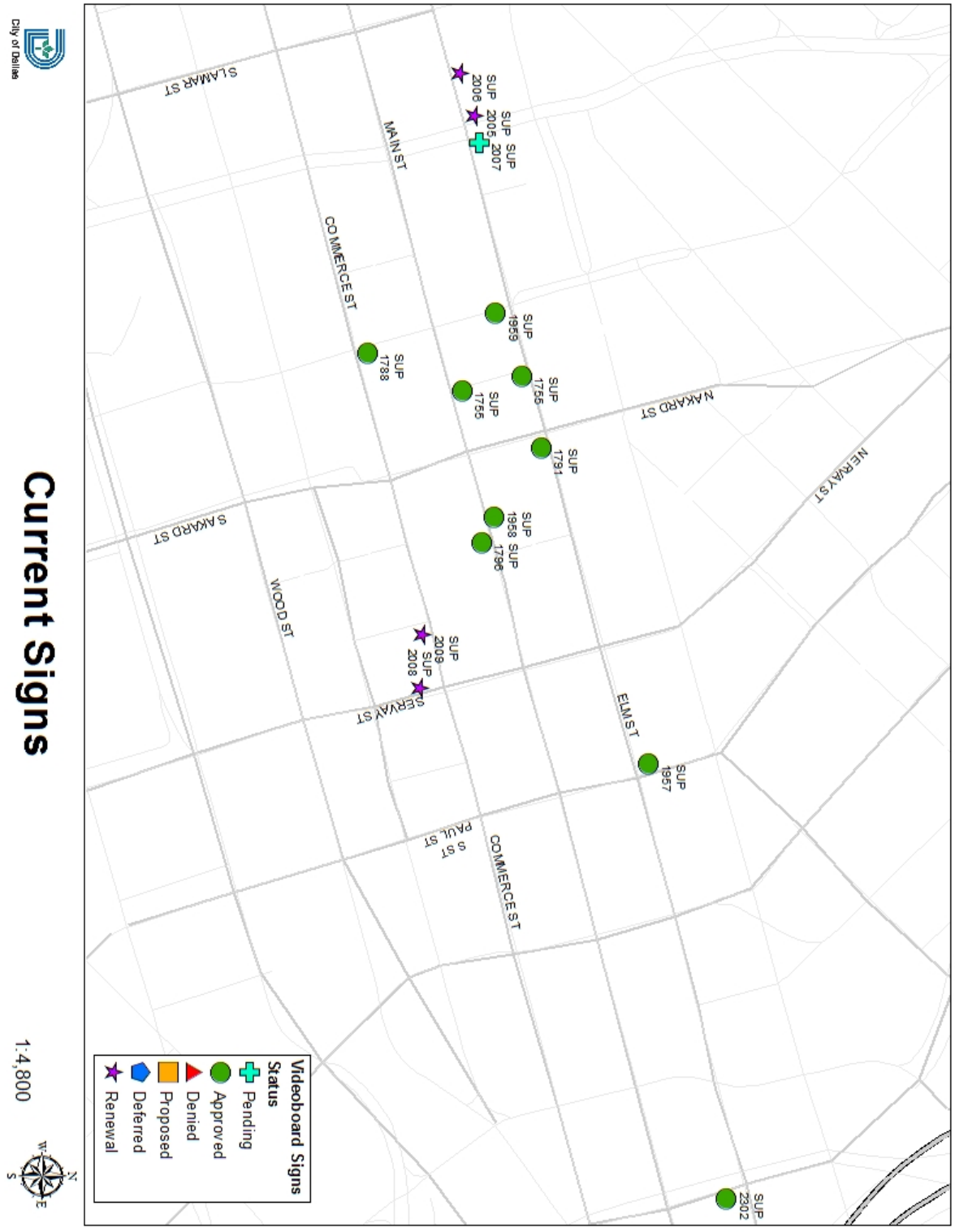
Against: 0
Absent: 1 - Housewright
Vacancy: 3 - District 4, District 7, District 12
Conflict: 1 - Jung**

**out of the room, when vote taken

Notices: Area: 200 Mailed: 15
Replies: For: 0 Against: 0

Speakers: For: Suzan Kedron, 2323 Ross Ave, Dallas, TX, 75201
Brad Berkley, 1528 Slocum St., Dallas, TX, 75207
Against: None

Videoboards Current & Renewals
(Exhibit A)



CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.

CPC Recommendation:

3. TIME LIMIT: This specific use permit expires on (three years from the passage of this ordinance). ~~[January 23, 2019].~~

Staff Recommendation:

3. TIME LIMIT: This specific use permit expires on (six years from the passage of this ordinance). [~~January 23, 2019~~].

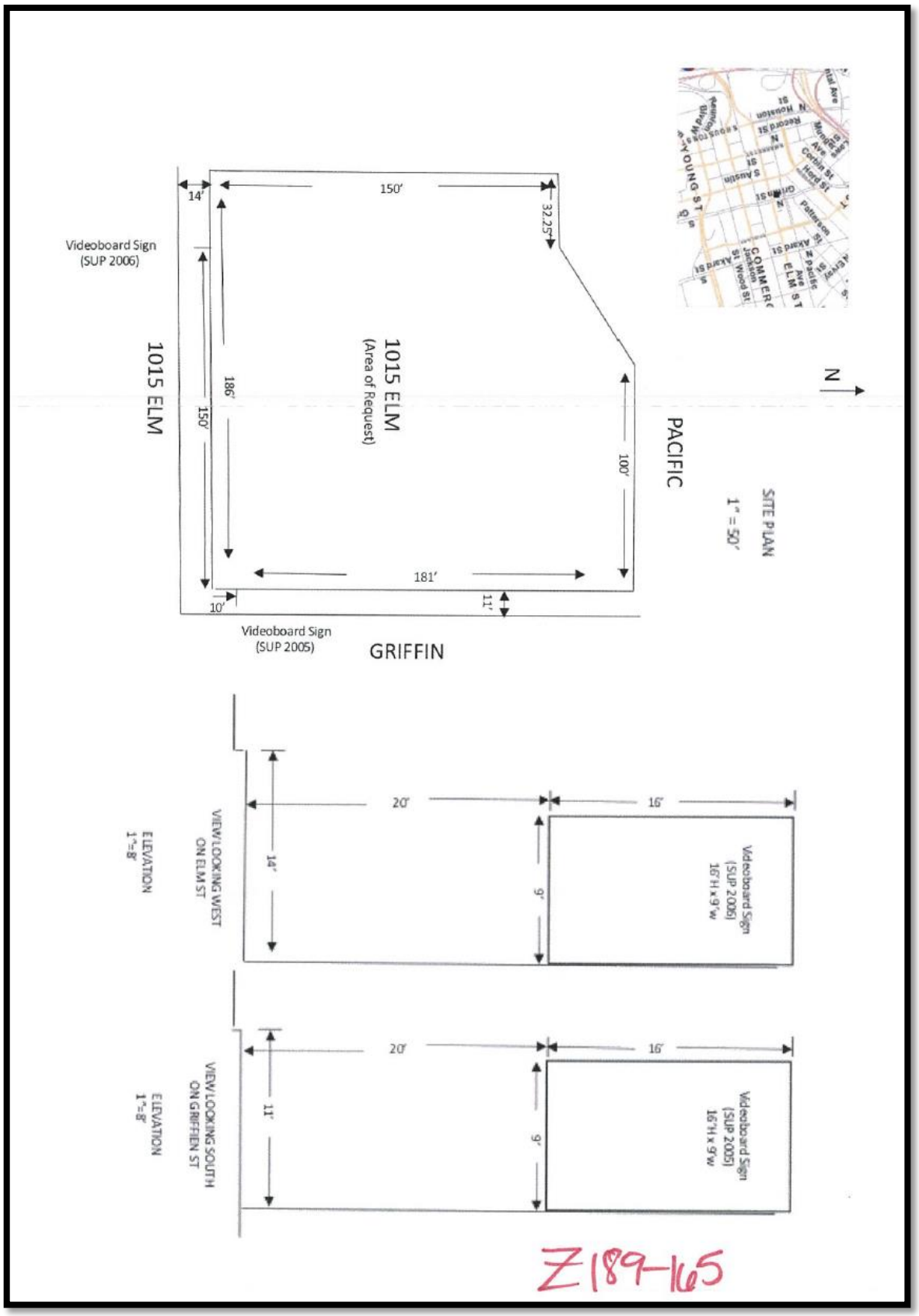
Applicant's Request

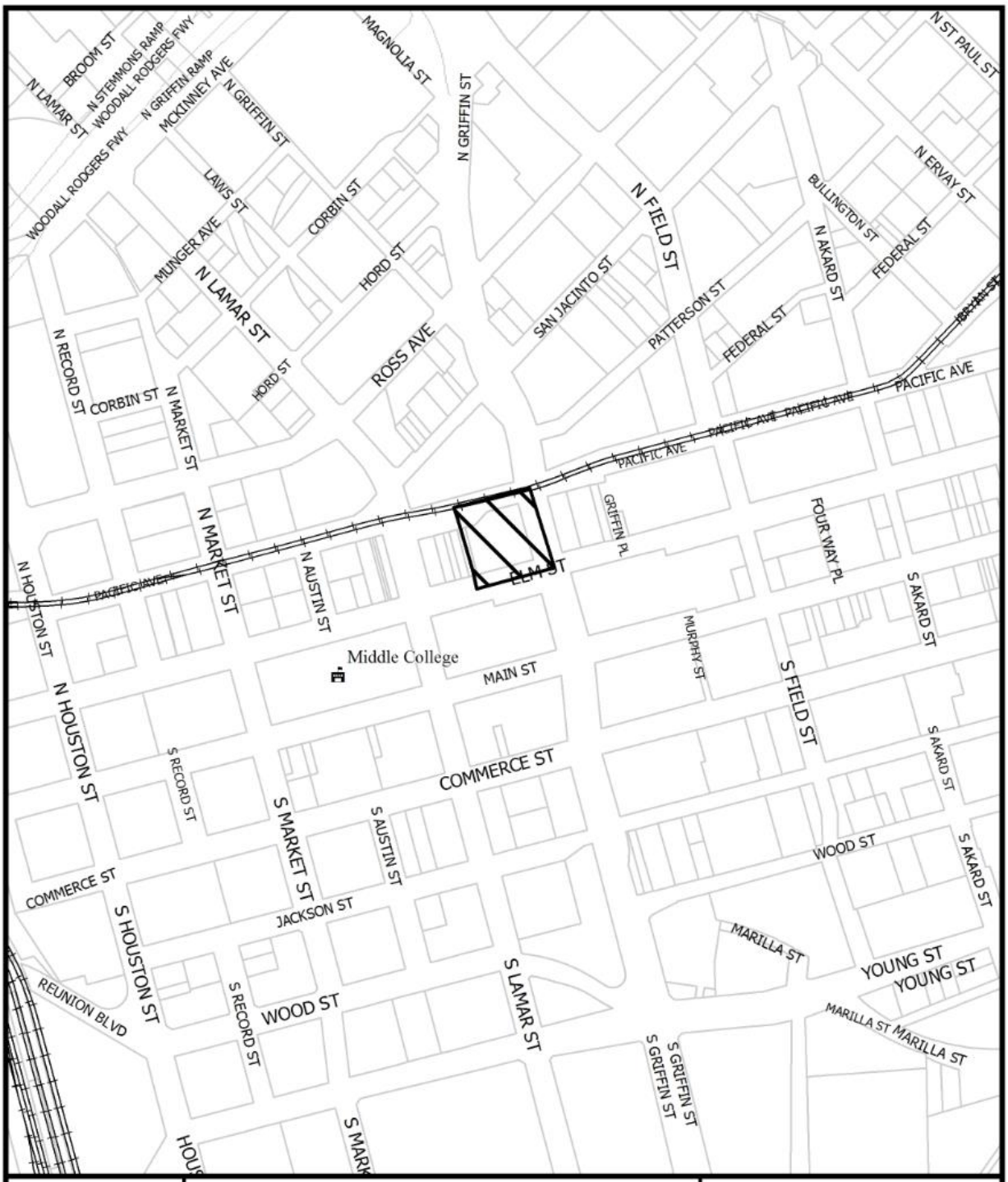
3. TIME LIMIT: This specific use permit expires on (ten-year from the passage of this ordinance). [~~January 23, 2019~~].

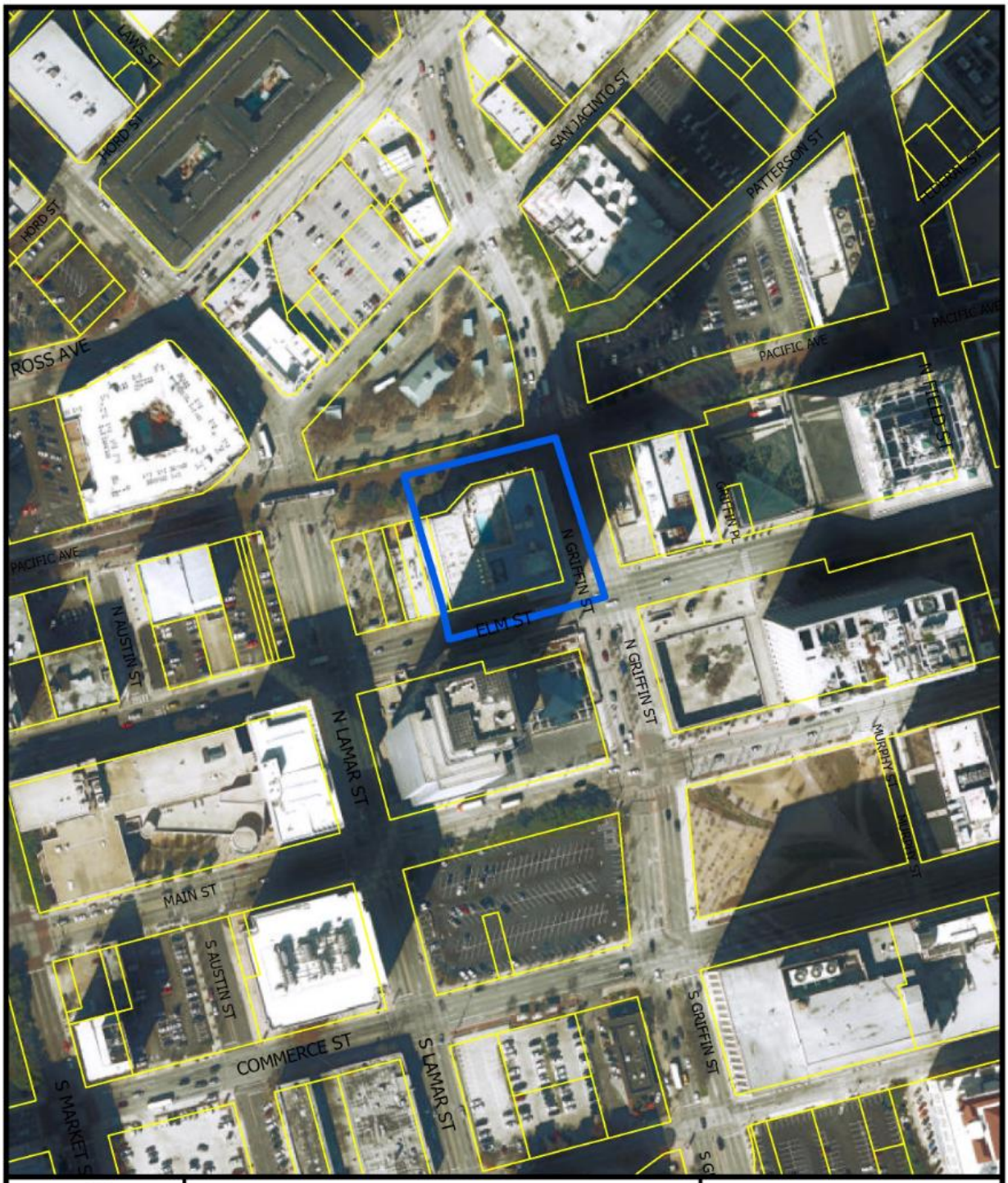
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SUP SITE PLAN




BROOM ST
N STEMMONS RAMP
WOODALL RODGERS FWY
N LAMAR ST
WOODALL RODGERS FWY
N GRIFFIN RAMP
MCKINNEY AVE
N GRIFFIN ST
MAGNOLIA ST
N GRIFFIN ST
N ST PAUL ST
LAWS ST
CORBIN ST
MUNGER AVE
N LAMAR ST
HORD ST
ROSS AVE
N FIELD ST
SAN JACINTO ST
PATTERSON ST
FEDERAL ST
N AKARD ST
BULLINGTON ST
FEDERAL ST
N ERVAY ST
N RECORD ST
CORBIN ST
N MARKET ST
HORD ST
PACIFIC AVE
PACIFIC AVE
PACIFIC AVE
PACIFIC AVE
GRIFFIN PL
FOUR WAY PL
ELM ST
N HOUSTON ST
PACIFIC AVE
N MARKET ST
N AUSTIN ST
Middle College
MAIN ST
MURPHY ST
S FIELD ST
S AKARD ST
N HOUSTON ST
S RECORD ST
COMMERCE ST
S MARKET ST
S AUSTIN ST
S AKARD ST
WOOD ST
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JACKSON ST
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YOUNG ST
YOUNG ST
REUNION BLVD
S RECORD ST
WOOD ST
S LAMAR ST
MARILLA ST
MARILLA ST
S GRIFFIN ST
S GRIFFIN ST
1:4,800
VICINITY MAP
Case no: Z189-165
Date: 2/6/2019

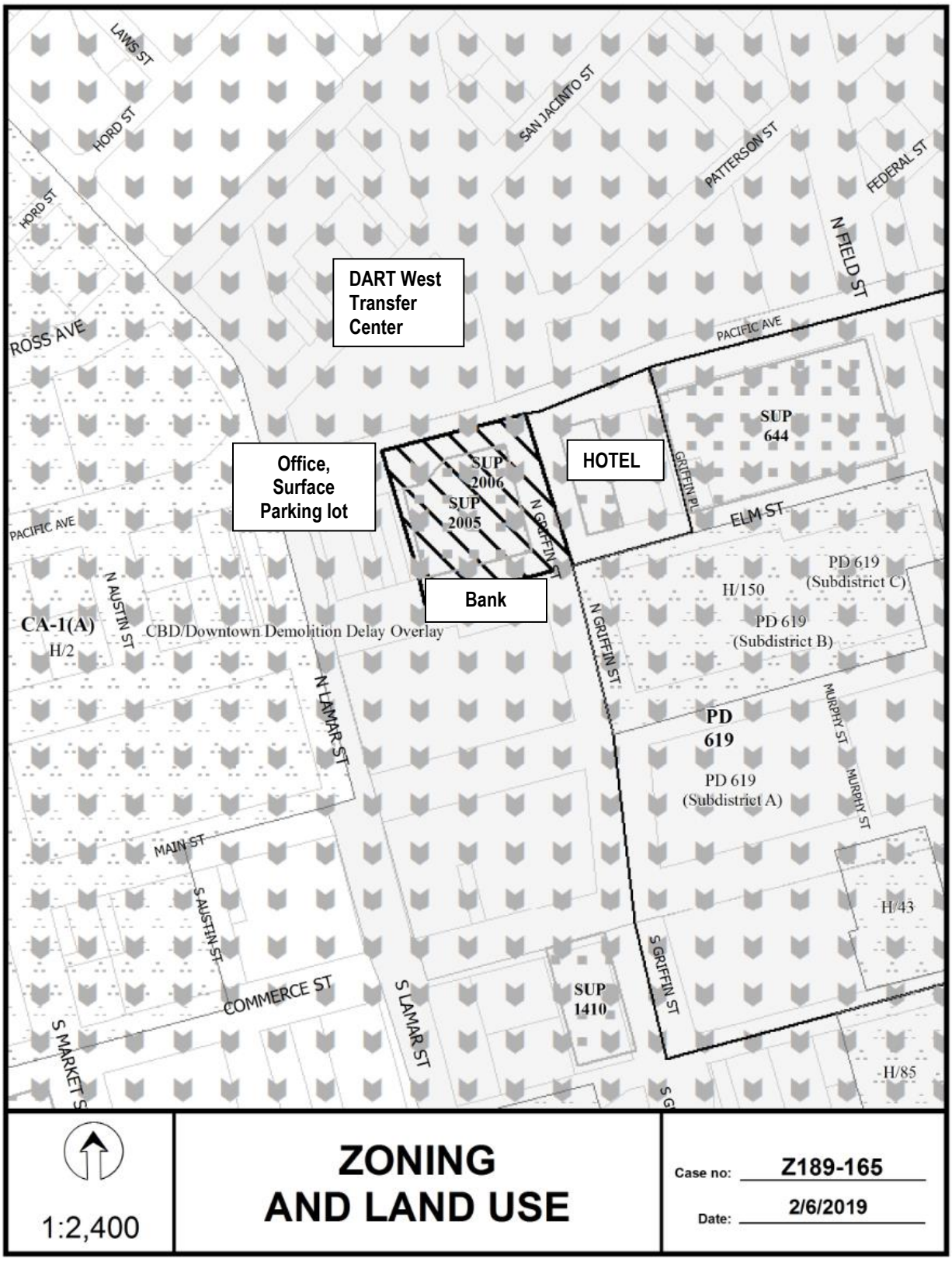


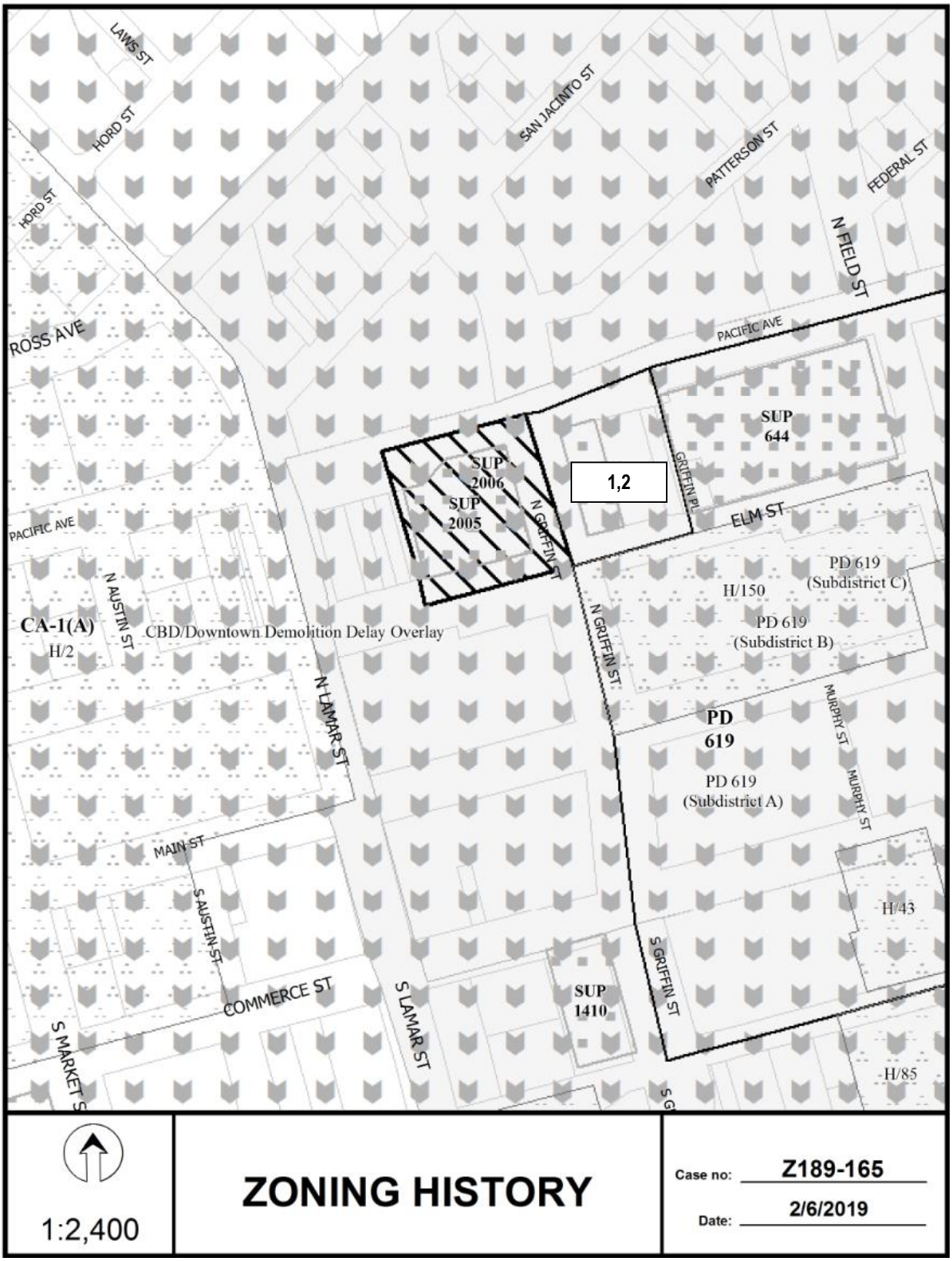
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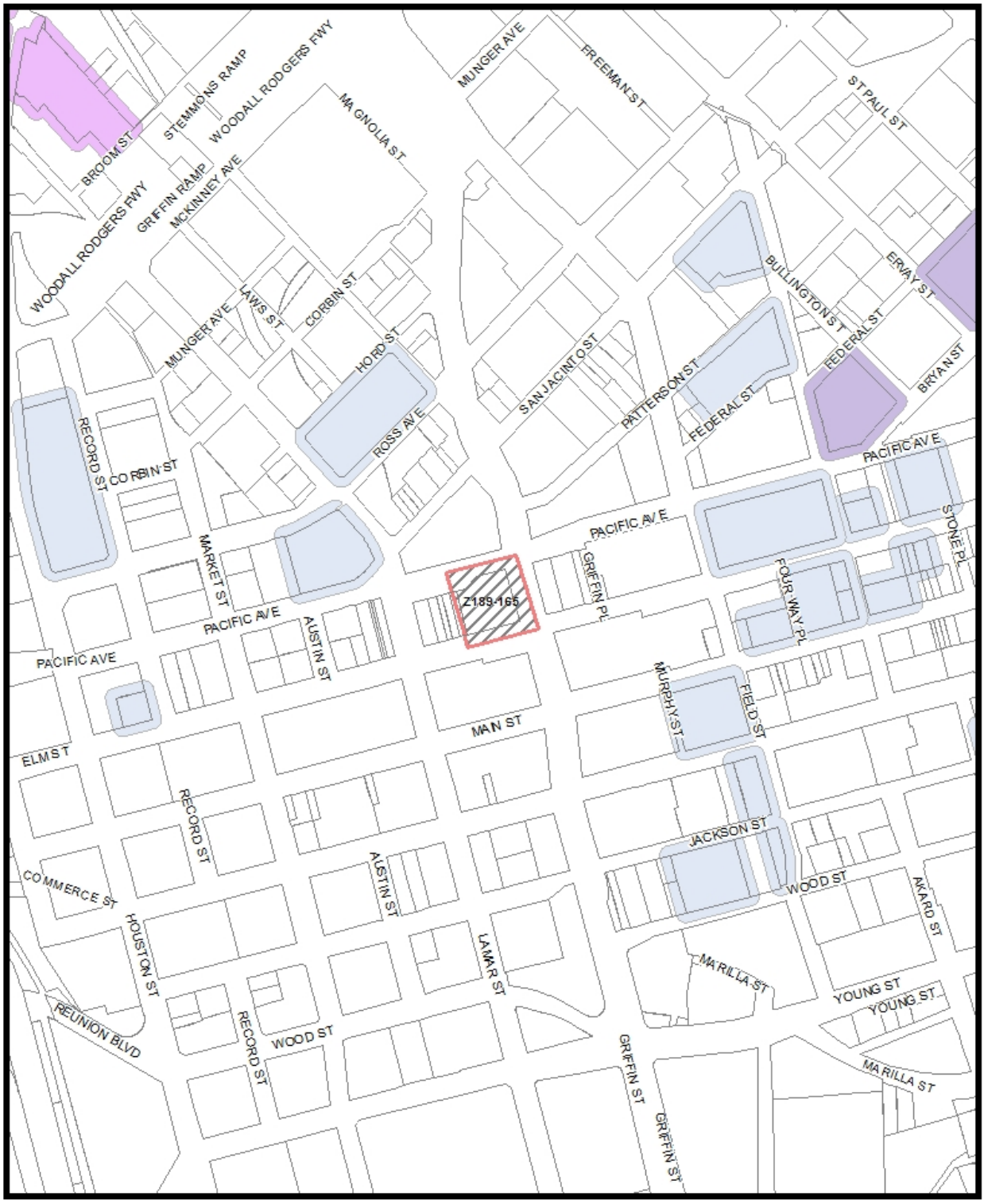
AERIAL MAP

Case no: Z189-165

Date: 2/6/2019


DART West Transfer Center
Office, Surface Parking lot
HOTEL
Bank
SUP 2006
SUP 2005
SUP 644
SUP 1410
PD 619
PD 619 (Subdistrict A)
PD 619 (Subdistrict B)
PD 619 (Subdistrict C)
CA-1(A)
H/2
H/150
H/43
H/85
CBD/Downtown Demolition Delay Overlay
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1:2,400
ZONING AND LAND USE
Case no: Z189-165
Date: 2/6/2019


LAWS ST
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ZONING HISTORY
Case no: Z189-165
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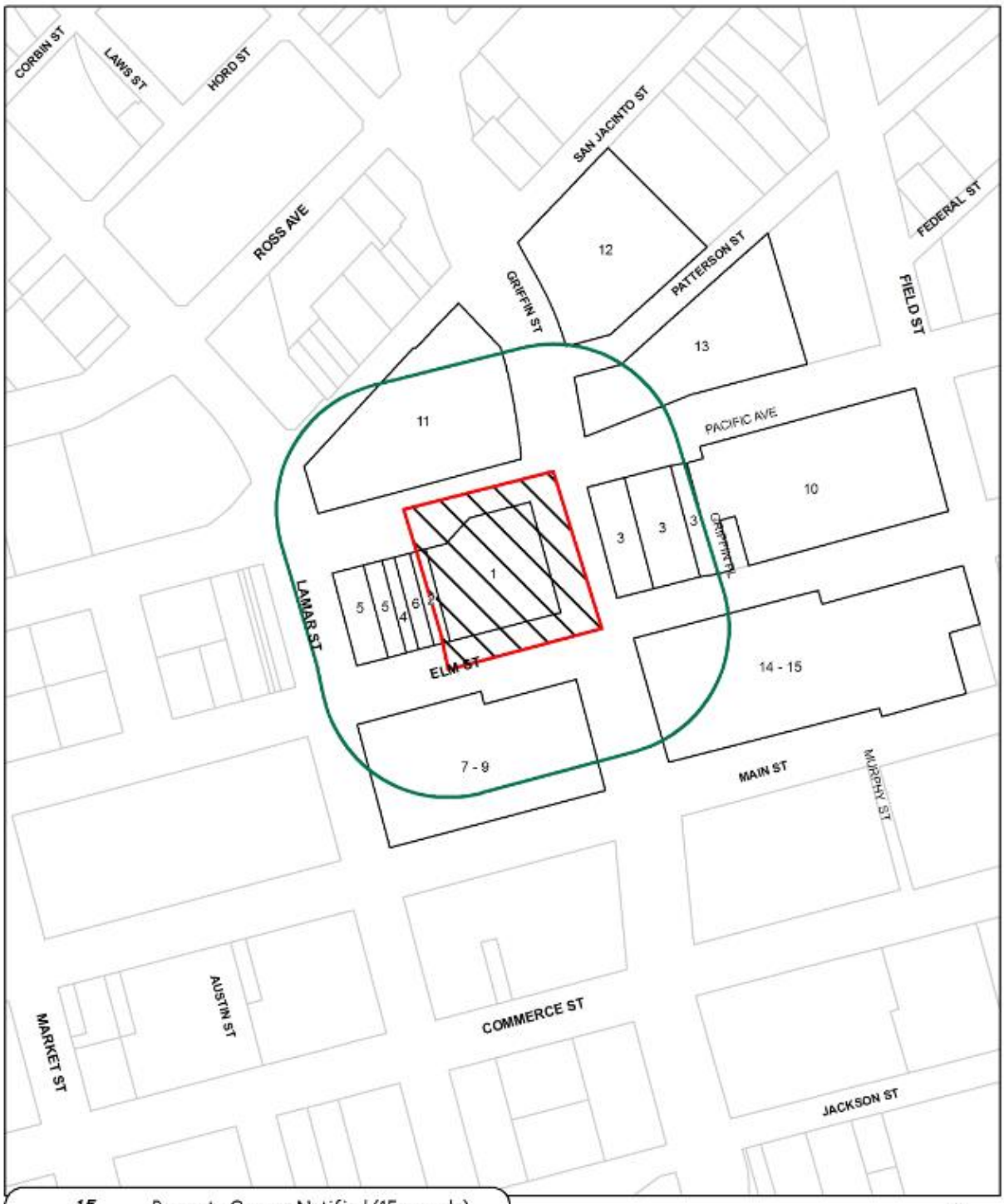
MVA Cluster A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 2/6/2019

CPC RESPONSES



15	Property Owners Notified (15 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
2/21/2019	Date

Z189-165
CPC

N
W E
S

1:2,400

Reply List of Property Owners

Z189-165

15 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1015	ELM ST	TOG HOTELS DOWNTOWN
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	4	907	ELM ST	HARMON FRANK G III ET AL
	5	901	ELM ST	DART
	6	909	ELM ST	909 ELM STREET LLC
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	11	202	N LAMAR ST	DALLAS AREA RAPID TRANSIT
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	13	1100	PATTERSON AVE	CHAVEZ LAND INCOME
	14	1201	MAIN ST	ONE MAIN PLACE HOTEL LLC
	15	1201	MAIN ST	ONE MAIN PLACE OFFICE LLC

Agenda Information Sheet

File #: 19-391 **Item #:** 70.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and **(1)** an ordinance granting an amendment to Tract 6 for LO-1(A) Limited Office District uses; and **(2)** an ordinance terminating Specific Use Permit No. 610 for a health center, on property zoned Tract 6 for LO-1(A) Limited Office District uses within Planned Development District No. 508, on property bounded by Bickers Street, Holystone Street, and Greenleaf Street

Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, development plan, landscape plan, traffic management plan, and conditions; and approval of the termination of Specific Use Permit No. 610 for a health center use

Z178-260(SM)

Note: This item was deferred by the City Council before opening the public hearing on February 27, 2019, and is scheduled for consideration on April 10, 2019

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-260(SM)	**DATE FILED:**	May 18, 2018
LOCATION:	Bounded by Bickers Street, Holystone Street, and Greenleaf Street		
COUNCIL DISTRICT:	6	**MAPSCO:**	43 L
SIZE OF REQUEST:	Approx. 20.03 acres	**CENSUS TRACT:**	205

APPLICANT/OWNER: Dallas ISD

REPRESENTATIVE: Karl A. Crawley, Masterplan

REQUEST: An application for **(1)** an amendment to Tract 6 for LO-1(A) Limited Office District uses; and **(2)** the termination of Specific Use Permit No. 610 for a health center, on property zoned Tract 6 for LO-1(A) Limited Office District uses within Planned Development District No. 508.

SUMMARY: The applicant [Dallas ISD] proposes to construct a three-story, 226,948-square-foot building to accommodate the new LG Pinkston High School, including athletic facilities and 212 surface parking spaces for staff, students, and visitors plus 120 additional spaces for special event/overflow parking on site. Additionally, the applicant proposes a 24-classroom, 60,000 square-foot expansion area to accommodate future school growth.

CPC RECOMMENDATION: **Approval**, subject to a revised conceptual plan, development plan, landscape plan, traffic management plan, and conditions; and **approval** of the termination of Specific Use Permit No. 610 for a health center use.

STAFF RECOMMENDATION: **Approval**, subject to a revised conceptual plan, development plan, landscape plan, traffic management plan, and conditions; and **approval** of the termination of Specific Use Permit No. 610 for a health center use.

BACKGROUND INFORMATION:

- On February 5, 1973, the City Council approved Specific Use Permit No. 610 for a health center for a permanent time period, subject to a site plan and conditions. The purpose of the health center SUP was to construct a children's clinic for the Carver Elementary School students.

- On August 20, 2018, the demolition permit to remove the two previously developed public schools was complete. The site is currently undeveloped.

- On November 27, the applicant met with surrounding property owners to discuss the proposed high school building, athletic fields, and traffic management plan revisions to the proposed development plan to correct the proposed floor area and revised athletic field lighting conditions are included with this report.

Zoning History: There have been two zoning changes requested in the area during the past five years.

1. **Z167-404**: On September 26, 2018, City Council will consider an application for 1) a new tract for MF-2(A) Multifamily District uses; 2) the termination of Specific Use Permit No. 1636 for multifamily uses; and, 3) the termination of Specific Use Permit No. 2213 for single family uses, on property zoned Tract 12 for MU-1 Mixed Use District uses and Tract 13 for MF-2(A) Multifamily District uses within Planned Development District No. 508 located on the north line of Singleton Boulevard, east of Westmoreland Road.

2. **Z156-117:** On February 24, 2016, City Council approved an amendment to a development plan for Tract 12 of Planned Development District No. 508.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing Width
Bickers Street	Collector	80 ft.
Greenleaf Street	Private street	57-60 ft.
Holystone Street	Private street	57-60 ft.

Traffic:

The accompanying Traffic Management Plan (TMP) studied traffic patterns of the existing LG Pinkston High School located at 2200 Dennison Street which enrolls 900 students. The TMP states some findings and recommendations for pick up and drop off operations of the proposed school campus. The primary recommendations from the TMP convert Greenleaf Street to a two-way street; restrict northbound traffic on Holystone Street during pick-up and drop-off periods; restrict the driveway on Bickers Street to outbound only during pick-up and drop-off periods; and, add no-parking signs on Holystone Street like those existing on Greenbriar Street.

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request, including the attached traffic management plan and a traffic impact analysis, and recommends approval of the recommendations described in the proposed traffic management plan.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 Align land use strategies with economic development priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

NEIGHBORHOOD PLUS

Policy 4.2 Support and leverage emerging school quality and school choice programs.

STAFF ANALYSIS

Surrounding Land Uses:

	Zoning	Land Use
Site	Tract 6 within PDD No. 508 w/SUP No. 610 on a portion	Undeveloped
North	Tracts 5 and 1 within PDD No. 508 [LO-1(A) and CH]	Office, Single family
East	Tract 1 within PDD No. 508 [CH] with SUP No. 1516	Private recreation center, club, or area
South	Tracts 13 and 4 within PDD No. 508 [MF-2(A) and MF-2(A)]	Undeveloped, Senior living
West	Tract 8 within PDD No. 508 [MF-2(A)]	Multifamily

Land Use Compatibility:

The surrounding land uses consist of an office use and a single family development to the north, a private recreation area to the east, undeveloped and senior living center to the south, and multifamily to the west. Staff supports the request to redevelop the site as a new school with athletic facilities in place of the two previous schools because the new school would be required to comply with a traffic management plan and because provisions were added to restrict the lighting and outdoor amplification of the athletic facilities so the public school would be consistent with the surrounding land uses.

Development Standards:

Staff supports the request to increase maximum structure height from 36 feet to 60 feet for a public school use because 1) the request is restricted to public school uses which, under the maximum building height provisions of Section 51A-4.408, are allowed any legal height when consistent with residential proximity slope; 2) the applicant proposes to retain residential proximity slope height restrictions that exist in the district today, and 3) the site is further restricted to comply with the proposed development plan.

Parking:

The Dallas Development Code derives the off-street parking requirement for a school using the following criteria: 1) the number of classrooms and 2) the grade level of the school's students (e.g., elementary, middle or high school). The Dallas Development Code requirement for off-street parking for a high school is nine and one-half spaces for each high school classroom. The applicant proposes to reduce the minimum parking requirement from nine and one-half spaces per high school classroom to five and one-

half spaces per high school classroom. The applicant requested this reduction based upon a parking demand study of a professional engineer, who studied the parking operations of the existing school. The proposed parking reduction requires 209 parking spaces for the proposed 38-classroom high school whereas the Dallas Development Code would require 361 parking spaces for 38 high school classrooms. The applicant proposes 212 parking spaces for students, staff, and visitor use for daily use and has a paved surface area that can provide an additional 120 spaces for special event and overflow parking.

The Engineering Division of the Sustainable Development and Construction Department has reviewed the parking reduction request and recommends approval.

Landscaping:

The proposed site plan reduces the required number of site trees from 277 to 196. However, because the site is constrained by athletic fields, parking areas, building footprint, and tree spacing requirements, staff supports the requested reduction.

The proposed site plan also reduces the required number of street trees from 94 large trees to 37 small trees and 39 large trees, for a total of 76 street trees. Staff supports the requested reduction because the application was submitted before Article X was amended on June 27, 2018 and Article X would have required 76 large trees prior to the amendment. Additionally, staff supports the request to reduce some large street trees to small street trees based on the need to place landscaping to avoid conflicts with spacing, use, and utilities.

Sidewalks:

The applicant proposes to construct a new high school where two elementary schools previously existed. The existing site is encircled with sidewalks that vary in width, between four feet and five feet wide. The applicant has agreed to CPC and staff's recommendations for a minimum six-foot wide sidewalk to support the proposed high school, which includes the current student body of 900 students at another location and a traffic management plan that also circles the site. Since CPC, the applicant has provided staff with a revised development plan and a revised landscape plan that complies with CPC's recommendation for a six-foot wide sidewalk, which is included in this report.

Visibility Triangles:

The site is bound by Bickers Street, a publicly owned right-of-way to the south, and two private streets to the northwest and northeast: Holystone Street and Greenleaf Street. Pursuant to *visual obstruction regulations*[1], also known as visibility triangles, triangular areas formed at two street intersections and at intersections of a street and a driveway, or alley, are required to remain unobstructed. The purpose of these requiring these areas to remain unobstructed is to protect the safety of persons using streets by not obscuring lines of site of drivers. This concept is especially important to protect when near schools.

Because (1) *visual obstruction regulations* use the term *street*, which is defined as, "a right-of-way which provides primary access to adjacent property" and (2) since Holystone Street and Greenleaf Street are *private streets*, which are defined as "a street or alley built to the same specifications as a street or alley dedicated to the public use, whose ownership has been retained privately"; visual obstruction regulations do not apply and are unenforceable. Therefore, the term *street*, in the *visual obstruction regulations* context, includes private streets. Since CPC, the applicant has provided a revised development plan and landscape plan that demonstrates the site will comply with the proposed visual obstruction regulations.

Market Value Analysis: Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, it is in the vicinity of an "H" MVA cluster to the west of Holystone Street and east of Greenleaf Street and an "I" MVA cluster to the southeast of Bickers Street.

[1] Reference subsection (d) in Section 51A-4.602 in the Dallas Development Code.

PRIOR CPC ACTION – October 4, 2018:

Motion: In considering an application for 1) an amendment to Tract 6 for LO-1(A) Limited Office District uses and 2) the termination of Specific Use Permit No. 610 for a health center, on property zoned Tract 6 for LO-1(A) Limited Office District uses within Planned Development District No. 508, on property bound by Bickers Street, Holystone Street, and Greenleaf Street, it was moved to **hold** this case under advisement until December 13, 2018.

Maker: Carpenter
Second: Rieves
Result: Carried: 13 to 0

For: 13 - West, Rieves, Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7

Notices: Area: 500 Mailed: 64
Replies: For: 0 Against: 4

Speakers: For: None
Against: David Fannin, 2619 Laurel Leaf Ct., Dallas, TX, 75212

PRIOR CPC ACTION – December 13, 2018:

Motion: It was moved to recommend (1) **approval** of an amendment to Tract 6 for LO-1(A) Limited Office District uses, subject to a revised conceptual plan, revised development plan (as briefed), revised landscape plan (as briefed), traffic management plan, and staff's recommended conditions; and, (2) **approval** of the termination of Specific Use Permit No. 610 for a health center use, on property zoned Tract 6 for LO-1(A) Limited Office District uses within Planned Development District No. 508, on property bound by Bickers Street, Holystone Street, and Greenleaf Street.

Maker: Carpenter
Second: Lewis
Result: Carried: 13 to 0

For: 13 - MacGregor, Rieves, Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7

Notices: Area: 500 Mailed: 64
Replies: For: 0 Against: 4

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: None

List of DISD Trustees

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CPC RECOMMENDED AMENDMENTS TO

ARTICLE 508.

PD 508.

SEC. 51P-508.101. LEGISLATIVE HISTORY.

PD 508 was established by Ordinance No. 23536, passed by the Dallas City Council on June 10, 1998. Ordinance No. 23536 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Ordinance No. 23536 was amended by Ordinance No. 24076, passed by the Dallas City Council on October 27, 1999; Ordinance No. 24374, passed by the Dallas City Council on September 13, 2000; Ordinance No. 24655, passed by the Dallas City Council on June 27, 2001; Ordinance No. 24725, passed by the Dallas City Council on September 26, 2001; and Ordinance No. 25982, passed by the Dallas City Council on May 25, 2005. (Ord. Nos. 19455; 23536; 24076; 24374; 24655; 24725; 25982; 26042)

SEC. 51P-508.102. PROPERTY LOCATION AND SIZE.

PD 508 is established on property generally bounded by Hampton Road on the east, Dennison Street, Fish Trap Road and Singleton Boulevard on the South, Westmoreland Road and the centerline of Old Trinity River on the west, and Canada Drive on the north. The size of PD 508 is approximately 481.26 acres. (Ord. Nos. 23536; 26042)

SEC. 51P-508.103. 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) COMMERCIAL AMUSEMENT CABLE SKI PARK AND RECREATION AREA means a facility offering water skiing and wakeboarding by an automated cable pulling system and other recreation or games of skill to the general public for a fee. This use must include water skiing and wakeboarding by an automated cable pulling system, but may also include other recreation activities and games of skill. Office, retail, and restaurant uses are permitted as part of this use but are limited to a total of 5,000 square feet of floor area. (Ord. Nos. 23536; 25982; 26042; 27771)

SEC. 51P-508.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 508A: conceptual plan.

(2) Exhibit 508B: development plan for Tract 12A.

(3) Exhibit 508C: development plan for a portion of Tract 3.

(4) Exhibit 508D: development plan for a portion of Tract 14.

(5) Exhibit 508E: development plan for a portion of Tract 12.

(6) Exhibit 508F: athletic field traffic management plan.

(7) Exhibit 508G: development plan for Tract 6.

(8) Exhibit 508H: landscape plan for Tract 6.

(9) Exhibit 508I: traffic management plan for Tract 6.

SEC. 51P-508.104. CONCEPTUAL PLAN.

Use of the Property must comply with the conceptual plan (Exhibit 508A). In the event of a conflict between the provisions of this article and the conceptual plan, the provisions of this article control. (Ord. Nos. 23536; 25982; 26042; 27175)

SEC. 51P-508.105. DEVELOPMENT PLAN.

(a) A development plan for each phase of development must be approved by the city plan commission prior to the issuance of a building permit for each phase.

(b) A development plan for Tract 12A is labeled Exhibit 508B.

(c) A development plan for a portion of Tract 3 is labeled Exhibit 508C.

(d) A development plan for a portion of Tract 14 is labeled Exhibit 508D.

(e) A development plan for Tract 6 is labeled Exhibit 508G.

SEC. 51P-508.106. CREATION OF TRACTS.

This district is divided into 16 tracts: Tracts 1, 2, 3, 4, 5, 6, 7, 7A, 8, 9, 10, 11, 12, 12A, 13, and 14. The boundaries of all areas are described in Exhibit A of Ordinance No. 23536, as amended by Ordinance No. 25982. The boundaries of the areas are shown on the conceptual plan. If there is a conflict, the descriptions in Exhibit A of Ordinance No. 23536, as amended, control over the graphic description on the conceptual plan. (Ord. Nos. 23536; 24725; 25982; 26042; 30230)

SEC. 51P-508.107. TRACT REGULATIONS.

(a) Tracts 1 and 9 [CLUSTERED HOUSING (CH) Tracts].

OMITTED FOR BREVITY

(b) Tracts 4, 8, 10, 11, and 13 (MULTI-FAMILY [MF-2(A)] Tracts).

OMITTED FOR BREVITY

(c) Tracts 3, 5, 6, 7, 7A, and 14 (LIMITED OFFICE [LO-l(A)] Tracts).

(1) Main uses permitted.

(A) Agricultural uses.

None permitted.

(B) Commercial and business service uses.

-- Catering service. *[L]*
-- Medical or scientific laboratory.

(C) Industrial uses.

None permitted.

(D) Institutional and community service uses.

-- Adult day care facility. *[L]*
-- Child-care facility. *[L]*
-- Church.
-- College, university, or seminary.
-- Community service center.
-- Convent or monastery.
-- Library, art gallery, or museum.
-- Public or private school.

-- Convalescent and nursing homes, hospice care and related institutions *[Tract 3 only and limited to 120 beds. Tract 14 only, limited to 130 beds, and 26 feet in height.]*

(E) Lodging uses.

None permitted

(F) Miscellaneous uses.

-- Carnival or circus (temporary). *[By special authorization of the building official.]*
-- Temporary construction or sales office.

(G) Office uses.

-- Financial institution without drive-in window.
-- Financial institution with drive-in window.
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.

-- Private recreation center, club, or area. *[SUP]*
-- Public park, playground, or golf course.

(I) Residential uses.

None permitted.

(J) Retail and personal service uses.

-- Business school.
-- Dry cleaning or laundry store. *[L]*
-- General merchandise or food store 3,500 square feet or less. *[L]*
-- Personal service uses. *[L]*
-- Restaurant with or without drive-in or drive-through service. *[L]*

(K) Transportation uses.

-- Transit passenger shelter.
-- Transit passenger station or transfer center. [*SUP or city council resolution.]*

(L) Utility and public service uses.

-- Commercial radio or television transmitting station. *[SUP]*
-- Electrical substation. *[SUP]*
-- Local utilities.
-- Police or fire station. *[SUP]*
-- Post office. *[SUP]*
-- Radio, television, or microwave tower. *[SUP]*
-- Tower/antenna for cellular communication. *[SUP]*
-- Utility or governmental installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container.
-- Recycling drop-off for special occasion collection.

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

(A) The following accessory uses are not permitted in this district:

-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) The following accessory use is permitted by SUP only:

-- Accessory helistop.

(3) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, this paragraph controls.

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard.

(i) Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys and sports lighting, 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. Residential proximity slope does not apply to sports lighting standards in Tract 7A only.

(ii) Maximum height.

(aa) Unless further restricted under Subparagraph(E)(i), maximum structure height is 36 feet.

(bb) In Tract 6, except as restricted in subparagraph (i) of this subsection, maximum height for a public school is 60 feet.

(cc) In Tract 7A, maximum height for sports lighting standards is 80 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories is three.

(4) Off-street parking and loading.

(A) In general. Except as provided in this subparagraph, c[~~C~~]onsult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Special off-street loading provisions.

(C) Tract 6. For a public school, the minimum number of off-street parking spaces required is five and one-half spaces for each high school classroom.

(i) In these tracts, off-street loading spaces may not be located in the required front yard.

(ii) In these tracts, off-street loading spaces may be located in the front yard behind the setback line if they are screened from the street. Screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods described in Section 51A-4.602(b)(3).

(5) Environmental performance standards. See Article VI.

(6) Landscaping.

(A) Tract 3.

(i) For the portion of Tract 3 shown in the landscape plan (Exhibit 508D), landscaping must be provided as shown on the landscape plan.

(ii) For all other portions of Tract 3, landscaping must be provided in compliance with the requirements of Article X.

(B) Tracts 5, [~~6,~~] 7, 7A, and 14. Landscaping must be provided in compliance with the requirements of Article X.

(C) Tract 6. Except for a public school, landscaping must be provided in accordance with Article X. For a public school, landscaping must be provided as shown on the landscape plan (Exhibit 508H). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(7) Additional provisions.

(A) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-l(A), MF-l(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this provision, the term "opening" means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(B) Garbage collection and mechanical equipment areas. Garbage collection and mechanical equipment areas may not be located closer than 20 feet to the nearest building site in an R, R(A), D, D(A), TH, TH(A), or CH district, or that portion of a planned development district restricted to single family and duplex uses.

(C) Screening surface parking lots from street. In these tracts, all off-street surface parking lots, excluding driveways used for ingress or egress, must be screened from the street. For more information regarding this requirement, see Section 51A-4.301.

(D) Screening side and rear yards from residential districts. In these tracts, if a building or parking structure is erected on a building site and a portion of the side or rear yard abuts or is across the adjoining alley from an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district, any portion of the building site directly across from that district must be screened from that district.

(C) Tract 6.

(i) Athletic fields. Except as provided in this subsection, lighting and outdoor amplification are prohibited for public school use of outdoor athletic fields.

(aa) Athletic fields may not be illuminated greater than 0.5 footcandles measured horizontally at three feet above grade as measured at the opposite side of adjacent roadways or 15 feet beyond the property line of adjacent properties.

(bb) Athletic field lighting is only permitted between the hours of 5:00 p.m. and 9:00 p.m., Monday through Friday.

(ii) Sidewalks. A minimum six-foot wide sidewalk is required.

(iii) Visual obstruction regulations. A person shall not erect, place, or maintain a structure, berm, plant life, or other item on a lot if the item is in a visibility triangle defined in Section 51A-4.602(d). For purposes of interpreting Section 51A-4.602(d), STREET, includes private streets.

(d) Tracts 2, 12, and 12A [MIXED USE (MU-1) Tracts].

OMITTED FOR BREVITY

SEC.51P-508.107.1. TRACT 6 TRAFFIC MANAGEMENT PLAN.

(a) In general. Operation of a public or private school must comply with the traffic management plan (Exhibit 508I).

(b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

(c) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the

director by November 1, 2021. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by November 1st of each odd-numbered year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(d) Amendment process.

(1) A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

SEC. 51P-508.108. SIGNS.

Signs must comply with the following regulations:

(1) For Tracts 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 14, signs must comply with the provisions for non-business zoning districts contained in Article VII.

(2) For Tracts 2, 7A, 12, and 12A, signs must comply with the provisions for business zoning districts contained in Article VII. (Ord. Nos. 23536; 25982; 26042; 30230)

SEC. 51P-508.108.1. ADDITIONAL PROVISIONS FOR ATHLETIC FIELDS IN TRACTS 2 AND 7A.

(a) Lighting.

(1) Athletic fields may not be illuminated greater than 0.5 footcandles measured horizontally at three feet above grade as measured at the opposite side of adjacent roadways or 15 feet beyond the property line of adjacent properties.

(2) Athletic field lighting is only permitted between 5:00 p.m. and 10:00 p.m., Sunday through Thursday and between 5:00 p.m. and 10:30 p.m., Friday and Saturday.

(b) Outdoor amplification. Loudspeakers and other forms of amplification are only permitted between 10:00 a.m. and 9:30 p.m., Monday through Thursday; between 10:00 a.m. and 10:00 p.m. on Friday; between 8:00 a.m. and 10:00 p.m. on Saturday; and between 9:00 a.m. and 9:30 p.m. on Sunday.

(c) Traffic Management Plan.

(1) In general. Operation of the athletic fields must comply with the athletic field traffic management plan (Exhibit 508F).

(2) Queuing. Queuing is only permitted inside the Property. Participant drop-off and pick-up are not permitted within city rights-of-way.

(3) Traffic study.

(A) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by September 28, 2018. Updates to the initial traffic study are not required.

(B) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different days of the week at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

(i) ingress and egress points;

(ii) queue lengths;

(iii) drop-off and pick-up locations; and,

(iv) circulation.

(C) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(i) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(ii) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(4) Amendment process.

(A) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-l.l05(k)(3).

(B) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion. (Ord. 30230)

SEC. 51P-508.109. ADDITIONAL PROVISIONS.

(a) The entire premises must be properly maintained in a state of good repair and neat appearance at all times.

(b) Use of the Property must comply with all applicable federal and state laws and regulations, and with all applicable ordinances, rules, and regulations of the city. (Ord. Nos. 23536; 25982; 26042)

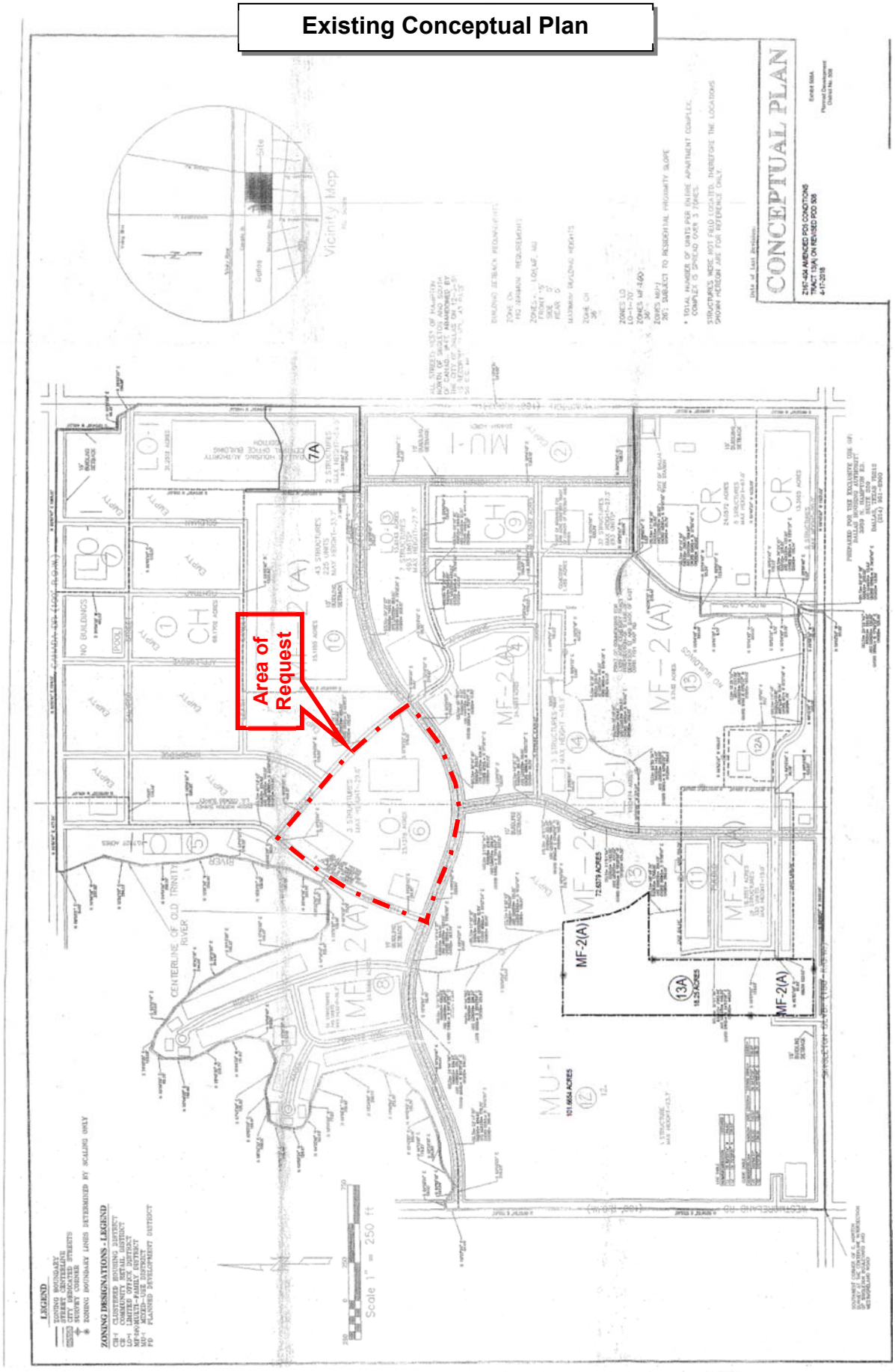
SEC. 51P-508.110. PAVING.

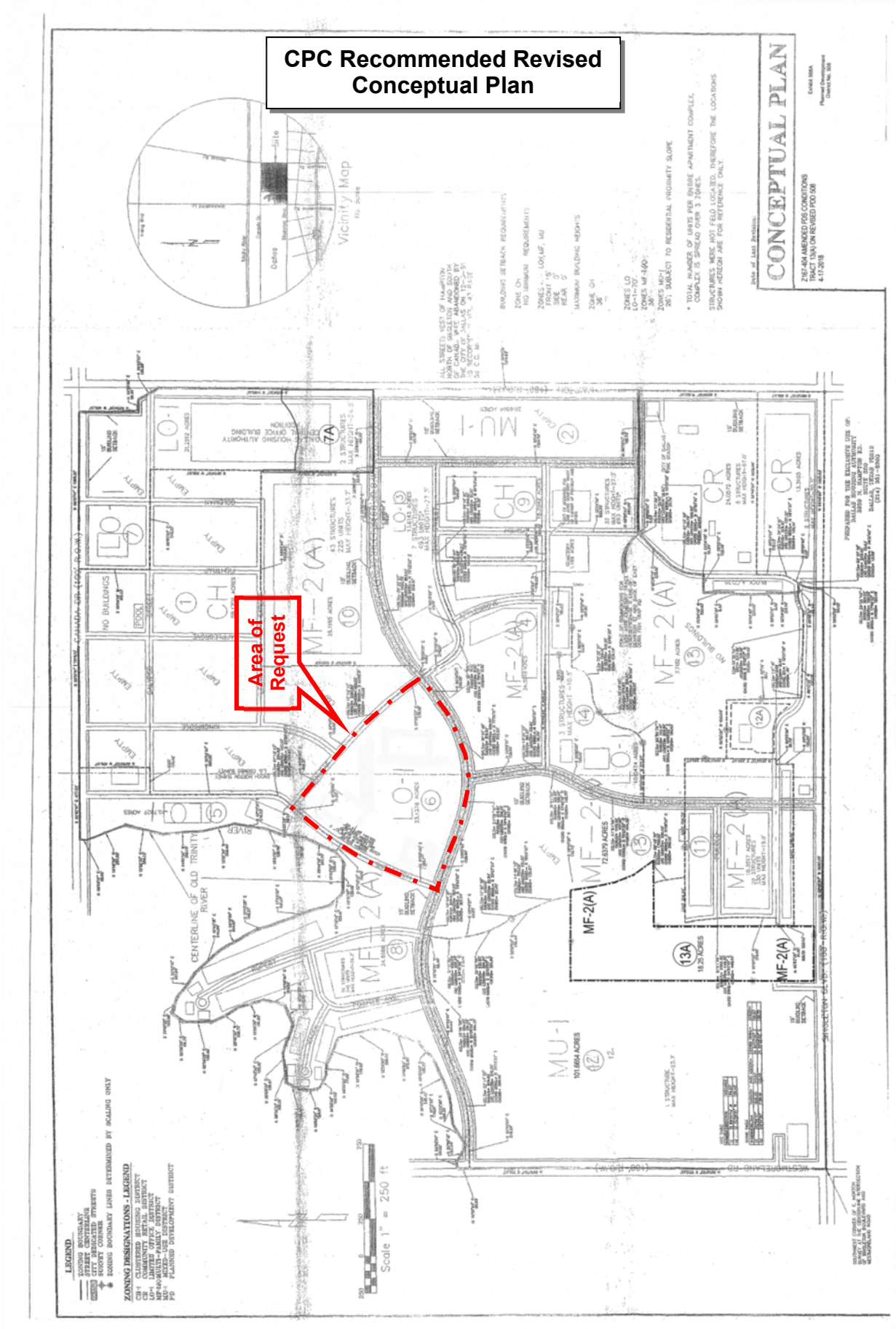
All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation. (Ord. Nos. 24655; 26042)

SEC. 51P-508.111. COMPLIANCE WITH CONDITIONS.

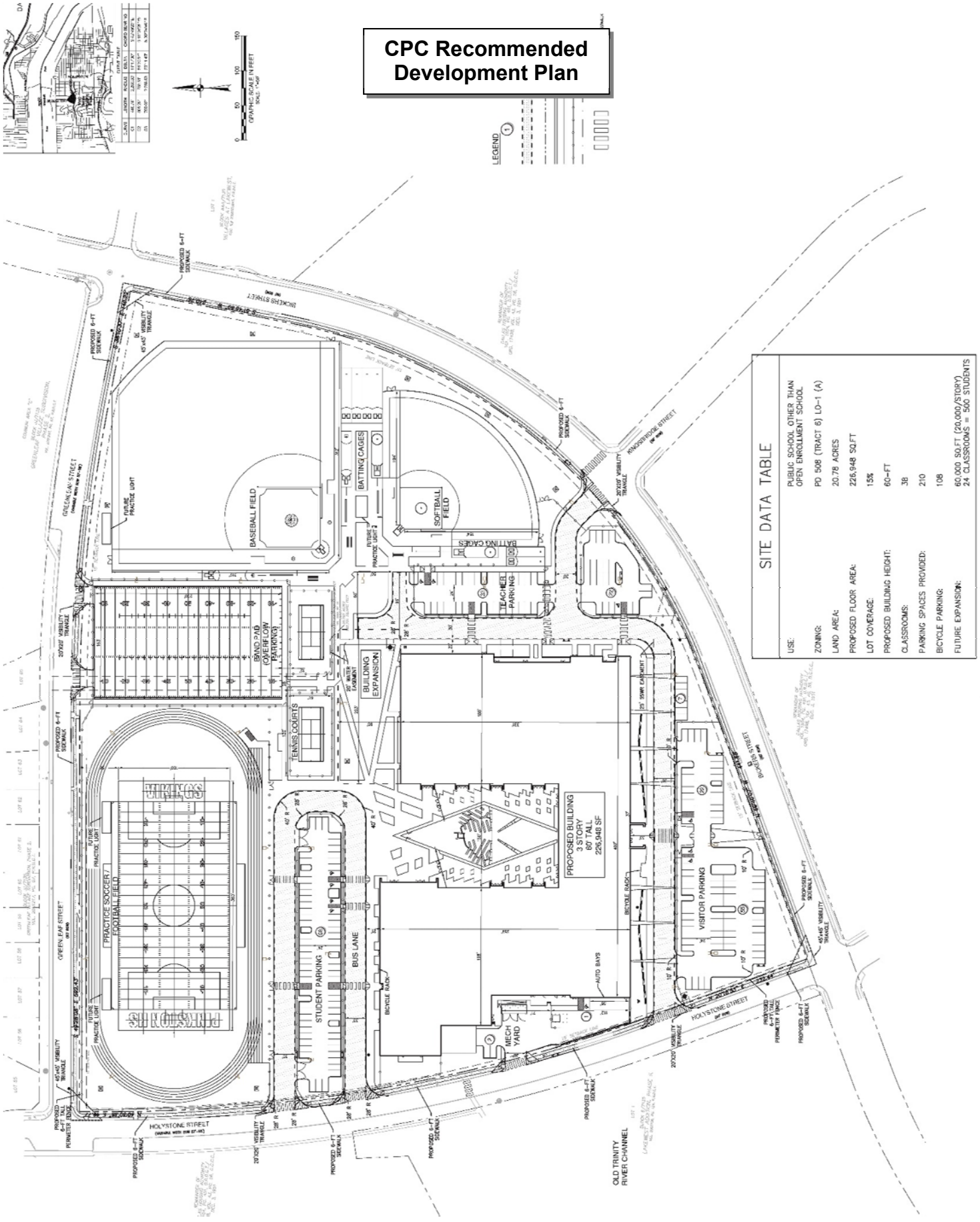
The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 24655; 26042)

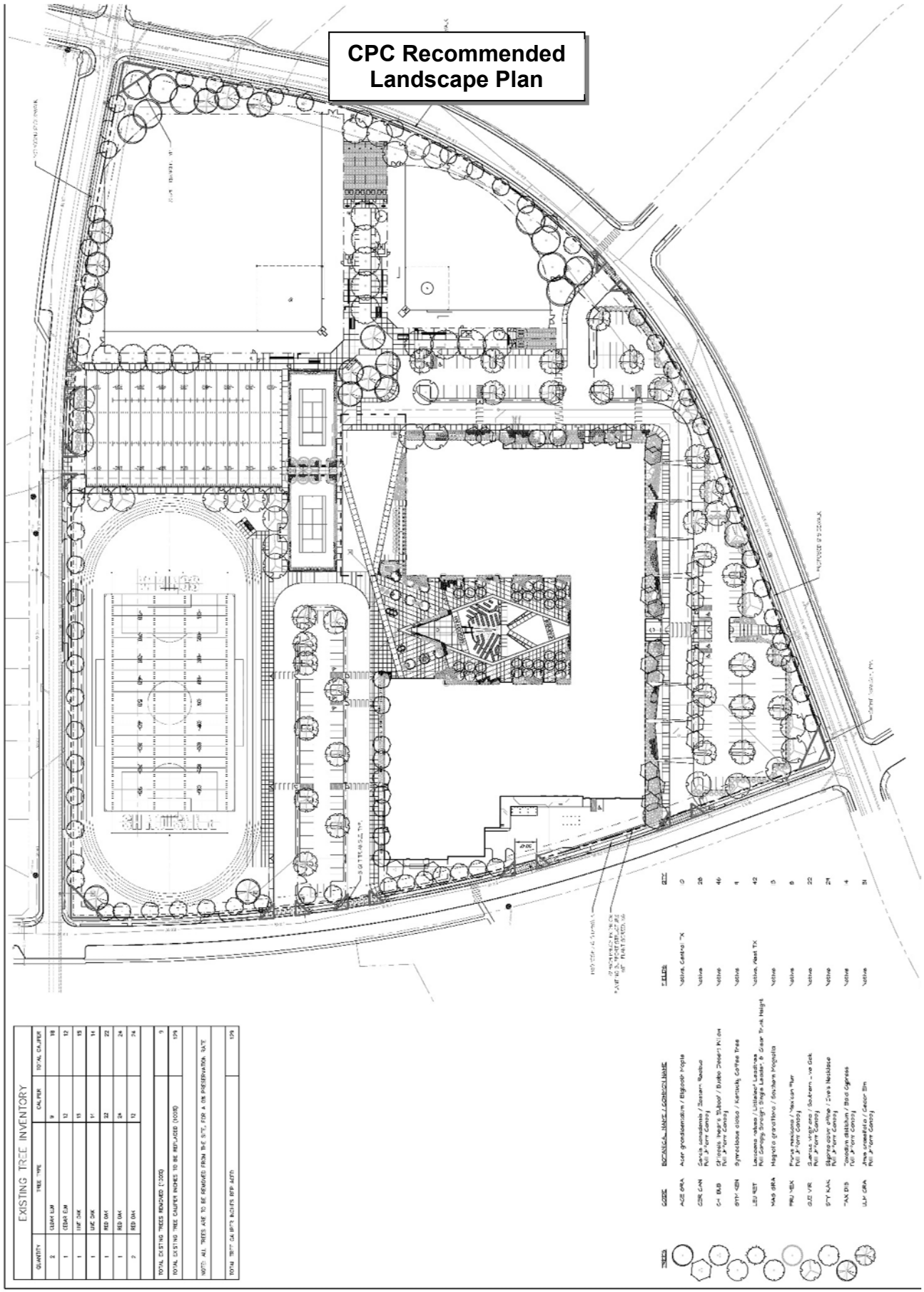
Existing Conceptual Plan




CPC Recommended Revised Conceptual Plan
Area of Request
CONCEPTUAL PLAN
Vicinity Map
LEGEND
ZONING DESIGNATIONS - LEGEND
Scale 1" = 250 ft
CENTERLINE OF OLD TRINITY RIVER
MF-2(A)
MU-1
LO-1
CH
CR

CPC Recommended Development Plan




CPC Recommended
Landscape Plan
EXISTING TREE INVENTORY
QUANTITY
TREE TYPE
CALIPER
TOTAL CALIPER
2 CEDAR ELM 9 18
1 CEDAR ELM 12 12
1 LIVE OAK 15 15
1 LIVE OAK 11 11
1 RED OAK 22 22
1 RED OAK 24 24
2 RED OAK 12 24
TOTAL EXISTING TREES REMOVED (1205) 7
TOTAL EXISTING TREE CALIPER INCHES TO BE REPLACED (1205) 129
NOTE: ALL TREES ARE TO BE REMOVED FROM THE SITE, FOR A DBI PRESERVATION PLAN
TOTAL TREE CALIPER INCHES REPLANTED 129
TREES
CODE
BOTANICAL NAME / COMMON NAME
STATUS
QTY
ACE GRA
Acer grandidentatum / Bigtooth Maple
Native, Central TX
10
CER CAN
Cercis canadensis / Eastern Redbud
Native
28
CHI RIG
Chilopsis linearis 'Tubbs' / Dwarf Desert Willow
Native
46
GYM KEN
Gymnocladus dioica / Kentucky Coffee Tree
Native
4
LAU NOB
Laurocerasus nobilus / Littleleaf Leatherleaf
Native, East TX
42
MAG GRA
Magnolia grandiflora / Southern Magnolia
Native
15
PRU MEX
Prunus mexicana / Mexican Plum
Native
6
QUE VIR
Quercus virginiana / Southern Live Oak
Native
22
SYR NAK
Syringa vulgaris 'Nana' / Dwarf Lilac
Native
24
TAX DIS
Taxodium distichum / Bald Cypress
Native
4
ULM CRA
Ulmus crassifolia / Cedar Elm
Native
31

CPC Recommended Traffic Management Plan

September 11, 2018
PK# 2067-18.149
Z178-260

TRAFFIC MANAGEMENT PLAN

Project:
DISD L.G. Pinkston High School
In Dallas, Texas

Prepared for:
City of Dallas

On behalf of:
Dallas Independent School District

Prepared by:

Hunter W. Lemley, P.E.



Pacheco Koch

7557 Rambler Road, Suite 1400
Dallas, Texas 75231-2388
(972) 235-3031 www.pkce.com
TX.REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00

September 11, 2018

Pacheco Koch

TRAFFIC MANAGEMENT PLAN
DISD L.G. Pinkston High School

Dallas, Texas

TABLE OF CONTENTS

INTRODUCTION 1
School Description *1*
TMP Objectives *2*
Methodology *3*
Expectations *3*
Changes to TMP *4*
Traffic Management Plan 5

Exhibit 1. Recommendations/Proposed Conditions

INTRODUCTION

The services of **Pacheco Koch** (PK) were retained by Masterplan, on behalf of **Dallas Independent School District**, to prepare a Traffic Management Plan (TMP) for L.G. Pinkston High School (the "School") located at 2200 Dennison Street in Dallas, Texas. This TMP is site-specific and relates to the peak traffic activity associated with school traffic at the site.

DISD is seeking amend the Planned Development District for the property from the City of Dallas (the "Approving Agency") to facilitate proposed site Improvements. Submittal of a TMP, prepared by a registered professional engineer experienced and skilled in the field of traffic/transportation engineering, is one of the requirements of Approving Agency's application process. This TMP was prepared by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, and other fields.

School Description

The School consists of an existing high school with grades 9th through 12th. The School currently is located at 2200 Dennison Street and will be relocated to the subject site with complete new construction. The new school building is anticipated to be complete by the 2021-2022 school year. Existing uses on the site include two vacant elementary schools (previously DISD George W. Carver Elementary School and DISD Dallas Environmental Academy), which will be razed, and the sites incorporated into the new high school building.

School starts at 9:15 AM and ends at 4:15 PM. Enrollment at the existing campus is 900 students; enrollment at the new campus is expected to remain at the existing level. A summary of the proposed development program, by phase, is provided in **Table 1**. Calculations for vehicle accumulation and parking numbers are based upon previously city-staff-approved ratios and validated by on-site dismissal observations conducted on Monday, April 16th, 2018.

Table 1. Current Enrollment

GRADES	EXISTING	PROPOSED
9th Grade	--	--
10th Grade	--	--
11th Grade	--	--
12th Grade	--	--
TOTAL	900	900

*Enrollment Data provided by *DISD*

Access to the campus will be provided by Bickers Street and Holystone Street. Bickers Street, a local street, intersects with Kingbridge Street, a local street, just south of the property. Land uses surrounding the site are exclusively single family residential.

TMP Objectives

A Traffic Management Plan (TMP) is a site- or area-specific plan of recommended actions and strategies to manage vehicular traffic and parking, pedestrian activity, and travel by all other modes during peak demand conditions for a planned event. The "Objectives" of a TMP are to:

1. Provide a safe environment for all Users on site and the travelling public in the vicinity of the site during the Event times;
2. Minimize (and maintain within reasonable levels) travel delays and traffic congestion on site and in the vicinity of the site during the Event;
3. Ensure reasonable access and circulation is maintained on the public street system in the vicinity of the site during the Event;
4. Provide appropriate information to the travelling public in the vicinity of the site to allow for proper awareness of anticipated traffic conditions during the Event; and,
5. Promote reasonable strategies to manage travel demand to and from the site, including use of alternative modes of travel (such as walk, bike, bus, transit, etc.), when practical.

DEFINITIONS:
Terms are used in this report:

"Event"– a planned event(s), recurring or non-recurring, for which this TMP is being prepared (i.e., "school day")

"School" (a.k.a., "Event Organizer") – the person, group, or organization responsible for the Event

"TMP Manager" – a person or persons designated by the School to implement the TMP (also see additional tasks in the *Expectations* section)

"Users" – guests/patrons attending the Event

"Analyst" – the person(s) preparing the TMP for the School

"Approving Agency" – the municipality or government agency requiring the Traffic Management Plan

"Traffic Department" – the department of the public agency responsible for traffic operations for a given right-of-way

"Site" – the property at which the Event is located (generally assumed to be occupied by the School)

"TMP Strategies" – actions recommended by the Analyst to be undertaken before, during, or after the Event in order to manage traffic on or off site

DISCLAIMERS:

A TMP should be developed by, or in concert with, an individual familiar with the general characteristics of the Event and the associated traffic/transportation needs. For this study, PK worked with School representatives to develop the proposed recommendations.

Recommended TMP Strategies should be based upon applicable engineering principles of traffic safety and traffic operations.

Any recommended TMP Strategies involving traffic control devices in the public right-of-way (including installation or removal of signs, pavement markings, etc.) are subject to the approval of, and must be implemented under direction of, the Traffic Department.

No private individual should perform, or attempt to perform, any act of traffic control within public right-of-way; only deputized officers of the law or other authorized representatives of the Traffic Department may manipulate traffic conditions within the public right-of-way.

The recommendations presented in this report reflect Pacheco Koch's assessment of current and projected traffic needs based on observations and professional judgment and incorporate feedback from DISD representatives. Pacheco Koch is not responsible for operations at the school; however, the recommendations have been presented to on-site school personnel with authority over implementation of the Plan (see **Exhibit 1** for on-site contact information). Pacheco Koch was not involved with site selection, site design, or the current operations for this project.

Methodology

When feasible, the Analyst should conduct first-hand observations of existing event to develop an understanding of site-specific traffic/transportation characteristics, such as: drop-off/pick-up frequency, parking needs, alternative travel mode use, safety issues, queuing, traffic congestion, site access, current traffic management strategies in use, etc. When it is not feasible to conduct such observations, interviews with staff or personnel familiar with those items is desirable. When neither option is available, the Analyst may be required to rely upon published information and/or professional judgment and experience.

Once the base information is assembled, the Analyst should estimate the projected traffic/transportation characteristics generated by the proposed Event. Next, the Analyst should inventory the attributes and resources of the subject site and determine how the site can best accommodate those projected conditions. Based upon that assessment, the recommended TMP Strategies shall be developed to optimally achieve the basic TMP Objectives. The recommended TMP Strategies should be reviewed by the School (ideally, the TMP Manager) for refinement and approval before formal submittal to the Approving Agency.

Expectations

NOTE TO SCHOOL: By submittal of a TMP to the Approving Agency, the School is implicitly agreeing to implement, maintain, and comply with the recommended

actions presented herein subject to acceptance by Approving Agency and any associated conditions Approving Agency may impose. It is also inferred that the School agrees to be self-accountable for these actions until and unless Approving Agency deems further measures are appropriate or the TMP is no longer required.

Recommended TMP Strategies may include one-time measures to be implemented before the Event and/or ongoing actions to be performed before, during, or after the Event. Recommended TMP Strategies involving on-site measures or actions are generally considered to be the responsibility of the School.

To ensure appropriate compliance and consistent implementation of the TMP, it is recommended that the School appoint a TMP "Manager". In general, a Manager should be a qualified and capable individual or group of individuals assigned to take responsibility of the TMP and be accountable for successful implementation in order to achieve the Objectives described earlier (see "**Exhibit 1**"). Other specific duties of the Manager include:

- Monitor effectiveness of TMP strategies and make prudent adjustments, as needed, to more effectively accomplish the TMP Objectives
- Maintain an awareness of readily-available alternative transportation modes serving the site and facilitate and promote their use during the Event when practical
- Serve as a liaison to the Approving Agency(-ies), when needed
- When applicable, provide training and direction to other personnel assigned to implement the TMP measures
- Provide instruction to Users on how to comply with the intent of the TMP

Recommended TMP Strategies were developed specifically for the period(s) of peak traffic demand and are depicted in the respective exhibit. For periods of less intense traffic demand, recommended TMP Strategies may be utilized, in part or in whole, as needed to realize the TMP Objectives.

Changes to TMP

Informal changes to any recommended TMP Strategies presented herein to improve efficiency or effectiveness may be implemented at the discretion of the School if those changes are prudent and do not compromise the TMP Objectives. It is recommended that changes implemented under such circumstances be documented and retained by the School for future reference or upon request. At the discretion of the Approving Agency, submittal of a formally revised TMP report/document or a validation study may be required on a predetermined or as-needed basis.

Pacheco Koch

TRAFFIC MANAGEMENT PLAN

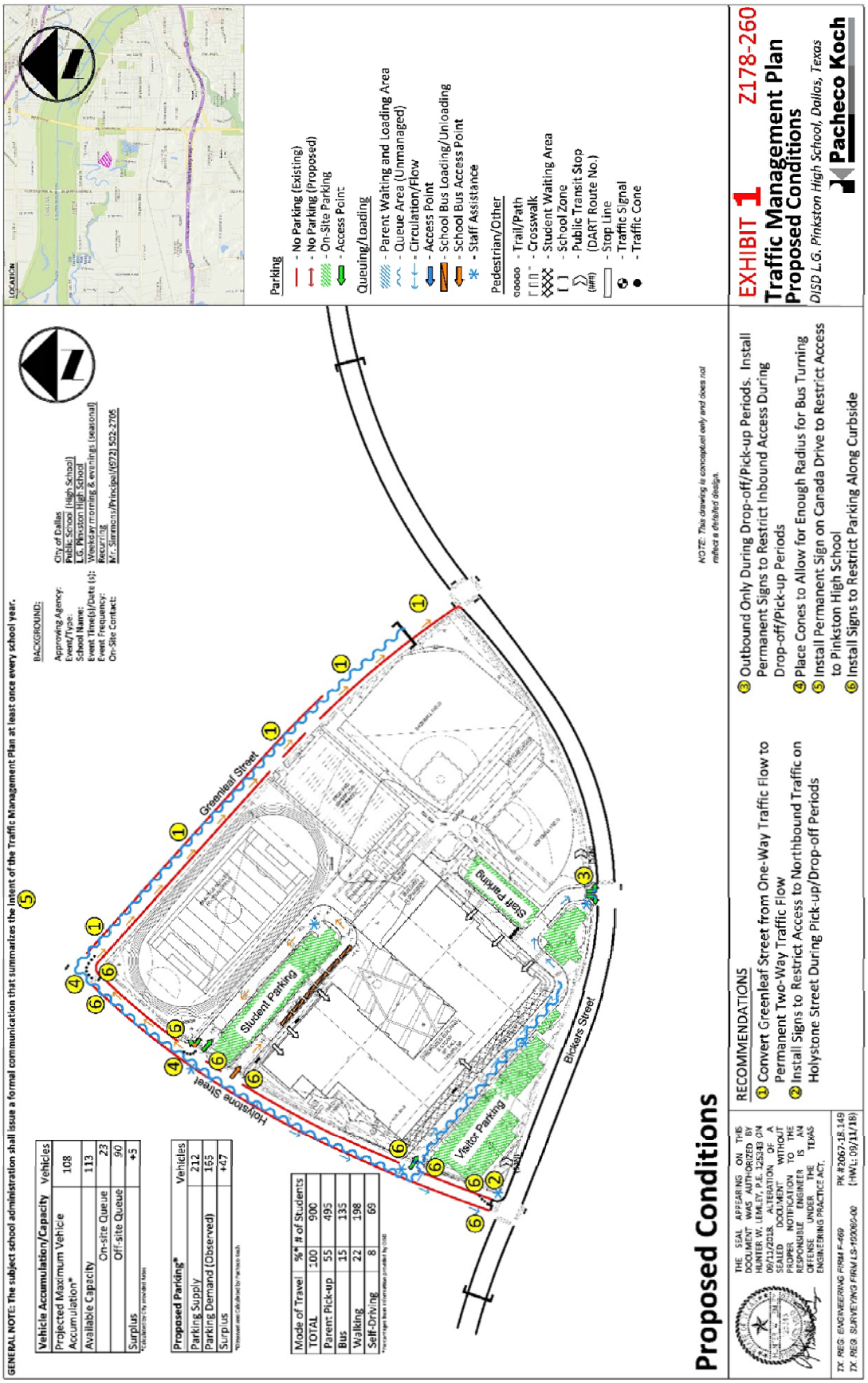
NOTE: Recommended TMP Strategies contained herein are based upon the best data, site-specific information, and analytical processes readily available at the time of the study. However, specific quantities related to traffic congestion at peak periods (e.g., duration, length of queue, etc.) are estimated values. Actual quantities may vary due to unknown or unquantifiable variables and other operational factors that may occur. In the event that actual, future conditions generate undue burden on Users and/or the travelling public, modifications to the TMP should be considered. (See preceding NOTE for guidance on implementing changes to the TMP.) However, in extreme conditions, TMP actions may not be capable of mitigating all traffic conditions, and it may be incumbent on the School to consider operational, institutional, or other long-term changes to address issues on a more permanent basis.

Graphical summaries of recommendations and proposed conditions are depicted in **Exhibit 1**.

A summary of specific recommendations is provided below:

1. Convert Greenleaf Street from one-way traffic flow to permanent two-way traffic flow.
2. Install Signs to restrict access to northbound traffic on Holystone Street during pick-up/drop-off periods.
3. Outbound only during drop-off/pick-up periods. Install permanent signs to restrict inbound access during drop-off/pick-up periods.
4. Places cones to allow for enough radius for bus turning.
5. Install permanent sign on Canada Drive to restrict access to Pinkston High School.
6. Install signs to restrict parking along curbside (Holystone Street).

END OF MEMO


GENERAL NOTE: The subject school administration shall issue a formal communication that summarizes the intent of the Traffic Management Plan at least once every school year.
BACKGROUND:
Approving Agency: City of Dallas
Event/Type: Public School (High School)
School Name: L.G. Pinkston High School
Event Time(s)/Date (s): Weekday morning & evenings (seasonal)
Event Frequency: Recurring
On-Site Contact: Mr. Simmons/Principal/(972) 502-2706
Vehicle Accumulation/Capacity | Vehicles
Projected Maximum Vehicle Accumulation* 108
Available Capacity 113
On-site Queue 23
Off-site Queue 90
Surplus +5
*Calculated by City provided tools
Proposed Parking* | Vehicles
Parking Supply 212
Parking Demand (Observed) 165
Surplus +47
*Observed and calculated by Pacheco Koch
Mode of Travel | %* | # of Students
TOTAL 100 900
Parent Pick-up 55 495
Bus 15 135
Walking 22 198
Self-Driving 8 69
*Percentages from information provided by DISD
Greenleaf Street
Holystone Street
Bickers Street
Student Parking
Staff Parking
Visitor Parking
NOTE: This drawing is conceptual only and does not reflect a detailed design.
LOCATION
Parking
- No Parking (Existing)
- No Parking (Proposed)
- On-Site Parking
- Access Point
Queuing/Loading
- Parent Waiting and Loading Area
- Queue Area (Unmanaged)
- Circulation/Flow
- Access Point
- School Bus Loading/Unloading
- School Bus Access Point
- Staff Assistance
Pedestrian/Other
- Trail/Path
- Crosswalk
- Student Waiting Area
- School Zone
- Public Transit Stop (DART Route No.)
- Stop Line
- Traffic Signal
- Traffic Cone
Proposed Conditions
RECOMMENDATIONS
1 Convert Greenleaf Street from One-Way Traffic Flow to Permanent Two-Way Traffic Flow
2 Install Signs to Restrict Access to Northbound Traffic on Holystone Street During Pick-up/Drop-off Periods
3 Outbound Only During Drop-off/Pick-up Periods. Install Permanent Signs to Restrict Inbound Access During Drop-off/Pick-up Periods
4 Place Cones to Allow for Enough Radius for Bus Turning
5 Install Permanent Sign on Canada Drive to Restrict Access to Pinkston High School
6 Install Signs to Restrict Parking Along Curbside
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY HUNTER W. LEMLEY, P.E. 125343 ON 09/11/2018. ALTERATION OF SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS A VIOLATION OF THE ENGINEERING PRACTICE ACT.
TX. REG. ENGINEERING FIRM F-469 PK #2067-18.149
TX. REG. SURVEYING FIRM LS-10006500 (HWL: 09/11/18)
EXHIBIT 1 Z178-260
Traffic Management Plan
Proposed Conditions
DISD L.G. Pinkston High School, Dallas, Texas
Pacheco Koch

SUP NO. 610
(To be terminated)

SECTION 2. That this Specific Use Permit No. 610 for a Health Center with reference to the hereinabove described property, authorized by Section 10 of said Ordinance, is approved and granted upon the following express conditions, and adopted as part of Section 34, of the Zoning Ordinance:

1. SITE PLAN: The site plan approved by the City Plan Commission shall be attached to and made a part of the ordinance.

2. PARKING: Off-street parking shall be provided at the ratio of one space for each 200 square feet of floor area.

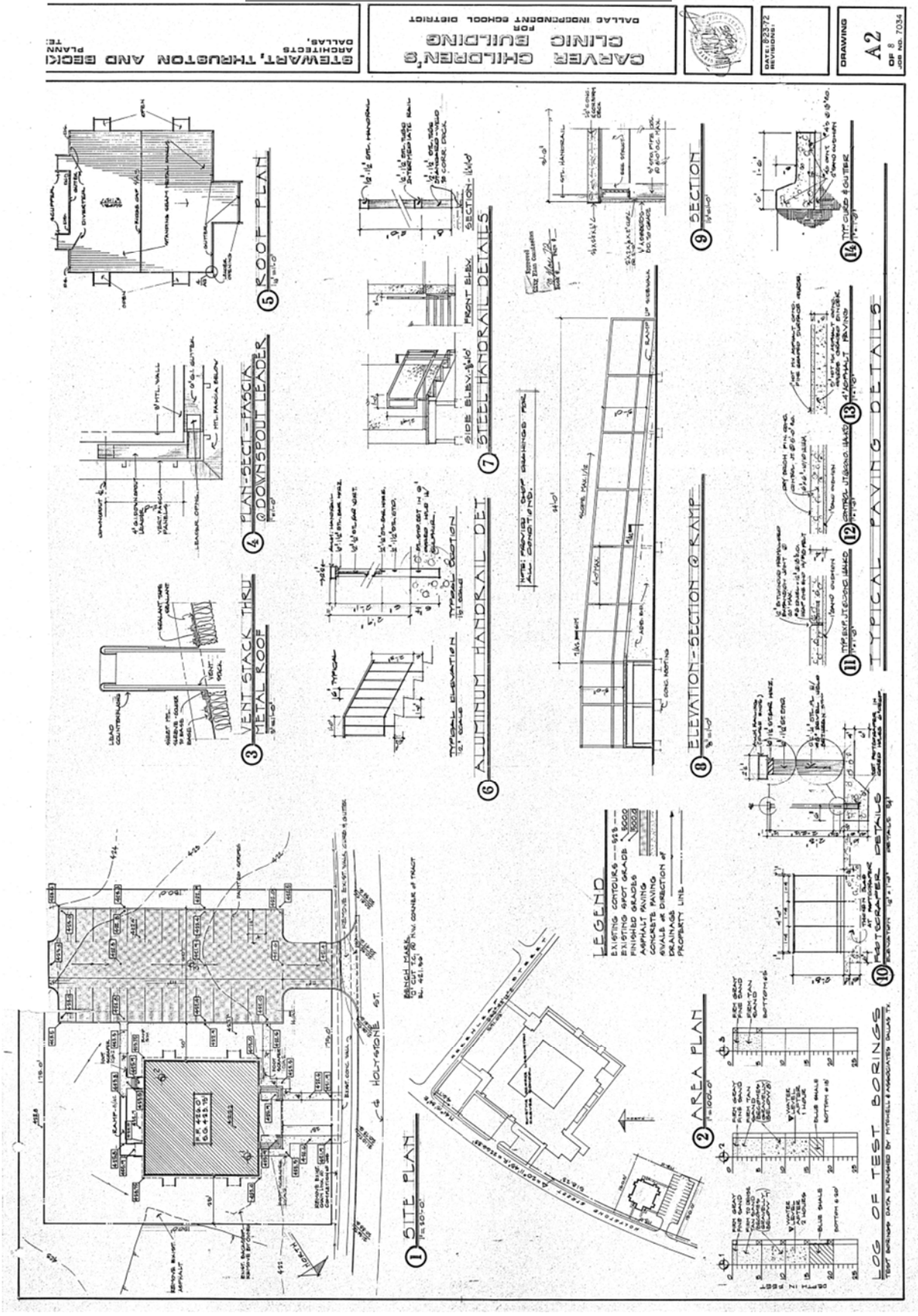
3. SIGNS: Any sign constructed must meet the requirements of an institutional sign as defined in the City of Dallas Comprehensive Zoning Ordinance.

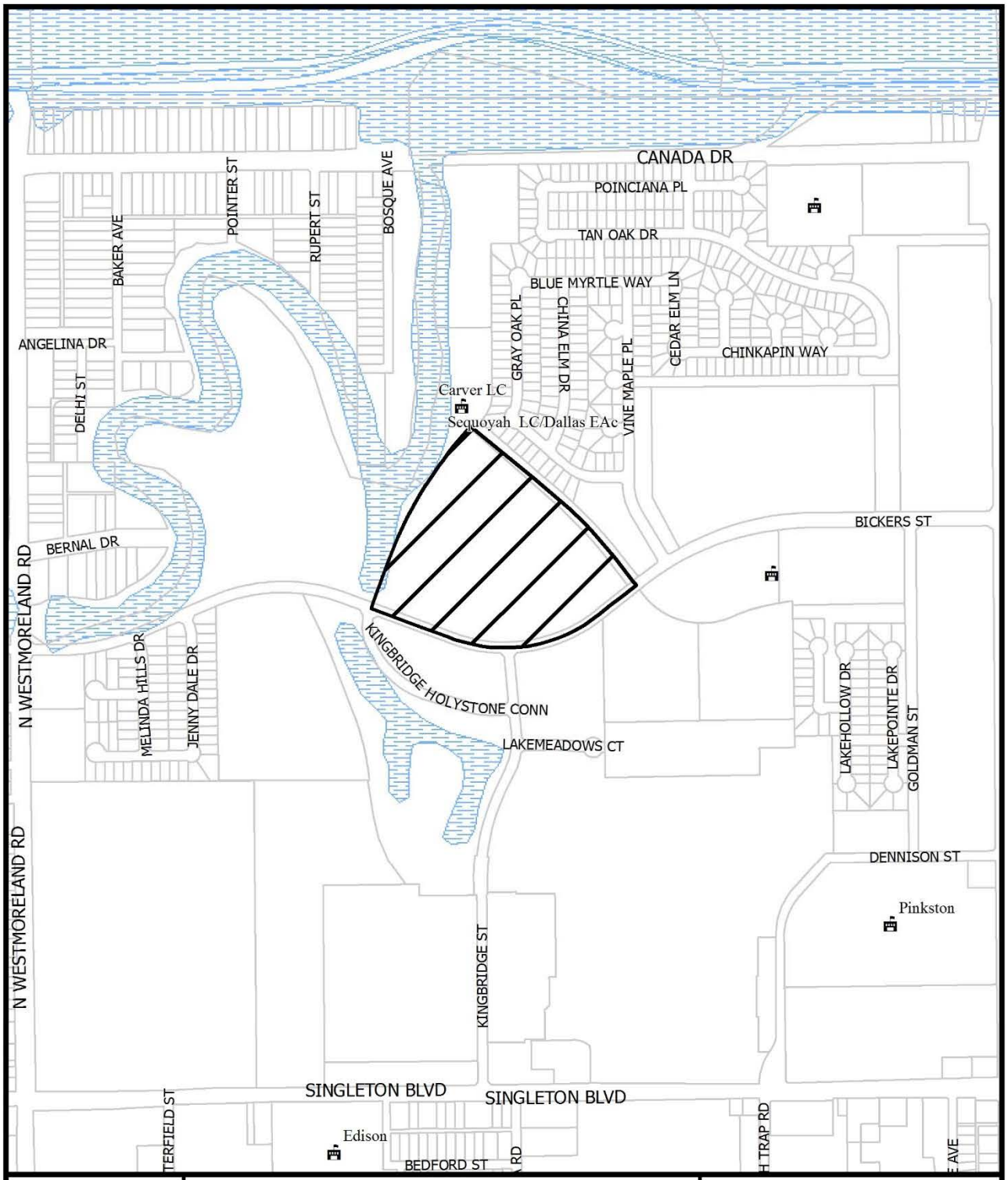
4. PAVING: All driveways, entrances and parking areas shall have a minimum surfacing of six (6) inches compacted gravel and two (2) coats of penetration asphalt. The developer shall bear the total cost and maintenance of all such improvements, including curb and drainage structures that may be necessary.

5. MAINTENANCE: The entire premises shall be maintained in a state of good repair and tidy appearance.

6. GENERAL REQUIREMENTS: That the requirements of the City of Dallas must be met.

SUP NO. 610 Existing Site Plan
(To be terminated)





1:8,400

VICINITY MAP

Case no: Z178-260

Date: 1/31/2019

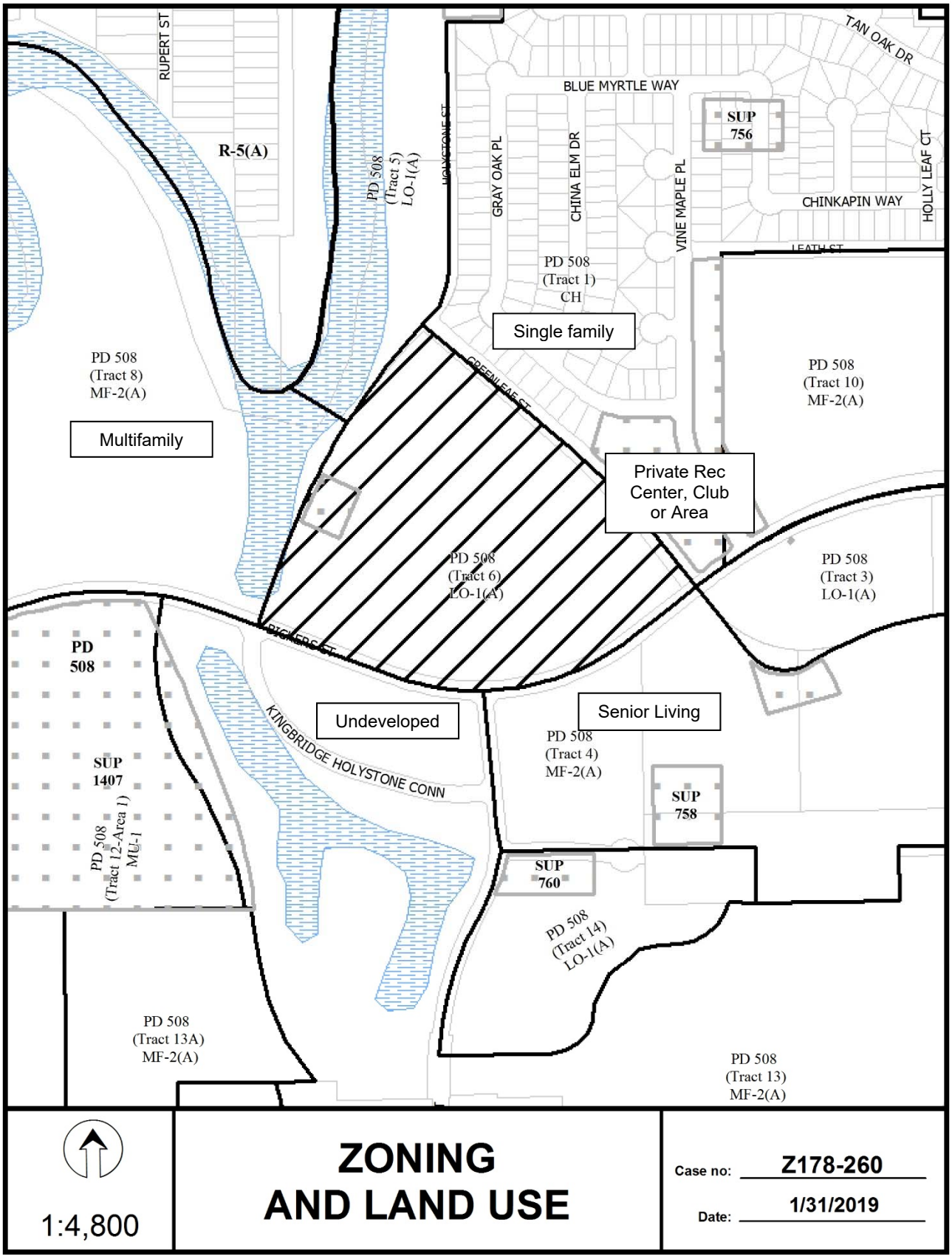


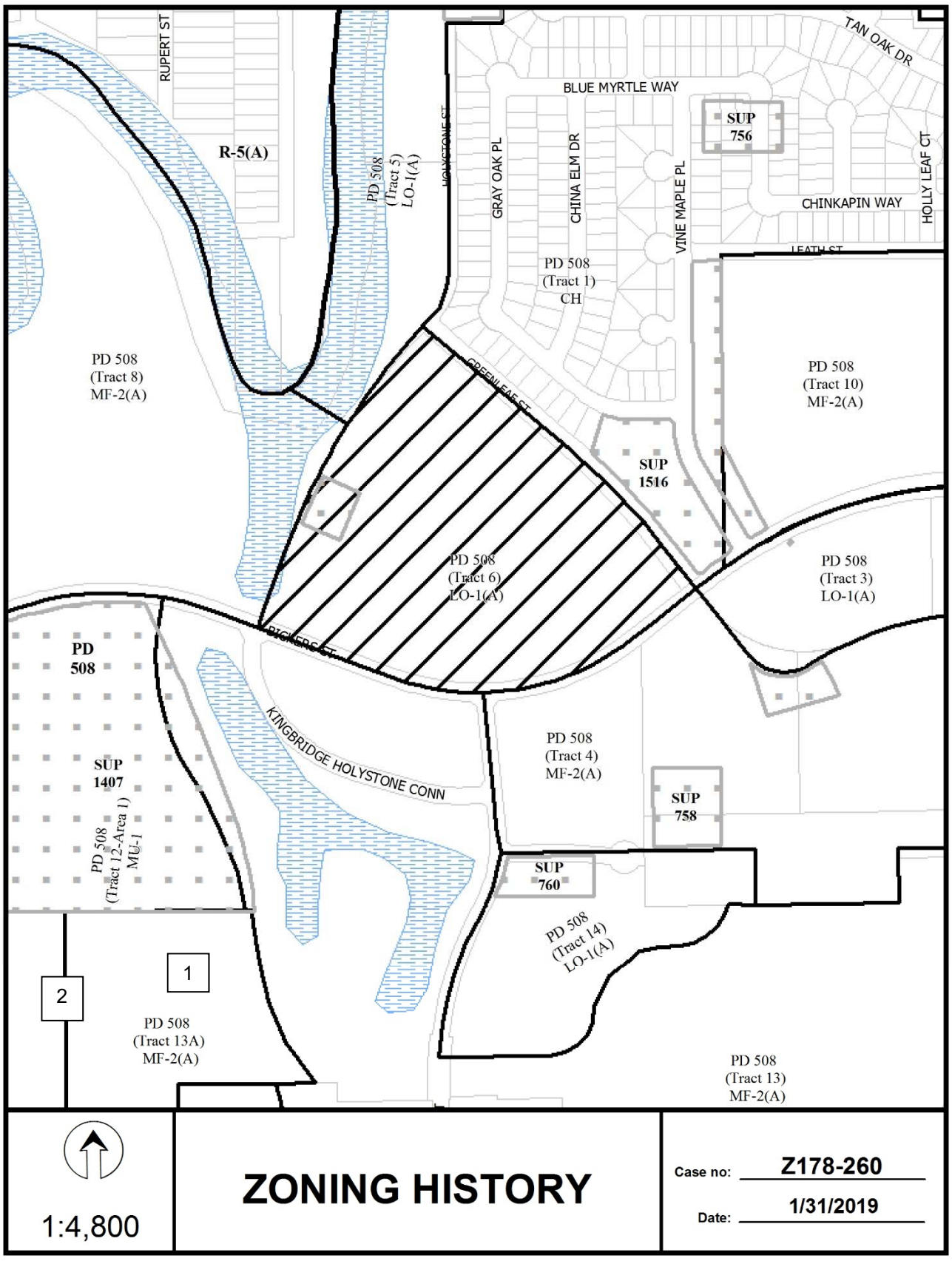
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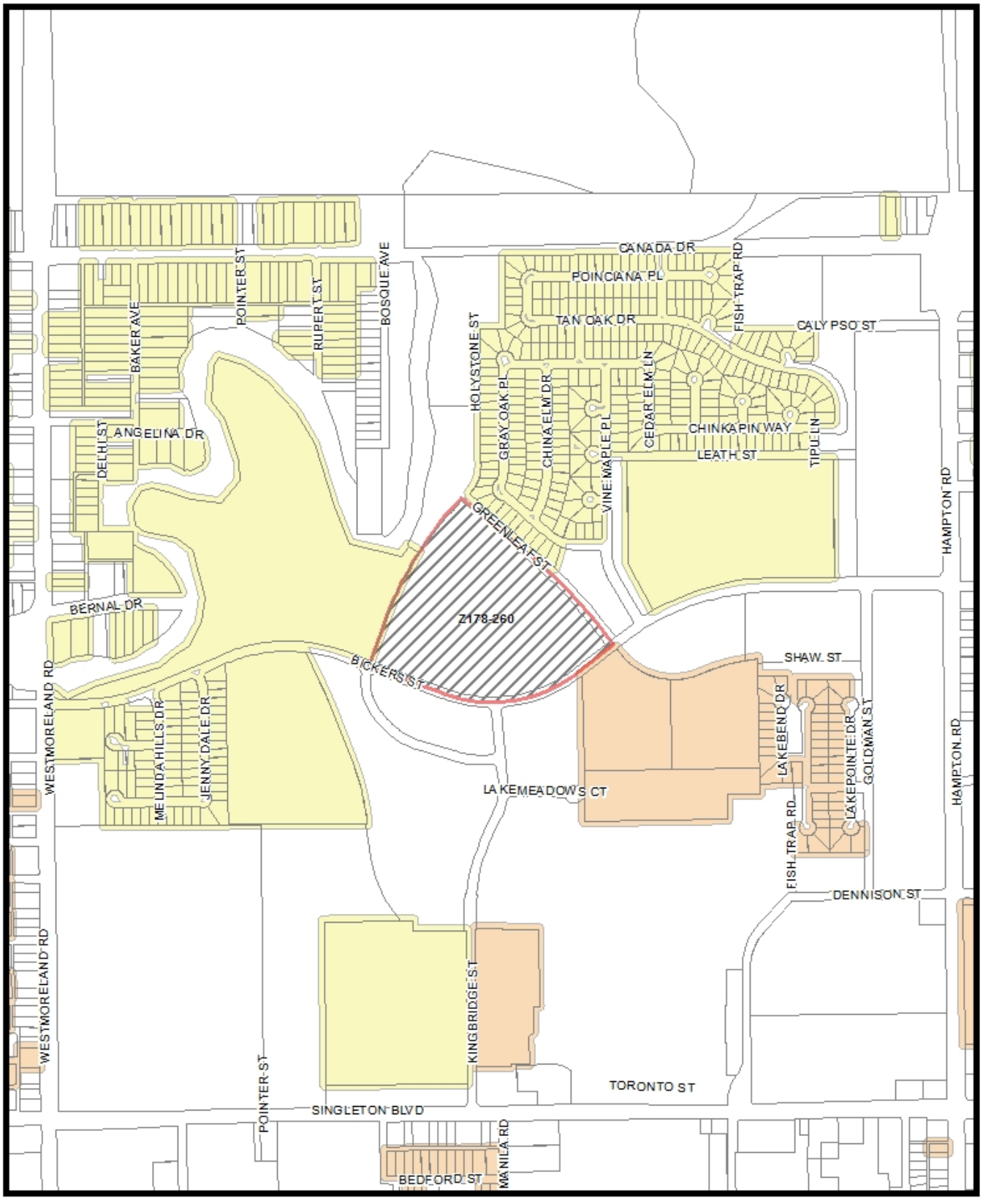
AERIAL MAP

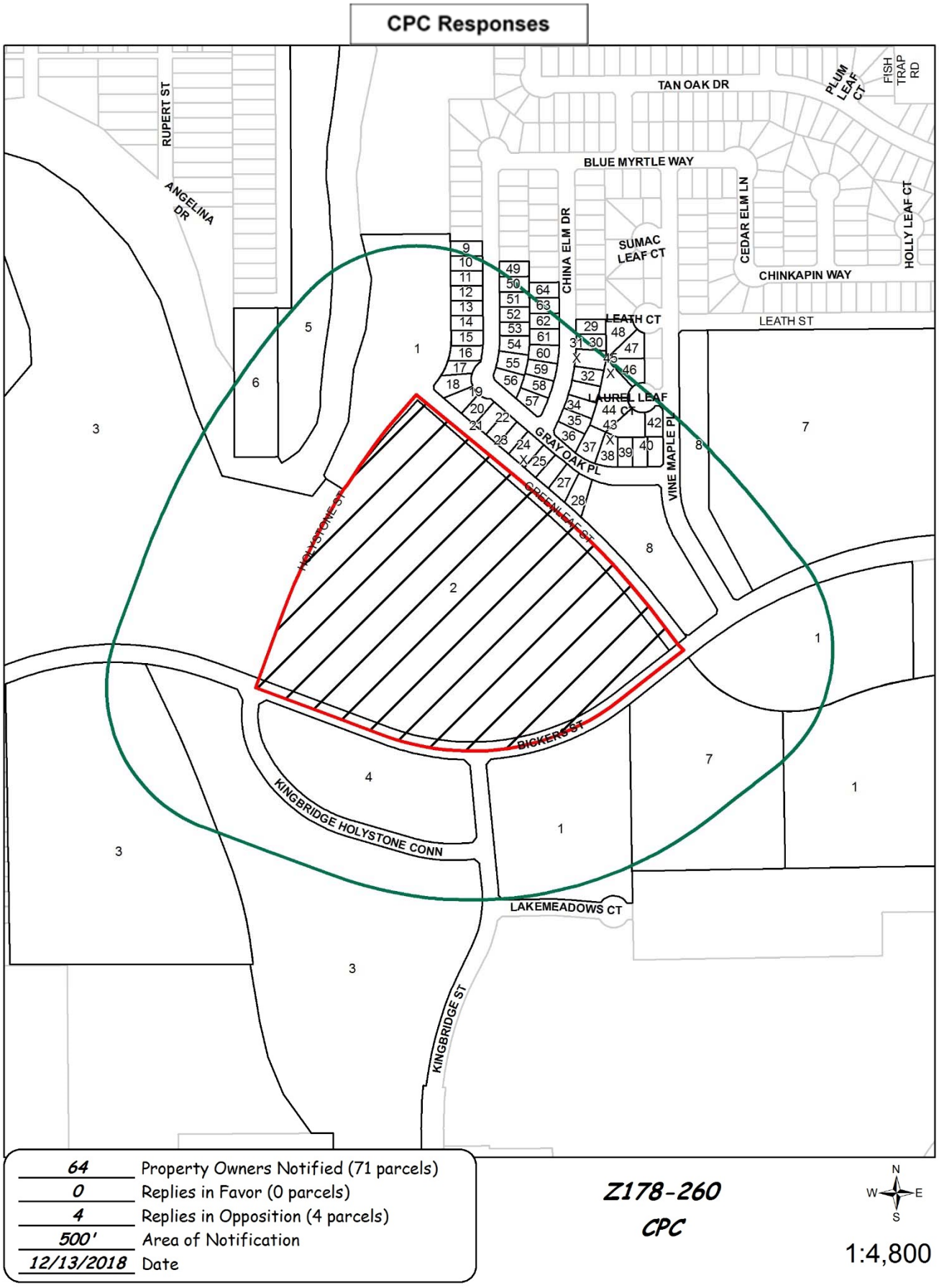
Case no: Z178-260

Date: 1/31/2019


RUPERT ST
R-5(A)
PD 508 (Tract 5) LO-1(A)
HOLYSTONE CT
GRAY OAK PL
CHINA ELM DR
VINE MAPLE PL
BLUE MYRTLE WAY
TAN OAK DR
SUP 756
CHINKAPIN WAY
HOLLY LEAF CT
LEATH ST
PD 508 (Tract 1) CH
Single family
PD 508 (Tract 8) MF-2(A)
Multifamily
GREENLEAF CT
PD 508 (Tract 10) MF-2(A)
Private Rec Center, Club or Area
PD 508 (Tract 6) LO-1(A)
PD 508 (Tract 3) LO-1(A)
PD 508
SUP 1407
PD 508 (Tract 12-Area 1) MU-1
Undeveloped
KINGBRIDGE HOLYSTONE CONN
Senior Living
PD 508 (Tract 4) MF-2(A)
SUP 758
SUP 760
PD 508 (Tract 14) LO-1(A)
PD 508 (Tract 13A) MF-2(A)
PD 508 (Tract 13) MF-2(A)
1:4,800
ZONING AND LAND USE
Case no: Z178-260
Date: 1/31/2019


RUPERT ST
R-5(A)
PD 508 (Tract 5) LO-1(A)
HOLYSTONE ST
GRAY OAK PL
CHINA ELM DR
VINE MAPLE PL
BLUE MYRTLE WAY
TAN OAK DR
SUP 756
CHINKAPIN WAY
HOLLY LEAF CT
LEATH ST
PD 508 (Tract 1) CH
PD 508 (Tract 8) MF-2(A)
GREENLEAF ST
PD 508 (Tract 10) MF-2(A)
SUP 1516
PD 508 (Tract 6) LO-1(A)
PD 508 (Tract 3) LO-1(A)
BIG LEAF CT
PD 508
SUP 1407
PD 508 (Tract 12-Area 1) MU-1
KINGBRIDGE HOLYSTONE CONN
PD 508 (Tract 4) MF-2(A)
SUP 758
SUP 760
PD 508 (Tract 14) LO-1(A)
1
2
PD 508 (Tract 13A) MF-2(A)
PD 508 (Tract 13) MF-2(A)
1:4,800
ZONING HISTORY
Case no: Z178-260
Date: 1/31/2019


CANADA DR
POINCIANA PL
FISH TRAP RD
TAN OAK DR
CALYPSO ST
HOLYSTONE ST
GRAY OAK PL
CHINA ELM DR
CEDAR ELM LN
VINE MAPLE PL
CHINKAPIN WAY
LEATH ST
TIPU LN
POINTER ST
RUPERT ST
BOSQUE AVE
BAKER AVE
DELHI ST
ANGELINA DR
GREENLEAF ST
Z178-260
BERNAL DR
BICKERS ST
HAMPTON RD
SHAW ST
WESTMORELAND RD
MELINDA HILLS DR
JENNY DALE DR
LAKEMEADOWS CT
LAKEBEND DR
LAKEPOINTE DR
GOLDMAN ST
FISH TRAP RD
DENNISON ST
KINGBRIDGE ST
TORONTO ST
SINGLETON BLVD
POINTER ST
MANILA RD
BEDFORD ST
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:8,400
Market Value Analysis
Printed Date: 1/30/2019


CPC Responses
TAN OAK DR
PLUM LEAF CT
FISH TRAP RD
RUPERT ST
ANGELINA DR
BLUE MYRTLE WAY
CHINA ELM DR
SUMAC LEAF CT
CEDAR ELM LN
HOLLY LEAF CT
CHINKAPIN WAY
LEATH CT
LEATH ST
LAUREL LEAF CT
GRAY OAK PL
VINE MAPLE PL
HOLYSTONE ST
GREENLEAF ST
DICKERS ST
KINGBRIDGE HOLYSTONE CONN
LAKEMEADOWS CT
KINGBRIDGE ST
64 Property Owners Notified (71 parcels)
0 Replies in Favor (0 parcels)
4 Replies in Opposition (4 parcels)
500' Area of Notification
12/13/2018 Date
Z178-260
CPC
N
W
E
S
1:4,800

12/12/2018

Reply List of Property Owners

Z178-260

64 Property Owners Notified ***0 Property Owners in Favor*** ***4 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3130	KINGBRIDGE ST	DALLAS HOUSING AUTHORITY
	2	3719	GREENLEAF ST	Dallas ISD
	3	3020	BICKERS ST	DALLAS HOUSING AUTHORITY
	4	3131	KINGBRIDGE ST	DALLAS HOUSING AUTHORITY
	5	3900	BOSQUE AVE	RIVER EDGE INVESTMENTS LLC
	6	3901	BOSQUE AVE	CASTRO LOUISA ET AL
	7	2425	BICKERS ST	DALLAS HOUSING AUTHORITY
	8	3	GRAY OAK PL	GREENLEAF VILLAGE HOA INC
	9	4043	GRAY OAK PL	KEMIS EMANAYISH &
	10	4039	GRAY OAK PL	VASQUEZ CYNTHIA
	11	4035	GRAY OAK PL	CHIRINOS FAUSTO &
	12	4031	GRAY OAK PL	BROWN OLA &
	13	4027	GRAY OAK PL	RAMIREZ MARIA D
	14	4023	GRAY OAK PL	LARA JOSE
	15	4019	GRAY OAK PL	ALARCON ANTONIO &
	16	4015	GRAY OAK PL	FUENTES GERTRUDIS
	17	4011	GRAY OAK PL	KNOX SANDRA KAY &
	18	3959	GRAY OAK PL	HERNANDEZ JULIO A &
	19	3955	GRAY OAK PL	SPIKES JOHN
	20	3951	GRAY OAK PL	TIKU TEWODROS
	21	3947	GRAY OAK PL	CHAIREZ RAMIRO
	22	3943	GRAY OAK PL	TAPIA MARTIN &
	23	3939	GRAY OAK PL	RODARTE LILIA
X	24	3935	GRAY OAK PL	BUSTOS JOSE J
	25	3931	GRAY OAK PL	TRAN MICHAEL
	26	3927	GRAY OAK PL	LE THOANG & NGHIEP DANG

Reply	*Label #*	*Address*		*Owner*
	27	3923	GRAY OAK PL	JOINER DARYL LAVON &
	28	3919	GRAY OAK PL	MUNOZ EPIFANIO
	29	4042	CHINA ELM DR	GREEN TANYA R &
	30	4038	CHINA ELM DR	PHAM HUY
X	31	4034	CHINA ELM DR	MONTES VERONICA
	32	4030	CHINA ELM DR	CARRERA BEATRIZ
	33	4026	CHINA ELM DR	CERDA CONSUELO
	34	4022	CHINA ELM DR	NGUYEN MINH TRUC THI
	35	4018	CHINA ELM DR	TURNER MARY ALICE
	36	4014	CHINA ELM DR	FLORES PASTORA &
	37	3932	GRAY OAK PL	WALKER KATHIE &
	38	3928	GRAY OAK PL	CASABLANCA HILARIO &
	39	3924	GRAY OAK PL	WAMSLEY EVERETT R &
	40	3920	GRAY OAK PL	SCHROEDER DAI
	41	3916	GRAY OAK PL	FUNK JOHN & CASSIE
	42	2612	LAUREL LEAF CT	SMITH LEX D
X	43	2616	LAUREL LEAF CT	MOCTEZUMA EDUARDO &
	44	2620	LAUREL LEAF CT	AMH 2014 1 BORROWER LLC
X	45	2619	LAUREL LEAF CT	FANNIN DAVID &
	46	2615	LAUREL LEAF CT	RINCON MARIA C
	47	2608	LEATH CT	GARCIA CARMELO & AIDA
	48	2612	LEATH CT	CORREA PATRICIA &
	49	4040	GRAY OAK PL	EGUIA ALFONSO &
	50	4036	GRAY OAK PL	ESPINAL JOSE &
	51	4032	GRAY OAK PL	GOREE DEBRA
	52	4028	GRAY OAK PL	WOLDE ALEMAYEHU &
	53	4024	GRAY OAK PL	GONZALEZ MARIA
	54	4020	GRAY OAK PL	AKE JOEL &
	55	4016	GRAY OAK PL	TORIO JEREMY &
	56	4012	GRAY OAK PL	SANTANA CAROLINE
	57	4015	CHINA ELM DR	HERNANDEZ CLAUDIA

12/12/2018

Reply	*Label #*	*Address*		*Owner*
	58	4019	CHINA ELM DR	WILLIAMS CHARLA
	59	4023	CHINA ELM DR	HERNANDEZ GERARDO NAVARRO &
	60	4027	CHINA ELM DR	CABRERA MARTHA
	61	4031	CHINA ELM DR	ROUILLARD CARRIE
	62	4035	CHINA ELM DR	ARREOLA JOSE &
	63	4039	CHINA ELM DR	NGUYEN TONY &
	64	4043	CHINA ELM DR	MEJIA ADRIAN

Agenda Information Sheet

File #: 19-509 **Item #:** 71.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the northeast corner of West Illinois Avenue and Hollywood Avenue
Recommendation of Staff and CPC: Denial without prejudice
Z178-351(CY)
Note: This item was considered by the City Council at a public hearing on March 27, 2019, and was held under advisement until April 10, 2019, with the public hearing open

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HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**
ACM: Majed Al-Ghafry

FILE NUMBER: Z178-351(CY) **DATE FILED:** August 30, 2018

LOCATION: Northeast corner of West Illinois Avenue and Hollywood Avenue

COUNCIL DISTRICT: 1 **MAPSCO:** 53 V

SIZE OF REQUEST: Approx. 0.213 acres **CENSUS TRACT:** 63.02

OWNER/APPLICANT: Agustin Peralta, sole owner

REPRESENTATIVE: Karla Calderon, Projects & Plans DFW.

REQUEST: An application for an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of the request is to convert the use of an existing structure from single family to office. The proposed deed restrictions prohibit certain uses that are allowed in the NS(A) Neighborhood Service District, limit the business days and hours of operation, and require screening along the north and east property lines.

CPC RECOMMENDATION: **Denial without prejudice.**

STAFF RECOMMENDATION: **Denial without prejudice.**

BACKGROUND INFORMATION:

- The 0.213-acre area of request is zoned an R-7.5(A) Single Family District and is developed with a one-story single-family structure that is currently vacant.
- Historical Aerial images indicate the 1,730-square foot single-family structure was built between 1945 and 1952.
- The owner proposes to change the use of the existing single-family structure and lease it for office uses.
- No office uses are permitted in the R-7.5(A) Single Family District. This district is intended to be composed of single family dwellings together with public and private schools, churches and public parks essential to create basic neighborhood units.
- Historical Aerial images show the subject site and surrounding areas to the north, east and west as a single-family development since as early as 1952.

Zoning History: There have been no zoning changes in the vicinity during the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
West Illinois Avenue	Major Arterial	60 feet	100 feet
Hollywood Avenue	Minor Arterial	60 feet	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not support the following Plan's goals or policies.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

ECONOMIC ELEMENT

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS.

Policy 2.5.1 Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY.

Policy 5.2.1 Maintain neighborhood scale and character.

Land Use:

	Zoning	Land Use
Site	R-7.5(A) Single Family	Single Family
North	R-7.5(A) Single Family	Single Family
East	R-7.5(A) Single Family	Single Family
South	R-7.5(A) Single Family with SUP No. 159 for Public Library, NO(A) Neighborhood Office	Vacant Building
West	CR Community Retail	Financial Institution with Drive-through window

Land Use Compatibility:

The approximate 0.19-acre site is zoned an R-7.5(A) Single Family and is currently developed with an approximately 1,730-square foot one-story single-family structure built between 1945 and 152, according to historic aerial images, and is currently unoccupied.

The Dallas Development Code, as amended, defines the R-7.5(A) district as a zoning district that comprises a major portion of the existing single-family dwelling development of the city and is considered to be the proper zoning classification for large areas of the undeveloped land remaining in the city appropriate for single-family dwelling use. This district is intended to be composed of single-family dwellings together with public and private schools, churches, and public parks essential to create basic neighborhood units.

The purpose of the request is to change the zoning of the area of request to a Neighborhood Service District to allow for the conversion of the existing single-family structure and change its use to office. The applicant proposes to have the building available to lease to potential tenants.

The Dallas Development Code, as amended, identifies the purpose of the Neighborhood Service District as to accommodate convenience retail shopping, services and professional offices principally servicing, and compatible in scale and intensity of use, with adjacent residential uses.

Despite the presence of retail, personal service and office uses in the proximity of the area of request, the proposed zoning change is not appropriate in the context of the property's surrounding zoning districts and uses, especially to the north and east.

The retail and personal service and office uses found to the northwest, west and southwest of the subject site, are uses within a well-defined Community Retail District that surrounds the intersection of South Hampton Road and West Illinois Avenue and that accomplishes the purpose of providing for community-serving retail, personal service and office uses at a scale and intensity compatible with the residential community that surrounds it without directly affecting or having a negative impact on the existing single-family uses.

Properties to the north and east of the area of request are developed with single family uses and, with the exception of a vacant building in a Neighborhood Office District located to the south directly across West Illinois Avenue, additional single-family uses are found further south and to the southeast.

Although office uses can be considered as not having such an aggressive impact in a residential area, the request of a Neighborhood Service district also allows for other uses that can potentially cause a negative impact in the surrounding areas.

The applicant has proposed restrictions to prohibit certain uses that are allowed in the NS(A) district. Most of the proposed prohibited uses are uses currently allowed by right or by Specific Use Permit in the existing residential.

The following uses require an SUP in the existing zoning district but are allowed by right in the proposed zoning district. The applicant has not volunteered deed restrictions to prohibit these uses:

- Adult day care facility
- Child-care facility

Of the following uses which are not being restricted with the volunteered deed restrictions, and that are uses prohibited in the existing R-7.5(A) Single Family District, only *Restaurant without drive-in or drive-through service* will require a Residential Adjacency Review (RAR). The remaining uses are allowed by right in the proposed Neighborhood Service district:

- Financial institution without drive-in window
- Office
- General merchandise or food store 3,500 square feet or less
- Personal service uses
- Restaurant without drive-in or drive-through service (RAR)

A Residential Adjacency Review (RAR) is an administrative review that could recommend approval with limited conditions with the intention to lessen negative impacts on nearby residential property.

A land use comparison table is included further in this report identifying the uses not included in the volunteered deed restrictions.

It is also important to note that with the proposed zoning change, the existing structure will become non-conforming as to the side yard regulations. The Neighborhood Service District requires any structure to maintain a 20-foot setback when adjacent to a residential district. According to a preliminary site plan submitted by the applicant for reference only, the structure is approximately 12 feet from the eastern property line that is adjacent to a residential district.

Staff recognizes the applicant's effort to minimize the impact of the proposed zoning by also proposing restrictions to limit the hours of operation from 8:00 a.m. to 8:00 p.m. and requiring a minimum eight-foot-tall solid screening fence along the north and east property lines where the area of request abuts single-family uses. However, staff recommends denial because of the non-restricted uses that may have a negative impact on the surrounding residential uses.

The proposed zoning change in a single tract of land amidst a residential neighborhood that extents in all directions and beyond the existing Community Retail District, is not consistent with the clear vision of this area as one of low and medium density residential

development. A broader view of the zoning and land use of this area clearly indicates that the area is envisioned to be preserved as a residential neighborhood.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Existing: R-7.5(A) Single Family	25'	5'	1 unit/ 7,500 sf	30'	45%		Single Family
Proposed NS(A) Neighborhood Office	15'	20' adjacent to res, other no min.	0.5 FAR	35' for structure w/ gable, hip or gambrel roof, other, 30' 2 stories	40%	RPS, DIR and Visual Intrusion	Retail and personal service, office.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request and surrounding properties to the north, east and southeast are within MVA Category "F".

Parking:

At the time of development, off-street parking requirements must be provided in accordance with the Dallas Development Code, as amended. For the approximately 1,730-square-foot structure converted to an office use, which requires a parking ratio of one space for every 333 square feet of floor area, a minimum of five parking spaces will be required.

The applicant proposes to pave an area in the rear of the property to provide for the required off-street parking. Pursuant to Sec. 51A-4.301(f)(1)(A), the off-street parking must be screened from the c residential district to the north and east, with a brick, stone, or concrete masonry, stucco, concrete or wood wall or fence that is not less than six feet in height.

Landscaping:

The proposed paved area depicted on the preliminary site plan, represents approximately 3,785 square feet of additional non-permeable area, this will trigger the landscape requirements in Section 51A-10.125(b) which will have to be provided at the time of development.

Land Use Comparison Table

USE	R-7.5(A) Single Family	NS(A) Neighborhood Service	Not Restricted
AGRICULTURAL USES	CROP PRODUCTION	CROP PRODUCTION	
COMMERCIAL AND BUSINESS SERV.	NONE PERMITTED	NONE PERMITTED	
INDUSTRIAL USES	GAS DRILLING AND PRODUCTION (SUP)	GAS DRILLING AND PRODUCTION (SUP)	
	TEMPORARY CONCRETE OR ASPHALT BATCHING PLANT (By Special authorization of the BO)	TEMPORARY CONCRETE OR ASPHALT BATCHING PLANT (By Special authorization of the BO)	
INSTITUTIONAL AND COMMUNITY SERVICE USES	ADULT DAY CARE FACILITY (SUP)	ADULT DAY CARE FACILITY	X
	CEMETERY OR MAUSOLEUM (SUP)	CEMETERY OR MAUSOLEUM (SUP)	
	CHILD-CARE FACILITY (SUP)	CHILD-CARE FACILITY	X
	CHURCH	CHURCH	X
	COLLEGE, UNIVERSITY OR SEMINARY (SUP)	COLLEGE, UNIVERSITY OR SEMINARY (SUP)	
	COMMUNITY SERVICE CENTER (SUP)	COMMUNITY SERVICE CENTER (SUP)	
	CONVENT OR MONASTERY (SUP)	CONVENT OR MONASTERY	
	LIBRARY, ART GALLERY OR MUSEUM (SUP)	LIBRARY, ART GALLERY OR MUSEUM	
		OPEN-ENROLLMENT CHARTER SCHOOL OR PRIVATE SCHOOL (SUP)	
	PUBLIC OR PRIVATE SCHOOL (SUP)	PUBLIC SCHOOL OTHER THAN AN OPEN-ENROLLMENT CHARTER SCHOOL (RAR)	
LODGING USES	NONE PERMITTED	NONE PERMITTED	
MISCELLANEOUS USES		ATTACHED NON-PREMISE SIGN (SUP)	
	CARNIVAL OR CIRCUS (TEMPORARY) (By special authoriztion of the BO)	CARNIVAL OR CIRCUS (TEMPORARY) (By special authoriztion of the BO)	
	TEMPORARY CONSTRUCTION OR SALES OFFICE	TEMPORARY CONSTRUCTION OR SALES OFFICE	
OFFICE USES	NONE PERMITTED	FINANCIAL INSTITUTION WITHOUT DRIVE-IN WINDOW	X
		MEDICAL OR AMBULATORY SURGICAL CENTER	
		OFFICE	X
RECREATION USES	COUNTRY CLUB WITH PRIVATE MEMBERSHIP (SUP)	COUNTRY CLUB WITH PRIVATE MEMBERSHIP	
	PRIVATE RECREATION CENTER, CLUB OR AREA (SUP)	PRIVATE RECREATION CENTER, CLUB OR AREA (SUP)	
	PUBLIC PARK, PLAYGROUND OR GOLF COURSE	PUBLIC PARK, PLAYGROUND OR GOLF COURSE	
RESIDENTIAL USES		COLLEGE DORMITORY, FRATERNITY OR SORORITY USE (SUP)	
	HANDICAPPED GROUP DWELLING		
	SINGLE FAMILY DWELLING		

Land use comparison table (cont.)

USE	R-7.5(A) Single Family	NS(A) Neighborhood Service	Not Restricted
RETAIL AND PERSONAL SERVICE USES	NONE PERMITTED	DRY CLEANING OR LAUNDRY STORE	
		GENERAL MERCHANDISE STORE OR FOOD STORE 3,500 SQUARE FEET OR LESS	X
		MOTOR VEHICLE FUELING STATION (SUP)	
		PERSONAL SERVICE USES	X
		RESTAURANT WITHOUT DRIVE-IN OR DRIVE-THROUGH SERVICE (RAR)	X
TRANSPORTATION USES	PRIVATE STREET OR ALLEY (SUP)		
	TRANSIT PASSENGER SHELTER	TRANSIT PASSENGER SHELTER	
	TRANSIT PASSENGER STATION OR TRANSFER CENTER (SUP)	TRANSIT PASSENGER STATION OR TRANSFER CENTER (By SUP or City Council Resolution)	
UTILITY AND PUBLIC SERVICE USES	ELECTRICAL SUBSTATION	ELECTRICAL SUBSTATION	
	LOCAL UTILITIES (SUP or RAR may be required)	LOCAL UTILITIES (SUP or RAR may be required)	
	POLICE OR FIRE STATION (SUP)	POLICE OR FIRE STATION (SUP)	
		POST OFFICE(SUP)	
	RADIO, TELEVISION, OR MICROWAVE TOWER (SUP)	RADIO, TELEVISION, OR MICROWAVE TOWER (SUP)	
	TOWER/ANTENNA FOR CELLULAR COMMUNICATION	TOWER/ANTENNA FOR CELLULAR COMMUNICATION	
	UTILITY OR GOVERNMENT INSTALLATION OTHER THAN LISTED (SUP)	UTILITY OR GOVERNMENT INSTALLATION OTHER THAN LISTED (SUP)	
WHOLESALE, DISTRIBUTION AND STORAGE USES	RECYCLING DROP-OFF CONTAINER	RECYCLING DROP-OFF CONTAINER	
	RECYCLING DROP-OFF FOR SPECIAL OCCASION COLLECTION	RECYCLING DROP-OFF FOR SPECIAL OCCASION COLLECTION	

CPC ACTION
November 15, 2018

Motion: In considering an application for an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the northeast corner of West Illinois Avenue and Hollywood Avenue, it was moved to **hold** this case under advisement until December 13, 2018.

Maker: Schultz
Second: Shidid
Result: Carried: 10 to 0

For: 10 - Rieves, Davis, Shidid, Carpenter, Lewis, Housewright, Schultz, Peadon, Ridley, Tarpley

Against: 0
Absent: 2 - West, Murphy
Vacancy: 2 - District 3, District 7
Conflict: 1 - Jung**

**out of the room, when vote taken

Notices: Area: 200 Mailed: 17
Replies: For: 0 Against: 1

Speakers: None

CPC ACTION
December 13, 2018

Motion: In considering an application for an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the northeast corner of West Illinois Avenue and Hollywood Avenue, it was moved to **hold** this case under advisement until January 17, 2019.

Maker: MacGregor
Second: Schultz
Result: Carried: 12 to 0

For: 12 - MacGregor, Rieves*, Davis, Shidid*, Carpenter, Lewis, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7
Conflict: 1 - Jung**

*out of the room, shown voting in favor
**out of the room, when vote taken

Notices: Area: 200 Mailed: 17
Replies: For: 1 Against: 2

Speakers: None

CPC ACTION
January 17, 2019

Motion I: It was moved to recommend **approval** of an NS(A) Neighborhood Service District, subject to deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the northeast corner of West Illinois Avenue and Hollywood Avenue.

Maker: MacGregor
Second: Schultz
Result: Failed: 2 to 7

For: 2 - MacGregor, Schultz

Against: 7 - Davis, Shidid, Carpenter, Lewis, Housewright, Murphy, Tarpley
Absent: 1 - Ridley
Vacancy: 4 - District 2, District 3, District 7, District 12
Conflict: 1 - Jung**

**out of the room, when vote taken

Motion II: It was moved to recommend **denial without prejudice** of an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the northeast corner of West Illinois Avenue and Hollywood Avenue.

Maker: Carpenter
Second: Housewright
Result: Carried: 9 to 0

For: 9 - MacGregor, Davis, Shidid, Carpenter, Lewis, Housewright, Schultz*, Murphy, Tarpley

Against: 0
Absent: 1 - Ridley
Vacancy: 4 - District 2, District 3, District 7, District 12
Conflict: 1 - Jung**

*out of the room, shown voting in favor
**out of the room, when vote taken

Notices: Area: 200 Mailed: 17
Replies: For: 1 Against: 2

Speakers: For: Karla Calderon, 2819 Brandon St., Dallas, TX, 75211
Agustin Peralta, 2722 S. Vernon Ave., Dallas, TX, 75224
Against: None

PROPOSED DEED RESTRICTIONS

THE STATE OF TEXAS)
) KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF Dallas)

I.

The undersigned, Agustin Peralta , an individual ("the Owner"), is the owner of the following described property ("the Property"), being in particular lot No. 11, City Block B/4760 , City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by JPMC Specialty Mortgage, LLC , by deed dated 07/30/2009 , and recorded in Instrument No. 200900218542, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

[Lot 11, City Block B/4760]

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

(1) The following uses are prohibited:

(A) Agricultural uses.

-- Crop production.

(C) Industrial uses.

-- Gas drilling and production.

-- Temporary concrete or asphalt batching plant.

(D) Institutional and community service uses.

-- Cemetery or mausoleum.

-- College, university, or seminary.

-- Community service center.

-- Convent or monastery.

-- Library, art gallery, or museum.

-- Open-enrollment charter school or private school.

-- Public school other than an open-enrollment charter school.

(F) Miscellaneous uses.

-- Attached non-premise sign.

-- Carnival or circus (temporary).

-- Temporary construction or sales office.

(G) Office uses.

-- Medical clinic or ambulatory surgical center.

(H) Recreation uses.

-- Country club with private membership.

-- Private recreation center, club, or area.

-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity, or sorority house.

(J) Retail and personal service uses.

-- Dry cleaning or laundry store.

-- Motor vehicle fueling station.

(K) Transportation uses.

-- Transit passenger shelter.

-- Transit passenger station or transfer center.

(L) Utility and public service uses.

-- Electrical substation.

-- Local utilities.

-- Police or fire station.

-- Post office.

-- Radio, television, or microwave tower.

-- Tower/antenna for cellular communication.

-- Utility or government installation other than listed.

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container.

-- Recycling drop-off for special occasion collection.

(2) A business may only operate between 8:00 a.m. and 8:00 p.m., Monday through Sunday.

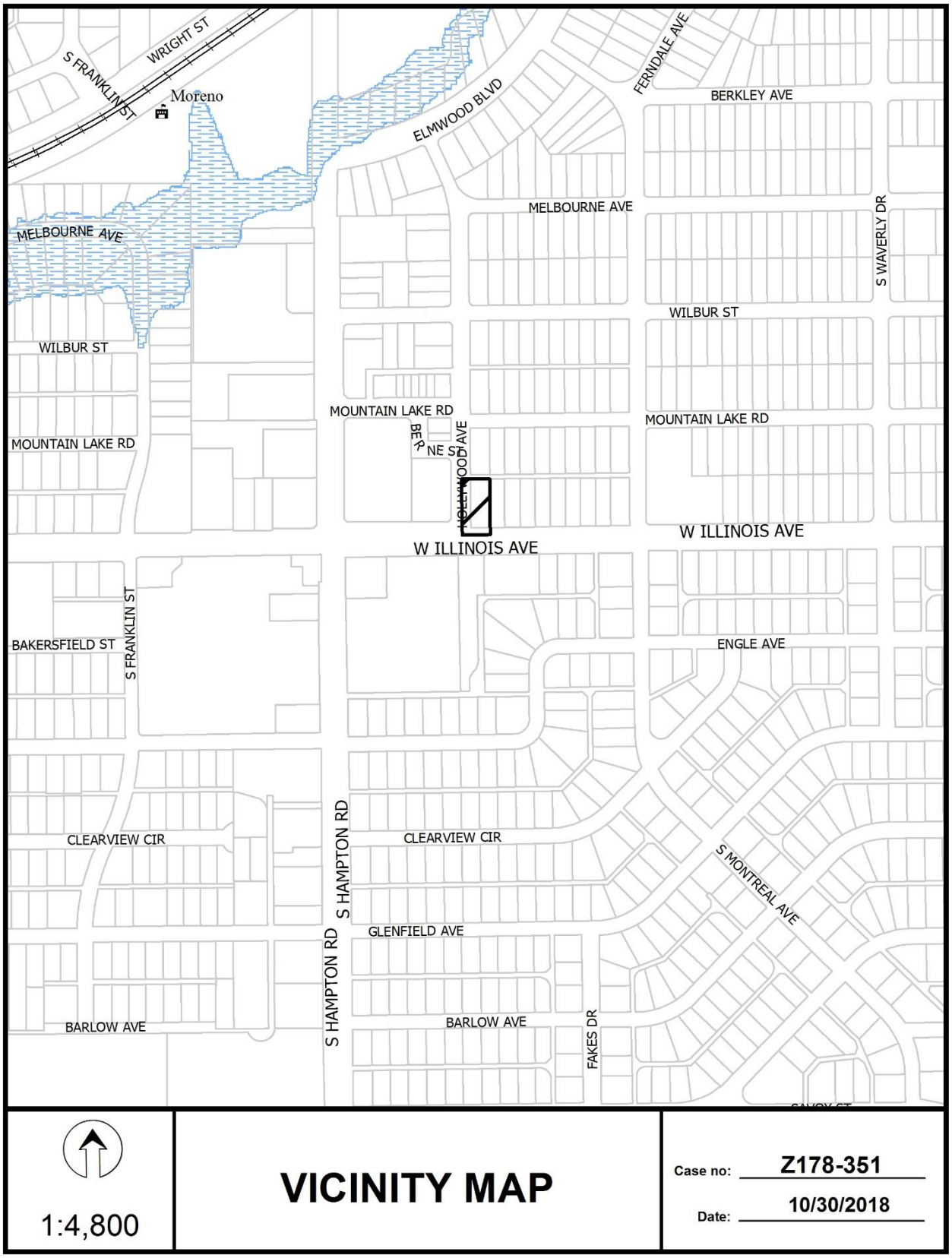
(3) A minimum eight-foot-tall solid screening fence is required along the north and east property lines.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.


WRIGHT ST
S FRANKLIN ST
Moreno
ELMWOOD BLVD
FERNDALE AVE
BERKLEY AVE
MELBOURNE AVE
MELBOURNE AVE
S WAVERLY DR
WILBUR ST
WILBUR ST
MOUNTAIN LAKE RD
MOUNTAIN LAKE RD
MOUNTAIN LAKE RD
BERNE ST
HOLLYWOOD AVE
W ILLINOIS AVE
W ILLINOIS AVE
BAKERSFIELD ST
S FRANKLIN ST
ENGLE AVE
CLEARVIEW CIR
CLEARVIEW CIR
S HAMPTON RD
S MONTREAL AVE
GLENFIELD AVE
S HAMPTON RD
BARLOW AVE
BARLOW AVE
FAKES DR
1:4,800
VICINITY MAP
Case no: Z178-351
Date: 10/30/2018

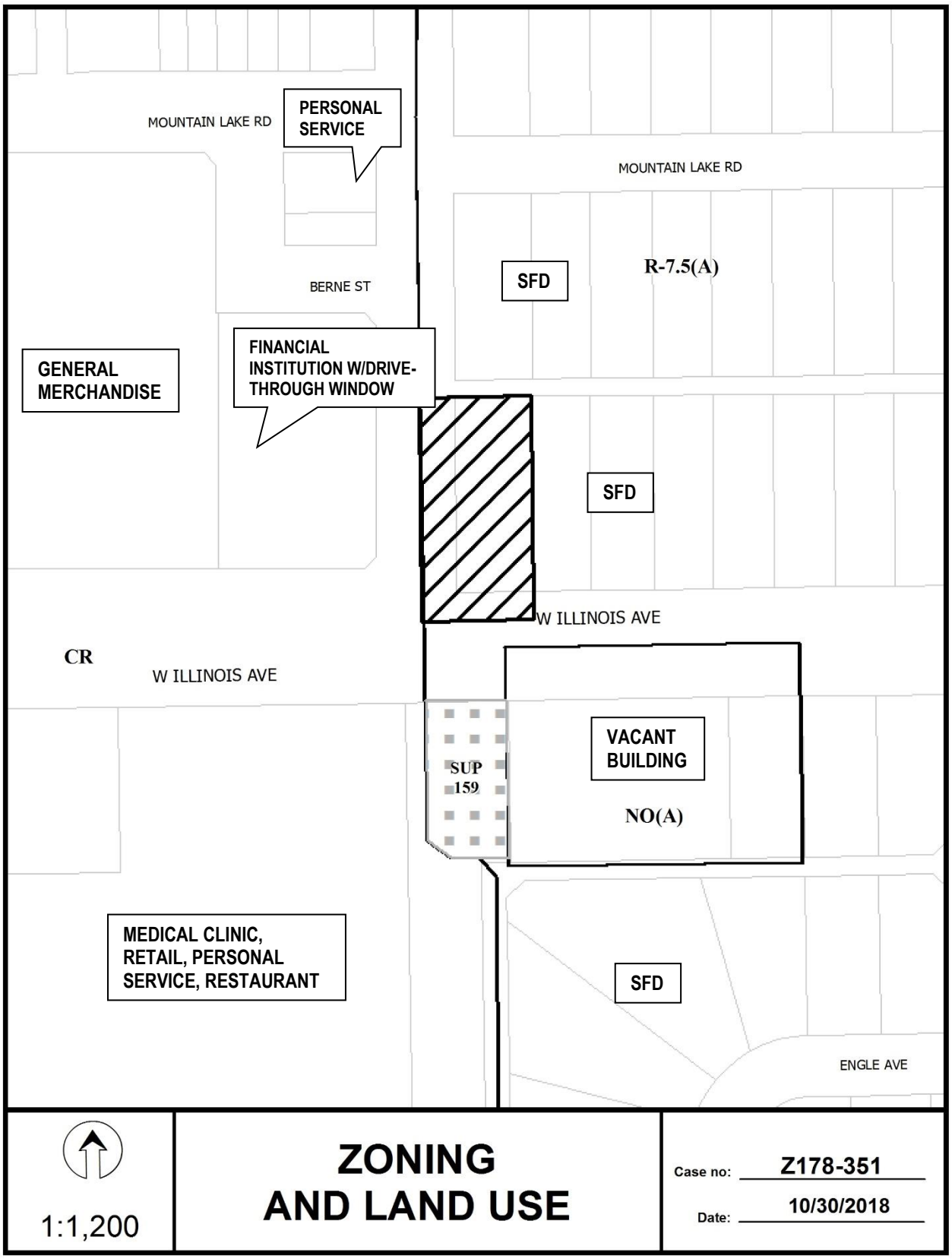


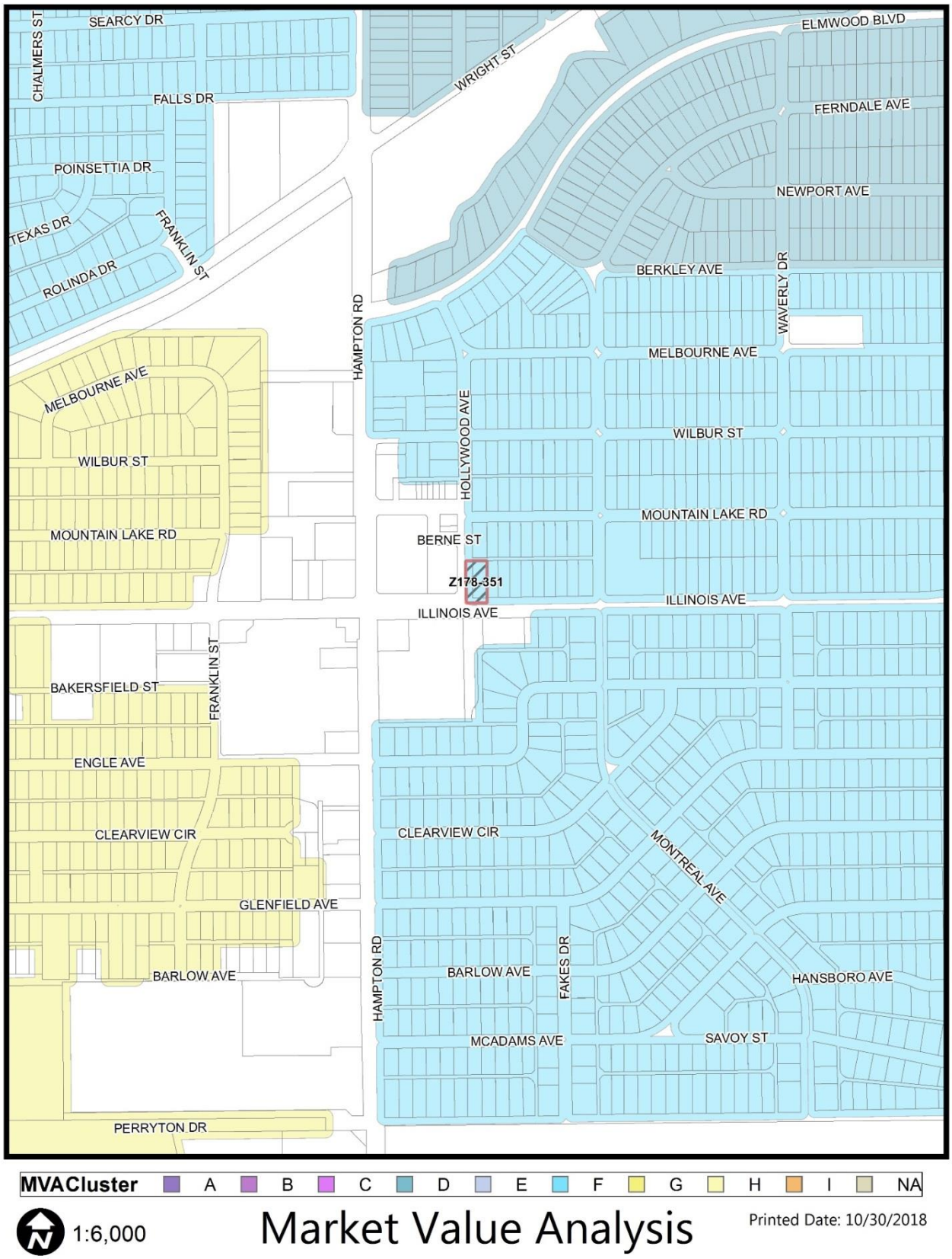
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AERIAL MAP

Case no: Z178-351

Date: 10/30/2018


MOUNTAIN LAKE RD
PERSONAL SERVICE
MOUNTAIN LAKE RD
BERNE ST
SFD
R-7.5(A)
GENERAL MERCHANDISE
FINANCIAL INSTITUTION W/DRIVE-THROUGH WINDOW
SFD
W ILLINOIS AVE
CR
W ILLINOIS AVE
SUP 159
VACANT BUILDING
NO(A)
MEDICAL CLINIC, RETAIL, PERSONAL SERVICE, RESTAURANT
SFD
ENGLE AVE
1:1,200
ZONING AND LAND USE
Case no: Z178-351
Date: 10/30/2018


SEARCY DR
CHALMERS ST
FALLS DR
POINSETTIA DR
TEXAS DR
ROLINDA DR
FRANKLIN ST
WRIGHT ST
ELMWOOD BLVD
FERNDALE AVE
NEWPORT AVE
BERKLEY AVE
WAVERLY DR
HAMPTON RD
MELBOURNE AVE
HOLLYWOOD AVE
WILBUR ST
MOUNTAIN LAKE RD
BERNE ST
Z178-351
ILLINOIS AVE
BAKERSFIELD ST
ENGLE AVE
CLEARVIEW CIR
GLENFIELD AVE
BARLOW AVE
MONTREAL AVE
FAKES DR
HANSBORO AVE
MCADAMS AVE
SAVOY ST
PERRYTON DR
MVACluster A B C D E F G H I NA
1:6,000
Market Value Analysis
Printed Date: 10/30/2018

CPC RESPONSES



01/16/2019

Reply List of Property Owners

Z178-351

17 Property Owners Notified ***1 Property Owners in Favor*** ***2 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2219	W ILLINOIS AVE	PERALTA AGUSTIN
	2	2504	BERNE ST	SAHIBZADAH FRIDON &
	3	2306	MOUNTAIN LAKE RD	SHIBZADAH FRIDOON & ROYA SAHIBZADAH
	4	2118	MOUNTAIN LAKE RD	YBARRA SUSAN
	5	2202	MOUNTAIN LAKE RD	LEAL JAVIER
X	6	2206	MOUNTAIN LAKE RD	VALTIERRA ALICE
O	7	2210	MOUNTAIN LAKE RD	GARCIA JESUSITA
	8	2214	MOUNTAIN LAKE RD	GUTIERREZ DIANA
	9	2218	MOUNTAIN LAKE RD	DOSSETT BARBARA
	10	2215	W ILLINOIS AVE	GRANADO CONSUELO
	11	2211	W ILLINOIS AVE	ROE GERALDINE
	12	2203	W ILLINOIS AVE	HALL IVORY
X	13	2119	W ILLINOIS AVE	SALDIVAR SOCORRO
	14	2214	W ILLINOIS AVE	HAMPTON ILLINOIS SHOPPING
	15	2204	W ILLINOIS AVE	ORGANIZATION OF HISPANIC CONTRACTORS
	16	2323	W ILLINOIS AVE	ADD WEST ILLINOIS LLC
	17	2307	W ILLINOIS AVE	COMPASS BANK

Agenda Information Sheet

File #: 19-463 **Item #:** 72.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding consideration of amending the Dallas Development Code to create regulations for a new overlay called a Neighborhood Forest Overlay and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA178-012

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 10, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER: DCA178-012 **DATE INITIATED:** February 16, 2017

TOPIC: Neighborhood Forest Overlay (NFO)

CITY COUNCIL DISTRICTS: All **CENSUS TRACTS:** All

PROPOSAL: Consideration of amending the Dallas Development Code to create regulations for a new overlay called a Neighborhood Forest Overlay.

SUMMARY: The proposal creates a new type of overlay called a Neighborhood Forest Overlay (NFO). The overlay is a zoning tool that provides regulations for the conservation and maintenance of the urban forest within the boundaries of the overlay. The process to establish an NFO is a neighborhood driven process, providing the neighborhood the opportunity to determine the conservation and management of their urban forest.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND

- The concept of a Neighborhood Forest Overlay originated at ZOAC meetings during the amendment of ARTICLE X. LANDSCAPE AND TREE CONSERVATION REGULATIONS.

- During Council consideration and approval of Article X, direction to create regulations for a Neighborhood Forest Overlay was given.

- The Zoning Ordinance Advisory Committee (ZOAC) considered this issue at three public meetings: October 4, 2018; October 18, 2018; and on November 15, 2018, ZOAC recommended the proposal move to City Plan Commission (CPC).

- On January 17, 2019, the City Plan Commission (CPC) considered the proposed amendment and recommended approval.

- On February 25, 2019, the Quality of Life, Arts, and Culture Committee was briefed on the proposed amendment and recommended forwarding it to City Council for consideration.

GENERAL INFO/STAFF ANALYSIS:

The neighborhood forest overlay is provided for the purpose of promoting the health, safety, and the general welfare of present and future inhabitants of city neighborhoods through the managed conservation and protection of the trees in the community. It is intended to help promote or restore the character of established communities as recognized by its inhabitants; to stabilize and protect the air quality near homes; to conserve the city's tree canopy; to retain the living green infrastructure for reducing flood and stormwater effects; to protect property against depreciation; to encourage sustainable construction methods and design in redevelopment; and to assure the sustainability of neighborhoods for the future.

The trees of the city are a fundamental aspect of our living community that provide measurable and valuable services to our citizens. The management and continuity of the trees in the urban forest is both a responsibility and privilege to the people who receive these benefits. The tree protection, removal, and mitigation regulations are established primarily to promote the careful management and application of the young to mature trees on lots smaller than two acres with single family or duplex uses in residential districts.

Currently, lots smaller than two acres in size that contain single-family or duplex uses in residential districts are excluded from the tree regulations of Division 51A-10.130 - Urban Forest Conservation. Further, under a building permit for construction, lots one acre or less that do not contain single-family or duplex uses in

residential districts are also exempt from the tree replacement requirements of Division 51A-10.130 - Urban Forest Conservation Division within the unrestricted zone. The NFO would do two things within its boundaries: (1) remove the unrestricted zone on vacant lots, and (2) allow tree protection on lots smaller than two acres in size that contain single-family or duplex uses in residential districts in the tree conservation areas that are elected by the neighborhood.

The neighborhood forest overlay does not preserve trees, rather it provides a process for controlled removal and mitigation for the removal, and retention of an optional minimum tree canopy cover within the tree conservation area.

An NFO would be a neighborhood driven self determination process, similar to the Neighborhood Stabilization Overlay (NSO) process, that allows the neighborhood to establish regulations to conserve and maintain the urban forest within the boundaries of the overlay.

PROPOSAL:

When creating a Neighborhood Forest Overlay, the neighborhood will choose the area of tree protection, or *tree conservation area*, from the following options:

1. Front yard setback
2. Front yard to structure
3. Front, side, and rear yard setbacks
4. Entire lot

As it is with trees on city property, the conservation, establishment, and maintenance of trees in Section 51A-10.136(a) apply to trees within a tree conservation area: (1) must be established and maintained in accordance with ANSI A300 standards for tree care operations and the ISA Best Management Practices; or (2) the American Standard for Nursery Stock Z60.

Additional options may be elected by the neighborhood. These options, if elected, are only applicable should a property owner remove trees that would require mitigation.

Additional Options:

1. Tree canopy cover goal
    - Means the percentage of the tree canopy cover to be preserved or created in the tree conservation area.
    - The neighborhood would determine the minimum tree canopy cover percentage for the goal. Each property owner may determine actual tree canopy cover for their lot, to be verified and approved by the building official.
    - The minimum percentage would be determined by the median of the tree canopy coverage in the Tree Conservation Area on each lot in the subject NFO.

- If the tree canopy cover remains at or above the designated percentage of the tree conservation area canopy cover, removed trees do not require replacement. However, a minimum of one tree must remain in the front yard.
- The standards for the 'Tree canopy cover goal' option are the regulations for 'Tree canopy cover credit for single family and duplex uses' in Article X Sec. 51A-10.135(e) amended for applicability to the overlay and tree conservation area.

2. Lots must maintain a designated number of trees in the front yard
    - This option would be an added layer of protection to ensure that regardless of the selected mitigation method for tree removal, a minimum number of large or medium size trees in the front yard would be maintained. Replacement is not required in the case that a property falls below the minimum number of large or medium trees due to a reason enumerated in the defense to prosecution section of Article X.

Site Assessment Plan

Prior to any development, construction activity, or disturbance of an area that may affect trees within the tree conservation area, a tree removal application, or permits for construction or grading, a Site Assessment Plan must be submitted to the building official. The Site Assessment Plan must identify all trees of 4 inches in diameter and greater, or over 12 feet in height, based on plant type specification. The overlay regulations do not prohibit the removal or alteration of unprotected trees, or landscape ornamental and small trees, and other landscape shrubs, grasses, or other materials, that do not apply as a protected tree. However, any work or disturbance which includes significant soil compaction, trenching, tilling, excavation, paving, grading, chemical mixing, or pruning exceeding 10 percent tree canopy reduction, on the tree and within the dripline of the protected tree, is subject to the Site Assessment Plan review.

The Site Assessment Plan must show the following:

- Structures
- Paving
- Proposed development, construction or disturbance
- Location of all trees (including boundary trees) in tree conservation area, and 10 feet beyond, with the following elements:
    - Location
    - Diameter
    - Species
- Tree protection as applicable

- Replacement trees as applicable

If a tree removal application is approved to remove trees within the tree conservation area, then tree mitigation or replacement is required.

Structure Proximity Area

A five foot buffer around a dwelling unit, called the Structure Proximity Area, will be observed within all NFOs. Mitigation for the removal of trees is not required for qualifying trees within the Structure Proximity Area. More than 50% of the tree trunk at grade must be within the Structure Proximity Area to qualify for an exemption from mitigation. However, because the Structure Proximity Area is within the Tree Conservation Area, an approved tree removal application is required.

Article X calls for replacement of removed trees to meet or exceed the total classified diameter inches of the protected tress that were removed. Total classified diameter inches are mitigated at the following ratios:

- Historic Trees: 3:1
- Significant: 1.5:1
- Class 1: 1:1
- Class 2: 0.7:1
- Class 3: 0.4:1

Protected trees and unprotected trees are as defined in Article X. This stipulates that a tree is protected at a size of 8-inches in diameter or greater unless it is a tree with a diameter of less than 10 inches located on a lot with an existing single family or duplex use that is occupied at the time of removal.

Protected Trees per Article X:

- A tree of any species that has a minimum diameter of eight inches.
- Any tree in a stand which projects a tree canopy over a building site in a forest stand delineation.
- A tree that was planted as a replacement tree.

Unprotected Trees per Article X:

- Callery pear (all cultivars), Chinaberry, Chinese tallow, Ilex species (except for yaupon holly and Possumhaw holly), Palm (all plants in Palmae), Tree-of-heaven or Ailanthus, other trees listed as invasive plants.
- Trees with a diameter of less than 10 inches at the point on the trunk 4.5 feet above the ground, located on a lot with an existing single family or duplex use that is occupied at the time of removal.

Article X also provides several methods of compliance with tree replacement. The applicable methods within an NFO are listed below:

1. Replacement and mitigation on the site of removal
    - The minimum total caliper of replacement trees must equal or exceed the total classified diameter inches of the protected trees removed or seriously injured as listed in Section 51A-10.134(c)(1)(B).
2. Replacement by legacy tree
    - Each tree planted as a legacy tree is given a 12 inch replacement credit.

3. Replacement on other property
    - Replace within boundaries of NFO.
    - If replacement is not possible within NFO, the tree must be replaced within five miles of the NFO.

4. Payment into reforestation fund
    - Mitigation requirements may be met by making a payment into a special city account upon finding that other mitigation methods cannot fulfill requirements.

<u>Process to Establish an NFO</u>

1. Formation of Neighborhood Committee
    - When a neighborhood determines that they are interested in creating an NFO, they form a committee and petition the city.
    - Neighborhood Committee consists of the owners of at least 10 properties within the proposed overlay or all property owners if less than 10 properties in the proposed overlay.
    - The Neighborhood Committee will submit a map showing the entire boundary of the NFO, their proposed Tree Conservation Area option, and any other additional option they have selected.

2. NFO may be placed on:
    - An area primarily containing lots smaller than two acres in size that contain single-family or duplex uses in residential districts.
        - May contain vacant lots and lots greater than two acres in size even though those lots will not be subject to the overlay regulations.
    - An identifiable portion of a planned development, conservation district, or form district which portion is restricted to residential uses.

3. Area
    - Contains at least 50 lots in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 lots.
    - May contain as few as 10 lots if lots are alongside a *primary natural area* or if the lots maintain a current forest cover of mature large and medium trees, including significant trees, or trees established prior to the original subdivision. (As defined in Article X, *primary natural area* means an ecologically sensitive area including 100-year flood plain and riparian areas, wetlands or 50-foot wetland buffer)
    - Boundary lines should be drawn to include blockfaces and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, or zoning boundary line. Boundary lines that split blockfaces in two should be avoided.

4. Staff conducts community meeting
    - As soon as possible after the neighborhood committee expresses their desire to apply for a NFO, the department will conduct a neighborhood meeting. The department will give notice of the neighborhood meeting to all property owners within the proposed overlay area as evidenced by the last approved city tax roll at least 10 days prior to the neighborhood meeting.
    - Staff will meet with the community, inform them about NFOs, describe the options that the community can elect for their NFO, and what is required for staff to accept their application to establish an NFO.
    - The neighborhood will determine what options to include in the NFO request.
        - If the tree canopy cover goal option is elected, staff will provide a spreadsheet to the neighborhood committee to record the tree canopy cover in the Tree Conservation Area on each lot. Staff will instruct the neighborhood committee on how they measure the tree canopy coverage.
        - Staff will verify the data and calculate the median that will determine the minimum tree canopy cover percentage for the subject NFO.

5. Staff provides petitions to the Neighborhood Committee
    - The petition must include:
        - A map showing the boundaries of the proposed overlay
        - Tree conservation area proposed
        - Additional options (if elected)

- The name and address of all property owners within the proposed district
- A statement that by signing the petition the signers are indicating their support of the overlay

6. Neighborhood Committee gathers property owner signatures
   - The elected tree conservation area option will determine the percentage of property owner signatures required for an application to be accepted.
     - Option 1 (Front yard setback) and Option 2 (Front yard to structure) require signatures from 60% of property owners within the NFO.
     - Option 3 (Front, side, and rear yard setbacks) and Option 4 (Entire lot) require signatures from 70% of property owners within the NFO.
     - If petitions signed by 75% or more of the lots within the proposed district the application fee is waived.
   - The petition must be submitted to the department with the following:
     - The dated signatures of property owners within the proposed district in support of the proposed district.
     - A list of the names and addresses of the neighborhood committee members.
     - A map showing the boundaries of the proposed overlay
     - Any other information the director determines is necessary.

7. Staff verifies signed petitions and places the NFO request on the City Plan Commission agenda for public hearing

8. City Plan Commission meeting and public hearing

9. City Council votes on establishing an NFO at public hearing

10. Upon establishment of an NFO, each lot would be filed in the county deed records to give notice of the regulations imposed

CPC ACTION

January 17, 2019

Motion: It was moved to recommend **approval** of amending the Dallas Development Code to create regulations for a new overlay called a Neighborhood Forest Overlay.

Maker: Shidid
Second: Murphy
Result: Carried: 10 to 0

For: 10 - MacGregor, Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Murphy, Tarpley

Against: 0
Absent: 1 - Ridley
Vacancy: 4 - District 2, District 3, District 7, District 12

Speakers: For: Steve Houser, Address not given
Against: Stan Randall, Address not given
Phil Crone, 6518 Trammel Dr., Dallas, TX, 75214
Staff: Phil Erwin, Arborist, City of Dallas

CPC Recommended Conditions

SEC. 51A-4.511. NEIGHBORHOOD FOREST OVERLAY.

(a) Findings and purpose.

(1) The city council intends to provide a means of conserving and maintaining the existing urban forest within the boundaries of neighborhood forest overlays.

(2) The neighborhood forest overlay is provided for the purpose of promoting the health, safety, and the general welfare of present and future inhabitants of city neighborhoods through the managed conservation and protection of the trees in the community. It is intended to help promote or restore the character of established communities as recognized by its inhabitants; to stabilize and protect the air quality near homes; to conserve the city's tree canopy; to retain the living green infrastructure for reducing flood and stormwater effects; to protect property against depreciation; to encourage sustainable construction methods and design in redevelopment; and to assure the sustained stability of neighborhoods for the future.

(3) A neighborhood forest overlay is a neighborhood-driven process that extends the protections prescribed within Division 51A-10.130, "Urban Forest Conservation," to the properties within the overlay area that contain single-family and duplex uses in residential districts on lots smaller than two acres in size.

(b) Interpretations. Except as otherwise provided in this subsection, the regulations in Article X apply in neighborhood forest overlay districts. Sections 51A-10.135(c), 51A-10.135(d), 51A-10.135(e), and 51A-10.135(f) do not apply. If there is a conflict between this section and Article X, this section applies. If there is a conflict between a neighborhood forest overlay ordinance and Article X, the neighborhood forest overlay ordinance controls.

(c) Definitions. In this section:

(1) MEDIAN means the middle number in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For example, if the set of numbers is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.

(2) NEIGHBORHOOD COMMITTEE means the owners of at least 10 properties within a proposed overlay.

(3) STRUCTURE PROXIMITY AREA means the five foot area around a dwelling unit.

(4) TREE CONSERVATION AREA means the area of tree protection and the site subject to urban forest conservation regulations.

(d) Petition, initiation, and process.

(1) Except as provided in this subsection, the procedures for zoning amendments contained in Section 51A-4.701, "Zoning Amendments," apply.

(2) A neighborhood forest overlay may only be placed on an area:

(A) containing lots that are primarily smaller than two acres in size;

(B) developed primarily with single family or duplex structures; and

(C) that is zoned either:

(i) as a residential district; or

(ii) as a planned development district, conservation district, or form district (or portion thereof) that is restricted to single family or duplex uses.

(3) The boundary lines of a neighborhood forest overlay should be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided. The minimum area of a subdistrict within a district is one blockface. An overlay:

(A) must contain at least 50 lots in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family or duplex structures; or

(B) may contain less than 50 lots, but no less than 10 lots, if the lots are located alongside a primary natural area or if the lots maintain a current forest cover of mature large and medium trees, including significant trees, or trees established prior to the original subdivision.

(4) A neighborhood forest overlay may contain vacant lots and lots greater than two acres in size even though those lots will not be subject to the overlay regulations. Vacant lots within the boundaries of a neighborhood forest overlay, however, are not subject to the unrestricted zone exception in Section 51A-10.134(b).

(5) The neighborhood committee may request a petition form by submitting a request to the department on a form furnished by the department. The request

must include the boundaries of the proposed district. The boundaries of the proposed district must comply with the requirements of this section.

(6) As soon as possible after the department provides the neighborhood committee with a petition form, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed overlay as evidenced by the last approved city tax roll at least 10 days prior to the neighborhood meeting.

(7) The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed overlay, a list of the proposed regulations, the name and address of all property owners within the proposed district, and a statement that by signing the petition the signers are indicating their support of the overlay.

(8) The petition must be submitted with the following:

(A) The dated signatures of property owners within the proposed overlay in support of the proposed overlay.

(i) For a proposed overlay with 50 or fewer single family or duplex structures, the signatures on the petition must be dated within three months following the date of the neighborhood meeting.

(ii) For a proposed overlay with more than 50 single family or duplex structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.

(iii) If the proposed overlay is pursuant to Sections 51A-4.511(e)(2)(i) or 51A-4.511(e)(2)(ii), 60 percent of property owner signatures are required for staff to accept the petition.

(iv) If the proposed overlay is pursuant to Sections 51A-4.511(e)(2)(iii) or 51A-4.511(e)(2)(iv), 70 percent of property owner signatures are required for staff to accept the petition.

(B) The application fee, if applicable.

(i) If a petition is signed by property owners of fewer than 75 percent of the lots within the proposed district, the application fee must be paid.

(ii) If a petition is signed by property owners of 75 percent or more of the lots within the proposed district, the application fee is waived.

(iii) If the proposed overlay is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(C) A map showing the boundaries of the proposed district.

(D) A list of the names and addresses of the neighborhood committee members.

(E) Any other information the director determines is necessary.

(9) A public hearing to create an overlay is initiated by submission of a complete petition or by authorization pursuant to Section 51A-4.701(a)(1).

(10) For purposes of Section 51A-4.701, "Zoning Amendments," once a complete petition has been submitted to the director, the neighborhood forest overlay shall be treated as a city plan commission authorized public hearing. If the district is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.

(11) Along with any other required notice, at least 10 days prior to consideration by the city plan commission, the director shall mail a draft of the proposed neighborhood forest overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed neighborhood forest overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition and summarize any comments.

(12) Upon passage of a neighborhood forest overlay ordinance, the director shall file a copy of the ordinance in the county deed records to give notice of the regulations. The director shall also file in the county deed records a verified written instrument listing each property by the street address, if available, the legal description of the real property, and the name of the owner, if available.

(e) Neighborhood forest overlay.

(1) In general.

(A) A neighborhood forest overlay establishes regulations that must be selected from the options described in this subsection.

(B) The regulations of the neighborhood forest overlay must reflect the existing forest conditions within the neighborhood.

(C) Except as provided in the neighborhood forest overlay, all regulations of the underlying zoning remain in effect.

(2) Tree conservation area.

(A) The neighborhood committee will select their tree conservation area from the following options:

(i) Front yard setback.

(ii) Front yard to structure.

(iii) Front, side, and rear yard setbacks.

(iv) Entire lot.

(B) The conservation, establishment, and maintenance of trees in Section 51A-10.136(a) apply to trees within a tree conservation area.

(3) Additional options.

(A) Tree canopy cover goal option. To reduce tree replacement requirements, a portion of existing tree canopy coverage over a tree conservation area must be preserved.

(i) The tree canopy cover goal is determined by the neighborhood during the petition process. The minimum percentage is to be determined by the median of the tree canopy coverage in the tree conservation area on each lot within the proposed overlay.

(ii) Healthy large and medium trees preserved in the tree conservation area, including boundary trees, may be included in tree canopy cover calculations. Invasive trees and trees located within 20 feet on center of the nearest overhead public electric line are not included in the calculation.

(iii) Each large and medium nursery stock tree planted as landscaping may also qualify as 300 square feet of tree canopy cover. If the tree canopy cover goal is met, additional landscape trees are not required, except that one tree must be provided in the required front yard.

(iv) Boundary trees located on adjacent private property must be protected to the drip line according to the tree protection shown on the site assessment plan.

(v) The tree canopy cover for the tree conservation area on the lot may be measured by the property owner, and verified and approved by the building official.

(B) Minimum front yard tree option. Lots must maintain a minimum number of trees in the front yard, as designated by the neighborhood forest overlay ordinance. Replacement is not required in the case that a property falls below the minimum number of large or medium trees due to a reason enumerated in the defense to prosecution section of Section 51A-10.140(b).

(4) Structure proximity area. More than 50 percent of the tree trunk at grade must be within the structure proximity area to qualify for an exception from mitigation. An approved tree removal application is required prior to tree removal.

(5) Site assessment plan. Prior to any development, construction activity, or disturbance of an area that may affect trees within the tree conservation area, a tree removal application, or permits for construction or grading, a site assessment plan must be submitted to the building official. The overlay regulations do not prohibit the removal or alteration of unprotected trees, or landscape ornamental and small trees, or other landscape shrubs, grasses, or other materials, that do not qualify as a protected tree. Any work or disturbance which includes significant soil compaction, trenching, tilling, excavation, paving, grading, chemical mixing, or pruning exceeding 10 percent tree canopy reduction, on the tree and within the dripline of the protected tree, is subject to the site assessment plan review. The site assessment plan must show the following:

(A) Structures.

(B) Paving.

(C) Proposed development, construction or disturbance.

(D) Location, diameter, and species of all trees (including boundary trees) in the tree conservation area, and 10 feet beyond.

(E) Tree protection, as applicable.

(F) Replacement trees, as applicable.

(6) Tree mitigation. Upon approval of tree removal within the tree conservation area, or an unauthorized removal of a protected tree, tree mitigation or replacement is required in accordance with Section 51A-10.134(c). The applicable methods are:

(A) Replacement on the site of removal.

(B) Replacement with a legacy tree on the site of removal.

(C) If replacement is not possible on the lot of removal then:

(i) Replacement on other property within boundaries of NFO.

(ii) If replacement is not possible within NFO, the tree must be replaced within five miles of the NFO.

(D) Payment into reforestation fund. This option is only available if the building official determines that, due to restrictive site conditions, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the tree removal property or comply with one or more of the mitigation methods in this section.

(f) Criminal responsibility and defenses to prosecution. The criminal liability and defenses to prosecution provisions in Section 51A-10.140 apply to properties subject to a neighborhood forest overlay.

Agenda Information Sheet

File #: 19-483 **Item #:** 73.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Budget

EXECUTIVE: Elizabeth Reich

SUBJECT

A public hearing to receive comments on the adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan to: **(a)** use unspent prior year Community Development Block Grant funds in the total amount of $2,883,673, as follows: $2,097,567 to be used for the Housing and Neighborhood Revitalization, 2018 Notice of Funding Availability (2018 NOFA) and $786,106 to be used for the Mingo/Beall Street Improvement project; **(b)** reclassify $7,751,611 allocated for the 2018 NOFA from the reconstruction and rehabilitation category to the land acquisition category to allow for acquisition of land for residential purposes; **(c)** addition of the Residential Housing Development Program to the FY 2018-19 Action Plan; and **(d)** the use of funds for the Residential Housing Development Program; and at the close of the public hearing, authorize: **(1)** final adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1); and **(2)** the establishment of appropriations in the total amount of $10,635,284 - Financing: FY 2018-19 CDBG Reprogramming No. 1 Funds ($10,635,284)

BACKGROUND

On August 18, 1993, Resolution No. 93-3001 established specific timeframes for the obligation and expenditure of Community Development Block Grant (CDBG) funds. Funds are to be obligated within 12 months and expended within 24 months of budget adoption. On March 28, 2007, Resolution No. 07-0992, enhanced the City's existing expenditure policy with additional benchmarks. Additional time to obligate and expend funds may be granted by City Council.

Timely expenditure of CDBG funds by entitlement cities continues to be a primary concern of the U.S. Department of Housing and Urban Development (HUD). HUD requires that cities expend CDBG funds so that at least 60 days prior to the start of a new program year, the unexpended balance of CDBG funds should be less than 1.5 times the cities' CDBG allocation amount for the current year.

When the 60-day test was conducted on August 2, 2018, the City had a balance of $20,014,279 in its line of credit, which is equivalent to 1.497 times its FY 2017 entitlement grant, and just under the 1.5 threshold. However, because the City had $886,774 in program income in HUD's Integrated

Disbursement and Information System on August 2, 2018, it failed the second test. Adjusted to include program income, the City's line of credit balance was $20,946,320 on August 2, 2018, which represents 1.57 equivalent grant years.

Because the City was above HUD's required limit for the second test, the City was required to develop a workout plan for the FY 2018-19 program year. The workout plan was submitted to HUD on December 12, 2018, and included anticipated expenditures resulting from the 2018 NOFA to return the program to full compliance with the timeliness standard.

For FY 2018-19, a review of the projects based on the timely expenditure policy (including the benchmarks), identified unspent funds remaining in 15 projects recommended for extension for a total of $2,234,773 and unspent funds remaining in 19 projects recommended for reprogramming for a total of $2,097,568.

The Community Development Commission (CDC) Financial Monitoring/Performance Standards Committee met on December 19, 2018 and on January 3, 2019, to review and make recommendations to the City Manager's proposed extensions and reprogramming of CDBG funds and made one amendment. This amendment removed one project from the extension list to the reprogramming list in the amount of $786,106.

On January 3, 2019, the CDC reviewed and approved the CDC Financial Monitoring/Performance Standards Committee's recommendation. Unspent funds remaining in 14 projects recommended for extension for a total of $1,448,667 and unspent funds remaining in 20 projects recommended for reprogramming for a total of $2,883,673.

On February 4, 2019, the City Council's Economic Development and Housing (EDH) Committee was briefed on the FY 2018-19 CDBG Extensions and Reprogramming recommendations. The EDH Committee approved the CDBG Extensions and Reprogramming as recommended by the CDC to be used for the 2018 NOFA.

The briefing to the EDH Committee also included a recommendation for $7,751,611 in CDBG funds allocated to the 2018 NOFA, to be reclassified from the reconstruction and rehabilitation category to the land acquisition category to allow for acquisition of land for residential purposes for projects that have been awarded through the 2018 NOFA process.

Funding for the 2018 NOFA included CDBG funds that were budgeted to the Housing and Neighborhood Revitalization Department in previous years and limited to reconstruction and rehabilitation. The City's new Housing Policy adopted in May 2018 directed the allocation of funds for housing purposes to be conducted for the deployment of Notices of Funding Availability or Requests for Applications.

On February 27, 2019, City Council authorized (1) preliminary adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan to: (a) use unspent prior year CDBG funds in the total amount of $2,883,673 as follows: $2,097,567 to be used for the Housing and Neighborhood Revitalization, 2018 Notice of Funding Availability (2018 NOFA) and $786,106 to be used for the Mingo/Beall Street Improvement project; (b) reclassify $7,751,611 allocated for the 2018 NOFA from the reconstruction and rehabilitation category to the land acquisition category to allow for

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acquisition of land for residential purposes; and (c) addition of the Residential Housing Development Program to the FY 2018-19 Action Plan; and (2) a public hearing to be held on April 10, 2019 to receive comments on Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan by Resolution No. 19-0323.

Source of Funds:
Reprogramming Budget No. 1 (Substantial Amendment No. 1) $10,635,284

- Unspent Prior Year CDBG Funds - $2,883,673
- 2017 and 2018 Reconstruction/Rehabilitation Funds - $7,751,611

Use of Funds:
Reprogramming Budget No. 1 (Substantial Amendment No. 1) $10,635,284

- 2018 NOFA (FY 2018-19 Residential Housing Development) - $9,849,178
- Mingo/Beall Street Improvement project - $786,106

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 18, 1993, City Council authorized to establish specific timeframes for the obligation and expenditure of Community Development Block Grant (CDBG) Funds by Resolution No. 93-3001.

On March 28, 2007, City Council authorized to enhance the City's existing expenditure policy with additional benchmarks by Resolution No. 07-0992.

On January 3, 2019, the Community Development Commission was briefed and recommended extending and reprogramming of the CDBG project funds.

On February 4, 2019, the Economic Development & Housing Committee was briefed on the need to maintain ongoing compliance with HUD's timely expenditure policy and proposed Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan to use unspent prior year CDBG funds in the amount of $2,883,673 along with funds previously budgeted in the reconstruction/rehabilitation category in the amount of $7,751,611 (total amount of $10,635,284) for the 2018 NOFA.

On February 27, 2019, City Council authorized (1) preliminary adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan to: (a) use unspent prior year CDBG funds in the total amount of $2,883,673 as follows: $2,097,567 to be used for the Housing and Neighborhood Revitalization, 2018 Notice of Funding Availability (2018 NOFA) and $786,106 to be used for the Mingo/Beall Street Improvement project; (b) reclassify $7,751,611 allocated for the 2018 NOFA from the reconstruction and rehabilitation category to the land acquisition category to allow for acquisition of land for residential purposes; and (c) addition of the Residential Housing Development Program to the FY 2018-19 Action Plan; and (2) a public hearing to be held on April 10, 2019 to receive comments on Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan, by Resolution No. 19-0323.

FISCAL INFORMATION

FY 2018-19 CDBG Reprogramming No. 1 Funds - $10,635,284

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WHEREAS, on August 18, 1993, Resolution No. 93-3001 established specific timeframes for the obligation and expenditure of Community Development Block Grant (CDBG) funds; and

WHEREAS, on March 28, 2007, Resolution No. 07-0992 enhanced the City's existing expenditure policy with additional benchmarks; and

WHEREAS, at the discretion of the City Council, the timeframes may be extended for obligating and expending CDBG funded activities; and

WHEREAS, the Community Development Commission (CDC) Financial Monitoring/Performance Standards Committee met on December 19, 2018 and on January 3, 2019, to review and make recommendations to the City Manager's proposed extensions and reprogramming of CDBG funds and made one amendment that removed one project from the extension list to the reprogramming list in the amount of $786,106; and

WHEREAS, on January 3, 2019, the CDC reviewed and approved the CDC Financial Monitoring/Performance Standards Committee's recommendation. Unspent funds remaining in 14 projects recommended for extension for a total of $1,448,667 and unspent funds remaining in 20 projects recommended for reprogramming for a total of $2,883,673; and

WHEREAS, on February 4, 2019, the Economic Development & Housing Committee was briefed on the need to maintain ongoing compliance with HUD's timely expenditure policy and proposed Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan to use unspent prior year CDBG funds in the amount of $2,883,673 along with funds previously budgeted in the reconstruction/rehabilitation category in the amount of $7,751,611 (total amount of $10,635,284) for the Housing and Neighborhood Revitalization, 2018 Notice of Funding Availability (2018 NOFA); and

WHEREAS, on February 27, 2019, City Council authorized (1) preliminary adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan to: (a) use unspent prior year CDBG funds in the total amount of $2,883,673 as follows: $2,097,567 to be used for the Housing and Neighborhood Revitalization, 2018 Notice of Funding Availability (2018 NOFA) and $786,106 to be used for the Mingo/Beall Street Improvement project; (b) reclassify $7,751,611 allocated for the 2018 NOFA from the reconstruction and rehabilitation category to the land acquisition category to allow for acquisition of land for residential purposes; and (c) addition of the Residential Housing Development Program to the FY 2018-19 Action Plan; and (2) a public hearing to be held on April 10, 2019 to receive comments on Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan, by Resolution No. 19-0323.

Now, Therefore,

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

SECTION 1. That the City Council authorizes **(1)** final adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan to: **(a)** use unspent prior year CDBG funds in the total amount of $2,883,673, as follows: $2,097,567 to be used for the Housing and Neighborhood Revitalization, 2018 NOFA and $786,106 to be used for the Mingo/Beall Street Improvement project; **(b)** reclassify $7,751,611 allocated for the 2018 NOFA from the reconstruction and rehabilitation category to the land acquisition category to allow for acquisition of land for residential purposes; and **(c)** addition of the Residential Housing Development Program to the FY 2018-19 Action Plan; and **(2)** the use of funds for the Residential Housing Development Program.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in the amount of $10,635,284 in the FY 2018-19 CDBG Reprogramming No. 1 Fund as follows:

Fund	Department	Unit	Amount
18R1	HOU	870C	$786,106
18R1	HOU	871C	$9,849,178

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in the amount of $10,635,284 in the FY 2018-19 CDBG Reprogramming No. 1 Fund, Fund 18R1, Department HOU, Revenue Code 6515.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in the amount of $10,635,284 from the following appropriations:

Fund	Department	Unit	Amount
18R1	HOU	870C	$786,106
18R1	HOU	871C	$9,849,178

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.

APRIL 10, 2019 CITY COUNCIL ADDENDUM
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated April 10, 2019. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

T.C. Broadnax
City Manager

4/5/19
Date

M. Elizabeth Reich
Elizabeth Reich
Chief Financial Officer

4-5-19
Date

RECEIVED
2019 APR -5 PM 3:24
CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, APRIL 10, 2019
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
2:00 P.M.

REVISED ORDER OF BUSINESS

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

2:00 p.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	CLOSED SESSION	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 51
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 2:15 p.m.		Items 52 - 54
	PUBLIC HEARINGS AND RELATED ACTIONS	
6:00 p.m.		Items 55 - 73

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

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

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

DELETION:

Department of Sustainable Development and Construction

62. 19-454 A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for IR Industrial Research District uses plus a community resource campus on property zoned an IR Industrial Research District, on the west side of North Stemmons Freeway, south of Regal Row and at the northeast corner of Empress Row and Viceroy Drive
Recommendation of Staff: Approval, subject to a conceptual plan and staff's recommended conditions
Recommendation of CPC: Approval, subject to a conceptual plan and conditions
Z178-121(JM)

EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]

2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]

3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]

4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]

5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]

6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]

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