NOVEMBER 28, 2018 CITY COUNCIL AGENDA
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated November 28, 2018. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

T.C. Broadnax
City Manager

11/16/18
Date

M. Elizabeth Reich

Elizabeth Reich
Chief Financial Officer

11-16-18
Date

RECEIVED
2018 NOV 16 PM 4:09
CITY SECRETARY
DALLAS, TEXAS

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

COUNCIL AGENDA

November 28, 2018

(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, NOVEMBER 28, 2018
ORDER OF BUSINESS

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

9:00 a.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 63
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 64 - 69
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 70 - 78

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. 18-1275 Approval of Minutes of the November 14, 2018 City Council Meeting

CONSENT AGENDA

Building Services Department

2. 18-1054 Authorize a construction contract for structural repairs of the Dallas City Hall Parking Garage located at 1500 Marilla Street - Structural Technologies, LLC, the most advantageous proposer of seven - Not to exceed $642,600.00 - Financing: Capital Construction Fund

City Attorney's Office

3. 18-1110 Authorize settlement of the lawsuit styled Edward Svoma v. City of Dallas, Cause No. CC-16-01800-D - Not to exceed $50,000.00 - Financing: Risk Management Funds

4. 18-1244 Authorize a Subrecipient Agreement between the City of Dallas and Dallas 24 Hour Club, Inc., to provide substance abuse recovery related support to participants in the South Dallas Drug Court program - Not to exceed $60,000.00 - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds

Department of Aviation

5. 18-1084 Authorize an amendment to Resolution No. 18-0734, previously approved on May 23, 2018, for the **(1)** acceptance of three grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed $9,991,149.00 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-056-2018, CFDA No. 20.106) in the amount of $1,000,000.00, Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of $5,025,000.00, and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in the amount of $3,966,149.00; **(2)** establishment of appropriations in an amount not to exceed $1,000,000.00 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, $5,025,000.00 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, and $3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund; **(3)** receipt and deposit of grant funds for reimbursement of eligible costs of each project in an amount not to exceed $1,000,000.00 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, $5,025,000.00 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, and $3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund; and **(4)** execution of the grant agreements and all terms, conditions, and documents required by the grant agreements - Total not to exceed $9,991,149.00 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

Department of Human Resources

6. 18-1129 Authorize a contract with Dallas Area Rapid Transit for the purchase of 289 annual passes in support of the City's clean air initiative - Not to exceed $221,760.00 - Financing: General Fund ($161,760.00 to be reimbursed by participating employees)

Department of Public Works

7. 18-1231 Authorize a professional services contract with DSGN Associates, Inc. for architectural, engineering design, and construction administration services for the Vickery Meadow Community Court to be located at 6742 Greenville Avenue - Not to exceed $131,266.00 - Financing: FY 2016-17 Community Development Block Grant Funds

8. 18-1052 Authorize a professional services contract with Solaray Engineering, Inc. for the engineering design of Alley Reconstruction Group 17-1204 (list attached to the Agenda Information Sheet) - Not to exceed $219,441.88 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

9. 18-1145 Authorize a professional services contract with Walter P. Moore & Associates, Inc. for the engineering design of Alley Reconstruction Group 17-7002 (list attached to the Agenda Information Sheet) - Not to exceed $232,813.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

10. 18-1119 Authorize a professional services contract with Urban Engineers Group, Inc. for the engineering design of Street Reconstruction Group 17-1207 (list attached to the Agenda Information Sheet) - Not to exceed $320,949.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($273,949.50) and Water Utilities Capital Improvement Funds ($47,000.00)

11. 18-1146 Authorize a professional services contract with Dal-Tech Engineering, Inc. for the engineering design of Street Reconstruction Group 17-1305 (list attached to the Agenda Information Sheet) - Not to exceed $248,311.26 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($223,023.26) and Water Capital Improvement Fund ($25,288.00)

12. 18-1158 Authorize a professional services contract with Salcedo Group, Inc., for the engineering design of Street Reconstruction Group 17-4005 (list attached to the Agenda Information Sheet) - Not to exceed $188,334.07 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($160,934.07) and Water Utilities Capital Improvement Funds ($27,400.00)

13. 18-1123 Authorize a professional services contract with Huitt-Zollars, Inc. for the engineering design of Street Reconstruction Group 17-4007 (list attached to the Agenda Information Sheet) - Not to exceed $217,109.02 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($200,169.02) and Water Utilities Capital Improvement Funds ($16,940.00)

14. 18-1113 Authorize a professional services contract with Bridgefarmer & Associates, Inc. for the engineering design of Street Reconstruction Group 17-6007 (list attached to the Agenda Information Sheet) - Not to exceed $167,953.20 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($134,137.20) and Water Utilities Capital Improvement Funds ($33,816.00)

15. 18-1114 Authorize a professional services contract with Metropolitan Infrastructure, PLLC for the engineering design of Street Reconstruction Group 17-8002 (list attached to the Agenda Information Sheet) - Not to exceed $216,564.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($167,839.50) and Water Utilities Capital Improvement Funds ($48,725.00)

16. 18-1117 Authorize a professional services contract with Henry Nguyen Consulting, LLC for the engineering design of Street Reconstruction Group 17-10003 (list attached to the Agenda Information Sheet) - Not to exceed $131,092.43 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($113,022.43) and Water Utilities Capital Improvement Funds ($18,070.00)

17. 18-1115 Authorize a professional services contract with Arredondo, Zepeda and Brunz, LLC for the engineering design of Street Reconstruction Group 17-10004 (list attached to the Agenda Information Sheet) - Not to exceed $289,646.69 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($255,146.69) and Water Utilities Capital Improvement Funds ($34,500.00)

18. 18-903 Authorize a construction contract for the construction of Henderson Avenue from U.S. Highway 75 to Ross Avenue - The Fain Group, Inc., lowest responsible bidder of four - Not to exceed $2,251,681.00 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds)

Department of Sanitation Services

19. 18-1172 Authorize **(1)** Supplemental Agreement No. 6 to the professional engineering contract with Biggs & Matthews Environmental, Inc. for engineering and construction management services related to landfill infrastructure improvements, including construction of waste cells 6B.2 and 7; **(2)** to extend the third optional year contract term by an additional six months, from July 1, 2019 to December 31, 2019 to complete additional engineering and construction management tasks; and **(3)** an increase in appropriations in an amount not to exceed $345,000.00 in the Sanitation Capital Improvement Funds - Not to exceed $345,000.00, from $1,785,442.00 to $2,130,442.00 - Financing: Sanitation Capital Improvement Fund

Department of Sustainable Development and Construction

20. 18-1192 Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 30,000 square feet of land located between Strait Lane and Inwood Road for the Northaven Trail Phase 2A Project - Not to exceed $50,000.00 ($44,211.00, plus closing costs and title expenses not to exceed $5,789.00) - Financing: Capital Gifts Donation & Development Fund

21. 18-1251 A resolution **(1)** declaring two properties unwanted and unneeded and authorizing their sale by public auction (list attached to the Agenda Information Sheet); **(2)** authorizing a Purchase and Sale Agreement to be prepared for each auctioned surplus property receiving the highest qualified bid that is sold absolute; and **(3)** waving the minimum reserve amount - Estimated Revenue: $13,560.00

22. 18-663 A resolution **(1)** declaring a property containing approximately 150,702 square feet of land unwanted and unneeded, located near the intersection of Forest and Quincy Lanes, and authorizing its advertisement for sale by public auction; **(2)** establishing a reserve 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 - Estimated Revenue: $1,808,460.00

23. 18-771 An ordinance abandoning a portion of Midtown Boulevard and a sidewalk and utility easement to Legacy at Midtown Park, Inc., the abutting owner, containing a total of approximately 9,418 square feet of land, located near the intersection of Manderville Lane and Midtown Boulevard; and authorizing the quitclaim - Revenue: $179,482.00, plus the $20.00 ordinance publication fee

24. 18-1038 An ordinance abandoning portions of an alley to Commerce-Canton Investors LLC, Westdale Futura Lofts, Ltd. and Westdale Properties America I, Ltd., the abutting owners, containing a total of approximately 4,744 square feet of land, located near the intersection of Murray and Commerce Streets; and authorizing the quitclaim; and providing for the dedication of approximately 1,629 square feet of land needed for a wastewater easement - Revenue: $181,458.00, plus the $20.00 ordinance publication fee

25. 18-664 An ordinance abandoning a portion of an alley (also known as Howland Street) to OR Asset Holdings, L.P., the abutting owner, containing approximately 3,588 square feet of land, located near the intersection of Howland and Routh Streets; and authorizing the quitclaim; and providing for the dedication of approximately 3,651 square feet of land needed for a wastewater easement - Revenue: $640,458.00, plus the $20.00 ordinance publication fee

26. 18-936 An ordinance abandoning portions of water and wastewater easements to Henderson Residential Lands (Dallas), LLC, the abutting owner, containing a total of approximately 1,498 square feet of land, located near the intersection of Henderson Avenue and Fuqua Street - Revenue: $22,253.00, plus the $20.00 ordinance publication fee

Department of Transportation

27. 18-1150 An ordinance amending Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code by amending Sections 28-41.1 and 28-41.1.1; extending the sunset date of Section 28.41.1.1 to November 28, 2019; and providing that the requirements of Section 28-41.1 take effect if Section 28-41.1.1 has not been re-enacted on or before November 28, 2019 - Financing: No cost consideration to the City

Housing & Neighborhood Revitalization

28. 18-1256 Authorize amendments to the Comprehensive Housing Policy Manual (CHP), previously approved on May 9, 2018, by Resolution No. 18-0704 to: **(1)** amend the program statement for the Home Improvement and Preservation Program to: **(a)** clarify that an applicant will not be eligible to receive funding if the applicant's property was previously assisted with City funds and the project is still within the period of affordability; and **(b)** align the credit standards with other City programs; **(2)** amend the program statement for the Dallas Homebuyer Assistance Program (DHAP) to: **(a)** change the minimum eligible income for an applicant from 40% Area Median Family Income to 60% Area Median Family Income; **(b)** require that an applicant have cash reserves; **(c)** align the credit standards with other City programs; and **(d)** modify the terms under which the heir(s) of an applicant who received DHAP funding may repay the loan; **(3)** amend the program statement for the New Construction and Substantial Rehabilitation Program to indicate that the form of financial assistance and the repayment terms are negotiated on a project by project basis and demonstrated by financial underwriting; **(4)** amend the Rental Development Underwriting standards in Appendix 2 to remove the maximum monetary limit on developer fees and add a requirement that the fees be "reasonable"; and **(5)** replace any reference to the Chief of Economic Development and Neighborhood Services to the City Manager and/or his or her designee in the CHP and Resolution No. 18-0704 - Financing: No cost consideration to the City

29. 18-1271 Authorize an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County Community College District, and the Dissolution Committee for the former board of Dallas County School Trustees on behalf of the former Dallas County Schools District to facilitate the Dallas Housing Acquisition and Development Corporation's acquisition of unimproved tax foreclosed properties for sale to developers for the development of affordable housing and other approved purposes in accordance with Chapter 379C of the Texas Local Government Code - Financing: No cost consideration to the City

Library

30. 18-1273 Authorize the **(1)** acceptance of a grant from the Institute of Museum and Library Services passed through the Texas State Library and Archives Commission (Grant No. 900976/FAIN No. LS-00-17-0044-17, CFDA No. 45.310) for partial reimbursement of interlibrary loan service's direct costs in an amount not to exceed $68,749.02, for the period September 1, 2017 through August 31, 2018; **(2)** establishment of appropriations in an amount not to exceed $68,749.02 in the Interlibrary Loan 17-18 Fund; **(3)** receipt and deposit of grant funds for reimbursement in an amount not to exceed $68,749.02 in the Interlibrary Loan 17-18 Fund; and **(4)** execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed $68,749.02 - Financing: Texas State Library and Archives Commission Grant Funds

Office of Cultural Affairs

Note: Agenda Item Nos. 31 and 32 must be considered collectively.

31. 18-829 A resolution **(1)** authorizing the adoption of the Dallas Cultural Plan 2018 as the cultural plan for the City of Dallas; **(2)** authorizing the adoption of a new cultural policy for the City of Dallas; and **(3)** authorizing and establishing the Cultural Projects Funding Program, Cultural Vitality Program, and Community Artist Program to support artist and cultural services in the City of Dallas - Financing: This action has no cost consideration to the City (see Fiscal Information)

32. 18-880 An ordinance amending Chapter 2, “Administration,” of the Dallas City Code, providing **(1)** that the City Manager is authorized to approve certain contracts with intergovernmental agencies without further city council action; **(2)** clarifying the definition of collectible property to mean property owned by the city that is under the care and control of the Dallas Museum of Art; **(3)** removing WRR radio station from duties of the director of convention and event services; **(4)** renaming the cultural affairs commission to arts and culture advisory commission; **(5)** renaming the arts committee to the public art committee; **(6)** clarifying the definition of public art committee; **(7)** providing that the director of cultural affairs may manage approval of lease or license agreements for use of cultural facilities for short terms not exceeding a year; **(8)** providing that the director of cultural affairs may award cultural funding contracts to cultural organizations and individuals; **(9)** providing that short-term lease and license agreements with small or ethnically and culturally specific nonprofit arts and cultural organizations may be entered into for nominal consideration; and **(10)** providing procurement rules and regulations for cultural services - Financing: No cost consideration to the City

Office of Economic Development

33. 18-1252 Authorize the nomination of Brinker International Payroll Company, L.P. located at 3000 Olympus Boulevard, Dallas, Texas 75019 to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City

34. 18-1253 Authorize the nomination of PricewaterhouseCoopers LLP located at 2121 Woodall Rodgers Freeway, Dallas, Texas 75201 to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City

Office of Equity and Human Rights

35. 18-1213 Authorize a contract with Race Forward, dba the Government Alliance on Race and Equity for **(1)** a membership in a consortium of over 80 jurisdictions that promotes equity; **(2)** a consultation on equity including assistance in developing a racial equity lens for budgeting and evaluation of city services; **(3)** an equity assessment survey of city employees; and **(4)** a citywide training on equity for the period December 1, 2018 through December 31, 2019 - Not to exceed $178,500.00 - Financing: General Fund

36. 18-1204 Authorize **(1)** an Interlocal Agreement with the University of Texas at Arlington to conduct the Analysis of Impediments for the period December 1, 2018 through July 31, 2019; and **(2)** an increase in appropriations in an amount not to exceed $72,536.00, from $129,064.00 to $201,600.00 in the Fair Housing Trust Fund - Not to exceed $72,536.00 - Financing: Fair Housing Trust Funds

Office of Homeless Solutions

37. 18-1157 Authorize a secured, zero percent interest, forgivable loan agreement in the amount of $179,011.00 to Shelter Ministries of Dallas dba Austin Street Center, to provide for shelter renovations at Austin Street Center located at 2916 and 2929 Hickory Street, for the period October 1, 2018 through September 30, 2019 - Not to exceed $179,011.00 - Financing: 2017-18 Emergency Solutions Grant Funds

38. 18-1161 Authorize a secured, zero percent interest, forgivable loan agreement in the amount of $50,000.00 to The Family Place ("Borrower") and Buckner Baptist Benevolences ("Owner"), to provide for shelter renovations, consisting of minor site improvements to expand and renovate the kitchen at its emergency shelter serving homeless families fleeing domestic violence, for the period October 1, 2018 through September 30, 2019 - Not to exceed $50,000.00 - Financing: 2017-18 Emergency Solutions Grant Funds

39. 18-1162 Authorize a secured, zero percent interest, forgivable loan agreement in the amount of $1,190,445.00 to PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas, as the project sponsor, and PWA Holdings LLC, as the owner, to provide for substantial rehabilitation of a property located at 511 North Lancaster Avenue, which provides permanent housing for persons with HIV/AIDS, for the period October 1, 2018 through September 30, 2019 - Not to exceed $1,190,445.00 - Financing: 2016-17 Housing Opportunities for Persons with AIDS Grant Funds ($486,100.00) and 2017-18 Housing Opportunities for Persons with AIDS Grant Funds ($704,345.00)

40. 18-1166 Authorize **(1)** an assignment to PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas 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 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 ("HUD") 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)** 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 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 - Not to exceed $29,921.00 - Financing: General Fund

41. 18-1164 Authorize the twelve-month renewal option to the contract with Catholic Charities of Dallas, Inc., to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals and families, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $98,085.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($20,700.00) and 2018-19 Emergency Solutions Grant Funds ($77,385.00)

42. 18-1165 Authorize the twelve-month renewal option to the contract with Family Gateway, Inc., to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $125,260.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($26,900.00) and 2018-19 Emergency Solutions Grant Funds ($98,360.00)

43. 18-1169 Authorize the twelve-month renewal option to the contract with Family Gateway Inc., to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $92,478.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($10,728.00) and 2018-19 Emergency Solutions Grant Funds ($81,750.00)

44. 18-1167 Authorize the twelve-month renewal option to the contract with Shared Housing Center, Inc., to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals and families, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $130,436.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($28,020.00) and 2018-19 Emergency Solutions Grant Funds ($102,416.00)

45. 18-1170 Authorize the twelve-month renewal option to the contract with Shelter Ministries of Dallas dba Austin Street Center, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $154,961.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($18,476.00) and 2018-19 Emergency Solutions Grant Funds ($136,485.00)

46. 18-1171 Authorize the twelve-month renewal option to the contract with The Family Place, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection fees, for the period October 1, 2018 through September 30, 2019 - Not to exceed $74,440.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($8,940.00) and 2018-19 Emergency Solutions Grant Funds ($65,500.00)

47. 18-1168 Authorize **(1)** an amendment to Resolution No. 18-1377, previously approved on September 26, 2018 to amend the grant agreement for the Continuum of Care Grant ("CoC Grant") (Grant No. TX0085L6T001710 and CFDA No. 14.268) from the U.S. Department of Housing and Urban Development ("HUD") for the City of Dallas' My Residence Program (Rapid Re-housing) ("Project") providing tenant-based rental assistance and case management in an amount not to exceed $435,627.00 for homeless families and single homeless persons, to: **(a)** substitute Housing Crisis Center, Inc. as recipient grantee, in place of the City of Dallas, with their assumption of all rights and obligations under the grant, for the period December 1, 2018 through September 30, 2019; **(b)** increase the local cash match from the City of Dallas for the CoC Grant for the Project, by $1,331.00, from $58,575.00 to $59,906.00; and **(c)** decrease the matching contribution from the local partner agencies by $1,331.00, from $50,332.00 to $49,001.00; **(2)** a contract with Housing Crisis Center, Inc. ("HCC") to provide funds as match assistance for the local cash match for the CoC Grant in the amount of $59,906.00 for the period October 1, 2018 through September 30, 2019, with HCC as the local partner agency to provide the remaining matching contribution for the CoC Grant in the amount of $49,001.00; and **(3)** execution of any and all documents required for the grantee substitution - Total not to exceed $59,906.00 - Financing: General Fund

Office of Procurement Services

48. 18-1212 Authorize a one-year service price agreement for commercial wireless communication services and equipment with Cellco Partnership dba Verizon Wireless and its related entities through the Department of Information Resources cooperative agreement - Not to exceed $4,375,769.40 - Financing: Various Funds (see Fiscal Information)

49. 18-1111 Authorize **(1)** rescinding the three-year service price agreement with Technical Testing International, LLC dba TTI Environmental Laboratories, previously approved on August 8, 2018, by Resolution No. 18-1046, for analytical laboratory testing services; and **(2)** a three-year service price agreement for analytical laboratory testing services - Pace Analytical Services, LLC, second lowest responsible bidder of four - Not to exceed $5,381,524.38 - Financing: Equipment and Fleet Management ($485.00), Dallas Water Utilities Fund ($4,938,504.18), Stormwater Drainage Management Fund ($331,866.70), Sanitation Services Fund ($110,668.50)

50. 18-606 Authorize a three-year service contract for maintenance and support of the existing multiple vendor reading system software application and meter reading handheld computers for the Water Utilities Department - Itron, Inc., sole source - Not to exceed $178,805.43 - Financing: Dallas Water Utilities Fund (subject to annual appropriations)

51. 18-1247 Authorize a five-year service contract for automated notification services for the Office of Emergency Management with AT&T Services, Inc. through the Houston-Galveston Area Council of Governments cooperative agreement - Not to exceed $324,688.80 - Financing: 9-1-1 System Operations Fund (subject to annual appropriations)

52. 18-1184 Authorize a two-year consultant contract to conduct a staffing study for the Police Department - KPMG LLP, most advantageous proposer of three - Not to exceed $500,000.00 - Financing: W.W. Caruth Jr. Foundation at Communities Foundation of Texas Grant Funds ($250,000.00) and Confiscated Funds ($250,000.00)

53. 18-1197 Authorize a three-year subscription and maintenance contract for Adobe enterprise licenses with SHI Government Solutions, Inc. through the BuyBoard purchasing cooperative agreement - Not to exceed $1,081,340.00 - Financing: Data Services Fund (subject to annual appropriations)

54. 18-1190 Authorize **(1)** a nine-year concession contract, with two one-year renewal options, for food and beverage services (Package 1) for the Department of Aviation - Air Star - Bush - LTS Marquis DAL, LLC in an estimated minimum annual guarantee in the amount of $1,093,500.00, most advantageous proposer of seven; and **(2)** a seven-year concession contract, with two one-year renewal options, for food and beverage services (Package 2) for the Department of Aviation - Bush - Air Star - LTS Marquis DAL, LLC in an estimated minimum annual guarantee in the amount of $330,750.00, most advantageous proposer of eight - Total Estimated Minimum Annual Guarantee: $1,424,250.00

55. 18-1186 Authorize a three-year master agreement for the purchase of temporary traffic signs, permanent sign posts, and installation hardware for permanent signs for the Water Utilities Department - Centerline Supply in the estimated amount of $112,645.50 and Telecom Electric Supply in the estimated amount of $44,075.00, lowest responsible bidders of three - Estimated amount of $156,720.50 - Financing: Dallas Water Utilities Fund

56. 18-1156 Authorize Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the service and policy contract with Standard Insurance Company to provide **(1)** City paid basic life insurance for $1.75 per employee per month, in an estimated cost of $265,503.00; and **(2)** elective employee paid supplemental group term life, elective dependent life, and accidental death and dismemberment insurance coverage, in an estimated cost of $2,576,272.32 (to be fully reimbursed by participating employees) increasing the service contract from $8,490,838.11 to $11,332,613.43 - Total not to exceed $2,841,775.32 - Financing: Benefits Fund (subject to appropriations)

57. 18-1322 Authorize Supplemental Agreement No. 31 to exercise the first of two, two-year renewal options, with AT&T Corp for voice and data network services, network management, monitoring, maintenance, information technology security, and related services for the Department of Communication and Information Services - Not to exceed $33,081,983.75 - Financing: Communication and Information Services Funds (subject to annual appropriations)

Park & Recreation Department

58. 18-1177 Authorize **(1)** a development and maintenance agreement with Lincoln LAG LTD. and HEB Grocery Company, LP for the purpose of constructing the Matilda Trail, an enhanced sidewalk, hike and bike trail, and appurtenances located at East Lovers Lane and Matilda Street; **(2)** the establishment of appropriations in an amount not to exceed $30,000.00 in the Mowmentum Park Improvement Fund; **(3)** the receipt and deposit of endowment funds in an amount not to exceed $30,000.00 in the Mowmentum Park Improvement Fund; and **(4)** execution of the development and maintenance agreement - Financing: Revenue: $30,000.00

59. 18-1179 Authorize a professional services contract with APM & Associates, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Martin Weiss Park - Loop Trail Extension to Greenbelt Project located at 1111 Martindell Avenue - Not to exceed $124,775.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

60. 18-1180 Authorize a professional services contract with Pacheco Koch Consulting Engineers, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for Phase 2 of the Dallas City Hall Median Renovations Project along South Akard and South Ervay Streets - Not to exceed $107,000.00 - Financing: General Fund (see Fiscal Information)

61. 18-1189 Authorize the rejection of the only proposal received for construction of the exterior lighting upgrades for the Music Hall at Fair Park located at 909 1st Avenue - Financing: No cost consideration to the City

62. 18-1185 Authorize Supplemental Agreement No. 1 to the design-build services contract with Harrison, Walker & Harper, LP. for the design and construction for Fair Park Facility Improvements for additional architectural and engineering design services and an increase in the early construction package for an elevator, Americans with Disabilities Act improvements and to add exterior lighting for the Music Hall located at 909 1st Avenue - Not to exceed $1,333,556.00, from $930,303.00 to $2,263,859.00 - Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)

Water Utilities Department

63. 18-1191 Authorize a Joint Funding Agreement with the United States Geological Survey to continue the operation of stream flow and water quality gauging stations in the Trinity River basin, a zebra mussel sampling study, a Mountain Creek Water Quality special study, and reservoir water quality study on each of the reservoirs in Dallas' water supply system from November 1, 2018 through September 30, 2019 - Not to exceed $889,523.00 - Financing: Water Utilities Fund

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

64. 18-1276 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)

65. 18-1259 Consideration of appointment to the Dallas Area Rapid Transit Board of Directors for Positions 03 (completion of unexpired term) (Closed Session, if necessary, Personnel, Sec. 551.074, T. O. M. A.) (Name of nominee in the City Secretary's Office) - Financing: No cost consideration to the City

Department of Sustainable Development and Construction

66. 18-1278 Authorize acceptance of a zoning application on property with delinquent taxes located at 4350 Metropolitan Avenue - Financing: No cost consideration to the City

Office of Homeless Solutions

67. 18-1141 Authorize the twelve-month renewal option to the contract with Bridge Steps, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $126,565.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($14,900.00) and 2018-19 Emergency Solutions Grant Funds ($111,665.00)

68. 18-1163 Authorize the twelve-month renewal option to the contract with Bridge Steps, to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $122,824.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($26,380.00) and 2018-19 Emergency Solutions Grant Funds ($96,444.00)

69. 18-1160 Authorize an unsecured, zero percent interest, forgivable loan agreement in the amount of $36,000.00 to Bridge Steps, to provide for shelter renovations at the Bridge Steps Homeless Assistance Center located at 1818 Corsicana Street, which provides shelter and services to homeless individuals, for the period October 1, 2018 through September 30, 2019 - Not to exceed $36,000.00 - Financing: 2017-18 Emergency Solutions Grant Funds

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Sustainable Development and Construction

ZONING CASES - CONSENT

70. 18-1257 A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for Multiple Family Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, along the northeast corner of McKinney Avenue and Hester Avenue
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z178-174(PD)

71. 18-1260 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2059 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of Bruton Road and North Prairie Creek Road
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Z178-224(CT)

72. 18-1261 A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for Multifamily District uses on property zoned an R-7.5(A) Single Family District, on the southwest corner of North Tennant Street and West Davis Street, with consideration given to a Planned Development District for Single Family District uses
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z178-235(JM)

73. 18-1262 A public hearing to receive comments regarding an application for **(1)** an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses on property zoned an NO(A) Neighborhood Office District, a CS Commercial Service District, and an R-7.5(A) Single Family District with Specific Use Permit No. 1781 for a transit passenger station or transfer center on a portion; and **(2)** a resolution terminating the existing deed restrictions, on the south line of Walnut Hill Lane and the west line of White Rock Trail
Recommendation of Staff and CPC: Approval, subject to a conceptual plan, conceptual fence elevation plan, and conditions; and approval of the termination of existing deed restrictions
Z178-238(SM)

74. 18-1263 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 574, on the northeast side of Highland Road, northwest of Ferguson Road
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z178-315(JM)

75. 18-1265 A public hearing to receive comments regarding an application for and an ordinance granting 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
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions
Z178-320(JM)

76. 18-1266 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1902 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of Walnut Hill Lane and Marsh Lane
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions
Z178-321(CY)

ZONING CASES - INDIVIDUAL

77. 18-1268 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the north side of West Camp Wisdom Road, east of Marvin D. Love Freeway (US 67)
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and staff's recommended conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z178-263(CY)

MISCELLANEOUS HEARINGS

Department of Sustainable Development and Construction

78. 18-1272 A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from an open-enrollment charter school, Texans Can Academy [DBA Dallas Can Academy] as required by Section 6-4 of the Dallas City Code to allow a mixed-beverages permit (Chapter 28 of the Texas Alcoholic Beverage Code) for a restaurant without drive-in or drive-through service with a food and beverage certificate [Café Chaman] on the south line of Jefferson Boulevard, east of Bishop Avenue - AV189-001 - Financing: No cost consideration to the City

EXECUTIVE SESSION NOTICE

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

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

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

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

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

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

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

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

Agenda Date: November 28, 2018

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	V	N/A	N/A	Approval of Minutes of the November 14, 2018 City Council Meeting
2.	2	C	BSD	$642,600.00	Authorize a construction contract for structural repairs of the Dallas City Hall Parking Garage located at 1500 Marilla Street - Structural Technologies, LLC, the most advantageous proposer of seven - Not to exceed $642,600.00 - Financing: Capital Construction Fund
3.	N/A	C	ATT	$50,000.00	Authorize settlement of the lawsuit styled Edward Svoma v. City of Dallas, Cause No. CC-16-01800-D - Not to exceed $50,000.00 - Financing: Risk Management Funds
4.	All	C	ATT	GT	Authorize a Subrecipient Agreement between the City of Dallas and Dallas 24 Hour Club, Inc., to provide substance abuse recovery related support to participants in the South Dallas Drug Court program - Not to exceed $60,000.00 - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds
5.	2	C	AVI	GT	Authorize an amendment to Resolution No. 18-0734, previously approved on May 23, 2018, for the (1) acceptance of three grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed $9,991,149.00 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-056-2018, CFDA No. 20.106) in the amount of $1,000,000.00, Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of $5,025,000.00, and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in the amount of $3,966,149.00; (2) establishment of appropriations in an amount not to exceed $1,000,000.00 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, $5,025,000.00 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, and $3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund; (3) receipt and deposit of grant funds for reimbursement of eligible costs of each project in an amount not to exceed $1,000,000.00 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, $5,025,000.00 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, and $3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund; and (4) execution of the grant agreements and all terms, conditions, and documents

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					required by the grant agreements - Total not to exceed $9,991,149.00 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds
6.	N/A	C	PER	$221,760.00	Authorize a contract with Dallas Area Rapid Transit for the purchase of 289 annual passes in support of the City's clean air initiative - Not to exceed $221,760.00 - Financing: General Fund ($161,760.00 to be reimbursed by participating employees)
7.	13	C	PBW	GT	Authorize a professional services contract with DSGN Associates, Inc. for architectural, engineering design, and construction administration services for the Vickery Meadow Community Court to be located at 6742 Greenville Avenue - Not to exceed $131,266.00 - Financing: FY 2016-17 Community Development Block Grant Funds
8.	12	C	PBW	$219,441.88	Authorize a professional services contract with Solaray Engineering, Inc. for the engineering design of Alley Reconstruction Group 17-1204 (list attached to the Agenda Information Sheet) - Not to exceed $219,441.88 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)
9.	7	C	PBW	$232,813.00	Authorize a professional services contract with Walter P. Moore & Associates, Inc. for the engineering design of Alley Reconstruction Group 17-7002 (list attached to the Agenda Information Sheet) - Not to exceed $232,813.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)
10.	6, 12	C	PBW	$320,949.50	Authorize a professional services contract with Urban Engineers Group, Inc. for the engineering design of Street Reconstruction Group 17-1207 (list attached to the Agenda Information Sheet) - Not to exceed $320,949.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($273,949.50) and Water Utilities Capital Improvement Funds ($47,000.00)
11.	13	C	PBW	$248,311.26	Authorize a professional services contract with Dal-Tech Engineering, Inc. for the engineering design of Street Reconstruction Group 17-1305 (list attached to the Agenda Information Sheet) - Not to exceed $248,311.26 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($223,023.26) and Water Capital Improvement Fund ($25,288.00)
12.	4	C	PBW	$188,334.07	Authorize a professional services contract with Salcedo Group, Inc., for the engineering design of Street Reconstruction Group 17-4005 (list attached to the Agenda Information Sheet) - Not to exceed $188,334.07 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($160,934.07) and Water Utilities Capital Improvement Funds ($27,400.00)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
13.	4	C	PBW	$217,109.02	Authorize a professional services contract with Huitt-Zollars, Inc. for the engineering design of Street Reconstruction Group 17-4007 (list attached to the Agenda Information Sheet) - Not to exceed $217,109.02 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($200,169.02) and Water Utilities Capital Improvement Funds ($16,940.00)
14.	6	C	PBW	$167,953.20	Authorize a professional services contract with Bridgefarmer & Associates, Inc. for the engineering design of Street Reconstruction Group 17-6007 (list attached to the Agenda Information Sheet) - Not to exceed $167,953.20 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($134,137.20) and Water Utilities Capital Improvement Funds ($33,816.00)
15.	8	C	PBW	$216,564.50	Authorize a professional services contract with Metropolitan Infrastructure, PLLC for the engineering design of Street Reconstruction Group 17-8002 (list attached to the Agenda Information Sheet) - Not to exceed $216,564.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($167,839.50) and Water Utilities Capital Improvement Funds ($48,725.00)
16.	10	C	PBW	$131,092.43	Authorize a professional services contract with Henry Nguyen Consulting, LLC for the engineering design of Street Reconstruction Group 17-10003 (list attached to the Agenda Information Sheet) - Not to exceed $131,092.43 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($113,022.43) and Water Utilities Capital Improvement Funds ($18,070.00)
17.	10	C	PBW	$289,646.69	Authorize a professional services contract with Arredondo, Zepeda and Brunz, LLC for the engineering design of Street Reconstruction Group 17-10004 (list attached to the Agenda Information Sheet) - Not to exceed $289,646.69 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($255,146.69) and Water Utilities Capital Improvement Funds ($34,500.00)
18.	2, 14	C	PBW	$2,251,681.00	Authorize a construction contract for the construction of Henderson Avenue from U.S. Highway 75 to Ross Avenue - The Fain Group, Inc., lowest responsible bidder of four - Not to exceed $2,251,681.00 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds)
19.	8	C	SAN	$345,000.00	Authorize (1) Supplemental Agreement No. 6 to the professional engineering contract with Biggs & Matthews Environmental, Inc. for engineering and construction management services related to landfill infrastructure improvements, including construction of waste cells 6B.2 and 7; (2) to extend the third optional year contract term by an additional six months, from July 1, 2019 to December 31, 2019 to complete additional engineering and construction management tasks; and (3) an increase in appropriations in an

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					amount not to exceed $345,000.00 in the Sanitation Capital Improvement Funds - Not to exceed $345,000.00, from $1,785,442.00 to $2,130,442.00 - Financing: Sanitation Capital Improvement Fund
20.	13	C	DEV	GT	Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 30,000 square feet of land located between Strait Lane and Inwood Road for the Northaven Trail Phase 2A Project - Not to exceed $50,000.00 ($44,211.00, plus closing costs and title expenses not to exceed $5,789.00) - Financing: Capital Gifts Donation & Development Fund
21.	6, 7	C	DEV	REV $13,560.00	A resolution (1) declaring two properties unwanted and unneeded and authorizing their sale by public auction (list attached to the Agenda Information Sheet); (2) authorizing a Purchase and Sale Agreement to be prepared for each auctioned surplus property receiving the highest qualified bid that is sold absolute; and (3) waving the minimum reserve amount - Estimated Revenue: $13,560.00
22.	13	C	DEV	REV $1,808,460.00	A resolution (1) declaring a property containing approximately 150,702 square feet of land unwanted and unneeded, located near the intersection of Forest and Quincy Lanes, and authorizing its advertisement for sale by public auction; (2) establishing a reserve 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 - Estimated Revenue: $1,808,460.00
23.	13	C	DEV	REV $179,482.00	An ordinance abandoning a portion of Midtown Boulevard and a sidewalk and utility easement to Legacy at Midtown Park, Inc., the abutting owner, containing a total of approximately 9,418 square feet of land, located near the intersection of Manderville Lane and Midtown Boulevard; and authorizing the quitclaim - Revenue: $179,482.00, plus the $20.00 ordinance publication fee
24.	2	C	DEV	REV $181,458.00	An ordinance abandoning portions of an alley to Commerce-Canton Investors LLC, Westdale Futura Lofts, Ltd. and Westdale Properties America I, Ltd., the abutting owners, containing a total of approximately 4,744 square feet of land, located near the intersection of Murray and Commerce Streets; and authorizing the quitclaim; and providing for the dedication of approximately 1,629 square feet of land needed for a wastewater easement - Revenue: $181,458.00, plus the $20.00 ordinance publication fee
25.	14	C	DEV	REV $640,458.00	An ordinance abandoning a portion of an alley (also known as Howland Street) to OR Asset Holdings, L.P., the abutting owner, containing approximately 3,588 square feet of land, located near the intersection of Howland and Routh Streets; and authorizing the quitclaim; and providing for

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					the dedication of approximately 3,651 square feet of land needed for a wastewater easement - Revenue: $640,458.00, plus the $20.00 ordinance publication fee
26.	2	C	DEV	REV $22,253.00	An ordinance abandoning portions of water and wastewater easements to Henderson Residential Lands (Dallas), LLC, the abutting owner, containing a total of approximately 1,498 square feet of land, located near the intersection of Henderson Avenue and Fuqua Street - Revenue: $22,253.00, plus the $20.00 ordinance publication fee
27.	All	C	TRN	NC	An ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by amending Sections 28-41.1 and 28-41.1.1; extending the sunset date of Section 28.41.1.1 to November 28, 2019; and providing that the requirements of Section 28-41.1 take effect if Section 28-41.1.1 has not been re-enacted on or before November 28, 2019 - Financing: No cost consideration to the City
28.	All	C	HOU	NC	Authorize amendments to the Comprehensive Housing Policy Manual (CHP), previously approved on May 9, 2018, by Resolution No. 18-0704 to: (1) amend the program statement for the Home Improvement and Preservation Program to: (a) clarify that an applicant will not be eligible to receive funding if the applicant's property was previously assisted with City funds and the project is still within the period of affordability; and (b) align the credit standards with other City programs; (2) amend the program statement for the Dallas Homebuyer Assistance Program (DHAP) to: (a) change the minimum eligible income for an applicant from 40% Area Median Family Income to 60% Area Median Family Income; (b) require that an applicant have cash reserves; (c) align the credit standards with other City programs; and (d) modify the terms under which the heir(s) of an applicant who received DHAP funding may repay the loan; (3) amend the program statement for the New Construction and Substantial Rehabilitation Program to indicate that the form of financial assistance and the repayment terms are negotiated on a project by project basis and demonstrated by financial underwriting; (4) amend the Rental Development Underwriting standards in Appendix 2 to remove the maximum monetary limit on developer fees and add a requirement that the fees be "reasonable"; and (5) replace any reference to the Chief of Economic Development and Neighborhood Services to the City Manager and/or his or her designee in the CHP and Resolution No. 18-0704 - Financing: No cost consideration to the City
29.	All	C	HOU	NC	Authorize an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					District, Dallas County Hospital District, Dallas County Community College District, and the Dissolution Committee for the former board of Dallas County School Trustees on behalf of the former Dallas County Schools District to facilitate the Dallas Housing Acquisition and Development Corporation's acquisition of unimproved tax foreclosed properties for sale to developers for the development of affordable housing and other approved purposes in accordance with Chapter 379C of the Texas Local Government Code - Financing: No cost consideration to the City
30.	All	C	LIB	GT	Authorize the (1) acceptance of a grant from the Institute of Museum and Library Services passed through the Texas State Library and Archives Commission (Grant No. 900976/FAIN No. LS-00-17-0044-17, CFDA No. 45.310) for partial reimbursement of interlibrary loan service's direct costs in an amount not to exceed $68,749.02, for the period September 1, 2017 through August 31, 2018; (2) establishment of appropriations in an amount not to exceed $68,749.02 in the Interlibrary Loan 17-18 Fund; (3) receipt and deposit of grant funds for reimbursement in an amount not to exceed $68,749.02 in the Interlibrary Loan 17-18 Fund; and (4) execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed $68,749.02 - Financing: Texas State Library and Archives Commission Grant Funds
31.	N/A	C	OCA	NC	A resolution (1) authorizing the adoption of the Dallas Cultural Plan 2018 as the cultural plan for the City of Dallas; (2) authorizing the adoption of a new cultural policy for the City of Dallas; and (3) authorizing and establishing the Cultural Projects Funding Program, Cultural Vitality Program, and Community Artist Program to support artist and cultural services in the City of Dallas - Financing: This action has no cost consideration to the City (see Fiscal Information)
32.	N/A	C	OCA	NC	An ordinance amending Chapter 2, "Administration," of the Dallas City Code, providing (1) that the City Manager is authorized to approve certain contracts with intergovernmental agencies without further city council action; (2) clarifying the definition of collectible property to mean property owned by the city that is under the care and control of the Dallas Museum of Art; (3) removing WRR radio station from duties of the director of convention and event services; (4) renaming the cultural affairs commission to arts and culture advisory commission; (5) renaming the arts committee to the public art committee; (6) clarifying the definition of public art committee; (7) providing that the director of cultural affairs may manage approval of lease or license agreements for use of cultural facilities for short terms not exceeding a year; (8) providing that the director of cultural affairs may award cultural

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					funding contracts to cultural organizations and individuals; (9) providing that short-term lease and license agreements with small or ethnically and culturally specific nonprofit arts and cultural organizations may be entered into for nominal consideration; and (10) providing procurement rules and regulations for cultural services - Financing: No cost consideration to the City
33.	6	C	ECO	NC	Authorize the nomination of Brinker International Payroll Company, L.P. located at 3000 Olympus Boulevard, Dallas, Texas 75019 to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City
34.	14	C	ECO	NC	Authorize the nomination of PricewaterhouseCoopers LLP located at 2121 Woodall Rodgers Freeway, Dallas, Texas 75201 to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City
35.	All	C	OEH	$178,500.00	Authorize a contract with Race Forward, dba the Government Alliance on Race and Equity for (1) a membership in a consortium of over 80 jurisdictions that promotes equity; (2) a consultation on equity including assistance in developing a racial equity lens for budgeting and evaluation of city services; (3) an equity assessment survey of city employees; and (4) a citywide training on equity for the period December 1, 2018 through December 31, 2019 - Not to exceed $178,500.00 - Financing: General Fund
36.	All	C	OEH	GT	Authorize (1) an Interlocal Agreement with the University of Texas at Arlington to conduct the Analysis of Impediments for the period December 1, 2018 through July 31, 2019; and (2) an increase in appropriations in an amount not to exceed $72,536.00, from $129,064.00 to $201,600.00 in the Fair Housing Trust Fund - Not to exceed $72,536.00 - Financing: Fair Housing Trust Funds
37.	7	C	OHS	GT	Authorize a secured, zero percent interest, forgivable loan agreement in the amount of $179,011.00 to Shelter Ministries of Dallas dba Austin Street Center, to provide for shelter renovations at Austin Street Center located at 2916 and 2929 Hickory Street, for the period October 1, 2018 through September 30, 2019 - Not to exceed $179,011.00 - Financing: 2017-18 Emergency Solutions Grant Funds
38.	7	C	OHS	GT	Authorize a secured, zero percent interest, forgivable loan agreement in the

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					amount of $50,000.00 to The Family Place ("Borrower") and Buckner Baptist Benevolences ("Owner"), to provide for shelter renovations, consisting of minor site improvements to expand and renovate the kitchen at its emergency shelter serving homeless families fleeing domestic violence, for the period October 1, 2018 through September 30, 2019 - Not to exceed $50,000.00 - Financing: 2017-18 Emergency Solutions Grant Funds
39.	1	C	OHS	GT	Authorize a secured, zero percent interest, forgivable loan agreement in the amount of $1,190,445.00 to PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas, as the project sponsor, and PWA Holdings LLC, as the owner, to provide for substantial rehabilitation of a property located at 511 North Lancaster Avenue, which provides permanent housing for persons with HIV/AIDS, for the period October 1, 2018 through September 30, 2019 - Not to exceed $1,190,445.00 - Financing: 2016-17 Housing Opportunities for Persons with AIDS Grant Funds ($486,100.00) and 2017-18 Housing Opportunities for Persons with AIDS Grant Funds ($704,345.00)
40.	All	C	OHS	$29,921.00	Authorize (1) an assignment to PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas 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 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 ("HUD") 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) 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 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 - Not to exceed $29,921.00 - Financing: General Fund
41.	All	C	OHS	GT	Authorize the twelve-month renewal option to the contract with Catholic Charities of Dallas, Inc., to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals and families, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $98,085.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($20,700.00) and 2018-19 Emergency Solutions Grant Funds ($77,385.00)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
42.	All	C	OHS	GT	Authorize the twelve-month renewal option to the contract with Family Gateway, Inc., to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $125,260.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($26,900.00) and 2018-19 Emergency Solutions Grant Funds ($98,360.00)
43.	All	C	OHS	GT	Authorize the twelve-month renewal option to the contract with Family Gateway Inc., to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $92,478.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($10,728.00) and 2018-19 Emergency Solutions Grant Funds ($81,750.00)
44.	All	C	OHS	GT	Authorize the twelve-month renewal option to the contract with Shared Housing Center, Inc., to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals and families, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $130,436.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($28,020.00) and 2018-19 Emergency Solutions Grant Funds ($102,416.00)
45.	All	C	OHS	GT	Authorize the twelve-month renewal option to the contract with Shelter Ministries of Dallas dba Austin Street Center, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $154,961.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($18,476.00) and 2018-19 Emergency Solutions Grant Funds ($136,485.00)
46.	All	C	OHS	GT	Authorize the twelve-month renewal option to the contract with The Family Place, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection fees, for the period October 1, 2018 through September 30, 2019 - Not to exceed $74,440.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($8,940.00) and 2018-19 Emergency Solutions Grant Funds ($65,500.00)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
47.	All	C	OHS	$59,906.00	Authorize (1) an amendment to Resolution No. 18-1377, previously approved on September 26, 2018 to amend the grant agreement for the Continuum of Care Grant ("CoC Grant") (Grant No. TX0085L6T001710 and CFDA No. 14.268) from the U.S. Department of Housing and Urban Development ("HUD") for the City of Dallas' My Residence Program (Rapid Re-housing) ("Project") providing tenant-based rental assistance and case management in an amount not to exceed $435,627.00 for homeless families and single homeless persons, to: (a) substitute Housing Crisis Center, Inc. as recipient grantee, in place of the City of Dallas, with their assumption of all rights and obligations under the grant, for the period December 1, 2018 through September 30, 2019; (b) increase the local cash match from the City of Dallas for the CoC Grant for the Project, by $1,331.00, from $58,575.00 to $59,906.00; and (c) decrease the matching contribution from the local partner agencies by $1,331.00, from $50,332.00 to $49,001.00; (2) a contract with Housing Crisis Center, Inc. ("HCC") to provide funds as match assistance for the local cash match for the CoC Grant in the amount of $59,906.00 for the period October 1, 2018 through September 30, 2019, with HCC as the local partner agency to provide the remaining matching contribution for the CoC Grant in the amount of $49,001.00; and (3) execution of any and all documents required for the grantee substitution - Total not to exceed $59,906.00 - Financing: General Fund
48.	All	C	PBD	$4,375,769.40	Authorize a one-year service price agreement for commercial wireless communication services and equipment with Cellco Partnership dba Verizon Wireless and its related entities through the Department of Information Resources cooperative agreement - Not to exceed $4,375,769.40 - Financing: Various Funds (see Fiscal Information)
49.	All	C	PBD	$5,381,524.38	Authorize (1) rescinding the three-year service price agreement with Technical Testing International, LLC dba TTI Environmental Laboratories, previously approved on August 8, 2018, by Resolution No. 18-1046, for analytical laboratory testing services; and (2) a three-year service price agreement for analytical laboratory testing services - Pace Analytical Services, LLC, second lowest responsible bidder of four - Not to exceed $5,381,524.38 - Financing: Equipment and Fleet Management ($485.00), Dallas Water Utilities Fund ($4,938,504.18), Stormwater Drainage Management Fund ($331,866.70), Sanitation Services Fund ($110,668.50)
50.	All	C	PBD	$178,805.43	Authorize a three-year service contract for maintenance and support of the existing multiple vendor reading system software application and meter reading handheld computers for the Water Utilities Department - Itron, Inc.,

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					sole source - Not to exceed $178,805.43 - Financing: Dallas Water Utilities Fund (subject to annual appropriations)
51.	All	C	PBD	$324,688.80	Authorize a five-year service contract for automated notification services for the Office of Emergency Management with AT&T Services, Inc. through the Houston-Galveston Area Council of Governments cooperative agreement - Not to exceed $324,688.80 - Financing: 9-1-1 System Operations Fund (subject to annual appropriations)
52.	All	C	PBD	GT	Authorize a two-year consultant contract to conduct a staffing study for the Police Department - KPMG LLP, most advantageous proposer of three - Not to exceed $500,000.00 - Financing: W.W. Caruth Jr. Foundation at Communities Foundation of Texas Grant Funds ($250,000.00) and Confiscated Funds ($250,000.00)
53.	All	C	PBD	$1,081,340.00	Authorize a three-year subscription and maintenance contract for Adobe enterprise licenses with SHI Government Solutions, Inc. through the BuyBoard purchasing cooperative agreement - Not to exceed $1,081,340.00 - Financing: Data Services Fund (subject to annual appropriations)
54.	2	C	PBD	REV $1,424,250.00	Authorize (1) a nine-year concession contract, with two one-year renewal options, for food and beverage services (Package 1) for the Department of Aviation - Air Star - Bush - LTS Marquis DAL, LLC in an estimated minimum annual guarantee in the amount of $1,093,500.00, most advantageous proposer of seven; and (2) a seven-year concession contract, with two one-year renewal options, for food and beverage services (Package 2) for the Department of Aviation - Bush - Air Star - LTS Marquis DAL, LLC in an estimated minimum annual guarantee in the amount of $330,750.00, most advantageous proposer of eight - Total Estimated Minimum Annual Guarantee: $1,424,250.00
55.	All	C	PBD	$156,720.50	Authorize a three-year master agreement for the purchase of temporary traffic signs, permanent sign posts, and installation hardware for permanent signs for the Water Utilities Department - Centerline Supply in the estimated amount of $112,645.50 and Telecom Electric Supply in the estimated amount of $44,075.00, lowest responsible bidders of three - Estimated amount of $156,720.50 - Financing: Dallas Water Utilities Fund
56.	All	C	PBD	$265,503.00	Authorize Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the service and policy contract with Standard Insurance Company to provide (1) City paid basic life insurance for $1.75 per employee per month, in an estimated cost of $265,503.00; and (2) elective employee paid supplemental group term life, elective dependent life, and

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					accidental death and dismemberment insurance coverage, in an estimated cost of $2,576,272.32 (to be fully reimbursed by participating employees) increasing the service contract from $8,490,838.11 to $11,332,613.43 - Total not to exceed $2,841,775.32 - Financing: Benefits Fund (subject to appropriations)
57.	All	C	PBD	$33,081,983.75	Authorize Supplemental Agreement No. 31 to exercise the first of two, two-year renewal options, with AT&T Corp for voice and data network services, network management, monitoring, maintenance, information technology security, and related services for the Department of Communication and Information Services - Not to exceed $33,081,983.75 - Financing: Communication and Information Services Funds (subject to annual appropriations)
58.	14	C	PKR	REV $30,000.00	Authorize (1) a development and maintenance agreement with Lincoln LAG LTD. and HEB Grocery Company, LP for the purpose of constructing the Matilda Trail, an enhanced sidewalk, hike and bike trail, and appurtenances located at East Lovers Lane and Matilda Street; (2) the establishment of appropriations in an amount not to exceed $30,000.00 in the Mowmentum Park Improvement Fund; (3) the receipt and deposit of endowment funds in an amount not to exceed $30,000.00 in the Mowmentum Park Improvement Fund; and (4) execution of the development and maintenance agreement - Financing: Revenue: $30,000.00
59.	1	C	PKR	$124,775.00	Authorize a professional services contract with APM & Associates, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Martin Weiss Park - Loop Trail Extension to Greenbelt Project located at 1111 Martindell Avenue - Not to exceed $124,775.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)
60.	2	C	PKR	$107,000.00	Authorize a professional services contract with Pacheco Koch Consulting Engineers, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for Phase 2 of the Dallas City Hall Median Renovations Project along South Akard and South Ervay Streets - Not to exceed $107,000.00 - Financing: General Fund (see Fiscal Information)
61.	7	C	PKR	NC	Authorize the rejection of the only proposal received for construction of the exterior lighting upgrades for the Music Hall at Fair Park located at 909 1st Avenue - Financing: No cost consideration to the City
62.	7	C	PKR	$1,333,556.00	Authorize Supplemental Agreement No. 1 to the design-build services

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					contract with Harrison, Walker & Harper, LP. for the design and construction for Fair Park Facility Improvements for additional architectural and engineering design services and an increase in the early construction package for an elevator, Americans with Disabilities Act improvements and to add exterior lighting for the Music Hall located at 909 1st Avenue - Not to exceed $1,333,556.00, from $930,303.00 to $2,263,859.00 - Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)
63.	All	C	WTR	$889,523.00	Authorize a Joint Funding Agreement with the United States Geological Survey to continue the operation of stream flow and water quality gauging stations in the Trinity River basin, a zebra mussel sampling study, a Mountain Creek Water Quality special study, and reservoir water quality study on each of the reservoirs in Dallas' water supply system from November 1, 2018 through September 30, 2019 - Not to exceed $889,523.00 - Financing: Water Utilities Fund
64.	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)
65.	N/A	I	SEC	NC	Consideration of appointment to the Dallas Area Rapid Transit Board of Directors for Positions 03 (completion of unexpired term) (Closed Session, if necessary, Personnel, Sec. 551.074, T. O. M. A.) (Name of nominee in the City Secretary's Office) - Financing: No cost consideration to the City
66.	7	I	DEV	NC	Authorize acceptance of a zoning application on property with delinquent taxes located at 4350 Metropolitan Avenue - Financing: No cost consideration to the City
67.	All	I	OHS	GT	Authorize the twelve-month renewal option to the contract with Bridge Steps, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $126,565.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($14,900.00) and 2018-19 Emergency Solutions Grant Funds ($111,665.00)
68.	All	I	OHS	GT	Authorize the twelve-month renewal option to the contract with Bridge Steps, to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $122,824.00 - Financing: 2017-18 Emergency Solutions Grant Funds

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					($26,380.00) and 2018-19 Emergency Solutions Grant Funds ($96,444.00)
69.	2	I	OHS	GT	Authorize an unsecured, zero percent interest, forgivable loan agreement in the amount of $36,000.00 to Bridge Steps, to provide for shelter renovations at the Bridge Steps Homeless Assistance Center located at 1818 Corsicana Street, which provides shelter and services to homeless individuals, for the period October 1, 2018 through September 30, 2019 - Not to exceed $36,000.00 - Financing: 2017-18 Emergency Solutions Grant Funds
70.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for Multiple Family Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, along the northeast corner of McKinney Avenue and Hester Avenue Recommendation of Staff and CPC: Approval, subject to a development plan and conditions Z178-174(PD)
71.	5	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2059 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of Bruton Road and North Prairie Creek Road Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions Z178-224(CT)
72.	1	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for Multifamily District uses on property zoned an R-7.5(A) Single Family District, on the southwest corner of North Tennant Street and West Davis Street, with consideration given to a Planned Development District for Single Family District uses Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions Z178-235(JM)
73.	10	PH	DEV	NC	A public hearing to receive comments regarding an application for (1) an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses on property zoned an NO(A) Neighborhood Office District, a CS Commercial Service District, and an R-7.5(A) Single Family District with Specific Use Permit No. 1781 for a transit passenger station or

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					transfer center on a portion; and (2) a resolution terminating the existing deed restrictions, on the south line of Walnut Hill Lane and the west line of White Rock Trail Recommendation of Staff and CPC: Approval, subject to a conceptual plan, conceptual fence elevation plan, and conditions; and approval of the termination of existing deed restrictions Z178-238(SM)
74.	9	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 574, on the northeast side of Highland Road, northwest of Ferguson Road Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions Z178-315(JM)
75.	1	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting 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 Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions Z178-320(JM)
76.	13	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1902 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of Walnut Hill Lane and Marsh Lane Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions Z178-321(CY)
77.	3	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the north side of West Camp Wisdom Road, east of

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Marvin D. Love Freeway (US 67) Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and staff's recommended conditions Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions Z178-263(CY)
78.	1	PH	DEV	NC	A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from an open-enrollment charter school, Texans Can Academy [DBA Dallas Can Academy] as required by Section 6-4 of the Dallas City Code to allow a mixed-beverages permit (Chapter 28 of the Texas Alcoholic Beverage Code) for a restaurant without drive-in or drive-through service with a food and beverage certificate [Café Chaman] on the south line of Jefferson Boulevard, east of Bishop Avenue - AV189-001 - Financing: No cost consideration to the City

TOTAL $53,312,772.81

Agenda Information Sheet

File #: 18-1275 **Item #:** 1.

SUBJECT

Approval of Minutes of the November 14, 2018 City Council Meeting

Agenda Information Sheet

File #: 18-1054 **Item #:** 2.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Building Services Department

EXECUTIVE: Joey Zapata

SUBJECT

Authorize a construction contract for structural repairs of the Dallas City Hall Parking Garage located at 1500 Marilla Street - Structural Technologies, LLC, the most advantageous proposer of seven - Not to exceed $642,600.00 - Financing: Capital Construction Fund

BACKGROUND

This action will authorize a construction contract with Structural Technologies, LLC for structural repairs of the Dallas City Hall Parking Garage located at 1500 Marilla Street.

On January 9, 2017, staff observed that a section of a concrete panel in the overhead slab supporting the plaza had cracked and pieces of concrete had fallen to the floor of the Dallas City Hall Garage. Upon visual inspection of all the columns on the L1 Level of the garage, one additional panel was observed to have similar cracking and barricades were installed to restrict access to these areas of concern.

On January 20, 2017, Administrative Action No. 17-5635 authorized a professional services contract with JQ Infrastructure, LLC, a local structural engineering firm, to assess and recommend repairs. They performed a complete structural analysis of the garage. The analysis identified the need for repairs on the L1 Level of the garage to address the cracked, failed and delaminated concrete sections adjacent to column capitals referred to as drop panels. The analysis also identified the need to increase the structural capacity of 57 columns on the L1 Level supporting the City Hall Plaza above. The structural engineer also noted that the garage could remain in use before and during the construction phase to make the required repairs.

On November 8, 2017, City Council authorized Supplemental Agreement No. 1 to the contract with JQ Infrastructure, LLC to provide engineering design services to prepare construction documents for the repairs to the Dallas City Hall Parking Garage located at 1500 Marilla Street by Resolution No. 17

-1730. The completed construction documents were used to procure a construction contract to execute the structural repairs.

On July 18 and 25, 2018, the construction project was advertised as a Request for Competitive Sealed Proposals in accordance with the City of Dallas purchasing guidelines. On August 17, 2018, seven proposals were received by the Office of Procurement Services. The Proposal Evaluation Committee was comprised of staff from Building Services Department, Aviation, Public Works, the Office of Environmental Quality & Sustainability, and a representative from JQ Infrastructure, LLC. The Office of Business Diversity evaluated the proposals with respect to the Minority Women-Owned Business Enterprises (M/WBEs) criterion. The Proposal Evaluation Committee evaluated and ranked all proposals according to evaluation criteria published with the project specifications:

- 50% cost
- 20% related experience
- 5% schedule
- 5% project team
- 5% financial sufficiency
- 15% Business Inclusion and Development

Structural Technologies, LLC was chosen as the most advantageous proposer for this project and it is recommended that the City of Dallas enter into a contract with Structural Technologies, LLC for the scope of work detailed in the project manual and construction documents.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	January 2019
Complete Construction	June 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 8, 2017, City Council authorized Supplemental Agreement No. 1 with JQ Infrastructure, LLC to provide engineering design services to prepare construction documents for repairs to the Dallas City Hall Parking Garage by Resolution No. 17-1730.

Information about this item will be presented to the Mobility Solutions, Infrastructure & Sustainability Committee on November 12, 2018.

FISCAL INFORMATION

Capital Construction Fund - $642,600.00

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 $
$642,600.00	Construction	25.00%	41.93%	$269,450.10
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The request for proposals for repairs to the Dallas City Hall Parking Garage was advertised following City of Dallas purchasing guidelines. On August 17, 2018, the following proposals were received.

*Denotes successful proposer

Proposers	Proposal Amount
*Structural Technologies, LLC 15600 Trinity Blvd, Ste. 118 Fort Worth, TX 76155	$ 642,600.00
Restocon Corporation	$1,605,570.00
Structural Concrete Systems, LLC	$1,558,475.00
Mobile Enterprises, Inc.	$ 924,570.00
Southwest Construction Services	$ 986,500.00
Phoenix I Restoration and Construction, Ltd.	$ 973,000.00
American Restoration, Inc.	$1,367,165.00

OWNER

Structural Technologies, LLC

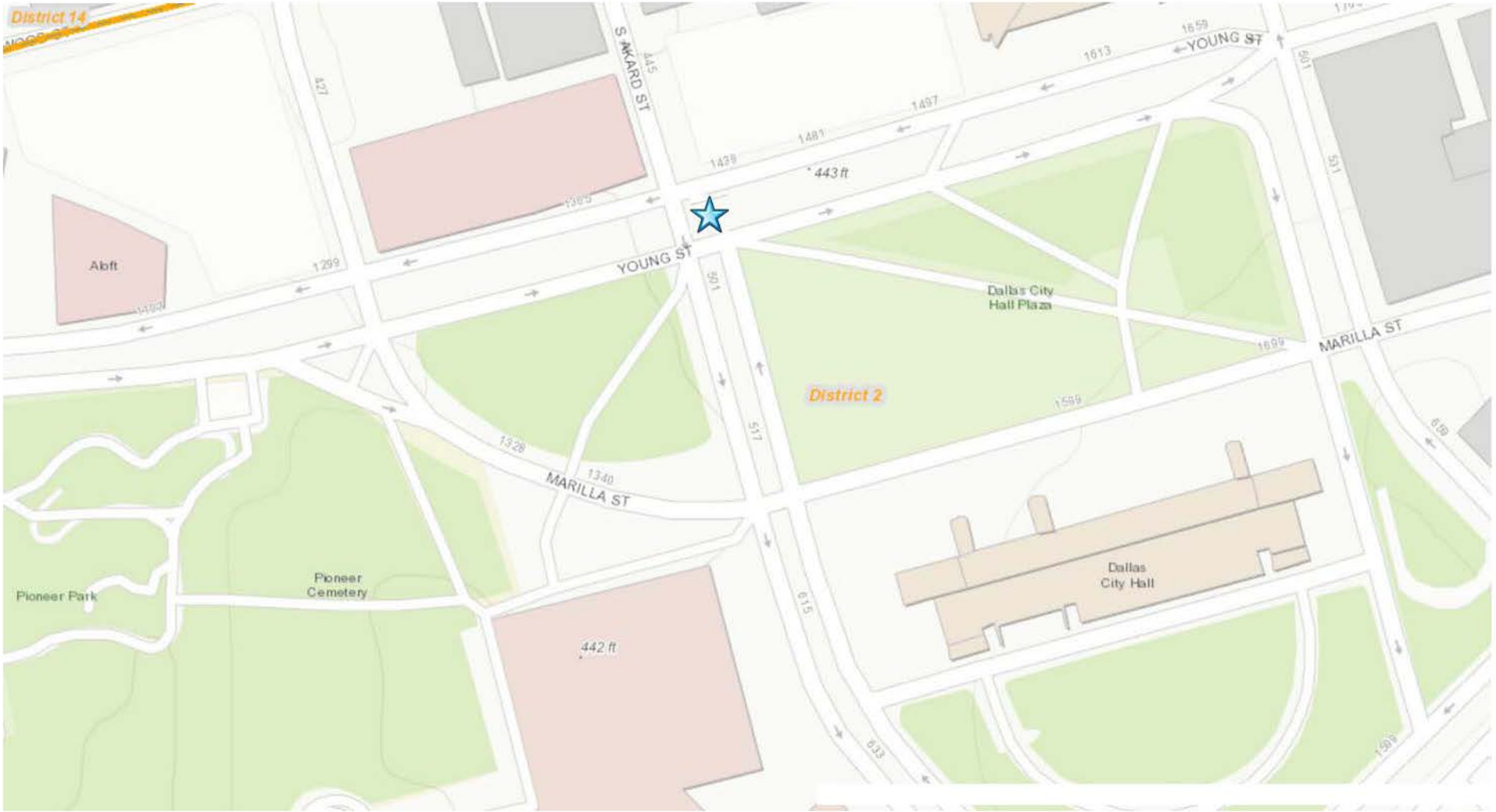
Eric Sommer, Vice President of Operations

MAP

Attached

powered by Legistar™

City Hall Parking Garage



WHEREAS, on January 9, 2017, a section of a concrete column capital drop panel in the overhead slab supporting the plaza had cracked and delaminated, falling to the floor at the Dallas City Hall Parking Garage located at 1500 Marilla Street; and

WHEREAS, during the review of this situation, one other drop panel was observed to have similar cracking and barricades were installed to restrict access to these and similar areas of concern; and

WHEREAS, on January 20, 2017, Administrative Action No. 17-5635 authorized a professional services contract with JQ Infrastructure, LLC to assess and recommend repairs to damaged drop panels at the Dallas City Hall Parking Garage, in an amount not to exceed $35,000.00; and

WHEREAS, the investigation identified the need for structural repairs to the cracked and delaminated concrete column capital drop panels and to increase the capacity of fifty-seven columns supporting the City Hall Plaza above the L1 Level of the Dallas City Hall Parking Garage; and

WHEREAS, a solicitation for construction services was developed and publicly advertised by the Department of Equipment and Building Services; and

WHEREAS, seven firms submitted proposals to provide construction services for the Dallas City Hall Parking Garage slab repairs; and

WHEREAS, Structural Technologies, LLC was selected as the most advantageous proposer of the seven firms that submitted competitive sealed proposals; and

WHEREAS, it is now desirable to authorize a construction contract with Structural Technologies, LLC, for the repairs to the Dallas City Hall Parking Garage located at 1500 Marilla Street, in an amount not to exceed $642,600.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a construction services contract with Structural Technologies, LLC, approved as to form by the City Attorney, to provide construction services for the repairs to the Dallas City Hall Parking Garage located at 1500 Marilla Street, in an amount not to exceed $642,600.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $642,600.00 to Structural Technologies, LLC, in accordance with the terms and conditions of the contract from Capital Construction Fund, Fund 0671, Department BSD, Unit W221, Object 3210, Program BS18159, Encumbrance/Contract No. BSD-2019-00008202, Vendor VS0000042148.

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 #: 18-1110 **Item #:** 3.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize settlement of the lawsuit styled Edward Svoma v. City of Dallas, Cause No. CC-16-01800-D - Not to exceed $50,000.00 - Financing: Risk Management Funds

BACKGROUND

Plaintiff Edward Svoma filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an alleged automobile collision on November 24, 2014, involving a Dallas Police Department vehicle. The City and Mr. Svoma have reached a proposed settlement. Plaintiff is represented by the Law Office of David Sanchez, P.C.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this item on November 21, 2018.

FISCAL INFORMATION

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

Risk Management Funds - $50,000.00

November 28, 2018

WHEREAS, a lawsuit styled Edward Svoma v. City of Dallas, Cause No. CC-16-01800-D, was filed by Plaintiff Edward Svoma seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an alleged automobile collision on November 24, 2014, involving a Dallas Police Department vehicle; and

WHEREAS, the plaintiff has agreed to a settlement of the case whereby the City will pay Edward Svoma, the Law Office of David Sanchez, P.C., and all other persons having an interest in the settlement proceeds, the total amount of $50,000.00; and

WHEREAS, it is in the best interest of the City to settle this lawsuit.

Now, Therefore,

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

SECTION 1. That the proposed settlement of the lawsuit styled Edward Svoma v. City of Dallas, Cause No. CC-16-01800-D, in an amount not to exceed $50,000.00 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Edward Svoma and the Law Office of David Sanchez, P.C., and all other persons having an interest in the settlement proceeds, the amount of $50,000.00, from Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor CTORM001.

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 #: 18-1244 **Item #:** 4.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize a Subrecipient Agreement between the City of Dallas and Dallas 24 Hour Club, Inc., to provide substance abuse recovery related support to participants in the South Dallas Drug Court program - Not to exceed $60,000.00 - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds

BACKGROUND

The Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services awarded the City a five-year grant with the project period from September 30, 2018, through September 29, 2023. The South Dallas Drug Court (SDDC) seeks to identify adults with mental health issues and substance abuse addictions who have been referred to the SDDC for adjudication and processing, and to offer those individuals enhanced program services that include alcohol/drug and mental health treatment, recovery support services, screening, assessment, job placement and training, financial planning, parenting classes, anger management, case management and other related services in lieu of jail time. The SDDC is in the Martin Luther King, Jr. Community Center located at 2922 Martin Luther King, Jr. Boulevard, and serves South Dallas/Fair Park, Jubilee Park, and Pleasant Grove.

The U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, has awarded the City $324,219.00 in support of the SDDC program for year one of the project period.

Dallas 24 Hour Club, Inc. will provide participants in the South Dallas Drug Court program with temporary shelter and meals, recovery meetings, drug testing, mentorship, clothing and hygiene items; and will make available additional resources through collaborations with other agencies, such as counseling, job placement and permanent housing.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 14, 2015, City Council authorized the application and acceptance of the 2014-15 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2014, through September 29, 2015; and execution of the grant agreement by Resolution No. 15-0142.

On January 27, 2016, City Council authorized the acceptance of the 2015-16 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2015, through September 29, 2016, a three-year grant with the project period from September 30, 2014 to September 29, 2017; and execution of the grant agreement by Resolution No. 16-0164.

On September 14, 2016, City Council authorized the acceptance of 2016-17 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2016, through September 29, 2017; approval to create one new full-time position to execute the proposed project; and execution of the grant agreement by Resolution No. 16-1434.

On September 27, 2017, City Council authorized a twelve-month extension to the grant period of the Substance Abuse and Mental Health Services Administration Grant from the U.S. Department of Health and Human Services (HHS) for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Court Expansion project from September 29, 2017, to September 29, 2018; a carry-over of unobligated funds from previous budget years to current year's budget as approved by HHS through the transfer of unobligated appropriations from the SAMHSA-Adult Treatment Drug Court Expansion Project 14-16 Fund to the SAMHSA-Adult Treatment Drug Court Expansion Project 16-17 Fund; and execution of the revised grant agreement by Resolution No. 17-1534.

On September 12, 2018, City Council authorized the acceptance of the Substance Abuse and Mental Health Services Administration (SAMHSA) grant from the U.S. Department of Health and Human Services to expand substance abuse capacity at the existing South Dallas Drug Court for the period September 30, 2018, through September 29, 2019; establishment of appropriations in an amount not to exceed $324,219.00 in the SAMHSA-Adult Treatment Drug Court Expansion Project 18-19 Fund; receipt and deposit of grant funds in an amount not to exceed $324,219.00 in the SAMHSA-Adult Treatment Drug Court Expansion Project 18-19 Fund; and execution of the grant agreement by Resolution No. 18-1234.

City Council will be briefed by memorandum regarding this item on November 21, 2018.

FISCAL INFORMATION

U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds - $60,000.00

Funding for this item was included in the FY 2018-19 budget.

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WHEREAS, the City of Dallas established an Adult Treatment Drug Court Expansion project that sought to expand the South Dallas Community Drug Court into a Treatment Drug Court that would incorporate alcohol/drug treatment, recovery support services, screening, assessment, case management, and program coordination; and

WHEREAS, the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services awarded the City a three-year grant with the project period from September 30, 2014, through September 29, 2017; and

WHEREAS, on January 14, 2015, City Council authorized the application and acceptance of the 2014-15 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2014, through September 29, 2015; and execution of the grant agreement by Resolution No. 15-0142; and

WHEREAS, on January 27, 2016, City Council authorized the acceptance of the 2015-16 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2015, through September 29, 2016; and execution of the grant agreement by Resolution No. 16-0164; and

WHEREAS, on September 14, 2016, City Council authorized the acceptance of the 2016-17 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2016, through September 29, 2017; approval to create one new full-time position to execute the proposed project; and execution of the grant agreement by Resolution No. 16-1434; and

WHEREAS, on September 27, 2017, City Council authorized a twelve-month extension to the grant period of the SAMHSA from the U.S. Department of Health and Human Services (HHS) for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Court Expansion project from September 29, 2017, to September 29, 2018; a carry-over of unobligated funds from previous budget years to current year's as approved by HHS through the transfer of unobligated appropriations from the SAMHSA-Adult Treatment Drug Court Expansion Project 14-16 Fund to the SAMHSA-Adult Treatment Drug Court Expansion Project 16-17 Fund; and execution of the revised grant agreement by Resolution No. 17-1534; and

WHEREAS, the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA), awarded the City a five-year grant with the project period of September 30, 2018, through September 29, 2023, to offer individuals facing criminal charges for substance abuse and possession an opportunity to enter a substance abuse recovery program in lieu of jail time; and

WHEREAS, such grant funding was awarded to the City on August 8, 2018; and

WHEREAS, on September 12, 2018, City Council authorized acceptance of the 2018-2019 SAMHSA grant (Grant No. 1H79TI081081-01, CFDA No. 93.243) from the U.S. Department of Health and Human Services to expand substance abuse capacity at the existing South Dallas Drug Court for the period September 30, 2018, through September 29, 2019, in an amount not to exceed $324,219.00 for year one of the five year project period by Resolution No. 18-1234; and

WHEREAS, the services of Dallas 24 Hour Club, Inc. are necessary to provide substance abuse recovery support for participants in the SAMHSA Adult Drug Court Program at South Dallas Drug Court.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a Subrecipient Agreement with Dallas 24 Hour Club, Inc., approved as to form by the City Attorney, to provide substance abuse recovery support for participants in the SAMHSA Adult Drug Court Program at South Dallas Drug Court, in an amount not to exceed $60,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds to Dallas 24 Hour Club, Inc., over the FY 18-19 term, in an amount not to exceed $60,000.00, from Fund F560, Department ATT, Unit 3699, Object 3070, Vendor VS86253.

SECTION 3. That this contract is designated as Contract No. ATT-2019-00008603.

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 #: 18-1084 **Item #:** 5.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize an amendment to Resolution No. 18-0734, previously approved on May 23, 2018, for the **(1)** acceptance of three grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed $9,991,149.00 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-056-2018, CFDA No. 20.106) in the amount of $1,000,000.00, Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of $5,025,000.00, and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in the amount of $3,966,149.00; **(2)** establishment of appropriations in an amount not to exceed $1,000,000.00 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, $5,025,000.00 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18 -36 Construction Fund, and $3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund; **(3)** receipt and deposit of grant funds for reimbursement of eligible costs of each project in an amount not to exceed $1,000,000.00 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, $5,025,000.00 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, and $3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund; and **(4)** execution of the grant agreements and all terms, conditions, and documents required by the grant agreements - Total not to exceed $9,991,149.00 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

BACKGROUND

On May 23, 2018, City Council authorized a resolution of authorization for the application for and acceptance of two grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed $15,000,000.00 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of $1,000,000.00 and Rehabilitation of Taxiway B Phase II (Runway 13L to

Runway 18-36) Construction Project and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in an approximate amount of $14,000,000.00.

Instead of two grant agreements as originally expected, the FAA issued separate grant agreements in the total amount not to exceed $9,991,149.00 for each of the three projects to the Department of Aviation, Capital Development Division as follows:

- AIP Grant Number 3-48-0062-054-2018 - Rehabilitate Taxiway B - Phase II, in the amount of $5,025,000.00
- AIP Grant Number 3-48-0062-055-2018 - Reconstruct Runway 13R/31L- Design, in the amount of $3,966,149.00
- AIP Grant Number 3-48-0062-056-2018 - Airfield Pavement Evaluation Study, in the amount of $1,000,000.00

As part of the FAA AIP, all large and medium hub airports (Dallas Love Field is considered a medium hub) are apportioned grants to airports annually based on annual passenger enplanements. These grant funds are referred to as Entitlement Grants. Dallas Love Field was allocated Entitlement Grant Funds for Federal Fiscal Year 2018 in the amount of $2,646,149.00. FAA Entitlement Grant funds may pay for airfield, taxiway, runway improvement projects and other eligible projects included in the Dallas Love Field Master Plan. Dallas Love Field has consistently received FAA Entitlement Grants annually.

The FAA allocated additional FAA Discretionary Grant funds for the Federal Fiscal Year 2018 FAA disbursement for eligible projects at Dallas Love Field. Discretionary Grant Funds are issued by the FAA for specific projects as funds become available. FAA Entitlement Grants and Discretionary Grants were available in August 2018.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

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

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

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

On May 23, 2018, City Council authorized the application for and acceptance of two grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) and Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) by Resolution No. 18-0734.

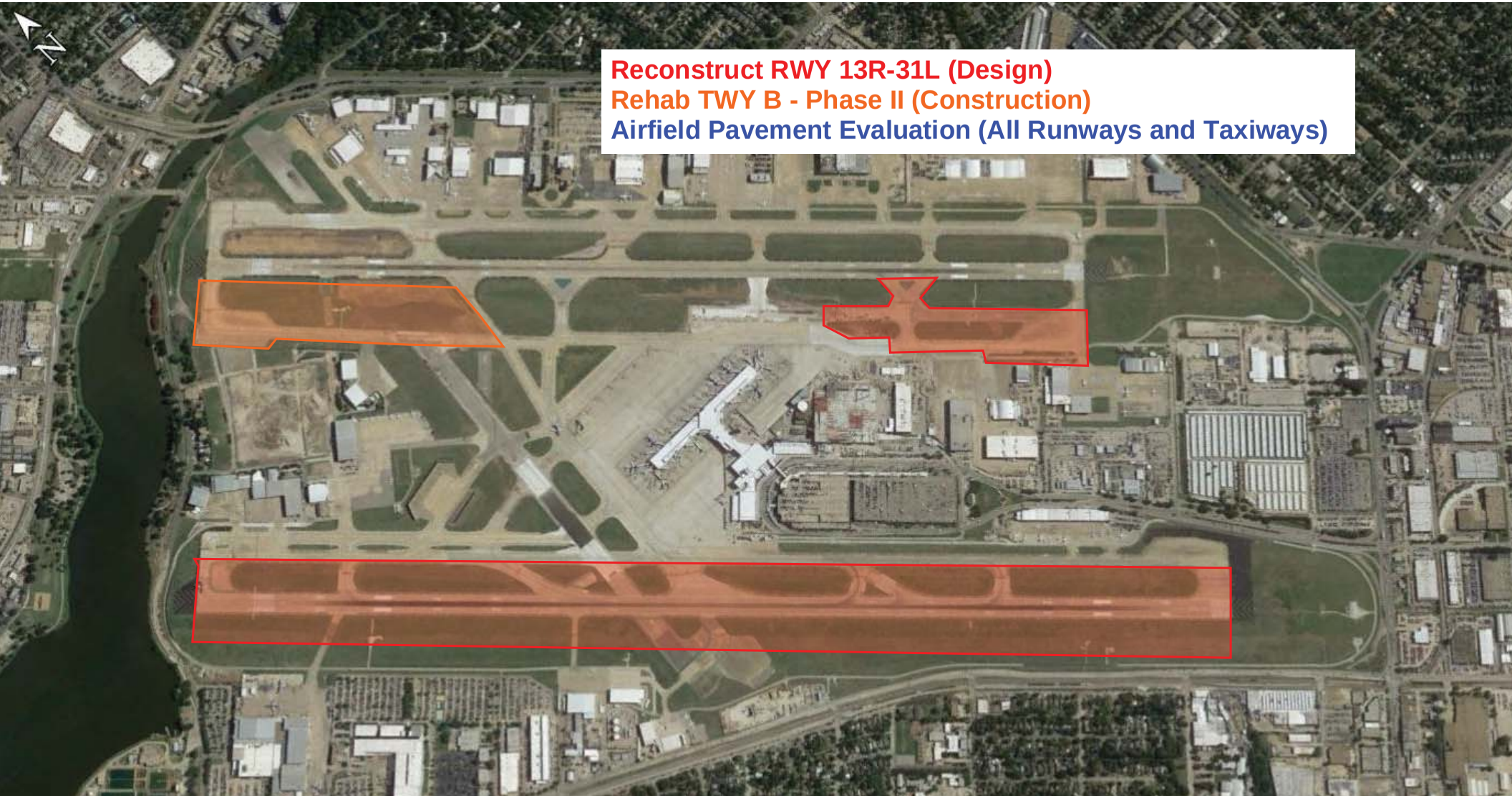
Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on November 26, 2018.

FISCAL INFORMATION

Federal Aviation Administration Airport Improvement Program Grant Funds - $9,991,149.00

MAP

Attached


N
Reconstruct RWY 13R-31L (Design)
Rehab TWY B - Phase II (Construction)
Airfield Pavement Evaluation (All Runways and Taxiways)

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

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

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

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

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

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

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

November 28, 2018

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

WHEREAS, on May 23, 2018, City Council authorized the application for and acceptance of two grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed $15,000,000.00 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of $1,000,000.00 and Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in an approximate amount of $14,000,000.00 by Resolution No. 18-0734; and

WHEREAS, it is now desirable to authorize an amendment to Resolution No. 18-0734, previously approved on May 23, 2018, for the acceptance of three grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed $9,991,149.00 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-056-2018, CFDA No. 20.106) in the amount of $1,000,000.00, Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project (Grant No. 3-48-0062-054-2018, CDFA No. 20.106) in the amount of $5,025,000.00, and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in the amount of $3,966,149.00, and to accept reimbursement funds from the FAA for the eligible costs of each project.

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. 18-0734, previously approved on May 23, 2018, to accept three grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA), for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed $9,991,149.00 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-056-2018, CFDA No. 20.106) in the amount of $1,000,000.00, Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project (Grant No. 3-48-0062-054-2018, CDFA No. 20.106) in the amount of $5,025,000.00, and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in the amount of $3,966,149.00.00; and execute the three grant agreements and all terms, conditions, and documents required by the grant agreements, approved as to form by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $1,000,000.00 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, Fund F549, Department AVI, Unit W214, Object 4111.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for reimbursement in an amount not to exceed $1,000,000.00 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, Fund F549, Department AVI, Unit W214, Revenue Code 9907.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $1,000,000.00 from the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, Fund F549, Department AVI, Unit W214, Activity AAIP, Program AV PMT, Object 4111.

SECTION 5. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $5,025,000.00 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, Fund F550, Department AVI, Unit W121, Object 4599.

SECTION 6. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for reimbursement in an amount not to exceed $5,025,000.00 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, Fund F550, Department AVI, Unit W121, Revenue Code 9907.

SECTION 7. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $5,025,000.00 from the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, Fund F550, Department AVI, Unit W121, Activity AAIP, Program AVIW121, Object 4599.

SECTION 8. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund, Fund F563, Department AVI, Unit D019, Object 4111.

SECTION 9. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for reimbursement in an amount not to exceed $3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund, Fund F563, Department AVI, Unit D019, Revenue Code 9907.

SECTION 10. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund, Fund F563, Department AVI, Unit D019, Activity AAIP, Program AVID019, Object 4111.

SECTION 11. That the City Manager is hereby authorized to reimburse to the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 12. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

SECTION 13. That the contract for the FAA AIP Grant-Airfield Pavement Evaluation 2018 Project is designated as Contract No. AVI-2018-00006327.

SECTION 14. That the contract for the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Project is designated as Contract No. AVI-2018-00004771.

SECTION 15. That the contract for the FAA Grant-Runway 13R-31L Reconstruction Design Project is designated as Contract No. AVI-2018-00005887.

SECTION 16. 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 #: 18-1129 **Item #:** 6.

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	November 28, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	Department of Human Resources
EXECUTIVE:	Kimberly Bizor Tolbert

SUBJECT

Authorize a contract with Dallas Area Rapid Transit for the purchase of 289 annual passes in support of the City's clean air initiative - Not to exceed $221,760.00 - Financing: General Fund ($161,760.00 to be reimbursed by participating employees)

BACKGROUND

The Dallas Area Rapid Transit (DART) annual pass program is designed to increase DART ridership through a reduced fare to program participants. Passes allow unlimited transportation for a full calendar year (7 days per week) on DART bus, rail and commuter rail routes. It is expected to increase the use of public transportation by City employees, thereby decreasing automobile emissions.

Increasing City employees' use of mass transportation is part of the City's clean air strategies. The 2019 program will be effective January 1, 2019 through December 31, 2019.

The DART Pass Program is open to permanent civilian and uniformed Fire employees. Uniformed Police employees already ride free of charge on DART transportation routes. The City will purchase approximately 289 annual bus passes which will be partially reimbursed by participating employees through payroll deductions beginning January 4, 2019 through December 20, 2019. The City's subsidy will not exceed $60,000.00.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 12, 2014, City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 312 annual passes in support of the City's 2015 clean air initiative by Resolution No. 14-1975.

On November 10, 2015, City Council authorized a contract with Dallas Area Rapid Transit for the

purchase of 253 annual passes in support of the City's 2016 clean air initiative by Resolution No. 15-2017.

On November 9, 2016, City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 265 annual passes in support of the City's 2017 clean air initiative by Resolution No. 16-1803.

On October 25, 2017, City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 277 annual passes in support of the City's 2018 clean air initiative by Resolution No. 17-1654.

Information about this item will be provided to the Quality of Life, Arts & Culture Committee on November 26, 2018.

FISCAL INFORMATION

General Fund - $221,760.00 (to be partially reimbursed by participating employees; employees contribution will be $161,760.00)

OWNER

Dallas Area Rapid Transit

Gary Thomas, President and Executive Director

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WHEREAS, on November 12, 2014, City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 312 annual passes in support of the City's 2015 clean air initiative by Resolution No. 14-1975; and

WHEREAS, on November 10, 2015, City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 253 annual passes in support of the City's 2016 clean air initiative by Resolution No. 15-2071; and

WHEREAS, on November 9, 2016, City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 265 annual passes in support of the City's 2017 clean air initiative by Resolution No. 16-1803; and

WHEREAS, on October 25, 2017, City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 277 annual passes in support of the City's 2018 clean air initiative by Resolution No. 17-1654; and

WHEREAS, it is the City's desire to execute a contract for the 2019 Calendar Year with Dallas Area Rapid Transit to purchase 289 annual passes, the cost of which will be partially reimbursed through employee payroll deductions.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a contract with Dallas Area Rapid Transit, approved as to form by the City Attorney, for the purchase of 289 annual passes in support of the City's clean air initiative.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $221,760.00 (to be partially reimbursed through employee payroll deductions) to Dallas Area Rapid Transit from Fund 0001, Department PER, Unit 1436, Object 3532, Encumbrance/Contract No. PER-2018-00004131, Vendor 232802 for the purchase of 289 annual passes, on behalf of City employees.

SECTION 3. That the Chief Financial Officer is hereby authorized to make employee payroll deductions in an amount not to exceed $161,760.00 to reimburse the City to Fund 0001, Department PER, Unit 1436, Object 3532.

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 #: 18-1231 **Item #:** 7.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with DSGN Associates, Inc. for architectural, engineering design, and construction administration services for the Vickery Meadow Community Court to be located at 6742 Greenville Avenue - Not to exceed $131,266.00 - Financing: FY 2016-17 Community Development Block Grant Funds

BACKGROUND

This action will authorize a professional services contract with DSGN Associates, Inc. to provide architectural, engineering design, and construction administration services for renovation of the de-commissioned former Fire Station 37 into a community services facility, including a Community Court for the City Attorney's Office. Scope of services under this contract will include schematic design, design development, construction documents, bid evaluation, and construction administration, along with development of specifications for furniture, furnishings and equipment. This facility will be designed to meet 2030 Challenge target level reductions in energy consumption from fossil-fuel based sources.

Funding for design and construction for re-purposing of this facility is to be provided through a Community Development Block Grant. The completed facility will house not-for-profit organizations providing social services to residents of the Vickery Meadow neighborhood as well as office and supporting space functions for Code Compliance, Community Prosecution and Community Court.

DSGN Associates, Inc. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	December 2018
Complete Design	May 2019
Begin Construction	September 2019

Complete Construction July 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 8, 2017, City Council held a public hearing to receive comments regarding an application for and an ordinance for a Planned Development District, No. 984, for MU-3 Mixed Use District uses and a utility or government installation other than listed limited to a courthouse and offices on property zoned an MU-3 Mixed Use District and Specific Use Permit No. 1507 for a radio, television or microwave tower on the southeast corner of Greenville Avenue and Blackwell Street by Resolution No. 17-0283.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on November 26, 2018.

FISCAL INFORMATION

FY 2016-17 Community Development Block Grant Funds - $131,266.00

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 $
$131,266.00	Architecture & Engineering	25.66%	34.59%	$45,410.00
• This contract exceeds the M/WBE goal.				

OWNER

DSGN Associates, Inc.

Robert Meckfessel, Principal

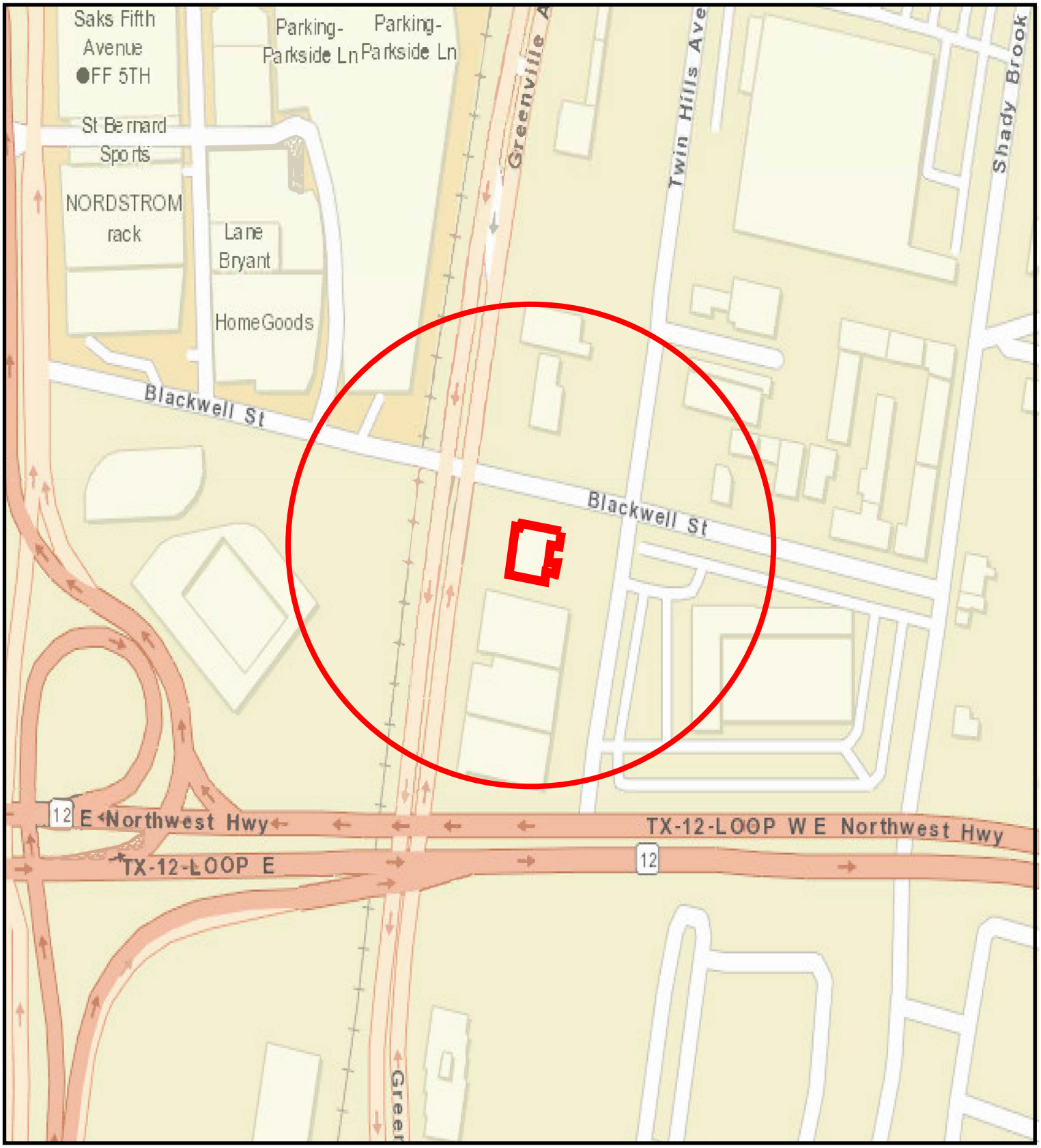
MAP

Attached

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VICKERY MEADOW COMMUNITY COURT

6742 GREENVILLE AVENUE



COUNCIL DISTRICT 13

November 28, 2018

WHEREAS, in 1954, the City completed construction and began operation of a new fire station located at 6742 Greenville Avenue; and

WHEREAS, in the 2006 Bond Program, the citizens of Dallas approved funding for land acquisition, design and construction of a replacement facility for Fire Station 37 located at 6742 Greenville Avenue; and

WHEREAS, on February 8, 2017, Resolution No. 17-0283 authorized an ordinance granting Planned Development District 984 for city-owned property located at 6742 Greenville Avenue, for courthouse and office uses; and

WHEREAS, at the conclusion of a selection process conducted by City staff, DSGN Associates, Inc. was chosen as the most qualified firm to provide architectural services for adaptive re-use of this existing facility; and

WHEREAS, it is now desirable to authorize a professional services contract with DSGN Associates, Inc. for architectural and engineering design and construction administration services for the Vickery Meadow Community Court facility located at 6742 Greenville Avenue, in an amount not to exceed $131,266.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with DSGN Associates, Inc., approved as to form by the City Attorney, to provide architectural and engineering design and construction administration services for the Vickery Meadow Community Court facility located at 6742 Greenville Avenue, in an amount not to exceed $131,266.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $131,266.00 to DSGN Associates, Inc. in accordance with the terms and conditions of the contract from the FY 2016-17 Community Development Block Grant, Fund CD16, Department ATT, Unit 594A, Object 4112, Program PB06W141, Activity HO97, Encumbrance/Contract No. CX-PBW-2019-00008281, Vendor 335615.

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 #: 18-1052 **Item #:** 8.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 12

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Solaray Engineering, Inc. for the engineering design of Alley Reconstruction Group 17-1204 (list attached to the Agenda Information Sheet) - Not to exceed $219,441.88 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

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

This action will authorize a professional services contract with Solaray Engineering, Inc. for the engineering design of five alley reconstruction projects as Alley Reconstruction Group 17-1204. The alley reconstruction projects will include replacing the existing deteriorating concrete alleys with new reinforced concrete alley pavement, and storm drainage improvements.

Following are the locations and design costs for each project:

Alley Reconstruction Improvements

Project	Council District	Amount
7607-7777 La Sobrina Drive and 7624-7772 Querida Lane	12	$62,734.94
7620-7768 La Manga Drive and 7625-7771 Querida Lane	12	$51,756.24
7805-7871 La Verdura Drive		

and 7806-7846 El Pastel Drive	12	$33,536.40
7805-7887 Querida Lane and 7808-7858 La Manga Drive	12	$31,481.00
7806-7870 Querida Lane and 7807-7867 La Sobrina Drive	12	$39,933.30

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	December 2019
Begin Construction	April 2020
Complete Construction	December 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on November 26, 2018.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $219,441.88

Estimated Future Cost - Construction - $1,503,977.20

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 $
$219,441.88	Architecture & Engineering	25.66%	100.00%	$219,441.88
• This contract exceeds the M/WBE goal.				

OWNER

Solaray Engineering, Inc.

Javier Chavira, President

MAPS

Attached

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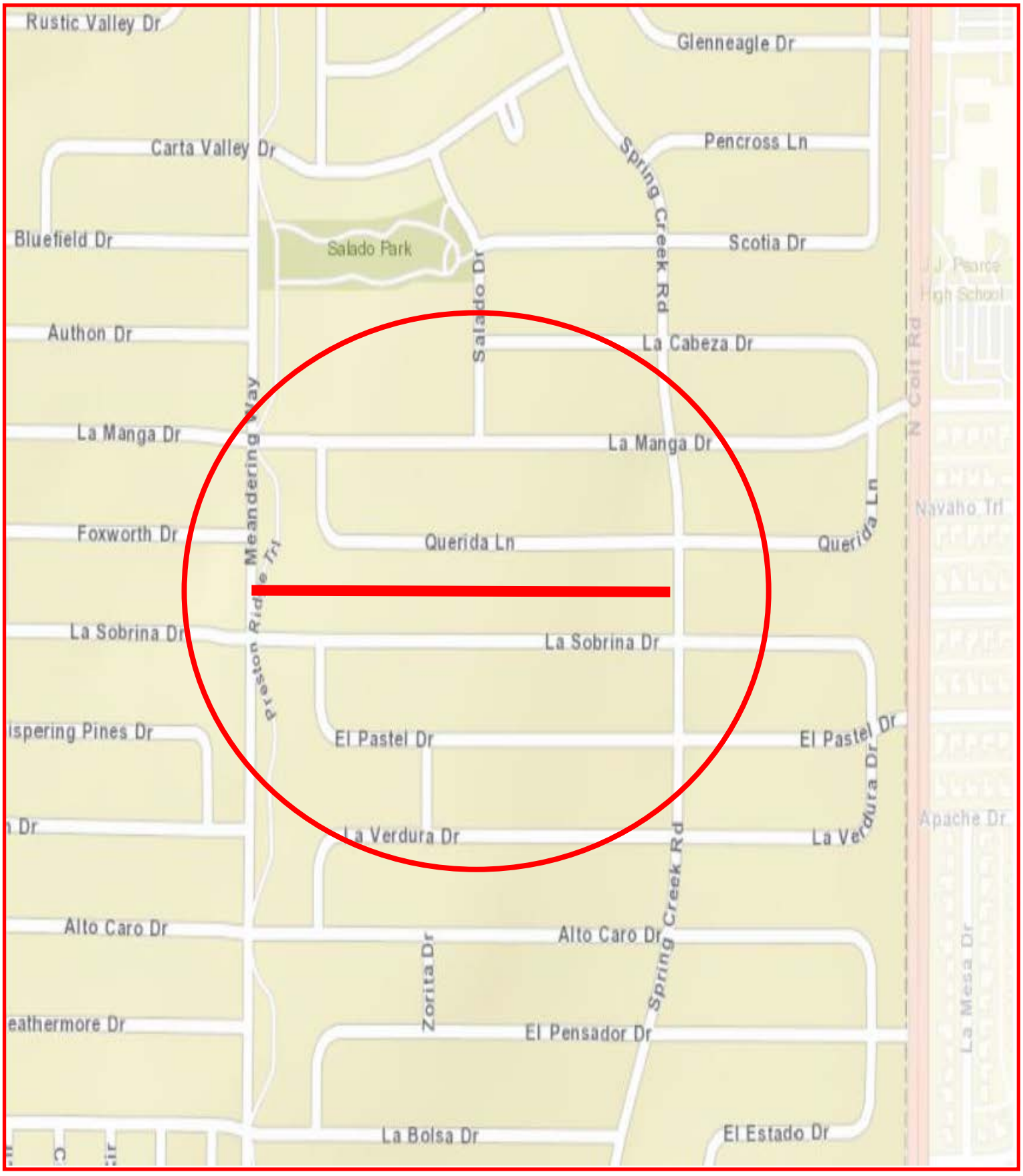
Alley Reconstruction Group 17-1204

Alley Reconstruction Improvements

Project	Council District
La Sobrina Drive (7607-7777) and Querida Lane (7624-7772)	12
La Manga Drive (7620-7768) and Querida Lane (7625-7771)	12
La Verdura Drive (7805-7871) and El Pastel Drive (7806-7846)	12
Querida Lane (7805-7887) and La Manga Drive (7808-7858)	12
Querida Lane (7806-7870) and La Sobrina Drive (7807-7867)	12

ALLEY RECONSTRUCTION

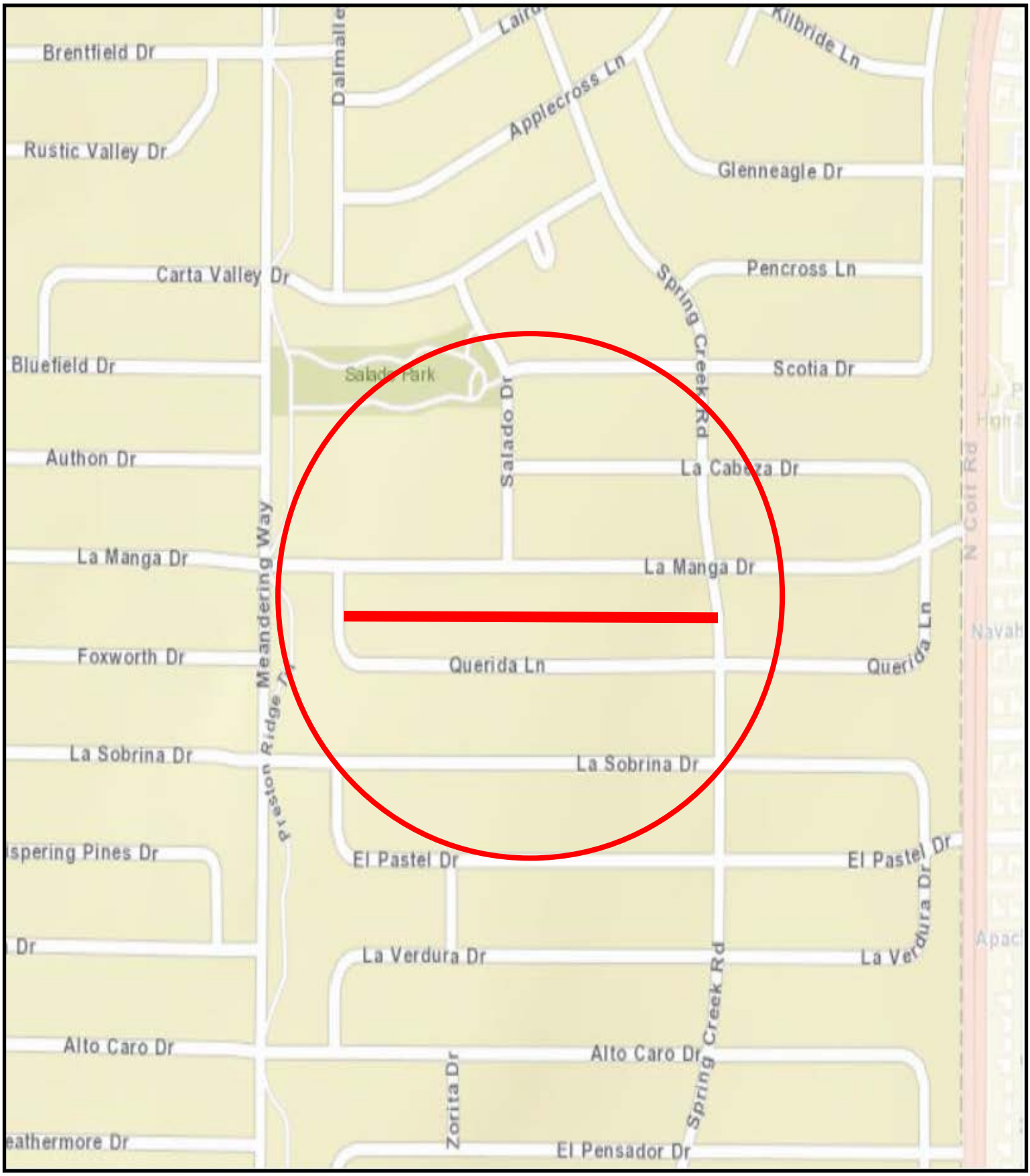
7607-7777 LA SOBRINA DRIVE & 7624-7772 QUERIDA LANE



COUNCIL DISTRICT 12

ALLEY RECONSTRUCTION

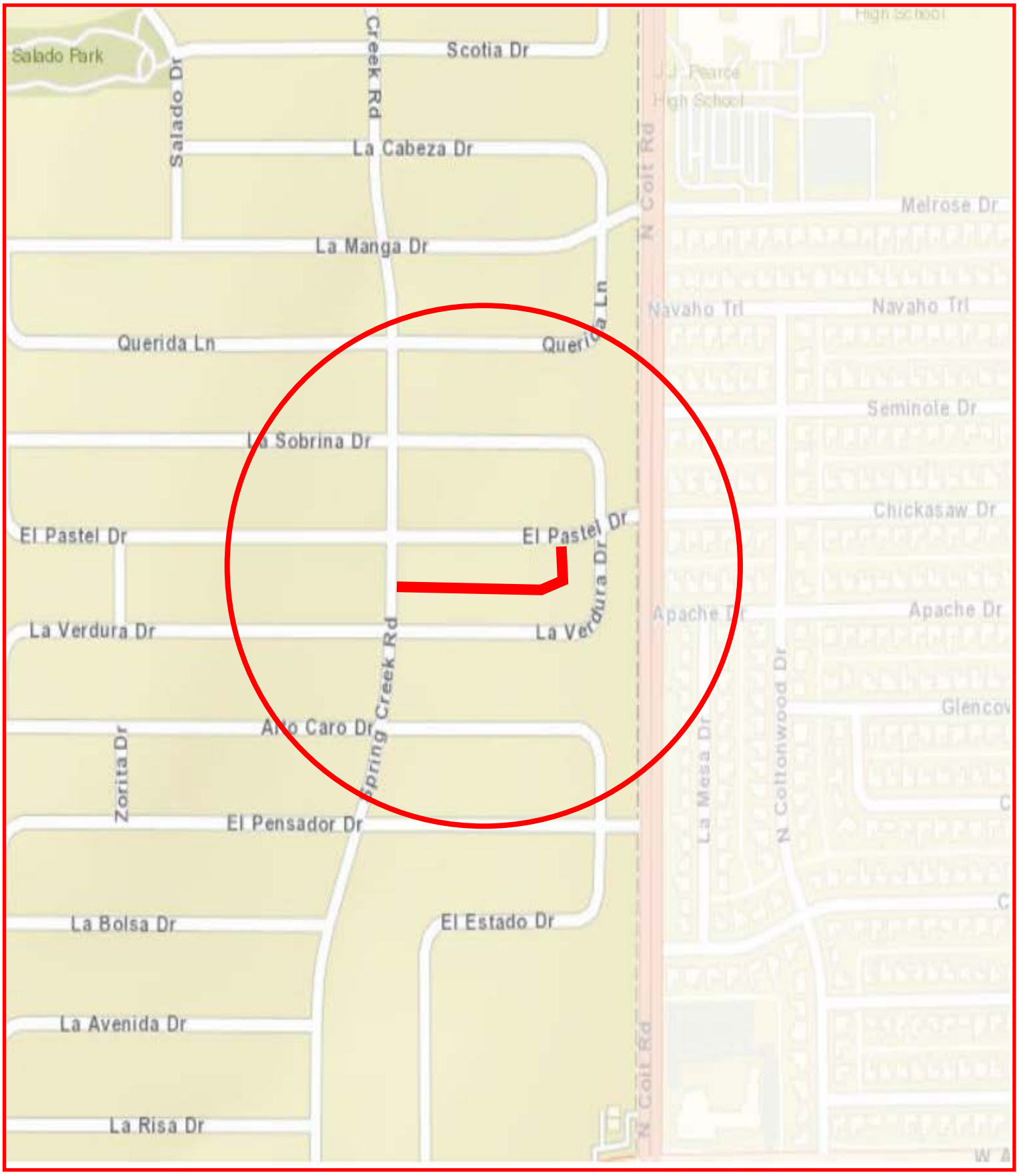
7620-7768 LA MANGA DRIVE & 7625-7771 QUERIDA LANE



COUNCIL DISTRICT 12

ALLEY RECONSTRUCTION

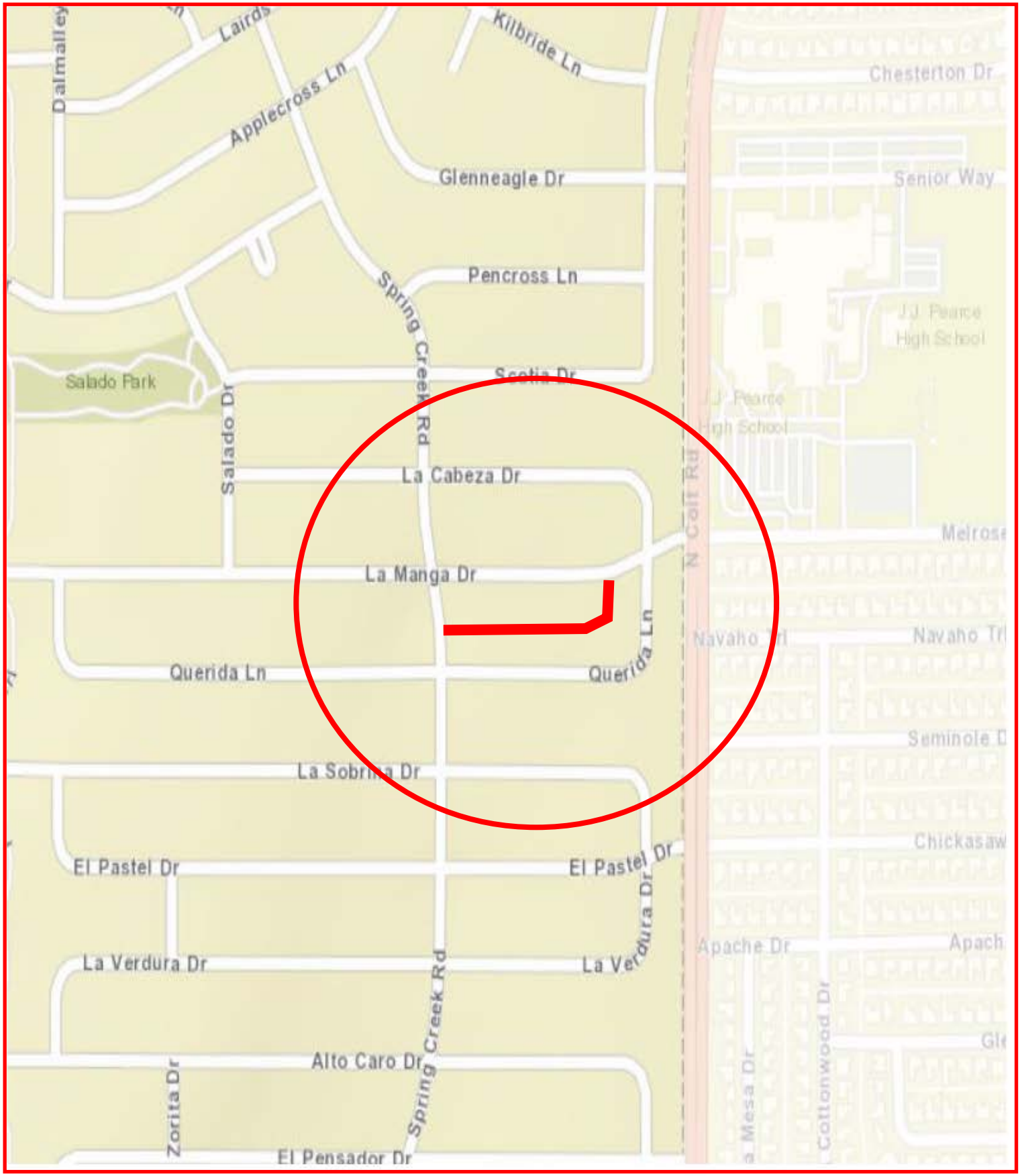
7805-7871 LA VERDURA DRIVE & 7806-7846 EL PASTEL DRIVE



COUNCIL DISTRICT 12

ALLEY RECONSTRUCTION

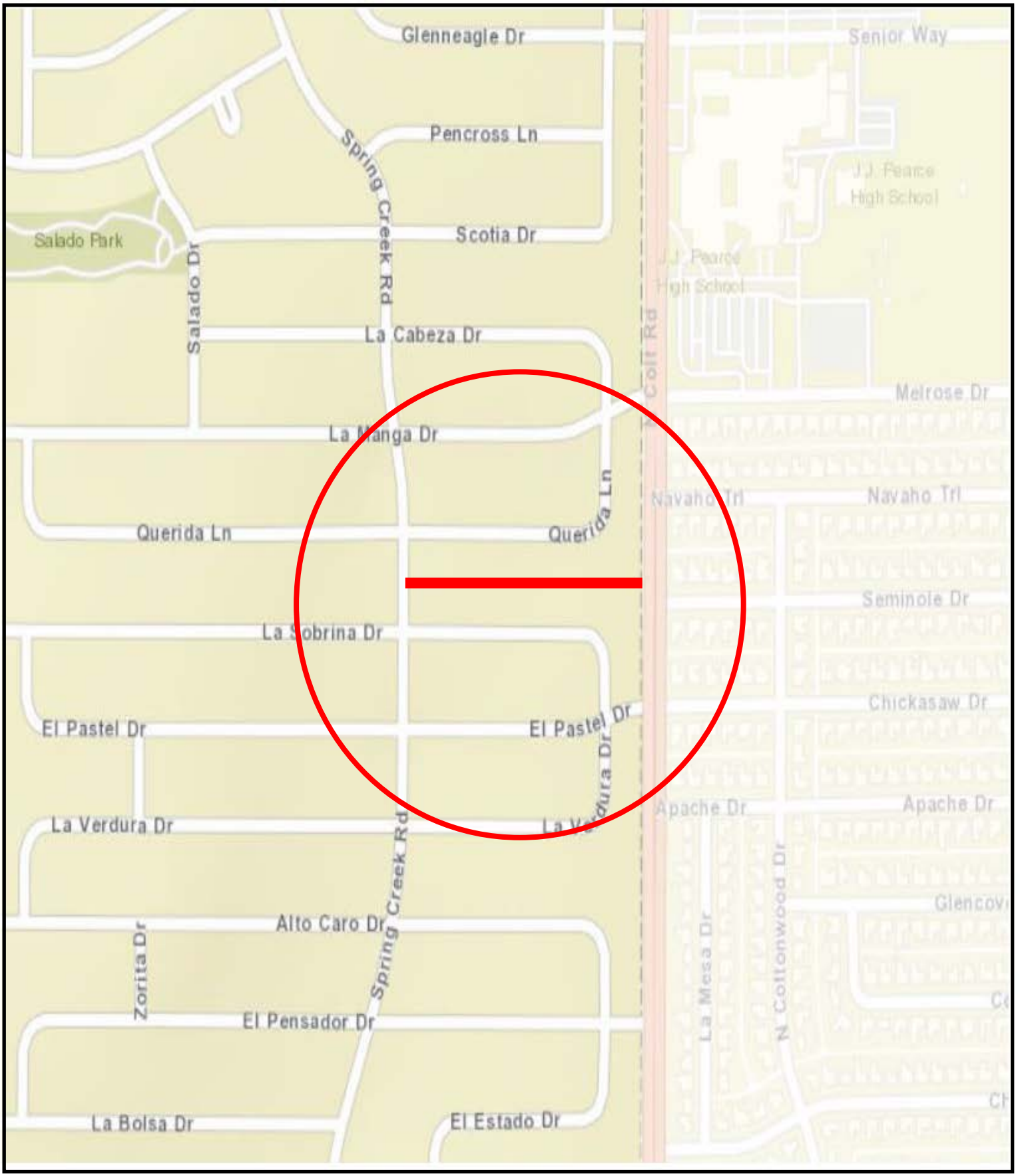
7805-7887 QUERIDA LANE & 7808-7858 LA MANGA DRIVE



COUNCIL DISTRICT 12

ALLEY RECONSTRUCTION

7806-7870 QUERIDA LANE & 7807-7867 LA SOBRINA DRIVE



COUNCIL DISTRICT 12

WHEREAS, Solaray Engineering, Inc. was selected to provide engineering design for Alley Reconstruction Group 17-1204.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Solaray Engineering, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $219,441.88.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract:

Solaray Engineering, Inc. for the engineering design of alley reconstruction projects between: La Sobrina Drive (7607-7777) and Querida Lane (7624-7772); La Manga Drive (7620-7768) and Querida Lane (7625-7771); La Verdura Drive (7805-7871) and El Pastel Drive (7806-7846); Querida Lane (7805-7887) and La Manga Drive (7808-7858); and Querida Lane (7806-7870) and La Sobrina Drive (7807-7867):

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V108, Activity AREC Object 4111, Program PB17V108 Encumbrance/Contract No. CX-PBW-2019-00008238 Vendor VS0000071399	$ 62,734.94
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V109, Activity AREC Object 4111, Program PB17V109 Encumbrance/Contract No. CX-PBW-2019-00008238 Vendor VS0000071399	$ 51,756.24
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V110, Activity AREC Object 4111, Program PB17V110 Encumbrance/Contract No. CX-PBW-2019-00008238 Vendor VS0000071399	$ 33,536.40
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V111, Activity AREC Object 4111, Program PB17V111 Encumbrance/Contract No. CX-PBW-2019-00008238 Vendor VS0000071399	$ 31,481.00

SECTION 2. (continued)

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V112, Activity AREC	
Object 4111, Program PB17V112	
Encumbrance/Contract No. CX-PBW-2019-00008238	
Vendor VS0000071399	$ 39,933.30
Total amount not to exceed	$219,441.88

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 #: 18-1145 **Item #:** 9.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Walter P. Moore & Associates, Inc. for the engineering design of Alley Reconstruction Group 17-7002 (list attached to the Agenda Information Sheet) - Not to exceed $232,813.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Walter P. Moore & 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 Walter P. Moore & Associates, Inc. for the engineering design of six alley reconstruction projects as Alley Reconstruction Group 17-7002. The alley reconstruction projects will include replacing the existing deteriorating concrete alleys with new reinforced concrete alley pavement and storm drainage improvements.

Following are the locations and design costs for each project:

Alley Reconstruction Improvements

Project	Council District	Amount
4804-4950 Ashbrook Road and 4803-4945 Chilton Drive	7	$47,134.00
5005-5207 Banting Way and 5411-5445 Enderly Place	7	$41,318.00
5107-5143 Breakwood Drive		

and 5116-5152 Colter Drive	7	$20,094.00
5303-5347 Blaney Way and 5204-5240 Banting Way	7	$38,387.00
5620-5832 Everglade Road and 5707-5861 Marview Lane	7	$52,875.00
7027-7203 Hunnicut Road and 7012-7108 Belteau Lane	7	$33,005.00

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	March 2020
Complete Construction	March 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on November 26, 2018.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $232,813.00

Estimated Future Cost - Construction - $1,558,210.50

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 $
$232,813.00	Architecture & Engineering	25.66%	37.24%	$86,703.00
• This contract exceeds the M/WBE goal.				

OWNER

Walter P. Moore & Associates, Inc.

Ernest L. Fields, P.E., Managing Director/Principal
Jeffrey J. Frison, P.E., Principal

MAPS

Attached

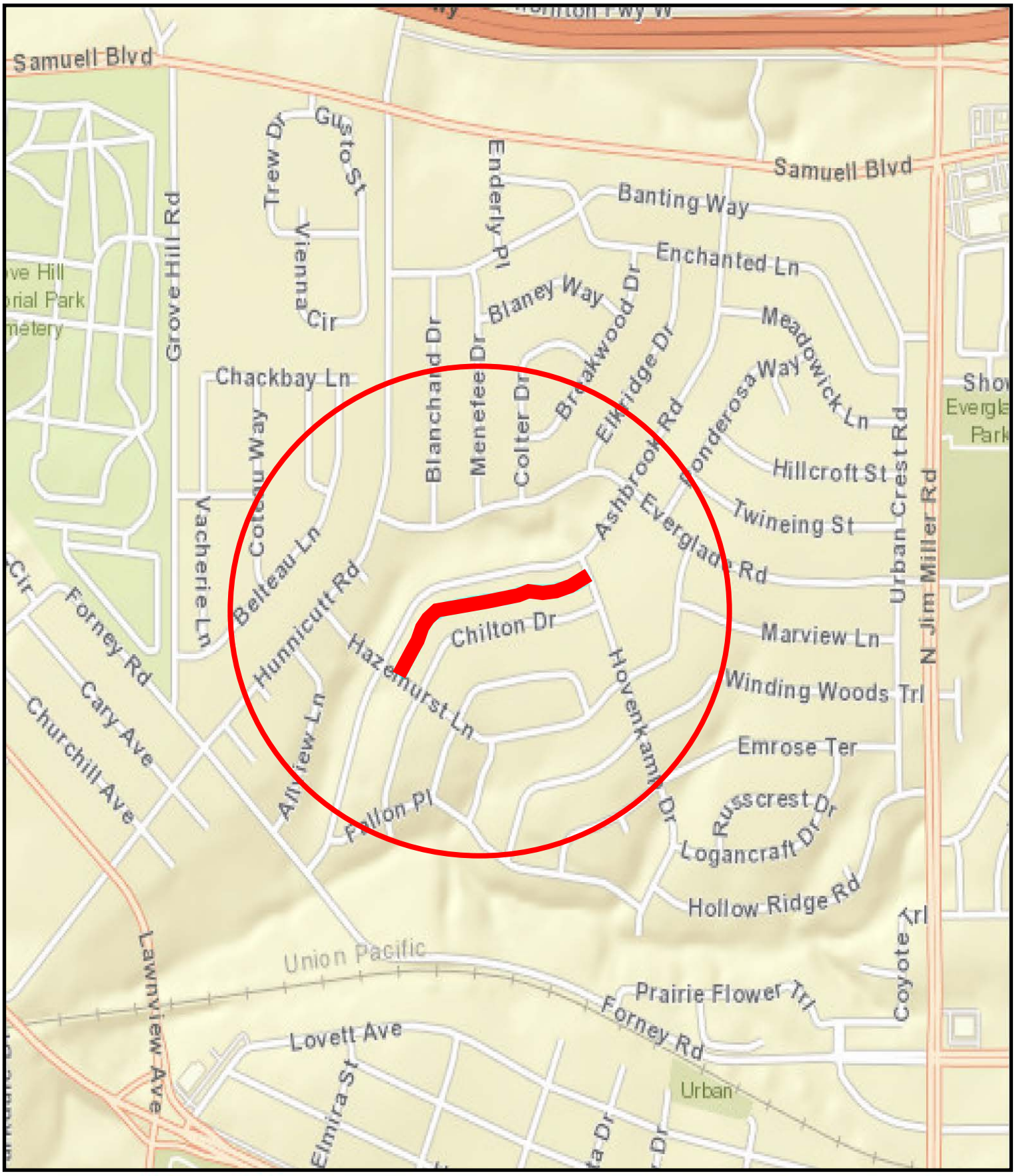
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Alley Reconstruction Group 17-7002

Alley Reconstruction Improvements

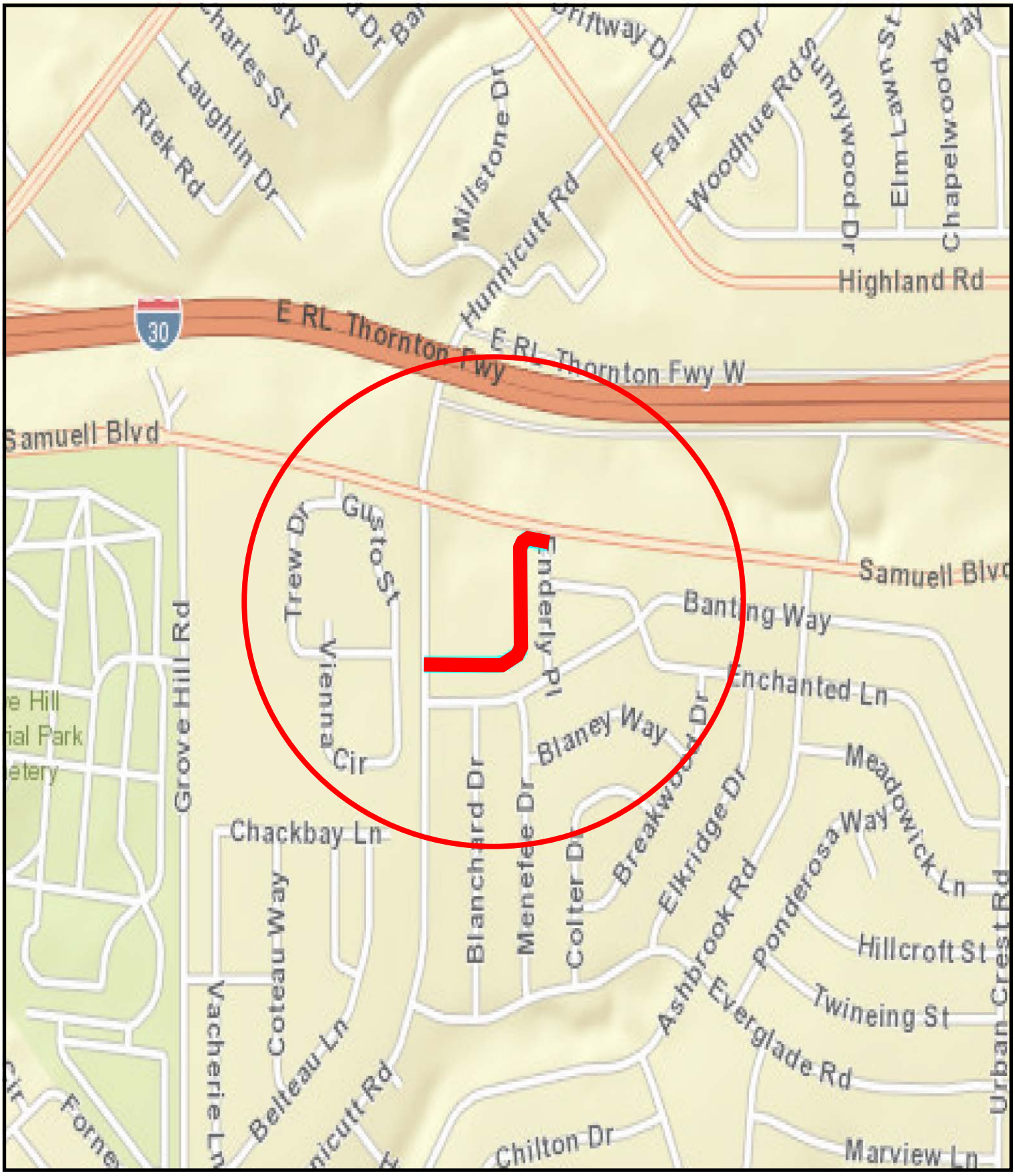
Project	Council District
Ashbrook Road (4804-4950) and Chilton Drive (4803-4945)	7
Banting Way (5005-5207) and Enderly Place (5411-5445)	7
Breakwood Drive (5107-5143) and Colter Drive (5116-5152)	7
Blaney Way (5303-5347) and Banting Way (5204-5240)	7
Everglade Road (5620-5832) and Marview Lane (5707-5861)	7
Hunnicut Road (7027-7203) and Belteau Lane (7012-7108)	7

ALLEY RECONSTRUCTION
4804-4950 ASHBROOK ROAD & 4803-4945 CHILTON DRIVE



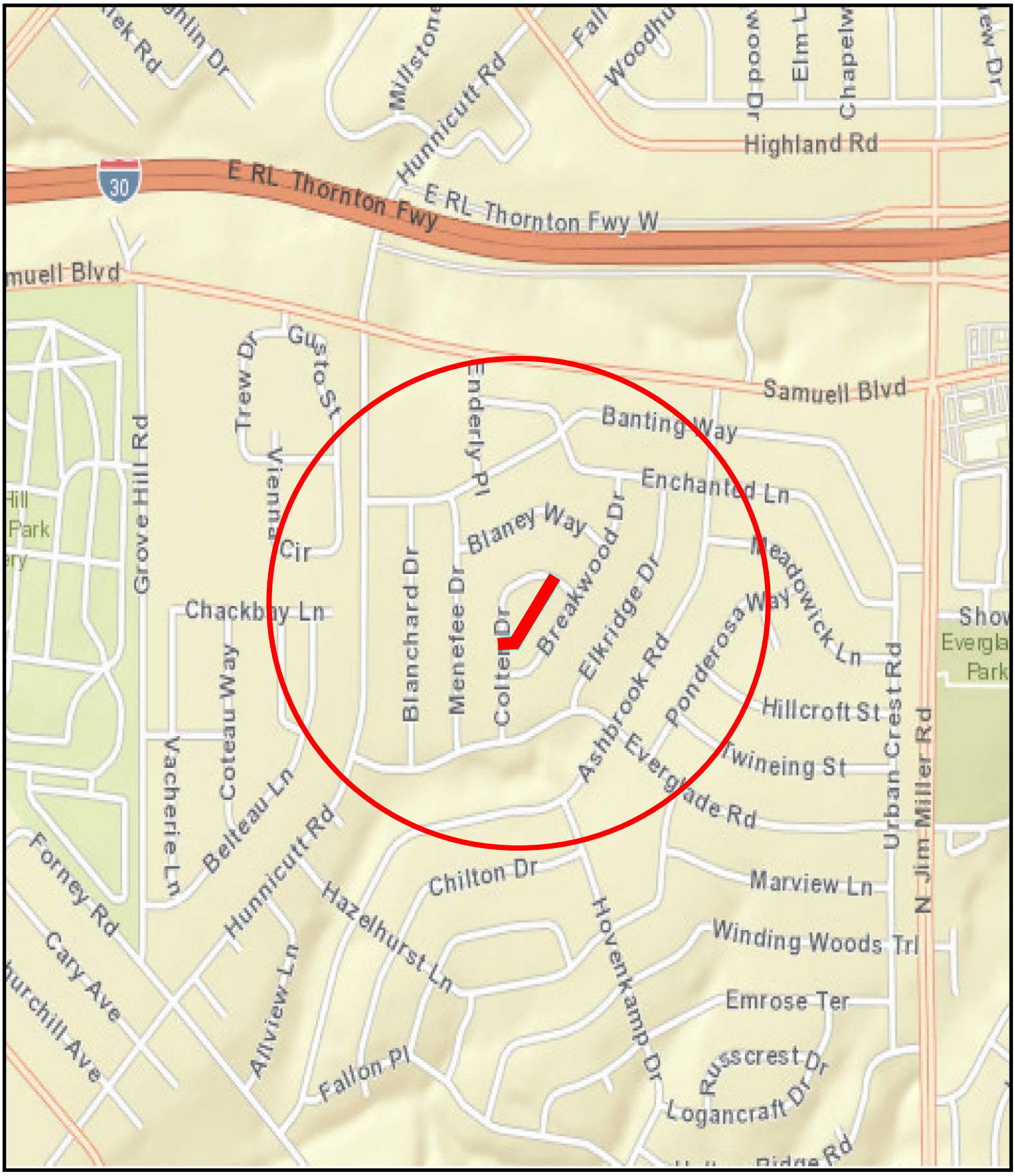
COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION
5005-5207 BANTING WAY & 5411-5445 ENDERLY PLACE



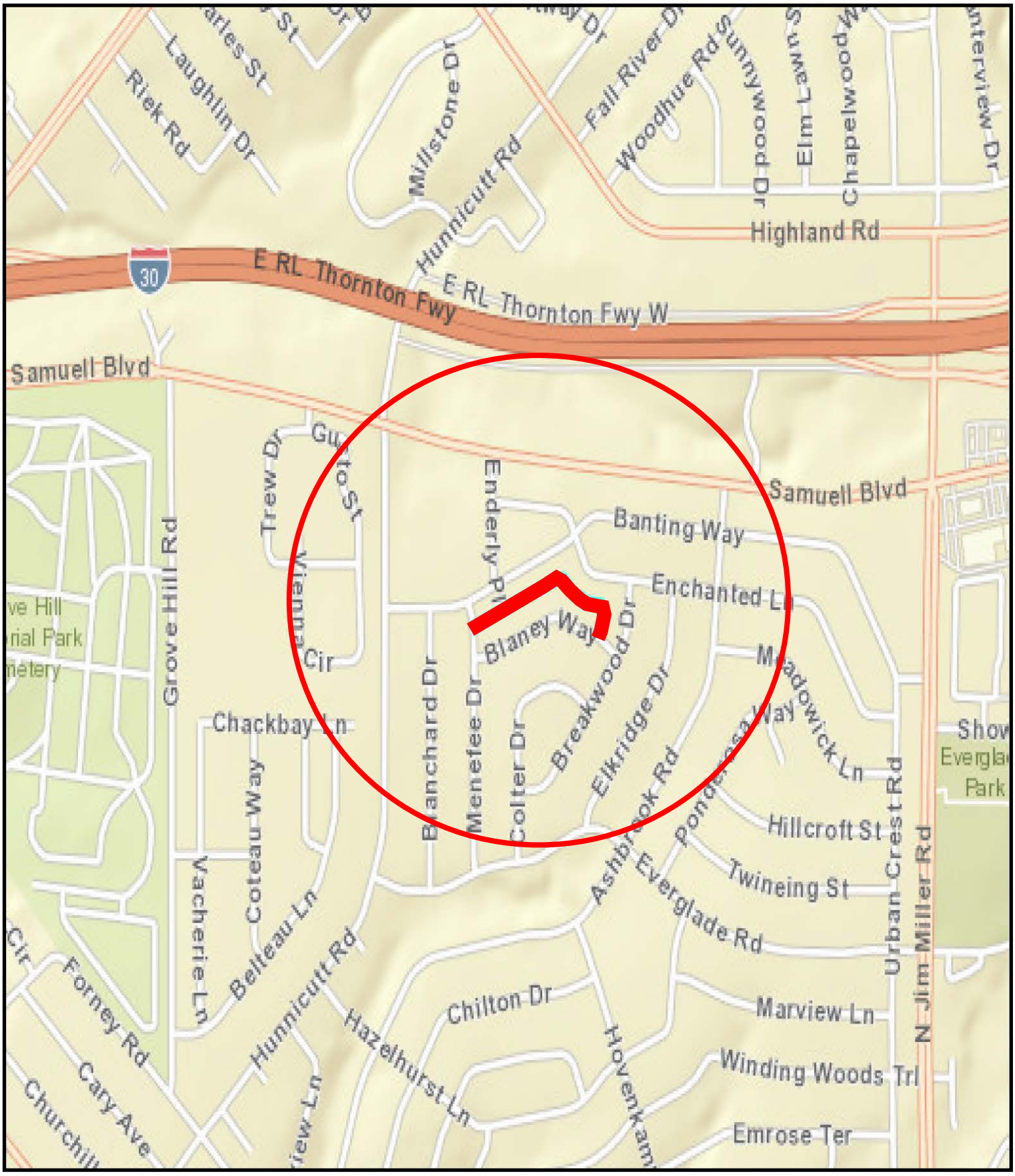
COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION
5107-5143 BREAKWOOD DRIVE & 5116-5152 COLTER DRIVE



COUNCIL DISTRICT 7

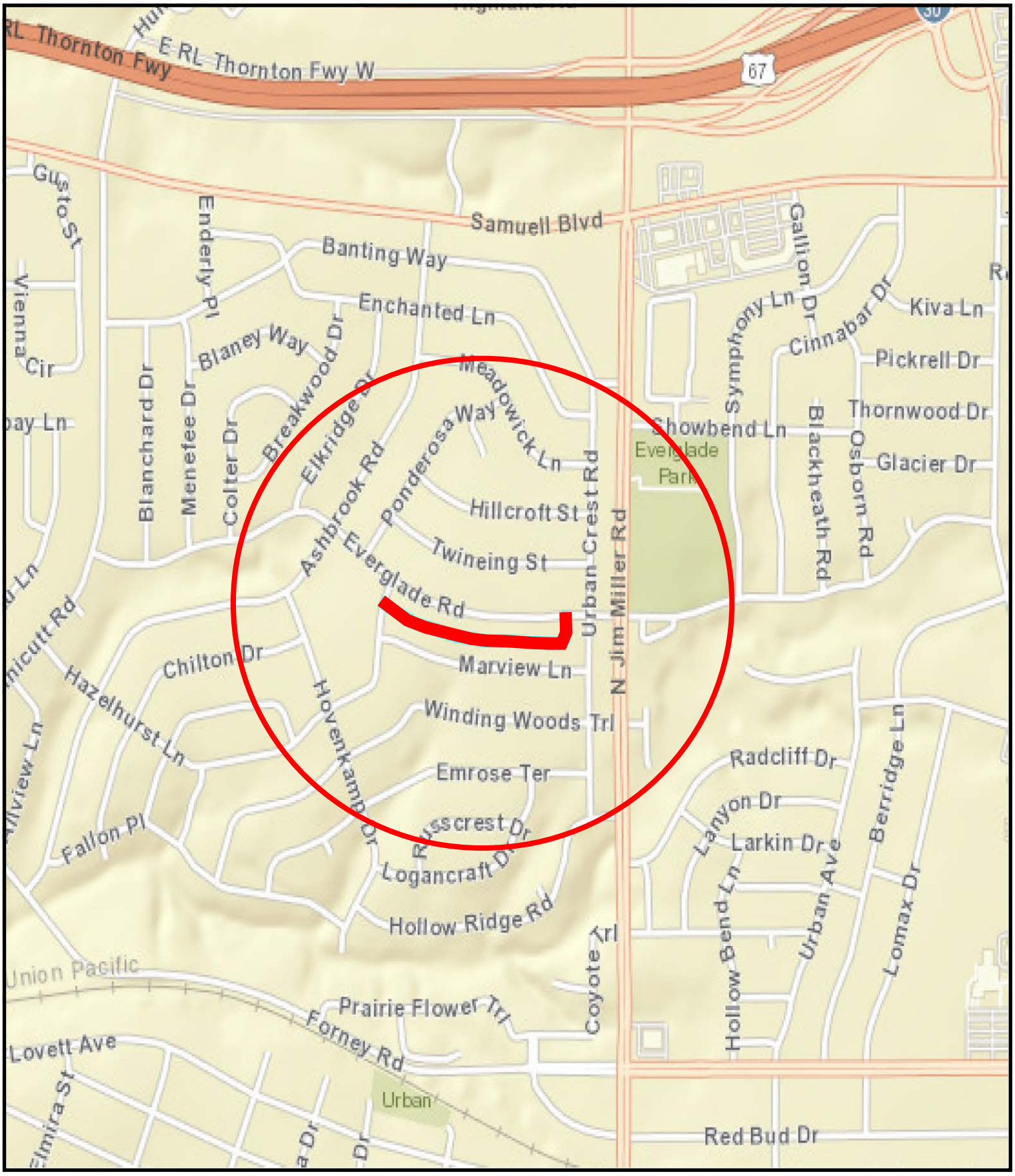
ALLEY RECONSTRUCTION
5303-5347 BLANEY WAY & 5204-5240 BANTING WAY



COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION

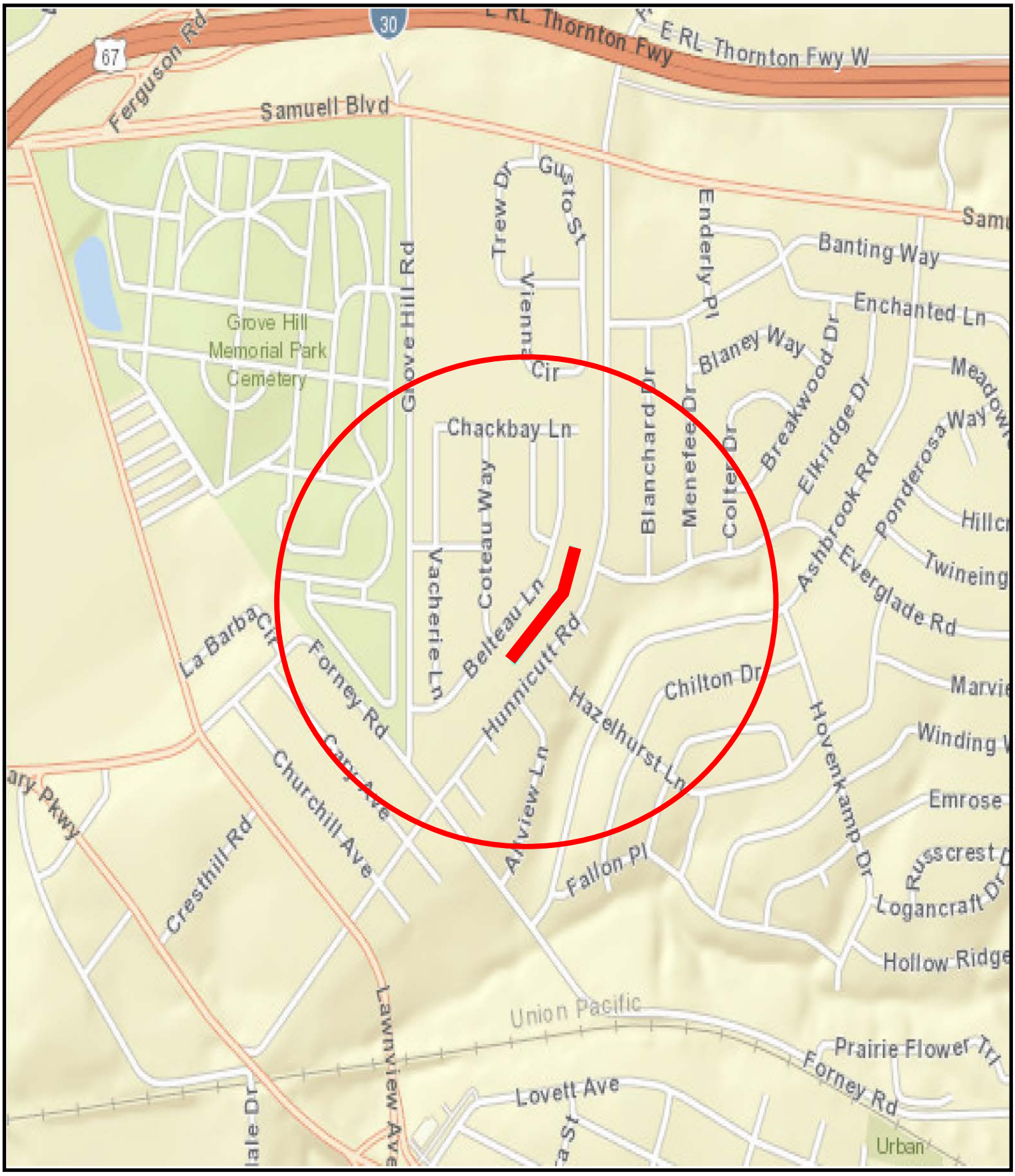
5620-5832 EVERGLADE ROAD & 5707-5861 MARVIEW LANE



COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION

7027-7203 HUNNICUT ROAD & 7012-7108 BELTEAU LANE



COUNCIL DISTRICT 7

November 28, 2018

WHEREAS, Walter P. Moore & Associates, Inc. was selected to provide engineering design for Alley Reconstruction Group 17-7002.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Walter P. Moore & Associates, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $232,813.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $232,813.00 in accordance with the terms and conditions of the contract:

Walter P. Moore & Associates, Inc. for the engineering design of alley reconstruction projects between: 4804-4950 Ashbrook Road and 4803-4945 Chilton Drive; 5005-5207 Banting Way and 5411-5445 Enderly Place; 5107-5143 Breakwood Drive and 5116-5152 Colter Drive; 5303-5347 Blaney Way and 5204-5240 Banting Way; 5620-5832 Everglade Road and 5707-5861 Marview Lane; and 7027-7203 Hunnicut Road and 7012-7108 Belteau Lane:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V049, Activity AREC Object 4111, Program PB17V049 Encumbrance/Contract No. CX-PBW-2019-00008339 Vendor 501930	$ 47,134.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V050, Activity AREC Object 4111, Program PB17V050 Encumbrance/Contract No. CX-PBW-2019-00008339 Vendor 501930	$ 41,318.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V051, Activity AREC Object 4111, Program PB17V051 Encumbrance/Contract No. CX-PBW-2019-00008339 Vendor 501930	$ 20,094.00

SECTION 2. (continued)

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V052, Activity AREC Object 4111, Program PB17V052 Encumbrance/Contract No. CX-PBW-2019-00008339 Vendor 501930	$ 38,387.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V054, Activity AREC Object 4111, Program PB17V054 Encumbrance/Contract No. CX-PBW-2019-00008339 Vendor 501930	$ 52,875.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V058, Activity AREC Object 4111, Program PB17V058 Encumbrance/Contract No. CX-PBW-2019-00008339 Vendor 501930	$ 33,005.00
Total amount not to exceed	$232,813.00

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

Agenda Information Sheet

File #: 18-1119 **Item #:** 10.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 6, 12

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Urban Engineers Group, Inc. for the engineering design of Street Reconstruction Group 17-1207 (list attached to the Agenda Information Sheet) - Not to exceed $320,949.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($273,949.50) and Water Utilities Capital Improvement Funds ($47,000.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Urban Engineers Group, 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 Urban Engineers Group, Inc. for the engineering design of three street reconstruction of thoroughfare projects as Street Reconstruction Group 17-1207. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Thoroughfares - Improvements

Project	Council District	Amount
Frankford Road (Westbound Lane Only) from City Limit to Appleridge Drive	12	$125,635.90
Canada Drive from Babcock Drive to Leesburg Street	6	$124,783.74

Davenport Road from Winding Creek Road to Creek Bend Road	12	$70,529.86

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 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 November 26, 2018.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $273,949.50
Water Utilities Capital Improvement Funds - $47,000.00

Estimated Future Cost - Construction - $2,955,805.94

Council District	Amount
6	$124,783.74
12	$196,165.76
Total	$320,949.50

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 $
$320,949.50	Architecture & Engineering	25.66%	100.00%	$320,949.50
• This contract exceeds the M/WBE goal.				

OWNER

Urban Engineers Group, Inc.

Fasial Syed, P.E., Principal-in-Charge

MAPS

Attached

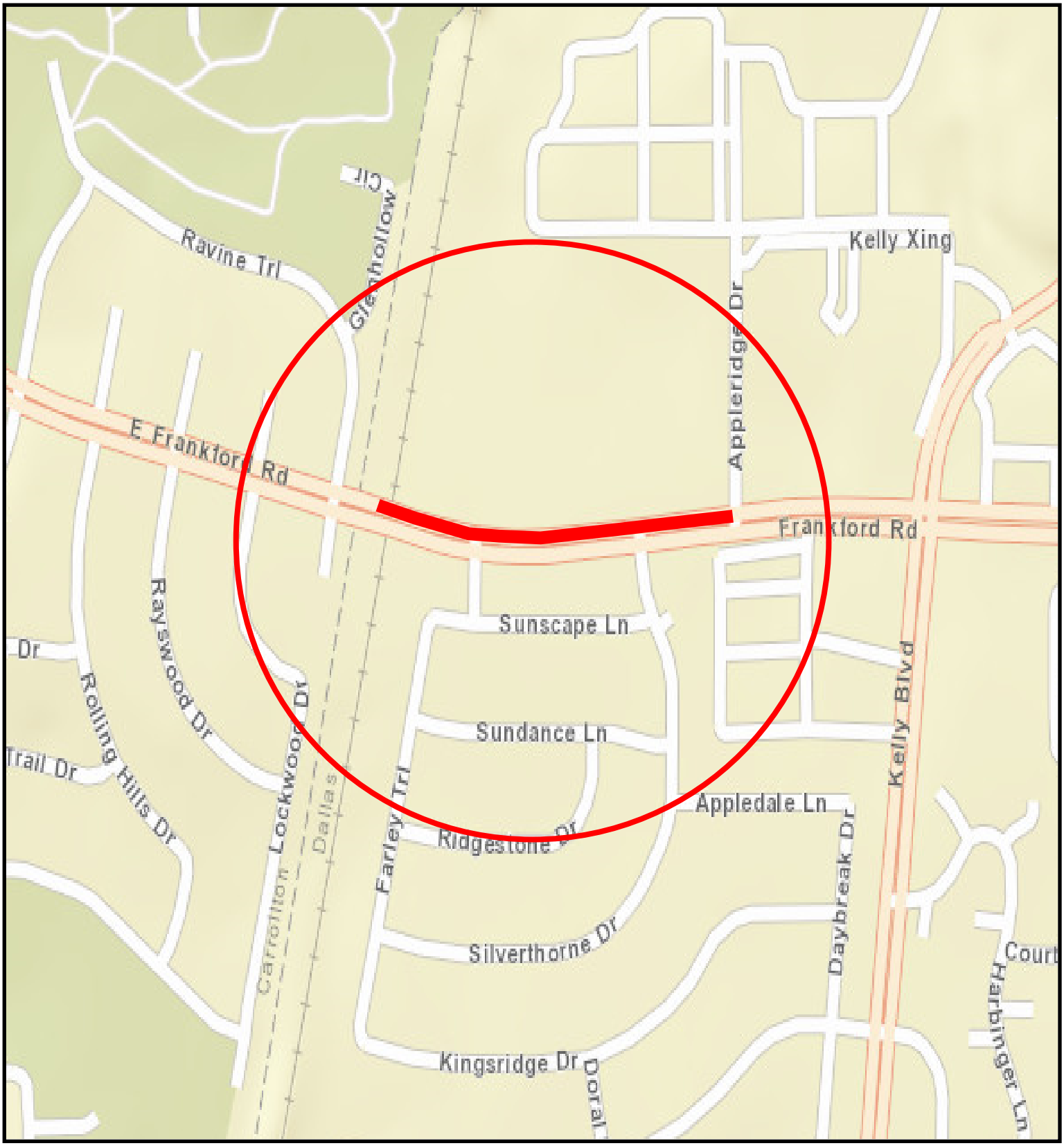
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Street Reconstruction Group 17-1207

Street Reconstruction - Thoroughfares - Improvements

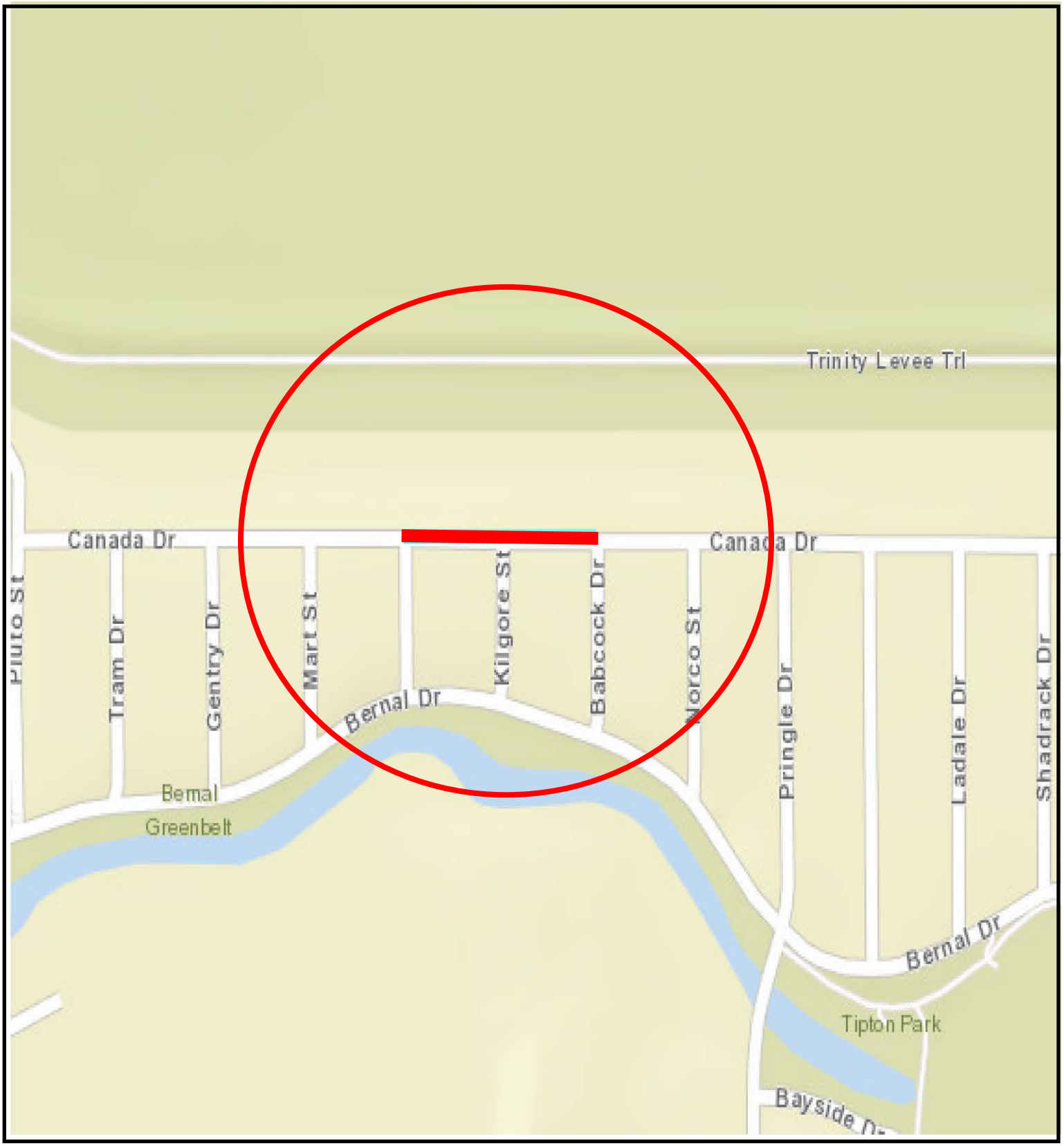
Project	Council District
Frankford Road (Westbound Lane Only) from City Limit to Appleridge Drive	12
Canada Drive from Babcock Drive to Leesburg Street	6
Davenport Road from Winding Creek Road to Creek Bend Road	12

STREET RECONSTRUCTION
FRANKFORD ROAD (WESTBOUND LANE ONLY)
FROM CITY LIMIT TO APPLERIDGE DRIVE



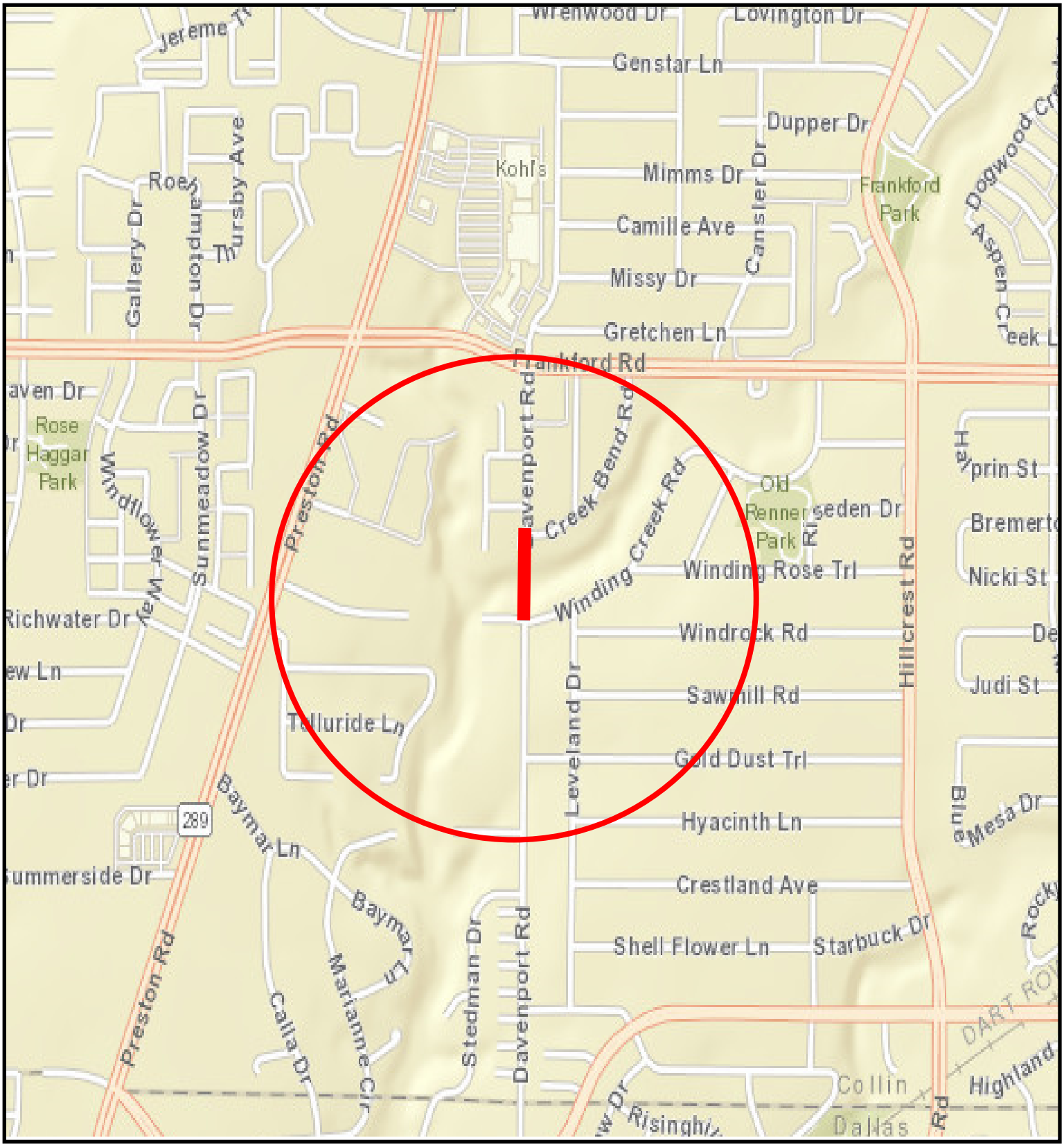
COUNCIL DISTRICT 12

STREET RECONSTRUCTION
CANADA DRIVE FROM BABCOCK DRIVE TO LEESBURG STREET



COUNCIL DISTRICT 6

STREET RECONSTRUCTION
DAVENPORT ROAD FROM WINDING CREEK ROAD TO CREEK BEND ROAD



COUNCIL DISTRICT 12

WHEREAS, Urban Engineers Group, Inc. was selected to provide engineering design for Street Reconstruction Group 17-1207.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Urban Engineers Group, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $320,949.50.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $320,949.50 in accordance with the terms and conditions of the contract:

Urban Engineers Group, Inc. for the engineering design of street reconstruction of thoroughfare projects on: Frankford Road (Westbound Lane Only) from City Limit to Appleridge Drive; Canada Drive from Babcock Drive to Leesburg Street; and Davenport Road from Winding Creek Road to Creek Bend Road:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V295, Activity SREC Object 4111, Program PB17V295 Encumbrance/Contract No. CX-PBW-2018-00008063 Vendor 511462	$108,315.90
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V307 Activity SREC Object 4111, Program PB17V307 Encumbrance/Contract No. CX-PBW-2018-00008063 Vendor 511462	$104,113.74
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V312, Activity SREC Object 4111, Program PB17V312 Encumbrance/Contract No. CX-PBW-2018-00008063 Vendor 511462	$ 61,519.86
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42, Activity RELO Object 4111, Program 719051 Encumbrance/Contract No. CX-PBW-2018-00008063 Vendor 511462	$ 31,333.00

SECTION 2. (continued)

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS42, Activity RELO	
Object 4111, Program 719052	
Encumbrance/Contract No. CX-PBW-2018-00008063	
Vendor 511462	$ 15,667.00
Total amount not to exceed	$320,949.50

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 #: 18-1146 **Item #:** 11.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Dal-Tech Engineering, Inc. for the engineering design of Street Reconstruction Group 17-1305 (list attached to the Agenda Information Sheet) - Not to exceed $248,311.26 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($223,023.26) and Water Capital Improvement Fund ($25,288.00)

BACKGROUND

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

This action will authorize a professional services contract with Dal-Tech Engineering, Inc. for the engineering design of two street reconstruction projects of local streets as Street Reconstruction Group 17-1305. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, and water improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

Project	Council District	Amount
Aberdeen Avenue from Edgemere Road to Thackery Street	13	$ 79,233.03
Mimosa Lane from Edgemere Road to Hillcrest Road	13	$169,078.23

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	April 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 November 26, 2018.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $223,023.26
Water Capital Improvement Fund - $25,288.00

Estimated Future Cost - Construction - $2,338,426.20

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 $
$248,311.26	Architecture & Engineering	25.66%	100.00%	$248,311.26
• This contract exceeds the M/WBE goal.				

OWNER

Dal-Tech Engineering, Inc.

Sedi Toumani, President

MAPS

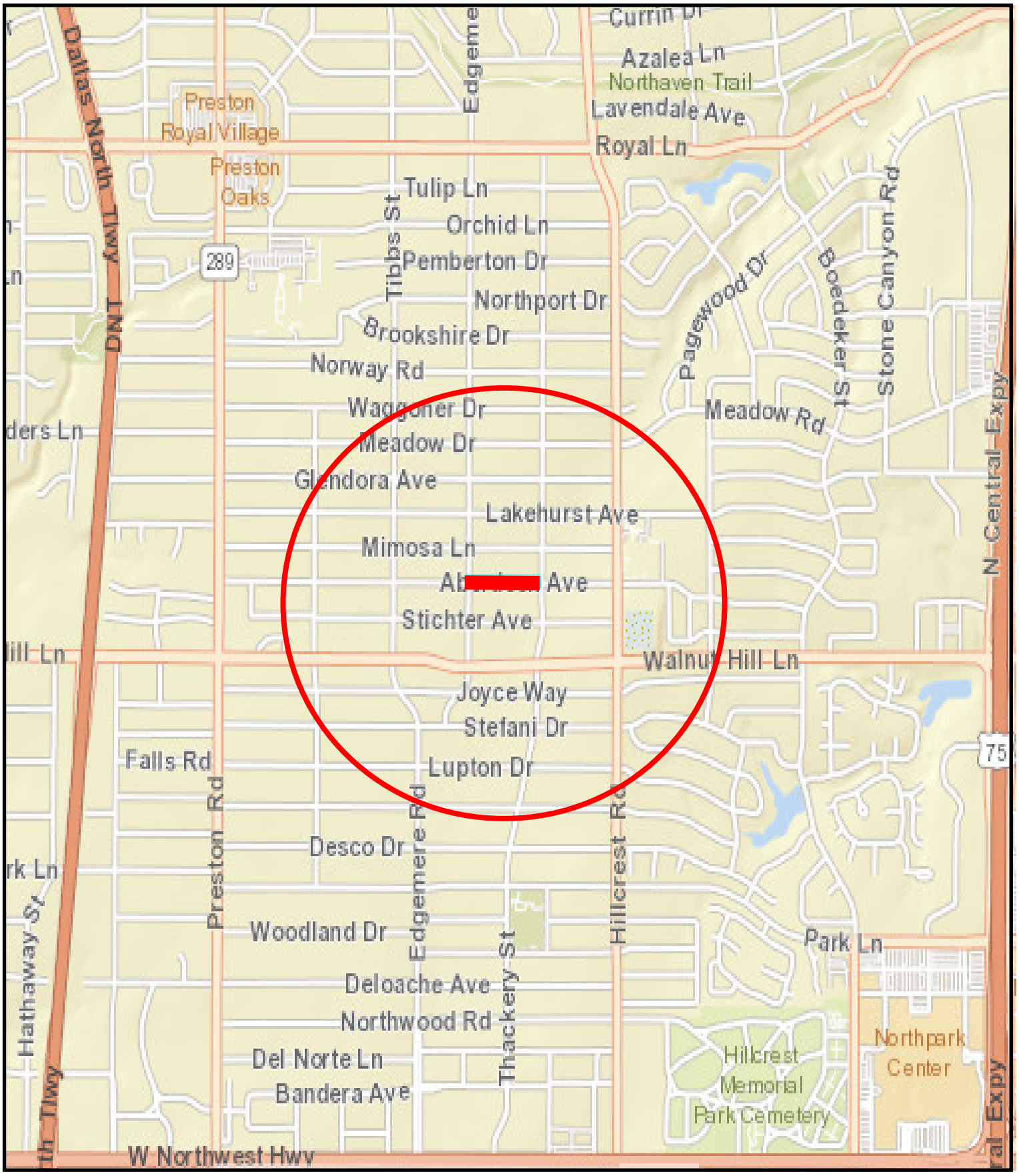
Attached

Street Reconstruction Group 17-1305

Street Reconstruction - Local Streets - Improvements

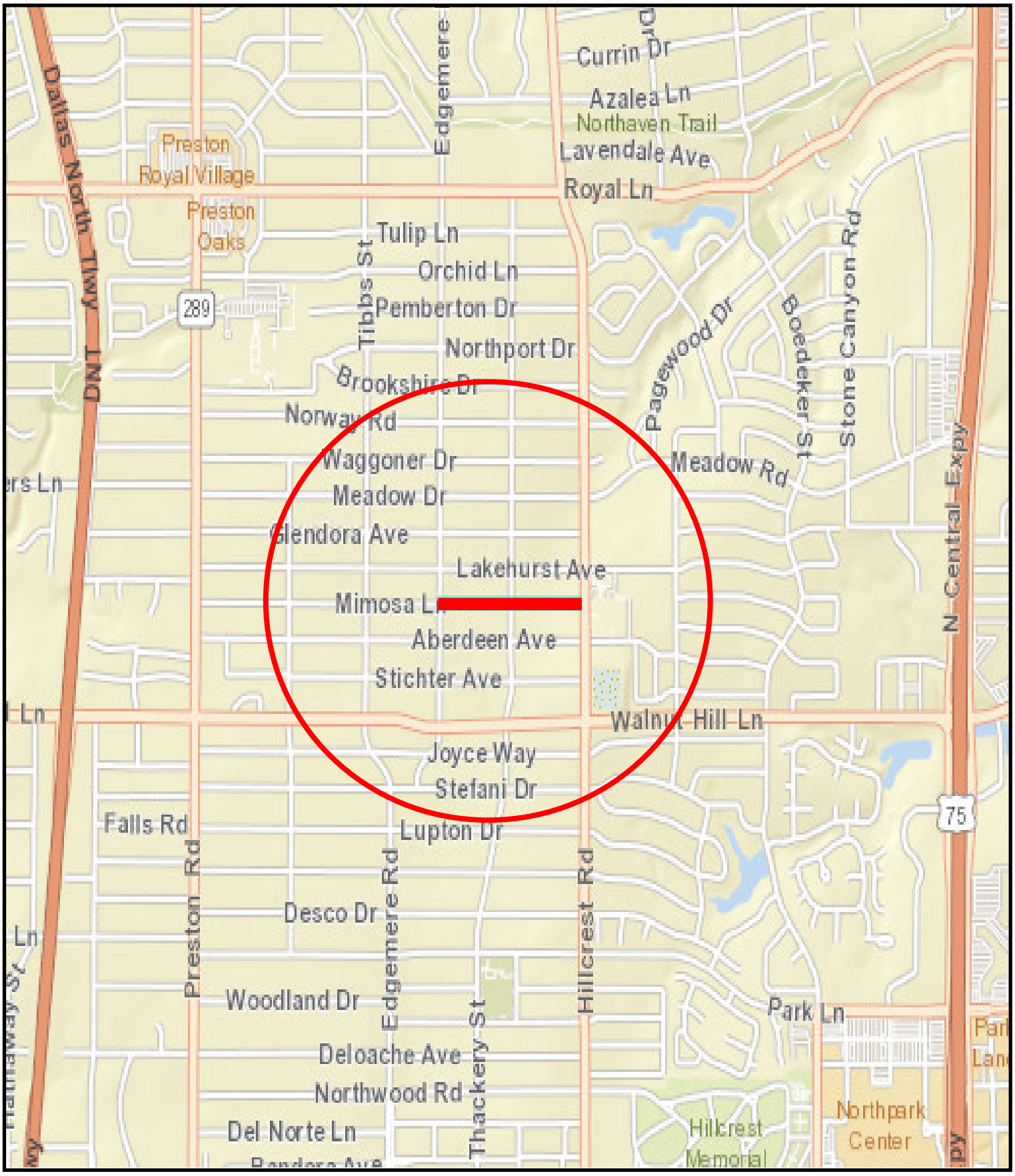
Project	**Council District**
Aberdeen Avenue from Edgemere Road to Thackery Street	13
Mimosa Lane from Edgemere Road to Hillcrest Road	13

STREET RECONSTRUCTION
ABERDEEN AVENUE FROM EDGEMERE ROAD TO THACKERY STREET



COUNCIL DISTRICT 13

STREET RECONSTRUCTION
MIMOSA LANE FROM EDGEMERE ROAD TO HILLCREST ROAD



COUNCIL DISTRICT 13

November 28, 2018

WHEREAS, Dal-Tech Engineering, Inc. was selected to provide engineering design for Street Reconstruction Group 17-1305.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Dal-Tech Engineering, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $248,311.26.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $248,311.26 in accordance with the terms and conditions of the contract:

Dal-Tech Engineering, Inc. for the engineering design of street reconstruction projects on local streets on: Aberdeen Avenue from Edgemere Road to Thackery Street; and on Mimosa Lane from Edgemere Road to Hillcrest Road:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V231, Activity SREC Object 4111, Program PB17V231 Encumbrance/Contract No. CX-PBW-2018-00008066 Vendor 262063	$143,790.23
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V285, Activity SREC Object 4111, Program PB17V285 Encumbrance/Contract No. CX-PBW-2018-00008066 Vendor 262063	$ 79,233.03
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42, Activity RELO Object 4111, Program 719053 Encumbrance/Contract No. CX-PBW-2018-00008066 Vendor 262063	$ 25,288.00
Total amount not to exceed	$248,311.26

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 #: 18-1158 **Item #:** 12.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 4

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Salcedo Group, Inc., for the engineering design of Street Reconstruction Group 17-4005 (list attached to the Agenda Information Sheet) - Not to exceed $188,334.07 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($160,934.07) and Water Utilities Capital Improvement Funds ($27,400.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Salcedo Group, 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 Salcedo Group, Inc. for the engineering design of three street reconstruction projects of local streets as Street Reconstruction Group 17-4005. 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, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

Project	Council District	Amount
Avenue H from East 11th Street to Sanderson Avenue	4	$82,624.42

Church Street from Interstate Highway 35E to Cliff Street to End	4	$75,466.49
North Cliff Street from Hutchins Avenue to Reverend CBT Smith Street	4	$30,243.16

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	April 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 November 26, 2018.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $160,934.07
Water Utilities Capital Improvement Funds - $27,400.00

Estimated Future Cost - Construction - $2,088,687.30

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 $
$188,334.07	Architecture & Engineering	25.66%	100.00%	$188,334.07
• This contract exceeds the M/WBE goal.				

OWNER

Salcedo Group, Inc.

Michael Salcedo, President

MAPS

Attached

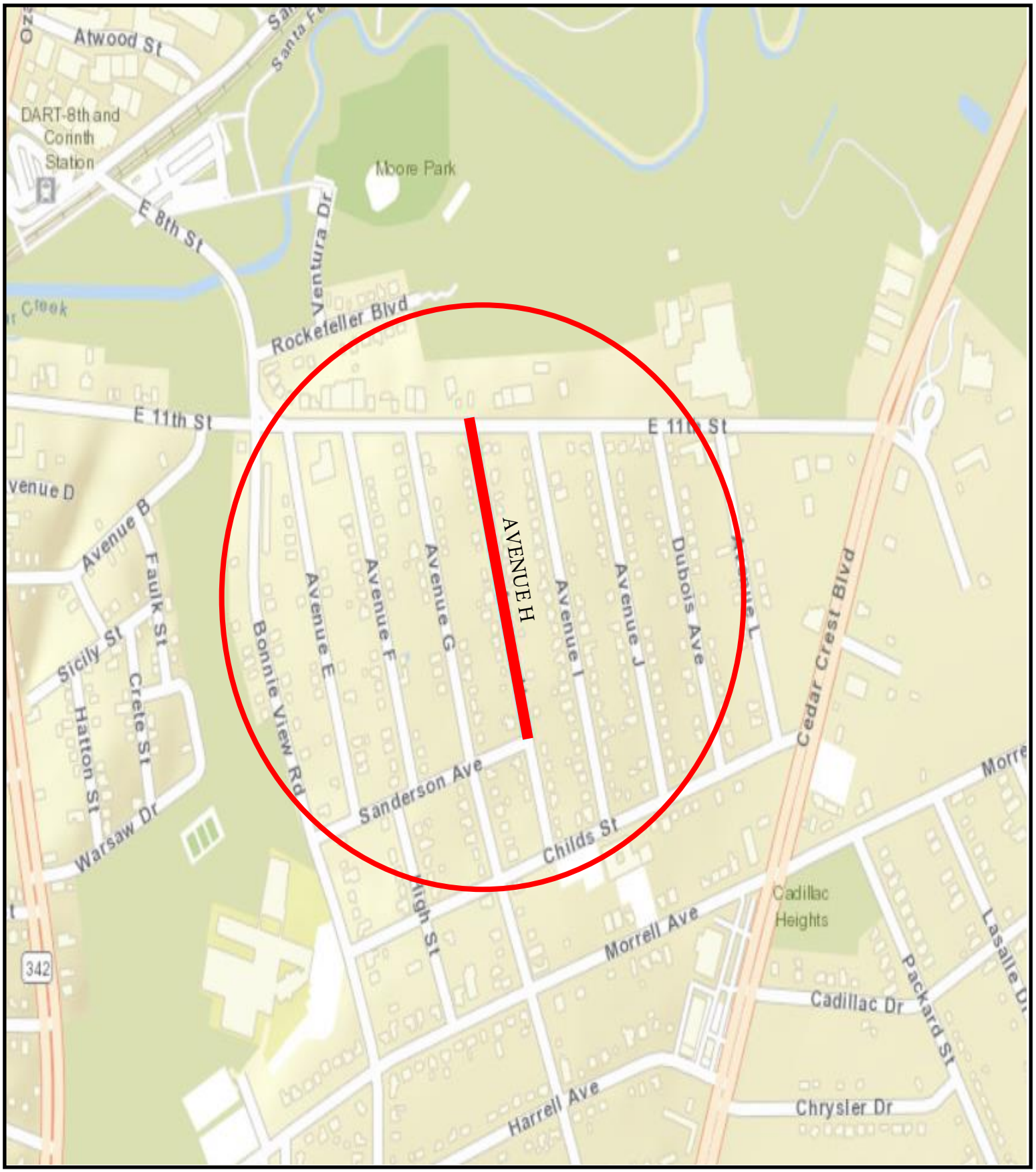
Street Reconstruction Group 17-4005

Street Reconstruction - Local Streets - Improvements

Project	**Council District**
Avenue H from East 11th Street to Sanderson Avenue	4
Church Street from Interstate Highway 35E to Cliff Street to End	4
North Cliff Street from Hutchins Avenue to Reverend CBT Smith Street	4

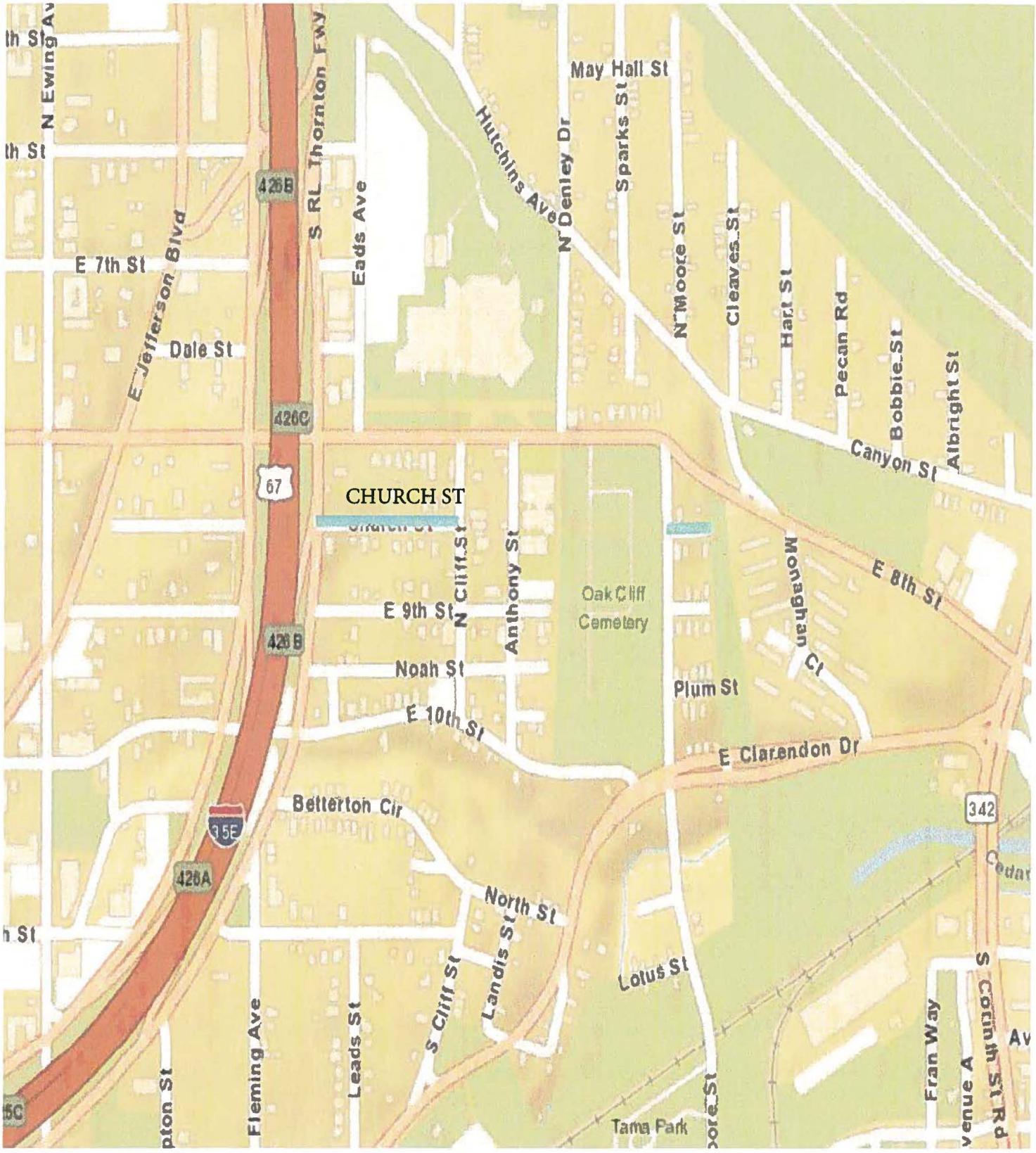
STREET RECONSTRUCTION

AVENUE H FROM EAST 11TH STREET TO SANDERSON AVENUE



COUNCIL DISTRICT 4

STREET RECONSTRUCTION
CHURCH STREET FROM INTERSTATE HIGHWAY 35E
TO CLIFF STREET TO END



COUNCIL DISTRICT 4

STREET RECONSTRUCTION
NORTH CLIFF STREET FROM HUTCHINS AVENUE TO REVEREND CBT SMITH STREET



COUNCIL DISTRICT 4

November 28, 2018

WHEREAS, Salcedo Group, Inc. was selected to provide engineering design for Street Reconstruction Group 17-4005.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Salcedo Group, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $188,334.07.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $188,334.07 in accordance with the terms and conditions of the contract:

Salcedo Group, Inc. for the engineering design of street reconstruction projects on local streets on: Avenue H from East 11th Street to Sanderson Avenue; Church Street from Interstate Highway 35E to Cliff Street to End; North Cliff Street from Hutchins Avenue to Reverend CBT Smith Street:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V247, Activity SREC Object 4111, Program PB17V247 Encumbrance/Contract No. CX-PBW-2019-00008398 Vendor 509399	$67,104.42
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V248, Activity SREC Object 4111, Program PB17V248 Encumbrance/Contract No. CX-PBW-2019-00008398 Vendor 509399	$63,586.49
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V252, Activity SREC Object 4111, Program PB17V252 Encumbrance/Contract No. CX-PBW-2019-00008398 Vendor 509399	$30,243.16
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42, Activity RELO Object 4111, Program 719103 Encumbrance/Contract No. CX-PBW-2019-00008398 Vendor 509399	$15,618.00

SECTION 2. (continued)

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS42, Activity RELO	
Object 4111, Program 719104	
Encumbrance/Contract No. CX-PBW-2019-00008398	
Vendor 509399	$ 11,782.00
Total amount not to exceed	$188,334.07

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 #: 18-1123 **Item #:** 13.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 4

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Huitt-Zollars, Inc. for the engineering design of Street Reconstruction Group 17-4007 (list attached to the Agenda Information Sheet) - Not to exceed $217,109.02 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($200,169.02) and Water Utilities Capital Improvement Funds ($16,940.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Huitt-Zollars, 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 Huitt-Zollars, Inc. for the engineering design of two street reconstruction projects of local streets as Street Reconstruction Group 17-4007. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

Project	Council District	Amount
Maywood Avenue from Frio Drive to South Denley Drive	4	$121,767.63
Galloway Avenue from Fernwood Avenue to South Denley Drive	4	$ 95,341.39

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ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	April 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 November 26, 2018.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $200,169.02
Water Utilities Capital Improvement Funds - $16,940.00

Estimated Future Cost - Construction - $1,853,147.32

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 $
$217,109.02	Architecture & Engineering	25.66%	34.22%	$74,294.00
• This contract exceeds the M/WBE goal.				

OWNER

Huitt-Zollars, Inc.

John Anthony Sosebee, P.E., Sr. Vice President

MAPS

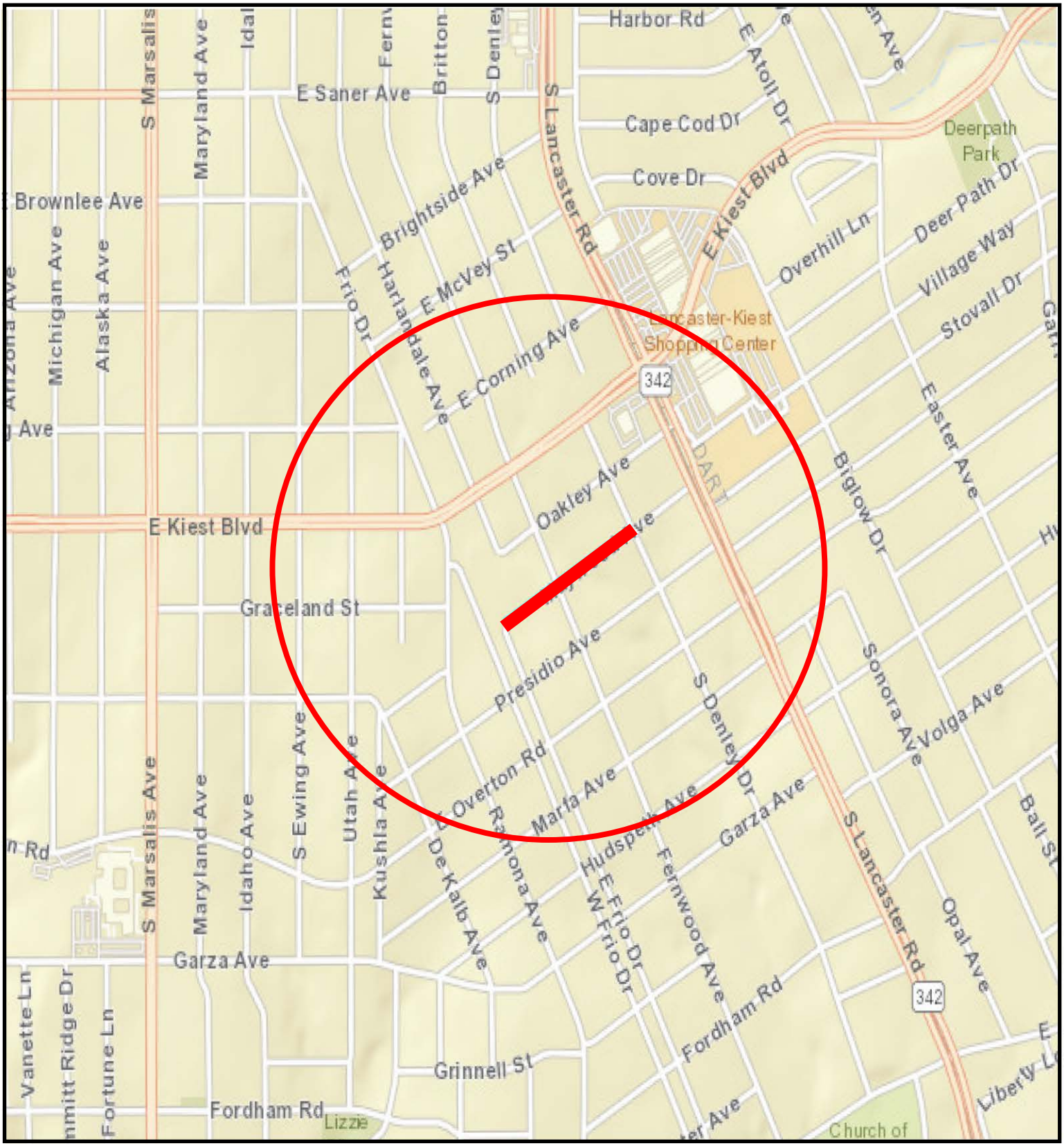
Attached

Street Reconstruction Group 17-4007

Street Reconstruction - Local Streets - Improvements

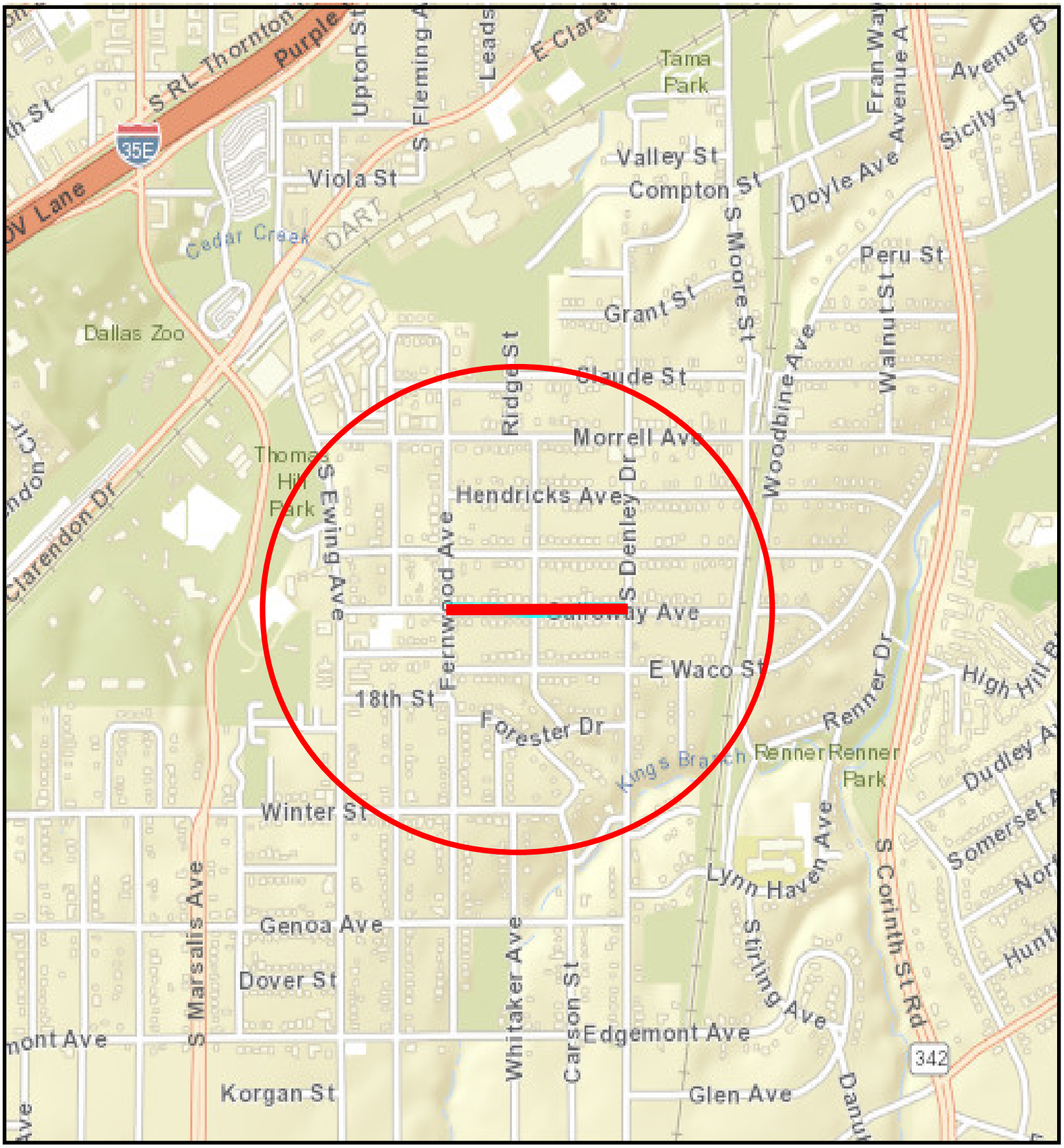
Project	**Council District**
Maywood Avenue from Frio Drive to South Denley Drive	4
Galloway Avenue from Fernwood Avenue to South Denley Drive	4

STREET RECONSTRUCTION
MAYWOOD AVENUE FROM FRIO DRIVE TO SOUTH DENLEY DRIVE



COUNCIL DISTRICT 4

STREET RECONSTRUCTION
GALLOWAY AVENUE FROM FERNWOOD AVENUE TO SOUTH DENLEY DRIVE



COUNCIL DISTRICT 4

November 28, 2018

WHEREAS, Huitt-Zollars, Inc. was selected to provide engineering design for Street Reconstruction Group 17-4007.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Huitt-Zollars, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $217,109.02.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $217,109.02 in accordance with the terms and conditions of the contract:

Huitt-Zollars, Inc. for the engineering design of street reconstruction projects on local streets on: Maywood Avenue from Frio Drive to South Denley Drive, and Galloway Avenue from Fernwood Avenue to South Denley Drive:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V202, Activity SREC Object 4111, Program PB17V202 Encumbrance/Contract No. CX-PBW-2019-00008298 Vendor 090025	$104,827.63
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V250, Activity SREC Object 4111, Program PB17V250 Encumbrance/Contract No. CX-PBW-2019-00008298 Vendor 090025	$ 95,341.39
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42, Activity RELO Object 4111, Program 719049 Encumbrance/Contract No. CX-PBW-2019-00008298 Vendor 090025	$ 9,200.00
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42, Activity RELO Object 4111, Program 719050 Encumbrance/Contract No. CX-PBW-2019-00008298 Vendor 090025	$ 7,740.00
Total amount not to exceed	$217,109.02

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 #: 18-1113 **Item #:** 14.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Bridgefarmer & Associates, Inc. for the engineering design of Street Reconstruction Group 17-6007 (list attached to the Agenda Information Sheet) - Not to exceed $167,953.20 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($134,137.20) and Water Utilities Capital Improvement Funds ($33,816.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 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 two street reconstruction projects of local streets as Street Reconstruction Group 17-6007. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, and water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

Project	Council District	Amount
North Morocco Avenue from Goodman Street to North Justin Avenue	6	$70,753.52
Shaw Street from Navaro Street to Harston Street	6	$97,199.68

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	April 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 November 26, 2018.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $134,137.20
Water Utilities Capital Improvement Funds - $33,816.00

Estimated Future Cost - Construction - $1,507,799.61

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	M/WBE Goal	M/WBE %	M/WBE $
$167,953.20	Architecture & Engineering	25.66%	51.50%	$86,501.00
• This contract exceeds the M/WBE goal.				

OWNER

Bridgefarmer & Associates, Inc.

Mansoor Ahsan, P.E., Chief Executive Officer

MAPS

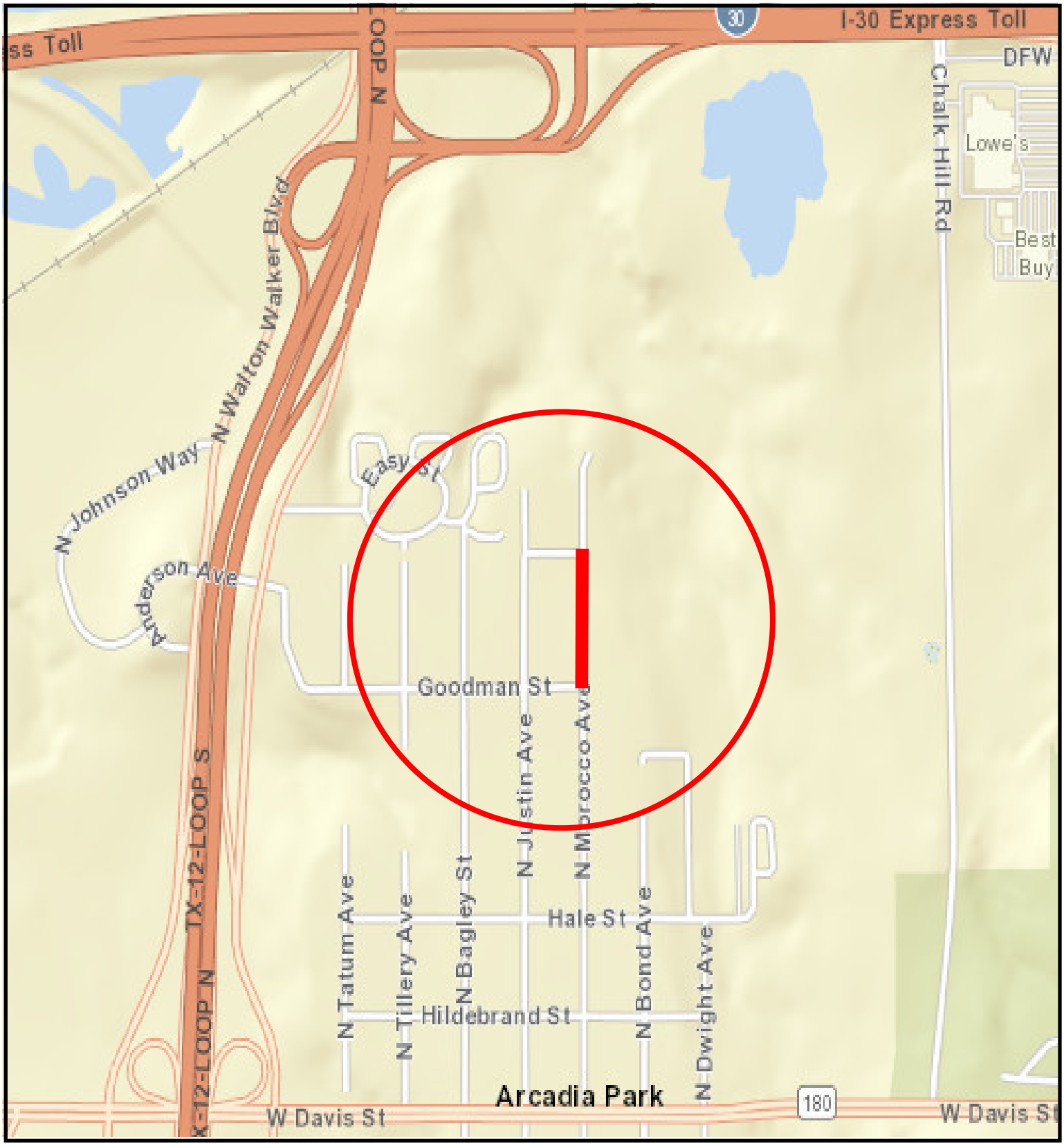
Attached

Street Reconstruction Group - 17-6007

Street Reconstruction - Local Streets - Improvements

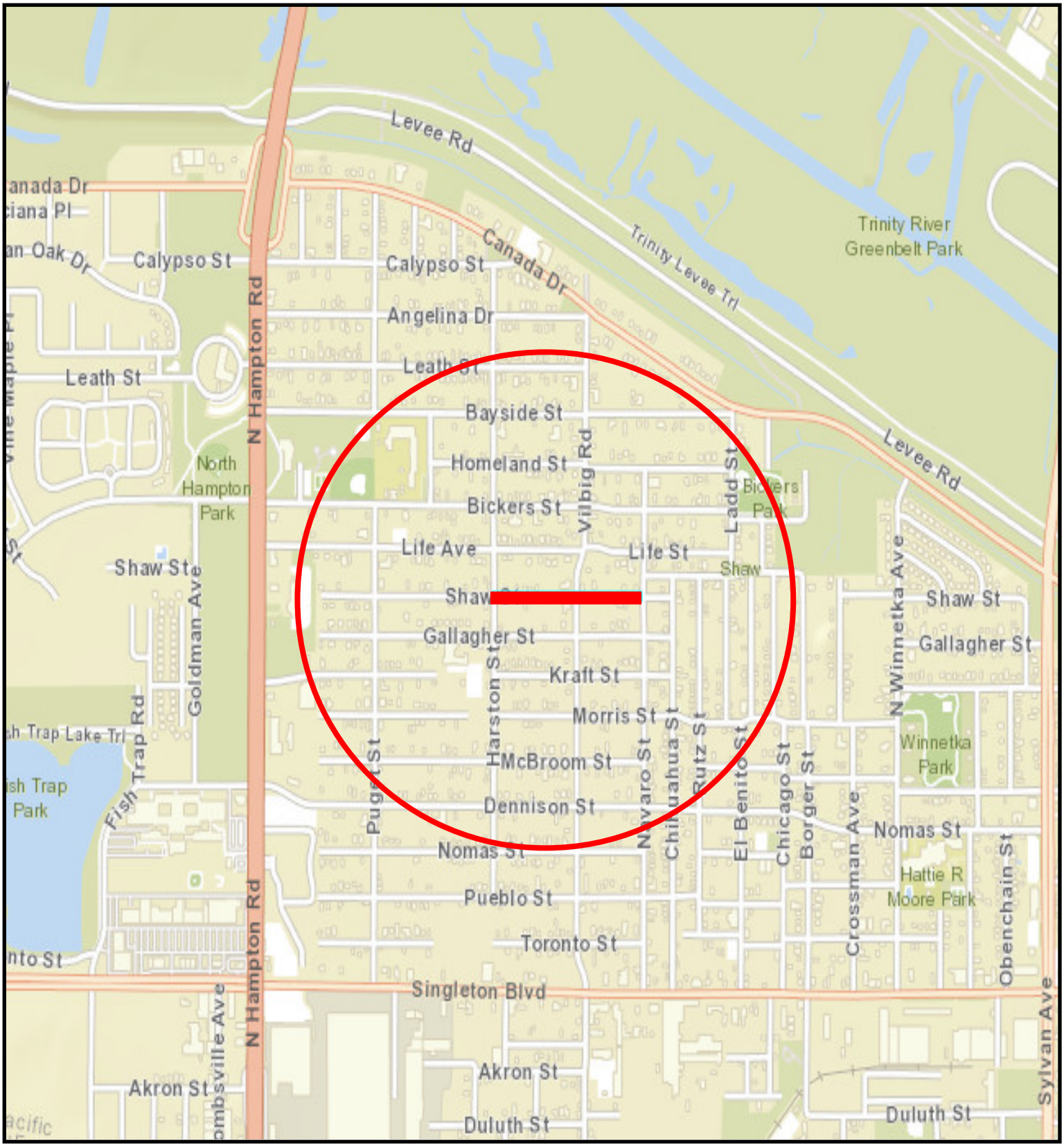
Project	**Council District**
North Morocco Avenue from Goodman Street to North Justin Avenue	6
Shaw Street from Navaro Street to Harston Street	6

STREET RECONSTRUCTION
NORTH MOROCCO AVENUE FROM GOODMAN STREET TO NORTH JUSTIN AVENUE



COUNCIL DISTRICT 6

STREET RECONSTRUCTION
SHAW STREET FROM NAVARO STREET TO HARSTON STREET



COUNCIL DISTRICT 6

November 28, 2018

WHEREAS, Bridgefarmer & Associates, Inc. was selected to provide engineering design for Street Reconstruction Group 17-6007.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Bridgefarmer & Associates, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $167,953.20.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $167,953.20 in accordance with the terms and conditions of the contract:

Bridgefarmer & Associates, Inc. for the engineering design of street reconstruction projects on local streets on: North Morocco Avenue from Goodman Street to North Justin Avenue and Shaw Street from Navaro Street to Harston Street:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V210, Activity SREC Object 4111, Program PB17V210 Encumbrance/Contract No. CX-PBW-2019-00008279 Vendor 148766	$ 79,181.68
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V259 Activity SREC Object 4111, Program PB17V259 Encumbrance/Contract No. CX-PBW-2019-00008279 Vendor 148766	$ 54,955.52
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42, Activity RELO Object 4111, Program 719045 Encumbrance/Contract No. CX-PBW-2019-00008279 Vendor 148766	$ 9,436.68
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42, Activity RELO Object 4111, Program 719046 Encumbrance/Contract No. CX-PBW-2019-00008279 Vendor 148766	$ 24,379.32
Total amount not to exceed	$167,953.20

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 #: 18-1114 **Item #:** 15.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Metropolitan Infrastructure, PLLC for the engineering design of Street Reconstruction Group 17-8002 (list attached to the Agenda Information Sheet) - Not to exceed $216,564.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($167,839.50) and Water Utilities Capital Improvement Funds ($48,725.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Metropolitan Infrastructure, PLLC, 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 Metropolitan Infrastructure, PLLC for the engineering design of three street reconstruction projects of local streets as Street Reconstruction Group 17-8002. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

Project	Council District	Amount
Myers Circle from Myers Circle to Elam Road	8	$97,260.00
South Murdeaux Lane from Great Trinity Forest Way to Olusta Drive	8	$64,156.50

Burroaks Circle from Burroaks Drive to End of Pavement	8	$55,148.00

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 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 November 26, 2018.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $167,839.50
Water Utilities Capital Improvement Funds - $48,725.00

Estimated Future Cost - Construction - $1,955,161.88

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 $
$216,564.50	Architecture & Engineering	25.66%	100.00%	$216,564.50
• This contract exceeds the M/WBE goal.				

OWNER

Metropolitan Infrastructure, PLLC

Louis Frisbie, P.E., President

MAPS

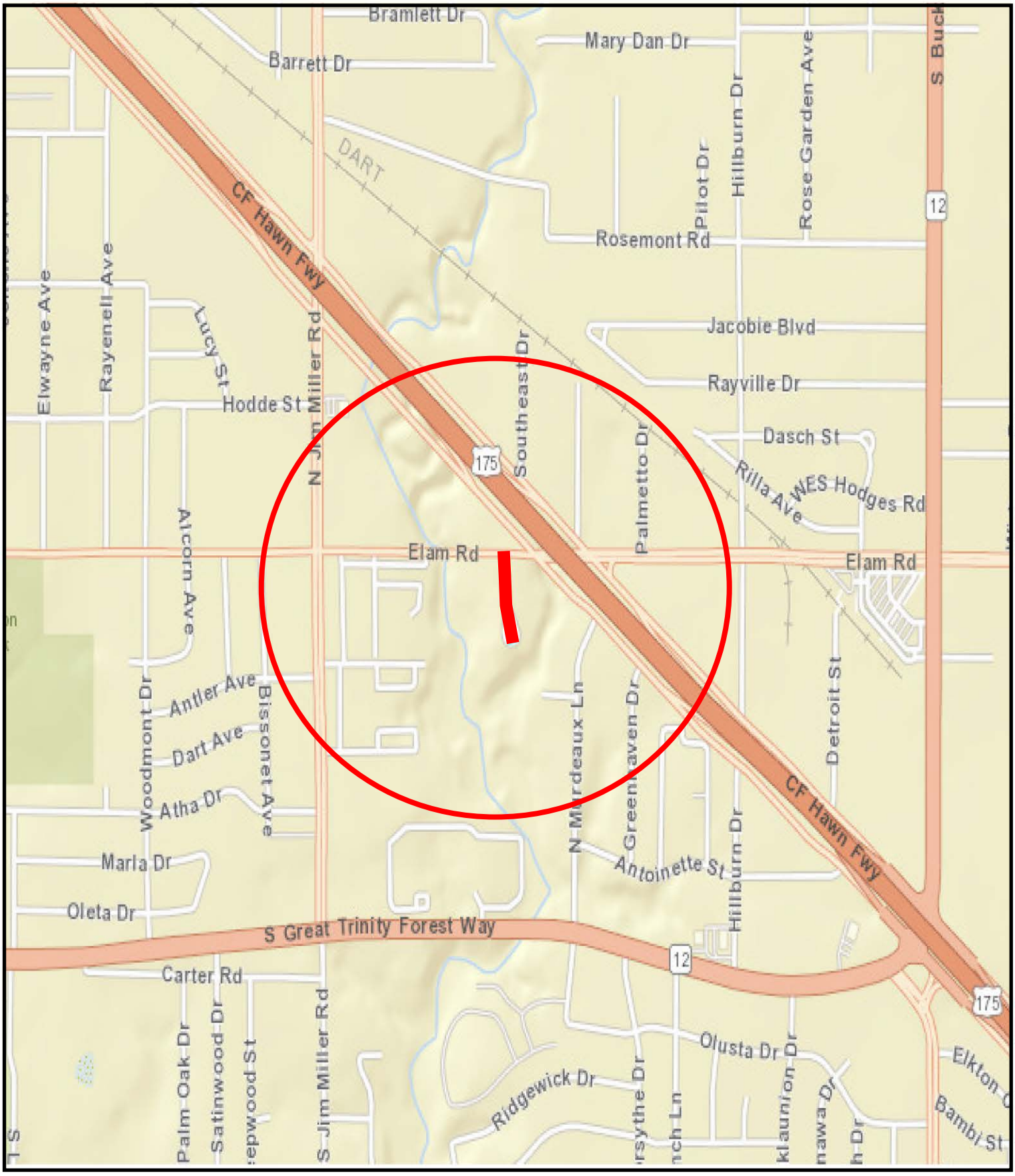
Attached

Street Reconstruction Group 17-8002

Streets Reconstruction - Local Streets - Improvements

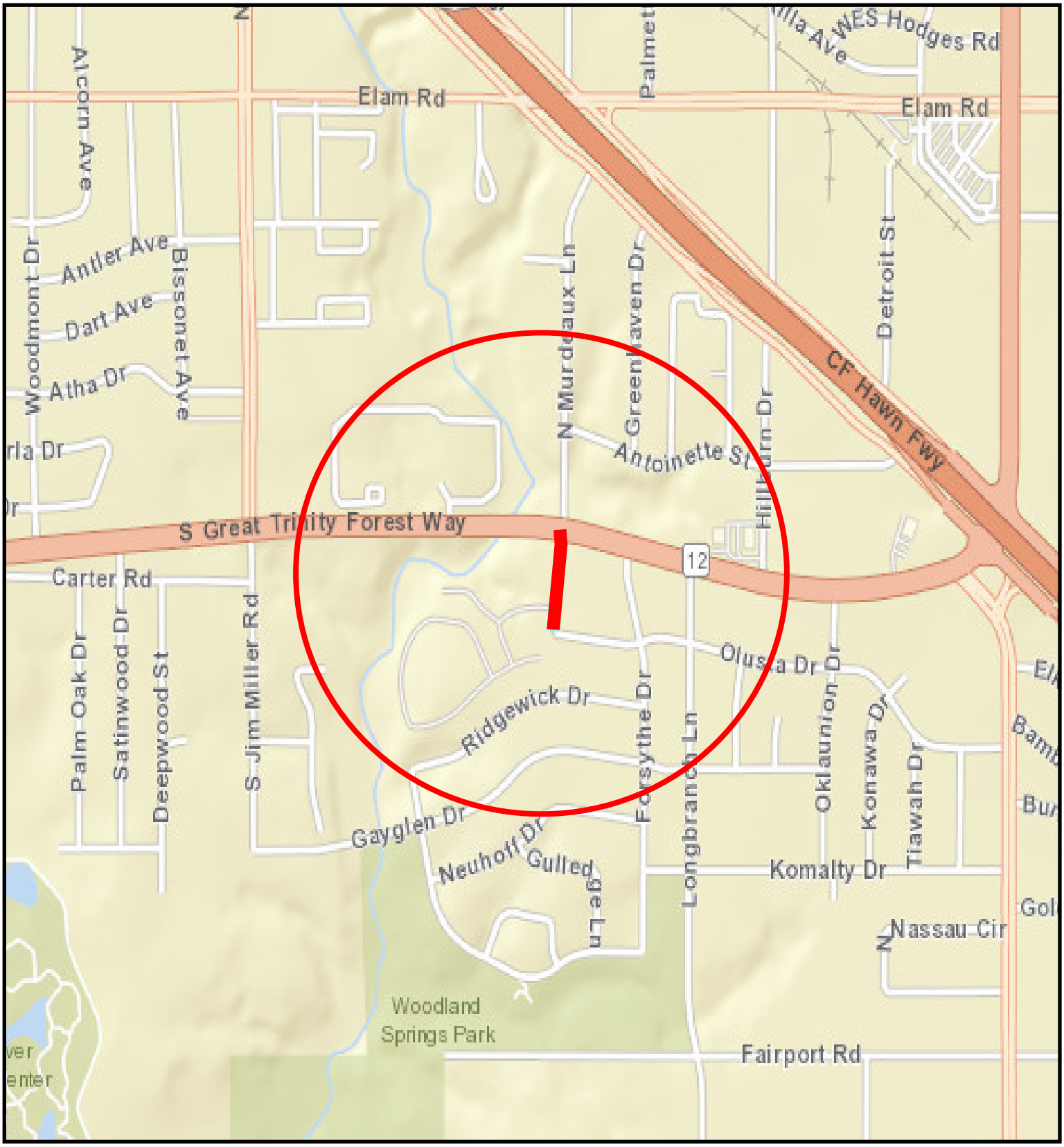
Project	**Council District**
Myers Circle from Myers Circle to Elam Road	8
South Murdeaux Lane from Great Trinity Forest Way to Olusta Drive	8
Burroaks Circle from Burroaks Drive to End of Pavement	8

STREET RECONSTRUCTION
MYERS CIRCLE FROM MYERS CIRCLE TO ELAM ROAD



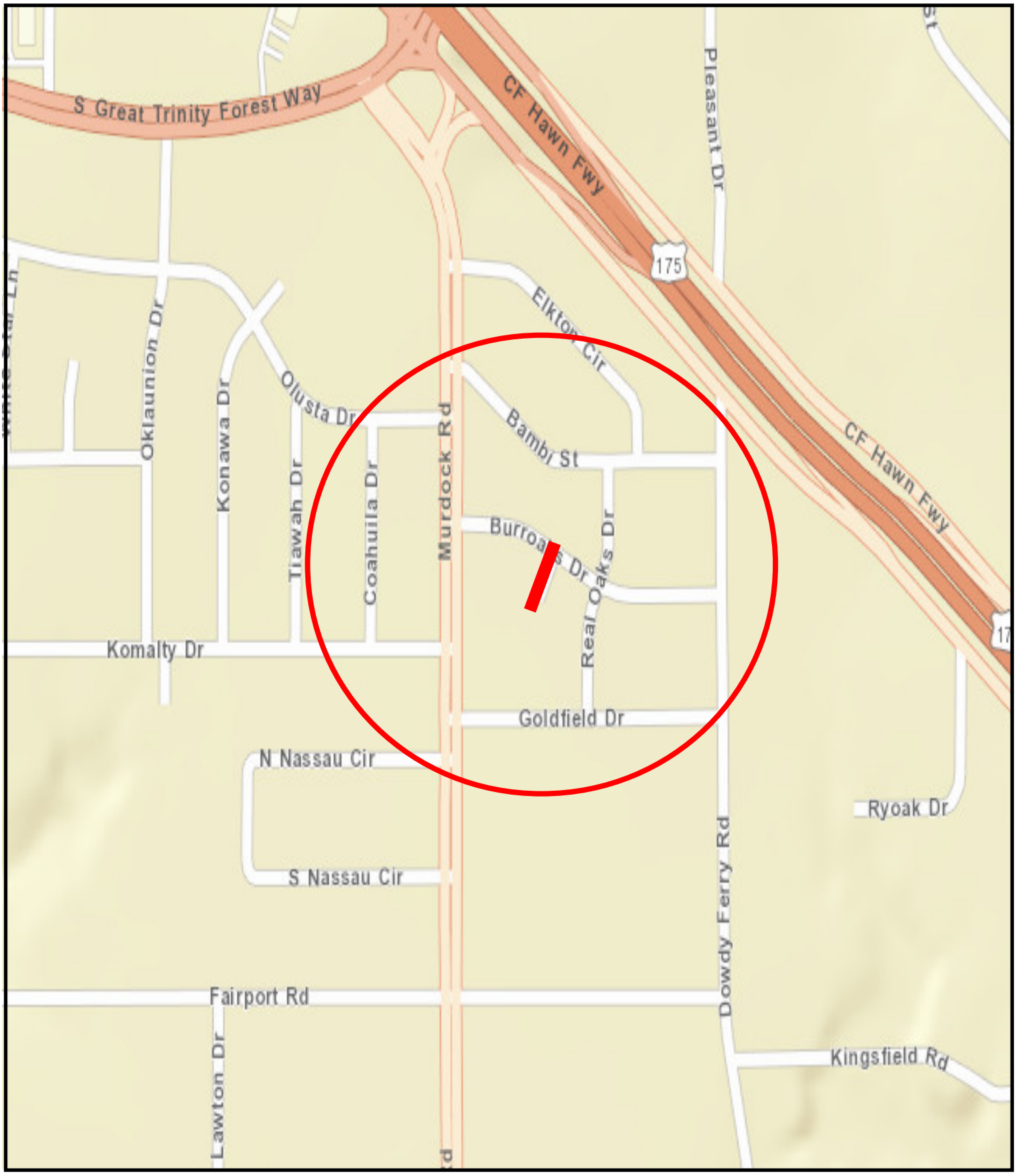
COUNCIL DISTRICT 8

STREET RECONSTRUCTION
SOUTH MURDEAUX LANE FROM GREAT TRINITY FOREST WAY TO OLUSTA DRIVE



COUNCIL DISTRICT 8

STREET RECONSTRUCTION
BURROAKS CIRCLE FROM BURROAKS DRIVE TO END OF PAVEMENT



COUNCIL DISTRICT 8

November 28, 2018

WHEREAS, Metropolitan Infrastructure, PLLC was selected to provide engineering design for Street Reconstruction Group 17-8002.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Metropolitan Infrastructure, PLLC, approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $216,564.50.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $216,564.50 in accordance with the terms and conditions of the contract:

Metropolitan Infrastructure, PLLC for the engineering design of street reconstruction projects on local streets on: Myers Circle from Myers Circle to Elam Road; South Murdeaux Lane from Great Trinity Forest Way to Olusta Drive; Burroaks Circle from Burroaks Drive to End of Pavement:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V212, Activity SREC Object 4111, Program PB17V212 Encumbrance/Contract No. CX-PBW-2019-00008297 Vendor 512079	$ 74,535.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V214, Activity SREC Object 4111, Program PB17V214 Encumbrance/Contract No. CX-PBW-2019-00008297 Vendor 512079	$ 50,956.50
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V263, Activity SREC Object 4111, Program PB17V263 Encumbrance/Contract No. CX-PBW-2019-00008297 Vendor 512079	$ 42,348.00
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42, Activity RELO Object 4111, Program 719037 Encumbrance/Contract No. CX-PBW-2019-00008297 Vendor 512079	$ 22,421.26

SECTION 2. (continued)

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS42, Activity RELO	
Object 4111, Program 719038	
Encumbrance/Contract No. CX-PBW-2019-00008297	
Vendor 512079	$ 26,303.74
Total amount not to exceed	$216,564.50

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 #: 18-1117 **Item #:** 16.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 10

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Henry Nguyen Consulting, LLC for the engineering design of Street Reconstruction Group 17-10003 (list attached to the Agenda Information Sheet) - Not to exceed $131,092.43 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($113,022.43) and Water Utilities Capital Improvement Funds ($18,070.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Henry Nguyen Consulting, 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 Henry Nguyen Consulting, LLC for the engineering design of two street reconstruction projects of local streets as Street Reconstruction Group 17-10003. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

Project	Council District	Amount
Broken Bow Road from 9635 Broken Bow Road to Fieldcrest Drive	10	$64,995.48
Lanshire Drive from Chiswell Road to Audelia Road	10	$66,096.95

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 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 November 26, 2018.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $113,022.43
Water Utilities Capital Improvement Funds - $18,070.00

Estimated Future Cost - Construction - $921,836.75

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 $
$131,092.43	Architecture & Engineering	25.66%	91.91%	$116,730.00
• This contract exceeds the M/WBE goal.				

OWNER

Henry Nguyen Consulting, LLC

Henry Nguyen, President

MAPS

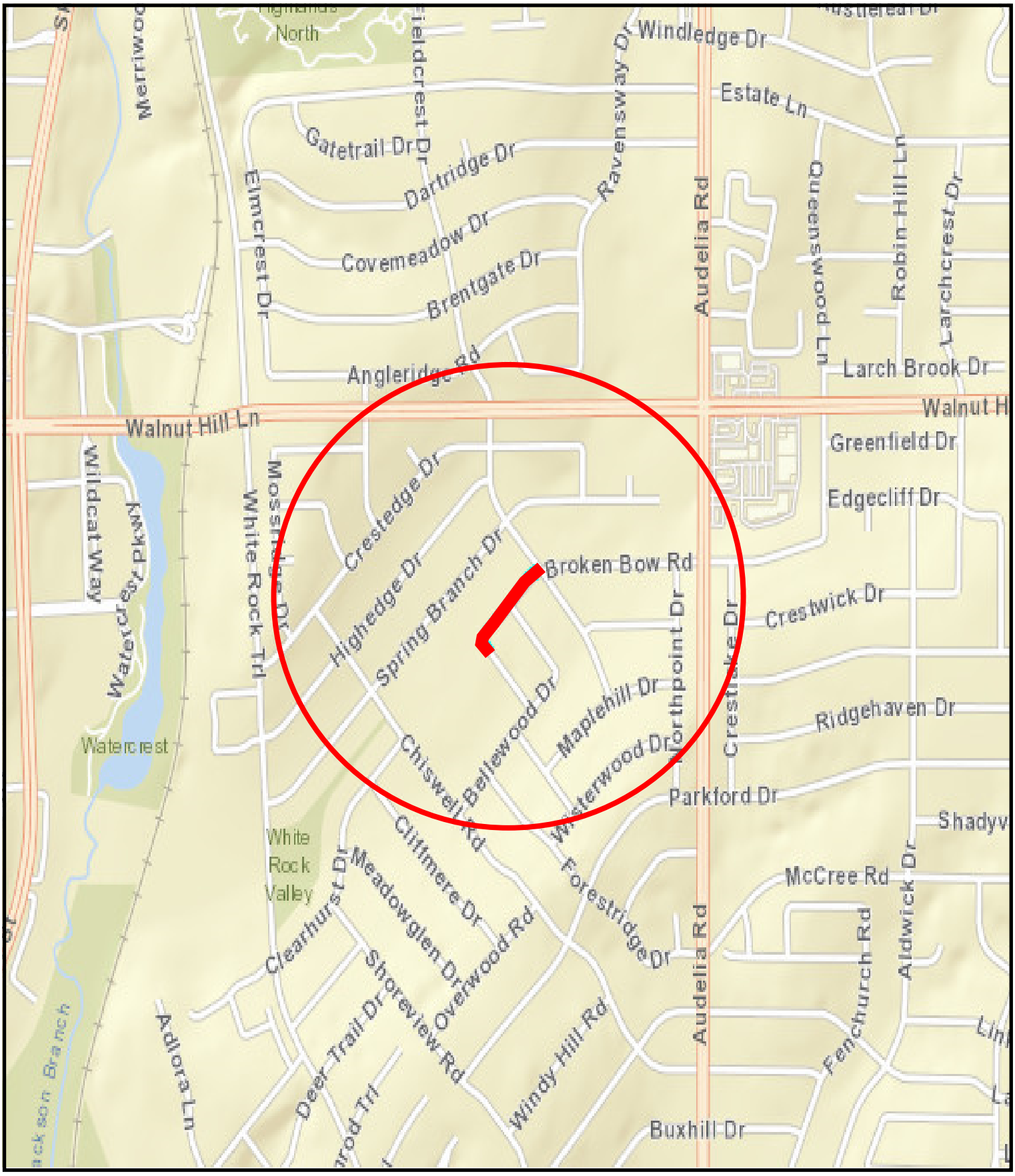
Attached

Street Reconstruction Group 17-10003

Street Reconstruction - Local Streets - Improvements

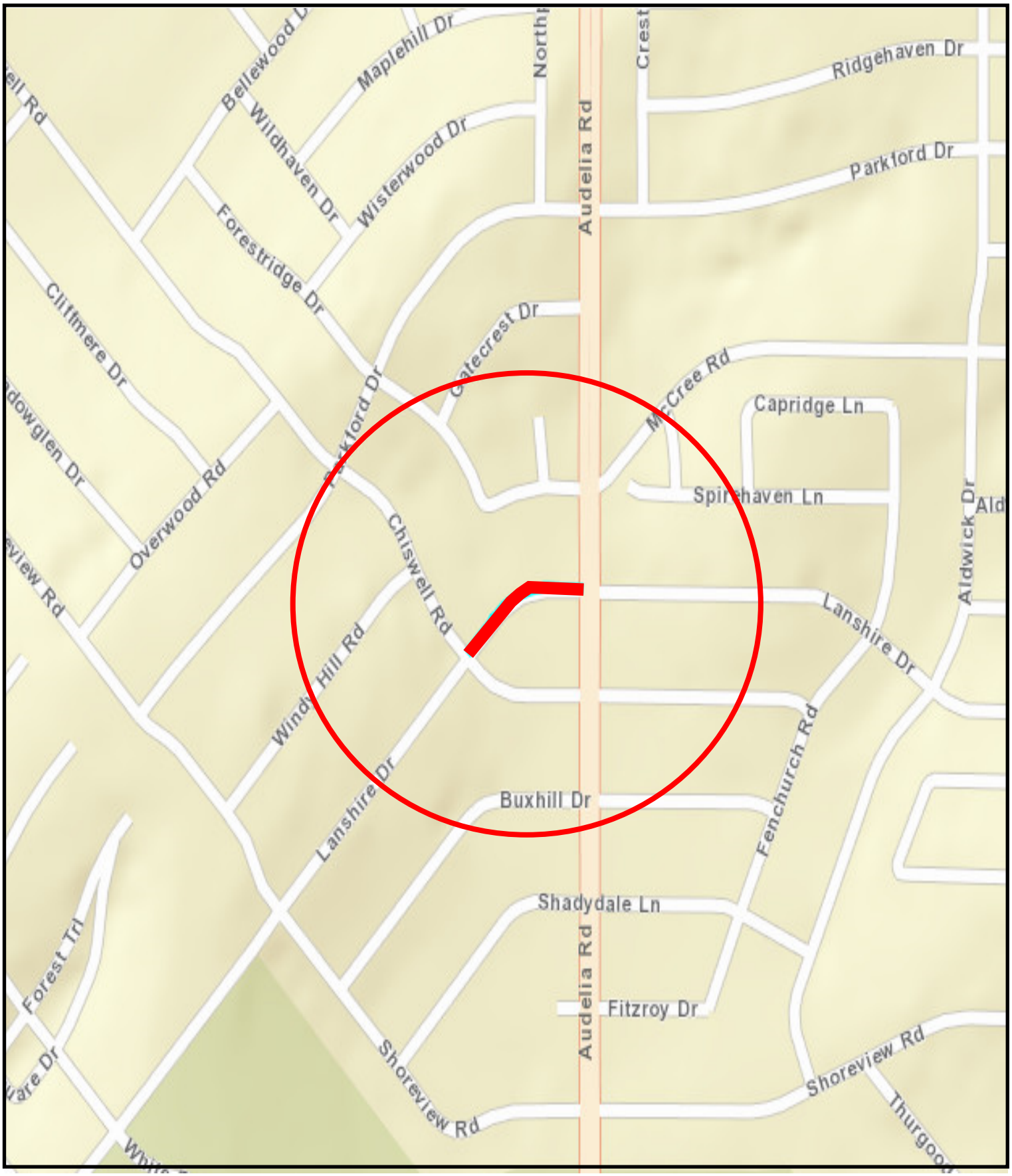
Project	**Council District**
Broken Bow Road from 9635 Broken Bow Road to Fieldcrest Drive	10
Lanshire Drive from Chiswell Road to Audelia Road	10

STREET RECONSTRUCTION
BROKEN BOW ROAD FROM 9635 BROKEN BOW ROAD TO FIELDCREST DRIVE



COUNCIL DISTRICT 10

STREET RECONSTRUCTION
LANSHIRE DRIVE FROM CHISWELL ROAD TO AUDELIA ROAD



COUNCIL DISTRICT 10

November 28, 2018

WHEREAS, Henry Nguyen Consulting, LLC was selected to provide engineering design for Street Reconstruction Group 17-10003.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Henry Nguyen Consulting, LLC, approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $131,092.43

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $131,092.43 in accordance with the terms and conditions of the contract:

Henry Nguyen Consulting, LLC. for the engineering design of street reconstruction projects on local streets on: Broken Bow Road from 9635 Broken Bow Road to Fieldcrest Drive; Lanshire Drive from Chiswell Road to Audelia Road:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V216, Activity SREC Object 4111, Program PB17V216 Encumbrance/Contract No. CX-PBW-2019-00008295 Vendor 289307	$58,405.48
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V269, Activity SREC Object 4111, Program PB17V269 Encumbrance/Contract No. CX-PBW-2019-00008295 Vendor 289307	$54,616.95
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42, Activity RELO Object 4111, Program 719041 Encumbrance/Contract No. CX-PBW-2019-00008295 Vendor 289307	$ 5,740.00
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42, Activity RELO Object 4111, Program 719042 Encumbrance/Contract No. CX-PBW-2019-00008295 Vendor 289307	$ 12,330.00
Total amount not to exceed	$131,092.43

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 #: 18-1115 **Item #:** 17.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 10

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Arredondo, Zepeda and Brunz, LLC for the engineering design of Street Reconstruction Group 17-10004 (list attached to the Agenda Information Sheet) - Not to exceed $289,646.69 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($255,146.69) and Water Utilities Capital Improvement Funds ($34,500.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Arredondo, Zepeda and 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 and Brunz, LLC for the engineering design of five street reconstruction projects of local streets as Street Reconstruction Group 17-10004. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

Project	Council District	Amount
Lockhaven Drive from Lynford Drive to Lanshire Drive	10	$33,564.47
Lynford Drive from Ferndale Road to Lockhaven Drive	10	$60,959.02

Rolling Rock Lane from Hackney Lane to Fern Hollow Drive	10	$92,430.00
Lockhaven Drive from Lockyer Drive to Lynford Drive	10	$53,164.94
Lockhaven Drive from East Northwest Highway to Lockyer Drive	10	$49,528.26

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	March 2020
Complete Construction	March 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on November 26, 2018.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $255,146.69
Water Utilities Capital Improvement Funds - $34,500.00

Estimated Future Cost - Construction - $2,696,230.90

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 $
$289,646.69	Architecture & Engineering	25.66%	59.67%	$172,833.24
• This contract exceeds the M/WBE goal.				

OWNER

Arredondo, Zepeda and Brunz, LLC

Alfonso P. Garza, P.E., President

MAPS

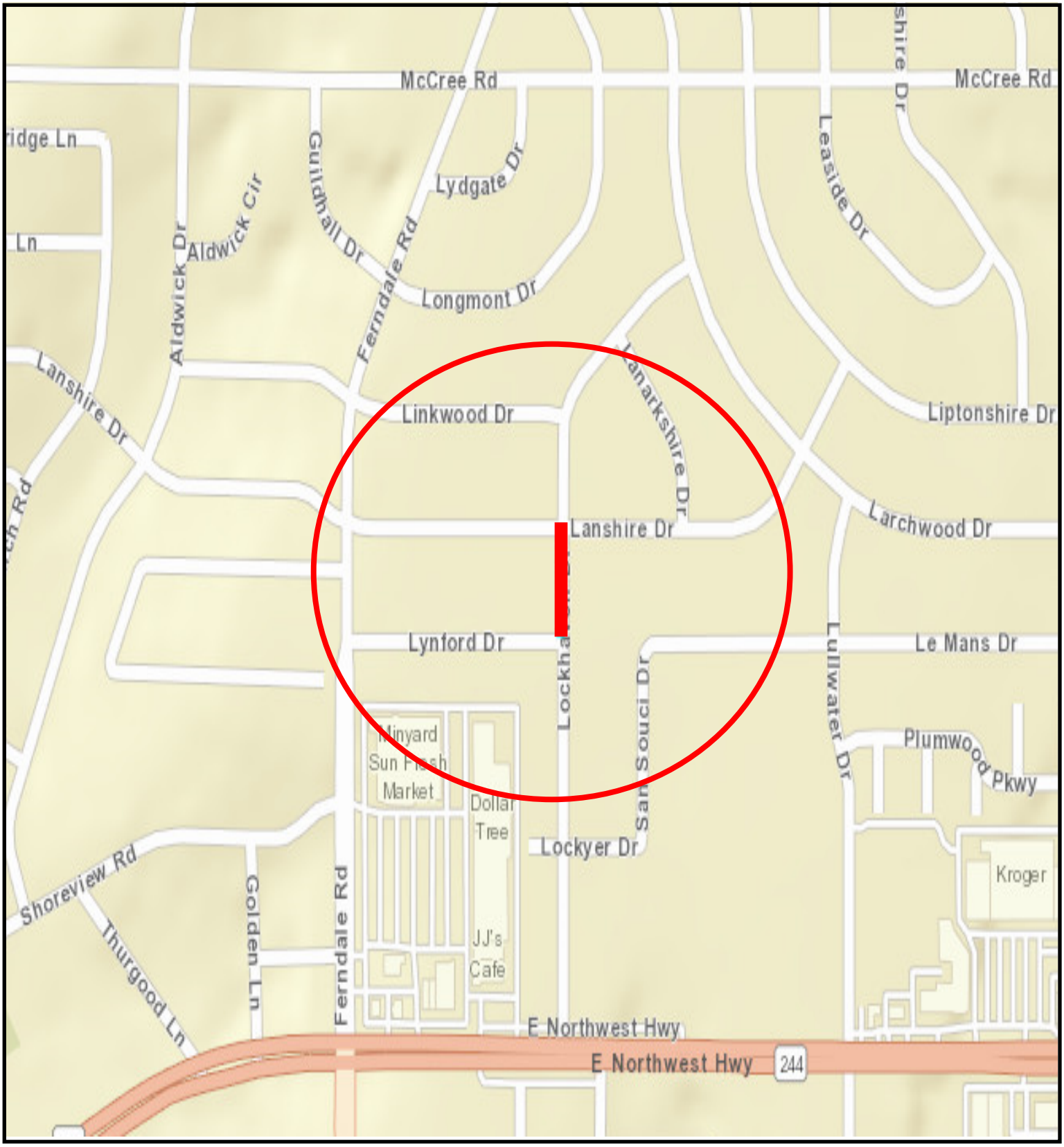
Attached

Street Reconstruction Group 17-10004

Street Reconstruction - Local Streets - Improvements

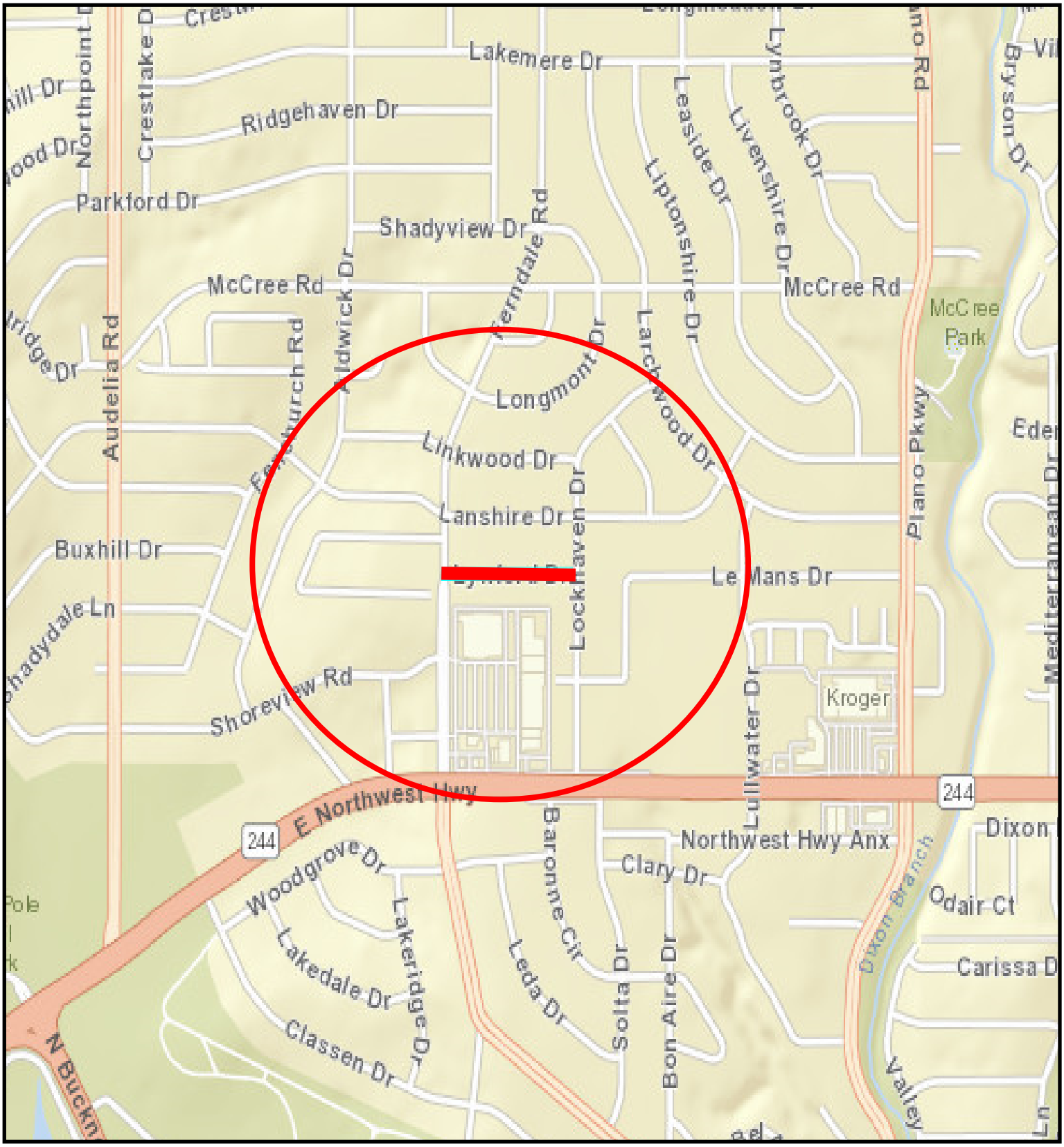
Project	**Council District**
Lockhaven Drive from Lynford Drive to Lanshire Drive	10
Lynford Drive from Ferndale Road to Lockhaven Drive	10
Rolling Rock Lane from Hackney Lane to Fern Hollow Drive	10
Lockhaven Drive from Lockyer Drive to Lynford Drive	10
Lockhaven Drive from East Northwest Highway to Lockyer Drive	10

STREET RECONSTRUCTION
LOCKHAVEN DRIVE FROM LYNFORD DRIVE TO LANSHIRE DRIVE



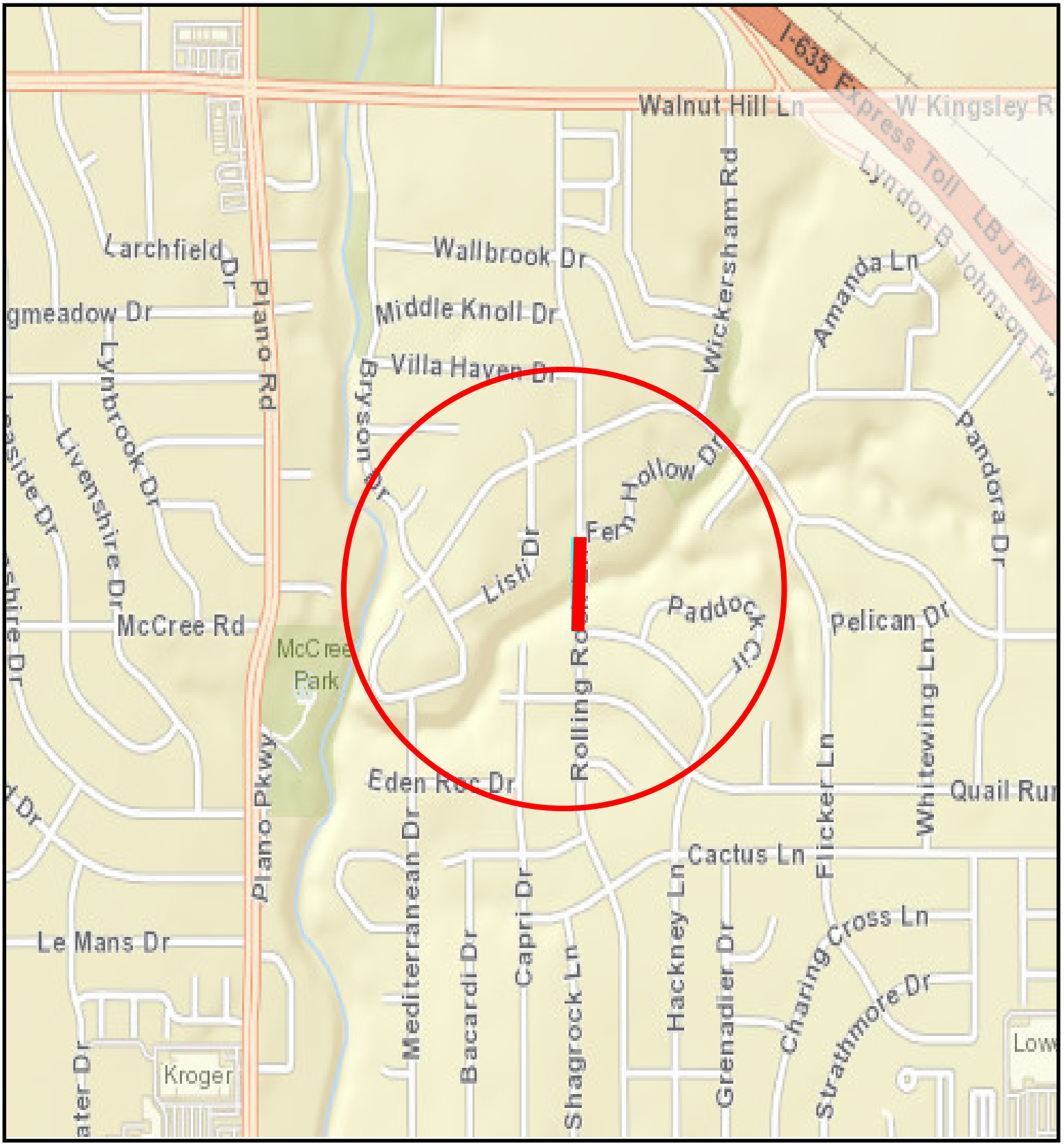
COUNCIL DISTRICT 10

STREET RECONSTRUCTION
LYNFORD DRIVE FROM FERNDALE ROAD TO LOCKHAVEN DRIVE



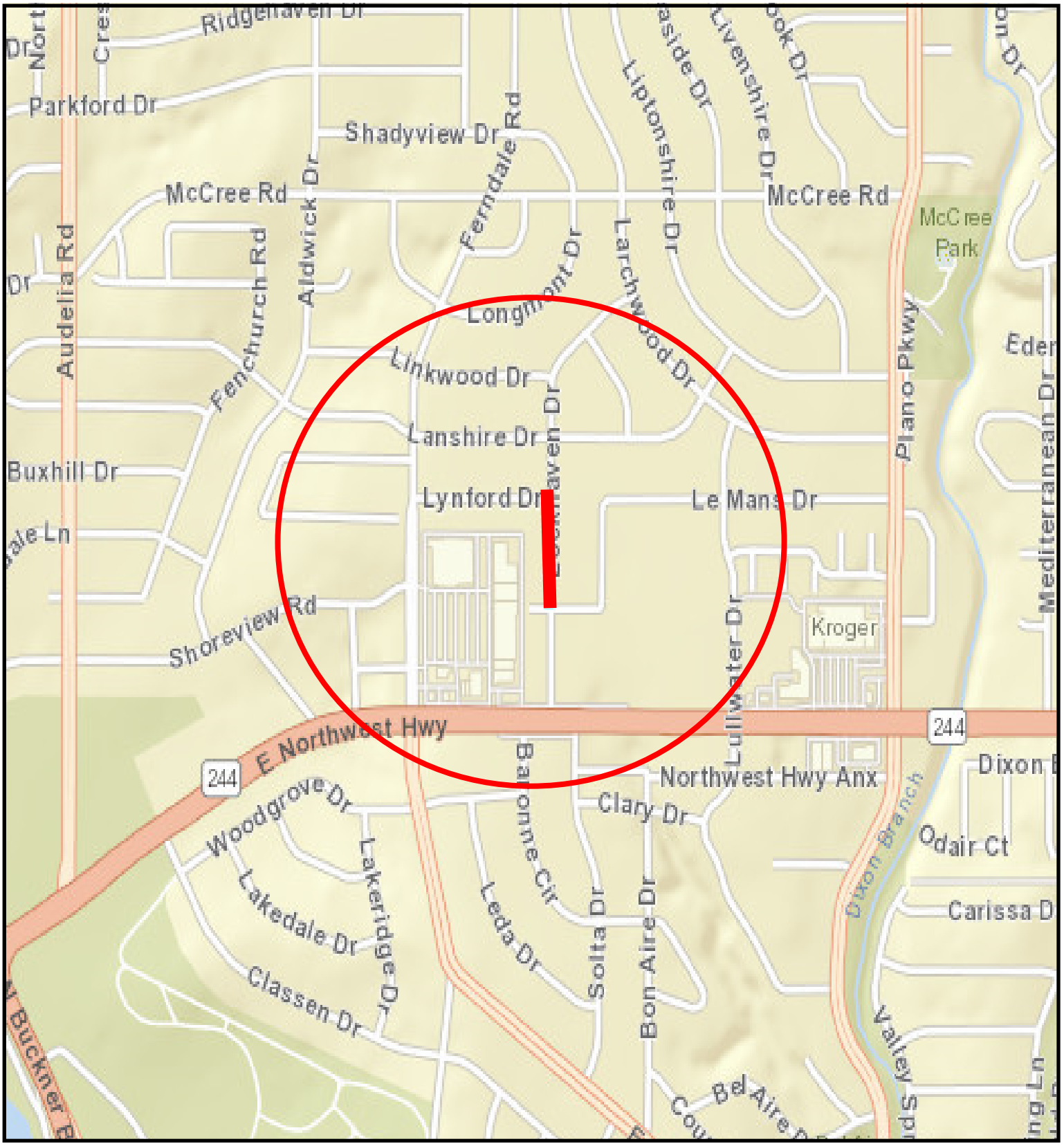
COUNCIL DISTRICT 10

STREET RECONSTRUCTION
ROLLING ROCK LANE FROM HACKNEY LANE TO FERN HOLLOW DRIVE



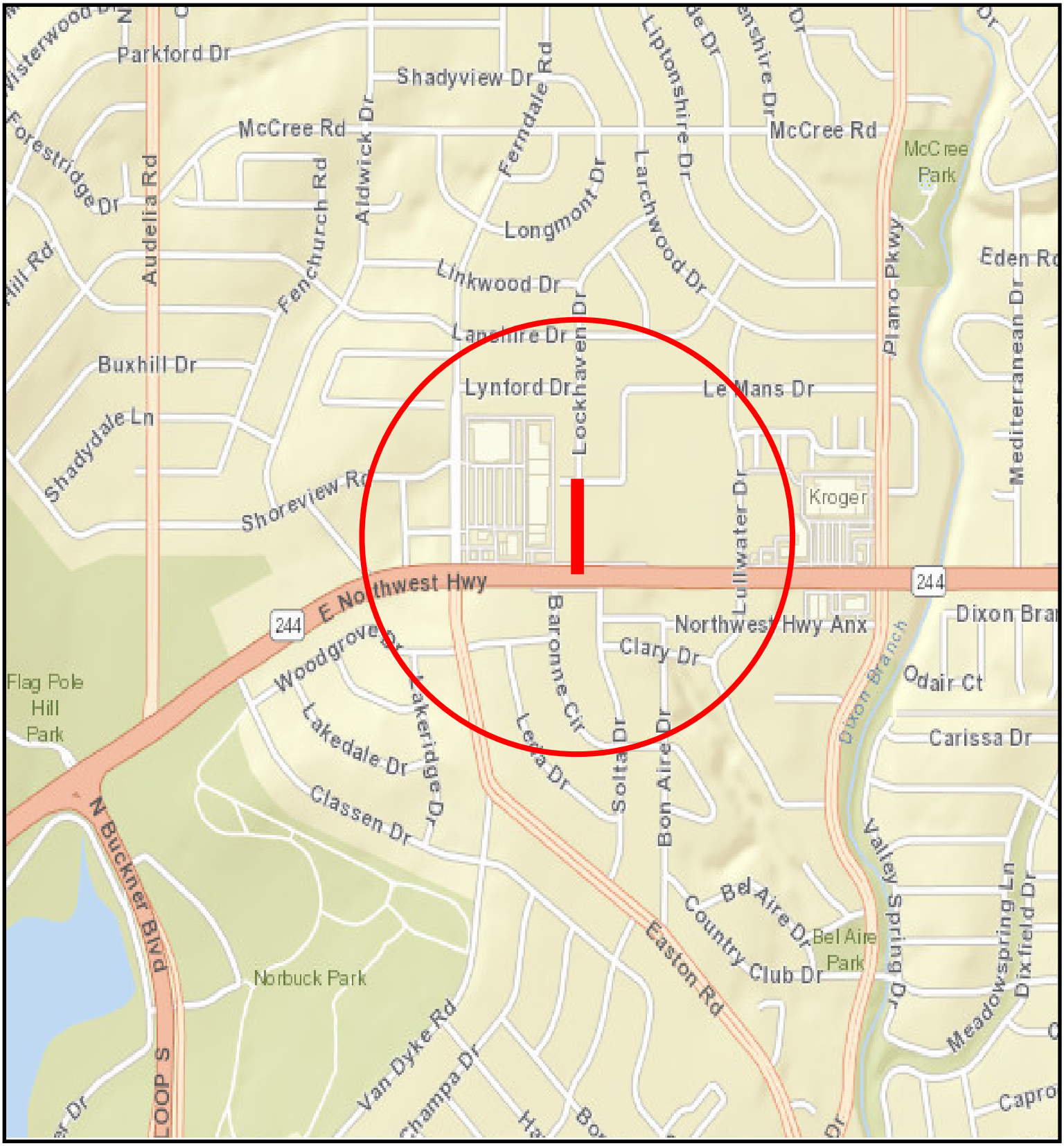
COUNCIL DISTRICT 10

STREET RECONSTRUCTION
LOCKHAVEN DRIVE FROM LOCKYER DRIVE
TO LYNFORD DRIVE



COUNCIL DISTRICT 10

STREET RECONSTRUCTION
LOCKHAVEN DRIVE FROM EAST NORTHWEST HIGHWAY TO LOCKYER DRIVE



COUNCIL DISTRICT 10

November 28, 2018

WHEREAS, Arredondo, Zepeda and Brunz, LLC was selected to provide engineering design for Street Reconstruction Group 17-10004.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Arredondo, Zepeda and Brunz, LLC, approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $289,646.69.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $289,646.69 in accordance with the terms and conditions of the contract:

Arredondo, Zepeda and Brunz, LLC for the engineering design of street reconstruction projects on local streets on: Lockhaven Drive from Lynford Drive to Lanshire Drive; Lynford Drive from Ferndale Road to Lockhaven Drive; Rolling Rock Lane from Hackney Lane to Fern Hollow Drive; Lockhaven Drive from Lockyer Drive to Lynford Drive; and Lockhaven Drive from East Northwest Highway to Lockyer Drive:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V218, Activity SREC Object 4111, Program PB17V218 Encumbrance/Contract No. CX-PBW-2018-00008150 Vendor 080851	$ 29,599.70
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V219, Activity SREC Object 4111, Program PB17V219 Encumbrance/Contract No. CX-PBW-2018-00008150 Vendor 080851	$ 52,135.79
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V220, Activity SREC Object 4111, Program PB17V220 Encumbrance/Contract No. CX-PBW-2018-00008150 Vendor 080851	$ 82,097.80

SECTION 2. (continued)

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V270, Activity SREC Object 4111, Program PB17V270 Encumbrance/Contract No. CX-PBW-2018-00008150 Vendor 080851	$ 47,404.84
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V271, Activity SREC Object 4111, Program PB17V271 Encumbrance/Contract No. CX-PBW-2018-00008150 Vendor 080851	$ 43,908.56
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42, Activity RELO Object 4111, Program 719047 Encumbrance/Contract No. CX-PBW-2018-00008150 Vendor 080851	$ 29,500.00
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42, Activity RELO Object 4111, Program 719050 Encumbrance/Contract No. CX-PBW-2018-00008150 Vendor 080851	$ 5,000.00
Total amount not to exceed	$289,646.69

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 #: 18-903 **Item #:** 18.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for the construction of Henderson Avenue from U.S. Highway 75 to Ross Avenue - The Fain Group, Inc., lowest responsible bidder of four - Not to exceed $2,251,681.00 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds)

BACKGROUND

On May 11, 2016, City Council authorized a professional services contract with Huitt-Zollars, Inc. for the engineering design of complete street improvements for Henderson Avenue from U.S. Highway 75 to Ross Avenue by Resolution No. 16-0732.

This action will authorize a construction contract for the construction of complete street improvements for Henderson Avenue from U.S. Highway 75 to Ross Avenue which will include the addition of bump-outs on alternating sides of the street, a traffic signal at the Henderson Avenue/Willis Avenue intersection, pedestrian crosswalks, barrier-free ramps, pedestrian lights, trees, landscaping and the replacement of dilapidated storm drain inlets, curb and gutter, sidewalk and driveways.

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

	PBW	DWU	PKR	TWM
Projects Completed	3	0	3	0
Change Orders	23	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2016
Completed Design	June 2018
Begin Construction	February 2019
Complete Construction	February 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 11, 2016, City Council authorized a professional services contract with Huitt-Zollars, Inc. for engineering design services by Resolution No. 16-0732.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on November 26, 2018.

FISCAL INFORMATION

Street and Transportation Improvements Fund (2012 Bond Funds) - $2,251,681.00

Council District	Amount
2	$1,576,176.70
14	$ 675,504.30
Total	$2,251,681.00

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 $
$2,251,681.00	Construction	25.00%	25.02%	$563,462.30
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The following four bids with quotes were received and opened on July 20, 2018:

*Denotes successful bidder

Bidders	Bid Amount
* The Fain Group, Inc. 1616 North Sylvania	$2,251,681.00

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Fort Worth, TX 76111	
Gibson & Associates, Inc.	$2,412,851.58
Joe Funk Construction, Inc.	$2,466,765.85
Texas Standard Construction, LTD	$2,681,959.90
Original estimate: PBW	$2,188,813.38

OWNER

The Fain Group, Inc.

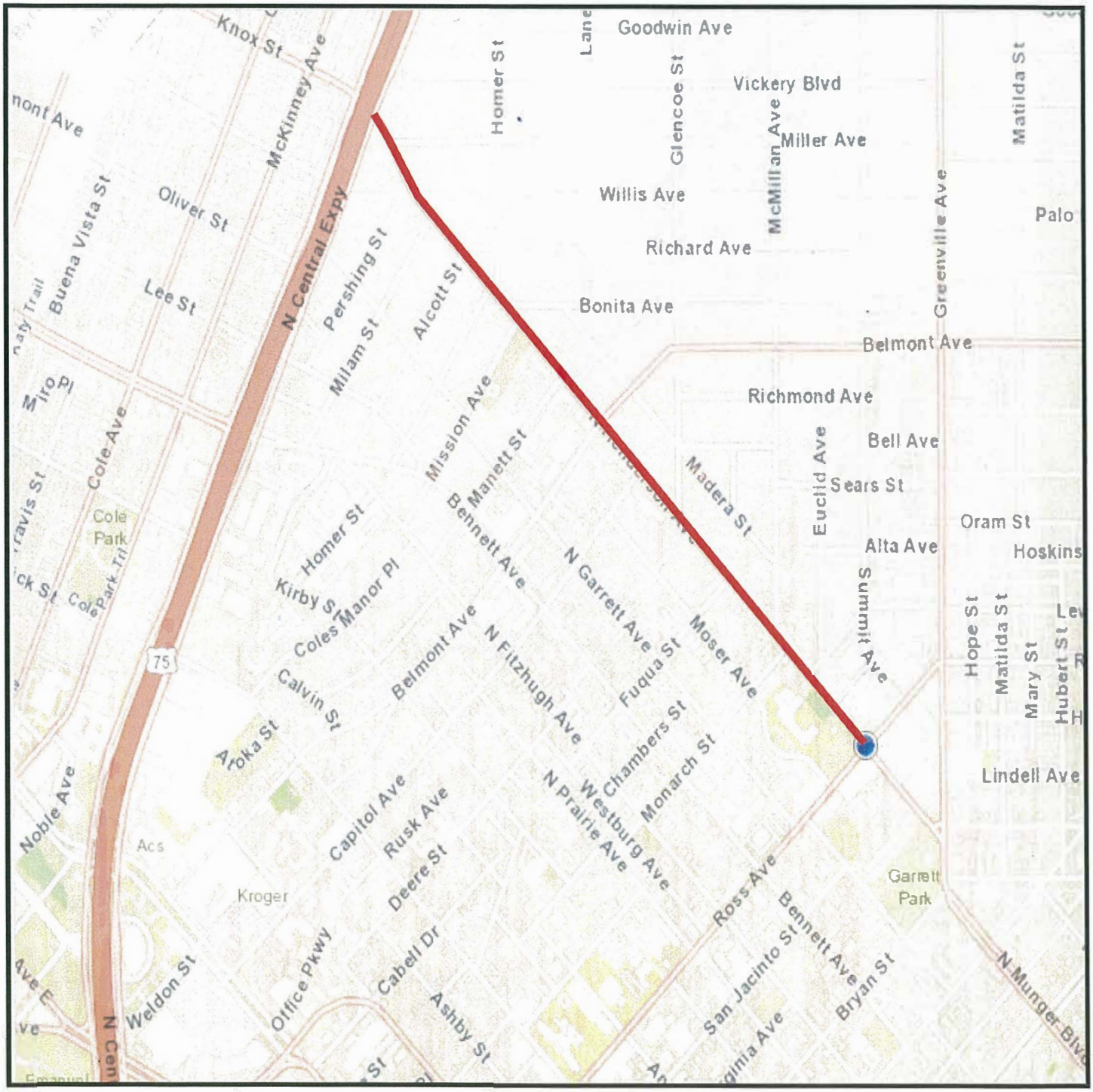
Larry Frazier, President

MAP

Attached

powered by Legistar™

COMPLETE STREET IMPROVEMENTS
HENDERSON AVENUE FROM U.S. HIGHWAY 75 TO ROSS AVENUE



COUNCIL DISTRICTS 2, 14

November 28, 2018

WHEREAS, on May 11, 2016, City Council authorized a professional services contract with Huitt-Zollars, Inc. for the engineering design of complete street improvements for Henderson Avenue from U.S. Highway 75 to Ross Avenue, in an amount not to exceed $251,851.00, by Resolution No. 16-0732; and

WHEREAS, on December 20, 2017, Administrative Action No. 18-5126 authorized Supplemental Agreement No. 1 to the professional services contract with Huitt-Zollars, Inc. to provide additional engineering design services for Henderson Avenue from U.S. Highway 75 to Ross Avenue, in an amount not to exceed $14,800.00, increasing the contract amount from $251,851.00 to $266,651.00; and

WHEREAS, on July 20, 2018, bids were received for the construction of complete street improvements for Henderson Avenue from U.S. Highway 75 to Ross Avenue, as follows:

Bidders	**Bid Amount**
The Fain Group, Inc.	$2,251,681.00
Gibson & Associates, Inc.	$2,412,851.58
Joe Funk Construction, Inc.	$2,466,765.85
Texas Standard Construction, LTD	$2,681,959.90

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a construction contract with The Fain Group, Inc., approved as to form by the City Attorney, for the complete street improvements for Henderson Avenue from U.S. Highway 75 to Ross Avenue, in an amount not to exceed $2,251,681.00, this being the lowest responsive bid as indicated by the tabulation of bids.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $2,251,681.00 to The Fain Group, Inc., in accordance with the terms and conditions of the contract as follows:

Street and Transportation Improvements Fund	
Fund 2U22, Department PBW, Unit S407, Activity THRF	
Object 4510, Program PB12S407	
Encumbrance/Contract No. CX-PBW-2018-00007334	
Vendor VS0000040276	$ 990,700.83

SECTION 2. (continued)

Street and Transportation Improvements Fund Fund 3U22, Department PBW, Unit S353, Activity SRSF Object 4510, Program PB12S353 Encumbrance/Contract No. CX-PBW-2018-00007334 Vendor VS0000040276	$ 740,200.00
Street and Transportation Improvements Fund Fund 3U22, Department PBW, Unit S407, Activity THRF Object 4510, Program PB12S407 Encumbrance/Contract No. CX-PBW-2018-00007334 Vendor VS0000040276	$ 351,617.35
Street and Transportation Improvements Fund Fund 4U22, Department PBW, Unit S407, Activity THRF Object 4510, Program PB12S407 Encumbrance/Contract No. CX-PBW-2018-00007334 Vendor VS0000040276	$ 169,162.82
Total amount not to exceed	$2,251,681.00

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

Agenda Information Sheet

File #: 18-1172 **Item #:** 19.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sanitation Services

EXECUTIVE: Joey Zapata

SUBJECT

Authorize **(1)** Supplemental Agreement No. 6 to the professional engineering contract with Biggs & Matthews Environmental, Inc. for engineering and construction management services related to landfill infrastructure improvements, including construction of waste cells 6B.2 and 7; **(2)** to extend the third optional year contract term by an additional six months, from July 1, 2019 to December 31, 2019 to complete additional engineering and construction management tasks; and **(3)** an increase in appropriations in an amount not to exceed $345,000.00 in the Sanitation Capital Improvement Funds - Not to exceed $345,000.00, from $1,785,442.00 to $2,130,442.00 - Financing: Sanitation Capital Improvement Fund

BACKGROUND

The operations at the City's solid waste disposal facilities, which include the McCommas Bluff Landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station, are governed by state issued operational permits. Each permit requires environmental protection, sampling and reporting for air, water and waste, as regulated by the Texas Commission on Environmental Quality (TCEQ).

This two-year contract, with three one-year renewal options (five years total), with Biggs & Mathews Environmental, Inc. (BME), provides the Department of Sanitation Services with environmental technical services, hydrogeology and groundwater monitoring/reporting services, state permit consulting services, engineering and design for landfill waste cell and infrastructure improvements, construction document preparation, and construction management/quality control services.

In June 2013, when the original contract was executed, there was only one waste cell construction planned for year four of the five-year contract term. Due to increased fill volumes, the waste cell planned for year four of the contract was advanced to year three. With continued increased disposal volumes in years three and four, waste cell 6B.2 needed to be advanced forward to year five of this contract, which was not anticipated in June of 2013. Advancing this construction required contract Supplemental Agreement No. 5, which not only authorized the last optional year of the contract, it

also increased the contract scope, funding and contract completion date to allow BME to design, assist with procurement and provide construction management and final state permitting of the new waste cell construction project.

During design of waste cell 6B.2, it was determined that the overall size of the waste cells should be increased to provide greater capacity/operational life and to allow for an optimized operational configuration. The new design added the construction of waste cell 7. Based on the new design of waste cells 6B.2 and 7, the project increased from 26 acres to 52 acres overall, which requires a longer construction timeframe for completion. The construction contract for Waste Cells 6B.2 and 7 was awarded on June 13, 2018 and the estimated completion time for construction is September 2019. Since the award of the construction contract, the McCommas Bluff Landfill has received record rainfall which has led to early project delays. Supplemental Agreement No. 6 will increase the third optional year contract term by six months, from July 1, 2019 to December 31, 2019, and increase funding for BME to provide additional construction management oversight, quality control and final state permitting related to the increased size of the construction project and additional construction completion time.

ESTIMATED SCHEDULE OF PROJECT

Begin Contract Extension Option	July 2019
Complete Contract Extension Option	December 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 26, 2013, City Council authorized a 24-month professional engineering contract to Biggs & Mathews Environmental, Inc., with three 12-month renewal options for hydrogeology and groundwater monitoring at McCommas Bluff Landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station and waste cell design and construction oversight at McCommas Bluff Landfill by Resolution No. 13-1082.

On June 10, 2015, City Council authorized Supplemental Agreement No. 2 to Biggs & Mathews Environmental, Inc. to exercise the first of three, 12-month renewal options for hydrogeology and groundwater monitoring at McCommas Bluff Landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station and waste cell design and construction oversight at McCommas Bluff Landfill by Resolution No. 15-1059.

On May 25, 2016, City Council authorized Supplemental Agreement No. 3 to Biggs & Mathews Environmental, Inc. to exercise the second of three, 12-month renewal options to the professional engineering contract for hydrogeology and groundwater monitoring at McCommas Bluff Landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station by Resolution No. 16-0814.

On August 9, 2017, City Council authorized Supplemental Agreement No. 5 to Biggs & Mathews Environmental, Inc. to exercise the third of three, 12-month renewal options to the professional engineering contract for hydrogeology and groundwater monitoring at McCommas Bluff Landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station by Resolution

No. 17-1178.

Information about this item will be provided to the Quality of Life, Arts & Culture Committee on November 26, 2018.

FISCAL INFORMATION

Sanitation Capital Improvement Fund - $345,000.00

Professional Services Contract	$ 396,040.00
Supplemental Agreement No. 1	$ 0.00
Supplemental Agreement No. 2	$ 577,790.00
Supplemental Agreement No. 3	$ 153,539.00
Supplemental Agreement No. 4	$ 0.00
Supplemental Agreement No. 5	$ 636,473.00
Supplemental Agreement No. 6 (this action)	$ 345,000.00
Total	$2,108,842.00

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 $
$345,000.00	Architecture & Engineering	25.66%	25.66%	$88,530.00
• This contract meets the M/WBE goal.				
• Supplemental Agreement No. 6 - 25.66% Overall M/WBE Participation				

OWNER

Biggs & Mathews Environmental, Inc.

Kerry D. Maroney, President
Michael Snyder, Vice President
Kenneth J. Welch, Secretary
Gregg Adams, P.E., Treasurer

WHEREAS, on June 26, 2013, City Council authorized a 24-month professional engineering contract with Biggs & Mathews Environmental Inc., with three 12-month renewal options for hydrogeology and groundwater monitoring at McCommas Bluff Landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station and waste cell design and construction oversight at McCommas Bluff Landfill as required, in an amount not to exceed $396,040.00, by Resolution No. 13-1082; and

WHEREAS, on August 27, 2013, Administrative Action No. 13-6172 authorized Supplemental Agreement No. 1 to the professional engineering contract with Biggs and Mathews Environmental Inc. for the installation and testing of Geo-probes at McCommas Bluff Landfill, in an amount not to exceed $21,600.00, from $396,040.00 to $417,640.00; and

WHEREAS, on June 10, 2015, City Council authorized Supplemental Agreement No. 2 to the professional engineering contract with Biggs and Mathews Environmental Inc., to exercise the first of three, 12-month renewal options to the professional engineering contract for hydrogeology and groundwater monitoring at McCommas Bluff Landfill and amendment to the estimated annual scope of services to revise the schedule, in an amount not to exceed $577,790.00, from $417,640.00 to $995,430.00, by Resolution No. 15-1059; and

WHEREAS, on May 25, 2016, City Council authorized Supplemental Agreement No. 3 to the professional engineering contract with Biggs and Mathews Environmental Inc., to exercise the second of three, 12-month renewal options to the professional engineering contract for hydrogeology and groundwater monitoring at McCommas Bluff Landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station, in an amount not to exceed $153,539.00, from $995,430.00 to $1,148,969.00, by Resolution No. 16-0814; and

WHEREAS, on June 29, 2017, Administrative Action No. 17-6258 authorized Supplemental Agreement No. 4 to the professional engineering contract with Biggs and Mathews Environmental Inc., to extend the time of the contract from June 30, 2017 to December 31, 2017 for hydrogeology and groundwater monitoring at McCommas Bluff Landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station, with zero cost, having no effect on the contract amount; and

WHEREAS, on August 9, 2017, City Council authorized Supplemental Agreement No. 5 to Biggs and Mathews Environmental Inc., to exercise the third of three, 12-month renewal options to the professional engineering contract for hydrogeology and groundwater monitoring at McCommas Bluff Landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station, in an amount not to exceed $636,473.00, from $1,148,969.00 to $1,785,442.00, by Resolution No. 17-1178.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign Supplemental Agreement No. 6 to the professional engineering contract with Biggs & Matthews Environmental, Inc., approved as to form by the City Attorney, for engineering and construction management services related to landfill infrastructure improvements, including construction of waste cells 6B.2 and 7 and to extend the third optional year contract term by an additional six months, from July 1, 2019 to December 31, 2019 to complete additional engineering and construction management tasks, in an amount not to exceed $345,000.00, increasing the professional engineering contract from $1,785,442.00 to $2,130,442.00.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed $345,000.00 in the Sanitation Capital Improvement Fund, Fund 0593, Department SAN, Unit P964, Object 3070.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $345,000.00 to Biggs & Mathews Environmental, Inc. (501084) from Sanitation Capital Improvement Fund, Fund 0593, Department SAN, Unit P964, Object 3070, Encumbrance/Contract No. SAN-2016-0000735.

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 #: 18-1192 **Item #:** 20.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	November 28, 2018
COUNCIL DISTRICT(S):	13
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 30,000 square feet of land located between Strait Lane and Inwood Road for the Northaven Trail Phase 2A Project - Not to exceed $50,000.00 ($44,211.00, plus closing costs and title expenses not to exceed $5,789.00) - Financing: Capital Gifts Donation & Development Fund

BACKGROUND

This item authorizes the acquisition from Oncor Electric Delivery Company LLC (Oncor), of approximately 30,000 square feet of land located between Strait Lane and Inwood Road for the Northaven Trail Phase 2A Project. This property will be used for the installation of a hike and bike bridge over Bachman Branch as part of the Northaven Trail. The consideration is based on an independent appraisal. The dedication of this property as official park land is not recommended to occur until such time it is developed for park purposes.

The City of Dallas and Dallas County are partnering to develop two miles of the proposed Northaven Trail Phase 2A from Cinderella Lane to Preston Road. The trail alignment for this project uses Oncor property. Bachman Branch crosses Oncor's property between Strait Lane and Inwood Road. In order for the trail to cross the creek, the City must install a hike and bike bridge. Oncor requires the City to purchase the land necessary to install a hike and bike bridge. As condition of the sale, Oncor will retain a utility easement for its transmission tower, lines and service.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 15, 2018, the Park and Recreation Board authorized acquisition from Oncor Electric Delivery Company LLC, of approximately 30,000 square feet of land located between Strait Lane and Inwood Road for the Northaven Trail Phase 2A Project.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on November 26, 2018.

FISCAL INFORMATION

Capital Gifts Donation & Development Fund - $50,000.00

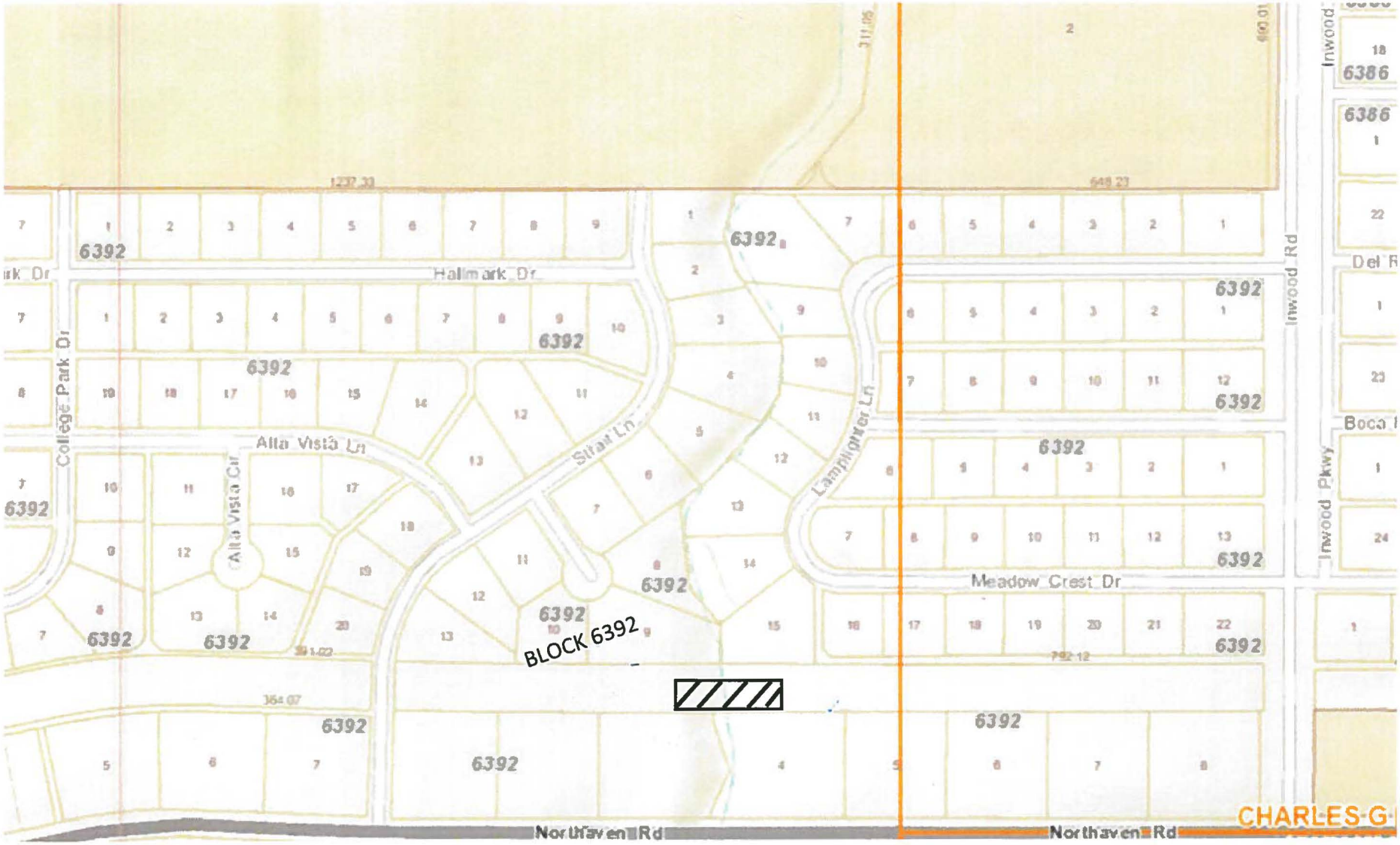
OWNER

Oncor Electric Delivery Company LLC

Jill L. Alvarez, Attorney-in-fact

MAP

Attached



SUBJECT:

N
W E
S

November 28, 2018

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 30,000 square feet of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Northaven Trail Phase 2A Project

"USE": The construction and installation of a pedestrian bridge connecting a hike and bike trail as park property provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fee 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": Oncor Electric Delivery Company LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": $44,211.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $5,789.00

"AUTHORIZED AMOUNT": Not to exceed $50,000.00

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: $44,211.00 payable out of Capital Gifts Donation & Development Fund, Fund 0530, Department PKR, Unit 919A, Activity PKLA, Program PK06T241, Object 4210 and $5,789.00 out of Capital Gifts Donation & Development Fund, Fund 0530 Department PKR, Unit 919A, Activity PKLA, Program PK06T241, Object 4230, Encumbrance/Contract No. CX-PKR-2019-00008411. 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

FIELD NOTES DESCRIBING A 30,000 SQUARE FOOT (0.689 ACRE) TRACT IN CITY BLOCK 6392 (UNPLATTED) JOHN C. MCCOY SURVEY, ABSTRACT NUMBER 913 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM DALLAS POWER & LIGHT COMPANY

Exhibit A

BEING, a 30,000 square foot (0.689 acre) tract of land situated in the John C. McCoy Survey, Abstract No. 913, Dallas County, Texas; said tract being part of City Block 6392 (unplatted); said tract also being part of that certain tract of land described as "Part I" in Warranty Deed to Dallas Power & Light Company, filed July 19, 1950, recorded in Volume 3344, Page 503 of the Deed Records of Dallas County, Texas; said 30,000 square foot tract being more particularly described as follows:

COMMENCING, at a 5/8-inch iron rod with cap found in the north line of said Dallas Power & Light tract; said point also being the southeast corner of Lot 15, Block 10/6392 of Hockaday Square Addition No. 3, an addition to the City of Dallas recorded in Volume 39, Page 171 of the Map Records of Dallas County, Texas;

THENCE, South 89 degrees, 14 minutes, 30 seconds West, along the said north line of the Dallas Power & Light Company tract and the south line of said Lot 15, a distance of 27.38 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for the **POINT OF BEGINNING**;

THENCE, South 00 degrees, 45 minutes, 30 seconds East, departing the said north line of the Dallas Power & Light Company tract and the said south line of Lot 15, through said Dallas Power & Light Company tract, a distance of 100.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the south line of said Dallas Power & Light Company tract and the north line of Lot 4, Block 9/6392 of Hockaday Square Addition No. 5, an addition to the City of Dallas recorded in Volume 46, Page 141 of said Map Records; from which a 1/2-inch iron pipe found (controlling monument) bears North 89 degrees, 14 minutes, 30 seconds East, a distance of 518.68 feet;

THENCE, South 89 degrees, 14 minutes, 30 seconds West, along the said south line of the Dallas Power & Light Company tract, the said north line of Lot 4 and the north line of Lot 3, Block 9/6392 of Hockaday Square Addition No. 4, an addition to the City of Dallas recorded in Volume 39, Page 87 of said Map Records, at a distance of 170.99 feet passing the northwest corner of said Lot 4 and the northeast corner of said Lot 3, continuing in all, a total a distance of 300.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the said south line of the Dallas Power & Light Company tract and the said north line of Lot 3; from which a 1/2-inch iron rod found (controlling monument), at the northwest corner of said Lot 3, bears South 89 degrees, 14 minutes, 30 seconds West, a distance of 111.13 feet;

THENCE, North 00 degrees, 45 minutes, 30 seconds West, departing the said south line of the Dallas Power & Light Company tract and the said north line of Lot 3, through said Dallas Power & Light Company tract, a distance of 100.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the said north line of the Dallas Power & Light Company tract and the south line of Lot 9, Block 8/6392 of Hockaday Square, an addition to the City of Dallas recorded in Volume 31, Page 79 of said Map Records; from which a 1/2-inch iron pipe found at the northwest corner of said Lot 3 bears South 89 degrees, 14 minutes, 30 seconds West, a distance of 287.67 feet;

FIELD NOTES APPROVED:
7/5/18

FIELD NOTES DESCRIBING A 30,000 SQUARE FOOT (0.689 ACRE) TRACT
IN CITY BLOCK 6392 (UNPLATTED)
JOHN C. MCCOY SURVEY, ABSTRACT NUMBER 913
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM DALLAS POWER & LIGHT COMPANY

Exhibit A

THENCE, North 89 degrees, 14 minutes, 30 seconds East along the said north line of the Dallas Power & Light Company tract and along the said south line of Lot 9 and the said south line of Lot 15, at a distance of 95.57 feet passing a 1/2-inch iron rod with cap found in the north line of said Dallas Power & Light Company tract and the said south line of Lot 9 and at a distance of 135.90 feet passing the southeast corner of said Lot 9 and the southwest corner of said Lot 15, continuing in all, a total distance of 300.00 feet to the **POINT OF BEGINNING**;

CONTAINING, 30,000 square feet or 0.689 acre of land, more or less.

Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. No projection, no scale.

(A survey plat of even survey date herewith accompanies this description.)

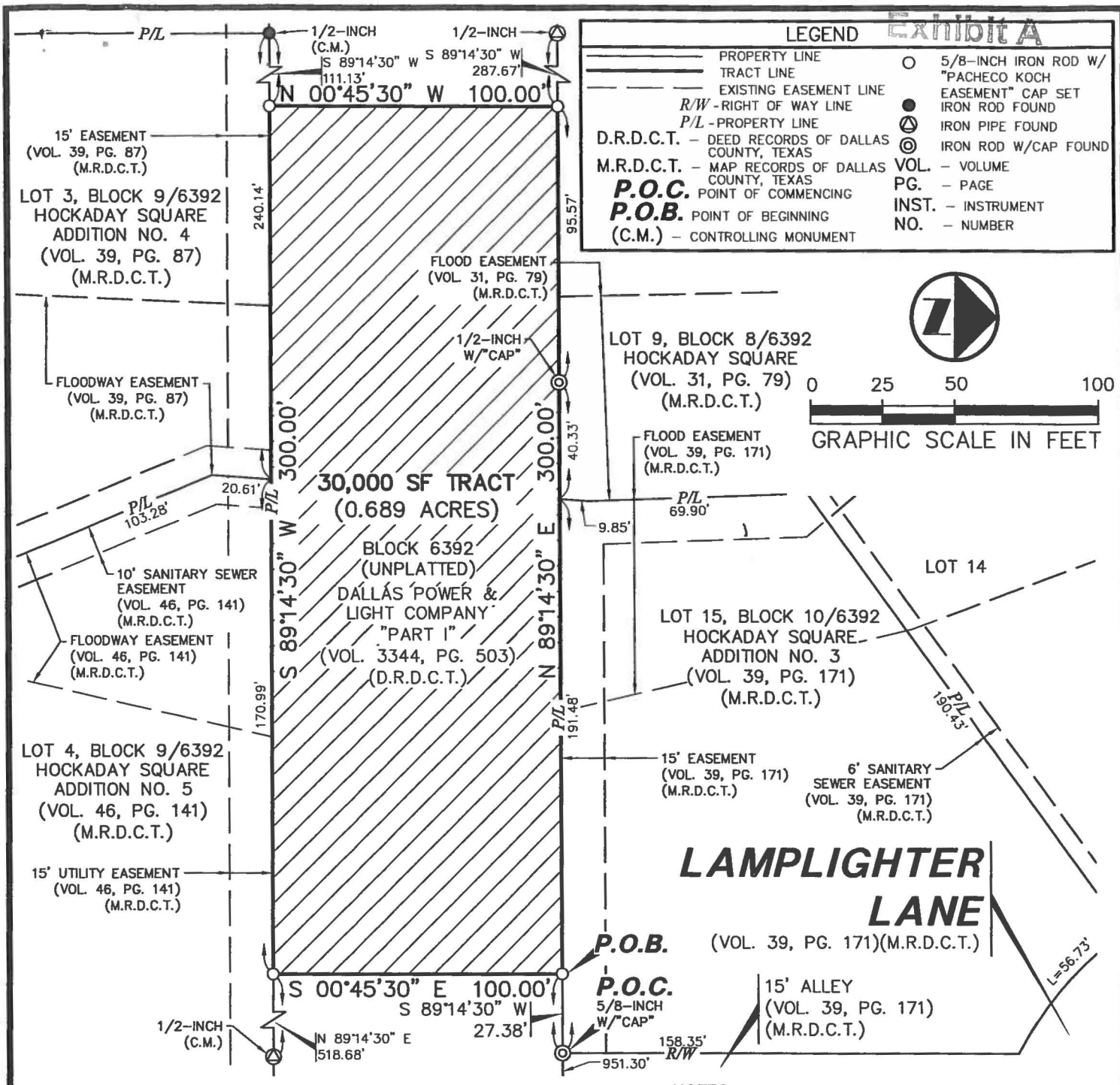
The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract described.



6/14/18

Justin W. Waldrip Date
Registered Professional Land Surveyor No. 6179
Pacheco Koch Consulting Engineers, Inc.
7557 Rambler Road, #1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00

3085-15.341EX1.doc
3085-15.341EX1.dwg CTP



NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. No projection, no scale.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract described.

STATE OF TEXAS REGISTERED JUSTIN W. WALDRIP 6179 PROFESSIONAL LAND SURVEYOR

6/14/18

Justin W. Waldrip
Registered Professional
Land Surveyor No. 6179

Date

Pacheco Koch

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CTP	JWW	1"=50'	JUNE 2018	3085-15.341

30,000 SQUARE FOOT TRACT

PART OF CITY BLOCK 6932 (UNPLATTED)
JOHN C. MCCOY SURVEY, ABSTRACT NO. 913,
CITY OF DALLAS DALLAS COUNTY, TEXAS
FROM DALLAS POWER & LIGHT COMPANY
PAGE 3 OF 3

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CPHILLIPS 6/14/2018 4:39 PM

EXHIBIT B

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF DALLAS §

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.

That **ONCOR ELECTRIC DELIVERY COMPANY LLC.**, a Delaware limited liability company, formerly known as TXU Electric Delivery Company, a Texas corporation, ("Grantor"), for and in consideration of the sum of FORTY-FOUR THOUSAND TWO HUNDRED ELEVEN NO/100 DOLLARS ($44,211.00), and other good and valuable consideration to Grantor in hand paid by the **CITY OF DALLAS,** a Texas Municipal Corporation, ("Grantee"), whose address is 1500 Marilla Street, Dallas, Texas 75202, the receipt and sufficiency of which is hereby acknowledged, has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey unto said Grantee all that certain tract or parcel of land ("the "Property") situated in the John C. McCoy Survey, Abstract No. 913, City of Dallas, Dallas, County, Texas and being a portion of a called 7.76 acre tract of land described in the deeded recorded in Volume 3344,Page 503 of the Deed Records of Dallas County, Texas more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes. Grantor represents that it does not own oil, gas and other mineral in and under the Property, which are not included in this conveyance; provided, however, to the extent that grantor does own any interest in such oil, gas or other minerals, it waives all rights of ingress and egress to the surface of the Property for the purposes of exploring, developing, mining or drilling for same., and incorporated herein by reference for all purposes.

In addition to and in support of the Special Warranty Deed hereinabove provided, Grantor does hereby further grant and convey unto Grantee an Easement and Right-of-Way in and along the property described in Exhibit A, listed in **Exhibit "B"**, attached hereto and by reference made a part hereof.

THIS CONVEYANCE IS EXPRESSLY MADE SUBJECT TO THE FOLLOWING: Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, mineral severances, and other instruments, other than liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; and discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements.

Grantor hereby expressly acknowledges and agrees that Grantee has thoroughly inspected and examined the Property to the extent deemed necessary by Grantee in order to enable Grantee is relying solely up the inspection, examination, and evaluation of the property by Grantee, and that Grantee is purchasing the property on an "AS IS and WITHOUT FAULTS" basis, without representations, warranties or covenants, express or implied, of any kind or nature.

Grantor, for the consideration and subject to the above stated exceptions and reservations from conveyance, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the above stated exceptions, when the claim is by, through, or under the Grantor but not otherwise.

EXECUTED this _____day of _____, 2018 to be effective as of the _____ day of _____, A.D. 2018

Oncor Electric Delivery Company LLC, a Delaware Limited liability company, formerly known as TXU Electric Delivery Company, a Texas corporation

By:_____
Name: Jill L. Alvarez
Title: Attorney-in-Fact

ACKNOWLEDGMENT

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared Jill L. Alvarez, Attorney-in-Fact, known to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and as the act and deed of said Oncor Electric Delivery Company

LLC, a Delaware limited liability company, formerly known as TXU Electric Delivery Company, a Texas corporation, on behalf of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ___ day of _____, A.D. 2018.

_____
Notary Public in and for the State of Texas
Printed Name: _____
My Commission Expires: _____

AFTER RECORDING, RETURN TO:
City of Dallas, Department of Development Services
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
Attn: Mark Proctor
Log No. 46545 / Block 6392

FIELD NOTES DESCRIBING A 30,000 SQUARE FOOT (0.689 ACRE) TRACT IN CITY BLOCK 6392 (UNPLATTED) JOHN C. MCCOY SURVEY, ABSTRACT NUMBER 913 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM DALLAS POWER & LIGHT COMPANY

Exhibit A

BEING, a 30,000 square foot (0.689 acre) tract of land situated in the John C. McCoy Survey, Abstract No. 913, Dallas County, Texas; said tract being part of City Block 6392 (unplatted); said tract also being part of that certain tract of land described as "Part I" in Warranty Deed to Dallas Power & Light Company, filed July 19, 1950, recorded in Volume 3344, Page 503 of the Deed Records of Dallas County, Texas; said 30,000 square foot tract being more particularly described as follows:

COMMENCING, at a 5/8-inch iron rod with cap found in the north line of said Dallas Power & Light tract; said point also being the southeast corner of Lot 15, Block 10/6392 of Hockaday Square Addition No. 3, an addition to the City of Dallas recorded in Volume 39, Page 171 of the Map Records of Dallas County, Texas;

THENCE, South 89 degrees, 14 minutes, 30 seconds West, along the said north line of the Dallas Power & Light Company tract and the south line of said Lot 15, a distance of 27.38 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for the **POINT OF BEGINNING**;

THENCE, South 00 degrees, 45 minutes, 30 seconds East, departing the said north line of the Dallas Power & Light Company tract and the said south line of Lot 15, through said Dallas Power & Light Company tract, a distance of 100.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the south line of said Dallas Power & Light Company tract and the north line of Lot 4, Block 9/6392 of Hockaday Square Addition No. 5, an addition to the City of Dallas recorded in Volume 46, Page 141 of said Map Records; from which a 1/2-inch iron pipe found (controlling monument) bears North 89 degrees, 14 minutes, 30 seconds East, a distance of 518.68 feet;

THENCE, South 89 degrees, 14 minutes, 30 seconds West, along the said south line of the Dallas Power & Light Company tract, the said north line of Lot 4 and the north line of Lot 3, Block 9/6392 of Hockaday Square Addition No. 4, an addition to the City of Dallas recorded in Volume 39, Page 87 of said Map Records, at a distance of 170.99 feet passing the northwest corner of said Lot 4 and the northeast corner of said Lot 3, continuing in all, a total a distance of 300.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the said south line of the Dallas Power & Light Company tract and the said north line of Lot 3; from which a 1/2-inch iron rod found (controlling monument), at the northwest corner of said Lot 3, bears South 89 degrees, 14 minutes, 30 seconds West, a distance of 111.13 feet;

THENCE, North 00 degrees, 45 minutes, 30 seconds West, departing the said south line of the Dallas Power & Light Company tract and the said north line of Lot 3, through said Dallas Power & Light Company tract, a distance of 100.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the said north line of the Dallas Power & Light Company tract and the south line of Lot 9, Block 8/6392 of Hockaday Square, an addition to the City of Dallas recorded in Volume 31, Page 79 of said Map Records; from which a 1/2-inch iron pipe found at the northwest corner of said Lot 3 bears South 89 degrees, 14 minutes, 30 seconds West, a distance of 287.67 feet;

FIELD NOTES APPROVED:
7/5/18

FIELD NOTES DESCRIBING A 30,000 SQUARE FOOT (0.689 ACRE) TRACT
IN CITY BLOCK 6392 (UNPLATTED)
JOHN C. MCCOY SURVEY, ABSTRACT NUMBER 913
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM DALLAS POWER & LIGHT COMPANY

Exhibit A

THENCE, North 89 degrees, 14 minutes, 30 seconds East along the said north line of the Dallas Power & Light Company tract and along the said south line of Lot 9 and the said south line of Lot 15, at a distance of 95.57 feet passing a 1/2-inch iron rod with cap found in the north line of said Dallas Power & Light Company tract and the said south line of Lot 9 and at a distance of 135.90 feet passing the southeast corner of said Lot 9 and the southwest corner of said Lot 15, continuing in all, a total distance of 300.00 feet to the **POINT OF BEGINNING**;

CONTAINING, 30,000 square feet or 0.689 acre of land, more or less.

Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. No projection, no scale.

(A survey plat of even survey date herewith accompanies this description.)

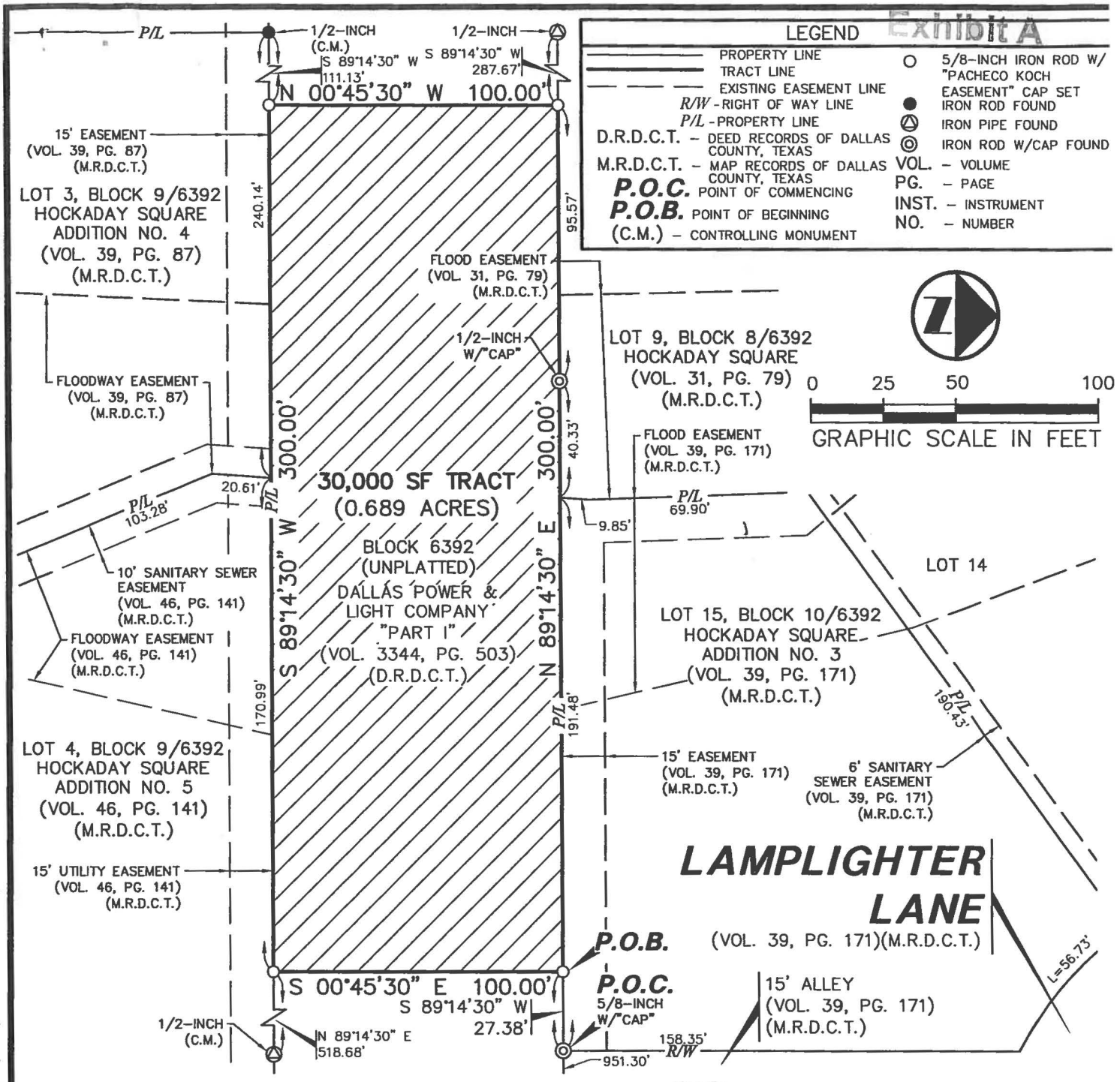
The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract described.

6/14/18

Justin W. Waldrip Date
Registered Professional Land Surveyor No. 6179
Pacheco Koch Consulting Engineers, Inc.
7557 Rambler Road, #1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00

STATE OF TEXAS REGISTERED JUSTIN W. WALDRIP 6179 PROFESSIONAL LAND SURVEYOR

3085-15.341EX1.doc
3085-15.341EX1.dwg CTP



NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. No projection, no scale.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract described.

6/14/18

Justin W. Waldrip Date
Registered Professional
Land Surveyor No. 6179

STATE OF TEXAS
REGISTERED
JUSTIN W. WALDRIP
6179
PROFESSIONAL
LAND SURVEYOR

Pacheco Koch
7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CTP	JWW	1"=50'	JUNE 2018	3085-15.341

30,000 SQUARE FOOT TRACT

PART OF CITY BLOCK 6932 (UNPLATTED)
JOHN C. MCCOY SURVEY, ABSTRACT NO. 913,
CITY OF DALLAS DALLAS COUNTY, TEXAS
FROM DALLAS POWER & LIGHT COMPANY
PAGE 3 OF 3

M:\DWG-30\3085-15.341\DWG\SURVEY C3D 2015\3085-15.341EX1.DWG
CPHILLIPS 6/14/2018 4:39 PM

EXHIBIT B

EASEMENT AND RIGHT OF WAY

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

That the **CITY OF DALLAS**, a Municipal Corporation of the County of Dallas, State of Texas, acting herein by and through its City Manager, hereto duly authorized to execute the herein conveyance by Council Resolution No. _____ approved the ____ day of _____, 2018, hereinafter termed "Grantor," for and in consideration of TEN AND NO/100 ($10.00) DOLLARS and other good and valuable consideration to it in hand paid by **Oncor Electric Delivery Company LLC, a Delaware limited liability company**, has granted, sold and conveyed and by these presents does hereby grant unto Oncor Electric Delivery Company LLC, a Delaware limited liability company, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202-1234, its successors and assigns, hereinafter referred to as "Grantee", a nonexclusive easement and right of way in, under, over and across the following described property:

> Lying and situated in the City and County of Dallas, Texas, and being more particularly described on **Exhibit "A"** attached hereto and made a part hereof for all intent and purposes

1. Construction of Facilities. This easement and right of way, together with all rights and privileges hereby granted may be used by Grantee, its successors and assigns, for the location, construction, reconstruction, relocation, alteration, maintenance, inspection, operation and removal of electric transmission or distribution systems and/or Grantee's communication systems, or part or parts thereof, and all necessary or desirable appurtenances thereto, including but not limited to, poles, wires, guys, cross arms, transformers, switches, manholes, conduits, and cables; and Grantee shall, at all times, have the right of ingress and egress over the above described property to and from said right of way. Grantee shall properly maintain such property during construction and at the conclusion of such construction remove all construction debris and other materials from such property and restore such property to the same condition it was in prior to the commencement of Grantee's construction thereon or in proximity thereto. Grantee shall contact the Manager-Chief Engineer of Utilities Management Section at least two (2) working days prior to commencing any work on Grantor's right of way.

2. Liability for Damages. Grantor shall not be liable to Grantee for any damage to said easement or Grantee's facilities or the contents thereof, except when caused by the willful misconduct of Grantor, its agents, servants or employees. Grantor and Grantee each agree that if any claim or liability shall arise from the joint or concurring negligence of both parties hereto, it shall be borne by them in proportion to their negligence. It is understood that it is not the intention of the parties hereto to create liability for the benefit of third

parties but that this agreement shall be solely for the benefit of the parties hereto.

3. Compliance with Laws. Grantee shall at its own cost and expense, comply with all applicable laws, rules, regulations, and orders issued by any governmental authority relating to Grantee's installation, operation and maintenance of Grantee's facilities, provided that Grantor shall not adopt any such law, rule or regulation that would repudiate Grantee's rights under this easement. Grantee agrees to be responsible for and indemnify and hold Grantor harmless from and against any and all claims, demands, penalties, fines, liabilities (including attorney's fees), incurred relating to any violation or alleged violation of such laws, rules, regulations or orders resulting from Grantee's acts or omissions, as well as for any and all damages or expenses incurred as a result of Grantee's installation, operation or maintenance of said facilities on Grantor's hereinabove described property.

4. Termination of Easement. This easement shall continue only so long as Grantee shall use this right of way for the purpose herein described and the same shall immediately lapse and terminate upon cessation of such use. Upon termination of this easement or right of way for any reason, Grantee shall restore the property hereinabove described to the same condition that such property was in at the beginning of the term of this agreement, ordinary wear and tear for the purpose herein authorized excepted.

5. Nonwaiver of Franchise. This easement is granted subject to the terms, conditions and provisions of Grantee's franchise with the City of Dallas. In no event, shall the terms, conditions and provisions herein contained alter, modify, amend or revoke any of the terms, conditions and provisions of the franchise.

6. Relocation of Facilities. Whenever by reason of Grantor's use of its hereinabove described property, for any purpose whatsoever, it shall be deemed necessary by Grantor to remove, alter, change, adapt, or conform the facilities of Grantee, such alteration or changes shall be made as soon as practicable by Grantee when ordered in writing by Grantor, without claim for reimbursement or material financial hardship upon Grantee, the Grantee shall have the right to present alternative proposals for Grantor's consideration. Grantor shall not require Grantee to remove its facilities entirely from the hereinabove described easement unless suitable alternatives are available for relocation at reasonable cost, but in any event Grantee shall be required to relocate such facilities within the hereinabove described easement so that such facilities do not impair the use of such property by Grantor in the operation of its business.

7. Location of Facilities. Grantee shall locate its facilities within the easement so as not to interfere with any of Grantor's facilities. Grantee shall reimburse Grantor for any and all cost and expenses incurred by Grantor for any relocation or alterations of its property or facilities located on or near the easement that Grantor in its reasonable discretion determines are subject to physical interference for Grantee's facilities or from the exercise by Grantee of any of its rights hereunder.

8. Use of Easement. Subject to Grantor's right to cause relocation of facilities under the circumstances set forth in paragraph 6 above, and unless such relocation is required pursuant thereto, Grantor shall not (without the prior written consent of Grantee) construct or place with the above described right of way any building, fence, tree, shrub, or any other structure, improvement or growth which may endanger or in any way interfere with the construction, efficiency or convenient operation and maintenance of said system or systems, and Grantee shall, at all times, after notice to, and in consultation with, Grantor (As may be reasonable under the circumstances) have their right to remove, and keep removed, all or parts of any building, fence, tree, shrub, or other structure, improvement or growth of any character which, in the judgment of Grantee, may endanger or in any way interfere with the construction, efficiency or convenient operation and maintenance of said system or systems.

9. Restrictions and Limitations. This conveyance is made subject and subordinate to all matters herein stated.

10. Headings. Headings used in this instrument are for the conveniences of the parties only and shall not be considered in construing any provisions hereof.

TO HAVE AND TO HOLD the above described easement and rights unto Oncor Electric Delivery Company LLC and its successors and assigns, for the purposes aforesaid and upon conditions herein stated, until all of the system or systems covered by this easement be abandoned for use by Oncor Electric Delivery Company LLC, for the purpose herein stated, then and there upon this conveyance shall be null and void and the use of said land and premises shall absolutely revert to Grantor herein, its successors and assigns, and no act or omission on the part of them shall be construed as a waiver of the enforcement of such condition.

AND it hereby binds itself, its successors, legal representatives and assigns, to WARRANT AND FOREVER DEFEND all and singular the above described easement and rights unto Oncor Electric Delivery Company LLC, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by through or under it but not otherwise.

Executed this _____day of _____, 2018.

City of Dallas,
T.C. BROADNAX, City Manager

By: _____
Assistant City Manager

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:
Christopher J. Caso, City Attorney

By: _____
Assistant City Attorney

Oncor Electric Delivery Company LLC,
a Delaware limited liability company

By: _____
Jill L. Alvarez
Attorney-in-Fact

STATE OF TEXAS §
§
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared _____, Assistant City Manager of the **City of Dallas**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as the act and deed of the said City of Dallas, for the purposes and consideration therein expressed and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2018.

_____
Notary Public in and for the State of Texas

STATE OF TEXAS §
§
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared **Jill L. Alvarez, Attorney in Fact for Oncor Electric Delivery Company LLC, a Delaware limited liability company**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same as the act and deed of the said Oncor Electric Delivery Company LLC, for the purposes and consideration therein expressed and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2018.

_____
Notary Public in and for the State of Texas

Agenda Information Sheet

File #: 18-1251 **Item #:** 21.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 6, 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A resolution **(1)** declaring two properties unwanted and unneeded and authorizing their sale by public auction (list attached to the Agenda Information Sheet); **(2)** authorizing a Purchase and Sale Agreement to be prepared for each auctioned surplus property receiving the highest qualified bid that is sold absolute; and **(3)** waving the minimum reserve amount - Estimated Revenue: $13,560.00

BACKGROUND

This item declares two properties unwanted and unneeded and authorizing their advertisement for sale by public auction. These properties have been routed to City departments and outside agencies to determine whether any had a need for the properties.

Texas Local Government Code Section 253.008 authorizes municipalities to sell real properties 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.

All properties will be advertised for sale by public auction with a reservation of all oil, gas and other minerals in and under the properties and a restriction prohibiting the placement of industrialized housing.

Upon receipt of the highest qualified bid sold absolute, 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 bidders are qualified to bid and be awarded the properties. All properties will be sold by Deed Without Warranty, approved as to form by the City Attorney.

These properties will return to the tax rolls upon conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on November 26, 2018.

FISCAL INFORMATION

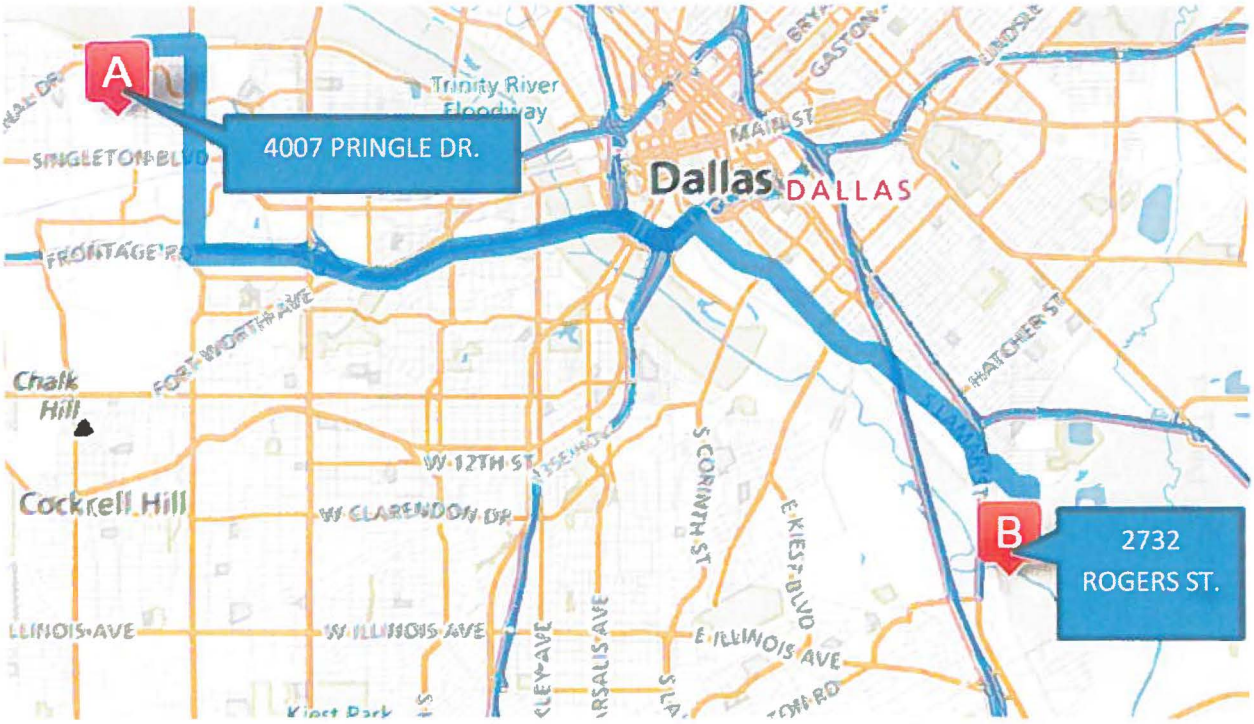
Estimated Revenue: $13,560.00

MAP

Attached

powered by Legistar™

	CITY-OWNED PROPERTY	MAPSCO	COUNCIL DISTRICT	SQ. FT OR ACREAGE	BLOCK	ZONING	DCAD ASSESSED VALUE
	UNIMPROVED LAND						
1	4007 PRINGLE DR	43E	6	0.114	7150	R-5(A)	$12,000.00
2	2732 ROGERS ST	56M	7	0.102	7075	PD-595	$1,560.00
							$13,560.00



SUBJECT PROPERTIES

November 28, 2018

WHEREAS, the City of Dallas ("City") is the owner of two tracts of land located in the City of Dallas, Dallas County, Texas as described on Exhibit "A", attached herein and incorporated by reference, and which are no longer needed for municipal use; and

WHEREAS, said City properties are currently developable and may be disposed of by public auction in accordance with the provisions of Section 2-24.1 of the Dallas City Code, which requires a minimum reserve amount be established, and Sections 253.008 and 272.001 of the Texas Local Government Code, as amended; and

WHEREAS, pursuant to Section 2-24.1(e) of the Dallas City Code, the procedures required by Section 2-24.1 of the Dallas City Code that are not required by state law may be waived; and

WHEREAS, the minimum reserve amount provided for in Section 2-24.1(b) of the Dallas City Code is not required for the sale of the property by public auction to proceed pursuant to Section 253.008 and Section 272.001 of the Texas Local Government Code which instead provide that the City may sell its property by public auction where the highest bid received reflects the fair market value of the property; and

WHEREAS, pursuant to Section 2-24.1(e) of the Dallas City Code, in accordance with certain procedures, the City recommends the minimum reserve amount requirement of Section 2-24.1(b) of the Dallas City Code be waived and the sale of said City properties be authorized to instead proceed by public auction without minimum reserve amount, pursuant to Section 2-24.1 of the Dallas City Code and to Section 253.008 and Section 272.001 of the Texas Local Government Code, where the highest bid received reflects the fair market value of the property.

Now, Therefore,

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

SECTION 1. That the City-owned properties listed on Exhibit "A", attached herein and incorporated by reference are declared unwanted and unneeded by the City Council, that the minimum reserve amount requirement of Section 2-24.1 (b) of the Dallas City Code is hereby waived for the sale if these properties, and the properties are to be advertised for sale and sold by public auction pursuant to law Section 2-24.1 of the Dallas City Code and Sections 253.008 and Section 272.001 of the Texas Local Government Code, without a minimum reserve and where the highest bid received reflects the fair market value of the properties.

SECTION 2. That the Director of Sustainable Development and Construction is authorized to advertise these properties listed on Exhibit "A" for sale by public auction and upon conclusion of the advertising period, conduct the public auction as authorized herein.

SECTION 3. That the advertisement of the properties shall state:

(a) that the sale shall be by Deed Without Warranty 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, (c) **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; and

(e) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 4. 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 5. 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 6. That, upon receipt of the consideration from the highest bidder, the City Manager or designee is authorized to execute a Deed Without Warranty to be attested by the City Secretary, and other miscellaneous closing documents upon approval as to from by the City Attorney.

SECTION 7. 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 General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8118.

SECTION 8. That if a title policy is desired by **GRANTEE**, same shall be at the expense of the **GRANTEE**.

SECTION 9. 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 10. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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

BY _____
Assistant City Attorney

EXHIBIT A

	CITY-OWNED PROPERTY	MAPSCO	COUNCIL DISTRICT	SQ. FT OR ACREAGE	BLOCK	ZONING	DCAD ASSESSED VALUE
	UNIMPROVED LAND						
1	4007 PRINGLE DR	43E	6	0.114	7150	R-5(A)	$12,000.00
2	2732 ROGERS ST	56M	7	0.102	7075	PD-595	$1,560.00
							$13,560.00

Agenda Information Sheet

File #: 18-663 **Item #:** 22.

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	November 28, 2018
COUNCIL DISTRICT(S):	13
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

A resolution **(1)** declaring a property containing approximately 150,702 square feet of land unwanted and unneeded, located near the intersection of Forest and Quincy Lanes, and authorizing its advertisement for sale by public auction; **(2)** establishing a reserve 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 - Estimated Revenue: $1,808,460.00

BACKGROUND

This item will declare a property containing approximately 150,702 square feet of land unwanted and unneeded, located near the intersection Forest and Quincy Lanes, and authorizing its sale by public auction. This property has been routed to City departments and outside agencies to determine whether any had a need for the property.

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 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)

The Government Performance and Financial Management Committee was briefed in Executive Session on November 5, 2018.

FISCAL INFORMATION

Estimated Revenue: $1,808,460.00

MAP

Attached

powered by Legistar™



5639 FOREST – SURPLUS PROPERTY

N

November 28, 2018

WHEREAS, the City of Dallas ("City") is the owner of a tract of unwanted and unneeded land containing approximately 150,702 square feet, located in the City of Dallas, Dallas County, Texas as described on Exhibit "A", attached herein and incorporated by reference, and which are no longer needed for municipal use; and

WHEREAS, pursuant to Sections 253.008 and 272.001 of the Texas Local Government Code, in accordance with certain procedures the City may sell its property by public auction, where the highest bid received reflects the fair market value of the property; and

WHEREAS, on November 5, 2018, the Government Performance and Financial Management Committee was briefed by City staff and recommended a reserve amount to be established on the surplus property described in Exhibit "A".

Now, Therefore,

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

SECTION 1. That the City-owned property listed on Exhibit "A", is declared unwanted and unneeded by the City Council and is to be advertised for sale and sold by public auction pursuant to state law.

SECTION 2. That the reserve amount briefed to the Government Performance and Financial Management Committee on November 5, 2018 is hereby established for the sale of property tract listed on Exhibit "A".

SECTION 3. That the Director 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 4. That the advertisement of the property shall state:

(a) That the sale shall be by Deed Without Warranty 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, (c) **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.

(e) Such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 5. 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 for the listed surplus property that meets or exceeds the revenue amount established by the City 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 6. 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 such surplus property between the City and the highest qualified bidder for such property at such advertised public auction.

SECTION 7. That, upon receipt of the consideration from the highest bidder, the City Manager or designee is authorized to execute a Deed Without Warranty to be attested by the City Secretary, and other miscellaneous closing documents upon approval as to from by the City Attorney.

SECTION 8. 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 General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8118.

SECTION 9. That if a title policy is desired by **GRANTEE**, same shall be at the expense of the **GRANTEE**.

SECTION 10. 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 11. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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

BY: _____
Assistant City Attorney

Exhibit A

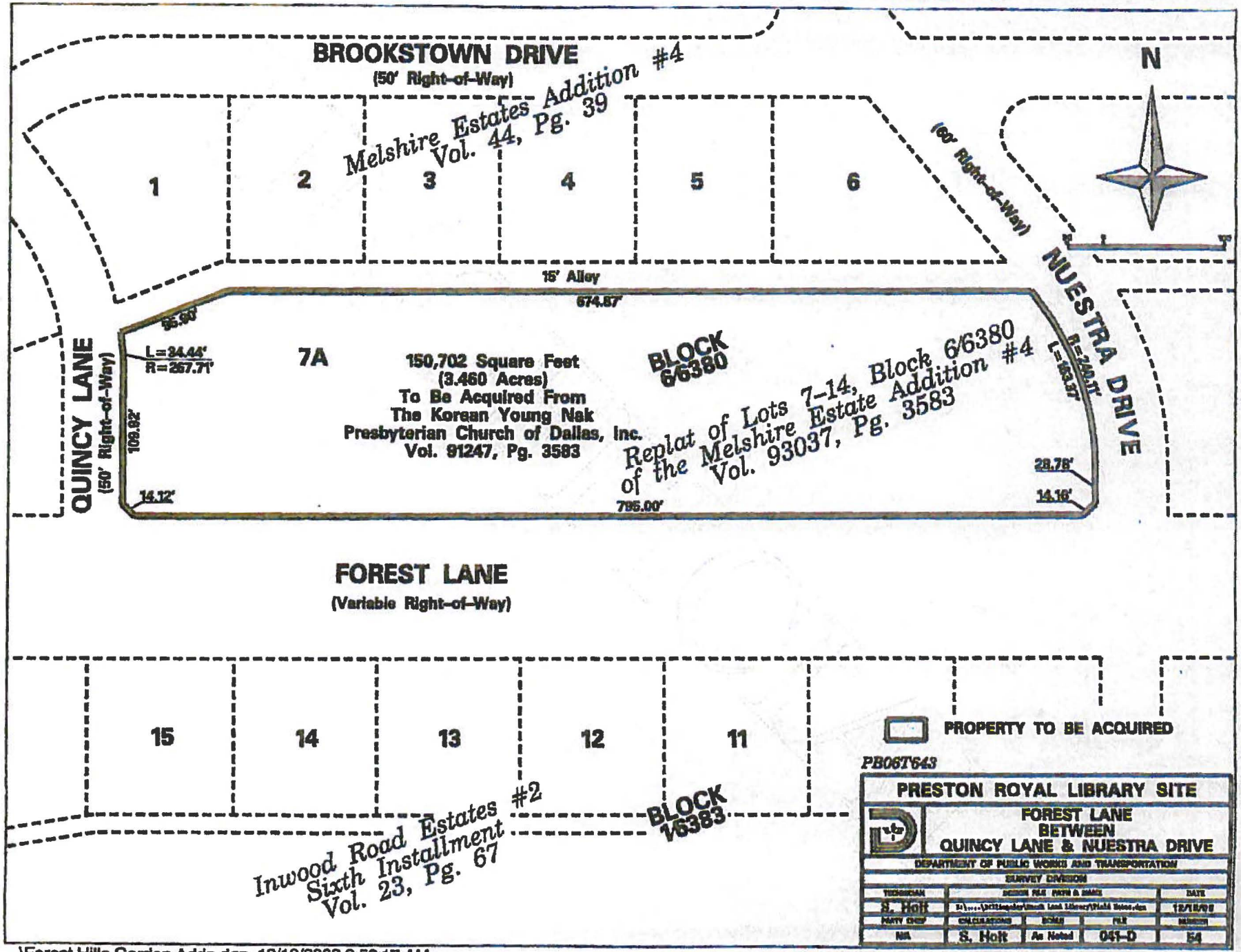
FIELD NOTES DESCRIBING LAND TO BE ACQUIRED IN CITY BLOCK 6/6380 FROM The Korean Young Nak Presbyterian Church (P.C.A.) of Dallas, Inc.

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

Exhibit A



...\Forest Hills Garden Addn.dgn 12/18/2009 9:56:17 AM

Agenda Information Sheet

File #: 18-771 **Item #:** 23.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	November 28, 2018
COUNCIL DISTRICT(S):	13
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

An ordinance abandoning a portion of Midtown Boulevard and a sidewalk and utility easement to Legacy at Midtown Park, Inc., the abutting owner, containing a total of approximately 9,418 square feet of land, located near the intersection of Manderville Lane and Midtown Boulevard; and authorizing the quitclaim - Revenue: $179,482.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of Midtown Boulevard and a sidewalk and utility easement to Legacy at Midtown Park, Inc., the abutting owner. The area will be included with the property of the abutting owner for the construction of a new senior living development. The abandonment fee is based on an independent appraisal.

Notices were sent to six 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 November 26, 2018.

FISCAL INFORMATION

Revenue: $179,482.00, plus the $20.00 ordinance publication fee

OWNER

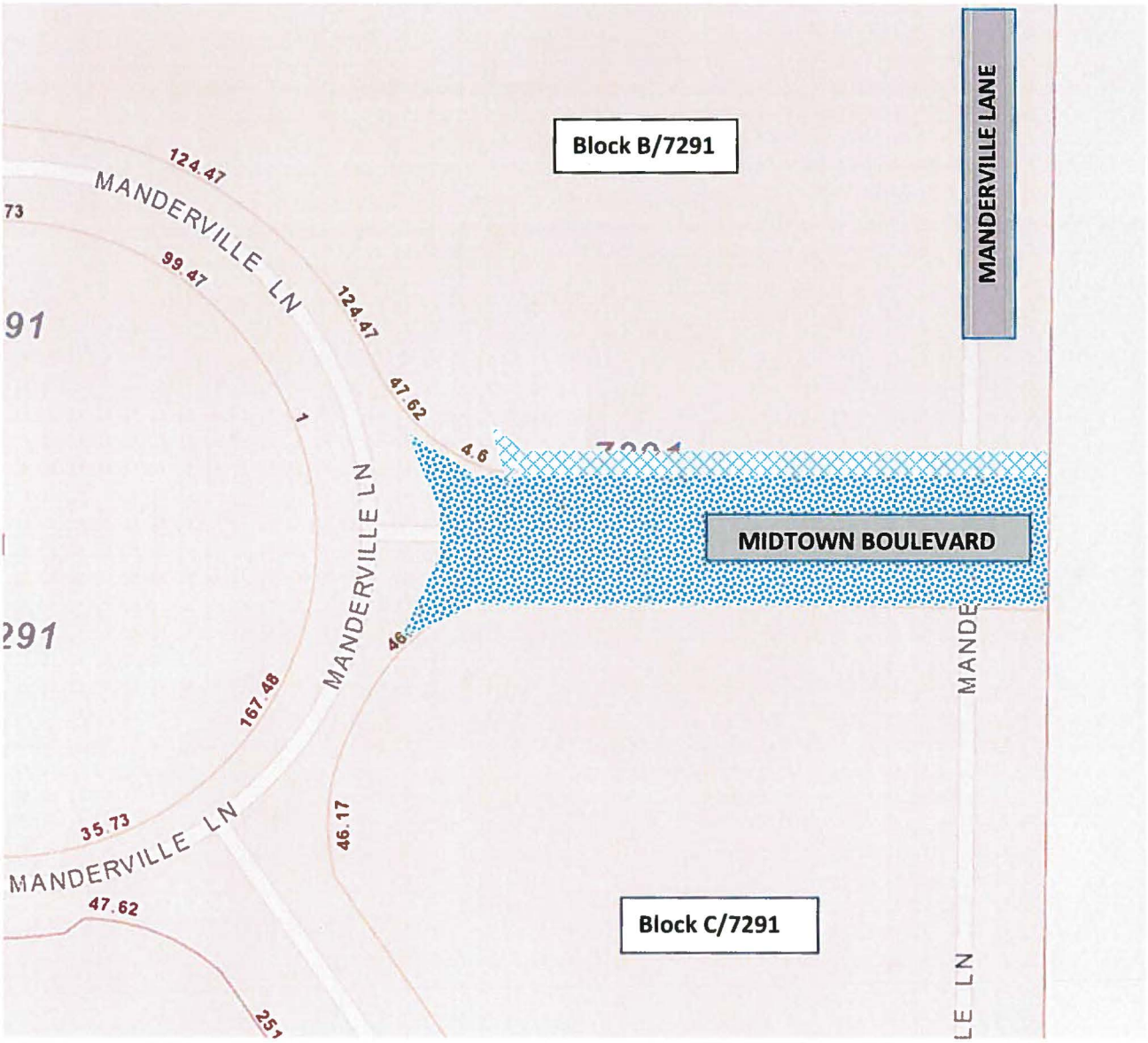
Legacy at Midtown Park, Inc.

Marc Stanley, Director

MAP

Attached

powered by Legistar™



N
W E
S

ABANDONMENT AREA
Midtown Boulevard

ABANDONMENT AREA
Sidewalk and Utility Easement

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Midtown Boulevard and a sidewalk and utility easement located adjacent to City Blocks B/7291 and C/7291 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Legacy at Midtown Park, Inc.; 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 Legacy at Midtown Park, Inc., a Texas non-profit corporation, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portion of Midtown Boulevard and a sidewalk and utility easement are 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 tracts 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 **ONE HUNDRED SEVENTY-NINE THOUSAND FOUR HUNDRED EIGHTY-TWO AND NO/100 DOLLARS ($179,482.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, 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 tracts 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 10 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 areas 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 areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas 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 areas 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 ensure the sidewalks at all driveways intersecting with Manderville Lane or Midtown Boulevard must be constructed to be continuous, clear and level across the driveway and level with the existing sidewalk.

SECTION 10. 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 tracts 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 11. 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 12. 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 13. That this ordinance is also designated for City purposes as Contract No. DEV-2017-00002466.

SECTION 14. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

JL/44009

EXHIBIT A-TRACT 1

BEING a 7,280 square feet or 0.167 acre tract of land situated in the David Barrow Survey, Abstract No.177, City of Dallas, Dallas County, Texas; and being part of City of Dallas Block 7291, being a portion of Midtown Boulevard a 37-foot right-of-way as shown on the plat of Urban Village West, an addition to the City of Dallas, Texas; according to the plat thereof recorded in Instrument No. 200900202731, Official Public Records, Dallas County, Texas, and being adjacent to Official City of Dallas Blocks B/7291 and C/7291 and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with red plastic cap stamped "KHA' found for the southeast corner of Lot 2, Block B/7291 of said Urban Village West addition and being in the west line of a 60-foot right-of-way to Dallas Power and Light as recorded in Volume 3188, Page 618, Deed Records Dallas County, Texas;

THENCE with the east terminus line of said Midtown Boulevard and the west line of said Dallas Power and Light right-of-way, South 0°19'16" East, a distance of 37.00 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA' found for the northeast corner of Lot 1, Block C/7291 of said Urban Village West addition;

THENCE departing said west right-of-way line, and with the south right-of-way line of said Midtown Boulevard and with the north line of said Lot 1, Block C/7291, the following courses and distances, to wit:

South 89°59'51" West, a distance of 164.57 feet to an "X" cut in concrete found at the beginning of a non-tangent curve to the left having a central angle of 35°55'26", a radius of 59.50 feet, a chord bearing and distance of South 51°57'46" West, 36.70 feet;
In a southwesterly direction, with said curve to the left, an arc distance of 37.31 feet to a mag nail with washer stamped "RPLS 5336" "BLOCK B/7291" found at the beginning of a non-tangent curve to the left having a central angle of 46°25'11", a radius of 114.50 feet, a chord bearing and distance of North 2°10'03" West, 90.25 feet;

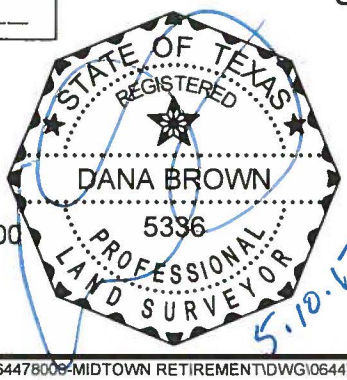
THENCE departing said south right-of-way line and said north line, over and across said City of Dallas Block 7291 in a northwesterly direction, with said curve to the left, an arc distance of 92.77 feet to an "X" cut in concrete found in the north right-of-way line of said Midtown Boulevard, and being in the south line of said Lot 2, Block B/7291 and being at the beginning of a reverse curve to the left having a central angle of 46°38'39", a radius of 58.50 feet, a chord bearing and distance of South 48°41'57" East, 46.32 feet;

THENCE with said north right-of-way line, and said south line, the following courses and distances, to wit:

In a southeasterly direction, with said curve to the left, an arc distance of 47.62 feet to an "X' cut in concrete found for corner;
North 89°59'51" East, a distance of 161.88 feet to the **POINT OF BEGINNING** and containing 7,280 square feet or 0.167 acres of land.

Bearing system based on the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

(For SPRG use only)
Reviewed By: G.S.
Date: 6-14-17
SPRG NO: 4001



5.10.17

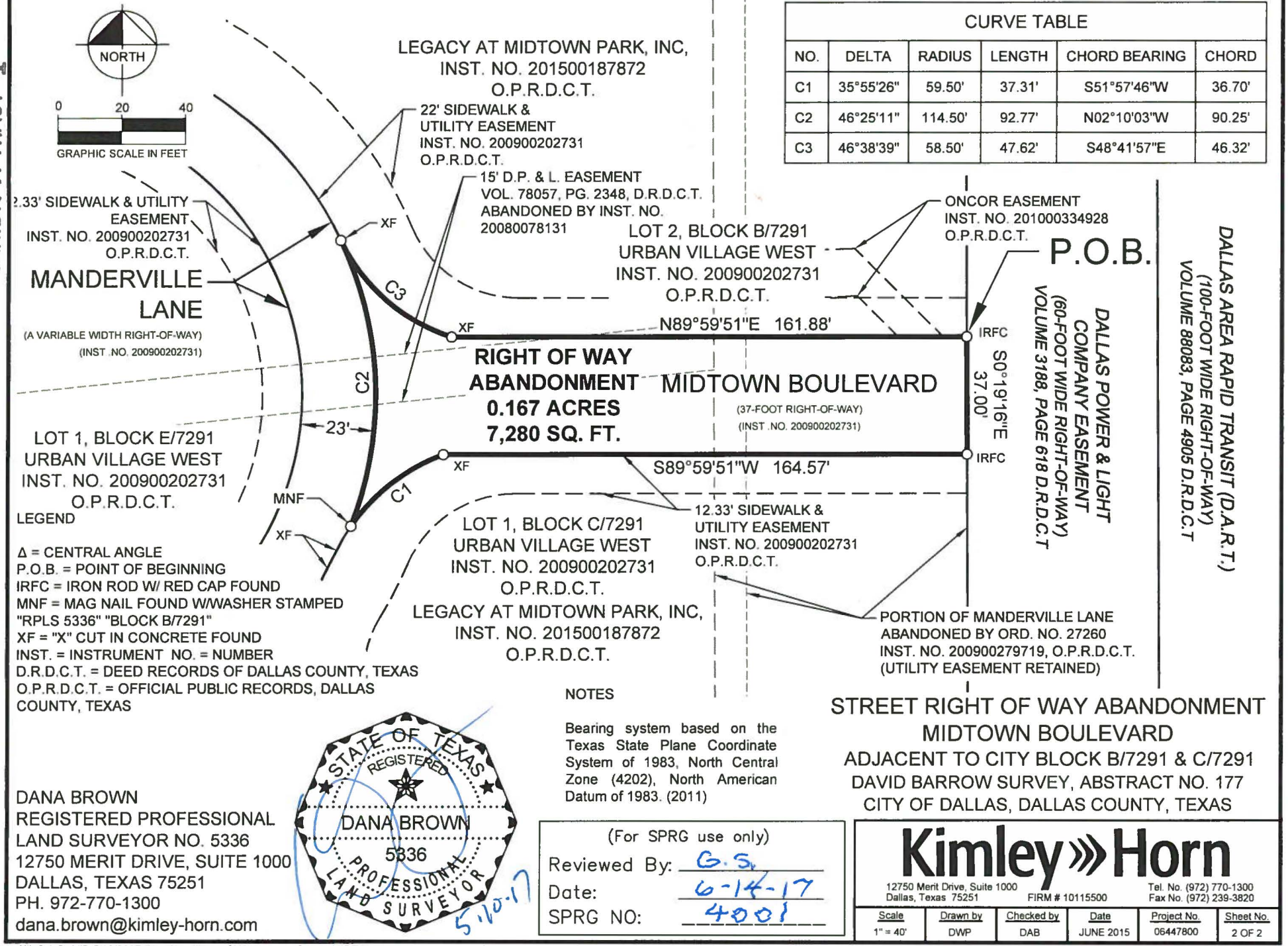
DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
dana.brown@kimley-horn.com

STREET RIGHT OF WAY ABANDONMENT
MIDTOWN BOULEVARD
ADJACENT TO CITY BLOCK B/7291 & C/7291
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	DAB	JUNE 2016	06447800	1 OF 2

EXHIBIT A-TRACT 1



CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	35°55'26"	59.50'	37.31'	S51°57'46"W	36.70'
C2	46°25'11"	114.50'	92.77'	N02°10'03"W	90.25'
C3	46°38'39"	58.50'	47.62'	S48°41'57"E	46.32'

LEGEND

Δ = CENTRAL ANGLE
P.O.B. = POINT OF BEGINNING
IRFC = IRON ROD W/ RED CAP FOUND
MNF = MAG NAIL FOUND W/WASHER STAMPED "RPLS 5336" "BLOCK B/7291"
XF = "X" CUT IN CONCRETE FOUND
INST. = INSTRUMENT NO. = NUMBER
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 State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

STREET RIGHT OF WAY ABANDONMENT
MIDTOWN BOULEVARD
ADJACENT TO CITY BLOCK B/7291 & C/7291
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

DANA BROWN
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STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
5.10.17

(For SPRG use only)
Reviewed By: G.S.
Date: 6-14-17
SPRG NO: 4001

Kimley»Horn
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	DWP	DAB	JUNE 2015	06447800	2 OF 2

EXHIBIT A-TRACT C

BEING a 2,138 square foot or 0.049 acre tract of land situated in the David Barrow Survey, Abstract No.177, City of Dallas, Dallas County, Texas; and being part of Lot 2, Block B/7291, of Urban Village West, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Instrument No. 200900202731, Official Public Records, Dallas County, Texas, and being part of a tract of land described in Special Warranty Deed to Legacy At Midtown Park, Inc. recorded in Instrument No. 201500187872, Official Public Records, Dallas County, Texas; and being part of a sidewalk and utility easement, as shown on said Urban Village West plat, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with red plastic cap stamped "KHA' found in the north right-of-way line of Midtown Boulevard (a 37-foot right-of-way), and being the southeast corner of said Lot 2, Block B/7291 and being in the west line of a 60-foot right-of-way to Dallas Power and Light as recorded in Volume 3188, Page 618, Deed Records Dallas County, Texas, from which a 5/8-inch iron rod with plastic cap stamped "KHA" found for the northeast corner of Lot 1, Block C/7291 of said Urban West Village addition, bears South 00°19'16" East, a distance of 37.00 feet;

THENCE departing said west line of 60-foot right-of-way, and with said north right-of-way line of Midtown Boulevard and the south line of said Lot 2, Block B/7291, South 89°59'51" West, a distance of 161.88 feet to an "X" cut in concrete found;

THENCE departing said north right-of-way line of Midtown Boulevard, and south line of said Lot 2, Block B/7291, over and across said Lot 2, Block B/7291, North 19°29'35" West, a distance of 28.69 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in the northeast line of said sidewalk and utility easement, and being the beginning of a tangent curve to the left having a central angle of 3°24'49", a radius of 136.50 feet, a chord bearing and distance of North 21°11'52" West, 8.13 feet;

THENCE with said northeast line of said sidewalk and utility easement, the following courses and distances, to wit:

In a northwesterly direction, with said curve to the left, an arc distance of 8.13 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tanget reverse curve to the left having a central angle of 67°05'52", a radius of 36.50 feet, a chord bearing and distance of South 56°27'12" East, 40.34 feet;
In a southeasterly direction, with said curve to the left, an arc distance of 42.74 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;
North 89°59'51" East, a distance of 140.71 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in said west line of a 60-foot right-of-way, and being in the east line of said Lot 2, Block B/7291;

THENCE with said west line of said 60-foot right-of-way and the east line of said Lot 2, Block B/7291, South 0°19'06" East, a distance of 12.33 feet to the **POINT OF BEGINNING** and containing 2,138 square feet or 0.049 acres of land.

Bearing system based on the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

(For SPRG use only)
Reviewed By: G.S.
Date: 6-14-17
SPRG NO: 4139

DANA BROWN
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LAND SURVEYOR NO. 5336
12750 MERIT DRIVE, SUITE 1000
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dana.brown@kimley-horn.com

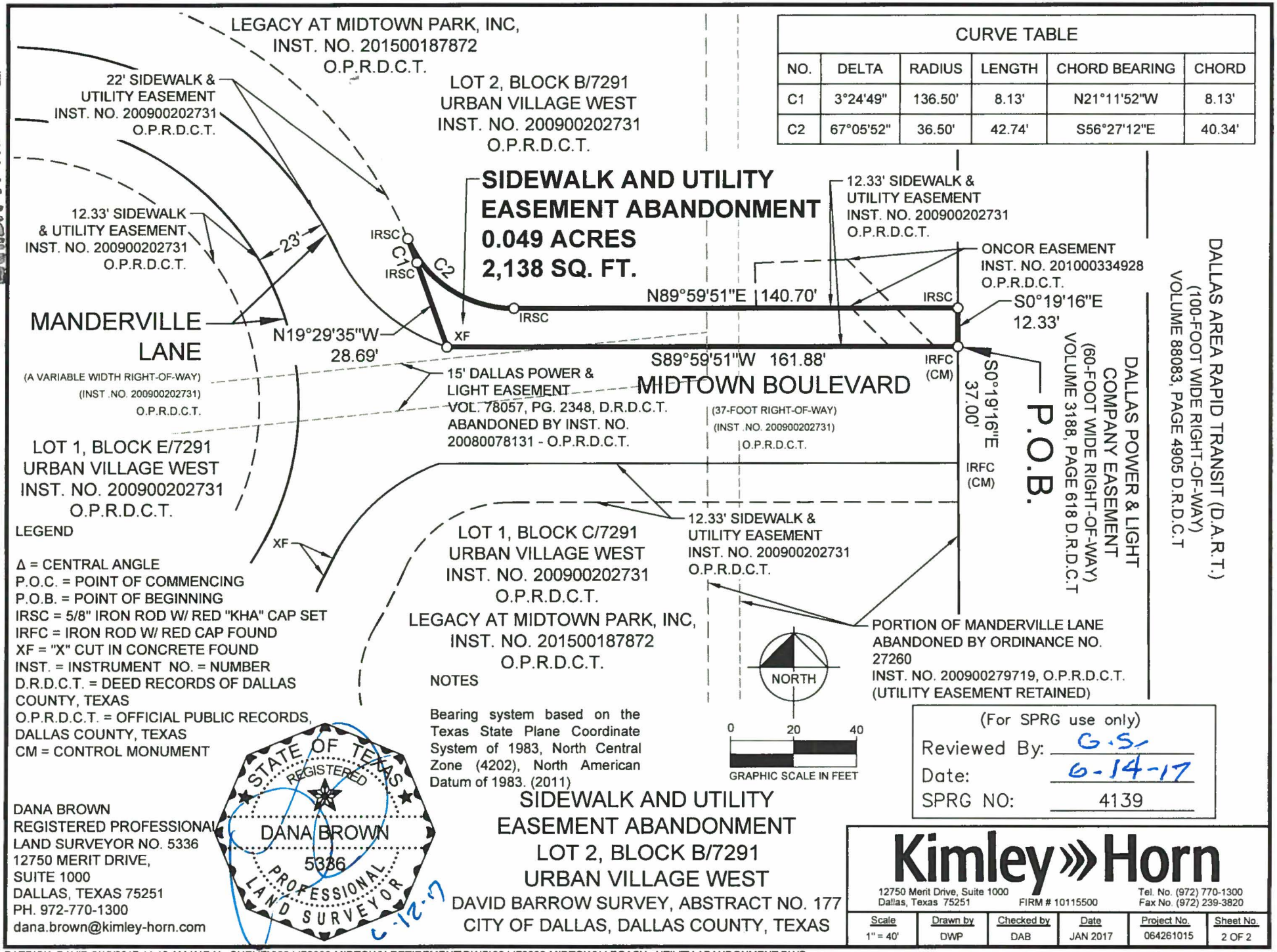
STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
6.12.17

SIDEWALK AND UTILITY EASEMENT ABANDONMENT
LOT 2, BLOCK B/7291
URBAN VILLAGE WEST
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	DAB	JAN 2017	064261015	1 OF 2

EXHIBIT A-TRACT 2



CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	3°24'49"	136.50'	8.13'	N21°11'52"W	8.13'
C2	67°05'52"	36.50'	42.74'	S56°27'12"E	40.34'

LEGEND

Δ = CENTRAL ANGLE
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ RED "KHA" CAP SET
IRFC = IRON ROD W/ RED CAP FOUND
XF = "X" CUT IN CONCRETE FOUND
INST. = INSTRUMENT NO. = NUMBER
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
CM = CONTROL MONUMENT

NOTES

Bearing system based on the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

(For SPRG use only)
Reviewed By: G.S.
Date: 6-14-17
SPRG NO: 4139

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
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STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR

6-12-17

SIDEWALK AND UTILITY EASEMENT ABANDONMENT
LOT 2, BLOCK B/7291
URBAN VILLAGE WEST
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	DWP	DAB	JAN 2017	064261015	2 OF 2

PATRICK, DAVID 6/12/2017 11:10 AM K:\DAL_SURVEY\064478000-MIDTOWN RETIREMENT\DWG\064478000-MIDTOWN LEGACY - UTILITY ABANDONMENT.DWG

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 #: 18-1038 **Item #:** 24.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning portions of an alley to Commerce-Canton Investors LLC, Westdale Futura Lofts, Ltd. and Westdale Properties America I, Ltd., the abutting owners, containing a total of approximately 4,744 square feet of land, located near the intersection of Murray and Commerce Streets; and authorizing the quitclaim; and providing for the dedication of approximately 1,629 square feet of land needed for a wastewater easement - Revenue: $181,458.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of an alley to Commerce-Canton Investors LLC, Westdale Futura Lofts, Ltd. and Westdale Properties America I, Ltd., the abutting owners. The area will be included with the property of the abutting owners to expand use of an existing warehouse. The owner will dedicate approximately 1,629 square feet of land needed for a wastewater easement. The abandonment fee is based on an independent appraisal.

Notices were sent to 17 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 November 26, 2018.

FISCAL INFORMATION

Revenue: $181,458.00, plus the $20.00 ordinance publication fee

OWNERS

Commerce-Canton Investors LLC

Richard Flaten, Jr., Managing Member

Westdale Futura Lofts, Ltd.

JGB Ventures I, Ltd., General Partner

JGB Holdings, Inc., General Partner

Joseph G. Beard, President

Westdale Properties America I, Ltd.

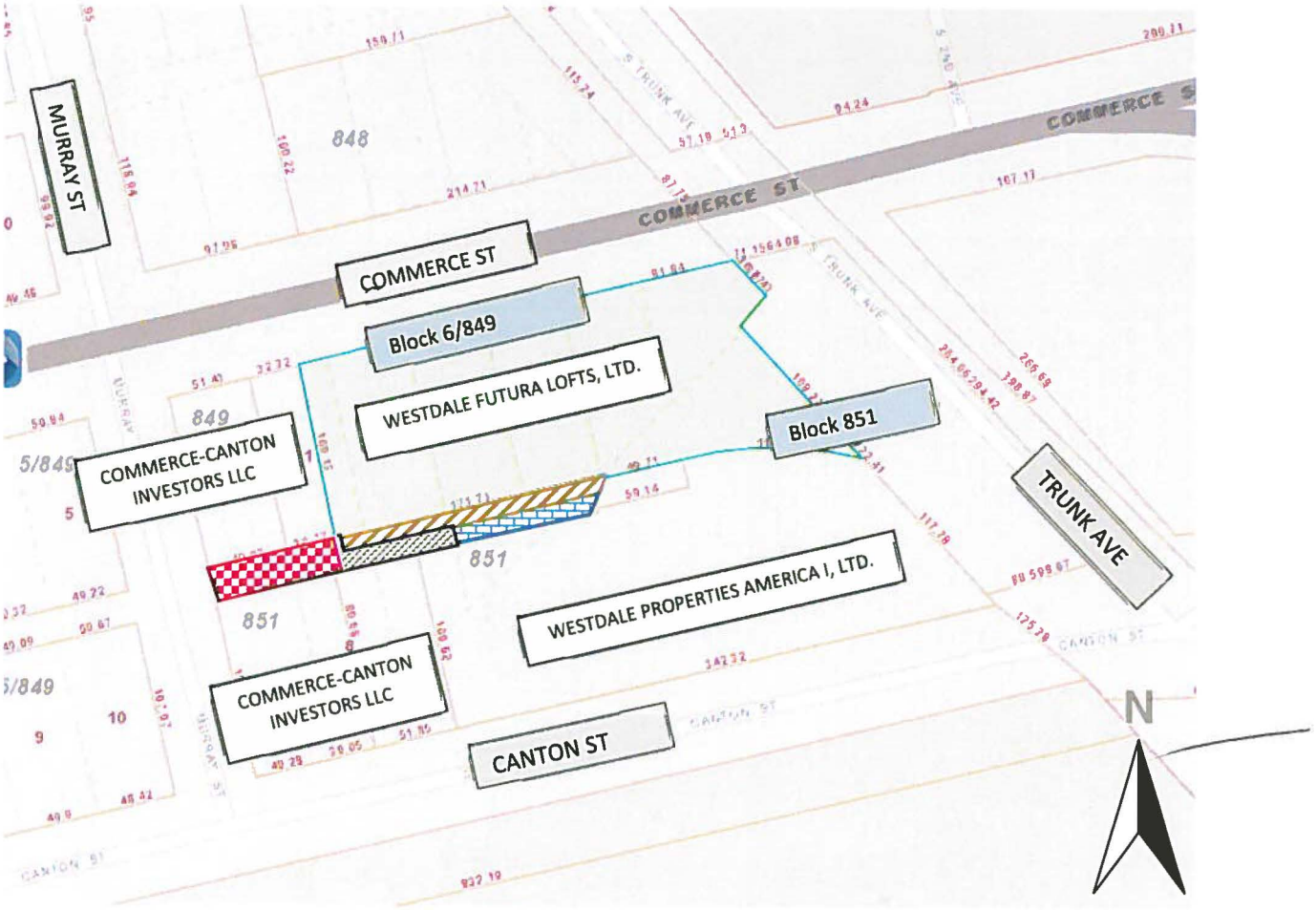
JGB Ventures I, Ltd., General Partner

JGB Holdings, Inc., General Partner

Joseph G. Beard, President

MAP

Attached



ABANDONMENT AREAS:

Commerce Canton Investors, LLC - **Tract I** –

Westdale Futura Lofts, Ltd. - **Tract II** -

Westdale Properties America I, Ltd. - **Tract III** –

WASTEWATER DEDICATION AREA:

ORDINANCE NO. _____

An ordinance providing for the abandonment of portions of an alley located adjacent to City Blocks 6/849 and 851 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Commerce-Canton Investors LLC, Westdale Futura Lofts, Ltd. and Westdale Properties America I, Ltd.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; 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; providing a future effective date for this abandonment; 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 Commerce-Canton Investors LLC, a Texas limited liability company, Westdale Futura Lofts, Ltd., a Texas limited partnership, and Westdale Properties America I, Ltd., a Texas limited partnership, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portions of alley are 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 tracts 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 and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **ONE HUNDRED EIGHTY-ONE THOUSAND FOUR HUNDRED FIFTY-EIGHT AND NO/100 DOLLARS ($181,458.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, 11 and 13, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, 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 tracts of land hereinabove described in Exhibit A as follows: unto Commerce-Canton Investors LLC, all of its right, title and interest in Tract I of Exhibit A; unto Westdale Futura Lofts, Ltd., all of its right, title and interest in Tract II of Exhibit A; and unto Westdale Properties America I, Ltd., all of its right, title and interest in Tract III of Exhibit A. Provided however, that if **GRANTEE,** their successors and assigns, fails to file a final replat of the adjoining properties as required in Section 10 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, future effective date 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**, their 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**, their 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 areas described in Exhibit A by **GRANTEE**, their successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or

affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, their 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 areas set out in Exhibit A. **GRANTEE**, their 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:

(a) acknowledge AT&T, Dallas Water Utilities and Public Works have facilities in the abandonment area and reserve rights described in Exhibit B.

(b) retain a minimum 20' wastewater easement centered on the existing 8" wastewater main by separate instrument.

SECTION 10. 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 tracts 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 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey a wastewater easement to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable fee simple title, subject to only those title exceptions approved by the City Attorney, to certain properties located in City Block 6/849, containing approximately 1,629 square feet of land ,a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 12. That at such time as the instrument described in Section 10 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 13. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **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**, their successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 14. 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 11, 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 15. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00006769 for Commerce-Canton Investors LLC, Contract No. DEV-2018-00006770 for Westdale Futura Lofts, Ltd. and Contract No. DEV-2018-00006771 for Westdale Properties America I, Ltd.

SECTION 16. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

Exhibit A – Tract I

BEING a 2,065 square feet (0.047 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of a 20-foot wide alley right-of-way adjacent to City of Dallas Block 6/849, and dedicated per plat of J. Bopp Sr Homestead Subdivision, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 121, Page 161, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the intersection of the northeast right-of-way line of Murray Street (a 50-foot wide right-of-way, formerly Gonzalez Street, Ganzer Street, Volume 121, Page 161, Deed Records of Dallas County, Texas) and the southeast right-of-way line of said alley and at the northwest corner of Lot 8, Block 6/849 and the northwest corner of a 8,247 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors LLC, recorded in Instrument No. 201400302330, Official Public Records of Dallas County, Texas;

THENCE with said northeast right-of-way line, North 14°43'07" West, a distance of 20.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the intersection of the northwest right-of-way line of said alley and said northeast right-of-way line of Murray Street and at the southwest corner of a 8,947 square foot tract land described in said Commerce-Canyon Investors LLC Special Warranty Deed and at the southwest corner of Lot 1 of said Block 6/849;

THENCE departing said northeast right-of-way line and with said northwest right-of-way line, the southeast line of Lot 1 and Lot 2, of said Block 6/849 and the southeast line of said 8,947 square foot tract, North 75°31'48" East, a distance of 81.50 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the southeast corner of said 8,947 square foot tract and at the southwest corner of a 32,717 square foot tract of land described as "Tract II" in Special Warranty Deed to Westdale Futura Lofts, Ltd., recorded in Instrument No. 201000194221, Official Public Records of Dallas County, Texas;

THENCE departing said northwest right-of-way and said southeast line of Lot 2, Block 6/849, over and across said alley, the following courses and distances to wit:

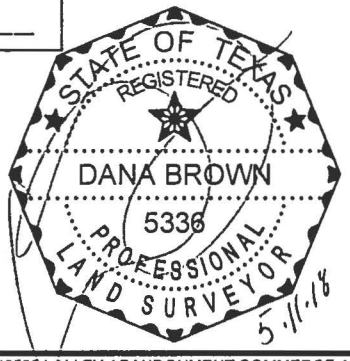
South 14°28'12" East, a distance of 10.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
North 75°31'48" East, a distance of 43.59 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
South 14°28'12" East, a distance of 10.00 feet to a 1/2" iron rod with plastic cap stamped "Hennessey" found in the southeast right-of-way line of said alley and in the northwest line of Lot 10, of said Block 6/849, at the northeast corner of a 5,512 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors, LLC, recorded in Instrument No. 201400302331, Official Public Records of Dallas County, Texas and at the northwest corner of a 0.807 acre tract of land described in Special Warranty Deed to Westdale Properties America I, Ltd., recorded in Volume 2000167, Page 2156, Deed Records of Dallas County, Texas;

THENCE with said southeast right-of-way line and the northwest line of said Lot 10, Lot 9 and Lot 8, Block 6/849 and the northwest line of said 5,512 square foot tract and the northwest line of said 8,247 square foot tract, South 75°31'48" West, a distance of 125.01 feet to the **POINT OF BEGINNING** and containing 2,065 square feet or 0.047 acres 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: JD
Date: 7/11/2018
SPRG NO: 4557

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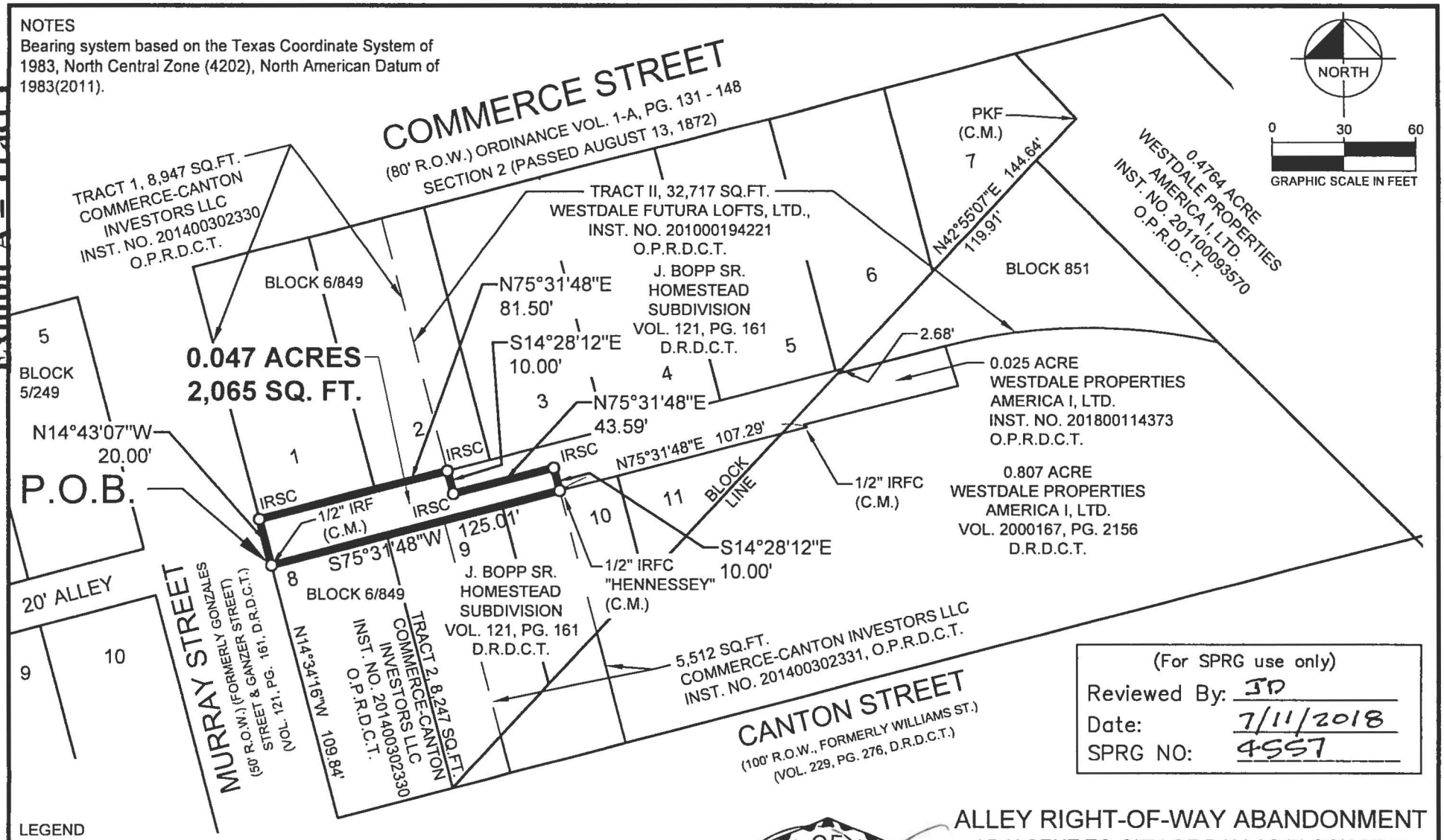
ALLEY RIGHT-OF-WAY
ABANDONMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	MAY. 2018	064405604	1 OF 2

Exhibit A – Tract I

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: JD
Date: 7/11/2018
SPRG NO: 4557

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
PKF = PK NAIL FOUND
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

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STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
5/11/18

ALLEY RIGHT-OF-WAY ABANDONMENT

ADJACENT TO CITY OF DALLAS BLOCK 6/849
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	SRD	DAB	MAY. 2018	064405604	2 OF 2

Exhibit A – Tract II

BEING a 1,636 square feet (0.038 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of a 20-foot wide alley right-of-way adjacent to City of Dallas Block 6/849 and Block 851, and dedicated per plat of J. Bopp Sr Homestead Subdivision, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 121, Page 161, Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found at the intersection of the northeast right-of-way line of Murray Street (a 50-foot wide right-of-way, formerly Gonzalez Street, Ganzer Street, Volume 121, Page 161, Deed Records of Dallas County, Texas) and the southeast right-of-way line of said alley and at the northwest corner of Lot 8 of said Block 6/849 and the northwest corner of a 8,247 acre tract of land described in Special Warranty Deed to Commerce-Canton Investors LLC, recorded in Instrument No. 201400302330, Official Public Records of Dallas County, Texas;

THENCE departing said northeast right-of-way line of Murray Street, with the southeast right-of-way line and the northwest line of Lot 8, Lot 9, Lot 10 and Lot 11, Block 6/849, the northwest line of said 8,247 square foot tract and the northwest line of a 5,512 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors, LLC, recorded in Instrument No. 201400302331, Official Public Records of Dallas County, Texas, North 75°31'48" East, at a distance of 125.01 feet passing a 1/2" iron rod with plastic cap stamped "Hennessey" found in the northwest line of said Lot 10, Block 6/849 at the northeast corner of said 5,512 square foot tract and at the northwest corner of a 0.807 acre tract of land described in Special Warranty Deed to Westdale Properties America I, Ltd., recorded in Volume 2000167, Page 2156, Deed Records of Dallas County, Texas, continuing with the northwest line of said Lot 10 and Lot 11, Block 6/849 and the northwest line of said 0.807 acre tract, in all a total distance of 221.53 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the southernmost end of the easterly terminus of said alley right-of-way, at the easternmost corner of said Lot 11, Block 6/849 and at the southwest corner of a 0.025 acre tract of land described in Special Warranty Deed to Westdale Properties America I, Ltd., recorded in Instrument No. 201800114373, Official Public Records of Dallas County, Texas;

THENCE departing the north line of said 0.807 acre tract and with the easterly terminus of said alley right-of-way and the west line of said 0.025 acre tract, North 42°55'07" East, a distance of 18.55 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

THENCE departing said easterly terminus and said west line of the 0.025 acre tract, over and across said alley right-of-way, the following courses and distances to wit:

South 75°31'48" West, a distance of 155.74 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

(For SPRG use only)
Reviewed By: JD
Date: 7/11/2018
SPRG NO: 4558

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ALLEY RIGHT-OF-WAY
ABANDONMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849
AND BLOCK 851
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	MAY. 2018	064405604	1 OF 3

North 14°28'12" West, a distance of 10.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner in the northwest line of said alley right-of-way and the southeast line of Lot 2 of said Block 6/849 at the southeast corner of a 8,947 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors, LLC, recorded in Instrument No. 201400302330, Official Public Records of Dallas County, Texas and the southwest corner of a 32,717 square foot tract of land described as "Tract II" in Special Warranty Deed to Westdale Futura Lofts, Ltd., recorded in Instrument No. 201000194221, Official Public Records of Dallas County, Texas;

THENCE with said northwest right-of-way line, the southeast line of Lot 2, Lot 3, Lot 4, Lot 5 and Lot 6, of said Block 6/849, and the southeast line of said 32.717 acre tract, North 75°31'48" East, a distance of 171.37 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the northernmost end of said easterly terminus, at a southerly corner of said Lot 6, Block 6/849 and at an interior corner of said 32,717 square foot tract;

THENCE departing said southeast line of Lot 6, Block 6/849, with said eastly terminus and said southeast line of the 32,717 square foot tract, South 42°55'07" West, at a distance of 2.68 feet, passing the northwest corner of said 0.025 acre tract, continuing with said easterly terminus and the west line of said 0.025 acre tract, in all a total distance of 18.55 feet to the **POINT OF BEGINNING** and containing 1,636 square feet or 0.038 acres 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: JD
Date: 7/11/2018
SPRG NO: 4558

ALLEY RIGHT-OF-WAY
ABANDONMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849
AND BLOCK 851
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
13455 NOEL ROAD
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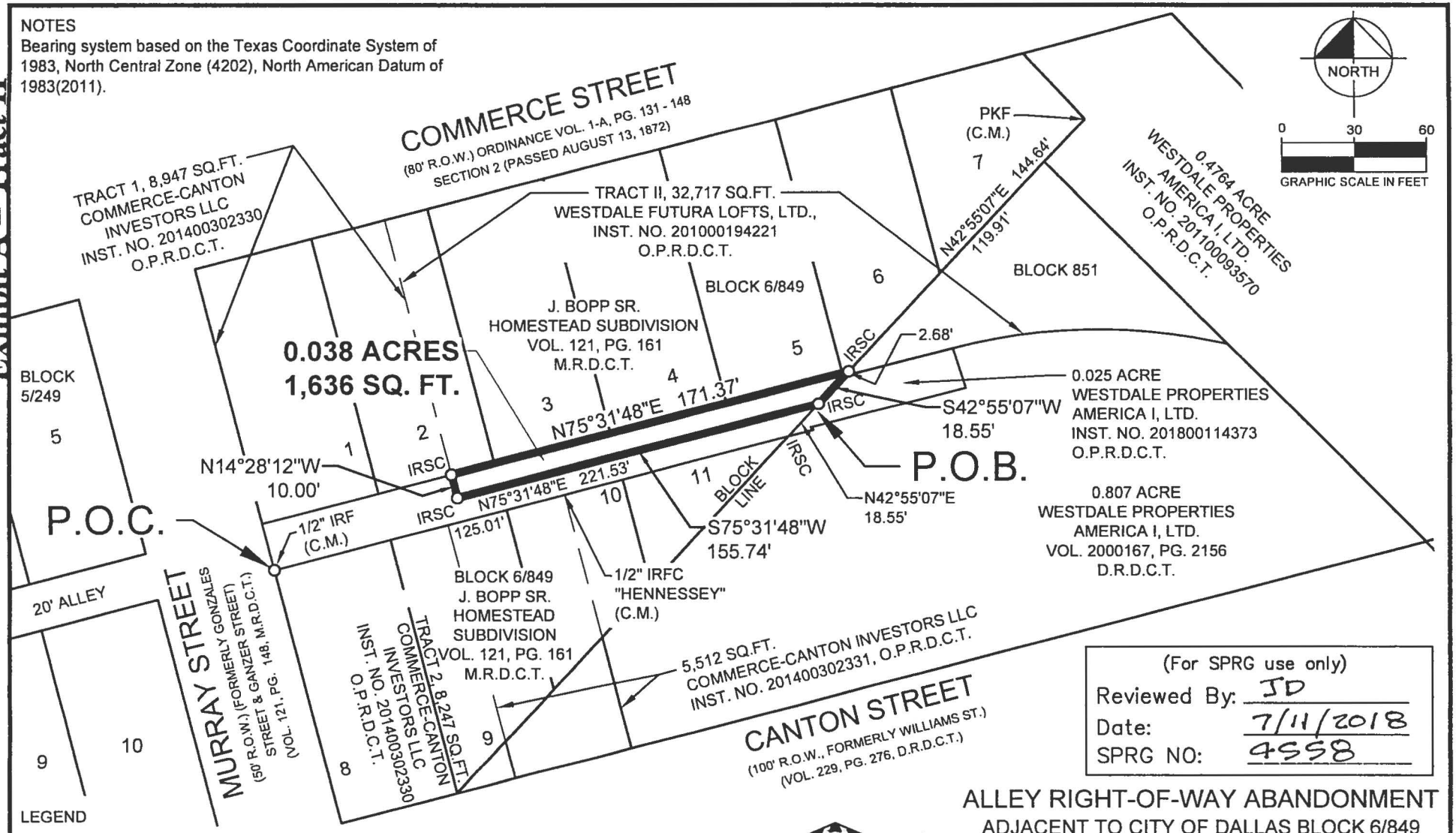


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Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	MAY. 2018	064405604	2 OF 3

Exhibit A – Tract II

NOTES
Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).



LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
PKF = PK NAIL FOUND
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

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STATE OF TEXAS
REGISTERED
DANA BROWN
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PROFESSIONAL
LAND SURVEYOR
5/11/18

(For SPRG use only)
Reviewed By: JD
Date: 7/11/2018
SPRG NO: 4558

ALLEY RIGHT-OF-WAY ABANDONMENT

ADJACENT TO CITY OF DALLAS BLOCK 6/849
AND BLOCK 851
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	SRD	DAB	MAY. 2018	064405604	3 OF 3

BEING a 1,043 square feet (0.024 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of a 20-foot wide alley right-of-way adjacent to City of Dallas Block 6/849 and Block 851, and dedicated per plat of J. Bopp Sr. Homestead Subdivision, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 121, Page 161, Map Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found at the intersection of the northeast right-of-way line of Murray Street (a 50-foot wide right-of-way, formerly Gonzalez Street, Ganzer Street, Volume 121, Page 161, Map Records of Dallas County, Texas) and the southeast right-of-way line of said alley and at the northwest corner of Lot 8 of said Block 6/849 and the northwest corner of a 8,247 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors LLC, recorded in Instrument No. 201400302330, Official Public Records of Dallas County, Texas;

THENCE departing said northeast right-of-way line of Murray Street, with the said southeast right-of-way line, the northwest line of Lot 8, Lot 9, and Lot 10, Block 6/849, the northwest line of said 8,247 square foot tract and the northwest line of a 5,512 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors, LLC, recorded in Instrument No. 201400302331, Official Public Records of Dallas County, Texas, North 75°31'48" East, at a distance of 125.01 feet to a 1/2" iron rod with plastic cap stamped "Hennessey" found in the northwest line of said Lot 10, Block 6/849 at the northeast corner of said 5,512 square foot tract and at the northwest corner of a 0.807 acre tract of land described in Special Warranty Deed to Westdale Properties America I, Ltd., recorded in Volume 2000167, Page 2156, Deed Records of Dallas County, Texas for the **POINT OF BEGINNING**;

THENCE departing said southeast right-of-way line over and across said alley right-of-way, the following courses and distances to wit:

North 14°28'12" West, a distance of 10.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

North 75°31'48" East, a distance of 112.15 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the easterly terminus of said alley right-of-way and the west line of a 0.025 acre tract of land described in Special Warranty Deed to Westdale Properties America I, Ltd., recorded in Instrument No. 201800114373, Official Public Records of Dallas County, Texas;

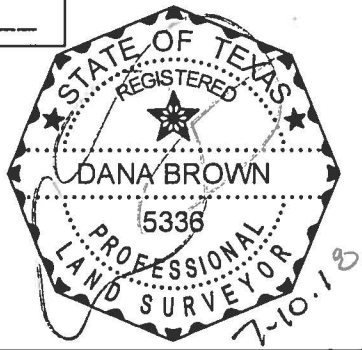
THENCE with said easterly terminus and said west line of the 0.025 acre tract, South 42°55'07" West, a distance of 18.55 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the north line of said 0.807 acre tract, at the southernmost end of said easterly terminus and at the southwest corner of said 0.025 acre tract;

THENCE with said southeast right-of-way line, the northwest line of Lot 10 and Lot 11, Block 6/849 and the northwest line of said 0.807 acre tract, South 75°31'48" West, a distance of 96.52 feet to the **POINT OF BEGINNING** and containing 1,043 square feet 0.024 acres 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: JD
Date: 7/11/2018
SPRG NO: 4559

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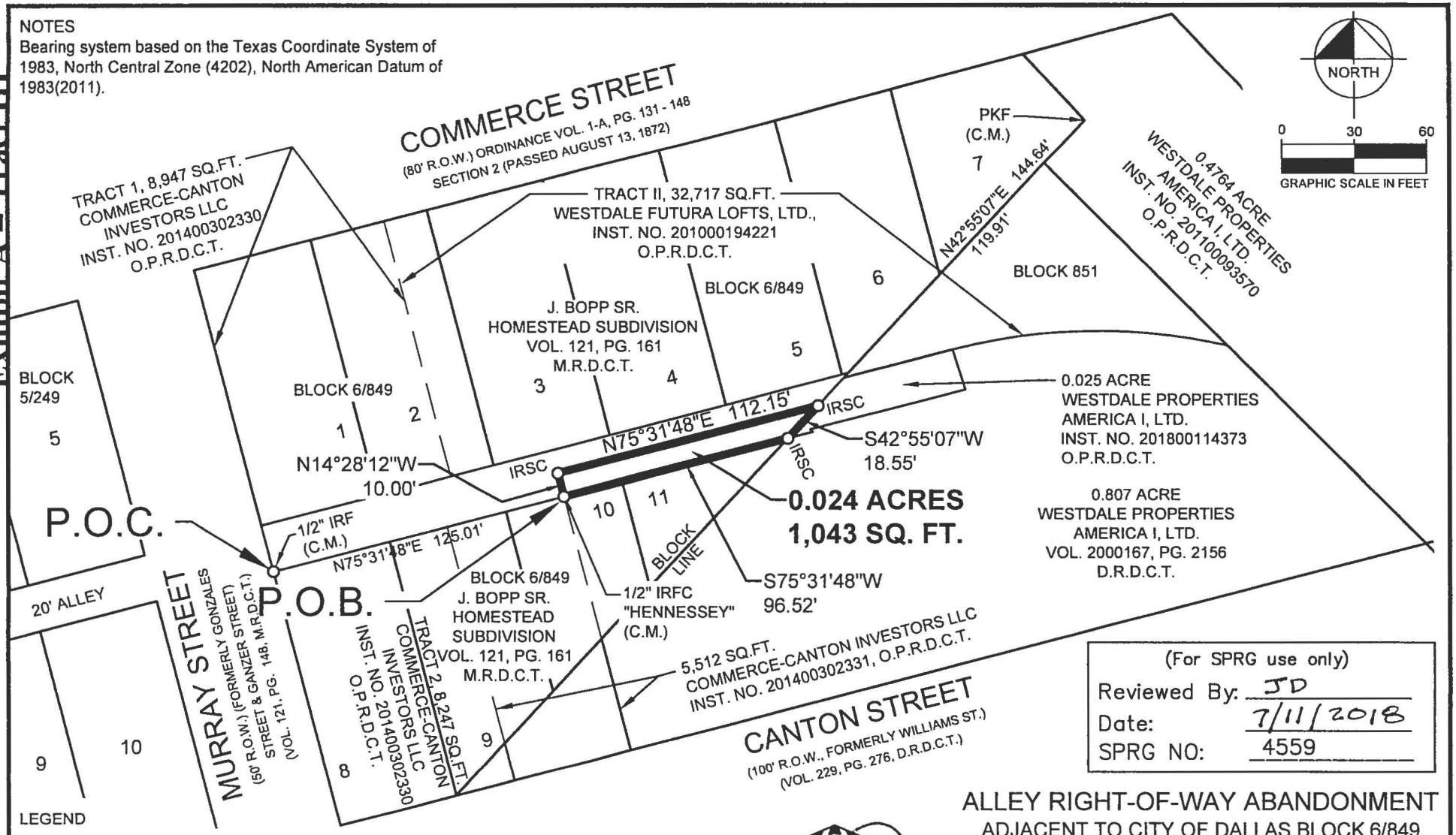
ALLEY RIGHT-OF-WAY
ABANDONMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849
AND BLOCK 851
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	MAY. 2018	064405604	1 OF 2

Exhibit A – Tract III

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: JD
Date: 7/11/2018
SPRG NO: 4559

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
PKF = PK NAIL FOUND
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

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STATE OF TEXAS
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7-10-18

ALLEY RIGHT-OF-WAY ABANDONMENT

ADJACENT TO CITY OF DALLAS BLOCK 6/849
AND BLOCK 851
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	SRD	DAB	MAY. 2018	064405604	2 OF 2

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.

BEING a 1,629 square feet (0.037 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of a 20-foot wide alley right-of-way adjacent to City of Dallas Block 6/849, and dedicated per plat of J. Bopp Sr Homestead Subdivision, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 121, Page 161, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the intersection of the northeast right-of-way line of Murray Street (a 50-foot wide right-of-way, formerly Gonzalez Street, Ganzer Street, Volume 121, Page 161, Deed Records of Dallas County, Texas) and the southeast right-of-way line of said alley and at the northwest corner of Lot 8, Block 6/849 and the northwest corner of a 8,247 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors LLC, recorded in Instrument No. 201400302330, Official Public Records of Dallas County, Texas;

THENCE with said northeast right-of-way line, North 14°43'07" West, a distance of 20.00 feet to a 5/8" iron rod with blue plastic cap stamped "EASEMENT KHA" set at the intersection of the northwest right-of-way line of said alley and said northeast right-of-way line of Murray Street and at the southwest corner of a 8,947 square foot tract land described in said Commerce-Canyon Investors LLC Special Warranty Deed and at the southwest corner of Lot 1 of said Block 6/849;

THENCE departing said northeast right-of-way line and with said northwest right-of-way line, the southeast line of Lot 1 and Lot 2, of said Block 6/849 and the southeast line of said 8,947 square foot tract, North 75°31'48" East, a distance of 81.50 feet to a 5/8" iron rod with blue plastic cap stamped "EASEMENT KHA" set at the southeast corner of said 8,947 square foot tract and at the southwest corner of a 32,717 square foot tract of land described as "Tract II" in Special Warranty Deed to Westdale Futura Lofts, Ltd., recorded in Instrument No. 201000194221, Official Public Records of Dallas County, Texas;

THENCE departing said northwest right-of-way and said southeast line of Lot 2, Block 6/849, over and across said alley, South 14°28'12" East, a distance of 20.00 feet to a 5/8" iron rod with blue plastic cap stamped "EASEMENT KHA" set for corner in the southeast right-of-way line of said alley and in the northwest line of Lot 9, of said Block 6/849, and in the northwest line of a 5,512 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors, LLC, recorded in Instrument No. 201400302331, Official Public Records of Dallas County, Texas, from which a 1/2" iron rod found bears North 75°31'48" East, a distance of 150.88 feet;

THENCE with said southeast right-of-way line and the northwest line of said Lot 9 and Lot 8, Block 6/849 and the northwest line of said 5,512 square foot tract and the northwest line of said 8,247 square foot tract, South 75°31'48" West, a distance of 81.42 feet to the **POINT OF BEGINNING** and containing 1,629 square feet or 0.037 acres 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: JD
Date: 8/1/2018
SPRG NO: 4600

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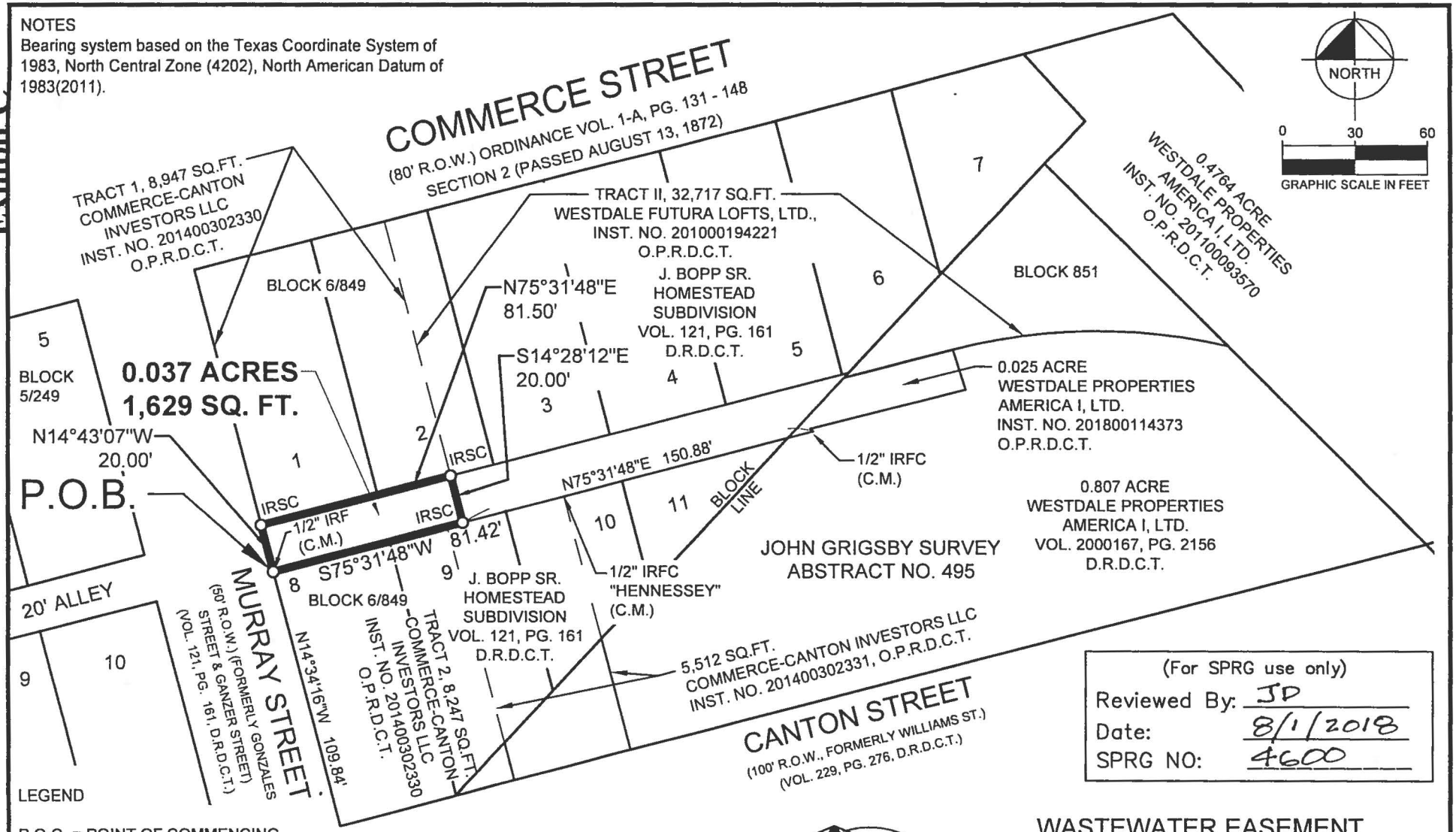
WASTEWATER EASEMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	JULY 2018	064405604	1 OF 2

Exhibit C

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: JD
Date: 8/1/2018
SPRG NO: 4600

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
C.M. = CONTROLLING MONUMENT
IRSC = 5/8" IRON ROD W/ BLUE "EASEMENT KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
PKF = PK NAIL FOUND
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
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STATE OF TEXAS
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7.18.18

WASTEWATER EASEMENT
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	SRD	DAB	JULY 2018	064405604	2 OF 2

Agenda Information Sheet

File #: 18-664 **Item #:** 25.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning a portion of an alley (also known as Howland Street) to OR Asset Holdings, L.P., the abutting owner, containing approximately 3,588 square feet of land, located near the intersection of Howland and Routh Streets; and authorizing the quitclaim; and providing for the dedication of approximately 3,651 square feet of land needed for a wastewater easement - Revenue: $640,458.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of an alley (also known as Howland Street) to OR Asset Holdings, L.P., the abutting owner. The area will be included with the property of the abutting owner for the construction of a mixed-use development. The owner will dedicate approximately 3,651 square feet of land needed for a wastewater easement. The abandonment fee is based on an independent appraisal.

Notices were sent to 28 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 November 26, 2018.

FISCAL INFORMATION

Revenue: $640,458.00, plus the $20.00 ordinance publication fee

OWNER

OR Asset Holdings, L.P.

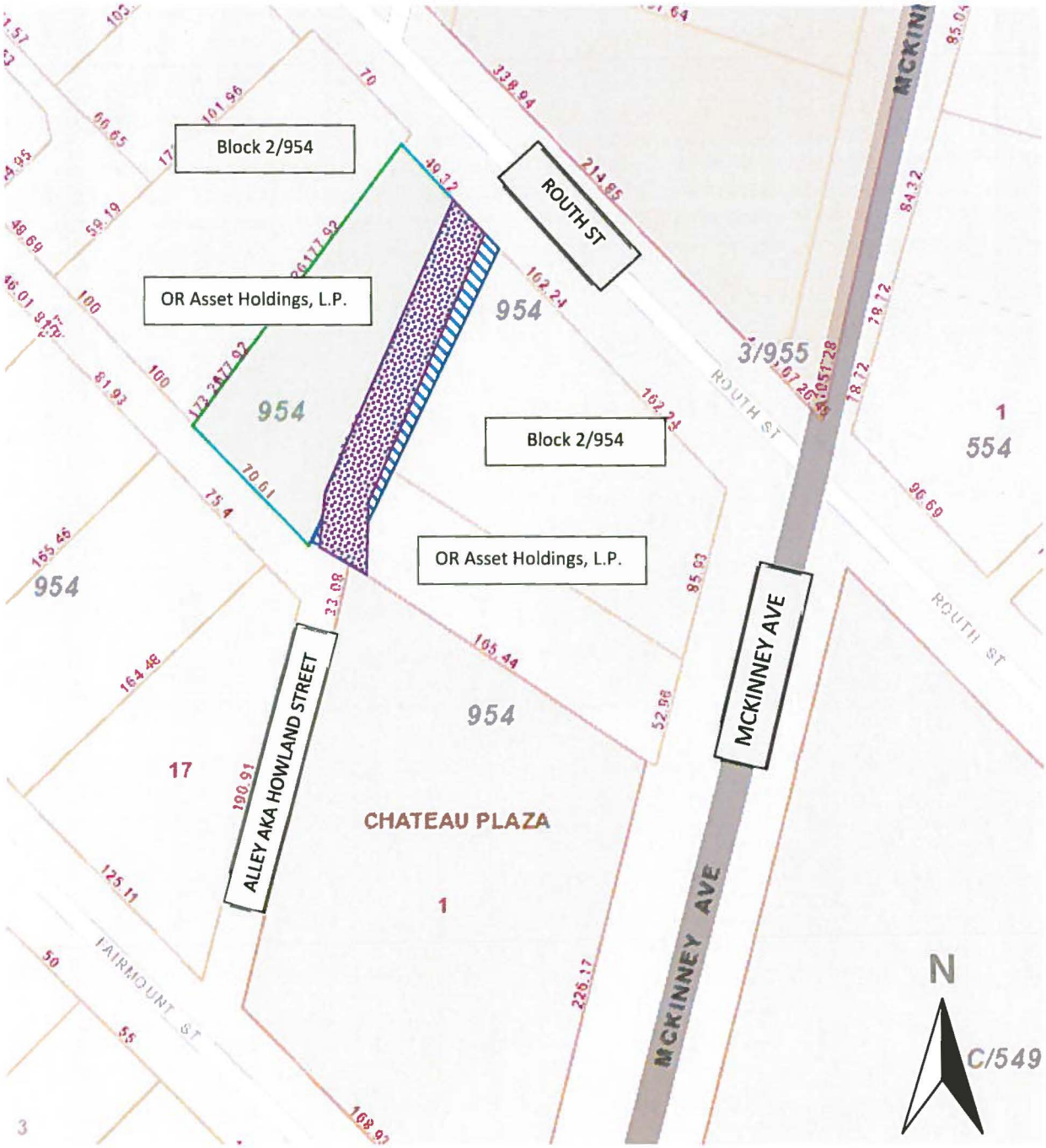
OR Asset Holdings Management, LLC, General Partner

Oscar Renda, Manager

MAP

Attached

powered by Legistar™



ABANDONMENT AREA:

DEDICATION AREA:

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of an alley (also known as Howland Street) located adjacent to City Block 2/954 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to OR Asset Holdings, L.P; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; 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; providing a future effective date for this abandonment; 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 OR Asset Holdings, L.P., 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 an alley also referred publicly as Howland 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 and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **SIX HUNDRED FORTY THOUSAND FOUR HUNDRED FIFTY-EIGHT AND NO/100 DOLLARS ($640,458.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, 11 and 13, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, 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 10 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, future effective date 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 located before a certified copy of this ordinance shall be delivered to **GRANTEE**.

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 convey a wastewater easement to the City of Dallas, within 90 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Block 2/954 containing approximately

3,651 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and no further effect.

SECTION 11. That at such time as the instrument described in Section 10 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 12. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **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 13. 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 10, 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 14. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005620.

SECTION 15. 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 _____.

ALLEY RIGHT-OF-WAY ABANDONMENT

Exhibit A

MAHONS SUBDIVISION OF HOMESTEAD
ADJACENT TO BLOCK 2/954
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 3,588 square foot (0.082 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, adjacent to City of Dallas Block 2/954, Dallas County, Texas, and being a part of an unnamed public right-of-way (called 40 foot right-of-way), created by Mahons Subdivision of Homestead, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 90, Page 610, Deed Records, Dallas County, Texas, adjacent to a tract of land conveyed to OR Asset Holdings, LP, a Texas limited partnership, described as Tract 1 and Tract 2, by Special Warranty Deed recorded in Instrument No. 201000127406, Official Public Records, Dallas County, Texas, said 3,600 square foot tract being also part of a 20 foot alley called out in Deed from S.A. Mahon to J.G. Davis, filed December 22, 1894, recorded in Volume 192, Page 262, Deed Records, Dallas County, Texas, and in Deed from S.A. Mahon to W.S. Shaw, filed April 9, 1892, recorded in Volume 153, Page 556, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at an "X" found at the common North corner of Lot 1, Block 2/954 of Chateau Plaza Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 85012, Page 3579, Deed Records, Dallas County, Texas and the Southwest corner of said OR Asset Holdings Tract I, said point being on the East right-of-way line of said alley;

THENCE North 12 degrees 13 minutes 51 seconds East, along the West line of said OR Asset Holdings Tract 1, a distance of 0.52 feet to a point for corner and the POINT OF BEGINNING;

THENCE North 62 degrees 54 minutes 31 seconds West, leaving said West line of OR Asset Holdings Tract 1 and traversing through said alley, a distance of 24.06 feet to a point for corner on the East line of a tract of land conveyed to said OR Asset Holdings, LP, described as Tract 2, from which a 1/2 inch iron rod found at the Southeast corner of said OR Asset Holdings Tract 2, for witness having a bearing and distance of South 26 degrees 58 minutes 41 seconds West, 0.50 feet;

THENCE North 26 degrees 58 minutes 41 seconds East, along the East line of said OR Asset Holdings, Tract 2, a distance of 182.87 feet to a 1/2 inch iron rod with a yellow cap stamped "CBG Surveying, Inc." set at the Northeast corner of said OR Asset Holdings, Tract 2, said point being on the Southwest right-of-way line of Routh Street (50 foot right-of-way), created by said Mahons Subdivision of Homestead (southerly 25 feet);

THENCE South 36 degrees 13 minutes 22 seconds East, leaving said corner and traversing through said alley, a distance of 22.41 feet to a 1/2 inch iron rod with a yellow cap stamped "CBG Surveying, Inc." set at the North corner of aforementioned OR Asset Holdings, Tract 1;

THENCE traversing along the West line of said OR Asset Holdings, Tract 1 as follows:

South 26 degrees 58 minutes 41 seconds West, a distance of 157.39 feet to a 1/2 inch iron rod with a yellow cap stamped "CBG Surveying, Inc." set for corner;

South 12 degrees 13 minutes 51 seconds West, a distance of 15.95 feet to the POINT OF BEGINNING and containing 3,588 square feet or 0.082 of an acre of land.

(For SPRG use only)
Reviewed By: JD
Date: 10/11/2018
SPRG No.: 4426

GENERAL NOTES:
BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD83 (2011).

STATE OF TEXAS
REGISTERED
BRYAN CONNALLY
5513
PROFESSIONAL
LAND SURVEYOR

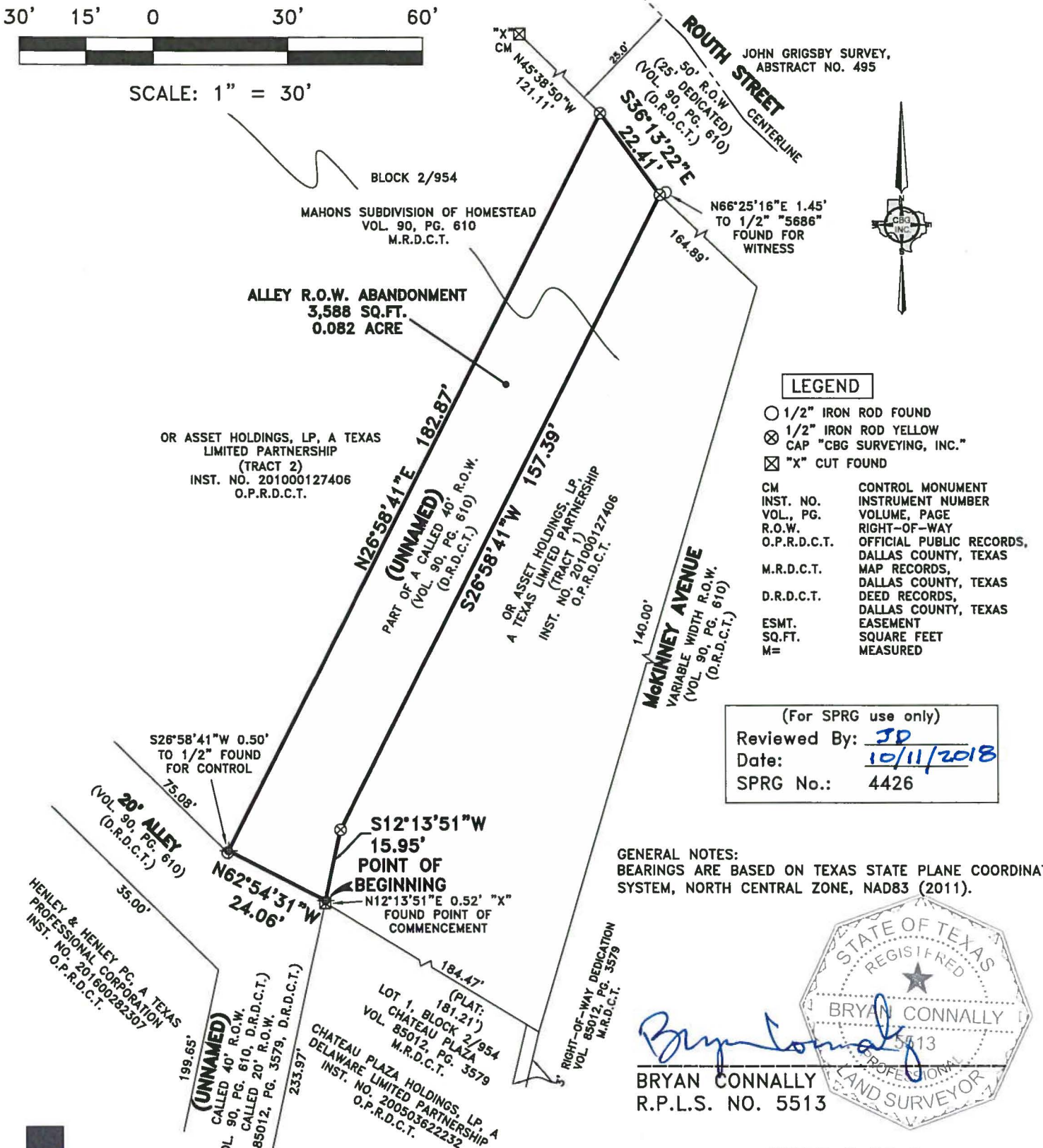
BRYAN CONNALLY
R.P.L.S. NO. 5513

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. 1726059-1
DRAWN BY: MC
DATE: 12/27/17
REV: 08/27/18

ALLEY RIGHT-OF-WAY ABANDONMENT
MAHONS SUBDIVISION OF HOMESTEAD
ADJACENT TO BLOCK 2/954
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A



LEGEND

- ○ 1/2" IRON ROD FOUND
- ⊗ 1/2" IRON ROD YELLOW CAP "CBG SURVEYING, INC."
- ☒ "X" CUT FOUND

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
ESMT.	EASEMENT
SQ.FT.	SQUARE FEET
M=	MEASURED

(For SPRG use only)
Reviewed By: JD
Date: 10/11/2018
SPRG No.: 4426

GENERAL NOTES:
BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD83 (2011).

STATE OF TEXAS REGISTERED BRYAN CONNALLY 5513 PROFESSIONAL LAND SURVEYOR

BRYAN CONNALLY
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SHEET 2 OF 2
JOB NO. 1726059-1
DRAWN BY: MC
SCALE: 1"=30'
DATE: 12/27/17
REV: 08/27/18

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.

Exhibit C

WASTEWATER EASEMENT
MAHONS SUBDIVISION OF HOMESTEAD
ADJACENT TO AND A PART OF BLOCK 2/954
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 3,651 square foot (0.0838 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas Block 2/954, Dallas County, Texas, and being a part of an unnamed public right-of-way (called 40 foot right-of-way), created by Mahons Subdivision of Homestead, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 90, Page 610, Deed Records, Dallas County, Texas, being a part of a tract of land conveyed to OR Asset Holdings, LP, a Texas limited partnership, described as Tract 1 and Tract 2, by Special Warranty Deed recorded in Instrument No. 201000127406, Official Public Records, Dallas County, Texas, said 3,651 square foot tract also being a part of a 20 foot alley as called out in Deed from S.A. Mahon to J.G. Davis, filed December 22, 1894, recorded in Volume 192, Page 262, Deed Records, Dallas County, Texas, and in Deed from S.A. Mahon to W.S. Shaw, filed April 9, 1892, recorded in Volume 153, Page 556, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" found at the common North corner of Lot 1, Block 2/954 of Chateau Plaza Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 85012, Page 3579, Deed Records, Dallas County, Texas and the Southwest corner of said OR Asset Holdings Tract 1, said point being on the East right-of-way line of said alley;

THENCE North 12 degrees 13 minutes 51 seconds East, along the West line of said OR Asset Holdings Tract 1, a distance of 0.52 feet to an "X" set for corner;

THENCE leaving said West line of OR Asset Holdings Tract 1 and traversing through said alley as follows:

North 62 degrees 54 minutes 31 seconds West, a distance of 18.37 feet to an "X" set for corner;

North 12 degrees 33 minutes 09 seconds East, passing at a distance of 22.84 feet, the East line of said tract of land conveyed to said OR Asset Holdings, LP, described as Tract 2, and traversing through said Tract 2 a total distance of 33.30 feet to a mag nail set for corner;

THENCE North 25 degrees 08 minutes 33 seconds East, continuing to traverse through said OR Asset Holdings, Tract 2, a distance of 153.06 feet to an "X" set for corner on the Southwest right-of-way line of Routh Street (50 foot right-of-way), created by said Mahons Subdivision of Homestead (southerly 25 feet), from which an x-cut found for witness, bears North 45 degrees 38 minutes 50 seconds West, a distance of 113.25 feet;

THENCE South 45 degrees 38 minutes 50 seconds East, along said Southwest right-of-way line of Routh Street, a distance of 7.87 feet to an "X" set at the East corner of said OR Asset Holdings, Tract 2;

THENCE leaving said corner and traversing through said alley as follows:

South 36 degrees 13 minutes 22 seconds East, a distance of 14.32 feet to an "X" set for corner;

South 25 degrees 08 minutes 33 seconds West, a distance of 141.40 feet to a mag nail set for corner;

South 12 degrees 33 minutes 09 seconds West, passing at a distance of 10.78 feet, the West line of aforementioned OR Asset Holdings, Tract 1, and traversing through said Tract 1 a total distance of 36.97 feet to a "Y" set for corner on the North line of aforementioned Lot 1, Block 2/954;

THENCE North 58 degrees 50 minutes 38 seconds West, along the North line of said Lot 1, Block 2/954, a distance of 2.34 feet to the POINT OF BEGINNING and containing 3,651 square feet or 0.0838 of an acre of land.

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 10/10/18
SPRG No.: 4640

GENERAL NOTES:
BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD83 (2011).

STATE OF TEXAS REGISTERED BRYAN CONNALLY 5513

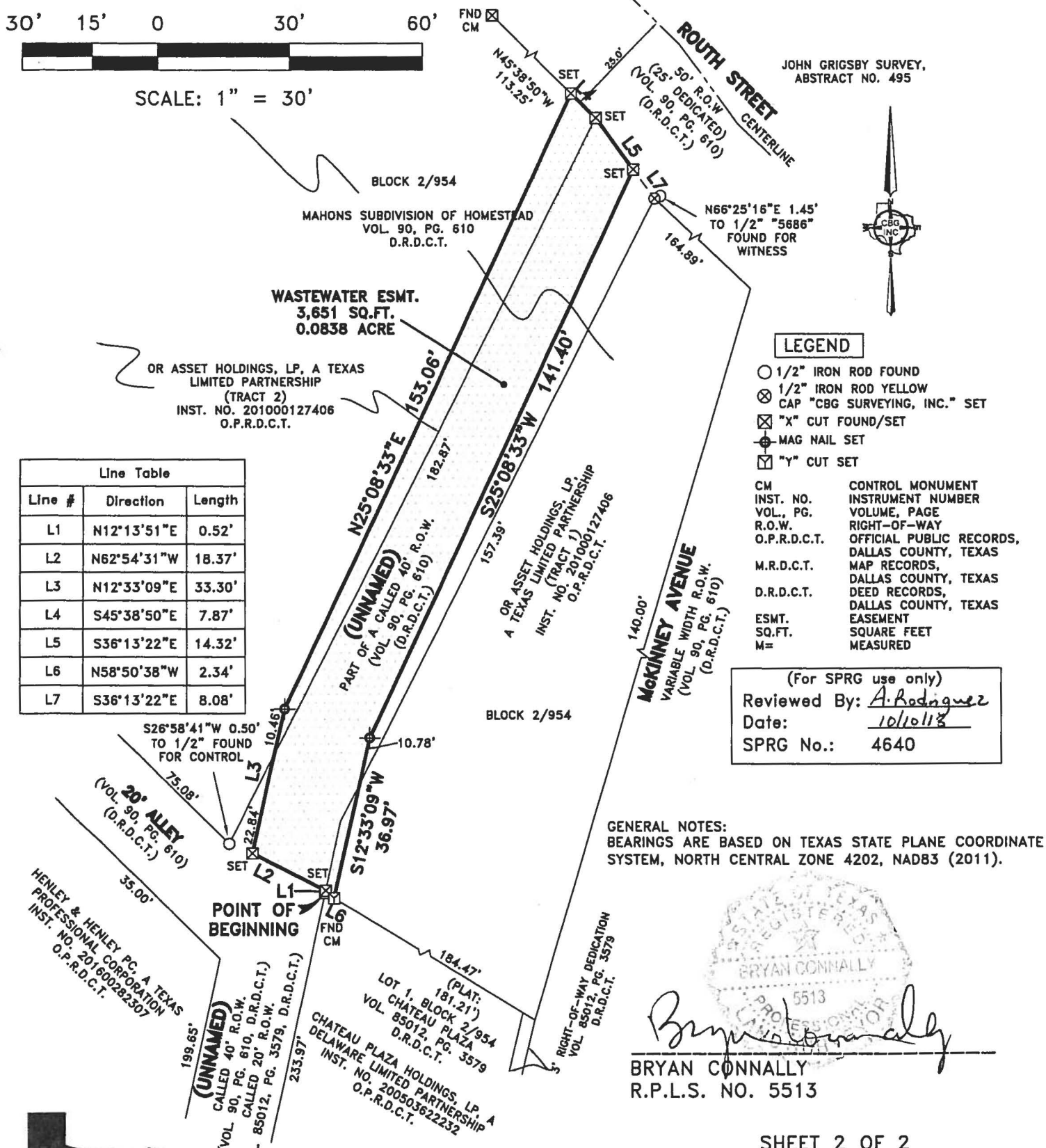
BRYAN CONNALLY
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P 214.349.9485 F 214.349.2216
Firm No. 10168800
www.cbginctx.com

SHEET 1 OF 2
JOB NO. 1726059-2
DRAWN BY: MC
DATE: 10/02/18

Exhibit C

WASTEWATER EASEMENT
MAHONS SUBDIVISION OF HOMESTEAD
ADJACENT TO AND A PART OF BLOCK 2/954
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS



Line Table		
Line #	Direction	Length
L1	N12°13'51"E	0.52'
L2	N62°54'31"W	18.37'
L3	N12°33'09"E	33.30'
L4	S45°38'50"E	7.87'
L5	S36°13'22"E	14.32'
L6	N58°50'38"W	2.34'
L7	S36°13'22"E	8.08'

LEGEND

- ○ 1/2" IRON ROD FOUND
- ⊗ 1/2" IRON ROD YELLOW CAP "CBG SURVEYING, INC." SET
- ⊠ "X" CUT FOUND/SET
- ⊕ MAG NAIL SET
- ⊡ "Y" CUT SET

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
ESMT.	EASEMENT
SQ.FT.	SQUARE FEET
M=	MEASURED

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 10/10/18
SPRG No.: 4640

GENERAL NOTES:
BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD83 (2011).

STATE OF TEXAS REGISTERED BRYAN CONNALLY 5513 PROFESSIONAL LAND SURVEYOR

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SHEET 2 OF 2
JOB NO. 1726059-2
DRAWN BY: MC
SCALE: 1"=30'
DATE: 10/02/18

Agenda Information Sheet

File #: 18-936 **Item #:** 26.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning portions of water and wastewater easements to Henderson Residential Lands (Dallas), LLC, the abutting owner, containing a total of approximately 1,498 square feet of land, located near the intersection of Henderson Avenue and Fuqua Street - Revenue: $22,253.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of water and wastewater easements to Henderson Residential Lands (Dallas), LLC the abutting owner. The area will be included with the property of the abutting owner for the construction of a mixed-use development. The abandonment fee is based on Dallas Central Appraisal District values.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on November 26, 2018.

FISCAL INFORMATION

Revenue: $22,253.00 plus the $20.00 ordinance publication fee

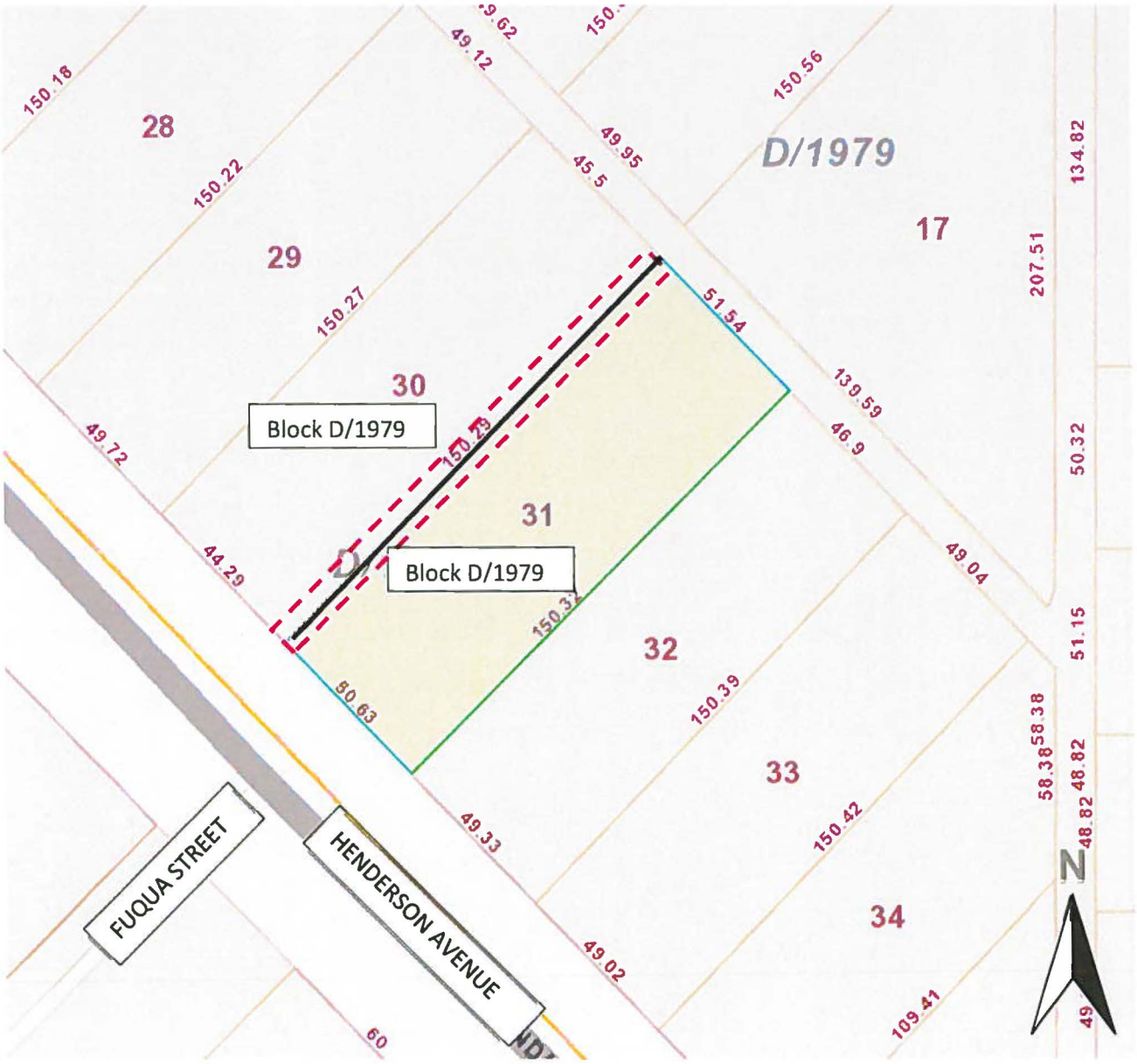
OWNER

Henderson Residential Lands (Dallas), LLC

David Thompson, Manager

MAP

Attached



Water and Wastewater Abandonment areas:

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of portions of water and wastewater easements, located in City Block D/1979 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Henderson Residential Lands (Dallas), LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Henderson Residential Lands (Dallas), LLC, a Delaware limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tracts of land described in Exhibit A, attached hereto and made

a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TWENTY-TWO THOUSAND TWO HUNDRED FIFTY-THREE AND NO/100 DOLLARS ($22,253.00)** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tracts or parcels of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas 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 areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas 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 areas set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said water and wastewater easements shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and all work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction. Failure to relocate to the new easement in accordance with the terms of this section shall render this ordinance null and void and of no further effect.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 11. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00007366.

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

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

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

MG/46053

EXHIBIT A-TRACT 1

WATER AND WASTEWATER EASEMENT ABANDONMENT
PART OF LOT 30,
SITUATED IN BLOCK D/1979, ROSS AVENUE ANNEX
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 749 square foot (0.0172 acre) tract of land situated in the James M. Patterson Survey, Abstract No.1121, situated in City of Dallas Block D/1979, City of Dallas, Dallas County, Texas and being all of a 5-foot water and wastewater easement to The City of Dallas, recorded in Volume 90071, Page 2425, Deed Records Dallas County, Texas, and being part of a tract of land described as Tract 3 in General Warranty Deed to Henderson Residential Lands (Dallas), LLC, recorded in Instrument Number 201200343034, Official Public Records, Dallas County, Texas, and being part of Lot 30, Block D/1979 of Ross Avenue Annex, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 1, Page 310, Map Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with yellow plastic cap stamped "SHIELDS & LEE" found at the intersection of the northeast right-of-way line of Henderson Avenue (a variable width right-of-way - recorded in Volume 1, Page 310, Map Records, Dallas County, Texas) with the east right-of-way line of Glencoe Street (a 60-foot right-of-way - recorded in Volume 1, Page 310, Map Records, Dallas County, Texas) and being the northwest corner of said Block D/1979;

THENCE with said northeast right-of-way line of Henderson Avenue and southwest line of Lots 19 through 30, Block D/1979 of said Ross Avenue Annex addition, South 45°06'21" East, a distance of 548.10 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set for the west corner of said 5-foot water and wastewater easement and being the **POINT OF BEGINNING**;

THENCE departing said northeast right-of-way line of Henderson Avenue and with the northwest line of said 5-foot water and wastewater easement, over and across said Lot 30, Block D/1979, North 44°23'52" East, a distance of 149.85 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set for the north corner of said 5-foot water and wastewater easement and being in the southwest right-of-way line of an 11-foot alley created by said Ross Avenue Annex addition;

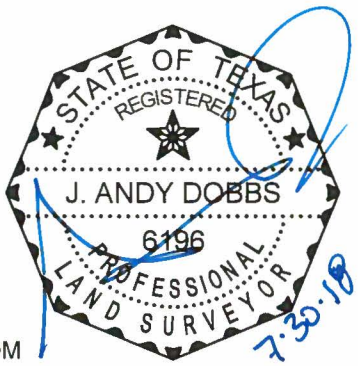
THENCE with said southwest right-of-way line of the 11-foot alley, and northeast line of said Lot 30, Block D/1979, South 45°06'21" East, a distance of 5.00 feet a 1/2-inch iron rod found for the common corner of said Lot 30, Block D/1979 and Lot 31, Block D/1979, of said Ross Avenue Annex addition;

THENCE departing said southwest right-of-way line of the 11-foot alley and with the southeast line of said Lot 30, Block D/1979 and northwest line of said Lot 31, Block D/1979, South 44°23'52" West, a distance of 149.85 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set in the northeast right-of-way line of said Henderson Avenue for the south corner of said Lot 30, Block D/1979 and being the west corner of said Lot 31, Block D/1979;

THENCE with said northeast right-of-way line of Henderson Avenue and the southwest line of said Lot 30, Block D/1979, North 45°06'21" West, a distance of 5.00 feet to the **POINT OF BEGINNING** and containing 749 square feet or 0.0172 acres of land.

Bearing system based on the Texas Coordinate System of 1983,
North Central Zone (4202), North American Datum of 1983. (2011)

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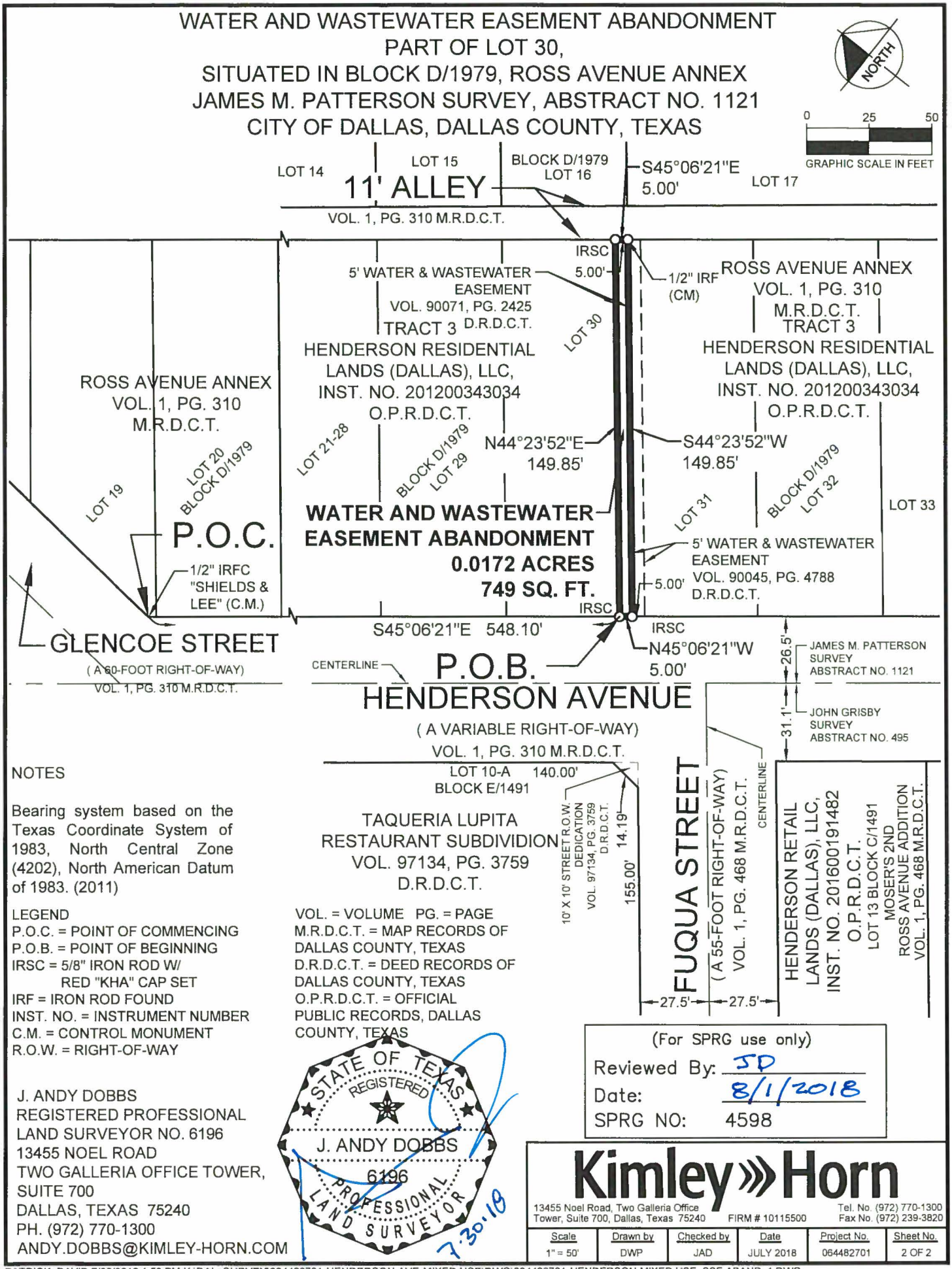
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Reviewed By: JD
Date: 8/1/2018
SPRG NO: 4598

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
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Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	JAD	JULY 2018	064482701	1 OF 2

EXHIBIT A-TRACT 1

WATER AND WASTEWATER EASEMENT ABANDONMENT
PART OF LOT 30,
SITUATED IN BLOCK D/1979, ROSS AVENUE ANNEX
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS, DALLAS COUNTY, TEXAS



NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

LEGEND
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ RED "KHA" CAP SET
IRF = IRON ROD FOUND
INST. NO. = INSTRUMENT NUMBER
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STATE OF TEXAS
REGISTERED
J. ANDY DOBBS
6196
PROFESSIONAL
LAND SURVEYOR
7.30.18

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1" = 50'	DWP	JAD	JULY 2018	064482701	2 OF 2

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EXHIBIT A-TRACT 2

WATER AND WASTEWATER EASEMENT ABANDONMENT
PART OF LOT 31,
SITUATED IN BLOCK D/1979, ROSS AVENUE ANNEX
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LEGAL DESCRIPTION

BEING a 749 square foot (0.0172 acre) tract of land situated in the James M. Patterson Survey, Abstract No.1121, situated in City of Dallas Block D/1979, City of Dallas, Dallas County, Texas and being all of a 5-foot water and waste water easement created by water and waste Water Easement to The City of Dallas, recorded in Volume 90045, Page 4788, Deed Records Dallas County, Texas, and being part of a tract of land described as Tract 3 in General Warranty Deed to Henderson Residential Lands (Dallas), LLC, recorded in Instrument Number 201200343034, Official Public Records, Dallas County, Texas, and being part of Lot 31, Block D/1979 of Ross Avenue Annex, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 1, Page 310, Map Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with yellow plastic cap stamped "SHIELDS & LEE" found at the intersection of the northeast right-of-way line of Henderson Avenue (a variable width right-of-way - recorded in Volume 1, Page 310, Map Records, Dallas County, Texas) with the east right-of-way line of Glencoe Street (a 60-foot right-of-way - recorded in Volume 1, Page 310, Map Records, Dallas County, Texas) and being the northwest corner of said Block D/1979;

THENCE with said northeast right-of-way line of Henderson Avenue, and southwest line of Lots 19 through 30, Block D/1979 of said plat of Ross Avenue Annex addition, South 45°06'21" East, a distance of 553.10 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set for the **POINT OF BEGINNING** and being the west corner of said Lot 31, Block D/1979 and south corner of Lot 30, Block D/1979 of said Ross Avenue Annex addition;

THENCE departing said northeast right-of-way line of Henderson Avenue and with the northwest line of said Lot 31, Block D/1979 and southeast line of said Lot 30, Block D/1979, North 44°23'52" East, a distance of 149.85 feet to a 1/2-inch iron rod found in the southwest right-of-way line of an 11-foot Alley created by said plat of Ross Avenue Annex addition and being the common north and east corner of said Lots 31 and 30, Block D/1979;

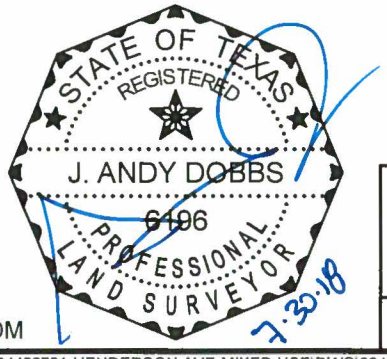
THENCE with said southwest right-of-way line of the 11-foot alley and northeast line of said Lot 31, Block D/1979, South 45°06'21" East, a distance of 5.00 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set for the east corner of said 5-foot water and wastewater easement;

THENCE departing said southwest right-of-way line of the 11-foot alley and with the southeast line of said 5-foot water and wastewater easement, over and across said Lot 31, Block D/1979, South 44°23'52" West, a distance of 149.85 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set in the northeast right-of-way line of said Henderson Avenue and being the south corner of said 5-foot water and wastewater easement;

THENCE with said northeast right-of-way line of Henderson Avenue and with the southwest line of said Lot 31, Block D/1979, North 45°06'21" West, a distance of 5.00 feet to the **POINT OF BEGINNING** and containing 749 square feet or 0.0172 acres of land.

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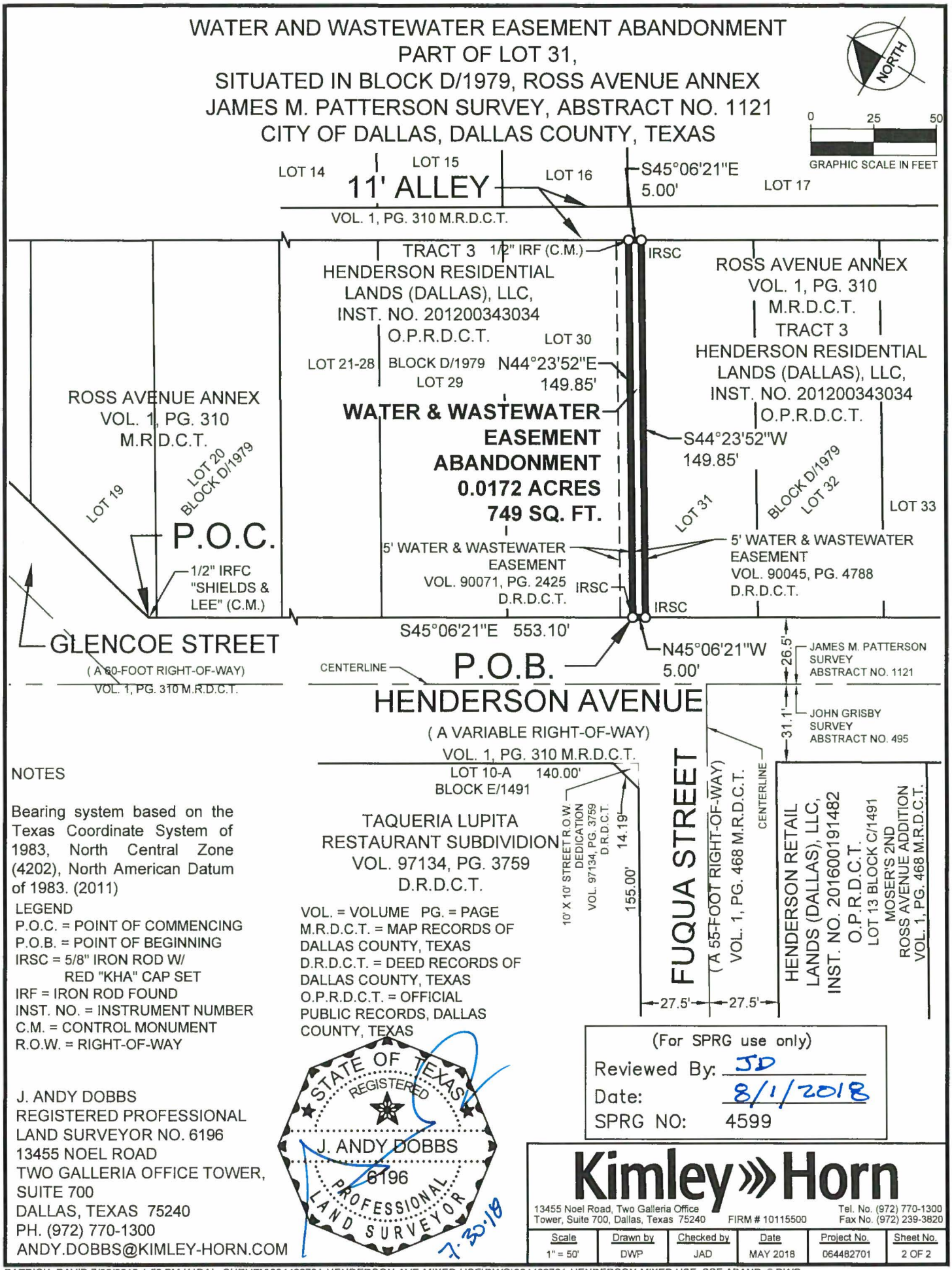
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N/A	DWP	JAD	JULY 2018	064482701	1 OF 2

EXHIBIT A-TRACT 2

WATER AND WASTEWATER EASEMENT ABANDONMENT
PART OF LOT 31,
SITUATED IN BLOCK D/1979, ROSS AVENUE ANNEX
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS, DALLAS COUNTY, TEXAS



NOTES

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STATE OF TEXAS
REGISTERED
J. ANDY DOBBS
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7-30-18

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1" = 50'	DWP	JAD	MAY 2018	064482701	2 OF 2

Agenda Information Sheet

File #: 18-1150 **Item #:** 27.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance amending Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code by amending Sections 28-41.1 and 28-41.1.1; extending the sunset date of Section 28.41.1.1 to November 28, 2019; and providing that the requirements of Section 28-41.1 take effect if Section 28-41.1.1 has not been re-enacted on or before November 28, 2019 - Financing: No cost consideration to the City

BACKGROUND

Beginning in the summer of 2017 dockless bike share companies began operating in Dallas under a trial period. During the trial period various companies expressed interest in deploying dockless motor assisted electric scooters as part of their vehicle fleet. Section 28-41.1 of the Dallas City Code prohibits the use of motor assisted scooters on City of Dallas property and rights-of-way. On June 27, 2018 the Dallas City Council authorized the dockless vehicle ordinance and a temporary amendment to Chapter 28, "Motor Vehicles and Traffic," Section 28-41.1. The temporary amendment to Chapter 28 Section 28-41.1 created a trial period allowing motor assisted scooters to be ridden on public rights-of-way for a period of six months, ending on December 27, 2018. In order for the dockless motor assisted scooters, to be legally used on City property, Section 28-41.1 of the Dallas City Code would need to be amended to remove the motor assisted scooter use prohibition or the trial period will need to be extended.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 22, 2006, City Council authorized an Ordinance No. 26265 adding Section 28-41.1, “Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Mini-motorbikes” to Chapter 28 of the Dallas City Code. This ordinance prohibits the use of motor assisted scooters on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles.

On August 14, 2017, the Mobility Solutions, Infrastructure & Sustainability Committee was briefed on the dockless bike share companies interested in operating in Dallas. The Committee recommended a pilot program to allow dockless bike share companies to operate, monitor operations to identify possible regulatory requirements, and review data for route planning and infrastructure needs.

On February 26, 2018, the Mobility Solutions, Infrastructure & Sustainability Committee was briefed on the results of the trial period and the process for policy development. On March 26, 2018, the Mobility Solutions, Infrastructure & Sustainability Committee was briefed on dockless mobility vehicles and informed they would be briefed in April 2018 on the draft ordinance and fee structure.

On April 9, 2018, the Mobility Solutions, Infrastructure & Sustainability Committee was briefed on the dockless mobility ordinance and fee structure. The Committee's primary concerns were the proposed permit fees and the per vehicle costs. Also discussed was the introduction of other types of mobility vehicles and their potential Code impacts. Specifically, the introduction of motorized scooters currently conflicts with a City ordinance and would need to be amended to allow their use. The ordinance amendment was briefed to the full City Council on June 6, 2018.

On June 27, 2018, City Council authorized the dockless vehicle ordinance and a temporary amendment to Chapter 28, "Motor Vehicles and Traffic," Section 28-41.1, by Resolution No. 18-0989; Ordinance 30935. The temporary amendment to Chapter 28 Section 28-41.1. The temporary amendment to Chapter 28 Section 28-41.1 allows motor assisted scooters to be ridden on public rights-of-way for a period of six months, ending on December 27, 2018.

On October 8, 2018, the Mobility Solutions, Infrastructure & Sustainability Committee was briefed on the status of the dockless vehicle program, and proposal to extend the motorized scooter ordinance for an additional six months. The Committee approved a motion to extend the motorized scooter pilot through June 2019.

City Council was briefed on this item on October 17, 2018.

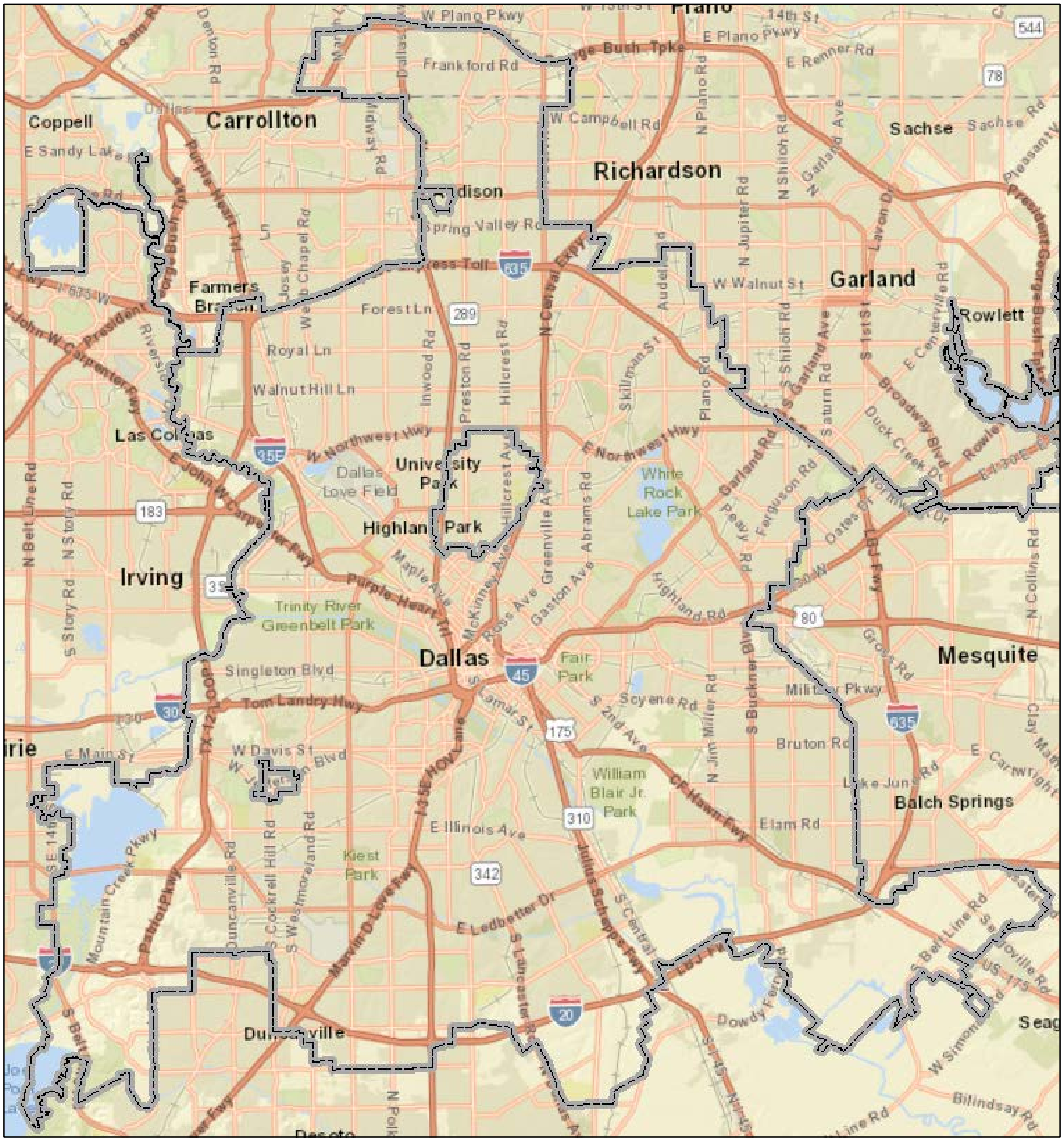
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

Motor Assisted Scooter Ordinance Amendment



10-18-18

ORDINANCE NO. _____

An ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by amending Sections 28-41.1 and 28-41.1.1; extending the sunset date of Section 28.41.1.1 to November 28, 2019; providing that the requirements of Section 28-41.1 take effect if Section 28-41.1.1 has not been re-enacted on or before November 28, 2019; providing a penalty not to exceed $200; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 28-41.1, "Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes," of Division 1, "Generally," of Article VI, "Operation of Vehicles," of Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code is amended to read as follows:

"**SEC. 28-41.1. RESTRICTIONS ON THE USE OF MOTOR ASSISTED SCOOTERS, POCKET BIKES, AND MINIMOTORBIKES.**

[This section takes effect on November 29, 2019 [~~December 28, 2018~~], unless Section 28-41.1.1 of this article has been re-enacted with amendment on or before November 28, 2019 [~~December 27, 2018~~].]

(a) In this section:

(1) ADULT means any individual 17 years of age or older.

(2) CHILD means any individual younger than 17 years of age.

(3) HELMET means a properly-fitted bicycle helmet that:

(A) is not structurally damaged; and

(B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

(4) MOTOR ASSISTED SCOOTER:

(A) means a self-propelled device with:

(i) at least two wheels in contact with the ground during operation;

(ii) a braking system capable of stopping the device under typical operating conditions;

(iii) a gas or electric motor not exceeding 40 cubic centimeters;

(iv) a deck designed to allow a person to stand or sit while operating the device; and

(v) the ability to be propelled by human power alone; and

(B) does not include:

(i) a pocket bike or mini[-]motorbike;

(ii) a moped or motorcycle;

(iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

(iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or

(vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

(5) NIGHTTIME means the period beginning one-half hour after sunset and ending one-half hour before sunrise, as determined using the times for sunset and sunrise published in a newspaper of general circulation in the city for a particular day.

(6) PARENT means a person who is the natural parent, adoptive parent, step-parent, or court-appointed guardian or conservator of a child.

(7) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.

(8) POCKET BIKE or MINIMOTORBIKE:

DRAFT

(A) means a self-propelled vehicle that:

(i) is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;

(ii) is designed to propel itself with not more than two wheels in contact with the ground;

(iii) has a seat or saddle for the use of the operator;

(iv) is not designed for use on a highway; and

(v) is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and

(B) does not include:

(i) a moped or motorcycle;

(ii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

(iii) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(iv) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;

(v) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or

(vi) a motor assisted scooter, as defined in this subsection.

(9) WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.

(b) A person commits an offense if he:

(1) operates or rides a motor assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;

(2) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted

DRAFT

scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;

(3) is a child and operates or rides a motor assisted scooter without wearing a helmet while on a public path or trail set aside for the exclusive use of bicycles;

(4) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on a public path or trail set aside for the exclusive use of bicycles when the child is not wearing a helmet;

(5) operates or rides a motor assisted scooter at nighttime on a public path or trail set aside for the exclusive use of bicycles;

(6) transports any passenger on a motor assisted scooter while on a public path or trail set aside for the exclusive use of bicycles, unless the scooter is equipped with a seat and a set of foot rests for the passenger; or

(7) while operating a motor assisted scooter on a public path or trail set aside for the exclusive use of bicycles, fails to yield the right-of-way to any pedestrian on the path or trail.

(c) A person commits an offense if he operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.

(d) An offense under this section is punishable by a fine not to exceed $200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section."

SECTION 2. That Subsection (e) of Section 28-41.1.1, "Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes," of Division 1, "Generally," of Article VI, "Operation of Vehicles," of Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code is amended to read as follows:

"(e) This section expires on November 28, 2019 [~~December 27, 2018~~], unless re-enacted with amendment on or before that date. The city council shall review this section before its expiration date. The provisions of Section 28-41.1 of this article take effect if this section is not re-enacted on or before November 28, 2019 [~~December 27, 2018~~]."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $200.

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SECTION 4. That Chapter 28 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By_____
Assistant City Attorney

Passed_____

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Agenda Information Sheet

File #: 18-1256 **Item #:** 28.

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	November 28, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Housing & Neighborhood Revitalization
EXECUTIVE:	T.C. Broadnax

SUBJECT

Authorize amendments to the Comprehensive Housing Policy Manual (CHP), previously approved on May 9, 2018, by Resolution No. 18-0704 to: **(1)** amend the program statement for the Home Improvement and Preservation Program to: **(a)** clarify that an applicant will not be eligible to receive funding if the applicant's property was previously assisted with City funds and the project is still within the period of affordability; and **(b)** align the credit standards with other City programs; **(2)** amend the program statement for the Dallas Homebuyer Assistance Program (DHAP) to: **(a)** change the minimum eligible income for an applicant from 40% Area Median Family Income to 60% Area Median Family Income; **(b)** require that an applicant have cash reserves; **(c)** align the credit standards with other City programs; and **(d)** modify the terms under which the heir(s) of an applicant who received DHAP funding may repay the loan; **(3)** amend the program statement for the New Construction and Substantial Rehabilitation Program to indicate that the form of financial assistance and the repayment terms are negotiated on a project by project basis and demonstrated by financial underwriting; **(4)** amend the Rental Development Underwriting standards in Appendix 2 to remove the maximum monetary limit on developer fees and add a requirement that the fees be "reasonable"; and **(5)** replace any reference to the Chief of Economic Development and Neighborhood Services to the City Manager and/or his or her designee in the CHP and Resolution No. 18-0704 - Financing: No cost consideration to the City

BACKGROUND

On March 12, 2017, the Dallas City Council Economic Development & Housing Committee established three goals for the development of a comprehensive strategy for housing: (1) create and maintain available and affordable housing throughout Dallas; (2) promote greater fair housing choices; and (3) overcome patterns of segregation and concentrations of poverty through incentives and requirements.

On May 9, 2018, City Council adopted a Comprehensive Housing Policy (Policy) by Resolution No. 18-0704 that set citywide production goals for homeownership and rental units for the next three

years along with respective income bands that will be prioritized within the production goals. The Policy also set forth various programs, tools and strategies to be used to meet the production goals while also overcoming concentrations of poverty and racial segregation. Additionally, based on the data provided in the Market Value Analysis, a tool used to assess the residential real estate market, the Policy prioritizes the allocation of funding for new construction and substantial rehabilitation of housing and strategically focuses certain programs, tools and strategies within three (3) types of Reinvestment Strategy Areas: (1) Redevelopment Areas are Midtown, High Speed Rail, Wynnewood, and Red Bird; (2) Stabilization Areas are LBJ Skillman, Vickery Meadow, Casa View, Forest Heights/Cornerstone Heights, East Downtown, The Bottom, West Dallas, and Red Bird North; and (3) Emerging Market Areas are Southern Gateway, Pleasant Grove, and University Hills.

In the five (5) months since the City Council adopted the Policy, staff began implementation of the programs, tools and strategies outlined in the Policy and have also received feedback from stakeholders regarding the Policy, including representatives of tenant advocacy organizations, legal aid organizations, non-profit and for-profit housing developers and builders, housing tax credit consultants, real estate advocacy organizations, banks, realtors, and civic groups.

Based on staff's experiences implementing the Policy and feedback from stakeholders, it is necessary to make certain changes to the Policy that will resolve inconsistencies in program requirements, correct items that were inadvertently included in or omitted from the Policy and modify requirements that have created programmatic constraints.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 9, 2018, City Council adopted the Comprehensive Housing Policy Manual by Resolution No. 18-0704.

On November 5, 2018, the Economic Development and Housing Committee was briefed on several proposed amendments to the Policy that that will resolve inconsistencies in program requirements, correct items that were inadvertently included in or omitted from the Policy and modify requirements that have created programmatic constraints.

FISCAL INFORMATION

No cost consideration to the City.

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November 28, 2018

WHEREAS, on May 9, 2018, City Council adopted a Comprehensive Housing Policy Manual (Policy) by Resolution No. 18-0704 that set citywide production goals for homeownership and rental units for the next three years along with respective income bands that will be prioritized within the production goals and also set forth various programs, tools and strategies to be used to meet the production goals while also overcoming concentrations of poverty and racial segregation; and

WHEREAS, the City Council must approve any addition to, alteration or deletion of a strategy, tool, or program in the Policy; and

WHEREAS, it is in the best interest of the City of Dallas to adopt certain amendments to the Policy in order to correct inconsistencies and to facilitate effective implementation.

Now, Therefore,

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

SECTION 1. That City Council hereby authorizes and adopts the changes to the Comprehensive Housing Policy Manual attached hereto as **Exhibit A**.

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

EXHIBIT A






Comprehensive Housing Policy

City of Dallas
Department of Housing and Neighborhood Revitalization

Adopted by the Dallas City Council
May 9, 2018

Amended November 28, 2018

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BACKGROUND ON DEVELOPMENT OF THE POLICY

On March 12, 2017, the Dallas City Council Housing Committee established three goals for the development of a comprehensive strategy for housing: 1) Create and maintain available and affordable housing throughout Dallas, 2) Promote greater fair housing choices, and 3) Overcome patterns of segregation and concentrations of poverty through incentives and requirements.

In August 2017, the City of Dallas engaged The Reinvestment Fund to conduct a Market Value Analysis (MVA), which is an analytical tool used to assess the residential real estate market throughout the entire city to determine with granular detail where market strength, transition and stress exists. After briefing the City Council on the results of the MVA on January 17, 2018, eight (8) public town hall meetings were held to develop the recommendations presented here. The town hall topics were:

How Residential Development Gets Financed,
How to Reduce Development and Rehabilitation Costs,
How to Increase Access to Capital and Reduce Cost of Capital, and
Programs, Tools and Strategies for Increasing Housing Production.

Each town hall provided stakeholders an opportunity to understand the housing challenges from the perspective of the major stakeholders including: lenders, including foundations and government sources of finance; consumers and neighbors; developers, builders, and contractors; and regulatory officials, such as zoning, building inspections, and code enforcement. The town halls were held both in person and through virtual telephone communications that aired on Spectrum Channel 95 and streamed online. The in-person town halls had a combined participation of ninety-four (94) individuals, many of whom also participated in the virtual town hall meetings. The virtual telephone town halls had a total of 38,690 participants for all four (4) meetings, of which 10,000 participated in more than one town hall.

The outcome of public input helped shape the ten (10) policy recommendations presented to the Economic Development and Housing Committee (Committee) on March 19, 2018 and the strategies, tools and programs included in the Comprehensive Housing Policy.

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CITY OF DALLAS PLANS

forwardDallas! Comprehensive Plan

The forwardDallas! Plan is Dallas' first citywide comprehensive plan to serve as the policy basis for land development decisions in the City, through reference in the Dallas Development Code. The plan contains eight policy elements: Land Use, Economics, Housing, Transportation, Urban Design, Environment, and Neighborhoods. It provides guidance on important land development considerations related to land use, transportation and economic development. Shaped by extensive community engagement and adopted by City Council in 2006, it envisions a future Dallas built around the core values of:

- Access to good education
- A safe city
- A healthy environment
- Job growth through investment in Southern Dallas
- Convenient transportation through choices in how to get around
- Quality of life through diverse housing, recreational, cultural and educational opportunities

A key initiative of the forwardDallas! Plan was a focus on "Making Quality Housing More Accessible." The plan acknowledged that, within the regional context, Dallas has the greatest range of housing needs and problems. It recommended development of a housing strategy aimed at increasing home ownership, diversifying housing stock and providing more opportunities for affordable housing, while sustaining existing neighborhoods.

The forwardDallas! Comprehensive Plan can be found at http://dallascityhall.com/departments/pnv/strategic-planning/Pages/comprehensive-plan.aspx.

Neighborhood Plus Plan

Adopted in 2015, the Neighborhood Plus Plan is a citywide neighborhood revitalization plan intended to update the forwardDallas Housing and Neighborhood elements. The Neighborhood Plus plan focused on the six strategic goals of:

- Creating a Collective Impact Framework
- Alleviating Poverty
- Fighting Blight
- Attracting and Retaining the Middle Class
- Increasing Home Ownership
- Enhancing Rental Options.

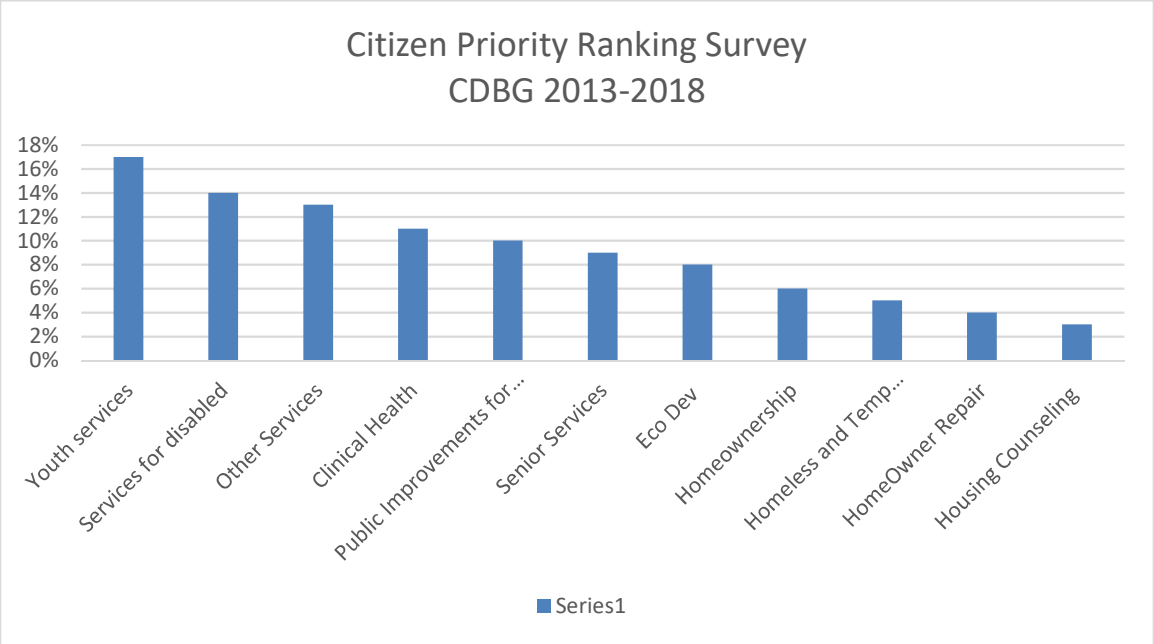
The Neighborhood Plus recommended a holistic approach to neighborhood revitalization and community building that goes beyond production of a limited number of publicly subsidized housing units, to encompass neighborhood quality, safety, mobility and access to education, jobs and health care. The Neighborhood Plus Plan also called for a neighborhood by neighborhood approach to improving quality of life and established the basis for identifying target areas to focus neighborhood revitalization efforts.

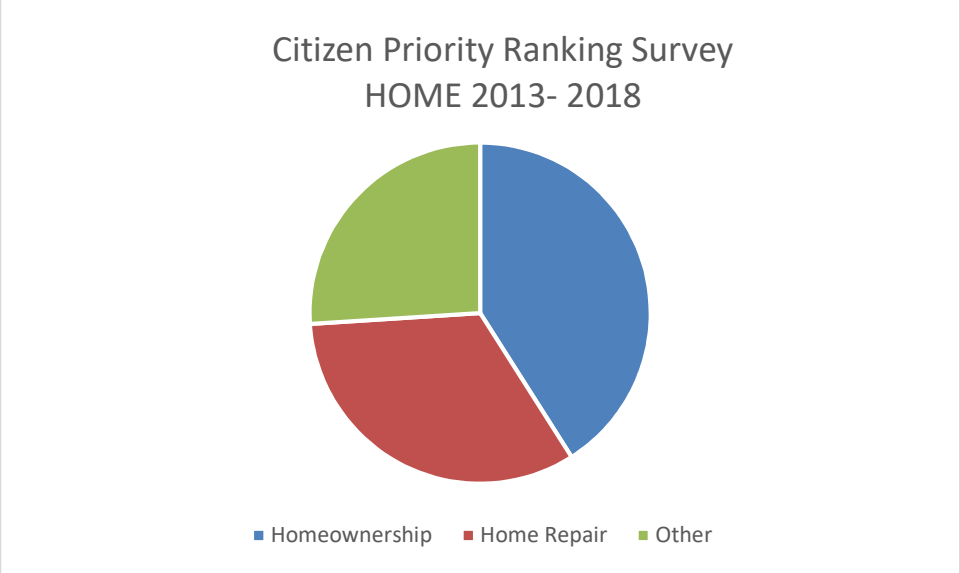
The Neighborhood Plus Plan can be found at http://dallascityhall.com/departments/pnv/strategic-planning/DCH%20Documents/Web%20-%20Neighborhood%20Plus%20Plan%20-%20Adopted%2010-07-2015.pdf.

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Consolidated Plan Strategies

The Consolidated Plan is a five-year planning document required by HUD to carry out affordable housing and community development activities. City identified its priorities as follows:





REINVESTMENT STRATEGY AREAS

The Housing Policy provides for tiered Reinvestment Strategy Areas to address three (3) market types in need of City investment:

Redevelopment Areas:

A redevelopment area is characterized by a known catalytic project that has submitted a request for funding that shows preliminary viability and will begin within the next 12 months. The project as proposed must contain a housing component and must address the existing market conditions as identified in the MVA and must demonstrate a level of housing production supported through a third-party independent market analysis and show affordability to a mix of income bands.

Redevelopment Areas: Midtown, High Speed Rail, Wynnewood, and Red Bird.

Stabilization Areas:

Stabilization areas are characterized as G, H, and I markets that are surrounded by A-E markets and as such are at risk of displacement based on known market conditions including upcoming redevelopment projects. These areas are also where Incentive Zoning and Accessory Dwelling Units should be focused to allow for increased density.

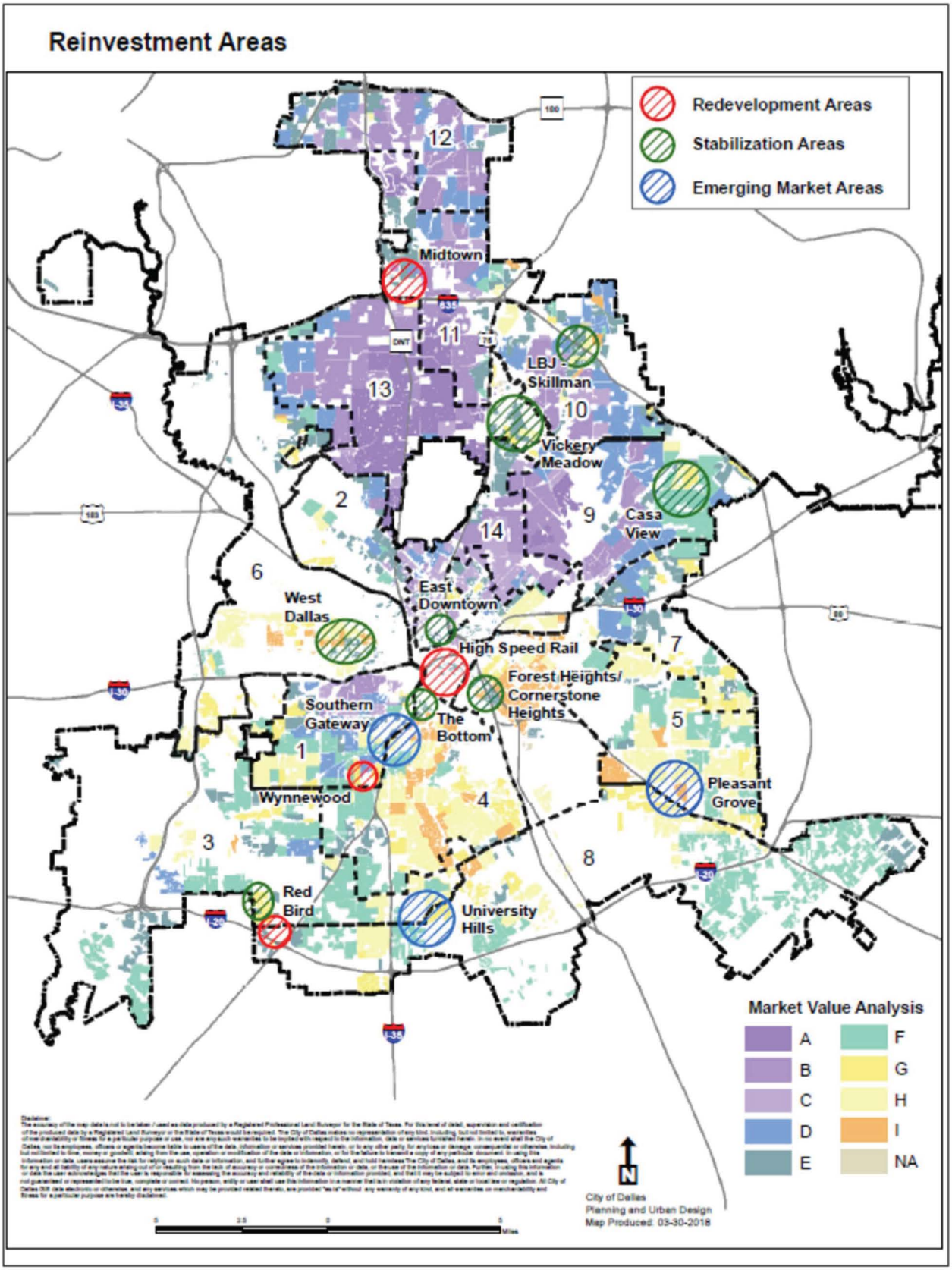
Stabilization Areas: LBJ Skillman, Vickery Meadow, Casa View, Forest Heights / Cornerstone Heights, East Downtown, The Bottom, West Dallas, and Red Bird North.

Emerging Market Areas:

These markets are characterized as areas in need of intensive environmental enhancements, master planning and formalized neighborhood organization. In order to facilitate the creation of mixed income developments, the City recommends seeking designation as Neighborhood Revitalization Strategy Areas (NRSA's) through HUD in order to prepare the area for real estate investments in a 3 to 5-year time frame and provide flexibility of use of funds without income qualifications. trust in local government and aid staff in assessing the need for strategic partnerships.

Emerging Market Areas: Southern Gateway, Pleasant Grove, and University Hills.

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Reinvestment Areas
Redevelopment Areas
Stabilization Areas
Emerging Market Areas
Midtown
LBJ - Skillman
Vickery Meadow
Casa View
East Downtown
West Dallas
High Speed Rail
Forest Heights/ Cornerstone Heights
The Bottom
Southern Gateway
Wynnewood
Pleasant Grove
Red Bird
University Hills
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1
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Market Value Analysis
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NA
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City of Dallas
Planning and Urban Design
Map Produced: 03-30-2018

PRODUCTION GOALS AND INCOME BANDS TO BE SERVED

Dallas has a housing shortage of approximately 20,000 units. This shortage is driven by the cost of land and land development, labor and materials shortages, federal, state and local constraints, as well as, the single-family rental market which prevents equilibrium in the homeownership market. It is difficult to convert rental homes to homeownership because of the perception of the neighborhood, the condition of the housing stock once it's been in the rental market for a period of time and because income-producing property in a tight market will not be released by landlords until returns are diminished. This shortage is consistent with the overall national trend following the 2009 housing bust. While the housing market has seen a steady but slow recovery, job growth in the Dallas metro area attracted a population growth of about 2.9% that outpaced the growth in the supply of housing. Much of the single-family housing inventory converted to rental following the 2009 bust while 60% or more of the home sales in the three (3) years following were in the price range below $249,999. In 2014 the housing market was in transition - the number home sales priced under $249,999 decreased to less than 40% of the market and by 2017 nearly 58% of home sales were priced between $300,000 and $1 million. According to the Real Estate Center at Texas A&M University, while the volume of homes in Dallas only grew by 3.6%, the median sales price in Dallas grew by 9.1% in 2017.

These market conditions have led to an increase in both rental rates and sales prices in the overall market and 6 out of 10 families in Dallas are housing cost burdened, meaning they spend more than 30% of their income on housing due in part to wages not keeping pace with housing costs. Undoubtedly, families at lower income bands are more financially strained by these market conditions. Therefore, increasing production over a 3-year period and minimizing the regulatory barriers to overall market production is equally important. Furthermore, because this has made even deteriorated housing stock unaffordable, it makes the need for home repair programs more important than ever. Table 1 below shows annual production goals of 3,733 for homeownership units and 2,933 for rental units while still maintaining the 3-year historic average ratio of homeownership and rental percentages.

Beyond unit production, the City supports creating increased availability of housing for people at incomes ranging from 30% - 120% of the HUD Area Median Income, by incentivizing homeownership developments for families at 60% or higher AMI and rental developments that include rent restricted units for families at the full range of 30% - 120% of AMI. These targets area are also outlined in Table 1 below.

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Table 1

Homeownership	% Total Units		HUD Area Median Income Dallas Metro	% Total Units	Rental
933	55%	Market Rate	120%	40%	587
1120			100%		587
1307	45%	Extremely Low, Very Low, Low Income	80%	60%	733
373			60%		440
			50%		293
			30%		293
Total: 3,733					Total: 2,933

HOMEOWNER PROGRAMS

Rehabilitation & Reconstruction of Owner-Occupied Homes

Provides an all-inclusive repair and rehabilitation program for single-family owner-occupied housing units. Home Improvement and Preservation Program (HIPP) will be offered as a repayment loan program to low and moderate-income homeowners, with the purpose of making needed improvements and preserving affordable housing. HIPP is designed to finance home improvements and address health, safety, accessibility modification, reconstruction and structural/deferred maintenance deficiencies. HIPP will enable homeowners to improve their housing while creating a positive effect in the community.

Eligibility

1. The property must be a single-family home.
2. The property must reside within the Dallas city limits and Applicant must have occupied the dwelling for at least six (6) months from date of application.
3. Applicant must be a U.S. Citizen or Permanent Resident, have a valid Social Security card and current Texas State issued identification card or Driver License.
4. Applicant must be current with the mortgage company meaning not more than thirty (30) days past due. (Except Accessibility Repair)
5. Property taxes must be current. Property taxes must not be delinquent for any tax year unless the homeowner has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding to the written agreement. (Except Accessibility Repair)
6. Applicant's annual gross income must be at or below the one hundred twenty percent (120%) of the Area Median Family Income (AMFI).
7. Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, flood insurance must also be maintained with coverage adequate to insure the City's lien position. (Except Accessibility Repair)
8. Applicant must certify that the home is not for sale and is their primary residence/homestead, as indicated per Dallas County Tax Records and utility records.
9. Title searches are obtained to evidence ownership of the property. (Except Accessibility Repair)
10. ~~Applicants which received a Major Systems Repair loan in the last ten (10) years will be ineligible to participate.~~ If Applicant's property was previously assisted with City funds and the property is still within the period of affordability, per the written agreement with the Applicant, Applicant will not be eligible to receive funding for the same property.

Maximum Assistance Limits

For rehabilitation activities, the maximum amount of assistance provided shall not exceed forty-seven and half percent (47.5%) of the HUD HOME Value Limits for existing properties.

For reconstruction activities, the maximum amount of assistance provided shall not exceed seventy-five (75%) of the HUD HOME Value Limits for new construction. The ~~Chief of Economic Development and Neighborhood Services~~City Manager and/or his or her designee may on a case by case basis administratively approve (without Economic Development and Housing Committee approval) additional assistance not to exceed ten percent (10%) above the maximum limit for any Owner-Occupied Rehabilitation or Reconstruction project under the following circumstances:

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- To address outstanding repairs or necessary work to close out an existing project;
- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

It should be noted that the Owner-Occupied Rehabilitation and Reconstruction establishes maximum per unit thresholds below the HUD required maximum per-unit dollar limitations established under HUD Section 234 Condominium Housing Limit. Thus, no individual project under this program can exceed these HOME maximum subsidy limits.

Terms of Assistance

The terms of assistance for the HIPP will be in the form of a loan based on the following schedule: 1) homeowners with incomes at or below sixty percent (60%) AMFI will receive a deferred, zero percent interest (0%) loan, 2) homeowners with sixty-one to eighty percent (61% - 80%) AMFI, will have a combination of deferred, zero percent interest (0%) loan and monthly installment payment plan as permissible through the underwriting, and 3) for homeowners with (81%-120%) AMFI, monthly installment payment with three percent interest (3%) loan will be offered.

If the home is vacated or leased during the term of the loan, then the loan shall be immediately due and payable, subject to the Resale/Recapture Requirement in Appendix 6. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable.

Credit Standards

Following are the credit standards for HIPP: 1) No Chapter 7 or Chapter 13 bankruptcy if primary or any mortgage is included as a secured creditor on the subject property for which the City or subrecipient will place a lien securing the loan and 2) Qualifying debt to income ratios are 30% on the front end and 43% on the back end. With compensating factors, the City may allow for a 5% percentage point variation on both the front end and back end.

Affordability Periods

Eligible rehabilitation and reconstruction activities will include all items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes; including items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. The scope of work must address all major systems that have a remaining useful life for a minimum of 5 years at project completion, or the system must be rehabilitated or replaced as part of the scope of work. Major systems are identified as structural support (foundations); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Improvements to, or demolition of an accessory structure such as detached garage, work shed, or small residential structure will be made on a case by case basis depending on the available budget, grant requirements, current building codes, health and safety concerns, and minimum occupancy requirements of residents of the property.

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Amount of Assistance	Term
Less than $5,001	5 Years
$5,001 to $50,000	10 years
Over $50,001	15 years
Reconstruction Only	20 years

Assistance to remove of any items from the property that are considered to be dangerous, hazardous, or a violation of local code are eligible in conjunction with the rehabilitation of the property.

Assistance may not be used for the purchase or repairs of appliances (except for energy efficient window units) or renovations not necessary to bring the home up to local code or property standards. Unnecessary renovations include but are not limited to luxury items (granite counter tops, swimming pools, spas, high end fixtures); tree trimming; fences; and landscaping.

Accessibility Repairs

Rehabilitation less than $10,001 is considered a minor repair and federal funds may be used to perform strictly accessibility modifications. Assistance in the form of a one-time grant not to exceed $10,000 shall exclude environmental and administrative soft costs necessary to engage the client and property.

Mortgage and Refinancing

Assistance may be provided to an Applicant who has an existing mortgage or equity loan if the total debt, including mortgage/equity loan balance and all rehabilitation costs do not exceed 100% of the after-rehabilitation value of the property. The City deferred loan may be subordinate to the existing mortgage or equity loan.

Refinancing of an existing mortgage, equity loan, or liens from lot clearance/demolition is an eligible refinancing expense up to $10,000. The total debt, including refinanced amount and rehabilitation costs, cannot exceed 100% of the after-rehabilitation value of the property. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses.

Heirs

A loan may be transferred to the heir(s) of the borrower if the heir(s) are income qualified and utilize the assisted property as their primary residence whether the loan is still within the period of affordability or not. If the heir(s) do not meet the income requirements of the program, the remaining balance of the loan is due immediately and payable in full if the loan is still within the period of affordability. If the property is not within the period of affordability and the heir(s) are not income qualified or do not utilize the property as their primary residence, the City or Sub-recipient may make payment arrangements with the heir(s) at an interest rate between zero (0) and three percent (3%).

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Dallas Homebuyer Assistance Program

Provides homeownership opportunities to low and moderate income homebuyers through the provision of financial assistance when purchasing a home, in accordance with federal, state and local laws and regulations.

Eligibility

Applicants to homebuyer programs must meet the following criteria:

1. Property must be located in the city limits of Dallas.
2. Applicant's projected annual income must be no less than 640% of Area Median Income, but not exceed 120% of the Area Median Income, adjusted for household size, at the time of application to the program.
3. Applicant must have acceptable credit. High cost or sub-prime loans, adjustable rate mortgages, interest only loans are not allowed.
4. Applicant must demonstrate that Applicant has at least two months of cash available and equal to Applicant's projected monthly mortgage payment, including principal, interest, taxes, insurance, and any associated fees.
4.5. Applicant household must be U.S Citizens or legal residents and possess a valid social security card.
5.6. Property to be purchased must be primary residence of Applicant.
6.7. Applicant must attend an 8-hour homeownership education class from a HUD certified counseling agency within 12 months of application for assistance.
7.8. Applicant must make a minimum initial cash investment of $1,000 toward purchase of home.
8.9. Home must meet federal and local requirements, including Minimum Housing Standards, Environmental Review, and international residential code.

Eligible Properties

The property can be privately or publicly owned prior to sale to the Applicant. The property must be within the Dallas city limits and meet City building codes, lead based paint requirements, and environmental standards at the time of initial occupancy.

The property must contain adequate living and sleeping space for the applicant household as verified by the property appraisal, site visit, and/or Dallas Appraisal District Data. The property can be an existing property, or it may be newly constructed. The property can be:

- Single-family property (one unit)
- Two to four-unit property (Assistance provided for the unit to be occupied as the purchaser's principal residence); or
- Condominium or cooperative unit

All Homebuyer Programs require an appraisal and can be provided by the first mortgage lender. The appraisal value of an assisted property to be acquired for this activity cannot exceed the HOME Value Limit for Dallas. This limit is updated annually. The sale price of an assisted property may not exceed the "Appraised Value".

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Affordability Periods

The residence must remain affordable for a certain period of time, which is dependent on the amount of funds invested. The City's recapture provisions will apply.

Amount of Funds	Required Affordability
Less than $15,000	5 Years
$15,000 to $40,000	10 Years
Over $40,000	15 Years

HOME Program Recapture/Resale Requirements

These requirements can be found in Appendix 6.

Eligible Expenses

Homebuyer Programs may include any of the following activities: principle reduction, down payment and closing cost assistance. If the house is sold before the required affordability period has elapsed, the assistance funds must be recaptured.

Terms of Assistance

The assistance for the Dallas Homebuyer Assistance Program will be offered in the form of a deferred, zero percent interest (0%) loan. If the home is vacated or leased during the term of the loan, then the full loan shall be immediately due and payable in accordance with the Resale/Recapture Requirements in Appendix 6. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable.

Credit Standards

Following are the credit standards for homebuyer programs:

- No Chapter 7 or Chapter 13 bankruptcy if primary or any mortgage is included as a secured creditor on the subject property for which the City or subrecipient will place a lien securing the loan.
- Qualifying debt to income ratios are 30% on the front end and 43% on the back end. With compensating factors, the City will allow a 5 percentage point~~%~~ variation ~~33%~~on both the front end and ~~45% on the~~ back end.
- Maximum loan is up to the 1st lien holder's approval of Complete Loan to Value (CLTV).
- Predatory lending describes lending practices that take advantage of clients by charging usurious interest rates or excessive fees and penalties. Loans will not be made with an interest rate more than 2% above the prevailing market rate.

Heirs

A loan may be transferred to the heir(s) of the borrower if the heir(s) are income qualified and utilize the assisted property as their primary residence whether the loan is still within the period of affordability or not. If the heir(s) do not meet the income requirements of the program and the loan is still within the period of affordability, then ~~remaining balance of~~ the entire loan amount is due immediately and payable in full. If the property is not within the period of affordability and the heir(s) are not income qualified or do not utilize the property as their primary residence, the City or Sub-recipient may make payment arrangements with the heir(s) at an interest rate between zero (0) and three percent (3%).

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Refinancing

Refinancing for better rate and term is permitted. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses. Cash out are also NOT allowed.

Homebuyer Incentive Program

This program offers financial assistance for school teachers, police officers, emergency medical technicians, and fire fighters which purchase a property within one of the targeted areas. By purchasing a home in one of the target areas, then repayment of the loan shall be due only upon re-sale or transfer, and contingent upon maintaining owner occupancy for a 10-year period.

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LANDLORD PROGRAMS

Rental Rehabilitation and Reconstruction

Provides an all-inclusive repair and rehabilitation program for single-family (1-4) rental units. The Home Improvement and Preservation Program (HIPP) expands to offer a repayment loan program to landlords which lease to low income household, with the purpose of making needed improvements and preserving affordable housing. HIPP is designed to finance home improvements and address health, safety, accessibility modifications, reconstruction and structural/deferred maintenance deficiencies.

Eligibility

- The property must be a single-family home (1-4 units). Properties with over 5 units are not eligible for rehabilitation assistance under this program.
- The property must reside within the city limits of Dallas.
- Applicant must lease the unit to a household with an annual gross income at or below the eighty percent (80%) of the Area Median Family Income (AMFI.
- Applicant must provide evidence of property ownership. Additionally, City shall require a title search to verify whether liens or deed restrictions exist.
- Applicant and tenants must be a U.S. Citizen or Permanent Resident, have a valid Social Security card, and current Texas State issued identification card or Driver License.
- Applicant must be current with the mortgage company meaning not more than 30 days past due.
- Property taxes must be current. Property taxes must not be delinquent for any tax year.
- Tenant household's annual gross income must be at or below the 80% of the Area Median Income.
- Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a flood plain, flood insurance must also be maintained with coverage adequate to insure the City's lien position.
- Applicant must adhere to the City Code Section 20-A and comply with HUD rent limits.

Maximum Assistance Limits

For rehabilitation activities, the maximum amount of assistance provided shall not exceed 47.5% of the HUD HOME Value Limits for existing properties.

For reconstruction activities, the maximum amount of assistance provided shall not exceed 75% of the HUD HOME Value Limits for new construction. The ~~Chief of Economic and Neighborhood Services~~City Manager and/or his or her designee may on a case by case basis administratively approve (without Housing Committee approval) additional assistance not to exceed 10% above the maximum limit for any Rental Rehabilitation or Reconstruction project under the following circumstances:

- To address outstanding repairs or necessary work to close out an existing project.
- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

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It should be noted that the Rental Rehabilitation and Reconstruction establishes maximum per unit thresholds below the HUD required maximum per-unit dollar limitations established under HUD Section 234 Condominium Housing Limit. Thus, no individual project under this program can exceed these HOME maximum subsidy limits.

Terms of Assistance

The terms of assistance to Applicants of Rental Repair and Rehabilitation will be in the form of a three percent (3%) interest rate loan. If the landlord does not comply with the requirements set out in this program, including but not limited, leasing to a household over eighty percent (80%) AMFI, then the full loan shall be immediately due and payable in full. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable in full.

Credit Standards

Following are the credit standards for HIPP:

- No Chapter 7 or Chapter 13 bankruptcy if primary or any mortgage is included as a secured creditor on the subject property for which the City or subrecipient will place a lien securing the loan.

Eligible Rehabilitation and Reconstruction Scope

Eligible rehabilitation and reconstruction activities will include all items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes; including items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. The scope of work must address all major systems that have a remaining useful life for a minimum of 5 years at project completion, or the system must be rehabilitated or replaced as part of the scope of work. Major systems are identified as structural support (foundation); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Improvements to or demolition of an accessory structure such as detached garage, work shed, or small residential structure will be made on a case by case basis depending on the available budget, grant requirements, current building codes, health and safety concerns, and minimum occupancy requirements of residents of the property.

Amount of Assistance	Term
Less than $5,001	5 Years
$5,001 to $50,000	10 years
Over $50,001	15 years
Reconstruction Only	20 years

Assistance to remove of any items from the property that are considered to be dangerous, hazardous, or a violation of local code are eligible in conjunction with the rehabilitation of the property.

Assistance may not be used for the purchase or repairs of appliances (except for energy efficient window units) or renovations not necessary to bring the home up to local code or property

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standards. Unnecessary renovations include but are not limited to luxury items (granite counter tops, swimming pools, spas, high end fixtures); tree trimming; fences; and landscaping.

Refinancing

Refinancing of an existing mortgage, equity loan, or liens from lot clearance/demolition is an eligible refinancing expense up to $10,000. The total debt, including refinanced amount and rehabilitation costs, cannot exceed 100% of the after-rehabilitation value of the property. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses. Cash out is also not permissible.

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TENANT PROGRAMS

Tenant Based Rental Assistance

The purpose of this program is to provide supplemental financial assistance to displaced tenants as a result of the High Impact Landlord Initiative (HILI) to pay the difference between the cost of rent and the actual affordable amount that the tenant can pay. The program shall be operated on a first come first serve basis. Only HOME funds can be used to fund Tenant Based Rental Assistance (TBRA) programs. This is not an eligible activity under the Community Development Block Grant (CDBG) Program.

Eligible Uses

Eligible costs include: Subsidy is based on the amount of the rent, household income and City rent standard in a form of a grant. Covered expenses include:

- Rent supplemental financial assistance:
- Utility costs
- Security deposits
- Utility deposits
- Maximum assistance of 24 months
- May provide security deposit and utility deposit assistance upon exiting the program for a permanent unit

No payments will be made directly to the tenant household.

Prohibited Uses

City of Dallas HOME TBRA funds may not be used to assist tenants in conjunction with homebuyer programs, including lease purchase programs.

Eligible Units

Eligible tenants may rent any housing that meets the following criteria:

- Located in Dallas City Limits
- Meets Minimum Housing Quality Standards
- Reasonable rents are charged
- Are not public housing projects, or receiving project based federal assistance

Subsidy Amounts and Tenant Contribution

Maximum Subsidy: Maximum assistance that can be provided is the difference between 30% of the household's adjusted monthly income and the payment standard.

Minimum Tenant Contribution: All tenants are required to pay 30% of their monthly adjusted income, or $20.00 per month, whichever is greater.

Length of Assistance: Assistance will not be provided for a period of time longer than two years, and minimum of one-year lease.

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Other Tenant Requirements

Agencies administering TBRA programs may require tenant participation in a self-sufficiency program as a condition of rental assistance.

A legitimate, legal lease is required for program participants.

Income Recertification

Income of tenants receiving HOME tenant based rental assistance must be re-certified on an annual basis, at a minimum. City staff may require recertification of tenant income at any time, at the City's discretion, if it appears that a tenant's income has changed substantially during the contract term. If the tenant's income exceeds eighty percent (80%) of Area Median Family Income, HOME assistance must be terminated.

Payment Standard

The HOME payment standard will be the Small Area Market Rent, annually established and published by the US Department of Housing and Urban Development.

Termination of Assistance

HOME assistance may be terminated if the following occurs:

- Household's income exceeds eighty percent (80%) of Area Median Income;
- Household is evicted from the approved unit by owner for cause;
- After receipt of two official notices requesting cooperation in the re-certification process, the household is unresponsive and uncooperative.

In all cases above, thirty days' notice of the termination must be provided to the tenant and landlord.

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DEVELOPER PROGRAMS

New Construction and Substantial Rehabilitation Program

The purpose of this program is to provide financial assistance to new developments or substantial rehabilitation developments, where such assistance is necessary, and appropriately incentivize private investment for the development of quality, sustainable housing that is affordable to the residents of the City.

Funds may be used for projects to: 1) build new single-family with 5 or more homes, 2) build new multi-family rental housing with 5 or more units, or 3) substantially rehabilitate multi-family rental housing greater than 5 units. The City shall award, when funds are available, through a competitive Notice of Funding Availability (NOFA) or Request for Applications (RFA) process in accordance with the program's scoring policy.

Eligibility

To be eligible for funding under the New Construction and Substantial Rehabilitation Program assistance the proposed project must meet all of the following basic criteria:

- Project must consist of 5 or more units located within the municipal boundaries of the City of Dallas. Note: Extra Territorial Jurisdictions areas are not eligible for financial assistance.
- Substantial rehabilitation projects must, at a minimum, meet the substantial rehabilitation test

In addition to fully meeting the City's minimum code requirements, a project must meet one or more of the following Substantial Rehabilitation threshold tests:

- Replacement of two or more major building components (roof; wall or floor structures; foundations; plumbing, central HVAC or electrical system); or
- costs are 15% or more, exclusive of any acquisition and/or acquisition and development soft costs, of the property's replacement cost (fair market value) after completion of all required repairs, replacements and improvements; or
- rehabilitation hard costs are $10,000 or more per unit.

The after-rehabilitation rents required to effectively support the property, including the additional rehabilitation project debt service, must be:

- Reasonable, and fall within the underwriting standards; and
- Affordable and meet the City's definition of affordability.

Owners must exhibit a cash equity participation of at least 10% in the rental property proposed for rehabilitation. Note: Housing tax credits proceeds are to be treated as equity.

Loan Terms

Financial assistance can be provided in the form of a repayable loan as negotiated on a project by project basis and demonstrated by the financial underwriting~~with scheduled payments or, if the project involves housing tax credits, a surplus cash loan~~. The City loan is fully repayable, and the interest rate varies by the type of Borrower. The interest rate for a qualified CHDO Borrower or Sponsor shall be zero percent (0%) simple annual interest. The interest rate for a qualified nonprofit Borrower or Sponsors shall be one percent (1%) simple annual interest. The base interest rate for all other Borrowers shall be three percent (3%). However, the 3% base rate can be reduced through a combination of one or more Borrower concessions:

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- A Borrower guarantee to make annual interest payments will reduce base interest rate by 1%;
- Borrower agreement to limit loan maturity to 20 years or less reduces base interest rate by 1%; or
- Borrower guarantee of annual interest and principal payments reduces base interest rate by 2%.

The Borrower can combine a) and b) above to reduce the 3% annual simple interest base interest rate by 2% to the 1% annual simple interest floor rate. However, in no instance can the floor interest rate be less than 1% annual simple interest for a Borrower in this category.

Repayment terms will be negotiated based on project underwriting and after review of all other financing commitments. Repayment of loan principal and interest should be either:

- Equal monthly installments over a period of up to 300 months ~~if the project does not involve housing tax credits~~. Subject to City review and approval, multi-family projects may have up to 24 months (in addition to the above stated maturity of 300 months) of deferred principal and interest during a construction and lease-up; or,
- An annual surplus cash payment. The City's surplus cash loans funding will be structured with note provisions requiring that at least 50% of Eligible Cash in excess of $50,000 be paid annually to subordinate lenders (including funding partners and related parties) on a prorated basis.

Eligible Cash shall be defined as: Surplus cash available for partnership distribution, less any outstanding:

- Credit adjusters
- Asset management fees
- Operating reserve account replenishment
- Limited partner loans that have been approved by the City
- Deferred developer fees
- Supplemental replacement reserve deposits approved by the City

Note: Incentive management fees have been deliberately omitted from the above list. Payment of incentive management fees shall be subordinate to repayment of the City's loan(s).

Additional Requirements for New Construction Development

For new construction housing developments funded by the City, the maximum subsidy per unit is 22.5% of the HUD HOME Value Limit.

Funding will be provided to Community Housing Development Organizations, governmental entities, or public facility corporations at 0% simple interest, which will be forgiven upon sale of the property to home buyer.

In addition, funding will be provided to other qualified non-profit organizations at 1% simple interest, which will be forgiven upon sale of the property to home buyer.

Projects shall submit, on an annual basis, either HUD Form 93489 (HUD Computation of Surplus Cash), or the City's form, with the project audit. The City will invoice the project, allowing for repayment to occur up to the end of the current calendar year when HUD financing is involved.

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Otherwise, the surplus cash payment will be due within 45 days of the invoice postmark. Late payments will be assessed a 5% late charge. The loan will be in default if payments are more than 75 days late. The default interest rate shall be 500 basis points (5%) over the note interest rate.

The City multi-family rental loan is limited to only the amount necessary to fully fund the required rehabilitation work, not to exceed nine percent (9%) of the annual HUD Section 234 – Condominium Housing Limits in Dallas, Texas for elevator units (by number of bedrooms per unit). In 2018, the annual limits were as follows:

Efficiency - $58,787
1 Bedroom - $67,391
2 Bedroom - $81,947
3 Bedroom - $106,013
4 Bedroom - $116,369

Note: The above table is only valid for 2018 and is otherwise provided for illustrative purposes. Contact the City's Housing Department for a schedule of current HUD 234 Limits.

Affordability Period Requirements for All Rental Housing Development and Substantial Rehabilitation Loans

The Period of Affordability (income and rent restrictions) applies to both single-family and multi-family rental housing projects. Affordability periods shall be set as follows, in keeping with HUD requirements.

Amount of CDBG or HOME funds Per Unit	Minimum Period of Affordability
Under $15,000/ Unit	Five (5) years
$15,000 - $40,000/ Unit	Ten (10) years
Over $40,000 or rehabilitation involving refinancing	Fifteen (15) years
New construction of Rental Housing	Twenty (20) years

Conditions of All City Loans

- The property must be residential rental property under the existing ownership for the entire loan term. If the property is transferred by any means during the loan term, the remaining unforgiving portion, plus interest based on the existing market, will become immediately due and payable;
- The Borrower must maintain the property according to the Dallas Unified Building Code and agrees to allow City personnel to annually inspect the property;
- The Borrower provides evidence of having paid annual property taxes and having secured fire and extended insurance coverage for the property;
- Borrower must annually provide the City of Dallas with the information on rents and occupancy of HOME-assisted units to demonstrate compliance with the affordability rent requirements;
- The Borrower must maintain reserves for maintenance; and
- No further assistance during the affordability period term of the loan, whichever is longer.

The City loan will be secured by a lien on the property. The lien position will be no less than a second, except upon approval of the appropriate City Department Director, subordinate only to a private financial institution's superior lien for a loan in a greater amount. The City may also require additional

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security for its loan, including, but not limited to, a first lien position on other investment property of the owner, as well as personal and/or corporate guarantees if it is necessary to secure the loan.

The terms of payment will continue throughout the entire term of the note, provided the Borrower complies with each and every term and condition of the loan documents. If the Borrower does not comply, or if the borrower at any time defaults under the terms of the note, interest on the unpaid principal will thereafter:

- accrue at a rate that is 500 basis points over the Note interest rate, and
- be immediately payable in addition to the entire outstanding principal amount

Financial Structuring

GAP Financing
The City deferred debt (deferred forgivable or surplus cash) only be used for and based upon the financing gap on affordable units. The City loan cannot exceed the financing gap.

Balloon Mortgages
Ballooning senior debt mortgages may require additional mitigating factors depending on overall project sources and uses, projected loan-to-value, and other risk factors. Under no circumstances will the City participate in a transaction where a senior balloon term is less than 15 years.

Surplus Cash Mortgages
The City's surplus cash loans funding will be structured with note provisions requiring that at least 50% of Eligible Cash in excess of $50,000 be paid annually to subordinate lenders (including funding partners and related parties) on a prorated basis.

Eligible Cash shall be defined as:
- Surplus cash available for partnership distribution, less
- Any outstanding:
- Credit adjusters
- Asset management fees
- Operating reserve account replenishment
- Approved limited partner loans
- Deferred developer fees
- Approved supplemental replacement reserve deposits

Projects shall submit, on an annual basis, either HUD Form 93489 (HUD Computation of Surplus Cash), or the City's form, with the project audit. The City will invoice the project, allowing for repayment to occur up to the end of the current calendar year when HUD financing is involved and general HUD distribution guidelines. Otherwise, the surplus cash payment will be due within 45 days of the invoice postmark. Late payments will be assessed a 5% late charge. The loan will be in default if payments are more than 75 days late. The default interest rate shall be 500 basis points (5%) over the note interest rate.

Appraisal Requirements

Projects Receiving City First Mortgage Acquisition Financing
Prior to funding commitment, the borrower must provide a completed Appraisal Request Form for City-Ordered Appraisals by the date specified in the City's notice of funding award, unless the

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development is exempt from the appraisal requirement as described below. The establishment of the date will take into account the applicable funding source commitment deadline and the Borrower's project timeline.

Developments exempt from the prior to commitment appraisal requirement:

- Acquisition price under $100,000
- Land only where there is no identity of interest. Identity of interest is used broadly to include non-arm's length transactions, related-party transactions, etc.
- Single family homes (1-4 family structures) that are aggregated under one loan
- The Borrower has provided a Market Study
- The Project is HUD 202 or HUD 811 with a funding reservation

Note: Whenever a project is exempt under one of the above provisions, the City will use assessed value unless the borrower requests an appraisal for determining acquisition cost as defined in these Underwriting Standards.

The cost of appraisals must be borne by the Borrower. All costs incurred for the appraisal, and any revisions, will be the responsibility of the applicant. The City will collect the appraisal costs from its loan proceeds at closing.

Appraisals ordered by the Borrower will not be accepted. All appraisals must be ordered by the City, HUD or a designated HUD MAP lender, Fannie Mae or a designated Fannie Mae Delegated Underwriter Services (DUS) lender or a regulated financial institution.

An Agency ordered appraisal will be used to support the acquisition costs identified at the time of application. The appraised value will be used by the City and its funding partners in underwriting the acquisition cost.

An As-Is Appraisal:
Land Only for New Construction: Fee simple value of the land. The market value appraisal will consider the real property's zoning as of the effective date of the appraiser's opinion of value. If the real property consists of more than one parcel, the parcels will be combined in one appraisal with one value conclusion.

Acquisition/Rehab:
Fee simple "as-is" value of the existing multi-family property assuming market rate rents. Fee simple, in "as-is" condition, with existing restricted rate rents.

Adaptive Re-Use:
Fee simple market value of the property to be adapted for an alternate use. The valuation will assume the highest and best use permitted by law and economically feasible in the current market.

Prior to Closing – Scheduled Payment Loans:
For scheduled payment loans, an as-completed appraisal is required to establish loan to value. An "as-completed and stabilized" appraisal is required for all amortizing loans.
Two hypothetical values are required:

- As completed and stabilized, subject to restricted rents
- As completed and stabilized, assuming market rate rents

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The lesser of the two values will be used to determine loan to value for the City's underwriting. The City will finance no more than 87% of appraised value (85% for loans with $15,000 per unit or less in rehabilitation). Plans and specifications must be sufficiently complete for the appraiser to establish the "as completed" value. The appraisal must be conducted no more than six months prior to closing or end loan commitment (or the borrower will be required to pay for an appraisal update).

Prior to Closing- Deferred Loans:
For non-amortizing loans, the City requires an appraisal prior to closing similar to that required for amortizing loans (above). Borrowers may use another lender's appraisal. Non- Amortizing developments exempt from the prior to closing appraisal requirement include:

- Single family homes (1-4 family) that are aggregated under one loan (the City will use assessed value unless the Borrower requests an appraisal for determining acquisition cost as defined in the Borrower's Underwriting Standards.)

Loan Conditions

As a condition of the City Loan, the Developer must agree:

- To rent these properties in accordance with Affirmative marking standards and the current HUD Section 8 rental income guidelines for the Period of Affordability and the federal equal housing opportunity requirements in the Fair Housing Act.
- Not discriminate on basis or race, religion or national origin.
- Not discriminate against lower income prospective tenants, solely on the basis of their receipt of Section 8 Housing assistance support.
- Not convert the property to condominiums for the duration of the public note.
- To maintain the property in a safe, sanitary and decent condition, in compliance with the City of Dallas Building Codes throughout the term of the public sector note.
- To provide evidence of having paid annual property taxes and secured fire and extended insurance coverage for the property.
- Comply with Annual Re-certification of tenant's annual income, which means each year the property owner must document the income of the tenant by reviewing documents such as W-2's, pay stubs, etc. in order to ensure that their income meets the low-income requirements.
- To a property inspection one (1) year after the rehabilitation and every two (2) years thereafter during the period of affordability. The owner must agree to cooperate with and assist in this inspection effort, and to resolve all deficiencies cited within the designated correction period allotted.
- To pay real property taxes and maintain adequate fire and extended coverage insurance with City named as co-insured on the subject property for the full term of the loan. The City will require owner to provide documentation of tax payment and insurance coverage on an annual basis.
- To adhere to Lead-Based Paint Abatement guidelines for all properties built 1978 and before.

The City will examine the sources and uses for each project and determine whether the costs are eligible and reasonable, the return to the developer is appropriate (not excessive); and the other sources of funds needed for the project are firm commitments. "Reasonableness" of development costs should be based on the following factors:

- Costs of comparable projects in the same geographical area;

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- Qualifications of the cost estimators for the various budget line items; and
- Comparable costs published by recognized industry cost index services

Failure to comply with any of the conditions outlined above will constitute a default of the public sector loan, requiring the balance to become immediately due and payable.

During the term of the public sector loan, if the property is sold, or ownership transferred through any means, then the balance of the note then owning, including the remaining deferred forgivable portion is immediately due and payable in full.

For HOME projects, a determination of fixed or floating HOME units must be made at the time of Loan commitment. Fixed units must remain the same throughout the period of affordability. Floating units may change in order to maintain conformity so that the total number of units meet the required number of bedrooms to the originally designated HOME-assisted unit.

Loan Closing

The property owner will be required to provide the following items for loan closing:

- For substantial rehabilitation projects, the after-rehabilitation appraisal of the property showing the appropriate value relative to the proposed loan.
- Acceptable Commitment for Title Insurance Policy showing the City's interest in the total amount of the City's Deferred Payment Loan.
- Credit Reports on all Borrowers with a 15% or greater ownership interest.
- List of all real property assets and their value.
- An acceptable bid from an approved contractor. The approved contractor must be licensed, and provide proof of appropriate insurance coverage, covering the total cost of the
- rehabilitation work and including, but not limited to worker's compensation, general liability, and personal liability.
- Copy of the insurance policy for fire and extended coverage for 80% of the value of the property with City named as co-insured.

Permitted Rehabilitation Program Costs

CDBG or HOME funds will be used to support only the following eligible costs:

- Actual rehabilitation costs necessary to correct substandard conditions to comply with the City of Dallas building Codes, federal environmental conditions standards, and federal lead-based paint abatement requirements.
- Essential improvements including energy conservation-related repairs, and improvements to permit use of the rehabilitated units by persons with disabilities.
- Repairs to major building system in danger of failure.
- Costs, generated by the public sector, for processing and closing the financing for the project, such as: credit reports, fees for title evidence, fees for recordation and filing of legal documents, attorney's fees, permits, and appraisal fees.
- Cost for the relocation of tenants currently residing in the property at the date of initial application, who must be temporarily or permanently displaced as a direct result of the rehabilitation activity.

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Involuntary Displacement

The City prohibits involuntary displacement of residents from developments receiving funding. If a development receives federal funds, the Uniform Relocation Act provisions will apply.

Eligible Costs

The following costs may be reimbursed with HOME funds:

Hard Costs	Soft Costs
Land and Structure Acquisition	Financing Fees & credit reports
Site preparation, including Demolition	Affirmative marketing, initial leasing & marketing costs
Construction Materials and Labor	Title binders and insurance
	Performance bonds and surety fees
	Recording fees
	Legal & accounting fees
	Appraisals
	Eligible Soft Costs
	Environmental reviews

CDBG funds may not be used for new building construction, in accordance with HUD regulations. However, CDBG funds may be used for all other reasonable and eligible costs in the above table.

Monitoring

The City is required by HUD to obtain information on rents and occupancy of HOME – assisted units to demonstrate compliance with the affordability rent requirements on an annual basis.

Additional Requirements for ALL Rental Housing Projects

Tenant Selection/Eligibility:
An owner of rental housing assisted with HOME or CDBG funds must adopt written tenant selection policies and criteria that:

- are consistent with the City's goal of providing housing for very low-income and low-income families;
- are reasonably related to program eligibility and the applicant's ability to perform the obligations of the lease;
- provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable; and
- give prompt written notification to any rejected applicant stating the grounds for the rejection

Income Eligibility and Re-certification:
Tenant incomes must be re-certified annually and verified with source documents every six years. If the income of a household in an assisted unit rises above 80% of Area Median Income, the household may continue to rent the unit and the household must pay monthly rent equal to the lesser of:

- The rent permitted by state law; or

- 30% of the family's adjusted monthly income at annual re-certification.
- If the project was financed with Low Income Housing Tax Credits, the tax credit rent prevails.

Acceptable Rents for HOME Projects Only

The HOME program has established rules in relation to acceptable rents. There are two rent standards: High HOME Rent and Low HOME rent. For properties with five (5) or more HOME assisted united, at least 20% of the units must have rents that meet the "Low HOME" criteria.

High HOME Rent: lesser of the Section 8 Fair Market Rents for existing housing OR thirty (30) percent of the adjusted income of a family whose annual income equals 65% of the area median income.

Low HOME Rent: Thirty percent of the tenant's monthly adjusted income OR thirty percent of the annual income of a family whose income equals 50% of the area median income.

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OVERVIEW OF EXISTING FUNDING SOURCES

Federal Funding Sources

The City receives financial support from the U.S. Department of Housing and Urban Development (HUD) to assist low and moderate-income families in obtaining affordable housing. The City receives several Entitlement (HUD) grants, which it can use to support its housing initiatives. HUD outlines certain regulations that apply when using grant funds. This policy document uses the HUD regulations as a basis and incorporates the City's own policies as adopted by City Council.

Community Development Block Grant (CDBG)

The Community Development Block Grant has been in existence since 1974. The primary objective of the CDBG program is to improve communities by providing decent housing, providing a suitable living environment, and expanding economic opportunities. The primary beneficiary of CDBG funds must benefit low to moderate-income persons; aid in the prevention or elimination of slums or blight; or meet an urgent need.

HOME Investment Partnership Program (HOME)

The HOME Investment Partnership Program has been in existence since 1990. The goals of the HOME program are to provide decent affordable housing to lower-income households, expand the capacity of nonprofit housing providers, strengthen the ability of state and local governments to provide housing, and leverage private sector participation. HOME funds may be utilized for rental activities, homebuyer activities, and homeowner rehabilitation activities. All HOME funds must benefit persons of low and moderate income.

HOME Match Requirement

All housing development projects must meet a twenty-five (25%) HOME matching requirement of contributions made from non-federal resources and may be in the form of one or more of the following:

- Cash contributions from nonfederal sources
- Forbearance of fees
- Donated real property
- Cost, not paid with federal resources, of on-site and off-site infrastructure that the participating jurisdiction documents are directly required for HOME-assisted projects
- Proceeds from multifamily affordable housing project bond financing
- Reasonable value of donated site-preparation and construction materials, not acquired with federal resources
- Reasonable rental value of the donated use of site preparation or construction equipment
- Value of donated or voluntary labor or professional services in connection with the provision of affordable housing

Neighborhood Stabilization Program (NSP)

The Neighborhood Stabilization Program was authorized under Division B, Title III of the Housing and Economic Recovery Act of 2008 (HERA) to help communities recover from the effects of foreclosures, abandoned properties, and declining property values. The City collects program income from this source and appropriates it on an annual basis.

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State and Local Funding Sources

General Obligation Bonds

General Obligation Bonds were authorized under the 2017 bond package to help with infrastructure, economic development and housing, and related expenses as authorized by law. Economic Development and Housing have been allocated approximately $55 million for the next five (5) years.

Tax Exempt Bond Financing (City of Dallas Housing Finance Corporation)

The City of Dallas Housing Finance Corporation (DHFC) was organized in 1984 in accordance with Chapter 394 of the Texas Local Government Code (Code). Under the Code, the purpose of the DHFC is to assist persons of low and moderate income to acquire and own decent, safe, sanitary, and affordable housing. To fulfill this purpose, the DHFC can be an issuer of tax exempt bonds. The DHFC may issue bonds to finance, in whole or in part, the development costs of a residential development or redevelopment; the costs of purchasing or funding the making of home mortgages; and any other costs associated with the provision of decent, safe, and sanitary housing and non-housing facilities that are an integral part of or are functionally related to an affordable housing development.

- Affordable Housing Partnerships: The DHFC can also partner with affordable housing developers for the production of multifamily housing. The DHFC can acquire an ownership stake in the development by becoming the General Partner (GP) of an ownership entity, right of refusal to purchase the improvements, and owning and controlling the land. DHFC is the sole member of the GP. Fifty-one percent of the units must be set aside for affordable housing. If all of the aforementioned criteria are met; then the development can benefit from a tax exemption. Additionally, the DHFC can be the General Contractor to allow for sales tax exemption on construction materials.

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Strategies, Tools and Programs that Will Require Additional Action

Housing Trust Fund

Establish a Dallas Housing Trust Fund (DHTF) that allows monies to be used to make loans to support the production goals of the Housing Policy. At a future date, staff will seek Council approval to authorize a one-time transfer of a minimum of $7 million in unencumbered fund balances from high-performing Tax Increment Financing Districts (TIFs), as well as $7 million from Dallas Water Utility funding set aside to support developments. Staff will further research potential dedicated revenue sources for the DHTF, including unencumbered fund balances from high-performing TIFs, property tax revenues from developments that have been built on previously City-owned land, proceeds from the sale of properties acquired by the City following non-tax lien foreclosures, among other sources.

Tax Increment Financing

Creation of a non-contiguous Tax Increment Finance District for areas not already located in an existing TIF District will leverage TIF on projects that propose to meet the unit production goals with affordability requirements.

Voluntary Inclusionary Zoning

In addition to development subsidies, the City may also incentivize the production of rental units via voluntary inclusionary zoning. Voluntary inclusionary zoning is a strategy by which the City can provide development bonuses to encourage the construction of mixed-income housing in multi-family and mixed-use zoning districts. At a future date, staff will seek council approval to amend the Development Code to allow for by-right development bonuses, including increases in maximum height and lot coverage, for developments that provide mixed-income housing in MF-1, MF-2, MU-1 and MU-2 districts. While these development bonuses would be available regardless of whether the MF-1, MF-2, MU-1 or MU-2 district is in a Reinvestment area, the City could layer in development subsidies for projects in Redevelopment and Stabilization areas to encourage more income stratification or a higher-percentage of affordable units. Furthermore, this strategy, as it has already been briefed to the Dallas Zoning Ordinance Advisory Committee (ZOAC), will encourage such mixed-income housing developments to adopt design principles that encourage walkability, reduce the need for parking, and require the provision of more open space.

Neighborhood Empowerment Zones

At a future date, staff will seek council approval to designate Neighborhood Empowerment Zones (NEZ) in certain Reinvestment Areas. Once a NEZ is established, staff will implement the following programs and strategies to preserve affordability and deconcentrate RECAP:

- a property tax freeze for up to ten (10) years for homeowners if they are making improvements to their property resulting in more than 25% increase in value,
- development fee rebates (permits, planning, zoning, parkland dedication, landscape & tree mitigation),
- encourage Incentive Zoning/Density Bonuses to support the creation of mixed income communities,
- allow Accessory Dwelling Units,
- designate Homestead Preservation District overlay where applicable, and

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Sublease Program

Furthermore, staff will pursue council approval to create a Sublease Program which incentives a landlord/developer to facilitate the rental of units to voucher holders. This program is administered through the Dallas Housing Finance Corporation.

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Resolutions of Support or No Objection

The City of Dallas (the City) has developed a policy for developers requiring Resolutions of Support or No Objection for multi-family rental housing development projects seeking Housing Tax Credits (HTC) through the Texas Department of Housing and Community Affairs (TDHCA). Each year, the TDHCA is required to develop the Qualified Allocation Plan (QAP) to establish the procedures and requirements relating to the allocation of Housing Tax Credits. Once the QAP is submitted and approved by the Office of Governor, which occurs in December of each year, the adopted QAP will be published in the Texas Register.

In the administration of its HTC Program, the TDHCA awards application points for a resolution from a Governing Body of a local municipality on the following basis:

Within a municipality, the application will receive:

- seventeen (17) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports the application or development; or
- fourteen (14) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection to the application or development.

Within the extraterritorial jurisdiction of a municipality, the Application may receive:

- eight and one-half (8.5) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports the Application or Development; or
- seven (7) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection to the Application or Development

The City will issue a Request for Applications for Resolutions of Support or No Objection in December of each year and bring forth recommendations to the Economic Development and Housing Subcommittee and City Council in February of each year. This schedule is in line with the TDHCA program calendar.

Evaluation Criteria

The City has developed a self-scoring application in order to conduct a comprehensive, fair and impartial evaluation of all applications received in response to the Request for Applications process. Each application is analyzed to determine overall responsiveness and qualifications under this policy. Evaluation Criteria are outlined below:

1. **General Partner and Property Management Experience –** Up to 20 total points (as determined utilizing the below general partner and property manager point tables)

General Partner – up to 10 of the 20 total experience points. To receive experience points under this category, the proposed general partner(s), or a key individual(s) (officer, managing member or principal) within the proposed general partner organization (the "general partner"), must meet one of the following tests for each counted project.

To obtain points for a current project owned by the proposed general partner, the applicant must certify that the development has:

- been in service and continuously operated for three or more years;

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- yielded positive operating cash flow from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.); and
- held reserves as required by the partnership agreement and any/all applicable loan agreements.

To obtain points for projects previously owned by the proposed general partner, the applicant must certify that:

- the ending date of ownership or participation was no more than 10 years before the deadline associated with the subject application;
- the previously owned development was yielding positive operating cash flow from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.) at the time of disposition; and
- the project was holding reserves as required by the partnership agreement and any/all applicable loan agreements at the time of disposition.

Experience of the General Partner – Up to 10 points	Points
1-2 Multi-family rental housing projects in service more than 3 years	**1**
1-2 Sec. 42/142/HOME projects in service more than 3 years	**3**
3-6 Multi-family rental housing projects in service more than 3 years	**4**
3-6 Sec. 42/142/HOME projects in service more than 3 years	**6**
7 or more Multi-family rental housing projects in service more than 3 yrs.	**7**
7 or more Sec. 42/142/HOME projects in service more than 3 years	**10**

"Sec.42/142/HOME" means Internal Revenue Code §42 "Low-income housing credit", §142 "Exempt facility bond – qualified residential rental project", and/or 24 CFR Part 92 - HOME Investment Partnerships Program ("HOME")

"Multi-family housing" means any multi-family rental housing project of 20 units or more that is not subject to IRC §42, IRC §142, or 24 CFR Part 92 requirements.

2. **Property Manager** – Up to 10 of the 20 total experience points.

To receive experience points under this category, the proposed property management entity must meet one of the following tests for each counted project.

To obtain points for a current project managed by the proposed property management entity, the applicant must certify that the property has:

- been in service and continuously managed by the proposed property management entity for three or more years;
- yielded positive operating cash flow from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.); and
- held reserves as required by any/all applicable partnership agreement and loan agreements.

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To obtain points for projects previously managed by the proposed property manager, the applicant must certify that:

- the ending date of management agreement was no more than 10 years before the deadline associated with the subject application;
- the previously managed development was yielding positive operating cash flow from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.) at the time of termination of the management agreement; and
- the project was holding reserves as required by the partnership agreement and any/all applicable loan agreements at the time of termination of the management agreement.

Experience of Property Manager – Up to 10 points	Points
1-2 Multi-family rental housing projects managed more than 3 years	**0**
1-2 Sec. 42/142/HOME projects in service more than 3 years	**3**
3 or more Multi-family rental housing projects in service more than 3 yrs.	**4**
3-6 Sec. 42/142/HOME projects in service more than 3 years	**6**
7 or more Multi-family rental housing projects in service more than 3 yrs.	**7**
7 or more Sec. 42/142/HOME projects in service more than 3 years	**10**

"Sec. 42/142/HOME" means Internal Revenue Code §42 "Low-income housing credit", §142 "Exempt facility bond – qualified residential rental project", and/or 24 CFR Part 92 - HOME Investment Partnerships Program ("HOME")

"Multi-family housing" means any multi-family rental housing project of 20 units or more that is not subject to §42, §142, or 24 CFR Pat 92 requirements.

3. **Nonprofit Organization Participation** – 10 points

To receive these points, the nonprofit organization must have controlling interest (e.g., greater than 50 percent ownership in the General Partner) in the project. If ownership is a limited partnership, the Qualified Nonprofit Organization must be the Managing General Partner. If ownership is a limited liability company, the nonprofit organization must be the controlling Managing Member. Additionally, the nonprofit entity or its affiliate or subsidiary must be the developer or a co-developer of the project.

The nonprofit organization is not required to elect to apply under the State's Nonprofit Set-aside in order to receive these points.

4. **Redevelopment Areas** – 20 points

Project must be located in one of the four Redevelopment Areas – 1) Midtown, 2) High Speed Rail, 3) Wynnewood, and 4) Red Bird areas.

5. **Stabilization Target Areas** – 20 points

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To receive these points, the Project must be located in one of the eight Stabilization Target Areas – 1) LBJ Skillman 2) Vickery Meadow, 3) Casa View, 4) Forest Heights / Cornerstone Heights, 5) East Downtown 6) The Bottom, 7) West Dallas, and 8) Red Bird North.

6. **Emerging Market Area** – Up to 10 points.

To receive these points, the Project must be located in one of the three Emerging Target Areas – 1) Southern Gateway 2) Pleasant Grove, and 3) University Hills.

7. **Determination of Project Feasibility** – Up to 20 points (5 points each, no more than 20 points can be awarded in this category)

- Proposed rent schedule consistent with TDHCA rent limits on rent-restricted units.
- Appropriate vacancy and collection loss assumptions in the project pro forma are consistent with TDHCA HTC requirements.
- Reserves in the pro forma are consistent with TDHCA HTC requirements.
- Completed Market Feasibility Report with conclusions supporting the applicable project pro forma assumptions completed or underway.

8. **Project Site Characteristics** – Up to 10 points (5 points each)

Project meets land use density and City of Dallas zoning requirements at time of application.

9. **Transit Amenities** – Up to 28 points (zero to four points each, no more than 28 points can be awarded in this category)

The following transit amenity matrix shall be used in scoring the project:

	Points		
Amenity	**1/4 mile or less**	**>1/4 mile and < 1/2 mile**	**1/2 mile and up to 1 mile**
Bus Station or Stop	5	3	1
Public Park	5	3	1
Full Scale Grocery Store	5	3	1
Community or Senior Center	5	3	1
Aging & Disability Resource Center	5	3	1
Amenity	**1/2 mile or less**	**>1/2 mile and < 1 mile**	**1 mile and up to 2 miles**
Qualifying Medical Clinic or Hospital	5	2	1
Amenity	**20 minutes or less**	**>20 min. and < 40 min.**	**More than 40 min.**
Transit time to Major Employment Center	5	2	0

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10. **Project Readiness** – Up to 10 Points *(5 points each, no more than 10 points can be awarded in this category)*

- Applicant has secured site control per TDHCA HTC definition of site control.
- Environmental Report (s) has/have been completed.

11. **Resident Services** – Up to 15 points *(5 points each; no more than 15 points can be awarded in this category)*

- The equivalent of one (1) FTE resident service coordinator for every 600 project bedrooms.
- Project provides or has agreements with third party service providers to provide on-site educational, wellness and/or skill building classes
- Project provides on-site, licensed child care or after school program that operates at least 20 hours per week.

140 total points are provided under the above scoring preferences.

To receive a staff recommendation for a **Resolution of Support**, the applicant must score 85 points. Any applicant receiving less than 85 points, shall be eligible to receive a staff recommendation for a **Resolution of No Objection**, provided the application receives at least 6 experience points under the *I. General Partner and Property Manager Experience* of the above scoring methodology.

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Community Housing Development Organizations (CHDOs)

A CHDO is defined under 24 Code of Federal Regulations (CFR) Part 92.2 as a nonprofit organization (501©3 or 4) organized under state law; has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; is neither controlled by nor under the direction of individuals seeking to derive profit or gain from the organization. While a CHDO may be sponsored or created by a for-profit entity whose primary purpose is **not** the development or management of housing, such as a builder, developer or real estate management firm, the for-profit entity may not have the right to appoint more than one-third of the membership of the organization's governing body and the board members appointed by the for-profit entity may not appoint the remaining board members. A CHDO does not include a public body although a locally chartered organization may qualify under certain conditions.

The CHDO must be free to contract for goods and services from vendors of its own choosing. The CHDO must comply with certain financial accountability standards as described in the 24 CFR 84.21 Standards for Financial Management Systems. Among the primary purposes of the CHDO's organization, as outlined in their organizational charter, articles of incorporation, resolutions or bylaws must be the provision of decent housing that is affordable to low-to-moderate income persons. A CHDO must remain accountable to the low-income community residents by: **1)** maintaining at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representative of a low-income neighborhood organization; **2)** providing a formal process for low-income program beneficiaries to advise the organization in its decisions regarding the design, site selection, development and management of affordable housing.

A service area in urban areas such as Dallas, "community" may be defined as a neighborhood, or neighborhoods, city, county or metropolitan area. Additionally, CHDOs are subject to the affirmatively furthering fair housing rules which state that housing should not be located in areas of minority concentration or with high poverty rates. Historically, Dallas CHDOs have elected to work in areas where disinvestment has occurred, and where high concentrations of poverty exist. CHDOs should grow and develop the capacity to partner with for-profit developers to produce market rate housing in areas of disinvestment. Furthermore, CHDOs should work in areas with low poverty rates, have access to a quality education, transportation, and jobs. These high opportunity areas lack quality affordable housing options.

A CHDO must demonstrate the capacity to carry out the activities assisted with HOME Investment Partnership Program (HOME) funds within **12 months** of the project commitment. CHDO's may satisfy the HOME requirement by hiring experienced key staff members who have successfully completed similar projects or a consultant with the same type of qualified experience and a plan to train appropriate key staff member of the organizations. CHDO's must demonstrate a minimum of one-year experience in serving the community in which the assisted housing will be located before funds can be reserved for the organization. This requirement can be satisfied by a parent organization in some cases if a CHDO is formed by a group of local churches or local service organizations. CHDOs must be certified by the City of Dallas to be awarded CHDO set-aside funds for the development of housing and operating assistance.

Set Aside

HUD requires that 15% of the HOME allocation each year be made available to Community Housing Development Organizations (CHDOs) for the development of affordable homebuyer or

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rental housing.

Operating

In addition, the City can allocate up to 5% of the HOME allocation each year operating expenses for CHDOs. These funds provide operating funds to Community Housing Development Organizations based on financial need and the expectation that the organization is utilizing or will utilize the City's HOME CHDO set aside funding within 24 months of the award.

HOME funding provided for CHDO operating expenses may not exceed $50,000 or 50% of the organization's total annual operating expenses for that fiscal year, whichever is greater. CHDO operating expense funds may not supplant CHDO set-aside funds for project costs.

Certification

To be eligible to receive HOME CHDO set-aside funding and Operating Assistance Grants, a CHDO must be certified by the City of Dallas. CHDO certification must be done prior to the commitment of funds for a set-aside development, and there cannot be a general CHDO certification. The City can work in advance to determine if a CHDO will likely meet the requirements for certification prior to funding considerations. A CHDO must continue to be certified throughout the development of a project and during the affordability period. the City has developed the "Community Housing Development Organization (CHDO) Policy, Procedure, and Standards" document to outline the process and requirements for CHDO certification. This can be found in Appendix 5.

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APPENDICES

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APPENDIX 1
Single Family Development Underwriting

A. Eligible Developer Applicants

The City of Dallas will fund developers of affordable single-family homebuyer units, including for-profit developers, non-profit developers, and City of Dallas-designated CHDOs, with City of Dallas HOME single-family development program funds. Developers must demonstrate the capacity and previous experience developing projects of the type presented in their proposals. Prior to committing funds, the City of Dallas will review the status of any organization seeking funds from the CHDO set-aside to ensure that it meets all HOME requirements and that it has sufficient staff and financial capacity to carry out the project.

Project Location
Projects must be located within the city limits of Dallas.

Project Types
Funds will be provided for new construction projects. In general, the City of Dallas will require that all homes constructed have a minimum square footage of 1,200 sq ft, at least 3 bedrooms, and at least 1.5 bathrooms. RFPs issued by the City of Dallas may further specify or provide priority for eligible project types.

Parameters of HOME Investment
Applications must include an investment of $1,000 in HOME funds per HOME unit. In no case will the City of Dallas investment exceed the maximum HOME investment allowed under 24 CFR 92.250.

Additionally, for projects involving both City of Dallas other HOME funds, the combined HOME funding investment shall not exceed the total maximum HOME investment allowed under 24 CFR 92.250.

Typically, the City of Dallas will also establish a maximum cap on its investment in a single home. Such a limit will be based on the availability of funding and other City of Dallas priorities and will be addressed in any NOFA issued by the City of Dallas.

B. Eligible Costs
Costs funded with the City of Dallas HOME funds must be eligible according to HOME Final Rule 24 CFR 92.206. The following additional limitations also apply:

- HOME funds shall not be used for luxury improvements according to 24 CFR 92.205.
- Acquisition costs shall be supported by an independent appraisal of the property. Acquisition costs exceeding the appraised value of the property will be ineligible for HOME funding reimbursement.
- HOME funds shall not be used for non-residential accessory structures such as free-standing garages, carports, or storage structures. Applicants must delineate project costs in a manner that allows free-standing structures to be clearly paid for using other project funds.

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City of Dallas Eligible Project Soft Costs
The HOME program allows the City of Dallas to include, as project costs, its internal soft costs specifically attributable to a HOME project. These may include consulting, legal, inspection, and staff costs associated with reviewing, processing, and overseeing the award of funds to the project. Projects must provide budget allowances for "City of Dallas-Lender Due Diligence & Legal Costs" in the project's sources and uses.

Cost Reasonableness
Per the requirements of 92.250(b) and 2 CFR 200 Subpart E (formerly known as OMB Circular A-87), all project costs must be reasonable, whether paid directly with HOME funds or not. The City of Dallas will review project costs, including hard and soft costs, to evaluate their reasonableness and may, at its option, require applicants to obtain additional quotes, bids, or estimates of costs.

Identity of Interest
Developers must disclose any identity of interest situations that may occur when contracting with related companies during either the development or ongoing operation of the project. City of Dallas staff must be allowed the opportunity to conduct a cost analysis to determine costs reasonableness. Applications may be determined ineligible if access is not granted or costs are determined to be unreasonable.

C. Property Standards
To meet both HOME regulations and City of Dallas goals, all HOME-funded projects must meet certain physical standards intended to provide quality affordable housing that is durable and energy efficient.

Construction must meet all local codes. City of Dallas has adopted and enforces the following codes with amendments:

- 2012 International Building Code
- 2012 International Mechanical Code
- 2009 International Energy Conservation Code
- 2012 International Existing Building Code
- 2011 National Electric Code
- Chapter 11 of the 2009 International Residential Code

All HOME projects must meet applicable Section 504/UFAS requirements. Pursuant to 24 CFR 8.29, single-family housing developed with Federal funds must be made accessible upon the request of the prospective buyer if the nature of the prospective occupant's disability so requires. Developers must ensure that projects are designed in a way that can accommodate such a request. Should a prospective buyer request a modification to make a unit accessible, Developer must work with the homebuyer to provide the specific features that meet the need(s) of the prospective homebuyer or occupant. If the design features that are needed for the buyer are design features that are covered in UFAS, those features must comply with the UFAS standard. Developers shall be permitted to depart from the standard in order to have the homebuyer/occupant's needs met.

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Site shall be served by public sewer, public water, and public road. Sites should have ready access to recreational opportunities such as parks, playgrounds, etc., nearby shopping and services including transportation, grocery, banking, and medical facilities, and otherwise be located in neighborhoods that provide amenities that support residential development. The City of Dallas also generally prefers that sites have safe, walkable connections—including sidewalks—to the surrounding neighborhood.
Site shall be in a designated Fire District or served by a Fire Department;

Units must be equipped with the following appliances: Refrigerator, range/oven, dishwasher, and garbage disposal. Developers may also propose to include in-unit clothes washers and dryers, microwave/vent fan combination units, as appropriate. If the Energy Star program rates the type of appliances being installed, the developer must furnish the units with Energy Star rated appliances. Note however that not all appliances are rated by the Energy Star program.

D. Sales Price
Housing developed with HOME funds must be modest, and the sales/purchase prices for homes developed under this program cannot exceed the HOME Homeownership Value Limits published by HUD in effect at the time of project commitment. The City of Dallas will identify the applicable limits in any NOFA issued.

Units produced under the City of Dallas' single-family development program must be sold at the fair market value as determined by an "as-completed" or "subject to completion" appraisal completed by an independent state licensed appraiser. Developers shall submit such an appraisal prior to project commitment, and the City of Dallas may require an updated appraisal prior to construction completion if the appraisal is more than 9 months old at that point. Any reductions in list or sales price below the City of Dallas-approved appraised value must be approved in writing by the City of Dallas and will generally require updated market information.

E. Eligible Homebuyers
Homebuyers for units produced under the City of Dallas single-family development program must meet the eligibility criteria set forth in the City of Dallas Homebuyer Assistance Program (DHAP) guidelines.

F. Environmental Review Requirements
Federally-assisted projects are subject to a variety of environmental requirements. Developers should be familiar with these requirements and are strongly encouraged to discuss any questions they have with City of Dallas staff prior to entering into a purchase agreement or submitting an application.

All projects shall be implemented in accordance with environmental review regulations as defined 24 CFR Part 58.

The City of Dallas shall be responsible for conducting the environmental review and completing all necessary public notifications, and the request for release of funds (RROF) from HUD. The applicant is responsible for cooperating with the City of Dallas in the environmental review process and providing information necessary for the City of Dallas to fulfill its responsibilities under Part 58 and other applicable regulations.

Submitting an application for HOME funds triggers environmental review requirements under 24 CFR 58, including the National Environmental Policy Act (NEPA). Once an application for federal

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funds is submitted, a development proposal is now subject to the environmental review requirements and requires an environmental clearance and issuance of a Release of Funds (ROF) by the US Department of Housing and Urban Development.

Developers are prohibited from undertaking or committing or expending any funds to (including non-federal funds) any physical or choice-limiting actions on the site prior to an environmental clearance as required by Part 58. Physical and choice limiting actions include, but are not limited to, property acquisition, demolition, movement, rehabilitation, conversion, repair or construction. This prohibition applies regardless of whether federal or non-federal funds are used, and taking a choice limiting action prior to completion of the required environmental clearance process will result in the denial of any HOME funds from the City of Dallas.

G. Other Federal Requirements

Nondiscrimination and Equal Opportunity
The following federal nondiscrimination and equal opportunity guidelines apply to all projects and affect both development and sales of assisted housing:

- The Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations at 24 CFR part 100 et seq.;
- Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107;
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d- 2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1;
- The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146;
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at part 8 of this title;
- Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.; 24 CFR part 8; Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135;
- Executive Order 11246, as amended by Executive Orders 11375, [[Page 41]] 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p. 339; 3 CFR, 1966- 1970 Comp., p. 684; 3 CFR, 1966-1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60;
- Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971- 1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development); and
- Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise). The nondiscrimination provisions of Section 282 of the National Affordable Housing Act of 1982.

Uniform Relocation Act (URA)
All projects fall under requirements of the URA. Any project resulting in permanent relocation/displacement of households will not be funded by the City of Dallas. Applicants must

further document that any purchase of property meets the requirements of URA, including provision of notices to the seller identifying the transaction as a voluntary sale not under the threat of eminent domain. To ensure compliance with URA, applicants should consult the City of Dallas to understand the requirements of URA and reference the URA forms included in the RFP prior to submitting an application involving an occupied property.

Davis Bacon
Davis Bacon federal prevailing wage requirements shall apply to all projects with 12 or more units assisted with HOME funds.

Excluded Parties
The City of Dallas will not fund projects owned, developed, or otherwise sponsored by any individual, corporation, or other entity that is suspended, debarred, or otherwise precluded from receiving federal awards. Nor may the developer contract with any other entity (including but not limited to builders/general contractors, property management companies, or other members of the development team) that are suspended, debarred, or otherwise so precluded. Similarly, the general contractor will be required to determine that subcontractors are not so precluded.

H. Ongoing Project Requirements

Deadlines
Construction Start- If construction is not started within 12 months of the date the City of Dallas commits funds to a project, the commitment will be subject to cancellation. If the project is cancelled as a result of failure to meet this deadline, the Developer must repay to the City of Dallas any HOME funds disbursed for the project.

Completion Deadline- Project completion occurs when construction is complete, all HOME funds have been disbursed by the City of Dallas and drawn from the US Treasury, title to the property has transferred to an eligible buyer, and required completion data has been entered in HUD's IDIS system. Project completion must occur within 2 years of the date of commitment of funds to the project. If the Developer fails to meet this 2-year deadline, it must repay to the City of Dallas any HOME funds disbursed for the project.

Sales Deadline- Pursuant to 24 CFR 92.254(a)(3), Developers must have a ratified sales contract with an eligible buyer for each HOME-funded unit within nine (9) months of completion of construction or the unsold units must be converted to rental housing or the project will be deemed ineligible and all HOME funds drawn must be repaid to HUD.

If a unit is unsold after six (6) months, the Developer must present an updated sales and marketing plan to the City of Dallas outlining steps being taken to identify buyers. At the City of Dallas option, the Developer may be required to i) take further steps--such as listing the home with a licensed realtor, adjusting the sales price, etc.—as the City of Dallas may require to facilitate the sale of the home or ii) to transfer title to the City of Dallas or to another entity selected by the City of Dallas that can otherwise identify buyers prior to the regulatory deadline.

At the City of Dallas option, if a unit remains unsold after nine (9) months, the developer shall be required i) to repay the entire HOME investment, including any City of Dallas project soft costs; ii) to convert the project to rental housing in accordance with 24 CFR 92.252; or iii) to transfer title to the City of Dallas or to another entity selected by the City of Dallas for conversion to rental housing.

Units converted to rental housing must be rented to eligible tenants in accordance with 24 CFR 92.252, which includes tenant income eligibility and rent limit requirements. Further, any units converted to rental properties shall be operated in compliance with the City of Dallas Rental Housing Program guidelines.

Reporting and Record Keeping
To allow effective oversight of funded projects and document compliance with applicable HOME requirements, all projects must submit periodic reports to the City of Dallas. While this section outlines standard reporting requirements, the City of Dallas reserves the right to require additional reporting or to alter the reporting format or frequency based on future changes to HOME requirements or City of Dallas policy. Additionally the City of Dallas reserves the right to require additional or more frequent reporting for projects with compliance deficiencies.

- Developers are required to report monthly during the development phase and sales phase. During the construction phase, developers must provide monthly reports detailing construction progress and barriers to progress, copies of invoices being paid, and evidence of appropriate lien waivers.
- During the sales phase, developers are required to provide monthly reports detailing the number of additional sales, total sales, and marketing activity. These reports are required until all units are sold.
- The City of Dallas may require more frequent reporting due to findings identified during the development and sales phases.
- At the City of Dallas option, Developers may be required to obtain and submit an audit of project costs (i.e. cost certification) prepared by an independent Certified Public Account.
- Developers shall allow City of Dallas, HUD, State of Texas, the Comptroller General of the United States (aka the GAO), and all other pertinent Federal or State agencies or their designated representative the right to inspect records and property. Conflict of Interest

To comply with HOME requirements and to maintain a high standard of accountability to the public, conflicts of interest and perceived conflicts of interest must be avoided. Developers shall maintain compliance with all HUD conflict of interest provisions as stated in 92.356(f).

Developers with officers, employees, family members, consultants, or agents that are otherwise eligible to purchase HOME funded-units must receive waiver/approval from City of Dallas staff before entering into a sales agreement with HOME eligible employees. 92.356(f) provisions apply to all HOME projects.

I. Structure of Transaction

Loan Types and Terms
The City of Dallas will provide HOME funds in the form of a loan to the entity that owns the property. No grants will be awarded, and funding commitments are not transferable without prior written City of Dallas approval.

The City of Dallas HOME Loan may be used for acquisition and construction financing. Proceeds of the HOME loan will only be released following satisfaction of all requirements outlined below.

In all cases, the HOME loan will:

Have a maximum term of 2 years;

- Be repayable in full upon sale, refinancing, or transfer of the property or upon maturity, except that repayment will be limited to the net proceeds of a City of Dallas-approved sale to a low-income buyer. Net sales proceeds will exclude any portion of the sale proceeds used to repay senior construction debt, return of City of Dallas-recognized developer equity, approved sales costs, and any HOME-assistance transferred to the buyer(s) at closing as direct homebuyer assistance.; and
- Secured with a promissory note, mortgage, and appropriate UCC liens. Mortgages will be recorded with the Dallas County Recorder of Deeds and generally may be subordinate only to an approved amortizing first mortgage.

Guarantees
Unless otherwise determined by the City of Dallas, all underlying individuals, corporate entities, partnerships, or limited liability companies with an interest in the project will be required to provide a completion guarantee including provisions guaranteeing construction completion of the project. For nonprofit organizations, including community housing development organizations (CHDOs), a guarantee shall not be required, but in all cases the City of Dallas may require a performance bond or irrevocable letter of credit acceptable to the City of Dallas to ensure project completion.

HOME Agreement
In addition to any financing documents, developers of HOME-financed projects must sign a HOME agreement with the City of Dallas. The HOME agreement will identify requirements for compliance with the HOME regulations and the City of Dallas Single-Family Development. Program requirements and will remain in effect in the event of any prepayment of the HOME loan.

J. Underwriting & Subsidy Layering Reviews

Market Demand
Developers must, as part of their application, provide evidence of sufficient demand for the proposed units. Developers shall provide information from the multiple listing service pertaining to recent sales in the neighborhood, average time on the market for recent sales, availability of other product and average “months of supply” currently available, and any known or planned projects.

Additionally, Developers must complete the HOME Sales and Marketing Plan, identifying among other items the profile of typical buyers, relationships with homeownership counseling agencies or other sources of buyer referrals, and plans for marketing the homes.

In some cases, the City of Dallas may only commit to a specific project (or may limit the number of projects under construction by a given developer) upon demonstration that a home has been pre-sold to an identified low-income buyer who has, at least, executed a reservation or initial purchase agreement with the Developer.

Project Underwriting
All HOME applications must include financial statements from all underlying owners and guarantors. Developers must have a net worth equal to 10% of the total development cost with net liquid assets equal to 3% of the total development cost.
Applicant must provide the amounts and terms for any other financing being provided to the project.

Proforma Requirements
The proforma must explicitly show:

- An itemized breakdown of development hard and soft costs by unit including any allowances for soft costs such as architectural fees, carrying costs, etc;
- The hard costs of any stand-alone accessory buildings, including free-standing garages, carports, or storage structures should be specifically itemized in the Development Sources and Uses so that the City of Dallas can complete preliminary HOME cost allocation calculations. (Stand-alone accessory structures like a detached garage may be included in the project but are not HOME-eligible and must be paid for with another funding source.)
- Costs and fees to be paid to the City of Dallas as permitted by the HOME program. The HOME program allows the City of Dallas to include, as project costs, its internal soft costs specifically attributable to the project. These may include consulting, legal, inspection, and staff costs associated with reviewing, processing, and monitoring award of funds to a project. The City of Dallas will notify Developers of the amounts to include in their Development Sources and Uses for "City of Dallas-Lender Due Diligence & Legal Costs."
- Estimates of the sales transaction to an eligible homebuyer, including a calculation of the proposed buyer's ability to qualify for a mortgage meeting City of Dallas requirements, the anticipated need to provide direct HOME assistance (e.g. downpayment and closing cost assistance) to the buyer, projected sales costs (e.g. realtor's commissions), and the distribution of sales proceeds (including toward repayment of private construction financing)

Cost Limitations
All project costs must be reasonable and customary. The City of Dallas reserves the right to review any line-item cost to ensure that total project costs are not excessive. Additionally, HOME projects will be subject to the following specific cost limitations:

- The maximum allowable developer fee is 15% of total development costs less the developer fee itself and seller's closing costs.
- Acquisition costs are limited to fair market value as determined by a third-party appraisal.
- Unless prior approval has been obtained from the City of Dallas, all project hard costs and all project professional fees should be the result of a competitive bidding process. While developers are not subject to federal procurement rules and may use less formal bid processes, the City of Dallas generally expects developers to seek multiple bids and identify the most advantageous bidder based on cost, track record, and other pertinent factors.

Other Public Funding Sources
Developers must disclose all other public and private sources or applications for funding with their initial HOME Single-Family Development application to the City of Dallas at the time of application and upon receiving any additional commitments of public source funding. The City of Dallas will conduct a subsidy layering review as part of the underwriting process for all projects. Using its underwriting criteria, the City of Dallas will assess the project and may require changes to the transaction to ensure that return to the owner/developer are not excessive. Changes may include a reduction in HOME funds awarded.

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The City of Dallas will consider adjusting its underwriting in consultation with other public funders, if applicable, to the project. The City of Dallas retains, at its sole discretion, the power to decide whether to accept alternative standards.

K. Construction Process

City of Dallas Construction Inspections
The City of Dallas must be provided with copies of all contractor invoices and provided reasonable notice of monthly draw inspections during the construction period. City of Dallas staff will participate in all draw reviews whether or not the specific draw is being funded with HOME or other project funds and conduct inspections to ensure that the project is progressing and that work completed is consistent with all applicable HOME requirements.

Davis Bacon
When Davis Bacon applies to a project, the City of Dallas must be provided with compliance documentation throughout the construction period. Prior to commencing construction, the City of Dallas must approve current wage determinations applicable to the project. The contractor will be required to provide weekly payroll forms to the City of Dallas and allow access to the site and workers for the purpose of completing worker interviews.

Drawing City of Dallas HOME Funds
Proceeds of the HOME loan will only be released as reimbursement for eligible project costs following:

- Review and acceptance of appropriate source documentation by the City of Dallas including evidence of appropriate lien waivers and/or title endorsements.
- A determination by the City of Dallas that all HOME requirements pertaining to the development of the Project have been met, including but not limited to monitoring of Davis Bacon compliance.

For nonprofit developers, including CHDOs, the City of Dallas may release payment based upon outstanding invoices for costs incurred and work completed. In such cases, the City of Dallas reserves the right to disburse through a title company, directly to the vendor, or with two-party checks.

Project Closeout
Developers are required to submit homebuyer eligibility packets to the City for approval of the homebuyers. Data shall include elderly status, race, gender, female head of household, number of household members, and income.

The City of Dallas requires a copy of the final project sources and uses statement and, at the City of Dallas option, may require the submission of the project cost certification prepared by an independent Certified Public Accountant following completion of construction and payment of all development costs.

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APPENDIX 2
Rental Development Underwriting

In reviewing applications for HOME assistance, as required by §92.250(b) and prudent business practices, the City's underwriting framework includes evaluations of:

- **Regulatory requirements applicable to the project**, including compliance (or ability to become compliant) with HOME's affordability restrictions, property standards, and cross-cutting federal requirements;
- **Market risk**, including whether or not sufficient demand exists for the project, the anticipated lease-up period, and whether general economic conditions and other competition supports ongoing viability;
- **Developer risk**, focusing on whether the owner/developer (including but not limited to the underlying owners of special purpose entities) have the technical capacity to develop and operate the property and the financial capacity to safeguard public funds and backstop the project if the event of poor financial performance; and
- **Project risk (or "financial underwriting")**, testing the economic and financial projections for the transaction including both sources and uses as well as ongoing operating assumptions. This includes confirmation that all sources of project financing are available, commercially reasonable, and have been appropriately maximized prior to awarding HOME funds.

Market Assessment
All HOME project applications must include a third-party market study prepared in a manner consistent with TDHCA's market analysis requirements. Unless otherwise approved by the City, market studies shall be prepared by providers included on the list of TDHCA Approved Market Analysts. Owner's may generally submit the market study used in conjunction with the Owner's LIHTC application, if applicable. Market studies must be less than one year old at the time of commitment of HOME funds. For market studies that are more than one year old, the City will typically require an update from the original analyst or a new market study from another analyst. Proposed rent levels must be supported by the applicant's market study and be within HOME regulatory limits.

Additionally, the market study should demonstrate the following:

- All units, including any "market rate" units as well as any units with income/rent restriction imposed by other programs such as LIHTC, must demonstrate viability within the primary market area taking into account any known rent concessions being offered by competing properties;
- Income and rent restricted units must have "discounts" of at least 15% relative to comparable un-restricted units;
- Achievable occupancy rates, based on a comparison of comparable properties in the primary market area, must be at or above 95% (physical occupancy);
- Capture rate for the development as a whole is no more than 10%, and no capture rate for specific unit sizes (e.g. 3-bedroom units) exceeds 25%; and
- Absorption can be expected to result in underwritten occupancy levels within six (6) months of units being ready for occupancy.

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For projects not meeting these standards the City, in its sole discretion, may also consider the following:

- For project targeting special needs populations (e.g. homeless households, domestic violence victims, veterans, or other specific subpopulations), the City may accept higher capture rates if data from the local Continuum of Care and/or service providers specializing in the targeted populations (e.g. VA service centers) suggest an adequate pipeline of eligible renters exists and will be consistently referred to the development.
- For existing projects being rehabilitated, the City will consider the recent operating history of the project in terms of actual rents charged/received, eligibility of in-place tenants, and the like for evidence that the development's projections are supported by actual performance.

The City may also consider offsetting the risk of relatively "weaker" market study findings by offering HOME assistance as permanent debt only, to be disbursed following actual lease-up of the development at proforma levels and achievement of stabilized occupancy.

Developer and Development Team
In most cases, projects considered by the City will be owned by single-purpose, single-asset entities created to hold title the development. For various purposes, including structuring necessary to comply with industry norms and take advantage of other funding sources such as LIHTC, the "owner" and "developer" of a project are often legally distinct entities, even if ultimately owned and controlled by the same underlying parties.

Developer Technical/Professional Capacity
In evaluating the capacity of the "developer" the City will use the term more loosely to refer collectively to the underlying corporate entities and individuals that will own and control the single-purpose entity (excluding the investor member/limited partner). Additionally, the City requires various guarantees and indemnities from all of the underlying corporate and individual owners of the various limited partnership or limited liability corporation entities involved in the ownership and development of the project.
Developers should demonstrate:

- Recent, ongoing, and successful experience with the development of similar regulated affordable housing; and
- The presence of adequate staff, with specific experience appropriate to their role in the project, to successfully implement and oversee the project. This includes the assembly and oversight of the development team.

The City requires applicants to provide lists of real estate owned (including partnership/membership interests) by the developer as well as all projects underway. The City will review the performance of those projects, including financial factors like net occupancy, actual DCR, cash flow received, outstanding loan balances, and net equity of individual projects and the developer's overall portfolio.

Applicants are also required to provide descriptions of the role played by specific staff members relative to the proposed project along with resumes or other similar information demonstrating experience appropriate to the assigned staff member's role.

Financial Capacity

Developers must also demonstrate the financial capacity to support the proposed project both during construction and lease-up as well during ongoing operations. This includes not just that the applicant has sufficient financial resources but that it has adequate financial systems in place to appropriately manage project funding, accurately account for all project costs, and provide reliable reporting to the City and other project funders.

At minimum, the City will review audited financial statements, interim financial statements, and individual personal financial statements to ensure that:

- The "primary" development entity's most recent audit must demonstrate compliance with Generally Accepted Accounting Principals (GAAP) and must not express material weaknesses in the entity's system of internal controls or financial management systems;
- The developer's net worth (including the un-duplicated net worth of other guarantors) is equal to at least 10% of the total development cost of all projects underway (i.e. those that have received funding commitments from HOME or LIHTC but have not yet been completed and converted to permanent financing); and
- The developer has net liquid assets (current assets less current liabilities) equal to at least 3% of the total development cost of all projects underway.

Development Team
The City will also review the capacity of the development team including but not limited to the general contractor, architect, engineer, market analyst, management company, accountant, attorney, and any other specialized professionals or consultants.

As a whole, the development team should have the skills and expertise necessary to successfully complete and operate the development. Insomuch as possible, on balance the development teams should have worked successfully on other projects in the past. That is, while a developer may identify new development team members from project to project, an "entirely new" team may present added risk.

Additionally, when using development team members from outside of the region, the City will consider whether assigned team members have recent local experience or have been supplemented with local professionals. This may be particularly important for design professionals and legal counsel.

In no case, may any owner/developer/applicant or any member of the development team be a suspended, debarred, or otherwise excluded party.

Identify of Interest Relationships & Costs
Applicants must disclose all identity of interest relationships/contracts and/or costs involved in a transaction, including during the development period and following completion of the project. The City reserves the right to review any such costs further to ensure they are reasonable and consistent with the costs expected from arms-length relationships.

An "Identity of Interest" (whether or not such term is capitalized) is any relationship based on family ties or financial interests between or among two or more entities involved in a project-related transaction which reasonably could give rise to a presumption that the entities may not operate at arms-length. The City will take a broad approach to defining identities of interest and expects all applicants to err on the side of disclosure. That is, if there is any question about

whether an identity of interest may exist, the relationship should be disclosed and explained to the City.

Beyond this general definition, an identity of interest relationship will be deemed to exist if:

- An entity, or any owner of any direct or indirect ownership interest in such entity, or any family member of any such owner is also an owner, through a direct or indirect ownership interest, or an officer, director, stockholder, partner, trustee, manager, or member of the counterparty; or
- Any officer, director, stockholder, partner, trustee, manager, member, principal staff, contract employee or consultant of an entity, or any family member of thereof, is an owner, through any direct or indirect ownership interest, or an officer, director, stockholder, partner, trustee, manager or member of the counterparty.

For purposes of this definition, "family member" means the spouse, parents or stepparents, children or stepchildren, grandparents or step-grandparents, grandchildren or step-grandchildren, aunts, uncles, parents-in-law, and siblings-in-law (or their children or stepchildren). It also includes any other similar relationship established by operation of law, including but limited to guardianship, adoption, foster parents, and the like.

Financial Analysis
As noted in the introduction, the City views underwriting as more than just the financial review of a project. However, a revive of the underlying financial assumptions is still a critical and core part of underwriting. In reviewing projects, as a public funder the City must to balance two somewhat competing perspectives.

Projects must be viable, that is they must have sufficient allowances for all costs to maximize the chances the project can meet or exceed its financial projections and thereby succeed in the marketplace. In other words, the project must represent a "safe" investment. However, taken to an extreme, "safe" or overly conservative projections can also result in a project that is over-subsidized and risks providing excessive returns to the owner/developer.

As a steward of very limited public funding for affordable housing, the City also needs to ensure that costs are reasonable, that they represent a "good deal" to the public, and that returns to the owner/developer are fair but not excessive. In seeking to balance these perspectives, the City has established the following review factors and principals.

Development Costs
In general, the City will review the entire project budget to all costs are reasonable yet that the budget is sufficient to complete and sustain the project. All line items, whether or not paid directly with HOME funds, must be necessary and reasonable.

The City will consider the cost of both specific line items as well as the total development cost on a per unit and per square foot basis, comparing costs to other projects from the City's portfolio, similar projects in the region (such as those funded by TDHCA), City-data from the Building Department, and/or third-party indices such as RS Means.

Selected Development Cost Items

Acquisition – Acquisition costs must be supported by an independent third-party appraisal prepared by a state-licensed appraiser. The purchase price must be at or below the as-is market value of the property. In the event an applicant has previously purchased land prior to applying to the City, the project budget may only reflect the lesser of the actual purchase price or the current market value. Standard closing costs from the acquisition may be included.

Applicants who purchased property prior to applying to the City, or following environmental releases under NEPA but prior to closing, may not charge or include financing costs associated with interim financing, whether from third-party or related lenders.

Architectural Fees – Architectural fees cannot exceed the following:
Design services: 6% of total construction costs
Supervision/Administration: 2% of total construction costs
City Soft Costs – The development budget for each project must include an allowance for the City's internal project-related soft costs as specified in periodic RFPs issued by the City. Similar to lender due diligence or lender legal costs, the inclusion of soft costs allows the City to recoup its direct costs of underwriting, processing, closing, and monitoring the project prior to project completion. These costs will be included in the HOME loan but may be drawn directly from HUD by the City rather than via payment requests from the project owner.

Construction Interest – Any budgeted line item for construction interest must be supported by developer period cash flow projections, modeling the actual expenditure of development costs and the anticipated pay-in of equity, HOME funds, and other construction period sources. For presentation purposes, only interest from the date of initial closing through the end of the month in which the building(s) are placed in service (i.e. approved for occupancy) may be included as construction interest. Additional interest following that date and prior to the conversion to (or closing on) permanent debt must be separately itemized and modeled. In most cases, this should be included in the "lease up reserve" noted below.

Contingencies – Applicants should include a contingency (inclusive of hard and soft costs) within the minimum and maximum amounts noted below. The contingency will be measured as a percentage of hard costs (including the construction contract plus any separate contracts for off-site work but excluding contractor fees).

- New construction projects should include a contingency of least 3% and no more than 7% of hard costs;
- Acquisition/rehabilitation projects, including adaptive reuse projects, should include a contingency of at least 5% and no more than 10% of hard costs.
- The City may consider higher contingencies based on identified risk factors such as the known need for environmental remediation or poor subsurface soils.

Contractor Fees – Contractor fees are limited as a percentage of net construction costs as further identified below. Net construction costs exclude the contractor fees, any budgeted contingency, and (even if otherwise included in the construction contract) permits and builder's risk insurance.

- Contractor Profit: 6% of net construction costs
- General Requirements/General Conditions: 6% of net construction costs. General requirements include on-site supervision, temporary or construction signs, field office expenses, temporary sheds and toilets, temporary utilities, equipment rental, clean-up costs, rubbish removal, watchmen's wages, material inspection and tests, all of the

builder's insurance (except builder's risk), temporary walkways, temporary fences, and other similar expenses.
- Contractor Overhead: 2% of net construction costs.

With prior approval of the City, contractor fees may vary from the limits above provided the gross contractor fees do not exceed 14% of net construction costs.

Developer Fees – Developer fees are intended to compensate a developer for the time and effort of assembling a project, overseeing the development team, and carrying a project to fruition. Developer fees are also intended to compensate for the risk inherent in the development process, including that not every potential project proves viable and that developers must necessarily advance funds for their own operating costs and various third-party predevelopment costs prior to closing (or in some cases for projects that never proceed). The City, therefore, allows the inclusion of developer fees as follows:

- Developer Fee: 15% of total development costs less a) the developer fee itself; b) organizational expenses and/or syndication fees/cost (including investor due diligence fees); and c) reserves, escrows, and capitalized start-up/operating expenses (such as working capital, marketing, etc.).
- ~~Maximum Limit: Regardless of percentage, the maximum developer fee shall be $1.5M.~~ There is no maximum monetary limit, but at all times the Developer fee must be reasonable.
- Combined Contractor & Developer Fees: When an identity of interest exists between the owner/developer and the general contractor, the combined total of contractor fees and developer fees cannot exceed 20% of total development cost less a) the developer fee and b) other cost elements excluded from the calculation of the developer fee itself (see above).

In some cases, developers may delegate some of its responsibilities to third-party professionals or consultants. This may include contracting specific tasks – such as construction oversight of the builder or specialized consulting related to applying for or structuring various financial incentives like LIHTC. The costs of engaging such professionals, whether they are third parties or identity of interest relationships, must be paid from (and if separately itemized will be counted against) the allowable developer fee.

Reserves – Capitalized reserves to facilitate the initial start-up and to protect the ongoing viability of the project will include the following:

- Deficit Reserve: The City anticipates that in most cases, developments with predicted deficits during the affordability period would not be funded. However, in the event a development's long-term operating proforma projects actual cash deficits during the affordability period, an operating deficit reserve must be included in the development budget in an amount sufficient, taking into account any interest on reserve balances, to fully fund all predicted deficits through the affordability period.
- Lease-Up Reserve: A lease-up reserve intended to cover initial operating deficits following the completion of construction but prior to breakeven operations may be included. Any such reserve must be based on lease-up projections/cash-flow modeling and the lease-up (or absorption) period identified in the project's market study. In evaluating the appropriateness of any lease-up reserve, the City will consider whether the development

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budget includes specific line items for other start-up expenses that otherwise are typically part of the ongoing operating budget for a development. This may include budgets for marketing, working capital, etc.

- Operating Reserve: An operating reserve equal to three (3) months of underwritten operating expenses, reserve deposits, and amortizing debt service must be included in the development budget. The operating reserve is intended as an "unexpected rainy day" fund and will only be accessible after a project has achieved stabilized occupancy.
- Replacement Reserve: For acquisition-rehabilitation projects, a capitalized replacement reserve must be included in the development budget. The capitalized replacement reserve should be funded at the greater of i) $1,000 per unit; or ii) the amount determined by a capital needs assessment approved by the City.
- Other: The City may consider other specialized reserves as appropriate based on unique features of the project and/or requirements of other funding sources. These may include special security reserves, supportive service reserves, or transition reserves for projects with expiring project-based rental assistance contracts, etc.

Operating Revenues

The City will review an applicant's projection of operating revenues to ensure they are reasonable and achievable both initially and through the affordability period. In evaluating operating revenues, the City will take into account the i) project-specific market study; ii) actual operating performance from other comparable projects including those from the applicant's existing portfolio of real-estate owned; iii) data available from comparable projects in the City's portfolio; and/or iv) information available from actual performance within TDHCA's portfolio.

For purposes of the long-term operating proforma, operating revenue projections cannot be increased by more than 2% per year. The City reserves the right to "stress" proposals for underwriting purposes to assess the impact of lower inflationary increases, such as modeling the impact of only 1% rent increases for the first three to five years of a project's affordability period.

Rents

All rents should be supported by the market study. Including the utility allowance, the gross rent for any income/rent restricted unit should demonstrate at last a 15% "discount" compared to comparable "market rate" units.

Additionally, to hedge against flat or declining rents to the owner in the event that income limits (and therefore rents) do not increase in a given year (particularly between commitment and lease-up), gross rents should demonstrate at least a 2.5% discount from the regulatory limit imposed on any income/rent restricted units by HOME, LIHTC, or other similar sources. As an alternative to setting rents below the applicable regulatory limit, the City will consider increasing the allowance for vacancy by 2.5%.

Non-Rental Revenue

Non-rental revenue must be fully explained and conservatively estimates. In general, no more than $60-$240 per-unit, per-year may be budgeted in "other revenue" including that from tenant's fees (such as fees for late payment of rent, nonsufficient funds, garage/carport upgrades, pet fees, etc. or interest on operating account balances). Exceptions may be considered by the City based on the operating history of an acquisition/rehabilitation project or normalized operations are other comparable properties in the same market area.

Vacancy

Total economic vacancy includes physical vacancy (a unit is unrented), bed debt (a unit is occupied but the tenant is not paying rent), concessions (a unit has been leased for less than the budgeted rent), and "loss to lease" (an pre-existing lease is less than the most recently approved annual rent but will be adjusted upward at renewal).

In all cases, based on the market study or other data available to the City, the City reserves the right to require higher vacancy projections. This may include higher vacancy rates for small developments (e.g. less than 20 unit) where standard percentage assumptions about vacancy may not be appropriate. Minimum allowances for vacancy must include:

- 5% for projects where all units are supported by a project-based rental assistance contract with a term equal to or in excess of the affordability period (e.g. project based Section 8); or
- 7% for all other projects.

As noted above, the minimum vacancy rate will be increased by 2.5% if budgeted gross rents are at the applicable regulatory maximums.

Operating Costs

The City will review an applicant's projection of operating expenses to ensure they are reasonable and adequate to sustain ongoing operations of the project through the affordability period. In evaluating a proposed operating budget, the City will compare projects costs to i) actual operating expenses of comparable projects in the applicant's existing portfolio of real-estate owned (insomuch as possible, comparable projects will be in the same vicinity and operated by the same management company); ii) actual operating expenses of other comparable projects in the City's portfolio; iii) data available on the operating costs of affordable housing in the TDHCA portfolio; and/or iv) minimum per-unit, per-year allowances established by the City through periodic RFPs for rental housing.

For purposes of the long-term operating proforma, operating expenses, including reserve deposits, will be inflated at no less than 3% per year. The City reserves the right to "stress" proposals for underwriting purposes to assess the impact of higher operating cost factors, such as modeling the impact of higher inflation rates in general of for specific items of cost (for example, assessing the impact of high rates of increase for insurance or development paid utility costs).

Selected Items of Operating Cost

City HOME Monitoring Fee – Pursuant to 24 CFR 92.214(b)(1)(i), the City assesses an annual HOME monitoring fee. The operating budget for each project must include an allowance for the City's annual HOME Monitoring Fee as specified in periodic RFPs issued by the City.

Property Management Fees – An allowance of 5% of effective gross income (i.e. gross rent potential plus other revenues minus actual vacancy, bad debt, concessions, etc.) should be included. In the event a lower management fee is proposed, the City will consider using a fee as low as 3% provided the proposed management company is acceptable to the City and has agreed in writing to the lower fee.

Property Taxes – Applicants must provide detailed explanations of property tax projections and, as applicable, provide documentation that any anticipated partial or full exemptions or payments in lieu of taxes (PILOT) have been approved by the appropriate tax assessor. In the absence of

a tax exemption or PILOT, the operating budget must provide for a tax rate equal to 1.25% of the market value of the property or the City, at its option, may require confirmation from the tax assessor of the applicant's projection.

Replacement Reserve Deposits – The operating budget must include minimum replacement reserve deposits of:

- New Construction Family: $300 per-unit, per-year
- New Construction Senior: $250 per-unit, per-year
- Rehabilitation: The greater of i) $300 per-unit, per-year; or ii) a higher amount established by a CNA approved by the City.

Note: The City will reserve the right within a project's transactional documents to require periodic CNAs for all projects and to adjust ongoing replacement reserve deposits base on the results of the CNA to ensure that the replacement reserve is sufficient to address all anticipated needs for the project's affordability period of the term of the City's loan, whichever is longer.

Items Payable only from Surplus Cash

Certain costs, sometimes identified by project owners as "operating costs" cannot be included in the operating budget and will only be payable from surplus cash (aka cash flow). These include:

- Incentive Management Fees payable in addition to the allowable management fees noted above, whether paid to related party or independent third-party management fees.
- Asset Management Fees payable to any investor, general or limited partner, or member of the ownership entity.
- Deferred Developer Fees
- Operating Deficit Loan Payments made to any related party including any investor, general or limited partner, or members of the ownership entity.
- Other payments to investors, general or limited partners, or members of the ownership entity, however characterized, including but not limited to negative adjustors, yield maintenance fees, etc.

Ongoing Economic Viability

The City will review the ongoing economic viability of all projects, taking into account long-term projections of revenue and expenses. Projects must demonstrate they can be expected to remain viable for at least the affordability period, taking into account trending assumptions noted above, as well as other any other changes in operating revenues or expenses that can reasonably be anticipated based on other information available to the City or other project funders. In particular, the City will review the debt coverage ratio and operating margin as outlined below.

Debt Coverage Ratio

Projects must demonstrate a minimum debt coverage ratio (DCR) of 1.25 (Net Operating Income divided by amortizing debt service) throughout the affordability period. In some cases, for projects with relatively small levels of mortgage debt, this may require a higher initial DCR to ensure that the DCR in later years remains at or above the appropriate level.

Operating Margin

In addition to considering the DCR, the City will review the operating margin (surplus cash divided by total operating expenses and amortizing debt service). The operating margin must remain at or above 5% for the period of affordability.

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Other Funding Sources
Prior to committing funds, all other funding sources necessary for a project must be identified, committed in writing, and consistent with the both the City's underwriting requirements and the affordability restrictions of the HOME program. In general, developers must make all reasonable efforts to maximize the availability of other funding sources, including conventional mortgage debt and tax credit equity (as applicable), within commercially available and reasonable terms.

Additionally, restrictions or limitations imposed by other funding sources cannot conflict with any applicable HOME requirements and cannot, in the discretion of the City, create undue risk to the City.

Senior Mortgage Debt
Any amortizing mortgage debt that will be senior to the City's HOME loan must:

- Provide fixed-rate financing;
- Have a term equal to or in excess of the HOME affordability period. The affordability period will generally be 15 years beyond the date of "project completion" as defined in 24 CFR 92.2 for acquisition/rehabilitation projects and 20 years for new construction projects. In practice, the date of "project completion" will not be the same as "placed in service" date for tax purposes but for most projects will occur prior to permanent loan conversion following property stabilization. Insomuch as possible, the first mortgage should have the longest amortization period available but cannot balloon prior to the expiration of the affordability period; and
- Allow the City's HOME covenant running with the land (i.e. the deed restrictions imposing the HOME affordability requirements) to be recorded senior to all other financing documents such that the HOME covenant is not extinguished in the case of foreclosure by a senior lender. Note the City HOME loan itself will be junior to conventional amortizing loans; only the deed restrictions must be senior.

Tax Credit Equity
Projections of tax credit equity must be documented by letters of intent or other similar offers to participate in the transaction by the proposed tax credit investor. Prior to committing funds, the applicant must provide evidence it has received a tax credit reservation from TDHCA and provide the proposed limited partnership agreement or operating agreement, as applicable, documenting the terms of the equity investment.

The City will review proposed equity pricing against information from other projects in the region to assess whether the pricing and terms are reasonable.

Deferred Developer Fee
It is common for projects to include deferred developer fees as a financing source. The City will generally require:

- That projections of surplus cash available (after any cash-flow contingent payment due the City) be sufficient to repay the deferred fee within 15 years (notwithstanding other "waterfall" provisions in the partnership or operating agreement, the City will assume that all surplus cash distributions will be credited against the developer fee);
- That following the initial application to the City, the level of deferred developer fee with remain fixed (in nominal dollar terms) in the event City underwriting identifies cost

reductions, increases in other funding sources, or other changes that result in a net reduction of the "gap" to be filled with HOME funds; and

- That any net savings (or increased funding sources including but not limited to upward adjusters for tax credit equity) at project completion and cost certification will be used in equal parts to reduce the deferred developer fee and the City's permanent HOME loan. In the event savings are sufficient to eliminate the deferred fee in this manner, any remaining net savings will be used to further reduce the City's HOME loan, or in the sole discretion of the City, to increase the operating reserve.

Exceptions and Interpretation

The City has developed these guidelines for several reasons. Not only are they required by HUD as part of the City's role as a HOME PJ, but more generally they are intended to provide clarity to applicants on what the City expects and transparency about the "rules of the road." However, the City recognizes that it cannot pre-emptively identify every possible special circumstance that may warrant an exception to its general requirements, nor can it identify every possible "loophole" whereby a creative presentation of costs or other projections might subvert the general need to balancing of viability and reasonable returns, risk to the City and public benefit.

Consequently, the City reserves the right to waive specific underwriting criteria for specific projects when, in its judgement, the purposes of the program can be better achieved without taking on undue risk. When waiving any given requirement, the City may impose additional special conditions or business terms that are not otherwise typically applied to all projects.
For administrative ease, the City may also align its underwriting standards with those required by other public funders involved in a given transaction, particularly if those standards are more restrictive or conservative than the City's. However, the City retains the right, in its sole discretion, to decide whether to accept alternative standards.

The City also reserves the right to reject any element of a transaction that, despite not being specifically prohibited, was not anticipated by these guidelines of such an element or business term otherwise creates unacceptable risks, excessive returns to the owner/developer, or otherwise undermines the public purposes of the City's program.

Insomuch as is reasonable, the City will update and clarify these guidelines over time to account for exceptions, waivers, or additional restrictions it imposes.

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APPENDIX 3
UNIVERSAL DESIGN GUIDELINES

This portion of the manual outlines the City's policy on Universal Design and the minimum design criteria for new affordable housing projects.

In order to ensure the sustainability of the projects supported by CDBG and HOME funds, the City has established guidelines in relation to Universal Design. In addition, the City wants to ensure that newly constructed units are compatible with existing neighborhoods.

Universal Design

This comprehensive housing policy creates a Universal Design construction requirements for all new single-family homes, duplexes, and triplexes using financial assistance from the City.

The goal of "Universal Design" is to ensure that housing can accommodate the needs of people with a wide range of abilities, including children, aging populations and persons with disabilities. Consequently, all new construction housing projects using City of Dallas CDBG and/or HOME funds will meet all the following criteria:

- At least one entrance shall have 36-inch door and be on an accessible route.
- All interior doors shall be no less that 32-inches wide; except for a door that provides access to a closet of fewer than 15 square feet in area. Each hallway shall have a width of at least 36-inches wide and shall be level and ramped or beveled changes at each door threshold.
- All bathrooms shall have the walls reinforced around the toilet, bathtub and shower; for future installation of grab bars.
- Each electrical panel, light switch or thermostat shall be mounted no higher than 48 inches above the floor. Each electrical plug or other receptacle shall be at least 15 inches from the finished floor.
- An electrical panel located outside the dwelling unit must be between 18 inches and 42 inches above the ground and served by an accessible route.
- All hardware installed to open/close doors and operate plumbing fixtures shall be lever handles.

Universal Design Waiver or Exterior Accessibility Requirements

The Director of Sustainable Development or his designee may only grant modifications or an exemption to the requirements of the Ordinance regarding full compliance with the exterior path of travel on an individual case-by-case basis. The criteria for granting a modification or exemption are as follows:

- The lots rise or falls so steeply from the street that a maximum 1:12 slope cannot be achieved without extensive grading; and
- No vehicular access to the back of the house will be available by means of an alley.
- Appeals of orders, decisions of determination made by the Director of Sustainable Development may be made to the Board of Adjustments.

Universal Design Implementation

- Clearly stamp or print "Universal Design" on plans submitted
- Clearly Identify design elements outlined in Ordinance.
- Certify that the plans comply with the requirements of the Ordinance.

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- Plan checking, construction inspections and enforcement shall be accomplished by the Development Services Department in accordance with existing procedures.

Design Guidelines

All builders and developers of infill housing are strongly encouraged to incorporate the defining features of a neighborhood into newly constructed infill houses. Those defining features of older inner city neighborhoods may include: roof pitches, porches, materials, and window types. Developers must comply with any standards established by an existing neighborhood conservation district and/or approved neighborhood plans. Additionally, All projects must advance the principles and policies contained in the City of Dallas Complete Streets Design Manual. Site plans and building designs should contribute towards safe and convenient pedestrian, bicycle, transit and automobile access to the extent possible within the project site and the adjacent public right-of-way frontage.

For infill projects supported with CDBG and/or HOME funds, developers will be required to demonstrate that the neighborhood association near the land to be developed has been consulted on the design issues. Developers should obtain input and feedback from neighborhood residents and work with them to ensure that designs are compatible with existing housing and development patterns.

In extreme cases where an agreement cannot be reached between the developer and local neighborhood groups, CDBG and/or HOME funding may be pulled from the project.

Specific design guidelines may be developed for certain City sponsored projects. Historic and neighborhood conservation district requirements must also be met for all projects.

For rehabilitation projects, builders and developers are strongly encouraged to retain the defining features of older structures. This applies to multi-family and single-family projects.

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APPENDIX 4
City of Dallas Income Limits and Part 5 Requirements

Per 24 CFR Part 92.203(b)(1), the City has elected to utilize the 24 CFR Part 5 definition for determining annual income which is commonly referred to as the "Section 8 Low-Income Limit". To be eligible for HOME or CDBG funds, households must have annual (gross) incomes at or below 80% of area median income, adjusted by household size and determined annually by the U.S. Department of Housing and Urban Development (HUD).

The *Technical Guide for Determining Income and Allowances for the HOME Program* should be utilized as a resource and the standard for the following determinations:

- Whose Income to Count
- Types of Income to Count
- Treatment of Assets
- Income Inclusions and Exclusions
- Verifying Income
- Comparing Annual Income to Published Income Limits
- Determining Household Size
- Source Documentation
- Timing of Income Certifications

The annual income limits are published by HUD each year at the webpage below. http://www.huduser.gov/portal/datasets/il/il15/index.html

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APPENDIX 5
Community Housing Development Organization (CHDO) Policy, Procedure, and Standards

WHAT IS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO)?
A CHDO (pronounced cho'doe) is a private nonprofit, community-based service organization that has significant capacity, and whose **primary** purpose is, to develop affordable housing for the community it serves. Certified CHDOs receive special designation from the City of Dallas (City). The HOME Investment Partnership (HOME) Program definition of a CHDO is found at 24 CFR Part 92.2.

WHAT SPECIAL BENEFITS ARE AVAILABLE TO CHDOs?
HOME regulations require that the City set aside **15%** of its annual HOME allocation exclusively for qualified, eligible CHDO projects. If an organization becomes a certified CHDO, it is eligible to take advantage of the HOME funds set-aside just for CHDOs, as well as financial support for a portion of its operating expenses (Operating Assistance Grants) associated with CHDO projects. The City's CHDOs also have first right of purchase on land bank lots and as a nonprofit they are eligible to purchase HB110 lots.

REGULATORY REQUIREMENTS FOR CHDO CERTIFICATION
The U.S. Department of Housing and Urban Development (HUD) has established standard criteria for organizations to be eligible to become a certified CHDO:

1. **Organized Under State/Local Law**. A nonprofit organization must show evidence in its Articles of Incorporation that it is organized under state or local law.
2. **Nonprofit Status**. The organization must be conditionally designated or have a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501(c) of the Internal Revenue Code of 1986. A 501(c) certificate from the IRS must evidence the ruling.
3. **Purpose of Organization**. Among its primary purposes, the organization must have the provision of decent housing that is affordable to low- and moderate-income people. This must be evidenced by a statement in the organization's Articles of Incorporation and/or Bylaws.
4. **Board Structure**. The board of directors must be organized to contain no more than one-third representation from the public sector and a minimum of one-third representation from the low-income community.
5. **No For-Profit Control**. The organization may not be controlled by, nor receive directions from, individuals or entities seeking profit from or that will derive direct benefit from the organization.
6. **No Individual Benefit**. No part of a CHDO's net earnings (profits) may benefit any members, founders, contributors, or individuals. This requirement must also be evidenced in the organization's Articles of Incorporation.
7. **Clearly Defined Service Area**. The organization must have a clearly defined geographic service area outlined in its Articles of Incorporation and/or Bylaws. CHDOs may serve individual neighborhoods or large areas. However, while the organization may include an entire community in their service area (such as a city, town, village, county, or multi-county area), they may not include the entire state.
8. **Low-Income Advisory Process**. A formal process must be developed and implemented for low-income program beneficiaries and low-income residents of the organization's service area to advise the organization in all of its decisions regarding the design, location, development and management of affordable housing projects.
9. **Capacity/Experience**. The key staff and board of directors must have significant experience and capacity to carry out CHDO-eligible, HOME-assisted projects in the community where it intends to develop affordable housing (key staff and board of directors have successfully completed HOME-funded, CHDO-eligible projects in the past).
10. **Community Service**. A minimum of one year of relative experience serving the community(ies)

where it intends to develop affordable housing must be demonstrated.

11. **Financial Accountability Standards**. The organization must meet and adhere to the financial accountability standards as outlined in 2 CFR 200 Subpart D, "Standards for Financial and Program Management."

CITY REQUIREMENTS FOR CHDO CERTIFICATION

In addition to the regulatory requirements, the City has established additional criteria for CHDO designation. To be eligible for CHDO designation, an organization must also:

1. Maintain a record of good standing with the Texas Secretary of State's office.
2. Maintain a staffed, physical office location in the proposed service area that is open for business and accessible by potential program applicants during generally-accepted customary business hours.
3. Have established a minimum **3**-year strategic business plan, which must include CHDO- related production and community involvement goals.
4. Maintain a history of no significant compliance findings on its City funded projects.

The City will accept applications from new CHDOs year-round; however, CHDO certifications will not be provided until a project is identified for funding and prior to execution of a written agreement. Please note that the criteria noted above is not intended to be all-inclusive and the City may require additional information prior to making a determination for CHDO designation. Meeting the above requirements does not guarantee that the organization will be granted CHDO designation. City reserves the right to deny or revoke CHDO designation based upon its evaluation of the nonprofit organization's performance. Designated CHDOs will be evaluated periodically for production and other benchmarks as established by City.

ORGANIZATIONAL STRUCTURE REQUIREMENTS FOR CHDO CERTIFICATION

The HOME Program establishes requirements for the organizational structure of a CHDO to ensure that the governing body of the organization is **controlled by the community it serves**. These requirements are designed to ensure that the CHDO is capable of decisions and actions that address the community's needs without undue influence from external agendas.

There are four specific requirements related to the organization's board, which must be evidenced in the organization's Articles of Incorporation and/or Bylaws. These are:

1. **Low Income Representation.** At least one-third of the organization's board must be representatives of the low-income community served by the CHDO. There are three ways a board member can meet the definition of a low-income representative:

   - The person lives in a low-income neighborhood where **51%** or more of the residents are low-income. This person need not necessarily be low-income.

or

   - The person is a low-income (below **80%** area median income) resident of the community.

or

   - The person was elected by a low-income neighborhood organization to serve on the CHDO board. The organization must be composed primarily of residents of the low-income neighborhood and its primary purpose must be to serve the interests of the neighborhood residents. Such organizations might include block groups, neighborhood associations, and neighborhood watch groups.

The CHDO is required to certify the status of low-income representatives.

2. **Public Sector Limitations**. No more than one-third of the organization's board may be representatives of the public sector, including elected public officials, appointees of a public

official, any employees of a local government or public school system, or employees of City or the State of Texas. If a person qualifies as a low-income representative **and** a public-sector representative, their role as a public-sector representative supersedes their residency or income status. Therefore, this person counts toward the one-third public sector limitation.

3. **Low-Income Advisory Process**. Input from the low-income community is not met solely by having low-income representation on the board. The CHDO must provide a formal process for low-income program beneficiaries to advise the CHDO on design, location of sites, development and management of affordable housing. The process must be described in writing in the Articles of Incorporation and/or Bylaws. Each project undertaken by the CHDO should allow potential program beneficiaries to be involved and provide input on the entire project from project concept, design and site location to property management. One way to accomplish this requirement is to develop a project advisory committee for each project or community where a HOME assisted project will be developed. Proof of input from the low-income community will be required at the CHDO's annual recertification.
4. **For-Profit Limitations**. If a CHDO is sponsored by a for-profit entity, the for-profit may not appoint more than one-third of the board. The board members appointed by the for-profit may not appoint the remaining two-third of the board members.

EXPERIENCE, CAPACITY AND ROLES (24 C.F.R. 92.300-92.303)

To be certified as a CHDO, the HOME Program requires organizations to demonstrate sufficient experience, capacity, and financial accountability.

Experience & Capacity: A CHDO must certify to City that it has the capacity, demonstrated by having paid staff with demonstrated capacity to perform the specific role for which is it being funded. CHDO staff can be full-time or part-time and can be contract employees. The CHDO cannot count the experience of board members, donated staff, parent organization staff, or volunteers to meet the capacity requirement. The CHDO can only count capacity brought to the table by a consultant in the first year of participation. Afterward, the CHDO must demonstrate capacity based upon paid staff.

The CHDO must demonstrate experience and capacity relevant to the project and its role as owner, developer, or sponsor. If the CHDO is the owner, its staff must have the capacity to act as the owner (this may mean the ability to oversee development.) If the CHDO is the developer or sponsor, its staff must have development experience on projects of similar scope or complexity.
CHDOs must demonstrate a history of serving the community where the housing to be assisted with HOME funds will be located. HUD requires that organizations show a history of serving the community by providing:

- A statement that documents at least one year of experience serving the community.
- For newly created organizations, provide a statement that the parent organization (if applicable) has at least **1**-year experience serving the community.

CHDOs must provide resumes and/or statements of key staff members that describe their experience of successfully completed projects similar to those proposed.

CHDO SERVICE AREA

While the City does not limit the number of counties is a CHDO's service area, the very definition of a CHDO is that it be community-based. Therefore, an organization proposing a large or regional service area must demonstrate that it is taking the appropriate steps to achieve the community-based component. Some of the ways this can be achieved is by having an active community (nonpublic) representative from each of the counties on the CHDO's board of directors; establishing local advisory councils to advise the CHDO board on topics relative to the organization's activities; hosting "town hall" meetings in the proposed project areas, etc. the City will consider other methods suggested by the CHDO. CHDOs will be required

to provide updates on how it is ensuring that it is active and visible in the communities included in its service area.

The City reserves the right to limit CHDOs going into a service area where an existing CHDO is already providing service. Unless a CHDO is already approved to serve a particular territory, the City will not approve CHDOs to serve overlapping territory.

CHDO RECERTIFICATION
To ensure compliance with the HOME regulations, the recertification process will apply to CHDOs with active development projects including those under development and within the affordability period. Each CHDO will be required to submit specific information to City on an annual basis in conjunction with annual monitoring and compliance audits, including, but not limited to:

- The response to questions, numbered exhibits, and attachments listed in the City's CHDO certification application
- An updated **3-year** business plan and a description of how the low-income advisory process was implemented. If no HOME funds were used within the reporting period, a detailed description of all other affordable housing initiatives undertaken will be requested.

Recertification will be required **ANNUALLY WHEN THE CITY MONITORS THE CHDO FOR COMPLIANCE**. The CHDO must recertify as to its continued qualifications as a CHDO and its capacity to own, sponsor, or develop housing.

CHDOs that have not been allocated project funds from the HOME CHDO set-aside for **3** consecutive years will be deemed inactive. At its discretion, the City may revoke the designation of inactive CHDOs based upon a review of other non-CHDO housing activities the organization has undertaken (if any), as well as other factors deemed appropriate by City.

CHDO SET-ASIDE
The HOME requirements at 24 CFR Part 92.300 require City to set aside at least **15%** of its annual HOME allocation for projects owned, developed or sponsored by CHDOs. A certified CHDO must serve as the owner, developer or sponsor of a HOME-eligible project when using funds from the **15%** percent CHDO set-aside. A CHDO may serve in one of these roles or it may undertake projects in which it combines roles, such as being both an owner and developer. The CHDO must be certified for each type of activity it plans to undertake.

FINANCIAL ACCOUNTABILITY
CHDOs must have financial accountability standards that conform to the requirements detailed in 2 CFR 200 – Subpart D, "Standards for Financial and Program Management." This can be evidenced by:

- A notarized statement by the president or chief financial officer of the organization.
- Certification from a certified public accountant.
- Audit completed by CPA.
- City reserves the right to request additional audited financial statements at any time.

ELIGIBLE AND INELIGIBLE USES OF HOME CHDO SET-ASIDE FUNDS

ELIGIBLE ACTIVITIES - OWNERS, SPONSORS, DEVELOPERS
Using the **15%** set-aside, a CHDO acting as an owner, sponsor, or developer may undertake any of the following activities:

- Acquisition and/or rehabilitation of rental property;
- New construction of rental housing;

- Acquisition, rehabilitation and resale of existing, vacant homebuyer property;
- New construction of homebuyer property;
- Direct financial assistance to purchasers of HOME-assisted housing developed by a CHDO with HOME CHDO set-aside funds.

Please note that to be considered a CHDO-eligible project, CHDO set-aside HOME funds must be used during the construction or rehabilitation of the project.

INELIGIBLE CHDO ACTIVITIES
Using the **15%** set-aside, a CHDO may not undertake any of the following activities:

- Rehabilitation of existing homeowners' properties;
- Tenant-based rental assistance (TBRA); or
- Down payment and/or closing cost assistance to purchasers of housing not developed with HOME CHDO set-aside funds.

ELIGIBLE ACTIVITIES – SUBRECIPIENTS
CHDOs may also act as subrecipients with non-set-aside funds by undertaking other HOME-eligible activities such as:

- Tenant-Based Rental Assistance (TBRA);
- Owner-occupied rehabilitation of single-family dwellings; and
- Down payment or closing cost assistance in the acquisition of single-family units.

OPTIONAL OPERATING EXPENSES
From time to time, funds may be available to provide general operating assistance to CHDOs receiving CHDO set-aside funds for activities. When funds are available, certified CHDOs that are administering an eligible project funded from the CHDO set-aside may be eligible to receive funds to be used for operating expenses. The regulations allow the City to allocate no more than **5%** of its HOME allocation for CHDO operating expenses (Operating Assistance Grants). However, the City reserves the right to further restrict the amount of funds an entity may receive for CHDO operating funds. This allocation does not count toward the required **15**% CHDO set-aside funds that are to be used by CHDOs for projects.

The amount of the optional Operating Assistance Grants awarded will be based on, but not limited to, the following factors:

1. The total amount of HOME funds City has available to allocate for reimbursable CHDO operating expenses;
2. The anticipated completion date and size of your current CHDO set-aside project(s); and
3. The CHDO's past performance as a CHDO developer.
4. The CHDO's capacity to complete the project in a timely manner.
5. The ability of the CHDO to retain CHDO proceeds.

The City will allocate Operating Assistance Grants on annually. Operating Assistance Grants will be provided on a fiscal year basis (October 1 – September 30) provided funds are available and the CHDO has demonstrated acceptable performance.

Although the disbursement of CHDO operating funds is not tied directly to the drawdown of the CHDO project funds, the City reserves the right to delay disbursement of operating funds if it is evident that the CHDO project is experiencing excessive delays.

City reserves the right to reduce the amount of, or not award, operating funds based upon its evaluation of the CHDO's production and overall performance.

Eligible operating expenses for which CHDOs may use operating funds include:

- Salaries, wages, benefits, and other employee compensation
- Employee education, training and travel
- Rent and utilities
- Communication costs
- Taxes and insurance
- Equipment, materials and supplies

Because the purpose of providing CHDO operating support is to nurture successful CHDOs and ensure their continued growth and success, the City will periodically evaluate the performance of any CHDO wishing to receive CHDO operating funds.

CHDO PROCUREMENT
As noted in HUD CPD Notice 97-11, CHDO organizations are not subject to the requirements of 2 CFR, Part 200 in regard to the procurement of goods and services. However, the City strongly encourages organizations to ensure that costs are reasonable and equitable. This exemption is only applicable to procurement associated with CHDO-eligible projects; CHDOs must still follow appropriate procurement procedures compliant with Part 200 for its non-CHDO projects. City may request a copy of the CHDO's procurement policy for any non-CHDO project funding proposals.

EFFECTIVE PERIOD OF CHDO CERTIFICATION
To maintain its CHDO certification, the CHDO must submit at least **30** days prior to its annual compliance and monitoring audit a copy of the most recent audit financial statements along with all required attachments listed in the City's CHDO Certification Application, which is attached to this manual as **Exhibit "A" – City CHDO Application**. If the CHDO fails to submit the recertification packet, the CHDO may no longer qualify as a CHDO. Prior to awarding any City CHDO funds, the CHDO must recertify that no changes have occurred within the agency that would disqualify the entity as a CHDO for the specific type of activity being undertaken.

HOW TO APPLY FOR CHDO CERTIFICATION
Complete the City's CHDO Certification Application including all requested attachments, documentation, and forms. The applicant has **30** days to respond to any request for additional information. If information is not received within **30** days, the CHDO certification application will be denied.

Exhibit “A” – City CHDO Application

A Community Housing Development Organization (CHDO) is a private, nonprofit, community-based service organization that has obtained staff with the capacity to develop affordable housing in the community it serves.

The following application details the requirements that nonprofit corporations must satisfy to be certified as a CHDO by the City of Dallas Housing and Neighborhood Revitalization Department (HNR). Please refer to the CHDO Manual which provides details and additional requirements HNR will use in reviewing your application submission. The CHDO Manual can be found on the City of Dallas (City) website at www.dallascityhall.com/departments/housing-neighborhood-revitalization.

Please fully complete the application and supply all requested documentation. An incomplete application package will significantly delay the consideration of your application.

We are here to help if you have any questions in completing the application. Please do not hesitate to contact Cynthia Rogers-Ellickson (214) 670-3601 for assistance.

We look forward to receiving your application!

Submit Original Certification Application Package to:

Cynthia Rogers-Ellickson
Housing Development Manager
Housing and Neighborhood
Revitalization
1500 Marilla Street, 6DN
Dallas, TX 75201

***APPLICANT INFORMATION REQUIRED**:*

Name of Applicant Organization

Address

City | State | Postal Code

Contact Person | Position with Organization

Telephone Number | Email Address

Fax Number | Federal Tax I.D. Number

STATEMENT OF CERTIFICATION

I hereby certify that all statements I have provided in this application and in the attachments herein are true; that I am authorized to sign this application, and to make these statements, on behalf of the applicant organization; and that the organization understands that misrepresentation of any facts which lead to the improper allocation and expenditure of public funds may result in legal action against the organization for retrieval of any such funds and appropriate penalties.

Signed:

Signature | Date

Name: (typed or printed)

Title: (Executive Director)

Name of Organization

(Submit this application, with original signature, to the City of Dallas)

I. LEGAL STATUS

1. **ORGANIZED**: To receive certification, your organization must be organized under state or local laws and must provide evidence of your legal status. Organization must Maintain a record of good standing with the Texas Secretary of State's office. Which of the following have you supplied?
   - ❑ Charter
   - ❑ Articles of Incorporation along with confirmation from the Secretary of State; and
   - ❑ Certificate of Good Standing or comparable document from the Secretary of State.

Provided in Exhibit #_____(please specify Exhibit #)

2. **PURPOSE OF ORGANIZATION**: An organization must have among its purposes the provision of decent housing that is affordable to low and moderate-income persons'. Which of the following have you included that demonstrate compliance with this requirement?
   - ❑ Charter
   - ❑ By-laws signed by the board Secretary
   - ❑ Articles of Incorporation

Provided in Exhibit #_____(please specify Exhibit #)

3. **NO INDIVIDUAL BENEFIT**: No part of your organization's net earnings can inure to the benefit of any member, founder, contributor or individual. Which of the following have you included that demonstrate compliance with this requirement?
   - ❑ Charter
   - ❑ By-laws signed by the board Secretary
   - ❑ Articles of Incorporation

Provided in Exhibit #_____(please specify Exhibit #)

4. **SERVICE AREA:** To receive certification an organization must have a clearly defined geographic service area. The service area can be an area larger than a single neighborhood but must be an area smaller than an entire state. CHDO must maintain a staffed, physical office location in the proposed service area that is open for business and accessible by potential program applicants during generally-accepted customary business hours. If you will be serving a special population the geographic boundaries and your service area must also be defined. Which of the following have you included to demonstrate that your organization has a clearly defined geographic service area?
   - ❑ Charter
   - ❑ By-laws signed by the board Secretary
   - ❑ Articles of Incorporation

Provided in Exhibit #_____(please specify Exhibit #)

5. **TAX EXEMPT RULING**: Your organization must have a tax-exempt ruling from the Internal Revenue Service (IRS), under section 501 (c) (3), 501 (c) (4) or a Section 905 of the Internal Revenue Code of 1986. Which of the following have you provided to indicate receipt of such a ruling?
   - ❑ A 501 (c) (3) Certificate Letter from the IRS
   - ❑ A 501 (c) (4) Certificate Letter from the IRS
   - ❑ A group exemption letter, that is dated 1986 or later, from the IRS that includes the agency seeking certification as a CHDO (acceptable for Section 905 organizations only)

Provided in Exhibit #_____(please specify Exhibit #)

II. ORGANIZATIONAL STRUCTURE

6. **BOARD COMPOSITION**: To be certified a CHDO, an organization must structure the board of directors to consist of **at least** one-third representatives of the low-income community and no more than one-third representatives of the public sector. These provisions and examples are as follows:
   a) An applicant organization must ensure that at all times **at least** one-third of its governing board consists of representatives of the low-income community. There are three ways to meet this requirement: 1) Individuals can be residents of a low-income neighborhood in the organization's service area (but do not necessarily have to earn a low income themselves), 2) they can be low-income residents of the community, or 3) they can be appointed representatives to the board from a low-income neighborhood association. Which of the following documents have you provided that demonstrate that the one-third requirement will be maintained?
      - ❑ Charter
      - ❑ By-laws signed by the board Secretary
      - ❑ Articles of Incorporation

Provided in Exhibit #_____(please specify Exhibit #)

   b) An organization's board of directors may consist of no more than one-third representatives of the public sector. Representatives of the public sector include: 1) ***elected officials*** such as council members, 2) ***appointed public officials*** such as planning or zoning commission, regulatory or advisory boards, 3) ***public employees*** which include employees of public agencies or departments of the City such as fire and police, and 4) any individual who is not necessarily a public official, but has been ***appointed by a public official*** to serve on the organization's Board of Directors. Which of the following have you provided that demonstrate that the one-third cap on public representation will be met?
      - ❑ Charter
      - ❑ By-laws signed by the board Secretary
      - ❑ Articles of Incorporation

(Under the HOME Program, "community" is defined as one or several neighborhoods or the city at large)

In order to verify that your **current board** meets both the low-income requirement and the limits on public- sector representation above, please complete the worksheet included as **Attachment B** to this application. In order to complete the worksheet, you will need to know whether the board member resides in a 'low-income' neighborhood or whether the board member qualifies as a low-income resident. An individual residing in a household earning **80%** of the area median family income or less meets the "low-income" designation. **Attachment E** provides the dollar amount of that income cap by family size. If you are uncertain as to whether the neighborhood your board

7. **LOW-INCOME INPUT**: To be certified a CHDO, an organization must provide a specific formal process for low-income program beneficiaries to advise the organization in all of its decisions regarding the design, location of sites, development and management of affordable housing projects. Specifically, a detailed plan for ensuring that input from low-income program beneficiaries will be solicited and integrated into the decision-making and project development processes of the organization. Which of the following has your organization provided, that detail the systems you will use to gather community involvement/input from those affected by your projects?
   - ❑ By-laws signed by the board Secretary
   - ❑ A Board Resolution, (written statement of operating procedures approved by the governing body).

Provided in Exhibit #_____(please specify Exhibit #)

III. RELATIONSHIP WITH OTHER ENTITIES

RELIGIOUS ORGANIZATION SPONSORSHIP:

8. Is your nonprofit organization sponsored or created by a religious organization?
   - ❑ Yes, (please continue with the following)
   - ❑ No, (if no, skip to # 9)

A religious organization cannot qualify as a CHDO, but they may sponsor the creation of a wholly secular nonprofit. The developed housing must be used exclusively for secular purposes. It must also be ensured that housing will be made available to all persons, regardless of religious affiliation or belief. The religious organization can appoint an unlimited number of board members to the housing organization's board, but the religious organization cannot control the housing organization. Which of the following has been provided to demonstrate that all of these provisions will be met in the operation of the organization?

- ❑ By-laws
- ❑ Charter
- ❑ Articles of Incorporation

Provided in Exhibit #_____(please specify Exhibit #) PUBLIC ENTITY SPONSORSHIP:

9. Was your organization chartered by a state or local government?
   - ❑ Yes, (please continue with the following)
   - ❑ No, (If no, skip to # 10)

The state or local government may not appoint more than one-third of the organization's governing body, and the board members appointed by the state or local government may not, in turn, appoint the remaining two-thirds of the board members. Which of the following has been provided that demonstrate compliance with these requirements?

- ❑ By-laws signed by the board Secretary
- ❑ Charter
- ❑ Articles of Incorporation

Provided in Exhibit #_____(please specify Exhibit #) FOR-PROFIT RELATIONSHIPS:

10. Is the nonprofit organization being sponsored by or was it created by a for-profit entity?
    - ❑ Yes, (please continue with the following, # 11-14)
    - ❑ No, (If no, skip to # 15)
11. A CHDO cannot be controlled by, nor receive direction from individuals or entities seeking profit from the organization. Which of the following has been provided to address compliance with this requirement?
    - ❑ By-laws signed by the board Secretary
    - ❑ A Memorandum of Understanding (MOU)

Provided in Exhibit #_____(please specify Exhibit #)

III. RELATIONSHIP WITH OTHER ENTITIES, Continued…

12. An organization may be sponsored or created by a for-profit entity, however; the for-profit entity's primary purpose may not include the development or management of housing. Please provide the following to evidence compliance:
    - ❑ The By-laws of the for-profit entity

Provided in Exhibit #_____(please specify Exhibit #)

13. The nonprofit organization is free to contract for goods and services from vendor(s) of its own choosing. Which of the following items has been provided to demonstrate that the nonprofit is free to do this?
    - ❑ By-laws signed by the board Secretary
    - ❑ Charter
    - ❑ Articles of Incorporation

Provided in Exhibit #_____(please specify Exhibit #)

14. If the nonprofit is sponsored by a for-profit entity, the for-profit entity may not appoint more than one-third of the organization's governing body, and the board members appointed by the for-profit entity may not, in turn, appoint the remaining two-thirds of the board members. Which of the following items has been provided to demonstrate that the nonprofit is free to do this?
    - ❑ By-laws signed by the board Secretary
    - ❑ Charter
    - ❑ Articles of Incorporation

Provided in Exhibit #_____(please specify Exhibit #)

IV. EXPERIENCE and CAPACITY

15. **FINANCIAL ACCOUNTABILITY**: The organization must have financial accountability standards that conform to 2 CFR 200 Subpart D, "Standards for Financial and Program Management", which is included as **Attachment A** to this application. These standards are a variation on OMB Circular A-133 but are an updated version to that circular. The organization must certify that its financial management and internal controls comply with this specific standard. Which of the following have you provided to evidence compliance with this federal requirement?
    - ❑ A notarized statement by the Treasurer or Chief Financial Officer of the organization
    - ❑ Certification from a Certified Public Accountant
    - ❑ HUD approved audit summary

Provided in Exhibit #_____(please specify Exhibit #)

16. **AUDIT REQUIREMENT:** The City of Dallas requires that your organization submit audited financial statements for the organization's most recent program year. The audits financials should include all components conducted, including any A-133 analysis of compliance with federal grants, analysis of internal controls, letter to the Board of Directors or management letters. If your organization does not have audited financial statements because it has been operating for less than one year, you must submit the audited financial statements of the parent or sponsor organization, along with your organization's current unaudited financial statements.

Provided in Exhibit #_____(please specify Exhibit #)

NOTE: No nonprofit organization shall be certified as a CHDO if the organization's most recent audit reflects an outstanding finding, material weakness or other unresolved matter, which would prevent the City of Dallas from certifying the capacity of that organization to successfully develop a CHDO project.

17. **EXPERIENCE:** To become a certified CHDO, the organization must demonstrate a capacity for carrying out housing projects assisted with HOME funds. A designated organization undertaking development activities as a developer or sponsor must satisfy this requirement by having paid employees with housing development experience who will work on projects assisted with HOME funds or by contract with a consultant who has housing development experience to train appropriate key staff of the organization. The organization must have ***at least*** one year of experience serving the community where the housing to be assisted with HOME funds is to be located. The year of service does **not** have to be directly related to housing. Newly created organizations wishing to become CHDOs can meet the requirement if the parent (or sponsoring) organization is a nonprofit and has provided services to the community for at least one year. These are the two forms in which capacity may be documented and accepted. Which of the two have you provided to demonstrate compliance with this requirement?
    - ❑ A statement signed by the Executive Director that documents at least **1** year of experience serving the community prior to seeking CHDO certification plus details the type of service provided; and have paid employees or a consultant with housing development experience working on projects assisted with HOME funds **OR**,
    - ❑ A statement signed by the Executive Director that documents that its parent or sponsoring organization has at least **1** year of experience serving the community prior to seeking CHDO certification plus details the type of service provided; and have paid employees or a consultant with housing development experience working on projects assisted with HOME funds

Provided in Exhibit #_____(please specify Exhibit #)

17a. **3-Year Business Plan:** To be eligible for CHDO designation, an organization must also have established a minimum 3-year strategic business plan, which must include CHDO- related production and community involvement goals.

Provided in Exhibit #_____(please specify Exhibit #)

18. **PROJECT DETAIL:** As a next step toward assessing your organization's capacity, please provide the following information about the type of project(s) your organization is currently developing or expects to develop in the next 6 months:

NUMBER OF UNITS IN FIRST PROJECT:_

BUILDING TYPE:	EXPECTED USE:	CONCENTRATION:	CONSTRUCTION ACTIVITY
❑ Single Family buildings	❑ Rental ❑ Homeownershi	❑ Single Site ❑ Scattered Site	❑ Acquisition ❑ New Construction

FOR RENTAL ONLY:	FOR HOMEOWNERSHIP ONLY:
❑ CHDO will do Property Management	❑ CHDO will do Homeownership Counseling
❑ CHDO will contract out for Property Management	❑ CHDO will work with established Homeownership Counseling or replace

Additional comments about the project?

19. **STAFF AND CAPACITY**: To be certified as a CHDO, the organization must have paid staff *. HUD defines CHDO staff as paid employees who are responsible for the day-to-day operations of the CHDO; this does not include volunteers, board members or consultants. Additionally, the organization must demonstrate the capacity of its key staff to carry out the activities it is planning to undertake. Specifically, the key staff who will be responsible for the project must have successfully completed projects **similar to those the organization expects to undertake**. Please submit the following to evidence staff capacity:
    - ❑ Resumes of key staff members who have successfully completed projects similar to that being proposed, (include project descriptions of relevant completed projects)

Provided in Exhibit #_____(please specify Exhibit #)

** HUD's Definition of a paid employee is a person whose salary, payroll taxes, and unemployment insurance are paid by the organization and from whom the organization withholds payroll and income taxes. Receipt of a W-2 is sufficient evidence that an individual is a 'paid employee'. The employee must be paid by the CHDO and, therefore cannot be contracted through, shared with, or cost-allocated through another entity. Employees of a for-profit organization that created a CHDO cannot also be employees of that CHDO.*

Please submit a roster of the organizations current board composition and their positions on the board.
Please describe the organization's current staffing by completing **Attachment C**

PLEASE REVIEW THE FOLLOWING CHECKLIST TO BE SURE YOUR APPLICATION SUBMISSION INCLUDES ALL OF THE ITEMS LISTED BELOW:

- ❑ All questions have been answered, exhibit numbers indicated, and the Executive Director has signed the certification statement on page one.
- ❑ Attachment B, Board information has been completed for every board member and is enclosed.
- ❑ Attachment C, Staff information has been completed for every staff person and is enclosed.
- ❑ All exhibits referenced in the application are numbered and enclosed.

Thanks very much for applying for CHDO Certification with the City of Dallas's Housing and Neighborhood Revitalization Department. We will work diligently to provide you with a quick response to your application.

ATTACHMENT A TO CHDO CERTIFICATION APPLICATION
HUD–Required Standards for Financial Management and Internal Controls

Code of Federal Regulations, Title 2, Volume 200, Parts 302 and 303
Revised as of December 19, 2014
From the U.S. Government Printing Office via GPO Access
[CITE: 2CFR200.302, 2CFR200.303], Page 107-108
TITLE 2-- GRANTS AND AGREEMENTS
Subpart D--Post Federal Award Requirements
Sec. 200.302-- **Financial management.**

(a) Each state must expend and account for the Federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the state's and the other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award. See also §200.450 Lobbying.

(b) The financial management system of each non-Federal entity must provide for the following (see also §§ 200.333 Retention requirements for records, 200.334 Requests for transfer of records, 200.335 Methods for collection, transmission and storage of information, 200.336 Access to records, and 200.337 Restrictions on public access to records):

(1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.

(2) Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in §200.327 Financial reporting and 200.328 Monitoring and reporting program performance. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.

(3) Records that identify adequately the source and application of funds for federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

(4) Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. See §200.303 Internal controls.

(5) Comparison of expenditures with budget amounts for each Federal award.

(6) Written procedures to implement the requirements of §200.305 Payment.

(7) Written procedures for determining the allowability of costs in accordance with Subpart E—Cost Principles of this part and the terms and conditions of the Federal award.

ATTACHMENT A TO CHDO CERTIFICATION APPLICATION
HUD–Required Standards for Financial Management and Internal Controls

Code of Federal Regulations, Title 2, Volume 200, Parts 302 and 303
Revised as of April 1, 2000
From the U.S. Government Printing Office via GPO Access
[CITE: 2CFR200.302, 2CFR200.303], Page 107-108
TITLE 2-- GRANTS AND AGREEMENTS
Subpart D--Post Federal Award Requirements
Sec. 200.303-- **Internal controls.**
The non-Federal entity must:

(a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in ‘‘Standards for Internal Control in the Federal Government’’ issued by the Comptroller General of the United States or the ‘‘Internal Control Integrated Framework’’, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

(b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.

(c) Evaluate and monitor the non-Federal entity’s compliance with statutes, regulations and the terms and conditions of Federal awards.

(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

(e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

CHECK THE APPROPRIATE BOX BELOW:

		Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.	
	Yes							Included
hone:	No							N/A
	Additional Comment:							

		Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.	
	Yes							Included
hone:	No							N/A
	Additional Comment:							

		Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.	
	Yes							Included
hone:	No							N/A
	Additional Comment:							

		Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.	
	Yes							Included
hone:	No							N/A
	Additional Comment:							

PLEASE CHECK THE APPROPRIATE BOX BELOW:

		Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.	
	Yes							Included
hone:	No							N/A
	Additional Comment:							

		Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.	
	Yes							Included
hone:	No							N/A
	Additional Comment:							

		Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.	
	Yes							Included
hone:	No							N/A
	Additional Comment:							

		Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.	
	Yes							Included
hone:	No							N/A
	Additional Comment:							

PLEASE CHECK THE APPROPRIATE BOX BELOW:

		Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.	
	Yes							Included
hone:	No							N/A
	Additional Comment:							

		Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.	
	Yes							Included
hone:	No							N/A
	Additional Comment:							

		Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.	
	Yes							Included
hone:	No							N/A
	Additional Comment:							

		Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.	
	Yes							Included
hone:	No							N/A

ATTACHMENT C
Staff Member Information
(Please make additional copies as needed to include *all* staff members)

PLEASE NOTE: A paid employee is a person whose salary, payroll taxes, and unemployment insurance are paid by the organization and from whom the organization withholds payroll and income taxes. Receipt of a W-2 is sufficient evidence that an individual is a 'paid employee'. The employee must be paid by the CHDO and, therefore cannot be contracted through, shared with, or cost-allocated though another entity. Employees of a for-profit organization that created a CHDO cannot also be employees of that CHDO.

STAFF INFORMATION:

Name:		Please indicate if this position is:
Title:		❑ Paid Unpaid
Position:		
Hours of work:		Resume Included?
Duties and Responsibilities		Yes No (Required)

Name:		Please indicate if this position is:
Title:		Paid Unpaid
Position:		
Hours of work:		Resume Included?
Duties & Responsibilities		Yes No (Required)

Name:		Please indicate if this position is:
Title:		Paid Unpaid
Position:		
Hours of work:		Resume Included?
Duties & Responsibilities		Yes No (Required)

ATTACHMENT D TO CHDO CERTIFICATION APPLICATION

City of Dallas

Community Housing Development Organization

CERTIFICATION REQUIREMENTS

To be certified as a Community Housing Development Organization (CHDO), an organization must meet the minimum certification criteria as required by the U.S. Department of Housing and Urban Development. Additionally, the organization must comply with the following policies in order to receive CHDO certification from the Housing and Neighborhood Revitalization Department (HNR).

NO DISTRIBUTIONS

An applicant organization's charter or the articles of incorporation must specify that no net earnings of the corporation can inure to the benefit of any member, founder, contributor or individual. All net income must be reinvested in the projects developed by the organization or in subsequent affordable housing projects.

BOARD COMPENSATION

Board members may receive a reasonable fixed sum and expenses for each board meeting he/she attends. However, board members cannot receive a salary for their service as a board member. For HNR staff to verify the reasonableness of compensation, CHDO applicants are required to submit all financial statements and, upon request, any other documents necessary for HNR to verify the amount of compensation provided to board members and the services for which the sum was paid.

SPONSORSHIP OR CREATION BY A RELIGIOUS ORGANIZATION

A religious organization cannot become a CHDO but can create a wholly secular nonprofit housing organization. The sponsoring organization can appoint an unlimited number of board members to the board of the housing organization. Beyond that, however, the housing organization cannot be controlled by the religiously-based sponsor organization. That is, the housing organization must be free to select its projects, to procure its goods, services and financing, and to otherwise operate the organization without influence or intervention by the religiously based sponsor. Additionally, the housing developed by the housing organization must be made available to all persons, regardless of religious belief or affiliation. The by-laws of the housing organization must include language that ensures compliance with all of the above requirements.

REPRESENTATIONS AND WARRANTIES

Any applicant who submits fabricated information, documentation or signatures as part of or along with its CHDO application, or any applicant who misrepresents any aspect of the board, staff or organizational accomplishments, experience or expertise shall be disqualified from the CHDO certification process for a period of **1** year. The **1**-year disqualification period will begin at the time the misrepresentation is made by the HNR Department and is reported in writing by HNR staff to the applicant organization. If an applicant believes the HNR determination of misrepresentation is in error, the applicant organization may appeal the decision in writing to the Director of the Housing and Neighborhood Revitalization.

AUDIT

The Housing and Neighborhood Revitalization Department requires that your organization submit audited financial statements for the organization's most recent program year. If your organization does not have audited financial statements because it has been operating for less than one year, you must submit the audited financial statements of the parent or sponsor organization, along with your organization's current unaudited financial statements. No nonprofit organization shall be certified as a CHDO if the organization's most recent audit has an outstanding finding, material weakness or other unresolved matter which would prevent the Housing and Neighborhood Revitalization from certifying the capacity of that organization to successfully develop a CHDO project. The audit will also be used in assessing the organization's financial capacity for executing the affordable housing activities it intends to pursue.

VERIFICATION OF COMPLIANCE WITH BYLAWS

As part of the certification process, the Housing and Neighborhood Revitalization may do all necessary due diligence to verify that the operations of an applicant organization are being conducted in keeping with the by-laws submitted in the CHDO Certification application.

City of Dallas, Housing and Neighborhood Revitalization Department
1500 Marilla Street, Dallas, Texas 75201
(214) 670-5988 Fax (214) 670-0156
www.dallascityhall.com/departments/housing-neighborhood-revitalization

ATTACHMENT E TO CHDO CERTIFICATION APPLICATION

See chart on next page.
~~HUD Income Limits by Household Size Effective Date: April 14, 2017~~

~~*FY 2017 Area Median Family Income Dallas, Texas*~~
~~*$73,400 (4-person household)*~~

~~Number of Persons in Households~~ ~~Eligibility Standard~~	~~1~~	~~2~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~	~~8~~	~~9~~
~~80%[1]~~	~~$41,100~~	~~$47,000~~	~~$52,850~~	~~$58,700~~	~~$63,400~~	~~$68,100~~	~~$72,800~~	~~$77,500~~	~~$82,200~~
~~67%~~	~~$34,425~~	~~$39,342~~	~~$44,260~~	~~$49,178~~	~~$53,112~~	~~$57,046~~	~~$60,981~~	~~$64,915~~	~~$68,849~~
~~65%~~	~~$33,397~~	~~$38,168~~	~~$42,939~~	~~$47,710~~	~~$51,527~~	~~$55,344~~	~~$59,160~~	~~$62,977~~	~~$66,794~~
~~60%~~	~~$30,828~~	~~$35,232~~	~~$39,636~~	~~$44,040~~	~~$47,563~~	~~$51,086~~	~~$54,610~~	~~$58,133~~	~~$61,656~~
~~50%[1]~~	~~$25,700~~	~~$29,400~~	~~$33,050~~	~~$36,700~~	~~$39,650~~	~~$42,600~~	~~$45,500~~	~~$48,450~~	~~$51,400~~
~~30%[1]~~	~~$15,400~~	~~$17,600~~	~~$19,800~~	~~$22,000~~	~~$23,800~~	~~$25,550~~	~~$27,300~~	~~$29,050~~	~~$30,850~~
~~Size adjustment:~~	~~70%~~	~~80%~~	~~90%~~	~~100%~~	~~108%~~	~~116%~~	~~124%~~	~~132%~~	~~140%~~

Current Income Limits for Low Income Families

These definitions are effective: **April 1, 2018 through December 31, 2018 or publication of the 2019 income limits.**[1]

HUD Metro FMR Area (HMFA) estimate of the median family income for the Dallas area is: **$ 77,200**

Source: FY 2018 HUD Income Limits website at https://www.huduser.gov/portal/datasets/il.html#2018_data

Effective date: April 1, 2018 per HUD website cited above.

Eligibility Standard[2]	Number of Persons in the Household								
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**
140%	$ 75,656	$ 86,464	$ 97,272	$ 108,080	$ 116,726	$ 125,373	$ 134,019	$ 142,666	$ 151,312
120%	$ 64,848	$ 74,112	$ 83,376	$ 92,640	$ 100,051	$ 107,462	$ 114,874	$ 122,285	$ 129,696
115%	$ 62,146	$ 71,024	$ 79,902	$ 88,780	$ 95,882	$ 102,985	$ 110,087	$ 117,190	$ 124,292
100%	$ 54,040	$ 61,760	$ 69,480	$ 77,200	$ 83,376	$ 89,552	$ 95,728	$ 101,904	$ 108,080
80%[3]	$ 43,250	$ 49,400	$ 55,600	$ 61,750	$ 66,700	$ 71,650	$ 76,600	**$ 81,550**	$ 86,450
67%	$ 36,207	$ 41,379	$ 46,552	$ 51,724	$ 55,862	$ 60,000	$ 64,138	$ 68,276	$ 72,414
65%	$ 35,126	$ 40,144	$ 45,162	$ 50,180	$ 54,194	$ 58,209	$ 62,223	$ 66,238	$ 70,252
60%	$ 32,424	$ 37,056	$ 41,688	$ 46,320	$ 50,026	$ 53,731	$ 57,437	$ 61,142	$ 64,848
50%[3]	**$ 27,050**	$ 30,900	$ 34,750	$ 38,600	$ 41,700	$ 44,800	**$ 47,900**	**$ 51,000**	$ 54,050
30%[3]	**$ 16,250**	$ 18,550	$ 20,850	$ 23,150	**$ 25,050**	**$ 26,900**	**$ 28,750**	**$ 30,600**	$ 32,400
Size adjustment:	70%	80%	90%	100%	108%	116%	124%	132%	140%

[1] Ending date is dependant upon HUD's release of the new income limits for the Federal Fiscal Year.

[2] Eligibility for housing assistance programs is usually expressed as a percentage of the area-wide median family income (AMFI). For example, eligibility for a given program may be limited to families whose income "does not exceed 50% of AMFI, with adjustments for family size." This means that 100% of 50% of the AMFI is the upper eligible income for a family of four persons. Eligibility limits for smaller families use a smaller percentage of 50% of the AMFI while limits for larger families use larger percentages of 50% of the AMFI.

[3] Income for the 80%, 50% and 30% categories are HUD's estimated figures rounded to the nearest $50.

Note 1: Figures shown are actual calculated figures except categories for 80%, 50%, and 30% which are HUD's published figures. HUD allows for rounding calculated amounts up to the nearest $50.

Note 2: The Dallas, TX HUD Metro FMR Area consists of the following counties: Collin, Dallas, Denton, Ellis, Hunt, Kaufman, and Rockwall.

Note 3: HUD literature refers to the 80% (of AMFI) standard as "low income" and the 50% standard as "very low income". The HUD definition "extremely low income" is not used for most HUD-funded programs; only in the Public Housing and Section 8 programs. The "extremely low income" amounts are the higher of 30% of AFMI or the 2018 Poverty Guidelines published by the Dept. of Health and Human Services. **Use the 30% of AMFI from the table below only for Public Housing and Section 8 programs.**

Eligibility Standard[3]	Number of Persons in the Household								
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**
30%	$ 16,250	$ 18,550	$ 20,850	$ 25,100	$ 29,420	$ 33,740	$ 38,060	$ 42,380	$ 46,700

Note 4: Due to the Housing and Economic Recovery Acy of 2008 (Public Law 110-289) these limits may not be applicable to projects financed with Section 42 Low Income Housing Tax Credits (LIHTC) or Section 142 tax exempt private equity bonds. Those projects should use the Multifamily Tax Subsidy Project Income Limits.

~~[1]Income for the 80%, 50% and 30% categories are HUD's estimated figures rounded to the nearest $50.~~

CHDO Certification Application, **Attachment E**, MFI Chart

ATTACHMENT F TO CHDO CERTFICATION APPLICATION

Community Housing Development Organization
SELF-CERTIFICATION FORM

For the purpose of determining income eligibility, I,_(print name), do hereby understand that in order to qualify as a representative of the low-income community, my total household income cannot exceed **80%** of the Median Family Income for the Dallas area as established by the Federal Government. Currently, the amounts are:
HUD Income Limits by Household Size
Effective Date: April 14, 2017
2017 Area Median Family Income for Dallas, Texas

1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
$41,100	$47,000	$52,850	$58,700	$63,400	$68,100	$72,800	$77,500

The following is a list of all persons who are currently occupying this household:

Name	Age	Relationship	Gross Monthly Income (Before Taxes)

Signature _____ Date _____

WARNING: Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.

FOR CITY STAFF ONLY:

Based on the information provided above, the information has been verified by HNR Staff to reflect that the person named above

☐ **DOES** ☐ **DOES NOT**

qualify as a representative of the low-income community as defined by HUD.

HNR Staff Name: _____ Date: _____

CHDO Certification Application, **Attachment F**, CHDO Board Self-Certification Form

APPENDIX 6
Recapture/Resale Requirements for Homebuyer Activities

To ensure that HOME investments yield affordable housing over the long term, HOME regulations impose occupancy requirements over the length of an affordability period. If a house purchased with HOME funds is sold during the affordability period, recapture or resale provisions as per 24 CFR 92.254 shall apply to ensure the continued provision of affordable homeownership.

Definitions

Affordability Period: Occupancy restrictions for varying lengths of time for those homeowners assisted with HUD HOME funds. The affordability period affects the terms of the resale/recapture of the property if sold during the affordability period.

HOME Affordability Periods	
HOME subsidy/unit	Minimum Period of Affordability in Years
Under $15,000	5
$15,000 to $40,000	10
Over $40,000	15

Direct Homebuyer Subsidy: A direct subsidy consists of any financial assistance that reduces the purchase price from fair market value to an affordable price, or otherwise directly subsidized the purchase (e.g., down payment or closing cost assistance, subordinate financing, etc.).

Development subsidy: A development subsidy is the difference between the cost to develop housing and the market price. For example, the PJ might provide a $50,000 construction loan to a developer. The appraised value after construction will be $45,000 because of neighborhood and the market conditions. The $5,000 difference between the $45,000 sale price and $50,000 construction loan is not repaid to the PJ and represents a development subsidy provided to the developer. While the subsidy does not go directly to the homebuyer, it helps make development of an affordable home feasible.

Summary of Provisions for the City of Dallas by Subsidy Type:		
Direct Homebuyer Subsidy (DHS)	**DHS + Development Subsidy**	**Development Subsidy**
Recapture provisions shall apply	Recapture provisions shall apply	Resale provisions shall apply

Net Proceeds: The sales price minus loan repayment (other than HOME funds) and closing costs.

Recapture Requirements

Pursuant to HOME regulations at 24 CFR 92.254(a)(5) each HOME-funded homebuyer unit must be subject to either resale or recapture requirements during the affordability period. The City of Dallas exclusively uses the recapture provisions as defined herein and does not intend to use resale restrictions.

The City of Dallas provides HOME-funded direct buyer assistance to income eligible buyers based on need as dictated by the City of Dallas Homebuyer Assistance Program Underwriting Guidelines.

The level of HOME assistance provided to a buyer is based on an evaluation of the buyer's individual need taking into account their specific income, debts, etc. according to the City's underwriting policies for homebuyer assistance. Depending on the level of homebuyer assistance provided, the affordability period may be five (5) years (less than $15,000 in direct assistance), ten (10) years ($15,000 or more but less than $40,000 in direct assistance), or fifteen (15) years ($40,000 or more in direct assistance). Based on the City's program design, most projects trigger a 5- or 10-year affordability period.

All buyers sign a HOME written agreement with the City outlining the affordability period and recapture provisions. HOME assistance is provided in the form of a deferred loan secured by a second-position deed of trust which is due and payable upon sale or transfer of title. In the event buyers remain in the unit beyond the end of the affordability period, the HOME loan remains outstanding until sale or transfer of title while the term of the HOME written agreement expires.

Any sale or transfer of title during the affordability period results in recapture by the City of the lesser of the:

a) Entire amount of direct HOME assistance originally provided to the buyer (less any voluntary prepayments previously made); or
b) Net proceeds of sale (sales price minus senior secured debt minus reasonable seller's closing costs).

When the net proceeds are inadequate to fully repay the City's HOME loan, the City accepts the net proceed as full and final payoff of the note. The City reserves the right to determine that the sales price reflects an arms-length transaction at fair market value. Receipts received as a result of a sale within the affordability period are recorded as "recaptured funds." When net sales proceeds exceed the HOME assistance, buyers retain all remaining net proceeds after repaying the HOME loan balance.

After the expiration of the affordability period, any sale or transfer requires the HOME loan balance be repaid, and the City similarly limits the payoff to the net proceeds of sale. Receipts collected after the affordability period has expired are recorded as "program income." Net proceeds in excess of the City's HOME loan balance are retained by the original homebuyer.

Resale Requirements

The City of Dallas shall require that Resale provisions be used in the event that only a Development Subsidy is used to make the home affordable (i.e. funding construction to the developer). In a project where both Development and Direct subsidies are provided, recapture provisions apply.

Resale provisions require the homeowner to sell to another low-income homebuyer. The resale requirement must ensure that the price at resale provides the original HOME-assisted owner a fair return on investment and ensure that the housing will remain affordable to a reasonable range of low-income homebuyers as defined below:

Affordable to range of low-income homebuyers (As it relates to the Resale Provision only): That which is affordable to a family earning 80% AMI and below and that who not pay any more than 30% their gross income for PITI (Principle, Interest, Tax, and Insurance).

Fair Return on Investment (As it relates to the Resale Provision only): A Homeowner can sell the home during the affordability period according to the following chart:

Fair Return on Investment (as it relates to Resale Provision only)		
Years	**Lower Range**	**Max Limit**
Year 1-5 of Affordability Period	A Homeowner can sell the home during the affordability period for no more than 15% over DCAD's most recent appraisal value	Current (as of date of sale) Affordable Home Price as set forth in the City of Dallas Housing Policy
Year 6-15 of Affordability Period	No Cap on appreciation rate	Current (as of date of sale) Affordable Home Price as set forth in the City of Dallas Housing Policy

Homeownership projects undertaken using the resale provision shall use deed restrictions, covenants running with land, or other similar mechanisms per 92.254(a)(5)(i)(A) to ensure the resale requirements. The period of affordability specified in the mortgage will be the minimum period for the project as specified above. The period of affordability is based on the total amount of HOME funds invested in the housing.

Either recapture or resale provisions must be detailed and outlined in accordance with 24 CFR in marketing brochures, written agreements and all legal documents with homebuyer. Either recapture or resale may be used within a project, not both. Combining provisions to create "hybrids" is not allowed.

APPENDIX 7
City of Dallas Affirmative Fair Housing Marketing Policy

The Affirmative Fair Housing Marketing (AFHM) Plan is a marketing strategy or approach designed to attract renters and buyers that would be least likely to apply to assisted multi- family or single-family developments. The City of Dallas requires that all recipients and sub-recipients of HOME, CDBG or NSP funds, for all projects resulting in five (5) or more assisted housing units, implement affirmative marking approaches as part of the overall marketing strategy. To market affirmatively means that a good faith effort is made to attract to a project those minority or majority groups who are least likely to apply or are underrepresented in a neighborhood or community. Good faith efforts are recorded activities and documented outreach to those individuals identified as least likely to apply. Affirmative marketing requirements apply to all housing programs, including, but not limited to Tenant- Based Rental Assistance and Down Payment Assistance Programs.

The City of Dallas is committed to affirmatively market to such groups and requires that recipients of HOME/CDBG funds to submit an AFHM Plan using HUD Form 935.2B for single- family developments and HUD Form 935.2A for multi-family developments, prior to expending any funds on a project.

In developing an Affirmative Marketing Plan, the recipient/managing agent shall abide by the following:

I. Regulations

HOME: The recipient/managing agent shall adopt the affirmative marketing procedures and requirements as specified in the HOME Final Rule 92.351 for all projects resulting in five (5) or more HOME-assisted housing units.

CDBG: The Housing and Community Development Act of 1974, as amended, requires from each federal grantee, through the Consolidated Plan certify the following:

(1) Examine and attempt to alleviate housing discrimination with their jurisdiction;
(2) Promote fair housing choice for all persons;
(3) Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin;
(4) Promote housing that is accessible to and usable by persons with disabilities;
(5) And comply with non-discrimination requirements of the Fair Housing Act.

II. Policy on Nondiscrimination and Accessibility

The recipient/managing agent shall not discriminate against any individual or family because of race, color, national origin, religion, gender, disability, familial status, sexual orientation, gender identity or expression or source of income (disability, child support, spousal support or veteran's income or voucher). Reasonable accommodations will be offered to all disabled persons who request accommodations due to disability at any time during the application, resident selection and rent up process.

III. Training

1. The recipient/managing agent shall provide property management staff with all relevant regulations and Fair Housing provisions. All property

management staff shall be required to follow the procedures and policies adopted by the recipient/managing agent. In the event that property management staff requires fair housing technical assistance, staff is to call the **City of Dallas Office of Fair Housing and Human Rights 214-670-FAIR (3247).**

2. Regular training programs shall including marketing, outreach, data collection, reporting, and record keeping. Property management staff shall annually receive instruction regarding fair housing laws and the recipient/managing agent's Affirmative Marketing Plan.

IV. Marketing and Outreach

1. All advertising shall display the Equal Housing Opportunity logo or the phrase "Equal Housing Opportunity" and the accessibility logo when appropriate, as shown below:





2. Consistent with resident population the development is designed to serve, the marketing of the project will ensure equal access to appropriate size units for all persons in any category protected by federal, state, and local laws governing discrimination. There will be no local residency requirements nor will preference be given to local residents for the project. Special marketing outreach consideration shall be given to the following traditionally underserved populations:
    a. African-Americans
    b. Native Americans
    c. Hispanics
    d. Asians and Pacific Islanders
    e. Disabled Persons

3. Marketing shall include the use of newspapers of general circulation in Dallas, The recipient/managing agent will place notices in newspapers, specialized publications, and newsletters to reach potential residents. Applications, notices and all publications will include a Fair Housing and Equal Opportunity Logo, and the Accessibility Logo.

4. The recipients/managing agent will contact local civic and community organizations representative of the ethnic and cultural diversity of the area in order to disseminate information about the development. Groups representing disabled and elderly individuals will be contacted. Where necessary, recipient/managing agent will publish its marketing

materials in multiple languages and alternate formats as requested in order to better reach potential recipients and sub-recipients in the area with language limitations.

V. Race and Ethnic Data Collection and Reporting

An applicant shall be given an application package containing the following: Application, Income Requirements and form HUD-27061-H "Race and Ethnic Data Reporting Form." The recipient/managing agent is required to offer each household member the opportunity to complete the form. Parents or guardians are to complete the form for children under the age of 18. Completed documents for the entire household shall be stapled together and place in the household's file.

VI. Compliance Assessment

1. The recipient/managing agent will review the Affirmative Marketing Plan every year and update as needed to ensure compliance. The advertising sources will be included in the review to determine if past sources should be changed or expanded.

2. The recipient/managing agent will annually assess the success of affirmative marketing actions for the project. If the demographic data of the residents vary significantly from the jurisdiction's population data, advertising efforts and outreach will be targeted to underrepresented groups in an attempt to balance the residents with the demographics of the jurisdiction. The recipient/managing agent shall submit any changes to the plan to the Fair Housing Office.

VII. Record Keeping

1. The assigned recipient/managing agent shall establish and maintain an Affirmative Marketing file to hold advertisements, flyers, and other public information documents to demonstrate that the appropriate logo and language have been used. Additionally, staff shall keep records of its activities in implementing the affirmative marketing plan, including other community outreach efforts and its annual analysis.

2. Recipient/managing shall keep up-to-date records based on census data, applications, and surveys about community residents, recipients and sub-recipients, residents of the project, and records about tenant selection or rejection.

3. The recipient/managing agent shall provide City staff provide City staff access to any pertinent books, documents, papers or other records of their properties, as necessary, for determining compliance with civil rights and nondiscrimination requirements.

APPENDIX 8
Residential Anti-Displacement and Relocation Assistance Plan (RARAP)

This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by the City of Dallas Housing & Neighborhood Revitalization Department (City) in accordance with the Housing and Community Development Act of 1974, Section 104(d) as amended and HUD regulations at 24 CFR 42.325 and is applicable to CDBG, CDBG-R, Section 108 Loan Guarantee Program, NSP and/or HOME-assisted projects.

Plan to Minimize Displacement of Low/Mod-Income Families as a Result of Any HUD Assisted Activities

Consistent with the goals and objectives of activities assisted under the Act, the City will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Support the Redevelopment and Stabilization Target Areas through this policy
- Ensure the staging of rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Ensure for the arrangement of facilities to house persons who must be relocated temporarily during rehabilitation.
- Identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, allow for demolition or conversion of only dwelling units that are not occupied or vacant occupied dwelling units (especially those units which are “lower- income dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.

Relocation Assistance to Displaced Persons

The City will ensure relocation assistance for lower-income tenants who, in connection with an activity assisted under the above-mentioned Programs, move permanently or move personal property from real property as a direct result of the demolition of any swelling unit or the conversion of lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350.

A displaced person who is not a lower-income tenant, shall be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970m Section 104(d) as amended, and implementing regulations at 49 CFR Part 24.

One-for-One Replacement of Lower-Income Dwelling Units
The City will ensure replacement of all occupied and vacant occupied lower-income dwelling units demolished or converted to use other than lower-income housing in connection with a project assisted with funds provided under the above-mentioned programs in accordance with 24 CFR 42.375.

Before entering into a contract committing the City to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City will ensure publication of such project in a newspaper of general circulation and submit to HUD the following information in writing:

1. A description of the proposed assisted project;

2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of assisted project;

3. A time schedule for the commencement and completion of the demolition or conversions;

4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 420.75(d).

5. The source of funding and a time schedule for the provision of the replacement dwelling units;

6. The basis for concluding that each replacement dwelling unit will remain a lower- income dwelling unit for at least 10 years from the date of initial occupancy; and

7. Information demonstrating that any proposed replacement of lower0income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1- bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specified location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the general location of such dwelling units will be identified on a map and the City will ensure that the disclosure and submission requirements are completed as soon as the specific data is available.

Replacement not required Based on Unit Available
Under 24 CFR 42.375(d), the City may submit a request to HUD for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

Responsible Entity

The City is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period. This City will also ensure that relocation payments and other relocation assistance are provided to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

APPENDIX 9
Other Federal Requirements

Other Federal Requirements	Apply to Owner Occupied Rehabilitation?	Apply to Homebuyer Programs?	Applies to Rental Housing Programs?
Non-Discrimination and Equal Access Rules			
Fair Housingand Equal Opportunity	Yes. Must affirmatively further Fair Housing	Yes	Yes.
Affirmative Marketing	Yes.	Yes, for all projects of five or more HOME-assisted units.	Yes; for projects containing five or more Home-assisted units.
Accessibility for Disabled Persons	Accessibility features must be part of rehabilitation, if needed by owner/occupant and the overall unit is brought up to the PJ's property standard. (Note: Accessibility improvements are eligible costs.)	Yes.	Yes.
Employment and Contracting Rules			
Equal Opportunity Employment	Yes.	Yes.	Yes.
Section 3 Economic Opportunity		Yes, if amount of assistance exceeds $200,000 or contract ***or*** subcontract exceeds $100,000.	Yes, if amount of assistance exceeds $200,000 or contract ***or*** subcontract exceeds $100,000.
Minority/Women Business Enterprises	No.	Yes.	Yes.
Davis-Bacon & other Labor	No.	Yes, if construction contract includes 12 or more units that are HOME-assisted	Yes, if construction contract includes 12 or more units that are HOME-assisted
Conflict of interest	Yes.	Yes.	Yes.
Excluded Parties (e.g., Debarred Contractors)	Yes.	Yes	Yes.
Other Federal Requirements			
Environmental Reviews	Yes.	Yes	Yes.
Flood Insurance	Yes for PJs that are cities/counties. No for State programs.	Yes if city or county. No if state program	Yes for PJs that are cities/counties. No for State PJs.

Site and Neighborhood Standards	No.	No.	Yes; for rental new construction only
Lead-Based Paint	Yes for pre-1978 units	Yes for pre-1978 units.	Yes for rehabilitation of pre-1978 units. Applies to HOME and non-HOME assisted units. Requirements differ depending on whether rehabilitation work is performed.
Relocation	Yes.	Yes	Yes.

APPENDIX 10
Lead-Based Paint Requirements

This portion of the manual outlines the requirements in relation to Lead-Based Paint.

The U.S. Department of Housing and Urban Development recently adopted new regulations in relation to the treatment of Lead Based Paint in properties built before 1978 that are assisted with HUD funding. The requirements are outlined below based on the activity undertaken. To obtain a copy of the rules from HUD, go to the HUD website at: www.hug.gov/lead and download the regulation.

The section does not outline the City programs that are available to provide financial assistance in relation to lead abatement. Please note, however that any financial assistance provided by the City to address lead based paint will be in the form of a GRANT to the homeowner to developer.

Down-payment Assistance Programs:

The following are HUD's requirements See 24 CFR part 35 (subpart K):

- Distribute Lead Hazard Information Pamphlet and Disclosure to buyers of homes built prior to 1978.
- Perform Visual Assessment of all painted surfaces.
- If Visual Assessment reveals deteriorated paint, action must be taken to stabilize each deteriorated paint surface.
  -At this point, one will have to assume every component has lead since the Visual Assessment does not determine where lead is present. Safe work practices must be used by trained worker in this field. Paint stabilization works will on non-friction surfaces such as walls (interior/exterior). When dealing with friction points such as windows and doors, abatement procedures (removal, replacement, enclosure) are recommended.
- After paint stabilization, clearance must be performed by a certified Risk Assessor or Lead Inspector. HUD has established lead levels that meet clearance requirements.
- Notify the homebuyer within 15 days of results of clearance exam.

At the Visual Assessment Stage, the homebuyer *may opt* for a lead test. This will reveal the levels of lead present in the home. A lead inspection will not tell you the risk involved, but only where the leas is located. This is when a buyer may request a Risk Assessment to outline the necessary Lead Hazard Reduction methods needed to insure a lead safe residence.

Following are some options (NOT REQUIREMENTS) to consider in relation to your program design for down payment assistance programs:

- If the visual assessment reveals defective paint in which stabilization and clearance is required then this cost can be funded by the nonprofit or the homebuyer or seller.
- If visual assessment shows no deterioration of a painted surface, the homebuyer can sign a waiver stating that they are aware of the potential presence of lead paint and they choose not to address it.
- A qualified consultant should advise on any lead inspection, lead hazard screen or risk assessments.

For Rehabilitation Programs (Owner-Occupied, Homebuyer, and Rental Property Rehabilitation Programs and Historic Preservation Residential Programs):

See 24 CFR Part 35 (subpart J)

If you are implementing a rehabilitation program, HUD's requirements are a bit more stringent in relation to lead based paint. The following describes HUD's requirements:

For HUD funded rehabilitation activities, lead hazard evaluation and reduction activities must be carried out for all projects constructed before 1978.

In all case, notification must be made to the homeowner/buyer in the form of the HUD Lead Hazard Information Pamphlet and Disclosure or an acceptable alternative pamphlet.

The required evaluation and reduction activity is dependent upon the amount of HUD funding used for the project.

For cases where less than or equal to $5,000 will be spent on the rehabilitation: *Testing:* Paint Testing of surfaces to be disturbed by the rehabilitation activities must occur.

Lead Hazard Reduction: Surfaces, which are disturbed during rehabilitation, must be re paired. Safe work practices must be used. After the rehabilitation activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

For cases where $5,001 to $25,000 will be spent on the rehabilitation:
Testing: Paint testing of surfaces to be disturbed by rehabilitation must occur. In addition, a risk assessment must be performed.

Lead Hazard Reduction: Interim controls must be used. This means that the friction and impact surfaces would be addressed. Interim controls include paint stabilization and cleaning. Safe work practices must be used. After the rehabilitation activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

For cases where more than $25,000 will be spent on the rehabilitation:
Testing: Paint testing of surfaces to be disturbed by rehabilitation must occur. In addition, a risk assessment must be performed.

Lead Hazard Reduction: abatement of hazards is the required approach. Abatement involves permanently removing lead based hazards, often through paint and component removal, replacement, encapsulation and enclosure. Interim controls and paint
stabilization may be used on the home's exterior if it is not involved in the rehabilitation. Safe work practices must be used. After the lead hazard reduction activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

Calculating the level of rehabilitation assistance:
When calculating how much HUD funding will be used on a rehabilitation project, the following costs are counted: soft costs, administrative costs, relocation costs, environmental reviews, acquisition of property, and lead hazard evaluation and reduction costs.

Lead-Based Paint Requirements
For HUD funded rehabilitation activities, lead hazard evaluation and reduction activities must be carried out for all projects constructed before 1978.

Less than or equal to $5,000 spent on the rehabilitation:
Projects where the level of rehabilitation assistance is less than or equal to $5,000 per unit must meet the following requirements. All work must be conducted using lead safe work practices and workers/contractors must be trained in lead safe work practices. It is presumed that painted surfaces being worked on contain lead-based paint. All disturbed paint must be repaired. Clearance is required by a State of Texas Certified Risk Assessor or Inspector if paint is disturbed. Safe work practices are NOT required when lead hazard reduction activities do not disturb (De Minimis Levels) painted surfaces that total more than 20 sq ft on exterior surfaces, 2 sq ft in any one interior room, or space or 10% of the total surface on an interior or exterior type of component.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

Where $5,001 to $25,000 spent on the rehabilitation:
A risk assessment is required to identify lead hazards and identified hazards must be addressed by interim controls. A risk assessment must be conducted by a qualified professional prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation. If the risk assessment identifies lead-based paint hazards, interim controls must be implemented to address lead-based paint hazards. Interim controls must be performed by qualified professionals using safe work practices. Clearance, conducted by a State of Texas Certified Risk Assessor or Inspector, is required when lead hazard reduction activities are complete.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

Where more than $25,000 will be spent on the rehabilitation:
A risk assessment is required to identify hazards and any identified hazards must be abated by a qualified professional. A risk assessment must be conducted prior to rehabilitation to find lead- based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation.

To address hazards identified:

- Abatement must be conducted to reduce all identified lead-based paint hazards except those described below. Abatement must be conducted by a certified abatement contractor.

If lead-based paint hazards are detected during the risk assessment on the exterior surfaces that are not to be disturbed by rehabilitation, interim controls may be completed instead of abatement to reduce these hazards.

- Clearance is required when lead hazard reduction activities are complete.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

	<$5,000	$5,000 to $25,000	>$25,000
Approach to Lead Hazard Evaluation and Reduction	Do no harm	Identify and control lead hazards	Identify and abate lead hazards
Notification	Yes	Yes	Yes
Lead Hazard Evaluation	Paint Testing	Paint Testing and Risk Assessment	Paint Testing and Risk Assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehabilitation	Interim Controls	Abatement (Interim controls may be used on exterior surfaces not disturbed by rehabilitation

APPENDIX 11
Environmental Review Policy, Procedures, and Standards

For every project, an Environmental Review must be completed in accordance with 24 CFR Part 58 prior to executing an agreement with a sub-recipient, developer or CHDO. The City has developed the "Environmental Review Policy, Procedures, and Standards" document to outline the process and requirements of completing an Environmental Review.

APPENDIX 12
SECTION 3

All projects receiving an award of HOME funds must comply with HUD's Section 3 requirements. The purpose of Section 3 is to ensure that employment, training, contracting, and other economic opportunities generated by financial assistance from HUD shall, to the greatest extent feasible, and consistent with existing federal, state, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very low-income persons. Recipients of an award of HOME funds will be required to complete Section 3 compliance forms prior to execution of a loan agreement. Applicants requesting HOME funds must provide a written strategy demonstrating understanding of the Section 3 requirements and detailing how they will ensure that, when employment or contracting opportunities are generated because the project or activity necessitates the employment of additional persons or the award of contracts for work, preference shall be given to low- and very low-income persons or business concerns in the neighborhood. Neighborhood is defined in the HOME regulations (24 CFR Part 92, Subpart A) as "a geographic location designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation that is within the boundary but does not encompass the entire area of a unit of general local government."

Developers must obtain the City's approval of the Section 3 plan prior to the construction start of the project.

APPENDIX 13
MINORITY BUSINESS ENTERPRISE & WOMEN BUSINESS ENTERPRISE

Developers must maintain a MBE/WBE plan that demonstrates marketing and solicitation of MBE/WBE businesses and contractors for the construction of the project.

APPENDIX 14
Regulatory References

You may be interested in reading the actual regulations published by the U.S. Department of Housing and Urban Development for CDBG and HOME and the applicable federal requirements. A copy of the regulations may be obtained by the contracting the Department of Housing and Neighborhood Revitalization or downloading the information from the HUD website at www.hud.gov.

The regulations for CDBD are located at 24 CFR Part 570: Part 570 – Community Development Block Grants

Subpart A – General Provisions

Section	Title
570.1	Purpose and Primary Objective
570.2	Removed
570.3	Definitions
570.4	Allocations of Funds
570.5	Waivers

Subpart C – Eligible Activities

Section	Title
570.200	General Policies
570.201	Basic eligible activities
570.202	Eligible rehabilitation and preservation activities
570.203	Special economic development activities
570.204	Special activities by Community-Based Development Organizations (CBDO's)
570.205	Eligible planning, urban environmental design and policy-planning-management- capacity building activities
570.206	Program administration costs
570.207	Ineligible activities
570.208	Criteria for national objectives
570.209	Guidelines for evaluating and selecting economic development projects

The regulations for HOME are located at 24 CFR Part 92: Home Investment Partnerships Program

Section	Title SUBPART A - GENERAL
92.1	Overview
92.2	Definitions
92.4	Waivers and Suspensions of Requirements for Disaster Areas

SUBPART B – ALLOCATIONS FORMULA

92.50 Formula Allocations
92.60 Allocation Amounts for Insular Areas
92.61 Program Description
92.62 Review of Program Description and Certifications
92.63 Amendments to Program Description
92.64 Applicability of Requirements to Insular Areas
92.65 Funding Sanctions
92.66 Reallocations

SUBPART C – CONSORTIA; DESIGNATION AND REVOCATION OF DESIGNATION AS A PARTICIPATING JURISDICTION

92.101 Consortia
92.102 Participation Threshold Amount
92.103 Notification of Intent to Participate
92.104 Submission of a Consolidated Plan
92.105 Designation as a Participating Jurisdiction
92.106 Continuous Designation as a Participating Jurisdiction
92.107 Revocation of Designation as a Participating Jurisdiction

SUBPART D – SUBMISSION REQUIREMENTS

92.150 Submission Requirements

SUBPART E – PROGRAM REQUIREMENTS

92.200 Private-Public Partnership
92.201 Distribution of Assistance
92.202 Site and Neighborhood Standards
92.203 Income Determinations
92.204 Applicability of Requirements to Entities that Receive a Reallocation of HOME Funds, other than Participating Jurisdictions
92.205 Eligible Activities: General
92.206 Eligible Project Costs
92.207 Eligible Administrative and Planning Costs
92.208 Eligible Community Housing Development Organization (CHDO) Operating Expense and Capacity Building Costs
92.209 Tenant-Based Rental Assistance: Eligible Costs and Requirements

Lead Based Paint Regulations
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
24 CFR Parts 35, 91, 92, 200, 203, 206, 280, 291, 511, 570, 572, 573, 574, 576, 582, 583, 585,
761, 881, 882, 883, 886, 891, 901, 906, 941, 965, 968, 670, 982, 983, 1000, 1003, and 1005
Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance.

AGENCY: Office of the Secretary – Office of Lead Hazard Control, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to ensure that housing receiving Federal assistance and federally owned housing that is to be sold does not pose lead-based paint hazards to young children. It implements sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992.
The requirements of this rule are based on the practical experience of cities, states and others who have been controlling lead-based paint hazards in low-income privately-owned housing and public housing through HUD assistance. It also reflects the results of new scientific and technological research and innovation on the sources, effects, costs, and methods of evaluating and controlling lead hazards. With today's action, HUD's lead-based paint requirements for all Federal programs are now consolidated in one part of title 24 of the Code of Federal Regulations.

DATES: Effective Dates: Section 35.140 is effective on November 15, 1999. All other provisions of the rule are effective on September 15, 2000.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, call (202) 755-1785, ext. 104 (this is not a toll-free number) or e-mail your inquiry to lead regulations@hud.gov. For lead-based paint program information, contact the Office of Lead Hazard Control, Department of Housing and Urban Development, 451 7th Street, SW, Room B-133, Washington, DC 20410- 0500. For legal questions, contact the Office of General Counsel, Room 9262, Department of Housing and Urban Development. Hearing and speech-impaired persons may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1-800- 877-8339.

Subpart A – Disclosure of Known Lead-Based Paint Hazards upon Sale or Lease of Residential Property.
Subpart B – General Lead-Based Paint Requirements and Definitions for All Programs

- **a.** Definitions
- **b.** Exemptions
- **c.** Options
- **d.** Notice of Evaluation and Hazard Reduction Activities

e. Lead Hazard Information Pamphlet
f. Use of Paint Containing Lead
g. Prohibited Methods of Paint Removal
h. Compliance with Other, State, Tribal, and Local Laws
i. Minimum Requirements
j. Waivers
k. Prior Evaluation or Hazard Reduction
l. Enforcement
m. Records

Subpart C – Disposition of Residential Property Owned by Federal Agency Other Than HUD **Subpart D –** Project-Based Assistance Provided by a Federal Agency Other than HUD **Subpart E -** Reserved
Subpart F – HUD-Owned Single-Family Property **Subpart G –** Multifamily Mortgage Insurance **Subpart H –** Project – Based Rental Assistance
Subpart I – HUD – Owned and Mortgagee-in-Possession Multifamily Property
Subpart J – Rehabilitation
Subpart K – Acquisition, Leasing, Support Services, or Operation
Subpart L - Public Housing Programs
Subpart M – Tenant-Based Assistance
Subpart N-Q – Reserved
Subpart R – Methods and Standards for Lead-Based Paint Hazard Evaluation and Reduction Activities

a. Standards
b. Adequacy of Dust-Lead Standards
c. Summary Notice Formats
d. Interim Controls
e. Standard Treatments
f. Clearance
g. Occupant Protection and Worksite Preparation
h. Safe Work Practices
i. Ongoing Lead-Based Paint Maintenance and Reevaluation

APPENDIX 15

OWNER-OCCUPIED HOUSING REHABILITATION / RECONSTRUCTION PROGRAM
GENERAL CONTRACTOR / HOMEBUILDER APPLICATION

A. **COMPANY NAME:** (Print) _____

Address _____

City, State, & Zip _____

Office Telephone No. _____ Employer's Tax No. _____

Cell No. _____ Fax No. _____

B. **BUSINESS OWNER(S) / PRINCIPAL(S):**

1. Name _____ Title _____

Home Address _____

City, State, & Zip _____

Telephone No. ( )_____ Fax No. ( )_____

2. Name _____ Title _____

Home Address _____

City, State, & Zip _____

Telephone No. ( ) _____ Fax No. ( )_____

3. Name _____ Title _____

Home Address _____

City, State, & Zip _____

Telephone No. ( ) _____ Fax No. ( )_____

C. **HISTORY OF COMPANY:**

1. How long has your company been under the present company name? If less than 2 years, please list previous company name, if any_____

_____

2. Are you a member of any trade or professional association? Yes _____ No _____

If yes, please indicate name and number of years as member: _____

_____

_____

3. Number of Employees: Office/Admin_____Trades _____ (Give averages if number fluctuates)

4. Contractor's and/or Homebuilder's License Number _____

Where Licensed _____

5. Have you ever had your Contractor's License revoked? Yes _____ No _____

If yes, provide year revoked and justification.

_____ _____

_____

6. Have you ever defaulted on a contract? Yes _____ No _____
7. Are you on any debarment or suspension lists or have been declared ineligible to participate in any Federal Assistance Programs? Yes _____ No _____
8. Have any members of the firm been sued within the past 2 years by sub-contractors, suppliers, customers, or other persons? Yes _____ No _____

   If yes, give details: _____

   _____
9. Do you have working capital to start a home improvement job of $50,000.00? Yes_____ No_____
10. How do you finance your work?

    _____
11. If this application is approved, how do you plan on financing these public projects?

    _____
12. If you intend on using interim financing from a lending institution to finance these public projects, please provide a commitment letter from your lending institution or

other financial resources.

D. **CONTRACTOR'S INFORMATION AND BACKGROUND:**

1. Principal Contractor's Social Security Number: _____

2. How long have you been in business? _____

3. Describe your construction background and specific trades: _____

   _____

   _____

   _____

   If you have no construction background, who in your company does? _____

   _____

4. In what areas and trades are you licensed by the City of Dallas? _____

   _____

5. Who is responsible for jobsite day-to-day activities such as: scheduling, supervision,
Coordination, quality control, clients concerns and complaints, etc.?

   Name:

   _____

   Title:_____ Years w/Company _____

6. Please list full-time employees and the trades they cover? List names, trades and licenses,
if any, and years with the company.

_____

_____

_____

7. What kind of warranty do you provide your customers upon completion of the construction work and how long is the warranty period?
_____
_____

8. How long does it take you to build a new 1,900 square foot home?
_____

9. How long does it take you to complete a FULL rehab of a 1,900 square foot home on pier and beam? _____

E. CONSTRUCTION WORK PREFERENCE:

1. What type of construction work program do you want to participate in?

- ❑ Reconstruction (New construction) Yes_____ No_____
  - o Single family units Yes_____ No_____
  - o Multi-family developments Yes_____ No_____
- ❑ Rehabilitation (Existing homes) Yes_____ No_____
  - o Single family units Yes_____ No_____

- Multi-family developments Yes_____
  No_____

E. EXPERIENCE WITH PUBLIC AGENCIES:

1. Have you participated or worked with similar federally-funded housing construction programs with other entities, i.e., Dallas Housing Authority (DHA), other housing non-profit organizations, etc.? Yes _____ No _____

   If yes, please complete the following information:

   (a) Agency Name _____ Phone No. _____

   Address _____ City, State, and Zip _____

   Type of Work_____

   Contract Amount $ _____ Units Completed _____ Date: _____

   (b) Agency Name _____ Phone No. _____

   Address _____ City, State, and Zip _____

   Type of Work_____

   Contract Amount $ _____ Units Completed _____ Date:_____

   (c) Agency Name _____ Phone No. _____

   Address _____ City, State, and Zip _____

   Type of Work _____

   Contract Amount $ _____ Units Completed _____ Date: _____

   (d) Agency Name _____ Phone No. _____

   Address _____ City, State, and Zip _____

   Type of Work _____

Contract Amount $ _____ Units Completed _____ Date: _____

G. **CURRENT CONTRACT AGREEMENTS:**

Presently, do you have any contracts under construction? Yes _____ No _____

If yes, provide the following information:

Project Address	**Contract Amount**	**Client's Name**	**Client's Phone No.**	**Construction Start and Expected Completion**
1				
2				
3				
4				

H. **INSURANCE REQUIREMENTS (See Attachment A): If your application is approved, you will be required to provide proof of insurance as outlined in Attachment A.**

I. **EXPERIENCE: REHABILITATION AND/OR RECONSTRUCTION WORK DURING THE PAST YEAR:**

1. Name _____ Phone No. _____

   Address _____ City, State, Zip _____

   Type of Work _____

   Contract Amount $ _____ Completed _____

2. Name _____ Phone No. _____

   Address _____ City, State, Zip _____

Type of Work _____

Contract Amount $ _____ Completed _____

3. Name _____ Phone No. _____

Address _____ City, State, Zip _____

Type of Work _____

Contract Amount $ _____ Completed _____

4. Name _____ Phone No. _____

Address _____ City, State, Zip _____

Type of Work _____

Contract Amount $ _____ Completed _____

Contract Amount $ _____ Completed _____

J. REQUIRED DOCUMENTS:

1. The following documents must accompany this General Contractor / Homebuilder Application before this application is accepted and processed.

- ❑ Copy of Current Picture I.D. (Texas Driver's License) of Owners
- ❑ Copy of Current General Contractor's License
- ❑ Copy of Current Homebuilder's License
- ❑ Copy of commitment letter from financial resource if applicable
- ❑ Copy of Current Certificate of Liability Insurance to include General Liability & Workers compensation and employers' Liability

- ❑ 2007/2008 Tax Returns for Business or Owners

K. PENALTY FOR FALSE OR FRAUDULENT STATEMENT:

USC Title 18, Sec. 1001, states: "Whomever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."

The undersigned certifies that all information provided in this CONTRACTOR INFORMATION APPLICATION, and all information in support of said form, is true and complete to the best of the undersigned's knowledge and belief. Further, the undersigned hereby authorizes and requests any person, firm or corporation to furnish any information requested by the City of Dallas, Housing & Neighborhood Revitalization Department, in verification of the recitals comprising this statement of contractor's qualifications.

SIGNED this _____ day of _____, 2008.

_____

Name of Business

By: _____

Print Name

Title: _____

Owner, Partner, President, Agent or Representative

STATE OF TEXAS §

§

DALLAS COUNTY §

BEFORE ME, the undersigned authority, on this day personally appeared _____

_____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledges to me that the answers to the foregoing questions and all statements therein contained are true and correct.

GIVEN UNDER my hand and seal of office this _____ day of, _____, 2008.

_____

NOTARY PUBLIC, STATE OF TEXAS

Please Return Completed Application to:

City of Dallas
Housing & Neighborhood Revitalization Department
Attention: Inspections Manager
1500 Marilla Street,
Dallas, Texas 75201

For Questions, please contact:

EXHIBIT "A"
INSURANCE REQUIREMENTS

Prior to the commencement of the Project or any other work under this Agreement, BORROWER shall furnish an original completed Certificate(s) of Insurance or the City's Standard Certificate of Insurance form to the City's Housing & Neighborhood Revitalization Department and City's Risk Management Division, and shall be clearly labeled with Agreement name, which shall be completed by an agent authorized to bind the named underwriter(s) and their company to the coverage, limits, and termination provisions shown thereon. The original certificate(s) of form must have the agent's original signature, including the signer's company affiliation, title and phone number, and be mailed directly from the agent to the City. The City shall have no duty to pay or perform under this Agreement or under any of the other Loan Documents until such certificate(s) shall have been delivered to the City's Housing & Neighborhood Revitalization Department and the City's Risk Management Office, and no officer or employee, other than the City's Risk Manager, shall have authority to waive this requirement.

The City reserves the right to review the insurance requirements of this section during the effective period of this Agreement and of the other Loan Documents, including the term of the Note, and any extension of renewal thereof and to modify insurance coverage and their limits when deemed necessary and prudent by the City's Risk Manager based upon changes in statutory law, court decisions, or circumstances surrounding the Project, this Agreement or any of the other Loan Documents, but in no instance will the City allow modification whereupon the City may incur increased risk.

A BORROWER's financial integrity is of interest to the City; therefore, subject to BORROWER's right to maintain reasonable deductibles in such amounts as are first approved in writing by the City, BORROWER shall obtain and maintain in full force and effect for the duration of this Agreement and the other Loan Documents, and any extension thereof, at BORROWER's sole expense, insurance coverage written on an occurrence basis, by companies authorized and admitted to do business in the State of Texas and rated A- or better by A.M. Best Company and/or otherwise acceptable to the City, in the following types and amounts:

TYPE	AMOUNTS

1. Workers' Compensation ** Employers' Liability **	Statutory $1,000,000/$1,000,000/$1,000,000
2. Commercial General (public) Liability Insurance to include coverage for the following: a. Premises operations *b. Independent contractors c. Products/completed operations d. Personal Injury e. Contractual Liability *f. Explosion, collapse, underground g. Broad form property damage, to include fire legal liability	For Bodily Injury and Property Damage of $1,000,000 per occurrence; $2,000,000 General Aggregate, or its equivalent in Umbrella or Excess Liability Coverage
3. Business Automobile Liability a. Owned/leased vehicles b. Non-owned vehicles c. Hired Vehicles	Combined Single Limit for Bodily Injury and Property Damage of $1,000,000 per occurrence
4. Professional Liability (Claims Made Form)	$1,000,000 per claim to pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages by reason of any act, malpractice, error or omission in professional services.
*5. Payment/Performance Bond	$125,000.00
*6. Builder's Risk	$125,000.00
*7. Pollution of Fuel Storage Tank	$125,000.00
*8. Environmental	$125,000.00
*9. Commercial Crime/Fidelity Bond, etc.	$125,000.00
*10. Liquor Legal Liability	$125,000.00
* If Applicable	
** Alternate Plans Must Be Approved by Risk Management	

11. BORROWER must provide to City proof of continuous and renewed professional liability insurance having been obtained by all professional persons performing work or services in connection with the Project, such insurance policy having an extended discovery period of two (2) years, with such insurance policy being maintained in the same manner as set forth herein.

12. Upon completion of construction of the Project, BORROWER must carry insurance to the extent of 80% of A.C.V., fire and extended coverage policy.

13. BORROWER must provide insurance in the manner set forth herein protecting City with a standard mortgage clause naming City as loss payee for a sum equal at least to BORROWER's indebtedness to City.

BORROWER shall contractually require all third-party contractors associated with the Project to obtain the foregoing types of insurance, in the amounts and in the manner as specified herein.

The City shall be entitled, upon request and without expense, to receive copies of the policies and all endorsements thereto as they apply to the limits required by the City, and may make a reasonable request for deletion, revision, or modification of particular policy terms, conditions, limitations or exclusions (except where policy provisions are established by law or regulation binding upon either of the parties hereto or the underwriter of any such policies). Upon such request by the City, BORROWER shall exercise reasonable efforts to accomplish such changes in policy coverage and shall pay the cost thereof.

BORROWER agrees that with respect to the above-required insurance, all insurance contracts and Certificate(s) of Insurance will contain the following required provisions:

- Name City and its officers, employees, volunteers and elected representatives as additional insureds as with respect to operations and activities of, or on behalf of, the named insured performed under contract with the City, with the exception of the workers' compensation (and professional liability, if required) policies;

- BORROWER's insurance shall be deemed primary with respect to any insurance or self insurance carried by the City for liability arising out of operations under this agreement with the City or under any of the other Loan Documents; and

- Workers' compensation and employers' liability policy will provide a waiver of subrogation in favor of City.

BORROWER shall notify the City in the event of any notice of cancellation, non-renewal or material change in coverage and shall give such notices not less than thirty (30) days prior to the change, or twenty (20) days notice for cancellation due to non-payment of premiums, which notice must be accompanied by a replacement Certificate of Insurance. All notices shall be given to the City at the following address:

City of Dallas
Housing & Neighborhood Revitalization Department
Attn: Director
1500 Marilla St.
Dallas, Texas 75201

and

City of Dallas
Risk Management Division
P.O. Box 839966
Dallas, Texas 78283-3966

If BORROWER fails to maintain the aforementioned insurance, or fails to secure and maintain the aforementioned endorsements, the City may obtain such insurance, and deduct and retain the amount of the premiums for such insurance from any sums due under any of the Loan Documents; however, procuring of said insurance by the City is an alternative to other remedies the City may have, and is not the exclusive remedy for failure of BORROWER to maintain said insurance or secure such endorsement. In addition to any other remedies the City may have upon BORROWER's failure to provide and maintain any insurance or policy endorsements to the extent and within the time herein required, the City shall have the right to (a) withdraw from the Project, (b) withhold any and all Loan monies until BORROWER

demonstrates compliance with the requirements hereof, (c) declare a default under the Note and/or (d) terminate any and all Loan Documents.

Nothing herein contained shall be construed as limiting in any way the extent to which BORROWER may be held responsible for payments of damages to persons or property resulting from BORROWER's or its subcontractors' performance of the work covered hereunder or under any of the other Loan Documents.

APPENDIX 16

INTERVENTIONS BY STRATEGY AREA

IMPLEMENTATION REQUIREMENTS					
	Requires an ordinance change	**Authorized by Resolution**	**Policy Decision**	**Available through NEZ**	**Non-City Action**
Accessory Dwelling Units	X				
Building Code Fee Waivers	X			X	
Community Court			X		
Code Lien Foreclosures			X		
Community Land Trust	X				
Contractor Training Program		X	X		
Development Code Fee Waivers	X				
Employer-Assisted Housing Program					X
Envision Centers					X
Expedited Processing			X		
Home Improvement Preservation Program		X	X		
Homestead Preservation Districts			X		
Housing Trust Fund		X			
Incentive Zoning/Density Bonuses	X				
Lien Releases	X				
Multi-Family Rehab Program		X			
Neighborhood Empowerment Zones		X			
Opportunity Zones					
Park Land Dedication Fees					
Property Tax Abatement		X		X	
Rental/Homeowner Maintenance Education Program	X				
Tax Increment Financing (TIF)		X			
Voucher Sublease Program		X	X		

	Proposed Type of Activities	Redevelopment Areas	Stabilization Areas	Emerging Markets	Citywide	
1	Notice of Funding Availability: New Development (for-sale and rental) or Substantial Rehabilitation	P	P	N	Y	
2	Preservation of owner-occupied housing: Home Improvement & Preservation Program	P	P	y	Y	
3	Preservation of Single-Family rental housing: Home Improvement & Preservation Program	P	P	Y	Y	
4	Preservation of Multi-Family rental housing: Home Improvement & Preservation Program	P	P	Y	Y	
5	Landbanking	N	P	P	N	
6	Code Lien Foreclosures	N	P	P	N	
7	Neighborhood Empowerment Zones (unlocks development fee waivers including landscape and tree mitigation and parkland dedication fees & property tax freeze)	N	Y	N	N	
8	City's Second Mortgage Assistance Program (DHAP)	Y	Y	Y	Y	
9	Neighborhood Revitalization Strategy Area Designation	P	P	P	N	
10	Dallas Tomorrow Fund (Dept. of Code Compliance home repair fund through fee assessment)	Y	Y	Y	Y	
11	Code Academy	Y	Y	P	Y	P= Priority Y=Yes N=No
12	Tax Increment Reinvestment Zone designation - If one doesn't already exist	Y	Y	Y	N	
13	Create Neighborhood Association	Y	Y	P	Y	
14	Neighborhood Sweep - 2 week intensive; minor street repair, code inspections, signage, beautification projects, neighborhood plan)	Y	Y	P	N	
15	Neighborhood Beautification Projects	Y	Y	P	Y	
16	Low Income Housing Tax Credit City support - with scoring criteria	N	Y	N	Y	
17	Voucher Sublease Agreements	Y	Y	Y	Y	
18	Accessory Dwelling Units	See Citywide	Y	See Citywide	Y-opt in	
19	Incentive Zoning	P	P	N	Y	
20	Homestead Preservation District designation	N	P	N	N	
21	Community Land Trust	Y	P	N	N	
22	Tenant Based Rental Assistance Program (HILI)	-	-	-	Y	
23	Express Plan Review	P	P	N	N	

Agenda Information Sheet

File #: 18-1271 **Item #:** 29.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing & Neighborhood Revitalization

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County Community College District, and the Dissolution Committee for the former board of Dallas County School Trustees on behalf of the former Dallas County Schools District to facilitate the Dallas Housing Acquisition and Development Corporation's acquisition of unimproved tax foreclosed properties for sale to developers for the development of affordable housing and other approved purposes in accordance with Chapter 379C of the Texas Local Government Code - Financing: No cost consideration to the City

BACKGROUND

This action will authorize the City Manager, or his designee, to execute an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County Community College District, and the Dissolution Committee for the former board of Dallas County School Trustees on behalf of the former Dallas County Schools District to facilitate the Dallas Housing Acquisition and Development Corporation's (DHADC) acquisition of unimproved tax-foreclosed properties for sale to developers for the development of affordable housing and other approved purposes in accordance with Chapter 379C of the Texas Local Government Code (Code).

The term of the contract will begin on October 1, 2018 and end on September 30, 2019.

Under the contract, the City of Dallas (City) may annually refer to Dallas County approximately 300 parcels of real property intended for acquisition by the DHADC. The City or the DHADC must give written notices to all parties to the contract of the specific addresses of parcels intended for acquisition by the DHADC prior to initiating a tax lawsuit and prior to the sale of a property to the DHADC. Each party will have the right to withhold its consent to the filing of a lawsuit on a parcel or on the sale of a particular parcel to the DHADC.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, City Council amended the Articles of Incorporation and Bylaws of the Dallas Housing Acquisition and Development Corporation (DHADC) to allow DHADC to operate the City of Dallas Urban Land Bank Demonstration Program and authorized an Interlocal Cooperation Contract between the City of Dallas, Dallas County, Dallas Independent School District, Parkland Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County College District for the Urban Land Bank Demonstration Program by Resolution No. 04-0458.

On November 5, 2018, the Economic Development and Housing Committee received a memorandum regarding the proposed Interlocal Cooperation Contract.

FISCAL INFORMATION

No cost consideration to the City.

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WHEREAS, the City has an interest in preserving and increasing the tax base and creating affordable housing for low-income households to provide necessary decent, safe, and sanitary housing for such households; and

WHEREAS, on January 28, 2004, City Council authorized the: (1) City of Dallas Urban Land Bank Demonstration Program and Program Statement; (2) Dallas Housing Acquisition and Development Corporation (DHADC) to (a) amend its Articles of Incorporation and Bylaws to allow DHADC to administer the City of Dallas Urban Land Bank Demonstration Program and (b) change the makeup of its Board of Directors; (3) adoption of the Urban Land Bank Demonstration Program Plan; and (4) an Interlocal Cooperation Contract between the City of Dallas, Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District for the Urban Land Bank Demonstration Program by Resolution No. 04-0458; and

WHEREAS, the City Council desires to enter into an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program for 2018-2019 with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County Community College District, and the Dissolution Committee for the former board of Dallas County School Trustees on behalf of the former Dallas County Schools District to facilitate the DHADC's acquisition of unimproved, tax-foreclosed properties for sale to qualified developers for the development of affordable housing and other approved purposes in accordance with Chapter 379C of the Texas Local Government Code.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County Community College District, and the Dissolution Committee for the former board of Dallas County School Trustees on behalf of the former Dallas County Schools District, approved as to form by the City Attorney.

SECTION 2. That the terms of the contract include the following provisions:

A. The contract will begin on October 1, 2018 and end on September 30, 2019.

B. The City of Dallas will be allowed to refer to Dallas County approximately 300 parcels of real property intended for acquisition by the DHADC.

SECTION 2. (continued)

C. The City or the DHADC must give written notice to all parties of the specific addresses of parcels intended for acquisition by the DHADC prior to referring said parcels for filing of a tax lawsuit and prior to the sale of a property to the DHADC. Each party will have the right to withhold its consent to the filing of lawsuit on a parcel or sale of a particular parcel to the DHADC.

SECTION 3. That this contract is designated as Contract No. HOU-2018-00004360.

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 #: 18-1273 **Item #:** 30.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Library

EXECUTIVE: Joey Zapata

SUBJECT

Authorize the **(1)** acceptance of a grant from the Institute of Museum and Library Services passed through the Texas State Library and Archives Commission (Grant No. 900976/FAIN No. LS-00-17-0044-17, CFDA No. 45.310) for partial reimbursement of interlibrary loan service's direct costs in an amount not to exceed $68,749.02, for the period September 1, 2017 through August 31, 2018; **(2)** establishment of appropriations in an amount not to exceed $68,749.02 in the Interlibrary Loan 17-18 Fund; **(3)** receipt and deposit of grant funds for reimbursement in an amount not to exceed $68,749.02 in the Interlibrary Loan 17-18 Fund; and **(4)** execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed $68,749.02 - Financing: Texas State Library and Archives Commission Grant Funds

BACKGROUND

Interlibrary Loan (ILL) is a service that allows customers to request materials owned by another library system. Prior to August 31, 2012, when the Texas State Legislature eliminated funding for interlibrary loan services, the Dallas Public Library served as a TexNet Center and received funding for the interlibrary loan service. Since then, the Dallas Public Library has absorbed the cost and continued to provide the service.

The Texas State Library Commission is providing reimbursement payments to Texas public libraries who made interlibrary loan lends in State Fiscal Year 2018. The Dallas Public Library completed 7,489 lends using the Navigator ILL system in State Fiscal Year 2018, and will receive a total payment of $68,749.02.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2015, City Council authorized the acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-13-0044-13, CFDA No. 45.310) for partial reimbursement of interlibrary loan services' direct costs for the period September 1, 2013 through August 31, 2014,

by Resolution No. 15-0170.

On January 13, 2016, City Council authorized the acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-14-0044-14, CFDA No. 45.310) for partial reimbursement of interlibrary loan services' direct costs for the period September 1, 2014 through August 31, 2015, by Resolution No. 16-0080.

On January 25, 2017, City Council authorized the acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-15-0044-15, CFDA No. 45.310) for partial reimbursement of interlibrary loan services' direct costs for the period September 1, 2015 through August 31, 2016, by Resolution No. 17-0193.

On January 24, 2018, City Council authorized the acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-16-0044-16, CFDA No. 45.310) for partial reimbursement of interlibrary loan services' direct costs for the period September 1, 2016 through August 31, 2017, by Resolution No. 18-0196.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on November 26, 2018.

FISCAL INFORMATION

Texas State Library and Archives Commission Grant Funds - $68,749.02

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November 28, 2018

WHEREAS, the Dallas Public Library provides an Interlibrary Loan (ILL) service to its customers, allowing them to request materials owned by another library system; and

WHEREAS, the Dallas Public Library completed 7,489 lends using the Navigator ILL system in State Fiscal Year 2018; and

WHEREAS, the Texas State Library Commission is providing reimbursement payments to Texas public libraries who made interlibrary loan lends in State Fiscal Year 2018; and

WHEREAS, on January 24, 2018, City Council authorized the acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-16-0044-16, CFDA No. 45.310) for partial reimbursement of interlibrary loan services' direct costs for the period September 1, 2016 through August 31, 2017, by Resolution No. 18-0196; and

WHEREAS, it is recommended that the City Manager be authorized to accept a grant from the Texas State Library and Archives Commission for partial reimbursement of interlibrary loan service's direct costs in an amount not to exceed $68,749.02 for the period September 1, 2017 through August 31, 2018.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to accept a grant from the Institute of Museum and Library Services passed through the Texas State Library and Archives Commission (Grant No. 900976/FAIN No. LS-00-17-0044-17, CFDA No. 45.310) for partial reimbursement of interlibrary loan service’s direct costs, in an amount not to exceed $68,749.02, for the period September 1, 2017 through August 31, 2018; and sign the grant agreement and all terms, conditions, and documents required by the grant agreement, approved as to form by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $68,749.02 in the Interlibrary Loan 17-18 Fund, Fund F573, Department LIB, Unit 3806, various Object codes, per the attached Schedule.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for reimbursement in an amount not to exceed $68,749.02 in the Interlibrary Loan 17-18 Fund, Fund F573, Department LIB, Unit 3806, Revenue Code 6506.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $68,749.02 from the Interlibrary Loan 17-18 Fund, Fund F573, Department LIB, Unit 3806, various Object codes, in accordance with the grant agreement and per the attached Schedule.

SECTION 5. That the City Manager is hereby authorized to reimburse to the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 6. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

SECTION 7. That this contract is designated as Contract No. LIB-2019-00008606.

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.

Schedule
Interlibrary Loan 17-18 Fund
Fund F573, Unit 3806

Object Code	Description	Amount
3090	City Forces	$56,749.02
3099	Miscellaneous Special Servies	$12,000.00
	Total	**$68,749.02**

Agenda Information Sheet

File #: 18-829 **Item #:** 31.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Cultural Affairs

EXECUTIVE: Joey Zapata

SUBJECT

A resolution **(1)** authorizing the adoption of the Dallas Cultural Plan 2018 as the cultural plan for the City of Dallas; **(2)** authorizing the adoption of a new cultural policy for the City of Dallas; and **(3)** authorizing and establishing the Cultural Projects Funding Program, Cultural Vitality Program, and Community Artist Program to support artist and cultural services in the City of Dallas - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

A cultural plan is an inclusive process that engages residents, artists, arts organizations, and other sectors to identify cultural needs, opportunities, and resources. It allows a city to think strategically about how to use its resources to help communities achieve their goals.

The City of Dallas' Cultural Plan was last comprehensively updated in 2002, and given the demographic, economic, and artistic changes in the City, the Office of Cultural Affairs (OCA) sought consultants to lead a cultural planning process. The OCA and our consultants, the Lord Cultural Resources team, engaged local arts and cultural organizations, their leaders and supporters, as well as residents across all neighborhoods, to explore ways to strengthen and improve access to and engage with the City's tremendous cultural assets. Importantly, this plan and the process to formulate it will take into account the objectives and needs of artistic institutions and cultural organizations of all types and sizes, as well as the desires and aspirations of artists and others within the cultural economy.

This yearlong cultural planning effort included in-depth regional, national and international research, engagement across every zip code and district in the city, analysis of City plans and collaboration with Dallas residents, artists, organizations, City staff and leaders. The Lord Cultural Resources team included BC Workshop, HR&A Advisors, and Idyllic Interactive.

Nearly 9,000 Dallas residents have engaged in this process to develop over a hundred initiatives and strategies under these six priorities:

1. **Equity:** Support the broadest range of art forms and creative producers, considering inclusivity, diversity and neighborhood impact to direct resources equitably to artists and organizations.
2. **Diversity:** Celebrate and promote the diversity of Dallas, while striving to improve diversity of programming, staff and organizational leadership across the cultural sector.
3. **Space:** Provide, create and incentivize the creation of spaces and places to encourage and allow arts and culture in Dallas to thrive and grow citywide.
4. **Support for Artists:** Establish a supportive arts ecosystem that nourishes the creative and innovative energy of Dallas artists.
5. **Sustainable arts ecosystem:** Model sustainability to the arts and culture community through OCA's facilities and encourage and support the development of future sustainability in the broader arts and cultural sector.
6. **Communications:** Promote culture as a fundamental driver of the city of Dallas. Ensure awareness at local, national and international levels of Dallas' cultural offerings through enhanced communication.

Based on feedback from City Council during the November 6, 2018 briefing, arts and culture experiences in neighborhoods across the city as key to the vision for the future was brought to the forefront of the Plan. Further updates based on Council direction are the inclusion of new initiatives and plans to increase multilingual communications by cultural producers, to grow the prevalence of City-wide festivals, and to further the recognition of more cultural districts within Dallas.

In addition to the Dallas Cultural Plan 2018, a new Cultural Policy was developed to further guide the work of the Office of Cultural Affairs with respect to cultural equity, cultural funding programs, public art implementation and conservation, facilities management, naming of cultural venues, and other related matters.

The updated Cultural Policy provides that guidelines for the various Cultural Funding Programs will be submitted for review and approval of the City Council. This action will serve to affirm the artistic nature of services to be provided through these various cultural programs and to specify the review and selection process for cultural services. Guidelines for the Cultural Projects Funding Program, Cultural Vitality Program, and Community Artist Program are attached to this Resolution for authorization by the City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 20, 2018, the Cultural Affairs Commission approved recommendations in support of the Dallas Cultural Plan 2018, the Cultural Policy, and the various Cultural Funding Program guidelines.

This item was briefed to the Quality of Life, Arts and Culture Committee on October 22, 2018.

This item was briefed to full City Council on November 6, 2018.

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FISCAL INFORMATION

This action has no cost consideration to the City. Appropriations for the Cultural Support Programs are established through the annual General Fund budget development process. Each award to a cultural organization or individual artist through the Cultural Projects Funding Program, Cultural Vitality Program, and Community Artist Program is less than $50,000.00, and is authorized by Administrative Action.

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November 28, 2018

WHEREAS, the City of Dallas Office of Cultural Affairs (OCA) kicked off the planning process for the *Dallas Cultural Plan 2018* on September 25, 2017, the City's first cultural planning process since 2002; and

WHEREAS, the Cultural Plan, in keeping with a history of long-standing philanthropic support for the arts in Dallas, is truly a public-private partnership with $300,000.00 in General Fund monies having generously been matched by $300,000.00 raised from private foundations, corporations and individuals by the OCA to pay for the Cultural Plan; and

WHEREAS, this year-long cultural planning process engaged nearly 9,000 residents from all zip codes and council districts in the City of Dallas and identified over 600 places to experience culture across Dallas; and

WHEREAS, the *Dallas Cultural Plan 2018* is intended to serve as a framework for Dallas to elevate its profile as a capital for creativity, innovation and excellence in the arts; and

WHEREAS, Dallas is one of the largest creative economies in the United States with artists and arts-related businesses, including architecture, advertising, design, digital media, fashion, film, music, performing arts, etc.; and this creative industry sustains property values, leads to new business, encourages the reuse of empty spaces, strengthens neighborhoods and contributes to public safety by celebrating diversity and the unique cultures of Dallas' many communities; and

WHEREAS, the economic impact of non-profit arts and cultural organizations in the city of Dallas was more than $891 million and supported more than 33,500 Full-Time Equivalent (FTE) jobs in 2015; and

WHEREAS, the *Dallas Cultural Plan 2018* identifies six priorities, 31 strategies and 140 proposed initiatives to guide the work of the City, OCA and all stakeholders in the Dallas cultural ecosystem with the tools to prioritize, budget, schedule and seek diverse resources over the next 7 to 10 years and beyond; and

WHEREAS, the six priorities of the Dallas cultural ecosystem are equity, as the lens through which the plan will be approached; diversity, space, and support for artists, as key categories in which stakeholders will innovate and nurture the growth of the sector; a sustainable arts ecosystem, which is fundamental to our community continuing to thrive; and communication, which will support and promote the Dallas' multifaceted cultural capital; and

November 28, 2018

WHEREAS, the *Dallas Cultural Plan 2018* recognizes that Dallas' strongest cultural assets are its people and that the plan is the work of the Dallasites that shaped its new cultural vision to be "an equitable, diverse and connected community, whose residents and visitors thrive through meaningful arts and cultural experiences in every neighborhood across Dallas"; and

WHEREAS, in conjunction with the adoption of the *Dallas Cultural Plan 2018*, it is necessary to adopt a revised and restated Cultural Policy of the City of Dallas which will further guide the work of the Office of Cultural Affairs with respect to cultural equity, cultural funding programs, public art implementation and conservation, facilities management, naming of cultural venues, and related matters; and

WHEREAS, the breadth of Dallas' arts and culture ecosystem has a direct impact on the vibrancy and quality of life of all Dallasites and promotes culture as a fundamental driver of equity, prosperity and wellbeing.

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 hereby support the *Dallas Cultural Plan 2018* in its goals to continue to build community, create jobs, stimulate economic development, attract tourists, and foster innovation and lifelong learning.

SECTION 2. That the documents attached hereto and made a part of this Resolution entitled *Dallas Cultural Plan 2018* (Exhibit A) are hereby adopted, and supersede prior cultural plans adopted by the City Council of the City of Dallas.

SECTION 3. That the documents attached hereto and made a part of this Resolution entitled Cultural Policy of the City of Dallas (Exhibit B) are hereby adopted, and supersede prior cultural policies adopted by the City Council of the City of Dallas.

SECTION 4. That the City Council of the City of Dallas hereby authorizes and establishes the Cultural Projects Funding Program, the Cultural Vitality Program, and the Community Artist Program (collectively "Cultural Support Programs"), each of which shall provide funding for the procurement of artistic and cultural services in the City of Dallas, and approves the various program guidelines that are attached to this Resolution as Exhibit C (Cultural Projects Funding Program), Exhibit D (Cultural Vitality Program), and Exhibit E (Community Artist Program). The Office of Cultural Affairs shall administer the Cultural Support Programs with the review and advice of the Cultural Affairs Commission.

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.



















DALLAS CULTURAL PLAN 2018


Kidd Spring
Bishop Arts
Bishop Arts
Better Block
Wild Detectives
Texas Theatre
Occc
Ice House
Top Ten!
Potential
TEXAS THEATER
Mission Oak Cliff
LAKE CLIFF PARK
OAK CLIFF
COLORADO
JEFFERSON
DAVIS
PAGE
DELAWARE
BROOKS
SUFFOLK
JERDEN
FOSTER
MARSALIS
TURNER
SALMON
THOMASSON
EVERTS
NEELY
BISHOP
MADISON
LLEWELLYN
ROCKWOOD
CUMBERLAND
BECKLEY
TYLER
180

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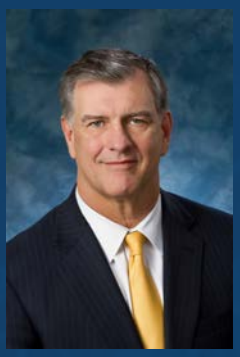
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WELCOME



My Fellow Dallasites:

For the first time since 2002, the City of Dallas, led by the Office of Cultural Affairs, has a comprehensive plan that will guide our city over the next seven to ten years in building an even more vibrant, economically healthy, and equitable artistic ecosystem. This year-long effort is the result of input from nearly 9,000 Dallas residents – including artists, audiences, donors, and educators - who came together to share their priorities and aspirations for the arts. Coupled with this citywide civic engagement, research and analysis of a leading team, led by Lord Cultural Resources, bcWORKSHOP, HR&A Advisors, and Idyllic Interactive, helped determine and prioritize the strategies of the Cultural Plan.

Why is this a game changer? In 2017, I think many of us were astounded to learn that the arts in Dallas had grown to an $891 million industry responsible for driving 33,000 jobs. These are the kinds of jobs that truly grow the vibrancy of our city – they cannot be outsourced, and they bring young people and new companies from all industries to Dallas. With beautiful and iconic venues complete, our city now needs to address issues of diversity, equity and access so that more residents can enjoy and engage with the arts. This Cultural Plan will address these.

As the proud father of an artist, I am pleased that one of the distinguishing facets of the Cultural Plan is its commitment to support our creative workers. This includes recommendations for artistic spaces, to neighborhood-driven arts grants and funding programs and improving the ways we help facilitate training and capacity building opportunities for emerging artists so that they can build their life-long career in Dallas.

Lastly, I want to acknowledge the donors who generously funded 50 percent of the Dallas Cultural Plan: the Hoblitzelle Foundation, Texas Instruments Foundation, Meadows Foundation, Perot Foundation, PNC Bank and Communities Foundation of Texas. Their investment builds on the long-standing civic support for the arts, and we could not have completed this plan without their generous support.

I look forward to watching the Office of Cultural Affairs and their partners across the arts and cultural spectrum begin the work and strategies detailed in the 2018 Dallas Cultural Plan.

Sincerely,

Michael S. Rawlings
Mayor of Dallas



Dear Fellow Dallasites:

It has been my honor and privilege to serve as the Director of the Office of Cultural Affairs for the City of Dallas during this past year's cultural planning process. As a native Dallasite who first experienced arts more than 30 years ago in this city, I'm truly amazed at how far we have come and inspired by what I see as boundless opportunities for artistic vibrancy going forward.

In some ways, this Cultural Plan has been one, big year-long conversation about something near and dear to so many of us — arts and culture! How do we experience the arts here in Dallas? How can we participate in producing and creating arts and culture that is relevant to our daily lives? How are artists and creative producers supported and nurtured so that they can thrive and continue to add to our communities? These questions, in addition to dozens of others, were the conversation starters that nearly 9,000 of you discussed and debated and dreamed about.

After our research, benchmarking, financial analysis, and most importantly, listening to the community, six clear priorities emerged. Equity rose the top quickly — Dallas residents intuitively knew that resources and supports for arts have not always been shared broadly across the city and artistic domains. We can do better. And, if Equity is the center of our other priorities — including Diversity, Support for Artists and Spaces — then, our entire City will be more vibrant and creatively inspired. Increasing the Economic Sustainability of the entire sector and improving Communications to audiences near and far will help us ensure that we are creating more opportunities for artists and cultural production and for audiences across Dallas.

Lastly, I am filled with gratitude for so many of you. First of all, thank you to the amazing team of the Office of Cultural Affairs who managed this process and invested personally and professionally to make sure that all parts of our city and its artistic fabric were truly served by this work. Thank you to the Lord Cultural Resources, who led the consulting team that brought an external expertise and analytical framework to help us organize our data and priorities so beautifully. Thank you to the private donors who have already invested generously in Dallas' arts for supporting this plan to guide the sector for the next seven to 10 years. Thank you to the Steering Committee and the other task force contributors who spent months reviewing research and crafting solutions. Thank you to the Cultural Affairs Commission and City Council who showed up consistently to lend their leadership and support to this work. And, last but certainly not least, thank YOU if you participated in this Plan — I hope you see how this is truly a culmination of broad community engagement, and I look forward to working together to bring it to life!

All my best,

Jennifer Scripps

Jennifer Scripps
Director of the Office of Cultural Affairs

BIENVENIDO



Mis compañeros de Dallas:

Por primera vez desde 2002, la ciudad de Dallas, liderada por la Oficina de Asuntos Culturales, tiene un plan integral que guiará a nuestra ciudad durante los próximos siete a diez años en la construcción de un ecosistema artístico aún más vibrante, económicamente saludable y equitativo . Este esfuerzo de un año es el resultado de las aportaciones de cerca de 9,000 residentes de Dallas, incluidos artistas, audiencias, donadores y educadores, que se reunieron para compartir sus prioridades y aspiraciones para las artes. Junto con este compromiso cívico en toda la ciudad, la investigación y el análisis de un equipo líder liderado por Lord Cultural Resources, bcWORKSHOP, HR & A Advisors e Idyllic Interactive, ayudaron a determinar y priorizar las estrategias del Plan Cultural.

¿Por qué es esto un cambio de juego? En 2017, creo que muchos de nosotros quedamos asombrados al saber que las artes en Dallas habían crecido a una industria de $ 891 millones, responsable de generar 33,000 empleos. Estos son los tipos de trabajos que verdaderamente hacen crecer la vitalidad de nuestra ciudad: no pueden ser tercerizados, y traen jóvenes y nuevas compañías de todas las industrias a Dallas. Con lugares bellos e icónicos completados, nuestra ciudad ahora necesita abordar problemas de diversidad, equidad y acceso para que más residentes puedan disfrutar e involucrarse con las artes. Este Plan Cultural abordará estos puntos.

Como orgulloso padre de un artista, me complace que una de las facetas distintivas del Plan Cultural sea su compromiso de apoyar a nuestros trabajadores creativos. Esto incluye recomendaciones para espacios artísticos, subvenciones artísticas impulsadas por el vecindario y programas de financiación y mejoramiento de las formas en que facilitamos la capacitación y las oportunidades de desarrollo para artistas emergentes para que puedan construir su carrera de por vida en Dallas.

Por último, quiero agradecer a los donantes que generosamente financiaron el 50 por ciento del Plan Cultural de Dallas: la Fundación Hoblitzelle, la Fundación Texas Instruments, la Fundación Meadows, la Fundación Perot, el Banco PNC y la Fundación Comunitaria de Texas. Su inversión se basa en su largo apoyo cívico para las artes, y no podríamos haber completado este plan sin su generoso apoyo.

Espero con interés ver a la Oficina de Asuntos Culturales y sus socios en todo el espectro artístico y cultural comenzar el trabajo y las estrategias detalladas en el Plan Cultural de Dallas 2018.

Sinceramente,

Michael S. Rawlings
Mayor of Dallas

Descargue la versión en español del resumen ejecutivo del Plan Cultural de Dallas en: dallasculturalplan.com



Estimados compañeros de Dallas:

Ha sido un honor y un privilegio servir como Director de la Oficina de Asuntos Culturales de la Ciudad de Dallas durante el proceso de planificación cultural del año pasado. Como nativa de Dallas que experimentó por primera vez las artes hace más de 30 años en esta ciudad, estoy realmente sorprendida de lo lejos que hemos llegado y me inspira ver oportunidades ilimitadas para la vitalidad artística en el futuro.

De alguna manera, este long-standing Plan Cultural ha sido una gran conversación durante un año sobre algo cercano y querido para muchos de nosotros: ¡las artes y la cultura! ¿Cómo experimentamos las artes aquí en Dallas? ¿Cómo podemos participar en la producción y creación de artes y cultura que sea relevante para nuestra vida cotidiana? ¿Cómo se apoyan y se nutren los artistas y productores creativos para que puedan prosperar y seguir sumando a nuestras comunidades? Estas preguntas, además de docenas de otras, fueron los temas de conversación que casi 9,000 de ustedes discutieron, debatieron y soñaron.

Después de nuestra investigación, evaluación comparativa, análisis financiero y lo más importante, escuchar a la comunidad, surgieron seis prioridades claras. La equidad subió rápidamente: los residentes de Dallas intuitivamente sabían que los recursos y el apoyo para las artes no siempre se han compartido ampliamente en toda la ciudad y dominios artísticos. Podemos hacerlo mejor. Y, si la equidad es el centro de nuestras otras prioridades, que incluyen Diversidad y Apoyo a artistas, entonces, toda nuestra ciudad será más vibrante y creativa. Aumentar la sostenibilidad económica de todo el sector y mejorar las comunicaciones a audiencias cercanas y lejanas nos ayudará a garantizar que estamos creando más oportunidades para los artistas y la producción cultural y para las audiencias de todo Dallas.

Por último, estoy llena de gratitud hacia muchos de ustedes. En primer lugar, gracias al increíble equipo de la Oficina de Asuntos Culturales que gestionó este proceso e invirtió personal y profesionalmente para asegurarse de que todas las partes de nuestra ciudad y su tejido artístico estuvieran verdaderamente atendidas por este trabajo. Gracias al equipo de Lord Cultural Resources que trajo una experiencia externa y un marco analítico para ayudarnos a organizar nuestros datos y prioridades de manera tan hermosa. Gracias a los donantes privados que ya han invertido generosamente en las artes de Dallas por apoyar este plan para guiar al sector durante los próximos siete a 10 años. Gracias a la Comisión de Asuntos Culturales y al Consejo Municipal que se presentaron constantemente para prestar su liderazgo y apoyo a este trabajo. Y, por último, pero no menos importante, gracias a USTEDES que participaron en este Plan: ¡espero que vean cómo esto es realmente la culminación de una amplia participación comunitaria, y espero trabajar juntos para darle vida!

Todo lo mejor,

Jennifer Scripps

Jennifer Scripps
Directora de la Oficina de Asuntos Culturales

EXECUTIVE SUMMARY

A collective vision for the future of Dallas arts and culture.

In late 2017, the City of Dallas, through the Office of Cultural Affairs (OCA) launched a comprehensive cultural planning process to engage artists, local arts and cultural organizations, their leaders, and supporters as well as residents across all neighborhoods, to explore ways to strengthen and improve access to the City's tremendous assets through arts and culture.

Through this Cultural Plan and an updated Cultural Policy, Dallas is harnessing its strengths to address its challenges.

Dallas is a very different city from 2002, the last time the City embarked on an arts and cultural planning process. Today, it is the 9th largest city in the United States with 1.3 million residents, and an ethnically and racially diverse population, with just over 40% identifying as Hispanic or Latino and 60% White (~30% of whom identify as White, non-Hispanic/Latino), 25% African American, and 3% Asian-American.



The Dallas arts community contributes almost $900 million per year to the Dallas economy.

The Dallas arts community has experienced explosive growth in the last 16 years. Just a few notable successes include:

- Completion of the Dallas Arts District and Perot Museum
- Free admission at DMA
- Opening of the Dallas Children's Theater building, and
- Thriving theater scene including groups like Cara Mía, Undermain and Kitchen Dog Theater companies

WHY A CULTURAL PLAN NOW?

The OCA supports the diverse cultural ecosystem in Dallas—including artists, arts organizations, cultural places, and cultural visitors. Through the cultural planning process, we know:

- **Dallas funds culture at a similar per-capita level as peer cities across the country**—higher than Chicago and Houston while just lower than New York City.
- **The people of Dallas are spending more on buildings than people.** Over two thirds of OCA funding is allocated to city-owned cultural venues, while the remaining funds go to cultural organizations and to support public art. This concentration of OCA funds in cultural venues is unusual compared with peer cities, which tend to allocate a greater share of funding to programming.
- **The growth of Dallas' creative economy lags the economic growth of the city by 22%.** That lag is almost double that of Charlotte and more than seven times Houston. In both of those cities, the growth of jobs in the creative sector is only slightly slower than the growth of the city's overall economy.
- **Growth in the city's arts community has been uneven across neighborhoods, ethnicities and disciplines.** Neighborhoods near the urban core such as Deep Ellum and Bishop Arts have seen approximately 20% employment growth in creative industries since 2010, compared to 5-10% in further-out neighborhoods like Red Bird and Vickery Meadows.



Today

Work is underway to "jump start" this Cultural Plan's key suggested initiatives based on a strong consensus of support:

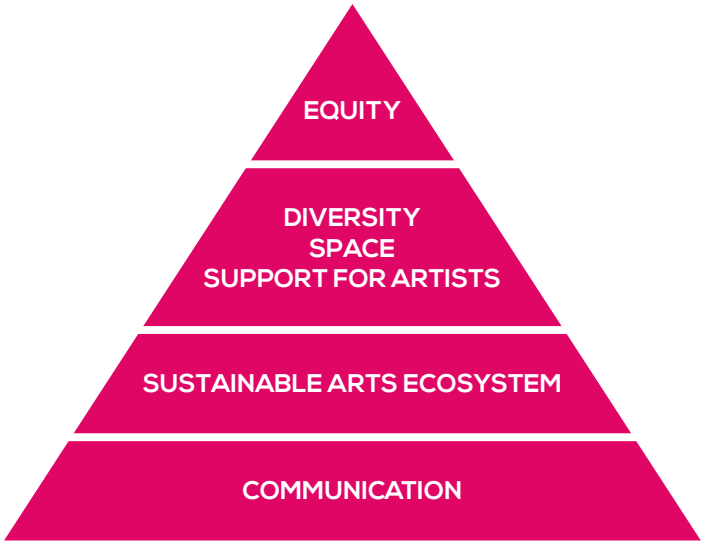
- Shifting funding programs to support more neighborhood arts.
- Completing Phase II of the Latino Cultural Center using existing 2006 bond funding to support the growing Latinx arts community.
- Connecting artists to critical resources starting with a "Space Finder" site and an Artist Resource Center.
- Launching a city-wide equity study of arts funding across multiple funders.

THROUGH THE STRATEGIES IN THIS CULTURAL PLAN...

- Artists and neighborhoods will be supported in new ways.
- As an important part of what makes our city vibrant, arts and cultural festivals can be supported.
- The OCA will shift focus from building new buildings to maintaining buildings better and supporting creators, organizations, and communities in a sustainable way.
- Dallas will have a culture of value for the arts and the power it has to strengthen our communities.

With actionable steps that can be realized through continued leadership by the City and collaborators, this 2018 plan is an invitation to the people of Dallas to explore and shape our city's cultural future.





Six priorities emerged, and were overwhelmingly confirmed, as crucial to achieving Dallas' vision for arts and culture. They are described here in rank order:

- **Equity** is fundamental to a healthy community and a healthy arts ecosystem. It is the foremost of the six priorities and will be the lens through which the rest of the plan—and OCA's work—will be approached.
- **Diversity, Space and Support for Artists** represent key categories of programs and initiatives through which OCA, other organizations, and funders can serve Dallas's arts and cultural sector and the broader community.
- **A Sustainable Arts Ecosystem** is a broader goal to which the other priorities will contribute.
- Finally, **Communication** supports and promotes all the activity taking place under the banners of the preceding priorities.

OCA vision:

An equitable, diverse and connected community, whose residents and visitors thrive through meaningful arts and cultural experiences in every neighborhood across Dallas.



Over a hundred dedicated leaders from throughout Dallas—artists, leaders in arts organizations, business, philanthropy and City government—formed taskforces to ensure that each priority was thoroughly defined and actionable. In six weeks, taskforce members met over 21 times, reviewed hundreds of pages of public input, research from the cultural planning team, and met with other entities in the city tackling their priority. The result is 31 strategies and 140 initiatives designed to tackle the heart of the city's arts and cultural needs.

As new stakeholders emerge throughout the city, new opportunities can be considered to achieve these recommendations and more.

The final Dallas Cultural Plan and an updated Cultural Policy to support the implementation of the Plan will be briefed before the Quality of Life Committee of the Dallas City Council before it is taken to City Council for full approval by the City Council.

These priorities, strategies, and initiatives are the flexible legs on which the Cultural Plan and Updated Policy stand.

FACT SHEET

WHAT

The Dallas Office of Cultural Affairs (OCA) has released the DRAFT Dallas Cultural Plan, the result of a year-long process that has sought to:

- Engage local artists, arts and cultural organizations, their leaders, and supporters as well as residents across all neighborhoods
- Explore ways to strengthen and improve access to the City's tremendous cultural assets
- Understand the aspirations and needs of artistic institutions and cultural organizations, artists and others within the cultural economy of all types and sizes
- Suggest ways and incorporate tactics to merge the work needed in arts and culture into the work of other City departments
- Provide the vision, implementation strategies, organizational structure, funding requirements and policy framework to achieve the goals and strategic objectives set forth in the cultural plan

WHO

Almost 9,000 Dallas residents have engaged with this cultural planning process.



THANK YOU TO ALL PARTICIPANTS!

6 PRIORITIES

Six priorities are crucial for Dallas to realize its vision for arts and culture in Dallas:

EQUITY

Support the broadest range of art forms and creative producers, considering inclusivity, diversity and neighborhood impact to direct resources equitably to artists and organizations.

DIVERSITY

Celebrate and promote the diversity of Dallas, while striving to improve diversity of programming, staff and organizational leadership across the cultural sector.

SPACE

Provide, create and incentivize the creation of spaces and places to encourage and allow arts and culture in Dallas to thrive and grow citywide.

SUPPORT FOR ARTISTS

Establish a supportive arts ecosystem that nourishes the creative and innovative energy of Dallas artists.

SUSTAINABLE ARTS ECOSYSTEM

Model sustainability to the arts and culture community through OCA's facilities and encourage and support the development of future sustainability in the broader arts and cultural sector.

COMMUNICATION

Promote culture as a fundamental driver of the city of Dallas. Ensure awareness at local, national and international levels of Dallas' cultural offerings through enhanced communication.

WHAT IS IN THE PLAN?

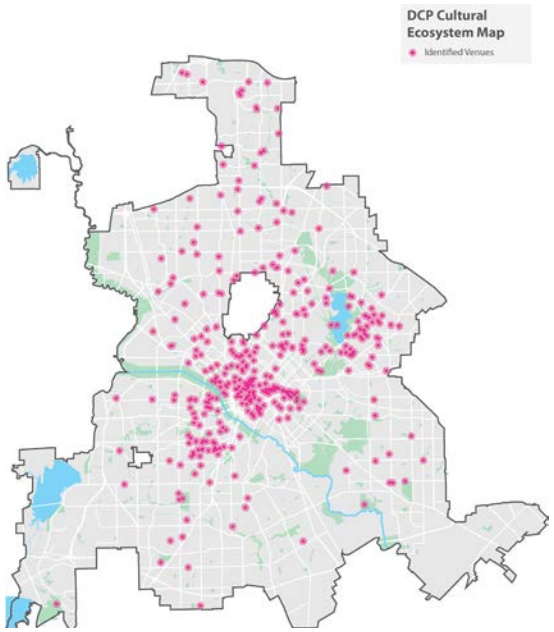
The Plan describes the major needs identified in the process:

- Distribute citywide resources equitably
- Increase support for, and understanding of, ethnic, cultural, and racial diversity
- Focus public resources on organizations as well as buildings
- Coordinate and centralize communication
- Build opportunities for economic sustainability
- Harness the value of neighborhoods while preserving the culture of those neighborhoods
- Address the need for spaces throughout the city to experience arts

Download the Cultural Plan and Updated Cultural Policy at www.dallasculturalplan.com

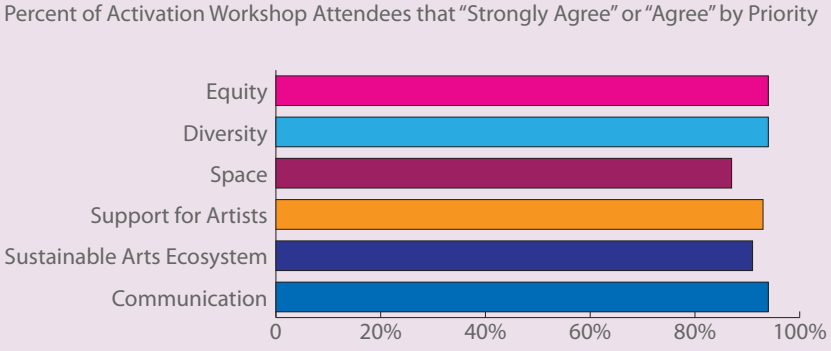
CULTURAL ECOSYSTEM

Dallas residents pitched in to identify over 600 places where they experience culture.



FEEDBACK AND ACTIVATION WORKSHOPS

Dallasites came out in neighborhoods throughout the city to share ways that they will activate the Dallas Cultural Plan and confirmed support the priorities of the Plan. At each meeting, residents overwhelmingly "strongly agreed" or "agreed" that Equity, Diversity, Space, Support for Artists, Sustainable Arts Ecosystem, and Communication are foremost in establishing Dallas' vision for arts and culture in the coming years.



1



INTRODUCTION

A booming metropolis with a thriving economy. A vibrant and diverse community. A leader in entrepreneurship, innovation and tech.

The city of Dallas is an international hub of commerce and culture. Anchoring the economically dynamic North Texas region, it is home to the third-largest concentration of Fortune 500 companies in the nation. It is the 9th largest city in America with almost 1.3 million residents. The City offers an ethnically and racially diverse population, with over 40% identifying as Hispanic or Latino and 60% White (~30% of whom identify as White, non-Hispanic/ Latino), 25% African American, and 3% Asian American.

Inspired by Mayor Mike Rawlings, who was recently awarded a National Leadership in the Arts Award by Americans for the Arts, and directed by the Office of Cultural Affairs (OCA), Dallas is harnessing its strengths to grapple with many of its challenges and plan for the future.

In late 2017, the City of Dallas launched a comprehensive cultural planning process to engage artists, local arts and cultural organizations, their leaders, and supporters as well as residents across all neighborhoods, to explore ways to strengthen and improve access to the city's tremendous assets through arts and culture.

OVERVIEW OF PLANNING PROCESS

The 2018 plan is an invitation to explore and shape Dallas' cultural future. Ultimately, the final Dallas Cultural Plan and an updated Cultural Policy to support the implementation of the Plan will be briefed before the Cultural Affairs Commission and the Quality of Life, Arts, and Culture Committee of the Dallas City Council before it is taken to City Council for approval.

Funded by a combination of private donations and public support, the City selected an integrated local and global team headed by the international consulting firm Lord Cultural Resources, with partners buildingcommunityWORKSHOP ([bc]), HR&A Advisors, and Idyllic Interactive to guide the planning effort. The City also created a steering committee of artistic and community leaders drawn from the cultural sector and other closely related industries, such as education, business, tourism, philanthropy, and economic development. In conjunction with the steering committee, the Cultural Affairs Commission, appointed by the Dallas City Council, advised the Dallas Cultural Planning process throughout.

There are four legs on which this cultural plan stands: broad and deep research, public engagement, a plan to build sustainability for the arts in Dallas, and Cultural Plan and Updated Cultural Policy.

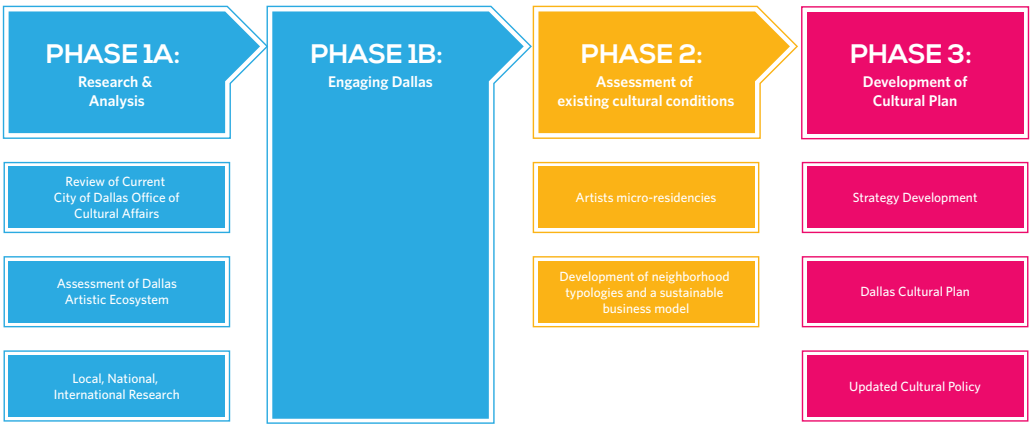
Throughout the process, with broad engagement, the OCA and cultural planning team sought input from residents, government, and the business and philanthropic communities.

The OCA has placed a major emphasis on eliciting a vision for culture based on the needs and wants of people in neighborhoods throughout the city. As a result, residents from all walks of life have been actively involved in the entire planning process, providing input through in-person town hall meetings, community conversations designed to reach all parts of Dallas' 300 individual neighborhoods, virtual engagement through the website, dallasculturalplan.com, social media platforms, and webinars.

WHY A CULTURAL PLAN FOR DALLAS?

The OCA launched this 2018 cultural plan to address gaps in cultural service delivery; expand participation in arts and cultural experiences; broaden the impact of culture on the entire city; identify new opportunities for future audiences; and stake out the city's identity through the arts and cultural expression.

The Dallas Cultural Plan translates the arts and cultural needs and identity of the City into a tool for implementing recommendations citywide.





Vision meets strategy in a cultural plan

WHY NOW?

Dallas is a very different city from 2002, the last time the City embarked upon a cultural planning process. An arts and cultural planning process develops a unified plan to direct the growth of the arts in the City.

The 2002 process and the subsequent adoption of an updated Cultural Policy and other planning efforts resulted in numerous arts and culture assets enjoyed by Dallasites and visitors today:

- Completion of the Dallas Arts District—the largest contiguous arts district in the world;
- Continued development, maintenance and operation of neighborhood cultural centers—the Latino Cultural Center, the Oak Cliff Cultural Center, the South Dallas Cultural Center, and the Bath House Cultural Center;
- OCA's cultural funding programs that support arts and cultural organizations, individual artists, and arts programs;
- Creation of new funds for the arts in partnership with the OCA, including the Dallas Tourism Public Improvement District (DTPID) and the Moody Fund for the Arts.

The 2002 update re-focused the mission, vision, program guidelines governance of the OCA, and the goals, application and selection, as well as the funding for the OCA's primary programs.



Since 2002, the Dallas arts community has seen explosive growth. It contributes almost $900 million* per year to the Dallas economy and supports the equivalent of 33,000 jobs. Just a few notable successes include:

- Completion of the Perot Museum and opening of Dallas Children's Theater building
- Free admission at the Dallas Museum of Art
- Continual growth of a thriving theater scene including groups like Cara Mía, Undermain and Kitchen Dog Theater companies

Image above: How I Became a Pirate! The Dallas Children's Theater, from www.indfwfamily.com

** Source: Arts & Economic Prosperity 5. See https://static1.squarespace.com/static/5481ef2ae4b034519de4b648/t/59552cae17bffcc205023a21/1498754224175/TX_CityOfDallas_AEP5_OnePageHandout.pdf*

The world has changed a lot since Dallas updated its Cultural Policy in 2002;

- Facebook and social media were invented
- Steve Jobs introduced Apple's newest product, the iPhone
- Dallas built a park over a highway and grew by more than 200,000 people (2005-2016)
- DART's rail system grew substantially

To understand what needed to be changed or updated in the Cultural Policy, the team examined the current Policy. It establishes that:

- The OCA is under the purview of the City Manager's Office, and is responsible for the implementation of this cultural policy and programs.
- The OCA seeks advice from the Cultural Affairs Commission and review and approval from the Dallas City Council.
- Six programs or initiatives are directed and funded by the Office of Cultural Affairs. Today, many of the programs have evolved into other uses. Those still in use include the Cultural Organization Program (COP), Cultural Projects Funding, Arts Endowment Fund and the Public Art Program.
- The word "artist" was not mentioned in the 2002 OCA mission statement.
- The 2002 policy includes statements around diversity, however equity and inclusion are not mentioned.

This evolution is possible because of the following:

- **Process for Change.** The Policy outlined governance structure allowed for the evolution and adjustment of OCA programs. Today, three of the programs identified in 2002 are still active under the same name. Since 2002, three programs have been introduced or reconfigured with new program names: Cultural Programs Funding, Cultural Vitality Program (CVP), Cultural Facilities Program (CFP), and Community Artist Program (CAP).
- **Role of Funding.** The procurement of cultural services is identified as the City's primary role, "contracting for the services of Dallas' cultural organizations and individual artists." Crafting program requirements in terms of services rendered supports the sharing or production of arts and culture, but does not contribute to the development and creation of arts and culture programming. This funding limitation may be particularly challenging for emerging artists.
- **Prominence of Public Art.** The structure of the 2002 policy gives much greater prominence to and proscription for the public art program than other OCA funding programs. This program is also distinct in its art review process and explicit collaboration with other City departments including the Park and Recreation department. Finally, public art is specifically referenced in the City's ordinance code.
- **Review Criteria.** The review criteria outlined with the Policy is primarily composed of fairly standard, or easily measurable factors. However, the Policy identifies "need" as a metric. This poses a challenge because need is not defined in the document or through an ancillary process referenced in the document. Additionally, within the criteria identified, there is no identification of weighting or importance. The City now has a rubric for evaluating projects and applications which addresses this issue.
- **Policy Update:** The 2002 Cultural Policy stated throughout the document that the policy should be reviewed and updated every 5 years.
- **Procurement of cultural services.** Current Cultural Policy does not simplify procurement of cultural services.



CITY-OWNED CULTURAL VENUES

$14.8 M Budget



CULTURAL SERVICES CONTRACTS

$6.7 M Budget



PUBLIC ART FOR DALLAS

$548,000 Budget

OCA SPENDING TODAY

The following analysis provides a high-level overview of today's spending on arts and culture by OCA and private participants in Dallas. The team analyzed the operating models of peer arts districts to uncover alternative funding sources and operating efficiencies that could be achieved in Dallas and identified opportunities to ensure the continued health of neighborhood arts groups and artists. Both of these analyses compared OCA's funding allocation to different artistic entities with the funding ratios of national peer cities and assessed how funding could more effectively serve Cultural Plan goals.

OCA supports the diverse cultural ecosystem in Dallas—including artists, arts organizations, cultural places, and cultural visitors. However, over two-thirds of OCA funding is allocated to city-owned cultural venues, while the remaining funds go to cultural organizations and the support of public art.

The City of Dallas spends just under $17 per resident on arts and culture; more than the City of Houston but less than the City of Austin. The concentration of OCA funds in cultural venues is unusual compared to peer cities, which tend to allocate a greater share of funding to artistic programming directly.

As part of Phase II, the Cultural Plan team identified opportunities for Dallas' major cultural venues to maximize revenue and operating efficiencies. New revenue and efficiencies can free up funding to support other cultural priorities such as increased diversity in programming and financially sustainable cultural organizations in the Arts District and citywide.

The City is contractually obligated to pay for normal maintenance for several City-owned arts venues.

OCA is contractually obligated to spend about $7 million, or almost 50% of its facilities funds on operations and cultural services related to three major venues in the Dallas Arts District: AT&T Performing Arts Center/ATTPAC ($4 million), the Meyerson Symphony Center (net $2 million in expenses), and the Dallas Museum of Art ($1 million).*

Capturing spending efficiencies and optimizing earned income opportunities at these facilities are among the City's most powerful tools for freeing up funding for the investments and cultural equity initiatives identified in the Cultural Plan. In addition to a more efficient operating model, many of the 23 City-owned cultural facilities under

** From City FY 2016-17 budget; $1.5 million of the annual funds to ATTPAC are for cultural and professional services through the year 2025; the Dallas Museum of Art also applied for and received $1.075 million in cultural services support via the Cultural Organizations Program in that year and offers free general admission.*



OCA's care require an injection of one-time capital funding to address deferred maintenance needs that currently exceed the OCA's annual budget of approximately $22 million. A commitment to and actionable approach for proactive maintenance can both defray future capital costs and bolster the philanthropic community's willingness to partner with the City to close this one-time gap. Financially sustainable cultural anchors will be better positioned to attract and cultivate the world-class artistic talent that is essential to Dallas' cultural ecosystem.

Like its public funds, Dallas' philanthropic funds are concentrated in large organizations and facilities compared with national peers. Higher levels of funding for large and very-large organizations may crowd out philanthropic contributions to smaller organizations. For instance, philanthropies or other donors may set aside a certain amount for cultural contributions—either explicitly or implicitly—in a given year. While some level of new funding for smaller organizations could be in addition to the existing contributions to large organizations, the overall pool may be limited.

Dallas has benefitted from enormous generosity on the part of individuals and philanthropies, who have supported the creation of the City's landmark cultural assets. These signature cultural assets continue to draw thousands of visitors to the city and help attract the world-class talent that enables Dallas to thrive. Recent cultural philanthropy has focused on major capital campaigns for individual institutions. At the close of these campaigns, Dallas has the opportunity to consider how the next generation of philanthropic funding can be spent to best support community goals and priorities.

EDUCATION AND TRANSPORTATION

Dallas residents are particularly passionate about the role of the arts in education and lifelong learning, as well as ensuring that residents across the city have equitable access to arts through public transportation options.

The Dallas Cultural Plan consulted with representatives from DISD, Big Thought, DART, and the Dallas Public Library system on their plans related to arts and culture. As part of the implementation of this Plan, continuing this integrated work will further individual organizations' goals as well as the city's arts and cultural growth.

PLANNING CULTURALLY IN DALLAS

There have been a number of plans created throughout Dallas government in the past few years. Therefore, in addition to the work of the 2002 Update to the Cultural Policy, the 2018 Cultural Plan seeks to build on the plans and efforts of these agencies, planning across sectors in the City.

We call this "planning culturally."

Dallas' arts ecosystem includes many players: artists and creatives, nonprofit arts and cultural organizations, funders, creative businesses, educators and lifelong learners, volunteers and

audiences. All these contribute meaningfully to the arts community and quality of life in Dallas. The team reviewed existing relevant planning documents to identify areas of overlap across city goals and objectives to strengthen the development of strategies for the final Cultural Plan, the resulting Cultural Policy, and their implementation. They are:

- Cultural Affairs Commission portion of City Code: Dallas City Code establishes and defines the Cultural Affairs Commission and its duties as an advisory body to the City. During the subsequent engagement process, residents generally seemed unaware of the Cultural Affairs Commission. They are advisors to OCA and can champion many of the top concerns voiced by residents — access, diversity and inclusion, increasing opportunities for emerging artists.

- *Downtown Dallas 360 Plan*: A strategic plan that outlines a vision for downtown Dallas, which includes the area commonly understood as "Downtown"—The Dallas Arts District, The Dallas Farmers Market, West End, etc.—as well as surrounding neighborhoods including Uptown, The Design District, The Cedars, Deep Ellum, and more.

- *Dallas Park and Recreation Comprehensive Plan*: The goals and strategies of the Park and Recreation Comprehensive Plan are supported by a series of specific plans that include the Downtown Parks Master Plan, Marketing Plan, Economic Value & Benchmarking Study, etc.

- *Forward Dallas!* City of Dallas Comprehensive Plan: Provides a Vision for the future of Dallas—crafted from the ideas and goals of Dallas residents.

- Dallas' first Comprehensive Housing Policy is based on the Market Value Analysis (MVA): Establishes production goals for the development of homeowner and rental housing in strategic areas for different income bands, specifically 120% - 30% of area median income.

- *Complete Streets Manual*: Provides policies and design best practice guidelines to City agencies, design professionals, private developers, and community groups for the improvement of streets and pedestrian areas throughout Dallas.

- *Dallas CityMAP*: The Dallas City Center Master Assessment Plan looks at the highways and infrastructure in and around downtown and proposes alternatives to improve conditions in the core and adjacent neighborhoods.

- *Dallas Arts District Master Plan* (6/7/2017 draft): A restructuring/revisiting of the original "Sasaki Plan" from 1982.

- *Visual Dallas:* A Public Art Plan for the City: An extensive exploration of public art in Dallas written and adopted in 1987 that not only outlines a vision for public art in the city, but also meditates on the meaning and value of art.

- *OCA Public Art Handbook:* Summarizes the history of the City's public art program, including the creation of the Public Art Committee in 1982, formalization of the program in 1985, adoption of the Percent for Art program in 1989, the goals and other features of the program, including the number of commissions and donated pieces (124 and 168, respectively). Finally, it establishes provisions for the selection process of a prequalified list of emerging artists and open calls.

- *TACA Vibrancy Study:* The National Center for Arts Research (now SMU DataArts) ranked Dallas 44 of 65 in terms of arts vibrancy in the large city category. Among the study's conclusions is that Dallas needs to increase its artist population by at least 50 percent to be at the median of comparable cities like Denver, Miami, Chicago, Atlanta, Portland, Austin and Minneapolis.



Photo by Thomas R Machnitzki, source: Wikimedia

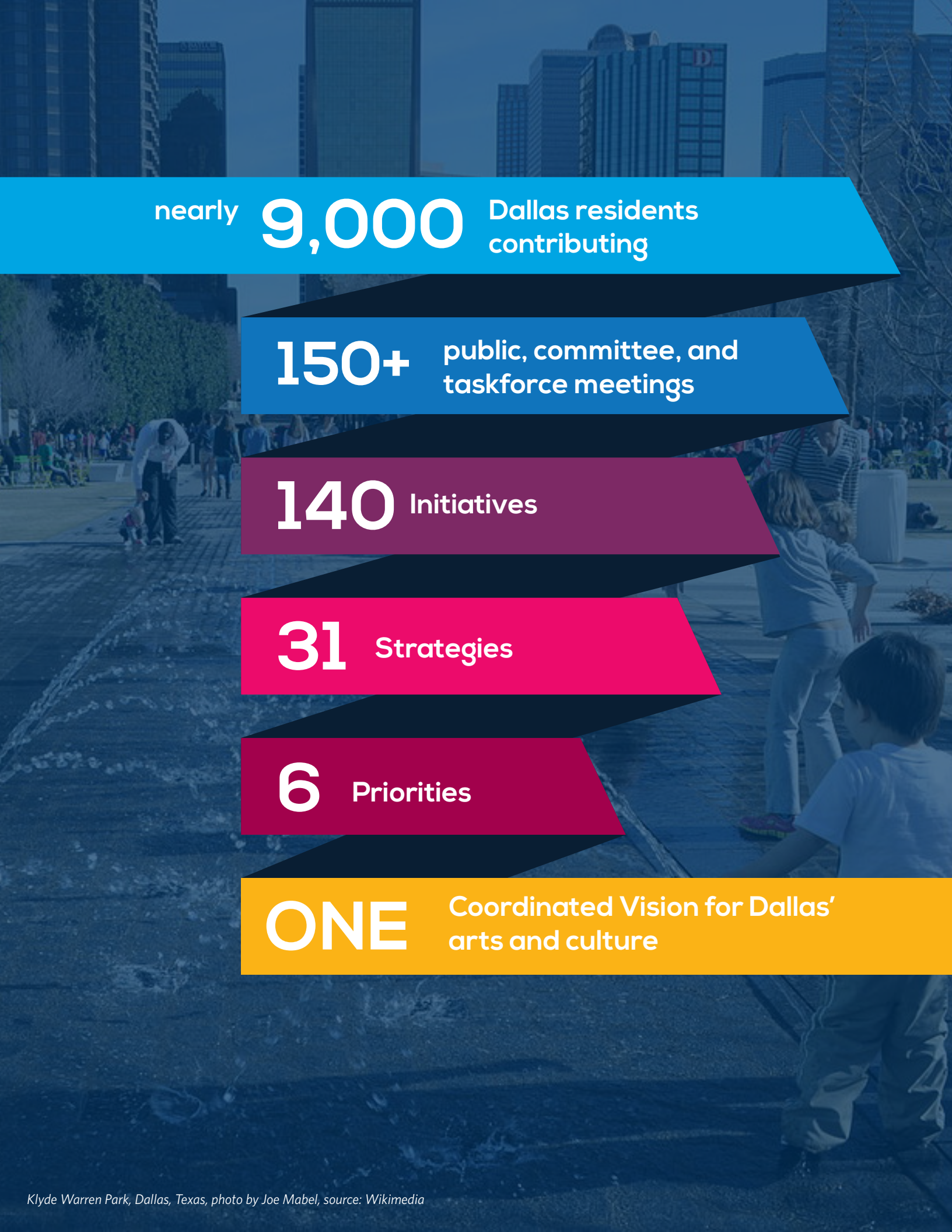
COMPARABLE CITIES: LESSONS LEARNED

In nearly any planning exercise, research into comparable efforts can be instructive by providing insights, lessons learned, and even potential strategies to explore. The Cultural Plan team researched comparable cities and regions to understand how they support, govern, and plan for arts and culture, and what they learned from their planning and implementation experiences.

Four comparable cities—Austin, Charlotte, Denver, and Phoenix— were selected because they: recently completed a cultural plan, have similar overall population and density, ethnic and racial diversity, and have experienced significant population, business, and cultural growth.

Key lessons, opportunities and considerations around planning for arts and culture planning were shared. They include the following insights:

- **Equity is essential.** And it could be a valuable lens through which to approach planning and implementation. Dallas' arts and cultural governance, organizations, and participation must reflect the changing demographics of its population.
- **Design the process to match the intended use and users**. Consider who will be using the plan and how, and design the process accordingly. Adjust as needed.
- **Consider the tools for influence — funding, political will, programs, and staff**. Ideally, all these are available. But if one is in short supply, another must make up for it. And who on the ground will monitor and wield those tools?
- **Identify the optimal role(s) for the City and its partners.** Now is an opportunity to reevaluate and identify how the City can best support the arts and culture sector, and which roles are best filled by others or achieved through partnerships.
- **Collective impact is key.** Successful planning and implementation require not only the City government, but participation from all sectors and private funders/citizens.
- **Build evaluation into the implementation plan.** Periodic assessment is critical to successful implementation and course correction. The implementation plan might benefit from including updates to measurements conducted during the planning process to assess progress.



nearly **9,000** Dallas residents contributing

150+ public, committee, and taskforce meetings

140 Initiatives

31 Strategies

6 Priorities

ONE Coordinated Vision for Dallas' arts and culture

Klyde Warren Park, Dallas, Texas, photo by Joe Mabel, source: Wikimedia


dallas
POP
PEOPLE
ORGANIZING PLACE

ENGAGING DALLAS

Understanding the successes, opportunities, and challenges of experiencing and creating art in Dallas requires engaging and highlighting the range of voices in the city.

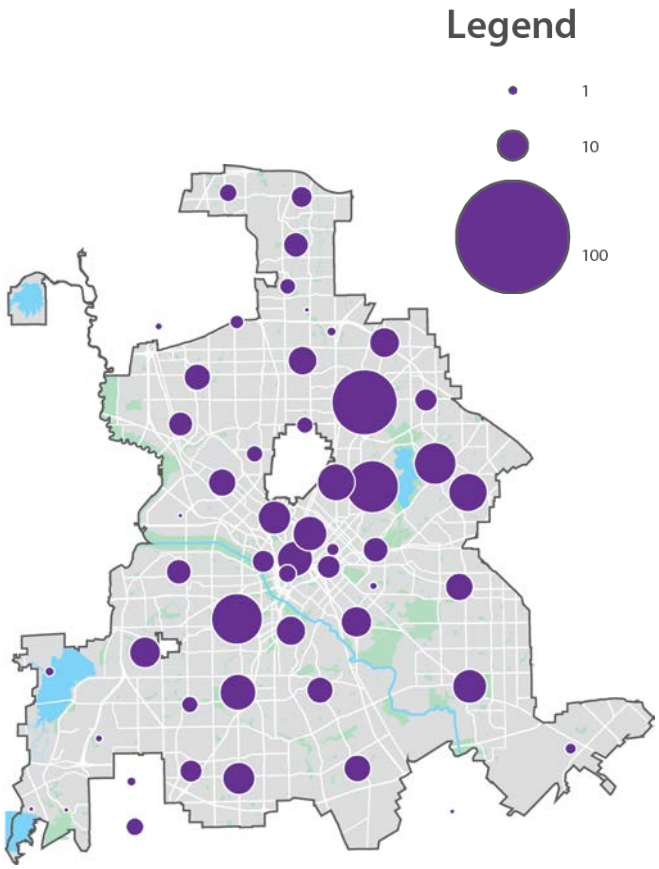
During the year-long process, the Dallas Cultural Plan engaged with **nearly 9,000 residents** at over 150 events across the city, touching each City Council District and partnering with dozens of organizations, individuals, and companies. These events fell into four categories:

- **Citywide Kickoff Events**—large town hall-style meetings held across the city to begin the cultural planning process.
- **Districtwide Community Conversations**—meetings convened in conjunction with City Council Members in their districts to delve into needs and opportunities of neighborhoods.
- **Sector Conversations**—conversations held with a particular sector or arts discipline.
- **Partner Events and Tabling Events**—the team partnered with organizations of all types, speaking at their meetings and events or at special convened conversations where the Dallas Cultural Plan was given time to present.

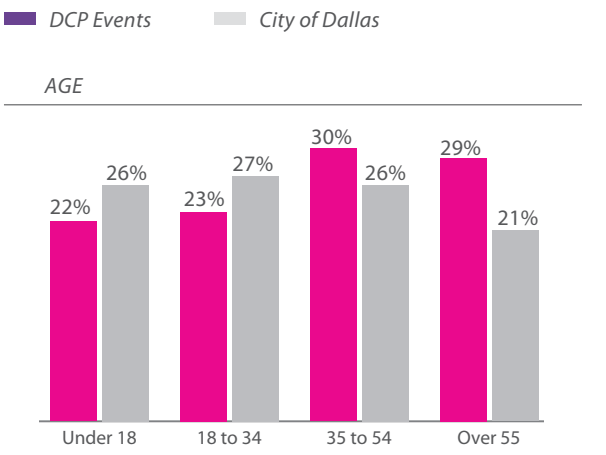
Engaging All of Dallas

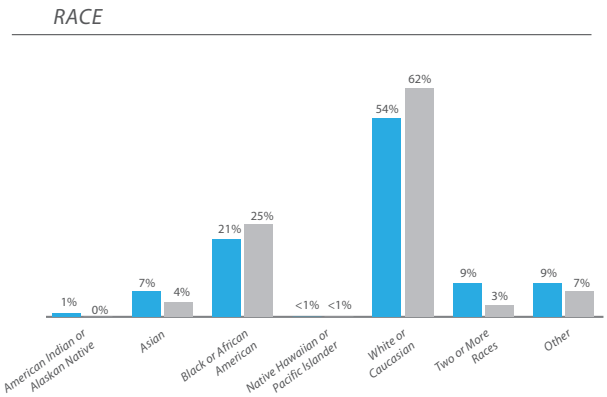
Using all the means at their disposal — special convened events, flyering, social media, existing events, and more — the team worked to reach as many people across the city of Dallas as possible. Not only was quantity important, but so was making sure that participation reflected the geographic and demographic range of the city. This was aided by working with the Steering Committee and partners like DISD, Dallas Public Library, Public Works Dallas, and others to reach a wide audience. Every zip code in the city was represented .

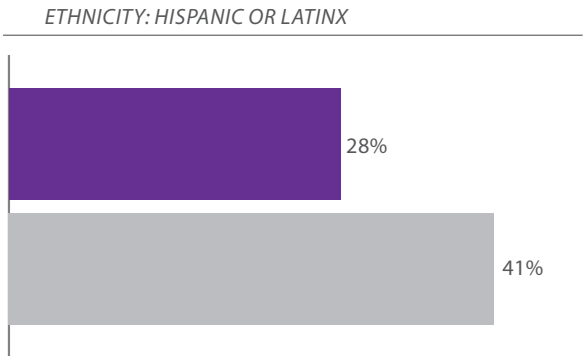
To ensure that participation in the Cultural Planning process reflected the rich diversity of the city, the OCA and team used the demographics of the city as a goal. The following charts show the racial, ethnic and age composition of participants throughout the process.

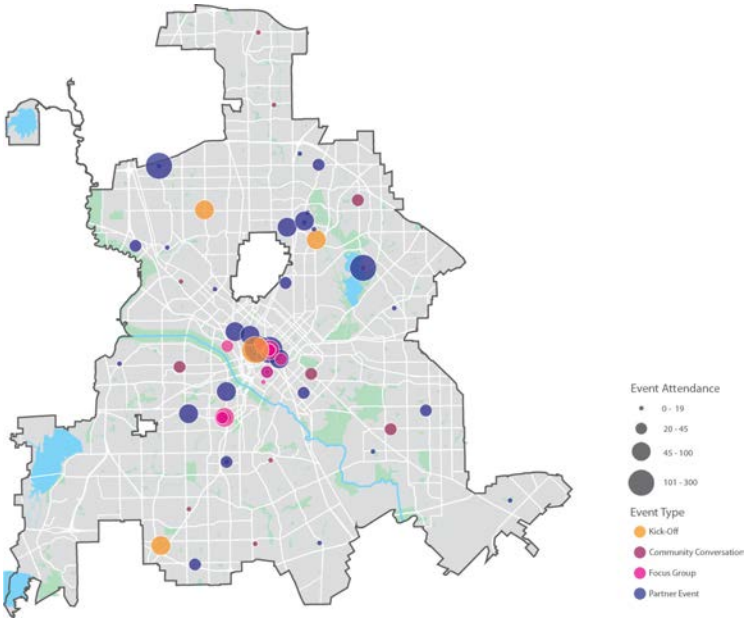


Residents from every ZIP code in Dallas participated in the cultural planning process, with many residents coming from Lake Highlands, East Dallas, Downtown, and Oak Cliff.









The Dallas Cultural Plan held meetings across the city, ranging from the large, city-wide kick-off meetings to smaller events hosted by other arts or cultural organizations.

Surveys

Two surveys were created and distributed throughout the engagement process:

- Cultural Ecosystem Map: Understanding the accessibility and availability of cultural facilities across the city.
- Cultural Participation & Awareness Survey: Understanding the extent to which Dallasites are engaged in the city's cultural ecosystem—both the types of activities in which they participate in and the scale at which they interact.

Responses to the Cultural Ecosystem Map survey are mapped in real-time on dallasculturalplan.com

Toolkits

For those who were unable to attend a meeting in person or wanted to conduct their own meeting, a downloadable toolkit was created.

The toolkit included facilitator instructions and questions that approximated the activities held during Community Conversations.

Online

The Dallas Cultural Plan used a variety of digital and online tools to build awareness of the Dallas Cultural Plan and support in-person engagement efforts. These tools include the Dallas Cultural Plan website (dallasculturalplan.com), Facebook, Twitter, Instagram, and LinkedIn.

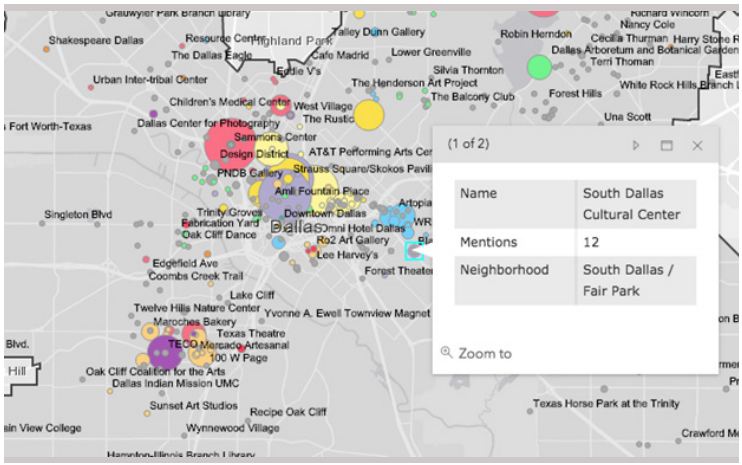
Additionally, to create interest and highlight the work of local artists, dallasulturalplan.com began a featured artist series called "Dallas Creatives."

Webinars

To support ongoing communication with residents through the Cultural Plan process, the Cultural Plan team has been hosting informational webinars. The webinars provide a space for local organizations, producers, and consumers to receive updates on specific elements of the plan, ask questions, and provide input.

Activities at the various meetings included:

- **Ideal Cultural Community:** To learn about the interdependencies of different components of Dallas' cultural ecosystem at the neighborhood and city scales, participants were asked to imagine their ideal cultural ecosystem—everything that they need in their neighborhood and in Dallas to experience and/or create arts and culture.
- **Drawing Cultural Stories:** Participants were invited to draw or write about their experience at a Dallas cultural event in order to help identify the factors (physical, social, economic, etc.) that contribute to participation in Dallas' cultural activities. Attendees were asked to think about



Responses to the Cultural Ecosystem Map survey are mapped in real-time on dallasculturalplan.com.

a neighborhood, venue, or other place they have encountered arts and culture, and then draw or write about how they experienced that place. Factors to consider included getting to the space, moving through the space, and things or people they encountered there.

- **Exploring Cultural Experiences:** A facilitated conversation with the goal of learning about how individuals experience Dallas' arts and cultural offerings. Facilitators asked questions to identify what factors (physical, social, economic, etc.) contribute to participation in Dallas' cultural activities.

- **Expression Wall:** An ongoing exercise for meeting participants to draw and write on throughout the activities. Everyone was asked to describe "What does Dallas culture in Dallas mean to you?

"Making Your Community An 'A':

In community conversations the participants were asked the following questions to learn about how people think their city or neighborhood is doing in terms of arts and culture and what could be done to improve those conditions.

Question 1: ***What community do you give an "A" in arts and culture?***
The activity starts with participants thinking about their ideal cultural city or neighborhood—a place they would give an "A" for arts and culture.

Question 2: ***What grade do you give your community?***
Then, given what they would give an "A," participants were asked to consider what letter would they give their neighborhood or city.

Question 3: ***What will it take to make your community get an "A" in arts and culture?***
Finally, participants were asked what steps could be taken—from small changes to large—to make their neighborhood or city an "A" with respect to arts and culture.



SECTOR CONVERSATIONS

Focused discussions were held with different sectors to explore the specific opportunities and challenges those groups face. While the questions varied slightly depending on the group, each meeting generally focused on three items:

What is good about working in/or experiencing this discipline in Dallas?

What is not?

What can be done to change that? How would you define/measure success of this Cultural Plan?

> ***"Arts can provide the social cohesion that allows people to build these informal networks that allow people to figure out how they can asset share."***

CULTURAL ECOSYSTEM MAP & PARTICIPATION SURVEY

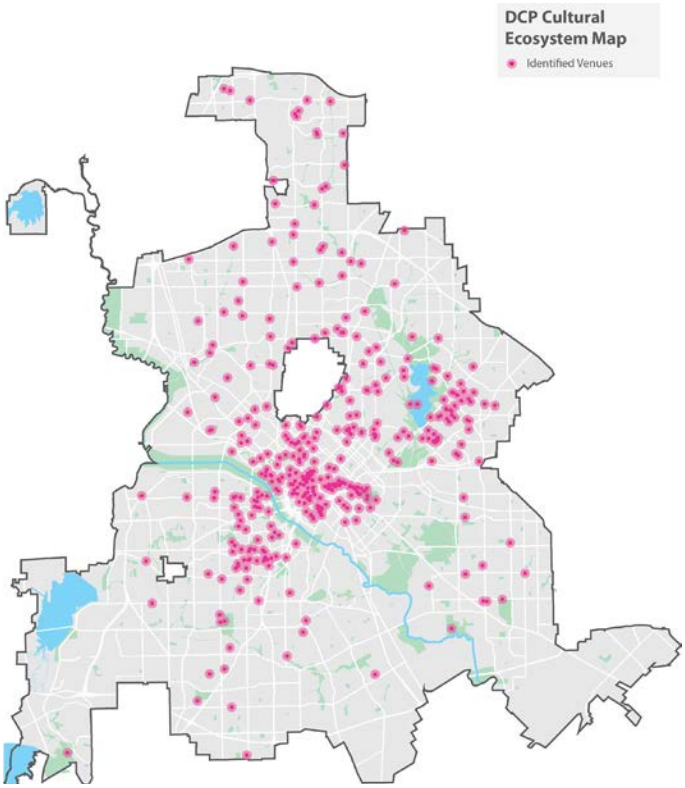
The Cultural Ecosystem Map is a crowdsourced map to learn about the places people go to experience arts and culture in Dallas.

There were **over 2,500 responses** through the online platform and in-person events (both the Dallas Cultural Plan-organized events and partner events). All told, **roughly 600 locations** were identified across the city through this process. This gives us an understanding of the places in Dallas where people go to create, experience, and learn about arts and culture.

There were responses for locations big and small in almost every part of the city. The Dallas Children's Theater (217), Dallas Museum of Art (133), and the Sammons Center for the Arts (118) were the most frequently mentioned venues.

In addition to the locations of different venues, the Cultural Ecosystem Map survey asked respondents to select the types of cultural activities they visit at any given location to experience. In total, we asked about 17 types of activities (with one as a write-in option):

- Architecture or Landscape Architecture
- Communications, Media, Publishing, or Other Graphic Design
- Cultural Arts, Heritage, or Other Folk Art
- Dance or Choreography
- Film, Video, or Television
- History or Science
- Literary Arts
- Live Music
- Murals, Street Art, or Other Public Art
- Opera
- Photography
- Radio
- Spoken Word
- Symphony, Choir, or Other Ensemble
- Theater or Comedy
- Visual Art (Illustration, Painting, Sculpture, etc.)
- Other



Locations of Cultural Venues, a single dot represents a new location.



WHAT IT MEANS: EMERGING INSIGHTS

As illustrated by the thousands of Dallasites who participated in this cultural planning process , the people of Dallas are committed to a vibrant cultural life citywide.

There are numerous ways arts and culture enrich the daily lives of citizens and that they can address issues currently being confronted by the City.

Nine themes emerged throughout the engagement process via citywide town halls, in neighborhoods, at sector meetings and individual interviews. These themes led to the development of priorities for the Cultural Plan and informed the development of strategies for the Updated Cultural Policy to fulfill the priorities.

The themes are:

- **Broaden definitions of 'art' and 'culture':** Dallas has many forms of arts and culture. However, there is concern that the City and the philanthropic community limit the definitions of art and culture. By expanding the definitions of art and culture in the city, as well as thinking about where and how it is made and experienced, many barriers to resource allocation will decrease.

- **Distribute citywide resources equitably:** Access to arts and cultural experiences are uneven depending upon the neighborhood. This is particularly true in the educational environment and lower income areas. Cost continues to be a major barrier to both experiencing and producing arts and culture. Although there are numerous opportunities for free and reduced cost cultural opportunities, there is a lack of awareness of how to access those opportunities—both from organizations producing art as well as individuals consuming it. Additionally, there are still gaps in addressing access issues created by lack of transportation and space.

- **Increase support for, and understanding of, ethnic, cultural and racial diversity:** There is a genuine desire to make all residents of the city feel welcome. However, barriers such as race and ethnicity present a divide that people often feel they do not possess even the most rudimentary tools—like language—to confront issues. There are vibrant arts and culture happenings throughout the city, but funders, audiences, and even producers tend not to cross boundaries—geographic, disciplines, race or ethnicities—to experience them. Organizations are striving to serve new audiences, but more can be done to fully include and support neighborhoods and their arts and cultural pursuits. This means ensuring that all communities are better represented and supported—leadership, staffing, programming, marketing, funding, transportation.

- **Focus incremental public resources on artists and organizations rather than buildings:** Organizations are providing arts and cultural opportunities to communities across Dallas as best they can with very limited resources. Investing in them directly offers greater benefit to Dallas residents as a whole than increased investment in cultural facilities.

- **Coordinate and centralize communication:** Stronger communication and greater cooperation amongst the arts and culture community is needed to optimize arts presence throughout the city. Without this coordination, marketing and communication of activities suffers from both an overload of information and a lack of clarity. Producers and consumers are looking for a centralized database of events, artists, and resources—a central place to learn about events, find peers for collaboration, and access resources to help each other advance their practice. The existing directories are well-used, but present challenges with learning about the wide variety of events from places that focus on specific genres or networks.

- **Build opportunities for economic sustainability:** There is palpable frustration regarding the limited economic resources available for arts and culture organizations, institutions, and individual artists. There is a demand to address issues created by a shrinking donor pool, decreased emphasis on the arts by the corporate philanthropic sector, and perceived inequities in the allocation of public funding.

- **Attract visitors and professionals beyond Dallas boundaries:** Arts and culture are a magnet, attracting the most creative minds and the brightest intellects. Leveraging the sector to attract tourists, as well as retain workers will, in turn, attract businesses attempting to reach, serve, and employ that talent. It will create the highest level and most sustainable (renewable) economic base.

- **Harness the value of neighborhoods while preserving the culture of those neighborhoods:** Throughout the City, arts and culture are a driving force in the renewal and redevelopment of neighborhoods. As the value of the land rises, many artists and arts organizations are being "priced out of their spaces."

- **Address the need for spaces throughout the city to experience arts:** There were many conversations about the types of spaces available throughout the City. Dallas-owned facilities are often difficult to use because of limitations due to operating hours. In neighborhoods, there is a positive attitude towards the opportunities to reimagine existing spaces to be more inclusive of all types of art, as well as more inclusive of both small and large organizations, and for these spaces to be accessible to many audiences.

ARTISTS ENGAGING WITH THE CITY

"We arrived at a desire to generate a shift of their outward and inward perceptions — outward to the public, inward to City.

The Dallas Cultural Plan piloted a week-long Artist Micro Residencies program that took place between March and the first half of April 2018. Artists were paired in different City of Dallas departments, as a way to highlight how artists can bring a new viewpoint and set of tools when approaching everyday municipal challenges.

A call for artists interested in participating in this pilot project was issued in December 2017. Over 50 Dallas artists applied. 12 finalists were selected by a panel of advisors and cultural plan team members to go through a "speed dating" meet and greet with the different City departments. Ultimately 6 artists or artist teams, were selected to partner with 6 departments. The residencies culminated in a symposiums event, where artist and City staff shared their experiences and insights from the experience.

KEY FINDINGS:

- The residency provided an opportunity for the artists to see and experience how the City works — and vice versa fostering greater understanding, altered perceptions, and increased awareness of future partnership opportunities.
- Overall the residency exceeded participants expectations.
- Both the artist and City staff shared that the experience provided greater insights and new perspectives on their work.
- Artists and City staff expressed a desire for more time, both in the lead up to the residency and for the residency itself.

RECOMMENDATIONS:

- **Expand the Residency Period**
  - » Almost everyone thought the residency should be longer than 1 week
  - » Explore residency options that allow artist to dedicate 2 to 3 days a week or half days instead of a traditional 40 hour work week.
- **Bolster the Pre-Residency Activities & Support**
  - » Support the matching process by providing more information to Artists and City departments on their respective focuses/ interests
  - » Increase the amount of time in between the "speed dating session" and the final matching for more discovery and conversation.
  - » Provide in-person onboarding for artists and City departments
  - » Share key dates, objectives, and deliverables with participant prior to starting the residency
- **Support cross-residency artist communication**
  - » Organize opportunities for artists working in different departments to meet and share their experiences during the course of the residency
- **Expand the Post-Residency share out**
  - » Provide more time for artist and City departments to share what they learned from their experiences
  - » Provide additional opportunities for departments to learn from other residency outcomes.

Residency Descriptions:

KAEL ALFORD & OFFICE ON WELCOMING COMMUNITIES AND IMMIGRANT AFFAIRS

Artist: Kael Alford is a photographer, writer and educator. Her works seeks the accountability of dominant power structures and the responses and innovations of communities and individuals in search of security and self-determination. As a photojournalist, she covered the dissolution of Yugoslavia from 1996-2002, the 2003 U.S. invasion of Iraq and its aftermath, and the impact of oil and gas drilling, coastal erosion and climate change on communities in coastal Louisiana. In Dallas she teaches photography at SMU, Texas A&M Commerce and Eastfield College.

Department: The Office on Welcoming Communities and Immigrant Affairs (Dallas WCIA) was established in March 2017 to promote the civic, social and economic engagement of immigrants residing in Dallas. The WCIA's seeks to be a bridge connecting Dallas' diverse immigrant community with existing residents so that common ground, shared leadership and equitable participation in civic life can be realized.

Residency: Alford investigated ways that visibility and image sharing could play a role in addressing feelings of insecurity and safety among recent immigrant and refugee communities in Dallas. Fear among these groups has reduced their engagement with essential public services and civic participation. Through her time with OWCIA staff and the immigrants and refugees she met through the residency, she evaluated how imagery could be used to make immigrants and refugees more visible to the residents of Dallas and therefore feel more welcomed and acknowledged. And could that visibility help others see these newcomers more clearly and encourage people to reach out? Alford proposed Welcoming Plan photography that would highlight, among other things, the welcoming work that is currently being done, City services and programs, and an atmosphere of inclusivity among city residents old and new.

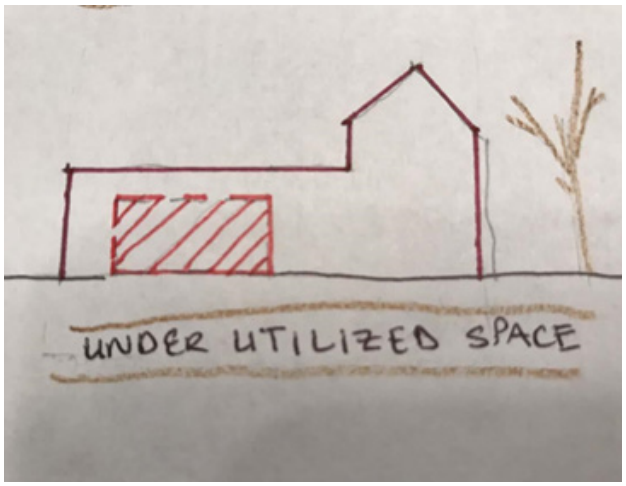


Diagram of Library Underutilized Space Image Credit: Artsillery



Website Stickers for promoting available space Image Credit: Artstillery

ARTSTILLERY & LIBRARIES DEPARTMENT

Artist: Artstillery is an experimental performance company that empowers marginalized communities and reveals the rawness of truth in human life. Their work consists of live performances, soundscapes, video and puppetry in an immersive experience for audience members.

Department: The Dallas Public Library strengthens communities by connecting people, inspiring curiosity and advancing lives.

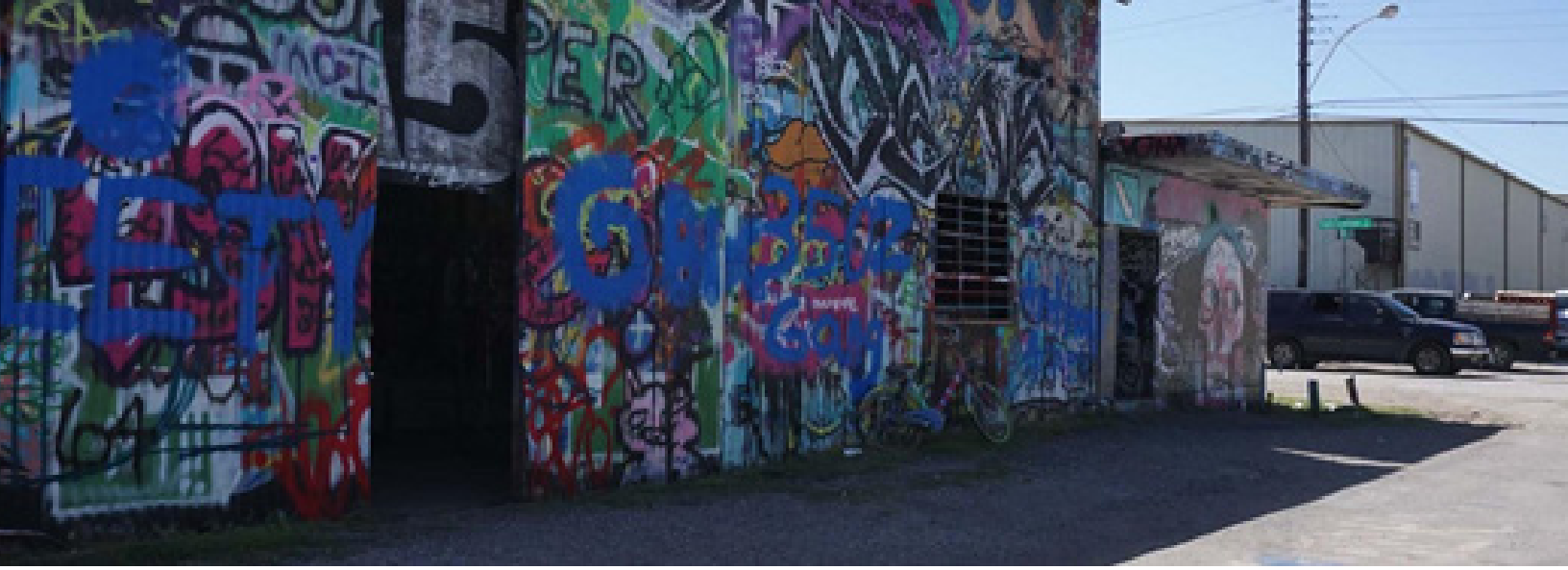
Residency: Artsillery and the Dallas Public Library explored how to activate underutilized library spaces, and revitalize the connection between libraries and their communities. Using the Skyline Branch Library as a test case, Artsillery explored public and private strategies for how it could be used in the future — either for public or private use. They also used web based tools for the Library to communicate the space they have available, what it can be used for, and target groups. They created a "next steps" that included the development of new networks and relationships, programs that can be cultivated through networking events, teaching artists, and/or art exhibitions, and support tools for those seeking to use their spaces.

IV AMENTI & THE DEPARTMENT OF PARKS AND RECREATION

Artist: Iv Amenti has been a Creative Social Practitioner in the city of Dallas for more than 15 years. As a professional in the performing arts, she partners with communities to create storytelling opportunities using various artistic mediums.

Department: The Dallas Park and Recreation Department's mission is to champion lifelong recreation and serve as responsible stewards of the city's parks, trails, and open spaces. With that mission in mind, the Department's vision for the future is for a comprehensive system of parks, trails, open spaces, and recreation facilities that sustains, inspires, and invigorates.

Residency: Amenti sought to address the growing concerns of seniors, who regularly use the local recreation center, who felt displaced during peak youth programming hours or seasons. Amenti worked to create a series of protocols that could be used by facilitators to create programming targeting youth and seniors. The design allows for weekly gatherings that offer physical, mental, social, and emotional interaction. After the seven-week program, she recommended an assessment of activities, with the purpose of refinement and expansion.



Example of Graffiti on local buildings — taken during a ride-along with Code Compliance. Image Credit: Justin Childress

JUSTIN CHILDRESS/GRAY GARMON & THE DEPARTMENT OF CODE COMPLIANCE

Artists: Gray Garmon is a Clinical Professor of Design and Innovation at Southern Methodist University. He has a Master of Architecture from the University of Pennsylvania, and practices Human-Centered Design to understand and deeply appreciate the context of human behaviors, emotions, and motivations to design more innovative solutions. Gray is a Returned Peace Volunteer (Ghana 07-09), an American Institute of Architects Henry Adams Medal Winner, and a University of Pennsylvania Social Impact Fellow.

Justin Childress is a Creative Director and partner at Switch, a strategic branding and interactive design studio with offices in Dallas and Oklahoma City. He received his BFA in Communication Design from TCU and his MFA from Texas A&M University-Commerce. From 2016-2017, Justin served as Designer in Residence for SMU's Master of Arts in Design and Innovation graduate program, and in 2017 he joined MADI's lecturing faculty.

Department: The Department of Code Compliance's mission is to foster clean, healthy, safe, enriching communities while preventing physical blight from Dallas neighborhoods.

Residency: Childress and Garmon became active participants in the world of Code Compliance. Through ride-alongs, they were able to see the work done everyday by the Department, including neighborhood concerns, clearing heavy debris, collecting discarded needles, and inspecting Dallas' food establishments. Through their experience they developed a series of strategies that would support the goals of the Department, community advocates, and increase connection between residents and Code Compliance.


MY NEIGHBORHOOD

Add yourself, friends, pets, and family!

Write a poem about your neighborhood!

My Neighborhood

My neighborhood looks like _____

My neighborhood sounds like _____

My neighborhood tastes like _____

My neighborhood smells like _____

My neighborhood feels like _____

Did you know?
The City of Dallas Planning and Urban Design Department wants to help you make your neighborhood the best that it can be.

What do you want for your neighborhood?
- Safe Streets
- Clean water
- Recycling
- Trees and parks
- Access to public transportation
- Welcoming spaces

Your voice is important!
Call the Neighborhood Vitality Team for help, to learn more, and to get involved with your community! (214) 671-8900

http://dallascityhall.com/departments/pnw/Pages/NeighborhoodVitality.aspx

Activity Sheet Developed by Melissa Gonzales
Image Credit: Melissa Gonzales



Example of Team Building Engagement
Image Credit: Constance White

MELISSA GONZALES & THE DEPARTMENT OF PLANNING AND URBAN DESIGN

Artist: Melissa Gonzales is a Gallery Educator at the Nasher Sculpture Center of Dallas, where she primarily leads student tours; develops resources for teachers; and teaches workshops for students, teachers, and adult visitors. She previously spent 15 years with the Education Department of the Dallas Museum of Art. At the DMA, Gonzales oversaw the Go van Gogh school and community outreach program, which provides volunteer-facilitated experiences in classrooms throughout Dallas.

Department: The Planning & Urban Design Department develops comprehensive plans, policies, and programs through effective community engagement. Our goal is to advance livability, economic vibrancy, sustainability, and equity throughout Dallas.

Residency: Gonzales worked with the Planning and Urban Design Department on school and community outreach projects. She started with a simple question "What is an urban planner?" She used this in developing an interactive presentation for school career day visits. A similar question appears in the activity sheet she developed for children to introduce them to the idea that they are a part of a neighborhood and can want things for their neighborhoods.

CONSTANCE WHITE & THE OFFICE OF ENVIRONMENTAL QUALITY

Artist: Constance Y. White is a professional creative who imagines and manifests the possibilities of meaningful beauty and design in neighborhoods and urban spaces. Through planning and co-design she seeks to thoughtfully craft relevant and creative opportunities that allow communities via diverse, innovative and site-responsive ways to express their unique and collective voices.

Department: The Office of Environmental Quality (OEQ) is committed to protecting and improving the environment by leading and guiding the City of Dallas in our efforts on environmental compliance, pollution prevention, and continual improvement.

Residency: White engaged the department staff through interviews, meetings, and site visits to explore the challenges and opportunities within the organization. She discovered a series of challenges, many of which stem from the difficulties of communicating vitally important but highly technical information in a way that compels people to respond. Though the process she was able to outline the key areas of work and recommendations for moving forward. Additionally, she modeled strategies of engaging residents in art creation activities that could be used as a model for the Department in their engagement efforts.

3



Artists work day event - Photo by Steve Rainwaiter, via Flickr

SERVING DALLAS' NEIGHBORHOODS

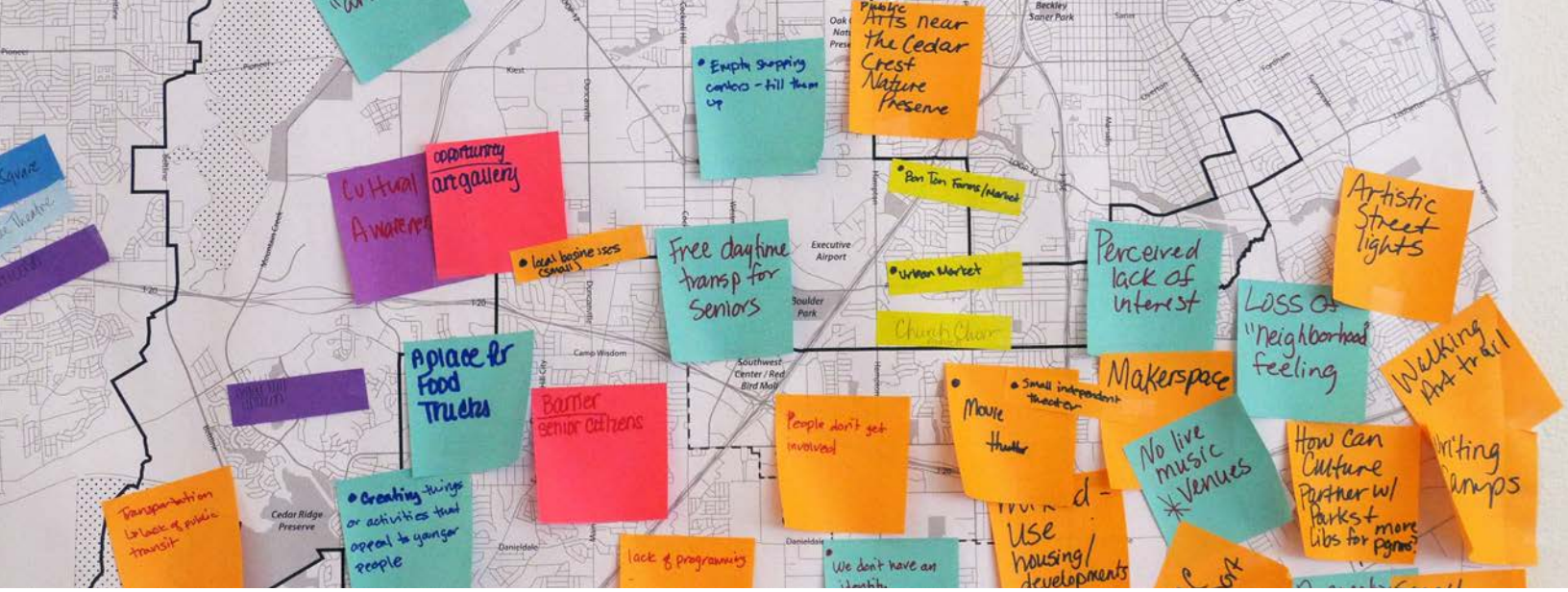
Dallas' 1.3 million residents live in more than 400 unique neighborhoods across the city, from Churchill Pointe (the smallest neighborhood) in northern Dallas to Pleasant Grove (the largest) in far southeast Dallas[1].

Arts and culture are created and experienced in all corners of the city, but some neighborhoods are hubs of activity for different types of artistic expression or cultural representation while others see considerably less activity than others.

This chapter explores opportunities to ensure that, throughout the city of Dallas, residents and visitors have equitable access to arts and cultural experiences through:

- The development and analysis of Neighborhood Typologies
- Further illustration of the differences in the neighborhood typologies through the examination of three example communities, in-depth, and finally
- Suggestions for potential types and locations for art in public places across Dallas.

[1] *According to the U.S. Census Bureau, Dallas had a population of 1,317,942 in 2017 (based on the 2017 1-Year Estimates from the American Community Survey).*



WHY NEIGHBORHOOD TYPOLOGIES?

In order to understand how similar, or dissimilar, Dallas neighborhoods are when it comes to accessing cultural assets, the team used public data, findings from the community engagement process and OCA data to create a set of categories, classifications, or types of information based on commonalities or shared traits[2] called typologies.

Typologies are an important tool providing a shared baseline of knowledge, organizing information, and supporting future research, analysis, and planning.

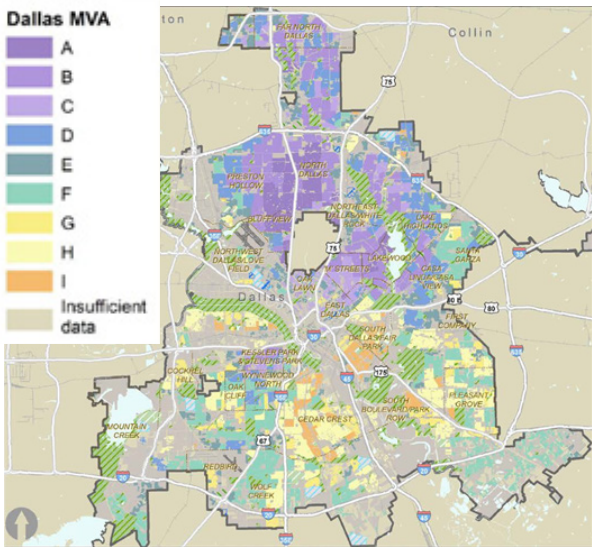
This approach is used in many ways: market segments are used by businesses to understand demographic characteristics in areas they serve (or wish to serve), just as customers choose vehicles to purchase based on the functions they serve (a minivan is a type of automobile, as are sedans, motorcycles, and pickup trucks).

This approach is not new to planning projects in Dallas. Typologies have been used in a variety of ways throughout Dallas' history to support various planning efforts. In recent years, the Market Value Analysis, Neighborhood Plus, and Park and Recreation Department have all employed the use of typologies to help organize information and drive planning initiatives. For the Dallas Cultural Plan, neighborhood typologies were identified that help illustrate how different neighborhoods in Dallas are served by the city's vibrant arts and culture ecosystem.

[2] According to the Oxford English Dictionary, a typology is 'a classification according to a general type, especially in archaeology, psychology, or the social sciences. https://en.oxforddictionaries.com/definition/typology

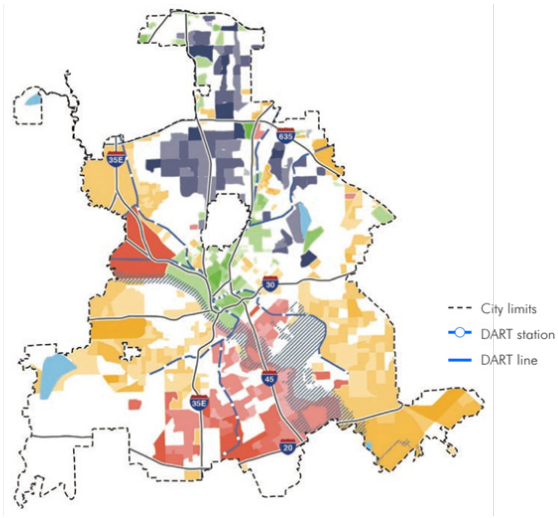
[3] To see the different variables used in the MVA, you can learn more at: https://dallassdc.maps.arcgis.com/apps/MapSeries/index.html?appid=4a2452e757ac499f942689b473c3a265

Examples of Neighborhood Typologies in Dallas Planning



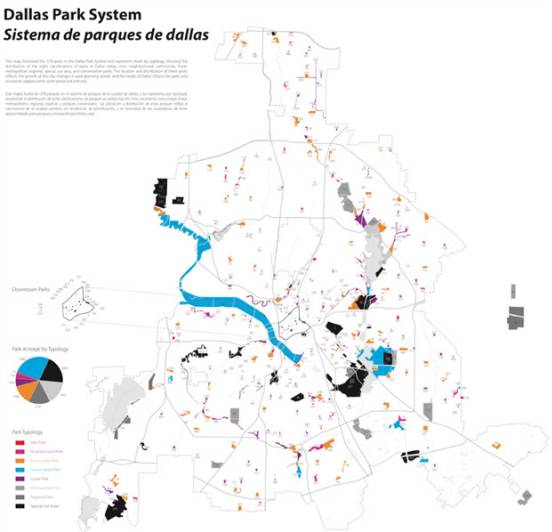
Market Value Analysis (MVA)

In February 2018, Dallas' Department of Housing and Neighborhood Revitalization released the city's Market Value Analysis (MVA), identifying the strength of an area's housing market to inform the development of policies specifically geared to the local housing market. This analysis segmented every residential block into nine typologies that describe the strength of the local housing market.[3]



Neighborhood Plus

In 2014, the City of Dallas' Neighborhood Plus planning initiative developed a typology of 4 neighborhood classifications to understand the geography of the city's diverse population.



Park and Recreation Park Types

The Park and Recreation department's number of park types are based on size, amenities, and primary use. This system helps target specific types of programming or planning decisions, maintenance needs, and even philanthropic funding in some cases.

METHODOLOGY

Identifying groups of neighborhoods based on how they are served by Dallas' arts ecosystem is best approached through a variety of approaches to spatial analysis.

Scale

Nearly 400 neighborhoods have been identified across Dallas.[4] The team used Census block group boundaries to approximate neighborhoods across the city, which also allows for a more accurate comparison of neighborhood typologies using demographic and socioeconomic data provided by the U.S. Census Bureau.[5] The City of Dallas is split into more than 930 Census block groups which do not clearly adhere to the city's neighborhood boundaries or jurisdiction, but provide the best scale at which to understand differences between relatively small areas of the city.



[4] [bc] has identified nearly 400 neighborhoods in Dallas through the People Oranizin Place! Neighborhood Map initiative. Learn more at http://peopleorganizingplace.com/know/
[5] Census Block Groups are clusters of blocks within the same Census tract that are generally defined to contain between 600 and 3,000 people. Learn more at: https://www.census.gov/geo/reference/gtc/gtc_bg.html
[6] http://desktop.arcgis.com/en/arcmap/10.3/tools/spatial-statistics-toolbox/grouping-analysis.htm

Analysis & Data

In order to identify neighborhoods that share similar characteristics, a cluster analysis was performed using Esri's ArcGIS software (specifically the Grouping Analysis tool).[6]

A variety of data sources were used to inform the development of the neighborhood typologies, covering topics from race and ethnicity, educational attainment, cultural economy, employment, and other issues relevant to the cultural planning process. Datasets were identified based on information learned during community engagement and internal conversations amongst the team.

To be used in the typology development, however, two primary requirements were placed on the data: 1) any data must be available citywide and 2) data must be able to be used at the block group scale in some way. Additionally, data needed to help identify similarities and differences between a block group's access to cultural amenities (both the physical access to those spaces and the existence of them within the block group).

Analyses performed by the team include many iterations that combine socioeconomic, built-environment, and cultural ecosystem data. However, much of the analysis that included socioeconomic factors resulted in typologies that primarily reflected the city's underlying socioeconomic divisions (e.g. clear distinctions between the city's northern and southern neighborhoods, between neighborhoods of color and primarily white neighborhoods, etc.). In these particular iterations, cultural ecosystem variables provided little impact on the resulting neighborhood typologies which were largely determined by whichever socioeconomic variables were included.



Based on the intended use of these neighborhood typologies, five datasets were ultimately used to help divide the city into distinct cultural typologies, four of which are measures of the city's existing cultural ecosystem. These five variables measure the concentration of cultural activity across the city, access to cultural venues, and provide a way to delineate residential neighborhoods from those that have a greater variety of land uses.

Neighborhood Typology Variables

- Percent of single family residential properties
- Concentrations of cultural venues identified through the Dallas Cultural Plan 2018 ecosystem mapping process
- Access to dedicated arts venues
- Access to city-funded public art
- Concentrations of OCA funded performances in FY 2016-2017

Each of the above datasets provides a different way of viewing the city in regards to arts and culture, with the exception of the single-family residential properties data. It was important to use this as an input in typology development because much of Dallas is made up of residential neighborhoods (with large areas of single-family detached housing and limited commercial properties). When groups of data were used that did not include land use data (or some proxy thereof) the resulting typologies did not speak to the varied nature of Dallas' block groups. Adding in the single-family data helped separate primarily single-family residential neighborhoods from areas with more varied land uses .

For each typology described in the following section, additional data points are shown to help provide further context for the diversity found within each typology as well as differences between them.

NEIGHBORHOOD TYPOLOGIES FOR ARTS AND CULTURAL DEVELOPMENT

The team identified four primary typologies of neighborhoods in Dallas based on access to cultural resources:

- Urban Core Arts Destinations
- Mixed Urbanism Arts to Explore
- Residential Opportunities for Arts
- Opportunities for Arts in Non-Traditional Spaces

Each of these neighborhood types are reflective of distinct cultural environments.

Neighborhoods in the Urban Core Arts Destinations typology represent the Arts District and several neighborhoods around Downtown Dallas. However, most of Downtown Dallas actually falls within the Mixed Urbanism Arts to Explore typology.

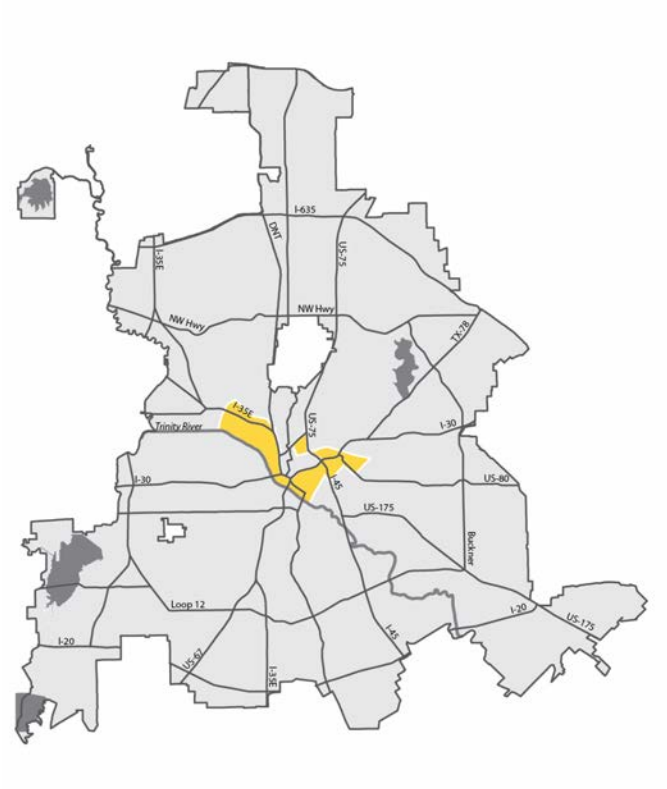
Typology	Urban Core	Mixed Urbanism	Residential Opportunities	Non-Traditional
Population (% of City)[7]	13,810 (1%)	287,231 (22%)	686,060 (54%)	282,114 (22%)
Land Area (Sq. Mi.)[8]	7.23	66.79	206.83	59.74
Percent of City Tax Base[9]	4%	41%	36%	18%
Creative Economy Employment[10]	13,555	29,572	13,132	9,662
Under 18 Years Old (%)[11]	3%	20%	29%	26%
18 to 29 Years Old (%)	33%	20%	17%	26%
30 to 44 Years Old (%)	35%	24%	21%	25%
45 to 64 Years Old (%)	28%	24%	24%	17%
65 Years Old or Over (%)	2%	12%	10%	6%

[7] U.S. Census Bureau, American Community Survey, 2012 - 2016 5-Year Estimates, Table B01003. Generated by Owen Wilson-Chavez in March 2018 using American Fact Finder.
[8] Based on data from the City of Dallas
[9] The City's GIS from the City's taxable value field. Then the taxable rate was multiplied by the tax rate 2017. Those are the 2017 certified tax values. Tax parcels were added up if the midpoint of the parcel falls within the typology — this does mean that some parcels were left out of the total, because their mid-point was not within any of the typology boundaries.
[10] Using the same selection approach as defined for footnote 9, Creative Economy employment data from Emsi, Inc. at the ZIP Code level was used to estimate the number of creative economy employees are found within each typology. Approximately 6,800 employees are not counted due to the selection approach and scale of data available.
[11] U.S. Census Bureau, American Community Survey, 2012 - 2016 5-Year Estimates, Table B01001. Generated by Owen Wilson-Chavez in March 2018

Urban Core Arts Destinations

Less than 2% of the city land area, this typology represents a high concentration of OCA funded arts and cultural experiences, access to public art, and have a large share of the city's arts and culture-oriented businesses. This typology should not be confused with the boundaries of Downtown Dallas, as only a portion of Downtown falls within this category (The Dallas Arts District, specifically). This area has primarily commercial, industrial, and multifamily land uses, have high concentrations of publicly-identified cultural assets, public funded public art and cultural experiences, and have the best access to dedicated arts venues in the city.

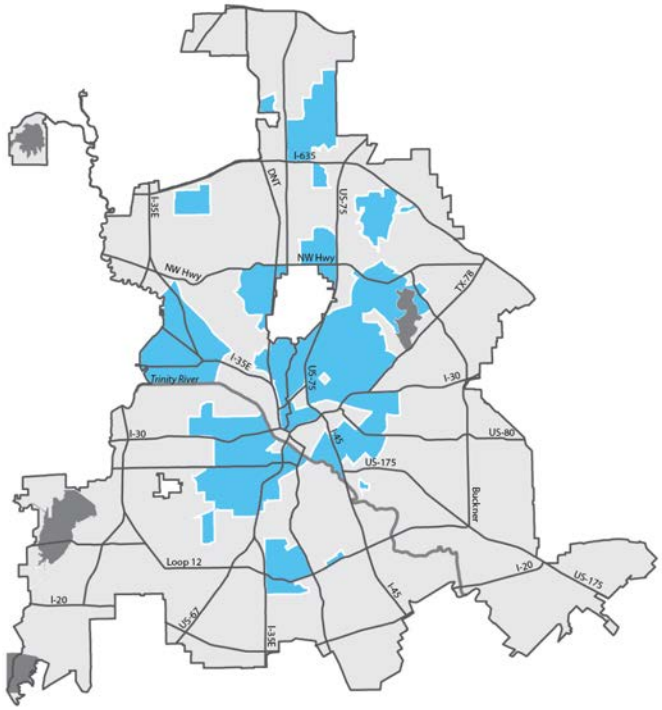
Examples of this type of neighborhood include:
Arts District, Cedars, Deep Ellum, Design District, Exposition Park (includes Fair Park)



Mixed Urbanism Arts to Explore

Many of the city's older neighborhoods, especially those closer to downtown, have a variety of land-uses, ranging from single family residential, multi-family residential to commercial retail, office buildings, and industrial uses. These neighborhoods have a high density of publicly-identified cultural assets, good access to dedicated arts venues, and high concentrations of publicly funded cultural performances and public art.

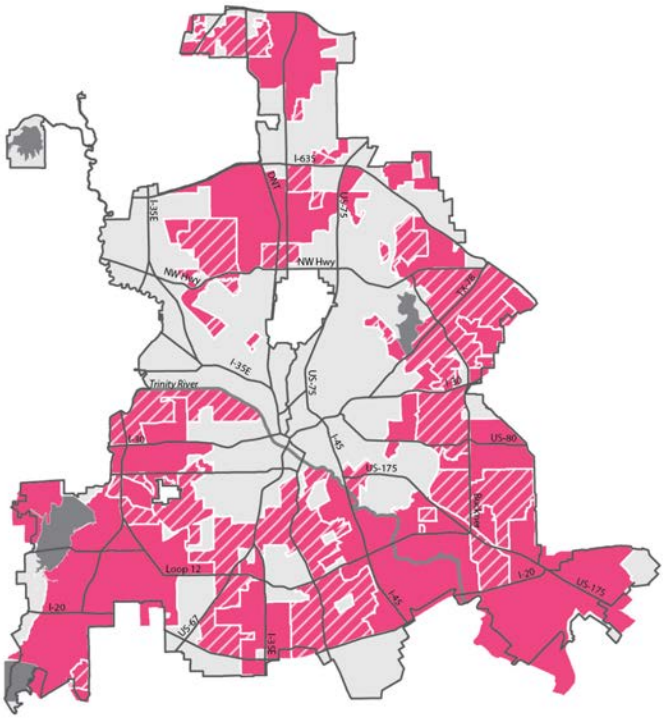
Examples of this type of neighborhood include:
Bishop Arts District, Lakewood, Frazier, Singing Hills, Valley View, Elm Thicket, Fair Park, La L'Aceate



Residential Opportunities for Arts

Residential neighborhoods make up the majority of Dallas' developed area, many of which are primarily made up of collections of single family homes, small strip centers, and the occasional apartment complex. Neighborhoods in this typology are mostly single family in nature, with limited access to dedicated arts venues, low concentrations of publicly-identified cultural assets, fewer OCA-funded public art experiences than the Urban Core or Mixed Urbanism typologies, and mixed access to City-funded public art. A specific delineation was found within this broader category, where some neighborhoods have better access to OCA-funded public art than others (areas with better access are noted with hatching in the map below).

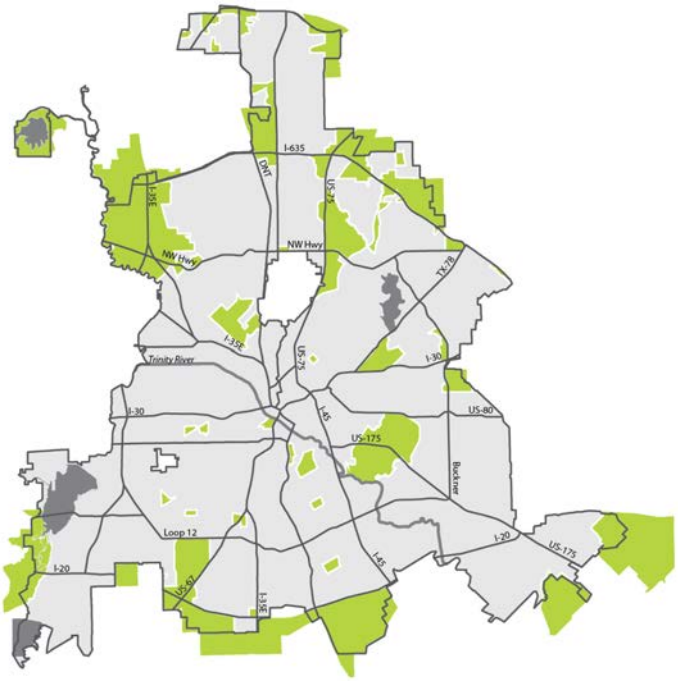
Examples of this type of neighborhood include:
Brettonwoods, Casa View, Cedar Crest, Glen Oaks, Kiest Park, Lake Highlands Estates, Los Altos, Pleasant Grove, Pleasant Mound, Walnut Hill, White Rock Valley



Opportunities for Arts in Non-traditional Spaces

Many of the city's neighborhoods do not fall neatly into the typologies identified above. These neighborhoods provide Opportunities for Arts in Non-traditional Spaces due to their varied landscapes — neighborhoods with many apartment complexes, industrial areas, and warehouse districts all fall into this typology.

Examples of this type of neighborhood include:
Bachman, Bonton/Ideal, Cadillac Heights, Vickery Meadow



PUTTING CULTURAL NEIGHBORHOOD TYPOLOGIES INTO ACTION

How these typologies are used, by the Office of Cultural Affairs and others, can vary depending on need. Specific policies and programs put in place following the release of the Cultural Plan might choose to focus on strategies that address the underlying reasons neighborhoods were assigned to a given typology. Neighborhoods in the Residential Opportunities for Arts typology, for example, could see increased access to cultural experiences through the creation of new dedicated arts venues or new public artworks. Similarly, a neighborhood in the Non-traditional Opportunity for Arts category might see new public artworks respond to specific conditions found in the neighborhoods or begin to populate barren public infrastructure (roadway medians, parking meters, etc.).

However, it should be noted that these typologies are not a gradient. There is not an inherent trajectory from a Non-Traditional Opportunities for Arts to Urban Core Arts Destinations, nor should there be. Residential neighborhoods do not need to evolve to become akin to Deep Ellum, but expanding access to cultural spaces (artist studios, heritage museums, public art, performance space, etc.) helps increase the vibrancy of the entire cultural ecosystem. As changes unfold during the implementation of the Cultural Plan and Policy, it will be necessary to update and revise these neighborhood typologies with new data and information.

Understanding Dallas' Arts And Cultural Ecosystem On A Neighborhood Scale

Neighborhood-scale arts and culture plays an important role in Dallas' cultural ecosystem. Today, these neighborhoods and the artists that live there face a number of challenges including:

- Access to cultural events across the city
- Housing options for artists
- Affordable rehearsal & studio space
- Available local cultural venues
- Business support and resources

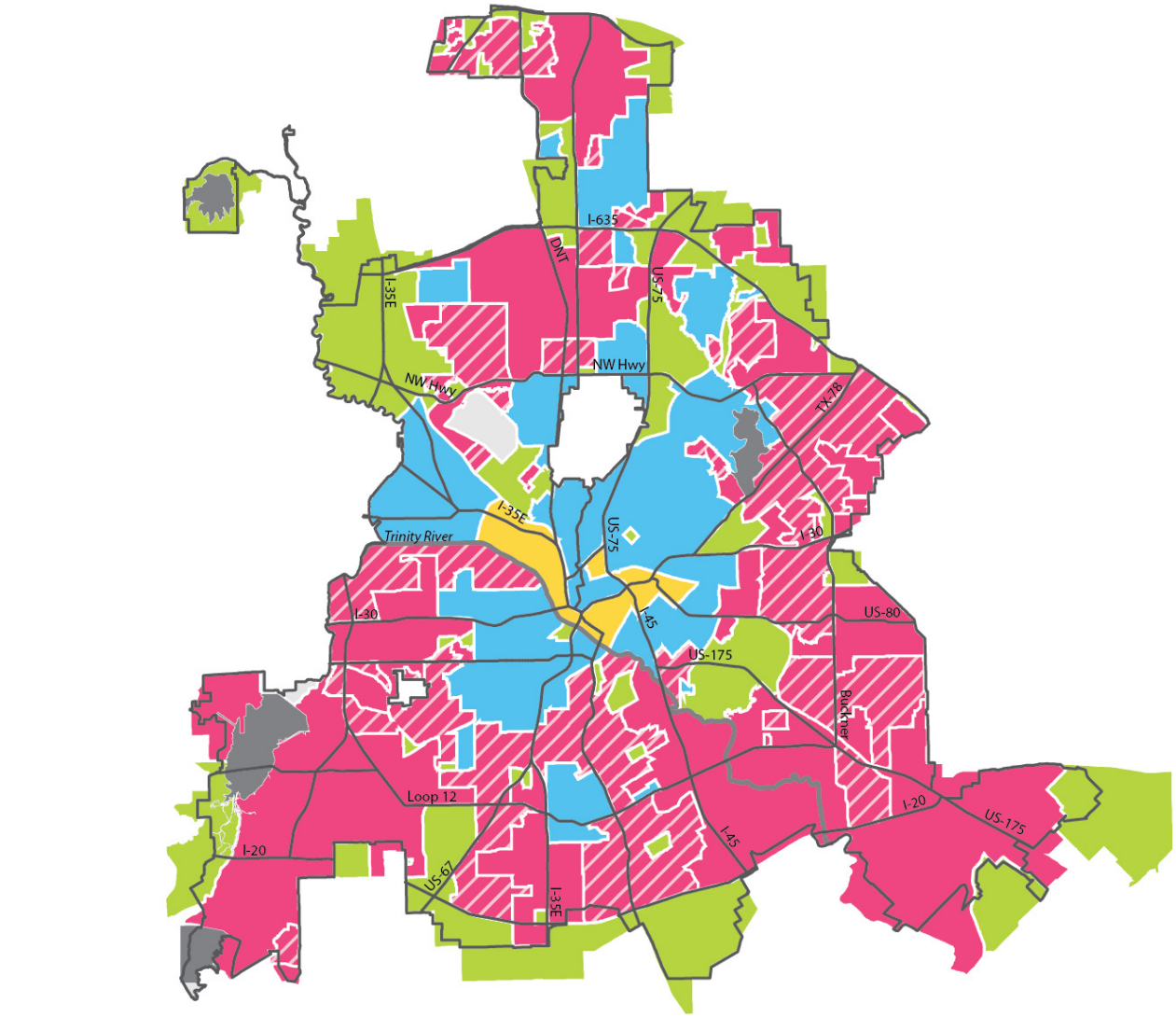
The team examined neighborhood-based interventions that could address these challenges through a three-stage process:

1. Analyze conditions in representative arts & culture neighborhoods

2. Identify national best practices to sustain neighborhood arts

3. Highlight strategies for targeted neighborhood interventions

Each neighborhood in Dallas was classified as one of four neighborhood typologies for cultural planning.



Urban Core Arts Destinations

Mixed Urbanism Arts to Explore

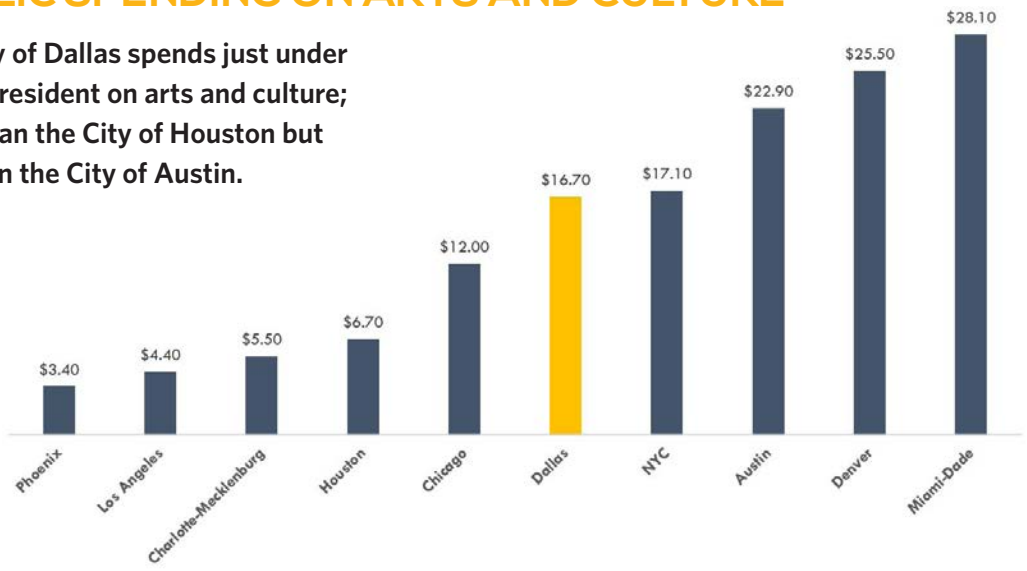
Residential Opportunity (w/ Public Art)

Residential Opportunity

Opportunities for Non-Traditional Arts Spaces

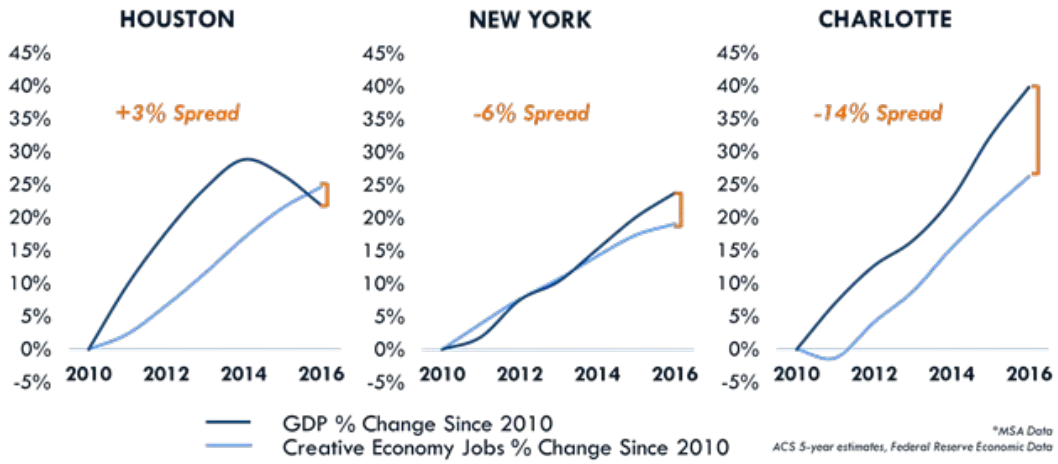
PUBLIC SPENDING ON ARTS AND CULTURE

The City of Dallas spends just under $17 per resident on arts and culture; more than the City of Houston but less than the City of Austin.

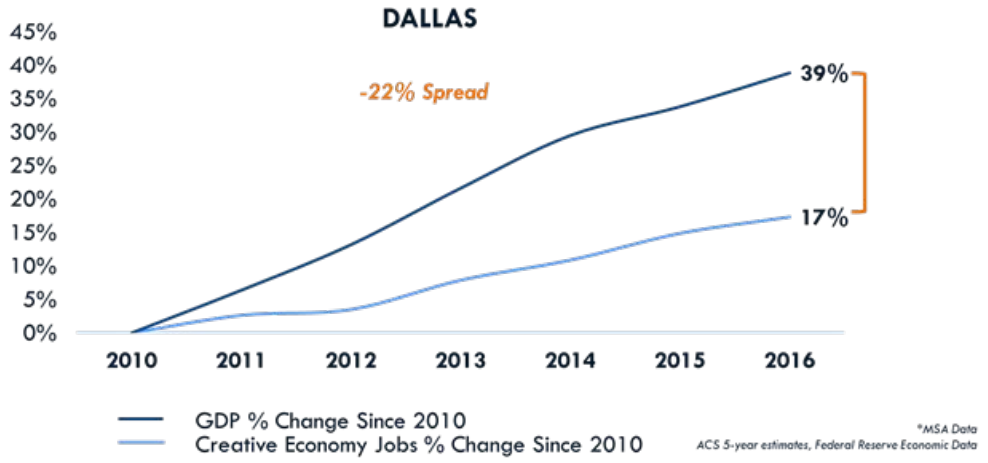


CREATIVE ECONOMY IN AND ACROSS DALLAS

Peer cities have seen creative job growth that aligns with broader economic trends.



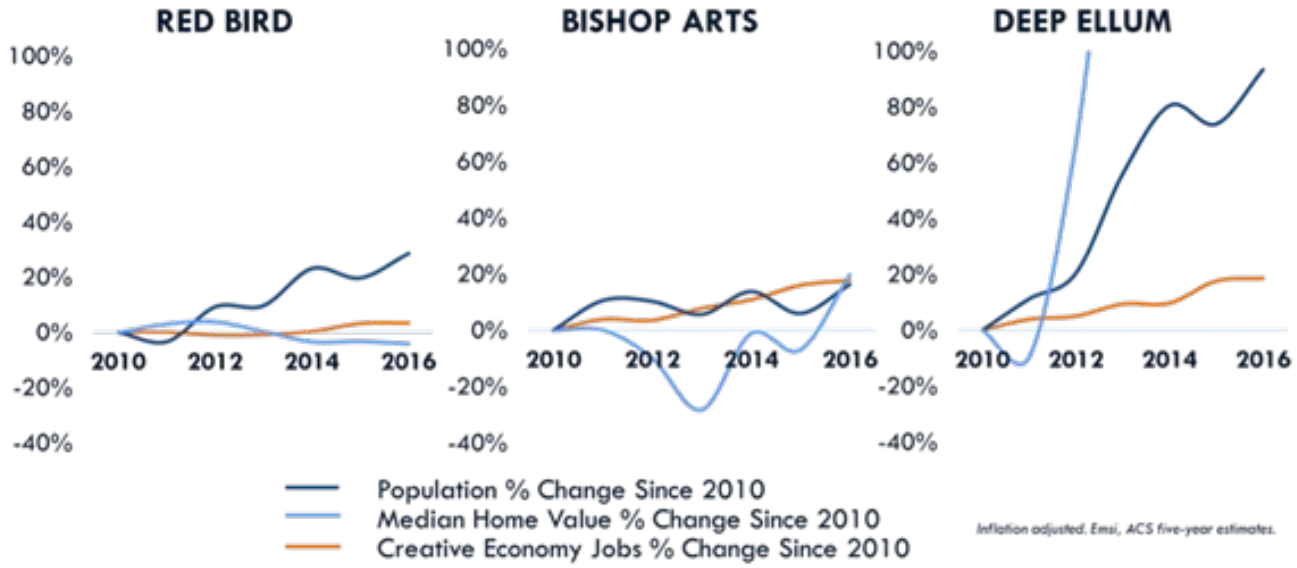
Though Dallas is seeing strong growth in its creative economy, it has not kept pace with the area's explosion of economic activity.



EXAMPLES OF THESE NEIGHBORHOOD TYPOLOGIES IN ACTION

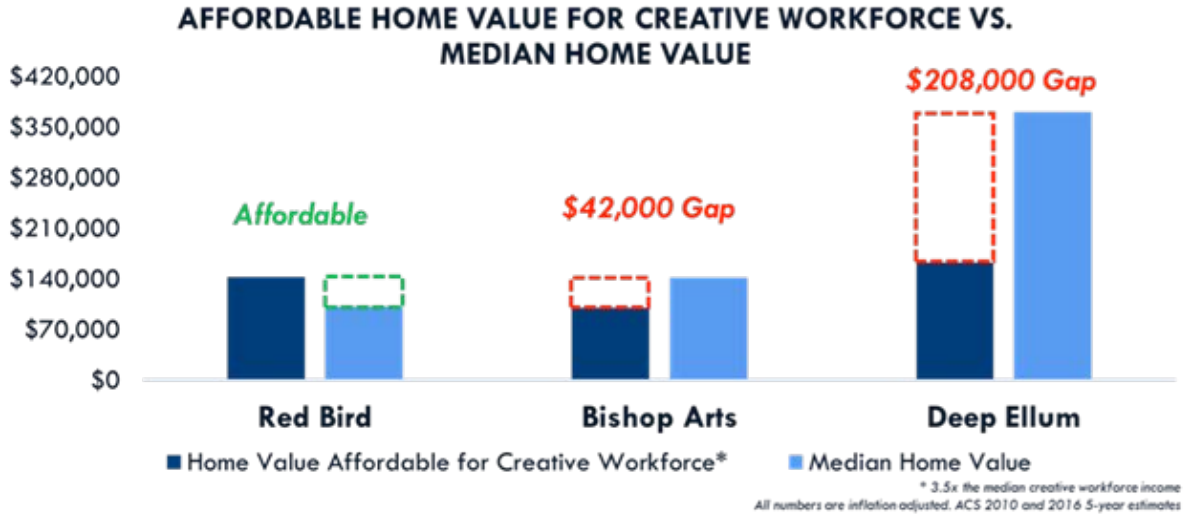
The team analyzed representative neighborhoods for the four Neighborhood typologies (Deep Ellum, Bishop Arts District, and Red Bird), to ground analysis and recommendations that can be applied throughout the city. It is necessary to understand each type of neighborhood individually.

The creative economy is growing in all three of these communities, but in very different neighborhood contexts. Note that none of these typologies is necessarily preferable to any other. Rather, they inform context-specific strategies that can foster a healthy creative economy:

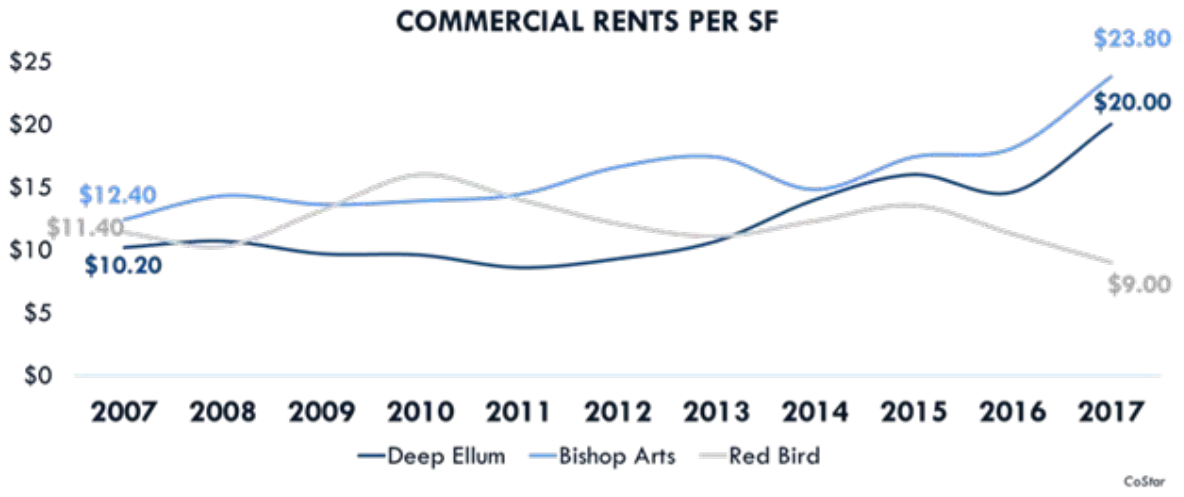


Homes remain affordable for the creative workforce in Red Bird but not in Deep Ellum. The affordability gap is less pronounced in rental housing, but nonetheless persists. Higher housing prices can lead to out-migration of existing residents, as experienced in Bishop Arts, where nearly 1,000 residents have left since 2000.

Creative housing support tools can limit residents' exposure to swelling market prices. [12]



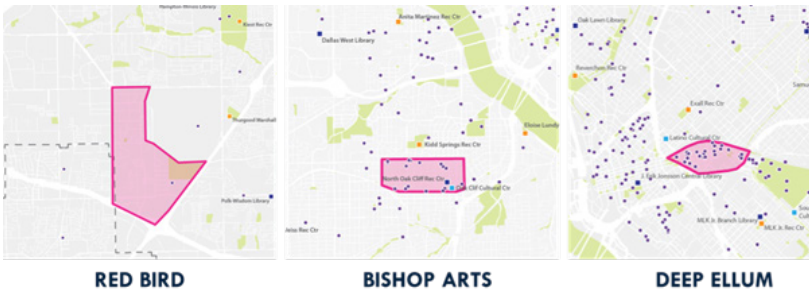
Rising commercial rents across the city suggest that traditional rehearsal spaces are becoming less affordable. The City's recent library black box initiative and investments in cultural centers provide some affordable space for artists and residents. It identified a diverse array of additional space-types often used for studios or rehearsals, including churches, parks, warehouses, schools, coffee shops, and more.



[12] *See strategies in Chapter 5: Making it Happen.*

A variety of tools can support the continued creation and conservation of innovative space alternatives.

Various types of performance venues were identified by community members in the Dallas Cultural Plan's Phase 1 Ecosystem Map (represented by purple dots). Moreover, low and falling vacancy rates across the board indicate a need for more alternative performance space options.



Publicly-accessible assets across the city are prime candidates to host new performance and exhibition space.

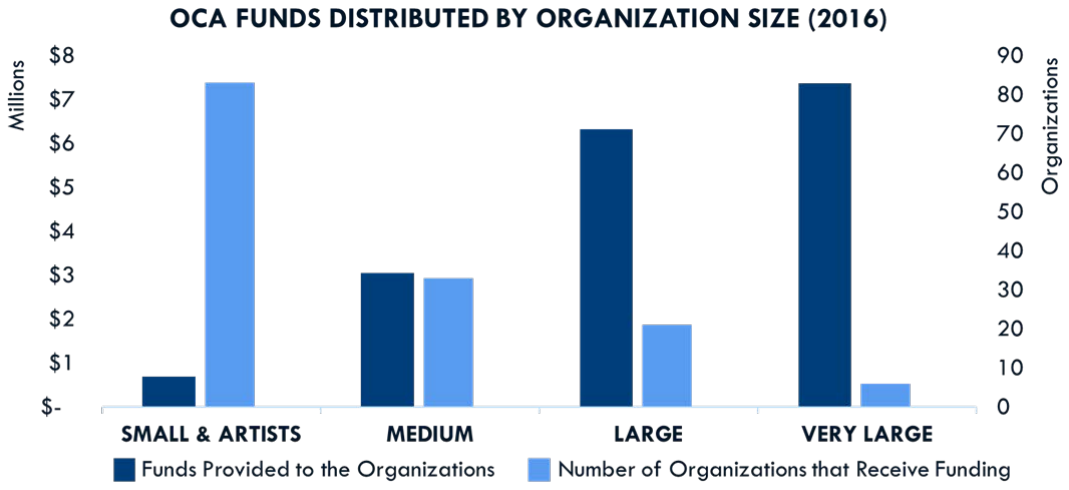
Community engagement reveals a number of barriers to access for arts and culture. A few themes were especially prevalent across Dallas Cultural Plan survey responses:

- 65% of respondents face cost barriers
- 25% face location barriers
- 15% face exclusion barriers
- 10% face transportation barriers

Thoughtfully planned, scheduled, and priced programming can bring arts and culture to new audiences.

Bishop Arts and Deep Ellum are both home to large and fast-growing creative economies, adding 18% and 19% more creative economy jobs in the past six years respectively. However, cultural organizations in neighborhoods receive a disproportionately small share of annual OCA funding.

Funding is one of several ways to support the business of neighborhood arts organizations, creative firms, and individual artists.



Analysis by HR&A on 2016-2017 data distributed by OCA.
**Small orgs: annual revenue < $250,000; medium orgs.: annual revenue between $250,000 and $1M; large orgs.: annual revenue from $1M to $9.99 Million; very large orgs.: annual revenue of $10M+*

CANVASES IN NEIGHBORHOOD TYPOLOGIES

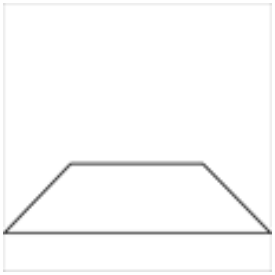
A key theme that emerged through Cultural Plan engagement was the desire to experience art and culture as a part of everyday life. Both in the conversations around opportunities and potential strategies, participants offered ideas for increasing art in public spaces, temporary art experiences, performances in public spaces, and celebrating history and cultural heritage in our public realm. Art in public places can be created and experienced in many ways. Increasing the diversity of art in public places in Dallas, both in form and location, requires an understanding of the types of art in public places that exist and the settings where they may be found.

This section provides a framework to understand current, potential, and future art in public places across Dallas, through broadly categorizing the types of sites occupied by art in public place. Some of these sites and opportunities are currently addressed by the OCA's Public Art and Cultural Services Programs. To ground this information, the neighborhood typologies are used to explore how different parts of the city could approach incorporating art in public places into their communities. Sections in the appendix explore: types of art in public places; further investigation of potential locations for art in Dallas neighborhoods; and examples of art in public places from the four comparable cities to better understand the implementation of art throughout the city.

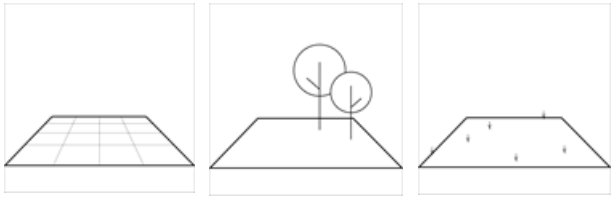
Site types:

The backdrop or setting for art in public spaces can generally be divided in 5 categories. While all parks do not have the same ecology or design and exterior walls have different textures, sizes, and colors—the basic premise behind each type remains consistent and there are certain characteristics that remain the same. The following describes the characteristics of each type, considering relation to the art types described earlier and their potential synergies.

1. OPEN SPACE



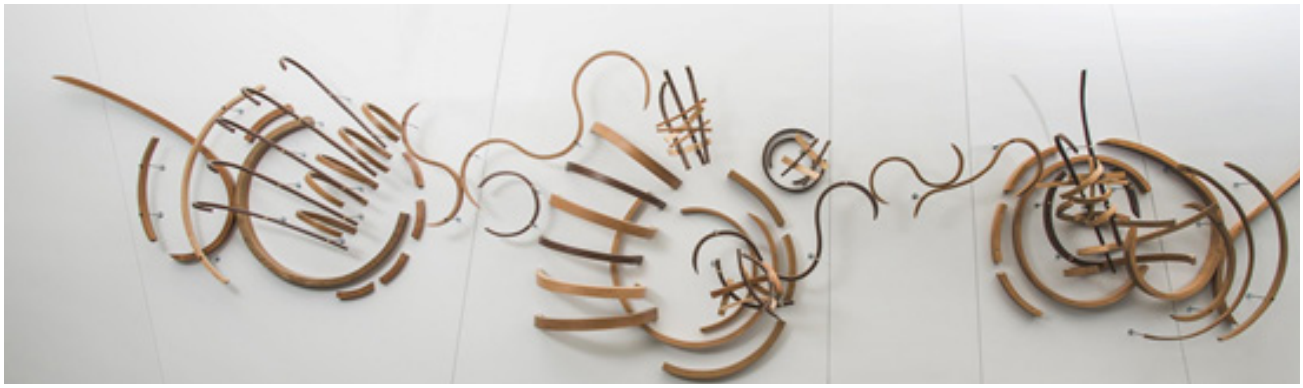
Open Spaces are best defined as an outdoor ground surface. They can be public, private, or a combination of the two. Open Spaces can generally be put into 3 categories: parks, plazas, or greenfield/vacant lots. Plazas tend to be adjacent to a building and may or may not have green space, while parks should have green space and other public amenities. Vacant lots are open space that either haven't been or are not currently improved with a building or other surface structure (including a parking lot).



Dallas examples: Public parks like Opportunity Park and Dallas City Hall Plaza

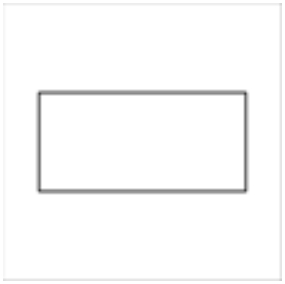


Title: MODA Fashion Show and Community Day
Artist: Various Vickery Meadows Artisans; Curated by Trans.lation
Image source: http://dallas.culturemap.com/eventdetail/moda-fashion-show-and-community-day-translation/



Title: Nest, Artist: Richard Maxwell, Photo credit: The City of Dallas Office of Cultural Affairs

2. EXTERIOR WALLS



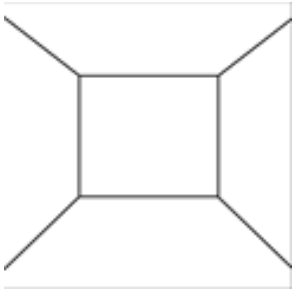
Many artworks are found on walls within the public realm. These are exterior vertical surfaces, which are well suited for 2D works, multimedia work such as projections, or installations requiring a vertical surface on which to attach. These can be a freestanding wall, the exterior wall of a building, or another vertical surface that can be observed outdoors.

Dallas examples: Murals throughout Deep Ellum



Title: Mayor's Star Council: Lincoln & Madison High School Mural
Artist: Sour Grapes
Image source: http://www.sourgrapescrew.com/work-avenue/#/mayor-star-council/

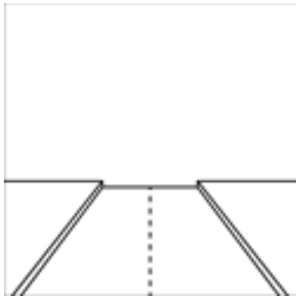
3. BUILDING INTERIORS



An interior space, protected from the elements, can also be the site of art in the public realm. These works can be found on all surfaces—floor, walls, and ceiling—as well as volumetrically. This type of site includes building lobbies, areas of assembly within a building, or other spaces the public can interact with. Building interiors which host artworks in this fashion can be both public or private, but must be publicly accessible.

Dallas examples: The interior of large civic buildings like City Hall, an airport like Love Field Airport or shopping malls like NorthPark Center

4. PUBLIC RIGHT-OF-WAY



Public spaces meant to be used for travelling or moving from place to place. This includes streets, sidewalks, medians, roundabouts, bridges, tunnels, and other infrastructure that falls into the public right-of-way.

Dallas examples: Margaret Hunt Hill Bridge, any public sidewalk or street

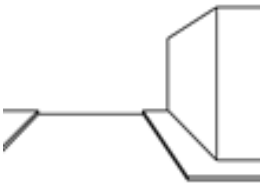


Title: Bridge-O-Rama – Parade of Giants
Artist: La Reunion, Oil and Cotton, and ArtLoveMagic, in collaboration with artists Cori Berg, Heather Blaikie, Iris Candelaria, Andrea Davis, Gretchen Goetz, Nicole Horn, Rebecca Howdeshell, Walter Johnson, Kevin Obregon, Junanne Peck, Jennifer Sereno, Jessica Sinks, Sean Springer, and VET.



Title: One Meter at a Time
Artist: Terry Hays
Photo credit: Office of Cultural Affairs

5. URBAN ASSEMBLAGE/ENVIRONMENT



The urban environment itself is complex set of conditions that together form a setting to respond to—a hybrid of all other canvas types.



Artist: Shilpa Gupta
Image sourceL https://www.dallasaurora.com/highlights/shilpa-gupta-deep-below-the-sky-flows-under-our-feet/

EXAMPLES OF NEIGHBORHOOD TYPOLOGIES:

In Urban Core Neighborhoods

Urban Core neighborhoods are located in the core of the city and include the Dallas Arts District, Cedars, Deep Ellum, the Design District, and Exposition Park. Art in public places in these neighborhoods is easily found and a wide variety of artwork can be experienced in many parts of these neighborhoods. Existing sites include City Hall Plaza, the right-of-way on Margaret Hunt Hill Bridge, and the parking meters of Deep Ellum. Potential sites include exterior walls in the Design District and vacant lots in the Cedars.

In Mixed Urbanism Neighborhoods

Neighborhoods within the Mixed Urbanism typology have a mix of commercial and residential areas providing variety of spaces where arts projects might occur, from blank walls of commercial businesses to empty lots in residential neighborhoods. Existing sites include exterior walls in commercial areas of Oak Cliff and Frazier, and the open space of Pegasus Plaza. Potential sites include urban assemblages in shopping centers throughout Mount Auburn and Pleasant Grove, Cochran Park in Henderson, and exterior walls in Greenway Crest.

In Neighborhoods with Residential Opportunities

The city's residential neighborhoods are full of opportunities for art, especially work that highlights their unique characteristics. Some residential neighborhoods, especially in North and Far North Dallas, have low walls that demarcate their boundaries, providing a perfect blank canvas. Other public amenities, like parks and libraries, provide excellent opportunities in all canvas types for all types of art.

In Neighborhoods with Opportunities or Arts in Non-traditional Spaces

Many parts of the city have forms that are completely unique in terms of their makeup, whether they are industrial districts with little residential properties or areas with a mixture of retail activity and apartments. Generally these neighborhoods have little access to art in public spaces, and have few places like parks and libraries to provide natural community venues.


JIMMY JA

ORGANIZING THE PLAN

PRIORITIES, STRATEGIES, AND INITIATIVES

Today, when cities compete with one another as providers of exemplary quality of life, networks for new ideas, centers of economic vitality, and magnets for new residents, and as cultural destinations, culture is integral to their overall success.

Culture standing in isolation as a single initiative or a season of events is limited in its potential to impact the entire city of Dallas. This cultural plan therefore addresses critical elements of civic life — from the quality of parks to the economics of innovation, from infrastructure to tourism.

For Dallas to thrive it must embrace an approach to collaboration where culture is integrated into every sector citywide.

ORGANIZING THE PLAN

Collaborative planning takes organization. The recommendations of the Dallas Cultural Plan are organized as follows;

Priorities: Specific goals that the plan must address

Strategies: a plan of action designed to achieve the priority

Initiatives: Potential actions and programs large and small

For each Priority, a set of strategies respond to the needs described in the previous chapters. In all, six priorities describe the top-line needs that must be addressed to realize the City's cultural vision.

In this and the chapter that follows, the six priorities are listed in no particular order. All are considered equally paramount.

Ultimately a set of 36 Strategies are proposed to guide Dallas' arts and cultural growth today and into the future. Over xx Initiatives are proposed as potential tactics for achieving these priorities. These Initiatives are tangible actions that can be scheduled, budgeted and launched.

Six priorities emerged from the community engagement process and were further informed by the additional analysis described in Chapter 3. These priorities for the plan are articulated below. Strategies to address these priorities appear in detail in Chapter 5.



6 PRIORITIES

EQUITY

DIVERSITY | SPACE | SUPPORT FOR ARTISTS

SUSTAINABLE ARTS ECOSYSTEM

COMMUNICATIONS

31 STRATEGIES

140 INITIATIVES

ONE DALLAS

4



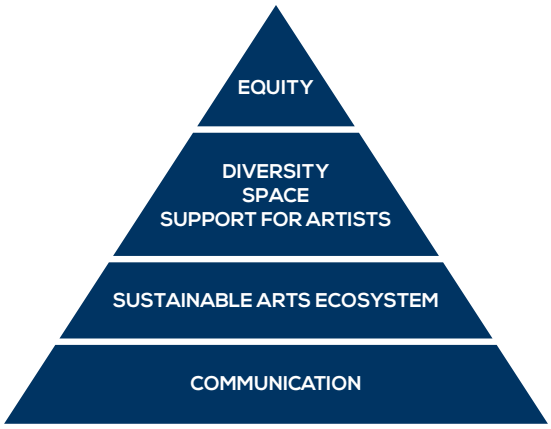
"It's all possible! We just need the willpower to accomplish it."

— Rachel Rushing, Steering Committee

FOCUSING ON DALLAS' NEEDS: PRIORITIES

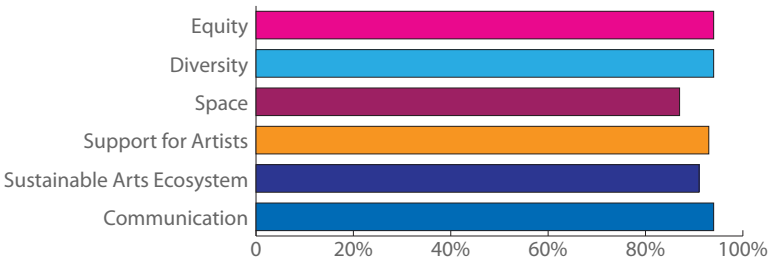
Six priorities emerged as crucial to achieving Dallas' vision for arts and culture. They are described here in rank order:

- **Equity** is fundamental to a healthy community and a healthy arts ecosystem. It is the foremost of the six priorities and will be the lens through which the rest of the plan—and OCA's work—will be approached.
- **Diversity, Space and Support for Artists** represent key categories of programs and initiatives through which OCA, other organizations, and funders can serve Dallas's arts and cultural sector and the broader community.
- **A Sustainable Arts Ecosystem** is a broader goal to which the other priorities will contribute.
- **Finally, Communication** supports and promotes all the activity taking place under the banners of the preceding priorities.



After the completion of the DRAFT Dallas Cultural Plan, workshops were held across the city and online to confirm the priorities and understand ways that artists, organizations, the private sector and residents will work to implement the initiatives of the Cultural Plan.

Percent of Activation Workshop Attendees that "Strongly Agree" or "Agree" by Priority





Equity is fundamental to a healthy community and a healthy arts ecosystem.

Equity is the foremost of the priorities and will be the lens through which the rest of the plan—and OCA's work—will be approached.

EQUITY

Support the broadest range of art forms and creative producers, considering inclusivity, diversity and neighborhood impact to direct resources equitably to artists and organizations.

As a city, Dallas has a poor track record on issues of equity and inclusion. Arts and culture is no exception. This cultural plan aims to change that. While inequity is a nuanced and complicated issue to address, the planning process revealed a deep need and significant appetite among the public and stakeholders across sectors to address inequities that have characterized Dallas' arts and cultural sector and, furthermore, to deploy arts and culture as a tool to pursue equity for all residents of Dallas. In keeping with the work of other City departments like the Office of Resilience, the OCA has developed an Equity statement for Arts and Culture across the city.



Image from the Office of Resilience's 2018 Equity Indicators Report

Equity statement:

In Dallas, we envision a city of people whose success and well-being are not pre-determined by their race, age, disability, sexual orientation, gender, social status, zip code, or citizen status. We recognize that artistic and cultural expression are fundamental to the development of our identity, as individuals and as a community at large. We assert the right for all people to have access to arts and cultural experiences across Dallas.

We recognize the historic legacies of racism, overt bias and injustice that shape our present reality. In fact, the City of Dallas' Arts Funding originated to support organizations of the Western European canon, collectively referred to as "The Big Six." Going forward, we will strive to support the broadest range of art forms and creative producers, considering inclusivity, diversity and neighborhood impact to direct resources equitably to artists and organizations. We will work to build a robust arts ecosystem that continually evolves to better reflect the diverse composition of Dallas. Towards this end, we recognize and affirm the potential of new and emerging artists and organizations.

The Office of Cultural Affairs will serve as convener and connector to catalyze equity in the policies and practices of its partners across the Dallas arts ecosystem. Core to this is leading other organizations and private resource providers to advance diversity, equity and inclusion in concrete, measurable ways. Annually, the Office of Cultural Affairs will summarize its own support for artists and arts organizations, highlighting measures of equity and diversity.

As we work together to create a more vibrant Dallas, the Office of Cultural Affairs is committed to nurturing the wide diversity of creative culture and experiences that make up this great city.

**Note: "The Big Six" were the Dallas Ballet (no longer exists), the Dallas Opera, the Museum of Fine Arts (Dallas Museum of Art), the Dallas Health and Science Museum (Science Place, now part of the Perot Museum of Nature and Science), the Dallas Symphony Association, and the Dallas Theater Center. In 1977, these 6 organizations received over 90% of the OCA equivalent organizational support, and 1.26% of total funds were awarded to 4 "ethnic" organizations. The Office of Cultural Affairs was established in 1989.*



DIVERSITY

Celebrate and promote the diversity of Dallas, while striving to improve diversity of programming, staff, and organizational leadership across the cultural sector.

Dallas is a majority-minority population, and as such, diversity must be reflected in its arts and culture. The city is already characterized by a wide array of art forms and styles drawing from cultures that make up this unique community. However, there is room for the sector to better represent and serve this multifaceted population as well as other types of diversity, including race, age, disability, sexual orientation, gender, social status, zip code, or citizen status. Arts and cultural organizations must pursue diversity in many forms—on boards, in staff, in participants and audiences, and when appropriate, through programming. These efforts will be prioritized by funders, as well. The sector will strive to achieve diversity goals (see Ch. 5), and OCA will lead by example.



SPACE

Provide, create and incentivize the creation of spaces and places to encourage and allow arts and culture in Dallas to thrive and grow citywide.

Dallas has many great spaces, both indoor and outdoor, for arts and culture. However, formal, dedicated facilities tend to be concentrated in only some areas of the city, and they are not all currently utilized or operated to their maximum efficiency or highest and best use. Meanwhile, other types of formal spaces for artistic production are sought by artists and organizations, and informal spaces around the city offer interesting opportunities for arts experiences but may not provide necessary infrastructure. This plan will provide adequate space for arts and cultural experiences to take place, whether for active participation or everyday encounters. Maximize existing spaces, by repurposing or revamping unused or underutilized facilities and preserving and adapting historic assets. When new spaces are needed, incentivize creation of such spaces through development and partnerships.



"We want to make Dallas a great place for the arts AND for artists."
Mayor Mike Rawlings

SUPPORT FOR ARTISTS

Establish a supportive arts ecosystem that nourishes the creative and innovative energy of Dallas artists.

Dallas is the home of a vital artist community, including nationally and internationally recognized leaders across all artistic disciplines—from Erykah Badu to Owen and Luke Wilson and many others—as well as emerging and established creators at various stages in their careers. Today, artists move to Dallas for the affordable cost of living and the camaraderie of fellow cultural producers, and they contribute directly to the identity and energy of this great city.

However, individual artists face a variety of challenges to sustainably live and work in the City of Dallas including: lack of affordable studio workspace, affordable housing and healthcare, lack of access to professional development resources, lack of access to funding for capital, material, and programmatic expenses, inability to secure fair and timely pay for services and commissions, inequitable support for artists of marginalized groups, a lack of clarity on city-artist relations including permits, etc., and a general city branding that has not always valued artists.

While support resources such as OCA and others exist, more can be done to help artists not only survive, but thrive here. Dallas will attract and retain artists and creative professionals through support for individual cultural producers—through the creation of a centralized resource center focused on individual funding, professional development, access to workspace and quality of life standards.



SUSTAINABLE ARTS ECOSYSTEM

A steward of community care, the City of Dallas will model sustainability to the arts and culture community through its own facilities and operations. The City and other partners and funders will encourage and support the development of future sustainability in the broader arts and cultural sector.

The planning process illuminated opportunities for better resource utilization across the board—from City funding models and OCA operating contracts, to space use, to resource and knowledge sharing. OCA will set the standard for sustainability by revamping its current operating processes for greater efficiency and effectiveness, and to increase available funds for arts and cultural programming across the city. The City will be clear-eyed about the tens of millions of dollars of deferred maintenance and will work on a long-term plan to catch up in order to steward the facilities in its care.

Meanwhile, funders can encourage organizations to coordinate and collaborate for better resource sharing, as well as pursue new funding models. These actions by funders and organizations will create greater value in the cultural sector that can be reinvested into its growth and health.



COMMUNICATION

Promote Culture as a fundamental driver of the City of Dallas. Ensure awareness at local, national and international levels of Dallas' cultural offerings through enhanced communication.

Communications about Dallas promote the city's rich arts and cultural heritage and offerings. Dallas residents know about the full range of local arts opportunities and appreciate their value. Through strong communication, Dallas artists and organizations coordinate, collaborate, and access resources effectively.

The cultural plan process revealed hundreds of arts and cultural resources throughout the city and many ways that people experience arts and culture. However, Dallas residents often cited lack of awareness of the offerings in their city beyond the Dallas Arts District. Artists and organizations also expressed frustration at lack of clarity around available resources and how to access them, as well as a dearth of tools to facilitate coordination and collaboration across the sector. Not only is the full breadth of Dallas's cultural experiences unknown to local artists and residents, it is not promoted widely outside of Dallas as central to the city's brand. Communication tools and initiatives must be strengthened to boost functioning and visibility of the cultural sector and to position local arts and culture at the heart of the Dallas experience for residents and visitors.


MOODY

5

Dallas thrives when our neighborhoods thrive.

Resilient Dallas: Strategy and Equity Indicators



MAKING IT HAPPEN: STRATEGIES

The following two chapters encapsulate the implementation strategy for the Dallas Cultural Plan. It is the answer to the question of **"HOW will this plan be realized?"**

Moving from priority to implementation is a collaborative task that will take cooperation across sectors of government, arts and culture, philanthropy, business, and most importantly, Dallas residents. The OCA sought to model that collaboration in the creation of taskforces for each priority.

Who better to plan how Dallas will accomplish its cultural vision than Dallas, itself?

Over a hundred dedicated leaders from throughout Dallas-- artists, leaders in arts organizations, business, philanthropy and City government-- formed seven taskforces to ensure that each priority was thoroughly defined and actionable

In six weeks, members of the seven task forces met over 21 times in total, reviewed hundreds of pages of public input, research from the cultural planning team, and met with other entities in the city tackling their priority. These strategies are the result of herculean effort.

Multiple strategies are proposed under each priority with a list of initiatives intended to address and realize the plan of action. The strategies offered here are distinct yet broad enough to apply in a fast-changing environment, one that will evolve and advance over the course of the Dallas Cultural Plan's implementation.

Strategies were derived from large-scale town hall meetings, conversations in neighborhoods citywide, comments contributed through social media and online platforms, individual interviews with stakeholders from all sectors, global expertise and best practices, focused meetings within the cultural sector of Dallas, and input from leadership across Dallas' public, non-profit, and private sectors.

As new stakeholders emerge throughout the city, new opportunities should be considered to achieve these recommendations.

Therefore, the plan's strategies are to be regarded as templates that will resonate across the spectrum of Dallas' arts and cultural communities — artists, audiences, civic leaders, funders and organizations.



Enhances neighborhood vitality



Includes Public Art

31 STRATEGIES



EQUITY

1. Improve equity citywide through expanded and adapted programmatic offerings
2. Establish targets to improve equity in new cultural policy moving forward



DIVERSITY

3. Create and enhance programmatic offerings highlighting and providing education related to the diversity of Dallas
4. Provide resources for improving arts and culture organizations' diversity at staff and audience levels
5. Set goals across sector for Board diversity through grants and support
6. Expand the diversity of artist candidates for public art opportunities



SPACE

7. Expand options for affordable space for performing, literary and visual artists, including rehearsal space, performance space, studio space, exhibit space and maker space
8. Maximize the use of City facilities, especially for historically marginalized groups, and determine what changes should be made to accommodate their needs
9. Facilitate private initiatives to address space needs of artists and organizations of various disciplines
10. Encourage more public-private partnerships
11. Encourage growth of artists and organizations by providing space for the future
12. Initiate temporary public art in Dallas
13. Support events and programs that foster engagement with public art and/or public spaces



SUPPORT FOR ARTISTS

14. Develop a "Culture of Value" establishing the arts as essential to a thriving, equitable society within the City of Dallas

15. Examine opportunities to improve communications and processes to apply for and receive funding from the City of Dallas

16. Improve affordability and quality of life for artists through policy initiatives

17. Maintain the cultural integrity of neighborhoods and address gentrification across the city in partnership with artists living in those areas

18. Work with the City of Dallas to equitably support area arts organizations and individual artists receiving funding and resources from the City



SUSTAINABLE ARTS ECOSYSTEM

19. Optimize public contribution and benefit at each City-owned cultural facility

20. Sustainably fund deferred and proactive maintenance for City-owned cultural facilities

21. Work with partners to grow the amount of available funds for arts and culture that leverage cross-sector benefits

22. Increase equity for long-term sustainability of the entire arts ecosystem

23. Bring arts to the table in broader city initiatives

24. Incentivize better resource sharing

25. Establish and maintain a dedicated fund for public art maintenance



COMMUNICATION

26. Support and communicate existing and new cultural experiences in Dallas

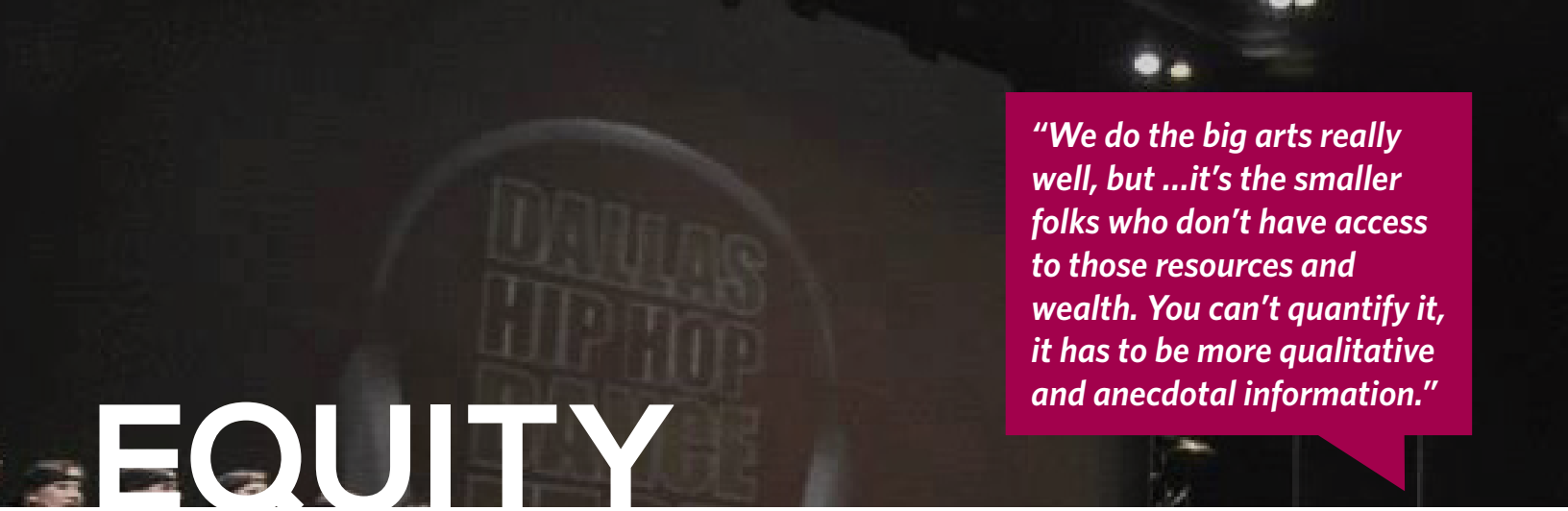
27. Build richer relationships within the arts ecosystem, with key stakeholders, and with communities to foster deeper, more meaningful engagement and communications

28. Communicate the value of arts to quality of life using both data and stories

29. Establish and present Dallas as a cultural destination with local, national and international reach

30. Develop process to ensure Dallas community access to, engagement with and education about public art

31. Develop effective communications strategies for public art in Dallas



EQUITY

"We do the big arts really well, but ...it's the smaller folks who don't have access to those resources and wealth. You can't quantify it, it has to be more qualitative and anecdotal information."

STRATEGY 1:

Improve equity citywide through expanded and adapted programmatic offerings

Initiatives	
A.	Address historical inequities in past policies
B.	Expand access to events citywide
C.	Increase support for programs that address groups that have historically incurred barriers to participation due to age, ability, ethnicity, etc.
D.	Increase support for, or otherwise help subsidize, low cost or free offerings
E.	Expand equity and access to events



NYC Library Culture Pass. www.culturepass.nyc

This Strategy in Action

- Work with organizations that provide ticketing services to prototype and track the success of reduced price surplus rush ticketing for events
- Provide historical tours highlighting diverse areas of Dallas
- Investigate and implement a Library Culture Pass Program
- To create more equitable distribution of City Funds, review all OCA facility master agreements to find efficiencies and resources that can be redistributed



Support the broadest range of art forms and creative producers, considering inclusivity, diversity and neighborhood impact to direct resources equitably to artists and organizations.

STRATEGY 2:

Establish targets to improve equity in new cultural policy moving forward

Initiatives	
A.	Create target of at least 40% of OCA cultural services funding to ALAANA* organizations or artists by 2023
B.	Begin measuring and tracking funding applicants who identify with other historically marginalized groups, e.g., LGBTQIA+
C.	Create policy that 100% of organizations funded through the OCA organizational funding program have a policy and measurable goals related to equity and diversity that is board approved and published in their communications
D.	Pilot and track neighborhood impact of new programs that increase the number of cultural experiences outside of "Urban Core Arts Destinations" neighborhoods (e.g., pop-up cultural center programming in neighborhoods across Dallas, increased arts programming in library black box theaters)
E.	Create policy that 100% of organizations funded through the OCA organizational funding program have board-approved safe workplace policies (e.g., anti-discrimination and anti-harassment policies)

** African, Latinx, Asian, Arab, and Native American*



DIVERSITY

STRATEGY 3:

Create and enhance programmatic offerings highlighting and providing education related to the diversity of Dallas

Initiatives	
A.	Support bridging different cultures by organizing arts and culture activities with cross-cultural learning opportunities
B.	Continue to provide programming for diverse audiences in City run cultural facilities
C.	Support Arts and Language education (e.g. with DISD Racial Equity Office)
D.	Increase access to youth-focused arts programs

STRATEGY 4:

Provide resources for improving arts and culture organizations' diversity at staff and audience levels

Initiatives	
A.	Provide best practice models (toolkits and/or workshops) for staff/ audience diversity for all organizations receiving funding through Organizational Funding Program to encourage diversity and inclusion
B.	Work with greater Dallas area corporations to engage employee resource groups to further enhance diversity efforts for arts/cultural organizations to cultivate diverse volunteers, audiences, donors, and board members
C.	Work with neighborhood organizations/grassroots community groups for enhanced audience development and community engagement to reflect city's diversity (e.g. LGBTQIA+ and ALAANA staff networks)
D.	Create policy that requires largest organizations to offer fair-wage internships to increase diversity in pipeline of future arts leaders
E.	Increase audience accessibility through dual language signage and other printed materials.



Celebrate and promote the diversity of Dallas, while striving to improve diversity of programming, staff, and organizational leadership across the cultural sector.

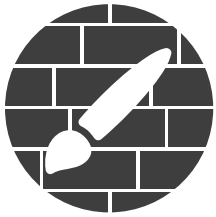
STRATEGY 5:

Set goals across sector for Board diversity through grants and support from OCA

Initiatives	
A.	100% of organizations funded through Organizational Funding Program have a policy and measurable goals related to equity and diversity that is board-approved and published on their website
B.	30% Board diversity goal for Organizational Funding Program for organizations with an operating budget of $5M and above
C.	20% Board diversity goal for Organizational Funding Program for organizations with an operating budget of $1M-$5M
D.	10% Board diversity goal for Organizational Funding Program for organizations with an operating budget of $500K - $1M
E.	Encourage organizations with budgets under $500K to explore options on how to diversify their Boards

STRATEGY 6:

Expand the diversity of artist candidates for public art opportunities



Initiatives	
A.	Develop outreach and contact strategies for artists about upcoming public art opportunities and conduct information sessions for public art opportunities in new areas
B.	Identify eligible diversity candidates
C.	Conduct outreach with local partners where public art will be commissioned
D.	Conduct regular outreach workshops for local artists



SPACE

Artists, arts organizations and residents identified a diverse array of adapted space-types often used for studios or rehearsals, including churches, parks, schools, recreation centers, cafes, bars, and warehouses. The Dallas Cultural Plan Equity Statement proposes an increase of OCA support for cultural services outside of the urban core. The following opportunities can orient funding and policy support towards non-core neighborhoods by expanding options for affordable space in both traditional and unconventional settings:

STRATEGY 7:

Expand options for affordable space for performing, literary and visual artists, including rehearsal space, performance space, studio space, exhibit space and maker space

Initiatives	
A.	Support the development and usage of venues (artistic and non-traditional) throughout the city
B.	Utilize, create, and/or maintain a digital tool of available spaces throughout Dallas (all types) for arts and cultural use (example: Seattle spacefinder)
C.	Develop equitable processes to subsidize/waive rental fees for artists, groups and studio or rehearsal space
D.	Continue supporting arts creators encountering code compliance issues via the OCA Artist Resource Coordinator
E.	Invest in renovation and or adaptation of City existing spaces
F.	Revise OCA policy to encourage and leverage naming of City-owned properties, especially development of new spaces or improvements to existing facilities

Provide, create and incentivize the creation of spaces and places to encourage and allow arts and culture in Dallas to thrive and grow citywide.

Initiatives Continued	
G.	Ensure spaces are accessible — ADA, Via transit, etc.
H.	Explore developing a cultural space purchase assistance program
I.	Encourage temporary cultural use in publicly-accessible commercial space

This Strategy in Action

- The City and its private partners can provide grants or low-interest loans to enable cultural organizations to purchase space at affordable prices or upgrade existing spaces.
- Publicly-accessible civic and commercial spaces across the city are prime candidates to host new performance and exhibition space. The City can also incentivize private property owners to host temporary cultural uses in vacant commercial space that will support local artists as well as activate the adjacent neighborhood.



Summer camp at Red Bird Mall.
Image credit: Bigthought.org



SPACE

STRATEGY 8:

Maximize the use of City facilities, especially for historically marginalized groups, and determine what changes should be made to accommodate their needs

Initiatives	
A.	Ensure that fees and policies of City facilities are equitable and consistent, while allowing for differences for each facility based on their missions and place in each community they serve
B.	Develop strong core user groups that advise OCA on particular locations' policies and operations
C.	Review rental and usage policies and procedures for legal requirements and possible modifications
D.	Increase transparency in facility policies and structures
E.	Explore extended hours at City-owned/OCA facilities
F.	Investigate and offer diverse use opportunities for library black box spaces (i.e. visual arts, etc.)



City-owned and operated Latino Cultural Center, source Wikimedia

This Strategy in Action

- An opportunity currently exists to utilize existing 2006 bond funding for the long-planned Latino Cultural Center - Phase II Expansion. This will create a new multi-form/black box theater and vital support spaces to better meet the needs of the growing and vibrant Latinx arts community.

Provide, create and incentivize the creation of spaces and places to encourage and allow arts and culture in Dallas to thrive and grow citywide.

STRATEGY 9:

Facilitate private initiatives to address space needs of artists and organizations of various disciplines

Initiatives	
A.	Innovate/emphasize/prioritize use of non-traditional spaces
B.	Support projects that can be produced specifically to tour throughout the city, especially to leverage Library Black Box Theaters
C.	Collaborate with Economic Development Department to find economic opportunities for artists and arts organizations
D.	Leverage the "sharing economy" by exploring Airbnb, DART or Uber-like possibilities for finding space



SPACE

STRATEGY 10:

Encourage more public-private partnerships

Initiatives	
A.	Identify surplus property owned by the City that could be managed/used by a vetted non-profit partner or artists
B.	Educate developers and property owners on the value of including arts spaces in their planning
C.	Work with Department of Economic Development to include arts and cultural spaces and activities in major development projects (e.g. implement developer incentives to encourage inclusion of live/work space for artists)
D.	Encourage private partners (for profit and non-profit) to develop or make available spaces for studios, exhibit space, and performing and rehearsal space
E.	Work with public, corporate, foundation, and community philanthropists to develop a more coordinated vision for development of cultural spaces throughout the City allowing for more entrepreneurial or grass-roots identification of needs and resources
F.	Champion private efforts to revitalize neighborhoods through the creation of arts and culture-integrated communities (e.g., CitySquare's Forest Theater project, ArtsMission Oak Cliff, Owenwood Farm & Neighbor Space).

Provide, create and incentivize the creation of spaces and places to encourage and allow arts and culture in Dallas to thrive and grow citywide.

STRATEGY 11:

Encourage growth of artists and organizations by providing space for the future

Initiatives	
A.	Develop/support incubator spaces that specifically foster support for small groups
B.	Support "Antique Mall" idea-shared work and use space
C.	Provide training in non-profit management to encourage more self-sufficiency of organizations
D.	Encourage communication, experience-sharing, mentorship and collaboration among artists and art groups
E.	Optimize Library Black Boxes to nurture small neighborhood groups



SPACE

STRATEGY 12:

Initiate temporary public art in Dallas

Initiatives	
A.	Identify national best practices to support temporary public art: grants, external funding, event funding, etc.
B.	Develop procedures for the selection, installation and deinstallation of temporary public art in Dallas
C.	Meet with potential partners for funding and locations for temporary public art
D.	Work with Risk Management and City Attorneys to develop efficient templates for contracting temporary public art
E.	Develop selection processes that allow artists to participate easily

Provide, create and incentivize the creation of spaces and places to encourage and allow arts and culture in Dallas to thrive and grow citywide.

STRATEGY 13:

Support events and programs that foster engagement with public art and/or public spaces



This Strategy in Action

- Increase support for murals citywide
- Support public concerts in city parks
- Provide space for art installations in public parks
- Include art in new development projects
- Increase opportunities for public art including expanded public art canvases
- Designate areas for public art, including in transit stations, city facilities, and parks
- Support street art

2015 Houston via Colori Festival, photo taken by Ed Schipul



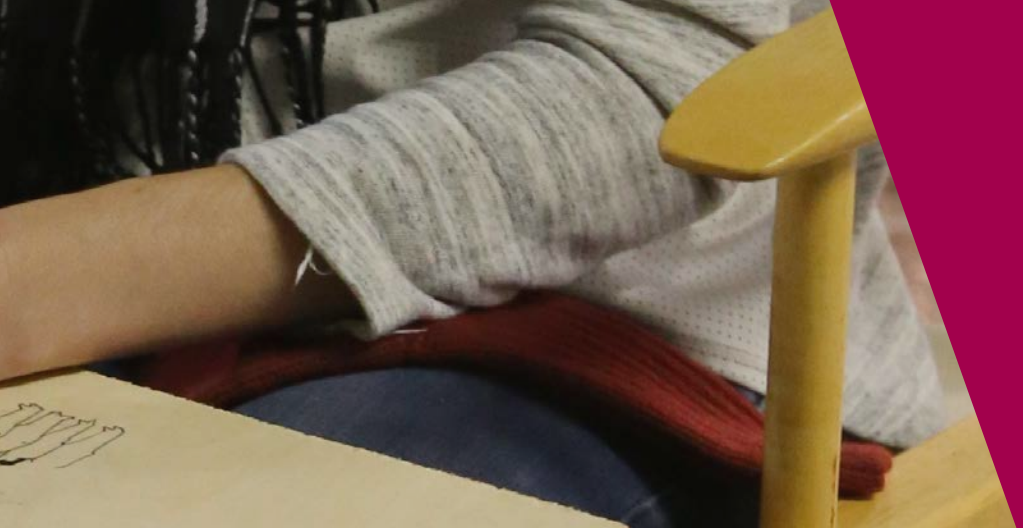
SUPPORT FOR ARTISTS

Arts and culture should be intrinsic to any healthy community, just like housing, economic development, education, and transportation. Cultivating and sustaining a diverse cultural ecosystem is essential to ensure equitable access to the arts. Moreover, art should reflect the full diversity of people in Dallas, and the City should honor all cultural expression equitably. These opportunities will support the cultural contributions of Dallas' diverse communities.

STRATEGY 14:

Develop a "Culture of Value" establishing the arts as essential to a thriving, equitable society within the City of Dallas

Initiatives	
A.	Integrate art and culture into the City's planning process at the beginning. Integration of arts and culture policy and investments into neighborhood planning efforts can facilitate built environments that protect, strengthen, and reflect the cultural heritage of their communities
B.	Support local cultural identity and traditions
C.	Utilize innovative cultural platforms
D.	Increase the pipeline for new artists by supporting mentorship programs between artists and high schools as well as area colleges/universities and high schools



Establish a supportive arts ecosystem that nourishes the creative and innovative energy of Dallas artists.



This Strategy in Action

- Explore Music on Hold — all city phone services feature local music for their hold lines and include the artists name, song title in the hold message
- Work with Texas Music Office to attain Music Friendly Community Designation
- Explore creation of short-term (1 week-3 months) and long-term (6 month-1 year) residencies with City of Dallas departments
- Update annual awards to celebrate the best of Dallas arts and culture to include Poet and Artist Laureates for the City.
- Host paid, featured artist programming at area hotel and hospitality venues
- Develop an artist directory on the OCA website
- Build relationships with hotels to host artist-in-residence programs
- Offer paid live performances at City Hall or City Council meetings in neighborhoods
- The City can continue to invest in cultural and local history initiatives and expand access to resources that support the expression of cultural identity and locally significant traditions including music, food, fashion, and art. Efforts can leverage existing programs offered through the City's cultural centers, Dallas Heritage Village, Fair Park, and other cultural groups. New programs could leverage both public funds as well as grants and private sector financing.
- Wayfinding, signage, murals, and interactive platforms can help residents and visitors connect with community heritage in free and innovative ways. OCA can partner with the Dallas Department of Historic Preservation, Dallas Historical Society, and other heritage groups to ensure all residents and neighborhoods are included.



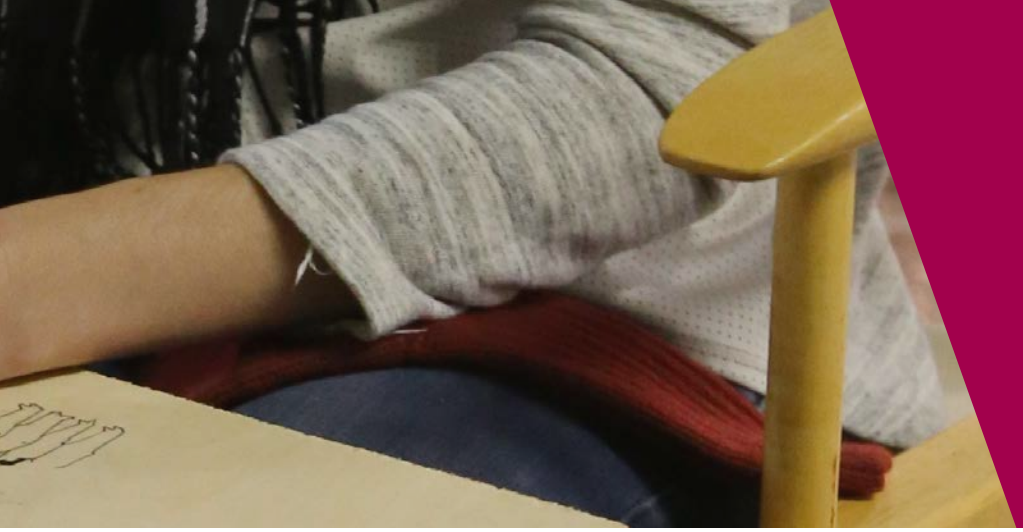
SUPPORT FOR ARTISTS

Centralized resource centers can be effective tools for helping artists navigate complex bureaucratic processes and find the resources they need for their creative projects. At the same time, a centralized artist resource center could help OCA meet its new target metrics for equity by emphasizing marketing and outreach efforts to ALAANA organizations and other groups based outside of the urban core.

STRATEGY 15:

Examine opportunities to improve communications and processes to apply for and receive funding from the City of Dallas

Initiatives	
A.	Create Artist Resource Center and an artist page on the OCA website
B.	Establish an orientation for first-time award recipients to network and learn more about the process and common pitfalls e.g., code violations, insurance, delays, etc.
C.	Provide panel scores and reason for acceptance/denial to all funding applicants with an offer of a personal discussion
D.	Establish artist program-specific certificate of occupancy system (e.g. clearly communicating practices around contract terms/schedules)



Establish a supportive arts ecosystem that nourishes the creative and innovative energy of Dallas artists.

This Strategy in Action

An Artist Resource Center could:

- Undertake feasibility study for three possible levels of artist resource center proposed, and implement at minimum one ARC, consider possibility of multiple ARC's dispersed across city in both physical and digital forms. (Level 1- Resource Station, Level 2- Online Resource Center, Level 3- Brick and mortar resource center)
- Financial advisory services. The Center can offer grant assistance, financial counseling, and other mentoring and guidance services for artists and cultural organizations.
- Business programs and training. Artists and small cultural organizations can learn important skills to maintain sustainable businesses. Programs could include professional development, leadership, capacity-building, and business management training to promote financial sustainability.
- Personal liaisons or peer advisors. Artists and organizations could be assigned a single point-of-contact within the Resource Center who can help them navigate different processes and funding the resources they need for their creative projects.
- Business community connections. The Center can partner with the Business Council for the Arts as part of their Leadership Arts Institute. This program prepares Dallas professionals to sit on nonprofit arts boards across the metroplex by providing leadership training and seminars on the trends and challenges facing cultural institutions. Upon completion, graduates are matched with nonprofits depending on interest and need. The Center can expand the reach of the program within the arts community to ensure these organizations are effectively supported.



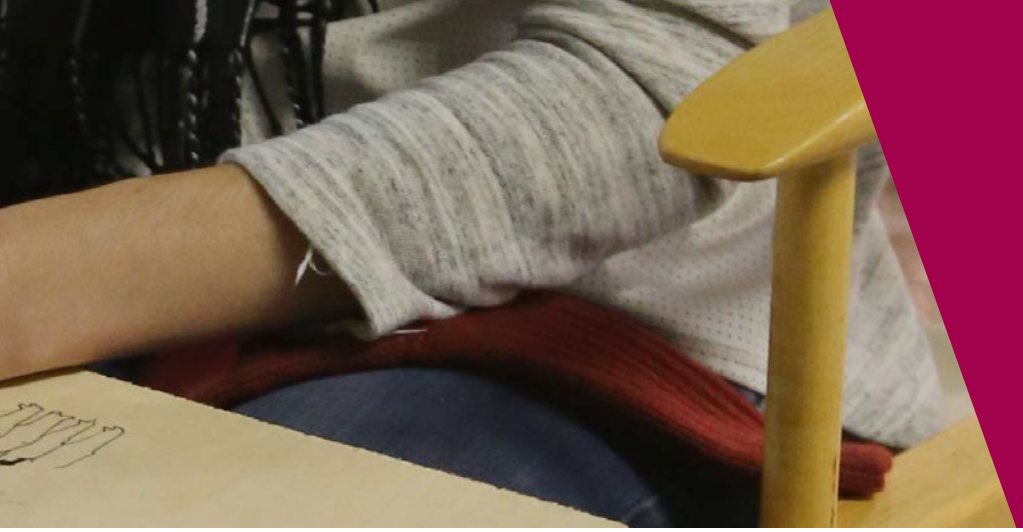
SUPPORT FOR ARTISTS

Arts and culture raise the quality of life for residents and make Dallas' neighborhoods more desirable, raising neighborhood property values in the medium and long-term. Without intervention, the value generated from arts and culture can displace the very artists who created that value. Creative housing support and anti-displacement tools can limit residents' exposure to swelling market prices, preserving and strengthening artistic communities in neighborhoods outside of the urban core.

STRATEGY 16:

Improve affordability and quality of life for artists through policy initiatives

Initiatives	
A.	Collaborate with the Department of Economic Development and the Planning Commission to create rebates/discounts on housing in exchange for artist involvement in the neighborhood
B.	Explore contracting with groups such as EASL or Parkland to establish group healthcare plan or co-op for artists



Establish a supportive arts ecosystem that nourishes the creative and innovative energy of Dallas artists.

This Strategy in Action

Provide artist homeownership support in neighborhoods:
The City can provide assistance in the form of low-interest loans and a streamlined application process for artists to purchase their own homes. Not only does this ensure that artists can remain in their neighborhoods, it also helps them build wealth as property values increase.

- Establish tax credits for defined cultural districts. The City can provide tax benefits for sales and purchases executed within a defined district to provide additional revenue for artists.
- Utilize cultural use zoning incentives. Density bonuses or other mechanisms can be used to encourage developers to build artist live/work spaces.
- Produce a cultural creator affordable housing toolkit. Develop a toolkit that provides creators with consolidated information about housing programs, including rent subsidies, affordable dwelling units, inclusionary housing, and home purchase assistance.
- Subsidize rental housing for artists. Targeted housing subsidies can protect current residents from displacement as market rent increases. The City can focus subsidies to designated neighborhoods to retain artists and other culture creators. They could also be paired with requirements for the artist such as a requirement to proactively engage in community-revitalization efforts.
- New developments not based in community trust or co-op systems could provide 15% of units go to individual artists based on sliding scale income and age brackets
- Work with existing non-profits and institutions in housing and development to provide low-income housing for artists of all ages and develop a database of locations (to be distributed through proposed ARC)

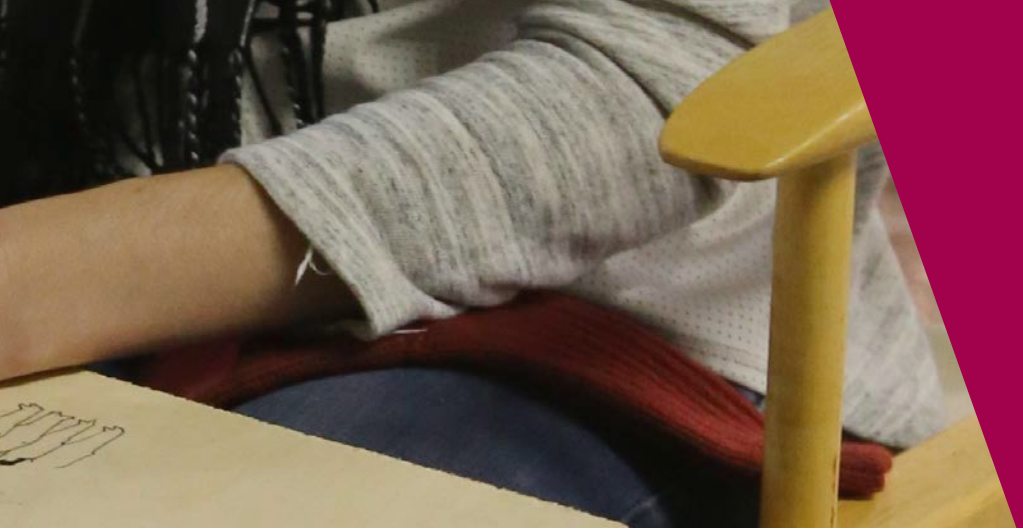


SUPPORT FOR ARTISTS

STRATEGY 17:

Maintain the cultural integrity of neighborhoods and address gentrification across the city in partnership with artists living in those areas

Initiatives	
A.	Explore with neighborhood-based small arts organizations to provide equitable and affordable programming throughout communities (i.e. library black box spaces, rec centers, etc.)
B.	Explore with neighborhood-based small arts organizations to create equitable and affordable programming in vacant city facilities (e.g., Women's Museum)
C.	Establish an online registration system listing all functional library and cultural center spaces available for individual use by reservation
D.	Develop a program of artist residencies throughout the city e.g. with area DISD or DCCCD schools on semester or year-long arts projects. Prioritize artists for the residencies who are from each district and/or have lived in each district for a significant amount of time



Establish a supportive arts ecosystem that nourishes the creative and innovative energy of Dallas artists.

STRATEGY 18:

Work with the City of Dallas to equitably support area arts organizations and individual artists receiving funding and resources from the City

Initiatives	
A.	OCA will work with other City departments to become the central contact for individual artists and small arts organizations
B.	Encourage institutions receiving OCA funding to create goals related to local artists
C.	Promote the value of artists as members of not only the Cultural Affairs Commission but all City of Dallas Boards and Commissions

This Strategy in Action

Organizations receiving OCA funding could be encouraged to:

- Create 15% of programming featuring local artists
- Create discounted membership rates for local artists
- Add an ex-officio board member role for a local artist
- Hire locally for all creative needs



SUSTAINABLE ARTS ECOSYSTEM

Dallas' cultural ecosystem is supported by a portfolio of City-owned cultural assets, concentrated in or around Downtown. Many of these assets are underutilized and could host additional and more diverse cultural programming. Thoughtfully planned, scheduled, and priced programming can use these spaces to bring arts and culture to new audiences. The Dallas Cultural Plan Equity Statement suggests renegotiating the operating agreements for the city's largest cultural facilities to release more resources for equitable distribution. The following opportunities can both free up new funding for investments elsewhere in the city and use City facilities in more efficient and equitable ways.

STRATEGY 19:

Optimize public contribution and benefit at each City-owned cultural facility

Initiatives	
A.	Review/Renegotiate master agreements to implement cost- and revenue-sharing mechanisms in City-owned Arts District facilities
B.	Explore/create policies for resident companies at cultural centers
C.	Clarify the City's naming policy for cultural facilities to incentivize sponsorships, with opportunities to benefit the sponsor, the organization and the City
D.	Extend hours of operation for City-owned cultural spaces. Extension of hours at formal and informal cultural facilities as well as increased affordable off-peak programming can increase utilization and enable new audiences to experience arts and culture. "Late Nights at the DMA," when the DMA remains open until midnight with active and varied diverse programming once a month, is a prime example of the power of extended hours
E.	Support a portfolio of cultural incubators and shared production spaces. Cultural incubators and shared production spaces provide artists with shared equipment, facilities, technical assistance, and a collaborative social network. With these spaces, artists can develop their craft and develop more sustainable enterprises

Model sustainability to the arts and culture community through OCA's facilities and encourage and support the development of future sustainability in the broader arts and cultural sector.



This Strategy in Action

- Renegotiate two large legacy facility agreements for Kalita Humphreys Theater and Morton H. Meyerson Symphony Center
- Revenue sharing between facilities and resident organizations can promote more effective scheduling of City-owned venues. Resident groups can share in both the operating surpluses and deficits of the venue on an annual basis for a portion equal to its share of usage of the space. The group is then incentivized to work with the City to free space that can generate additional operating revenue for the venue.

Morton H. Meyerson Symphony Center



SUSTAINABLE ARTS ECOSYSTEM

Dallas' foundations, corporations, and individuals have the philanthropic capacity to fund the Arts District's deferred maintenance needs if provided with a compelling vision for the future of the District. A City commitment and plan for sustainable operations and proactive maintenance, can assuage donors' concerns about being in the same position two or three decades from now. The City has had some success leveraging the promise of reduced future operating commitments to raise one-time funds for deferred maintenance. Dallas is providing millions in capital maintenance for Fair Park, primarily through the 2017 bond program, with the intention of attracting a private operator for its facilities.

STRATEGY 20:

Sustainably fund deferred and proactive maintenance for City-owned cultural facilities

Initiatives	
A.	Explore opportunities for a one-time injection of capital funding through philanthropic contributions or public investment. The one-time seed funding will enable a private entity to sustainably take over management and general operations
B.	Develop an actionable approach for proactive maintenance. This approach can both defray future capital costs and bolster the philanthropic community's willingness to partner with the City to close the one-time deferred maintenance gap



Model sustainability to the arts and culture community through OCA's facilities and encourage and support the development of future sustainability in the broader arts and cultural sector.

STRATEGY 21:

Work with partners to grow the amount of available funds for arts and culture that leverage cross-sector benefits

Initiatives	
A.	Pursue/expand non-general fund revenue sources for OCA and the arts
B.	Increase arts and culture share of HOT to align with peer city benchmarks
C.	Pursue Airbnb tax for arts and culture as these are primary drivers of this type of tourism
D.	Pursue funds through other government agencies such as NEA/ Department of Veterans Affairs
E.	Explore designation of new cultural districts in Dallas by the Texas Commission on the Arts to leverage state and other funding sources
F.	Advocate at state level for Texas legislative changes to benefit the arts with other cities
G.	Create neighborhood-specific cultural funds

STRATEGY 22:

Increase equity for long-term sustainability of the entire arts ecosystem

Initiatives	
A.	Produce consolidated study of arts funding and equity (Pittsburgh)
B.	Leverage study and existing OCA funding to help entice more private funding into arts ecosystem
C.	Study potential consolidated corporate/foundation funds to support mission
D.	Provide grant assistance to new/returning OCA applicants



SUSTAINABLE ARTS ECOSYSTEM

STRATEGY 23:

Bring arts to the table in broader city initiatives

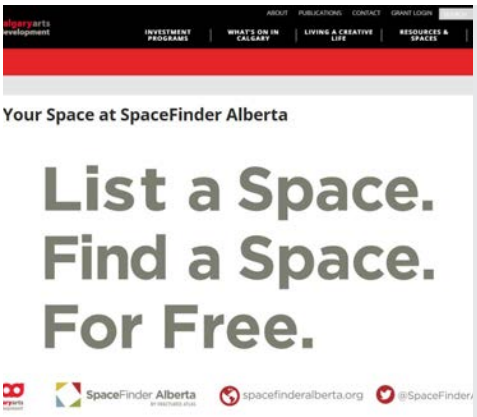
Initiatives	
A.	Work purposefully with other City departments to plan and identify opportunities for arts and culture
B.	Ensure that arts and culture have a voice in future planning studies and initiatives across City of Dallas (Goals for Dallas 2030)
C.	Bolster CAC section of OCA website to create easier access to Cultural Affairs Commissioners representing community and neighborhoods

STRATEGY 24:

Incentivize better resource sharing

Initiatives	
A.	Resource sharing, scale effects from partnership with private dollars
B.	Ask private funders and foundations to encourage cultural organizations to pursue shared physical, promotional, and planning work office for improved sustainability
C.	Explore partnerships between property owners and art venues for parking and other sharing
D	Create and facilitate more connections within the arts ecosystem

Model sustainability to the arts and culture community through OCA's facilities and encourage and support the development of future sustainability in the broader arts and cultural sector.



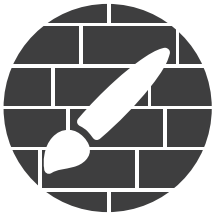
This Strategy in Action

Better connect artists and cultural organizations with each other, the City, and resources through the development of a variety of tools including

- Spacefinder
- Artist databases/Directory - Audition site
- Communications
- Management Assistance
- Connections to Businesses
- Artist resource center website
- Marketing Guide

STRATEGY 25:

Establish and maintain a dedicated fund for public art maintenance



Initiatives	
A.	Identify costs for collection appraisal and condition review
B.	Define the lifespan of each public artwork in the collection
C.	Identify and review maintenance policies and funding strategies from peer cities
D.	Identify development strategy and resources for fundraising for collection management and special needs projects

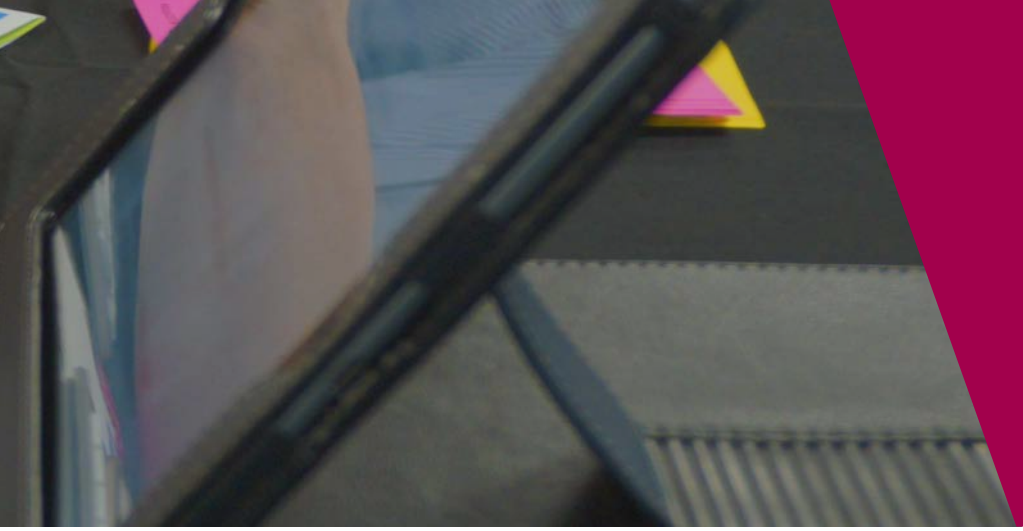


COMMUNICATION

STRATEGY 26:

Support and communicate existing and new cultural experiences in Dallas

Initiatives	
A.	Build on existing resources that promote arts and culture events across disciplines — including free and low-cost events
B.	Increase street level presence of arts and culture through signage, street banners and other means
C.	Use digital advertisements for upcoming arts and culture events including Google, Facebook, Twitter, Instagram, Snapchat, radio and other means
D.	Actively communicate public transportation options for arts and culture in Dallas



Promote Culture as a fundamental driver of the City of Dallas. Ensure awareness at local, national and international levels of Dallas' cultural offerings through enhanced communication.

STRATEGY 27:

Build richer relationships within the arts ecosystem, with key stakeholders, and with communities to foster deeper, more meaningful engagement and communications

Initiatives	
A.	Build upon successful models of engaging and communicating with communities (e.g., DTC's Public Works Dallas model)
B.	Hold regular arts marketing roundtable events to foster learning, experience sharing, and collaboration specifically related to neighborhood engagement
C.	Work with Cultural Affairs Commission, VisitDallas and new volunteer Neighborhood Arts Champions to tell stories of their neighborhoods and foster new relationships
D.	Collaborate with other groups already in the community (e.g., neighborhood associations, other non-profits, Library and Parks friends groups)
E.	Explore opportunities for coordinated organization-neighborhood "residencies" and learning cohorts
F.	Collaborate on group marketing campaigns/ad buys where it makes sense (e.g., LCC core group marketing campaign and flex subscription — akin to Elevator Project, holiday campaigns targeted to families)
G.	Innovate new models of engaging with different audiences and share learnings across the Dallas arts ecosystem (for example, seek Knight Foundation grant to innovate with technology)

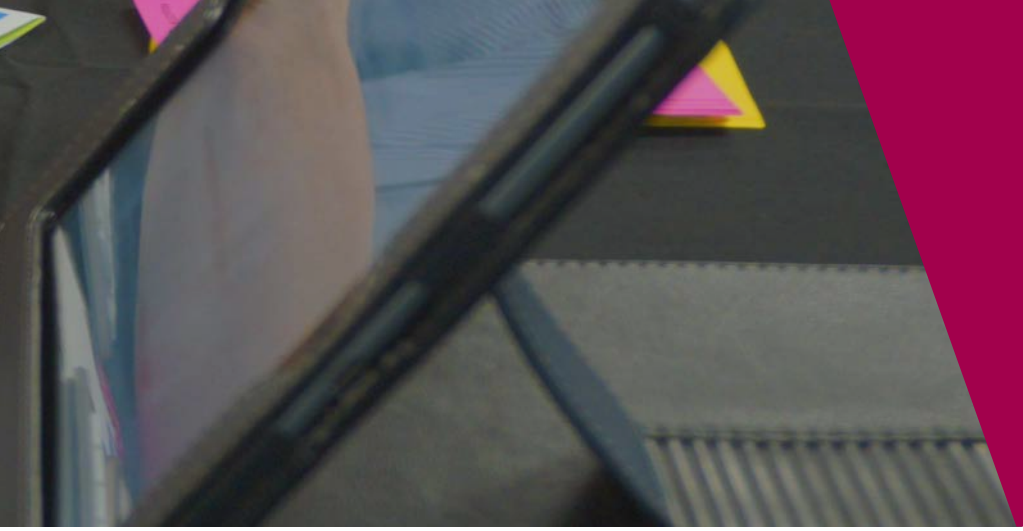


COMMUNICATION

STRATEGY 28:

Communicate the value of arts to quality of life using both data and stories

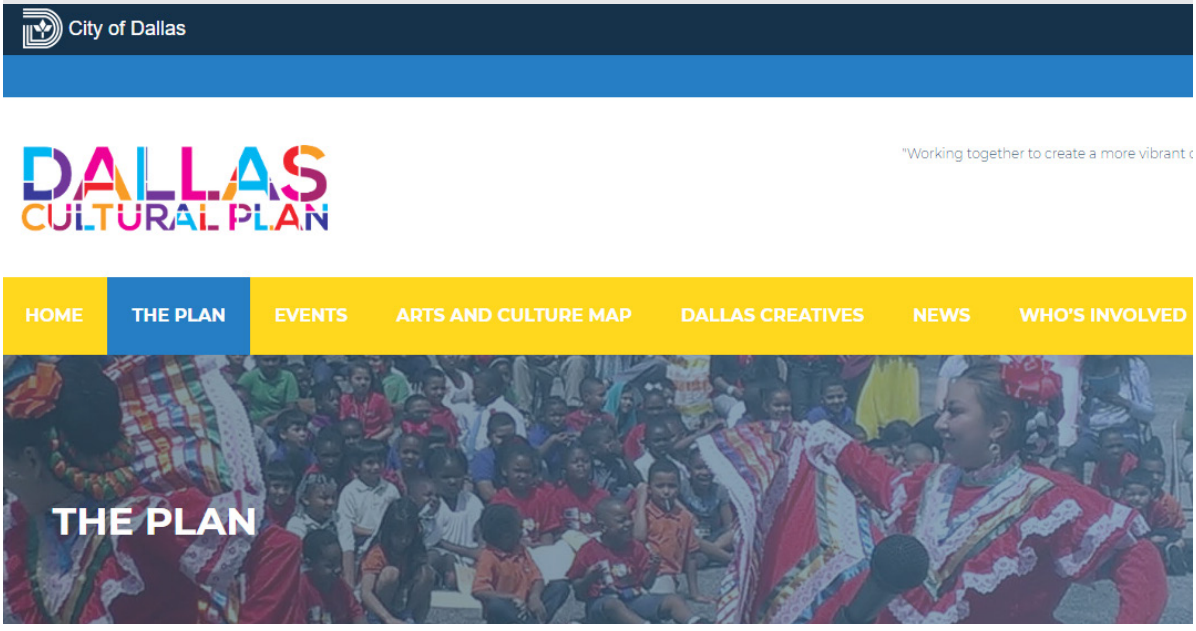
Initiatives	
A.	Re-emphasize the economic impact of arts and culture through targeted messaging
B.	Identify ways to better tell the story of arts and culture and to ensure a seat at the table of City planning and strategy
C.	Track and share OCA's key metrics and correlate with other City of Dallas resiliency, "health" and equity metrics
D.	Underline the impact of arts and cultural diversity on overall quality of life
E.	Use the value and importance of art to advocate for consistency in arts spaces
F.	Create opportunities for cultural entities to receive branding and marketing training through workshops or other facilitated means by the OCA



Promote Culture as a fundamental driver of the City of Dallas. Ensure awareness at local, national and international levels of Dallas' cultural offerings through enhanced communication.

This Strategy in Action

- Disseminate information of the final Cultural Plan to the citizens of Dallas through citywide communications channels.
- Hold a launch event for the final Cultural Plan to ensure maximum exposure of plan.
- Release updates regarding the Plan in order to continue awareness of the plan as it is working in the community (2x year)
- Work with OCA Grantees, Universities, Local Funders and Foundations, Corporate PR Departments, the Business Council for the Arts and Developers to ensure the dissemination of the cultural plan.
- Fill a PR/Marketing position within OCA in order to communicate the Cultural Plan and support all OCA/arts communications.
- Identify multi-lingual channels and opportunities for Cultural Plan promotion.



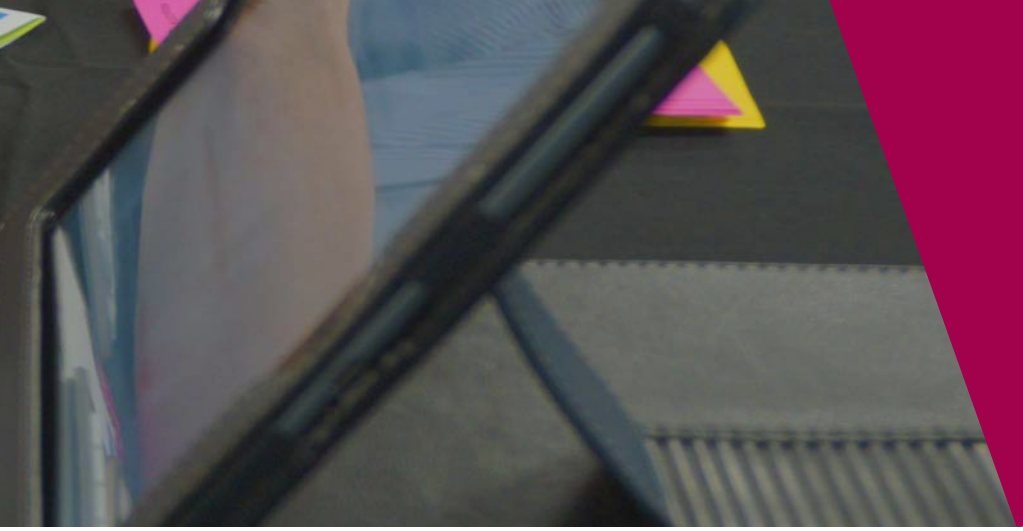


COMMUNICATION

STRATEGY 29:

Establish and present Dallas as a cultural destination with local, national and international reach

Initiatives	
A.	Work with VisitDallas and PAO to ensure that culture is an essential part of how the City of Dallas is presented to the world and in particular to the tourism industry
B.	Work with key Dallas branding and marketing partners to ensure that arts and culture is at the front in "selling" Dallas (Dallas Regional Chamber, VisitDallas, etc.)
C.	Integrate arts and culture into other planning initiatives within the City of Dallas
D.	Revise OCA website for optimal public facing use in line with branding strategy
E.	Produce and implement communications plan regarding resources available for local artists (space, potential funding resources, housing for artists, etc.) that OCA can connect them to
F.	Create comprehensive branding strategy for arts and culture at the local, national and international level
G.	Regularly convene key communications/media stakeholders to pitch stories/themes of the Dallas arts ecosystem outside of Dallas



Promote Culture as a fundamental driver of the City of Dallas. Ensure awareness at local, national and international levels of Dallas' cultural offerings through enhanced communication.

STRATEGY 30:

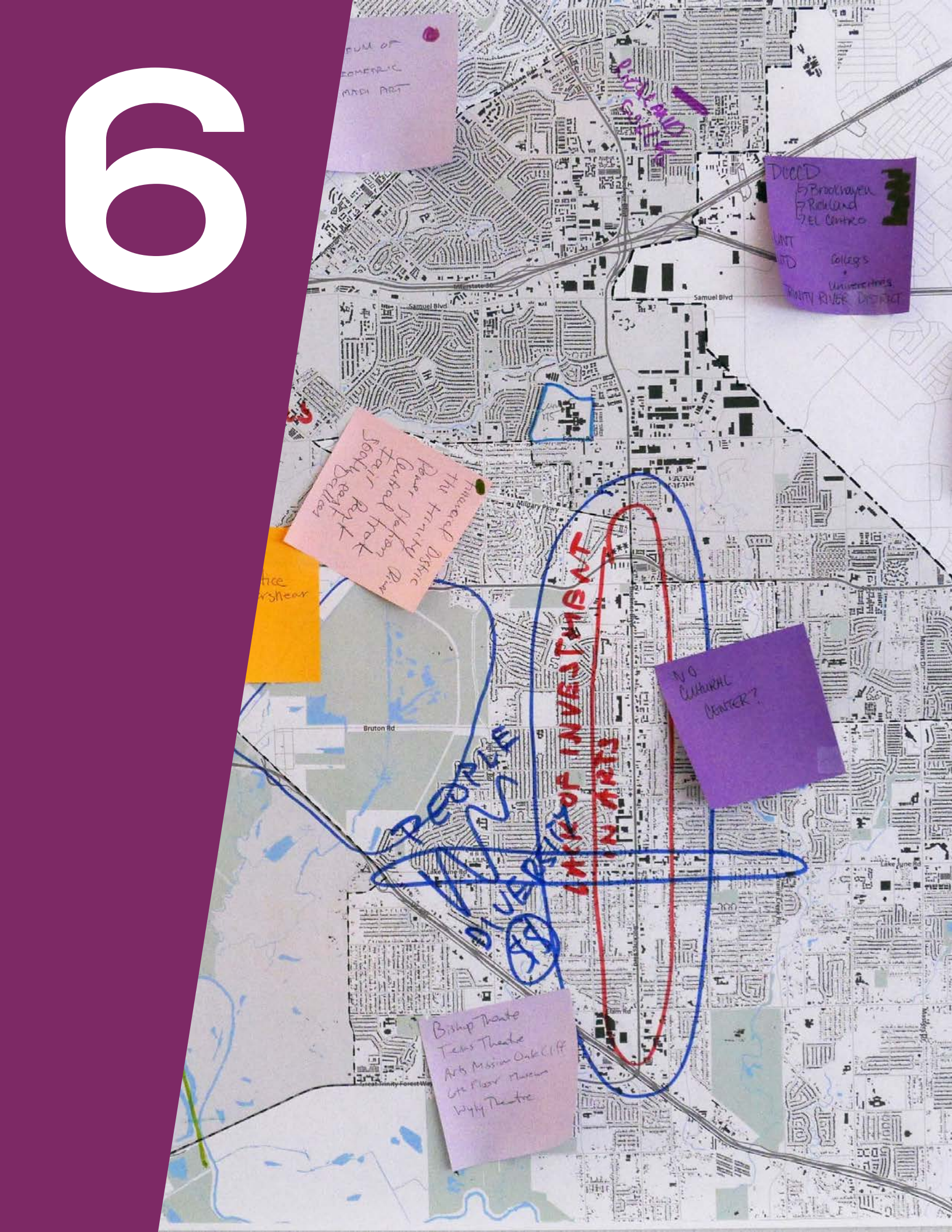
Develop process to ensure Dallas community access to, engagement with and education about public art

Initiatives	
A.	Use geomapping, geocaching, public art app tracking and other similar digital initiatives to confirm viewership for public art
B.	Develop visitor self-guided tours of public art in high traffic visitor areas including social media specific tours
C.	Identify national best practices for community access and engagement in public art
D.	Develop a process to track access and viewer participation with public art to develop use metrics for interface with VisitDallas and other City of Dallas initiatives

STRATEGY 31:

Develop effective communications strategies for public art in Dallas

Initiatives	
A.	Develop signage and online access for the public art collection
B.	Digitize public art archive
C.	Create digital access for public to art collection by location and theme


DCCCD
5 Brookhaven
7 Richland
7 El Centro
Samuel Blvd
Bruton Rd
Lake June Rd
Bishop Theatre
Texas Theatre
Arts Mission Oak Cliff
4th Floor Museum
Wyly Theatre

The creation of the Dallas Cultural Plan is just the beginning of the process. To fully realize the opportunities laid out here, many organizations, artists, individuals, communities, and partners will need to act collaboratively.

BRINGING THE PLAN TO LIFE: IMPLEMENTATION

The strategies and initiatives described in Chapters 4 and 5 outline the ways that the Plan can be actualized.

Each initiative will be attached to an approximate timeline for launching the initiative and the budget range for annual operating support. This framework is a jumping off point to detailed critical paths outlining how, when, and who will collaborate to achieve the recommendations addressing the city's priorities for art and culture.

This is a long-range plan, so both the timeline and cost estimates may shift. The benefit of such a framework is to equip the OCA, its partners, and the entire city with the tools to prioritize, budget, schedule, and resource the achievement of its cultural plan.

In order to measure success of the plan, the OCA will work with other City agencies and parts to collect citywide data on the changing cultural landscape over the coming years.

As a result of this planning effort, a Neighborhood Arts Evaluation tool may be developed that would crowdsource data on the cultural health of the city's neighborhoods. Neighborhood leaders and residents will be encouraged to fill gaps in existing data and measure changes related to implementation of the plan. Some data points that can be tracked include:

- Public artworks
- Cultural performances and experiences
- New arts venues
- Event attendance
- Event pricing and costs

These data types are suggestions and would complement data that OCA already collects from artists and organizations it funds (i.e. all of the above except for event pricing and costs).

IMPLEMENTATION STRATEGY

Implementation of the Cultural Plan will be led by a reconstituted Steering Committee of arts and culture leaders, artists and creative professionals, as well as other sectors in the community, including government, business, education and community representatives. This committee will provide feedback and direction, and report, at least annually, to the community on the progress of the Plan's strategies and actions. The Office of Culture Affairs will serve as the primary champion, working with other organizations such as TACA, Dallas Area Cultural Advocacy Coalition, the Business Council for the Arts, and area artists in all aspects of the Plan implementation.

The strategy to realize the plan focuses on key principles. They are;

- **The responsibility and success for the implementation of the plan is a shared responsibility.** It is expected that arts and culture organizations, artists and creative professionals, funders and partners will see their roles in the collective action of the plan. No one organization or individual can implement this Plan alone. Nor can the Plan be fulfilled without the leadership and alignment of many.

- **The value of arts and culture must be magnified to achieve the plan's initiatives.** A great many initiatives can be achieved now and for very little money. What the initiatives call for is citywide recognition of the power of arts and culture's power to improve the entire city of Dallas.

- **Including all Dallas residents.** The Dallas Cultural Plan reached many neighborhoods and audiences that have never participated in conversations about the city's arts and culture. New connections resulted from convening neighbors around a room. Indeed, many initiatives are the result of these citywide brainstorms. Mirroring the collaboration required to make the cultural planning process a reality, the implementation strategy identifies roles for the public, private, and nonprofit sector as well as individuals across the city.

While many individual initiatives rest on a shift in perception about culture, overall implementation does depend on new resources. These include existing resources for tasks that can integrate cultural initiatives. Newly-created resources are also required, including funding, partnerships, new business models, and a mandate for sustainability. City departments and agencies, colleges and universities, DISD, small businesses and major corporations, individual residents, as well as the cultural sector have all been partners in creating a vision for this plan. They and countless other stakeholders are the source for the plan's implementation.


ART CON
People together

ACKNOWLEDGEMENTS

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City Manager, **T.C. Broadnax**
Assistant City Manager, **Joey Zapata**

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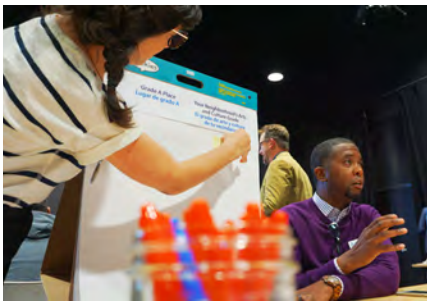
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APPENDIX

















DALLAS CULTURAL PLAN 2018

APPENDIX A
PHASE ONE FINDINGS REPORT



DISCUSSION DRAFT

DALLAS CULTURAL PLAN

PHASE ONE FINDINGS REPORT

April 2018

Dallas Cultural Plan Partners









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Executive Summary

A vision for Dallas that includes a diverse and interesting combination of economic, social and artistic influences coming together to create authentic art experiences that bring visitors and residents together.

-Community Workshop participant

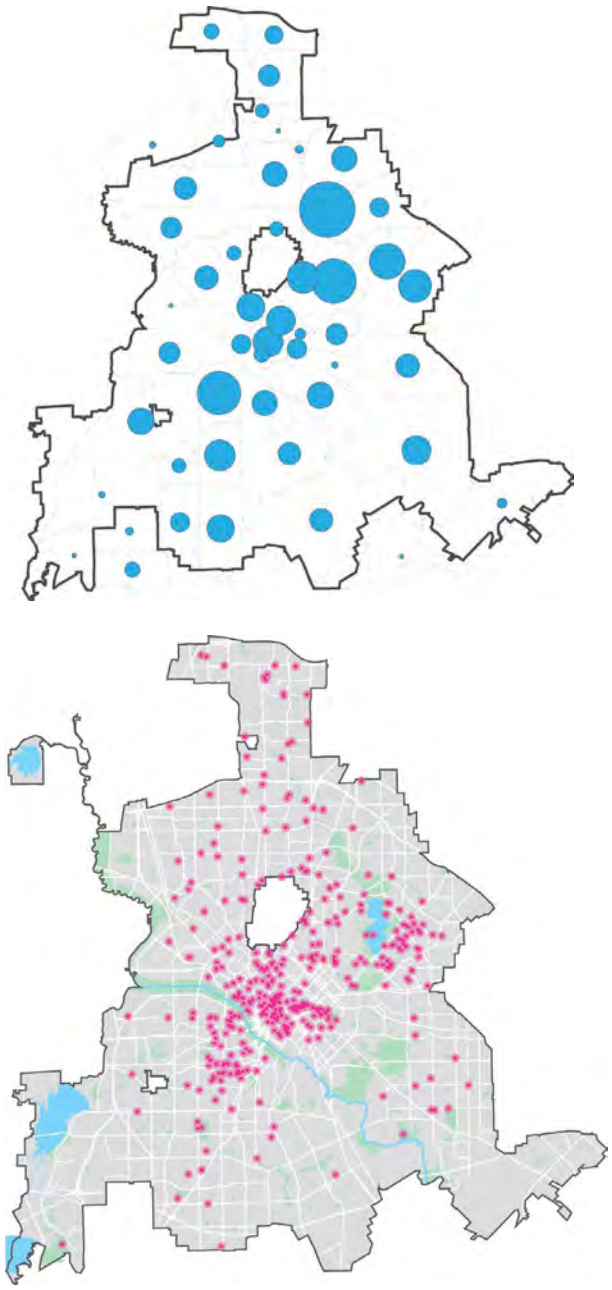
The city of Dallas is an international hub of commerce and culture. Anchoring the economically dynamic North Texas region, it is home to the third-largest concentration of Fortune 500 companies in the nation. It is the 9th largest city in America with almost 1.2 million residents. The city offers an ethnically and racially diverse population, with just over 40% identifying as Hispanic or Latino and 60% White, 25% African American, and 3% Asian American.

Inspired by Mayor Mike Rawlings, who recently awarded a National Leadership in the Arts Award by the Americans for the Arts, and directed by the Office of Cultural Affairs (OCA), Dallas is harnessing its strengths to grapple with many of its challenges. In late 2017, the City launched a comprehensive cultural planning process to engage local arts and cultural organizations, their leaders, and supporters as well as residents across all neighborhoods, to explore ways to strengthen and improve access to the City's tremendous assets through arts and culture.

The Dallas Cultural Plan is an invitation to explore and shape Dallas' cultural future.

This Phase 1 Findings Report lays the foundation for the planning process with a 360° review of Dallas' cultural environment, including:

- Analysis of existing data and a review of City of Dallas plans
- In-depth assessment of Office of Cultural Affairs policies and practices, including funding programs
- A robust six-month citywide community engagement, and
- An understanding of national and international trends relevant to Dallas.



Residents from every zip code in the city participated. They shared where they experienced culture and why.

There are no recommendations contained in this report. Instead, these findings represent an amalgamation of all of the research collected from the activities of Phase 1.

In the next phases, the team will use this information to make recommendations for identification of citywide priorities, strategy development, and updating the cultural policy.

OCA in Context

OCA supports the diverse cultural ecosystem in Dallas—including artists, arts organizations, cultural places, and cultural visitors. Over two-thirds of OCA funding is allocated to city-owned cultural venues, while the remaining funds go to cultural organizations and to support public art.

Dallas funds culture at a similar per-capita level as peer cities across the country—higher than peers like Chicago and Houston while just lower than New York City. **The concentration of OCA funds in cultural venues is unusual compared with peer cities, which tend to allocate a greater share of funding to programming.**

The comparable cities research points to the following additional considerations for the DCP and its implementation:

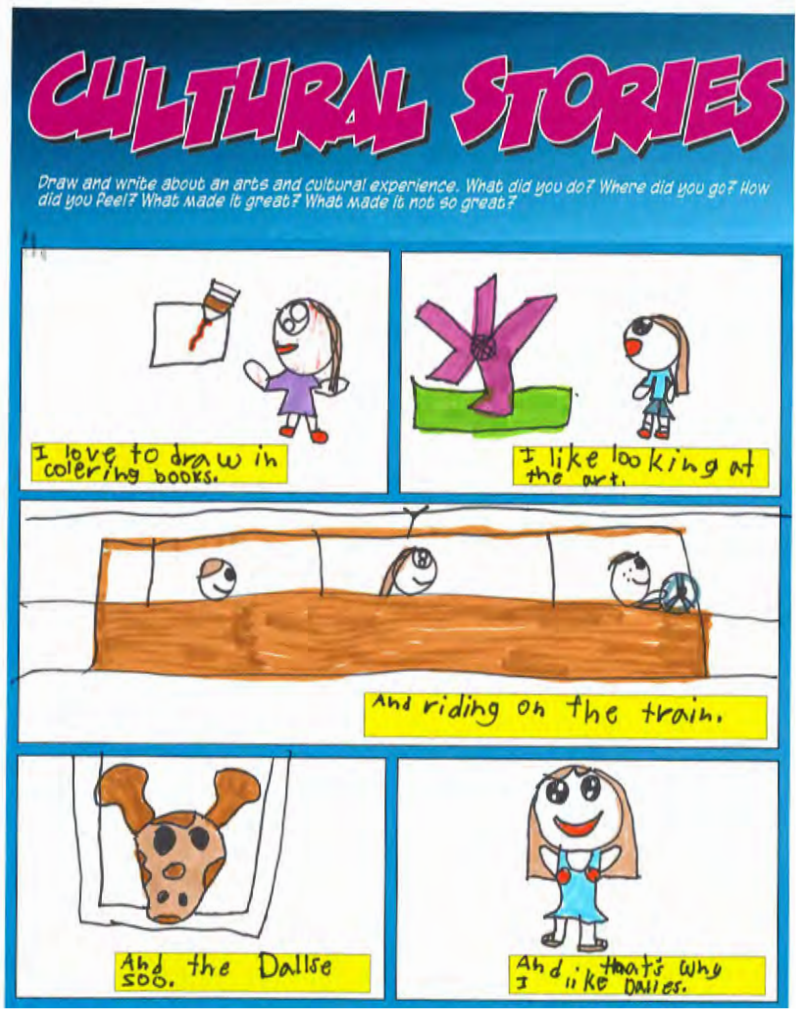
- Equity is essential. A city's arts and cultural governance, organizations, and participation must reflect the changing demographics of its population.
- What are the tools for influence? (Funding? Political will? Programs? Staff?) Ideally, all these are available. And who on the ground will monitor and wield those tools?
- Focus not just on the everyday, but on the long term: This can be especially important to keep mind, as plans seem to beget more plans on the path toward realization.

Engaging Dallas

Understanding the successes, opportunities, and challenges of experiencing and creating art in Dallas requires engaging and highlighting the range of voices in the city.

In six months, the Dallas Cultural Plan engaged with **over 5,000 residents** at 96 events across the city, touching each City Council District at least once and partnering with dozens of organizations, individuals, and companies. These events fell into four categories:

- Citywide Kickoff Events—four large town hall-style meetings held across the city to begin the cultural planning process.
- Districtwide Community Conversations (15)—meetings convened in conjunction with City Councilmembers in their districts to delve into needs and opportunities of neighborhoods.
- Focus Groups (13) or Sector Conversations—conversations held with a particular sector or arts discipline,
- Partner Events (53) and Tabling Events (11)—the team partnered with organizations of all types, speaking at their meetings and events or at special convened conversations where the Dallas Cultural Plan was given time to present.





What We Heard: Overarching Insights

The conversations were as spirited and diverse as the locations in which they were held.

Holistically, the city is looking for opportunities to:

- **Broaden definitions of 'art' and 'culture':** Dallas has many forms of arts and culture. By expanding the definitions of art and culture in the city, and thinking about where and how it is experienced, many feel barriers to resource allocations will disappear.
- **Distribute citywide resources equitably:** Depending upon the neighborhood, access to arts and cultural experiences are uneven. This is particularly true in the educational environment and lower-income areas. Cost continues to be a major barrier to both experiencing and producing arts and culture and there are still gaps in addressing access issues created by lack of transportation and space.
- **Increase support for, and understanding of, ethnic, cultural, and racial diversity:** There is a genuine desire to make all residents of the city feel welcome. However, barriers such as race and ethnicity, present a divide that people often feel they do not possess even the most rudimentary tools—like language—to confront. There are vibrant arts and culture happenings throughout the city, but funders, audiences, and even producers tend. not to cross boundaries—geographic, disciplines, race or ethnicities— to experience them.

- **Focus public resources on organizations rather than buildings:** Organizations are providing arts and cultural opportunities to communities across Dallas as best they can with very limited resources. Investing in them directly will help them to do their work better and offer greater benefit to Dallas residents as a whole than continued investment in facilities.
- **Coordinate and centralize communication:** Stronger communication and greater cooperation amongst the arts and culture community is needed to optimize arts presence throughout the city. Without this coordination, marketing and communication of activities suffers from both an overload of information and a lack of clarity.
- **Build opportunities for economic sustainability:** There is palpable frustration regarding the limited economic resources available for arts and culture organizations, institutions, and individual artists. There is a demand to address issues created by a shrinking donor pool, decreased emphasis on the arts by the corporate philanthropic sector, and perceived inequities in the allocation of public funding.
- **Attract visitors and professionals beyond Dallas' boundaries:** There is a desire to leverage the arts and culture sector to attract tourists as well as retain workers and, in turn, attract businesses attempting to reach, serve, and employ that talent, creating the highest level and most sustainable (renewable) economic base.
- **Harness the value of neighborhoods while preserving the culture of those neighborhoods:** Throughout the city, arts and culture are a driving force in the renewal and redevelopment of neighborhoods. As the value of the land rises, many artists and arts organizations are being "priced out of their spaces."
- **Address the need for spaces throughout the city to experience arts:** There were many conversations about the types of spaces available throughout the city. In neighborhoods, there is a positive attitude towards the re-imaginng of existing spaces to be more inclusive of all types of art and small and large organizations.

Where do we go from here?

This report represents the conclusion of the initial public engagement. Following the approval of this report, the team will;

- Share the findings of this Phase 1 process
- Build upon the results of the public engagement and research
- Begin planning and hosting interagency meetings:
- Develop a business model for the arts in Dallas
- Form taskforces around key themes to identify and address priorities:
- Write and distribute Draft Cultural Plan



"What better symbol for a city that flies above all expectations than a winged horse dancing in the skyline?"

— Charles Scudder, Dallas Morning News

Photo by Explore Dallas History via Flickr



1. Introduction

A booming metropolis with a thriving economy. A vibrant and diverse community. A leader of entrepreneurship, innovation and tech.

The city of Dallas is an international hub of commerce and culture. Anchoring the economically dynamic North Texas region, it is home to the third-largest concentration of Fortune 500 companies in the nation. It is the 9th largest city in America with almost 1.2 million residents. The City offers an ethnically and racially diverse population, with just over 40% identifying as Hispanic or Latino and 60% White, 25% African American, and 3% Asian American.

Inspired by Mayor Mike Rawlings, who was recently awarded a National Leadership in the Arts Award by the Americans for the Arts and directed by the Office of Cultural Affairs (OCA), Dallas is harnessing its strengths to grapple with many of its challenges.

In late 2017, the City launched a comprehensive cultural planning process to engage local arts and cultural organizations, their leaders, and supporters as well as residents across all neighborhoods, to explore ways to strengthen and improve access to the City's tremendous assets through arts and culture.

Dallas is a very different city from 2002, the last time the City embarked on an arts and cultural planning process to develop a unified plan to direct the growth of the arts in the City.

The 2002 process and the subsequent Cultural Policy and other planning efforts resulted in numerous arts and culture assets benefitting Dallasites and visitors today:

- Completion of the Dallas Arts District—the largest contiguous arts district in the world;
- Continued development, maintenance and operation of neighborhood cultural centers—the Latino Cultural Center, Oak Cliff Cultural Center, the South Dallas Cultural Center, and the Bath House Cultural Center; and
- Numerous ongoing cultural funding programs that support arts and cultural organizations, individual artists, and arts programs.



Overview of Planning Process

The 2018 plan is an invitation to explore and shape Dallas' cultural future. Ultimately, the final Dallas Cultural Plan and an updated Cultural Policy to support the implementation of the Plan will be briefed before the Quality of Life, Arts, Culture Committee of the Dallas City Council before it is taken to City Council for approval by the City Council.

Funded by a combination of private donations and public support, the City selected an integrated local and global team headed by the international consulting firm Lord Cultural Resources, with partners bcWorkshop, HR&A Advisors, and Idyllic Interactive, to guide the planning effort. The City also created a steering committee of artistic and community leaders drawn from the cultural sector and other closely related industries, such as education, business, tourism, philanthropy, and economic development. In conjunction with the steering committee, the Cultural Affairs Commission, appointed by the Dallas City Council, advises the Dallas Cultural Planning process.

There are four legs on which this cultural plan stands: public engagement, broad and deep research and analysis, a business model for the arts in Dallas, and finally, buy-in from residents, government, and the business and philanthropic communities. The planning process is unfolding in three phases, with Phase 1 combining planning, research, and development with a robust public and community outreach process.

OCA has placed a major emphasis on eliciting a vision for culture based on the needs and wants of people in neighborhoods throughout the city. As a result, residents from all walks of life

have been actively involved in the planning process, providing input through in-person town hall meetings, a series of community conversations designed to reach into all parts of Dallas' over 300 individual neighborhoods, virtual engagement through the website, dallasculturalplan.com, and social media platforms.

Phase 1 laid the foundation for the planning process with a 360° review of Dallas' cultural environment. As many surveys and studies have been conducted gauging the city's cultural vitality; this process required:

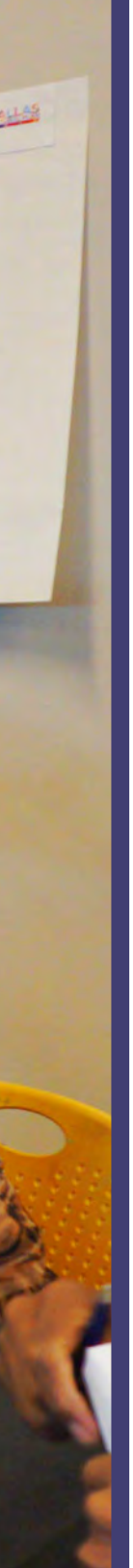
- **Analysis of existing data, including:**
  - Current Cultural Policy, circa 2002, The Economic Impacts of the Dallas-Ft. Worth Creative Economy
  - Arts and Economic Prosperity Study, 5 Business Council for the Arts with Dallas Office of Cultural Affairs and Americans for the Arts
  - TACA Artist Data Exploration
  - TACA Vibrancy Update
  - Cultural Affairs Commission and Office of Cultural Affairs portion of the City Code
  - The Dallas Public Art Handbook
- **Review of recent City plans, including;**
  - Downtown Dallas 360 Plan
  - Dallas Park and Recreation Comprehensive Plan
  - Forward Dallas! City of Dallas Comprehensive Plan
  - Current draft of the new housing policy
  - Complete Streets Manual
  - Dallas CityMAP
  - Dallas Arts District plan
- **An understanding of national trends in the arts in regard to innovative models and initiatives in cultural planning**

This phase also constitutes a crucial component of the planning process, engaging Dallasites—citizens, artists, cultural organizations, civic and business leaders, and broad-based stakeholders—in the dialogue about the future of arts and culture in the City. The methodology to reach these public groups was purposefully broad, creating ample opportunities for input to equalize voices and cast a wide net of participant feedback.

There are no recommendations contained in this report. Instead, these findings represent an amalgamation of all of the research collected from the activities of Phase 1. In the next phases, the team will use this information to make recommendations for identification of citywide priorities and strategy development.



Photo by Stereometric via Flickr



2. Dallas' Planning Context

There have been a number of plans created in Dallas in the past few years, however, not all plans become adopted as policy. Instead, measures in practice are built on codes and ordinances. This section presents the realities of what is in practice, and whether this is based on plans, codes, or general evolution.

City of Dallas' Current Plans, Policies, and Practices

In 2002 the OCA adopted an updated cultural policy which outlines the mission, vision, program guidelines governance of the OCA and the goals, application and selection, and funding for the OCA's primary programs.

To understand what needed to be changed or updated in the Cultural Policy, the team examined the current Policy.

It establishes that:

- The OCA is under the purview of the City Manager's Office, and is responsible for the implementation of this cultural policy and programs.
- The OCA will seek advice from the Cultural Affairs Commission and review and approval from the Dallas City Council.
- Six programs or initiatives directed and funded by the Office of Cultural Affairs. Today, half of the programs have evolved into other uses. Those still in use include: [Cultural Organization Program (COP), Cultural Projects Arts Program (CPP), and Arts Endowment Fund, Public Art Program.

This evolution is possible because of the following;

- **Process for Change**. The Policy's outlined governance structure allowed for the evolution and adjusting of OCA programs. Today, three of the programs identified in 2002 are still active under the same name. Since 2002, 3 programs have been introduced or reconfigured with new program names: Cultural Vitality Program (CVP), Cultural Facilities Program (CFP), and Community Artist Program (CAP).
- **Role of Funding.** The procurement of cultural services is identified as the City's primary role, "contracting for the services of Dallas' cultural organizations and individual artists." Crafting program requirements in terms of services rendered supports the sharing or production of arts and culture, but does not contribute to the development and creation of arts and culture programing. This funding limitation may be particularly challenging for emerging artist.
- **Prominence of Public Art.** The structure of the 2002 policy gives much greater prominence to the public art program than other OCA funding programs. This program is also distinct in its art review process and explicit collaboration with the Park and Recreation department. Finally, public art is specifically referenced in the cities' ordinance code.



- **Review Criteria.** The review criteria outlined with the Policy is primarily composed of fairly standard, or easily measurable factors. However, the Policy identifies "need" as a metric. This poses a challenge because need is not defined in the document or through an ancillary process referenced in the document. Additionally, within the criteria identified there is no identification of weighting or importance. The City now has a rubric for evaluating projects or application which is addresses this issue.
- **Policy Update:** The 2002 Cultural Policy stated throughout the document that the policy should be reviewed and updated every 5 years.

Review of Planning Documents

The final analysis of this engagement process will serve as a touchstone for a detailed review of relevant city plans and policies. The team anticipates that the following plans identify areas of overlap across city goals and objectives to strengthen the development of strategies for the final Cultural Plan, the resulting Cultural Policy, and their eventual implementation. They are:

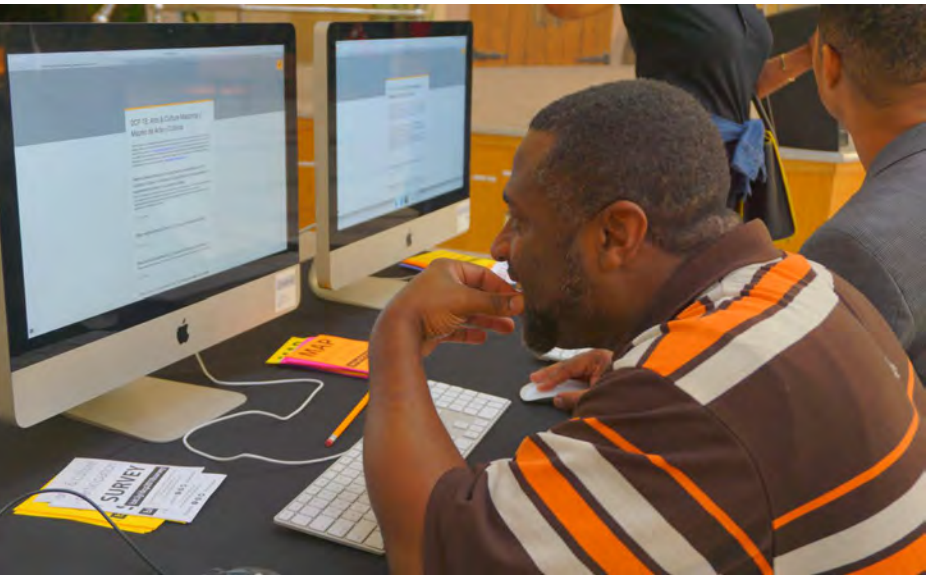
- *Downtown Dallas 360 Plan*: A strategic plan that outlines a vision for downtown Dallas, which includes the area commonly understood as "Downtown"—The Dallas Arts District, The Dallas Farmers Market, West End, etc.—as well as surrounding neighborhoods including Uptown, The Design District, The Cedars, Deep Ellum, and more.
- *Dallas Park and Recreation Comprehensive Plan:* The goals and strategies of the Park and Recreation Comprehensive Plan are supported by a series of specific plans that include the Downtown Parks Master Plan, Marketing Plan, Economic Value & Benchmarking Study, etc.
- *Forward Dallas!* City of Dallas Comprehensive Plan: Provides a Vision for the future of Dallas—Crafted from the ideas, ideals, and goals of Dallas residents.
- Current Housing Policy DRAFT: Establishes production goals for the development of homeowner and rental housing in strategic areas for different income bands, specifically 120% - 30% area median income.

- *Complete Streets* Manual: Provides policies and design best practice guidelines to City agencies, design professionals, private developers, and community groups for the improvement of streets and pedestrian areas throughout Dallas.
- Dallas CityMAP: The Dallas City Center Master Assessment Plan looks at the highways infrastructure in and around downtown and proposes alternatives to improve conditions in the core and adjacent neighborhoods.
- Dallas Arts District Master Plan (6/7/2017 draft): A restructuring/revisiting of the original "Sasaki Plan" from 1982.
- Visual Dallas: A Public Art Plan for the City: An extensive exploration of public art in Dallas written and adopted in 1987 - not only outlines a vision for public art in the city, but also meditates on the meaning and value of art.
- OCA Public Art Handbook: Summarizes the history of the City's public art program, including the creation of the Public Art Committee in 1982, formalization of the program in 1985, adoption of the Percent for Art program in 1989, the goals and other features of the program, including:
    - 124 commissions have been completed and 168 pieces have been donated.
    - There is a prequalified list of emerging artists (for the selection process), and Texas artists are given preference for commissions up to $100,000, while larger budget amounts are subject to an open call.









Further review of these plans, along with in-depth work sessions with the organizations and departments that developed them, will inform how to connect existing planning efforts with the key issues areas that have arisen from the Dallas Cultural Plan engagement process. Areas of insight that will be explore include:

- Strategies and opportunities for temporary public art and furthering the scope of public art in Dallas
- Integration of public art and arts and culture programming into the City parks and trails system
- Alignment of goals or strategies with long-range City planning goals—potential alignment of cross departmental programming or capital planning
- Housing affordability for artists and communities, including the ability for longstanding communities to remain in their neighborhoods which may be experiencing both increased access to arts and culture and higher housing costs
- Strategies to integrated "Art and Cultural" elements into the public realm or public roadways
- Potential opportunities to collaborate with TxDot or leverage public lands currently occupied by freeways
- Furthering the development and evolution of the Dallas Arts District, both as an arts tourism destination and a local amenity accessible to all



$14.8 M Budget



$6.7 M Budget

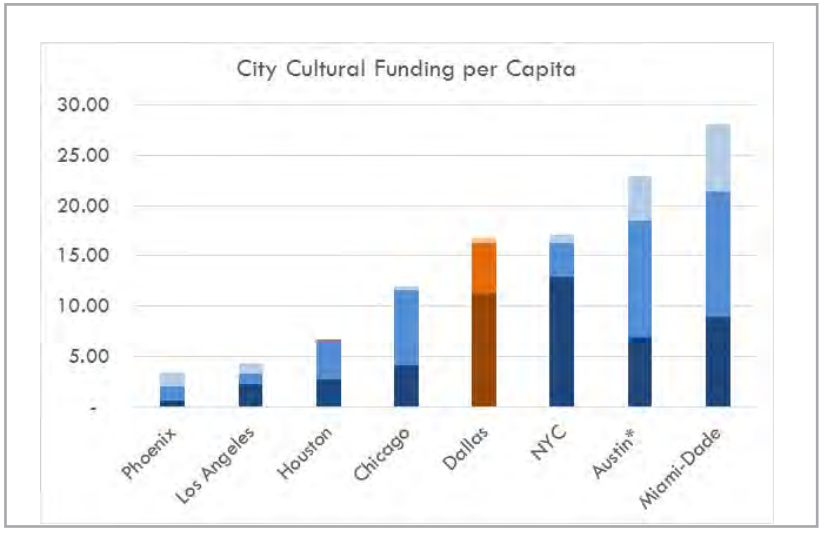


$548,000 Budget

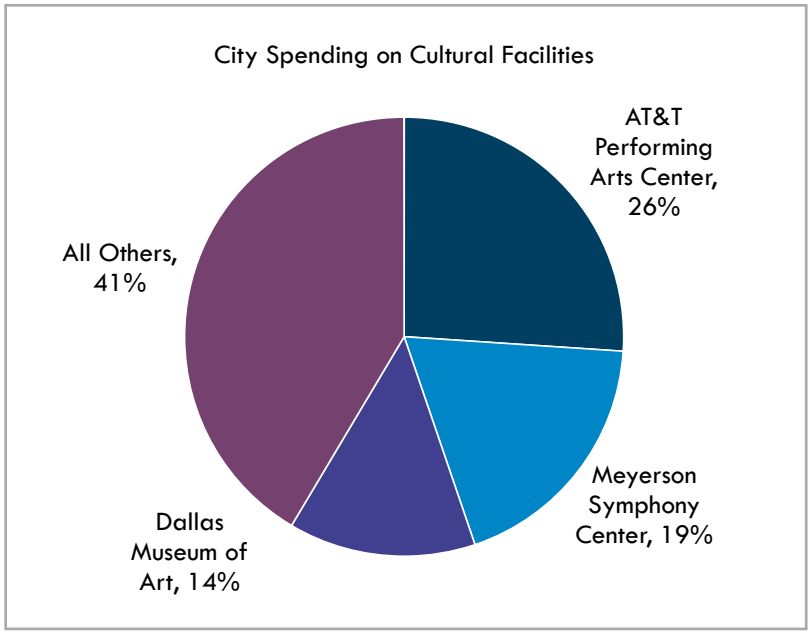
OCA Spending Today

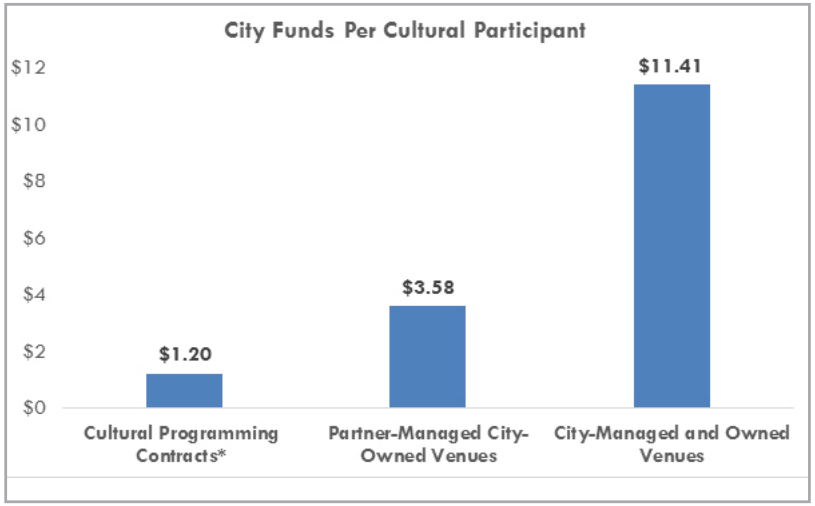
The DCP team has conducted the following analysis, providing a high-level overview of today's spending on arts and culture by OCA and private participants in Dallas. This analysis compares OCA's funding allocation to different artistic entities with the funding ratios of national peer cities and assesses goals for Phase II through early community feedback and engagement. Rather than making a value or quality judgement, this analysis is intended to understand the existing conditions and determine the feasibility of potential opportunities.

OCA supports the diverse cultural ecosystem in Dallas—including artists, arts organizations, cultural places, and cultural visitors. Over two-thirds of OCA funding is allocated to city-owned cultural venues, while the remaining funds go to cultural organizations and to support public art.



Dallas's Cultural Funding is 2017-2018; all others are 2016.





Dallas funds culture at a similar per-capita level as peer cities across the country—higher than peers like Chicago and Houston while just lower than New York City. The concentration of OCA funds in cultural venues is unusual compared with peer cities, which tend to allocate a greater share of funding to programming. Dallas's allocation is similar to New York's model, which is facility heavy as a result of the number of historic facilities and the city's robust donor community. Phase I's community outreach will help us understand whether this allocation is the right model for Dallas moving forward in terms of best supporting resident and community goals.

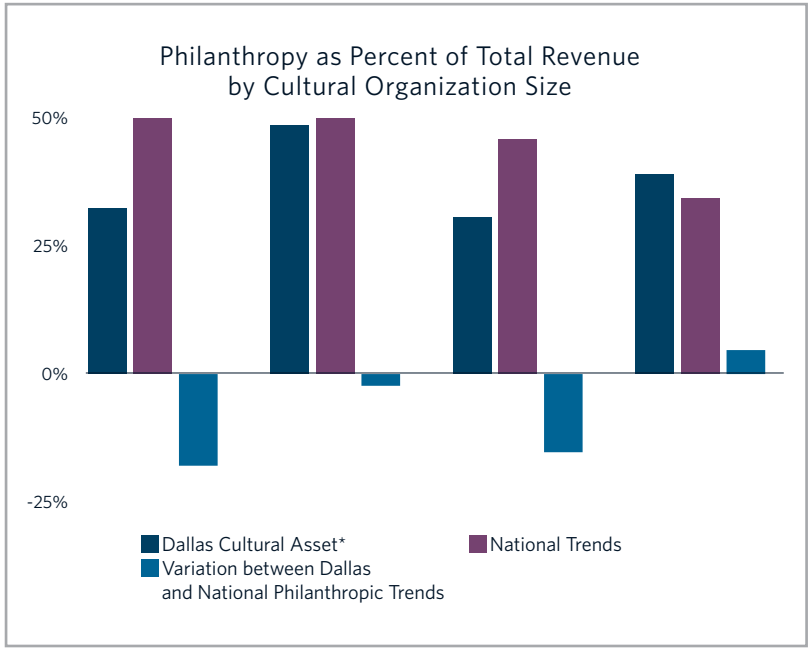
The majority of facility funds (59%) go to three venues—the AT&T Performing Arts Center ($4 million), the Meyerson Symphony Center ($2.9 million), and the Dallas Museum of Art ($2.1 million). The remaining 41% of funds go to nine other City-owned cultural facilities, including the Moody Performance Hall and the Dallas Black Dance Theatre.

Investments in these signature facilities drive economic value, but city funds for organizations and programming go farther on a per-visitor basis. The high per-visitor cost to the City for these facilities suggests an important focus area for Phase II analysis.

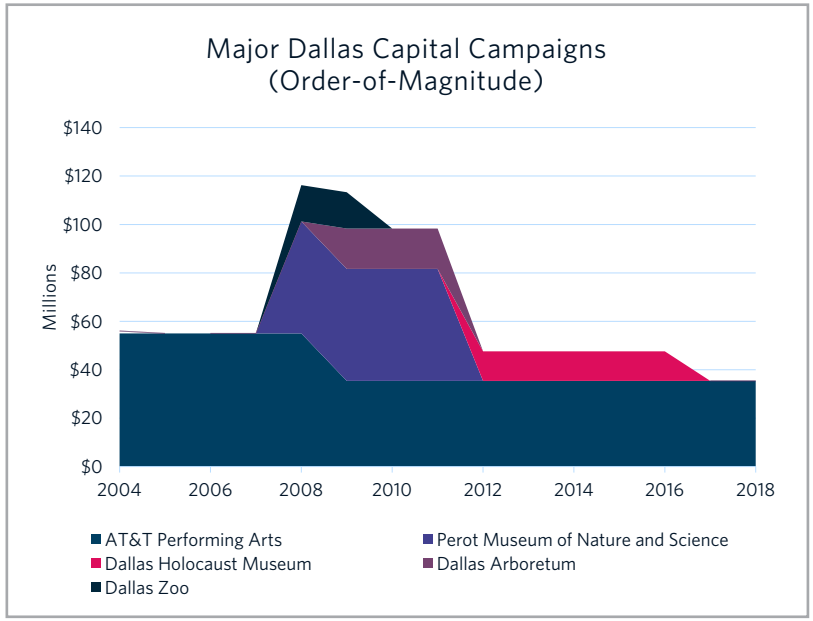
Like its public funds, Dallas' philanthropic funds are concentrated in large organizations and facilities compared with national peers. Higher levels of funding for large and very-large organizations may crowd out philanthropic contributions to smaller organizations. For instance, philanthropies or other donors may set aside a certain amount for cultural contributions—either explicitly or implicitly—in a given year. While some level of new funding for smaller organizations could be in addition to the existing contributions to large organizations, the overall pool may be limited. *Note that this assumes a set of peer cities that may change as community engagement begins to identify targeted funding objectives and priorities.*

Dallas has benefitted from enormous generosity on the part of individuals and philanthropies, who have supported the creation of the City's landmark cultural assets. These signature cultural assets continue to draw thousands of visitors to the city and help attract the world-class talent that enables Dallas to thrive. Recent cultural philanthropy has focused on major capital campaigns for individual institutions. At the close of these campaigns, Dallas has the opportunity to consider how the next generation of philanthropic funding can be spent to best support community goals and priorities.

The analysis of current City plans, policies, initiatives, and practices will continue in Phase 2 of the planning process.



Sources: OCA, Guidestar, Culture Across Communities: An Eleven City Study (2015)



Source: D Magazine, Dallas Holocaust Museum, Dallas Arboretum, Dallas Zoo

DCP Comparable Cities: Lessons Learned

In nearly any planning exercise, research into comparable efforts can be instructive. Such research can provide insights, lessons learned, and even potential strategies to explore. The DCP team researched comparable cities and regions to understand how they support, govern, and plan for arts and culture, and what they've learned from their planning and implementation experiences.

Methodology

Four comparable cities—Austin, Charlotte, Denver, and Phoenix—were selected based on the following criteria:

- Recently completed cultural plan
- Similar overall population and density
- Ethnic and racial diversity
- Experienced significant population, business, and cultural growth

First, the consultant team conducted secondary research to gather preliminary information regarding demographics and cultural arts planning, governance, and funding in each city or county. Then the consultants interviewed representatives of each governing entity, including:

- Gail Browne, Executive Director, Phoenix Office of Arts and Culture
- Robert Bush, President, Arts and Science Council, Charlotte-Mecklenburg County
- Meghan Wells, Cultural Arts Division Manager, City of Austin Department of Economic Development
- Ginger White-Brunetti, Deputy Director, Denver Arts and Venues

This section summarizes the research and shares key lessons/considerations for the DCP planning process and implementation.

Key Findings

Austin

The city of Austin's Cultural Arts Division is one of five divisions in the department of economic development. A sister division focuses on music and entertainment. The Cultural Arts Division mainly, though not exclusively, deals with individual artists and nonprofits, while the music office deals with the music industry. Other divisions include: a redevelopment division which looks at large real estate holdings; a global business expansion group, which looks at international business and Chapter 380 incentives; and a small business division. The work of these divisions overlaps with each other, and the Cultural Arts Division brings an economic development lens to its work. For the most part, the Cultural Arts Division does not include management of cultural facilities (with the exception of one facility), which are instead administered by the parks and recreation department.

The *CreateAustin* plan was formally accepted in 2010 and is still the overall guiding document for the division. Though it was intended to sunset around this time, while a lot of work has been done, there are still substantial challenges and opportunities to be addressed, so it is still viewed as a good resource.

More recently, when the 30-year comprehensive plan was created, a lot of the work from the CreateAustin plan was rolled into that into the comprehensive plan in the form of a Creative Economy Priority Program. Because the recommendations in the original plan were broad, that plan gave rise to several subsequent, more focused planning initiatives.





Top: Austin City Limits Music Festival
Bottom: Texas Book Festival
Photos via www.facebook.com/visitaustintexas/

One such study was Building Austin's Creative Capacity, a needs assessment that examined organizational development and professional growth deficiencies in the sector and offered recommendations on how to address those through training and business skills, for example. In 2016, the Division started the process of mapping assets community wide that has just been completed and introduced formally.

Results

In 2016, a key resolution passed – Music and Creative Ecosystem Economic Omnibus Resolution (the "Omnibus"), which examines how the City might address a range of challenges faced by the sector: housing, incentives, licensing, agent of change, and professional development. Together, these plans and policies allow the city to take both a bird's-eye view of the community and the sector, as well as, a granular view that helps it to fine tune its activities.

Through the time of these planning efforts, Austin has changed rapidly, including where the market is and how the city's growth has financially affected some sectors. In particular, the issue of affordable arts spaces has become the foremost issue challenging the arts and cultural community. The Economic Development Department has just issued the Cultural Arts Division's Cultural Asset Mapping Project and Thriving in Place reports, which focus on identifying and preserving creative spaces in Austin.

The city council just unanimously passed a resolution on affordable creative space preservation, and stabilization.. The division also anticipates deep discussion regarding revisions to the City's Chapter 380 Incentives policy, forthcoming from the Economic Development Department in May 2018, which will allow Council to consider how to better match City resources with organizations/businesses/developments providing a public benefit (such as creative activity). The City is still in the pilot phase of one-time funding from the Art Space Assistance Program, which provided limited rent stipends and code compliance funding, and hopes to be able to receive additional funding for this important "band aid" that will help keep spaces afloat in the interim.

Finally, the City also recently passed the Strategic Plan, which includes Culture and Lifelong Learning as one of the six outcome areas on which City and community efforts will be focused in the next three-to-five years.

Successes and Challenges

- **Collective Impact:** The division has combined efforts with sister divisions in the department, which it describes as "a sea change." While they are still learning how to break silos, the Omnibus illuminated how various elements—like housing policy, creative learning, and others—intersect. In doing so, it helped city departments and partners consider how they can address these issues through a collective impact model that also includes the private sector, whether philanthropy, the corporate sector, or better alignment with private financing. "The City can't do all of this and shouldn't have to if it's good for everyone."
- **Elusive Philanthropy:** In a city with a relatively young philanthropic community, without the history of family foundations or peer giving that many other cities have, private giving continues to be a difficult nut to crack. The city of Austin is a primary source of the financial stability for many small- and mid-sized organizations, though large organizations have more of a relationship with philanthropy. Donors tend to give to very specific interests, and generally not toward arts and culture, apart from a few notable exceptions. "We don't see a lot going toward stabilizing capital needs, the unsexy aspects." The city is exploring options like a cultural trust, an economic development corporation that involves a private development component, or additional funding leveraged with the city, but nothing has emerged yet as the right solution.

"The City can't do all of this and shouldn't have to if it's good for everyone."

"We don't see a lot going toward stabilizing capital needs, the unsexy aspects."

Charlotte

Charlotte-Mecklenburg County has completed a series of cultural plans since 1991, most recently being *Imagine 2025: A Vision for Charlotte-Mecklenburg's 21st Century Cultural Development* (or "Cultural Vision Plan") and subsequently the Cultural Life Task Force report, which examines and recommends creating a new funding model for arts and culture. The primary provider of cultural funding in the Charlotte-Mecklenburg area is the Arts & Science Council (ASC), a private nonprofit designated as the "office of cultural resources" for the city of Charlotte, Mecklenburg County, and six suburban towns. With its mission of "Ensuring access to an excellent, relevant, and sustainable cultural community for the Charlotte-Mecklenburg Region, ASC serves as the resource hub for arts, science, history and heritage organizations, and creative individuals.

Until the 2008 recession, ASC operated on the United Arts Fund model, raising and distributing funds to local arts and cultural organizations. With the economic downturn, the community called for ASC to shift out of its central fundraising role and leave that function directly to organizations. The Cultural Life Task Force plan recommended four Actions (paraphrased below):

- Restructure ASC and private sector giving; establish ASC as the gateway for new cultural donors and participants entering the sector through workplace giving, then transition development of those relationships to the organizations (ASC's Cultural Partners).
- Engage local and state government to expand support for the cultural sector.



Bechtler Museum of Modern Art. Photo by Gary O'Brien via Wikipedia.

- Redesign ASC and its mission to focus on adapting to a constantly changing environment.
- Support the ASC's Cultural Partners with administrative, ffundraising, and managerial resources so they can focus on programmatic, revenue, governance and operations, and sustainability.

Results

In the 3 years since the report, the City and County have increased their cultural funding. ASC still raises some funds and distributes public funding and is developing a distributed revenue stream. ASC receives $5 million annually from the City and county. Separately, $3-4 million/year are generated through a percent-for-art program for public art commissions. With implementation of the plan, ASC is seeing a dramatic funding shift away from it to the groups.

Corporate support has not expanded dramatically, though it remains steady and is important to the sector. The core funding stream has been individual giving, as Charlotte's foundations are much younger than those in many larger cities and some are still developing their funding priorities.

ASC has completely transformed in the last three years. It has reduced the size of its board from 56 to 26 people, added new advisory council representing geographic parts of county to give it feedback and constant information regarding how to adapt and change.

ASC has changed its granting for project support to reflect the goals of the Cultural Vision Plan by requiring that applications align in some way with the goals of the plan.

Culture Blocks, a program inspired by the Cultural Vision Plan, facilitates use of nontraditional performance and exhibition spaces. Starting with libraries and recreation centers, the program has extended beyond those to include breweries and taprooms, even a dress shop for activities such as dance lessons, drumming circles, and theatre performances. Ideas for space use are generated by both ASC program applicants.

Successes and Challenges

- **Resistance to Change:** Overall, the Charlotte-Mecklenburg community has responded positively to these changes. "Change is hard. It's not been without its problems, but we're doing it." The biggest challenge has been from the old groups that don't want the change.

> ***"Change is hard. It's not been without its problems, but we're doing it."***

> ***"If we're not reflecting the changing demographics of our population, we're going to lose in the end."***

- **Broad versus Back-office:** Despite the goal of shifting support to administrative, fundraising and managerial roles, ASC has not yet taken over any back-office function, because the cultural groups have not wanted it.
  ASC continues to provide capacity building, sector-wide projects that a single agency cannot or would not be interested in doing. For example, the agency just completed a psycho-demographic analysis for the 16-county region and provided the data to the groups, free of charge. ASC will next train groups on how to use the survey data. "We're about the broader work."
- **Equity in Representation:** "If we're not reflecting the changing demographics of our population, we're going to lose in the end." Decades of neglecting organizations that represent different segments of the population is a huge issue.





Top: Denver Museum of Art. Photo by Kent Kanouse via Flickr.
Bottom: Blue Bear by Lawrence Argent. Photo via www.facebook.com/visitdenver/

Denver

IMAGINE 2020: Denver's Cultural Plan was launched in March 2014 by Denver Arts & Venues, the city and county of Denver agency responsible for operating some of the region's anchor facilities; and for overseeing the Denver Public Art Program; a portion of the region's granting process (for small arts and cultural organizations); Create Denver (in support of artists and creative industries, such as film, music, fine art, galleries, art districts, fashion, and design); and other programs, including implementation of the cultural plan. The organization's mission is to amplify Denver's quality of life and economic vitality through premier public venues, arts and entertainment opportunities. Denver Arts & Venues is not a granting institution, by and large; Denver Arts & Venues's total granting amount is $200,000-250,000 annually.

Meanwhile, Denver's primary funding entity is a even-county tax district, the Scientific and Cultural Facilities District. It brings in $52 million annually. These funds are disbursed to organizations depending on their size and various funding formulas. Of the three tiers, the third tier—(small) organizations with budgets of $1 million or less—are funded through a pot of funds for which each county has a council that reviews applications or scores and divvies up funds based on a set formula. Denver Arts & Venues provides administrative support for the Denver County Cultural Council.

The planning process was advised by a stakeholder leadership group of 80 people, while the commission was the real thought partner in development of the plan.

In November 2017, the organization celebrated reaching the halfway point of the period of the plan.

The plan yielded seven Visions (i.e. Goals):

Vision 1: Integration – Increasing Art, Cultural, and Creativity in Daily Life

Vision 2: Amplification – Amplifying Arts, Cultural, and Creativity to Residents and the World

Vision 3: Accessibility – Achieving Access and Inclusivity to Arts, Culture and Creativity

Vision 4: Lifelong Learning – Filling our Lifetimes with Learning

Vision 5: Local Talent – Building Careers and Businesses by Nurturing Local Talent

Vision 6: Economic Vitality – Fueling Our Economic Engine

Vision 7: Collective Leadership – Leading Cultural Development to 2020 and Beyond

At the outset of the planning process, it was understood that the agency would not receive additional resources from the general fund to implement the plan. The agency has allotted $120,000 annually, not including new staff, and it applies a portion of that budget and leverages relationships with the community to help them see the roles they can play in implementing the plan.

Results

Denver Arts & Venues created several programs to fulfill the plan's vision, including:

IMAGINE 2020 Speaker Series – Local and national experts in arts and culture give talks on topics ranging from accessibility to trends in cultural consumption to adapting space to be more welcoming. These constitute professional development opportunities that also help the sector to convene as a community, something that was not regularly happening before. The series also helps to keep the plan fresh in people's minds and to allow Denver to address common challenges in the creative sector.

IMAGINE 2020 Fund – A new micro-grant program consisting of $70,000 annually, through which applicant organizations are encouraged to look at the plan and either identify a project that aligns with the plan or is in the spirit of the visions. This program incentivizes applicants to align with the plan and spend time utilizing the plan.

Also resulting from the plan was a reorientation of Denver's Commission on Cultural Affairs – a mayoral appointed body of 24 people, whose primary function had been to approve its public art process. With the launch of the cultural plan, Denver Arts & Venues sought and received the mayor's approval to make the Commissioners the trustees of the cultural plan. Their role entails making City Council aware of funding opportunities for artists and venues and keeping *IMAGINE 2020* and arts and culture top of mind for them.

Denver Arts & Venues does an annual presentation on *IMAGINE 2020,* including what the organization has done and funded in their districts, so that Council Members can encourage their constituents to leverage the opportunities.

Successes and Challenges

- **Periodic Assessment:** An especially valuable element of the planning process was a statistically valid phone survey that examined barriers to participation and motivation for participating in arts and culture. That survey has been repeated to gauge whether Denver has made progress and whether the public feels the same about arts, culture, and creativity as they did in the first study. While randomly sampled, the survey was oversampled for African-American and Latino households because the planners had experienced difficulty reaching those segments of the community through other means. One notable revelation indicated that, while Denver Arts & Venues has been intentional about trying to create authentic relationships with diverse communities in the City, despite those efforts, those communities still do not feel spaces are welcoming or relevant to them. Alternatively, planners suggest that Denver may have raised the expectation that those cultural spaces should be more welcoming or relevant, and the community therefore has become more critical.
- **Use by Organizations and Agencies:** Getting organizations in the creative sector, especially larger ones to carry the mantle of the plan and infuse it in their work has been a challenge. Denver Arts & Venues even created a marketing suite of tools, which it provided to organizations with the request that they brand initiatives as being "supported by" or "in the spirit of" IMAGINE 2020, when applicable—with mixed results. Similarly, a siloed city/county government structure has hindered integration of the plan into the activities of fellow agencies and departments. Fortunately, Denver is adopting a new comprehensive plan that is absorbing the various agency plans, including IMAGINE 2020, which hopefully will lead to greater awareness and integration.
- **Alignment between Intended Use and Process Design:** During the planning process, organizations asked what new tools they would have in their toolkit as a result of the plan. Planners did not have a definitive answer beyond the insights derived from the planning process. The resulting plan is now viewed by some as being weighted toward the community and not focused enough on artists. The next cultural planning process will need to consider, "Who is this plan for? What are we able to influence? And is it the right process design?"

Phoenix

Arts and culture in Phoenix is overseen by the Office of Arts and Culture, which works with a Commission that is the policy setting and grant approval body. The office's annual budget of $4.2 million includes operations for staff, maintenance of seven cultural facilities (not all of the cultural facilities), a grants program, and maintenance of public art. Additionally, there is a public art budget of $14 million for new commissions that is tied to the City's capital improvement budget and only relates to infrastructure for permanent works, not temporary works.

Phoenix has done a series of plans relating to arts and culture since 2009, when the last formal cultural plan was launched. It involved broad outreach to stakeholders and was concluded in 2012. Subsequently, a Creative Sector Task Force Vision (2013-2018) was developed by a group of stakeholders internal to the arts and cultural sector. On the basis of that document, the Phoenix Office of Arts and Culture created a strategic plan for itself which has guided its more recent activities. While the first cultural plan struggled with being general in scope, while also trying to be practical, the Office of Arts and Culture's strategic plan was developed by City staff as a work plan focusing on the areas the office could most successfully address.





Top: Heard Museum
Bottom: Musical Instrument Museum
Photos via www.facebook.com/visitphoenix/

Results

The cultural plan was not fully implemented; though it was comprehensive, implementation of it was started and eventually abandoned.

Equity has been the major focus for the office in 2017, as a key element of the strategic plan, including a self-assessment period. Unlike some cities that have an office in the municipal government dedicated to equity work, Phoenix did not have one. The Office of Art and Culture and the commission have been doing that work. This has been challenging, because it takes time to fully understand the issues. The office has worked with the City's strong activist community and consultants specializing in this work, but the progress has been difficult. "It's hard to make a lot of progress without a lot of backtracking." The City plans to set up an office devoted to equity. Meanwhile, though the Commission is led by a woman of color, it is not a very diverse body; therefore it aims to do focus groups to gain more input from the community.

Other recent activities resulting from the office's strategic plan have included a public art survey and efforts to get more people to apply for public art projects. The office also wants to give prospective applicants more training and to conduct a public survey as a precursor to broad cultural plan, which the office intends to do in the near future under the next mayor.

Successes and Challenges

- **Aligning Perceptions and Pacing:** While most stakeholders agree on the need to look more deeply at the office's practices relating to equity, disagreements arise when practices seem not to have been equitable when the City had thought they were. Furthermore, getting everyone to move at the same pace has been challenging. "People of color have urgency around this, and people who are not of color just don't have that urgency."
- **Advancing the Conversation:** With organizations funded through the office's grants program and facilities, moving beyond the 30-40 year-old conversations around lack of funding and new audiences has been difficult, although now the focus has shifted toward the City's changing demographic. "How do we get beyond limitation and exasperation?" The office feels the way to do this is to go into neighborhoods to listen to people who are not being served by arts and cultural organizations, but who have creative practices in their communities and understand how the city can bring resources to them besides the traditional sources of support. "The equity work gives us a way of looking at that we haven't done in the past."

Lessons for the Dallas Cultural Plan:

The following lessons can be applied to the DCP and its implementation:

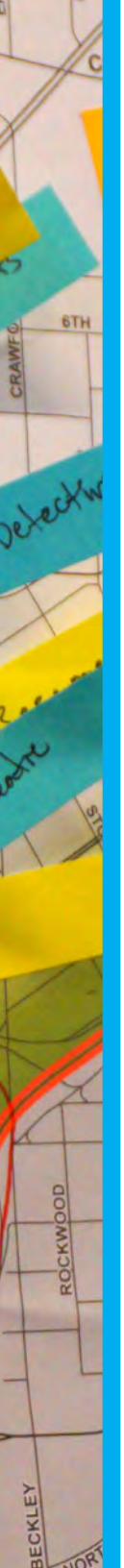
- **Equity is essential.** And it could be valuable lens through which to approach planning and implementation. Dallas' arts and cultural governance, organizations, and participation must reflect the changing demographics of its population.
- **Design the process to match the intended use (and users).** Consider who will be using the plan and how, and design the process accordingly. Adjust as needed.
- **Consider the tools for influence–funding, political will, programs, and staff.** Ideally, all these are available. But if one is in short supply, another must make up for it. And who on the ground will monitor and wield those tools?
- **Identify the optimal role(s) for the City and for partners.** Now is an opportunity to reevaluate and identify how the City can best support arts and culture sector, and which roles are best filled by others or achieved through partnerships.
- **Collective impact is key.** Successful planning and implementation requires not only the City government, but participation in all sectors.
- **Build evaluation into the implementation plan.** Periodic assessment is critical to successful implementation and course correction. The implementation plan might benefit from including updates to measurements conducted during the planning process to assess progress.

> ***"People of color have urgency around this, and people who are not of color just don't have that urgency."***

> ***"The equity work gives us a way of looking at it that we haven't done in the past."***

- **Focus not just on the everyday, but on the long term:** This is where we're going, and we've got to get us there. This can be especially important to keep mind, as plans seem to beget more plans on the path toward realization.


Kidd Springs
Bishop Arts
Better Block
Arts Mission Oak Cliff
What's out here?
Ice House
Top Ten!
Potential
Potential
BAHAMA
PLYMOUTH
HAMPTON
ALPACA
TIMBERGROVE
STEVENSWOOD
BISON
KESSLER
FOUTS
TENNA LOMA
NORTH BOULEVARD
STEVENS VILLAGE
WOODS
STEVENS FOREST
MARY CLIFF
KYLE
TAFT
KINGS
GREEN
STEWART
TEMPLE
TURNER
SALMON
THOMASSON
EVERTS
5TH
CEDAR HILL
WOODLAWN
MADISON
BALLARD
FLORADO
NEELY
CANT
DAVIS
BERNICE
NORDIC
CARNES
8TH
MONTCLAIR
RANIER
180
OURAKER
ALCO
MARVIN
10TH
WINDOMERE
CLINTON
WINNETKA
OAK CLIFF
ROSEMONT
12TH
PAGE
EDGEFIELD
JEFFERSON
BISHOP
SUNSET
LLEWELLYN
GLADSTONE
BROOKLYN
FRANKLIN
MARLBOROUGH
BURLINGTON
BRIGHTON
WAVERLY
BUCKALEW
GRIFFITH
VAN BUREN
DELAWARE
BROOKS
SUFFOLK
JERDEN
ZEB
EPENARD
CLARENDON
NOLTE
VERNON



3. What We Heard: Community Engagement

The Dallas Cultural Plan will be a guiding document for the City of Dallas' Office of Cultural Affairs, as well as the arts and culture community, the outcome of which is a plan that aligns its vision and goals with the values and objectives of Dallas as a city.

Why Community Engagement?

Understanding the successes, opportunities, and challenges of experiencing and creating art in Dallas requires engaging and highlighting the range of voices that make up this city.

The Cultural Plan offered different levels of participation and multiple opportunities for Dallas residents to provide their insights or critique.

The engagement strategy sought to balance the objectives of cultural consumers, producers, and supporters, ensuring that those on all sides of the cultural spectrum can shape the Dallas Cultural Plan.

Types of Engagement

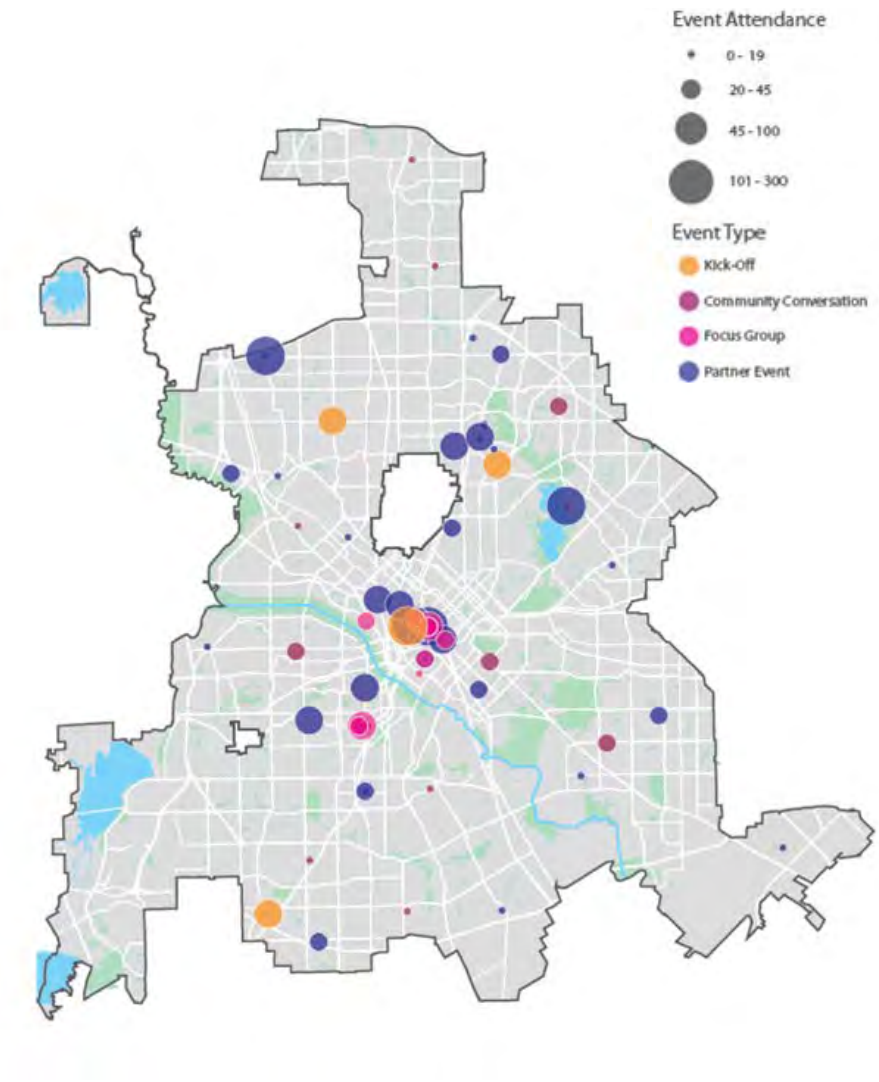
Over the course of six months, the Dallas Cultural Plan was implemented in 96 events across with city, which included over 5,000 people and each City Council District. These events fell into our categories:

- Citywide Kick Off Events (4)
- Districtwide Community Conversations (15)
- Focus Groups (13)
- Partner Events (53) and Tabling Events (11)

Partner Events and Tabling

In order to reach as many people as possible, the team partnered with organizations of all types, speaking at their meetings and events or at special convened conversations where the Dallas Cultural Plan was presented. The length and format of each event varied, but could generally be broken into hree categories: workshop (which included a presentation and engagement activity), presentation, or tabling (distributing information about the plan and upcoming events).

Examples of these events included tabling at DanceAfrica festival, at the Dallas Black Dance Theater, a workshop with Junior Players at El Centro College, and presentations to the Vickery Coalition Action Team and the Northwest Community Center.



Community Engagement Event Locations and Approximate Attendance

LOCATION	ATTENDANCE
Moody Performance Hall	40
Latino Cultural Center	10
Studio Movie Grill	25
Dallas Black Dance Theater	40
Nasher Sculpture Center	35
Vickery Meadows	17
Home of Catherine Rose	5
Crescent Club	9
Glencoe Park	25
W W Samuell High School	20
Cedars Union	45
Cedars Union	18
Sammons Art Center	100
Bath House Cultural Center	300
El Centro College	21
Oak Cliff Lions Club	50
Vickery Meadows	5
Cathedral of Hope / Resource Center	9
Latino Cultural Center	300
Oak Cliff Cultural Center	13
Belo Mansion	300
Thanksgiving Square	10
Meyerson	28
Kleberg Rylie Rec Center	3
Tommie Allen Rec Center	18

LOCATION	ATTENDANCE
Meyerson	7
Jaycee Rec Center	8
Forest Audelia Library	30
Willie B Johnson Recreation Center	10
One Arts Plaza	23
Campbell Green Recreation Center	5
Good Fulton and Farell	70
Lincoln High School	12
Park South YMCA	24
Bachman Lake Together	8
White Rock Hills Library	7
Cinemark Webb Chapel	300
JC Turner Rec Center	8
Cinemark Webb Chapel	300
Dallas Leadership Foundation	9
North Park Center	101
Texas Women's University	50
Sunset High School	50
Samuel Tasby	65
Friendship West Baptist Church	32
Meyerson Symphony Center	14
Literacy Achieves	8
Beckley Saner Rec Center	11
Life in Deep Ellum	56
Beckley Saner Rec Center	22
Total	**2676**

Engaging All of Dallas

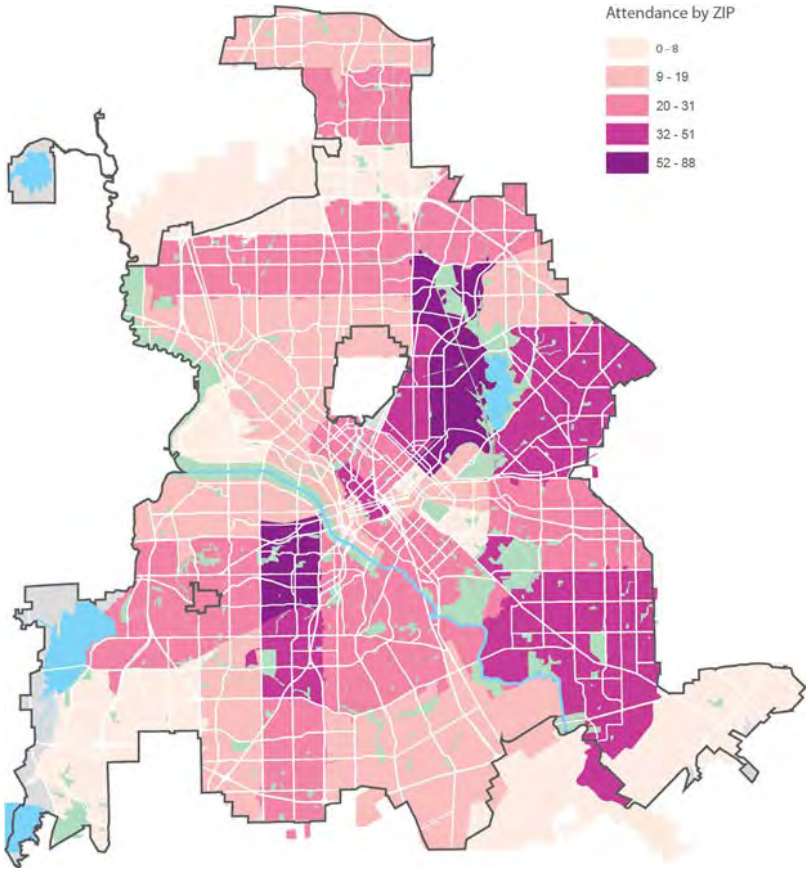
Using all the means at their disposal - special convened events, flyering, social media, existing events, and more - the team worked to reach as many people across the city of Dallas as possible. Not only was quantity important, but so was making sure that participation reflected the geographic and demographic range of the city. This was aided by working with the steering committee and partners like DISD, Dallas Public Library, Public Works Dallas, and others to reach a wide audience. Every zip code in the city was represented

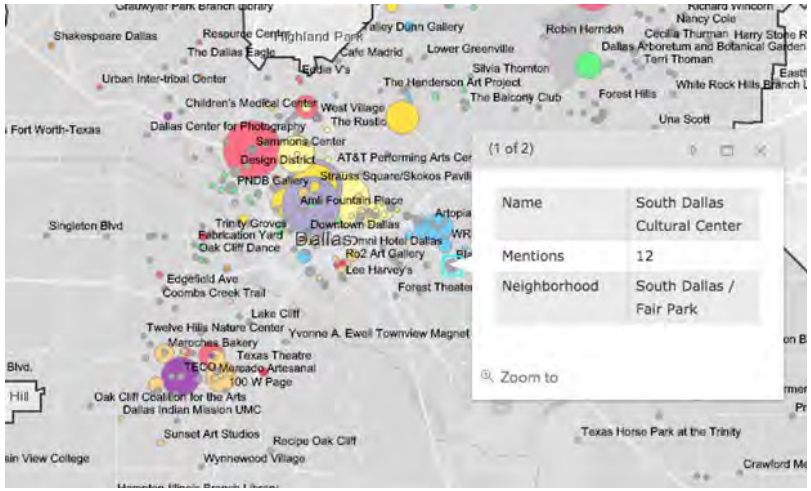
Surveys

Two surveys were created and distributed throughout the engagement process: the Cultural Ecosystem Map survey and the Cultural Participation & Awareness Survey. Both surveys were made public in September 2017 and received responses through mid-March 2018.

- Cultural Ecosystem Map: Understanding the accessibility and availability of cultural programming across the city.
- Cultural Participation & Awareness Survey: Understanding the the extent to which Dallasites are engaged in the city's cultural ecosystem—both the types of activities in which they participate in and the scale at which they interact.

Responses to the Cultural Ecosystem Map survey are mapped in real-time on dallasculturalplan.com





Responses to the Cultural Ecosystem Map survey are mapped in real-time on dallasculturalplan.com.

Toolkits

For those who were unable to attend a meeting in person or wanted to conduct their own meeting, a downloadable toolkit was created. The toolkit included facilitator instructions and questions that estimated the activities held during Community Conversations.

Online

The Dallas Cultural Plan used a variety of digital and online tools to build awareness of the Dallas Cultural Plan and support in-person engagement efforts. These tools include the Dallas Cultural Plan website (dallasculturalplan.com), Facebook, Twitter, Instagram, and LinkedIn.

Additionally, to create interest and highlight the work of local artists, dallasulturalplan.com began a featured artist series called "Dallas Creatives."

Webinars

To support ongoing communication with residents through the Cultural Plan process, the Cultural Plan team has been hosting informational webinars. The webinars provide a space for local organizations, producers, and consumers to receive updates on specific elements of the plan, ask questions, and provide input. Webinars will continue into Phase 2; to date we have conducted two of six webinars.

Webinar #1: The first webinar offered additional information to those interested in applying for the Artist Micro-Residencies, an initiative of the Dallas Cultural Plan. The webinar provided project information, guidance on completing the application, and an opportunity to ask any project-related questions.

Webinar #2: The second webinar presented the first project update. Attendees could see the presentation in person or online. The presentation included:

- A update on the Cultural Plan engagement numbers and reach
- Initial research on how the Office of Cultural Affairs compares to other cities nationally
- The selection of four comparison cities, which will be used for further research and potential strategy development


SCHEDULE

4. Introducing the Plan: City wide Kickoff Meetings



What Happened

Four kickoff meetings were held in cultural venues across the city. They were fun, engaging events meant to appeal to a wide range of audiences—from those who were already very engaged to those who had little to no experience with the arts. The events included a presentation the cultural plan and project team, an artistic performance or display, and a series of activities. For many residents, this introduction of the plan provided a roadmap for future opportunities for engagements.

LOCATION	ATTEN-DANCE
Dallas Museum of Art	222
Dallas Children's Theater	79
Walnut Hill Recreation Center	53
Redbird Mall/Southwest Mall	51
TOTAL	**405**



Arts & Cultural Mapping



Ideal Cultural Community

Activities held during the kickoff meetings included:

1. **Arts & Cultural Mapping:** Designed to start identifying the physical types and locations where arts and culture are created and experienced in Dallas. Event attendees submitted information about where cultural activities take place through a Google Form, which was then digitally mapped and projected live at each kickoff event. Attendees filled out the form via computer stations staffed by DCP18 team members and/or volunteers. Flyers containing a link to the survey were available if attendees wished to share the form or take it on their phone. The online form continued to be available throughout the engagement process.
2. **Cultural Participation Survey:** The Arts and Cultural Participation Survey was created to understand the extent to which Dallasites are engaged in the city's cultural ecosystem—both the types of activities in which they participate and the scale at which they interact. At each kickoff event, the Survey was available on tablets and computer stations and flyers with a link to the digital form were available for those who wished to take the survey at a later date.

3. **Ideal Cultural Community:** The goal of this activity was to learn about the interdependencies of different components of Dallas' cultural ecosystem at the neighborhood and city scales. Participants gathered at tables with painted foam blocks. Each person received a 1'x1' base on which to affix blocks that could represent different people, places, spaces, and resources. The facilitator asked participants to imagine their ideal cultural ecosystem—everything that they need in their neighborhood and in Dallas to experience and/or create arts and culture. Participants labeled their blocks with flags, identifying these people, places, spaces, and resources. Construction paper was used to indicate green space and infrastructure necessary to facilitate arts and culture.

4. **Drawing Cultural Stories:** During this activity, participants were invited to draw or write about their experience at a Dallas cultural activity in order to help identify the factors (physical, social, economic, etc.) that contribute to participation in Dallas' cultural activities. Attendees were asked to think about a neighborhood, venue, or other place they have encountered arts and culture, and then draw or write about how they experienced that place. Factors to consider included getting to the space, moving through the space, and things or people they encountered there. Participants were asked to identify what they valued about the space and what attracted them to it. They were also asked to mark spaces that they would tend to avoid. This activity sought to understand more than what affects someone's choice to attend or participate in a cultural activity, but explore how different experiences make them feel and how they respond to different dynamics.









5. **Exploring Cultural Experiences:** This portion of the event was a facilitated conversation with the goal of learning about how individuals experience Dallas' arts and cultural offerings. Facilitators asked questions to identify what factors (physical, social, economic, etc.) contribute to participation in Dallas' cultural activities. The discussion encouraged participants to share their experiences with arts and culture, how it made them feel, and what works vs. what needs improvement (e.g. access and barriers to culture) in the city of Dallas.
6. **Expression Wall:** A passive activity for meeting participants to draw and write on throughout the activities. Everyone was asked to described "What does Dallas culture in Dallas mean to you?

Key Findings from the Kickoff Meetings

The conversation and activities held during the kickoff meetings were broad and covered the whole city. **When people envision their ideal cultural environment, it's more than just cultural institutions, but a holistic vision of community with components including housing, transportation, and public space.** People are hopeful and excited about the future of arts in Dallas, but there are challenges.

The challenges and desires from participants generally fell into seven categories:

- **Access:** There is a strong desire for increased access to arts and culture in their community and neighborhood.
- **Communication:** There is a need for more recognition of local arts/artists in the city. There is general frustration with the lack of communication about upcoming events by the city, news organizations, and sometimes the event organizers.
- **Cost:** The cost of accessing art - in ticket prices, access to transportation/parking - is a barrier to experience art. Affordable places to create art - studios, housing - a barrier for creating art, as is finding funding.
- **Diversity, Equity, and Inclusion:** There is a strong desire for diversity, inclusion, and equity came up in most conversations. The diversity of Dallas s an assetand strength, but there needs to be more diversity and inclusivity across ages, cultural groups, etc. There is a desire for greater diversity in cultural expressions.
- **Education:** There is a need for children-friendly arts opportunities throughout the City with or without parent presence. The desire to see the city invest in exposing children to the arts at an early age.
- **Space:** Space is challenging - both for rehearsals and performances - using city facilities is hard because of the limitations on accessing the space due to limited staffing hours.
- **Support:** Participants would like to see arts organizations, the City, and schools work together to build audiences and capacities. The desire for more support for cultural organizations supporting communities of color.


dallas
POP
PEOPLE
ORGANIZING PLACE



5. At the Local Level- Community Conversations

What Happened

Fifteen Community Conversations were held across the city—one in each of the 14 Dallas City Council Districts and one culminating event at the Latino Cultural Center. These meetings were an opportunity to dive deep into community assets and needs. Meeting attendees participated in two primary data gathering activities: Mapping Culture and Making Your Community an A. These activities took place in small groups, with different analytical methods developed for each activity.

1. **Mapping Culture:** This activity was designed to learn about where residents experience cultural activities in their community, what they do not experience, and other dynamics at play in the community that impact their ability to experience arts and culture.

   Question 1: Where do you go to experience arts and culture?

   Using a map of the Council District or a city map, participants used a black Sharpie® and labels to mark where they experience arts and culture in their neighborhood. Places could include unconventional venues like churches, parks, libraries, DIY spaces, etc. Items that were more general or not geographically specific were noted.

Question 2: What/where are there opportunities?

Participants used a blue Sharpie® and a label or Post-it® to geographically mark and describe opportunities for arts and culture in their neighborhood on the map. These could be buildings, existing organizations, underutilized resources—anywhere where there could be more arts and culture than currently exists.

Question 3: What are barriers/challenges you experience in accessing or experiencing arts and culture?

Next participants were asked to identify, using a red Sharpie® the barriers to arts in culture they see in their neighborhood. Additional questions participants were asked during this portion were:

- Are there arts and culture activities in your community that you would like to attend or participate in but don't, and why?
- Do you feel like the activities happening in your community are for you? If not, why?
- Do you feel like the activities in the area meet the needs of the community?

2. "Making Your Community An A": This activity was designed to learn about how people think their city or neighborhood is doing in terms of arts and culture and what could be done to improve those conditions.

Question 1: What community do you give an "A" in arts and culture?

The activity starts with participants thinking about their ideal cultural city or neighborhood—a place they would give an "A" for arts and culture.

Question 2: What grade do you give your community?

Then, given what they would give an "A," participants were asked to consider what letter would they give their neighborhood or city.

Question 3: What will it take to make your community get an "A" in arts and culture?

Finally, participants were asked what steps could be taken—from small changes to large—to make their neighborhood or city an "A" with respect to arts and culture.

LOCATION	ATTEN-DANCE
South Dallas Cultural Center (District 7)	35
Oak Cliff Cultural Center (District 1)	42
Fretz Park Recreation Center (District 11)	9
Bath House Cultural Center (District 9)	18
Pleasant Grove Branch Library (District 5)	22
West Dallas Multipurpose Center (District 6)	20
Moody Performance Hall (District 14)	34
Grauwyler Park Branch Library (District 2)	19
Paul Laurence Dunbar Lancaster-Kiest Branch Library (District 4)	6
Audelia Road Branch Library (District 10)	29
Renner Frankford Branch Library (District 12)	14
Thurgood Marshall Recreation Center (District 3)	17
Northwest Community Center (District 13)	2
UNT Dallas (District 8)	8
Latino Cultural Center (All Districts)	35
TOTAL	**310**

Key Findings from Community Conversations

A variety of issues were expressed throughout the engagement process, ranging from challenges in finding affordable rehearsal or studio spaces to calls for better public transportation to improve access to events and venues.

How is Dallas Doing?

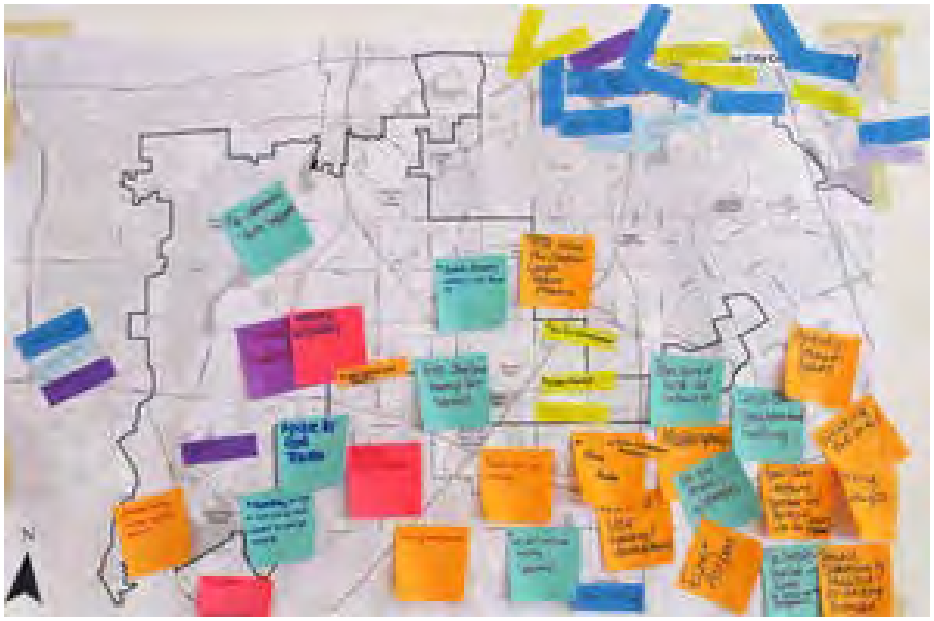
Residents were asked to share a city or neighborhood that would get an "A" grade for arts and culture, and to grade their neighborhood or city. Participants discussed a wide range of places across the U.S. and internationally that were "A" grade communities. New York City received the highest number of As (41), with areas like Chicago (24) and Austin (15). Locally, Bishop Arts (14), were cited as particularly good arts or culturally rich communities.

Neighborhood Grades

Residents also graded their own neighborhood with most giving their community a C (57) or a B. Oak Cliff and Central Dallas were graded most positively among the different areas of the city. When combining the neighborhoods that received an A or B, Oak Cliff was mentioned 20 times, Central Dallas 17 times, and East/ Far East Dallas nine times.







The various topics of concern from conversations all over the city fall under these nine categories;

- **Space:** Refers to assets, of varying types, needed to facilitate or support various activities.
- **Skills and Training:** Refers to approaches or demand for improving individual and community-wide technical skills or knowledge. This may be related to skills for specific forms of art or cultural expression or skills business management, grant writing, etc.
- **Resources:** Refers to assets, of varying types, needed to facilitate or support various activities.
- **Collaboration:** Refers to developing partnerships across sectors, between individuals or communities, and the associated challenges or rewards of doing so.
- **Communication/Marketing:** Refers to issues around awareness, competition, scheduling, and other challenges or opportunities around engaging audiences.
- **Diversity:** Refers to variety in the types of audiences, events, activities, etc. that are desired, found, or missing in/from Dallas.
- **Experience:** Refers to the specific types of events, activities, or places people would like to see in Dallas, such as more dense, walkable environment, food festivals, or public art in parks.
- **Quality of Life:** Refers to characteristics of the city or particular neighborhoods that impact and support the development or experience of arts and culture.
- **Equity:** Identifying the need for distribution or accessibility of events, funds, training, etc. for different groups or neighborhoods.

Space

Space is challenging - both for performers and viewers Participants said using city facilities is often difficult because of limitations due to staffing hours or hours of operation and when space is available, it often does not have the necessary equipment needed for certain types of performances. There was active conversation around the issues and opportunities presented by the black box spaces in the libraries. These spaces are affordable but do have the environment needed for smaller companies to attract donors and ticket goers, and the larger venues are prohibitively expensive or booked.

In a similar vein, finding rehearsal spaces has been a challenge for artists/performers in Dallas—there are limited spaces for a freelancer/choreographer to test out or practice a piece in an effort to bring it to a company.

Meeting goers expressed a frustration in the lack of multi-use facilities around the city that can be accessed by the public. In some districts, we heard that while some of the existing spaces are well-utilized (art classes in libraries for example) there is general sentiment among Dallasites to see more of this type of programming around the city. Artists expressed having trouble finding affordable living or studio spaces as their neighborhoods gentrify and they get priced out. Overall there is a positive attitude towards the opportunities to reimagine existing spaces to be more inclusive of all types of art, as well as more inclusive of both small and large organizations, and for these spaces to be accessible to many audiences.

Skills and Training

Skills and Training to improve technical abilities and increase institutional knowledge for artists, educators, and residents. We heard frustrations with the lack of transparency and feedback in the grant application process, as well as issues navigating city policies and programs, followed by a call for support/training to understand these systems. Some residents want to see the city facilitate partnerships between artists/arts organizations and DISD to increase collaboration and provide children opportunities to experience the arts. Such opportunities could potentially provide stable/fair work for artists while fostering artistic skill-building among youth.

> ***"Expand arts programs through local libraries, gallery space + theater."***
>
> *—10.21.2017*

> ***"Use the existing city facilities in neighborhoods - libraries, recreation centers, parks, cultural centers, multipurpose centers after hours for small arts groups."***
>
> *—11.02.2017*

"There should be education for visitors on the city. A tour maybe?- One that highlights areas like Freedmen's, Southlake, areas other than Dealy & Downtown that have been built over."

—10.10.2017

"Free music instrument classes for kids and have concerts in the neighborhood for the students to play."

—02.01.2018

Others want to see support for challenges within the business and operations side of arts and culture. Some participants articulated that capacity building is needed when it comes to professional development, grant writing, tax support, business planning, promotion, etc.

Resources

Resources are often lacking or inaccessible to the general public—artists and citizens have voiced the need for funding, equipment, housing, and public space. While some feel that funds are unavailable to them, others find it difficult to navigate the application process and would like to see the City invest in capacity-building grants and a simpler application process. Artists and arts organizations would like to see the City provide long-term infrastructure that addresses the needs of individuals. Residents would like to see support the city and across genres by establishing satellite facilities to increase access, as well as bringing programming/artists into schools to provide support for the arts in school.

Other major barriers for those seeking to create or participate in the arts include affordable housing/studio spaces for artists and equipment for performances. Among the various conversations around the city was a desire to see the decentralization of funding and resources from large Arts District organizations into support for small arts organizations and individual artists around the City. Small and mid-sized companies have trouble finding affordable and well-equipped space for operation, rehearsal, and performance. They would like to see incentives for projects similar to the Elevator Project (for dance) to provide space and technical assistance to small companies, lessening their operations burden.

Collaboration

Collaboration both within and between the arts community and other sectors (such as the city, businesses, and schools) needs improvement. While some organizations are already pursuing collaborative efforts, meeting goers expressed a desire to see even more collaboration as a means to bring the Dallas arts community together and make it stronger. They want to see more opportunities for networking and collaboration across the arts to build audiences and expand reach of arts beyond the Arts District. Many suggested an open-access network to identify opportunities for collaborative work within and across mediums. It was suggested that perhaps the OCA can serve as a mediator between these groups to help facilitate collaborations and provide resources and staff to sustain the system of relationships.

Communications/Marketing

Communications/Marketing are issues that have come up at all of the discussions, mostly around frustrations with a lack of communication about events. Consumers of art want to see better communication about art—not only to residents but to visitors/tourists, as well in the form of a comprehensive database that highlights existing assets and artists. Such a system would expand the reach of smaller organizations and provide a way to show residents what is happening outside of their immediate communities. Participants also expressed a desire to see communication about affordable programming that is offered at places like recreation centers and libraries. Artists would like a central communication system to see available spaces for shows and all upcoming shows for scheduling purposes.



Diversity

Diversity across events, venue types, the types of cultural groups presenting, age in attendance, and the population represented in or at arts events is lacking. Participants want to see a greater variety of events that can cater to many audiences and provide opportunities to learn about and engage with other cultures, especially through food. Oftentimes, access to arts/culture venues, is a challenge—physically and/or financially—for residents that don't live in or near one of the 'cultural districts.' Participants from all districts asked for a venue for arts/culture or arts opportunities within in their district, whether it be in the form of a new structure, a repurposed structure, or within an existing multi-use space, such as the local libraries. These events should be inclusive of many cultures and welcoming of a variety of audiences.



> ***"More culturally-diverse programming that is accessible to all communities (e.g., brining events to areas like south OC/Plesant Grove/ etc."***
>
> *—10.16.2017*

Experience

Experience of arts and culture in Dallas often feels exclusive and prohibiting. Each of the community meetings touched on cost, transportation, type of art, and location of event as a major factor in who was able to participate. Many residents feel that they have to leave their district to experience arts or cultural activities, going to places such as the Dallas Arts District, the Bishop Arts District, and Deep Ellum. They would like for art to be supported across the city, outside of the 'hot spots,' to serve a diverse audience, and to come at a reasonable price tag. Often the cost of events can be too high for many to go enjoy a production. The City can expand access by subsidizing tickets, especially for schools and senior centers, and by creating a communication system to share upcoming events and affordable programing that is offered at libraries and recreation centers.

Quality of Life

Quality of Life within a neighborhood or community often impacts residents' ability to access and experience the arts. Throughout the meetings the issues of walkability, public transportation, and lack of sidewalks came up as barriers for many people. Residents would like to see initiatives that move Dallas towards being a walkable, bikeable, and pedestrian-friendly city. To achieve these goals, participants expressed a desire to see the City invest in infrastructure in neglected neighborhoods, addressing issues such as bad roads, lack of sidewalks, and abandoned buildings to increase safety and foster a sense of community.

Meeting attendees articulated a vision for a City that invests in local artists and supports them beyond funding and includes them

in public art projects and community-building initiatives, as well as the facilitation of local markets as places for connection and collaboration for local artists and residents.

Equity

Equity is a theme in many conversations across the city in a variety of context. Concerns of equity has been a predominant theme in conversations with artist and community residents. Access, representation, distribution of resources, and leadership were themes of the equity conversation.

For artist there was a desire for greater equity in city support - that individual artist and small organizations would to be supported and engaged in similar measure to the large arts organization. There was also a challenge to expand the art, artists, and stories told in the city.

For communities, concerns over equity in access were of primary concern. Many felt they were in cultural deserts, lacking many of the resources of other neighborhoods. This also extends to the ability of many Dallas residents to afford to access arts and culture in the Arts District. Similarly to artist residents also wanted greater equity in the art being presented. They wanted to see art made by, performed by, told by, curated by, directed by, etc. by people of color, women, LGBT, disabled, or others who are commonly excluded from the business of art.

"Early childhood education for all across cultures and dual language that celebrate diversity"

—11.02.2017

"Programming that is free across local community barriers: racial, cultural, economic"

—11.02.2017

"Distribute TIF money"

—11.02.2017


Making Your Community an A!
Hacer de su comunidad un A!



6. Sector Conversations

What Happened

Focused discussions were held with different sectors to explore the specific opportunities and challenges those groups face. While the questions varied slightly depending on the group, each meeting generally focused on three items:

1. **What is good about working in/or experiencing this discipline in Dallas?**
2. **What is not?**
3. **What can be done to change that? How would you define/ measure success of this Cultural Plan?**

Location	Attendance
SPARK! (Historic, Heritage, and Science Centers)	7
Cedars Union (Practicing Artists)	24
The Wild Detectives (Literary Arts)	48
Latino Cultural Center (Public Art)	32
Latino Cultural Center (Music)	70
Wyly Theatre (Theater)	22
Booker T Washington HS for the Visual and Performing Arts (Dance)	35
Top Desk (Design)	26
Dallas Contemporary (Visual Arts)	29
Latino Cultural Center (Small Arts Organizations)	38
Texas Theatre (Film)	54
Mercado 369 (Multilingual Arts)	24
Latino Cultural Center (Mid-Sized Organizations)	21
TOTAL	**430**



Key Findings from Focus Groups

Many of the same key issues were heard from each of the different industry groups that participated in the sector conversations: affordability of spaces, support for local artists in a variety of forms, need for better points of connection and communication within and across different industries, and developing audiences that appreciate and respond to different art forms.

The artists, community members, and professionals who participated in these conversations identified a variety of ways the Dallas Cultural Plan can build stronger, more robust communities across Dallas' cultural ecosystem, including:

- **Better support for artists:** Artists across Dallas would benefit from a wide variety of support and assistance. Though funding was often mentioned, there is a desire to address other barriers as well, such a grant writing, business plan development, marketing, and even help dealing with liability insurance requirements, are all areas where Dallas' artists are willing to learn from the expertise of others.
- **A centralized-database of events, artists, and resources would be a great tool for Dallas:** We heard a lot about the need for a central place to learn about events, find peers for collaboration, and access resources to help one advance their practice. The existing directories are well-used, but many identified their challenge with learning about the wide-variety of events from places that focus on specific genres or networks.
- **Access to space is a challenge for everyone:** No matter what field, finding affordable space to create, exhibit, or perform ones art is not easy in Dallas. Many pointed to some of the more incidences that resulted in this lack of space, e.g. continued issues between visual art spaces and the Fire Marshall. The lack of practice and rehersal spaces and studios makes it challenging for many to hone their craft. Creating flexible spaces that meet the needs of many disciplines is not easy, but there was a call for arts centers that provide space for artists of all types.
- **Better organization and collaboration in the field:** From across fields, there was call for self-organization to provide opportunities for artists to meet their peers, talk about the challenges they face, and identify opportunities for collaboration or co-creation.

- **Housing and transportation are a major barrier to cultural participation:** Increasing housing costs are making it harder for artists and performers to live in Dallas in proximity to the venues and spaces they create or perform in. For those who do, the lack of efficient public transportation is an added burden for traveling across the City.

As much as different concepts were heard in the different focus groups, specific issues popped up unique to certain groups.

- **Practicing Artists:** Some staff of nonprofit organizations expect exposure to supplement pay, so they do not pay well.
- **Literary Arts:** There is a 'thirst' for literary events in Dallas, a variety of venues that cater to that (The Wild Detectives, Deep Vellum, Lucky Dog Books, etc), and several groups (The Writer's Garret, Arts and Letters Live, etc).
- **Public Art:** Concerns in this sector revolved around the need for for pop-up and temporary spaces to provide more opportunities for underrepresented artists to exhibit their work around the city. Additionally, funding for temporary public art is a challenge for many artists, who feel that creating a permanent piece limits the types of projects that can be created with support from the City.









- **Theater:**
  - The need for the theater community to establish a professional community, like the AIA or AIGA, of theater folks to act as a resource to share information, opportunities, and develop talent.
  - Those who develop plays expressed a need for funding or internships to help take their work from concepts to production-ready plays.
  - Finally, the creation of a community warehouse for costumes and set materials where performers or companies can borrow and donate items for a small fee or membership.
- **Dance:**
  - Trainings for venue owners on the needs of dance performance requirements- it was noted that oftentimes venues are not prepared for various types of dance and the specific floor type that needs to be laid.
  - It is difficult to for dancers to perform in multi-use or public spaces because of the expectation that the dance surface they lay down must be removed at the end of a performance.
  - Dallas produces many talented young dancers through Booker T. Washington HS but struggles to retain that talent, leading to few homegrown dancers in the large companies of Dallas.

- **Visual Art:**
  - Finding affordable housing, studio and maker spaces is a challenge for visual artists in Dallas.
  - Make it easier to work with the City on projects without having to jump through as many hoops.
  - The City opts to bring in artist and does not utilize local artists for local work.
- **Small Arts Organizations:**
  - Dallas needs a variety of rehearsal spaces that fit the needs of organizations of all sizes. For some small organizations, this could manifest as multi-purpose facilities available throughout the city.
  - Many small organizations spoke of the need for programs similar to The Elevator Project to help provide access to venues they might otherwise not have access to.
- **Multilingual Arts:** There is a need to understand the cultural differences within ethnic or racial groups (e.g. The problem of "Google Translate" were many Spanish-speakers called out the use of automatic translation tools to translate websites into different languages). The AT&T Performing Arts Center's bilingual pilot project was discussed and spoken highly of, however the conversation focused on the challenge of directly translating the plot of plays between languages.



- **Mid-Sized Arts Organizations:**
  - There is not enough venue space for mid-sized organizations - the large organizations "gobble up" existing spaces and some venues are booked a year and a half in advance. Issues with Moody Performance Hall were especially called out (access to, cost, challenges of using).
  - Competition for already limited funds makes it even harder for organizations to raise funds, especially with the decrease in arts criticism (from the DMN in particular) which are important for grant writing. This also comes with building a inclusive board versus the challenges of finding those with resources.

Creative industries

The City directly supports the non-profit arts industry. However, recognizing the opportunities provided by the for-profit sector, the OCA sought the thoughts and opinions of a few creative industries, represented by film, music and design. The following are findings from those conversations;

Film: Panelists and audience members at this event highlighted one of the key strengths of Dallas' film and television community: it's excellent crews and support staff. National filmmakers are often surprised about the quality of crews based in Dallas when they work here.

- Filmmakers and producers at different scales all spoke of the need for better outreach and marketing of Dallas' strengths and the many opportunities for work across the City.
- A common sentiment was the limited budget of Dallas' Film Commission, which doesn't have enough funds to support and incentivize all of the projects that would like to work in Dallas. However, many felt there were other ways that the Film Commission might support filmmakers in Dallas, such as helping to navigate the process of finding crews, scouting locations, and improving the process for producing a film or tv show in Dallas.









Music:

- The OCA's relationship to music is unknown, and many feel that there is not an attention or focus on promoting or supporting music and musicians in the City.
- Many spoke highly of the different open-mics held across the city that help performers get experience, develop as artists, and gain fans or collaborators.
- Musicians expressed a desire for more relaxed rules for busking and street performances across the City, with many highlight the role of these activities in creating culturally rich and vibrant neighborhoods.
- The lack of music festivals in the city is a challenge for increasing the footprint of local performers and bringing diverse acts to the city.

Design:

- There are not as many small firms in Dallas which makes it easier to try new things in Dallas because the market is not yet saturated. The large firms do not work locally which leaves a lot of opportunities for small firms.
- The Design community would like to see initiatives that move Dallas towards being a walkable, bikeable and pedestrian friendly city. Wayfinding signage is not helpful for newcomers, Dallas is not an easily navigable nor a pedestrian/bike friendly city.
- Strong design culture but it lacks integration with the public.


A ONCE IN A DECADE OPPORTUNITY
Quick Facts:
• Directed by the Dallas Office of Cultural Affairs
• First Cultural Plan for Dallas since 2002
• Major emphasis on public engagement
• Focus on implementation – diverse resources, citywide partners
• Benefiting from global expertise and local direction
• Will result in a *new* Cultural Policy for the City of Dallas
• Advised throughout by Cultural Affairs Commission

7. Cultural Ecosystem Map & Participation Survey

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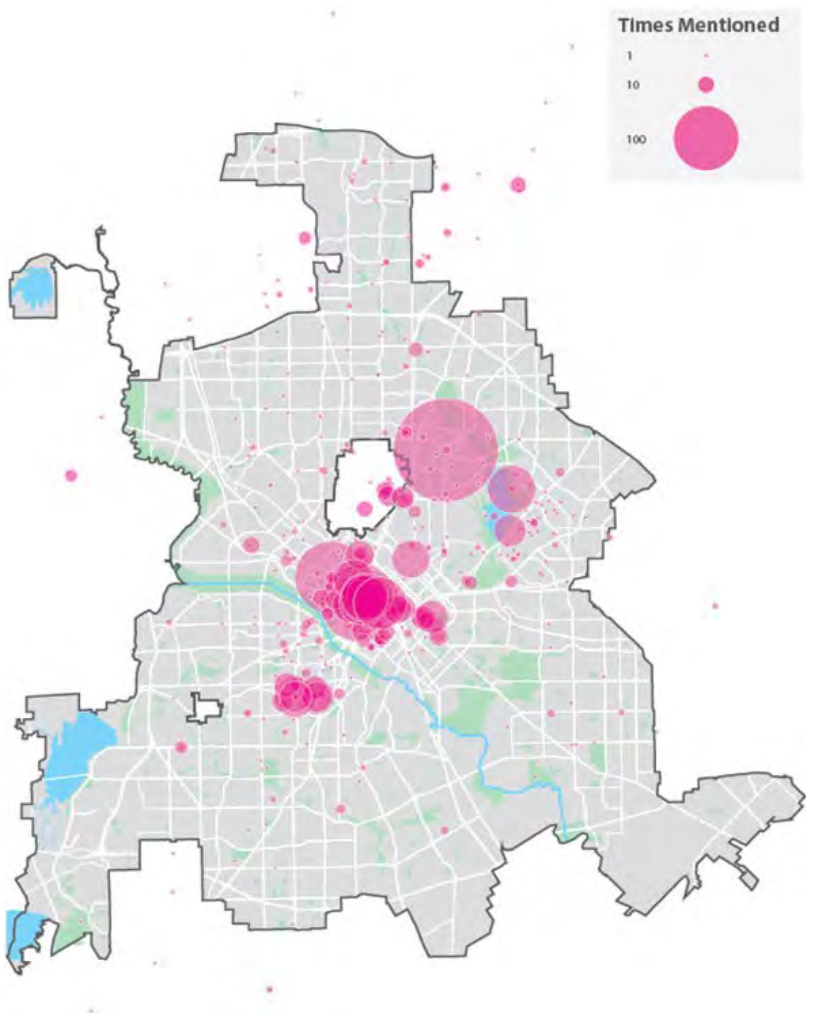


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- Photography
- Radio
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- Theater or Comedy
- Visual Art (Illustration, Painting, Sculpture, etc.)
- Other



Locations of Cultural Venues,
Sized by the Frequency of Mentions in the Cultural Ecosystem Map survey

Initial Findings

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KUTZ



8. Interview Key Findings

An important public to engage in the conversation on the future of arts and culture in Dallas are the professional, philanthropic, business, and service people that make up the cultural ecosystem.

> ***"We do the big arts really well, but ... it's the smaller folks who don't have access to those resources and wealth. You can't quantify it, it has to be more qualitative and anecdotal information that brings to a city."***

This includes city council members, corporate leaders, arts organizers, arts students, individual artists, funders, and many others.

The team will continue to engage with these important stakeholders throughout the life of the plan. To date, the team has spoken with over 45 people and will continue to do so.

The interviews have yielded the following key ideas:

1. Economic sustainability was echoed as an issue in several interviews. A lack of overall financial support overlapping board members and philanthropic support results in highly competitive environments. Interviewees expressed a desire for support of diverse, non-traditional art and culture ventures, and equitable financial disbursement.
2. Restructuring and increasing distribution of the city's grants and funding is desired by organizations for overall vitality and longevity of arts and culture in Dallas.
3. Definitions of 'art' and 'culture' need to be broadened to capture non-traditional, contemporary meanings. Redefining these terms requires co-creative processes that involve diverse populations from multidisciplinary organizations, city departments, and the public.
4. Community connection is nurtured through shared experiences.



> ***"Arts can provide the social cohesion that allows people to build these informal networks that allow people to figure out how they can asset share."***

- Investment in small and mid-size community groups and community involvement in strategy development would be beneficial to wider populations in Dallas by contributing to social cohesion and innovation.
- Equitable neighborhood engagement was continuously mentioned as a possible opportunity especially in partnership with government agencies. Interviewees noted that neighborhoods foster local identity through cultural centers and experiences however, local facilities, venues, and funds are limited.

5. Collaboration and networking among organizations was stressed by several interviewees as fundamental to the success and longevity of arts and culture in Dallas. Partnerships provided exchange in resources and resulted in interdisciplinary, non-traditional, and unique artistic creations and cultural experiences.
6. Inclusivity was identified as an area of improvement in the City of Dallas's artistic and cultural communities. Interviewees acknowledged that despite some improvements to inclusivity, difficult conversations related to socially vulnerable and minority populations are necessary for equitable representation and participation in arts and culture.
7. Despite some optimism about the City of Dallas government, interviewees articulated frustration communicating with municipal departments outlining understaffing as a prominent issue. The desire for alternative operational methods including inter-departmental collaboration and improved communication for arts and culture ventures was discussed.

8. Arts education was a reoccurring theme as institutional partnerships provided opportunities for scholarships, internships, employment, and supported interests and development in the arts and culture sectors. Interviewees noted educational programming and curriculum related to arts and culture could be expanded to encompass broader audiences and participants.
9. Attracting visitors and professionals beyond the City of Dallas boundaries is a goal of several organizations. Regional, national, and international visibility and exposure is beneficial for long-term sustainability and partnerships.
10. Transportation and access were identified as barriers as art and culture destinations were located primarily downtown or in inaccessible areas. Interviewees noted that efforts in improving the Dallas Arts District resulted in exclusion of those who were not directly affiliated with the district.

"All of us are suffering economically and work really hard to get an audience."

"There's places in your city where you're afraid to go, and I want to solve that problem. This is your city, get out of your little bubble. Let's figure out how to help those people. Figure out how to help those communities and make it a larger community and celebrate each other. I don't think we're going to be a utopia. But right now, it's 'good part of town, bad part of town'. Let's stop thinking that way."





9. What it Means: Emerging Insights

As illustrated by the thousands of Dallasites who have participated in this cultural planning process thus far, the people of Dallas are committed to a vibrant cultural life citywide.

"Build communities, not buildings."

There are numerous ways arts and culture enrich the daily life of citizens and that they can address issues currently being confronted by the City.

Nine themes have emerged through the engagement process via citywide town halls, in neighborhoods, at sector meetings and individual interviews. These themes will lead to the development of priorities for the Cultural Plan and inform the development of strategies for the Updated Cultural Policy to fulfill them

The themes are:

- **Broaden definitions of 'art' and 'culture':** Dallas has many forms of arts and culture. However, there is concern that the City and, as a result, the philanthropic community limit the definitions of art and culture. By expand the definitions of art and culture in the city, as well as thinking about where and how it is made and experienced, many barriers to resource allocation will disappear.
- **Distribute citywide resources equitably:** Access to arts and cultural experiences are uneven, depending upon the neighborhood. This is particularly true in the educational environment and lower income areas.

Cost continues to be a major barrier to both experiencing and producing arts and culture. Although there are numerous opportunities for free and reduced cost cultural opportunities, there is a lack of awareness of how to access those opportunities—both from organizations as well as individuals. Additionally, there are still gaps in addressing access issues created by lack of transportation and space.

- **Increase support for, and understanding of, ethnic, cultural and racial diversity:** There is a genuine desire to make all residents of the city feel welcome. However, barriers such as race and ethnicity present a divide that people often feel they do not possess even the most rudimentary tools—like language—to confront issues. There are vibrant arts and culture happenings throughout the city, but funders, audiences, and even producers tend not to cross boundaries—geographic, disciplines, race or ethnicities— to experience them. Organizations are striving to serve new audiences, but more can be done to fully include and support neighborhoods and their arts and cultural pursuits.
  This means ensuring that all communities are represented in all ways – leadership, staffing, programming, marketing, funding, transportation.

- **Focus public resources on organizations rather than buildings:** Organizations are providing arts and cultural opportunities to communities across Dallas as best they can with very limited resources. Investing in them directly will help them to do their work better and offer greater benefit to Dallas residents as a whole than continued investment in facilities.

"It's a unique role the cultural centers have, important to how the community looks at City Hall and how it looks at the community."

- **Coordinate and centralize communication:** Stronger communication and greater cooperation amongst the arts and culture community is needed to optimize arts presence throughout the city. Without this coordination, marketing and communication of activities suffers from both an overload of information and a lack of clarity. Producers and consumers are looking for a centralized database of events, artists, and resources—a central place to learn about events, find peers for collaboration, and access resources to help each other advance their practice. The existing directories are well-used, but present challenges with learning about the wide variety of events from places that focus on specific genres or networks.

- **Build opportunities for economic sustainability:** There is palpable frustration regarding the limited economic resources available for arts and culture organizations, institutions, and individual artists. There is a demand to address issues created by a shrinking donor pool, decreased emphasis on the arts by the corporate philanthropic sector, and perceived inequities in the allocation of public funding.

- **Attract visitors and professionals beyond Dallas boundaries:** Arts and culture are a magnet, attracting the most creative minds and the brightest intellects. Leveraging the sector to attract tourists, as well as retain workers will, in turn, attract businesses attempting to reach, serve, and employ that talent. It will create the highest level and most sustainable (renewable) economic base.
- **Harness the value of neighborhoods while preserving the culture of those neighborhoods:** Throughout the City, arts and culture are a driving force in the renewal and redevelopment of neighborhoods. As the value of the land rises, many artists and arts organizations are being "priced out of their spaces."
- **Address the need for spaces throughout the city to experience arts:** There were many conversations about the types of spaces available throughout the City. Dallas-owned facilities are often difficult to use because of limitations due to operating hours. In neighborhoods, there is a positive attitude towards the opportunities to reimagine existing spaces to be more inclusive of all types of art, as well as more inclusive of both small and large organizations, and for these spaces to be accessible to many audiences.

Next Steps

This report represents the conclusion of the initial public engagement and other Phase 1 research. Following the approval of this report, the team will:

- **Share the findings of this Phase 1 process.** Following the review and approval of this report by the OCA, the team will share the findings on the DCP website, through a public webinar presentation, and other opportunities.
- **Build upon the results of the public engagement and research** with strategy development and implementation planning to identify the most immediate opportunities or concerns.
- **Begin planning and hosting inter-agency meetings:** Because the City will soon embark upon a comprehensive plan and individual departments are developing their own plans at this time, inter-agency meetings in Phase 2 will be essential to making sure all departments are in sync and that this plan is integrated.
- **Develop a business model for the arts in Dallas:** Working with the OCA, the team will develop strategies to address economic sustainability, neighborhood value capture, and other financial opportunities discovered in Phase 1.
- **Distribute Draft Cultural Plan.** The team will issue the draft cultural plan in the summer and seek public feedback. Through a series of town hall meetings, Dallasites will be asked to evaluate the draft plan. At that time, participants will have the opportunity to vote on the priorities and recommend steps to accomplish goals.

Appendix A: Cultural Ecosystem Map & Participation Survey

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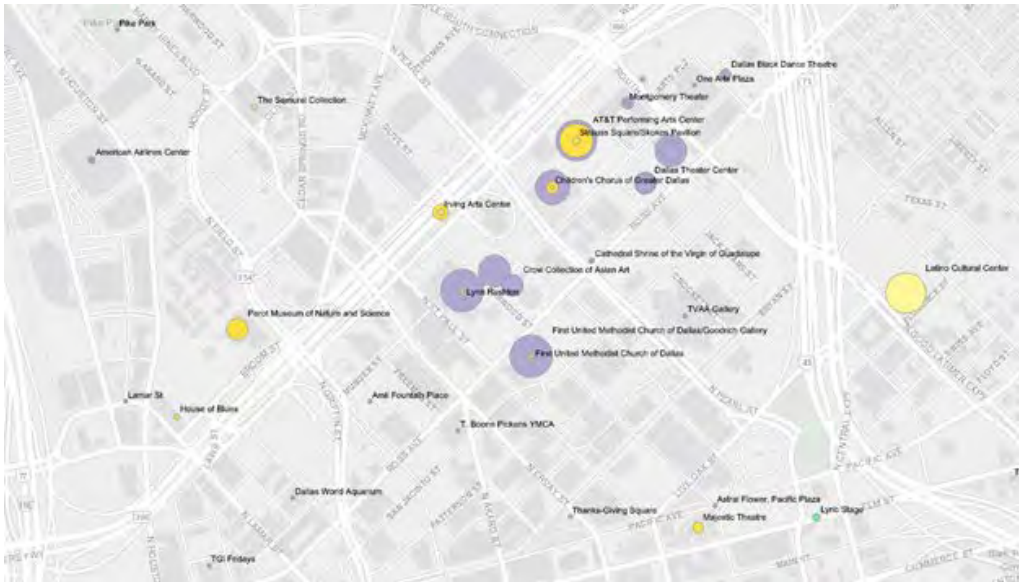
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Venues identified through the Ecosystem Map survey in and near the Dallas Arts District.

Dallas Arts District

Unsurprisingly, venues within the Arts District received many responses throughout the engagement process. City-owned facilities such as the Moody Performance Hall, AT&T Performing Arts Center, and Meyerson Symphony Center were identified alongside the Dallas Museum of Art, the Dee and Charles Wyly Theater Center, Nasher Sculpture Center, and the Crow Collection of Asian Art, Klyde Warren Park, First United Methodist Church of Dallas, and the Cathedral Shrine of the Virgin Guadalupe.

Venues identified through the Ecosystem Map survey in and near the Dallas Arts District.

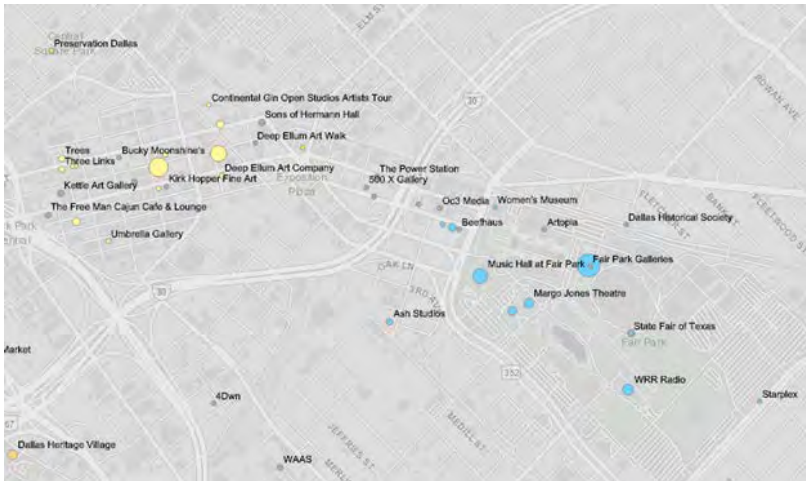
Northern Oak Cliff / Bishop Arts District

We learned about a variety of locations in northern Oak Cliff where residents go to experience arts and culture in a variety of ways, from enjoying public art in the city parks to the several theaters, galleries, arts-oriented businesses in the area. The cultural character of Jefferson Blvd, such as the Texas Theatre, Mercado 369, Oak Cliff Cultural Center, and a variety of smaller businesses stand out on the map below, as do businesses within the Bishop Arts District and along Davis St.

Venues identified through the Ecosystem Map survey in the neighborhoods of northern Oak Cliff, including the Bishop Arts District, Jefferson Blvd, Kings Highway, and Lake Cliff neighborhoods



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Venues identified through the Ecosystem Map survey in the Deep Ellum, Exposition Park, and Fair Park neighborhoods

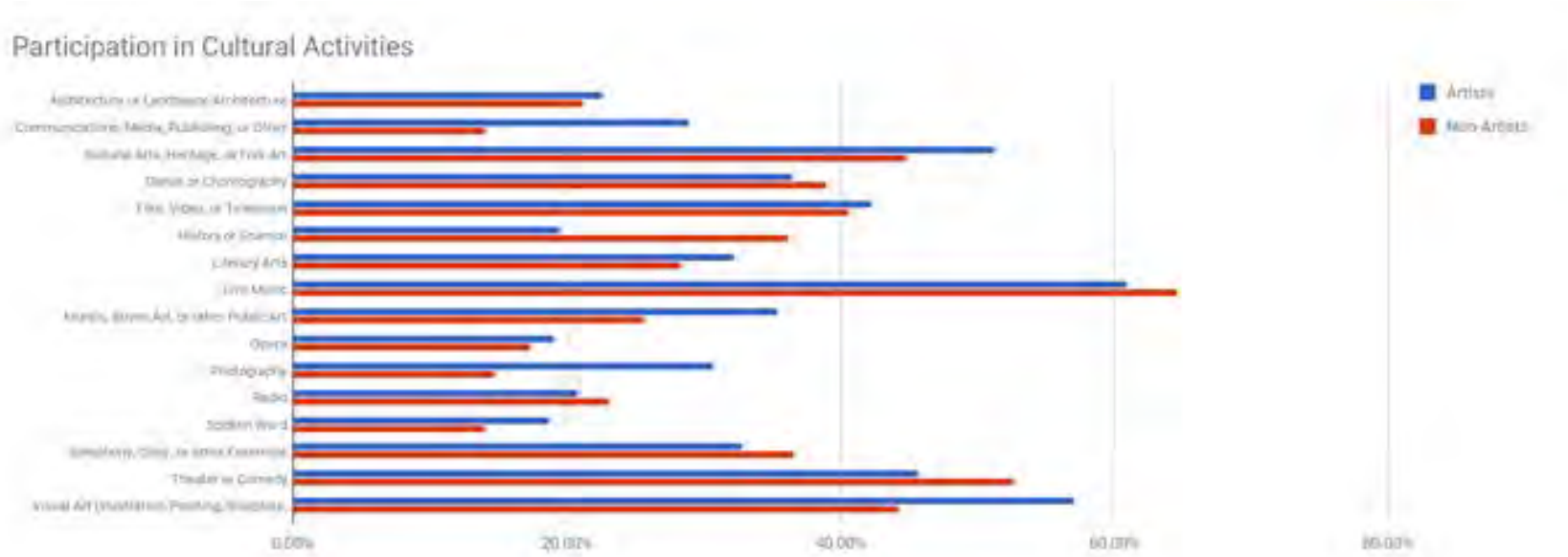
Deep Ellum / Exposition Park / Fair Park

Art and culture are experienced throughout Deep Ellum, Exposition Park, and Fair Park, as seen in the map below. The types of locations identified in this part of the city varies considerably, with large, traditional venues such as The Music Hall at Fair Park or South Dallas Cultural Center found in close proximity to informal spaces such as Beefhaus, Ash Studios, or the former CentralTrak. In Deep Ellum, music venues such as The Bomb Factory, Three Links, Club Dada or Sons of Hermann Hall can be found alongside art galleries (Umbrella Gallery, Kirk Hopper Fine Art), medium specific venues (Deep Ellum, Photographique), and a general culture of public art (murals, sculptures, etc.).

Venues identified through the Ecosystem Map survey in the Deep Ellum, Exposition Park, and Fair Park neighborhoods

Cultural Ecosystem Map - Activities and Experiences

In addition to the physical locations where arts or cultural activities are enjoyed, we asked for those who told us about locations to tell us what they go to do (Create, Experience, or Learn) and what category of activity they participate in there (e.g. Visual Art, Live Music, Opera, Cultural Arts or Heritage). We are then able to begin addressing questions of equity by examining access to different types of cultural activities and experiences in relation to geographic location.



Cultural Participation Survey

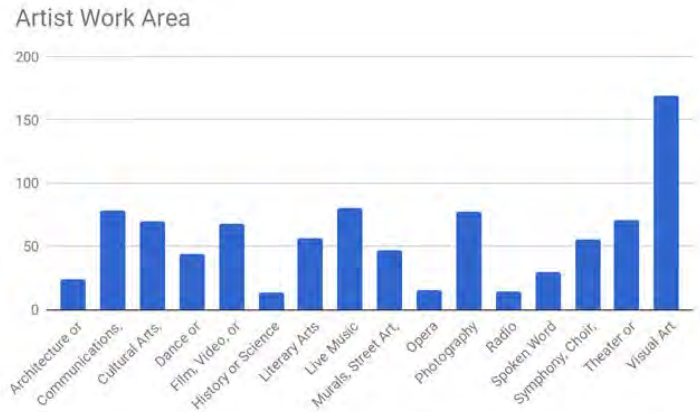
The Cultural Participation Survey helps to understand the different issues and opportunities respondents see within the cultural ecosystem of both Dallas as a whole and their own neighborhoods, as well as the types of events and activities they participate in across the city. 1,200 people completed the survey, of which 39% (466) identified themselves as artists and 60% (760) identified themselves as Dallas residents, with non-residents from many surrounding communities taking the survey (Denton, Duncanville, Highland Park, Lancaster, McKinney, and many more).

Participation in Cultural Activities

Survey respondents were asked to select the types of arts and cultural activities they participate in across Dallas, ranging from Architecture or Landscape Architecture (21% of all respondents) to Dance or Choreography (38%), Visual Arts (49%), Spoken Word (16%), and Live Music (63%). Few clear differences were seen when comparing responses between self-identified artist and non-artist responses, however.

Artists

A majority of artists who responded to the survey identified their work within the broad field of Visual Art (169), while others

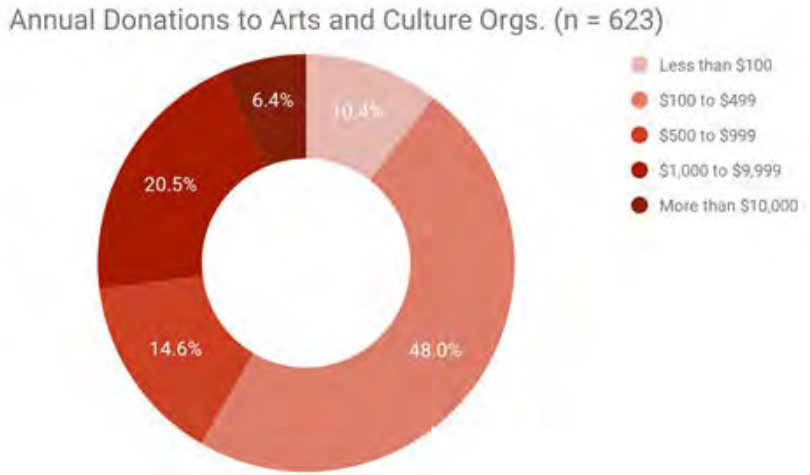


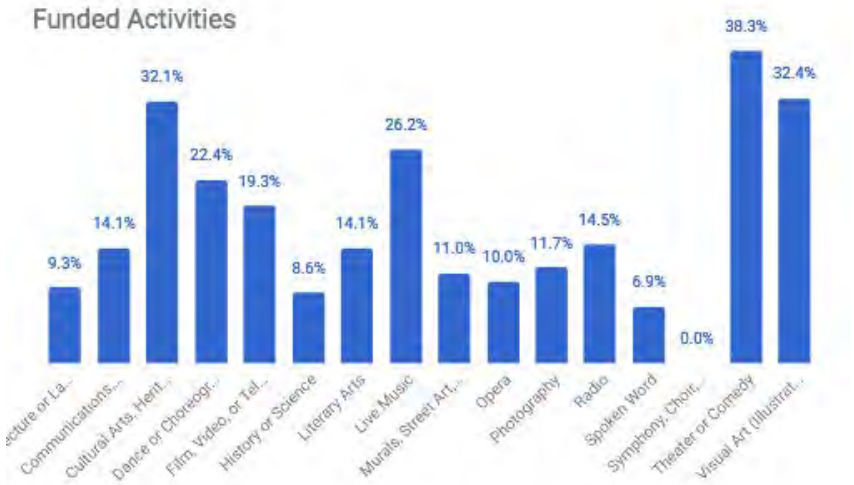
work in Live Music (80), Communications, Media, Publishing, or Graphic Design (78), Photography (77), Cultural Arts, Heritage, or Folk Art (70), and Film, Video, or Television (68). Notably, most artists who took the survey selected more than one activity, and very few artists only selected one option.

Funders & Donors

Several questions explored the different ways respondents financially support arts and cultural activities in Dallas, from traditional grantmaking or funding to individual donations. Approximately 63% (623) of respondents donate funds to arts and culture organizations in the city, with the vast majority (48%) donating between $100 and $499 each year. While the average contribution is roughly $7,800 a year, this is pulled up by a few respondents who donate more than $100,000 a year to cultural organizations. 4 respondents donate between $100,000 and $400,000 and another 3 respondents donate more than $1 million each year.

25% of all survey respondents fund arts or cultural activities in some capacity according to the survey (290 of the 1,158 who answered this question). Self-identified funders were then asked the types of cultural or artistic activities that they fund, showing that more than 30% of these funders provided funding to Cultural Arts, Heritage, or Folk Art, Theater or Comedy, and Visual Art. Funders who took the Cultural Participation & Awareness Survey fund all of the activities defined within the survey except for Symphony, Choir, or other Ensemble.





Supporters & Volunteers

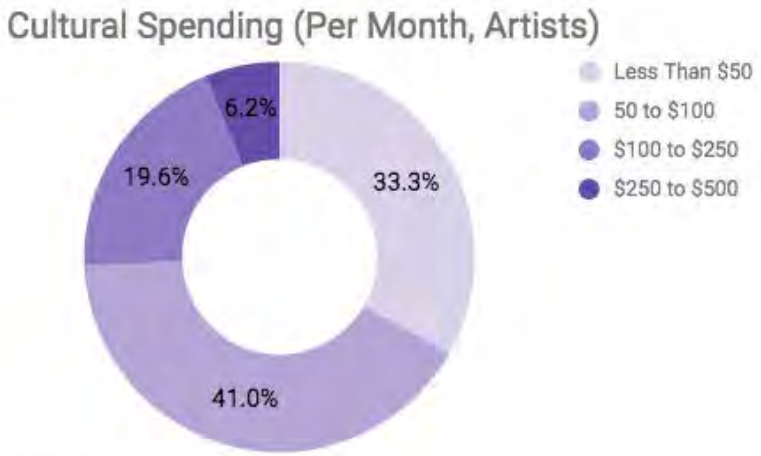
Two primary questions were asked to understand the different types of support that occur within Dallas' cultural ecosystem. 39% of respondents (458) volunteer with arts or cultural organizations and spend an average of 17 hours per month doing so. Of the respondents who volunteer with organizations each month, 46.5% spend less than 8 hours doing so.

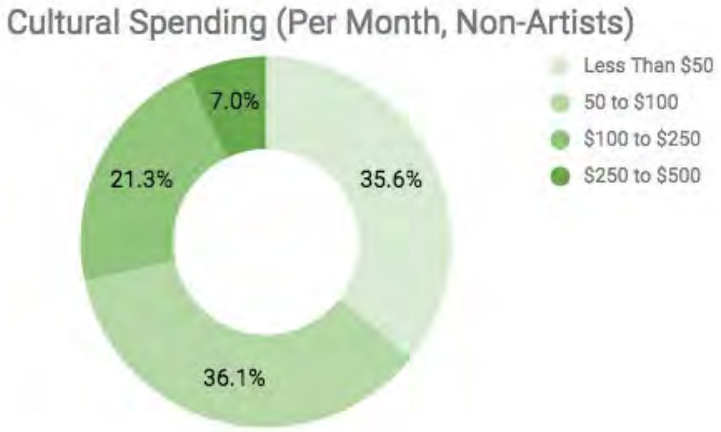
622 respondents (54%) provide some form of support to artists



Arts Spending

A majority of those who took the survey spend less than $100 a month on arts or cultural activities (74.3% of artists, 71.7% for non-artists). While many respondents do spend more than $100 a month, very few spend more than $250 based on their survey responses (only 76 respondents overall selected this option, just 6.5% of all responses).

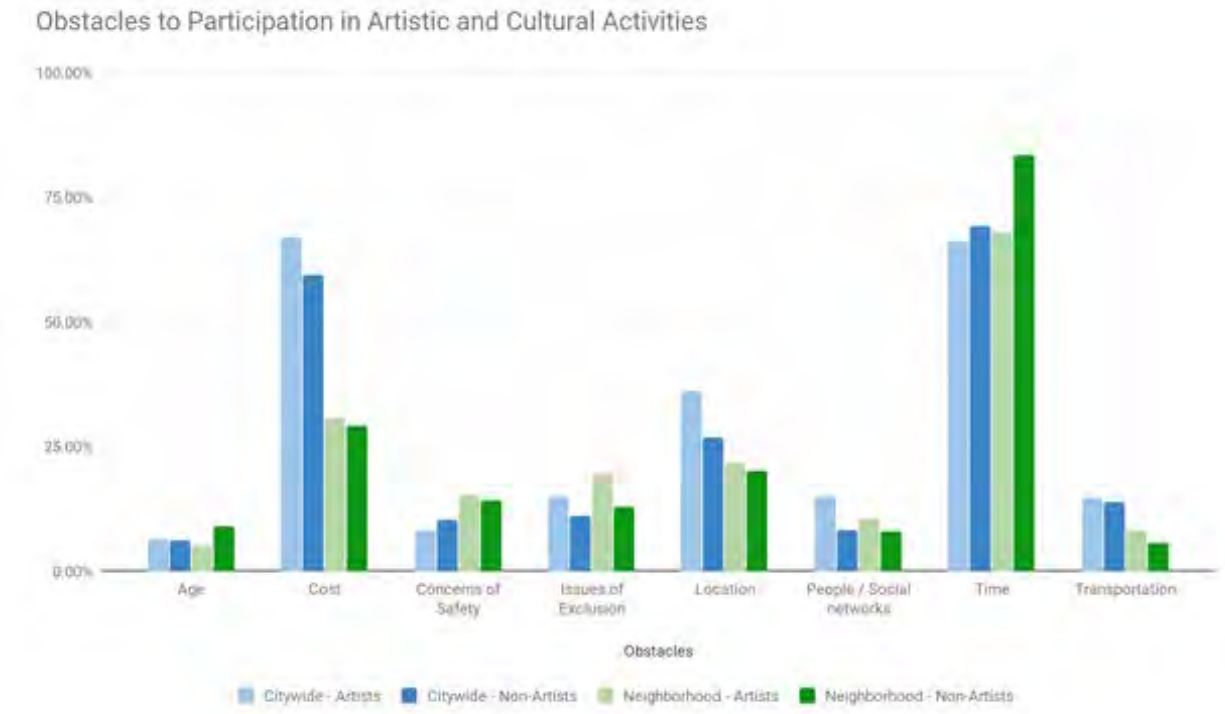


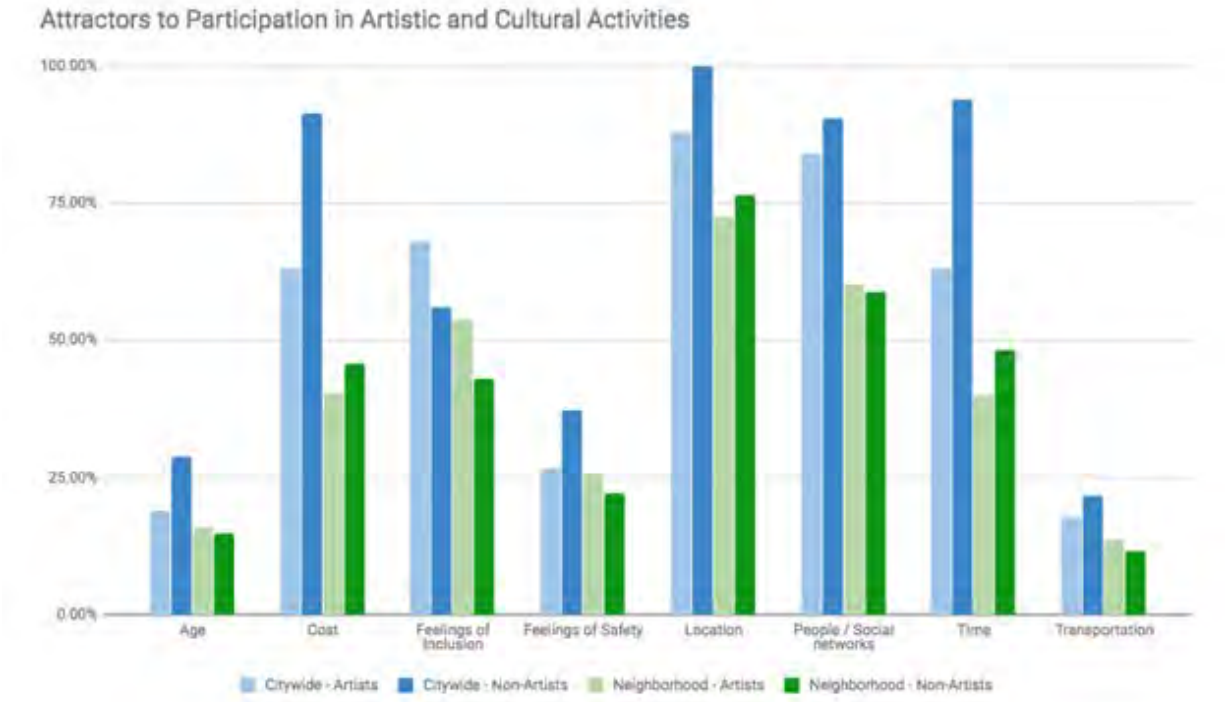


Participation in Cultural Activities

Dallas residents and non-residents participate in a variety of activities across the city, as shown above, and while we heard about more than 500 places people go to experience arts and culture across the city, approximately 62% of survey respondents indicated that there are cultural activities in the city that they would like to participate in but do not. This occurs for a variety of reasons and varies based on the location of cultural activities (e.g. if it is within their neighborhood or in other parts of the city). We asked four questions to gauge the reasons why survey respondents may participate or not participate in activities. The charts below show the responses to these questions at the citywide and neighborhood scale for artists and non-artists.

When it comes to the reasons why respondents do not participate in various activities, there appears to be little difference when it comes to events at the citywide or neighborhood scale. However, when it comes to cost it appears that participation in events outside of one's neighborhood is a greater obstacle than cost within one's neighborhood. Artists and non-artists do not participate due to the lack of time, in many cases, while the location of events provides a greater burden for artists participating in events outside of their neighborhood than for artists within their neighborhood.





Location, social networks, and time are major attractors to cultural participation for many survey respondents, with 100% of non-artists indicating that the location of events is a major attractor when considering events citywide (compared to 75% for activities within one's neighborhood). Surprisingly, non-artists indicated that the cost of events outside of their neighborhood was a major attractor to participation in cultural programming.

Appendix B: List of Dallas Plans

List of Dallas Plans

The final analysis of this engagement process will serve as a touchstone for a detailed review of relevant City plans and policies. The team anticipates that the following plans identify areas of overlap across City goals and objectives to strengthen the development of strategies for the final Cultural Plan, the resulting Cultural Policy, and their eventual implementation. They are:

- *Downtown Dallas 360 Plan*
  - A strategic plan that outlines a vision for downtown Dallas, which includes the area commonly understood as "Downtown"—The Dallas Arts District, The Dallas Farmers Market, West End, etc.—as well as surrounding neighborhoods including Uptown, The Design District, The Cedars, Deep Ellum, and more.
  - Proposed strategies fall into three categories: Advance Urban Mobility, Build Complete Neighborhoods, Promote Great Placemaking.
  - Arts and culture could play a significant role in helping achieve certain priorities, including: "Activating the public realm", "Investigating opportunities to create active and passive open space in underutilized public and privately-owned properties within the City Center, such as vacant parcels, building rooftops, and public rights-of way, including deck park opportunities."
  - A number of proposed programs could overlap with developing priorities of the DCP, including: "Establishing a pilot grant program to activate underutilized private property in the Downtown PID", and "Exploring short-term permits for interim uses to activate undeveloped sites."
- *Dallas Park and Recreation Comprehensive Plan*
  - The goals and strategies of the Park and Recreation Comprehensive Plan are supported by a series of specific plans that include the Downtown Parks Master Plan, Marketing Plan, Economic Value & Benchmarking Study, etc.
  - Provides a synopsis of how the current system park and trail system, programming and facilities, benchmarks for measuring access and connectivity, a SWOT analysis, and a synthesis of community engagement.
  - Lays out a strategic plan to achieve a series of strategic goals and action items. The plan identified the responsible parties, potential partners, potential funding sources, performance measures, and time frame for implementing or achieving the objectives of the strategic goals.
- *Forward Dallas!* City of Dallas Comprehensive Plan
  - Provides a Vision for the future of Dallas—Crafted from the ideas, ideals and goals of Dallas residents.
  - Establishes an overall policy framework to guide the City's decision making over time and ensure movement toward achieving the vision set by *Forward Dallas!*
  - Presents both short-term and longer-term timelines for accomplishing the goals outlined in the Vision and Policy plans. Short-term projects should be completed in two years, and longer term projects are projected to be completed within five to seven years.

- Provides a tool/framework for the City and residents to track progress of goal and project timelines identified within or are the outcome of the *Forward Dallas!* Plan.

- Current Housing Policy DRAFT
  - Establishes production goals for the development of homeowner and rental housing in strategic areas for different income bands, specifically 120% - 30% area median income.
  - Establishes performance metrics for the delivery of affordable housing in a way that affirmatively further fair housing and promotes economically and racially diverse neighborhoods.
  - Outlines a process by which additional housing policies should be evaluated and adopted including; voluntary inclusionary zoning, creation of homestead exemption overlays, anti-income discrimination policies, and anti-displacement policies.
- *Complete Streets* Manual
  - Provides policies and design best practice guidelines to City agencies, design professionals, private developers, and community groups for the improvement of streets and pedestrian areas throughout Dallas.
  - Promotes higher quality street designs that create safe, multimodal streets for all users. This manual is intended to direct transportation planners and engineers to routinely design and operate the entire right-of-way to enable safe access for all users, regardless of age, ability, or mode of transportation.
  - Creates a process by which the context of the roadway, community design priorities, and the roadway's function are considered early in the design and street improvement process
  - Serves as a guide for private development projects and community-driven initiatives that seek to improve the quality of the space within the public right-of-way.
- Dallas CityMAP
  - The Dallas City Center Master Assessment Plan looks at the highways infrastructure in and around downtown and proposes alternatives to improve conditions in the core and adjacent neighborhoods.
  - The plan proposes different scenarios for different highway situations, while considering the following: quality of life and neighborhood character; community and urban street connections; regional mobility and safety; economic development and future growth; and policy, partnership and funding considerations.
  - Highways included are: I-30, I-35E Southern Gateway, I-35E Lower Stemmons near the Perot Museum, and I-345/I-45.
- Dallas Arts District Master Plan (6/7/2017 draft)
  - A restructuring/revisiting of the original "Sasaki Plan" from 1982

- Organized around 5 categories of work: Transform Pearl Street into the "Avenue of the Arts"; reinvigorate Flora Street as the cultural core of the Arts District; Embrace Ross Avenue as a mixed-use commercial corridor; expand and update wayfinding, signage, public art, and gateway experiences; enhance pedestrian connections in all directions, with a focus to the west.
- One of the biggest changes from the Sasaki plan is the process to regulate and enforce the plan: The new plan will adopt a modified version of the City's current Urban Design Peer Review Panel process.
- Proposes expanding the boundaries of the PD
- Proposes extensive street and public space improvements.• Visual Dallas: A Public Art Plan for the City
- An extensive exploration of public art in Dallas written and adopted in 1987 - not only outlines a vision for public art in the city, but also meditates on the meaning and value of art.
- Outlines recommendations as to: acquisition and deaccessioning; administering a public art program; artists' rights; artist selection; arts committee selection; awards program; collaboration; education; funding a public art program; gifts, exhibitions, and loan of artworks; government relationship; individual artist support; liability, bonding, and insurance; local v. nonlocal artists; maintenance and conversation of art collection; managing controversy; nature of a public art collection; open space; participation of development community; programming; public education/outreach; transportation; utilities.

Further review of these plans, along with in-depth work sessions with the organizations and departments that developed them will inform how to connect existing planning efforts with the key issues areas that have arisen from the Dallas Cultural Plan engagement process. Areas of insight that will be explore include:

- Strategies and opportunities for temporary public art and furthering the scope of public art in Dallas
- Integration of public art and arts and culture programming into the City parks and trails system
- Alignment of goals or strategies with long-range City planning goals—potential alignment of cross departmental programming or capital planning
- Housing affordability for artists and communities, including the ability for longstanding communities to remain in their neighborhoods which may be experiencing both increased access to arts and culture and higher housing costs
- Strategies to integrated "Art and Cultural" elements into the public realm or public roadways
- Potential opportunities to collaborate with TxDot or leverage public lands currently occupied by freeways
- Furthering the development and evolution of the Dallas Arts District, both as an arts tourism destination and a local amenity accessible to all

Lord
Cultural Resources

B

APPENDIX B
PHASE TWO FINDINGS REPORT



PHASE 2 FINDINGS

PRESENTATION

DALLAS CULTURAL PLAN 2018

JUNE 2018

Lord Cultural Resources

TODAY

- Overview
- Methodology for Updating Dallas' Cultural Policy
- Neighborhood Typologies
- Business Model for the Arts
- Next Steps

A YEAR-LONG PROCESS

Public Engagement

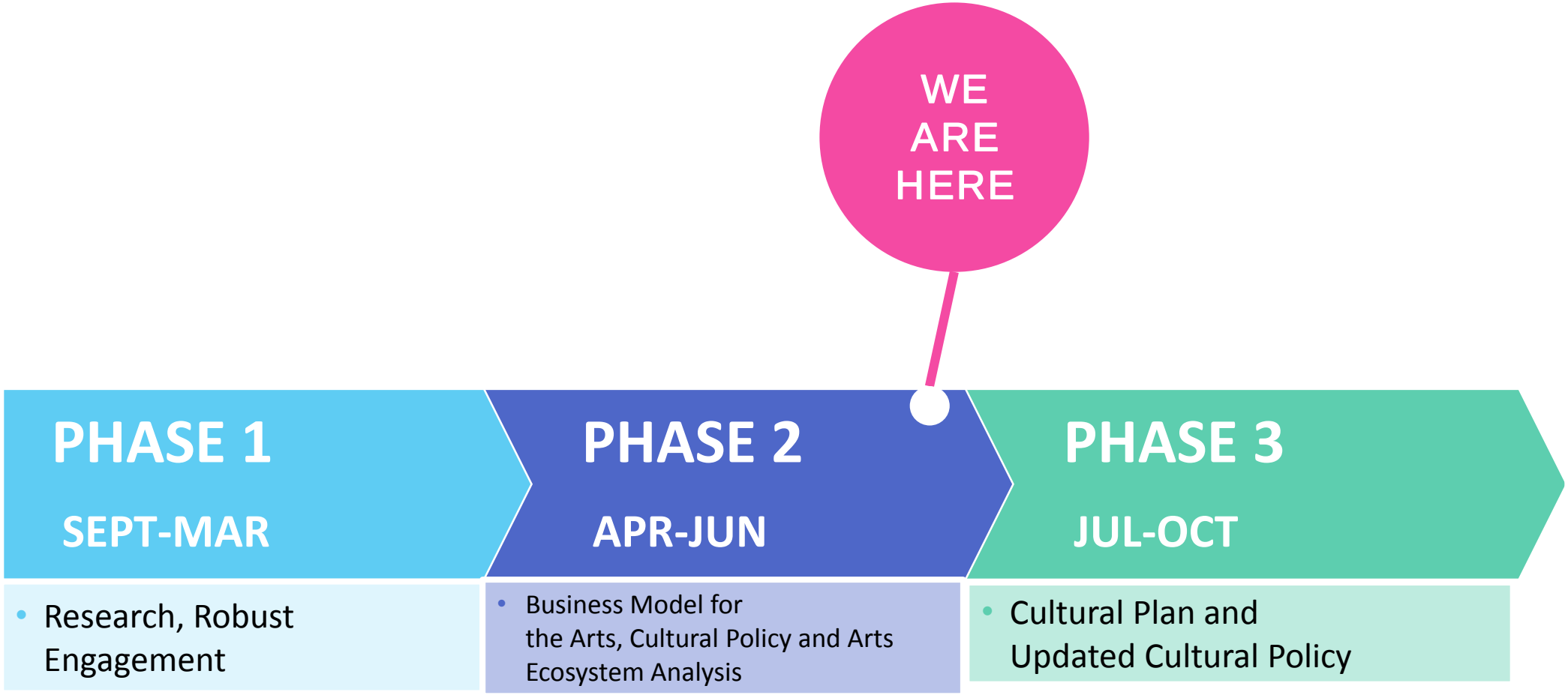
Local & Global Research

Priority Setting & Economic Impact

Cultural Plan & Updated Cultural Policy



WE ARE HERE


WE ARE HERE
PHASE 1
SEPT-MAR
PHASE 2
APR-JUN
PHASE 3
JUL-OCT
• Research, Robust Engagement
• Business Model for the Arts, Cultural Policy and Arts Ecosystem Analysis
• Cultural Plan and Updated Cultural Policy

DALLAS CULTURAL PLAN WORK COMPLETED

- In-depth, 6-month citywide engagement with over 7,500 Dallas residents
- Benchmarking study of comparable cities
- Mapped over 500 unique locations where residents experience culture
- Phase 1 findings presented to public, Phase 2 update presented to CAC and DCP steering committee
- Artist Microresidencies in 6 City agencies with presentations to public
- Interagency meetings with City agencies to continue collaborations
- Webinars informing public DCP process and how they can participate
- Formation and orientation of task forces for strategy development

DALLAS CULTURAL PLAN WORK IN-PROGRESS

- Business Model for the Arts in Dallas
- Task forces working on Strategy Development
- Analysis of City plans and policies to identify the best ways that the Dallas Cultural Plan can contribute to the overall goals of the City
- Define the different types of neighborhoods in Dallas to understand how arts and culture can serve them
- Connect to the work of other City agencies and organizations to ensure that arts and culture are part of solution-thinking

UPDATED CULTURAL POLICY

METHODOLOGY

- OCA staff working with City legal team to update procurement requirements
- Consultant team will update foundational statements (mission, vision, values) based on DCP task force work

August: Review by Cultural Affairs Commission and City Attorney

September: Cultural Affairs Commission approval of Cultural Plan and Policy

October: City Council approval of Cultural Plan and Policy

DALLAS CULTURAL PLAN 2018



NEIGHBORHOOD TYPOLOGIES

DALLAS CULTURAL PLAN 2018

WHAT ARE TYPOLOGIES?

- A “type” or “classification” based on commonalities and shared traits
- Typology are a useful tool for:
  - Providing a shared baseline of knowledge
  - Organizing knowledge
  - Supporting future research, analysis, and planning

TYPOLOGIES IN CULTURAL PLANNING

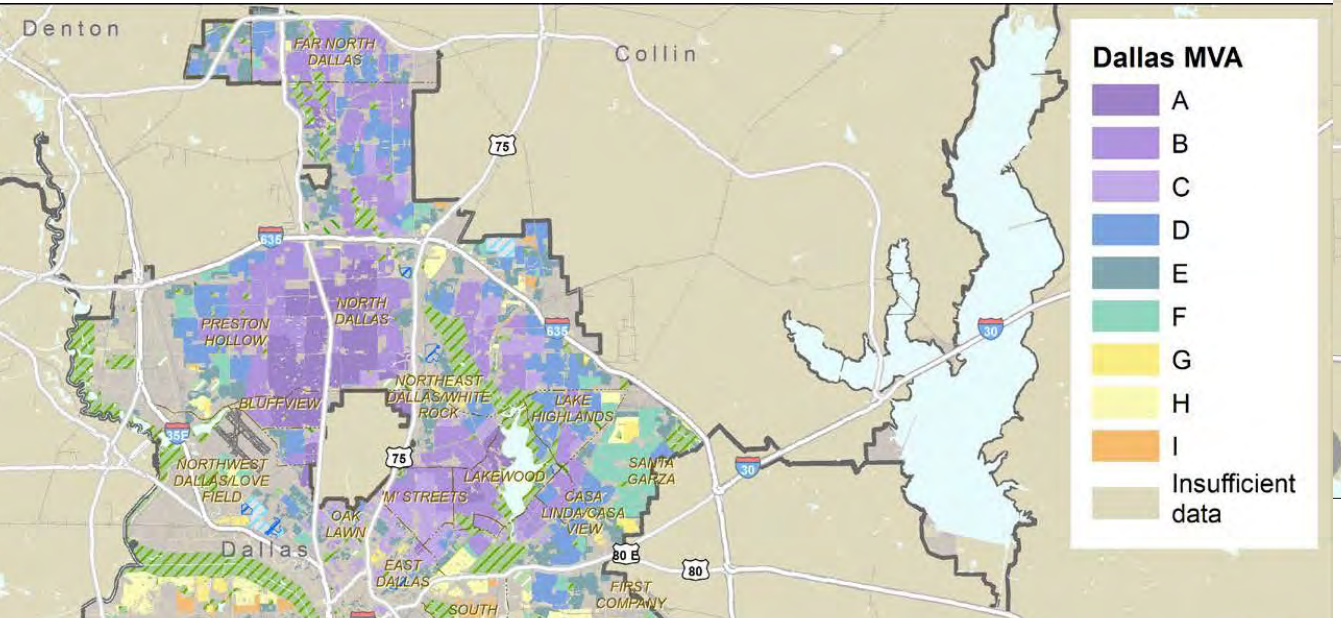
- Dallas often uses typologies in its planning efforts to:
  - Bring clarity to an issue
  - Support analysis, and
  - Facilitate strategy development
- Other plans with typologies include:
  - Market Value Analysis
  - Neighborhood Plus
  - Dallas Park and Recreation Park Plan

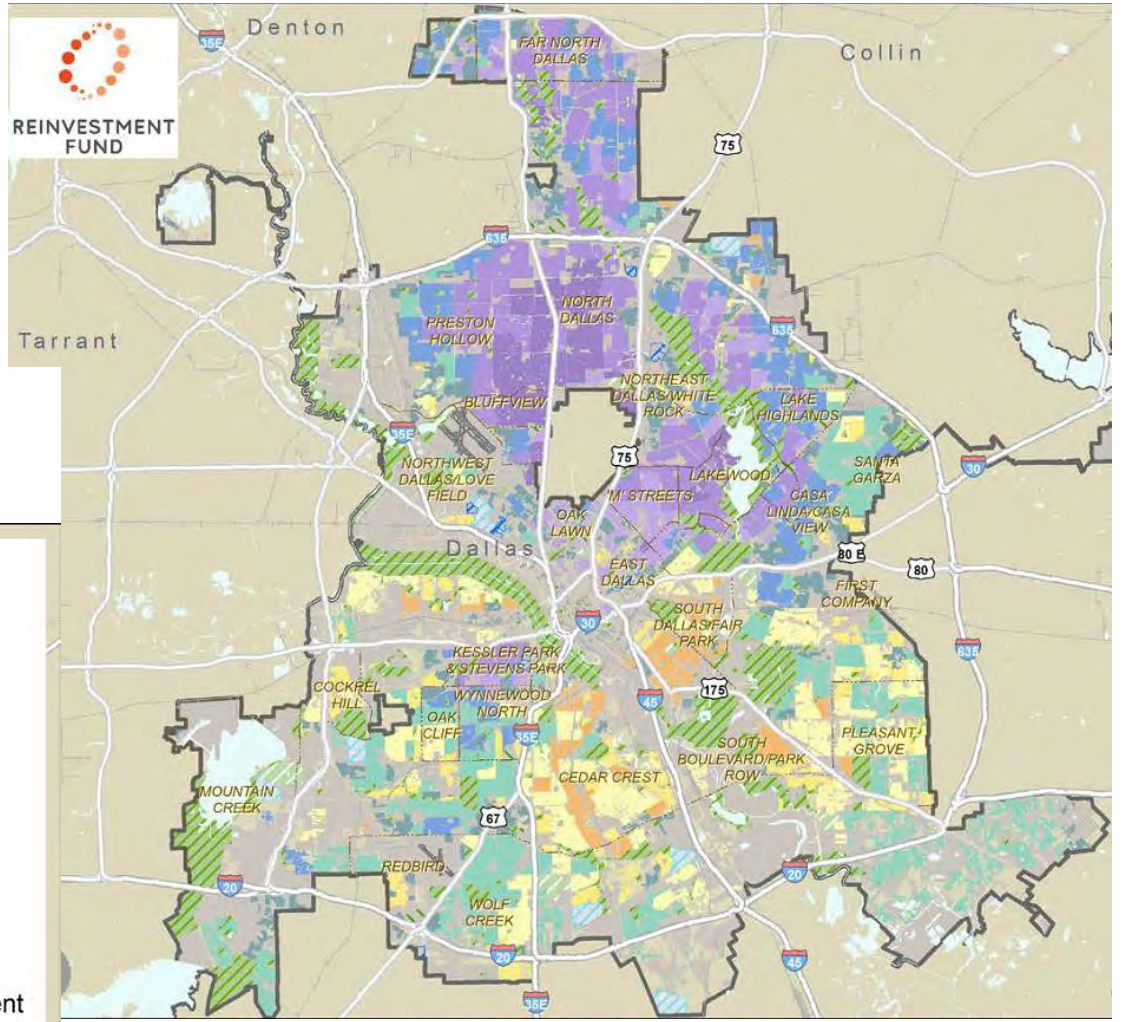
MARKET VALUE ANALYSIS (MVA)

- Analyzes characteristics of residential area in the city to understand market vitality

s MVA

20





NEIGHBORHOOD PLUS

Typologies show where residents with different characteristics live throughout the city

Young Diverse Families (21%)

These are predominately Hispanic families with children, often living with grandparents in rental apartments or single family homes. These households are located mostly in the southeastern part of the City or central Dallas, west of Downtown.

Tapestry Segments: Barrios Urbanos (#1), NeWest Residents (#3), Las Casas* (#16)

Dallas Households (2012) = 112,627

Dallas Baby Boomers (8%)

These are empty nesters with high-value, single family homes predominantly in North Dallas.

Tapestry Segments: Top Tier (#4), Savvy Suburbanites* (#21), Exurbanites* (#14)

Dallas Households (2012) = 44,512

Urban Loving Millennials (16%)

These are single renters who are generally well-educated and environmentally conscious. They live mostly near the city center.

Tapestry Segments: Metro Renters (#2), Young and Restless (#5), Laptops and Lattes* (#18)

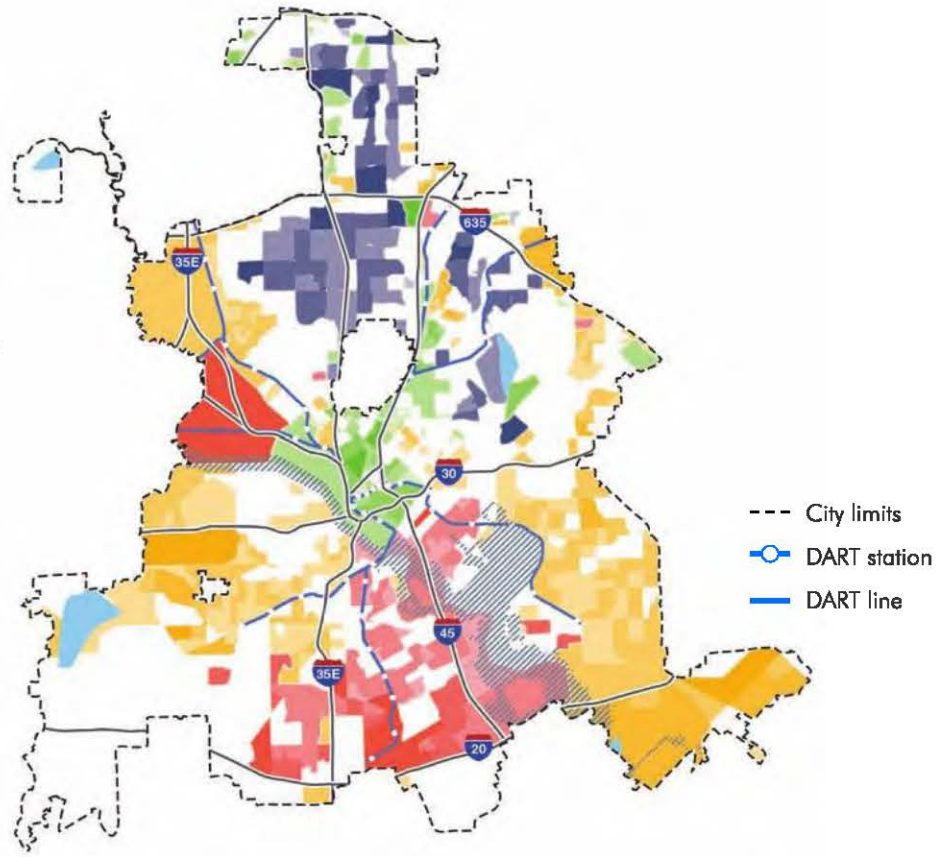
Dallas Households (2012) = 84,140

Hard Working Households (7%)

These are disproportionately older and predominantly single family households with moderate education and lower paying jobs.

Tapestry Segments: Family Foundations (#10), Traditional Living* (#52), Modest Income Households (#9)

Dallas Households (2012) = 36,269



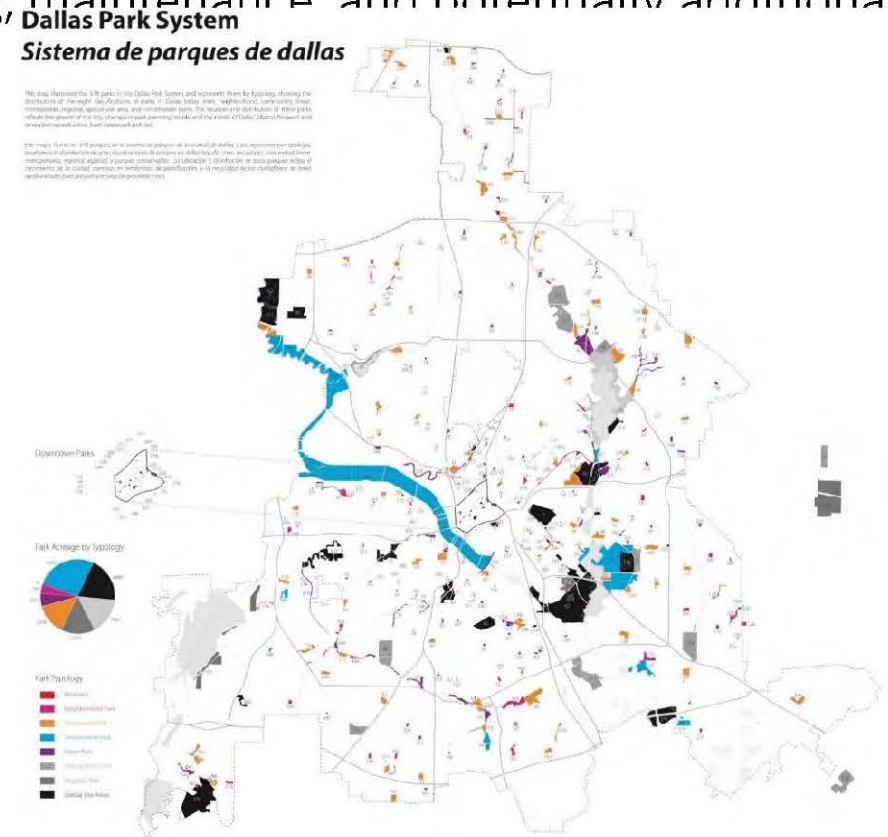
* **While not included in the top ten segments for Dallas, these segments represent a growing trend of preferences for people living in urban areas.**

DALLAS PARK & RECREATION

The Dallas park system categorizes its over 300 parks into 8 typologies.

Categories impact programming, planting, maintenance, and potentially additional foundation support

1. Community park
2. Neighborhood park
3. Regional park
4. Linear park
5. Mini park
6. Metropolitan parks
7. Special use
8. Conservation park



NEIGHBORHOOD TYPOLOGIES IN DALLAS CULTURAL PLANNING

Primary variables used to define typologies

1. Percent of Single Family Residential Properties
2. Concentrations of Ecosystem Map Venues
3. Access to Dedicated Arts Venues
4. Access to City-funded public art
5. Concentration of OCA funded performances FY 16-17

Sources: City of Dallas GIS, DCP Ecosystem map, [bc], and City of Dallas Office of Cultural Affairs

4 NEIGHBORHOOD TYPOLOGIES IN DALLAS CULTURAL PLANNING

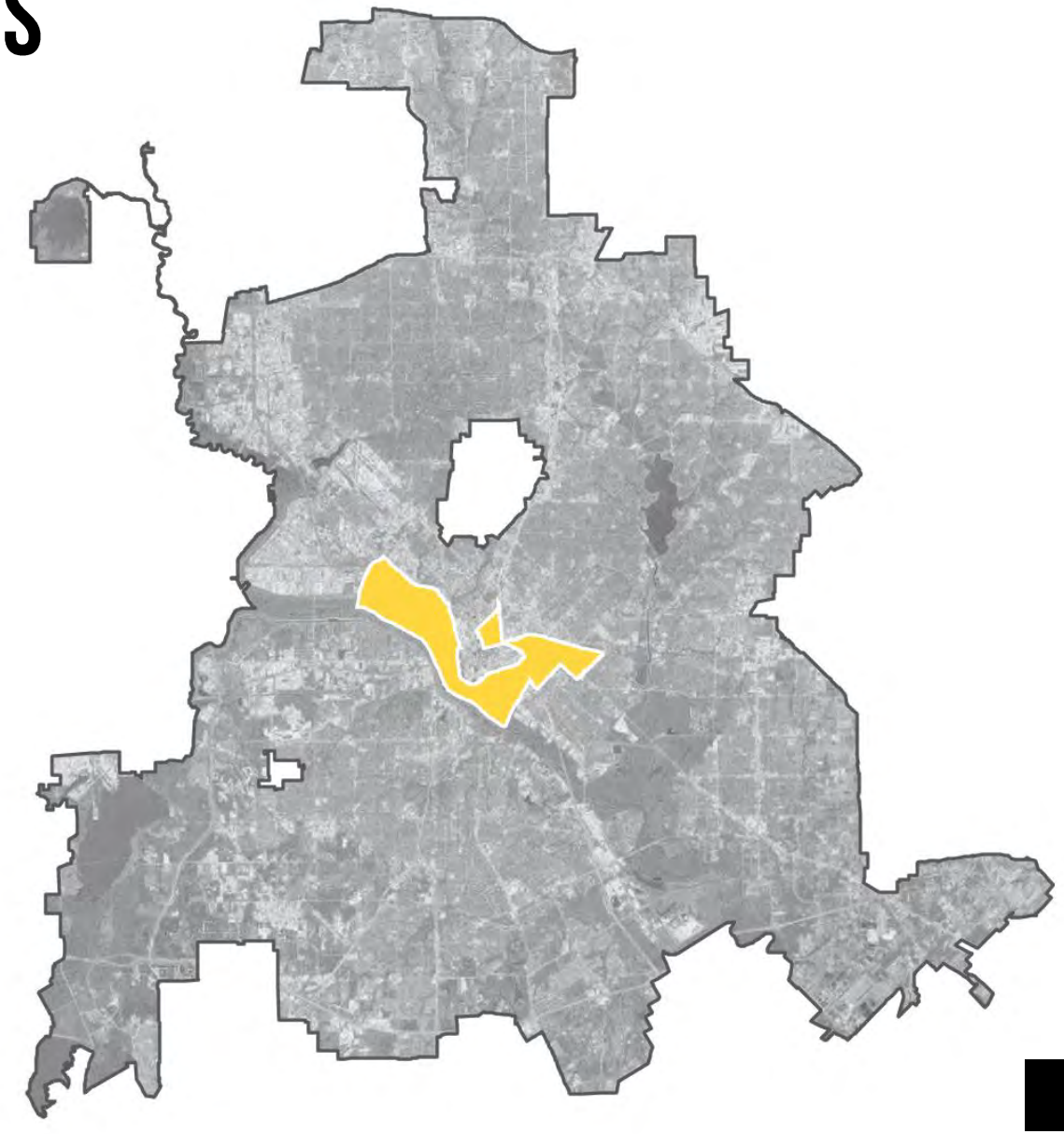
1. Urban-Core Arts Destinations
2. Mixed Urbanism Arts to Explore
3. Residential Opportunities for Arts
4. Opportunities for Arts in Non-Traditional Spaces

Sources: City of Dallas GIS, DCP Ecosystem map, [bc], and City of Dallas Office of Cultural Affairs

URBAN-CORE ARTS DESTINATIONS

- Commercial, industrial, and multifamily housing
- Highest concentrations of public identified cultural assets, City-funded public art and performances.
- Greatest access to dedicated arts venues

Example Neighborhoods: Dallas Arts District, Design District, Deep Ellum, Cedars, Exposition Park

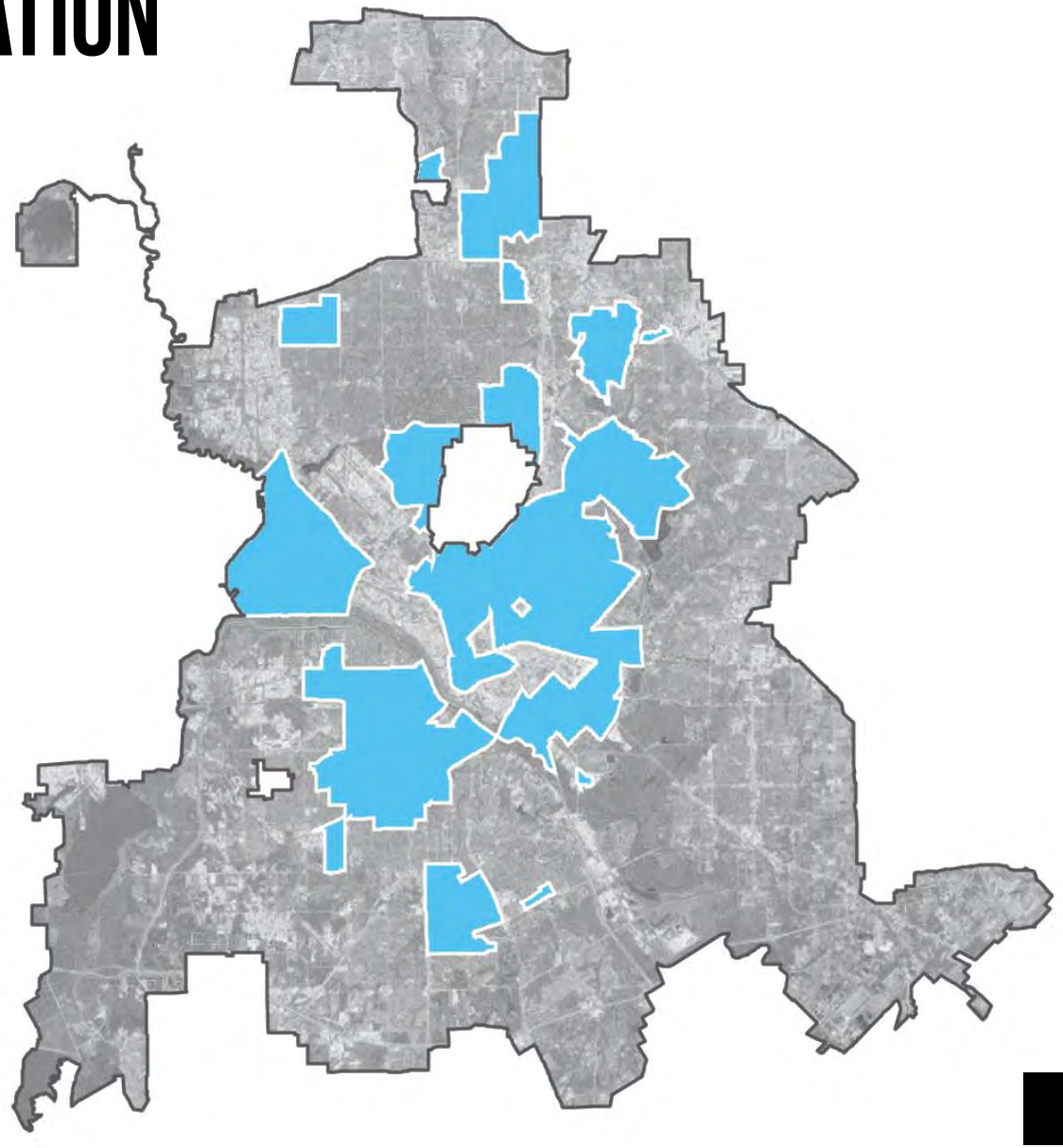


DALLAS CULTURAL PLAN 2018

MIXED URBANISM ARTS EXPLORATION

- Mix of land uses (from single family houses to apartments, offices, and retail)
- High density of publicly identified cultural assets
- Good access to dedicated arts venues
- High concentrations of public art and OCA funded performances

Example Neighborhoods: Bishop Arts District, Lakewood, Frazier, Singing Hills, Valley View, Elm Thicket, Fair Park, La L'aceate

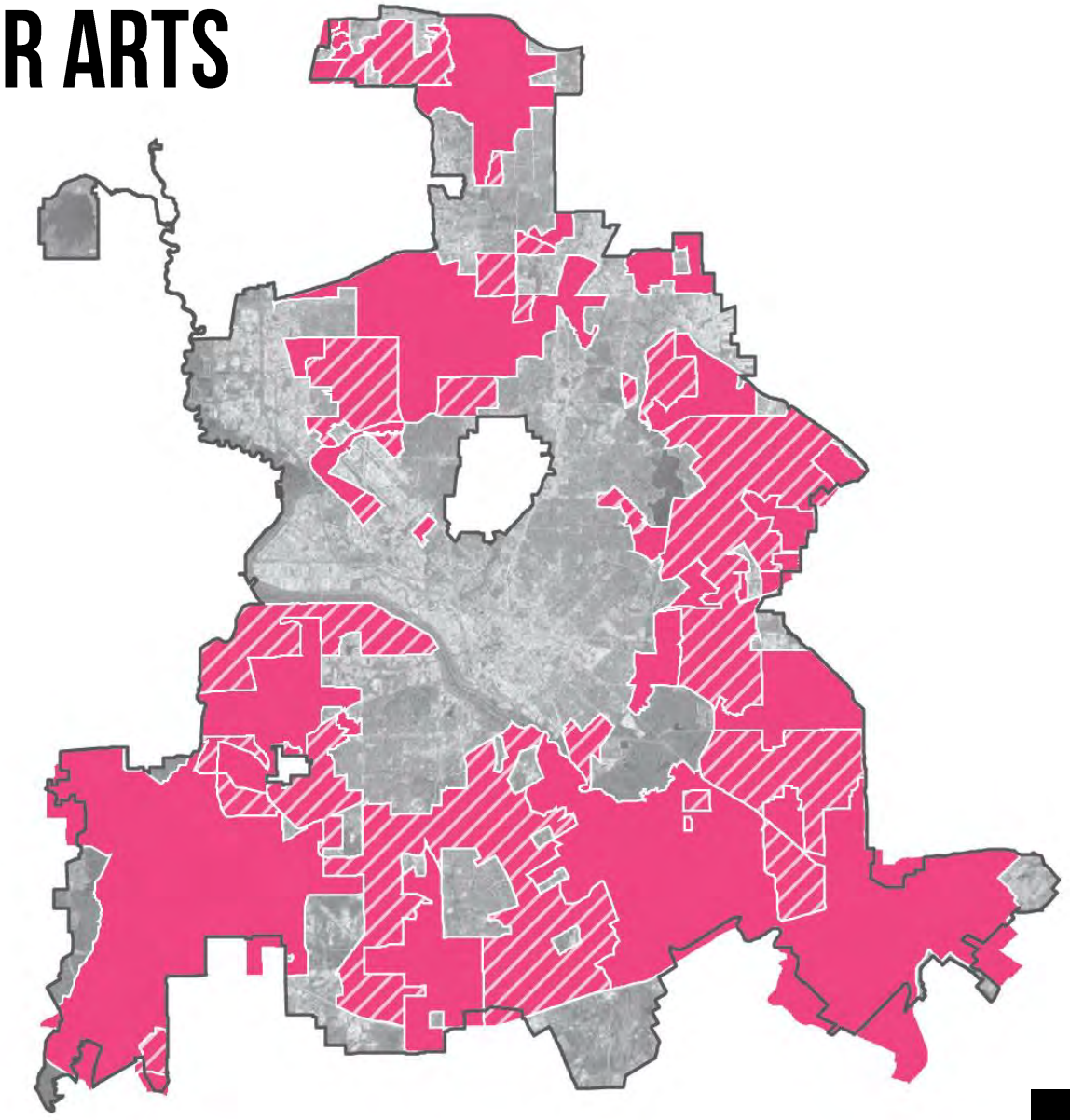


DALLAS CULTURAL PLAN 2018

RESIDENTIAL OPPORTUNITIES FOR ARTS

- Primarily single family residential
- Few publicly identified cultural assets and limited access to arts venues
- Lower levels of OCA-funded performances
- Mixed access to City-funded public art
- Fewer OCA funded performances than **Urban-Core Arts Destinations** and **Mixed Urbanism Arts to Explore**

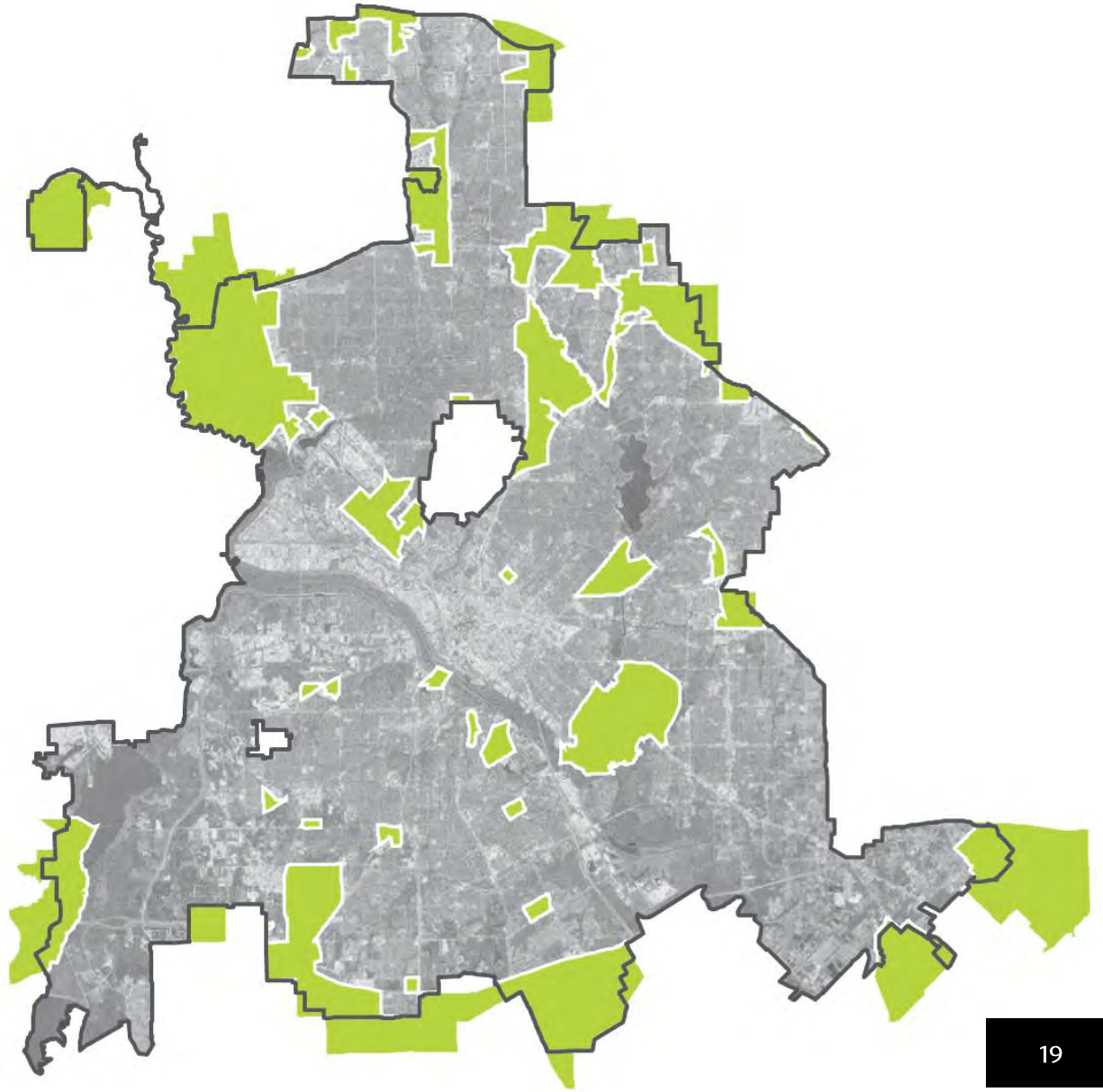
Example Neighborhoods: Brettonwoods, Casa View, Cedar Crest, Glen Oaks, Kiest Park, Lake Highland Estates, Los Altos, Pleasant Grove, Pleasant Mound, Prestonwood, Walnut Hill, White Rock Valley



OPPORTUNITIES FOR ARTS IN NON-TRADITIONAL SPACES

- Heavily commercial or industrial
- Slightly below average access to dedicated arts venues
- Few publicly identified cultural assets and
- Limited access to City-funded public art and to OCA-funded performances

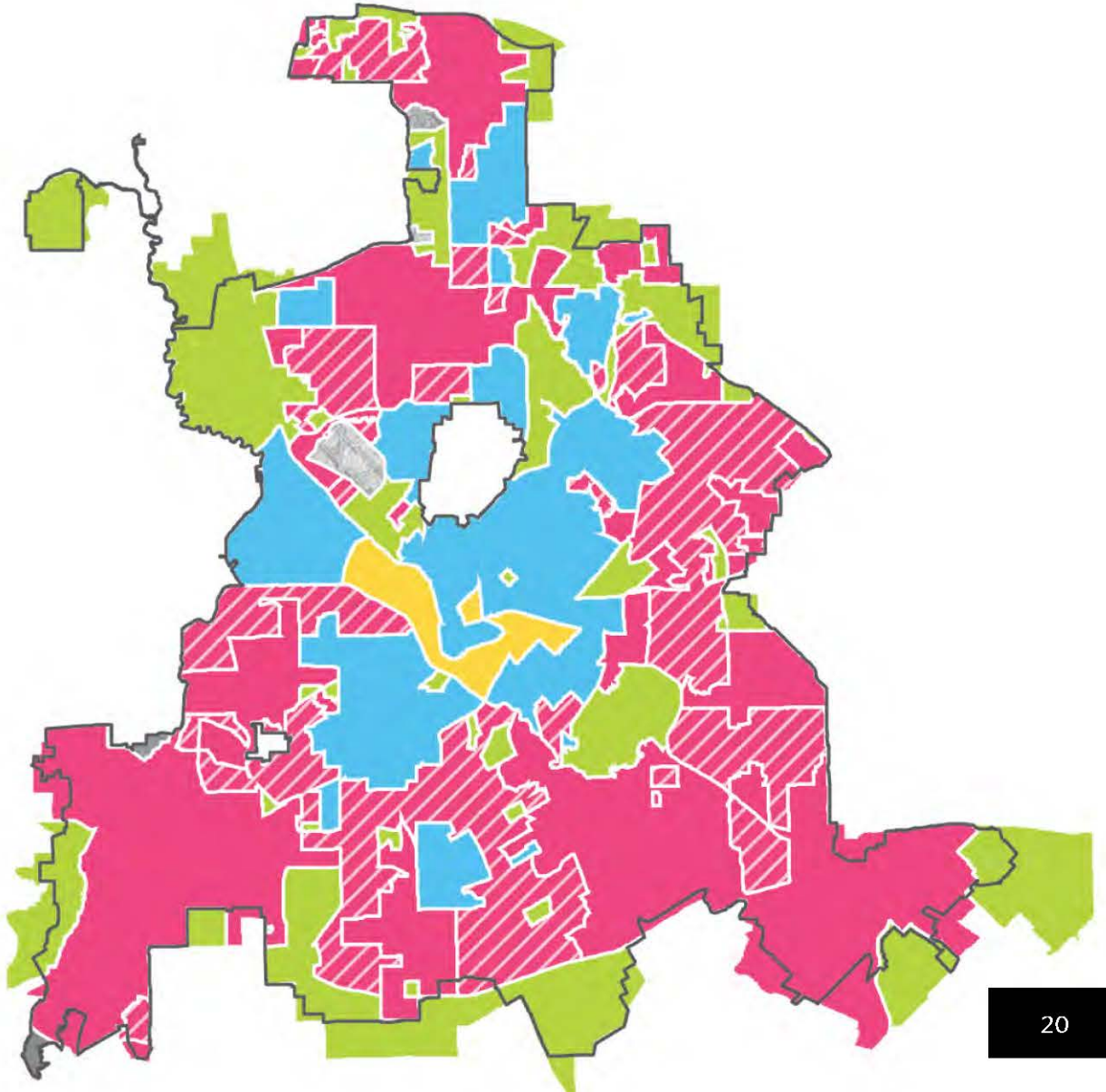
Example Neighborhoods: Bachman, Bonton/Ideal, Cadillac Heights, Vickery Meadow



DALLAS CULTURAL PLAN 2018

NEIGHBORHOOD TYPOLOGIES IN DALLAS CULTURAL PLANNING

1. Urban-Core Arts Destinations
2. Mixed Urbanism Arts to Explore
3. Residential Opportunities for Arts
4. Opportunities for Arts in Non-Traditional Spaces

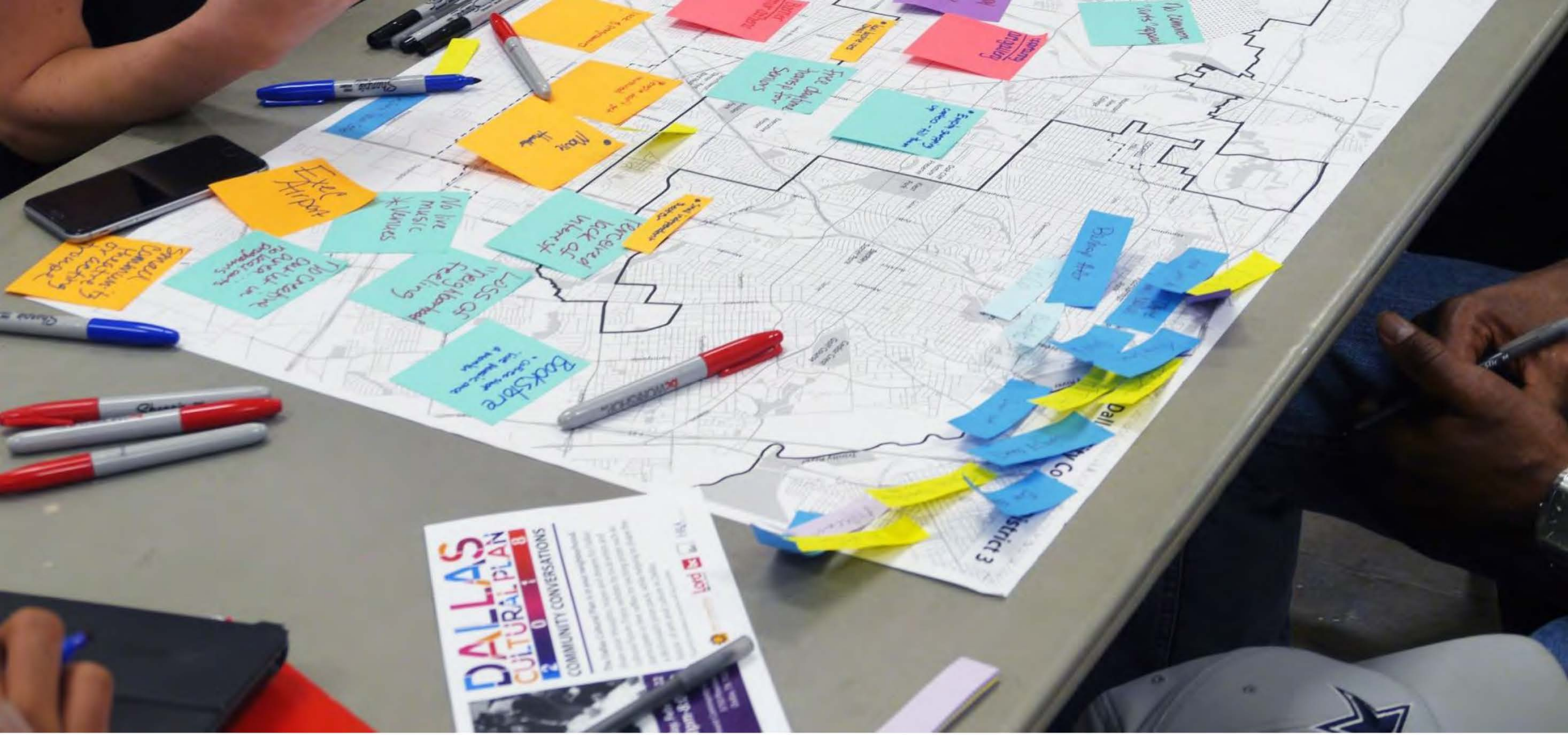


DALLAS CULTURAL PLAN 2018

NEIGHBORHOOD TYPOLOGIES OVERVIEW

	Urban Core	Mixed Urbanism	Residential Opp.	Non-Traditional
Population (% of City)	13,810 (1.1%)	287,231 (22.6%)	686,060 (54.1%)	282,114 (22.2%)
Land Areas (Sq. Mi)	7.23	66.79	206.83	59.74
Percent of City Tax Base	4%	41%	36%	18%
Creative Economy Employment	13,555	29,572	13,132	9,662
Under 18 yr old (%)	3%	20%	29%	26%
18 – 29 yr old (%)	33%	20%	17%	26%
30 – 44 yr old (%)	35%	24%	21%	25%
45 – 64 yr old (%)	28%	24%	24%	17%
65 yr old or Over (%)	2%	12%	10%	6%

Sources: City of Dallas GIS, U.S. Census Bureau, Emsi, Inc.



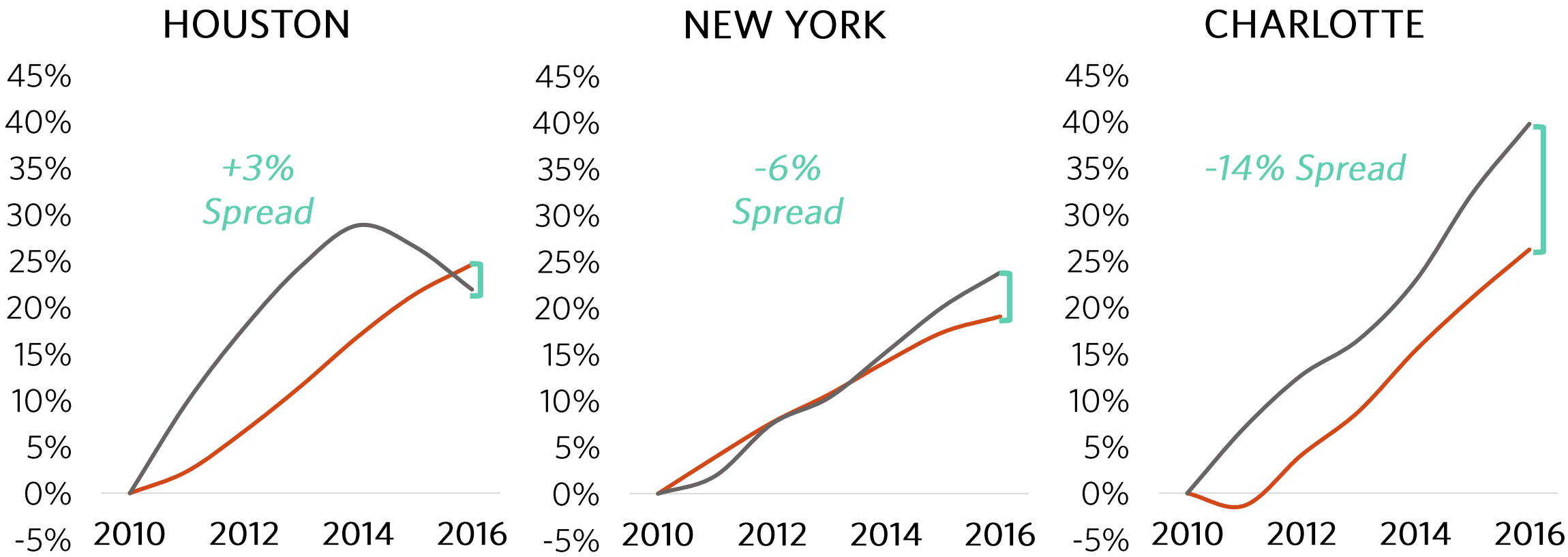
BUSINESS MODEL FOR THE ARTS

DALLAS CULTURAL PLAN 2018

PHASE II ANALYSIS IDENTIFIES FUNDING STRATEGIES AND BUSINESS MODELS THAT SUPPORT THE CULTURAL PLAN'S IMPLEMENTATION.



PEER CITIES HAVE SEEN CREATIVE JOB GROWTH THAT ALIGNS WITH BROADER ECONOMIC TRENDS.

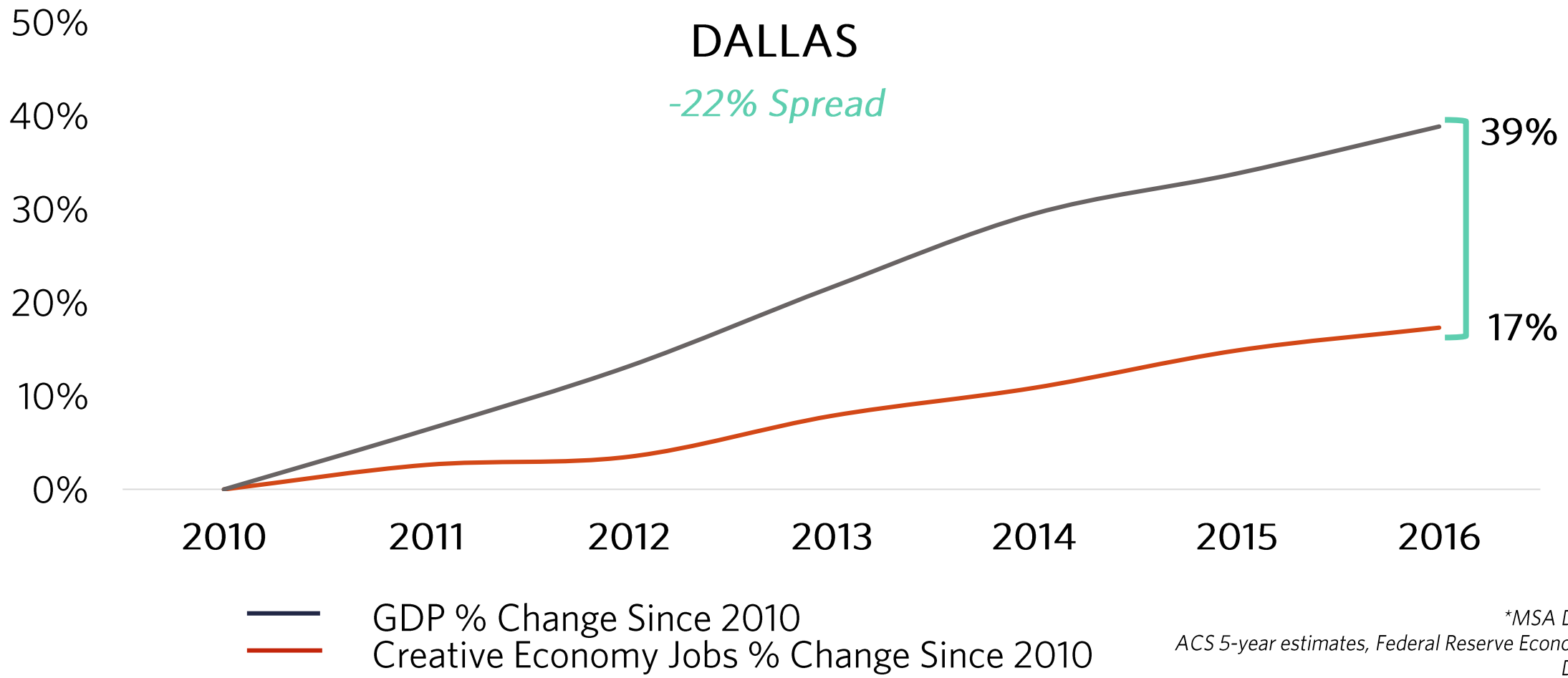


*MSA Data

ACS 5-year estimates, Federal Reserve Economic Data

DALLAS CULTURAL PLAN 2018

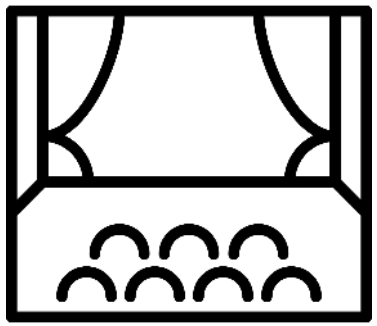
THOUGH DALLAS IS SEEING STRONG GROWTH IN ITS CREATIVE ECONOMY, IT HAS NOT KEPT PACE WITH THE AREA'S EXPLOSION OF ECONOMIC ACTIVITY.



*MSA Data
ACS 5-year estimates, Federal Reserve Economic Data

DALLAS CULTURAL PLAN 2018

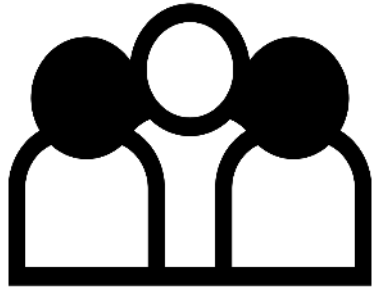
THE CULTURAL PLAN IDENTIFIED THREE BUSINESS MODEL PROTOTYPES FOR IN-DEPTH ANALYSIS.



MAJOR CULTURAL VENUES



ARTS IN NEIGHBORHOODS



CULTURAL EQUITY

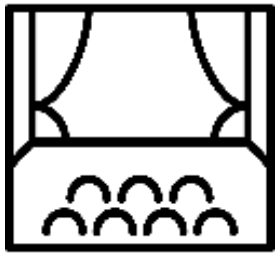
TODAY, THESE NEIGHBORHOODS AND THE ARTISTS THAT LIVE THERE FACE A NUMBER OF CHALLENGES.



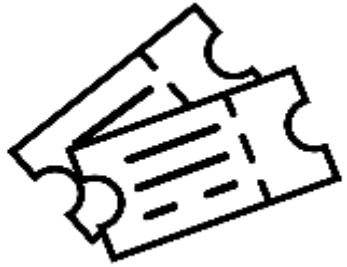
HOUSING OPTIONS FOR ARTISTS



AFFORDABLE REHEARSAL & STUDIO SPACE



AVAILABLE LOCAL CULTURAL VENUES



ACCESS TO CULTURAL EVENTS ACROSS THE CITY



BUSINESS SUPPORT AND RESOURCES

THE CULTURAL PLAN EXAMINED NEIGHBORHOOD-BASED INTERVENTIONS THAT COULD ADDRESS THESE CHALLENGES.

ANALYZE CONDITIONS IN REPRESENTATIVE ARTS & CULTURE NEIGHBORHOODS

IDENTIFY NATIONAL BEST PRACTICES TO SUSTAIN NEIGHBORHOOD ARTS

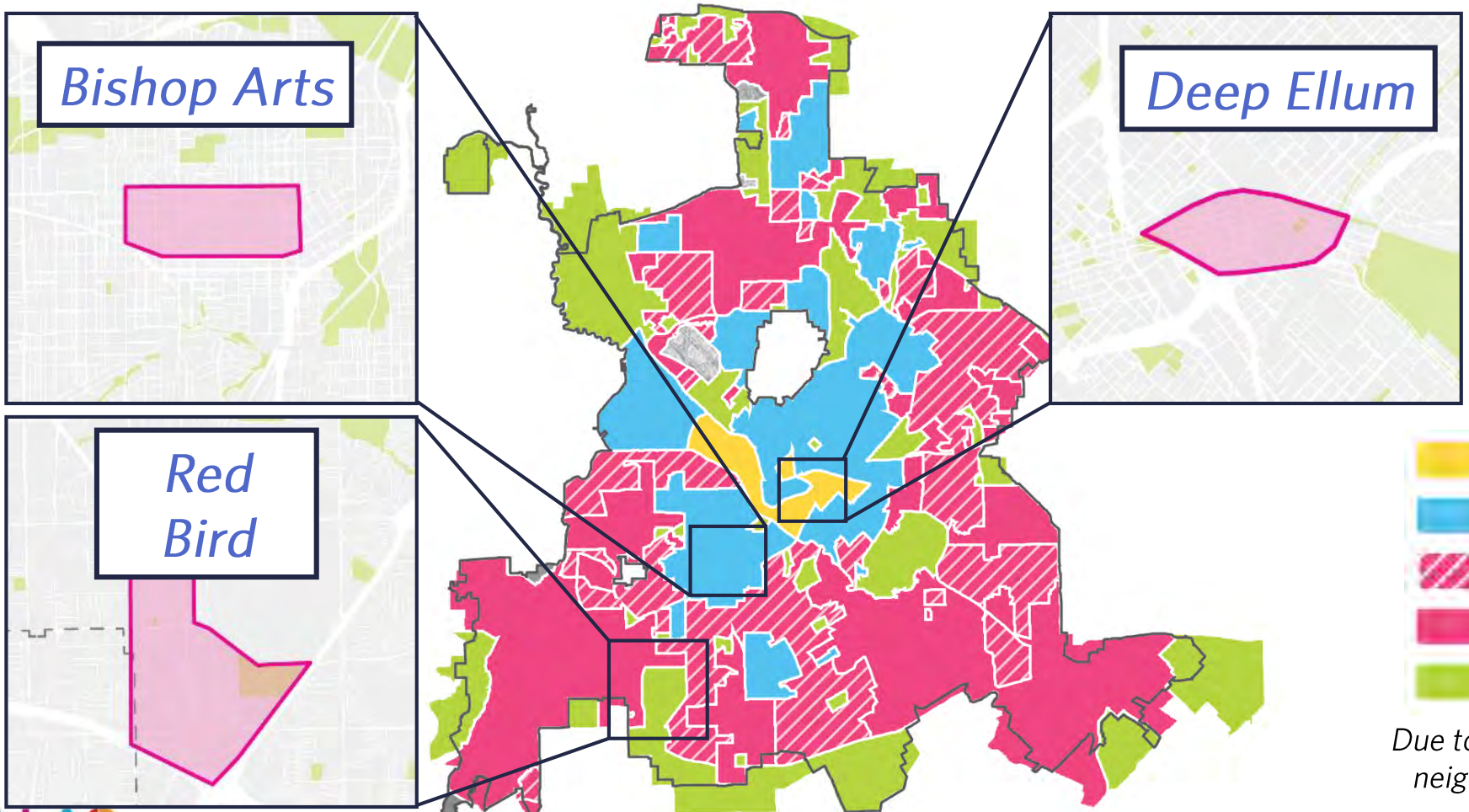
HIGHLIGHT STRATEGIES FOR TARGETTED NEIGHBORHOOD INTERVENTIONS

4 NEIGHBORHOOD TYPOLOGIES IN DALLAS CULTURAL PLANNING

1. Urban-Core Arts Destinations *(e.g., Deep Ellum)*
2. Mixed Urbanism Arts to Explore *(e.g., Bishop Arts District)*
3. Residential Opportunities for Arts *(e.g., Red Bird)*
4. Opportunities for Arts in Non-Traditional Spaces *(e.g. North part of Red Bird and Red Bird Mall)*

City of Dallas GIS, DCP Ecosystem map, [bc], and City of Dallas Office of Cultural Affairs

THESE NEIGHBORHOODS HAVE DIFFERENT GEOGRAPHIC CONTEXTS AND URBAN FORMS.



Due to data availability, HR&A assessed the neighborhoods at the Census Block Group L

DIAGNOSES AND RECOMMENDATIONS FOR THESE NEIGHBORHOODS CAN BE APPLIED TO THEIR TYPOLOGICAL PEERS ACROSS THE CITY.

URBAN-CORE ARTS DESTINATIONS

The Cedars
Dallas Arts District
Deep Ellum
Design District
Exposition Park

MIXED URBANISM ARTS TO EXPLORE

Bishop Arts District
Elm Thicket
Fair Park
Frazier
La L'aceate
Lakewood
Singing Hills
Valley View

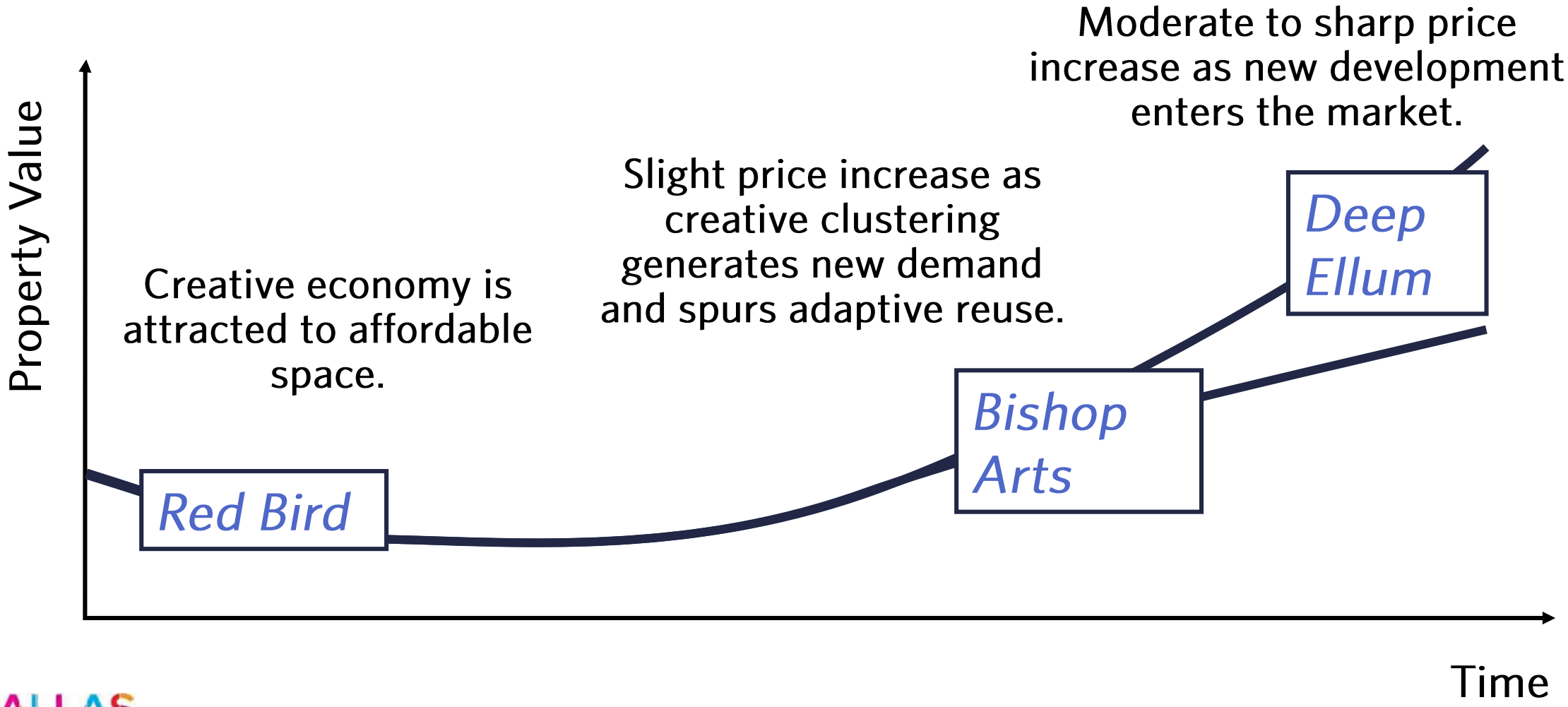
RESIDENTIAL OPPORTUNITY

Casa View
Cedar Crest
Lake Highland Estates
Los Altos
Pleasant Grove
Mount Pleasant
Prestonwood
Red Bird (South)
Walnut Hill

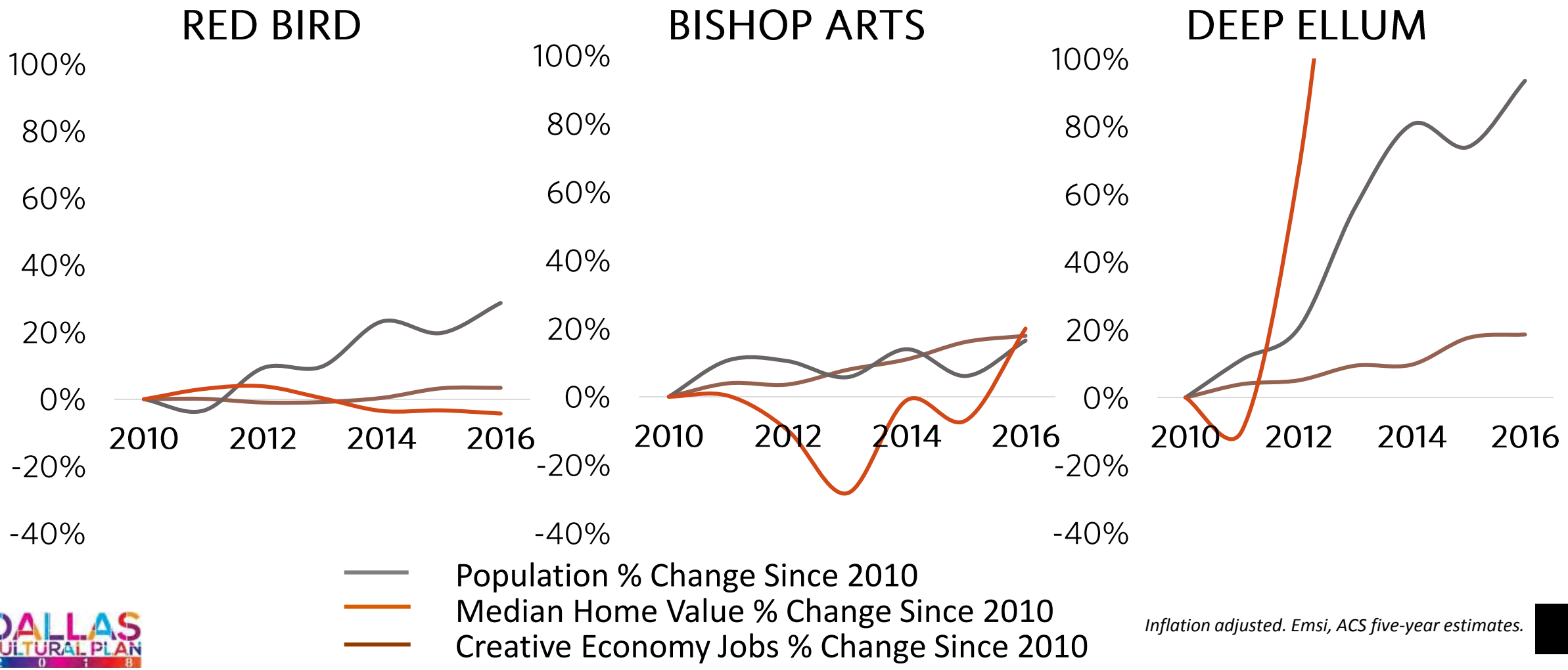
NON-TRADITIONAL ARTS SPACES

Bachman
Bonton/Ideal
Cadillac Heights
Red Bird (North)
Vickery Meadow

ARTS AND CULTURE AFFECT NEIGHBORHOOD PROPERTY VALUES DIFFERENTLY IN THE SHORT, MEDIUM, AND LONG TERMS.

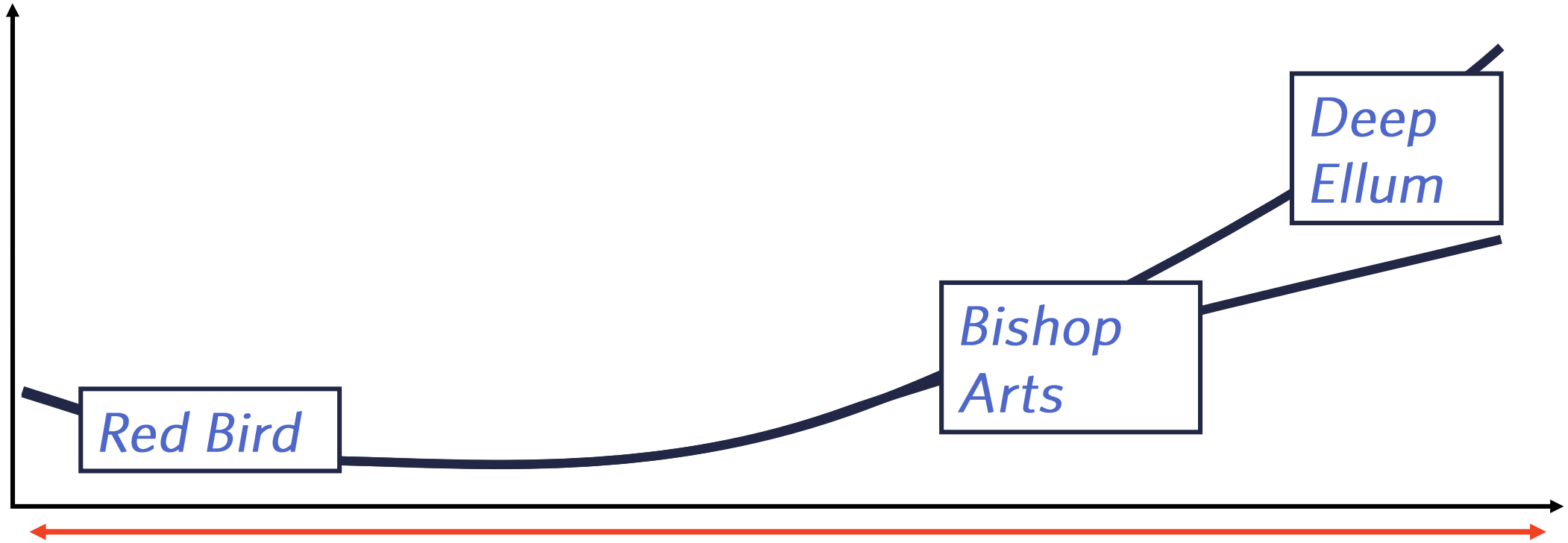


THE CREATIVE ECONOMY IS GROWING IN ALL THREE COMMUNITIES, BUT IN VERY DIFFERENT NEIGHBORHOOD CONTEXTS.

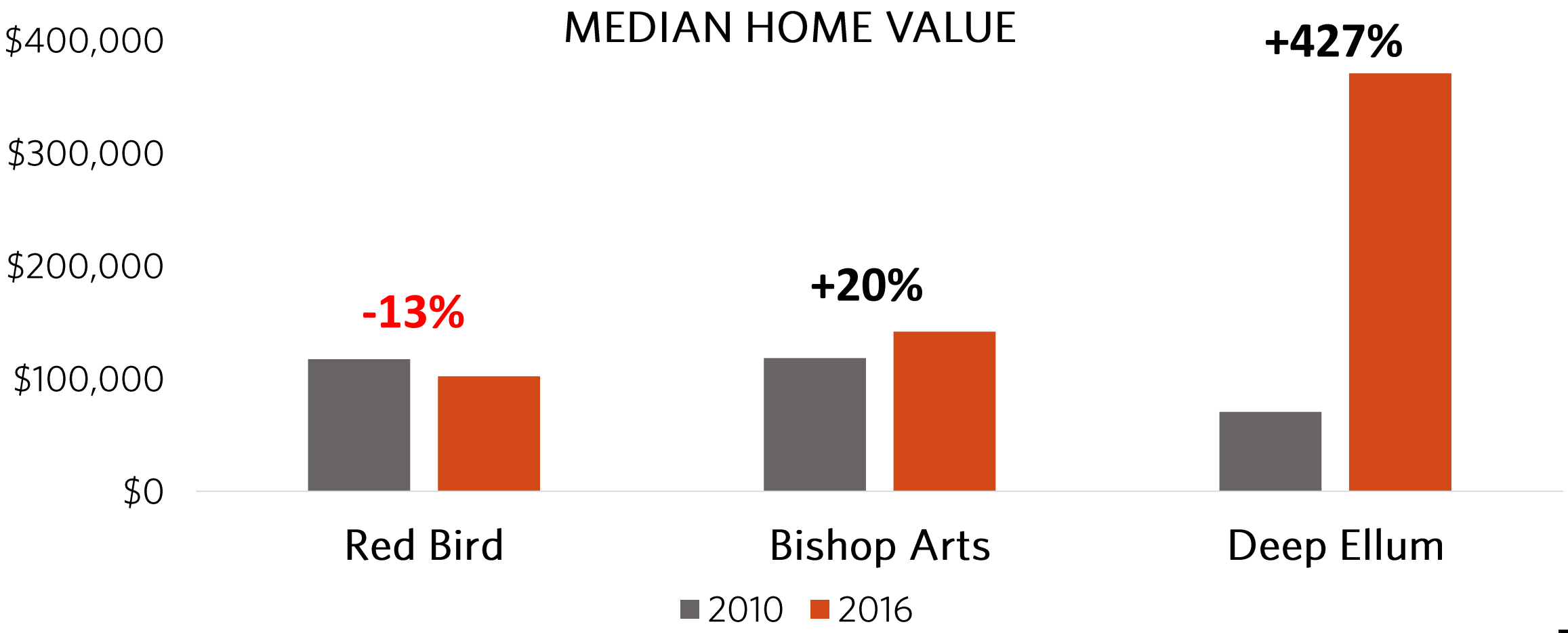


Inflation adjusted. Emsi, ACS five-year estimates.

NONE OF THESE TYPOLOGIES IS PREFERABLE TO ANOTHER. THEY INFORM CONTEXT-SPECIFIC STRATEGIES THAT CAN FOSTER A HEALTHY CREATIVE ECONOMY.

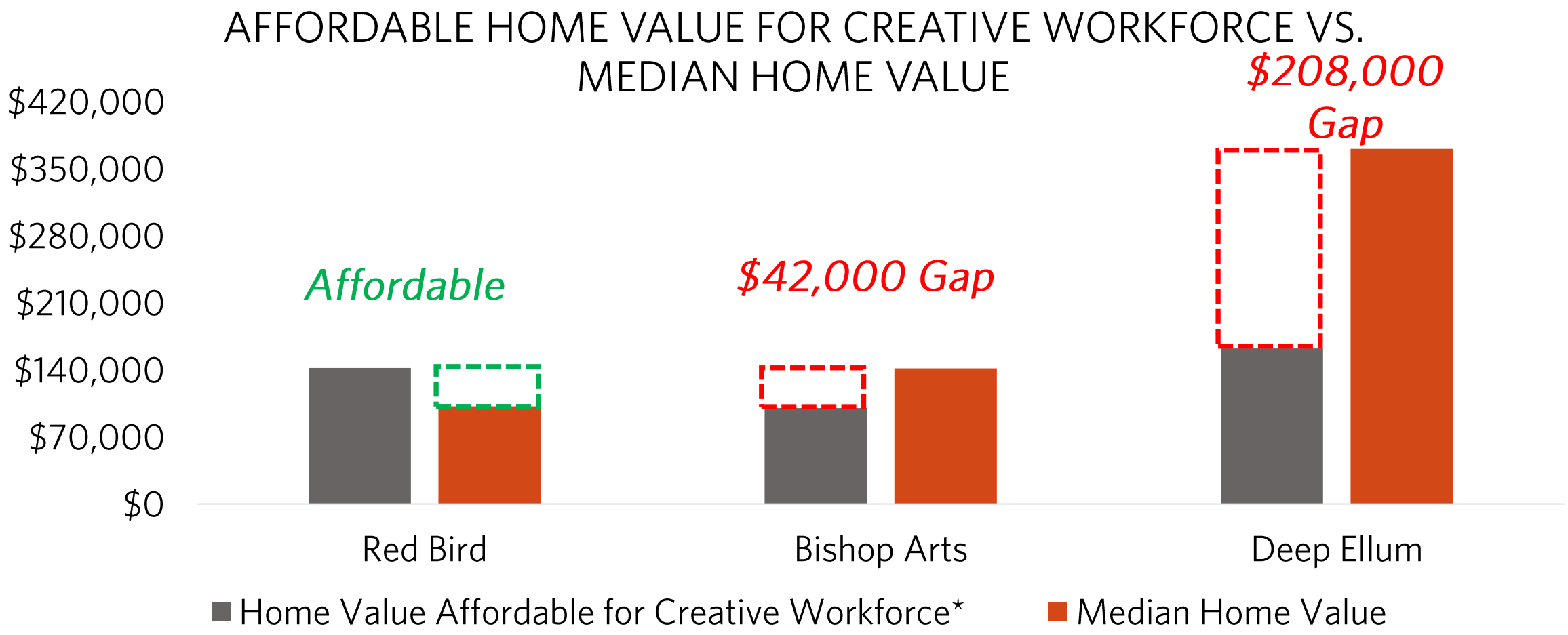


HOUSING | EACH ANALYZED NEIGHBORHOOD HAS SEEN CHANGES IN PROPERTY VALUES IN RECENT YEARS.



All numbers are inflation adjusted. ACS 2010 and 2016 5-year estimates

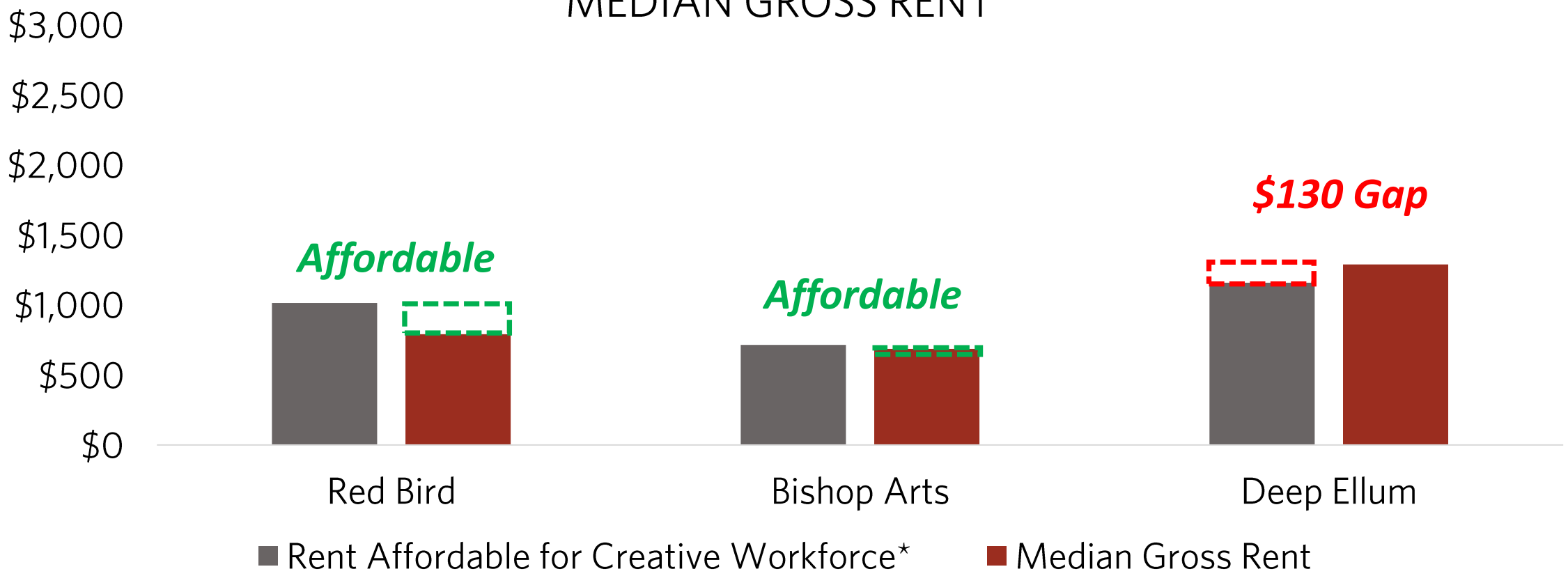
HOUSING | HOMES REMAIN AFFORDABLE FOR THE CREATIVE WORKFORCE IN RED BIRD BUT NOT IN DEEP ELLUM.



*3.5x the median creative workforce income. all numbers are inflation adjusted. ACS 5-Year Estimate, 2010 and 2016

HOUSING | THE AFFORDABILITY GAP IS LESS PRONOUNCED IN RENTAL HOUSING, BUT NONETHELESS PERSISTS.

AFFORDABLE MONTHLY RENT FOR CREATIVE WORKFORCE VS. MEDIAN GROSS RENT

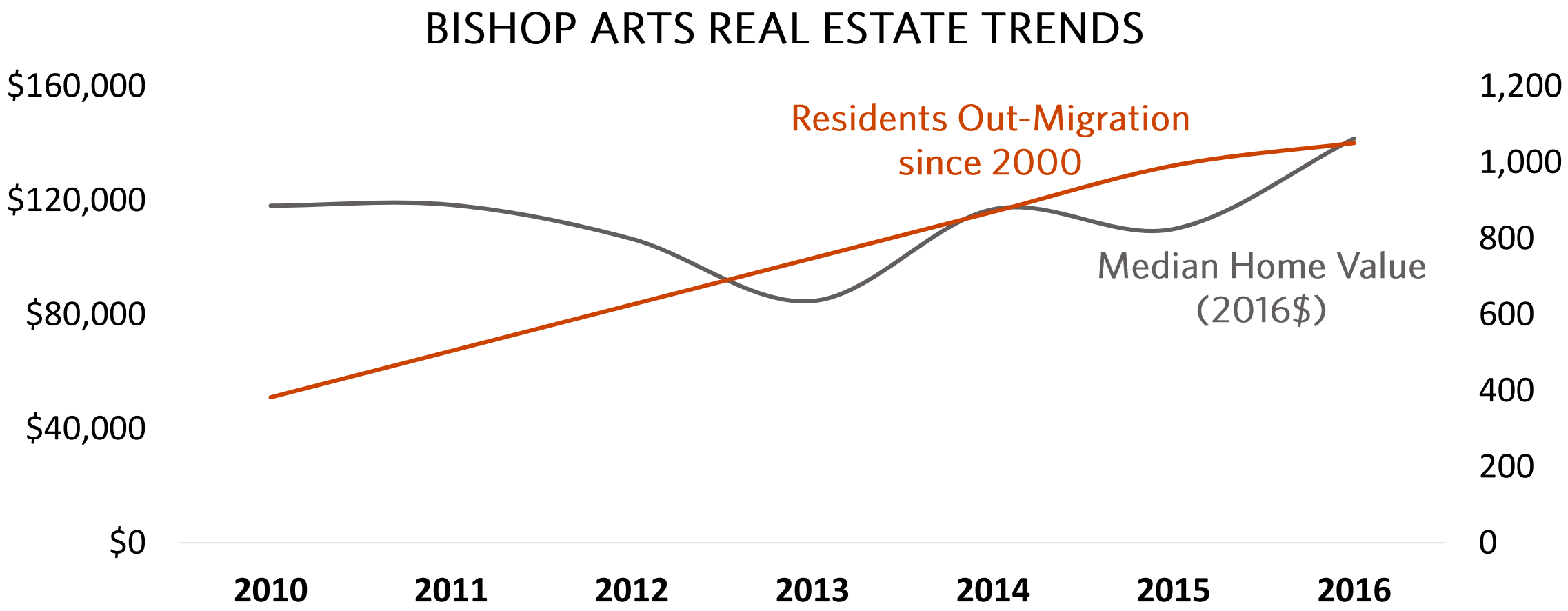


** 1/3 of the creative workforce monthly income*

All numbers are inflation adjusted. ACS 2010 and 2016 5-year estimates

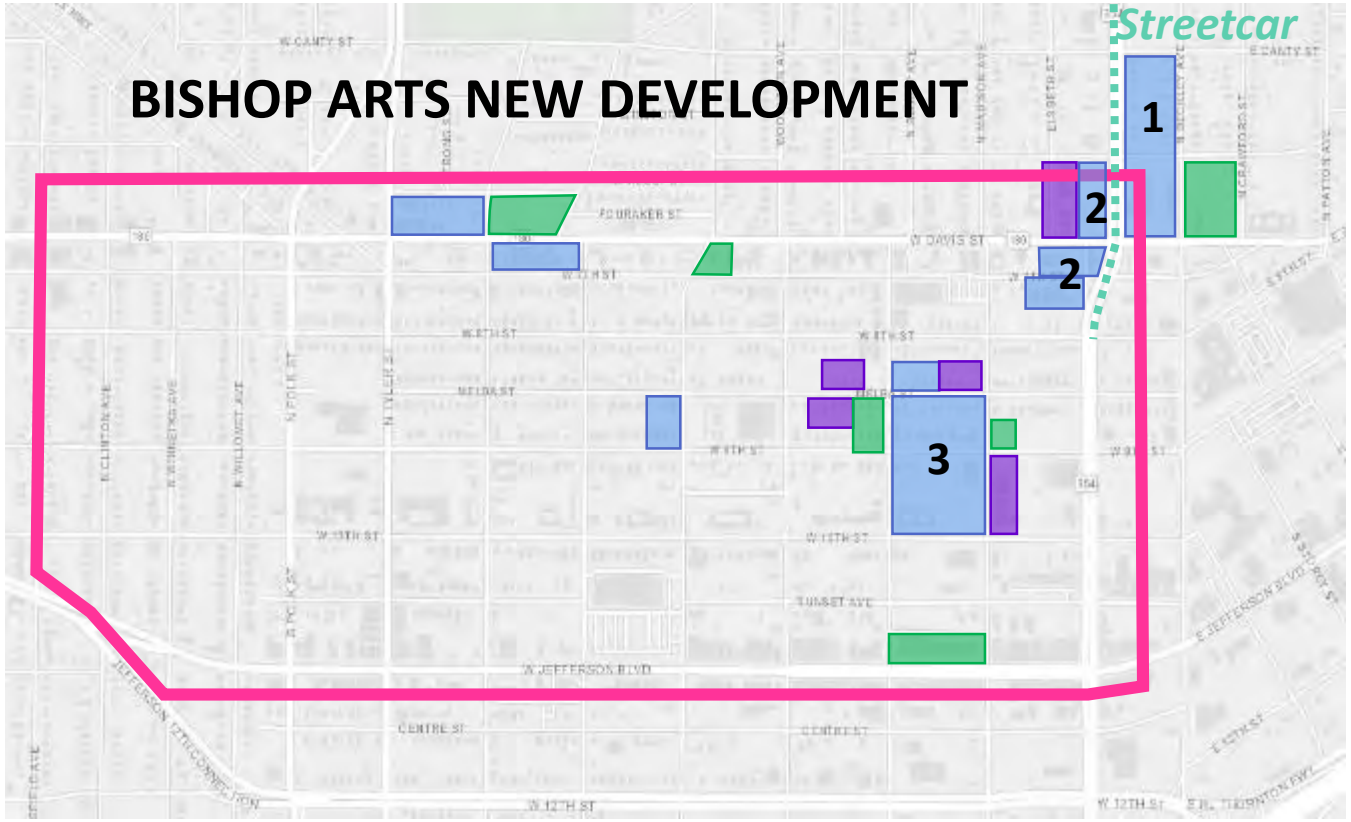
DALLAS CULTURAL PLAN 2018

HOUSING | HIGHER PRICES CAN LEAD TO OUT-MIGRATION OF EXISTING RESIDENTS, AS EXPERIENCED IN BISHOP ARTS.



ESRI Business Analyst, Costar

HOUSING | HIGH-END PIPELINE DEVELOPMENT IN BISHOP ARTS COULD SIGNAL THAT THE NEIGHBORHOOD WILL "TIP" OR THAT "TRICKLE-DOWN" PRICE RELIEF IS ON THE WAY.



Novel Bishop Arts
Open Summer 2018
340 Units
23,000 SF Retail



Bishop Arts Station
Open Summer 2018
210 Units
25,000 SF Retail



Bishop Arts Village
Under Construction
246 Units
50,000 SF Retail



Bishop Arts District | Mixed-Use | Residential | Commercial

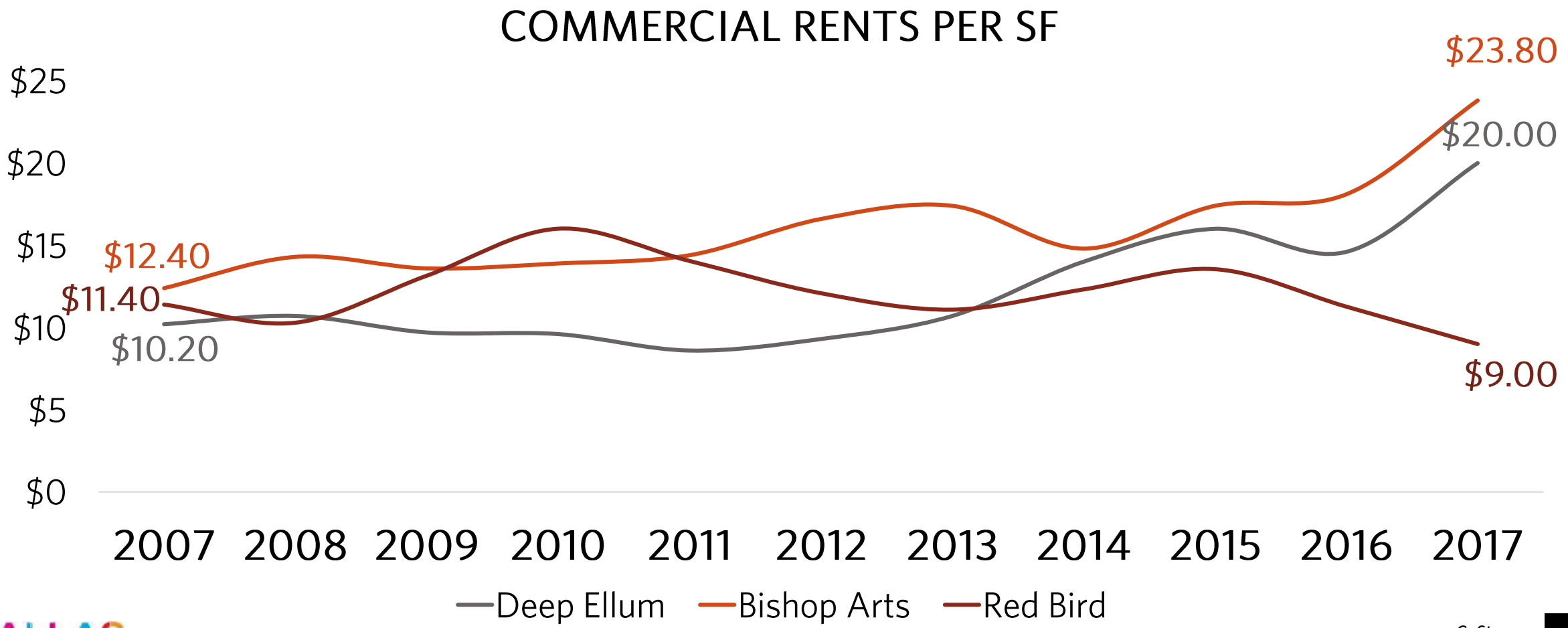
Development highlighted was completed between 2015 and 2Q 2018, is under construction, or is proposed

DALLAS CULTURAL PLAN 2018

HOUSING | CREATIVE HOUSING SUPPORT TOOLS CAN LIMIT RESIDENTS' EXPOSURE TO SWELLING MARKET PRICES.

BEST PRACTICE	POTENTIAL PILOT	RATIONALE
CULTURAL USE ZONING INCENTIVES	Bishop Arts	• ***Significant development activity*** *creates an opportunity for zoning incentives to have a near-term impact*
SUBSIDIZED RENTAL HOUSING	Deep Ellum Bishop Arts	• *Artist-focused housing subsidies can help offset* ***the financial impact of rising housing costs*** *in neighborhoods seeing significant residential development*
ARTIST HOMEOWNERSHIP SUPPORT IN NEIGHBORHOODS	Bishop Arts Red Bird	• *Effective in neighborhoods where near-term homeownership could limit exposure to* ***possible rising rents***

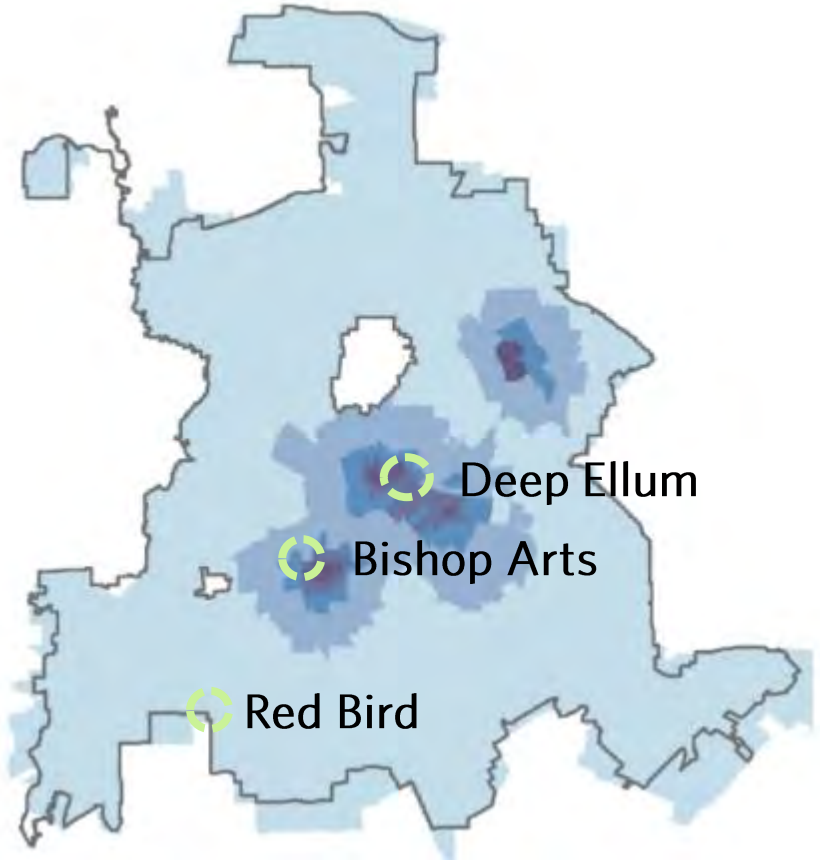
AFFORDABLE REHEARSAL/STUDIO SPACE | RISING COMMERCIAL RENTS ACROSS THE CITY SUGGEST THAT TRADITIONAL REHEARSAL SPACES ARE BECOMING LESS AFFORDABLE.



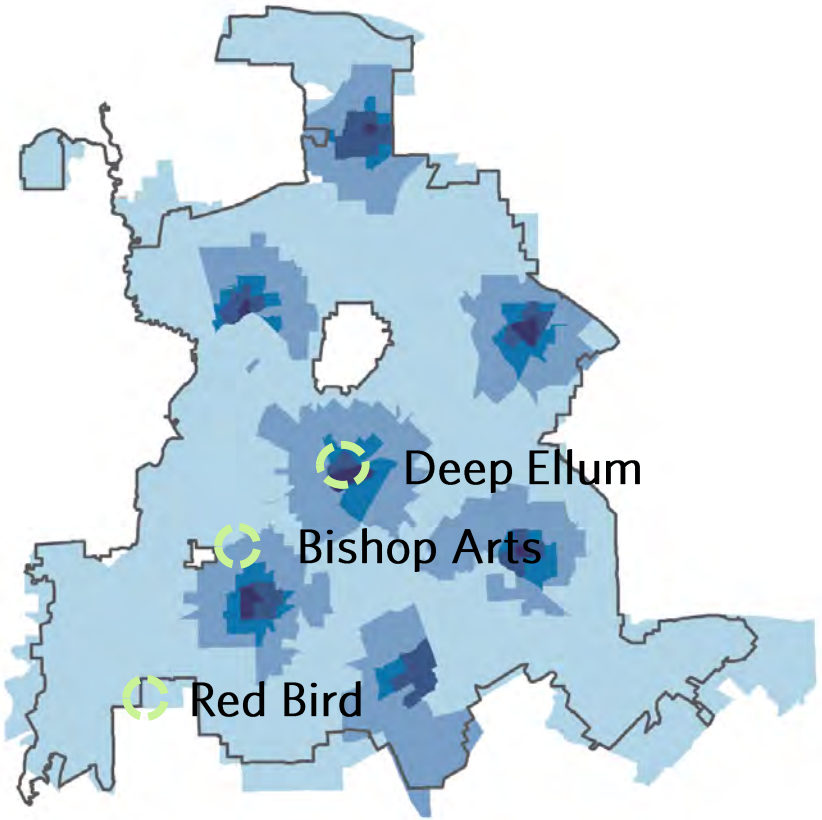
CoStar.

AFFORDABLE REHEARSAL/STUDIO SPACE | THE CITY'S RECENT LIBRARY BLACK BOX INITIATIVE AND INVESTMENTS IN CULTURAL CENTERS PROVIDE SOME AFFORDABLE SPACE FOR ARTISTS.

ACCESS TO CULTURAL CENTERS

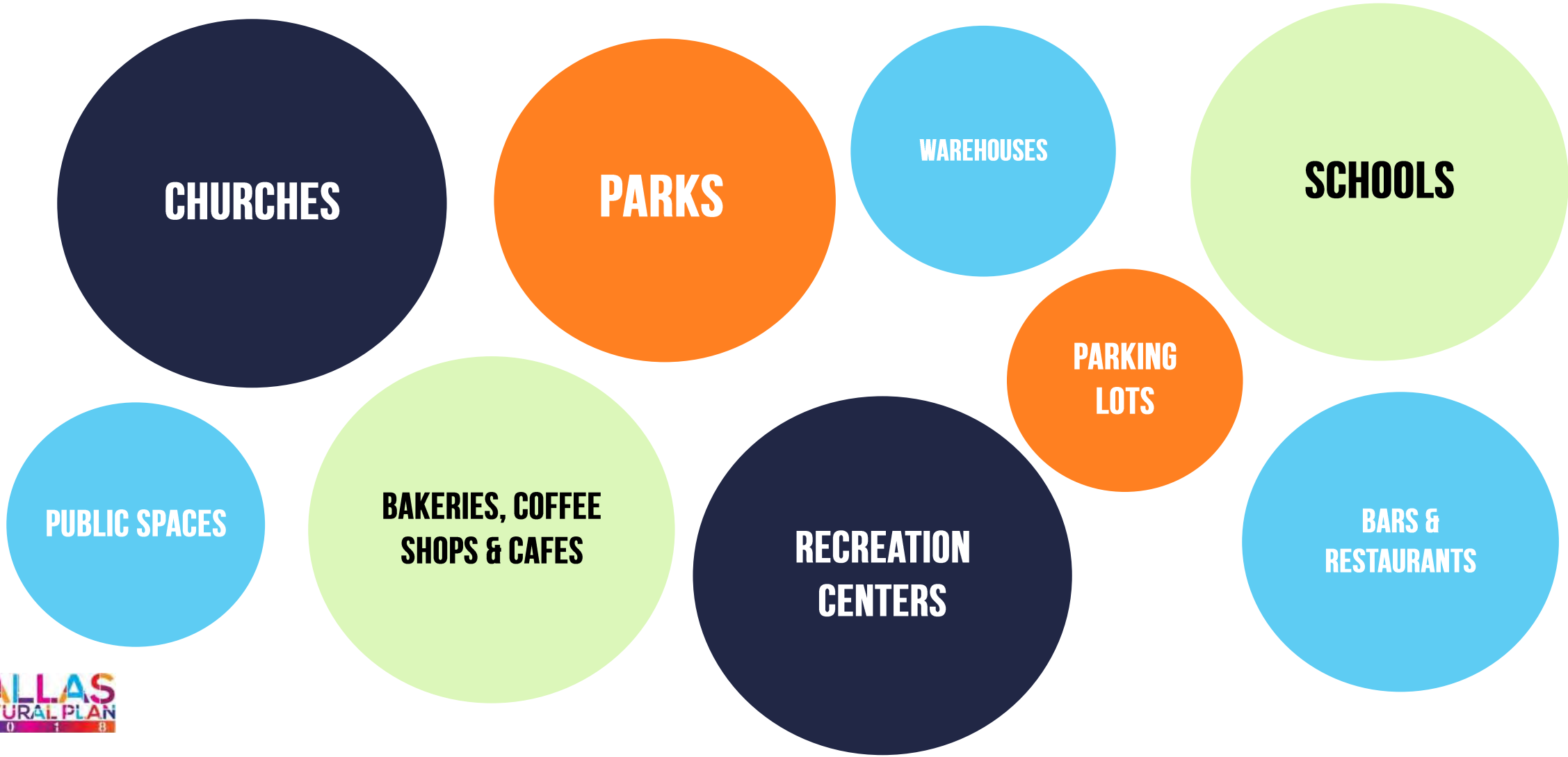


ACCESS TO LIBRARIES WITH BLACK BOX THEATERS



DALLAS CULTURAL PLAN 2018

AFFORDABLE REHEARSAL/STUDIO SPACE | RESIDENTS IDENTIFIED A DIVERSE ARRAY OF ADDITIONAL SPACE-TYPES OFTEN USED FOR STUDIOS OR REHEARSALS.

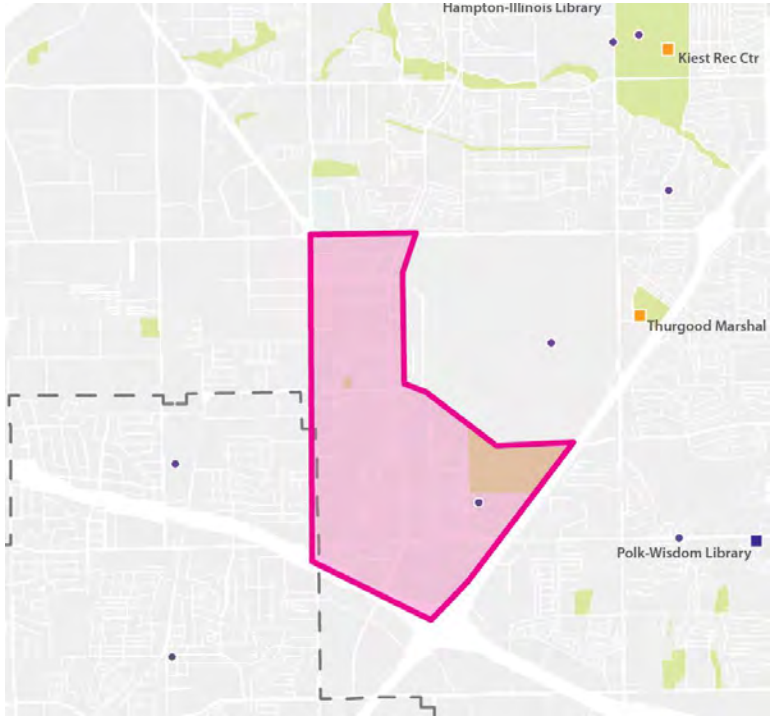


DALLAS CULTURAL PLAN 2018

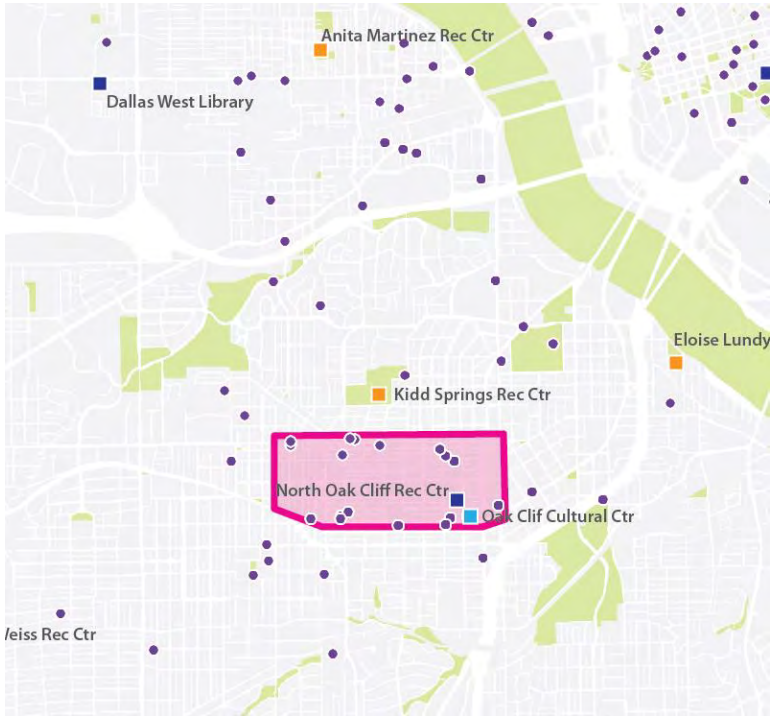
AFFORDABLE REHEARSAL/STUDIO SPACE | A VARIETY OF TOOLS CAN SUPPORT THE CONTINUED CREATION AND CONSERVATION OF INNOVATIVE SPACE ALTERNATIVES.

BEST PRACTICE	POTENTIAL PILOT	RATIONALE
SUBSIDIZED STUDIO SPACE	Deep Ellum	• *Beneficial to neighborhoods where rents and property values have already increased and **where there is a documented lack of affordability*** • *Neighborhoods like Deep Ellum are particularly compelling due to **visual arts focus***
CULTURAL INCUBATORS AND COLLECTIVE PRODUCTION SPACES	Bishop Arts	• *Bishop Arts' strong culinary cluster can benefit from shared amenities and **opportunities for collaboration*** • *By **sharing expensive assets** such as culinary supplies and commercial kitchens, a shared space can help artisans innovate at an affordable cost*
CULTURAL SPACE PURCHASE ASSISTANCE	Red Bird	• *Particularly effective in neighborhoods **prior to property value increase*** • *Organizations can **benefit from increased property values***

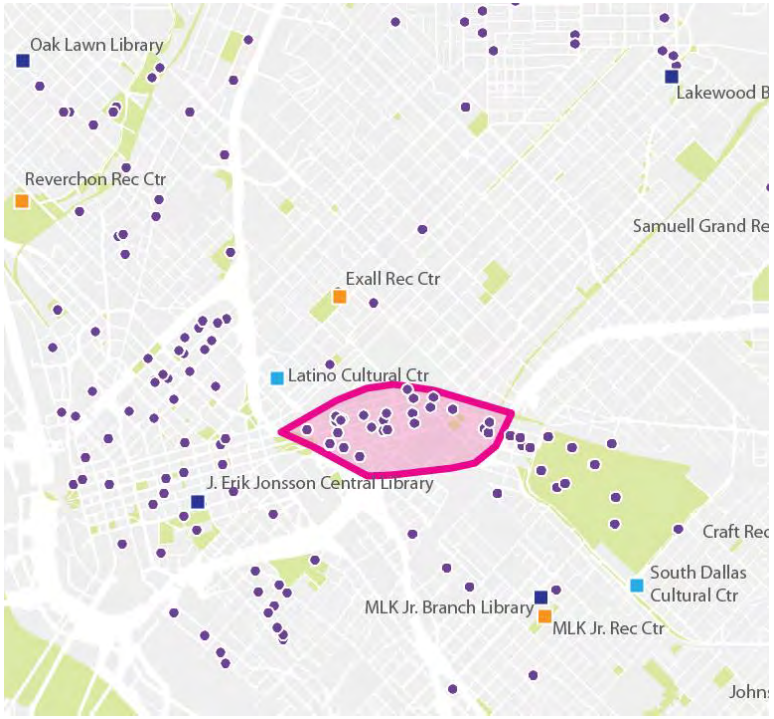
AVAILABLE CULTURAL SPACE | CULTURAL VENUES —BOTH FORMAL AND INFORMAL—ARE CONCENTRATED IN DOWNTOWN NEIGHBORHOODS.



RED BIRD



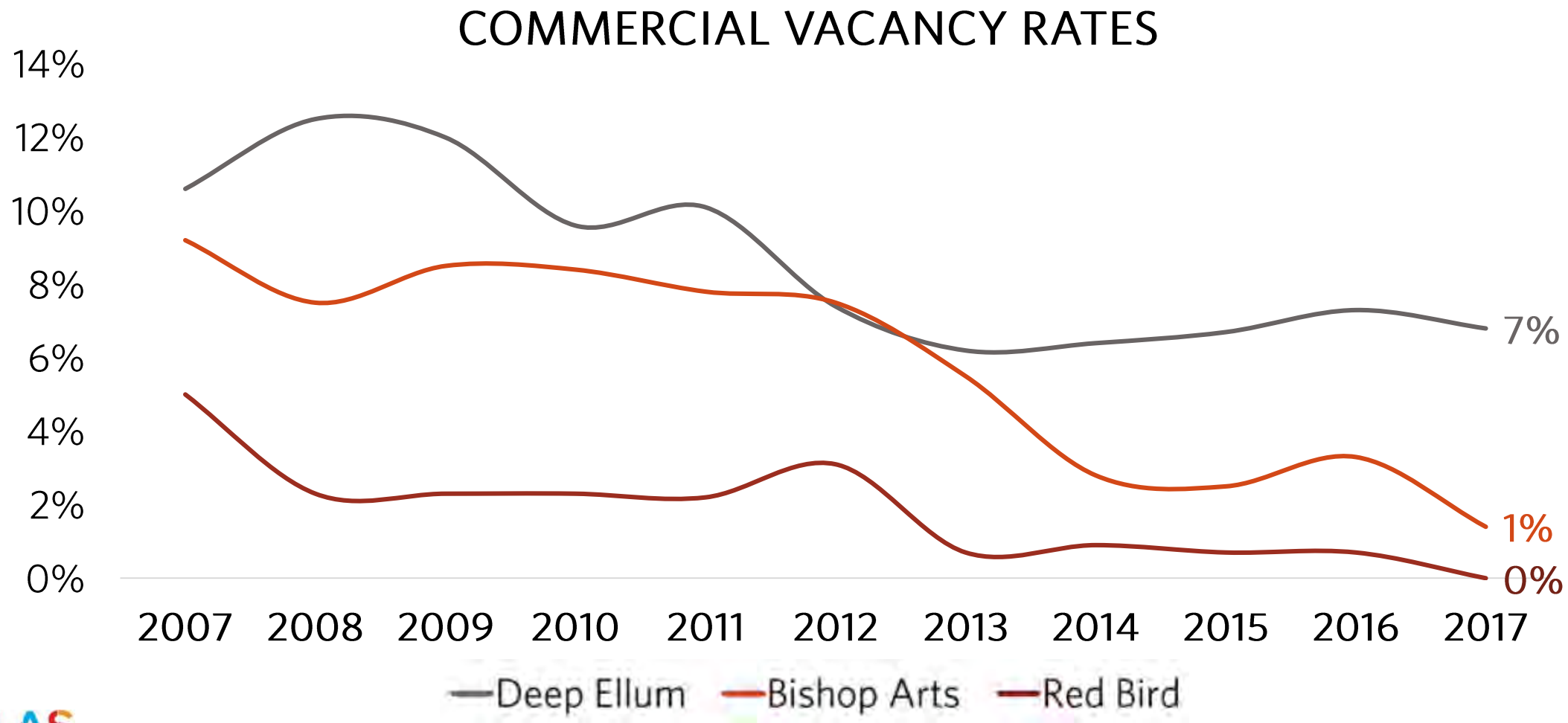
BISHOP ARTS



DEEP ELLUM

Purple dots represent cultural venues identified by community members in the DCP's Phase 1 Ecosystem Map

AVAILABLE CULTURAL SPACE | LOW AND FALLING VACANCY RATES ACROSS THE BOARD INDICATE A NEED FOR MORE ALTERNATIVE PERFORMANCE SPACE OPTIONS.



CoStar

AVAILABLE CULTURAL SPACE | PUBLICLY-ACCESSIBLE ASSETS ACROSS THE CITY ARE PRIME CANDIDATES TO HOST NEW PERFORMANCE AND EXHIBITION SPACE.

BEST PRACTICE	POTENTIAL PILOT	RATIONALE
CULTURE IN COMMUNITY SPACES	Red Bird	• *Opportunities **across the city** for additional public art/performances* • *Large and underutilized destinations like the **Red Bird Mall** could be prime candidates for cultural events*
GUEST CURATION IN MUNICIPAL BUILDINGS	Bishop Arts Red Bird	• *Possible "first move" public buildings could include the **Red Bird Youth and Family Center***
PRIVATELY-OWNED PUBLIC SPACE	All	• *The City can provide **development or tax incentives** to subsidize the use of communal private space for public art or performances*

ACCESS TO CULTURAL EVENTS | COMMUNITY ENGAGEMENT REVEALS A NUMBER OF BARRIERS TO ACCESS FOR ARTS AND CULTURE.

BARRIERS TO CULTURAL PARTICIPATION

Percent of Dallas Cultural Plan Survey Respondents



65% face Cost barriers



25% face Location barriers



15% face Exclusion barriers



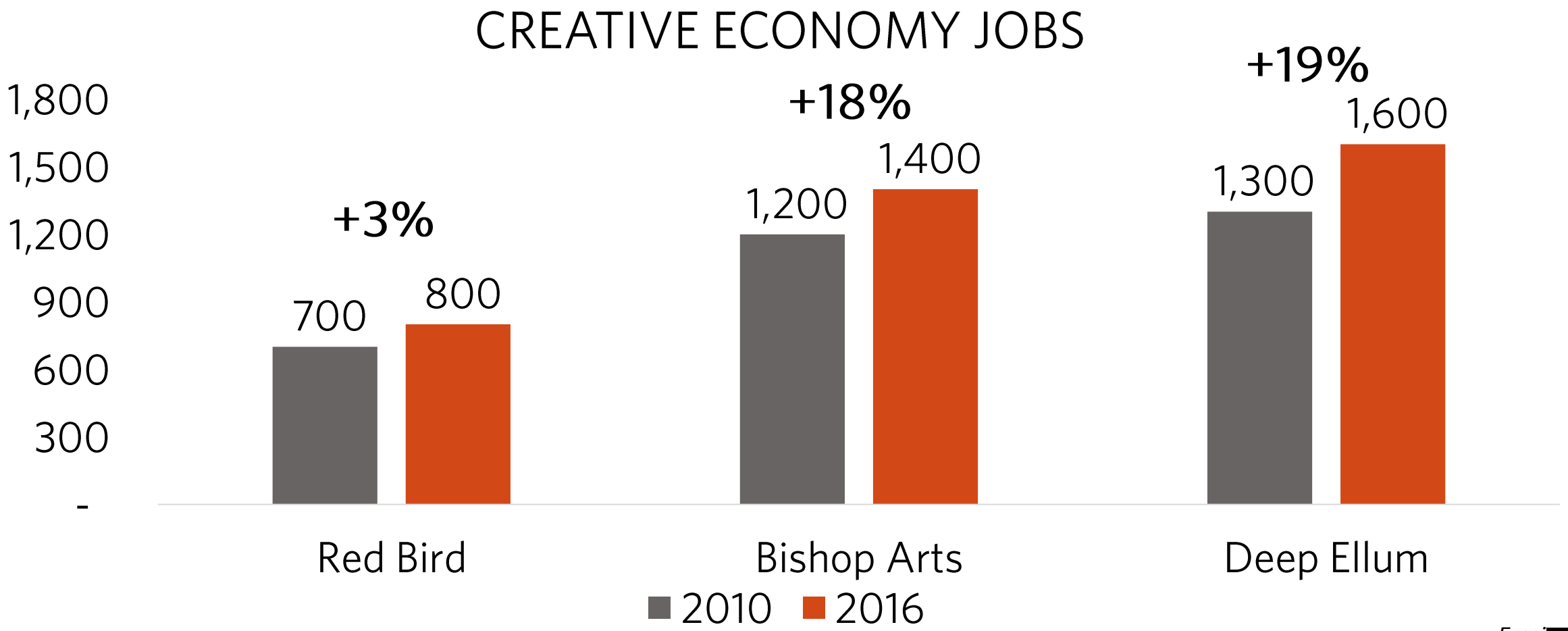
10% face **TRANSPORTATION** BARRIERS

DALLAS CULTURAL PLAN 2018

ACCESS TO CULTURAL EVENTS | THOUGHTFULLY PLANNED, SCHEDULED, AND PRICED PROGRAMMING CAN BRING ARTS AND CULTURE TO NEW AUDIENCES.

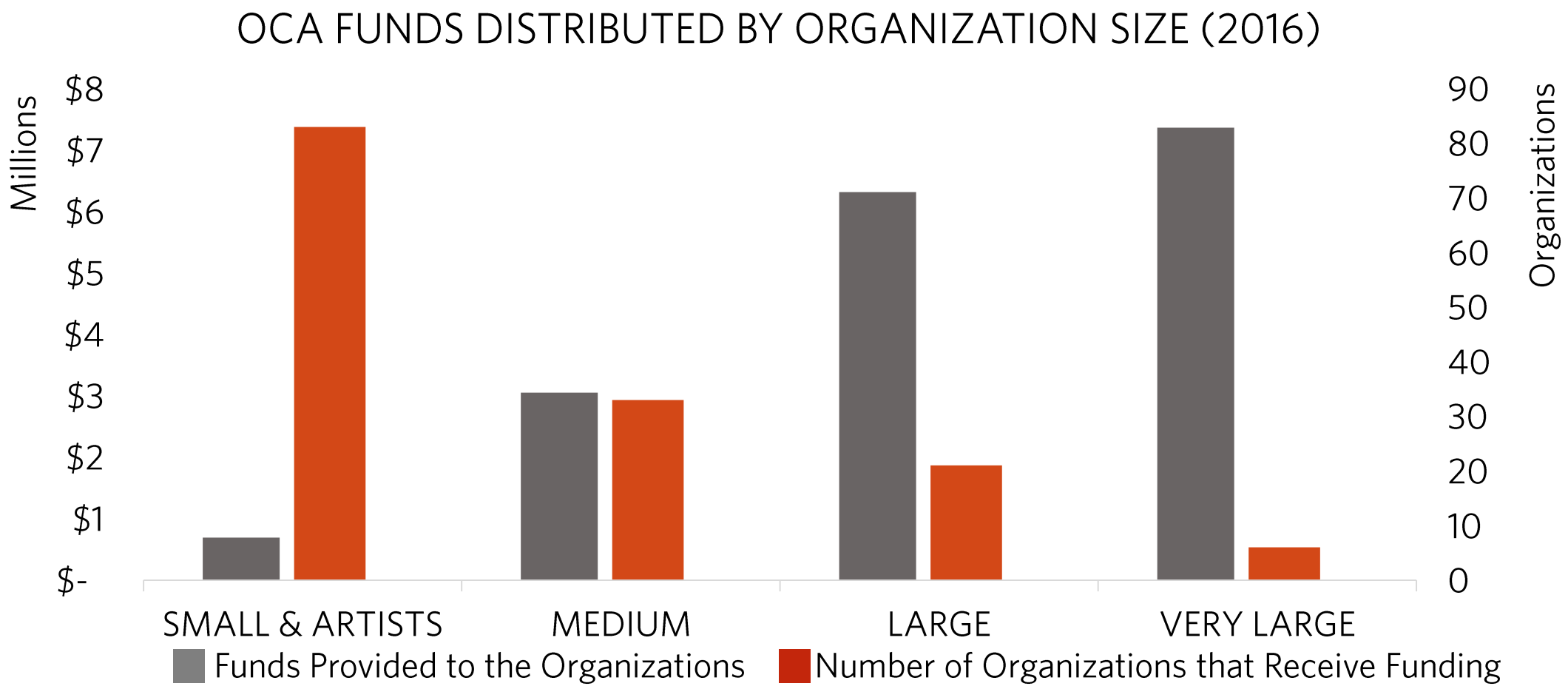
BEST PRACTICE	POTENTIAL PILOT	RATIONALE
EXTENDED CULTURAL PROGRAMMING	Bishop Arts	• *Extended hours for **performance spaces at neighborhood libraries.***
INTEGRATED ARTS & CULTURE CITY PLANNING	Bishop Arts	• ***Planned streetcar investments** by Bishop Arts can consider the use patterns and needs of the creative community and consider connections to other cultural assets to determine routes and service*
INNOVATIVE CULTURAL PLATFORMS	Red Bird	• *Deep Ellum and Bishop Arts have **already implemented interpretive signage** to strengthen wayfinding and create a cohesive district brand* • *Deep Ellum's **parking meter art** is another example of an innovative, identity-strengthening intervention* • *Red Bird and other similar neighborhoods could consider similar signage that **highlights their unique identify and history***

BUSINESS SUPPORT | BISHOP ARTS AND DEEP ELLUM ARE BOTH HOME TO LARGE AND FAST-GROWING CREATIVE ECONOMIES.



Emsi

BUSINESS SUPPORT | CULTURAL ORGANIZATIONS IN NEIGHBORHOODS RECEIVE A DISPROPORTIONATELY SMALL SHARE OF ANNUAL OCA FUNDING.



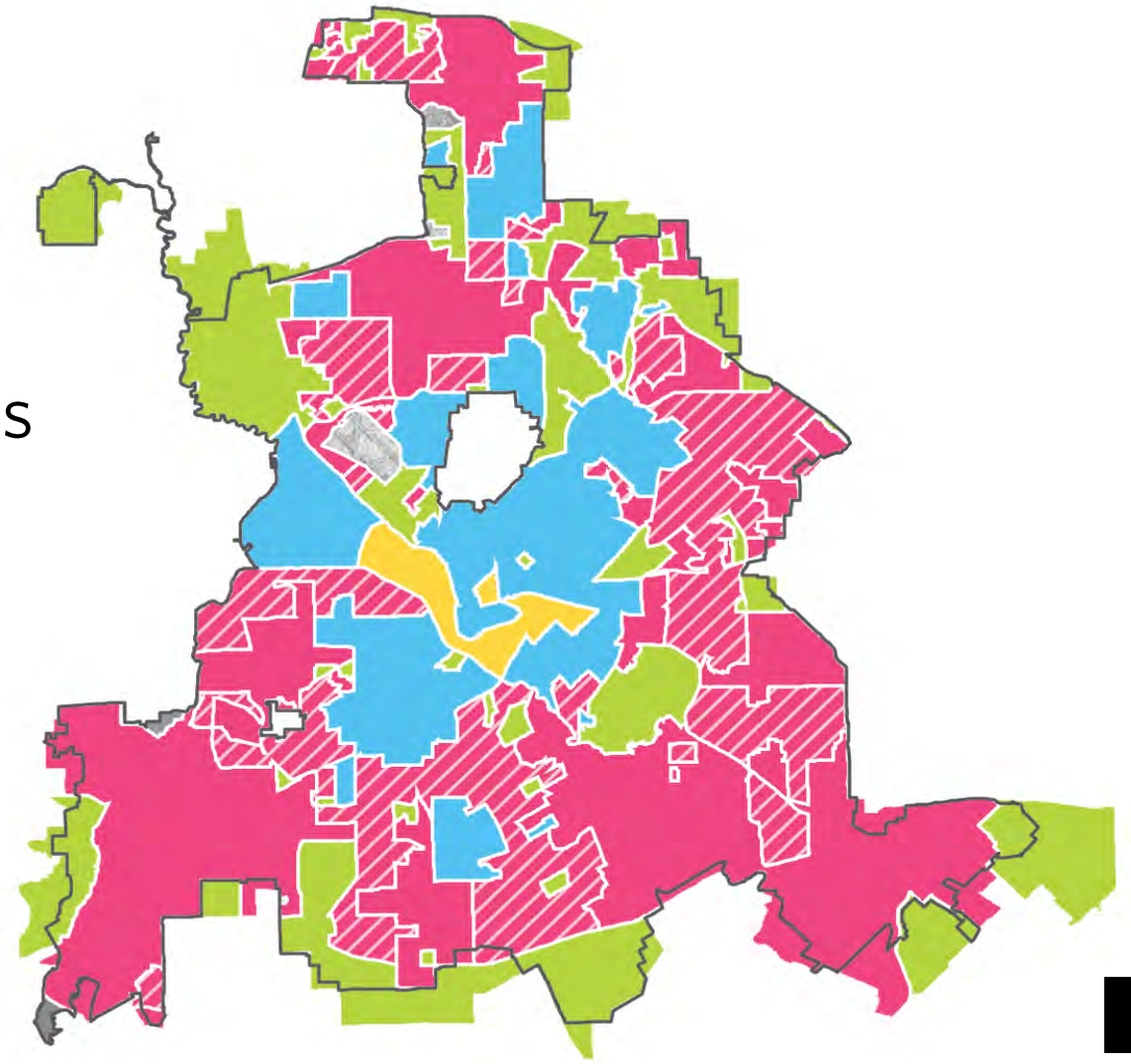
*Small orgs: annual revenue < $250,000; medium orgs.: annual revenue between $250,000 and $1M; large orgs.: annual revenue from $1M to $9.99 Million; very large orgs.: annual revenue of $10M+

BUSINESS SUPPORT | FUNDING IS ONE OF SEVERAL WAYS TO SUPPORT THE BUSINESS OF NEIGHBORHOOD ARTS ORGANIZATIONS, CREATIVE FIRMS, AND INDIVIDUAL ARTISTS.

BEST PRACTICE	POTENTIAL PILOT	RATIONALE
ARTS & CULTURE RESOURCE CENTER	Deep Ellum Bishop Arts	• *Available to artists **citywide,** but physical location should be in a neighborhood with a sizeable existing arts community*
TAX CREDITS FOR CULTURAL DISTRICTS	Red Bird Bishop Arts	• *Artist-focused tax incentives could **bolster Red Bird's modest creative economy growth*** • *Could also **offset the financial impact of rising housing costs** in neighborhoods like Bishop Arts*
BUSINESS PROGRAMS & TRAINING	Deep Ellum Bishop Arts	• *Available to artists **citywide,** but physical location should be in a neighborhood with a sizeable existing arts community* • *For example, a training program on how to market to millennials could work in Deep Ellum or Bishop Arts*

INITIATIVES DEPLOYED IN REPRESENTATIVE NEIGHBORHOODS SHOULD BE SEEN AS PILOTS FOR CITYWIDE INTERVENTIONS.

1. Urban-Core Arts Destinations
2. Mixed Urbanism Arts to Explore
3. Residential Opportunities for Arts
4. Opportunities for Arts in Non-Traditional Spaces



DALLAS CULTURAL PLAN 2018



WHAT'S NEXT

DALLAS CULTURAL PLAN 2018

NEXT STEPS

- Identify funding and partnership opportunities to support cultural equity citywide
- Business model refinement on all three prototypes
- Develop inter-departmental linkages and tactical recommendations
- Develop strategies and implementation plan

***July**: Write Draft Cultural Plan and Updated Cultural Policy*

***September**: Citywide Public Workshops to receive feedback on the Draft Cultural Plan*

***October**: Final Cultural Plan and Updated Cultural Policy goes to City Council*

THANK YOU TO OUR SPONSORS

City of Dallas

COMMUNITIES FOUNDATION of TEXAS

HOBLITZELLE FOUNDATION

PNC

The Meadows Foundation

Serving the People of Texas

TEXAS INSTRUMENTS

and

Anonymous Foundation

The Perot Foundation

THANK YOU

Lord
Cultural Resources



APPENDIX

DETAILED CREATIVE ECONOMY JOBS

NAICS	Description
CULINARY	
7221	Full-service restaurants
72232	Caterers
4452	Specialty food stores
BUILDING ARTS	
54131	Architectural services
54132	Landscape architectural services
54141	Interior Design
MEDIA & COMMUNICATIONS	
3231	Printing & related support activities
45121	Bookstores and News Dealers
511	Publishing Industries
51111	Newspaper publishers
51112	Periodical publishers
51113	Book publishers
5112	Software publishers
5121	Motion picture and video industries
5122	Sound recording industries

NAICS	Description
515	Broadcasting
51511	Radio broadcasting
51512	Television broadcasting
5152	Cable and other subscription programming
5161/519 13	Internet publishing and broadcasting
519	Other information service
51911	News syndicates
54143	Graphic design services
54181	Advertising agencies
54189	Other services related to advertising
54182	Public relations agencies
54183	Media buying agencies
54184	Media representatives
7115	Self Employed writers, broadcasters, multimedia artists

NAICS	Description
MUSUEMS & HERITAGE	
51912	Libraries and archives
7121	Museums, historical sites, zoos, and parks
VISUAL ARTS, CRAFTS, FASION	
61161	Fine arts schools
54192	Photographic services
45392	Art dealers
54149	Other specialized design (jewelry, textiles, fashion)
7115	Self Employed painters, craftspeople, photographers
PERFORMING ARTS	
7111	Performing arts companies
7113	Promoters of performing arts and sports
7115	Self Employed actors, dancers, directors, musicians

HOUSING | BEST PRACTICES

CULTURAL USE ZONING INCENTIVES

Density bonuses or other mechanisms to encourage developers to build artist live/work space.

SUBSIDIZED RENTAL HOUSING

Targeted housing subsidies in certain neighborhoods for artists and others who proactively engage in community-revitalization efforts, including the creation of public art.

ARTIST HOMEOWNERSHIP SUPPORT IN NEIGHBORHOODS

City assistance and a streamlined application process for artists to purchase homes in arts neighborhoods.

BIG CAR COLLABORATIVE

Indianapolis, IN



This nonprofit asks artists to contribute time and energy to community-revitalization efforts in return for housing subsidies offered through a community land trust.

AFFORDABLE REHEARSAL & STUDIO SPACE | BEST PRACTICES

SUBSIDIZED STUDIO SPACE

Vouchers or subsidies for all or part of the difference between affordable and market rent.

CULTURAL INCUBATORS AND COLLECTIVE PRODUCTION SPACES

Creation of affordable shared spaces to foster collaboration among cultural organizations.

CULTURAL SPACE PURCHASE ASSISTANCE PROGRAMS

Grants or low-interest loans to enable cultural organizations to purchase space at affordable prices

THE MINNESOTA STREET PROJECT

San Francisco, CA



This collective production and exhibition space provides economically sustainable studio and gallery spaces for artists and related non-profits in renovated warehouses in San Francisco's historic Dogpatch district.

AVAILABLE CULTURAL SPACE | BEST PRACTICES

CULTURE IN COMMUNITY SPACES

Dedicated spaces that allow artists to use public spaces, neighborhood restaurants, retail, and more for performances or as a backdrop for creative placemaking.

GUEST CURATION IN MUNICIPAL BUILDINGS

Temporary and permanent exhibitions of local artists' work in schools, libraries, and other municipally-owned spaces.

PRIVATELY-OWNED PUBLIC SPACE

Incentives for private entities to activate communal spaces, such as ground floor retail and underutilized lots for public arts and performances.

THE LAUNDROMAT PROJECT

New York City, NY



Since 2005, the Laundromat Project has worked with over 150 artists to bring their art to local laundromats in Harlem, Bed-Stuy, and Longwood.

ACCESS TO CULTURAL EVENTS | BEST PRACTICES

EXTENDED CULTURAL PROGRAMMING

Extension of hours at formal and informal cultural facilities as well as increased affordable and off-peak programming.

INTEGRATED ARTS AND CULTURE CITY PLANNING

Integration of arts and culture policy and investments into neighborhood planning efforts.

INNOVATIVE CULTURAL PLATFORMS

Wayfinding, signage, murals, and interactive platforms to help residents and visitors connect with community heritage in free and innovative ways.

LATE NIGHTS AT THE DMA

Dallas, TX



Once a month, the Dallas Museum of Art is open until midnight for visitors to view the art and experience late-night performances, concerts, readings, and film screenings.

BUSINESS SUPPORT | BEST PRACTICES

ARTS & CULTURE RESOURCE CENTER

Grant assistance, financial counseling, and other mentoring and guidance services for artists and cultural organizations.

TAX CREDITS FOR CULTURAL DISTRICTS

Tax benefits for art sales and/or purchases within a defined district.

BUSINESS PROGRAMS & TRAINING

Professional development, leadership, capacity-building, and business management training to promote financial sustainability.

BUSINESS COUNCIL FOR THE ARTS LEADERSHIP ARTS INSTITUTE

Dallas, TX



BCA's Leadership Arts Institute prepares Dallas professionals to sit on nonprofit arts boards across the metroplex by providing leadership training and seminars on the trends and challenges facing cultural institutions. Upon completion, graduates are matched with nonprofits depending on interest and need.

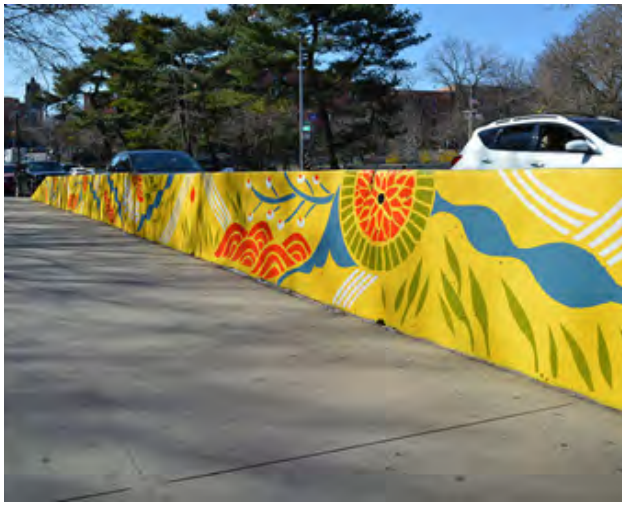
APPENDIX C
TYPES OF ART IN PUBLIC SPACES

For the purposes of this plan, art created for public spaces has been divided into 8 categories. Each type is illustrated by examples from across the country, including local cities, and cities used as comparable cities throughout this plan. The examples represent characteristics of the art type, and while they represent a wide variety of the art that exists in public spaces, there are endless permutations to explore.[1]

1 https://www.sculpture.org/documents/scmag01/sept01/public/public.shtml

1. Street infrastructure beautification

Work that modifies or decorates existing infrastructure and amenities. Examples of work include painting sidewalk benches or electric boxes, yarn bombing of parking meters, and mosaics on street tree planters.



Title: Spring Wind,

Artist: Mayuko Fujino

Year: 2014

Location: Bronx, New York

Producer/Owners and/or Funder: Barrier Beautification, a program of the New York City Department of Transportation

Description: This project is an example of Barrier Beautification, part of The New York City Department of Transportation's (DOT) Art Program. This piece, Spring Wind, is a collaboration with the nonprofit New York Cares, a organization that helps connect people to volunteer opportunities. New York Cares put together two Barrier Beautification painting events in conjunction with the New York Cares Day on April 12, 2014. Local Queens based artist Mayuko Fujino envisioned and realized the beautification of 280 feet of concrete barrier with 20 New York City Urban Fellows Program volunteers at a stretch of street adjacent to River Park in the Bronx. The DOT has multiple public art programs which range from: temporary works that transform streets (Arterventions, Art Display Case Exhibits, Barrier Beautification, and Community Commissions); to permanent commissioned pieces that enhance designated public spaces and facilities; to events that include dance, music, and workshops, all designed to encourage the use of sustainable transportation.



Title: Piedmont Road

Artist: Mark Fields

Year: 2006

Location: Ridglea Hills, Fort Worth, Texas

Producer: Fort Worth Public Art

Description: This project is part of the Fort Worth Public Art collection, which is a collection of artworks in neighborhoods across the city. Piedmont by Mark Fields is a piece located on Piedmont Rd in the Ridglea Hills Neighborhood of Fort Worth. Although this piece was assembled in 2006, it is a continuation of a Fort Worth tradition, from the 1920s, of adorning curbs with the names of the streets where they are located. These curbside mosaics are meant to "establish and enhance the visual identity of a neighborhood."[2]

2. Studio/Pedestal pieces

Sculptural works that are not fabricated or assembled on the installation site. Might be inspired by the site but does not necessarily formally respond to or depend on the site.



Title: Flying Shuttles

Artist: Andrew Leicester

Year: 2006

Location: Charlotte, North Carolina

Producer: City of Charlotte, Arts & Science Council Public Art Program

Description: Flying Shuttles is a project funded by the Charlotte-Mecklenburg 1% for Art Ordinances and is placed at the entrance of the Bobcats arena. Each shuttle stands 50 feet tall and is composed of ceramic tile, brick, steel, and concrete. During the night the top portion of the columns serve as lights announcing the arena entrance. This project was designed by Andrew Leicester with David B. Dahlquist and RDG Dahlquist Art Studio. This work is meant to reflect the history of the city and its relationship with textiles, ceramics, and craft.

2 http://www.fwpublicart.org/downloads/CurbEnhancementRFP.pdf

3. Intervention or Event

A temporary work or series of works, often punctuated by a site specific event or performance. Work responds to the context, whether that be physical, historical, or political.



Title: The Trees of Govalle

Artist: Forklift Danceworks

Year: 2015

Location: Austin, Texas

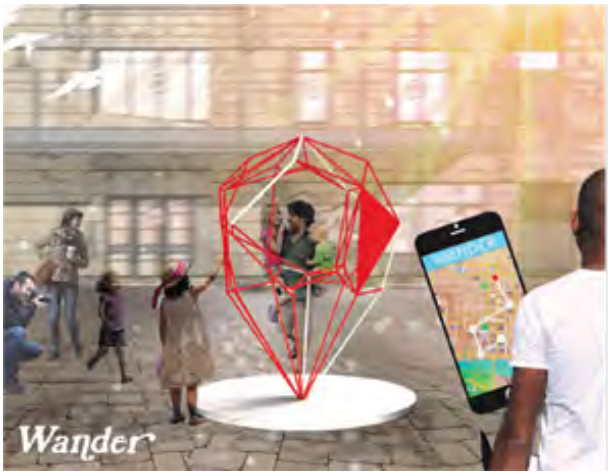
Producer: Fusebox Festival

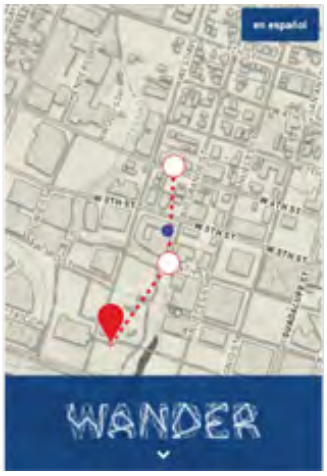
Description: City of Austin Urban Forestry Program employees starred in The Trees of Govalle, a dance scored with original music, to "highlight the care and dedication that goes into maintaining and supporting [Austin's] oldest and tallest organisms." [3] This production occurred over a single weekend in Austin's Govalle Park in 2015 as part of a larger festival, and also included guided walks with local arborists to further educate attendees about the value of the city's trees.

3 *http://www.forkliftdanceworks.org/projects/the-trees-of-govalle/*

4. Multimedia

Work using technology, most often projection, light, sound, and/or web connection.
Can be site specific or not.







Title: Wander

Artist: Chris Gannon, Chadwick Wood, and Brockett Davidson (Creators, there is an additional team of writers and illustrators)

Year: 2017

Location: Austin, Texas

Producer/Owner and/or Funder: City of Austin, Art in Public Places Collection

Description: Wander takes participants on an adventure through downtown Austin using a mobile platform to weave stories and illustrations into the city landscape. Created by Chris Gannon, Chadwick Wood, and Brockett Davidson, Wander has a team of writers, illustrators, translators, and photographers contributing. This project was funded by the City of Austin as part of its Art in Public Spaces Collection. The project has four stories to choose from that all start at the Beacon and diverge to various location suggestions. It has been developed for different age ranges, sensory abilities, and spanish speakers. Working through the story enables participants to decide how the story unfolds and the city reveals itself to them.

5. Installation

Site specific, uses the existing conditions as the constraints.



Title: Her Secret is Patience

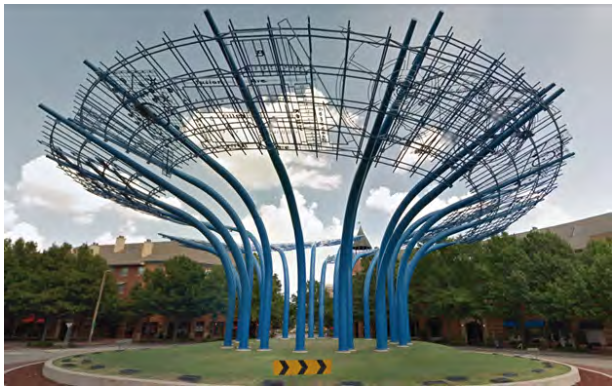
Artist: Janet Echelman

Year: 2009

Location: Phoenix, Arizona

Producer: City of Phoenix Office of Arts and Culture

Description: The form of this 145-ft tall net sculpture, suspended above Phoenix's Civic Space Park, was inspired by Arizona's clouds. When illuminated at night, the net shines cool colors in the hot summer and warm colors in the winter. The fabrication and installation of the work required many partners and consultants including engineers, architects, and steel and concrete fabricators.



Title: Blueprints at Addison Circle

Artist: Michael Van Valkenburgh, Mel Chin

Year: 2000

Location: Addison, Texas

Producer: Town of Addison and Post Properties

Description: Blueprints at Addison Circle is a four-story sculpture set in the central roundabout of Addison Circle, with the sculpture intended as the piece to highlight the center of the larger development. The sculpture used blueprints from several civic structures - municipal buildings, fire stations, parks, and bridges - to further tie the piece to the town's history.

6. Land art:

Work that is site specific and often responds to and uses the site as a medium. Often using "natural" materials like dirt, wood, water, etc.



Title: 15 untitled works in concrete

Artist: Donald Judd

Year: 1980-1984

Location: Marfa, Texas

Owner: Chinati Foundation

Description: Some of renowned artist Donald Judd's most famous works. These concrete pieces lay out in the Marfa desert, changing with the sun and the seasons. The crisp lines of the concrete contrast with the colors and texture of the desert**.**

Public Domain https://www.flickr.com/photos/142289055@N04/41887662684/in/photolist-26PtdLL-mDcUXc-mDgaiG-mDctXT-mDdgmZ-mDgFAK-mDboBp-mDgxzf-mDcdNX-mDepia-qikWTF-mDdng4-8atQBk-mDfana-pmmxvL-q1UtKx-mDeuUR-mDbPnt-q1MnoC-pmmBps-mDdZu7-mDduJw-mDb72x-mDgKfD-mDfSKw-q1MnBJ-q1MXLN-qg4F87-q1W3yp-qg4Ka5-q1MZCd-qikTqt-mDcZHV-pmA7gZ-pmmwmS-qiaPbx-pmAdgV-qiaVHk-qihttJ-q1Uqbi-q1MUWQ-q1MmjU-qiaRLT-qiaVtc-pmmDGy

7. Mural/2D

A painting or 2D representation.



Title: Colorado Panorama: A People's History

Artist: Barbara Jo Revelle

Year: 1991

Location: Colorado Convention Center, Denver, Colorado

Producer: Denver Office of Cultural Affairs (DOCA)

Description: This 600 foot long mural, created by Barbara Jo Revelle, is composed of gray toned tiles arranged to represent people and activities important to Colorado's history. Among those featured are activists, children, farmers, and sports leagues.This project is considered one of the largest murals in the world as it is composed of thousands of tiles. It is located along the walls of the Colorado Convention Center. Revelle wanted this mural to speak to a more complete history including Black Panthers in her mural as well as those responsible for Native American genocide.



Title: Echowave

Artist: Built by Bender LLC

Year: 2017

Location: Downtown Plano, Plano, Texas

Producer/Owner and/or Funder: Historic Downtown Plano Association and Plano Art Association

Description: Echowave is a project by three brothers Aaron, Ariel, and Milan Bender who make up the company Built by Bender LLC. They created this piece with the support of the Historic Downtown Plano Association, Plano Heritage Commission, and Plano Art Association. This mural was one in a series of works commissioned to be in Downtown as part of the Downtown Mural Project. Between each letter is a soundwave that corresponds to one of four stories that can be listened to online. Each story has a different topic and is narrated by people with relationships to the topics: the Mayor, Fire Chief, Interurban Railway Museum Curator, and President of the Chamber of Commerce. Each topic takes listeners back in time giving them key pieces to understanding the history of Plano.

8. Social Practice

Work that focuses on the interaction and relationships between viewers/participants, the artist, and society. These often have a performance or durational aspect.



Title: Artscream Truck

Artist: Arnoldo Hurtado Escobar

Year: 2018

Location: Mobile

Description: Artist Arnoldo Hurtado Escobar plays on people's love of ice cream trucks in his mobile art gallery, the Artscream Truck. The Artscream Truck brings art to you, making it accessible not only in a physical sense but begins to break down the perceptions around art that keep people away. The project seeks to draw people in through its playfulness and while you are there invites you to experience art in a new way.

URBAN TYPOLOGIES AND POTENTIAL FOR ART IN PUBLIC PLACES

Access to publicly funded art in public space was a key factor as the Dallas Cultural Plan team developed a cultural neighborhood typology for every one of Dallas' neighborhoods. While not all art in public places is publicly funded, and neighborhoods in each category have access to a variety of art in public places forms, it is important to understand how art in public places is used across the four neighborhood typologies and where common opportunities might exist for increase art in public places citywide (and not just in the areas near downtown).

The following sections identify examples of art in public places that already exist and potential 'canvases' for art in public places within each of the four neighborhood types: Urban Core Arts Destinations, Mixed Urbanism Arts to Explore, Residential Opportunities for Arts, and Opportunities for Arts in Non-Traditional Spaces.

1. Urban Core

Existing examples of art in public places:



Title: One Meter at a Time

Artist: Terry Hays

Art in Public Place Type: Infrastructure Beautification

Canvas type: Public Right-of-Way

Year: 2017

Location: Deep Ellum, Dallas, Texas

Producer/Owner and/or Funder: The Public Art Program, a program of the Office of Cultural Affairs, in collaboration with the Dallas Police Department

Description: *One Meter at a Time* is a project that is a collaboration between artist Terry Hays, the Public Art Program of the Office of Cultural Affairs, and the Dallas Police Department. The Public Art Program seeks to enrich the experience of current residents as well as attract the eye of visitors. The One Meter at a Time program originally was created in 2014 with the goal of turning 60 parking meters into art in public space with the help of local artists. Temporary installations happened in Downtown Dallas, Farmers Market, and Oak Cliff. In 2016, Terry Hays was asked to design parking meters in Deep Ellum. Ten different designs were featured on the meters seen throughout Deep Ellum, each one was inspired by the aesthetics and spirit of the area.



Title: The Dallas Piece

Artist: Henry Moore

Art in Public Place type: Studio produced/ pedestal piece

Canvas type: Open Space - plaza

Year: Installed 1978

Location: City Hall Plaza, Dallas, TX

Owner: City of Dallas

Description: Designed to contrast the brutalist style of Dallas City Hall, this sculpture was commissioned specifically for city hall plaza. Made up of 3 separate pieces, viewers are meant to walk between the elements to fully experience the work.



Title: Parade of Giants

Artist: La Reunion, Oil and Cotton, and ArtLoveMagic, in collaboration with artists Cori Berg, Heather Blaikie, Iris Candelaria, Andrea Davis, Gretchen Goetz, Nicole Horn, Rebecca Howdeshell, Walter Johnson, Kevin Obregon, Junanne Peck, Jennifer Sereno, Jessica Sinks, Sean Springer, and VET.

Art in Public Place Type: Intervention/Event

Canvas Type: Public Right-of-Way

Year: 2012

Location: Margaret Hunt Hill Bridge

Description: Parade of Giants was created for the event Bridge-o-Rama, which celebrated the opening of the newly constructed Margaret Hunt Hill Bridge. The parade began in the West Dallas neighborhood and crossed the new signature bridge. La Reunion Tx identified 15 artist through a jury selection process to work with local community organizations in an art-making collaboration. The result was the production of giant puppets that honored the history of West Dallas and told the story of the community. After the event, the Giants were displayed at Dallas City Hall from June 18 to July 13, 2012



Artist: Shilpa Gupta

Art in Public Place Type: Multimedia

Canvas type: Urban Assemblage/Environment

Year: 2016

Location: Arts District, Dallas

Producer: AURORA

Description: In this piece displayed as part of the "new media art" festival AURORA, the phrase "Deep below, the sky flows under our feet" was written in neon, suspended above the ground. Viewers were meant to experience the work while lying beneath it.

Potential sites and public art opportunities:



Location: Design District

Canvas type: Exterior Wall or Urban Assemblage/Environment

Description and potential: In some Urban Core neighborhoods, blank walls have been used to bring an abundance diverse of artwork to the public realm. While neighborhoods like Deep Ellum are heavily covered with murals and other 2D pieces, other neighborhoods have many blank walls along major roadways that could be transformed to give artists new spaces to work and residents new pieces to enjoy.



Location: Cedars

Canvas type: Open Space - vacant lot

Description and potential: Some neighborhoods in the Urban Core have an abundance of vacant or undeveloped lots, especially in the Cedars and parts of Exposition Park. These lots could become the site of interventions, installations, or sculptures to bring art to new areas. The use of a space will vary based on the specific context of the site, but any type of artwork could be utilized in many of these places.



Location: Exposition Park

Canvas type: Public Right of Way

Description and potential: Highway overpasses and underpasses are a common landscape feature within the Urban Core neighborhoods, many of which could provide opportunities for artistic use. Interventions, multimedia projects, or street infrastructure beautification could all be employed to help encourage residents and visitors to overcome these barriers and move between the districts of the Urban Core.

2. Mixed Urbanism

Existing art in public space examples:



Artist: Jeremy Biggers

Art in a public place type: Mural/ 2D

Canvas type: Exterior Walls

Year: 2017

Location: Dallas, Texas

Description: The two story mural of Tejano singer is hard to miss as you travel down Bishop Avenue near Jefferson Boulevard in Oak Cliff. Painted just around the corner of local record store Top Ten Records and the Oak Cliff Cultural Center, local artist Jeremy Biggers donated the mural as a response to the changes occuring in the neighborhood. He choose Selena because of her connection to the neighborhood, and what she represents to the many young girls in the neighborhood that look like her. As for Top Ten Records, Selena has long been one of their top sellers, and store employees see the mural as a way to honor the history of the neighborhood.



Artist: Haylee Ryan & Courtney Miles

Art in a public place type: Mural/ 2D

Canvas type: Exterior Walls

Year: 2017

Location: Bishop Arts, Dallas, Texas

Producer/Owner: Michael & Alex Nazerian

Description: The 120 foot mural serves to screen residents and visitors from the ongoing construction of a new mix-use development within the Bishop Arts District. The developers of the project wanted to incorporate the creation of inviting public spaces even during the construction of the project. The selected local artist Haylee Ryan and Courtney Miles to create the expansive mural depicting local flora and fauna. The mural will stay up for a year or so as the project is complete. The developers plan to include several outdoor spaces with public art in the final development.



Title: Mayor's Star Council: Lincoln & Madison High School Mural

Artist: Sour Grapes

Canvas Type: Exterior Wall

Year: 2014

Location: Frazier

Description: Artist collective Sour Grapes worked with the Mayor's Rising Star Council, a youth leadership program affiliated with the Mayor of Dallas, to design and paint a mural featuring imagery of local high schools.



Title:

Artist: The Color Condition

Art in public place type: Installation

Canvas type: Open space - plaza

Year: 2018

Location: Main Street District, Dallas, Texas

Producer: Downtown Dallas Inc.

Description: As a part of their Bestival art festival in Pegasus Plaza, Downtown Dallas, Inc. invited the artist group The Color Condition to exhibit a temporary art piece. The series of colorful ribbons and streamers are hung throughout the trees in the plaza creating a vibrant visual display. The bright colors help attract people to the space and create memorable moments within one of Dallas' downtown plazas.



Title: Visible Shell

Artist: Erica Felicella

Art in a public place type: Intervention/event

Canvas type: Open space - Greenfield/ Vacant Lot

Year: 2012

Location: Oak Cliff, Dallas, Texas

Producer: Erica Felicella

Description: Visible Shell was a 48 hour performance by Erica Felicella in Oak Cliff. During this time the artist drew in a crowd that she scribbled on pieces of paper in front of instead of responding to. Felicella felt as though she needed to connect with the emotions brought about by isolation. Her intentions were to challenge observers to truly get in touch with their own emotions in the face of others, without necessarily feeling the need to share and seek validation.

Potential sites and opportunities for art in public places:



Location: Mount Auburn

Canvas Type: Urban Assemblage/Environment

Description and potential: Complex sites, which include a variety of constraints and surface types, can be used as the basis for an array public art types. Here, at the corner of Grand and Samuell, the area outside a local taqueria has a public sidewalk, commercial storefront, and a parking lot. Throughout the Mixed Urbanism neighborhoods opportunities for public art at crosswalks and intersections are plentiful.



Location: Cochran Park in Henderson

Canvas Type: Open space - Park

Description and Potential: This site could be used for a variety of interventions or artwork in a public space, from creative ways of de-emphasizing the dumpsters along Henderson to highlighting the parks role in the local community.



Location: Longfellow Career Exploration Academy in Greenway Crest

Canvas type: Exterior wall

Description and Potential: Public facilities throughout the Mixed Urbanism neighborhoods could be utilized as canvases for art in the public realm. At the Longfellow Career Exploration Academy, portal classrooms could become home to murals or other works of art, similar to works done at Reagan Elementary School in the Bishop Arts District.

3. Residential Opportunities

Existing public art examples:



Title: The Wall at Forest Lane

Artist: Multiple

Art in Public Place Type: Mural/2D

Canvas Type: Exterior Wall

Year: 1978

Location: Glen Meadow Estates

Description: The Wall at Forest Lane was originally painted by high school students in the late 1970s and has seen continued maintenance into the present. The wall is a source of pride for many residents and opportunities for this type of project are found throughout the city.



Title: Equine Rhythm

Artist: Curtis Patterson

Art in Public Place Type: Studio Production/ Pedestal Piece

Canvas Type: Open Space - Park

Year: 2015

Location: Pemberton Hill, Dallas

Description: Visitors to the Texas Horse Park are welcomed by the 19 ft tall sculpture Equine Rhythm, a creation of sculptor Curtis Patterson. This work speaks to the nature of its location and is the first art installation in the Great Trinity Forest.

Potential sites and opportunities for art in public places:



Location: Kiest Blvd (westbound), Kiestwood

Site type: Public Right of Way - Retention Wall

Description and potential: This retaining wall, separating the eastbound and westbound traffic lanes of Kiest Boulevard, could be used as the place of a mural or other work in this community just south of Kiest Park in Oak Cliff. Blank walls on public rights of way can be found in many parts of the city, with several located along this same stretch of Kiest Boulevard. During community engagement, a number of people expressed a desire to preserve the history and culture of Dallas neighborhoods. Walls like this are excellent opportunities for neighborhood signage and other representation that highlights the unique characteristics of Dallas communities.



Location: Tipton Park, Ledbetter Gardens

Canvas type: Open space - Park

Description and potential: In some parks, existing facilities could be utilized for the creation of art in public space. This example from Tipton Park in Ledbetter Gardens, a neighborhood in West Dallas, overlooks a small creek. During community engagement we heard a desire for more art in parks, including places for performance and gathering. Existing pavilions or shade structures are well suited for interventions and events.



Location: Lake Ridge Estates

Canvas type: Open Space

Description and potential: Parks and other open space are common across neighborhoods in this typology. These spaces, such as this lot in Lake Ridge Estates behind a Dallas Police Department substation, could become the site of a temporary artistic events, land art installations, or other forms of artwork. The use of this type of location can bring art closer to where people live and provide an opportunity to experience art in the public realm outside of more dense, urban neighborhoods.

4. Opportunities for Arts in Non-Traditional Spaces

Existing art in public space examples



Title: MODA Fashion Show and Community Day

Artist: Various Vickery Meadows Artisans

Art in public space type: Social Practice

Canvas type: Open space - vacant lot

Year: 2016

Location: Vickery Meadows, Dallas, Texas

Producer: Trans.lation

Description: The MODA Fashion Show and Community Day is one of many event organized and hosted by Trans.lation. Trans.lation uses social practice to highlight the value cultural diversity adds to the identity of the Vickery Meadows neighborhood, and use cultural events, workshops, entrepreneurial initiatives and leadership development to empower residents.



Title: "The Park"

Artist: Jerald Don Evans

Art in public space type: Mural/2D

Canvas type: Open Space

Year: 1994

Location: Rochester Park, Dallas, Texas

Producer: City of Dallas Office of Cultural Affairs

Description: For those who visit Rochester Park, they are sure to enjoy the "The Park". This two sided mural depicts scenes of everyday life within a park.



Title: Fenestrae Aeternitaus

Artist: Barlow Hudson

Art in public space type: Studio produced/ pedestal piece

Canvas type: Open Space

Year: 2012

Location: White Rock Hill Library, Dallas, Texas

Description: Barlow Hudson's sculpture, Fenestrae Aeternitaus, is center stage for those who visit the White Rock Hills Library. Libraries are located throughout the city and provide one means of bringing art to as many neighborhoods as possible.

Potential sites and opportunities for art in public space:



Location: The Village

Site type: Public Right of Way - Median

Description and potential: While gardens may be a more common decoration in roadway medians, these spaces provide an opportunity to place public works of art along roadways. Sculptures, land art, installations, and even 2D works could be incorporated into medians depending on the specific context of a given location.



Location: Chalfont Place

Site type: Public Right of Way - Roundabout

Description and potential: Roundabouts, also known as traffic circles, are a type of circular traffic intersection. They can range in size from small circles in residential neighborhoods to large areas that they double as public parks. Due to their role within our transportation system, they are typically visually accessible, however depending on the type of intersection and number of lanes some roundabout may be very challenging to access as a pedestrian. Similar to median, roundabouts offer a variety opportunities for art in public space. Statues, fountains, decorative plantings, parks, and plaza are all examples of art in public space that have utilized roundabouts. Roundabouts and the surrounding roundway have been utilized in some communities for festivals and other public gatherings.

D

APPENDIX D
BUSINESS MODEL FOR THE ARTS

BUSINESS MODEL FOR THE ARTS

Major Venues Funding & Operating Best Practices

June 2018



HR&A Analyze. Advise. Act.

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EXECUTIVE SUMMARY

As the economic development and implementation partner on the Dallas Cultural Plan (DCP) team, HR&A Advisors undertook a first phase of work focused on a review of existing Office of Cultural Affairs (OCA) materials and a high-level comparative analysis that identified three topics for further exploration:

1. Opportunities to boost net income at major cultural venues in the Dallas Arts District and elsewhere, in part to support new priorities;
2. Opportunities to ensure the continued health of neighborhood arts groups and artists as real estate and other costs increase; and
3. Funding and appropriate supports to advance cultural equity.

In this report, HR&A focuses on the first topic: identifying opportunities for Dallas' major cultural venues to maximize revenue and operating efficiencies. New revenue and efficiencies can free up funding to support other cultural priorities such as increased diversity in programming and financially sustainable cultural organizations in the Arts District and citywide.

OCA allocates approximately 50% of its venue funds ($7.5 million) to the operations of three major venues in the Dallas Arts District: AT&T Performing Arts Center (ATTPAC) ($2.5 million), the Meyerson Symphony Center (the Meyerson) ($2.9 million), and the Dallas Museum of Art (DMA) ($2.1 million).[1] HR&A focused its analysis on these three institutions in order to identify specific, high-impact funding interventions and to inform OCA's broader portfolio approach.

The Dallas Arts District venues can take better advantage of being in a district. A lack of incentives for cooperation has undermined potential efficiencies such as shared overhead, flexible performance and rehearsal spaces, and collaborative fundraising efforts. Effective collaboration can strengthen the district's role as an economic engine and cultural anchor while increasing the City's capacity to support other cultural priorities across Dallas.

HR&A analyzed the operating models of peer arts districts to uncover alternative funding sources and operating efficiencies that could be achieved in Dallas. First, HR&A compared the high-level operating budgets of the three major Dallas arts venues to those of peer arts venues from around the country. HR&A conducted interviews and additional research to understand the variations in operating structures and processes behind these operating budgets to identify a set of best practices. For this analysis, HR&A focused on performing arts venues rather than museums because of the significant share of annual public contribution they receive in Dallas and the higher degree of variation among the operating structures of Dallas' peers.

We recommend five priority cultural venue funding initiatives, listed below from short to long term:

1. Diversify earned income through concessions, memberships, and sponsorships;
2. Implement or increase alternative public funding models such as Hotel Occupancy Tax;
3. Use space more efficiently to capitalize on additional performance opportunities and rentals;
4. Split or share certain operational and marketing overhead costs with peer organizations; and
5. Leverage future capital needs and other key junctures to renegotiate operating contracts.

A combination of the above best practices could help close the gap between the operating cost and revenue generating capacity of Dallas's cultural venues and the capacity of their national peers. Today, ATTPAC and the Meyerson spend an average of $76 more per attendee than performing arts venues in peer cities while generating $12 per attendee less in earned revenue. If these initiatives close between a quarter and a third of that gap for the ATTPAC and Meyerson alone, they would add between $16 million and $21 million in cost savings and revenue gains each year – lowering the cost of OCA's ongoing Meyerson obligations and providing ATTPAC with greater spending flexibility. These efficiencies are among the City's most powerful tools for freeing up funding for the investments and cultural equity initiatives identified in the DCP. Moreover, financially sustainable cultural anchors will be better positioned to attract and cultivate the world-class artistic talent that is essential to Dallas's cultural ecosystem.

[1] In 2016, the City agreed to support ATTPAC's debt payments with an additional $1.5 million annually for 10 years. These funds are not included in our analysis of operating funds.

APPROACH

HR&A compared the high-level operating budget of three major City-owned Dallas Arts District institutions with venues and organizations in peer cultural districts, specifically those in:

- Lincoln Center (New York)
- The Houston Theater District
- The Houston Museum District
- South Tryon Street Cultural District (Charlotte)
- The Kauffman Center (Kansas City)

Each peer district is composed of a handful of major venues and their largest resident institutions.[2] For the purpose of this analysis we are using the following definitions to refer to the different scales within an arts district:

- ***District*:** An agglomeration of museums, performing arts venues, schools, places of worship, and other cultural resources within a single discrete area, either formally or informally branded as a named district.
- ***Venue:*** A single museum or performing arts facility, inclusive of major organizations that use the facility as their primary performance or exhibition space. Note that a performing arts venue can include multiple performance spaces as long as they fall under the same operational umbrella. For example, the analysis considers Strauss Square, ATTPAC's outdoor theater space, as part of the ATTPAC venue, while each of the three primary venues at Lincoln Center (David Geffen Hall, David Koch Theater, and the Metropolitan Opera House) have greater autonomy under the umbrella Lincoln Center district and are thus considered separate venues. Note that since certain districts can be home to dozens of publicly-supported venues, this analysis considers a sample size of the 3-5 largest in each examined district, as detailed in Figure 1. For the Dallas Arts District, the analysis focuses on ATTPAC, the Meyerson, and the DMA.
- ***Resident Organization*:** An organization (usually a performing arts group) that has an agreement with a cultural venue to use its space as its primary home for performances or exhibitions. Since some venues can be home to many resident organizations, this analysis accounts only for those whose operating budgets exceed $2 million per year. Note that the analysis includes both spending and visitation data only from these larger organizations and from programming put on by the venue itself. The result is: the per-attendee average does not undercount revenue relative to overall venue attendance.

[2] Venue financials include the budgets and attendance of resident organizations with annual operating budgets over $2 million.

A summary of the districts and venues considered in this analysis is below.

Figure 1: List of Peer Districts and Associated Venues

District	City	Venues[3]
Dallas Arts District	Dallas	Dallas Museum of Art
		AT&T Performing Arts Center[4]
		Meyerson Symphony Center[5]
Houston Museum District	Houston	The Menil Collection
		Children's Museum
		Museum of Fine Arts, Houston
Houston Theater District	Houston	Alley Theater
		Hobby Center for the Performing Arts[6]
		Wortham Theater[7]
		Jones Hall Theater[8]
Lincoln Center[9]	New York City	Lincoln Center Theater
		David Geffen Hall
		Metropolitan Opera House
South Tryon Street Cultural District	Charlotte	Discovery Place
		Bechtler Museum of Modern Art
		Gantt Center for African American Arts and Culture
		The Mint Museum
		Blumenthal Performing Arts Center[10]
Kauffman Center	Kansas City	Kauffman Center of Performing Arts[11]

Each peer district has a unique operating context informed by local funding conditions. The City of Dallas benefits from a robust philanthropic community, driven by the generous investments of a few local families. This model is similar to New York City's, where transformative cultural investment has come from a deep pool of high-net-worth individuals or families. Other cities rely on the anchor corporations for donations and operating support. In Charlotte, the giving community revolves around Duke Energy, Bank of America, and Wells Fargo (formerly Wachovia). No structure is inherently preferable, but each is important for understanding the context of each district's operating model.

[3] The budgets included for these venues are composites of the budgets of the venues themselves and the budgets of all resident organizations with an operating budget of $2 million or more. Some resident organizations pay discounted rent to the operator for facility use. For ATTPAC, the rent payment is excluded from the expenses of the resident organizations and the revenue of the Dallas Performing Arts Center Foundation. It is possible that other venues in the analysis charge rent to resident organizations, but this information is not publicly available and thus is not reflected in the financial statements.

[4] The ATTPAC budget is a composite of the budgets of the Dallas Performing Arts Center Foundation, The Dallas Opera, the Dallas Theater Center, and the Dallas Black Dance Theater.

[5] The Meyerson budget is a composite that includes the OCA's budget line items relating to the Meyerson and the Dallas Symphony Orchestra's budget.

[6] The Hobby Center for Performing Arts budget is a composite that includes the budgets of the Hobby Center Foundation and Theater Under the Stars.

[7] The Wortham Theater budget is a composite that includes Houston First's line items related to Wortham Theater and the budgets of Houston Ballet and the Houston Grand Opera.

[8] The Jones Hall Theater budget is a composite that includes Houston First's line items related to Jones Hall Theater and the budgets of the Society of Performing Arts and the Houston Symphony.

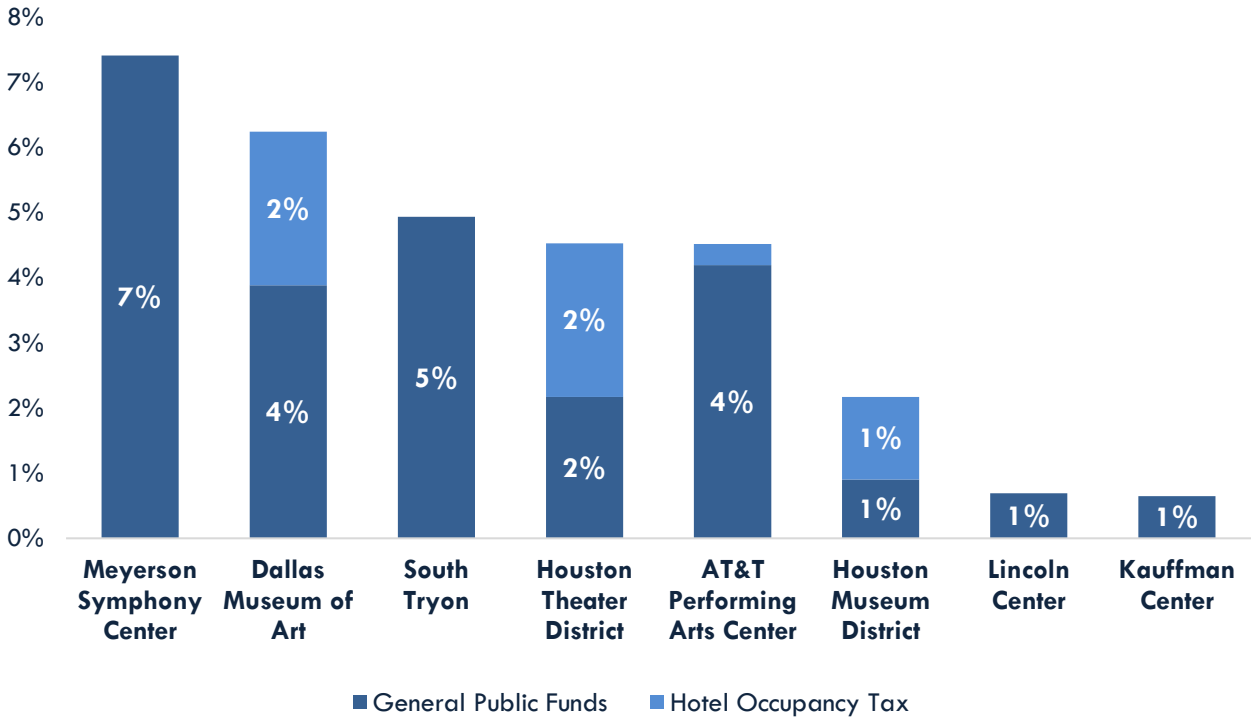
[9] The Lincoln Center, Inc. budget is a composite that includes the budgets of Lincoln Center, Inc., New York City Ballet, the New York Philharmonic and the Metropolitan Opera.

[10] The Blumenthal Performing Arts Center budget is a composite that includes the budgets of the North Carolina Performing Arts Foundation, Charlotte Symphony, Opera Carolina and the Charlotte Ballet.

[11] The Kauffman Center of Performing Arts budget is a composite that includes the budgets of Lyric Opera KC, the Kansas City Ballet, and the Kansas City Symphony.

As shown below, public funding for major venues and resident organizations in these peer districts comprises a significantly smaller share of revenue than it does for the Meyerson. This analysis examines both the alternative operating revenue sources used in these districts have utilized and the strategies they've deployed to save on costs. Note that both the Meyerson and ATTPAC receive a small amount of Hotel Occupancy Tax Revenue through the Dallas Tourism PID. The $35,000 that the Dallas Symphony Orchestra receives each year is negligible as a share of the Meyerson's overall revenue, and therefore not visible below.

Figure 2: Public Funding as Share of Overall Revenue by Dallas Venue and Peer District



HR&A paired an analysis of the operating budgets of major venues and resident organizations in each peer district with interviews with representatives familiar with the operating and funding mechanisms of these districts. The below findings illustrate five trends in how major venues and organizations in these districts are funded and operated, *diagnosing* the similarities and differences between the Dallas Arts District and its national peers. For each trend, the analysis highlights potential *prescriptions* that could enable the Dallas venues and organizations to reap some of the benefits accruing to their peers.

While this analysis focuses on operating models, an effective approach for capital maintenance is critical for ensuring financial sustainability while maintaining quality programming for visitors. Many City-owned venues are faced with significant deferred maintenance needs. These must be addressed to maintain the high-quality offerings of these cultural venues and resident organizations. Of particular note, DMA has nearly $54 million in deferred capital maintenance, only $6 million of which is funded through the 2017 Bond allocations. The Meyerson has $41 million in unfunded deferred capital maintenance.[12]

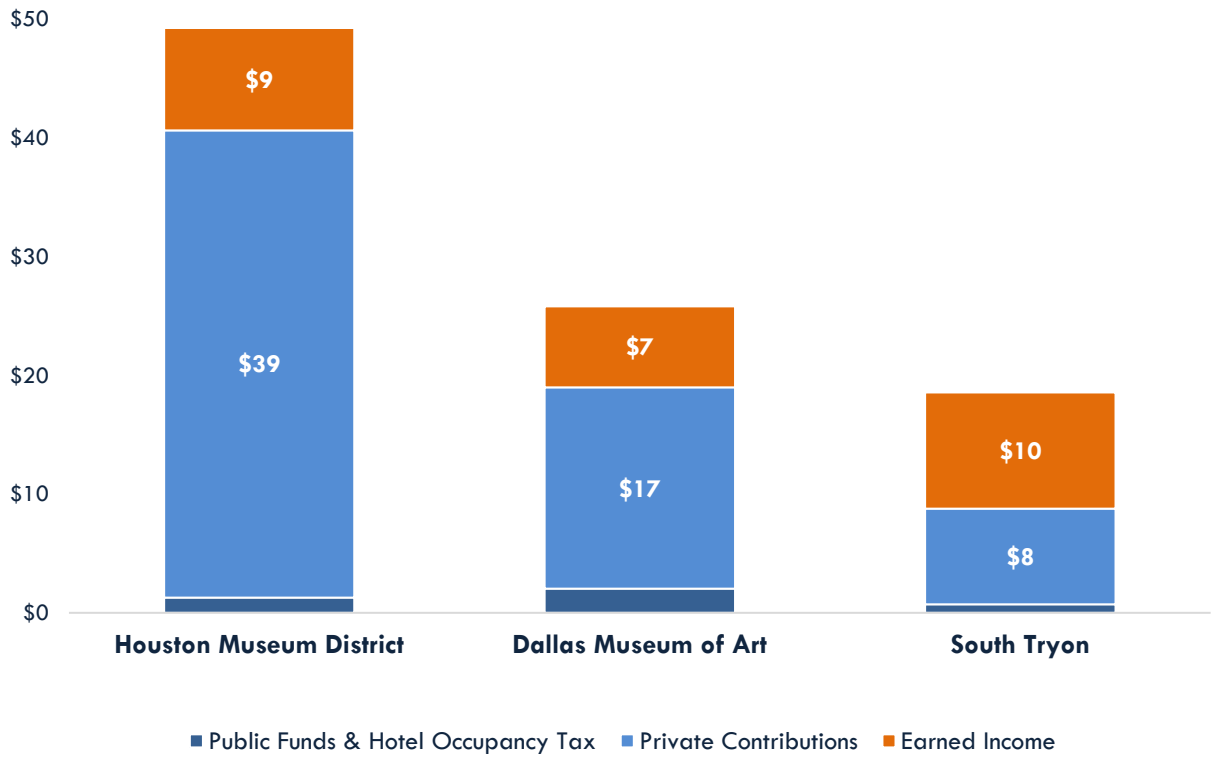
Deferred capital maintenance deficits will likely require an injection of one-time capital funding through philanthropic contributions or public investment. The City has had some success leveraging the promise of reduced future operating commitments to raise one-time funds for deferred maintenance. Dallas is providing millions in capital maintenance for Fair Park, primarily through the 2017 bond program, with the intention of attracting a private operator for its facilities. The one-time seed funding will enable a private entity to sustainably take over management and general operations.

[12] City of Dallas Facility Condition Assessment, November 2016.

A commitment to and actionable approach for proactive maintenance can both defray future capital costs and bolster the philanthropic community's willingness to partner with the City to close this one-time gap. Dallas's foundations, corporations, and individuals have the philanthropic capacity to fund the Arts District's deferred maintenance needs. A compelling vision for the future of the District, including a City commitment and plan for sustainable operations and proactive maintenance, can assuage donors' concerns about being in the same position two or three decades from now. New York's Central Park has been highly successful in overcoming significant deferred maintenance needs. After Central Park fell into a state of disrepair in the 1970s, a first-of-its-kind public-private partnership was formed between the City of New York and the new Central Park Conservancy to restore and revitalize Central Park.[13] $430 of the $550 million spent on deferred maintenance needs was privately raised.[14] Ultimately, the City's renewed commitment to Central Park and its willingness to collaborate with external partners spurred the necessary philanthropic funds for restoration.

HR&A believes that many (if not most) of our findings are applicable to most major Dallas Arts District venues and organizations but cautions that the bulk of our analysis focuses on performing arts venues. Visual arts venues in all three districts receive similar levels of public support per visitor ($1-2), even as the DMA's free-admissions policy constrains its capacity for earned revenue. While the lack of ticket revenues reduces the museum's overall income, the DMA earns comparable revenue from alternative sources: $7 per visitor from concessions, membership, and facility rental; compared with $5 and $4 in the Houston Museum District and South Tryon respectively. The Houston Museum District attracts a disproportionate level of private contribution per visitor due to generous philanthropic support for venues like the Museum of Fine Arts. Assuming that admissions remain free, and barring a substantial increase in philanthropic contributions, the DMA has constrained opportunities for revenue and operating efficiencies relative to its performing arts neighbors.

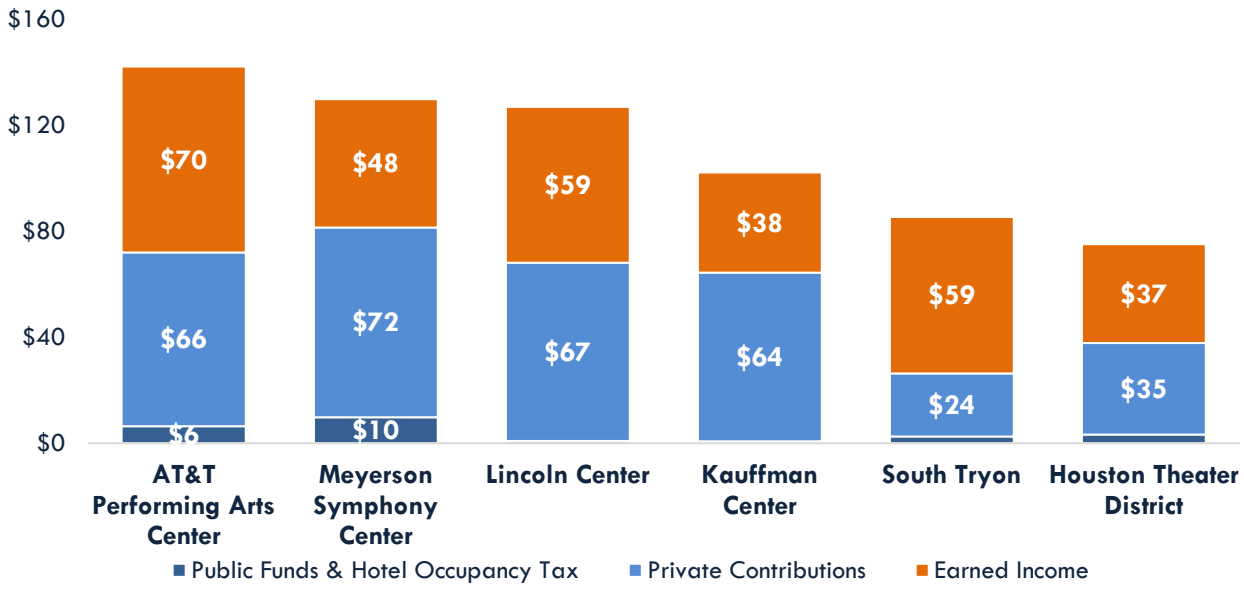
Figure 3: Revenue Composition of Museums and Visual Arts Venues Per Visitor



[13] Central Park Conservancy.
[14] "Restoring a Meadow to Grandeur," New York Times. 19 Sept 2011.

Performing arts venues in peer districts utilize a diverse array of funding and operating approaches, with best practices that could be applied to ATTPAC, the Meyerson, and Dallas's other performing (and visual) arts centers. With significant visitation and national prominence, the impact of small budget efficiencies can be amplified into world class culture that remains accessible to everyone in Dallas.

Figure 4: Performance Venue Funding per Visitor by Revenue Source



FINDINGS

1 | Earned Income Opportunities for Performing Arts Venues

Diagnosis: The Meyerson may have untapped earned income opportunities.

Ticket sales account for virtually all earned income at the Meyerson. As a probable consequence it is relatively more dependent on contributed income (63%) than is the norm for venues in peer districts (52%). While the major venues in each performing arts district rely on admissions for the bulk of their earned income, some have significantly diversified their revenue streams. At ATTPAC for instance, a robust concessions program brings in $15 per attendee, while memberships, and sponsorships account and facility rentals account for an additional $10. Lincoln Center brings in a substantial share of its earned income through memberships and sponsorships—a formula that works particularly well given its New York location and name-brand recognition. Note that while a membership program generates earned income, it may detract from ticket revenue due to discounts, free program offerings, or other benefits. While the Meyerson's $43 in earned income per attendee is higher than that of its peers in Houston and Kansas City, the venue has an opportunity to diversify its revenue stream through a stronger concessions program, untapped sponsorship and membership potential, and more facility rentals.

Figure 5: Earned Income Per Attendee by Revenue Source (2016) [15]

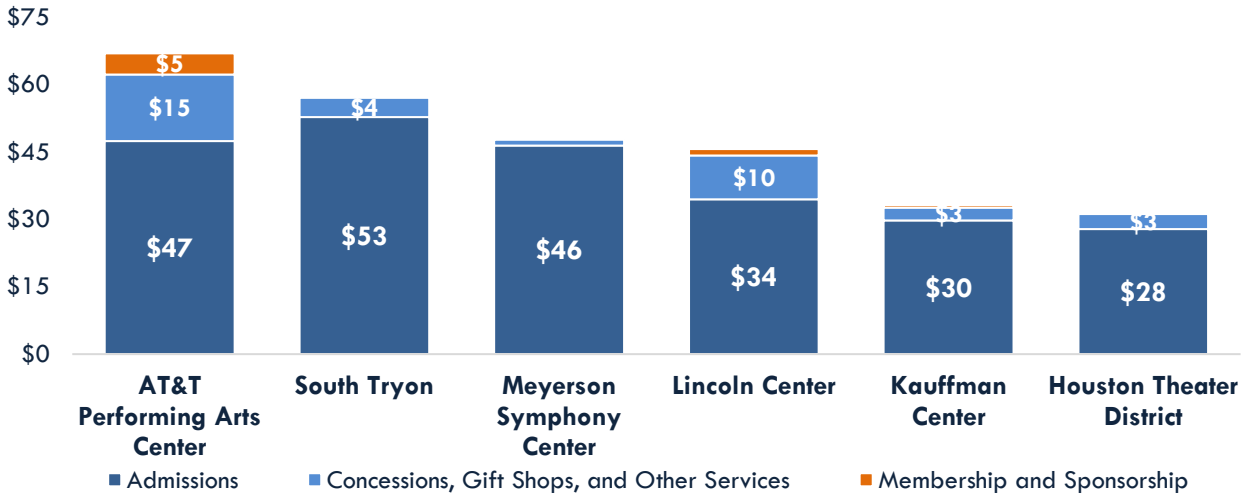
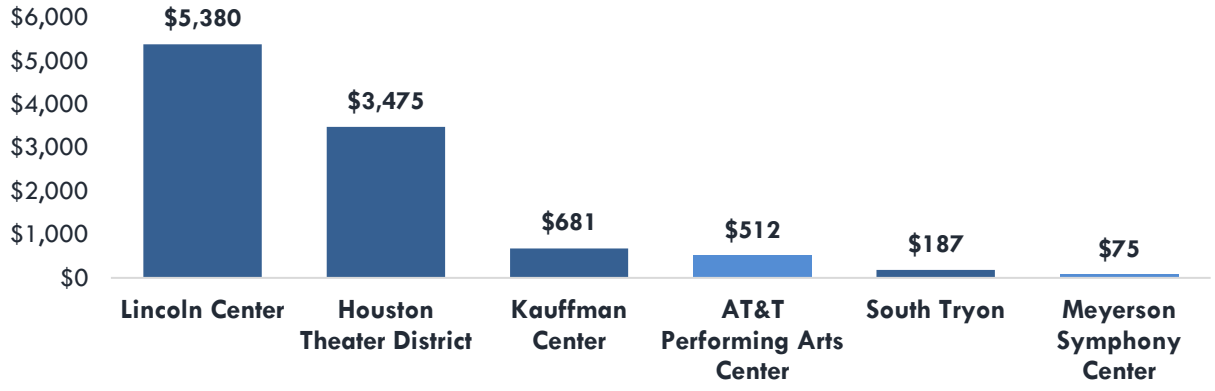
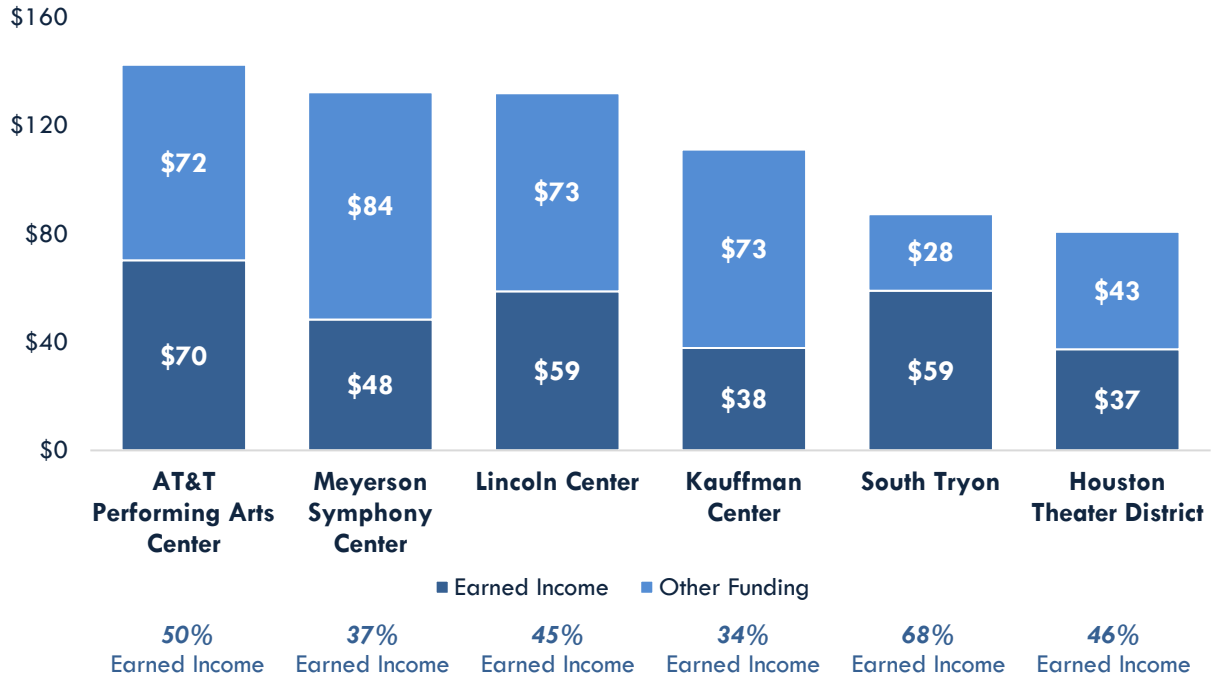


Figure 6: Facility Rental Income Per Seat (2016)



[15] Per-attendee earned income is exclusive of facility rental income, since facility rentals are independent of the amount of event attendees. Facility rental revenue is shown in Figure 6 by seat to reflect each venue's performance relative to size. Averaged out per visitor, facility rental increases ATTPAC's and the Kauffman Center's earned revenue by $5 each and the Houston Theater District's by $6. The per-visitor impact of the facility rental income is negligible for the others.

Figure 7: Earned Income as Share of Total Operating Funding per Attendee (2016)



PRESCRIPTION: The Meyerson and other performing arts venues in the Arts District should find ways to diversify their earned income beyond ticket sales.

Earned income diversification could occur through a combination of initiatives such as a more robust food and beverage program, a stronger merchandising presence, more special events, additional programming such as architecture tours, and higher membership rates. Doubling the amount of non-ticket revenue at the Meyerson (to levels still lower than its peers) would bring in over $600,000 in new revenue each year. We recommend that the OCA and its philanthropic counterparts engage with the Meyerson and other venues to better understand which revenue sources could be introduced or expanded, and work with those institutions to devise an actionable strategy for implementing best practices. OCA's role as manager of the Meyerson may require reconsideration due to City management constraints. OCA would work with the DSO to explore privatization possibilities.

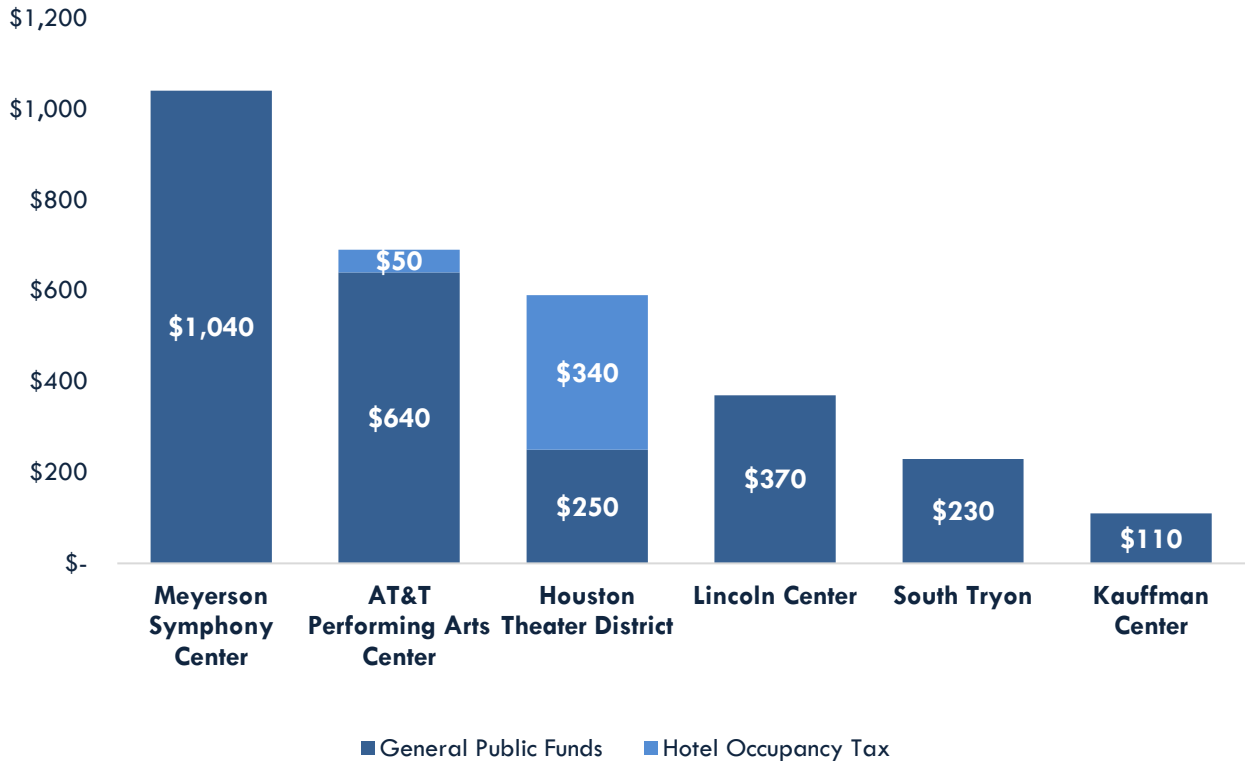
Beyond the revenue from operations, the Dallas Arts District has a number of vacant parcels that can be developed, leased, or sold to generate new revenue. In recent years, property dispositions from organizations have provided millions in one-time capital funds. In 2015, the Dallas Symphony Foundation sold a small parcel at the corner of Woodall Rodgers Freeway and Pearl Street, generating $7.2 million to the DSO. Vacant parcels, predominately on the east end of the district, can support temporary revenue-generating uses, such as surface parking or temporary event or exhibition space. These parcels could also be developed into higher-density uses that can provide a steady income stream for decades.

2 | Alternative Public Funding Models

Diagnosis: Major Dallas cultural venues create significant economic value that could be leveraged for funding.

The Meyerson and ATTPAC receive more public operating funds per seat than their national peers. Each venue receives roughly double the amount of general public funds as major cultural venues in peer districts. This is in part a product of the funding structure established at the time the venue's construction. The venues in peer districts such as South Tryon and Lincoln Center were created using public capital funds under agreements that other revenue sources would fund ongoing operations. ATTPAC, the Meyerson, and other Dallas venues took the opposite approach, a key reason why per-seat public operating funding is substantially higher for Dallas venues than it is elsewhere.

Figure 8: General Public Funds and Hotel Occupancy Tax Per Seat (2016)



Houston has used value capture mechanisms to boost public support, while limiting the draw on the City's general funds. The City of Houston supports cultural organizations and venues at a higher rate than all cities other than Dallas thanks to a local Hotel Occupancy Tax (HOT), which more than doubles the public funds received by major cultural organizations. The citywide HOT, 2% of which is exclusively dedicated to arts and culture, contributes over $15 million per year to four organizations that support and promote the arts directly through organizational grants, combined marketing efforts, and infrastructure improvements.

There are two public improvement districts (PIDs) that capture value generated by the Dallas Arts District: the Dallas Tourism PID and the Klyde Warren Park / Dallas Arts District PID.

- *The Dallas Tourism PID* brings in nearly $18 million per year through a 2% recovery fee on all hotel bills within city limits. Today, this pool is used mostly to fund convention sales, marketing, and events funding, with very little revenue allocated to support cultural venues or organizations. 7.5% of the Dallas Tourism PID budget ($1.13 million) flows to arts organizations and events, with facilities receiving indirect support.

- *The Klyde Warren Park/Dallas Arts District PID* receives less than $1 million per year, the majority of which is used for the park's operations and streetscape improvements to the surrounding blocks. Despite the name, very little revenue from this PID goes towards the arts venues and organizations that comprise the Dallas Arts District. While open space like Klyde Warren park supports increased property values and new development to a greater extent than cultural districts, both contribute to the overall quality of life for residents. With the Klyde Warren Park / Dallas Arts District PID, Dallas has a unique opportunity to capitalize on the substantial incremental value created by the park to benefit the entire cultural district.

PRESCRIPTION: Dallas should pursue value capture mechanisms for visitor spending in and around the Dallas Arts District.

A tax or fee targeted at non-residents would ensure that the visitors who patronize Dallas's downtown cultural assets also contribute to the city's wider cultural ecosystem. A 0.5% increase to the 2% Dallas Tourism PID, for example, would bring in over $4 million of new funding per year that could either go to institutions, events, and organizations citywide—raising funding levels for these groups without any reduction in support for Arts District venues. Alternatively, cultural priorities could receive additional HOT revenue starting in 2020, when the 30% of HOT earmarked for the Kay Baily Hutchinson Convention Center is slated for renegotiation.

Another way to increase PID revenues is by expanding the fee to apply to short-term rentals such as Airbnb and HomeAway. In 2017, Airbnb rentals in Dallas grew by 34%, to over 17,000 bookings and $1.5 million in total revenue.[16] While applying a 2% PID fee to $1.5 million would not amount to much new funding today, home-sharing's rapid growth suggests that it could be a significant funding opportunity in the future. A new recovery fee could also be applied more locally through the Klyde Warren Park / Dallas Arts District PID or through new mechanisms such as airport fees. Any of these programs could ensure that a higher share of the benefits generated by the Dallas Arts District are disseminated to organizations and venues citywide.

[16] AirDNA.

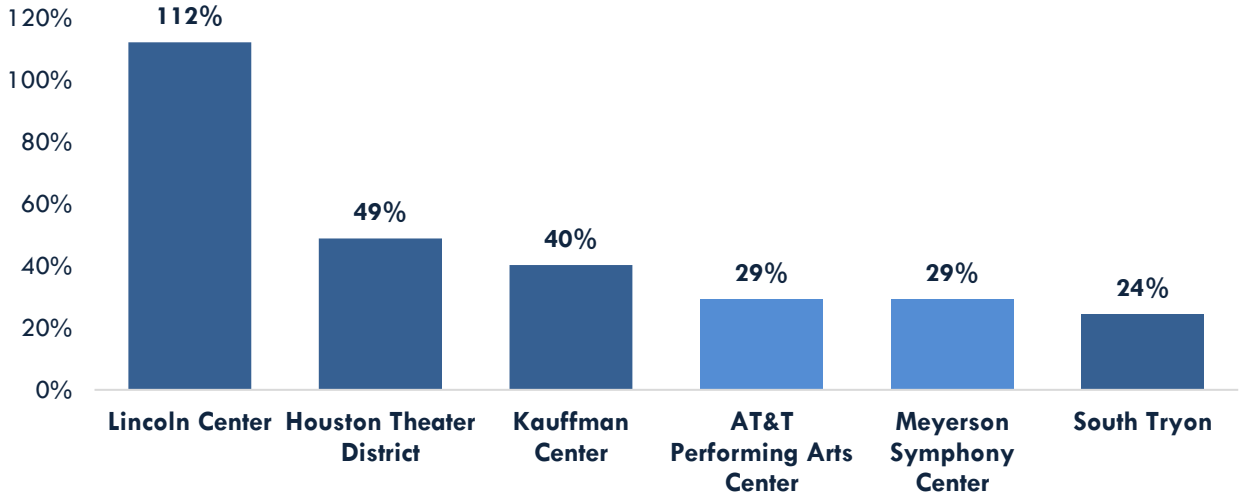
3 | Untapped Revenue Potential Through More Efficient Use of Space

Diagnosis: The Dallas Arts District can more efficiently use its venues for revenue-generating events.

Major cultural venues in peer districts have successfully used a variety of tools to increase their capacity to host revenue-generating events. Performing arts venues can be used for a multitude of events and programs: from public performances, to speaker series, rehearsals, classes, and private events. Lincoln Center is especially effective at maximizing the use of its spaces through ticketed events. With more than one attendee per available seat per day, Lincoln Center takes advantage of matinees and other opportunities to use a single venue multiple times in 24 hours.

Many venues host a number of activities, including rehearsals, workshops, and set-design, that limit their capacity to host ticketed or other public-facing events. ATTPAC and Kauffman, for example, are both home to back-stage arts training schools where students learn set design, lighting, sound, and other skills that require the use of a performance space. Note that HR&A analyzed utilization across venues in performing arts districts by dividing the average daily attendance by the total number of available seats. The utilization ratio below is not intended to reflect share of time that a venue is in use, but rather to contrast the relative success of these venues at both making their space available for ticketed or otherwise public events and attracting people to attend.

Figure 9: Utilization of Performing Arts Venues in Peer Districts[17]



ATTPAC has capitalized on opportunities to boost its utilization through intelligent calendaring. ATTPAC uses a state-of-the-art calendaring system that gives resident organizations and other users detailed insight into availability and specifications of spaces across all ATTPAC venues, offering greater flexibility for performances and rehearsals.

Revenue sharing has facilitated a more efficient scheduling balance between Lincoln Center and its resident institutions. Resident organizations including the Dallas Opera, the Dallas Theater Center, the Dallas Black Dance Theater, and the DSO at the Meyerson "control the calendar," maintaining first rights to space on a given night. Even without a performance, a resident institution often requires use of the venue for rehearsals, set construction, and other obligations. To ensure that the space is used efficiently, Lincoln Center's umbrella organization, Lincoln Center, Inc., has an agreement with the New York Philharmonic, David Geffen Hall's primary resident institution, to share in both the operating surpluses and deficits of the venue on an annual basis. If the venue runs an operating deficit in a given year, the Philharmonic bears a portion of that cost approximately equal to its share of usage of the space. Thus, the Philharmonic is incentivized to work with Lincoln Center, Inc. to free up dates that can generate operating revenue for the venue. This arrangement

[17] Utilization ratio equals annual visitors divided by number of seats, multiplied by 365

allows Lincoln Center, its venues, and its resident institutions to tap into rental income for a significant portion of its earned revenue—7% compared to 1% of total earned revenue at the Meyerson.

Both Lincoln Center and ATTPAC have had success renting out their spaces to corporations and other organizations. Performing arts venues must strike a balance between supporting their resident organizations and generating enough revenue to remain sustainable. Venues like ATTPAC and Lincoln Center's David Geffen Hall achieve this by renting space to third parties on days when neither they nor one of their resident institutions need the space for a performance or other event. ATTPAC has also scheduled front-of-curtain events such as speaker series, panels, and screenings to take advantage of venue space while set construction is underway.

The near-term revenue benefits of freeing up venue capacity can be consequential but are limited by regional demand. ATTPAC and the Meyerson compete with other nearby venues and rental spaces for large events. Competition includes large exhibition spaces such as the Dallas Convention Center, Fair Park and the American Airlines Center as well as downtown venues like the Belo Mansion, the Statler Hotel, and the Omni Hotel. New state-of-the-art performing arts venues are cropping up in nearby cities like Frisco and Arlington, consuming local market-share for touring acts and event rentals, and in some cases issuing restrictive non-compete clauses on the artists they host.

PRESCRIPTION: Leverage revenue incentives and flexible spaces to maximize programming opportunities.

Other Dallas performing arts venues can follow ATTPAC's lead by finding creative ways to maximize programming through unconventional spaces and front-of-curtain events. In the longer term, OCA can pursue a more nuanced calendaring agreement between the Meyerson and the Dallas Symphony Orchestra that includes a mutually beneficial incentive structure that facilitates a more efficient use of space. Additionally, investment in soundproofing, parking, and other infrastructure could increase the district's capacity for hosting multiple large events at once. For example, soundproofing investments would allow Strauss Square and other outdoor venues to host programming at the same time as the neighboring Meyerson without the noise concerns of two overlapping programs.

Many of the Arts District facilities have extra spaces that can be shared for rehearsals, educational, and other back-of-house events to free up additional days for events in the major theater spaces. Musical and theatrical productions often rehearse in performance spaces when viable non-performance spaces are available elsewhere in the district. Stronger districtwide—and citywide—collaboration between venues and organizations would more efficiently allocate performance and rehearsal space. As a next step, OCA and each venue should examine the one-time costs of outfitting available spaces with appropriate lighting and audiovisual capacities relative to the additional ongoing revenue they could generate by freeing up performance space. Each of these efforts could be paired with a long-term marketing strategy to ensure that newly freed-up space is filled efficiently, without sacrificing the artistic quality that mission-driven organizations like ATTPAC and the Meyerson require.

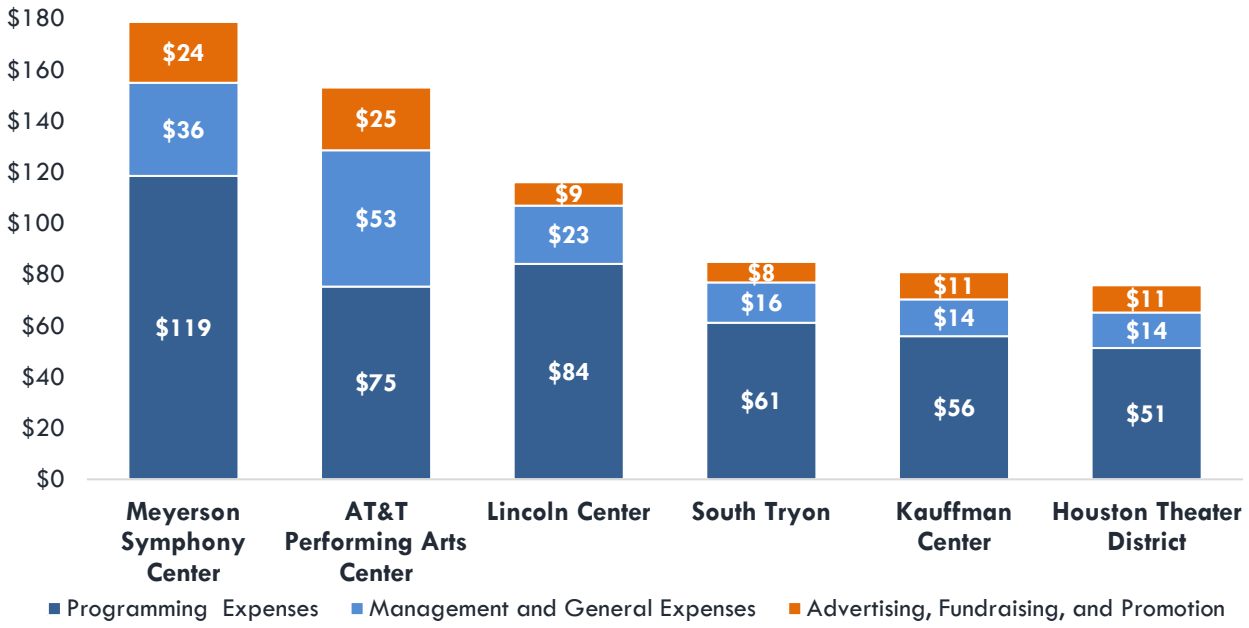
4 | Operational Expense Allocation

Diagnosis: Dallas' major performing arts venues spend more per visitor than other performing arts districts.

Both ATTPAC and the Meyerson spend over $150 per visitor, about 50% more than the next highest peer. Per-visitor expenses are indicative of a number of factors—including program quality, attendance size, and commitment to free or subsidized programming.

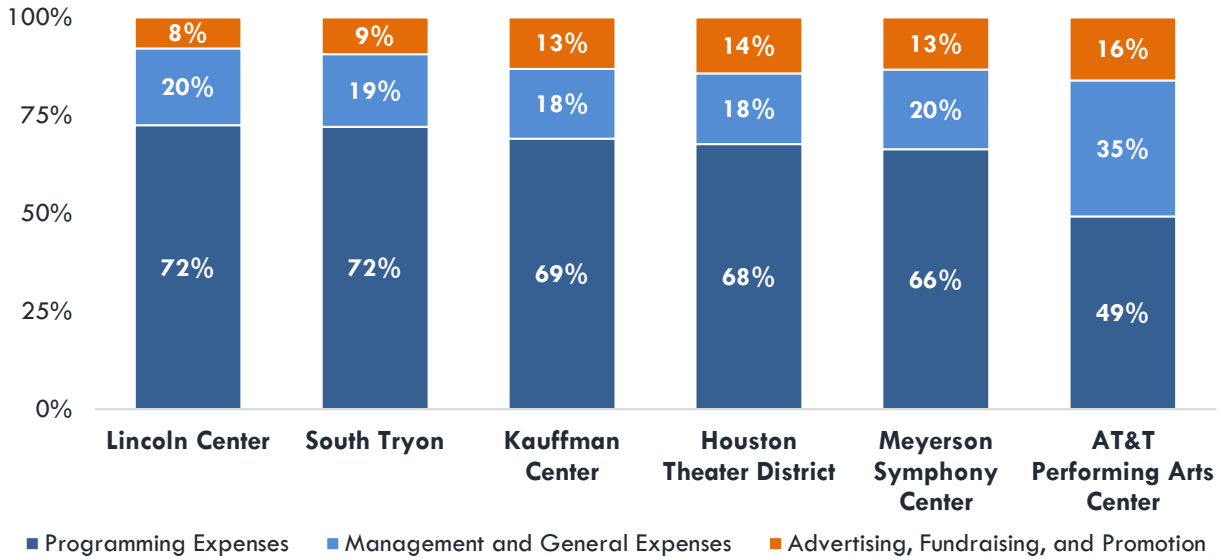
Much of the Meyerson and ATTPAC's added costs are on management expenses and advertising, fundraising, and promotion. Management expenses, such as administrative overhead and maintenance, comprise 51% and 34% of per-visitor expenses for the Meyerson and ATTPAC respectively, compared to just 30% for their peers. Additionally, both ATTPAC and the Meyerson are spending more than twice as much as the other districts on marketing functions like advertising, fundraising, and promotions. While these expenses are integral to the operation of each venue, cost efficiencies here have a lower risk of affecting the quality of programming. The substantially lower per-visitor cost for the peer group indicates that similar levels of programming are sustainable with a smaller investment in management, fundraising, and advertising. Costs that directly affect ATTPAC and the Meyerson's core competencies—the production of world-class performances and other programming—are more closely in line with peers and would be challenging to reduce without sacrificing artistic quality.

Figure 10: Expenses Per Visitor for Performing Arts Venues[18]



[18] *Programming Expenses:* All expenditures directly related to the core services provided by the venue. This includes production costs, talent salaries, royalties, facilities costs, and salaries for all employees who directly influence programming. *Management and General Expenses:* All expenditures related to the general operations and management of the venue. This includes office expenses, insurance, and salaries for all employees who are involved in management or other general operations. *Advertising, Promotion & Fundraising:* All expenditures directly related to advertising, promotion, and fundraising. This includes salaries and wages for labor dedicated to fundraising and all advertising costs.

Figure 11: Expense Composition by Use



South Tryon and Lincoln Center have each found ways to share operational overhead between venues and organizations. Like any major building, performance spaces and other cultural venues require a complex system of supporting infrastructure. At Lincoln Center, an umbrella organization called Lincoln Center, Inc. controls a central HVAC system, negotiates utilities, and maintains the central public plaza—charging each venue a portion of the overall cost based on their share of overall visitation and revenue. South Tryon operates on a similar model—while there is no central entity, a "Master Declaration" written in consultation with the resident institutions, the City, and philanthropic stakeholders dictates an allocation of costs for the maintenance of the district's public spaces, operations of its central HVAC system, and use of a shared underground parking lot and loading dock. A property manager manages these systems and bills the venues according to usage. The benefits of these efficiencies are seen in their low management expense costs—only $23 and $16 per attendee compared with $32 and $53 for the ATTPAC and Meyerson.

Other City-owned facilities in Dallas, including the Moody Performance Hall and the Majestic Theater, have added a per-ticket facility preservation fee that is allocated to a dedicated facility fund to support ongoing repairs and maintenance. A $1.50 per-ticket fee at the Moody Performance Hall generates an additional $125,000 annually for maintenance, in addition to facility funding raised through a similar corporate event surcharge. In contrast, all minor maintenance costs at ATTPAC and the Meyerson come from a general operating fund. According to the 2016 Facility Conditions Assessment, the Moody Performance Hall has $6.2 million in capital maintenance needs, less than 7% of its older Dallas Arts District peers, the Meyerson and DMA. While much of this difference is attributable to the facilities' relative age, a dedicated facility fund is an effective tool to ensure the maintenance is quickly and cost-effectively addressed.

District-wide efficiencies are sometimes possible for fundraising efforts and sponsorship opportunities through the creation of a compelling shared brand for the district. For example, the establishment of a consolidated cultural hub in Charlotte at South Tryon was appealing enough to attract shared philanthropic and corporate support for the district as a whole. Through Wachovia's leadership, the district raised an $83 million endowment that would support all its venues' and organizations' ongoing operations. At Lincoln Center, Lincoln Center, Inc. has set up a general fund for corporate fundraising, leveraging the Lincoln Center brand for sponsorship opportunities that may not be accessible to each venue or organization alone. The fund allocates revenue to venues based on the same proportions established for the cost sharing of shared resources.

PRESCRIPTION: Operational efficiencies can be realized through shared management and overhead.

While the key artistic operations of each venue and organization within a cultural district should remain separate, there is ample opportunity in the short term to consolidate and share non-core requirements such as parking, security, and janitorial staff. In the longer term, more complex functions such as HVAC operations, utilities infrastructure, human resources, accounts payable, and training may also be shared at the district scale. Many of the Dallas Arts District's largest venues are adjacent to one another.

Districtwide mechanisms to incentivize cost efficiencies at each venue could also reduce costs in the long term. A dedicated facility fund would ensure consistent support for repairs and maintenance before problems escalate and require more significant capital investment. Similarly, more robust membership programs could reduce the need for promotion, advertising, and fundraising—bringing the cost for these functions closer to that of peer districts.

A centralized entity or agreement would enable some of these functions to be shared to reduce costs for each venue and organization in the long run. We recommend that OCA work with Dallas Arts District venues, resident organizations, and the philanthropic community to pursue opportunities to consolidate operational expenses in the short and long terms.

5 | DIFFERING CULTURAL VENUE CONTRACTS

DIAGNOSIS: Public support for Dallas's cultural venues reflects outdated practices.

Many of the Dallas Arts District largest venues—including ATTPAC, the Meyerson, and the DMA—were constructed at a time when public entities felt strongly that their support of the arts should in no way influence artistic decision making. While the City could back the arts through ongoing operational support, the prevailing understanding was that construction and design of these artistic venues should be the product of the city's artistic and philanthropic community, not its government. The rationale behind this approach is noble and logical, but it has had the effect of earmarking funding to specific venues in perpetuity, thereby confining funding to these major facilities and limiting the City's flexibility to adapt to evolving cultural priorities. To avoid similar constraints, peer cities have since approached cultural funding differently—focusing venue support on one-time capital improvements, with limited obligations to support ongoing operations.

Cultural institutions in Charlotte had historically received public support similarly to in Dallas, with public sources footing the bill for ongoing operation and maintenance of facilities. The development of South Tryon in the early 2000s successfully changed this regime. Through negotiations led by Wachovia—the current landowner and a significant philanthropic presence for arts and culture in Charlotte—the City and a handful of major cultural organizations agreed to an arrangement whereby each venue would be responsible for its own operations and maintenance. In return, some organizations received new facilities while Discovery Place received sufficient funding to cover extensive deferred maintenance costs. Organizations also received continued operating support through the creation of a $83 million operating endowment.[19] Charlotte recognized that while its largest museums and performing arts centers are essential economic drivers, funding their ongoing operations was limiting the City's funding capacity for organizations, events, and other cultural experiences that could reach a wider and more diverse population, while also limiting the potential for philanthropic support of first rate institutions.

PRESCRIPTION: Leverage future capital needs or other key junctures to renegotiate operating contracts.

A similar paradigm shift to what happened at South Tryon is possible in Dallas in the long term through the voluntary collaboration of venues, resident organizations, and the City. This collaboration could be facilitated through philanthropic participation that encourages shared costs and revenues, or it could happen at a key moment such as a deferred maintenance capital investment, new facility, or contract extension. A revised operating contract could go beyond a renegotiated funding approach to provide stronger assurances about transparency, diversity, inclusion, accountability to cultural equity, and more. Furthermore, a capital maintenance schedule and sustainable funding structure should be incorporated to avoid another back-log of deferred maintenance.

OCA should lead the creation of a framework for a new operational regime that is fair and feasible for all parties involved, which would form the basis of upcoming contract renegotiations. OCA and the philanthropic community can use this model to more equitably distribute support amongst organizations both across the Arts District and citywide. The philanthropic community could support such a transition by raising a one-time operating endowment akin to South Tryon's that would match previous levels of City operating support for an extended transition period. Initial conversations with the philanthropic community could lay the groundwork for a sustainable shift in support for cultural facilities.

[19] The arrangement was structured so that Wachovia, the existing landowner, developed the new venues (along with a new residential tower above the Mint museum). Wachovia then sold the completed structures at cost to the City, who leases them to the host institutions for $1 per year.

EXHIBIT B



CULTURAL POLICY OF THE CITY OF DALLAS

November 28, 2018

_____

As recommended by the
Cultural Affairs Commission of the City of Dallas

Approved by the
City Council of the City of Dallas
by Council Resolution No. 18-_____
on November 28, 2018

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Section 1. Vision, Mission Statement, and Guiding Principles

A. Vision.

An equitable, diverse and connected community, whose residents and visitors thrive through meaningful arts and cultural experiences in every neighborhood across Dallas.

B. Mission.

The Office of Cultural Affairs works to enhance the vitality of the city and the quality of life for all Dallas residents by creating an equitable environment wherein artists as well as arts and cultural organizations thrive; people of all ages enjoy opportunities for creative expression; and all celebrate our multicultural heritage.

Our mission is to support and grow a sustainable cultural ecosystem that ensures all residents and visitors have opportunities to experience arts and culture throughout the city.

C. Guiding Principles.

(i) The Office of Cultural Affairs aims to:

(1) Develop, implement, administer and promote programs or initiatives that support its mission and that reflect its commitment to cultural equity as well as the City of Dallas's core values of empathy, ethics, excellence, and equity.

(2) Provide equitable access to artistic and cultural experiences that meet individual and community needs for residents across the city.

(3) Recognize, honor, and celebrate the full breadth of Dallas' and Dallas residents' rich cultures and creative expression; these cultures and creative expression must flourish at all times in a democratic society.

(4) Partner with artists, organizations, funders, and other government agencies to dissolve boundaries, promote better human relationships, build a sense of community, reduce conflict, encourage cooperation and promote harmony.

(5) Understand and meet the needs of historically marginalized groups and individuals, including children, artists and organizations from ALAANA and LGBTQIA+ identities, those with disabilities, immigrants regardless of citizen status, and those who are socioeconomically disadvantaged.

(ii) To accomplish this, the Office of Cultural Affairs will strive to:

(1) Work in partnership with artists, organizations, the public, the Cultural Affairs Commission, and City Council to continuously improve policies, procedures and programs in recognition that the work is never done.

(2) Advocate for the necessary capital and operating resources within the City of Dallas to accomplish its mission.

(3) Encourage collaborations, communication, and community building between and among arts and cultural groups and artists, as well as connections to educational institutions, civic organizations, public agencies and private enterprises.

(4) Ensure that the perspective of arts and culture and artists is integrated into the planning and operations of relevant City of Dallas groups and services.

(5) Network among and convene artists, arts and cultural organizations, partners, and funders to build community, enhance communication, and work together to promote the sector as a whole and grow together as an ecosystem.

(6) Establish a long-range plan that proactively addresses and funds capital and operating needs of City-owned facilities, and periodically review or revise the plan, including a full review of the Cultural Policy every five years and a full review of the Cultural Plan in no more than ten years.

Section 2. Commitment to Cultural Equity

A. Statement on Cultural Equity.

In Dallas, we envision a city of people whose success and well-being are not pre-determined by their race, age, disability, sexual orientation, gender, social status, zip code, or citizenship status. We recognize that artistic and cultural expression are fundamental to the development of our identity, as individuals and as a community at large. We assert the right for all people to have access to arts and cultural experiences throughout Dallas.

We recognize the historic legacies of racism, overt bias and injustice that shape our present reality. In fact, the City of Dallas' arts funding originated to support organizations of the Western European canon, collectively referred to as "The Big Six."[1] Going forward, we will strive to support the broadest range of art forms and creative producers, considering inclusivity, diversity and neighborhood impact to direct resources equitably to artists and organizations. We will work to build a robust arts ecosystem that continually evolves to better reflect the diverse composition of Dallas. Towards this end, we recognize and affirm the potential of new and emerging artists and organizations.

The Office of Cultural Affairs will serve as convener and connector to catalyze equity in the policies and practices of its partners across the Dallas arts ecosystem. Core to this is leading other organizations and private resource providers to advance diversity, equity and inclusion in concrete, measurable ways. Annually, the Office of Cultural Affairs will summarize its own support for artists and arts organizations, highlighting measures of equity and diversity.[2]

As we work together to create a more vibrant Dallas, the Office of Cultural Affairs is committed to nurturing the wide diversity of creative culture and experiences that make up this great city.

[1] Note: "The Big Six" were the Dallas Ballet (no longer exists), the Dallas Opera, the Museum of Fine Arts (Dallas Museum of Art), the Dallas Health and Science Museum (Science Place, now part of the Perot Museum of Nature and Science), the Dallas Symphony Association, and the Dallas Theater Center. In 1977, these six organizations received over 90% of the OCA equivalent organizational support, and 1.26% of total funds were awarded to four "ethnic" organizations. The Office of Cultural Affairs was established in 1989.

[2] This annual report shall, at a minimum, appear in the Annual Report of the Cultural Affairs Commission.

B. Definitions (Based on Grantmakers in the Arts definitions as of 2018). In this section:

(i) ALAANA means African, Latinx, Asian, Arab, and Native American. This also includes Native Hawaiian and Pacific Islander (category as defined by the US Census Bureau).

(ii) ALAANA Organizations means an ALAANA organization is one whose primary intentions, practices, and mission are by, for, or about ALAANA artists, cultures, and communities. The word "for" refers to the intention of the organization to perpetuate, promote, and present art that is representative of an ALAANA culture and people and/or is given form by ALAANA artists.

(iii) Cultural Services Funding mean funds awarded through contracts via annual cultural services support programs, as defined in Section 5 of this Cultural Policy, whose funding guidelines are approved by City Council. This includes organizational support, project support for artists and organizations, neighborhood engagement support for artists and organizations, and artist residencies.

(iv) Diversity (as relates to board goals) means the percentage of non-majority (based on race/ethnicity) members of a board. For example, if the goal is at least 30% diversity on a board, an organization meeting that goal must have no more than 70% of any one racial/ethnic group on their board.

(v) LGBTQIA+ means Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and other associated communities.

(vi) Urban Core Arts Destinations Neighborhoods means neighborhoods identified in the 2018 Dallas Cultural Plan that have a high concentration of OCA-funded arts and cultural experiences, and a high level of access to public art and dedicated cultural venues.

C. Five-year goals to advance equity, diversity and inclusion by 2023:

(i) At least 40% of cultural services funding to ALAANA Organizations or artists. This goal is based on findings from the study conducted by the consulting team as part of the *Dallas Cultural Plan 2018*.

(ii) Renegotiate largest legacy facility master agreements to release more resources for equitable distribution.

(iii) Begin measuring and tracking the number of funding applicants, funding recipients, and the amount of funds awarded to those who voluntarily choose to self-identify as members of other historically marginalized groups, e.g., LGBTQIA+.

(iv) Pilot and track neighborhood impact of new programs that increase the number of cultural experiences outside of Urban Core Arts Destinations Neighborhoods.

(v) For organizations funded through the Organizational Support program:

(1) 100% of organizations funded through this program have board-approved safe workplace policies (including, but not limited to, anti-discrimination and anti-harassment policies).

(2) 100% of organizations funded through this program have a policy and measurable goals related to equity, diversity and inclusion that is board-approved and published on their website.

(3) At least 30% board Diversity for organizations with an operating budget of $5M and above.

(4) At least 20% board Diversity for organizations with an operating budget of $1M-5M.

(5) At least 10% board Diversity for organizations with an operating budget of $500K to 1M.

(6) Urge organizations with operating budgets over $1M to offer paid internships with livable wages to increase the diversity of the pipeline for future arts leaders.

Section 3. Procurement of Cultural Services

A. Cultural services, as defined in this document under Section 4: Cultural Disciplines, shall be procured in accordance with state law, Dallas City Code Chapter 2, and Administrative Directive 4-5 (Contracting Policy). It is the intent of this policy that, to the greatest extent possible, artists and cultural organizations providing services through the Cultural Services Contract program be recommended by a review panel of individuals that have expertise, knowledge, or demonstrated interest in arts and culture.

B. The process for selection of cultural services shall be defined in the cultural support program guidelines, calls-for-artists, or requests for proposals, whichever the case may be; however, at a minimum, the selection process shall conform to this policy:

C. Review Panels.

(i) The Review Panel should, to the greatest extent possible, reflect the diversity of the City of Dallas, without sacrificing expertise, knowledge, or demonstrated interest in arts and culture.

(ii) Nominations to Review Panels shall be provided by interested members of the public, the Public Art Committee, the Cultural Affairs Commission, and City staff. In no instance shall a City employee, Cultural Affairs Commissioner, or other City official be a voting member of a review panel, except in the following situations:

(1) Review Panels for ad-hoc cultural services and cultural services at OCA-managed neighborhood cultural centers may consist of City staff at the discretion of the Director.

(2) Review Panels for the consideration of a public art commission or for the consideration of Neighborhood Engagement Support may have one City employee serve as a voting member of the panel.

(iii) Review Panel members shall be independent, impartial, and responsible only to the people of the city and shall comply with the Code of Ethics in Chapter 12A of the Dallas City Code including, but not limited to, recusal and disclosure provisions. Panelists should strive to avoid the appearance and risk of impropriety.

(1) In addition to the conflicts defined in the Code of Ethics in Chapter 12A of the Dallas City Code, a panelist shall have a conflict of interest when he or she has a current relationship or a past relationship within the preceding 12 months with an applicant being reviewed by that panel; this conflict of interest also extends to panelists who have immediate family members who have a current or past relationship within the preceding 12 months with an organization being reviewed by the panel. In this section:

(a) Affiliate Relationship means a role as a director, trustee, salaried employee, ongoing volunteer, client or other affiliated exchange from the panelist's association with the applicant organizations or individuals

(b) Economic Relationship means a role in which the panelist or immediate family member is paid by an applicant (staff or contract work) or otherwise has a direct financial interest related to that applicant organization or individual.

(c) Adversarial Relationship means a relationship in which the panelist has an adversarial relationship with an applicant, including but not limited to, direct competition, and past or ongoing litigation.

(2) For situations not defined above or in which a question arises as to the nature of the conflict, the Director of Cultural Affairs shall have the authority to decide on whether a conflict between a panelist and an applicant exists.

(iv) Review Panels for consideration of Organizational Support shall consist of no fewer than five members, which shall be recommended by the Cultural Affairs Commission.

(v) Review Panels for consideration of all other cultural support programs described in Section 5 (D) of this policy shall consist of no fewer than five members, which shall be recommended by the Allocations Committee of the Cultural Affairs Commission.

(vi) Review Panels for consideration of public art commissions shall consist of no fewer than five members, which shall be recommended by the Public Art Committee.

(vii) For cultural services at OCA-managed neighborhood cultural centers, ad hoc Review Panels shall consist of no fewer than three members, which shall be recommended by the relevant OCA manager and approved by the Director.

D. Selection Process.

(i) Review Panels shall review the cultural support program guidelines, calls-for-artists, or requests for proposals, whichever the case may be, all qualified submitted applications or proposals, and presentations, and score the submissions based on the criteria set forth in the originating instrument.

(ii) For Organizational Support, both the Allocations Committee and the full Cultural Affairs Commission shall consider applications and Review Panel and administrative scores, and provide recommendations to the Director.

(iii) For all other support programs, at a minimum, the Allocations Committee of the Cultural Affairs Commission shall consider applications and Review Panel and administrative scores, and provide recommendations to the Director.

(iv) For cultural services at OCA-managed cultural centers, the cultural center manager shall consider applications and Review Panel and administrative scores, and provide recommendations to the Director.

(v) The Public Art Committee shall consider proposals and Review Panel and administrative scores for public art commissions, and provide artist selection and design recommendations to the Cultural Affairs Commission.

(vi) The Cultural Affairs Commission shall consider proposals, Review Panel and administrative scores, and Public Art Committee recommendations, and provide artist selection and design recommendations for public art commissions to the Director.

(vii) Procurement of cultural services shall be governed by Chapter 2 of the Dallas City Code.

Section 4. Cultural Disciplines

A. The following are recognized as artistic and cultural disciplines, and organizations and individuals proposing services related to any one of these fields or a combination of these fields are eligible for consideration for support under these guidelines. The definitions are based on National Endowment for the Arts and National Endowment for the Humanities disciplines as defined as of August 2018 and may be updated in subsequent revisions to policy to reflect the latest definitions put forth by these organizations or by other qualified authoritative bodies.

(i) Artist Communities – Artist Communities means organizations, whether focused on a single discipline or multidisciplinary, whose primary mission is to provide artist residencies. These organizations may provide space, time, and resources to artists for incubation, thought, or creativity in a retreat setting in an urban or rural location; foster and support the creative process of art making by providing studio facilities and assistance with living accommodations to enable artists to live and work concurrently; utilize a competitive application process to recruit and select participants; and rotate a wide range of artists in order to encourage the highest standards of creativity.

(ii) Art Conservation - Conservation encompasses actions taken toward the long-term preservation of cultural property. Conservation activities include examination, documentation, treatment, and preventative care, supported by research and education.

(iii) Arts Education – Arts education is learning through arts experiences. Arts Education may be in any artistic discipline.

(iv) Dance - American dance is encyclopedic in scope and international in its aesthetic traditions. This includes all forms of professional dance, and the work of dance companies and presenters. Dance projects may represent a multiplicity of forms, styles, techniques, and histories that come from every continent in the world and the many different styles -- ballet, modern dance, jazz, folkloric, tap, hip-hop, and other contemporary forms. Folkloric may encompass dance forms historically practiced by different ethnic or cultural groups.

(v) Design - The design field encompasses many disciplines including, but not limited to, architecture, communications and graphic design, fashion design, historic preservation, industrial and product design, interior design, landscape architecture, planning, universal design, rural design, urban design, and stage design (e.g., scenery, costume, lighting, sound, projection, multimedia used in virtually all performance art).

(vi) Folk & Traditional Arts - The folk and traditional arts are rooted in and reflective of the cultural life of a community. Community members may share a common ethnic heritage, cultural mores, language, religion, occupation, or geographic region. These vital and constantly reinvigorated artistic traditions are shaped by values and standards of excellence that are passed from generation to generation, most often within family and community, through demonstration, conversation, and practice. Genres of artistic activity include, but are not limited to, music, dance, crafts, and oral expression.

(vii) Literature – Literature is writing considered to be an art form. Major forms include, but are not limited to, poetry, prose, drama, spoken word and storytelling.

(viii) Media Arts - Media arts, as defined by the National Endowment for the Arts, includes screen-based and print projects presented via film, television, radio, audio, video, the Internet, interactive and mobile technologies, video game consoles, transmedia storytelling, and satellite as well as media-related printed books, catalogues, and journals.

(ix) Museums – Museums are institutions that typically exhibit, preserve, and interpret visual material through exhibitions, residencies, publications, commissions, public art works, conservation, documentation, services to the field, and public programs.

(x) Music - The City of Dallas recognizes and supports a wide range of music, from classical to contemporary to America's indigenous jazz. It supports both performing ensembles and music presenting institutions including chamber music ensembles, choruses, early music programs, jazz ensembles, music festivals, and symphony orchestras. Additionally, this discipline includes music production, presentation, and service projects.

(xi) Opera - Opera is a multifaceted art form that comprises music and text to move a story or dramatic concept forward. The opera genre encompasses music of many periods from the works of Monteverdi, Pergolesi, Gluck, Rossini, Mozart, Verdi, and Puccini to the works of Benjamin Britten, Carlisle Floyd, Philip Glass, and beyond. This discipline includes the work of opera companies and other organizations that professionally produce fully-staged and concert operatic works.

(xii) Presenting & Multidisciplinary Works - This area supports artistic works and events that present multiple disciplines, combine and/or integrate art forms, explore boundaries between art disciplines, fuse or transcend disciplines, and look to new forms of expression. Multidisciplinary and cross-disciplinary art forms may include performance art, interactive and participatory works, multimedia performance, and arts/science collaborations that go beyond the boundaries of a traditional art form.

(xiii) Theater & Musical Theater – Theater and Musical Theater are the public presentation of plays and musicals from all cultures and periods. This encompasses the entire spectrum of the nonprofit theater and musical theater field, including the production or presentation of traditional or classical repertoire, new plays and musicals, development laboratories, showcases, artist residencies, work for young audiences, experimental work, community-based work, outdoor historical dramas, and puppetry.

(xiv) Visual Arts – Visual arts include painting, sculpture, photography, printmaking, drawing, craft, etc. Also included in this discipline is work that encourages individual artistic development, experimentation, and dialogue between artists and the public through the curation of exhibitions, residencies, publications, commissions, public artworks, conservation, documentation, services to the field, and public programs.

B. In addition to the artistic fields listed above, Cultural Disciplines also includes other humanities-related fields. "The term 'humanities' includes, but is not limited to, the study and interpretation of the following: language, both modern and classical; linguistics; literature; history; jurisprudence; philosophy; archaeology; comparative religion; ethics; the history, criticism and theory of the arts; those aspects of social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to reflecting our diverse heritage, traditions, and history and to the relevance of the humanities to the current conditions of national life. (National Foundation on the Arts and the Humanities Act, 1965, as amended)

Section 5. Cultural Support Programs

A. Dallas' culture is our collective soul – it reflects our individuality, our heritage, our interests and our aspirations. It is what makes us different and brings us together. The totality of cultural practices from all residents and cultural organizations is Dallas culture. The City of Dallas, through the Office of Cultural Affairs, will offer an array of cultural support opportunities for Dallas-based organizations and individual artists.

B. Cultural disciplines which are generally eligible for consideration for support are listed in the Cultural Disciplines section of this document and are based on National Endowment for the Arts and National Endowment for the Humanities definitions as of 2018. Approval of services that are eligible for support must be done in accordance with Chapter 2 of the Dallas City Code and other applicable law. In the event a question arises as to the artistic or cultural merit of a proposal, the Director of Cultural Affairs, with the support of the Chair of the Cultural Affairs Commission, may affirm its nature.

C. Cultural support programs must be authorized by resolution of the City Council, including approval of the various program guidelines. Action by the City Council will provide authorization for the City Manager or his designee to sign future agreements up to a maximum of $50,000 each, approved as to form by the City Attorney, with qualified artists and organizations in accordance with the eligibility and criteria set forth in the various program guidelines, in accordance with Chapter 2 of the Dallas City Code and/or Administrative Directive 4-5. Agreements exceeding $50,000 will require individual authorization by the City Council and are subject to the requirements of Administrative Directive 4-5.

D. The cultural support programs will have three areas of focus: Organizational Support, Project Support, and Neighborhood Engagement Support. Multiple support programs may be initiated by the Office of Cultural Affairs within each or multiple of these core areas. Specific support guidelines, including program names, will be defined and approved annually, but each support program will generally conform to one or more core area as follows:

(i) Organizational Support.

(1) The Organizational Support category provides support to established Dallas-based nonprofit arts and cultural organizations and institutions for general operating expenditures, including artistic and administrative expenses, directly related to a year-long program of events. Specific eligibility requirements, including organizational budget and matching funds requirements, will be provided in the program guidelines.

(ii) Project Support.

(1) The Project Support category supports nonprofit arts and cultural organizations and individual artists proposing seasonal support or specific arts/cultural projects that deliver quality arts and cultural programming. This program may also be made available to other nonprofit, non-arts/cultural organizations that meet the requirements for presenting quality arts programming for specific arts/cultural projects. Additionally, incorporated for-profit entities may also be allowed to apply, in partnership with a Dallas-based nonprofit organization, for non-commercial arts/cultural projects, as may be provided in the program guidelines.

(iii) Neighborhood Engagement Support.

(1) The Neighborhood Engagement Support category supports neighborhood-centered, publicly accessible programs and events that promote arts and cultural participation, celebrate diversity, build community connections, and enhance the visibility of Dallas neighborhoods through arts and culture. Programs and events should highlight and enhance the integration of arts and economic vitality of the specific neighborhood. This core area will be open to Dallas-based nonprofit arts and cultural organizations and to individual artists who both live and work in Dallas. Preference will be given to artists and organizations with deep and established ties to the neighborhood being served.

E. The Arts Endowment was created in 1984 by Council Resolution No. 8431 and its sources were augmented in 1988 by Council Resolution No. 86-2794. Arts Endowment proceeds may only be utilized for projects involving:

(i) ALAANA Dallas-based nonprofit arts and cultural organizations and individual artists from an ALAANA background.

(ii) Dallas-based nonprofit arts and cultural organizations with a history of primarily serving other historically marginalized groups, including but not limited to LGBTQIA+ groups and immigrant communities.

(iii) Individual artists who identify as a member of the historically marginalized groups as described above.

(iv) Projects must be non-recurring, and will generally be of limited duration, typically not exceeding one year. Special emphasis will be given to projects which substantially involve multiple individual artists and/or multiple organizations.

F. A limit on support through the Organizational Support core area shall be established by annual program guidelines, which may be scaled to be proportional, based on an organization's audited revenue. The limit may be adjusted periodically, as provided in the program guidelines, with recommendation by the Cultural Affairs Commission, and approval by the City Council. In no case, however, shall the funding limit be less than:

(i) 25% for organizations with revenue less than $1,000,000;
(ii) 15% for organizations with revenue between $1,000,000 and $5,000,000;
(iii) and 10% for organizations with revenue greater than $5,000,000.

G. Total support by the City in a fiscal year, whether cash or in-kind, regardless of the department from which the funds and support originate, shall not exceed:

(i) 50% of an organization's audited revenue for organizations with revenue less than $1,000,000.
(ii) 40% of an organization's audited revenue for organizations with revenue of $1,000,000 or more.

H. In-kind support includes, but is not limited to, utility payments made directly by the City, payments made to a third party, including other City departments, in support of the organization, and facility use fee discounts at Cultural Centers. In extraordinary circumstances, upon recommendation by the Director of Cultural Affairs and the Cultural Affairs Commission, the City Council may authorize support above this limit.

Section 6. Cultural Venues

A. New City-Owned Cultural Venues.

(i) Given the high expense of capital maintenance for City-owned cultural facilities, and in recognition of ongoing expenses associated with operating its current cultural facilities, it is the policy of the City of Dallas to contribute finances for the construction, operation, and/or maintenance of new cultural facilities only when funding for both construction and ongoing maintenance and operations has been identified and secured.

(ii) With respect to creating new cultural facilities, the City will first work to assess public and private facilities available for artistic and cultural experiences and creation, and will work with partners to increase utilization of existing facilities and spaces.

B. New privately-owned cultural venues

(i) The City may, at its discretion, contribute funding to a nonprofit entity in the capital/construction phase of a new privately-owned cultural facility, or of the renovation to a pre-existing facility which was not previously used as a cultural facility, which will provide a substantial public benefit to the residents of and visitors to Dallas. The City may consider contributing funding when the partner presents a viable business plan for long-term operations and proof of a significant amount of cash and/or pledges in hand toward the total capital costs of the project. In such cases, the City's participation shall not be more than 40% of the total capital costs of the new facility (including pre-construction and construction costs) and the contractual agreement with the private partner shall stipulate that the ownership of the facility and land shall revert to the City if the asset is no longer used for the benefit of the public or if intent is made to transfer ownership to a for-profit entity or an individual. The City's participation shall also be contingent on the private partner establishing an endowment fund for facility maintenance with a principal balance of not less than 10% of the total capital costs of the facility.

(ii) The long-term responsibility for maintenance and operations of the building shall be with the private nonprofit partner, and this partner may apply on an annual basis for organizational support from the City, subject to program guidelines, this Cultural Policy, and future appropriations.

C. Existing City-owned cultural venues

(i) As of 2018, there are 19 City-owned cultural venues under the custodianship of the Office of Cultural Affairs. Each venue has its own practices and procedures that may evolve with the approval of the Director and the applicable venue manager to: further the mission of the Office of Cultural Affairs; further the mission of each individual venue; and to serve the highest and best public use within the applicable constraints, such as state law and City ordinances, budget appropriations, public and private funding availability, and contractual obligations. In making these decisions, the Director and applicable venue manager will act in the best interest of the City and will serve as responsible stewards of the public trust and public dollars.

(ii) Neighborhood Cultural Centers

(1) As of 2018, there are four neighborhood cultural centers owned and operated by the City of Dallas: Bath House Cultural Center, Latino Cultural Center, Oak Cliff Cultural Center, and South Dallas Cultural Center, which manages the Juanita Craft Civil Rights House. Each has a mission to serve one or more defined communities. The neighborhood cultural centers provide City-subsidized spaces for community events, prioritizing arts and cultural events, and provide for cultural services in furtherance of their missions.

(iii) Performing Arts Venues

(1) As of 2018, there are three performing arts venues owned and operated by the City of Dallas: Majestic Theatre, Moody Performance Hall, and Morton H. Meyerson Symphony Center.

(a) The Majestic Theatre accommodates a wide range of commercial stage productions, including pop, rock, country, comedy, magic, Broadway and family shows. The venue's business model is to strive for full cost recovery and it also serves the local arts community at reduced rates.

(b) The Morton H. Meyerson Symphony Center is the home of the Dallas Symphony Orchestra and also serves the local arts community at reduced rates as dates are available.

(c) The Moody Performance Hall, formerly known as the Dallas City Performance Hall, is a performing arts theater designed to provide a venue in the Dallas Arts District for the City's emerging and mid-size performing arts and cultural organizations.

(iv) Partner-Managed Facilities

(1) As of 2018, there are eleven facilities owned by the City, under the custodianship of the Office of Cultural Affairs, which are managed by private nonprofit partner organizations in accordance with their respective management or lease agreements. They are: Annette Strauss Square, Dallas Black Dance Theatre (the historic Moorland YMCA building), Dallas Heritage Village at Old City Park, Dallas Museum of Art facility, Kalita Humphreys Theater, Heldt Administration Building (at the Kalita Humphreys Theater), Naomi Bruton Theater (at the Kay Bailey Hutchinson Convention Center), Sammons Center for the Arts facility, Elaine D. and Charles A. Sammons Park, Margot and Bill Winspear Opera House, Dee and Charles Wyly Theatre.

(2) As opportunities arise, the Office of Cultural Affairs will work to negotiate or renegotiate these contracts to serve the highest and best use of these public assets.

Section 7. Public Art Program

A. The Public Art Program provides opportunities for experienced and emerging artists. to contribute to the visual environment of public spaces in Dallas.

B. Artists will be selected on the basis of their qualifications as demonstrated by past work, appropriateness of the proposal to the scope of the project as advertised, the feasibility of successful completion for the budget advertised, and practicality of long-term maintenance.

   (i) Specifically excluded are the design architect (or other design professional) or anyone who is a part of the design or construction team; City employees or their relatives; artists who are members of, or are related to members of the Public Art Committee or the Cultural Affairs Commission.

   (ii) Artists under contract for public art with the City of Dallas will not be eligible until they have completed the commission for which they are under contract.

C. Criteria for selecting an artist for a commission - the artist's concept must conform to the published scope of the project to be considered; additionally, the following criteria will be considered:

   (i) Design, construction, style and media must be considered of good quality.

   (ii) Media appropriate for the scope of the project or responsive to the defined media in the call for artists.

   (iii) Suitability for site: artwork should be appropriate in scale, material, form and content for the social and physical environments where they will be sited.

   (iv) Permanence: artist must demonstrate that the proposed artwork will have structural and surface integrity and stability for the duration of the defined lifespan of the artwork. Artwork must not be susceptible to theft, vandalism, and weathering. The artwork must be able to be maintained without undue costs.

   (v) Safety: artworks must be free from unsafe conditions or factors, and where applicable, must be ADA (Americans with Disabilities Act) compliant.

D. Public art projects to be located on property under the jurisdiction of the Park and Recreation Board must follow applicable Park and Recreation policies and procedures.

E. On any City project including public artwork, the contract with the artist shall require the artist to warrant that:

(i) The artwork, artplace, or art concept is the result of the artist's personal creative efforts, except in the case of design collaboration.

(ii) The art is unique and original and does not infringe upon any copyright. The artist must agree to indemnify and hold the City harmless against any claims for copyright infringement.

(iii) The art or a duplicate has not been accepted for sale elsewhere.

(iv) The art is free and clear of any liens.

(v) The execution and fabrication of the art will be performed in a professional manner and adhere to normal safety standards.

(vi) The art as fabricated and installed will be free of defects in material and craftsmanship, including, but not limited to, any defects constituting “inherent vice” or qualities which cause or accelerate deterioration. The artist will be responsible for any design defects within one year from the acceptance of the work by OCA staff.

(vii) Reasonable maintenance of the art will not require procedures or materials substantially in excess of those described in the maintenance recommendations submitted by the artist(s).

F. Conservation, Maintenance, and Collection Management of Public Art.

(i) In the event it becomes necessary for the City to alter, modify, rearrange, remove or relocate a public artwork or artplace, the City shall endeavor to notify the artist of its intent to do so; this endeavor shall include providing written notification. The City recognizes that such changes may compromise the artistic integrity of the artwork or artplace, and also impact the appraised value of the artwork. To this end, the artist shall be given the opportunity to disclaim authorship and request the City not use his/her name in any connection with the given work. If the City's reasonable efforts to contact the artists are unsuccessful, the City shall proceed with its plans. In all instances, the Office of Cultural Affairs must be provided 30 days' advance notice of the intent of a City department to modify, rearrange, remove or relocate any City-owned public artwork or artplace. Nothing contained in this policy shall be construed as a grant of any right or property interest in the public artwork or artplace, as all such rights and ownership belong solely to the City of Dallas, except to the extent expressly stipulated in the original contract with the artist, or as set forth in this policy.

(ii) Repairs, restoration and/or conservation shall be the responsibility of the City. The City shall reserve the right to perform routine maintenance or make minor and/or emergency repairs without consulting the artist(s), provided this work is done according to maintenance and materials information provided by the artist at the time of acquisition and meets the approval of the relevant OCA staff.

(iii) With regard to works for which no maintenance funding provisions have been made, it shall be the responsibility of the department (e.g., Park & Recreation, Fire-Rescue) occupying and/or responsible for the property on or in which the artwork(s) is/are located to ensure that the artwork(s) is/are property maintained, and that when repair or conservation becomes necessary, such treatments are implemented with the advice and consent of the Office of Cultural Affairs.

(iv) The Public Art Program follows the collection management standards for registration, accessioning and deaccessioning of the City's public art collection as defined by the American Alliance of Museums to secure the long-term safety and sustainability of collection.

G. Donations and Loans of works of art to the City of Dallas

(i) The City of Dallas encourages donations and loans of works of art for public places. When gifts or donations of major artworks are proposed for placement with any City agency or department, the proposal shall be reviewed by the Public Art Committee and the Cultural Affairs Commission. This policy shall also apply to works of art proposed for long-term loan to the City. The objectives of this policy are:

(1) To maintain high artistic standards in works of art displayed by the City of Dallas.
(2) To vest in a single City agency the responsibility for ensuring the management and maintenance of the City's public artworks.
(3) To facilitate planning for the placement of works of art in City facilities.
(4) To provide for appropriate recognition of artists and of donors of works of art to the City of Dallas.
(5) To provide for conservation and maintenance plans and funds for the artwork.

(ii) The City may accept donated artworks only when accompanied by a legal instrument of conveyance of title, enumerating any conditions of the gift that the City has agreed to accept, and the appropriate warranty of originality, approved as to form the City Attorney. In general, gifts shall be accepted without restrictions as to future use or disposition and may require City Council approval in accordance with Administrative Directive 2-13.

(iii) Whenever artwork is proposed as a donation, the donor must provide not less than 10% of the currently appraised value of the artwork for future conservation and maintenance costs. In extraordinary circumstances, the Director may choose to waive this policy following review by the Public Art Committee and the Cultural Affairs Commission.

(iv) Deaccessioning. Because the City has the responsibility for conserving its public art collection, and because the disposal of artworks may have serious implications for the artists and the residents of Dallas, deaccessioning should be a deliberate and seldom-used procedure.

(1) Since deaccessioning of the City-owned collection maintained by the Dallas Museum of Art is governed by a separate City Ordinance (See Dallas City Code - Chapter 2, Article IV, Sec. 2-37.12), this policy shall not apply to the Museum.

H. Temporary Public Art.

(i) By 2023, the Office of Cultural Affairs will initiate temporary public art projects under the administration of the Public Art Program. Temporary public art has been successful in advancing civic engagement and progress towards diversity and equity goals in Dallas' peer cities.

(ii) Temporary public art is enabled via selection panels and is created in concert with a public process that involves residents at many levels. It is restricted to artworks that are installed in publicly accessible spaces, with preference given to spaces owned by the City of Dallas, and installation shall be of a limited duration, typically of less than two years. It is distinct from the type of permanent or semi-permanent City-funded public art that has been created, installed, and added to the City of Dallas's collection as provided in City Ordinance as of this policy's publication in 2018. The works commissioned will follow all relevant safety precautions, and comply with state laws and city ordinances.

(iii) Due to its time-bounded nature, temporary public art can foster innovative and meaningful engagement between a specific place, current cultural dialogues, and the local community in relevant ways.

Section 8. Other OCA Programs in Support of the Cultural Ecosystem

A. The programs named in the previous three sections of policy (Cultural Support, Cultural Venues, and Public Art) are the core services of the Office of Cultural Affairs which support the cultural ecosystem in the city of Dallas. However, providing funding and subsidized space, and contracting for cultural programming and the creation of art in collaboration with neighborhood communities only address some of the needs of a vibrant and healthy arts and cultural ecosystem.

B. In support of the mission, the Director may initiate new programs or pilot new initiatives as named in or as addressing priorities in the 2018 Cultural Plan, subject to funding availability and all applicable laws, ordinances, statutes, and administrative directives. These programs and initiatives may include, but are not limited to: cultural venue rental subsidies; working with partners to increase arts and cultural programming for the youth of Dallas; programming across the city in a “pop-up” cultural center model outside of OCA-managed neighborhood cultural centers; and increasing cultural programming in the City’s black box/multiform theaters or other appropriate City spaces. These programs and initiatives may be in partnership with artists, other private organizations, and/or other governmental agencies.

Section 9. Cultural Venue Naming Policy

A. Policy Statement.

It is the policy of the City of Dallas to actively consider unsolicited proposals and/or seek naming opportunities for cultural facilities, including interior and exterior components, from individuals, foundations, corporations, nonprofit organizations, service clubs, and other entities in order to increase OCA's ability to maintain the City's cultural facilities, and/or provide enhanced levels of cultural services beyond the core levels funded from the City's general fund.

Honorific naming will be considered in extraordinary circumstances for individuals demonstrating a lifetime commitment to arts and culture in Dallas, with substantial community input and support as provided in this policy.

Naming recognition shall adhere to the aesthetic values and purpose of the City's cultural facilities. In addition, such recognition shall not detract from the visitor's experience or expectation, nor shall it impair the visual qualities of the site or be perceived as creating a proprietary interest. All costs that are not directly related to securing the naming rights (including but not limited to rebranding, signage, and events) shall be paid for by the non-City entity.

B. Definitions. In this section:

(i) Cultural Facility means a City-owned cultural facility in its entirety.

(ii) Public Component means interior spaces and assets, including but not limited to lobbies, auditoriums, stages, seats, and lighting fixtures, and exterior spaces and assets, including but not limited to outdoor performance spaces, courtyards, and benches. These components may also include back-of-house or support spaces, for example, green rooms.

(iii) Neighborhood Cultural Centers means the Bath House Cultural Center, Latino Cultural Center, Oak Cliff Cultural Center, and South Dallas Cultural Center including the Juanita Craft Civil Rights House, and future facilities of a similar nature.

(iv) Performing Arts Centers means the Majestic Theatre, Moody Performance Hall, and the Morton H. Meyerson Symphony Center.

(v) Partner-Managed Facilities means Annette Strauss Square, Dallas Black Dance Theatre, Dallas Heritage Village at Old City Park, Dallas Museum of Art, Kalita Humphreys Theater, Heldt Administration Building, Naomi Bruton Theater (at the Kay Bailey Hutchinson Convention Center), Sammons Center for the Arts, Elaine D. and Charles A. Sammons Park, Margot and Bill Winspear Opera House, Dee and Charles Wyly Theatre.

C. Guiding Principles

(i) Naming opportunities shall generally be for a period of forty (40) years, but in no case shall it exceed the useful life of the asset.

(ii) Naming privileges shall not result in additional costs to the City, other than those costs associated with securing the naming rights.

D. Specific Naming Opportunities

(i) Naming in recognition of major gifts, sponsorships, and licensing agreements

(1) Existing and future City-owned cultural facilities may be considered for naming or re-naming, but only if the financial contribution is significant as related to the facility's current market value.

(2) No less than fifty (50) percent of the contribution related to naming of Neighborhood Cultural Centers and Performing Arts Centers, including public area components, shall be dedicated to a City special revenue fund for future renovations, major maintenance or other long-term improvements of the facility.

(3) Subject to the terms of the management and lease agreements, no less than forty (40) percent of the contribution related to naming of partner-managed cultural facilities, including public area components (e.g., lobbies, auditoriums, stages), shall be dedicated to a restricted fund for future renovations, major maintenance or other long-term improvements of the facility. Proposed expenditures from this fund shall be subject to the review and approval of the Director of Cultural Affairs.

(4) All cultural facility naming rights agreements must be considered by the Cultural Affairs Commission, be approved as to form by the City Attorney and receive final approval by the City Council. Prior to this consideration, naming rights proposals must outline the financial breakdown, including proposed revenues, costs, and an asset analysis and market valuation.

(5) Capital campaigns related to naming facilities and components in new projects in City-owned facilities shall require that not less than ninety (90) percent of the contribution be dedicated to one or more restricted fund(s) related to that project.

(ii) Naming in honor of individuals demonstrating a lifetime commitment to arts and culture in Dallas

(1) Facilities and public area components may be named for individuals who have made exceptional contributions to arts and culture in Dallas. Exceptional contributions include direct, significant, and sustained public service for the betterment of the community in which the cultural facility or facility component is located. This public service must have directly impacted the lives of a significant number of residents within the community. The individual must have established and maintained a positive relationship with the community at-large during their lifetime. Requests for honorific naming of cultural facilities or components submitted by individuals or groups that propose to name the asset after themselves shall not be considered.

E. Application and approval process.

(i) An application for naming or re-naming a cultural facility and public area components shall be completed by the interested party, and shall be submitted to the Director of Cultural Affairs, in a manner prescribed by rule of the Director.

(1) Regarding partner-managed facilities, the partner may solicit naming proposals for the entire facility and components, however, the naming shall be governed by this policy unless otherwise provided in a facility management or lease agreement that exists prior to the adoption of this policy.

(ii) Applications for honorific naming shall be accompanied by a petition stating the current name and address of the facility, the asset proposed for naming (i.e., the facility itself or the specific public component), and the proposed name. The petition shall be signed by no less than 750 qualified electors of the City of Dallas. The City Secretary shall assist with validating a sample of petition signatures consistent with processes established for other petitions.

(iii) Applications shall be reviewed by OCA for accuracy and completeness. Applications not meeting this policy shall be dismissed by the Director, and a letter shall be transmitted to the applicant stating the reasons for dismissal.

(iv) Applicants may appeal the director's decision to the Cultural Affairs Commission, which may, upon appropriate public notice, recommend to the Director by majority vote of the Commission, that the application be reconsidered.

(v) Qualified applications for facility naming shall then be published on OCA's website, and public notice shall be published on the City's website and other applicable public forums for 30 days.

(1) Written public comments shall be accepted as prescribed by the Director during this period and made available to the Cultural Affairs Commission for review.

(vi) The Cultural Affairs Commission may consider recommending the proposed facility names to City Council following the 30 day public notice period.

(vii) Final approval of naming of cultural facilities shall be made by resolution of the City Council.

(viii) Final approval of naming public components of cultural facilities shall be made by Administrative Action unless the establishment of a City special revenue fund is required, in which case final approval shall be made by resolution of the City Council.

(1) For components at partner-managed facilities, the Director may approve a fundraising plan with proposed gift levels for each type of component prior to the partner receiving gifts or offering naming rights to prospective donors for any components with a gift level below $50,000. Upon receipt of approval, the partner may then solicit donors and name components so long as the donor's naming request does not undermine the image or reputation of the City. In cases for which there is doubt, the partner may confer with the Director as to the appropriateness of the proposed naming. The partner must submit an annual report to the Director for the duration of the naming rights campaign detailing the components named, the donors, the term of the naming right, and the use of the funds or donations secured.

Section 10. Miscellaneous Provisions

A. Effective Date. This policy was approved and became effective upon adoption of its authorizing resolution by the City Council. For the avoidance of doubt, this policy will remain in effect with respect to any successor position or office performing the functions of its predecessor until this policy is modified, revoked, or superseded by resolution of the City Council. In addition, this policy supersedes any prior policy or guidance with respect to the subject matter hereof.

B. Amendments to This Policy.

(i) This policy may be modified or amended at any time in writing with approval by resolution of the City Council.

(ii) On an annual basis, the Director of Cultural Affairs will review this policy and may recommend revisions in order to keep the policy current and to respond to changing needs of Dallas' cultural ecosystem. The Cultural Affairs Commission will review proposed revisions and shall make a recommendation to the City Council regarding the proposed revisions. No amendment shall be effective until approved by the City Council.

(iii) Approved amendments shall be engrossed into a revised and restated edition of this policy. The policy's cover page shall state the effective date of the current version of this policy, and an introductory digest page shall state a summary of all amendments to the policy, the authorizing resolution number, and effective date. The digest page shall clearly state, "Current as of [DATE]. Previous editions are obsolete."

EXHIBIT C

Office of Cultural Affairs
CITY OF DALLAS

FY 2018-19
Cultural Projects Funding Guidelines

Project Funding For

Non-Profit Arts/Cultural Organizations and

Individual Artists

City of Dallas

Cultural Projects Funding

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INTRODUCTION

OCA's Vision

An equitable, diverse and connected community, whose residents and visitors thrive through meaningful arts and cultural experiences in every neighborhood across Dallas.

OCA's Mission

The Office of Cultural Affairs works to enhance the vitality of the city and the quality of life for all Dallas residents by creating an equitable environment wherein artists as well as arts and cultural organizations thrive; people of all ages enjoy opportunities for creative expression; and all celebrate our multicultural heritage.

Our mission is to support and grow a sustainable cultural ecosystem that ensures all residents and visitors have opportunities to experience arts and culture throughout the city.

Statement on Cultural Equity

In Dallas, we envision a city of people whose success and well-being are not pre-determined by their race, age, disability, sexual orientation, gender, social status, zip code, or citizen status. We recognize that artistic and cultural expression are fundamental to the development of our identity, as individuals and as a community at large. We assert the right for all people to have access to arts and cultural experiences throughout Dallas.

We recognize the historic legacies of racism, overt bias and injustice that shape our present reality. In fact, the City of Dallas' arts funding originated to support organizations of the Western European canon, collectively referred to as "The Big Six." Going forward, we will strive to support the broadest range of art forms and creative producers, considering inclusivity, diversity and neighborhood impact to direct resources equitably to artists and organizations. We will work to build a robust arts ecosystem that continually evolves to better reflect the diverse composition of Dallas. Towards this end, we recognize and affirm the potential of new and emerging artists and organizations.

The Office of Cultural Affairs will serve as convener and connector to catalyze equity in the policies and practices of its partners across the Dallas arts ecosystem. Core to this is leading other organizations and private resource providers to advance diversity, equity and inclusion in concrete, measurable ways. Annually, the Office of Cultural Affairs will summarize its own support for artists and arts organizations, highlighting measures of equity and diversity.

As we work together to create a more vibrant Dallas, the Office of Cultural Affairs is committed to nurturing the wide diversity of creative culture and experiences that make up this great city.

[Note: The above Vision, Mission, and Equity Statement are proposed drafts in the *Dallas Cultural Plan 2018*, to be considered for adoption by the Dallas City Council in November 2018.]

CULTURAL PROJECTS FUNDING OVERVIEW

This funding program is a new combination of the former Cultural Projects Program (CPP) and the Cultural Projects-Special Support (CPP-SP). The Cultural Projects Funding program will be open twice during the City's fiscal year.

Cultural Projects Funding

Cultural Projects Funding procures cultural services on a project basis from non-profit arts/cultural organizations, educational institutions, social services organizations, individual artists, collectives and other non-profit organizations. Only **one project** will be considered for funding per funding cycle. If the application contains multiple projects it will not be considered and will be disqualified.

Awards will be made twice during the City's fiscal year. **All services must take place within the city limits of Dallas.**

You are responsible for the quality, completeness and timely submission of your proposal. Application steps and deadlines are included in this document and online at www.dallasculture.org. OCA staff is available to answer any additional questions you may have.

Program Goals

The goals of Cultural Projects Funding are as follow:

- To provide cultural services in areas across the City of Dallas
- To create greater awareness of the cultural and artistic heritage of Dallas, and to increase the citizen access to and participation in activities related to diverse heritage
- To stimulate development of new funding sources to support cultural activities in Dallas
- To provide cultural services not otherwise available in the community
- To provide cultural services in underserved areas
- To provide individual artists and non-profit organizations with funding to support their work in Dallas

Project Definition

A project is defined as a specific one-time event or production (such as a concert, theater production, exhibit, workshop, etc.) or a project that includes a series of events using one theme or title. Example: children's workshop series about art, series of film addressing one topic, etc. A full season of activities is not considered a stand-alone project.

CULTURAL PROJECTS FUNDING TIME LINE

Round 1 – Cultural Projects Funding

July 30, 2018	Round 1 Cultural Projects Funding Application Period Opens
August 27, 2018	**Round 1 Cultural Projects Funding Application Period Closes (Midnight Central Time)**
September 10-14, 2018	Cultural Projects Funding Panel Presentations
September, 2018	Recommendations made by the Allocations Committee of the Cultural Affairs Commission
September, 2018	City Council approves the FY19 City Budget Awarded organizations/artists are sent funding notifications soon after
October-November, 2018	Awarded organizations/ artists start the contract execution process
	The first invoice is available upon the completed execution of the contract and completion of the deliverables stated in the scope of work
	Final Reports are due according to the date stated in the contract

The funding period for FY18-19 is October 1, 2018 – September 30, 2019

Round 2 – Cultural Projects Funding

December 10, 2018	Round 2 Cultural Projects Funding Application Period Opens
January 11, 2019	**Round 2 Cultural Projects Funding Application Period Closes (Midnight Central Time)**
January 21 – 25, 2019	Cultural Projects Funding Panel Presentations
February, 2019	Recommendations made by the Allocations Committee of the Cultural Affairs Commission
February, 2019	Awarded organizations/artists are sent funding notifications
February – March, 2019	Accepted organizations/ artists start the contract execution process
September 30, 2019	**End of the fiscal year**

NEED ASSISTANCE?

For general inquiries or assistance, please contact the OCA Cultural Programs Division staff:

Charla Sanderson
Cultural Programs Manager
charla.sanderson@dallascityhall.com
214-670-4065

Glenn Ayars
Contract Compliance Administrator
glenn.ayars@dallascityhall.com
214-671-0878

Rhonda Ivery
Artist Resource Coordinator
rhonda.ivery@dallascityhall.com
214-671-8573

Organizations and Artists are responsible for abiding by deadlines and application processes, as published on the OCA website – dallasculture.org - and are the responsibility of the organization or the individual artist.

NON-PROFIT ARTS/CULTURAL ORGANIZATIONS FUNDING PROGRAM INFORMATION

Eligibility Requirements

Organizations meeting all of the following eligibility requirements may apply to Cultural Projects Funding:

1. IRS status as a private, non-profit corporation 501C(3). Proof of non-profit status must be submitted with the completed application. Failure to submit the IRS letter will result in disqualification of the proposal.
2. All projects must happen within the City limits of Dallas to receive funding and must be completed by the end of the City's fiscal year.
3. Priority will be given to new works by emerging organizations with an operational history of at least three years and organizations that have an annual operating budget under $1,000,000 based on the prior year's actual revenue.
4. Prior year's IRS 990 must be submitted for organizations along with their application.
5. Organizations must have administrative offices permanently located in the City of Dallas. **This does not include P.O. Boxes – organization must have a physical office and Dallas address.**
6. Non-discriminatory employment and personnel practices
7. Professional direction for the proposed project
8. Applicant organizations can be funded for only one proposal per fiscal year. Non-profit organization aren't eligible to apply if they currently are being funded in the Cultural Operations Program.
9. Comply with regulations pertaining to federal grant recipients including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Education Amendments of 1972, the Americans with Disabilities Act of 1990, and the Drug Free Workplace Act of 1988.
10. Obtain and maintain during the Contract term all necessary licenses, permits, insurance and other approvals required by law for the provision of services. Contact OCA staff for more information about this if questions.
11. If funded in previous year's program cycle, you must be compliant with the contract in order to apply for future funding in the program. Organizations or artists who fail to successfully complete their contract, are not eligible for funding in the subsequent two years of the funding cycle of the same program.

Applications <u>will</u> <u>not</u> be accepted for the following:

1. Activities which do not have a cultural or artistic focus
2. Projects planned primarily for fundraising purposes
3. Activities restricted to members or which do not benefit the general public
4. Tuition expenses
5. College/university or school projects that are part of a course or curriculum or which do not benefit the general public
6. Fellowships/grants to individuals (does not prevent purchase from individuals)
7. Scholarships, cash prizes or awards
8. Out-of-city travel
9. Underwriting of capital expenditures (buildings, land, permanent equipment or artwork)
10. Purchase of artwork or Public Art on City property
11. Activities that have occurred prior to the signing of the cultural service contract
12. Underwriting of past deficits
13. Activities of Dallas based organizations or artists that occur outside of the City limits of Dallas. NOTE: Highland Park and University Park are considered outside the City limits of Dallas.
14. Endowments
15. Non-contract related services, lobbying, attorney's fees, fees for penalties, and fees for incorporation or obtaining tax-exempt status
16. Alcoholic beverages and food
17. Managers or promoters of festivals, music events who will have financial gain from the Project.
18. Publication of books for personal promotion
19. Events or projects that don’t have the proper permits or insurance coverage
20. Commercial (for-profit) enterprises or activities
21. Festivals that are organized by promoters for profit or that the organizer is promoting but not participating in.

<u>Funding Amounts</u>

Support will range from **$2,500 to $20,000** per project with the following stipulations.

Support to an organization in a given year does not ensure City of Dallas support for subsequent years. Each year, every proposal is reviewed in competition with other proposals and the level of support, if any, is determined in the context of the proposal review criteria (merit, demonstrated need, capacity to meet program objectives, and capability to raise matching funds), and the funds available.

All funding levels are determined by the panel score and the availability of funding for the year. A funding matrix is used to determine the funding levels.

Funding levels each year are determined by the Allocations Committee of the Cultural Affairs Commission. Funding levels will be different each year as determined by the amount of funding available, the number of organizations and artists funded and established ceilings.

Applicants with panel score under 70% may not be recommended for funding unless they are recommended by an affirmative vote of at least two-thirds of the Allocations Committee.

Funding Percentage Requirements

City support will not exceed 50% of the total project(s) budget of an organization's proposed project. A funded organization will be required to show that they will fund at least 50% of the project budget. Part of this can be in kind services. In the Final Report for this project the organization will be required to confirm this match in their actual budget.

Tier Structure

All organizational applicants will be reviewed in Tier levels based on their revenue budget from the previous completed year's budget found in the application or referenced in their IRS 990. There will be one review panel for each Tier level. Each panel will consist of a diverse group of people knowledgeable in the visual arts, dance, theatre, music, literature, film and other fields as pertains to the organizations in that Tier. The Tier Levels are as follows;

Tier I - $100,000 and Under
Tier II - $100,001 - $500,000
Tier III - $500,001 – and up

Funding Request Amounts

Organizations can apply for funding in one of the following funding levels;

1. **Organizations with Budgets under $100,000**

Funding requests can be made from $2,500 - $10,000

2. **Organizations with Budgets from $100,001 - $500,000**
   Funding requests can be made from $4,000 - $15,000

3. **Organizations with Budgets over $500,001**
   Funding requests can be made from $6,000 - $20,000

INDIVIDUAL ARTIST FUNDING PROGRAM INFORMATION

Eligibility Requirements

Individual Artists meeting all of the following eligibility requirements may apply to Cultural Projects Funding:

1. Individual artists with permanent residence and have had at least three years of professional experience in the City of Dallas.
2. All projects must happen within the City limits of Dallas to receive funding and must be completed by the end of the City's fiscal year.
3. Priority will be given to new works by emerging artists with at least three years of experience.
4. Artists must have administrative offices or studios permanently located in the City of Dallas. **This does not include P.O. Boxes –a physical office and address is required.**
5. Non-discriminatory employment and personnel practices
6. Professional direction for the proposed project
7. Individual artists can be funded for only one proposal per fiscal year.
8. Comply with regulations pertaining to federal grant recipients including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Education Amendments of 1972, the Americans with Disabilities Act of 1990, and the Drug Free Workplace Act of 1988.
9. Obtain and maintain during the Contract term all necessary licenses, permits, insurance and other approvals required by law for the provision of services. Contact OCA staff for more information about this.
10. If funded in previous year's program cycle, you must be compliant with the contract in order to apply for future funding in the program. Artists who fail to successfully complete their contract, are not eligible for funding in the subsequent funding cycle of the same program.

Applications will not be accepted for the following:

1. Activities which do not have a cultural or artistic focus
2. Projects planned primarily for fundraising purposes
3. Activities restricted to members or which do not benefit the general public
4. Tuition expenses

5. College/university or school projects that are part of a course or curriculum or which do not benefit the general public
6. Fellowships/grants to individuals (does not prevent purchase from individuals)
7. Scholarships, cash prizes or awards
8. Out-of-city travel
9. Underwriting of capital expenditures (buildings, land, permanent equipment or artwork)
10. Purchase of artwork or Public Art on City Property
11. Activities that have occurred prior to full execution of the cultural service contract
12. Underwriting of past deficits
13. Activities of Dallas based organizations or artists that occur outside of the City limits. NOTE: Highland Park and University Park are considered outside the City limits of Dallas.
14. Endowments
15. Non-contract related services, lobbying, attorney's fees, fees for penalties, and fees for incorporation or obtaining tax-exempt status
16. Alcoholic beverages and food
17. Managers or promoters of festivals, music events who will have financial gain from the project.
18. Publication of books for personal promotion
19. Events or projects that don't have the proper permits or insurance coverage
20. Commercial (for-profit) enterprises or activities
21. Festivals that are organized by promoters for profit or that the organizer is promoting but not participating in.

Funding Amounts

Artist funding will range from **$2,500 to $7,500** per project. Amounts over this will not be awarded.

Support to an artist in a given year does not ensure City of Dallas support for subsequent years. Each year, every proposal is reviewed in competition with other proposals and the level of support, if any, is determined in the context of the proposal review criteria (merit, demonstrated need, capacity to meet program objectives, and capability to raise matching funds), and the funds available.

All funding levels are determined by the panel score and the availability of funding for the year. A funding matrix is used to determine the funding levels.

Funding levels each year are determined by the Allocations Committee of the Cultural Affairs Commission. Funding levels will be different each year as determined by the amount of funding available, the number of artists funded and established ceilings.

Applicants with panel score under 70% may not be recommended for funding unless they are recommended by an affirmative vote of at least two-thirds of the Allocations Committee.

Funding Percentage Requirements

City support will not exceed 90% of the total project budget for individual artists. Artist will need to provide 10% of the proposed project budget. This can be in kind services. In the Final Report the artist will be required to confirm this match in their actual budget.

GENERAL APPLICATION GUIDELINES: FOR BOTH ARTISTS AND ORGANIZATIONS

First Time Applicants

First time applicants should contact OCA staff before the application deadline. This is to ensure that the applicant is aware of the application requirements and any additional information that is needed.
Note: *The term first-time applicant refers to applicants submitting proposals to the program for the first time.*

New organizations are required to provide IRS status as a private, non-profit corporation 501C(3). Proof of non-profit status must be submitted with the completed application. Failure to submit this IRS letter will result in disqualification of the proposal. First time applicants are also required to submit a copy of their most current IRS 990. This paragraph applies only to organizations and does not apply to individual artists.

Funding Period

Applicants should not expect to receive support through this program beyond the one-year contract period. Projects must occur between October 1, 2018 and September 30, 2019. Applicants should not expect to receive funds through this program earlier than October 1, 2018.

Application Process

How Funding Applications Are Processed:

- Staff of the Office of Cultural Affairs reviews applications to ensure they are complete and meet the criteria for the funding program
- Applications are forwarded to the Review Panel for review
- Review Panel meets to discuss and score each application in meetings that are open to the public
- All applicants for the funding program are required to attend and present a brief application summary to the Review Panel
- The Review Panel comments, scores and rankings are forwarded to the Office of Cultural Affairs staff for review and recommendation to the Cultural Affairs Commission
- The Commission recommends a level of funding for each organization or individual artist

The Cultural Affairs Commission reserves the right to designate the scope of the peer panel members it feels best suit the mission and programming of the different organizations.

Application Deadlines

Round #1 – Applications are open – July 30, 2018. Application Deadline is August 27, 2018
Round #2 – Applications are open – December 10, 2018. Application deadline is January 11, 2019

You can find more information via the OCA website at: www.dallasculture.org to find funding information click on "Funding Programs." You will find information about all funding programs.

Applications and supplemental materials must be submitted via the online grant system. Hard copies of grant applications will not be accepted.

All applicants will receive a confirmation email indicating that the application has been received and is being processed. If the confirmation email is not received within 24 hours after submitting the application, contact the OCA office immediately.

NOTE: An artist or organization that submits a substantially incomplete application at the time of the deadline, as deemed by the Office of Cultural Affairs, will receive notification via e-mail. OCA staff will determine if the application will be eligible or disqualified. Applications are not accepted after the deadline.

The Cultural Affairs Commission and the Office of Cultural Affairs are not responsible for artists or organizations not knowing deadlines or application processes as they will be

published on the OCA website and are the responsibility of the artist or organization to review.

Helpful Tips for Preparing Your Application

- Read the guidelines, funding application instructions and criteria before beginning the application process.

- Plan your narrative following the questions and funding criteria. Plan your answers carefully to avoid repetition.

- Write to the funding criteria. Remember all applications are reviewed and scored based on how well the applicant meets the funding criteria.

- Don't assume. The panelists who review your proposal may have no knowledge of your organization or its programming. Make sure you describe existing and proposed programs in detail. The application should stand on its own merits.

- Avoid generalizations. Rather than stating, "We have operated a successful series of concerts for the last four years," use numbers to prove your case. For example, "We have produced six plays with 10-performance runs for the last four years to audiences ranging from 75 to 100 per each performance.

- Proofread. Before submitting your application, have at least one person proofread it. If the reader has questions, it is likely, the panel will as well. Applications that contain frequent typographical errors, poor grammar or misspelled words do not give a positive impression of the organization.

Presentations to the Review Panel

Applications for Cultural Projects Funding are evaluated by a Review Panel whose membership is taken from a list of qualified candidates nominated from the field and recommended by the Allocations Committee of the Cultural Affairs Commission. All applicants will be required to do a panel review.

Applicants are required to attend the Review Panel to present a brief organizational/project summary and answer any questions from the panel.

Applying artists and organizations will be notified by email of the scheduled time and date for their Panel Review.

Every artist or organization that is applying for funding must make a presentation to the Peer Review Panel. For individual artist applications, applicants must be represented by the individual artist and any others involved in the project. **For** organization applications, the organization should be represented at the Review Panel meeting by principal

representatives, e.g. the Executive Director, Artistic Director, Board President and/or a Financial Officer or other staff as determined by the organization.

The presentation times will be allotted in the following manner:

2 minutes – Artist or organization will be introduced to the panel members by a Commission member
5 minutes – Presentation time for the artist or organization to the Panel
5 minutes - Q and A time for panel members with the artist or organization

A notice about what type of audio-visual equipment will be available for the presentation will be sent prior to the panel dates.

Failure to attend the Review Panel meeting will result in the artist or organization project being disqualified.

Application Scoring

All proposals will be reviewed by the Office of Cultural Affairs staff for completeness. Proposals that clearly do not meet the requirements will be determined ineligible for consideration. After the initial staff evaluation, a Panel will review all eligible proposals. Applicants may receive up to 100 points between the review panel and the Commission scoring. **The total of 100 points is broken into the following:**

- **80 points** - Review Panel
- **20 points** – Commission / Administrative Staff scoring

Applicants are evaluated by the Review Panel according to the following criteria for a total possible of 80 points:

The panel will review artists based on the following criteria:

- **Quality of Services and Project Proposal (25 points)** – The artist or organization exhibits a commitment to high quality standards in artistic and cultural services. The proposal clearly outlines the details for realizing the project and the capacity for making it successful.

- **Impact (15 points) –** Provides a direct impact of cultural services to the Dallas community that can be quantified in the goals of the project.

- **Management (20 points)** – The artist or organization has the fiscal and managing stability to perform the proposed services in a reliable manner, as evidenced in its financial history, budgets, management, narrative and milestones.

- **Overall (10 points)** – The artist or organization performs in a professional manner and provides an important cultural presence in the City of Dallas. The citizens of

Dallas will benefit from this cultural project and the goals are achievable and related to the project.

- **Cultural Diversity (10 points)** –

    - For artists: The artist demonstrates a commitment to cultural diversity in all aspects of its project such as any programs, audience and outreach. The individual artist shows a commitment to reaching new and diverse populations
    - For organizations: The organization demonstrates a commitment to cultural diversity in all aspects of its operations such as board, staff, programs, audiences and outreach.

Applicants are also scored by the Cultural Affairs Commission and the OCA Administrative staff for a total possible of 20 points:

- **Operation Management (10 points)** – Artist or organization has performed in a reliable manner in the past in terms of fiscal condition and sustainability. The artist or organization shows a practical budget for the project that is balanced and realistic.

- **Audience Diversity (10 points)** – Individual artists will need to show audience diversity and confirmed locations. Organizations will need to demonstrate a commitment to diverse community representation on their boards and staffs based on the information in their application.

The panel's rating and recommendation are forwarded to the Allocations Committee of the Cultural Affairs Commission for review. The Commission recommends a level of funding for each artist taking into consideration the panel rating, funding projections and contract compliance of any artists or organizations currently funded. **It is the policy of the Cultural Affairs Commission to recommend funding to artists and organizations who have demonstrated excellence. Artists and organizations who do not meet the baseline panel score of over 70%, as determined by the Allocations Committee, may or may not be considered for funding based on the majority vote of the Committee.**

Once the Allocations Committee has approved funding levels, a letter of notification will be emailed to the applicant. Applicants approved for funding will be asked to sign a Cultural Services Contract. Payment for any projects cannot be processed without the completion of Cultural Service Contract.

Variances from these guidelines may be approved by the director; however, material variances shall require City Council approval.

CONTRACTUAL REQUIREMENTS

If an applicant's panel score and review leads to a funding level being recommended by the Cultural Affairs Commission, notification will be sent to the artist or organization after the funding process has been completed.

Signed Contract Time Frame

It is required that all awarded artists or organizations provide **three** copies of the signature page of their contract with the wet/original signature of the artist or responsible official for the organization, respectively.

The following lists the contract process before payment can be made:

- The Scope of Work (SOW) for the contract is approved by the artist or organization. **The Scope of Work must be approved by the artist or organization no later than one week after receiving them.**
- Artists and organizations will receive the Insurance Requirements from Risk Management per their contract and SOW. **Artists and organizations have up to 30 days from the day they receive the Insurance Requirements to provide their Certificate of Insurance (COI) to OCA.**
- Contracts are sent to the artist or organization for signatures. **Signed contracts must be returned to OCA no later than two weeks after they are received.**
- When signed funding contracts have obtained a memorandum of compliance from the Office of Risk Management stating insurance requirements have been met, contracts go to City Hall for the signatures of the City Manager and the City Attorney. (City Hall signatures normally take from 4-6 weeks)
- When the contract has been returned to OCA and has been approved by the Purchasing department the first invoice is sent to the artist or organization upon completion of contract deliverables.
- Artists or organizations that don't adhere to the above stated time frames for SOW approval, contract signature pages or providing their COI can risk termination of their funding as determined by OCA staff.

Invoices

Payments will be made in installments as determined by the time frame and scope of work of the project. A portion of the funding will be held until the final report is submitted.

Insurance

Insurance coverage will be required for the majority funded FY18-19 artists and organizations. Funds cannot be released without evidence of the required insurance if required. Proof of insurance must meet the specific terms of the funding contract**. As soon as the coverage requirements are made from Risk Management funded artists**

and organizations will be notified. Failure to meet insurance requirements may be reported to the Cultural Affairs Commission. Cancellation of insurance during the term of the contract will result in contract termination. (For more information on obtaining insurance coverage and amounts required, please contact Charla Sanderson at 214.670.4065 or email to charla.sanderson@dallascityhall.com.)

Below is a sample of the types of insurance that may be required – additional types of insurance may be required:

General Liability
Commercial General Liability Insurance including, but not limited to, Premises/Operations, Personal & Advertising Injury, Products/Completed Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits. The following endorsements shall be added in favor of the City of Dallas: 1) Additional Insured, 2) Waiver of Subrogation and 3) 30-Day Notice of Cancellation.

Auto Liability
If vehicles will be used in the performance of services under the contract - Business Automobile Liability Insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit. The following endorsements shall be added in favor of the City of Dallas: 1) Additional Insured, 2) Waiver of Subrogation and 3) 30-Day Notice of Cancellation.

Workers' Compensation
If the Artist's employees are performing services under the contract at a City owned facility - Workers' Compensation within the regulations of the Texas Workers' Compensation Act as well as Employers Liability. The following endorsements shall be added in favor of the City of Dallas: 1) Waiver of Subrogation and 2) 30-Day Notice of Cancellation.

Abuse and Molestation
If the artist is doing programming for children under 18 years of age or senior citizens.

Certificates of Insurance

Certificates of Insurance must be written by a company licensed to do business in the State of Texas at the time the policy is issued and be acceptable by the City.

All insurance contracts and certificate(s) of insurance will contain and state, in writing, the following required provisions:

a. Name the City of Dallas and its officers, employees and elected representatives as additional insureds to all applicable coverages.

b. State that coverage shall not be canceled except after thirty (30) days written notice to:

Office of Cultural Affairs, Attention: Charla Sanderson, Project Manager, 1925 Elm #400, Dallas, Texas 75201 and

Director, Office of Risk Management, 1500 Marilla, 6A-South, Dallas, Texas 75201.

c. Waive subrogation against the City of Dallas, its officers and employees, for bodily injury (including death), property damage or any other loss.

d. Provide that the organizations insurance is primary insurance as respects the CITY, its officers, employees and elected representatives.

e. Ensure that all certificates of insurance identify the service or product being provided and name the City department shown in **REQUIRED PROVISIONS** as the Certificate Holder.

f. 30 day cancellation clause obligating the insurance company to notify the Office of Cultural Affairs of cancellations or material changes.

Final Reporting

A final report on the project should be submitted to the OCA within 30 days after the project's completion as stated in the contract. The final report includes an itemized amount of project expenditures and revenue, and a narrative summary of the project. Samples of promotional materials and programs / playbills relating to the project are required. **Failure to submit the final report within 30 days of project completion will jeopardize future funding or current payment.**

Cultural Diversity

It is the intent of the City's cultural policy to contract with artists and organizations that demonstrate a commitment to diverse community representation. In addition, artists and organizations are expected to demonstrate a commitment to cultural diversity in all aspects of their operations and programming.

Logo and Credit Line

Artists and organizations awarded City of Dallas contracts for cultural services must include the following credit line and logo in at least one publication, program, press release, season brochure, lobby display, advertising or mode of public communication:

Office of Cultural Affairs
CITY OF DALLAS

"(Name of the artist/program) is supported in part by the City of Dallas Office of Cultural Affairs."

It is imperative that the residents of Dallas know that their local tax dollars make it possible for them to enjoy the caliber of arts produced in this City. All contractors must recognize the OCA in the same manner in which it recognizes other contributors in terms of benefits, type size on publications, and frequency of acknowledgment.

Download the logo at https://dallasculture.org/cultural-programs/logos/

Social Media Recognition for your Funded Project with OCA

In social media promotions related to any project being funded, you can tag City of Dallas Office of Cultural Affairs and utilize preferred hashtags when appropriate. Doing so increases the opportunities for re-posting or shares by the OCA and its partners. See OCA/Dallas Culture handles, preferred hashtags and recommendations for social media engagement below.

Twitter

- Through professional and/or personal accounts follow Dallas OCA Twitter account https://twitter.com/dallasculture
- When making posts about your project tag us in your tweet by using our handle @dallasculture
- Include the hashtags: #dallasculture #liveart #oca

Facebook

- Through professional and/or personal pages, "like" the City of Dallas Office of Cultural Affairs Facebook page https://www.facebook.com/dallasculture
- When making posts about your project, tag in them @City of Dallas Office of Cultural Affairs
- Tag @City of Dallas Office of Cultural Affairs in any photos/videos you post related to your project. Be sure to share photos on the Dallas Culture page as well
- Utilize the #dallasculture #liveart #oca hashtags on Facebook posts of your project

Instagram

- Through professional and/or personal accounts follow Dallas OCA Instagram account https://www.instagram.com/dallas_culture/
- When making posts about your project tag us in your tweet by using our handle @dallas_culture
- Include the hashtags: #dallasculture #liveart #oca

EXHIBIT D

Office of Cultural Affairs
CITY OF DALLAS

FY 2018-19
Cultural Vitality Program
Guidelines

Community Engagement Funding For

Non-Profit Organizations and

Individual Artists

City of Dallas

Cultural Vitality Program (CVP)

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INTRODUCTION

OCA's Vision

An equitable, diverse and connected community, whose residents and visitors thrive through meaningful arts and cultural experiences in every neighborhood across Dallas.

OCA's Mission

The Office of Cultural Affairs works to enhance the vitality of the city and the quality of life for all Dallas residents by creating an equitable environment wherein artists as well as arts and cultural organizations thrive; people of all ages enjoy opportunities for creative expression; and all celebrate our multicultural heritage.

Our mission is to support and grow a sustainable cultural ecosystem that ensures all residents and visitors have opportunities to experience arts and culture throughout the city.

Statement on Cultural Equity

In Dallas, we envision a city of people whose success and well-being are not pre-determined by their race, age, disability, sexual orientation, gender, social status, zip code, or citizen status. We recognize that artistic and cultural expression are fundamental to the development of our identity, as individuals and as a community at large. We assert the right for all people to have access to arts and cultural experiences throughout Dallas.

We recognize the historic legacies of racism, overt bias and injustice that shape our present reality. In fact, the City of Dallas' arts funding originated to support organizations of the Western European canon, collectively referred to as "The Big Six." Going forward, we will strive to support the broadest range of art forms and creative producers, considering inclusivity, diversity and neighborhood impact to direct resources equitably to artists and organizations. We will work to build a robust arts ecosystem that continually evolves to better reflect the diverse composition of Dallas. Towards this end, we recognize and affirm the potential of new and emerging artists and organizations.

The Office of Cultural Affairs will serve as convener and connector to catalyze equity in the policies and practices of its partners across the Dallas arts ecosystem. Core to this is leading other organizations and private resource providers to advance diversity, equity and inclusion in concrete, measurable ways. Annually, the Office of Cultural Affairs will summarize its own support for artists and arts organizations, highlighting measures of equity and diversity.

As we work together to create a more vibrant Dallas, the Office of Cultural Affairs is committed to nurturing the wide diversity of creative culture and experiences that make up this great city.

[Note: The above Vision, Mission, and Equity Statement are proposed drafts in the *Dallas Cultural Plan 2018*, to be considered for adoption by the Dallas City Council in November 2018.]

CULTURAL VITALITY PROGRAM (CVP) OVERVIEW

OCA Definition of Community Engagement

To establish a thriving cultural ecosystem that ensures all Dallas citizens and visitors have an opportunity to experience the finest in arts and culture. OCA commits to championing policies and practices of cultural equity that help empower a just, inclusive, and equitable City.

CVP Community Engagement projects should be innovative projects or services that create active and ongoing engagement with people, neighborhoods and communities in Dallas. They should celebrate our diversity, build community connections and enhance the visibility of neighborhoods through arts and culture. Priority will be given to projects or residencies focusing on neighborhoods outside of downtown Dallas.

The Cultural Vitality Program aims to fund the following categories of Community Engagement projects:

1. Projects by non-profit organizations in neighborhoods or communities
2. Projects or short-term neighborhood residency programs by individual artists or artist collectives in neighborhoods or communities
3. On-going community workshops or short-term neighborhood residency programs by ALAANA artists and organizations[1]

Project Definition

For Fiscal Year 2018-19 the Cultural Vitality Program focus is on projects that support community engagement.

A project is defined as a specific one-time event or production (such as one concert, theater production, exhibit, etc.) or a project that includes a series of events using one theme or title.

[1] ALAANA means African, Latinx, Asian, Arab, and Native American. This also includes Native Hawaiian and Pacific Islander (category as defined by the US Census Bureau). ALAANA Organization means an organization whose primary intention, practices, and mission is by, for, or about ALAANA artists, cultures, and communities. The word "for" refers to the intention of the organization to perpetuate, promote, and present art that is representative of an ALAANA culture and people and/or is given form by ALAANA artists.

Residency Program Definition

Residencies are tailored to the needs of a specific neighborhood, community, or host site(s). Residency programs are implemented by artists or organizations with a history of engagement and a commitment to utilize arts education for community development. The goal of the residency program is to provide an opportunity for communities to collaborate on projects that develop positive and sustainable neighborhood outcomes. Residency programs are a minimum of 2 weeks and a maximum of 12 weeks.

Art in Public Places Projects

Artists and organizations proposing to do projects of art in public places, which are defined as permanent or temporary visual art installations in locations that are visible and accessible to the public, must obtain permission from the property owner prior to submitting a CVP application. **Projects can not be installed on any City-owned property to qualify for this funding.**

Privately Owned Property – If a private person or company/organization owns the property, the applicant must obtain a formal letter of support and authorization from the owner allowing the applicant to install the proposed artwork. This letter must be included with the application. Without the property owner's written consent, the application cannot be reviewed.

Applications must align with at least one of the following Cultural Equity goals:

1. **Enhance understanding** of and respect for diverse cultural traditions, heritages and forms of expression
2. **Increase access** and inclusivity in the experience of art and creativity for communities that have been historically underserved
3. **Connect** individuals from diverse cultures, ages and economic means in an effort to strengthen communities and/or neighborhoods through the arts
4. **Invest** in historically underserved communities with artists or organizations rooted in that community to build individual capacity and economic viability

Funding Request Amounts

Organizations and Artists can apply for funding in one of the following funding levels:

1. **Individual Artists and Artist Collectives**

Funding requests can be made from $2,000 - $15,000

2. **Organizations with operating budgets under $100,000**
   Funding requests can be made from $2,500 - $10,000

3. **Organizations with operating budgets from $100,001 - $1,000,000**
   Funding requests can be made from $2,500 - $15,000

4. **Organizations with operating budgets over $1,000,000**
   Funding requests can be made from $5,000 - $20,000

   (Funding awards can't be more than 25% of the organization's operating budget)

All funding awards will be determined by the total panel score and a funding matrix. **Applicants with panel score under 70% may not be recommended for funding unless they are recommended by an affirmative vote of at least two-thirds of the Allocations Committee.** See "Review of Applications" for scoring detail.

All accepted applicants will be required to present their proposal to a community review panel.

Percentage of Funds Awarded

No more than 20% of the total Cultural Vitality Program will be awarded to organizations with budgets over $1,000,000.

CVP FUNDING TIME LINE

November 2, 2018	FY18-19 CVP Application Period Opens
December 3, 2018	**FY18-19 CVP Application Period Closes**
December 7, 2018	CVP Applications sent to Review Panel
January 9-10, 2019	CVP Panel Presentations
January 25, 2019	CVP applicants notified of funded projects or residencies that start after February 15, 2019 and completed by September 15, 2019*

*The project or residency start date and end date must happen during this time frame to be considered for funding

NEED ASSISTANCE?

For general inquiries or assistance, please contact the OCA Cultural Programs Division staff:

Charla Sanderson
Cultural Programs Manager
charla.sanderson@dallascityhall.com
214-670-4065

Glenn Ayars
Contract Compliance Administrator
glenn.ayars@dallascityhall.com
214-671-0878

Rhonda Ivery
Artist Resource Coordinator
rhonda.ivery@dallascityhall.com
214-671-8573

ORGANIZATION / ARTIST APPLICANT ELIGIBILITY

1. Organizations/Artists will only be eligible for one CVP award per fiscal year
2. Organizations/Artists may only submit one application consisting of one project or residency – **multiple projects will not be accepted**
3. Applications must align with one of the Cultural Equity outcomes (see page 5)
4. Organizations must have at least a 3-year operating history
5. Individual artists must have at least 3 years of professional experience in their field and provide a resume or vita **AND** examples of their work
6. All projects must happen within the city limits of Dallas (double check at http://gis.dallascityhall.com/cityinfo/)
7. The organization's administrative office or individual artist's residence must be located within the city limits of Dallas. P.O. Boxes will not be accepted as proof of office or residence location within the city limits of Dallas.
8. Projects or residencies must be completed by September 15, 2019
9. The organization/artist must be willing and able to enter into a contract with the City and meet the requirements associated with receiving funds from the City.
10. Organizations must be tax-exempt under section 501(c)(3) of the Internal Revenue Code
11. Any funded organization/artist must comply with regulations pertaining to federal grant recipients including, but not limited to, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Education Amendments of 1972, the Americans with Disabilities Act of 1990, and the Drug Free Workplace Act of 1988
12. Any funded organization/artist must obtain and maintain during the Contract term all necessary licenses, permits, insurance and other approvals required by law or the City for the provision of services
13. If funded in the previous year's program cycle, the artist or organization must be compliant with the contract in order to apply for future funding in the program. Organizations or artists who fail to successfully complete their contract are not eligible for funding in the subsequent funding cycle of the same program.

INELIGIBLE ORGANIZATIONS/ARTISTS AND ACTIVITIES

Applications will not be accepted for the following:

1. Activities which do not have a cultural or artistic focus

2. Projects or programming that are currently being funded by another OCA funding program that is stated in the scope of services of the funding program contract
3. Projects planned primarily for fundraising purposes
4. Activities restricted to members or which do not benefit the general public
5. College/university or school projects that are part of a course or curriculum for credit or which do not benefit the general public
6. OCA does not fund cash prizes or awards
7. Underwriting of capital expenditures (buildings, land, permanent equipment or artwork)
8. Activities that have occurred prior to the full execution of the cultural service contract
9. Underwriting of past deficits
10. Endowments
11. Travel costs outside of Dallas
12. Lobbying, attorney's fees, fees for penalties, and fees for incorporation or obtaining tax-exempt status
13. Public art projects that take place on City property, or that would require review by the City’s Public Art Committee
14. New full or part time staff positions
15. Alcoholic beverages and food
16. Exhibitions or projects for personal financial gain
17. Festivals
18. Commercial (for-profit) enterprises or activities including concessions, food, t-shirts or other items

GENERAL APPLICATION GUIDELINES

Before you begin your application, carefully read all applicable CVP program guidelines.

- Develop your application so that it addresses applicable program goals and evaluation criteria.
- Complete every required section and upload any additional required documents.
- Check your work and make sure that your financial data is accurate and complete.

All supplementary materials submitted should reflect the quality of your artistic product. Poorly produced supplementary materials, including audio or visual materials, may do more harm than good.

Contact the Cultural Contracts Staff for clarification.

Helpful Tips for Preparing Your Application

1. Read the guidelines, funding application instructions and criteria before beginning the application process.
2. Plan your narrative following the questions and funding criteria. Plan your answers carefully to avoid repetition.
3. Write to the funding criteria. Remember all applications are reviewed based on how well the application meets the funding criteria.
4. Don't assume. Those who review your proposal may have no knowledge of you/your organization or its programming. Make sure you describe existing and proposed programs in detail. The application should stand on its own merits.
5. Avoid generalizations. Rather than stating, "We have operated a successful series of concerts for the last four years," use numbers to prove your case. For example, "We have produced six plays with 10-performance runs for the last four years to audiences ranging from 75 to 100 per each performance.
6. Proofread. Before submitting your application, have at least one person proofread it. If the reader has questions, it is likely that the reviewers will as well. Applications that contain frequent typographical errors, poor grammar or misspelled words do not give a positive impression of the applicant.

To Apply

Apply online at www.dallasculture.org, click on "Funding Programs"
Information that will be needed to apply:

1. Date(s) of the project or residency: remember that the project or residency start date and end date must happen between February 15, 2019 and September 15, 2019.
2. Description of the project or residency and its merit to be funded, which includes the location, timeframe and details as to how the project or residency will be produced
3. Marketing and promotion plans for the project or residency
4. The project or residency's ability to reach new or expanded audiences
5. Proposed budget for the project or residency
6. **Individual Artists are required to submit resumes or vitas and two pieces that are representational of the artist's work.**
7. **Organizations are required to include a history of the organization and at least two items of supplemental material that represent and showcase the organization's work.**
8. **Organizations will also need to provide their IRS non-profit status documents**

SELECTION PROCESS AND CONTRACT AWARD

Review of Applications

OCA staff will first review all application proposals to ensure accuracy, inclusion of all material and if the project meets the criteria of the Cultural Vitality Program. Only applications meeting the criteria and vetted by OCA staff will move forward to the panel for review and a presentation by the organization or individual. Organizations/artists will be notified of whether they are funded or not on a timely basis after the deadline and processing of the proposals.

A knowledgeable and trained panel of community volunteers will review the applications and be present for the applicant's presentation. They will then score the applications according to the criteria below.

1. Alignment with the Cultural Vitality Program funding goals (15 pts)
2. Organizational and artistic history (15 pts)
3. Quality of proposed project or residency (30 pts)
4. Capability and planning experience to complete the project or residency (20 pts)
5. Community engagement and need for the project or residency (10 pts)

Panel scores add up to a possible total score of 90 points

Applicants will also be scored by the OCA Administrative staff for a possible total score of 10 points for the following:

- **Cultural Diversity (3 points)** – Organization/Artist has demonstrated a commitment to cultural diversity in all aspects of its operations such as board, staff, programs, audiences and outreach.
- **Project Timeline (3 points)** – The project or residency description and supporting documentation will be able to be completed within the funding timeline.
- **Project Budget (3 point)** – The project or residency revenue and expenses are aligned to support successful completion of the project
- **Supplemental Material (1 point)** – Organization/Artist has provided all of the required supplemental material to support the application

Administrative points add up to a possible total score of 10 points

The panelist scores are forwarded to the Allocations Committee of the Cultural Affairs Commission for review. The Committee recommends a level of funding for each organization taking into consideration the panel scoring, the funding request, and the total

available funding budget for the Cultural Vitality Program. The funding level is determined by a funding matrix. It is the policy of the Cultural Affairs Commission to recommend funding artists and organizations who have demonstrated excellence. **Applicants with panel score under 70% may not be recommended for funding unless they are recommended by an affirmative vote of at least two-thirds of the Allocations Committee.**

Final approval of all contracts is upon execution by the city manager following approval as to form by the city attorney.

Variances from these guidelines may be approved by the director; however, material variances shall require City Council approval.

Presentations to the Review Panel

After the initial review by OCA staff, every Organization/Artist that is applying for funding is required to make a presentation to the Review Panel. Applicant organizations must be represented at the Review Panel meeting by principal representatives, e.g. the Executive Director, Artistic Director, Board President and/or a Financial Officer or other staff as determined by the organization. Individual Artists must be present for the presentation and include other key people associated with the project if applicable. **It is required that all approved applicants make a presentation to the panel.** If the Organization/Artist does not make their presentation, then their application will be rejected from consideration for funding.

The presentation times will be allotted in the following manner:

5 minutes – Presentation time for the organization/artist to the Review Panel
5 minutes - Q and A time for Review panel members with the organization/artist

A notice about what type of audio-visual equipment will be available for the presentation will be sent to applicants prior to the panel dates.

The number and types of Review Panels will be determined by the number and type of applications received.

CONTRACTUAL REQUIREMENTS

Contracts with the City

Project awards are made by contract with the City of Dallas. Contracts will include a scope of work that details project purpose, goals, milestones, schedule and payment terms. Contracts must be signed by the vendor (i.e., the organization/artist) and the City Manager, and approved as to form by the City Attorney. Before the City executes the contract, it will be forwarded to the Office of Risk Management for review and a determination of insurance requirements. **YOU MAY BE REQUIRED TO PROVIDE PROOF OF APPROPRIATE INSURANCE BEFORE THE CONTRACT IS EXECUTED. PAYMENT TERMS WILL BE BASED ON THE SCOPE OF WORK, AND CAN ONLY BE MADE FOR SERVICES RENDERED. NO PAYMENTS WILL BE MADE PRIOR TO A PROJECT BEING STARTED; PROJECT START INCLUDES FINAL EXECUTION OF THE CONTRACT. MULTIPLE PAYMENTS BASED ON PROJECT MILESTONES WILL BE CONSIDERED. INVOICES MUST BE SUBMITTED TO OCA IN ORDER TO PROCESS PAYMENTS. IT MAY TAKE UP TO 30 DAYS FROM THE DATE THE INVOICE WAS RECEIVED FOR THE CITY TO ISSUE A CHECK.**

Additional Important Information

- You will need to complete your project within the contract dates. If you need an extension you will need to contact: Charla Sanderson, Cultural Programs Manager.
- When your project is complete you will need to fill out a simple final report and provide documentation of your project to the Office of Cultural Affairs before the final payment can be made.
- If your project is not completed you will be required to return all funds back to the City.

Becoming a City Vendor

You must become a vendor in the City system before a contract can be executed. This is basically setting up an account for you in the City system to be able to cut a check. You will need to do this before we can process your contract if you are funded. Go to the following City of Dallas website to register: http://bids.dallascityhall.com

Once you have finished registering, the system will create a vendor number for you. We will need that number for part of your contract paperwork. **Be sure that the name and address that you put in the vendor system are the same as what will be in your contract.** Please email the vendor number to: charla.sanderson@dallascityhall.com

Signed Contract Time Frame

Contracts may be executed electronically or by paper, as determined by the City. If a paper contract is required, awarded organizations or artists will provide **three** copies of their contract signature page with the wet/original signature of the authorized official for the organization/artist.

The following lists the contract process and time limits before payment can be made:

- The Scope of Work (SOW) for the contract is approved by the organization/artist. **The Scope of Work must be approved by the organization/artist no later than one week after receiving them.**
- Organizations/artists receive the Insurance Requirements from Risk Management per their contract and SOW. **Organizations/artists have up to 30 days from the day they receive the Insurance Requirements to provide their Certificate of Insurance (COI) to OCA.**
- Contracts are sent to the organization/artist for signatures. **Signed contracts must be returned to OCA no later than two weeks after they are received.**
- When signed CVP contracts have obtained a memorandum of compliance from the Office of Risk Management stating insurance requirements have been met, CVP contracts go to City Hall for the signatures of the City Manager and the City Attorney.
- When the contract has been returned to OCA and has been approved by the Purchasing department, the first invoice is sent to the organization/artist upon completion of specified contract deliverables in the SOW for first payment.
- Organizations/artists that do not adhere to the above stated time frames for SOW approval, contract signature pages or providing their COI can risk termination of their CVP funding as determined by OCA staff.

Invoices and Payments

Payments will be made in installments as determined by the time frame and scope of work of the project. A portion of the funding will be held until the final report is submitted.

Insurance

Insurance coverage will be required for most funded FY18-19 organizations and artists, especially if you are working with children under the age of 18. The contract will not be

executed and the funds cannot be released without evidence of the required insurance. Proof of insurance must meet the specific terms of the contract**. As soon as the coverage requirements are made from Risk Management, funded organizations/ artists will be notified.** Failure to meet insurance requirements may be reported to the Cultural Affairs Commission. Cancellation of insurance prior to the end of the contract term will result in contract termination. (For more information on obtaining insurance coverage and amounts required, please contact Glenn Ayars at glenn.ayars@dallascityhall.com.)

Below is a sample of the types of insurance that may be required – additional types of insurance may be required.

General Liability

Commercial General Liability Insurance including, but not limited to, Premises/Operations, Personal & Advertising Injury, Products/Completed Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits. The following endorsements shall be added in favor of the City of Dallas: 1) Additional Insured, 2) Waiver of Subrogation and 3) 30-Day Notice of Cancellation.

Auto Liability

If vehicles will be used in the performance of services under the contract - Business Automobile Liability Insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit. The following endorsements shall be added in favor of the City of Dallas: 1) Additional Insured, 2) Waiver of Subrogation and 3) 30-Day Notice of Cancellation.

Workers' Compensation

If the Artist's employees are performing services under the contract at a City owned facility - Workers' Compensation within the regulations of the Texas Workers' Compensation Act as well as Employers Liability. The following endorsements shall be added in favor of the City of Dallas: 1) Waiver of Subrogation and 2) 30-Day Notice of Cancellation.

Abuse and Molestation

If the organization is doing programming for children under 18 years of age or senior citizens.

Certificates of Insurance

Certificates of Insurance must be written by a company licensed to do business in the State of Texas at the time the policy is issued and be acceptable by the City.

All insurance contracts and certificate(s) of insurance will contain and state, in writing, the following required provisions:

a. Name the City of Dallas and its officers, employees and elected representatives as additional insureds to all applicable coverages.

b. State that coverage shall not be canceled except after thirty (30) days written notice to:
   (i) Office of Cultural Affairs, Attention: Charla Sanderson, Project Manager, 1925 Elm #400, Dallas, Texas 75201 and
   (ii) Director, Office of Risk Management, 1500 Marilla, 6A-South, Dallas, Texas 75201.

c. Waive subrogation against the City of Dallas, its officers and employees, for bodily injury (including death), property damage or any other loss.

d. Provide that the organizations insurance is primary insurance as respects the CITY, its officers, employees and elected representatives.

e. Ensure that all certificates of insurance identify the service or product being provided and name the City department shown in **REQUIRED PROVISIONS** as the Certificate Holder.

f. 30-day cancellation clause obligating the insurance company to notify the Office of Cultural Affairs of cancellations or material changes.

Final Reports

All artists/non-profit arts and cultural organizations that are awarded funding will be required to do a final summary report of the project and provide documentation of the work. Final payment will not be made until the final report and documentation are received by the OCA office and approved.

Cultural Diversity

It is the intent of the City's cultural policy to contract with cultural organizations that demonstrate a commitment to diverse community representation on their boards and staffs. In addition, the organizations are expected to demonstrate a commitment to cultural diversity in all aspects of their operations and programming.

Logo and Credit Line

Arts organizations and artists awarded City of Dallas contracts are asked to include the following credit line and logo and also include this in any social media about the project:



"Name of your organization/artist is supported in part by the City of Dallas Office of Cultural Affairs"

Download the logo at https://dallasculture.org/cultural-programs/logos/

It is important that the residents of Dallas know that their local tax dollars make it possible for them to enjoy the caliber of arts produced in this city.

Social Media Recognition for your Funded Project with OCA

In social media promotions related to any project being funded, you can tag City of Dallas Office of Cultural Affairs and utilize preferred hashtags when appropriate. Doing so increases the opportunities for re-posting or shares by the OCA and its partners. See OCA/Dallas Culture handles, preferred hashtags and recommendations for social media engagement below.

Twitter

- Through professional and/or personal accounts follow Dallas OCA Twitter account https://twitter.com/dallasculture
- When making posts about your project tag us in your tweet by using our handle @dallasculture
- Include the hashtags: #dallasculture #liveart #oca

Facebook

- Through professional and/or personal pages, "like" the City of Dallas Office of Cultural Affairs Facebook page https://www.facebook.com/dallasculture
- When making posts about your project, tag in them @City of Dallas Office of Cultural Affairs
- Tag @City of Dallas Office of Cultural Affairs in any photos/videos you post related to your project. Be sure to share photos on the Dallas Culture page as well

- Utilize the #dallasculture #liveart #oca hashtags on Facebook posts of your project

Instagram

- Through professional and/or personal accounts follow Dallas OCA Instagram account https://www.instagram.com/dallas_culture/
- When making posts about your project tag us in your tweet by using our handle @dallas_culture
- Include the hashtags: #dallasculture #liveart #oca

EXHIBIT E

Office of Cultural Affairs
CITY OF DALLAS

FY 2018-19
Community Artist Program Guidelines

Community Artist Funding For
Non-Profit Organizations and
Individual Artists

City of Dallas

Community Artist Program (CAP)

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INTRODUCTION

OCA's Vision

An equitable, diverse and connected community, whose residents and visitors thrive through meaningful arts and cultural experiences in every neighborhood across Dallas.

OCA's Mission

The Office of Cultural Affairs works to enhance the vitality of the city and the quality of life for all Dallas residents by creating an equitable environment wherein artists as well as arts and cultural organizations thrive; people of all ages enjoy opportunities for creative expression; and all celebrate our multicultural heritage.

Our mission is to support and grow a sustainable cultural ecosystem that ensures all residents and visitors have opportunities to experience arts and culture throughout the city.

Statement on Cultural Equity

In Dallas, we envision a city of people whose success and well-being are not pre-determined by their race, age, disability, sexual orientation, gender, social status, zip code, or citizen status. We recognize that artistic and cultural expression are fundamental to the development of our identity, as individuals and as a community at large. We assert the right for all people to have access to arts and cultural experiences throughout Dallas.

We recognize the historic legacies of racism, overt bias and injustice that shape our present reality. In fact, the City of Dallas' arts funding originated to support organizations of the Western European canon, collectively referred to as "The Big Six." Going forward, we will strive to support the broadest range of art forms and creative producers, considering inclusivity, diversity and neighborhood impact to direct resources equitably to artists and organizations. We will work to build a robust arts ecosystem that continually evolves to better reflect the diverse composition of Dallas. Towards this end, we recognize and affirm the potential of new and emerging artists and organizations.

The Office of Cultural Affairs will serve as convener and connector to catalyze equity in the policies and practices of its partners across the Dallas arts ecosystem. Core to this is leading other organizations and private resource providers to advance diversity, equity and inclusion in concrete, measurable ways. Annually, the Office of Cultural Affairs will summarize its own support for artists and arts organizations, highlighting measures of equity and diversity.

As we work together to create a more vibrant Dallas, the Office of Cultural Affairs is committed to nurturing the wide diversity of creative culture and experiences that make up this great city.

[Note: The above Vision, Mission, and Equity Statement are proposed drafts in the *Dallas Cultural Plan 2018*, to be considered for adoption by the Dallas City Council in November 2018.]

COMMUNITY ARTIST PROGRAM (CAP) OVERVIEW

The Community Artist Program provides artist services to Dallas communities by ALAANA and other individual artists and cultural organizations to teach, perform, and exhibit at host facilities in neighborhoods around the City of Dallas. CAP cultivates collaborations between artists and communities. Services are requested of CAP artists and organizations by OCA on an as-needed, when-needed basis.

ALAANA means African, Latinx, Asian, Arab, and Native American. This also includes Native Hawaiian and Pacific Islander (category as defined by the US Census Bureau).

ALAANA Organization means an organization whose primary intention, practices, and mission is by, for, or about ALAANA artists, cultures, and communities. The word "for" refers to the intention of the organization to perpetuate, promote, and present art that is representative of an ALAANA culture and people and/or is given form by ALAANA artists.

Program Goals

1. To provide support and opportunities for ALAANA arts programs for artists and organizations to teach, perform, and exhibit at host facilities in neighborhoods around the city of Dallas.

2. To create opportunities for ALAANA artists to participate in neighborhood events such as festivals and celebrations throughout Dallas which showcase and celebrate the community's unique history and varied racial and ethnic heritage.

3. To expose Dallas residents to art forms or traditions with which they may not be familiar and heighten citizen understanding of the unique contributions of the City's various cultures to the community in Dallas.

4. To provide opportunities for Dallas neighborhood organizations to have greater access to the arts and cultural expression.

5. To promote collaborations between the arts and community entities, such as business, government, and the non-profit sector, for the purpose of community development

Service Types

There are 3 different types of services that encompass the Community Artist Program:

- One-time performance or one-time workshop
- Workshop Series (2 - 4 day series)

- Residency (2 – 8 weeks)

Performance – A proposed performance will introduce an audience to a cultural art form or tradition. Performances average 50 minutes in length plus set up and break down times.

Workshops - A one day workshop is a hands-on opportunity to introduce the audience/participants to a cultural art form or tradition. A workshop series allows the participants to explore the topic in greater detail and includes a culminating activity. A workshop series can be comprised of two (2) or four (4) day sessions. Each workshop session is generally two hours.

Residency – Residencies are tailored to the needs of a specific neighborhood, community, or host site(s). Residency programs are implemented by artists with a history of engagement with the community and a commitment to utilize arts education for community development. The goal of the residency program is to provide an opportunity for artists and communities to collaborate on arts projects that develop positive and sustainable neighborhood outcomes. Residency services are a minimum of 3-4 hours per week for a minimum of 2 weeks and a maximum of 8 weeks.

Selected artists and organizations conducting workshops and/or residencies must provide the following:

- A written outline of services
- Artistic teaching points/curriculum (including flexibility)
- Age level of classes
- Minimum/maximum possible attendance

Note:
Inclusion on the CAP artist roster does not guarantee that services will be awarded. CAP recipients only receive funds as requests from the community are received, services are completed, and complete invoices & evaluations are submitted.

ORGANIZATION / ARTIST ELIGIBILITY

This program is intended for individual ALAANA artists and other individual artists who are residents of the City of Dallas and ALAANA and other cultural non-profit arts organizations with administrative offices that are permanently located in the City of Dallas. Artists and cultural organizations of the ALAANA (African, Latinx, Asian, Arab, and Native American) demographic performing or presenting in the areas of music, dance, theatre, literature, visual arts, film/video, literary arts, folk artists, and other disciplines will be considered for the program. Other artists and arts and cultural organizations may also be considered.

1. Organizations/Artists may only submit one application – **multiple proposals from the same applicant will not be accepted**
2. Organizations must have at least a 3-year operating history
3. Individual artists must have at least 3 years of professional experience in their field and provide a resume or vita **AND** examples of their work
4. The organization's administrative office or individual artist's residence must be located within the city limits of Dallas. P.O. Boxes will not be accepted as proof of office or residence location within the city limits of Dallas.
5. The organization/artist must be willing and able to enter into a contract with the City and meet the requirements associated with receiving funds from the City.
6. Organizations must be tax-exempt under section 501(c)(3) of the Internal Revenue Code
7. Any funded organization/artist must comply with regulations pertaining to federal grant recipients including, but not limited to, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Education Amendments of 1972, the Americans with Disabilities Act of 1990, and the Drug Free Workplace Act of 1988
8. Any funded organization/artist must obtain and maintain during the Contract term all necessary licenses, permits, insurance and other approvals required by law or the City for the provision of services
9. If funded in the previous year's program cycle, the artist or organization must be compliant with the contract in order to apply for future funding in the program. Organizations or artists who fail to successfully complete their contract are not eligible for funding in the subsequent funding cycle of the same program.

Organizations contracting with the City through other funding programs may also apply to be on the artist roster for the Community Artists Program as long as the combined total of all the City cultural services contract awards does not exceed limit on the total support by the City as described in the adopted Cultural Policy at the time of contract execution.

INELIGIBLE ORGANIZATIONS/ARTISTS AND ACTIVITIES

Applications <u>will not</u> be accepted for the following:

1. Activities which do not have a cultural or artistic focus.
2. Applications from individual artists who are not residents of Dallas or organizations that do not have administrative offices located in the City of Dallas.
3. Youth applicants or organizations that involve youth who are in school and have not completed the 12th grade.

GENERAL APPLICATION GUIDELINES

1. Before you begin the application, carefully read all CAP guidelines.

2. Develop the application so that it addresses program goals and criteria.

3. Complete all required information and submit online support materials (e.g. critical reviews, web links, photos, audio and video recordings, etc.).

4. All supplemental materials submitted should reflect the quality of your artistic product. Poorly produced supplementary materials can negatively affect your application score.

All individual artists are required to upload a resume with the application. In addition, please upload the following supplemental material, if available:

- Web links to work samples such as video, sound or music clips. The clips should highlight or showcase the organization or artist.
- Critical reviews or newspaper clippings
- Programs or playbills
- Organization or Artist brochures
- Photos

Please check the online application for more information about uploading and attaching support material.

Contact the Cultural Programs Artists Resource Coordinator to ask for any clarification or a copy of the FY18-19 CAP Guidelines. The OCA staff can review your proposal with you prior to the submission date.

Rhonda Ivery, Artist Resource Coordinator, 214-671-8573 or
rhonda.ivery@dallascityhall.com

Helpful Tips for Preparing Your Application

1. Read the guidelines, funding application instructions and criteria before beginning the application process.
2. Plan your narrative following the questions and funding criteria. Plan your answers carefully to avoid repetition.
3. Write to the funding criteria. Remember all applications are reviewed based on how well the application meets the funding criteria.
4. Don't assume. Those who review your proposal may have no knowledge of you/your organization or its programming. Make sure you describe existing and proposed programs in detail. The application should stand on its own merits.
5. Avoid generalizations. Rather than stating, "We have operated a successful series of concerts for the last four years," use numbers to prove your case. For example, "We

have produced six plays with 10-performance runs for the last four years to audiences ranging from 75 to 100 per each performance.

6. Proofread. Before submitting your application, have at least one person proofread it. If the reader has questions, it is likely that the reviewers will as well. Applications that contain frequent typographical errors, poor grammar or misspelled words do not give a positive impression of the applicant.

To Apply

New applicants to the Community Artist Program will be selected by a community panel review method.

Program aspirants must read the Program guidelines and requirements for the proposal submission process which are located on the OCA website – http://www.dallasculture.org/. All proposals along with supporting material must be submitted by email to Rhonda Ivery at rhonda.ivery@dallascityhall.com to be considered for the artist roster. Submitting a proposal does not mean automatic inclusion on the CAP roster.

New ALANNA artists and organizations will be considered annually but new members to the artists roster will depend on the demand and budget for the CAP program.

Support Materials are required with the email submission (such as online samples of work, videos, photos of work, YouTube clips, critical reviews, etc.). Only one submission will be accepted per applicant. **Individual Artists will be required to submit a resume or Vita**.

SELECTION PROCESS AND CONTRACT AWARD

Review of Applications

OCA staff will first review all application proposals to ensure accuracy, inclusion of all material and if the project meets the criteria of the Community Artist Program. Only applications meeting the criteria and vetted by OCA staff will move forward to the panel for review and a presentation by the organization or individual. Organizations/artists will be notified of whether they are funded or not on a timely basis after the deadline and processing of the proposals.

A knowledgeable and trained panel of community volunteers will review the applications and be present for the applicant's presentation. They will then score the applications according to the criteria below.

1. Artistic Qualifications (30 pts)
2. Needs of the Community (20 pts)
3. Artistic Merit (20 pts)
4. Potential of Applicant to Successfully Provide Service (10 pts)
5. Supplemental Materials (20 pts)

Panel scores add up to a possible total score of 100 points

Details on the scoring criteria are below.

1. **Artistic Qualifications –** Are the qualifications of the artist/organization based on training and/or professional experience, quality of work, planning skills, past record of achievement, and potential to manage and carry out the proposed service?

2. **Need of the Community –** Is there a need of the community for the particular service, based on how it will increase understanding of the cultural heritage of the participating artist, meet an underserved need in the community, and benefit the community at large?

3. **Artistic Merit -** Does the service offer a quality product that advances the preservation or perpetuation of art forms that are rooted in ethnic/cultural traditions?

4. **Potential of Applicant to Successfully Provide Service -** Is the service well planned and appropriate for the targeted audiences?

5. **Supplemental Materials -** Do the supplemental materials provided show that the artist/organization has a professional program geared for the CAP program?

Failure to provide appropriate materials for the panel will result in a reduction of evaluation points, up to and including automatic withdrawal of application.

The panelist scores are forwarded to the Allocations Committee of the Cultural Affairs Commission for review. The Committee recommends a roster of artists and allocations for contract levels based on the total available funding budget for the Community Artist Program, the need to provide a balance among arts disciplines represented in the program, the capacity of the proposed service to meet CAP goals, the needs of underserved communities and other host organizations, and requests by and/or needs of the community in Dallas.

Variances from these guidelines may be approved by the director; however, material variances shall require City Council approval.

Artist Service Contracts

All CAP artists and organizations will be given instructions on scheduling of services, completing agreement forms, evaluation forms, and invoices. A signed contract must be completed with the Office of Cultural Affairs before commencement of services. The contracting process can take between four and six weeks depending on each artist/organization circumstances. **Services are requested of CAP artists and organizations by OCA on an as-needed, when-needed basis. A certain amount of funding is not guaranteed.**

If you are chosen to be on the CAP artist roster you will need to register as a City vendor if you don't already have a vendor number. Register online at bids.dallascityhall.com. More information will be given to artists/organizations after you are notified of being on the CAP roster.

Newly selected artists/organizations will be placed on a probationary period of **one year** to ensure compliance with and fulfilment of program requirements and guidelines. Service contracts (established or probationary) may be terminated for the following reasons:

- Failure to pass background check
- Failure to provide certificate of insurance (if required)
- Cancellation of insurance
- Excessive unexplained absences (two or more during a fiscal year)
- Late paperwork
- Unprofessional/unethical behavior

Insurance and Background Checks

Insurance coverage or background checks will be required for funded FY18-19 organizations or artists. Contracts cannot be executed and funds cannot be released without evidence of the required insurance if determined by Risk Management. Proof of insurance must meet the specific terms of the funding contract**. As soon as the coverage requirements are determined by Risk Management, funded organizations/artists will be notified.** *Failure to meet insurance requirements or cancellation of insurance may be reported to the Cultural Affairs Commission. Cancellation of insurance prior to the end of the contract term will result in contract termination.* (For more information on obtaining insurance coverage and amounts required, please contact Rhonda Ivery at 214.671.8375 or via email at rhonda.ivery@dallascityhall.com.)

Below is a sample of the types of insurance that may be required – additional types of insurance may be required.

General Liability
Commercial General Liability Insurance including, but not limited to, Premises/Operations, Personal & Advertising Injury, Products/Completed Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits. The following endorsements shall be added in favor of the City of Dallas: 1) Additional Insured, 2) Waiver of Subrogation and 3) 30-Day Notice of Cancellation.

Auto Liability
If vehicles will be used in the performance of services under the contract - Business Automobile Liability Insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit. The following endorsements shall be added in favor of the City of Dallas: 1) Additional Insured, 2) Waiver of Subrogation and 3) 30-Day Notice of Cancellation.

Workers' Compensation
If the Artist's employees are performing services under the contract at a City owned facility - Workers' Compensation within the regulations of the Texas Workers' Compensation Act as well as Employers Liability. The following endorsements shall be added in favor of the City of Dallas: 1) Waiver of Subrogation and 2) 30-Day Notice of Cancellation.

Abuse and Molestation
If the organization is doing programming for children under 18 years of age or senior citizens.

Certificates of Insurance

Certificates of Insurance must be written by a company licensed to do business in the State of Texas at the time the policy is issued and be acceptable by the City.

All insurance contracts and certificate(s) of insurance will contain and state, in writing, the following required provisions:

a. Name the City of Dallas and its officers, employees and elected representatives as additional insureds to all applicable coverages.

b. State that coverage shall not be canceled except after thirty (30) days written notice to:

(i) Office of Cultural Affairs, Attention: Charla Sanderson, Project Manager, 1925 Elm #400, Dallas, Texas 75201 and
(ii) Director, Office of Risk Management, 1500 Marilla, 6A-South, Dallas, Texas 75201.

c. Waive subrogation against the City of Dallas, its officers and employees, for bodily injury (including death), property damage or any other loss.

d. Provide that the organizations insurance is primary insurance as respects the CITY, its officers, employees and elected representatives.

e. Ensure that all certificates of insurance identify the service or product being provided and name the City department shown in **REQUIRED PROVISIONS** as the Certificate Holder.

f. 30-day cancellation clause obligating the insurance company to notify the Office of Cultural Affairs of cancellations or material changes.

Background Checks

Background checks will be conducted and can waive insurance requirements. All persons working in conjunction with a CAP artist and/or organization must be cleared through the background check process before services can be rendered. Please note that background checks can only be conducted through the City's mandated, third-party company. Background checks from other organizations cannot be used. For additional information on the background check process contact Rhonda Ivery at rhonda.ivery@dallascityhall.com

Identification of Community Hosts

The Office of Cultural Affairs staff will assign participating artists/organizations to services in the community on a request and need basis. Community hosts may include churches, community organizations, recreation centers, social service agencies, and other non-profit groups. Emphasis will be placed on underserved or un-served

communities that have not had prior exposure to the art form. An attempt will be made to spread program services throughout all areas of the City. **All funded activities must occur within the Dallas City limits. The community host will provide a facility/space at no charge to the participating audience or neighborhood participants. The host is expected to market the service, appropriately publicize the event, and provide verification of marketing seven days before the event date.**

Invoices and Payments

The artist/organization will submit a signed invoice to the City upon completion of each contracted service. Payment will generally be mailed within 20 business days from receipt of the invoice. In the case of long-term artist's residencies, invoices may be submitted on previously agreed upon dates during the residency. Invoices submitted prior to the date of service will not be accepted.

Artist Evaluation/Final Form

CAP artists are responsible for submitting an Artist Evaluation/Final Form for each service provided. Completed forms will be sent directly to the Office of Cultural Affairs along with the corresponding invoice. Invoices will not be processed without receipt of the evaluation form.

Logo and Credit Line

Host organizations awarded CAP programming should include the following credit line and logo in publications, programs, press releases, season brochures, lobby displays, advertising and public communication:

Office of Cultural Affairs
CITY OF DALLAS

"(Name of CAP program) is supported in part by the City of Dallas Office of Cultural Affairs."

It is imperative that the residents of Dallas know that their local tax dollars make it possible for them to enjoy the caliber of arts produced in this City.

The OCA logo can be downloaded from our website: www.dallasculture.org, click on "Programs" and then "Cultural Services Contracts" and then scrolling down to the bottom and click on "Download the OCA logo".

CAP DEFINITIONS/VOCABULARY

ALAANA - African, Latinx, Asian, Arab, and Native American. This also includes Native Hawaiian and Pacific Islander (category as defined by the US Census Bureau).

ALAANA Organization - An organization whose primary intention, practices, and mission is by, for, or about ALAANA artists, cultures, and communities. The word "for" refers to the intention of the organization to perpetuate, promote, and present art that is representative of an ALAANA culture and people and/or is given form by ALAANA artists.

Artist - Any practitioner of the arts.

Arts based community development – arts activities created by and with community members that include elements of community access, ownership, participation and accountability and have the goal of improving and enhancing the quality of neighborhoods.

Classes - Instruction to include demonstrations, performances or exhibitions.

Culminating Event – An organized occasion or communal activity that celebrates and/or exhibits the learning and development from the workshop and residency sessions.

Discipline - Any art form such as music, dance, theater, literature, visual, media or folk.

Established – Existing contract in place for more than one year and has completed probationary period.

Fee Structure - The total artist fee for each type of service for which funds are requested.

Folk Artist - Maintains or practices traditional beliefs or skills that are learned and passed on from one generation to the next by word of mouth and customary example. The folk arts can include both material culture and oral/expressive traditions, and are found in groups of people who share a cultural bond and history.

Format -The method of service delivery. For example: a performance, workshop, or residency.

Host - Any organization, which brings an artist to its community. Hosts may be churches, schools, community organizations, recreation centers, social service agencies and other non-profit groups.

Lesson Plan – A step-by-step outline of educational service, objectives and methods of implementation

Objective - A one line description of the goal, purpose or aim of the workshop session. For example: The objective of the Pen & Style lesson is to introduce the participants to 3 new poetry writing styles.

Performance - a one-time showing designed to introduce an audience to and/or celebrate a cultural art form or tradition.

Probationary – Existing contract in place under one year and examined periodically for compliance with program requirements and guidelines.

Residency - Long-term (two to eight weeks) service that includes arts based community activities, a culminating event, exhibit, or publication and involves aspects of the service that potentially reach beyond the contracted service.

Service - The activity for which the applicant is requesting funds.

Session- The time spent of artists in direct contact with participants working on an art activity and learning a craft.

Workshop - Short-term service, one day or 2-4 day series of interactive hands-on art instruction.

Agenda Information Sheet

File #: 18-880 **Item #:** 32.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Cultural Affairs

EXECUTIVE: Joey Zapata

SUBJECT

An ordinance amending Chapter 2, "Administration," of the Dallas City Code, providing **(1)** that the City Manager is authorized to approve certain contracts with intergovernmental agencies without further city council action; **(2)** clarifying the definition of collectible property to mean property owned by the city that is under the care and control of the Dallas Museum of Art; **(3)** removing WRR radio station from duties of the director of convention and event services; **(4)** renaming the cultural affairs commission to arts and culture advisory commission; **(5)** renaming the arts committee to the public art committee; **(6)** clarifying the definition of public art committee; **(7)** providing that the director of cultural affairs may manage approval of lease or license agreements for use of cultural facilities for short terms not exceeding a year; **(8)** providing that the director of cultural affairs may award cultural funding contracts to cultural organizations and individuals; **(9)** providing that short-term lease and license agreements with small or ethnically and culturally specific nonprofit arts and cultural organizations may be entered into for nominal consideration; and **(10)** providing procurement rules and regulations for cultural services - Financing: No cost consideration to the City

BACKGROUND

This ordinance authorizes amendments to Chapter 2 of the Dallas City Code as related to arts and culture provisions. Primary changes are made in support of the *Dallas Cultural Plan 2018* and supporting Cultural Policy. This amendment authorizes a unique procurement process for cultural services, which cannot be effectively procured through a traditional process. The amendment also allows the Director of Cultural Affairs to provide reduced facility use fees for nonprofit arts and cultural organizations that are small or representative of historically underrepresented populations.

The ordinance further authorizes the City Manager to enter into agreements with other governmental agencies for the short-term use of cultural facilities (e.g. school district graduation ceremonies), and for radio station airtime (e.g. Irving Arts Center advertisements).

Additional revisions include clarifying that WRR Radio is under the management of the Office of Cultural Affairs, changing the name of the Cultural Affairs Commission to the Arts and Culture

Advisory Commission, and renaming the Arts Committee to the Public Art Committee.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was presented to the Quality of Life, Arts and Culture Committee on October 22, 2018.

Information about this item was provided to the full City Council on November 6, 2018.

FISCAL INFORMATION

No cost consideration to the City.

11/16/18

ORDINANCE NO. _____

An ordinance amending Chapter 2, "Administration," of the Dallas City Code, by amending Sections 2-30, 2-37.12, 2-47, 2-102, 2-105, 2-161, 2-162 and 2-161.2; repealing and reserving Sections 2-78 and 2-79; adding Sections 2-162.3 and 2-162.4; providing that the city manager is authorized to approve certain contracts with intergovernmental agencies without further city council action; clarifying the definition of collectible property to mean property owned by the city that is under the care and control of the Dallas Museum of Art; removing WRR radio station from duties of the director of convention and event services; renaming the cultural affairs commission to arts and culture advisory commission; renaming the arts committee to the public art committee; clarifying the definition of public art committee; providing that the director of cultural affairs may manage approval of lease or license agreements for use of cultural facilities for short terms not exceeding a year; providing that the director of cultural affairs may award cultural funding contracts to cultural organizations and individuals; providing that short-term lease and license agreements with small or ethnically and culturally specific nonprofit arts and cultural organizations may be entered into for nominal consideration; providing procurement rules and regulations for cultural services; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

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

SECTION 1. That Subsection (d) of Section 2-30, "General Delegation of Contracting Authority," of Division 1, "Purchasing and Contracting Generally," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, is amended by adding a new Paragraph (8) to read as follows:

"(8) A contract with an intergovernmental agency pursuant to Chapter 791 of the Texas Government Code, as amended, that generates less than $50,000 of revenue and does not require a city expenditure of upfront costs or other types of funding in excess of $50,000."

SECTION 2. That Subsection (a) of Section 2-37.12, "Sales of Certain Collectible Property," of Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

"(a) In this chapter:

(1) COLLECTIBLE PROPERTY means an item of personal property owned by the city under the care and control of the Dallas Museum of Art originally acquired for exhibition, collection, or study, including, but not limited to, any work of art, antique, memorabilia, rare object, art education material or display, or other item of lasting interest or value.

(2) CULTURAL AFFAIRS DIRECTOR means the director of the office of cultural affairs of the city or a designated representative."

SECTION 3. That Subsection (b) of Section 2-37.12, "Sales of Certain Collectible Property," of Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

"(b) Collectible property owned by the city under the care and control of[~~that has been acquired by~~] the Dallas Museum of Art may be sold, exchanged, or otherwise disposed of in accordance with this section."

SECTION 4. That Subsection (i) of Section 2-37.12, "Sales of Certain Collectible Property," of Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

"(i) Proceeds of a sale of collectible property must be used by the Dallas Museum of Art to purchase other collectible property, such acquisition being of similar type and identified in

the name of the original donor whenever feasible. Proceeds of an exchange will be placed directly in the collection of the Dallas Museum of Art."

SECTION 5. That Section 2-47, "Duties of the Director of Convention and Event Services," of Article V-b, "Department of Convention and Event Services," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

"**SEC. 2-47. DUTIES OF THE DIRECTOR OF CONVENTION AND EVENT SERVICES.**

(a) The director of convention and event services shall perform the following duties:

(1) Supervise and administer the department of convention and event services.

(2) Supervise and manage the facilities of the convention center, reunion arena, the municipal produce market, Union Station, [~~and WRR radio station~~] and other facilities of the city as designated by the city manager or by ordinance or resolution of the city council.

(3) Supervise and administer the special events program of the city, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council.

(b) The director of convention and event services and any designated representatives may represent the city in negotiating and contracting with persons planning to use the facilities of the convention center, reunion arena, the municipal produce market, Union Station, [~~or WRR radio station~~] or any other facility under the management of the director of convention and event services."

SECTION 6. That of Article VIII, "Department of Public Affairs," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

"**ARTICLE VIII.**
RESERVED. [~~**DEPARTMENT OF PUBLIC AFFAIRS.**~~]

SECS. 2-76 THRU 2-80[~~2-77~~]. RESERVED.

[~~**SEC. 2-78. STATION MANAGER; OFFICE CREATED, APPOINTMENT.**~~

There is hereby created the office of station manager to which the city manager shall appoint a person professionally competent to manage a radio station.

SEC. 2-79. CONTRACTS FOR RADIO STATION AIR TIME REQUIRED; OTHER RADIO STATION CONTRACTS.

(a) There shall be a contract made for the use of each period of air time sold by the radio station, no matter how small, and the sale shall be represented by written contract. Each contract shall be signed by the station manager or shall be approved by the station manager if the sale was made by some subordinate. In the event a contract for sale of air time provides for other services such as line rentals, commentators, musicians, announcers and other costs incidental to the rendition of the program, then such contract shall distinctly specify each separate item or charge made for such service.

(b) Each contract shall provide for cancellation by the city upon reasonable notice, and shall distinctly specify whether the air time used is commercial, civic or non-revenue and shall be signed by the person or organization so using the air time.

(c) The following types of contracts for the benefit of the radio station, requiring an expenditure of $50,000 or less, may be authorized by the city manager by administrative action, approved as to form by the city attorney, without further city council approval:

(1) payment of copyright or license fees or royalties to obtain the rights to broadcast or play specific musical works or compositions;

(2) the purchase of rights to broadcast radio programs produced by persons or entities other than other radio station employees or former radio station employees less than two years after their employment with the city;

(3) the purchase of advertising, through radio, television, print, billboard, or other media, to promote the radio station, including services rendered in connection with the production or preparation of artwork, copy or music used in such advertising;

(4) payment of fees to secure professional talent (other than employees of the radio station) for the purpose of promoting the radio station;

(5) payment of commissions (not to exceed 25 percent of the contract amount) to persons or advertising agencies (other than employees of the radio station) who render services in connection with the sale of radio station air time or the purchase of advertising to promote the radio station; and

(6) the purchase of services rendered in connection with market research and analysis, radio station ratings, and statistical, demographic, or other related research or analysis.

(d) If a contract described in Subsection (c) requires an expenditure exceeding $50,000, the contract must be authorized by the city council. If a contract described in Subsection (c) is

~~required by state law to be competitively bid, the rules stated in Sections 2-34(a) through (c), 2-35, 2-37, and 2-37.1 of this code apply to the contract.~~

~~(c) All other radio station contracts not covered by this section are governed by the other applicable provisions of this code.~~

~~**SEC. 2-80. RESERVED.**~~]"

SECTION 7. That Section 2-102, "Definitions," of Article X, "Public Art Program," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

"**SEC. 2-102. DEFINITIONS.**

(1) ANNUAL PUBLIC ART PROJECTS PLAN means a prioritized list, to be recommended by the arts and culture advisory[~~cultural affairs~~] commission and approved by the city council, of visual projects, including budgets and recommended design approaches, developed by the public art[~~s~~] committee in consultation with city departments anticipating capital improvement projects.

(2) [~~ARTS COMMITTEE means a subcommittee of the cultural affairs commission appointed to oversee quality control of the public art program and projects and to recommend the scope of projects, artworks, and artists for the public art program. The arts committee shall be composed of three members who are the full city council appointments to the cultural affairs commission and eight members who are professionally qualified citizens appointed by the cultural affairs commission.~~

~~(3)~~] BONDS means all general obligation bonds, revenue bonds, certificates, notes, or other obligations authorized and issued by the city.

(3[~~4~~]) CITY means the city of Dallas, Texas.

(4[~~5~~]) CITY BOND PROCEEDS means the proceeds from bonds payable from a pledge of all or part of any revenues, funds, or taxes, or any combination thereof. The term does not include proceeds of bonds authorized and issued by the city to refund or otherwise refinance other bonds.

(5[~~6~~]) CITY CAPITAL IMPROVEMENT PROJECT means any permanent public improvement project paid for wholly or in part by monies appropriated by the city to construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a street, a sidewalk, a parking facility, a utility, or any portion thereof, within the city limits or under the jurisdiction of the city. This term includes projects at the Dallas/Fort Worth International Airport only upon approval of the public art program by the airport board and the city of Fort Worth.

(6[~~7~~]) DEMOLITION COSTS means payments for any work needed for the removal of a building or other existing structure from city property.

(7[~~8~~]) EQUIPMENT COSTS means payments for any rolling stock, equipment, or furnishing that is portable and of standard manufacture or that is installed as part of normal major maintenance, whether portable or affixed. The term does not include an item, whether portable or affixed, that is custom designed or specially fabricated for a facility.

(8[~~9~~]) NORMAL MAJOR MAINTENANCE COSTS means payments for any work needed to maintain and preserve city property in a safe and functional condition, including, but not limited to, the cleaning, replacement, and repair of floors, ceilings, roofs, landscaping, and plumbing, mechanical, and electrical systems.

(9[~~10~~]) PUBLIC ART ACCOUNT means a separate account established within each capital improvement project fund by the city to receive monies appropriated to the public art program; provided that:

(A) city bond proceeds to be used for the public art program must be maintained in the respective bond funds established in accordance with the city ordinance authorizing the issuance of the bonds; and

(B) monies from non-bond sources that are appropriated from a city fund to be used for the public art program must be maintained in a separate account within that fund.

(10[~~1~~]) PUBLIC ART ADMINISTRATION FUND means an annual appropriation from each public art account for administration of the public art program.

(11[~~2~~]) PUBLIC ART COLLECTION means all city-owned artworks that are not under the care and control of nonprofit institutions operating under management agreements with the city.

(12) PUBLIC ART COMMITTEE means a subcommittee of the arts and culture advisory commission appointed to oversee quality control of the public art program and projects and to report to and recommend to the arts and culture advisory commission the scope of projects, artworks, and artists for the public art program. The public arts committee shall be composed of three members who are full city council appointments to the arts and culture advisory commission and eights members who are professionally qualified citizens appointed by the arts and culture advisory commission.

(13) REAL PROPERTY ACQUISITION COSTS means payments made for the purchase of parcels of land, and any existing buildings, structures, or improvements on the land, and costs incurred by the city for appraisals or negotiations in connection with the purchase."

SECTION 8. That Section 2-105, "Administration of the Public Art Program Responsibilities," of Article X, "Public Art Program," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

"**SEC. 2-105. ADMINISTRATION OF THE PUBLIC ART PROGRAM - RESPONSIBILITIES.**

(a) Arts and culture advisory[~~Cultural affairs~~] commission and the office of cultural affairs. The arts and culture advisory[~~cultural affairs~~] commission, acting in cooperation with the director of cultural affairs, shall have the following duties and responsibilities associated with the administration of the public art program:

(1) The overall administration of the public art program, including the selection of citizen members of the public [~~an~~] art[~~s~~] committee, the establishment of program policies and guidelines, the recommendation of program budgets, and the approval of all selection juries and all other recommendations made by the public art[~~s~~] committee to the arts and culture advisory[~~cultural affairs~~] commission.

(2) The establishment of policies and guidelines to facilitate and encourage the donation of high quality artworks to the city.

(3) The establishment of policies and guidelines to ensure that the long-term collection of artworks by the city represents a broad range of artistic schools, styles, tastes, and media, without giving exclusive support to any particular one, and gives consideration to affirmative action.

(4) The review [~~conducting~~] of a survey, to be updated annually, of the condition of the public art collection. The survey must include a report on the condition of each artwork, prioritized recommendations for the restoration, repair, and maintenance of the artwork, and estimated costs.

(5) The recommendation of an annual designation of funds for repair and maintenance of the public art collection. Any recommendation involving a work of art for which operation or maintenance costs exceed $5,000 a year must be accompanied by a detailed fiscal note.

(b) Public art[~~Arts~~] committee. The public art[~~s~~] committee shall have the following duties and responsibilities associated with the administration of the public art program, with all decisions and recommendations made by the public art[~~s~~] committee being subject to the review and approval of the arts and culture advisory[~~cultural affairs~~] commission and, when required, the city council:

(1) The commission of artworks; the review of the design, execution, and placement of artworks; and the overseeing of the removal of artworks from the public art collection.

(2) The designation of sites for implementation of the public art program; the recommendation[~~determination~~] of the scope and budget of public art program projects; and the overseeing of the artist selection process.

(3) The selection of juries, to be composed of professionals in the visual arts and design fields and members of the community, who will recommend artists and artworks of the highest quality.

(4) The education of the community on the public arts program.

(5) The review and recommendation for approval of any artworks proposed to be donated to the city."

SECTION 9. That Article XXVI, "Cultural Affairs Commission," of Chapter 2, "Administration," of the Dallas City Code is retitled as "Arts and Culture Advisory Commission."

SECTION 10. That Section 2-161, "Cultural Affairs Commission – Created; Terms; Membership; Meetings," of Article XXVI, "Arts and Culture Advisory Commission," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

"**SEC. 2-161.** **ARTS AND CULTURE ADVISORY**[~~**CULTURAL AFFAIRS**~~] **COMMISSION – CREATED; TERMS; MEMBERSHIP; MEETINGS.**

(a) There is hereby created the arts and culture advisory[~~cultural affairs~~] commission of the city, which shall be an advisory body of 18 members appointed by the city council. Fifteen of the members shall be appointed respectively by each city council member, and three of the members shall be appointed by the city council as a whole. The mayor shall appoint the chair of the commission, and the full city council shall appoint the vice-chair.

(b) Each member shall be appointed for a two- year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.

(c) Members of the commission should be persons who are concerned about cultural affairs in the city of Dallas and may be persons who have professional expertise or substantial volunteer involvement in the following areas:

(1) architecture, design, or urban planning;

(2) visual, performing, or literary arts;

(3) history;

(4) science;

(5) cultural institutions management; or

(6) volunteer cultural board experience.

(d) The membership of the arts and culture advisory[~~cultural affairs~~] commission may include at least one of the each of the following persons:

(1) a registered professional architect or landscape architect;

(2) a professional visual artist;

(3) a professional performing artist;

(4) a scientist;

(5) a[~~n~~] historian; and

(6) an interested citizen who does not represent any specific cultural organization or interest group.

(e) The three members of the commission appointed by the city council as a whole shall also serve on the public art[~~s~~] committee of the arts and culture advisory[~~cultural affairs~~] commission, and, in addition to qualifying for service on the commission under this section, must meet the qualifications for service on the public art[~~s~~] committee as set forth in the city's cultural policy and program adopted by city council resolution."

(f) The chair of the city council [~~arts and education~~] committee with jurisdiction over arts and culture and one member of the park and recreation board of the city shall serve as ex-officio, nonvoting members of the arts and culture advisory[~~cultural affairs~~]commission.

(g) The commission must meet at least once each month and may hold additional meetings at the call of the chair."

SECTION 11. That Section 2-162, "Cultural Affairs Commission – Duties and Responsibilities," of Article XXVI, "Arts and Culture Advisory Commission," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

"**SEC. 2-162. ARTS AND CULTURE ADVISORY [~~CULTURAL AFFAIRS~~] COMMISSION – DUTIES AND RESPONSIBILITIES.**

(a) The arts and culture advisory[~~cultural affairs~~] commission shall act as an advisory body to the city manager and the city council and shall:

(1) make recommendations concerning the establishment and implementation of cultural policies and procedures, including cultural diversity;

(2) make recommendations concerning the design, operation, and use of city facilities devoted to the arts and other cultural activities;

(3) make recommendations to encourage the development of cultural programs and activities involving emerging cultural organizations and artists, with special emphasis on the development of ethnic and minority artists and arts organizations;

(4) make recommendations concerning the expenditure of city funds on cultural programs, facilities, and organizations; and

(5) make recommendations to create opportunities for all citizens of the city to have access to the arts and the means of cultural expression; and

(6) perform other duties assigned by the city council or requested by the city manager.

(b) The city manager shall provide staff to assist the commission in performing its duties and responsibilities."

SECTION 12. That Section 2-162.2, "Duties of the Director of Cultural Affairs," of Article XXVI-a, "Office of Cultural Affairs," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

"**SEC. 2-162.2. DUTIES OF THE DIRECTOR OF CULTURAL AFFAIRS.**

(a) The director of cultural affairs shall perform the following duties:

(1) Supervise and administer the office of cultural affairs and WRR radio station.

(2) Manage cultural facilities of the city under the director's supervision as designated by the city manager or by ordinance or resolution of the city council, including approval of lease or license agreements for use of such cultural facilities for short terms not exceeding one year.

(3) Award cultural funding contracts to cultural organizations and to individuals as provided in Section 2-162.3 of this code.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council.

(b) The director of cultural affairs and any designated representatives may represent the city in negotiating and contracting with persons planning to use any cultural facility under the management of the director of cultural affairs. Short-term leases and license agreements with small or ethnically and culturally specific nonprofit arts and cultural organizations may be entered into for a nominal consideration, when the director of cultural affairs finds it to be of benefit to the public."

SECTION 13. That Article XXVI-a, "Office of Cultural Affairs," of Chapter 2, "Administration," of the Dallas City Code, is amended by adding a new Section 2-162.3, "Procurement of Cultural Services," to read as follows:

"**SEC. 2-162.3. PROCUREMENT OF CULTURAL SERVICES.**

(a) Except as provided in Subsection (f), contracts with organizations and individuals for cultural services shall be awarded in accordance with this section.

(b) Cultural services mean artistic and cultural services provided by individuals or organizations that have been recommended for funding by a review panel to the director of cultural affairs. Eligibility requirements to serve on each review panel and a review panel process for recommendations must be approved by city council. Cultural services do not include any services described in Subsection (f) below.

(c) The director of cultural affairs may procure services a maximum of five times per fiscal year for production, festivals, and exhibitions under $50,000 without panel review or recommendation by the arts and culture advisory commission as the director deems necessary to implement arts and culture programs when:

(1) timing of support needed is outside of the fiscal year's cultural support program application period for cultural services;

(2) the support needed is from a Dallas-based 501(c)(3) cultural organization or individual artist;

(3) the service to be provided is less than one year in length; and

(4) the city manager, or designee, has issued a memorandum of justification establishing a special need that meets the requirements of Administrative Directive 4-5, as amended.

(d) Contracts for cultural services, requiring an expenditure of $50,000 or less, may be authorized by the city manager by administrative action, approved as to form by the city attorney, without further city council approval.

(e) If a contract described under this section requires an expenditure exceeding $50,000, the contract must be authorized by city council.

(f) This section does not apply to services that are required to be competitively bid under state law or subject to other state law requirements such as requirements to contact historically underutilized businesses or the special rules for architect and engineering agreements.

(g) All other contracts not covered under this section are governed by the other applicable provisions of this code or other local rules and regulations."

SECTION 14. That of Article XXVI-a, "Office of Cultural Affairs," of Chapter 2, "Administration," of the Dallas City Code, is amended by adding a new Section 2-162.4, "Contracts for Radio Station Air Time Required; Other Radio Station Contracts," to read as follows:

"**SEC. 2-162.4. CONTRACTS FOR RADIO STATION AIR TIME REQUIRED; OTHER RADIO STATION CONTRACTS.**

(a) There shall be a contract made for the use of each period of air time sold by the radio station, no matter how small, and the sale shall be represented by written contract. Each contract shall be signed by the station manager or shall be approved by the station manager if the sale was made by some subordinate. In the event a contract for sale of air time provides for other services such as line rentals, commentators, musicians, announcers, and other costs incidental to the rendition of the program, then such contract shall distinctly specify each separate item or charge made for such service.

(b) Each contract shall provide for cancellation by the city upon reasonable notice, and shall distinctly specify whether the air time used is commercial, civic, or non-revenue and shall be signed by the person or organization so using the air time.

(c) The following types of contracts for the benefit of the radio station, requiring an expenditure of $50,000 or less, may be authorized by the city manager by administrative action, approved as to form by the city attorney, without further city council approval:

(1) payment of copyright or license fees or royalties to obtain the rights to broadcast or play specific musical works or compositions;

(2) the purchase of rights to broadcast radio programs produced by persons or entities other than other radio station employees or former radio station employees less than two years after their employment with the city;

(3) the purchase of advertising, through radio, television, print, billboard, or other media, to promote the radio station, including services rendered in connection with the production or preparation of artwork, copy, or music used in such advertising;

(4) payment of fees to secure professional talent (other than employees of the radio station) for the purpose of promoting the radio station;

(5) payment of commissions (not to exceed 25 percent of the contract amount) to persons or advertising agencies (other than employees of the radio station) who render services in connection with the sale of radio station air time or the purchase of advertising to promote the radio station; and

(6) the purchase of services rendered in connection with market research and analysis, radio station ratings, and statistical, demographic, or other related research or analysis.

(d) If a contract described in Subsection (c) requires an expenditure exceeding $50,000, the contract must be authorized by the city council. If a contract described in Subsection (c) is required by state law to be competitively bid, the rules stated in Sections 2-32 and 2-33(a) through (c) of this code apply to the contract.

(e) All other radio station contracts not covered by this section are governed by the other applicable provisions of this code."

SECTION 15. That Chapter 2 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 16. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes

as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 17. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 18. 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

Passed_____

Agenda Information Sheet

File #: 18-1252 **Item #:** 33.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize the nomination of Brinker International Payroll Company, L.P. located at 3000 Olympus Boulevard, Dallas, Texas 75019 to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas has been approached by Brinker International Payroll Company, L.P. ("Brinker") to nominate by resolution its application for an Enterprise Project designation to the Economic Development Bank, part of the Governor's Office of Economic Development and Tourism. Brinker, a subsidiary of Brinker International, Inc., has been headquartered located at 6820 Lyndon B Johnson Freeway, Dallas, Texas since 1983.

Brinker is one of the world's leading casual dining restaurant companies, owning, developing, operating, and franchising the Chili's Grill & Bar and Maggiano's Little Italy restaurant brands. The company was founded in 1983 and its global headquarters in Dallas also serves as the Restaurant Support Center. Brinker currently employs more than 100,000 team members worldwide with over 1,600 restaurants located in 31 countries and two territories.

Due to size constraints and its aging office infrastructure, Brinker's current headquarters located at 6820 Lyndon B Johnson Freeway can no longer function competitively without significant improvements. Therefore, Brinker plans to relocate their offices in early 2019 to a larger space in Dallas' Cypress Waters area at 3000 Olympus Boulevard. Brinker will lease a new four-story, 216,300 square-foot built-to-suit office building. Over the next five years, Brinker anticipates making capital investments of $7 million in technology equipment and hardware upgrades, including security, necessary to serve their customers more efficiently and effectively.

An Enterprise Project designation will allow Brinker to apply for a rebate of state sales and use tax refunds on qualified expenditures of up to $2,500 per job created or retained. An Enterprise Project designation has no cost consideration to the City of Dallas.

Section 2303.406(a)(4)(D) of the Texas Government Code allows a project or activity of a qualified business to be designated as an Enterprise Project and receive job retention benefits "if the business has clearly demonstrated that the business is able to employ individuals in accordance with Section 2303.402." To meet this requirement, Brinker, located at 3000 Olympus Boulevard, Dallas, Texas (the qualified business site) in Census Tract 141.29, Block Group 1, will actively monitor employment to ensure that 35% of new or replacement personnel certified for benefit are residents of an enterprise zone, or veterans, or economically disadvantaged as required during the Texas Enterprise Program designation.

Brinker currently employs 520 positions at the Dallas headquarters and commits to retain the existing level of employment. Of those jobs, 500 meet the definition of a "retained job" in Texas Government Code§ 2303.401(2) because they currently exist, provide and will continue to provide at least 1,820 hours of employment annually, and will be employment positions for the longer of the duration of the project's designation period or three years after the expiration date of the claim period for receipt of state benefit.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development and Housing Committee on November 5, 2018.

FISCAL INFORMATION

No cost consideration to the City.

COMPANY REPRESENTATIVE

Brinker International Payroll Company, L.P.

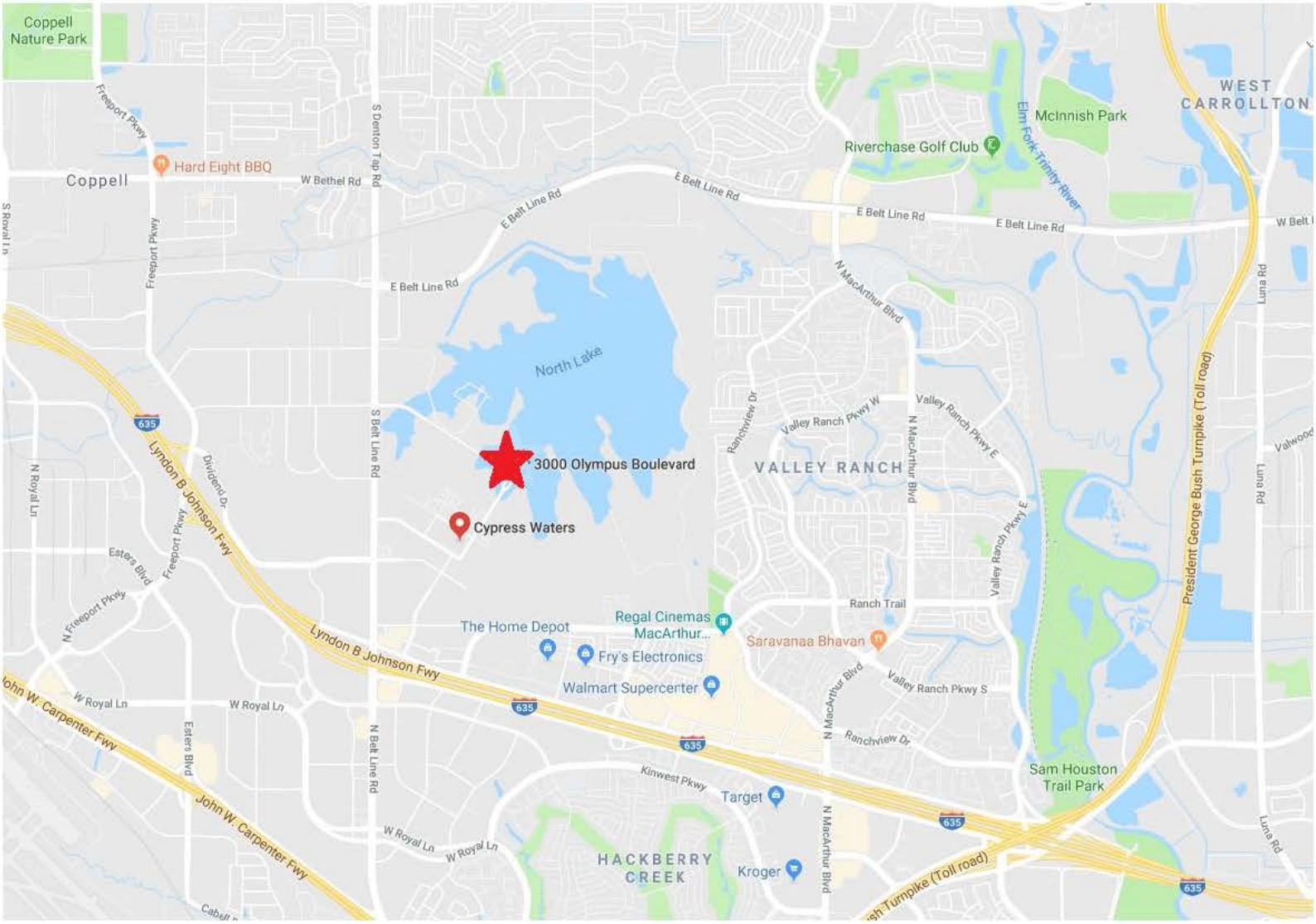
David Dorsett, Senior Tax Director

MAP

Attached

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Location Map



WHEREAS, on February 22, 2017, City Council elected to continue its participation in the Texas Enterprise Zone Program by Ordinance No. 30376; and

WHEREAS, the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 30376; and

WHEREAS, the Office of the Governor Economic Development and Tourism, through the Economic Development Bank (the "Bank"), will consider Brinker International Payroll Company, L.P. as an enterprise zone project pursuant to a nomination and an application made by the City; and

WHEREAS, the City of Dallas ("City") desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones, economically disadvantaged individuals and veterans; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), Brinker International Payroll Company, L.P. has applied to the City for designation as an enterprise zone project; and

WHEREAS, the City finds that Brinker International Payroll Company, L.P. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act; and

WHEREAS, the City finds that Brinker International Payroll Company, L.P. meets the criteria for tax relief and other incentives adopted by the City; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Brinker International Payroll Company, L.P. as an enterprise project pursuant to the Act.

Now, Therefore,

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

SECTION 1. That the recitals above are true and correct.

SECTION 2. That Brinker International Payroll Company, L.P. is a qualified business and meets the criteria for designation as an Enterprise Project under Chapter 2303, Subchapter F of the Enterprise Zone Act on the following grounds:

SECTION 2. (continued)

A. Brinker International Payroll Company, L.P. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside an enterprise zone and at least 35% of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans;

B. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and

C. The designation of Brinker International Payroll Company, L.P. as an enterprise project will contribute significantly to the achievement of the plans of the City for development of the area.

SECTION 3. That the City finds that Brinker International Payroll Company, L.P. meets the criteria for incentives adopted by the City and nominates Brinker International Payroll Company, L.P. for Enterprise Zone project status on the grounds that it will create or retain a higher level of employment and create economic activity and stability.

SECTION 4. That the designation of Brinker International Payroll Company, L.P. will contribute significantly to the achievement of the plans of the City for development.

SECTION 5. That the City finds that it is in the best interest of the City to nominate Brinker International Payroll Company, L.P. as an Enterprise Project pursuant to the Act and hereby authorizes the Assistant Director of the Office of Economic Development to prepare and submit an application to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for designation of Brinker International Payroll Company, L.P. as an enterprise project.

SECTION 6. That the enterprise project shall take effect on the date of designation of the Enterprise Project by the Office of the Governor, Economic Development and Tourism through the Economic Development Bank and terminate five years after date of designation.

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

Agenda Information Sheet

File #: 18-1253 **Item #:** 34.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize the nomination of PricewaterhouseCoopers LLP located at 2121 Woodall Rodgers Freeway, Dallas, Texas 75201 to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas has been approached by PricewaterhouseCoopers LLP ("PwC") to nominate by resolution its application for an Enterprise Project designation to the Economic Development Bank, part of the Governor's Office of Economic Development and Tourism. PwC's Dallas office has been located at 2001 Ross Avenue, Dallas, Texas since 1994.

Founded in 1898, PwC has been recognized as a leading professional services firm, providing a wide range of services, which include audit and assurance, tax, advisory, International Finance Reporting Standards (IFRS) reporting, valuation, human resources, and forensic services. It serves various industries, such as aerospace and defense; technology, asset, and wealth management; automotive; banking and capital markets; energy and mining; communications; entertainment and media; government and public services; and transportation and logistics.

PwC's Dallas office is currently located at 2001 Ross Avenue, with 1,916 full-time employees and 69 part-time employees. After being in the Dallas market for 70 years, PwC plans to relocate its Dallas office to Park District located at 2121 Woodall Rodgers Freeway. The relocation will allow PwC to create 500 new jobs over the next five years while continuing to provide high quality services to its clients. PwC plans to invest approximately $61.5 million to complete the relocation. Of the total investment, approximately $19.5 million will be spent on building materials, $7.4 million on construction labor, $1.6 million on machinery and equipment, $20 million on furniture and fixtures, $7.7 million on technology, and $5.3 million on consulting, security, and other soft costs to relocate the office. The relocation process began in November 2017 and is expected to be complete by January 2019.

An Enterprise Project designation will allow PwC to apply for a rebate of state sales and use tax refunds on qualified expenditures of up to $2,500 per job created or retained. An Enterprise Project designation has no cost consideration to the City of Dallas.

Section 2303.406(a)(4)(D) of the Texas Government Code allows a project or activity of a qualified business to be designated as an Enterprise Project and receive job retention benefits "if the business has clearly demonstrated that the business is able to employ individuals in accordance with Section 2303.402." To meet this requirement, PwC, located at 2121 Woodall Rodgers Freeway, Dallas, Texas (the qualified business site) in Census Tract 1704, Block Group 2, will actively monitor employment to ensure that 35% of new or replacement personnel certified for benefit are residents of an enterprise zone, or veterans, or economically disadvantaged as required during the Texas Enterprise Program designation.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development and Housing Committee on November 5, 2018.

FISCAL INFORMATION

No cost consideration to the City.

COMPANY REPRESENTATIVE

PricewaterhouseCoopers LLP

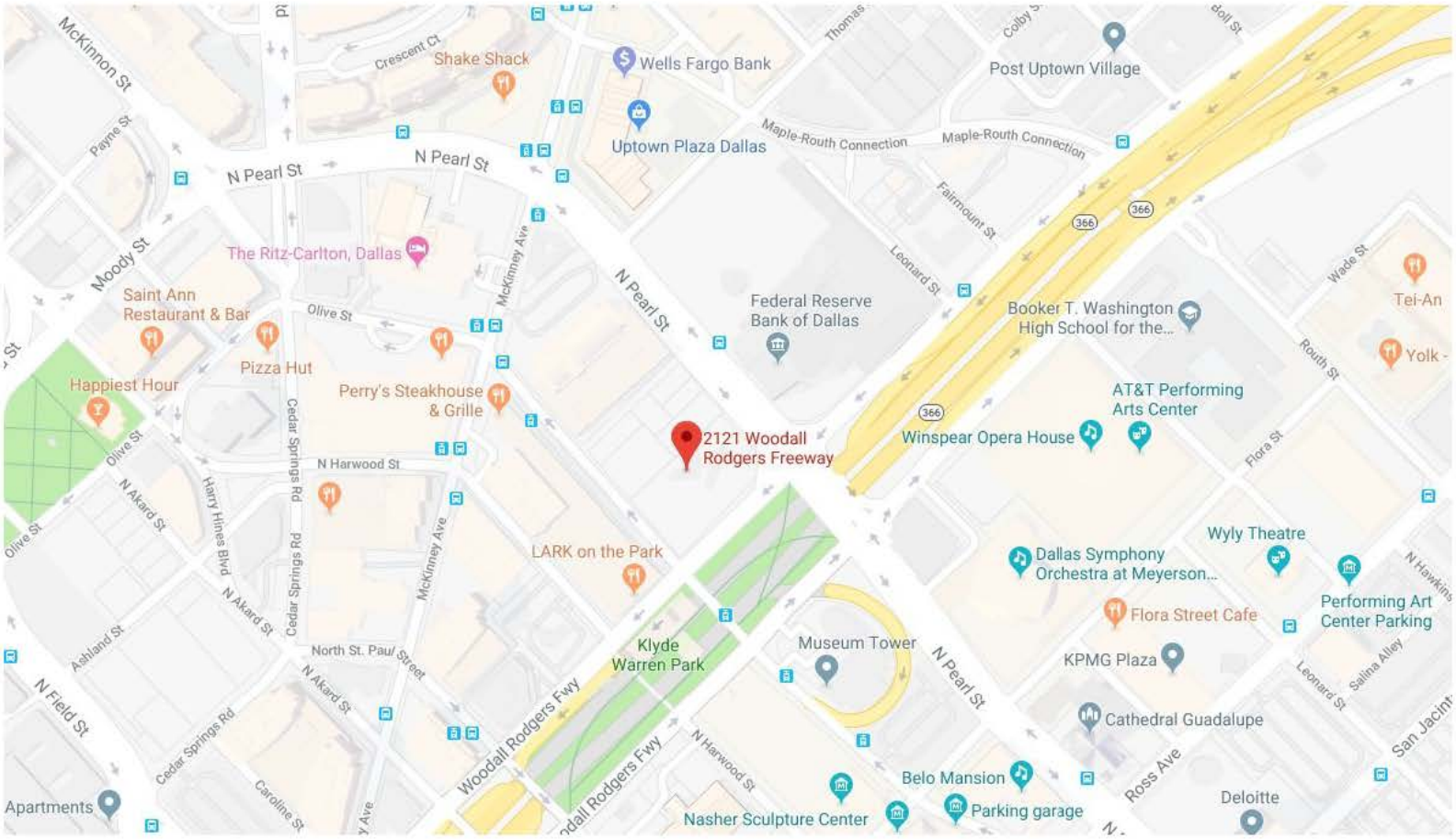
Patrick C. O'Shea, Partner

MAP

Attached

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Location Map



WHEREAS, on February 22, 2017, City Council elected to continue its participation in the Texas Enterprise Zone Program by Ordinance No. 30376; and

WHEREAS, the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 30376; and

WHEREAS, the Office of the Governor Economic Development and Tourism, through the Economic Development Bank (the "Bank"), will consider PricewaterhouseCoopers LLP as an enterprise zone project pursuant to a nomination and an application made by the City; and

WHEREAS, the City of Dallas ("City") desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones, economically disadvantaged individuals and veterans; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), PricewaterhouseCoopers LLP has applied to the City for designation as an enterprise zone project; and

WHEREAS, the City finds that PricewaterhouseCoopers LLP meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act; and

WHEREAS, the City finds that PricewaterhouseCoopers LLP meets the criteria for tax relief and other incentives adopted by the City; and

WHEREAS, the City finds that it is in the best interest of the City to nominate PricewaterhouseCoopers LLP as an enterprise project pursuant to the Act.

Now, Therefore,

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

SECTION 1. That the recitals above are true and correct.

SECTION 2. That PricewaterhouseCoopers LLP is a qualified business and meets the criteria for designation as an Enterprise Project under Chapter 2303, Subchapter F of the Enterprise Zone Act on the following grounds:

A. PricewaterhouseCoopers LLP is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside an enterprise zone and at least 35% of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans;

B. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and

C. The designation of PricewaterhouseCoopers LLP as an enterprise project will contribute significantly to the achievement of the plans of the City for development of the area.

SECTION 3. That the City finds that PricewaterhouseCoopers LLP meets the criteria for incentives adopted by the City and nominates PricewaterhouseCoopers LLP for Enterprise Zone project status on the grounds that it will create or retain a higher level of employment and create economic activity and stability.

SECTION 4. That the designation of PricewaterhouseCoopers LLP will contribute significantly to the achievement of the plans of the City for development.

SECTION 5. That the City finds that it is in the best interest of the City to nominate PricewaterhouseCoopers LLP as an Enterprise Project pursuant to the Act and hereby authorizes the Assistant Director of the Office of Economic Development to prepare and submit an application to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for designation of PricewaterhouseCoopers LLP as an enterprise project.

SECTION 6. That the enterprise project shall take effect on the date of designation of the Enterprise Project by the Office of the Governor, Economic Development and Tourism through the Economic Development Bank and terminate 5 years after date of designation.

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

Agenda Information Sheet

File #: 18-1213 **Item #:** 35.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Equity and Human Rights

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize a contract with Race Forward, dba the Government Alliance on Race and Equity for **(1)** a membership in a consortium of over 80 jurisdictions that promotes equity; **(2)** a consultation on equity including assistance in developing a racial equity lens for budgeting and evaluation of city services; **(3)** an equity assessment survey of city employees; and **(4)** a citywide training on equity for the period December 1, 2018 through December 31, 2019 - Not to exceed $178,500.00 - Financing: General Fund

BACKGROUND

On October 1, 2018, City Council approved the establishment of the Office of Equity and Human Rights.

On August 8, 2018, the City Council approved seven Resilient Dallas Equity Goals which included: (1) Advance Equity in City Government; (2) Ensure Dallas is a Welcoming City to immigrants and all residents; (3) Increase economic mobility for Dallas' vulnerable and marginalized residents; (4) Ensure Dallas provides residents with reasonable, reliable and equitable access; (5) Leverage Partnerships to promote healthy communities; (6) Invest in neighborhood infrastructure to revitalize historically underserved neighborhoods; and (7) Promote environmental sustainability to improve public health and alleviate adverse environmental conditions.

The Government Alliance on Race and Equity (GARE) was established to promote equity in local government throughout the United States. GARE has grown into an organization that has assisted over 130 governmental jurisdictions in 30 states. It is a core project of Race Forward and the Haas Institute for a Fair and Inclusive Society at the University of California at Berkeley.

GARE will assist the Office of Equity and Human Rights in establishing and operationalizing Equity by:

- Engaging City of Dallas department heads in an Advancing Racial Equity workshop to build

their awareness and support for integrating racial equity into city operations.

- Surveying employees to identify a baseline of where staff are in their awareness of the importance for racial equity and the progress of departments in operationalizing racial equity.
- Building and sustaining a Core Team to operate across departments to increase employee awareness and build support for operational change that embraces racial equity as a desired objective for the city.
- Developing a Racial Equity Action Plan and staff expertise in using racial equity tools to assess and refine departmental processes, policies and practices so that community-level racial equity outcomes and internal departmental goals are achieved.
- Building capacity to train all city employees and address and manage issues on equity.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Human and Social Needs Committee was briefed on the Office of Equity and Human Rights on November 5, 2018.

FISCAL INFORMATION

General Fund - $178,500.00

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WHEREAS, the City Council was briefed and adopted seven Resilient Dallas Equity Goals on August 8, 2018; and

WHEREAS, the City Council approved the establishment of the Office of Equity and Human Rights, effective October 1, 2018; and

WHEREAS, the City Council is a diverse city with residents composed of many difference racial, ethnic, cultural and social-economic backgrounds; and

WHEREAS, the City Council seeks to provide equitable access and opportunities for success for all City of Dallas residents; and

WHEREAS, Race Forward, dba the Government Alliance on Race and Equity (GARE) has agreed to enter into a contract to assist the City of Dallas in institutionalizing and operationalizing equity.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a contract with Race Forward, dba the Government Alliance on Race and Equity, approved as to form by the City Attorney, for **(1)** a membership in a consortium of over 80 jurisdictions that promotes equity; **(2)** a consultation on equity including assistance in developing a racial equity lens for budgeting and evaluation of city services; **(3)** an equity assessment survey of city employees; and **(4)** a citywide training on equity for the period December 1, 2018 through December 31, 2019, in an amount not to exceed $178,500.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $178,500.00 to Race Forward, dba the Government Alliance on Race and Equity, as follows:

General Fund Fund 0001, Department MGT, Unit 1119, Object 3099 Encumbrance/Contract No. MGT-2019-00008602. Vendor VC19447	$141,750.00
General Fund Fund 0001, Department OCA, Unit 4888, Object 3070 Encumbrance/Contract No. MGT-2019-00008602. Vendor VC19447	$ 36,750.00
Total amount not to exceed	$178,500.00

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

Agenda Information Sheet

File #: 18-1204 **Item #:** 36.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Equity and Human Rights

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize **(1)** an Interlocal Agreement with the University of Texas at Arlington to conduct the Analysis of Impediments for the period December 1, 2018 through July 31, 2019; and **(2)** an increase in appropriations in an amount not to exceed $72,536.00, from $129,064.00 to $201,600.00 in the Fair Housing Trust Fund - Not to exceed $72,536.00 - Financing: Fair Housing Trust Funds

BACKGROUND

In 2015, the U.S. Department of Housing and Urban Development (HUD) issued a new rule on the obligation to affirmatively further fair housing. All entities receiving federal entitlement were required to conduct an Assessment of Fair Housing (AFH). The AFH was a comprehensive study utilizing HUD data and a prescribed assessment tool. HUD required that the analysis and goals in the AFH be incorporated into the Consolidated Plan and Annual Action Plans. In compliance with this requirement, City Council authorized an Interlocal Agreement with The University of Texas at Arlington to conduct the AFH on December 14, 2016, by Resolution No. 16-1987. On May 15, 2018, HUD issued new notices eliminating the requirement for the AFH and directed that jurisdictions conduct the Analysis of Impediments "AI" as the methodology to affirmatively further fair housing. HUD also stipulated that data provided for the AFH could be utilized to develop the AI along with other data specifically required in the HUD regulations. In September of 2018 the University of Texas at Arlington (UTA) delivered a draft copy of the AFH in fulfillment of the original contract. In October of 2018 the City requested a proposal from UTA to conduct the Analysis of Impediments utilizing AFH Data. In accordance with HUD regulations, the AI must be turned into HUD before or at the same time the new 5 year consolidated plan is submitted which is August of 2019.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development and Housing Committee was briefed on the Regional Assessment of Fair Housing on October 17, 2016.

On December 14, 2016, City Council authorized an Interlocal Agreement with the University of Texas

at Arlington to conduct the Regional Assessment of Fair Housing for the period of December 15, 2016 through January 15, 2018 and provided authorization to enter into a Memorandum of Understanding with 21 other North Texas entities to participate in a regional effort by Resolution No. 16-1987.

On June 14, 2017, City Council authorized the first contract amendment which incorporated HUD regional procurement regulations for subrecipients by Resolution No. 17-0926.

On October 17, 2017, the Economic Development and Housing Committee was briefed on a contract amendment with UTA to increase the contract cost and extend the contract to incorporate new HUD data.

On October 25, 2017, City Council authorized the second amendment to the Interlocal Agreement with the University of Texas at Arlington to (1) extend the contract term from January 15, 2018 to July 31, 2018; (2) increase the contract amount by $179,801; and (3) establish that all entities that participate in the Regional Assessment of Fair Housing will pay their pro-rata share of the increased cost by Resolution No. 17-1652.

On June 4, 2018, the Economic Development and Housing Committee was briefed on staff recommendations to complete the AFH.

City Council was briefed on the Assessment of Fair Housing and the requirement for the Analysis of Impediments on November 6, 2018.

FISCAL INFORMATION

Fair Housing Trust Funds - $72,536.00

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) issued its new rule on Affirmatively Furthering Fair Housing in July of 2015; and

WHEREAS, HUD's new rule requires each entitlement jurisdiction that receives federal funds to conduct an Assessment of Fair Housing prior to the development of the Five Year Consolidated Plan; and

WHEREAS, on December 14, 2016, City Council authorized the City of Dallas to serve as lead agency with responsibility to coordinate regional efforts with HUD and all necessary entities to successfully complete a Regional Assessment of Fair Housing (RAFH); a Memorandum of Understanding between the City of Dallas and other HUD entitlement jurisdictions participating in the regional effort; and an Interlocal Agreement with the University of Texas at Arlington (UTA) to provide consulting work associated with development of the RAFH for the base scope of work for the period December 15, 2016 through January 15, 2018, by Resolution No. 16-1987; and

WHEREAS, on June 14, 2017, City Council authorized an amendment to (1) the Interlocal Agreement with the University of Texas at Arlington (UTA) to establish a subrecipient agreement between the City of Dallas and UTA; and (2) the Memorandum of Understanding between the City of Dallas and other U.S. Department of Housing and Urban Development entitlement jurisdictions participating in the regional effort to establish (a) Subrecipient Agreements with those entities that will pay their pro-rata share of the cost of the RAFH with Community Development Block Grant funds; and (b) Interlocal Agreements with those entities that will pay their pro-rata share of the RAFH with Public Housing federal funds previously approved on December 14, 2016, by Resolution Nos. 16-1987 and 17-0926; and

WHEREAS, in July of 2017, HUD issued new data that was required to be used and requires additional time and cost of $179,801.00 for UTA to complete the RAFH; and

WHEREAS, on October 25, 2017, City Council authorized the second amendment to the Interlocal Agreement with the University of Texas at Arlington to (1) extend the contract term from January 15, 2018 to July 31, 2018; (2) increase the contract amount by $179,801.00; and (3) establish that all entities that participate in the Regional Assessment of Fair Housing will pay their pro-rata share of the increased cost, by Resolution No. 17-1652; and

WHEREAS, in January 2018, HUD issued a notice delaying development of the AFH until October of 2020, but did not provide clear guidance to jurisdictions that were in the process of completing the AFH; and

WHEREAS, on May 15, 2018, HUD issued new notices eliminating the requirement for the AFH; and

WHEREAS, HUD directed that jurisdictions utilize the Analysis of Impediments (AI) as the methodology to Affirmatively Further Fair Housing; and

WHEREAS, HUD stated that jurisdictions could utilize data from the AFH for planning purposes; and

WHEREAS, HUD will not accept the AFH from any jurisdiction and the AI is now required for development of the Five Year Consolidated Plan; and

WHEREAS, on June 4, 2018, the Economic Development and Housing Committee was briefed on staff recommendations to complete the AFH and HUD requirement for the Analysis of Impediments.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an Interlocal Agreement with The University of Texas at Arlington, approved as to form by the City Attorney, to conduct the Analysis of Impediments for the period of December 1, 2018 through July 31, 2019, in an amount not to exceed $72,536.00.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in in an amount not to exceed $72,536.00 in the Fair Housing Trust Fund, Fund 0T31, Department BMS, Unit 8251, Object 3070, to conduct the Analysis of Impediments.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $72,536.00 to the University of Texas at Arlington (Vendor 520524) from the Fair Housing Trust Fund, Fund 0T31, Department BMS, Unit 8251, Object 3070, Encumbrance/Contract ID No. MGT-2019-00008552.

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 #: 18-1157 **Item #:** 37.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize a secured, zero percent interest, forgivable loan agreement in the amount of $179,011.00 to Shelter Ministries of Dallas dba Austin Street Center, to provide for shelter renovations at Austin Street Center located at 2916 and 2929 Hickory Street, for the period October 1, 2018 through September 30, 2019 - Not to exceed $179,011.00 - Financing: 2017-18 Emergency Solutions Grant Funds

BACKGROUND

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds, by Resolution No. 17-1171. The budget included the Emergency Solutions Grant (ESG), (Grant No. E-17-MC-48-0009), in the amount of $3,117,540.00.

Historically, ESG Emergency Shelter funds have been used to fund only operations and essential services at shelters, due to the small amount of the grant. However, for FY 2017-18, the City of Dallas received a substantial one-time increase in the ESG, and a portion of that increase was targeted to shelter renovations, as one-time investments in capital projects that would not require additional on-going operational support.

On June 7, 2018, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposals (#BTZ1818) soliciting proposals for facility development funding under the ESG Program. Shelter Ministries of Dallas dba Austin Street Center (“Shelter Ministries”) submitted a proposal, and was recommended for funding.

Shelter Ministries will use ESG shelter renovation funds for two projects at Austin Street Center: (1) to replace the heating, ventilation and air conditioning systems at 2916 and 2929 Hickory Street; and (2) to renovate and expand the restrooms and showers at 2929 Hickory.

Shelter Ministries of Dallas founded Austin Street Shelter in 1983 as an emergency overnight shelter

near Downtown Dallas, serving primarily homeless adult men and later women. In 1992, the shelter moved to its current location on Hickory Street, and became Austin Street Center to reflect the wide range of services offered to guests. The shelter serves men ages 45 and older and women ages 18 and older.

Austin Street Center, a low barrier shelter, will provide a housing coordination program to help clients be re-housed as quickly and permanently as possible. The project is an intensive housing-focused program, with housing-focused case management, as well as educational and employment assistance. Services are designed for homeless men and women with a high level of vulnerability who need intense and strategic assistance to obtain housing, including veterans, the elderly, chronically homeless, longest stayers of six months or more, frequent utilizers of public services, and chronic re-enrollees in shelter services.

All ESG projects use the local Homeless Management Information System ("HMIS") to collect client-level data. Shelter Ministries' staff must input client-level data into the local HMIS with applicable written consent.

Each building renovated with ESG funds must be maintained as a shelter for homeless individuals and families for not less than three years (for renovations other than major rehabilitation or conversion or ten years for major rehabilitation or conversion. Since the renovation costs here do not exceed 75 percent of the value of the building, the applicable minimum use period during which Austin Street Center must be maintained as a shelter for homeless individuals will be three years, which will be maintained through deed restrictions.

Shelter Ministries must match ESG funding dollar-for-dollar. Match total must equal or exceed the amount of ESG funds requested. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development HUD grant funds by Resolution No. 17-1171.

The Citizen Homelessness Commission was briefed on this item on October 11, 2018.

The Human and Social Needs Committee was briefed on this item on November 5, 2018.

FISCAL INFORMATION

2017-18 Emergency Solutions Grant Funds - $179,011.00

November 28, 2018

WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") provides grant funds through the Emergency Solutions Grant ("ESG") Program according to the terms of 24 C.F.R. Part 576, to assist grantees in meeting the needs of homeless persons through emergency shelter services; and

WHEREAS, on August 9, 2017, City Council approved the City's FY 2017-18 Consolidated Plan Budget, which includes ESG grant funds from HUD in the amount of $3,117,540.00, a portion of which is available Emergency Shelter renovation activities, to be expended by September 30, 2019; and

WHEREAS, in response to the City's Request for Competitive Sealed Proposals (#BTZ1818), Shelter Ministries of Dallas dba Austin Street Center submitted a proposal for shelter renovations at its emergency shelter and was recommended for funding, and the City of Dallas seeks to enter into a loan agreement with Shelter Ministries of Dallas dba Austin Street Center to make these site improvements; and

WHEREAS, the site improvements at the property will constitute shelter renovation at the facility and, under federal regulations, the facility must be maintained, to serve homeless persons for a minimum use period of not less than three years after the renovation is completed.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a secured, zero interest, forgivable loan agreement in the amount of $179,011.00 to Shelter Ministries of Dallas dba Austin Street Center, approved as to form by the City Attorney, to provide for shelter renovations, for the period October 1, 2018 through September 30, 2019, and execute any and all documents required by the loan agreement.

SECTION 2. That the terms of the loan documents include:

a. Shelter Ministries of Dallas dba Austin Street Center shall execute a deed of trust and note payable to the City of Dallas.

b. Shelter Ministries of Dallas dba Austin Street Center must execute deed restrictions on the property that will be rehabilitated with loan funds under the loan agreement for the buildings to be used by Shelter Ministries of Dallas dba Austin Street Center as an emergency shelter serving homeless individuals or families for three (3) years commencing upon completion of the shelter renovations. Services shall include, but is not limited to emergency shelter assistance to homeless adult men and women, housing-focused case management, and educational and employment assistance.

SECTION 2. (continued)

c. Shelter Ministries of Dallas dba Austin Street Center must provide a dollar-for-dollar match, in the amount of $179,011.00, prior to the release of lien and deed restrictions. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

d. Shelter Ministries of Dallas dba Austin Street Center must use ESG shelter renovation funds for two projects at Austin Street Center: (1) to replace the heating, ventilation and air conditioning systems at 2916 and 2929 Hickory Street; and (2) to renovate and expand the restrooms and showers at 2929 Hickory.

e. The loan will be forgiven and the lien and deed restrictions will be released upon successful completion of the shelter renovations and use of the building as an emergency shelter serving homeless individuals or families continuously for three (3) years after completion of the shelter renovations, subject to the terms and conditions of the loan documents.

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute subordination and release of liens, release of notes payable, and termination of deed restrictions on the property upon compliance with all loan terms.

SECTION 4. That this resolution does not constitute a binding agreement on the City or subject the City to any liability or obligations with respect to this project until such time as the loan is legally awarded and the documents are duly approved by all parties and executed.

SECTION 5. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $179,011.00 under the Emergency Solutions Grant to Shelter Ministries of Dallas dba Austin Street Center (Vendor VC0000011655), from FY 2017-18 Emergency Solutions Grant, Fund ES17, Department MGT, Unit 281B, Object 3015, from Service Contract No. MGT-2018-00008076.

SECTION 6. That the City Controller is hereby authorized to set up receivable balance sheet account (033F) and an allowance for uncollectible debt (022D) in Unit 281B for the amount of the loan.

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.

File #: 18-1161 **Item #:** 38.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize a secured, zero percent interest, forgivable loan agreement in the amount of $50,000.00 to The Family Place ("Borrower") and Buckner Baptist Benevolences ("Owner"), to provide for shelter renovations, consisting of minor site improvements to expand and renovate the kitchen at its emergency shelter serving homeless families fleeing domestic violence, for the period October 1, 2018 through September 30, 2019 - Not to exceed $50,000.00 - Financing: 2017-18 Emergency Solutions Grant Funds

BACKGROUND

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") grant funds, by Resolution No. 17-1171. The budget included the Emergency Solutions Grant (ESG) (Grant No. E-17-MC-48-0009) in the amount of $3,117,540.00.

Historically, ESG Emergency Shelter funds have been used to fund only operations and essential services at shelters, due to the small amount of the grant. However, for FY 2017-18, the City of Dallas received a substantial one-time increase in the ESG, and a portion of that increase was targeted to shelter renovations, as one-time investments in capital projects that would not require additional on-going operational support.

On June 7, 2018, the City of Dallas Office of Procurement Services solicited and received Requests for Competitive Sealed Proposals (#BTZ1818) for facility development funding under the ESG Program. The Family Place submitted a proposal, and was recommended for funding.

The Family Place will use ESG shelter renovation funds to expand and renovate the kitchen at one of its emergency shelter serving homeless families fleeing domestic violence. The renovation will allow more space for meal preparation and food storage, and provide for better food safety, while accommodating client needs relating to food. The renovation will also support receipt and storage of food donations. The project will require reconfiguration of the kitchen area and adjacent space, with

installation of new storage and meal preparation equipment.

The Family Place is a non-profit organization with the mission to eliminate family violence. It was one of the first shelters for victims of domestic violence in the State of Texas in 1978. Residential services are provided at a confidential location called the Safe Campus, using a trauma-informed care approach to service delivery. Families are allowed up to a 45-day stay at the shelter location or longer. Services include emergency shelter assistance, healthcare, food, clothing, information and referrals, case management and transportation. In addition, The Family Place offers a Child Development Center that includes licensed child care and early education in a safe location, with emotional support, parent education, and health care.

All ESG projects use the local Homeless Management Information System (HMIS) to collect client-level data. The Family Place staff must input client-level data into the local HMIS with applicable written consent.

Each building renovated with ESG funds must be maintained as a shelter for homeless individuals and families for not less than three years (for renovations other than major rehabilitation or conversion) or ten years (for major rehabilitation or conversion). Since the renovation costs here do not exceed 75 percent of the value of the building, the applicable minimum use period during which the Family Place shelter must be maintained as a shelter for homeless individuals or families will be three years, which will be maintained through deed restrictions.

The Family Place does not own the property at which the shelter renovations will take place, but does hold a long-term lease on the property. The current lease began on June 11, 1999, and continues for 25 years (until June 2024), with seven options to renew the lease for an additional 10 years each. The three-year deed restrictions would fall within the term of the original lease. In addition to executing the loan agreement, the Owner will also execute the deed of trust and deed restrictions.

The Family Place must match ESG funding dollar-for-dollar. Match total must equal or exceed the amount of ESG funds requested. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 17-1171.

The Citizen Homelessness Commission was briefed on this item on October 11, 2018.

The Human and Social Needs Committee was briefed on this item on November 5, 2018.

FISCAL INFORMATION

2017-18 Emergency Solutions Grant Funds - $50,000.00

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November 28, 2018

WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") provides grant funds through the Emergency Solutions Grant ("ESG") Program according to the terms of 24 C.F.R. Part 576, to assist grantees in meeting the needs of homeless persons through emergency shelter services; and

WHEREAS, on August 9, 2017, City Council adopted the City's FY 2017-18 Consolidated Plan Budget, which includes ESG funds from HUD in the amount of $3,117,540.00, a portion of which is available Emergency Shelter renovation activities, to be expended by September 30, 2019; and

WHEREAS, in response to the City's Request for Competitive Sealed Proposals (#BTZ1818), The Family Place submitted a proposal for shelter renovations, consisting of minor site improvements to the kitchen at its emergency shelter (confidential location), and the City of Dallas seeks to enter into a loan agreement with The Family Place to make these site improvements; and

WHEREAS, the site improvements at the property will constitute shelter renovation at the facility and, under federal regulations, the facility must be maintained, to serve homeless persons for a minimum use period of not less than three years after the renovation is completed.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a secured, zero interest forgivable loan agreement in the amount of $50,000.00 to The Family Place ("Borrower") and Buckner Baptist Benevolences ("Owner"), approved as to form by the City Attorney, to provide for shelter renovations, consisting of minor site improvements to expand and renovate the kitchen at its emergency shelter serving homeless families fleeing domestic violence, for the period October 1, 2018 through September 30, 2019, and execute any and all documents required by the loan agreement.

SECTION 2. That the terms of the loan documents include:

a. Owner shall execute a deed of trust and note payable to the City of Dallas.

b. Owner must execute deed restrictions on the property that will be rehabilitated with loan funds under the loan agreement for the building to be used by Borrower as an emergency shelter serving homeless individuals or families for three years commencing upon completion of the shelter renovations. Services shall include, but is not limited to, emergency shelter assistance, healthcare, food, clothing, information and referrals, case management, transportation, and a childhood development program for victims of domestic violence.

SECTION 2. (continued)

c. The loan will be forgiven and the lien and deed restrictions will be released upon successful completion of the shelter renovations and use of the building as an emergency shelter serving homeless individuals or families continuously for three years after completion of the shelter renovations, subject to the terms and conditions of the loan documents.

d. Borrower must provide a dollar-for-dollar match, in the amount of $50,000.00, prior to the release of lien and deed restrictions. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute subordination and release of liens, release of notes payable, and termination of deed restrictions on the property upon compliance with all loan terms.

SECTION 4. That this resolution does not constitute a binding agreement on the City or subject the City to any liability or obligations with respect to this project until such time as the loan is legally awarded and the documents are duly approved by all parties and executed.

SECTION 5. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $50,000.00 under the Emergency Solutions Grant to The Family Place (Vendor 243202), from the 2017-18 Emergency Solutions Grant Fund, Fund ES17, Department MGT, Unit 281B, Object 3015, Service Contract No. MGT-2018-00008078.

SECTION 6. That the City Controller is hereby authorized to set up receivable balance sheet account (033F) and an allowance for uncollectible debt (022D) in Unit 281B for the amount of the loan.

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

Agenda Information Sheet

File #: 18-1162 **Item #:** 39.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 1

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize a secured, zero percent interest, forgivable loan agreement in the amount of $1,190,445.00 to PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas, as the project sponsor, and PWA Holdings LLC, as the owner, to provide for substantial rehabilitation of a property located at 511 North Lancaster Avenue, which provides permanent housing for persons with HIV/AIDS, for the period October 1, 2018 through September 30, 2019 - Not to exceed $1,190,445.00 - Financing: 2016-17 Housing Opportunities for Persons with AIDS Grant Funds ($486,100.00) and 2017-18 Housing Opportunities for Persons with AIDS Grant Funds ($704,345.00)

BACKGROUND

On June 22, 2016, City Council adopted the City's FY 2016-17 Consolidated Plan Budget, which includes Housing Opportunities for Persons with Aids ("HOPWA") program grant funds from the U.S. Department of Housing and Urban Development ("HUD") in the amount of $6,409,124, of which $486,100.00 remains available for Housing Facilities Rehabilitation/Repair/ Acquisition activities, and must be expended by September 30, 2019, by Resolution No. 16-1066.

On August 9, 2017, City Council adopted the City's FY 2017-18 Consolidated Plan Budget, which includes HOPWA program grant funds from HUD in the amount of $6,470,345.00, of which is $704,345.00 is available for Housing Facilities Rehabilitation/Repair/ Acquisition activities, and must be expended by September 30, 2020, by Resolution No. 17-1171.

Based on a recent change in the HOPWA grant allocation formula, HOPWA grant funds allocated to the City of Dallas have been projected by HUD to go down in the future. Based on this projected decrease, HOPWA grant funds for FY 2016-17 and FY 2017-18 were targeted to Housing Facilities Rehabilitation/Repair/Acquisition activities, as one-time investments in capital projects that would not require on-going operational support.

This provided the City of Dallas with a unique opportunity to invest in new HOPWA housing development targeted to persons with HIV/AIDS. The last new HOPWA housing development project

was Spencer Gardens, developed by PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas ("ASD") and opened in September 1998, more than twenty (20) years ago.

On June 7, 2018, the City of Dallas Office of Procurement Services solicited and received Requests for Competitive Sealed Proposals (#BTZ1818) for facility development funding under the Emergency Solutions Grant ("ESG") program and HOPWA program. ASD submitted a proposal for substantial rehabilitation of the property located at 511 North Lancaster Avenue and was recommended for funding.

ASD is a non-profit agency located in the southwestern part of the city. The agency was founded in 1987, with its mission being to create and strengthen healthy communities through the delivery of quality, affordable, service-enriched housing for individuals and families living with HIV/AIDS. ASD has been providing supportive housing services continually since April 1987.

ASD provides HOPWA facility-based housing assistance (including housing and supportive services) for low-income and formerly homeless persons living with HIV/AIDS in four apartment communities (125 units). The properties are located in North Oak Cliff (75203), south of the Trinity River and adjacent to the Central Business District. They include Ewing Center, Hillcrest House, Revlon Apartments, and Spencer Gardens. All four properties were developed, in part, with HOPWA funding.

In 2018, ASD purchased a fifth property, located at 511 North Lancaster Avenue, approximately three (3) blocks from its existing properties. The property includes two buildings, consisting of eight (8) housing units (4 one-bedroom units and 4 two-bedroom units). With this HOPWA funding, ASD will undertake a substantial renovation of the property, which will include the conversion of the eight (8) units into twelve (12) units (8 one-bedroom units and 4 efficiencies). If additional funding becomes available through outside sources, ASD may have the opportunity to expand the development to sixteen (16) units. The development plan also includes structural, electrical, plumbing, roof, and heating, ventilation and air conditioning repairs; exterior landscape and parking upgrades; and gated property with secured access and on-site video surveillance. ASD will maintain an operating/capital reserve account in an amount not less than $65,000.00 for the term of the loan. Withdrawals from the reserve account will require prior written approval from the City of Dallas.

ASD will use the property as an independent living facility for persons with HIV/AIDS who need low-income, affordable housing, but not intensive on-site services, though residents at the proposed property would receive case management and have access to other services as needed. ASD expects to prioritize eligible persons who are ready to move on from its other projects, which would free up beds for those needing more intensive services.

HOPWA-funded units at the property would be available to low-income (with income at or below 80% of area median income ("AMI")) persons living with HIV/AIDS. Residents in HOPWA-funded units are required to pay a resident rent portion equal to the lesser of 30% of monthly adjusted income, 10% of monthly gross income, or welfare rent.

All HOPWA projects use the local Homeless Management Information System ("HMIS") to collect client-level data for service coordination and reporting/evaluation purposes. ASD staff must input client-level data into the local HMIS with applicable written consent.

Since the cost of the rehabilitation exceeds 75 percent of the value of the property, this project will be considered substantial rehabilitation. As substantial rehabilitation, HOPWA regulations will require the property be maintained as a facility to provide housing or assistance for persons with HIV/AIDS for a period of not less than ten (10) years, which will be maintained through deed restrictions.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 22, 2016, City Council adopted the FY 2016-17 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds, by Resolution No. 16-1066.

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds, by Resolution No. 17-1171.

The Citizen Homelessness Commission was briefed on this item on October 11, 2018.

The Human and Social Needs Committee was briefed on this item on November 5, 2018.

FISCAL INFORMATION

2016-17 Housing Opportunities for Persons with AIDS Grant Funds - $486,100.00
2017-18 Housing Opportunities for Persons with AIDS Grant Funds - $704,345.00

November 28, 2018

WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") provides grant funds through the Housing Opportunities for Persons with AIDS ("HOPWA") program according to the terms of 24 C.F.R. Part 574, to assist grantees in meeting the housing needs of low-income persons with HIV/AIDS and HIV-related illness and their families within the grantee's Eligible Metropolitan Statistical Area ("EMSA"); and

WHEREAS, on June 22, 2016, City Council adopted the City's FY 2016-17 Consolidated Plan Budget, which includes HOPWA grant funds from HUD in the amount of $6,409,124, of which $486,100.00 remains available for Housing Facilities Rehabilitation/Repair/ Acquisition activities, to be expended by September 30, 2019, by Resolution No. 16-1066; and

WHEREAS, on August 9, 2017, City Council adopted the City's FY 2017-18 Consolidated Plan Budget, which includes HOPWA grant funds from HUD in the amount of $6,470,345.00, of which is $704,345.00 is available for Housing Facilities Rehabilitation/Repair/Acquisition activities, to be expended by September 30, 2020, by Resolution No. 17-1171; and

WHEREAS, in response to the City's Request for Competitive Sealed Proposals (#BTZ1818), PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas ("ASD") submitted a proposal for substantial rehabilitation of a property, located at 511 North Lancaster Avenue, which provides permanent housing for persons with HIV/AIDS, and the City of Dallas seeks to enter into a contract with ASD to make these site improvements; and

WHEREAS, the site improvements at the property will constitute substantial rehabilitation at the facility and, under federal regulations, the facility must be maintained, to provide housing or assistance for persons with HIV/AIDS for a minimum use period of not less than ten (10) years after the rehabilitation is completed.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a loan agreement with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas (the "Borrower"), and PWA Holdings LLC, (the "Owner"), approved as to form by the City Attorney, for a secured, zero percent interest, forgivable loan agreement in the amount of $1,190,445.00, to provide for substantial rehabilitation of a property located at 511 North Lancaster Avenue, which provides permanent housing for persons with HIV/AIDS (the "Property"), for the period October 1, 2018 through September 30, 2019, and to execute any and all documents required by the loan agreement.

SECTION 2. That the terms of the loan documents include:

a. The Borrower shall undertake a substantial renovation of the Property, which shall include the conversion of the eight (8) units into twelve (12) units (8 one-bedroom units and 4 efficiencies). If additional funding becomes available through outside sources, the Borrower may have the opportunity to expand the development to sixteen (16) units. The development plan for the Property shall also include structural, electrical, plumbing, roof, and heating, ventilation and air conditioning repairs; exterior landscape and parking upgrades; and gated property with secured access and on-site video surveillance.

b. Borrower will maintain an operating/capital reserve account in an amount not less than $65,000.00 for the term of the loan. Withdrawals from the reserve account will require prior written approval from the City of Dallas.

c. Eight (8) HOPWA-funded units at the Property shall be available to low-income (with income at or below 80% of area median income ("AMI")) persons living with HIV/AIDS. Residents in HOPWA-funded units are required to pay a resident rent portion equal to the lesser of 30% of monthly adjusted income, 10% of monthly gross income, or welfare rent.

d. Because all HOPWA projects use the local Homeless Management Information System ("HMIS") to collect client-level data for service coordination and reporting/evaluation purposes, the Borrower must input client-level data into the local HMIS with applicable written consent.

e. The Owner shall execute a deed of trust and note payable to the City of Dallas.

f. The Owner shall execute deed restrictions on the Property that has been rehabilitated with loan funds under the loan agreement for the provision of housing services to persons with HIV/AIDS to continue for ten (10) years commencing upon completion of the substantial rehabilitation. Services shall include, but is not limited to, using the Property as an independent living facility for persons with HIV/AIDS who need low-income, affordable housing, but not intensive on-site services, and residents at the Property would receive case management and have access to other services as needed.

g. The lien and deed restrictions will be released upon successful completion of the rehabilitation, in accordance with the loan agreement, and the provision of housing services for persons with HIV/ADIS continuously for ten (10) years after completion of the substantial rehabilitation.

SECTION 2. (continued)

h. The loan may be forgiven ten (10) years after completion of the substantial rehabilitation, upon compliance with all terms of the loan agreement and loan documents by the Borrower and the Owner.

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute subordination and release of liens, release of notes payable, and termination of deed restrictions on the property upon the Borrower's and the Owner's compliance with all terms of the loan agreement and any other loan documents.

SECTION 4. That this resolution does not constitute a binding agreement on the City or subject the City to any liability or obligations with respect to this project until such time as the loan is legally awarded and the documents are duly approved by all parties and executed.

SECTION 5. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $1,190,445.00 under the Housing Opportunities for Persons with AIDS (HOPWA) Grant to PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas (Vendor 268632), from Service Contract number MGT-2018-00008079, as follows:

Fund	Department	Unit	Object	Description	Amount
HW16	HOU	565A	3015	Housing Facilities Rehab/Repair/Acq	$ 486,100.00
HW17	MGT	295B	3015	Housing Facilities Rehab/Repair/Acq	$ 704,345.00
				Total	$1,190,445.00

SECTION 6. That the City Controller is hereby authorized to set up receivable balance sheet account (033F) and an allowance for uncollectible debt (022D) in Unit 565A and Unit 295B, respectively, for the amount of the loan.

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

Agenda Information Sheet

File #: 18-1166 **Item #:** 40.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize **(1)** an assignment to PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas 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 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 ("HUD") 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)** 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 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 - Not to exceed $29,921.00 - Financing: General Fund

BACKGROUND

On September 26, 2018, City Council authorized acceptance of the CoC Grant (Grant No. TX0236L6T001609 and CFDA No. 14.267) from HUD 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 $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 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 cash 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.

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 for approved December 2018 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 cash match, for the period December 1, 2018 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 May 24, 2017, City Council authorized an amendment to the grant agreement between the City of Dallas and HUD to add The Vineyards at Forest Edge Apartments and The Vineyards at the Ranch as a project sites and approve two Memoranda of Understanding between the City and property owners by Resolution No. 17-0838.

On September 13, 2017, City Council authorized acceptance of a Continuum of Care Permanent Supportive Housing Grant to provide project-based rental assistance and case management for single chronically homeless persons by Resolution No. 17-1413.

On September 26, 2018, City Council authorized acceptance of a Continuum of Care Permanent Supportive Housing Grant to provide project-based rental assistance and case management for

single chronically homeless persons by Resolution No. 18-1376.

The Citizen Homelessness Commission was briefed about this item on October 11, 2018.

The Human and Social Needs Committee was briefed about this item on November 5, 2018.

FISCAL INFORMATION

General Fund - $29,921.00

November 28, 2018

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 (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, at the time of grant acceptance, it was estimated that the $96,550.00 of the required 25 percent match totaling $179,526.00 would be a local cash match from the City of Dallas paid through FY 2018-19 General Funds, and $82,976.00 would be from one or more local partner agencies; and

WHEREAS, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposals (#BTZ1802) for entities 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 ("ASD") submitted a proposal and was recommended for award; and

WHEREAS, the City of Dallas and PWA 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 December 1, 2018 through September 30, 2019, including the requirement to provide a 25 percent cash match.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to: **(1)** execute an assignment to PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas 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 Continuum of Care Grant (Grant No. TX0236L6T001709 and CFDA No. 14.267) in an amount not to exceed $718,103.00 ("CoC Grant") 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 project-based rental assistance and case management for single chronically homeless persons; **(2)** amend 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)** execute any and all documents required for the grantee substitution, 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 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 #: 18-1164 **Item #:** 41.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize the twelve-month renewal option to the contract with Catholic Charities of Dallas, Inc., to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals and families, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $98,085.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($20,700.00) and 2018-19 Emergency Solutions Grant Funds ($77,385.00)

BACKGROUND

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") grant funds by Resolution No. 18-0987. The budget included the Emergency Solutions Grant ("ESG") (Grant No. E-18-MC-48-0009) in the amount of $1,203,874.00. The grant funds are available beginning October 1, 2018, contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD. In addition, the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining.

On January 11, 2018, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposal (#BTZ1810) soliciting proposals from area service providers for ESG services.

Catholic Charities of Dallas, Inc. located at 1421 West Mockingbird Lane, Dallas, Texas 75247 (Central Service Center), submitted a proposal and was recommended for funding. On April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Catholic Charities of Dallas, Inc. by Resolution No. 18-0630. This is the twelve-month renewal option to that contract.

Catholic Charities of Dallas, Inc. is a leading faith-based social service agency focused on improving the quality of life for people in need who are the most vulnerable in the community. The agency has provided services to the poor and elderly for more than 125 years and annually serves over 38,000

individuals helping them achieve stability and self-sufficiency through a variety of programs, including permanent supportive housing for the homeless.

Under this contract, Catholic Charities of Dallas, Inc. will provide a rapid re-housing program for individuals and families who are literally homeless, in partnership with The Salvation Army and The Bridge. The program will operate from the Catholic Charities of Dallas, Inc.'s Central Service Center, and is designed to first address the immediate need of permanent housing, followed by development of a recovery plan for long-term self-sufficiency that considers employment and training (through the agency's extensive network of employers that allows for quick job placement), as well as budgeting and financial coaching.

Catholic Charities of Dallas, Inc.'s staff must input client-level data into the local Homeless Management Information System with applicable written consent. Catholic Charities of Dallas, Inc. must also submit monthly financial reports (including supporting documentation) and performance reports (including demographic data, outputs, and outcomes), as well as an overview of accomplishments at year end, to the City. These reports will be compiled at the end of the year in the City's annual report to HUD.

PERFORMANCE MEASURES

	2018-19 Goal
Number of persons served with Rapid Re-Housing	40

OUTCOME MEASURES

The Continuum of Care has established the following outcome measures for grantees and sub-recipients receiving ESG funding for Rapid Re-Housing:

- 70% of persons served will maintain their permanent housing for 3 months
- 70% of persons served will exit to permanent housing destinations
- 30% of persons served will have higher income at program exit
- 30% of persons served will have more non-cash benefits at program exit
- 100% of persons served will receive case management

MATCH REQUIREMENTS

Catholic Charities of Dallas, Inc. must match ESG funding dollar-for-dollar. Catholic Charities of Dallas, Inc.'s match total must equal or exceed the amount of ESG funds requested. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

Matching funds must be submitted with the Request for Payment form on a monthly basis which will include match source documentations (invoices, cancelled checks, bank/credit card statements, timesheets, commitment letters, etc.). Catholic Charities of Dallas, Inc. shall ensure the expenses billed for reimbursement and matching do not exceed the approved budgeted amounts.

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PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 17-1171.

On April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Catholic Charities of Dallas, Inc. to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services to homeless individuals and families, with Homeless Management Information System data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0630.

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 18-0987.

Information about this item was provided to the Human and Social Needs Committee on November 5, 2018.

FISCAL INFORMATION

2017-18 Emergency Solutions Grant Funds - $20,700.00
2018-19 Emergency Solutions Grant Funds - $77,385.00

OWNER

Catholic Charities of Dallas, Inc.

Board of Directors

Most Reverend Edward Burns, Bishop
Laura Curran, Ex-Officio
Bill Keffler, Ex-Officio
Greg Kelly, Ex-Officio
Dan O'Connell, Ex-Officio
Dave Woodyard, Ex-Officio
Tom McCarthy, President
Mary Lynn Bangs, Vice Chair
Megan Martinez, Secretary
Steve Suellentrop, Treasurer
James Bradley
Dr. Tim Bray
Thomas W. Codd
Craig Cowles
Raul Estrada
Joe Hogan
Gerard Heeley
Paul Koch
Doug Lattner

Mary T. Manning
Brian O'Boyle, Sr.
Bob McDermott
Marie Quintana
Rick Schornack
Joanie Stephens
John Stephens
Mark Taken
Monica Valazquez
Bob Wright

November 28, 2018

WHEREAS, on June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds, which includes $1,203,874 for the Emergency Solutions Grant (ESG) (Grant No. E-18-MC-48-0009), and the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining; and

WHEREAS, ESG funds will be used to provide rapid re-housing, homelessness prevention, and emergency shelter to homeless subpopulations, with Homeless Management Information System (HMIS) data collection; and

WHEREAS, Catholic Charities of Dallas, Inc. submitted a proposal in response to the City's Request for Competitive Sealed Proposal (#BTZ1810) for the contractual provision of services funded under ESG, and to provide emergency shelter services for individuals; and

WHEREAS, on April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Catholic Charities of Dallas, Inc. to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals and families, and HMIS data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0630; and

WHEREAS, the city seeks to enter the twelve-month renewal option to the contract with Catholic Charities of Dallas, Inc. to continue provision of these services, funded by 2017-18 Emergency Solutions Grant Funds ($20,700.00) and 2018-19 Emergency Solutions Grant Funds ($77,385.00) which contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD, will be available beginning October 1, 2018.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the twelve-month renewal option to the contract with Catholic Charities of Dallas, Inc., approved as to form by the City Attorney, to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals and families, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019, and execute any and all documents required by the contract.

SECTION 2. That Catholic Charities of Dallas, Inc. must provide a dollar-for-dollar match, in the amount of $98,085.00, with matching funds consisting of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $98,085.00 under the ESG to Catholic Charities of Dallas, Inc. (Vendor VC0000007486) from Service Contract No. MGT-2018-00005822, as follows:

Fund	Department	Unit	Object	Description	Amount
ES17	MGT	284B	3099	Rapid Re-housing	$20,700.00
ES18	MGT	826C	3099	Rapid Re-housing	$74,400.00
ES18	MGT	827C	3099	HMIS Data Collection	$ 2,985.00
				Total	$98,085.00

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

Agenda Information Sheet

File #: 18-1165 **Item #:** 42.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize the twelve-month renewal option to the contract with Family Gateway, Inc., to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $125,260.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($26,900.00) and 2018-19 Emergency Solutions Grant Funds ($98,360.00)

BACKGROUND

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") grant funds by Resolution No. 18-0987. The budget included the Emergency Solutions Grant ("ESG") (Grant No. E-18-MC-48-0009) in the amount of $1,203,874.00. The grant funds are available beginning October 1, 2018, contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD. In addition, the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining.

On January 11, 2018, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposal (#BTZ1810) soliciting proposals from area service providers for ESG services.

Family Gateway, Inc. located at 600 Jackson Street, Dallas, Texas 75202, submitted a proposal and was recommended for funding. On April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Family Gateway, Inc. by Resolution No. 18-0632. This is the twelve-month renewal option to that contract.

Family Gateway, Inc. evolved from a 1985 mayoral task force focused on family homelessness in Dallas. In 1986, then Mayor Pro Tem Annette G. Strauss spearheaded an effort to build a refuge for families living on the streets, victims of the collapsed Texas economy, where they could stay together

as a family unit. A coalition of congregations responded, the Family Gateway Center opened its doors in 1986. In September 2000, the shelter was rededicated as the Annette G. Strauss Family Gateway Center, and has been serving homeless families for the past thirty-two years.

Under this contract, Family Gateway, Inc. will provide up to 24 months of rental assistance and housing stability case management to 20 literally homeless families with at least one child under the age of 18. Family Gateway, Inc. will work with partner properties to assist the client in finding a unit that best meets the family's needs and, once stabilized in a new unit, provide case management to assist clients in addressing barriers to housing retention and working toward self-sufficiency goals by matching the family with appropriate community resources.

Family Gateway, Inc.'s staff must input client-level data into the local Homeless Management Information System with applicable written consent. Family Gateway, Inc. must also submit monthly financial reports (including supporting documentation) and performance reports (including demographic data, outputs, and outcomes), as well as an overview of accomplishments at year end, to the City. These reports will be compiled at the end of the year in the City's annual report to HUD.

PERFORMANCE MEASURES

	2018-19 Goal
Number of families served with Rapid Re-Housing	20

OUTCOME MEASURES

The Continuum of Care has established the following outcome measures for grantees and sub-recipients receiving ESG funding for rapid re-housing:

- 70% of persons served will maintain their permanent housing for 3 months
- 70% of persons served will exit to permanent housing destinations
- 30% of persons served will have higher income at program exit
- 30% of persons served will have more non-cash benefits at program exit
- 100% of persons served will receive case management

MATCH REQUIREMENTS

Family Gateway, Inc. must match ESG funding dollar-for-dollar. Family Gateway, Inc.'s match total must equal or exceed the amount of ESG funds requested. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

Matching funds must be submitted with the Request for Payment form on a monthly basis which will include match source documentations (invoices, cancelled checks, bank/credit card statements, timesheets, commitment letters, etc.). Family Gateway, Inc. shall ensure the expenses billed for reimbursement and matching do not exceed the approved budgeted amounts.

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PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 11, 2016, City Council authorized a contract with Family Gateway, Inc. to provide essential services and shelter operations to homeless families for the period of October 1, 2016 through September 30, 2017, by Resolution No. 16-1659.

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 17-1171.

On April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Family Gateway, Inc. to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services to homeless families, with Homeless Management Information System data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0632.

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 18-0987.

Information about this item was provided to the Human and Social Needs Committee on November 5, 2018.

FISCAL INFORMATION

2017-18 Emergency Solutions Grant Funds - $26,900.00
2018-19 Emergency Solutions Grant Funds - $98,360.00

OWNER

Family Gateway, Inc.

Board of Directors

Stephen Hipp, Chair
Alex Sharma, Vice-Chair
Gary Moor, Treasurer
Gretchen Pollom, Secretary
Leslie Benners, At Large
Anne M. Johnson, At Large
Jennifer Austin
Justin Bailey
Rick Deitch
Ariane Einecker
Jennifer Fahrenbruch
Juanita Harris
Shanjula Harris*
Kirsten Kerrigan
Mirjam Kirk

Mika Manaster
Steve Martin
Paula Miltenberger
Deanna Munoz*
Doug Ness
Charles O'Connell
Selwyn Rayzor
Byron Romine
Exa Whiteman
Paul Wilson

*Homeless or formerly homeless representative on board.

WHEREAS, on June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds by Resolution No. 18-0987, which includes $1,203,874.00 for the Emergency Solutions Grant (ESG) (Grant No. E-18-MC-48-0009), and the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining; and

WHEREAS, ESG funds will be used to provide rapid re-housing, homelessness prevention, and emergency shelter to homeless subpopulations, with Homeless Management Information System (HMIS) data collection; and

WHEREAS, Family Gateway, Inc. submitted a proposal in response to the City's Request for Competitive Sealed Proposal (#BTZ1810) for the contractual provision of services funded under ESG, and to provide emergency shelter services for individuals; and

WHEREAS, on April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Family Gateway, Inc. to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals, and HMIS data collection for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0632; and

WHEREAS, the city seeks to enter the twelve-month renewal option to the contract with Family Gateway, Inc. to continue provision of these services, funded by 2017-18 Emergency Solutions Grant Funds ($26,900.00) and 2018-19 Emergency Solutions Grant Funds ($98,360.00) which contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD, will be available beginning October 1, 2018.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the twelve-month renewal option to the contract with Family Gateway, Inc., approved as to form by the City Attorney, to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019, and execute any and all documents required by the contract.

SECTION 2. That Family Gateway, Inc. must provide a dollar-for-dollar match, in the amount of $125,260.00, with matching funds consisting of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $125,260.00, under the ESG to Family Gateway, Inc. (Vendor 244694) from Service Contract No. MGT-2018-00005825, as follows:

Fund	Department	Unit	Object	Description	Amount
ES17	MGT	284B	3099	Rapid Re-housing	$ 26,900.00
ES18	MGT	826C	3099	Rapid Re-housing	$ 96,710.00
ES18	MGT	827C	3099	HMIS Data Collection	$ 1,650.00
				Total	$125,260.00

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

Agenda Information Sheet

File #: 18-1169 **Item #:** 43.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize the twelve-month renewal option to the contract with Family Gateway Inc., to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $92,478.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($10,728.00) and 2018-19 Emergency Solutions Grant Funds ($81,750.00)

BACKGROUND

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") grant funds by Resolution No. 18-0987. The budget included the Emergency Solutions Grant ("ESG") (Grant No. E-18-MC-48-0009) in the amount of $1,203,874.00. The grant funds are available beginning October 1, 2018, contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD. In addition, the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining.

On January 11, 2018, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposal (#BTZ1810) soliciting proposals from area service providers for ESG services.

Family Gateway, Inc. located at 600 Jackson Street, Dallas, Texas 75202, submitted a proposal and was recommended for funding. On April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Family Gateway, Inc. by Resolution No. 18-0631. This is the twelve-month renewal option to that contract.

Family Gateway, Inc. evolved from a 1985 mayoral task force focused on family homelessness in Dallas. In 1986, then Mayor Pro Tem Annette G. Strauss spearheaded an effort to build a refuge for families living on the streets, victims of the collapsed Texas economy, where those families could stay together as a family unit. A coalition of congregations responded, the Family Gateway Center

opened its doors in 1986. In September 2000, the shelter was rededicated as the Annette G. Strauss Family Gateway Center, and has been serving homeless families for the past thirty-two years.

The Annette G. Strauss Family Gateway Center, located at 711 South St. Paul, Dallas, Texas 75201, is a low barrier shelter with a focus on transitioning clients to housing as soon as possible, and provides shelter, meals, clothes, and supplies, as well as programming, for homeless families with at least one child under age 18. Clients receive assessment and diversion services, permanent supportive housing placement case management, training, and educational services, as well as on-site day care, afterschool care, and summer camps for children. Family Gateway, Inc. also coordinates resources and services with other Dallas agencies.

Family Gateway Inc.'s staff must input client-level data into the local Homeless Management Information System with applicable written consent. Agencies must also submit monthly financial reports (including supporting documentation) and performance reports (including demographic data, outputs, and outcomes), as well as an overview of accomplishments at year end, to the City. These reports are compiled at year end into the City's annual report to HUD.

PERFORMANCE MEASURES

	2018-19 Goal
Number of families served with Emergency Shelter	350

OUTCOME MEASURES

The Continuum of Care has established the following outcome measures for grantees and sub-recipients receiving ESG funding for Emergency Shelter:

- 70% of persons who exit will exit to permanent housing destinations or temporary/transitional housing
- 100% of persons served will receive case management

MATCH REQUIREMENTS

Family Gateway, Inc. must match ESG funding dollar-for-dollar. Match total must equal or exceed the amount of ESG funds requested. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

Matching funds must be submitted with the Request for Payment form on a monthly basis which will include match source documentations (invoices, cancelled checks, bank/credit card statements, timesheets, commitment letters, etc.). Family Gateway, Inc. shall ensure the expenses billed for reimbursement and match do not exceed the approved budgeted amounts.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 12, 2013, City Council authorized a twelve-month renewal contract with Family Gateway, Inc. to provide Housing Relocation and Stabilization Services and Financial Assistance, to homeless families and individuals, for the period October 1, 2013 through September 30, 2014, by Resolution No. 13-1933.

On October 11, 2016, City Council authorized a contract with Family Gateway, Inc. to provide essential services and shelter operations to homeless families for the period October 1, 2016 through September 30, 2017, by Resolution No. 16-1659.

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 17-1171.

On April 25, 2018, City Council authroized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Family Gateway, Inc. to provide emergency shelter services, consisting of shelter operations and essential services to homeless families, with Homeless Management Information System data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0631.

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 18-0987.

Information about this item was provided to the Human and Social Needs Committee on November 5, 2018.

FISCAL INFORMATION

2017-18 Emergency Solutions Grant Funds - $10,728.00
2018-19 Emergency Solutions Grant Funds - $81,750.00

OWNER

Family Gateway, Inc.

Board of Directors

Stephen Hipp, Chair
Alex Sharma, Vice-Chair
Gary Moor, Treasurer
Gretchen Pollom, Secretary
Leslie Benners, At Large
Anne M. Johnson, At Large
Jennifer Austin
Justin Bailey
Rick Deitch
Ariane Einecker
Jennifer Fahrenbruch
Juanita Harris

Shanjula Harris*
Kirsten Kerrigan
Mirjam Kirk
Mika Manaster
Steve Martin
Paula Miltenberger
Deanna Munoz*
Doug Ness
Charles O'Connell
Selwyn Rayzor
Byron Romine
Exa Whiteman
Paul Wilson

*Homeless or formerly homeless representative on board.

WHEREAS, on June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds by Resolution No. 18-0987, which includes $1,203,874.00 for the Emergency Solutions Grant (ESG) (Grant No. E-18-MC-48-0009), and the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining; and

WHEREAS, ESG funds will be used to provide rapid re-housing, homelessness prevention, and emergency shelter to homeless subpopulations, with Homeless Management Information System (HMIS) data collection; and

WHEREAS, Family Gateway, Inc. submitted a proposal in response to the City's Request for Competitive Sealed Proposal (#BTZ1810) for the contractual provision of services funded under ESG, and to provide emergency shelter services for individuals; and

WHEREAS, on April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Family Gateway Inc., to provide emergency shelter services, consisting of shelter operations, to homeless individuals, with HMIS data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0631; and

WHEREAS, the City seeks to enter the twelve-month renewal option to the contract with Family Gateway Inc. to continue provision of these services, funded by 2017-18 Emergency Solutions Grant Funds ($10,728.00) and 2018-19 Emergency Solutions Grant Funds ($81,750.00) which contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD, will be available beginning October 1, 2018.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the twelve-month renewal option to the contract with Family Gateway Inc., approved as to form by the City Attorney, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019, and execute any and all documents required by the contract.

SECTION 2. That Family Gateway Inc. must provide a dollar-for-dollar match, in the amount of $92,478.00, with matching funds consisting of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $92,478.00 under the ESG to Family Gateway, Inc. (Vendor 244694) from Service Contract No. MGT-2018-00005814, as follows:

Fund	Department	Unit	Object	Description	Amount
ES17	MGT	281B	3099	Emergency Shelter	$10,728.00
ES18	MGT	824C	3099	Emergency Shelter	$80,000.00
ES18	MGT	827C	3099	HMIS Data Collection	$ 1,750.00
				Total	$92,478.00

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

Agenda Information Sheet

File #: 18-1167 **Item #:** 44.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize the twelve-month renewal option to the contract with Shared Housing Center, Inc., to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals and families, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $130,436.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($28,020.00) and 2018-19 Emergency Solutions Grant Funds ($102,416.00)

BACKGROUND

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") grant funds by Resolution No. 18-0987. The budget included the Emergency Solutions Grant ("ESG") (Grant No. E-18-MC-48-0009) in the amount of $1,203,874.00. The grant funds are available beginning October 1, 2018, contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD. In addition, the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining.

On January 11, 2018, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposal (#BTZ1810) soliciting proposals from area service providers for ESG services.

Shared Housing Center, Inc. located at 402 N. Good Latimer Expressway, Dallas, Texas 75204, submitted a proposal and was recommended for funding. On April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Shared Housing Center, Inc. by Resolution No. 18-0634. This is the twelve-month renewal option to that contract.

Established in 1984, Shared Housing Center, Inc. provides housing and services to critically at-risk populations experiencing homelessness. The agency offers shelter housing for up to 12 months to homeless single parents with young children, including youth (ages 18-24) with children, to members

of the LGBT community with custody of children, and to grandparents raising grandchildren.

Under this contract, Shared Housing Center, Inc. will provide rapid re-housing assistance to help homeless individuals and families to move as quickly as possible into permanent housing and achieve stability. The rapid re-housing program will place clients in private rental housing throughout the City of Dallas, with financial assistance/rent (including application fees, deposits, and rental assistance) and housing relocation and stabilization services (case management).

Shared Housing Center, Inc.'s staff must input client-level data into the local Homeless Management Information System with applicable written consent. Agencies must also submit monthly financial reports (including supporting documentation) and performance reports (including demographic data, outputs, and outcomes), as well as an overview of accomplishments at year end, to the City. These reports are compiled at year end into the City's annual report to HUD.

PERFORMANCE MEASURES

	2018-19 Goal
Number of families served with Rapid Re-Housing	40

OUTCOME MEASURES

The Continuum of Care has established the following outcome measures for grantees and sub-recipients receiving ESG funding for Rapid Re-Housing:

- 70% of persons served will maintain their permanent housing for 3 months
- 70% of persons served will exit to permanent housing destinations
- 30% of persons served will have higher income at program exit
- 30% of persons served will have more non-cash benefits at program exit
- 100% of persons served will receive case management

MATCH REQUIREMENTS

Shared Housing Center, Inc. must match ESG funding dollar-for-dollar. Match total must equal or exceed the amount of ESG funds requested. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and

Matching funds must be submitted with the Request for Payment form on a monthly basis which will include match source documentations (invoices, cancelled checks, bank/credit card statements, timesheets, commitment letters, etc.). Shared Housing Center, Inc. shall ensure the expenses billed for reimbursement and match do not exceed the approved budgeted amounts.

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PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2015, City Council authorized a contract with one twelve-month renewal option with Shared Housing Center, Inc. to provide Housing Relocation and Stabilization Services and Financial Assistance to homeless families and individuals for the period December 1, 2014 through September 30, 2015, by Resolution No. 15-0168.

On August 12, 2015, City Council authorized a twelve-month renewal option to the contract with Shared Housing Center, Inc. to provide Housing Relocation and Stabilization Services and Financial Assistance to homeless families and individuals for the period October 1, 2015 through September 30, 2016, by Resolution No. 15-1367.

On October 11, 2016, City Council authorized a contract with Shared Housing Center, Inc. to provide Financial Assistance/Rent and Housing Relocation and Stabilization Services to single homeless persons for the period October 1, 2016 through September 30, 2017, by Resolution No. 16-1661.

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 17-1171.

On April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Shared Housing Center, Inc. to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services to homeless individuals and families, with Homeless Management Information System data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0634.

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 18-0987.

Information about this item was provided to the Human and Social Needs Committee on November 5, 2018.

FISCAL INFORMATION

2017-18 Emergency Solutions Grant Funds - $28,020.00
2018-19 Emergency Solutions Grant Funds - $102,416.00

OWNER

Shared Housing Center, Inc.

Board of Directors

Michael Cottrell, President
Rebecca Bauer Cartagena, Vice President
Martin Yudizky, Secretary
R. Tyler Johnson, Treasurer
Felicia Bennett*

Neil R. Burger
Lynette Fletcher
Janis Hefley
Suzanne Kelly*
Meghan Kohut
Mia Lackey
Natalie Mendez
Dawn Siemiet
Gretchen Stone
Sally Strong
Anna Whatley

*Homeless or formerly homeless representative on board.

WHEREAS, on June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds by Resolution No. 18-0987, which includes $1,203,874.00 for the Emergency Solutions Grant (ESG) (Grant No. E-18-MC-48-0009), and the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining; and

WHEREAS, ESG funds will be used to provide rapid re-housing, homelessness prevention, and emergency shelter to homeless subpopulations, with Homeless Management Information System (HMIS) data collection; and

WHEREAS, Shared Housing Center, Inc. submitted a proposal in response to the City's Request for Competitive Sealed Proposal (#BTZ1810) for the contractual provision of services funded under ESG, and to provide rapid re-housing services for individuals; and

WHEREAS, on April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Shared Housing Center, Inc. to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals and families, and HMIS data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0634; and

WHEREAS, the city seeks to enter the twelve-month renewal option to the contract with Shared Housing Center, Inc. to continue provision of these services, funded by 2017-18 Emergency Solutions Grant Funds ($28,020.00) and 2018-19 Emergency Solutions Grant Funds ($102,416.00) which contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD, will be available beginning October 1, 2018.

Now Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the twelve-month renewal option to the contract with Shared Housing Center, Inc., approved as to form by the City Attorney, to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019, and execute any and all documents required by the contract.

SECTION 2. That Shared Housing Center, Inc. must provide a dollar-for-dollar match, in the amount of $130,436.00, with matching funds consisting of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $130,436.00 under the ESG to Shared Housing Center, Inc. (Vendor 190813A) from Service Contract No. MGT-2018-00005823, as follows:

Fund	Department	Unit	Object	Description	Amount
ES17	MGT	284B	3099	Rapid Re-housing	$ 28,020.00
ES18	MGT	826C	3099	Rapid Re-housing	$100,724.00
ES18	MGT	827C	3099	HMIS Data Collection	$ 1,692.00
				Total	$130,436.00

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

Agenda Information Sheet

File #: 18-1170 **Item #:** 45.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize the twelve-month renewal option to the contract with Shelter Ministries of Dallas dba Austin Street Center, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $154,961.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($18,476.00) and 2018-19 Emergency Solutions Grant Funds ($136,485.00)

BACKGROUND

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") grant funds by Resolution No. 18-0987. The budget included the Emergency Solutions Grant ("ESG") (Grant No. E-18-MC-48-0009) in the amount of $1,203,874.00. The grant funds are available beginning October 1, 2018, contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD. In addition, the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining.

On January 11, 2018, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposal (#BTZ1810) soliciting proposals from area service providers for ESG services.

Shelter Ministries of Dallas dba Austin Street Center submitted a proposal and was recommended for funding. On April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option subject to appropriation, with Shelter Ministries of Dallas dba Austin Street Center by Resolution No. 18-0635. This is the twelve-month renewal option to that contract.

Shelter Ministries of Dallas founded Austin Street Shelter in 1983 as an emergency overnight shelter near Downtown Dallas, serving primarily homeless adult men and later women. In 1992, the shelter moved to its current location on Hickory Street, and became Austin Street Center to reflect the wide range of services offered to guests. The shelter serves men ages 45 and older and women ages 18 and older.

Austin Street Center, a low barrier shelter, will provide a housing coordination program to help clients be re-housed as quickly and permanently as possible. The project is an intensive housing-focused program, with housing-focused case management, as well as educational and employment assistance. Services are designed for homeless men and women with a high level of vulnerability who need intense and strategic assistance to obtain housing, including veterans, the elderly, chronically homeless, longest stayers of six months or more, frequent utilizers of public services, and chronic re-enrollees in shelter services.

Shelter Ministries of Dallas staff must input client-level data into the local Homeless Management Information System with applicable written consent. Agencies must also submit monthly financial reports (including supporting documentation) and performance reports (including demographic data, outputs, and outcomes), as well as an overview of accomplishments at year end, to the City. These reports are compiled at year end into the City's annual report to HUD.

PERFORMANCE MEASURES

	2018-19 Goal
Number of persons served at Emergency Shelter	2,500

OUTCOME MEASURES

The Continuum of Care has established the following outcome measures for grantees and sub-recipients receiving ESG funding for Emergency Shelter:

- 70% of persons who exit will exit to permanent housing destinations or temporary/transitional housing
- 100% of persons served will receive case management

MATCH REQUIREMENTS

Shelter Ministries of Dallas dba Austin Street Center must match ESG funding dollar-for-dollar. Match total must equal or exceed the amount of ESG funds requested. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

Matching funds must be submitted with the Request for Payment form on a monthly basis which will include match source documentations (invoices, cancelled checks, bank/credit card statements, timesheets, commitment letters, etc.). Shelter Ministries of Dallas dba Austin Street Center shall ensure the expenses billed for reimbursement and match do not exceed the approved budgeted amounts.

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PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 22, 2017, City Council authorized Supplemental Agreement No. 1 to revise the budget amount and increase the contract amount, with Shelter Ministries of Dallas dba Austin Street Center, under the Texas Department of State Health Services Healthy Community Collaborative Program grant, for the period August 1, 2016 through August 31, 2017, by Resolution No. 17-0384.

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 17-1171.

On August 23, 2017, City Council authorized to a renewal grant agreement with Shelter Ministries of Dallas dba Austin Street Center to provide emergency shelter and supportive services to homeless men and women with mental illness, substance abuse disorder or co-occurring psychiatric disorders, for the period September 1, 2017 through August 31, 2018, by Resolution No. 17-1289.

On April 25, 2018, City Council approved a twelve-month contract, with one twelve-month renewal option subject to appropriation, with Shelter Ministries of Dallas dba Austin Street Center to provide emergency shelter services, consisting of shelter operations and essential services to homeless individuals, with Homeless Management Information System data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0635.

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 18-0987.

Information about this item was provided to the Human and Social Needs Committee on November 5, 2018.

FISCAL INFORMATION

2017-18 Emergency Solutions Grant Funds - $18,476.00
2018-19 Emergency Solutions Grant Funds - $136,485.00

OWNER

Shelter Ministries of Dallas dba Austin Street Center

Board of Directors

Nancy K. Best, Chair
Dennis J. Grindinger, President
Harry M. Roberts, Jr. Secretary
Frank Mihalopoulos, Treasurer
Kenneth Z. Altshuler, Vice President
Megan Burkhart, Vice President
Joe R. Flores, Vice President
Julie Forrester, Vice President
Nancy Ann Hunt, Vice President
Ashlee Kleinert, Vice President

Caroline Miller, Vice President
Gail O. Turner, Vice President

*Homeless or formerly homeless representative on Board is Van George, who is a member of the Operations Board of Austin Street Center

November 28, 2018

WHEREAS, on June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds by Resolution No. 18-0987, which includes $1,203,874 for the Emergency Solutions Grant (ESG) (Grant No. E-18-MC-48-0009), and the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining; and

WHEREAS, ESG funds will be used to provide rapid re-housing, homelessness prevention, and emergency shelter to homeless subpopulations, and Homeless Management Information System (HMIS) data collection fees; and

WHEREAS, on January 11, 2018, a Request for Competitive Sealed Proposal (#BTZ1810) was advertised for area service providers for the contractual provision of services funded under ESG, and Shelter Ministries of Dallas dba Austin Street Center, submitted a proposal to provide emergency shelter services for individuals and HMIS data collection fees and was recommended for funding; and

WHEREAS, on April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option subject to appropriation, with Shelter Ministries of Dallas dba Austin Street Center, to provide emergency shelter services, consisting of shelter operations and essential services to homeless individuals, and HMIS data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0635; and

WHEREAS, the City seeks to authorize the twelve-month renewal option to the contract with Shelter Ministries of Dallas dba Austin Street Center to continue provision of these emergency shelter services funded by 2017-18 Emergency Solutions Grant Funds ($18,476.00) and 2018-19 Emergency Solutions Grant Funds ($136,485.00) contingent upon approval of the City's FY 2018-19 Action Plan, and execution of the grant agreements with HUD.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the twelve-month renewal option to the contract with Shelter Ministries of Dallas dba Austin Street Center, approved as to form by the City Attorney, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019, and execute any and all documents required by the contract.

SECTION 2. That Shelter Ministries of Dallas dba Austin Street Center must provide a dollar-for-dollar match, in the amount of $154,961.00, with matching funds consisting of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $154,961.00 under the ESG to Shelter Ministries of Dallas dba Austin Street Center (Vendor VC0000011655) from Service Contract No. MGT-2018-00005819, as follows:

Fund	Dept	Unit	Object	Description	Amount
ES17	MGT	281B	3099	Emergency Shelter	$ 18,476.00
ES18	MGT	824C	3099	Emergency Shelter	$134,802.00
ES18	MGT	827C	3099	HMIS Data Collection	$ 1,683.00
				Total	$154,961.00

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

Agenda Information Sheet

File #: 18-1171 **Item #:** 46.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize the twelve-month renewal option to the contract with The Family Place, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection fees, for the period October 1, 2018 through September 30, 2019 - Not to exceed $74,440.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($8,940.00) and 2018-19 Emergency Solutions Grant Funds ($65,500.00)

BACKGROUND

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") grant funds by Resolution No. 18-0987. The budget included the Emergency Solutions Grant ("ESG") (Grant No. E-18-MC-48-0009) in the amount of $1,203,874.00. The grant funds are available beginning October 1, 2018, contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD. In addition, the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining.

On January 11, 2018, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposal (#BTZ1810) soliciting proposals from area service providers for ESG services.

The Family Place submitted a proposal and was recommended for funding. On April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option subject to appropriation, with The Family Place by Resolution No. 18-0636. This is the twelve-month renewal option to that contract.

The Family Place is a non-profit organization with the mission to eliminate family violence. It was one of the first shelters for victims of domestic violence in the State of Texas in 1978. Residential services are provided at a confidential location called the Safe Campus, using a trauma-informed care approach to service delivery. Families are allowed up to a 45-day stay at the shelter location or

longer. Services include emergency shelter assistance, healthcare, food, clothing, information and referrals, case management and transportation. In addition, The Family Place offers a Child Development Center that includes licensed child care and early education in a safe location, with emotional support, parent education, and health care.

The Family Place staff must input client-level data into the local Homeless Management Information System with applicable written consent. Agencies must also submit monthly financial reports (including supporting documentation) and performance reports (including demographic data, outputs, and outcomes), as well as an overview of accomplishments at year end, to the City. These reports are compiled at year end into the City's annual report to HUD.

PERFORMANCE MEASURES

	2018-19 Goal
Emergency Shelter (Persons)	1,100

OUTCOME MEASURES

The Continuum of Care has established the following outcome measures for grantees and sub-recipients receiving ESG funding for Emergency Shelter:

- 70% of persons who exit will exit to permanent housing destinations or temporary/transitional housing
- 100% of persons served will receive case management

MATCH REQUIREMENTS

The Family Place must match ESG funding dollar-for-dollar. Match total must equal or exceed the amount of ESG funds requested. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

Matching funds must be submitted with the Request for Payment form on a monthly basis which will include match source documentations (invoices, cancelled checks, bank/credit card statements, timesheets, commitment letters, etc.). The Family Place shall ensure the expenses billed for reimbursement and match do not exceed the approved budgeted amounts.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 12, 2015, City Council authorized a twelve-month renewal option to the contract with The Family Place, Inc. to provide eligible Emergency Solutions Grant essential services and shelter operation to the homeless, for the period October 1, 2015 through September 30, 2016, by Resolution No. 15-1368.

On October 11, 2016, City Council authorized contract with The Family Place, Inc. to provide

essential services and shelter operations to homeless families, for the period October 1, 2016 through September 30, 2017, by Resolution No. 16-1662.

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 17-1171.

On April 25, 2018, City Council approved a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with The Family Place, to provide emergency shelter services, consisting of shelter operations and essential services to homeless families, and HMIS data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0636.

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 18-0987.

Information about this item was provided to the Human and Social Needs Committee on November 5, 2018.

FISCAL INFORMATION

2017-18 Emergency Solutions Grant Funds - $8,940.00
2018-19 Emergency Solutions Grant Funds - $65,500.00

OWNER

The Family Place

Board of Directors

Eric White, President	Carlos Jaime-Gonzalez
Mike Montgomery, Secretary	Julie Hoad
Wes McCown, Treasurer	Jennifer Hargrave
David Allston	Travis Hollman
Deborah Alves	Charlyn Holmes
Mandy Austin	Stacee Johnson-Williams
Kirstin Bauer	Mary McNulty
Jeannie Barsam	Kim Koonce
Laura Colhouer	Margaret McClinton
Lisa Bhattacharya	Emily Maduro
Stephen Bodwell	Phyllis Cole McKnight
Sherice Brown	Patrick McLaughlin
Jim Buddrus	Sam Megally
Eric Chandler	Aaliyah Miranda
Kerry Cole	Carol Seay
Brenda Cockerell	Connie Nash*
Socorro Dismore	Lisa Singleton
Holly Deason	Stacey Rodriquez
Monika Flood	Daniel Pidgeon

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Sara Friedman
Baranda Fermin
Delia Jasso
Rhonda Green
Kimberli Greer
Jason Rzeszutko
Jill Tananbaum
Erika Toledo-Mortensen
Radhika Zaveri

*Homeless or formerly homeless representative

November 28, 2018

WHEREAS, on June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds by Resolution No. 18-0987, which includes $1,203,874.00 for the Emergency Solutions Grant (ESG) (Grant No. E-18-MC-48-0009), and the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining; and

WHEREAS, ESG funds will be used to provide rapid re-housing, homelessness prevention, and emergency shelter to homeless subpopulations with Homeless Management Information System (HMIS) data collection fees; and

WHEREAS, on January 11, 2018, a Request for Competitive Sealed Proposal (#BTZ1810) was advertised for area service providers for the contractual provision of services funded under ESG, and The Family Place submitted a proposal to provide emergency shelter services for families and HMIS data collection fees and was recommended for funding; and

WHEREAS, on April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with The Family Place, to provide emergency shelter services, consisting of shelter operations and essential services to homeless families, and HMIS data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 08-0636; and

WHEREAS, the City seeks to authorize the twelve-month renewal option to the contract with The Family Place to continue provision of these emergency shelter services funded by 2017-18 Emergency Solutions Grant Funds ($8,940.00) and 2018-19 Emergency Solutions Grant Funds ($65,500.00) contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the twelve-month renewal option to the contract with The Family Place, approved as to form by the City Attorney, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019, and execute any and all documents required by the contract.

SECTION 2. That The Family Place must provide a dollar-for-dollar match, in the amount of $74,440.00, with matching funds consisting of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $74,440.00 under the ESG to The Family Place (Vendor 243202) from Service Contract No. MGT-2018-00005816, as follows:

Fund	Department	Unit	Object	Description	Amount
ES17	MGT	281B	3099	Emergency Shelter	$ 8,940.00
ES18	MGT	824C	3099	Emergency Shelter	$65,000.00
ES18	MGT	827C	3099	HMIS Data Collection	$ 500.00
				Total	$74,440.00

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

Agenda Information Sheet

File #: 18-1168 **Item #:** 47.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize **(1)** an amendment to Resolution No. 18-1377, previously approved on September 26, 2018 to amend the grant agreement for the Continuum of Care Grant ("CoC Grant") (Grant No. TX0085L6T001710 and CFDA No. 14.268) from the U.S. Department of Housing and Urban Development ("HUD") for the City of Dallas' My Residence Program (Rapid Re-housing) ("Project") providing tenant-based rental assistance and case management in an amount not to exceed $435,627.00 for homeless families and single homeless persons, to: **(a)** substitute Housing Crisis Center, Inc. as recipient grantee, in place of the City of Dallas, with their assumption of all rights and obligations under the grant, for the period December 1, 2018 through September 30, 2019; **(b)** increase the local cash match from the City of Dallas for the CoC Grant for the Project, by $1,331.00, from $58,575.00 to $59,906.00; and **(c)** decrease the matching contribution from the local partner agencies by $1,331.00, from $50,332.00 to $49,001.00; **(2)** a contract with Housing Crisis Center, Inc. ("HCC") to provide funds as match assistance for the local cash match for the CoC Grant in the amount of $59,906.00 for the period October 1, 2018 through September 30, 2019, with HCC as the local partner agency to provide the remaining matching contribution for the CoC Grant in the amount of $49,001.00; and **(3)** execution of any and all documents required for the grantee substitution - Total not to exceed $59,906.00 - Financing: General Fund

BACKGROUND

On September 26, 2018, City Council authorized acceptance of the Continuum of Care Grant ("CoC Grant") (Grant No. TX0085L6T001710 and CFDA No. 14.267) from the U.S. Department of Housing and Urban Development ("HUD") for the City of Dallas' My Residence Program (Rapid Re-Housing) project ("Project") in an amount not to exceed $435,627.00, to provide rental assistance and case management to homeless families and single homeless individuals, for the period October 1, 2018 through September 30, 2019, by Resolution No. 18-1377. Under the Project, rental assistance can be provided on a short-term basis (up to 3 months) or medium (4 to 24 months) dependent on the client's need.

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 contribution. The total match for the CoC Grant equals $108,907.00.

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 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 $58,575.00 of the required match would be a local cash match from the City of Dallas paid through FY 2018-19 General Funds, and $50,332.00 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 organization 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% 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.

Housing Crisis Center, Inc. ("HCC") submitted a proposal to assume and operate the My Residence Program Project as a substitute grantee, with all rights and obligations of the CoC Grant, with a request for $59,906.00 in local cash match assistance, and was recommended for award.

Under the grant agreement, the Project pays rent and utilities for thirty-one (31) one-bedroom and six (6) two-bedroom scattered site units, and provides funds for case management and administrative staff. Rental subsidy payments are made directly to the apartment complexes based on the reasonable rent for the area. OHS has made, or will make, rental payments for participants for approved December 2018 rents. HCC will assume all rental payments thereafter, and will provide case management and administrative staff for the Project. HCC will also assume all rights and obligations under the CoC Grant, including the requirement to provide a 25% match, with local cash match assistance provided by the City of Dallas in the amount of $59,906.00, for the period October 1, 2018 through September 30, 2019.

HCC is already a recipient of CoC Grant funds for separate projects and, thus, is an eligible recipient. HUD has indicated that it would accept HCC as a substitute grantee for the CoC Grant for this Project.

Pursuant to an earlier RFCSP (#BTZ1819) advertised on April 19, 2018, HCC had previously assumed the case management functions for the Project under the prior year CoC Grant, in place of City of Dallas staff, for the period August 24, 2018 through September 30, 2018, under a contract in the amount of $15,000.00, authorized by Administrative Action No. 18-6460, on August 24, 2018.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 24, 2016, City Council authorized acceptance of a Continuum of Care Rapid Re-Housing

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Grant to provide tenant-based rental assistance and case management for homeless families and single homeless persons by Resolution No. 16-1329.

On September 13, 2017, City Council authorized acceptance of a Continuum of Care Rapid Re-Housing Grant to provide tenant-based rental assistance and case management for homeless families and single homeless persons by Resolution No. 17-1414.

On September 26, 2018, City Council authorized acceptance of a Continuum of Care Rapid Re-Housing Grant to provide tenant-based rental assistance and case management for homeless families and single homeless persons by Resolution No. 18-1377.

The Citizen Homelessness Commission was briefed about this item on October 11, 2018.

The Human and Social Needs Committee was briefed about this item on November 5, 2018.

FISCAL INFORMATION

General Fund - $59,906.00

WHEREAS, the City of Dallas recognizes the need to assist homeless families and individuals by providing rental assistance in conjunction with support services; 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 CoC Grant funding costs except leasing cost must be matched with no less than a 25 percent cash or in-kind contribution; and

WHEREAS, on September 26, 2018, City Council authorized acceptance of a Continuum of Care Grant ("CoC Grant") (Grant No. TX0085L6T001710 and CFDA No. 14.267) from the U.S. Department of Housing and Urban Development ("HUD") for the City of Dallas' My Residence Program (Rapid Re-housing) ("Project") in the amount not to exceed $435,627.00, to provide tenant-based rental assistance and case management for homeless families and single homeless persons, for the period October 1, 2018 through September 30, 2019, by Resolution No. 18-1377; and

WHEREAS, at the time of grant acceptance, it was estimated that the $58,575.00 of the required 25 percent match totaling $108,907.00 would be a local cash match from the City of Dallas paid through FY 2018-19 General Funds, and $50,332.00 would be from one or more local partner agencies; and

WHEREAS, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposals (#BTZ1802) for Continuum of Care Administration to assume the grantee responsibilities, with local cash match assistance, and Housing Crisis Center, Inc. ("HCC") submitted a proposal and was recommended for award, with local cash match assistance in the amount of $59,906.00; and

WHEREAS, the City of Dallas and HCC desire to substitute HCC as grantee under the CoC Grant in place of the City of Dallas, and have HCC assume all rights and obligations under the CoC grant for the period December 1, 2018 through September 30, 2019; and

WHEREAS, the City of Dallas desires to enter into a contract with HCC to provide funds as a local cash match assistance for the CoC Grant in the amount of $59,906.00, for the period October 1, 2018 through September 30, 2019, with HCC as the local partner agency providing the remaining matching contribution for the CoC Grant.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to: **(1)** amend Resolution No. 18-1377, previously approved on September 26, 2018 to amend the grant agreement for the Continuum of Care Grant ("CoC Grant") (Grant No. TX0085L6T001710 and CDFA No. 14.267) from the U.S. Department of Housing and Urban Development ("HUD") for the City of Dallas' My Residence Program (Rapid Rehousing) ("Project) providing tenant-based rental assistance and case management in an amount not to exceed $435,627.00 for homeless families and single homeless persons to: **(a)** substitute Housing Crisis Center, Inc. as recipient grantee, in place of the City of Dallas, with their assumption of all rights and obligations under the grant, for the period December 1, 2018 through September 30, 2019; **(b)** to increase the local cash match from the City of Dallas for the CoC Grant for the Project, by $1,331.00, from $58,575.00 to $59,906.00; and **(c)** decrease the matching contribution from the local partner agencies by $1,331.00, from $50,332.00 to $49,001.00; **(2)** sign a contract with Housing Crisis Center, Inc. ("HCC") to provide funds as match assistance for the local cash match for the CoC Grant in the amount of $59,906.00 for the period October 1, 2018 through September 30, 2019, with HCC as the local partner agency to provide the remaining matching contribution for the CoC Grant in the amount of $49,001.00; and **(3)** execute any and all documents required for the grantee substitution, 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 $59,9006.00 in periodic payments from Fund 0001, Department MGT, Unit 4311, Object 3099, to Housing Crisis Center, Inc. (Vendor 269574) from Service Contract No. MGT-2018-00008360, as a local cash match assistance for the CoC Grant.

SECTION 3. 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 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.

Attachment

REVISED
SCHEDULE A

Continuum of Care Grant
My Residence Program (Rapid Re-Housing) Project
(Tenant-Based Rental Assistance)
Fund F557, Dept. MGT, Unit 3682, Revenue Code 6506
October 1, 2018 through September 30, 2019

Object Code	Description	Amount
~~1510~~	~~Temporary Help Services~~	
3994	Outside Temps/Staffing	$ 32,593.00
3099	Miscellaneous Special Services	$326,720.00
3330	Rents	$ 76,314.00
	Total	**$435,627.00**

Matching Funds
Cash
Fund 0001, Dept. MGT, Unit 4311

Object Code	Description	Amount
3099	Miscellaneous Special Services	$ ~~58,575.00~~ 59,906.00
	Total	**$ ~~58,575.00~~ 59,906.00**

Matching Funds
In-Kind Contributions

Description	Amount
Local Partner Agencies	$ ~~50,332.00~~ 49,001.00
Total	**$ ~~50,332.00~~ 49,001.00**

Agenda Information Sheet

File #: 18-1212 **Item #:** 48.

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	November 28, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services
EXECUTIVE:	Elizabeth Reich

SUBJECT

Authorize a one-year service price agreement for commercial wireless communication services and equipment with Cellco Partnership dba Verizon Wireless and its related entities through the Department of Information Resources cooperative agreement - Not to exceed $4,375,769.40 - Financing: Various Funds (see Fiscal Information)

BACKGROUND

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

This service price agreement provides firm pricing for citywide commercial wireless communication services and related equipment for a specific term, which are ordered on an as needed basis.

The service allows for wireless cell phone and data communication use which increases mobility and collaboration between departments. Additionally, this contract allows for the purchase of mobility services that can be used in smart devices, such as cradle point, laptop, or mobile tablets. This service price agreement is utilized mainly by Public Safety departments during day-to-day and emergency operations. Other City departments that require devices such as laptops, tablets, and other mobile wireless devices also utilize this agreement to deliver timely and efficient services while in the field. Additionally, this agreement allows for wireless cell phone use which increases mobility and collaboration between departments and residents.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 22, 2012, City Council authorized a four-year service contract, with two one-year renewal options, for commercial wireless communication services and equipment for public safety and other City departments with Cellco Partnership dba Verizon Wireless and its Related Entities through the Department of Information Resources, State of Texas Cooperative contract by Resolutions No. 12-2077.

On August 24, 2016, City Council authorized supplemental agreement no. 1 to exercise the first one-year renewal option to the service contract for commercial wireless communication services and equipment with Cellco Partnership dba Verizon Wireless and its Related Entities through the Department of Information Resources, State of Texas by Resolution No. 16-1310.

On August 23, 2017, City Council authorized Supplemental Agreement No. 2 to exercise the second one-year renewal option to the service contract with Cellco Partnership dba Verizon Wireless and its related entities through the Department of Information Resources, State of Texas Cooperative for commercial wireless communication services and equipment by Resolution No. 17-1269.

City Council will be briefed by memorandum regarding this matter on November 16, 2018.

FISCAL INFORMATION

Funding allocation will be determined based on an assessment of department needs. See Attachment A for historic billing from current contract.

Various Funds - $4,375,769.40

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 $
$4,375,769.40	CO-OP	N/A	N/A	N/A
• The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs).				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Cooperative Purchasing	• Cooperative Purchasing Agreements enable the City to associate with State agencies, other local governments, or local cooperative organizations comprised of other state and local governments, to leverage market buying power and enable the City to purchase goods or services at lower prices • Cooperative Purchasing is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement

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Cellco Partnership dba Verizon Wireless

Ronan Dunne, Executive Vice President
Christine Baron, Senior Vice President of Enterprise Sales

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Departments	Sum of Total Charges
ATMS	$976.50
Aviation	$91,694.30
Business Development (Procurement)	$10,681.06
City Attorney	$28,330.68
City Controller's Office	$1,393.93
City Manager's Office	$3,972.69
City Secretary's Office	$1,509.95
Civil Service	$965.62
Code Compliance/Animal Svcs	$293,304.86
Communication & Development Svs	$121,174.58
Convention & Event Svcs	$20,274.37
Courts & Detention	$26,096.84
CPE	$2,597.12
Dallas Fire/Rescue	$310,426.09
Dallas Police Department	$804,749.87
Dallas Water Utility	$52,985.99
Equipment & Building Svcs	$62,534.58
Fair Housing	$2,058.16
Housing/WIC	$31,704.20
Human Resources	$2,822.00
Library	$6,156.08
Mayor/City Council	$11,211.46
OEQ	$723.48
Office of Cultural Affairs	$2,706.71
Office of Economic Development	$15,952.65
Office of Emergency Management	$8,896.36
Office of Financial Svcs	$4,002.04
Office of Risk Management	$3,606.35
Parks and Rec	$67,422.74
Planning & Neighborhood Vitality	$6,250.52
Public Information Office	$8,938.27
Public Works & Transit	$21,405.88
Sanitation	$3,083.24
Strategic Customer Service	$3,681.10
Streets Svcs	$82,506.68
Sustainable Development	$66,472.26
Traffic	$139,455.15
Trinity Water Management	$11,787.33
Unknown	$1,552.55

Grand Total	$2,336,064.24
Jul-18	$368,834.05
Aug-18	$278,034.29
Sep-18	$265,917.82

Total Charges (As of October 1st, 2018)	$3,248,850.40

WHEREAS, on August 22, 2012, City Council authorized a four-year service contract, with two one-year renewal options, for commercial wireless communication services and equipment for public safety and other City departments with Cellco Partnership dba Verizon Wireless and its Related Entities through the Department of Information Resources, State of Texas Cooperative contract in the amount of $9,953,000.00, by Resolution No. 12-2077; and

WHEREAS, on August 24, 2016, City Council authorized supplemental agreement no. 1 to exercise the first one-year renewal option of the service contract for commercial wireless communication services and equipment with Cellco Partnership dba Verizon Wireless and its Related Entities through the Department of Information Resources, State of Texas Cooperative in an amount of $3,432,429.00, from $9,953,000.00 to $13,385,429.00, by Resolution No. 16-1310; and

WHEREAS, on August 23, 2017, City Council authorized Supplemental Agreement No. 2 to exercise the second one-year renewal option to the service contract with Cellco Partnership dba Verizon Wireless and its related entities through the Department of Information Resources, State of Texas Cooperative for commercial wireless communication services and equipment in an amount of $3,596,410.00, from $13,385,429.00 to $16,981,839.00, by Resolution No. 17-1269; and

WHEREAS, on September 7, 2018, Administrative Action No. 18-6461 authorized Supplemental Agreement No. 3 to extend the term of the agreement with Cellco Partnership dba Verizon Wireless for commercial wireless communication services and equipment to be used by various departments through December 31, 2018.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a service contract with Cellco Partnership dba Verizon Wireless and its related entities (VS92349) through the Department of Information Resources cooperative agreement, approved as to form by the City Attorney, for commercial wireless communication services and equipment for a term of one year, in an amount not to exceed $4,375,769.40. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Cellco Partnership dba Verizon Wireless and its related entities shall be based only on the amount of the services directed to be performed by the City and properly performed by Cellco Partnership dba Verizon Wireless and its related entities under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $4,375,769.40 to Cellco Partnership dba Verizon Wireless and its related entities from Service Contract No. DSV-2018-00008534.

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 #: 18-1111 **Item #:** 49.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize **(1)** rescinding the three-year service price agreement with Technical Testing International, LLC dba TTI Environmental Laboratories, previously approved on August 8, 2018, by Resolution No. 18-1046, for analytical laboratory testing services; and **(2)** a three-year service price agreement for analytical laboratory testing services - Pace Analytical Services, LLC, second lowest responsible bidder of four - Not to exceed $5,381,524.38 - Financing: Equipment and Fleet Management ($485.00), Dallas Water Utilities Fund ($4,938,504.18), Stormwater Drainage Management Fund ($331,866.70), Sanitation Services Fund ($110,668.50)

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. We anticipate the following City departments will use this agreement:

- Water Utilities Department
- Department of Sanitation Services
- Equipment and Fleet Management

This item rescinds the contract awarded to Technical Testing International, LLC dba TTI Environmental Laboratories on August 8, 2018, by Resolution No. 18-1046 and awards to the second lowest bidder for analytical laboratory testing services. The contract requires the awarded laboratory to be accredited by the State of Texas under the Texas Laboratory Accreditation Program for the term of the agreement; on September 1, 2018, the City was notified by the Texas Commission on Environmental Quality that Technical Testing International, LLC dba TTI Environmental Laboratories was no longer accredited. This service price agreement will continue to allow City departments to utilize certified, independent laboratories to conduct analytical laboratory testing services. The contractor will analyze samples for compliance with state and federal regulations including The Clean Water Act, Safe Drinking Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation and Liability Act, Resource Conservation and Recovery Act, and Solid Waste Disposal

Act.

The analytical services will be used to support stormwater monitoring, illicit discharge investigations, enforcement investigations, hazardous and non-hazardous waste management, industrial waste monitoring, publicly owned treatment works influent and effluent monitoring, enforcement investigations, drinking water and soil testing and other water/wastewater testing for the City. The independent laboratories under this contract will be required to perform mandated Environmental Protection Agency analysis in situations where the City of Dallas laboratories lack the proper equipment, lab instrumentation, and resources to perform the needed tasks.

On November 10, 2015, City Council authorized the wage floor rate of $10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 11, 2013, City Council authorized a three-year service contract for analytical laboratory testing services with Technical Testing International, LLC dba TTI Environmental Laboratories, B&A Laboratories, Inc. dba Xenco Laboratories and Environmental Science Corporation dba ENVISCI, Inc. by Resolution No. 13-2048.

On October 26, 2016, City Council authorized rescinding the service contract with Technical Testing International, LLC dba TTI Environmental Laboratories, previously approved on December 11, 2013, by Resolution No. 13-2048, for analytical laboratory services; and a service contract for analytical laboratory testing services through December 10, 2017 with Pace Analytical Services, Inc. by Resolution No. 16-1723.

On August 8, 2018, City Council authorized a three-year service price agreement for analytical laboratory testing services with Technical Testing International, LLC dba TTI Environmental Laboratories and Ana-Lab Corporation by Resolution No. 18-1046.

City Council will be briefed by memorandum regarding this matter on November 16, 2018.

FISCAL INFORMATION

Equipment and Fleet Management - $485.00
Dallas Water Utilities Fund - $4,938,504.18
Stormwater Drainage Management Fund - $331,866.70
Sanitation Services Fund - $110,668.50

Fund	FY 2018-19	FY 2019-20	FY 2020-21
Equipment and Fleet Management	$161.67	$161.67	$161.66
Dallas Water Utilities Fund	$1,040,060.95	$1,949,221.11	$1,949,222.12
Stormwater Drainage Management Fund	$70,250.00	$130,808.35	$130,808.35
Sanitation Services Fund	$36,889.50	$36,889.50	$36,889.50

Total	$1,147,362.12	$2,117,080.63	$2,117,081.63

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$5,381,524.38	Other Services	23.80%	0.00%	$0.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• DHL Analytical would be the only M/WBE sub that would be able to provide scope of work, but they cannot perform either of the 2 tests that the specifications are asking for.				

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 BP1702. We opened them on September 1, 2017. We recommend the City Council rescind award of this service price agreement and award to the second lowest responsive and responsible bidder.

*Denotes successful bidder

**Denotes rescinded

Bidders	Address	Amount
*Pace Analytical Services, LLC	400 W. Bethany Road Suite #190 Allen, TX 75013	$5,381,524.38
**Technical Testing International, LLC dba TTI Environmental Laboratories	800 106th Street Arlington, TX 76011	$4,985,725.00
B&A Laboratories, Inc. dba Xenco Laboratories	9701 Harry Hines Boulevard Dallas, TX 75220	$5,700,647.00

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Ana-Lab Corporation	2600 Dudley Road Kilgore, TX 75662	$9,546,026.00

OWNER

Pace Analytical Services, LLC

Steve Vanderboom, President
Greg Whitman, Vice President
Mike Fuller, Secretary
Michael Prasch, Treasurer

WHEREAS, on December 11, 2013, City Council authorized a three-year service contract for analytical laboratory testing services with Technical Testing International, LLC dba TTI Environmental Laboratories in the amount of $2,216,649.00, B&A Laboratories, Inc. dba Xenco Laboratories in the amount of $948,898.00 and Environmental Science Corporation dba ENVISCI, Inc. in the amount of $19,625.00, by Resolution No. 13-2048; and

WHEREAS, on October 26, 2016, City Council authorized rescinding the service contract with Technical Testing International, LLC dba TTI Environmental Laboratories, previously approved on December 11, 2013, by Resolution No. 13-2048, for analytical laboratory services; and a service contract for analytical laboratory testing services through December 10, 2017 with Pace Analytical Services, Inc., in an amount not to exceed $948,210.69, by Resolution No. 16-1723; and

WHEREAS, on August 8, 2018, City Council authorized a three-year service price agreement for analytical laboratory testing services with Technical Testing International, LLC dba TTI Environmental Laboratories in the amount of $4,985,725.00 and Ana-Lab Corporation in the amount of $114,112.00, by Resolution No. 18-1046.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to **(1)** rescind the three-year service price agreement with Technical Testing International, LLC dba TTI Environmental Laboratories, previously approved on August 8, 2018, by Resolution No. 18-1046, for analytical laboratory testing services; and **(2)** sign a service price agreement with Pace Analytical Services, LLC (VS0000021341), approved as to form by the City Attorney, for analytical laboratory testing services, for a term of three years, in an amount not to exceed $5,381,524.38. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Pace Analytical Services, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Pace Analytical Services, LLC under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $5,381,524.38 to Pace Analytical Services, LLC from Service Price Agreement No. POM-2018-00006553.

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 #: 18-606 **Item #:** 50.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year service contract for maintenance and support of the existing multiple vendor reading system software application and meter reading handheld computers for the Water Utilities Department - Itron, Inc., sole source - Not to exceed $178,805.43 - Financing: Dallas Water Utilities Fund (subject to annual appropriations)

BACKGROUND

This contract will provide for the continued maintenance and support of the existing multiple vendor reading system (MVRS) software application and meter reading handheld computers for the Water Utilities Department (DWU). DWU utilizes the MVRS to record meter readings, electronically audit these readings, and record maintenance issues. The meter reading computers have the ability to send and receive interface files to/from the billing system to create customer billing and invoices. DWU reads approximately 330,000 meters on a monthly basis. Maintenance and support services includes technical support, troubleshooting/diagnostics, and upgrades.

On November 10, 2015, City Council authorized the wage floor rate of $11.15, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 28, 2011, City Council authorized the purchase of 70 handheld meter reading computers and a five-year service contract for maintenance and support for the 70 handheld meter reading computers and the existing Multiple Vendor Reading System software application with Itron, Inc. by Resolution No. 11-2515.

City Council will be briefed by memorandum regarding this matter on November 16, 2018.

FISCAL INFORMATION

Dallas Water Utilities Fund - $178,805.43 (subject to annual appropriations)

FY 2018-19 $57,132.51
FY 2019-20 $59,643.48 (subject to annual appropriations)
FY 2020-21 $62,029.44 (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 $
$178, 805.43	Other Services	N/A	N/A	N/A
• M/WBE Goal Waived				
• Itron, Inc. is providing maintenance and support of vendor reading system application software and meter reading handheld computers 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
Itron, Inc.	2111 N. Molter Road Liberty Lake, WA 99019	$178,805.43

Note: The Office of Procurement Services conducted a sole source review and found no exceptions.

OWNER

Itron, Inc.

Philip C. Mezey, President
Thomas L. Deitrich, Vice President

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WHEREAS, on September 28, 2011, City Council authorized the purchase of 70 handheld meter reading computers and a five-year service contract for maintenance and support for the 70 handheld meter reading computers and the existing Multiple Vendor Reading System software application with Itron, Inc., in an amount not to exceed $549,916.61, by Resolution No. 11-2515; and

WHEREAS, on July 26, 2013, Administrative Action No. 13-6693 authorized Supplemental Agreement No. 1 to increase the acquisition contract for the purchase of three handheld computers with Itron, Inc., in an amount not to exceed $23,182.46, from $312,333.87 to $335,516.33; and

WHEREAS, on July 7, 2017, Administrative Action No. 17-6347 authorized Supplemental Agreement No. 2 to increase and extend the service contract with Itron, Inc. for continued maintenance and support services for handheld computers and software application, used in collecting meter readings through May 31, 2018, in an amount not to exceed $44,466.40, from $237,582.74 to $282,049.14.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a service contract with Itron, Inc. (267549), approved as to form by the City Attorney, for maintenance and support of the existing multiple vendor reading system software application and meter reading handheld computers for the Water Utilities Department for a term of three years, in an amount not to exceed $178,805.43. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Itron, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Itron, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $178,805.43 (subject to annual appropriations) to Itron, Inc. from Master Agreement Service Contract No. DWU-2018-00005917.

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 #: 18-1247 **Item #:** 51.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a five-year service contract for automated notification services for the Office of Emergency Management with AT&T Services, Inc. through the Houston-Galveston Area Council of Governments cooperative agreement - Not to exceed $324,688.80 - Financing: 9-1-1 System Operations Fund (subject to annual appropriations)

BACKGROUND

This service contract provides automated notification services for the Office of Emergency Management (OEM). OEM utilizes this software to quickly provide City staff situational details or instructions in the event of an emergency such as natural disasters, active shooter events, transportation incidents, and pandemics. Additionally, City residents are able to register to receive OEM delivered information on incidents such as floods or fires, specific to their geographical area utilizing this notification software. The software also provides the City the ability to alert the Federal Emergency Management Agency about local incidents that may affect other local or regional entities outside the city of Dallas.

The Houston-Galveston Area Council of Governments cooperative agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on November 16, 2018.

FISCAL INFORMATION

9-1-1 System Operations Fund - $324,688.80 (subject to annual appropriations)

FY 2018-19 $64,937.76
FY 2019-20 $64,937.76 (subject to annual appropriations)
FY 2020-21 $64,937.76 (subject to annual appropriations)
FY 2021-22 $64,937.76 (subject to annual appropriations)
FY 2022-23 $64,937.76 (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 $
$324,688.80	CO-OP	N/A	N/A	N/A
• The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs).				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Cooperative Purchasing	• Cooperative Purchasing Agreements enable the City to associate with State agencies, other local governments, or local cooperative organizations comprised of other state and local governments, to leverage market buying power and enable the City to purchase goods or services at lower prices • Cooperative Purchasing is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement

OWNER

AT&T Services, Inc.

Randall L. Stephenson, Chairman
William A. Blase, Jr., Senior Executive Vice President

WHEREAS, on August 22, 2011, Administrative Action No. 11-2146 authorized a contract to purchase and implement a state-of-the-art automated emergency notifications solution with four one-year renewal options for the Office of Emergency Management with Dialogic Communications dba Cassidian Communications, in an amount not to exceed $47,500.00; and

WHEREAS, on November 26, 2012, Administrative Action No. 12-2872 authorized Supplemental Agreement No. 1 to exercise renewal option 1 of 4 to extend maintenance and support of the automated emergency notification system for the Office of Emergency Management, with Dialogic Communications dba Cassidian Communications, in an amount not to exceed $47,500.00, from $47,500.00 to $95,000.00; and

WHEREAS, on October 31, 2012, Administrative Action No. 14-5125 authorized Supplemental Agreement No. 2 to exercise renewal option 2 of 4 to extend maintenance and support of the automated emergency notification system for the Office of Emergency Management, with Dialogic Communications dba Cassidian Communications, in an amount not to exceed $47,500.00, from $95,000.00 to $142,500.00; and

WHEREAS, on October 1, 2014, Administrative Action No. 14-5125 authorized Supplemental Agreement No. 3 to exercise renewal option 3 of 4 to extend maintenance and support of the automated emergency notification system for the Office of Emergency Management, with Dialogic Communications dba Cassidian Communications, in an amount not to exceed $47,500.00, from $142,500.00 to $190,000.00; and

WHEREAS, on July 21, 2015, Administrative Action No. 15-6388 authorized Supplemental Agreement No. 4 to exercise renewal option 3 of 4 to extend maintenance and support and provide upgrades of the automated emergency notification system for the Office of Emergency Management, with Airbus DS Communications, Inc., in an amount not to exceed $56,750.00, from $190,000.00 to $246,750.00; and

WHEREAS, on December 13, 2016, Administrative Action No. 16-7065 authorized Supplemental Agreement No. 5 to extend maintenance and support of the automated emergency notification system for the Office of Emergency Management, with Airbus DS Communications, Inc., in an amount not to exceed $34,050.00, from $246,750.00 to $280,800.00; and

WHEREAS, on May 9, 2017, Administrative Action No. 17-5973 authorized the acquisition of an automated notification system for Courts and Detention Services, with Airbus DS Communications, Inc., in an amount not to exceed $24,416.00; and

November 28, 2018

WHEREAS, on July 18, 2017, Administrative Action No. 17-6324 authorized Supplemental Agreement No. 6 to extend maintenance and support of the automated emergency notification system for a term of two months for the Office of Emergency Management, with Airbus DS Communications, Inc., in an amount not to exceed $12,304.00, from $280,800.00 to $293,104.00; and

WHEREAS, on January 22, 2018, Administrative Action No. 18-5146 authorized Supplemental Agreement No. 7 to extend maintenance and support of the automated emergency notification system for a term of six months for the Office of Emergency Management, with Airbus DS Communications, Inc., in an amount not to exceed $36,912.00, increasing the contract amount from $293,104.00 to $330,016.00; and

WHEREAS, on January 22, 2018, Administrative Action No. 18-5144 authorized payment for maintenance and support of the automated emergency notification system used by Court and Detention Services, with Airbus DS Communications, Inc., in an amount not to exceed $24,416.00; and

WHEREAS, on November 2, 2018, Administrative Action No. 18-6704 authorized payment for maintenance and support of the automated emergency notification system used by Court and Detention Services and Office of Emergency Management, with Airbus DS Communications, Inc., in an amount not to exceed $67,186.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a service contract with AT&T Services, Inc. (202839), approved as to form by the City Attorney, for automated notification services for a term of five years, in an amount not to exceed $324,688.80. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to AT&T Services, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by AT&T Services, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $324,688.80 (subject to annual appropriations) to AT&T Services, Inc. from Master Agreement Service Contract No. DSV-2019-00008287.

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 #: 18-1184 **Item #:** 52.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a two-year consultant contract to conduct a staffing study for the Police Department - KPMG LLP, most advantageous proposer of three - Not to exceed $500,000.00 - Financing: W.W. Caruth Jr. Foundation at Communities Foundation of Texas Grant Funds ($250,000.00) and Confiscated Funds ($250,000.00)

BACKGROUND

This consultant contract will engage the services of a consulting firm to develop a staffing study for the Dallas Police Department (DPD). The consultant will coordinate and work closely with DPD throughout the entire process.

The study includes analysis and evaluation of the effectiveness of current staffing and identifies potential gaps in service and utilization. The study also includes the analysis and evaluation of calls for service and deployment to understand supply and demand for police services by season, day of week, hour of day. The study will offer insight into the current shift length and how it impacts utilization and deployment as well as provide guidance on manpower allocation and how best to use existing personnel to achieve operational efficiencies.

Under this agreement the consultant will also develop a scheduling algorithm tool that will assist in optimizing patrol schedules that align staffing and deployment patterns to trends in demand. The consultant will work with DPD staff to ensure that updates and adjustments can be made to the tool as new constraints or objectives arise ensuring the model continues to produce schedules that meet DPD's updated needs and environment.

The study will include three reports and will take approximately six months to complete. The below describes the emphasis of each report:

- Report #1 (Staffing of Patrol) - This report will use the data collected throughout the study as well as comparative analysis of other police departments to provide algorithm-supported

optimal staffing mix adjustments and broader opportunities to augment performance and services within the Patrol Division.

- Report #2 (Staffing of Non-Patrol i.e. Investigative, Tactical) - This report will use information collected on the investigation and crime solving process, including staffing ratios and strategies/tactics employed by comparative agencies, to identify opportunities to drive the metrics critical to crime solving effectiveness within non-patrol divisions.
- Report #3 (Final Report) - Following feedback and validation with the DPD and respective stakeholders, the consultant will deliver the final report which will include the analysis and recommendations for focus areas and their impact on the Department as a whole.

The results of the staffing study will be presented to City Council and the Communities Foundation upon completion.

A seven member committee from the following departments reviewed and evaluated the qualifications:

- Police Department (2)
- Department of Human Resources (1)
- Fire-Rescue (1)
- Office of Management Services (1)
- Office of Business Diversity (1)*
- Office of Procurement Services (1)**

*The Office of Procurement Services only evaluated cost and the Office of Business Diversity only evaluated the Business Inclusion and Development Plan.

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

- Cost 30 points
- Experience and capability 30 points
- Proposed approach 25 points
- Business Inclusion and Development Plan 15 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,277 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $11.15, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2017, City Council authorized the acceptance of a grant award from the W.W. Caruth Jr. Foundation at Communities Foundation of Texas for the development of a staffing efficiency study for the Dallas Police Department for the period September 1, 2017 through December 31, 2018, by Resolution No. 17-1176.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on November 26, 2018.

FISCAL INFORMATION

W.W. Caruth Jr. Foundation at Communities Foundation of Texas Grant Funds - $250,000.00
Confiscated Funds - $250,000.00

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$500,000.00	Other Services	23.80%	20.00%	$100,000.00
• 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 BUZ1813. We opened them on April 12, 2018. We recommend the City Council award this service contract in its entirety to the only proposer.

*Denotes successful proposer

Proposers	Address	Score	Amount

*KPMG LLP	2323 Ross Avenue Suite 1400 Dallas, TX 75201	80.50	$500,000.00
Matrix Consulting Group	201 San Antonio Circle Suite 148 Mountain, CA 94040	71.80	$255,000.00
International Association of Chiefs of Police	44 Canal Center Plaza Suite 200 Alexandria, VA 22314	68.18	$269,571.00

OWNER

KPMG LLP

Lynne M. Doughtie, Chairman
P. Scott Ozanus, Deputy Chairman

November 28, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign a consultant contract with KPMG LLP (092122), approved as to form by the City Attorney, to conduct a staffing study for the Police Department for a term of two years, in an amount not to exceed $500,000.00. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to KPMG LLP shall be based only on the amount of the services directed to be performed by the City and properly performed by KPMG LLP under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $500,000.00 to KPMG LLP from Master Agreement Service Contract No. DPD-2018-00007901.

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 #: 18-1197 **Item #:** 53.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year subscription and maintenance contract for Adobe enterprise licenses with SHI Government Solutions, Inc. through the BuyBoard purchasing cooperative agreement - Not to exceed $1,081,340.00 - Financing: Data Services Fund (subject to annual appropriations)

BACKGROUND

This contract will provide for the continuation of subscriptions and maintenance for Adobe products utilized by the City. This agreement will allow for 24/7 technical support when experiencing issues with Adobe products. Adobe is a critical software tool used by departments to view, create, manipulate, print, and manage files in Portable Document Format.

Adobe products are essential for performing daily duties throughout City departments such as:

- Develop and design City websites
- Redaction of sensitive information from document
- Routing documents for electronic signatures

The BuyBoard purchasing cooperative agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 12, 2014, City Council authorized an increase to the master agreement with SHI Government Solutions, Inc., through the Department of Information Resources, State of Texas Cooperative contract, for computer software, network management products, and design and presentation software by Resolution No. 14-1883.

On February 25, 2015, City Council authorized a five-year master agreement for the purchase of various software including perpetual, fixed term, subscription and software as a service, software maintenance support and implementation services with SHI Government Solutions, Inc., Mobile Wireless, LLC, and Carahsoft Technology Corporation, through the Department of Information Resources, State of Texas Cooperative contract by Resolution No. 15-0340.

City Council will be briefed by memorandum regarding this matter on November 16, 2018.

FISCAL INFORMATION

Data Services Fund - $1,081,340.00 (subject to annual appropriations)

FY 2018-19 - $357,780.00
FY 2019-20 - $361,780.00
FY 2020-21 - $361,780.00

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$1,081,340.00	CO-OP	N/A	N/A	N/A
• The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs).				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Cooperative Purchasing	• Cooperative Purchasing Agreements enable the City to associate with State agencies, other local governments, or local cooperative organizations comprised of other state and local governments, to leverage market buying power and enable the City to purchase goods or services at lower prices • Cooperative Purchasing is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement

OWNER

SHI Government Solutions, Inc.

Thai Lee, President
Al Fitzgerald, Vice President

WHEREAS, on November 12, 2014, City Council authorized an increase to the three-year master agreement for computer software, network management products, and design and presentation software to be used at various departments, with SHI Government Solutions, Inc., in an amount not to exceed $600,000.00, increasing the master agreement amount from $2,400,000.00 to $3,000,000.00, by Resolution No. 14-1883; and

WHEREAS, on February 25, 2015, City Council authorized a five-year master agreement for the purchase of various software including perpetual, fixed term, subscription and software as a service, software maintenance support and implementation services with SHI Government Solutions, Inc., in an amount not to exceed $4,800,155.00, by Resolution No. 15-0340.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a subscription and maintenance service contract with SHI Government Solutions, Inc. (502145), approved as to form by the City Attorney, for Adobe enterprises licenses for a term of three years, in an amount not to exceed $1,081,340.00. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to SHI Government Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by SHI Government Solutions, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,081,340.00 (subject to annual appropriations) to SHI Government Solutions from Service Contract No. DSV-2019-00008480.

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 #: 18-1190 **Item #:** 54.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize **(1)** a nine-year concession contract, with two one-year renewal options, for food and beverage services (Package 1) for the Department of Aviation - Air Star - Bush - LTS Marquis DAL, LLC in an estimated minimum annual guarantee in the amount of $1,093,500.00, most advantageous proposer of seven; and **(2)** a seven-year concession contract, with two one-year renewal options, for food and beverage services (Package 2) for the Department of Aviation - Bush - Air Star - LTS Marquis DAL, LLC in an estimated minimum annual guarantee in the amount of $330,750.00, most advantageous proposer of eight - Total Estimated Minimum Annual Guarantee: $1,424,250.00

BACKGROUND

This concession contract will provide food and beverage services for the Department of Aviation. Dallas Love Field passenger traffic has increased from 4.7 million enplaned passengers in 2014 to 7.8 million enplaned passengers in 2017 and sales have increased over 100 percent over the same time frame. This has resulted in a decreased capacity to provide adequate seating and food and beverage services. To accommodate the increase in passenger traffic and to maintain the City's commitment of offering air travelers a greater travel experience, these concession contracts will provide passengers additional food and beverage options and increase service capacity.

The primary term for the proposed contracts will begin on the first day of the month following the completion of the construction. The primary terms for the contracts are for nine-years for package 1 and seven-years for package 2. Additionally, the City has the option to renew each contract for two additional periods of one year each.

Package 1, consists of a 1,716 square feet, in-line full service restaurant with bar. Package 2, includes two - 100 square feet grab-and-go kiosks at the end of each wing of the terminal building.

An eight member committee from the following departments reviewed and evaluated the qualifications:

- Department of Aviation (2)
- Department of Convention and Event Services (1)
- Building Services Department (1)
- Office of Cultural Affairs (1)
- City Controller's Office (1)
- Office of Procurement Services (1)*
- Office of Business Diversity (1)*

*The Office of Procurement Services only evaluated cost and the Office of Business Diversity only evaluated the Airport Concessionaire Disadvantaged Business Enterprise (ACDBE) participation.

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

- Brands 35 points
- ACDBE participation 15 points
- Operations plan 13 points
- Financial capability 13 points
- Economics/financial return to the City 12 points
- Experience 12 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 326 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)

City Council will be briefed by memorandum regarding this matter on November 16, 2018.

FISCAL INFORMATION

Estimated Minimum Annual Guarantee (Package 1) - $1,093,500.00

FY 2018 - 19 $ 60,750.00
FY 2019 - 20 $121,500.00
FY 2020 - 21 $121,500.00
FY 2021 - 22 $121,500.00
FY 2022 - 23 $121,500.00
FY 2023 - 24 $121,500.00
FY 2024 - 25 $121,500.00
FY 2025 - 26 $121,500.00
FY 2026 - 27 $121,500.00
FY 2027 - 28 $ 60,750.00

Estimated Minimum Annual Guarantee (Package 2) - $330,750.00

FY 2018 - 19 $35,437.50
FY 2019 - 20 $47,250.00
FY 2020 - 21 $47,250.00
FY 2021 - 22 $47,250.00
FY 2022 - 23 $47,250.00
FY 2023 - 24 $47,250.00
FY 2024 - 25 $47,250.00
FY 2025 - 26 $11,812.50

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 $
$1,424,250.00	Revenue	N/A	N/A	N/A
• The Business Inclusion and Development Plan does not apply to Revenue contracts.				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Request for 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 BTZ1817. We opened them on July 6, 2018. We recommend the City Council award these concession contracts in their entirety to the most advantageous proposers.

*Denotes successful proposers

Proposers	Address	Score
*Air Star-Bush-LTS Marquis DAL, LLC	7929 Brookriver Dr. Suite 200 Dallas, TX 75247	Package 1 92.20

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Air Star-Bush-LTS Marquis DAL, LLC (Lucky Cafe)	7929 Brookriver Dr. Suite 200 Dallas, TX 75247	Package 1 89.20
Air Star-Bush-LTS Marquis DAL, LLC (Rock & Reilly's)	7929 Brookriver Dr. Suite 200 Dallas, TX 75247	Package 1 86.80
Host International, Inc. (option 2 Montlake Cut)	6905 Rockledge Dr. Bethesda, MD 20817	Package 1 85.80
LK Concepts, LLC	11363 Denton Dr. Suite 127 Dallas, TX 75229	Package 1 85.22
Host International, Inc. (option 1 Dallas Cowboys Club)	6905 Rockledge Dr. Bethesda, MD 20817	Package 1 85.20
Air Star-Bush-LTS Marquis DAL, LLC (Rock & Brews)	7929 Brookriver Dr. Suite 200 Dallas, TX 75247	Package 1 83.00
*Bush - Air Star-LTS Marquis DAL, LLC	7929 Brookriver Dr. Suite 200 Dallas, TX 75247	Package 2 95.00
Hudson Group (HG) Retail, LLC	One Meadowlands Pl. 11th Floor East Rutherford, NJ 07073	Package 2 94.60
Host International, Inc	6905 Rockledge Dr. Bethesda, MD 20817	Package 2 87.20
The Grove DAL, LLC	3 Westbrook Ct. Suite 500 Westchester, IL 60154	Package 2 83.80
Puente Enterprises, Inc.	216 N. Dove Rd. Grapevine, TX 76051	Package 2 76.00
MD Executive, LLC	5303 Challenger Dr. Dallas, TX 75237	Package 2 51.60
Nugent Street Holdings, LLC dba The Island Spot - Jamaican Kitchen & Bar	2661 Midway Rd. Suite 105 Dallas, TX 75237	Non-responsive***

Two Mommas on a mission, LLC dba Mommies Big Helper	2313 Patriot Dr. Melissa, TX 75454	Non-responsive**

**Nugent Street Holdings, LLC dba The Island Spot - Jamaican Kitchen & Bar and Two Mommas on a mission, LLC dba Mommies Big Helper were deemed non-responsive due to not meeting specifications.

***The City has received a protest regarding this procurement which has been addressed. Please find attached the vendor protest letter and the City's response.

OWNERS

Air Star-Bush-LTS Marquis DAL, LLC

Gilbert Aranza, President

Bush - Air Star- LTS Marquis DAL, LLC

Gilbert Aranza, President

powered by Legistar™

November 28, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign **(1)** a nine-year concession contract, with two one-year renewal options, for food and beverage services (Package 1) for the Department of Aviation for an estimated minimum annual guarantee in the amount of $1,093,500.00 with Air Star - Bush - LTS Marquis DAL, LLC (VC19298); and **(2)** a seven-year concession contract, with two one-year renewal options, for food and beverage services (Package 2) for the Department of Aviation for an estimated minimum annual guarantee in the amount of $330,750.00 with Bush - Air Star - LTS Marquis DAL, LLC (VC19297), approved as to form by the City Attorney, in a total estimated minimum annual guarantee amount of $1,424,250.00. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Air Star - Bush - LTS Marquis DAL, LLC and Bush - Air Star - LTS Marquis DAL, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Air Star - Bush - LTS Marquis DAL, LLC and Air Star - Bush - LTS Marquis DAL, LLC under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit all revenues for an estimated minimum annual guarantee in the amount of $1,093,500.00 received from Air Star - Bush - LTS Marquis DAL, LLC and for an estimated minimum annual guarantee in the amount of $330,750.00 received from Bush - Air Star - LTS Marquis DAL, LLC from Contract No. AVI-2018-00008002 from Fund 0130, Department AVI, Unit 7725, Revenue Code 7811.

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.

Nugent Street Holdings LLC d/b/a The Island Spot
2661 Midway Road, Ste. 105, Carrollton, TX 75006
Phone: 469-216-6154 | Email: rthomas@theislandspot.net

September 4, 2018

Re: **Notice of Protest/Appeal BTZ1817 - RFCSP to Develop, Operate, and Manage Food and Beverage Concessions at Dallas Love Field Airport ("Airport Concession Project")**

Dear Mr. Mike Frosch,

This letter is a formal protest/appeal of the City of Dallas' decision to disqualify and remove The Island Spot Jamaican Kitchen & Bar from consideration for the Airport Concession Project.

The original deadline for submission of the Airport Concession Project was June 7, 2018 at 2 P.M. The application requirements included a mandatory site visit which occurred on May 10, 2018 and May 17, 2018. Thereafter, the City extended the application deadline twice, to June 28, 2018 at 2 P.M. and subsequently July 5, 2018 at 2 P.M. It is my understanding that the deadline was extended because no vendors applied. However, the City failed to extend the deadline for the mandatory site visit.

On July 1, 2018, only four days before the final deadline, The Island Spot became aware of the Airport Concession Project. I worked tirelessly to get the application completed over the fourth of July holiday weekend and spent approximately $3,000 in contracting and copying fees. On July 12, 2018, Eva Badali, the buyer, informed me that The Island Spot was a finalist selected to present on July 23, 2018. But, before the interview, on July 16, 2018, she informed me that it was canceled due to The Island Spot's failure to attend the mandatory site visit in May. The Island Spot could not have attended the site visit in May as we were unaware of the project at all at that time.

This decision is unfair and illogical. If the City intended for new applicants to submit when it extended the deadline, it should have likewise extended the deadline for any mandatory requirements. It was pointless to extend the deadline for applications but not extend the deadline for the mandatory site visit which had already expired, and then later inform us that we were disqualified for a deadline that was not extended. I am certain that an oversight occurred. I respectfully request that the decision be formally reconsidered and that the Island Spot be permitted to interview.

Thank you for your time and consideration.

Richard Thomas



Owner and CEO of The Island Spot

The Island Spot - Oak Cliff:
309 W. Jefferson Blvd, Dallas TX 75201

The Island Spot - Carrollton:
2661 Midway Road Ste. 105, Carrollton TX 75006

CC: Councilman Adam Medrano (City Councilman for personal residence and Love Field Airport)
Councilman Scott Griggs (City Councilman for Oak Cliff location)
T.C Broadnax, Dallas City Manager
Kimberly Bizor Tolbert, Chief of Staff
Mike Duebner, Director of Aviation
Larry E. Casto, Dallas City Attorney
Judith Levin-Simmons, Senior Buyer
Eva Badali, Buyer III

November 2, 2018

CITY OF DALLAS

Richard Thomas
Owner & CEO of The Island Spot
2661 Midway Rd. Ste.105
Carrollton, TX 75006

RE: RFCSP BTZ1817 – Develop, Operate and Manage Food and Beverage Concessions at Dallas Love Field

Mr. Thomas:

The City is in receipt of your formal protest/appeal letter regarding the decision to disqualify and remove The Island Spot Jamaican Kitchen & Bar from consideration for the Airport Concession Project BTZ1817 - Develop, Operate and Manage Food and Beverage Concessions at Dallas Love Field.

Your protest/appeal letter alleges, in summary, that "the deadline was extended because no vendors applied," and that the City failed to extend the deadline for the mandatory site visit.

The solicitation was advertised in the Dallas Morning News on April 19 and April 26, 2018 and posted on bids.dallascityhall.com on April 20, 2018. The solicitation included two pre-proposal meetings and site visits held on May 10 and May 17, 2018 respectively. The pre-proposal meetings are held to share relevant information with interested vendors. The pre-proposal meetings, for this solicitation were mandatory, as specified in section II, page 8 of the specification. Twenty-three vendors, and 32 vendor representatives, attended the pre-proposal meetings and therefore, the City was confident that it would receive a number of proposals. Because every solicitation contains unique requirements, it is imperative that interested vendors read and understand the solicitation requirements. In this case, because your company became aware of the solicitation after the pre-proposal meets, your company should have submitted a request for an additional pre-proposal meeting and site visit.

The following summarizes due date extensions and the intent of the addenda:

- Addendum No. 2 - on 5/23/18 the City extended the due date from 6/7/18 to 6/28/18, as the City needed additional time to respond to vendor questions.
- Addendum No. 3 - on 6/6/18 final responses to vendor questions were posted.
- Addendum No. 4 - On 6/25/18 the City extended the due date from 6/28/18 to 7/5/18 at the request of vendors to provide vendors more time to prepare their proposal.

Additionally, you've indicated the buyer contacted you and informed you that your company was selected as a finalist to present during the presentation process on July 23, 2018. The intent of the notification was to invite all proposers submitting a compliant proposal to present during this time. The notice did not specify your company as a finalist but rather your company was being invited to review your submission for compliance. Unfortunately, as part of the initial compliance

CITY OF DALLAS

time. The notice did not specify your company as a finalist but rather your company was being invited to review your submission for compliance. Unfortunately, as part of the initial compliance review, the buyer found that your company did not attend the mandatory pre-proposal meeting and site visit and thus your proposal was deemed nonresponsive.

Thank you for taking the time to come in and meet with me on this matter. The concerns submitted in your protest/appeal letter have been reviewed by my office, and no issues were found to warrant consideration of your proposal. Your protest/appeal letter and the City's response will be made available to the City Council during award consideration. This response does not prevent you from addressing your concern to the City Council at the time the item is considered for award or from submitting proposals on any solicitations in the future.

Sincerely,

Michael Frosch
Director
Office of Procurement Services

Agenda Information Sheet

File #: 18-1186 **Item #:** 55.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year master agreement for the purchase of temporary traffic signs, permanent sign posts, and installation hardware for permanent signs for the Water Utilities Department - Centerline Supply in the estimated amount of $112,645.50 and Telecom Electric Supply in the estimated amount of $44,075.00, lowest responsible bidders of three - Estimated amount of $156,720.50 - Financing: Dallas Water Utilities 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 temporary traffic signs, permanent sign posts, and installation hardware for permanent signs to be utilized by the Water Utilities Department.

Examples of temporary traffic signs include:

- Directional signs
- Lane warning signs
- Lane information signs
- High pressure water main
- Roadway construction
- Temporary information and regulations

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

uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 27, 2014, City Council authorized a three-year master agreement for temporary traffic signs, permanent sign posts and installation hardware with Custom Products Corp., Centerline Supply, Ltd., Allied Tube & Conduit Corp., and Pathmark Traffic Products of Texas, Inc. by Resolution No. 14-1352.

City Council will be briefed by memorandum regarding this matter on November 16, 2018.

FISCAL INFORMATION

Dallas Water Utilities Fund - $156,720.50

FY 2018-19 $52,240.17
FY 2019-20 $52,240.17
FY 2020-21 $52,240.16

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 $
$156,720.56	Goods	18.00%	0.00%	$0.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Low Bid	• 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 BB1805. We opened them on August 10, 2018. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by group.

*Denotes successful bidders

Bidders	**Address**	**Amount**
*Centerline Supply	530 Jesse St. Grand Prairie, TX 75051	Group 1 - $112,645.50 Group 2 - $ 91,375.00
*Telecom Electric Supply	1304 Capital Ave. Plano, TX 75074	Group 1 - $200,303.76 Group 2 - $ 44,075.00
Eagle Barricade, LLC	101 C N. Greenville Ave. #428 Allen, TX 75002	Group 1 - $126,571.89 Group 2 - $ 50,740.00

OWNERS

Centerline Supply

Brian Nelson, President
Steve Nelson, Secretary
Diane Nelson, Treasurer

Telecom Electric Supply

Fred Moses, President

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November 28, 2018

WHEREAS, on August 27, 2014, City Council authorized a three-year master agreement for temporary traffic signs, permanent sign posts and installation hardware with Custom Products Corp. in the amount of $39,845.77, Centerline Supply, Ltd. in the amount of $247,228.92, Allied Tube & Conduit Corp. in the amount of $168,422.38 and Pathmark Traffic Products of Texas, Inc. in the amount of $23,392.10, by Resolution No. 14-1352.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a master agreement with Centerline Supply (258493) in the estimated amount of $112,645.50 and Telecom Electric Supply (204486) in the estimated amount of $44,075.00, approved as to form by the City Attorney, for the purchase of temporary traffic signs, permanent sign posts, and installation hardware for permanent signs for the Water Utilities Department for a term of three years, in a total estimated amount of $156,720.50. 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 temporary traffic signs, permanent sign posts, and installation hardware for permanent signs for the Water Utilities Department. If a written contract is required or requested for any or all purchases of temporary traffic signs, permanent sign posts, and installation hardware for permanent signs for the Water Utilities Department under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least $156,720.50, but not more than the amount of budgetary appropriations for this master agreement during its term to Centerline Supply and Telecom Electric Supply from Master Agreement Contract No. DWU-2019-00008261.

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 #: 18-1156 **Item #:** 56.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the service and policy contract with Standard Insurance Company to provide **(1)** City paid basic life insurance for $1.75 per employee per month, in an estimated cost of $265,503.00; and **(2)** elective employee paid supplemental group term life, elective dependent life, and accidental death and dismemberment insurance coverage, in an estimated cost of $2,576,272.32 (to be fully reimbursed by participating employees) increasing the service contract from $8,490,838.11 to $11,332,613.43 - Total not to exceed $2,841,775.32 - Financing: Benefits Fund (subject to appropriations)

BACKGROUND

This Supplemental Agreement will continue to provide group basic term life, elective dependent life and accidental death and dismemberment insurance to City employees. The City currently offers $50,000.00 basic life insurance coverage to full-time employees at no cost to the employee. For this renewal option, the vendor has agreed to maintain the current rate of $1.75 per employee for $50,000.00 basic life insurance coverage. Full-time employees can voluntarily purchase additional group (supplemental) life coverage up to three times their annual base salary not to exceed $500,000.00, as well as dependent life, and accidental death and dismemberment coverage via payroll deduction.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 9, 2015, City Council authorized a three-year service contract and policy, with two one-year renewal options, to provide basic and supplemental group term life, voluntary dependent life and accidental death and dismemberment insurance coverage by Resolution No. 15-2265.

City Council will be briefed by memorandum regarding this matter on November 16, 2018.

FISCAL INFORMATION

Benefits Fund - $265,503.00 (subject to appropriations)

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$2,841,775.32	Other Services	N/A	N/A	N/A
• M/WBE goal waived due to no M/WBE availability				

OWNER

Standard Insurance Company

Greg Ness, Chief Executive Officer
Dan McMillan, Vice President
Holley Franklin, Secretary
Rob Erickson, Treasurer

November 28, 2018

WHEREAS, on December 9, 2015, City Council authorized a three-year service contract and policy, with two one-year renewal options, to provide basic and supplemental group term life, voluntary dependent life and accidental death and dismemberment insurance coverage, in the amount of $777,924.00 for City paid life insurance and $7,712,914.11 for employee paid supplemental group term life, elective dependent life, and accidental death and dismemberment insurance by Resolution No. 15-2265.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the service contract and policy with Standard Insurance Company (VS0000024410), approved as to form by the City Attorney, to provide **(1)** City paid basic life insurance for $1.75 per employee per month, in an estimated cost of $265,503.00; and **(2)** elective employee paid supplemental group term life, elective dependent life, and accidental death and dismemberment insurance coverage, in an estimated cost of $2,576,272.32 (to be fully reimbursed by participating employees), for a total amount not to exceed $2,841,775.32, increasing the service contract amount from $8,490,838.11 to $11,332,613.43.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $2,841,775.32 (subject to appropriations) from Service Contract No. MASC BKZ1523.

SECTION 3. That the Chief Financial Officer is authorized to remit the employee premiums collected via payroll deduction from the appropriate funding sources to Standard Insurance Company for coverage as listed:

Fund	Department	Unit	Object	Type of Coverage
0265	PER	7915	3568	Supplemental Life Insurance
0265	PER	7925	3523	Dependent Life Insurance
0265	PER	7925	3561	Accidental Death & Dismemberment

SECTION 4. That this contract is designated as Contract No. PER-2019-00008246.

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 #: 18-1322 **Item #:** 57.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize Supplemental Agreement No. 31 to exercise the first of two, two-year renewal options, with AT&T Corp for voice and data network services, network management, monitoring, maintenance, information technology security, and related services for the Department of Communication and Information Services - Not to exceed $33,081,983.75 - Financing: Communication and Information Services Funds (subject to annual appropriations)

BACKGROUND

This renewal will allow the City to continue voice and data network services, network management, monitoring, maintenance, information technology security, and related services for the Department of Communication and Information Services. This agreement is essential in ensuring the City's network is managed and operates at optimal levels. The agreement provides 24x7 network and security monitoring and technical support. This agreement also provides on-site resources who assist with resolving complex network issues that could result in interruption of services throughout the City. The current network supports approximately 300 applications, 8,076 telephones, and connects over 350 facilities.

The renewal of this agreement will allow continued network support for essential business services that include, but are not limited to:

- City's E9-1-1 Public Safety Answering Point system
- Network Circuits connecting city facilities
- Network Wi-Fi and internet for residents in City public facilities (libraries, Park and Recreation, community centers and others)
- Connections to cloud application services (Salesforce 311, Electronic Planning and Permitting System, Microsoft Office 365/email, Advanced Traffic Management System, and others)
- Phone communications/voice over IP network/VoIP
- Integrated Voice Recognition (IVR) systems (311, Dallas Water Utilities, Park and Recreation,

Library, and others)

Also included in this agreement is a network asset management application as well as local and long-distance telephone service and support.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 14, 2011, City Council authorized a seven-year service contract, with two two-year renewal options, for voice and data network services, network management, monitoring, maintenance, Information Technology security and related services by Resolution No. 11-3343.

On June 16, 2014, this item was included as a briefing memo to the Budget, Finance and Audit Committee.

On June 25, 2014, City Council authorized Supplemental Agreement No. 13 to increase the service contract for voice and data network services, network management, monitoring, maintenance, Information Technology security and related services by Resolution No. 14-0988.

Information about this item was provided to the Budget, Finance, and Audit Committee on January 3, 2017.

On January 11, 2017, City Council authorized Supplemental Agreement No. 24 to increase the service contract for voice and data network services, network management, monitoring, maintenance, Information Technology security and related services by Resolution No. 17-0071.

City Council will be briefed by memorandum regarding this matter on November 16, 2018.

FISCAL INFORMATION

Communication and Information Services Funds - $33,081,983.75 (subject to annual appropriations)

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$33,081,983.75	Other Services	23.80%	5.87%	$1,942,353.84
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

OWNER

AT&T Corp

Randall Stephenson, Chairman

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WHEREAS, on December 14, 2011, City Council authorized a seven-year service contract, with two two-year renewal options, for voice and data network services, network management, monitoring, maintenance, Information Technology security and related services by Resolution No. 11-3343; and

WHEREAS, on April 26, 2013, Administrative Action No. 13-5516 authorized Supplemental Agreement No. 4 to amend contract for review of statement of work (SOW) for professional services to development of a contract center strategy; and

WHEREAS, on May 6, 2013, Administrative Action No. 13-5552 authorized Supplemental Agreement No. 1 to attach the milestone charts for payment for one-time charges to Exhibit 4, pricing of the master services agreement; and

WHEREAS, on May 20, 2013, Administrative Action No. 13-5611 authorized Supplemental Agreement No. 2 to execute services as documented under NI pricing schedule with tracking ID GBS161971; and

WHEREAS, on October 15, 2013, Administrative Action No. 14-5297 authorized Supplemental Agreement No. 6 to install, configure and optimize the City's Internet, extranet and intranet with TEST and production SharePoint 2013 environments and migrate Dallas City News Room; and

WHEREAS, on November 27, 2013, Administrative Action No. 14-5419 authorized Supplemental Agreement No. 7 to execute change orders 2, 4 and 5 for enhancement requests to the Pinnacle telecommunications billing system for customizations to system reports, additional professional services to develop a standard operating procedures manual and to modify contract language regarding the electronic processing of telecommunications carrier files; and

WHEREAS, on December 20, 2013, Administrative Action No. 13-6996 authorized Supplemental Agreement No. 5 to execute services for performing regression testing of the Dallas Water Utilities Supervisory Control and Data Acquisition Network (SCADA) System designed by AT&T Corp; and

WHEREAS, on January 17, 2014, Administrative Action No. 14-5185 authorized Supplemental Agreement No. 3 to accept wireless terms and conditions and to amend Exhibit 4, Attachment 1: vendor catalog pricing for existing air card product and service offerings; and

WHEREAS, on February 7, 2014, Administrative Action No. 14-5693 authorized Supplemental Agreement No. 8 to accept Texas House Bill 2128 and SPORT terms and conditions and to amend Exhibit 4, Attachment 1: vendor catalog pricing for telecommunication charges for eligible city facilities; and

WHEREAS, on February 14, 2014, Administrative Action No. 14-5594 authorized Supplemental Agreement No. 9 to purchase fifty (50) additional Cisco VoIP recording NICE Inform Lite IP licenses with application support for the 3-1-1 call center; and

WHEREAS, on March 13, 2014, Administrative Action No. 14-5654 authorized Supplemental Agreement No. 10 to design, configure and install a Wi-Fi network for internet access in the Dallas Arts District; and

WHEREAS, on June 2, 2014, Administrative Action No. 14-5968 authorized Supplemental Agreement No. 11 to install a Wi-Fi network for internet access in the Dallas Arts District; and

WHEREAS, on June 25, 2014, City Council authorized Supplemental Agreement No.13 to increase the service contract for voice and data network services, network management, monitoring, maintenance, Information Technology security and related services in an amount not to exceed $7,071,190.00, increasing the contract amount from $63,444,708.00 to $70,515,898.00, by Resolution No. 14-0988; and

WHEREAS, on July 3, 2014, Administrative Action No. 14-6181 authorized Supplemental Agreement No. 12 to implement a framework that will publish and modify data that will be posted on information kiosks; and

WHEREAS, on November 20, 2014, Administrative Action No. 14-7145 authorized Supplemental Agreement No. 15 due to extra material used and labor performed during the Arts District Wi-Fi installation; and

WHEREAS, on November 20, 2014, Administrative Action No. 14-7144 authorized Supplemental Agreement No. 16 to include Northpark library in the acceptance of the Texas House Bill 2128 and SPORT terms and conditions that was executed through Supplemental Agreement No. 8; and

WHEREAS, on February 12, 2015, Administrative Action No. 15-5475 authorized Supplemental Agreement No. 17 to execute change orders 7 and 19 for the expansion of the CIS Pinnacle billing system for additional technology services and the creation of a 3rd hosted environment for software development; and

WHEREAS, on March 29, 2015, Administrative Action No. 16-5602 authorized Supplemental Agreement No. 22 to execute 311 contact cent network integration of natural language software; and

WHEREAS, on March 30, 2015, Administrative Action No. 15-5616 authorized Supplemental Agreement No. 18 to make correction to supplement agreement no. 16, to correct Exhibit A; and

WHEREAS, on May 22, 2015, Administrative Action No. 15-6031 authorized Supplemental Agreement No. 19 for a hardware and software technical refresh to theVoIP IPT system which includes a contract center software version upgrade to 10.5; and

WHEREAS, on September 18, 2015, Administrative Action No. 15-6888 authorized Supplemental Agreement No. 20 to provide improved internet support, increased circuit capacity for PKR facilities, a Pinnacle version upgrade and to replace end of life equipment that supports 311; and

WHEREAS, on November 5, 2015, Administrative Action No. 15-7196 authorized Supplemental Agreement No. 21 to improve Wi-Fi connectivity at City facilities; and

WHEREAS, on June 22, 2016, Administrative Action No. 16-6184 authorized Supplemental Agreement No. 23 to provide continued maintenance and support of the informational kiosk, deployment of new network equipment at Love Field, enhance the Pinnacle system for revenue collection reporting and to program the 311 voice system to allow citizens to complete a post call survey to provide customer feedback to the City; and

WHEREAS, on November 9, 2016, Administrative Action No. 16-6942 authorized Supplemental Agreement No. 25 to pay a true-up management fee for network growth; and

WHEREAS, on January 3, 2017, Administrative Action No. 17-5052 authorized Supplemental Agreement No. 26 to upgrade the City's firewall architecture through the existing Voice and Data Managed Services Agreement; and

WHEREAS, on January 11, 2017, City Council authorized Supplemental Agreement No.24 to increase the service contract for voice and data network services, network management, monitoring, maintenance, Information Technology security and related services in an amount not to exceed $8,789,987.00, increasing the contract amount from $70,515,898.00 to $79,789,987.00, by Resolution No. 17-0071; and

November 28, 2018

WHEREAS, on August 10, 2017, Administrative Action No. 17-6432 authorized Supplemental Agreement No. 27 to add network management services to the City's F5 load balancer environment; and

WHEREAS, on September 25, 2017, Administrative Action No. 17-6860 authorized Supplemental Agreement No. 28 to perform security-based review of the City of Dallas south waste water treatment facility proposed network architecture; and

WHEREAS, on January 16, 2018, Administrative Action No. 18-5122 authorized Supplemental Agreement No. 29 to allow AT&T Corp to provide Express Route via Equinix all Informart/MS Azure City; and

WHEREAS, on December 21, 2017, Administrative Action No. 17-7338 authorized Supplemental Agreement No. 30 to upgrade the City's firewall architecture through the existing Voice and Data Managed Services Agreement.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign Supplemental Agreement No. 31 with AT&T Corp (268653) to exercise the first of two, two-year renewal options, approved as to form by the City Attorney, for voice and data network services, network management, monitoring, maintenance, information technology security, and related services for the Department of Communication and Information Services, in an amount not to exceed $33,081,983.75 If the service contract was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to AT&T Corp shall be based only on the amount of the services directed to be performed by the City and properly performed by AT&T Corp.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $33,081,983.75 (subject to annual appropriations) to AT&T Corp from Service Contract No. DSV-2016-00000009.

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 #: 18-1177 **Item #:** 58.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize **(1)** a development and maintenance agreement with Lincoln LAG LTD. and HEB Grocery Company, LP for the purpose of constructing the Matilda Trail, an enhanced sidewalk, hike and bike trail, and appurtenances located at East Lovers Lane and Matilda Street; **(2)** the establishment of appropriations in an amount not to exceed $30,000.00 in the Mowmentum Park Improvement Fund; **(3)** the receipt and deposit of endowment funds in an amount not to exceed $30,000.00 in the Mowmentum Park Improvement Fund; and **(4)** execution of the development and maintenance agreement - Financing: Revenue: $30,000.00

BACKGROUND

This action will authorize a development and maintenance agreement with the City of Dallas Park and Recreation Department (City) and Lincoln LAG LTD. (Lincoln) and HEB Grocery Company, LP (HEB) for the construction and maintenance of the Matilda Trail as identified in the 2008 Dallas Trail and Network Plan. Lincoln is the owner of property at the southwest corner of East Lovers Lane and Matilda Street and HEB is the tenant of the same property. The trail will be located on Oncor property and partially within abutting public rights-of-way (ROW) adjacent to Matilda Street. Lincoln and HEB will construct the Matilda Trail. Upon acceptance of the improvements by the City, Lincoln and HEB shall make a payment into a maintenance fund in an amount not to exceed $30,000.00, to fund maintenance of the trail until the beginning of the City's fiscal year in which the trail is accepted by the City.

In 2017, Lincoln submitted a request to abandon a portion of Matilda Street to facilitate the expansion of HEB development of the property in the ROW which consists primarily of parking and landscaping. This agreement is one condition of that abandonment ordinance which requires Lincoln to construct the Matilda Trail as consideration for the waiver of the abandonment fee that would otherwise be required by the City for the abandoned ROW. The ordinance also requires Lincoln to execute a development and maintenance agreement with the City and the Park and Recreation Board. Lincoln desires to assign its obligation for the construction and maintenance of the Matilda Trail to HEB.

The agreement will be subject to the following terms:

1. The term is from execution of the agreement to completion and acceptance of the trail by the City and payment to the City by Lincoln/HEB in an amount not to exceed $30,000.00 into a maintenance endowment fund.

2. Lincoln desires that HEB undertake its obligations under the abandonment ordinance for as long as HEB maintains its leasehold interest on Lincoln property, including but not limited to, all design and construction costs of the project. City shall not be responsible for any costs for design, development, and construction of the Trail and all project costs shall be the sole responsibility of Lincoln/HEB.

3. HEB is willing to undertake Lincoln's obligations under the abandonment ordinance for as long as HEB maintains its leasehold interest on Lincoln property.

4. Lincoln/HEB shall submit the design to the Park and Recreation Department for review and approval prior to commencement of construction.

5. Lincoln/HEB will manage the design and construction through its own consultants and contractors and will be responsible for all permits and other approvals. All consultants and contractors are required to provide insurance that is consistent with what is required by City consultants and contractors.

6. Upon completion and acceptance of the project by the Director of the Park and Recreation Department, Lincoln/HEB shall pay an amount not to exceed $30,000.00 into a maintenance endowment fund for maintenance of the trail for the remainder of the fiscal year as enumerated in the agreement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 30, 2018, the Park and Recreation Board authorized a hike and bike trail license agreement with Oncor for the use of Oncor property for the construction, operation, and maintenance of the Matilda Trail. This action will be processed by a Short Form Resolution.

On November 1, 2018, the Park and Recreation Board authorized a development and maintenance agreement with Lincoln LAG LTD. and HEB Grocery Company, LP.

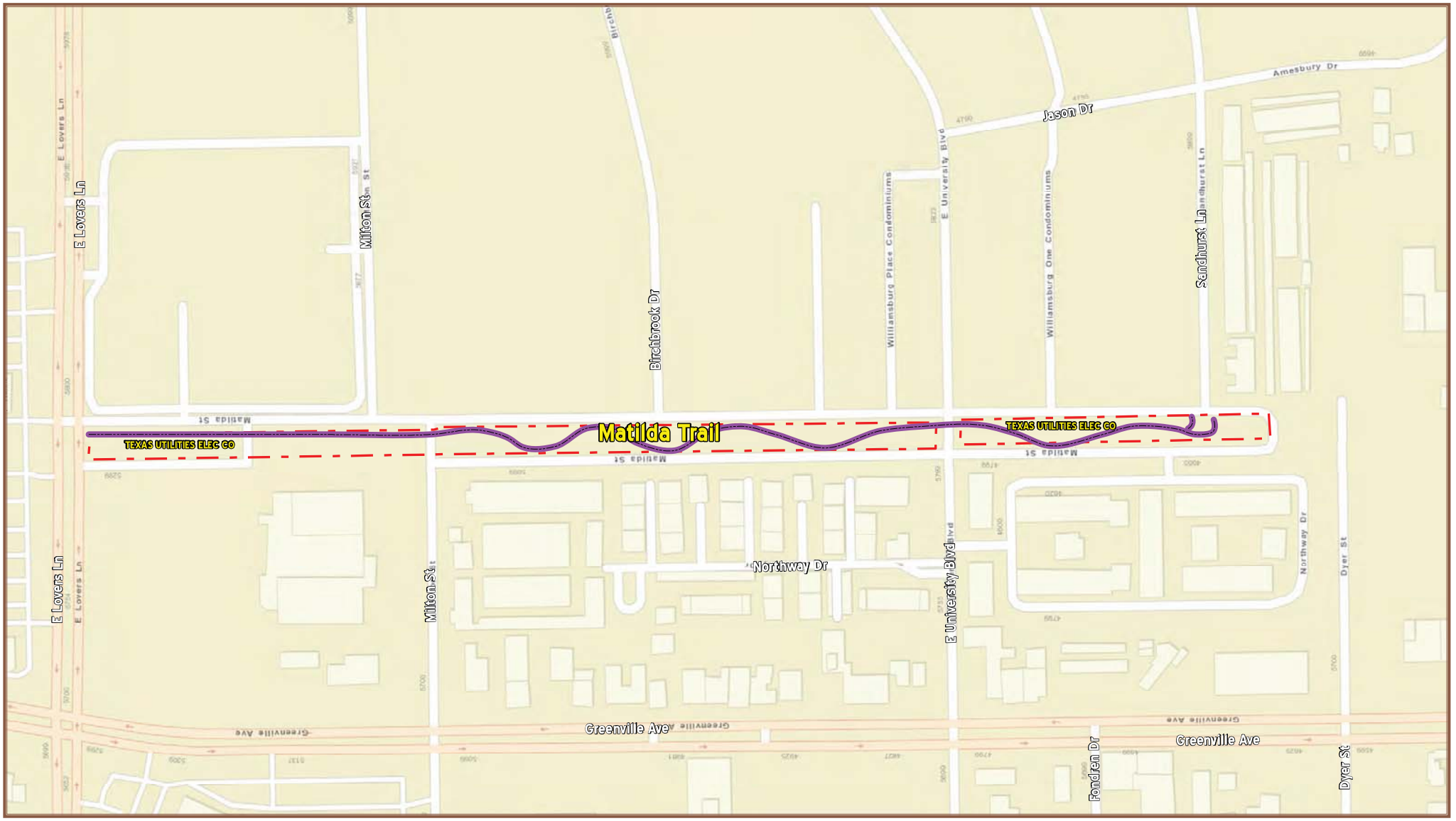
Information about this item will be provided to the Quality of Life, Arts and Culture Committee on November 26, 2018.

FISCAL INFORMATION

Revenue: $30,000.00

MAP

Attached



0 100 200 400 600 Feet

1 in = 200 ft

Dallas Park & Recreation

Matilda Trail
(E Lovers Ln and Matilda St)

Mapsco
36 B,F

District
14

WHEREAS, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and

WHEREAS, the City of Dallas Park and Recreation Department (City) and Lincoln LAG LTD. (Lincoln) and HEB Grocery Company, LP (HEB) desire to enter into a development and maintenance agreement for the purpose of constructing the Matilda Trail, an enhanced sidewalk, hike and bike trail, and appurtenances located at East Lovers Lane and Matilda Street as shown in Exhibit A; and

WHEREAS, the alignment of the Matilda Trail, identified in the 2008 Dallas Trail Network Plan, is an important connection to the University Crossing Trail and construction of the trail will serve many residents as an alternative transportation option; and

WHEREAS, upon completion of the Matilda Trail, Lincoln and HEB shall pay an endowment in an amount not to exceed $30,000.00 for maintenance of the trail until the beginning of the fiscal year in which the trail is accepted by the City; and

WHEREAS, the City desires to have Lincoln and HEB provide development and maintenance of such improvements for the use and enjoyment of all City of Dallas citizens.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a development and maintenance agreement with Lincoln LAG LTD. and HEB Grocery Company, LP, approved as to form by the City Attorney, for the purpose of constructing the Matilda Trail, an enhanced sidewalk, hike and bike trail, and appurtenances located at East Lovers Lane and Matilda Street.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a development and maintenance agreement with Lincoln LAG LTD. and HEB Grocery Company, LP, approved as to form by the City Attorney.

SECTION 3. That the duration of the agreement shall be from execution of the agreement to completion and acceptance of the trail by the City and payment to the City by Lincoln/HEB in an amount not to exceed $30,000.00 into a maintenance endowment fund.

SECTION 4. That the Chief Financial Officer is hereby authorized to receive and deposit endowment funds from Lincoln and HEB in an amount not to exceed of $30,000.00 in the Mowmentum Park Improvement Fund, Fund 0T80, Department PKR, Unit T110, Revenue Code 8411.

SECTION 5. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $30,000.00 in the Mowmentum Park Improvement Fund, Fund 0T80, Department PKR, Unit T110, Object 3099.

SECTION 6. That the Chief Financial Officer is hereby authorized to disburse endowment funds in an amount not to exceed $30,000.00 from the Mowmentum Park Improvement Fund, Fund 0T80, Department PKR, Unit T110, Object 3099, in accordance with the terms and conditions of the development and maintenance agreement.

SECTION 7. That this contract is designated as Contract No. PKR-2019-00008233.

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.

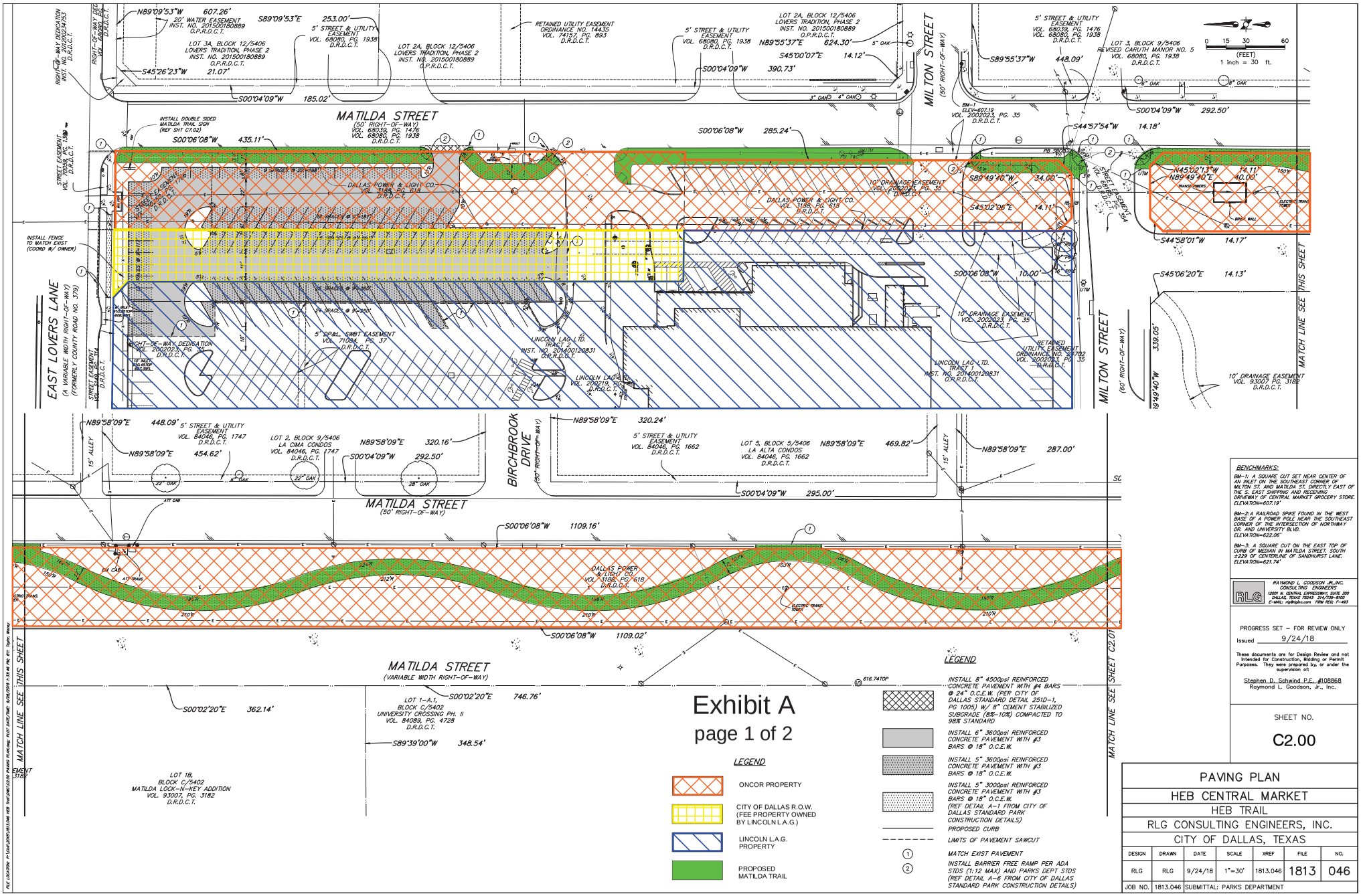


Exhibit A

page 1 of 2

LEGEND

- ONCOR PROPERTY
- CITY OF DALLAS R.O.W. (FEE PROPERTY OWNED BY LINCOLN L.A.G.)
- LINCOLN L.A.G. PROPERTY
- PROPOSED MATILDA TRAIL

LEGEND

- INSTALL 8" 4500psi REINFORCED CONCRETE PAVEMENT WITH #4 BARS @ 24" O.C.E.W. (PER CITY OF DALLAS STANDARD DETAIL 251D-1, PG 1005) W/ 8" CEMENT STABILIZED SUBGRADE (8%-10%) COMPACTED TO 98% STANDARD
- INSTALL 6" 3600psi REINFORCED CONCRETE PAVEMENT WITH #3 BARS @ 18" O.C.E.W.
- INSTALL 5" 3600psi REINFORCED CONCRETE PAVEMENT WITH #3 BARS @ 18" O.C.E.W.
- INSTALL 5" 3000psi REINFORCED CONCRETE PAVEMENT WITH #3 BARS @ 18" O.C.E.W. (REF DETAIL A-1 FROM CITY OF DALLAS STANDARD PARK CONSTRUCTION DETAILS)
- PROPOSED CURB
- LIMITS OF PAVEMENT SAWCUT
- (1) MATCH EXIST PAVEMENT
- (2) INSTALL BARRIER FREE RAMP PER ADA STDS (1:12 MAX) AND PARKS DEPT. STDS (REF DETAIL A-6 FROM CITY OF DALLAS STANDARD PARK CONSTRUCTION DETAILS)

BENCHMARKS:

BM-1: A SQUARE CUT SET NEAR CENTER OF AN INLET ON THE SOUTHEAST CORNER OF MILTON ST. AND MATILDA ST. DIRECTLY EAST OF THE S. EAST SHAPPING AND RECEIVING DRIVEWAY OF CENTRAL MARKET GROCERY STORE. ELEVATION=607.19'

BM-2: A RAILROAD SPIKE FOUND IN THE WEST BASE OF A POWER POLE NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTHWAY DR. AND UNIVERSITY BLVD. ELEVATION=622.06'

BM-3: A SQUARE CUT ON THE EAST TOP OF CURB OF MEDIAN IN MATILDA STREET, SOUTH ±229' CENTERLINE OF SANDHURST LANE. ELEVATION=621.74'

RAYMOND L. GOODSON JR., INC.
CONSULTING ENGINEERS
12201 N. CENTRAL EXPRESSWAY, SUITE 300
DALLAS, TEXAS 75243 214/739-8100
E-MAIL: rlg@rlginc.com FIRM REG. F-483

PROGRESS SET – FOR REVIEW ONLY

Issued 9/24/18

These documents are for Design Review and not Intended for Construction, Bidding or Permit Purposes. They were prepared by, or under the supervision of:

Stephen D. Schwind P.E. #108868
Raymond L. Goodson, Jr., Inc.

SHEET NO.

C2.00

PAVING PLAN

HEB CENTRAL MARKET

HEB TRAIL

RLG CONSULTING ENGINEERS, INC.

CITY OF DALLAS, TEXAS

DESIGN	DRAWN	DATE	SCALE	XREF	FILE	NO.
RLG	RLG	9/24/18	1"=30'	1813.046	1813	046

JOB NO. 1813.046 SUBMITTAL: PARKS DEPARTMENT

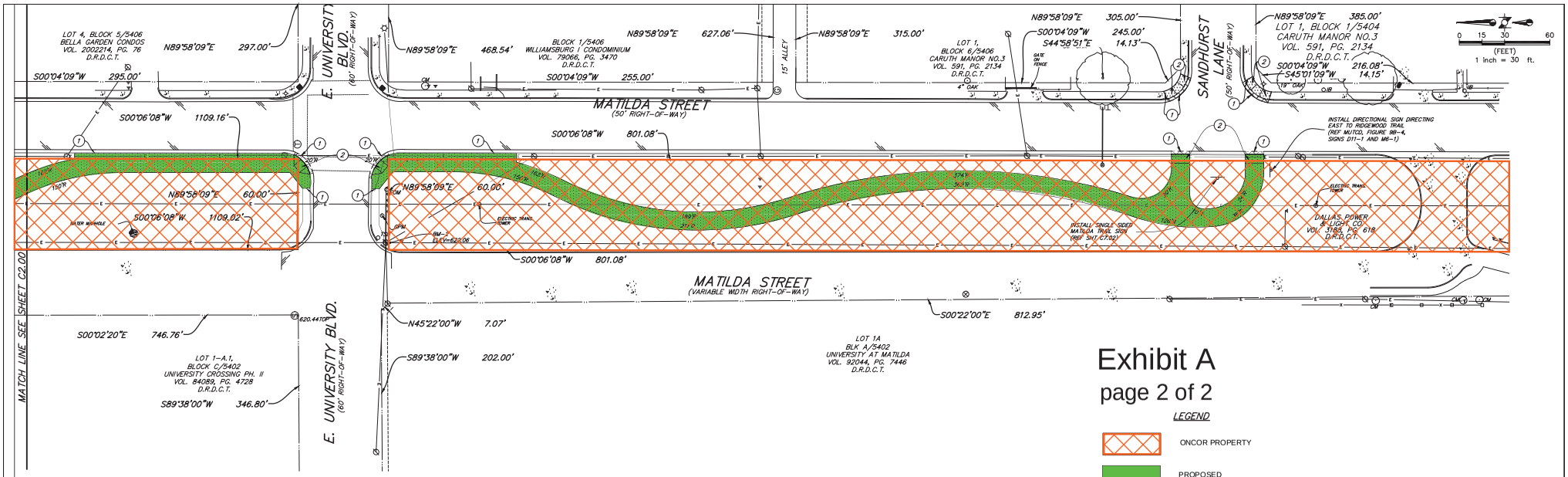


Exhibit A

page 2 of 2

LEGEND

ONCOR PROPERTY

PROPOSED MATILDA TRAIL

PAVING GENERAL NOTES

1. All materials and workmanship shall conform to the City of Dallas standards and specifications, and to the Standard Specifications for Public Works Construction for North Central Texas prepared by the North Texas Council of Governments, latest edition and the City of Dallas addendum thereto.
2. The paving contractor shall be responsible for the adjustment of water and sanitary sewer appurtenances in accordance with the standard details and specifications of the City of Dallas.
3. Subgrade shall be scarified to depth of at least 6" and compacted to 95% percent of Standard Proctor density (ASTM D 698) at 95% of the materials optimum moisture content. The subgrade shall be in a moist condition at the time concrete is deposited thereon.
4. Dummy joints should be formed by one of the following methods: sawed, hand-formed or formed by premolded filler. Joint depth should be equal to one-fourth (1/4) of the slab thickness. Hand formed joints should have a maximum edge radius of one-fourth (1/4) inch. Sawing of joints should begin as soon as the concrete has hardened sufficiently to permit sawing without excessive raveling. All joints should be completed before uncontrolled shrinkage cracking occurs. Joints should be continuous across the slab unless interrupted by full-depth premolded joint filler and should extend completely through the curb. All joint openings shall be cleaned and sealed before opening paved area to traffic.

Expansion Joints	90' max joint spacing
Sawed Joints	17' for 7" pavement
Sawed Joints	15' for 6" pavement
Sawed Joints	12' for 5" pavement
Construction Joints	Located at sawed joints or Expansion joints

5. Expansion joints or isolation joints shall be used to isolate fixed objects abutting or within the paved area. They should contain premolded joint filler for the full depth of the slab.
6. All dimensions are to face of curb unless otherwise noted.
7. All concrete shall be Class "C" concrete and have a min. compressive strength of 3600 psi at 28 days, and a minimum of 5% air entrained unless otherwise noted.
8. Contractor shall obtain and pay for all permits required.
9. Contractor shall dispose of surplus dirt, debris, etc., legally offsite. All work areas shall be cleaned up at the completion of the work.
10. Surface finishing shall be skid resistant, a liquid curing compound shall be uniformly sprayed on the concrete immediately after the finishing operation.
11. Contractor shall provide all safety devices for the protection of the public.
12. All parking stalls to be marked by a 4" wide painted white stripe as indicated on the drawings.
13. The use of fly ash in concrete will not be allowed.
14. Concrete pavement and structures shall be backfilled as soon as possible after forms are removed.
15. Fire lanes shall be marked by six (6) inch wide lines using red traffic paint, with the wording "No Parking" and "Fire Lane" painted on the lines at intervals of fifteen (15) feet and lettering will be four (4) inches high and one (1) inch wide painted with white traffic paint or as required by the City.
16. All Barrier Free Ramps (BFR) must meet current American Disability Act (ADA) and Texas Accessibility Standard (TAS) requirements for slope, surface finish, and color.

LEGEND

- INSTALL 8" 4500psi REINFORCED CONCRETE PAVEMENT WITH #4 BARS @ 24" O.C.E.W. (PER CITY OF DALLAS STANDARD DETAIL 2510-1, PG 1005) W/ 8" CEMENT STABILIZED SUBGRADE (8%-10%) COMPACTED TO 98% STANDARD
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- PROPOSED CURB
- LIMITS OF PAVEMENT SAWCUT
- (1) MATCH EXIST PAVEMENT
- (2) INSTALL BARRIER FREE RAMP PER ADA STDS (1:12 MAX) AND PARKS DEPT STDS (REF DETAIL A-6 FROM CITY OF DALLAS STANDARD PARK CONSTRUCTION DETAILS)

BENCHMARKS:

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PROGRESS SET – FOR REVIEW ONLY
Issued 9/24/18

These documents are for Design Review and not intended for Construction, Bidding or Permit Purposes. They were prepared by, or under the supervision of:

Stephen D. Schwind P.E. #108868
Raymond L. Goodson, Jr., Inc.

SHEET NO.
C2.01

PAVING PLAN						
HEB CENTRAL MARKET						
HEB TRAIL						
RLG CONSULTING ENGINEERS, INC.						
CITY OF DALLAS, TEXAS						
DESIGN	DRAWN	DATE	SCALE	XREF	FILE	NO.
RLG	RLG	9/24/18	1"=30'	1813.046	1813	046
JOB NO.	1813.046	SUBMITTAL: PARKS DEPARTMENT				

FILE LOCATION: P:\CAD\1813\1813.046 HEB TRAIL\DWG\EXHIBIT PAVING PLAN.dwg PLOT DATE/TIME: 9/25/2018 1:58:49 PM BY: Taylor Mowry

Agenda Information Sheet

File #: 18-1179 **Item #:** 59.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 1

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize a professional services contract with APM & Associates, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Martin Weiss Park - Loop Trail Extension to Greenbelt Project located at 1111 Martindell Avenue - Not to exceed $124,775.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

BACKGROUND

This action will authorize a professional services contract with APM & Associates, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Martin Weiss Park - Loop Trail Extension to Greenbelt Project. The 2017 Bond Program included funding for this project.

On May 9, 2018, a Request for Qualifications (RFQ) was issued for Engineering and Landscape Architecture Consulting Services for Park Site Development Projects in the 2017 Bond Program. The Projects included in this RFQ were considered “Simple Projects” which utilize the RFQ only selection process.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	December 2018
Complete Design	September 2019
Begin Construction	January 2020
Complete Construction	November 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 1, 2018, the Park and Recreation Board authorized a professional services contract with APM & Associates, Inc.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on November 26, 2018.

FISCAL INFORMATION

Park and Recreation Facilities (B) Fund (2017 Bond Funds) - $124,775.00

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 $
$124,775.00	Architecture & Engineering	25.66%	100.00%	$124,775.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

In accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines, APM & Associates, Inc. was selected as the most qualified consultant for this project.

OWNER

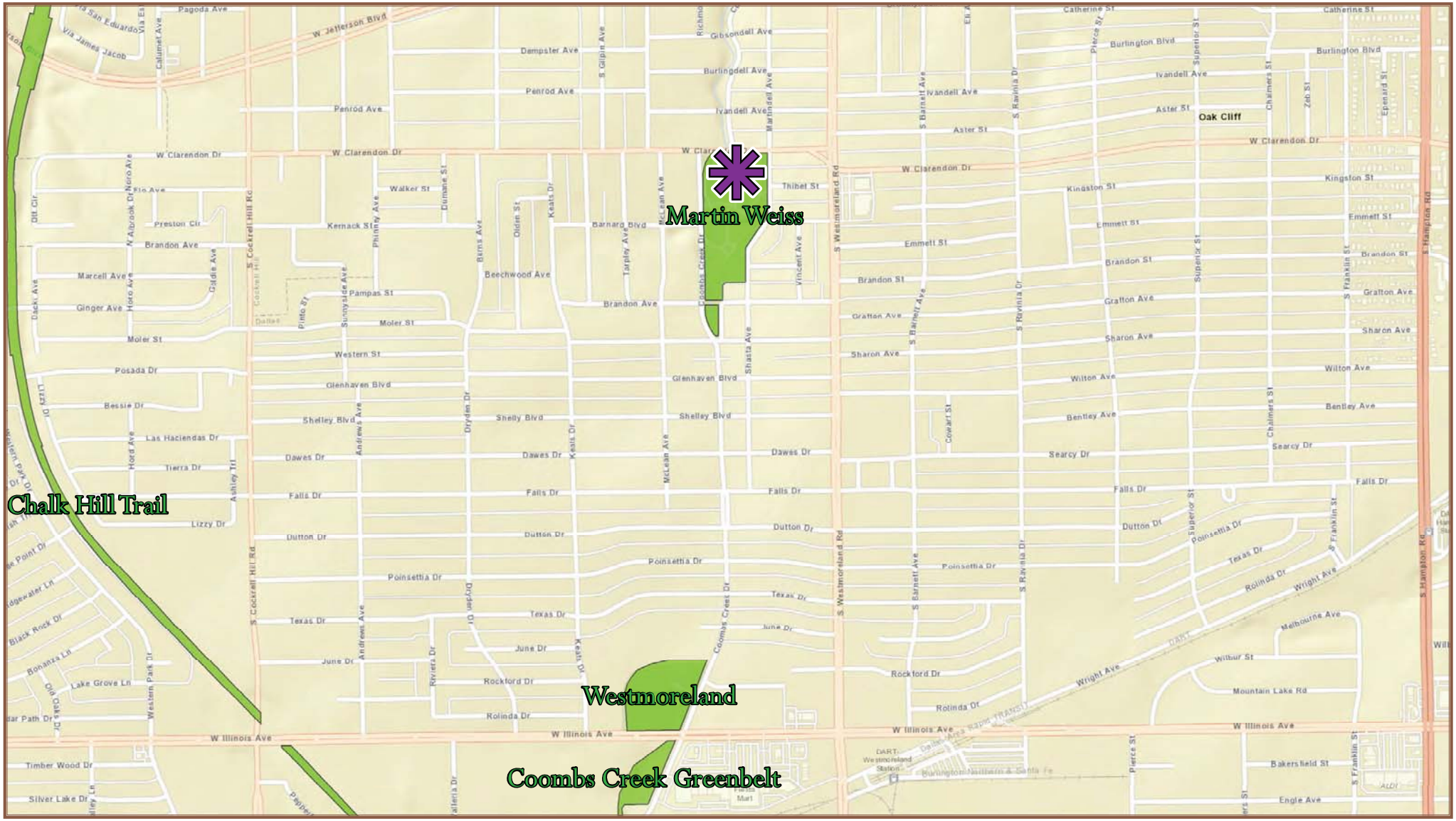
APM & Associates, Inc.

Afisu Olamimtan, President

MAP

Attached

powered by Legistar™



Martin Weiss Park
1111 Martindell Avenue

District 1

November 28, 2018

WHEREAS, on May 9, 2018, a Request for Qualifications was issued for Engineering and Landscape Architecture Consulting Services for Park Site Development Projects in the 2017 Bond Program; and

WHEREAS, in accordance with Administrative Directive 4-5, procurement guidelines, APM & Associates, Inc. was selected as the most qualified consultant for the Martin Weiss Park - Loop Trail Extension to Greenbelt Project; and

WHEREAS, it is now desirable to authorize a professional services contract with APM & Associates, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Martin Weiss Park - Loop Trail Extension to Greenbelt Project located at 1111 Martindell Avenue, in an amount not to exceed $124,775.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with APM & Associates, Inc., approved as to form by the City Attorney, for schematic design, design development, construction documents, procurement and construction observation phases for the Martin Weiss Park - Loop Trail Extension to Greenbelt Project located at 1111 Martindell Avenue, in an amount not to exceed $124,775.00.

SECTION 2. That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a professional services contract with APM & Associates, Inc., approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $124,775.00 to APM & Associates, Inc. from Park and Recreation Facilities (B) Fund, Fund 1V00, Department PKR, Unit VB38, Object 4112, Activity HIBT, Program PK17VB38, Encumbrance/Contract No. PKR-2018-00007378, Commodity 90600, Vendor 265694.

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 #: 18-1180 **Item #:** 60.

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	November 28, 2018
COUNCIL DISTRICT(S):	2
DEPARTMENT:	Park & Recreation Department
EXECUTIVE:	Willis C. Winters

SUBJECT

Authorize a professional services contract with Pacheco Koch Consulting Engineers, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for Phase 2 of the Dallas City Hall Median Renovations Project along South Akard and South Ervay Streets - Not to exceed $107,000.00 - Financing: General Fund (see Fiscal Information)

BACKGROUND

This action will authorize a professional services contract with Pacheco Koch Consulting Engineers, Inc. in the amount of $107,000.00 for schematic design, design development, construction documents, and procurement and construction observation phases for Phase 2 of the Dallas City Hall Median Renovations Project along South Akard and South Ervay Streets.

Every five years retail and wholesale water providers are required to submit a water conservation plan to the Texas Commission on Environmental Quality. Since 2005, City Council has adopted Water Conservation Five-Year Strategic Plans that set specific goals and objectives to reduce per capita water use by an average of one percent per year. On June 15, 2016, the 2016 Water Conservation Five-Year Work Plan for the period of FY 2016 through FY 2020 was adopted by Resolution No. 16-1945.

Under the Water Conservation Program, the Water Utilities Department has awarded grant funding for FY 2019 to city departments for conservation focused projects that promote water conservation, such as indoor plumbing upgrades and retrofits and landscape conversions. The Park and Recreation Department was awarded $107,000.00 to fund Phase 2 of the Dallas City Hall Median Renovations Project along South Akard and South Ervay Streets for the design of the medians for plant materials that are conducive to low water usage requirements. The scope of the project involves replacement of the existing landscaping with a more efficient water-wise landscape (xeriscape) and irrigation system. Phase 1 of the Dallas City Hall Median Renovation Project along Young Street was completed in April 2016.

ESTIMATED SCHEDULE OF PROJECT

Begin Design January 2019
Complete Design August 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 1, 2018, the Park and Recreation Board authorized a professional services contract with Pacheco Koch Consulting Engineers, Inc.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on November 26, 2018.

FISCAL INFORMATION

General Fund - $107,000.00 - (Reimbursed from the Water Utilities Fund)

Under the Water Conservation Program, this project will be reimbursed through the Water Utilities Fund. Future estimated costs include construction based on schematic design for $318,000.00 beginning in FY 2019-20 and are contingent on grant awards through the Water Conservation Program.

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE%	M/WBE $
$107,000.00	Architecture & Engineering	25.66%	100.00%	$107,000.00
This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

In accordance with City of Dallas Administrative Directive 4-5, procurement guidelines, Pacheco Koch Consulting Engineers, Inc. was selected by the Request for Qualifications process as the most qualified consultant for this project, due to their previous programming, and schematic design work for previous phases of the Dallas City Hall Median Renovations project.

OWNER

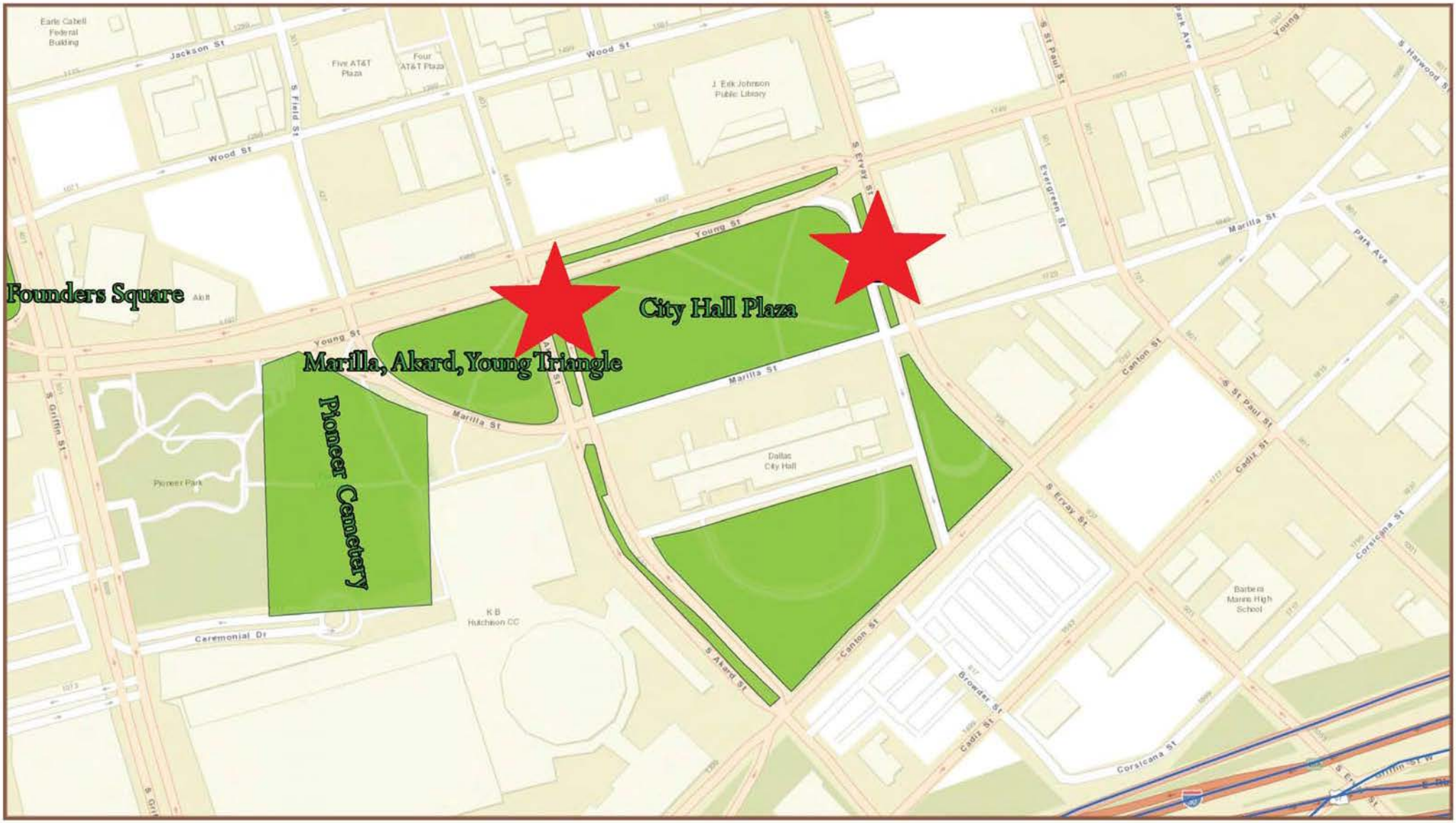
Pacheco Koch Consulting Engineers, Inc.

Chris Jones, Principal

MAP

Attached

powered by Legistar™



0 100 200 400 600 Feet

1 in = 200 ft

Dallas Park & Recreation

City Hall Medians
1500 Marilla St

District 2

WHEREAS, the Water Utilities Department has awarded grant funding to the Park & Recreation Department under the Water Conservation Program to fund Phase 2 of the Dallas City Hall Median Renovations project on South Akard and South Ervay Streets, in the amount of $107,000.00; and

WHEREAS, it is now desirable and in the best interest of the City of Dallas to authorize a professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide schematic design, design development, construction documents, procurement and construction observation phases for Phase 2 of the Dallas City Hall Median Renovations project along South Akard and South Ervay Streets, in an amount not to exceed $107,000.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Pacheco Koch Consulting Engineers, Inc., approved as to form by the City Attorney, for schematic design, design development, construction documents, procurement and construction observation phases for Phase 2 of the Dallas City Hall Median Renovations along South Akard and South Ervay Streets, in an amount not to exceed $107,000.00.

SECTION 2. That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a professional services contract with Pacheco Koch Consulting Engineers, Inc., approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $107,000.00 to Pacheco Koch Consulting Engineers, Inc. from General Fund, Fund 0001, Department PKR, Unit 5002, Object 4112, Activity SUAR, Program PKCHMEDR, Encumbrance/Contract No. PKR-2018-00007402, Commodity 90600, Vendor 342980.

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 #: 18-1189 **Item #:** 61.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize the rejection of the only proposal received for construction of the exterior lighting upgrades for the Music Hall at Fair Park located at 909 1st Avenue - Financing: No cost consideration to the City

BACKGROUND

This action will authorize the rejection of the only proposal received for solicitation CIZ1768 for construction of the exterior lighting upgrades at the Music Hall at Fair Park. The proposed amount was higher than the allocated funding.

On November 28, 2018, by separate action, the Music Hall exterior lighting is included in the scope of work for Supplemental Agreement No. 1 to the design build contract with Harrison, Walker & Harper, LP for City Council's consideration. The design build firm has provided a price for the scope of work that is within budget.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 15, 2018, the Park and Recreation Board authorized a professional services contract with M.E.P. Consulting Engineers, Inc.

On March 28, 2018, City Council authorized a professional services contract with M.E.P. Consulting Engineers, Inc. for lighting design and engineering services for the Music Hall Exterior Lighting Improvements Project at the Music Hall in Fair Park located at 909 First Avenue by Resolution No. 18-0457.

On November 1, 2018, the Park and Recreation Board deferred this item to the November 15, 2018 agenda.

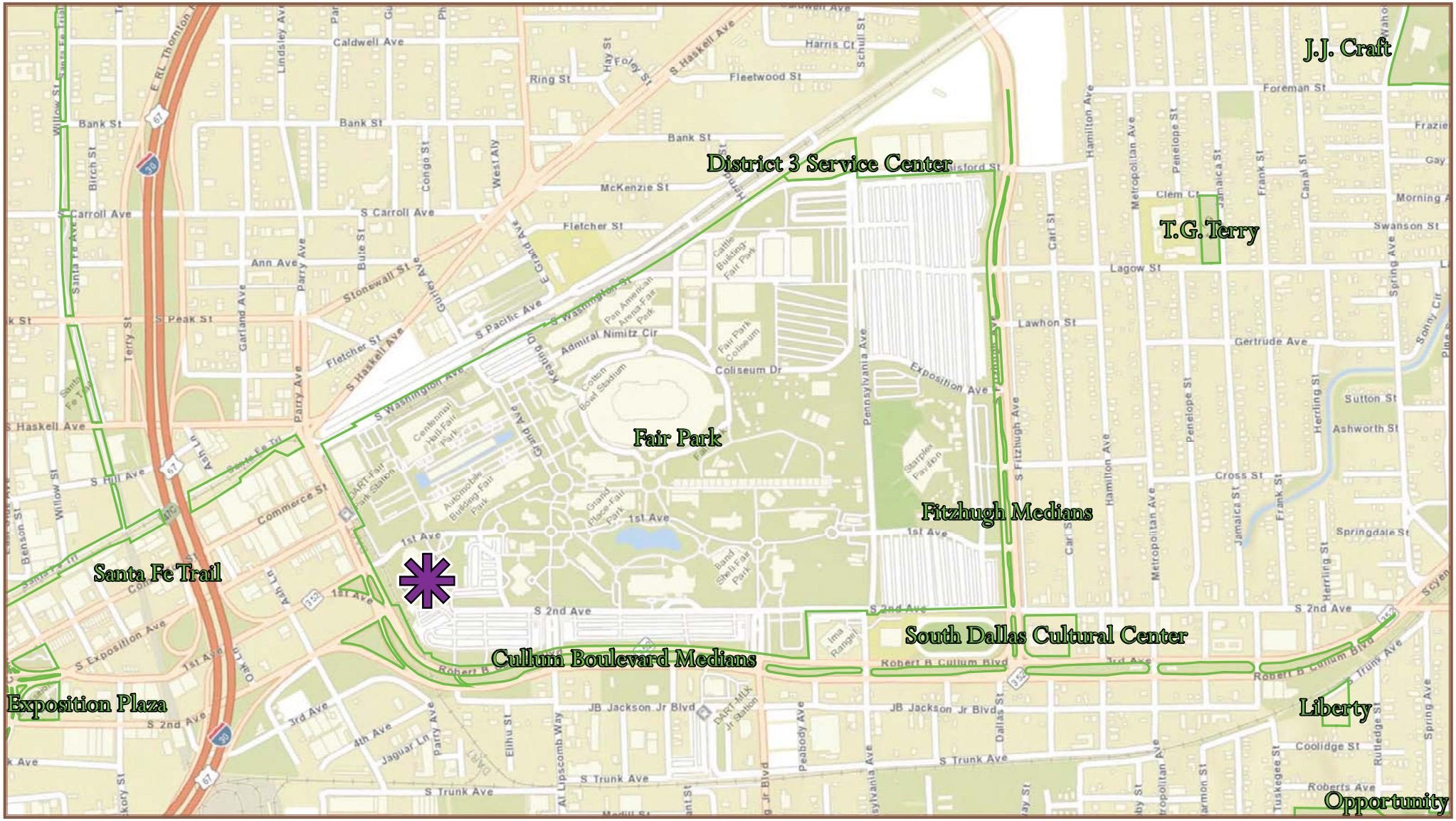
On November 15, 2018, the Park and Recreation Board authorized the rejection of the only proposal.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on November 26, 2018.

FISCAL INFORMATION

No cost consideration to the City.

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0 305 610 1,220 1,830 Feet

1 in = 600 ft

Dallas Park & Recreation

Fair Park Music Hall
(909 1st Avenue)

Mapsco
46 K,P

District
7

November 28, 2018

WHEREAS, it has been determined by the Park and Recreation Board to reject the only proposal received for construction of the exterior lighting upgrades for the Music Hall at Fair Park located at 909 1st Avenue.

Now, Therefore,

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

SECTION 1. That the only proposal received for construction of the exterior lighting upgrades for the Music Hall at Fair Park is hereby rejected.

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 #: 18-1185 **Item #:** 62.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize Supplemental Agreement No. 1 to the design-build services contract with Harrison, Walker & Harper, LP. for the design and construction for Fair Park Facility Improvements for additional architectural and engineering design services and an increase in the early construction package for an elevator, Americans with Disabilities Act improvements and to add exterior lighting for the Music Hall located at 909 1st Avenue - Not to exceed $1,333,556.00, from $930,303.00 to $2,263,859.00 - Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)

BACKGROUND

On June 27, 2018, City Council authorized a design-build services contract with Harrison, Walker & Harper, LP. for pre-design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of Fair Park Facility Improvements for the Music Hall located at 909 1st Avenue, African American Museum located at 3536 Grand Avenue and Aquarium Annex located at 1458 1st Avenue, in an amount not to exceed $930,303.00, by Resolution No. 18-0997. The original contract award included pre-design and pre-construction services and architectural and engineering services for the design and construction of the facility improvements at the Music Hall at Fair Park, African American Museum and Aquarium Annex. The original contract award also included an early construction package for the Music Hall in the amount of $600,000.00 to address the needs for Americans with Disabilities Act (ADA) items and an ADA accessible elevator.

This action will authorize Supplemental Agreement No. 1 to the design-build contract with Harrison, Walker & Harper, LP. for additional architectural and engineering design services and an increase in the early construction package for an elevator and Americans with Disabilities Act improvements in the amount of $723,556.00 and an increase in the early construction package to add exterior lighting in the amount of $610,000.00, for a total amount not to exceed $1,333,556.00, increasing the contract amount from $930,303.00 to $2,263,859.00.

The design-build services contract will continue to assess, prioritize and provide design solutions for the following needs: (1) Music Hall at Fair Park: ADA improvements, water infiltration, roof leaks, new elevator, plumbing line repairs, carpeting and other repairs as identified by the assessment; (2) African American Museum: building sign, water infiltration, stage railing, carpeting, heating, ventilation, and air conditioning (HVAC) system, lighting, security and other repairs as identified by the assessment; (3) Aquarium Annex: exterior wall and window framing, ADA improvements, structural repairs, ceiling repairs, plumbing fixtures, HVAC replacement, fire alarm replacement, security system replacement and other repairs as identified by the assessment.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	January 2019
Complete Construction	March 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 7, 2018, the Park and Recreation Board authorized a design-build services contract with Harrison, Walker & Harper, LP.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on June 25, 2018.

On June 27, 2018, City Council authorized a design-build services contract with Harrison, Walker & Harper, LP. for pre-design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of Fair Park Facility Improvements for Music Hall located at 909 1st Avenue, African American Museum located at 3536 Grand Avenue and Aquarium Annex located at 1458 1st Avenue by Resolution No. 18-0997.

On November 1, 2018, the Park and Recreation Board deferred this item to the November 15, 2018 agenda.

On November 15, 2018, the Park and Recreation Board authorized Supplemental Agreement No. 1 to the design-build services contract with Harrison, Walker & Harper, LP.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on November 26, 2018.

FISCAL INFORMATION

Fair Park Improvements (C) Fund (2017 Bond Funds) - $1,333,556.00

Original Design-Build Contract	$ 930,303.00
Supplemental Agreement No. 1 (this action)	$1,333,556.00
Total not to exceed	$2,263,859.00

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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 $
$1,333,556.00	Construction	25.00%	63.55%	$847,520.00
• This contract exceeds the M/WBE goal.				
• Supplemental Agreement No. 1 - Overall M/WBE participation 44.92%				

OWNER

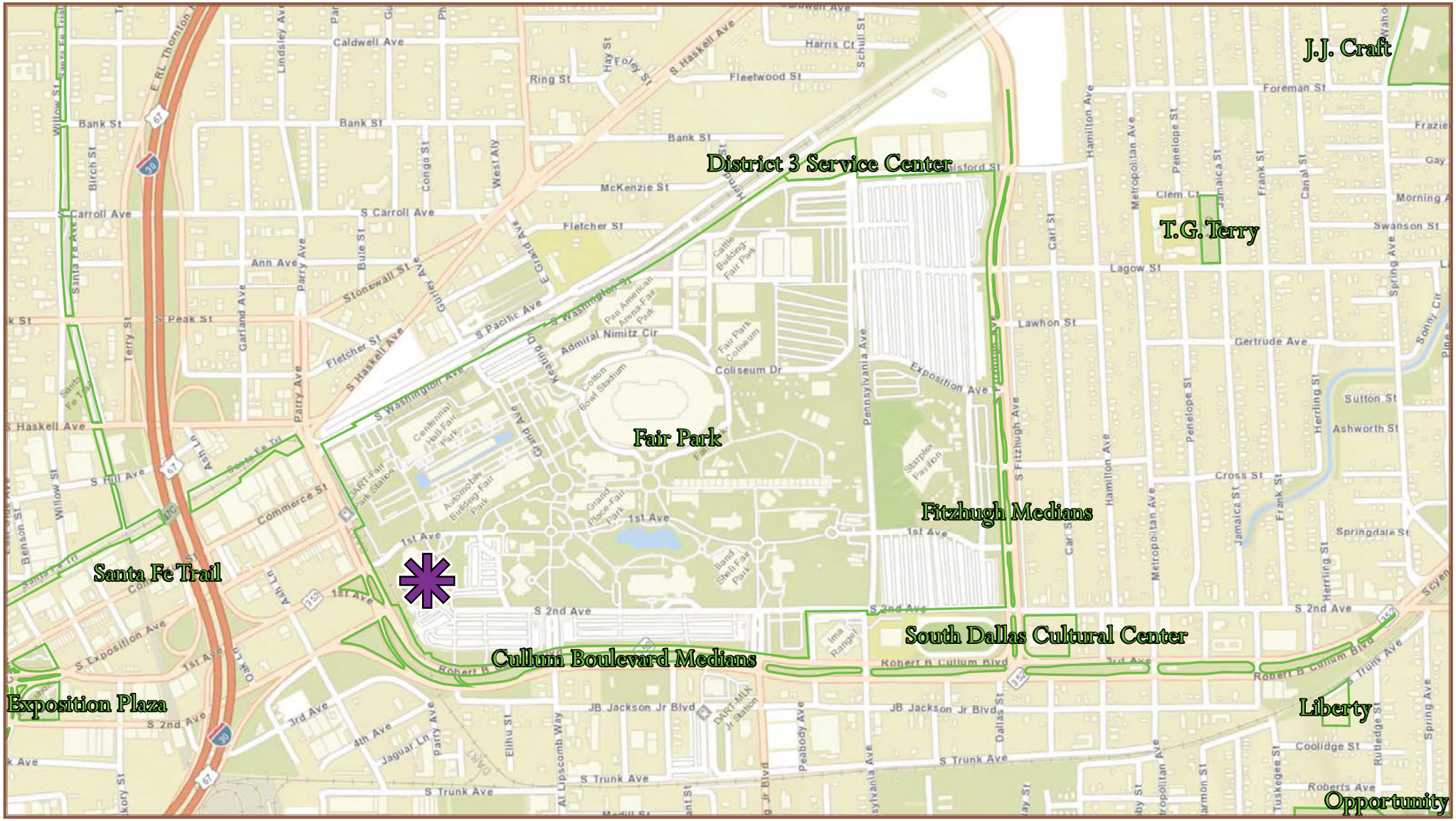
Harrison, Walker & Harper, LP.

Jordan Harper, Chief Executive Officer

MAP

Attached

powered by Legistar™



0 305 610 1,220 1,830 Feet

1 in = 600 ft

Dallas Park & Recreation

Fair Park Music Hall
(909 1st Avenue)

Mapsco
46 K,P

District
7

November 28, 2018

WHEREAS, on June 27, 2018, City Council authorized a design-build services contract with Harrison, Walker & Harper, LP. for pre-design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of Fair Park Facility Improvements for Music Hall located at 909 1st Avenue, African American Museum located at 3536 Grand Avenue and Aquarium Annex located at 1458 1st Avenue, in an amount not to exceed $930,303.00, by Resolution No. 18-0997; and

WHEREAS, this action will authorize Supplemental Agreement No. 1 to the design-build contract with Harrison, Walker & Harper, LP., for the design and construction for Fair Park Facility Improvements for additional architectural and engineering design services and an increase in the early construction package for an elevator, Americans with Disabilities Act improvements and to add exterior lighting for the Music Hall located at 909 1st Avenue, in an amount not to exceed $1,333,556.00, increasing the contract amount from $930,303.00 to $2,263,859.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign Supplemental Agreement No. 1 to the design-build services contract with Harrison, Walker & Harper, LP., approved as to form by the City Attorney, for the design and construction for Fair Park Facility Improvements for additional architectural and engineering design services and an increase in the early construction package for an elevator, Americans with Disabilities Act improvements and to add exterior lighting for the Music Hall located at 909 1st Avenue, in an amount not to exceed $1,333,556.00, increasing the contract amount from $930,303.00 to $2,263,859.00.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute Supplemental Agreement No. 1 to the design-build services contract with Harrison, Walker & Harper, LP., approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,333,556.00 to Harrison, Walker & Harper, LP. as follows:

Fair Park Improvements (C) Fund
Fund 1V02, Department PKR, Unit VC02
Object 4599, Activity HIBT, Program PK17VC02
Encumbrance/Contract No. CX-PKR-2018-00006532
Commodity 90625, Vendor 513339 $1,311,056.00

SECTION 3. (continued)

Fair Park Improvements (C) Fund	
Fund 1V02, Department PKR, Unit VC02	
Object 4111, Activity HIBT, Program PK17VC02	
Encumbrance/Contract No. CX-PKR-2018-00006532	
Commodity 90625, Vendor 513339	$ 22,500.00
Total amount not to exceed	$1,333,556.00

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

Agenda Information Sheet

File #: 18-1191 **Item #:** 63.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a Joint Funding Agreement with the United States Geological Survey to continue the operation of stream flow and water quality gauging stations in the Trinity River basin, a zebra mussel sampling study, a Mountain Creek Water Quality special study, and reservoir water quality study on each of the reservoirs in Dallas' water supply system from November 1, 2018 through September 30, 2019 - Not to exceed $889,523.00 - Financing: Water Utilities Fund

BACKGROUND

The United States Geological Survey (USGS) provides basic water quality and flow monitoring data collection services throughout the United States. It is recognized as an unbiased agency whose data is unquestionably accepted by state and federal regulatory agencies.

The current cost-sharing agreement with the USGS includes monitoring water quality in the Trinity River. The City of Fort Worth, Trinity River Authority, Dallas County Park Cities Municipal Utility District, and Upper Trinity Regional Water District are also cost sharing partners in this agreement. This agreement also includes the operation and maintenance of stream flow stations. The stream flow data is used in operating Lake Grapevine, Lake Ray Hubbard, Lake Lewisville and Ray Roberts Lake. Dallas also participates in the collection of water quality monitoring at several stream flow and lake stations.

This agreement also includes a zebra mussel sampling study and reservoir water quality study on Dallas' water supply reservoirs, as well as, a special study to determine water quality of Mountain Creek Lake focusing on trace elements and nutrients.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability on November 26, 2018.

FISCAL INFORMATION

$889,523.00 - Water Utilities Fund

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November 28, 2018

WHEREAS, the City of Dallas has participated with the United States Geological Survey (USGS) in gauging flows relating to the City's water supply reservoirs, collection of water quality and the flow data in the Trinity River, and a zebra mussel sampling study, a Mountain Creek Water Quality special study; and reservoir water quality study in Dallas' water supply reservoirs; and

WHEREAS, the USGS, has submitted a Joint Funding Agreement to continue the program for the period November 1, 2018 through September 30, 2019, with the City of Dallas' share of the cost at $889,523.00. The total program cost of $1,040,928.00 is to be shared between the USGS, City of Dallas, City of Fort Worth, Dallas County Park Cities Municipal Utility District, and the Trinity River Authority; and

WHEREAS, a joint funding agreement is the most cost-effective method for the City of Dallas to obtain the required data.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a Joint Funding Agreement with the United States Geological Survey, approved to form by the City Attorney, for operation of stream flow and water quality gauging stations in the Trinity River basin, a zebra mussel sampling study, a Mountain Creek Water Quality special study, and reservoir water quality study on each of the reservoirs in Dallas' water supply system.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $889,523.00 to United States Geological Survey (Vendor 157940) from the Water Utilities Fund, Fund 0100, Department DWU, Unit 7030, Object 3070, Encumbrance/Contract No. DWU-2019-00008291.

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 #: 18-1276 **Item #:** 64.

AGENDA DATE: November 28, 2018

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)

Agenda Information Sheet

File #: 18-1259 **Item #:** 65.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary's Office

EXECUTIVE: Bilierae Johnson

SUBJECT

Consideration of appointment to the Dallas Area Rapid Transit Board of Directors for Positions 03 (completion of unexpired term) (Closed Session, if necessary, Personnel, Sec. 551.074, T. O. M. A.) (Name of nominee in the City Secretary's Office) - Financing: No cost consideration to the City

BACKGROUND

The Dallas Area Rapid Transit (DART) board was structured by the Texas Legislature in 1993. Membership is allocated among member cities according to population, with recalculations after every U.S. census. Members of the DART board serve staggered terms of two years with 8 of the positions' terms beginning July 1 of odd-numbered years and 7 positions' terms beginning July 1 of even numbered years. The enabling legislation provides that a member city may not rule by order or ordinance limit the number of terms a member may serve.

On August 23, 2011, the DART Board approved a reallocation of the Board based on the 2010 U.S. Census data. As a result, the City of Dallas lost one direct appointment to the Board previously shared with the cities of Cockrell Hill, Glenn Heights and Plano. The City of Dallas is now entitled to 7 full members and 1 shared member with the City of Cockrell Hill. This now provides the terms of 6 members to expire in even-numbered years and 2 to expire on odd-numbered years.

This action provides for an individual to be appointed to Position 03 for the unexpired 2017-2019 term to begin November 28, 2018 and end June 30, 2019. This individual will be the "shared" member and represent the transportation disadvantaged (defined as "elderly, persons with disabilities, and low -income individuals").

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 26, 2018, the Mobility Solutions, Infrastructure and Sustainability Committee interviewed nominees and selected one nominee as its recommendation to the City Council for appointment.

FISCAL INFORMATION

No cost consideration to the City.

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November 28, 2018

WHEREAS, the City Council, as of the 2011 reallocation, is responsible for appointing 7 full members and 1 shared member with the City of Cockrell Hill, to the Dallas Area Rapid Transit (DART) Board of Directors; and

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

WHEREAS, a vacancy was created for Position 03 with the new appointment term to become effective as soon as a successor is duly appointed, with the term to expire June 30, 2019;

Now, Therefore,

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

SECTION 1. That the following individual is hereby appointed to the DART Board to fill an unexpired term with service to begin November 28, 2018 and expire June 30, 2019, and assigned to Position 03:

POSITION 03	

SECTION 2. That, the City of Dallas, principal municipality, designates _____ to represent the transportation disadvantaged and as the shared member with the City of Cockrell Hill.

SECTION 3. That the City Council may, by resolution, remove any DART Board of Directors appointed by this resolution at any time, with or without cause. That such DART Board of Directors may be removed only upon an affirmative vote of nine city council members and through adoption of another resolution.

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

Agenda Information Sheet

File #: 18-1278 **Item #:** 66.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	November 28, 2018
COUNCIL DISTRICT(S):	7
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

Authorize acceptance of a zoning application on property with delinquent taxes located at 4350 Metropolitan Avenue - Financing: No cost consideration to the City

BACKGROUND

Section 51A-1.104.1 of the Development Code states "…when submitting an application, the applicant must submit proof, such as a tax certificate, that property taxes and any city fees, fines, or penalties are not delinquent on the subject property. Unless such proof is submitted, the application will be considered incomplete and returned to the applicant." The code allows a waiver of this requirement by two-thirds vote of the City Council. The waiver may be made if 1) it "will facilitate urban redevelopment, historic conservation, or an important planning objective;" 2) "a pending sale of the property is contingent on the zoning application, and the applicant can supply evidence, such as a contract of sale, that the taxes and any city fees, fines, or penalties will be paid at closing;" or 3) "the applicant can demonstrate financial hardship that makes payment of taxes impossible, and approval of a waiver will improve the applicant's ability to pay the taxes and any city fees, fines, or penalties."

The applicant, Jawad Dashti, sole member of the prospective buyer, Too Dash Properties, LLC, and representing the owner, Roland Moats, has requested a waiver of the requirement that taxes be paid prior to the acceptance of an application for a zoning case on property located at 4350 Metropolitan Avenue. The applicant indicates that he proposes to purchase this property if the zoning application is approved. The applicant expects to submit an application to change the zoning on the property from an R-5(A) Single Family Subdistrict to an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, to allow commercial uses.

The applicant indicates that the reason for the waiver is that the "deferral will facilitate a pending sale of the property." The purchase of the property would occur if the zoning request was approved and taxes and any city fees, fines, or penalties due on the property would be paid at the time of the closing. A copy of the contract of sale was included with the application.

As of the date of the application, a total of $6,537.73 in taxes and penalties were owed on the property dating back to 2013. However, since there is still an outstanding balance on the account, the total amount due increased to $6,583.71 on October 1, 2018. According to the tax statement, the taxes and penalties owed include: $648.28 (taxes) + $650.86 (penalties) for 2013; $799.86 + $687.90 for 2014; $799.54 + $572.47 for 2015; $792.95 + $453.58 for 2016; and $792.93 + $339.36 for 2017. In addition to the taxes owed, $2,603.69 is also owed to the City due to 10 mowing liens on the property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on November 26, 2018.

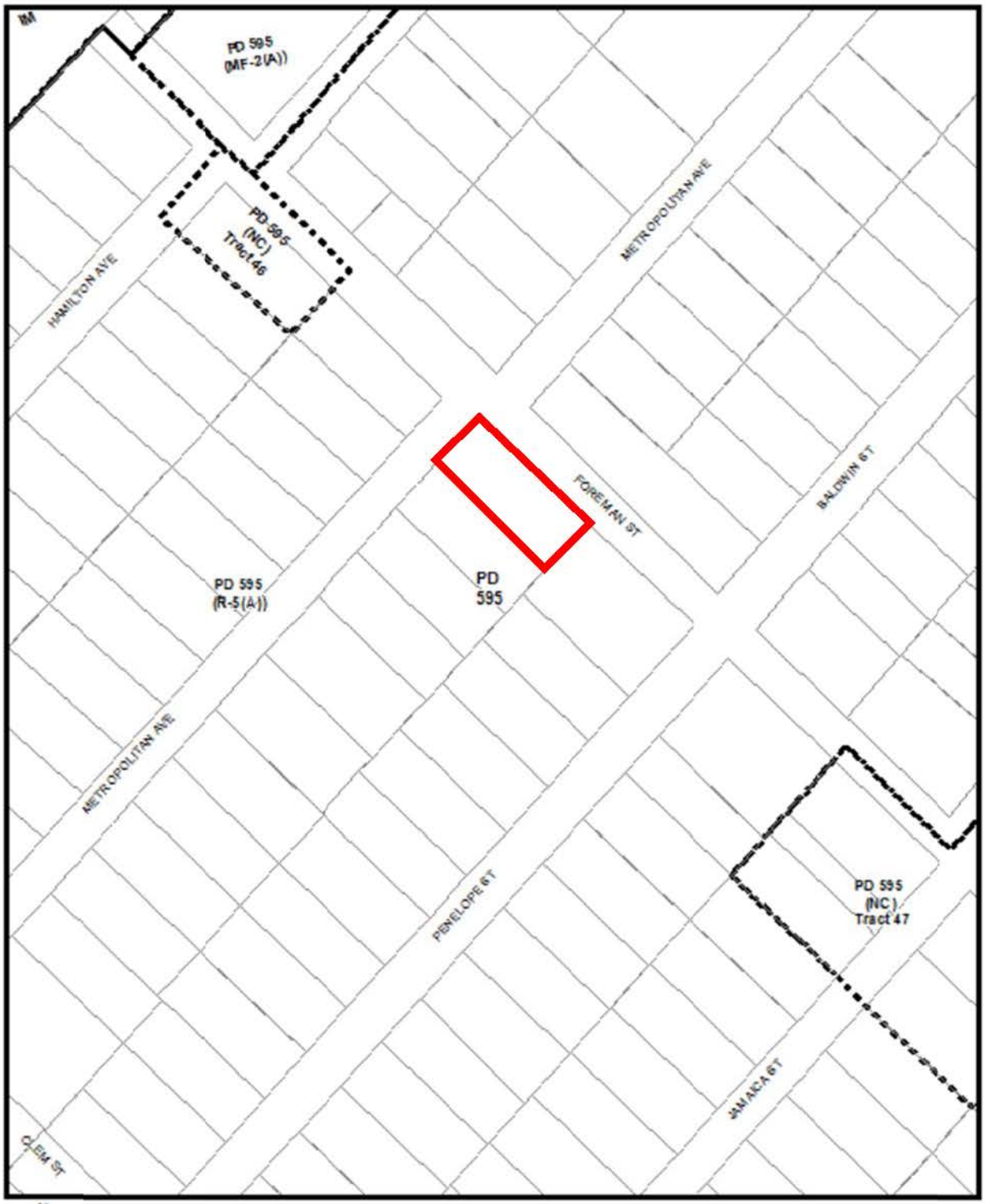
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

powered by Legistar™



4350 Metropolitan Avenue
Tax Deferral Waiver Request

CITY OF DALLAS

TAX DEFERRAL APPLICATION

DEPARTMENT OF
PLANNING & DEVELOPMENT
City Hall Room 5B-North
Dallas, Texas 75201
(214) 670-4209

FILE NO: - / -	PLANNER:	CC DATE:

Applicants MUST fill out Sections 1 and 2 COMPLETELY
SECTION 3 to be completed by STAFF ONLY

SECTION 1: APPLICANT/OWNER INFORMATION

Please Print

PLANNED DEVELOPMENT DISTRICT: [ ] NEW [ ] AMENDMENT [X] GENERAL ZONING CHANGE

SPECIFIC USE PERMIT: [ ] NEW [ ] AMENDMENT [ ] RENEWAL [ ] REMOVAL OF DEED RESTRICTION [ ] DEED RESTRICTION AMENDMENT [ ] CITY PLAN COMMISSION AUTHORIZED HEARING

Applicant: Jawad Dashti Telephone: (469) 970-9470

Address: PO BOX 530286 City/State/Zip: Grand Prairie TX 75053

APPLICANT'S STATUS: (Check One) OWNER [ ] TENANT [ ] PROSPECTIVE BUYER [X]
Property Owner must sign the application or submit a notarized letter of authorization.

Representative: Jawad Dashti Telephone: (469) 970-9470

Address: PO BOX 530286 Grand Prairie TX 75053 City/State/Zip: Grand Prairie TX 75053

Owner : Roal moats Telephone: (972) 464-8762

Address: 4409 Homphrey City/State/Zip: Dallas, TX

OWNERSHIP (Check One) INDIVIDUAL [X] TRUST [ ] PARTNERSHIP [ ] CORPORATION [ ]
If ownership is a trust, partnership, or corporation, name the partners or principals and their addresses and positions on a separate attachment

X _____ Signature of Applicant

X Roal Moats Signature of Owner

SECTION 2: TAX DEFFERRAL REQUEST INFORMATION

SITE LOCATION: Corner of metropolitan Ave. and foreman st.

SITE STREET ADDRESS: 4350 metropolitan Ave. Dallas TX 75210 CROSS STREET foreman st

LOT NO(S):	BLOCK NO:	SIZE OF REQUEST:	EXISTING ZONING:
6	1849/1	0.1565 Acres	R-5A

REASON FOR REQUEST
[ ] DEFFERAL WILL FACILITATE URBAN REDEVELOPMENT, HISTORIC CONSERVATION, OR AN IMPORTANT PLANNING OBJECTIVE.
[X] DEFFERAL WILL FACILITATE A PENDING SALE OF THE PROPERTY.
[ ] DEFFERAL IS NEEDED DUE TO FINANCIAL HARDSHIP _____

ADDITIONALINFORMATION: _____

CITY TAX ID NO: 00000180457000000 CITY TAXES/FINES OWED? YES [X] NO [ ] If Yes, what is amount? $ 9,187.40

CENSUS TRACT: 0027.01 COUNCIL DISTRICT: 7 MAPSCO (Page/Cell): 46R ZONING MAP NO: J-8

SECTION 3: STAFF CHECKLIST

[✓] ZONING MAPS	[-] ~~INDEX LOG BOOK~~	[✓] PROPERTY TAXES OWED Tax Stmt
[✓] TAX PLATS	[✓] CORRECT LOT & BLOCK	[✓] FINES OWED Lien Stmt
[-] SURVEY (if needed)	[✓] $200 FILING FEE	[-] CITY FEES OWED
[✓] TAX WAIVER STATEMENT	[✓] PROPER SIGNATURES Deed & Authorization Ltr.	[-] PENALTIES OWED
[✓] CONTRACT OF SALE		

ACCEPTED BY: _____ DATE ACCEPTED: 8/23/18 DATE WITHDRAWN: _____

REVISED 8/31/95

November 28, 2018

WHEREAS, Dallas Development Code Section 51A-1.104.1 prohibits the processing of a zoning application for properties with delinquent taxes or other city fees, fines, or penalties; and

WHEREAS, an applicant for rezoning must submit proof, such as a tax certificate, that property taxes and any city fees, fines, or penalties are not delinquent on the subject property; and

WHEREAS, a waiver of the requirement may be granted by a two-thirds vote of the City Council if: (1) a waiver will facilitate urban redevelopment, historic conservation, or an important planning objective; (2) a pending sale of the property is contingent on the application, and the applicant can supply evidence, such as a contract of sale, that the taxes and any city fees, fines, or penalties will be paid at closing; or (3) the applicant can demonstrate financial hardship that makes payment of taxes impossible, and approval of a waiver will improve the applicant's ability to pay the taxes and any city fees, fines, or penalties; and

WHEREAS, application has been made for a waiver for the property located at 4350 Metropolitan Avenue; and

WHEREAS, the applicant, Jawad Dashti, sole member of the prospective buyer, Too Dash Properties, LLC, has indicated that a pending sale of the property is contingent on the zoning change application and that taxes and any city fees, fines, or penalties would be paid upon closing.

Now, Therefore,

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

SECTION 1. That, as the City Council finds that a waiver will facilitate a pending sale of the property, the requirement that delinquent taxes and any city fees, fines, or penalties on property located at 4350 Metropolitan Avenue be paid prior to processing the zoning application is hereby waived and the zoning application shall be allowed to be processed.

SECTION 2. That this resolution in no way relieves any party liable for payment of these taxes, fees, fines, or penalties from the obligation to pay.

SECTION 3. That the waiver granted by this resolution is not a consideration of the merits of the zoning application, and does not imply that the application will be approved or disapproved when considered on its merits.

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

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By: _____
Assistant City Attorney

Passed _____

Agenda Information Sheet

File #: 18-1141 **Item #:** 67.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize the twelve-month renewal option to the contract with Bridge Steps, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $126,565.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($14,900.00) and 2018-19 Emergency Solutions Grant Funds ($111,665.00)

BACKGROUND

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") grant funds by Resolution No. 18-0987. The budget included the Emergency Solutions Grant ("ESG") (Grant No. E-18-MC-48-0009) in the amount of $1,203,874.00. The grant funds are available beginning October 1, 2018, contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD. In addition, the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining.

On January 11, 2018, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposal (#BTZ1810) soliciting proposals from area service providers for ESG services.

Bridge Steps located at 1818 Corsicana, Dallas, Texas 75201, submitted a proposal and was recommended for funding. On April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Bridge Steps by Resolution No. 18-0628. This is the twelve-month renewal option to that contract.

Pursuant to a Management Services Contract, the City of Dallas contracts with Bridge Steps, a non-profit organization, to operate and manage The Bridge Homeless Assistance Center (The Bridge). Bridge Steps has operated the facility since it opened in May 2008, to provide a centralized entry point for homeless persons to access multiple services at one location through on-site services and co-located agencies.

The Bridge, a low barrier shelter, provides day and night shelter to more than 8,000 men and women experiencing homelessness annually in the City of Dallas. The shelter serves individuals, to include chronically homeless, seniors (ages 60 and above), single adult men and women, youth (ages 18-24), veterans, and persons with mental and/or physical disabilities.

The Bridge provides shelter, meals, showers, storage for personal belongings, mail services, a kennel, library, and computer lab. In addition to meeting basic needs, The Bridge provides care management services (through Bridge Steps staff), which includes health/behavioral health care coordination, jail diversion/reentry, and income/housing seeker services - designed to help guests attain housing stability. Through partner agencies, Bridge Steps connects its guests with health/behavioral health care services, employment/income services, housing services, and short-term outplacement and follow-up or after-care services for persons placed in housing.

The Bridge staff must input client-level data into the local Homeless Management Information System with applicable written consent. Agencies must also submit monthly financial reports (including supporting documentation) and performance reports (including demographic data, outputs, and outcomes), as well as an overview of accomplishments at year end, to the City. These reports are compiled at year end into the City's annual report to HUD.

PERFORMANCE MEASURES

	2018-19 Goal
Number of persons served at Emergency Shelter	8,600

OUTCOME MEASURES

The Continuum of Care has established the following outcome measures for grantees and sub-recipients receiving ESG funding for Emergency Shelter:

- 70% of persons who exit will exit to permanent housing destinations or temporary/transitional housing
- 100% of persons served will receive case management

MATCH REQUIREMENTS

Bridge Steps must match ESG funding dollar-for-dollar. Match total must equal or exceed the amount of ESG funds requested. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

Matching funds must be submitted with the Request for Payment form on a monthly basis which will include match source documentations (invoices, cancelled checks, bank/credit card statements, timesheets, commitment letters, etc.). Bridge Steps shall ensure the expenses billed for reimbursement and match do not exceed the approved budgeted amounts.

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PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 26, 2017, City Council authorized an Interlocal Agreement with Dallas County, to accept the FY 2016 Emergency Solutions Grant for emergency shelter operations and utilities reimbursement at The Bridge; and a third amendment to the first five-year renewal option to the Management Services Contract, Phase II (MSC) with the City's contractor, Bridge Steps by Resolution No. 17-0686.

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 17-1171.

On December 13, 2017, City Council authorized an amended and restated Management Services Contract, Phase II, with Bridge Steps consistent with the original intent as a low-barrier, housing-focused shelter with proven results in housing placement, reduction in average length stay and reduction in returns to homelessness, for the period October 1, 2017 through September 30, 2018, with the renewal term, if the City elects to renew the contract, to begin on October 1, 2018 and end on September 30, 2023; funding for Bridge Steps for the period October 1, 2017 through September 30, 2018 from General Funds; and funding for Bridge Steps for the period September 1, 2017 through August 31, 2018 from Texas Department of Housing and Community Affairs Grant Funds, under the Homeless Housing and Services Program by Resolution No. 17-1865.

On April 25, 2018, City Council approved a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Bridge Steps, to provide emergency shelter services, consisting of shelter operations and essential services to homeless individuals, with Homeless Management Information System data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0628.

Information about this item was provided to the Human and Social Needs Committee on November 5, 2018.

FISCAL INFORMATION

2017-18 Emergency Solutions Grant Funds - $14,900.00
2018-19 Emergency Solutions Grant Funds - $111,665.00

OWNER

Bridge Steps

Board of Directors

Lynn McBee, Chair
Nafees Alam
Bill Barnett
John Castle
Thomas Hartland-Mackie
Jennifer Karol
Thomas Lynn
Casey McManemin

Diana Munoz*
Rev. Donald Parish
Michael A. Peterson, Ex-Officio
Dr. David Woody, III
Shannon Wynne

*Homeless or formerly homeless representative on Board

November 28, 2018

WHEREAS, on June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds by Resolution No. 18-0987, which includes $1,203,874.00 for the Emergency Solutions Grant (ESG) (Grant No. E-18-MC-48-0009), and the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining; and

WHEREAS, ESG funds will be used to provide rapid re-housing, homelessness prevention, and emergency shelter to homeless subpopulations, with Homeless Management Information System (HMIS) data collection; and

WHEREAS, Bridge Steps submitted a proposal in response to the City's Request for Competitive Sealed Proposal (#BTZ1810) for the contractual provision of services funded under ESG, and to provide emergency shelter services for individuals; and

WHEREAS, on April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Bridge Steps to provide emergency shelter services, consisting of shelter operations, to homeless individuals, with HMIS data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0628; and

WHEREAS, the City seeks to enter the twelve-month renewal option to the contract with Bridge Steps to continue provision of these services, funded by 2017-18 Emergency Solutions Grant Funds ($14,900.00) and 2018-19 Emergency Solutions Grant Funds ($111,665.00) which contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD, will be available beginning October 1, 2018.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the twelve-month renewal option to the contract with Bridge Steps, approved as to form by the City Attorney, to provide emergency shelter services, consisting of shelter operations and essential services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019, and execute any and all documents required by the contract.

SECTION 2. That Bridge Steps must provide a dollar-for-dollar match, in the amount of $126,565.00, with matching funds consisting of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $126,565.00 under the Emergency Solutions Grant to Bridge Steps (Vendor VS0000067075) from Service Contract No. MGT-2018-00005812, as follows:

Fund	Department	Unit	Object	Description	Amount
ES17	MGT	281B	3099	Emergency Shelter	$ 14,900.00
ES18	MGT	824C	3099	Emergency Shelter	$110,000.00
ES18	MGT	827C	3099	HMIS Data Collection	$ 1,665.00
				Total	$126,565.00

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

Agenda Information Sheet

File #: 18-1163 **Item #:** 68.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize the twelve-month renewal option to the contract with Bridge Steps, to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services, to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019 - Not to exceed $122,824.00 - Financing: 2017-18 Emergency Solutions Grant Funds ($26,380.00) and 2018-19 Emergency Solutions Grant Funds ($96,444.00)

BACKGROUND

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") grant funds by Resolution No. 18-0987. The budget included the Emergency Solutions Grant ("ESG) (Grant No. E-18-MC-48-0009) in the amount of $1,203,874.00. The grant funds are available beginning October 1, 2018, contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD. In addition, the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining.

On January 11, 2018, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposal (#BTZ1810) soliciting proposals from area service providers for ESG services.

Bridge Steps located at 1818 Corsicana Street, Dallas, Texas 75201, submitted a proposal and was recommended for funding. On April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Bridge Steps by Resolution No. 18-0629. This is the twelve-month renewal option to that contract.

Pursuant to a Management Services Contract, the City of Dallas contracts with Bridge Steps, a non-profit organization, to operate and manage The Bridge Homeless Assistance Center (The Bridge). Bridge Steps has operated the facility since it opened in May 2008, to provide a centralized entry point for homeless persons to access multiple services at one location through on-site services and co-located agencies.

The Bridge, a low barrier shelter, provides day and night shelter to more than 8,000 men and women experiencing homelessness annually in the city of Dallas. The shelter serves individuals, to include chronically homeless, seniors (ages 60 and above), single adult men and women, youth (ages 18-24), veterans, and persons with mental and/or physical disabilities.

Under this contract, Bridge Steps will provide rapid re-housing services to homeless individuals at The Bridge, to provide guests with access to housing quickly through housing search and placement assistance and, once placed in housing in the private rental market, provide housing stability case management to assist them in maintaining housing stability. Bridge Steps will assist with application fees, security/utility deposits, and moving costs, as well as rental assistance for up to one year, while working with guests to achieve employment and/or secure a housing voucher for long-term assistance where needed.

The Bridge staff must input client-level data into the local Homeless Management Information System with applicable written consent. Agencies must also submit monthly financial reports (including supporting documentation) and performance reports (including demographic data, outputs, and outcomes), as well as an overview of accomplishments at year end, to the City. These reports are compiled at year end into the City's annual report to HUD.

PERFORMANCE MEASURES

	2018-19 Goal
Number of persons served with Rapid Re-Housing	25

OUTCOME MEASURES

The Continuum of Care has established the following outcome measures for grantees and sub-recipients receiving ESG funding for Rapid Re-Housing:

- 70% of persons served will maintain their permanent housing for 3 months
- 70% of persons served will exit to permanent housing destinations
- 30% of persons served will have higher income at program exit
- 30% of persons served will have more non-cash benefits at program exit
- 100% of persons served will receive case management

MATCH REQUIREMENTS

Bridge Steps must match ESG funding dollar-for-dollar. Match total must equal or exceed the amount of ESG funds requested. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

Matching funds must be submitted with the Request for Payment form on a monthly basis which will include match source documentations (invoices, cancelled checks, bank/credit card statements,

timesheets, commitment letters, etc.). Bridge Steps shall ensure the expenses billed for reimbursement and match do not exceed the approved budgeted amounts.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 26, 2017, City Council authorized an Interlocal Agreement with Dallas County to accept the FY 2016 Emergency Solutions Grant through a grant from the U.S. Department of Housing and Urban Development for emergency shelter operations and utilities reimbursement at The Bridge for the period March 21, 2017 through September 30, 2018, a third amendment to the first five-year renewal option to the Management Services Contract, Phase II with the City's contractor, Bridge Steps for the continued operation, programming, and management of The Bridge located at 1818 Corsicana Street; and execution of the Interlocal Agreement by Resolution No. 17-0686.

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 17-1171.

On December 13, 2017, City Council authorized an amended and restated Management Services Contract, Phase II (MSC), with Bridge Steps consistent with the original intent as a low-barrier, housing-focused shelter with proven results in housing placement, reduction in average length stay and reduction in returns to homelessness and to ensure The Bridge complies with all conditions for additional funding, for the period October 1, 2017 through September 30, 2018, with the second renewal term, if the City elects to renew the contract, to begin on October 1, 2018 and end on September 30, 2023; funding for Bridge Steps for the period October 1, 2017 through September 30, 2018 from General Funds; funding for Bridge Steps for the period September 1, 2017 through August 31, 2018 from Texas Department of Housing and Community Affairs Grant Funds, under the Homeless Housing and Services Program, previously approved on September 13, 2017, by Resolution No. 17-1421; and execution of the MSC by Resolution No. 17-1865.

On April 25, 2018, City Council approved a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Bridge Steps to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services to homeless individuals, with Homeless Management Information System data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0629.

On June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development grant funds by Resolution No. 18-0987.

Information about this item was provided to the Human and Social Needs Committee on November 5, 2018.

FISCAL INFORMATION

2017-18 Emergency Solutions Grant Funds - $26,380.00
2018-19 Emergency Solutions Grant Funds - $96,444.00

OWNER

Bridge Steps

Board of Directors

Lynn McBee, Chair
Nafees Alam
Bill Barnett
John Castle
Thomas Hartland-Mackie
Jennifer Karol
Thomas Lynn
Casey McManemin
Diana Munoz*
Rev. Donald Parish
Michael A. Peterson, Ex-Officio
Dr. David Woody, III
Shannon Wynne

*Homeless or formerly homeless representative on Board

November 28, 2018

WHEREAS, on June 27, 2018, City Council adopted the FY 2018-19 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds by Resolution No. 18-0987, which includes $1,203,874 for the Emergency Solutions Grant (ESG) (Grant No. E-18-MC-48-0009), and the FY 2017-18 Consolidated Plan Budget has unexpended ESG funds remaining; and

WHEREAS, ESG funds will be used to provide rapid re-housing, homelessness prevention, and emergency shelter to homeless subpopulations, with Homeless Management Information System (HMIS) data collection; and

WHEREAS, Bridge Steps submitted a proposal in response to the City's Request for Competitive Sealed Proposal (#BTZ1810) for the contractual provision of services funded under ESG, and to provide emergency shelter services for individuals; and

WHEREAS, on April 25, 2018, City Council authorized a twelve-month contract, with one twelve-month renewal option contingent upon performance and subject to appropriation, with Bridge Steps to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services to homeless individuals, with HMIS data collection, for the period October 1, 2017 through September 30, 2018, by Resolution No. 18-0629; and

WHEREAS, the City seeks to enter the twelve-month renewal option to the contract with Bridge Steps to continue provision of these services, funded by 2017-18 Emergency Solutions Grant Funds ($26,380.00) and 2018-19 Emergency Solutions Grant Funds ($96,444.00) which contingent upon approval of the City's FY 2018-19 Action Plan and execution of the grant agreements with HUD, will be available beginning October 1, 2018.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the twelve-month renewal option to the contract with Bridge Steps, approved as to form by the City Attorney, to provide rapid re-housing services, consisting of rental assistance, financial assistance, and housing relocation and stabilization services to homeless individuals, and Homeless Management Information System data collection, for the period October 1, 2018 through September 30, 2019, and execute any and all documents required by the contract.

SECTION 2. That Bridge Steps must provide a dollar-for-dollar match, in the amount of $122,824.00, with matching funds consisting of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $122,824.00 under the ESG to Bridge Steps (Vendor VS0000067075) from Service Contract No. MGT-2018-00005821, as follows:

Fund	Department	Unit	Object	Description	Amount
ES17	MGT	284B	3099	Rapid Re-housing	$ 26,380.00
ES18	MGT	826C	3099	Rapid Re-housing	$ 94,820.00
ES18	MGT	827C	3099	HMIS Data Collection	$ 1,624.00
				Total	$122,824.00

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

Agenda Information Sheet

File #: 18-1160 **Item #:** 69.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Homeless Solutions

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize an unsecured, zero percent interest, forgivable loan agreement in the amount of $36,000.00 to Bridge Steps, to provide for shelter renovations at the Bridge Steps Homeless Assistance Center located at 1818 Corsicana Street, which provides shelter and services to homeless individuals, for the period October 1, 2018 through September 30, 2019 - Not to exceed $36,000.00 - Financing: 2017-18 Emergency Solutions Grant Funds

BACKGROUND

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds, by Resolution No. 17-1171. The budget included the Emergency Solutions Grant (Grant No. E-17-MC-48-0009) in the amount of $3,117,540.00.

Historically, ESG Emergency Shelter funds have be used to fund only operations and essential services at shelter, due to the small amount of the grant. However, for FY 2017-18, the City of Dallas received a substantial one-time increase in the ESG grant. A portion of that grant increase was targeted at shelter renovations, as one-time investments in capital projects that would not require additional on-going operational support.

On June 7, 2018, the City of Dallas Office of Procurement Services solicited and received Requests for Competitive Sealed Proposals (#BTZ1818) for facility development funding under the Emergency Solutions Grant (“ESG”) program. The Bridge Steps submitted a proposal, and was recommended for funding.

The RFCSP states that the funding will be structured as a *secured*, zero-percent interest forgivable loan and requires the owner of the shelter to execute loan documents to secure the loan through a deed of trust and deed restrictions. The Office of Homeless Solutions is requesting that City Council allow the funding to Bridge Steps be in the form of an *unsecured*, zero-percent interest, forgivable loan.

Bridge Steps manages property owned by the City, and therefore, the City can ensure that the property will continue to be operated as a homeless shelter in accordance with the HUD requirements. Additionally, Bridge Steps' failure to perform as required under the loan agreement will result in repayment or offset of $36,000.00 in the funding it receives under the management agreement with the City.

The Bridge Steps will use ESG shelter renovation funds for two projects at the Bridge Steps facility: (1) to purchase and install 200 larger replacement lockers for guests to store their belongings (to replace existing smaller and worn lockers); and (2) to install new heating/ventilation/air conditioning (HVAC) controls (which will regulate climate controls between different HVAC systems currently operating at the Bridge Steps).

Pursuant to a Management Services Contract, the City of Dallas contracts with the Bridge Steps, a non-profit organization, to operate and manage the Bridge Steps Homeless Assistance Center. The Bridge Steps has operated the facility since it opened in May 2008, to provide a centralized entry point for homeless persons to access multiple services at one location through on-site services and co-located agencies.

The Bridge Steps, a low barrier shelter, provides day and night shelter to more than 8,000 men and women experiencing homelessness annually in the City of Dallas. The shelter serves individuals, to include chronically homeless, seniors (ages 60 and above), single adult men and women, youth (ages 18-24), veterans, and persons with mental and/or physical disabilities.

The Bridge Steps provides shelter, meals, showers, storage for personal belongings, mail services, a kennel, library, and computer lab. In addition to meeting basic needs, The Bridge provides care management services (through Bridge Steps staff), which includes health/behavioral health care coordination, jail diversion/reentry, and income/housing seeker services - designed to help guests attain housing stability. Through partner agencies, the Bridge Steps connects its guests with health/behavioral health care services, employment/income services, housing services, and short-term outplacement and follow-up or after-care services for persons placed in housing.

All ESG projects use the local Homeless Management Information System ("HMIS") to collect client-level data. The Bridge Steps staff must input client-level data into the local HMIS with applicable written consent.

Each building renovated with ESG funds must be maintained as a shelter for homeless individuals and families for not less than three (3) years (for renovations other than major rehabilitation or conversion) or ten (10) years (for major rehabilitation or conversion). Since the renovation costs here do not exceed 75 percent of the value of the building, the applicable minimum use period during which the Bridge must be maintained as a shelter for homeless individuals will be three (3) years, which will be maintained through deed restrictions.

The Bridge Steps must match ESG funding dollar-for-dollar. Match total must equal or exceed the amount of ESG funds requested. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds, by Resolution No. 17-1171.

The Citizen Homelessness Commission was briefed on this item on October 11, 2018.

The Human and Social Needs Committee was briefed on this item on November 5, 2018.

FISCAL INFORMATION

2017-18 Emergency Solutions Grant Funds - $36,000.00

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WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") provides grant funds through the Emergency Solutions Grant ("ESG") program according to the terms of 24 C.F.R. Part 576, to assist grantees in meeting the needs of homeless persons through emergency shelter services; and

WHEREAS, on August 9, 2017, City Council approved the City's FY 2017-18 Consolidated Plan Budget, which includes ESG grant funds from HUD in the amount of $3,117,540.00, a portion of which is available for Emergency Shelter renovation activities, to be expended by September 30, 2019, by Resolution No. 17-1171; and

WHEREAS, in response to the City's Request for Competitive Sealed Proposals (#BTZ1818), the Bridge Steps submitted a proposal for shelter renovations at the Bridge Steps Homeless Assistance Center, located at 1818 Corsicana Street, Dallas, Texas and the City of Dallas seeks to enter into a loan agreement with the Bridge Steps to make these site improvements; and

WHEREAS, City Council authorizes the funding to be in the form of an unsecured, zero-percent (0%) interest, forgivable loan; and

WHEREAS, the site improvements at the property will constitute a shelter renovation at the facility and, under federal regulations, the facility must be maintained, to serve homeless persons for a minimum use period of not less than three (3) years after the renovation is completed;

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an unsecured, zero percent interest, forgivable loan agreement in the amount of $36,000.00 to Bridge Steps, approved as to form by the City Attorney, to provide for shelter renovations at the Bridge Steps Homeless Assistance Center located at 1818 Corsicana Street, which provides shelter and services to homeless individuals, for the period October 1, 2018 through September 30, 2019, and execute any and all documents required by the loan agreement.

SECTION 2. That the terms of the loan agreement include:

a. The ESG funds loaned to the Bridge Steps must be used to: (1) purchase and install 200 larger replacement lockers for guests to store their belongings (to replace existing smaller and worn lockers); and (2) install new heating/ventilation/air conditioning (HVAC) controls (which will regulate climate controls between different HVAC systems currently operating at the Bridge Steps).

SECTION 2. (continued)

b. Each building renovated with ESG funds must be maintained as an emergency shelter serving homeless individuals and families continuously for not less than three (3) years after the completion of the shelter renovations (for renovations other than major rehabilitation or conversion).

c. The Bridge Steps must provide a dollar-for-dollar match, in the amount of $36,000.00. Matching funds may consist of cash, the value of real property, equipment, goods or services, or purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

d. The Bridge Steps staff must input client-level data into the local Homeless Management Information System ("HMIS") with applicable written consent.

e. Bridge Steps' failure to perform as required under the loan agreement will result in repayment or offset of $36,000.00 in the funding it receives under the management agreement with the City.

SECTION 3. That this resolution does not constitute a binding agreement on the City or subject the City to any liability or obligations with respect to this project until such time as the loan is legally awarded and the documents are duly approved by all parties and executed.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $36,000.00 under the Emergency Solutions Grant to Bridge Steps (Vendor No. VS0000067075), from Fund ES17, Department MGT, Unit 281B, Object 3015, from Service Contract No. MGT-2018-00008077.

SECTION 5. That the City Controller is hereby authorized to set up receivable balance sheet account (033F) and an allowance for uncollectible debt (022D) in Unit 281B for the amount of the loan.

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 #: 18-1257 **Item #:** 70.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

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 Planned Development Subdistrict for Multiple Family Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, along the northeast corner of McKinney Avenue and Hester Avenue
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z178-174(PD)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, NOVEMBER 28, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-174(PD) **DATE FILED:** January 26, 2018

LOCATION: Northeast corner of McKinney Avenue and Hester Avenue

COUNCIL DISTRICT: 14 **MAPSCO:** 35 R

SIZE OF REQUEST: 1.83 acres **CENSUS TRACT:** 7.02

OWNER: Multiple Owners - see list

APPLICANT: Provident Realty Advisors, Inc.

REPRESENTATIVE: Dallas Cothrum & Lindsay Kramer, Masterplan Consultants

REQUEST: An application for a Planned Development Subdistrict for Multiple Family Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The purpose of this request is to allow for the redevelopment of the 1.83-acre request site with a new multifamily development comprised of a maximum of 198 dwelling units. The proposed development will incorporate private open space (for residents only) and urban design elements that the applicant contends will promote a walkable and pedestrian-friendly infill housing development. Changes proposed from the MF-2 Subdistrict include reducing the front and side yard setbacks, as well as increasing the maximum height, density, and lot coverage.

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

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

BACKGROUND:

- On February 8, 1985, Planned Development District No. 193 was approved by the City Council. The PDD is comprised of approximately 2,593 acres, and provides standards to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the objectives outlined in the Oak Lawn Area Plan.

- The request site is approximately 1.83 acres of land and is currently developed with three multiple-family structures consisting of 46 dwelling units constructed in 1949, 1962, and 1964, respectively.

- The applicant proposes to demolish all existing structures and redevelop the request site with a total of 198 dwelling units with a maximum height of 73 feet including projections and an increased lot coverage of 70%

Zoning History: There have been two recent zoning cases in the area within the past five years.

1. **Z156-299:** On January 11, 2017, the City Council approved an MF-2 Multiple-Family Planned Development District Subdistrict No. 123 within Planned Development District No. 193, southwest of the intersection of McKinney Avenue and Monticello Avenue.

2. **Z134-147:** On August 27, 2014, City Council approved an amendment to and expansion of Planned Development Subdistrict No. 71 for MF-2 Multiple Family Subdistrict uses within Planned Development District No. 193, on the south corner of McKinney Avenue and Hester Avenue.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
McKinney Avenue	Minor Arterial	60 feet
Hester Avenue	Minor Arterial	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding street system.

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 193 (MF-2)	Multifamily
North	PDD No. 193 (MF-2)	Multifamily
East	PDD No. 193 (O-2)	Multifamily
South	PDS 71 within PDD No. 193	Multifamily, Retail & Personal Service
West	PDD No. 193 (MF-2)	Multifamily

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 goals and policies of the Comprehensive Plan.

LAND USE

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Implementation Measure 5.1.1.3 Apply urban design tools in pedestrian or transit-oriented districts when approving zoning cases and when developing Area Plans.

Policy 5.1.3 Encourage complementary building height, scale, design and character.

NEIGHBORHOOD PLUS

GOAL 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

GOAL 6.1 Raise the quality of rental property through better design standards, proactive and systematic code enforcement, and zero tolerance towards chronic offenders.

GOAL 6.2 Expand affordable housing options and encourage its distribution throughout the city and region.

Oak Lawn 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 applicant's request for a PDS meets objectives 1, 2 (although not in a retail area), 3, and 7. The proposed development meets objective 1 by proposing design elements that are urban in form with ground-level units that have direct access to the sidewalk, as well as pedestrian amenities and enhanced sidewalks and landscaping along McKinney Avenue. Sidewalk improvements and attractive landscaping along the McKinney Avenue frontage supports objective numbers 2 and 7 by providing pedestrian friendly access to nearby retail spaces. Objective number 3 is met by providing a ground level parking garage that will serve the subject site. Regarding objective number 4, staff recommends a development that is more compatible with the surrounding uses with respect to scale and density. Staff is requesting height and density more consistent with surrounding properties.

The applicant proposes significant concessions to the existing zoning regulations that do not comply with the underlying zoning district; therefore, objective number 5 is not met. Additionally, the increase in density and height requested is inconsistent with the adjacent multiple family developments, thereby failing to support objective number 6.

STAFF ANALYSIS:

Land Use Compatibility:

The request site is currently improved with three multifamily developments originally constructed in 1949, 1962, and 1964, respectively. Adjacent to the site to the north, east, and west are multifamily developments in an MF-2 Subdistrict within PDD No. 193. A mixed-use development (Planned Development Subdistrict 71) lies to the south and consists of multifamily, retail and personal service uses.

The applicant proposes to remove all improvements and redevelop the 1.83-acre site with a new multifamily development consisting of a maximum of 198 dwelling units. The requested subdistrict will amend the following provisions: 1) reduce building setbacks; 2) delete additional setbacks for structure heights greater than 36 feet; 3) allow encroachments of certain structural elements into the required yards; 4) increase the maximum structure height; 5) increase dwelling unit density; 6) increase lot coverage; 7) allow tandem off-street parking requirements for unassigned parking; 8) delete the off-street parking requirement for uses nonincidental to a multifamily use; 9) provide alternate landscape requirements; and, 10) allow sign provisions for business district.

The proposed development will be served by a ground level parking garage with primary access from McKinney Avenue, a ground level pool courtyard encroaching into the front yard setback that will also be visible from McKinney Avenue, screened by a four-foot tall fence, and three elevated courtyards located on the second level, visible from McKinney Avenue.

To promote a more walkable, pedestrian-friendly development, the applicant is proposing sidewalks along McKinney Avenue with a minimum width of eight feet and along Hester Avenue with a minimum width of six feet. The sidewalk will be enhanced with a minimum of two pedestrian amenities (i.e. bench, trash receptacles, bicycle racks for a minimum of five bicycles) along McKinney Avenue and a minimum of one pedestrian amenity along Hester Avenue. Additionally, the applicant proposes a 40-foot side yard setback perpendicular to McKinney Avenue to soften the impact of the development and buffer the proposed 73-foot tall structure from the existing two-story multifamily structure immediately to the north. Consequently, no consideration is provided for the existing two-story multifamily developments to the west.

Height and Density:

The applicant is requesting a maximum building height of 68 feet, with an additional 5 feet for projections or an additional four feet for parapet walls above the maximum

structure height, allowing an overall maximum structure height of 73 feet or 72 feet, respectively. While staff believes that the increased height is consistent with the objective of achieving buildings that are more urban in form, it is equally important for the development to ensure not only compatibility, but consistency, with the immediately adjacent land uses with respect to building scale. As such, staff recommends compliance with the minimum 15-foot front yard setback along McKinney Avenue. While, PDD No. 193 requires a tower spacing setback for multifamily districts whereby if a building exceeds 36 feet in height, an additional setback must be provided that is equal to one-half of the total height of the building, up to a maximum setback of 50 feet. Rather than meeting the strict letter of PDD No. 193, staff is requesting compliance with the existing front yard setback of 15 feet along McKinney Avenue, but is in agreement to further reducing this regulation along Hester Avenue to 10 feet. Since the proposed development is requesting an increase in lot coverage to 70 percent, staff believes that the additional setback is reasonable and should be provided to protect the proposed development from significantly infringing upon the immediately adjacent land uses.

Additionally, the applicant is requesting a maximum density of 198 dwelling units on the 1.83-acre site. The requested density exceeds all densities existing within the immediate block face. In deriving a reasonable recommendation, staff considered and comparatively analyzed the following developments: an MF-3 District, PDS No. 123, and PDS No. 71. PDS No. 71 lies south of the request site, across Hester Avenue, and is immediately adjacent to the MF-3 District to the southwest of the request site across McKinney Avenue. PDS No. 123 lies northwest of the request site.

The adjacent MF-3 District development to the southwest possesses approximately twice the front yard setback of the request site, and is further deed restricted to a maximum height of 58 feet and 42 feet (depending on site orientation) and a maximum density of approximately 73 dwelling units per acre. Additionally, the site boundary also permits the additional setbacks required by PDD No. 193 (2:1 ratio for structures exceeding 36 feet), and is immediately adjacent to a surface parking lot that provides parking for an LC Light Commercial District.

The PDS No. 123 development to the northwest provides the front yard setback as required by the district, and further provides an additional five-foot setback for portion of the structure over 15 feet to a maximum setback of 20 feet, and a maximum density of approximately 125 dwelling units per acre. While the maximum height is 85 feet with additional projections of 12 feet above the maximum height, it is important to note that all three of these developments are immediately adjacent to an LC Light Commercial District that allows a maximum height of 240 feet.

The PDS No. 71 development to the south, across Hester Avenue, is a mixed-use development that consists of retail uses on the ground floor with multifamily uses atop. The development provides a ten-foot front yard setback along both McKinney Avenue and Hester Avenue; however, this setback is compliant with the front yard setback of the existing developments and the LC Light Commercial District standards immediately adjacent to the development site. The maximum density is 205 dwelling units per acre and a maximum structure height of 75 feet with mezzanine levels of 85 feet and an

additional 12 feet for certain structures, with no portion within 45 feet of McKinney Avenue constructed above 75 feet.

While staff is appreciative of the applicant's willingness to garner support from the Oak Lawn Committee, condominium owners, as well providing various levels of consideration to staff's suggestions related to urban design standards and streetscape improvements, there are certain development standards that cannot be supported due to the site's physical location and adjacent property boundary in relation to the requested increase in development rights (i.e., minimal depth to permit separation of building from adjacent residential properties).

With respect to the increase in density, staff considered the existing densities of all properties within the block face as well as the referenced developments and determined that a maximum of 146 dwellings units would be appropriate and reasonably consistent with the character of the existing block. As a bonus, staff further provided a ten percent increase for the affordable housing component incorporated into the request. Therefore, staff concludes and recommends a maximum density of 161 dwelling units for the request. In consideration of the 10 percent affordability component for a period of 15 years provided for mixed-income housing, staff provided a 10 percent density bonus the recommended 146 dwelling units for a maximum of 161 dwelling units.

In consideration of additional bonuses, staff also considered whether the proposed request is considered a Transit Oriented Development (TOD). Transit-Oriented Development, or TOD for short, is at the heart of the City of Dallas' long-range land use plan, *forwardDallas! Comprehensive Plan!*. However, the request site is not considered a TOD due to the lack of proximity to a transit station. Specifically, Mockingbird Station is situated approximately 7,000 feet northeast of the site while CityPlace Station is situated approximately 8,000 feet to the south. Generally, consideration of increased development rights and the associated building massing for TOD's are situated within one-quarter mile walking distance (1,320 feet) from a transit station with reduced headways during peak hours. Due to the intensity of the proposed development, impact on adjacent properties (lighting, noise, traffic) will exist.

It should be noted that staff supports the vision of the redevelopment, inclusive of the attached urban design criteria and streetscape requirements, but has determined the proposed scale of the development is not in character with the area in relation to the site's location, dimensional controls, and the existing built environment. Consequently, while staff supports the vision of the applicant's request, differences remain. As a result, the attached conditions reflect staff's assessment and recommendation.

ZONING/ MAP NO.	PDS 71	PDS 123	MF-3	PROPOSED
LAND AREA	35,750 SF FOR MF 57,063 SF (1.31 ACRES)	42,253 SF (0.97 ACRES)	N/A	79,714 SF (1.83 ACRES)
USES	MIXED USE GR SUBDISTRICT USES	MULTIPLE FAMILY	MULTIPLE FAMILY	MULTIPLE FAMILY
F/S/R SETBACKS	15'/10'/10' PLUS ADD SETBACK >36' OF STR. HT.	15'/10'/12' PLUS ADD SETBACK >15' & 18' OF STR. HT.	10'/10'/25'	10'/7.5' NO ADDL SETBCKS >36' STRUCTURE HT.
DENSITY	205 DWELLING UNITS (156 DU/ACRE) (182 CONSTRUCTED)	125 DWELLING UNITS (128 DU/ACRE) (121 CONSTRUCTED)	73 DWELLING UNITS	198 DWELLING UNITS (108 DU/ACRE) (UNKNOWN)
FLOOR AREA	MF – NO MAX 14,000 SF FOR NONRES	3.5:1	NO MAXIMUM	NO MAXIMUM
HEIGHT	75' MAX STRUCTURE 85' MEZZ + 12' FOR PROJECTIONS (87' & 97' ALLOWED)	75' + 12' FOR PROJECTIONS (87' ALLOWED)	DR TO 58' & 42'	68' + 5' FOR PROJECTIONS + 4' FOR PARAPET WALLS (73' OR 72' ALLOWED)
STORIES	NO MAXIMUM (7 STORIES CONSTRUCTED/6 MF)	NO MAXIMUM	NO MAXIMUM	NO MAXIMUM
LOT COVERAGE	85%	80%	60%	70%
LANDSCAPE	PDD 193	PDD 193	PDD 193	PDD 193 & ALTERNATE REGS (SEE ATTACHED DRAFT ORD)
OFF-STREET PARKING	2 SPACES/DU PLUS ALT LOADING SPACE	1 PER 500 OF FLOOR AREA, W/MAXIMUM 2 SPACES/DU	1 PER 500 OF FLOOR AREA, W/MAXIMUM 2 SPACES/DU	2 SPACES/DU NO REQUIREMENTS FOR ACCESSORY USES
SIGNS	BUSINESS	NON-BUSINESS	NON-BUSINESS	BUSINESS
MISC	SIDEWALK CONNECTIVITY, DESIGN STANDARDS	SIDEWALK CONNECTIVITY, PED. AMEN., DESIGN STANDARDS	N/A	SIDEWALK CONNECTIVITY, PED. AMEN., DESIGN STANDARDS, AFFORD. COMP.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Max FAR	PRIMARY Uses
	Front	Side/Rear					
Existing PDD 193 MF-2	15'	10'/15'	800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	50%	None	Multifamily
Applicant Request PDD 193 MF-2	10'	7.5'/40'	800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	68' 5' proj.	70%	3.8:1	Multifamily
Staff Proposed PDD 193 MF-2	15'	10'/40'	800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	65'	70%	None	Multifamily

Parking:

The applicant proposes to conform to the standard parking regulations for Part I of PDD No. 193 with one exception. The exception is for an accessory community center within a multiple-family development. The applicant requests that no parking is required for this accessory use. Staff supports this request because accessory community centers within a multiple-family development do not require additional parking in any other Chapter 51A regulated zoning district; however, staff does not support the inclusion of atypical uses under the umbrella of the community center definition, as defined in the attached conditions.

Landscaping:

Landscaping must be provided in accordance with Part I of Planned Development District No. 193 with two exceptions. The applicant is requesting relief from the following: 1) the minimum garage screening buffer of 10 feet, and 2) permitting a fire lane to encroach in the 10-foot garage screening buffer. While staff supports the 10-foot encroachment into the garage screening buffer, staff does not support the reduction of the minimum garage screening buffer. The proposed development is adjacent to multifamily along the side yard and should maintain the minimum buffer width to screen the portion of the garage visible at grade.

OFFICERS:

Provident Realty Advisors, Inc.
Leon J. Backes, President
Julian “Jay” Hawes, Vice President

LIST OF CONDO OWNERS:

JENNIFER HOOVER	4722 McKinney Ave	A	101	00000166891100000
MICHAEL A & SUSAN H TIMMERMAN	4728 McKinney Ave	A	102	00000166891120000
RAUL & MADELEINE NUNEZ	4728 McKinney Ave	A	103	00000166891140000
KATHLEEN C GALLAGHER	4728 McKinney Ave	B	104	00000166891220000
WEISERT TARI LIFE ESTATE	4728 McKinney Ave	B	105	00000166891240000
TAYLOR GIANNASI	4728 McKinney Ave	B	106	00000166891260000
STANTON LIVING TRUST	4728 McKinney Ave	B	107	00000166891280000
JAMES L BUCK	4722 McKinney Ave	B	108	00000166891300000
JAMES L BUCK	4728 McKinney Ave	B	109	00000166891320000
VERNON H SCHIMMING & NICHOLAS BAXAVANIS	4728 McKinney Ave	B	110	00000166891340000
SARAH ROCHESTER	4728 McKinney Ave	B	111	00000166891360000
JORGE A VILLANEUVA	4728 McKinney Ave	B	112	00000166891380000
ROBERT HOWARD JR & CHARLOTTE MCIVOR CASSADA	4722 McKinney Ave	B	113	00000166891400000
CHRISTOPHER H KILGORE	4728 McKinney Ave	C	114	00000166891620000
STEVEN J & DEBRA A PASCOE	4722 McKinney Ave	C	115	00000166891640000
JEANNETTE BOETTCHER	4722 McKinney Ave	C	116	00000166891660000
RONALD A WEISFELD	4728 McKinney Ave	A	201	00000166891160000
DONALD R KNOBLER	4728 McKinney Ave	A	202	00000166891180000
MICHAEL RICHARD	4802 McKinney Ave	A	203	00000166891200000
CONSUELO V ESCAMILLA	4728 McKinney Ave	B	204	00000166891420000
CONSUELO V ESCAMILLA	4728 McKinney Ave	B	205	00000166891440000
MANUEL CRUZ	4728 McKinney Ave	B	206	00000166891460000
JOSHUA J CUELLAS	4728 McKinney Ave	B	207	00000166891480000
JOHN A CRONK	4728 McKinney Ave	B	208	00000166891500000
4728 MCKINNEY AVE LLC	4728 McKinney Ave	B	209	00000166891520000
JAMES MALINA	4728 McKinney Ave	B	210	00000166891540000
ERIK R SCHUTZ	4728 McKinney Ave	B	211	00000166891560000
SUSAN E SINGER	4728 McKinney Ave	B	212	00000166891580000
DONNA L SYNODIS	4728 McKinney Ave	B	213	00000166891600000
PEGGY KNIGHT WRIGHT	4722 McKinney Ave	C	214	00000166891680000
DONALD RICHARD KNOBLER	4722 McKinney Ave	C	215	00000166891700000
JOSEPH E & LYNNE GAULKER	4722 McKinney Ave	C	216	00000166891720000
4714 MCKINNEY LLC	4714 McKinney Ave			00000166888000000
4704 MCKINNEY LLC	4708 McKinney Ave		102	00000166885200000
4704 MCKINNEY LLC	4708 McKinney Ave		103	00000166885220000
4704 MCKINNEY LLC	4708 McKinney Ave		104	00000166885240000
4704 MCKINNEY LLC	4708 McKinney Ave		106	00000166885260000
4704 MCKINNEY LLC	4708 McKinney Ave		107	00000166885280000
4704 MCKINNEY LLC	4708 McKinney Ave		108	00000166885300000
4704 MCKINNEY LLC	4708 McKinney Ave		201	00000166885320000
4704 MCKINNEY LLC	4708 McKinney Ave		202	00000166885340000
4704 MCKINNEY LLC	4704 McKinney Ave		203	00000166885360000
4704 MCKINNEY LLC	4704 McKinney Ave		204	00000166885380000
4704 MCKINNEY LLC	4704 McKinney Ave		206	00000166885400000
4704 MCKINNEY LLC	4708 McKinney Ave		207	00000166885420000
4704 MCKINNEY LLC	4704 McKinney Ave		208	00000166885440000

CPC ACTION:
October 4, 2018

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for Multiple Family Subdistrict uses, subject to a revised development plan and conditions with the following modifications: 1) follow applicant's recommendation conditions where box alternatives are provided (accessory uses definition, yard setbacks, side yard setback along Hester Avenue, and density and height), 2) add a new subsection in Sec. S-XX.110., URBAN DESIGN STANDARDS., to be identified as (g)(3), to provide street access to McKinney Avenue for upper floor units, and 3) clarify in SEC. S-XX.108., YARD, LOT, AND SPACE REGULATIONS., the maximum dwelling units is 146; except upon compliance with SEC. S-XX.111., MIXED-INCOME HOUSING., the maximum number of dwelling units is 198", on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, along the northeast corner of McKinney Avenue and Hester Avenue.

Maker: Ridley
Second: Murphy
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: 165
Replies: For: 48 Against: 0

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Sue Krider, 3401 Lee Parkway, Dallas, TX, 75219
Kathleen Gallagher, 4728 McKinney Ave., Dallas, TX, 75205
Lindsay Kramer, 900 Jackson St., Dallas, TX, 75202
Against: None

CPC RECOMMENDED CONDITIONS

Division S - XX. Subdistrict XX.

SEC. S-XX.101. LEGISLATIVE HISTORY.

PD Subdistrict XX was established by Ordinance No. XXXXX, passed by the Dallas City Council on XX. (Ord. Nos. XX)

SEC. S-XX.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict XX is established on property located on the northeast corner of McKinney Avenue and Hester Avenue. The size of PD Subdistrict XX is approximately 1.839 acres. (Ord. Nos. XX)

SEC. S-XX.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) SUBDISTRICT means a subdistrict of PD 193.

(2) OPEN SPACE means an area that is open to all occupants of a building on the same lot and is unobstructed to the sky without permanent structures, except structures supporting pedestrian activities, including colonnades, pergolas, and gazebos.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

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

SEC. S-XX.104. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit S-XX: development plan.

SEC. S-XX.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit S-XX). If there is a conflict between the text of this division and the development plan, the text of this division controls.

SEC. S-XX.106. MAIN USES PERMITTED.

The only main uses permitted in this subdistrict are those main uses permitted in the MF-2 Subdistrict, subject to the same conditions applicable in the MF-2 Subdistrict, as set out as set out in Part I of this article. For example, a use permitted in the MF-2 Subdistrict only by specific use permit (SUP) is permitted only by SUP; a use subject to development impact review (DIR) in the MF-2 Subdistrict is subject to DIR in this subdistrict; etc.

SEC. S-XX.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

(b) In this subdistrict, the following accessory uses are not permitted:

-- Private stable.
-- Amateur communication tower.
-- Open storage.

(c) In this subdistrict, the following accessory uses are permitted accessory to a single family, duplex, and a multiple family use, provided that these accessory uses are primarily for the use of the occupants of the building, are contained entirely within the main building housing the multiple family use and connected parking garage, and have no exterior signage or advertising.

--Community center (private), specifically including but not limited to such amenities as health studio areas, wine storage areas, hot tubs, pools, steam rooms, poolside refreshment areas, offices (e.g. business centers, internet cafes, etc) theaters, pool tables, meeting rooms, demonstration/party kitchens or similar facilities.

SEC. S-XX.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the MF-2 Subdistrict apply in this subdistrict.

(b) Increased Development Standards. If the provisions of Section XXX-110 and XXX-111 are met, then the regulations set forth in this subsection apply.

(b) Front yard.

(1) The minimum front yard setback on McKinney Avenue and Hester Avenue is 10 feet.

(2) Additional setbacks are not required for any portion of a building over 36 feet in height.

(3) In general, there is no minimum setback for structures other than buildings. Canopies, balconies, stoops, bay windows, swings, fences, retaining walls, building projections, street furniture, planting bins, pergolas, cabanas, stairs, outdoor amenities, and awnings may project to the Property line along McKinney Avenue and must have a minimum clearance of eight feet above the sidewalk.

(c) Side yard.

(1) The minimum side yard setback perpendicular to Hester Avenue is 7.5 feet.

(2) The minimum side yard setback perpendicular to McKinney Avenue is 40 feet.

(3) Except as provided in this subsection, minimum side and rear yard must be provided as shown on the development plan.

(4) Additional setbacks are not required for any portion of a building over 36 feet in height.

(5) Cantilevered roof eaves, retaining walls, and balconies may project up to five feet into the required side and rear yard.

(6) Stairwells, walls, guardrails, and associated retaining walls are allowed in the side yard setback.

(d) Density. Maximum number of dwelling units is 146; except upon compliance with SEC. S-XX.111., MIXED-INCOME HOUSING., the maximum number of dwelling units is 198.

(e) Height. Maximum height is 68 feet.

(1) Except as provided in this subsection, maximum structure height is 68 feet.

(2) The following structures may project a maximum of 5 feet above the maximum structure height:

(A) Elevator penthouse or bulkhead.

(B) Mechanical equipment room.

(C) Cooling tower.

(D) Tank designed to hold liquids.

(E) Ornamental cupola or dome.

(F) Skylights.

(G) Observation deck.

(H) Clerestory.

(I) Visual screens that surround roof-mounted mechanical equipment.

(J) Chimney and vent stacks.

(3) Parapet walls may project a maximum of 4 feet above the maximum structure height.

(f) Lot coverage.

Except as provided in this subsection, maximum lot coverage is 70 percent. Aboveground parking structures and surface parking lots are included in lot coverage calculations; underground parking structures are not.

SEC. S-XX.109. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult the off-street parking and loading regulations of PD 193 for information regarding off-street parking and loading generally with the following exceptions:

(b) Multiple family uses. No parking for an accessory community center (private) use in conjunction with a multiple family use is required. For multiple family uses, 1.5 spaces per unit is required. The use of tandem parking is allowed for residential uses only.

SEC. S-XX.110. URBAN DESIGN STANDARDS.

(a) In general. This section applies to buildings greater than three stories in height.

(b) Sidewalks.

(1) Along McKinney Avenue a minimum eight-foot-wide sidewalk with at least six feet unobstructed must be provided.

(2) Along Hester Avenue, a minimum six-foot-wide unobstructed sidewalk must be provided.

(3) Pedestrian street lamps must be provided and spaced at 45 feet to 60 feet on-center, excluding visibility triangles and vehicular drives.

(4) Internal sidewalk connections to ground floor dwelling units are not required to be shown on the development plan.

(c) Pedestrian Amenities.

(1) Along McKinney Avenue, a minimum of two of each of the following pedestrian amenities must be provided:

(A) Benches.

(B) Trash receptacles.

(C) Bicycle racks for a minimum of five bicycles.

(2) Along Hester Avenue, a minimum of one each of the following pedestrian amenities must be provided:

(A) Benches.

(B) Trash receptacles.

(C) Bicycle racks for a minimum of five bicycles.

(d) Open space. For a development containing 100 or more dwelling units, a minimum of 6,000 square feet of open space must be provided with a minimum of 80 linear feet of open space located along McKinney Avenue as shown on the development plan. Open space may be located on top of a parking structure.

(e) A 4-foot solid masonry wall must be constructed to screen the open space from McKinney Avenue.

(f) A minimum 6-foot solid masonry wall must be constructed along the side lot line perpendicular to McKinney Avenue to screen the garage ramp from neighboring properties to the north.

(g) Urban Design.

(1) Direct unit access.

(A) Ground story McKinney Street-facing dwelling units must have:

(i) individual entries accessed directly from the outside;

(ii) street access; and

(iii) improved paths connecting the dwelling unit to the sidewalk.

(B) Street-level dwelling units referenced in Subparagraph (A) may be gated with private yards if the fencing is no more than 36 inches high at its highest point.

(2) Architectural Elements.

(A) Architectural elements, such as the following, must be provided at public entry points: architecturally prominent public entrances, canopies, awnings, build material variations, variations in building massing, increased transparency, or variations in fenestration.

(B) For every 75 feet of building façade length within 25 feet of McKinney Avenue, the façade must provide a variation within the vertical plane with a minimum two-foot change in the horizontal plane. Recesses, pilasters, canopies, and turns in exterior walls are all considered changes in the horizontal plane.

(3) All dwellings fronting McKinney must have street access.

SEC. S-XX.111. MIXED-INCOME HOUSING.

(a) Applicability. This section only applies when an application is made for a certificate of occupancy for a multiple family use that includes the increased development standards described in Section S-XXX.108.

(b) Definitions. In this section:

(1) AFFIRMATIVE FAIR HOUSING MARKETING means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.

(2) AFFORDABLE UNITS means 10 percent of the rental units within a development that are available to be leased to or occupied by eligible households during the rental affordability period. Affordable units rented to eligible households shall be subject to the Monthly Maximum Rents per unit type listed for families at 80 percent of Adjusted Median Family Income in the Intown Housing Program Income and Rent Limits for Affordable Housing Unit Tenants published annually by the City of Dallas.

(3) AREA MEDIAN INCOME means the median income for the Dallas area Standard Metropolitan Statistical Area, adjusted for household size, as determined annually by the Department of Housing and Urban Development.

(4) DEVELOPER means the owner or operator of the Property during the rental affordability period.

(5) DIRECTOR means the director of the Office of Fair Housing or the director's representative.

(6) ELIGIBLE HOUSEHOLDS means households earning up to 80 percent of area median income.

(7) RENTAL AFFORDABILITY PERIOD means the period of time that the affordable units are available to be leased to and occupied by eligible households.

(c) Qualification requirements. To qualify for the modifications to the MF-2 Subdistrict yard, lot, and space regulations in Section S XXX.108, or parking reductions in Section S-XXX.109, the development must comply with the requirements in this section:

(1) Affordable units must be dispersed throughout the residential floor area of each building but may not be fixed to specific dwelling units and must float within each dwelling unit type.

(2) Affordable units must be of identical finish-out and materials as the market rate dwelling units and must be made available to eligible households on identical lease terms, except rent amount, as are available to market rate dwelling unit tenants.

(3) Except as provided in Subsection (f), affordable units must be dispersed substantially pro-rata among the affordable unit types so that not all the affordable units are efficiency or one-bedroom units. For example, if 10 percent of the multiple-family dwelling units are affordable units, 10 percent of the efficiency units, 10 percent of the one-bedroom units, 10 percent of the two-bedroom units, 10 percent of the three-bedroom units (and so on, if applicable) must be affordable units. A maximum of three specialty units such as club suites and penthouse suites are not required to be part of the dispersal of affordable units by type; however, the overall 10% requirement is calculated based on the total number of all units.

(4) Affordable units must be marketed in accordance with an affirmative fair housing marketing plan provided by the developer in coordination with the Office of Fair Housing.

(5) A household's status as an eligible household must be established no more than 30 days before the household's execution of a lease for an affordable unit and each lease must not exceed one year. All eligible tenants must recertify their household income for each subsequent lease renewal.

(6) The rent charged for affordable units must include all expenses that are mandatory for all tenants, but may not include optional reserved parking expenses, or other optional expenses approved by the director.

(7) Eligible households occupying affordable units may not be restricted from common areas and amenities, unless the restrictions apply to all dwelling unit occupants.

(8) The rental affordability period is 15 years beginning on the date the first affordable unit is leased to an eligible household. The modifications to the MF-2 Multiple-Family 2 Subdistrict yard, lot, space, and parking regulations survives expiration of the rental affordability period.

(9) The affordable units must not be segregated or concentrated in any one floor or area of any buildings but must be dispersed throughout all residential buildings.

(10) Developer must execute deed restrictions, prior to approval of the certificate of occupancy, in a form acceptable to the city, in the city's sole discretion, and record the executed deed restrictions in the Deed Records of Dallas County, Texas to ensure that the Property will comply with all conditions.

(11) Developer shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government, in accordance with Section 20A-4 of the Dallas City Code.

(d) Request process.

(1) Building permit. If a permit for a multiple-family structure that meets the increased development standards described in Section S-XXX.108 or reduced parking described in Section S-XXX.109 is requested by the developer, an incentive zoning affordable housing plan must be submitted with an application for a building permit and must include:

(A) The date, names, addresses, and telephone numbers of the developer and the person preparing the incentive zoning affordable housing plan, if different;

(B) Lot and block descriptions, zoning classification, and census tracts of the lots for which the parking reduction is requested;

(C) The percentage of total dwelling units that will be affordable units and the actual number of dwelling units that will be affordable units; and

(D) The total number of one-bedroom dwelling units, two bedroom dwelling units, etc. being proposed.

(2) Affirmative fair housing marketing plan.

(A) The affirmative fair housing marketing plan must be in writing and must be submitted to, and receive written approval from, the director at least three months prior to the start of pre-leasing.

(B) The affirmative fair housing marketing plan must describe the advertising, outreach, community contacts, and other marketing activities that informs potential renters of the existence of the affordable units.

(C) The director must approve or deny the affirmative fair housing marketing plan within 60 days after a complete plan is submitted.

(i) Approval. The director shall approve the affirmative fair housing marketing plan if it complies with the requirements of this section and meets the purpose of the marketing requirements.

(ii) Denial. The director shall deny the affirmative fair housing marketing plan if it does not comply with the requirements of this section or does not meet the purpose of the marketing requirements. If the director denies the affirmative fair housing marketing plan, he or she shall state in writing the specific reasons for denial. If denied, a new affirmative fair housing marketing plan may be submitted.

(3) Certificate of occupancy. Before the issuance of a certificate of occupancy for a multiple family use that modifies the MF-2 Subdistrict yard, lot, space, or parking regulations, the developer must submit to the building official an incentive zoning affordable housing plan that must include:

(A) The approved affirmative fair housing marketing plan.

(B) A statement that all signatories agree to defend, indemnify, and hold harmless the City of Dallas from and against all claims or liabilities arising out of or in connection with a multiple family structure that modifies the MF-2 Subdistrict yard, lot, and space regulations.

(C) A statement and acknowledgement from the developer that the qualifications in Subsection I will be continuously met.

(D) The signature of the director verifying that the developer has informed the Office of Fair Housing that the developer intends to apply for a certificate of occupancy.

(e) Annual report.

(1) An annual report must be submitted to the director in writing and must include the following:

(A) a rent roll;

(B) a list of dwelling units deemed affordable units;

(C) a list of the affordable units currently offered for lease;

(D) the income and household size for each eligible household;

(E) a signed statement by the developer acknowledging compliance with Subsection I; and

(F) any other reasonable and pertinent information the director deems necessary to demonstrate compliance with Subsection I.

(2) The first annual report must be submitted to the director on the one year anniversary of the beginning of the affordability period. After the first annual report, the developer shall submit annual reports on subsequent anniversary dates.

(3) The final annual report must be signed by the director verifying that the rental affordability period has ended and must be filed with the building official.

(f) Consent to substitute.

(1) Notwithstanding the pro-rata distribution requirements in this section, if the developer cannot locate eligible households to lease two-bedroom or larger dwelling units, and if the director is satisfied that the developer has made best efforts to lease the two-bedroom or larger dwelling units, if applicable, including full compliance with the affirmative fair housing marketing plan, with written consent from the director, developer may from time to time substitute on a two-for-one basis additional one bedroom dwelling units and/or on a three-to-one basis additional efficiency units to meet the pro rata distribution requirements described in this subsection.

(2) Before granting written consent, the director shall review and approve an amended affirmative fair housing marketing plan detailing how the developer will target marketing to larger households who could qualify to lease the two-bedroom dwelling units (and larger dwelling units, if applicable). The director's written consent shall include a time period during which the agreed-upon substitutions satisfy the pro rata distribution requirements.

(g) Audit and income verification.

(1) The annual report may be audited by the director to verify the information provided in the annual report.

(2) The director may also randomly, regularly, and periodically select a sample of tenants occupying affordable units for the purpose of income verification. Any information received pursuant to this subsection remains confidential and may only be used for the purpose of verifying income to determine eligibility for occupation of the affordable units. All prospective tenants of an affordable unit must agree to provide or to allow the director to obtain sufficient information to enable income verification as contemplated in this section as a condition to leasing the unit.

SEC. S-XX.112. ENVIRONMENTAL PERFORMANCE

STANDARDS. See Article VI.

SEC. S-XX.113. LANDSCAPING.

(a) Except as provided in this section, Landscaping must comply with Part I of this Article.

(b) Plant materials must be maintained in a healthy, growing condition. (Ord. Nos. XX)

(c) Garage screening. Required plantings for garage screening in Section 51.P-193.126(b)(3)(D) will be provided. The minimum landscape buffer is 7.5 feet. Required fire lanes are permitted in the required garage screening.

SEC. S-XX.114. SIGNS.

Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

SEC. S-XX.115. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

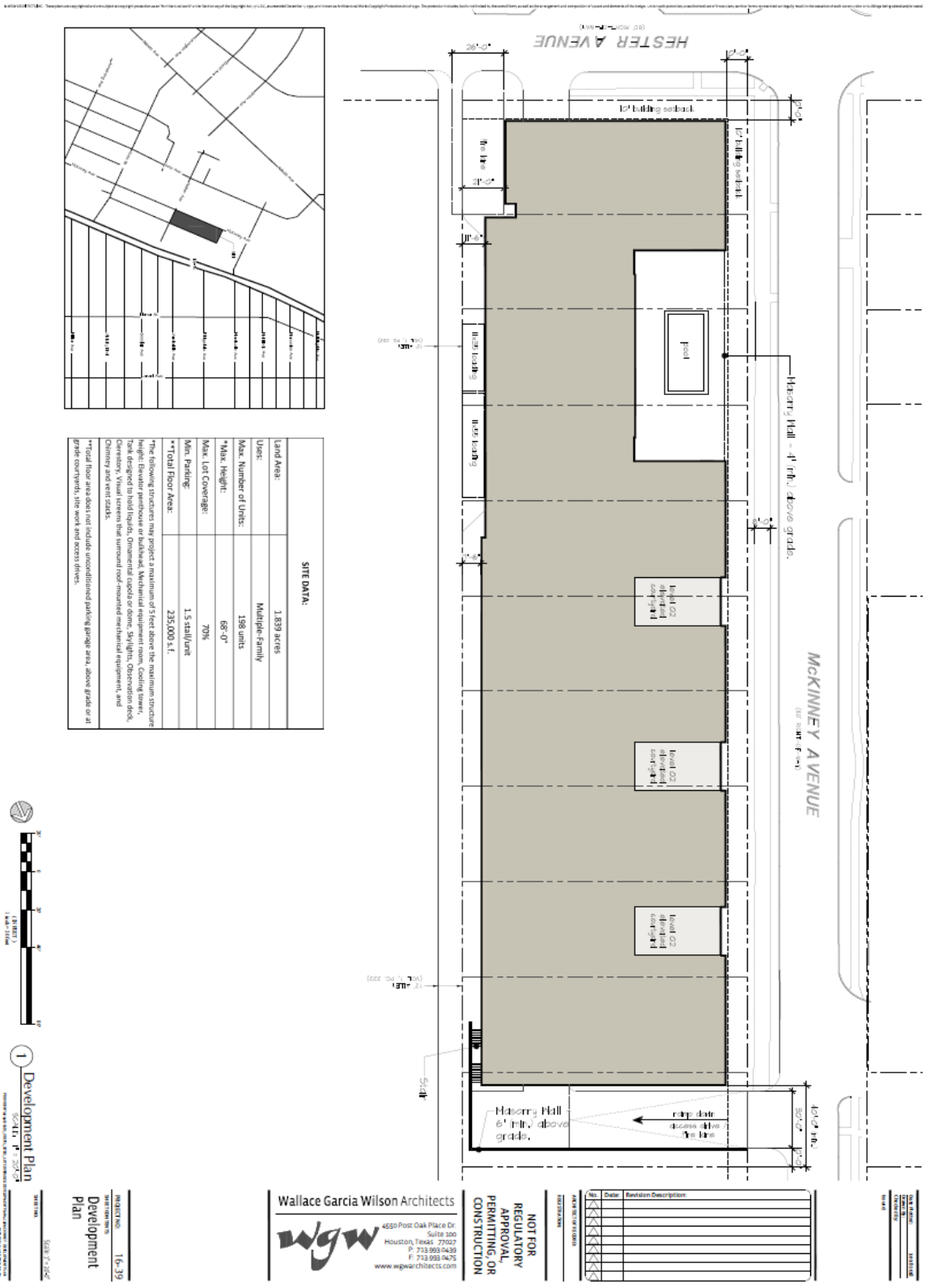
(c) Development and use of the Property much comply with Part I of this article.

(d) The pool amenity area must close at 10:30 PM each evening.

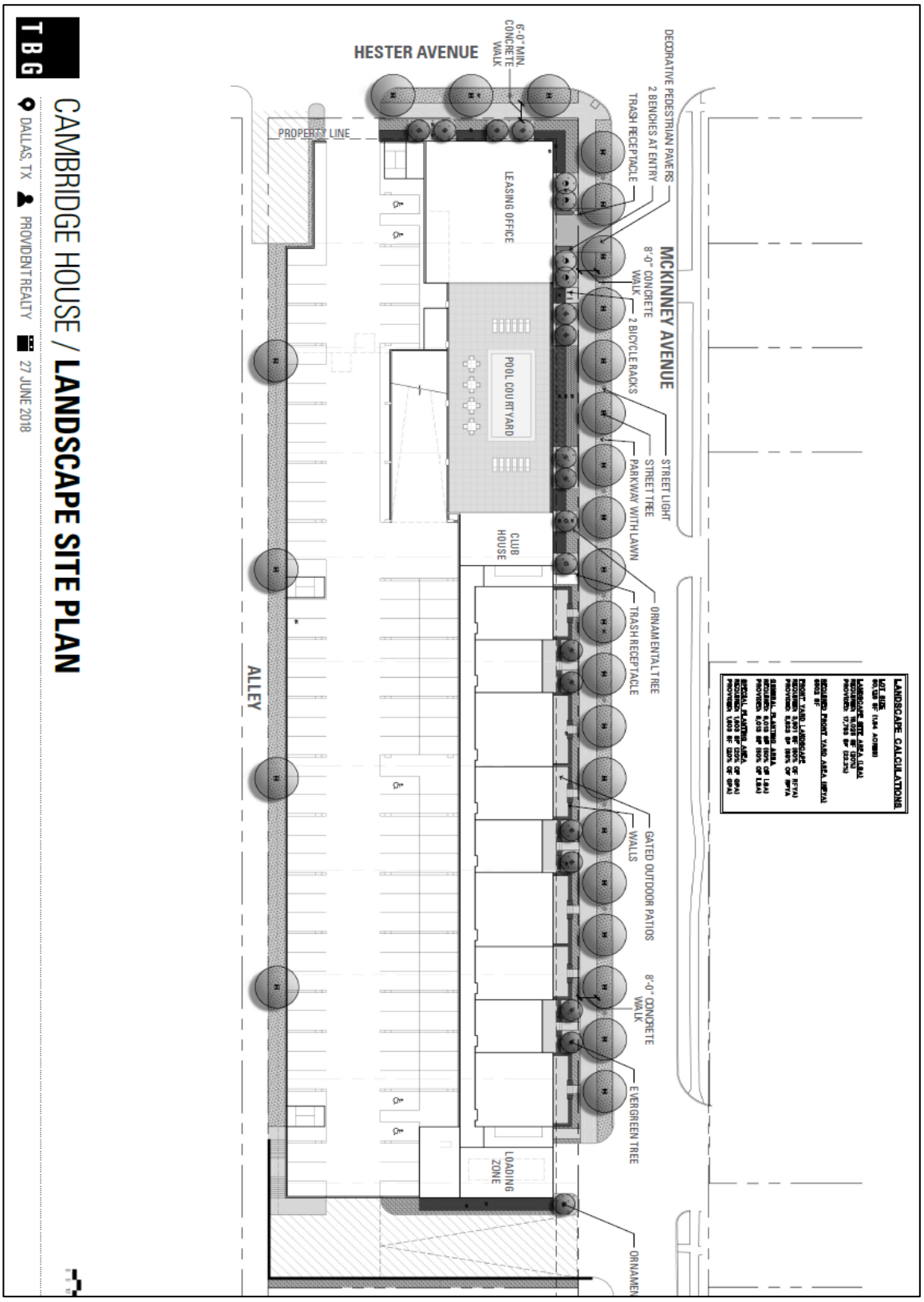
SEC. S-XX.116. COMPLIANCE WITH CONDITIONS.

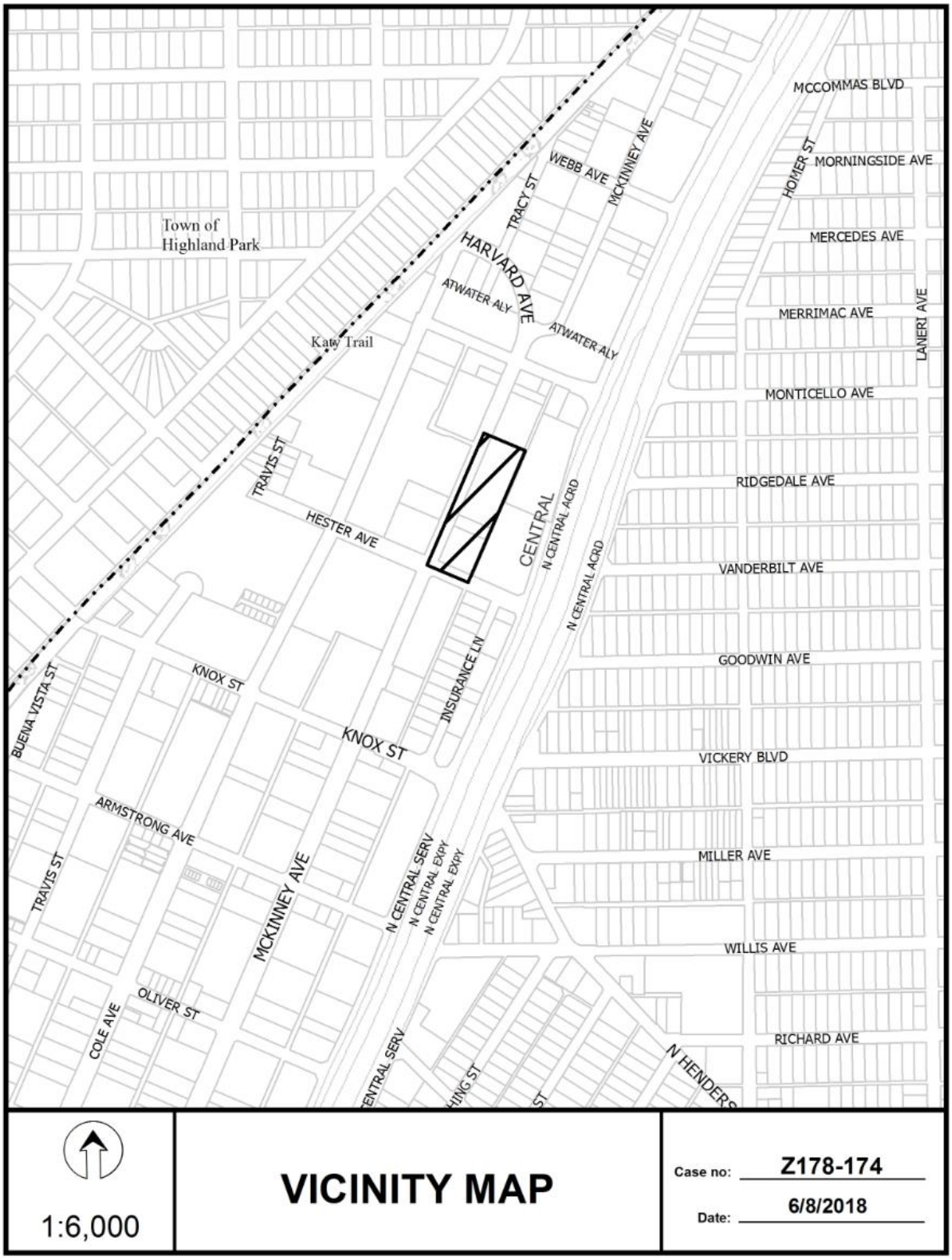
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.
The building official shall not issue a building permit to authorize 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.

PROPOSED DEVEOPMENT PLAN



LANDSCAPE PLAN
(FOR ILLUSTRATIVE PURPOSES ONLY)



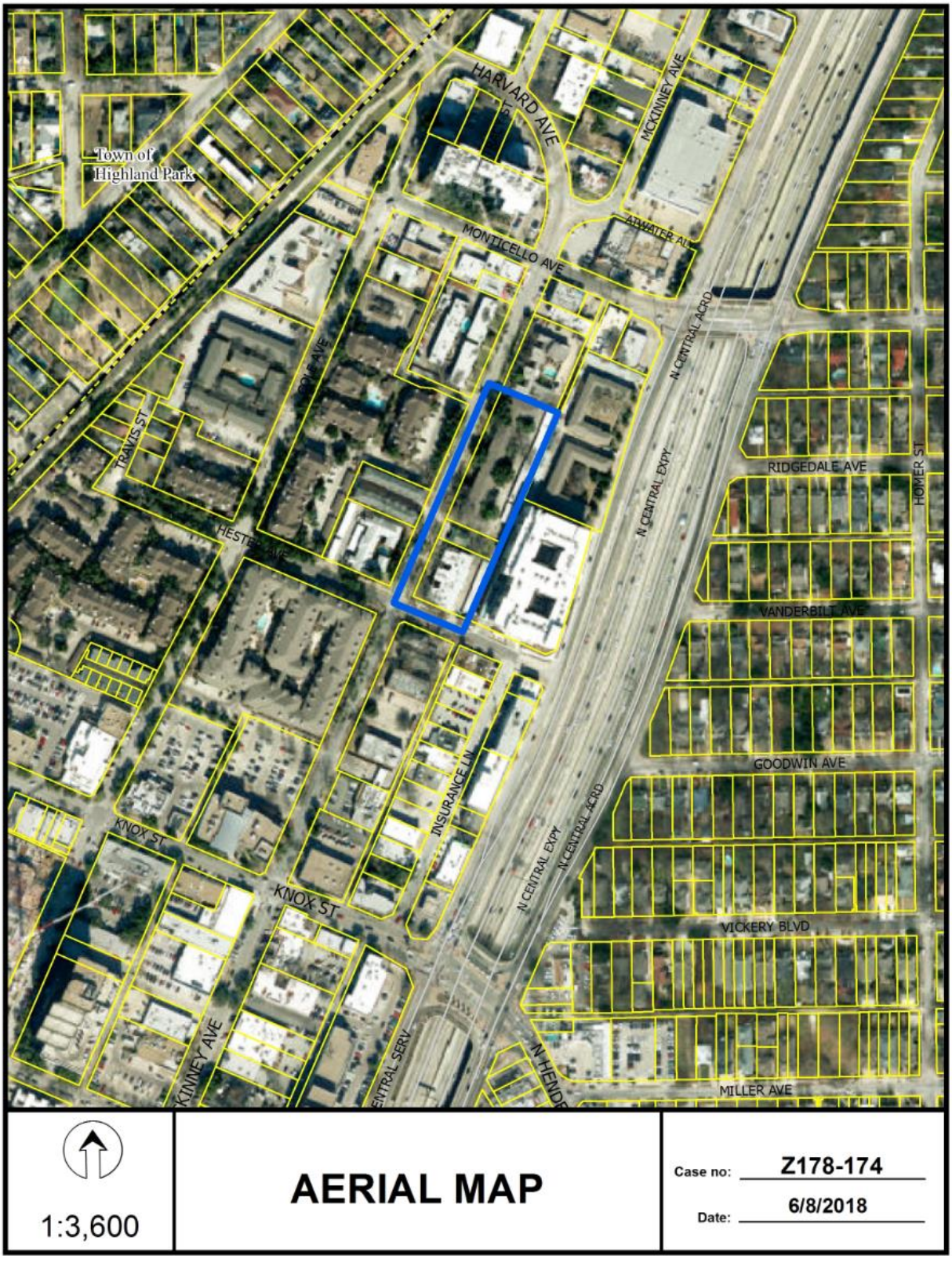


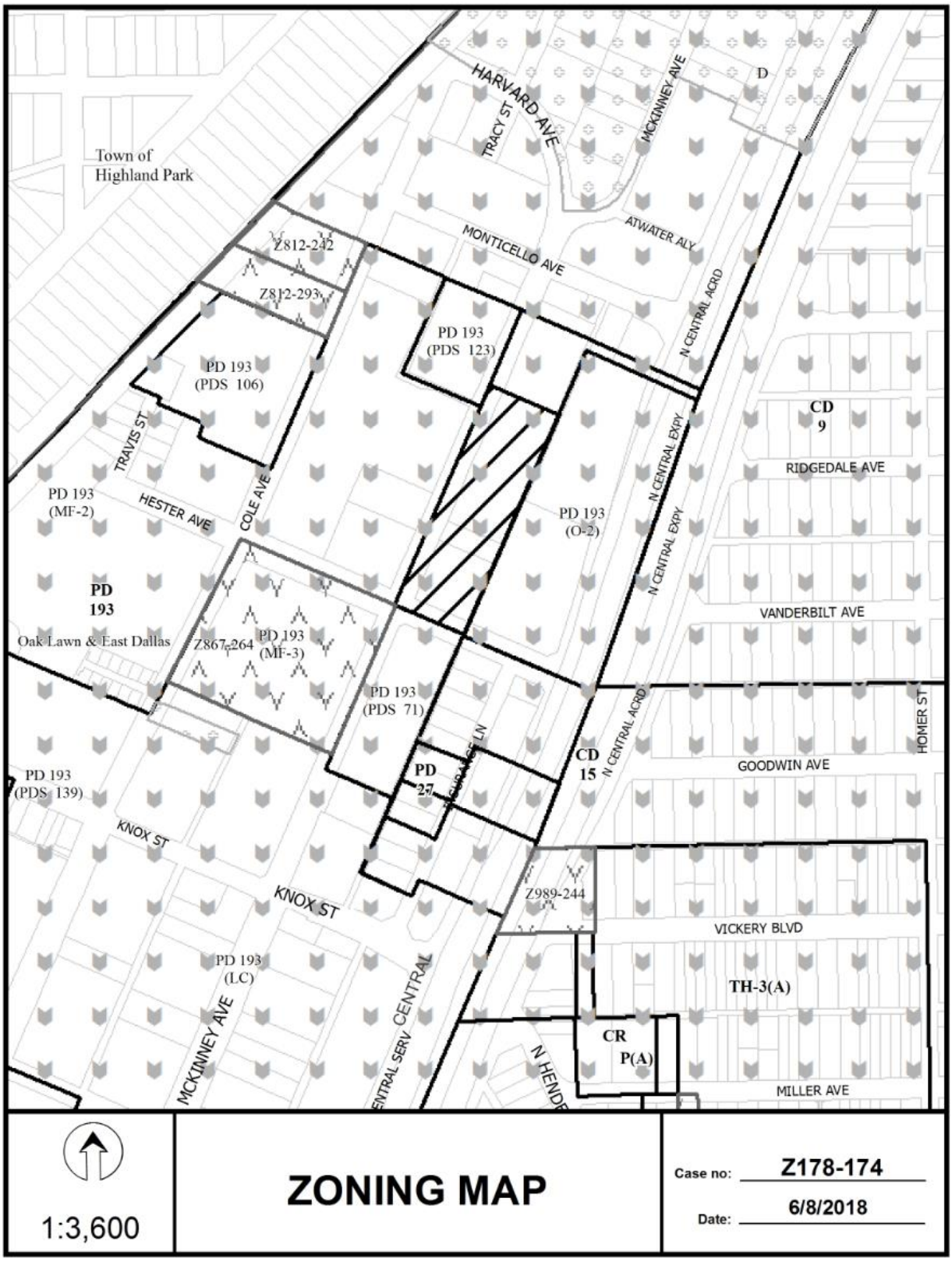
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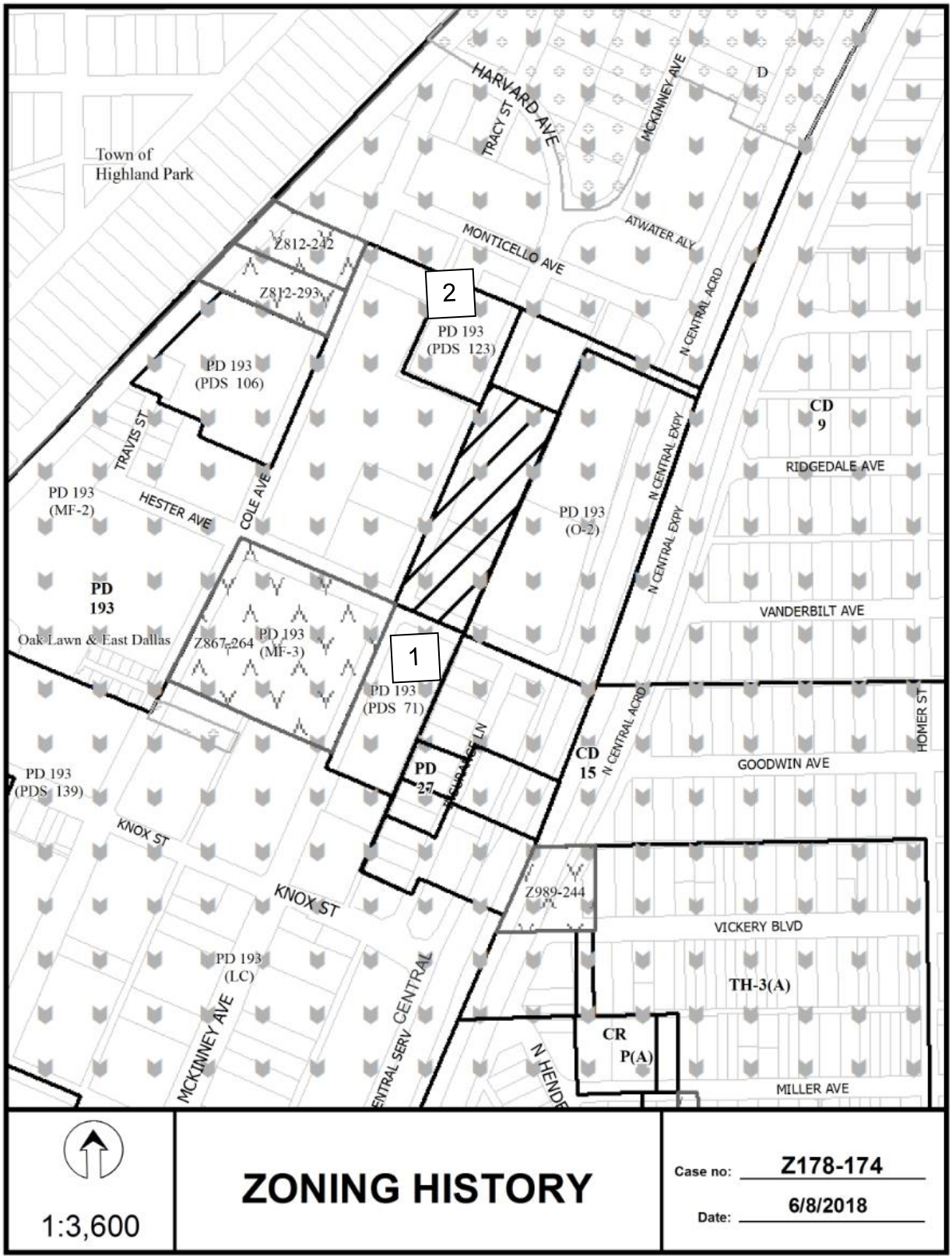
VICINITY MAP

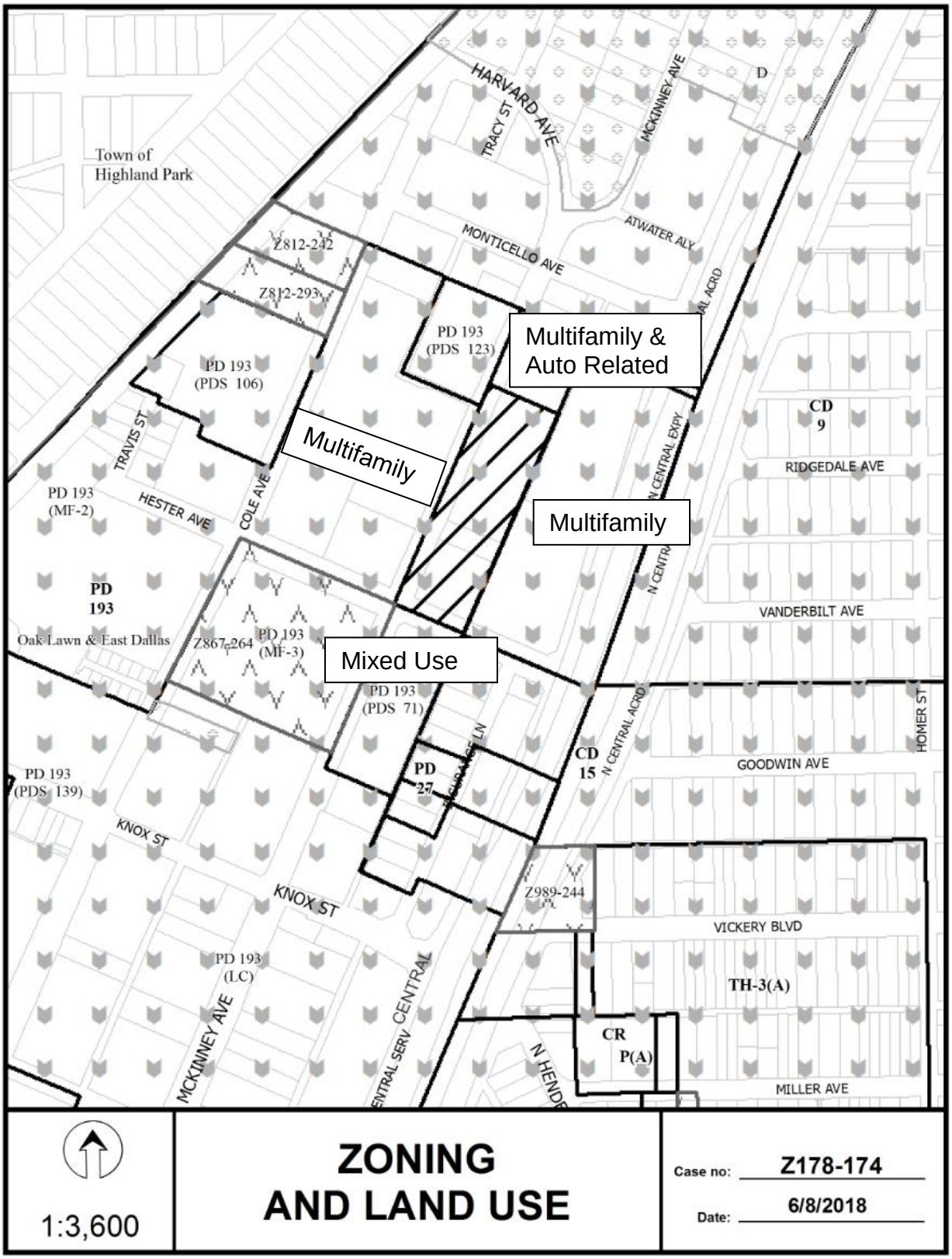
Case no: Z178-174

Date: 6/8/2018

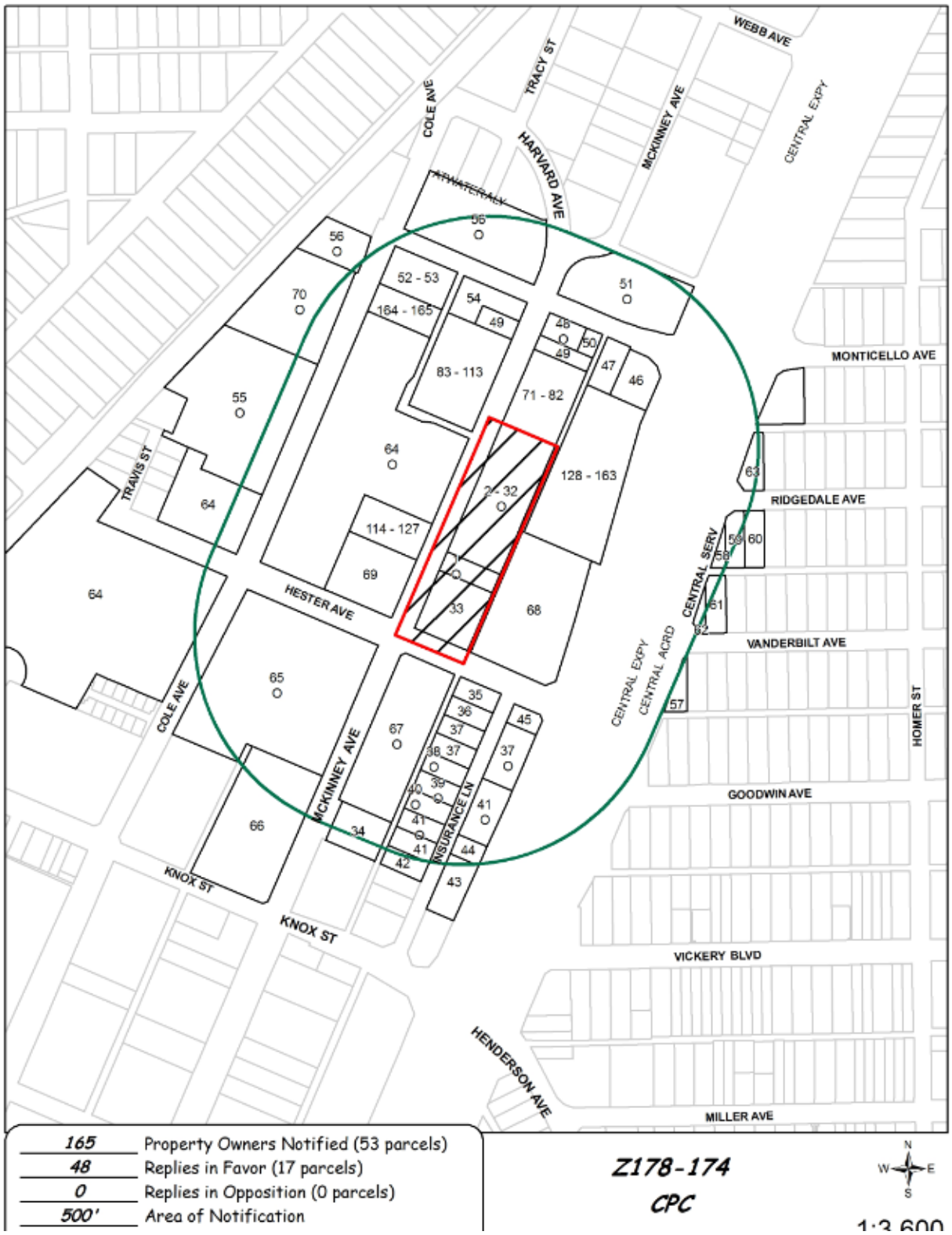

Town of Highland Park
HARVARD AVE
MCKINNEY AVE
ATWATER AL
MONTICELLO AVE
N CENTRAL EXPY
RIDGEDALE AVE
HOMER ST
VANDERBILT AVE
GOODWIN AVE
VICKERY BLVD
MILLER AVE
TRAVIS ST
KNOX ST
INSURANCE LN
1:3,600
AERIAL MAP
Case no: Z178-174
Date: 6/8/2018


HARVARD AVE
TRACY ST
MCKINNEY AVE
D
Town of
Highland Park
MONTICELLO AVE
ATWATER ALY
N CENTRAL ACRD
Z812-242
Z812-293
PD 193
(PDS 123)
PD 193
(PDS 106)
CD
9
RIDGEDALE AVE
TRAVIS ST
PD 193
(MF-2)
HESTER AVE
COLE AVE
PD 193
(O-2)
N CENTRAL EXPY
N CENTRAL EXPY
PD
193
Oak Lawn & East Dallas
Z867-264
PD 193
(MF-3)
VANDERBILT AVE
PD 193
(PDS 71)
CD
15
N CENTRAL ACRD
HOMER ST
GOODWIN AVE
PD
27
GARAGE LN
PD 193
(PDS 139)
KNOX ST
KNOX ST
Z989-244
VICKERY BLVD
PD 193
(LC)
TH-3(A)
MCKINNEY AVE
CENTRAL SERV
CR
P(A)
N HENDE
MILLER AVE
1:3,600
ZONING MAP
Case no: Z178-174
Date: 6/8/2018


HARVARD AVE
TRACY ST
MCKINNEY AVE
D
Town of
Highland Park
MONTICELLO AVE
ATWATER ALY
N CENTRAL ACRD
Z812-242
Z812-293
2
PD 193
(PDS 123)
PD 193
(PDS 106)
TRAVIS ST
COLE AVE
CD
9
RIDGEDALE AVE
PD 193
(MF-2)
HESTER AVE
PD 193
(O-2)
N CENTRAL EXPY
PD
193
Oak Lawn & East Dallas
Z867-264
PD 193
(MF-3)
1
VANDERBILT AVE
PD 193
(PDS 71)
CD
15
GOODWIN AVE
HOMER ST
PD 193
(PDS 139)
PD
27
KNOX ST
Z989-244
VICKERY BLVD
PD 193
(LC)
TH-3(A)
CR
P(A)
MILLER AVE
1:3,600
ZONING HISTORY
Case no: Z178-174
Date: 6/8/2018


Multifamily & Auto Related
Multifamily
Multifamily
Mixed Use
HARVARD AVE
TRACY ST
MCKINNEY AVE
Town of Highland Park
MONTICELLO AVE
ATWATER ALY
Z812-242
Z812-293
PD 193 (PDS 123)
PD 193 (PDS 106)
CD 9
RIDGEDALE AVE
TRAVIS ST
COLE AVE
HESTER AVE
PD 193 (MF-2)
N CENTRAL EXPY
VANDERBILT AVE
PD 193
Oak Lawn & East Dallas
Z867-264
PD 193 (MF-3)
PD 193 (PDS 71)
CD 15
N CENTRAL ACRD
HOMER ST
GOODWIN AVE
PD 27
PD 193 (PDS 139)
KNOX ST
Z989-244
VICKERY BLVD
PD 193 (LC)
TH-3(A)
CR
P(A)
MILLER AVE
1:3,600
ZONING AND LAND USE
Case no: Z178-174
Date: 6/8/2018

CPC RESPONSES



10/03/2018

Reply List of Property Owners

Z178-174

165 Property Owners Notified ***48 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	2	4722	MCKINNEY AVE	HOOVER JENNIFER
O	9	4728	MCKINNEY AVE	WEISERT TARI LIFE ESTATE
O	12	4728	MCKINNEY AVE	BUCK JAMES L
O	22	4728	MCKINNEY AVE	4728 MCKINNEY LLC
O	29	4722	MCKINNEY AVE	MCDONALD BILLY LANE
	33	4708	MCKINNEY AVE	4704 MCKINNEY LLC
	34	4616	MCKINNEY AVE	MCKINNEY KNOX JOINT
	35	4655	INSURANCE LN	4655 INSURANCE LANE LLC
	36	4649	INSURANCE LN	ROBERT E LUNA FAMILY
	37	4647	INSURANCE LN	4645 NORTH CENTRAL LLC
O	38	4639	INSURANCE LN	SUMMERS STEPHEN J ET AL
	41	4621	INSURANCE LN	MIHALOPOULOS FRANK
	42	4619	INSURANCE LN	4619 ARMSTRONG LLC
	43	4617	N CENTRAL EXPY	730 WEST SPRING VALLEY
	44	4627	N CENTRAL EXPY	KNOX CENTRAL CORP
	45	4655	N CENTRAL EXPY	ZANDER JAMES P
	46	4855	N CENTRAL EXPY	BLACK VALLEY LLC
	47	3017	MONTICELLO AVE	NICHOLS MELVIN
	49	4826	MCKINNEY AVE	HANCE RANDA BARTON
	50	3027	MONTICELLO AVE	CREST RIDGE PROPERTIES LLC
	52	4824	COLE AVE	DUNLAP SWAIN CO
	53	4824	COLE AVE	DUNLAP SWAIN LESSEE
	54	3109	MONTICELLO AVE	COLE CLAUDETTE C &
	57	5106	VANDERBILT AVE	MOORE STEPHEN D
	58	5102	RIDGEDALE AVE	HINOJOSA ALFREDO
	59	5106	RIDGEDALE AVE	SEITZ JOE C &

10/03/2018

Reply	*Label #*	*Address*		*Owner*
	60	5122	RIDGEDALE AVE	DUNN ROY C
	61	5115	VANDERBILT AVE	SBRJWM LTD
	62	5111	VANDERBILT AVE	GREENLAND HILLS
	63	5123	RIDGEDALE AVE	YOUNG DIEDRA D
	64	4647	COLE AVE	CIM/4649 COLE AVENUE LP
	66	3104	KNOX ST	KNOX STREET VILLAGE INC
	68	3030	HESTER AVE	BELL FUND V KNOX HENDERSON LLC
	69	4701	MCKINNEY AVE	4701 MCKINNEY AVE LLC
	71	4810	MCKINNEY AVE	FALCONE A WAYNE &
	72	4810	MCKINNEY AVE	FALCONE A WAYNE
	73	4810	MCKINNEY AVE	FALCONE A W FAMILY LTD PS THE
	74	4810	MCKINNEY AVE	FALCONE A W FAMILY LTD PS THE
	75	4810	MCKINNEY AVE	A W FALCONE FAMILY LTD PS THE
	76	4810	MCKINNEY AVE	BOLES MARGARET
	77	4810	MCKINNEY AVE	FALCONE A W FAMILY LTD PS
	78	4810	MCKINNEY AVE	BEASLEY NORMA L
	79	4810	MCKINNEY AVE	FALCONE A W FAMILY LTD PS THE
	80	4810	MCKINNEY AVE	B & W INVESTMENTS
	81	4810	MCKINNEY AVE	VICK BURNICE JIM
	82	4810	MCKINNEY AVE	FALCONE A W FAMILY THE
	83	4805	MCKINNEY AVE	MCDANIEL LLOYD H &
	84	4805	MCKINNEY AVE	NOLLEY FRANCES EMILY
	85	4805	MCKINNEY AVE	JONES SANDRA G
	86	4805	MCKINNEY AVE	JONES LAURA E
	87	4805	MCKINNEY AVE	GEIGER KAREN
	88	4805	MCKINNEY AVE	WILDBERGER PAUL L &
	89	4805	MCKINNEY AVE	LLAUDER FITZGERALD
	90	4805	MCKINNEY AVE	SHIN TITUS N
	91	4805	MCKINNEY AVE	SURLS LYNN D
	92	4805	MCKINNEY AVE	DANG YION LLC
	93	4805	MCKINNEY AVE	VILLAGRAN ABEL

10/03/2018

Reply	*Label #*	*Address*		*Owner*
	94	4805	MCKINNEY AVE	MCCLURE MICHAEL L & JANIS
	95	4805	MCKINNEY AVE	RIZOS DAWN M
	96	4805	MCKINNEY AVE	RIZOS DAWN M
	97	4805	MCKINNEY AVE	HARRELL ROBERT R
	98	4805	MCKINNEY AVE	SINGHAL VAIBBAV
	99	4805	MCKINNEY AVE	SECORE RACHEL M
	100	4805	MCKINNEY AVE	FISHER MARCIA
	101	4805	MCKINNEY AVE	AHMED MUSTAQUE
	102	4805	MCKINNEY AVE	WIMAN ROSALIE
	103	4805	MCKINNEY AVE	GRAY JAMES & CAROL L
	104	4805	MCKINNEY AVE	RIZOS STRATIS NICK
	105	4805	MCKINNEY AVE	CHEN DANNY S & CELESTINA LIFE ESTATE
	106	4805	MCKINNEY AVE	CHEN DANNY S TR&
	107	4805	MCKINNEY AVE	RIZOS MAX MICKEY
	108	4805	MCKINNEY AVE	MCDANIEL LLOYD H &
	109	4805	MCKINNEY AVE	KEPLER JERRY &
	110	4805	MCKINNEY AVE	LEE YEW KEONG
	111	4805	MCKINNEY AVE	MCDANIEL BARBARA & LLOYD
	112	4805	MCKINNEY AVE	MCDANIEL BARBARA G
	113	4805	MCKINNEY AVE	DAIL WILLIAM EARL
	114	4717	MCKINNEY AVE	MCCUTCHEN MARK D
	115	4717	MCKINNEY AVE	BIEGLER MALLORY
	117	4717	MCKINNEY AVE	FREDERICKS ANDREW S & KATHERINE N
	118	4717	MCKINNEY AVE	ROHLEDER MARCIE M
	119	4717	MCKINNEY AVE	ODONNELL GARY & JULIE
	120	4717	MCKINNEY AVE	2015 TRIMMELL FAMILY TRUST
	121	4719	MCKINNEY AVE	MURRY SCOTT M
	122	4719	MCKINNEY AVE	BEHNAM SOROUSH
	123	4719	MCKINNEY AVE	MATTHEWS AMANDA L
	124	4719	MCKINNEY AVE	BUSH DARLA S
	125	4719	MCKINNEY AVE	TRAN HONG

10/03/2018

Reply	*Label #*	*Address*		*Owner*
	126	4719	MCKINNEY AVE	AYATS MAS OTILIA
	127	4719	MCKINNEY AVE	BJORK RANDY RAY & TOSHA LYNN
	128	4803	N CENTRAL EXPY	HOPKINS DIANA P
	129	4805	N CENTRAL EXPY	VANSTRAATEN MARINUS P
	130	4807	N CENTRAL EXPY	PHILLIPS DAVID G &
	131	4809	N CENTRAL EXPY	CHUNG YU LIN
	132	4811	N CENTRAL EXPY	CLINE MARY M
	133	4815	N CENTRAL EXPY	BARTELL ANGELLE
	134	4817	N CENTRAL EXPY	BERRY LISA E &
	135	4819	N CENTRAL EXPY	FRANKLIN CHARLESZETTA
	136	4821	N CENTRAL EXPY	PHILLIPS ANN
	137	4823	N CENTRAL EXPY	VAN STRAATEN M P
	138	4825	N CENTRAL EXPY	SECORE RACHEL MARISA
	139	4827	N CENTRAL EXPY	VAN STRAATEN MARINUS P
	140	4829	N CENTRAL EXPY	MORRIS TAMECA
	141	4831	N CENTRAL EXPY	KING CHRISTEN C
	142	4833	N CENTRAL EXPY	CERVANTES JULIO CESAR
	143	4837	N CENTRAL EXPY	COSBY DIANA &
	144	4839	N CENTRAL EXPY	BYERS JAMES L & KAREN S
	145	4839	N CENTRAL EXPY	CODDINGTON CAROLYN P
	146	4839	N CENTRAL EXPY	GARCIA WAYNE
	147	4841	N CENTRAL EXPY	PECK ROBBIN M
	148	4841	N CENTRAL EXPY	SUMLIN RICHARD K
	149	4841	N CENTRAL EXPY	ROSE GREGORY D
	150	4841	N CENTRAL EXPY	COSBY DIANA C
	151	4843	N CENTRAL EXPY	JJ REAL ESTATE LLC
	152	4843	N CENTRAL EXPY	MARCOULIDES JAMES E
	153	4843	N CENTRAL EXPY	IPENEMA INVESTMENTS LTF
	154	4843	N CENTRAL EXPY	MORALES ADRIANA
	155	4845	N CENTRAL EXPY	THRESHER BRENDA ANN
	156	4845	N CENTRAL EXPY	LEWIS DON V

10/03/2018

Reply	*Label #*	*Address*		*Owner*
	157	4847	N CENTRAL EXPY	CLORE CHRISTINE W &
	158	4847	N CENTRAL EXPY	SECORE RACHEL
	159	4847	N CENTRAL EXPY	SMITH REBECCA KAY
	160	4847	N CENTRAL EXPY	LOPEZ BENJAMIN
	161	4849	N CENTRAL EXPY	COSBY COLE THOMAS &
	162	4849	N CENTRAL EXPY	COSBY DIANA
	163	4849	N CENTRAL EXPY	SPARKS KRISTEN A
	164	4818	COLE AVE	LESZINSKI LAWOMIR TRUSTEE
	165	4818	COLE AVE	LESZINSKI SLAWOMIR TR
O	A1	4728	MCKINNEY AVE	NUNEZ RAUL &
O	A2	4728	MCKINNEY AVE	ESCAMILLA CONSUELO V
O	A3	4728	MCKINNEY AVE	ESCAMILLA CONSUELO V
O	A4	4728	MCKINNEY AVE	SCHUTZ ERIK R
O	A5	4802	MCKINNEY AVE	RICHARD MICHAEL
O	A6	4722	MCKINNEY AVE	BUCK JAMES L
O	A7	4728	MCKINNEY AVE	SYNODIS DONNA L &
O	A8	4728	MCKINNEY AVE	GALLAGHER KATHLEEN C
O	A9	4728	MCKINNEY AVE	MALINA JAMES
O	A10	4728	MCKINNEY AVE	ROCHESTER SARAH
O	A11	4728	MCKINNEY AVE	CRUZ MANUEL
O	A12	4728	MCKINNEY AVE	SINGER SUSAN E
O	A13	4728	MCKINNEY AVE	WEISFELD RONALD A
O	A14	4728	MCKINNEY AVE	KNOBLER DONALD R
O	A15	4728	MCKINNEY AVE	TIMMERMAN MICHAEL A & SUSAN H
O	A16	4728	MCKINNEY AVE	STANTON LIVING TRUST
O	A17	4728	MCKINNEY AVE	VILLANUEVA JORGE A
O	A18	4722	MCKINNEY AVE	CASSADA ROBERT HOWARD JR & CHARLOTTE MCIVOR
O	A19	4728	MCKINNEY AVE	GIANNASI TAYLOR
O	A20	4728	MCKINNEY AVE	KILGORE CHRISTOPHER H
O	A21	4722	MCKINNEY AVE	WRIGHT PEGGY KNIGHT
O	A22	4722	MCKINNEY AVE	GAUKLER JOSEPH E & LYNNE

10/03/2018

Reply	*Label #*	*Address*		*Owner*
O	A23	4728	MCKINNEY AVE	SCHIMMING VERNON H &
O	A24	4728	MCKINNEY AVE	CUELLAS JOSHUA J
O	A25	4722	MCKINNEY AVE	PASCOE STEVEN J & DEBRA A
O	A26	4722	MCKINNEY AVE	KNOBLER DONALD RICHARD
O	A27	4728	MCKINNEY AVE	CRONK JOHN A
	A28	4717	MCKINNEY AVE	SCHAFER CHRISTOPHER & TRACI R
O	A29	4646	MCKINNEY AVE	TC KNOX HEIGHTS LP
	A30	4818	COLE AVE	LESZINSKI SLAWOMIR TR
O	A31	4631	INSURANCE LN	BEAIRD DAN L
O	A32	4633	INSURANCE LN	BEAIRD DAN INC
O	A33	4712	COLE AVE	CIM/4649 COLE AVENUE LP
O	A34	4650	COLE AVE	MIRAMAR KNOX LP
O	A35	4633	N CENTRAL EXPY	MIHALOPOULOS FRANK
O	A36	4645	N CENTRAL EXPY	4645 NORTH CENTRAL LLC
O	A37	4625	INSURANCE LN	MIHALOPOULOS FRANK
O	A38	3100	MONTICELLO AVE	WESTDALE MONTICELLO LP
O	A39	4825	COLE AVE	WESTDALE MONTICELLO LP
O	A40	4900	MCKINNEY AVE	MONTICELLO WEST LTD ET AL
O	A41	4830	MCKINNEY AVE	BLAINE ROBERT A III
O	A42	4809	COLE AVE	RAIM COLE AVENUE LP
O	A43	4714	MCKINNEY AVE	4714 MCKINNEY LLC
	A44	4704	MCKINNEY AVE	4704 MCKINNEY LLC
O	A45	4719	COLE AVE	TRAVIS COLE APARTMENTS 2012 LP

Agenda Information Sheet

File #: 18-1260 **Item #:** 71.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 5

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. 2059 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of Bruton Road and North Prairie Creek Road

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Z178-224(CT)

HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY, NOVEMBER 28, 2018

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-224(CT) **DATE FILED:** March 29, 2018

LOCATION: Northwest corner of Bruton Road and North Prairie Creek Road

COUNCIL DISTRICT: 5 **MAPSCO:** 11 L

SIZE OF REQUEST: Approx. 0.31 acre **CENSUS TRACT:** 90.00

APPLICANT/OWNER: Amer & Milad Investment, Inc

REPRESENTATIVE: Business Zoom

REQUEST: An application for the renewal of Specific Use Permit No. 2059 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the continuation of the sale of alcohol for off-premise consumption in conjunction with a general merchandise or food store (Bruton Store Inc).

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- The 0.31-acre site is developed with a one-story, 2,097-square-foot general merchandise or food store (Bruton Store Inc).

- The general merchandise use is permitted by right. The sale of alcoholic beverages requires a Specific Use Permit in the D-1 Liquor Control Overlay.

- In January 22, 2014, City Council approved a zoning request for a Specific Use Permit No. 2059 to sell alcohol for off premise consumption. This Specific Use Permit was permitted for a two-year time period and was subsequently renewed for two-years period in April 13, 2016.

- On December 17, 2017, the site failed the annual inspection necessary for compliance with Chapter 12B of the Dallas City Code, Convenience Stores. As such, staff requested that the case be held under advisement to allow time for the applicant to coordinate with the Dallas Police Department and bring the site into compliance. The inspection was subsequently passed on September 10, 2018.

Zoning History:

There have not been any zoning requests in the area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Bruton Road	Principal Arterial	100 ft.	100 ft.
North Prairie Creek Road	Principal Arterial	100 ft.	100 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

Land Use:

	Zoning	Land Use
Site	CR w/D-1 Overlay, SUP No. 2059	General merchandise with fueling station
North	CR w/D-1 Overlay	General merchandise
South	CR w/D-1 Overlay	General merchandise with fueling station, vehicle related uses, and various retail uses
East	CR w/D-1 Overlay	General merchandise
West	CR w/D-1 Overlay	Vacant retail/general merchandise store

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.

Land Use Compatibility:

The approximately 0.31-acre site is zoned a CR Community Retail District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. In January 2014, City Council approved a zoning request to amend the D overlay to D-1 Overlay and granted a Specific Use Permit No. 2059 to sell alcohol for off premise consumption. This Specific Use Permit was permitted for a two-year time period and was subsequently renewed by City Council in April 2016 for a two-year period.

The surrounding land uses consist of a general merchandise store to the north, general merchandise uses to the south and east, and a vacant retail/general merchandise store to the west of the site.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the

public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store has been issued on September 10, 2018 for a period of one year.

Landscaping:

In general, landscaping of any development will be in accordance with Article X, as amended.

Parking:

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area and two spaces for a motor vehicle fueling station. The development requires 11 spaces with 14 being provided per the attached site plan.

Dallas Police Department:

A copy of a police report of the offenses since the last SUP renewal is provided below.

INCIDENTS:

Date1	Time1	UCR_Offe	UCR_OffDes	Address	ZipCode	Premise	Division	MO
2/16/2018	21:10	ASSAULT	ASSAULT	9199 BRUTON RD	75227	Outdoor A	SOUTHEAS	SUSP STRUCK COMP ON HER MOUTH WITH A CLOSED FIST.
7/8/2017	21:45	ROBBERY-	ROBBERY	9199 BRUTON RD	75227	Parking Lo	SOUTHEAS	SUSP/S POINTED A LONG SILVER REVOLVER
3/17/2017	16:30	UUMV	AUTO THEFT	9199 BRUTON RD	75227	Parking Lo	SOUTHEAS	UNK SUSP TOOK COMP'S VEHICLE WITHOUT CONSENT

CALLS:

Master_In	Response_Dat	Response_	Watch	MDivision	MSecto	MBeat	Problem	Priority_D	Location_	Address	Apar	City	State	Postal_
18-152976	8/22/2018	10:40	2	Southeast	320	325	6X - Major	2 - Urgent	EXXON | (	9199 Bruton Rd		Dallas	TX	75217
18-134067	7/24/2018	15:23	2	Southeast	320	325	20 - Robbe	2 - Urgent	EXXON | (	9199 Bruton Rd		Dallas	TX	75217
18-039832	3/6/2018	14:18	2	Southeast	320	325	21B - Busi	2 - Urgent	EXXON | (	9199 Bruton Rd		Dallas	TX	75217
18-039832	3/6/2018	14:18	2	Southeast	320	325	21B - Busi	2 - Urgent	EXXON | (	9199 Bruton Rd		Dallas	TX	75217
18-028840	2/16/2018	21:19	3	Southeast	320	325	6X - Major	2 - Urgent	EXXON | (	9199 BRUTON R		Dallas	TX	75217

LIST OF OFFICERS
Bruton Store, Inc

List of Officers:

Bruton Store, Inc.

Issa Hussam Kamel- President/Secretary
Saleh Issam Behjat- V. President/Treasurer

List of Officers:

Amer & Milad investment, Inc.

Mehdi Rezaeizadeh- President/Secretary
Shurat Lapitov- President/Secretary

CPC ACTION:
October 4, 2018

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2059 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to the existing site plan and conditions on property zoned a CR-D-1 Community Retail District, with a D-1 Liquor Control Overlay, on the northwest corner of Bruton Road and North Prairie Creek Road.

Maker: Shidid
Second: Murphy
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: 200 Mailed: 15
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Malik Parvez, 1901 Central Dr., Bedford, TX, 76021
Against: None

CPC RECOMMENDED SUP CONDITIONS
SUP No. 2059

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

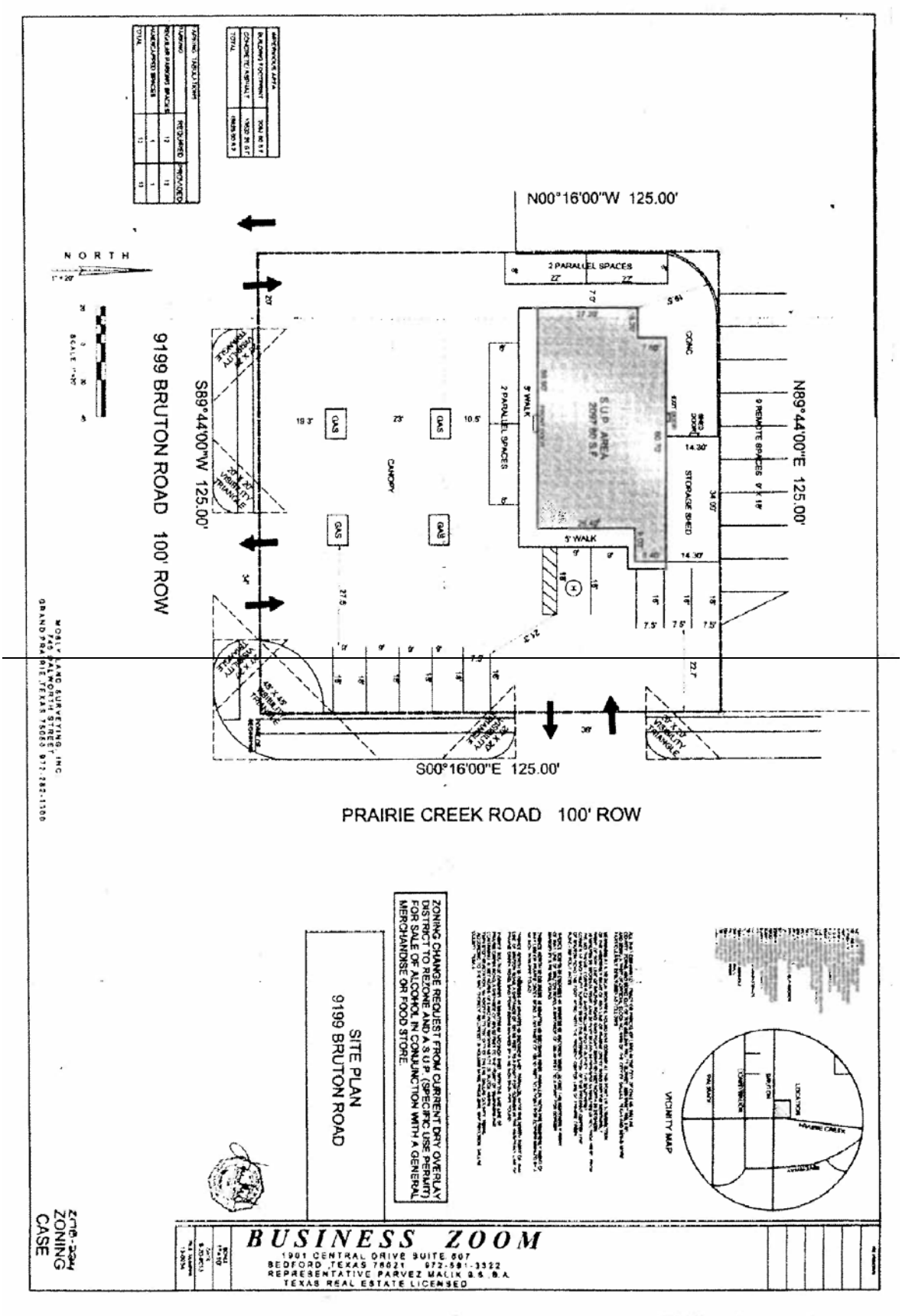
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

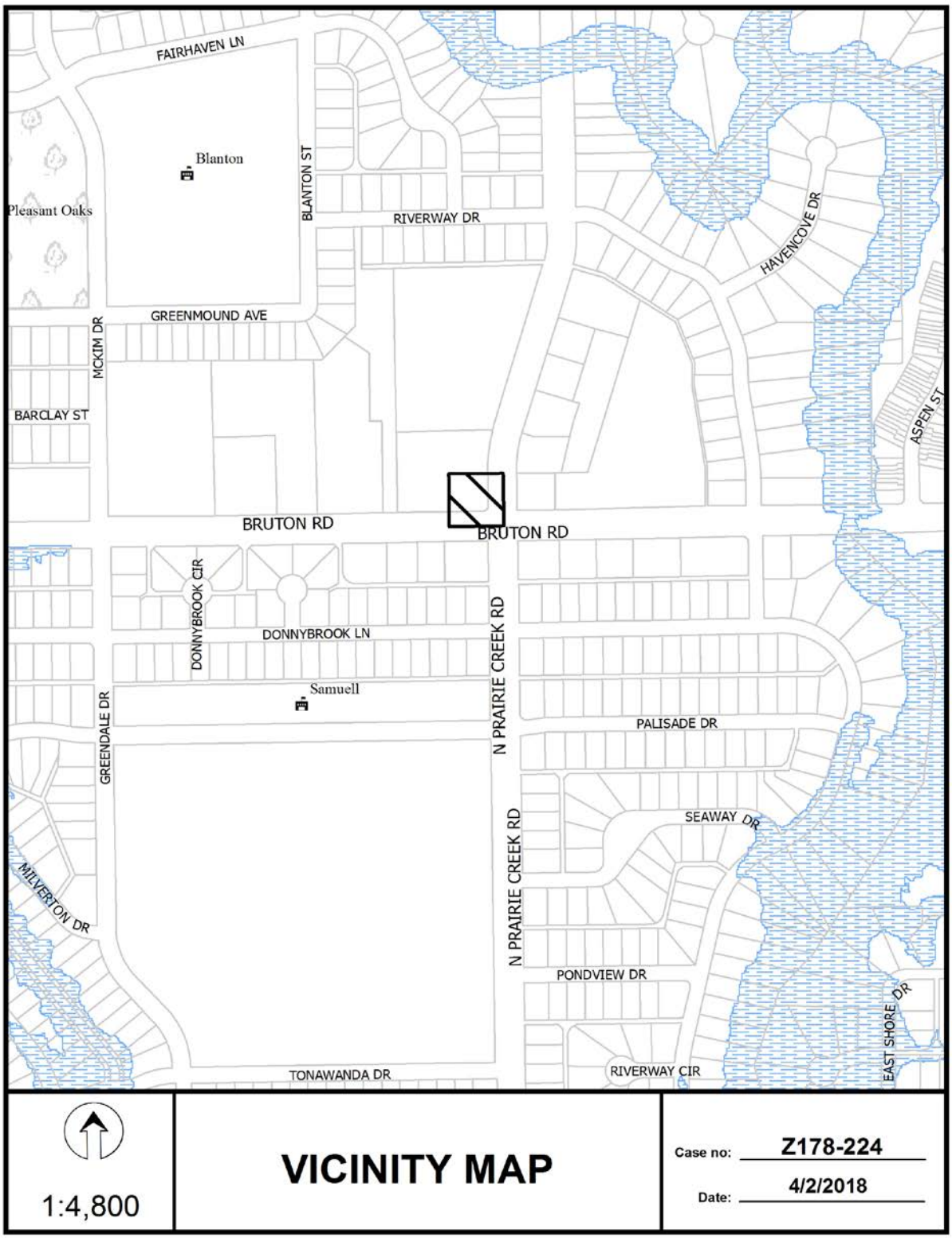
3. TIME LIMIT: This specific use permit expires on ~~April 13, 2018~~ (five-year period from the passage of this ordinance) but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to 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 applications for automatic renewal is strictly enforced.).

4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

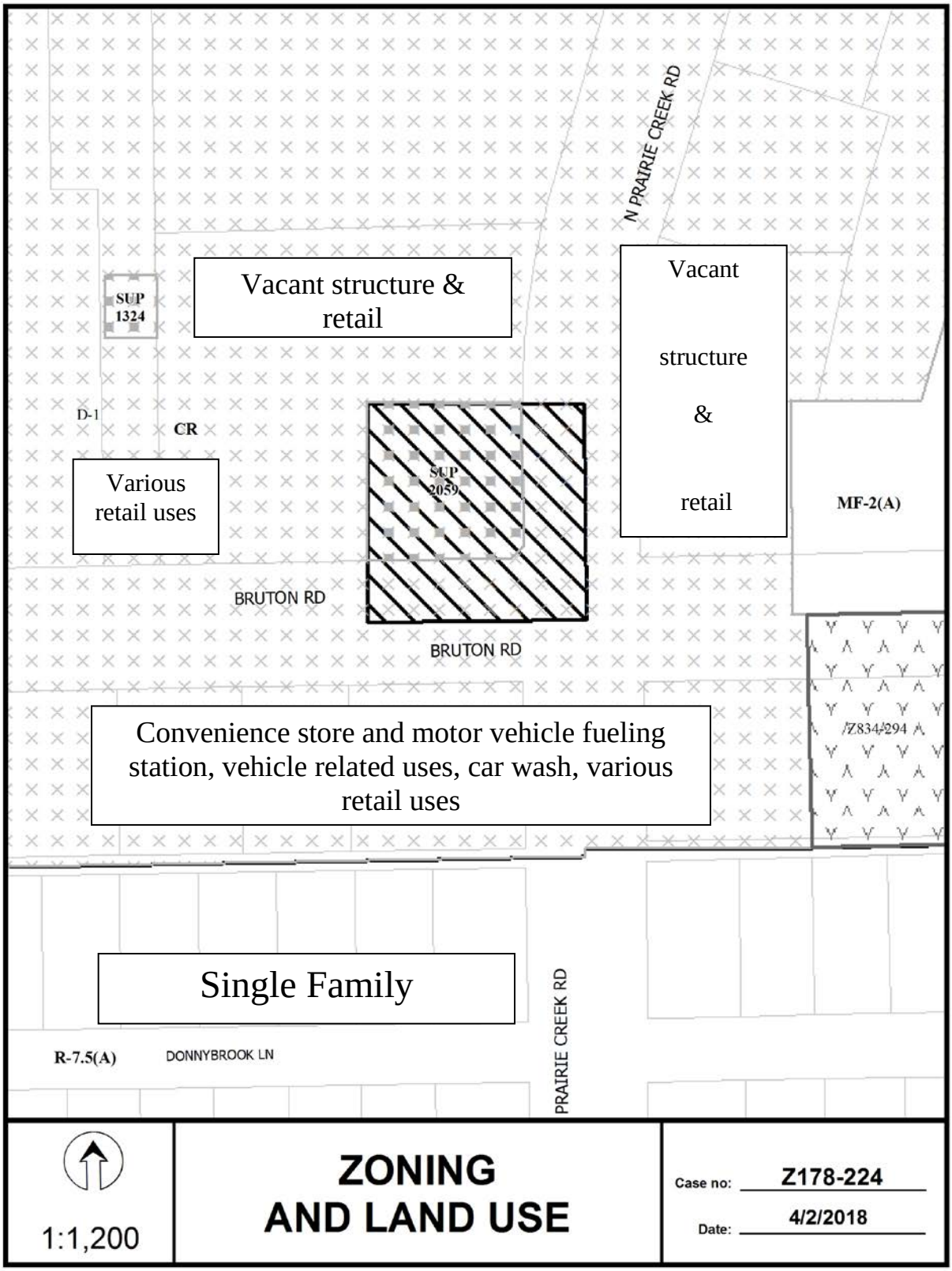
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

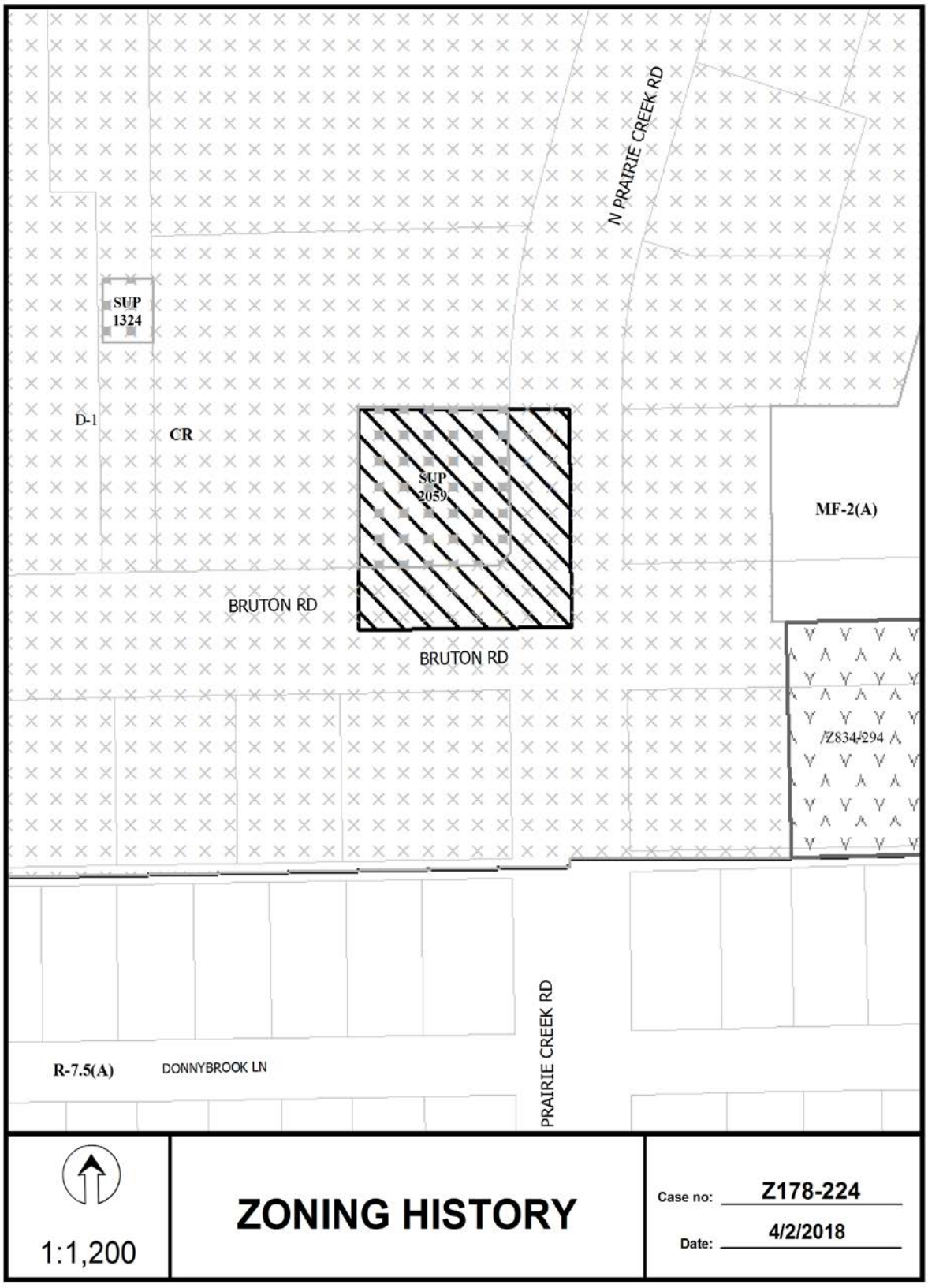
EXISTING SITE PLAN (no changes)



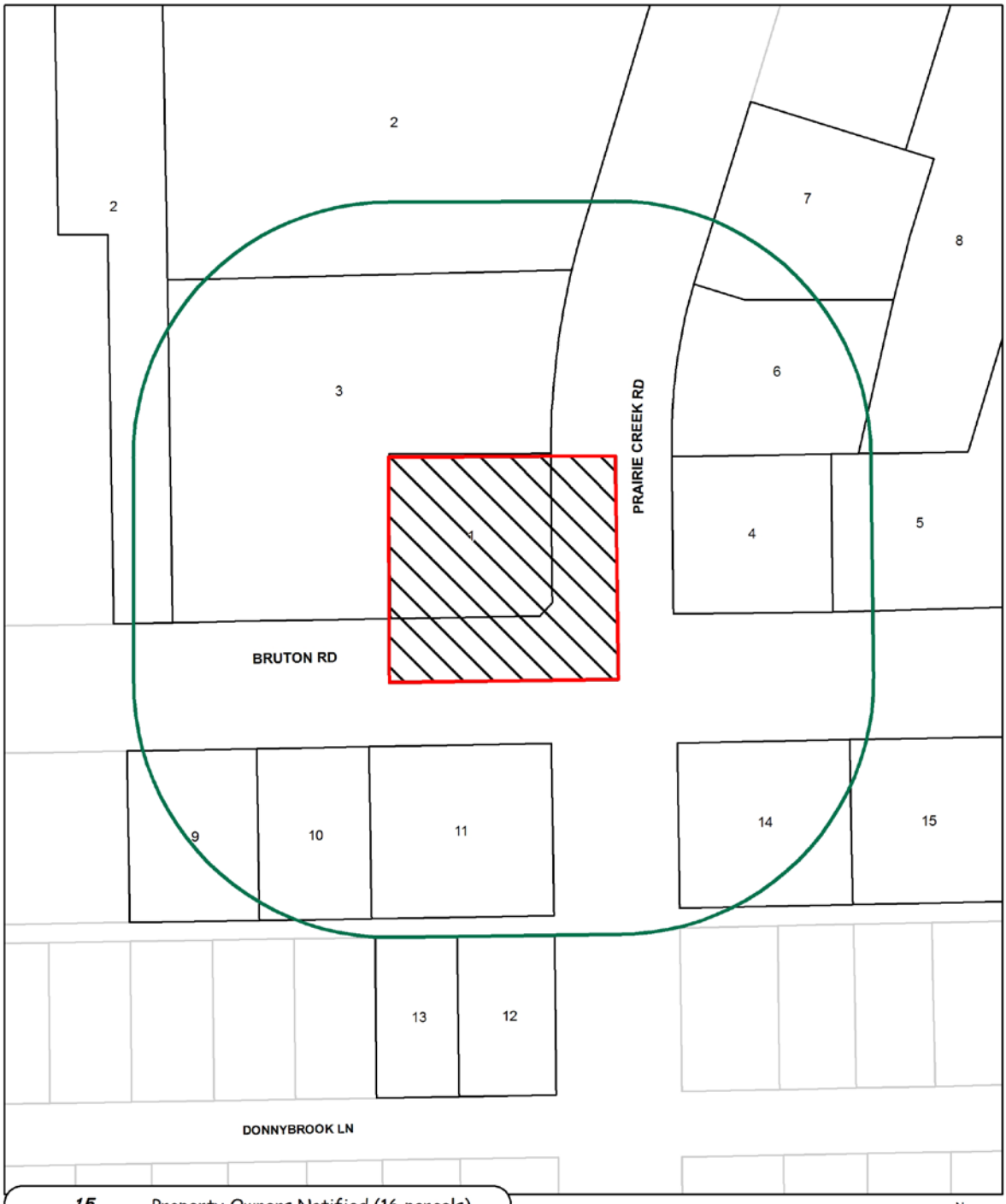

FAIRHAVEN LN
Blanton
Pleasant Oaks
BLANTON ST
RIVERWAY DR
HAVENCOVE DR
GREENMOUND AVE
MCKIM DR
BARCLAY ST
ASPEN ST
BRUTON RD
BRUTON RD
DONNYBROOK CIR
DONNYBROOK LN
N PRAIRIE CREEK RD
Samuell
GREENDALE DR
PALISADE DR
SEAWAY DR
MILVERTON DR
N PRAIRIE CREEK RD
PONDVIEW DR
EAST SHORE DR
TONAWANDA DR
RIVERWAY CIR
1:4,800
VICINITY MAP
Case no: Z178-224
Date: 4/2/2018


N PRAIRIE CREEK RD
BRUTON RD
BRUTON RD
N PRAIRIE CREEK RD
DONNYBROOK LN
1:1,200
AERIAL MAP
Case no: Z178-224
Date: 4/2/2018


N PRAIRIE CREEK RD
Vacant structure & retail
Vacant structure & retail
SUP 1324
D-1
CR
Various retail uses
SUP 2059
MF-2(A)
BRUTON RD
BRUTON RD
Z834-294
Convenience store and motor vehicle fueling station, vehicle related uses, car wash, various retail uses
Single Family
PRAIRIE CREEK RD
R-7.5(A)
DONNYBROOK LN
1:1,200
ZONING AND LAND USE
Case no: Z178-224
Date: 4/2/2018


N PRAIRIE CREEK RD
SUP 1324
D-1
CR
SUP 2059
MF-2(A)
BRUTON RD
BRUTON RD
Z834-294
PRAIRIE CREEK RD
R-7.5(A)
DONNYBROOK LN
1:1,200
ZONING HISTORY
Case no: Z178-224
Date: 4/2/2018

CPC Responses



09/05/2018

Reply List of Property Owners

Z178-224

15 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	9199	BRUTON RD	BRUTTON STORE INC
	2	9009	BRUTON RD	PRAIRIE 2233 INVESTMENT LLC
	3	9179	BRUTON RD	BRUTON ENTERPRISES LLC
	4	9203	BRUTON RD	BRUTON STORE INC
	5	9215	BRUTON RD	VOLUNTEERS OF AMERICA
	6	2112	N PRAIRIE CREEK RD	HERNANDEZ GUSTAVO A
	7	2122	N PRAIRIE CREEK RD	HENDERSON SHERANDA
	8	2150	N PRAIRIE CREEK RD	BDWS PRAIRIE INVESTMENTS LLC
	9	9116	BRUTON RD	VIRANI MANSOOR M
	10	9180	BRUTON RD	MONA & NADA CORPORATION
	11	9190	BRUTON RD	MONA AND NADA CORPORATION
	12	9157	DONNYBROOK LN	ASTON CUSTOM HMES CORP
	13	9151	DONNYBROOK LN	PORCAYO JUAN & PORCAYO LEOPOIDA
	14	9206	BRUTON RD	KZK BUSINESS ENTERPRISE INC
	15	9222	BRUTON RD	DELMAR PARTNERS LP

Agenda Information Sheet

File #: 18-1261 **Item #:** 72.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

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 Planned Development District for Multifamily District uses on property zoned an R-7.5(A) Single Family District, on the southwest corner of North Tennant Street and West Davis Street, with consideration given to a Planned Development District for Single Family District uses
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z178-235(JM)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, NOVEMBER 28, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-235(JM) **DATE FILED:** April 16, 2018

LOCATION: Southwest corner of North Tennant Street and West Davis Street

COUNCIL DISTRICT: 1 **MAPSCO:** 53 D

SIZE OF REQUEST: ±0.60 acres **CENSUS TRACT:** 45.00

APPLICANT/OWNER: 517 Tennant, LLC

REPRESENTATIVE: Rob Baldwin, Baldwin and Associates

REQUEST: An application for a Planned Development District for Multifamily District uses on property zoned an R-7.5(A) Single Family District, with consideration given to a Planned Development District for Single Family District uses.

SUMMARY: The purpose of the request is to allow for a 16-unit single family, shared access development. A PD is requested to modify the following standards from the R-7.5(A) District requirements: **(1)** reduce the required front yard to 15 feet along West Davis Street and 25 feet along North Tennant Street, both with six-foot encroachments; **(2)** exempt balconies from side/rear setbacks; **(3)** increase maximum height to 42 feet and four stories; **(4)** increase lot coverage to 60 percent; **(5)** require no minimum lot size; and **(6)** add design standards.

STAFF RECOMMENDATION: **Approval**, subject to a conceptual plan and conditions.

CPC RECOMMENDATION: **Approval**, subject to a conceptual plan and conditions.

BACKGROUND INFORMATION:

- The request is now solely for single family, shared access development. Conditions have been modified to allow R-7.5(A) Single Family District uses. A 25-foot front yard setback is now provided on North Tennant Street. Lot coverage has been reduced to 60 percent. For a shared access development, the shared access area may be used to determine lot coverage.
- The 0.60-acre site is vacant. Aerial photography shows the site has been largely vacant since the 1950s (earliest available aerial).
- The purpose of the request is to allow for a 16-unit single family, shared access development. A PD is requested to modify the following standards from the R-7.5(A) District requirements:

  (1) Reduce the required front yard to 15 feet along West Davis Street and 25 feet along North Tennant Street, both with six-foot encroachments;

  (2) Exempt balconies from side/rear setbacks;

  (3) Increase max height to 42 feet and four stories;

  (4) Increase lot coverage to 60 percent;

  (5) Allow no minimum lot size; and

  (6) Add design standards.

Zoning History: There have been no zoning cases in the area over the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
North Tennant Street	Local	50 feet	50 feet
West Davis Street	Local	100 feet	80 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 applicant's request generally complies with the following goals and policies of the Comprehensive Plan.

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.

Implementation Measure 5.1.3.2 Amend the Dallas zoning regulations to establish urban design standards that reflect quality design and good land use principles through regulations which address height, scale, bulk and massing of new development. Standards will also address the impact of parking lots and structures to minimize spillover to adjacent neighborhoods, mitigate any negative effects and eliminate visual intrusion or incompatibility with the adjacent residential neighborhoods, historic or conservation districts.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

NEIGHBORHOOD PLUS

Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

The proposed single family, shared access development use adds diversity in housing options. The modifications to the district standards requested are fitting for the site and maintain the overall scale and character of the neighborhood, while adding urban design features through architectural standards to enhance the facades of the proposed structures.

Surrounding Land Uses:

	Zoning	Land Use
Site	R-7.5(A)	Undeveloped land
North	R-7.5(A), PD No. 830, Subdistrict 6, and PD No. 768	Single family, Restaurant w/drive-through, and Undeveloped land
East	PD No. 830, Subdistrict 6	Multifamily
South	R-7.5(A) and PD No. 830, Subdistrict 6 w/D-Liquor Control Overlay	Single family
West	PD No. 830, Subdistrict 6 w/D-Liquor Control Overlay	Restaurant and Retail and personal service

Land Use Compatibility:

Initially, the purpose of the request was to allow for a 16-unit multifamily development or single family, shared access development. To promote flexibility in development, the proposed standards for the site would have allowed either a single family shared access development, or a multifamily development, subject to the proposed development plan. However, the case was held under advisement at CPC on August 16, 2018, to allow further communication with the neighborhood. The applicant has reduced the request to solely provide for a single family, shared access development. The request was noticed to the public as a PD for MF-2(A) uses; therefore, the request remains, and the conditions have been made more restrictive to only allow R-7.5(A) uses. Additional changes include a revised 25-foot front yard setback on North Tennant Street, reduced lot coverage from 70 to 60 percent, and for a shared access development, the shared access area may be used to determine lot coverage. This standard is typical in shared access developments for uses other than single family.

The 0.60-acre site is vacant. According to City records, no Certificates of Occupancy have been issued for the site. Aerial photography for the site indicate that the site has remained largely undeveloped since the 1950s.

Surrounding land uses include single family, restaurant with a drive through, and undeveloped to the north; multifamily to the east; single family to the south; and, restaurant without a drive through, and commercial development including retail and personal service uses to the west.

The purpose of the request is to allow for a 16-unit single family, shared access development. For a shared access development, the shared access area (easement) must have a minimum width of 22 feet, as noted on the development plan. Additionally, the shared access driveways can count in the lot coverage calculations per lot.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear				
Existing: R-7.5(A)	25’ w/up to 12” projections	5’ SF OTHER: 10’ and 15’	One dwelling unit per lot. Minimum 7,500 sq. .6 acres/7,500 sq.ft. is 3 dwelling units	30’ No max stories	45% res. 25% nonres. RPS	Single family.
Proposed: PD for R-7.5(A) District Uses	15’ on W. Davis and 25’ on N. Tennant Encroach-ments up to 6’ for both	5’ and 5’ Balcony encroach-ment.	16 dwelling units on 0.6 acres (27 dwelling units per acre)	42’ 4 stories	60% res. 50% nonres. No RPS	Single family shared access.

The site is currently zoned an R-7.5(A) Single Family District. The current request is for a Planned Development District for R-7.5(A) District uses. The table above identifies the existing and proposed zoning district standards.

A PD is requested to modify the following standards from the R-7.5(A) District requirements:

(1) Reduce the required front yard to 15 feet on West Davis Street and 25 feet on North Tennant Street, both with six-foot encroachments:

The front yard setback in the existing single family zoning district is 25 feet. The subject site, with 164 feet of frontage along West Davis Street and 161 feet of frontage along North Tennant Street and ingress/egress planned on both streets, has two front yards. Block continuity would typically require development to conform to front yard setbacks established by the most restrictive zoning district within the block. The front yard setback would be 25 feet along North Tennant Street and between 0 and 10 feet along West Davis Street.

The property to the south has a 25-foot setback with up to five-foot encroachments for cantilevered roof eaves and balconies. The subject site is separated from this district by a 15-foot alley. The separation of the lots with the alley lends to the request to provide a 25-foot front yard with up to six-foot encroachments for cantilevered roof eaves, unenclosed porches, stairs, stoops, and awnings. The additional encroachment of one-foot is minimal and will be indistinguishable beside the 15-foot alley. This also supports the intent to have street facing entries for units with frontage along North Tennant Street, adding to the residential sense of the remainder of the block to the south.

The properties to the west and east are zoned Subdistrict 6 within PD No. 830 with a minimum front yard setback of 0 feet and a maximum of 10 feet on West Davis Street. Existing structures to the west were constructed before the adoption of PD No. 830 and do not comply with the required front yard setback requirements. As the area redevelops, such as the subject site, consideration of the PD No. 830 standards is crucial for adequate site planning. The property across North Tennant Street to the east contains a multifamily use erected in 1949, predating the PD No. 830 ordinance as well, and seems to provide about 20 feet of front yard setback along West Davis Street and between 30 to 60 feet along North Tennant Street.

(2) Exempt balconies from side/rear setbacks:

The site has two side yards. One is facing the 15-foot alley separating the proposed development from existing single family structures. The other side yard is facing retail and personal service uses, westward toward Hampton Road. This request would allow up to a 0-foot separation from the property line onto the balcony structures. The properties to the south still have 15 feet of separation from the alley, with the R-7.5(A) District requiring a five-foot separation for single family uses and 10-feet for all other permitted structures. The property to the west requires no side or rear yard setback.

Staff believes that the intent of the surrounding zoning districts is met along with the request to allow balconies to encroach up to five feet (the required side yard setback).

(3) Increase max height to 42 feet and four stories:

The R-7.5(A) District allows a maximum height of 30 feet with no maximum stories and typically, RPS applies at a one-to-three ratio. PDs are allowed to set height regulations, including whether or not RPS should apply. While the maximum request is for a height of up to 42 feet and four stories with no RPS, the conditions further restrict the units along the alley separation facing the single family neighborhood to the south to 26 feet and two stories, essentially requiring RPS for the block, but not across West Davis Street.

The properties to the west and east are restricted to a maximum height of 50 feet, which means RPS is not triggered by these sites. However, the RPS standard could be triggered from the R-7.5(A) District to the north across West Davis Street and adjacent to the south at a rate of one-to-three, according to the definition prescribed in Sec. 51(A)-4.412, except for that RPS is not generated from within a zoning district. The subject site is zoned similarly to the properties to the north across West Davis Street.

Overall, the redevelopment of the site with only 26 feet-in-height and two stories along the southern border lends to the intent of maintaining the RPS, while providing flexibility in design of the units. The site was really a leave-out along the West Davis Street frontage for PD No. 830. With the aforementioned district standards and a maximum height of 50 feet to the east and west, the request for a maximum of 42 feet-in-height along the West Davis Street frontage seems appropriate.

(4) Increase lot coverage to 60 percent and for a shared access development, the shared access area may be used to determine lot coverage:

The request is to allow the lot coverage to increase from 45 percent [R-7.5(A)] to 60 percent. This coincides with higher density districts like the MF-2(A) standard of 60 percent. Additionally, 60 percent seems to be a middle ground between the PD No. 830 standard of 80 percent for the properties adjacent to the west and across North Tennant Street for the east.

Shared access developments for uses other than single family allow for the shared access area, or driveways, to count in the determination of lot coverage. The request is to keep this standard, despite restricting the use to solely single family uses. Staff finds this to be more appropriate than the original request of including this standard, plus 70 percent lot coverage as last requested.

(5) Allow no minimum lot size:

The purpose behind not requiring a minimum lot size is to allow flexibility in design. A shared access development would offer ownership of individual lots with existing regulations referring to the Dallas Development Code and requiring each lot to meet the requirements of the zoning district. For a shared access development in an R-7.5(A) District, the minimum lot size is 7,500 square feet. A maximum of five lots would be allowed.

The current request is for 16 dwelling units on 0.60-acres or 26,136 square feet of lot area or roughly three-times the typical density for R-7.5(A). That equates to approximately 27 dwelling units per acre. However, the location of the subject site,

adjacent to commercial, multifamily, and with frontage along West Davis Street, lends to the request of providing a higher density, single family project.

(6) Proposed design standards include:

a. All dwelling units with street frontage along West Davis Street and North Tennant Street must have an individual entry that faces the street with direct access to the street from an improved path connecting to the sidewalk.

This standard will ensure the front yard remains intact. Additionally, the residential feel of the neighborhood will be preserved.

b. All street-facing facades must be a minimum of 80 percent masonry.

This design standard is newly proposed after neighborhood meetings. The intent is to ensure a quality-built project that matches the aesthetic of the neighborhood.

c. All street-facing facades must provide a minimum transparency of 40 percent.

Transparency ensures that the neighborhood will not appear closed, adding to the urban nature of the area.

d. A minimum of 80 percent of the street-facing facades must have a projection into the required front yard of a canopy, balcony, or porch. Only one projection is required per dwelling unit.

This is also a new design standard since the neighborhood meeting. Bringing buildings closer to the public realm continues to support the theme of the urban neighborhood. Additionally, the canopy, balcony, or porch features add a design element of interest to the development at the street level.

e. A minimum sidewalk of six feet must be provided along West Davis Street and a minimum five-foot sidewalk must be provided along North Tennant Street. The required sidewalk must be located behind a minimum five-foot landscape buffer between back-of-curb and sidewalk wherever possible. Also, a minimum of one bench and one trash can must be provided along West Davis Street.

Requiring wider sidewalks with a landscape buffer separating the sidewalk from the curb provides a safer, more enjoyable pedestrian experience. A bus stop exists at the southwest corner of West Davis Street and North Tennant Street. No shelter or pedestrian amenities exist. Making the perimeter of the site easier to navigate for pedestrians is a positive change for the neighborhood.

f. Driveway terminations that do not provide egress to the site but are visible from the street must be screened with either landscaping or a wall architecturally compatible to the main structure. The required screening must provide pedestrian access from the site to the required sidewalk. Additionally, all street-facing private utilities must be screened from the right-of-way.

This continues the investment in the aesthetics of the neighborhood.

g. All street-facing private utilities must be screened from the right-of-way.

This provision will continue to improve the aesthetic for the neighborhood ensuring that units do not have utility equipment visible from the extensive street frontages.

h. A minimum of one bench and one trash can must be provided along Davis Street.

This contributes to the pedestrian and urban experience by aligning with the wider sidewalks and bus stop to encourage pedestrian travel.

Staff found the provisions of the proposed PD text to offer adequate trade-offs to the benefit of the neighborhood overall.

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 an identified market type, it is adjacent to Category C to the south and east across Tennant Drive, Category B to the north across Davis Street, and Category E further northwest on Hampton Road.

Parking and Loading:

Parking will be provided per the Dallas Development Code, as amended. A single family shared access development is required to provide one parking space per dwelling unit according to Sec. 51A-4.209(6). In addition to any parking spaces required for each dwelling unit, Sec. 51A-4.411(g) states that shared access developments must provide 0.25 unassigned spaces available for use by visitors and residents for each dwelling unit. 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. According to the proposed development plan, the site will contain 16 units and four guest parking spaces. All resident parking will be provided in garages at the floor level of the units.

Landscaping:

The new development on the property will require landscaping per Article X of the Dallas Development Code, as amended.

CPC Action
October 4, 2018

Motion: It was moved to recommend **approval** of a Planned Development District for Multifamily District uses, subject to a conceptual plan with the final plat to serve as the development plan and conditions (as briefed) on property zoned an R-7.5(A) Single Family District, on the southwest corner of North Tennant Street and West Davis 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: 500 Mailed: 92
Replies: For: 2 Against: 7

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

List of Officers

List of Officers

517 Tennant LLC

Mike Smith, Sole Managing Member

Z178-235

CPC Recommended Conditions

ARTICLE _____.

PD _____.

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No._____, passed by the Dallas City Council on _____.

SEC. 51P- ____.102. PROPERTY LOCATION AND SIZE.

PD _____ is established on property located at the southwest corner of Davis Street and Tennant Street. The size of PD _____ is approximately 0.60 acres.

SEC. 51P- ____.103. DEFINITIONS AND INTERPRETATIONS.

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

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

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

SEC. 51P-___.103.1. 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 article and the conceptual plan, the text of this article controls.

SEC. 51P-___.104. DEVELOPMENT PLAN.

(a) 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 control.

(b) For all other uses, a development plan must be approved by the city plan commission before issuance of any building permit. (Ord. Nos. 24223; 25163)

SEC. 51P- ____.105. MAIN USES PERMITTED.

The only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district; etc.

SEC. 51P-____.106. ACCESSORY USES.

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

SEC. 51P-_____.107. YARD, LOT, AND SPACE REGULATIONS.

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

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(a) Front yard.

(1) Minimum front yard is 15 feet along West Davis Street.

(2) Minimum front yard is 25 feet along North Tennant Street.

(3) Cantilevered roof eaves, unenclosed porches, stairs, stoops, and awnings may project up to six feet into the front yard.

(c) Side and rear yard. Minimum side and rear yard is five feet. Balconies may encroach into the side or rear yard.

(d) Density. Maximum number of dwelling units is 16.

(e) Floor area ratio. No maximum floor area ratio for residential structures.

(f) Height. Maximum structure height is 42 feet. The southern-most 35 feet of the Property is limited to a maximum structure height of 26 feet.

(g) Lot coverage. Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not. For a shared access development, the shared access area may be used to determine lot coverage.

(h) Lot size. No minimum lot size.

(i) Stories. Except as provided, maximum number of stories is four. The southern-most 35 feet of the Property is limited to a maximum of two stories.

SEC. 51P- ____.110. OFF-STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P- ____.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.112. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X. Design standards for residential uses may be counted towards applicable design points for compliance with Article X.

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

SEC. 51P- ____.113. DESIGN STANDARDS FOR RESIDENTIAL USES.

(a) All dwelling units with street frontage along West Davis Street and Tennant Street must have an individual entry that faces the street with direct access to the street from an improved path connecting to the sidewalk.

(b) All street-facing facades must be a minimum of 80 percent masonry.

(c) All street-facing facades must provide a minimum transparency of 40 percent.

(d) A minimum of 80 percent of the street-facing facades must have a projection into the required front yard of a canopy, balcony, or porch. Only one projection is required per dwelling unit.

(e) A minimum sidewalk of six feet must be provided along Davis Street and a minimum five-foot sidewalk must be provided along Tennant Street. The required sidewalk

must be located behind a minimum five foot landscape buffer between back-of-curb and sidewalk wherever possible.

(f) Driveway terminations that do not provide egress to the site but are visible from the street must be screened with either landscaping or a wall architecturally compatible to the main structure. The required screening must provide pedestrian access from the site to the required sidewalk.

(g) All street-facing private utilities must be screened from the right-of-way.

(h) A minimum of one bench and one trash can must be provided along Davis Street.

SEC. 51P- ____.114. SIGNS.

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

SEC. 51P- ____.115. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Ingress and egress on Davis Street is permitted by right turn only. The driveway separation for controlling ingress and egress on Davis Street is a minimum of five feet in width.

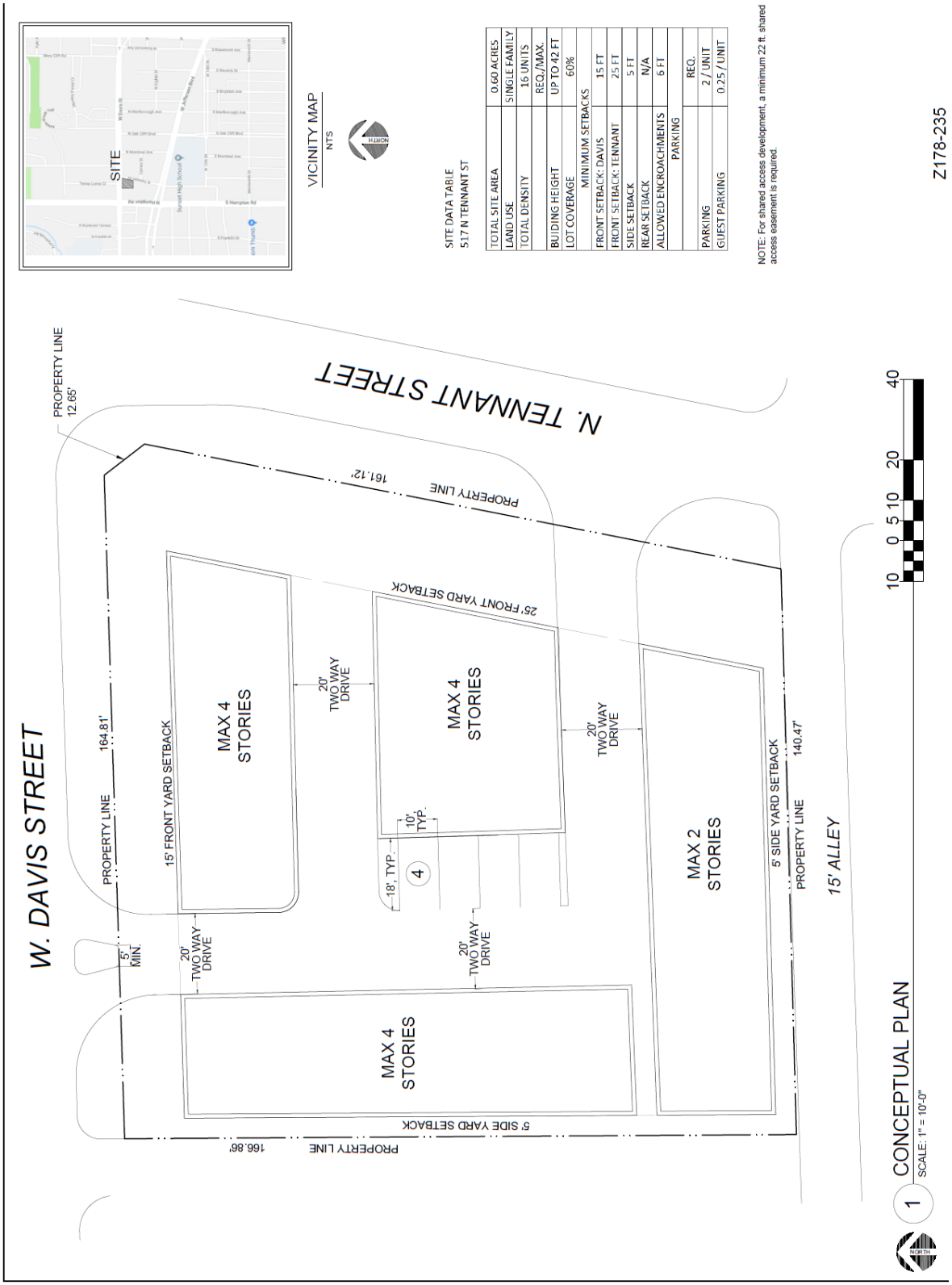
(d) A shared access area must have a minimum width of 22 feet.

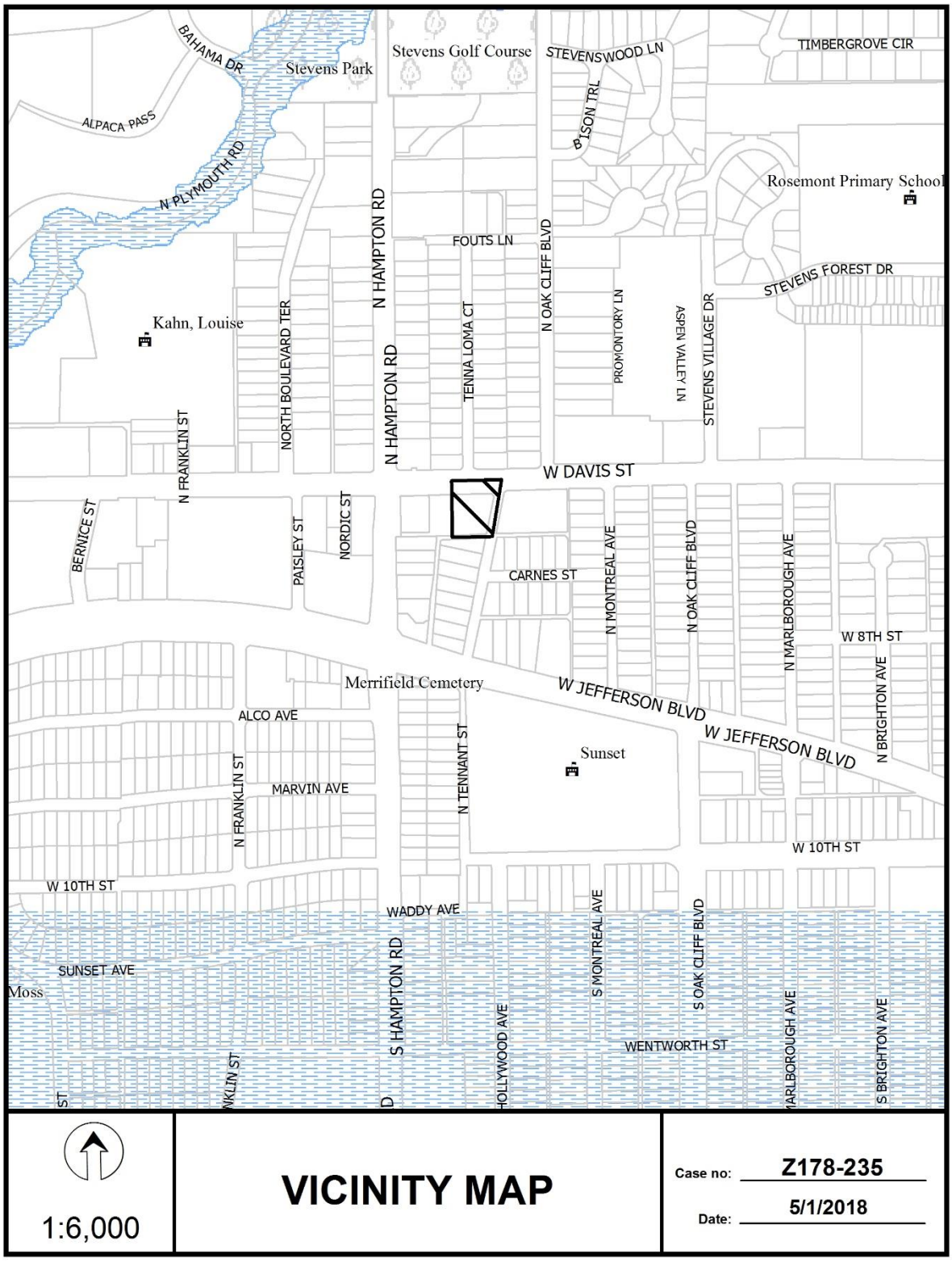
SEC. 51P-____.116. COMPLIANCE WITH CONDITIONS.

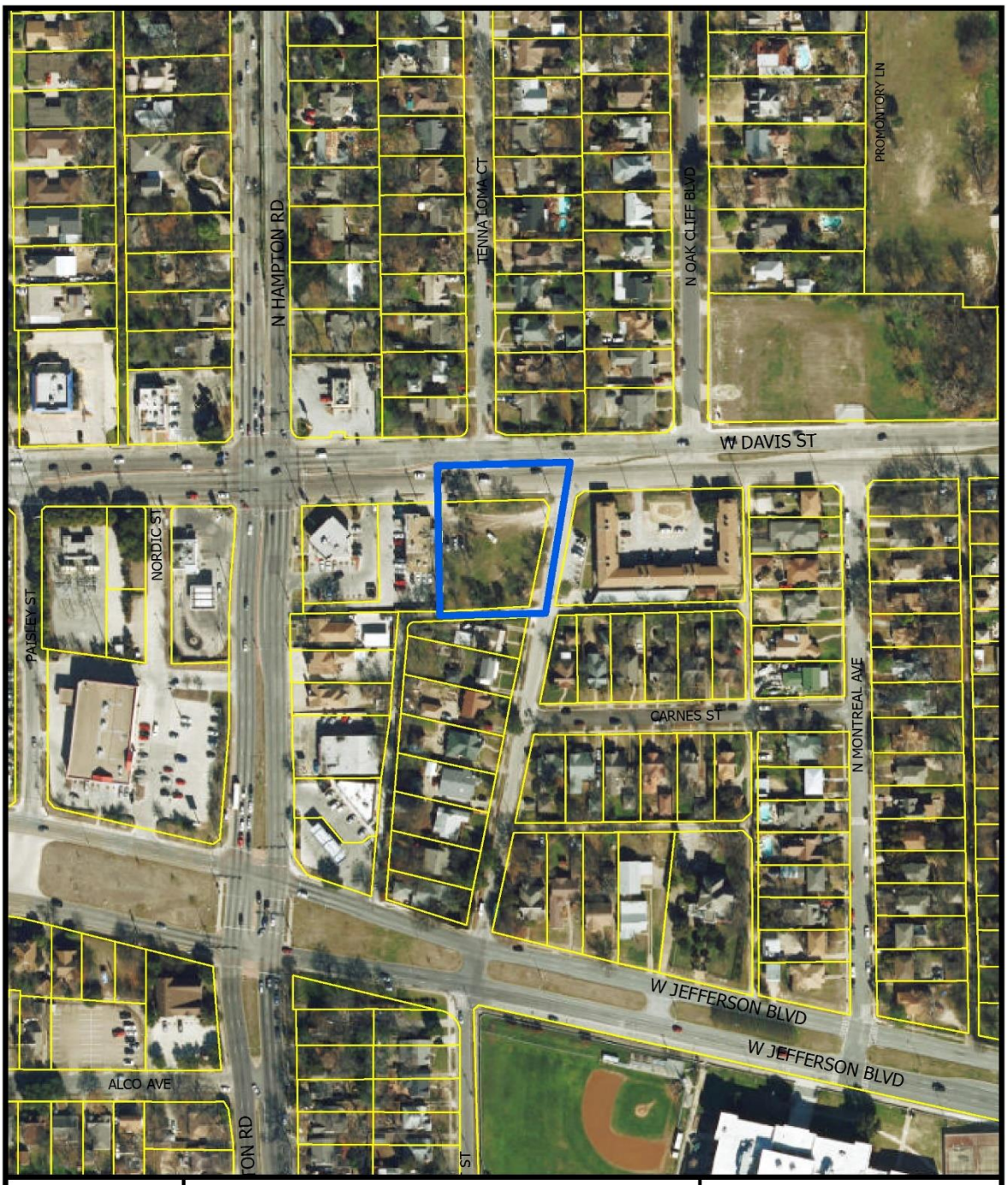
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

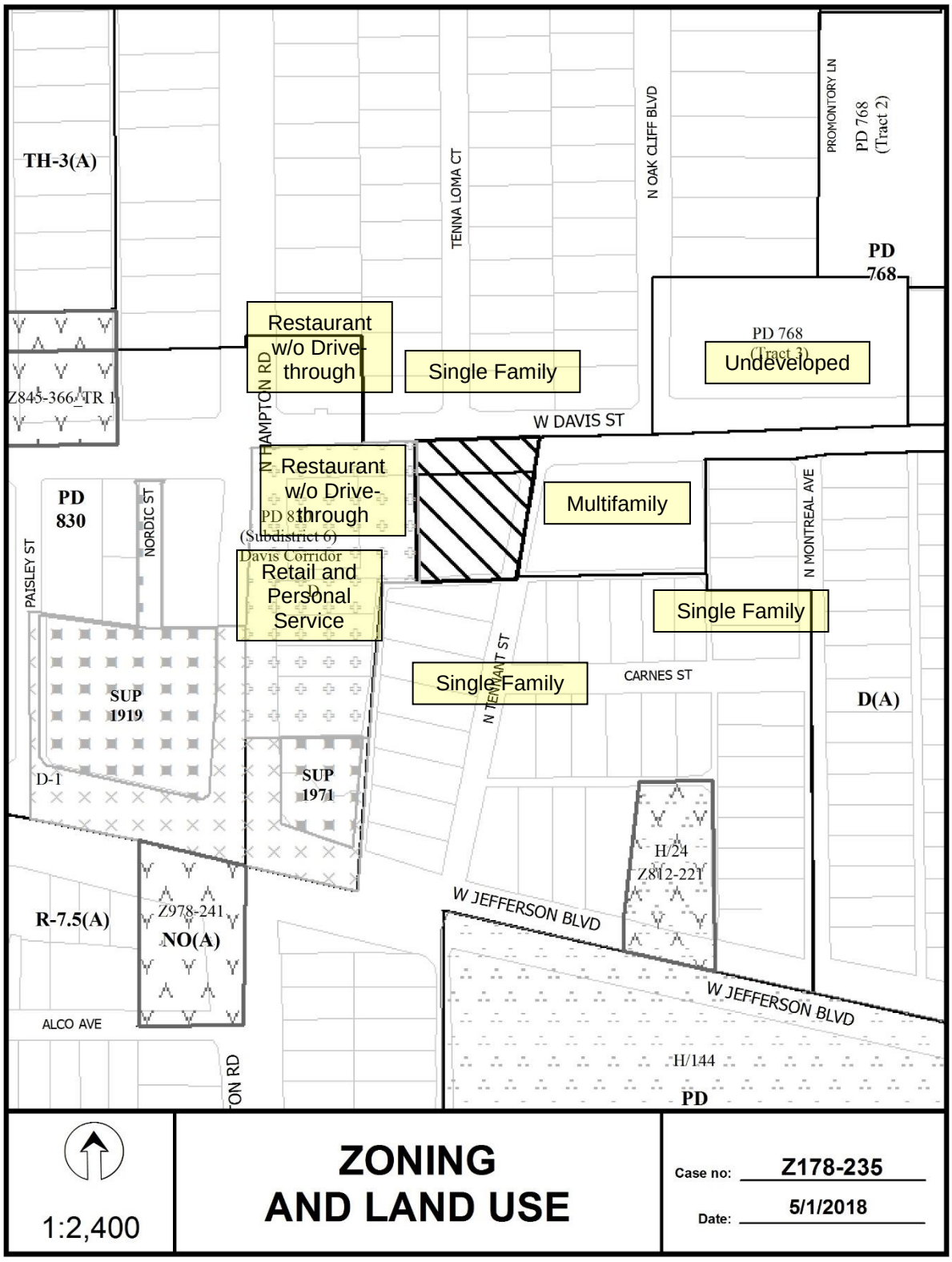
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations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

Proposed Development Plan




BAHAMA DR
Stevens Park
Stevens Golf Course
STEVENSWOOD LN
TIMBERGROVE CIR
ALPACA PASS
N PLYMOUTH RD
BISON TRL
Rosemont Primary School
FOUTS LN
N HAMPTON RD
N OAK CLIFF BLVD
STEVENS FOREST DR
Kahn, Louise
NORTH BOULEVARD TER
TENNA LOMA CT
PROMONTORY LN
ASPEN VALLEY LN
STEVENS VILLAGE DR
N FRANKLIN ST
W DAVIS ST
BERNICE ST
PAISLEY ST
NORDIC ST
CARNES ST
N MONTREAL AVE
N MARLBOROUGH AVE
W 8TH ST
Merrifield Cemetery
W JEFFERSON BLVD
N BRIGHTON AVE
ALCO AVE
N TENNANT ST
Sunset
MARVIN AVE
W 10TH ST
WADDY AVE
SUNSET AVE
Moss
S HAMPTON RD
S MONTREAL AVE
S OAK CLIFF BLVD
HOLLYWOOD AVE
WENTWORTH ST
S BRIGHTON AVE
1:6,000
VICINITY MAP
Case no: Z178-235
Date: 5/1/2018


N HAMPTON RD
TENNA LOMA CT
N OAK CLIFF BLVD
PROMONTORY LN
W DAVIS ST
NORDIC ST
PAISLEY ST
CARNES ST
N MONTREAL AVE
W JEFFERSON BLVD
W JEFFERSON BLVD
ALCO AVE
1:2,400
AERIAL MAP
Case no: Z178-235
Date: 5/1/2018


TH-3(A)
TENNA LOMA CT
N OAK CLIFF BLVD
PROMONTORY LN
PD 768 (Tract 2)
PD 768
PD 768 (Tract 3)
Undeveloped
Restaurant w/o Drive-through
Single Family
Z845-366_TR 1
N HAMPTON RD
W DAVIS ST
Restaurant w/o Drive-through
Multifamily
PD 830
NORDIC ST
PD 830 (Subdistrict 6) Davis Corridor
N MONTREAL AVE
PAISLEY ST
Retail and Personal Service
Single Family
N TENNANT ST
Single Family
CARNES ST
D(A)
SUP 1919
SUP 1971
D-1
H/24
Z812-221
W JEFFERSON BLVD
R-7.5(A)
Z978-241
NO(A)
W JEFFERSON BLVD
ALCO AVE
H/144
PD
1:2,400
ZONING AND LAND USE
Case no: Z178-235
Date: 5/1/2018

CPC Responses



10/03/2018

Reply List of Property Owners

Z178-235

92 Property Owners Notified ***2 Property Owners in Favor*** ***7 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2316	W DAVIS ST	ADAMS WAYNE E
	2	517	N TENNANT ST	FWLB LLC
O	3	2212	W DAVIS ST	HADOH YUGENSEKININJIGYOUKUMIAI LLP
	4	523	N MONTREAL AVE	MUNIZ VICTOR
	5	517	N MONTREAL AVE	MUNIZ FELIPA TORRES
	6	515	N MONTREAL AVE	RODRIGUEZ ARACELI
	7	509	N MONTREAL AVE	GRELLE STEPHEN & EMILIE
	8	507	N MONTREAL AVE	MORENO MANUEL & MARIA V
	9	501	N MONTREAL AVE	DAVIS LARRY D
	10	2215	CARNES ST	RAMIREZ ARTHUR R
	11	2219	CARNES ST	BARCLAY JOHN EMMETT
	12	2223	CARNES ST	PILAND RICHARD A
	13	2227	CARNES ST	JENKINS BARRY L
	14	2231	CARNES ST	CASEY BRYAN A
	15	2235	CARNES ST	CAMACHO ANTONIO
	16	2241	W JEFFERSON BLVD	LUGO DELIA M
	17	2233	W JEFFERSON BLVD	COVARRUBIAS MARIA CARMEN
	18	2227	W JEFFERSON BLVD	BISHOP MARY RHEA
O	19	407	N MONTREAL AVE	DERAMUS BILLY K
	20	411	N MONTREAL AVE	BOURLAND FAMILY TRUST
	21	413	N MONTREAL AVE	WATTS HAZEL JO
	22	417	N MONTREAL AVE	POLK DANIEL DALE
	23	2214	CARNES ST	ROACH DESSIE
	24	2218	CARNES ST	LOCKMAN BRETT C
	25	2222	CARNES ST	ROMERO MIRYAM & ENRIQUE
	26	2226	CARNES ST	MOJONNET STEPHANIE

10/03/2018

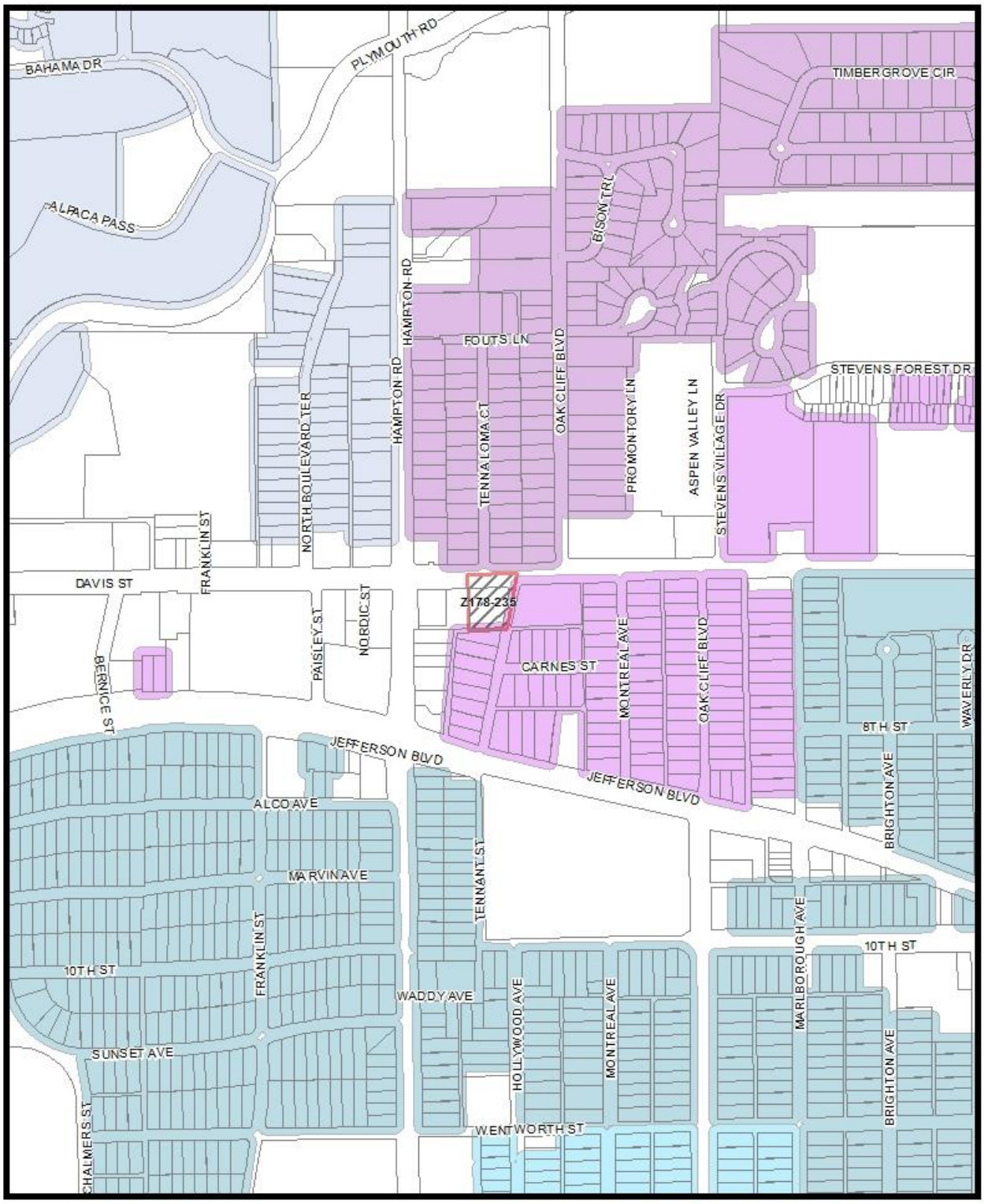
Reply	*Label #*	*Address*		*Owner*
	27	2230	CARNES ST	RAMIREZ ARTHUR R &
	28	2234	CARNES ST	EPKER JUSTIN C & ANGELA
	29	520	N MONTREAL AVE	PATTERSON DONNETT V
	30	516	N MONTREAL AVE	MACIAS ADRIAN
	31	512	N MONTREAL AVE	OJEDA RODOLFO
	32	510	N MONTREAL AVE	ORTEGA TRINIDAD R &
	33	506	N MONTREAL AVE	BANDA ANGEL R & PETRA
	34	509	N TENNANT ST	MACHADO PAULA J &
	35	503	N TENNANT ST	THOMPSON CASEY W
	36	423	N TENNANT ST	PUENTE GLORIA & ERNESTO
	37	419	N TENNANT ST	VILLANUEVA MAGDALENA
	38	415	N TENNANT ST	ONTIVEROS MIGUEL G &
	39	411	N TENNANT ST	CHANDLER CATHY
	40	407	N TENNANT ST	CASTILLO MARIA
	41	403	N TENNANT ST	TIMMONS ERNEST LEE
	42	414	N HAMPTON RD	HALLE PROPERTIES LLC
X	43	422	N HAMPTON RD	LINCOLN LAWRENCE H
	44	426	N HAMPTON RD	FERNANDEZ HOMERO
	45	502	N HAMPTON RD	MITCHELL LEE L & YANKO L
	46	2414	W DAVIS ST	TEXAS UTILITIES ELEC CO
	47	509	N HAMPTON RD	QUIK WAY RETAIL AS II LTD
	48	635	N OAK CLIFF BLVD	GAINES STEFANIE L
	49	631	N OAK CLIFF BLVD	SHIELDS ROBERT W &
	50	627	N OAK CLIFF BLVD	PATTERSON JOHN D & LINDSEY L
	51	623	N OAK CLIFF BLVD	LEAL RUBEN R
	52	619	N OAK CLIFF BLVD	CERDA CARLOTA ESTATE OF
	53	615	N OAK CLIFF BLVD	FLORES MATIAS PEREZ &
	54	609	N OAK CLIFF BLVD	CHANDLER BLAKE I & LEAH M
	55	605	N OAK CLIFF BLVD	PANIAGUA BLANCA &
	56	607	N OAK CLIFF BLVD	PANIAGUA BLANCA &
	57	606	TENNA LOMA CT	PEREZ ADAM S

10/03/2018

Reply	*Label #*	*Address*		*Owner*
X	58	610	TENNA LOMA CT	MCLEOD ANDREW C & MALLORY K
X	59	614	TENNA LOMA CT	BECKHAM DARDEN C &
	60	618	TENNA LOMA CT	STRICKLAND AMY
	61	622	TENNA LOMA CT	BUCHANAN LINDA J
	62	628	TENNA LOMA CT	BRADDICK MICHAEL C
X	63	634	TENNA LOMA CT	HEIM MCKAY ELIZABETH
	64	638	TENNA LOMA CT	BAGGETT TAMARA DENISE
	65	611	TENNA LOMA CT	SALAS IRENE RIVERA
	66	620	N HAMPTON RD	LOPEZ JOE
	67	639	TENNA LOMA CT	GONZALEZ DAVID
X	68	633	TENNA LOMA CT	HALL SUE E
	69	629	TENNA LOMA CT	PERKINS SIMON & CARRIE
	70	623	TENNA LOMA CT	SALTSMAN KELLY OWEN
	71	619	TENNA LOMA CT	BINGHAM CHRISTOPHER & RACHAEL
	72	615	TENNA LOMA CT	PATEL PARTHIV Y
	73	607	TENNA LOMA CT	ROBLEDO MARIA
	74	612	N HAMPTON RD	HERNANDEZ BENJAMIN & COURTNEY MICHELLE
	75	606	N HAMPTON RD	SPERRY SHANNON
X	76	626	N HAMPTON RD	HUNT RUBY VANESSA
	77	630	N HAMPTON RD	COLVIN DAVID E
	78	638	N HAMPTON RD	TIJERINA JUAN III
	79	2211	W DAVIS ST	VICTOR I THE LP LLC
	80	626	N OAK CLIFF BLVD	EDWARDS CHARLES G &
	81	630	N OAK CLIFF BLVD	ORLINO ANGELA
X	82	620	N OAK CLIFF BLVD	SCHLEGEL AMANDA &
	83	615	N HAMPTON RD	HALL AZURE
	84	619	N HAMPTON RD	LOW SAVANNAH C
	85	623	N HAMPTON RD	PAREDES JOSE M &
	86	627	N HAMPTON RD	DUGAN JOE M LIFE ESTATE
	87	2223	W JEFFERSON BLVD	CEDAR CREST LLC
	88	2332	W DAVIS ST	COLE PLS PORTFOLIO LLC

10/03/2018

Reply	*Label #*	*Address*		*Owner*
	89	408	N HAMPTON RD	LV MANAGEMENT LLC
	90	2427	W JEFFERSON BLVD	DALLAS YANKEES LLC
	91	2407	W DAVIS ST	AMPEX HOLDINGS OF DALLAS LLC
	92	2433	W DAVIS ST	APOLLONIA MANAGEMENT GROUP PLLC


BAHAMA DR
PLYMOUTH RD
ALPACA PASS
TIMBER GROVE CIR
BISON TRL
HAMPTON RD
FOUTS LN
OAK CLIFF BLVD
PROMONTORY LN
ASPEN VALLEY LN
STEVENS VILLAGE DR
STEVENS FOREST DR
TENNALOMA CT
NORTH BOULEVARD TER
FRANKLIN ST
DAVIS ST
Z178-235
PAISLEY ST
NORDIC ST
BERNICE ST
CARNES ST
MONTREAL AVE
OAK CLIFF BLVD
WAVERLY DR
8TH ST
JEFFERSON BLVD
JEFFERSON BLVD
BRIGHTON AVE
ALCO AVE
MARVIN AVE
TENNANT ST
MARLBOROUGH AVE
10TH ST
FRANKLIN ST
10TH ST
WADDY AVE
HOLLYWOOD AVE
MONTREAL AVE
SUNSET AVE
BRIGHTON AVE
CHALMERS ST
WENTWORTH ST
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:6,000
Market Value Analysis
Printed Date: 10/4/2018

Agenda Information Sheet

File #: 18-1262 **Item #:** 73.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 10

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 Planned Development District for R-7.5(A) Single Family District uses on property zoned an NO(A) Neighborhood Office District, a CS Commercial Service District, and an R-7.5(A) Single Family District with Specific Use Permit No. 1781 for a transit passenger station or transfer center on a portion; and **(2)** a resolution terminating the existing deed restrictions, on the south line of Walnut Hill Lane and the west line of White Rock Trail
Recommendation of Staff and CPC: Approval, subject to a conceptual plan, conceptual fence elevation plan, and conditions; and approval of the termination of existing deed restrictions
Z178-238(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, NOVEMBER 28, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-238(SM) **DATE FILED:** April 16, 2018

LOCATION: South line of Walnut Hill Lane and the west line of White Rock Trail

COUNCIL DISTRICT: 10 **MAPSCO:** 27 P

SIZE OF REQUEST: Approx. 4.593 acres **CENSUS TRACT:** 130.04

OWNER: Richardson ISD

APPLICANT: PSW Real Estate

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for **(1)** a Planned Development District for R-7.5(A) Single Family District uses on property zoned an NO(A) Neighborhood Office District, a CS Commercial Service District, and an R-7.5(A) Single Family District with Specific Use Permit No. 1781 for a transit passenger station or transfer center on a portion and **(2)** the termination of existing deed restrictions.

SUMMARY: The applicant requests to construct 38 single family units that will utilize a shared access drive with one ingress/egress point on White Rock Trail.

CPC RECOMMENDATION: **Approval**, subject to a conceptual plan, conceptual fence elevation plan, and conditions; and **approval** of the termination of existing deed restrictions.

STAFF RECOMMENDATION: **Approval**, subject to a conceptual plan, conceptual fence elevation plan, and conditions; and **approval** of the termination of existing deed restrictions.

BACKGROUND INFORMATION:

- The property was originally zoned an R-7.5 Single Family District.
- Circa 1974, the property was rezoned to a TH-2 Townhouse District.
- On February 22, 1978, the existing volunteered deed restrictions were approved by City Council in conjunction with a request for an Office-1 District.
- In the mid 1980's, the City of Dallas transitioned the Chapter 51 zoning districts to Chapter 51A zoning districts, which prohibited residential uses in nonresidential districts and vice versa. The property transitioned to a NO(A) Neighborhood Office District at this time.
- On April 27, 2017 a demolition permit was completed to remove an existing office building that was originally constructed in 1986, according to permit records.

Zoning History: There have been no recent zoning changes requested in the vicinity in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Thoroughfare Dimension; ROW
Walnut Hill Lane	Principal Arterial	Minimum 6-lanes divided; 100 feet
White Rock Trail	Local Street	60 ft.

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.

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.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

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 5.5.1 Promote pedestrian-friendly streetscapes.

The proposed development meets the vision of the *forwardDallas! Comprehensive Plan* by providing an additional housing opportunity adjacent to an established residential community. According to the Comprehensive Plan, "objective standards help establish a level playing field and take the guesswork out of the development process for both developers and neighbors." The proposed single family development will provide a streetscape that will accommodate pedestrian use and encourage walkability, thus making it a unique and desirable housing option within the community.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	NO(A) with DR No. Z1767-294, CS, R-7.5(A) with SUP No. 1781	Undeveloped Abutting rights-of-way
North	MF-1(A) with DR No. Z756-196 and SUP No. 740	Child-care facility and Private school
East	R-7.5(A)	Single Family
South	CS	Manufacturing and warehouse
West	MF-1(A) and PDD No. 758 Subarea C	DART ROW and Multifamily

Land Use Compatibility:

The applicant proposes to develop the site with a single family residential development consisting of a maximum of 38 dwelling units that utilize a looped shared access easement with an enlarged singular access point on White Rock Trail. The site is currently undeveloped and slopes from the adjacent roadways to the floodplain which is opposite to the abutting the DART light rail line. Surrounding uses to the site include a child-care facility and private school to the north, opposite Walnut Hill Lane; single family neighborhoods to the northeast and east, opposite White Rock Trail; a commercial manufacturing or warehouse development abuts the site to the south; and a DART rail line separates the site from flood plain and multifamily farther west. The site also abuts an improved hike and bike trail that passes beneath the Walnut Hill Lane bridge and leads to the nearby DART Lake Highlands Blue Line Light Rail Station, just northwest to the site.

The applicant plans to develop the site as a shared access development but the proposed planned development district also allows a traditional single family subdivision. The applicant also proposes five-foot sidewalks on White Rock Trail to connect future residents and the community to the existing hike and bike trail that runs adjacent to the site on Walnut Hill Lane. With respect to design standards, the applicant has offered some minimum masonry requirements to allow a variating facade treatment to the proposed single family development.

Staff and CPC recommend approval of the proposed 38-lot, single-family development with R-7.5(A) Single Family District allowed uses because it will be compatible to the uses in the immediate adjacent area. Additionally, the smaller lot sizes and immediate access to retail to the west and a light rail station to the northwest will provide a transitional development to the adjacent land uses and is therefore compatible with surrounding properties.

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Existing NO(A) Neighborhood Office	15'	20' adjacent to residential OTHER: No Min.	0.5 FAR	30' 2 stories	50%	Proximity Slope Visual Intrusion	Office
Proposed PDD	15' on White Rock Trail, 5' on Walnut Hill	5' for single family; 10'/20' for other uses	Max 38 Units; No max FAR	32'	65% for residential; 25% other		Single family

Deed Restrictions:

The applicant proposes to terminate the existing deed restrictions that were adopted in 1978. The existing deed restrictions allowed the previous development to construct an office building in exchange for:

1) restricting uses to single family and office uses,
2) increasing the setback along White Rock Trail from 15 feet to 31 feet (due to a two-foot street dedication easement in 1989),
3) limiting the maximum height to 12 feet within 150 feet of White Rock Trail and 24 feet otherwise,
4) requiring masonry construction;
5) limiting signs to five feet in height
6) subjective landscaping criteria;
7) limiting light poles to four feet in height; and
8) limiting access from White Rock Trail to one driveway, or two if required by the City of Dallas.

Staff and CPC supports the applicant's request to terminate the existing deed restrictions because of the following:

1) The proposed planned development conditions restore low density residential uses and development to this property and reasonably restrict the proposed development.

2) Staff and CPC do not support an increased setback along White Rock Trail because it would be inconsistent with properties on the east side of White Rock Trail and is not consistent with the zero-foot setback required of the property just south of the request site which is zoned a CS Commercial Service District.

3) Since the CS District to the south allows a maximum of 45 feet in height, with residential proximity slope restrictions, and because the R-7.5(A) Single Family District restricts height to 30 feet, without residential proximity slope restrictions, and because the site slopes downward from residential zoning that lies to the east, staff and CPC can support the applicant's request of a maximum height of 32 feet. Further, since the site slopes down to the west, the least cost-prohibitive way to grade the property for a single family subdivision, shared access or traditional subdivision, is to average the sloping grade by excavating the eastern half of the property by constructing retaining walls to support the grade of White Rock Trail and filling the western half of the property, thus raising it out of the

flood plain. The grading method of averaging of the grade would depress structures by approximately one story and consequently would lower the roof of the structures that abut White Rock Trail. Therefore, the structures that face White Rock Trail would likely appear to be one or two-story structures.

4) The applicant has offered facade conditions to incorporate masonry facades, which staff and CPC support. However, staff and CPC note that 1) if the site is excavated along the rights-of-way and masonry, due to the weight of the material, must be constructed at grade and continue upwards and 2) if a fence is also constructed atop the retaining walls that support the adjacent roadway; staff and CPC question the efficacy and purpose of having masonry facade standards that would likely be obstructed from view by retaining walls and fences.

5) The applicant proposes to be regulated by non-business sign district regulations, which staff and CPC support because it is the standard for signs in all other R-7.5(A) Districts. In non-business sign districts, subdivisions signs are limited to six feet in height and detached signs are limited to 20 square feet in effective area and eight feet in height.

6) Staff and CPC support terminating the existing deed restriction landscaping conditions because it was adopted before the City adopted Article X landscaping regulations.

7) Staff and CPC support terminating the existing deed restriction requirement to limit light poles to four feet in height because Section 51A-4.301(e) makes special provisions for lighting off-street parking areas for all other uses except single family or duplex uses regulations and spillover lighting is regulated in Article VI of the Dallas City Code.

8) Finally, staff and CPC support terminating the final element of the existing deed restriction, which refers to vehicular access because it is proposed to be regulated in the PDD conditions.

Parking:

The request includes two modifications to the requirements in the Dallas Development Code. First, the Dallas Development Code requires just one parking space for single family uses in the R-7.5(A) Single Family District and the applicant requests that a minimum of two are required for single family uses in the proposed PDD regulations, which staff and CPC support. The applicant has also requested to increase the parking requirements of a shared access development to an additional four tenths of a space

per unit whereas code requires an additional one-quarter space per dwelling unit for visitor parking in addition to the two spaces required for each single family unit.

Second, the applicant requests a modification to alter platting and other requirements so that the shared access drive be allowed to dead-end without a turn-around. Staff and CPC do not support this request because it may cause unforeseen complications with utilities or emergency access. Further, staff and CPC do not support this portion of the request because it proposes to leverage zoning regulations to attempt to corrupt regulations that do not pertain to zoning and land use.

Landscaping:

In general, landscaping must be provided in accordance with the landscaping requirements in Article X, as amended. Staff and CPC support the applicant's request for a clarification that the amended Article X landscaping regulations apply to shared access developments and because the amended Article X landscaping regulations for shared access development only specify two variants to minimum landscape area for shared access developments with a maximum of 10 individual lots and shared access developments with a minimum of 11 and a maximum of 36 individual lots whereas the request has a maximum of 38 individual lots, staff and CPC recommend noting the minimum landscape area is 15 percent to clarify the minimum landscape area requirement.

Fences:

Since the site slopes down from the adjacent roadways, the applicant plans to depress the grade adjacent to the roadways and raise the lower areas of the site near the DART light rail line. Therefore, since fencing regulations in single family districts require fences in front yards to be measured from the lowest grade to the top of the fence—which would be measured from the inside of the fence along White Rock Trail—and that front yard fencing must have a minimum openness of 50 percent, the applicant requests relief from these regulations. The applicant proposes to grade and develop the site in a manner in which the lots proposed to front on White Rock Trail will have a depressed "back yard" and second-story bedroom windows are likely to be constructed approximately at the same level as White Rock Trail. The applicant has also offered a conceptual fence elevation and regulations that require the fence to have recesses and masonry materials for portions of the fences. Staff and CPC support the applicant's fencing requests because the modifications will allow future residents some privacy along a busy roadway and because the proposed recesses in the fence will provide travelers on White Rock Trail an improved fence.

Solar Panels:

The applicant also proposes to prohibit solar panels that will be visible from White Rock Trail and Walnut Hill Lane. Because renewable energy is beneficial to the environment and because solar panels are usually placed on southern facing roofs (White Rock Trail and Walnut Hill Lane are located to the east and north, respectively), staff and CPC do not support this condition.

Shared Access:

The applicant also requests two separate but related modifications to shared access regulations. The applicant proposes to reduce the minimum two access point standard to one and to increase the minimum pavement width of the shared access point from 16 feet to 30 feet. Staff and CPC support this request because the modification to increase the pavement width of the singular access point to allow additional vehicular capacity is almost doubled but is not so wide as to make an unsafe driveway width for pedestrian crossings. Additionally, the proposed pavement width minimum also allows room to fine-tune the alignment and geometrics in the subdivision process.

PRIOR CPC ACTION – June 21, 2018:

Motion: In considering an application for 1) a Planned Development District for R-7.5(A) Single Family District uses on property zoned an NO(A) Neighborhood Office District, CS Commercial Service, and R-7.5(A) Single Family District with Specific Use Permit No. 1781 for a transit passenger station or transfer center on a portion, and 2) termination of existing deed restrictions, on the south line of Walnut Hill Lane and the west line of White Rock Trail, it was moved to **hold** this case under advisement until August 2, 2018.

Maker: Housewright
Second: Peadon
Result: Carried: 10 to 0

For: 10 - West, Rieves, Houston, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Peadon

Against: 0
Absent: 4 - Davis, Ridley, Tarpley, Murphy
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 59
Replies: For: 4 Against: 14

Speakers: For: None
Against: Richard Duge, 9644 Trailview Dr., Dallas, TX, 75238
Andrew Siegel, 9414 Spring Branch, Dallas, TX, 75238

PRIOR CPC ACTION – August 2, 2018:

Motion: In considering an application for 1) a Planned Development District for R-7.5(A) Single Family District uses on property zoned an NO(A) Neighborhood Office District, CS Commercial Service, and R-7.5(A) Single Family District with Specific Use Permit No. 1781 for a transit passenger station or transfer center on a portion, and 2) termination of existing deed restrictions, on the south line of Walnut Hill Lane and the west line of White Rock Trail, it was moved to **hold** this case under advisement until August 16, 2018.

Maker: Housewright
Second: Rieves
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 1 - Tarpley
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 59
Replies: For: 4 Against: 20

Speakers: For: None
For (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

PRIOR CPC ACTION – August 16, 2018:

Motion: In considering an application for 1) a Planned Development District for R-7.5(A) Single Family District uses on property zoned an NO(A) Neighborhood Office District, CS Commercial Service, and R-7.5(A) Single Family District with Specific Use Permit No. 1781 for a transit passenger station or transfer center on a portion, and 2) termination of existing deed restrictions, on the south line of Walnut Hill Lane and the west line of White Rock Trail, it was moved to **hold** this case under advisement until October 4, 2018.

Maker: Housewright
Second: Carpenter
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Lewis, Jung, Housewright, Schultz*, Peadon, Murphy, Ridley*, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 59
Replies: For: 4 Against: 20

Speakers: None

PRIOR CPC ACTION – October 4, 2018:

Motion: It was moved to recommend 1) **approval** of a Planned Development District for R-7.5(A) Single Family District uses, subject to a revised conceptual plan to include a maximum structure height of 32 feet (as briefed), conceptual fence elevation plan, and staff's recommended conditions with the following modifications: 1) Sec.51P-__.110., OFF STREET PARKING AND LOADING. (c), strike the applicant request in regards to turnarounds and follow staff's recommendation, and 2) eliminate restrictions in regard to solar panels on property zoned an NO(A) Neighborhood Office District, CS Commercial Service District, and R-7.5(A) Single Family District with Specific Use Permit No. 1781 for a transit passenger station or transfer center on a portion; and 2) **approval** of the termination of existing deed restrictions, on the south line of Walnut Hill Lane and the west line of White Rock Trail.

Maker: Housewright
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: 59
Replies: For: 4 Against: 20

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

Officers

PROPOSED TERMINATION OF DEED RESTRICTIONS

III.

The Owner does hereby terminate and release the following restrictions as they apply to the Property, to wit:

"1. The property may be used for the following purposes, as defined in the Comprehensive General Zoning Ordinance of the City of Dallas, and no other:

a. Single family detached houses;
b. Bank or savings and loan office without drive-in windows
c. Medical, dental, or optical clinic;
d. General office.

2. The property shall not be used for the treatment of drug addiction, alcoholism, abnormal behavorism, or mental health oriented practices or physical fitness training, other than incidentially related to the practice of a licensed medical doctor, psychatrist or psychologist.

3. The property shall not be used for any type of retail sales.

4. All buildings shall be set back a minimum of 33 feet from the proprety line along White Rock Trail as it exists on January 25, 1978.

5. No building located within 150 feet of White Rock Trail shall exceed twelve (12) feet in height; no building on the property shall exceed twenty-four (24) feet in height; buildings shall be of masonry construction.

6. Signs visible from White Rock Trail shall not exceed 5 feet in height measured front the top of the sign to ground level. Signs along White Rock Trail shall be limited to the name of the office or medical park, tenant lists, and traffic control signs. Individual office signs shall not be visible from White Rock Trail except door plaques.

7. Landscaping shall be provided in a manner conmensurate with the surrounding single family residential area. Trees existing on the property shall be maintained in their natural state if reasonably possible.

8. Light poles in the parking area shall not exceed 4 feet in height.

9. Any fence located adjacent to and parallel to White Rock Trail shall be of masonry construction.

10. Access to the property from White Rock Trail shall be from a single driveway located as near to Kingsley Road as reasonably possible, unless a second access to White Rock Trail is required by the City of Dallas."

CPC RECOMMENDED PDD CONDITIONS

ARTICLE _____.

PD _____.

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No._____, passed by the Dallas City Council on _____.

SEC. 51P- ____.102. PROPERTY LOCATION AND SIZE.

PD _____ is established on property located at the southwest corner of Walnut Hill Lane and White Rock Trail. The size of PD _____ is approximately 4.57 acres.

SEC. 51P- ____.103. DEFINITIONS AND INTERPRETATIONS.

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

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

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

SEC. 51P- ____.104. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit ___A: conceptual plan.

(2) Exhibit B: conceptual fence elevation.

SEC. 51P- ____.104. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit ___A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P- ____.105. DEVELOPMENT PLAN.

(a) Except as provided in this section, 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.

(b) For single family uses, a final plat may serve as the development plan.

SEC. 51P- ____.107. MAIN USES PERMITTED.

The only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district; etc.

SEC. 51P-____.108. ACCESSORY USES.

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

(b) Accessory community center (private) is permitted by right. 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.

SEC. 51P-____.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. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(b) Front yard.

(1) Minimum front yard is 15 feet along White Rock Trail. Cantilevered roof eaves, unenclosed porches, stairs, stoops, and awnings may project up to five feet into the White Rock Trail front yard.

(2) Walnut Hill Lane is considered a side yard.

(c) Side and rear yard. For single family structures, minimum side and rear yard is five feet.

(d) Density. Maximum number of dwelling units is 38.

(e) Floor area ratio. No maximum floor area ratio.

(f) Height. Maximum structure height is 32 feet, measured to the midpoint of a sloped roof or to the top of the roof for a flat roof.

(g) Lot coverage. Maximum lot coverage is 65 percent for residential structures. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not. The shared access area may be used to determine lot coverage.

(h) Lot size. No minimum lot size.

SEC. 51P- ____.110. OFF-STREET PARKING AND LOADING.

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

(b) Single family uses. A minimum of two off-street parking spaces for each dwelling unit must be provided. For a shared access development, guest parking must be provided at a minimum of 0.4 spaces per dwelling unit within a shared access development.

CPC recommendation:

~~(c) Shared access drive. When the property is platted, no form of turnaround, circular or otherwise, is required at terminus of private or shared access drive.~~

Applicant requested:

(c) Shared access drive. When the property is platted, no form of turnaround, circular or otherwise, is required at terminus of private or shared access drive.

SEC. 51P- ____.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.112. LANDSCAPING.

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

(b) For shared access developments with a minimum of 11 and a maximum of 38 individual lots and except as provided in this paragraph, landscaping must be provided in accordance with Article X. Minimum landscape area is 15 percent of the total shared access development area.

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

SEC. 51P- ____.114. DESIGN STANDARDS FOR RESIDENTIAL USES.

(a) Sidewalks.

(1) Internal sidewalks. Sidewalks are permitted along the shared access drive. If installed, a sidewalk must be a minimum of four feet wide.

(2) White Rock Trail sidewalks. A minimum five-foot-wide sidewalk must be provided along White Rock Trail.

(b) Single family building materials.

(1) Each individual single family structure must be constructed of a minimum of 25 percent masonry.

(2) For single family structures with frontage on White Rock Trail, the cumulative facade area must be a minimum of 50 percent masonry. For all other single family structures, the cumulative facade area for all single family structures must be a minimum of 50 percent masonry.

(3) For purposes of this subsection, masonry includes brick and stone, but does not include stucco, EFIS, or fiber cement siding. Building facade calculation does not include openings for windows or doors. Cumulative facade area includes the total building facade area of all existing and proposed structures.

(c) Fences along White Rock Trail and Walnut Hill Lane.

(1) Maximum fence height is four feet with maximum five foot columns, measured on the outside of the fence.

(2) In accordance with Exhibit ___B Conceptual Fence Elevation, a minimum of 60 percent of the fencing along White Rock Trail and 65 feet on the north property line west of the intersection of Walnut Hill Lane and White Rock Trail must be solid and constructed of masonry materials. The remaining fence material may be solid and constructed of any combination of masonry or decorative iron materials. A minimum of 20 percent of the fencing along White Rock Trail must provide recesses that are a minimum of six feet in width and minimum three feet of depth.

CPC recommended:

~~(d) Solar panels. Solar panels must not face east or north within 100 feet of Walnut Hill Lane or White Rock Trail.~~

Applicant requested:

(d) Solar panels. Solar panels must not face east or north within 100 feet of Walnut Hill Lane or White Rock Trail.

(e) Single family roof slope. Except as provided in this paragraph, the minimum roof is 2:12. A minimum of half the roof area must maintain a minimum roof slope of 4:12. Membrane roofs and parapets are prohibited.

SEC. 51P- ____.113. SIGNS.

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

SEC. 51P- ____.114. ADDITIONAL PROVISIONS.

(a) A shared access development may have one access point for a maximum of 38 lots.

(b) A shared access point must have a minimum pavement width of 30 feet

(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.

SEC. 51P-____.115. COMPLIANCE WITH CONDITIONS.

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

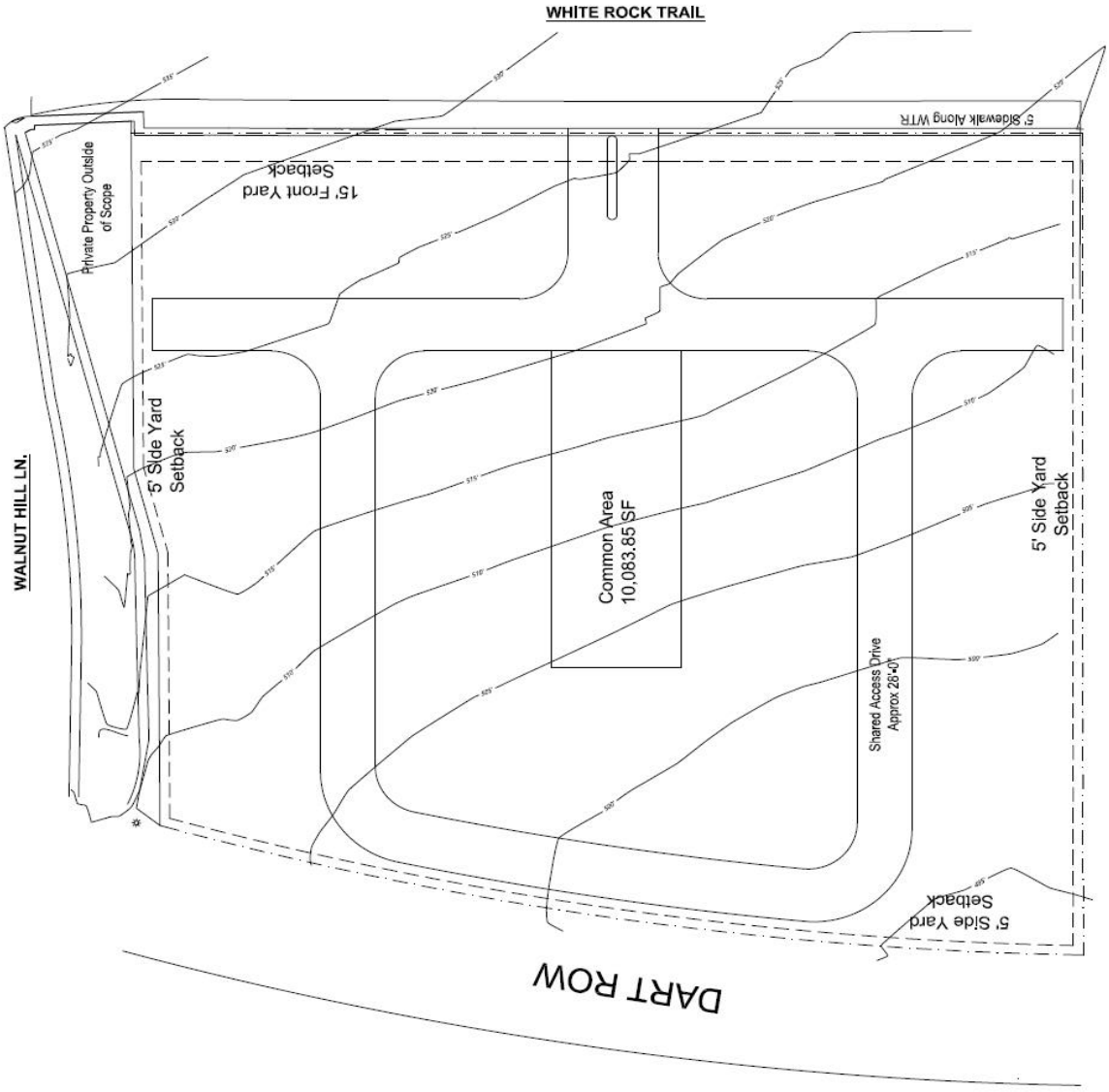
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations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

CPC Recommended Conceptual Plan

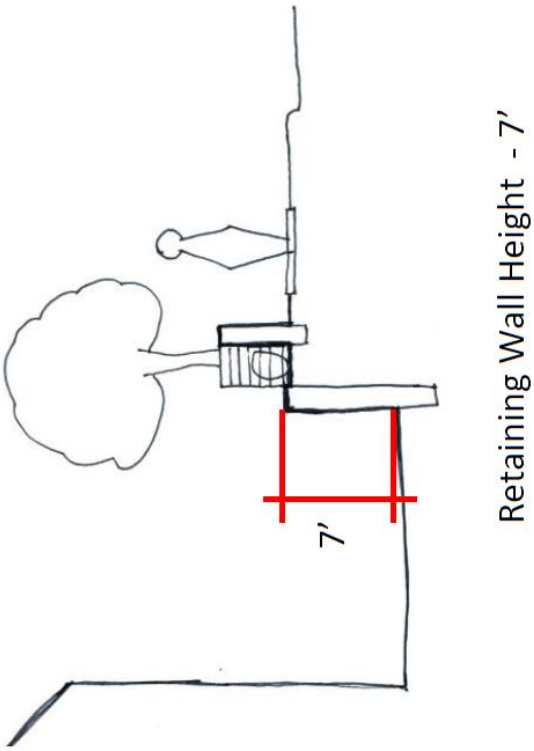


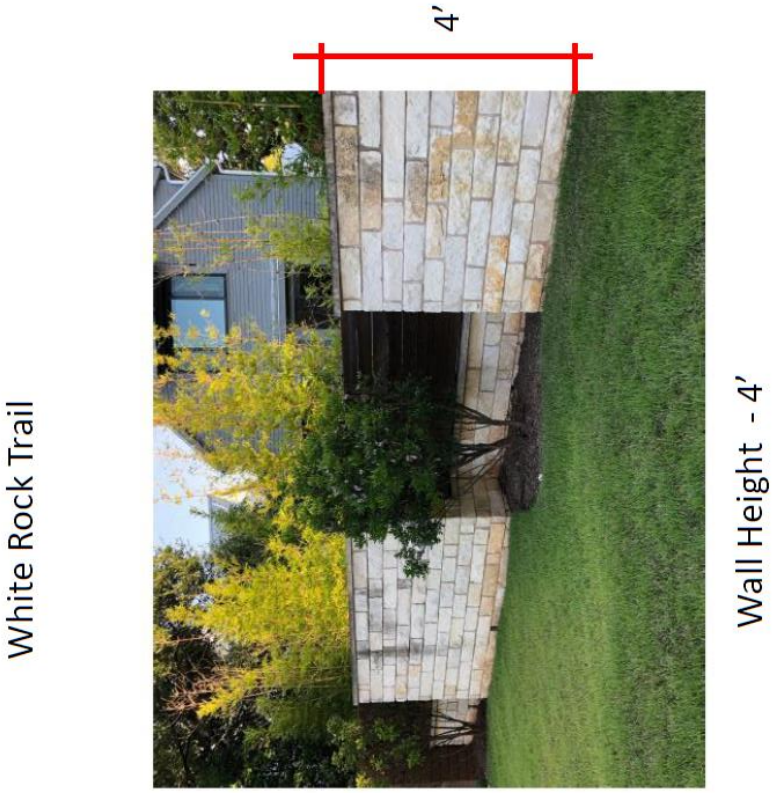
White Rock Trail	
Yard Lot and Space Regulations	
Front Yard	Minimum setback along White Rock Trail is 15';
Side and Rear Yard	Minimum side and rear yard is 5'
Density	Maximum number of dwelling units is 38
Floor Area Ratio	No maximum Floor Area Ratio
Height	Maximum structure height is 32'
Lot Coverage	Maximum Lot Coverage is 65 Percent
Lot Size	No minimum lot size
Off Street Parking and Loading	
Off Street Parking	2 per dwelling unit
Guest Parking	0.4 per unit

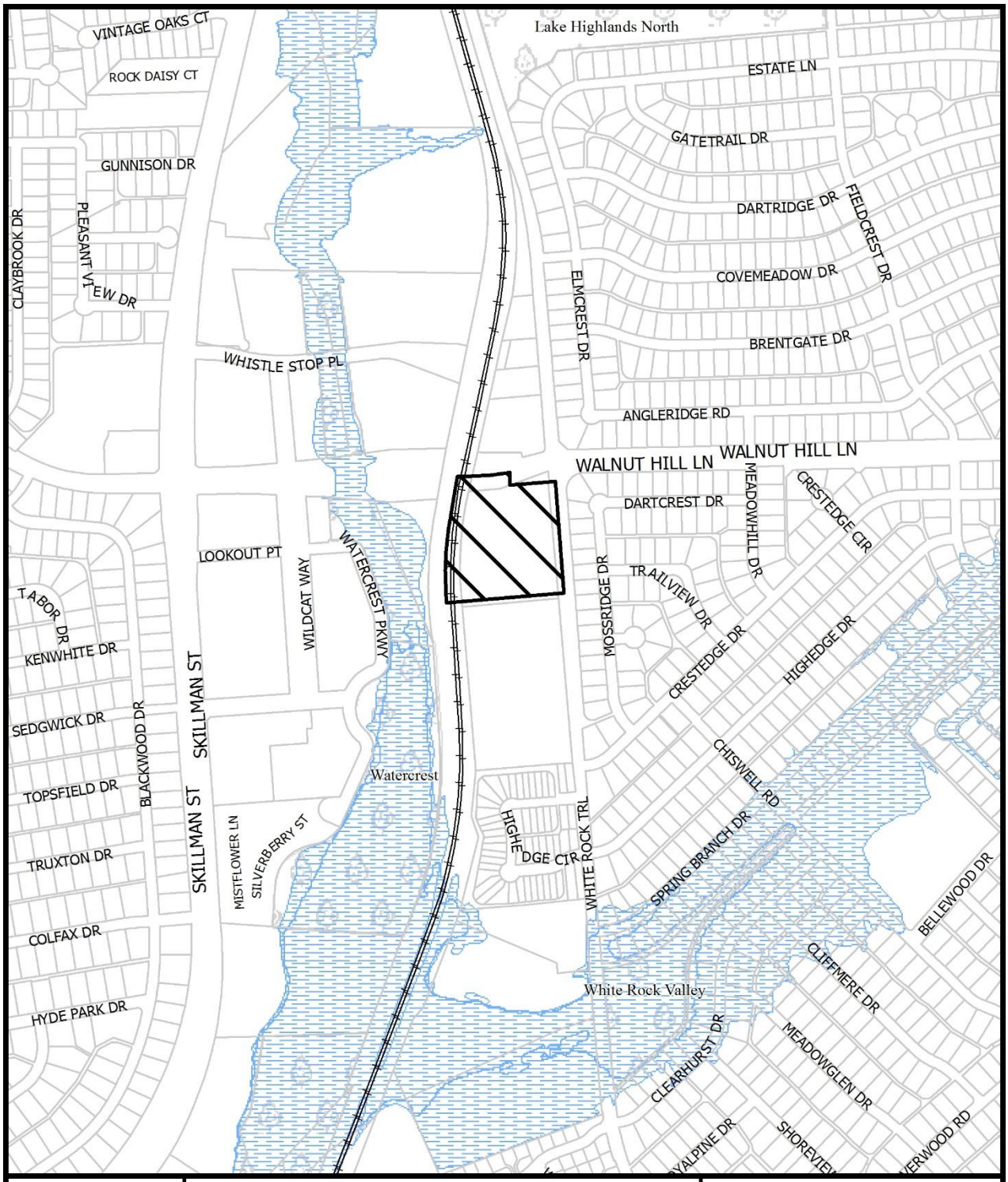
Shared access easement width and alignment to be determined by plat



CPC Recommended Conceptual Fence Elevation





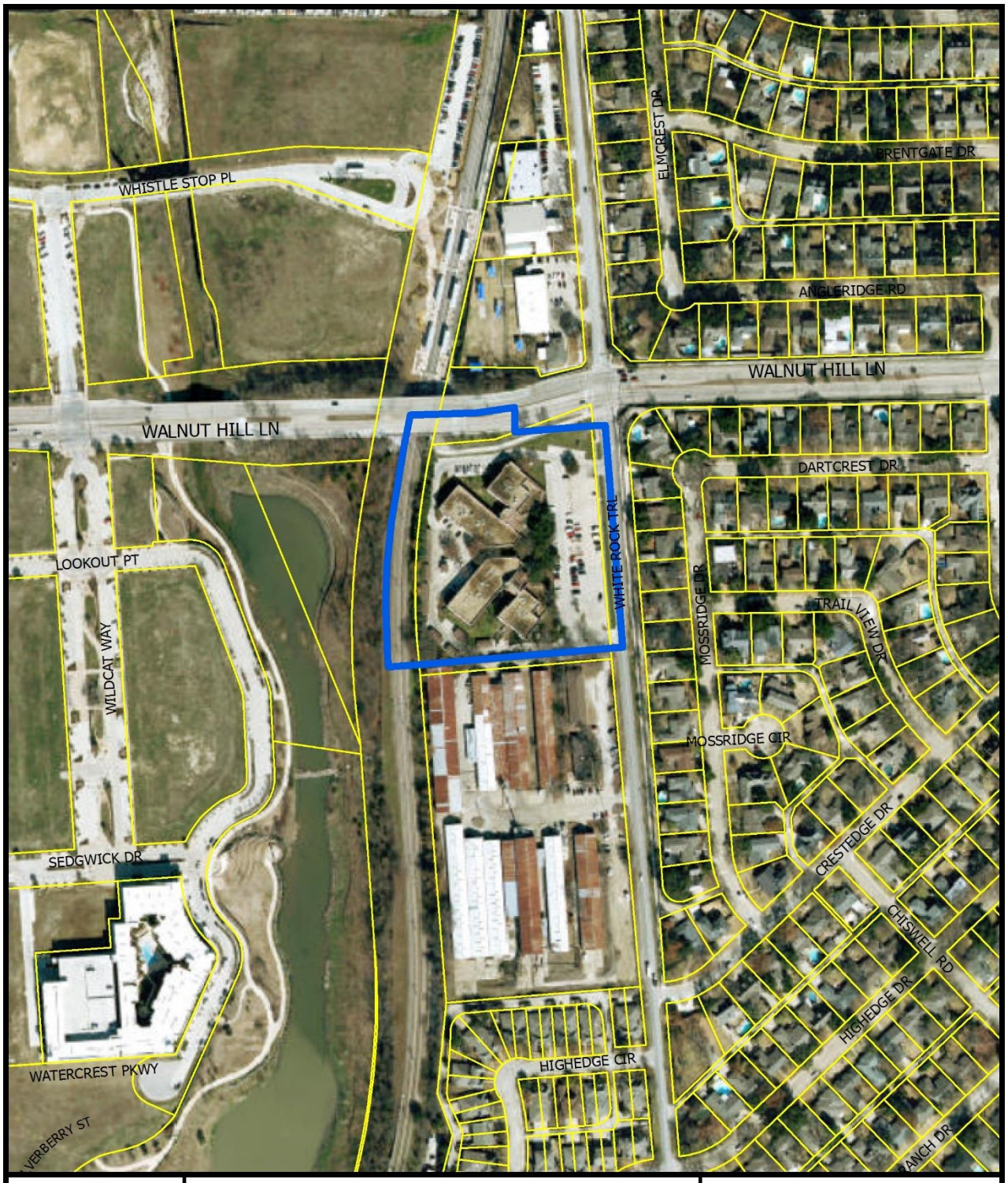


1:7,200

VICINITY MAP

Case no: Z178-238

Date: 6/8/2018

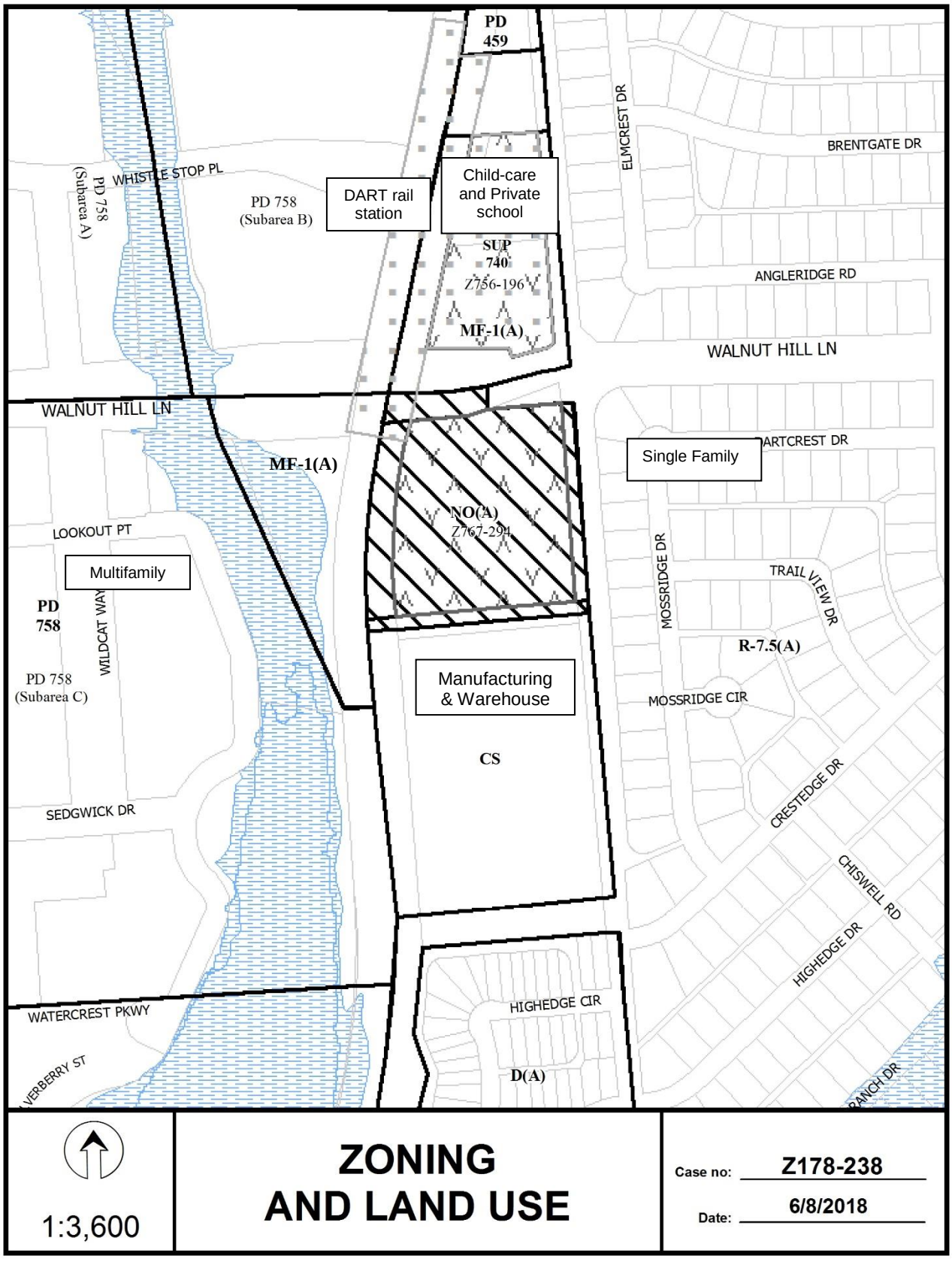


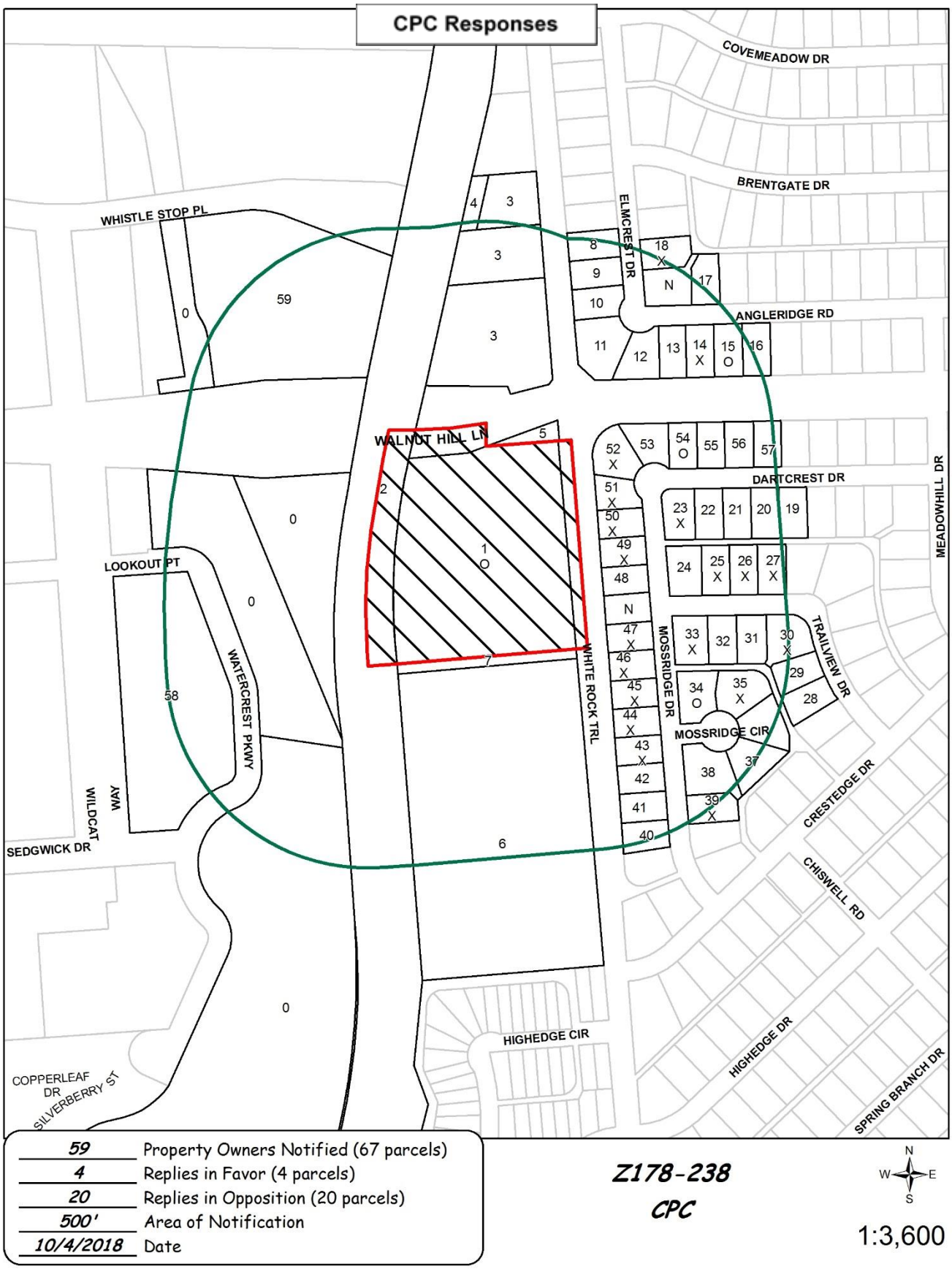
1:3,600

AERIAL MAP

Case no: Z178-238

Date: 6/8/2018


PD 459
ELMCREST DR
BRENTGATE DR
WHISTLE STOP PL
PD 758 (Subarea A)
PD 758 (Subarea B)
DART rail station
Child-care and Private school
SUP 740
Z756-196
MF-1(A)
ANGLERIDGE RD
WALNUT HILL LN
WALNUT HILL LN
MF-1(A)
Single Family
ARTCREST DR
NO(A)
Z767-291
LOOKOUT PT
Multifamily
PD 758
WILDCAT WAY
MOSSRIDGE DR
TRAIL VIEW DR
R-7.5(A)
PD 758 (Subarea C)
Manufacturing & Warehouse
MOSSRIDGE CIR
CS
CRESTEDGE DR
SEDGWICK DR
CHISWELL RD
HIGHEDGE DR
WATERCREST PKWY
HIGHEDGE CIR
VERBERRY ST
D(A)
RANCH DR
1:3,600
ZONING AND LAND USE
Case no: Z178-238
Date: 6/8/2018


CPC Responses
COVEMEADOW DR
BRENTGATE DR
WHISTLE STOP PL
ELMCREST DR
ANGLERIDGE RD
WALNUT HILL LN
DARTCREST DR
MEADOWHILL DR
LOOKOUT PT
WATERCREST PKWY
WHITE ROCK TRL
MOSSRIDGE DR
MOSSRIDGE CIR
TRAILVIEW DR
WILDCAT WAY
SEDGWICK DR
CRESTEDGE DR
CHISWELL RD
HIGHEDGE CIR
HIGHEDGE DR
SPRING BRANCH DR
COPPERLEAF DR
SILVERBERRY ST
59 Property Owners Notified (67 parcels)
4 Replies in Favor (4 parcels)
20 Replies in Opposition (20 parcels)
500' Area of Notification
10/4/2018 Date
Z178-238
CPC
N
W
E
S
1:3,600

10/03/2018

Reply List of Property Owners

Z178-238

59 Property Owners Notified ***4 Property Owners in Favor*** ***20 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	9601	WHITE ROCK TRL	RICHARDSON ISD
	2	555	2ND AVE	DART
	3	9727	WHITE ROCK TRL	ADAMS JOHN & MARY LP
	4	9735	WHITE ROCK TRL	ADAMS JOHN & MARY LP
	5	9611	WHITE ROCK TRL	ADAMS JOHN B & MARY
	6	9525	WHITE ROCK TRL	PIERCE LARRY ERNEST TR &
	7	9525	WHITE ROCK TRL	PIERCE LARRY ERNEST &
	8	9719	ELMCREST DR	HIGHTOWER B SUE
	9	9715	ELMCREST DR	RACINE RANDY A
	10	9709	ELMCREST DR	DOGGETT SCOTT T & CAROL J
	11	9703	ELMCREST DR	KRAEMER ROBBIE DEE
	12	9406	ANGLERIDGE RD	PRESTON JAMES DARRELL
	13	9412	ANGLERIDGE RD	WALTON MARY L
X	14	9416	ANGLERIDGE RD	BURNS FAMILY REVOCABLE
O	15	9422	ANGLERIDGE RD	MARMION WILLIAM H TR LIFE EST &
	16	9426	ANGLERIDGE RD	WRIGHT JAY & AMY
	17	9417	ANGLERIDGE RD	JACKS NATHAN ANDREW &
X	18	9716	ELMCREST DR	PARRY RAPHAEL P III &
	19	9432	DARTCREST DR	TAYLOR DAVID H & CAROLYN MORGAN
	20	9426	DARTCREST DR	ALLEN JERRY RAY & PATTI A
	21	9420	DARTCREST DR	COLLINS MICHAEL P & BROOKE M
	22	9414	DARTCREST DR	MCILROY KEVIN L & SHARON
X	23	9408	DARTCREST DR	MCCLELLAN MATTHEW J &
	24	9648	TRAILVIEW DR	MORAN MATTHEW W &
X	25	9644	TRAILVIEW DR	DUGE RICHARD W
X	26	9638	TRAILVIEW DR	WOODARD SCOTT & ELIZABETH

10/03/2018

Reply	*Label #*	*Address*		*Owner*
X	27	9634	TRAILVIEW DR	BOWLES BRUCE W
	28	9611	TRAILVIEW DR	CABANISS KEVIN CHARLES &
	29	9615	TRAILVIEW DR	BARTHOLOMEW DWIGHT U &
X	30	9619	TRAILVIEW DR	GOODEN MICHAEL & MARY D
	31	9637	TRAILVIEW DR	HOUCHARD DANIEL P & MAURA E
	32	9643	TRAILVIEW DR	STELTONSWAN ROBERT M &
X	33	9647	TRAILVIEW DR	SAYLES ROBERT L & KIMBERLY
O	34	9538	MOSSRIDGE CIR	HARMAN JAMES A & AMY L
X	35	9534	MOSSRIDGE CIR	EPHRAIM REVOCABLE TRUST
X	36	9530	MOSSRIDGE CIR	JONES MARY LOUISE WHITE
	37	9526	MOSSRIDGE CIR	WILLIAMS MICHAEL LANE &
	38	9522	MOSSRIDGE CIR	DAY CHARLES R & RENEE L
X	39	9516	MOSSRIDGE DR	WILLIAMS C COURTNEY
	40	9511	MOSSRIDGE DR	BAYNE HARRY G
	41	9517	MOSSRIDGE DR	DANGELO ROBERT P & KELLI M
	42	9521	MOSSRIDGE DR	PERSLEY KIMBERLY
X	43	9527	MOSSRIDGE DR	RINEHART JON G & MARY C
X	44	9533	MOSSRIDGE DR	BARFOOT DAVID SCOTT & DEBORAH JT
X	45	9539	MOSSRIDGE DR	HALLERMAN H MARIE
X	46	9543	MOSSRIDGE DR	TAVACKOLI MOHAMMAD & AMANDA
X	47	9547	MOSSRIDGE DR	PLIMPTON ROBERT
	48	9609	MOSSRIDGE DR	QUALIA STUART ISAAC & KATHRYN ANN
X	49	9615	MOSSRIDGE DR	NEWELL BENJAMIN &
X	50	9619	MOSSRIDGE DR	TABAK NAOMI TUCHMAN &
X	51	9623	MOSSRIDGE DR	WEITZEL ROBERT E &
X	52	9627	MOSSRIDGE DR	BALCH CHANDLER & KELSEY
	53	9405	DARTCREST DR	MOORE WALTER D EST OF
O	54	9409	DARTCREST DR	ALFERTIG CHRISTINA L
	55	9415	DARTCREST DR	GREGG BRUCE A & GERRI S
	56	9421	DARTCREST DR	BALUCH HOLDINGS LLC
	57	9427	DARTCREST DR	BERGENDAHL JERI

10/03/2018

Reply	*Label #*	*Address*		*Owner*
	58	9330	LOOKOUT PT	LHTC MF I LP
	59	3	WHISTLE STOP PL	PC LH LAND PARTNERS LP

Agenda Information Sheet

File #: 18-1263 **Item #:** 74.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 9

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 Planned Development District No. 574, on the northeast side of Highland Road, northwest of Ferguson Road
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z178-315(JM)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, NOVEMBER 28, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-315(JM) **DATE FILED:** July 27, 2018

LOCATION: Northeast side of Highland Road, northwest of Ferguson Road

COUNCIL DISTRICT: 9 **MAPSCO:** 47 C

SIZE OF REQUEST: ±4.59 acres **CENSUS TRACT:** 122.09

OWNER: Highland Partnership, LLC

APPLICANT: David Weekley, LLC

REPRESENTATIVE: Rob Baldwin, Baldwin and Associated

REQUEST: An application for an amendment to Planned Development District No. 574.

SUMMARY: The purpose of this request is to allow for a shared access development with 35 single family lots, one gated access point, and an accessory private community center.

CPC RECOMMENDATION: **Approval**, subject to a conceptual plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a conceptual plan and conditions.

BACKGROUND INFORMATION:

- PD No. 574 was established in 2000 and contains 4.588 acres for R-5(A) uses. A development plan stated that 18 single family units were proposed with private streets.
- The current request is to amend PD No. 574 to allow the following:
    - A shared access development for single family uses with 35 lots and one access point.
    - A conceptual plan.
    - For the final plat to serve as the development plan for single family and accessory uses.
    - An accessory private community center within the common area.
    - To include the shared access area in the calculation for allowable lot coverage.
    - To reduce the minimum lot size from 4,500 square feet to 2,250 square-feet, inclusive of the shared access area.
    - To allow a six-foot solid fence along the Highland Road frontage.

Zoning History: There have been three zoning requests within the area in the last five years.

1. **Z134-173:** On August 13, 2014, the City Council approved an ordinance granting an NS(A) Neighborhood Service District on property zoned an MF-2(A) Multifamily District, located on the southwest line of Highland Road, east of Ferguson Road.

2. **Z156-244 (Z001-231-11487):** On September 12, 2001, the City Council approved an ordinance granting Specific Use Permit No. 1455 for private school use, on the northwest side of Ferguson Road and Little Pocket Road. *Expanded on August 9, 2006. Automatically renewed on June 22, 2016.*

3. **Z134-233:** On September 10, 2014, the City Council approved an ordinance granting Planned Development District No. 924 for a Group Residential Facility and CS Commercial Service District Uses on property zoned a CS Commercial Service District and a P(A) Parking District, located on the northeast line of Laughlin Drive and southwest line of Charles Street, east of Ferguson Road. *Southeast of the site and not on the Zoning History map.*

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.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Highland Road	Local	Varies	--

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.

LAND USE ELEMENT

GOAL 1.2 Promote desired development

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

The request site is within an urban neighborhood building block where the increased density will provide an additional residential option.

GOAL 1.3 Provide equitable opportunities for Dallas residents

Policy 1.3.1 Create housing opportunities throughout Dallas.

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.

NEIGHBORHOOD PLUS

Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

The proposed single family, shared access development use adds diversity in housing options. The modifications to the district standards requested are fitting for the site and act as a transition between single family uses to the north and multifamily uses to the east and south within the neighborhood.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 574	Undeveloped
North	MF-2(A) Multifamily District and R-7.5(A) Single Family District	Undeveloped, Public Utilities, and Single Family
East	PD No. 273	Mini-warehouse and Outside Storage
South	MF-2(A) Multifamily District	Multifamily and Park [White Rock Hills Park]
West	MF-2(A) Multifamily District and R-7.5(A) Single Family District	Multifamily, Public Utilities, and Single Family

Land Use Compatibility:

The request site is currently undeveloped. The northeast corner of the site, located within the floodplain, is the site for the proposed common area for the single family shared access development. Surrounding land uses include undeveloped, public utilities, and single family to the north; mini-warehouse and outside storage to the east; multifamily and park to the south; and, multifamily, public utilities, and single family to the west.

The subject site was zoned PD No. 574 in 2000 to be developed with a single family gated neighborhood with private streets. The shared access area proposed is private, similar to the existing allowance for private streets. The current development plan (Exhibit 574A) indicates there would be two entrances to the enclave, 18 lots with a minimum of 5,000 square feet of lot area, and a common area in the floodplain. In comparison, the newly proposed single family shared access development will be gated with one entrance, reduce the minimum lot size to 2,250 square feet allowing 35 total lots, provide guest parking, and a common area with an accessory community center (private). Other than an increase in density and removal of one entrance to the neighborhood, the request is similar to the intent for development in 2000. The reduction of the minimum two access points standard to one and to increase the minimum pavement width of the shared access point from 16 feet to 31 feet. Staff supports this request because the modification to increase the pavement width of the singular access point to allow additional vehicular capacity is almost doubled.

Overall, the area is residential in nature. Travelling northwest on Highland Road, the density reduces from multifamily to single family. The subject site is immediately adjacent to three multifamily developments. The utility easement and floodplain to the north separate the lower density, single family uses from the southeasterly portion of Highland Road.

Development Standards

DISTRICT	SETBACKS		Density (Rounded Up)	Height	Lot Coverage	Lot Size	PRIMARY Uses
	Front	Side/Rear					
Existing: PD No. 574	10' for SF 20' OTHERS	SF: 3' and 5' OTHER: 10' and 10'	18 dwelling units on 4.59 acres (4 dwelling units per acre)	36' No max stories	70% res. 25% nonres.	4,500 square feet	Single family and private streets.
Proposed: Amending PD No. 574	10' for SF 20' OTHERS	SF: 10' and 5' OTHER: 10' and 10'	35 dwelling units on 4.59 acres (8 dwelling units per acre)	36' No max stories	70% res. 25% nonres shared access area counts for calculation	2,250 square feet inclusive of shared access area	Single family and accessory community center (private).
MF-2(A): Adjacent for Reference	15'	SF: 0' and 0' Duplex: 5' and 10' OTHER: 10' and 10'-15'	No Max: Based on mix of units and lot area.	36' No max stories RPS	60% res. 50% nonres	Min. lot area per DU: SF—1,000 SF Duplex—3,000 SF MF—Eff: 800, 1-Bed: 1,000, 2-Bed: 1,200.	Multifamily, residential, institutional and community service, and utility and public service.

Unshaded columns have proposed changes.

The following changes have been requested in Sec. 51P-574.116 Additional Provisions category:

The provision requiring a three-foot utility/drainage easement to be provided as shown on the development plan was removed since drainage will be assessed upon platting the subject site.

Three additional provisions were added in an effort to enhance the quality of the project.

1. Individual garage doors must be architecturally compatible with the main building.

This adds to the aesthetic of the neighborhood. All required parking for the single family dwelling units will be provided within ground level garages.

2. A minimum five-foot-wide sidewalk and a minimum five-foot wide landscaped parkway must be provided along Highland Road.

The proposed five-foot sidewalks along Highland Road represent an increase from the code required four-foot standard.

Previously, the provision stated that no sidewalks were required on private streets and accessways. The provision is no longer necessary since there will be no private streets. The Dallas Development Code does not require sidewalks along shared access areas.

However, in an attempt to provide connectivity within the gated community, internal sidewalks will be provided within the access points through the common greens to the accessory community center.

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 an identified market type, it is adjacent to Category C to the northwest and southeast and Category E to the south along Highland Road.

Parking:

Parking will be provided pursuant to PD No. 574, which requires one parking space per single family dwelling unit. A single family shared access development is required to provide one parking space per dwelling unit according to the Dallas Development Code Sec. 51A-4.209(6). In addition to any parking spaces required for each dwelling unit, Sec. 51A-4.411(g) states that shared access developments must provide 0.25 unassigned spaces available for use by visitors and residents for each dwelling unit. 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. According to the proposed conceptual plan, the site will contain 35 dwelling units and 11 guest parking spaces. This is a surplus of two guest parking spaces, as compared to the Development Code regulations.

Landscaping:

The new development on the property will require landscaping per Article X of the Dallas Development Code, as amended.

In Section 51A-10.125(2)(A), it states that a minimum required landscape area for a shared access development is determined by the number of individual lots. Landscape areas in individual lots may be included in the total landscape area measurement for developments with a maximum of 36 individual lots. Shared access developments with a maximum 36 individual lots must provide a minimum landscape area equal to 15 percent of the total shared access development area. The subject site contains 199,940 square feet (4.59 acres); therefore, the minimum landscape area required is 29,991 square feet (0.69 acres).

One site tree must be provided for every 4,000 square feet within the shared access development. The trunk of any site tree must be located at least two-and-one-half feet from any pavement. The subject site contains 199,940 square feet (4.59 acres); therefore, a minimum of 50 trees are required throughout the site.

Additionally, one plant group must be provided for every 40 feet of street frontage. Plant groups may be located within the front yard or parkway if all private licensing requirements of the city code and charter are met. Plant groups for shared access developments must include the following:

(i) one large tree and two small trees;
(ii) one large tree and three large evergreen shrubs; or
(iii) one large tree, two small trees, and one large evergreen shrub.

This is supplemented by the additional provision to require a minimum of a five-foot landscape parkway along Highland Road.

Screening:

Pursuant to PD No. 574, an eight-foot fence is currently allowed along Highland Road. The proposed amendment would allow a six-foot solid fence in its place. Staff requested the reduction in height to help keep the area as open as possible, while understanding that the frontage along Highland Road will serve as back and side yards for seven lots.

CPC Action
October 4, 2018

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 574, subject to a conceptual plan and conditions with a modification to SEC. 51P-574.109., OFF STREET PARKING AND LOADING., (a) to read as follows "For a single family use, two off-street parking spaces are required per lot." on the northeast side of Highland Road, northwest of Ferguson Road.

Maker: Jung
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: 17
Replies: For: 1 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Douglas Hunt, 8047 Ferguson Rd., Dallas, TX, 75228
Brian Fennig, 2007 Highland Rd., Dallas, TX, 75228
T. J. Moore, 3301 N. I-35, Carrollton, TX, 75007
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

Highland Partnership, LLC

- REIG, Inc
  - Richard Bezner, CEO
  - Tommy Jackson, President

CPC Recommended PD Conditions

ARTICLE 574.

PD 574.

SEC. 51P-574.101. LEGISLATIVE HISTORY.

PD 574 was established by Ordinance No. 24223, passed by the Dallas City Council on April 12, 2000. Ordinance No. 24223 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. (Ord. Nos. 19455; 24223; 25163)

SEC. 51P-574.102. PROPERTY LOCATION AND SIZE.

PD 574 is established on property located on the northeast side of Highland Road, northwest of Ferguson Road. The size of PD 574 is approximately 4.588 acres. (Ord. Nos. 24223; 25163)

SEC. 51P-574.103. DEFINITIONS AND INTERPRETATIONS.

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

(b) Unless otherwise stated, all code references are to Chapter 51A.

(c) This district is considered to be a residential zoning district. (Ord. Nos. 24223; 25163)

SEC. 51P- .103.1. 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 article and the conceptual plan, the text of this article controls.

SEC. 51P-574.104. DEVELOPMENT PLAN.

(a) For single family uses and accessory uses, ~~development and use of the Property must comply with the development plan (Exhibit 574A)~~, 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 control.

(b) For all other uses, a development plan must be approved by the city plan commission before issuance of any building permit. (Ord. Nos. 24223; 25163)

SEC. 51P-574.105. MAIN USES PERMITTED.

~~(a) Private streets.~~

(b) ~~Except as provided in Subsection (a),~~ the uses permitted in this district are those uses permitted in an R-5(A) Single Family District, subject to the same conditions applicable in the R-5(A) District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the R- 5(A) Single Family District only by specific use permit (SUP) is permitted in this planned development district only by SUP; a use subject to development impact review (DIR) in the R-5(A) Single Family District is subject to DIR in this planned development district; etc. (Ord. Nos. 24223; 25163)

SEC. 51P-574.106. 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 planned development district:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.
-- Private stable.

(c) An accessory community center (private) is a permitted accessory use and may be located on a separate lot from the main use.

SEC. 51P-574.107. 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. Minimum front yard is 10 feet for single family structures, and 20 feet for all other permitted structures. ~~Minimum front yard setback for an enclosed parking structure is 20 feet if the space faces upon or can be entered directly from the street.~~

(b) Side and rear yard. Minimum side yard is ~~three feet for single family structures, and~~ 10 feet ~~for other permitted structures~~. Minimum rear yard setback is five feet for single family structures, and 10 feet for all other permitted structures.

(c) Density. Maximum number of dwelling units permitted on the Property is ~~18~~ 35.

(d) Floor area. No maximum floor area ratio.

(e) Height. Maximum structure height is 36 feet.

(f) Lot coverage. Maximum lot coverage is 70 percent for residential structures and 25

percent for nonresidential structures. For a shared access development, the entire Property is considered one lot for the calculation of lot coverage and the shared access area is included for the calculation of lot coverage.

(g) Lot size. Minimum lot area for residential use is ~~4,500~~ 2,250 square feet. For a shared access development, the shared access area is included in the calculation of lot size.

(h) Stories. No maximum number of stories. (Ord. Nos. 24223; 25163)

SEC. 51P-574.108. FENCE.

For a single family use, an ~~eight~~ six-foot-high solid fence ~~must be provided around the Property as shown on the development plan~~ is permitted along Highland Road. (Ord. Nos. 24223; 25163)

SEC. 51P-574.109. OFF-STREET PARKING AND LOADING.

(a) For a single family use, ~~one~~ two off-street parking space is required per lot.

(b) Guest parking requirements for shared access developments. In addition to any parking spaces required for each dwelling unit, shared access developments must provide 0.25 unassigned spaces available for use by visitors and residents for each dwelling unit. 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.

~~(b)~~ (c) For all other uses, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

~~(c)~~ (d) Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally. (Ord. Nos. 24223; 25163)

SEC. 51P-574.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 24223; 25163)

SEC. 51P-574.111. LANDSCAPING.

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

(b) A minimum five-foot wide landscaped parkway must be provided along Highland Road. The landscaped parkway must be in compliance with Sec. 51A-10.125(b)(1(B).

(c) Plant material must be maintained in a healthy, growing condition. (Ord. Nos. 24223; 25163)

SEC. 51P-574.112. TREE PRESERVATION AND MITIGATION.

Tree preservation must be provided as outlined in Article X, except as follows:

(1) Tree removal applications may be approved by the building official prior to the submission of an application for a building permit on the Property.

(2) A tree survey that complies with the requirements of Article X must be submitted in conjunction with a preliminary plat for the Property.

(3) Mitigation of protected trees must be completed in accordance with the following time frame: 50 percent of the total required caliper inches must be completed prior to the final inspection for the single family structure which will result in the completion of the 9th single family structure on the Property; 75 percent of the total required caliper inches must be completed prior to the final inspection for the single family structure which will result in the completion of the 13th single family structure on the Property; 100 percent of the total required caliper inches must be completed prior to the final inspection of the last single family structure constructed on the Property. (Ord. Nos. 24223; 25163)

SEC. 51P-574.113. SIGNS.

Signs must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 24223; 25163)

SEC. 51P-574.114. ACCESS.

For a single family use, ingress and egress to the Property must be provided as shown on the ~~development~~ conceptual plan. For a shared access development, a maximum of 35 residential lots may be served by one ingress/egress point. (Ord. Nos. 24223; 25163)

~~**SEC. 51P-574.115. STREETS.**~~

~~Street pavement width must be a minimum of 36 feet, and street right-of-way must be a minimum of 50 feet. (Ord. Nos. 24223; 25163)~~

SEC. 51P-574.116. ADDITIONAL PROVISIONS.

(a) Roll-over or mountable curbs are allowed, subject to design and construction approval by the director of public works and transportation.

(b) ~~A three-foot utility/drainage easement must be provided as shown on the development plan.~~ Individual garage doors must be architecturally compatible with the main building.

(c) ~~Sidewalks are not required on private streets and accessways.~~ A minimum five-foot wide sidewalk must be provided along Highland Road.

(d) For a shared access development, a minimum three-foot sidewalk that connects each of the shared access drives to the common area is required.

(e) The entire Property must be properly maintained in a state of good repair and neat appearance.

(f) 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. 24223; 25163; 26102)

SEC. 51P-574.117. COMPLIANCE WITH CONDITIONS.

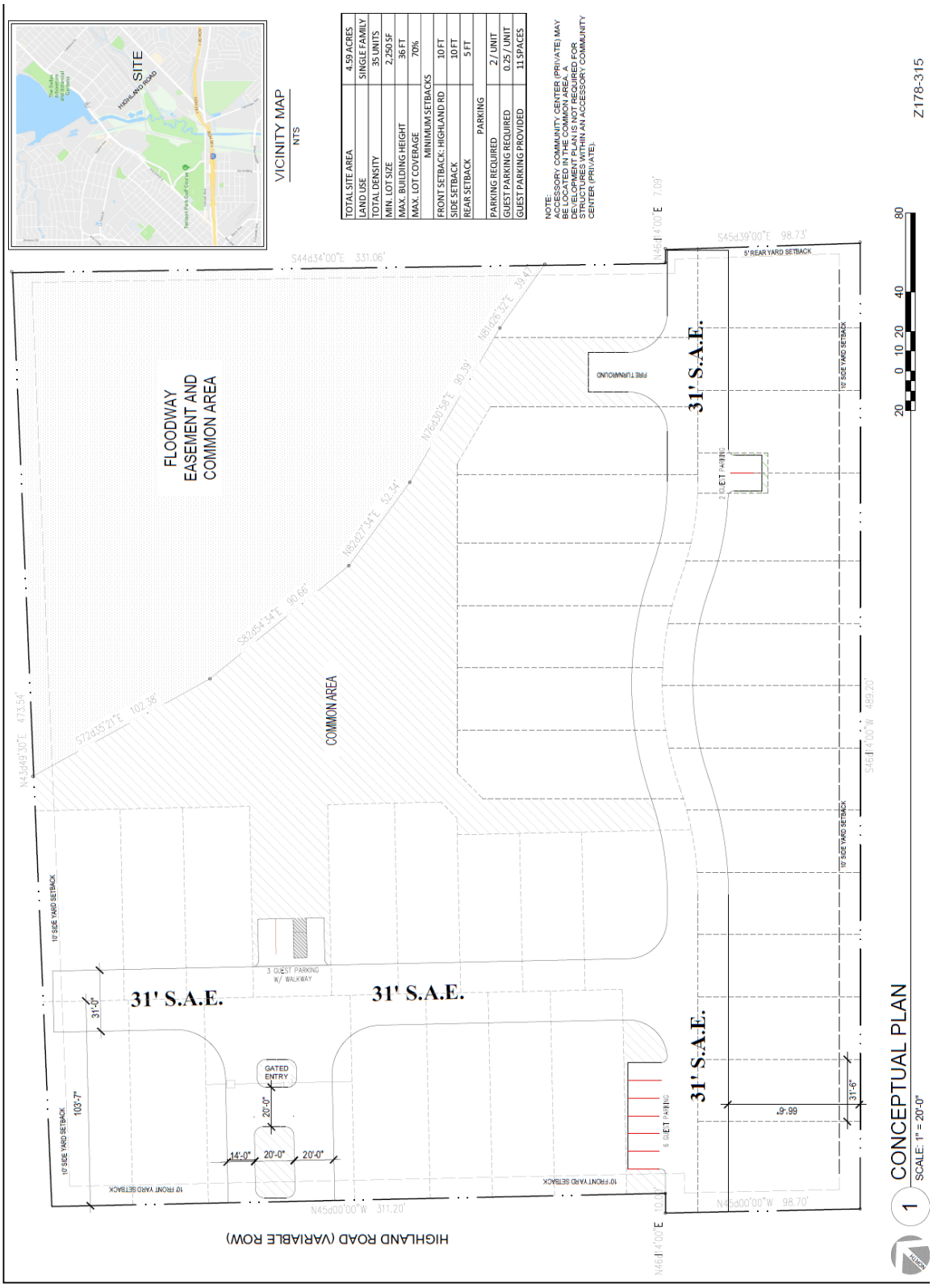
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 24223; 25163; 26102)

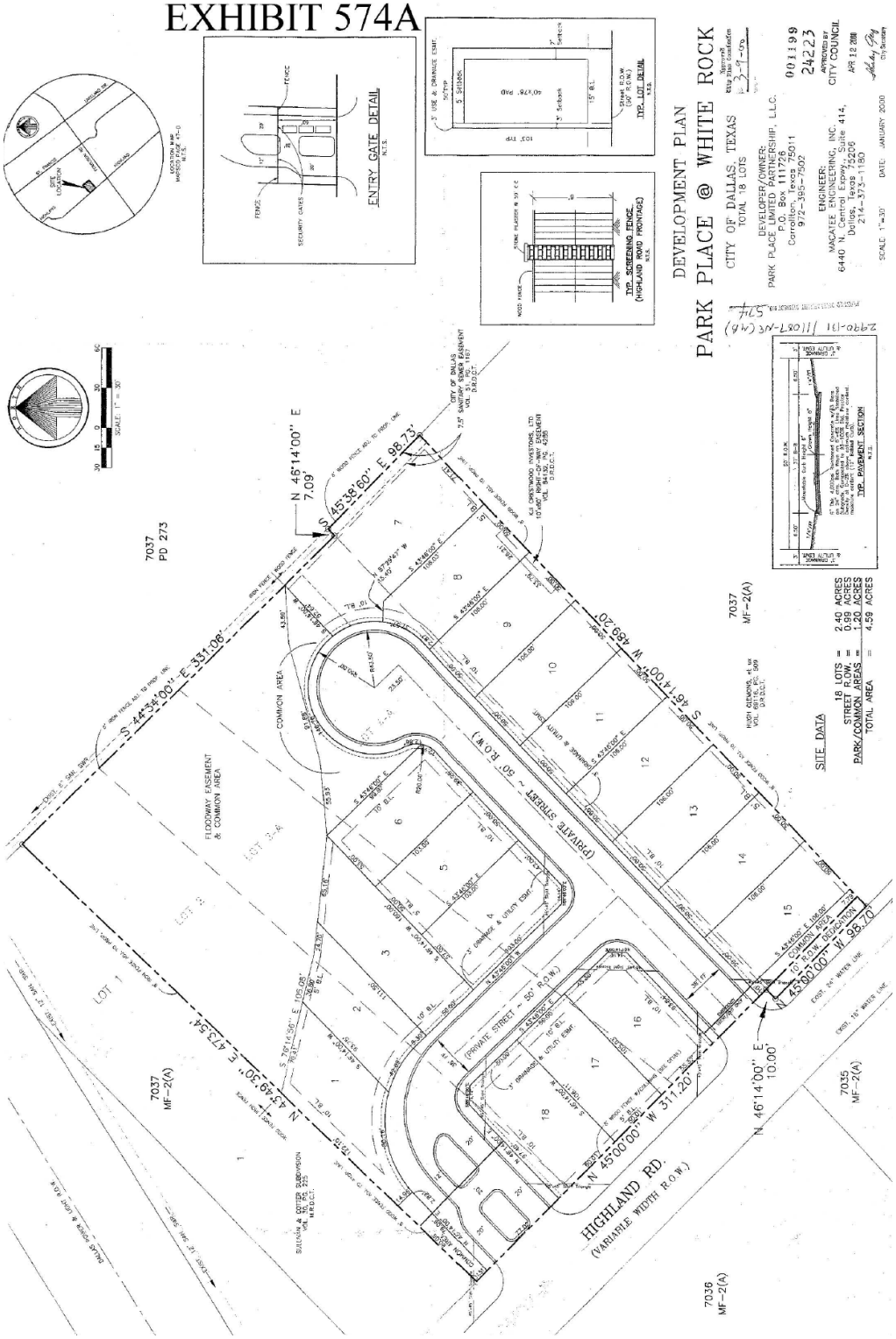
~~**SEC. 51P-574.118. ZONING MAP.**~~

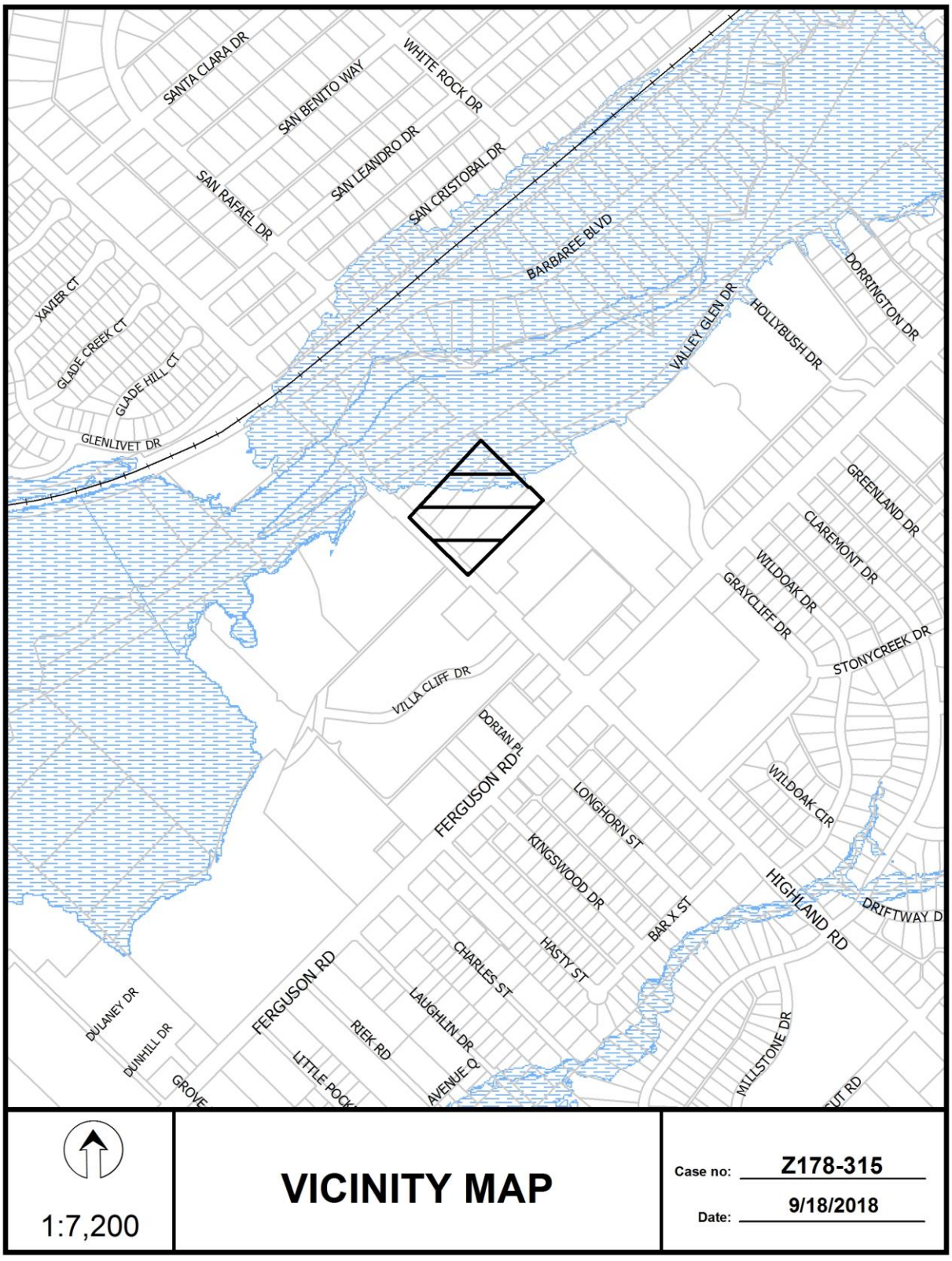
~~PD 574 is located on Zoning Map No. I-9. (Ord. Nos. 24223; 25163)~~

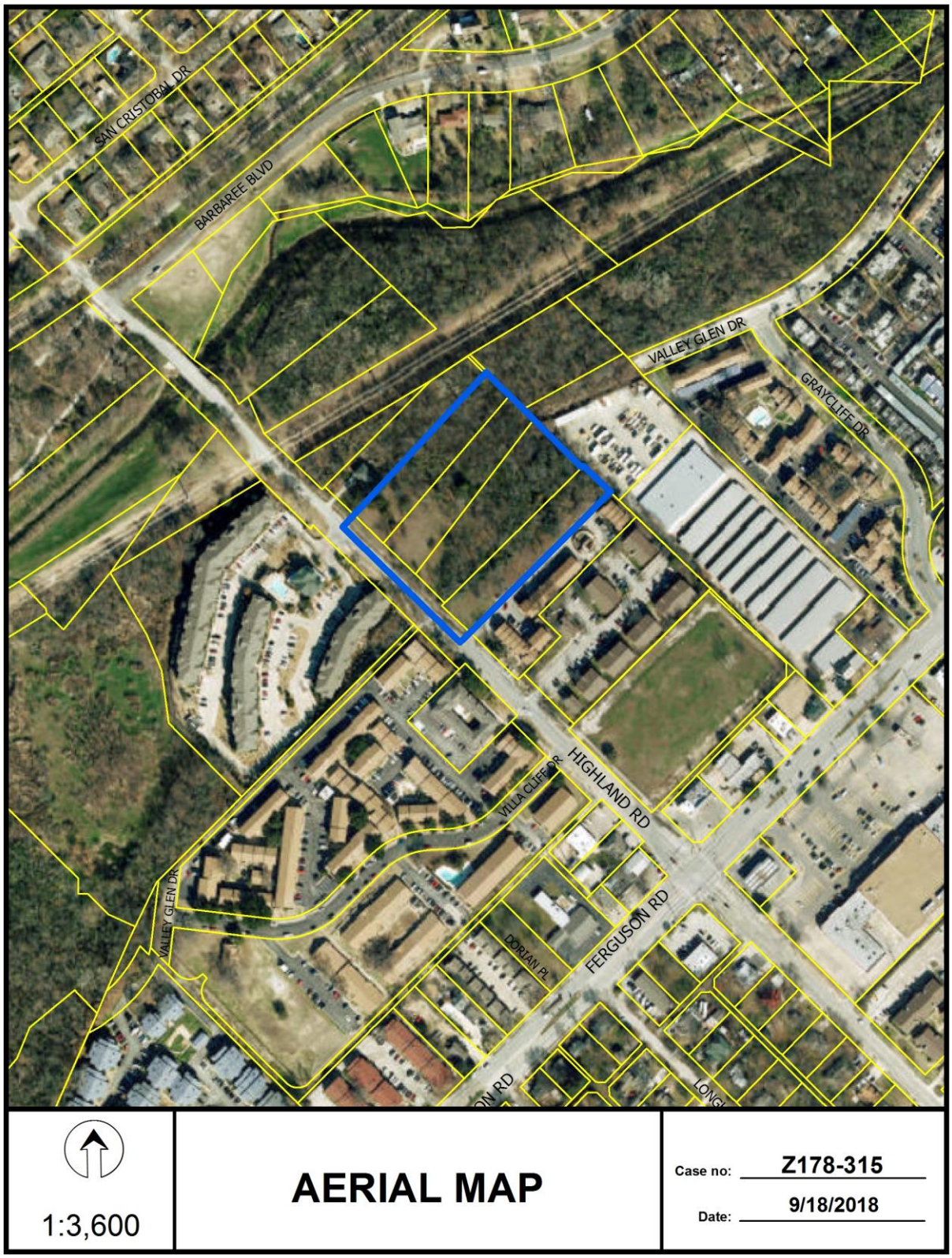
Proposed Conceptual Plan

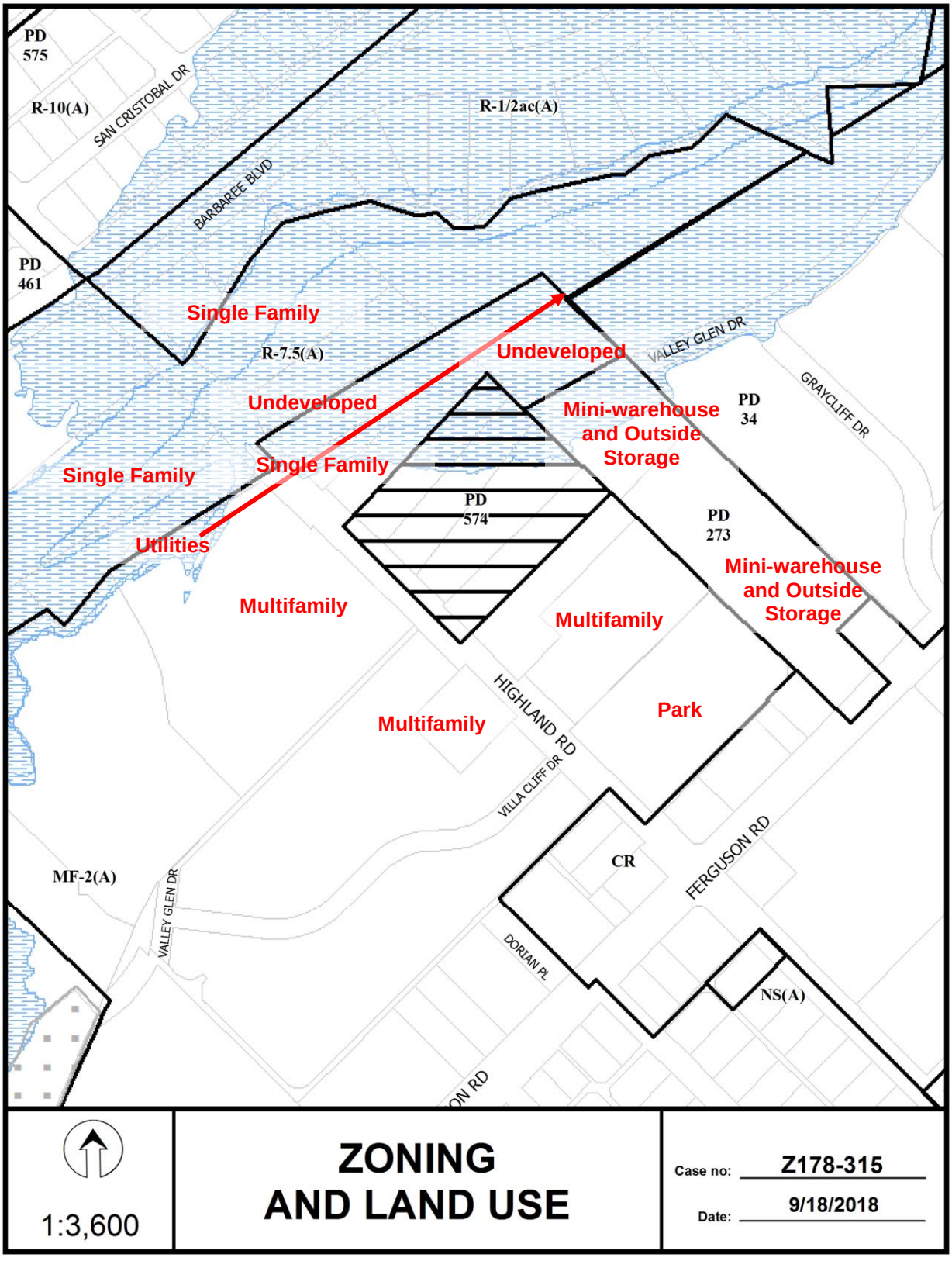


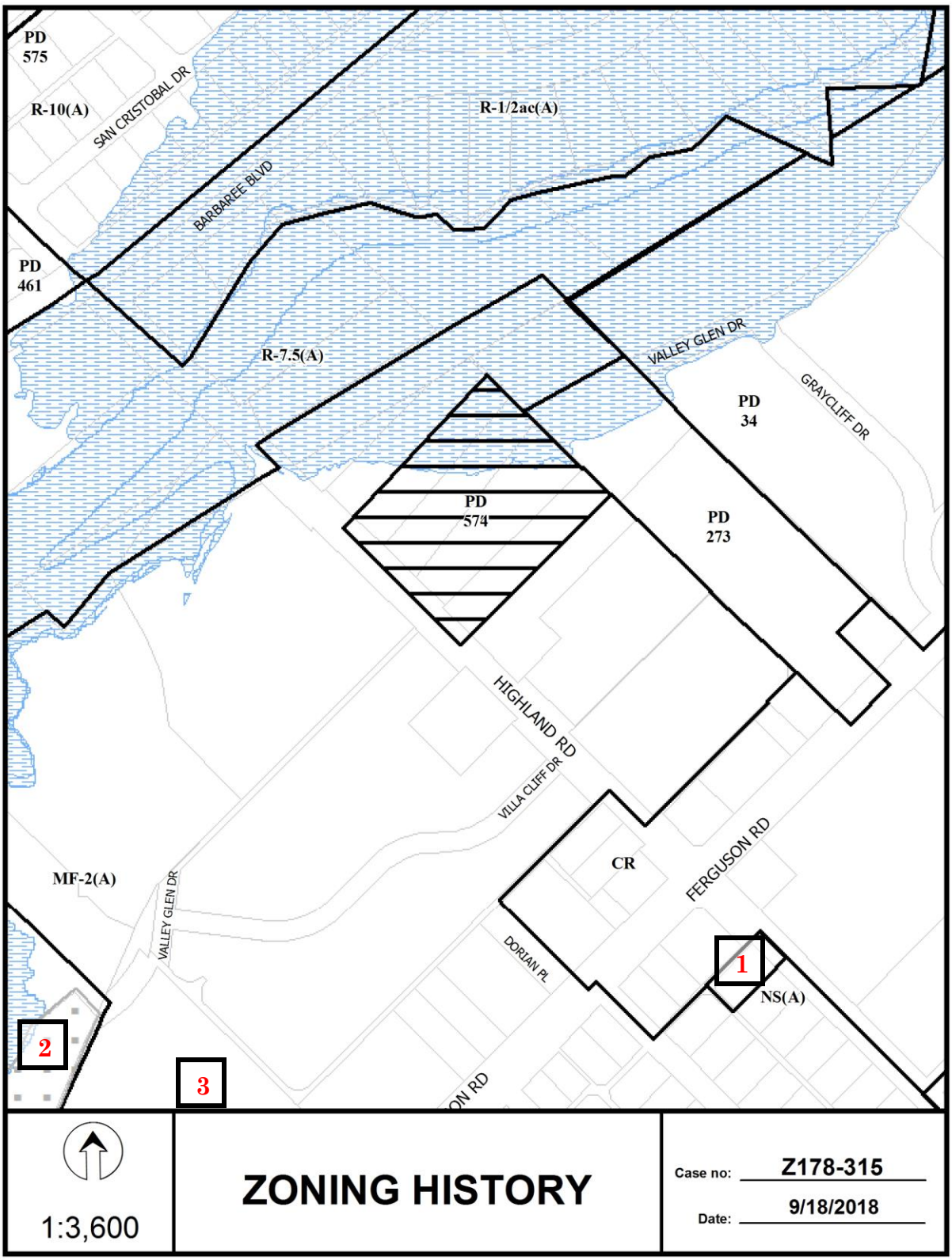
Existing Development Plan



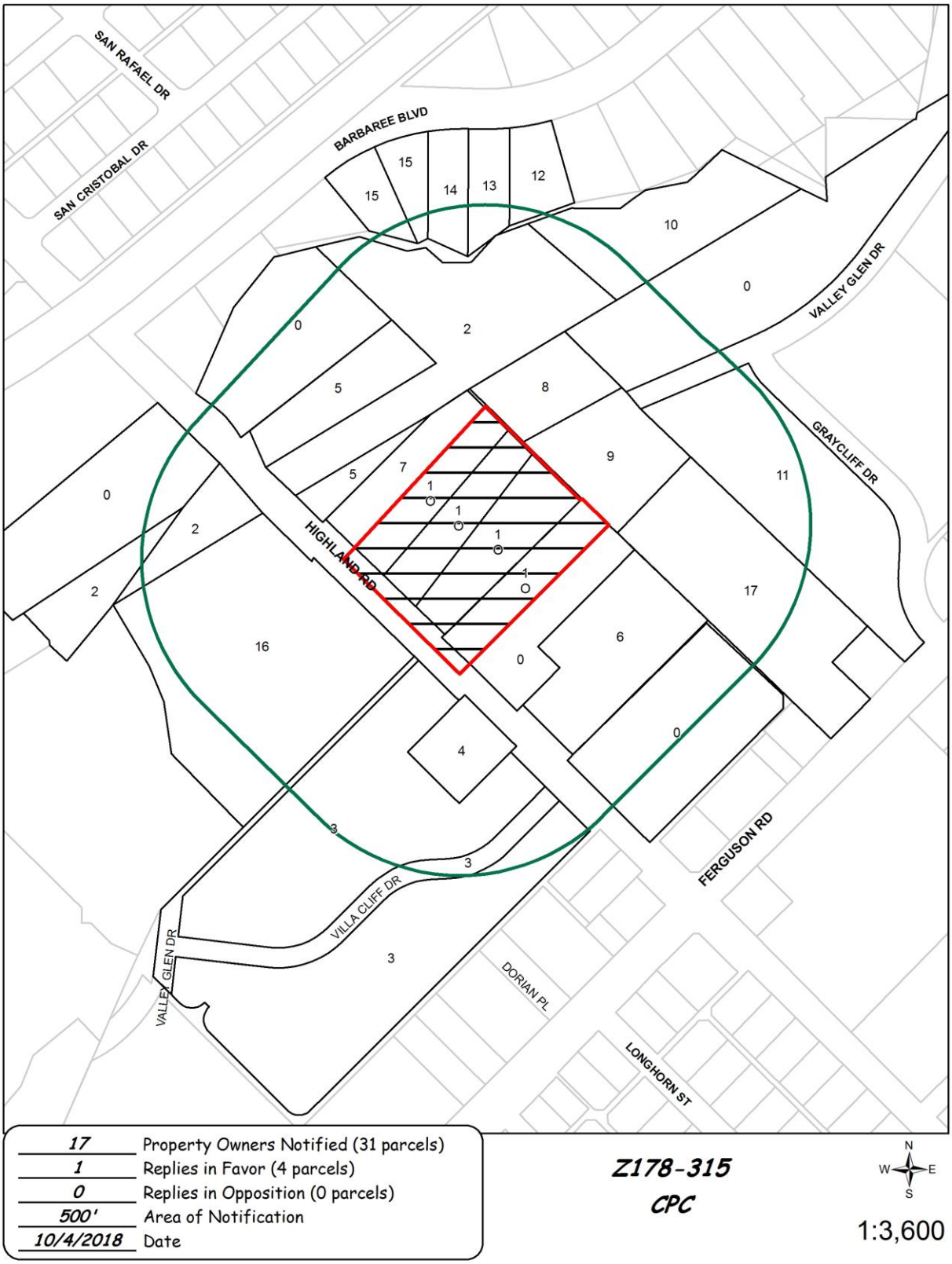

SANTA CLARA DR
SAN BENITO WAY
WHITE ROCK DR
SAN LEANDRO DR
SAN CRISTOBAL DR
SAN RAFAEL DR
BARBAREE BLVD
XAVIER CT
GLADE CREEK CT
GLADE HILL CT
GLENLIVET DR
VALLEY GLEN DR
HOLLYBUSH DR
DORRINGTON DR
GREENLAND DR
CLAREMONT DR
WILDOAK DR
GRAYCLIFF DR
STONYCREEK DR
VILLA CLIFF DR
DORIAN PL
FERGUSON RD
LONGHORN ST
KINGSWOOD DR
WILDOAK CIR
HIGHLAND RD
DRIFTWAY D
BAR X ST
HASTY ST
CHARLES ST
LAUGHLIN DR
AVENUE Q
RIEK RD
LITTLE POCK
DULANEY DR
DUNHILL DR
GROVE
MILLSTONE DR
UT RD
1:7,200
VICINITY MAP
Case no: Z178-315
Date: 9/18/2018


SAN CRISTOBAL DR
BARBAREE BLVD
VALLEY GLEN DR
GRAYCLIFF DR
HIGHLAND RD
VILLA CLIFF DR
VALLEY GLEN DR
DORIAN PL
FERGUSON RD
1:3,600
AERIAL MAP
Case no: Z178-315
Date: 9/18/2018


PD 575
R-10(A)
SAN CRISTOBAL DR
R-1/2ac(A)
BARBAREE BLVD
PD 461
Single Family
R-7.5(A)
Undeveloped
Undeveloped
VALLEY GLEN DR
GRAYCLIFF DR
PD 34
Mini-warehouse and Outside Storage
Single Family
Single Family
PD 574
PD 273
Utilities
Mini-warehouse and Outside Storage
Multifamily
Multifamily
HIGHLAND RD
Multifamily
Park
VILLA CLIFF DR
CR
FERGUSON RD
MF-2(A)
VALLEY GLEN DR
DORIAN PL
NS(A)
1:3,600
ZONING AND LAND USE
Case no: Z178-315
Date: 9/18/2018


PD 575
R-10(A)
SAN CRISTOBAL DR
R-1/2ac(A)
BARBAREE BLVD
PD 461
R-7.5(A)
VALLEY GLEN DR
GRAYCLIFF DR
PD 34
PD 574
PD 273
HIGHLAND RD
VILLA CLIFF DR
CR
FERGUSON RD
MF-2(A)
VALLEY GLEN DR
DORIAN PL
1
NS(A)
2
3
1:3,600
ZONING HISTORY
Case no: Z178-315
Date: 9/18/2018

CPC RESPONSES



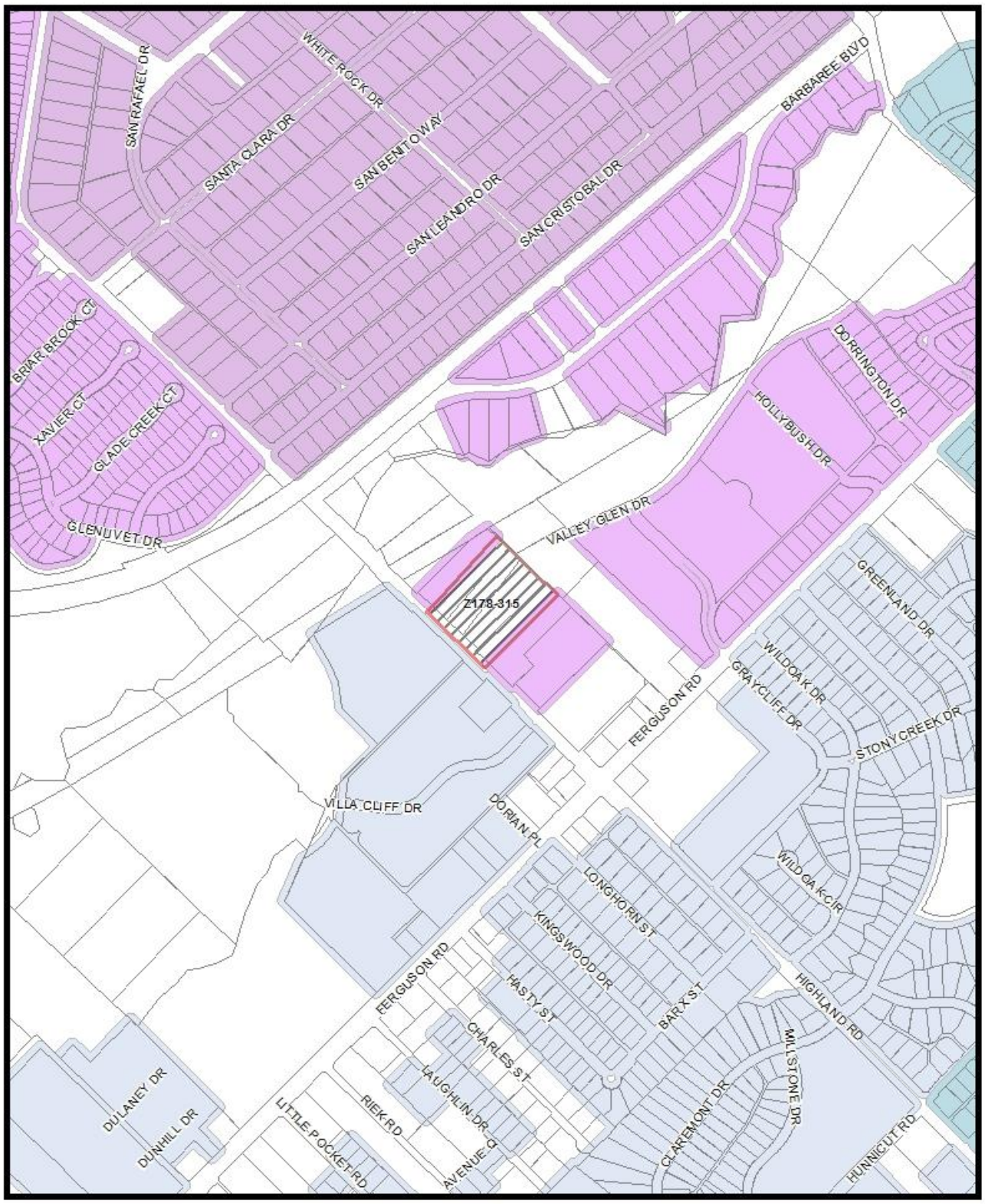
10/03/2018

Reply List of Property Owners

Z178-315

17 Property Owners Notified ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	2101	HIGHLAND RD	HIGHLAND PARTNERSHIP LLC
	2	1920	HIGHLAND RD	TEXAS UTILITIES ELEC CO
	3	7963	VILLA CLIFF DR	ENCHANTED HILLS LTD PS
	4	2122	HIGHLAND RD	2122 HIGHLAND LLC
	5	1925	HIGHLAND RD	FENNIG BRIAN KEITH
	6	2165	HIGHLAND RD	CASA BLANCA VILLAGE LLC
	7	2007	HIGHLAND RD	FENNIG BRIAN K
	8	8000	VALLEY GLEN DR	MONROE CHARLES O
	9	8047	FERGUSON RD	ACCESS II MINISTORAGE LC
	10	8000	VALLEY GLEN DR	TEXAS UTILITIES ELEC CO
	11	8059	FERGUSON RD	VILLAS AT WHITE ROCK LLC
	12	8134	BARBAREE BLVD	DEVILBISS ROBERT F &
	13	8126	BARBAREE BLVD	PATTERSON SCOTT
	14	8116	BARBAREE BLVD	KLEIN JARED J & KARON E
	15	8106	BARBAREE BLVD	JENKINS PAULA K
	16	2000	HIGHLAND RD	TX TENISON HOUSING LP
	17	8047	FERGUSON RD	ACCESS II JV


WHITE ROCK DR
SAN RAFAEL DR
SANTA CLARA DR
SAN BENITO WAY
SAN LEANDRO DR
SAN CRISTOBAL DR
BARBAREE BLVD
BRIAR BROOK CT
XAVIER CT
GLADE CREEK CT
GLENUVET DR
HOLLYBUSH DR
DORRINGTON DR
VALLEY GLEN DR
Z178-315
GREENLAND DR
WILDOAK DR
GRAYCLIFF DR
STONYCREEK DR
FERGUSON RD
VILLA CLIFF DR
DORIAN PL
LONGHORN ST
KINGSWOOD DR
HASTY ST
BARX ST
HIGHLAND RD
WILDOAK CIR
CHARLES ST
LAUGHLIN DR
RIEK RD
LITTLE POCKET RD
AVENUE G
DULANEY DR
DUNHILL DR
CLAREMONT DR
MILLSTONE DR
HUNNICUTT RD
MVA Cluster A B C D E F G H I NA
1:7,200
Market Value Analysis
Printed Date: 9/18/2018

Agenda Information Sheet

File #: 18-1265 **Item #:** 75.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

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 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
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions
Z178-320(JM)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, NOVEMBER 28, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-320(JM) **DATE FILED:** June 25, 2018

LOCATION: Northwest corner of North Hampton Road and West Jefferson Boulevard

COUNCIL DISTRICT: 1 **MAPSCO:** 53 D

SIZE OF REQUEST: Approx. 1.85 acres **CENSUS TRACT:** 45.00

REPRESENTATIVE: Santos Martinez, Masterplan

APPLICANT: CVS Corporation

OWNER: Dallas Yankees, LLC

REQUEST: An application for 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.

SUMMARY: The purpose of this request is to continue to sell alcohol for off-premise consumption in conjunction with the existing general merchandise or food store [CVS Pharmacy].

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with an approximately 13,000 square foot general merchandise or food store [CVS Pharmacy].

- The general merchandise or food store use is permitted by right within Subdistrict 6 in PD No. 830. The sale of alcoholic beverages is allowed within the D-1 Liquor Control Overlay with an approved specific use permit only.

- Specific Use Permit No. 1919 for the sale of alcohol in conjunction with a general merchandise or food store greater than 3,500 square feet was granted by City Council on October 26, 2011, for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions. The first automatic renewal was granted in 2013; however, the current automatic renewal deadline passed on June 28, 2018. Renewal is requested, with no changes to the conditions, and minor corrections to the site plan.

Zoning History: There has been one zoning request in the surrounding area in the past five years:

1. **Z178-235:** An application for a Planned Development District for Multifamily District uses on property zoned an R-7.5(A) Single Family District, located on the southwest corner of North Tennant Street and West Davis Street. *Pending CPC on 10-4-18.*

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
W. Jefferson Blvd.	Principal	180 feet	100 feet
N. Hampton Road	Principal	Variable	100 feet
Paisley Street	Minor Arterial	32 feet	--
Nordic Street	Minor Arterial	40 feet	--
Davis Street	Minor Arterial	100 feet	80 feet (Study)

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 applicant's request is consistent with the following goals and policies of the comprehensive plan.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 830, Subdistrict 6 D-1 Overlay	General merchandise or food store greater than 3,500 square-feet
North	PD No. 830, Subdistrict 6	Public utility, General merchandise or food store, Motor vehicle fueling station, Medical office, Restaurant with drive through, and Personal Service (Laundromat)
East	PD No. 830, Subdistrict 6 D Overlay	Auto-related, Motor vehicle fueling station, and Personal service
South	R-7.5(A)/NO(A)	Medical Office, Duplex, Church, and Undeveloped land
West	PD No. 830, Subdistrict 6	General merchandise or food store greater than 3,500 square-feet

Land Use Compatibility:

The approximately 1.85-acre request site is currently developed with a 13,000 square-foot general merchandise or food store. The sale of alcoholic beverages is allowed within the D-1 Liquor Control Overlay with an approved Specific Use Permit only. Specific Use Permit No. 1919 for the sale of alcohol in conjunction with a general merchandise or food store greater than 3,500 square feet was granted by City Council on October 26, 2011, for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions. The first automatic renewal was granted in 2013; however, the current automatic renewal deadline passed on June 28, 2018. The applicant has submitted the renewal request proposing to continue the sale of alcohol for off-premise consumption with no changes to the conditions and minor corrections to the site plan. An error in the acreage listed on the existing site plan has been corrected. The site area contains 1.85 acres, not 1.82. Additionally, the required parking now meets the existing, updated code requirement, while not reducing the overall parking provided. With these two corrections, the recommendation includes a revised site plan. No other changes have been made to the plan.

Surrounding land uses include a public utility, general merchandise or food store, motor vehicle fueling station, medical office, restaurant with drive-through, and personal service (laundromat) uses to the north; auto-related, motor vehicle fueling station, and personal service uses to the east; medical office, duplex, church, and undeveloped land to the south; and, general merchandise or food store greater than 3,500 square-feet to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The use is consistent with surrounding land uses, subject to the attached conditions and existing site plan, and will continue to serve the area. Staff is recommending a five-year time period with the possibility of automatic renewals for additional five-year periods, since the initial two-year period and subsequent five-year renewal period had already been granted.

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 an identified market type, it is nearest to Category E to the north and Category B to the northeast across Davis Street, Category C further west from Hampton Road, and Category D to the south across Jefferson Boulevard.

Parking:

PD No. 830 requires compliance with the Dallas Development Code for parking requirements. When the original SUP was granted in 2011, the parking ratio was one parking space per 200 square feet of floor area for a general merchandise or food store. Thus, with 13,000 square feet, 65 parking spaces were originally required, and 74 spaces were provided. However, in 2012, the Development Code was amended and now requires off-street parking for a general merchandise or food store greater than 10,000 square feet, but less than 40,000 square feet to be provided at a rate of one space for each 220 square feet of floor. The 13,000 square foot store requires a minimum of 59 parking spaces rather than 65 spaces as indicated on the original site plan; however, the total number of spaces provided remains 74. This has been updated on the revised site plan.

At the CPC meeting on October 4th, an additional eight bicycle parking spaces were offered by the applicant. Those spaces are now identified on the revised site plan.

Landscaping:

Landscaping required per Article X of the Dallas Development Code. No additional landscaping is required with this request.

Crime Report:

According to the Dallas Police Department, crime has reduced in the area since the start of this SUP in 2011 (overall area performance, not site specific). Since 2011, the subject site has experienced 506 calls, 147 incidents including theft, shoplifting, narcotics and drugs, robbery, aggravated assault, burglary of a motor vehicle, fraud, alarms, and investigations, with 21 arrests as detailed below.

	A	B	C	D	E	F	G	H
1	ChargeDesc	ArrestNumber	ArrestDate	ArrestTime	ArBkDay	UCRArrestChg	UCROffense	ArLAddress
2	WARRANT-DALLAS PD (CAPIAS)	18-026525	7/28/2018	6:17:00 PM	Saturday			2427 W JEFFERSON BLVD
3	WARRANT-DALLAS PD (ALIAS)	18-026525	7/28/2018	6:17:00 PM	Saturday			2427 W JEFFERSON BLVD
4	WARRANT HOLD (OUTSIDE AGENCY)	17-046988	11/21/2017	4:50:00 AM	Tuesday	HOLDS DSO	NOT CODED	2427 W JEFFERSON BLVD
5	WARRANT HOLD (OUTSIDE AGENCY)	17-002401	1/19/2017	6:10:00 PM	Thursday	HOLDS DSO	NOT CODED	2427 W JEFFERSON BLVD
6	THEFT OF PROP <$2500 2+ PREV CONVIC -SHOPLFT-(NOT EMP)	16-034849	8/11/2016	7:20:00 PM	Thursday	FELONY THEFT /SHOPLIFT	THEFT/SHOPLIFT	2427 W JEFFERSON BLVD
7	FRAUD INTENT OBTAIN PRESCRIPTION NOT MED NEEDED SCHEDULE	16-034594	8/9/2016	10:10:00 PM	Tuesday	NARCOTIC CHARGES	FRAUD	2427 W JEFFERSON BLVD
8	WARRANT-DALLAS PD (ALIAS)	16-034594	8/9/2016	10:10:00 PM	Tuesday	ALIAS/CAPIAS	NOT CODED	2427 W JEFFERSON BLVD
9	THEFT OF PROP > OR EQUAL $100 BUT <$750 -SHOPLIFT (NOT EMP	16-033005	7/29/2016	7:56:00 PM	Friday	THEFT /SHOPLIFT	THEFT/SHOPLIFT	2427 W JEFFERSON BLVD
10	WARRANT-DALLAS PD (ALIAS)	16-028736	6/29/2016	1:30:00 PM	Wednesday	ALIAS/CAPIAS	NOT CODED	2427 W JEFFERSON BLVD
11	CRIMINAL TRESPASS	16-024222	6/2/2016	5:50:00 PM	Thursday	OTHER /CRIMINAL TRESPASS	CRIMINAL TRESPASS	2427 W JEFFERSON BLVD
12	POSS MARIJUANA <2OZ	16-022209	5/22/2016	3:15:00 AM	Sunday	NARCOTIC CHARGES	NARCOTICS & DRUGS	2427 W JEFFERSON BLVD APT 7456
13	INTERFERE W/ EMERGENCY CALL	16-022209	5/22/2016	3:15:00 AM	Sunday	OTHER	OTHERS	2427 W JEFFERSON BLVD APT 7456
14	THEFT OF PROP > OR EQUAL $100 BUT <$750 -SHOPLIFT (NOT EMP	16-022209	5/22/2016	3:15:00 AM	Sunday	THEFT /SHOPLIFT	THEFT/SHOPLIFT	2427 W JEFFERSON BLVD APT 7456
15	THEFT OF PROP > OR EQUAL $100 BUT <$750 -SHOPLIFT (NOT EMP	16-014266	4/5/2016	12:20:00 AM	Tuesday	THEFT /SHOPLIFT	THEFT/SHOPLIFT	2427 W JEFFERSON BLVD
16	WARRANT-DALLAS PD (ALIAS)	16-014266	4/5/2016	12:20:00 AM	Tuesday	ALIAS/CAPIAS	NOT CODED	2427 W JEFFERSON BLVD
17	PUBLIC INTOXICATION	15-027482	7/10/2015	4:25:00 PM	Friday	PUBLIC INTOXICATION	DRUNK & DISORDERL	2427 W JEFFERSON BLVD
18	POSS CONT SUB PEN GRP 1 <1G	15-010923	3/20/2015	11:50:00 PM	Friday	NARCOTIC CHARGES	NARCOTICS & DRUGS	2427 W JEFFERSON BLVD
19	POSS CONT SUB PEN GRP 1 <1G	15-010923	3/20/2015	11:50:00 PM	Friday	NARCOTIC CHARGES	NARCOTICS & DRUGS	2427 W JEFFERSON BLVD
20	WARRANT HOLD (OUTSIDE AGENCY)	14-030802	7/17/2014	11:00:00 AM	Thursday	HOLDS DSO	NOT CODED	2427 W JEFFERSON BLVD
21	THEFT OF PROP <$1,500 2+ PREV CONVIC -SHOPLFT-(NOT EMP)	14-030802	7/17/2014	11:00:00 AM	Thursday	FELONY THEFT /SHOPLIFT	THEFT/SHOPLIFT	2427 W JEFFERSON BLVD

CPC Action
October 4, 2018

Motion: It was moved to recommend **approval** of 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 for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan to include additional provisions offered by the applicant at the podium and conditions 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.

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: 40
Replies: For: 1 Against: 0

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

List of Officers

Dallas Yankees LLC

List of Officers

Martin Wasserstein	Manager

Z178-320(JM)

CPC Recommended
REVISED SUP CONDITIONS
Z178-320

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.

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 ~~October 26, 2013~~ (five years from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

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.

Revised Site Plan

Site Summary

Existing Zoning: PDD 830 Subarea 6-2 with D overlay

Request: PDD 830 Subarea 6-2 with D-1 overlay and SUP for off premise alcohol consumption associated with a general merchandise store greater than 3500 s.f.

Lot Area: 1.85 acres

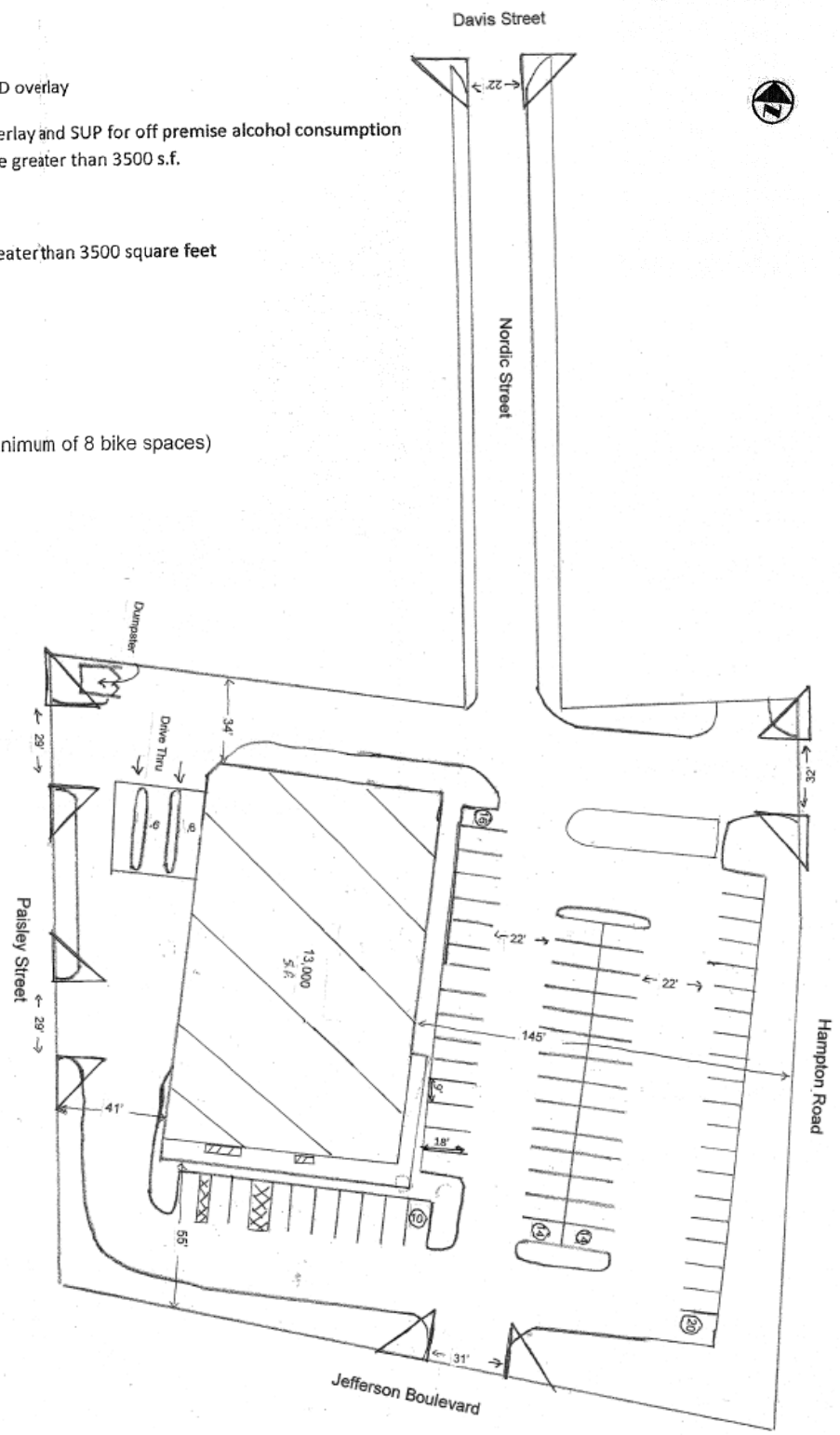
Existing Use: general merchandise store greater than 3500 square feet

Existing Building Area: 13,000 s.f.

Required Parking: 59

Provided Parking: 74

new bike parking areas (minimum of 8 bike spaces)



Existing Site Plan

Site Summary

Existing Zoning: PDD 830 Subarea 6-2 with D overlay

Request: PDD 830 Subarea 6-2 with D-1 overlay and SUP for off premise alcohol consumption associated with a general merchandise store greater than 3500 s.f.

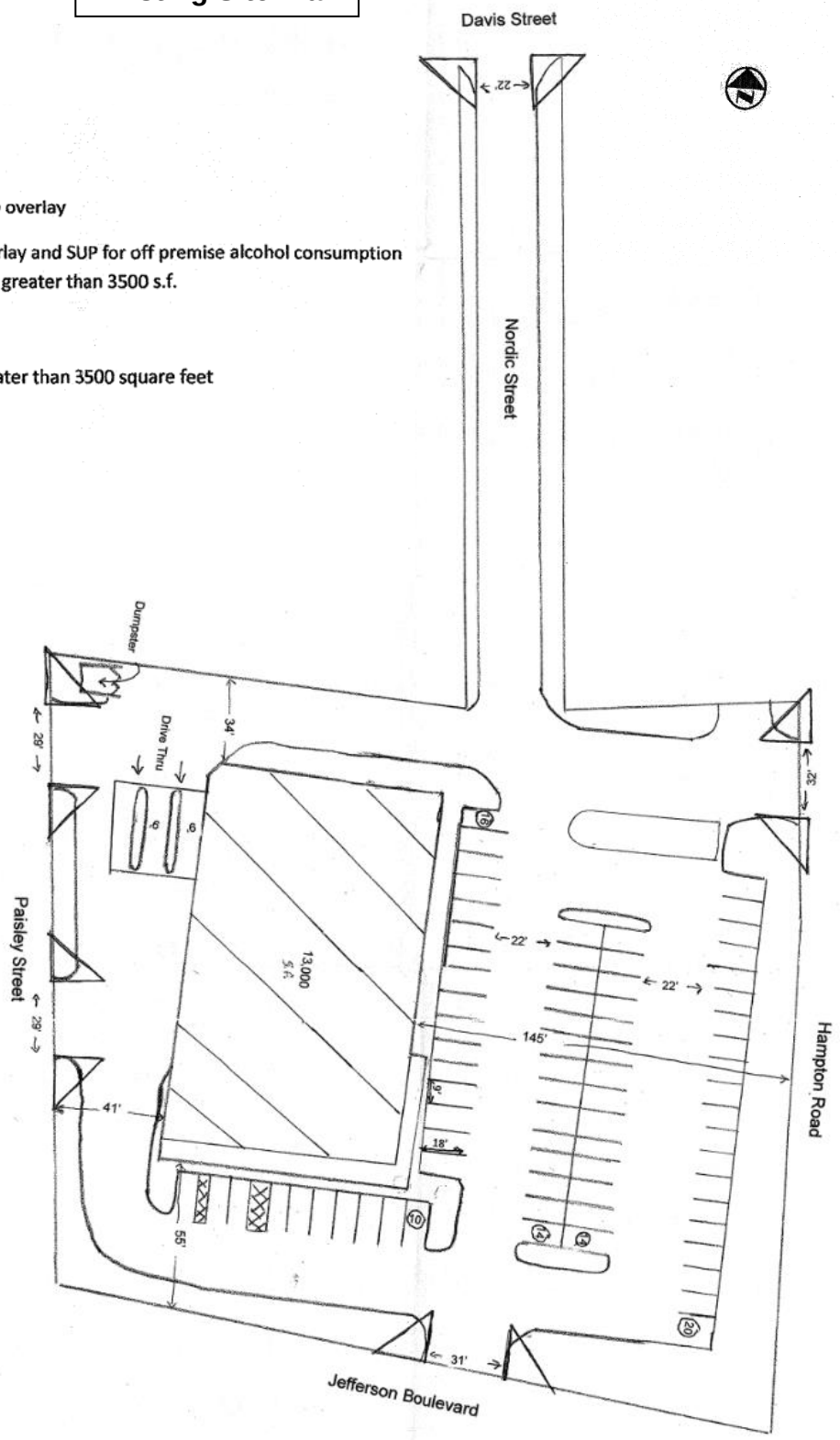
Lot Area: 1.82 acres

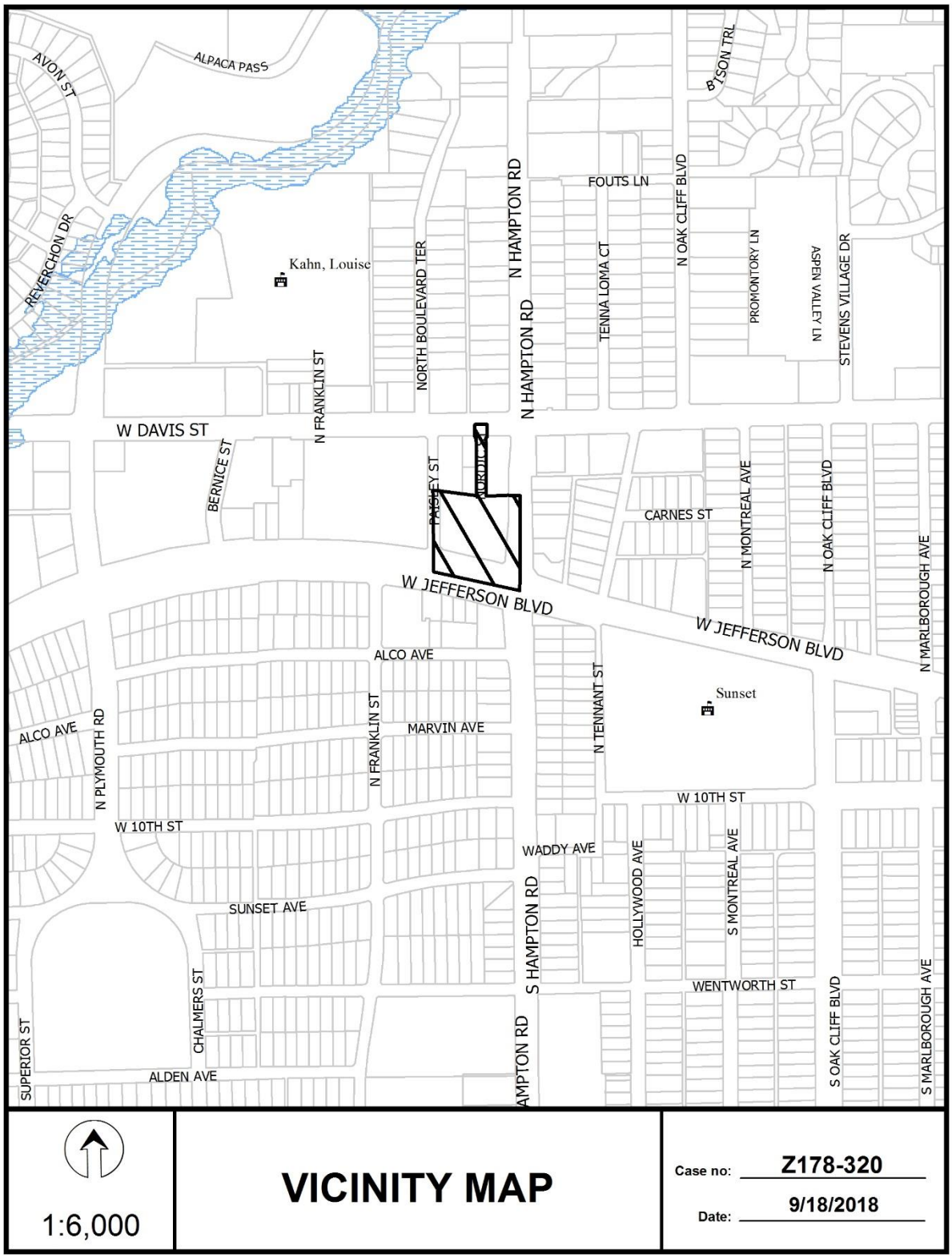
Existing Use: general merchandise store greater than 3500 square feet

Existing Building Area: 13,000 s.f.

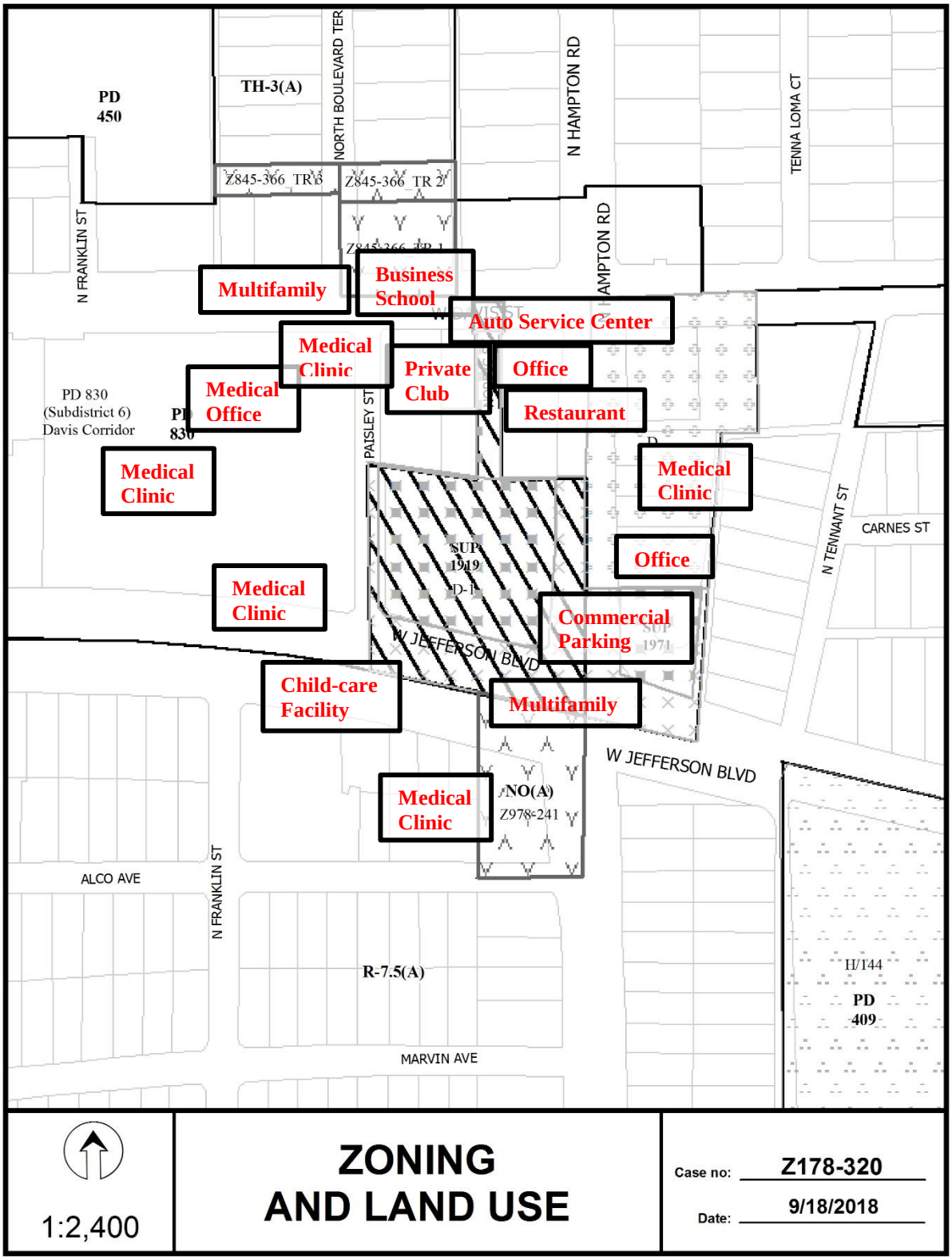
Required Parking: 65

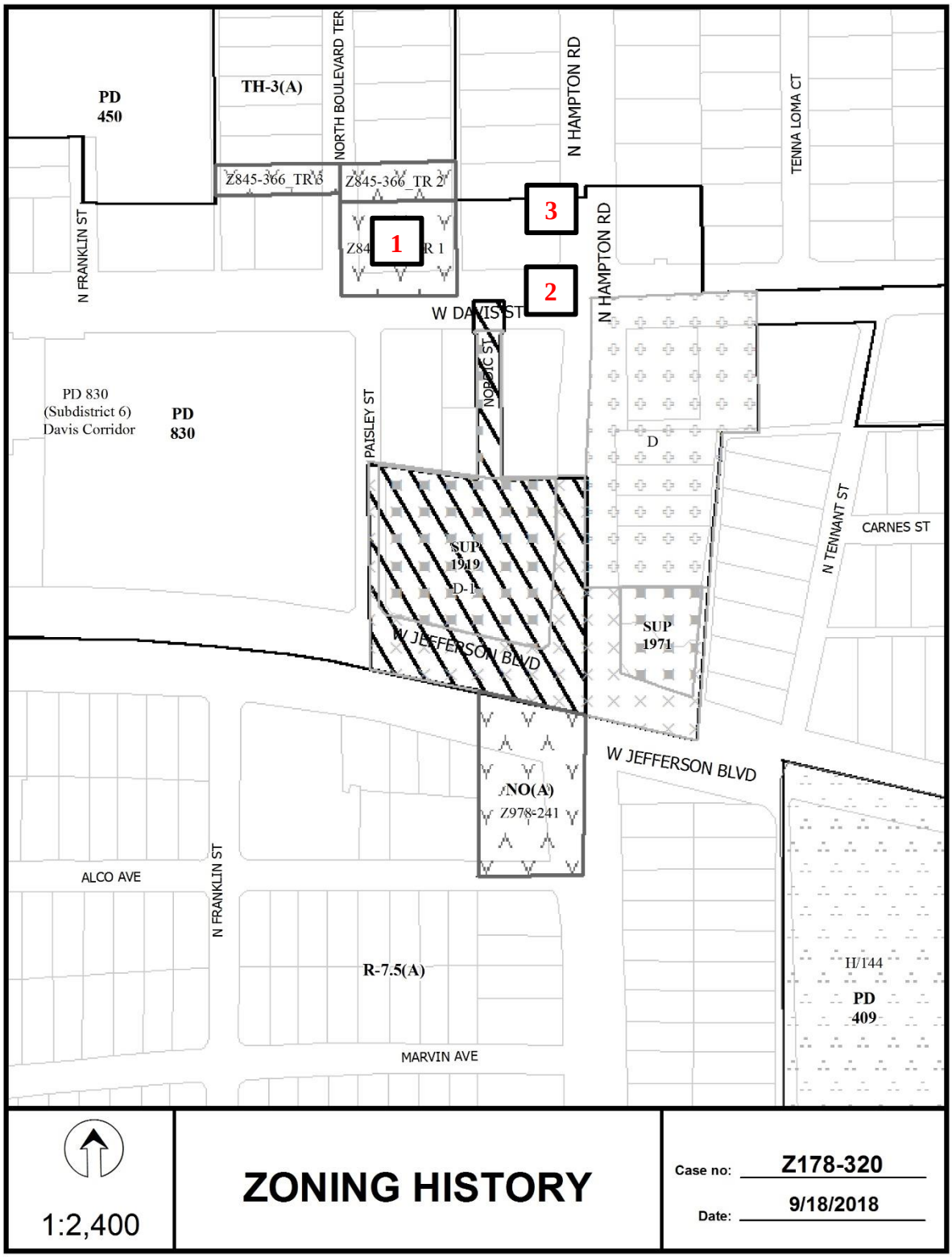
Provided Parking: 74



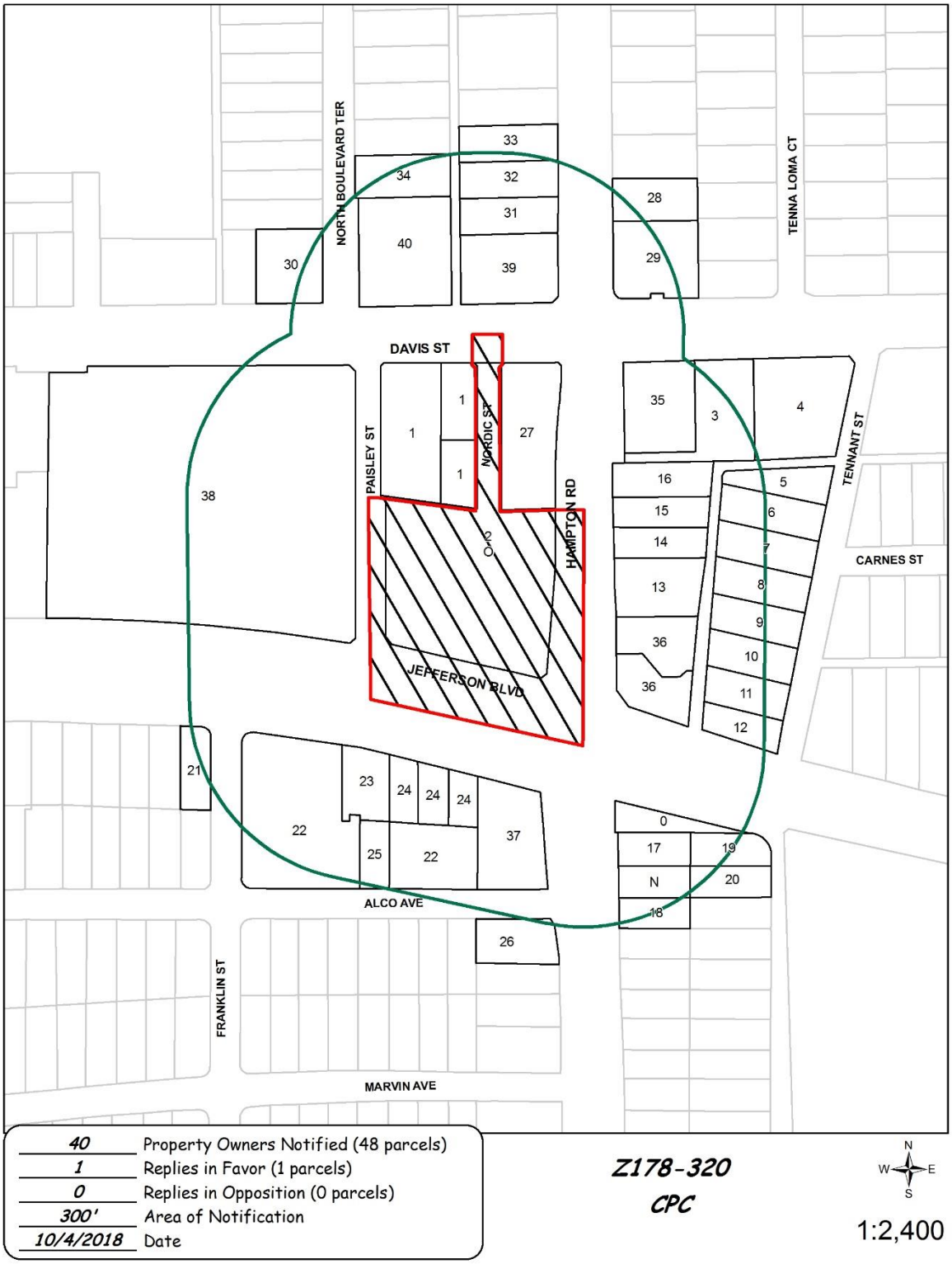

AVON ST
ALPACA PASS
REVERCHON DR
Kahn, Louise
NORTH BOULEVARD TER
N HAMPTON RD
FOUTS LN
TENNA LOMA CT
N OAK CLIFF BLVD
PROMONTORY LN
ASPEN VALLEY LN
STEVENS VILLAGE DR
N FRANKLIN ST
W DAVIS ST
BERNICE ST
PARSLEY ST
NORDICA
CARNES ST
N MONTREAL AVE
N OAK CLIFF BLVD
N MARLBOROUGH AVE
W JEFFERSON BLVD
ALCO AVE
N TENNANT ST
Sunset
N PLYMOUTH RD
MARVIN AVE
W 10TH ST
WADDY AVE
HOLLYWOOD AVE
S MONTREAL AVE
SUNSET AVE
S HAMPTON RD
WENTWORTH ST
S OAK CLIFF BLVD
S MARLBOROUGH AVE
CHALMERS ST
SUPERIOR ST
ALDEN AVE
1:6,000
VICINITY MAP
Case no: Z178-320
Date: 9/18/2018


N FRANKLIN ST
NORTH BOULEVARD TER
N HAMPTON RD
N HAMPTON RD
TENNA LOMA CT
W DAVIS ST
NORDIC ST
PAISLEY ST
CARNES ST
W JEFFERSON BLVD
W JEFFERSON BLVD
ALCO AVE
N FRANKLIN ST
MARVIN AVE
N TENNANT ST
1:2,400
AERIAL MAP
Case no: Z178-320
Date: 9/18/2018


PD 450
TH-3(A)
NORTH BOULEVARD TER
N HAMPTON RD
TENNA LOMA CT
Z845-366 TR 3
Z845-366 TR 2
N FRANKLIN ST
Multifamily
Business School
Auto Service Center
Medical Clinic
Private Club
Office
Medical Office
Restaurant
PD 830 (Subdistrict 6) Davis Corridor
PD 830
PATISLEY ST
Medical Clinic
Medical Clinic
SUP 1919
D-1
CARNES ST
N TENNANT ST
Office
Medical Clinic
Commercial Parking
SUP 1971
W JEFFERSON BLVD
Child-care Facility
Multifamily
W JEFFERSON BLVD
Medical Clinic
NO(A)
Z978-241
ALCO AVE
N FRANKLIN ST
R-7.5(A)
H/144
PD 409
MARVIN AVE
1:2,400
ZONING AND LAND USE
Case no: Z178-320
Date: 9/18/2018


PD 450
TH-3(A)
NORTH BOULEVARD TER
N HAMPTON RD
TENNA LOMA CT
Z845-366_TR 3
Z845-366_TR 2
Z84 R 1
1
2
3
N FRANKLIN ST
W DAVIS ST
NORDIC ST
PD 830 (Subdistrict 6) Davis Corridor
PD 830
PAISLEY ST
D
N TENNANT ST
CARNES ST
SUP 1919 D-1
SUP 1971
W JEFFERSON BLVD
NO(A) Z978-241
ALCO AVE
R-7.5(A)
MARVIN AVE
H/144
PD 409
1:2,400
ZONING HISTORY
Case no: Z178-320
Date: 9/18/2018

CPC RESPONSES



10/03/2018

Reply List of Property Owners

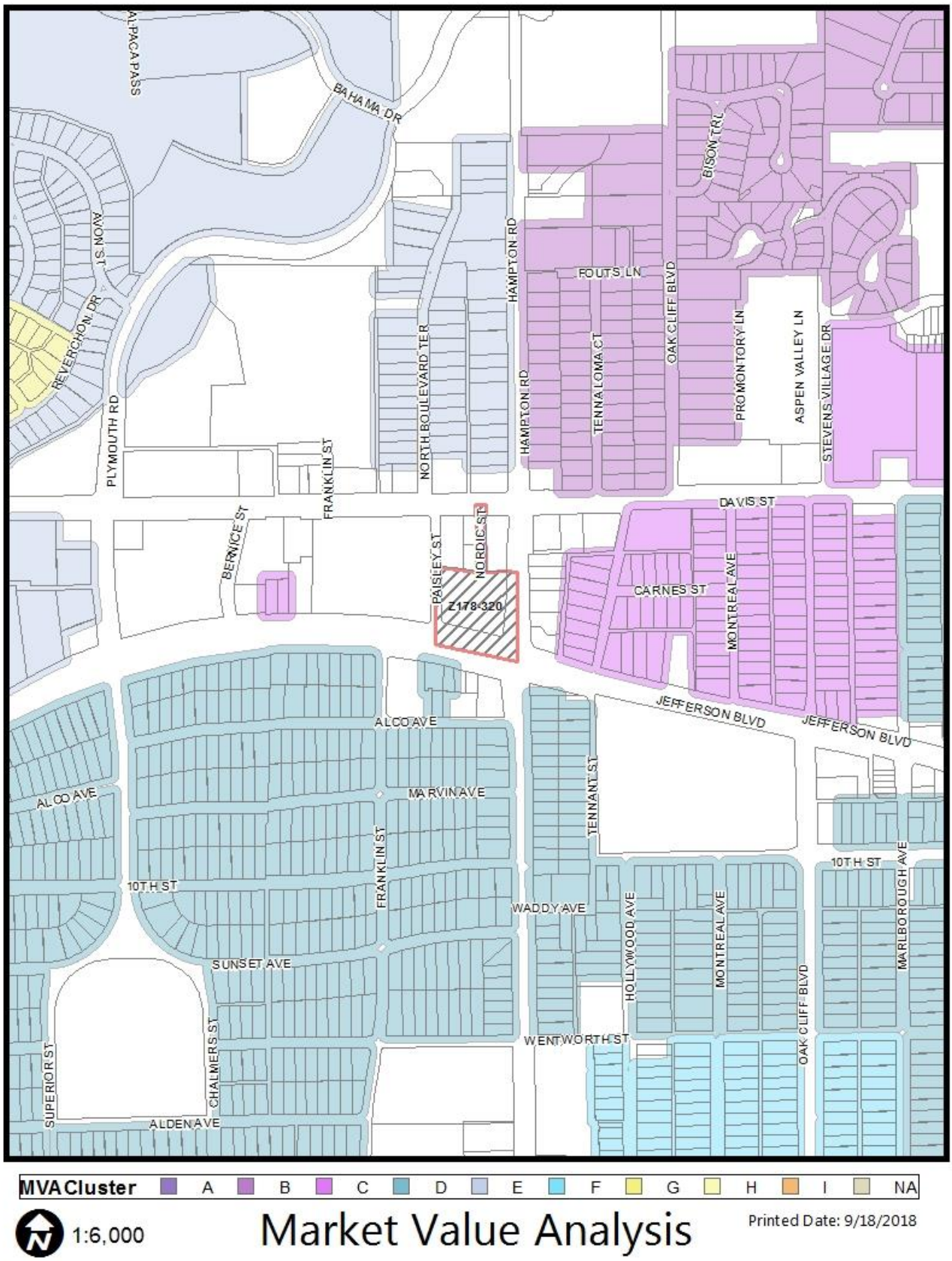
Z178-320

40 Property Owners Notified ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2414	W DAVIS ST	TEXAS UTILITIES ELEC CO
O	2	2427	W JEFFERSON BLVD	DALLAS YANKEES LLC
	3	2316	W DAVIS ST	ADAMS WAYNE E
	4	517	N TENNANT ST	FWLB LLC
	5	509	N TENNANT ST	MACHADO PAULA J &
	6	503	N TENNANT ST	THOMPSON CASEY W
	7	423	N TENNANT ST	PUENTE GLORIA & ERNESTO
	8	419	N TENNANT ST	VILLANUEVA MAGDALENA
	9	415	N TENNANT ST	ONTIVEROS MIGUEL G &
	10	411	N TENNANT ST	CHANDLER CATHY
	11	407	N TENNANT ST	CASTILLO MARIA
	12	403	N TENNANT ST	TIMMONS ERNEST LEE
	13	414	N HAMPTON RD	HALLE PROPERTIES LLC
	14	422	N HAMPTON RD	LINCOLN LAWRENCE H
	15	426	N HAMPTON RD	FERNANDEZ HOMERO
	16	502	N HAMPTON RD	MITCHELL LEE L & YANKO L
	17	302	N HAMPTON RD	CERVANTES RICHARD F
	18	218	N HAMPTON RD	WILKINSON DAVID W
	19	331	N TENNANT ST	CERVANTES MARY F
	20	327	N TENNANT ST	IBARRA KEZIA KEREN &
	21	2502	W JEFFERSON BLVD	AVALOS THERESA
	22	2442	W JEFFERSON BLVD	PREPARING THE WAY MINISTRIES
	23	2424	W JEFFERSON BLVD	SHUGART DONALD BRADFORD
	24	2420	W JEFFERSON BLVD	DORWARD DONALD M
	25	2427	ALCO AVE	JOHNSON CHRISTIAN
	26	217	N HAMPTON RD	TRAVIS LYNNETTE M &

10/03/2018

Reply	*Label #*	*Address*		*Owner*
	27	509	N HAMPTON RD	QUIK WAY RETAIL AS II LTD
	28	612	N HAMPTON RD	HERNANDEZ BENJAMIN & COURTNEY MICHELLE
	29	606	N HAMPTON RD	SPERRY SHANNON
	30	2505	W DAVIS ST	DAVIS NP LLC
	31	615	N HAMPTON RD	HALL AZURE
	32	619	N HAMPTON RD	LOW SAVANNAH C
	33	623	N HAMPTON RD	PAREDES JOSE M &
	34	616	N BOULEVARD TERRACE	MARTINEZ LUIS & CARMEN
	35	2332	W DAVIS ST	COLE PLS PORTFOLIO LLC
	36	408	N HAMPTON RD	LV MANAGEMENT LLC
	37	2409	ALCO AVE	PYRAMID PHARMACY CONSULTING LLC
	38	2515	W JEFFERSON BLVD	REALTY INCOME PPTIES 4 LLC
	39	2407	W DAVIS ST	AMPEX HOLDINGS OF DALLAS LLC
	40	2433	W DAVIS ST	APOLLONIA MANAGEMENT GROUP PLLC


ALPACA PASS
BAHAMA DR
BISON TRL
HAMPTON RD
FOUTS LN
OAK CLIFF BLVD
TENNALOMA CT
PROMONTORY LN
ASPEN VALLEY LN
STEVENS VILLAGE DR
REVERCHON DR
S MOON ST
PLYMOUTH RD
NORTH BOULEVARD TER
FRANKLIN ST
BERNICE ST
PAISLEY ST
NORDICA ST
Z178-320
DAVIS ST
CARNES ST
MONTREAL AVE
JEFFERSON BLVD
ALCO AVE
MARVIN AVE
TENNANT ST
10TH ST
WADDY AVE
HOLLYWOOD AVE
MARLBOROUGH AVE
SUNSET AVE
WENTWORTH ST
CHALMERS ST
SUPERIOR ST
ALDEN AVE
MVA Cluster A B C D E F G H I NA
1:6,000
Market Value Analysis
Printed Date: 9/18/2018

Agenda Information Sheet

File #: 18-1266 **Item #:** 76.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

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 the renewal of Specific Use Permit No. 1902 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of Walnut Hill Lane and Marsh Lane

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions

Z178-321(CY)

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HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY NOVEMBER 28, 2018
ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-321(CY)	**DATE FILED:**	July 31, 2018
LOCATION:	Northwest corner of Walnut Hill Lane and Marsh Lane		
COUNCIL DISTRICT:	13	**MAPSCO:**	23 R
SIZE OF REQUEST:	Approx. 1.34	**CENSUS TRACT:**	97.02

OWNER/APPLICANT: CV Marsh Lane Dallas, LLC

REPRESENTATIVE: Santos Martinez

REQUEST: An application for the renewal of Specific Use Permit No. 1902 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to continue to sell alcoholic beverages for off-premise consumption in conjunction with the existing general merchandise store [CVS Pharmacy]

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- On October 10, 2011, City Council approved Specific Use Permit No. 1902 for the sales of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a time period of two years with eligibility for automatic renewals for additional five-year periods for the area of request.

- On September 9, 2013 an automatic renewal for Specific Use Permit No. 1902 was approved for a time period of five years with eligibility for automatic renewals for additional five-year periods. [Expires on October 10, 2018]

- The area of request is zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

- Building Inspections records show the existing general merchandise was issued a Certificate of Occupancy on August 7, 2009.

Zoning History: There have been four zoning changes in the surrounding area in the past five years.

1. **Z134-104** On January 22, 2014, City Council approved a CR Community Retail District on property zoned an LO-1 Limited Office District on the west side of Marsh Lane, north of Walnut Hill Lane, north of the area of request.

2. **Z134-355** On January 14, 2015, City Council approved a D-1 Liquor Control Overlay and Specific Use Permit No. 2130 for the sales of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property located on the west side of Marsh Lane, west of the area of request. [SUP No. 2130 expired on January 15, 2017]

3. **Z145-292** On October 15, 2015, the City Plan Commission recommended denial of an application for a Specific Use Permit for a private recreation center, club or area on property zoned an R-16(A) Single Family District located on the northwest corner of Walnut Hill Lane and Betty Jane Lane, east of the area of request.

4. **Z167-216** On June 14, 2017, City Council approved Specific Use Permit No. 2247 for the sales of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service for a time period of three years with eligibility for automatic renewals for additional five-year periods on property located on the west side of Marsh Lane, west of the area of request.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Marsh Lane	Principal Arterial	100’	100’
Walnut Hill Lane	Principal Arterial	90’	100’

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

URBAN DESIGN

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use:

	Zoning	Land Use
Site	CR with D-1 Liquor Control Overlay and SUP No. 1902	General Merchandise use.
North	CR with D-1 Liquor Control overlay and SUP No.1100	General Merchandise, Restaurant and Personal Service uses.
East	CR	General Merchandise and Medical Clinic uses
South	NO(A) with SUP No. 748 and Deed Restrictions Z823-111, R-7.5(A)	Medical Clinic, Single-family uses
West	CR with D-1 Liquor Control Overlay and SUP 2247, CR with D Liquor Control Overlay	Restaurant, Dry Clean or Laundry Store, General Merchandise uses.

Land Use Compatibility:

The approximate 1.34-acre site is zoned a CR Community Retail District with a D-1 Liquor Control Overlay and is currently developed with a one story, +/- 12,000-square-foot general merchandise (pharmacy) building. The existing general merchandise or food store use has been operating since 2004 under the same ownership. The applicant seeks to renew Specific Use Permit No. 1902 to be allowed to continue the sales of alcoholic beverages for off-premise consumption.

SUP No. 1902 was approved by City Council in 2011 for a two-year period with eligibility for automatic renewals for additional five-year periods. On September 2013, the SUP was automatically renewed for additional five years with an expiration date of October 10, 2018, and with eligibility for automatic renewals for additional five-year periods. The applicant failed to apply for the automatic renewal during the required time period resulting in the review of this application as a renewal of the SUP with the required approval of the City Plan Commission and City Council.

Uses surrounding the area of request include a retail shopping center to the north and west comprised of restaurant, personal service, dry cleaning or laundry store and general merchandise uses; further west are residential uses including single-family, duplex and multifamily. Additional retail, personal services uses, and a vacant building are located to the east, across Marsh Lane, with a general merchandise with fueling station located to the southeast, and medical clinic and single family uses to the south.

None of the uses in the proximity of the existing general merchandise store are uses listed in Sec. 6-4(a)(4) of the Dallas Development Code nor in Sec.109.33 and Sec.109.331 of the Texas Alcoholic Beverage Commission (TABC) code, as protected uses such as school, hospital, church and child-care uses that need to meet a required distance from establishments that sell alcohol.

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.

In general, the applicant's request is consistent with the general provisions for a Specific Use Permit. Staff recommends approval for a five-year period with eligibility for automatic renewal for additional five-year periods since the initial two-year period and subsequent five-year renewal period had already been granted.

Parking:

Off-street parking and loading requirements comply with the Dallas Development Code as amended for the approximately 12,000 square-feet existing general merchandise store that requires a total of 55 off-street parking spaces at a ratio of one space per 220 square feet of floor area, the site plan depicts 65 off-street parking spaces. No additional square footage is being proposed with this request, therefore, no additional parking is required.

Landscaping:

No new development is proposed; therefore, no additional landscaping is required. Any additions to the property that exceed 35 percent of the existing floor area, or 2,000 square feet of new non-permeable pavement, will require landscaping per Article X of the Dallas Development Code.

Dallas Police Department: Staff requested a report of site-related crime statistics for the time period from the last automatic renewal for SUP No. 1902 up to date. The list of reported crime statistics obtained includes 36 incidents and 74 calls from 2013 to 2018, none of which resulted in an arrest, this report is provided below.

INCIDENTS

DATE	TIME	UCR OFFENCE	UCR_OFF DES	PREMISE	MO
1/8/2013	8:00	Not Coded	Not Coded MULTIPLE ROBBERY INCIDENT	CVS	DISTURBANCE WITH EMPLOYEE
2/19/2013	22:30	ASSAULT	ASSAULT | ADULT W/F | CAUSE PAIN, INJURY (M/A) | 1800-0600	703 - PHARMACY S	SUSP STRUCK AND BIT COMP, CAUSING VISIBLE LACERATIONS AND PAIN.
4/18/2013	17:35	THEFT/SHOPLIFT	THEFT | OTHER THEFTS | SHOPLIFT | $50 - $199.99	STORE	AP TOOK MERCH. WITHOUT INTENTION TO PAY AND EXITED STORE
7/21/2013	20:45	Not Coded	Not Coded MULTIPLE ROBBERY INCIDENT	PARKING LOT	MIR
10/8/2013	2:20	BURGLARY-BUSINESS	BURGLARY | BUSINESS/NIGHT | PRY, BREAK, SAW, CUT, ETC. | FRONT DOOR	112 - DRUG STORE/	SUSPS PRIED FRONT DOOR W. CROW BAR,ENTERED TOOK PROP,EXIT SAME
11/6/2013	3:45	BURGLARY-BUSINESS	BURGLARY | BUSINESS/NIGHT | PRY, BREAK, SAW, CUT, ETC. | FRONT DOOR	STORE	SUSP PRIED FRONT DOOR TO BUSINESS-CIGGARETTE THEFT
11/24/2013	19:17	Not Coded	Not Coded MULTIPLE ROBBERY INCIDENT	DRUG STORE	MIR INFO TOWED VEHICLE/SUSPECTS
3/9/2014	9:50	Not Coded	Not Coded MULTIPLE ROBBERY INCIDENT	DRUG STORE	CTW
4/4/2014	13:00	Not Coded	Not Coded MULTIPLE ROBBERY INCIDENT	RETAIL STORE	MISSING/DAMAGED PHONE
9/25/2014	19:44	NOT CODED	NO UCR REPORTABLE OFFENSE	Parking Lot (All Others)	APOWW
1/15/2015	4:52	BURGLARY-BUSINESS	BURGLARY	Business Office	UNKNOWN SUSP USED VEHICLE SMASHED BUSINESS FOR ATM.
3/4/2015	20:49	CRIMINAL TRESPASS	MISCELANEOUS	Retail Store	CRIMINAL TRESPASS WARNING
7/28/2015	4:39	VANDALISM & CRIM MISCHIEF	CRIMINAL MISCHIEF/VANDALISM	Convenience Store	UNKNOWN SUSP ATTEMPTED TO TAKE AN ATM.
9/24/2015	22:15	ASSAULT	ASSAULT	Parking Lot (All Others)	UNK SUSP PUNCHED THE COMP ON THE BACK OF THE HEAD CAUSING PAIN.
11/10/2015	23:43	ALARM INCIDENT	ALARM INCIDENT		FALSE ALARM DUE TO UNKNOWN CAUSES
3/23/2016	14:06	ROBBERY-INDIVIDUAL	ROBBERY	Parking Lot (All Others)	SUSP POINTED HANDGUN AND TOOK PURSE
5/26/2016	23:30	ALARM INCIDENT	ALARM INCIDENT	Retail Store	OPEN BUILDING NO OFFENSE
6/9/2016	14:30	OFFENSE AGAINST CHILD	CHILD (OFFENSES AGAINST)	Parking Lot (All Others)	LEAVING CHILD UNATTENDED IN VEHICLE.
7/18/2016	21:25	THEFT/SHOPLIFT	THEFT	Convenience Store	SUSPS TOOK PROPERTY WITHOUT PAYING FROM THE COMP AND FLED
7/24/2016	20:00	THEFT/SHOPLIFT	THEFT	Retail Store	SUSP TOOK PROPERTY WITHOUT AUTHORIZATION
8/30/2016	15:30	CRIMINAL TRESPASS	MISCELANEOUS		CTA WAS FILLED OUT BY RP
8/30/2016	15:30	CRIMINAL TRESPASS	MISCELLANEOUS		CTA WAS FILLED OUT BY RP
9/2/2016	9:30	THEFT/SHOPLIFT	THEFT	Retail Store	ROBBERY OF BUSINESS
9/2/2016	9:30	THEFT/SHOPLIFT	THEFT	Retail Store	ROBBERY OF BUSINESS
9/26/2016	14:02	THEFT/SHOPLIFT	THEFT	Retail Store	SUSP TOOK PROPERTY W/O CONSENT

INCIDENTS (Cont.)

DATE	TIME	UCR OFFENCE	UCR_OFF DES	PREMISE	MO
9/26/2016	14:02	THEFT/SHOPLIFT	THEFT	Retail Store	SUSP TOOK PROPERTY W/O CONSENT
12/7/2016	14:40	ASSAULT	ASSAULT	Convenience Store	SUSP SPRAYED MACE IN THE COMPLS EYES AND FACE.
12/7/2016	14:40	ASSAULT	ASSAULT	Convenience Store	SUSP SPRAYED MACE IN THE COMPLS EYES AND FACE.
12/16/2016	7:45	ASSAULT	ASSAULT	Parking Lot (All Others)	ARRESTEE HIT COMPLAINANT IN FACE CAUSING PAIN AND INJ.
3/24/2017	9:10	OTHER THEFTS	THEFT	Commercial Property Occupied/Vacant	SUSP TOOK CELL PHONE OFF COUNTER WITHOUT OFF COUNTER
4/2/2017	13:00	MISCELLANEOUS	MISCELLANEOUS	Retail Store	PUT COSMETICS IN BAG, ATTEMPTED TO WALK OUT.
5/15/2017	21:00	THEFT/SHOPLIFT	THEFT	Retail Store	UNK SUSP'S TOOK BEAUTY PRODUCTS WITHOUT PAYING
6/25/2017	9:35	MISCELLANEOUS	MISCELLANEOUS	Retail Store	MIR
8/1/2017	5:45	ROBBERY-INDIVIDUAL	ROBBERY	Outdoor Area Public/Private	SUSP HIT COMP IN THE HEAD WITH A HANDGUN
9/20/2017	22:00	OTHER THEFTS	THEFT	Outdoor Area Public/Private	LOCK CUT OFF METAL STORAGE CAGE/PROPERTY TAKEN W/O CONSENT
8/12/2018	11:50				CRIMINAL TRESPASS WARNING

CALLS

MASTER INCIDENT NUMBER	RESPONSE DATE	RESPONSE TIME	WATCH	PROBLEM	PRIORITY DESCRIPTION	LOCATION NAME	ADDRESS
13-0046805	1/8/2013	8:02	2	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-0146127	1/23/2013	16:10	3	04 - 911 Hang Up	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-0164510	1/26/2013	9:55	2	04 - 911 Hang Up	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-0438401	3/7/2013	19:41	3	PH - Panhandler	4 - Non Critical	EL RANHO	10003 MARSH LN
13-0658793	4/8/2013	13:16	2	PH - Panhandler	4 - Non Critical	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-0731126	4/18/2013	17:41	3	30 - Prisoner	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-0731126	4/18/2013	17:41	3	30 - Prisoner	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-0831633	5/2/2013	20:26	3	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-0851630	5/5/2013	17:46	3	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-1421227	7/21/2013	19:39	3	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-1824501	9/16/2013	10:42	2	04 - 911 Hang Up	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-1972556	10/8/2013	2:19	1	41/11B - Burg Busn in Progress	1 - Emergency	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln

CALLS (Cont.)

MASTER INCIDENT NUMBER	RESPONSE DATE	RESPONSE TIME	WATCH	PROBLEM	PRIORITY DESCRIPTION	LOCATION NAME	ADDRESS
13-2062147	10/21/2013	13:00	2	04 - 911 Hang Up	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-2133938	11/1/2013	6:38	1	32 - Suspicious Person	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-2290009	11/24/2013	18:44	3	41/20 - Robbery - In Progress	1 - Emergency	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-2382590	12/9/2013	6:47	1	11B - Burg of Bus	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-2452423	12/19/2013	21:22	3	08 - Intoxicated Person	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
13-2453010	12/19/2013	23:17	3	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
14-0210293	2/1/2014	17:35	3	40 - Other	3 - General Service	CVS PHARMACY	10003 Marsh Ln
14-0445780	3/9/2014	9:29	2	32 - Suspicious Person	2 - Urgent	CVS	10003 MARSH LN
14-0450916	3/10/2014	2:44	1	32 - Suspicious Person	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
14-0629914	4/4/2014	20:02	3	38 - Meet Complainant	4 - Non Critical	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
14-0807587	4/29/2014	21:40	3	32 - Suspicious Person	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
14-0814169	4/30/2014	20:48	3	40 - Other	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
14-1085082	6/7/2014	9:37	2	04 - 911 Hang Up	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
14-1310205	7/7/2014	22:18	3	12B - Business Alarm	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
14-1323048	7/9/2014	19:28	3	40/01 - Other	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
14-1468910	7/30/2014	8:24	2	40 - Other	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
14-1874042	9/25/2014	19:39	3	46 - CIT	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
14-1886311	9/27/2014	14:31	2	PH - Panhandler	4 - Non Critical	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
15-0091247	1/15/2015	4:51	1	41/11B - Burg Busn in Progress	1 - Emergency	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
15-0413834	3/4/2015	20:51	3	46 - CIT	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
15-1508814	7/28/2015	4:39	1	12B - Business Alarm	1 - Emergency	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
15-1615796	8/11/2015	6:08	1	12B - Business Alarm	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
15-1626061	8/12/2015	15:27	2	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
15-1740561	8/27/2015	19:37	3	40/01 - Other	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
15-2172542	10/26/2015	19:35	3	6X - Major Dist (Violence)	2 - Urgent	CVS	10003 MARSH LN
15-2275664	11/10/2015	23:42	3	12B - Business Alarm	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
15-2475423	12/10/2015	20:12	3	09/01 - Theft	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln

CALLS (Cont.)

MASTER INCIDENT NUMBER	RESPONSE DATE	RESPONSE TIME	WATCH	PROBLEM	PRIORITY DESCRIPTION	LOCATION NAME	ADDRESS
15-2583689	12/26/2015	18:31	3	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-0100764	1/16/2016	14:34	2	40/01 - Other	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-0440474	3/6/2016	22:11	3	16 - Injured Person	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-0535360	3/20/2016	22:48	3	46 - CIT	2 - Urgent	LAUNDRY MAT	10003 Marsh Ln
16-0552241	3/23/2016	14:09	2	20 - Robbery	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-1011319	5/25/2016	23:29	3	12B - Business Alarm	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-1025505	5/27/2016	20:14	3	41/11V - BMV-In Progress	1 - Emergency	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-1151025	6/13/2016	11:06	2	04 - 911 Hang Up	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-1245956	6/25/2016	19:43	3	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-1420162	7/18/2016	21:30	3	09/01 - Theft	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-1462096	7/24/2016	20:11	3	09/01 - Theft	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-1722064	8/29/2016	17:45	3	58 - Routine Investigation	7 - Unit Initiated		10003 MARSH LN
16-1748974	9/2/2016	9:55	2	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-1780726	9/6/2016	17:54	3	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-1994283	10/6/2016	12:16	2	09 - Theft	4 - Non Critical	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
16-2416600	12/7/2016	14:44	2	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
17-0295762	2/14/2017	9:28	2	09 - Theft	4 - Non Critical	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
17-0449700	3/8/2017	14:29	2	40 - Other	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
17-0546364	3/22/2017	21:27	3	40/01 - Other	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
17-0556351	3/24/2017	10:24	2	09/01 - Theft	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
17-0619559	4/2/2017	13:20	2	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
17-0662684	4/8/2017	8:35	2	40 - Other	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
17-0679265	4/10/2017	16:56	3	40/01 - Other	2 - Urgent	townhome	10003 Marsh Ln
17-0920389	5/15/2017	21:19	3	09/01 - Theft	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
17-1034657	6/1/2017	2:17	1	12B - Business Alarm	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
17-1207157	6/25/2017	21:37	3	41/20 - Robbery - In Progress	1 - Emergency	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
17-1799378	9/21/2017	8:36	2	09 - Theft	4 - Non Critical	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln

CALLS (Cont.)

MASTER INCIDENT NUMBER	RESPONSE DATE	RESPONSE TIME	WATCH	PROBLEM	PRIORITY DESCRIPTION	LOCATION NAME	ADDRESS
17-1853239	9/29/2017	10:43	2	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
17-2271849	12/1/2017	15:21	2	24 - Abandoned Property	4 - Non Critical	CVS PHARMACY	10003 MARSH LN
17-2356578	12/14/2017	17:59	3	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
17-2356578	12/14/2017	17:59	3	6X - Major Dist (Violence)	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
18-0732634	4/27/2018	5:50	1	12B - Business Alarm	3 - General Service	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
18-1463853	8/12/2018	12:00	2	41/20 - Robbery - In Progress	1 - Emergency	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln
18-1478979	8/14/2018	20:13	3	04 - 911 Hang Up	2 - Urgent	CVS PHARMACY | (marsh & walnuthill)	10003 Marsh Ln

PRIOR CPC ACTION- OCTOBER 4, 2018

Z178-321(CY)

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1902 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to revised site plan and conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of Walnut Hill Lane and Marsh Lane.

Maker: Murphy
Second: Davis
Result: Carried: 11 to 0

For: 11 - West, Rieves, Davis, Shidid, Carpenter, Lewis, Housewright, Schultz, Peadon, Murphy, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7
Conflict: 2 - Jung, Ridley,

Notices: Area: 300 Mailed: 25
Replies: For: 1 Against: 2

Speakers: None

List of Officers

CV Marsh Lane Dallas, LLC

- Harry Thomas Arnold Member
- Natalie G Ng Member

SUP No. 1902 CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.

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) [~~October 10, 2013~~], but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

4. DRIVE-THROUGH WINDOW: Use of the drive-through window for retail sales of alcoholic beverages is prohibited.

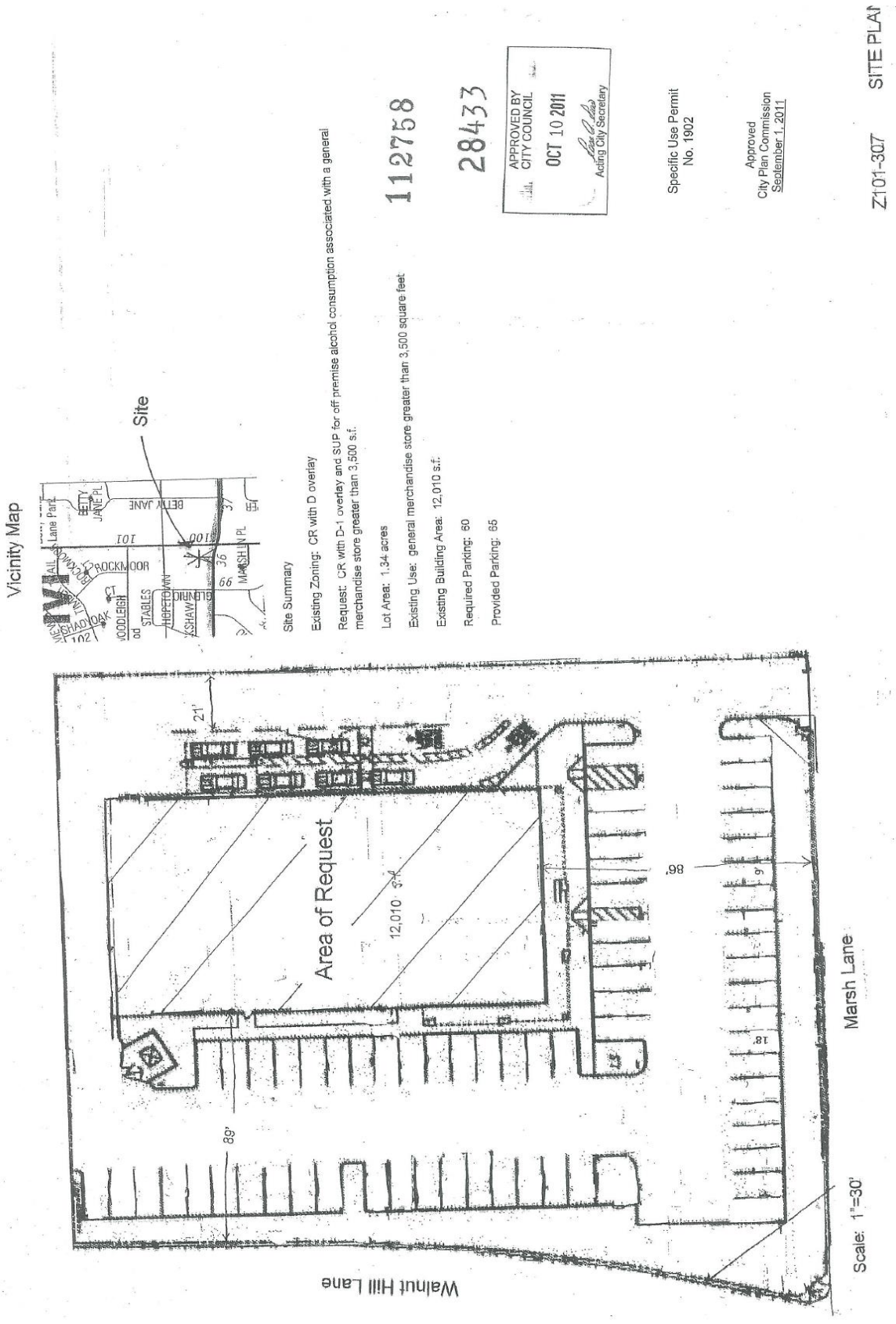
5. INGRES-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.

6. PARKING: Parking must be located as shown on the attached site plan.

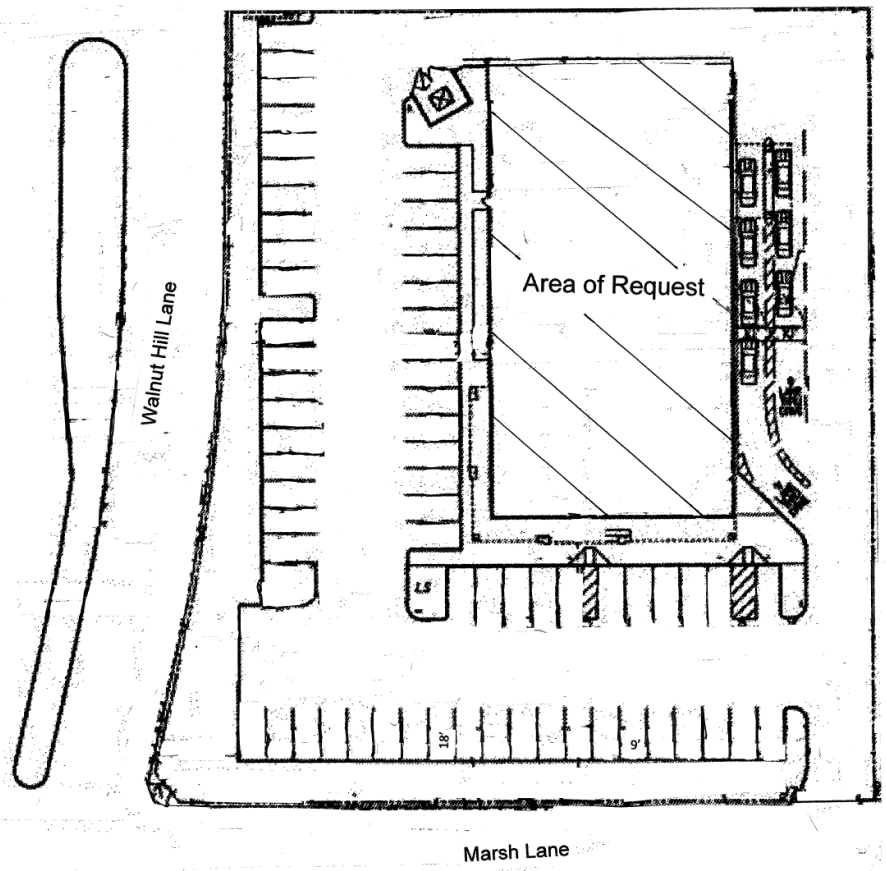
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances rules and regulations of the City of Dallas.

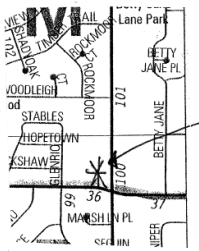
EXISTING SITE PLAN



Z178-321(CY)



Vicinity Map



REVISED SITE PLAN

Site Summary

Existing Zoning: CR with D overlay

Request: CR with D-1 overlay and SUP for off premise alcohol consumption associated with a general merchandise store greater than 3500 s.f.

Lot Area: 1.34 acres

Existing Use: general merchandise store greater than 3500 square feet

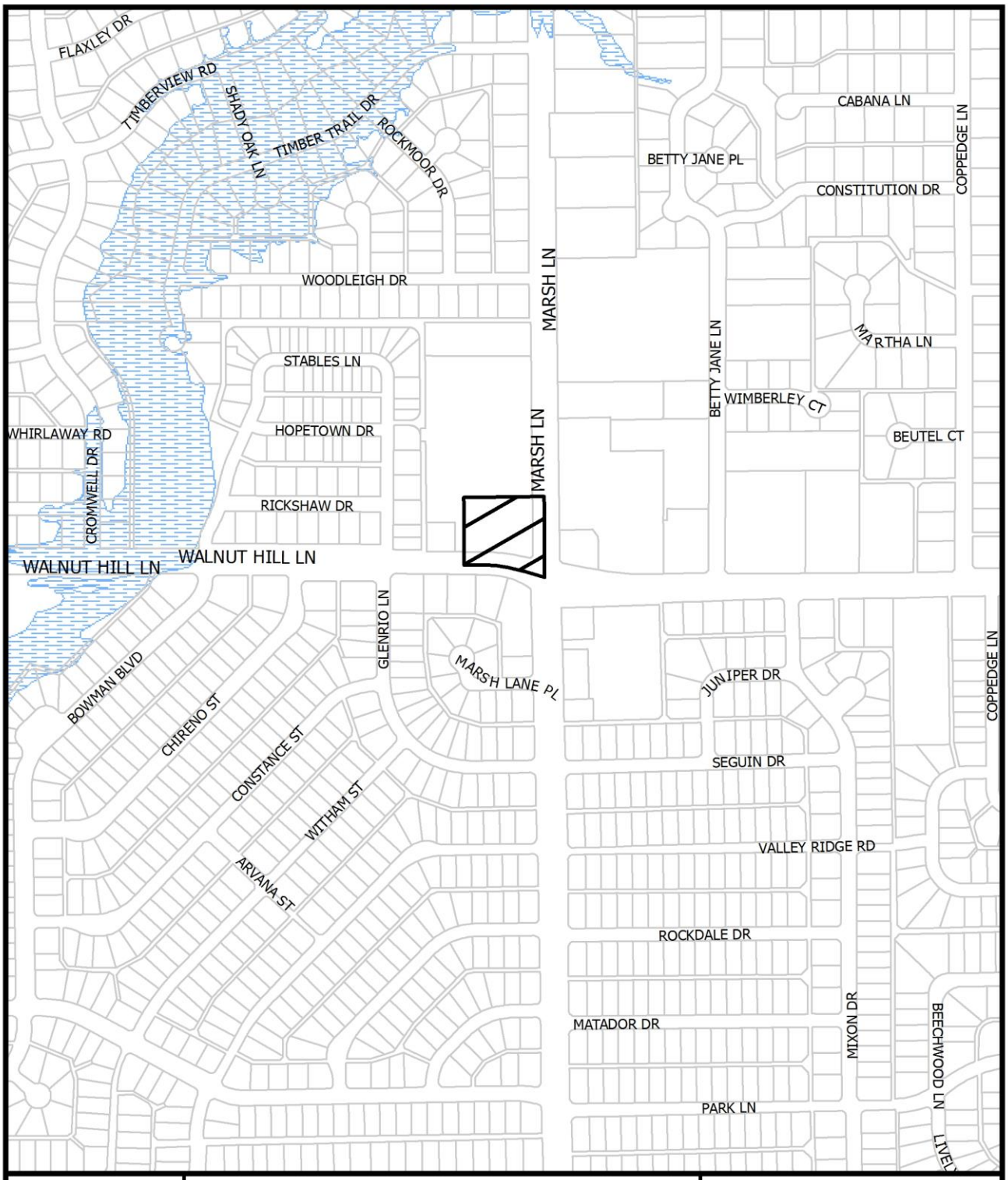
Existing Building Area: 12,010 s.f.

Required Parking: 55

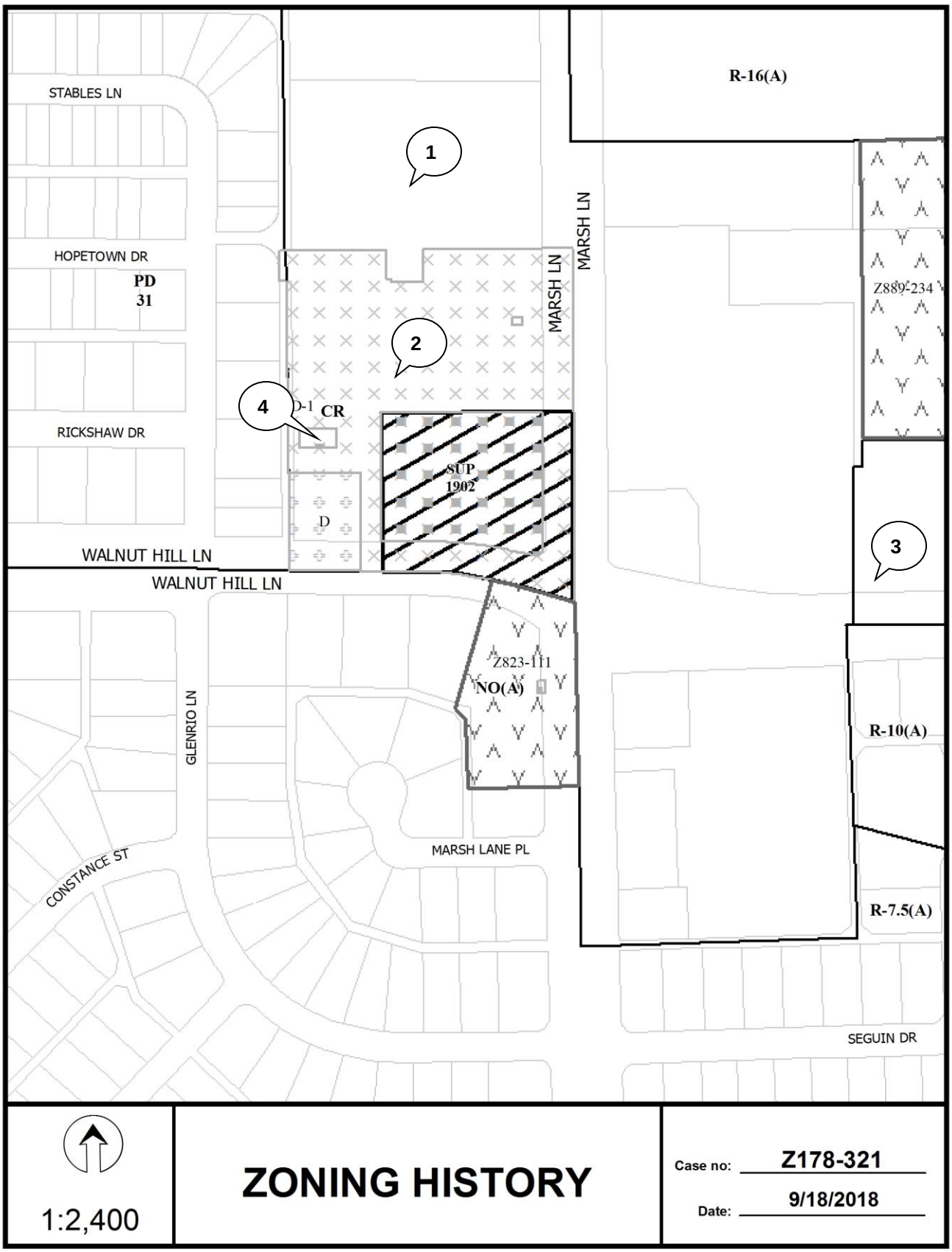
Provided Parking: 65

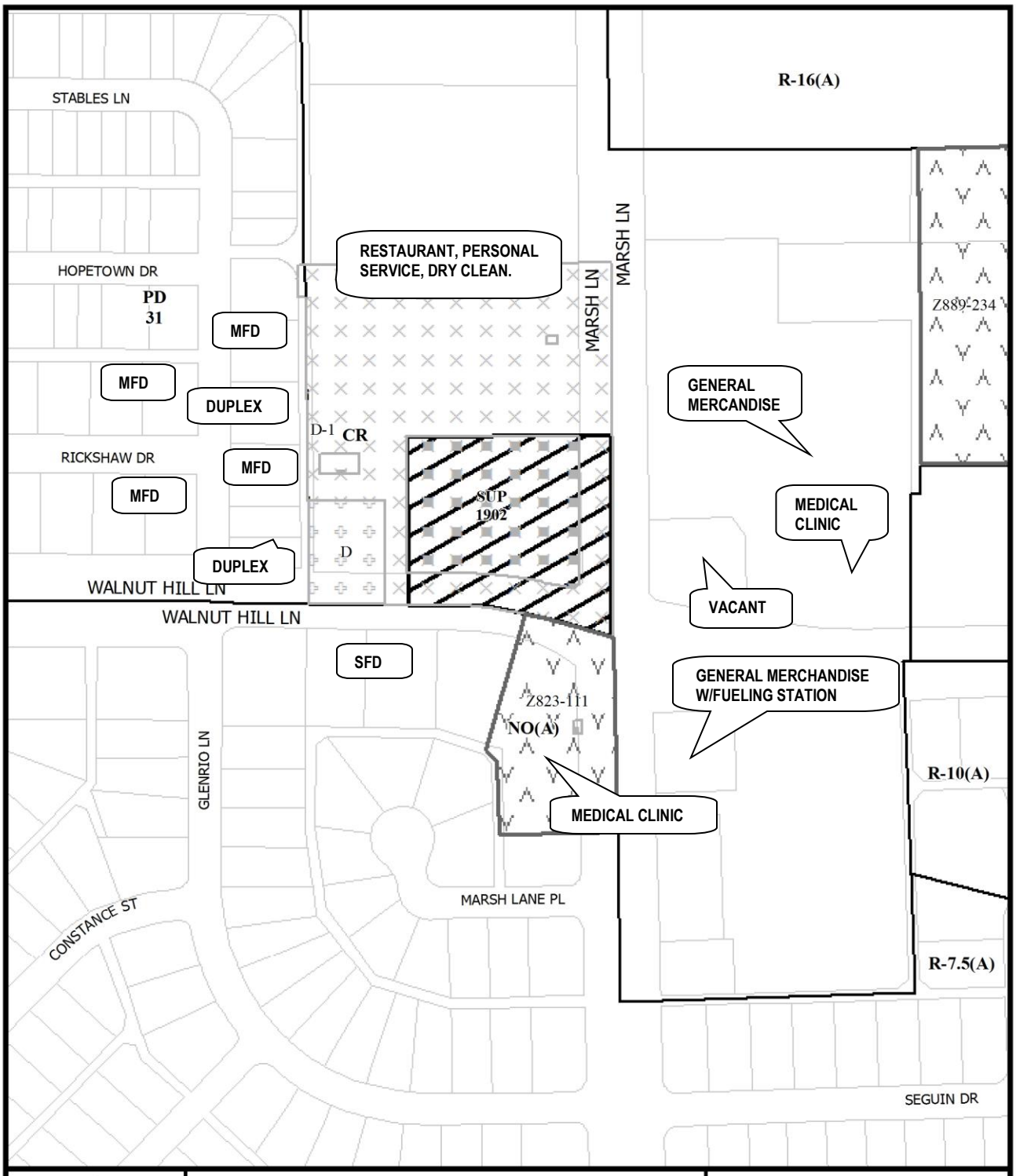
Scale: 1"=30'

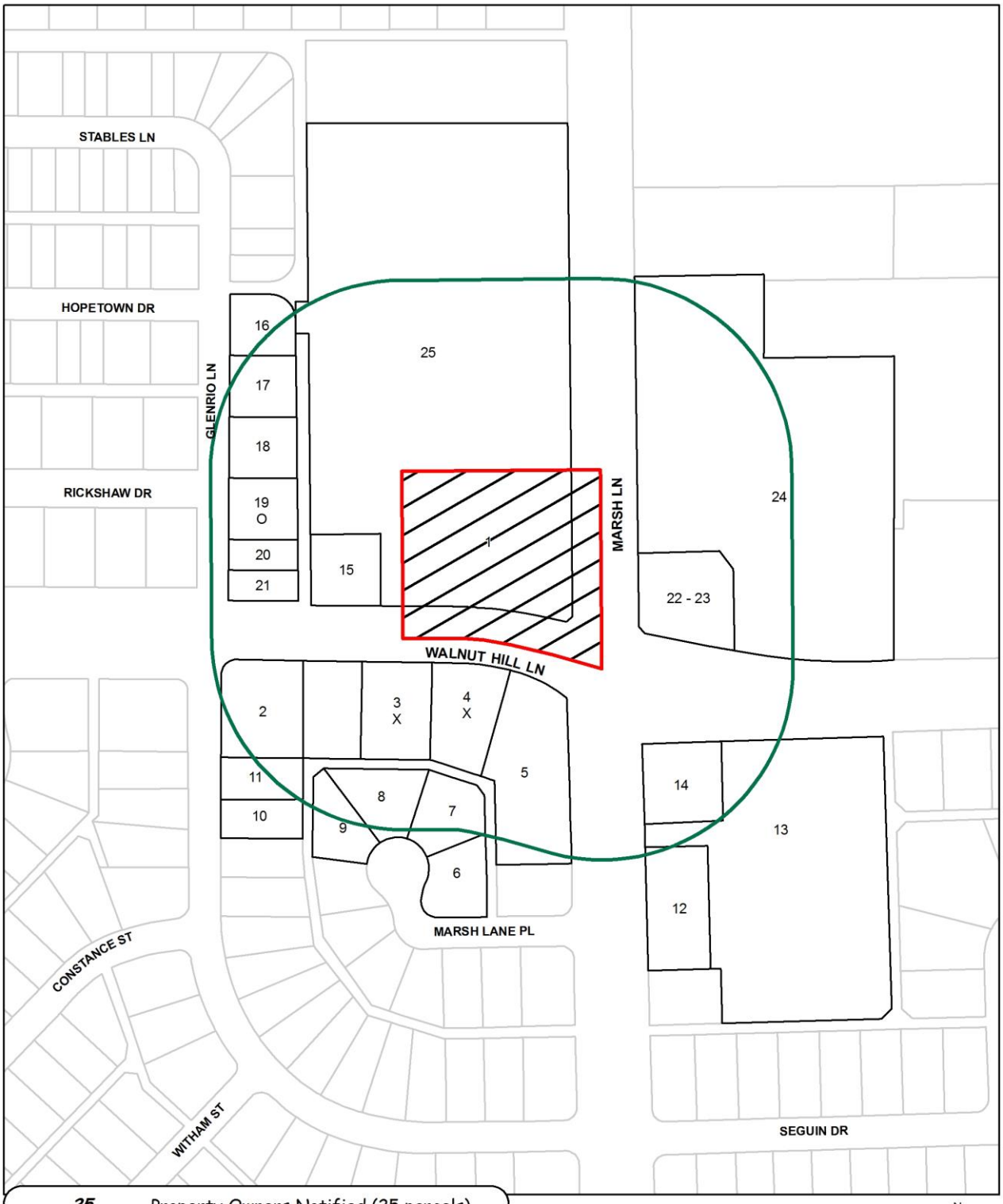
Z178-321 SITE PLAN


FLAXLEY DR
TIMBERVIEW RD
SHADY OAK LN
TIMBER TRAIL DR
ROCKMOOR DR
CABANA LN
COPPEDGE LN
BETTY JANE PL
CONSTITUTION DR
WOODLEIGH DR
MARSH LN
MARTHA LN
BETTY JANE LN
STABLES LN
WIMBERLEY CT
BEUTEL CT
WHIRLAWAY RD
HOPETOWN DR
CROMWELL DR
RICKSHAW DR
WALNUT HILL LN
WALNUT HILL LN
GLENRIO LN
MARSH LANE PL
JUNIPER DR
BOWMAN BLVD
CHIRENO ST
CONSTANCE ST
WITHAM ST
ARVANA ST
SEGUIN DR
VALLEY RIDGE RD
ROCKDALE DR
MATADOR DR
MIXON DR
BEECHWOOD LN
PARK LN
1:6,000
VICINITY MAP
Case no: Z178-321
Date: 9/18/2018


STABLES LN
HOPETOWN DR
RICKSHAW DR
WALNUT HILL LN
WALNUT HILL LN
MARSH LN
MARSH LN
GLENRIO LN
CONSTANCE ST
MARSH LANE PL
SEGUIN DR
1:2,400
AERIAL MAP
Case no: Z178-321
Date: 9/18/2018


STABLES LN
HOPETOWN DR
PD
31
RICKSHAW DR
WALNUT HILL LN
WALNUT HILL LN
GLENRIO LN
CONSTANCE ST
MARSH LANE PL
MARSH LN
MARSH LN
R-16(A)
Z889-234
1
2
3
4
CR
SUP
1902
D
Z823-111
NO(A)
R-10(A)
R-7.5(A)
SEGUIN DR
1:2,400
ZONING HISTORY
Case no: Z178-321
Date: 9/18/2018


R-16(A)
STABLES LN
HOPETOWN DR
PD 31
MFD
MFD
DUPLEX
RICKSHAW DR
MFD
MFD
DUPLEX
WALNUT HILL LN
WALNUT HILL LN
SFD
RESTAURANT, PERSONAL SERVICE, DRY CLEAN.
MARSH LN
MARSH LN
D-1
CR
SUP 1902
D
Z889-234
GENERAL MERCANDISE
MEDICAL CLINIC
VACANT
GENERAL MERCHANDISE W/FUELING STATION
Z823-111
NO(A)
MEDICAL CLINIC
R-10(A)
R-7.5(A)
GLENRIO LN
CONSTANCE ST
MARSH LANE PL
SEGUIN DR
1:2,400
ZONING AND LAND USE
Case no: Z178-321
Date: 9/18/2018



25	Property Owners Notified (25 parcels)
1	Replies in Favor (1 parcels)
2	Replies in Opposition (2 parcels)
300'	Area of Notification
10/4/2018	Date

Z178-321
CPC

N
W E
S

1:2,400

10/03/2018

Reply List of Property Owners

Z178-321

25 Property Owners Notified ***1 Property Owners in Favor*** ***2 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	10003	MARSH LN	CV MARSH LANE DALLAS LLC
	2	3634	WALNUT HILL LN	DALTON GEORGE R &
X	3	3650	WALNUT HILL LN	DENTON EDWARD J
X	4	3658	WALNUT HILL LN	DENTON EDWARD J
	5	9991	MARSH LN	BERMANI PROPERTIES LTD
	6	3611	MARSH LANE PL	FOSTER BRAD W &
	7	3607	MARSH LANE PL	ANDERSON JOHN B
	8	3603	MARSH LANE PL	NASTASI RAYMOND L
	9	3602	MARSH LANE PL	TOBANCHE BELIA RAMIREZ &
	10	9928	GLENRIO LN	JOLON GUILLERMO
	11	9932	GLENRIO LN	AGUILAR FERMIN & VIRGINIA
	12	9976	MARSH LN	BERLIN RONALD P & GAIL M
	13	3720	WALNUT HILL LN	ZIMMERMANN ENTERPRISES LLC
	14	9998	MARSH LN	MPC PROPERTIES LTD
	15	10031	MARSH LN	PICKERING MARY K ETAL
	16	10040	GLENRIO LN	FLUME MATTHEW & ALLISON K
	17	10028	GLENRIO LN	TADESSE TEWABECH N
	18	10022	GLENRIO LN	BRODEUR LAURA D & ERIC R FAMILY TRUST
O	19	10010	GLENRIO LN	ENGRAM BRYAN H
	20	10004	GLENRIO LN	DAKINGKING SERAFIN V &
	21	10002	GLENRIO LN	PAMPELL PATRICIA D
	22	10002	MARSH LN	COPPEDGE HAROLD G TR &
	23	10004	MARSH LN	CHEVRON USA INC
	24	10020	MARSH LN	DOUGLAS MONETTE M TRUST
	25	10051	MARSH LN	HOPKINS MARSH LANE PLAZA LP

Agenda Information Sheet

File #: 18-1268 **Item #:** 77.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 3

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 the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the north side of West Camp Wisdom Road, east of Marvin D. Love Freeway (US 67)
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and staff's recommended conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z178-263(CY)

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HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY NOVEMBER 28, 2018

ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-263(CY)	**DATE FILED:**	May 24, 2018
LOCATION:	North side of West Camp Wisdom Road, east of Marvin D. Love Freeway (US 67)		
COUNCIL DISTRICT:	3	**MAPSCO:**	63 U
SIZE OF REQUEST:	Approx. 0.34 acres	**CENSUS TRACT:**	109.02

OWNER/APPLICANT: Jawed Sagani, sole owner

REPRESENTATIVE: Santos Martinez

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption in conjunction with an existing general merchandise or food store [Stop Food Mart].

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and staff's recommended conditions.

BACKGROUND INFORMATION:

- The approximate 0.34-acre site is currently developed with a one-story building with two suites.
- Building Inspection records show that on May 7, 2014, a Certificate of Occupancy was issued for a child-care facility use for the suite addressed as 2921 W. Camp Wisdom Road at the subject site.
- Building Inspection records show that on November 10, 2014, a Certificate of Occupancy was issued for a general merchandise or food store 3,500 square feet or less use for suite 2925 W. Camp Wisdom Road. A liquor license was issued for the same location on June 30, 2015.
- On June 10, 2015, the City Council approved a change from a D Overlay to a D-1 Overlay and Specific Use Permit No. 2149 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for the site subject to this request.
- SUP No. 2149 expired on June 10, 2017.
- The property changed ownership since the approval of the previous SUP in June 2015. The current owner seeks to obtain a new SUP to sell alcoholic beverages for off-premise consumption in conjunction with the general merchandise use.

Zoning History: There have been two zoning changes in the vicinity during the last five years including the area of request.

- **Z145-200**. On June 10, 2015, the City Council approved a D-1 Liquor Control Overlay and Specific Use Permit No. 2149 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for the subject site.

- **Z178-181.** On June 13, 2018, City Council approved a D-1 Liquor Control Overlay and Specific Use Permit No. 2295 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay located to the west of the area of request.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
W. Camp Wisdom Rd	Principal Arterial	100’	100’

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

URBAN DESIGN

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use:

	Zoning	Land Use
Site	RR Regional Retail with D-1 Liquor Control Overlay	General Merchandise, Child Care facility
North	RR Regional Retail with D Liquor Control Overlay	Custom Business Services
East	RR Regional Retail with D Liquor Control Overlay	Undeveloped Land
South	RR Regional Retail	Vehicle Display Sales and Service
West	RR Regional Retail with D-1 Liquor Control Overlay and SUP No. 2295	Hotel

Land Use Compatibility:

The approximate 0.34-acre site is zoned an RR Regional Retail District with a D-1 Liquor control Overlay and is currently developed with a one-story, +/- 3,400-square-foot retail building. The existing general merchandise or food store use currently occupies 2,000 square feet of the building with the rest being occupied by a child-care facility. The owner of the property proposes a future expansion of the general merchandise use into the existing child care facility which is depicted in the proposed site plan. The proposed expansion will still be consistent with the request of allowing the sales of alcohol in conjunction with a general merchandise or food store 3,500 square feet or less.

The owner holds a wine and beer retailer's off-premise permit (BQ) under Chapter 26 of the Texas Alcoholic Beverage Commission Code.

The Dallas Development Code [Sec. 6-4 (a) (4)] and the TABC code [Sec. 109.331], do not require a license holder under Chapter 26 of the TABC code to maintain a 300 feet distance from a day care or child-care facility in order to operate.

Other uses surrounding the area of request include a mix of residential, retail, personal service, restaurant, hotels and automotive related uses.

The property to the west of the area of request is currently developed with a two-story hotel use and was recently rezoned from a D-Liquor Control Overlay to a D-1 Liquor Control Overlay and was granted Specific Use Permit No. 2295 for the sales of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less. The SUP was approved for a two-year period with eligibility for automatic renewals for additional five-year periods. The existing hotel use will be demolished, and the site will be redeveloped with a convenience store with fueling station.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined

as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

In general, the applicant's request is consistent with the general provisions for a Specific Use Permit. Staff recommends approval for a two-year period with eligibility for automatic renewal for additional five-year periods. This has been the standard for the proposed use within the general area and allows for review of the use after the initial two-year period.

Parking:

Under the current conditions, the total required off-street parking for the site is 13 spaces, derived from calculating one space for every 200 square feet of general merchandise or food store use floor area [2,000 sf / 200 = 10] and one space for every 500 square feet of child-care facility use floor area [1,389 sf / 500 = 2.7 ~ 3].
For the proposed expansion of the existing general merchandise or food into the adjacent child-care facility, the off-street parking requirement will increase to 17 parking spaces derived from dividing the entire 3, 389 square feet of floor area by 200. The site plan depicts 18 off-street parking spaces being proposed which will meet the requirements of the future expansion.

Landscaping:

No new development is proposed. Therefore, no additional landscaping is required. Any additions to the property that exceed 35 percent of the existing floor area or 2,000 square feet of new non-permeable pavement will require landscaping per Article X of the Dallas Development Code.

Dallas Police Department: Staff requested a report of site-related incidents, calls and arrests for the most recent three-year period. The list provided by DPD is below.

INCIDENTS

INCIDENT NUMBER	DATE	TIME	UCR OFFENSE	UCR_OFF. DESC	PREMISE	TAAG_NAME	MO
166216-2015	00:00.0	1:15	NOT CODED	No Ucr Reportable Offense	Highway, Street, Alley ETC	Campwisdom Chaucer	Ap Had A Hill County So Warrant.
025212-2018	00:00.0	7:45	NOT CODED	No Ucr Reportable Offense		Campwisdom Chaucer*	Apoww

CALLS

MASTER INCIDENT	RESPONSE DATE	RESPONSE TIME	WATCH	PROBLEM	PRIORITY DESCRIPTION	LOCATION NAME	ADDRESS
16-2428091	12/9/2016	10:48:14 AM	2	40/01 - Other	2 - Urgent	Food Mart	2921 W Camp Wisdom Rd

ARRESTS

CHARGE DESCRIPTION	ARREST NUMBER	ARREST DATE	ArBk DAY	UCR ARREST CHARGE	UCR OFFENSE	P CLASS	ArL ADDRESS
Warrant Hold (Outside Agency)	18-008719	3/16/18	Friday	Holds DSO	Not coded	N/A	2921 W. Camp Wisdom Rd.
APOWW (Social Services Referral)	18-004075	2/3/18	Saturday	APOWW	Not coded	N/A	2921 W. Camp Wisdom Rd
Warrant Hold (Outside Agency	16-032802	7/28/16	Thursday	Holds DSO	Not coded	N/A	2921 W. Camp Wisdom Rd
Warrant-Dallas PD (Alias)	15-034412	8/26/15	Wednesday	Alias/Capias	Not coded	N/A	2921 W. Camp Wisdom Rd
Warrant-Dallas PD (Alias)	15-034410	8/26/15	Wednesday	Alias/Capias	Not coded	N/A	2921 W. Camp Wisdom Rd
Warrant Hold (Outside Agency	15-028892	7/20/15	Monday	Holds DSO	Not coded	N/A	2921 W. Camp Wisdom Rd

PRIOR CPC ACTION- July 19, 2018

Z178-263(CY)

Motion: In considering an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the north side of West Camp Wisdom Road, east of Marvin D. Love Freeway (US 67), it was moved to **hold** this case under advisement until September 6, 2018.

Maker: Houston
Second: Carpenter
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 8
Replies: For: 0 Against: 0

Speakers: For: None
For: (Did not speak): Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

PRIOR CPC ACTION- September 6, 2018

Z178-263(CY)

Motion: In considering an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the north side of West Camp Wisdom Road, east of Marvin D. Love Freeway (US 67), it was moved to **hold** this case under advisement until October 4, 2018.

Maker: Houston
Second: Mack
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Lewis, Schultz, Peadon, Ridley, Tarpley
Against: 0
Absent: 3 - Jung, Housewright, Murphy
Vacancy: 0

Notices: Area: 200 Mailed: 8
Replies: For: 0 Against: 0

Speakers: For: None
For: (Did not speak): Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

PRIOR CPC ACTION- October 4, 2018

Z178-263(CY)

Motion: It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period, subject to a site plan and conditions on property zoned an RR-D-1 Regional Retail District, with a D-1 Liquor Control Overlay, on the north side of West Camp Wisdom Road, east of Marvin D. Love Freeway (US 67).

Maker: West
Second: Schultz
Result: Carried: 12 to 1

For: 12 - West, Rieves, Davis, Shidid, Carpenter, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 1 - Lewis
Absent: 0
Vacancy: 2 - District 3, District 7

Notices: Area: 200 Mailed: 8
Replies: For: 0 Against: 0

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation:

3. TIME LIMIT: This specific use permit expires on [TWO years from the passage of this ordinance].

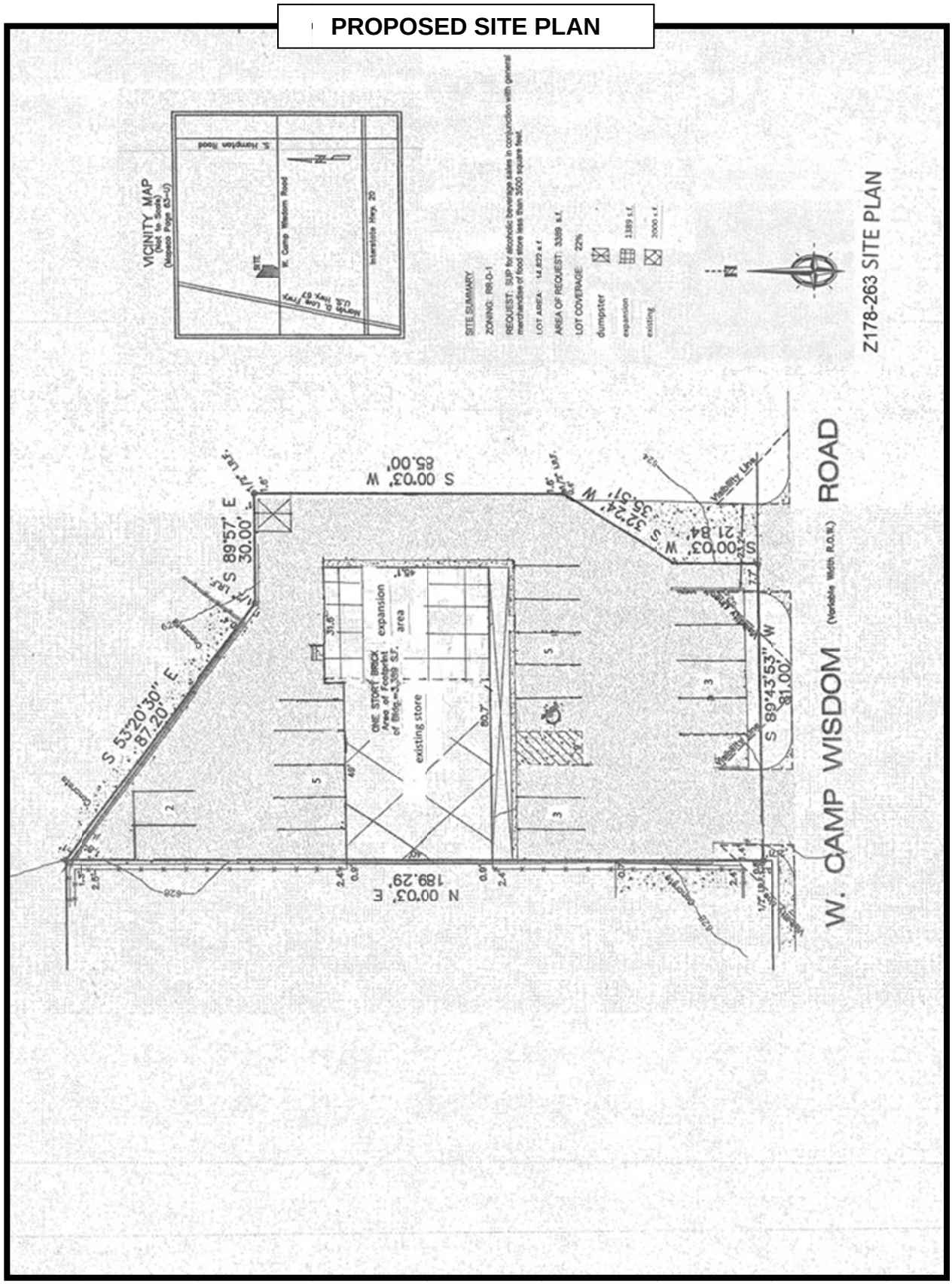
Staff Recommendation:

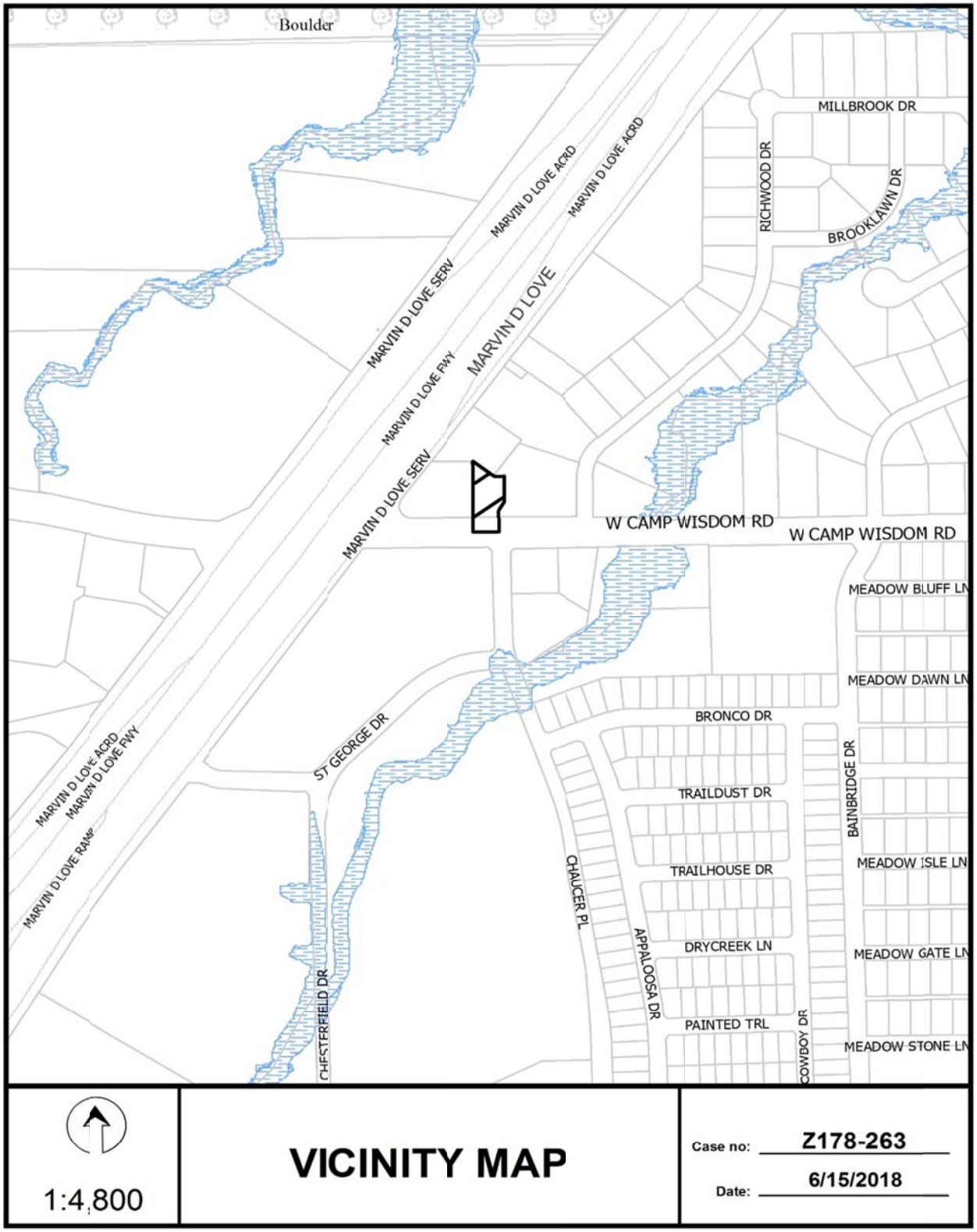
3. TIME LIMIT: This specific use permit expires on [TWO years from the passage of this ordinance] _____, but is eligible for automatic renewal for additional FIVE-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

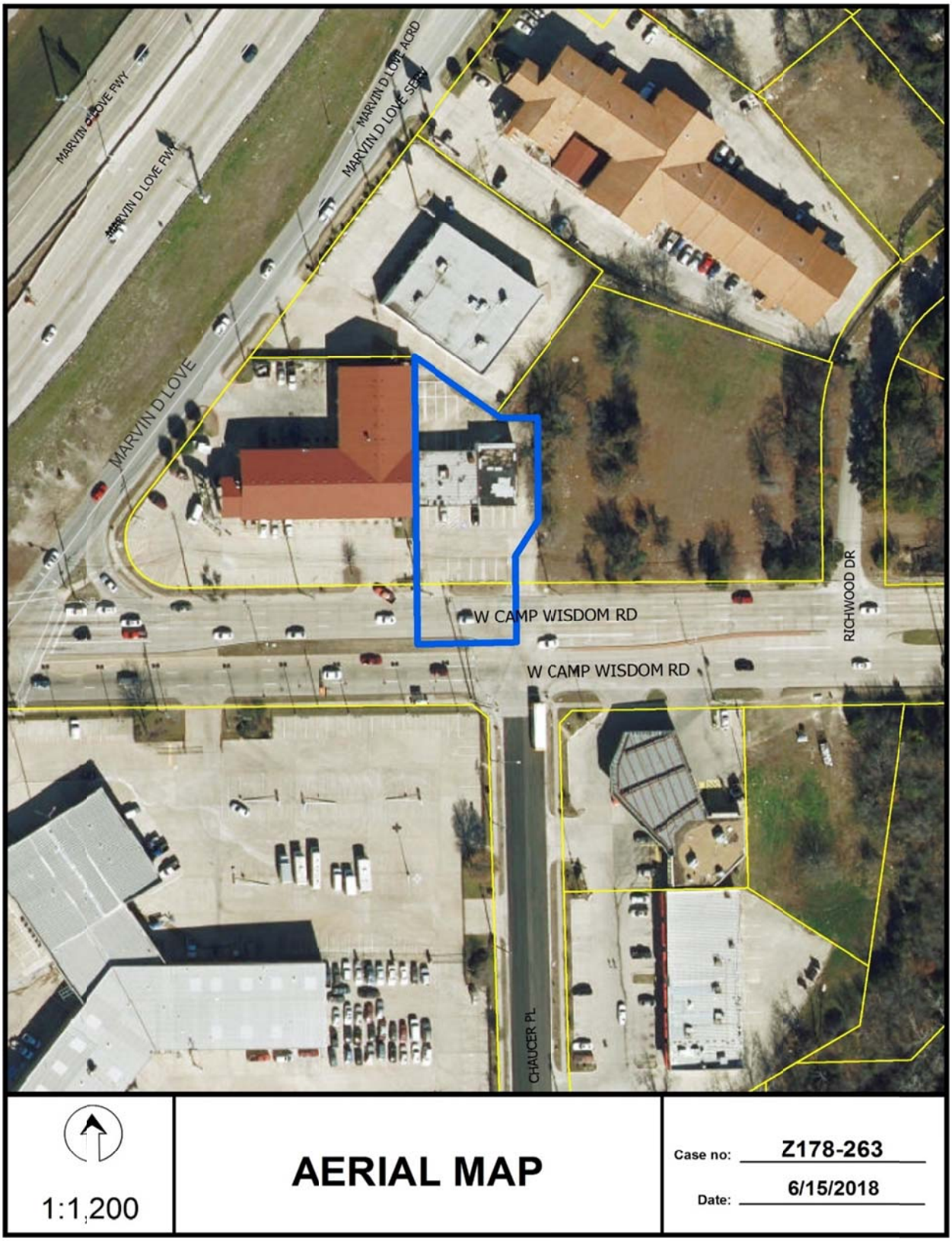
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

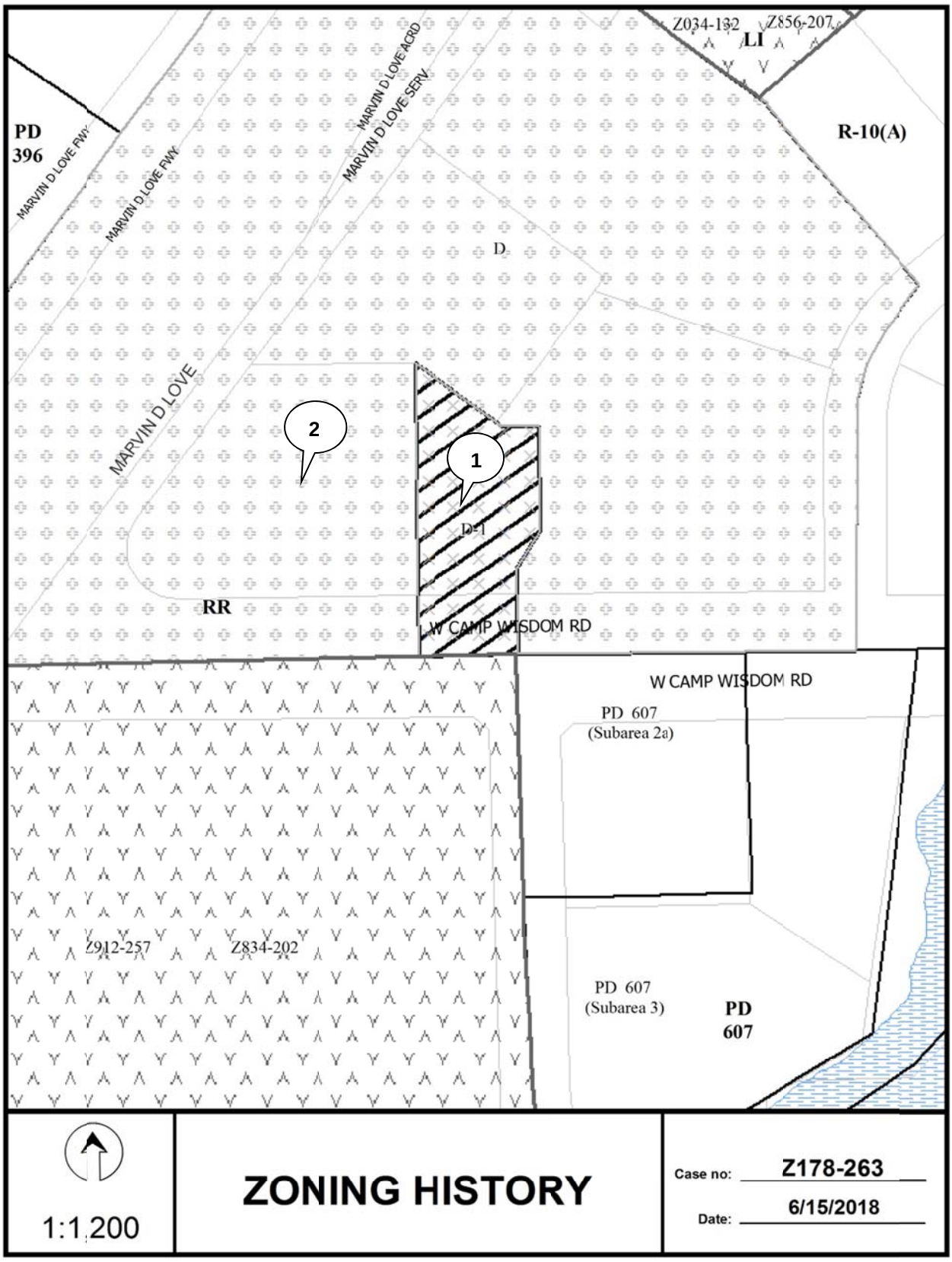
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

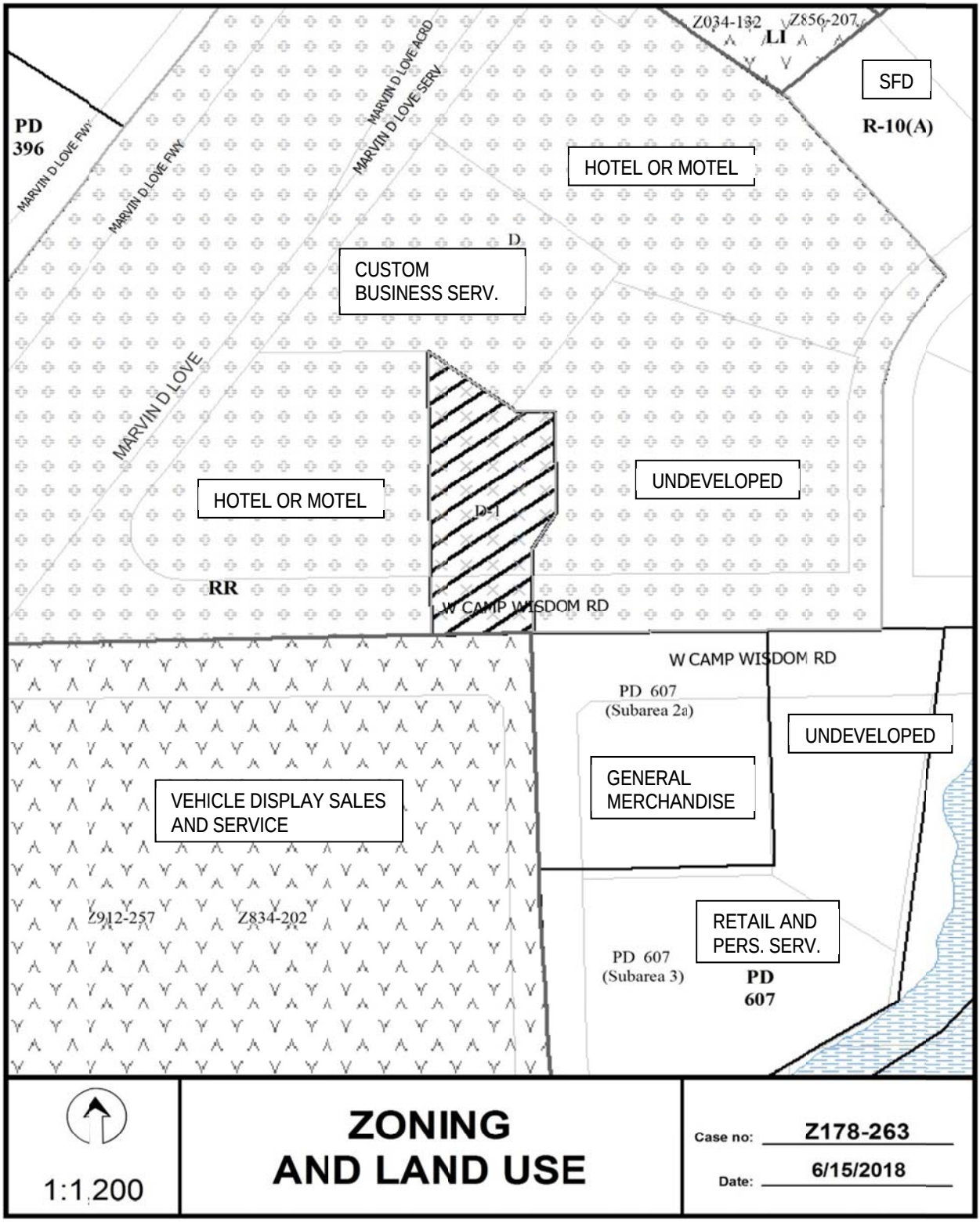
PROPOSED SITE PLAN

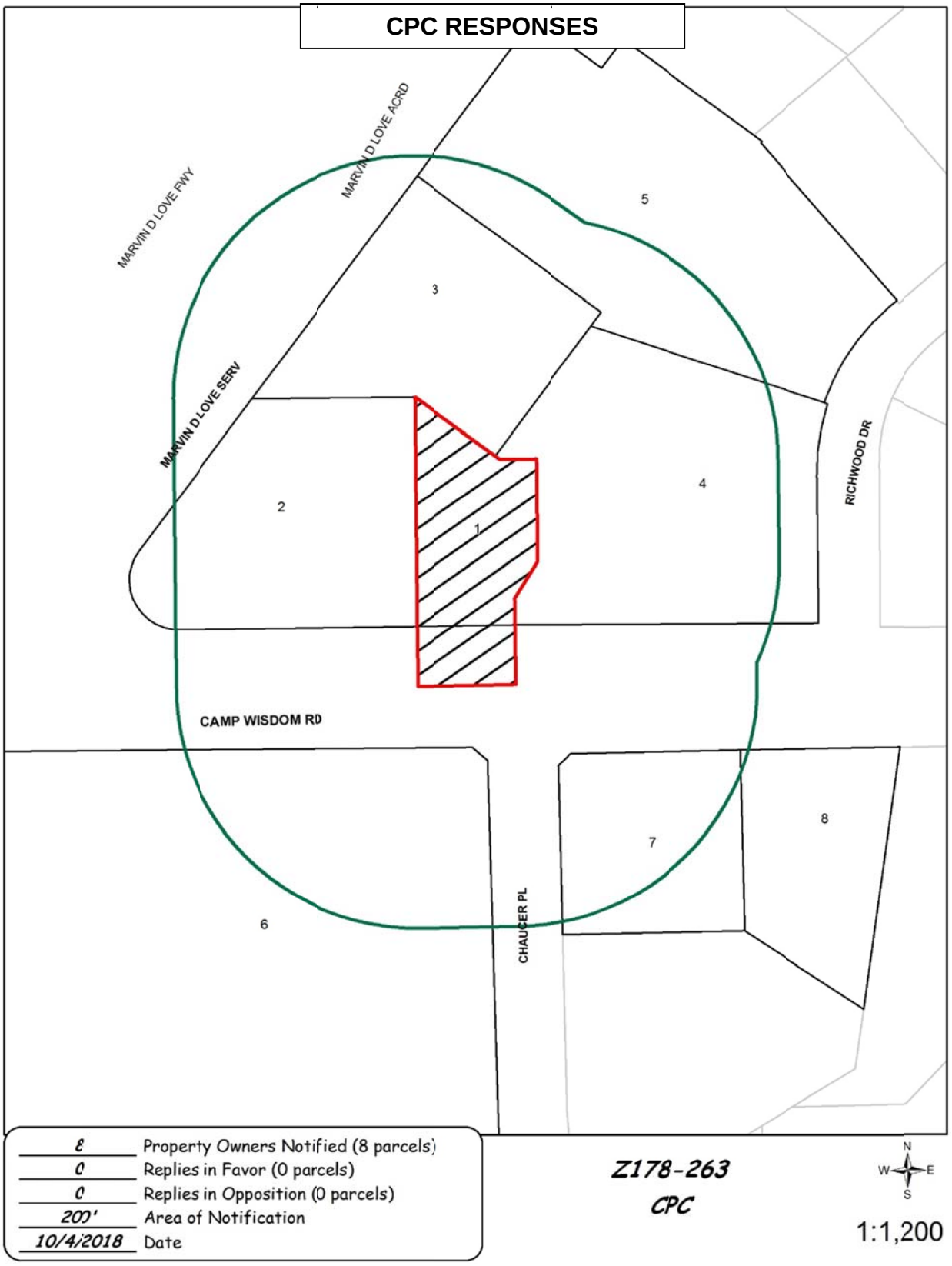



Boulder
MILLBROOK DR
RICHWOOD DR
BROOKLAWN DR
MARVIN D LOVE ACRD
MARVIN D LOVE SERV
MARVIN D LOVE FWY
MARVIN D LOVE
W CAMP WISDOM RD
W CAMP WISDOM RD
MEADOW BLUFF LN
MEADOW DAWN LN
BRONCO DR
ST GEORGE DR
TRAILDUST DR
TRAILHOUSE DR
DRYCREEK LN
PAINTED TRL
CHESTERFIELD DR
CHAUCER PL
APPALOOSA DR
COWBOY DR
BAINBRIDGE DR
MEADOW ISLE LN
MEADOW GATE LN
MEADOW STONE LN
MARVIN D LOVE RAMP
1:4,800
VICINITY MAP
Case no: Z178-263
Date: 6/15/2018


MARVIN D LOVE FWY
MARVIN D LOVE FWY
MARVIN D LOVE ACRD
MARVIN D LOVE SERV
MARVIN D LOVE
W CAMP WISDOM RD
W CAMP WISDOM RD
RICHWOOD DR
CHAUCER PL
1:1,200
AERIAL MAP
Case no: Z178-263
Date: 6/15/2018


Z034-132
Z856-207
LI
PD
396
R-10(A)
MARVIN D LOVE FWY
MARVIN D LOVE FWY
MARVIN D LOVE ACRD
MARVIN D LOVE SERV
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MARVIN D LOVE
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1
D-1
RR
W CAMP WISDOM RD
W CAMP WISDOM RD
PD 607
(Subarea 2a)
Z912-257
Z834-202
PD 607
(Subarea 3)
PD
607
1:1,200
ZONING HISTORY
Case no: Z178-263
Date: 6/15/2018


Z034-132
Z856-207
LI
SFD
R-10(A)
PD 396
MARVIN D LOVE FWY
MARVIN D LOVE ACRD
MARVIN D LOVE SERV
HOTEL OR MOTEL
D
CUSTOM BUSINESS SERV.
MARVIN D LOVE
UNDEVELOPED
HOTEL OR MOTEL
D-1
RR
W CAMP WISDOM RD
W CAMP WISDOM RD
PD 607 (Subarea 2a)
UNDEVELOPED
GENERAL MERCHANDISE
VEHICLE DISPLAY SALES AND SERVICE
Z912-257
Z834-202
RETAIL AND PERS. SERV.
PD 607 (Subarea 3)
PD 607
1:1,200
ZONING AND LAND USE
Case no: Z178-263
Date: 6/15/2018


CPC RESPONSES
MARVIN D LOVE FWY
MARVIN D LOVE ACRD
MARVIN D LOVE SERV
RICHWOOD DR
CAMP WISDOM RD
CHAUCER PL
1
2
3
4
5
6
7
8
8 Property Owners Notified (8 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
200' Area of Notification
10/4/2018 Date
Z178-263
CPC
N
W
E
S
1:1,200

10/03/2018

Reply List of Property Owners

Z178-263

8 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2921	W CAMP WISDOM RD	SAGANI JAWED
	2	2935	W CAMP WISDOM RD	KUNVER LLC
	3	6960	MARVIN D LOVE FWY	ALREADY GEAR INC
	4	2800	W CAMP WISDOM RD	HAMPTON EMBASSY LTD
	5	6950	MARVIN D LOVE FWY	AMIT INVESTMENTS INC
	6	7100	MARVIN D LOVE FWY	AMERICA CAN CARS FOR KIDS
	7	2950	W CAMP WISDOM RD	SILWAD INC
	8	2940	CHAUCER PL	CAMP WISDOM CHAUCER J V

Agenda Information Sheet

File #: 18-1272 **Item #:** 78.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from an open-enrollment charter school, Texans Can Academy [DBA Dallas Can Academy] as required by Section 6-4 of the Dallas City Code to allow a mixed-beverages permit (Chapter 28 of the Texas Alcoholic Beverage Code) for a restaurant without drive-in or drive-through service with a food and beverage certificate [Café Chaman] on the south line of Jefferson Boulevard, east of Bishop Avenue - AV189-001 - Financing: No cost consideration to the City

BACKGROUND

Section 6-4 of Chapter 6, “Alcoholic Beverages,” of the Dallas City Code allows Council to grant a variance from the usual spacing required between an alcohol business and a protected use. The usual spacing requirement is 300 feet in a direct line from the property line of the open-enrollment charter school to the property line of the place of business.

The standard for approval of the variance is that:

A. the application is for one of the following permits pursuant to the following chapters of the Texas Alcoholic Beverage Code:

(i) a brewer’s permit, Chapter 12;
(ii) a distiller’s and rectifier’s permit, Chapter 14;
(iii) a winery permit, Chapter 16;
(iv) a wine and beer retailer’s permit, Chapter 25;
(v) a wine and beer retailer’s off-premise permit, Chapter 26;
(vi) a mixed beverage permit with a food and beverage certificate, Chapter 28; or
(vii) a manufacturer’s license, Chapter 62.

B. the application is for one of the following land uses:

(i) general merchandise or food store use with 10,000 square feet or more of floor area;
(ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;
(iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or
(iv) alcoholic beverage manufacturing.

C. alcoholic beverages will not be sold by drive-in or drive-through service; and

D. enforcement of the spacing requirements in this particular instance:
(i) is not in the best interest of the public;
(ii) constitutes waste or inefficient use of land or other resources;
(iii) creates an undue hardship on an applicant for an alcohol permit;
(iv) does not serve its intended purpose;
(v) is not effective or necessary; or
(vi) for any other reason that the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

An application for a waiver of the spacing requirements was submitted on October 9, 2018, by Café Chaman. Texans Can Academy, located to the south of the request site, creates the need for the variance. The subject site's public entrance faces the south line of West Jefferson Boulevard, is one parcel east of South Bishop Avenue, and is constructed with an existing one-story building with approximately 5,000 square feet of floor area that is divided into two tenant spaces on approximately 5,588 square feet of land. The applicant proposes to sell alcohol for on-premise consumption within the existing building in conjunction with a restaurant without drive-in or drive-through service with a food and beverage certificate.

While the required spacing from a school is measured property line to property line, the walking distance from the entrance of the school to the entrance of the proposed restaurant is approximately 1,016 feet, or approximately two tenths of a mile. Additionally, the site is located on the south line of an existing thoroughfare (Jefferson Boulevard) among similar retail-oriented structures. Due to the location on a thoroughfare and the physical separation of the existing structures, staff supports this request.

This item requires two seconds to pass.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 9, 2009, City Council approved an ordinance amending Section 6-4 of Chapter 6 of the Dallas City Code, establishing authority and procedures for City Council to grant an application for a variance to the spacing requirements for an alcohol business from a public or private school pursuant to Texas Alcoholic Beverage Code Section 109.33(e).

On October 26, 2011, September 26, 2012, and January 22, 2014, the City Council further amended Section 6-4 of Chapter 6.

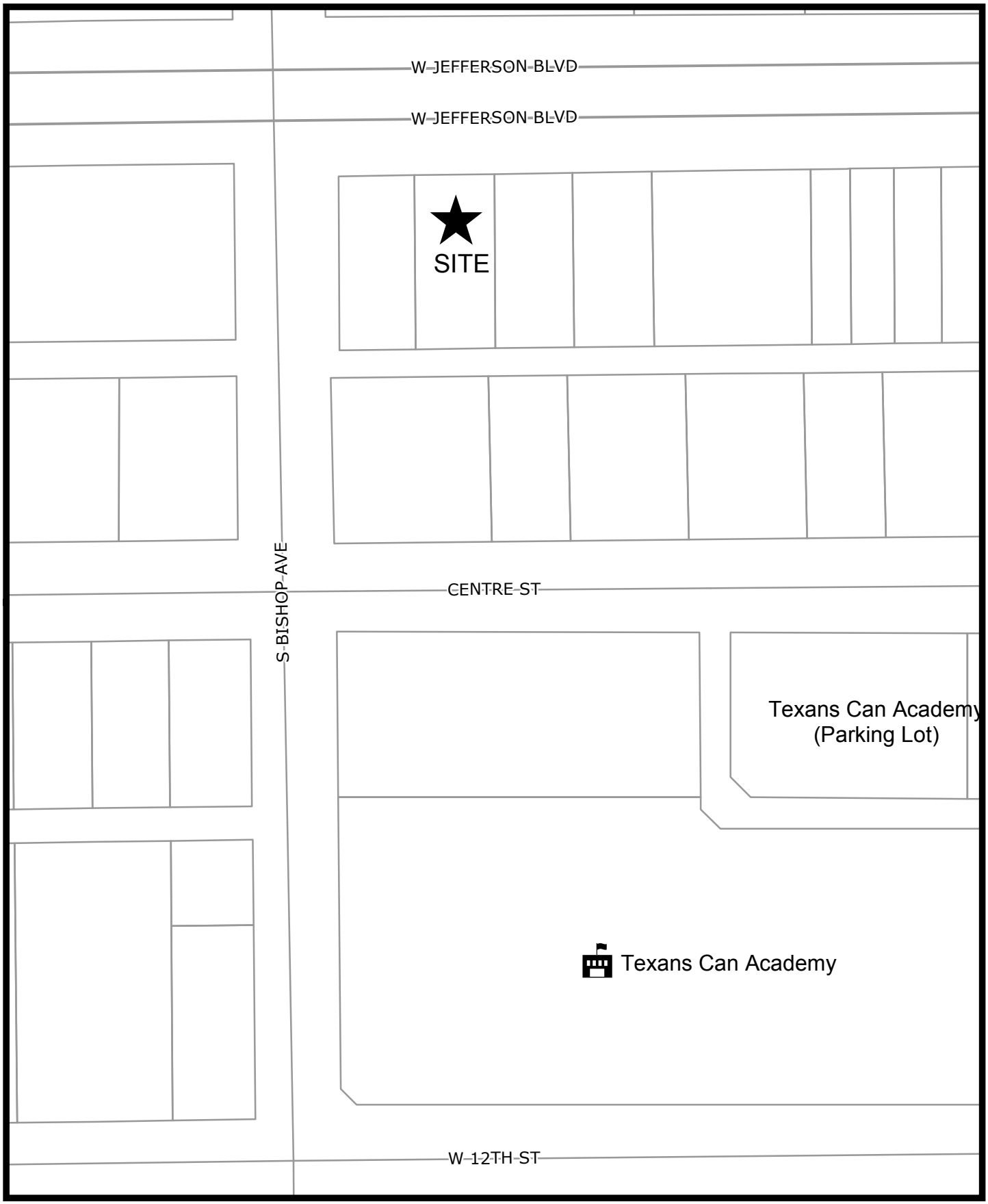
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

powered by Legistar™



AV189-001

1:1,000

★ Approximate location of business requesting alcohol variance

Land use requiring spacing from business requesting alcohol sales: school

CITY OF DALLAS

APPLICATION FOR A VARIANCE FROM THE MINIMUM DISTANCE REGULATIONS RELATED TO THE SALE OF ALCOHOLIC BEVERAGES

Chapter 6—Alcoholic Beverages, City of Dallas Code of Ordinances

Applicant Cafe Caiman
(Must match the business name on TABC application)

Contact person, title Stephen Schwartz
(Land owner/business owner, representative)

Property owner's name Jefferson Bishop Partners, LLC

Contact person's phone 214-599-0011

Address of request site 334 W. Jefferson Blvd Dallas, TX 75208

Contact person's address 8750 N. Central Expy #1740 Dallas, TX 75231

Protected use's address 325 W. 12th St. Dallas, TX 75208

Type of protected use:
- o Church
- ✓ Public school / open-enrollment charter school
- o Private school
- o Public hospital
- o Daycare/child-care facility

Type of business seeking to sell alcohol:
- o Alcoholic beverage manufacturing
- o General merchandise or food store with 10,000 square feet or more floor area
- o Microbrewery, microdistillery, or winery
- ✓ Restaurant without drive-in or drive-through service

Type of TABC permit(s) to be sought:
- o Brewer's permit, "B" / Manufacturer's license, "BA"
- o Distiller's and rectifier's permit, "D"
- ✓ Food and beverage certificate, "FB"
- ✓ Mixed beverage permit, "MB"
- o Wine and beer retailer's off-premise permit, "BQ"
- o Wine and beer retailer's permit, "BG"
- o Winery, "G"

The nonrefundable variance application fee is $1,200.00 and the sign fee, which is between $10 and $50 depending on street frontages. A statement explaining how the request meets the standard below is required as part of this application. The burden of proving that the request meets the standard is solely the responsibility of the applicant. Additional evidence supporting the request may be submitted along with this application.

> Enforcement of the spacing requirements in this particular instance (1) is not in the best interest of the public; (2) constitutes waste or inefficient use of land or other resources; (3) creates an undue hardship on an applicant for an alcohol permit; (4) does not serve its intended purpose; is not effective or necessary; or (5) for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

REQUIRED ATTACHMENTS:

- ✓ Statement of request
- ✓ Sealed alcohol survey showing 300 foot radius and door to door measurements (*protected use must be indicated on this survey*)
- ✓ List of officers for alcohol business and property owner

AUTHORIZATION BY PROPERTY OWNER(S)

I, Jefferson Bishop Partners, LLC, the owner of the property to be considered, hereby authorize the above business and representative to file this application for a variance from the requirements of Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances.

Stephen Schwartz President
Owner's Printed Name

Owner's Signature

APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT

I have read, examined, and completed this application; and know the information provided to be true and correct. I hereby apply for a variance from the distance requirements in Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances. I understand that this application, including all submitted documentation, are public information and can be made available through an Open Records Request per the Texas Public Information Act (Texas Government Code, Chapter 552).

MAURICIO GALLEGOS
Applicant's Printed Name

Applicant Signature

Sworn to and subscribed before me by on this day 12th of September in the year 2018, to certify which witness my hand and seal of office.

ABBEY M BAXTER
Notary ID # 130723886
My Commission Expires
June 30, 2020

Notary Public in and for the State of Texas

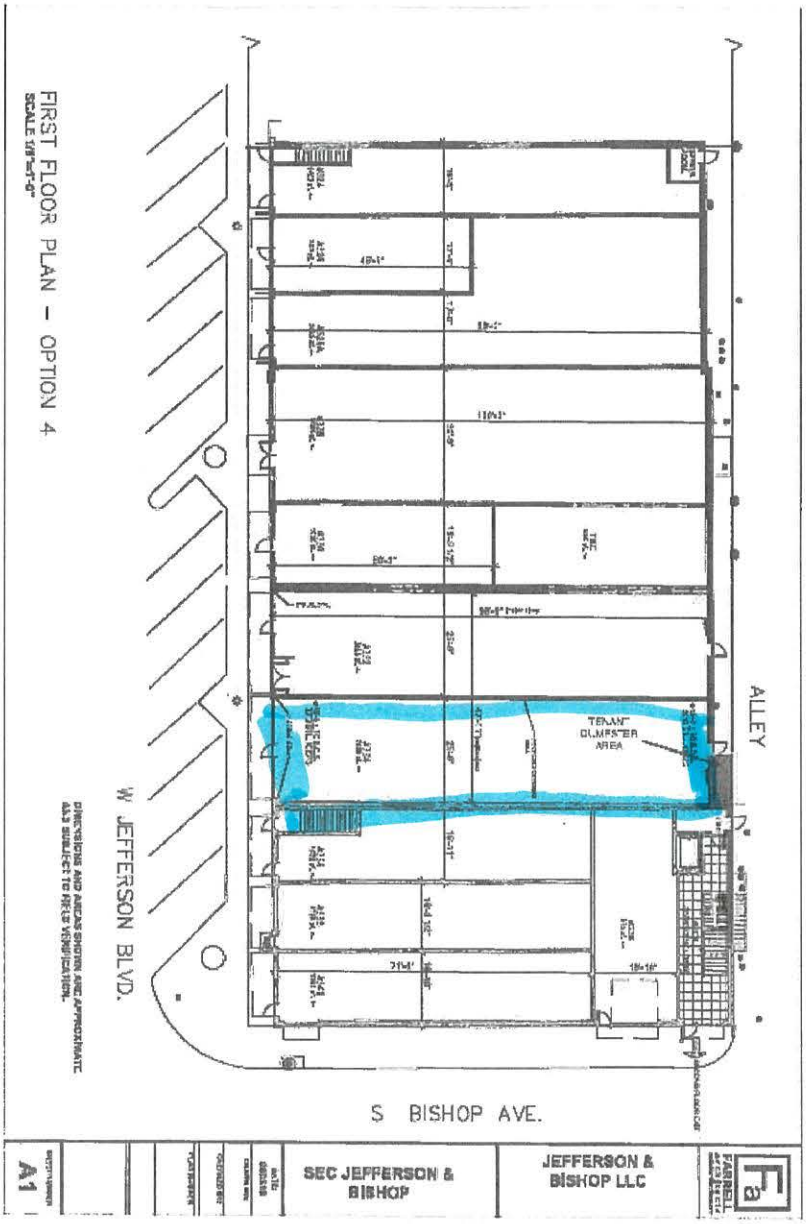
Date received: 10/9/18 SRM

Receipt No.:

Case number: AV189-001

AV application 3-25-14

EXHIBIT "A-1"
SITE PLAN



This site plan is presented solely for the purpose of identifying the approximate location and size of the buildings presently contemplated by the owner. Building sizes, site dimensions, access and parking areas, existing tenant locations and identities are subject to change at the owner's discretion, except as otherwise expressly restricted herein.

Mr. Kris Sweckard
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla, Room 5DS
Dallas, Texas 75201

RE: Variance for restaurant without drive-in or drive-through service to sell alcoholic beverages for on-premise consumption at 334 W. Jefferson Blvd.

Dear Mr. Sweckard:

Café Chaman seeks to operate at the address listed above. They seek a certificate of occupancy as a restaurant without drive thru service.

This location is located within three hundred feet of Dallas Can Academy to the south. However, that portion of the property within the three hundred foot radius is their parking lot. The proposed restaurant will maintain its entrance facing Jefferson Boulevard. It is over 1,000 feet from door to door between the protective use and this proposed restaurant. To prohibit this establishment from serving alcoholic beverages due to its proximity to a protective use parking lot is not in the best interest of the public. The commercial corridor along Jefferson is a vibrant mix of restaurant, retail, and personal service uses. A variance to the spacing requirement for this use at this location does not create an adverse effect on the surrounding community. A restaurant use must still comply with TABC requirements for training and serving of alcohol among its staff. An undue hardship is placed onto this location that the restaurants on the north side of Jefferson Boulevard in this block. It is the only restaurant that would be limited from alcohol sales because it is on the south side of Jefferson Boulevard.

We have included a TABC field survey, list of officers, and application for this variance request. Please feel free to contact our offices if you need any additional information regarding this application.

Thank you,

Steve Schwartz

LINDSAY BETH KRAMER
Notary Public, State of Texas
Comm. Expires 06-21-2022
Notary ID 131615028

Lindsay Kramer
10.9.2018

List of Property Owner Officers

Jefferson Bishop Partners, LLC

Steven Levin, President

Oliver Robinson, Vice President

Stephen Schwartz, Vice President

List of Applicant Officers

Café Chaman

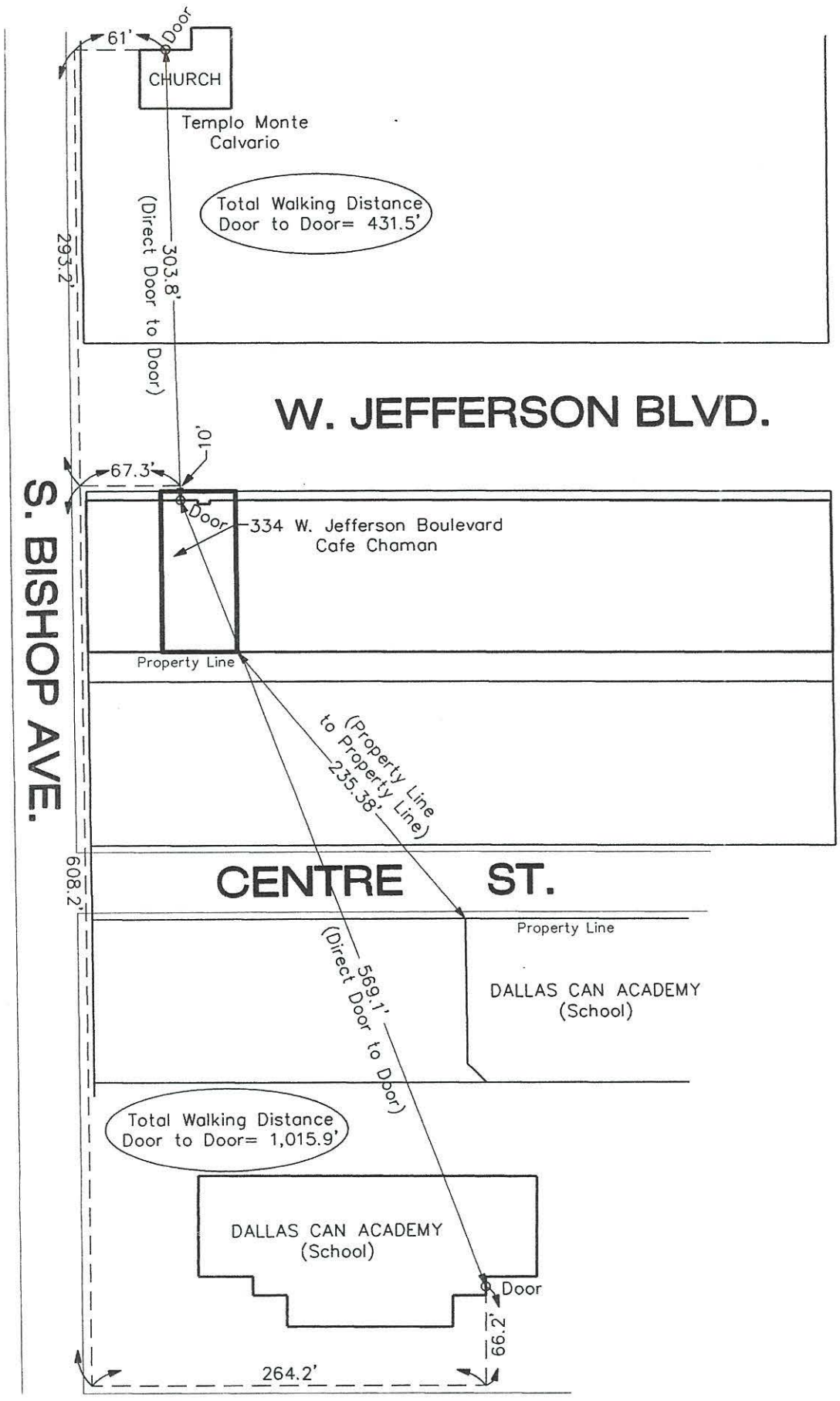
Gerardo Barrera

Mauricio Gallegos

Gerardo Barrera II, MHA, Managing Partner

ALCOHOL MEASUREMENT PLAT

CAFE CHAMAN
334 W. Jefferson Boulevard
Dallas, Tx. 75208
Mapsco Page 54-G
Gideon Interests Inc.



N

SCALE 1" = 200'

I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. This survey map shows that the place of business where alcoholic beverages will be sold does not meet the location requirements in Dallas City Code 6–4.

The Cafe Chaman, located at 334 W. Jefferson Boulevard, in the City of Dallas, is within 300 feet of a church, public or private school, day care center, child care facility or a public hospital as defined in Dallas City Code Section 6–4.

R = Residential
C = Commercial
V = Vacant

Date 10/4/2018

Job 18–538

This survey was performed for an alcohol–measurement certification. All improvements may not been shown as existed at the time of survey. Research of protected properties included a search of appraisal district records, parole evidence of the owner/manager and a physical inspection on the ground.

STATE OF TEXAS
REGISTERED
BEN D. RYCHLIK
#1630
PROFESSIONAL
LAND SURVEYOR

Registered Professional Land Surveyor 1630

SURVEYING ASSOCIATES
1018 S. Beckley, Dallas, Tx. 75203
Phone: (214) 948–3324
Fax: (214) 946–7540
FIRM Registration / License No. 10040200

WHEREAS, Section 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Section 6-4(a) of the Dallas City Code; and

WHEREAS, Café Chaman has submitted an application for a mixed beverages permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code for a restaurant without drive-in or drive-through service with a food and beverage certificate, and is requesting a variance to the alcohol spacing requirements for a property on the south line of Jefferson Boulevard, east of Bishop Avenue, north of Texans Can Academy, an open-enrollment charter school; and

WHEREAS, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

(1) is not in the best interest of the public;

(2) constitutes waste or inefficient use of land or other resources;

(3) creates an undue hardship on an applicant for an alcohol permit;

(4) does not serve its intended purpose; and

(5) is not effective or necessary; and

WHEREAS, the City Council desires to grant the alcohol spacing variance.

Now, Therefore,

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

SECTION 1. That the variance to the alcohol spacing requirements for Café Chaman, for property on the south line of Jefferson Boulevard, east of Bishop Avenue and north of Texans Can Academy, an open-enrollment charter school, is granted, subject to the following conditions:

(1) This alcohol spacing variance is valid only for a mixed beverages permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code.

(2) This alcohol spacing variance is valid only for a restaurant without drive-in or drive-through service with a food and beverage certificate in the location shown on the attached location map.

SECTION 1. (continued)

(3) Alcoholic beverages may not be sold by drive-in or drive-through service.

(4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.

(5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the 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 _____

NOVEMBER 28, 2018 CITY COUNCIL ADDENDUM
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated November 28, 2018. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

T.C. Broadnax
City Manager

11/21/18
Date

Bruce Sloan for Sheri Kowalski

Elizabeth Reich
Chief Financial Officer

11/21/18
Date

RECEIVED
2018 NOV 21 AM 11:30
CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, NOVEMBER 28, 2018
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.

REVISED ORDER OF BUSINESS

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

9:00 a.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	CLOSED SESSION	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 63
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 64 - 69 Addendum Item 1
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 70 - 78

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."

ADDITIONS:

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

1. 18-1345 A resolution designating absences by Councilmembers Kevin D. Felder and Tennell Atkins as being for "Official City Business" - Financing: No cost consideration to the City

EXECUTIVE SESSION NOTICE

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

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

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

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

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

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

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

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

Addendum Date: November 28, 2018

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	I	SEC	NC	A resolution designating absences by Councilmembers Kevin D. Felder and Tennell Atkins as being for "Official City Business" - Financing: No cost consideration to the City

TOTAL $ 0.00

Agenda Information Sheet

File #: 18-1345 **Item #:** 1.

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	November 28, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	City Secretary's Office
EXECUTIVE:	Bilierae Johnson

SUBJECT

A resolution designating absences by Councilmembers Kevin D. Felder and Tennell Atkins as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

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

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

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

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under

Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

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November 28, 2018

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

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

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

WHEREAS, Councilmembers Kevin D. Felder and Tennell Atkins participated in an event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted.

Now, Therefore,

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

November 28, 2018

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in **Exhibit A**, by Councilmembers Kevin D. Felder and Tennell Atkins because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence(s) will not count against Councilmembers Kevin D. Felder and Tennell Atkins in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is hereby authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in **Exhibit A**, if applicable, to reflect that the absence(s) by Councilmembers Kevin D. Felder and Tennell Atkins as described in **Exhibit A**, were for "official city business," and no further city council action or approval of those minutes is required.

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

EXHIBIT A

CITY COUNCIL MEMBER(S)
REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	DATE	MEETING(S) MISSED	PURPOSE/LOCATION	ABSENCE TYPE
Tennell Atkins	11/5/2018	Government Performance and Financial Management Committee	Attended a city business meeting at Dallas Executive Airport	Absent
Kevin D. Felder	11/6/2018	City Council Briefing	Attened the NLC City Summit Conference in Los Angeles, CA	Absent

DALLAS, TX

RECEIVED
2018 NOV 16 AM 10: 15
CITY SECRETARY
DALLAS, TEXAS

Memorandum

CITY OF DALLAS

DATE November 6, 2018

TO Honorable Mayor and Members of the City Council
Bilierae Johnson, City Secretary

SUBJECT **Absent from the GPFM Committee Meeting on November 5, 2018**

Please note that I was absent from the GPFM Committee Meeting on November 5, 2018 due to a City business meeting at Dallas Executive Airport.

If you have any questions, please contact Maria Salazar at 214-670-4066.

Sincerely,

Tennell Atkins
Council Member – District 8

c: T. C. Broadnax, City Manager
Chris Caso, City Attorney Interim
Carol A. Smith, City Auditor Interim
Preston Robinson, Administrative Judge
Kimberly Bizor Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Directors and Assistant Directors

Memorandum

RECEIVED
2018 NOV -6 AM 10:59
CITY SECRETARY
DALLAS, TEXAS

CITY OF DALLAS

DATE November 6, 2018

TO Honorable Mayor and Members of the City Council
City Secretary

SUBJECT Absent from the November 6, 2018 City Council Briefing

Please be advised, that Councilmember Kevin Felder will be out of the office, Tuesday, November 6, 2018, on City business at the NLC City Summit Conference in Los Angeles.

If you have any questions, please contact my office at 214-670-4689. Thank you.

Cindy Hall on behalf of Councilman Kevin Felder.

Kevin D. Felder
City Councilmember, District 7

c: Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Bilierae Johnson, City Secretary (Interim)
Daniel F. Solis, Administrative Judge
Kimberly Bizor Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager
Jo M. (Jody) Puckett, Assistant City Manager (Interim)
Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors