SEPTEMBER 12, 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 September 12, 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

08/31/18
Date

M. Elizabeth Reich
Elizabeth Reich
Chief Financial Officer

8-31-18
Date

2018 AUG 31 PM 5:04

CITY SECRETARY
DALLAS, TEXAS

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

COUNCIL AGENDA

September 12, 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, SEPTEMBER 12, 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 - 52
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 53 - 58
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 59 - 68

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. 18-755 Approval of Minutes of the August 22, 2018 City Council Meeting

CONSENT AGENDA

City Attorney's Office

2. 18-730 Authorize the **(1)** acceptance of the Substance Abuse and Mental Health Services Administration (SAMHSA) grant from the U.S. Department of Health and Human Services (1H79TI081081-01, CFDA No. 92.243) to expand substance abuse capacity at the existing South Dallas Drug Court for the period September 30, 2018 through September 29, 2019; **(2)** establishment of appropriations in an amount not to exceed $324,219.00 in the SAMHSA-Adult Treatment Drug Court Expansion Project 18-19 Fund; **(3)** 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 **(4)** execution of the grant agreement - Not to exceed $324,219.00 for year one of the five year project period - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds

3. 18-733 Authorize settlement of the lawsuit styled Alberto Martinez v. City of Dallas, Cause No. DC-17-02642 - Not to exceed $30,000.00 - Financing: Risk Management Funds

4. 18-734 Authorize settlement of the lawsuit styled Fred Olson, et al. v. City of Dallas, Cause No. DC-17-15825 - Not to exceed $55,000.00 - Financing: Risk Management Funds

City Controller's Office

5. 18-705 Authorize the annual adoption of the City's Investment Policy and investment strategies regarding funds under the City's control and management - Financing: No cost consideration to the City

Court & Detention Services

6. 18-574 Authorize payment to Dallas County for processing and maintaining City prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2018 through September 30, 2019 - Not to exceed $8,908,016.00 - Financing: General Fund (subject to appropriations)

Department of Aviation

7. 18-691 Authorize a professional services contract with Huitt-Zollars, Inc. to provide construction administration and close-out services for the Security Controls Enhancement Project at Dallas Love Field - Not to exceed $413,206.68 - Financing: Aviation Capital Construction Funds

8. 18-661 Authorize a contract for the construction of the Dallas Executive Airport Fuel Farm and Paving Project - Austin Bridge & Road, L.P., lowest responsive bidder of three - Not to exceed $5,515,784.40 - Financing: Aviation Capital Construction Funds

9. 18-658 Authorize Supplemental Agreement No. 1 to the professional services contract with Garver, LLC for construction administration and construction inspection services for Dallas Executive Airport Fuel Farm and Paving Project - Not to exceed $313,600.00, from $524,100.00 to $837,700.00 - Financing: Aviation Capital Construction Funds

Department of Equipment and Building Services

10. 18-490 Authorize a construction contract for the East Kitchen Dishwashing Room Improvements at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - CME Builders & Engineers, Inc., lowest responsible bidder of three - Not to exceed $388,000.00 - Financing: Convention Center Capital Construction Fund

Department of Planning and Urban Design

11. 18-382 Authorize an Interlocal Agreement with the University of Texas at Arlington for the University of Texas at Arlington Internship Program to facilitate graduate-level urban planning internships with the City of Dallas through the Department of Planning and Urban Design - Not to exceed $125,804.00 - Financing: General Fund (subject to annual appropriations)

Department of Public Works

12. 18-526 Authorize a construction contract for the Service Maintenance Area 1 - 2019 Resurfacing and Street Improvements Contract - Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three - Not to exceed $10,023,619.74 - Financing: 2017 Bond Funds (subject to annual appropriations)

13. 18-529 Authorize a construction contract for the Service Maintenance Area 2 - 2019 Resurfacing and Street Improvements Contract - Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three - Not to exceed $12,163,444.95 - Financing: 2017 Bond Funds (subject to annual appropriations)

14. 18-527 Authorize a construction contract for the Service Maintenance Area 3 - 2019 Resurfacing and Street Improvements Contract - Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three - Not to exceed $14,795,382.77 - Financing: 2017 Bond Funds (subject to annual appropriations)

15. 18-528 Authorize a construction contract for the Service Maintenance Area 4 - 2019 Resurfacing and Street Improvements Contract - Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three - Not to exceed $16,704,158.72 - Financing: 2017 Bond Funds (subject to annual appropriations)

16. 18-522 Authorize an increase in the construction services contract with Johnson Bros. Corporation, a Southland Company to expedite the completion of bond projects - Not to exceed $23,580,000.00, from $94,722,360.00 to $118,302,360.00 - Financing 2017 Bond Funds (subject to annual appropriations)

Note: Agenda Item Nos. 17 and 18 must be considered collectively

17. 18-596 Authorize **(1)** the Skillman Corridor Tax Increment Financing (TIF) District Board of Directors to dedicate up to $350,000.00 in the Skillman Corridor TIF District Funds for construction of median gateway improvements on Skillman Street between Merriman Parkway and Abrams Road as part of the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project to support the development in the Skillman Corridor TIF District; **(2)** an increase in appropriations in an amount not to exceed $350,000.00 in the Skillman Corridor TIF District Fund; and **(3)** a construction contract with Joe Funk Construction, Inc., lowest responsible bidder of three, for the construction of trail and median improvements for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project - Not to exceed $2,467,597.99 - Financing: Lake Highlands Project Funds ($1,744,071.26), Capital Projects Reimbursement Funds ($218,008.91) and Skillman Corridor TIF District Funds ($505,517.82)

18. 18-543 Authorize **(1)** an amendment to the Funding Agreement with the North Central Texas Council of Governments and the Texas Department of Transportation (Agreement No. CSJ 0918-47-028), to extend the project schedule timeline through October 31, 2019, revise the project closeout requirements, scope of work, project location map and the project budget for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project; and **(2)** approval of a resolution rescinding Section 4 of Resolution No. 17-1896 previously approved on December 13, 2017 - Financing: No cost consideration to the City

Department of Sustainable Development and Construction

19. 18-480 Authorize acquisition from Aristeo Hernandez, of approximately 50,711 square feet of land located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $66,000.00 ($63,389.00, plus closing costs and title expenses not to exceed $2,611.00) - Financing: Water Utilities Capital Improvement Funds

20. 18-477 Authorize acquisition from John R. Keller Masonry, Inc., of approximately 78,923 square feet of land improved with a vacant commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $219,000.00 ($215,600.00, plus closing costs and title expenses not to exceed $3,400.00) - Financing: Water Utilities Capital Improvement Funds

21. 18-479 Authorize acquisition from Lawshe Realty, LLC, of approximately 49,399 square feet of land improved with a commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $686,000.00 ($680,000.00, plus closing costs and title expenses not to exceed $6,000.00) - Financing: Water Utilities Capital Improvement Funds

22. 18-478 Authorize acquisition from Miller and Brewer Properties, Inc., also known as Wm. H. LaDew, Inc., also known as Encomp Corporation, of approximately 258,730 square feet of land improved with a commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $3,740,000.00 ($3,720,000.00, plus closing costs and title expenses not to exceed $20,000.00) - Financing: Water Utilities Capital Improvement Funds

23. 18-481 Authorize acquisition from Mustang Masonry, a trade style of S.D.S. Quality Masonry of Dallas, of approximately 72,525 square feet of land improved with a vacant commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $384,000.00 ($380,000.00, plus closing costs and title expenses not to exceed $4,000.00) - Financing: Water Utilities Capital Improvement Funds

24. 18-637 Authorize **(1)** the quitclaim of 10 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale that will be sold to the highest qualified bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached to the Agenda Information Sheet) - Estimated Revenue: $180,000.00

25. 18-744 Authorize the creation of the Dallas County Municipal Utility District No. 4 within the City of Dallas' extraterritorial jurisdiction that would include approximately 267 acres on property in Dallas County on the northeast quadrant of Barnes Bridge Road and Bobtown Road, west of Lake Ray Hubbard - Financing: No cost consideration to the City

26. 18-780 An ordinance granting a CR Community Retail District, subject to deed restrictions volunteered by the applicant, on property zoned an R-10(A) Single Family District, on the southwest corner of South Belt Line Road and Fish Road, and a resolution accepting the deed restrictions volunteered by the applicant - Z178-215(SM) - Financing: No cost consideration to the City

27. 18-711 An ordinance abandoning two storm sewer easements to Mockingbird Venture Partners, L.L.C. and Greenway-Mockingbird, L.P., the abutting owners, containing a total of approximately 1,501 square feet of land, located near the intersection of Mockingbird Lane and Forest Park Road - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

Office of Budget

28. 18-745 An ordinance amending Ordinance No. 30651, previously approved on September 20, 2017, as amended by Ordinance No. 30752, previously approved on January 24, 2018, as amended by Ordinance No. 30843, previously approved on April 25, 2018, as amended by Ordinance No. 30898, previously approved on June 13, 2018 authorizing certain transfers and appropriation adjustments for FY 2017-18 for various departments, activities, and projects; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

Office of Community Care

29. 18-703 Authorize the **(1)** second amendment to Contract No. 2017-049838-001 (Amendment No. 2, CFDA No. 10.557) with the Department of State Health Services (DSHS) for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), to **(a)** extend the term of the contract from October 1, 2018 through September 30, 2019 to allow for successful completion of the WIC Program for FY 2019 grant allocations; **(b)** revise the budget for Contract No. 2017-049838-001A, Amendment No. 1, to decrease the total budget amount by $234,902.00 from $15,056,672.00 to $14,821,770.00; **(c)** reallocate funds from the FY 2018 WIC Administrative Program unit to the FY 2018 WIC Dietetic Internship unit, the Extra Funding unit for the Summer Food Service Program the Texas Integrated Network software implementation and support, and for all other eligible expenditures in the amount of $968,649.00 for the period October 1, 2017 through September 30, 2018; **(d)** accept grant funds from the U.S. Department of Agriculture passed through the DSHS for FY 2019 allocation (Contract No. 2017-049838-001 Amendment No. 2, CFDA No. 10.557), for the continuation of the Special Supplemental Nutrition Program for WIC in the amount of $14,529,596.00 for the period October 1, 2018 through September 30, 2019; **(2)** establishment of appropriations in an amount not to exceed $14,529,596.00 in the FY 2019 WIC Program - Women, Infants, and Children Grant Fund; **(3)** receipt and deposit of grant funds for reimbursement from DSHS in an amount not to exceed $14,529,596.00 in the FY 2019 WIC Program - Women, Infants, and Children Grant Fund; and **(4)** execution of the contract amendment and all terms, conditions, and documents required by the contract - Total not to exceed $14,294,694.00, from $30,138,238.00 to $44,432,932.00 - Financing: Department of State Health Services Grant Funds

30. 18-701 Authorize the second of two, twelve-month renewal options to increase funding to the contract with Senior Citizens of Greater Dallas, Inc. to administer the Senior Services Ombudsman Program by providing nursing home ombudsman, outreach and case management services to seniors residing in nursing homes and assisted living facilities within the city of Dallas - Not to exceed $116,868.00, from $73,049.00 to $189,917.00 - Financing: 2018-19 Community Development Block Grant Funds

Office of Economic Development

31. 18-692 Authorize the exercise of the third of four, twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2018 through September 30, 2019 - Not to exceed $250,000.00 - Financing: Public/Private Partnership Fund ($200,000.00) and General Fund ($50,000.00) (subject to appropriations)

Office of Procurement Services

32. 18-498 Authorize a five-year service price agreement for language interpretation services for call centers with Language Line Services, Inc. through the Department of Information Resources cooperative agreement - Not to exceed $632,212.00 - Financing: General Fund

33. 18-511 Authorize a five-year service contract for system upgrade, maintenance, and support for the equipment tracking and deployment software for the Fire-Rescue Department - Deccan International, sole source - Not to exceed $188,350.00 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)

34. 18-601 Authorize a five-year contract for program management services to assist with the implementation of Phase II of the enterprise work order and asset management system - Brio Services, LLC dba Brio Consulting, LLC - Not to exceed $6,503,686.00 - Financing: Water Utilities Capital Construction Funds ($4,100,952.00) and Communication and Information Services Current Funds ($2,402,734.00) (subject to annual appropriations)

35. 18-435 Authorize a three-year master agreement for the purchase of plastic sewer couplings and lateral cleanouts for the Water Utilities Department - Beeco, Inc. in the amount of $185,158.26 and Fortiline, Inc. in the amount of $14,880.75, lowest responsible bidders of three - Total not to exceed $200,039.01 - Financing: Dallas Water Utilities Fund

36. 18-485 Authorize a three-year master agreement for the purchase of fire hydrant markers that will be utilized by the Water Utilities Department to identify fire hydrants for Fire-Rescue Department and Water Utilities Department personnel - International Nameplate U S, Inc., lowest responsible bidder of two - Not to exceed $161,403.25 - Financing: Dallas Water Utilities Fund

37. 18-632 Authorize **(1)** Supplemental Agreement No. 2 to exercise the second of two, one-year renewal options to the contract with USI Insurance Services National, Inc. for the purchase of aviation, crime, fine arts, flood, media, professional liability, and general liability insurance policies from October 1, 2018 through September 30, 2019 in the amount of $141,181.50, from $262,679.90 to $403,861.40; and **(2)** Supplemental Agreement No. 2 to exercise the second of two, one-year renewal options to the contract with McGriff, Seibels & Williams, Inc. for brokerage fees and the purchase of cyber liability and privacy insurance from October 1, 2018 through September 30, 2019 in the amount of $245,225.00, from $490,450.00 to $735,675.00 - Total not to exceed $386,406.50, from $753,129.90 to $1,139,536.40 - Financing: Risk Management Funds (subject to appropriations)

38. 18-513 Authorize Supplemental Agreement No. 3 to exercise the second of three, one-year renewal options to the service contract with Gila LLC dba Municipal Services Bureau for the collection of delinquent fines and fees for violations of City ordinances, traffic, and state laws, excluding parking violations for Court and Detention Services - Estimated Annual Net Revenue: $4,500,000.00

Office of Strategic Partnerships & Government Affairs

39. 18-729 Authorize the **(1)** application for and acceptance of the FY 2018 Edward Byrne Justice Assistance Grant from the U.S. Department of Justice, Bureau of Justice Assistance for a broad range of activities to help control and prevent crime, and to improve the criminal justice system (Grant No. TBD, CFDA No. 16.738), in the amount of $943,403.00 for the period October 1, 2017 through September 30, 2021; **(2)** execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; **(3)** receipt and deposit of funds in an amount not to exceed $943,403.00 in the Bureau of Justice Assistance Grant FY18 17-21 Fund; **(4)** establishment of appropriations in an amount not to exceed $943,403.00 in the Bureau of Justice Assistance Grant FY18 17-21 Fund; and **(5)** execution of the grant agreement and all documents required by the grant - Not to exceed $943,403.00 - Financing: U.S. Department of Justice Grant Funds

40. 18-737 Authorize approval of the Dallas Fort Worth International Airport FY 2019 Proposed Budget - Financing: No cost consideration to the City

Park & Recreation Department

41. 18-696 Authorize an application for an Urban Outdoor Recreation Grant in the amount of $1,000,000 from the Texas Parks and Wildlife Department for the Phase 1 Crawford Lake redevelopment in Crawford Memorial Park located at 8700 Elam Road - Financing: This action has no cost consideration to the City (see Fiscal Information)

42. 18-669 Authorize a contract for the construction of Moss Glen Park Site Improvements located at 5200 Bentwood Trail - Texas Standard Construction, Ltd., lowest responsible bidder of eight - Not to exceed $718,595.00 - Financing: 2017 Bond Funds ($468,595.00) and Collin County Parks and Open Space Project Funding Assistance Program - Moss Glen Park Development Grant Funds ($250,000.00)

43. 18-648 Authorize a public hearing to be held on October 24, 2018, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments for the proposed use of a portion of the Bachman Creek Greenbelt located at 3900 Shorecrest Drive, totaling approximately 42,323 square feet, for driveway access and parking by QuikTrip Corporation by providing parking, trail access, a driveway, landscaping, lighting, and other amenities to be constructed and maintained by QuikTrip Corporation for the benefit of the public - Financing: No cost consideration to the City

44. 18-674 Authorize a public hearing to be held on October 24, 2018, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of a portion of L.B. Houston Nature Area located at 10401 Wildwood Drive, totaling approximately 1,058 square feet of land, and temporary use of approximately 3,233 square feet of land, for the installation of a wastewater facility by the City of Irving for the benefit of the public - Financing: No cost consideration to the City

Police Department

45. 18-743 Authorize a Memorandum of Understanding with Dallas County to allow the Dallas Police Department to share law enforcement incident data with other agencies through the Dallas County Incident Management Module Software - Financing: No cost consideration to the City

46. 18-554 Authorize **(1)** an application for and acceptance of the Comprehensive Selective Traffic Enforcement (STEP) Program Grant (Grant No. 2019-Dallas-S-1YG-0060, CFDA No. 20.600) from the U.S. Department of Transportation passed through the Texas Department of Transportation in an amount not to exceed $891,260.50 for travel expenses and overtime reimbursement for the period October 1, 2018 through September 30, 2019; **(2)** the establishment of appropriations in an amount not to exceed $891,260.50 in the Comprehensive Selective Traffic Enforcement Program-STEP FY19 Fund; **(3)** the receipt and deposit of grant funds in an amount not to exceed $891,260.50 in the Comprehensive Selective Traffic Enforcement Program-STEP FY19 Fund; **(4)** a local cash match in an amount not to exceed $224,280.26; and **(5)** execution of the grant agreement - Total not to exceed $1,115,540.76 - Financing: Texas Department of Transportation Grant Funds ($891,260.50) and General Funds ($224,280.26) (subject to appropriations)

47. 18-746 Authorize donation agreements with the National Insurance Crime Bureau for the acceptance of vehicles to be utilized by the Dallas Police Department for bait vehicle operations - Financing: No cost consideration to the City

48. 18-726 Authorize **(1)** the Dallas Police Department to receive funds in the amount of $600,000.00 from various federal, state and local law enforcement agencies including, but not limited to those shown (list attached to the Agenda Information Sheet) for reimbursement of overtime for investigative services for FY 2018-19; **(2)** a City contribution Federal Insurance Contributions Act costs in the amount of $8,700.00; and **(3)** execution of the agreements - Total not to exceed $608,700.00 - Financing: General Fund ($8,700.00) (subject to appropriations) and Various Federal, State and Local Law Enforcement Agencies ($600,000.00)

49. 18-715 Authorize renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas, for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services for the period October 1, 2018 through September 30, 2019 - Not to exceed $3,800,000.00 - Financing: Confiscated Monies Funds ($1,000,000.00) (subject to appropriations) and General Fund ($2,800,000.00) (subject to appropriations)

Water Utilities Department

50. 18-581 Authorize professional services contracts with three consulting firms to provide engineering services for the design, replacement and rehabilitation of water and wastewater mains at 35 locations (list attached to the Agenda Information Sheet) - APM & Associates, Inc., in the amount of $1,111,193.00, Freese and Nichols, Inc., in the amount of $2,854,123.00, and Hazen and Sawyer, P.C., in the amount of $3,264,998.00 - Total not to exceed $7,230,314.00 - Financing: Water Utilities Capital Construction Funds ($200,000.00) and Water Utilities Capital Improvement Funds ($7,030,314.00)

51. 18-453 Authorize a construction contract for the installation of a 36-inch diameter water transmission main in Pacific Avenue from Ervay Street to Pearl Expressway - S. J. Louis Construction of Texas, Ltd., lowest responsible bidder of five - Not to exceed $6,050,138.00 - Financing: Water Utilities Capital Improvement Funds

52. 18-471 Authorize a construction contract for the installation of water and wastewater mains for the Joe's Creek Interceptor Project (list attached to the Agenda Information Sheet) - Southland Contracting, Inc., lowest responsible bidder of five - Not to exceed $15,809,640.00 - Financing: Water Utilities Capital Construction Funds ($400,000.00) and Water Utilities Capital Improvement Funds ($15,409,640.00)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

53. 18-756 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)

Department of Trinity Watershed Management

54. 18-728 Authorize the second step of acquisition for condemnation by eminent domain to acquire a subsurface easement located under a total of approximately 11,455 square feet of land located in Dallas County on Ross Avenue at its intersection with Washington Avenue for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed $83,685.00 ($80,185.00, plus closing costs and title expenses not to exceed $3,500.00) - Financing: 2006 Bond Funds

Housing & Neighborhood Revitalization

55. 18-714 Authorize **(1)** the City Manager to appropriate $1,500,000.00 in 2006 General Obligation Bond Funds to the City of Dallas Urban Land Bank Demonstration Program for capital costs related to acquisition and disposition of unimproved, tax-foreclosed, real property for the development of affordable housing or other commercial purposes in accordance with Chapter 379C of the Texas Local Government Code; and **(2)** revisions to the Dallas Housing and Acquisition Development Corporation's (DHADC) Bylaws to expand eligible housing types to include rental housing and to allow the sale of certain property to eligible adjacent property owners and for other commercial purposes - Not to exceed $1,500,000.00 - Financing: 2006 General Obligation Bond Funds

Office of Procurement Services

56. 18-549 Execute the casting of lots to identify the recommended vendor resulting from tie bids on line 1 for bid BC1801 for a three- year master agreement for the purchase of heartworm medications for Dallas Animal Services - Butler Animal Health Supply, LLC, dba Henry Schein Animal Health and Midwest Veterinary Supply, Inc. - Financing: No cost consideration to the City

Park & Recreation Department

57. 18-723 Authorize a two-year Cotton Bowl Stadium Use Agreement with ESPN Productions Inc., a Delaware corporation, for ESPN to conduct the SERVPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 with specified National Collegiate Athletic Association football teams from the Big Ten, Big 12, Conference USA or other conferences, including the advertising, broadcasting, news media, and promotion activities - Not to exceed $300,000.00 - Financing: General Fund (subject to annual appropriations)

ITEMS FOR FURTHER CONSIDERATION

Park & Recreation Department

58. 18-697 Authorize a Chapter 380 Economic Development Grant Agreement with ESPN Productions Inc. in consideration of bringing teams from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 pursuant to the City of Dallas Public/Private Partnership Program - Not to exceed $300,000.00 - Financing: General Funds (subject to annual appropriations) (This item was deferred on August 8, 2018)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Sustainable Development and Construction

ZONING CASES - CONSENT

59. 18-738 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 917 for MU-2 Mixed Use District uses and a consolidated rental car facility, on the northwest line of Manor Way, between Maple Avenue and Denton Drive
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan and conditions
Z167-308(JM)

60. 18-739 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned an MF-2(A) Multifamily Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the south corner of JB Jackson Jr Boulevard and Park Row Avenue
Recommendation of Staff and CPC: Approval for a 10-year period with eligibility for automatic renewals for additional 10-year periods, subject to a site plan and conditions
Z178-193(SM)

61. 18-740 A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southeast line of Little Fox Drive, southwest of Seagoville Road
Recommendation of Staff and CPC: Approval
Z178-274(CY)

ZONING CASES - INDIVIDUAL

62. 18-741 A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-1(A) Multifamily District and D(A) Duplex District uses and an accessory leasing office on property zoned an MF-1(A) Multifamily District and a D(A) Duplex District, on the north and south side of Arapaho Road, west of Coit Road
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan and conditions
Z178-202(PD)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

63. 18-667 A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-1-D Limited Office District with a D Liquor Control Overlay, on Gaston Parkway, northwest of Garland Road, and northeast of Beachview Street

Recommendation of Staff: Approval

Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant

Z178-226(JM)

Note: This item was deferred by the City Council before opening the public hearing on August 8, 2018, and is scheduled for consideration on September 12, 2018

64. 18-668 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the east side of North Cesar Chavez Boulevard, between Elm Street and Main Street

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

Z178-242(PD)

Note: This item was deferred by the City Council before opening the public hearing on August 8, 2018, and is scheduled for consideration on September 12, 2018

65. 18-560 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a detached non-premise sign (billboard) on property zoned an MC-1 Multiple Commercial District, on the southwest side of Interstate Highway 635 (Lyndon B. Johnson Freeway), west of Skillman Street

Recommendation of Staff: Approval for a 10-year period with eligibility for automatic renewals for additional 10-year periods, subject to a site plan and conditions

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

Note: This item was considered by the City Council at a public hearing on August 22, 2018, and was held under advisement until September 12, 2018, with the public hearing open

Z178-255(CY)

MISCELLANEOUS HEARINGS

Office of Budget

66. 18-742 A public hearing to receive comments on a $0.7779/$100 property tax rate for the 2018-19 fiscal year as discussed on August 22, 2018; City Council will vote to adopt a tax rate on Tuesday, September 18, 2018 at Dallas City Hall, 6ES at 9:00 a.m. - Financing: No cost consideration to the City

Office of Environmental Quality

67. 18-736 A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by Brook 2121 IB, LP; Brook 2025 IB, LP; and Woodsaw Partners, L.P., located near the intersection of Irving Boulevard and Manufacturing Street and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Brook 2121 IB, LP, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

Park & Recreation Department

68. 18-461 A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with state law; and, at the close of the hearing, approval of an ordinance to readopt Chapter 12 of the Dallas City Code - 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 negations 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 negations 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: September 12, 2018

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	V	N/A	N/A	Approval of Minutes of the August 22, 2018 City Council Meeting
2.	N/A	C	ATT	GT	Authorize the (1) acceptance of the Substance Abuse and Mental Health Services Administration (SAMHSA) grant from the U.S. Department of Health and Human Services (1H79TI081081-01, CFDA No. 92.243) to expand substance abuse capacity at the existing South Dallas Drug Court for the period September 30, 2018 through September 29, 2019; (2) establishment of appropriations in an amount not to exceed $324,219.00 in the SAMHSA-Adult Treatment Drug Court Expansion Project 18-19 Fund; (3) 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 (4) execution of the grant agreement - Not to exceed $324,219.00 for year one of the five year project period - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds
3.	N/A	C	ATT	$30,000.00	Authorize settlement of the lawsuit styled Alberto Martinez v. City of Dallas, Cause No. DC-17-02642 - Not to exceed $30,000.00 - Financing: Risk Management Funds
4.	N/A	C	ATT	$55,000.00	Authorize settlement of the lawsuit styled Fred Olson, et al. v. City of Dallas, Cause No. DC-17-15825 - Not to exceed $55,000.00 - Financing: Risk Management Funds
5.	N/A	C	CON	NC	Authorize the annual adoption of the City's Investment Policy and investment strategies regarding funds under the City's control and management - Financing: No cost consideration to the City
6.	N/A	C	CTS	$8,908,016.00	Authorize payment to Dallas County for processing and maintaining City prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2018 through September 30, 2019 - Not to exceed $8,908,016.00 - Financing: General Fund (subject to appropriations)
7.	2	C	AVI	$413,206.68	Authorize a professional services contract with Huitt-Zollars, Inc. to provide construction administration and close-out services for the Security Controls Enhancement Project at Dallas Love Field - Not to exceed $413,206.68 - Financing: Aviation Capital Construction Funds

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
8.	3	C	AVI	$5,515,784.40	Authorize a contract for the construction of the Dallas Executive Airport Fuel Farm and Paving Project - Austin Bridge & Road, L.P., lowest responsive bidder of three - Not to exceed $5,515,784.40 - Financing: Aviation Capital Construction Funds
9.	3	C	AVI	$313,600.00	Authorize Supplemental Agreement No. 1 to the professional services contract with Garver, LLC for construction administration and construction inspection services for Dallas Executive Airport Fuel Farm and Paving Project - Not to exceed $313,600.00, from $524,100.00 to $837,700.00 - Financing: Aviation Capital Construction Funds
10.	2	C	EBS	$388,000.00	Authorize a construction contract for the East Kitchen Dishwashing Room Improvements at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - CME Builders & Engineers, Inc., lowest responsible bidder of three - Not to exceed $388,000.00 - Financing: Convention Center Capital Construction Fund
11.	All	C	PNV	$125,804.00	Authorize an Interlocal Agreement with the University of Texas at Arlington for the University of Texas at Arlington Internship Program to facilitate graduate-level urban planning internships with the City of Dallas through the Department of Planning and Urban Design - Not to exceed $125,804.00 - Financing: General Fund (subject to annual appropriations)
12.	2, 3, 4, 5, 7, 8	C	PBW	$10,023,619.74	Authorize a construction contract for the Service Maintenance Area 1 - 2019 Resurfacing and Street Improvements Contract - Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three - Not to exceed $10,023,619.74 - Financing: 2017 Bond Funds (subject to annual appropriations)
13.	1, 3, 4, 6, 8	C	PBW	$12,163,444.95	Authorize a construction contract for the Service Maintenance Area 2 - 2019 Resurfacing and Street Improvements Contract - Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three - Not to exceed $12,163,444.95 - Financing: 2017 Bond Funds (subject to annual appropriations)
14.	2, 6, 11, 12, 13, 14	C	PBW	$14,795,382.77	Authorize a construction contract for the Service Maintenance Area 3 - 2019 Resurfacing and Street Improvements Contract - Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three - Not to exceed $14,795,382.77 - Financing: 2017 Bond Funds (subject to annual appropriations)
15.	2, 7, 9, 10, 11, 13, 14	C	PBW	$16,704,158.72	Authorize a construction contract for the Service Maintenance Area 4 - 2019 Resurfacing and Street Improvements Contract - Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					- Not to exceed $16,704,158.72 - Financing: 2017 Bond Funds (subject to annual appropriations)
16.	All	C	PBW	$23,580,000.00	Authorize an increase in the construction services contract with Johnson Bros. Corporation, a Southland Company to expedite the completion of bond projects - Not to exceed $23,580,000.00, from $94,722,360.00 to $118,302,360.00 - Financing 2017 Bond Funds (subject to annual appropriations)
17.	9, 10, 13	C	PBW	$2,467,597.99	Authorize (1) the Skillman Corridor Tax Increment Financing (TIF) District Board of Directors to dedicate up to $350,000.00 in the Skillman Corridor TIF District Funds for construction of median gateway improvements on Skillman Street between Merriman Parkway and Abrams Road as part of the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project to support the development in the Skillman Corridor TIF District; (2) an increase in appropriations in an amount not to exceed $350,000.00 in the Skillman Corridor TIF District Fund; and (3) a construction contract with Joe Funk Construction, Inc., lowest responsible bidder of three, for the construction of trail and median improvements for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project - Not to exceed $2,467,597.99 - Financing: Lake Highlands Project Funds ($1,744,071.26), Capital Projects Reimbursement Funds ($218,008.91) and Skillman Corridor TIF District Funds ($505,517.82)
18.	9, 10, 13	C	PBW	NC	Authorize (1) an amendment to the Funding Agreement with the North Central Texas Council of Governments and the Texas Department of Transportation (Agreement No. CSJ 0918-47-028), to extend the project schedule timeline through October 31, 2019, revise the project closeout requirements, scope of work, project location map and the project budget for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project; and (2) approval of a resolution rescinding Section 4 of Resolution No. 17-1896 previously approved on December 13, 2017 - Financing: No cost consideration to the City
19.	7	C	DEV	$66,000.00	Authorize acquisition from Aristeo Hernandez, of approximately 50,711 square feet of land located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $66,000.00 ($63,389.00, plus closing costs and title expenses not to exceed $2,611.00) - Financing: Water Utilities Capital Improvement Funds
20.	7	C	DEV	$219,000.00	Authorize acquisition from John R. Keller Masonry, Inc., of approximately 78,923 square feet of land improved with a vacant commercial building

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $219,000.00 ($215,600.00, plus closing costs and title expenses not to exceed $3,400.00) - Financing: Water Utilities Capital Improvement Funds
21.	7	C	DEV	$686,000.00	Authorize acquisition from Lawshe Realty, LLC, of approximately 49,399 square feet of land improved with a commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $686,000.00 ($680,000.00, plus closing costs and title expenses not to exceed $6,000.00) - Financing: Water Utilities Capital Improvement Funds
22.	7	C	DEV	$3,740,000.00	Authorize acquisition from Miller and Brewer Properties, Inc., also known as Wm. H. LaDew, Inc., also known as Encomp Corporation, of approximately 258,730 square feet of land improved with a commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $3,740,000.00 ($3,720,000.00, plus closing costs and title expenses not to exceed $20,000.00) - Financing: Water Utilities Capital Improvement Funds
23.	7	C	DEV	$384,000.00	Authorize acquisition from Mustang Masonry, a trade style of S.D.S. Quality Masonry of Dallas, of approximately 72,525 square feet of land improved with a vacant commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $384,000.00 ($380,000.00, plus closing costs and title expenses not to exceed $4,000.00) - Financing: Water Utilities Capital Improvement Funds
24.	4, 7, 8	C	DEV	REV $180,000.00	Authorize (1) the quitclaim of 10 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale that will be sold to the highest qualified bidders; and (2) the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached to the Agenda Information Sheet) - Estimated Revenue: $180,000.00
25.	Outside	C	DEV	NC	Authorize the creation of the Dallas County Municipal Utility District No. 4 within the City of Dallas' extraterritorial jurisdiction that would include approximately 267 acres on property in Dallas County on the northeast quadrant of Barnes Bridge Road and Bobtown Road, west of Lake Ray Hubbard - Financing: No cost consideration to the City
26.	8	C	DEV	NC	An ordinance granting a CR Community Retail District, subject to deed restrictions volunteered by the applicant, on property zoned an R-10(A) Single

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Family District, on the southwest corner of South Belt Line Road and Fish Road, and a resolution accepting the deed restrictions volunteered by the applicant - Z178-215(SM) - Financing: No cost consideration to the City
27.	2	C	DEV	REV $5,400.00	An ordinance abandoning two storm sewer easements to Mockingbird Venture Partners, L.L.C. and Greenway-Mockingbird, L.P., the abutting owners, containing a total of approximately 1,501 square feet of land, located near the intersection of Mockingbird Lane and Forest Park Road - Revenue: $5,400.00, plus the $20.00 ordinance publication fee
28.	N/A	C	OFS	NC	An ordinance amending Ordinance No. 30651, previously approved on September 20, 2017, as amended by Ordinance No. 30752, previously approved on January 24, 2018, as amended by Ordinance No. 30843, previously approved on April 25, 2018, as amended by Ordinance No. 30898, previously approved on June 13, 2018 authorizing certain transfers and appropriation adjustments for FY 2017-18 for various departments, activities, and projects; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City
29.	All	C	OCC	GT	Authorize the (1) second amendment to Contract No. 2017-049838-001 (Amendment No. 2, CFDA No. 10.557) with the Department of State Health Services (DSHS) for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), to (a) extend the term of the contract from October 1, 2018 through September 30, 2019 to allow for successful completion of the WIC Program for FY 2019 grant allocations; (b) revise the budget for Contract No. 2017-049838-001A, Amendment No. 1, to decrease the total budget amount by $234,902.00 from $15,056,672.00 to $14,821,770.00; (c) reallocate funds from the FY 2018 WIC Administrative Program unit to the FY 2018 WIC Dietetic Internship unit, the Extra Funding unit for the Summer Food Service Program the Texas Integrated Network software implementation and support, and for all other eligible expenditures in the amount of $968,649.00 for the period October 1, 2017 through September 30, 2018; (d) accept grant funds from the U.S. Department of Agriculture passed through the DSHS for FY 2019 allocation (Contract No. 2017-049838-001 Amendment No. 2, CFDA No. 10.557), for the continuation of the Special Supplemental Nutrition Program for WIC in the amount of $14,529,596.00 for the period October 1, 2018 through September 30, 2019; (2) establishment of appropriations in an amount not to exceed $14,529,596.00 in the FY 2019 WIC Program - Women, Infants, and Children Grant Fund; (3) receipt and deposit of grant funds for reimbursement from DSHS in an amount not to exceed $14,529,596.00 in the FY 2019 WIC Program - Women, Infants, and Children Grant Fund; and (4) execution of the contract amendment and all terms,

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					conditions, and documents required by the contract - Total not to exceed $14,294,694.00, from $30,138,238.00 to $44,432,932.00 - Financing: Department of State Health Services Grant Funds
30.	All	C	OCC	GT	Authorize the second of two, twelve-month renewal options to increase funding to the contract with Senior Citizens of Greater Dallas, Inc. to administer the Senior Services Ombudsman Program by providing nursing home ombudsman, outreach and case management services to seniors residing in nursing homes and assisted living facilities within the city of Dallas - Not to exceed $116,868.00, from $73,049.00 to $189,917.00 - Financing: 2018-19 Community Development Block Grant Funds
31.	All	C	ECO	$250,000.00	Authorize the exercise of the third of four, twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2018 through September 30, 2019 - Not to exceed $250,000.00 - Financing: Public/Private Partnership Fund ($200,000.00) and General Fund ($50,000.00) (subject to appropriations)
32.	All	C	PBD	$632,212.00	Authorize a five-year service price agreement for language interpretation services for call centers with Language Line Services, Inc. through the Department of Information Resources cooperative agreement - Not to exceed $632,212.00 - Financing: General Fund
33.	All	C	PBD	$188,350.00	Authorize a five-year service contract for system upgrade, maintenance, and support for the equipment tracking and deployment software for the Fire-Rescue Department - Deccan International, sole source - Not to exceed $188,350.00 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)
34.	All	C	PBD	$6,503,686.00	Authorize a five-year contract for program management services to assist with the implementation of Phase II of the enterprise work order and asset management system - Brio Services, LLC dba Brio Consulting, LLC - Not to exceed $6,503,686.00 - Financing: Water Utilities Capital Construction Funds ($4,100,952.00) and Communication and Information Services Current Funds ($2,402,734.00) (subject to annual appropriations)
35.	All	C	PBD	$200,039.01	Authorize a three-year master agreement for the purchase of plastic sewer couplings and lateral cleanouts for the Water Utilities Department - Beeco, Inc. in the amount of $185,158.26 and Fortiline, Inc. in the amount of $14,880.75, lowest responsible bidders of three - Total not to exceed $200,039.01 - Financing: Dallas Water Utilities Fund

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
36.	All	C	PBD	$161,403.25	Authorize a three-year master agreement for the purchase of fire hydrant markers that will be utilized by the Water Utilities Department to identify fire hydrants for Fire-Rescue Department and Water Utilities Department personnel - International Nameplate U S, Inc., lowest responsible bidder of two - Not to exceed $161,403.25 - Financing: Dallas Water Utilities Fund
37.	All	C	PBD	$386,406.00	Authorize (1) Supplemental Agreement No. 2 to exercise the second of two, one-year renewal options to the contract with USI Insurance Services National, Inc. for the purchase of aviation, crime, fine arts, flood, media, professional liability, and general liability insurance policies from October 1, 2018 through September 30, 2019 in the amount of $141,181.50, from $262,679.90 to $403,861.40; and (2) Supplemental Agreement No. 2 to exercise the second of two, one-year renewal options to the contract with McGriff, Seibels & Williams, Inc. for brokerage fees and the purchase of cyber liability and privacy insurance from October 1, 2018 through September 30, 2019 in the amount of $245,225.00, from $490,450.00 to $735,675.00 - Total not to exceed $386,406.50, from $753,129.90 to $1,139,536.40 - Financing: Risk Management Funds (subject to appropriations)
38.	N/A	C	PBD	REV $4,500,000.00	Authorize Supplemental Agreement No. 3 to exercise the second of three, one-year renewal options to the service contract with Gila LLC dba Municipal Services Bureau for the collection of delinquent fines and fees for violations of City ordinances, traffic, and state laws, excluding parking violations for Court and Detention Services - Estimated Annual Net Revenue: $4,500,000.00
39.	All	C	IGS	GT	Authorize the (1) application for and acceptance of the FY 2018 Edward Byrne Justice Assistance Grant from the U.S. Department of Justice, Bureau of Justice Assistance for a broad range of activities to help control and prevent crime, and to improve the criminal justice system (Grant No. TBD, CFDA No. 16.738), in the amount of $943,403.00 for the period October 1, 2017 through September 30, 2021; (2) execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; (3) receipt and deposit of funds in an amount not to exceed $943,403.00 in the Bureau of Justice Assistance Grant FY18 17-21 Fund; (4) establishment of appropriations in an amount not to exceed $943,403.00 in the Bureau of Justice Assistance Grant FY18 17-21 Fund; and (5) execution of the grant agreement and all documents required by the grant - Not to exceed $943,403.00 - Financing: U.S. Department of Justice Grant Funds
40.	Outside	C	IGS	NC	Authorize approval of the Dallas Fort Worth International Airport FY 2019 Proposed Budget - Financing: No cost consideration to the City

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
41.	5	C	PKR	NC	Authorize an application for an Urban Outdoor Recreation Grant in the amount of $1,000,000 from the Texas Parks and Wildlife Department for the Phase 1 Crawford Lake redevelopment in Crawford Memorial Park located at 8700 Elam Road - Financing: This action has no cost consideration to the City (see Fiscal Information)
42.	12	C	PKR	$468,595.00	Authorize a contract for the construction of Moss Glen Park Site Improvements located at 5200 Bentwood Trail - Texas Standard Construction, Ltd., lowest responsible bidder of eight - Not to exceed $718,595.00 - Financing: 2017 Bond Funds ($468,595.00) and Collin County Parks and Open Space Project Funding Assistance Program - Moss Glen Park Development Grant Funds ($250,000.00)
43.	13	C	PKR	NC	Authorize a public hearing to be held on October 24, 2018, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments for the proposed use of a portion of the Bachman Creek Greenbelt located at 3900 Shorecrest Drive, totaling approximately 42,323 square feet, for driveway access and parking by QuikTrip Corporation by providing parking, trail access, a driveway, landscaping, lighting, and other amenities to be constructed and maintained by QuikTrip Corporation for the benefit of the public - Financing: No cost consideration to the City
44.	6	C	PKR	NC	Authorize a public hearing to be held on October 24, 2018, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of a portion of L.B. Houston Nature Area located at 10401 Wildwood Drive, totaling approximately 1,058 square feet of land, and temporary use of approximately 3,233 square feet of land, for the installation of a wastewater facility by the City of Irving for the benefit of the public - Financing: No cost consideration to the City
45.	All	C	POL	NC	Authorize a Memorandum of Understanding with Dallas County to allow the Dallas Police Department to share law enforcement incident data with other agencies through the Dallas County Incident Management Module Software - Financing: No cost consideration to the City
46.	All	C	POL	$224,280.26	Authorize (1) an application for and acceptance of the Comprehensive Selective Traffic Enforcement (STEP) Program Grant (Grant No. 2019-Dallas-S-1YG-0060, CFDA No. 20.600) from the U.S. Department of Transportation passed through the Texas Department of Transportation in an amount not to exceed $891,260.50 for travel expenses and overtime reimbursement for the period October 1, 2018 through September 30, 2019; (2) the establishment of appropriations in an amount not to exceed

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					$891,260.50 in the Comprehensive Selective Traffic Enforcement Program-STEP FY19 Fund; (3) the receipt and deposit of grant funds in an amount not to exceed $891,260.50 in the Comprehensive Selective Traffic Enforcement Program-STEP FY19 Fund; (4) a local cash match in an amount not to exceed $224,280.26; and (5) execution of the grant agreement - Total not to exceed $1,115,540.76 - Financing: Texas Department of Transportation Grant Funds ($891,260.50) and General Funds ($224,280.26) (subject to appropriations)
47.	All	C	POL	NC	Authorize donation agreements with the National Insurance Crime Bureau for the acceptance of vehicles to be utilized by the Dallas Police Department for bait vehicle operations - Financing: No cost consideration to the City
48.	All	C	POL	$8,700.00	Authorize (1) the Dallas Police Department to receive funds in the amount of $600,000.00 from various federal, state and local law enforcement agencies including, but not limited to those shown (list attached to the Agenda Information Sheet) for reimbursement of overtime for investigative services for FY 2018-19; (2) a City contribution Federal Insurance Contributions Act costs in the amount of $8,700.00; and (3) execution of the agreements - Total not to exceed $608,700.00 - Financing: General Fund ($8,700.00) (subject to appropriations) and Various Federal, State and Local Law Enforcement Agencies ($600,000.00)
49.	All	C	POL	$3,800,000.00	Authorize renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas, for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services for the period October 1, 2018 through September 30, 2019 - Not to exceed $3,800,000.00 - Financing: Confiscated Monies Funds ($1,000,000.00) and General Fund ($2,800,000.00)
50.	1, 10, 11, 13, 14, 2, 4, 5, 6, 7, 8, 9	C	WTR	$7,230,314.00	Authorize professional services contracts with three consulting firms to provide engineering services for the design, replacement and rehabilitation of water and wastewater mains at 35 locations (list attached to the Agenda Information Sheet) - APM & Associates, Inc., in the amount of $1,111,193.00, Freese and Nichols, Inc., in the amount of $2,854,123.00, and Hazen and Sawyer, P.C., in the amount of $3,264,998.00 - Total not to exceed $7,230,314.00 - Financing: Water Utilities Capital Construction Funds ($200,000.00) and Water Utilities Capital Improvement Funds ($7,030,314.00)
51.	14	C	WTR	$6,050,138.00	Authorize a construction contract for the installation of a 36-inch diameter water transmission main in Pacific Avenue from Ervay Street to Pearl

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Expressway - S. J. Louis Construction of Texas, Ltd., lowest responsible bidder of five - Not to exceed $6,050,138.00 - Financing: Water Utilities Capital Improvement Funds
52.	6, 13	C	WTR	$15,809,640.00	Authorize a construction contract for the installation of water and wastewater mains for the Joe's Creek Interceptor Project (list attached to the Agenda Information Sheet) - Southland Contracting, Inc., lowest responsible bidder of five - Not to exceed $15,809,640.00 - Financing: Water Utilities Capital Construction Funds ($400,000.00) and Water Utilities Capital Improvement Funds ($15,409,640.00)
53.	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)
54.	14	I	TWM	$83,685.00	Authorize the second step of acquisition for condemnation by eminent domain to acquire a subsurface easement located under a total of approximately 11,455 square feet of land located in Dallas County on Ross Avenue at its intersection with Washington Avenue for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed $83,685.00 ($80,185.00, plus closing costs and title expenses not to exceed $3,500.00) - Financing: 2006 Bond Funds
55.	1, 3, 4, 5, 8, 9, 10, 13, 14	I	HOU	$1,500,000.00	Authorize (1) the City Manager to appropriate $1,500,000.00 in 2006 General Obligation Bond Funds to the City of Dallas Urban Land Bank Demonstration Program for capital costs related to acquisition and disposition of unimproved, tax-foreclosed, real property for the development of affordable housing or other commercial purposes in accordance with Chapter 379C of the Texas Local Government Code; and (2) revisions to the Dallas Housing and Acquisition Development Corporation's (DHADC) Bylaws to expand eligible housing types to include rental housing and to allow the sale of certain property to eligible adjacent property owners and for other commercial purposes - Not to exceed $1,500,000.00 - Financing: 2006 General Obligation Bond Funds
56.	N/A	I	PBD	NC	Execute the casting of lots to identify the recommended vendor resulting from tie bids on line 1 for bid BC1801 for a three- year master agreement for the purchase of heartworm medications for Dallas Animal Services - Butler Animal Health Supply, LLC, dba Henry Schein Animal Health and Midwest Veterinary Supply, Inc. - Financing: No cost consideration to the City
57.	7	I	PKR	$300,000.00	Authorize a two-year Cotton Bowl Stadium Use Agreement with ESPN Productions Inc., a Delaware corporation, for ESPN to conduct the

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					SERVPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 with specified National Collegiate Athletic Association football teams from the Big Ten, Big 12, Conference USA or other conferences, including the advertising, broadcasting, news media, and promotion activities - Not to exceed $300,000.00 - Financing: General Fund (subject to annual appropriations)
58.	7	I	PKR	$300,000.00	Authorize a Chapter 380 Economic Development Grant Agreement with ESPN Productions Inc. in consideration of bringing teams from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 pursuant to the City of Dallas Public/Private Partnership Program - Not to exceed $300,000.00 - Financing: General Funds (subject to annual appropriations) (This item was deferred on August 8, 2018)
59.	2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 917 for MU-2 Mixed Use District uses and a consolidated rental car facility, on the northwest line of Manor Way, between Maple Avenue and Denton Drive Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan and conditions Z167-308(JM)
60.	7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned an MF-2(A) Multifamily Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the south corner of JB Jackson Jr Boulevard and Park Row Avenue Recommendation of Staff and CPC: Approval for a 10-year period with eligibility for automatic renewals for additional 10-year periods, subject to a site plan and conditions Z178-193(SM)
61.	8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southeast line of Little Fox Drive, southwest of Seagoville Road Recommendation of Staff and CPC: Approval Z178-274(CY)
62.	11, 12	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-1(A) Multifamily

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					District and D(A) Duplex District uses and an accessory leasing office on property zoned an MF-1(A) Multifamily District and a D(A) Duplex District, on the north and south side of Arapaho Road, west of Coit Road Recommendation of Staff: Denial Recommendation of CPC: Approval, subject to a development plan and conditions Z178-202(PD)
63.	9	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-1-D Limited Office District with a D Liquor Control Overlay, on Gaston Parkway, northwest of Garland Road, and northeast of Beachview Street Recommendation of Staff: Approval Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant Z178-226(JM) Note: This item was deferred by the City Council before opening the public hearing on August 8, 2018, and is scheduled for consideration on September 12, 2018
64.	2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the east side of North Cesar Chavez Boulevard, between Elm Street and Main Street Recommendation of Staff and CPC: Approval for a six-year period, subject to a site plan and conditions Z178-242(PD) Note: This item was deferred by the City Council before opening the public hearing on August 8, 2018, and is scheduled for consideration on September 12, 2018
65.	10	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a detached non-premise sign (billboard) on property zoned an MC-1 Multiple Commercial District, on the southwest side of Interstate Highway 635 (Lyndon B. Johnson Freeway), west of Skillman Street Recommendation of Staff: Approval for a 10-year period with eligibility for automatic renewals for additional 10-year periods, subject to a site plan and conditions Recommendation of CPC: Approval for a five-year period, subject to a site

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					plan and conditions Note: This item was considered by the City Council at a public hearing on August 22, 2018, and was held under advisement until September 12, 2018, with the public hearing open Z178-255(CY)
66.	N/A	PH	OFS	NC	A public hearing to receive comments on a $0.7779/$100 property tax rate for the 2018-19 fiscal year as discussed on August 22, 2018; City Council will vote to adopt a tax rate on Tuesday, September 18, 2018 at Dallas City Hall, 6ES at 9:00 a.m. - Financing: No cost consideration to the City
67.	6	PH	OEQ	NC	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by Brook 2121 IB, LP; Brook 2025 IB, LP; and Woodsaw Partners, L.P., located near the intersection of Irving Boulevard and Manufacturing Street and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Brook 2121 IB, LP, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City Recommendation of Staff: Approval
68.	All	PH	PKR	NC	A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with state law; and, at the close of the hearing, approval of an ordinance to readopt Chapter 12 of the Dallas City Code - Financing: No cost consideration to the City

TOTAL $144,676,063.77

Agenda Information Sheet

File #: 18-755 **Item #:** 1.

SUBJECT

Approval of Minutes of the August 22, 2018 City Council Meeting

Agenda Information Sheet

File #: 18-730 **Item #:** 2.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Larry Casto

SUBJECT

Authorize the **(1)** acceptance of the Substance Abuse and Mental Health Services Administration (SAMHSA) grant from the U.S. Department of Health and Human Services (1H79TI081081-01, CFDA No. 92.243) to expand substance abuse capacity at the existing South Dallas Drug Court for the period September 30, 2018 through September 29, 2019; **(2)** establishment of appropriations in an amount not to exceed $324,219.00 in the SAMHSA-Adult Treatment Drug Court Expansion Project 18-19 Fund; **(3)** 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 **(4)** execution of the grant agreement - Not to exceed $324,219.00 for year one of the five year project period - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds

BACKGROUND

This item will authorize the acceptance of the Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services. 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 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.

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 6, 2016, information about this item was provided to the Budget, Finance & Audit Committee.

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.

FISCAL INFORMATION

U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds - $324,219.00

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WHEREAS, the City of Dallas established an Adult Treatment Drug Court Expansion project that seeks to expand the South Dallas Community Drug Court into a Treatment Drug Court that will 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, 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, the grant funding would benefit the City in its endeavor to reduce crime and help affected individuals become drug free; and

WHEREAS, the City finds it in the best interest of the City's residents that the grant funds be accepted for the five-year project period; and

WHEREAS, the City agrees that in the event of loss or misuse of the grant funds, the City will return the funds identified as ineligible to the U.S. Department of Health and Human Services; and

WHEREAS, the City designates the City Manager or his designee as the grantee's authorized official, who has the power to apply for, accept, reject, alter, or terminate the grant on behalf of the City.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to accept the Substance Abuse and Mental Health Services Administration (SAMHSA) grant (Grant No. 1H79TI081081-01, CFDA No. 92.243) 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, and execute the grant agreement.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $324,219.00 in the SAMHSA-Adult Treatment Drug Court Expansion Project 18-19 Fund, Fund F560 Department ATT, Unit 3699, according to the attached Schedule.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed $324,219.00 into the SAMHSA-Adult Treatment Drug Court Expansion Project 18-19 Fund, Fund F560, Department ATT, Unit 3699, Revenue Code 6506.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $324,219.00 from the SAMHSA-Adult Treatment Drug Court Expansion Project 18-19 Fund, Fund F560, Department ATT, Unit 3699, various Object Codes, according to the attached Schedule.

SECTION 5. That the City Manager is hereby authorized to reimburse the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration 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 U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration monitoring reports not later than 30 days after the receipt of the report.

SECTION 7. That this contract is designated as Contract No. ATT-2018-00007406.

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

SCHEDULE

SAMHSA - Adult Treatment Drug Court Expansion Project 18-23		
Fund F560		
Unit 3699		
FY 18-19		
Obj.		
1101	Salaries	$ 55,000.00
1301	Pension	$ 7,920.00
1303	Life Insurance	$ 24.00
1304	Health Insurance	$ 6,216.00
1306	FICA	$ 798.00
1309	Wellness	$ 27.00
2110	Office Supplies	$ 1,200.00
2232	Food Supplies	$ 200.00
2252	Metered Postage	$ 300.00
2280	Other Supplies	$ 400.00
2710	Furniture	$ 500.00
3070	Professional Services	$ 235,000.00
3092	Security Services	$ 4,554.00
3361	Professional Development	$ 11,120.00
3429	Blackberry Fees	$ 960.00
	FY 18-19 Totals	$ 324,219.00

1500 Marilla Street
Dallas, Texas 75201

City of Dallas

Agenda Information Sheet

File #: 18-733 **Item #:** 3.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Larry Casto

SUBJECT

Authorize settlement of the lawsuit styled Alberto Martinez v. City of Dallas, Cause No. DC-17-02642 - Not to exceed $30,000.00 - Financing: Risk Management Funds

BACKGROUND

Plaintiff Alberto Martinez filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on May 19, 2016, involving a Dallas Fire-Rescue Department vehicle. The City and Mr. Martinez have reached a proposed settlement subject to Council approval. Plaintiff is represented by The Marye Firm.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on September 7, 2018.

FISCAL INFORMATION

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

Risk Management Funds - $30,000.00

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September 12, 2018

WHEREAS, a lawsuit styled Alberto Martinez v. City of Dallas, Cause No. DC-17-02642, was filed by the plaintiff seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on May 19, 2016, involving a Dallas Fire-Rescue Department vehicle; and

WHEREAS, the plaintiff has agreed to a settlement of the case whereby the City will pay Alberto Martinez, The Marye Firm, and all other persons having an interest in the settlement proceeds, the total amount of $30,000.00; 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 Alberto Martinez v. City of Dallas, Cause No. DC-17-02642, in an amount not to exceed $30,000.00 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Alberto Martinez, The Marye Firm, and all other persons having an interest in the settlement proceeds, the amount of $30,000.00 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 #: 18-734 **Item #:** 4.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Larry Casto

SUBJECT

Authorize settlement of the lawsuit styled Fred Olson, et al. v. City of Dallas, Cause No. DC-17-15825 - Not to exceed $55,000.00 - Financing: Risk Management Funds

BACKGROUND

Plaintiff Fred Olson filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on July 26, 2016, involving a Dallas Sanitation Department vehicle. The City and Mr. Olson have reached a proposed settlement subject to Council approval. Plaintiff is represented by Erskine & Blackburn, LLP.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on September 7, 2018.

FISCAL INFORMATION

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

Risk Management Funds - $55,000.00

September 12, 2018

WHEREAS, a lawsuit styled Fred Olson, et al. v. City of Dallas, Cause No. DC-17-15825, was filed by the plaintiff seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on July 26, 2016, involving a Dallas Sanitation Department vehicle; and

WHEREAS, the plaintiff has agreed to a settlement of the case whereby the City will pay Fred Olson, Erskine & Blackburn, LLP, and all other persons having an interest in the settlement proceeds, the total amount of $55,000.00; 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 Fred Olson, et al. v. City of Dallas, Cause No. DC-17-15825, in an amount not to exceed $55,000.00 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Fred Olson, Erskine & Blackburn, LLP, and all other persons having an interest in the settlement proceeds, the amount of $55,000.00 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 #: 18-705 **Item #:** 5.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller's Office

EXECUTIVE: Elizabeth Reich

SUBJECT

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

BACKGROUND

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

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

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 13, 2017, City Council authorized adoption of the City's revised Investment Policy by Resolution No. 17-1403.

The Government Performance & Financial Management Committee was briefed regarding this matter on August 6, 2018.

FISCAL INFORMATION

No cost consideration to the City.

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

WHEREAS, in 1995 and 1997 through 2017, the City Council amended the City's Investment Policy to incorporate amendments to the Public Funds Investment Act, improve management of the City's investments and reflect organizational changes; and

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

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

Now, Therefore,

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

SECTION 1. That the attached City of Dallas Investment Policy and investment strategies have been reviewed by the City Council and shall be adopted as the guiding policy in the ongoing management of the specified funds in accordance with Federal and State law and the City Charter.

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

CITY OF DALLAS

INVESTMENT POLICY

As adopted by City Council
~~September 13, 2017~~September 12, 2018

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Appendices

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

1.0 Policy

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

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

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

2.0 Scope

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

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

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

2.2 Funds not governed by this Policy include:

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

3.0 Objective

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

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

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

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

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

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

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

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

4.0 Delegation of Authority

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

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

5.0 Prudence

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

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

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

6.0 Ethics and Conflicts of Interest

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

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

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

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

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

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

7.0 Training

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

8.0 Authorized and Suitable Investments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.8 No-load mutual funds that are registered with and regulated by the Securities and Exchange Commission that meet the requirements of the PFIA and have provided the City with an offering circular and other information required by the Act.

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

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

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

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

To become eligible, investment pools must be approved by City Council action. Investments will be made in a local government investment pool only after a thorough investigation of the pool and approval by the Investment Committee which shall, at least annually, review, revise and adopt a list of approved pools. A pool approved by the Investment Committee shall invest its funds in investment types consistent with the Act and the pool's own adopted investment policies and objectives. An approved pool is not required to invest its funds in investment types according to the investment policies and objectives adopted by its participants.

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

9.0 Authorized Broker/Dealers and Financial Institutions

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

A written copy of this Investment Policy shall be presented to any person offering to engage in an investment transaction with the City. Investments shall only be made with those business organizations (including money market mutual funds and local government investment pools) which have provided the City with a written instrument executed by a qualified representative of the firm, acknowledging that the business organization has received and reviewed the City's Investment Policy in satisfaction of the business organization's duties under Financial Industry Regulatory Authority (FINRA) Rule 2111 (Suitability).

10.0 Competitive Bidding

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

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

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

11.0 Collateralization of Deposits

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

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

Eligible Collateral

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

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

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

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

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

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

12.0 Safekeeping and Custody

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

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

13.0 Diversification and Maximum Maturities

The City's Investment Pool will be diversified to limit market and credit risk by observing the limitations at the time of purchase as listed below. In order to ensure the ability of the City to meet obligations and to minimize potential liquidation losses, the dollar-weighted average stated maturity of the Investment Pool shall not exceed 1.5 years at the time investments are purchased for the Investment Pool. Funds managed as separately invested assets in Section 2.1 of the Policy are subject to all of the following with the exception of the Issuer Limitation on investment in U.S. Agencies and Instrumentalities. Funds managed as separately invested assets may be invested 100% in the obligations of any one U.S. Agency or Instrumentality.

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

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

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

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

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

14.0 Sale of Securities

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

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

15.0 Investment Committee

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

16.0 Investment Advisor

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

17.0 Investment Strategies

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

17.1 Investment Pool Strategy - The City's Investment Pool is an aggregation of the majority of City funds which includes tax receipts, enterprise fund revenues, fine and fee revenues, as well as some, but not all, bond proceeds, grants, gifts and endowments. This portfolio is maintained to meet anticipated daily cash needs for City of Dallas operations, capital projects and debt service. The objectives of this portfolio are to:

a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists;
b) ensure that anticipated cash flows are matched with adequate investment liquidity;
c) limit market and credit risk through diversification; and
d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy by managing the portfolio to meet or exceed the 12 month moving average yield on treasury one-year constant maturities as reported by Federal Reserve Statistical Release H.15.

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

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

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

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

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

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

17.5 Commercial Paper Funds Strategy – The City issues tax-exempt commercial paper notes as an interim financing tool for construction projects. The investment of the proceeds from the issuance of commercial paper debt should have a high degree of liquidity in order to fund payments to contractors. The objectives of this portfolio are to:

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

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

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

~~c) manage market and credit risk through diversification of funds and requirement of AAA rating; and~~
~~d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the Agreement.~~

18.0 Reporting

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

Not less than quarterly the Investment Officers will submit to the ~~city council finance committee~~ standing finance committee of the city council described in ~~Chapter III, Section 13 of the~~ Dallas City Charter, Chapter III, Section 13 (2), the City Manager, and the Mayor and City Council a written report of the status of the current investment portfolio. The report must meet the requirements of the Act.

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

19.0 Annual Compliance Audit

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

20.0 Investment Policy Adoption

The City's Investment Policy is hereby adopted by resolution of the City Council on ~~September 28, 2016~~ September 12, 2018 in accordance with the PFIA.

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA): A not-for-profit organization authorized by Congress to ensure investor protection and market integrity through regulation of broker-dealers.

FINRA RULE 2111 (SUITABILITY): FINRA Rule 2111 requires, in part, that a broker-dealer or associated person "have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer, based on the information obtained through the reasonable diligence of the [firm] or associated person to ascertain the customer's investment profile."

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

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

INSTRUMENTALITIES: See Government-Sponsored Enterprises

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PAR: See Face Value

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

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

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

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

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

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

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

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

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

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

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

REVERSE REPURCHASE AGREEMENT: (See Repurchase Agreement)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX A

PUBLIC FUNDS INVESTMENT ACT

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2256. PUBLIC FUNDS INVESTMENT

SUBCHAPTER A. AUTHORIZED INVESTMENTS FOR GOVERNMENTAL ENTITIES

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

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

Sec. 2256.002. DEFINITIONS. In this chapter:

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

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

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

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

(B) the investing entity has authority to invest.

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

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

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

(A) preservation and safety of principal;

(B) liquidity; and

(C) yield.

(7) "Local government" means a municipality, a county, a school district, a district or authority created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, a fresh water supply district, a hospital district, and any political subdivision, authority, public corporation, body politic, or instrumentality of the State of Texas, and any nonprofit corporation acting on behalf of any of those entities.

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

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

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

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

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

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

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

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

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

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

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

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

(1) a local government;

(2) a state agency;

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

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

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

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

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

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

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

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

(3) an institution of higher education having total endowments of at least $150 million in book value on September 1, 2017;

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

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

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

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

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

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 1, eff. June 14, 2017.

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

(b) The investment policies must:

(1) be written;

(2) primarily emphasize safety of principal and liquidity;

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

(4) include:

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

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

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

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

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

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

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

(1) orally;

(2) in writing;

(3) electronically; or

(4) in any combination of those methods.

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

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

(2) preservation and safety of principal;

(3) liquidity;

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

(5) diversification of the investment portfolio; and

(6) yield.

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

(f) Each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees of the state agency, local government, or investment pool as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity. If the governing body of an investing entity has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the first investing entity for purposes of this chapter. Authority granted to a person to invest an entity's funds is effective until rescinded by the investing entity, until the expiration of the officer's term or the termination of the person's employment by the investing entity, or if an investment management firm, until the expiration of the contract with the investing entity. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the governing body of the investing entity retains ultimate responsibility as fiduciaries of the assets of the entity. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity.

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

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

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

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

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

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

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

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

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

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

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

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

(2) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment policy, except to the extent that this authorization:

(A) is dependent on an analysis of the makeup of the entity's entire portfolio;

(B) requires an interpretation of subjective investment standards; or

(C) relates to investment transactions of the entity that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority.

(l) The investment officer of an entity may not acquire or otherwise obtain any authorized investment described in the investment

policy of the investing entity from a business organization that has not delivered to the entity the instrument required by Subsection (k).

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

(n) Except as provided by Subsection (o), at least once every two years a state agency shall arrange for a compliance audit of management controls on investments and adherence to the agency's established investment policies. The compliance audit shall be performed by the agency's internal auditor or by a private auditor employed in the manner provided by Section 321.020. Not later than January 1 of each even-numbered year a state agency shall report the results of the most recent audit performed under this subsection to the state auditor. Subject to a risk assessment and to the legislative audit committee's approval of including a review by the state auditor in the audit plan under Section 321.013, the state auditor may review information provided under this section. If review by the state auditor is approved by the legislative audit committee, the state auditor may, based on its review, require a state agency to also report to the state auditor other information the state auditor determines necessary to assess compliance with laws and policies applicable to state agency investments. A report under this subsection shall be prepared in a manner the state auditor prescribes.

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

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

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 1, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 149 (H.B. 1701), Sec. 1, eff. September 1, 2017.

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

(1) preservation and safety of principal;

(2) liquidity; and

(3) yield.

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

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

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

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

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

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

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

(d) An investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from

any independent source approved by the governing body of the state agency. The investment officer shall prepare a report on this subchapter and deliver the report to the governing body of the state agency not later than the 180th day after the last day of each regular session of the legislature.

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

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 2, eff. June 17, 2011.

Sec. 2256.008. INVESTMENT TRAINING; LOCAL GOVERNMENTS.

(a) Except as provided by Subsections (a-1), (b), (b-1), (e), and (f), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

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

(2) attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

(a-1) In addition to the requirements of Subsection (a)(1), the treasurer, or the chief financial officer if the treasurer is not the

chief financial officer, and the investment officer of a school district or a municipality shall attend an investment training session not less than once in a two-year period that begins on the first day of the school district's or municipality's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than eight hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the school district or municipality, or by a designated investment committee advising the investment officer as provided for in the investment policy of the school district or municipality.

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

(b-1) A housing authority created under Chapter 392, Local Government Code, may satisfy the training requirement provided by Subsection (a)(2) by requiring the following person to attend, in each two-year period that begins on the first day of that housing authority's fiscal year and consists of the two consecutive fiscal years after that date, at least five hours of appropriate instruction:

(1) the treasurer, or the chief financial officer if the treasurer is not the chief financial officer, or the investment officer; or

(2) if the authority does not have an officer described by Subdivision (1), another officer of the authority.

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

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

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

(f) Subsection (a)(2) does not apply to an officer of a municipality or housing authority if the municipality or housing authority:

(1) does not invest municipal or housing authority funds, as applicable; or

(2) only deposits those funds in:

(A) interest-bearing deposit accounts; or

(B) certificates of deposit as authorized by Section 2256.010.

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

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 3, eff. June 17, 2011.

Acts 2015, 84th Leg., R.S., Ch. 222 (H.B. 1148), Sec. 1, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1248 (H.B. 870), Sec. 1, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 8.015, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1000 (H.B. 1238), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1000 (H.B. 1238), Sec. 2, eff. September 1, 2017.

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

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

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

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

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

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

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

(7) interest-bearing banking deposits that are guaranteed or insured by:

(A) the Federal Deposit Insurance Corporation or its successor; or

(B) the National Credit Union Share Insurance Fund or its successor; and

(8) interest-bearing banking deposits other than those described by Subdivision (7) if:

(A) the funds invested in the banking deposits are invested through:

(i) a broker with a main office or branch office in this state that the investing entity selects from a list the governing body or designated investment committee of the entity adopts as required by Section 2256.025; or

(ii) a depository institution with a main office or branch office in this state that the investing entity selects;

(B) the broker or depository institution selected as described by Paragraph (A) arranges for the deposit of the funds in the banking deposits in one or more federally insured depository institutions, regardless of where located, for the investing entity's account;

(C) the full amount of the principal and accrued interest of the banking deposits is insured by the United States or an instrumentality of the United States; and

(D) the investing entity appoints as the entity's custodian of the banking deposits issued for the entity's account:

(i) the depository institution selected as described by Paragraph (A);

(ii) an entity described by Section 2257.041(d); or

(iii) a clearing broker dealer registered with the Securities and Exchange Commission and operating under Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3).

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

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

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

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

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

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

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 4, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 2, eff. June 14, 2017.

Acts 2017, 85th Leg., R.S., Ch. 863 (H.B. 2647), Sec. 1, eff. June 15, 2017.

Acts 2017, 85th Leg., R.S., Ch. 874 (H.B. 2928), Sec. 1, eff. September 1, 2017.

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

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

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

(3) secured in accordance with Chapter 2257 or in any other manner and amount provided by law for deposits of the investing entity.

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

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

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

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

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

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

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

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

Amended by:

Acts 2005, 79th Leg., Ch. 128 (H.B. 256), Sec. 1, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 5, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 874 (H.B. 2928), Sec. 2, eff. September 1, 2017.

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

(1) has a defined termination date;

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

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

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

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

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

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

(e) Section 1371.059(c) applies to the execution of a repurchase agreement by an investing entity.

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

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 6, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 3, eff. June 14, 2017.

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

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

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

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

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

(A) pledged securities described by Section 2256.009;

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

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

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

(C) cash invested in accordance with Section:

(i) 2256.009;

(ii) 2256.013;

(iii) 2256.014; or

(iv) 2256.016;

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

(A) pledged to the investing entity;

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

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

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

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

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

(6) an agreement to lend securities that is executed under this section must have a term of one year or less.

Added by Acts 2003, 78th Leg., ch. 1227, Sec. 1, eff. Sept. 1, 2003.

Sec. 2256.012. AUTHORIZED INVESTMENTS: BANKER'S ACCEPTANCES. A bankers' acceptance is an authorized investment under this subchapter if the bankers' acceptance:

(1) has a stated maturity of 270 days or fewer from the date of its issuance;

(2) will be, in accordance with its terms, liquidated in full at maturity;

(3) is eligible for collateral for borrowing from a Federal Reserve Bank; and

(4) is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.

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

Sec. 2256.013. AUTHORIZED INVESTMENTS: COMMERCIAL PAPER. Commercial paper is an authorized investment under this subchapter if the commercial paper:

(1) has a stated maturity of 270 days or fewer from the date of its issuance; and

(2) is rated not less than A-1 or P-1 or an equivalent rating by at least:

(A) two nationally recognized credit rating agencies; or

(B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

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

Sec. 2256.014. AUTHORIZED INVESTMENTS: MUTUAL FUNDS.

(a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with and regulated by the Securities and Exchange Commission;

(2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.); and

(3) complies with federal Securities and Exchange Commission Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.).

(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-load mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with the Securities and Exchange Commission;

(2) has an average weighted maturity of less than two years; and

(3) either:

(A) has a duration of one year or more and is invested exclusively in obligations approved by this subchapter; or

(B) has a duration of less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities.

(c) An entity is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Subsection (b);

(2) invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Subsection (b); or

(3) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in

any one mutual fund described in Subsection (a) or (b) in an amount that exceeds 10 percent of the total assets of the mutual fund.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 7, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 8, eff. Sept. 1, 1999.
Amended by:

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 4, eff. June 14, 2017.

Sec. 2256.015. AUTHORIZED INVESTMENTS: GUARANTEED INVESTMENT CONTRACTS. (a) A guaranteed investment contract is an authorized investment for bond proceeds under this subchapter if the guaranteed investment contract:

(1) has a defined termination date;

(2) is secured by obligations described by Section 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and

(3) is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.

(b) Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested under this subchapter in a guaranteed investment contract with a term of longer than five years from the date of issuance of the bonds.

(c) To be eligible as an authorized investment:

(1) the governing body of the entity must specifically authorize guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds;

(2) the entity must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;

(3) the entity must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;

(4) the price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and

(5) the provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

(d) Section 1371.059(c) applies to the execution of a guaranteed investment contract by an investing entity.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 8, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 9, 10, eff. Sept. 1, 1999.
Amended by:

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 5, eff. June 14, 2017.

Sec. 2256.016. AUTHORIZED INVESTMENTS: INVESTMENT POOLS. (a) An entity may invest its funds and funds under its control through an eligible investment pool if the governing body of the entity by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this subchapter. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this subchapter and the investment policies and objectives adopted by the investment pool.

(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

(1) the types of investments in which money is allowed to be invested;

(2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;

(3) the maximum stated maturity date any investment security within the portfolio has;

(4) the objectives of the pool;

(5) the size of the pool;

(6) the names of the members of the advisory board of the pool and the dates their terms expire;

(7) the custodian bank that will safekeep the pool's assets;

(8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;

(9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;

(10) the name and address of the independent auditor of the pool;

(11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool;

(12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios; and

(13) the pool's policy regarding holding deposits in cash.

(c) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity:

(1) investment transaction confirmations; and

(2) a monthly report that contains, at a minimum, the following information:

(A) the types and percentage breakdown of securities in which the pool is invested;

(B) the current average dollar-weighted maturity, based on the stated maturity date, of the pool;

(C) the current percentage of the pool's portfolio in investments that have stated maturities of more than one year;

(D) the book value versus the market value of the pool's portfolio, using amortized cost valuation;

(E) the size of the pool;

(F) the number of participants in the pool;

(G) the custodian bank that is safekeeping the assets of the pool;

(H) a listing of daily transaction activity of the entity participating in the pool;

(I) the yield and expense ratio of the pool, including a statement regarding how yield is calculated;

(J) the portfolio managers of the pool; and

(K) any changes or addenda to the offering circular.

(d) An entity by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

(e) In this section, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

(f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool that uses amortized cost or fair value accounting must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a $1.00 net asset value, when rounded and expressed to two decimal places. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, the governing body of the public funds investment pool shall take action as the body determines necessary to eliminate or reduce to the extent reasonably practicable any dilution or unfair result to existing participants, including a sale of portfolio holdings to attempt to maintain the ratio between 0.995 and 1.005. In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool that uses amortized cost shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

(g) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool must have an advisory board composed:

(1) equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 and managed by a state agency; or

(2) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

(h) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

(i) If the investment pool operates an Internet website, the information in a disclosure instrument or report described in Subsections (b), (c)(2), and (f) must be posted on the website.

(j) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must make available to the entity an annual audited financial statement of the investment pool in which the entity has funds invested.

(k) If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 9, eff. Sept. 1, 1997.
Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 7, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 6, eff. June 14, 2017.

Sec. 2256.017. EXISTING INVESTMENTS. Except as provided by Chapter 2270, an entity is not required to liquidate investments that were authorized investments at the time of purchase.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.46(a), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 10, eff. Sept. 1, 1997. Amended by:

Acts 2017, 85th Leg., R.S., Ch. 96 (S.B. 253), Sec. 2, eff. May 23, 2017.

Sec. 2256.019. RATING OF CERTAIN INVESTMENT POOLS. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 11, eff. Sept. 1, 1997. Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 8, eff. June 17, 2011.

Sec. 2256.020. AUTHORIZED INVESTMENTS: INSTITUTIONS OF HIGHER EDUCATION. In addition to the authorized investments permitted by this subchapter, an institution of higher education may purchase, sell, and invest its funds and funds under its control in the following:

(1) cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986 (26 U.S.C. Section 501(f));

(2) negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency; and

(3) corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.

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

Sec. 2256.0201. AUTHORIZED INVESTMENTS; MUNICIPAL UTILITY. (a) A municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may enter into a hedging contract and related security and insurance agreements in relation to fuel oil, natural gas, coal, nuclear fuel, and electric energy to protect against loss due to price fluctuations. A hedging transaction must comply with the regulations of the Commodity Futures Trading Commission and the Securities and Exchange Commission. If there is a conflict between the municipal charter of the municipality and this chapter, this chapter prevails.

(b) A payment by a municipally owned electric or gas utility under a hedging contract or related agreement in relation to fuel supplies or fuel reserves is a fuel expense, and the utility may credit any amounts it receives under the contract or agreement against fuel expenses.

(c) The governing body of a municipally owned electric or gas utility or the body vested with power to manage and operate the municipally owned electric or gas utility may set policy regarding hedging transactions.

(d) In this section, "hedging" means the buying and selling of fuel oil, natural gas, coal, nuclear fuel, and electric energy futures or options or similar contracts on those commodities and related transportation costs as a protection against loss due to price fluctuation.

Added by Acts 1999, 76th Leg., ch. 405, Sec. 48, eff. Sept. 1, 1999. Amended by:

Acts 2007, 80th Leg., R.S., Ch. 7 (S.B. 495), Sec. 1, eff. April 13, 2007.

Sec. 2256.0202. AUTHORIZED INVESTMENTS: MUNICIPAL FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, a municipality may invest funds received by the municipality from a lease or contract for the management and development of land owned by the municipality and leased for oil, gas, or other mineral development in any investment

authorized to be made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).

(b) Funds invested by a municipality under this section shall be segregated and accounted for separately from other funds of the municipality.

Added by Acts 2009, 81st Leg., R.S., Ch. 1371 (S.B. 894), Sec. 1, eff. September 1, 2009.

Sec. 2256.0203. AUTHORIZED INVESTMENTS: PORTS AND NAVIGATION DISTRICTS. (a) In this section, "district" means a navigation district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(b) In addition to the authorized investments permitted by this subchapter, a port or district may purchase, sell, and invest its funds and funds under its control in negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency.

Added by Acts 2011, 82nd Leg., R.S., Ch. 804 (H.B. 2346), Sec. 1, eff. September 1, 2011.

Sec. 2256.0204. AUTHORIZED INVESTMENTS: INDEPENDENT SCHOOL DISTRICTS. (a) In this section, "corporate bond" means a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA-" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that:

(1) on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation; or

(2) is an unsecured debt obligation.

(b) This section applies only to an independent school district that qualifies as an issuer as defined by Section 1371.001.

(c) In addition to authorized investments permitted by this subchapter, an independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

(d) An independent school district subject to this section is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or

(2) invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

(e) An independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds if the governing body of the district:

(1) amends its investment policy to authorize corporate bonds as an eligible investment;

(2) adopts procedures to provide for:

(A) monitoring rating changes in corporate bonds acquired with public funds; and

(B) liquidating the investment in corporate bonds; and

(3) identifies the funds eligible to be invested in corporate bonds.

(f) The investment officer of an independent school district, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

(1) issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or

(2) changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.

(g) Corporate bonds are not an eligible investment for a public funds investment pool.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1347 (S.B. 1543), Sec. 1, eff. June 17, 2011.

Sec. 2256.0205. AUTHORIZED INVESTMENTS; DECOMMISSIONING TRUST. (a) In this section:

(1) "Decommissioning trust" means a trust created to provide the Nuclear Regulatory Commission assurance that funds will be available for decommissioning purposes as required under 10 C.F.R. Part 50 or other similar regulation.

(2) "Funds" includes any money held in a decommissioning trust regardless of whether the money is considered to be public funds under this subchapter.

(b) In addition to other investments authorized under this subchapter, a municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may invest funds held in a decommissioning trust in any investment authorized by Subtitle B, Title 9, Property Code.

Added by Acts 2005, 79th Leg., Ch. 121 (S.B. 1464), Sec. 1, eff. September 1, 2005.

Text of section as added by Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 7

For text of section as added by Acts 2017, 85th Leg., R.S., Ch. 344 (H.B. 1472), Sec. 1, see other Sec. 2256.0206.

Sec. 2256.0206. AUTHORIZED INVESTMENTS: HEDGING TRANSACTIONS. (a) In this section:

(1) "Eligible entity" means a political subdivision that has:

(A) a principal amount of at least $250 million in:

(i) outstanding long-term indebtedness;

(ii) long-term indebtedness proposed to be issued; or

(iii) a combination of outstanding long-term indebtedness and long-term indebtedness proposed to be issued; and

(B) outstanding long-term indebtedness that is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation.

(2) "Eligible project" has the meaning assigned by Section 1371.001.

(3) "Hedging" means acting to protect against economic loss due to price fluctuation of a commodity or related investment by entering into an offsetting position or using a financial agreement or producer price agreement in a correlated security, index, or other commodity.

(b) This section prevails to the extent of any conflict between this section and:

(1) another law; or

(2) an eligible entity's municipal charter, if applicable.

(c) The governing body of an eligible entity shall establish the entity's policy regarding hedging transactions.

(d) An eligible entity may enter into hedging transactions, including hedging contracts, and related security, credit, and insurance agreements in connection with commodities used by an eligible entity in the entity's general operations, with the acquisition or construction of a capital project, or with an eligible project. A hedging transaction must comply with the regulations of the federal Commodity Futures Trading Commission and the federal Securities and Exchange Commission.

(e) An eligible entity may pledge as security for and to the payment of a hedging contract or a security, credit, or insurance agreement any general or special revenues or funds the entity is authorized by law to pledge to the payment of any other obligation.

(f) Section 1371.059(c) applies to the execution by an eligible entity of a hedging contract and any related security, credit, or insurance agreement.

(g) An eligible entity may credit any amount the entity receives under a hedging contract against expenses associated with a commodity purchase.

(h) An eligible entity's cost of or payment under a hedging contract or agreement may be considered:

(1) an operation and maintenance expense of the eligible entity;

(2) an acquisition expense of the eligible entity;

(3) a project cost of an eligible project; or

(4) a construction expense of the eligible entity.

Added by Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 7, eff. June 14, 2017.

Text of section as added by Acts 2017, 85th Leg., R.S., Ch. 344 (H.B. 1472), Sec. 1

For text of section as added by Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 7, see other Sec. 2256.0206.

Sec. 2256.0206. AUTHORIZED INVESTMENTS: PUBLIC JUNIOR COLLEGE DISTRICT FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, the governing board of a public junior college district may invest funds received by the district from a lease or contract for the management and development of land owned by the district and leased for oil, gas, or other mineral development in any investment authorized to be made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).

(b) Funds invested by the governing board of a public junior college district under this section shall be segregated and accounted for separately from other funds of the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 344 (H.B. 1472), Sec. 1, eff. September 1, 2017.

Sec. 2256.021. EFFECT OF LOSS OF REQUIRED RATING. An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not

have the minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating.

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

Sec. 2256.022. EXPANSION OF INVESTMENT AUTHORITY. Expansion of investment authority granted by this chapter shall require a risk assessment by the state auditor or performed at the direction of the state auditor, subject to the legislative audit committee's approval of including the review in the audit plan under Section 321.013.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 42, eff. Sept. 1, 2003.

Sec. 2256.023. INTERNAL MANAGEMENT REPORTS. (a) Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds covered by this chapter for the preceding reporting period.

(b) The report must:

(1) describe in detail the investment position of the entity on the date of the report;

(2) be prepared jointly by all investment officers of the entity;

(3) be signed by each investment officer of the entity;

(4) contain a summary statement of each pooled fund group that states the:

(A) beginning market value for the reporting period;

(B) ending market value for the period; and

(C) fully accrued interest for the reporting period;

(5) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

(6) state the maturity date of each separately invested asset that has a maturity date;

(7) state the account or fund or pooled group fund in the state agency or local government for which each individual investment was acquired; and

(8) state the compliance of the investment portfolio of the state agency or local government as it relates to:

(A) the investment strategy expressed in the agency's or local government's investment policy; and

(B) relevant provisions of this chapter.

(c) The report shall be presented not less than quarterly to the governing body and the chief executive officer of the entity within a reasonable time after the end of the period.

(d) If an entity invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers under this section shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 12, eff. Sept. 1, 1997. Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 9, eff. June 17, 2011.

Sec. 2256.024. SUBCHAPTER CUMULATIVE. (a) The authority granted by this subchapter is in addition to that granted by other law. Except as provided by Subsection (b) and Section 2256.017, this subchapter does not:

(1) prohibit an investment specifically authorized by other law; or

(2) authorize an investment specifically prohibited by other law.

(b) Except with respect to those investing entities described in Subsection (c), a security described in Section 2256.009(b) is not an authorized investment for a state agency, a local government, or

another investing entity, notwithstanding any other provision of this chapter or other law to the contrary.

(c) Mortgage pass-through certificates and individual mortgage loans that may constitute an investment described in Section 2256.009(b) are authorized investments with respect to the housing bond programs operated by:

(1) the Texas Department of Housing and Community Affairs or a nonprofit corporation created to act on its behalf;

(2) an entity created under Chapter 392, Local Government Code; or

(3) an entity created under Chapter 394, Local Government Code.

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

Acts 2017, 85th Leg., R.S., Ch. 96 (S.B. 253), Sec. 3, eff. May 23, 2017.

Sec. 2256.025. SELECTION OF AUTHORIZED BROKERS. The governing body of an entity subject to this subchapter or the designated investment committee of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

Sec. 2256.026. STATUTORY COMPLIANCE. All investments made by entities must comply with this subchapter and all federal, state, and local statutes, rules, or regulations.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

SUBCHAPTER B. MISCELLANEOUS PROVISIONS

Sec. 2256.051. ELECTRONIC FUNDS TRANSFER. Any local government may use electronic means to transfer or invest all funds collected or controlled by the local government.

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

Sec. 2256.052. PRIVATE AUDITOR. Notwithstanding any other law, a state agency shall employ a private auditor if authorized by the legislative audit committee either on the committee's initiative or on request of the governing body of the agency.

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

Sec. 2256.053. PAYMENT FOR SECURITIES PURCHASED BY STATE. The comptroller or the disbursing officer of an agency that has the power to invest assets directly may pay for authorized securities purchased from or through a member in good standing of the National Association of Securities Dealers or from or through a national or state bank on receiving an invoice from the seller of the securities showing that the securities have been purchased by the board or agency and that the amount to be paid for the securities is just, due, and unpaid. A purchase of securities may not be made at a price that exceeds the existing market value of the securities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.67, eff. Sept. 1, 1997.

Sec. 2256.054. DELIVERY OF SECURITIES PURCHASED BY STATE. A security purchased under this chapter may be delivered to the comptroller, a bank, or the board or agency investing its funds. The delivery shall be made under normal and recognized practices in the securities and banking industries, including the book entry procedure of the Federal Reserve Bank.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.68, eff. Sept. 1, 1997.

Sec. 2256.055. DEPOSIT OF SECURITIES PURCHASED BY STATE. At the direction of the comptroller or the agency, a security purchased under this chapter may be deposited in trust with a bank or federal reserve bank or branch designated by the comptroller, whether in or outside the

state. The deposit shall be held in the entity's name as evidenced by a trust receipt of the bank with which the securities are deposited.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.69, eff. Sept. 1, 1997.

APPENDIX B

COUNCIL RESOLUTION

~~**September 13, 2017**~~**September 12, 2018**

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

WHEREAS, in 1995 and 1997 through ~~2016~~2017, the City Council amended the City's Investment Policy to incorporate amendments to the Public Funds Investment Act, improve management of the City's investments and reflect organizational changes; and

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

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

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

Section 1. That the attached City of Dallas Investment Policy and investment strategies have been reviewed by the City Council and shall be adopted as the guiding policy in the ongoing management of the specified funds in accordance with Federal and State law and the City Charter.

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

CITY OF DALLAS

INVESTMENT POLICY

As adopted by City Council
September 12, 2018

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Appendices

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

1.0 Policy

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

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

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

2.0 Scope

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

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

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

2.2 Funds not governed by this Policy include:

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

3.0 Objective

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

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

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

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

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

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

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

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

4.0 Delegation of Authority

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

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

5.0 Prudence

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

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

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

6.0 Ethics and Conflicts of Interest

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

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

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

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

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

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

7.0 Training

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

8.0 Authorized and Suitable Investments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.8 No-load mutual funds that are registered with and regulated by the Securities and Exchange Commission that meet the requirements of the PFIA and have provided the City with an offering circular and other information required by the Act.

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

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

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

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

To become eligible, investment pools must be approved by City Council action. Investments will be made in a local government investment pool only after a thorough investigation of the pool and approval by the Investment Committee which shall, at least annually, review, revise and adopt a list of approved pools. A pool approved by the Investment Committee shall invest its funds in investment types consistent with the Act and the pool's own adopted investment policies and objectives. An approved pool is not required to invest its funds in investment types according to the investment policies and objectives adopted by its participants.

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

9.0 Authorized Broker/Dealers and Financial Institutions

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

A written copy of this Investment Policy shall be presented to any person offering to engage in an investment transaction with the City. Investments shall only be made with those business organizations (including money market mutual funds and local government investment pools) which have provided the City with a written instrument executed by a qualified representative of the firm, acknowledging that the business organization has received and reviewed the City's Investment Policy in satisfaction of the business organization's duties under Financial Industry Regulatory Authority (FINRA) Rule 2111 (Suitability).

10.0 Competitive Bidding

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

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

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

11.0 Collateralization of Deposits

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

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

Eligible Collateral

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

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

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

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

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

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

12.0 Safekeeping and Custody

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

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

13.0 Diversification and Maximum Maturities

The City's Investment Pool will be diversified to limit market and credit risk by observing the limitations at the time of purchase as listed below. In order to ensure the ability of the City to meet obligations and to minimize potential liquidation losses, the dollar-weighted average stated maturity of the Investment Pool shall not exceed 1.5 years at the time investments are purchased for the Investment Pool. Funds managed as separately invested assets in Section 2.1 of the Policy are subject to all of the following with the exception of the Issuer Limitation on investment in U.S. Agencies and Instrumentalities. Funds managed as separately invested assets may be invested 100% in the obligations of any one U.S. Agency or Instrumentality.

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

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

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

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

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

14.0 Sale of Securities

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

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

15.0 Investment Committee

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

16.0 Investment Advisor

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

17.0 Investment Strategies

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

17.1 Investment Pool Strategy - The City's Investment Pool is an aggregation of the majority of City funds which includes tax receipts, enterprise fund revenues, fine and fee revenues, as well as some, but not all, bond proceeds, grants, gifts and endowments. This portfolio is maintained to meet anticipated daily cash needs for City of Dallas operations, capital projects and debt service. The objectives of this portfolio are to:

a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists;
b) ensure that anticipated cash flows are matched with adequate investment liquidity;
c) limit market and credit risk through diversification; and
d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy by managing the portfolio to meet or exceed the 12-month moving average yield on treasury one-year constant maturities as reported by Federal Reserve Statistical Release H.15.

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

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

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

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

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

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

17.5 Commercial Paper Funds Strategy – The City issues tax-exempt commercial paper notes as an interim financing tool for construction projects. The investment of the proceeds from the issuance of commercial paper debt should have a high degree of liquidity in order to fund payments to contractors. The objectives of this portfolio are to:

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

18.0 Reporting

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

Not less than quarterly the Investment Officers will submit to the standing finance committee of the city council described in Dallas City Charter, Chapter III, Section 13 (2), the City Manager, and the Mayor and City Council a written report of the status of the current investment portfolio. The report must meet the requirements of the Act.

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

19.0 Annual Compliance Audit

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

20.0 Investment Policy Adoption

The City's Investment Policy is hereby adopted by resolution of the City Council on September 12, 2018 in accordance with the PFIA.

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA): A not-for-profit organization authorized by Congress to ensure investor protection and market integrity through regulation of broker-dealers.

FINRA RULE 2111 (SUITABILITY): FINRA Rule 2111 requires, in part, that a broker-dealer or associated person "have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer, based on the information obtained through the reasonable diligence of the [firm] or associated person to ascertain the customer's investment profile."

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

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

INSTRUMENTALITIES: See Government-Sponsored Enterprises

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PAR: See Face Value

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

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

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

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

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

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

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

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

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

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

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

REVERSE REPURCHASE AGREEMENT: (See Repurchase Agreement)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX A

PUBLIC FUNDS INVESTMENT ACT

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2256. PUBLIC FUNDS INVESTMENT

SUBCHAPTER A. AUTHORIZED INVESTMENTS FOR GOVERNMENTAL ENTITIES

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

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

Sec. 2256.002. DEFINITIONS. In this chapter:

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

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

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

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

(B) the investing entity has authority to invest.

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

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

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

(A) preservation and safety of principal;

(B) liquidity; and

(C) yield.

(7) "Local government" means a municipality, a county, a school district, a district or authority created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, a fresh water supply district, a hospital district, and any political subdivision, authority, public corporation, body politic, or instrumentality of the State of Texas, and any nonprofit corporation acting on behalf of any of those entities.

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

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

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

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

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

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

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

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

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

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

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

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

(1) a local government;

(2) a state agency;

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

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

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

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

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

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

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

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

(3) an institution of higher education having total endowments of at least $150 million in book value on September 1, 2017;

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

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

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

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

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

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 1, eff. June 14, 2017.

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

(b) The investment policies must:

(1) be written;

(2) primarily emphasize safety of principal and liquidity;

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

(4) include:

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

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

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

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

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

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

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

(1) orally;

(2) in writing;

(3) electronically; or

(4) in any combination of those methods.

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

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

(2) preservation and safety of principal;

(3) liquidity;

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

(5) diversification of the investment portfolio; and

(6) yield.

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

(f) Each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees of the state agency, local government, or investment pool as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity. If the governing body of an investing entity has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the first investing entity for purposes of this chapter. Authority granted to a person to invest an entity's funds is effective until rescinded by the investing entity, until the expiration of the officer's term or the termination of the person's employment by the investing entity, or if an investment management firm, until the expiration of the contract with the investing entity. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the governing body of the investing entity retains ultimate responsibility as fiduciaries of the assets of the entity. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity.

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

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

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

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

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

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

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

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

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

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

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

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

(2) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment policy, except to the extent that this authorization:

(A) is dependent on an analysis of the makeup of the entity's entire portfolio;

(B) requires an interpretation of subjective investment standards; or

(C) relates to investment transactions of the entity that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority.

(l) The investment officer of an entity may not acquire or otherwise obtain any authorized investment described in the investment

policy of the investing entity from a business organization that has not delivered to the entity the instrument required by Subsection (k).

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

(n) Except as provided by Subsection (o), at least once every two years a state agency shall arrange for a compliance audit of management controls on investments and adherence to the agency's established investment policies. The compliance audit shall be performed by the agency's internal auditor or by a private auditor employed in the manner provided by Section 321.020. Not later than January 1 of each even-numbered year a state agency shall report the results of the most recent audit performed under this subsection to the state auditor. Subject to a risk assessment and to the legislative audit committee's approval of including a review by the state auditor in the audit plan under Section 321.013, the state auditor may review information provided under this section. If review by the state auditor is approved by the legislative audit committee, the state auditor may, based on its review, require a state agency to also report to the state auditor other information the state auditor determines necessary to assess compliance with laws and policies applicable to state agency investments. A report under this subsection shall be prepared in a manner the state auditor prescribes.

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

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

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 1, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 149 (H.B. 1701), Sec. 1, eff. September 1, 2017.

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

(1) preservation and safety of principal;

(2) liquidity; and

(3) yield.

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

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

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

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

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

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

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

(d) An investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from

any independent source approved by the governing body of the state agency. The investment officer shall prepare a report on this subchapter and deliver the report to the governing body of the state agency not later than the 180th day after the last day of each regular session of the legislature.

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

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 2, eff. June 17, 2011.

Sec. 2256.008. INVESTMENT TRAINING; LOCAL GOVERNMENTS.

(a) Except as provided by Subsections (a-1), (b), (b-1), (e), and (f), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

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

(2) attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

(a-1) In addition to the requirements of Subsection (a)(1), the treasurer, or the chief financial officer if the treasurer is not the

chief financial officer, and the investment officer of a school district or a municipality shall attend an investment training session not less than once in a two-year period that begins on the first day of the school district's or municipality's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than eight hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the school district or municipality, or by a designated investment committee advising the investment officer as provided for in the investment policy of the school district or municipality.

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

(b-1) A housing authority created under Chapter 392, Local Government Code, may satisfy the training requirement provided by Subsection (a)(2) by requiring the following person to attend, in each two-year period that begins on the first day of that housing authority's fiscal year and consists of the two consecutive fiscal years after that date, at least five hours of appropriate instruction:

(1) the treasurer, or the chief financial officer if the treasurer is not the chief financial officer, or the investment officer; or

(2) if the authority does not have an officer described by Subdivision (1), another officer of the authority.

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

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

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

(f) Subsection (a)(2) does not apply to an officer of a municipality or housing authority if the municipality or housing authority:

(1) does not invest municipal or housing authority funds, as applicable; or

(2) only deposits those funds in:

(A) interest-bearing deposit accounts; or

(B) certificates of deposit as authorized by Section 2256.010.

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

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 3, eff. June 17, 2011.

Acts 2015, 84th Leg., R.S., Ch. 222 (H.B. 1148), Sec. 1, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1248 (H.B. 870), Sec. 1, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 8.015, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1000 (H.B. 1238), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1000 (H.B. 1238), Sec. 2, eff. September 1, 2017.

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

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

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

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

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

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

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

(7) interest-bearing banking deposits that are guaranteed or insured by:

(A) the Federal Deposit Insurance Corporation or its successor; or

(B) the National Credit Union Share Insurance Fund or its successor; and

(8) interest-bearing banking deposits other than those described by Subdivision (7) if:

(A) the funds invested in the banking deposits are invested through:

(i) a broker with a main office or branch office in this state that the investing entity selects from a list the governing body or designated investment committee of the entity adopts as required by Section 2256.025; or

(ii) a depository institution with a main office or branch office in this state that the investing entity selects;

(B) the broker or depository institution selected as described by Paragraph (A) arranges for the deposit of the funds in the banking deposits in one or more federally insured depository institutions, regardless of where located, for the investing entity's account;

(C) the full amount of the principal and accrued interest of the banking deposits is insured by the United States or an instrumentality of the United States; and

(D) the investing entity appoints as the entity's custodian of the banking deposits issued for the entity's account:

(i) the depository institution selected as described by Paragraph (A);

(ii) an entity described by Section 2257.041(d); or

(iii) a clearing broker dealer registered with the Securities and Exchange Commission and operating under Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3).

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

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

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

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

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

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

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 4, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 2, eff. June 14, 2017.

Acts 2017, 85th Leg., R.S., Ch. 863 (H.B. 2647), Sec. 1, eff. June 15, 2017.

Acts 2017, 85th Leg., R.S., Ch. 874 (H.B. 2928), Sec. 1, eff. September 1, 2017.

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

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

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

(3) secured in accordance with Chapter 2257 or in any other manner and amount provided by law for deposits of the investing entity.

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

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

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

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

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

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

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

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

Amended by:

Acts 2005, 79th Leg., Ch. 128 (H.B. 256), Sec. 1, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 5, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 874 (H.B. 2928), Sec. 2, eff. September 1, 2017.

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

(1) has a defined termination date;

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

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

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

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

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

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

(e) Section 1371.059(c) applies to the execution of a repurchase agreement by an investing entity.

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

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 6, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 3, eff. June 14, 2017.

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

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

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

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

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

(A) pledged securities described by Section 2256.009;

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

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

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

(C) cash invested in accordance with Section:

(i) 2256.009;

(ii) 2256.013;

(iii) 2256.014; or

(iv) 2256.016;

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

(A) pledged to the investing entity;

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

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

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

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

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

(6) an agreement to lend securities that is executed under this section must have a term of one year or less.

Added by Acts 2003, 78th Leg., ch. 1227, Sec. 1, eff. Sept. 1, 2003.

Sec. 2256.012. AUTHORIZED INVESTMENTS: BANKER'S ACCEPTANCES. A bankers' acceptance is an authorized investment under this subchapter if the bankers' acceptance:

(1) has a stated maturity of 270 days or fewer from the date of its issuance;

(2) will be, in accordance with its terms, liquidated in full at maturity;

(3) is eligible for collateral for borrowing from a Federal Reserve Bank; and

(4) is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.

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

Sec. 2256.013. AUTHORIZED INVESTMENTS: COMMERCIAL PAPER. Commercial paper is an authorized investment under this subchapter if the commercial paper:

(1) has a stated maturity of 270 days or fewer from the date of its issuance; and

(2) is rated not less than A-1 or P-1 or an equivalent rating by at least:

(A) two nationally recognized credit rating agencies; or

(B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

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

Sec. 2256.014. AUTHORIZED INVESTMENTS: MUTUAL FUNDS.

(a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with and regulated by the Securities and Exchange Commission;

(2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.); and

(3) complies with federal Securities and Exchange Commission Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.).

(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-load mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with the Securities and Exchange Commission;

(2) has an average weighted maturity of less than two years; and

(3) either:

(A) has a duration of one year or more and is invested exclusively in obligations approved by this subchapter; or

(B) has a duration of less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities.

(c) An entity is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Subsection (b);

(2) invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Subsection (b); or

(3) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in

any one mutual fund described in Subsection (a) or (b) in an amount that exceeds 10 percent of the total assets of the mutual fund.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 7, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 8, eff. Sept. 1, 1999.
Amended by:

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 4, eff. June 14, 2017.

Sec. 2256.015. AUTHORIZED INVESTMENTS: GUARANTEED INVESTMENT CONTRACTS. (a) A guaranteed investment contract is an authorized investment for bond proceeds under this subchapter if the guaranteed investment contract:

(1) has a defined termination date;

(2) is secured by obligations described by Section 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and

(3) is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.

(b) Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested under this subchapter in a guaranteed investment contract with a term of longer than five years from the date of issuance of the bonds.

(c) To be eligible as an authorized investment:

(1) the governing body of the entity must specifically authorize guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds;

(2) the entity must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;

(3) the entity must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;

(4) the price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and

(5) the provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

(d) Section 1371.059(c) applies to the execution of a guaranteed investment contract by an investing entity.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 8, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 9, 10, eff. Sept. 1, 1999.
Amended by:

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 5, eff. June 14, 2017.

Sec. 2256.016. AUTHORIZED INVESTMENTS: INVESTMENT POOLS. (a) An entity may invest its funds and funds under its control through an eligible investment pool if the governing body of the entity by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this subchapter. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this subchapter and the investment policies and objectives adopted by the investment pool.

(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

(1) the types of investments in which money is allowed to be invested;

(2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;

(3) the maximum stated maturity date any investment security within the portfolio has;

(4) the objectives of the pool;

(5) the size of the pool;

(6) the names of the members of the advisory board of the pool and the dates their terms expire;

(7) the custodian bank that will safekeep the pool's assets;

(8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;

(9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;

(10) the name and address of the independent auditor of the pool;

(11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool;

(12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios; and

(13) the pool's policy regarding holding deposits in cash.

(c) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity:

(1) investment transaction confirmations; and

(2) a monthly report that contains, at a minimum, the following information:

(A) the types and percentage breakdown of securities in which the pool is invested;

(B) the current average dollar-weighted maturity, based on the stated maturity date, of the pool;

(C) the current percentage of the pool's portfolio in investments that have stated maturities of more than one year;

(D) the book value versus the market value of the pool's portfolio, using amortized cost valuation;

(E) the size of the pool;

(F) the number of participants in the pool;

(G) the custodian bank that is safekeeping the assets of the pool;

(H) a listing of daily transaction activity of the entity participating in the pool;

(I) the yield and expense ratio of the pool, including a statement regarding how yield is calculated;

(J) the portfolio managers of the pool; and

(K) any changes or addenda to the offering circular.

(d) An entity by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

(e) In this section, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

(f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool that uses amortized cost or fair value accounting must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a $1.00 net asset value, when rounded and expressed to two decimal places. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, the governing body of the public funds investment pool shall take action as the body determines necessary to eliminate or reduce to the extent reasonably practicable any dilution or unfair result to existing participants, including a sale of portfolio holdings to attempt to maintain the ratio between 0.995 and 1.005. In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool that uses amortized cost shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

(g) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool must have an advisory board composed:

(1) equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 and managed by a state agency; or

(2) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

(h) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

(i) If the investment pool operates an Internet website, the information in a disclosure instrument or report described in Subsections (b), (c)(2), and (f) must be posted on the website.

(j) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must make available to the entity an annual audited financial statement of the investment pool in which the entity has funds invested.

(k) If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 9, eff. Sept. 1, 1997.
Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 7, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 6, eff. June 14, 2017.

Sec. 2256.017. EXISTING INVESTMENTS. Except as provided by Chapter 2270, an entity is not required to liquidate investments that were authorized investments at the time of purchase.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.46(a), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 10, eff. Sept. 1, 1997. Amended by:

Acts 2017, 85th Leg., R.S., Ch. 96 (S.B. 253), Sec. 2, eff. May 23, 2017.

Sec. 2256.019. RATING OF CERTAIN INVESTMENT POOLS. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 11, eff. Sept. 1, 1997. Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 8, eff. June 17, 2011.

Sec. 2256.020. AUTHORIZED INVESTMENTS: INSTITUTIONS OF HIGHER EDUCATION. In addition to the authorized investments permitted by this subchapter, an institution of higher education may purchase, sell, and invest its funds and funds under its control in the following:

(1) cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986 (26 U.S.C. Section 501(f));

(2) negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency; and

(3) corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.

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

Sec. 2256.0201. AUTHORIZED INVESTMENTS; MUNICIPAL UTILITY. (a) A municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may enter into a hedging contract and related security and insurance agreements in relation to fuel oil, natural gas, coal, nuclear fuel, and electric energy to protect against loss due to price fluctuations. A hedging transaction must comply with the regulations of the Commodity Futures Trading Commission and the Securities and Exchange Commission. If there is a conflict between the municipal charter of the municipality and this chapter, this chapter prevails.

(b) A payment by a municipally owned electric or gas utility under a hedging contract or related agreement in relation to fuel supplies or fuel reserves is a fuel expense, and the utility may credit any amounts it receives under the contract or agreement against fuel expenses.

(c) The governing body of a municipally owned electric or gas utility or the body vested with power to manage and operate the municipally owned electric or gas utility may set policy regarding hedging transactions.

(d) In this section, "hedging" means the buying and selling of fuel oil, natural gas, coal, nuclear fuel, and electric energy futures or options or similar contracts on those commodities and related transportation costs as a protection against loss due to price fluctuation.

Added by Acts 1999, 76th Leg., ch. 405, Sec. 48, eff. Sept. 1, 1999. Amended by:

Acts 2007, 80th Leg., R.S., Ch. 7 (S.B. 495), Sec. 1, eff. April 13, 2007.

Sec. 2256.0202. AUTHORIZED INVESTMENTS: MUNICIPAL FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, a municipality may invest funds received by the municipality from a lease or contract for the management and development of land owned by the municipality and leased for oil, gas, or other mineral development in any investment

authorized to be made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).

(b) Funds invested by a municipality under this section shall be segregated and accounted for separately from other funds of the municipality.

Added by Acts 2009, 81st Leg., R.S., Ch. 1371 (S.B. 894), Sec. 1, eff. September 1, 2009.

Sec. 2256.0203. AUTHORIZED INVESTMENTS: PORTS AND NAVIGATION DISTRICTS. (a) In this section, "district" means a navigation district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(b) In addition to the authorized investments permitted by this subchapter, a port or district may purchase, sell, and invest its funds and funds under its control in negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency.

Added by Acts 2011, 82nd Leg., R.S., Ch. 804 (H.B. 2346), Sec. 1, eff. September 1, 2011.

Sec. 2256.0204. AUTHORIZED INVESTMENTS: INDEPENDENT SCHOOL DISTRICTS. (a) In this section, "corporate bond" means a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA-" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that:

(1) on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation; or

(2) is an unsecured debt obligation.

(b) This section applies only to an independent school district that qualifies as an issuer as defined by Section 1371.001.

(c) In addition to authorized investments permitted by this subchapter, an independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

(d) An independent school district subject to this section is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or

(2) invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

(e) An independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds if the governing body of the district:

(1) amends its investment policy to authorize corporate bonds as an eligible investment;

(2) adopts procedures to provide for:

(A) monitoring rating changes in corporate bonds acquired with public funds; and

(B) liquidating the investment in corporate bonds; and

(3) identifies the funds eligible to be invested in corporate bonds.

(f) The investment officer of an independent school district, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

(1) issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or

(2) changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.

(g) Corporate bonds are not an eligible investment for a public funds investment pool.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1347 (S.B. 1543), Sec. 1, eff. June 17, 2011.

Sec. 2256.0205. AUTHORIZED INVESTMENTS; DECOMMISSIONING TRUST. (a) In this section:

(1) "Decommissioning trust" means a trust created to provide the Nuclear Regulatory Commission assurance that funds will be available for decommissioning purposes as required under 10 C.F.R. Part 50 or other similar regulation.

(2) "Funds" includes any money held in a decommissioning trust regardless of whether the money is considered to be public funds under this subchapter.

(b) In addition to other investments authorized under this subchapter, a municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may invest funds held in a decommissioning trust in any investment authorized by Subtitle B, Title 9, Property Code.

Added by Acts 2005, 79th Leg., Ch. 121 (S.B. 1464), Sec. 1, eff. September 1, 2005.

Text of section as added by Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 7

For text of section as added by Acts 2017, 85th Leg., R.S., Ch. 344 (H.B. 1472), Sec. 1, see other Sec. 2256.0206.

Sec. 2256.0206. AUTHORIZED INVESTMENTS: HEDGING TRANSACTIONS. (a) In this section:

(1) "Eligible entity" means a political subdivision that has:

(A) a principal amount of at least $250 million in:

(i) outstanding long-term indebtedness;

(ii) long-term indebtedness proposed to be issued; or

(iii) a combination of outstanding long-term indebtedness and long-term indebtedness proposed to be issued; and

(B) outstanding long-term indebtedness that is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation.

(2) "Eligible project" has the meaning assigned by Section 1371.001.

(3) "Hedging" means acting to protect against economic loss due to price fluctuation of a commodity or related investment by entering into an offsetting position or using a financial agreement or producer price agreement in a correlated security, index, or other commodity.

(b) This section prevails to the extent of any conflict between this section and:

(1) another law; or

(2) an eligible entity's municipal charter, if applicable.

(c) The governing body of an eligible entity shall establish the entity's policy regarding hedging transactions.

(d) An eligible entity may enter into hedging transactions, including hedging contracts, and related security, credit, and insurance agreements in connection with commodities used by an eligible entity in the entity's general operations, with the acquisition or construction of a capital project, or with an eligible project. A hedging transaction must comply with the regulations of the federal Commodity Futures Trading Commission and the federal Securities and Exchange Commission.

(e) An eligible entity may pledge as security for and to the payment of a hedging contract or a security, credit, or insurance agreement any general or special revenues or funds the entity is authorized by law to pledge to the payment of any other obligation.

(f) Section 1371.059(c) applies to the execution by an eligible entity of a hedging contract and any related security, credit, or insurance agreement.

(g) An eligible entity may credit any amount the entity receives under a hedging contract against expenses associated with a commodity purchase.

(h) An eligible entity's cost of or payment under a hedging contract or agreement may be considered:

(1) an operation and maintenance expense of the eligible entity;

(2) an acquisition expense of the eligible entity;

(3) a project cost of an eligible project; or

(4) a construction expense of the eligible entity.

Added by Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 7, eff. June 14, 2017.

Text of section as added by Acts 2017, 85th Leg., R.S., Ch. 344 (H.B. 1472), Sec. 1

For text of section as added by Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 7, see other Sec. 2256.0206.

Sec. 2256.0206. AUTHORIZED INVESTMENTS: PUBLIC JUNIOR COLLEGE DISTRICT FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, the governing board of a public junior college district may invest funds received by the district from a lease or contract for the management and development of land owned by the district and leased for oil, gas, or other mineral development in any investment authorized to be made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).

(b) Funds invested by the governing board of a public junior college district under this section shall be segregated and accounted for separately from other funds of the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 344 (H.B. 1472), Sec. 1, eff. September 1, 2017.

Sec. 2256.021. EFFECT OF LOSS OF REQUIRED RATING. An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not

have the minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating.

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

Sec. 2256.022. EXPANSION OF INVESTMENT AUTHORITY. Expansion of investment authority granted by this chapter shall require a risk assessment by the state auditor or performed at the direction of the state auditor, subject to the legislative audit committee's approval of including the review in the audit plan under Section 321.013.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 42, eff. Sept. 1, 2003.

Sec. 2256.023. INTERNAL MANAGEMENT REPORTS. (a) Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds covered by this chapter for the preceding reporting period.

(b) The report must:

(1) describe in detail the investment position of the entity on the date of the report;

(2) be prepared jointly by all investment officers of the entity;

(3) be signed by each investment officer of the entity;

(4) contain a summary statement of each pooled fund group that states the:

(A) beginning market value for the reporting period;

(B) ending market value for the period; and

(C) fully accrued interest for the reporting period;

(5) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

(6) state the maturity date of each separately invested asset that has a maturity date;

(7) state the account or fund or pooled group fund in the state agency or local government for which each individual investment was acquired; and

(8) state the compliance of the investment portfolio of the state agency or local government as it relates to:

(A) the investment strategy expressed in the agency's or local government's investment policy; and

(B) relevant provisions of this chapter.

(c) The report shall be presented not less than quarterly to the governing body and the chief executive officer of the entity within a reasonable time after the end of the period.

(d) If an entity invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers under this section shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 12, eff. Sept. 1, 1997. Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 9, eff. June 17, 2011.

Sec. 2256.024. SUBCHAPTER CUMULATIVE. (a) The authority granted by this subchapter is in addition to that granted by other law. Except as provided by Subsection (b) and Section 2256.017, this subchapter does not:

(1) prohibit an investment specifically authorized by other law; or

(2) authorize an investment specifically prohibited by other law.

(b) Except with respect to those investing entities described in Subsection (c), a security described in Section 2256.009(b) is not an authorized investment for a state agency, a local government, or

another investing entity, notwithstanding any other provision of this chapter or other law to the contrary.

(c) Mortgage pass-through certificates and individual mortgage loans that may constitute an investment described in Section 2256.009(b) are authorized investments with respect to the housing bond programs operated by:

(1) the Texas Department of Housing and Community Affairs or a nonprofit corporation created to act on its behalf;

(2) an entity created under Chapter 392, Local Government Code; or

(3) an entity created under Chapter 394, Local Government Code.

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

Acts 2017, 85th Leg., R.S., Ch. 96 (S.B. 253), Sec. 3, eff. May 23, 2017.

Sec. 2256.025. SELECTION OF AUTHORIZED BROKERS. The governing body of an entity subject to this subchapter or the designated investment committee of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

Sec. 2256.026. STATUTORY COMPLIANCE. All investments made by entities must comply with this subchapter and all federal, state, and local statutes, rules, or regulations.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

SUBCHAPTER B. MISCELLANEOUS PROVISIONS

Sec. 2256.051. ELECTRONIC FUNDS TRANSFER. Any local government may use electronic means to transfer or invest all funds collected or controlled by the local government.

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

Sec. 2256.052. PRIVATE AUDITOR. Notwithstanding any other law, a state agency shall employ a private auditor if authorized by the legislative audit committee either on the committee's initiative or on request of the governing body of the agency.

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

Sec. 2256.053. PAYMENT FOR SECURITIES PURCHASED BY STATE. The comptroller or the disbursing officer of an agency that has the power to invest assets directly may pay for authorized securities purchased from or through a member in good standing of the National Association of Securities Dealers or from or through a national or state bank on receiving an invoice from the seller of the securities showing that the securities have been purchased by the board or agency and that the amount to be paid for the securities is just, due, and unpaid. A purchase of securities may not be made at a price that exceeds the existing market value of the securities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.67, eff. Sept. 1, 1997.

Sec. 2256.054. DELIVERY OF SECURITIES PURCHASED BY STATE. A security purchased under this chapter may be delivered to the comptroller, a bank, or the board or agency investing its funds. The delivery shall be made under normal and recognized practices in the securities and banking industries, including the book entry procedure of the Federal Reserve Bank.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.68, eff. Sept. 1, 1997.

Sec. 2256.055. DEPOSIT OF SECURITIES PURCHASED BY STATE. At the direction of the comptroller or the agency, a security purchased under this chapter may be deposited in trust with a bank or federal reserve bank or branch designated by the comptroller, whether in or outside the

state. The deposit shall be held in the entity's name as evidenced by a trust receipt of the bank with which the securities are deposited.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.69, eff. Sept. 1, 1997.

APPENDIX B

COUNCIL RESOLUTION

September 12, 2018

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

WHEREAS, in 1995 and 1997 through 2017, the City Council amended the City's Investment Policy to incorporate amendments to the Public Funds Investment Act, improve management of the City's investments and reflect organizational changes; and

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

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

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

Section 1. That the attached City of Dallas Investment Policy and investment strategies have been reviewed by the City Council and shall be adopted as the guiding policy in the ongoing management of the specified funds in accordance with Federal and State law and the City Charter.

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

Agenda Information Sheet

File #: 18-574 **Item #:** 6.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Court & Detention Services

EXECUTIVE: Jon Fortune

SUBJECT

Authorize payment to Dallas County for processing and maintaining City prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2018 through September 30, 2019 - Not to exceed $8,908,016.00 - Financing: General Fund (subject to appropriations)

BACKGROUND

On November 22, 1978, City Council authorized a Criminal Justice Center Memorandum of Agreement (MOA) with Dallas County which granted the City a leasehold in the Lew Sterrett Criminal Justice Center for processing and maintaining City jail prisoners. Since then, the MOA has been amended four times to clarify terms and refine cost methodology. Amendment No. 4 was approved by City Council on June 11, 1997.

The FY 2018-19 contract cost of $8,908,016.00 represents an increase of $423,372.00 or 5 percent from FY 2017-18. This increase is primarily due to an increase in the County's personnel costs.

City and Dallas County staff are currently conducting a comprehensive review to evaluate the terms of the agreement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 2013, City Council authorized payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2013 through September 30, 2014, by Resolution No. 13-1679.

On September 24, 2014, City Council authorized payment to Dallas County for processing and

housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2014 through September 30, 2015, by Resolution No. 14-1595.

On September 22, 2015, City Council authorized payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2015 through September 30, 2016, by Resolution No. 15-1747.

On September 28, 2016, City Council authorized payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2016 through September 30, 2017, by Resolution No. 16-1560.

On September 27, 2017, City Council authorized payment to Dallas County for processing and maintaining City prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2017 through September 30, 2018, by Resolution No. 17-1536.

City Council was briefed by memorandum regarding this matter on August 24,2018.

FISCAL INFORMATION

General Fund - $8,908,016.00 (subject to appropriations)

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WHEREAS, on November 22, 1978, City Council authorized the Criminal Justice Center Memorandum of Agreement between the City of Dallas and Dallas County, and amendments thereto, granting the City a leasehold estate in the Lew Sterrett Criminal Justice Center for processing and maintaining City jail prisoners for as long as the Lew Sterrett Criminal Justice Center was used as a jail facility by Resolution No. 78-3303; and

WHEREAS, on June 11, 1997, City Council authorized Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County which established a new cost methodology, for the housing of City prisoners at the Lew Sterrett Criminal Justice Center and adjusts the City's cost for jail services for FY 96-97, in an amount not to exceed $4,647,714.00, by Resolution No. 97-1995; and

WHEREAS, on September 25, 2013, City Council authorized payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2013 through September 30, 2014, in an amount not to exceed $8,713,637.00, by Resolution No. 13-1679; and

WHEREAS, on September 24, 2014, City Council authorized payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2014 through September 30, 2015, in an amount not to exceed $7,983,142.00, by Resolution No. 14-1595; and

WHEREAS, on September 22, 2015, City Council authorized payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2015 through September 30, 2016, in an amount not to exceed $7,557,391.00, by Resolution No. 15-1747; and

WHEREAS, on September 28, 2016, City Council authorized payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2016 through September 30, 2017, in an amount not to exceed $7,812,862.00, by Resolution No. 16-1560; and

WHEREAS, on September 27, 2017, City Council authorized payment to Dallas County for processing and maintaining City prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2017 through September 30, 2018, in an amount not to exceed $8,484,644.00, by Resolution No. 17-1536; and

WHEREAS, this methodology allows the City to pay Dallas County for the cost of processing and maintaining City prisoners on a per-prisoner basis beginning each fiscal year; and

WHEREAS, the City is required to pay Dallas County on a monthly basis for the City's share of jail operation costs as prescribed in Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement; and

WHEREAS, Dallas County's calculation of $8,908,016.00 for processing and maintaining City prisoners at the Lew Sterrett Criminal Justice Center for FY 2018-19 has been reviewed by the City and determined to be equitable.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to pay Dallas County for processing and maintaining City prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2018 through September 30, 2019, in an amount not to exceed $8,908,016.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $8,908,016.00 (subject to appropriations) to Dallas County from Fund 0001, Department CTS, Unit 1059, Object 3099, Encumbrance/Contract No. MASC CTS-2018-00002427, Vendor 014003.

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 #: 18-691 **Item #:** 7.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize a professional services contract with Huitt-Zollars, Inc. to provide construction administration and close-out services for the Security Controls Enhancement Project at Dallas Love Field - Not to exceed $413,206.68 - Financing: Aviation Capital Construction Funds

BACKGROUND

The Department of Aviation, in support of Federal Security Regulations (CFR 1542.201 and 1542.207), continues to assess and make improvements to the Dallas Love Field Airport security. On November 12, 2014, City Council authorized a professional services contract with Huitt-Zollars, Inc. to provide engineering services to review, design, and implement both physical and technological security enhancements.

The Department of Aviation has previously completed design work, advertised, accepted construction bids for this project. On August 22, 2018 City Council authorized a construction contract with Construction-Rent-A-Fence, Inc. for the construction of the Security Controls Enhancement Project at Dallas Love Field. However, given the previous expiration of the design contract term with Huitt-Zollars, Inc., a new contract for Construction Administration services must be awarded in order to use the expertise and familiarity that the original design firm possesses. The Department of Aviation obtained the concurrence of the City Manager's Office for the utilization of the Special Need Justification procurement process.

This action will authorize a professional services contract with Huitt-Zollars, Inc. for construction administration and close-out services.

ESTIMATED SCHEDULE OF PROJECT

Began Design	November 2015
Completed Design	March 2018
Begin Construction	October 2018

Complete Construction November 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 12, 2014, City Council authorized a professional services contract with Huitt-Zollars, Inc. to provide engineering services for perimeter security control enhancements at Dallas Love Field Airport located at 8008 Cedar Springs Road by Resolution No. 14-1918.

On August 22, 2018, City Council authorized a contract with Construction Rent-A-Fence, Inc. for the construction of the Security Controls Enhancement Project at Dallas Love Field by Resolution No. 18 -1127.

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Aviation Capital Construction Funds - $413,206.68

Design	$ 999,618.10
Construction Administration (this action)	$ 413,206.68
Materials Testing	$ 49,000.00 (est.)
Construction	$4,263,599.60
Total Project Cost	$5,725,424.38 (est.)

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$413,206.68	Architecture & Engineering	25.66%	55.09%	$227,626.68
• This contract exceeds the M/WBE goal.				

OWNER

Huitt-Zollars, Inc.

Robert J. McDermott, P.E., Vice President

MAP

Attached

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Diagram of Dallas Love Field Security Controls Enhancement locations

N

WHEREAS, the perimeter boundaries of Dallas Love Field are defined by secure metal fencing and gates; and

WHEREAS, the Department of Aviation maintains maximum operational safety and security at Dallas Love Field; and

WHEREAS, adding new security features to Dallas Love Field perimeter fence will help deter vehicular breaches from local streets; and

WHEREAS, on November 12, 2014, City Council authorized a professional services contract with Huitt-Zollars Inc. to provide engineering services for perimeter security control enhancements at Dallas Love Field Airport located at 8008 Cedar Springs Road, in an amount not to exceed $999,618.10, by Resolution No. 14-1918; and

WHEREAS, on August 22, 2018, City Council authorized a contract with Construction Rent-A-Fence, Inc. for the construction of the Security Controls Enhancement Project at Dallas Love Field, in amount not to exceed $4,263,599.60, by Resolution No. 18-1127; and

WHEREAS, it is now necessary to authorize a professional services contract with Huitt-Zollars, Inc. to provide construction administration and close-out services for the Security Controls Enhancement Project at Dallas Love Field, in an amount not to exceed $413,206.68.

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, to provide construction administration and close-out services for the Security Controls Enhancement Project at Dallas Love Field, in an amount not to exceed $413,206.68.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $413,206.68 to Huitt-Zollars, Inc. in accordance with the terms and conditions of the contract from the Aviation Capital Construction Fund, Fund 0131, Department AVI, Unit P746, Object 4116, Activity AAIP, Program P746, Commodity 92500, Encumbrance/Contract No. CX-AVI-2018-00007359, Vendor 090025.

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 #: 18-661 **Item #:** 8.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	September 12, 2018
COUNCIL DISTRICT(S):	3
DEPARTMENT:	Department of Aviation
EXECUTIVE:	Kimberly Bizor Tolbert

SUBJECT

Authorize a contract for the construction of the Dallas Executive Airport Fuel Farm and Paving Project - Austin Bridge & Road, L.P., lowest responsive bidder of three - Not to exceed $5,515,784.40 - Financing: Aviation Capital Construction Funds

BACKGROUND

Dallas Executive Airport occupies approximately 1,070 acres of property in the south-central quadrant of the City of Dallas, approximately six miles south of the City's central business district. The total general aviation apron area at the airport is approximately 50,000 square yards.

The Department of Aviation recognized a need to expand the current fuel farm and spill protection area to allow the Dallas Executive Airport to expand its fueling program and improve the existing taxiway and apron pavement system. This project was initiated to install a new fuel farm facility along Challenger Drive. Tanks to be installed include two 20,000-gallon jet aviation fuel storage tanks and two 12,000-gallon aviation gas fuel storage tanks. Configuration of new fuel farm provides space for future expansion of two additional tanks. This project also includes new run-up apron at the existing Taxiway C and adds an apron on the westside to accommodate the future Taxiway E.

On June 6, 2018, the Dallas Executive Airport Fuel Farm and Paving Project was publicly advertised for construction bids in the first of three published advertisements. On June 29, 2018, three bids were received. Austin Bridge & Road, L.P. was the apparent low bidder of the three, and it is recommended that the City of Dallas enter into a construction contract with Austin Bridge & Road, L.P. for the scope of work detailed in the project specifications and construction documents.

This action will authorize a construction contract with Austin Bridge & Road, L.P. to complete the Dallas Executive Airport Fuel Farm and Paving Project.

The following chart illustrates Austin Bridge & Road LP's contractual activities for the last three years:

	AVI
Projects Awarded	1
Projects Completed	0
Change Orders	0
Projects Requiring Liquidated Damages	0
Projects Completed by Bonding Company	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	November 2017
Completed Design	May 2018
Begin Construction	October 2018
Complete Construction	August 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 25, 2017, City Council authorized a professional services contract with Garver, LLC to provide engineering design services for the Fuel Farm and Paving Project at Dallas Executive Airport by Resolution No. 17-1644.

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Aviation Capital Construction Funds - $5,515,784.40

Design	$ 524,100.00
Supplemental Agreement No. 1 (concurrent action)	$ 313,600.00
Construction (this action)	$5,515,784.40
Total Project Cost	$6,353,484.40 (est.)

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$5,515,784.40	Construction	25.00%	25.00%	$1,307,204.75
• This contract meets the M/WBE goal.				

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PROCUREMENT INFORMATION

The following three bids were received and opened on June 29, 2018:

*Denotes successful bidder

Bidders	Bid Amount
*Austin Bridge & Road, L.P. 6330Commerce Drive, Suite 150 Irving, TX 75063	$5,515,784.40
Lansford Company, Inc. P.O. Box 708 Lampasas, TX 76550	$5,532,398.69
Texas Standard Construction P.O. Box 210768 Dallas, TX 75211	$5,779,452.32

OWNER

Austin Bridge & Road, L.P.

Mike Manning, Executive Vice President

MAP

Attached

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Diagram of DEA Fuel Farm and Paving Project locations

September 12, 2018

WHEREAS, the City of Dallas works to enhance the city's economic vibrancy, particularly within the city's southern sector; and

WHEREAS, Dallas Executive Airport is proven to be a significant economic generator within the city's southern sector; and

WHEREAS, the Department of Aviation has plans to improve existing taxiway and apron pavement system to provide connection to future westside development, as well as replacing fuel farm and spill protection area for better customer service; and

WHEREAS, on October 25, 2017, City Council authorized a professional services contract with Garver, LLC to provide engineering design services for Fuel Farm and Paving Project at the Dallas Executive Airport, in an amount not to exceed $524,100.00, by Resolution No. 17-1644; and

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

WHEREAS, bids were publicly advertised, received and opened on June 29, 2018 for the Dallas Executive Airport Fuel Farm and Paving Project as follows:

Bidders	**Bid Amount**
Austin Bridge & Road, L.P.	$5,515,784.40
Lansford Company Inc.	$5,532,398.69
Texas Standard Construction	$5,779,452.32

WHEREAS, it is now necessary to authorize a contract with Austin Bridge & Road, L.P., lowest responsive bidder of three, for the construction of the Dallas Executive Airport Fuel Farm and Paving Project, in an amount not to exceed $5,515,784.40.

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 Austin Bridge & Road, L.P., approved as to form by the City Attorney, for the construction of the Dallas Executive Airport Fuel Farm and Paving Project, in an amount not to exceed $5,515,784.40.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $5,515,784.40 to Austin Bridge & Road, L.P. in accordance with the terms and conditions of the contract from the Aviation Capital Construction Fund, Fund 0131, Department AVI, Unit W158, Object 4599, Activity AAIP, Program AVW158, Encumbrance/Contract No. CX-AVI-2018-00007289, Commodity 91200, Vendor 505455.

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 #: 18-658 **Item #:** 9.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 3

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Garver, LLC for construction administration and construction inspection services for Dallas Executive Airport Fuel Farm and Paving Project - Not to exceed $313,600.00, from $524,100.00 to $837,700.00 - Financing: Aviation Capital Construction Funds

BACKGROUND

On October 25, 2017, City Council authorized a professional services contract with Garver, LLC to provide engineering design services or the Fuel Farm and Paving Project at Dallas Executive Airport, in an amount not to exceed $524,100.00, by Resolution No. 17-1644.

The project was scoped to include improved drainage design in middle portion of Runway 13-31; improved apron layout and run-up access for Taxiway C; and pavement changes to anticipate future Taxiway E along west side of Runway 13-31. The scope of work also included design of replacement fuel farm system with a state-of-the-art spill prevention facility.

This action will authorize Supplemental Agreement No. 1 to the professional services contract with Garver, LLC for provision of required on-site Resident Project Representative, Construction Materials Testing, Construction Administration, and Construction Close-out services for the Dallas Executive Airport Fuel Farm and Paving Project. A concurrent action will authorize a construction contract with Austin Bridge & Road, L.P., successful bidder of three.

ESTIMATED SCHEDULE OF PROJECT

Began Design	November 2017
Completed Design	May 2018
Begin Construction	October 2018
Complete Construction	September 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 25, 2017, City Council authorized a professional services contract with Garver, LLC to provide engineering design service for the Fuel Farm and Paving Project at Dallas Executive Airport by Resolution No. 17-1644.

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Aviation Capital Construction Funds - $313,600.00

Design	$ 524,100.00
Supplemental Agreement No. 1 (this action)	$ 313,600.00
Construction (concurrent action)	$5,515,784.40
Total Project Cost	$6,353,484.40 (est.)

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$313,600.00	Architecture & Engineering	25.66%	26.14%	$81,965.84
• This contract exceeds the M/WBE goal.				
• Supplemental Agreement No. 1 - 36.27% Overall M/WBE participation				

OWNER

Garver, LLC

Frank McIllawain, Vice President

MAP

Attached

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Diagram of DEA Fuel Farm and Paving Project locations

WHEREAS, the City of Dallas works to enhance the City's economic vibrancy, particularly within the City's southern sector; and

WHEREAS, Dallas Executive Airport is proven to be a significant economic generator within the City's southern sector; and

WHEREAS, the Department of Aviation has plans to improve the existing taxiway and apron pavement system to provide connection to future westside development, as well as, replacing the airport's fuel farm and spill protection area for better customer service; and

WHEREAS, on October 25, 2017, City Council authorized a professional services contract with Garver, LLC to provide engineering design services for the Fuel Farm and Paving Project at Dallas Executive Airport, in an amount not to exceed $524,100.00, by Resolution No. 17-1644; and

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

WHEREAS, bids were publicly advertised, received and opened on June 29, 2018 for the construction of the Dallas Executive Airport Fuel Farm and Paving Project; and

WHEREAS, the award of a construction contract is a concurrent City Council action; and

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 1 to the professional services contract with Garver, LLC for construction administration and construction inspection services for Dallas Executive Airport Fuel Farm and Paving Project, in an amount not to exceed $313,600.00, increasing the contract amount from $524,100.00 to $837,700.00.

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 professional services contract with Garver, LLC, approved as to form by the City Attorney, for construction administration and construction inspection services for the Dallas Executive Airport Fuel Farm and Paving Project, in an amount not to exceed $313,600.00, increasing the contract amount from $524,100.00 to $837,700.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $313,600.00 to Garver, LLC from Aviation Capital Construction Fund, Fund 0131, Department AVI, Unit W158, Object 4116, Activity AAIP, Program AVIW158, Encumbrance/Contract No. CX-AVI-2017-00003940, Commodity 92500, Vendor VS0000016343.

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 #: 18-490 **Item #:** 10.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Equipment and Building Services

EXECUTIVE: Joey Zapata

SUBJECT

Authorize a construction contract for the East Kitchen Dishwashing Room Improvements at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - CME Builders & Engineers, Inc., lowest responsible bidder of three - Not to exceed $388,000.00 - Financing: Convention Center Capital Construction Fund

BACKGROUND

This action will authorize a construction contract with CME Builders & Engineers, Inc., for the East Kitchen Dishwashing Room Improvements at the Kay Bailey Hutchison Convention Center Dallas. The construction project scope includes ventilation, flooring, ductwork, ceilings, and equipment improvements to meet the food service demands of the convention center.

The East Kitchen has functioned as a primary hub for the preparation of food delivered and served throughout the facility since the opening of the convention center in 1957. The space requires updates and upgrades for the safety of staff, to meet code requirements, and to meet the food service demands of the facility.

On October 6, 2014, Administrative Action No. 14-6841 authorized a professional services contract with Campos Engineering, Inc. to provide engineering services for the replacement of the east kitchen exhaust system at the Kay Bailey Hutchison Convention Center Dallas.

On October 14, 2015, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Campos Engineering, Inc. for additional engineering services for renovation of the East Kitchen Dishwashing Room Improvements at the Kay Bailey Hutchison Convention Center Dallas by Resolution No. 15-1879.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction September 2018
Complete Construction December 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 14, 2015, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Campos Engineering, Inc. for additional engineering services for renovation of the East Kitchen Dishwashing Room Improvements at the Kay Bailey Hutchison Convention Center Dallas by Resolution No. 15-1879.

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Convention Center Capital Construction Fund - $388,000.00

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 $
$388,000.00	Construction	25.00%	25.22%	$97,870.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The following bids were received from solicitation number CIZ1720 and were opened on May 18, 2018. This construction contract is being awarded in its entirety to the lowest responsible bidder.

*Denotes successful bidder

Bidders	Bid Amount
*CME Builders & Engineers, Inc. 1505 E. Henderson Street Cleburne, TX 76031-5205	$388,000.00
DENCO CS Corporation	$444,444.00
DMI Decker Mechanical	$647,537.00

OWNER

CME Builders & Engineers, Inc.

Robert K. Carroll, President

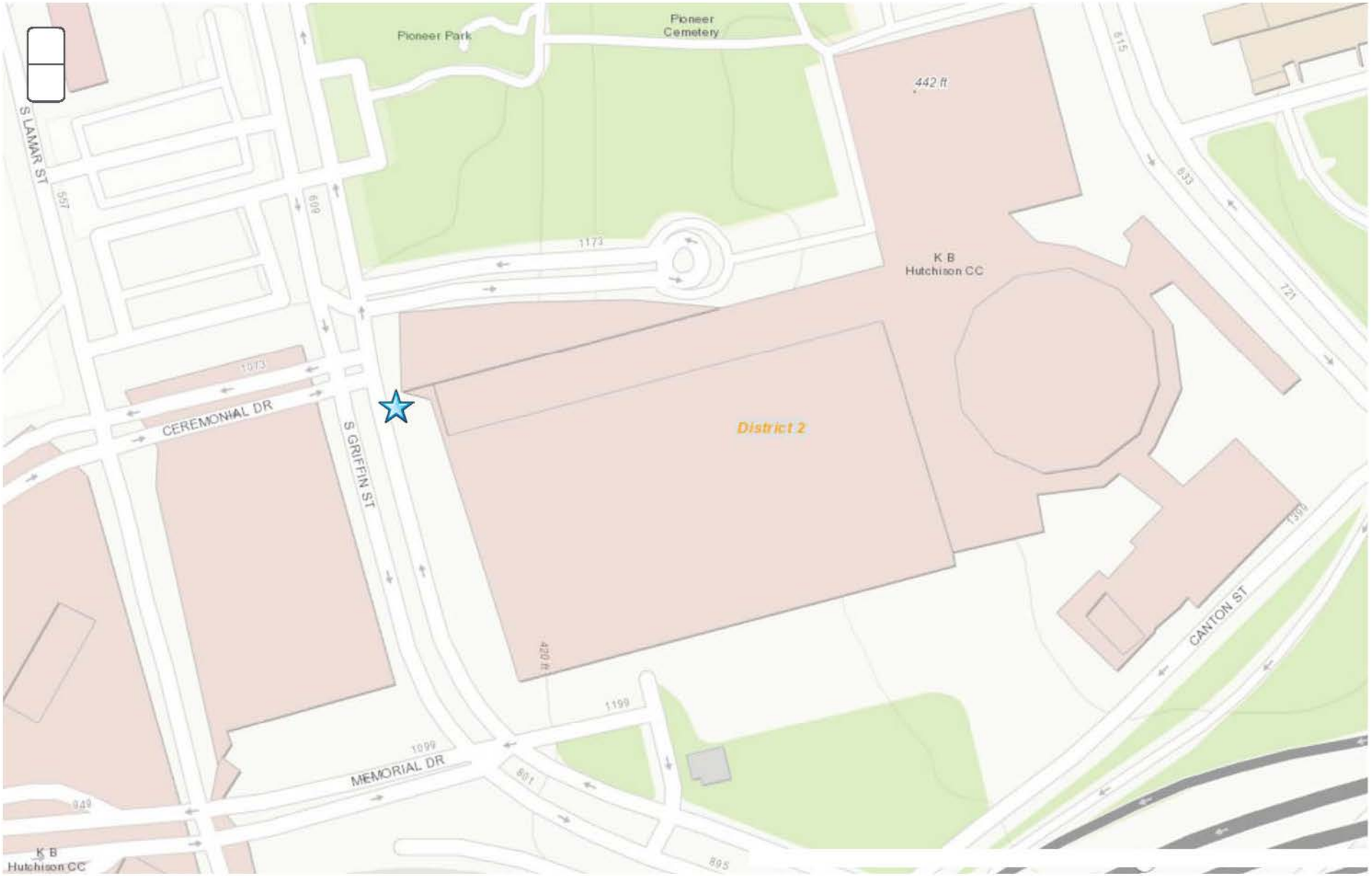
MAP

Attached

powered by Legistar™

Kay Bailey Hutchison Convention Center Dallas

650 South Griffin Street



WHEREAS, improvements to the East Kitchen Dishwashing Room at the Kay Bailey Hutchison Convention Center Dallas are needed for the safety of staff, to meet code requirements, and to meet the food service demands of the facility; and

WHEREAS, on October 6, 2014, Administrative Action No. 14-6841 authorized a professional services contract with Campos Engineering, Inc. to provide engineering services for ventilation improvements to the east kitchen, in an amount not to exceed $49,950.00; and

WHEREAS, on October 14, 2015, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Campos Engineering, Inc. for additional engineering services for renovation of the East Kitchen Dishwashing Room Improvements at the Kay Bailey Hutchison Convention Center Dallas, in an amount not to exceed $88,500.00, from $49,950.00 to $138,450.00, by Resolution No. 15-1879; and

WHEREAS, on April 24, 2018, a Request for Bids was advertised by the Department of Equipment and Building Services; and

WHEREAS, three firms submitted bids to provide construction services for the Kay Bailey Hutchison Convention Center Dallas East Kitchen Dishwashing Room Improvements; and

WHEREAS, CME Builders & Engineers, Inc. was selected as the lowest responsible bidder of the three firms that submitted bids; and

WHEREAS, it is now desirable to authorize a construction contract with CME Builders & Engineers, Inc. for the East Kitchen Dishwashing Room Improvements at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street, in an amount not to exceed $388,000.00.

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 construction contract with CME Builders & Engineers, Inc., approved as to form by the City Attorney, for the East Kitchen Dishwashing Room Improvements at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street, in an amount not to exceed $388,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $388,000.00 to CME Builders & Engineers, Inc., in accordance with the terms and conditions of the contract from Convention Center Capital Construction Fund, Fund 0082, Department CCT, Unit W073, Object 4310, Program EB18141, Encumbrance/Contract No. EBS-2018-00006680, Vendor 506949.

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 #: 18-382 **Item #:** 11.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Planning and Urban Design

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize an Interlocal Agreement with the University of Texas at Arlington for the University of Texas at Arlington Internship Program to facilitate graduate-level urban planning internships with the City of Dallas through the Department of Planning and Urban Design - Not to exceed $125,804.00 - Financing: General Fund (subject to annual appropriations)

BACKGROUND

The University of Texas at Arlington (UTA), through its College of Architecture, Planning, and Public Affairs (CAPPA) currently has an Interlocal Agreement (ILA) with the City of Dallas Department of Planning & Urban Design (PUD) for FY 2017-18 to provide internship services including advertising positions, working with the City through PUD to select candidates, hiring Graduate Research Assistants to be assigned to the City of Dallas, and contributing to the cost. This Council item is intended to continue this successful partnership between PUD and UTA CAPPA and expand the scope to provide similar internship services for the Office of Economic Development and the Department of Housing and Neighborhood Revitalization.

CAPPA is the only college in the North Texas region with an urban planning graduate program. The UTA Internship Program is designed to provide graduate students the opportunity to learn and practice a variety of urban planning-related skills in an applied setting and to provide a meaningful contribution to the respective City of Dallas departments' projects and programs. The UTA Internship Program Scope of Services is attached as "Exhibit A."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 14, 2018, City Council authorized the Interlocal Agreement with the University of Texas at Arlington to facilitate graduate level internships with the City of Dallas Department of Planning and Urban Design by Resolution No. 18-0270.

Information about this item will be provided to the Economic Development and Housing Committee

on September 4, 2018.

FISCAL INFORMATION

General Fund - $125,804.00
FY 2018-19 $125,804.00 (subject to annual appropriations)

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WHEREAS, pursuant to the terms of this Interlocal Agreement, the University of Texas at Arlington's College of Architecture, Planning, and Public Affairs (CAPPA) will hire and compensate interns through their Graduate Research Assistant program, and the City will provide projects, workspace, and oversight to facilitate the University of Texas at Arlington CAPPA's internship program; and

WHEREAS, the University of Texas at Arlington's CAPPA has authority to perform the internship services under authority granted in Section 65.31, of the Texas Education Code and Chapter 791, of the Texas Government Code; and

WHEREAS, the City of Dallas finds that the urban planning services to be provided by the University of Texas at Arlington through its Graduate Research Assistant program is a governmental function and service that it is granted authority to contract for in Chapter 791 of the Texas Government Code; and

WHEREAS, this Interlocal Agreement with the University of Texas at Arlington will facilitate a streamlined and effective mechanism for graduate level urban planning internships to support the existing programs and projects of City of Dallas' Department of Planning and Urban Design, Office of Economic Development, and Department of Housing and Neighborhood Revitalization.

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, for the University of Texas at Arlington Internship Program to facilitate graduate level urban planning internships with the City of Dallas through the Department of Planning and Urban Design.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $125,804.00 to the University of Texas at Arlington, as follows:

General Fund
Fund 0001, Department PNV, Unit 1598, Object 3994
Activity ECNR, Encumbrance/Contract No. PNV-2018-00007230
Commodity 96269, Vendor 0000035106 $ 35,804.00

General Fund
Fund 0001, Department ECO, Unit 1166, Object 3072
Activity EC04, Encumbrance/Contract No. PNV-2018-00007230
Commodity 96269, Vendor 0000035106 $ 45,000.00

SECTION 2. (continued)

General Fund
Fund 0001, Department HOU, Unit 5510, Object 3070,
Activity HO01, Encumbrance/Contract No. PNV-2018-00007230
Commodity 96269, Vendor 0000035106 $ 45,000.00

Total amount not to exceed $125,804.00

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.

Exhibit A: UTA Internship Program Scope of Services

Scope

The University of Texas at Arlington (UTA), operating its College of Architecture, Planning, and Public Affairs (CAPPA), will provide urban planning internship services to the City of Dallas (COD) through the Department of Planning & Urban Design (PUD), including advertising the positions, working with the City to select candidates, and hiring candidates as Graduate Research Assistants, to be assigned to the City of Dallas. Internship placements will be made in the Department of Planning and Urban Design, the Office of Economic Development, and the Department of Housing and Neighborhood Revitalization. The internship program is designed to provide graduate students the opportunity to learn and practice a variety of urban planning-related skills in an applied setting, and to provide a meaningful contribution to the City of Dallas' ongoing projects and programs.

Responsibilities of UTA CAPPA

1) CAPPA will advertise and post the available CAPPA intern positions pursuant to the City of Dallas' outline of needed skillsets provided by PUD.

2) CAPPA will provide applications received from this process to PUD with the following specifications:
   a) each applicant's application packet will be submitted in a separate folder, labeled with the applicant's name: last, first.
   b) application packets will be complete and final, including all required supporting documentation, each document clearly labeled without duplicate documents or older document versions

3) CAPPA and PUD will jointly review submitted graduate student applications with PUD making the final determination of which students will be interviewed either in person or over the phone.

4) CAPPA will hire as Graduate Research Assistants (GRAs) those students selected by PUD from the available pool of candidates.

5) CAPPA will conduct background checks on the GRAs selected by PUD to be assigned as interns.

6) CAPPA will provide the selected GRAs with a weekly timesheet to be filled out by the GRA and approved by the City of Dallas.

7) CAPPA will submit monthly invoices to the City of Dallas. Separate invoices will be submitted to each partnering City department, based on each department's intern hours worked, or as otherwise specified by PUD.

8) CAPPA will re-advertise and re-post any position that becomes vacant in the event a GRA leaves the internship program or is dismissed by the City of Dallas.

Responsibilities of City of Dallas

1) PUD will coordinate with partnering City departments to assist CAPPA with the hiring of GRA students by:

   a) Providing the number of interns and the type of skillsets needed so that CAPPA can advertise the positions.

   b) Selecting from the pool of applicants the candidates to be interviewed (in person or by phone).

   c) Making a final selection of graduate students to be hired for the internship program.

2) The City of Dallas will provide office space, office supplies, computer and internet access, and assignments for the GRA students for the assigned school term.

3) The City of Dallas will direct GRAs through the necessary internal process to receive an ID badge and computer access.

4) The City of Dallas will approve and submit to CAPPA each GRAs time sheet on a weekly basis.

5) PUD will immediately notify CAPPA if a GRA has abdicated their duties or is not up to performance standards so that CAPPA can advertise and re-post the position and hire a replacement intern as soon as is feasible.

Contract Term

The contract will commence on the date the ***Notice to Proceed*** is issued and will continue through December 31, 2019.

Exhibit A: UTA Internship Program Scope of Services

Program Budget

The total not to exceed budget for the UTA Internship Program is **$136,967.85**, to be allocated as follows:

City of Dallas contribution:	$125,804.00 (not to exceed)
UTA CAPPA contribution:	$ 11,163.85
Total (not to exceed)	**$136,967.85**

Payment and Billing

1) The agreed upon billing rate for Graduate Research Assistants (GRAs) is as follows:

GRA Level	Stipend	Fringe Benefits 10%	UTA IDC 26%	Billing Rate
Masters	$ 15.63	$ 1.56	$ 4.47	**$ 21.66**
PhD	$ 18.75	$ 1.88	$ 5.36	**$ 25.99**

2) Interns are authorized to work a maximum of 20 hours per week.

3) The total cost under this agreement cannot exceed the program budget of **136,967.85**.

4) The City of Dallas will make the final determination as to the GRA level (Masters or PhD) to be assigned.

Billing

1) CAPPA will invoice the City of Dallas monthly for hours completed in the previous month. CAPPA will receive timesheets from, and submit invoices to, each participating City department separately, or as otherwise specified by PUD.

2) Invoices shall be emailed to:

Brian Price	brian.price1@dallascityhall.com
Teresa Bateman	teresa.bateman@dallascityhall.com
Lisa Parker	lisa.parker@dallascityhall.com

Exhibit A: UTA Internship Program Scope of Services

3) The monthly invoice shall be itemized and, at a minimum, include the following:

- Invoice number
- Service period being invoiced (e.g., 1/1/18 – 1/31/18)
- Name of each intern for whom hours are being invoiced
- Indication of each intern's GRA level (Masters or PhD)
- Monthly rate for each intern being invoiced (unit cost)
- Number of hours being billed (backed up with the GRA's timesheet for the service period)
- Extended cost for each intern being invoiced (hourly rate multiplied by number of hours)
- Total monthly cost being invoiced for the service period

4) Each month's invoice shall have attached each GRA's approved monthly timesheet (signed by both the intern and their assigned City of Dallas supervisor).

5) No more than 20 hours per week per intern may be billed in any month.

6) Within thirty (30) days of receipt and acceptance of invoice, the City of Dallas will affect payment in the amount shown on UTA's approved invoice. The payments shall be remitted to:

VENDOR ID#: 0000035106
The University of Texas at Arlington
ATTN: Grant and Contract Accounting
219 West Main Street
Box 19136
Arlington, TX 76019-0136

The total amount billed to the City of Dallas for the intern program will not exceed the City of Dallas' not to exceed contribution amount of **$125,804.00**. The UTA CAPPA contribution will be applied to each billing period, covering 8% of each invoice's cost. The invoices that the City of Dallas receives will reflect 92% of the total invoice cost. A separate report will be submitted by UTA to the City of Dallas, detailing the amount covered by UTA for each billing period.

Agenda Information Sheet

File #: 18-526 **Item #:** 12.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2, 3, 4, 5, 7, 8

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for the Service Maintenance Area 1 - 2019 Resurfacing and Street Improvements Contract - Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three - Not to exceed $10,023,619.74 - Financing: 2017 Bond Funds (subject to annual appropriations)

BACKGROUND

This action will authorize a construction contract with Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three, to provide construction services for the Service Maintenance Area 1 - 2019 Resurfacing and Street Improvements Contract.

This project provides for the construction services needed for the resurfacing projects in the 2017 Bond Program scheduled for Fiscal Years 2019 and 2020. Bid specifications were developed and publicly advertised on June 20 and June 27, 2018 for competitive bids associated with the 24-Month Term Agreement for pavement repairs in Service Maintenance Area 1.

The following chart illustrates Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company's contractual activities with the City of Dallas for the past three years:

	PBW	DWU	PKR	TWM
Projects Completed	1	0	0	0
Change Orders	0	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2018

Complete Construction September 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

2017 Bond Funds - $10,023,619.74 (subject to annual appropriations)

Construction (this action)	$10,023,619.74
Testing (Est.)	$ 76,000.00
Total Contract Costs	$10,099,619.74

Council District	Amount
2	$ 871,138.98
3	$ 191,365.47
4	$ 665,897.40
5	$ 2,982,494.86
7	$ 2,263,948.53
8	$ 3,048,774.50
Total	$10,023,619.74

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 $
$10,023,619.74	Construction	25.00%	61.50%	$6,164,735.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The following three bids with quotes were opened on July 13, 2018:

*Denotes successful bidder

Bidders	Base Bid	Additive Alternate	Total Bid
*Oldcastle Materials Texas,	$5,812,329.76	$4,211,289.98	$10,023,619.74

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Inc. d/b/a TexasBit, an Oldcastle company 420 Decker Drive, Suite 200 Irving, TX 75062			
Heritage	$6,160,610.00	$4,424,475.00	$10,585,085.00
NPL	$6,220,801.49	$4,463,220.00	$10,684,021.49

OWNER

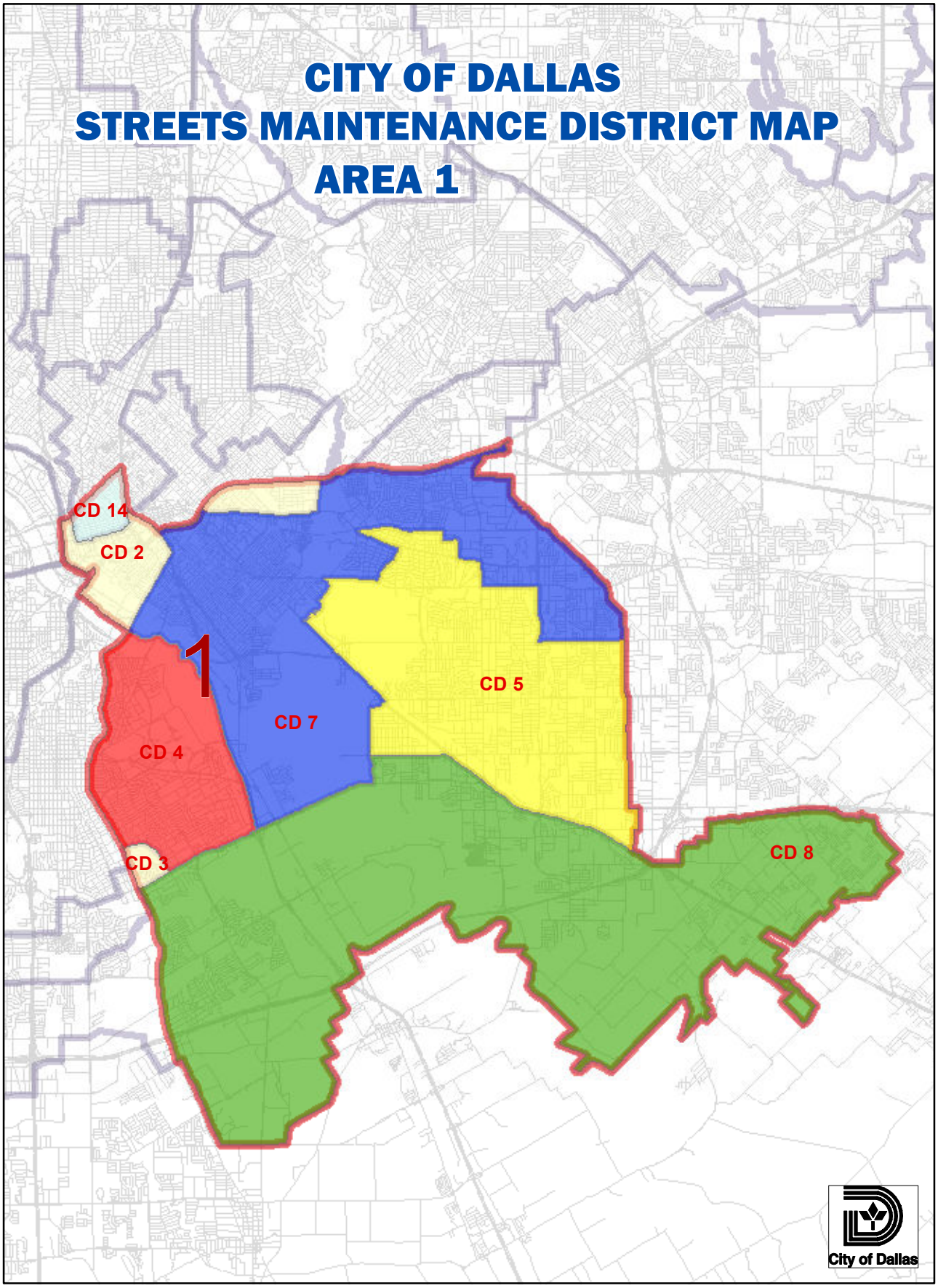
Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company

John Reid, President

MAP

Attached

CITY OF DALLAS
STREETS MAINTENANCE DISTRICT MAP
AREA 1



September 12, 2018

WHEREAS, in November 2017, a Capital Bond Program was approved by voters; and

WHEREAS, it became necessary to supplement City Forces for paving and infrastructure repairs throughout the City; and

WHEREAS, the Resurfacing Bond Projects scheduled for Fiscal Years 2019 and 2020 were bundled into four separate construction contracts geographically in each of the City's four service maintenance areas to be performed in a 24-Month Term Agreement; and

WHEREAS, bid specifications were developed and publicly advertised for competitive bids associated with the 24-Month Term Agreement for pavement repairs for the Service Maintenance Area 1 - 2019 Resurfacing and Street Improvements Contract to construct resurfacing projects associated with the 2017 Capital Bond Program; and

WHEREAS, bids were received on July 13, 2018, for the 24-Month Term Agreement for pavement repairs for the Service Maintenance Area 1 - 2019 Resurfacing and Street Improvements Contract; and

WHEREAS, bids were structured with a base bid for Fiscal Year 2019 Resurfacing Bond Projects and an Additive Alternate for Fiscal Year 2020 Resurfacing Bond Projects; and

WHEREAS, the three bids were received for the construction of the Service Maintenance Area 1 - 2019 Resurfacing and Street Improvements Contract as follows:

Bidders	**Base Bid**	**Additive Alternate**	**Total Bid**
*Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company	$5,812,329.76	$4,211,289.98	$10,023,619.74
Heritage	$6,160,610.00	$4,424,475.00	$10,585,085.00
NPL	$6,220,801.49	$4,463,220.00	$10,684,021.49

WHEREAS, it is now desirable to authorize a construction contract with Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three, to provide construction services for the Service Maintenance Area 1 - 2019 Resurfacing and Street Improvements Contract, in an amount not to exceed $10,023,619.74.

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 Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, approved as to form by the City Attorney, for the Service Maintenance Area 1 - 2019 Resurfacing and Street Improvements Contract, in an amount not to exceed $10,023,619.74.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $10,023,619.74 (subject to annual appropriations) to Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company from Street and Transportation Fund (A), Fund 1V22, Department PBW, Unit Various, Activity SRSF, Object 4510, Program Various, Vendor 004204, MASC/Contract No. PBW-2018-00007123.

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 #: 18-529 **Item #:** 13.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 1, 3, 4, 6, 8

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for the Service Maintenance Area 2 - 2019 Resurfacing and Street Improvements Contract - Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three - Not to exceed $12,163,444.95 - Financing: 2017 Bond Funds (subject to annual appropriations)

BACKGROUND

This action will authorize a construction contract with Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three, to provide construction services for the Service Maintenance Area 2 - 2019 Resurfacing and Street Improvements Contract.

This project provides for the construction services needed for resurfacing projects in the 2017 Bond Program scheduled for Fiscal Years 2019 and 2020. Bid specifications were developed and publicly advertised on June 20 and June 27, 2018 for competitive bids associated with the 24-Month Term Agreement for pavement repairs for Service Maintenance Area 2.

The following chart illustrates Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company's contractual activities with the City of Dallas for the past three years:

	PBW	DWU	PKR	TWM
Projects Completed	1	0	0	0
Change Orders	0	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2018

Complete Construction September 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

2017 Bond Funds - $12,163,444.95 (subject to annual appropriations)

Construction (this action)	$12,163,444.95
Testing (Est.)	$ 92,000.00
Total Contract Costs	$12,255,444.95

Council District	Amount
1	$ 3,844,499.25
3	$ 3,215,222.26
4	$ 1,012,166.36
6	$ 2,553,752.59
8	$ 1,537,804.49
Total	$12,163,444.95

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$12,163,444.95	Construction	25.00%	60.69%	$7,381,477.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The following three bids with quotes were opened on July 13, 2018:

*Denotes successful bidder

Bidders	Base Bid	Additive Alternate	Total Bid
*Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company	$7,986,224.68	$4,177,220.27	$12,163,444.95

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420 Decker Drive, Suite 200 Irving, TX 75062			
Heritage	$8,508,846.50	$4,373,350.00	$12,882,196.50
NPL	$8,532,128.43	$4,383,395.64	$12,915,524.04

OWNER

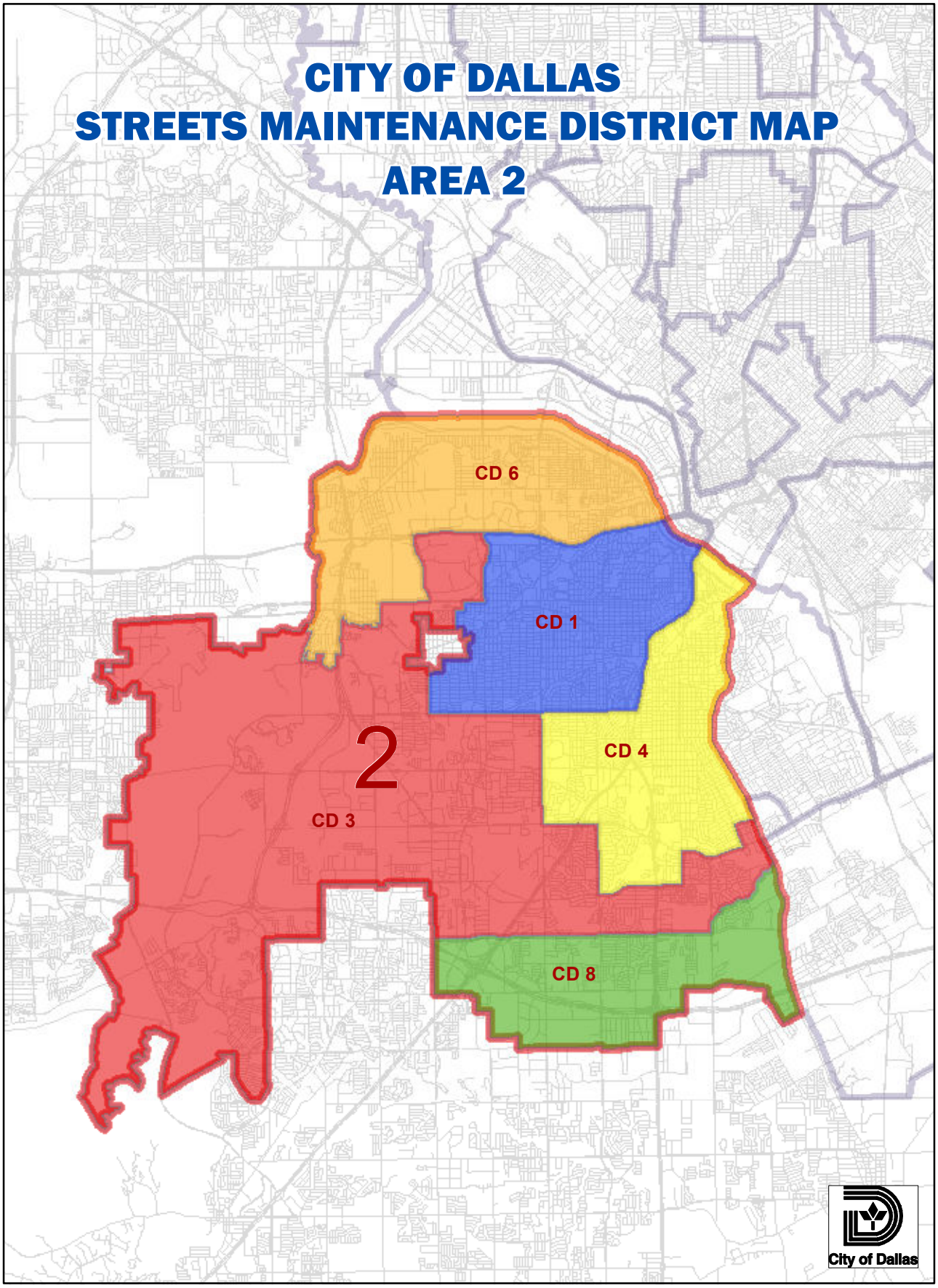
Old Castle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company

John Reid, President

MAP

Attached

CITY OF DALLAS
STREETS MAINTENANCE DISTRICT MAP
AREA 2



September 12, 2018

WHEREAS, in November 2017, a Capital Bond Program was approved by voters; and

WHEREAS, it became necessary to supplement City Forces for paving and infrastructure repairs throughout the City; and

WHEREAS, the Resurfacing Bond Projects scheduled for Fiscal Years 2019 and 2020 were bundled into four separate construction contracts geographically in each of the City's four service maintenance areas to be performed in a 24-Month Term Agreement; and

WHEREAS, bid specifications were developed and publicly advertised for competitive bids associated with the 24-Month Term Agreement for pavement repairs for the Service Maintenance Area 2 - 2019 Resurfacing and Street Improvements Contract to construct resurfacing projects associated with the 2017 Capital Bond Program; and

WHEREAS, bids were received on July 13, 2018, for the 24-Month Term Agreement for pavement repairs for the Service Maintenance Area 2 - 2019 Resurfacing and Street Improvements Contract; and

WHEREAS, bids were structured with a base bid for Fiscal Year 2019 Resurfacing Bond Projects and an Additive Alternate for Fiscal Year 2020 Resurfacing Bond Projects; and

WHEREAS, the three bids were received for the construction of the Service Maintenance Area 2 - 2019 Resurfacing and Street Improvements Contract as follows:

Bidders	**Base Bid**	**Additive Alternate**	**Total Bid**
*Oldcastle Materials Texas,	$7,986,224.68	$4,177,220.27	$12,163,444.95
Heritage	$8,508,846.50	$4,373,350.00	$12,882,196.50
NPL	$8,532,128.43	$4,383,395.64	$12,915,524.04

WHEREAS, it is now desirable to authorize a construction contract with Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three, to provide construction services for the Service Maintenance Area 2 - 2019 Resurfacing and Street Improvements Contract, in an amount not to exceed $12,163,444.95.

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 Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, approved as to form by the City Attorney, for the Service Maintenance Area 2 - 2019 Resurfacing and Street Improvements Contract, in an amount not to exceed $12,163,444.95.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $12,163,444.95 (subject to annual appropriations) to Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company from Street and Transportation Fund (A), Fund 1V22, Department PBW, Unit Various, Activity SRSF, Object 4510, Program Various, Vendor 004204, MASC/Contract No. PBW-2018-00007124.

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 #: 18-527 **Item #:** 14.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2, 6, 11, 12, 13, 14

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for the Service Maintenance Area 3 - 2019 Resurfacing and Street Improvements Contract - Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three - Not to exceed $14,795,382.77 - Financing: 2017 Bond Funds (subject to annual appropriations)

BACKGROUND

This action will authorize a construction contract with Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three, to provide construction services for the Service Maintenance Area 3 - 2019 Resurfacing and Street Improvements Contract.

This project provides for the construction services needed for the resurfacing projects in the 2017 Bond Program scheduled for Fiscal Years 2019 and 2020. Bid specifications were developed and publicly advertised on June 20 and June 27, 2018 for competitive bids associated with the 24-Month Term Agreement for pavement repairs in Service Maintenance Area 3.

The following chart illustrates Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company's contractual activities with the City of Dallas for the past three years:

	PBW	DWU	PKR	TWM
Projects Completed	1	0	0	0
Change Orders	0	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2018

Complete Construction September 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

2017 Bond Funds - $14,795,382.77

Construction (this action)	$14,795,382.77
Testing (Est.)	$ 111,000.00
Total Contract Costs	$14,906,382.77

Council District	Amount
2	$ 1,472,014.35
6	$ 1,469,410.83
11	$ 1,623,926.00
12	$ 5,165,641.07
13	$ 4,073,190.88
14	$ 991,199.64
Total	$14,795,382.77

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 $
$14,795,382.77	Construction	25.00%	62.51%	$9,248,308.50
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The following three bids with quotes were opened on July, 13, 2018:

*Denotes successful bidder

Bidders	Base Bid	Additive Alternate	Total Bid
*Oldcastle Materials Texas,	$9,371,157.67	$5,424,225.10	$14,795,382.77

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Inc. d/b/a TexasBit, an Oldcastle company 420 Decker Drive, Suite 200 Irving, TX 75062			
Heritage	$10,068,257.50	$5,782,845.00	$15,851,102.50
NPL	$10,062,552.44	$5,742,799.84	$15,805,352.28

OWNER

Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company

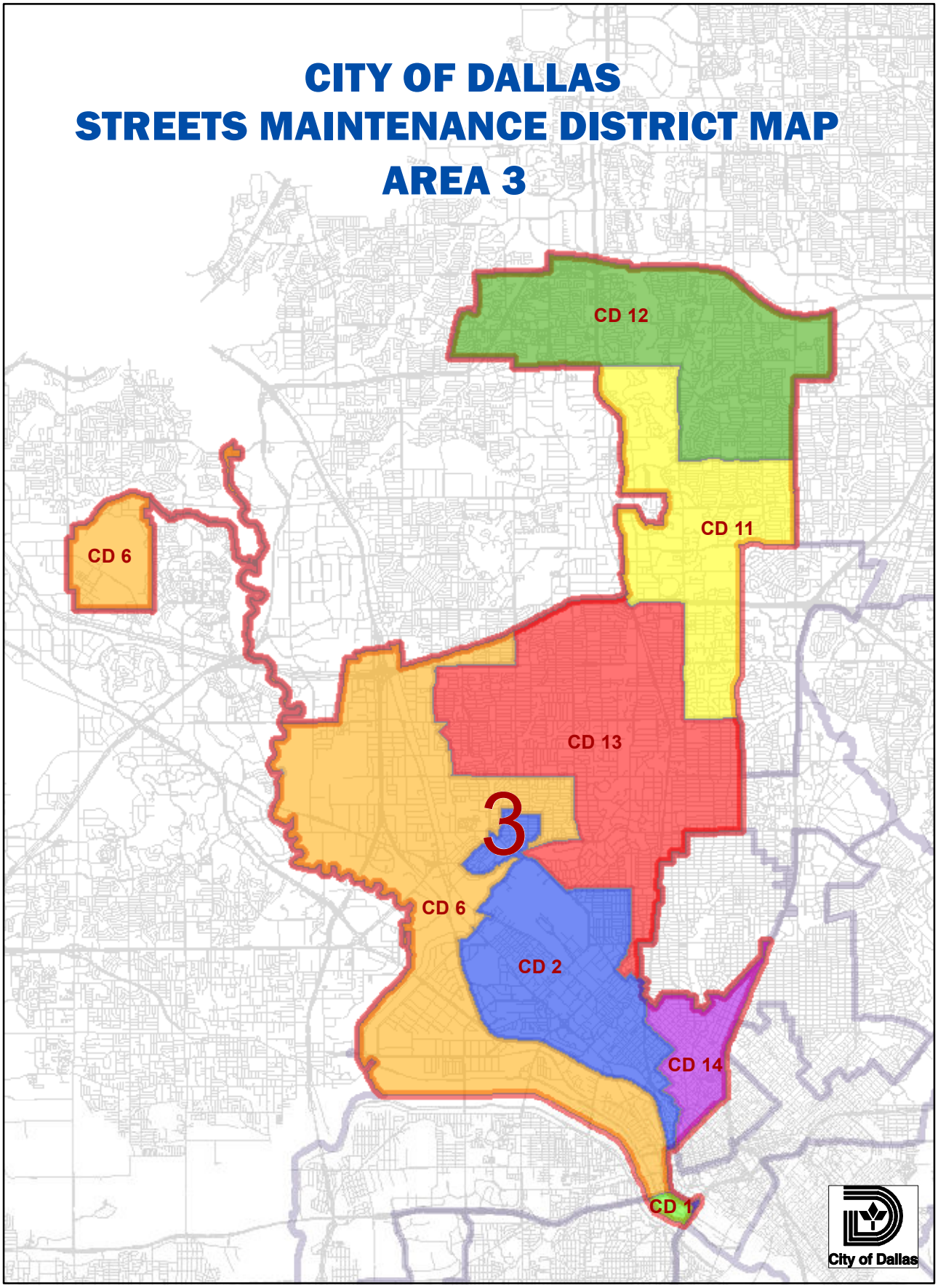
John Reid, President

MAP

Attached

powered by Legistar™

CITY OF DALLAS
STREETS MAINTENANCE DISTRICT MAP
AREA 3



September 12, 2018

WHEREAS, in November 2017, a Capital Bond Program was approved by voters; and

WHEREAS, it became necessary to supplement City Forces for paving and infrastructure repairs throughout the City; and

WHEREAS, the Resurfacing Bond Projects scheduled for Fiscal Years 2019 and 2020 were bundled into four separate construction contracts geographically in each of the City's four service maintenance areas to be performed in a 24-Month Term Agreement; and

WHEREAS, bid specifications were developed and publicly advertised for competitive bids associated with the 24-Month Term Agreement for pavement repairs for the Service Maintenance Area 3 - 2019 Resurfacing and Street Improvements Contract to construct resurfacing projects associated with the 2017 Capital Bond Program; and

WHEREAS, bids were received on July 13, 2018, for the 24-Month Term Agreement for pavement repairs for the Service Maintenance Area 3 - 2019 Resurfacing and Street Improvements Contract; and

WHEREAS, bids were structured with a base bid for Fiscal Year 2019 Resurfacing Bond Projects and an Additive Alternate for Fiscal Year 2020 Resurfacing Bond Projects; and

WHEREAS, the three bids were received for the construction of the Service Maintenance Area 3 - 2019 Resurfacing and Street Improvements Contract follows:

Bidders	**Base Bid**	**Additive Alternate**	**Total Bid**
*Oldcastle Materials Texas, d/b/a TexasBit. an Oldcastle company	$9,371,157.67	$5,424,225.10	$14,795,382.77
Heritage	$10,068,257.50	$5,782,845.00	$15,851,102.00
NPL	$10,062,552.44	$5,742,799.84	$15,805,352.28

WHEREAS, it is now desirable to authorize a construction contract with Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three, to provide construction services for the Service Maintenance Area 3 - 2019 Resurfacing and Street Improvements Contract, in an amount not to exceed $14,795,382.77.

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 Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, approved as to form by the City Attorney, for the Service Maintenance Area 3 - 2019 Resurfacing and Street Improvements Contract, in an amount not to exceed $14,795,382.77.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $14,795,382.77 (subject to annual appropriations) to Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company from Street and Transportation Fund (A), Fund 1V22, Department PBW, Unit Various, Activity SRSF, Object 4510, Program Various, Vendor 004204, MASC/Contract No. PBW-2018-00007125.

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 #: 18-528 **Item #:** 15.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2, 7, 9, 10, 11, 13, 14

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for the Service Maintenance Area 4 - 2019 Resurfacing and Street Improvements Contract - Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three - Not to exceed $16,704,158.72 - Financing: 2017 Bond Funds (subject to annual appropriations)

BACKGROUND

This action will authorize a construction contract with Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three, to provide construction services for the Service Maintenance Area 4 - 2019 Resurfacing and Street Improvements Contract, in an amount not to exceed $16,704,158.72.

This project provides for the construction services needed for the resurfacing projects in the 2017 Bond Program scheduled for Fiscal Years 2019 and 2020. Bid specifications were developed and publicly advertised on June 20 and June 27, 2018 for competitive bids associated with the 24-Month Term Agreement for pavement repairs in Service Maintenance Area 4.

The following chart illustrates Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company's contractual activities with the City of Dallas for the past three years:

	PBW	DWU	PKR	TWM
Projects Completed	1	0	0	0
Change Orders	0	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2018
End Construction September 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

2017 Bond Funds - $16,704,158.72 (subject to annual appropriations)

Construction (this action)	$16,704,158.72
Testing (Est.)	$ 126,000.00
Total Contract Costs	$16,830,158.72

Council District	Amount
2	$ 1,547,051.58
7	$ 1,407,542.86
9	$ 4,710,009.11
10	$ 4,007,617.65
11	$ 2,223,859.64
13	$ 334,096.13
14	$ 2,473,981.75
Total	$16,704,158.72

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 $
$16,704,158.72	Construction	25.00%	61.57%	$10,284,573.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The following three bids with quotes were opened on July 13, 2018:

*Denotes successful bidder

Bidders	Base Bid	Additive Alternate	Total Bid

*Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company 420 Decker Drive, Suite 200 Irving, TX 75062	$9,292,306.45	$7,411,852.27	$16,704,158.72
Heritage	$9,989,437.50	$7,894,272.60	$17,883,710.10
NPL	$10,002,482.77	$7,885,155.71	$17,887,638.48

OWNER

Oldcastle Materials Texas, Inc. d/b/a Texas Bit, an Oldcastle company

John Reid, President

MAP

Attached

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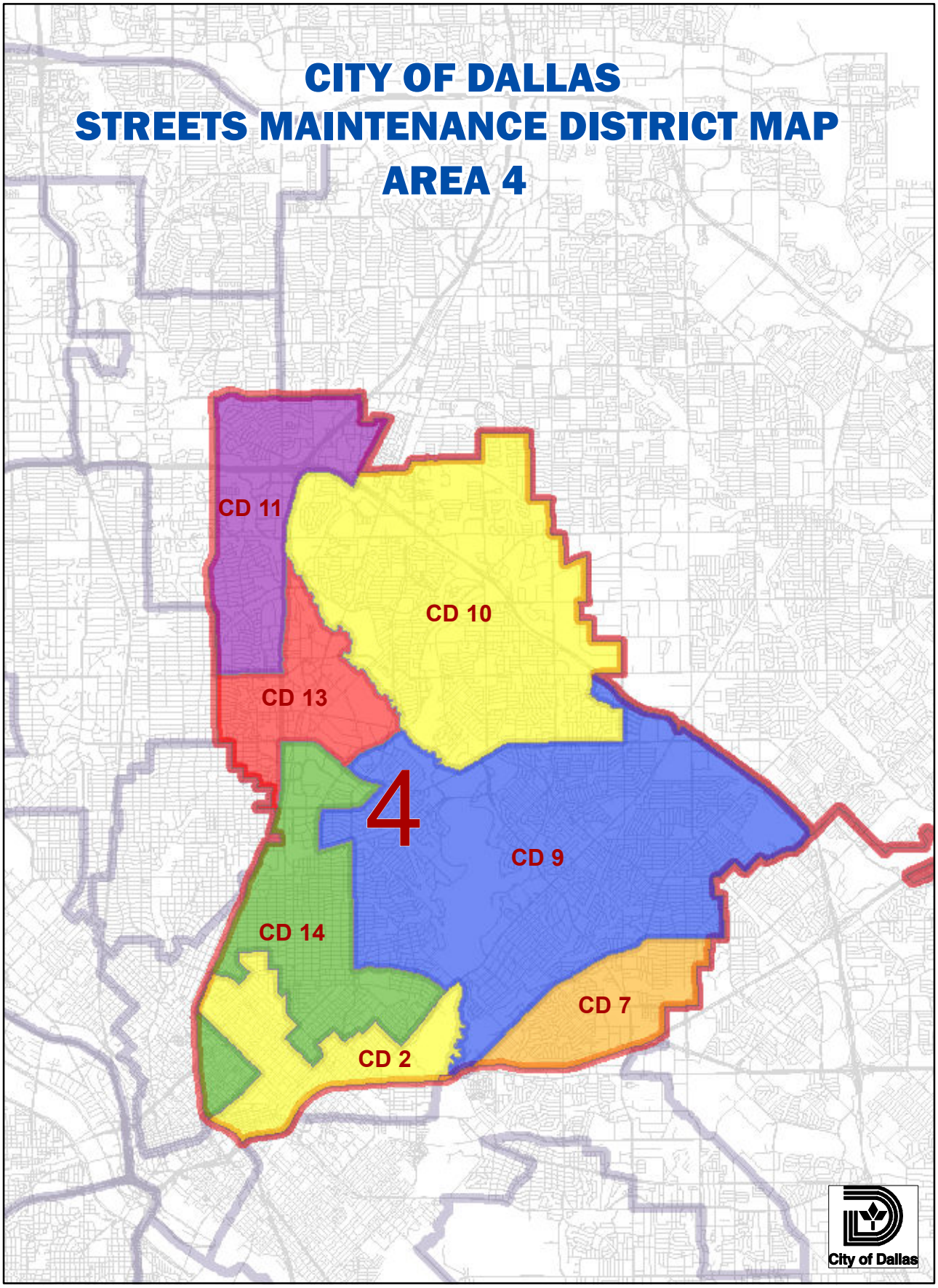
CITY OF DALLAS
STREETS MAINTENANCE DISTRICT MAP
AREA 4



September 12, 2018

WHEREAS, in November 2017, a Capital Bond Program was approved by voters; and

WHEREAS, it became necessary to supplement City Forces for paving and infrastructure repairs throughout the City; and

WHEREAS, the Resurfacing Bond Projects scheduled for Fiscal Years 2019 and 2020 were bundled into four separate construction contracts geographically in each of the City's four service maintenance areas to be performed in a 24-Month Term Agreement; and

WHEREAS, bid specifications were developed and publicly advertised for competitive bids associated with the 24-Month Term Agreement for pavement repairs for the Service Maintenance Area 4 - 2019 Resurfacing and Street Improvements Contract to construct resurfacing projects associated with the 2017 Capital Bond Program; and

WHEREAS, bids were received on July 13, 2018, for the 24-Month Term Agreement for pavement repairs for the Service Maintenance Area 4 - 2019 Resurfacing and Street Improvements Contract; and

WHEREAS, bids were structured with a base bid for Fiscal Year 2019 Resurfacing Bond Projects and an Additive Alternate for Fiscal Year 2020 Resurfacing Bond Projects; and

WHEREAS, the three bids were received for the construction of the Service Maintenance Area 4 - 2019 Resurfacing and Street Improvements Contract as follows:

Bidders	**Base Bid**	**Additive Alternate**	**Total Bid**
*Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company	$9,292,306.45	$7,411,852.27	$16,704,158.72
Heritage	$9,989,437.50	$7,894,272.60	$17,883,710.10
NPL	$10,002,482.77	$7,885,155.71	$17,887,638.48

WHEREAS, it is now desirable to authorize a construction contract with Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, lowest responsible bidder of three, to provide construction services for the Service Maintenance Area 4 - 2019 Resurfacing and Street Improvements Contract, in an amount not to exceed $16,704,158.72.

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 Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company, approved as to form by the City Attorney, for the Service Maintenance Area 4 - 2019 Resurfacing and Street Improvements Contract, in an amount not to exceed $16,704,158.72.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $16,704,158.72 (subject to annual appropriations) to Oldcastle Materials Texas, Inc. d/b/a TexasBit, an Oldcastle company from Street and Transportation Fund (A), Fund 1V22, Department PBW, Unit Various, Activity SRSF, Object 4510, Program Various, Vendor 004204, MASC/Contract No. PBW-2018-00007126.

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 #: 18-522 **Item #:** 16.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize an increase in the construction services contract with Johnson Bros. Corporation, a Southland Company to expedite the completion of bond projects - Not to exceed $23,580,000.00, from $94,722,360.00 to $118,302,360.00 - Financing 2017 Bond Funds (subject to annual appropriations)

BACKGROUND

This action will authorize Change Order No. 3 to the construction services contract with Johnson Bros. Corporation, a Southland Company, to expedite the completion of bond projects in an amount not to excced $23,580,000.00, increasing the contract amount from $94,722,360.00 to $118,302,360.00.

This project provides for pavement and infrastructure repairs at various locations throughout the city to supplement the work performed by City forces. This contract provides repairs on asphalt and concrete streets that are typically done as part of the annual operating budget. Change Order No. 3 will also serve to add capacity to the existing contract to expedite the completion of bond projects. Improvements include partial concrete reconstruction, full depth asphalt repair, asphalt restoration and asphalt resurfacing.

Change Order No. 3 includes additions that increase many line items that constitute major repair work in the construction services contract, to provide for a variety of repairs on both asphalt and concrete streets.

ESTIMATED SCHEDULE OF PROJECT

Began services	January 2017
Complete services (est)	January 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 12, 2016, the Transportation and Trinity River Project Committee was briefed by memorandum about this item.

On December 14, 2016, City Council authorized a thirty-six month service contract with Johnson Bros. Corporation, a Southland Company for paving and infrastructure repairs at various locations throughout the city by Resolution No. 16-1930.

On June 27, 2018, City Council authorized Change Order No. 2 to the construction services contract with Johnson Bros. Corporation, a Southland Company to add contract items for grass, mobilization, and markings for an increase in the amount of $84,600 and for the reduction in pay items including asphalt surface material for a reduction of $84,600 for a zero-dollar change to the contract amount by Resolution No. 18-0904.

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

2017 Bond Funds - $23,580,000.00 (subject to annual appropriations)

Construction	$ 94,722,360.00
Change Order No. 1	$ 0.00
Change Order No. 2	$ 0.00
Change Order No. 3 (this action)	$ 23,580,000.00
Total Contract Costs	$118,302,360.00

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 $
$23,580,000.00	Construction	25.00%	25.45%	$6,000,000.00
• This contract exceeds the M/WBE goal.				
• Change Order No. 3 - 27.55% Overall M/WBE participation				

OWNER

Johnson Bros. Corporation, a Southland Company

Frank Renda, President

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Tim Winn, Vice President

MAP

Attached

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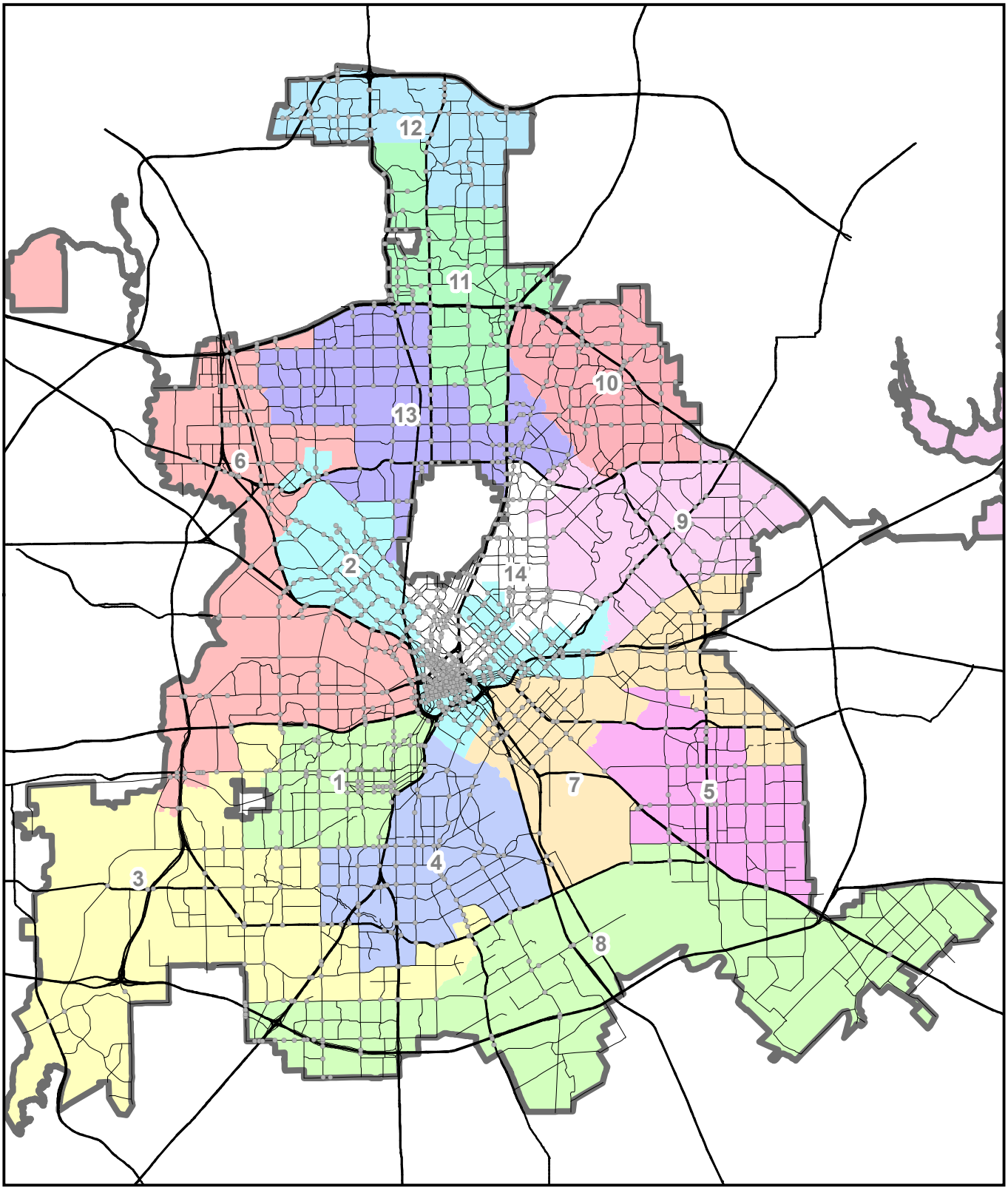
36-Month Term Agreement- Contract 1



WHEREAS, it became necessary to supplement City Forces for paving and infrastructure repairs throughout the city; and

WHEREAS, bid specifications were developed and publicly advertised for competitive bids for the 36-Month Term Agreement for Pavement Repairs on City of Dallas Infrastructure at Various Locations - Contract 1; and

WHEREAS, bids were received on September 23, 2016, for a thirty-six-month construction services contract for pavement and infrastructure repairs at various locations throughout the city; and

WHEREAS, the bid received by Johnson Bros. Corporation, a Southland Company was the lowest responsible bidder; and

WHEREAS, on December 14, 2016, City Council authorized a thirty-six month service contract with Johnson Bros. Corporation, a Southland Company, for pavement and infrastructure repairs at various locations throughout the city, in an amount not exceed $94,722,360.00; and

WHEREAS, on September 26, 2017, Administrative Action No. 17-0996 authorized Change Order No. 1 the construction services contract with Johnson Bros. Corporation, a Southland Company, to add contract items for bike lane striping, increase quantities for additional street striping, provide items for an alternate asphalt design, and reduce quantities for concrete replacement items with a net zero change to the contract amount; and

WHEREAS, on June 27, 2018, City Council authorized Change Order No. 2 to the construction services contract with Johnson Bros., a Southland Company, to add contract items for grass, mobilization, and markings for an increase in the amount of $84,600.00 and for the reduction in pay items including asphalt surface material for a reduction of $84,600.00 for a zero-dollar change to the contract amount, by Resolution No. 18-0904; and

WHEREAS, the City is looking to expedite ‘shovel ready’ resurfacing Bond projects; and

WHEREAS, it is now necessary to authorize Change Order No. 3 to the construction services contract with Johnson Bros. Corporation, a Southland Company, to expedite the completion of bond projects, in an amount not to exceed $23,580,000.00, increasing the contract amount from $94,722,360.00 to $118,302,360.00.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with Johnson Bros. Corporation, a Southland Company, (Change Order No. 3) is authorized to expedite the completion of bond projects, in an amount not to exceed $23,580,000.00, increasing the contract amount from $94,722,360.00 to $118,302,360.00.

SECTION 2. That the Chief Financial Officer is herby authorized to disburse funds in an amount not to exceed $23,580,000.00 to Johnson Bros. Corporation, a Southland Company from Street and Transportation (A) Fund, Fund 1V22, Department PBW, Unit Various, Object 4510, Activity Various, Program Various, MASC STSC16CR161930, Vendor VS93045.

SECTION 3. That this contract is designated as Contract No. STS-2017-0001570.

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 #: 18-596 **Item #:** 17.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 9, 10, 13

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize **(1)** the Skillman Corridor Tax Increment Financing (TIF) District Board of Directors to dedicate up to $350,000.00 in the Skillman Corridor TIF District Funds for construction of median gateway improvements on Skillman Street between Merriman Parkway and Abrams Road as part of the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project to support the development in the Skillman Corridor TIF District; **(2)** an increase in appropriations in an amount not to exceed $350,000.00 in the Skillman Corridor TIF District Fund; and **(3)** a construction contract with Joe Funk Construction, Inc., lowest responsible bidder of three, for the construction of trail and median improvements for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project - Not to exceed $2,467,597.99 - Financing: Lake Highlands Project Funds ($1,744,071.26), Capital Projects Reimbursement Funds ($218,008.91) and Skillman Corridor TIF District Funds ($505,517.82)

BACKGROUND

Bids were received on July 20, 2018, for the construction of the Lake Highlands Transit Oriented Development (TOD) Sustainable Development Infrastructure Project. This action will authorize a construction contract with Joe Funk Construction, Inc. for the construction of concrete trail and Skillman Street median improvements.

The Lake Highlands TOD Sustainable Development Infrastructure Project is a partnership project between the City of Dallas, Dallas County, TxDOT and NCTCOG that was selected by NCTCOG's third Sustainable Development Program Call for Projects. The Funding Agreement between the City of Dallas, the NCTCOG and TxDOT was executed October 17, 2012.

The Lake Highlands TOD Sustainable Development Infrastructure Project includes a 12-foot wide trail connection from the Lake Highlands Town Center development to the south along Jackson Branch, and then to the west under the Skillman Street Bridge. The trail is 16-feet wide west of the Skillman Street Bridge and will include a pedestrian bridge crossing over White Rock Creek to connect with the White Rock Creek Trail, and another connection to Merriman Parkway. The trail

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improvements west of Skillman Street will better serve the developments at the northeast corner of Skillman Street and Abrams Road, and also provide a trail connection to the Merriman Park Estates neighborhood.

A community meeting was held for this project at the Lake Highlands North Recreation Center on October 25, 2016. The approved project cost for trail improvements is $3,467,778, which is to be funded 80% by TxDOT ($2,774,222), 10% by Dallas County ($346,778), and 10% by the Skillman Corridor TIF District Fund ($346,778). At the request of the Lake Highlands Public Improvement District, the project now will also include construction of median gateway improvements on Skillman Street between Merriman Parkway and Abrams Road to provide beautification adjacent to the Lake Highlands Trail and the White Rock Creek Trail in the Skillman Corridor TIF District. The Lake Highlands Public Improvement District has funded the design and will be responsible for the operation and maintenance. The construction costs of $287,508.91 for the Skillman Street median improvements is to be funded 100% by the Skillman Corridor TIF District Fund.

Joe Funk Construction Inc. has no contractual activities with the City of Dallas for the past three years:

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2017
Completed Design	June 2018
Began Easement Acquisition	April 2018
Complete Easement Acquisition	December 2018
Begin Construction	October 2018
Complete Construction	October 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 13, 2009, the Transportation and Environment Committee was briefed on the Regional Transportation Council Sustainable Development Program Call for Projects for 2009-2010.

On September 15, 2009, the Transportation and Environment Committee was briefed on and endorsed the recommended project list.

On August 10, 2010, a memo was submitted to the Transportation and Environment Committee regarding the resolution of support for the selected projects.

On August 25, 2010, the City Council authorized support for projects selected within the City of Dallas for the Regional Transportation Council Sustainable Development Program and authorized the City Manager to negotiate agreements with the North Central Texas Council of Governments and private sector partners, where applicable by Resolution No. 10-2152.

On September 17, 2012, the Economic Development Committee was briefed by memorandum to consider agreements with the North Central Texas Council of Governments, the State of Texas, Dallas County and PC LH Land Partners, LP, for the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project.

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On September 26, 2012, City Council authorized an agreement with the NCTCOG and the State of Texas to obtain funding to reimburse Dallas County for the costs of design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 12-2357.

On September 26, 2012, City Council authorized a Development Agreement with PC LH Land Partners, LP in support of the design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 12-2358.

On September 26, 2012, City Council authorized a Project Specific Agreement with Dallas County for reimbursement of the costs of design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 12-2359.

On April 1, 2016, the Skillman Corridor TIF Board of Directors approved the districtwide TIF funding request of up to $346,800 as the required 10 percent local matching funds that was to be provided by PC LH Land Partners, LP, for the Lake Highlands Transit Oriented Development Connectivity Sustainable Development Infrastructure Project in the Skillman Corridor TIF District in partnership with NCTCOG's RTC for its Sustainable Development Program.

On December 13, 2017, City Council authorized an amendment to Resolution No. 12-2359, previously approved on September 26, 2012, to rescind Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11 releasing project encumbrances to Dallas County, and to revise Section 2 funding receipt source to receive funds from the North Central Texas Council of Governments to the Texas Department of Transportation by Resolution No. 17-1894.

On December 13, 2017, the City Council authorized Supplemental Agreement No.1 to the professional services contract with Civil Associates, Inc. to provide final design services for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project by Resolution No. 17-1895.

On December 13, 2017, City Council authorized (1) an amendment to Resolution No. 12-2357, previously approved on September 26, 2012, for the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project to: (a) delete project reimbursements to Dallas County; (b) revise Section 2 funding receipt source to receive funds from the North Central Texas Council of Governments to the Texas Department of Transportation; and (c) correct the name of the project from Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project to Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project; (2) the Skillman Corridor Tax Increment Financing District Board of Directors to dedicate up to $346,778 in the Skillman Corridor Tax Increment Financing District Funds as the required local matching funds for the North Central Texas Council of Governments Sustainable Development Program associated with the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project in the Skillman Corridor Tax Increment Financing District by Resolution No. 17-1896.

On December 13, 2017, City Council authorized rescinding Resolution No. 12-2358, previously approved on September 26, 2012, for the execution of the Development Agreement with PC LH Land

and Partners, LP and associated receipt and deposit of funds for the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 17-1897.

On June 19, 2018, the Skillman Corridor TIF Board of Directors approved the districtwide TIF funding request of up to $350,000 for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project in the Skillman Corridor TIF District for construction of median gateway improvements along Skillman Street between Merriman Parkway and Abrams Road with support by the Lake Highlands Public Improvement District that has funded the design and will be responsible for the operation and maintenance.

Information about this item was provided to the Mobility Solutions, Infrastructure and Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Skillman Corridor TIF District Funds - $505,517.82
Capital Project Reimbursement Funds - $218,008.91
Lake Highlands Project Funds - $1,744,071.26

Council District	Amount
9	$ 287,508.91
10	$2,035,604.03
13	$ 144,485.05
Total	$2,467,597.99

Estimated Project Cost

Lake Highlands Trail South Extension

Design (original)	$ 49,450.04
Design (Supplemental No.1)	$ 292,053.52
Construction for trail improvements (this action)	$ 2,180,089.08
Dallas County Administrative costs	$ 75,000.00
Estimated Total Project Cost	$2,596,592.64

Funding Sources

NCTCOG/TxDOT's share	$2,774,222.00
Dallas County	$ 346,778.00
City of Dallas' (Skillman Corridor TIF Fund) share	$ 346,778.00
Total	$3,467,778.00

Skillman Median Improvements

Construction for Skillman median improvements (this action)	$287,508.91
Estimated Total Project Cost	$287,508.91

Funding Sources

City of Dallas' (Skillman Corridor TIF Fund) share	$350,000.00
Total	$350,000.00

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$2,467,597.99	Construction	25.00%	42.33%	$1,044,512.50
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

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

*Denotes successful bidder(s)

Bidders	Bid Amount
*Joe Funk Construction, Inc. 11226 Indian Trail, Dallas, TX 75229	$2,467,597.99
Texas Standard Construction, Ltd.	$3,197,844.20
Rebcon, Inc.	$4,529,103.66

Original estimate: PBW $2,069,603.00

OWNER

Joe Funk Construction, Inc.

Rusty Norris, President

MAP

Attached

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Lake Highlands Transit Oriented Development
Sustainable Development Project

Council Districts 9, 10, 13

WHEREAS, the Regional Transportation Council (RTC) is the regional transportation policy board of the North Central Texas Council of Governments (NCTCOG), and is a regional forum for cooperative decisions on transportation; and

WHEREAS, pursuant to Chapter 228 of the Texas Transportation Code, the State of Texas provided surplus revenue from a State Highway 121 Toll Project to RTC for its Sustainable Development Program; and

WHEREAS, the RTC approved $41.0 million for the 2009-2010 Sustainable Development Program Call for Projects; and

WHEREAS, the City of Dallas issued a request for proposals to private developers and other organizations to solicit projects to submit to the RTC's Sustainable Development Call for Projects; and

WHEREAS, the City of Dallas submitted sixteen infrastructure projects, including the Lake Highlands Transit Oriented Development (TOD) Sustainable Development Infrastructure Project, and seven planning projects to the RTC's Sustainable Development Call for Projects; and

WHEREAS, on June 3, 2010, the RTC approved $13,779,712 in Regional Toll Revenue (RTR) or Regional Transportation Council local funds for nine infrastructures and three planning projects in the City of Dallas; and

WHEREAS, on August 25, 2010, City Council authorized support for projects selected within the City of Dallas for the Regional Transportation Council Sustainable Development Program and authorized the City Manager to negotiate agreements with the North Central Texas Council of Governments and private sector partners, where applicable by Resolution No. 10-2152; and

WHEREAS, on February 24, 2011, the Texas Transportation Commission concurred with RTC's selection of projects for the Lake Highlands TOD Multimodal Connectivity Project and its funding of $2,774,222; and

WHEREAS, the Sustainable Development Program requires a minimum local match of 20% of the total project cost of $3,467,778, or $693,556, which was to be provided by Dallas County (10%) and PC LH land Partners, LP (10%); and

WHEREAS, on September 26, 2012, City Council authorized an agreement with NCTCOG and the State of Texas to obtain funding to reimburse Dallas County, for the costs of design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project in the amount of $2,774,222, by Resolution No. 12-2357; and

WHEREAS, on September 26, 2012, City Council authorized a Development Agreement with PC LH Land Partners, LP, in support of the design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 12-2358; and

WHEREAS, on September 26, 2012, City Council authorized a Project Specific Agreement with Dallas County for reimbursement of the costs of design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 12-2359; and

WHEREAS, in March 2016, the developer, PC LH Land Partners, LP, notified the City of Dallas of its desire to terminate its Tax Incentive Financing (TIF) agreement and forgo all obligations for this project; and

WHEREAS, on April 1, 2016, the Skillman Corridor TIF Board of Directors approved the districtwide TIF funding request of up to $346,800 as the required 10 percent local matching funds that was to be provided by PC LH Land Partners, LP for the Lake Highlands Transit Oriented Development Sustainable Development Project in the Skillman Corridor TIF District in partnership with NCTCOG's RTC for its Sustainable Development Program; and

WHEREAS, Dallas County was originally planned to be the lead agency administering the design, right-of-way, and construction of the project; however, it was mutually agreed upon by the City of Dallas and Dallas County that the City of Dallas would take over the lead agency role for this project in order to expedite the project in support of active private development in the vicinity; and

WHEREAS, on December 13, 2017, City Council authorized an amendment to Resolution No. 12-2359, previously approved on September 26, 2012, to rescind Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11 releasing project encumbrances to Dallas County, and to revise Section 2 funding receipt source to receive funds from the North Central Texas Council of Governments to the Texas Department of Transportation by Resolution No 17-1894; and

WHEREAS, on December 13, 2017, City Council authorized Supplemental Agreement No.1 to the professional services contract with Civil Associates, Inc. to provide final design services for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project by Resolution No 17-1895; and

WHEREAS, on December 13, 2017, City Council authorized **(1)** an amendment to Resolution No. 12-2357, previously approved on September 26, 2012, for the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project to: **(a)** delete project reimbursements to Dallas County; **(b)** revise Section 2 funding receipt source to receive funds from the North Central Texas Council of Governments to the Texas Department of Transportation; and **(c)** correct the name of the project from Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project to Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project; **(2)** the Skillman Corridor Tax Increment Financing District Board of Directors to dedicate up to $346,778 in the Skillman Corridor Tax Increment Financing District Funds as the required local matching funds for the North Central Texas Council of Governments Sustainable Development Program associated with the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project in the Skillman Corridor Tax Increment Financing District by Resolution No. 17-1896; and

WHEREAS, on December 13, 2017, City Council authorized rescinding Resolution No. 12-2358, previously approved on September 26, 2012, for the execution of the Development Agreement with PC LH Land and Partners, LP and associated receipt and deposit of funds for the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 17-1897; and

WHEREAS, at the request of the Lake Highlands Public Improvement District, the project now will also include construction of median gateway improvements on Skillman Street between Merriman Parkway and Abrams Road to provide beautification adjacent to the Lake Highlands Trail and the White Rock Creek Trail in the Skillman Corridor TIF District, which will be funded 100% by the Skillman Corridor TIF District Fund; and

WHEREAS, on June 19, 2018, the Skillman Corridor TIF Board of Directors approved the districtwide TIF funding request of up to $350,000 that will be required for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project in the Skillman Corridor TIF District for construction of median gateway improvements along Skillman Street between Merriman Parkway and Abrams Road with support by the Lake Highlands Public Improvement District that has funded the design and will be responsible for the operation and maintenance; and

WHEREAS, on July 20, 2018, three bids were received for the construction of the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project as follows for the total sum of Schedule A, Alternate Bid 1, and Alternative Bid 3:

September 12, 2018

Bidders	Bid Amount
Joe Funk Construction, Inc.	$2,467,597.99
Texas Standard Construction, Ltd.	$3,197,844.20
Rebcon, Inc.	$4,529,103.66

Now, Therefore,

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

SECTION 1. That the Skillman Corridor Tax Increment Financing (TIF) District Board of Directors are hereby authorized to dedicate up to $350,000.00 in the Skillman Corridor TIF District funds for construction of median gateway improvements along Skillman Street between Merriman Parkway and Abrams Road as part of the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project to support the development in the Skillman Corridor TIF District.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed $350,000.00 in the Skillman Corridor TIF District Fund for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project in Fund 0052, Department ECO, Unit W249, Object 4510.

SECTION 3. That the City Manager is hereby authorized to sign a construction contract with Joe Funk Construction, Inc., approved as to form by the City Attorney, for the construction of trail and median improvements for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project, in an amount not to exceed $2,467,597.99.

SECTION 4. That the City Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $2,467,597.99 to Joe Funk Construction, Inc., as follows:

Skillman Corridor TIF District Fund
Fund 0052, Department ECO, Unit W249
Object 4510, Program No. ECSD0006
Encumbrance/Contract No. CX-PBW-2018-00007240
Vendor VS0000015179 $505,517.82

Capital Projects Reimbursement Fund
Fund 0556, Department PBW, Unit P737
Object 4510, Program No. ECSD0006
Encumbrance/Contract No. CX-PBW-2018-00007240
Vendor VS0000015179 $218,008.91

SECTION 4. (continued)

Lake Highlands Project Fund	
Fund S250, Department PBW, Unit P737	
Object 4510, Program ECSD0006	
Encumbrance/Contract No. CX-PBW-2018-00007240	
Vendor VS0000015179	$1,744,071.26
Total amount not to exceed	$2,467,597.99

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 #: 18-543 **Item #:** 18.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	September 12, 2018
COUNCIL DISTRICT(S):	9, 10, 13
DEPARTMENT:	Department of Public Works
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

Authorize **(1)** an amendment to the Funding Agreement with the North Central Texas Council of Governments and the Texas Department of Transportation (Agreement No. CSJ 0918-47-028), to extend the project schedule timeline through October 31, 2019, revise the project closeout requirements, scope of work, project location map and the project budget for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project; and **(2)** approval of a resolution rescinding Section 4 of Resolution No. 17-1896 previously approved on December 13, 2017 - Financing: No cost consideration to the City

BACKGROUND

This action will authorize amending the Funding Agreement with the North Central Texas Council of Governments (NCTCOG) and the Texas Department of Transportation (TxDOT) to delete intersection improvements at Walnut Hill Lane/Skillman Street, extend project limits to add trail improvements west of the Skillman Street Bridge, revise the project closeout requirements, extend the schedule deadline for significant progress from December 31, 2015 to October 31, 2019, and allow project design costs to be reimbursed by TxDOT for the Lake Highlands Transit Oriented Development (TOD) Sustainable Development Infrastructure Project; and authorize a resolution rescinding Section 4 of Resolution No. 17-1896 previously approved on December 13, 2017.

The Lake Highlands TOD Sustainable Development Infrastructure Project is a partnership project between the City of Dallas, Dallas County, TxDOT and NCTCOG that was selected by NCTCOG's third Sustainable Development Program Call for Projects. The Funding Agreement between the City of Dallas, the NCTCOG and TxDOT was executed October 17, 2012.

The Lake Highlands TOD Sustainable Development Infrastructure Project includes a 12-foot wide trail connection from the Lake Highlands Town Center development to the south along Jackson Branch, and then to the west under the Skillman Street Bridge. The trail is 16-feet wide west of the Skillman Street Bridge and will include a pedestrian bridge crossing over White Rock Creek to connect with the White Rock Creek Trail, and another connection to Merriman Parkway. These trail

improvements west of Skillman Street and the deletion of the intersection improvements at Walnut Hill Lane/Skillman Street require an amendment of the Funding Agreement for revising the project scope and changing the project limits. The trail improvements west of Skillman Street will better serve the developments at the northeast corner of Skillman Street and Abrams Road, and also provide a trail connection to the Merriman Park Estates neighborhood. At the Walnut Hill Lane/Skillman Street intersection, the limited improvements that were included within this project to add a second left turn lane from westbound Walnut Hill Lane to southbound Skillman Street will be addressed with the City of Dallas 2017 Bond Program.

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2017
Completed Design	June 2018
Began Easement Acquisition	April 2018
Complete Easement Acquisition	December 2018
Begin Construction	October 2018
Complete Construction	October 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 13, 2009, the Transportation and Environment Committee was briefed on the Regional Transportation Council Sustainable Development Program Call for Projects for 2009-2010.

On September 15, 2009, the Transportation and Environment Committee was briefed on and endorsed the recommended project list.

On August 10, 2010, a memo was submitted to the Transportation and Environment Committee regarding the resolution of support for the selected projects.

On August 25, 2010, City Council authorized support for projects selected within the City of Dallas for the Regional Transportation Council Sustainable Development Program and authorized the City Manager to negotiate agreements with the North Central Texas Council of Governments and private sector partners, where applicable by Resolution No. 10-2152.

On September 17, 2012, the Economic Development Committee was briefed by memorandum to consider agreements with the North Central Texas Council of Governments, the State of Texas, Dallas County and PC LH Land Partners, LP, for the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project.

On September 26, 2012, City Council authorized an agreement with the NCTCOG and the State of Texas to obtain funding to reimburse Dallas County for the costs of design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 12-2357.

On September 26, 2012, City Council authorized a Development Agreement with PC LH Land Partners, LP in support of the design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 12-2358.

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On September 26, 2012, City Council authorized a Project Specific Agreement with Dallas County for reimbursement of the costs of design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 12-2359.

On April 1, 2016, the Skillman TIF Board of Directors approved the district-wide TIF funding request of up to $346,800 as the required 10 percent local matching funds that was to be provided by PC LH Land Partners, LP, for the Lake Highlands Transit Oriented Development Connectivity Sustainable Development Infrastructure Project in the Skillman Corridor TIF District in partnership with North Central Texas Council of Government's RTC for its Sustainable Development Program.

On December 13, 2017, City Council authorized an amendment to Resolution No. 12-2359, previously approved on September 26, 2012, to rescind Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11 releasing project encumbrances to Dallas County, and to revise Section 2 funding receipt source to receive funds from the North Central Texas Council of Governments to the Texas Department of Transportation by Resolution No. 17-1894.

On December 13, 2017, City Council authorized Supplemental Agreement No.1 to the professional services contract with Civil Associates, Inc. to provide final design services for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project by Resolution No. 17-1895.

On December 13, 2017, the City Council authorized (1) an amendment to Resolution No. 12-2357, previously approved on September 26, 2012, for the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project to: (a) delete project reimbursements to Dallas County; (b) revise Section 2 funding receipt source to receive funds from the North Central Texas Council of Governments to the Texas Department of Transportation; and (c) correct the name of the project from Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project to Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project; (2) the Skillman Corridor Tax Increment Financing District Board of Directors to dedicate up to $346,778 in the Skillman Corridor Tax Increment Financing District Funds as the required local matching funds for the North Central Texas Council of Governments Sustainable Development Program associated with the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project in the Skillman Corridor Tax Increment Financing District by Resolution No. 17-1896.

On December 13, 2017, City Council authorized rescinding Resolution No. 12-2358, previously approved on September 26, 2012, for the execution of the Development Agreement with PC LH Land and Partners, LP and associated receipt and deposit of funds for the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 17-1897.

Information about this item was provided to the Mobility Solutions, Infrastructure and Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

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No cost consideration to the City.

MAP

Attached

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Lake Highlands Transit Oriented Development
Sustainable Development Project

Council Districts 9, 10, 13

Mapsco 27 N P S T

WHEREAS, the Regional Transportation Council (RTC) is the regional transportation policy board of the North Central Texas Council of Governments (NCTCOG), and is a regional forum for cooperative decisions on transportation; and

WHEREAS, pursuant to Chapter 228 of the Texas Transportation Code, the State of Texas provided surplus revenue from a State Highway 121 Toll Project to RTC for its Sustainable Development Program; and

WHEREAS, the RTC approved $41.0 million for the 2009-2010 Sustainable Development Program Call for Projects; and

WHEREAS, the City of Dallas issued a request for proposals to private developers and other organizations to solicit projects to submit to the RTC's Sustainable Development Call for Projects; and

WHEREAS, the City of Dallas submitted sixteen infrastructure projects, including the Lake Highlands Transit Oriented Development (TOD) Sustainable Development Infrastructure Project, and seven planning projects to the RTC's Sustainable Development Call for Projects; and

WHEREAS, on June 3, 2010, the RTC approved $13,779,712 in Regional Toll Revenue (RTR) or Regional Transportation Council local funds for nine infrastructure and three planning projects in the City of Dallas; and

WHEREAS, on August 25, 2010, City Council authorized support for projects selected within the City of Dallas for the Regional Transportation Council Sustainable Development Program and authorized the City Manager to negotiate agreements with the North Central Texas Council of Governments and private sector partners, where applicable by Resolution No. 10-2152; and

WHEREAS, on February 24, 2011, the Texas Transportation Commission concurred with RTC's selection of projects for the Lake Highlands TOD Multimodal Connectivity Project and its funding of $2,774,222; and

WHEREAS, the Sustainable Development Program requires a minimum local match of 20% of the total project cost of $3,467,778, or $693,556, which was to be provided by Dallas County (10%) and PC LH land Partners, LP (10%); and

WHEREAS, on September 26, 2012, City Council authorized an agreement with NCTCOG and the State of Texas to obtain funding to reimburse Dallas County, for the costs of design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project in the amount of $2,774,222, by Resolution No. 12-2357; and

WHEREAS, on September 26, 2012, City Council authorized a Development Agreement with PC LH Land Partners, LP, in support of the design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 12-2358; and

WHEREAS, on September 26, 2012, City Council authorized a Project Specific Agreement with Dallas County for reimbursement of the costs of design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 12-2359; and

WHEREAS, in March 2016, the developer, PC LH Land Partners, LP, notified the City of Dallas of its desire to terminate its Tax Incentive Financing (TIF) agreement and forgo all obligations for this project; and

WHEREAS, on April 1, 2016, the Skillman Corridor TIF Board of Directors approved the districtwide TIF funding request of up to $346,800 as the required 10 percent local matching funds that was to be provided by PC LH Land Partners, LP for the Lake Highlands Transit Oriented Development Sustainable Development Project in the Skillman Corridor TIF District in partnership with NCTCOG's RTC for its Sustainable Development Program; and

WHEREAS, Dallas County was originally planned to be the lead agency administering the design, right-of-way, and construction of the project; however, it was mutually agreed upon by the City of Dallas and Dallas County that the City of Dallas would take over the lead agency role for this project in order to expedite the project in support of active private development in the vicinity; and

WHEREAS, on December 13, 2017, City Council authorized an amendment to Resolution No. 12-2359, previously approved on September 26, 2012, to rescind Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11 releasing project encumbrances to Dallas County, and to revise Section 2 funding receipt source to receive funds from the North Central Texas Council of Governments to the Texas Department of Transportation by Resolution No. 17-1894; and

WHEREAS, on December 13, 2017, City Council authorized Supplemental Agreement No.1 to the professional services contract with Civil Associates, Inc. to provide final design services for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project by Resolution No. 17-1895; and

WHEREAS, on December 13, 2017, City Council authorized (1) an amendment to Resolution No. 12-2357, previously approved on September 26, 2012, for the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project to: (a) delete project reimbursements to Dallas County; (b) revise Section 2 funding receipt source to receive funds from the North Central Texas Council of Governments to the Texas Department of Transportation; and (c) correct the name of the project from Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project to Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project; (2) the Skillman Corridor Tax Increment Financing District Board of Directors to dedicate up to $346,778 in the Skillman Corridor Tax Increment Financing District Funds as the required local matching funds for the North Central Texas Council of Governments Sustainable Development Program associated with the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project in the Skillman Corridor Tax Increment Financing District by Resolution No. 17-1896; and

WHEREAS, on December 13, 2017, City Council authorized rescinding Resolution No. 12-2358, previously approved on September 26, 2012, for the execution of the Development Agreement with PC LH Land and Partners, LP and associated receipt and deposit of funds for the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 17-1897; and

WHEREAS, the Funding Agreement with the NCTCOG and the Texas Department of Transportation (TxDOT), dated October 17, 2012, must be current to allow NCTCOG/TxDOT's share reimbursement to the City of Dallas for the design and construction of the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project; and

WHEREAS, it is now necessary to authorize an amendment to the Funding Agreement with the North Central Texas Council of Governments and the Texas Department of Transportation (Agreement No. CSJ 0918-47-028), to extend the project schedule timeline through October 31, 2019, revise the project closeout requirements, scope of work, project location map and the project budget for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure 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 sign the amendment to the Funding Agreement with the North Central Texas Council of Governments and the Texas Department of Transportation (Agreement No. CSJ 0918-47-028), approved as to form by the City Attorney, to extend the project schedule timeline through October 31, 2019, revise the project closeout requirements, scope of work, project location map and the project budget for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project.

SECTION 2. That the City Manager is hereby authorized to rescind Section 4 of Resolution No. 17-1896 previously approved on December 13, 2017.

SECTION 3. That this contract is designated as Contract No. PBW-2018-00006953.

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 #: 18-480 **Item #:** 19.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize acquisition from Aristeo Hernandez, of approximately 50,711 square feet of land located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $66,000.00 ($63,389.00, plus closing costs and title expenses not to exceed $2,611.00) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes the acquisition of approximately 50,711 square feet of land located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project. The property will be used as operations, fleet parking and storage for equipment and supplies that assist the Dallas Water Utilities Distribution Division in the maintenance of water distribution lines. The consideration is based on an independent appraisal. There are no relocation benefits associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $66,000.00 ($63,389.00, plus closing costs and title expenses not to exceed $2,611.00)

OWNER

Aristeo Hernandez

MAP

Attached

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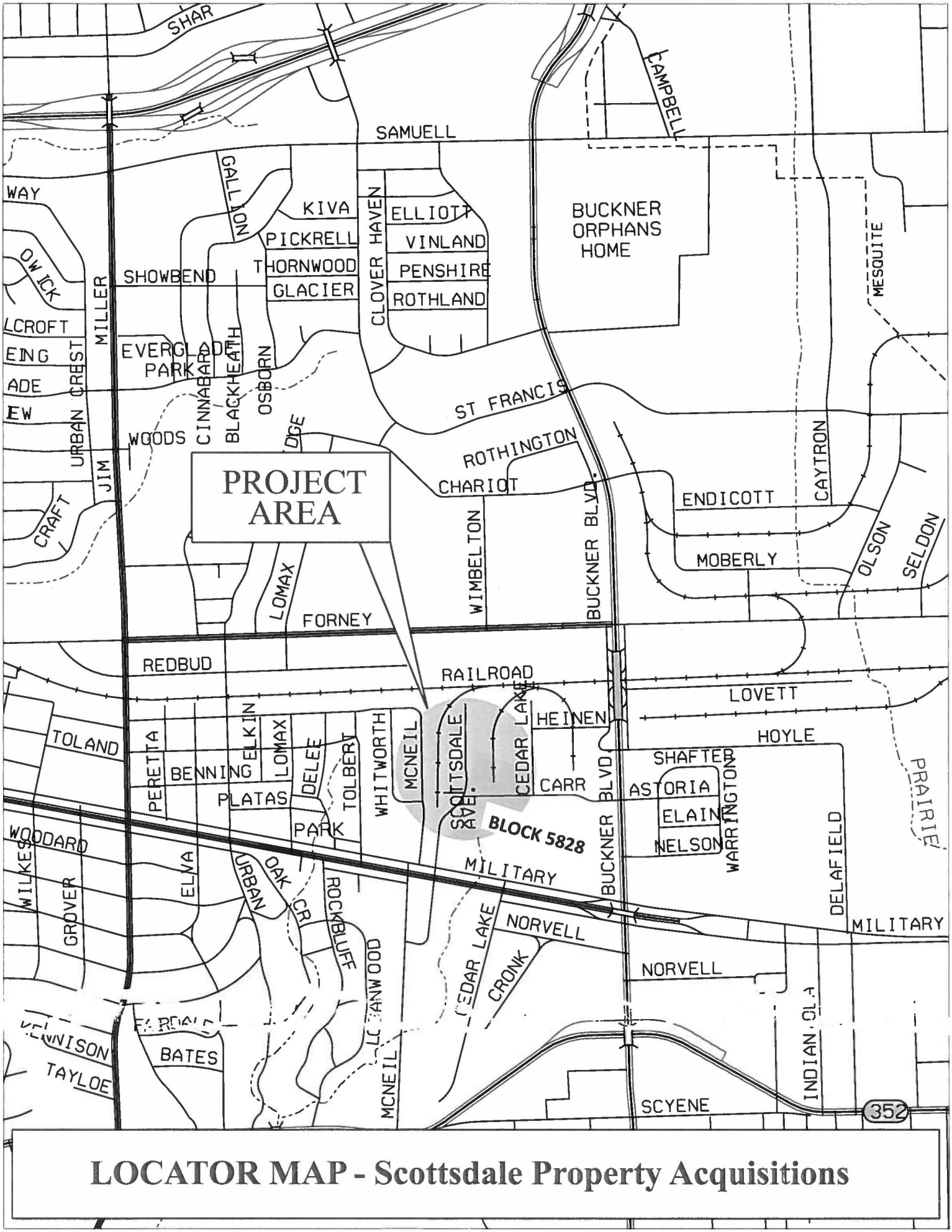


LOCATOR MAP - Scottsdale Property Acquisitions

...\Scottsdale Fieldnotes.dgn 7/26/2018 10:15:27 AM

September 12, 2018

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 50,711 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 hereto.

"PROJECT": Dallas Water Utilities Distribution Division Scottsdale Drive Project

"USE": The location will be used as operations, fleet parking and storage for equipment and supplies that assist the Dallas Water Utilities Distribution Division in the maintenance of major water distribution lines from the water treatment plants and servicing all City of Dallas customers and to customer cities, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fee Simple title subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Aristeo Hernandez, provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"PURCHASE AMOUNT": $63,389.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $2,611.00

"AUTHORIZED AMOUNT": Not to exceed $66,000.00

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 or donation, 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 the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of the Water Capital Improvement Fund, Fund 2115, Department DWU, Unit CW60, Program 7A1371, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005831. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

BY: B N. S TF
Assistant City Attorney

Parcel #6
Field Notes Describing a 50,711 Square Foot (1.1642 Acre) Tract of Land To Be Acquired in City Block 5828 From Philip Allen Beshear

Being a 50,711 Square Foot (1.1642 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), of the "Revised Plat Part of 19.92 Acre Tract", an addition to the City of Dallas dated May 8, 1950, recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Philip Allen Beshear by two separate instruments recorded in Instrument number 200900161020 and 200900161021 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

Note: Listed coordinates are State Plane (grid) values. Distances and areas are surface values, using TXDOT scale factor of 1.000136506.

BEGINNING at a 5/8-inch iron rod with cap stamped "City of Dallas" (N=6970084.67, E=2524998.56) set at the Northwest corner of the herein described tract of land and of Block 5828, at the intersection of the South line of a tract of land conveyed to the Union Pacific Railroad Company (successor in title to the Texas & Pacific Railroad Company, 115-foot wide at this point), same being the North line of said "Revised Plat Part of 19.92 Acre Tract" addition and of said Beshear tract and the East line of "First Installment of Urbandale Heights Addition", an addition to the City of Dallas dated December 12, 1949 and recorded in Volume 14, Page 371 of the Map Records of Dallas County, Texas, and of Block C/5828, from which a ½-inch iron pipe found (Controlling Monument, N=6970079.41, E=2524998.61) bears South 0°18'20" West, a distance of 5.24 feet;

THENCE North 88°53'07" East, with the said common line of the railroad and Revised Plat addition a distance of 289.76 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set (N+6970090.29, E=2525288.26) at the Northeast corner of said addition and said Beshear tract and the herein described tract of land, lying on the West line of Scottsdale Drive (60-foot wide Right-of-Way);

THENCE South 0°19'53" East, departing said common line and continuing with the East line of said Revised Plat addition and said Beshear tract and of the said West line of Scottsdale Drive a distance of 88.11 feet to the Southeast corner of said Beshear tract, same being the Northeast corner of a tract of land conveyed to Mustang Masonry, as described in Warranty Deed with Vendor's Lien, recorded in Volume 84229, Page 340 of the Deed Records of Dallas County, Texas, (corner not monumented N=6970002.71, E=2525289.68) from which a 1-inch iron pin found bears South 60°21'47" West, a distance of 1.05 feet;

Parcel #6
Field Notes Describing a 50,711 Square Foot (1.1642 Acre) Tract of Land To Be Acquired in City Block 5828 From Philip Allen Beshear

THENCE South 90°0'0" West, departing the said West line of Scottsdale Drive and the East line of said Revised Plat addition, along the said common line of Mustang Masonry and Beshear tracts a distance of 84.95 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set at an inside corner of the herein described tract of land, lying on a non-tangent beginning of a Curve to the Left (N=6970002.19, E=2525203.83);

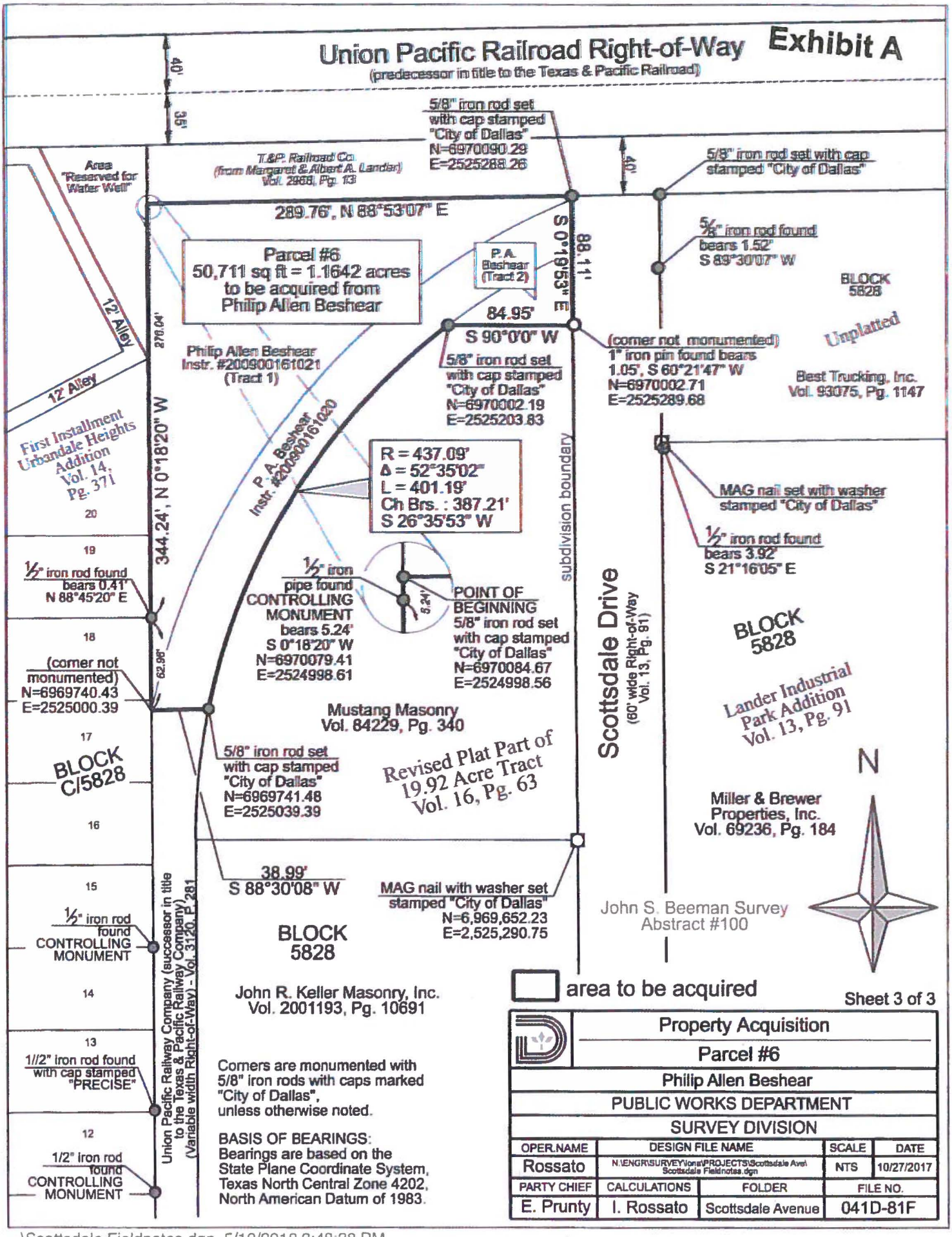
THENCE in the Southwesterly direction continuing with said common line and along said Curve to the Left and having a Radius of 437.09 feet, a Central Angle of 52°35'02", an Arc distance of 401.19 feet and a Chord which bears South 26°35'53" West, a distance of 387.21 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set (N=6969741.48, E=2525039.39) at the intersection with the remainder of a tract of land (also referred to as railroad spur) conveyed to the Union Pacific Railway Company (successor in title to the Texas & Pacific Railway Company) recorded in Volume 3120, Page 281 of said Deed Records;

THENCE South 88°30'08" West, along the South line of the said Beshear tract, over and across said remainder railroad spur tract a distance of 38.99 feet to the West line of said Revised Plat addition and of said Beshear tract, same being the East line of said "First Installment of Urbandale Heights Addition" and of Block C/5828, Lot 17 (corner not monumented, N=6969740.43, E=2525000.39);

THENCE North 0°18'20" West, along said common line of said additions a distance of 62.96 feet to the intersection of the common line of Lots 18 and 19, from which a ½-inch iron rod found bears North 88°45'20" East, a distance of 0.41 feet, continuing along said common line for a total distance of 344.24 feet to the **POINT OF BEGINNING**, containing 50,711 Square Feet, or 1.1642 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Ilona E. Rossato
5/10/2018



Corners are monumented with 5/8" iron rods with caps marked "City of Dallas", unless otherwise noted.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

EXHIBIT B

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

WARRANTY DEED

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

That Aristeo Hernandez, a single man (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of SIXTY THREE THOUSAND THREE HUNDRED EIGHTY NINE AND 00/100 DOLLARS ($63,389.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: "None".

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

EXECUTED this _____ day of _____, _____.

_____
Aristeo Hernandez

EXHIBIT B

* *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Aristeo Hernandez.

_____
Notary Public, State of TEXAS

* *

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

Warranty Deed Log No. 45805

Exhibit A

Parcel #6
Field Notes Describing a 50,711 Square Foot (1.1642 Acre) Tract of Land To Be Acquired in City Block 5828 From Philip Allen Beshear

Being a 50,711 Square Foot (1.1642 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), of the "Revised Plat Part of 19.92 Acre Tract", an addition to the City of Dallas dated May 8, 1950, recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Philip Allen Beshear by two separate instruments recorded in Instrument number 200900161020 and 200900161021 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

Note: Listed coordinates are State Plane (grid) values. Distances and areas are surface values, using TXDOT scale factor of 1.000136506.

BEGINNING at a 5/8-inch iron rod with cap stamped "City of Dallas" (N=6970084.67, E=2524998.56) set at the Northwest corner of the herein described tract of land and of Block 5828, at the intersection of the South line of a tract of land conveyed to the Union Pacific Railroad Company (successor in title to the Texas & Pacific Railroad Company, 115-foot wide at this point), same being the North line of said "Revised Plat Part of 19.92 Acre Tract" addition and of said Beshear tract and the East line of "First Installment of Urbandale Heights Addition", an addition to the City of Dallas dated December 12, 1949 and recorded in Volume 14, Page 371 of the Map Records of Dallas County, Texas, and of Block C/5828, from which a ½-inch iron pipe found (Controlling Monument, N=6970079.41, E=2524998.61) bears South 0°18'20" West, a distance of 5.24 feet;

THENCE North 88°53'07" East, with the said common line of the railroad and Revised Plat addition a distance of 289.76 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set (N+6970090.29, E=2525288.26) at the Northeast corner of said addition and said Beshear tract and the herein described tract of land, lying on the West line of Scottsdale Drive (60-foot wide Right-of-Way);

THENCE South 0°19'53" East, departing said common line and continuing with the East line of said Revised Plat addition and said Beshear tract and of the said West line of Scottsdale Drive a distance of 88.11 feet to the Southeast corner of said Beshear tract, same being the Northeast corner of a tract of land conveyed to Mustang Masonry, as described in Warranty Deed with Vendor's Lien, recorded in Volume 84229, Page 340 of the Deed Records of Dallas County, Texas, (corner not monumented N=6970002.71, E=2525289.68) from which a 1-inch iron pin found bears South 60°21'47" West, a distance of 1.05 feet;

Parcel #6
Field Notes Describing a 50,711 Square Foot (1.1642 Acre) Tract of Land To Be Acquired in City Block 5828 From Philip Allen Beshear

THENCE South 90°0'0" West, departing the said West line of Scottsdale Drive and the East line of said Revised Plat addition, along the said common line of Mustang Masonry and Beshear tracts a distance of 84.95 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set at an inside corner of the herein described tract of land, lying on a non-tangent beginning of a Curve to the Left (N=6970002.19, E=2525203.83);

THENCE in the Southwesterly direction continuing with said common line and along said Curve to the Left and having a Radius of 437.09 feet, a Central Angle of 52°35'02", an Arc distance of 401.19 feet and a Chord which bears South 26°35'53" West, a distance of 387.21 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set (N=6969741.48, E=2525039.39) at the intersection with the remainder of a tract of land (also referred to as railroad spur) conveyed to the Union Pacific Railway Company (successor in title to the Texas & Pacific Railway Company) recorded in Volume 3120, Page 281 of said Deed Records;

THENCE South 88°30'08" West, along the South line of the said Beshear tract, over and across said remainder railroad spur tract a distance of 38.99 feet to the West line of said Revised Plat addition and of said Beshear tract, same being the East line of said "First Installment of Urbandale Heights Addition" and of Block C/5828, Lot 17 (corner not monumented, N=6969740.43, E=2525000.39);

THENCE North 0°18'20" West, along said common line of said additions a distance of 62.96 feet to the intersection of the common line of Lots 18 and 19, from which a ½-inch iron rod found bears North 88°45'20" East, a distance of 0.41 feet, continuing along said common line for a total distance of 344.24 feet to the **POINT OF BEGINNING**, containing 50,711 Square Feet, or 1.1642 Acres of land.

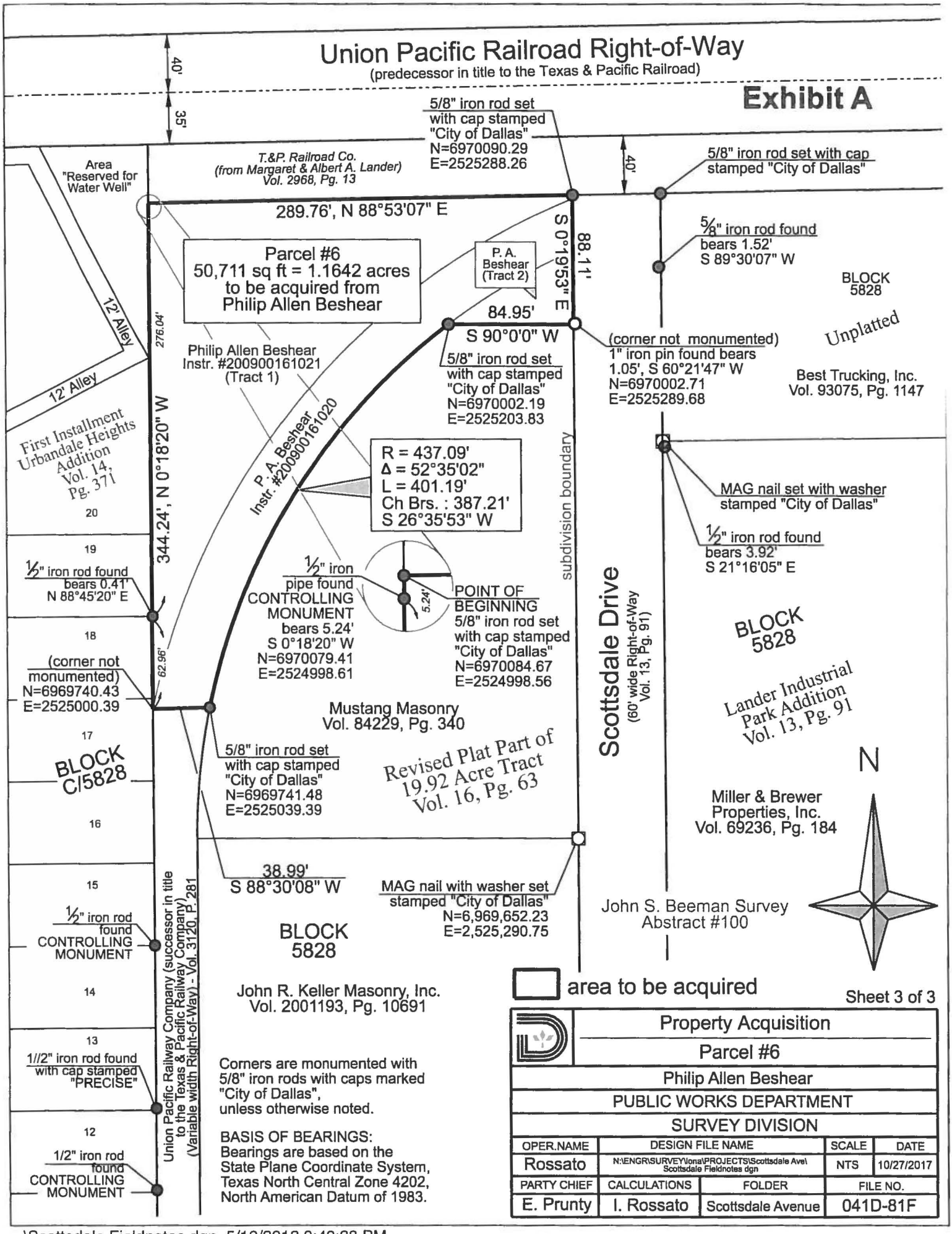
BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Ilona E. Rossato
5/10/2018

Union Pacific Railroad Right-of-Way

(predecessor in title to the Texas & Pacific Railroad)

Exhibit A



Corners are monumented with 5/8" iron rods with caps marked "City of Dallas", unless otherwise noted.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Sheet 3 of 3

Property Acquisition			
Parcel #6			
Philip Allen Beshear			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
Rossato	N:\ENGR\SURVEY\Iona\PROJECTS\Scottsdale Ave\ Scottsdale Fieldnotes.dgn	NTS	10/27/2017
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81F

Agenda Information Sheet

File #: 18-477 **Item #:** 20.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	September 12, 2018
COUNCIL DISTRICT(S):	7
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

Authorize acquisition from John R. Keller Masonry, Inc., of approximately 78,923 square feet of land improved with a vacant commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $219,000.00 ($215,600.00, plus closing costs and title expenses not to exceed $3,400.00) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes the acquisition of approximately 78,923 square feet of land improved with a vacant commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project. The property will be used as operations, fleet parking and storage for equipment and supplies that assist the Dallas Water Utilities Distribution Division in the maintenance of water distribution lines. The consideration is based on an independent appraisal. There are no relocation benefits associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $219,000.00 ($215,600.00, plus closing costs and title expenses not to exceed $3,400.00)

OWNER

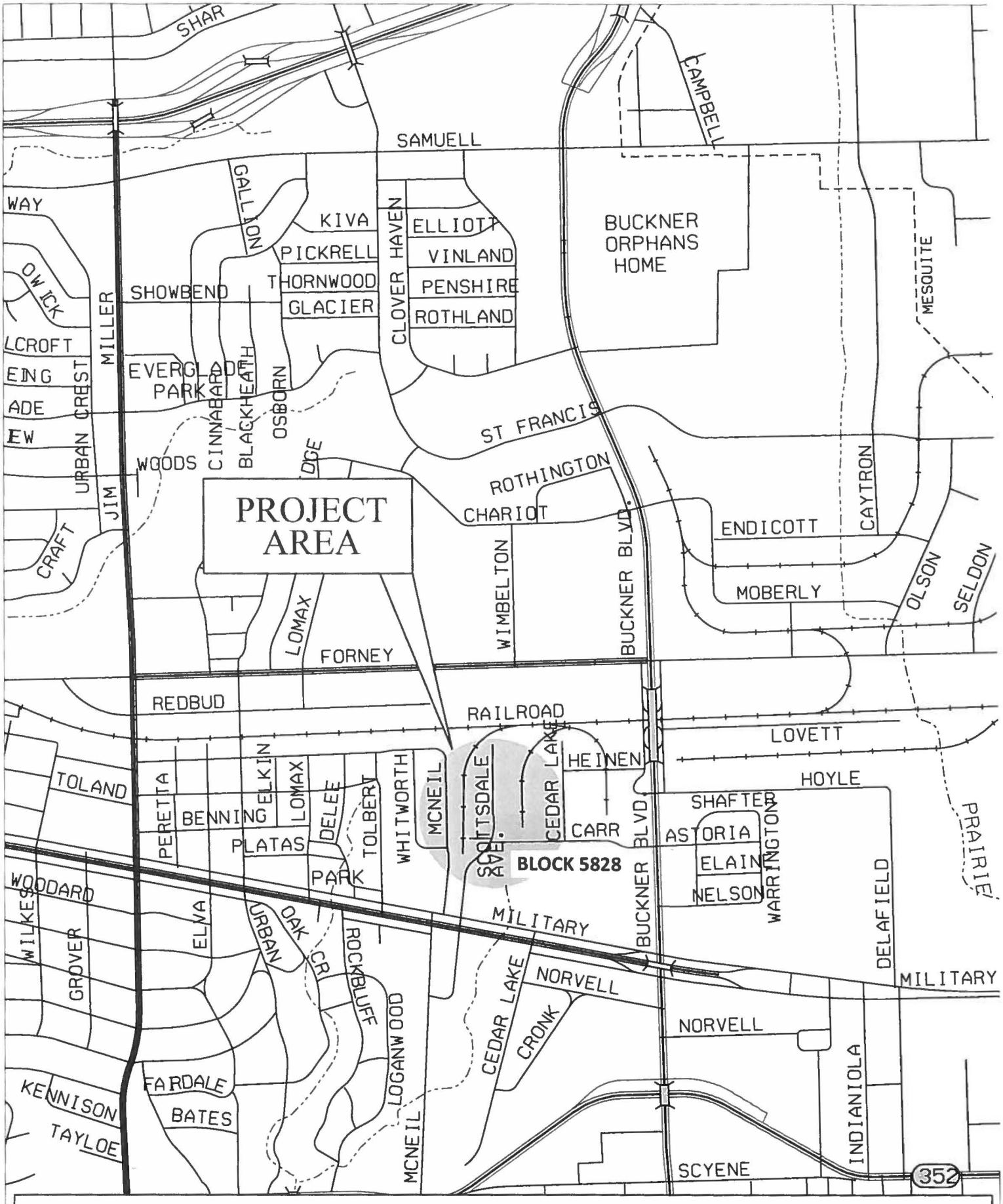
John R. Keller Masonry, Inc.

W. Victor Keller, President

MAP

Attached

powered by Legistar™



LOCATOR MAP - Scottsdale Property Acquisitions

...\Scottsdale Fieldnotes.dgn 5/10/2018 3:44:08 PM

September 12, 2018

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 78,923 square feet of land improved with a vacant commercial building located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

"PROJECT": Dallas Water Utilities Distribution Division Scottsdale Drive Project

"USE": The location will be used as operations, fleet parking and storage for equipment and supplies that assist the Dallas Water Utilities Distribution Division in the maintenance of major water distribution lines from the water treatment plants and servicing all City of Dallas customers and to customer cities, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fee Simple title subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": John R. Keller Masonry, Inc., provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"PURCHASE AMOUNT": $215,600.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $3,400.00

"AUTHORIZED AMOUNT": Not to exceed $219,000.00

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 or donation, 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 the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of the Water Capital Improvement Fund, Fund 2115, Department DWU, Unit CW60, Program 7A1371, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005809. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

BY: _____
Assistant City Attorney

Exhibit A

Parcel #2
Field Notes Describing a 78,923 Square Foot (1.8118 Acre) Tract of Land To Be Acquired in City Block 5828 From John R. Keller Masonry, Inc.

Being a 78,923 Square Foot (1.8118 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), and of the "Revised Plat of Part" of a "19.92 Acre Tract in the John S. Beeman Survey – Abstract #100", an addition to the City of Dallas, dated August 25, 1950 and recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, and being all of the property conveyed to John R. Keller Masonry, Inc. as described in Warranty Deed dated September 27, 2000, recorded in Volume 2001193, Page 10691 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Southeast corner of the herein described tract of land (corner not monumented), lying on the West line of Scottsdale Drive (a 60-foot wide Right-of-Way, as recorded in Volume 13, Page 91, Map Records of Dallas County, Texas), and being also the Northeast corner of a tract of land conveyed to Wm. H. LaDEW, Inc. by Volume 4389, Page 154 of the said Deed Records, from which a 5/8-inch iron rod found bears S 40°23'57" East, a distance of 0.64 feet;

THENCE South 88°56'07" West, departing said West Right-of-Way line, over and across a portion of said Block 5828 and said addition, along the common property line of said Keller Masonry and LaDEW tracts, a distance of 260.97 feet to the Southwest corner of the herein described tract of land (corner not monumented) lying at the intersection of said common property line and the East line of the Texas and Pacific Railway Company Right-of-Way (variable width, created by instrument recorded in Volume 3120, Page 281 of said Deed Records), from which a concrete monument found bears North 11°03'56" East, a distance of 2.27 feet;

THENCE North 0°12'07" West, along the said East Right-of-Way line and the West line of the herein described tract of land, a distance of 305.36 feet to a 5/8-inch iron rod set in concrete with cap stamped "City of Dallas" at the Northwest corner of the herein described tract of land, same being the Southwest corner of a tract of land conveyed to Mustang Masonry by an instrument recorded in Volume 84229, Page 340 of said Deed Records;

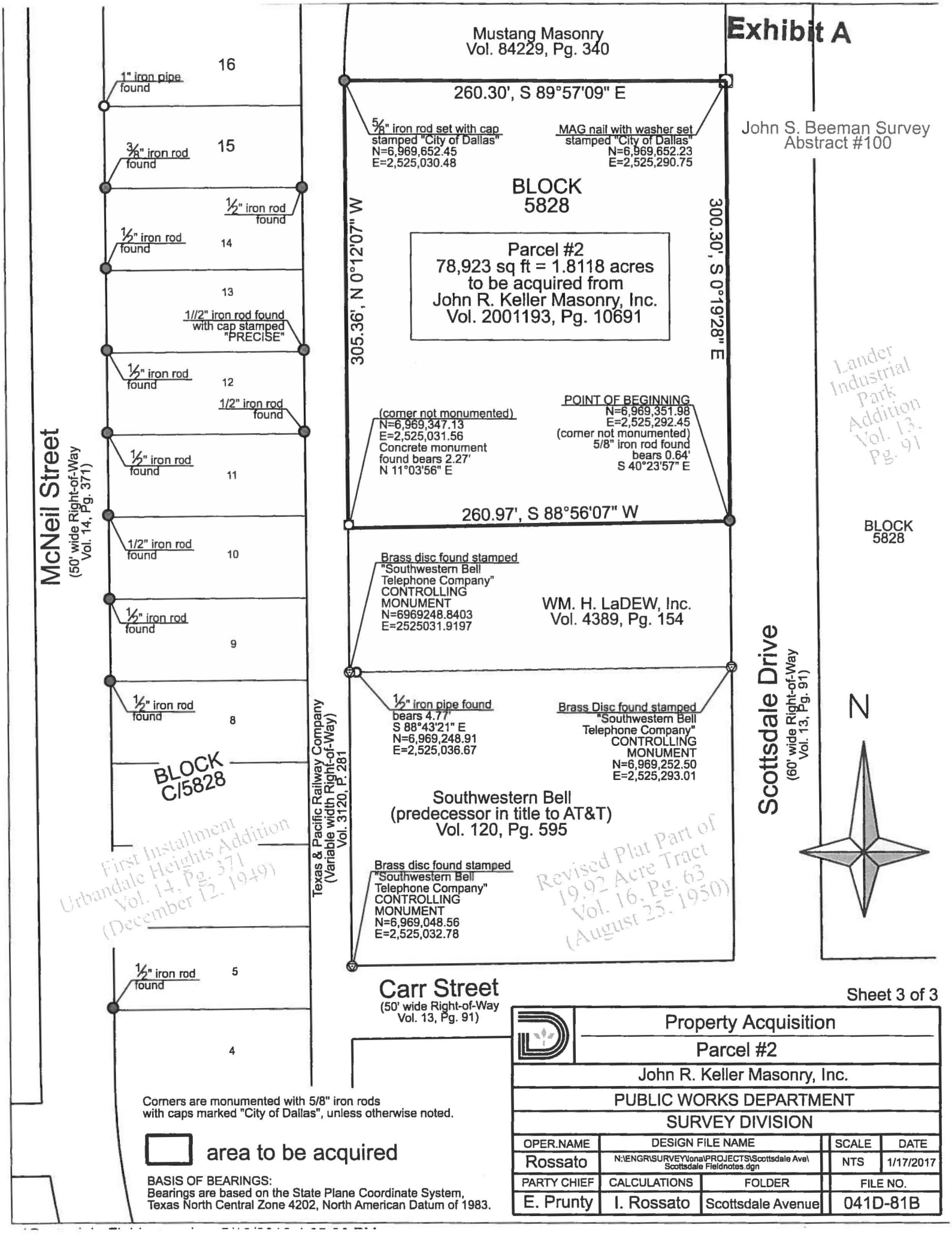
Parcel #2
Field Notes Describing a 78,923 Square Foot (1.8118 Acre) Tract of Land To Be Acquired in City Block 5828 From John R. Keller Masonry, Inc.

THENCE South 89°57'09" East, departing said East Right-of-Way line, over and across a portion of said Block and with the common property line of said Keller and Mustang Masonry tracts, a distance of 260.30 feet to a MAG nail stamped "City of Dallas" set in concrete in the said West line of Scottsdale Drive, same being the Northeast corner of the herein described tract of land and Southeast corner of said Mustang Masonry tract;

THENCE South 0°19'28" East, with said West line of Scottsdale Drive and the East line of the herein described tract of land, a distance of 300.30 feet to the **POINT OF BEGINNING**, containing 78,923 Square Feet, or 1.8118 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Ilona E. Rosato
5/10/2012



Sheet 3 of 3

Property Acquisition				
Parcel #2				
John R. Keller Masonry, Inc.				
PUBLIC WORKS DEPARTMENT				
SURVEY DIVISION				
OPER.NAME	DESIGN FILE NAME		SCALE	DATE
Rossato	N:\ENGR\SURVEY\Iona\PROJECTS\Scottsdale Ave\ Scottsdale Fieldnotes.dgn		NTS	1/17/2017
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.	
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81B	

EXHIBIT B

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

WARRANTY DEED

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

That John R. Keller Masonry, Inc., a Texas corporation (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TWO HUNDRED FIFTEEN THOUSAND SIX HUNDRED AND 00/100 DOLLARS ($215,600.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: "None".

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

EXECUTED this _____ day of _____, _____.

John R. Keller Masonry, Inc., a Texas corporation

_____

By: Victor Keller, President

EXHIBIT B

* *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____ by Victor Keller, President of John R. Keller Masonry, Inc., a Texas corporation, on behalf of said corporation.

_____
Notary Public, State of TEXAS

* *

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

Warranty Deed Log No. 45802

Exhibit A

Parcel #2
Field Notes Describing a 78,923 Square Foot (1.8118 Acre) Tract of Land To Be Acquired in City Block 5828 From John R. Keller Masonry, Inc.

Being a 78,923 Square Foot (1.8118 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), and of the "Revised Plat of Part" of a "19.92 Acre Tract in the John S. Beeman Survey – Abstract #100", an addition to the City of Dallas, dated August 25, 1950 and recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, and being all of the property conveyed to John R. Keller Masonry, Inc. as described in Warranty Deed dated September 27, 2000, recorded in Volume 2001193, Page 10691 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Southeast corner of the herein described tract of land (corner not monumented), lying on the West line of Scottsdale Drive (a 60-foot wide Right-of-Way, as recorded in Volume 13, Page 91, Map Records of Dallas County, Texas), and being also the Northeast corner of a tract of land conveyed to Wm. H. LaDEW, Inc. by Volume 4389, Page 154 of the said Deed Records, from which a 5/8-inch iron rod found bears S 40°23'57" East, a distance of 0.64 feet;

THENCE South 88°56'07" West, departing said West Right-of-Way line, over and across a portion of said Block 5828 and said addition, along the common property line of said Keller Masonry and LaDEW tracts, a distance of 260.97 feet to the Southwest corner of the herein described tract of land (corner not monumented) lying at the intersection of said common property line and the East line of the Texas and Pacific Railway Company Right-of-Way (variable width, created by instrument recorded in Volume 3120, Page 281 of said Deed Records), from which a concrete monument found bears North 11°03'56" East, a distance of 2.27 feet;

THENCE North 0°12'07" West, along the said East Right-of-Way line and the West line of the herein described tract of land, a distance of 305.36 feet to a 5/8-inch iron rod set in concrete with cap stamped "City of Dallas" at the Northwest corner of the herein described tract of land, same being the Southwest corner of a tract of land conveyed to Mustang Masonry by an instrument recorded in Volume 84229, Page 340 of said Deed Records;

Exhibit A

Parcel #2
Field Notes Describing a 78,923 Square Foot (1.8118 Acre) Tract of Land To Be Acquired in City Block 5828 From John R. Keller Masonry, Inc.

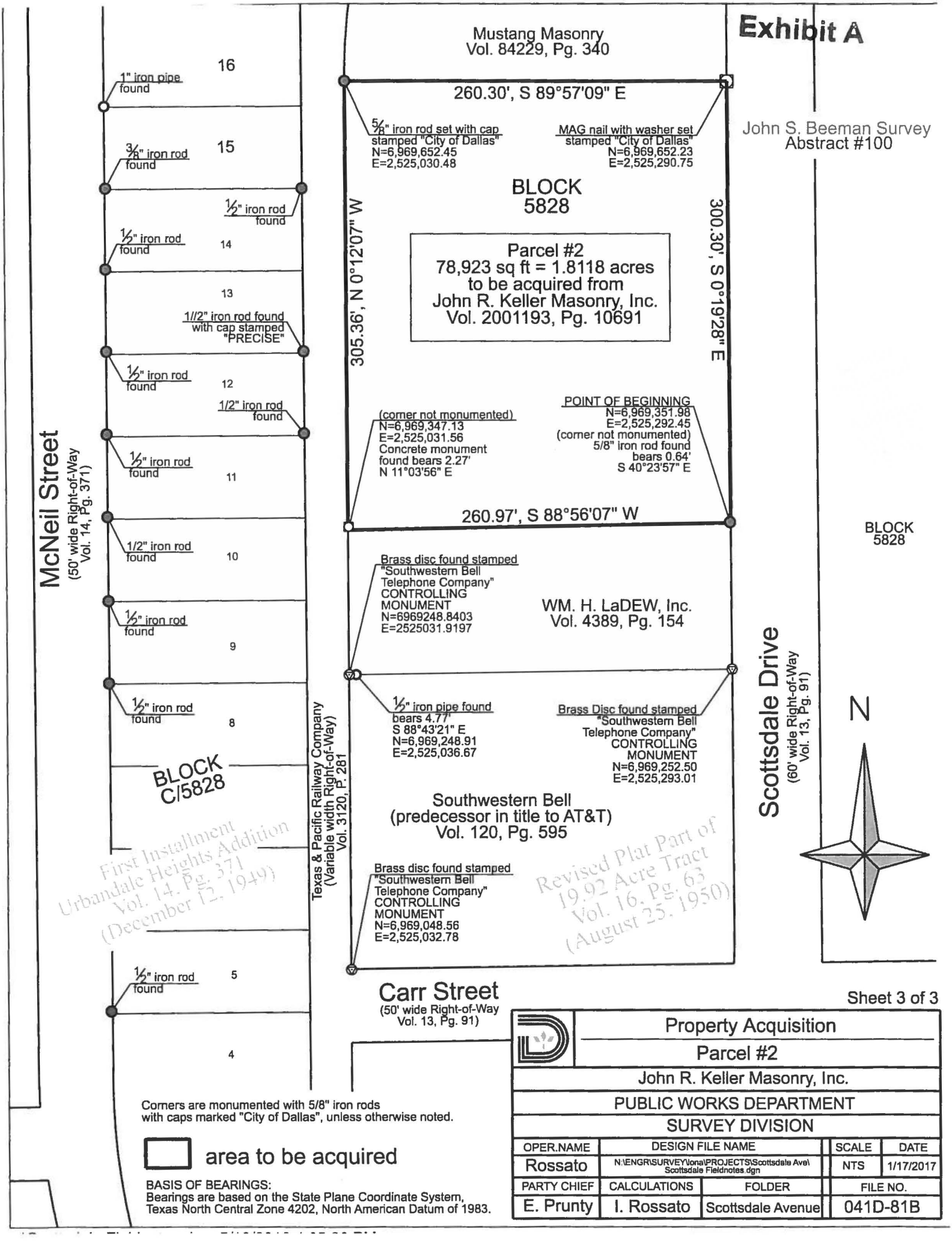
THENCE South 89°57'09" East, departing said East Right-of-Way line, over and across a portion of said Block and with the common property line of said Keller and Mustang Masonry tracts, a distance of 260.30 feet to a MAG nail stamped "City of Dallas" set in concrete in the said West line of Scottsdale Drive, same being the Northeast corner of the herein described tract of land and Southeast corner of said Mustang Masonry tract;

THENCE South 0°19'28" East, with said West line of Scottsdale Drive and the East line of the herein described tract of land, a distance of 300.30 feet to the **POINT OF BEGINNING**, containing 78,923 Square Feet, or 1.8118 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Ilona E. Rossato
5/10/2012

Exhibit A



Corners are monumented with 5/8" iron rods with caps marked "City of Dallas", unless otherwise noted.

area to be acquired

BASIS OF BEARINGS:
Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Sheet 3 of 3

Property Acquisition			
Parcel #2			
John R. Keller Masonry, Inc.			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
Rossato	N:\ENGR\SURVEY\ona\PROJECTS\Scottsdale Ave\ Scottsdale Fieldnotes.dgn	NTS	1/17/2017
PARTY CHIEF	CALCULATIONS / FOLDER	FILE NO.	
E. Prunty	I. Rossato / Scottsdale Avenue	041D-81B	

Agenda Information Sheet

File #: 18-479 **Item #:** 21.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize acquisition from Lawshe Realty, LLC, of approximately 49,399 square feet of land improved with a commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $686,000.00 ($680,000.00, plus closing costs and title expenses not to exceed $6,000.00) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes the acquisition of approximately 49,399 square feet of land improved with a commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project. The property will be used as operations, fleet parking and storage for equipment and supplies that assist the Dallas Water Utilities Distribution Division in the maintenance of water distribution lines. The consideration is based on an independent appraisal. There are no relocation benefits associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $686,000.00 ($680,000.00, plus closing costs and title expenses not to exceed $6,000.00)

OWNER

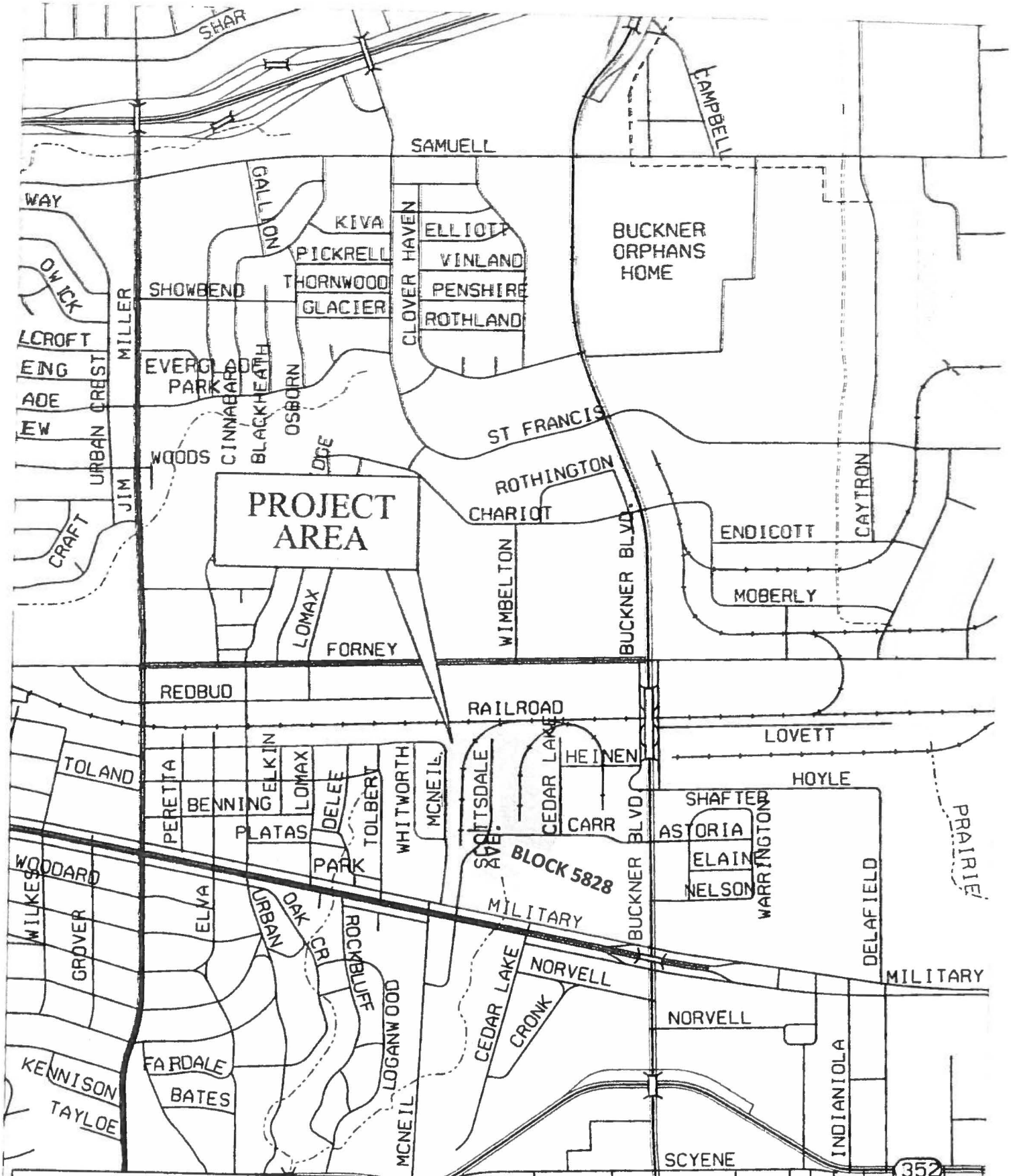
Lawshe Realty, LLC

G. Michael Lawshe, Manager

MAP

Attached

powered by Legistar™



LOCATOR MAP - Scottsdale Property Acquisitions

...\Scottsdale Fieldnotes.dgn 5/10/2018 3:44:08 PM

September 12, 2018

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

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 49,399 square feet of land improved with a commercial building located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

"PROJECT": Dallas Water Utilities Distribution Division Scottsdale Drive Project

"USE": The location will be used as operations, fleet parking and storage for equipment and supplies that assist the Dallas Water Utilities Distribution Division in the maintenance of major water distribution lines from the water treatment plants and servicing all City of Dallas customers and to customer cities, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fee Simple title subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Lawshe Realty, LLC, provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"PURCHASE AMOUNT": $680,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $6,000.00

"AUTHORIZED AMOUNT": Not to exceed $686,000.00

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 or donation, 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 the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of the Water Capital Improvement Funds, Fund 2115, Department DWU, Unit CW60, Program 7A1371, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005808. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

BY: _____
Assistant City Attorney

Exhibit A

Parcel #5
Field Notes Describing a 49,399 Square Foot (1.1340 Acre) Tract of Land To Be Acquired in City Block 5828 From Lawshe Realty, LLC

Being a 49,399 Square Foot (1.1340 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), of Lander Industrial Park, an addition to the City of Dallas dated October 18, 1948 and recorded in Volume 13, Page 91 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Lawshe Realty, LLC as described in Special Warranty Deed with Vendor's Lien dated July 20, 2006 and recorded in Instrument number 200600264389 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

Note: Listed coordinates are State Plane coordinate (grid) values. Distances and areas are surface values, using TXDOT scale factor of 1.000136506.

BEGINNING at a 5/8-inch iron rod set with cap stamped "City of Dallas", lying on the South line of a tract of land conveyed to the Union Pacific Railroad Company (successor in title to the Texas & Pacific Railroad Company, 115-foot wide at this point) at its intersection with the East line of Scottsdale Drive (60-foot wide Right-of-Way), same being the Northwest corner of said Block 5828, and also of the herein described tract of land;

THENCE North 88°53'07" East, with the said South line of railroad Right-of-Way and the North line of said Block and Addition, a distance of 291.80 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set at the Northeast corner of the herein described tract of land and of said Lander Industrial Park Addition, being the Northwest corner of an Unplatted tract of land conveyed to Best Trucking Company, Inc. described in Warranty Deed with Vendor's Lien, recorded in Volume 93075, Page 1147 of the Deed Records of Dallas County, Texas;

THENCE South 0°0'0" West, departing said South line of the railroad and said North line of Addition, and with the common of said addition and above said Unplatted tract of land a distance of 170.35 feet to its intersection with the Northwest line of a tract of land (also referred to as railroad spur) conveyed to the Union Pacific Railroad Company (successor in title to the Texas & Pacific Railroad Company, recorded in Volume 3120, Page 275 and 279 of the Deed Records of Dallas County, Texas) (corner not monumented), from which a 5/8-inch iron rod found with cap stamped "DCA" bears South 89°24'31" East, a distance of 1.35 feet;

Parcel #5
Field Notes Describing a 49,399 Square Foot (1.1340 Acre) Tract of Land To Be Acquired in City Block 5828 From Lawshe Realty, LLC

THENCE South 89°10'32" West, departing said common line, along the common line with a tract of land conveyed to Wm. H. LaDEW, Inc. by Warranty Deed recorded in Volume 69236, Page 184 of said Deed Records to a MAG nail with washer stamped "City of Dallas" set in concrete pavement at the Southwest corner of the herein described tract of land lying on the East line of said Scottsdale Drive, same being the Southwest corner of the herein described tract of land and the Northwest corner of said LaDEW tract, from which a ½-inch iron rod found bears South 21°16'05" East, a distance of 3.92 feet;

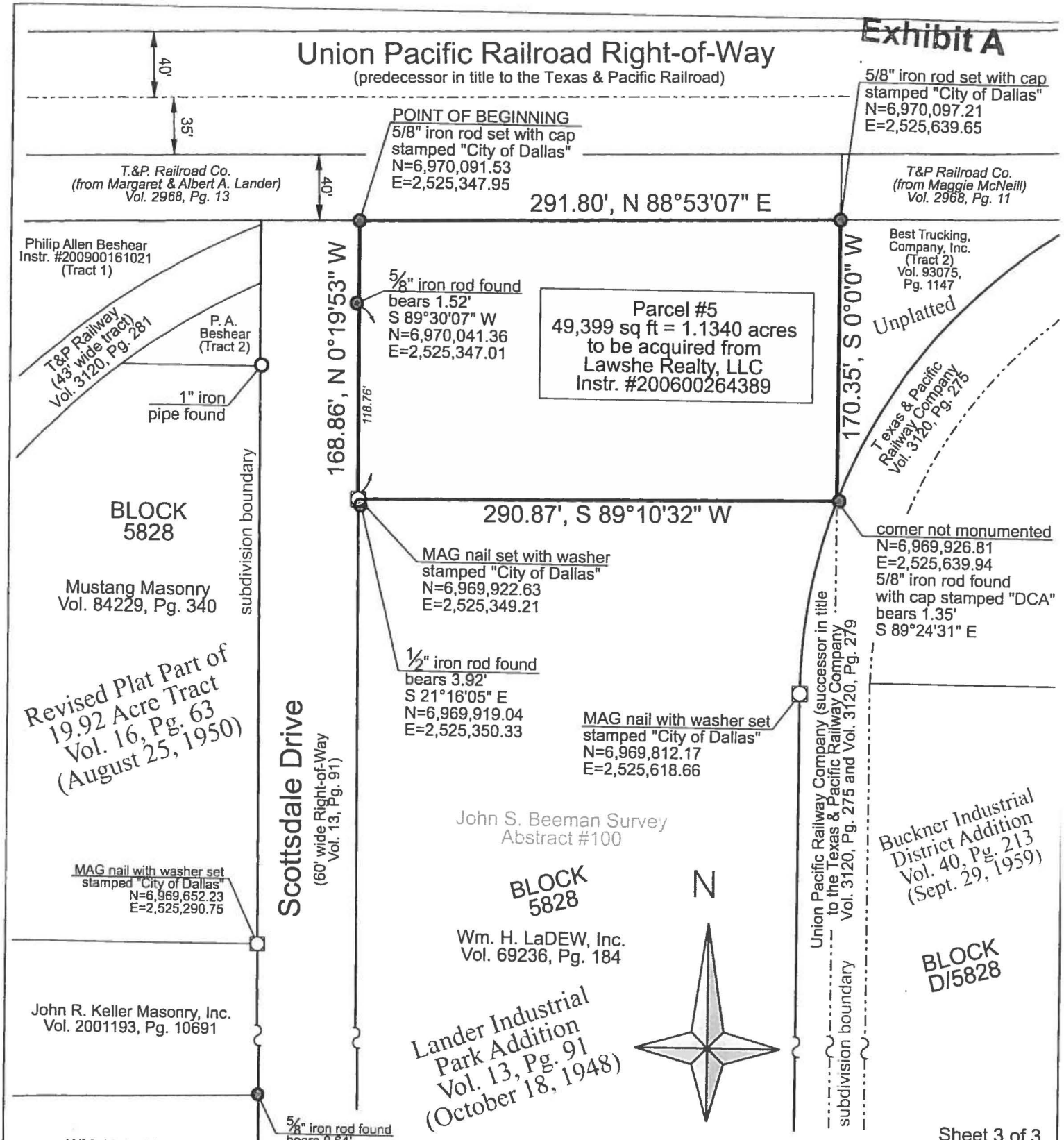
THENCE North 0°19'53" West, with said East line of Scottsdale Drive, a distance of 118.76 feet to a point from which a 5/8-inch iron rod found bears South 89°30'07" West, a distance of 1.52 feet, continuing for a total distance of 168.86 feet to the **POINT OF BEGINNING**, containing 49,399 Square Feet, or 1.1340 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Ilona E. Rossato
5/10/2012

Exhibit A

Union Pacific Railroad Right-of-Way
(predecessor in title to the Texas & Pacific Railroad)



Corners are monumented with 5/8" iron rods with caps marked "City of Dallas", unless otherwise noted.

BASIS OF BEARINGS:
Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Sheet 3 of 3

Property Acquisition			
Parcel #5			
Lawshe Realty, LLC			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER.NAME	DESIGN FILE NAME		SCALE / DATE
Rossato	N:\ENGR\SURVEY\Iona\PROJECTS\Scottsdale Ave\ Scottsdale Fieldnotes.dgn		NTS / 9/28/2017
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81D

...\Scottsdale Fieldnotes.dgn 5/10/2018 3:50:05 PM

EXHIBIT B

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

WARRANTY DEED

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

That Lawshe Realty, LLC, a Texas limited liability company (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of SIX HUNDRED EIGHTY THOUSAND AND 00/100 DOLLARS ($680,000.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: "None".

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

EXECUTED this _____ day of _____, _____.

Lawshe Realty, LLC, a Texas limited liability company

_____
By: G. Michael Lawshe, Manager

EXHIBIT B

* *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by G. Michael Lawshe, Manager of Lawshe Realty, LLC, a Texas limited liability company, on behalf of said limited liability company.

_____
Notary Public, State of TEXAS

* *

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

Warranty Deed Log No. 45804

Exhibit A

Parcel #5
Field Notes Describing a 49,399 Square Foot (1.1340 Acre) Tract of Land To Be Acquired in City Block 5828 From Lawshe Realty, LLC

Being a 49,399 Square Foot (1.1340 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), of Lander Industrial Park, an addition to the City of Dallas dated October 18, 1948 and recorded in Volume 13, Page 91 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Lawshe Realty, LLC as described in Special Warranty Deed with Vendor's Lien dated July 20, 2006 and recorded in Instrument number 200600264389 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

Note: Listed coordinates are State Plane coordinate (grid) values. Distances and areas are surface values, using TXDOT scale factor of 1.000136506.

BEGINNING at a 5/8-inch iron rod set with cap stamped "City of Dallas", lying on the South line of a tract of land conveyed to the Union Pacific Railroad Company (successor in title to the Texas & Pacific Railroad Company, 115-foot wide at this point) at its intersection with the East line of Scottsdale Drive (60-foot wide Right-of-Way), same being the Northwest corner of said Block 5828, and also of the herein described tract of land;

THENCE North 88°53'07" East, with the said South line of railroad Right-of-Way and the North line of said Block and Addition, a distance of 291.80 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set at the Northeast corner of the herein described tract of land and of said Lander Industrial Park Addition, being the Northwest corner of an Unplatted tract of land conveyed to Best Trucking Company, Inc. described in Warranty Deed with Vendor's Lien, recorded in Volume 93075, Page 1147 of the Deed Records of Dallas County, Texas;

THENCE South 0°0'0" West, departing said South line of the railroad and said North line of Addition, and with the common of said addition and above said Unplatted tract of land a distance of 170.35 feet to its intersection with the Northwest line of a tract of land (also referred to as railroad spur) conveyed to the Union Pacific Railroad Company (successor in title to the Texas & Pacific Railroad Company, recorded in Volume 3120, Page 275 and 279 of the Deed Records of Dallas County, Texas) (corner not monumented), from which a 5/8-inch iron rod found with cap stamped "DCA" bears South 89°24'31" East, a distance of 1.35 feet;

Parcel #5
Field Notes Describing a 49,399 Square Foot (1.1340 Acre) Tract of Land To Be Acquired in City Block 5828 From Lawshe Realty, LLC

THENCE South 89°10'32" West, departing said common line, along the common line with a tract of land conveyed to Wm. H. LaDEW, Inc. by Warranty Deed recorded in Volume 69236, Page 184 of said Deed Records to a MAG nail with washer stamped "City of Dallas" set in concrete pavement at the Southwest corner of the herein described tract of land lying on the East line of said Scottsdale Drive, same being the Southwest corner of the herein described tract of land and the Northwest corner of said LaDEW tract, from which a ½-inch iron rod found bears South 21°16'05" East, a distance of 3.92 feet;

THENCE North 0°19'53" West, with said East line of Scottsdale Drive, a distance of 118.76 feet to a point from which a 5/8-inch iron rod found bears South 89°30'07" West, a distance of 1.52 feet, continuing for a total distance of 168.86 feet to the **POINT OF BEGINNING**, containing 49,399 Square Feet, or 1.1340 Acres of land.

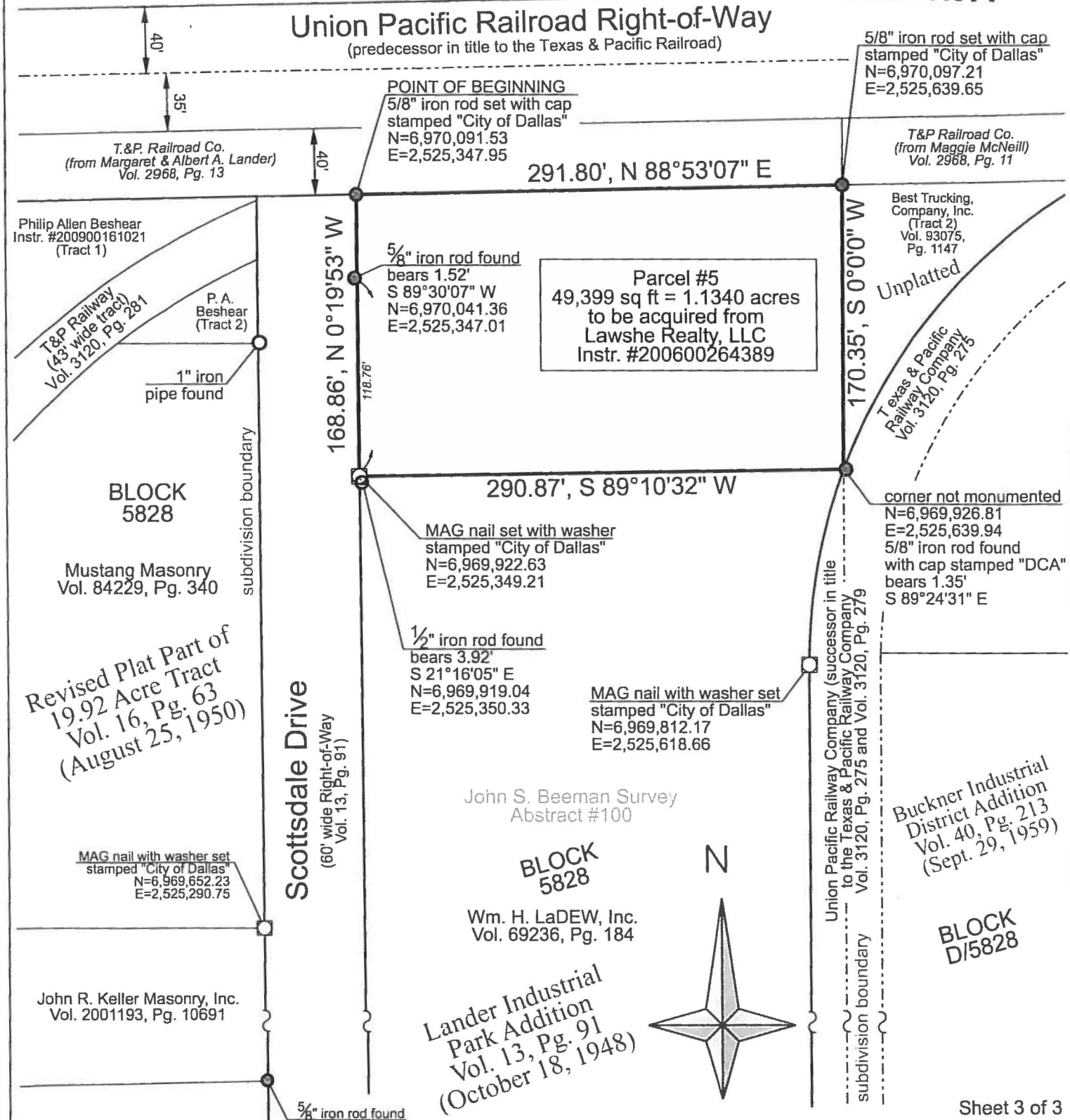
BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Ilona E. Rossato
5/10/2012

Exhibit A

Union Pacific Railroad Right-of-Way

(predecessor in title to the Texas & Pacific Railroad)



Sheet 3 of 3

- Corners are monumented with 5/8" iron rods with caps marked "City of Dallas", unless otherwise noted.

BASIS OF BEARINGS:
Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Property Acquisition			
Parcel #5			
Lawshe Realty, LLC			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER.NAME	DESIGN FILE NAME		SCALE / DATE
Rossato	N:\ENGR\SURVEY\lonal\PROJECTS\Scottsdale Ave\ Scottsdale Fieldnotes.dgn		NTS / 9/28/2017
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81D

Agenda Information Sheet

File #: 18-478 **Item #:** 22.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize acquisition from Miller and Brewer Properties, Inc., also known as Wm. H. LaDew, Inc., also known as Encomp Corporation, of approximately 258,730 square feet of land improved with a commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $3,740,000.00 ($3,720,000.00, plus closing costs and title expenses not to exceed $20,000.00) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes the acquisition of approximately 258,730 square feet of land improved with a commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project. The property will be used as operations, fleet parking and storage for equipment and supplies that assist the Dallas Water Utilities Distribution Division in the maintenance of water distribution lines. Subject property is currently leased by the City of Dallas, said lease shall expire subject to City's acquisition. The consideration is based on an independent appraisal. There are no relocation benefits associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $3,740,000.00 ($3,720,000.00, plus closing costs and title expenses not to exceed $20,000.00)

OWNER

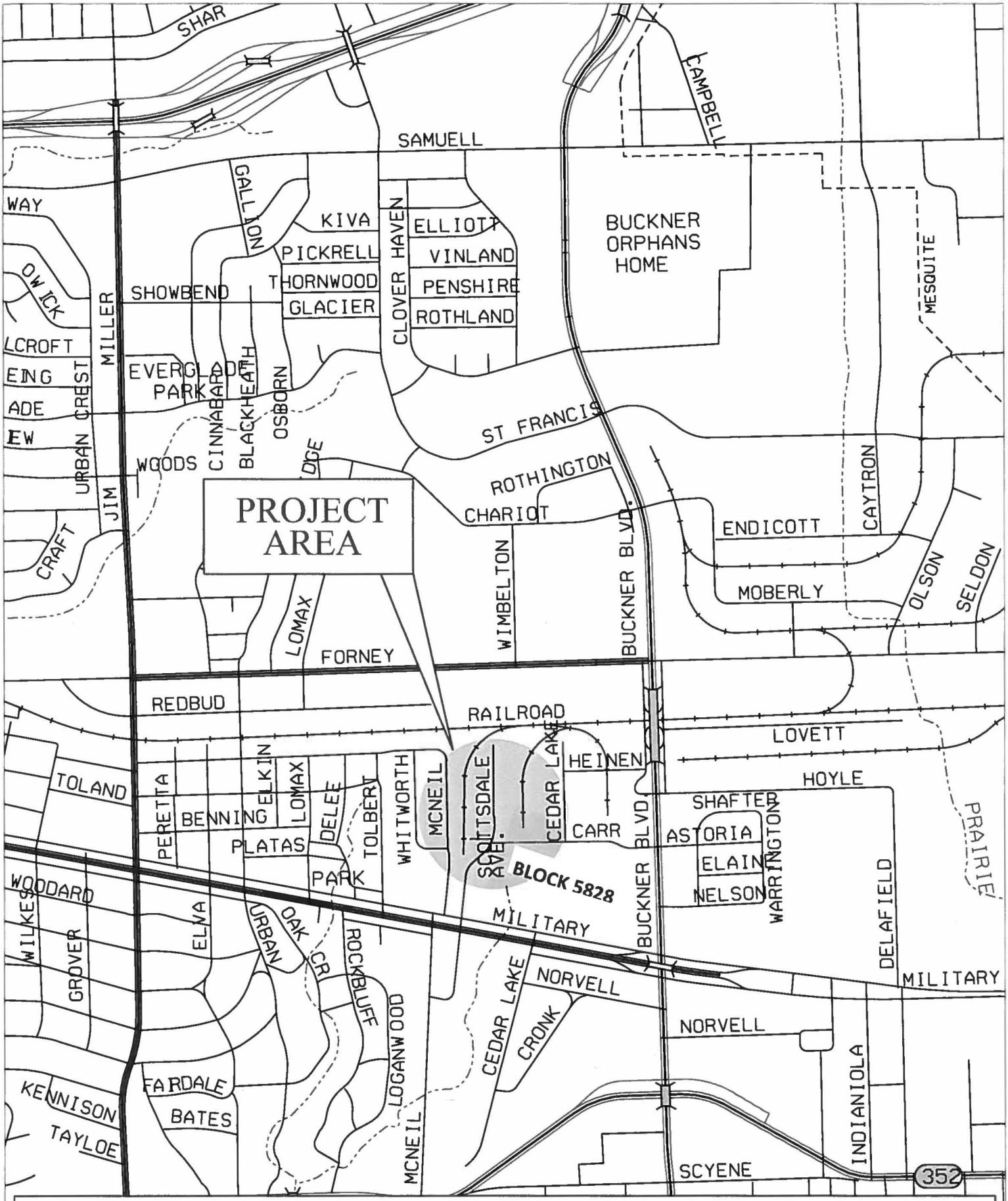
Miller and Brewer Properties, Inc., also known as Wm. H. LaDew Inc., also known as Encomp Corporation

Rex I. Miller, President

MAP

Attached

powered by Legistar™



LOCATOR MAP - Scottsdale Property Acquisitions

...\Scottsdale Fieldnotes.dgn 5/10/2018 3:44:08 PM

September 12, 2018

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

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

"CITY": The City of Dallas

"PROPERTY": A total of approximately 258,730 square feet of land improved with a commercial building located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

"PROJECT": Dallas Water Utilities Distribution Division Scottsdale Drive Project

"USE": The location will be used as operations, fleet parking and storage for equipment and supplies that assist the Dallas Water Utilities Distribution Division in the maintenance of major water distribution lines from the water treatment plants and servicing all City of Dallas customers and to customer cities, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fee Simple title subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Miller and Brewer Properties, Inc., formerly known as Wm. H. LaDew Inc. and Encomp Corporation, provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"PURCHASE AMOUNT": $3,720,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $20,000.00

"AUTHORIZED AMOUNT": Not to exceed $3,740,000.00

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 or donation, 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 the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of the Water Capital Improvement Fund, Fund 2115, Department DWU, Unit PW60, Program 7A1371, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005811. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

BY: B N. L II
Assistant City Attorney

EXHIBIT A-TRACT 1

Parcel #1
Field Notes Describing a 25,809 Square Foot (0.5925 Acre) Tract of Land To Be Acquired in City Block 5828 From Wm. H. LaDEW, Inc.

Being a 25,809 Square Foot (0.5925 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), of the "Revised Plat of Part" of a "19.92 Acre Tract in the John S. Beeman Survey – Abstract #100", an addition to the City of Dallas, dated August 25, 1950 and recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Wm. H. LaDEW, Inc. as described in Warranty Deed dated October 11, 1955 recorded in Volume 4389, Page 154 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a brass disc stamped "Southwestern Bell Telephone Company" found in concrete (controlling monument) in the East line of the Texas and Pacific Railway Company Right-of-Way (variable width, created by instrument recorded in Volume 3120, Page 281), being the Southwest corner of said LaDEW and herein described tract of land, same being the Northwest corner of a tract of land conveyed to Southwestern Bell Telephone Company (predecessor in title to AT&T), recorded in Volume 120, Page 595 of said Deed Records, from which a ½-inch iron pipe found bears South 88°43'21" East, a distance of 4.77 feet, and also from which a brass disc monument stamped "Southwestern Bell Telephone Company" (controlling monument) found at the Northerly intersection of Carr Street and said Texas and Pacific Railway Right-of-Way bears South 0°12'07" East, a distance of 200 feet;

THENCE North 0°12'07" West, along the said East Right-of-Way line a distance of 98.23 feet to the Northwest corner of the herein described tract of land (not monumented), same being the Southwest corner of a tract of land conveyed to John R. Keller Masonry, Inc. by Volume 2001193, Page 10691 of said Deed Records, from which a concrete monument found bears North 11°03'56" East, a distance of 2.27 feet;

THENCE North 88°55'08" East, departing said East Right-of-Way line and with said common property line, over and across a portion of said Block and said addition, a distance of 260.97 feet to a 5/8-inch iron rod found in concrete in the West line of Scottsdale Drive (a 60-foot wide Right-of-Way, as recorded in Volume 13, Page 91, Map Records of Dallas County, Texas), same being the Northeast corner of the herein described tract of land and Southeast corner of said Keller Masonry tract;

Parcel #1
Field Notes Describing a 25,809 Square Foot (0.5925 Acre) Tract of Land To Be Acquired in City Block 5828 From Wm. H. LaDEW, Inc.

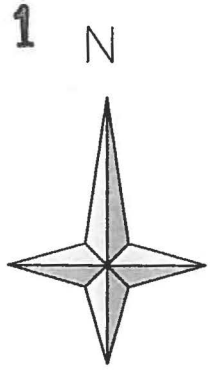
THENCE South 0°19'28" East, with said West line of Scottsdale Drive, a distance of 99.50 feet to a brass disc stamped "Southwestern Bell Telephone Company" found in concrete (controlling monument), same being the Southeast corner of the herein described tract of land and Northeast corner of said Southwestern Bell (now AT&T) tract;

THENCE South 89°11'48" West, departing said West line of Scottsdale Drive and with said common property line, a distance of 261.17 feet to the **POINT OF BEGINNING**, containing 25,809 Square Feet, or 0.5925 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

Ilona E. Rossato
5/10/2018

EXHIBIT A-TRACT 1



John S. Beeman Survey
Abstract #100

John R. Keller Masonry, Inc.
Vol. 2001193, Pg. 10691

BLOCK
5828

½" iron rod found with
cap stamped "PRECISE"
N=6,969,468.64
E=2,525,002.13

½" iron rod found
N=6,969,412.93
E=2,525,002.11

Revised Plat of Part
19.92 Acre Tract
Vol. 16, Pg. 63
(August 25, 1950)

(corner not monumented)
N=6,969,347.13
E=2,525,031.56
Concrete monument
found bears 2.27'
N 11°03'56" E

⅝" iron rod found
N=6,969,352.47
E=2,525,292.03

260.97', N 88°55'08" E

98.23', N 0°12'07" W

99.50', S 0°19'28" E

Parcel #1
25,809 sq ft = 0.5925 acres
to be acquired from
WM. H. LaDEW, Inc.
Vol. 4389, Pg. 154

261.17', S 89°11'48" W

½" iron pipe found
bears 4.77'
S 88°43'21" E
N=6,969,248.91
E=2,525,036.67

Brass Disc found stamped
"Southwestern Bell
Telephone Company"
CONTROLLING
MONUMENT
N=6,969,252.50
E=2,525,293.01

Brass disc found stamped
"Southwestern Bell
Telephone Company"
POINT OF BEGINNING
CONTROLLING
MONUMENT
N=6,969,248.84
E=2,525,031.92

200', S 0°12'07" E

Brass disc found
stamped "Southwestern
Bell Telephone Company"
CONTROLLING
MONUMENT
N=6,969,048.56
E=2,525,032.78

Texas & Pacific Railway Company
(Variable width Right-of-Way)
Vol. 3120, P. 281

Southwestern Bell
Telephone Company
(predecessor in title to AT&T)
Vol. 120, Pg. 595

Scottsdale Drive
(60' wide Right-of-Way
Vol. 13, Pg. 91)

BLOCK
5828

Wm. H. LaDEW, Inc.
Vol. 69236, Pg. 184

First Installment
Urbandale Heights Addition
Vol. 14, Pg. 371

13
12
11
10
9
5

Carr Street
(50' wide Right-of-Way
Vol. 13, Pg. 91)

BLOCK
5828

area to be acquired

BASIS OF BEARINGS:
Bearings are based on the State Plane Coordinate System,
Texas North Central Zone 4202, North American Datum of 1983 (2011).

Sheet 3 of 3

Property Acquisition			
Parcel #1			
Wm. H. LaDEW, Inc.			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
Rossato	N:\ENGR\SURVEY\Iona\PROJECTS\Scottsdale Ave\ Scottsdale Fieldnotes.dgn	NTS	1/17/2017
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81A

EXHIBIT A-TRACT 2

Parcel #3
Field Notes Describing a 232,921 Square Foot (5.3471 Acre) Tract of Land To Be Acquired in City Block 5828 From Wm. H. LaDEW, Inc.

Being a 232,921 Square Foot (5.3471 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), of Lander Industrial Park Subdivision, an addition to the City of Dallas dated October 18, 1948 and recorded in Volume 13, Page 91 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Wm. H. LaDEW, Inc. as described in Warranty Deed dated December 5, 1969 and recorded in Volume 69236, Page 184 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a MAG nail with washer stamped "City of Dallas" set in concrete pavement at the Northwest corner of the herein described tact, lying on the East line of Scottsdale Drive (60-foot wide Right-of-Way, created by instrument recorded in Volume 13, Page 91 of said Deed Records), same being the Southwest corner of a tract of land conveyed to Lawshe Realty, LLC by Special Warranty Deed with Vendor's lien recorded in Instrument number 200600264389 of the Official Public Records of Dallas County, Texas, from which a ½-inch iron rod found bears South 21°16'05" East, a distance of 3.92 feet;

THENCE North 89°10'32" East, departing said East line, over and across a portion of said Block 5828 and said addition, along the common property line of said Lawshe and LaDEW tracts a distance of 290.87 feet to the Northeast corner of the herein described tract (not monumented) being at the intersection with the West line of the Lander Industrial Park Addition, an addition to the City of Dallas recorded in Volume 13, Page 91 of said Deed Records, same being the East line of the Buckner Industrial District Addition, an addition to the City of Dallas recorded in Volume 40, Page 213 of same records, lying at the intersection with the West line of a tract of land ("railroad spur tract") conveyed to the Texas and Pacific Railway Company by Volume 3120, Page 275 and Volume 3120, Page 279 of said Deed Records, said point being the beginning of a non-tangent Curve to the Left (as evidenced by instrument recorded in Volume 2920, Page 259 of said Deed Records), from which a 5/8-inch iron rod with cap stamped "DCA" found bears South 89°24'31" East, a distance of 1.35 feet;

EXHIBIT A-TRACT 2

Parcel #3
Field Notes Describing a 232,921 Square Foot (5.3471 Acre)
Tract of Land To Be Acquired
in City Block 5828
From Wm. H. LaDEW, Inc.

THENCE Southwesterly, along said Curve, having a Radius of 332.00 feet, a Central Angle of 20°38'14", and a Chord which bears South 10°20'07" West, a distance of 118.94 feet for an Arc distance of 119.58 feet to a MAG nail stamped "City of Dallas" set in concrete in the West line of said Texas and Pacific Railway Company Right-of-Way, same being the East line of the herein described tract of land;

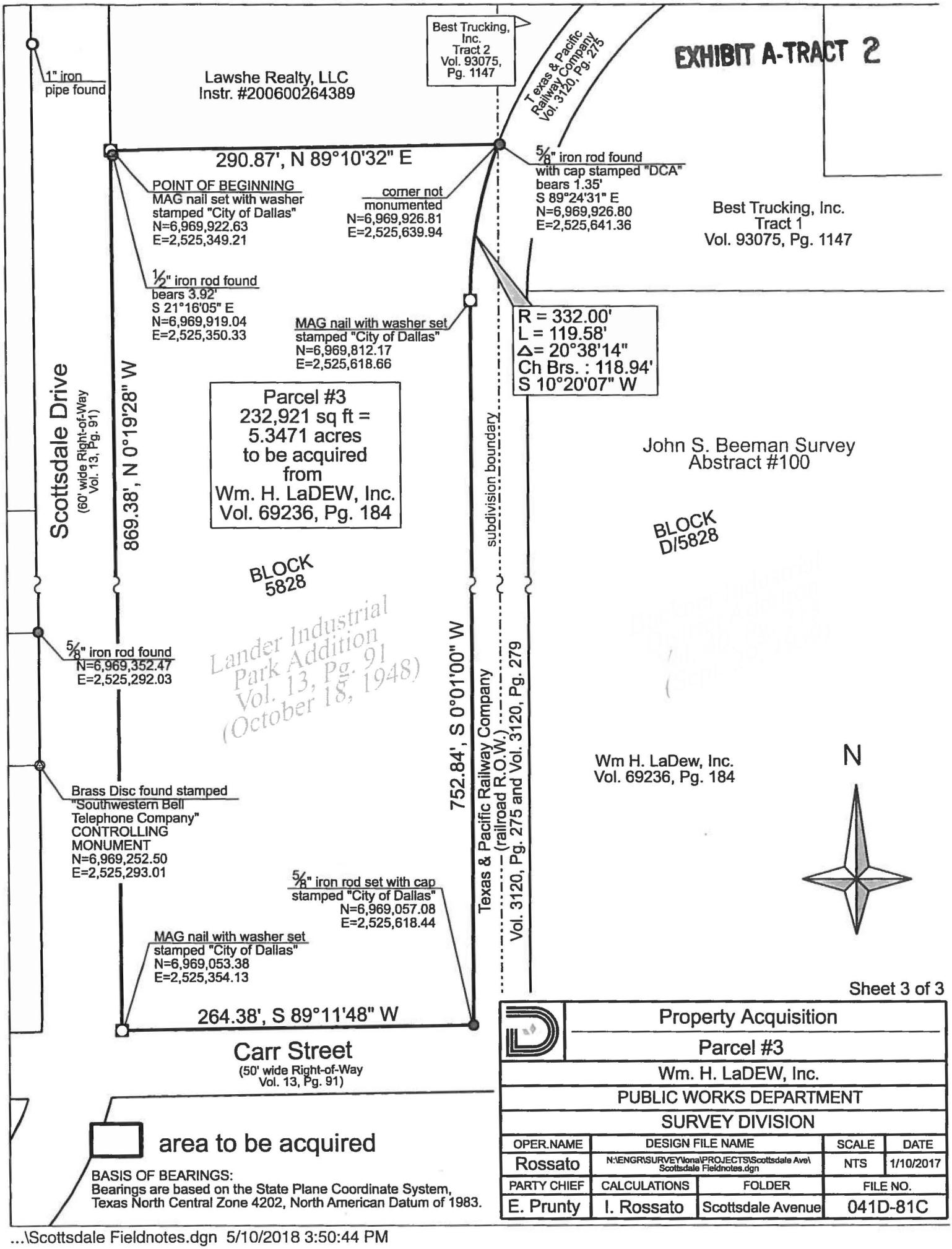
THENCE South 0°01'00" West, with said common line of the Texas and Pacific Railway and herein described tract of land, a distance of 752.84 feet to a 5/8-inch iron rod set with red cap stamped "City of Dallas" at its intersection with the North line of Carr Street (a 50-foot wide Right-of-Way created by Volume 13, Page 91 of said Deed Records), and being the Southeast corner of the herein described tract of land;

THENCE South 89°11'48" West, with the said North line of Carr Street, same being the South line of the herein described tract of land, a distance of 264.38 feet to a MAG nail stamped "City of Dallas" set at the Southwest corner of the herein described tract of land lying at the intersection with the East line of said Scottsdale Drive;

THENCE North 0°19'28" West, along said East line of Scottsdale Drive, same being the West line of the herein described tract of land, a distance of 869.38 feet to the **POINT OF BEGINNING**, containing 232,921 Square Feet, or 5.3471 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Ilona E. Rossato
5/10/2018



BASIS OF BEARINGS:
Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Sheet 3 of 3

Property Acquisition			
Parcel #3			
Wm. H. LaDEW, Inc.			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER.NAME	DESIGN FILE NAME		SCALE / DATE
Rossato	N:\ENGR\SURVEY\Iona\PROJECTS\Scottsdale Ave\ Scottsdale Fieldnotes.dgn		NTS / 1/10/2017
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81C

...\Scottsdale Fieldnotes.dgn 5/10/2018 3:50:44 PM

EXHIBIT B

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

WARRANTY DEED

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

That Miller and Brewer Properties, Inc, a Texas corporation, formerly known as Wm. H. LaDew, Inc., a Texas corporation (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of THREE MILLION SEVEN HUNDRED TWENTY THOUSAND AND 00/100 DOLLARS ($3,720,000.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: "None".

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

EXECUTED this _____ day of _____, _____.

Miller and Brewer Properties, Inc., a Texas corporation,
formerly known as Wm. H. LaDew, Inc., a Texas corporation

_____

By: Rex I. Miller, President

EXHIBIT B

Approved As To Form:
LARRY E. CASTO
City Attorney

By: _____
Assistant City Attorney ONN

* *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____ by Rex I. Miller, President of Miller and Brewer Properties, Inc., a Texas corporation, on behalf of said corporation.

_____
Notary Public, State of TEXAS

* *

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

Warranty Deed Log No. 45801

EXHIBIT A-TRACT 1

Parcel #1
Field Notes Describing a 25,809 Square Foot (0.5925 Acre) Tract of Land To Be Acquired in City Block 5828 From Wm. H. LaDEW, Inc.

Being a 25,809 Square Foot (0.5925 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), of the "Revised Plat of Part" of a "19.92 Acre Tract in the John S. Beeman Survey – Abstract #100", an addition to the City of Dallas, dated August 25, 1950 and recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Wm. H. LaDEW, Inc. as described in Warranty Deed dated October 11, 1955 recorded in Volume 4389, Page 154 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a brass disc stamped "Southwestern Bell Telephone Company" found in concrete (controlling monument) in the East line of the Texas and Pacific Railway Company Right-of-Way (variable width, created by instrument recorded in Volume 3120, Page 281), being the Southwest corner of said LaDEW and herein described tract of land, same being the Northwest corner of a tract of land conveyed to Southwestern Bell Telephone Company (predecessor in title to AT&T), recorded in Volume 120, Page 595 of said Deed Records, from which a ½-inch iron pipe found bears South 88°43'21" East, a distance of 4.77 feet, and also from which a brass disc monument stamped "Southwestern Bell Telephone Company" (controlling monument) found at the Northerly intersection of Carr Street and said Texas and Pacific Railway Right-of-Way bears South 0°12'07" East, a distance of 200 feet;

THENCE North 0°12'07" West, along the said East Right-of-Way line a distance of 98.23 feet to the Northwest corner of the herein described tract of land (not monumented), same being the Southwest corner of a tract of land conveyed to John R. Keller Masonry, Inc. by Volume 2001193, Page 10691 of said Deed Records, from which a concrete monument found bears North 11°03'56" East, a distance of 2.27 feet;

THENCE North 88°55'08" East, departing said East Right-of-Way line and with said common property line, over and across a portion of said Block and said addition, a distance of 260.97 feet to a 5/8-inch iron rod found in concrete in the West line of Scottsdale Drive (a 60-foot wide Right-of-Way, as recorded in Volume 13, Page 91, Map Records of Dallas County, Texas), same being the Northeast corner of the herein described tract of land and Southeast corner of said Keller Masonry tract;

Parcel #1
Field Notes Describing a 25,809 Square Foot (0.5925 Acre) Tract of Land To Be Acquired in City Block 5828 From Wm. H. LaDEW, Inc.

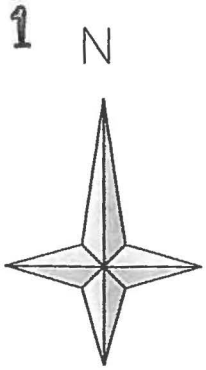
THENCE South 0°19'28" East, with said West line of Scottsdale Drive, a distance of 99.50 feet to a brass disc stamped "Southwestern Bell Telephone Company" found in concrete (controlling monument), same being the Southeast corner of the herein described tract of land and Northeast corner of said Southwestern Bell (now AT&T) tract;

THENCE South 89°11'48" West, departing said West line of Scottsdale Drive and with said common property line, a distance of 261.17 feet to the **POINT OF BEGINNING**, containing 25,809 Square Feet, or 0.5925 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

Ilona E. Rossato
5/10/2018

EXHIBIT A-TRACT 1



John S. Beeman Survey
Abstract #100

John R. Keller Masonry, Inc.
Vol. 2001193, Pg. 10691

BLOCK
5828

13

12

11

10

9

5

½" iron rod found with cap stamped "PRECISE"
N=6,969,468.64
E=2,525,002.13

½" iron rod found
N=6,969,412.93
E=2,525,002.11

Revised Plat of Part
19.92 Acre Tract
Vol. 16, Pg. 63
(August 25, 1950)

(corner not monumented)
N=6,969,347.13
E=2,525,031.56
Concrete monument
found bears 2.27'
N 11°03'56" E

⅝" iron rod found
N=6,969,352.47
E=2,525,292.03

260.97', N 88°55'08" E

98.23', N 0°12'07" W

99.50', S 0°19'28" E

Parcel #1
25,809 sq ft = 0.5925 acres
to be acquired from
WM. H. LaDEW, Inc.
Vol. 4389, Pg. 154

261.17', S 89°11'48" W

½" iron pipe found
bears 4.77'
S 88°43'21" E
N=6,969,248.91
E=2,525,036.67

Brass Disc found stamped
"Southwestern Bell
Telephone Company"
CONTROLLING
MONUMENT
N=6,969,252.50
E=2,525,293.01

Brass disc found stamped
"Southwestern Bell
Telephone Company"
POINT OF BEGINNING
CONTROLLING
MONUMENT
N=6,969,248.84
E=2,525,031.92

200', S 0°12'07" E

Brass disc found
stamped "Southwestern
Bell Telephone Company"
CONTROLLING
MONUMENT
N=6,969,048.56
E=2,525,032.78

Texas & Pacific Railway Company
(Variable width Right-of-Way)
Vol. 3120, P. 281

Southwestern Bell
Telephone Company
(predecessor in title to AT&T)
Vol. 120, Pg. 595

Scottsdale Drive
(60' wide Right-of-Way
Vol. 13, Pg. 91)

BLOCK
5828

Wm. H. LaDEW, Inc.
Vol. 69236, Pg. 184

First Installment
Urbandale Heights Addition
Vol. 14, Pg. 371

Carr Street
(50' wide Right-of-Way
Vol. 13, Pg. 91)

BLOCK
5828

area to be acquired

BASIS OF BEARINGS:
Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

Sheet 3 of 3

Property Acquisition			
Parcel #1			
Wm. H. LaDEW, Inc.			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER.NAME	DESIGN FILE NAME		SCALE / DATE
Rossato	N:\ENGR\SURVEY\lonal\PROJECTS\Scottsdale Ave\ Scottsdale Fieldnotes.dgn		NTS / 1/17/2017
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81A

EXHIBIT A-TRACT 2

Parcel #3
Field Notes Describing a 232,921 Square Foot (5.3471 Acre) Tract of Land To Be Acquired in City Block 5828 From Wm. H. LaDEW, Inc.

Being a 232,921 Square Foot (5.3471 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), of Lander Industrial Park Subdivision, an addition to the City of Dallas dated October 18, 1948 and recorded in Volume 13, Page 91 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Wm. H. LaDEW, Inc. as described in Warranty Deed dated December 5, 1969 and recorded in Volume 69236, Page 184 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a MAG nail with washer stamped "City of Dallas" set in concrete pavement at the Northwest corner of the herein described tact, lying on the East line of Scottsdale Drive (60-foot wide Right-of-Way, created by instrument recorded in Volume 13, Page 91 of said Deed Records), same being the Southwest corner of a tract of land conveyed to Lawshe Realty, LLC by Special Warranty Deed with Vendor's lien recorded in Instrument number 200600264389 of the Official Public Records of Dallas County, Texas, from which a ½-inch iron rod found bears South 21°16'05" East, a distance of 3.92 feet;

THENCE North 89°10'32" East, departing said East line, over and across a portion of said Block 5828 and said addition, along the common property line of said Lawshe and LaDEW tracts a distance of 290.87 feet to the Northeast corner of the herein described tract (not monumented) being at the intersection with the West line of the Lander Industrial Park Addition, an addition to the City of Dallas recorded in Volume 13, Page 91 of said Deed Records, same being the East line of the Buckner Industrial District Addition, an addition to the City of Dallas recorded in Volume 40, Page 213 of same records, lying at the intersection with the West line of a tract of land ("railroad spur tract") conveyed to the Texas and Pacific Railway Company by Volume 3120, Page 275 and Volume 3120, Page 279 of said Deed Records, said point being the beginning of a non-tangent Curve to the Left (as evidenced by instrument recorded in Volume 2920, Page 259 of said Deed Records), from which a 5/8-inch iron rod with cap stamped "DCA" found bears South 89°24'31" East, a distance of 1.35 feet;

EXHIBIT A-TRACT 2

Parcel #3
Field Notes Describing a 232,921 Square Foot (5.3471 Acre) Tract of Land To Be Acquired in City Block 5828 From Wm. H. LaDEW, Inc.

THENCE Southwesterly, along said Curve, having a Radius of 332.00 feet, a Central Angle of 20°38'14", and a Chord which bears South 10°20'07" West, a distance of 118.94 feet for an Arc distance of 119.58 feet to a MAG nail stamped "City of Dallas" set in concrete in the West line of said Texas and Pacific Railway Company Right-of-Way, same being the East line of the herein described tract of land;

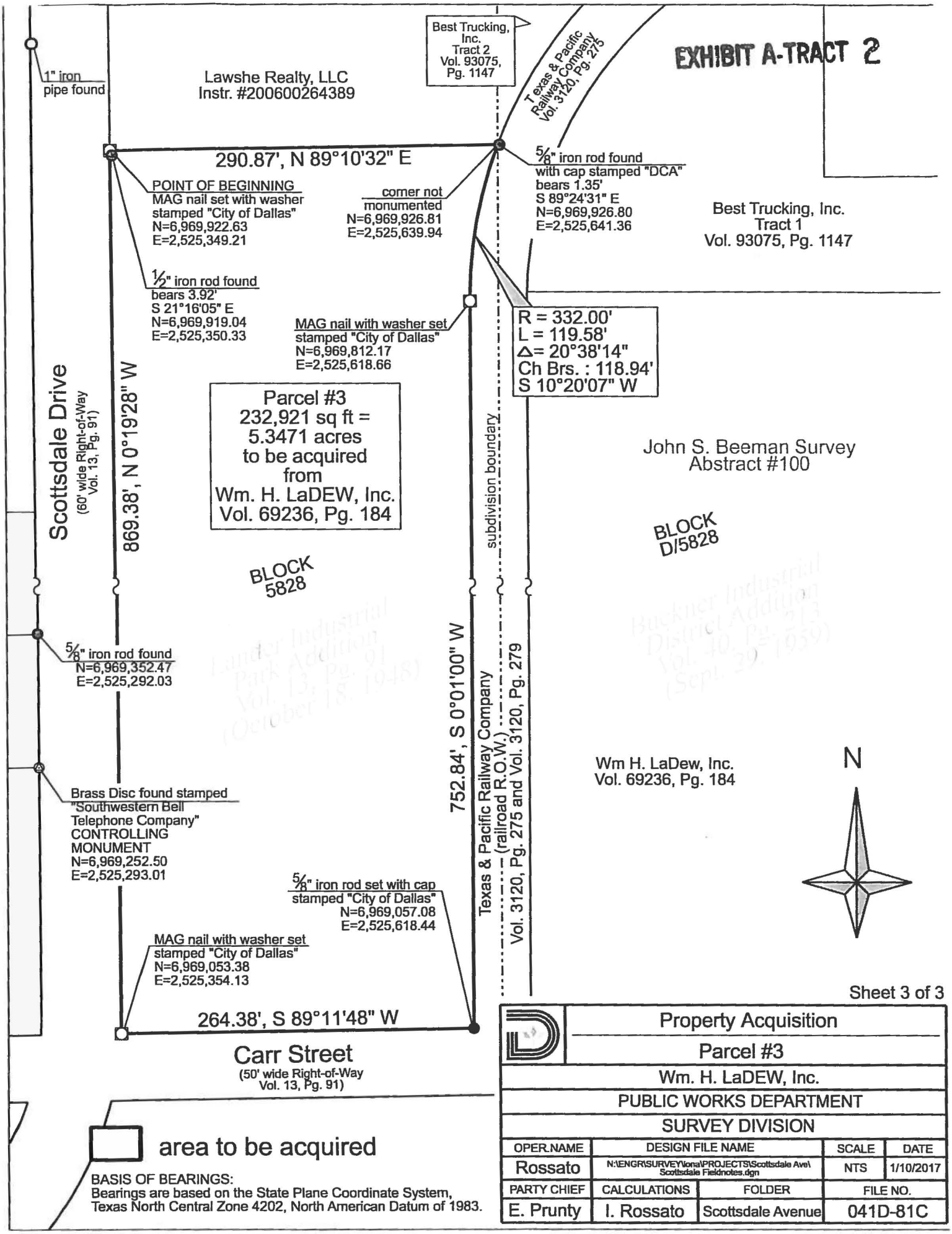
THENCE South 0°01'00" West, with said common line of the Texas and Pacific Railway and herein described tract of land, a distance of 752.84 feet to a 5/8-inch iron rod set with red cap stamped "City of Dallas" at its intersection with the North line of Carr Street (a 50-foot wide Right-of-Way created by Volume 13, Page 91 of said Deed Records), and being the Southeast corner of the herein described tract of land;

THENCE South 89°11'48" West, with the said North line of Carr Street, same being the South line of the herein described tract of land, a distance of 264.38 feet to a MAG nail stamped "City of Dallas" set at the Southwest corner of the herein described tract of land lying at the intersection with the East line of said Scottsdale Drive;

THENCE North 0°19'28" West, along said East line of Scottsdale Drive, same being the West line of the herein described tract of land, a distance of 869.38 feet to the **POINT OF BEGINNING**, containing 232,921 Square Feet, or 5.3471 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Ilona E. Rossato
5/10/2018



Sheet 3 of 3

Property Acquisition			
Parcel #3			
Wm. H. LaDEW, Inc.			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER.NAME	DESIGN FILE NAME		SCALE / DATE
Rossato	N:\ENGR\SURVEY\lona\PROJECTS\Scottsdale Ave\ Scottsdale Fieldnotes.dgn		NTS / 1/10/2017
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81C

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Agenda Information Sheet

File #: 18-481 **Item #:** 23.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	September 12, 2018
COUNCIL DISTRICT(S):	7
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

Authorize acquisition from Mustang Masonry, a trade style of S.D.S. Quality Masonry of Dallas, of approximately 72,525 square feet of land improved with a vacant commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project - Not to exceed $384,000.00 ($380,000.00, plus closing costs and title expenses not to exceed $4,000.00) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes the acquisition of approximately 72,525 square feet of land improved with a vacant commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project. The property will be used as operations, fleet parking and storage for equipment and supplies that assist the Dallas Water Utilities Distribution Division in the maintenance of water distribution lines. The consideration is based on an independent appraisal. There are no relocation benefits associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $384,000.00 ($380,000.00, plus closing costs and title expenses not to exceed $4,000.00)

OWNER

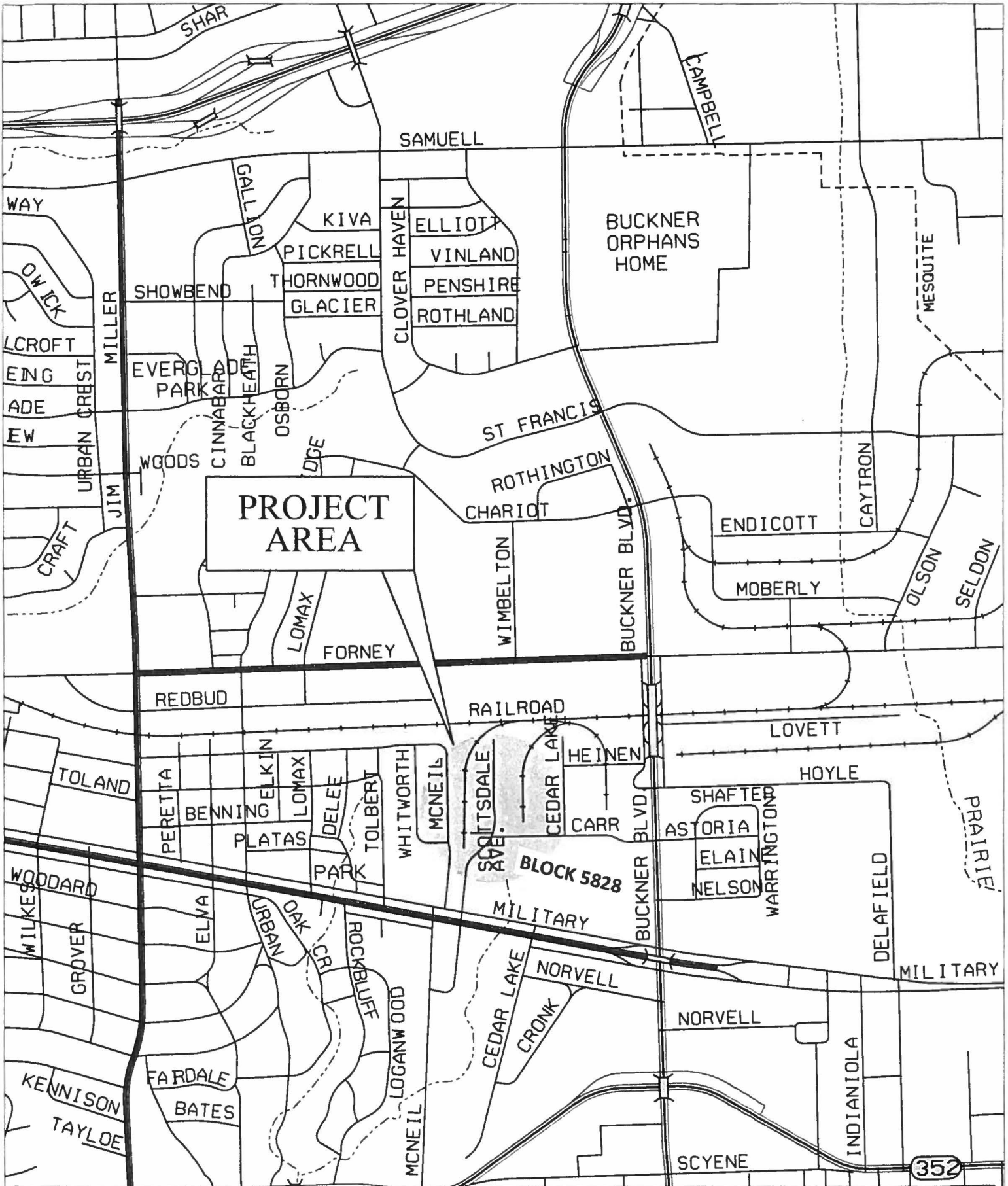
Mustang Masonry, a trade style of S.D.S. Quality Masonry of Dallas

Nancy C. Stateler, President

MAP

Attached

powered by Legistar™



LOCATOR MAP - Scottsdale Property Acquisitions

...\Scottsdale Fieldnotes.dgn 5/10/2018 3:44:08 PM

September 12, 2018

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

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 72,525 square feet of land improved with a vacant commercial building located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

"PROJECT": Dallas Water Utilities Distribution Division Scottsdale Drive Project

"USE": The location will be used as operations, fleet parking and storage for equipment and supplies that assist the Dallas Water Utilities Distribution Division in the maintenance of major water distribution lines from the water treatment plants and servicing all City of Dallas customers and to customer cities, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fee Simple title subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Mustang Masonry, a trade style of S.D.S. Quality Masonry of Dallas, provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"PURCHASE AMOUNT": $380,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $4,000.00

"AUTHORIZED AMOUNT": Not to exceed $384,000.00

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

September 12, 2018

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 or donation, 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 the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of the Water Capital Improvement Funds, Fund 2115, Department DWU, Unit CW60, Program 7A1371, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005808. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

BY: _____
Assistant City Attorney

Exhibit A

Parcel #4
Field Notes Describing a 72,525 Square Foot (1.6649 Acre) Tract of Land To Be Acquired in City Block 5828 From Mustang Masonry

Being a 72,525 Square Foot (1.6649 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), of the "Revised Plat Part of 19.92 Acre Tract", an addition to the City of Dallas dated May 8, 1950, recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Mustang Masonry as described in Warranty Deed with Vendor's Lien dated November 5, 1984 and recorded in Volume 84229, Page 340 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Note: Listed coordinates are State Plane (grid) values. Distances and areas are surface values, using TXDOT scale factor of 1.000136506.

BEGINNING at the most Northeast corner of the herein described tract of land, (not monumented, N=6970002.71, E=2525289.68) being the Northeast corner of the said Mustang Masonry tract, same being the Southeast corner of the property conveyed to Philip Allen Beshear (Tract 2) as described in Warranty Deed recorded in Instrument number 200900161021 of the Official Public Records of Dallas County, Texas, lying on the West line of Scottsdale Drive (60-foot wide Right-of-Way), same being also the East line of "Revised Plat Part of 19.92 Acre Tract", an addition to the City of Dallas, recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, in Block 5828, from which a 1-inch iron pin found bears South 60°21'47" West, a distance of 1.05 feet;

THENCE South 0°19'53" East, with said common line of the East line of said "Revised Plat Part of 19.92 Acre Tract" addition and the West line of said Scottsdale Drive, a distance of 350.01 feet to a MAG nail with washer stamped "City of Dallas" set (N=6969652.23, E=2525290.75) at the most Southerly East corner of the herein described tract of land, same being the Northeast corner of a tract of land conveyed to John R. Keller Masonry, Inc., recorded in Volume 2001193, Page 10691 of the above said Deed Records;

THENCE North 89°57'09" West, departing said common line of said subdivision and Scottsdale Drive, a distance of 260.30 feet over and across a portion of said Block 5828 and said Addition, along the common line of said Mustang and John R. Keller Masonry tracts, to a 5/8-inch iron rod set with cap stamped "City of Dallas" (N=6969652.45, E=2525030.48), lying on the East line of a tract of land (also referred to as railroad spur), conveyed to the Union Pacific Railway Company (successor in title to the Texas & Pacific Railway Company) and recorded in Volume 3120, Page 281 of said Deed Records;

Exhibit A

Parcel #4
Field Notes Describing a 72,525 Square Foot (1.6649 Acre) Tract of Land To Be Acquired in City Block 5828 From Mustang Masonry

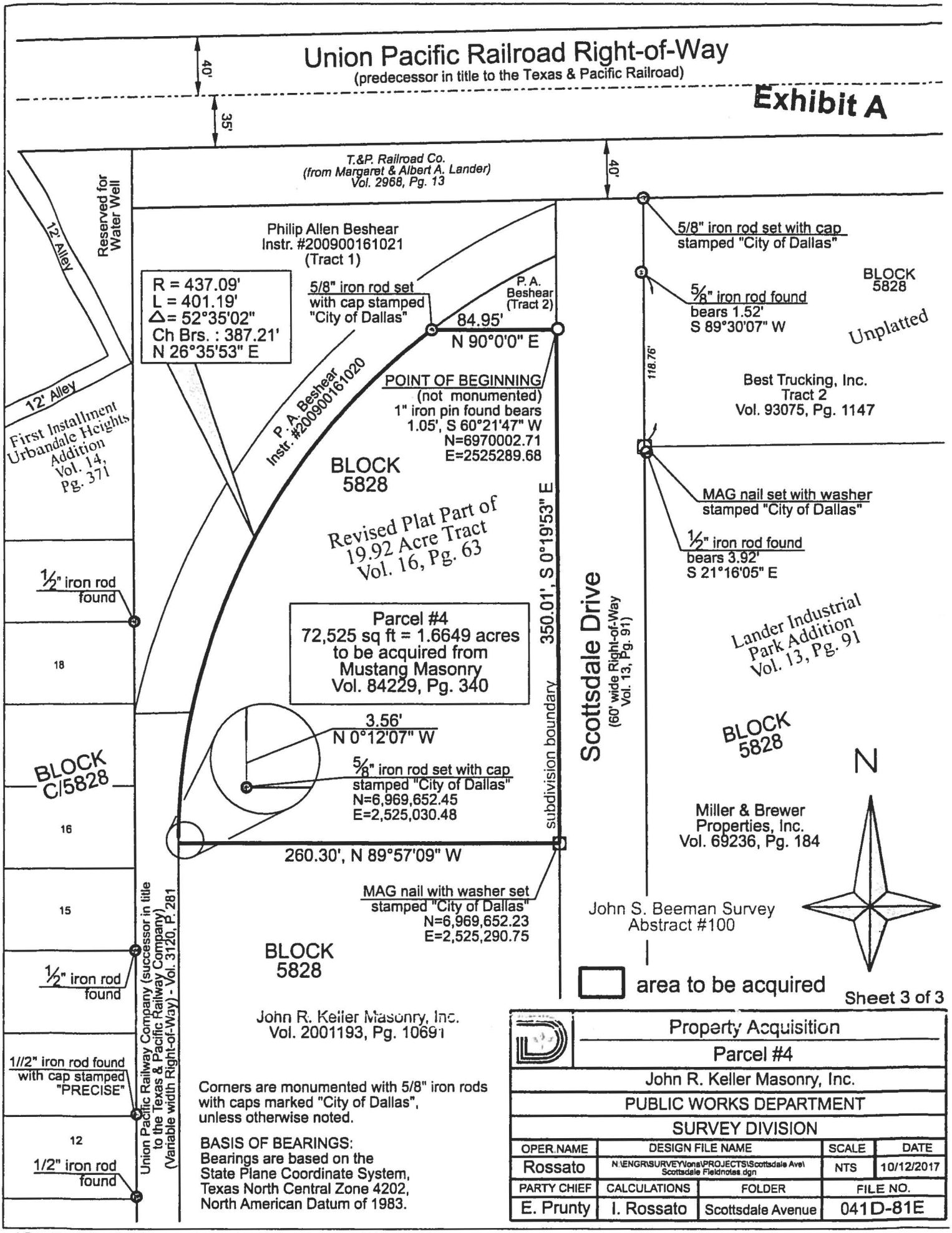
THENCE North 0°12'07" West, with the said East line of the railroad spur, same being the West line of the above described tract, a distance of 3.56 feet (not monumented) to the Point of Beginning of a Curve to the Right;

THENCE in the Northeasterly direction along said Curve to the Right and the said East line of the railroad spur and a tract of land conveyed to Philip Allen Beshear by Instrument number 200900161020 of the said Official Public Records, having a radius of 437.09 feet, a Central Angle of 52°35'02" and a Chord which bears North 26°35'53" East, a distance of 387.21 feet for an Arc distance of 401.19 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set at the intersection with the common line of said Mustang Masonry and Philip Allen Beshear tracts (recorded in Instrument number 200900161021, Tract 2)

THENCE North 90°0'0" East, departing said arc and following said common line of the Masonry and Beshear (Tract 2) tracts a distance of 84.95 feet to the **POINT OF BEGINNING**, containing 72,525 Square Feet, or 1.6649 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Ilona E. Rossato
5/10/2018



Sheet 3 of 3

Property Acquisition			
Parcel #4			
John R. Keller Masonry, Inc.			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER.NAME	DESIGN FILE NAME		SCALE / DATE
Rossato	N:\ENGR\SURVEY\ons\PROJECTS\Scottsdale Ave\ Scottsdale Fieldnotes.dgn		NTS / 10/12/2017
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81E

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EXHIBIT B

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

WARRANTY DEED

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

That Mustang Masonry, a trade style of S.D.S. Quality Masonry of Dallas, a Texas corporation (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of THREE HUNDRED EIGHTY THOUSAND AND 00/100 DOLLARS ($380,000.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: "None".

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

EXECUTED this _____ day of _____, _____.

Mustang Masonry, a trade style of S.D.S. Quality Masonry of Dallas, Inc.,
a Texas corporation

_____

By: Nancy C. Stateler, President

EXHIBIT B

* *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____ by Nancy C. Stateler, President of Mustang Masonry, a trade style of S.D.S. Quality Masonry of Dallas, Inc., a Texas corporation, on behalf of said corporation.

_____
Notary Public, State of TEXAS

* *

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

Warranty Deed Log No. 45803

Exhibit A

Parcel #4
Field Notes Describing a 72,525 Square Foot (1.6649 Acre) Tract of Land To Be Acquired in City Block 5828 From Mustang Masonry

Being a 72,525 Square Foot (1.6649 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), of the "Revised Plat Part of 19.92 Acre Tract", an addition to the City of Dallas dated May 8, 1950, recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Mustang Masonry as described in Warranty Deed with Vendor's Lien dated November 5, 1984 and recorded in Volume 84229, Page 340 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Note: Listed coordinates are State Plane (grid) values. Distances and areas are surface values, using TXDOT scale factor of 1.000136506.

BEGINNING at the most Northeast corner of the herein described tract of land, (not monumented, N=6970002.71, E=2525289.68) being the Northeast corner of the said Mustang Masonry tract, same being the Southeast corner of the property conveyed to Philip Allen Beshear (Tract 2) as described in Warranty Deed recorded in Instrument number 200900161021 of the Official Public Records of Dallas County, Texas, lying on the West line of Scottsdale Drive (60-foot wide Right-of-Way), same being also the East line of "Revised Plat Part of 19.92 Acre Tract", an addition to the City of Dallas, recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, in Block 5828, from which a 1-inch iron pin found bears South 60°21'47" West, a distance of 1.05 feet;

THENCE South 0°19'53" East, with said common line of the East line of said "Revised Plat Part of 19.92 Acre Tract" addition and the West line of said Scottsdale Drive, a distance of 350.01 feet to a MAG nail with washer stamped "City of Dallas" set (N=6969652.23, E=2525290.75) at the most Southerly East corner of the herein described tract of land, same being the Northeast corner of a tract of land conveyed to John R. Keller Masonry, Inc., recorded in Volume 2001193, Page 10691 of the above said Deed Records;

THENCE North 89°57'09" West, departing said common line of said subdivision and Scottsdale Drive, a distance of 260.30 feet over and across a portion of said Block 5828 and said Addition, along the common line of said Mustang and John R. Keller Masonry tracts, to a 5/8-inch iron rod set with cap stamped "City of Dallas" (N=6969652.45, E=2525030.48), lying on the East line of a tract of land (also referred to as railroad spur), conveyed to the Union Pacific Railway Company (successor in title to the Texas & Pacific Railway Company) and recorded in Volume 3120, Page 281 of said Deed Records;

Exhibit A

Parcel #4
Field Notes Describing a 72,525 Square Foot (1.6649 Acre) Tract of Land To Be Acquired in City Block 5828 From Mustang Masonry

THENCE North 0°12'07" West, with the said East line of the railroad spur, same being the West line of the above described tract, a distance of 3.56 feet (not monumented) to the Point of Beginning of a Curve to the Right;

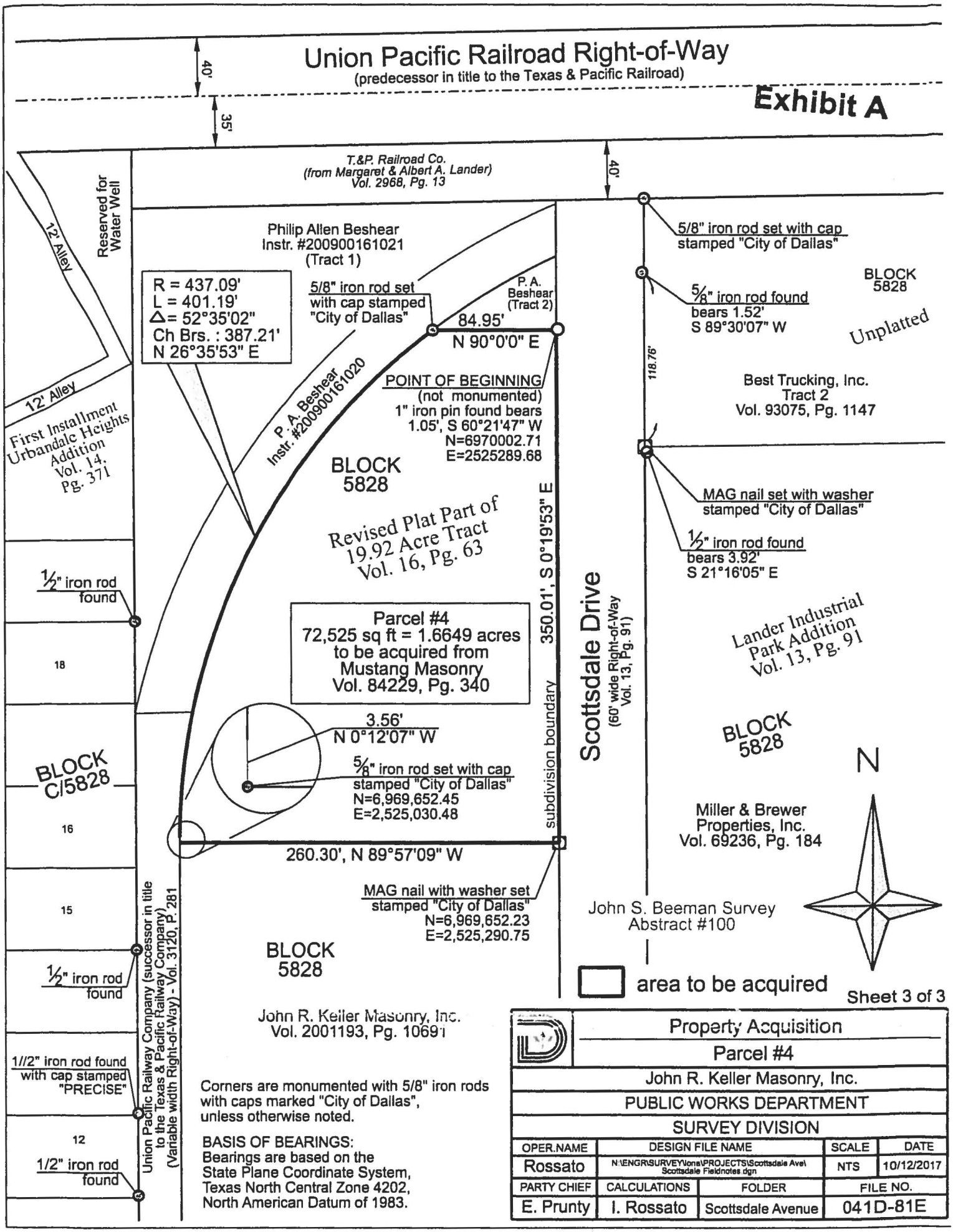
THENCE in the Northeasterly direction along said Curve to the Right and the said East line of the railroad spur and a tract of land conveyed to Philip Allen Beshear by Instrument number 200900161020 of the said Official Public Records, having a radius of 437.09 feet, a Central Angle of 52°35'02" and a Chord which bears North 26°35'53" East, a distance of 387.21 feet for an Arc distance of 401.19 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set at the intersection with the common line of said Mustang Masonry and Philip Allen Beshear tracts (recorded in Instrument number 200900161021, Tract 2)

THENCE North 90°0'0" East, departing said arc and following said common line of the Masonry and Beshear (Tract 2) tracts a distance of 84.95 feet to the **POINT OF BEGINNING**, containing 72,525 Square Feet, or 1.6649 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Ilona E. Rossato

5/10/2018



Corners are monumented with 5/8" iron rods with caps marked "City of Dallas", unless otherwise noted.

BASIS OF BEARINGS:
Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Property Acquisition			
Parcel #4			
John R. Keller Masonry, Inc.			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
Rossato	N:\ENGR\SURVEY\Jona\PROJECTS\Scottsdale Ave\ Scottsdale Fieldnotes.dgn	NTS	10/12/2017
PARTY CHIEF	CALCULATIONS / FOLDER		FILE NO.
E. Prunty	I. Rossato / Scottsdale Avenue		041D-81E

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Agenda Information Sheet

File #: 18-637 **Item #:** 24.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 4, 7, 8

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize **(1)** the quitclaim of 10 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale that will be sold to the highest qualified bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached to the Agenda Information Sheet) - Estimated Revenue: $180,000.00

BACKGROUND

This item authorizes the quitclaim of 10 properties that were foreclosed by the Sheriff's Department for unpaid taxes pursuant to judgments or seizure warrants from a District Court and the release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment. These properties will be sold to the highest qualified bidder and will return to the tax rolls upon conveyance.

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

All properties were reviewed by the Housing and Neighborhood Revitalization Department for infill houses and were not desired for that program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Estimated Revenue: $180,000.00

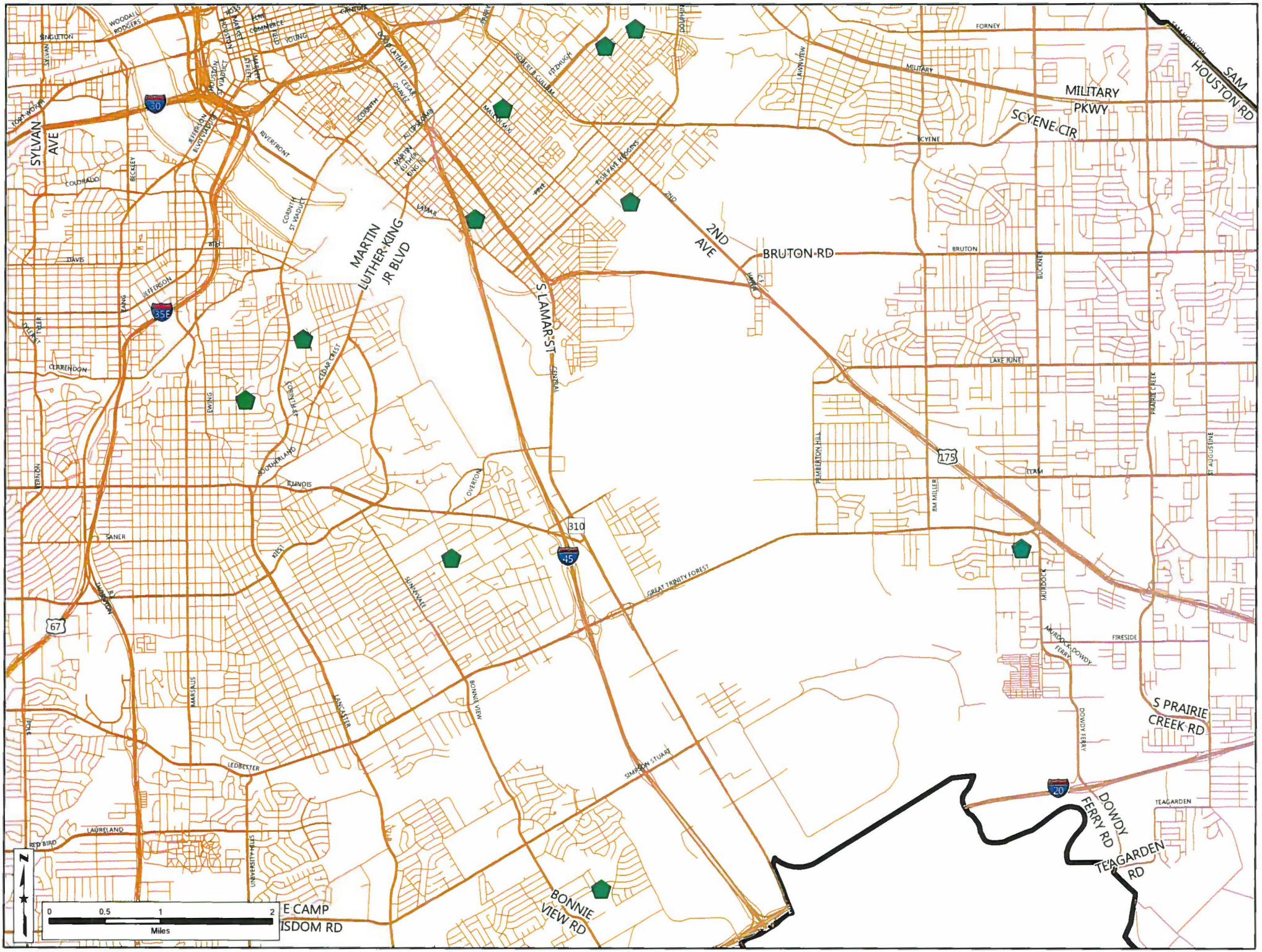
MAP

Attached

powered by Legistar™

TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
PROPERTY LIST

ITEM #	STREET ADDRESS	VAC/ IMP	COUNCIL DISTRICT	ZONING	PARCEL SIZE	STRUCKOFF AMOUNT	DCAD
1	4701 BALDWIN	V	7	PD-595	.4947	$21,550.00	$21,550.00
2	1356 S. DENLEY	V	4	R-7.5(A)	.1399	$11,500.00	$11,500.00
3	3002 FORDHAM	V	4	CR	.7882	$34,340.00	$34,340.00
4	4318 HAMILTON	I	7	PD-595	.1459	$67,530.00	$67,530.00
5	1806 MORRELL	V	4	MF-2(A)	.2113	$13,212.00	$9,190.00
6	7946 OLUSTA	I	8	R-7(A)	.4648	$66,680.00	$66,680.00
7	6515 PALM ISLAND	I	8	R-5(A)	.1904	$100,711.00	$101,680.00
8	2908 PENNSYLVANIA	V	7	R-5(A)	.1435	$17,566.00	$5,000.00
9	3814 SPENCE	I	7	PD-595	.1308	$40,670.00	$40,970.00
10	3141 VANNERSON	V	7	PD-595	.6267	$27,300.00	$27,300.00


SYLVAN AVE
MARTIN LUTHER KING JR BLVD
S LAMAR ST
2ND AVE
BRUTON RD
MILITARY PKWY
SCYENE CIR
SAM HOUSTON RD
S PRAIRIE CREEK RD
DOWDY FERRY RD
TEAGARDEN RD
BONNIE VIEW RD
E CAMP WISDOM RD
30
35E
45
310
175
20
67
0 0.5 1 2
Miles

September 12, 2018

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

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

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

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

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

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

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

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

Now, Therefore,

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

SECTION 1. That upon receipt of the monetary consideration from the purchasers, and upon consent by the County and DISD, the City Manager after approval as to form by the City Attorney and attested by the City Secretary, is hereby authorized to execute Quitclaim Deeds to the Properties to be sold to the highest qualified bidders, conveying to the purchasers the right, title, and interest acquired or held by each taxing entity that was a party to the Judgment, subject to any right of redemption, post-Judgment taxes and post Judgment non-municipal liens, and in accordance with the written agreement of the terms, conditions, and release of the taxing entities.

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

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

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

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

SECTION 6. That upon receipt of the consideration from the Second Sale, the Chief Financial Officer is hereby authorized to disburse the proceeds in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code. Calculations for disbursements shall be provided by the Director of Sustainable Development and Construction to the City of Dallas Land Based Receivables, the Dallas County District Clerk, and the Dallas County Tax Office from the account specified in Section 5, above.

SECTION 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
EXHIBIT A

ITEM #	STREET ADDRESS	LEGAL DESCRIPTION	VAC/IMP	OWNED BY TAXING ENTITIES
1	4701 BALDWIN	LOT 1, BLOCK 2436	V	1, 2, 3
2	1356 S. DENLEY	LOT 1 AND PART OF LOTS 2 & 3, BLOCK D/3582	V	1, 2, 3
3	3002 FORDHAM	LOT 2, BLOCK 6085	V	1, 2, 3
4	4318 HAMILTON	LOT 15, BLOCK G/1822	I	1, 2, 3
5	1806 MORRELL	LOT 7B, BLOCK 3/5896	V	1, 2, 3
6	7946 OLUSTA	LOT 24, BLOCK 9/6265	I	1, 2, 3
7	6515 PALM ISLAND	LOT 3, BLOCK 5A/6870	I	1, 2, 3
8	2908 PENNSYLVANIA	LOTS 5 & 6, BLOCK 17/1370	V	1, 2, 3
9	3814 SPENCE	LOT 4, BLOCK B/1260	I	1, 2, 3
10	3141 VANNERSON	LOT 1, BLOCK 4442	V	1, 2, 3

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

Agenda Information Sheet

File #: 18-744 **Item #:** 25.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	September 12, 2018
COUNCIL DISTRICT(S):	Outside City Limits
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

Authorize the creation of the Dallas County Municipal Utility District No. 4 within the City of Dallas' extraterritorial jurisdiction that would include approximately 267 acres on property in Dallas County on the northeast quadrant of Barnes Bridge Road and Bobtown Road, west of Lake Ray Hubbard - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas has been petitioned by D.R. Horton-Texas, Ltd., represented by Laken Jenkins with Coats Rose Law Firm, owners of approximately 267 acres on the northeast quadrant of Barnes Bridge Road and Bobtown Road, west of Lake Ray Hubbard, for the creation of the Dallas County Municipal Utility District No. 4. (See attached request.) The property lies within the City of Dallas' extraterritorial jurisdiction (ETJ).

On December 13, 1971, the City of Dallas annexed property previously disannexed by the City of Mesquite which expanded the City of Dallas' city limit west of Lake Ray Hubbard, north of Barnes Bridge Road. Pursuant to a final judgement dated November 20, 2017, the property was disannexed from the City of Dallas and is now located in the City of Dallas' extraterritorial jurisdiction.

City of Dallas consent for the creation of the Dallas County Municipal Utility District No. 4 is required in accordance with Section 54.016 of the Texas Water Code and Section 42.042 of the Texas Local Government Code, because the proposed district would have the ability to issue tax exempt bonds to finance public water supply and conveyance, wastewater collection and treatment, storm drainage, and roadway facilities in accordance with the rules of the Texas Commission on Environmental Quality. The Dallas County Municipal Utility District No. 4 indicates intended compliance with all applicable development regulations of the City of Dallas for all portions of the property within Dallas' ETJ. Dallas County Municipal Utility District No. 4 is not requesting the City of Dallas to pay for or provide any utility services to the property.

The district is proposed to consist of 1,200 single family lots and approximately 3,000 square feet of nonresidential development. The district will provide financing to allow for the development of the necessary infrastructure. The estimated development cost for infrastructure is $28,000,000.00. The creation of the district allows the property to be developed without cost consideration to the City of Dallas.

The City of Dallas' consent to the creation of the Dallas County Municipal Utility District No. 4 does not preclude the City's participation in state and federal permitting actions that the Dallas County Municipal Utility District No. 4 is currently undertaking or may undertake in the future.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

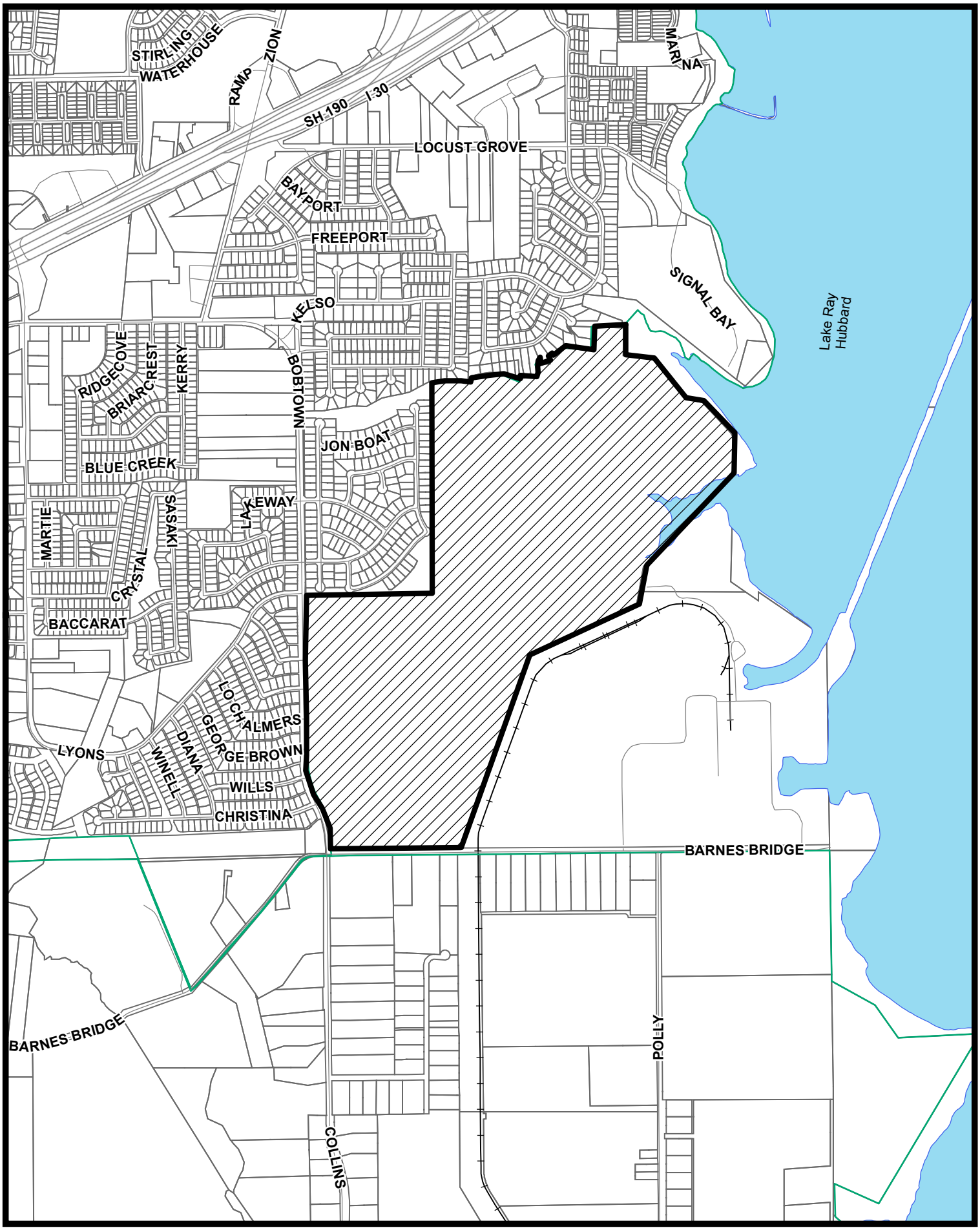
D.R. Horton-Texas, Ltd.

David L Booth, Assistant Vice-President.

MAP

Attached

powered by Legistar™



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Proposed Dallas County MUD No. 4
General Location Map

PETITION FOR CONSENT TO CREATION OF
DALLAS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

THE STATE OF TEXAS §

COUNTY OF DALLAS §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF DALLAS:

The undersigned, acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, and Section 42.042 of the Texas Local Government Code, respectfully petitions this Honorable Council for its consent to the creation of a municipal utility district, and for cause would respectfully show the following:

I.

The name of the proposed District shall be "Dallas County Municipal Utility District No. 4" ("District").

II.

The District shall be organized under the terms and provisions of Article III, Section 52 and Article XVI, Section 59 of the Constitution of Texas, Chapters 49 and 54 of the Texas Water Code, and any special act of the Texas Legislature either creating the District or otherwise applicable thereto, together with all amendments and additions thereto.

III.

The District shall contain an area of approximately 267 acres of land, situated within Dallas County, Texas, described by metes and bounds in Exhibit "A," attached hereto and incorporated herein. The District is wholly located within the extraterritorial jurisdiction of the City of Dallas, Dallas County.

IV.

The undersigned constitutes a majority in value of the holders of title to the lands in the proposed District, as shown by the county tax rolls and conveyances of record since the date of preparation of said county tax rolls.

V.

The proposed District shall be organized for the following purposes:

(1) provide a water supply for the District for municipal uses, domestic uses and commercial purposes;

(2) collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;

(3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the District;

(4) construct, acquire, improve, maintain and operate macadamized, graveled, or paved roads, or improvements in aid of those roads; and

(5) such other construction, installation, maintenance, purchase, and operation of such additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized.

The aforementioned purposes may be accomplished by any mechanical and chemical means and processes incident, necessary or helpful to such purposes, to the extent authorized by law and the creation of the District, to the end that public health and welfare may be conserved and promoted and the purity and sanitary condition of the State's waters protected, effected and restored.

VI.

The general nature of the work anticipated to be done by the District at the present time is: (i) the construction of a water distribution system for domestic and commercial purposes; (ii) the construction of a sanitary sewer system; (iii) the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (iv) the

construction of macadamized, graveled, or paved roads, or improvements in aid of those roads; and (v) such other construction, installation, maintenance, purchase and operation of such additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized, all to the extent authorized by law from time to time.

VII.

There is a necessity for the improvements above described because the District is located within an area which will experience a substantial and sustained residential and commercial growth within the foreseeable future, is urban in nature and is not supplied with adequate water, sanitary sewer, drainage facilities and services, or roads. The health and welfare of the future inhabitants of the District require the provision of adequate water, storm and sanitary sewer facilities and services, and roads.

The provision of such water, storm and sanitary sewer facilities and services, and roads will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters, and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the organization of said District.

The property cannot be developed without the creation of the District to finance the water, sanitary sewer, and drainage facilities and services, and roads; therefore a public necessity exists.

VIII.

The proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the proposed District is of such a nature that water, storm and sanitary sewer facilities and services, and roads can be constructed or provided at a reasonable cost; and said territory will be rapidly developed for residential, commercial and retail use.

IX.

A preliminary investigation has been instituted to determine the cost of the proposed improvements to be constructed by the District, and it is now estimated by those filing this petition, from such information as they have at this time, that the ultimate cost of such improvements will be approximately $28,000,000.

X.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of Dallas, Texas, adopt a resolution giving its written consent to the creation of the District.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.]

RESPECTFULLY SUBMITTED this the 1st day of February, 2018.

PETITIONER:

D.R. Horton-Texas, Ltd.,
a Texas limited partnership

By: D.R. Horton, Inc.,
a Delaware corporation

By: D L Booth

Name: David L Booth

Title: Asst VP

THE STATE OF TEXAS §
COUNTY OF Dallas §

This instrument was acknowledged before me on this 1st day of February, 2018, by David Booth, Asst VP of D.R. Horton, Inc., a Delaware corporation, acting as Authorized Agent of D.R. Horton-Texas, Ltd., a Texas limited partnership, on behalf of said entities.

Karen Williams

Notary Public in and for the State of Texas

(NOTARY SEAL)

KAREN WILLIAMS
Notary ID #125155758
My Commission Expires
February 7, 2021

EXHIBIT A

DALLAS MUD. NO. 4 EXHIBIT
BEING IN 326.422 ACRES
BALES OC POUND SURVEY, ABSTRACT NO. 1143
BALES OC POUND SURVEY, ABSTRACT NO. 1168
CITY OF DALLAS BLOCK NO. 8587 AND 8588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LEGAL DESCRIPTION

BEING 267.019 acres located in the City of Dallas ETJ and in the City of Dallas, Dallas County, Texas, a part of the Balis OC Pound Survey, Abstract No. 1143, a part of the B.O.C. Pound Survey, Abstract No. 1168, being a part of the City of Dallas Block Numbers 8587 and 8588, being a part of a called 326.422 acres tract of land described in a Special Warranty Deed to D.R. Horton-Texas, Ltd., recorded in Document No. 200503632072, of the Official Public Records of Dallas County, Texas, and being further described as follows:

BEGINNING at an iron rod found at the southwest corner of said 326.422 acre tract of land, said point being in the centerline intersection of Barnes Bridge Road (a variable width right-of-way) with Bobtown Road (a variable width right-of-way);

THENCE along the west line of said 326.422 acre tract of land and along centerline of Bobtown Road as follows:

North 01 degrees 35 minutes 31 seconds West, 65.20 feet to a one-half inch iron rod found for corner;

Northwesterly, 205.37 feet along a curve to the left having a radius of 997.98 feet, a central angle of 11 degrees 47 minutes 27 seconds, a tangent of 103.05 feet, and a chord bearing and distance of North 05 degrees 22 minutes 21 seconds West, 205.01 feet to a one-half inch iron rod found for corner;

Northwesterly, 205.35 along a curve to the left having a radius of 938.20 feet, a central angle of 12 degrees 32 minutes 27 seconds, a tangent of 103.09 feet, and a chord bearing and distance of North 17 degrees 03 minutes 32 seconds West, 204.94 feet a one-half inch iron rod found for corner;

Northwesterly, 257.98 feet along a curve to the right having a radius of 1,177.68 feet, a central angle of 12 degrees 33 minutes 05 seconds, a tangent of 129.51 feet. and a chord bearing and distance of North 19 degrees 27 minutes 57 seconds West, 257.47 feet to a one-half inch iron rod found for corner;

Northwesterly, 258.00 feet along a curve to the right having a radius of 1,161.45 feet, a central angle of 12 degrees 43 minutes 39 seconds, a tangent of 129.53, and a chord bearing and distance of North 06 degrees 43 minutes 46 seconds West, 257.47 feet to a one-half inch iron rod found for corner;

North 00 degrees 03 minutes 51 seconds East, 1,646.69 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

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Reviewed by: _____
Date _____
SPRG No. _____

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DALLAS MUD. NO. 4 EXHIBIT
BEING IN 326.422 ACRES
BALES OC POUND SURVEY, ABSTRACT NO. 1143
BALES OC POUND SURVEY, ABSTRACT NO. 1168
CITY OF DALLAS BLOCK NO. 8587 AND 8588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 89 degrees 47 minutes 53 seconds East, 1,332.71 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

THENCE North 00 degrees 03 minutes 51 seconds East, 2,130.01 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, said point being in the south line of Block 4 of the Highcrest Addition to the City of Garland as recorded in Volume 84064, Page 2890, Deed Records Dallas County, Texas also being in the north line of said 326.422 acre tract of land;

THENCE along the south line of said Highcrest Addition the following courses and distances:

South 89 degrees 06 minutes 14 seconds East, 46.91 feet to a one-half inch iron rod found for corner;

South 88 degrees 15 minutes 38 seconds East, 62.15 feet to a concrete monument found for corner;

North 87 degrees 06 minutes 47 seconds East, 57.95 feet to a one-half inch iron rod found for corner;

North 84 degrees 54 minutes 17 seconds East, 186.15 feet to a five-eighths inch iron rod with a plastic yellow cap stamped "Cotton Surveying" found for corner;

South 75 degrees 36 minutes 30 seconds East, 22.09 feet to a concrete monument found at the southeast corner of Lot 50, Block 4 of said Highcrest Addition also being the southwest corner of a tract of land conveyed to the City of Garland described in Volume 84024, Page, Deed Records Dallas County, Texas;

THENCE along the south line of said City of Garland tract the following courses and distances:

South 75 degrees 22 minutes 54 seconds East, 30.32 feet to a five-eighths inch iron rod with a plastic yellow cap stamped "Cotton Surveying" found for corner;

North 22 degrees 58 minutes 06 seconds East, 35.70 feet to a five-eighths inch iron rod with a plastic yellow cap stamped "Cotton Surveying" found for corner;

North 82 degrees 21 minutes 06 seconds East, 182.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 88 degrees 38 minutes 06 seconds East, 150.04 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 65 degrees 54 minutes 54 seconds East, 126.16 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

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Reviewed by: _____
Date _____
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DALLAS MUD. NO. 4 EXHIBIT
BEING IN 326.422 ACRES
BALES OC POUND SURVEY, ABSTRACT NO. 1143
BALES OC POUND SURVEY, ABSTRACT NO. 1168
CITY OF DALLAS BLOCK NO. 8587 AND 8588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

South 05 degrees 12 minutes 53 seconds East, 8.99 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 65 degrees 37 minutes 17 seconds East, 37.52 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 01 degrees 30 minutes 58 seconds West, 46.60 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, being the southwest corner of Lot 12, Block 6 of Anchor Point, an Addition to the City of Garland described in Volume 81004, Page 3280, Deed Records Dallas County, Texas

THENCE along the south line of said Anchor Point Addition the following courses and distances:

South 79 degrees 32 minutes 07 seconds East, 51.66 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 68 degrees 41 minutes 01 seconds East, 48.71 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 71 degrees 32 minutes 54 seconds East, 77.97 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 37 degrees 17 minutes 54 seconds East, 42.52 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 18 degrees 47 minutes 23 seconds West, 93.48 feet to a one-half inch iron rod set for corner;

North 21 degrees 16 minutes 08 seconds East, 63.60 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 43 degrees 24 minutes 59 seconds East, 59.17 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 86 degrees 34 minutes 34 seconds East, 81.23 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 14 degrees 09 minutes 08 seconds West, 55.60 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 41 degrees 02 minutes 42 seconds East, 43.39 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 60 degrees 52 minutes 00 seconds East, 27.32 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 53 degrees 17 minutes 13 seconds East, 134.52 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 83 degrees 04 minutes 09 seconds East, 291.36 feet to a five-eighths inch iron rod with a plastic yellow cap stamped "Cotton Surveying" found for corner;

North 03 degrees 35 minutes 32 seconds East, 242.66 feet to a one-half inch iron rod found at a fence line intersection;

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Reviewed by:
Date
SPRG No.

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DALLAS MUD. NO. 4 EXHIBIT
BEING IN 326.422 ACRES
BALES OC POUND SURVEY, ABSTRACT NO. 1143
BALES OC POUND SURVEY, ABSTRACT NO. 1168
CITY OF DALLAS BLOCK NO. 8587 AND 8588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 87 degrees 21 minutes 51 seconds East, 298.78 feet to a concrete monument found at the southeast corner of Lot 4, Block 6 of said Anchor Point Addition, also being at a point of intersection in the west line of a tract of land conveyed to the City of Dallas described in Volume 860, Page 1012, Deed Records Dallas County, Texas;

THENCE along the south line of said City of Dallas tract the following courses and distances:

South 01 degrees 45 minutes 28 seconds West, 280.57 feet to a concrete monument found for corner;

South 82 degrees 00 minutes 36 seconds East, 312.74 feet to a concrete monument found for corner;

South 37 degrees 37 minutes 07 seconds East, 513.59 feet to a concrete monument found for corner;

South 78 degrees 33 minutes 37 seconds East, 166.32 feet to a concrete monument found for the northwest corner of a tract of land conveyed to the City of Dallas described in Volume 67048, Page , Deed Records Dallas County, Texas;

THENCE along the west line of said City of Dallas tract the following courses and distances:

South 41 degrees 47 minutes 13 seconds East, 422.36 feet to a concrete monument found for corner;

South 27 degrees 42 minutes 20 seconds East, 40.47 feet to a concrete monument found for corner;

South 00 degrees 28 minutes 25 seconds West, 408.96 feet to a point for corner in the west line of said City of Dallas tract of land;

THENCE South 46 degrees 07 minutes 49 seconds West, 1,273.54 feet departing said west line to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

THENCE along a line 20 feet north and west of and parallel to an existing fence line the following courses and distances:

South 11 degrees 40 minutes 40 seconds West, 278.55 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 11 degrees 41 minutes 07 seconds West, 95.45 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

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Date
SPRG No.

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DALLAS MUD. NO. 4 EXHIBIT
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BALES OC POUND SURVEY, ABSTRACT NO. 1143
BALES OC POUND SURVEY, ABSTRACT NO. 1168
CITY OF DALLAS BLOCK NO. 8587 AND 8588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

South 10 degrees 33 minutes 03 seconds West, 44.77 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 65 degrees 51 minutes 45 seconds West, 36.23 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 65 degrees 57 minutes 13 seconds West, 654.22 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 66 degrees 06 minutes 48 seconds West, 293.77 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 65 degrees 52 minutes 04 seconds West, 209.91 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 21 degrees 04 minutes 05 seconds West, 538.06 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 21 degrees 10 minutes 36 seconds West, 285.82 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 21 degrees 05 minutes 20 seconds West, 365.34 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 20 degrees 59 minutes 37 seconds West, 311.73 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 21 degrees 05 minutes 54 seconds West, 290.42 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 21 degrees 05 minutes 46 seconds West, 295.79 feet to an iron rod found at the southeast corner of said 326.422 acre tract of land, said point being in the centerline of Barnes Bridge Road;

THENCE along the south line of said 326.422 acre tract of land and along the centerline of Barnes Bridge Road as follows:

North 89 degrees 47 minutes 53 seconds West, 1,270.80 feet to an iron rod found for corner;

North 89 degrees 26 minutes 30 seconds West, 56.42 feet to the POINT OF BEGINNING and containing 11,631,342 square feet or 267.019 acres of land.

Bearings based on monuments found along the south line of that called 326.422 acre tract of land described in a Special Warranty Deed to D.R. Horton-Texas, Ltd., recorded in Document No. 200503632072, of the Official Public Records of Dallas County, Texas.

"This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

EDWARD SCOTT BACAK,
R.P.L.S. #6248
Dated: August 09, 2018

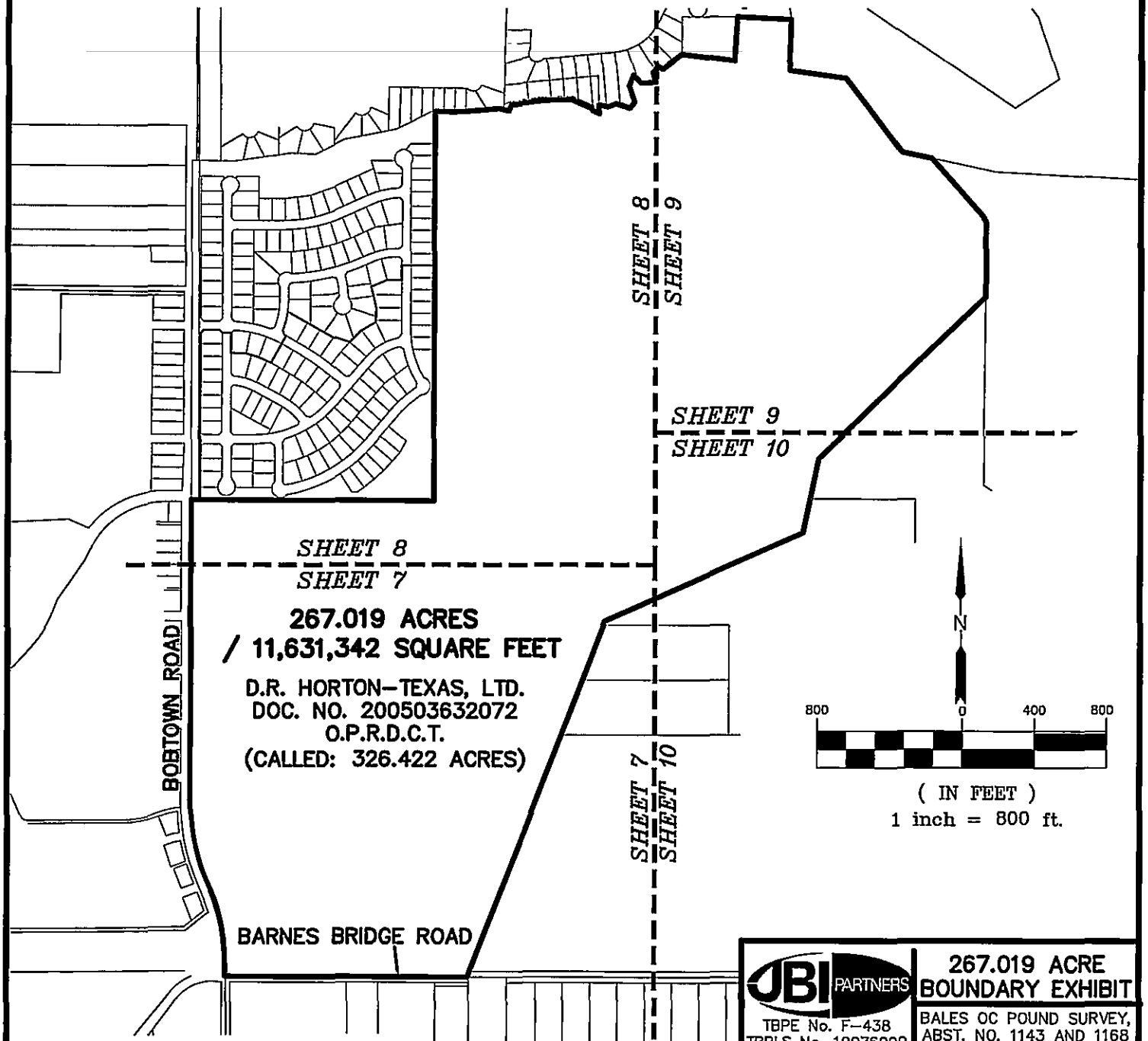
(For SPRG use only)
Reviewed by: _____
Date _____
SPRG No. _____

STATE OF TEXAS
REGISTERED
EDWARD SCOTT BACAK
6248
PROFESSIONAL
LAND SURVEYOR

EXHIBIT A

DALLAS MUD. NO. 4 EXHIBIT
BEING IN 326.422 ACRES
BALES OC POUND SURVEY, ABSTRACT NO. 1143
BALES OC POUND SURVEY, ABSTRACT NO. 1168
CITY OF DALLAS BLOCK NO. 8587 AND 8588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SHEET INDEX



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Reviewed by: _____
Date _____
SPRG No. _____

BEARINGS BASED ON MONUMENTS FOUND ALONG THE SOUTH LINE OF THAT CALLED 326.422 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO D.R. HORTON–TEXAS, LTD. RECORDED IN DOCUMENT NUMBER 200503632072, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS. BEARING HELD AS NORTH 89 DEGREES 47 MINUTES 53 SECONDS WEST AS SHOWN ON THE SURVEY.

JBI PARTNERS
TBPE No. F-438
TBPLS No. 10076000

267.019 ACRE BOUNDARY EXHIBIT

BALES OC POUND SURVEY, ABST. NO. 1143 AND 1168

CITY OF DALLAS ETJ, DALLAS COUNTY, TEXAS

OPER. NAME	FILE NAME	SCALE	DATE
ESB	267.019ac Boundary Exhibit.dwg	1"=800'	08/09/18
SURV. TECH	FOLDER	FILE NUMBER	
esb	PAGE 6 OF 11		

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EXHIBIT A

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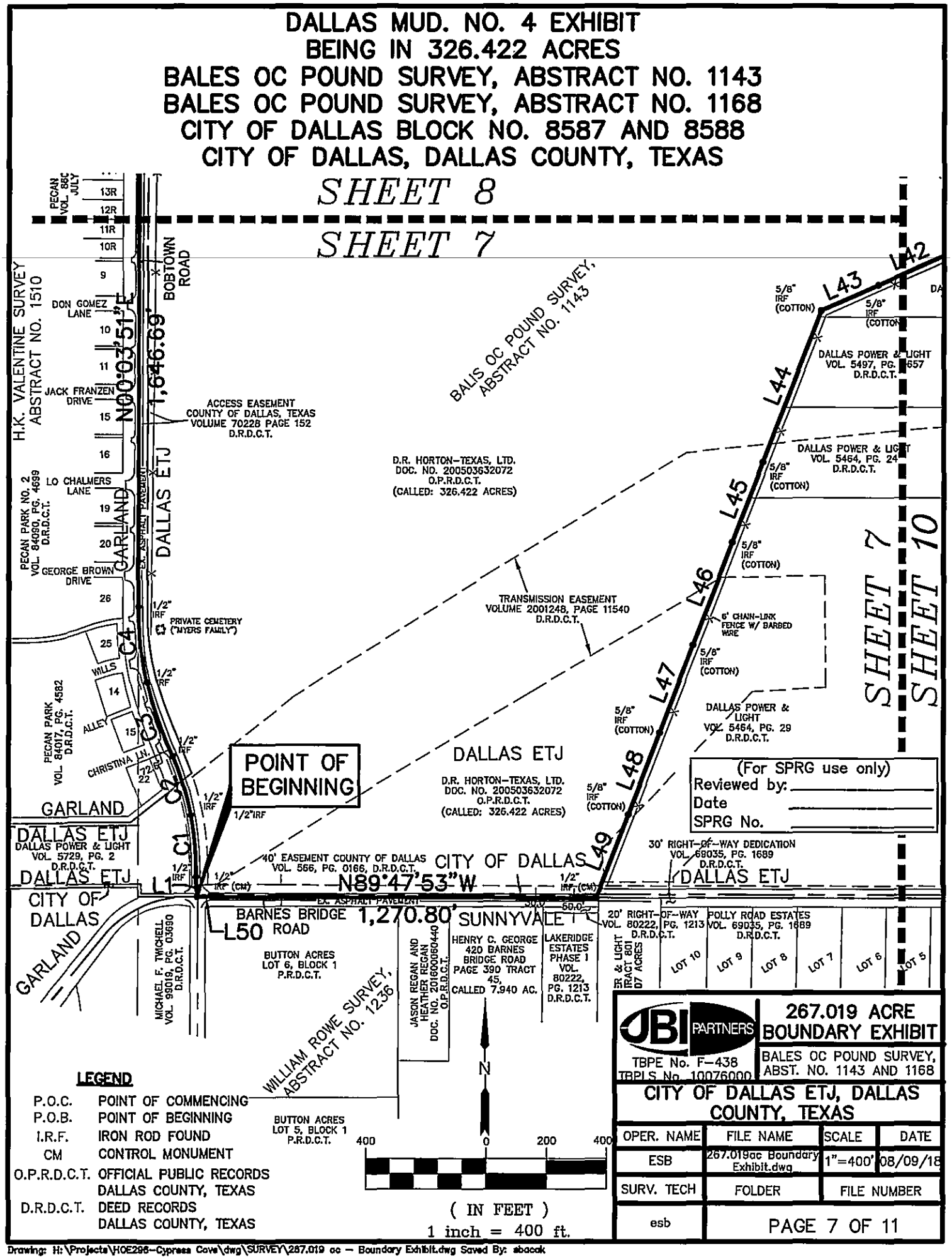

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Reviewed by: _____
Date _____
SPRG No. _____

LEGEND

P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
I.R.F.	IRON ROD FOUND
CM	CONTROL MONUMENT
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS

JBI PARTNERS
TBPE No. F-438
TBPLS No. 10076000

267.019 ACRE BOUNDARY EXHIBIT

BALES OC POUND SURVEY, ABST. NO. 1143 AND 1168

CITY OF DALLAS ETJ, DALLAS COUNTY, TEXAS

OPER. NAME	FILE NAME	SCALE	DATE
ESB	267.019ac Boundary Exhibit.dwg	1"=400'	08/09/18
SURV. TECH	FOLDER	FILE NUMBER	
esb	PAGE 7 OF 11		

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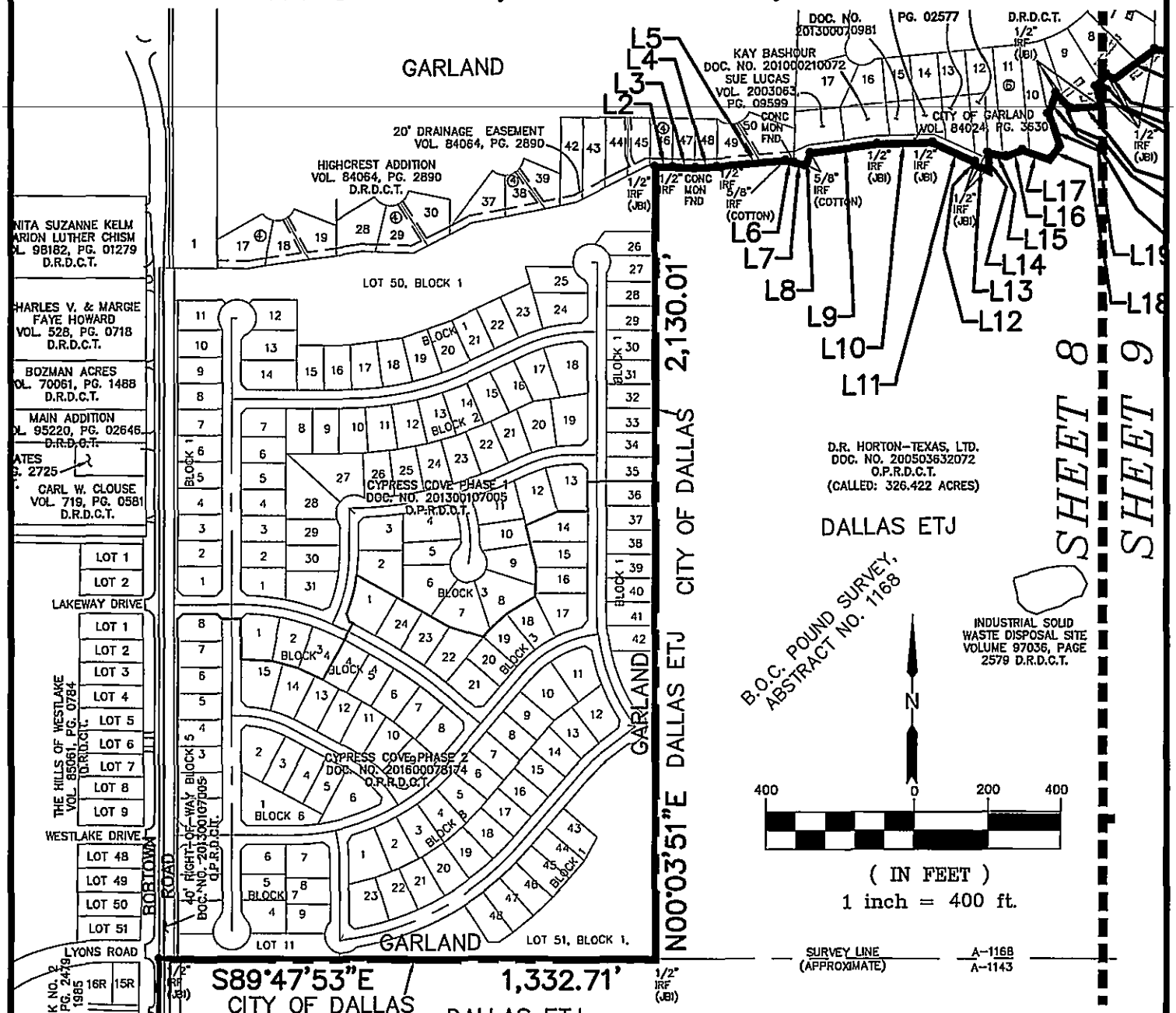

LEGEND

P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
I.R.F.	IRON ROD FOUND
CM	CONTROL MONUMENT
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
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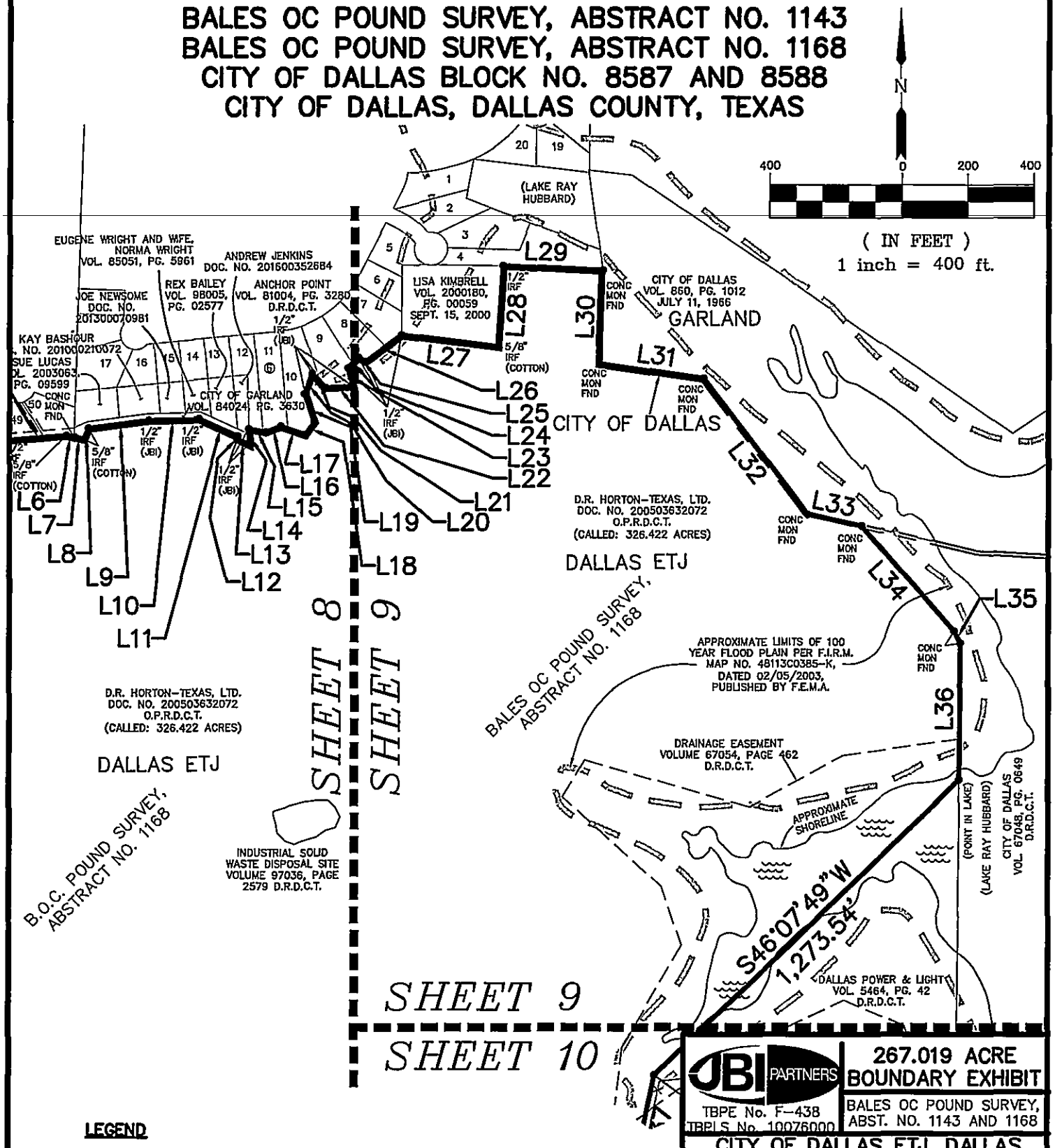

LEGEND

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P.O.B.	POINT OF BEGINNING
I.R.F.	IRON ROD FOUND
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esb	PAGE 9 OF 11		

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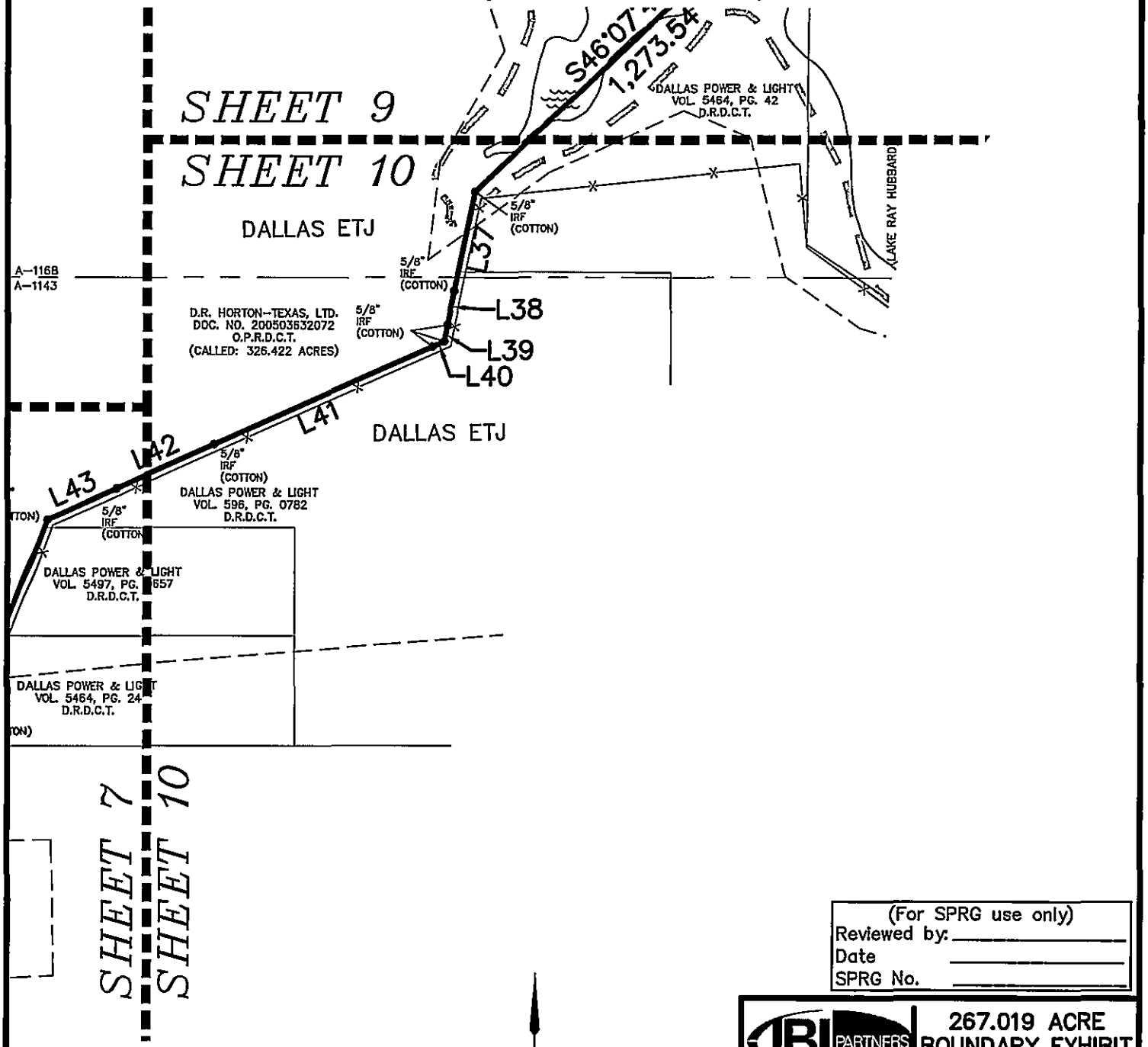

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D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS

N

400 0 200 400

(IN FEET)
1 inch = 400 ft.

JBI PARTNERS
TBPE No. F-438
TBPLS No. 10076000

267.019 ACRE BOUNDARY EXHIBIT

BALES OC POUND SURVEY, ABST. NO. 1143 AND 1168

CITY OF DALLAS ETJ, DALLAS COUNTY, TEXAS

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SURV. TECH	FOLDER	FILE NUMBER	
esb	PAGE 10 OF 11		

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EXHIBIT A

DALLAS MUD. NO. 4 EXHIBIT
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BALES OC POUND SURVEY, ABSTRACT NO. 1143
BALES OC POUND SURVEY, ABSTRACT NO. 1168
CITY OF DALLAS BLOCK NO. 8587 AND 8588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LINE TABLE		
NO.	BEARING	LENGTH
L1	N01°35'31"W	65.20'
L2	S89°06'14"E	46.91'
L3	S88°15'38"E	62.15'
L4	N87°06'47"E	57.95'
L5	N84°54'17"E	186.15'
L6	S75°36'30"E	22.09'
L7	S75°22'54"E	30.32'
L8	N22°58'06"E	35.70'
L9	N82°21'06"E	182.00'
L10	N88°38'06"E	150.04'
L11	S65°54'54"E	126.16'
L12	S05°12'53"E	8.99'
L13	S65°37'17"E	37.52'
L14	N01°30'58"W	46.60'
L15	S79°32'07"E	51.66'
L16	N68°41'01"E	48.71'
L17	S71°32'54"E	77.97'
L18	N37°17'54"E	42.52'
L19	N18°47'23"W	93.48'
L20	N21°16'08"E	63.60'

LINE TABLE		
NO.	BEARING	LENGTH
L21	S43°24'59"E	59.17'
L22	N86°34'34"E	81.23'
L23	N14°09'08"W	55.60'
L24	N41°02'42"E	43.39'
L25	S60°52'00"E	27.32'
L26	N53°17'13"E	134.52'
L27	S83°04'09"E	291.36'
L28	N03°35'32"E	242.66'
L29	S87°21'51"E	298.78'
L30	S01°45'28"W	280.57'
L31	S82°00'36"E	312.74'
L32	S37°37'07"E	513.59'
L33	S78°33'37"E	166.32'
L34	S41°47'13"E	422.36'
L35	S27°42'20"E	40.47'
L36	S00°28'25"W	408.96'
L37	S11°40'40"W	278.55'
L38	S11°41'07"W	95.45'
L39	S10°33'03"W	44.77'
L40	S65°51'45"W	36.23'

LINE TABLE		
NO.	BEARING	LENGTH
L41	S65°57'13"W	654.22'
L42	S66°06'48"W	293.77'
L43	S65°52'04"W	209.91'
L44	S21°04'05"W	538.06'
L45	S21°10'36"W	285.82'
L46	S21°05'20"W	365.34'
L47	S20°59'37"W	311.73'
L48	S21°05'54"W	290.42'
L49	S21°05'46"W	295.79'
L50	N89°26'30"W	56.42'

E. S. Bacak

EDWARD SCOTT BACAK, R.P.L.S. #6248
Dated: August 09, 2018

STATE OF TEXAS
REGISTERED
EDWARD SCOTT BACAK
6248
PROFESSIONAL
LAND SURVEYOR

(For SPRG use only)
Reviewed by: _____
Date _____
SPRG No. _____

CURVE TABLE						
NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	205.37'	011°47'27"	997.98'	103.05'	N05°22'21"W	205.01'
C2	205.35'	012°32'27"	938.20'	103.09'	N17°03'32"W	204.94'
C3	257.98'	012°33'05"	1177.68'	129.51'	N19°27'57"W	257.47'
C4	258.00'	012°43'39"	1161.45'	129.53'	N06°43'46"W	257.47'

JBI PARTNERS
TBPE No. F-438
TBPLS No. 10076000

267.019 ACRE BOUNDARY EXHIBIT

BALES OC POUND SURVEY, ABST. NO. 1143 AND 1168

CITY OF DALLAS ETJ, DALLAS COUNTY, TEXAS

OPER. NAME	FILE NAME	SCALE	DATE
ESB	267.019ac Boundary Exhibit.dwg	1"=400'	08/09/18
SURV. TECH	FOLDER	FILE NUMBER	
esb	PAGE 11 OF 11		

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September 12, 2018

WHEREAS, in 1971, the City of Dallas annexed property for the development of Lake Ray Hubbard which expanded the City of Dallas' city limits west of Lake Ray Hubbard, north of Barnes Bridge Road; and

WHEREAS, pursuant to a final judgement dated November 20, 2017, the property was disannexed from the City of Dallas and located in the City of Dallas' extraterritorial jurisdiction; and

WHEREAS, Section 54.016 of the Texas Water Code and Section 42.042 of the Texas Local Government Code require an applicant to request municipal consent to create a Municipal Utility District within a city's extraterritorial jurisdiction; and

WHEREAS, Section 51A-8.105 of the Dallas Development Code extends plat regulations to all applicable development activity within the extraterritorial jurisdiction of the City; and

WHEREAS, on July 12, 2018, D.R. Horton-Texas, Ltd. filed a completed application/petition with the Sustainable Development and Construction Department requesting the city's consent for the creation of Dallas County Municipal Utility District No. 4 within Dallas' extraterritorial jurisdiction west of Lake Ray Hubbard.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby consents to and the City Manager is instructed to create such documents, if any, as required to evidence the City of Dallas' consent to the creation of a Municipal Utility District to be known as Dallas County Municipal Utility District No. 4, as depicted on the attached property description, within the City of Dallas' extraterritorial jurisdiction west of Lake Ray Hubbard in Dallas County.

SECTION 2. That consent to the creation of the Municipal Utility District within the City of Dallas' extraterritorial jurisdiction includes the requirement that all development must comply with Article VIII, "Plat Regulations," of the Dallas Development Code.

SECTION 3. That as a condition of the consent given by the City of Dallas, pursuant to Texas Water Code Section 54.016(e) and (g), the Munipal Utility District shall be subject to the following terms and provisions:

(a) That the Municipal Utility District must construct all facilities in accordance with plans and specifications which have been approved by the City of Dallas.

(b) That the City of Dallas shall have the right to inspect all facilities being constructed by the Municipal Utility District.

(c) That the Municipal Utility District may only issue bonds for the purchase, construction, acquisition, repair, extension, and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

  (i) provide a water supply for municipal uses, domestic uses, and commercial purposes;

  (ii) collect, transport, process, dispose of, and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;

  (iii) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the district;

  (iv) provide roadway improvements; and

  (v) provide payment of organization expenses, operation expenses during construction, and interest during construction.

(d) That the City of Dallas shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent juridscition restraining, compelling, or requiring the Municipal Utility District and its officals to observe and comply with the terms and provisions prescribed by this resolution.

SECTION 4. That the City Council further hereby notifies the Municipal Utility District, its residents, and property owners that the Texas Local Government Code allows the City of Dallas to annex any portion of the district located within the City of Dallas' extraterritorial jurisdiction, and the City of Dallas hereby requests that the Municipal Utility District include a statement in the form required under Section 49.452 of the Texas Water Code reflecting the possibility of annexation by the City of Dallas.

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

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By: _____
Assistant City Attorney

Passed _____

EXHIBIT A

DALLAS MUD. NO. 4 EXHIBIT
BEING IN 326.422 ACRES
BALES OC POUND SURVEY, ABSTRACT NO. 1143
BALES OC POUND SURVEY, ABSTRACT NO. 1168
CITY OF DALLAS BLOCK NO. 8587 AND 8588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LEGAL DESCRIPTION

BEING 267.019 acres located in the City of Dallas ETJ and in the City of Dallas, Dallas County, Texas, a part of the Balis OC Pound Survey, Abstract No. 1143, a part of the B.O.C. Pound Survey, Abstract No. 1168, being a part of the City of Dallas Block Numbers 8587 and 8588, being a part of a called 326.422 acres tract of land described in a Special Warranty Deed to D.R. Horton-Texas, Ltd., recorded in Document No. 200503632072, of the Official Public Records of Dallas County, Texas, and being further described as follows:

BEGINNING at an iron rod found at the southwest corner of said 326.422 acre tract of land, said point being in the centerline intersection of Barnes Bridge Road (a variable width right-of-way) with Bobtown Road (a variable width right-of-way);

THENCE along the west line of said 326.422 acre tract of land and along centerline of Bobtown Road as follows:

North 01 degrees 35 minutes 31 seconds West, 65.20 feet to a one-half inch iron rod found for corner;

Northwesterly, 205.37 feet along a curve to the left having a radius of 997.98 feet, a central angle of 11 degrees 47 minutes 27 seconds, a tangent of 103.05 feet, and a chord bearing and distance of North 05 degrees 22 minutes 21 seconds West, 205.01 feet to a one-half inch iron rod found for corner;

Northwesterly, 205.35 along a curve to the left having a radius of 938.20 feet, a central angle of 12 degrees 32 minutes 27 seconds, a tangent of 103.09 feet, and a chord bearing and distance of North 17 degrees 03 minutes 32 seconds West, 204.94 feet a one-half inch iron rod found for corner;

Northwesterly, 257.98 feet along a curve to the right having a radius of 1,177.68 feet, a central angle of 12 degrees 33 minutes 05 seconds, a tangent of 129.51 feet. and a chord bearing and distance of North 19 degrees 27 minutes 57 seconds West, 257.47 feet to a one-half inch iron rod found for corner;

Northwesterly, 258.00 feet along a curve to the right having a radius of 1,161.45 feet, a central angle of 12 degrees 43 minutes 39 seconds, a tangent of 129.53, and a chord bearing and distance of North 06 degrees 43 minutes 46 seconds West, 257.47 feet to a one-half inch iron rod found for corner;

North 00 degrees 03 minutes 51 seconds East, 1,646.69 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

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Date _____
SPRG No. _____

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DALLAS MUD. NO. 4 EXHIBIT
BEING IN 326.422 ACRES
BALES OC POUND SURVEY, ABSTRACT NO. 1143
BALES OC POUND SURVEY, ABSTRACT NO. 1168
CITY OF DALLAS BLOCK NO. 8587 AND 8588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 89 degrees 47 minutes 53 seconds East, 1,332.71 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

THENCE North 00 degrees 03 minutes 51 seconds East, 2,130.01 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, said point being in the south line of Block 4 of the Highcrest Addition to the City of Garland as recorded in Volume 84064, Page 2890, Deed Records Dallas County, Texas also being in the north line of said 326.422 acre tract of land;

THENCE along the south line of said Highcrest Addition the following courses and distances:

South 89 degrees 06 minutes 14 seconds East, 46.91 feet to a one-half inch iron rod found for corner;

South 88 degrees 15 minutes 38 seconds East, 62.15 feet to a concrete monument found for corner;

North 87 degrees 06 minutes 47 seconds East, 57.95 feet to a one-half inch iron rod found for corner;

North 84 degrees 54 minutes 17 seconds East, 186.15 feet to a five-eighths inch iron rod with a plastic yellow cap stamped "Cotton Surveying" found for corner;

South 75 degrees 36 minutes 30 seconds East, 22.09 feet to a concrete monument found at the southeast corner of Lot 50, Block 4 of said Highcrest Addition also being the southwest corner of a tract of land conveyed to the City of Garland described in Volume 84024, Page, Deed Records Dallas County, Texas;

THENCE along the south line of said City of Garland tract the following courses and distances:

South 75 degrees 22 minutes 54 seconds East, 30.32 feet to a five-eighths inch iron rod with a plastic yellow cap stamped "Cotton Surveying" found for corner;

North 22 degrees 58 minutes 06 seconds East, 35.70 feet to a five-eighths inch iron rod with a plastic yellow cap stamped "Cotton Surveying" found for corner;

North 82 degrees 21 minutes 06 seconds East, 182.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 88 degrees 38 minutes 06 seconds East, 150.04 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 65 degrees 54 minutes 54 seconds East, 126.16 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

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DALLAS MUD. NO. 4 EXHIBIT
BEING IN 326.422 ACRES
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BALES OC POUND SURVEY, ABSTRACT NO. 1168
CITY OF DALLAS BLOCK NO. 8587 AND 8588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

South 05 degrees 12 minutes 53 seconds East, 8.99 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 65 degrees 37 minutes 17 seconds East, 37.52 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 01 degrees 30 minutes 58 seconds West, 46.60 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, being the southwest corner of Lot 12, Block 6 of Anchor Point, an Addition to the City of Garland described in Volume 81004, Page 3280, Deed Records Dallas County, Texas

THENCE along the south line of said Anchor Point Addition the following courses and distances:

South 79 degrees 32 minutes 07 seconds East, 51.66 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 68 degrees 41 minutes 01 seconds East, 48.71 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 71 degrees 32 minutes 54 seconds East, 77.97 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 37 degrees 17 minutes 54 seconds East, 42.52 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 18 degrees 47 minutes 23 seconds West, 93.48 feet to a one-half inch iron rod set for corner;

North 21 degrees 16 minutes 08 seconds East, 63.60 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 43 degrees 24 minutes 59 seconds East, 59.17 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 86 degrees 34 minutes 34 seconds East, 81.23 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 14 degrees 09 minutes 08 seconds West, 55.60 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 41 degrees 02 minutes 42 seconds East, 43.39 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 60 degrees 52 minutes 00 seconds East, 27.32 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 53 degrees 17 minutes 13 seconds East, 134.52 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 83 degrees 04 minutes 09 seconds East, 291.36 feet to a five-eighths inch iron rod with a plastic yellow cap stamped "Cotton Surveying" found for corner;

North 03 degrees 35 minutes 32 seconds East, 242.66 feet to a one-half inch iron rod found at a fence line intersection;

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Date
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DALLAS MUD. NO. 4 EXHIBIT
BEING IN 326.422 ACRES
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BALES OC POUND SURVEY, ABSTRACT NO. 1168
CITY OF DALLAS BLOCK NO. 8587 AND 8588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 87 degrees 21 minutes 51 seconds East, 298.78 feet to a concrete monument found at the southeast corner of Lot 4, Block 6 of said Anchor Point Addition, also being at a point of intersection in the west line of a tract of land conveyed to the City of Dallas described in Volume 860, Page 1012, Deed Records Dallas County, Texas;

THENCE along the south line of said City of Dallas tract the following courses and distances:

South 01 degrees 45 minutes 28 seconds West, 280.57 feet to a concrete monument found for corner;

South 82 degrees 00 minutes 36 seconds East, 312.74 feet to a concrete monument found for corner;

South 37 degrees 37 minutes 07 seconds East, 513.59 feet to a concrete monument found for corner;

South 78 degrees 33 minutes 37 seconds East, 166.32 feet to a concrete monument found for the northwest corner of a tract of land conveyed to the City of Dallas described in Volume 67048, Page , Deed Records Dallas County, Texas;

THENCE along the west line of said City of Dallas tract the following courses and distances:

South 41 degrees 47 minutes 13 seconds East, 422.36 feet to a concrete monument found for corner;

South 27 degrees 42 minutes 20 seconds East, 40.47 feet to a concrete monument found for corner;

South 00 degrees 28 minutes 25 seconds West, 408.96 feet to a point for corner in the west line of said City of Dallas tract of land;

THENCE South 46 degrees 07 minutes 49 seconds West, 1,273.54 feet departing said west line to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

THENCE along a line 20 feet north and west of and parallel to an existing fence line the following courses and distances:

South 11 degrees 40 minutes 40 seconds West, 278.55 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 11 degrees 41 minutes 07 seconds West, 95.45 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

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BALES OC POUND SURVEY, ABSTRACT NO. 1168
CITY OF DALLAS BLOCK NO. 8587 AND 8588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

South 10 degrees 33 minutes 03 seconds West, 44.77 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 65 degrees 51 minutes 45 seconds West, 36.23 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 65 degrees 57 minutes 13 seconds West, 654.22 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 66 degrees 06 minutes 48 seconds West, 293.77 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 65 degrees 52 minutes 04 seconds West, 209.91 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 21 degrees 04 minutes 05 seconds West, 538.06 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 21 degrees 10 minutes 36 seconds West, 285.82 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 21 degrees 05 minutes 20 seconds West, 365.34 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 20 degrees 59 minutes 37 seconds West, 311.73 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 21 degrees 05 minutes 54 seconds West, 290.42 feet to a five-eighths iron rod with yellow cap stamped "Cotton Surveying" found for corner;

South 21 degrees 05 minutes 46 seconds West, 295.79 feet to an iron rod found at the southeast corner of said 326.422 acre tract of land, said point being in the centerline of Barnes Bridge Road;

THENCE along the south line of said 326.422 acre tract of land and along the centerline of Barnes Bridge Road as follows:

North 89 degrees 47 minutes 53 seconds West, 1,270.80 feet to an iron rod found for corner;

North 89 degrees 26 minutes 30 seconds West, 56.42 feet to the POINT OF BEGINNING and containing 11,631,342 square feet or 267.019 acres of land.

Bearings based on monuments found along the south line of that called 326.422 acre tract of land described in a Special Warranty Deed to D.R. Horton-Texas, Ltd., recorded in Document No. 200503632072, of the Official Public Records of Dallas County, Texas.

"This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

EDWARD SCOTT BACAK,
R.P.L.S. #6248
Dated: August 09, 2018

(For SPRG use only)
Reviewed by: _____
Date _____
SPRG No. _____

STATE OF TEXAS
REGISTERED
EDWARD SCOTT BACAK
6248
PROFESSIONAL
LAND SURVEYOR

EXHIBIT A

DALLAS MUD. NO. 4 EXHIBIT
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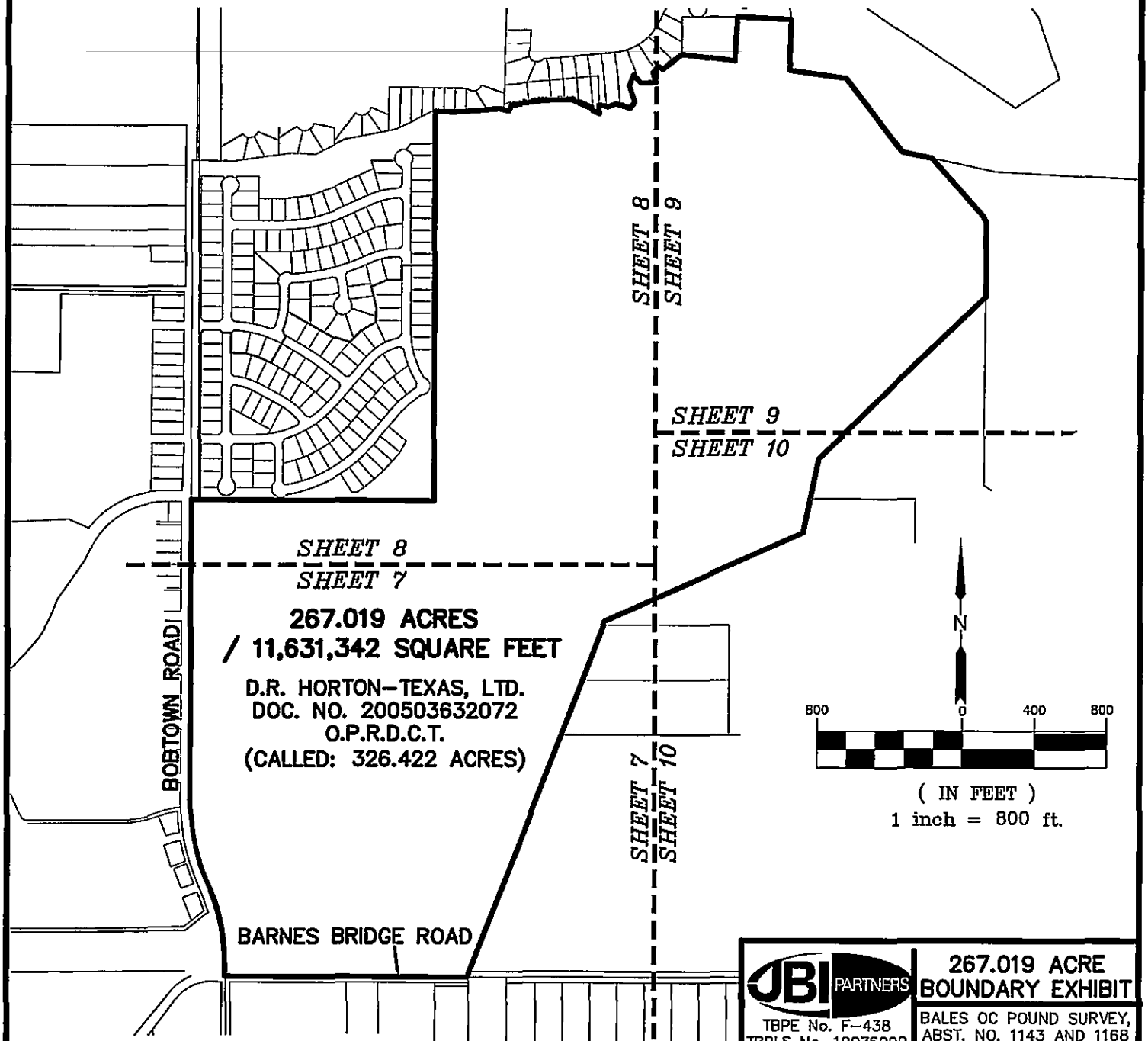
SHEET INDEX



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Reviewed by: _____
Date _____
SPRG No. _____

BEARINGS BASED ON MONUMENTS FOUND ALONG THE SOUTH LINE OF THAT CALLED 326.422 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO D.R. HORTON–TEXAS, LTD. RECORDED IN DOCUMENT NUMBER 200503632072, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS. BEARING HELD AS NORTH 89 DEGREES 47 MINUTES 53 SECONDS WEST AS SHOWN ON THE SURVEY.

JBI PARTNERS
TBPE No. F-438
TBPLS No. 10076000

267.019 ACRE BOUNDARY EXHIBIT

BALES OC POUND SURVEY, ABST. NO. 1143 AND 1168

CITY OF DALLAS ETJ, DALLAS COUNTY, TEXAS

OPER. NAME	FILE NAME	SCALE	DATE
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SURV. TECH	FOLDER	FILE NUMBER	
esb	PAGE 6 OF 11		

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EXHIBIT A

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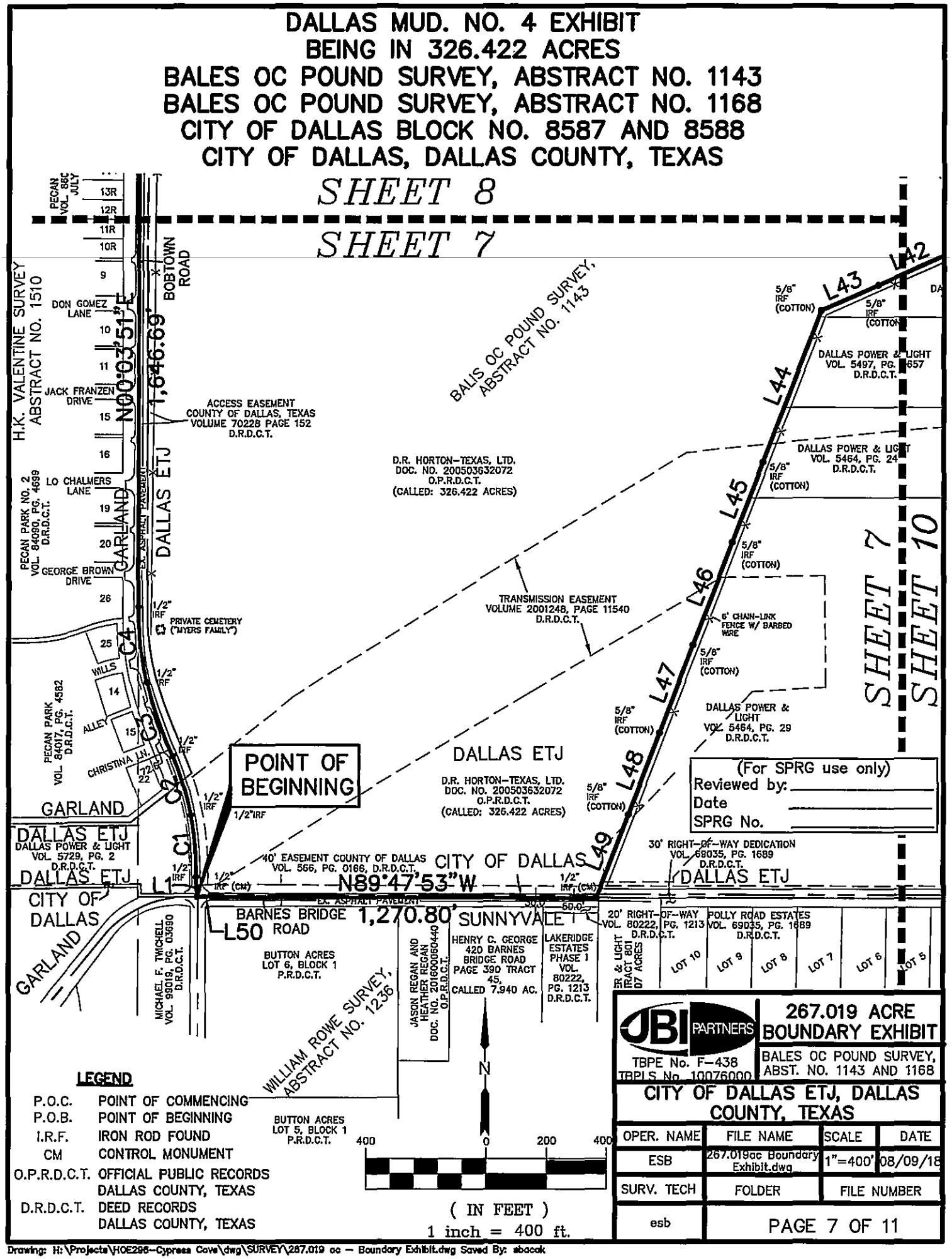

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Reviewed by: _____
Date _____
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LEGEND

P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
I.R.F.	IRON ROD FOUND
CM	CONTROL MONUMENT
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS

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ESB	267.019ac Boundary Exhibit.dwg	1"=400'	08/09/18
SURV. TECH	FOLDER	FILE NUMBER	
esb	PAGE 7 OF 11		

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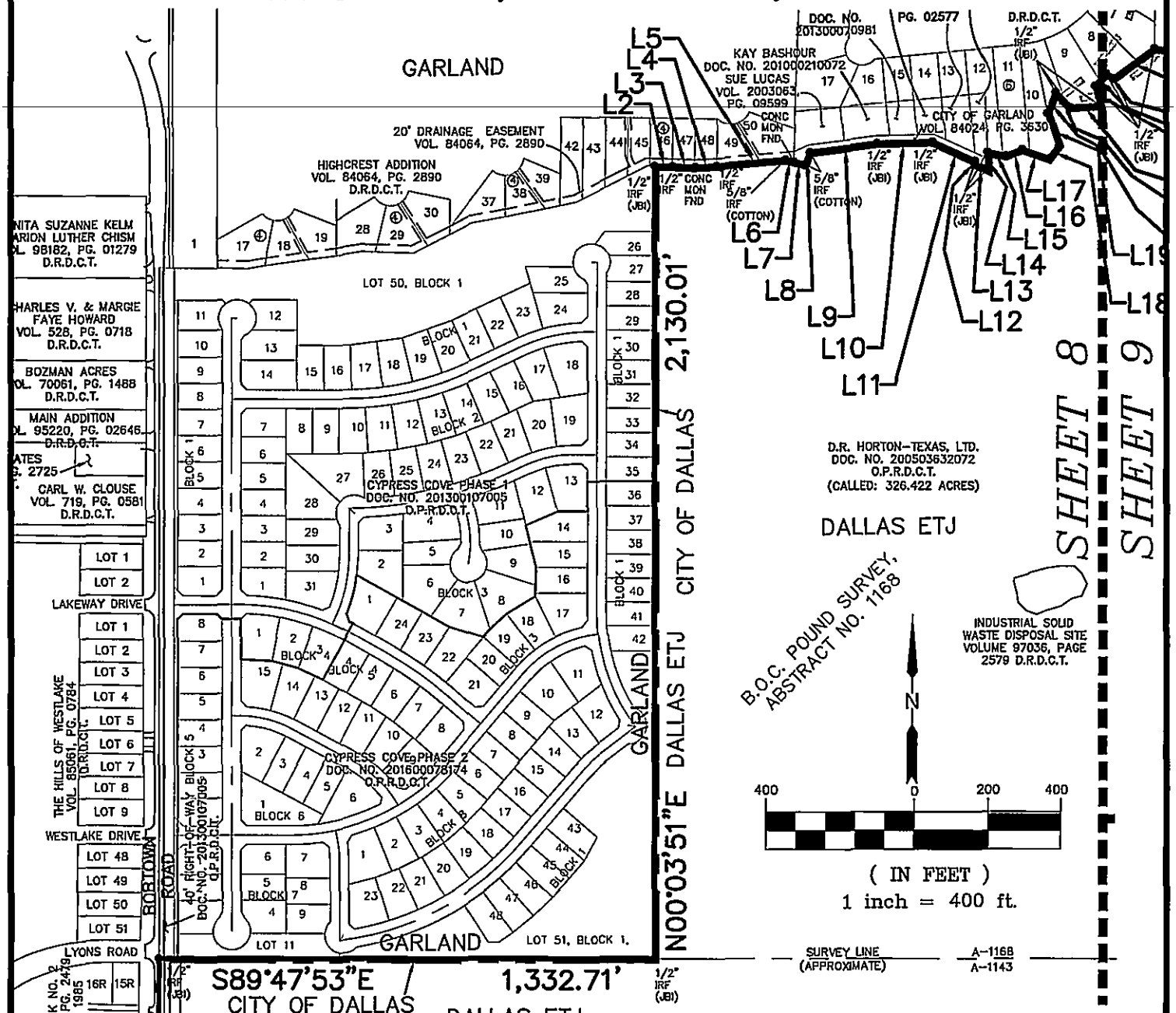

LEGEND

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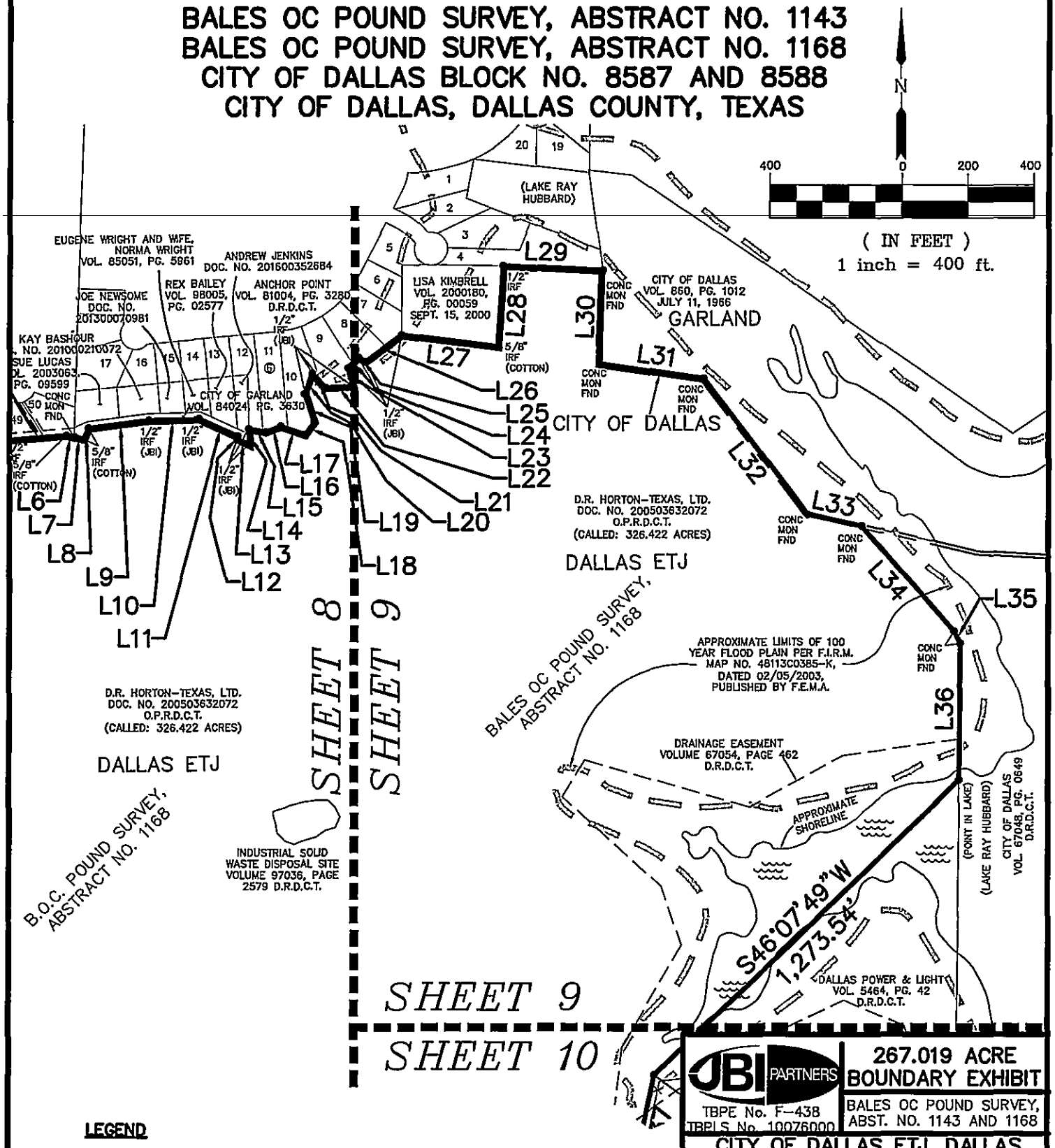

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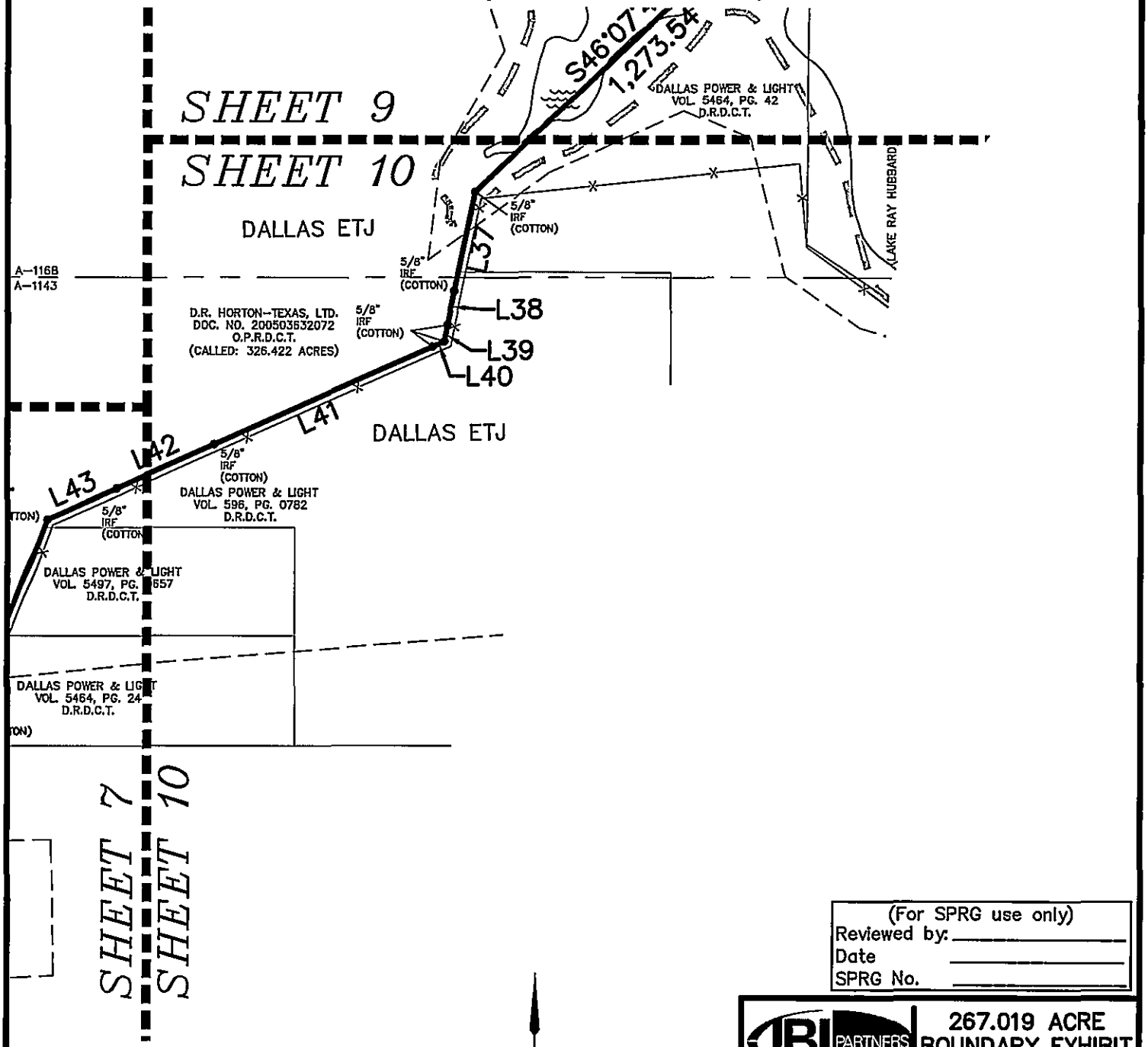

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400 0 200 400

(IN FEET)
1 inch = 400 ft.

JBI PARTNERS
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LINE TABLE		
NO.	BEARING	LENGTH
L1	N01°35'31"W	65.20'
L2	S89°06'14"E	46.91'
L3	S88°15'38"E	62.15'
L4	N87°06'47"E	57.95'
L5	N84°54'17"E	186.15'
L6	S75°36'30"E	22.09'
L7	S75°22'54"E	30.32'
L8	N22°58'06"E	35.70'
L9	N82°21'06"E	182.00'
L10	N88°38'06"E	150.04'
L11	S65°54'54"E	126.16'
L12	S05°12'53"E	8.99'
L13	S65°37'17"E	37.52'
L14	N01°30'58"W	46.60'
L15	S79°32'07"E	51.66'
L16	N68°41'01"E	48.71'
L17	S71°32'54"E	77.97'
L18	N37°17'54"E	42.52'
L19	N18°47'23"W	93.48'
L20	N21°16'08"E	63.60'

LINE TABLE		
NO.	BEARING	LENGTH
L21	S43°24'59"E	59.17'
L22	N86°34'34"E	81.23'
L23	N14°09'08"W	55.60'
L24	N41°02'42"E	43.39'
L25	S60°52'00"E	27.32'
L26	N53°17'13"E	134.52'
L27	S83°04'09"E	291.36'
L28	N03°35'32"E	242.66'
L29	S87°21'51"E	298.78'
L30	S01°45'28"W	280.57'
L31	S82°00'36"E	312.74'
L32	S37°37'07"E	513.59'
L33	S78°33'37"E	166.32'
L34	S41°47'13"E	422.36'
L35	S27°42'20"E	40.47'
L36	S00°28'25"W	408.96'
L37	S11°40'40"W	278.55'
L38	S11°41'07"W	95.45'
L39	S10°33'03"W	44.77'
L40	S65°51'45"W	36.23'

LINE TABLE		
NO.	BEARING	LENGTH
L41	S65°57'13"W	654.22'
L42	S66°06'48"W	293.77'
L43	S65°52'04"W	209.91'
L44	S21°04'05"W	538.06'
L45	S21°10'36"W	285.82'
L46	S21°05'20"W	365.34'
L47	S20°59'37"W	311.73'
L48	S21°05'54"W	290.42'
L49	S21°05'46"W	295.79'
L50	N89°26'30"W	56.42'

E. S. Bacak

EDWARD SCOTT BACAK, R.P.L.S. #6248
Dated: August 09, 2018

STATE OF TEXAS
REGISTERED
EDWARD SCOTT BACAK
6248
PROFESSIONAL
LAND SURVEYOR

(For SPRG use only)
Reviewed by: _____
Date _____
SPRG No. _____

CURVE TABLE						
NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	205.37'	011°47'27"	997.98'	103.05'	N05°22'21"W	205.01'
C2	205.35'	012°32'27"	938.20'	103.09'	N17°03'32"W	204.94'
C3	257.98'	012°33'05"	1177.68'	129.51'	N19°27'57"W	257.47'
C4	258.00'	012°43'39"	1161.45'	129.53'	N06°43'46"W	257.47'

JBI PARTNERS
TBPE No. F-438
TBPLS No. 10076000

267.019 ACRE BOUNDARY EXHIBIT

BALES OC POUND SURVEY, ABST. NO. 1143 AND 1168

CITY OF DALLAS ETJ, DALLAS COUNTY, TEXAS

OPER. NAME	FILE NAME	SCALE	DATE
ESB	267.019ac Boundary Exhibit.dwg	1"=400'	08/09/18
SURV. TECH	FOLDER	FILE NUMBER	
esb	PAGE 11 OF 11		

Drawing: H:\Projects\HOE296-Cypress Cove\dwg\SURVEY\267.019 ac - Boundary Exhibit.dwg Saved By: sbacak

Agenda Information Sheet

File #: 18-780 **Item #:** 26.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	September 12, 2018
COUNCIL DISTRICT(S):	8
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

An ordinance granting a CR Community Retail District, subject to deed restrictions volunteered by the applicant, on property zoned an R-10(A) Single Family District, on the southwest corner of South Belt Line Road and Fish Road, and a resolution accepting the deed restrictions volunteered by the applicant - Z178-215(SM) - Financing: No cost consideration to the City

BACKGROUND

On August 22, 2018, City Council held a public hearing and approved an application for a CR Community Retail District on approximately 12 acres, subject to deed restrictions volunteered by the applicant, and no change on the remainder, in lieu of the requested MU-2 Mixed Use District and R-5 (A) Single Family District with the ordinance and deed restrictions to return on a future Council date.

The applicant proposes to construct a mixed use project with retail and multifamily buildings in the front half of the site along Beltline Road and construct approximately 102 single family lots with access to Beltline Road, Sarah Lane, and Greengrove Lane. The applicant's volunteered deed restrictions include limiting the maximum structure height to 50 feet and prohibiting certain MU-2 Mixed Use District uses.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 22, 2018, City Council held a public hearing and approved an application for a CR Community Retail District on approximately 12 acres, subject to deed restrictions volunteered by the applicant, and no change on the remainder, in lieu of the requested MU-2 Mixed Use District and R-5 (A) Single Family District with the ordinance and deed restrictions to return on a future Council date.

On July 19, 2018, the City Plan Commission recommended approval of a CR Community Retail District on approximately 12 acres, subject to deed restrictions volunteered by the applicant, and no change on the remainder, in lieu of the requested MU-2 Mixed Use District and R-5(A) Single Family District.

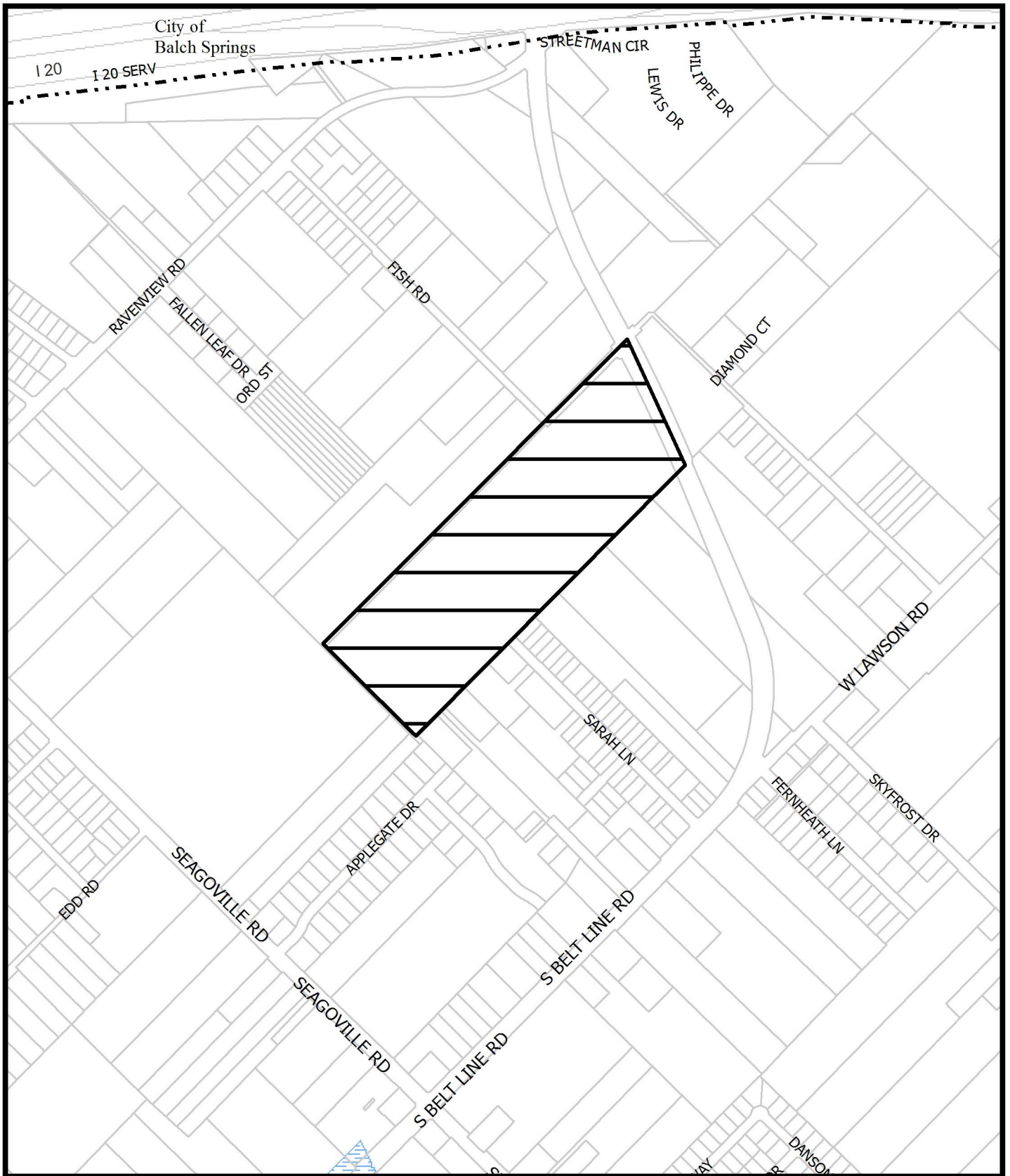
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

powered by Legistar™



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VICINITY MAP

Case no: Z178-215

Date: 5/3/2018

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, AUGUST 22, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-215(SM)	**DATE FILED:**	March 23, 2018
LOCATION:	Southwest corner of South Belt Line Road and Fish Road		
COUNCIL DISTRICT:	8	**MAPSCO:**	70 A
SIZE OF REQUEST:	Approx. 34.747 acres	**CENSUS TRACT:**	171.01

OWNER: DFW Projects, LLC

APPLICANT: Johnny Aguinaga, DFW Projects, LLC

REPRESENTATIVE: Jennifer Haynes

REQUEST: An application for an MU-2 Mixed Use District and an R-5(A) Single Family District with deed restrictions volunteered by the applicant on property zoned an R-10(A) Single Family District.

SUMMARY: The applicant proposes to construct a mixed use project with retail and multifamily buildings in the front half of the site along South Belt Line Road and construct approximately 102 single family lots with access to South Belt Line Road, Sarah Lane, and Greengrove Lane. The applicant's volunteered deed restrictions include limiting the maximum structure height to 50 feet and prohibiting certain MU-2 Mixed Use District uses.

CPC RECOMMENDATION: **Approval** of a CR Community Retail District on approximately 12 acres, subject to deed restrictions volunteered by the applicant, and **no change** on the remainder, **in lieu of** the requested MU-2 Mixed Use District and R-5(A) Single Family District.

STAFF RECOMMENDATION: **Approval** of a CR Community Retail District on approximately 12 acres, subject to deed restrictions volunteered by the applicant, and **no change** on the remainder, **in lieu of** the requested MU-2 Mixed Use District and R-5(A) Single Family District.

BACKGROUND INFORMATION:

- The request site is currently undeveloped and is zoned an R-10(A) Single Family District.

Zoning History: There have been two recent zoning changes requested in the area in the last five years.

1. **Z178-107:** On June 27, 2018, City Council approved 1) a CR Community Retail District and 2) Specific Use Permit No. 2297 for ten years for mini-warehouse use on property zoned an A(A) Agricultural District with Specific Use Permit No. 1301 for a tower/antenna for cellular communication.

2. **Z167-362:** On June 27, 2018, City Council approved a CS Commercial Service District with deed restrictions volunteered by the applicant and a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District.

3. **Z145-117:** On February 11, 2015, the City Council approved a CR Community Retail District on property zoned an A(A) Agricultural District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Designation; ROW
South Belt Line Road	Principal Arterial	Standard 6 lanes, divided; 100 ft.
Fish Road	Local	30 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and is concerned that the proposed development will have a negative impact on the surrounding street system. Revisions to the applicant's traffic impact analysis was requested on May 24, 2018.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

West Kleberg Community Plan (2007):

The intent of "The West Kleberg Community Plan" was to provide an overall vision to create economic development that will stimulate specific types of development for the community. The West Kleberg Community Plan identified a vision statement as follows: "To reflect 'Old Kleberg's' historical heritage, to promote a strong rural atmosphere, to allow for future growth with sensitivity to future amenities and infrastructure of a modern urban environment." Long-time residents seem to have mixed feelings about growth, noting on one side the negative impacts of crowds, noise, traffic, and pollution, while acknowledging the benefits of improved public services, better schools, and new neighborhood-serving retail and commercial business locating to the area. However, the motto "country living in the city" reverberated throughout the course of the land use study. Citizens within this community share a strong sense of place and a connection to its former identify as the small town of Kleberg. The "suburban/rural" character, developable land and easy freeway access to I-20/I-635 Hwy. 175 make it a very attractive place to live. Neighborhood organizations and stakeholders have fought to protect it from speculators that deem the undeveloped parcels economical feasible for industrial and high density residential uses.

Based on the Community Plan, the request site is located within an area that is designated as "Sub-area 1, which was comprised of approximately 2,047 acres of which 46 percent was vacant or undeveloped, and 33 percent was comprised of Single Family (SF) uses" at the time of publication in 2007. An analysis of the existing conditions in Sub-area 1 on page 3-15 states, "Of utmost concern by the community is land speculation. In areas zoned Agricultural (A) and R-10(A) where there are large parcels of undeveloped land, developers are seeking high density development that may devalue existing property in stable areas."

The Community Vision section of the Plan was developed in close cooperation with community stakeholders and paints a picture of what the community desires to see happen in the area in terms of future development patterns. The third growth forecast for the study area was based on a build-out of vacant land according to the Community Vision. In contrast to the previous two forecasts that were made for the Year 2030, this Community Vision forecast is not tied to a specific timeframe. Instead, it is intended to quantify anticipated growth when all vacant land is built out according to the Community Vision. This build-out was conducted by subarea based on assumptions of development patterns that were informed by community choices. The assumptions and calculations are provided below.

TABLE 5: SUB-AREA 1 BUILD-OUT

Development Type	Net Vacant Land (Minus Streets, Civic, Parks)	DENSITY (DU/AC)	FAR (Input)	HOUSING UNITS	COMMERCIAL SQ FT
RESIDENTIAL					
- Large Lot SF	169	1	n/a	169	n/a
- Medium Lot SF	429	4	n/a	1,717	n/a
- Townhouse SF	28	6	n/a	168	n/a
RETAIL/COMMERCIAL					383,328
- Neighborhood Commercial	35	n/a	0.25	n/a	344,995
- Highway Commercial Strip	40	n/a	0.20	n/a	
MIX USE	14	n/a	1.2	120	577,083
Totals	715			2,174	1,305,406

The residential build-out for Sub-area 1 would be 66.4% medium and 22.4% large lot development, with the remaining build-out at 9.1% for commercial and 2.1% for mix use development. Based on these figures, the forecast would generate 2,174 new housing units and 1,305,406 square feet of new commercial construction.

In conclusion, the Plan notes the following on page 5-13:

> Citizens continue to be adamant about retention of the area as a "bedroom community" with neighborhood-serving businesses along Hwy. 175-freeway corridor. They are supportive of new development that will contribute to open space and recreational facilities, with appropriate buffers from residential land uses. If the infrastructure demand does not parallel development activity, various neighborhoods within the community will continue to suffer from issues that already plague it (e.g., flooding, crime, school system, public facilities and so on). There is a need to ensure that development of residential subdivisions occurs in such a manner that it does not adversely impact existing low density residential neighborhoods and that adequate land is reserved for large-lot single family type

development. Where higher density housing occurs, adequate setbacks, buffers and open space are needed to protect adjacent single family neighborhoods.

The original request proposes to develop approximately half of the R-10(A) Single Family District zoned parcel as an R-5(A) Single Family District subdivision and the other half as primarily multifamily with some retail uses. The original request does not conform to the West Kleberg Land Use Plan's vision for Sub-area 1.

The applicant has since facilitated meetings with surrounding property owners and, as a result of some of the concerns expressed, has decided to abandon the request to rezone the 22.3356 acres in the rear of the property and to refocus the requested change to the front 12.1114 acres that abut South Belt Line Road for a CR Community Retail District. Since the West Kleberg Plan proposes that additional retail uses are needed for the surrounding community, staff can support a limited area that would allow community-serving retail and nonresidential uses.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	R-10(A)	Undeveloped
North	CR with SUP No.2297 (Z178-107)	Future shopping center and mini-warehouse
Northeast	R-10(A)	Single family
Southeast	R-10(A)	Undeveloped, Single family
Southwest	R-7.5(A) with DR No. Z845-214	Undeveloped
Northwest	R-10(A), A(A)	Undeveloped

Land Use Compatibility:

The 34.747-acre site is undeveloped and was originally proposed to be zoned with two zoning districts: 13.399 acres of MU-2 Mixed Use District abutting the southwest line of South Belt Line Road and 20.348 acres of land of R-5(A) Single Family District further southwest of the portion proposed to be rezoned MU-2 Mixed Use District.

The site is surrounded by large tracts of undeveloped land to the northwest, southeast, and southwest. Single family developments are also developed on both sides of Sarah Lane and Greengrove Lane to the southeast and a large lot single family lot is located on the northeast line of South Belt Line Road, to the northeast of the area of request. The single family lots on Sarah Lane vary in size but are a minimum of 7,500 square

feet each. The single family lots on Greengrove Lane also vary in size but are a minimum of 10,000 square feet. Each lot within the single family development along Applegate Drive to the south of the area of request is a minimum of 13,000 square feet of land. Finally, the area to the southwest of the site is currently undeveloped but the zoning would prescribe a minimum lot size of 7,500 square feet, or a minimum 6,850 square feet with additional area reserved as community open space, if a Community Unit Development (CUD) was proposed.

The applicant's original request for an R-5(A) Single Family District would allow twice as much density as the surrounding zoning districts allow and runs contrary to the West Kleberg Community Plan which envisions large-lot single family development. Further, the applicant's request for MU-2 Mixed Use District not only allows a myriad of nonresidential and residential uses, but it also prohibits single family uses. Therefore, since the general pattern of development of the area is single family lots with a minimum of 7,500 square feet of land, staff recommends denial of the applicant's original request. However, staff supports an alternative for a CR Community Retail District for approximately 12.1114 acres that abut South Belt Line Road and no change for the remainder.

The applicant has volunteered deed restrictions to prohibit an auto service center, car wash, pawn shop, liquor store, mini-warehouse, and the wholesale, distribution, and storage uses allowed within the CR Community Retail District. The following uses are prohibited in the existing R-10(A) Single Family District zoning and allowed in a CR Community Retail District. The following list also excludes uses proposed to be prohibited by the deed restrictions volunteered by the applicant.

(1) Commercial and business service uses. [As noted in CR, prohibited in R-10(A)]

- Building repair and maintenance shop. [RAR]
- Catering service.
- Custom business services.
- Electronics service center.
- Medical or scientific laboratory. [SUP]
- Tool or equipment rental.

(2) Institutional and community service uses. [By right in CR, SUP in R-10(A)]

- Adult day care facility.
- Child-care facility.
- College, university, or seminary.
- Convent or monastery.
- Hospital. [SUP in CR, prohibited in R-10(A)]
- Library, art gallery, or museum.
- Public school other than an open-enrollment charter school.

(3) Lodging uses. [SUP in CR, prohibited in R-10(A)]

- Hotel and motel.
- Lodging or boarding house.
- Overnight general purpose shelter.

(4) Office uses. [As noted in CR, prohibited in R-10(A)]

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.

(5) Recreation uses. [By right in CR, SUP in R-10(A)]

- Country club with private membership.
- Private recreation center, club, or area.

(6) Residential uses. [By right in CR, prohibited in R-10(A)]

- College dormitory, fraternity, or sorority house.

(7) Retail and personal service uses. [As noted in CR, prohibited in R-10(A)]

- Alcoholic beverage establishments. [SUP]
- Ambulance service. [RAR]
- Animal shelter or clinic without outside runs. [RAR]
- Business school.
- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
- Commercial amusement (outside). [SUP]
- Commercial parking lot or garage. [RAR]
- Convenience store with drive-through. [SUP]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. [SUP]
- Home improvement center, lumber, brick or building materials sales yard. [DIR]
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop. [SUP]
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Swap or buy shop. [SUP]
- Temporary retail use.
- Theater.

(8) Utility and public service uses. [As noted in CR, prohibited in R-10(A)]

- Commercial radio and television transmitting station.
- Police or fire station. [By right in CR, SUP in R-10(A)]
- Post office. [By right in CR, SUP in R-10(A)]

CPC recommends approval of a CR Community Retail District with deed restrictions volunteered by the applicant for 12.1114 acres in lieu of an MU-2 Mixed Use District and no change on the remainder because 1) the remaining CR District uses are more consistent with the emerging development pattern of this section along South Belt Line Road, 2) adjacency to residentially zoned property would require a perimeter landscape buffer and parking lot screening which would provide a suitable transition to the adjacent undeveloped property, and 3) when a block is divided by two or more zoning districts, the largest front yard setback on the blockface applies to all parcels that front on the blockface and therefore, a 30-foot front yard setback would apply to the subject property along South Belt Line Road.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Existing: R-10(A) Single Family	30’	6’	1 Dwelling Unit/ 10,000 sq. ft.	30’	45%		Single family
Proposed: R-5(A) Single Family	20’	5’	1 Dwelling Unit/ 5,000 sq. ft.	30’	45%		Single family
Proposed: MU-2 Mixed use-2	15’	20’ adjacent to residential OTHER: No Min.	1.6 FAR base 2.0 FAR maximum + bonus for residential	50’ per Deed Restrictions	80%	RPS Urban-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential
Staff recommendation for 12.1114 acres: CR Community Retail	15’	20’ adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	50’ per Deed Restrictions	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping: Landscaping will be in accordance with Article X, as amended.

Parking: Parking will be provided in accordance with the Dallas Development Code, as amended.

Prior CPC Action – May 17, 2018:

Motion: In considering an application for an MU-2 Mixed Use District and an R-5(A) Single Family District with deed restrictions volunteered by the applicant on property zoned an R-10(A) Single Family District, on the southwest corner of Beltline Road and Fish Road, it was moved to **hold** this case under advisement until June 7, 2018.

Maker: Houston
Second: Mack
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 130
Replies: For: 1 Against: 1

Speakers: For: Angela Hunt, 500 N. Akard St., Dallas, TX, 75201
Against: None

Prior CPC Action – June 7, 2018:

Motion: In considering an application for an MU-2 Mixed Use District and an R-5(A) Single Family District with deed restrictions volunteered by the applicant on property zoned an R-10(A) Single Family District, on the southwest corner of Beltline Road and Fish Road, it was moved to **hold** this case under advisement until July 19, 2018.

Maker: Houston
Second: Housewright
Result: Carried: 12 to 0

For: 12 - Rieves, Houston, Davis, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - West, Shidid
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 130
Replies: For: 2 Against: 5

Speakers: For: Angela Hunt, 500 N. Akard St., Dallas, TX, 75201
Against: None

Prior CPC Action – July 19, 2018:

Motion: It was moved to recommend **approval** of an of a CR Community Retail District with revised deed restrictions volunteered by the applicant with a modification to include prohibition of liquor stores, pawn shops and car washes for approximately 12 acres in lieu of an MU-2 Mixed Use District and no change on the remainder on property zoned an R-10(A) Single Family District, on the southwest corner of Beltline Road and Fish Road.

Maker: Houston
Second: Housewright
Result: Carried: 14 to 0

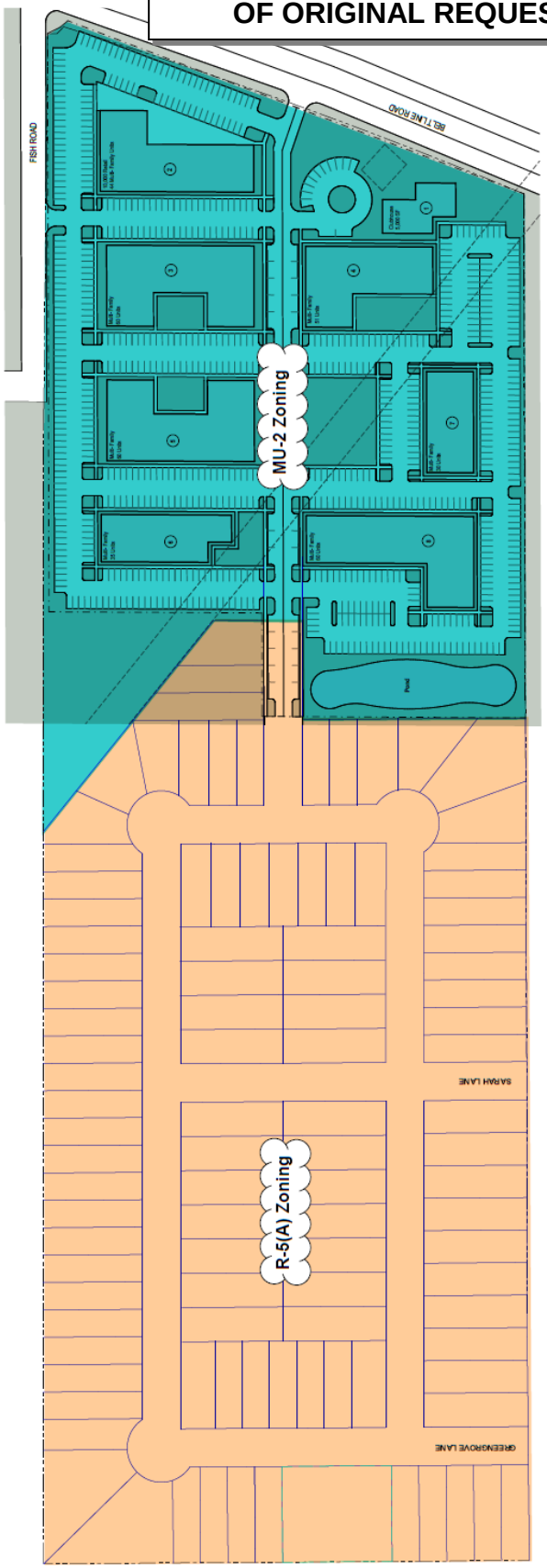
For: 14 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 130
Replies: For: 3 Against: 5

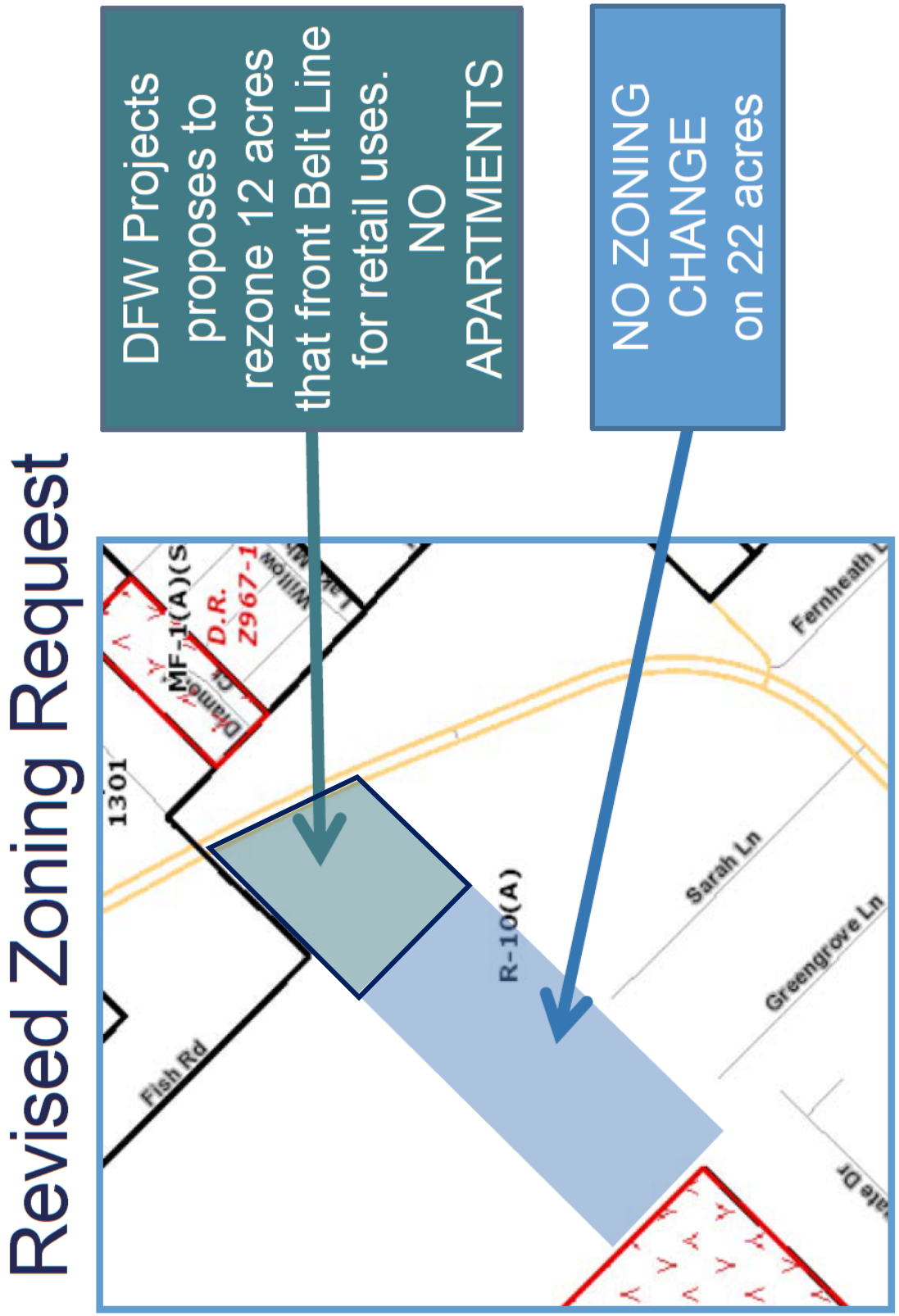
Speakers For: Angela Hunt, 500 N. Akard St., Dallas, TX, 75201
Johnny Aguinaga, 8117 Preston Rd., Dallas, TX, 75225
For (Did not speak): Teri Wilson, 13045 Fish Rd., Dallas, TX, 75252
Against: None

ILLUSTRATIVE ZONING EXHIBIT OF ORIGINAL REQUEST



13064 FISH ROAD
ZONING CHANGE EXHIBIT

PROPOSED ILLUSTRATIVE ZONING EXHIBIT OF CPC RECOMMENDATION



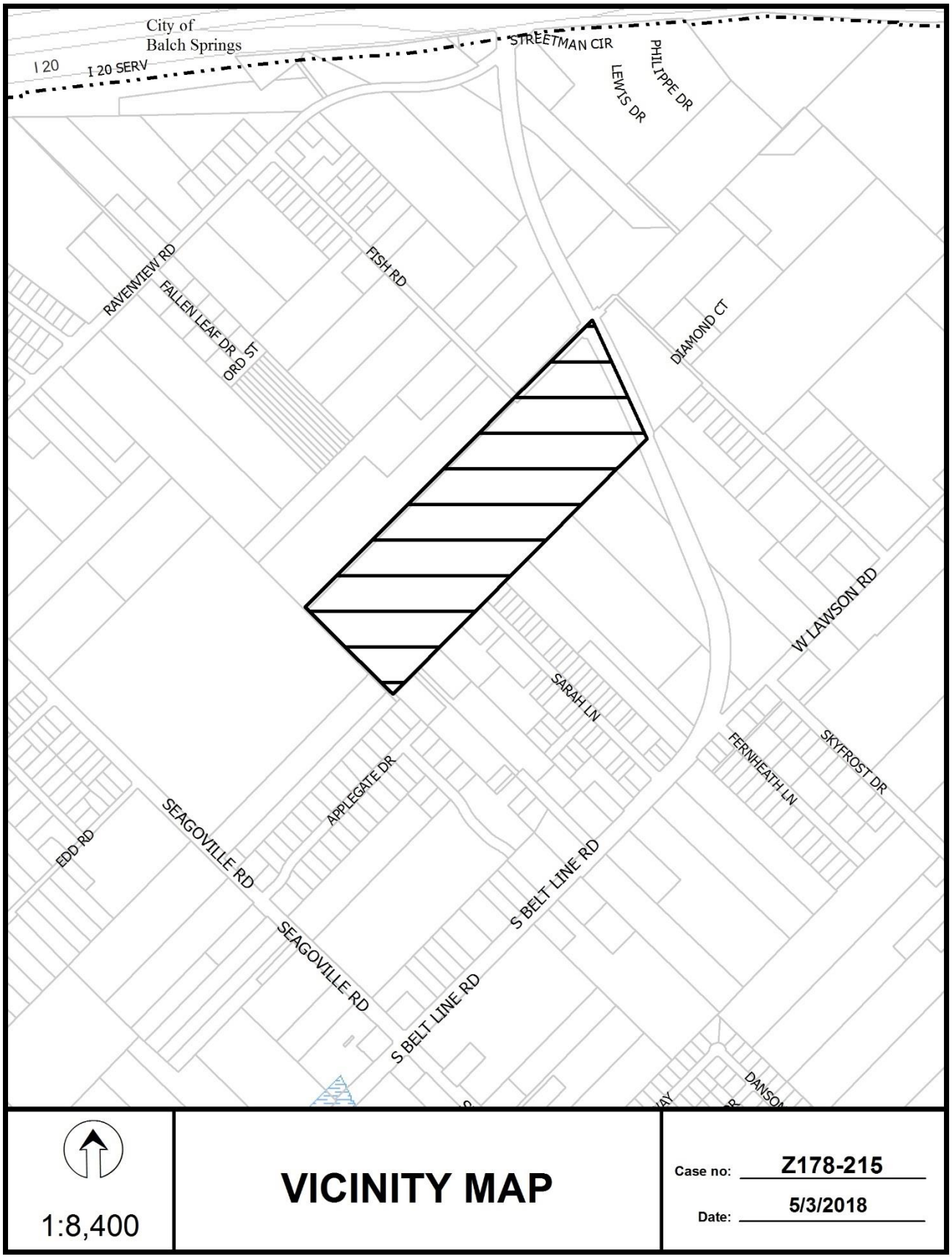
PROPOSED DEED RESTRICTIONS

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. Maximum structure height is 50 feet.

2. The following main uses are prohibited:

    -- Auto service center.
    -- Car wash.
    -- Liquor store.
    -- Mini-warehouse.
    -- Pawn shop.
    -- Recycling buy-back center
    -- Recycling collection center.
    -- Recycling drop-off container.
    -- Recycling drop-off for special occasion collection.


City of
Balch Springs
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LEWIS DR
PHILIPPE DR
RAVENVIEW RD
FALLEN LEAF DR
ORD 51
FISH RD
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W LAWSON RD
SARAH LN
FERNHEATH LN
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APPLEGATE DR
EDD RD
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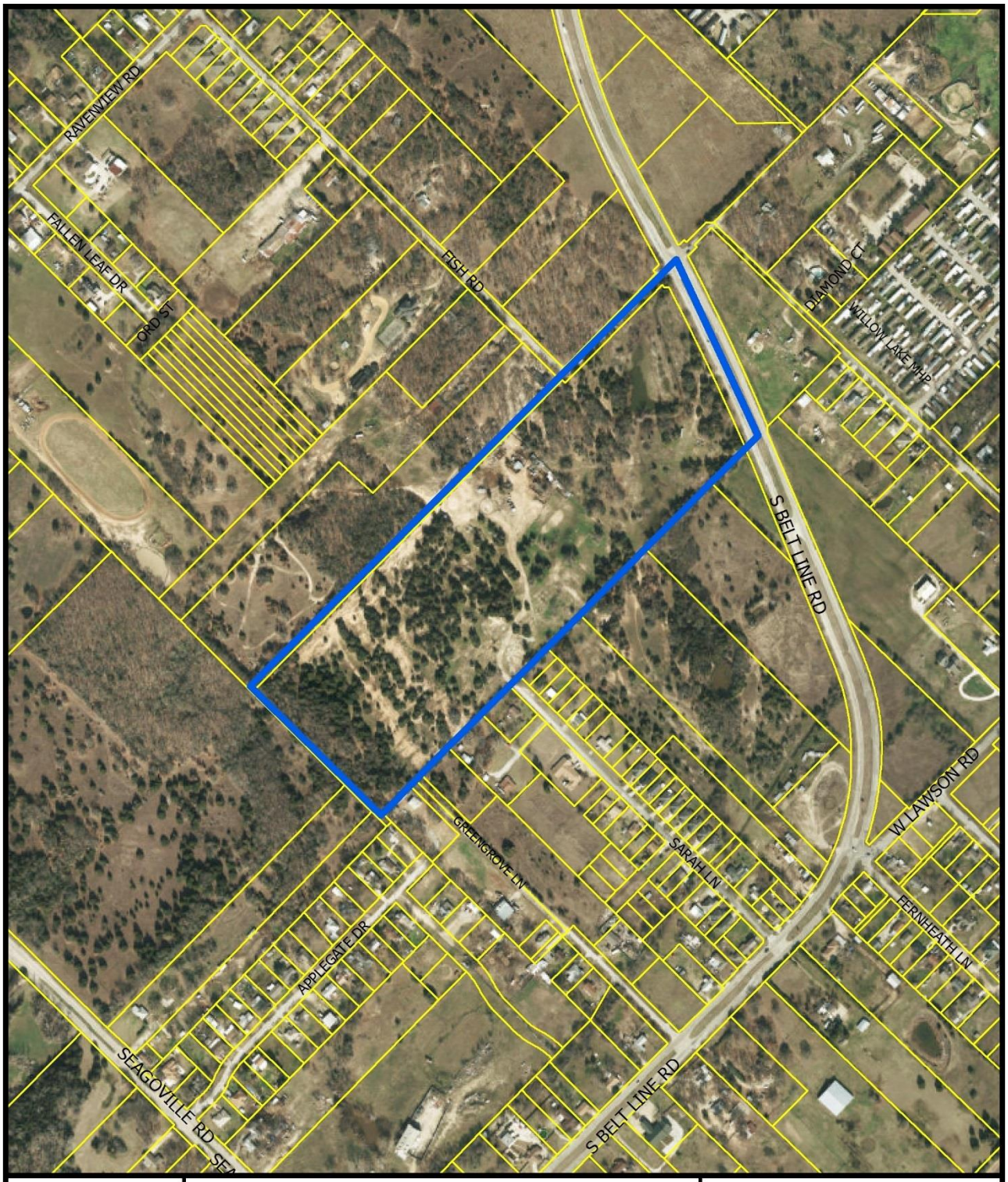
VICINITY MAP
Case no: Z178-215
Date: 5/3/2018



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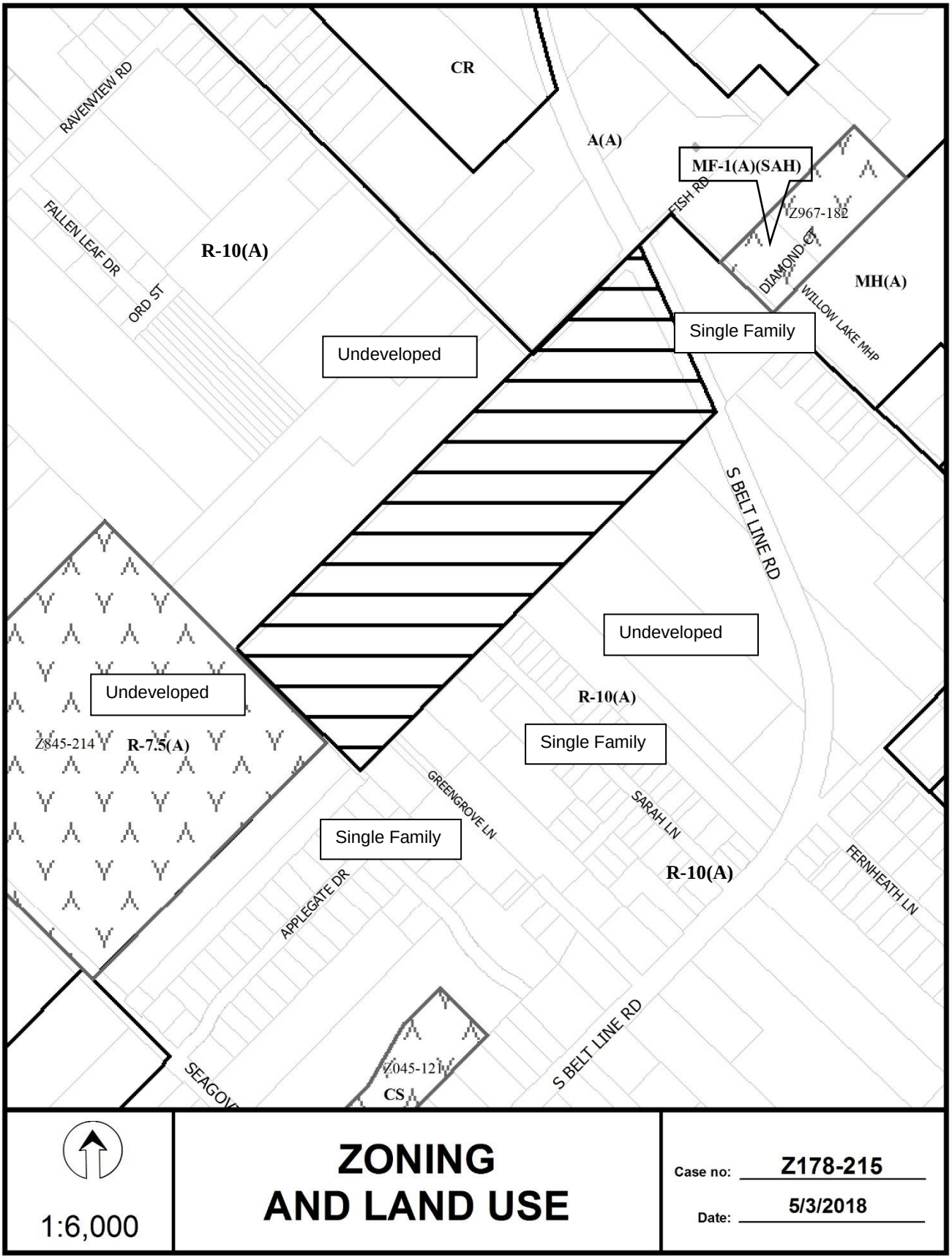
AERIAL MAP

Case no: Z178-215

Date: 5/3/2018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A(A)
MF-1(A)(SAH)
Z967-182
RAVENVIEW RD
FALLEN LEAF DR
ORD ST
R-10(A)
FISH RD
DIAMOND CT
MH(A)
WILLOW LAKE MHP
Single Family
Undeveloped
S BELT LINE RD
Undeveloped
Undeveloped
Z845-214
R-7.5(A)
R-10(A)
Single Family
GREENGROVE LN
SARAH LN
Single Family
R-10(A)
FERNHEATH LN
APPLEGATE DR
Z045-121
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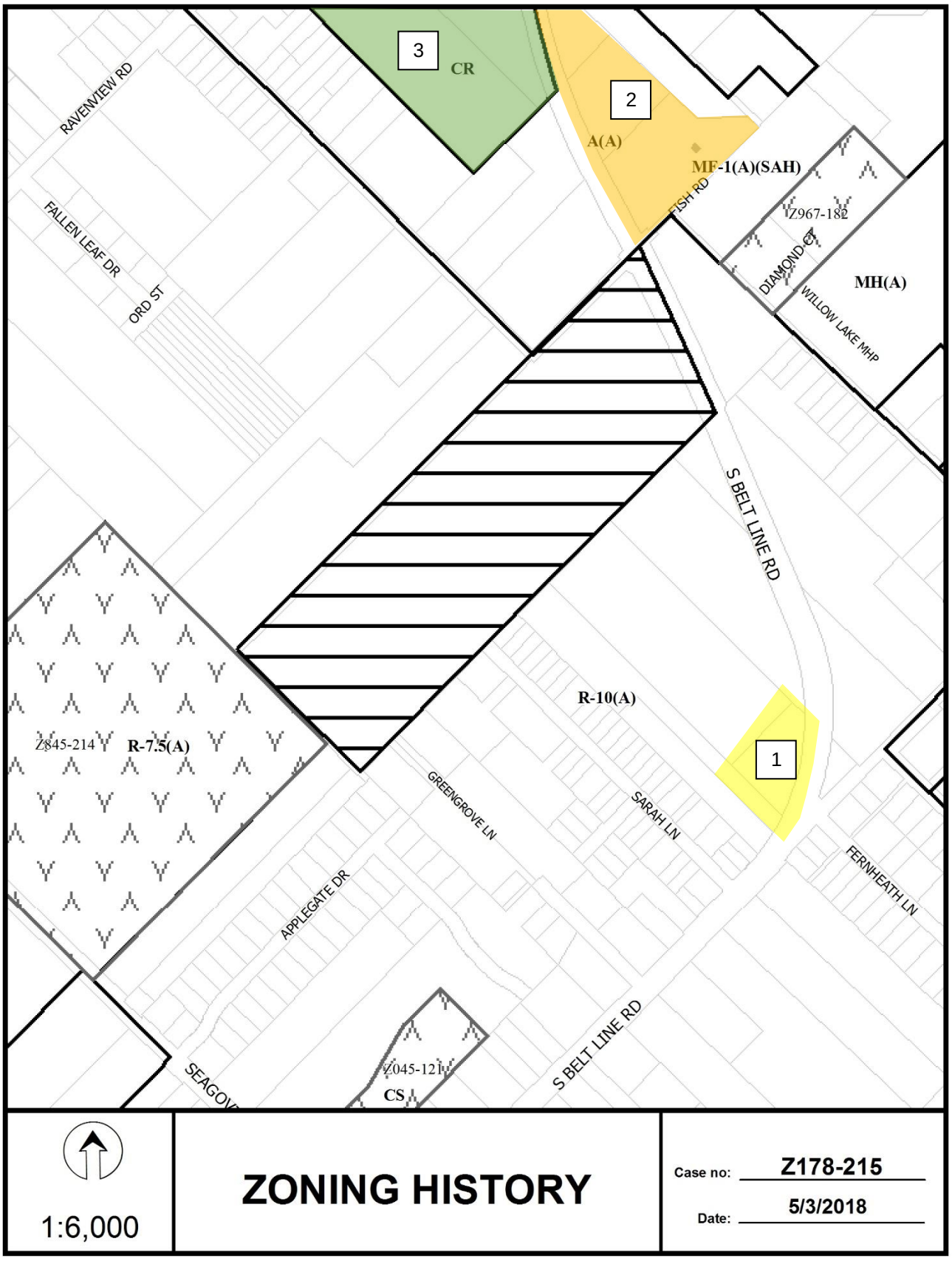
ZONING
AND LAND USE
Case no: Z178-215
Date: 5/3/2018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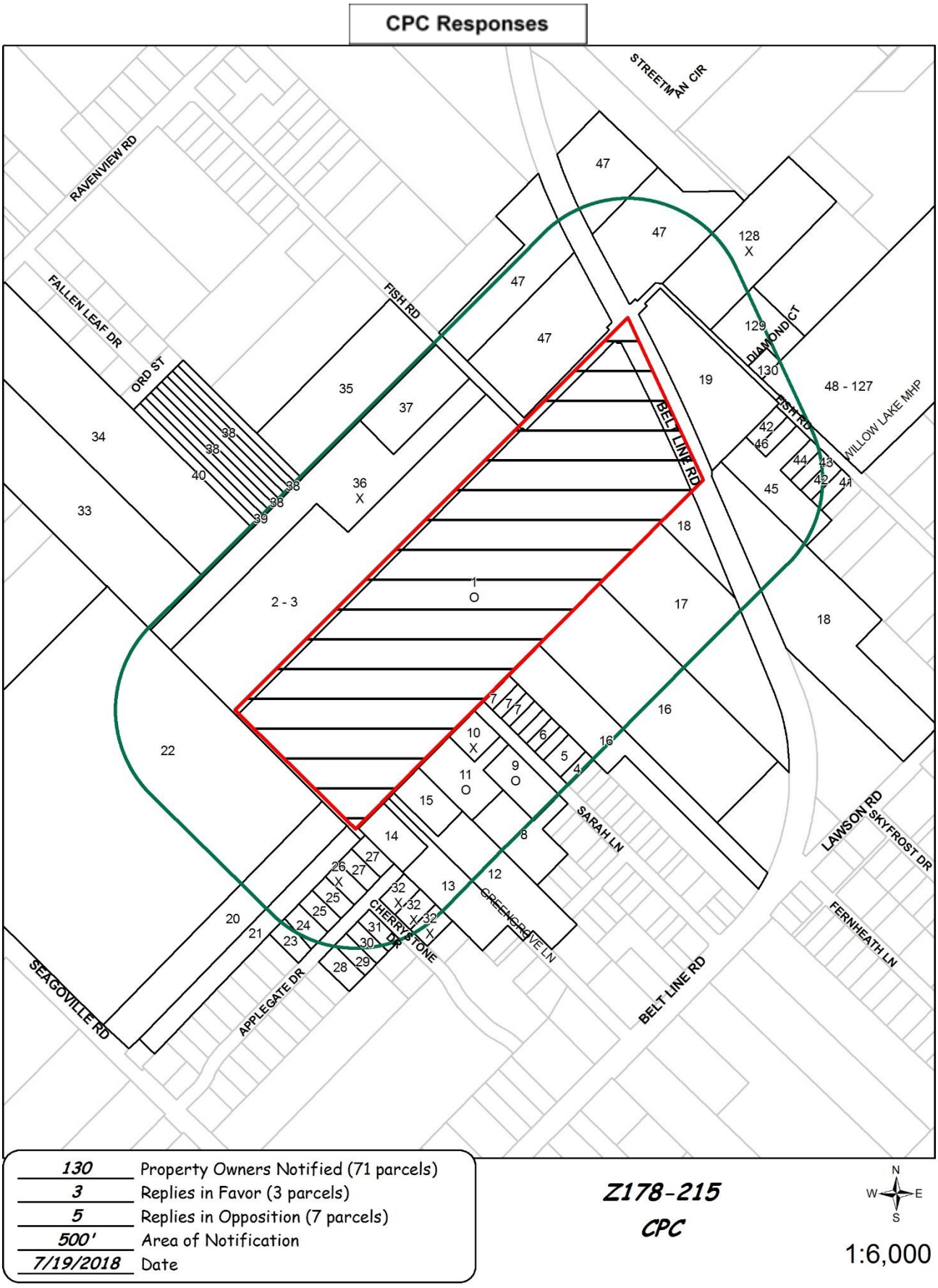
ZONING HISTORY
Case no: Z178-215
Date: 5/3/2018



130	Property Owners Notified (71 parcels)
3	Replies in Favor (3 parcels)
5	Replies in Opposition (7 parcels)
500'	Area of Notification
7/19/2018	Date

07/18/2018

Reply List of Property Owners

Z178-215

130 Property Owners Notified ***3 Property Owners in Favor*** ***5 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	13064	FISH RD	COOPER RICKEY LEROY &
	2	12856	FISH RD	PEREZ ARNULFO
	3	12856	FISH RD	PEREZ ARNULFO
	4	13241	SARAH LN	RAGLE MARGARET JANE
	5	13235	SARAH LN	MARSHALL ELSIE EST OF
	6	13223	SARAH LN	HERNANDEZ LEOBARDO
	7	13127	SARAH LN	CASTILLO MORENO DEISY
	8	13240	SARAH LN	WHITE ROCK BIBLE FELLOWSHIP CHURCH
X	10	13126	SARAH LN	JARVIS CASSIE
O	11	13204	SARAH LN	DERUVO GEORGE VICTORY III
	12	13305	GREENGROVE LN	TUCKER TOMMY & NANCY
	13	13304	GREENGROVE LN	RIZO MARY &
	14	801	APPLEGATE DR	RODRIGUEZ PEDRO
	15	13101	GREENGROVE LN	TUCKER TOMMY & NANCY
	16	639	S BELTLINE RD	CHAVES RONNY DAVID
	17	599	BELTLINE RD	LEE LARRY
	18	551	LAWSON RD	BALCH RANDY
	19	13038	FISH RD	SRS ENTERPRISE LLC
	20	14825	SEAGOVILLE RD	BRASWELL EVELYN J L
	21	14831	SEAGOVILLE RD	GREGORY RICKEY
	22	14709	SEAGOVILLE RD	SEAGOVILLE REALTY LTD
	23	845	APPLEGATE DR	COSTLOW CLINT & LENELLE
	24	839	APPLEGATE DR	COSTLOW CLINT L III
	25	833	APPLEGATE DR	COSTLOW NORA L
X	26	821	APPLEGATE DR	WARREN CHRISTMAN LEA &
	27	815	APPLEGATE DR	SANCHEZ MARIA S &

Reply	*Label #*	*Address*		*Owner*
	28	846	APPLEGATE DR	BURKHAM DELORES A
	29	840	APPLEGATE DR	PAUL SAMUEL NEWBERRY
	30	834	APPLEGATE DR	MALAVEAR FRANK
	31	828	APPLEGATE DR	HARRIS DENNIS
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	34	13114	RAVENVIEW RD	LOPEZ RUFINA C
	35	12740	FISH RD	ALVAREZ JUAN A
X	36	12826	FISH RD	SCHNEIDMILLER DENNIS
	37	12746	FISH RD	TORRES GILBERTO &
	38	13102	ORD ST	BUSEY WILLIAM S ETAL
	39	13130	ORD ST	BUSEY WILLIAM S
	40	13134	ORD ST	MERRIMAN LEONARD C
	41	13210	FISH RD	CAH 2014 2 BORROWER LLC
	42	13206	FISH RD	SHETH HEMANG A
	43	13202	FISH RD	TEXAS SIZE PPTIES
	44	13122	FISH RD	GONZALEZ MODESTO
	45	13130	FISH RD	CASTILLO MARTIN J
	46	13114	FISH RD	SOLORZANO TOMAS SANCHEZ &
	47	300	W LAWSON RD	CENTRAL 15TH LLC
	48	13223	FISH RD	YES COMPANIES WFC LLC
	49	13223	FISH RD	YES COMMUNITIES
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	51	13223	FISH RD	HERNANDEZ VICENTE
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	55	13223	FISH RD	LUCAS SUSANNA AND FLORENCIO
	56	13223	FISH RD	FLORES MARIA CARREON
	57	13223	FISH RD	WAYMIRE CYNTHIA
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07/18/2018

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	60	13223	FISH RD	JOHNSON LORNE
	61	13223	FISH RD	ACOSTA MIGUEL
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	88	13223	FISH RD	MADRID JUAN C
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07/18/2018

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	94	13223	FISH RD	ROWE JOSEPH
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	118	13223	FISH RD	BENNETT LEONA
	119	13223	FISH RD	BERLIN KENNETH
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07/18/2018

Reply	*Label #*	*Address*		*Owner*
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	122	13223	FISH RD	JANOSIK THOMAS
	123	13223	FISH RD	WAGENER JOHN
	124	13223	FISH RD	MASSEY BETTY
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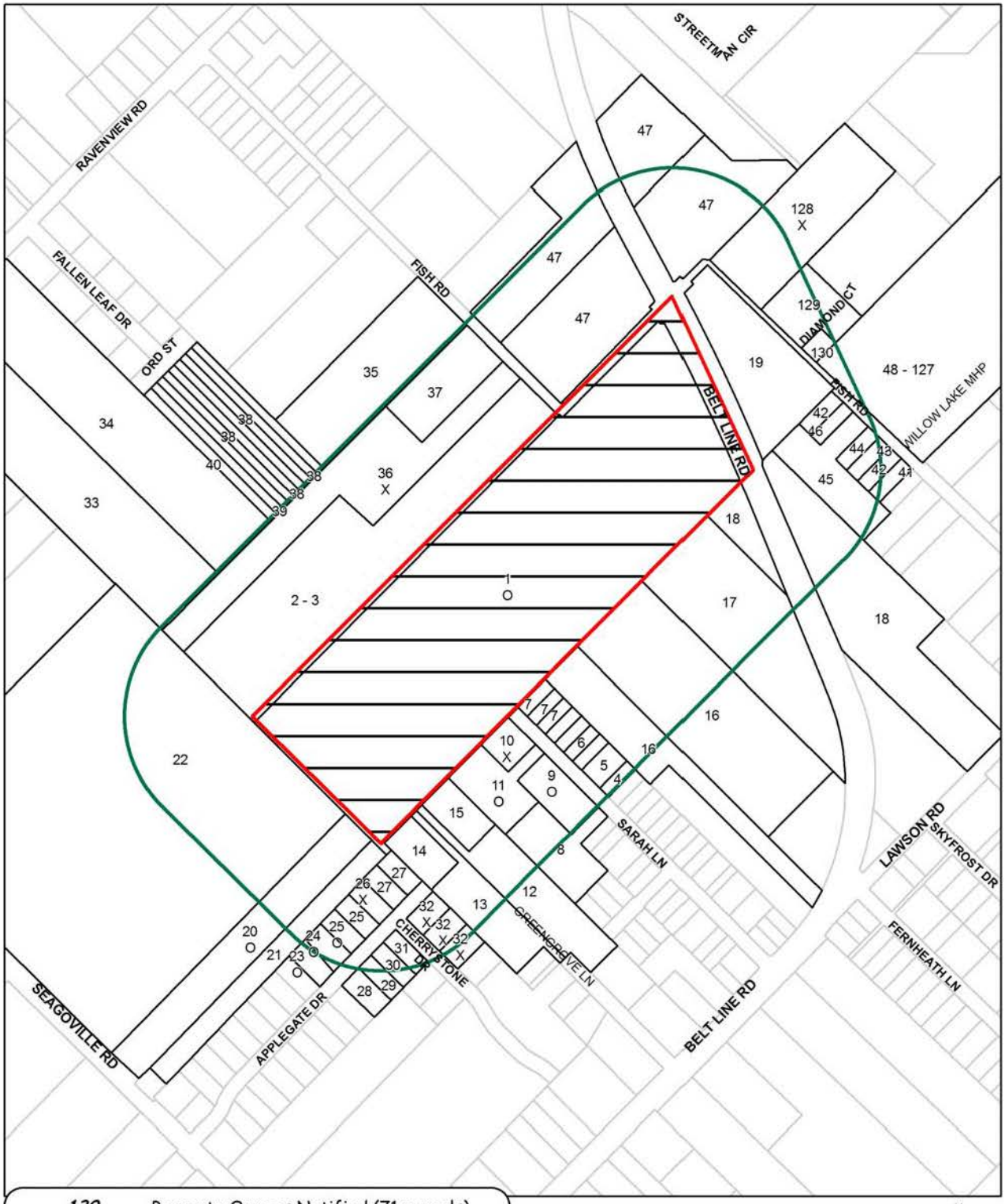
	129	13035	FISH RD	WILSON HUBERTA T
	130	13041	FISH RD	WILSON HUBERTA T
O	A1	13234	SARAH LN	WHITE ROCK BIBLE

CC RESPONSES



130	Property Owners Notified (71 parcels)
7	Replies in Favor (7 parcels)
5	Replies in Opposition (7 parcels)
500'	Area of Notification
8/22/2018	Date

Z178-215

CC

N
W E
S

1:6,000

08/21/2018

Reply List of Property Owners

Z178-215

130 Property Owners Notified ***7 Property Owners in Favor*** ***5 Property Owners Opposed***

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O	A5	833	APPLEGATE DR	COSTLOW NORA L

Agenda Information Sheet

File #: 18-711 **Item #:** 27.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning two storm sewer easements to Mockingbird Venture Partners, L.L.C. and Greenway-Mockingbird, L.P., the abutting owners, containing a total of approximately 1,501 square feet of land, located near the intersection of Mockingbird Lane and Forest Park Road - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of two storm sewer easements to Mockingbird Venture Partners, L.L.C. and Greenway-Mockingbird, L.P., the abutting owners. The area will be included with the property of the abutting owners for the construction of two retail buildings. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Revenue: $5,400.00, plus the $20.00 ordinance publication fee

OWNERS

Mockingbird Venture Partners, L.L.C.

Linda Kasai, Governing Person

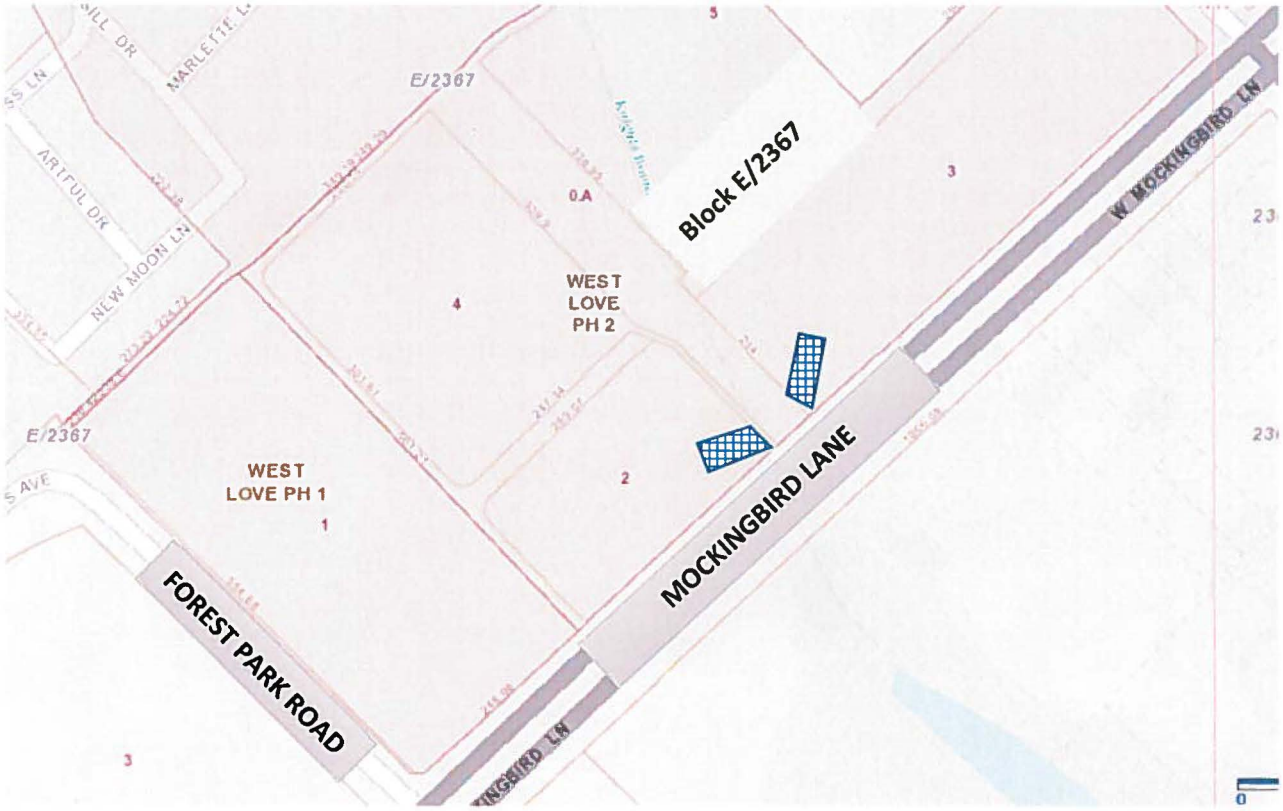
Greenway-Mockingbird, L.P.

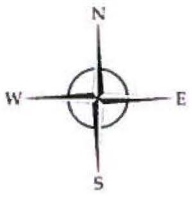
Gerald H. Stool, Manager

MAP

Attached

powered by Legistar™





STORM SEWER EASEMENT ABANDONMENT

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of two storm sewer easements, located in City Block E/2367 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Mockingbird Venture Partners, L.L.C. and Greenway-Mockingbird, L.P.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Mockingbird Venture Partners, L.L.C., a Delaware limited liability company and Greenway-Mockingbird, L.P., a Texas limited partnership; hereinafter referred to collectively 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 storm sewer 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 hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, 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**, their 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**, 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 the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which

certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 10. That this ordinance is also designated for City purposes as Contract Nos. DEV-2018-00005805 and DEV-2018-00005848.

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

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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

LEGAL DESCRIPTION

BEING a 725 square foot (0.0166 acre) tract of land situated in the Miles Bennett Survey, Abstract No. 52, City of Dallas, Dallas County, Texas and being part of Lots 2 & 4, Block E/2367, West Love Addition, Phase 2, an addition to the City of Dallas according to the plat recorded in Instrument No. 201600349652 of the Official Public Records, Dallas County, Texas and being part of that tract of land described as Tract 4 in Special Warranty Deed to Mockingbird Venture Partners, L.L.C recorded in Instrument No. 200900077070 of said Official Public Records and being all of a Storm Sewer Easement to the City of Dallas dedicated by said West Love Addition, Phase 2 and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with plastic cap stamped "KHA" found in the northwest right-of-way line of Mockingbird Lane (a 100-foot right-of-way) dedicated by Volume 2813, Page 258 of the Deed Records of Dallas County, Texas and being the east corner of said Lot 2, Block E/2367, from which a 5/8" iron rod with plastic cap stamped "KHA" found at the easternmost corner of said Lot 4, Block E/2367 bears North 46°27'54" East, a distance of 10.01 feet;

THENCE with the common line of said Lots 2 & 4, Block E/2367, North 45°34'23" West, a distance of 31.08 feet to the **POINT OF BEGINNING**;

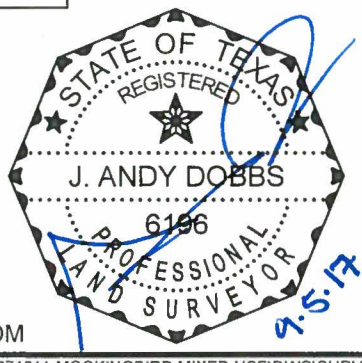
THENCE departing said common line of Lots 2 & 4, Block E/2367, over and across said Lots 2 & 4, Block E/2367, the following courses and distances:

South 89°25'36" West, a distance of 50.42 feet to a point for corner;
North 0°34'24" West, a distance of 15.00 feet to a point for corner;
North 89°25'36" East, passing said northeast line of Lot 2, Block E/2367 at a distance of 35.42 feet and continuing in all a total distance of 40.84 feet to a point for corner;
South 45°34'23" East, a distance of 21.21 feet to a point for corner;
South 89°25'36" West, a distance of 5.42 feet to the **POINT OF BEGINNING** and containing 725 square feet or 0.0166 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: 2/27/2018
SPRG NO: 4452

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
ANDY.DOBBS@KIMLEY-HORN.COM

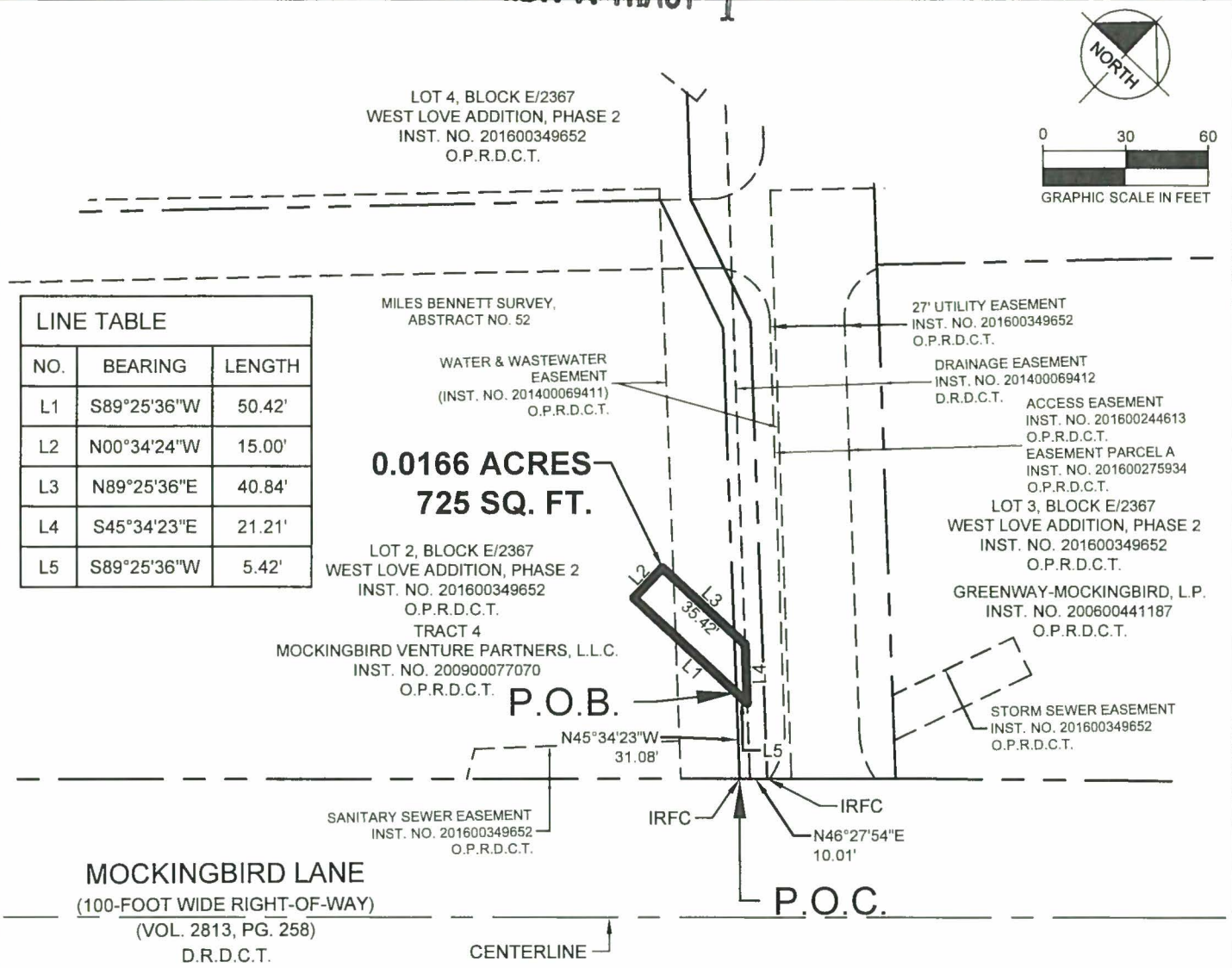


STORM SEWER EASEMENT ABANDONMENT
WEST LOVE ADDITION, PHASE 2
PART OF LOTS 2 & 4, BLOCK E/2367,
MILES BENNETT SURVEY, ABSTRACT NO. 52
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTC	JAD	SEP. 2017	064271011	1 OF 2

EXHIBIT A-TRACT 1



LINE TABLE		
NO.	BEARING	LENGTH
L1	S89°25'36"W	50.42'
L2	N00°34'24"W	15.00'
L3	N89°25'36"E	40.84'
L4	S45°34'23"E	21.21'
L5	S89°25'36"W	5.42'

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
IRFC = 5/8" IRON ROD W/ PLASTIC CAP STAMPED "KHA" FOUND
VOL. = VOLUME
PG. = PAGE
INST. NO. = INSTRUMENT NUMBER
SQ. FT. = SQUARE FEET
C.M. = CONTROLLING MONUMENT

NOTES

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

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STATE OF TEXAS
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J. ANDY DOBBS
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LAND SURVEYOR
2.5.17

STORM SEWER EASEMENT ABANDONMENT

WEST LOVE ADDITION, PHASE 2
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	MTC	JAD	SEP. 2017	064271011	2 OF 2

EXHIBIT A-TRACT 2

LEGAL DESCRIPTION

BEING a 776 square foot (0.0178 acre) tract of land situated in the Miles Bennett Survey, Abstract No. 52, City of Dallas, Dallas County, Texas and being part of Lot 3, Block E/2367, West Love Addition, Phase 2, an addition to the City of Dallas according to the plat recorded in Instrument No. 201600349652 of the Official Public Records, Dallas County, Texas and being part of that tract of land described in Special Warranty Deed to Greenway-Mockingbird, L.P. recorded in Instrument No. 200600441187 of said Official Public Records and being all of a Storm Sewer Easement to the City of Dallas dedicated by said West Love Addition, Phase 2 and being more particularly described as follows:

COMMENCING at a mag nail with washer stamped "WEST LOVE KHA" found in the northwest right-of-way line of Mockingbird Lane (a 100-foot right-of-way) dedicated by Volume 2813, Page 258 of the Deed Records of Dallas County, Texas and being the south corner of said Lot 3, Block E/2367, from which a 5/8" iron rod with plastic cap stamped "KHA" found at a west corner of Common Area A, Block E/2367 of said West Love Addition, Phase 2 bears South 46°27'54" West, a distance of 46.53 feet;

THENCE with the common line of said Lot 3 & Common Area A, Block E/2367, North 45°34'23" West, a distance of 13.83 feet to the **POINT OF BEGINNING**;

THENCE continuing with said common line of Lot 3 & Common Area A, Block E/2367, North 45°34'23" West, a distance of 16.36 feet to a point for corner;

THENCE departing said common line of Lot 3 & Common Area A, Block E/2367, over and across said Lot 3, Block E/2367, the following courses and distances:

North 20°55'58" East, a distance of 48.51 feet to a point for corner;
South 69°04'02" East, a distance of 15.00 feet to a point for corner;
South 20°55'58" West, a distance of 55.03 feet to the **POINT OF BEGINNING** and containing 776 square feet or 0.0178 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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WEST LOVE ADDITION, PHASE 2
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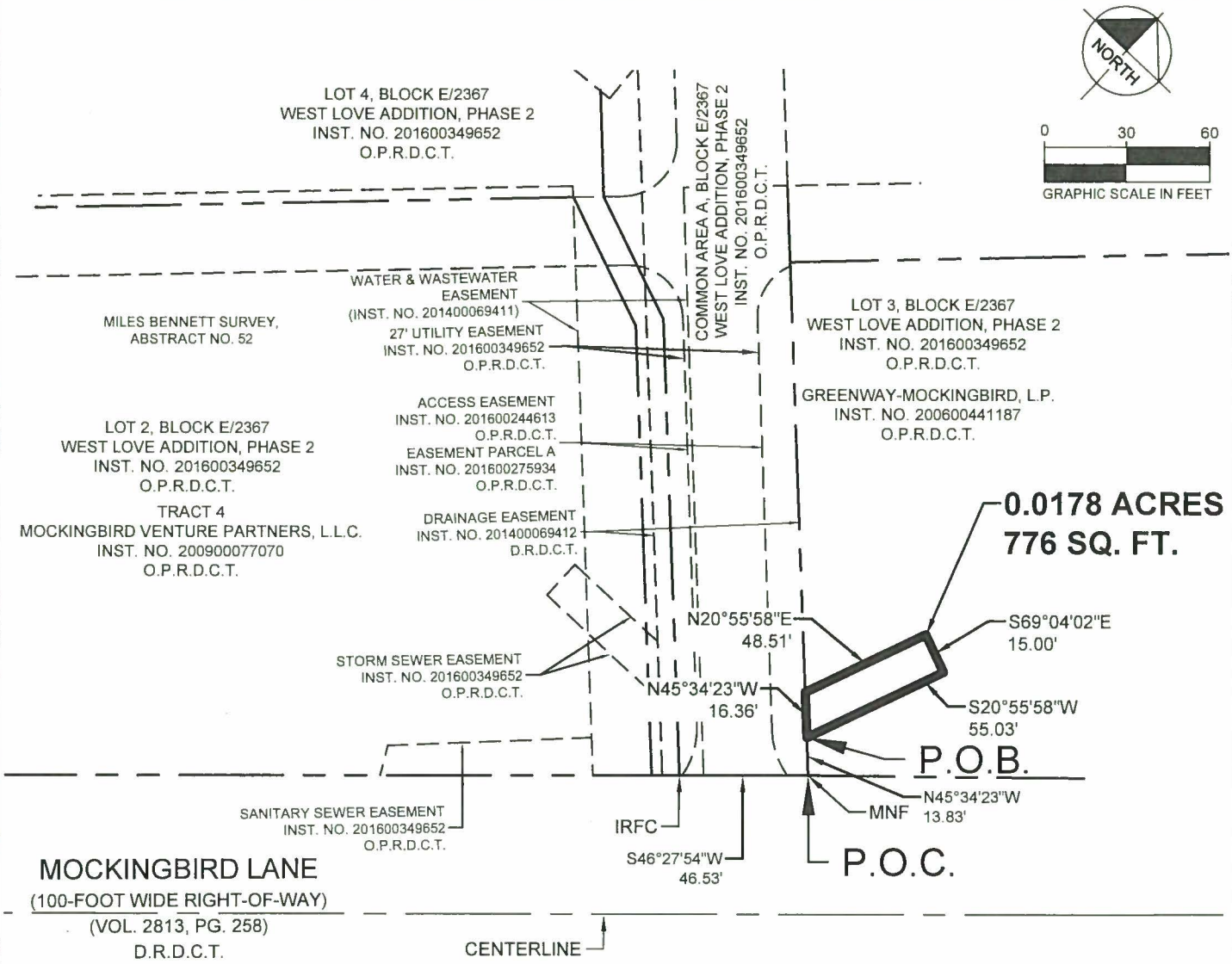
EXHIBIT A-TRACT 2



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1" = 60'	MTC	JAD	SEP. 2017	064271011	2 OF 2

Agenda Information Sheet

File #: 18-745 **Item #:** 28.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Budget

EXECUTIVE: Elizabeth Reich

SUBJECT

An ordinance amending Ordinance No. 30651, previously approved on September 20, 2017, as amended by Ordinance No. 30752, previously approved on January 24, 2018, as amended by Ordinance No. 30843, previously approved on April 25, 2018, as amended by Ordinance No. 30898, previously approved on June 13, 2018 authorizing certain transfers and appropriation adjustments for FY 2017-18 for various departments, activities, and projects; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

BACKGROUND

On September 20, 2017, the City Council adopted the FY 2017-18 City of Dallas Operating, Capital, and Grant & Trust Budgets by Ordinance No. 30651.

City Charter does not allow for expenditure of City funds without sufficient appropriation (City Charter Chapter XI, Section 6). Management closely monitors revenues and expenditures throughout the fiscal year to ensure compliance with City Charter. Management communicates the financial status of the City to City Council in the monthly Financial Forecast Report and provides quarterly briefings to the Government Performance and Financial Management committee.

The amendments requested reflect: (1) appropriation adjustments previously approved by City Council; (2) Salary and Benefit Reserve transfers authorized per the budget ordinance; (3) adjustments to ensure adequate departmental appropriations in the General Fund; (4) appropriate excess revenue as allowed by City Charter (City Charter Chapter XI, Section 5); (5) Enterprise, Other, Grant, and Trust funds revenue and expenditure increases; and (6) capital appropriation adjustments.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 20, 2017, City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2017-18 City of Dallas Operating, Capital, and Grant & Trust Budgets by

Resolution No. 17-1505; Ordinance No. 30651.

On January 24, 2018, City Council amended Ordinance No. 30651, previously approved on September 20, 2017 to appropriate monies for projects authorized by the 2017 General Obligation bond program by Resolution No. 18-0197; Ordinance No. 30752.

The Government Performance and Financial Management Committee was briefed regarding FY 2017-18 mid-year appropriation adjustments on April 16, 2018.

On April 25, 2018, City Council amended Ordinance No. 30752, previously approved on January 24, 2018 to authorize certain transfers and appropriation adjustments for FY 2018-19 for various departments, activities and projects by Resolution No. 18-0627; Ordinance No. 30843.

On June 13, 2018, City Council amended Ordinance No. 30843, previously approved on April 25, 2018 to allocate certain funds, allocated for the district office pilot program, to be used for a non-city facility district office by Resolution No. 18-0878; Ordinance No. 30898.

The Government Performance and Financial Management Committee will be briefed regarding FY 2017-18 year-end appropriation adjustments on September 4, 2018.

FISCAL INFORMATION

No cost consideration to the City.

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8-27-18

ORDINANCE NO. _____

AMENDING THE OPERATING AND CAPITAL BUDGETS' APPROPRIATIONS ORDINANCE

An ordinance amending Ordinance No. 30651 (2017-18 FY Operating and Capital Budgets' Appropriation Ordinance), as amended by Ordinance No. 30752, as amended by Ordinance No. 30843, as amended by Ordinance No. 30898, to make certain adjustments for the fiscal year 2017-18 for the maintenance and operation of various departments and activities and to fund appropriations for fiscal year 2017-18; appropriating funds for public improvements to be financed from bond funds and other revenues of the city of Dallas for fiscal year 2017-18; providing for publication; and providing an effective date.

WHEREAS, on September 20, 2017, the city council passed Ordinance No. 30651, which adopted the operating and capital budgets' appropriations ordinance for fiscal year 2017-18; and

WHEREAS, on January 24, 2018, the city council passed Ordinance No. 30752, which amended Ordinance No. 30651 by adding capital funds to fund appropriations for fiscal year 2017-18; and

WHEREAS, on April 25, 2018, the city council passed Ordinance No. 30843 which amended Ordinance No. 30651 by making adjustments to fund appropriations for fiscal year 2017-18 for maintenance and operation of various departments and activities; and

WHEREAS, on June 13, 2018, the city council passed Ordinance No. 30898 which amended Ordinance No. 30651 by allocating certain funds, allocated under the Mayor and City Council Department for the district office pilot program, to be used for a non-city facility district office; and

WHEREAS, shortages and excesses in various departments and activity appropriations have created a need to adjust those appropriations; and

WHEREAS, the city council authorizes in accordance with Chapter XI, Section 4, of the Dallas City Charter to transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose, upon the written recommendation of the city manager; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 5, of the Dallas City Charter to appropriate, from time to time, excess revenues of the city to such uses as will not conflict with any uses for which such revenues specifically accrued; Now, Therefore,

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

SECTION 1. That the city manager is hereby authorized to increase the general fund operating revenue appropriation budget by $5,700,000 from $1,282,512,888 to $1,288,212,888 due to additional one-time revenue.

SECTION 2. That Section 1 of Ordinance No. 30651, as amended, (2017-18 FY Operating and Capital Budgets' Appropriations Ordinance), passed by the city council on September 20, 2017, is amended by making adjustments to fund appropriations for fiscal year 2017-18 for maintenance and operation of various departments and activities, to read as follows:

"SECTION 1. That for the purpose of providing the funds to be expended in the budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018, the available revenues of the city of Dallas are hereby appropriated for the maintenance and operation of the various city departments and activities as follows:

DEPARTMENTS AND ACTIVITIES	**PROPOSED 2017-18**
Building Services	28,667,529

City Attorney's Office	16,788,175
City Auditor's Office	3,160,043 [~~3,360,043~~]
City Manager's Office	2,344,267
City Secretary's Office	**2,622,414 [~~2,488,913~~]
Civil Service	3,146,870 [~~3,080,815~~]
Code Compliance	30,163,826 [~~30,438,826~~]
City Controller's Office	5,379,331
Court and Detention Services	11,453,393 [~~11,627,393~~]
Dallas Animal Services	14,007,159
Elections	143,780
Fire	281,026,909 [~~270,726,909~~]
Housing and Neighborhood Revitalization	4,010,682
Human Resources	5,234,618
Independent Audit	891,157
Jail Contract – Lew Sterrett	8,484,644
Judiciary	3,454,079
Library	31,004,877 [~~31,279,877~~]
Mayor and Council	4,827,575
For the district office pilot program, of the $250,000 allocated, up to $10,000 for a non-city facility district office location.	
Non-Departmental	76,684,120 [~~77,029,345~~]
Office of Cultural Affairs	***20,899,767
Office of Budget	3,406,338
Office of Economic Development	4,840,594
Office of Management Services	*28,680,392 [~~29,020,965~~]
Park and Recreation	98,269,651
Planning and Urban Design	2,911,297
Police	****461,548,484 [~~464,648,484~~]
Procurement Services	2,389,442
Public Works	73,137,927
Sustainable Development and Construction	1,656,869
Transportation	44,440,574
Trinity Watershed Management	1,302,754
Contingency Reserve	4,686,875
Salary and Benefits Reserve	1,903,810 [~~1,993,568~~]
Liability/Claims Fund	4,642,666

** A decrease to $26,346,327 was previously approved by Resolution No. 17-1608, an increase to $26,465,890 was previously approved by Resolution No. 17-1652, and an increase to $28,865,890 was previously approved by Resolution No. 18-0125*

*** An increase to $2,488,913 was previously approved by Resolution No. 17-1608*

**** An increase to $20,407,467 was previously approved by Resolution No. 17-1735, an increase to $20,710,467 was previously approved by Resolution No. 18-0282, and an increase to $20,899,767 was previously approved by Resolution No. 18-0442.*

*****A decrease to $464,763,484 was previously approved by Resolution No. 18-0125*

GENERAL FUND TOTAL	**$1,288,212,888 [~~1,282,512,888~~]**

GRANT FUNDS	**PROPOSED 2017-18**
Aviation	
FAA Airport Security Reimbursement (F005)	409,271
FAA Bio-Explosive Detect (F006)	559,263
Library	
Humanity Texas 2018 (F546)	1,000
Management Services	
Bureau of Justice Assistance Grant 13-14 (TR14)	258
Bureau of Justice Assistance Grant 14-15 (TR15)	2,806
Bureau of Justice Assistance Grant 15-16 (TR16)	5,006
Fair Housing FHAP Award 12-13 (F368)	10,166
Fair Housing FHAP Award 13-14 (F406)	3,008
Target Community Preparedness (P113)	5,050
[~~School Crossing Guard Donations Fund (P275)~~	~~3,006~~]
GRANT FUNDS TOTAL	**$995,828 [~~29,300~~]**

TRUST AND OTHER FUNDS	**PROPOSED 2017-18**
Communication and Information Services	
Information Technology Equipment (0897)	7,892,376 [~~700,000~~]
Convention and Event Services	
Convention Center Hotel Tax Rebate Fund (0756)	10,907,600
Dallas Animal Services	
Animal Control Enhancement (0898)	257,200
City Animal Control Facility (1P46)	3,940
K. Robinson Animal Shelter (0303)	14,155
Ivor O'Connor Morgan Trust (0320)	57,960
Dallas Animal Welfare Fund (0711)	6,163 [~~4,970~~]
Animal Services On-Line Donations (0714)	7,775 [~~7,719~~]
Animal Control Enhancement 87D (0878)	236,980 [~~236,138~~]
AC Shelter Donation (0879)	4,558
Animal Services Operation Support (0883)	43,946 [~~43,809~~]

Fire	
Paramedic Activity (0302)	34,653
Smoke Detector Program Donation (0230)	14,168
Court and Detention Services	
Law Enforcement Office Standards and Education (S104)	5,681
Equipment and Building Services	
Fitness Center Fund (0323)	252,365
Housing and Neighborhood Revitalization	
Energy Emergency Assistance Fund (0312)	534,185
Library	
Edmond and Louise Kahn E. Trust (0208)	267,999
Hamon Trust Fund (0458)	7,781
[~~Humanity Texas 2018 (F546)~~	~~1,000~~]
Meadows Foundation (0734)	17,453
Management Services	
School Crossing Guard Donations Fund (P275)	3,006
WOWie Awards Fund (0794)	10,404
Office of Cultural Affairs	
Majestic Theatre Gift and Trust Fund (0338)	443,084
OCA Hotel Occupancy Tax (0435)	1,558,265
Office of Economic Development	
Dallas Housing Finance Corporation (0068)	137,595
Economic Development Sales Tax Rebate Program (0680)	272,605 [~~65,000~~]
New Market Tax Credit (0065)	216,305
South Dallas/Fair Park Opportunity [~~Trust Fund~~] (0351)	1,168,769
Clean Energy Program (0750)	195,489
Park and Recreation	
Community Fund – Park Recreation Centers (0979)	2,601
Craddock Park Expense Trust (0340)	8,245
Fair Park Naming Sponsorship (0426)	490,000
Fair Park Improvement Fund (0448)	452,276 [~~436,386~~]
Fair Park Marketing (0G43)	71,006
Fair Park Special Maintenance (0329)	98,662
Ford Found Innovative Program (0T14)	977
Golf Improvement Trust (0332)	1,900,757
Junior Golf Program (0359)	962
Mowmentum Park Improvement (0T80)	39,047
Outdoor Programs (0469)	92,790

P & R Athletic Field Maintenance (0349)	283,890
Park and Rec Beautification (0641)	149,790
PKR Program Fund Tracking (0395)	501,996
Recreation Program (0341)	907,683
Southern Skates (0327)	146,677
White Rock Endowment (0354)	11,979
W.W. Samuell Park Trust (0330)	763,167
Planning and Urban Design	
Neighborhood Vitality Project Fund (0297)	100,000
Police	
Confiscated Monies - Federal (0412)	1,253,618
Confiscated Monies - Federal (0436)	2,657,822
Confiscated Monies – State (0411)	940,000
Donations (0321)	236,524
Law Enforcement Officer Standard Education (0S1N)	340,411
Police Training Reimbursement Fund (0699)	70,877
Various Task Forces (0T69)	1,411,519 [~~967,468~~]
Sustainable Development and Construction	
Reforestation Fund (0T06)	400,371
NAS Redevelopment Fund (0022)	720,400 [~~391,671~~]
Transportation	
Freeway Traffic Signals (0670)	325,000
TRUST AND OTHER FUNDS TOTAL	**$38,951,507 [~~29,804,468~~]**
GRANT, TRUST AND OTHER FUNDS GRAND TOTAL	**$39,947,335 [~~29,833,768~~]**

ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS	**PROPOSED 2017-18**
Aviation	
Airport Operations	126,667,632
Transportation Regulation	360,773
Communication and Information Services	
Information Technology	74,242,680 [~~70,242,680~~]
Radio Services	4,823,063
Convention and Event Services	104,430,364 [~~99,371,106~~]
Employee Benefits	
Benefits Administration	1,025,595
Wellness Program	351,225
Equipment Services	*****56,760,634 [~~54,417,268~~]

Express Business Center	3,740,420
Risk Management	3,625,525
Sanitation Services	109,056,415 [~~104,419,917~~]
Storm Water Drainage Management	55,936,837
Sustainable Development and Construction	32,376,190
Water Utilities	667,471,388
WRR - Municipal Radio	2,051,318
911 System Operations	16,748,378

***** An increase to $53,127,268 was previously approved by Resolution No. 18-0518.

ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS TOTAL **$1,259,668,437 [~~$1,243,629,315~~]**"

SECTION 3. That Section 4 of Ordinance No. 30651, as amended, (2017-18 FY Operating and Capital Budgets' Appropriations Ordinance), is amended by making adjustments to fund appropriations for fiscal year 2017-18 for maintenance and operation of various departments and activities, to read as follows:

"SECTION 4. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

(1) Transfer internal service fund equity from unanticipated excesses to contributing funds.

(2) Transfer funds, not to exceed $23,482,163, from the Convention Center Operating Fund 0080, Department CCT, Unit 7840, Object 3870, to the 2009 Convention Center Debt Service Fund 0980, Department CCT, Unit P505, Revenue Source 9219, for the payment of debt service on Series 2009 Revenue Refunding and Improvement Bonds for improvements to the Dallas Civic Center Convention Complex.

(3) Transfer funds, not to exceed $4,642,666, from the General Fund 0001, Department BMS, Unit 1997, Object 3621 to the Liability Reserve Fund 0192, Department ORM, Unit 3890, Revenue Source 8525, for payment of small and large claims against the city.

(4) Transfer funds, not to exceed $3,366,284 to the General Fund 0001, Department BMS, Unit 1995, Revenue Source 9201 [~~9229~~], from the Sports Arena Lease Fund 0A71, Department CCT, Unit 8851, Object 3690, to support general fund operations.

(5) Transfer funds, not to exceed $23,246,731, from the Water Utilities Operating Fund 0100, Department DWU, Unit 7015, Object 3690, in the amounts not to exceed $8,279,024 to the Public/Private Partnership Fund 0352, Department ECO, Unit P151, Revenue Source 9201 and $14,967,707 to the General Fund 0001, Department BMS, Unit 1991, Revenue Source 9201, as payment in lieu of taxes by the water utilities department to support economic initiatives of the city.

(6) Transfer funds, not to exceed $100,000, from the General Fund 0001, Department PNV, Unit 1581, Object 3690, to the Neighborhood Vitality Project Fund 0297, Department PNV, Unit 1728, Revenue Source 9201, for GrowSouth Neighborhood Challenge grants.

(7) Transfer funds, not to exceed $7,892,376 [~~700,000~~], from the Information Technology Operating Fund 0198, Department DSV, Unit 1667 and 1622, Object 3690, to the Information Technology Equipment Fund 0897, Department DSV, Unit 3717 and 3718, Revenue Source 9201, for information technology servers, computers, storage, network and other IT equipment including related software, hardware, and implementation services.

(8) Transfer funds, not to exceed $1,558,265, from the Convention and Event Services Operating Fund 0080 Department CCT, Unit 7840, Object 3690 to the OCA Hotel Occupancy Fund 0435, Department OCA, Unit 1841, Revenue Source 9201, for the promotion of cultural arts.

(9) Transfer funds, not to exceed $272,605 [~~65,000~~], from the General Fund 0001 Department BMS, Unit 1991, Object 3690, to the Economic Development Sales Tax Rebate Program Fund 0680 Department ECO, Unit 6696, Revenue Source 9201, for sales tax rebates in accordance with the terms of the e-commerce sales tax grant agreement pursuant to Chapter 380 of the Texas Local Government Code.

(10) Transfer funds, not to exceed $635,310, from City of Dallas Regional Center Fund 0067, Department ECO, Unit P682, Object 3090, to General Fund 0001, Department ECO, Unit (Various), Object 5011, in support of economic development activities.

(11) Transfer funds, not to exceed $216,305, from New Markets Tax Credit Fund 0065, Unit P607, Object 3899, to General Fund 0001, Department ECO, Unit (Various), Object 5011, in support of economic development activities.

(12) Transfer funds, not to exceed $800,000, from the General Fund 0001 Unit 1165, Object Code 3690, to South Dallas Fair Park Opportunity [~~Trust~~] Fund 0351, Unit 0448, Revenue Source 9201, for Special Grant/Loan Program for catalyst economic development initiatives.

(13) Transfer funds, not to exceed $1,875,000, from the General Fund unassigned fund balance to the General Fund Contingency Reserve for the purpose of funding unanticipated needs that arise during the year.

(14) Transfer and administer gifts and bequests to the city in accordance with the terms and conditions accompanying the gifts or bequests and, for this purpose, the appropriation of donated amounts is hereby made."

SECTION 4. That Section 9 of Ordinance No. 30651, as amended, (2017-18 FY Operating and Capital Budgets' Appropriations Ordinance), passed by the city council on

September 20, 2017, is amended by adding capital funds to fund appropriations for fiscal year 2017-18 to read as follows:

"SECTION 9. (a) That the following amounts are hereby appropriated from the funds indicated for projects listed in the FY 2017-18 capital budget:

CAPITAL FUNDS

From the Acquisition of Land in the Cadillac Heights Area for Future Location of City Facilities Fund (4T11)	12,549,000
From the Aviation Capital Construction Fund (0131)	*38,618,960 [~~34,355,361~~]
From the Aviation Near Term Passenger Facility Charge Fund (A477)	♦3,099,740
From the Aviation Passenger Facility Charge Fund (0477)	♦3,099,740
From the Capital Construction Fund (0671) for City and Cultural Facilities	6,000,000
From the Capital Gifts, Donations, and Development Fund (0530)	♦♦2,569,469
From the Capital Projects Reimbursement Fund (0556)	**8,090,130 [~~6,582,861~~]
From the City Center Tax Increment Financing District Fund (0035)	6,067,628
From the City Hall, City Service and Maintenance Facilities Fund (1V60)	2,684,400
From the Convention Center Capital Construction Fund (0082)	11,462,329
From the Cultural Arts Facilities Fund (1V49)	2,760,000
From the Cypress Waters Tax Increment Financing District Fund (0066)	1,409,340
From the Davis Garden Tax Increment Financing Fund (0060)	885,082
From the Deep Ellum Tax Increment	

Financing District Fund (0056)	1,600,000
From the Design District Tax Increment Financing Fund (0050)	7,323,093
From the Downtown Connection Tax Increment Financing District Fund (0044)	12,106,751
From the Economic Development Fund (2006) (1T52)	♦♦♦1,500,000
From the Economic Development Fund (2017) (1V52)	♦♦♦♦13,012,200 [~~2,000,000~~]
From the Fair Park Improvements Fund (1V02)	8,950,000
From the Farmers Market Tax Increment Financing District Fund (0036)	2,000,000
From the Fleet Capital Purchase Fund (0796)	♦♦♦♦♦6,180,911
From the Flood Protection and Storm Drainage Facilities Fund (1V23)	3,379,200
From the Fort Worth Avenue Tax Increment Financing District Fund (0058)	1,094,406
From the Homeless Assistance Facilities Fund (1V43)	500,000
From the Library Facilities Fund (1V42)	7,500,000
From the Maple/Mockingbird Tax Increment Financing District Fund (0064)	2,930,899
From the Oak Cliff Gateway Tax Increment Financing District Fund (0034)	1,010,023
From the Park and Recreation Facilities Fund (1V00)	74,837,648
From the Public/Private Partnership Fund (0352)	8,279,024
From the Public Safety Facilities Fund (1V33)	3,561,000
From the Resurfacing and Reconstruction Improvements Fund (0717)	4,100,000
From the Sanitation Capital Improvement Fund (0593)	♦♦♦♦♦♦12,812,327

From the Skillman Corridor Tax Increment Financing District Fund (0052)	2,488,379
From the Sports Arena Tax Increment Financing District (0038)	6,714,699
From the Transit Oriented Development Tax Increment Financing Fund (0062)	301,640
From the Storm Water Drainage Management Capital Construction Fund (0063)	8,272,053
From the Flood Protection and Storm Drainage Facilities Fund (2U23)	8,320,720
From the Street and Alley Improvement Fund (0715)	20,400,373
From the Street and Transportation Improvement Fund (4T22) (2006 GO Bond Program)	512,986
From the Street and Transportation Improvement Fund (4U22) (2012 GO Bond Program)	29,387,120
From the Street and Transportation Improvement Fund (1V22) (2017 GO Bond Program)	49,539,869
From the Vickery Meadow Tax Increment Financing District Fund (0048)	2,000,000
From the Wastewater Capital Construction Fund (0103)	15,145,000
From the Wastewater Capital Improvement Fund (2116)	94,500,000
From the Wastewater Capital Improvement Fund (3116)	34,000,000
From the Water and Wastewater Public Art Fund (0121)	71,250
From the Water Capital Construction Fund (0102)	♦♦♦♦♦♦♦36,094,410 [~~35,958,750~~]
From the Water Capital Improvement Fund (2115)	59,000,000
From the Water Capital Improvement Fund (3115)	48,125,000
From the 2018 Master Lease – Equipment Fund (ML18)	***72,916,232

From the 2018 Master Lease – Sanitation Equipment
Fund (MLS1) 5,500,000

CAPITAL FUNDS TOTAL **$765,263,032 [~~719,082,117~~]**

Increase was previously approved by Resolutions No. 18-0327, 18-0328, [~~and~~] 18-0329, and 18-1127.
♦Increase was previously approved by Resolution No. 18-0599 and 18-0738.
♦♦Increase was previously approved by Resolution No. 18-0991 and 18-0992.
♦♦♦Increase was previously approved by Resolution No. 18-0766.
****Increase was previously approved by Resolutions No. 17-1650, 17-1893, 17-1911, [~~and~~] 18-0186, 18-0682, 18-0740, 18-0750, 18-0751, 18-0828, and 18-1131.***
♦♦♦♦Increase was previously approved by Resolution No. 18-#### (Action Scheduled for 9/12/18 CC meeting).
♦♦♦♦♦Increase was previously approved by Resolution No. 18-0850 and 18-0998.
♦♦♦♦♦♦Increase was previously approved by Resolution No. 18-0374, 18-0817, and 18-1145.
♦♦♦♦♦♦♦Increase was previously approved by Resolution No. 18-0766.
*****Increase was previously approved by Resolution No. 17-1912.***

(b) That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2017-18 Debt Service Budget:

DEBT SERVICE FUNDS

From the General Obligation Debt Service Fund (0981) 267,322,998

DEBT SERVICE FUNDS TOTAL **$267,322,998**

(c) That these appropriations and all previous appropriated funds for these projects remain in force until each project is completed or terminated.

(d) That the appropriations listed in Subsections (a) and (b) may be increased by the city council upon the recommendation of the city manager."

SECTION 5. That Paragraph (5) of Section 12 of Ordinance No. 30651, as amended, (2017-18 FY Operating and Capital Budgets' Appropriations Ordinance), passed by the city council on September 20, 2017, is amended to read as follows:

"(5) Transfer funds, not to exceed $10,384,789 [~~8,026,171~~], from the Sanitation Services Fund 0440 to the Sanitation Capital Improvement Fund 0593 for capital improvements and equipment."

SECTION 6. That Section 12 of Ordinance No. 30651, as amended, (2017-18 FY Operating and Capital Budgets' Appropriations Ordinance), passed by the city council on September 20, 2017, is amended by adding a new Paragraph (18) to read as follows:

"(18) Transfer funds, not to exceed $155,000, from the General Capital Reserve Fund 0625 to the Water Utilities Operating Fund 0100, to reimburse Dallas Water Utilities for an easement in the Madill Corridor area."

SECTION 7. That Section 12 of Ordinance No. 30651, as amended, (2017-18 FY Operating and Capital Budgets' Appropriations Ordinance), passed by the city council on September 20, 2017, is amended by adding a new Paragraph (19) to read as follows:

"(19) Transfer funds, not to exceed $3,099,740, from the Aviation Passenger Facility Charge Fund 0477 to the Aviation Near Term Passenger Facility Charge Fund A477."

SECTION 8. That it is the intent of the city council, by passage of this ordinance, to appropriate funds for the city departments and activities. No office or position is created by the appropriations.

SECTION 9. That Ordinance Nos. 30651, 30752, 30843, and 30898 shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 10. That this ordinance shall take effect immediately from its passage and publication in accordance with the Charter of the City of Dallas, and it is accordingly ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

Agenda Information Sheet

File #: 18-703 **Item #:** 29.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Community Care

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize the **(1)** second amendment to Contract No. 2017-049838-001 (Amendment No. 2, CFDA No. 10.557) with the Department of State Health Services (DSHS) for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), to **(a)** extend the term of the contract from October 1, 2018 through September 30, 2019 to allow for successful completion of the WIC Program for FY 2019 grant allocations; **(b)** revise the budget for Contract No. 2017-049838-001A, Amendment No. 1, to decrease the total budget amount by $234,902.00 from $15,056,672.00 to $14,821,770.00; **(c)** reallocate funds from the FY 2018 WIC Administrative Program unit to the FY 2018 WIC Dietetic Internship unit, the Extra Funding unit for the Summer Food Service Program the Texas Integrated Network software implementation and support, and for all other eligible expenditures in the amount of $968,649.00 for the period October 1, 2017 through September 30, 2018; **(d)** accept grant funds from the U.S. Department of Agriculture passed through the DSHS for FY 2019 allocation (Contract No. 2017-049838-001 Amendment No. 2, CFDA No. 10.557), for the continuation of the Special Supplemental Nutrition Program for WIC in the amount of $14,529,596.00 for the period October 1, 2018 through September 30, 2019; **(2)** establishment of appropriations in an amount not to exceed $14,529,596.00 in the FY 2019 WIC Program - Women, Infants, and Children Grant Fund; **(3)** receipt and deposit of grant funds for reimbursement from DSHS in an amount not to exceed $14,529,596.00 in the FY 2019 WIC Program - Women, Infants, and Children Grant Fund; and **(4)** execution of the contract amendment and all terms, conditions, and documents required by the contract - Total not to exceed $14,294,694.00, from $30,138,238.00 to $44,432,932.00 - Financing: Department of State Health Services Grant Funds

BACKGROUND

Since 1974, the Department of State Health Services (DSHS) has funded the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in Dallas. The WIC Program provides nutritious food, nutrition education, breastfeeding promotion and support, and referrals to health and social services. The program serves infants, children under age 5, and pregnant, postpartum and breastfeeding women. WIC is a United States Department of Agriculture program administered in Texas by the Department of State Health Services. In Dallas County, the WIC Program is

administered by the City of Dallas, Office of Community Care.

This item authorizes the reallocation of unearned grant funds, decreasing the FY18 total contract budget by $234,902.00 and guarantees $968,649.00 of unearned FY18 grant funds for the Dietetic Internship ($31,667.00), the WIC Summer Food Service Program (SFSP) ($40,650.00), implementation and support of the Texas Integrated Network (TXIN) software ($437,237.00) and extra funding for other units ($499,745.00). Funds in the amount of $14,529,596.00 are for the FY 2019 allocation for the continuation of the Special Supplemental Nutrition Program for WIC for the period October 1, 2018 through September 30, 2019. The total expenditures are not to exceed $44,432,932.00.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 11, 2016, City Council authorized a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for Women, Infants, and Children for the period October 1, 2016 through September 30, 2017, by Resolution No. 16-1657.

On March 22, 2017, City Council authorized the first amendment to the Contract No. 2017-049838-001 with the Department of State Health Services for the Women, Infants, and Children (WIC) Program to (a) amend the contract number from Contract No. 2017-049838-001 to Contract No. 2017 -049838-001A; (b) revise the budget and extend the term of the contract from September 30, 2017 to September 30, 2018 to allow for successful completion of the WIC Project for FY 2017 and FY 2018 grant allocations; (c) accept additional grant funds for FY 2017 allocation for the WIC Summer Food Service Program for the period October 1, 2016 through September 30, 2017; (d) accept grant funds for FY 2018 allocation for continuation of the Special Supplemental Nutrition Program for the WIC Program for the period October 1, 2017 through September 30, 2018; and execution of the amendment and all terms, conditions, and documents required by the contract, by Resolution No. 17-0487.

Information about this item will be provided to the Human and Social Needs Committee on September 4, 2018.

FISCAL INFORMATION

FY 2018 Department of State Health Services Grant Funds - $234,902.00
FY 2019 Department of State Health Services Grant Funds - $14,529,596.00

WHEREAS, on October 11, 2016, City Council authorized a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) for the period October 1, 2016 through September 30, 2017, in an amount not to exceed $15,055,566.00, by Resolution No. 16-1657; and

WHEREAS, on March 22, 2017, City Council authorized the first amendment to the Contract No. 2017-049838-001 with the Department of State Health Services for the Women, Infants, and Children Program to (a) amend the contract number from Contract No. 2017-049838-001 to Contract No. 2017-049838-001A; (b) revise the budget and extend the term of the contract from September 30, 2017 to September 30, 2018 to allow for successful completion of the WIC Project for FY 2017 and FY 2018 grant allocations; (c) accept additional grant funds in the amount of $26,000.00 for FY 2017 allocation for the WIC Summer Food Service Program for the period October 1, 2016 through September 30, 2017; (d) accept grant funds for FY 2018 allocation for continuation of the Special Supplemental Nutrition Program for the WIC Program in the amount of $15,056,672.00 for the period October 1, 2017 through September 30, 2018, increasing the total contract amount by $15,082,672.00, from $15,055,566.00 to $30,138,238.00; and execution of the amendment and all terms, conditions, and documents required by the contract by Resolution No. 17-0487; and

WHEREAS, there is a continued need for the Special Supplemental Nutrition Program for Women, Infants and Children, funded through the Department of State Health Services; and

WHEREAS, the Department of State Health Services and the City desire to revise the budget for the WIC Program from $30,138,238.00 to $44,432,932.00 of which $234,902.00 is decreased for FY 2018 and $14,529,596.00 is allocated for FY 2019 WIC Program; and

WHEREAS, the Department of State Health Services has awarded the City with guaranteed grant funds as part of the budget revision reallocating funds from the FY 2018 WIC Administrative Program unit in the amount of $968,649.00 ($31,667.00 for FY 2017-18 Dietetic Internship, $40,650.00 for WIC Summer Food Service Program, $437,237.00 for implementation and support of Texas Integrated Network (TXIN) software, $499,745.00 for all other units), and awarded additional grant funds in the amount of $14,529,596.00 for FY 2018-19 WIC Program allocation for the continuation of the City of Dallas WIC Program; and

WHEREAS, the City of Dallas will benefit in this contract amendment that includes three years of WIC Program grant allocations (FY 2017 grant allocations, FY 2018 revised grant allocations and new FY 2019 grant allocations).

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 the Contract, No. 2017-049838-001, (Contract No. 2017-049838-001, Amendment No. 2, CFDA No. 10.557) with the Department of State Health Services (DSHS) for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), to (a) extend the term of the contract from October 1, 2018 through September 30, 2019 to allow for the successful completion of the WIC Program for FY 2019 grant allocations; (b) revise the budget for Contract No. 2017-049838-001A, Amendment No. 1, to decrease the total budget amount by $234,902.00 from $15,056,672.00 to $14,821,770.00; (c) reallocate grant funds from the FY 2018 WIC Administrative Program unit to the FY 2018 WIC Dietetic Internship unit, the Extra Funding unit for the Summer Food Service Program, the Texas Integrated Network software implementation and support, and for all other eligible expenditures in the amount of $968,649.00 for the period October 1, 2017 through September 30, 2018; (d) accept a grant from the U. S. Department of Agriculture passed through the DSHS for FY 2019 allocation (Contract No. 2017-049838-001, Amendment 2, CFDA No. 10.557), for continuation of the Special Supplemental Nutrition Program for WIC in the amount of $14,529,596.00 for the period October 1, 2018 through September 30, 2019, increasing the total contract amount by $14,294,694.00, from $30,138,238.00 to $44,432,932.00; and sign the contract amendment and all terms, conditions, and documents required by the contract, approved as to form by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to establish appropriations for the FY19 allocation in an amount not to exceed $14,529,596.00 in the FY 2019 WIC Program - Women, Infants, and Children Grant Fund, Fund 551, Department MGT, Units 3841-3849, various Object Codes, according to the attached Schedule.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for reimbursement from the Department of State Health Services for the FY 2019 allocation in an amount not to exceed $14,529,596.00 in the FY 2019 WIC Program - Women, Infants, and Children Grant Fund, Fund F551, Department MGT, Units 3841-3849, Revenue Code 6509.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $14,529,596.00 from the FY 2019 WIC Program - Women, Infants, and Children Grant Fund, Fund F551, Department MGT, Units 3841-3849, various Object Codes, according to the attached Schedule.

SECTION 5. That the City Manager or his designee is authorized to provide additional information, make adjustments, and take other actions related to the implementation of the grant as may be necessary to satisfy the Department of State Health Services.

SECTION 6. That the Chief Financial Officer is hereby authorized to reallocate grant funds in an amount not to exceed $968,649.00 in the FY 2018 WIC Program - Women, Infants, and Children Grant Fund, F518, Department MGT, among Units 2908, 2909, and 3624, according to the attached Schedule.

SECTION 7. That the City Manager is hereby authorized to reimburse the Department of State Health Services 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 8. 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 9. That this contract is designated as Contract No. MGT-2018-00006979.

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.

REVISED SCHEDULE

Department of State Health Services
Special Supplemental Nutrition Program for Women, Infants, and Children
October 1, 1017 through September 30, 2018

Fund F518, Department MGT, Unit 2903, (Admin Only), Revenue Code 6509

Object Code	Description	Adopted	Increase/(Decrease)	Revised Budget
1101	Salaries	$7,297,860	($722,310)	$6,575,550
1111	Cell Phone	$ 7,680	--	$ 7,680
1201	Overtime	$ 155,000	($ 40,000)	$ 115,000
1203	S.I.P.	$ 60,000	($ 14,256)	$ 45,744
1301	Pension	$1,079,225	($132,337)	$ 946,888
1303	Life Ins.	$ 4,512	($ 1,752)	$ 2,760
1304	Health Ins.	$1,011,500	($112,250)	$ 899,250
1306	FICA	$ 109,048	($ 13,702)	$ 95,346
1309	Health & Wellness	$ 4,375	($ 1,135)	$ 3,240
2110	Office Supplies	$ 90,000	$ 5,355	$ 95,355
2140	Light & Power	$ 101,106	($ 12,483)	$ 88,623
2160	Fuel Supplies	$ 7,000	$ 3,000	$ 10,000
2170	Water & Sewage	$ 2,500	$ 4,000	$ 6,500
2181	Fleet Fuel & Lube	$ 700	$ 1,400	$ 2,100
2200	Chemical/Med/Surgical	$ 137,200	($ 17,200)	$ 120,000
2252	Meter Postage Fund	$ 800	$ 3,400	$ 4,200
2261	Edu & Rec Supplies	$ 2,800	$ 2,200	$ 5,000
2710	Furniture & Fixtures	$ 5,000	--	$ 5,000
3050	Communications	$ 60,000	$ 10,600	$ 70,600
3053	Commun Circuits	$ 40,000	$ 500	$ 40,500
3085	Freight	$ 1,000	$ 500	$ 1,500
3090	City Forces	$ 2,500	$ 100	$ 2,600
3091	Custodial Services	$ 70,000	$ 4,000	$ 74,000
3099	Misc. Special Services	$ 27,328	$ 5,672	$ 33,000
3130	Copy Machine Rental	$ 35,000	$ 16,988	$ 51,988
3330	Rents	$1,609,580	($ 78,773)	$1,530,807
3340	Membership Dues	$ 525	--	$ 525
3361	Professional Dev	$ 22,200	$ 2,800	$ 25,000
3363	Reim Personal Veh Use	$ 22,200	$ 10,000	$ 32,200
3364	Personnel Development	$ 5,000	$ 3,000	$ 8,000
3410	Equip & Auto Rental	$ 1,000	$ 500	$ 1,500
3429	Blackberry Fees	$ 1,200	$ 2,300	$ 3,500
3430	Computer Services	$ 20,000	$ 55,000	$ 75,000
3434	Programming	$ 370,000	--	$ 370,000
3651	Gen Fund Cost Reim	$ 50,000	--	$ 50,000
3851	Pension Bond Debt Serv	$ 188,668	(188,668)	$ 0
	Sub Total	**$12,602,507**	**($1,203,551)**	**$11,398,956**

REVISED SCHEDULE

Department of State Health Services
Special Supplemental Nutrition Program for Women, Infants, and Children
October 1, 1017 through September 30, 2018

Fund F518, Department MGT, Unit 2904, (BFPC), Revenue Code 6509

Object Code	Description	Adopted	Increase/(Decrease)	Revised Budget
1101	Salaries	$1,066,732	--	$1,066,732
1301	Pension	$ 152,862	--	$ 152,862
1303	Life Insurance	$ 840	--	$ 840
1304	Health Insurance	$ 215,845	--	$ 215,845
1306	FICA (Medicare Only)	$ 15,468	--	$ 15,468
1309	Health & Wellness	$ 875	--	$ 875
2110	Supplies	$ 2,518	--	$ 2,518
2200	Chem/Med/Surgical	$ 9,519	--	$ 9,519
3361	Professional Dev	$ 2,570	--	$ 2,570
	Subtotal	**$1,467,229**		**$1,467,229**

Fund F518, Department MGT, Unit 2905, (RD), Revenue Code 6509

Object Code	Description	Adopted	Increase/(Decrease)	Revised Budget
1101	Salaries	$ 131,774	--	$ 131,774
1301	Pension	$ 18,883	--	$ 18,883
1303	Life Insurance	$ 48	--	$ 48
1304	Health Insurance	$ 12,334	--	$ 12,334
1306	FICA (Medicare Only)	$ 1,911	--	$ 1,911
1309	Health & Wellness	$ 50	--	$ 50
	Subtotal	**$ 165,000**		**$ 165,000**

Fund F518, Department MGT, Unit 2906, (LC), Revenue Code 6509

Object Code	Description	Adopted	Increase/(Decrease)	Revised Budget
1101	Salaries	$ 154,111	--	$ 154,111
1301	Pension	$ 22,084	--	$ 22,084
1303	Life Insurance	$ 72	--	$ 72
1304	Health Insurance	$ 18,501	--	$ 18,501
1306	FICA (Medicare Only)	$ 2,235	--	$ 2,235
1309	Health & Wellness	$ 75	--	$ 75
3361	Professional Dev	$ 2,922	--	$ 2,922
	Subtotal	**$ 200,000**		**$ 200,000**

REVISED SCHEDULE

Department of State Health Services
Special Supplemental Nutrition Program for Women, Infants, and Children
October 1, 1017 through September 30, 2018

Fund F518, Department MGT, Unit 2907, (LCC), Revenue Code 6509

Object Code	Description	Adopted	Increase/(Decrease)	Revised Budget
1101	Salaries	$ 241,500	--	$ 241,500
1301	Pension	$ 34,607	--	$ 34,607
1303	Life Insurance	$ 96	--	$ 96
1304	Health Insurance	$ 24,668	--	$ 24,668
1306	FICA (Medicare Only)	$ 3,502	--	$ 3,502
1309	Health & Wellness	$ 100	--	$ 100
2110	Supplies	$ 4,830	--	$ 4,830
2140	Light & Power	$ 3,750	--	$ 3,750
2200	Chemical/Med/Surg	$ 4,500	--	$ 4,500
3330	Rents	$ 76,349	--	$ 76,349
3361	Professional Dev	$ 3,098	--	$ 3,098
	Subtotal	**$ 397,000**		**$ 397,000**

Fund F518, Department MGT, Unit 2908, (Training Center), Revenue Code 6509

Object Code	Description	Adopted	Increase/(Decrease)	Revised Budget
3330	Rents	$ 86,336	--	$ 86,336
3099	Misc. Spec Services	$ 1,000	--	$ 1,000
	Subtotal	**$ 87,336**		**$ 87,336**

Fund F518, Department MGT, Unit 2909, (Dietetic Interns), Revenue Code 6509

Object Code	Description	Adopted	Increase/(Decrease)	Revised Budget
1101	Salaries	$25,500	$19,500	$ 45,000
1301	Pension	$ 3,654	$ 2,826	$ 6,480
1303	Life Ins.	$ 24	$ 24	$ 48
1304	Health Ins.	$ 6,167	$ 7,059	$ 13,226
1306	FICA	$ 370	$ 282	$ 652
1309	Wellness	$ 25	$ 29	$ 54
3361	Profess Develop	$ 1,860	$ 1,947	$ 3,807
	Subtotal	**$37,600**	**$31,667**	**$ 69,267**

REVISED SCHEDULE

Department of State Health Services
Special Supplemental Nutrition Program for Women, Infants, and Children
October 1, 1017 through September 30, 2018

Fund F518, Department MGT, Unit 2910, (Innovation Center), Revenue Code 6509

Object Code	Description	Adopted	Increase/(Decrease)	Revised Budget
1101	Salaries	$ 56,846	--	$ 56,846
1301	Pension	$ 8,146	--	$ 8,146
1303	Life Insurance	$ 96	--	$ 96
1304	Health Insurance	$ 24,668	--	$ 24,668
1306	FICA (Medicare Only)	$ 824	---	$ 824
1309	Health & Wellness	$ 100	--	$ 100
2110	Supplies	$ 4,684	--	$ 4,684
3361	Professional Develop	$ 4,636	--	$ 4,636
	Subtotal	**$ 100,000**		**$ 100,000**

Fund F518, Department MGT, Unit 3624, (Extra Funding), Revenue Code 6509

Object Code	Description	Adopted	Increase/(Decrease)	Revised Budget
3099	Misc Special Services	0	$ 936,982	$ 936,982
	Subtotal	**0**	**$ 936,982**	**$ 936,982**
	Grand Total	**$15,056,672**	**($234,902)**	**$14,821,770**

SCHEDULE

Department of State Health Services
Special Supplemental Nutrition Program for Women, Infants, and Children
October 1, 2018 through September 30, 2019

Fund F551, Department MGT, Unit 3841, (Admin Only), Revenue Code 6509

Object Code	Description	Amount
1101	Salaries	$6,207,977
1111	Cell Phone Reimbursement	8,640
1201	Overtime	175,000
1203	Service Incentive Pay	45,000
1301	Pension	893,949
1303	Life Insurance	3,168
1304	Health Insurance	949,608
1306	FICA (Medicare Only)	90,016
1309	Health & Wellness	3,564
2110	Office Supplies	99,321
2140	Light & Power	111,600
2160	Fuel Supplies	16,000
2170	Water & Sewage	7,500
2181	Fleet Fuel & Lube	2,100
2200	Chemical/Med/Surgical	120,000
2252	Meter Postage Fund	4,200
2261	Educational & Recreational Supplies	30,000
2710	Furniture & Fixtures	5,000
3050	Communications	233,998
3053	Communications Circuits	45,946
3085	Freight	3,500
3090	City Forces	2,600
3091	Custodial Services	78,000
3099	Misc. Special Services	60,000
3130	Copy Machine Rental	51,224
3330	Rents	1,636,670
3340	Membership Dues	525
3361	Professional Development	25,000
3363	Reimbursement Personal Vehicle Use	32,200
3364	Personnel Development	8,000
3410	Equip & Automotive Rental	1,500
3416	Enterprise GIS	7,572
3429	Blackberry Fees	3,500
3430	Computer Services	157,092
3434	Programming	467,876
3651	General Fund Cost Reimbursement	100,000
3851	Pension Bond Debt Service	188,668
	Subtotal	**$11,876,514**

SCHEDULE
Department of State Health Services
Special Supplemental Nutrition Program for Women, Infants, and Children
October 1, 2018 through September 30, 2019

Fund F551, Department MGT, Unit 3842 (BFPC), Revenue Code 6509

Object Code	Description	Amount
1101	Salaries	$ 995,441
1301	Pension	$ 143,344
1303	Life Insurance	$ 840
1304	Health Insurance	$ 251,790
1306	FICA (Medicare Only)	$ 14,433
1309	Health & Wellness	$ 945
2110	Supplies	$ 2,518
2200	Chem/Med/Surgical	$ 35,395
3361	Professional Development	$ 22,523
	Subtotal	**$1,467,229**

Fund F551, Department MGT, Unit 3843 (RD), Revenue Code 6509

Object Code	Description	Amount
1101	Salaries	$ 129,918
1301	Pension	$ 18,708
1303	Life Insurance	$ 48
1304	Health Insurance	$ 14,388
1306	FICA (Medicare Only)	$ 1,884
1309	Health & Wellness	$ 54
	Subtotal	**$ 165,000**

Fund F551, Department MGT, Unit 3844 (LC), Revenue Code 6509

Object Code	Description	Amount
1101	Salaries	$ 153,275
1301	Pension	$ 22,072
1303	Life Insurance	$ 72
1304	Health Insurance	$ 21,582
1306	FICA (Medicare Only)	$ 2,222
1309	Health & Wellness	$ 81
3361	Professional Development	$ 696
	Subtotal	**$ 200,000**

SCHEDULE
Department of State Health Services
Special Supplemental Nutrition Program for Women, Infants, and Children
October 1, 2018 through September 30, 2019

Fund F551, Department MGT, Unit 3845 (LCC), Revenue Code 6509

Object Code	Description	Amount
1101	Salaries	$ 238,487
1301	Pension	$ 34,342
1303	Life Insurance	$ 72
1304	Health Insurance	$ 21,582
1306	FICA (Medicare Only)	$ 3,458
1309	Health & Wellness	$ 81
2110	Supplies	$ 4,830
2140	Light & Power	$ 4,750
2200	Chemical/Med/Surgical	$ 8,743
3330	Rents	$ 76,349
3361	Professional Development	$ 4,306
	Subtotal	**$ 397,000**

Fund F551, Department MGT, Unit 3848 (Training Center), Revenue Code 6509

Object Code	Description	Amount
3330	Rents	$ 86,336
3099	Misc. Special Services	$ 1,000
	Subtotal	**$ 87,336**

Fund F551, Department MGT, Unit 3846 (Dietetic Intern), Revenue Code 6509

Object Code	Description	Amount
1101	Salaries	$ 45,000
1301	Pension	$ 6,480
1303	Life Insurance	$ 48
1304	Health Insurance	$ 14,388
1306	FICA (Medicare Only)	$ 652
1309	Health & Wellness	$ 54
3361	Professional Development	$ 2,645
	Subtotal	**$ 69,267**

SCHEDULE
Department of State Health Services
Special Supplemental Nutrition Program for Women, Infants, and Children
October 1, 2018 through September 30, 2019

Fund F551, Department MGT, Unit 3847 (Innovation Center), Revenue Code 6509

Object Code	Description	Amount
1101	Salaries	$ 54,394
1301	Pension	$ 7,832
1303	Life Insurance	$ 96
1304	Health Insurance	$ 28,776
1306	FICA (Medicare Only)	$ 788
1309	Health & Wellness	$ 108
2110	Supplies	$ 4,684
3361	Professional Development	$ 3,322
	Subtotal	**$ 100,000**

Fund F551, Department MGT, Unit 3849 (Extra Funding), Revenue Code 6509

Object Code	Description	Amount
1101	Salaries – Summer Feeding Program	$ 30,000
2110	Supplies	$ 10,650
3050	Communications (TXIN Internet)	$ 19,800
3430	Computer Services (TXIN IT Support)	$ 106,800
	Subtotal	**$ 167,250**

Grand Total **$14,529,596**

Agenda Information Sheet

File #: 18-701 **Item #:** 30.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Community Care

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize the second of two, twelve-month renewal options to increase funding to the contract with Senior Citizens of Greater Dallas, Inc. to administer the Senior Services Ombudsman Program by providing nursing home ombudsman, outreach and case management services to seniors residing in nursing homes and assisted living facilities within the city of Dallas - Not to exceed $116,868.00, from $73,049.00 to $189,917.00 - Financing: 2018-19 Community Development Block Grant Funds

BACKGROUND

On November 22, 2016, an Informal Solicitation was advertised for the Senior Services Ombudsman Program. One proposal was received on December 5, 2016 from Senior Citizens of Greater Dallas, Inc., who was the only bidder for this program. The proposal submitted by Senior Citizens of Greater Dallas calls for nursing home ombudsman, outreach and case management services to be provided at 17 nursing and long-term care facilities where the majority of residents are low-moderate income and on Medicaid.

On December 21, 2016, Administrative Action No. 17-5056 authorized the City of Dallas to enter into a contract with Senior Citizens of Greater Dallas, Inc. to provide nursing home ombudsman, outreach and case management services to seniors who live in nursing homes and assisted living facilities.

Senior Citizens of Greater Dallas has served older adults in the Dallas area for 56 years. The mission of Senior Citizens of Greater Dallas, Inc. is to enhance the overall quality of life and empower all older adults in greater Dallas to thrive. It accomplishes this goal by offering a variety of different programs which serve older adults from the active retiree to the frail and vulnerable. The Long-Term Care Ombudsman Program is one of these programs.

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.

On September 13, 2017, City Council authorized the first of two, twelve-month renewal options to increase funding to the contract with Senior Citizens of Greater Dallas, Inc. to administer the Senior Services Ombudsman Program by providing nursing home ombudsman, outreach and case management services to seniors residing in nursing homes and assisted living facilities within the city of Dallas by Resolution No. 17-1419.

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.

Information about this item will be provided to the Human and Social Needs Committee on September 4, 2018.

FISCAL INFORMATION

2018-19 Community Development Block Grant Funds - $116,868.00

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WHEREAS, on December 21, 2016, Administrative Action No. 17-5056 authorized the City of Dallas to enter into a contract with Senior Citizens of Greater Dallas, Inc. to provide nursing home ombudsman, outreach and case management services to seniors who live in nursing homes and assisted living facilities, in an amount not to exceed $50,000.00; and

WHEREAS, on September 13, 2017, the City Council authorized the first of two, twelve-month renewal options to increase funding to the contract with Senior Citizens of Greater Dallas, Inc. to administer the Senior Services Ombudsman Program by providing nursing home ombudsman, outreach and case management services to seniors residing in nursing homes and assisted living facilities within the city of Dallas, in an amount not to exceed $73,049.00, from $50,000.00 to $123,049.00, by Resolution No. 17-1419; and

WHEREAS, the City of Dallas seeks to exercise the second of two twelve-month renewal options to the contract with Senior Citizens of Greater Dallas, Inc. to continue providing these services.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the second of two, twelve-month renewal options to increase funding to the contract with Senior Citizens of Greater Dallas, Inc., approved as to form by the City Attorney, to administer the Senior Services Ombudsman Program by providing nursing home ombudsman, outreach and case management services to seniors residing in nursing homes and assisted living facilities within the city of Dallas, in an amount not to exceed $116,868.00, from $73,049.00 to $189,917.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $116,868.00 from 2018-19 Community Development Block Grant Fund, Fund CD18, Department MGT, Unit 813C, Object 3070, Encumbrance/Contract No. MASC MGT-2017-00002927, Vendor 243979.

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 #: 18-692 **Item #:** 31.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize the exercise of the third of four, twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2018 through September 30, 2019 - Not to exceed $250,000.00 - Financing: Public/Private Partnership Fund ($200,000.00) and General Fund ($50,000.00) (subject to appropriations)

BACKGROUND

Since February 2003, the City has entered into a series of grant agreements with the World Affairs Council of Dallas/Fort Worth to provide professional support related to the operations of the City's International Protocol Services, including an emphasis on assistance with the marketing and promotion (including event planning) of Dallas as an international destination for business and tourism, and fundraising to support these efforts. The World Affairs Council of Dallas/Fort Worth's responsibilities include:

- Work with the Office of the Mayor, City officials, the diplomatic corps and other international stakeholders to continue expanding trade and consular representation in Dallas.

- Assist in promoting the global identity for Dallas. This includes scheduling opportunities for the Mayor to deliver an international message, convening a biannual Consular Corps Summit, and crafting a consistent message for major speaking events.

- Support the Office of Economic Development and assist in the promotion and attraction of foreign companies and trade delegations to Dallas. This includes maintaining office space on the fifth floor of City Hall, co-sponsoring programs with the City, providing logistical support to visiting international trade and business delegations, engaging the Consular Corps to promote the region, and leveraging outside resources to offset operating expenses, including foreign travel.

- Leverage relationships with Dallas businesses, regional and foreign partners to heighten awareness of Dallas as a global destination. Specific items may include hosting emerging and established global leaders to experience Dallas, partnering with the State Department and foreign governments to bring cultural and business events to the region, and providing international learning opportunities for students and teachers.

- Manage the Sister Cities International (see sister-cities.org for more information) program and support the Office of Economic Development and other City departments in the development of global city partnership programs.

- Provide protocol and logistical support for international delegations visiting Dallas, including serving as the point of contact for diplomatic matters with the Consular Corps, the Office of the Texas Assistant Secretary of State and the U.S. Department of State.

- Develop fundraising initiatives to support international activities as described in previous tasks above.

During the past year, major accomplishments by the World Affairs Council included the following:

- Planned and executed a Consular Corps Summit in January 2018, hosted by Mayor Rawlings and Mayor Price. The Summit was attended by 67 diplomats from over 40 countries who serve the Dallas/Fort Worth area.

- Provided protocol and coordination support for the Trade Mission to Korea led by Mayor Rawlings in October 2017 and to London, Paris and Brussels in June 2018.

- Provided volunteer support and protocol assistance for the GrowSouth Annual Report, the Veteran's Day Parade activities, and the Mayor's Creative Conversation during Arts Week.

- Hosted 35 State Department international visitor delegations from 93 different countries, including the Young Leaders of the Americas Initiative Fellows that were hosted by entrepreneurs throughout the city for the month of October 2017.

- Continue to serve as the Secretariat of the Consular Corps of DFW and assisted in the presentation of two new flags for display in the Flag Room at City Hall.

For the past fifteen years, the World Affairs Council of Dallas/Fort Worth has received annual grants from the City to fund the City of Dallas Protocol Office. The grant agreements stipulated funding to pay for salaries of two full-time persons to work exclusively for the City of Dallas, plus a portion of the salaries and overhead of the executive staff of the World Affairs Council of Dallas/Fort Worth.
The third term of the contract, with one remaining renewal options, will expire on September 30, 2019.

The renewal amount for FY 2018-19 is $250,000.00 from two funding sources: Public/Private Partnership ($200,000.00) and General Fund ($50,000.00).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 13, 2016, City Council authorized a nine-month Chapter 380 grant agreement, with four one-year renewal options, for economic development and protocol services with World Affair Council of Dallas/Fort Worth by Resolution No. 16-0133.

On September 28, 2016, City Council authorized the first of four twelve-month renewal options to the grant agreement with World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2016 through September 30, 2017, by Resolution No. 16-1592.

On September 27, 2017, City Council authorized the second of four, twelve-month options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2017 through September 30, 2018, by Resolution No. 17-1539.

Information on this item will be provided to the Economic Development and Housing Committee on September 4, 2018.

FISCAL INFORMATION

Public/Private Partnership Fund - $200,000.00
General Fund - $50,000.00 (subject to appropriations)

FY 2018-19 $250,000.00

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, Chapter 380 of the Texas Local Government Code allows the governing body of a municipality to partner with a nonprofit organization to administer a program to promote local economic development and stimulate business and commercial activity in the municipality; and

WHEREAS, on January 13, 2016, City Council authorized a nine-month Chapter 380 grant agreement, with four one-year renewal options, for economic development and protocol services with World Affair Council of Dallas/Fort Worth by Resolution No. 16-0133; and

WHEREAS, on September 28, 2016, City Council authorized the first of four twelve-month renewal options to the grant agreement with World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2016 through September 30, 2017, by Resolution No. 16-1592; and

WHEREAS, on September 27, 2017, City Council authorized the second of four, twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2017 through September 30, 2018, by Resolution No. 17-1539; and

WHEREAS, the City now desires to exercise the third of four, twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2018 through September 30, 2019.

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 third of four, twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth (509630), approved as to form by the City Attorney, for economic development and protocol services for the period October 1, 2018 through September 30, 2019, in an amount not to exceed $250,000.00; and execute any and all documents required by the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized disburse funds in an amount not to exceed $250,000.00 (subject to appropriations) from Service Contract MASC BKZ1533-1/Contract No. ECO-2017-00003589, as follows:

Public/Private Partnership Fund Fund 0352, Department ECO, Unit P476 Object 3016, Activity PPPF	$200,000.00
General Fund Fund 0001, Department ECO, Unit 1192 Object 3072, Activity EC08	$ 50,000.00
Total amount not to exceed	$250,000.00

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 #: 18-498 **Item #:** 32.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a five-year service price agreement for language interpretation services for call centers with Language Line Services, Inc. through the Department of Information Resources cooperative agreement - Not to exceed $632,212.00 - Financing: General Fund

BACKGROUND

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis. We anticipate the following City departments will use this agreement:

- Police Department
- Office of Management Services

This service price agreement will provide language interpretation services for the City's 911 and 311 call centers and will provide interpreter services for more than 240 languages. As a diverse City, the call centers receive calls that require immediate and accurate translation service. The call centers process an average of 5,000 emergency calls for service per day. The City uses staff to translate as often as possible, but at times call volume necessitates the need for an outside vendor to assist in translating calls.

Communication barriers pose a difficult challenge to any government agency. This service price agreement also provides video remote interpreting for the limited English speaking, deaf, and hard of hearing community that face a unique communication barrier that impedes their ability to effectively communicate. This agreement provides access to video interpreters to see firsthand the critical non-verbal gestures, body language or facial expressions during the encounter, which improves understanding and clarity of communication.

The contractor will provide the City with a central phone number for remote capabilities which is routed to a live phone bank. Once the language need is identified, an interpreter is connected to both

parties; the interpreter stays connected as long as necessary to complete the service request. Currently, 876 Texas agencies utilize Language Line Services, Inc. through the Department of Information Resources.

The Department of Information Resources 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 August 28, 2013, City Council authorized a three-year service contract for language interpretation services for the Dallas Police Department with Language Line Services, Inc. by Resolution No. 13-1415.

The Public Safety and Criminal Justice Committee was briefed by memorandum regarding this matter on August 24, 2018.

FISCAL INFORMATION

General Fund - $632,212.00

FY 17-18 - $ 10,372.00
FY 18-19 - $124,462.00
FY 19-20 - $124,462.00
FY 20-21 - $124,462.00
FY 21-22 - $124,462.00
FY 22-23 - $123,992.00

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 $
$632,212.00	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:

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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

Language Line Services, Inc.

Scott Klein, President
David Bethea, Vice President

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WHEREAS, on August 28, 2013, City Council authorized a three-year service contract for language interpretation services for the Dallas Police Department with Language Line Services, Inc. in an amount not to exceed $311,312.00, by Resolution No. 13-1415; and

WHEREAS, on April 30, 2018 Administrative Action No. 18-5768 authorized to increase and extend the master agreement for language interpretation services with Language Line Services, Inc. in an amount not to exceed $50,000.00, from $311,312.00 to $361,312.00 and to extend four months from May 15, 2018 through September 29, 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 price agreement with Language Line Services, Inc. (VC16373) through the Department of Information Resources cooperative agreement, approved as to form by the City Attorney, for language interpretation services for call centers for a term of five years, in an amount not to exceed $632,212.00. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Language Line Services, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Language Line Services, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $632,212.00 to Language Line Services, Inc. from Service Contract No. POM-2018-00006572.

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.

File #: 18-511 **Item #:** 33.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a five-year service contract for system upgrade, maintenance, and support for the equipment tracking and deployment software for the Fire-Rescue Department - Deccan International, sole source - Not to exceed $188,350.00 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)

BACKGROUND

This service contract for system upgrade, maintenance, and support for the equipment tracking and deployment software currently utilized by the Fire-Rescue Department will provide ongoing maintenance and support. Maintenance and support includes software upgrades to current releases, ongoing technical support, and specific future requests needed by the Fire-Rescue Department. Upgrades under this new agreement includes enhancements that provide improved functionalities and efficiencies. Additionally, this upgrade provides improved back-up and disaster recovery capabilities. We anticipate the following City departments will use this agreement:

- Department of Communication and Information Services
- Fire-Rescue Department

The software includes tools that are designed to collect real-time data directly from Computer Aided Dispatch (CAD) and analyze equipment placement/deployment. The Fire-Rescue Department uses this critical data to improve response times and ensure the most effective deployment of equipment in the field. Examples of functionality include:

- Monthly reporting of “run time data” from the CAD system
- Situational analysis of the effects of deploying or moving equipment from one station to another
- Provides a real-time electronic map overlay showing response capabilities of specific fire stations relevant to its equipment
- Provides a back-up dispatch system in the event CAD is disabled

- Fire-Rescue Department responded to approximately 437,664 calls in fiscal year 2017

The Fire-Rescue Department also uses this software to assist in the daily management of over 150 pieces of equipment deployed at 57 fire stations throughout the City.

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 August 14, 2013, City Council authorized a five-year service contract for maintenance and support of equipment tracking and deployment software for Dallas Fire-Rescue with Deccan International by Resolution No. 13-1278.

The Public Safety and Criminal Justice Committee was briefed by memorandum regarding this matter on August 24, 2018.

FISCAL INFORMATION

Communication and Information Services Current Funds - $188,350.00 (subject to annual appropriations)

FY 2017-18 - $47,651.00
FY 2018-19 - $33,631.00
FY 2019-20 - $34,640.00
FY 2020-21 - $35,679.00
FY 2021-22 - $36,749.00

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 $
$188,350.00	Other Services	N/A	N/A	N/A
• M/WBE Goal Waived				
Deccan International will provide system upgrade, maintenance, and support of equipment using proprietary software; 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**
Deccan International	5935 Cornerstone Court West San Diego, CA 92121	$188,350.00

Note: The Office of Procurement Services conducted a sole source review and found no exceptions.

OWNER

Deccan International

Latha Nagaraj, President

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September 12, 2018

WHEREAS, on August 14, 2013, City Council authorized a five-year service contract for maintenance and support of equipment tracking and deployment software for Dallas Fire-Rescue with Deccan International in the amount of $152,300.00, by Resolution No. 13-1278.

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 Deccan International (500212), approved as to form by the City Attorney, system upgrade, maintenance, and support for the equipment tracking and deployment software for the Fire-Rescue Department for a term of five years, in an amount not to exceed $188,350.00. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Deccan International shall be based only on the amount of the services directed to be performed by the City and properly performed by Deccan International under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $188,350.00 (subject to annual appropriations) to Deccan International from Service Contract No. DSV-2018-00006908.

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 #: 18-601 **Item #:** 34.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a five-year contract for program management services to assist with the implementation of Phase II of the enterprise work order and asset management system - Brio Services, LLC dba Brio Consulting, LLC - Not to exceed $6,503,686.00 - Financing: Water Utilities Capital Construction Funds ($4,100,952.00) and Communication and Information Services Current Funds ($2,402,734.00) (subject to annual appropriations)

BACKGROUND

We anticipate the following City departments will use this agreement:

- Water Utilities Department
- Department of Public Works
- Department of Transportation
- Department of Trinity Watershed Management
- Department of Communication and Information Services

This contract will provide program management services to assist with the implementation of Phase II of the Enterprise Work Order and Asset Management System (EWAMS). Phase II includes support for the implementation of interfaces with core city business applications. Additionally, functionality will be introduced that allows City employees to manage workloads and access data on field infrastructure and maintenance history in the field by utilizing mobile technology.

The consultant's services include:

- Analyze existing work order processes to develop best practices and configure the software platform with standardized work order business rules so each department can execute work consistently, track costs, service levels, and improve the ability to measure work efficiency.

- Analyze existing asset information to develop and configure the new software platform with a standard organization and classification of asset data for systematic analysis of work, costs, and assets. This standardization will allow the City to enhance asset management strategies including the prioritization of maintenance, rehabilitation, and replacement decisions.

- Analyze existing materials management processes and configure the software platform with a standard set of materials management business rules. This will improve supply chain processes to ensure the availability of equipment and parts at the time of planned service to minimize downtime.

- Develop integration services, including technical configuration to build interfaces between Maximo and the City's Geographic Information Systems (GIS), the SAP Billing System, the new SalesForce Customer Relationship Management (CRM) System (3-1-1 System), the AMS Advantage Financial System, and the City's new Automated Traffic Management System (ATMS). The integration of these core services will support both Phase 1 and Phase 2.

- Provide application system administrators to provide on-the-job training and support to City employees responsible for technical administration of the Enterprise Asset Management applications and databases, including identification, troubleshooting and resolution of technical configuration issues and development of a training and certification roadmap for City employees responsible for the Maximo software and the systems with which it is integrated.

In accordance with Administrative Directive 4-5, Paragraph 9.3.5, Special Needs Justification was approved to contract with Brio Services, LLC dba Brio Consulting, LLC.

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 January 25, 2017, City Council authorized a three-year contract for program management services to assist with the implementation of a work order and asset management system with Brio Services, LLC dba Brio Consulting, LLC by Resolution No. 17-0176.

The Government Performance & Financial Management Committee will receive this item for consideration on September 4, 2018.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $4,100,952.00
Communication and Information Services Current Funds - $2,402,734.00 (subject to annual appropriations)

Fund	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023

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Water Utilities Capital Construction Funds	$1,035,686.00	$1,762,000.00	$865,089.00	$436,089.00	$2,088.00
Communication and Information Services Current Funds			$800,911.00	$800,911.00	$800,912.00
Total	$1,035,686.00	$1,762,000.00	$1,666,000.00	$1,237,000.00	$803,000.00

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 $
$6,503,686.00	Other Services	23.80%	23.80%	$1,547,878.00
• This contract meets the M/WBE goal.				

PROCUREMENT INFORMATION

Bidder	Address	Amount
Brio Services, LLC dba Brio Consulting, LLC	11152 Westheimer 685 Houston, TX 77042	$6,503,686.00

OWNER

Brio Services, LLC dba Brio Consulting, LLC

Mark G. Wehmeyer, President
Nancy B. Lerner, Chief Executive Officer

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WHEREAS, on January 25, 2017, City Council authorized a three-year contract for program management services to assist with the implementation of a work order and asset management system with Brio Services, LLC dba Brio Consulting, LLC in the amount of $4,367,999.00 by Resolution No. 17-0176.

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 Brio Services, LLC dba Brio Consulting, LLC (VS0000079707), approved as to form by the City Attorney, for program management services to assist with the implementation of Phase II of the enterprise work order and asset management system for a term of five years, in an amount not to exceed $6,503,686.00. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Brio Services, LLC dba Brio Consulting, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Brio Services, LLC dba Brio Consulting, LLC under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $6,503,686.00 (subject to annual appropriations) to Brio Services, LLC dba Brio Consulting, LLC from Master Agreement Service Contract No. DSV-2018-00007294.

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 #: 18-435 **Item #:** 35.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year master agreement for the purchase of plastic sewer couplings and lateral cleanouts for the Water Utilities Department - Beeco, Inc. in the amount of $185,158.26 and Fortiline, Inc. in the amount of $14,880.75, lowest responsible bidders of three - Total not to exceed $200,039.01 - 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.

This master agreement allows for the purchase of plastic sewer couplings and lateral cleanouts. The Water Utilities Department (DWU) staff uses couplings for various types of pipe connections throughout the main sewer and wastewater pipelines. In addition, sewer couplings are used for roof drains which divert water into piping, reducers that lessen the pipes diameters, cut-ins where a section of pipe is removed, and a fitting inserted, and expansion joints for extending pipe.

Lateral cleanouts give DWU staff easy access to main sewer and wastewater pipelines for routine inspection, maintenance, blockage removal, and repair jobs. Maintaining lateral cleanouts aid in avoiding such incidents.

Couplings and laterals cleanouts are replaced due to age and damage. City crews complete approximately 4,500 sewer repairs each year and maintain approximately 4,200 miles of wastewater mainlines.

In this solicitation, the Office of Procurement Services required bidders to submit a response using unit pricing. This bid resulted in a 10.42 percent increase over comparable unit prices for the bid awarded in 2016.

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 164 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 January 13, 2016, City Council authorized a three-year master agreement for the purchase of plastic sewer couplings and lateral cleanouts with Beeco, Inc., Fortiline, Inc., Ferguson Enterprises, and HD Supply Waterworks, LTD by Resolution No. 16-0072.

The Government Performance & Financial Management Committee will receive this item for consideration on September 4, 2018.

FISCAL INFORMATION

Dallas Water Utilities Fund - $200,039.01

FY 2018-19 $66,679.67
FY 2019-20 $66,679.67
FY 2020-21 $66,679.67

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 $
$200,039.01	Goods	18.00%	0.00%	$0.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• The material is shipped directly from the manufacturer, and no sub-contracting opportunities are available.				

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 BM1817. We opened them on June 1, 2018. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

Bidders	**Address**	**Amount**
*Beeco, Inc.	14015 N. Stemmons Frwy. Suite B Farmers Branch, TX 75234	Multiple Lines
*Fortiline, Inc.	11200 Seagoville Rd. Balch Springs, TX 75180	Multiple Lines
Mike Harms Associates, Inc.	901 W. Interstate 20 Weatherford, TX 76087	Multiple Lines

OWNERS

Beeco, Inc.

Bruce Coughennower, President
Jim Coughenneower, Vice President

Fortiline, Inc.

Tim Tysinger, President
James Cagle, Vice President
Jason Painter, Secretary

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September 12, 2018

WHEREAS, on January 13, 2016, City Council authorized a three-year master agreement for the purchase of plastic sewer couplings and lateral cleanouts with Beeco, Inc. in the amount of $149,437.00, Fortiline, Inc. in the amount of $14,716.00, Ferguson Enterprises in the amount of $4,484.00, and HD Supply Waterworks, LTD in the amount of $1,132.00, by Resolution No. 16-0072.

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 Beeco, Inc. (VS0000008428) in the amount of $185,158.26 and Fortiline, Inc. (VS0000073028) in the amount of $14,880.75, approved as to form by the City Attorney, for the purchase of plastic sewer couplings and lateral cleanouts for the Water Utilities Department for a term of three years, in a total amount not to exceed $200,039.01.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for the purchase of plastic sewer couplings and lateral cleanouts for the Water Utilities Department. If a written contract is required or requested for any or all purchases of plastic sewer couplings and lateral cleanouts for the Water Utilities Department under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract, 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 $200,039.01 to Beeco, Inc. and Fortiline, Inc. from Master Agreement Contract No. DWU-2018-00007083.

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 #: 18-485 **Item #:** 36.

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	September 12, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services
EXECUTIVE:	Elizabeth Reich

SUBJECT

Authorize a three-year master agreement for the purchase of fire hydrant markers that will be utilized by the Water Utilities Department to identify fire hydrants for Fire-Rescue Department and Water Utilities Department personnel - International Nameplate U S, Inc., lowest responsible bidder of two - Not to exceed $161,403.25 - 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.

This master agreement will allow for the purchase of fire hydrant markers that will be utilized by the Water Utilities Department (DWU) to identify fire hydrants for Fire-Rescue Department and DWU personnel. These markers are color coded and come in two sizes: 2.5” for the two smaller access points of the fire hydrant and 4” for the large access point and are used to identify the size of the water lines that are accessed by a particular hydrant. There are approximately 28,000 fire hydrants located throughout the City.

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 315 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on September 4, 2018.

FISCAL INFORMATION

Dallas Water Utilities Fund - $161,403.25

FY 2018 - 19 $53,801.08
FY 2019 - 20 $53,801.08
FY 2020 - 21 $53,801.09

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE%	M/WBE $
$161,403.25	Goods	18.00%	0.00%	$0.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
International Nameplate U S, Inc. will provide custom fire hydrant markers, and no sub-contracting opportunities are available.				

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 BB1806. We opened them on May 31, 2018. We recommend the City Council award this master agreement to the lowest responsive and responsible bidder by line. Information related to this solicitation is available upon request.

*Denotes successful bidder

Bidders	Address	Amount
*International Nameplate U S, Inc.	2905 W. Marshall Avenue Longview, TX 75604	Multiple Lines
Hy-Viz, Inc.	23A Vreeland Street Lodi, NJ 07644	Multiple Lines

OWNER

International Nameplate U S, Inc.

Werner Humann, President
David Humann, Vice President

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September 12, 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 master agreement with International Nameplate U S, Inc. (VS0000031748), approved as to form by the City Attorney, for the purchase of fire hydrant markers that will be utilized by the Water Utilities Department to identify fire hydrants for Fire-Rescue Department and Water Utilities Department personnel for a term of three years, in an amount to exceed $161,403.25.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for fire hydrant markers that will be utilized by the Water Utilities Department to identify fire hydrants for Fire-Rescue Department and Water Utilities Department personnel. If a written contract is required or requested for any or all purchases of fire hydrant markers that will be utilized by the Water Utilities Department to identify fire hydrants for Fire-Rescue Department and Water Utilities Department personnel under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute the contract, 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 $161,403.25 to International Nameplate U S, Inc. from Master Agreement Contract No. DWU-2018-00007098.

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 #: 18-632 **Item #:** 37.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize **(1)** Supplemental Agreement No. 2 to exercise the second of two, one-year renewal options to the contract with USI Insurance Services National, Inc. for the purchase of aviation, crime, fine arts, flood, media, professional liability, and general liability insurance policies from October 1, 2018 through September 30, 2019 in the amount of $141,181.50, from $262,679.90 to $403,861.40; and **(2)** Supplemental Agreement No. 2 to exercise the second of two, one-year renewal options to the contract with McGriff, Seibels & Williams, Inc. for brokerage fees and the purchase of cyber liability and privacy insurance from October 1, 2018 through September 30, 2019 in the amount of $245,225.00, from $490,450.00 to $735,675.00 - Total not to exceed $386,406.50, from $753,129.90 to $1,139,536.40 - Financing: Risk Management Funds (subject to appropriations)

BACKGROUND

These supplemental agreements will allow insurance policies to continue to provide aviation, crime, fine arts, flood, media, professional liability, general liability insurance coverage, and cyber liability.

The policies provide the following types of coverage:

- Aviation - police helicopters
- Crime - employee dishonesty, forgery, and fraud
- Fine arts - works of art owned by the City
- Flood - damage to City property caused by flood
- Media and professional liability - broadcasting operations at WRR
- General liability - liability exposures specific to Southern Skates as well as the Jack Evans Police Headquarters parking garage as required by the contract

The cyber liability policy includes coverage for:

- Network breach events to include computer forensics, crises management and public relations

expenses, consumer notification, forensic and legal expenses, credit monitoring services, etc.
- Systems failure and business interruption
- Security and privacy liability to include coverage for legal defense costs and damages for financial loss suffered by others due to failure of computer security
- Payment Card Industry-Data Security Standard fines and penalties
- Regulatory proceedings
- Cyber extortion

On November 10, 2015, City Council authorized the wage floor rate of $10.37, by Resolution No. 15-2141; the selected vendors meet this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 11, 2013, City Council authorized the purchase of a three-year insurance policy for commercial property insurance for money and securities, boilers and machinery, property and fine arts from October 1, 2013 through September 30, 2016, by Resolution No. 13-1550.

On September 14, 2016, City Council authorized a three-year contract, with two one-year renewal options, for broker of record and the purchase of an insurance policy for commercial property/boiler and machinery insurance, from October 1, 2016 through September 30, 2019 at a guaranteed rate of 0.03064; and risk management consulting services from January 8, 2017 through January 7, 2020; a one-year contract, with two one-year renewal options, for the purchase of aviation, crime, fine arts, flood, media and professional liability, and general liability insurance policies with Wells Fargo Insurance Services, USA, Inc. from October 1, 2016 through September 30, 201 and a one-year contract, with two one year renewal options for brokerage fees and the purchase of cyber liability and privacy insurance with McGriff, Seibels & Williams of Texas, Inc. from October 1, 2016 through September 30, 2017, by Resolution No. 16-1429.

The Government Performance and Financial Management Committee was briefed by memorandum regarding this matter on September 18, 2017.

On September 27, 2017, City Council authorized Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the contract with Wells Fargo Insurance Services USA, Inc. for the purchase of aviation, crime, fine arts, flood, media, professional liability, and general liability insurance policies from October 1, 2017 through September 30, 2018, in an amount not to exceed $125,442.90, increasing the contract from $137,237.00 to $262,679.90 and Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the contract with McGriff, Seibels & Williams of Texas, Inc. for brokerage fees and the purchase of cyber liability and privacy insurance from October 1, 2017 through September 30, 2018, in an amount not to exceed $245,225.00, increasing the contract from $245,225.00 to $490,450.00 by Resolution No. 17-1530.

The Government Performance & Financial Management Committee will receive this item for consideration on September 4, 2018.

FISCAL INFORMATION

Risk Management Funds - $386,406.50 (subject to appropriations)

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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 $
$386,406.50	Other Services	23.80%	1.24%	$4,800.00
• Supplemental Agreement No. 2 - 9.78% Overall M/WBE participation				

OWNERS

USI Insurance Services National, Inc.

Tim Prichard, President
Mary Curley, Vice President

McGriff, Seibels & Williams, Inc.

Tommy Ebner, President
Doug Hodo, Vice President

WHEREAS, on September 11, 2013, City Council authorized the purchase of a three-year insurance policy for commercial property insurance for money and securities, boilers and machinery, property and fine arts from October 1, 2013 through September 30, 2016, in an amount not to exceed $5,732,618.00, by Resolution No. 13-1550; and

WHEREAS, on January 16, 2014, Administrative Action No. 14-5177 authorized Supplemental Agreement No. 1 to broaden the scope of services to include lower-limit liabilities policies and any additional insurance and broker services as needed through the end of the agreement, in an amount not to exceed $50,000.00, from $5,732,618.00 to $5,782,618.00; and

WHEREAS, on September 14, 2016, City Council authorized a three-year contract, with two one-year renewal options, for broker of record and the purchase of an insurance policy for commercial property/boiler and machinery insurance, from October 1, 2016 through September 30, 2019 at a guaranteed rate of 0.03064; and risk management consulting services from January 8, 2017 through January 7, 2020 with Wells Fargo Insurance Services USA, Inc., in the amount of $4,315,290.00; a one-year contract, with two one-year renewal options, for the purchase of aviation, crime, fine arts, flood, media and professional liability, and general liability insurance policies from October 1, 2016 through September 30, 2017 with Wells Fargo Insurance Services USA, Inc. in the amount of $411,711.00; and a one-year contract, with two one year renewal options for brokerage fees and the purchase of cyber liability and privacy insurance from October 1, 2016 through September 30, 2017 with McGriff, Seibels & Williams of Texas, Inc., in the amount of $245,225.00, in a total amount not to exceed $4,972,226.00, by Resolution No. 16-1429; and

WHEREAS, on September 27, 2017, City Council authorized Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the contract with Wells Fargo Insurance Services USA, Inc. for the purchase of aviation, crime, fine arts, flood, media, professional liability, and general liability insurance policies from October 1, 2017 through September 30, 2018, in an amount not to exceed $125,442.90, increasing the contract from $137,237.00 to $262,679.00 and Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the contract with McGriff, Seibels & Williams of Texas, Inc. for brokerage fees and the purchase of cyber liability and privacy insurance from October 1, 2017 through September 30, 2018, in an amount not to exceed $245,225.00, increasing the contract from $245,225.00 to $490,450.00 by Resolution No. 17-1530; and

WHEREAS, on February 7, 2018, Administrative Action No. 18-5308 authorized the contract name to be changed from Wells Fargo Insurance Services, USA, Inc. to USI Insurance Services National, Inc.

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 **(1)** Supplemental Agreement No. 2 to exercise the second of two, one-year renewal options to the contract with USI Insurance Services National, Inc. (VS0000022746), approved as to form by the City Attorney, for the purchase of aviation, crime, fine arts, flood, media, professional liability, and general liability insurance policies from October 1, 2018 through September 30, 2019, in an amount not to exceed $141,181.50, increasing the contract from $262,679.90 to $403,861.40; and **(2)** Supplemental Agreement No. 2 to exercise the second of two, one-year renewal options to the contract with McGriff, Seibels & Williams, Inc. (VC19152), approved as to form by the City Attorney, for brokerage fees and the purchase of cyber liability and privacy insurance from October 1, 2018 through September 30, 2019, in an amount not to exceed $245,225.00, increasing the contract from $490,450.00 to $735,675.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $141,181.50 (subject to appropriations) to USI Insurance Services National, Inc. from Service Contract No. MASCWELLS3840.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $245,225.00 (subject to appropriations) to McGriff, Seibels & Williams, Inc. from Service Contract No. MASCMCGRIFF3860.

SECTION 4. That the contract with USI Insurance Services National, Inc. is designated as Contract No. POM-2017-00001172.

SECTION 5. That the contract with McGriff, Seibels & Williams, Inc. is designated as Contract No. POM-2017-00001173.

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 #: 18-513 **Item #:** 38.

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	September 12, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	Office of Procurement Services
EXECUTIVE:	Elizabeth Reich

SUBJECT

Authorize Supplemental Agreement No. 3 to exercise the second of three, one-year renewal options to the service contract with Gila LLC dba Municipal Services Bureau for the collection of delinquent fines and fees for violations of City ordinances, traffic, and state laws, excluding parking violations for Court and Detention Services - Estimated Annual Net Revenue: $4,500,000.00

BACKGROUND

This Supplemental Agreement No. 3 will continue to provide the City with the collection of delinquent fines and fees for violations of City ordinances, traffic, and state laws, excluding parking violations. Court and Detention Services is responsible for the collection and processing of fines and fees associated with Class C misdemeanor and civil violations enforced within the City limits. Cases which are unresolved and become delinquent are assigned to a private vendor for collection. This Supplemental Agreement will enable the department to continue timely collection of delinquent amounts for traffic, ordinance, and state law violations.

Per State law, Gila LLC dba Municipal Services Bureau will receive a 30 percent add-on commission which is paid by the defendant on cases originating on or after June 18, 2003. No commission will be paid on cases preceding that date, in accordance with current interpretation of State law.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 22, 2014, this item was remanded by City Council for briefing on November 5, 2014.

On November 5, 2014, City Council was briefed regarding this matter.

On November 12, 2014, City Council authorized a three-year service contract, with three one-year renewal options, for the collection of delinquent fines and fees for violations of City ordinances, traffic, and state laws, excluding parking violations with Gila LLC dba Municipal Services Bureau by Resolution No. 14-1985.

The Budget, Finance, and Audit Committee was briefed by memorandum regarding this matter on April 10, 2017.

On April 26, 2017, City Council authorized Supplemental Agreement No. 2 to exercise the first of three one-year renewal options to the service contract, for the collection of delinquent fines and fees for violations of City ordinances, traffic, and state laws, excluding parking violations with Gila LLC dba Municipal Services Bureau by Resolution No. 17-0680.

The Public Safety and Criminal Justice Committee was briefed by memorandum regarding this matter on August 24, 2018.

FISCAL INFORMATION

Estimated Annual Net Revenue - $4,500,000.00

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 $
$4,500,000.00	Revenue	N/A	N/A	N/A
• The Business Inclusion and Development Plan does not apply to Revenue contracts.				

OWNER

Gila LLC dba Municipal Services Bureau

Aaron Million, President
Mark Heleen, Secretary

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WHEREAS, on November 12, 2014, City Council authorized a three-year service contract, with three one-year renewal options, for the collection of delinquent fines and fees for violations of City ordinances, traffic and state laws, excluding parking violations with Gila LLC dba Municipal Services Bureau, in an estimated annual net revenue amount of $4,257,000.00, by Resolution No. 14-1985; and

WHEREAS, on September 25, 2015, Administrative Action No. 15-6741 authorized Supplemental Agreement No. 1 to the service contract with Gila LLC dba Municipal Services Bureau to change Exhibit B of the contract by removing an incorrect document and replacing with the correct document and clarifying the definitions in the Exhibit; and

WHEREAS, on April 26, 2017, City Council authorized Supplemental Agreement No. 2 to exercise the first of three one-year renewal options to the service contract with Gila LLC dba Municipal Services Bureau, for the collection of delinquent fines and fees for violations of City ordinances, traffic, and state laws, excluding parking violations in an estimated annual net revenue amount of $4,257,000.00, by Resolution No. 17-0680.

Now, Therefore,

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

SECTION 1. The City Manager is hereby authorized to sign Supplemental Agreement No. 3 to exercise the second of three, one-year renewal options to the service contract with Gila LLC dba Municipal Services Bureau (348597), approved as to form by the City Attorney, for the collection of delinquent fines and fees for violations of City ordinances, traffic, and state laws, excluding parking violations for Court and Detention Services, for an estimated annual net revenue of $4,500,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to deposit all commissions received for the benefit of Gila LLC dba Municipal Services Bureau into Fund 0614, Department CTS, Unit 1081, Balance Sheet 077E. All other revenue received will be deposited into the General Fund 0001, Department CTS, Unit 1081, with the appropriate revenue codes; Fund 0401, Department CTS, Unit 1063, Revenue Code 8033; Fund 0G88, Department CTS, Unit 1064, Revenue Code 8030; Fund 0396, Department CTJ, Unit 2159, Revenue Code 8040; Fund 0476, Department HOU, Unit 1042, Revenue Code 8037.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse commission to Gila LLC dba Municipal Services Bureau, according to the terms of the contract from Fund 0614, Department CTS, Unit 1081, Balance Sheet 077E.

SECTION 4. That this contract is designated as No. POM-2017-00001713.

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 #: 18-729 **Item #:** 39.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Strategic Partnerships & Government Affairs

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize the **(1)** application for and acceptance of the FY 2018 Edward Byrne Justice Assistance Grant from the U.S. Department of Justice, Bureau of Justice Assistance for a broad range of activities to help control and prevent crime, and to improve the criminal justice system (Grant No. TBD, CFDA No. 16.738), in the amount of $943,403.00 for the period October 1, 2017 through September 30, 2021; **(2)** execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; **(3)** receipt and deposit of funds in an amount not to exceed $943,403.00 in the Bureau of Justice Assistance Grant FY18 17-21 Fund; **(4)** establishment of appropriations in an amount not to exceed $943,403.00 in the Bureau of Justice Assistance Grant FY18 17-21 Fund; and **(5)** execution of the grant agreement and all documents required by the grant - Not to exceed $943,403.00 - Financing: U.S. Department of Justice Grant Funds

BACKGROUND

Part E of Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (the "JAG Program") authorize the Bureau of Justice Assistance (the "BJA") to make funds available to units of local government in order to support a broad range of activities to prevent and control crime and to improve the criminal justice system.

The JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds can support all components of the criminal justice system from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

In recent years, the City of Dallas has used the JAG grant to fund salaries, benefits, and other associated costs for the Community Prosecution program. Other past projects include Fair and

Impartial Policing Training and Sharepoint implementation for the Dallas Police Department. For the 2018 award (Application No 2018-H3567-TX-DJ), Dallas will fund salaries and benefits for three Community Prosecutors. 10 percent of the total award is also used to reimburse administrative expenses associated with managing the grant.

The City of Dallas, Dallas County, and certain units of local government designated by the BJA are eligible for 2018 JAG funding and have been certified by the BJA as a disparate jurisdiction. The application guidelines ask for one fiscal agent to apply for, accept, and disburse funds throughout the disparate jurisdiction. Dallas County and all eligible units of local government in the disparate jurisdiction have agreed to designate the City of Dallas as the applicant and fiscal agent for the JAG Program.

Dallas County and the eligible cities agree and acknowledge that as a certified disparate jurisdiction, the Parties must reach an agreement regarding the sharing of funds prior to submitting a JAG application with the BJA. Accordingly, this resolution will authorize the City Manager to set forth the following: (i) the amount of funds originally allocated by the BJA before the Parties were certified to be disparate jurisdictions: (ii) the amounts to be transferred among the respective jurisdictions, including the amount to be paid to the City of Dallas as the fiscal agent for the jurisdiction; and (iii) the final amount for each of the Parties.

Initial Allocations

For 2018, the BJA has determined the Initial Allocations of JAG Funds for the parties as follows:

Dallas County	$ 0.00
Balch Springs	$ 15,844.00
Carrollton	$ 14,660.00
Dallas	$694,378.00
DeSoto	$ 12,318.00
Duncanville	$ 12,419.00
Garland	$ 53,402.00
Grand Prairie	$ 38,540.00
Irving	$ 37,835.00
Lancaster	$ 13,124.00
Mesquite	$ 38,238.00
Richardson	$ 12,645.00
Total	$943,403.00

Amounts to be Transferred

All jurisdictions, with the exception of the City of Richardson, have agreed that 30 percent of their funds will be allocated to Dallas County per Department of Justice (DOJ) guidelines that require fund sharing with any unit of government that bears more than 50 percent of the costs of prosecution or incarceration. Richardson has chosen to reallocate its total award of $12,645.00 to the County.

The eligible cities agree to have the following funds transferred to Dallas County pursuant to the Funds Sharing and Fiscal Agency Agreement as follows:

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Dallas County	$ 0.00
Balch Springs	$ 4,753.20
Carrollton	$ 4,398.00
Dallas	$ 208,313.40
DeSoto	$ 3,695.40
Duncanville	$ 3,725.70
Garland	$ 16,020.60
Grand Prairie	$ 11,562.00
Irving	$ 11,350.50
Lancaster	$ 3,937.20
Mesquite	$ 11,471.40
Richardson	$ 12,645.00
Total	$ 291,872.40

This leaves adjusted allocations as follows:

Dallas County	$ 291,872.40
Balch Springs	$ 11,090.80
Carrollton	$ 10,262.00
Dallas	$ 486,064.60
DeSoto	$ 8,622.60
Duncanville	$ 8,693.30
Garland	$ 37,381.40
Grand Prairie	$ 26,978.00
Irving	$ 26,484.50
Lancaster	$ 9,186.80
Mesquite	$ 26,766.60
Richardson	$ 00.00
Total	$ 943,403.00

Fiscal Agent Grant Administration Fees

The following amounts reflect each participant's grant administration fee deducted from their adjusted allocations, which shall be transferred to the Fiscal Agent, the City of Dallas.

Dallas County	$ 20,431.07
Balch Springs	$ 776.36
Carrollton	$ 718.34
Dallas	$ 62,326.60
DeSoto	$ 603.58
Duncanville	$ 608.53
Garland	$ 2,616.70
Grand Prairie	$ 1,888.46
Irving	$ 1,853.92
Lancaster	$ 643.08

Mesquite	$ 1,873.66
Richardson	$ 0.00
Total	$ 94,340.30

Final Allocations

The following amounts reflect the JAG funds each jurisdiction shall receive upon acceptance of and disbursements of funds from the BJA in accordance with the Funds Sharing and Fiscal Agency Agreement.

Dallas County	$271,441.33
Balch Springs	$ 10,314.44
Carrollton	$ 9,543.66
Dallas	$518,078.29
DeSoto	$ 8,019.02
Duncanville	$ 8,084.77
Garland	$ 34,764.70
Grand Prairie	$ 25,089.54
Irving	$ 24,630.59
Lancaster	$ 8,543.72
Mesquite	$ 24,892.94
Richardson	$ 0.00
Total	$943,403.00

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 2013, City Council authorized an application for and acceptance of the FY 2013 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period of October 1, 2012 through September 30, 2016; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement by Resolution No. 13-1687.

On May 28, 2014, City Council authorized an application for and acceptance of the FY 2014 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period of October 1, 2013 through September 30, 2017; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement by Resolution No. 14-0828.

On June 10, 2015, City Council authorized an application for and acceptance of the FY 2015 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period of October 1, 2014 through September 30, 2018; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement by Resolution No. 15-1056.

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On June 22, 2016, City Council authorized an application for and acceptance of the FY 2016 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period of October 1, 2015 through September 30, 2019; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement by Resolution No. 16-1064.

On September 13, 2017, City Council authorized an application for the FY 2017 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period of October 1, 2016 through September 30, 2020; and the execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government by Resolution No. 17-1424.

On August 8, 2018, City Council authorized an acceptance of the FY 2017 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period of October 1, 2016 through September 30, 2020; and execution of the grant agreement by Resolution No. 18-1053.

Information about this item was provided to the Public Safety and Criminal Justice Committee on August 24, 2018.

FISCAL INFORMATION

U.S. Department of Justice Grant Funds - $943,403.00

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WHEREAS, the U.S. Department of Justice, Bureau of Justice Assistance (BJA), has made funding available to the City of Dallas, Dallas County and eligible designated cities in order to support a broad range of activities to help control and prevent crime and to improve the criminal justice system; and

WHEREAS, grant monies are being allocated to the City of Dallas, Dallas County and eligible designated cities for the FY 2018 Edward Byrne Memorial Justice Assistance Grant; and

WHEREAS, the City of Dallas and other BJA designated cities will benefit from the additional funds that will aid the prevention and control of crime within these areas.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to apply for and accept the FY 2018 Edward Byrne Memorial Justice Assistance Grant (Grant No. TBD, CFDA No. 16.738), from the U.S. Department of Justice, Bureau of Justice Assistance, to support a broad range of activities to prevent and control crime and to improve the criminal justice system for the period October 1, 2017 through September 30, 2021, in an amount not to exceed $943,403.00, and to sign the grant agreement and all documents required by the grant, approved as to form by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to execute a Fiscal Agency Agreement between the City of Dallas, Dallas County, and designated units of local governments.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse JAG Program funds in an amount not to exceed $425,324.71 to Dallas County and other BJA designated cities, as listed below:

Jurisdiction	Amount
Dallas County	$ 271,441.33
Balch Springs	$ 10,314.44
Carrollton	$ 9,543.66
DeSoto	$ 8,019.02
Duncanville	$ 8,084.77
Garland	$ 34,764.70
Grand Prairie	$ 25,089.54
Irving	$ 24,630.59
Lancaster	$ 8,543.72
Mesquite	$ 24,892.94
Richardson	$ 0.00

SECTION 4. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for the Justice System Project in an amount not to exceed $423,737.99 in the Bureau of Justice Assistance Grant FY18 17-21 Fund, Fund TR18, Department MGT, Unit 3680, Revenue Code 6506.

SECTION 5. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for Management and Administration in an amount not to exceed $519,665.01 in the Bureau of Justice Assistance Grant FY18 17-21 Fund, Fund TR18, Department MGT, Unit 3681, Revenue Code 6506.

SECTION 6. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $423,737.99 in the Bureau of Justice Assistance Grant FY18 17-21 Fund, Fund TR18, Department MGT, Unit 3680, Object 3099.

SECTION 7. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $519,665.01 in the Bureau of Justice Assistance Grant FY18 17-21 Fund, Fund TR18, Department MGT, Unit 3681, Object 3099.

SECTION 8. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $423,737.99 from the Bureau of Justice Assistance Grant FY18 17-21 Fund, Fund TR18, Department MGT, Unit 3680, Object 3099.

SECTION 9. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $519,665.01 from the Bureau of Justice Assistance Grant FY18 17-21 Fund, Fund TR18, Department MGT, Unit 3681, Object 3099, amount inclusive of the $425,324.71 in Section 3 above.

SECTION 10. That the City Manager is hereby authorized to transfer existing positions into Unit 3680 and Unit 3681.

SECTION 11. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and 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 City Manager or his designee is authorized to provide additional information, make adjustments, and take other actions related to the implementation of the grant as may be necessary to satisfy the U.S. Department of Justice, Bureau of Justice Assistance.

SECTION 14. That the Fund Sharing and Fiscal Agency Agreement is designated as Contract No. MGT-2018-00007340.

SECTION 15. That the grant agreement is designated as Contract No. MGT-2018-00007516.

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 #: 18-737 **Item #:** 40.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Office of Strategic Partnerships & Government Affairs

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize approval of the Dallas Fort Worth International Airport FY 2019 Proposed Budget - Financing: No cost consideration to the City

BACKGROUND

In accordance with the contract and agreement between the owner cities of Dallas and Fort Worth, the Dallas Fort Worth International Airport Board is required to submit its annual budget to the owner cities by August 15th for approval by September 30th of each year.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 10, 2018, the Dallas Fort Worth International Airport Board submitted its FY 2019 Proposed Budget to the City of Dallas City Secretary's Office.

Information about this item will be provided to the Government Performance and Financial Management Committee on September 4, 2018.

FISCAL INFORMATION

No cost consideration to the City.

September 12, 2018

WHEREAS, the Dallas Fort Worth International Airport ("the Airport") serves the aviation needs of the owner cities of Dallas and Fort Worth; and

WHEREAS, the Dallas Fort Worth International Airport Board ("the Board") presented the FY 2019 Proposed Budget to the City Council of the City of Dallas for its approval in accordance with the Contract and Agreement between the cities of Dallas and Fort Worth, dated April 15, 1968, as amended, which established the Board as the operating Board of Directors for the Airport;

Now, Therefore,

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

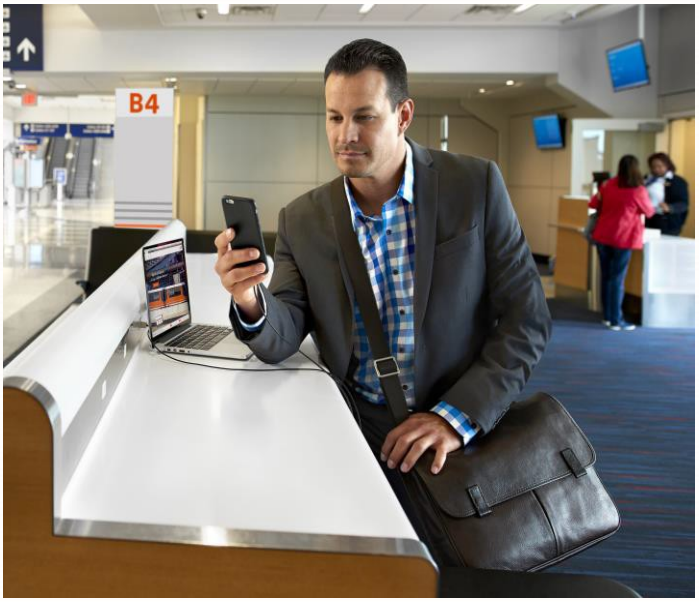
SECTION 1. That the City Council hereby approves the Dallas Fort Worth International Airport Board's FY 2019 Proposed Budget, attached hereto as **Exhibit A.**

SECTION 2. That the approvals and authorization contained in this resolution are further conditioned upon similar approvals by the City Council of the City of Fort Worth.

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.

DALLAS FORT WORTH INTERNATIONAL AIRPORT

FY 2019 Proposed Budget



Finance Department
P.O. Box 619428
DFW Airport, Texas 75261-9428

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Board of Directors

William Meadows
Chair
Fort Worth

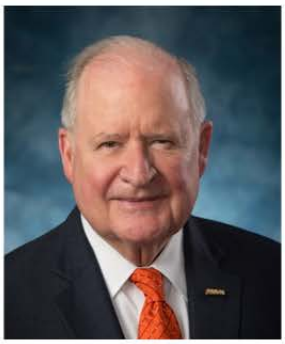
Regina Montoya
Vice Chair
Dallas

Henry Borbolla III
Secretary
Fort Worth

Mike Rawlings
Mayor
Dallas

Betsy Price
Mayor
Fort Worth

Lillie M. Biggins
Fort Worth



Sam Coats
Dallas

Matrice Ellis-Kirk
Dallas

Madeleine Johnson
Dallas

Raj Narayanan
Dallas

Eddie Reeves
Dallas

Rick Stopfer
Mayor
Irving

DFW'S Vision Statement

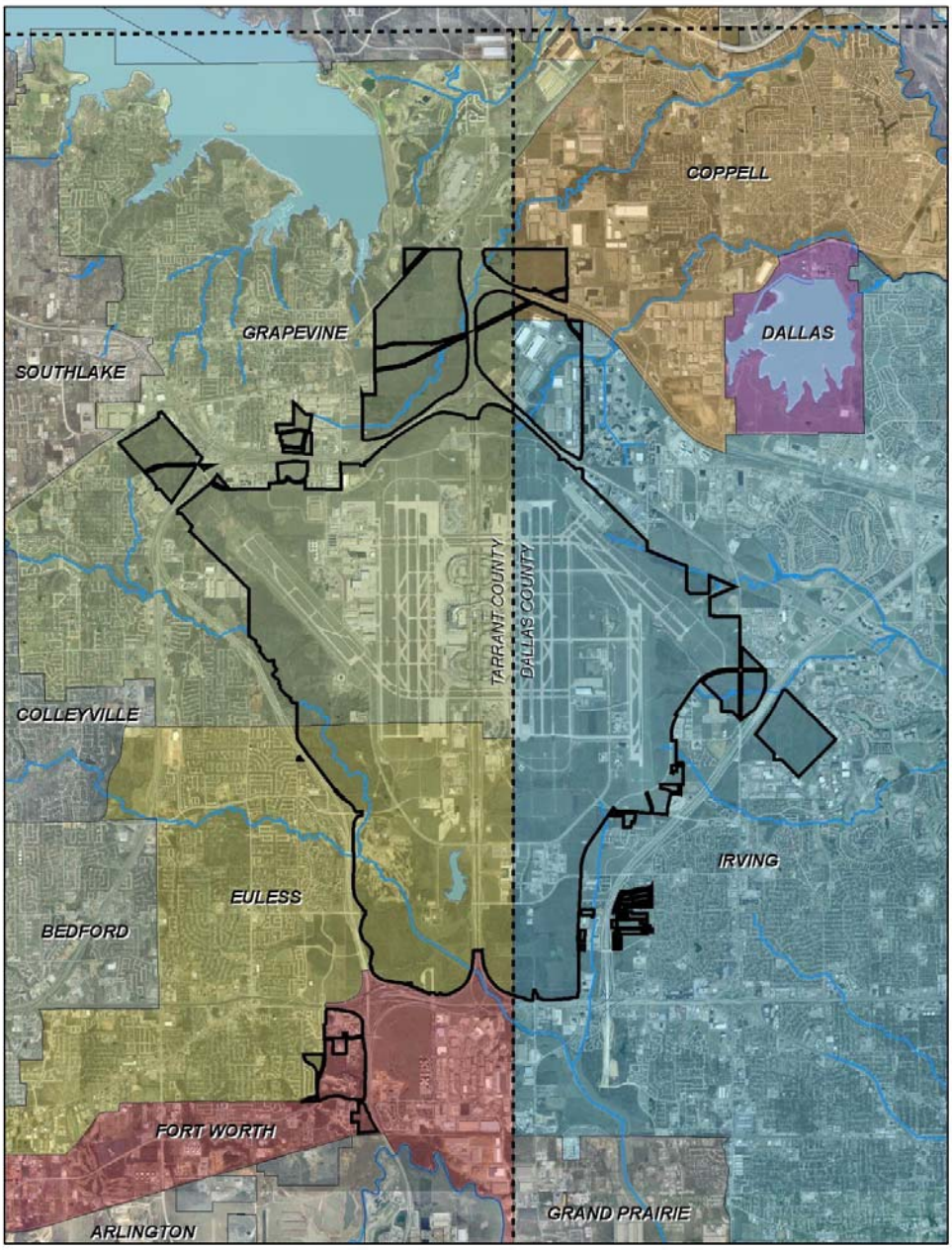
Travel. Transformed.

DFW'S Mission Statement

We provide an exceptional Airport experience for our customers and connect our community to the world.

Airport Background

Dallas Fort Worth International Airport (the "Airport" or "DFW") was created by a "Contract and Agreement" between the cities of Dallas, Texas, and Fort Worth, Texas ("the Cities") on April 15, 1968 for the purpose of developing and operating an airport as a joint venture between the Cities. Although owned by Dallas and Fort Worth, DFW is located within the boundaries of the Cities of Grapevine, Coppell, Irving, Euless and Fort Worth; and within Dallas and Tarrant Counties.



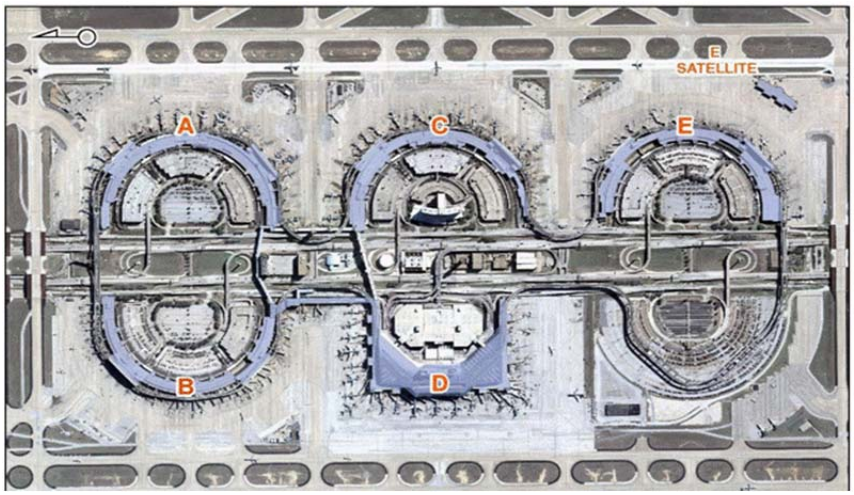
Source: DFW Airport Information Technology Services

DFW property consists of 17,207 acres making it one of the largest land mass airports in the world. DFW is located within a four-hour flight time of 98% of the U.S. population, and currently ranks fourth among the world's busiest airports in terms of operations and 12th in terms of passengers. Its central location is the focal point of one of the nation's largest intermodal hubs, connecting air, rail, and interstate highway systems. DFW currently operates daily passenger flights to 231 destinations worldwide, including 174 nonstop domestic destinations and 57 nonstop international destinations. There are 27 passenger carriers and 22 cargo carriers serving DFW. The Airport is the economic engine for North Texas. According to a recent study, DFW drives $37 billion in annual economic activity, supporting approximately 60,000 on-airport employees, 228,000 local jobs, and an annual payroll of $12.5 billion.

DFW Infrastructure

Terminals – DFW has 5 terminals (A, B, C, D, and E) totaling 6.3 million square feet of building space, including 165 aircraft boarding gates, 373 ticketing positions with 96 supporting self-service kiosks, and 15 security checkpoints. Collectively, the airlines averaged 6.7 turns per active gate per day for the first six months of the 2018.

DFW Terminal Complex



American Airlines ("AA") operates domestic service and international departures in Terminals A C, and D. Envoy Aviation Group dba American Eagle ("Envoy"), Mesa Airlines, and ExpressJet operate AA's regional domestic and international service in Terminals B, D, and E. All other domestic flights and certain Canadian pre-cleared flights operate from Terminal E. All international flights requiring U. S. Customs and Immigration clearance operate from DFW's Terminals D and B (with the exception of some Spirit Airlines international flights that arrive at Terminal E, and their passengers are bussed to Terminal D for customs clearance).

All terminal gate leases expire September 30, 2020 per the terms of the Airline Lease and Use Agreement (Use Agreement) which became effective on October 1, 2010. DFW's Federal Inspection Service (FIS) facilities are located in Terminal D. The Airport's FIS facility is approximately 406,000 square feet with 36 inspection booths, 54 automated passport control kiosks, and 8 baggage carousels.

DFW is responsible for all of the janitorial and facility maintenance in Terminals B, D, E and baggage maintenance in Terminals B and E. Most of the maintenance and janitorial functions are contracted out to third parties. Costs associated with maintenance of these facilities are included in DFW's operating budget. AA is responsible for the majority of the facilities maintenance, custodial services, and the jet-bridge and baggage system maintenance in Terminals A and C. In Terminal D, AA maintains its preferentially leased jet-bridges and the entire baggage system for the terminal. The maintenance cost is paid directly by AA and not included in DFW's budget or financial statements. AA receives a maintenance credit in the terminal rates and charges calculation.

Airfield – DFW has seven runways with significant airfield capacity that can accommodate simultaneous takeoffs and landings. Five runways are configured as north/south parallels with two diagonals. Four of DFW's runways are 13,400 feet in length. DFW's infrastructure is capable of supporting next generation aircraft such as the Airbus A380 and the Boeing 747-8F. Per FAA benchmark studies, the Airport's designated hourly capacity arrival/departure flow is approximately 170 aircraft operations per hour under reduced instrument flight rule (IFR) weather conditions and approximately 226-264 aircraft operations per hour under optimum visual flight rule (VFR) weather conditions, a condition that prevails approximately 82% of the time.

Airport Operations Center – The Airport Operations Center (AOC) serves as a single point of contact to centralize communications for DFW's passengers, guests, tenants, employees, and contractors, with an emphasis on Communication, Collaboration and Coordination (C^3). The AOC is the communication and coordination center that provides DFW Board staff, airport tenants and aviation stakeholders with the situational awareness needed to efficiently and quickly manage airport resources. The AOC facilitates coordination among stakeholders when responding to routine/daily infrastructure deficiencies, irregular operations and emergency incidents. The combined facility handles approximately 45,000 calls per month and generates approximately 4,000 work orders per month.

DPS 911 Dispatch Center / Emergency Operations Center
The DPS 911 Dispatch Center serves as a single point of contact for emergency communications for DFW's passengers, guests, tenants, contractors and employees. The DPS Dispatch Center provides 3-1-1 information services, and 9-1-1 emergency call management of police, fire, and emergency medical response teams. The Emergency Operations Center is the coordination center that provides DFW Board staff, airport tenants and aviation stakeholders with the situational awareness needed to efficiently and effectively manage airport resources during any disruption of critical airport services, and during situations that require large-scale emergency response.

Automated People Mover (APM) and Transportation System – The Skylink APM system began service in 2005 and carries over 50,000 passengers and employees each day between DFW's five terminals. Skylink trains are on the secure side of the terminals and travel in concentric loops in both directions. There are two Skylink stations in each terminal and trains average two minutes headways. The typical customer ride duration is less than eight minutes. Skylink operates around-the clock with 16 two-car trains.

DFW uses 24 buses to shuttle passengers between the terminals and Grand Hyatt (Terminal Link); 58 buses between remote and express parking lots and the terminals; 5 buses for various DFW Activities and service between the Trinity Railway Express CenterPoint stations and terminals; 32 buses between employee parking lots and the terminals; and 54 buses between the terminals and the RAC.

DFW Controlling Documents

In addition to the Contract and Agreement between the Cities, DFW is governed by several other key documents, including the Master Bond Ordinance and the Use Agreements between DFW and the Signatory Airlines. Collectively, these agreements are called the Controlling Documents.

The Controlling Documents define how DFW manages its business affairs. DFW does not collect any local tax revenue to fund its operations. The Controlling Documents require that Gross Revenues of the Airport be deposited into the "Revenue and Expense Fund." Gross Revenues are defined as all Airport revenues and receipts except: bond proceeds; Passenger Facility Charge (PFC) proceeds used to fund capital projects (rather than for debt service); interest earned on unspent bonds; proceeds in the Capital Accounts; grant proceeds used to fund capital projects; and sale of land or mineral rights, including natural gas royalties.

Strategic Plan

DFW's executive team rolled out the organization's new Strategic Plan in the first quarter of FY 2017. The structure of the plan is shown in the next page. The new Vision statement is **Travel. Transformed.** The new Plan expanded the number of key results, beginning with the overarching key result of Customer Experience. The supporting key results are Business Performance, Employee Engagement, Operational Excellence, and Community Engagement, with the foundational key result of Safe and Secure.

Customer Experience has been elevated to emphasize its importance to DFW's ongoing success. Tools such as a Customer Engagement Management technology platform will allow DFW to establish personal relationships with its customers.

Business Performance addresses how DFW will remain financially strong and cost competitive by generating higher net revenues. This key result also addresses DFW's core business of growing air passenger and cargo services and to position DFW as a prime gateway between Asia and Latin America for passenger and air cargo service.

Employee Engagement is one of the keys to achieving the Airport's goals and objectives. Engagement measures an employee's willingness to give discretionary effort and demonstrate commitment to the organization resulting in personal and organizational success.

Operational Excellence defines how DFW will improve operational efficiencies, incorporate sustainability best practices, and leverage technology. DFW will also embark on a new capital program to ensure future growth for the Airport for the next 30-40 years.

Community Engagement leverages the Airport's commitment to the regional community. DFW will continue to positively impact the community by generating economic benefits and employing responsible business practices that help all parts of the region grow and prosper.

Safe and Secure has been added as a key result to demonstrate its critical nature. Investments in training and technology will provide both physical and cyber security and focus on resiliency.

A copy of DFW's Strategic Plan is available at www.dfwairport.com.

Vision

Travel. Transformed.

DFW

Mission

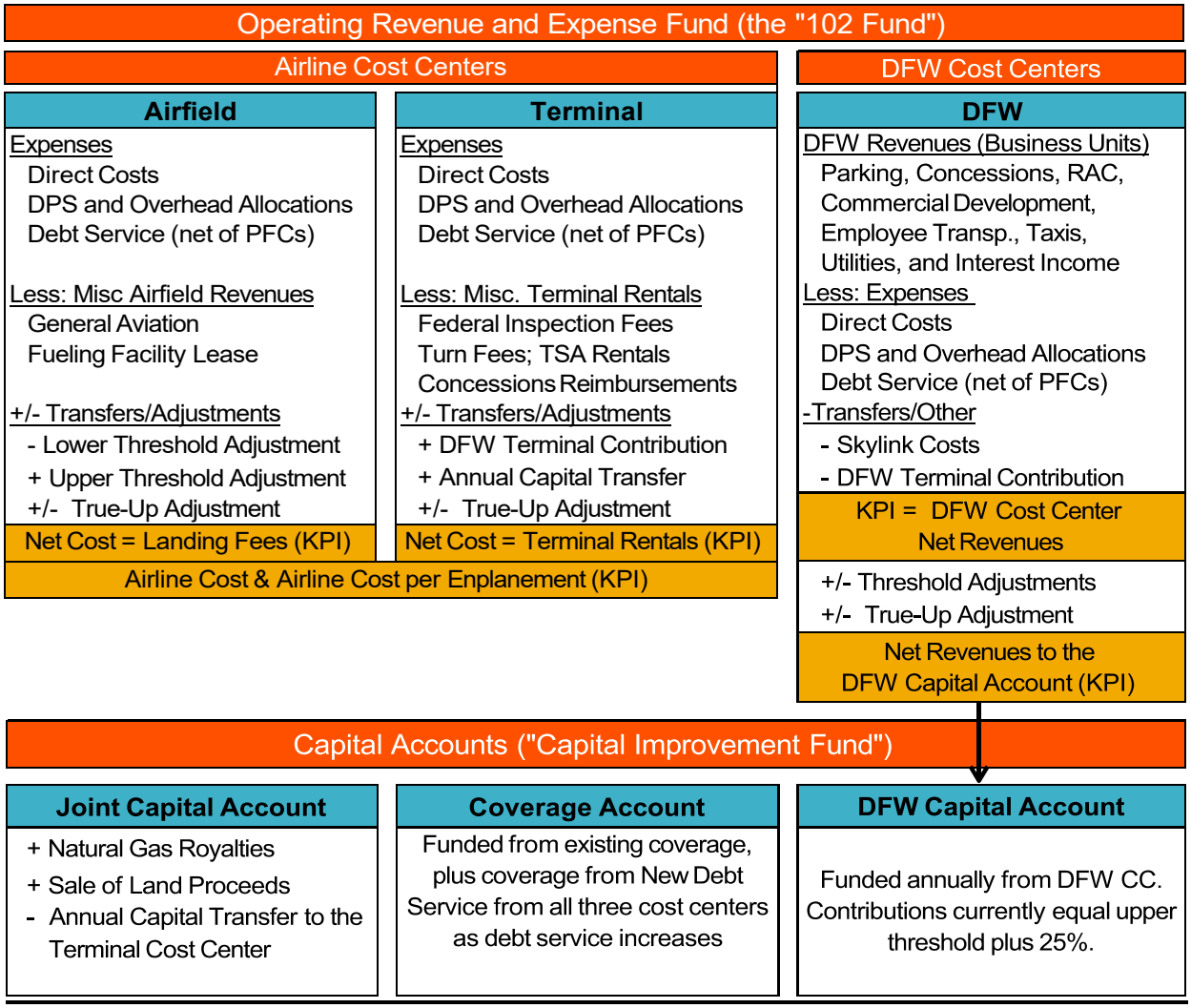
We provide an exceptional Airport experience for our customers and connect our community to the world.

Key Results

Beliefs

Airline Use Agreement Rate Model

The Airline Use Agreement is a hybrid model, whereby the Signatory Airlines pay landing fees and terminal rentals based on the net cost to provide those services, and DFW retains a portion of the net revenues from non-airline business units (e.g., parking) in the DFW Cost Center (DFWCC). The following chart summarizes the Airline Use Agreement rate model.



Airline Cost Centers – The Airline Cost Centers are cost recovery in nature, such that the amount charged to the airlines equals the cost to provide services, after certain adjustments. Landing fees and terminal rental rates are based on the net cost to operate and maintain the airfield and terminals, respectively. DFW charges the direct operating and maintenance costs for the airfield and terminals, plus allocated Department of Public Safety and overhead costs, plus debt service net of Passenger Facility Charges (PFCs) to each cost center; then DFW subtracts ancillary revenues generated in these cost centers; and credits or charges certain transfers and/or adjustments (see True-Up Adjustments below). The budgeted landing fee rate is determined by dividing the net cost of the airfield by projected landed weights. The budgeted average terminal rental rate is determined by dividing the net cost of the terminal cost center

divided by leasable square footage. The Use Agreement requires the Airport to charge an equalized terminal rental rate for all five terminals.

The amount paid by the airlines for landing fees and terminal rent fees less airline incentive payments for new service equals airline cost, which is an airport industry Key Performance Indicator (KPI). Another common industry KPI is passenger airline cost per enplaned passenger or (CPE). This KPI for passenger airlines is calculated by dividing the amount paid by passenger airlines for landing fees and terminal rent fees (i.e., collectively, airline cost) by the number of enplanements.

DFW Cost Center – All non-airline business units, plus interest income, are included in the DFW Cost Center. The DFW Cost Center also pays all costs associated with the Skylink people mover system. The net revenues from this cost center are transferred to the DFW Capital Account and currently equal the "upper threshold" plus 25%. One of DFW's most important KPIs is DFW Cost Center Net Revenue. This KPI measures the profitability (i.e., net revenues) generated by the Airport's non-airline business units, after adjusting for the cost of Skylink and drives the contribution of discretionary capital to the DFW Capital Account.

Joint Capital Account – Funds in the Joint Capital Account (JCA) generally require DFW and airline approval before money can be spent. The JCA is funded from the proceeds from natural gas royalties and the sale of land, plus interest income on the account. Supplemental funding for projects paid from the JCA comes from grants and the issuance of debt.

Coverage Account – The Airport established the Coverage Account as part of the new Use Agreement in order to implement "rolling coverage." Each year, the Coverage Account is rolled into the 102 Fund as a source of revenue, and then transferred back into the Coverage Account as excess revenue at the end of the year. The Coverage Account must equal 25% of aggregate debt service each year. If new debt is issued, rates are established to generate the incremental coverage required to fund 25% of the new debt service.

DFW Capital Account – This is DFW's discretionary account and is funded primarily from the DFWCC Net Revenues plus interest income. Supplemental funding for projects paid from the DFW Capital Account comes from grants and the issuance of debt. Funds in this account may be used for any legal purpose without airline approval.

Threshold Adjustments – The Use Agreement established Lower and Upper Thresholds for DFWCC Net Revenues. If DFWCC Net Revenues are budgeted to be less than the Lower Threshold ($44.6 million in FY 2019), an incremental charge (i.e., a Lower Threshold Adjustment) is collected through landing fees in an amount sufficient to achieve the Lower Threshold amount. Although clearly not needed given current levels of net revenues, the theoretical benefit of the Lower Threshold Adjustment guarantees that DFW will have a minimum level of cash to transfer to the DFW Capital Account to replace assets on a timely basis. If DFWCC Net Revenues are budgeted to be greater than the Upper Threshold ($68.2 million in FY 2019), then 75% of the excess is credited to the Airfield Cost Center as an Upper Threshold Adjustment. This reduces budgeted landing fees. The remaining 25% is transferred to the DFW Capital Account at the end of the fiscal year. Sharing net revenues over the Upper Threshold sharing provides sufficient funds for capital replacement but also provides funds to lower landing fees. The Threshold Amounts are adjusted annually for inflation.

True-Up Adjustments – At the end of each fiscal year, DFW performs a reconciliation or true-up, such that revenues collected equal the actual net cost to operate and maintain the airfield and terminals. Any difference becomes a True-Up Adjustment and is either charged or credited to the appropriate cost center in the next fiscal year beginning in January.

DFW Terminal Contribution – Per the terms of the Use Agreement, an annual transfer is made from the DFW Cost Center to the Terminal Cost Center to pay for DFW's share of common use and leasable but unleased space in Terminals D and E. This amount is $2.9 million in FY 2019.

DFW's Fund Structure

Although DFW uses the word "fund" to describe the designation of the source and prospective use of proceeds, DFW is an Enterprise Fund and does not utilize traditional fund accounting commonly used by government organizations. The table below summarizes the primary funds used by DFW:

Number	Fund Description	Primary Use
101	Fixed Assets and Long Term Debt	Capital Assets/Bonds
102	Operating Revenues and Expenses	Operations
252	Passenger Facility Charges (PFC)	Collections/Debt Service
320s/330s	Joint Capital Account and Bond Funds	Capital/Bond Proceeds
340s	DFW Capital Accounts and Bond Funds	Capital/Bond Proceeds
500-600s	Debt Service and Sinking Funds	Principal and Interest
907/910/914	Public Facility Improvement Corporation (PFIC)	Rental Car Facility/Grand Hyatt and Hyatt Place Hotels

DFW's financial statements are issued in conformance with Generally Accepted Accounting Principles (GAAP) and include all of DFW's funds, whereas the Annual Budget focuses on revenues and expenses included in the 102 Fund. DFW manages its day-to-day operations primarily through the 102 Fund in accordance with the Controlling Documents.

Passenger Facility Improvement Corporation (PFIC)

DFW has a PFIC which owns and operates the Grand Hyatt Hotel in Terminal D and the Hyatt Place Hotel in Southgate Plaza, as well as the Rental Car Facility and rental car bus transportation services. Revenues, expenses, and capital projects of the PFIC are not included in this budget. These businesses are specifically excluded from the airline rate base per the Use Agreement. DFW has issued bonds to finance the construction of the Grand Hyatt Hotel and Rental Car Facility. Each business transfers funds in an amount equal to the debt service so that there is no impact on the airline rate base.

Basis of Budgeting

The Operating Revenue and Expense Fund budget is commonly called the Operating Budget, but contains elements that are not expenses under GAAP such as debt service, reserve requirements, and certain expenditures that may be capitalized under GAAP.

Capital expenditures are funded through Joint Revenue Bonds, grants, PFCs, or cash in the DFW or Joint Capital Accounts. From a process standpoint, the Board of Directors approves the Operating Budget. The Board reviews the capital budget as part of the Annual Budget process and the Financial Plan process. The Board approves contracts associated with capital projects.

FY 2019 Budget Comparisons to Other Periods

FY 2018 Outlook – DFW employs continuous forecasting techniques to project revenues and expenses for the full 12 months of the fiscal year (called the Outlook). Most of the tables and charts in this budget document include FY 2018 Outlook comparisons to provide the best basis for comparison (rather than comparing to the FY 2018 Budget). The detailed Outlook in this Budget Book was developed in a bottoms-up process such that every account was reforecast. This was completed in February 2018.

Presentation of Amounts and Prior Years Actuals – The FY 2019 Budget is presented in tables and charts that are rounded to millions and thousands. Some columns and charts may not appear to add-up or foot due to rounding differences. Certain prior year amounts have been reclassified to reflect the FY 2019 presentation.

Budget Schedule

DFW's fiscal year begins October 1. The FY 2019 Expense Budget was compiled by the various DFW departments in April and reviewed and modified by management in April and May. Presentations were made to representatives of the Signatory Airlines on April 23, 2018 and May 15, 2018, with follow up information provided. A preview of the FY 2019 Budget was presented to the Finance Committee on May 01, 2018. The final recommended Budget was presented to and approved by the Board on June 7, 2018. The FY 2019 Budget must be submitted to the City Managers of Dallas and Fort Worth by August 15, 2018, with approval of the two City Councils by September 30, 2018.

FY 2019 Key Performance Indicators

The table below compares the Key Performance Indicators (KPIs) of the FY 2018 Outlook and the FY 2019 Budget.

Key Performance Indicators	FY18 Outlook	FY19 Budget	Increase (Decrease) Amount	Increase (Decrease) Percent
Total Passengers (Ms)	69.0	73.3	4.3	6.3%
Total Landed Weights (Bs)	42.9	46.5	3.6	8.3%
Total 102 Expenditure Budget (Ms)	$951.6	$1,008.4	$56.8	6.0%
DFW Cost Center Net Revenues (Ms)	$112.8	$133.3	$20.5	18.1%
Amount to DFW Capital Account (Ms)	$78.0	$84.4	$6.5	8.3%
Airline Costs (Ms)	$474.6	$498.4	$23.8	5.0%
Airline Cost Per Enplanement	$13.36	$13.28	($0.08)	(0.6%)

The majority of the changes in the FY 2019 Budget when compared to the FY 2018 Outlook can be summarized by the following six items:

1. Increase in Passengers – Total passenger traffic is budgeted at 73.3 million, a 4.3 million (6.3%) increase over the FY 2018 Outlook. This is a record number of passengers for DFW. The increase in passengers has a positive impact on DFW Cost Center revenues, Passenger Facility Charges (PFCs) collections and Airline Cost Per Enplanement (CPE). DFW has budgeted for some increases in operating expenses from passenger growth.

2. FY 2016A Bonds and debt service increases – The issuance of the 2016A Bonds included accelerated principal and coverage payments of $31.2 million in total.

3. Increase in Passenger Facility Charges (PFCs) – The passenger traffic growth and DFW's reserve policy of two months reflects a budget of an additional $16.8 million of PFCs to pay for debt service.

4. Operating expenses and strategic priorities funded – Total operating expenses are up 5.5% from FY 2018 Outlook. The operating expenses include incremental funding for passenger growth and $9.5 million of strategic priorities, specifically for the key results of Safe and Secure, Customer Experience and Operational Excellence.

5. Increase DFW Cost Center net revenues – Net revenues are increasing $20.5 million from the FY 2018 Outlook which benefits the airfield cost center and lowers land fees and CPE.

6. Airline Cost Per Enplanement (CPE) – DFW is projecting a decrease in CPE of $0.08 to $13.28. The decrease is due to net cost rising less than passenger growth.

FY 2019 Budget Comparisons and Walkforward

The table below compares the Expenditure Budget for the FY 2018 Budget, FY 2018 Outlook and the FY 2019 Budget. The budget consists of operating expenses and debt service. The FY 2019 Budget is $1,008.4 million, a $56.8 million (6.0%) increase over the FY 2018 Outlook and a $54.2 million (5.7%) increase over the FY 2018 Budget. The total budget request that will be approved by the Cities of Dallas and Fort Worth also includes $10 million of contingency outside of the rate base. This contingency may only be accessed with Board approval. The debt service increase results primarily from the 2016A Bonds which had expedited principal payments. This is the final year that DFW will experience an increase in debt service costs from this bond issuance.

				FY19B v FY18B Inc (Dec)		FY19B v FY18OL Inc (Dec)	
Annual Budget (in Millions)	FY18 Budget	FY18 Outlook	FY19 Budget	Amount	Percent	Amount	Percent
Operating Expenses	$471.1	$470.6	$496.2	$25.1	5.3%	$25.7	5.5%
Gross Debt Service	483.1	481.0	512.2	29.1	6.0%	31.2	6.5%
Total 102 Expenditures Budget	$954.2	$951.6	$1,008.4	$54.2	5.7%	$56.8	6.0%
Contingency O/S Rate Base			10.0				
Total Budget w/Contingency			$1,018.4				

The FY 2019 Operating Expense Budget is 5.3% higher than the FY 2018 Budget and 5.5% higher than the FY 2018 Outlook. During the budget process, the planned activity for FY 2019 is reviewed and aligned with DFW's overall Strategic Plan. Following are some assumptions that were used in preparing the FY 2019 Budget.

Strategic Priorities – The budget includes $9.5 million ($7.6 million plus the 25% operating reserve) for strategic priorities, specifically for the key results of Safe and Secure, Customer Experience and Operational Excellence. An incremental $4.0 million has been added for Safe and Secure to increase security presence and improve security screening and network security. Customer Experience priorities include an additional $2.4 million for Customs and Border Protection, custodial increases related to passenger growth and terminal curbside management. Operational Excellence has increased by $1.2 million to provide funds for planning the integrated operations center and developing an ITS master plan.

Passengers and Landed Weights - Total passenger traffic is budgeted to be 73.3 million, a 4.3 million (6.3%) increase over the FY 2018 Outlook. This growth is in line with American Airlines announcement that it will be increasing service at DFW. The Airport projects a 4.2%, 5.8% and 7.3% increase in originating, destination and connecting passengers, respectively, compared to the FY 2018 Outlook. International passengers are budgeted to increase to 9.0 million, 0.3 million (4.4%) over the FY 2018 Outlook. Landed weights increase 8.4% year over year primarily due to American Airlines increase passenger and operations growth and its use of new heavier airplanes.

The following table summarizes the major changes in operating expense between the FY 2018 Outlook and the FY 2019 Budget. Operating expenses increased $25.7 million (5.5%) from the FY 2018 Outlook, of which, $7.2 million relates to the DFW Cost Center and $18.4 million relates to the Airline Cost Centers. Excluding a one-time $3.0 million ($2.4 million plus 25% operating reserve) change for the accounting for planning services, the operating expense increase is 4.8%. Explanations of the changes in the walkforward are addressed in the Operating Expenses section.

		Cost Center	
Operating Expenses (in Millions)	Total	DFW	Airline
FY 2018 Outlook	$470.6	$175.5	$295.1
Budget reductions	(5.4)	(2.1)	(3.3)
Strategic Priorities			
Customer experience	2.4	1.0	1.3
Safe and secure	4.0	0.8	3.2
Operational Excellence	1.2	0.4	0.8
Salary annualization and merit pool	8.1	2.6	5.4
Fixed contract increases	8.4	2.7	5.7
Restore budgets	3.0	0.4	2.5
Other increases	4.0	1.2	2.8
Net increase	25.7	7.2	18.4
FY 2019 Budget	$496.2	$182.7	$313.5

Revenue and Expense Budget Exposures

Revenues - The FY 2019 revenue budget includes an estimated $3.3 million of exposure items that could result in DFW not attaining its revenue budget targets.

Revenue Budget Exposures (in Millions)	
Rental car revenues	$2.0
Department of Public Safety (DPS) revenues	1.3
Total revenue exposures	$3.3

Rental car revenues have an estimated exposure of $2.0 million due to declines in average rental rates partially due to the competitive impact of TNCs. If rental car companies are unable to maintain pricing at FY 2018 levels, their percentage rent paid to DFW will decrease. The Department of Public Safety's revenue budget includes $1.3 million for a Federal reimbursement program for law enforcement officers. The FY 2019 Budget assumes that this program will continue.

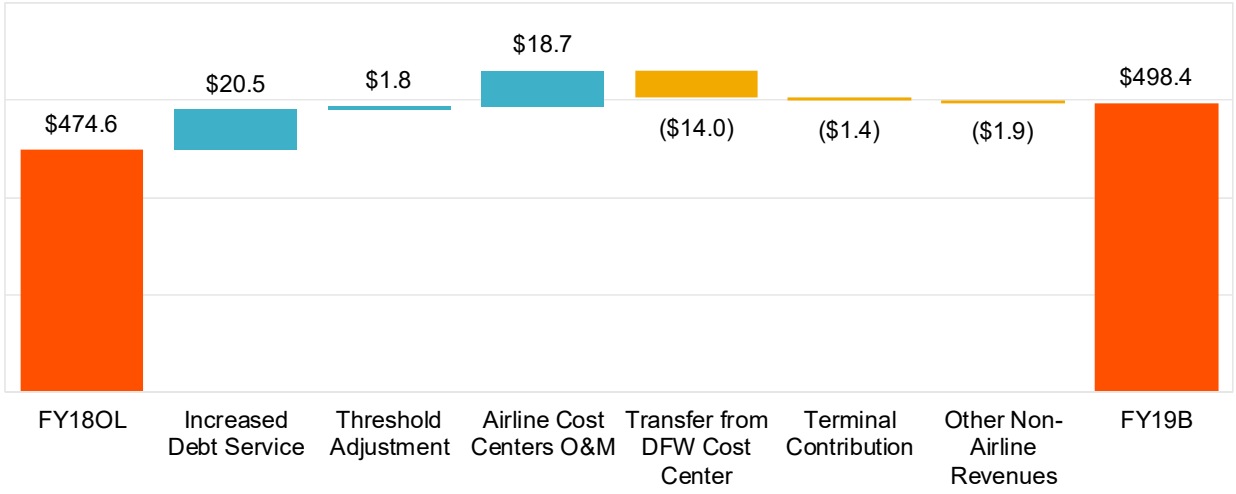
Expenses - The FY 2019 Budget includes expenses for additional security, custodial and Customs and Border Protection (CBP) passenger facilitation costs. The incremental increases are based on passenger growth projections. However, if passenger growth is greater than expected or more new late-night cargo business is achieved, there is exposure for incremental cost. DFW is also a party to several significant lawsuits that could cost more than budgeted.

There are other related cost exposures such as weather, inflation, regulatory, security and other items. Unless these exposures result in substantial cost increases, management believes that the CEO Contingency of $4.0 million should be adequate to cover the exposures. The budget includes $10 million of Board-controlled contingency (outside of the rate base) to mitigate additional operating expense exposures or to fund new strategic priorities that arise during the fiscal year, especially if non-airline revenues are higher than projected.

Airline Cost

Airline cost represents the fees paid to DFW by the passenger and air cargo carriers, primarily for landing fees and terminal rents. Cost per enplanement (explained below) is based solely on passenger airline cost. The FY 2019 Airline Cost Budget is $498.4 million, $23.8 million (5.0%) higher than the FY 2018 Outlook. Following is a walkforward of airline cost from the FY 2018 Outlook to the FY 2019 Budget. Approximately 93.3% of the increase is related to debt service and fixed Use Agreement items. Variances are explained in the Airline Cost Centers section.

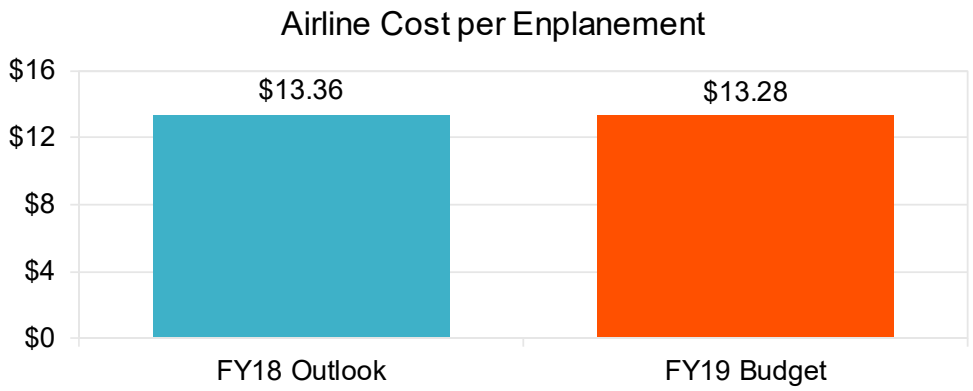
Change in Airline Cost - $23.8 Million



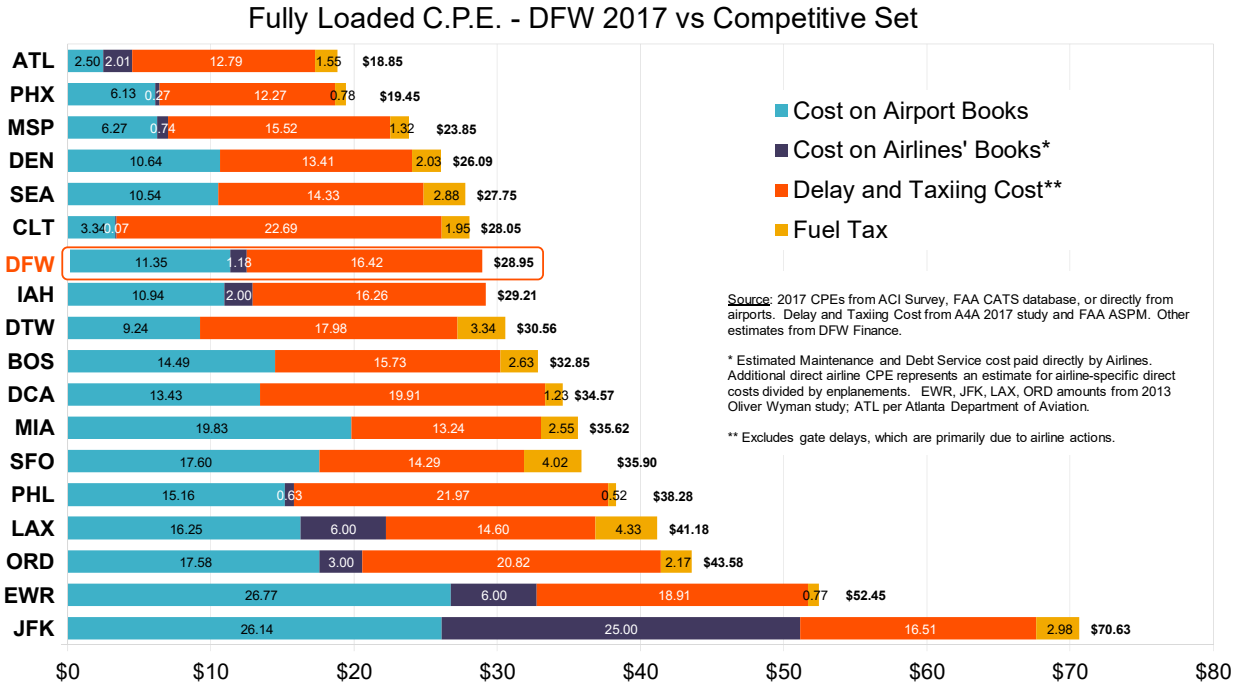
The debt service increase is due to the 2016A Bonds which have expedited principal retirements and the completion of TRIP. Offsetting this increase is higher PFC's collections of $16.8 million due to passenger growth. Net Operating Expenses increases are detailed in the operating expense section. The DFW Cost Center Transfer increased due to higher DFW Cost Center net revenues.

Passenger Airline Cost Per Enplanement

Cost Per Enplanement (CPE) – CPE is the total passenger airline cost paid to DFW divided by the number of enplaned passengers. CPE is a standard metric used by the airline industry. Enplaned passengers is used as the denominator because it is a key revenue/cost driver for the airlines; however, this is not the case for an airport. Airport costs are based on the cost to operate and maintain its facilities and runways. Notwithstanding this issue, DFW (and the industry) use this indicator as a cost performance metric. CPE decreases in FY 2019 are due to the factors noted above where passengers have increased by 6.3%. In addition, airport costs are benefited in FY 2019 due to higher PFC collections and DFW Cost Center net revenues that reduce airline rates. FY 2019 is the first year CPE has been reduced since 2011.

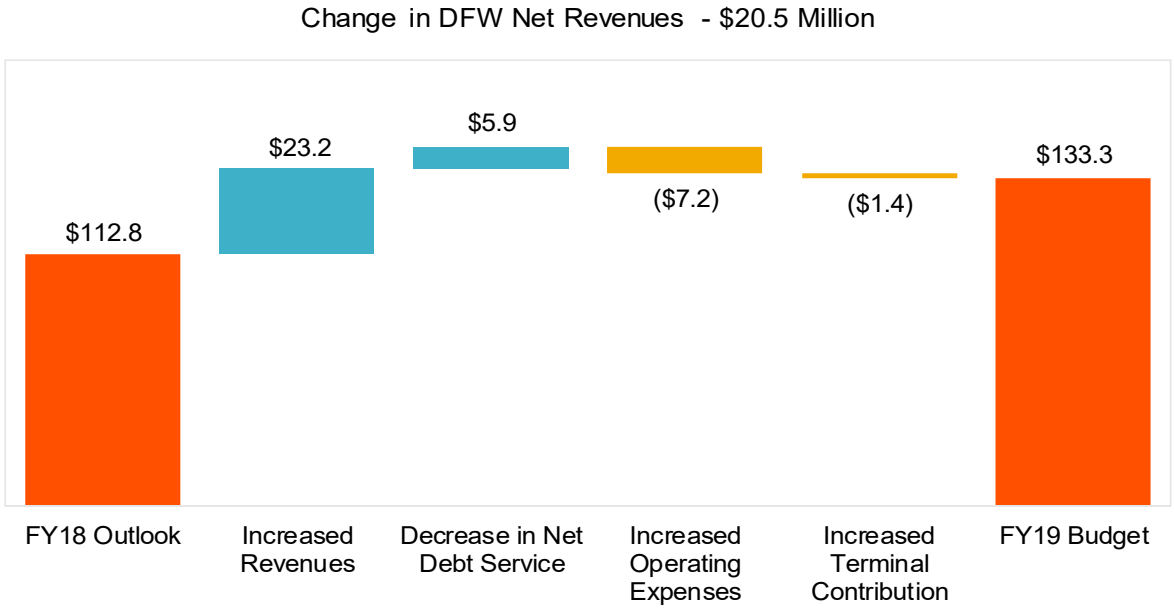


CPE Benchmarked to Other Airports – DFW's strategic goal is to have a competitive CPE. The following chart benchmarks DFW's fully-loaded CPE with the fully-loaded CPE projections for DFW's competitive set of 17 large U.S. hub airports using the latest data available from Airports Council International (ACI) surveys from FY 2017. Fully-loaded cost is the most meaningful comparison because it includes most of the costs incurred by airlines to operate at an airport, including what they pay the airport (blue), what they pay directly for terminal maintenance and terminal debt service (purple), an estimate of what costs the airlines incur for delay and taxiing (orange) and an estimate for fuel taxes (yellow). The graph illustrates that DFW is competitive from a cost standpoint compared to AA's other major hubs.

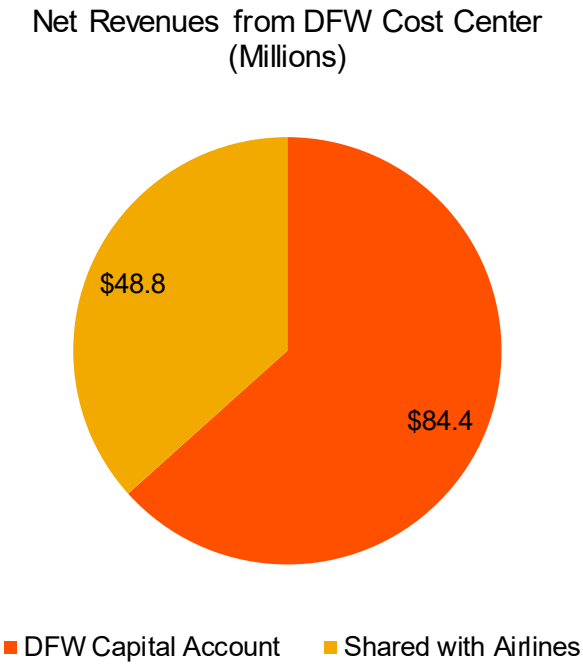


DFW Cost Center Net Revenues

The following chart is a walkforward of DFW Cost Center (DFWCC) net revenues. The FY 2019 net revenues budget is $133.3 million, a $20.5 million (18.1%) increase from the FY 2018 Outlook. This represents the profit from non-airline business, such as Parking, Concessions, Rental Car and Commercial Development.



The following chart highlights the portion of DFWCC net revenues that are shared with the airlines to reduce landing fees and the amount transferred to the DFW Capital Account. The Use Agreement requires DFW to share 75% of revenues over the "upper threshold" of $68.2 million (in FY 2019) with the airlines.



In addition to the $48.8 million, the Use Agreement requires a terminal contribution from the DFW Cost Center to reduce terminal rates. The terminal contribution for FY 2019 is $2.9 million. The combined amount of $51.7 million reduces landing fees and terminal rates. The $51.7 million share to the airlines in FY 2019 is an increase of $15.4 million compared to the FY 2018 Outlook.

Passengers

DFW projects a record number of passengers in FY 2019. The FY 2019 Budget for passengers is 73.3 million, an increase of 4.3 million (6.3%) more than the FY 2018 Outlook. Originating passengers begin their trip at DFW. Destination passengers live elsewhere and fly to DFW for business or leisure. People who travel through DFW to get to their final destination are connecting passengers. Enplanements represent all passengers boarding a plane at DFW.

	FY18	FY19	Increase (Decrease)	
Passengers (Millions)	Outlook	Budget	Amount	Percent
Origination	15.8	16.5	0.7	4.2%
Destination	12.6	13.3	0.7	5.8%
Connecting	40.6	43.5	2.9	7.3%
Total Passengers	69.0	73.3	4.3	6.3%
Enplanements	34.5	36.7	2.2	6.4%

Changes in these passenger metrics are important because they are the key revenue drivers for Parking (originating passengers), Concessions (enplanements) and Rental Car (destination passengers) revenues. See further detailed explanations in the DFW Cost Center section.

Revenues Overview

The table below summarizes revenues by cost center and compares the FY 2018 Outlook and the FY 2019 Budget.

	FY18	FY19	Increase (Decrease)	
Millions	Outlook	Budget	Amount	Percent
Revenues				
Airfield Cost Center	$196.8	$183.5	($13.4)	(6.8%)
Terminal Cost Center	344.0	394.9	50.9	14.8%
DFW Cost Center	362.9	386.0	23.2	6.4%
PFCs/CFCs/Other	160.7	177.2	16.5	10.3%
Total Revenues	$1,064.4	$1,141.6	$77.2	7.3%

FY 2019 Terminal Cost Center revenues are higher than the FY 2018 Outlook primarily due to increased terminal rentals necessary to recover higher debt service and operating expenses.

FY 2019 DFWCC revenues increased from the FY 2018 Outlook primarily due to higher parking, concessions, commercial development revenues and interest income. FY 2019 Airfield Cost Center revenues are lower than FY 2018 Outlook primarily due to reduced debt service as a result of the 2016A bonds and higher DFW Cost Center net revenues.

PFCs are collected from enplaned revenue passengers and are used to offset debt service on debt issued prior to TRIP. Customer Facility Charges (CFCs) are collected from rental car customers based on the number of transaction days and are used to pay debt service on the Rental Car Center. Other Revenues relate to funds transferred from the Public Facility Improvement Corporation (PFIC) to pay debt service associated with the Grand Hyatt Hotel and funds transferred from the DFW Capital Account to pay for debt service associated with the Terminal E garage and DFW's headquarters facility. FY 2019 revenues are higher than the FY 2018 Outlook due to increased PFCs.

Capital Programs and Debt Financing

DFW has two capital accounts - the Joint Capital Account which requires both DFW and airline approval to access funds; and the DFW Capital Account which DFW may use at its sole discretion. The Joint Capital Account is funded from natural gas royalties, grants, debt proceeds, and interest income on the available cash balances. The DFW Capital Account is funded from net revenues from the DFW Cost Center, grants, debt proceeds (for commercial development) and interest income.

The Terminal Renewal and Improvement Program (TRIP) is complete in terminals A, B, and E. The budget for these three terminals was $1.9 billion. DFW expects to achieve approximately $66 million in savings after all of the contracts are closed-out. As of March 31, 2018, DFW was 97% contractually committed/spent for Terminals A, B and E, with $51.1 million remaining to spend.

Another major component of DFW's capital program is infrastructure renewal, which is also funded from the Joint Capital Account. This program includes renewal for DFW's airfield, roadways, bridges, and various utilities. The FY 2019 capital budget contains significant spend for infrastructure renewal projects. The Joint Capital Account includes funding for an additional $631 million of projects for which DFW has received airline approval. Additionally, DFW has $378 million of capital projects currently underway and funded from the DFW Capital Account. DFW's capital program is explained in more detail in the Capital section.

Airline Cost Centers

There are two airline cost centers, the Airfield and the Terminal. The airlines pay DFW landing fees to cover the net cost of the airfield and terminal rents to cover the net cost to operate and maintain the terminals. At the end of each fiscal year, DFW performs a reconciliation or true-up, of actual costs paid and revenues received. If there is a variance (i.e., if revenues collected exceed or are lower than the actual cost), then the Airport provides a credit or adds an incremental charge in the following fiscal year to settle the difference.

Airline Cost Walkforward

The following table is a walkforward of airline cost between the FY 2018 Outlook and the FY 2019 Budget.

Airline Cost Walkforward (in Millions)	Total
FY 2018 Adjusted Outlook	$474.6
Debt & Use Agreement Items	
Debt Service (net of PFCs)	20.5
Threshold Adjustment	1.8
Total Debt and Use Agreement	22.3
Net Operating Expenses	
Airline Cost Centers O & M	18.7
Transfer from DFW Cost Center	(14.0)
Terminal Contribution	(1.4)
Other Non-Airline Revenues	(1.9)
Total Net Operating Expenses	1.5
Total Increase	23.8
FY 2019 Budget	$498.4

Summary of Airline Cost

The following table compares the summary of airline cost for the FY 2018 Outlook and the FY 2019 Budget.

Airline Revenue/Costs (in Millions)	FY18 Outlook	FY19 Budget	Increase (Decrease) Amount	Increase (Decrease) Percent
Landing Fees	$150.1	$122.9	(27.1)	(18.1%)
Terminal Leases	264.8	313.3	48.5	18.3%
FIS Fees	25.9	25.8	(0.1)	(0.3%)
Turn Fees & Terminal Office Rents	33.5	36.0	2.5	7.4%
Aircraft Parking	0.3	0.3	0.0	0.0%
Total Airline Revenue/Cost	$474.6	$498.4	$23.8	5.0%

Airfield Cost Center

The table below compares the FY 2018 Outlook and the FY 2019 Budget for the Airfield Cost Center. Note that revenues equal expenses in this cost center in both periods. Revenue variances to the FY 2018 Outlook are explained below. See the Operating Expenses section for expenditure variances.

Airfield CC (in Millions)	FY18 Outlook	FY19 Budget	Increase (Decrease) Amount	Increase (Decrease) Percent
Revenues				
Landing Fees	$150.1	$122.9	(27.1)	(18.1%)
Transfer from DFW CC	34.9	48.8	14.0	40.1%
Other	11.9	11.7	(0.2)	(1.6%)
Total Revenues	196.8	183.5	(13.4)	(6.8%)
Expenditures				
Operating Expenses	93.7	100.6	6.9	7.4%
Net Debt Service	103.2	82.9	(20.3)	(19.6%)
Total Expenditures	196.8	183.5	(13.4)	(6.8%)
Net Airfield Revenue	$0.0	$0.0	$0.0	n/a

Landing Fee Revenues

The FY 2019 landing fees budget is $122.9 million, a decrease of $27.1 million (18.1%) from the FY 2018 Outlook due to the decrease in net debt service charged to the airfield offset by an increase in the revenue sharing from the DFW Cost Center. The decrease in debt service is primarily the result of increased PFCs and reduced allocation of debt service related to 2016A Bonds.

Other Airfield Revenues

Other airfield revenues include threshold adjustments transferred from the DFW Cost Center, Corporate Aviation (CA) fees, Department of Public Safety (DPS) revenues and airline consortium rent for lease of the fuel farm. The airlines use fuel consortium to operate and maintain the fuel farm. See the DFW Cost Center section for variance explanations.

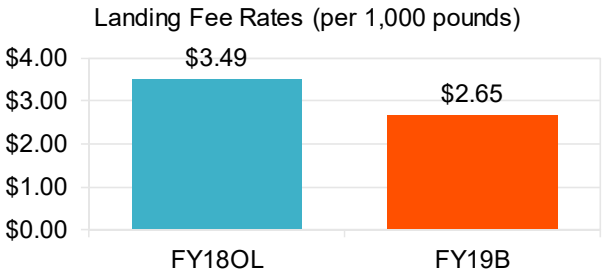
The Airfield is a residual cost center with landing fees as the balancer. The following table compares Airfield Cost Center revenues and expenditures for the FY 2018 Outlook and the FY 2019 Budget showing the landing fee revenues necessary to cover budgeted net airfield costs.

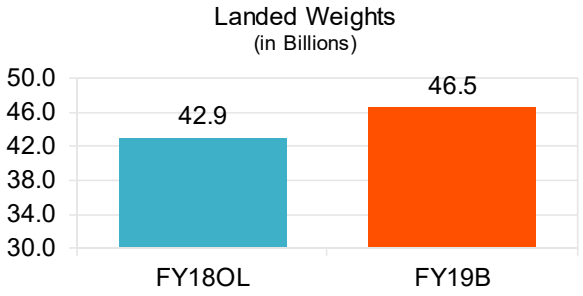
Airfield CC (in Millions)	FY18 Outlook	FY19 Budget	Increase (Decrease) Amount	Increase (Decrease) Percent
Expenditures				
Operating Expenses	$93.7	$100.6	$6.9	7.4%
Net Debt Service	103.2	82.9	(20.3)	(19.6%)
Total Expenditures	196.8	183.5	(13.4)	(6.8%)
Revenues				
Aircraft Parking	0.3	0.3	0.0	0.0%
Corporate Aviation	2.9	2.8	(0.1)	(4.5%)
Fuel Facility	5.7	5.7	0.0	0.0%
DPS	3.1	3.2	0.1	2.9%
Other	(0.1)	(0.2)	(0.1)	153.2%
Transfer from DFW Cost Center	34.9	48.8	14.0	40.1%
Revenues before Landing Fees	46.7	60.5	13.8	29.5%
Landing Fees	$150.1	$122.9	(27.1)	(18.1%)

Landing Fees and Landed Weights

The following charts compare landing fees and landed weights for the FY 2018 Outlook and the FY 2019 Budget. The landing fee rate is assessed per 1,000 pounds of maximum approved landed weight for each specific aircraft as certified by the FAA. Changes in landed weights will not affect total landing fees because DFW must charge the airlines collectively for the cost to operate the airfield. Thus, an increase in landed weights will lower the average landing fee rate and a decrease in landed weights will cause the landing fee rate to increase.

Signatory landing fees are budgeted at $2.65 in FY 2019, a $0.84 (24.2%) decrease from the FY 2018 Outlook. This will generate sufficient revenue to pay for budgeted airfield costs. Per the Use Agreement, non-signatory airlines are assessed a rate that is 25% greater than signatory airlines. Non-signatory landed weights are only 1.1% of total weights in FY 2019.





Cargo

DFW is recognized by the industry as one of the top cargo airports in the world. The Airport's prime location allows assorted cargo to reach millions of U.S. customers by road, while also reaching several continents by plane in a matter of hours. Ninety eight percent of the continental U.S. population can be reached via truck within 48 hours from DFW Airport. Approximately 9.2% of all landing fees are budgeted to come from cargo aircraft for the FY 2019 Budget.

Terminal Cost Center

The table below compares the FY 2018 Outlook and the FY 2019 Budget for the Terminal Cost Center. Note that revenues equal expenses in this cost center in both periods. Revenue variances between the FY 2019 Budget and the FY 2018 Outlook are explained below. See the Operating Expense section for expenditure variations.

Terminal CC (in Millions)	FY18 Outlook	FY19 Budget	Increase (Decrease) Amount	Increase (Decrease) Percent
Revenues				
Operating Revenue				
Terminal Leases	$264.8	$313.3	$48.5	18.3%
FIS Fees	25.9	25.8	(0.1)	(0.3%)
Turn Fees & Office Rents	33.5	36.0	2.5	7.4%
Other	19.8	19.8	0.0	0.0%
Total Operating Revenue	344.0	394.9	50.9	14.8%
DFW Terminal Contribution	1.6	2.9	1.4	86.3%
Total Revenues	345.6	397.9	52.3	15.1%
Expenditures				
Operating Expenses	201.4	212.9	11.5	5.7%
Net Debt Service	144.2	185.0	40.7	28.3%
Total Expenditures	345.6	397.9	52.3	15.1%
Net Terminal Revenue	$0.0	$0.0	$0.0	n/a

The Terminal is a residual cost center with terminal leases as the balancer. The following table compares Terminal Cost Center revenues and expenditures for the FY 2018 Outlook and the FY 2019 Budget showing the terminal lease revenues necessary to cover budgeted net terminal costs.

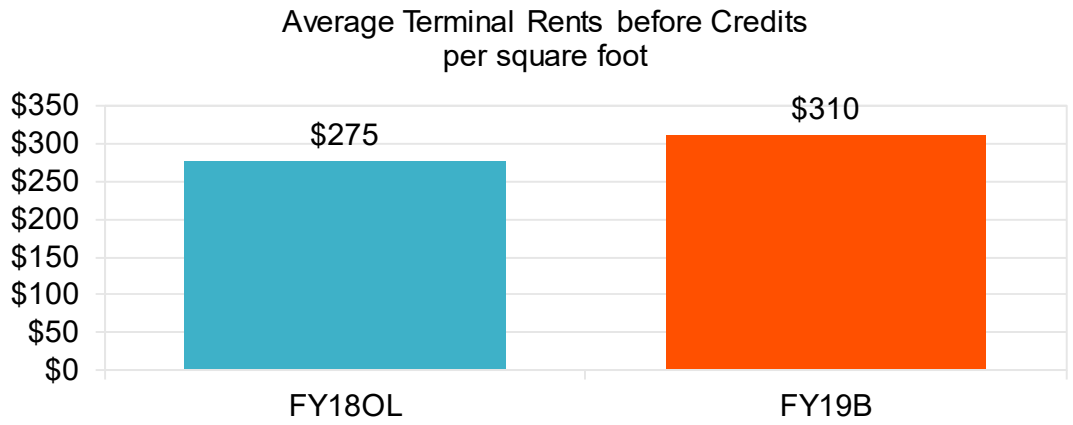
Terminal CC (in Millions)	FY18 Outlook	FY19 Budget	Increase (Decrease) Amount	Increase (Decrease) Percent
Expenditures				
Operating Expenses	$201.4	$212.9	$11.5	5.7%
Net Debt Service	144.2	185.0	40.7	28.3%
Total Expenditures	345.6	397.9	52.3	15.1%
Less Revenues				
Operating Revenue				
FIS Fees	25.9	25.8	(0.1)	(0.3%)
Turn Fees & Office Rents	33.5	36.0	2.5	7.4%
Other	19.8	19.8	0.0	0.0%
Operating Revenues	79.2	81.7	2.4	3.0%
Transfers				
DFW Terminal Contribution	1.6	2.9	1.4	86.3%
Revenues before Leases	80.8	84.6	3.8	4.7%
Terminal Leases Needed	$264.8	$313.3	$48.5	18.3%

Terminal Leases

The FY 2018 Terminal Lease budget is $313.3 million, a $48.5 million (18.3%) increase from the FY 2018 Outlook due primarily to increases in net debt service charged to the terminals and higher operating costs. The increase in debt service is primarily due to the payment on TRIP debt and to a lesser extent, the annualization of debt service. Total terminal operations, maintenance and debt service costs, including utilities for the five terminals, are divided by leasable square feet to calculate an average lease rate per square foot. American Airlines pays directly for the maintenance costs of Terminals A and C. These costs are added into the numerator of this formula to derive the fully loaded average rate. American Airlines receives rent credit for their costs. The amount of the rent credit was negotiated as part of the Use Agreement ($40.9 million in FY 2019).

Average Terminal Rents before Credits

The following chart compares average terminal rents before credits for the FY 2018 Outlook and the FY 2019 Budget. The increase in the FY 2019 Budget compared to the FY 2018 Outlook is due to increases in net debt service charged to the terminals and increases in operating costs.



Federal Inspection Services (FIS) Fees

Costs are allocated to the FIS based on its percent share of terminal square footage. The FIS budget for FY 2019 is $25.8 million, a $0.1 million (0.3%) decrease from the FY 2018 Outlook. The FY 2019 rate is based upon terminal costs excluding new debt service. The rate for FIS per international passenger clearing customs at DFW is budgeted at $6.61. DFW expects 3.9 million International FIS passengers in FY 2019 compared to 3.8 million in FY 2018. FIS passengers do not include arriving passengers from a limited number of countries in which passengers clear U. S. Customs in the departing country (e.g., Canada and Abu Dhabi).

Turn Fees and Office Rents

Turn fees are paid by airlines for common use gates in Terminals D and E in lieu of permanently renting space. Per the terms of the Use Agreement, turn fee rates must change at the same percentage as terminal lease rates. The turn fees budget for FY 2019 is $29.8 million, a $2.3 million (8.6%) increase from the FY 2018 Outlook. The office rents budget for FY 2019 is $6.2 million, a $0.1 million (2.2%) increase from the FY 2018 Outlook.

Other Terminal Revenues

Other terminal revenues include TSA rents, concessions O&M reimbursements, catering fees and allocable miscellaneous DPS revenues. Concessionaires are required to reimburse the Airport (for Terminals B, D and E) and American Airlines (for Terminals A and C) for the allocated maintenance cost per square foot of the terminals. The other terminal revenues budget for FY 2019 is $19.8 million which is flat to the FY 2018 Outlook.

Transfers - DFW Terminal Contribution

Per the terms of the Use Agreement, DFW pays for a portion of the terminal cost. This amount is based on DFW's proportionate share of expenses for common use and vacant space in the terminals. From a cost center standpoint, this contribution is shown as a source of cash in the Terminal Cost Center and a use of cash for the DFW Cost Center. DFW can reduce its contribution to the Terminal Cost Center by leasing more space to other airlines or tenants, increasing common use turn fees and by reducing costs in the terminals. The DFW terminal contribution is $2.9 million, a $1.4 million (86.3%) increase from the FY 2018 Outlook primarily due to an increase in terminal costs.

Cost Per Enplanement (CPE) Calculation

The following table shows the passenger airline cost per enplanement calculation and compares the CPE for the FY 2018 Outlook and the FY 2019 Budget. This KPI only includes passenger-related airline revenues (i.e., costs) and excludes cargo and general aviation revenues.

Cost Per Enplanement (in Millions)	FY18 Outlook	FY19 Budget	Increase (Decrease) Amount	Increase (Decrease) Percent
Enplanements [1]	34.5	36.6	2.2	6.3%
Passenger Airline Cost per Enplanement				
Airline Cost/Revenue	$474.6	$498.4	$23.8	5.0%
Less: Cargo	(14.2)	(11.3)	2.9	(20.3%)
Total PAX Airline Revenue	460.5	487.1	26.6	5.8%
Cost per Enplanement (CPE) [2]	$13.36	$13.28	($0.08)	(0.6%)

[1] Corporate Aviation enplanements are excluded from CPE calculation

[2] Actual rates, not in millions

DFW Cost Center

The table below compares the FY 2018 Outlook and the FY 2019 Budget for the DFW Cost Center. DFW Cost Center Net Revenues are shared between the airlines (to lower landing fees) and DFW Capital Account at the end of the fiscal year. For FY 2019, 75% of net revenues in excess of the "upper threshold" of $68.2 million are transferred to the Airfield Cost Center as a "threshold adjustment". The remaining net revenues transferred to the DFW Capital Account is budgeted at $84.4 million, a $6.5 million (8.3%) increase over FY 2018.

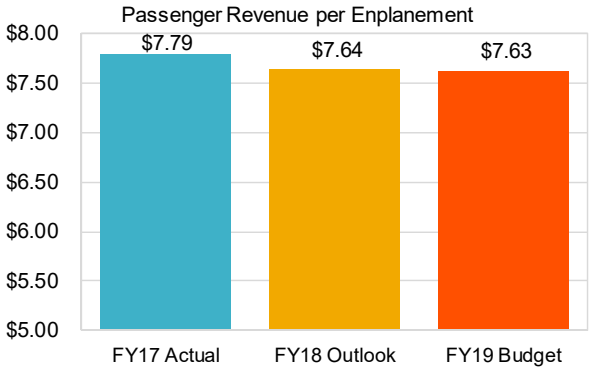
DFW Cost Center (in Millions)	FY18 Outlook	FY19 Budget	Increase (Decrease) Amount	Increase (Decrease) Percent
Revenues				
Parking	$164.5	$175.2	$10.7	6.5%
Concessions	69.5	73.9	4.5	6.4%
Advertising	13.9	14.2	0.3	2.4%
Rental Car (RAC)	33.6	34.4	0.8	2.5%
Commercial Development	45.2	48.5	3.3	7.3%
Subtotal	326.7	346.3	19.6	6.0%
Employee Transportation	17.0	16.8	(0.2)	(1.4%)
Utilities & Miscellaneous	7.7	7.8	0.2	2.1%
DPS	1.4	1.4	0.0	0.0%
Interest Income	10.0	13.6	3.6	35.8%
Total Revenues	362.9	386.0	23.2	6.4%
Expenditures				
Operating Expenses	139.0	144.2	5.2	3.8%
Net Debt Service	64.5	60.4	(4.1)	(6.4%)
Total Expenditures and Debt Service	203.5	204.5	1.0	0.5%
Gross Margin - DFW Cost Center	159.4	181.5	22.2	13.9%
Less: Terminal Contribution	1.6	2.9	1.4	86.3%
Less: Skylink	45.0	45.3	0.3	0.7%
DFW Cost Center Net Revenues	112.8	133.3	20.5	18.1%
Transfer to Airfield Cost Center*	34.9	48.8	14.0	40.1%
Amount to DFW Capital Account	$78.0	$84.4	$6.5	8.3%

* Threshold Adjustment

Revenue variances are explained in the rest of this section. Expenditure variances are covered in the Operating Expenses section.

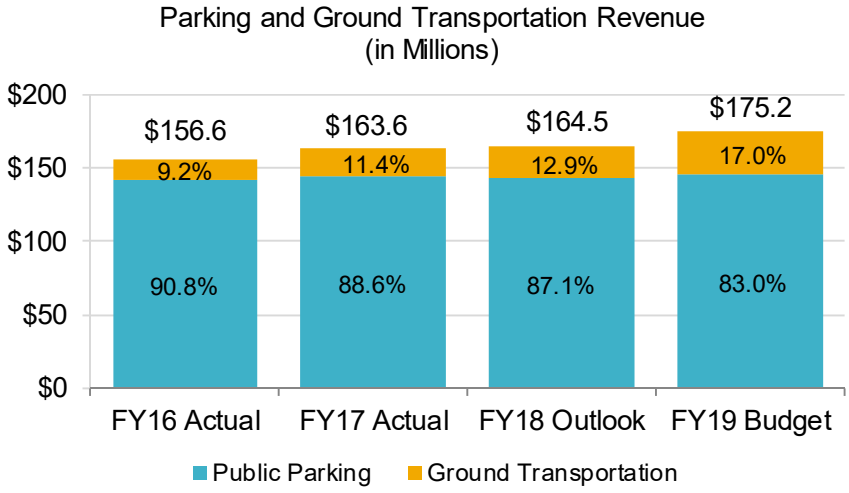
Passenger Revenues per Enplanement

DFW Cost Center has four business units that strive to maximize net revenues (Parking, Concessions, Rental Car Center and Commercial Development). Passenger Revenue per Enplanement measures passenger related revenues from business units that operate to make a profit (i.e. Parking, Concessions, Rental Car) but excludes revenue from other business units that are priced to break even (such as Employee Transportation and non-terminal utilities) and Commercial Development that is not correlated to passengers. The chart to the right compares Passenger Revenue per Enplanement. The FY 2019 Budget is flat to the FY 2018 Outlook. The passenger category with the highest growth of passengers is the connecting passenger category, which does not contribute to Parking or Rental Car revenues.



Parking

Beginning in FY 2017, DFW began to combine parking and ground transportation revenues into one revenue category to be consistent with FAA reporting and to reflect the fact that the two are very closely aligned. To get to the airport, originating passengers have the choice to park at the airport, get dropped off at the airport, or to take a taxi, limo or services provided by transportation network companies (TNCs). The following table shows the composition of parking and ground transportation revenues.



Parking Background – Parking is DFW's most significant source of non-airline revenue. Customers are charged parking fees based on the length of stay and the parking product used. The table on the following page highlights DFW's parking products, spaces and parking rates. Ground transportation fees are paid by taxis, limos, TNCs and other shared-ride transportation companies that require airport access to drop-off and pick-up passengers. DFW also collects a

privilege fee of 12% (of sales) from off-airport parking and valet providers beginning in FY 2019 (up from 10%). The Airport contracts directly with a third party to provide a DFW branded valet service.

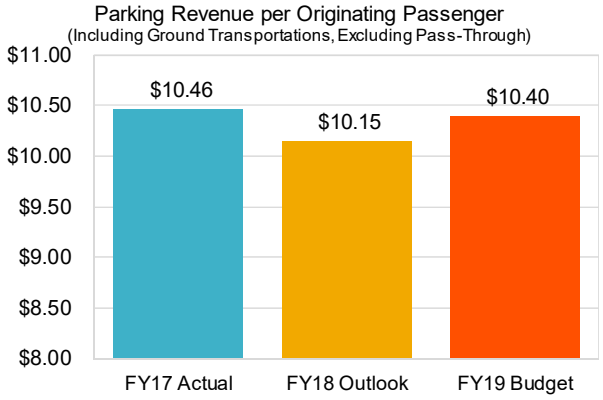
DFW Parking Space and Rate Summary

Parking Product	Available Space	Daily Parking Rate
Terminal	30,903	$24 all day parking
Express Lots	7,669	$12 uncovered; $15 covered
Remote	4,871	$10 uncovered
Intra-day	n/a	$9 to $10 (up to 6 hours)
Valet	n/a	$31 (uses existing parking facilities) + tax
Meeter-Greeter	n/a	$3 (30 minutes-2 hours)
Drop-Off	n/a	$2 (8-30 minutes)
Pass-Throughs	n/a	$4 (0-8 minutes)
Taxi, Limos	n/a	$4 (up to 2 hours)
TNCs	n/a	$5 (up to 2 hours)

Over the past few years, DFW has made substantial investments in new parking garages, systems and improvements. By the end of FY 2019, DFW will have spent over $473 million on such investments. These investments include new garages for Terminals A and E, a Parking Control System, new parking plazas, a new Parking Guidance System in Terminals A, D, and E and the expanded Express lots. These investments require an annual debt service of almost $31 million annually. The annual operating costs on the new parking control system and new parking guidance system will be $2.3 million in FY 2019.

FY 2019 Budget – The FY 2019 parking revenue budget is $175.2 million, an increase of $10.7 million (6.5%) from the FY 2018 Outlook due to the anticipated growth of TNCs and $1 per trip TNC rate increase.

Parking Revenue per Originating Passenger
The primary drivers for parking revenues are originating passengers, parking prices, and average length of stay. The goal is to maximize revenue per originating passenger. The increase in parking revenue per originating passenger for the FY 2019 Budget versus the FY 2018 Outlook is primarily due to a rate increase for TNC and off-airport providers.



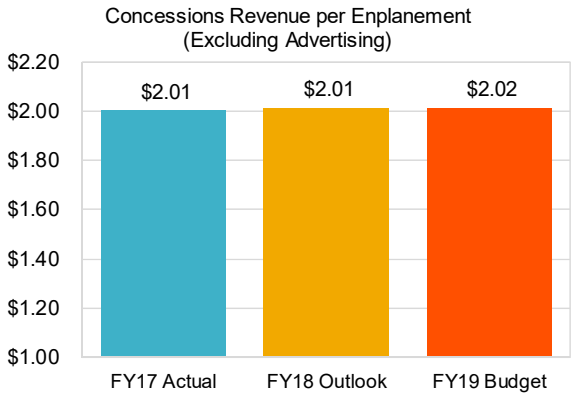
Concessions

Background – Terminal concessions consist of food and beverage, retail and duty free, advertising, and various customer services/amenities. Concessions agreements consist of leases or contracts that range from 5 to 10 years and include a minimum annual guarantee and percentage rent. Concessions also issues short term permits for kiosks and storage locations. As of March 31, 2018, the Airport had 213 total locations and 80% are currently paying percentage rent. Concessions revenues also include contracts for sponsorships, advertising and communications services which generally have periodic or one-time payments that may be amortized over the life of the contract. Concessions' goal is to optimize retail, services, and food and beverage options for customers to increase revenue per enplanement; and to grow new revenue streams from sponsorships, communications and advertising not tied directly to enplanements.

Concessions continues to enhance its offerings to better align with customer preferences through Terminal C and D Master Plan efforts. In May and June of 2018, DFW awarded new contracts for food and beverage and retail locations. Concessions plans to release Request for Proposals (RFPs) in 2018 for a Common Use Lounge and through 2019, which will include retail, food and beverage, and services, to ensure new offerings and a proper mixture of products to passengers.

FY 2019 Budget – The FY 2019 concessions budget is $88.1 million, a $4.8 million (5.7%) increase from the FY 2018 Outlook due to new food and beverage and retail concepts, and an increase in enplanements. Construction in Terminal C and airline terminal utilization may impact FY 2019 revenues.

Concessions Revenue per Enplanement – This is Concessions' most significant KPI because it measures the amount of revenue earned by DFW from terminal concessions per enplaned passengers. This is also a standard metric used by the airport industry. The increase in concessions revenue per enplanement in FY 2019 as compared to the FY 2018 Outlook is primarily due to new concepts.



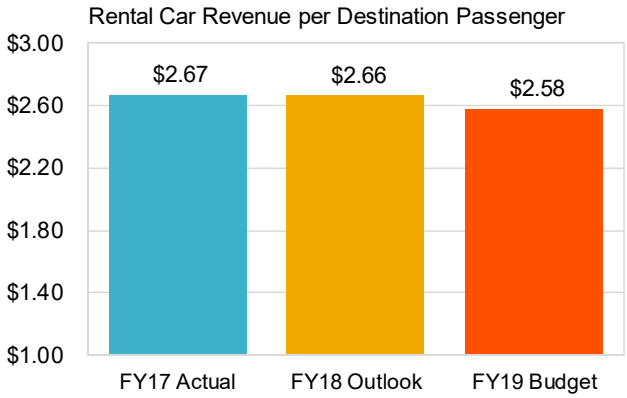
Rental Car Center (RAC)

Background – The RAC covers 155 acres and includes a common building with individual counters and back office space for each rental car company. The facility includes a parking garage for ready and return car spaces, a bus maintenance facility, overflow surface parking areas and individual rental company service sites including car wash racks, maintenance bays and fueling systems. The Airport collects ground lease, percentage rent (10% of sales), and O&M expenses from the rental car companies. The ground lease rate increases 3% each year. There are 5 rental car companies in the consolidated rental car facility with 13 brands operating from the RAC, providing a total available inventory of approximately 25,000 cars. The largest three rental car companies and their market share are Enterprise/Vanguard (38%), Avis/Budget/Payless/Zipcar (27%) and Hertz (28%). New rental car alternatives, such as TNCs and ridesharing from personal/fleet cars, have become a competitive challenge for the RAC companies across the US.

DFW management has very little control over rental car company activities. It assists the RAC companies where possible and maintains the RAC facility to high standards. Most RAC patrons are business travelers. RAC sales and DFW revenues tend to follow the economy. RAC revenues can rise or fall based on the number of DFW destination passengers, the percentage of destination passengers renting cars, the average stay per renter, and the average daily price charged for the cars.

FY 2019 Budget – The FY 2019 rental car revenue budget is $34.4 million, a $0.8 million (2.5%) increase from the FY 2018 Outlook due to the net impact of passenger growth and lower average rates. All other factors are assumed to stay constant with the FY 2018 Outlook. There is an estimated $2 million of exposure due to various market factors, such as off-airport shared ride options and TNCs.

RAC Revenues per Destination Passenger
This KPI measures the percentage rent paid by the rental car companies to DFW divided by destination passengers (i.e. passengers from other cities that fly to DFW for business or pleasure). The FY 2019 Budget for RAC revenues per destination passenger is projected to be lower than the FY 2018 Outlook primarily due to a lower daily rate assumption and other market factors due partially to the competitive impact from TNCs.



Commercial Development

Background – The Airport has a total land mass of 17,207 acres. As of May 1, 2018, 2,374 acres have been commercially developed. Management estimates that approximately 4,000 acres of additional land is available for future development. A commercial development land use plan has been completed and approved by the Board. The Airport focuses primarily on developing land that has airport synergy, such as logistics and warehousing.

Commercial development revenues include ground leases, foreign trade zone tariff and facility rents generated from non-terminal Airport facilities, and property and surface use fees primarily from natural gas drilling. Multi-year lease agreements are negotiated with tenants on a square foot or acre basis. Some facilities such as the Hyatt Regency Hotel and Bear Creek Golf Course also have percentage rent components.

Industrial space demand has been consistent in the northern part of the airport specifically in the Coppell Industrial, International Commerce Park and Northwest Logistics areas. Current construction in mixed-use developments close to Grapevine's Main Street and Highway 114 includes automobile dealerships. The airport is increasingly focused on the southern region in response to market driven space demand, particularly the Passport Park, Bear Creek and Walnut Hill areas.

The key drivers for commercial development revenues are acres developed and the average ground rental rate. Approximately 59% of the ground lease revenue is based on negotiated rates and 41% on the airport services ground rental rate which are primarily older leases that have airfield access. The airport services ground rental rate per acre changes with inflation and will be $28,400 in FY 2019.

FY 2019 Budget – The FY 2019 commercial development revenue budget is $48.5 million, a $3.3 million (7.3%) increase from the FY 2018 Outlook primarily due to lease rate increases and new ground leases.

Other DFW Revenues and Expenses

The fees charged in this category are established to recover costs (except interest income).

Employee Transportation – DFW charges fees for employees to access the transportation system that takes employees from the employee parking lots to the terminals. For most employees, the employer (airlines, concessionaires) pays these fees for their employees. The FY 2019 Budget is $16.8 million, a $0.2 million (1.4%) decrease from the FY 2018 Outlook due to a rate reduction due to lower cost to provide the service per employee.

Utilities & Miscellaneous – This revenue category represents fees charged to non-airline users of utilities, HVAC, trash removal, water, and certain permit and accounting fees. Utility charges to users are based on the cost to provide the services. The FY 2019 Budget is $7.8 million, a $0.2 million (2.1%) increase from the FY 2018 Outlook primarily due to permit fees.

DPS Revenues – The Department of Public Safety (DPS) receives reimbursements from the TSA, badging, fire training and other services. The FY 2019 Budget is $7.4 million, a $0.3 million (4.1%) increase from the FY 2018 Outlook. There is a $1.3 million exposure in Law Enforcement Officer (LEO) reimbursement program due to potential reductions in funding from the Federal government.

Interest Income – Interest income includes interest earned on investments from the Operating Revenue and Expense Fund, the three-month Operating Reserve, and Debt Service Reserve Fund and the Rolling Coverage Account. The FY 2019 interest income budget is $13.6 million, a $3.6 million (35.8%) increase from the FY 2018 Outlook due to higher assumed short-term interest rates and higher reserve balances.

Skylink – Expenses related to Skylink are covered in the DFW Cost Center so that bonds related to Skylink can remain non Alternative Minimum Tax (AMT). AMT interest rates are higher than municipal interest rates. The FY 2019 Budget is $45.3 million, a $0.3 million (0.7%) increase from the FY 2018 Outlook primarily due to higher bridge inspections that occur in alternating years offset by a lower debt service allocation.

Terminal Contributions – Per the terms of the Use Agreement, DFW pays terminal costs based on common use space and its share of vacant leasable space. The FY 2019 Budget is $2.9 million, a $1.4 million (86.3%) increase from the FY 2018 Outlook due to higher terminal costs.

FY 2019 Expenditure Budget

The FY 2019 Budget is $1 billion, an increase of $54.3 million (5.7%) from the FY 2018 Budget and an increase of $56.9 million (6.0%) from the FY 2018 Outlook.

Annual Budget (in Millions)	FY18 Budget	FY18 Outlook	FY19 Budget	FY19B v FY18B Inc (Dec) Amount	FY19B v FY18B Inc (Dec) Percent	FY19B v FY18OL Inc (Dec) Amount	FY19B v FY18OL Inc (Dec) Percent
Operating Expenses	$471.1	$470.6	$496.2	$25.1	5.3%	$25.7	5.5%
Gross Debt Service	483.1	481.0	512.2	29.1	6.0%	31.2	6.5%
Total 102 Expenditures Budget	$954.2	$951.6	$1,008.4	$54.3	5.7%	$56.9	6.0%
Contingency O/S Rate Base			10.0				
Total Budget w/Contingency			$1,018.4				

Operating Expense Budget Walkforward

The following tables are walkforwards between the FY 2018 Outlook and the FY 2019 Budget:

Operating Expenses (in Millions)	Total	DFW	Airline
FY 2018 Outlook	$470.6	$175.5	$295.1
Budget reductions	(5.4)	(2.1)	(3.3)
Strategic Priorities			
Customer Experience	2.4	1.0	1.3
Safe and Secure	4.0	0.8	3.2
Operational Excellence	1.2	0.4	0.8
Salary annualization and merit pool	8.1	2.6	5.4
Fixed contract increases	8.4	2.7	5.7
Restore budgets	3.0	0.4	2.5
Other increases	4.0	1.2	2.8
Net increase	25.7	7.2	18.4
FY 2019 Budget	496.2	182.7	313.5

Detailed Operating Expense Budget Walkforward

	Budget Category (in Millions)	Total	DFW	Airline
	FY 2018 Outlook	$470.6	$175.5	$295.1
A.	Budget reductions	(5.4)	(2.1)	(3.3)
	Strategic Priorities			
B.	Customer Experience			
	Customs and border protection reimbursement	0.7	0.0	0.7
	Custodial	0.7	0.2	0.5
	Curbside management	0.6	0.9	(0.3)
	Other Customer Experience	0.3	0.0	0.3
	Total customer experience	2.4	1.0	1.3
C.	Safe and secure			
	Dock and Check Point Screening	2.0	0.4	1.6
	DPS Annualization	1.2	0.2	1.0
	New Positions	0.4	0.1	0.3
	Technology	0.4	0.1	0.3
	Total safe and secure	4.0	0.8	3.2
D.	Operational Excellence			
	Integrated Operations Center	0.9	0.3	0.6
	ITS Master Plan	0.3	0.1	0.2
	Total operational excellence	1.2	0.4	0.8
E.	Salary annualization and merit pool			
	Salary annualization	3.8	1.3	2.6
	Merit and DPS tenure progression	4.2	1.4	2.9
	Total salary annualization and merit pool	8.1	2.6	5.4
F.	Fixed contract increases			
	Facility maintenance	2.6	1.3	1.4
	Technology	2.6	0.7	1.8
	Healthcare	1.8	0.4	1.4
	Utilities	0.7	(0.3)	1.0
	Busing	0.5	0.5	0.0
	Insurance premiums	0.2	0.2	0.1
	Total fixed contract increases	8.4	2.7	5.7
G.	Restore budgets			
	Winter weather	1.5	(0.1)	1.6
	CEO contingency	1.4	0.5	0.9
	Total restore budgets	3.0	0.4	2.5
H.	Other increases			
	Planning Projects	2.4	0.9	1.5
	Operating Reserve	1.3	0.4	0.9
	Cost Center Shift	(0.0)	(0.7)	0.7
	Other, net	0.3	0.7	(0.4)
	Total other increases	4.0	1.2	2.8
	Net increase	25.7	7.2	18.4
	FY 2019 Budget	496.2	182.7	313.5

Note: The reference letters in the previous table are cross-referenced to the variance explanations in the Expense Comparison by Summary Account explained further in this section.

A. Budget reductions ($5.4) million

Budget reductions related to FY 2018 non-recurring, reimbursable and various other savings have been removed from the FY 2019 Budget.

- FY 2018 one-time projects ($1.5 million) were eliminated from the FY 2019 Budget. These projects were completed in FY 2018 and are non-recurring.
- Equipment ($1.3 million) due to decreased computer replacements and discretionary requests.
- Overtime ($1.0 million) due to increased headcount and scheduling changes.
- Facility maintenance and janitorial supplies ($0.6 million) primarily reduced usage of reverse osmosis filters and other supplies.
- Airfield paint removal ($0.5 million) due to fewer scheduled runway closures.
- Defined contribution pension and OPEB ($0.5 million) per actuarial analysis.

B. Customer Experience $2.4 million

The budget reflects the Airport's continued emphasis to invest in strategic priorities. Customer experience includes increases in Customs and Border Protection reimbursement ($0.7 million), contract labor to manage changes in curbside utilization ($0.6 million), customer growth impact for Terminals B and E custodial operations ($0.5 million), terrazzo floor polishing ($0.3 million), and expansion of electrical seating for all terminals ($0.2 million). Management believes these changes will continue to keep DFW near the top of its competitive set for customer survey scores.

C. Safe and Secure $4.0 million

Another important strategic priority is safe and secure. The Department of Public Safety budget includes increases in employee check point and vendor dock screening due to contract price increases and annualization ($2.0 million), annualization of salaries and benefits ($1.2 million) for new positions in FY 2018, six new officers to provide increased security presence in the terminals plus two additional positions in support services ($0.4 million). The dock screening allows concessionaires to bring in product downstairs, rather than through TSA lanes upstairs, which will improve passenger throughput. The budget also includes the addition of new ITS software and professional services that will enhance ITS security ($0.4 million).

D. Operational Excellence $1.2 million

An additional strategic priority is operational excellence. The airport is developing an Integrated Operations Center that will house personnel from all areas of the airport and stakeholders to

create a seamless, integrated team that is proactive, response driven and focused on continual process improvement ($0.9 million). The airport will also complete an ITS Master Plan that will consolidate supporting systems to ensure achievement of strategic initiatives ($0.3 million).

E. Salary annualization and merit pool **$8.1 million**

In FY 2018, management intentionally held several positions open. The FY 2019 Budget assumes that these positions will be filled; although the assumed hire dates have been staggered throughout the fiscal year. Salary annualization accounts for $3.8 million of this increase. The budget also includes a 3.1% merit pool for non - DPS, a 3.0% merit pool for DPS, the annualization of last year's merit increase (for the first quarter of the fiscal year), a 3.0% DPS STEP table increase ($2.8 million), a 0.4% supplementary pool for position grades 1-4 ($0.5 million), and DPS tenure step progression ($0.8 million). Salary and wage increases are budgeted for nine months (beginning the first pay period in January).

F. Fixed contract increases **$8.4 million**

Contract increases in this category are fixed in nature due to, for example, annualization of partial year contracts from FY 2018, contracts with cost escalation and airline requests for new services and insurance premiums.

- Facility maintenance contracts ($2.6 million) include annualization of contracts related to conveyances, skylink and other facility maintenance contracts.
- Technology ($2.6 million) includes increased scope for radio systems and central fire alarm, incremental full year impact of new contracts and first year maintenance contracts on various new software systems placed in service.
- Healthcare costs are projected to increase 4.7% in FY 2019. The budget has been increased $1.8 million for medical costs, long and short-term disability, life insurance plus the amount necessary to cover health costs for positions hired in FY 2019.
- Busing contracts ($0.5 million) primarily due to Consumer Price Index and driver rate increases.
- Insurance premiums ($0.2 million) are increasing due to increased property values due to TRIP and new buildings.

G. Restore budgets **$3.0 million**

This category reflects increases for operating expenses being restored to FY 2018 Budget levels in the following areas:

- Restore winter weather budgets ($1.5 million). FY 2018 was a mild winter in the DFW area so these costs are not included in the Outlook. The FY 2019 Budget restores deicing contract, winter weather and deicing supplies and equipment to slightly under FY 2018 Budget levels.
- Restore CEO contingency ($1.4 million). CEO contingency is included in the rate base and may be used by the CEO without Board approval. Total requested contingency for

FY 2019 is $4 million. Over the past twelve years, budgeted CEO contingency has ranged from $7.5 million to $1.75 million.

H. Other increases **$4.0 million**

Other increases include expenses that are non-recurring or variable in nature.

- Planning projects ($2.4 million) due to a change accounting. In the past, these studies were charged to the DFW Capital Account, even though they were expensed for accounting purposes. Beginning in FY 2019, the studies are being charged to the expense budget.
- Operating reserve ($1.3 million) is the incremental amount required over FY 2018 to maintain a 90 day cash reserve for operating expenses. The total Operating Reserve for FY 2019 is $5.0 million.
- Other, net ($0.3 million) includes minor increases in training, business development, uniforms, and supplies.

Operating Budget by Category

The table below compares the FY 2018 Outlook with the FY 2019 Budget by expense category. Variance explanations by major cost driver follow in the walkforward.

Annual Budget (in Millions)	FY18 Outlook	FY19 Budget	Increase (Decrease) Amount	Increase (Decrease) Percent
Salaries & Wages	$150.6	$159.8	$9.2	6.1%
Benefits	71.9	74.2	2.3	3.2%
Contract Services	176.6	187.3	10.8	6.1%
Utilities	24.9	25.6	0.7	3.0%
Equipment & Supplies	20.6	19.7	(0.9)	(4.5%)
Insurance	5.5	5.7	0.2	3.9%
Fuels	4.1	4.3	0.2	4.6%
General, Admin & Other	9.3	9.7	0.4	4.3%
Contingency*	2.6	4.0	1.4	0.0%
Subtotal	465.9	490.3	24.4	5.0%
Change in Operating Reserve	4.6	5.9	1.3	22.2%
Total Budget	$470.6	$496.2	$25.7	5.2%

* FY18 budgeted contingency of $1.4 million has been reallocated to the budget categories in which it was used.

Salaries and Wages

The FY 2019 salaries and wages budget is $159.8 million, a $9.2 million (5.8%) increase from the FY 2018 Outlook of $150.6 million due to annualization of unfilled positions planned to be hired, 3 months of the FY 2018 merit ($5.0 million), a 3.1% merit pool and a 3.0% DPS STEP table increase ($2.8 million), a 0.4% supplementary merit pool for position grades 1-4 ($0.5 million), DPS tenure step progression ($0.8 million), and 15 new positions ($1.4 million), offset by the deferral of vacant positions ($0.3 million) and an overtime reduction ($1.0 million). The hiring of new and vacant positions has been staggered throughout FY 2019 based upon operational needs and strategic priority.

Benefits

The FY 2019 benefits budget is $74.2 million, a $2.3 million (3.2%) increase from the FY 2018 Outlook of $71.9 million. This is primarily the result of increases in healthcare costs (2.3%, approximately $1.0 million), benefits for new positions ($0.3 million) and annualization of benefits for unfilled and new positions to be hired in FY 2019 ($1.4 million), offset by a reduction in the defined benefit retirement plan ($0.5 million).

Contract Services

The FY 2019 contract services budget is $187.3 million, a $10.8 million (6.1%) increase from the FY 2018 Outlook of $176.6 million due to increases in computer systems for security/disaster recovery, fixed and variable contracts for hardware, software and maintenance ($3.0 million); facility maintenance, mechanical, electrical, and plumbing services (MEPS), parts and materials, and conveyances ($2.6 million); increases in customer experience for customs and border protection reimbursement, custodial contracts, curbside management and other customer experience improvements ($2.4 million); employee check point and vendor dock screening ($2.0 million); restoring winter weather deicing contracts ($1.5 million); and busing contract increase and driver rate increase ($0.5 million). These increases are offset by savings in professional services ($1.0 million) and airfield paint and rubber removal ($0.5 million).

Utilities

The FY 2019 utilities budget is $25.6 million, a $0.7 million (3.0%) increase from the FY 2018 Outlook of $24.9 million. Increases in electricity ($0.2 million), water ($0.2 million) and sanitary sewer and solid waste ($0.4 million) were offset by decreases in communications ($0.1 million). To lower energy rates DFW locked in favorable electric commodity rates in 2017 through February FY 2020.

Equipment and Supplies

The FY 2019 equipment and supplies budget is $19.7 million, a $0.9 million (4.5%) decrease from the FY 2018 Outlook of $20.6 million primarily due to a reduction in computer purchases and supplies ($1.5 million), facility maintenance supplies ($0.6 million), and reverse osmosis filters ($0.3 million) offset by increases related to winter weather ($1.0 million) for deicing, winter weather supplies and equipment, repairable supplies ($0.2 million) uniforms/equipment ($0.2 million), and janitorial supplies ($0.1 million).

Insurance

The FY 2019 insurance budget is $5.7 million, a $0.2 million (3.9%) increase from the FY 2018 Outlook of $5.5 million primarily due to increased premiums based on claims experience and the value of DFW's assets primarily due to TRIP improvements.

Fuels

The FY 2018 fuels budget is $4.3 million, a $0.2 million (4.6%) increase from the FY 2018 Outlook of $4.1 million due to increased diesel fuel utilization and higher compressed natural gas rates.

General and Administrative (G&A)

The FY 2019 general and administrative budget is $9.7 million, a $0.4 million (4.3%) increase from the FY 2018 Outlook of $9.2 million due to increased business development ($0.3 million), staff training ($0.3 million) and other net increases ($0.1 million) such as board memberships, postage and other miscellaneous administrative expenses offset by reductions in fingerprinting ($0.2 million) and travel ($0.1 million).

Contingency

The FY 2019 Budget includes $4.0 million of contingency inside the rate base to be spent at the CEO's discretion for projects and unforeseen events that come up during the fiscal year. The FY 2018 Budget included $4.0 million for contingency.

Operating Reserve

DFW is required to have a 90-day cash reserve for operating expenses. The FY 2019 Change in Operating Reserve budget of $5.9 million is the amount necessary to fund the reserve. This is a $1.3 million increase from the FY 2018 Outlook.

Contingency Outside of Rate Base

Beginning in FY 2010, DFW began to add contingency outside of the rate base to the budget. This is done so that the airlines do not have to pay for the contingency during the year in the rate base, but provides management with flexibility should costs rise unexpectedly and as an incentive to budget costs more accurately. This also allows management to make investments if incremental revenues are generated. Management must obtain Board of Directors' approval prior to using this contingency. Contingency outside the rate base is recommended to be $10 million for FY 2019, consistent with the prior years.

Net Debt Service Budget

The FY 2019 Net Debt Service budget is $335.0 million, a $14.6 million (4.6%) increase from the FY 2018 as shown in the table below. The decrease in Existing Debt Service is due the payoff of refunding bonds related to the Series 2016 bond issue that will be defeased by the end of calendar year 2018. New Debt Service increases result from the completion of TRIP and other capital projects in FY 2018 and FY 2019 and the accelerated principal reductions included in the FY 2016A Bonds.

Debt Service (in Millions)	FY18 Outlook	FY19 Budget	Increase (Decrease) Amount	Increase (Decrease) Percent
Debt Service and Coverage				
Existing Debt Service	$286.7	$246.7	($40.0)	(14.0%)
New Debt (TRIP) Service [1]	162.8	234.7	71.9	44.2%
PFIC Related Debt Service [2]	19.3	18.8	(0.5)	(2.4%)
DFW Capital Acct Debt Service [3]	12.4	12.0	(0.4)	(3.6%)
Less: Interest Income	(0.1)	0.0	0.1	(100.0%)
Gross Debt Service and Coverage	481.1	512.2	31.1	6.5%
Offets to Debt Service				
PFCs for Existing Debt Service	129.0	145.9	16.8	13.1%
PFIC Transfers [2]	19.3	19.4	0.1	0.5%
DFW Capital Acct Transfers [3]	12.4	12.0	(0.4)	(3.6%)
Total Offsets	160.7	177.2	16.5	10.3%
Net Debt Service Paid by Rate Base	$320.4	$335.0	$14.6	4.6%

[1] Shown net of Capitalized Interest
[2] Public Facility Improvement Corp for RAC, Grand Hyatt, and Hyatt Place Infrastructure
[3] AHQ and Terminal E Garage

Passenger Facility Charges (PFCs) are collected from revenue enplaned passengers and are used to offset debt service from debt issued prior to TRIP. The increase is due to excess PFCs used for debt service in FY 2019 generated by increased passengers. PFC's are only used to help pay for Existing debt, not New Debt.

DFW issued $280 million of bonds in a private placement in September 2016 that will fully amortize over 5 years. Including coverage, debt service on this bond issue will be $81.9 million in FY 2019, an increase of $24.2 million over FY 2018. DFW issued $302 million of bonds in a private placement in December 2017. Including coverage, debt service on this bond issue will be $3.3 million in FY 2019.

Public Facility Improvement Corporation (PFIC) debt service relates to debt associated with the RAC, Grand Hyatt Hotel, and Hyatt Place Hotel infrastructure. This debt service is funded from the PFIC so that the debt service does not impact the rate base. Similarly, DFW Capital Account Debt Service is related to the consolidated headquarters and Terminal E garage. This is funded with transfers from the DFW Capital Account so it does not impact the rate base.

The table below shows the categories of the $14.6 million Net Debt Service increase by major cost center.

Net Debt Service Variance (in Millions)	Cost Centers DFW	Airline Airfield	Airline Terminal	Airline Total	Total
Existing Debt Service	($11.8)	($24.4)	($4.5)	($28.8)	($40.6)
New Debt Service	10.4	14.2	47.1	61.3	71.7
PFCs	(4.9)	(10.1)	(1.9)	(12.0)	(16.8)
DFW Capital Account Transfers	0.4	0.0	0.0	0.0	0.4
Total Debt Service Variance	($5.8)	($20.3)	$40.7	$20.5	$14.6

Positions

The table below summarizes the total number of operating and capital positions assumed in the FY 2019 Budget. Operating positions are paid out of the 102 Fund. Salaries and benefits of capital positions are capitalized and paid from the capital accounts. A summary of positions by department is included at the end of the Department section.

	FY 2018 Budget	FY 2018 Changes*	FY 2018 Adjusted Budget	FY 2019 New positions	FY 2019 Budget
Operating	2,044	26	2,070	15	2,085
Capital	111	0	111	0	111
Total	2,155	26	2,181	15	2,196

* FY 2018 changes include 14 ACES positions that will be converted from contract labor to board employees and 2 new positions to backfill for transfers to the IOC by end of FY 2018.

Fifteen new positions have been added for FY 2019, all are funded in the Fund 102 Operations Expense Budget.

Position Summary by Division

Division	FY18 Adjusted Budget	FY19 Changes	FY19 Budget
Administration & Diversity	163	0	163
Finance and Information Technology	242	0	242
Revenue Management	465	1	466
Operations/DPS	834	14	848
Global Strategy & Development	18	0	18
Infrastructure and Development	427	0	427
Legal	3	0	3
Audit Services	15	0	15
Executive Office	14	0	14
Total DFW	2,181	15	2,196

Department Overview and Walkforwards

DFW is organized into Divisions, which are comprised of Departments. Each Division page includes a summary of the Division's major functions and a walkforward of the FY 2019 Budget by major cost driver. The table below is a budget comparison by Department, in thousands.

	FY18 Outlook*	FY19 Budget	Increase (Decrease) FY19B vs FY18O	
Energy, Transportation & Asset Mgmt.	$121,777	$125,416	$3,639	3.0%
Planning Department	3,721	6,127	2,406	64.7%
Design, Code, & Construction	4,335	4,925	589	13.6%
Commercial Development	2,502	2,496	(6)	(0.2%)
Infrastructure and Development	132,336	138,963	$6,628	5.0%
Public Safety	83,762	88,976	5,215	6.2%
Operations	12,934	12,947	13	0.1%
Environmental Affairs	8,518	8,842	324	3.8%
Integrated Operations Center	0	934	934	n/a
Operations	105,214	111,699	6,485	6.2%
Parking	54,900	56,103	1,203	2.2%
Customer Experience	43,573	46,152	2,579	5.9%
Concessions	3,405	3,488	83	2.4%
Revenue Management	101,878	105,744	3,865	3.8%
Information Technology	56,556	59,627	3,071	5.4%
Finance	6,655	6,820	165	2.5%
Treasury/Cash Management	1,288	1,367	79	6.1%
Aviation Real Estate	1,541	1,599	59	3.8%
Finance & Technology	66,039	69,413	3,374	5.1%
Communications and Marketing	13,650	13,862	213	1.6%
Risk Management	8,511	8,665	155	1.8%
Procurement & Materials Management	5,045	5,161	115	2.3%
Human Resources	8,520	8,577	57	0.7%
Business Diversity and Development	1,865	1,916	51	2.7%
Administration and Diversity	37,591	38,182	591	1.6%
Research & Analytics	1,228	1,507	279	22.8%
Airline Relations	1,090	1,081	(9)	(0.8%)
Government Relations	738	794	57	7.7%
Cargo Business Development	480	635	155	32.2%
Global Strategy & Development	3,536	4,018	482	13.6%
Non Departmental	9,406	11,822	2,415	25.7%
Contingency	2,576	4,000	1,424	55.3%
Executive Office	5,865	6,197	332	5.7%
Audit Services	2,693	2,763	70	2.6%
Legal	3,422	3,430	8	0.2%
Total Operating Expenses	$470,556	$496,230	25,674	5.5%

* Outlook has been adjusted for the reorganization.

Expense Budget Walkforward

	Budget Category (in Millions)	Total	DFW	Airline
	FY 2018 Outlook	$470.6	$175.5	$295.1
A.	Budget reductions	(5.4)	(2.1)	(3.3)
	Strategic Priorities			
B.	Customer experience			
	Customs and border protection reimbursemen	0.7	0.0	0.7
	Custodial	0.7	0.2	0.5
	Curbside management	0.6	0.9	(0.3)
	Other Customer Experience	0.3	0.0	0.3
	Total customer experience	2.4	1.0	1.3
C.	Safe and secure			
	Dock and Check Point Screening	2.0	0.4	1.6
	DPS Annualization	1.2	0.2	1.0
	New Positions	0.4	0.1	0.3
	Technology	0.4	0.1	0.3
	Total safe and secure	4.0	0.8	3.2
D.	Operational Excellence			
	Integrated Operations Center	0.9	0.3	0.6
	ITS Master Plan	0.3	0.1	0.2
	Total operational excellence	1.2	0.4	0.8
E.	Salary annualization and merit pool			
	Salary annualization	3.8	1.3	2.6
	Merit and DPS tenure progression	4.2	1.4	2.9
	Total salary annualization and merit pool	8.1	2.6	5.4
F.	Fixed contract increases			
	Facility maintenance	2.6	1.3	1.4
	Technology	2.6	0.7	1.8
	Healthcare	1.8	0.4	1.4
	Utilities	0.7	(0.3)	1.0
	Bussing	0.5	0.5	0.0
	Insurance premiums	0.2	0.2	0.1
	Total fixed contract increases	8.4	2.7	5.7
G.	Restore budgets			
	Winter weather	1.5	(0.1)	1.6
	CEO contingency	1.4	0.5	0.9
	Total restore budgets	3.0	0.4	2.5
H.	Other increases			
	Planning Projects	2.4	0.9	1.5
	Operating Reserve	1.3	0.4	0.9
	Cost Center Shift	(0.0)	(0.7)	0.7
	Other, net	0.3	0.7	(0.4)
	Total Other increases	4.0	1.2	2.8
	Net increase	25.7	7.2	18.4
	FY 2019 Budget	$496.2	$182.7	$313.5

Note: The reference letters in the previous table are cross-referenced to the variance explanations in the following budget comparison and walkforward tables in this section.

Infrastructure and Development Division

Energy, Transportation and Asset Management (ETAM)

ETAM manages the operation, maintenance, repair and renewal of DFW's infrastructure asset portfolio including energy & utility systems, passenger terminals, facilities, airfield, public works, vehicle fleet and the Skylink automated transit system.

Planning

The Planning Department is responsible for guiding the development and growth of DFW Airport through strategic, holistic and proactive analysis developed in collaboration with Airport stakeholders. Planning's primary focus areas include Long-Range Master Planning and Tactical/ Implementation Planning for terminal facilities, airfield, landside, land use and wayfinding/signage.

Design, Code and Construction (DCC)

Design, Code and Construction (DCC) has overall responsibility for the efficient and economical delivery of design and construction of capital and O&M funded developments, improvements, and major rehabilitation projects at DFW. DCC also provides technical support services and/or personnel to other DFW departments as needed to fulfill DFW's Strategic Objectives and Initiatives. With the exception of noncapitalizable projects and Code Compliance activities related to third party building permits, all costs are funded by capital funds.

Commercial Development

The Commercial Development Department plans, develops, markets and leases aviation-related industrial/warehouse, cargo/distribution facilities, mixed-use office, retail and hospitality spaces and available land at DFW. Commercial Development is responsible for investment analysis, development, cashflow management, operations and maintenance of the Airport's hotel assets that include the Grand Hyatt and Hyatt Place. Commercial Development also evaluates and implements business opportunities that diversify DFW's revenue stream such as the exploration and production of natural gas, the Bear Creek Golf Course, management of Foreign Trade Zones and negotiations of ROW for highway, utilities and passenger rail.

Budget Comparison and Walkforward

Infrastructure and Development
(in thousands)

	FY18 Outlook	FY19 Budget
Energy, Transportation & Asset Mgmt.	$121,777	$125,416
Planning Department	4,335	4,925
Design, Code, and Construction	2,502	2,496
Commercial Development	3,721	6,127
Total Infrastructure and Development Divisio	$132,336	$138,963
Salaries & Wages	$23,060	$23,978
Benefits	11,520	11,481
Contract Services	64,617	69,317
Equipment & Supplies	11,243	11,805
Insurance	0	0
Utilities	21,309	21,727
Administrative	587	656
Total Infrastructure and Development Divisio	$132,336	$138,963

Walkforward from FY 2018 Outlook		Reference
FY 2018 Outlook	$132,336	
Salaries and Wages	918	E
Benefits	(40)	A, E, F
Contract Services	4,700	A, F, G
Equipment & Supplies	562	A, F, G
Utilities	419	F, H
Administrative	69	H
Total FY 2018 Proposed Budget	$138,963	

Operations Division

Public Safety (DPS)

It is the mission of the DFW Airport Department of Public Safety to provide the highest level of professional services to the Airport community through efficient planning, mitigation, response, and recovery from natural and manmade events that threaten lives, critical assets, or business continuity. Public Safety carries out this mission through three divisions of Police, Fire, and Security and Emergency Management.

Operations

The Airport Operations Department is responsible for ensuring compliance with Federal Aviation Regulation Part 139 – Airport Safety and Certification. The department manages daily airfield operations, airfield construction safety programs, the DFW Wildlife Management Program, and provides technical and simulated driver's training programs. The department also manages the Airport Operations Center, Corporate Aviation operations, and provides ramp control services at Terminal D and at Terminal E. The Airport Operations Department partners on a daily basis with local FAA air traffic control facilities and with air carrier tenants in efforts to maximize the efficiency of Dallas-Ft. Worth International Airport.

Environmental Affairs

DFW has committed to achieving environmental excellence by embedding the principles of sustainability throughout the corporate culture of the organization and by establishing environmental compliance as a priority in achieving sustainable economic growth. DFW's Environmental Affairs Department implements a comprehensive environmental program by providing regulatory and technical guidance to DFW departments, tenants, and contractors, which ensures that airport activities and operations are conducted in a manner that conforms to various environmental laws, policies and requirements regulated by the Environmental Protection Agency, the Texas Commission on Environmental Quality, the Texas State Department of Health, the Federal Aviation Administration, and local governments. The comprehensive Environmental Management System covers five major programs (Water Resources, Waste, Environmental Planning & Development, Environmental Design & Construction, and Sustainability) that house a subset of 21 core, compliance-based programs.

Integrated Operations Center

The Integrated Operations Center (IOC) is a strategic initiative outlined in the 2016-2020 Strategic Plan. The IOC will house personnel from all areas of the Airport and stakeholders to create a seamless, integrated team that is proactive, response-driven and drives continual process improvement. The IOC will place planning, monitoring, executing and reviewing functions together in an integrated fashion for comprehensive situational awareness, predictive and proactive responses, and enhanced customer experiences. Representatives from Operations, Airport Operations Center, Customer Experience, Energy, Transportation and Asset Management, Environmental, Emergency Management, Transportation Business Unit, Corporate Communications, Tactical Communications, Information Technology Services, TSA and other stakeholders will be located in the IOC. The IOC is planned to be open during FY 2020.

Budget Comparison and Walkforward

Operations Division
(in thousands)

	FY18 Outlook	FY19 Budget
Public Safety	$83,762	$88,976
Operations	12,934	12,947
Environmental Affairs	8,518	8,842
Integrated Operations Center	0	934
Total Operations Division	$105,214	$111,699
Salaries & Wages	$60,448	$63,416
Benefits	28,949	30,526
Contract Services	9,005	10,518
Equipment & Supplies	3,517	3,659
Insurance	0	0
Utilities	1,654	2,043
Administrative	1,640	1,537
Total Operations Division	$105,214	$111,699

Walkforward from FY 2018 Outlook		Reference
FY 2018 Outlook	$105,214	
Salaries and Wages	2,968	C, D, E
Benefits	1,577	A, C, D, E, F
Contract Services	1,513	A, C, D, H
Equipment & Supplies	142	D, H
Utilities	389	A, F
Administrative	(104)	D, H
Total Proposed FY 2019 Budget	$111,699	

Customer Experience and Revenue Management Division

Parking Operations

Parking Business Unit (PBU) consists of Operations, Customer Relations, Ground Transportation Service, and Busing. PBU is responsible for parking products, service delivery and reporting, customer experience, monitoring electronic parking transactions, and providing transportation services to DFW Remote Lots, Terminal Link, Express Parking and the Employee Shuttle, as well as Support Level 1 efforts during emergency operations.

Customer Experience

The Customer Experience Department manages the day to day operation within the Terminals by working to "Master the Basics". The department also leverages customer insights and current trends in order to "Shape the Future". The department consists of the following four sections:

- Service Delivery – focuses on frontline staff including managing the custodial function, as well as, services provided by all business partners, based on agreed service standards which are measured and reported throughout the day.
- Experience Development – ensures each day is planned from a customer experience perspective, and there is a regular review function to ensure continuous improvement. This includes innovations and improvements proactively designed and implemented to drive overall Customer Experience excellence, and Terminal Managers to drive customer experience performance through stakeholder management, with a focus on relationship management.
- Customer Relations – provides a suite of products and services to streamline DFW's customer services to engage with customers to deliver "moments of wow." This includes the Ambassador Volunteer Program and Meet & Greet services.
- Customer Research and Insights – reports on customer insights to help DFW's leadership make strategic decisions about programs that address the needs of our customers, in order to enhance their experience at every stage of his/her visit.

Concessions

The Concessions Department provides the public with high quality goods and services that are competitively priced, conveniently located, and reflects the needs and desires of the traveling public with the goal of exceeding customer expectations while maximizing revenue for the DFW Airport. This includes all of the passenger-related concessions and associated revenues within the airport terminals, Rental Car Center (RAC), telecommunications, and selected properties outside the terminals.

Budget Comparison and Walkforward

Customer Experience and Revenue Management Division
(in thousands)

	FY18 Outlook	BY19 Budget
Parking	$54,900	$56,103
Concessions	43,573	46,152
Customer Experience	3,405	3,488
Total Customer Exp and Rev Mgmt Division	$101,878	$105,744
Salaries & Wages	$24,243	$25,647
Benefits	13,205	14,024
Contract Services	59,447	60,889
Equipment & Supplies	4,279	4,447
Utilities	1	0
Administrative	703	737
Total Customer Exp and Rev Mgmt Division	$101,878	$105,744

Walkforward from FY 2018 Outlook		Reference
FY 2018 Outlook	$101,878	
Salaries & Wages	1,404	E
Benefits	818	A, E, F
Contract Services	1,441	A, B, F, H
Equipment & Supplies	168	A, H
Utilities	(1)	H
Administrative	34	H
Total FY 2019 Proposed Budget	$105,744	

Finance and Technology Division

Information Technology

Information Technology Services (ITS) is responsible for supporting the technical needs of the DFW Airport community by providing reliable systems, proactively responding to issues, and implementing a wide range of viable technologies that represent meaningful choices in terms of cost and functionality.

ITS is currently divided into seven functional sections:

- Customer Support manages the Solutions Desk and field staff providing end device support to customers.
- IT Programs is responsible for long running technology programs like Disaster Recovery, Asset Management, and Training.
- The IT Project Management Office manages new initiatives and projects to a successful completion as well as the relationship with ITS customers.
- Development and Delivery is responsible for the software development and implementation of executive decision support systems, CADD/GIS, web development, and the implementation of work-flow technologies.
- Enterprise Systems is responsible for the support and maintenance of the entire DFW Software Portfolio.
- Infrastructure Operations is responsible for the maintenance and administration of the voice and data communications infrastructure, desktop and server computing environments, databases, storage, and Terminal systems.
- Technology Security is responsible for the management and compliance of DFW's security programs, records management, and the analysis, management, and monitoring of the perimeter security devices.

Finance

Finance is comprised of three groups: Accounting, Financial Planning, and Capital Planning & Accounting. Accounting is responsible for financial reporting, general ledger accounting, internal controls, revenue collections, accounts payable, accounts receivable, payroll, and fixed assets. The Accounting group also mans a call center to interact with customers on parking related transactions. Financial Planning is responsible for developing and monitoring DFW's Operating Budget and Outlook for revenues and expenses. This group is also responsible for establishing DFW's rates, fees and charges, and performing departmental financial analysis. In addition, Financial Planning analyzes DFW's business units to determine profitability, implementation of activity based costing, project analysis, process improvement and management methodologies for proper allocations of revenues and expenses. Capital Planning and Accounting are responsible for developing and monitoring DFW's Capital Budget and forecast.

Treasury Management

Treasury/Cash Management is responsible for providing strategic financial management for the Airport. This includes overseeing debt issuance/management, cash management, banking relations, DFW investments, retirement fund investments, grants and PFC administration.

Aviation Real Estate

Aviation Real Estate (ARE) oversees and manages the contractual relationship and serves as the liaison between the Board, the Airlines and other tenants of passenger terminals and aviation-related facilities, including air cargo and hangars. ARE negotiates and drafts permits, leases, and other documents for aviation real estate property, is intricately involved in the development and implementation of the Board's Capital Improvement Program, and performs financial, operational, statistical, and business analysis related to terminal operations and aviation. ARE is responsible for aviation facilities' strategic planning, with the goal of maximizing efficiency within the terminals and other aviation facilities.

Budget Comparison and Walkforward

Finance & Technology
(in thousands)

	FY18 Outlook	FY19 Budget
Information Technology	$56,556	$59,627
Finance	6,655	6,820
Treasury/Cash Management	1,288	1,367
Aviation Real Estate	1,541	1,599
Total CFO Division	$66,039	$69,413
Salaries & Wages	$20,521	$21,923
Benefits	9,164	9,348
Contract Services	28,664	32,075
Equipment & Supplies	4,844	3,265
Utilities	1,921	1,849
Administrative	926	953
Total Finance & Technology Division	$66,039	$69,413

Walkforward from FY 2018 Outlook		Reference
FY 2018 Outlook	$66,039	
Salaries and Wages	1,401	E
Benefits	185	A, E, F
Contract Services	3,411	A, C, D, F
Equipment & Supplies	(1,578)	A, C, F, H
Utilities	(71)	F
Administrative	27	H
Total FY 2019 Proposed Budget	$69,413	

Administration and Diversity Division

Communications and Marketing

The Communications and Marketing Department is responsible for promoting and protecting the global brand and reputation of DFW Airport, increasing awareness for DFW's products, services and aviation infrastructure. The Department provides DFW Airport's singular, collective voice through communications, outreach, marketing and digital services, all of which support the Airport's strategic plan.

The Department is responsible for delivering impactful and results-oriented marketing and communications strategies that connect with multiple audiences, including customers, communities, stakeholders and the commercial aviation industry. Innovative digital solutions include, but are not limited to, DFW's website, mobile app, in-terminal touch screens and social media channels.

Communication and Marketing consists of crisis communications, domestic and international media relations, global marketing, social media, community engagement, Board and Owner city relations, and internal communications.

Risk Management

Risk Management identifies, analyzes and evaluates exposures, develops and implements loss prevention measures that reduce costs, and ensures compliance with applicable laws and regulations and DFW Board Policies. Areas of general administration include incident and claims management, safety training, management of self-funded, and insured claims programs involving property and casualty liability, general liability, errors and omissions, employment liability, fiduciary/fidelity exposures, contractual review/interpretation, breach of contract, auto liability, driver safety and workers' compensation liability.

Human Resources

The Human Resources (HR) Department at DFW partners with line managers to identify, hire, train, and provide ongoing coaching and support to the employees. Specific functional areas of focus for HR include talent acquisition, talent development, diversity and inclusion, employee records and information, employee relations, compensation, benefits, and employee health and wellness. The department supports these functions through policy development and revision (where appropriate), extensive training (both online and in-person), and through one-on-one coaching with leaders, where appropriate.

Procurement & Materials Management

Procurement and Materials Management provides efficient centralized purchasing, contracting, print and logistics for materials management services in a collaborative manner that maximizes customer satisfaction and minimizes total cost, in accordance with board policies and applicable laws. The procurement function includes the procurement and contracting of all the goods, services and construction projects for the airport.

The department provides a centralized purchasing and contract administration for operations including maintenance and design and construction of capital and overhead funded

developments, improvements, and rehabilitation projects. PMM manages the purchasing card P-Card program and prepares Official Board Actions for Board meetings. Materials management includes the logistics for the airport's central warehouse, providing a central receipt, financial and physical management of inventory and the disposition of excess and obsolete property. PMM also manages the airport's print services shop, with a centralized, reproduction, print, and binding services for all departments and provides distribution of airport wide mail services.

Business Diversity and Development

The Business Diversity & Development Department (BDDD) is responsible for administering the Board's Title VI, Disadvantaged, Small, Minority, and Women-owned Business Enterprise Programs. BDDD has the overall responsibility to administer, monitor and enforce the policies and procedures associated with the Programs and engage the diverse business community with airport contracting opportunities.

Budget Comparison and Walkforward

Administration and Diversity Division
(in thousands)

	FY18 Outlook	FY19 Budget
Communications and Marketing	13,650	13,862
Human Resources	8,511	8,665
Risk Management	8,520	8,577
Procurement & Materials Management	5,045	5,161
Business Diversity and Development	1,865	1,916
Total Admin & Diversity Division	$37,591	$38,182
Salaries & Wages	$11,764	$12,111
Benefits	5,833	5,954
Contract Services	9,909	9,484
Equipment & Supplies	676	656
Insurance	5,499	5,714
Utilities	0	0
Administrative	3,911	4,264
Total Admin & Diversity Division	$37,591	$38,182

Walkforward from FY 2018 Outlook		Reference
FY 2018 Outlook	$37,591	
Salaries and Wages	347	E
Benefits	122	A, E, F
Contract Services	(425)	F, H
Equipment & Supplies	(21)	H
Insurance	215	F
Administrative	353	H
Total FY 2019 Proposed Budget	$38,182	

Global Strategy and Development Division

Research and Analytics

The Research & Analytics group seeks to grow DFW's global brand through a targeted focus on KPIs, powered by advanced research and analytics. The group is responsible for providing actionable intelligence to support both internal and external customers. This includes supporting the growth of new air service by developing sophisticated quantitative and qualitative business cases to pitch new air service to target airlines. In addition, the group is also responsible for managing the new Parking Yield Management system to optimize occupancy and maximize revenues. The group also serves as an internal data and analytics resource for the enterprise.

Airline Relations

Airline Relations works to create an airport business environment where airline partners stay, succeed, and grow. The primary business goal is to position DFW as the airport of choice for passenger and cargo services. The Airline Relations group has two essential purposes: Retention, which focuses on the growth of existing carriers and New Business that focuses on developing new airline business. Airline Relations focuses on strengthening relationships with the airlines' Network, Sales, and Commercial departments and formulates strategies to increase airline services.

Government Relations

Government Relations provides strategic expertise to airport staff and Board members related to state and federal governmental issues; and serves as a point of contact for congressional and legislative representatives and staff, and state and federal agencies. The work involves monitoring and interpreting legislative and regulatory action at all levels, keeping executive staff informed of impact to DFW Airport and/or the aviation industry, and leading the Airport's educational and advocacy advocates to state and federal government entities.

Cargo Business Development

The Cargo group oversees and coordinates DFW's multi-departmental effort to develop and execute the airport's cargo and logistics strategy. This group seeks to shift the airport's cargo business development efforts from a historical focus on airlines that supply cargo capacity, and instead concentrate DFW's efforts on persuading key decision-makers among freight forwarders, logistics companies, customs brokers, and shippers who can drive cargo traffic itself to and through the airport (i.e., a "demand side" business development approach).

Budget Comparison and Walkforward

Global Strategy & Development
(in thousands)

	FY18 Outlook	FY19 Budget
Government Relations	1,228	1,507
Airline Relations	1,090	1,081
Cargo Business Development	738	794
Research & Analytics	480	635
Total Global Strategy Division	$3,536	$4,018
Salaries & Wages	$1,454	$1,812
Benefits	467	552
Contract Services	925	962
Equipment & Supplies	49	38
Insurance	0	0
Utilities	0	0
Administrative	640	653
Total Global Strategy Division	$3,536	$4,018

Walkforward from FY 2018 Outlook		Reference
FY 2018 Outlook	$3,536	
Salaries and Wages	358	E
Benefits	85	A, E, F
Contract Services	36	A, H
Equipment & Supplies	(11)	H
Administrative	13	H
Total FY 2019 Proposed Budget	$4,018	

Legal

The Legal Department is responsible for providing advice and counsel to the Airport Board and Staff and for overseeing the prosecution and defense of litigation involving DFW Airport. Legal Department attorneys are provided by the Dallas and Fort Worth City Attorney's Offices in accordance with the 1968 Contract and Agreement.

Budget Comparison and Walkforward

Legal
(in thousands)

	FY18 Outlook	FY19 Budget
Salaries & Wages	$221	$217
Benefits	136	121
Contract Services	3,002	3,030
Equipment & Supplies	7	7
Insurance	0	0
Utilities	0	0
Administrative	56	56
Total Legal	$3,422	$3,430

Walkforward from FY 2018 Outlook		Reference
FY 2018 Outlook	$3,422	
Salaries & Wages	(4)	E
Benefits	(15)	A, E, F
Contract Services	27	H
Administrative	(0)	H
Total FY 2019 Proposed Budget	$3,430	

Audit Services

The Department of Audit Services assists the Board of Directors and management by independently reviewing programs and activities and providing recommendations and advice as appropriate. The Department works to influence positive change related to achieving the Board's goals and objectives, using resources efficiently and effectively, complying with laws and regulations, safeguarding assets, providing relevant and reliable information to decision makers, and protecting the Board's brand and reputation.

Budget Comparison and Walkforward

Audit Services
(in thousands)

	FY18 Outlook	FY19 Budget
Salaries & Wages	$1,545	$1,614
Benefits	730	719
Contract Services	345	353
Equipment & Supplies	22	25
Insurance	0	0
Utilities	0	0
Administrative	51	51
Total Audit Services	$2,693	$2,763

Walkforward from FY 2018 Outlook		Reference
FY 2018 Outlook	$2,693	
Salaries & Wages	69	E
Benefits	(11)	A, E, F
Contract Services	8	H
Equipment & Supplies	3	H
Administrative	0	H
Total FY 2019 Proposed Budget	$2,763	

Executive Office

The Chief Executive Officer, as the chief administrator and executive officer of the DFW Airport Board, recommends policies to the Board of Directors for the planning, constructing, maintaining, operating and regulating of DFW. The Chief Executive Officer, along with the Executive Staff (7 Executive Vice Presidents and support staff), oversees the implementation of adopted policies and is responsible for conducting monthly and special meetings with the Board of Directors. This budget also includes salaries and wages of support staff for the CEO and Executive Staff and the CEO Contingency.

Budget Comparison and Walkforward

Executive Office
(in thousands)

	FY18 Outlook	FY19 Budget
Salaries & Wages	$3,113	$3,491
Benefits	1,116	1,187
Contract Services	835	713
Equipment & Supplies	17	18
Administrative	667	789
CEO Contingency*	2,693	4,000
Total Executive Office	$8,441	$10,197

Walkforward from FY 2018 Outlook		Reference
FY 2018 Outlook	$8,441	
Salaries & Wages	378	E, H
Benefits	71	A, E, F
Contract Services	(123)	H
Equipment & Supplies	0	A, H
Administrative	122	H
CEO Contingency	1,307	G
Total FY 2019 Proposed Budget	$10,197	

Airport Non-Departmental

The Airport Non-Departmental budget reflects the change in operating reserve, payroll accruals, incentive compensation, affordable health care act fees, supplemental retirement costs, and any other expenses that are recognized at a Board-wide, rather than a departmental level. These include Outlook adjustments made at a high level, medical insurance claims stop loss reimbursement, and medical claim overruns.

Budget Comparison and Walkforward

Airport Non-Departmental
(in thousands)

	FY18 Outlook	FY19 Budget
Salaries & Wages	$4,201	$5,603
Benefits	743	268
Contract Services	2	2
Operating Reserve	4,628	5,948
Total Non-Departmental	$9,574	$11,822

Walkforward from FY 2018 Outlook		Reference
FY 2018 Outlook	$9,574	
Salaries & Wages	1,403	Management Incentive/Excellence awards and Supplemental Non-Exempt Merit
Benefits	(475)	Benefit adjustments made in Outlook and LHD over/under
Contract Services	0	
Equipment & Supplies	0	
Administrative	0	
Operating Reserve	1,319	Operating Reserve requirement increase
Total FY 2019 Proposed Budget	$11,822	

Capital Budget

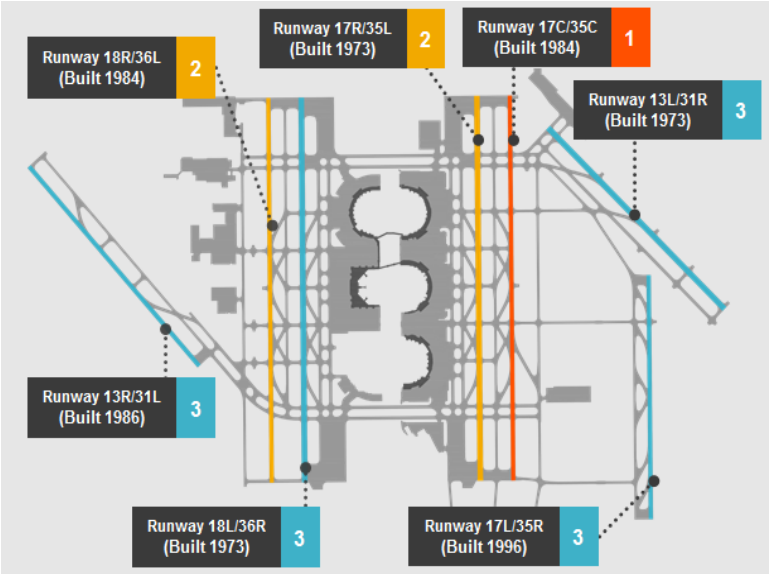
DFW has two capital accounts in its Construction and Improvement Fund: the DFW Capital Account and the Joint Capital Account (JCA).

The DFW Capital Account is DFW's discretionary account. It may be used for any legal purpose and does not require airline approval. DFW uses this fund for renewals and replacements and other discretionary projects. Funding for the DFW Capital Account is from the DFW Cost Center net revenues, interest income, grants and bond proceeds primarily for commercial development projects. DFW has numerous capital projects currently underway and funded from the DFW Capital Account. (See detailed pages that follow.)

The JCA generally requires airline approval for capital projects and are typically funded through the sale of bonds, plus natural gas royalties, sale of land proceeds, grants and interest income.

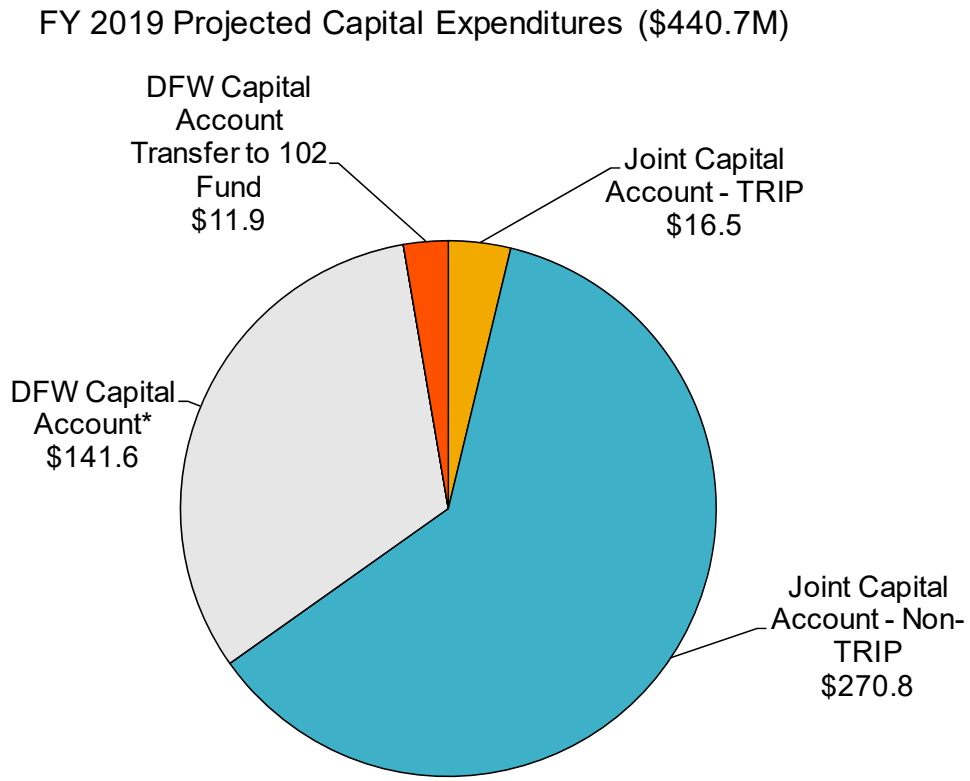
The Terminal Renewal and Improvement Program (TRIP) was previously the largest capital program, which is now largely complete and in process of winding down for Terminals A, B, and E. The budget for these three terminals was $1.9 billion and is currently forecasting approximately $66.1 million in savings at the end of the program. As of March 31, 2018, DFW was 97% contractually committed/spent for Terminals A, B and E and DFW and American Airlines continue to work together to prioritize identified projects to best utilize remaining funds. This excludes $816 million for Terminal C, which was put on hold at the request of American Airlines. DFW and American Airlines are in discussions regarding DFW's future terminal development plans. The scope and budget for this last phase of TRIP are in process of being jointly developed by DFW and American Airlines.

Infrastructure renewal is another major DFW capital program which is currently at various stages of planning, design and construction. This program involves renewal of aging critical airside and landside infrastructure. Since DFW Airport is the 3rd largest airport in the world in terms of land mass, with 17,207 acres, there is a significant amount of infrastructure to maintain. Much of the airfield, landside, utilities and other infrastructure were constructed when the airport opened 44 years ago and is now approaching end of useful life. This program is discussed in more detail in the "*Major Capital Project Descriptions*" section.



Projected Capital – Uses of Cash by Capital Account

DFW projects to spend approximately $440.7 million on capital expenditures in FY 2019 as summarized in the following chart.



** Includes $15.2M debt financed for Commercial Development, excludes contingency*

The following table summarizes projected capital expenditures for projects to be in progress during FY 2019.

			Active Projects in FY 2019			
Capital Budget (Millions)	Actual FY 2017	Forecast FY 2018	Prior Years	Projected FY 2019	Future Years	Total Budget
DFW Capital Account	$115.7	$121.4	$182.8	$141.6	$453.9	$778.3
Joint Capital Acccount						
TRIP	217.3	86.7	1,840.2	16.5	49.6	1,906.3
Non-TRIP	94.2	200.8	306.0	270.8	1,261.4	1,838.2
Transfers to 102 *	9.8	12.3	140.7	11.9	12.2	164.8
Total Capital	$437.0	$421.2	$2,469.8	$440.7	$1,777.1	$4,687.6

* Debt service for Airport Headquarters (including coverage) & E Parking Garage

Capital Project Approval Process

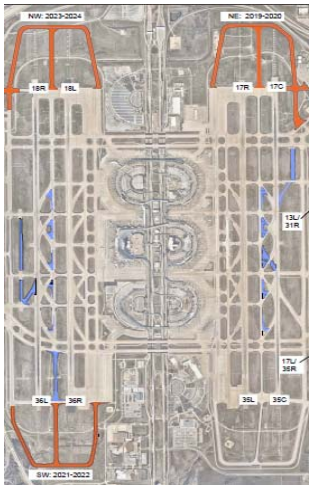
DFW has a Financial Plan that includes a long term Capital Plan. In FY 2010, DFW management developed a 10-year capital plan as the basis for negotiating the Use Agreement. Some of the FY 2019 projects from the list on the prior page were derived from that plan. Many of the new projects highlighted in blue are new projects which are officially in a "planning status." When a project manager is ready to initiate one of the projects from the Capital Plan, a detailed capital worksheet is prepared including alternatives, and presented to the Capital Committee for review and approval. CEO approval is required for projects equal to or greater than $1,000,000. Projects on this list may be modified or eliminated if planning assumptions on costs and benefits do not materialize upon more detailed analysis. It is possible that new projects may arise during the fiscal year due to the dynamic nature of an airport. This "just-in-time" capital planning process provides flexibility to manage changes most effectively. From a process standpoint, the Board of Directors does not approve an overall capital budget. Instead, the Board generally reviews projects to be funded with bond proceeds before the bonds are sold and reviews individual capital projects as contracts for those projects are brought to the Board for approval.

Major Capital Project Descriptions

There are several major capital initiatives in the FY 2019 Capital Budget including:

- Airfield Reconstruction and Expansion –As part of a larger airport-wide infrastructure renewal program, DFW is reconstructing end of life airfield infrastructure. Airline MII approval was received for $222 million to reconstruct east airfield projects, including runway 17C and related airfield projects. Construction just recently started on the first phase of runway 17C. This project is on an accelerated schedule to minimize the adverse operational impacts of having a primary arrival runway out of service for reconstruction. FAA Airport Improvement Program (AIP) grants are programmed for these projects with reimbursement of 75% of eligible costs. A total of approximately $105 million in combined Entitlement and Discretionary AIP grants are programmed for 17C and related projects. Approximately $92 million is anticipated to be spent during FY 2019 (gross of grants).

A $14 million project to strengthen Taxiway "Y" bridge is also currently in design, with $8 million in AIP Discretionary grant funding awarded. This is the north crossover taxiways for aircraft movements over International Parkway between the west and east sides of the airfield. This project is required to accommodate heavier Aircraft Design Group (ADG) VI aircraft, (i.e., A-380 and 747-800) which exceeds the load bearing capacity of the current crossover aircraft taxiway bridges. Approximately $9.6 million is anticipated to be spent in FY 2019.



DFW plans to continue expansion of the End-Around Taxiways (EAT) for the northeast and southwest quadrants to mirror the expansion in the previously constructed EAT in the southeast quadrant. This is part of an airfield safety and capacity program which will minimize runway incursions and increase runway capacity of the airfield. Airline MII approval has been granted for $14 million for design of both the southwest and northeast EAT, as well as $104 million for construction of the northeast EAT. The northeast EAT would be the next EAT to be constructed, followed by the southwest EAT, and eventually the northwest EAT to complete the entire EAT system. Additionally, DFW Airport has already submitted an FAA Letter of Intent (LOI) request for $310 million of AIP Discretionary LOI funding for the remaining three EAT's to complete the larger program for EAT's at DFW Airport. While final FAA approval of DFW's LOI request has not yet been received, more recent negotiations with the FAA suggested that a more likely funding level would be approximately $176 million. Approximately $34 million is anticipated to be spent on the northeast EAT in FY 2019.

- Terminals – FY 2019 terminal spend includes a number of non-TRIP terminal renovation and improvement initiatives including renovation of Terminal E-Satellite to accommodate increased Envoy regional flight activity, Terminal B Hydrant Fueling modifications to accommodate Envoy up-gauging to larger regional jets, Terminal B "stinger" terminal pavement reconstruction, Terminal C jet bridge replacements, Terminal D Baggage Handling System renewal and improvements, along with a number of other terminal projects. While the TRIP Terminals A, B, and E are already in service, there remains programming and spend for approximately $66.1M in savings from these three completed TRIP terminals. Approximately $84 million is anticipated to be spent on various terminal projects during FY 2019.

- Landside Roads, Bridges, and Rail – Just as the airfield infrastructure is undergoing plans for major renewal, the landside infrastructure is also planned for major renewal and reconstruction as this infrastructure also approaches end-of-life. A number of different roads and bridges are in various stages of programming, design, and construction. Approximately $17 million is estimated to be spent of roads and bridges reconstruction during FY 2019. Additionally, as part of a larger regional surface transportation solution for the North Central Texas Region, DFW is currently in process of constructing a rail station adjacent to Terminal B to accommodate the "T" Rail service from downtown Fort Worth. DFW received airline MII approval for $43 million for this project. Approximately $6 million is anticipated to be spent during FY 2019 for this rail station which is scheduled to start passenger service in the first quarter of FY 2019.

- Commercial Development and Other Facilities – Commercial development at DFW Airport is at a historic high with a significant number of new developments currently under way. DFW is funding the infrastructure to support several new planned development sites including over 350 acres in Passport Park East located in southeast quadrant of DFW, Walnut Hill Industrial, Coppell Industrial and others. Additionally, construction will continue into FY 2019 on Southgate development to complete the US Post Office. Approximately $32 million is anticipated to be spent on Commercial Development during FY 2019.

- Safety and Security – DFW Airport is enhancing safety and security through various renovation and improvement initiatives involving airfield and terminal secured side access, enhanced surveillance capabilities, additional vehicles and equipment in support of DPS headcount increases, badging system automation, and several other safety and security initiatives. One of the major safety and security initiatives involves reconstructed and expanded facilities for DPS Station #1. DPS Station #1 is currently being reconstructed and expanded due to current facilities being at end of service life as well as to meet increased space needs for current staffing levels. DFW received Airline MII approval for $63 million for DPS #1. This facility will be relocated in a new consolidated operations campus on the southwest quadrant of the airport. Approximately $38 million is anticipated to be spent on Safety and Security initiatives in FY 2019.

- Customer Experience – Numerous initiatives are currently underway to focus on a primary DFW goal of improving the customer experience. Some of the main initiatives include improvements to terminal restrooms and hold room areas, construction of a premium VIP lounge, development of TSA wait time technology in the terminal security screening checkpoints to provide real-time information on forecasted passenger screening wait times, development of a Parking Yield Management System to allow for dynamic pricing, implementation of a terminal curbside re-allocation program to alleviate terminal curbside congestion, and renewal and enhancements to airport-wide wayfinding signage. One of the major customer experience initiatives is a future planned Integrated Operations Center (IOC), which is aligned with DFW's key strategic objective of providing a world class, end-to-end customer experience. The IOC is a replacement and expansion of the current Airport

Operations Center (AOC) and Emergency Operations Center (EOC). This new facility will consolidate many airport functions into a single location to enhance DFW's ability to provide seamless transfer of passengers, baggage, aircraft, vehicles, and related logistics systems. A 360-degree (customer + operator) perspective will be available to secure and disseminate accurate and relevant information to enable proactive and effective decision making, with the objective of averting problems before they occur. DFW received airline MII approval for $6 million for design. Approximately $20.9 million is anticipated to be spent on customer experience initiatives.

- Other – Other major planned projects include various reconstruction/consolidation projects for several DFW operational facilities at end of life, into a consolidated campus at a green field site in the southwest quadrant of DFW Airport. In addition to the relocation of DPS Station #1 and the future IOC mentioned above, other operational departments will also be relocated to this new location, including Design/Code & Construction department, Energy Transportation & Asset Management along with the various related maintenance and support shops, Environmental Affairs, and several other operations functions. Airline MII approval was received for $12 million for design of this consolidated campus. Approximately $6 million is anticipated to be spent on this initiative during FY 2019.

The table below summarizes the airline MII approvals that DFW Airport has received thus far, including those projects in the new Use Agreement.

DFW Airport MII Approvals Since New Use Agreement Dated Oct 1, 2010

	$'s in Millions		
Project Name	**TRIP**	**Non-TRIP**	**Total**
MII Approvals In New Use Agreement:			
TRIP (base scope - escalated)	$1,922.0		$1,922.0
Non-TRIP		310.0	310.0
Total Use Agreement MII Approved Projects	**$1,922.0**	**$310.0**	**$2,232.0**
MII Approvals Subsequent to New Use Agreement:			
MII Approvals FY 2011		$60.9	$60.9
MII Approvals FY 2012	61.4	234.4	295.8
MII Approvals FY 2013	38.4	52.1	90.6
MII Approvals FY 2014	670.3	63.2	733.5
MII Approvals FY 2015	26.3	94.0	120.3
MII Approvals FY 2016		164.6	164.6
MII Approvals FY 2017		411.4	411.4
MII Approvals FY 2018		52.3	52.3
MII APPROVALS SINCE NEW USE AGREEMENT	**$796.5**	**$1,132.9**	**$1,929.3**
TOTAL MII APPROVALS INCLUDING NEW USE AGREEMENT PROJECTS	**$2,718.5**	**$1,442.9**	**$4,161.3**

The following projects will be funded from the DFW Capital Account during FY 2019. Spend amounts are gross of grant reimbursements.

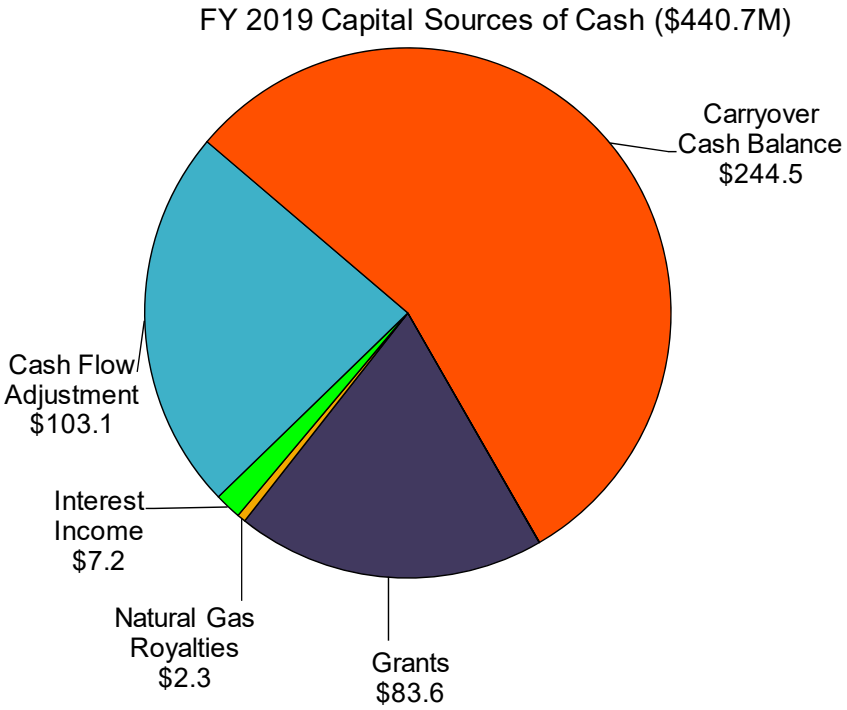
DFW CAPITAL ACCOUNT (In Millions)	Prior		Future
Project Name	Years	FY19	Years
Passport Business Park East	$13.6	$15.6	$13.6
Rehabilitate Airfield Pavements FY15 (18R, F)	1.4	5.3	21.1
635 Business Park Ph III (Coppell Freeway Commercial)	.0	5.1	5.1
Project Life Cycle Mgt (PLM) (Planning Reserve)	1.9	3.3	1.3
Term A, B, C, & E: Skylink ramp level emergency exit door (40)	.4	3.3	.7
Term B: Relocate ACO Badging D to Term B	.3	3.1	3.4
LED Ramp Lighting Improvements	.7	2.9	3.6
Replace General Purpose Vehicles	Annual	2.9	10.7
IT Network Sys: Annual Technology Purchase (Planning Reserve)	Annual	2.7	35.6
Rehab/Replace High Pole Lighting (Design + critical replacements)	.5	2.5	2.0
161 East Business Park (Logistics Center 8,9,10,11)	.5	2.5	2.0
Rehab Airfield Lighting Sys Design (LED E/W, lighting vaults)	1.0	2.3	2.3
Term D BHS Renewal (Upper & Lower level)	1.8	2.3	.8
Structural Fire Truck Replacement	2.2	2.2	6.4
Term B&E PBB Replacement (B9B/B10B & E31/E34)	.4	2.2	1.7
Term D VIP Lounge	.4	2.1	6.0
Term Upper Level Roadway Re-Coating (Term A only)	.3	2.0	2.0
Air Service Incentive Plan (ASIP) & Marketing Rebates	47.4	2.0	14.0
Replace Remote Buses	.0	1.8	16.7
Southgate 24th Ave Widening (from Innovation Dr to Rental Car Dr)	1.1	1.8	.0
Term A, B, C, D Autodock Refresh	.6	1.8	7.0
Southgate:USPS (Post Office)	1.5	1.6	.9
Term D Roadway and Sidewalks Expansion Joints	1.8	1.6	8.8
Replace 10 AOA Unmanned Gate Opening System	.3	1.5	1.2
Signage: Non-Terminal (planning reserve)	Annual	1.5	6.5
Replace Parking/Other Canopies	.3	1.4	1.0
Replace Main West Side Sanitary Sewer Line (Ph 2)	.5	1.4	7.7
Term All: Skylink Fire Detection/Supression	.6	1.4	1.1
Term D Concessions Master Plan "White Box" buildout	2.7	1.4	.7
Rehab Airfield Lighting Systems FY16 (Vault modifications)	.9	1.3	2.7
Future Safety/Security Projects (planning reserve)	Annual	1.3	21.8
Curbside Reallocation	.1	1.2	4.7
SE Quadrant Sanitary Sewer Line Relocation & Enlargement	.1	1.1	1.0
Rehabilitate Deicing System Large Storage Areas	.4	1.1	.0
Enterprise Data Library (EDL)	1.1	1.1	.9
Retaining Wall SB Svc Rd by Term D Crossunder #4	.9	1.1	1.6
Skylink Renewal Program - Skylink Car Overhaul	8.3	1.0	3.1
Rehab Trigg Lake Dam	.1	1.0	.0
Term D Annual Capital Renewal: (planning reserve)	33.3	1.0	28.5
Airport Facilities Development & Programming (Term Expansion Ph 2)	.3	1.0	3.8
Projects <1M	**55.2**	**48.0**	**202.2**
TOTAL DFW CAPITAL ACCOUNT	$182.8	$141.6	$453.9
ADD: TRANSFER TO 102 (Debt Svc for AHQ and Term E Garage)	34.4	11.9	12.2
TOTAL USES OF DFW CAPITAL ACCOUNT	$217.2	$153.4	$466.1

The following projects will be funded from the Joint Capital Account during FY 2019. Spend amounts are gross of grant reimbursements.

JOINT CAPITAL ACCOUNT (In Millions) Project Name	Prior Years	FY19	Future Years
Terminal Renewal and Improvement Program (TRIP)	$1,840.2	$16.5	$49.6
TOTAL JOINT CAPITAL ACCOUNT (TRIP)	1,840.2	16.5	49.6
Non-TRIP:			
Runway 17C (Pkg 1 of 3)	$74.9	$85.4	$6.7
NE End Around Taxiway (EAT) Design/Construction (pkg 1)	23.0	24.9	.0
DPS #1 Reconstruct/Expansion	19.6	20.4	23.3
Term E-Satellite Relife (AA Reimb)	2.0	10.0	8.0
Taxiway "Y" Bridge Strengthening (A380)	2.4	9.6	2.4
NE End Around Taxiway (EAT) Design/Construction (pkg 2)	.0	8.5	48.3
Integrated Operations Center (IOC)	4.1	8.0	54.6
SW Perimeter Taxiway (Design Only)	2.5	6.5	.0
Runway 17C - T/W "M" North (Pkg 2 of 3)	.0	6.1	18.3
"T" Rail Station @ Terminal B	36.5	6.1	.0
Term C Jetbridge Replacement (6)	.7	5.9	.0
Rehab E/W Potable Water Pump Stations	2.0	5.9	10.9
D-South Expansion: F Ramp Expansion (N/S portion)	47.9	5.1	.0
Facility Relocation/Consolidation (Design only)	1.2	4.8	6.0
Rehab 31st, 32nd,33rd, and SW Construction road	.9	3.7	2.8
Skylink Guideway Concrete Spalling Repairs (Ph 1)	3.1	3.1	.0
Rehab E/W Pump Station Potable Water Storage Tanks	1.7	3.0	1.8
18R ARFF Rd (Design & Construction)	.7	2.6	3.3
Term B Stinger - Concrete Ramp Repair	1.0	2.5	1.5
T/W "Lima" Reconstruction	52.1	2.3	.0
13L & T/W "R" Rehab	.5	2.1	2.6
Term B: Hydrant Fueling Modifications for Upgauged Aircraft	1.4	2.1	.0
Landside Roads/Bridges Reconstruction ($9M Design Only)	.8	2.1	6.2
Reconfigure SE SADF Main Pipeline	.5	1.9	.9
Term All - BHS Improvements (design & construction)	.0	1.7	48.3
Rehabilitate Landside Roads & Bridges Ph 4a	1.0	1.7	.0
Term B/D FIS Corridor Extension	.5	1.5	38.0
D-South Expansion: Gate expansion (4 gate stinger)	.0	1.5	183.5
Safety/Security - Planning Reserve	.0	1.5	16.5
N.Airfield Bridge Reconstruction	.2	1.5	13.2
Security: Perimeter Intrusion Detection Sys	.0	1.5	27.9
D Pax Processing Capacity Expansion: Add'l Bag Makeup Unit (MU 6)	.4	1.4	.9
Term B & E PBB Improvements/Replacements	.2	1.4	2.9
Retrofit Flyovers at Term A	.2	1.3	.4
Term C Minimum Relife	.0	1.3	123.8
Facility Relocation/Consolidation (Construction)	.0	1.2	118.8
Rehabilitate Deicing System Large Storage Areas	7.9	1.1	.0
Security: Video Surveillance System Upgrade/Replacement	.0	1.1	20.3
Term A Customer Experience (Cx): Planning Reserve	Annual	1.0	18.5
Term B Customer Experience (Cx): Planning Reserve	Annual	1.0	18.5
Term E Customer Experience (Cx): Planning Reserve	Annual	1.0	18.5
Parking - Planning Reserve	Annual	1.0	9.0
Projects <1M	**16.3**	**14.8**	**404.9**
TOTAL JOINT CAPITAL ACCOUNT (NON-TRIP)	$306.0	$270.8	$1,261.4
TOTAL JOINT CAPITAL ACCOUNT	$2,146.2	$287.3	$1,311.0
TOTAL USES OF JOINT + DFW CAPITAL ACCOUNT	$2,363.4	$440.7	$1,777.1

Capital Projects - Sources of Cash

DFW's capital programs are funded from a variety of sources as shown in the following chart.



The following table highlights the walkforward of DFW's capital funds.

Airport Capital Funds Walkforward
(In Millions)

Capital Walkforward	Joint Capital	DFW Capital	Total
Beginning Cash (10/1/18)	$575.7	$142.6	$718.4
Sources of Funds:			
Grants	82.6	1.1	83.6
Debt	-	-	-
Natural Gas Royalties	2.3	-	2.3
Interest Income	4.9	2.4	7.2
Cash Flow Adjustment	67.7	35.4	103.1
Total Sources	157.4	38.8	196.2
Less:			
Capital Uses	(287.3)	(141.6)	(428.8)
DFW Capital Account Transfer to 102	-	(11.9)	(11.9)
Total Uses	(287.3)	(153.4)	(440.7)
Total Ending Cash Balance	445.9	28.0	473.9
Add: Cash From DFW Cost Center	-	78.0	78.0
Ending Cash (9/30/18)	$445.9	$106.0	$551.8

Agenda Information Sheet

File #: 18-696 **Item #:** 41.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 5

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize an application for an Urban Outdoor Recreation Grant in the amount of $1,000,000 from the Texas Parks and Wildlife Department for the Phase 1 Crawford Lake redevelopment in Crawford Memorial Park located at 8700 Elam Road - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

The Texas Parks and Wildlife Department (TPWD) administers the Urban Outdoor Recreation Grant. Funding for this program comes from a portion of the state sales tax on sporting goods through the Texas Recreation and Parks Account, the Texas Large County and Municipality Recreation and Parks Account, and from the federal Land and Water Conservation Fund.

The scoring criteria for this grant program includes assessing whether the project provides the development or the extension of parks; whether the applicant has a locally adopted and department-approved park master plan; whether the project reduces the threat to the public availability of a conservation or recreation opportunity; whether the project is located in an underserved area; and whether the project involves public or private cooperation and meets the goals of TPWD Land and Water Resources Conservation and Recreation Plan.

Crawford Memorial Park is a 272-acre neighborhood park, that was established in 1954 in the Pleasant Grove community. Crawford Memorial Park is a large and underutilized park. Crawford Memorial Park has been identified by the Dallas Park and Recreation Department as the candidate a Signature Parks due to its size and natural setting.

The grant program stipulates a 50 percent match funding requirement. The City's existing 2017 Bond allocation for the Crawford Memorial Park project will be used for the required funding match. If successful, the grant will supplement existing funding. Based on the current master plan, Phase 1 Implementation will be to dam the creek to create a 45 to 50-acre lake, construction of an artistic spillway, and temporary boat access.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 2, 2018, the Park and Recreation Board authorized a professional services contract with Pacheco-Koch Consulting Engineers, Inc. for schematic design and engineering services for the Crawford Memorial Park Phase 1 Improvements Project located at 8700 Elam Road.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on August 27, 2018.

The Park and Recreation Board will consider authorizing an application for an Urban Outdoor Recreation Grant on September 6, 2018.

FISCAL INFORMATION

This action has no cost consideration to the City. 2017 Bond Funds ($1,000,000) for the Crawford Memorial Park project will be used for the 50 percent match funding requirement.

In the event that the grant is awarded, future estimated costs includes Operation and Maintenance (O&M) based on the design and engineering services beginning at $50,000 in Fiscal Year 2020-21. Funding for O&M will be required with the 2017 General Obligation Bond Program project.

MAP

Attached

powered by Legistar™

0 500 1,000 2,000 3,000 Feet

1 in = 1,000 ft

Dallas Park & Recreation

Crawford Park
(8700 Elam Rd)

Mapsco
58 V,Z
59 S,W

District
5

WHEREAS, the United States Congress has passed the Land and Water Conservation Fund Act of 1965 (Public Law 88-578) authorizing the Secretary of the Interior to provide financial assistance to states, and political subdivisions thereof, for outdoor recreation purposes; and

WHEREAS, the Texas Legislature has approved the Park and Wildlife Code, Section 131.309 authorizing the State of Texas, and its political subdivisions, to participate in the Federal program established under said Public Law 88-578, or such other programs as are hereinafter established by the Federal Government; and

WHEREAS, the Texas Legislature has approved the Parks and Wildlife Code, Section 24.005 for allowing the political subdivisions of the State of Texas to participate in the Texas Recreation and Parks Account Program; and

WHEREAS, the City of Dallas is fully eligible to receive assistance under these programs; and

WHEREAS, Crawford Memorial Park is part of the current comprehensive plan; and

WHEREAS, the 2017 Bond Program has set aside funding for this park; and

WHEREAS, the applicant is desirous of authorizing an official to represent and act for the applicant in dealing with the Texas Parks and Wildlife Department concerning these programs.

Now, Therefore,

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

SECTION 1. That the City of Dallas, Texas hereby certifies that it is eligible to receive assistance under these programs, and that notice of the application has been posted according to local public hearing requirements.

SECTION 2. That the City of Dallas, Texas hereby certifies that the matching share for this application is currently through $1,000,000 from the 2017 Bond Program.

SECTION 3. That the City of Dallas, Texas hereby authorizes and directs the Director of the Park and Recreation Department to represent and act for the City in dealing with the Texas Parks and Wildlife Department for the purposes of the program, and that the Director is hereby officially designated as the representative in this regard.

SECTION 4. That the City of Dallas, Texas hereby specifically authorizes the Park and Recreation Department to make application to the Texas Parks and Wildlife Department concerning the site known as Crawford Memorial Park in the City of Dallas for use as a park site and is hereby dedicated for public park and recreation purposes in perpetuity.

SECTION 5. That the City Manager is hereby authorized to apply for reimbursable grant funds in the amount of $1,000,000 from the Texas Parks and Wildlife Department and to execute any and all documents required by the grant, approved as to form by the City Attorney.

SECTION 6. That it is the intent of the City Council of the City of Dallas, Texas that all operating funds required for the Crawford Memorial Park project be appropriated and funded as needed for operating costs.

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 #: 18-669 **Item #:** 42.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 12

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize a contract for the construction of Moss Glen Park Site Improvements located at 5200 Bentwood Trail - Texas Standard Construction, Ltd., lowest responsible bidder of eight - Not to exceed $718,595.00 - Financing: 2017 Bond Funds ($468,595.00) and Collin County Parks and Open Space Project Funding Assistance Program - Moss Glen Park Development Grant Funds ($250,000.00)

BACKGROUND

On July 6, 2018, eight bids were received for Moss Glen Park Site Improvements Project utilizing a competitive bid procurement process. Texas Standard Construction, Ltd. was selected as the lowest responsible bidder for the Base Bid and Alternates Nos. 1, 2, 3, 4, 5, 6, 7 and 11, in an amount not to exceed $718,595.00.

The scope of work for the Moss Glen Park Site Improvements project includes:

- New concrete loop trail (approximately 0.75-mile length, eight feet wide)
- New playground for ages two to five and ages five to twelve
- New exercise stations and pads
- New pedestrian bridge
- New site trees with irrigation

The following chart illustrates Texas Standard Construction, Ltd. contractual activities with the City of Dallas for the past three years.

	PBW	DWU	PKR	TWM
Projects Completed	3	0	0	1
Change Orders	4	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	November 2017
Completed Design	April 2018
Begin Construction	November 2018
Complete Construction	May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 19, 2018, the Park and Recreation Board was briefed on construction procurement.

On August 16, 2018, the Park and Recreation Board authorized a construction contract with Texas Standard Construction, Ltd.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on August 27, 2018.

FISCAL INFORMATION

2017 Bond Funds - $468,595.00
Collin County Parks and Open Space Project Funding Assistance Program - Moss Glen Park Development Grant 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 $
$718,595.00	Construction	25.00%	26.00%	$186,834.70
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The following eight bids were received and opened on July 6, 2018:

*Denotes the successful bidder

Bidders	Base Bid	Alter. Nos. 1,2,3,4,5,6,7,11**	Total Bid
*Texas Standard Construction, Ltd. P.O. Box 210768 Dallas, TX 75211	$549,245.00	$169,350.00	$718,595.00

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Wall Enterprises	$388,575.00	$467,950.00	$856,525.00
AS Con, Inc.	$348,840.00	$484,650.00	$833,490.00
The Fain Group	$536,529.00	$462,340.00	$998,869.00
Northstar Construction, LLC	$439,000.00	$526,300.00	$965,300.00
North Rock Construction, LLC	$411,205.14	$394,931.30	$806,136.44
Henneberger Construction, Inc.	$675,853.00	$489,610.00	$1,165,463.00
Gadberry Construction	$665,949.56	$551,546.05	$1,217,495.61

**Alternate No. 1 - provides for tree planting.
**Alternate No. 2 - provides for a tree bubbler irrigation system.
**Alternate No. 3 - provides for site furnishings.
**Alternate No. 4 - provides for pet stations.
**Alternate No. 5 - provides for concrete pads for exercise equipment.
**Alternate No. 6 - provides for exercise stations.
**Alternate No. 7 - provides for playground equipment - Playwell.
**Alternate No. 11 - provides for a drinking fountain.

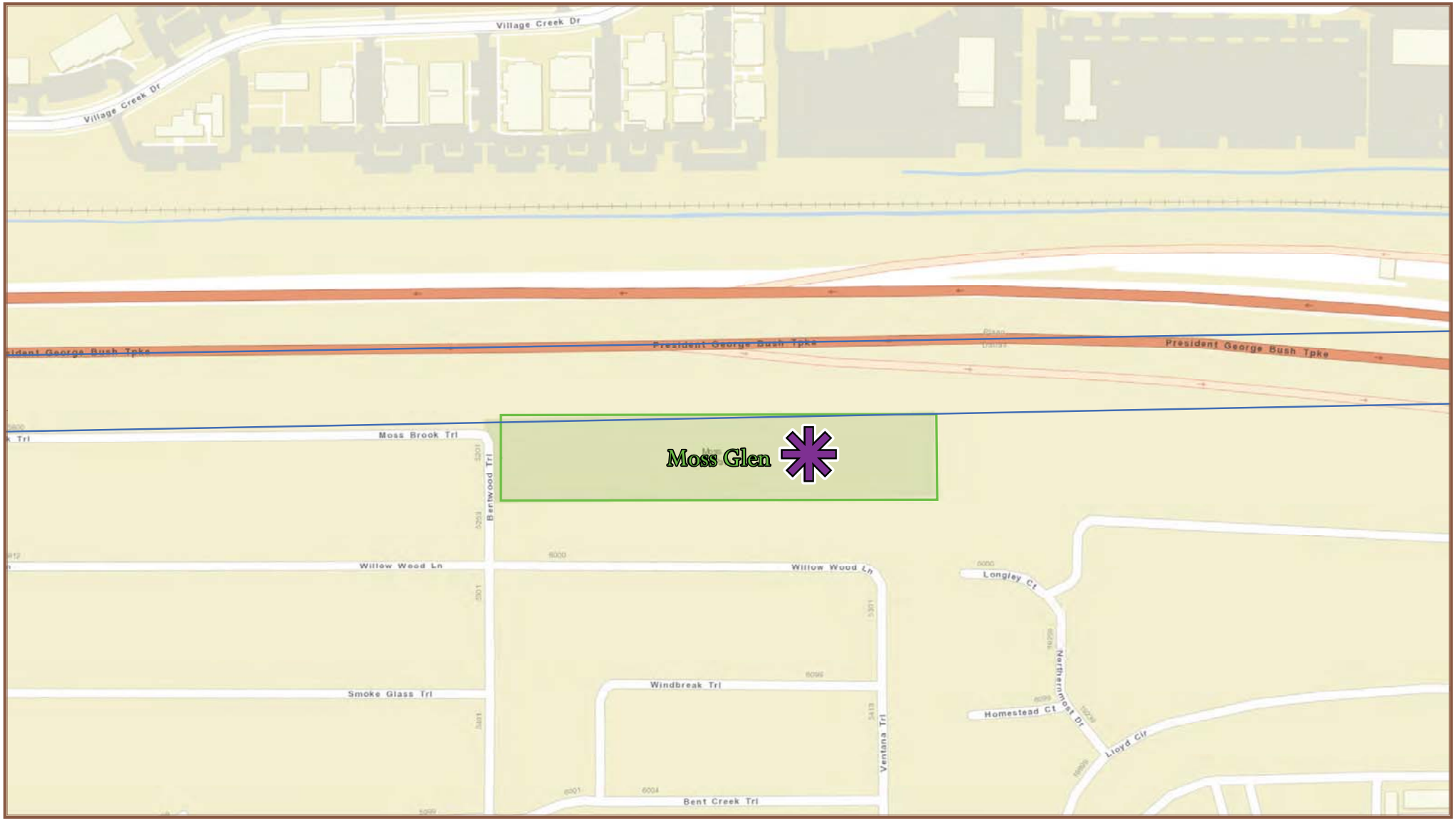
OWNER

Texas Standard Construction, Ltd.

Ron Dalton, President

MAP

Attached



0 100 200 400 600 Feet

1 in = 200 ft

N W E S

Dallas Park & Recreation

Moss Glen Park
(5200 Bentwood Trail)

Mapsco
X 656

District
12

September 12, 2018

WHEREAS, on July 6, 2018, eight bids were received for the Moss Glen Park Site Improvements Project; and

Bidders	**Base Bid**	**Alter. Nos. 1,2,3,4,5,6,7,11****	**Total Bid**
Texas Standard Construction, Ltd.	$549,245.00	$169,350.00	$718,595.00
Wall Enterprises	$388,575.00	$467,950.00	$856,525.00
AS Con, Inc.	$348,840.00	$484,650.00	$833,490.00
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**Alternate No. 6 - provides for exercise stations.
**Alternate No. 7 - provides for playground equipment - Playwell.
**Alternate No. 11 - provides for a drinking fountain.

WHEREAS, the scope of work for this project includes a new concrete loop trail approximately 0.75 mile in length and eight-feet wide, a new playground for ages two to five and five to twelve, new exercise stations and pads, new pedestrian bridge and new site trees with irrigation; and

WHEREAS, it has been determined that acceptance of the best and final offer from Texas Standard Construction, Ltd. for construction of the Moss Glen Park Site Improvements located at 5200 Bentwood Trail, in an amount not to exceed $718,595.00 is the best value for the City of Dallas.

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 Texas Standard Construction, Ltd., approved as to form by the City Attorney, for the construction of Moss Glen Park Site Improvements located at 5200 Bentwood Trail, in an amount not to exceed $718,595.00.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a construction contract with Texas Standard Construction, Ltd., 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 $718,595.00 to Texas Standard Construction, Ltd., as follows:

2017 Bond Funds	
Fund 1V00, Department PKR, Unit WK58, Object 4599	
Activity COPK, Program PK17VK58	
Encumbrance/Contract No. PKR-2018-00007047	
Commodity 91200, Vendor 339573	$468,595.00
Collin County PFAP – Moss Glen Park Devt Grant Funds	
Fund P119, Department PKR, Unit W150, Object 4599	
Activity COPK, Program PKW150	
Encumbrance/Contract No. PKR-2018-00007047	
Commodity 91200, Vendor 339573	$250,000.00
Total amount not to exceed	$718,595.00

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 #: 18-648 **Item #:** 43.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 13

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize a public hearing to be held on October 24, 2018, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments for the proposed use of a portion of the Bachman Creek Greenbelt located at 3900 Shorecrest Drive, totaling approximately 42,323 square feet, for driveway access and parking by QuikTrip Corporation by providing parking, trail access, a driveway, landscaping, lighting, and other amenities to be constructed and maintained by QuikTrip Corporation for the benefit of the public - Financing: No cost consideration to the City

BACKGROUND

QuikTrip is proposing to widen the four-foot wide Bachman Lake Park Trail under Lemmon Avenue to improve trail access, provide additional security measures including lighting on the trail under the bridge and around-the-clock surveillance, and, finally, to construct an additional lane on Lemmon Avenue at the intersection with West Northwest Highway to improve traffic control at this busy intersection. Development and maintenance of the park will be at QuikTrip's cost by separate agreement.

The City of Dallas owns municipal parkland known as Bachman Creek Greenbelt (approximately 41 acres) located at 3900 Shorecrest Drive, just north of Dallas Love Field Airport. This passive-use park is used for open space. A trail runs through the park along the north side of Bachman Creek which connects to and is a part of the Bachman Lake Park Trail in adjacent Bachman Lake Park to the west. Currently, there is no direct public access to Bachman Creek Greenbelt for residential neighborhoods to the north. There is a need for access to Bachman Creek Greenbelt for the surrounding neighborhood. QuikTrip offers to construct and maintain a trailhead which includes parking, landscaping, seating, paving, and a drinking fountain. QuikTrip proposes to allow its patrons use of the proposed parkland access drive and parking lot. For more than 85 years this portion of the park has always been turf and because of its unusual configuration has never been developed. The development of a trailhead at this location is a functional use of the space which will provide much needed access to the Bachman Lake Trail.

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In compliance with the law, the City must determine that there is a need, that there is no feasible and prudent alternative, and that all reasonable care will be taken not to damage the remainder of the park property and to mitigate any disruption of park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Quality of Life, Arts and Culture Committee on August 27, 2018.

FISCAL INFORMATION

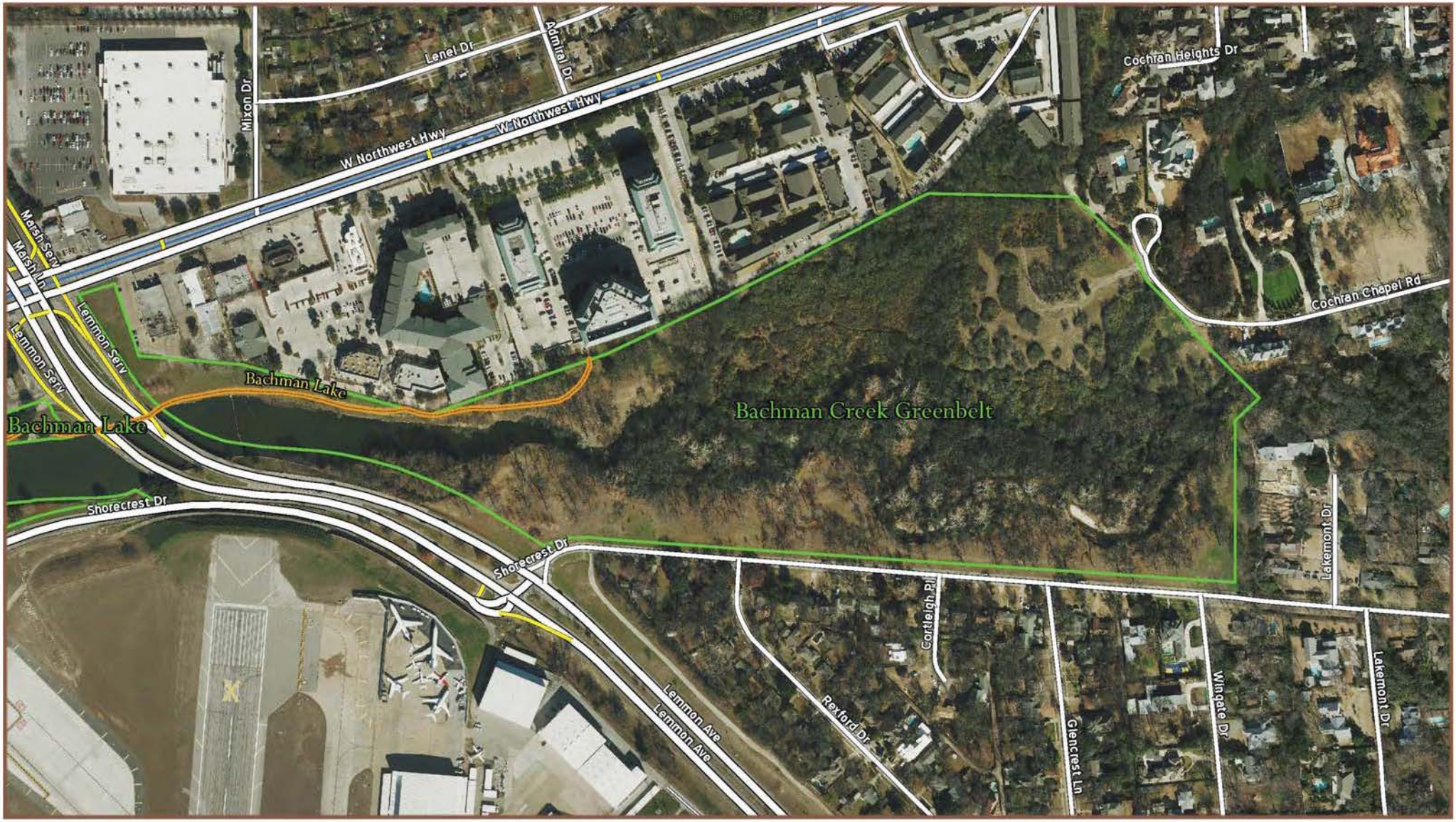
No cost consideration to the City.

OWNER

City of Dallas

MAPS

Attached



Bachman Creek Greenbelt

Bachman Creek Greenbelt
(3900 Shorecrest Dr.)

Mapsco
23 Z
24 W

District
13

September 12, 2018

WHEREAS, the City of Dallas owns land in Dallas know as Bachman Creek Greenbelt located at 3900 Shorecrest Drive, north of Dallas Love Field Airport, which has been maintained by the City as parkland since 1930; and

WHEREAS, QuikTrip Corporation proposes to design, construct, and maintain a trailhead on approximately 42,323 square feet of parkland in Bachman Creek Greenbelt which will provide accessible public access to the existing hike and bike trail; and

WHEREAS, QuikTrip Corporation has requested a non-exclusive use of the trailhead, access driveway, and parking for itself and its patrons, and the Park and Recreation Board is agreeable to providing the property for this non-exclusive license; and

WHEREAS, the Texas Parks and Wildlife Code, Chapter 26 (Section 26.001 through 26.004), requires that before a municipality may approve any program or project that requires the use or taking of any public land designated and used as parkland, the governing body of such public municipality must determine that there is no feasible and prudent alternative to the use or taking of such land, and that the program or project includes all reasonable planning to minimize harm to the remainder of the park; and

WHEREAS, prior to making this determination, notice must be given and a public hearing be held relative to the proposed change of park use; and

WHEREAS, the City Council desires to give notice and hold such hearing in accordance with the law with respect to the utilization of Bachman Creek Greenbelt.

Now, Therefore,

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

SECTION 1. That the Park and Recreation Department is hereby authorized and directed to advise in writing of such proposed use of the park property by delivering a notice for publishing to the official newspaper to be advertised once each week for three consecutive weeks, the last publication to be not less than one week nor more than two weeks before the date of the hearing, which shall be held in the City Council Chambers on October 24, 2018.

SECTION 2. That the approval of the aforementioned project by the City Council, at the close of said hearing, shall be construed as making the proper findings as to the use, taking and conveyance of parkland, consistent with the Texas Parks and Wildlife Code and the Texas Local Government Code.

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.

LANDSCAPE CHECK LIST

City of Dallas Landscape Ordinance

MANDATORY PROVISIONS:

- ✓ Tree Survey - must include trees 6" caliper and greater on the lot and/or within 50' of construction.
- ✓ Tree Protection - permanent protective fencing around the drip line of each protected tree to remain. Ref. A4B/L0.00.
- ✓ Protected Tree Mitigation - Replacement trees must equal, in caliper, the caliper of protected trees removed. Approved replacement trees to be 2" minimum caliper and be of a species on the approved tree list. See below.
- ✓ Site Trees - Must have one 2" caliper tree per 4,000 square feet of lot area with a minimum of 4 trees. All site trees must be located on the lot.

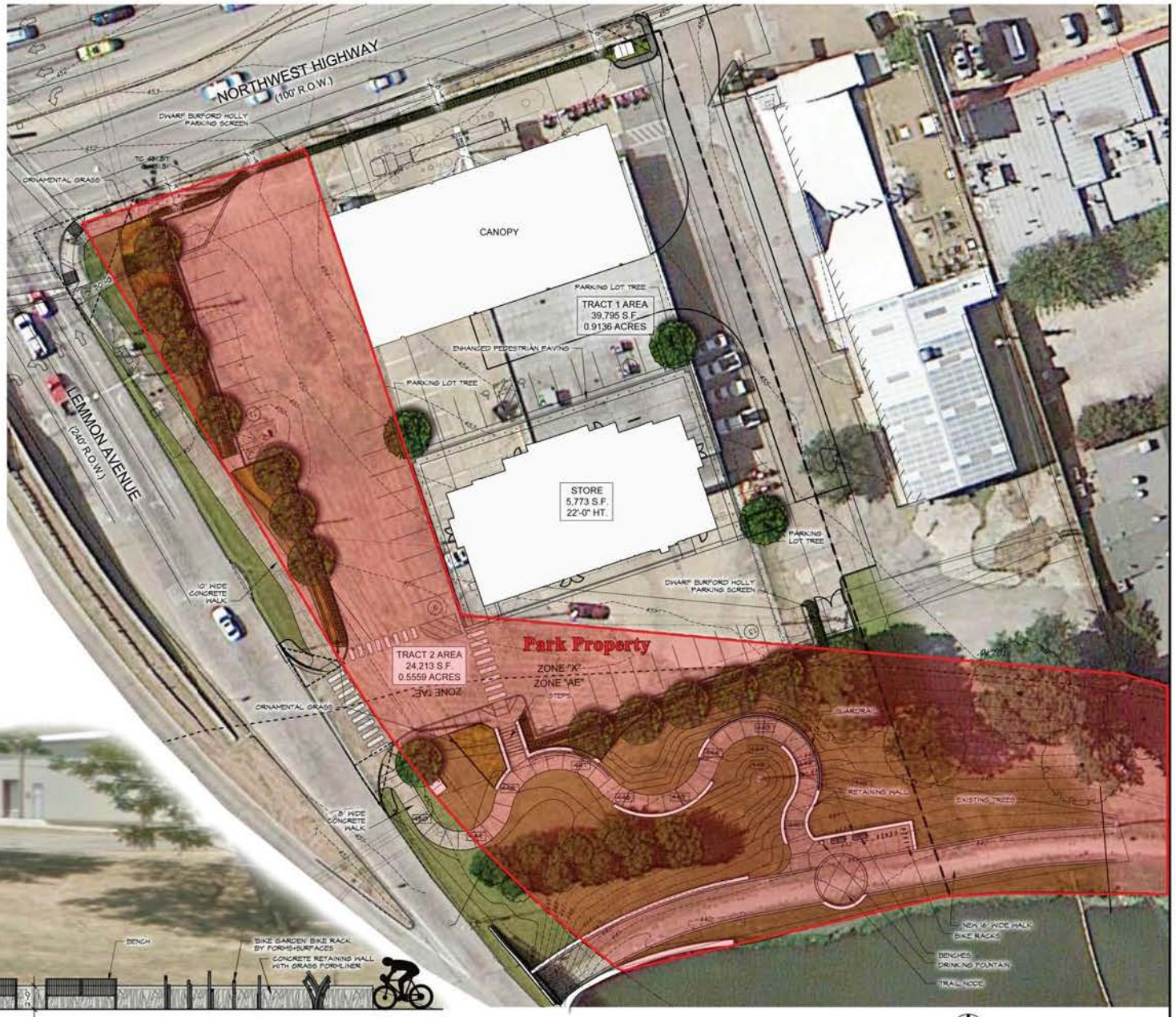
  58,605 sf / 4000 = 10 site trees
- NA Perimeter Landscape Buffer Strip - Must be provided along the entire length of the portion of the perimeter of the lot where a residential adjacency exists and at least be 10' wide. Must contain buffer plant material as defined in Sec. 51A-10.125(b)(1).
- NA Screening of off-street loading spaces - Must be screened from residential adjacent public streets. Minimum 6' height. See Sec. 51A-4.602(b)(3) for methods of screening and automatic irrigation required for any screening material.
- ✓ Street Trees - Must have one 3" caliper large tree per 50' of street frontage with a minimum of 2 trees. All street trees must be located within 30' of the projected street curb.

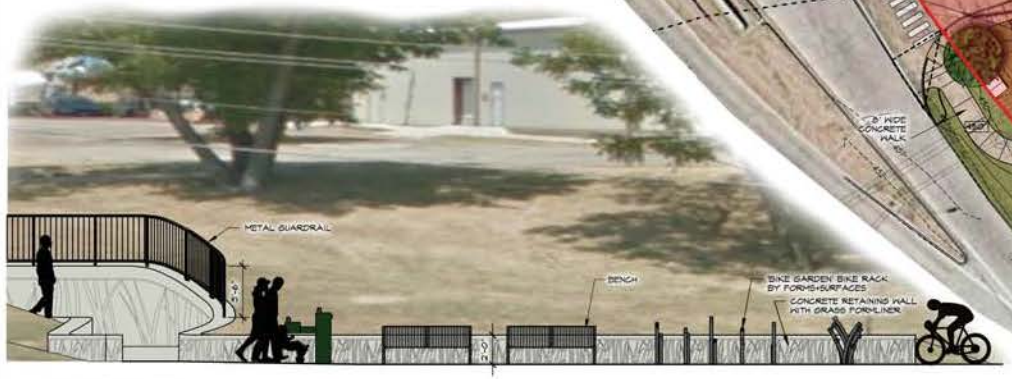
  184 linear ft.
  Required Street Trees = 9 (3" cal. min.)
- ✓ Parking Lot Trees - All required parking spaces must be located within 120' of the trunk of a 2" caliper (min.) large canopy tree. Parking lot trees may not be planted closer than 2.5' to the paved portion of the parking lot.

DESIGN STANDARDS

- ✓ Screening of off-street parking - Screen all parking lots on the building site or artificial lot. Must be voluntary, extend along entire street frontage excluding driveways and visibility triangles, and at least 3' in height (ex. large evergreen shrubs, 5' height, 7-#1 gal/cn, 3' on center, 3' wide bed, or 3' tall solid fence, or 3' tall berm, or a combination) with an automatic irrigation system required. Underground parking is considered to be screened for purposes of this subsection.

  - Northwest Highway - Provided shrub screen
- ✓ Enhanced Pedestrian Walkways - Walkways must consist of enhanced pavement intended for pedestrian use and occupy at least 5% of the lot.





B TRAIL CONNECTION
ELEVATION
SCALE: 1/4" = 1'-0"

A LANDSCAPE PLAN
PLAN
SCALE: 1" = 30'-0"

NORTH

0 10 20 40 60
GRAPHIC SCALE IN FEET

Newman, Jackson, Richerstein
Landscape Architecture

Banner Place North
12770 Coit Road, Suite 210
Dallas, Texas 75251
tel: 972-233-2033
fax: 972-233-2022
njlarc@sbcglobal.net

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QuikTrip No. 0961
NORTHWEST HWY & LEMON AVE
DALLAS, TEXAS

Revisions
No. Date Item

Date 05/13/15
Drawn MA
Checked KVB
Project No.

Sheet Title
Exhibit A

Scale : as noted
Sheet No.

Exhibit A

QuikTrip
4705 South 129th East Ave.
Tulsa, OK 74134-7008
P.O. Box 3475
Tulsa, OK 74101-3475
(918) 615-7700

Store #		Address:	City, State:
0961	Overall aerial view looking NE	SEC of Lemmon and NW Hwy	Dallas, TX

Serial #	Scale:	Issue Date:	Drawn By:	Rev/Notes:
08-0961-PE02	NTS	12/01/15	BP	

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LANDSCAPE CHECK LIST

City of Dallas Landscape Ordinance

MANDATORY PROVISIONS:

- ✓ Tree Survey - must include trees 6" caliper and greater on the lot and/or within 50' of construction.
- ✓ Tree Protection - permanent protective fencing around the drip line of each protected tree to remain. Ref. A4B/L0.00.
- ✓ Protected Tree Mitigation - Replacement trees must equal, in caliper, the caliper of protected trees removed. Approved replacement trees to be 2" minimum caliper and be of a species on the approved tree list. See below.
- ✓ Site Trees - Must have one 2" caliper tree per 4,000 square feet of lot area with a minimum of 4 trees. All site trees must be located on the lot.

  88,805 sf / 4000 = 10 site trees
- NA Perimeter Landscape Buffer Strip - Must be provided along the entire length of the portion of the perimeter of the lot where a residential adjacency exists and at least be 10' wide. Must contain buffer plant material as defined in Sec. 51A-10.125(b)(1).
- NA Screening of off-street loading spaces - Must be screened from residential adjacent public streets. Minimum 6' height. See Sec. 51A-4.602(b)(3) for methods of screening and automatic irrigation required for any screening material.
- ✓ Street Trees - Must have one 3" caliper large tree per 50' of street frontage with a minimum of 2 trees. All street trees must be located within 30' of the projected street curb.

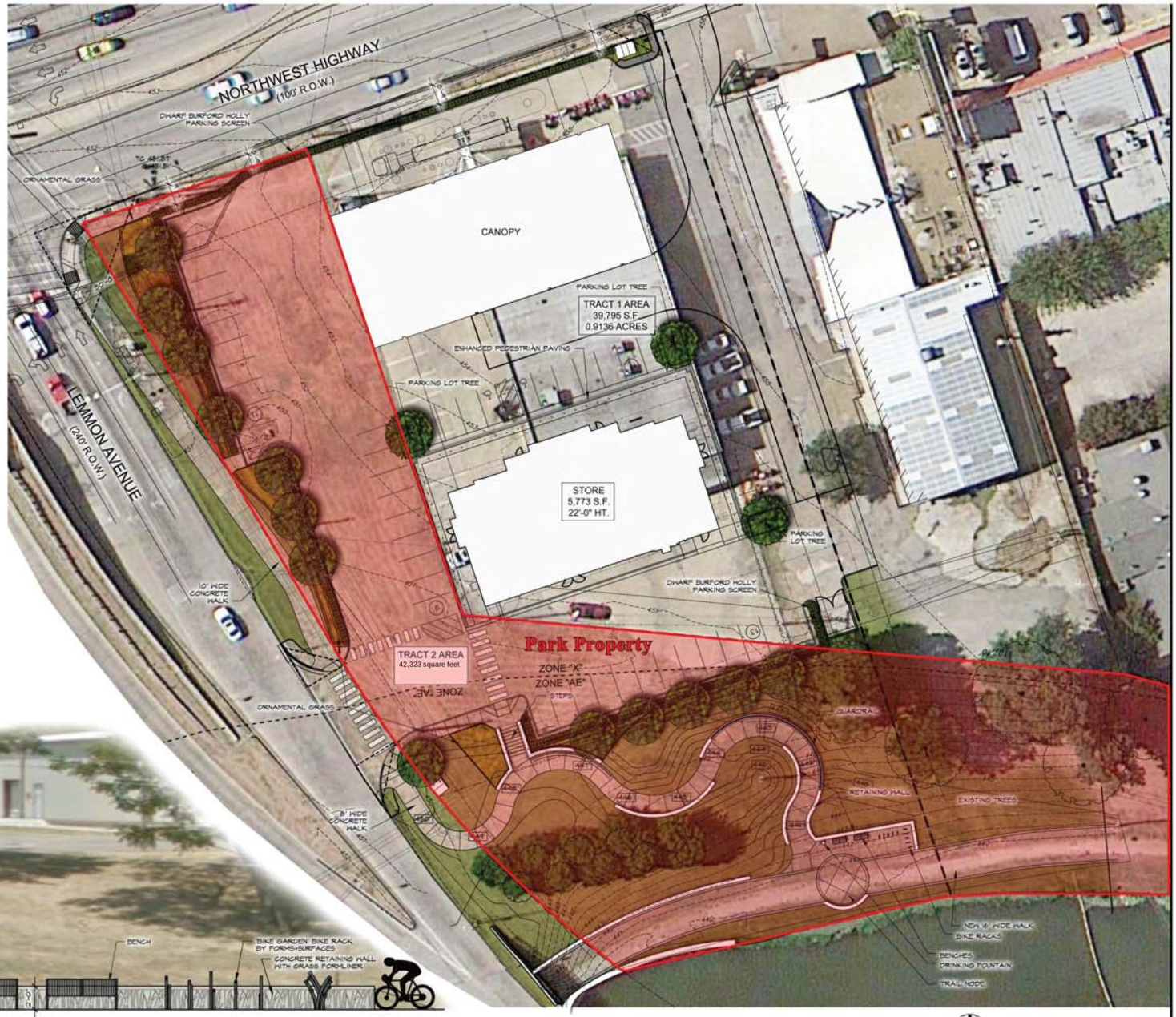
  154 linear ft.

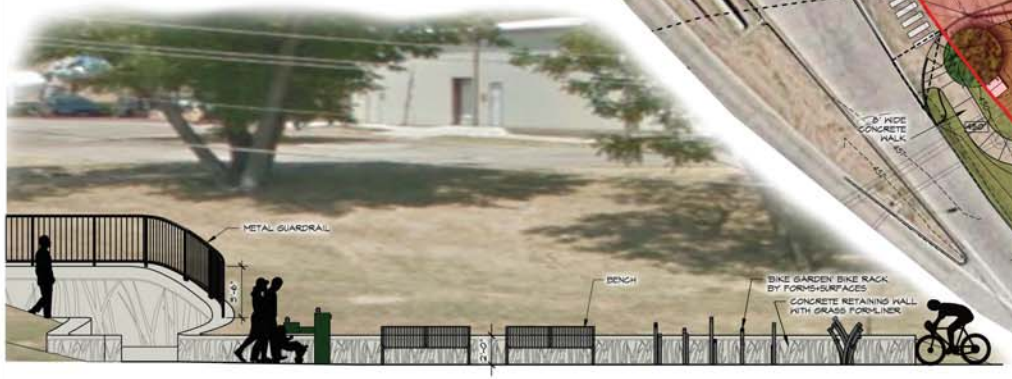
  Required Street Trees = 0 (3" cal. min.)
- ✓ Parking Lot Trees - All required parking spaces must be located within 120' of the trunk of a 2" caliper (min.) large canopy tree. Parking lot trees may not be planted closer than 2.5' to the paved portion of the parking lot.

DESIGN STANDARDS

- ✓ Screening of off-street parking - Screen all parking lots on the building site or artificial lot. Must be voluntary, extend along entire street frontage excluding driveways and visibility triangles, and at least 3' in height (ex. large evergreen shrubs, 5' height, 7-#1 gallon, 3' on center, 3' wide bed, or 3' tall solid fence, or 3' tall berm, or a combination) with an automatic irrigation system required. Underground parking is considered to be screened for purposes of this subsection.

  - Northwest Highway - Provided shrub screen
- ✓ Enhanced Pedestrian Walkways - Walkways must consist of enhanced pavement intended for pedestrian use and occupy at least 5% of the lot.





B TRAIL CONNECTION ELEVATION — SCALE: 1/4" = 1'-0"

A LANDSCAPE PLAN PLAN — SCALE: 1" = 20'-0"

NORTH

0 10 20 40 60 GRAPHIC SCALE IN FEET

nelsonjacksonbeckstrom
Newman, Jackson, Beckstrom Landscape Architecture
Banner Place North
12770 Coit Road, Suite 210
Dallas, Texas 75251
tel: 972-233-3033
fax: 972-233-3022
njbinc@njbinc.net

QT

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QuikTrip No. 0961
NORTHWEST HWY & LEMON AVE
DALLAS, TEXAS

Revisions
No. Date Item

Date 05/13/15
Drawn MA
Checked KVB
Project No.

Sheet Title
Exhibit B

Scale : as noted
Sheet No.

Exhibit B

QuikTrip
4705 South 129th East Ave.
Tulsa, OK 74134-7008
P.O. Box 3475
Tulsa, OK 74101-3475
(918) 615-7700

Store #		Address:	City, State:
0961	Overall aerial view looking NE	SEC of Lemmon and NW Hwy	Dallas, TX

Serial #	Scale:	Issue Date:	Drawn By:	Rev/Notes:
08-0961-PE02	NTS	12/01/15	BP	

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Agenda Information Sheet

File #: 18-674 **Item #:** 44.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 6

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize a public hearing to be held on October 24, 2018, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of a portion of L.B. Houston Nature Area located at 10401 Wildwood Drive, totaling approximately 1,058 square feet of land, and temporary use of approximately 3,233 square feet of land, for the installation of a wastewater facility by the City of Irving for the benefit of the public - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas owns municipal parkland known as L.B. Houston Nature Area (approximately 325 acres) located at 10401 Wildwood Drive, south of California Crossing Road and east of the Elm Fork of the Trinity River.

The City of Irving plans to upgrade an existing wastewater pipeline in the L.B. Houston Nature Area to connect to the Trinity River Authority's upcoming EF-7 project (Elm Fork Relief Interceptor Project) in the same area. Although the City of Irving has an existing utility easement within the parkland, the upgrade of the wastewater pipeline requires a slight realignment of the existing pipeline. The realignment requires that the City of Irving obtain approximately 1,058 additional square feet of utility easement. The City of Irving also requires a temporary construction easement of approximately 3,233 square feet of land for the project. In consideration for this conveyance and temporary conveyance by easement, the City of Irving will pay the fair market value of $194.00, as determined by an independent appraisal. Upon completion of the project the area will be restored to its pre-construction condition or better.

In compliance with the law, the City must determine that there is a need and that no feasible and prudent alternative to the use or taking of such parkland and that all reasonable care has been taken to not damage the remainder of the park property and to mitigate any disruption of park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 16, 2018, the Park and Recreation Board authorized a public hearing to be held on October 24, 2018.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on August 27, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

City of Dallas

MAP

Attached

0 200 400 800 1,200 Feet

1 in = 400 ft

Dallas Park & Recreation

L.B. Houston Nature Area

(10401 Wildwood Drive)

City of Irving Wastewater Easement

Mapsco
22 W

District
6

September 12, 2018

WHEREAS, the City of Dallas owns land in northwest Dallas known as L.B. Houston Nature Area, which was acquired for park purposes and has been maintained as parkland; and

WHEREAS, the City of Irving has requested use of approximately 1,058 square feet of land and temporary use of approximately 3,233 square feet of land in order to upgrade an existing wastewater pipeline, in order to connect to the Trinity River Authority's upcoming EF-7 project (Elm Fork Relief Interceptor Project) in the same area, as shown on Exhibit A, and the City of Dallas Park and Recreation Board is agreeable to providing the property for this use; and

WHEREAS, the Texas Parks and Wildlife Code, Chapter 26 (Section 26.001 through 26.004), requires that before a municipality may approve any program or project that requires the use or taking of any public land designated and used as parkland, the governing body of such public municipality must determine that there is no feasible and prudent alternative to the use or taking of such land, and that the program or project includes all reasonable planning to minimize harm to the remainder of the park; and

WHEREAS, prior to making this determination, notice must be given and a public hearing be held relative to the proposed change of park use; and

WHEREAS, the City Council desires to give notice and hold such hearing in accordance with the law with respect to the dedication of a portion of L.B. Houston Nature Area to the City of Irving.

Now, Therefore,

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

SECTION 1. That the Park and Recreation Department is hereby authorized and directed to advise in writing of such proposed use of the park property by delivering a notice for publishing to the official newspaper to be advertised once each week for three consecutive weeks, the last publication to be not less than one week nor more than two weeks before the date of the hearing, which shall be held in the City Council Chambers on October 24, 2018.

SECTION 2. That the approval of the aforementioned project by the City Council, at the close of said hearing, shall be construed as making the proper findings as to the use, taking, and conveyance of parkland, consistent with the Texas Parks and Wildlife Code and the Texas Local Government Code.

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.

FIELD NOTES DESCRIBING A 1,058 SQUARE FOOT (0.0243 ACRE) PERMANENT WASTEWATER FACILITY EASEMENT TO BE ACQUIRED IN CITY BLOCK A/8370 FROM CITY OF DALLAS

BEING a 1,058 square foot (0.0243 Acre) tract of land located in Block A/8370 in the Joshua M. Cants Survey, Abstract No. 934, City of Irving, Dallas County, Texas, said 1,058 square foot (0.0243 Acre) tract of land being a portion of that same tract conveyed to **CITY OF DALLAS**, by Warranty Deed as recorded in Volume 221, Page 1797, Official Public Records, Dallas County, Texas, said 1,058 square foot (0.0243 Acre) tract of land being a **Permanent Wastewater Facility Easement** and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a cap stamped "SPOONER & ASSOCIATES" set (hereinafter referred to as an iron rod set) on the north easement line of an existing 50 feet wide easement for Sewer Mains to the City of Irving, by deed as recorded in Volume 510, Page 46, Deed Records, Dallas County, Texas, from said beginning point the southwest property corner of a called 28.408 acre tract of land, identified at "Tract 1" and being conveyed to the City of Irving by deed as recorded in Volume 91238, Page 857, Deed Records, Dallas County, Texas bears South 86°26'32" West, 1,232.54 feet said beginning point having a NAD83 Texas North Central Zone (4202) coordinate of N: 6,999,940.65 and E: 2,453,072.91;

THENCE departing said easement line, over and across the said City of Dallas tract, the following courses and distance:

(1) North 00°00'00" East, 1.93 feet to an iron rod set, from which an "X" cut found at the north lot corner of Lot 3X, Block C, of AMLI at Las Colinas Urban Center, being an Addition to the City of Irving, Dallas County, Texas, according to the plat thereof recorded in Instrument Number 201200218426, Plat Records, Dallas County, Texas, bears North 61°38'56" West, 1,788.49 feet;

(2) North 84°10'41" East, at 58.80 feet passing the west easement line of an existing 50 feet wide easement to Trinity River Authority of Texas (TRA), Dated 12-23-1958, by deed as recorded in Volume 5030, Page 389, Deed Records, Dallas County, Texas continuing in all a total distance of 63.81 feet to an iron rod set;

(3) **THENCE** South 09°37'44" East, 31.16 feet to an iron rod set on said north City of Irving easement line;

(4) **THENCE** North 72°00'00" West, along the said City of Irving easement line, at 5.64 feet passing the said west easement line of the existing TRA easement, continuing in all a total distance of 72.23 feet to the **POINT OF BEGINNING**.

The hereinabove described tract of land contains a computed area of **0.0243 acres (1,058 square feet)** of land more or less.

SPOONER AND ASSOCIATES, INC, 309 BYERS STREET, #100, EULESS, TEXAS 76039 – PH. 817-685-8448 – ESPOONER@SPOONERSURVEYORS.COM – S&A #16-019

FIELD NOTES DESCRIBING A 1,058 SQUARE FOOT (0.0243 ACRE) PERMANENT WASTEWATER FACILITY EASEMENT TO BE ACQUIRED IN CITY BLOCK A/8370 FROM CITY OF DALLAS

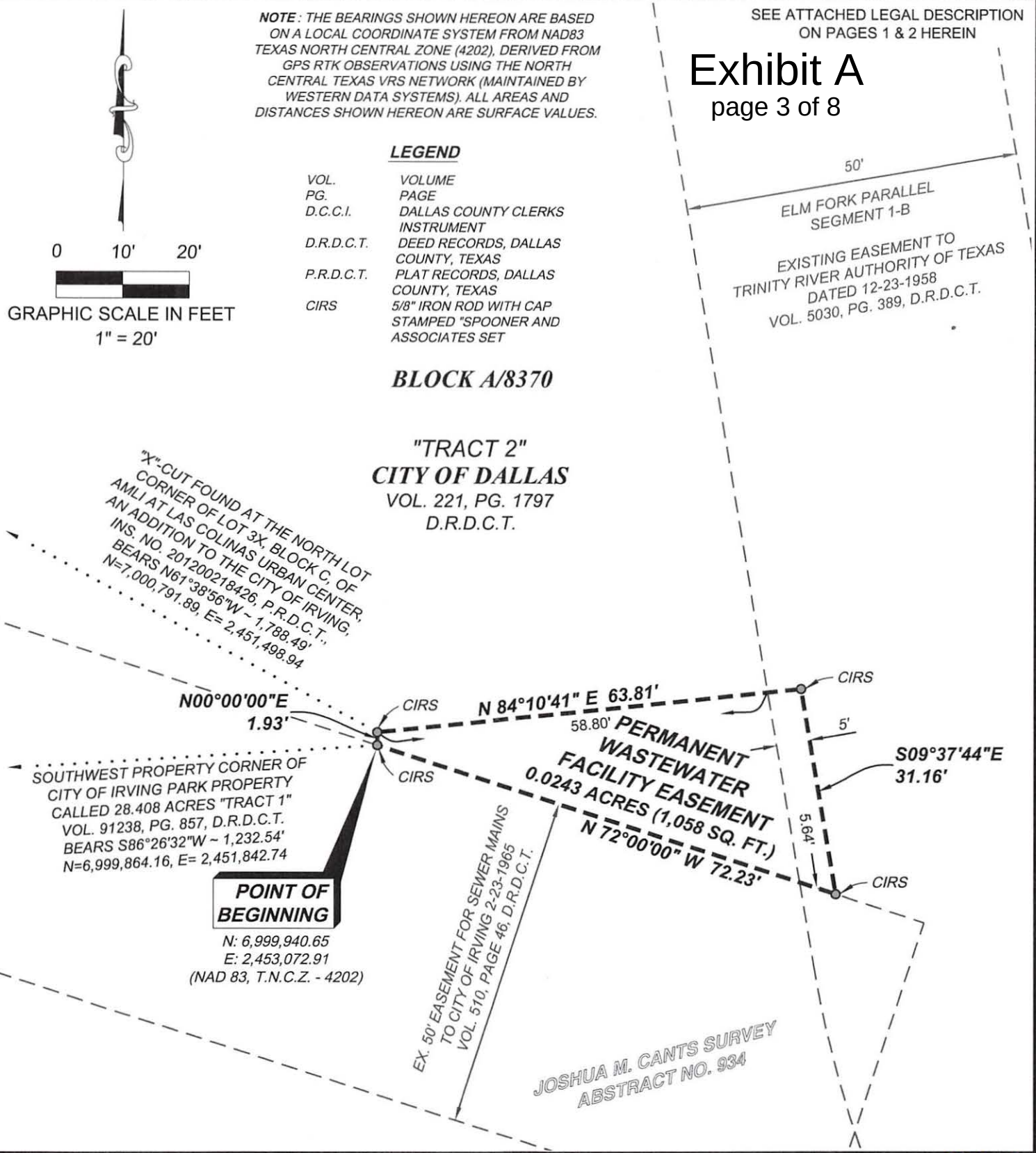
The bearings shown hereon are based on a local coordinate system from NAD83 Texas North Central Zone (4202), derived from gps RTK observations using the North Central Texas VRS network (maintained by Western Data Systems). All areas and distances shown hereon are surface values.

SURVEYORS CERTIFICATE*

I do hereby certify that the above legal description was prepared from public records and from an actual and accurate survey upon the ground and that same is true and correct.

Surveyors Name: Eric S. Spooner
Registered Professional Land Surveyor, Texas No. 5922
Spooner and Associates, Inc.
Texas Board of Professional Land Surveying No. 10054900
Surveyed on the ground April-2017

SPOONER AND ASSOCIATES, INC, 309 BYERS STREET, #100, EULESS, TEXAS 76039 – PH. 817-685-8448 – ESPOONER@SPOONERSURVEYORS.COM – S&A #16-019



CITY OF DALLAS BEING IN "TRACT 2", PERMANENT SEWER FACILITY EASEMENT CITY OF IRVING, DALLAS COUNTY, TEXAS

REV: 04/23/2018

PROPERTY: CITY OF DALLAS, "TRACT 2", VOL. 221, PG. 1797, D.R.D.C.T.
16-019 IRVING URBAN CENTER LIFT STATION_SAN SEW ESMNT.dwg

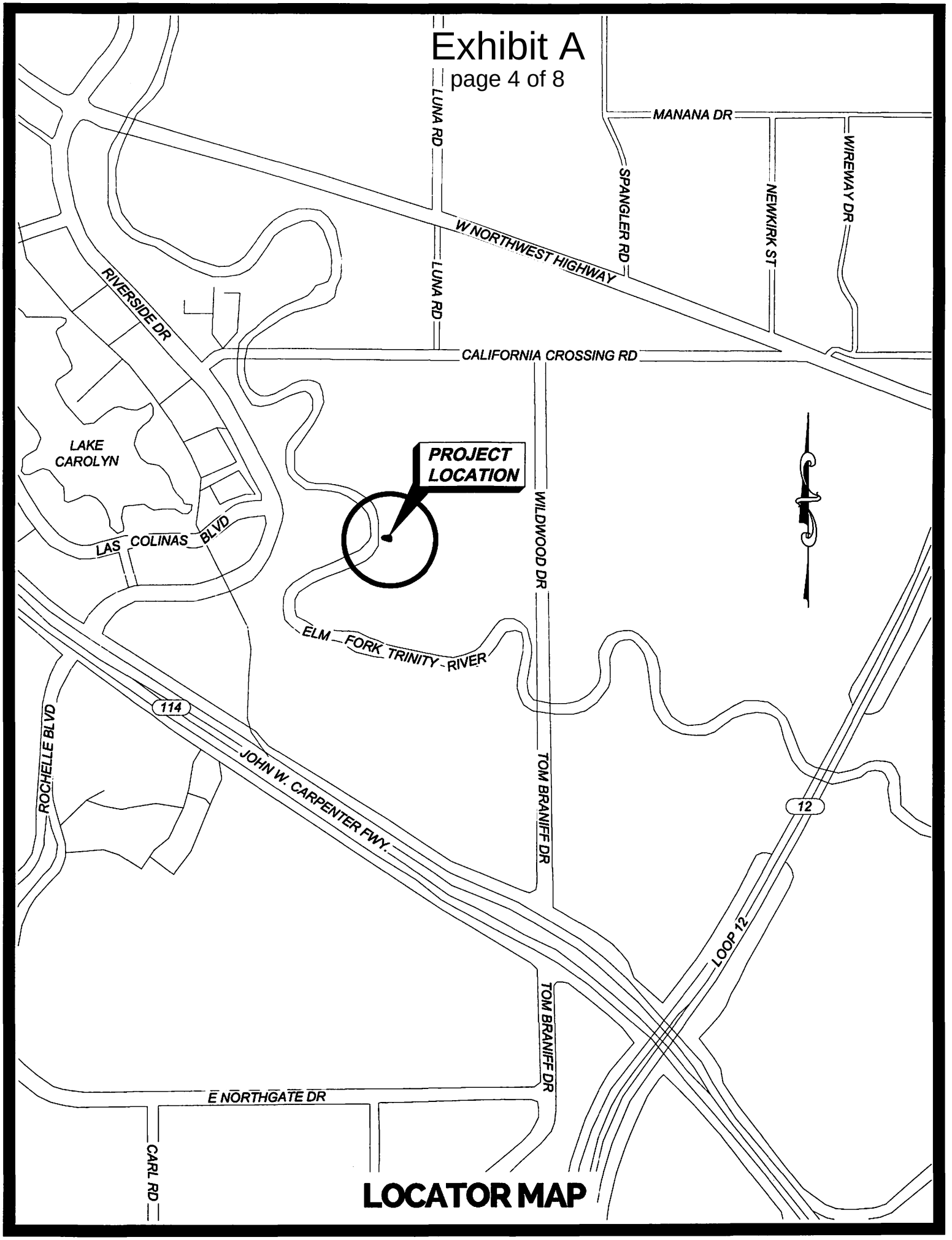
S&A JOB NO.: 16-019	DRAWN BY: J.B.N.	PAGE 3 OF 3
DATE: 02/23/2018	CHECKED BY: E.S.S.	
FILE NO.	FOLDER NO.	

SPOONER & ASSOCIATES
REGISTERED PROFESSIONAL LAND SURVEYORS
OVER 25 YEARS OF SERVICE
309 BYERS STREET, SUITE 100, EULESS, TEXAS 76039
(817) 685-8448 WWW.SPOONERSURVEYORS.COM
TBPLS FIRM NO. 10054900

4-23-18

STATE OF TEXAS
REGISTERED
ERIC S. SPOONER
5922
PROFESSIONAL
LAND SURVEYOR

Exhibit A



LOCATOR MAP

FIELD NOTES DESCRIBING A 3,233 SQUARE FOOT (0.0742 ACRE) TEMPORARY CONSTRUCTION EASEMENT TO BE ACQUIRED IN CITY BLOCK A/8370 FROM CITY OF DALLAS

BEING a 3,233 square foot (0.0742 Acres) tract of land located in Block A/8370 in the Joshua M. Cants Survey, Abstract No. 934, City of Irving, Dallas County, Texas, said 3,233 square foot (0.0742 Acres) tract of land being a portion of that same tract conveyed to **CITY OF DALLAS**, by Warranty Deed as recorded in Volume 221, Page 1797, Official Public Records, Dallas County, Texas, said 3,233 square foot (0.0742 Acres) tract of land being a **Temporary Construction Easement** and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a cap stamped "SPOONER & ASSOCIATES" on the north line of a future permanent wastewater facility easement, to be acquired by separate instrument, from said beginning point, the southwest property corner of a called 28.408 acre tract of land specifically identified as Tract 1 and being conveyed to the City of Irving by deed as recorded in Volume 91238, Page 857, Deed Records, Dallas County, Texas bears South 86°21'10" West, 1,232.67 feet, said beginning point having a NAD83 Texas North Central Zone (4202) coordinate of N: 6,999,942.58 and E: 2,453,072.91;

THENCE departing said future easement line, over and across the said City of Dallas tract, the following courses and distance:

(1) North 05°52'01" East, 44.33 feet, to a point from which an "X" cut found at the north lot corner of Lot 3X, Block C, of AMLI at Las Colinas Urban Center, being an Addition to the City of Irving, Dallas County, Texas, according to the plat thereof recorded in Instrument Number 201200218426, Plat Records, Dallas County, Texas, bears North 62°58'24" West, 1,772.01 feet;

(2) North 42°06'27" East, 59.64 feet to the west easement line of an existing 50 feet wide easement to Trinity River Authority of Texas (TRA), Dated 12-23-1958, by deed as recorded in Volume 5030, Page 389, Deed Records, Dallas County, Texas;

(3) **THENCE** South 09°37'44" East, along said TRA easement line, 83.56 feet to the said future north easement line;

(4) **THENCE** South 84°10'41" West, along the said future easement line, 58.80 feet to the **POINT OF BEGINNING**.

The hereinabove described tract of land contains a computed area of **0.0742 acres (3,233 square feet)** of land more or less.

The bearings shown hereon are based on a local coordinate system from NAD83 Texas North Central Zone (4202), derived from gps RTK observations using the North Central Texas VRS network (maintained by Western Data Systems). All areas and distances shown hereon are surface values.

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FIELD NOTES DESCRIBING A 3,233 SQUARE FOOT (0.0742 ACRE) TEMPORARY CONSTRUCTION EASEMENT TO BE ACQUIRED IN CITY BLOCK A/8370 FROM CITY OF DALLAS

SURVEYORS CERTIFICATE

I do hereby certify that the above legal description was prepared from public records and from an actual and accurate survey upon the ground and that same is true and correct.

Surveyors Name: Eric S. Spooner
Registered Professional Land Surveyor, Texas No. 5922
Spooner and Associates, Inc.
Texas Board of Professional Land Surveying No. 10054900
Surveyed on the ground April-2017

4-23-18

SPOONER AND ASSOCIATES, INC, 309 BYERS STREET, #100, EULESS, TEXAS 76039 – PH. 817-685-8448 – ESPOONER@SPOONERSURVEYORS.COM – S&A #16-019

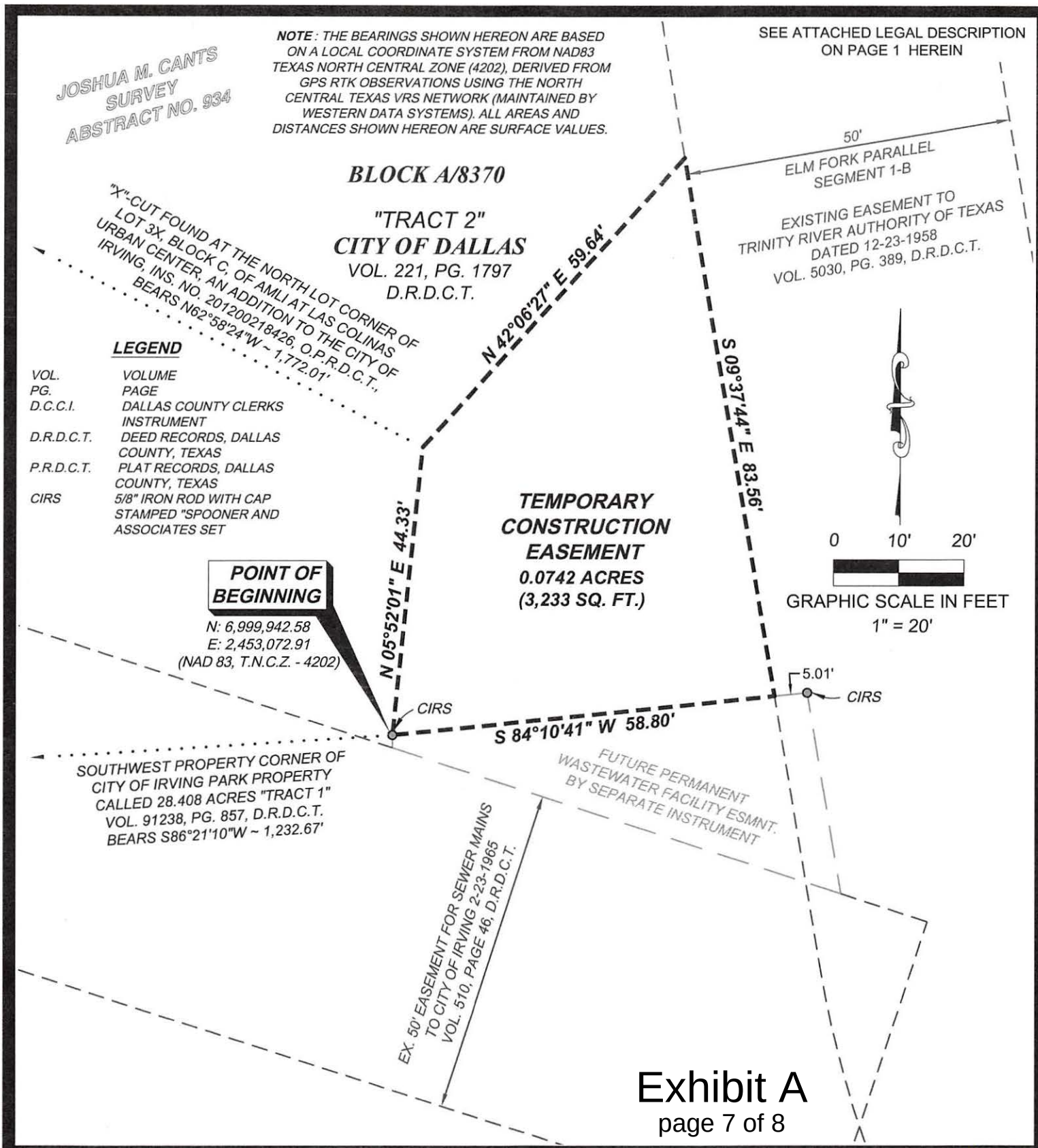

Exhibit A
page 7 of 8

CITY OF DALLAS BEING IN "TRACT 2", TEMPORARY CONSTRUCTION EASEMENT CITY OF IRVING, DALLAS COUNTY, TEXAS

REV: 04/23/2018

PROPERTY: CITY OF DALLAS, "TRACT 2", VOL. 221, PG. 1797, D.R.D.C.T.
16-019 IRVING URBAN CENTER LIFT STATION_TEMP CONST. ESMNT.dwg

S&A JOB NO.: 16-019	DRAWN BY: J.B.N.	PAGE 3 OF 3
DATE: 02/23/2018	CHECKED BY: E.S.S.	
FILE NO.	FOLDER NO.	

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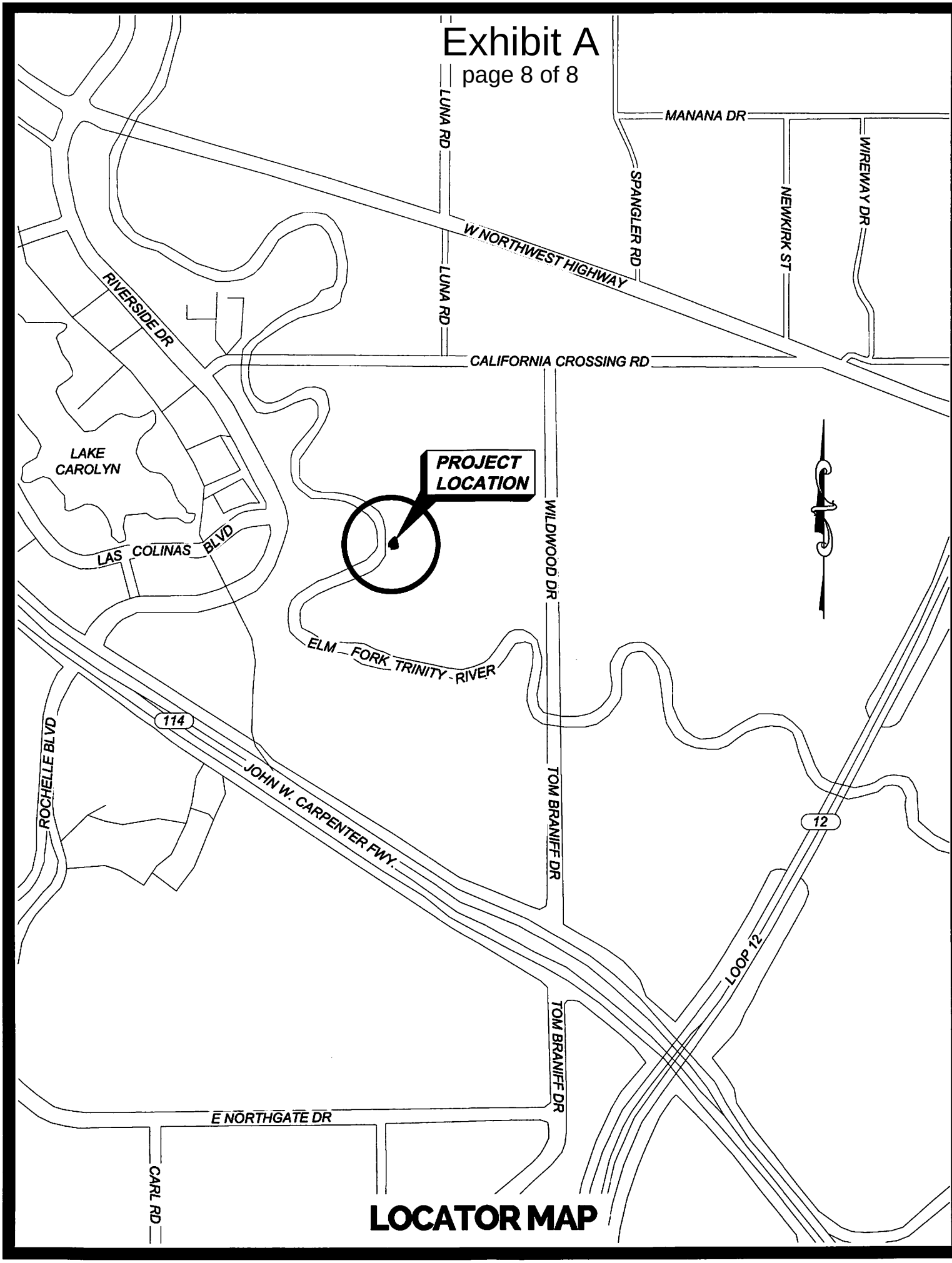
TBPLS FIRM NO. 10054900

4-23-18
STATE OF TEXAS REGISTERED
ERIC S. SPOONER
5922
PROFESSIONAL LAND SURVEYOR

Exhibit A



LOCATOR MAP

Agenda Information Sheet

File #: 18-743 **Item #:** 45.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Police Department

EXECUTIVE: Jon Fortune

SUBJECT

Authorize a Memorandum of Understanding with Dallas County to allow the Dallas Police Department to share law enforcement incident data with other agencies through the Dallas County Incident Management Module Software - Financing: No cost consideration to the City

BACKGROUND

This agreement will allow the Dallas Police Department to share and receive data from other local governments/law enforcement agencies to assist in the management of public safety response activities during both emergency and non-emergency operations.

Dallas County has acquired the software necessary for agencies to communicate and has outlined responsibilities on the use of the data.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council was briefed by memorandum regarding this matter on August 24, 2018.

FISCAL INFORMATION

No cost consideration to the City.

September 12, 2018

WHEREAS, Dallas County has purchased software that allow law enforcement agencies to share incident data; and

WHEREAS, the Dallas Police Department desires to both share and receive data from other local governments/law enforcement agencies to assist in the management of public safety response activities during both emergency and non-emergency operations.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a Memorandum of Understanding with Dallas County to allow the Dallas Police Department to share law enforcement incident data with other agencies through the Dallas County Incident Management Module Software, approved as to form by the City Attorney.

SECTION 2. That this contract is designated as Contract No. DPD-2018-00007571.

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 #: 18-554 **Item #:** 46.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Police Department

EXECUTIVE: Jon Fortune

SUBJECT

Authorize **(1)** an application for and acceptance of the Comprehensive Selective Traffic Enforcement (STEP) Program Grant (Grant No. 2019-Dallas-S-1YG-0060, CFDA No. 20.600) from the U.S. Department of Transportation passed through the Texas Department of Transportation in an amount not to exceed $891,260.50 for travel expenses and overtime reimbursement for the period October 1, 2018 through September 30, 2019; **(2)** the establishment of appropriations in an amount not to exceed $891,260.50 in the Comprehensive Selective Traffic Enforcement Program-STEP FY19 Fund; **(3)** the receipt and deposit of grant funds in an amount not to exceed $891,260.50 in the Comprehensive Selective Traffic Enforcement Program-STEP FY19 Fund; **(4)** a local cash match in an amount not to exceed $224,280.26; and **(5)** execution of the grant agreement - Total not to exceed $1,115,540.76 - Financing: Texas Department of Transportation Grant Funds ($891,260.50) and General Funds ($224,280.26) (subject to appropriations)

BACKGROUND

The Comprehensive Selective Traffic Enforcement Program (STEP) Grant provides for the reimbursement of overtime salaries paid to officers and supervisors enforcing specific traffic laws at targeted locations. The focus is on driving while intoxicated (DWI) violations, speeding, occupant restraint use, and traffic control device violations. The goals are: **(1)** to increase effective enforcement and adjudication of traffic safety-related laws to reduce fatal and serious injury crashes, **(2)** to reduce the number of DWI related crashes, injuries and fatalities, and **(3)** to increase occupant restraint use in all passenger vehicles and trucks.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 2013, City Council authorized an application for and acceptance of the Comprehensive Selective Traffic Enforcement Program Grant from the U.S. Department of Transportation pass through for travel expenses and overtime reimbursement for the period October 1, 2013 through September 30, 2014; a city contribution of pension; and execution of the grant agreement by Resolution No. 13-1689.

On August 27, 2014, City Council authorized an application for and acceptance of the Comprehensive Selective Traffic Enforcement Program Grant from the U.S. Department of Transportation pass through for travel expenses and overtime reimbursement for the period October 1, 2014 through September 30, 2015; a city contribution of pension; and execution of the grant agreement by Resolution No. 14-1383.

On August 26, 2015, City Council authorized an application for and acceptance of the Comprehensive Selective Traffic Enforcement Program Grant as a pass through grant from the U.S. Department of Transportation for travel expenses and overtime reimbursement for the period October 1, 2015 through September 30, 2016; a local cash match of city pension contribution; and execution of the grant agreement by Resolution No. 15-1551.

On September 28, 2016, City Council authorized an application for and acceptance of the Comprehensive Selective Traffic Enforcement Program Grant from the U.S. Department of Transportation passed through the Texas Department of Transportation for travel expenses and overtime reimbursement for the period October 1, 2016 through September 30, 2017; a city contribution of pension; and execution of the grant agreement by Resolution No. 16-1574.

On September 13, 2017, City Council authorized an application for and acceptance of the Comprehensive Selective Traffic Enforcement Program Grant from the U.S. Department of Transportation passed through the Texas Department of Transportation for travel expenses and overtime reimbursement for the period October 1, 2017 through September 30, 2018; a city contribution of pension; and execution of the grant agreement by Resolution No. 17-1438.

City Council was briefed by memorandum regarding this matter on August 24, 2018.

FISCAL INFORMATION

Texas Department of Transportation Grant Funds - $891,260.50
General Funds - $224,280.26 (subject to appropriations)

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WHEREAS, the Dallas Police Department Comprehensive Selective Traffic Enforcement Program (STEP) Grant from the U.S. Department of Transportation passed through the Texas Department of Transportation, has made funds available for overtime salaries for a citywide traffic enforcement campaign, for the period October 1, 2018 through September 30, 2019; and

WHEREAS, the Comprehensive STEP grant will provide $891,260.50; and

WHEREAS, the City of Dallas contributes cash match in the amount of $224,280.26; and

WHEREAS, it is in the best interest of the City of Dallas to apply for and accept such funding.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to apply for and accept the Comprehensive Selective Traffic Enforcement Program Grant (Grant No. 2019-Dallas-S-1YG-0060, CFDA No. 20.600) from the U.S. Department of Transportation passed through the Texas Department of Transportation, in an amount not to exceed $891,260.50 for travel expenses and overtime reimbursement for the period October 1, 2018 through September 30, 2019; a local cash match in an amount not to exceed $224,280.26; and sign the grant agreement and other documents required by the grant, 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 $891,260.50 in the Comprehensive Selective Traffic Enforcement Program-STEP FY19 Fund, Fund F555, Department DPD, Unit 3650, Object 3099 and 3361, according to the attached Schedule.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed $891,260.50 in the Comprehensive Selective Traffic Enforcement Program-STEP FY19 Fund, Fund F555, Department DPD, Unit 3650, and Revenue Code 6506.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $891,260.50 from the Comprehensive Selective Traffic Enforcement Program-STEP FY19 Fund, Fund F555, Department DPD, Unit 3650, Object Code 3099 and 3361.

SECTION 5. That the Chief Financial Officer is hereby authorized to reimburse Fund 0001, Department DPD, Unit 2127, Object 1202 and 3361 from the Comprehensive Selective Traffic Enforcement Program-STEP FY19 Fund, Fund F555, Department DPD, Unit 3650, Object 3099 and 3361, in an amount not to exceed $891,260.50, according to the attached Schedule.

SECTION 6. That the Chief Financial Officer is hereby authorized to disburse a local cash match in an amount not to exceed $224,280.26 (subject to appropriations) from Fund 0001, Department DPD, Unit 2127, various object codes, according to the attached Schedule.

SECTION 7. 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 any expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 8. 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 9. That this contract is designated as Contract No. DPD-2018-00007178.

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.

SCHEDULE
Comprehensive Selective Traffic Enforcement Program Grant
Fund F555, Dept. DPD, Unit 3650, Revenue Source Code 6506
October 1, 2018 - September 30, 2019

Object Code	Description	Amount
3099	Miscellaneous Special Services (Reimbursement of Overtime)	$ 884,689.00
3361	Professional Development	$ 6,571.50
	Grand Total	**$ 891,260.50**

Matching Funds

Cash Match
Fund 0001, Dept. DPD, Unit 2127

Object Code	Description	Amount
1306	FICA	$ 13,894.26
*Other Object Codes	TBD	$ 210,386.00
	Total	**$ 224,280.26**

* Other Object Codes
1. Volunteer Sources
2. In-Kind Contributions
3. Surveys
4. Indirect Cost
5. Fringe Benefits
6. Vehicle Operation Costs
7. Salaries not Claimed as Reimbursement
8. Distribution of Materials
9. Court Time
10. Paid Media, Social Media, Earned Media

Agenda Information Sheet

File #: 18-746 **Item #:** 47.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Police Department

EXECUTIVE: Jon Fortune

SUBJECT

Authorize donation agreements with the National Insurance Crime Bureau for the acceptance of vehicles to be utilized by the Dallas Police Department for bait vehicle operations - Financing: No cost consideration to the City

BACKGROUND

The National Insurance Crime Bureau is donating six (6) vehicles to the Dallas Police Department for use in bait vehicle operations. Bait vehicles are used to apprehend offenders and curtail vehicle burglary and theft.

These vehicles include:

- 2006 Jeep Commander
- 2007 Mazda MCX
- 2007 Chevrolet Tahoe
- 2004 Chevrolet Tahoe
- 2007 Honda Accord
- 2000 Chevrolet Silverado

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council was briefed by memorandum regarding this matter on August 24, 2018.

FISCAL INFORMATION

No cost consideration to the City.

September 12, 2018

WHEREAS, the National Insurance Crime Bureau is concerned about the rate of vehicle thefts and burglaries in the City of Dallas; and

WHEREAS, the National Insurance Crime Bureau is donating six (6) vehicles to the Dallas Police Department for use in bait vehicle operations; and

WHEREAS, the Dallas Police Department can utilize these six (6) vehicles to combat vehicular burglary and theft.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute donation agreements with the National Insurance Crime Bureau, as they are presented, for the acceptance of vehicles to be utilized by the Dallas Police Department for bait vehicle operations, approved as to form by the City Attorney.

SECTION 2. That this contract is designated as Contract No. DPD-2018-00007570.

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 #: 18-726 **Item #:** 48.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Police Department

EXECUTIVE: Jon Fortune

SUBJECT

Authorize **(1)** the Dallas Police Department to receive funds in the amount of $600,000.00 from various federal, state and local law enforcement agencies including, but not limited to those shown (list attached to the Agenda Information Sheet) for reimbursement of overtime for investigative services for FY 2018-19; **(2)** a City contribution Federal Insurance Contributions Act costs in the amount of $8,700.00; and **(3)** execution of the agreements - Total not to exceed $608,700.00 - Financing: General Fund ($8,700.00) (subject to appropriations) and Various Federal, State and Local Law Enforcement Agencies ($600,000.00)

BACKGROUND

The Dallas Police Department is routinely asked to participate in various federal, state and local law enforcement investigation task forces and receives reimbursement for expenses associated with those task forces from the sponsoring federal, state, or local agency involved. The reimbursed expenses are generally for the Dallas Police Department officers' overtime associated with the investigations. Occasionally, the task force agreement specifies reimbursement for other miscellaneous expenses.

The Dallas Police Department participates in approximately 18 to 25 task forces per year for varying lengths of time. Each task force investigation is usually confidential, and the officers assigned to the investigation are generally undercover officers. Each task force agreement specifies the nature, time period, and maximum amount of reimbursement the City may receive and must be signed by an authorized official of the City.

The purpose of this agenda item is to create a better tracking-monitoring system on all task force activities. In fiscal year 1999-00, the Dallas Police Department initiated a procedure to obtain approval for all task force participation through one City Council resolution in lieu of processing an Administrative Action for each task force each fiscal year. This procedure ensures that the agreements are processed in a routine, but confidential manner.

Funding allocations represent projections only and are subject to modification based upon the progress and needs of the investigation. Additionally, resources are contingent upon the availability of federal, state, and local funds as well as the availability of Dallas Police Department officers to work on a task force as planned. Approval of this item will ensure that all task force revenues are authorized to be deposited, and subsequently, the general fund will be reimbursed consistent with the original overtime expenditures.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 23, 2013, City Council authorized an application for an acceptance of the 2013 Internet Crimes Against Children Continuation Grant from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention and execution of the agreements by Resolution No. 13-1842.

On September 24, 2014, City Council authorized the Dallas Police Department to receive funds from federal and state law enforcement agencies; a City Contribution of pension and Federal Insurance Contributions Act and execution of the agreements by Resolution No. 14-1601.

On September 28, 2016, City Council authorized the Dallas Police Department to receive funds from various federal and state law enforcement agencies; a City contribution of pension and Federal Insurance Contributions Act and execution of the- agreements by Resolution No. 16-1575.

On September 13, 2017, City Council authorized the Dallas Police Department to receive funds from various federal and state law enforcement agencies; a City contribution of pension and Federal Insurance Contributions Act and execution of the- agreements by Resolution No. 17-1440.

City Council was briefed by memorandum regarding this matter on August 24, 2018.

FISCAL INFORMATION

General Fund (subject to appropriations) - $8,700.00
Various Federal, State and Local Law Enforcement Agencies - $600,000.00

FY 18-19 Active Task Forces *

Active Task Force	Agency	Contract Number	Task Force Efforts
ATF Violent Crime Initiative (Texoma HIDA)	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Drug trafficking & Money laundering
Dallas Field Division - Asset Removal Group	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Drug Trafficking
Dallas Field Division - HIDTA -1	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Drug Trafficking
Dallas Field Division - Task Force 1	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Drug Trafficking
Dallas Field Division - Task Force 2	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Drug Trafficking
Dallas Field Division - Financial Strike Force	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Drug Trafficking
Dallas Field Division - Tactical Diversion Squad (TDS)	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Diversion schemes of controlled pharmaceuticals a nd or chemicals (Prescription forgery;Retail level violations)
North Texas Financial Crimes Task Force	Internal Revenue Service (IRS)	DPD-2018-00007507	Money laundering
Violent Crimes, Major Offenders, and Gangs Safe Streets Task Force (SSTF)	Federal Bureau of Investigations (FBI)	DPD-2018-00007504	Drug trafficking; money laundering ;alien smuggling aggravated assault, robbery, and violet street gangs
Dallas Western Transnational Organized Crime Task Force	Federal Bureau of Investigations (FBI)	DPD-2018-00007504	Border investigation and enforcement
North Texas Joint Terrorism Task Force (NTJTTF)	Federal Bureau of Investigations (FBI)	DPD-2018-00007504	Protect against threats to our national security, including international terrorism
Cyber Crimes Task Force (CCTF)	Federal Bureau of Investigations (FBI)	DPD-2018-00007504	Investigate Investigatic high technology criminals
North Texas Regional Computer Forensic Lab (NTRCFL)	Federal Bureau of Investigations (FBI)	DPD-2018-00007504	Computer financial crimes forensics
District Fugitive Task Force (DFTF)	United States Marshals Office	DPD-2018-00007508	Investigate and apprehend local, state, and federal fugitives
US Immigration and Customs Enforcement	Immigration and Customs Enforcement (ICE)	DPD-2018-00007506	Border investigation and enforcement
Texas Military Task Force	State of Texas	DPD-2018-00007509	Illegal drugs or narcotics with actual or suspected criminal activity
ATF Dallas Group III Field Office Task Force	The Bureau of Alcohol, Tobacco,	DPD-2018-00007510	Firearms Criminal Possession Firearms and Explosives (ATF) and Use, Criminal Groups and Gangs, Illegal Firearms Trafficking
Immigration and Customs Enforcement (ICE)	Immigration and Customs Enforcement (ICE) SAC Dallas	DPD-2018-00007506	The grant will target offenders who sell counterfeit and conspiracy items in the City of Dallas and county
Texas Joint Counterdrug Task Force	Texas Army National Guard	DPD-2018-00007511	Drug Trafficking
Child Exploitation Task Force	Federal Bureau of Investigations (FBI)	DPD-2018-00007504	Investigate the sexual victimization of children and other crimes against children within the FBI's jurisdiction
Organized Crime Drug Enforcement Task Force	United States Attorney's Office	DPD-2018-00007512	Organized crime and drug trafficking

*This list in not inclusive of all federal, state, and local agencies, or other organizations that we could enter into agreements with during the FY18-19 for reimbursement of overtime or equipment.

September 12, 2018

WHEREAS, the City of Dallas is routinely requested to participate in various federal, state and local law enforcement investigation task forces; and

WHEREAS, the City of Dallas receives reimbursement expenses associated with the investigation task forces from the sponsoring federal, state or local departments involved.

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 agreements for FY 2018-19 with various federal, state, and local law enforcement agencies to participate in investigations, as requested for task force efforts including, but not limited to, those shown on the attached list.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit reimbursements, not to exceed $600,000.00, into Fund 0T69, Department DPD, Units 3812-3852, Revenue Code 6526 from federal, state and local law enforcement agencies as reimbursement for expenditures associated with the overtime expended in the investigations.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds from the General Fund 0001, Department DPD, various units, Object 1202 not to exceed $600,000.00.

SECTION 4. That the Chief Financial Officer is hereby authorized to contribute FICA costs, in an amount not to exceed $8,700.00 (subject to appropriations), after the expenditure of overtime in the General Fund 0001, Department DPD, various units, Object 1306.

SECTION 5. That the Chief Financial Officer is hereby authorized to reimburse the General Fund 0001, Department DPD, various Units, Object 5011 from Fund 0T69, Department DPD, Units 3812-3852, Object 3090, in an amount not to exceed $600,000.00.

SECTION 6. That these contracts are designated as the numbers shown in the attached list.

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.

FY 18-19 Active Task Forces *

Active Task Force	Agency	Contract Number	Task Force Efforts
ATF Violent Crime Initiative (Texoma HIDA)	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Drug trafficking & Money laundering
Dallas Field Division - Asset Removal Group	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Drug Trafficking
Dallas Field Division - HIDTA -1	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Drug Trafficking
Dallas Field Division - Task Force 1	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Drug Trafficking
Dallas Field Division - Task Force 2	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Drug Trafficking
Dallas Field Division - Financial Strike Force	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Drug Trafficking
Dallas Field Division - Tactical Diversion Squad (TDS)	Drug Enforcement Agency (DEA)	DPD-2018-00007503	Diversion schemes of controlled pharmaceuticals a nd or chemicals (Prescription forgery;Retail level violations)
North Texas Financial Crimes Task Force	Internal Revenue Service (IRS)	DPD-2018-00007507	Money laundering
Violent Crimes, Major Offenders, and Gangs Safe Streets Task Force (SSTF)	Federal Bureau of Investigations (FBI)	DPD-2018-00007504	Drug trafficking; money laundering ;alien smuggling aggravated assault, robbery, and violet street gangs
Dallas Western Transnational Organized Crime Task Force	Federal Bureau of Investigations (FBI)	DPD-2018-00007504	Border investigation and enforcement
North Texas Joint Terrorism Task Force (NTJTTF)	Federal Bureau of Investigations (FBI)	DPD-2018-00007504	Protect against threats to our national security, including international terrorism
Cyber Crimes Task Force (CCTF)	Federal Bureau of Investigations (FBI)	DPD-2018-00007504	Investigate Investigatic high technology criminals
North Texas Regional Computer Forensic Lab (NTRCFL)	Federal Bureau of Investigations (FBI)	DPD-2018-00007504	Computer financial crimes forensics
District Fugitive Task Force (DFTF)	United States Marshals Office	DPD-2018-00007508	Investigate and apprehend local, state, and federal fugitives
US Immigration and Customs Enforcement	Immigration and Customs Enforcement (ICE)	DPD-2018-00007506	Border investigation and enforcement
Texas Military Task Force	State of Texas	DPD-2018-00007509	Illegal drugs or narcotics with actual or suspected criminal activity
ATF Dallas Group III Field Office Task Force	The Bureau of Alcohol, Tobacco,	DPD-2018-00007510	Firearms Criminal Possession Firearms and Explosives (ATF) and Use, Criminal Groups and Gangs, Illegal Firearms Trafficking
Immigration and Customs Enforcement (ICE)	Immigration and Customs Enforcement (ICE) SAC Dallas	DPD-2018-00007506	The grant will target offenders who sell counterfeit and conspiracy items in the City of Dallas and county
Texas Joint Counterdrug Task Force	Texas Army National Guard	DPD-2018-00007511	Drug Trafficking
Child Exploitation Task Force	Federal Bureau of Investigations (FBI)	DPD-2018-00007504	Investigate the sexual victimization of children and other crimes against children within the FBI's jurisdiction
Organized Crime Drug Enforcement Task Force	United States Attorney's Office	DPD-2018-00007512	Organized crime and drug trafficking

*This list in not inclusive of all federal, state, and local agencies, or other organizations that we could enter into agreements with during the FY18-19 for reimbursement of overtime or equipment.

Agenda Information Sheet

File #: 18-715 **Item #:** 49.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Police Department

EXECUTIVE: Jon Fortune

SUBJECT

Authorize renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas, for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services for the period October 1, 2018 through September 30, 2019 - Not to exceed $3,800,000.00 - Financing: Confiscated Monies Funds ($1,000,000.00) (subject to appropriations) and General Fund ($2,800,000.00) (subject to appropriations)

BACKGROUND

In 1969, the City withdrew from a joint Criminal Investigations Laboratory operation with Dallas County; therefore, laboratory services became a function of the Dallas County Medical Examiner's Office. The County's laboratory services are known as the Southwestern Institute of Forensic Sciences at Dallas (SWIFS). SWIFS provides a broad range of evidence analysis for both the Police and Fire Departments. In 1999, the first annual Interlocal Agreement for these services was approved.

SWIFS' services include analysis of drug evidence, DNA analysis and comparison, microscopic (trace) evidence analysis, examination of firearms and tool marks (matching bullets to weapons that fired them), and identification of fire accelerants. These services are vital to the successful investigation and prosecution of crime.

The proposed Interlocal Agreement will provide services from October 1, 2018 through September 30, 2019. The $3,800,000 cost is shared between Dallas Police Department $3,795,000 and with the Fire Department $5,000. The cost is the same as the previous year.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 12, 2013, City Council authorized renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas for the provision of forensic,

drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services by Resolution No. 13-1943.

On November 12, 2014, City Council authorized renewal of the Interlocal Agreement with Dallas County, through the Southwestern Institute of Forensic Sciences at Dallas, for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services for the period October 1, 2014 through September 30, 2015, by Resolution No. 14-1914.

On October 28, 2015, City Council authorized renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services for the period October 1, 2015 through September 30, 2016, by Resolution No. 15 -1962.

On October 11, 2016, City Council authorized renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services for the period October 1, 2016 through September 30, 2017, by Resolution No. 16 -1676.

On September 13, 2017, City Council authorized renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services for the period October 1, 2017 through September 30, 2018, by Resolution No. 17 -1437.

City Council was briefed by memorandum regarding this matter on August 24, 2018.

FISCAL INFORMATION

Confiscated Monies Funds - $1,000,000.00 (subject to appropriations)
General Fund - $2,800,000.00 (subject to appropriations)

WHEREAS, the Dallas Police and Fire Departments require forensic, toxicological, environmental and physical evidence analysis and other similar medical/forensic analytical services on a routine basis; and

WHEREAS, these services are routinely utilized by the City and provided locally by Dallas County through the Southwestern Institute of Forensic Sciences at Dallas; and

WHEREAS, the City entered the first Interlocal Agreement with Southwestern Institute of Forensic Sciences at Dallas effective January 2000; and

WHEREAS, it is now desirable to renew the contractual agreement with Dallas County for the services provided through Southwestern Institute of Forensic Sciences at Dallas.

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 renewal of the Interlocal Agreement with Dallas County (014003), through Southwestern Institute of Forensic Sciences at Dallas, approved as to form by the City Attorney, for the provision of forensic, drug, toxicological, environmental and physical evidence analysis and other similar medical/forensic analytical services for the period October 1, 2018 through September 30, 2019 in an amount not to exceed $3,800,000.00; however, this limit does not relieve the City of its obligation to pay Dallas County for additional services rendered at the City's request which exceeds the $3,800,000.00 limit, subject to the appropriation of sufficient funds.

SECTION 2. That the Purchasing Agent is hereby authorized, upon appropriate request and documented need by a user department, to issue a purchase order for forensic services.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $3,800,000.00 (subject to appropriations) from Service Contract No. DPD-2018-00007519.

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 #: 18-581 **Item #:** 50.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize professional services contracts with three consulting firms to provide engineering services for the design, replacement and rehabilitation of water and wastewater mains at 35 locations (list attached to the Agenda Information Sheet) - APM & Associates, Inc., in the amount of $1,111,193.00, Freese and Nichols, Inc., in the amount of $2,854,123.00, and Hazen and Sawyer, P.C., in the amount of $3,264,998.00 - Total not to exceed $7,230,314.00 - Financing: Water Utilities Capital Construction Funds ($200,000.00) and Water Utilities Capital Improvement Funds ($7,030,314.00)

BACKGROUND

This action consists of providing engineering services for the design and surveying of an estimated 117,610 total linear feet of water and wastewater mains, approximately 18,660 feet of 8-inch through 48-inch water mains and 98,950 feet of 8-inch through 84-inch wastewater mains. A total of three consulting firms will be utilized.

The mains targeted for design were built between 1902 and 1980. The water mains contribute to water quality issues, in addition to excessive maintenance and service interruptions. The wastewater mains also contribute to excessive amounts of inflow and infiltration into the wastewater collection system, resulting in wastewater overflows and high maintenance costs. The replacement of the proposed segments will improve the capacity of the water and wastewater systems and will reduce maintenance costs.

The estimated construction cost for the targeted mains is approximately $128,286,400.00.

ESTIMATED SCHEDULE OF PROJECT

Begin Services	November 2018
Complete Services	November 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure and Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $200,000.00
Water Utilities Capital Improvement Funds - $7,030,314.00

Council District	Amount
1	$ 50,627.12
2	$2,178,063.27
4	$ 62,199.04
5	$1,578,987.14
6	$ 148,827.80
7	$1,121,803.23
8	$ 543,963.00
9	$ 44,841.17
10	$ 82,632.00
11	$1,311,264.00
13	$ 35,100.00
14	$ 72,006.23
Total	$7,230,314.00

APM & Associates, Inc. - Contract 18-277/278E

Design	$ 1,111,193.00
Construction	$10,286,400.00 (est.)
Total	$11,397,593.00 (est.)

Freese and Nichols, Inc. - Contract 18-286E

Design	$ 2,854,123.00
Construction	$27,000,000.00 (est.)
Total	$29,854,123.00 (est.)

Hazen & Sawyer, P.C. - Contract 18-287/288E

Design	$ 3,264,998.00
Construction	$91,000,000.00 (est.)
Total	$94,264,998.00 (est.)

M/WBE INFORMATION

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

follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$7,230,314.00	Architecture & Engineering	25.66%	38.46%	$2,781,077.90
• This contract exceeds the M/WBE goal.				

OWNERS

APM & Associates, Inc.

Afisu Olabimtan, President

Freese and Nichols, Inc.

Robert F. Pence, Chairman of Board

Hazen and Sawyer, P.C.

Charles S. Hocking, President and Chief Executive Officer

MAPS

Attached

powered by Legistar™

List

Renewal of Water and Wastewater Mains

District 1

Jefferson Boulevard from Ravinia Drive west

District 2

Alley between Junius Street and Worth Street from Fitzhugh Avenue southwest
Alley between Terry Street and Santa Fe Avenue from Fitzhugh Avenue to Munger Boulevard
Easement between Junius Street and Worth Street from Haskell Avenue to Peak Street
Easement between Worth Street and Junius Street from Carroll Avenue northwest

District 4

Easement between Edgemont Avenue and Vermont Avenue from Michigan Avenue east, in alley between Alaska Avenue and Michigan Avenue

District 5

Alley between Prairie Creek Road and Kirven Drive from Briggs Street to Scyene Road
Military Parkway from Elva Avenue to Urban Avenue
Piedmont Drive from Jim Miller Road to Ravehill Lane
Pindar Avenue from south of Sarah Lee Drive south

District 6

Kilgore Street from Canada Drive to Bernal Drive
Tram Drive from Canada Drive to Bernal Drive

District 7

2nd Avenue from south of Dixon Street southeast
Meadow Street from Marburg Street southeast
Parkdale Drive from T&P RR S to James Street
Peachtree Street from Parkdale Drive to Forney Road
Scottsdale Drive from south of Carr Street north

District 9

Cambridge Square Drive from Ferguson Road to Churchill Green Drive

District 14

Alley between Mercedes Avenue and Monticello Avenue from Clements Street to Norris Street
Alley between Ridgeway Street and Skillman Street from Junius Street northwest
Alley between Tremont Street and Victor Street from Beacon Street to Fulton Street

List

Renewal of Wastewater Mains

District 5

*White Rock Trunk Arcadis Project 9

District 7

*(White Rock Trunk Arcadis Project 9)
(See District 5)

District 8

Five Mile Relief Arcadis Project 7

District 10

*East White Rock Arcadis Project 11

District 11

*(East White Rock Arcadis Project 11)
(See District 10)
Upper White Rock 2 Arcadis Project 6

District 13

Easement between Rosser Road and Withers Drive from Forest Lane to Alta Vista Lane
Easement east of Peter Pan Drive from Royal Lane to Cobblestone Drive
Easement north of Merrell Road from Echo Brook Lane to Merrell Road
Echo Brook Lane and Shady Creek Lane from Peter Pan Drive to Royal Springs Drive
Rosser Road from Northaven Road to Sleepy Lane

*Project limits in more than one Council District

List

Renewal of Water and Wastewater Mains

District 2

Easement between Stemmons Freeway and Harry Hines Boulevard from Empire Central Drive to Record Crossing Road
*Easement between Stemmons Freeway and Harry Hines Boulevard from Harry Hines Boulevard to Empire Central Drive

District 5

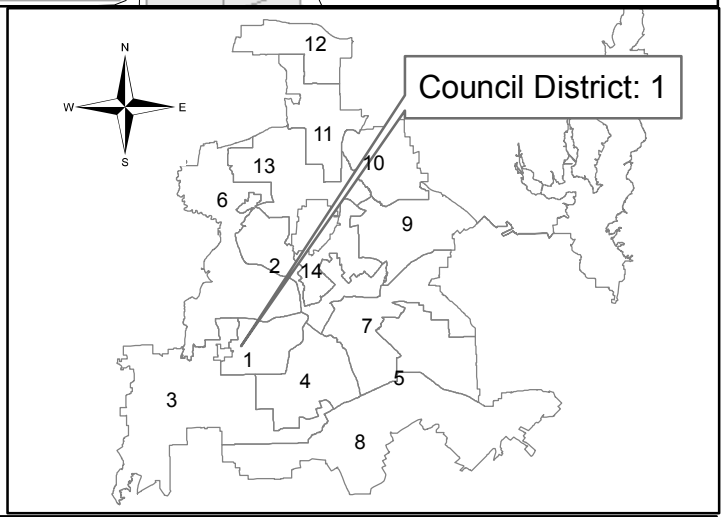
Easement in Prairie Creek Road from south of Lake June Road to C.F. Hawn Freeway

District 6

*(Easement between Stemmons Freeway and Harry Hines Boulevard from Harry Hines Boulevard to Empire Central Drive)
(See District 2)
Joes Creek Easement west of Harry Hines Boulevard from North West Highway Loop 12 south to Webb Chapel Extension
Webb Chapel Extension from Harry Hines Boulevard to Shorecrest Drive

*Project limits in more than one Council District

Jefferson Boulevard
from Ravinia Drive west

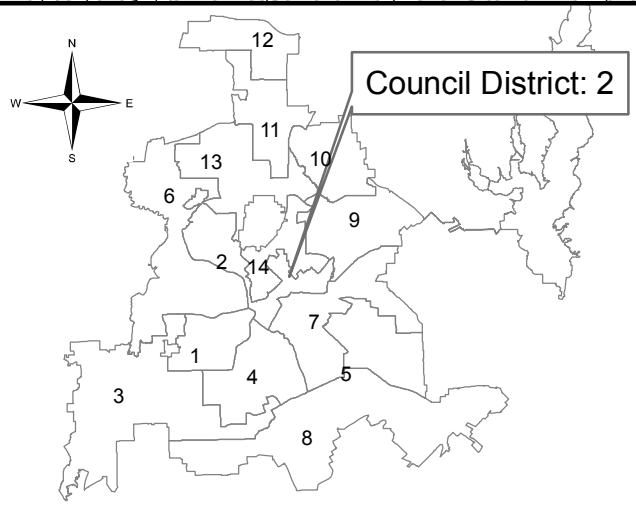


Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 6155

Segment 1 of 21

Alley between Junius Street and Worth Street
from Fitzhugh Avenue southwest

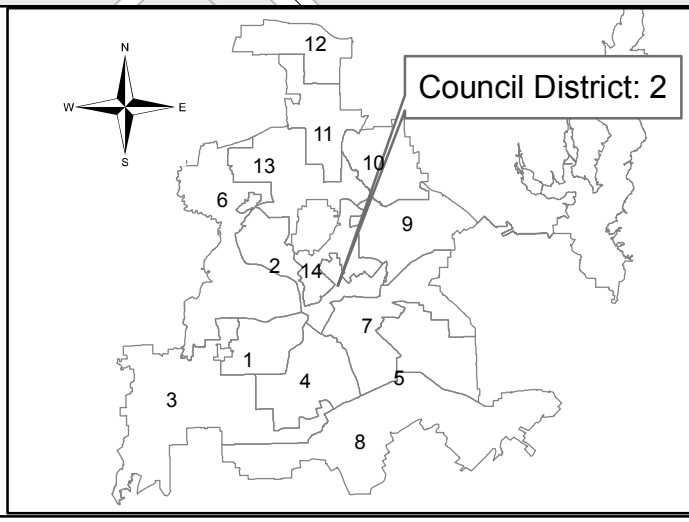


Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 6067

Segment 2 of 21

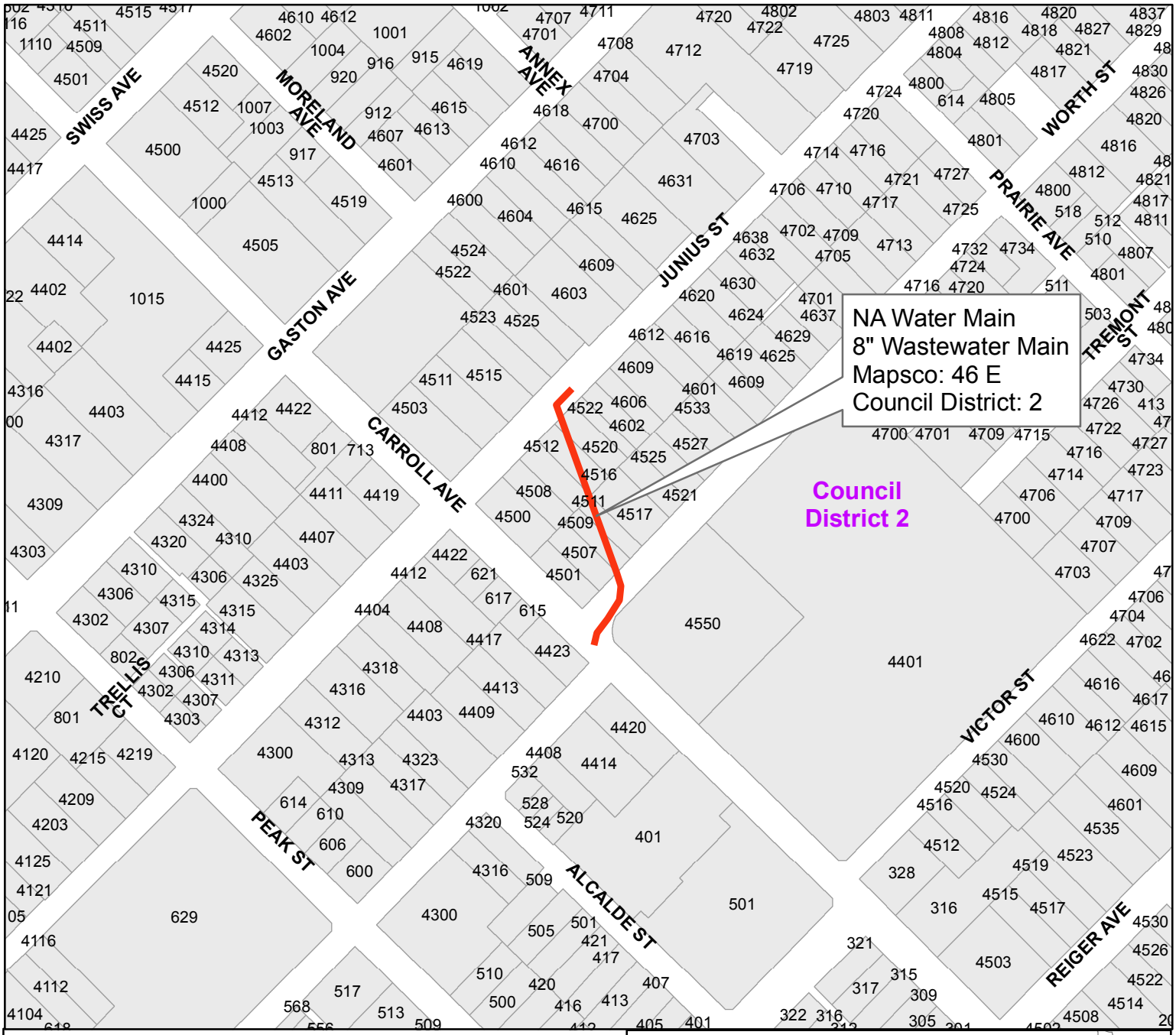
Easement between Junius Street and Worth Street from Haskell Avenue to Peak Street



Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

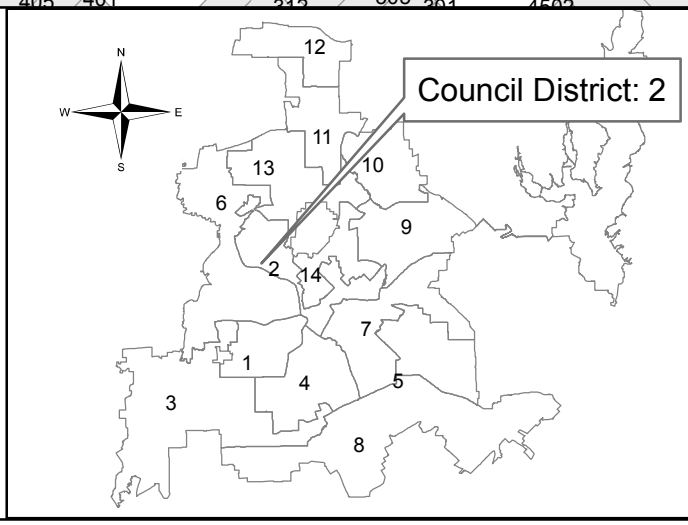
PID: 6137

Segment 3 of 21



Easement between Worth Street and Junius Street

from Carroll Avenue northwest

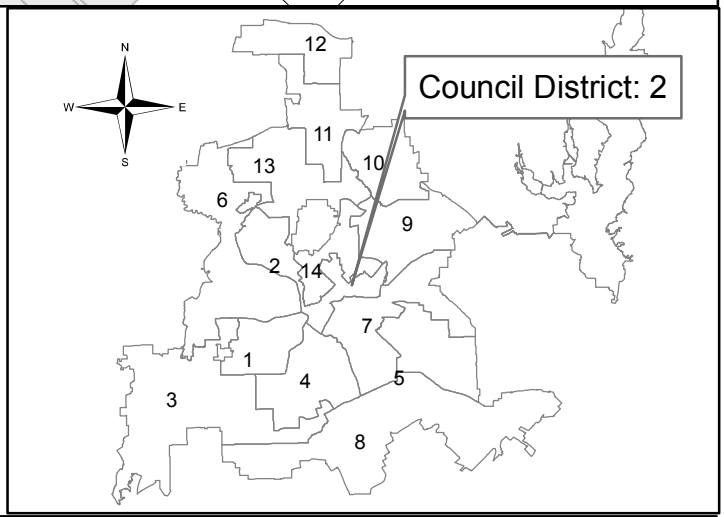


Water and Wastewater Main Renewals at 21 Locations

PID: 6101

Segment 4 of 21

Alley between Terry Street and Santa Fe Avenue from Fitzhugh Avenue and Munger Boulevard

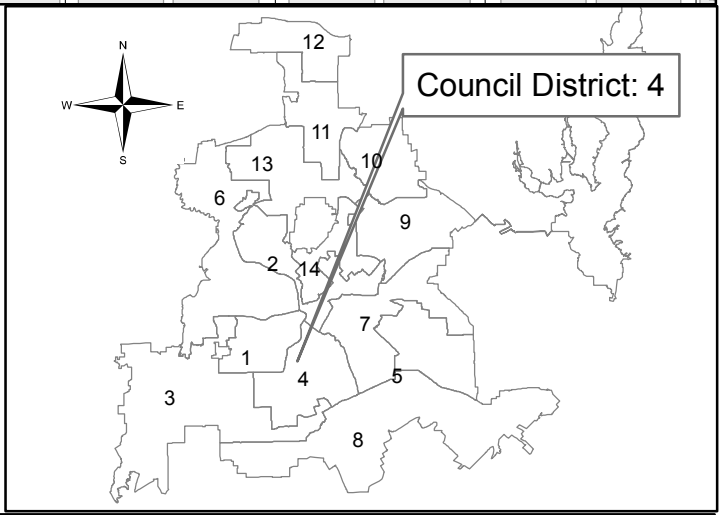


Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 6039

Segment 5 of 21

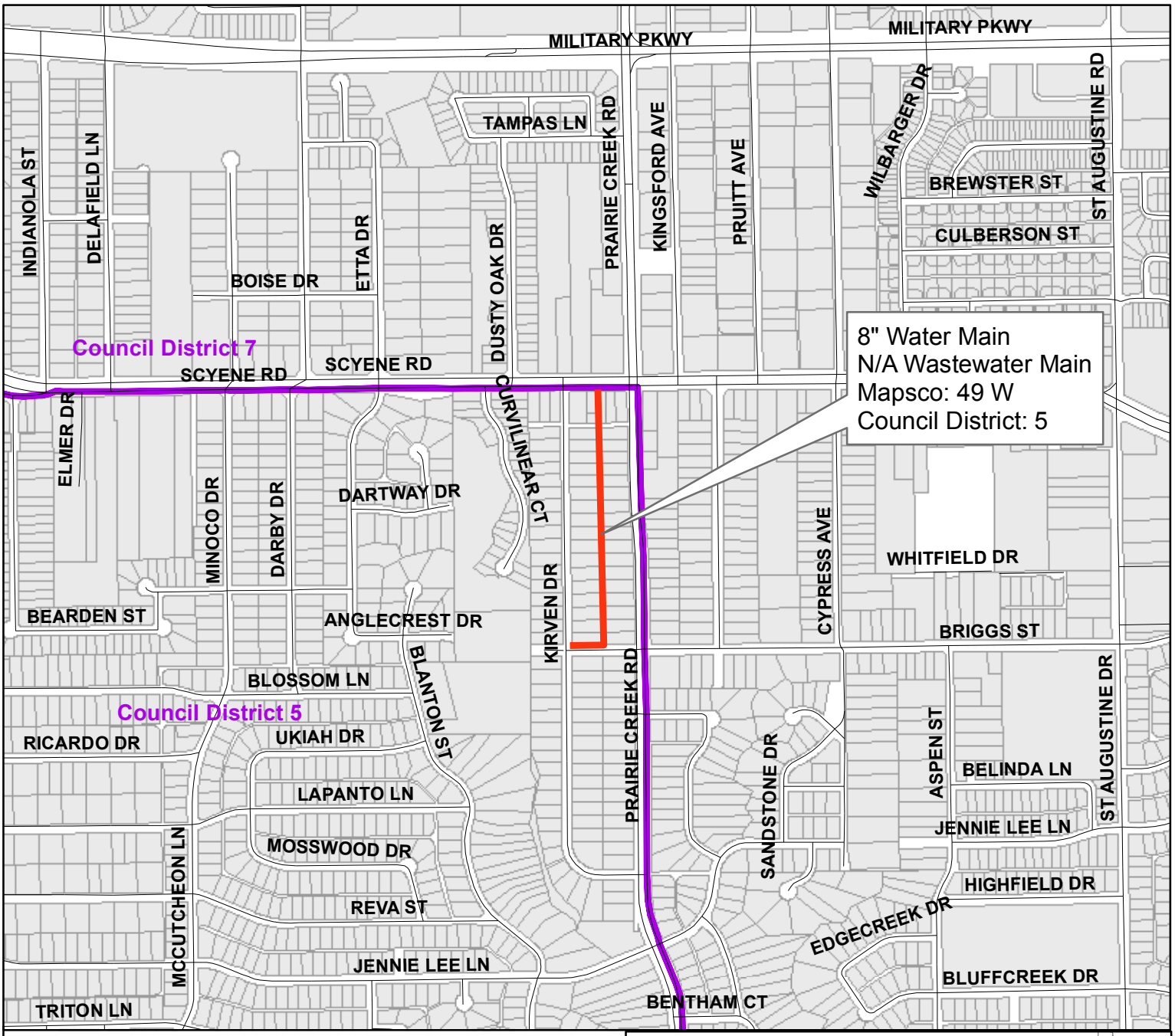
Easement between Edgemont Avenue and Vermont Avenue
from Michigan Avenue east, in alley between Alaska Avenue and Michigan Avenue



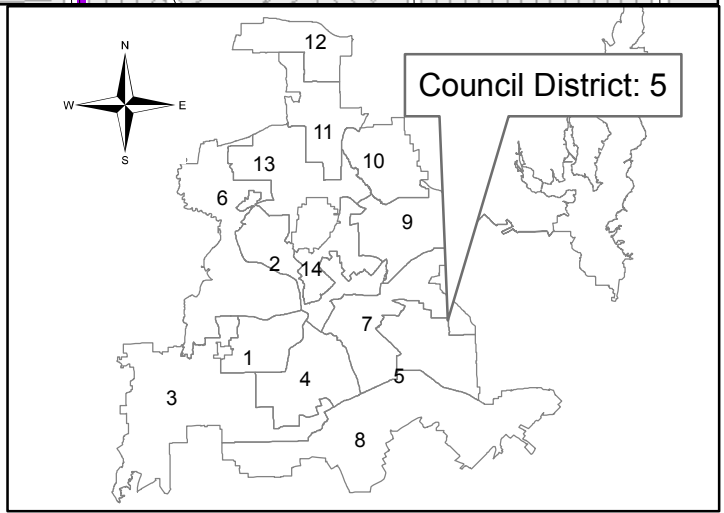
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 6157

Segment 6 of 21



Alley between Prairie Creek Road and Kirven Drive from Briggs Street to Scyene Road

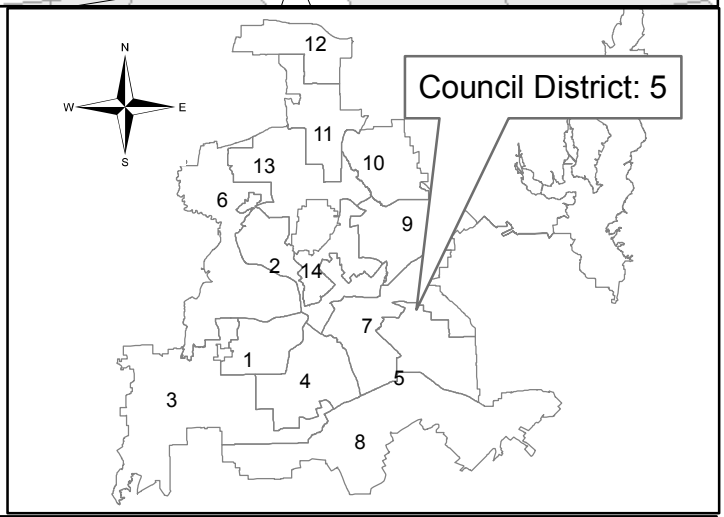


Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 3184

Segment 7 of 21

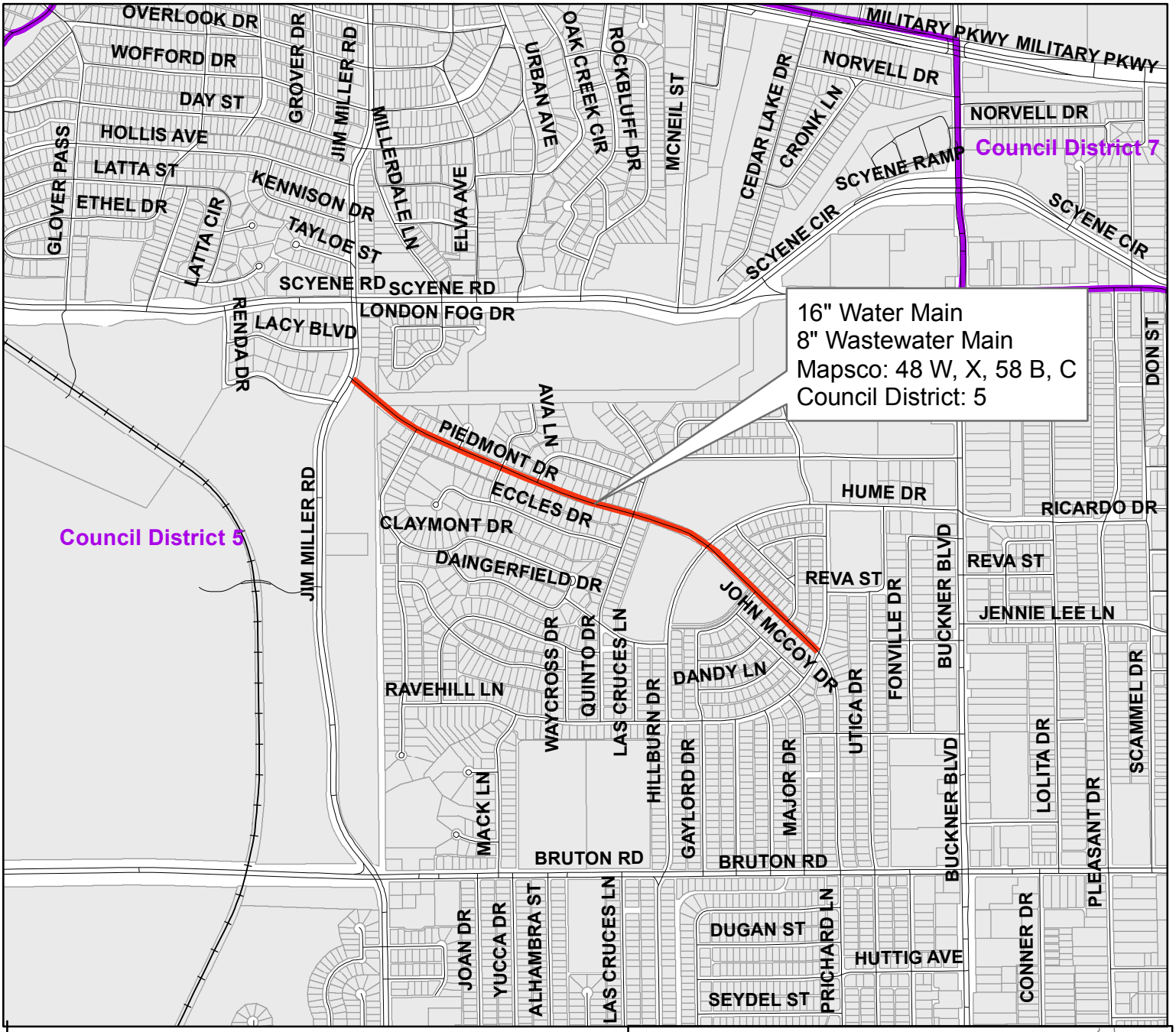
Military Parkway
from Elva Avenue to Urban Avenue



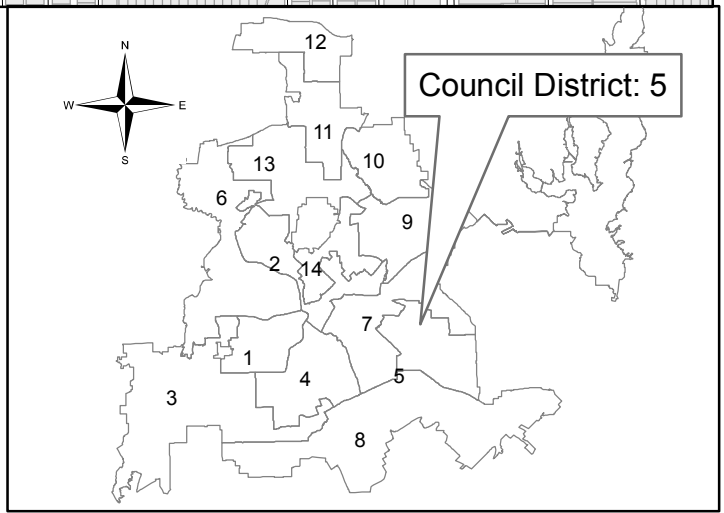
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 3160

Segment 8 of 21



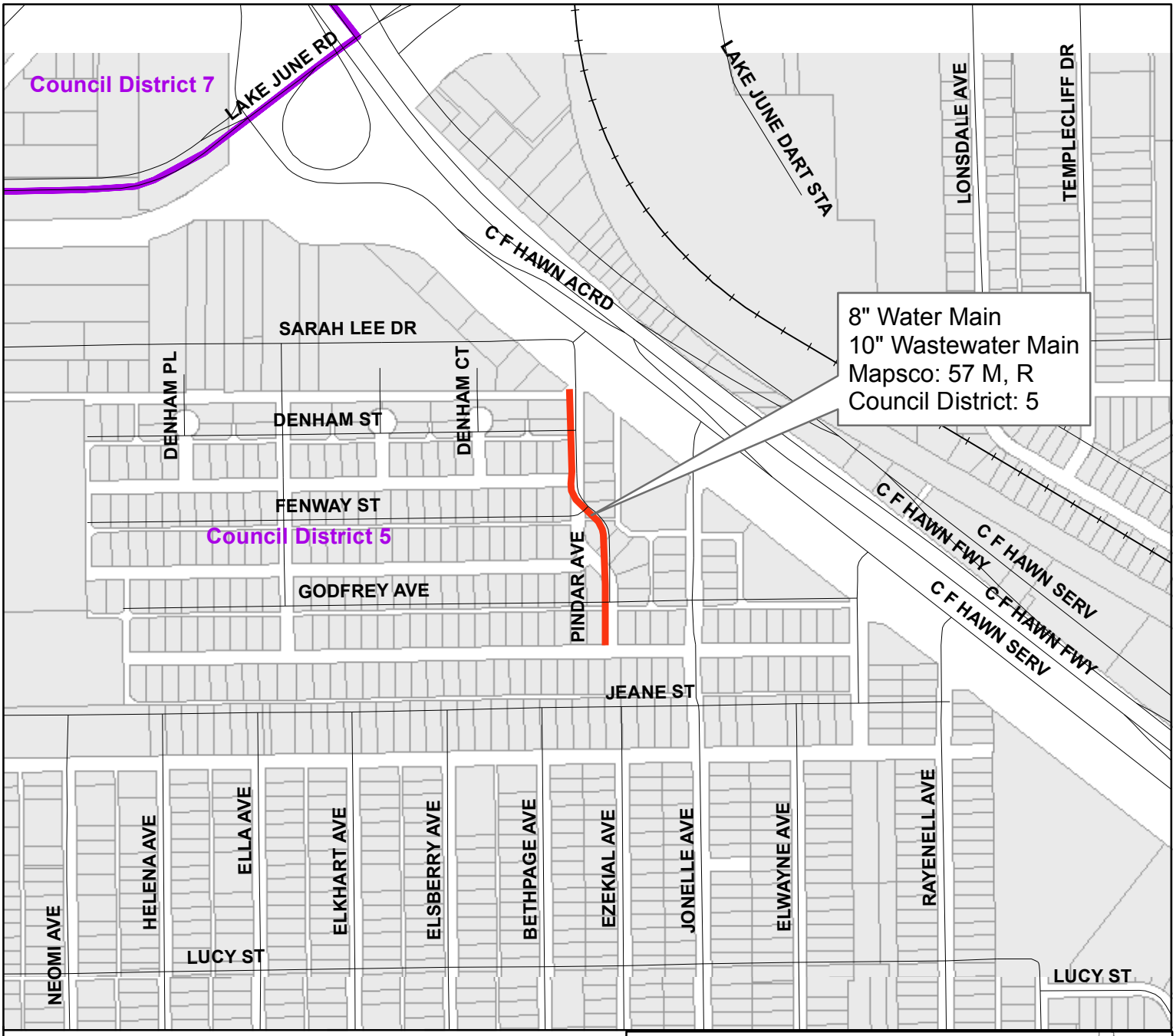
Piedmont Drive
from Jim Miller Road to Ravehill Lane



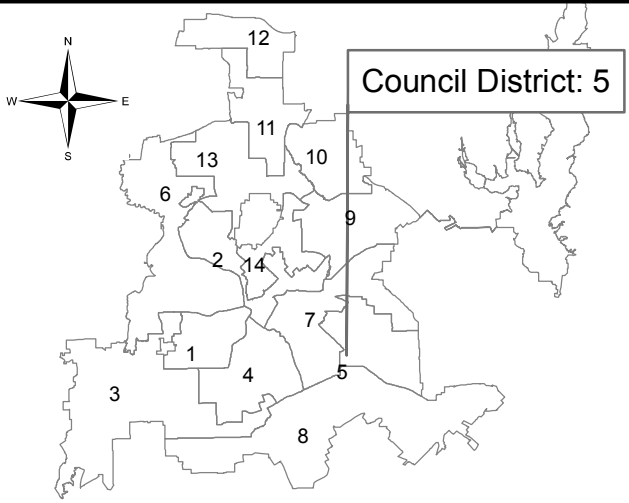
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 3181

Segment 9 of 21



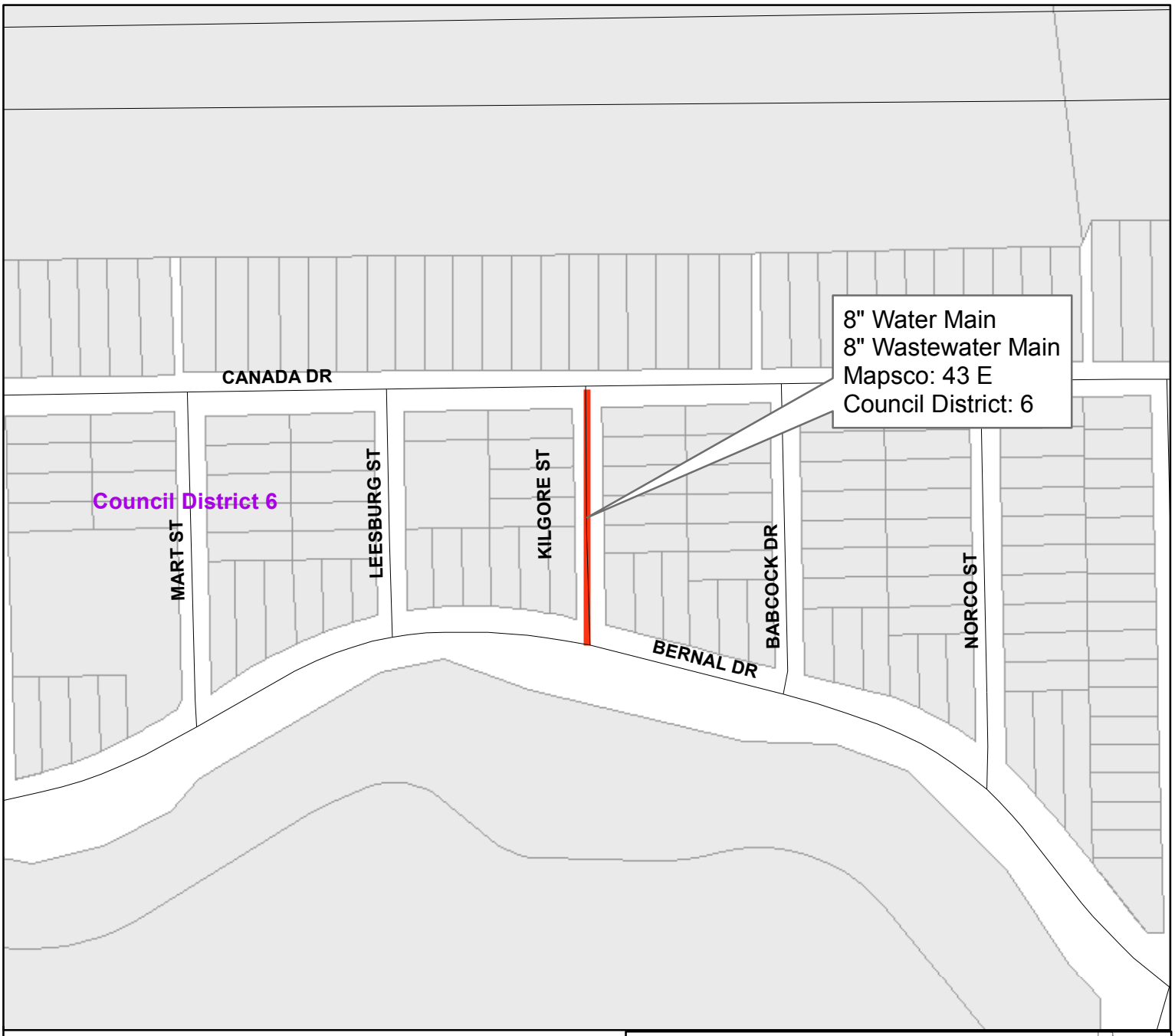
Pindar Avenue
from south of Sarah Lee Drive south



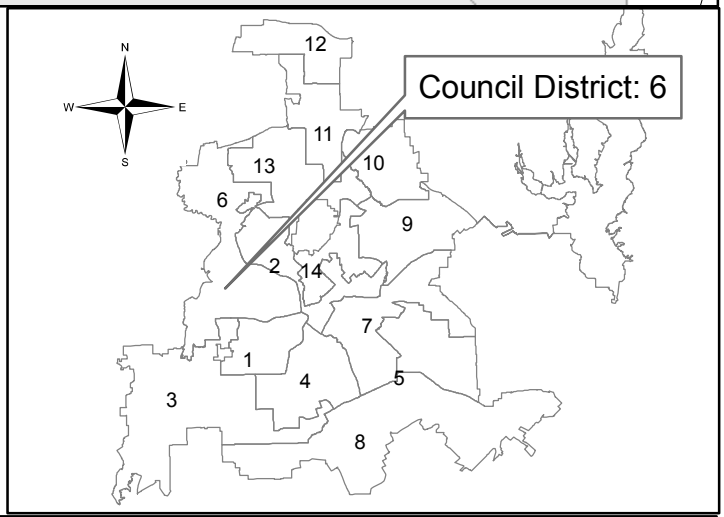
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 6156

Segment 10 of 21



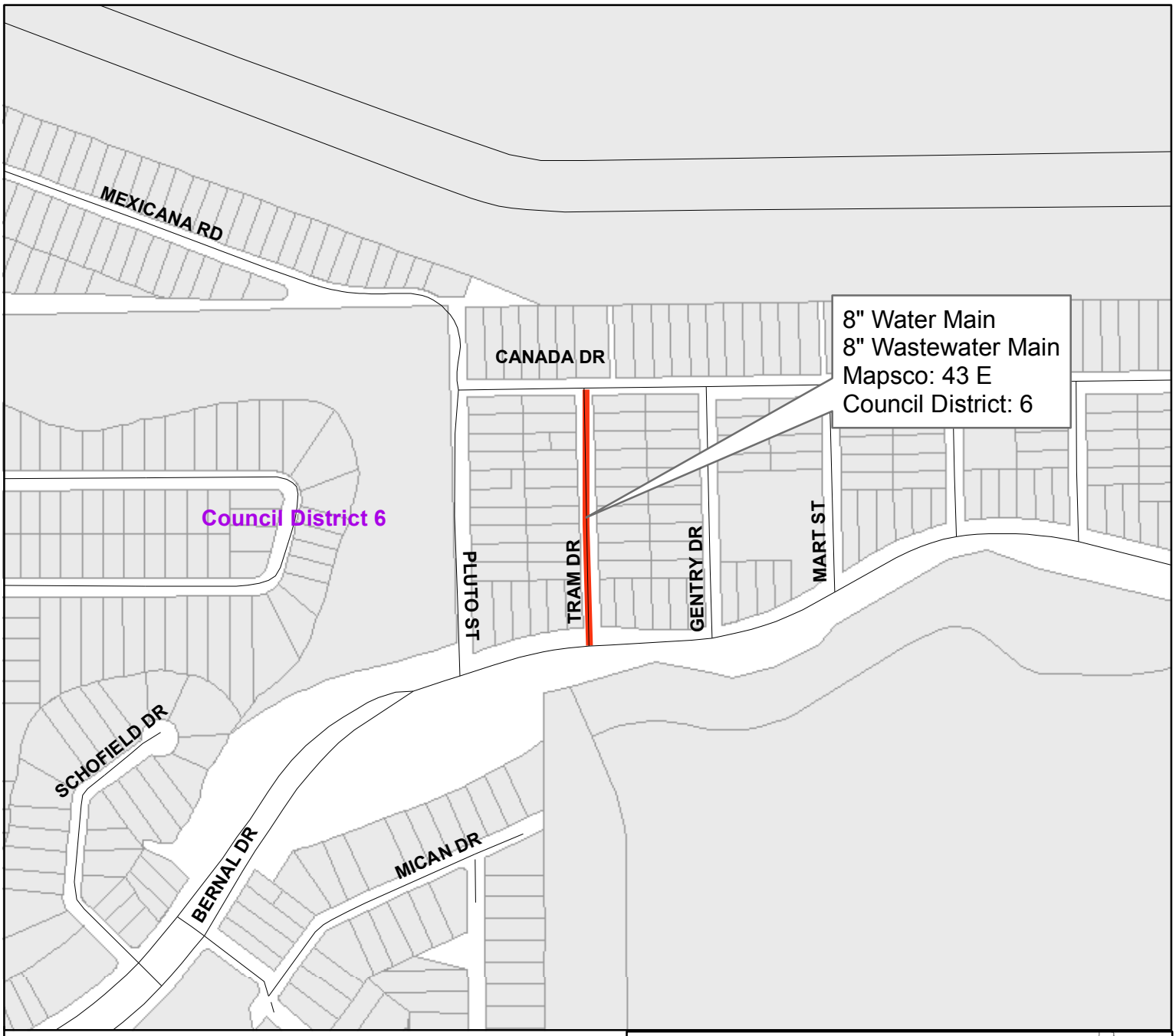
Kilgore Street
from Canada Drive to Bernal Drive



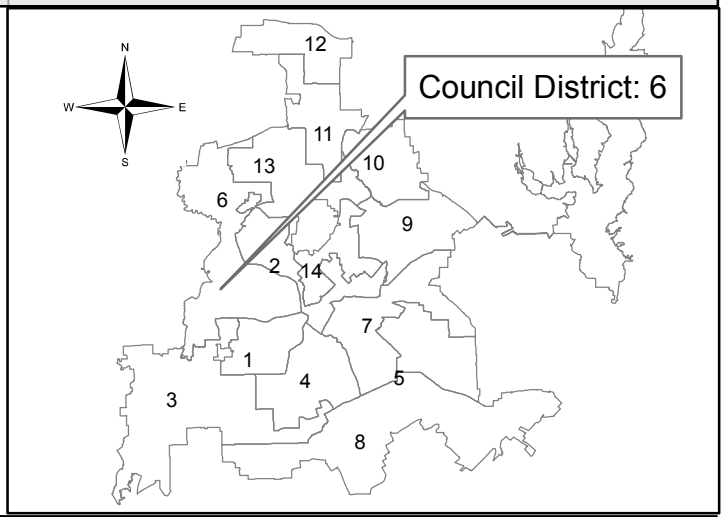
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 3111

Segment 11 of 21



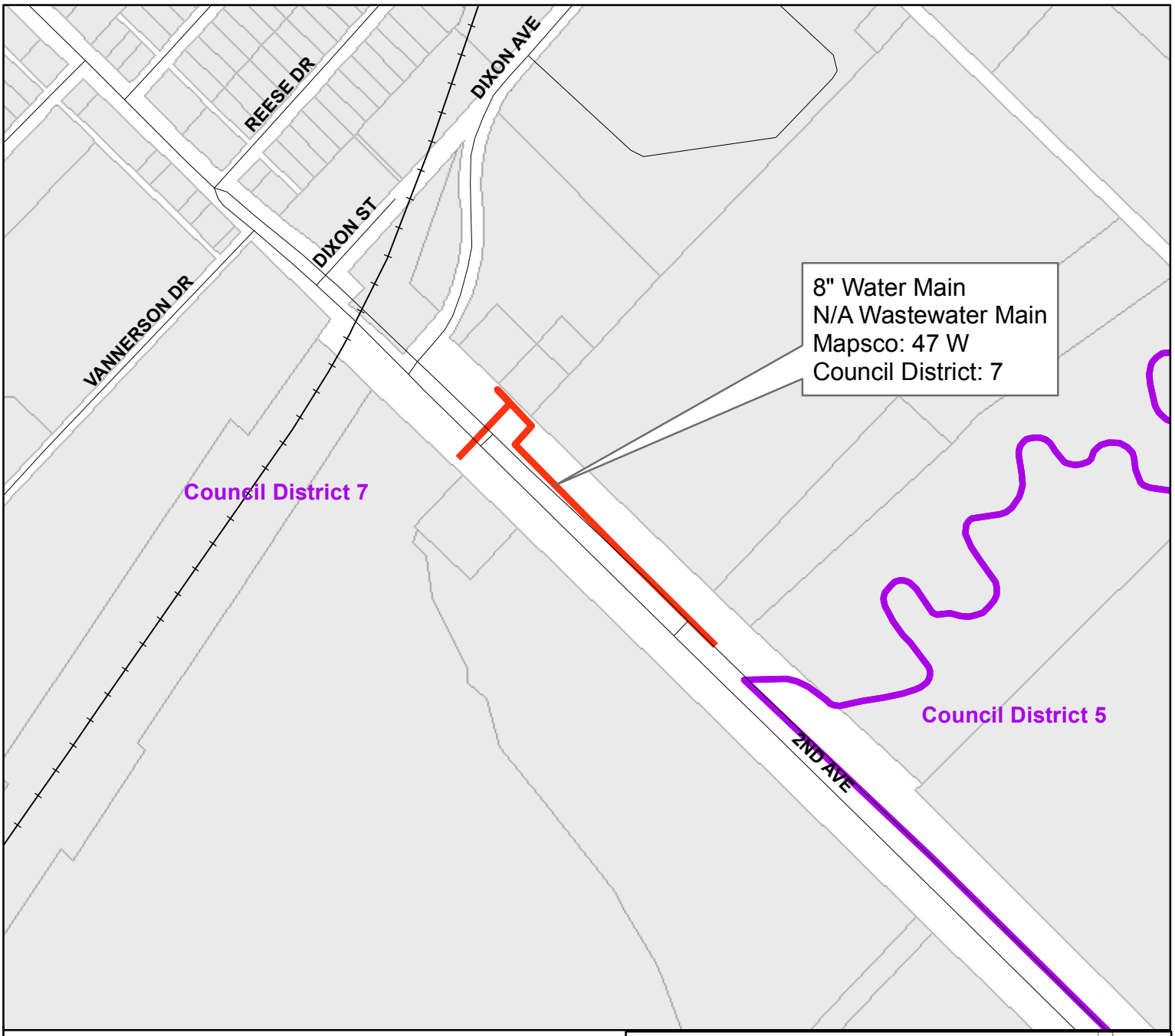
Tram Drive
from Canada Drive to Bernal Drive



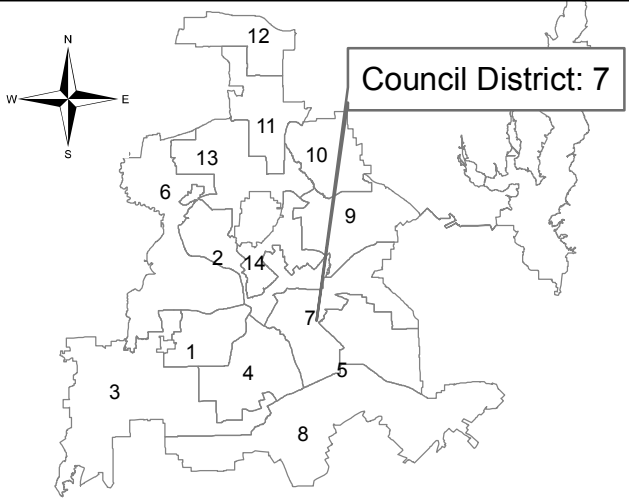
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 3109

Segment 12 of 21



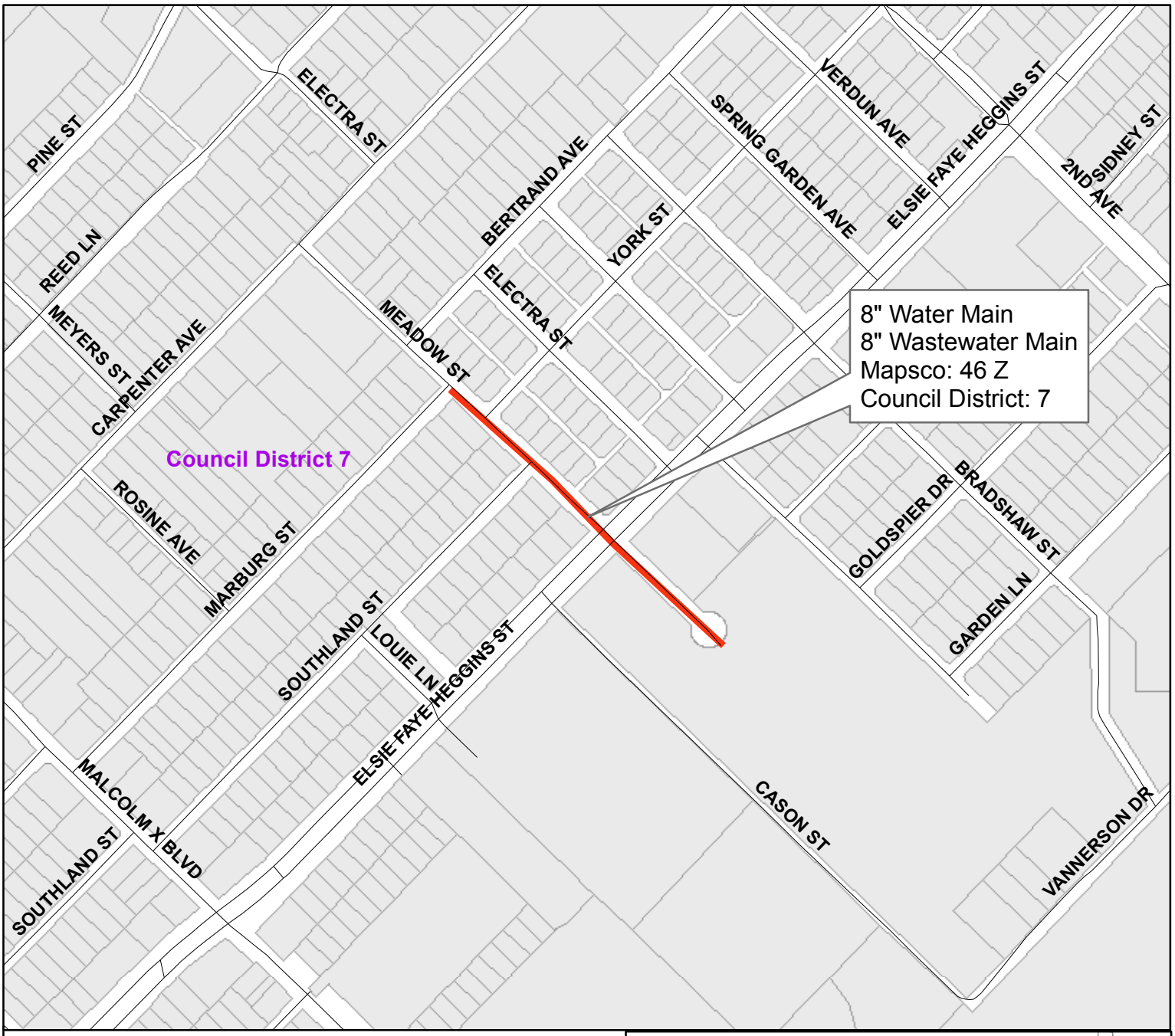
2nd Avenue
from south of Dixon Street southeast



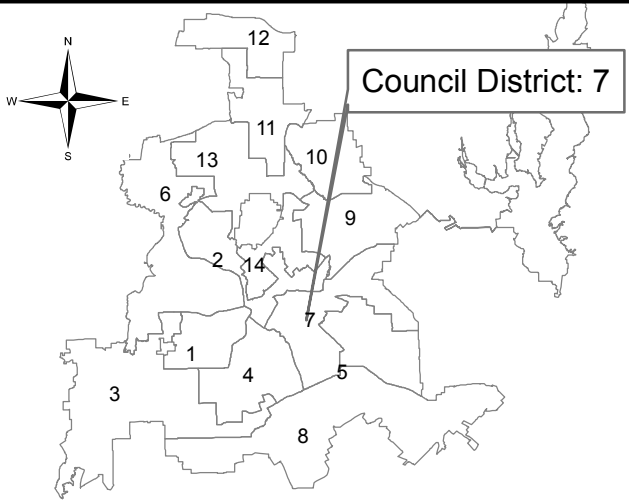
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 3201

Segment 13 of 21



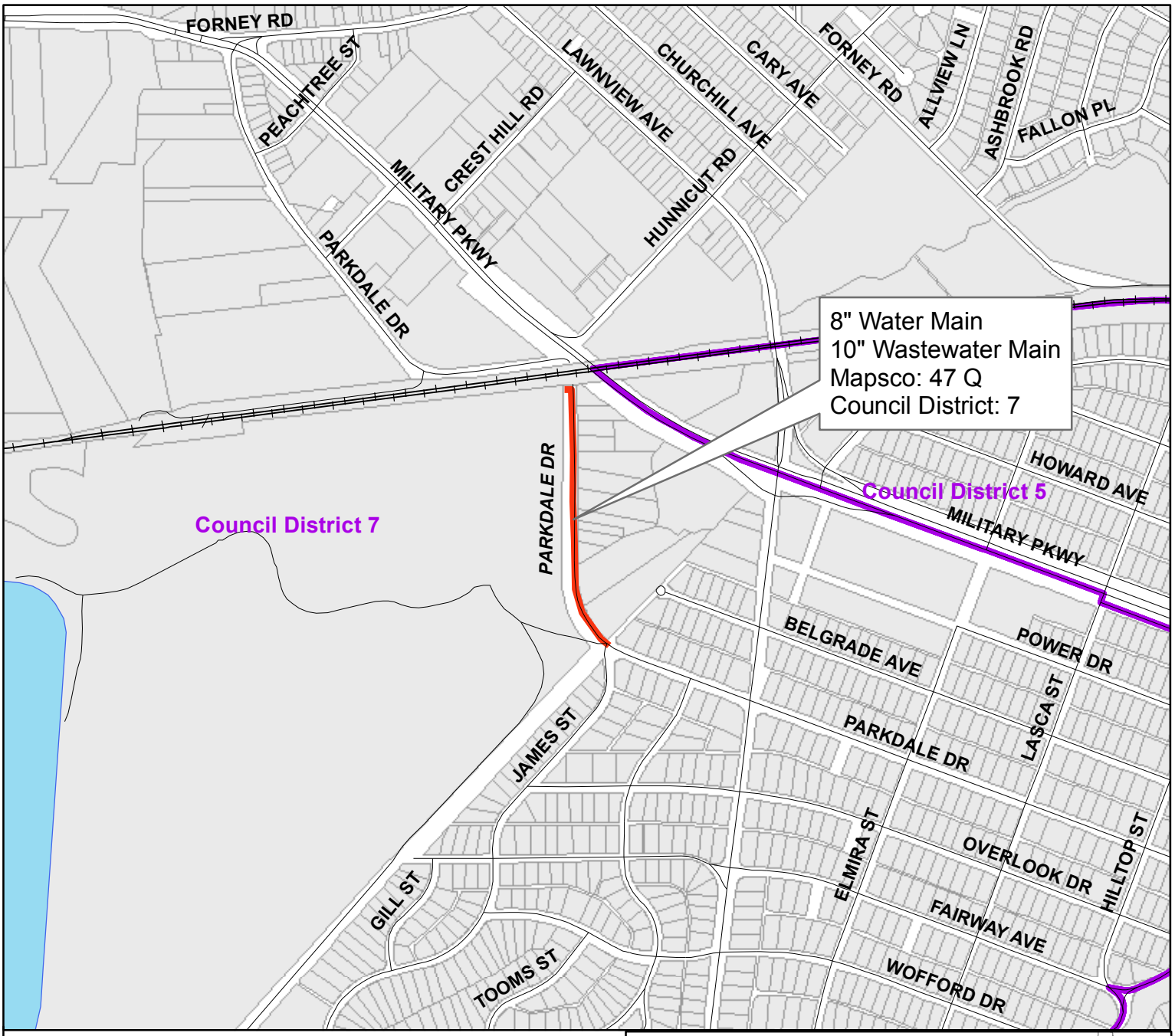
Meadow Street
from Marburg Street southeast



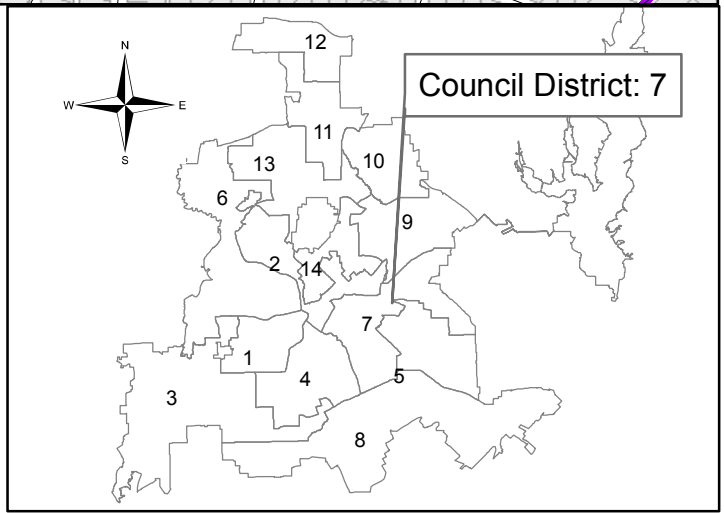
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 3198

Segment 14 of 21



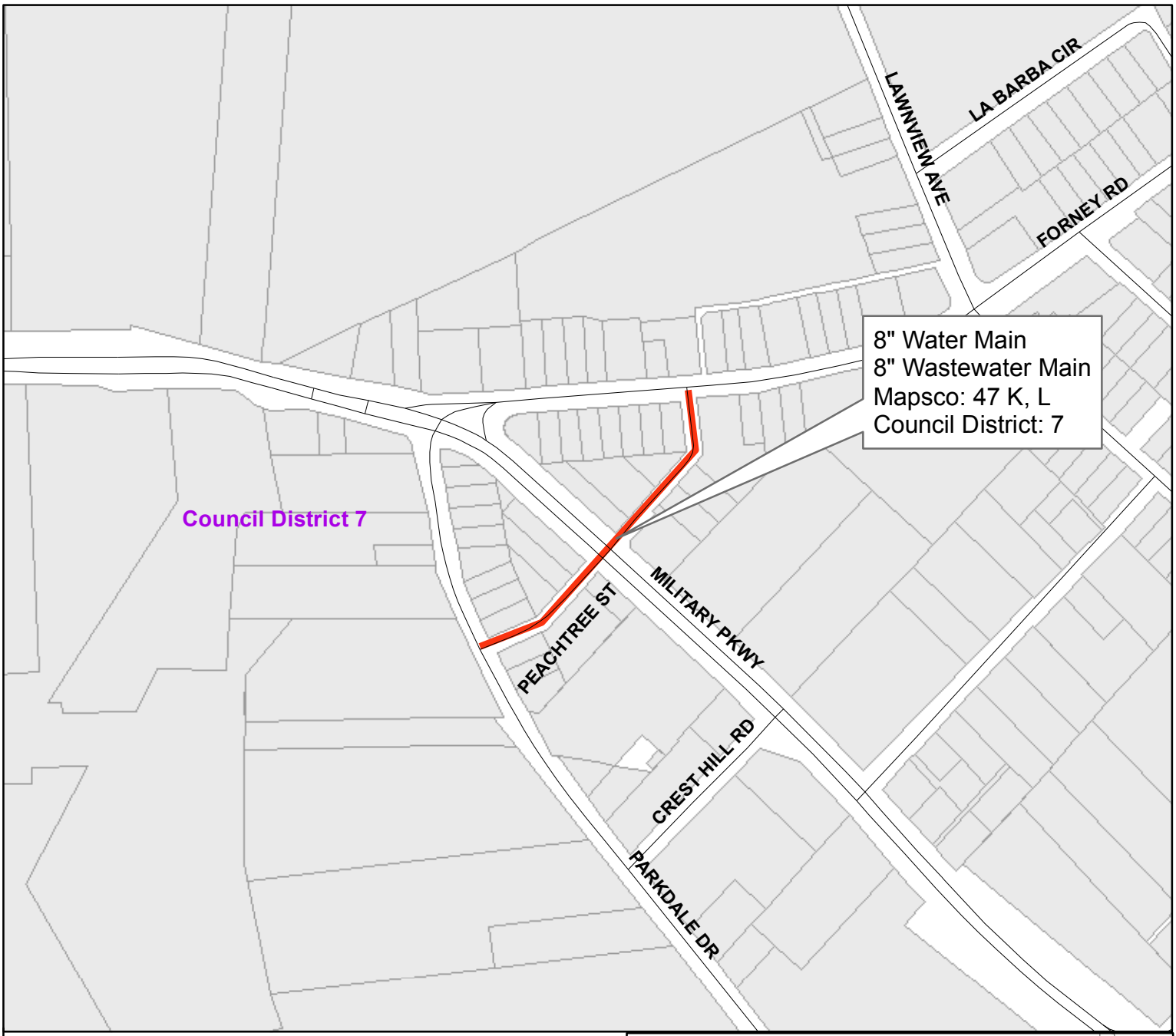
Parkdale Drive
from T&P RR S to James Street



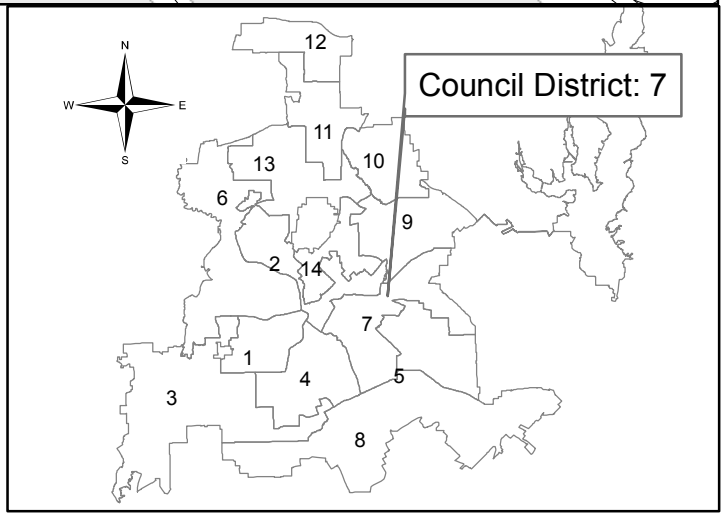
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 3147

Segment 15 of 21



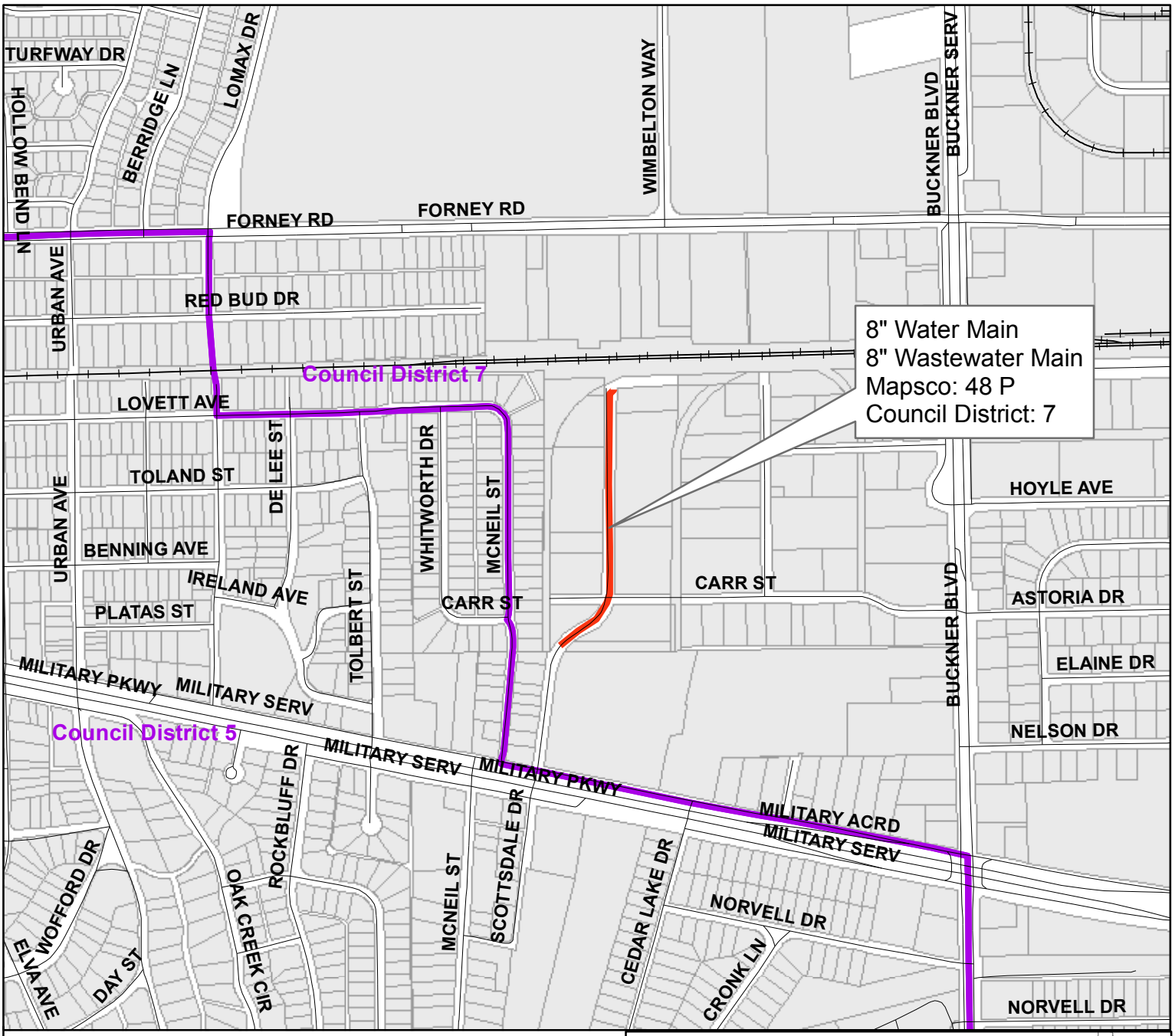
Peachtree Street
from Parkdale Drive to Forney Road



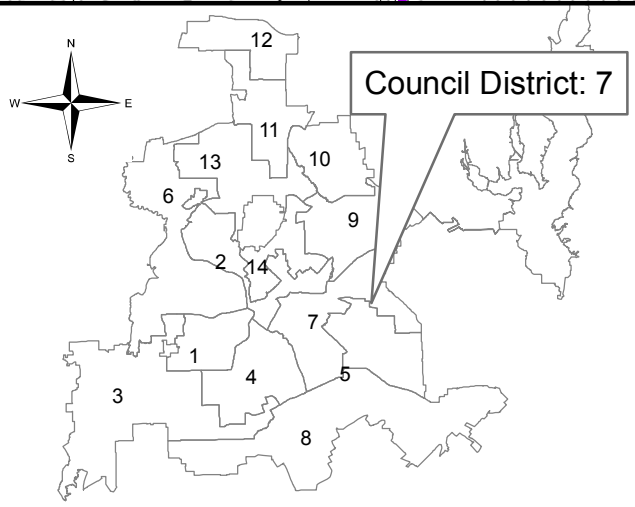
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 3137

Segment 16 of 21



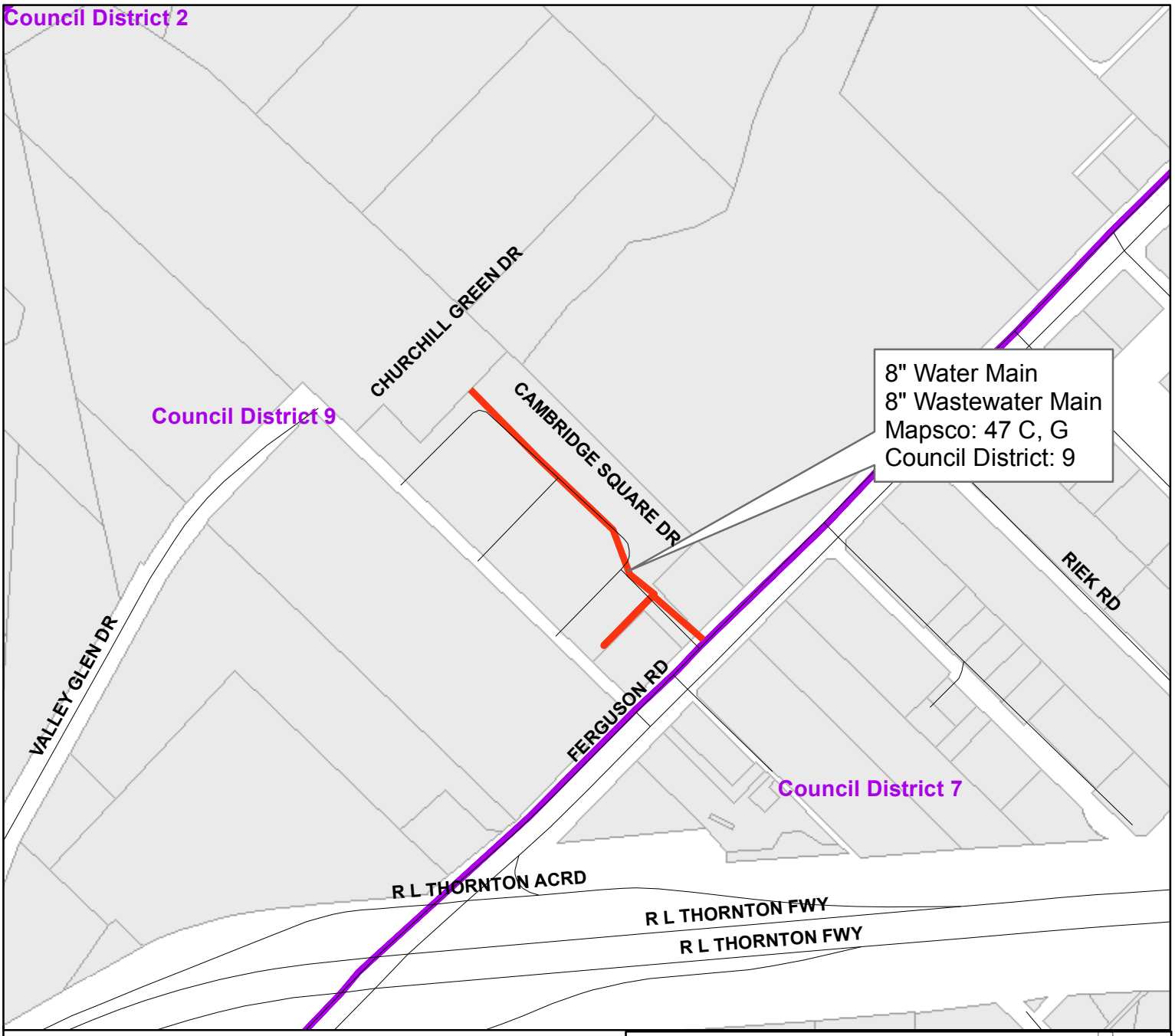
Scottsdale Drive
from from south of Carr Street north



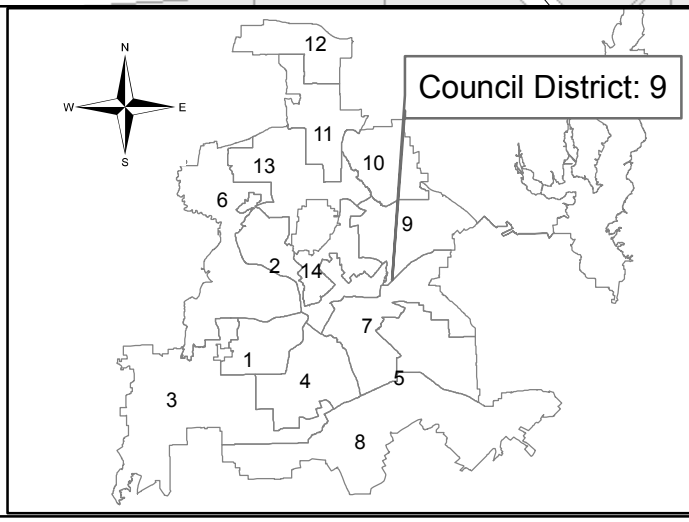
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 3162

Segment 17 of 21



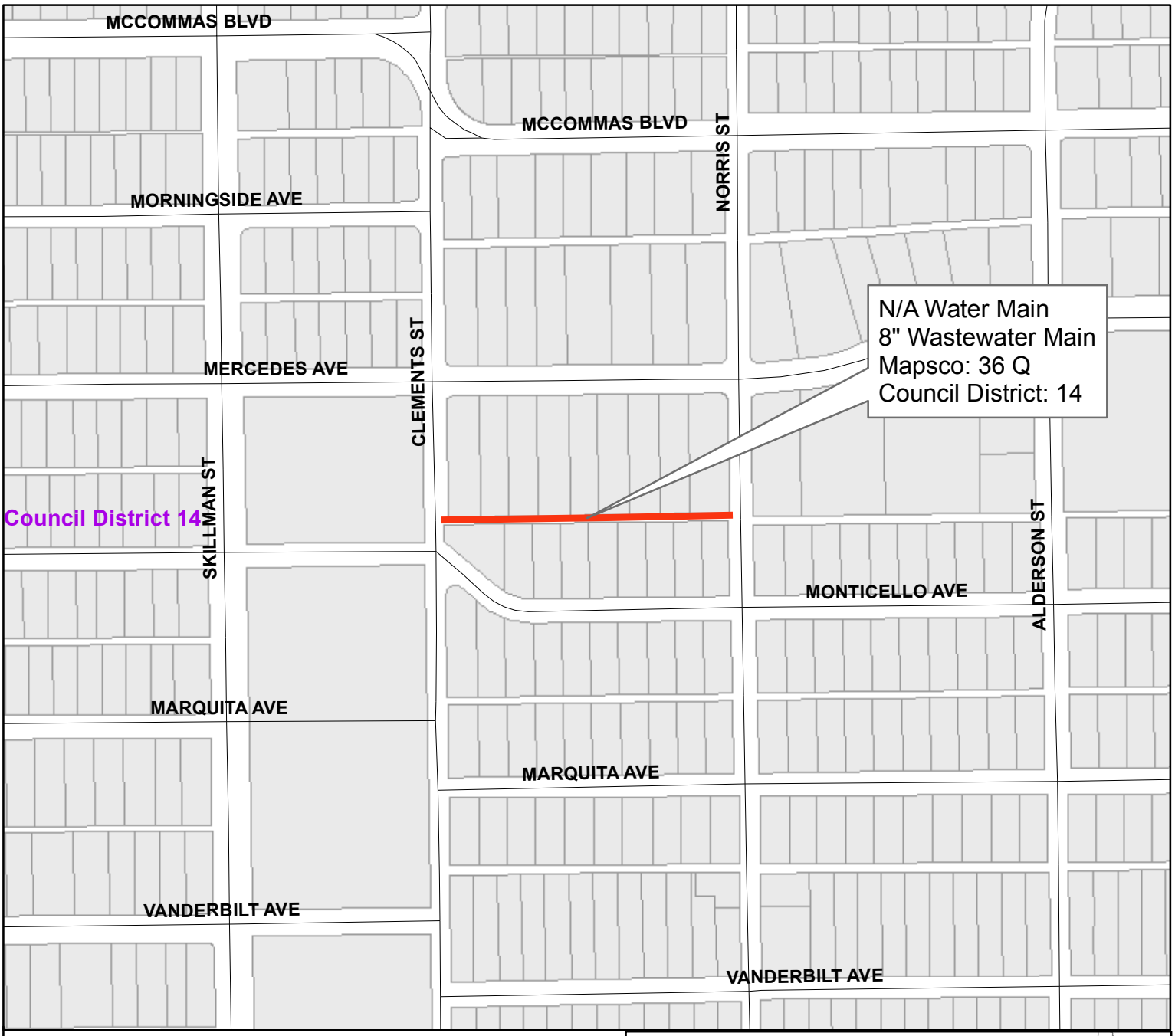
Cambridge Square Drive
from Ferguson Road to Churchill Green Drive



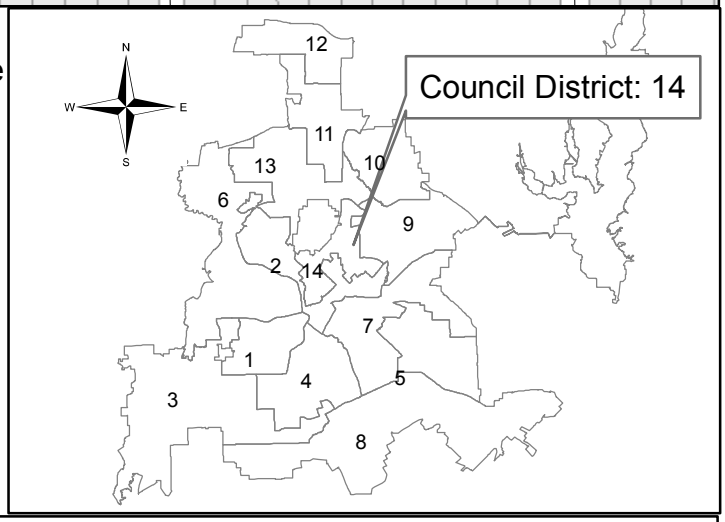
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 3107

Segment 18 of 21



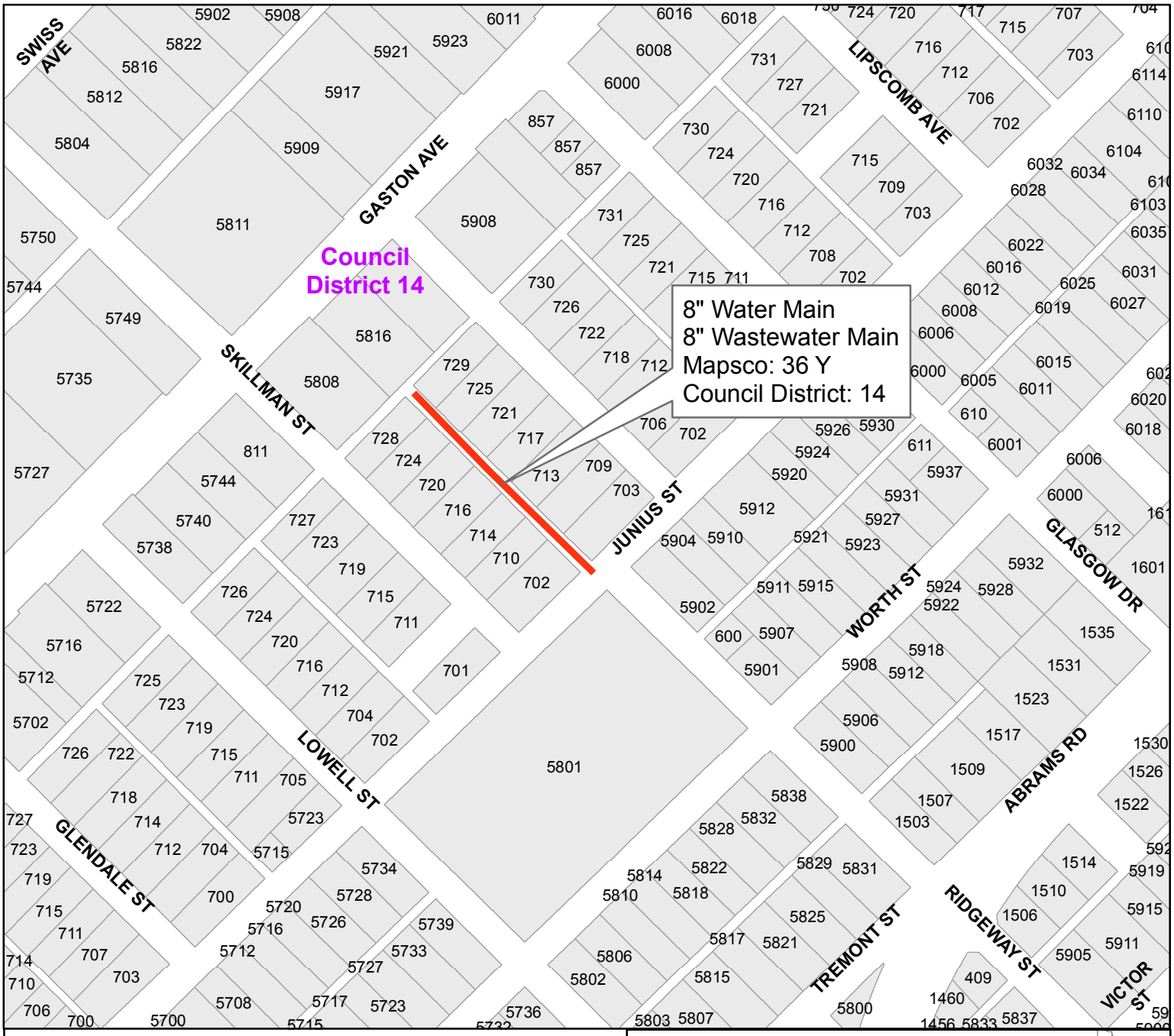
Alley between Mercedes Avenue and Monticello Avenue from Clements Street to Norris Street



Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

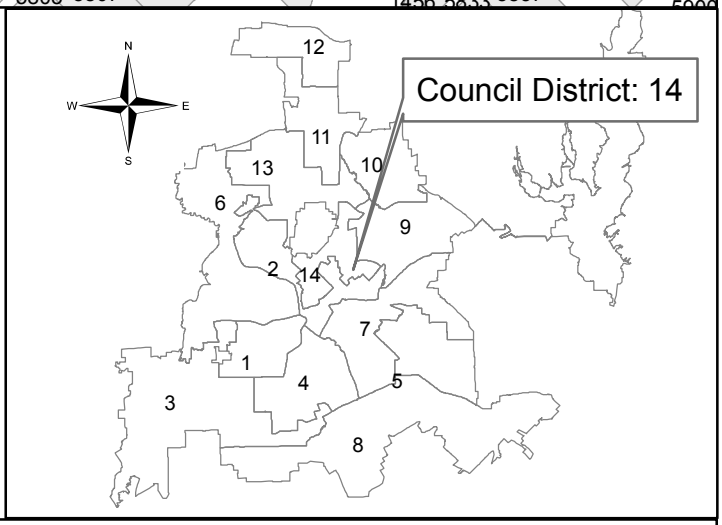
PID: 6139

Segment 19 of 21



Alley between Ridgeway Street and Skillman Street

from Junius Street northwest

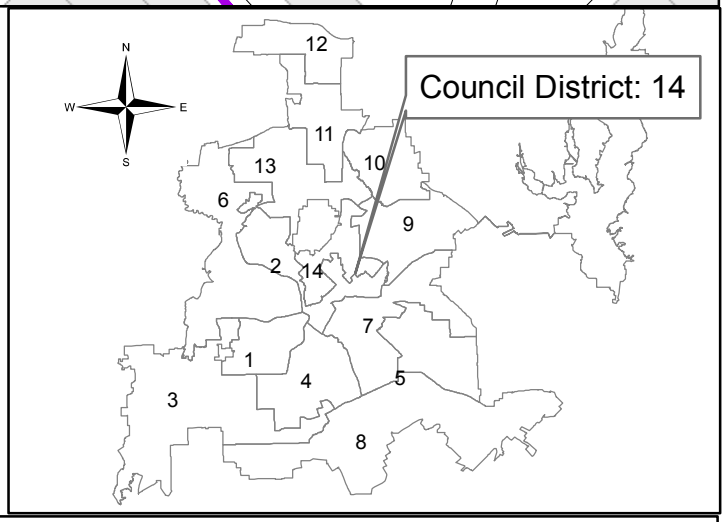


Water and Wastewater Main Renewals at 21 Locations

PID: 3401

Segment 20 of 21

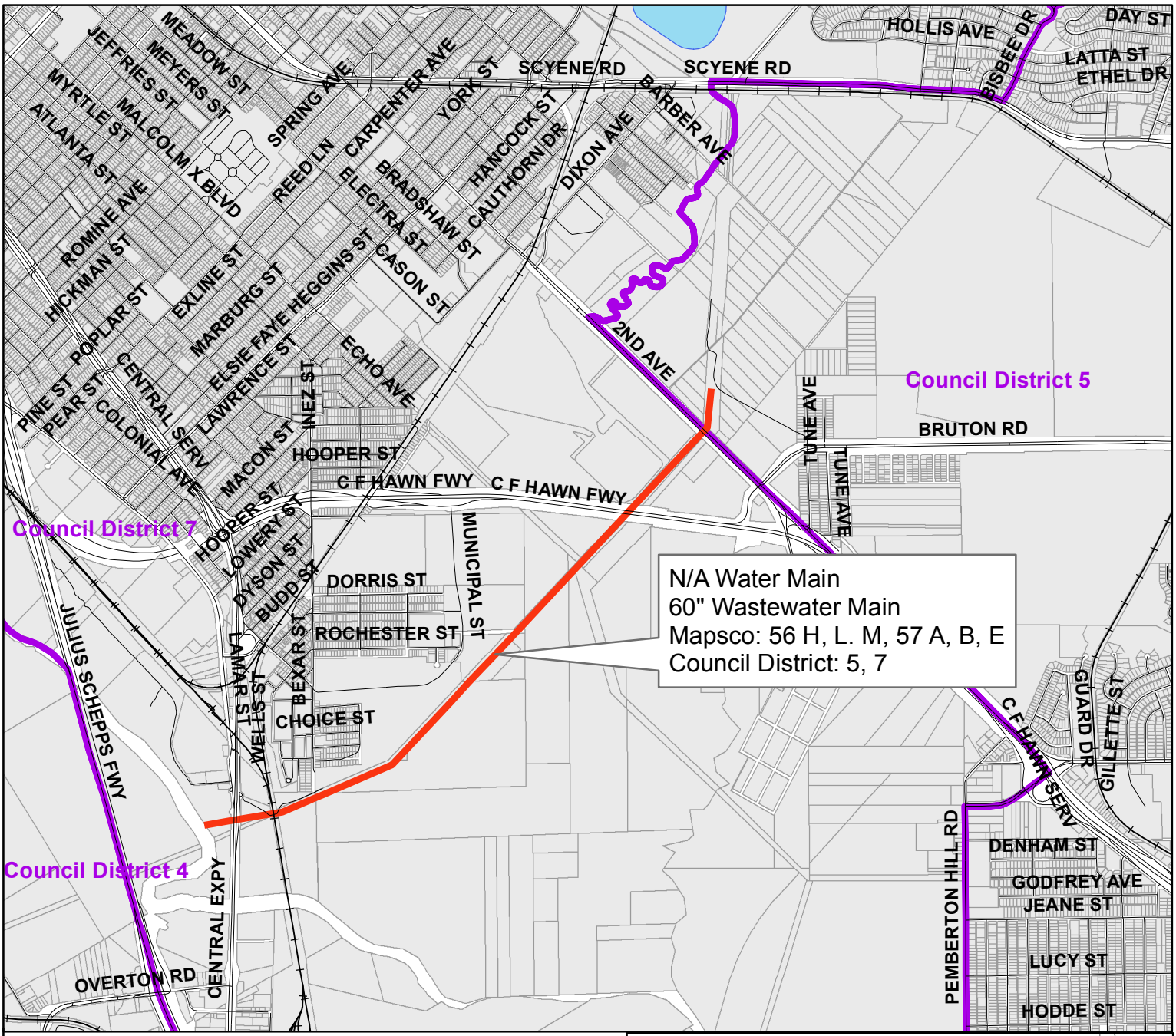
Alley between Tremont Street and Victor Street
from Beacon Street to Fulton Street



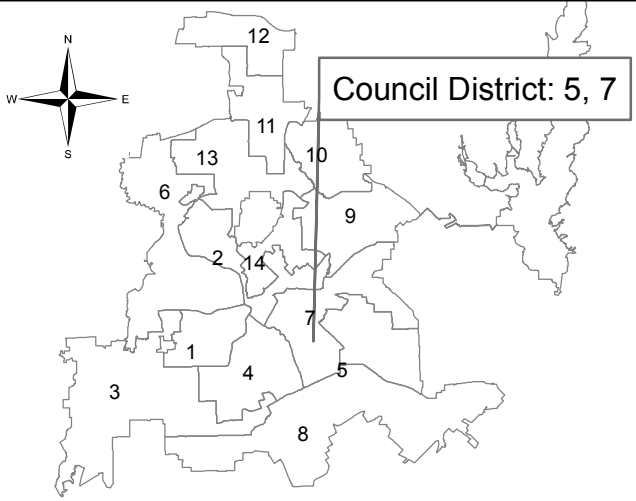
Dallas Water Utilities
Contract No. 18-277/278E
Water and Wastewater Main Renewals
at 21 Locations

PID: 6116

Segment 21 of 21



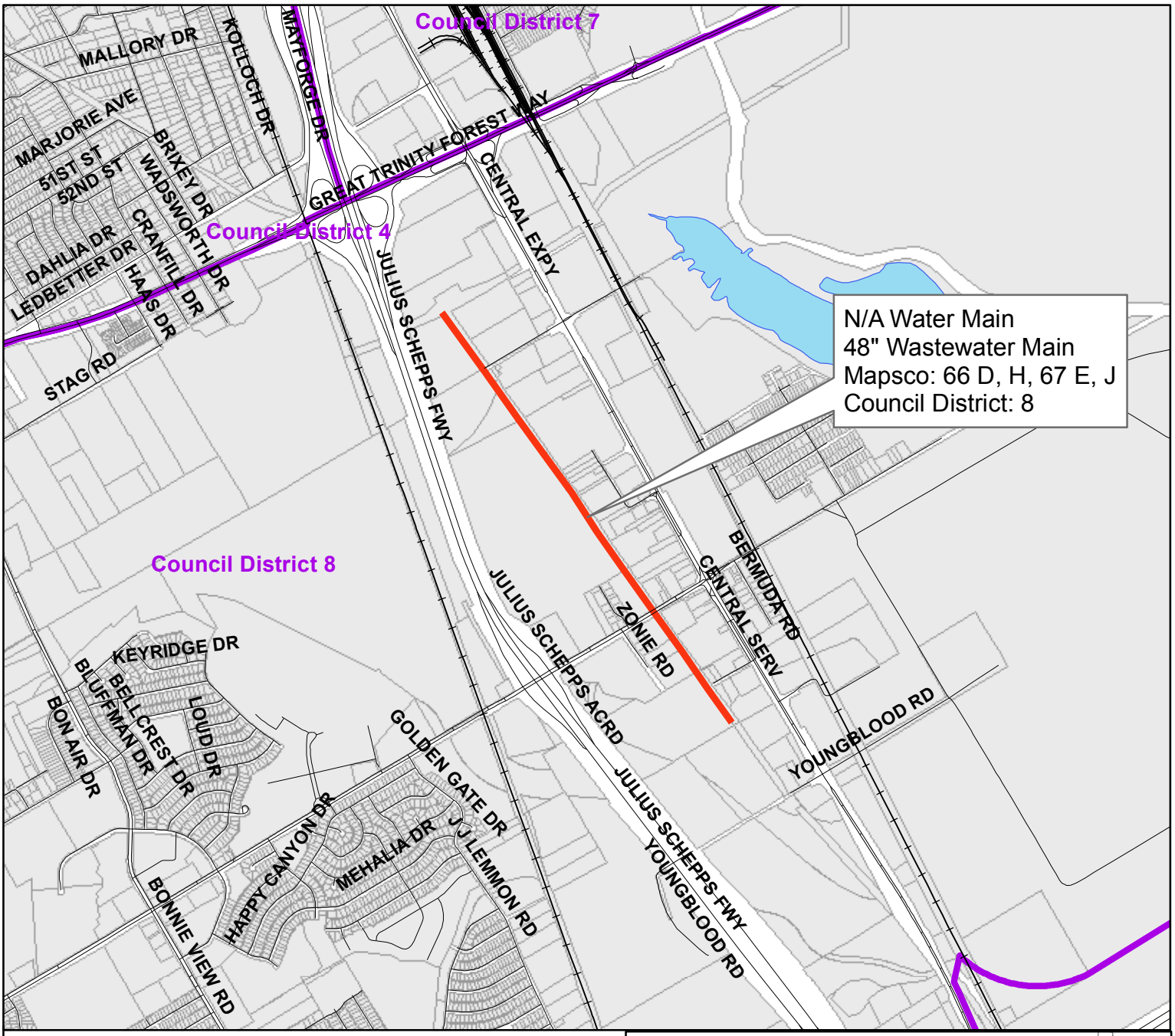
White Rock Trunk
Aracadis Project 9



Dallas Water Utilities
Contract No. 18-286E
Wastewater Main Renewals
at 9 Locations

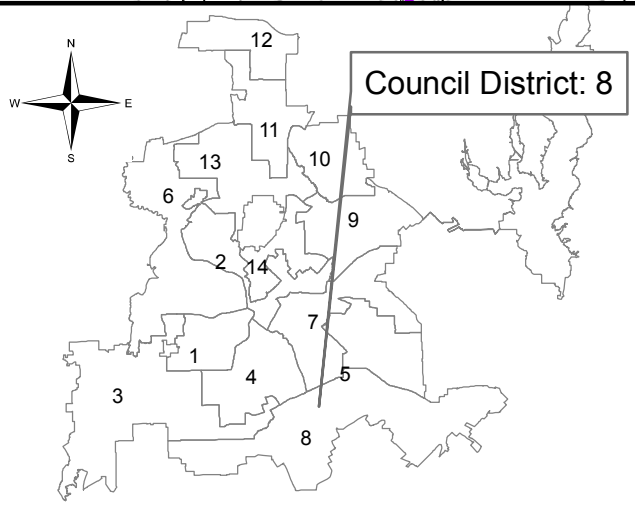
PID: 6146

Segment 1 of 9



Five Mile Relief

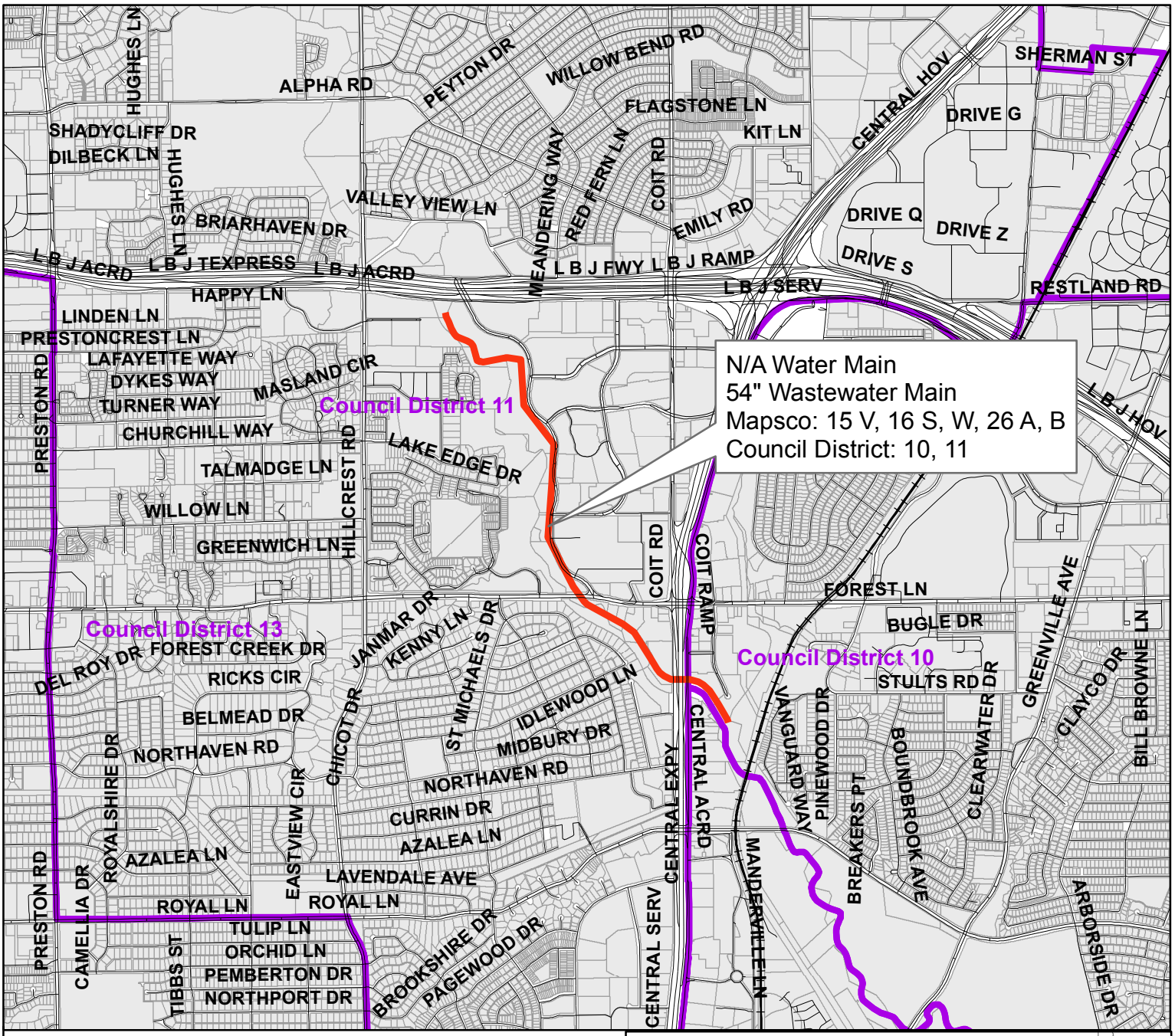
Arcadis Project 7



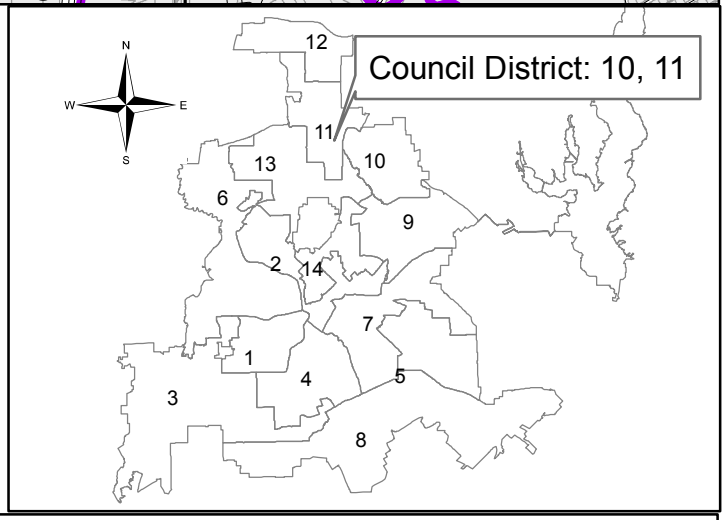
Dallas Water Utilities
Contract No. 18-286E
Wastewater Main Renewals
at 9 Locations

PID: 6144

Segment 2 of 9



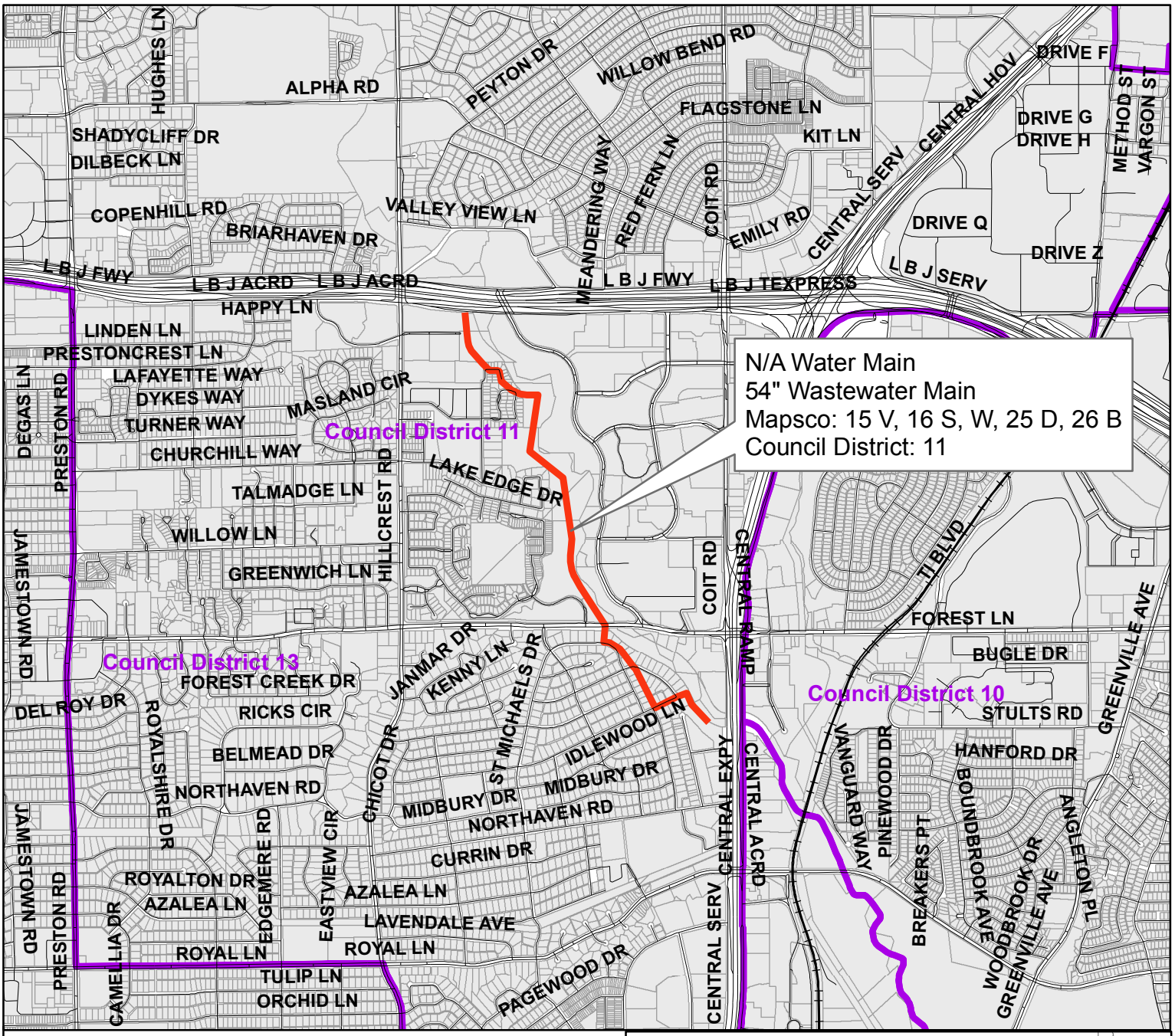
East White Rock
Acradis Project 11



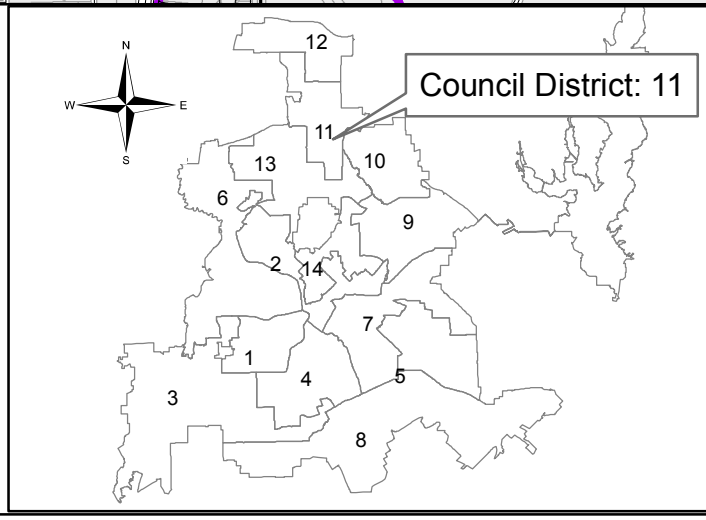
Dallas Water Utilities
Contract No. 18-286E
Wastewater Main Renewals
at 9 Locations

PID: 6150

Segment 3 of 9



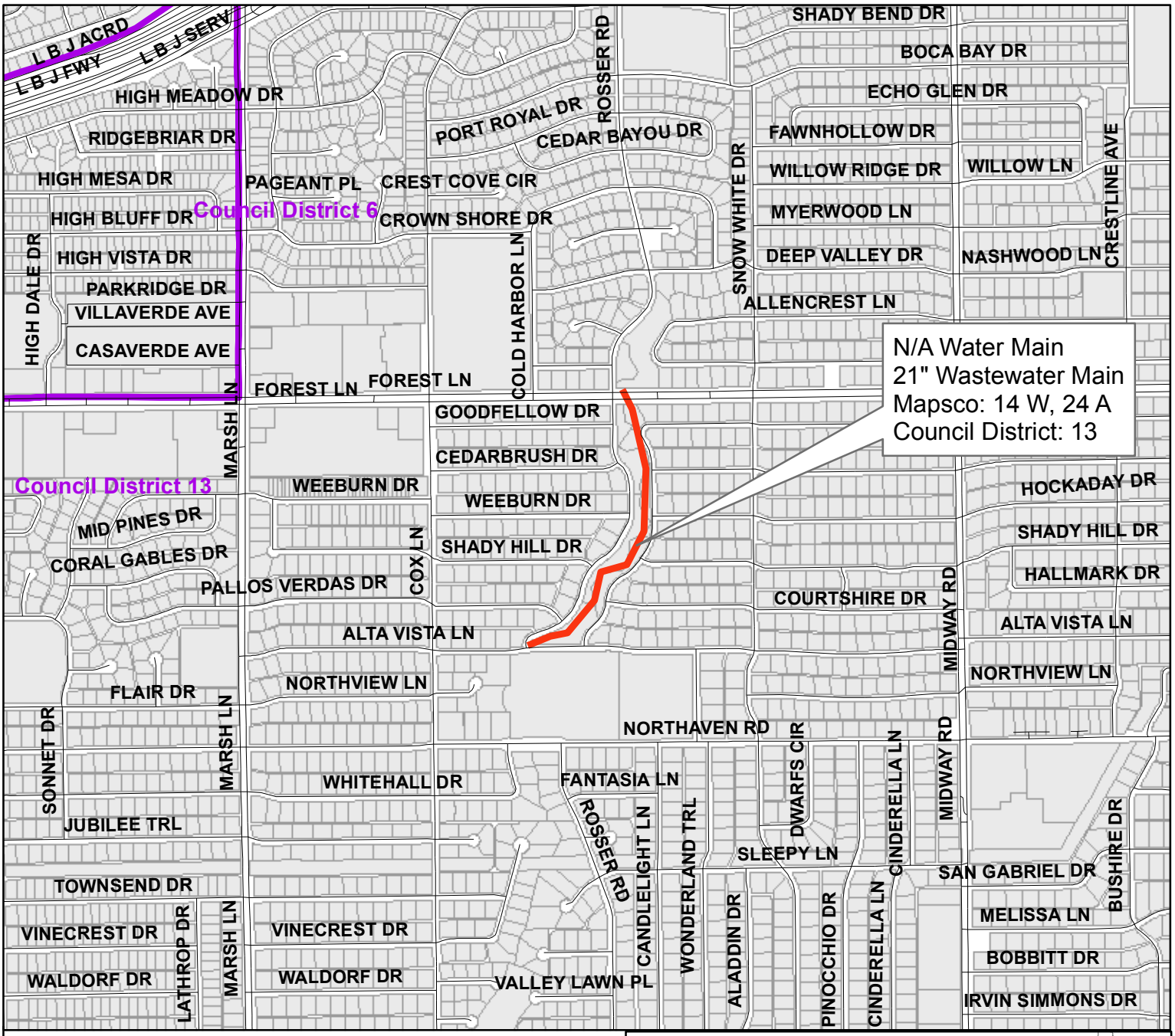
Upper White Rock 2
Arcadis Project 6



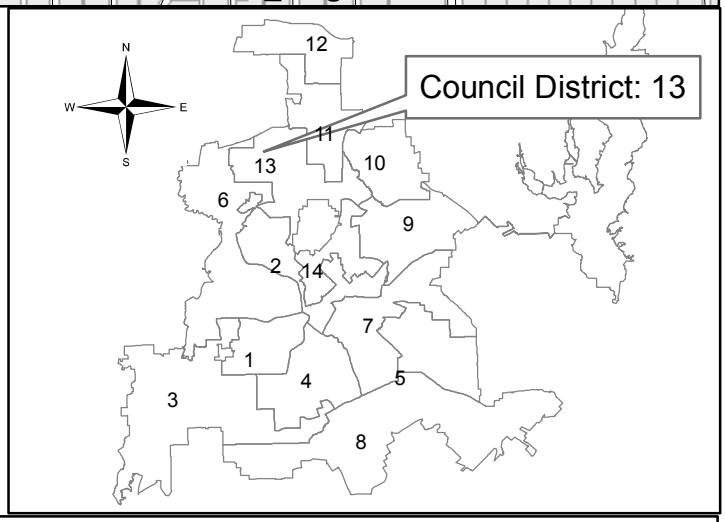
Dallas Water Utilities
Contract No. 18-286E
Wastewater Main Renewals
at 9 Locations

PID: 6143

Segment 4 of 9



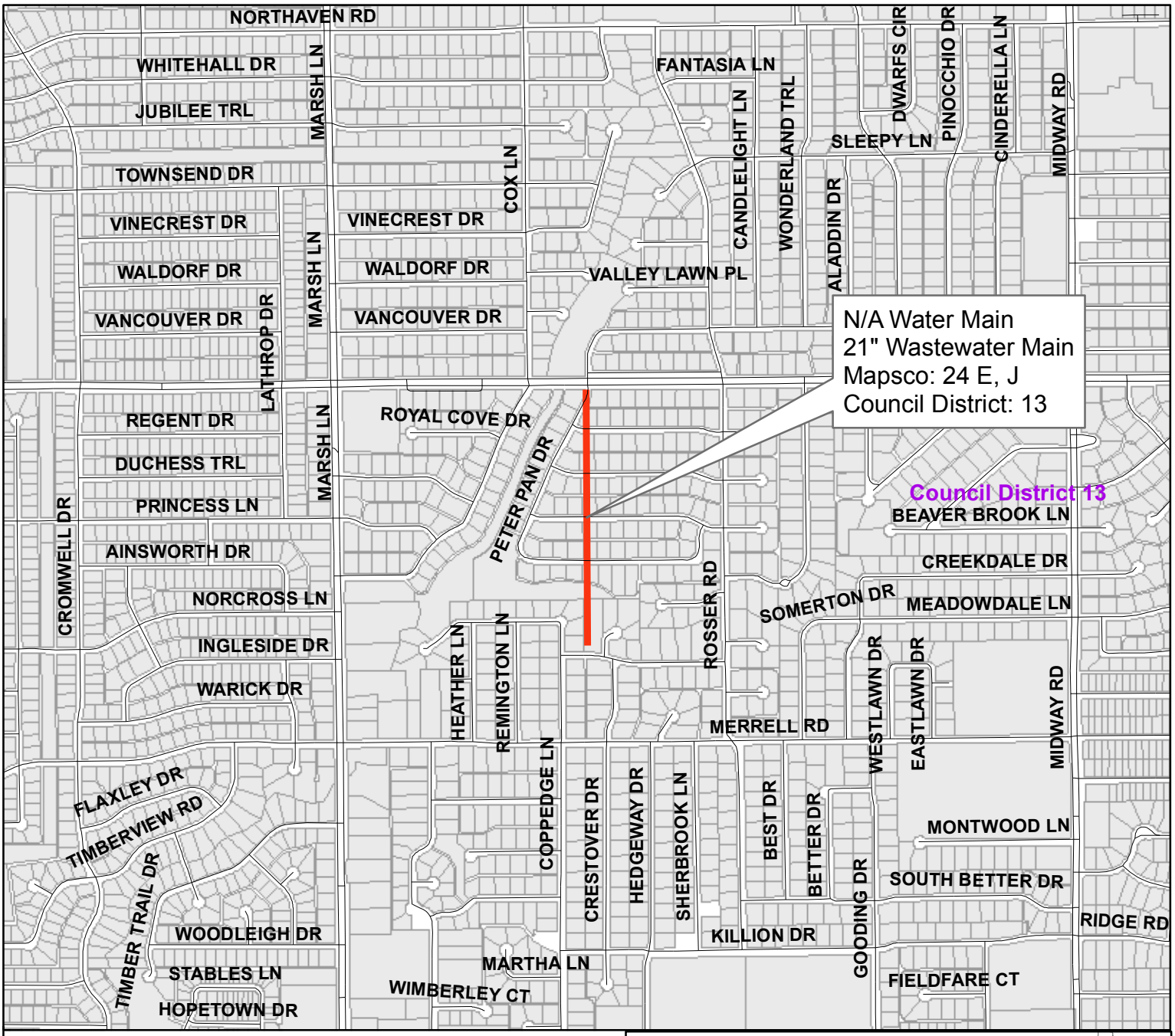
Easement between Rosser Road and Withers Drive from Forest Lane to Alta Vista Lane



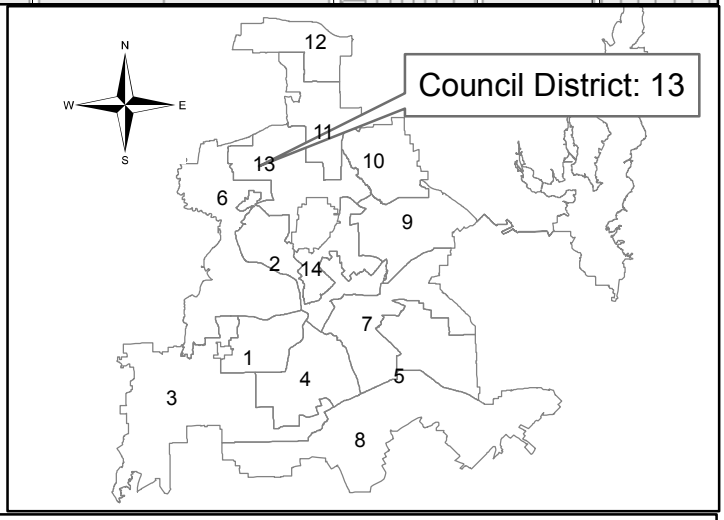
Dallas Water Utilities
Contract No. 18-286E
Wastewater Main Renewals
at 9 Locations

PID: 4909

Segment 5 of 9



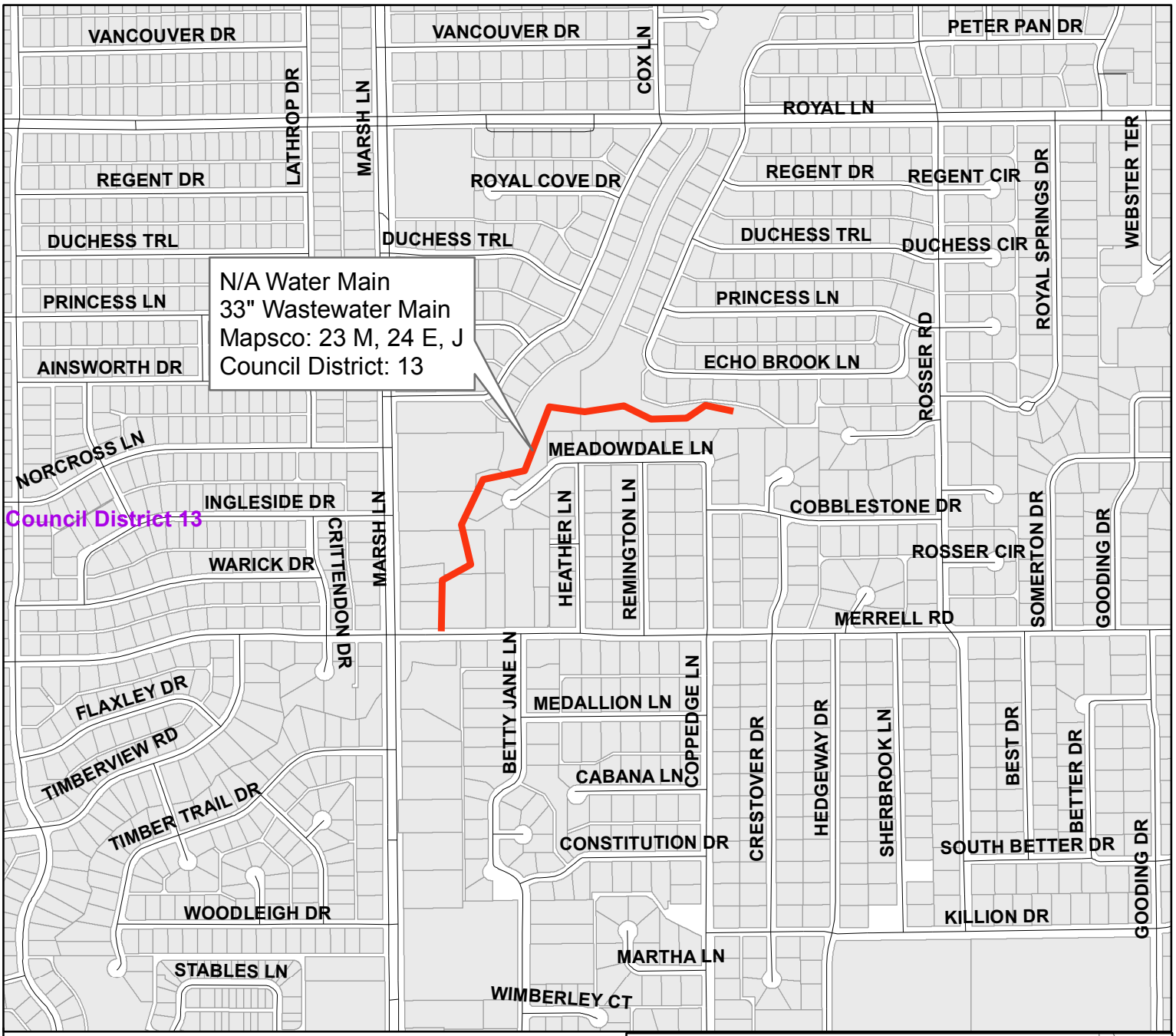
Easement east of Peter Pan Drive
from Royal Lane to Coblestone Drive



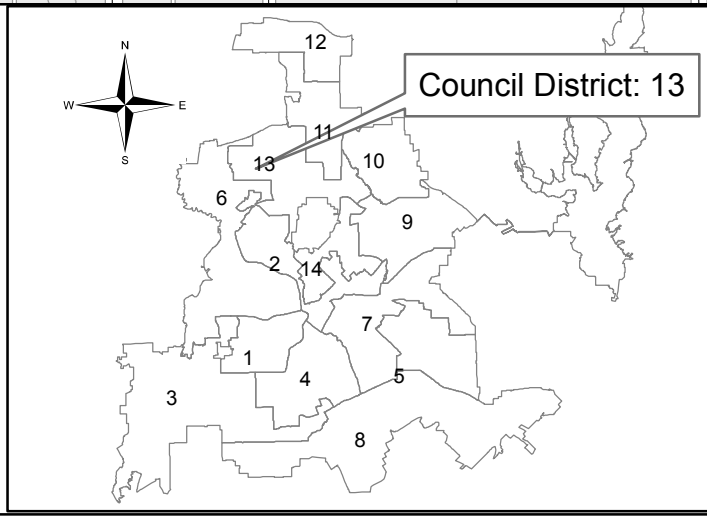
Dallas Water Utilities
Contract No. 18-286E
Wastewater Main Renewals
at 9 Locations

PID: 4911

Segment 6 of 9



Easement north of Merrell Road
from Echo Brook Lane to Merrell Road

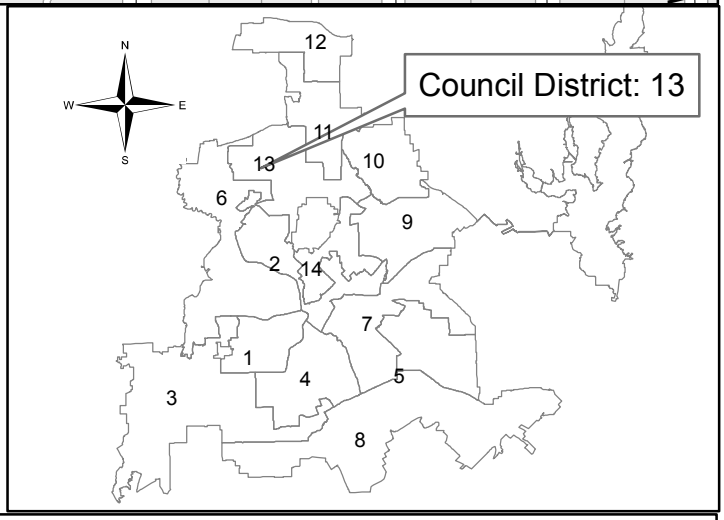


Dallas Water Utilities
Contract No. 18-286E
Wastewater Main Renewals
at 9 Locations

PID: 4914

Segment 7 of 9

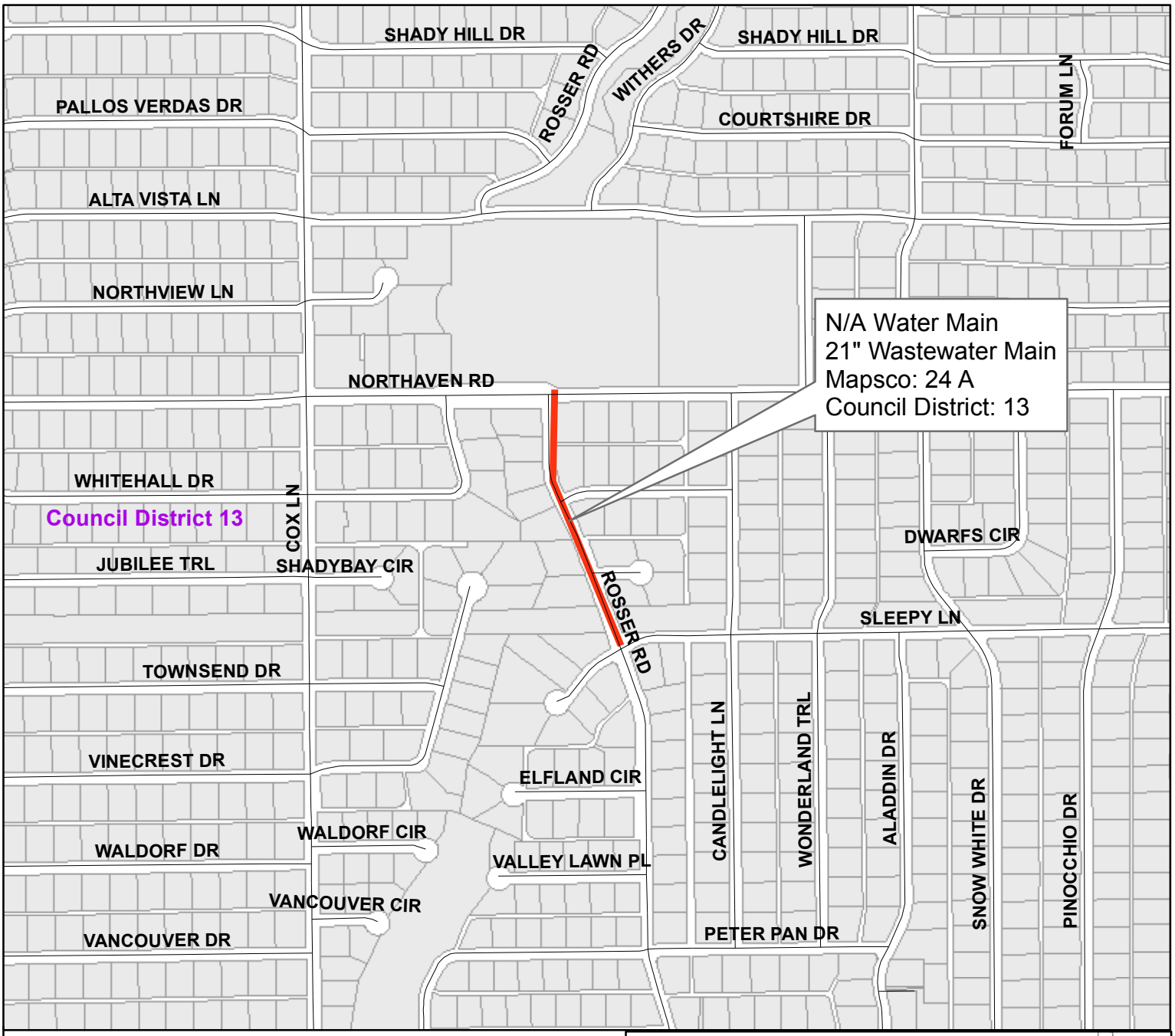
Echo Brook Lane and Shady Brook Lane
from Peter Pan Lane to Royal Springs Drive



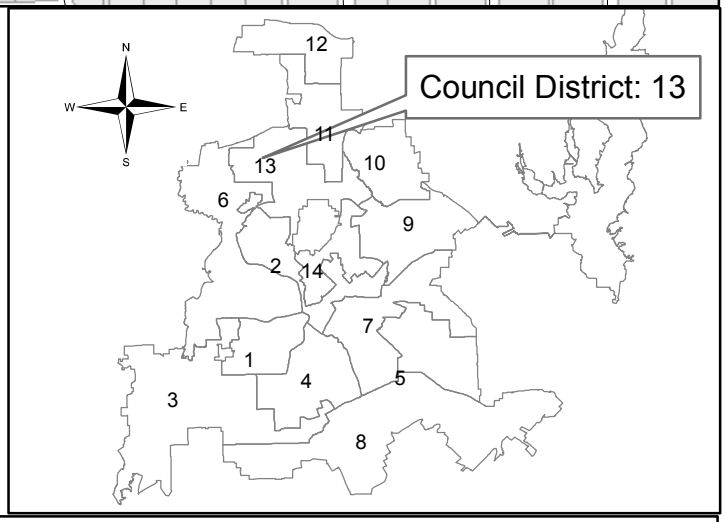
Dallas Water Utilities
Contract No. 18-286E
Wastewater Main Renewals
at 9 Locations

PID: 4912

Segment 8 of 9



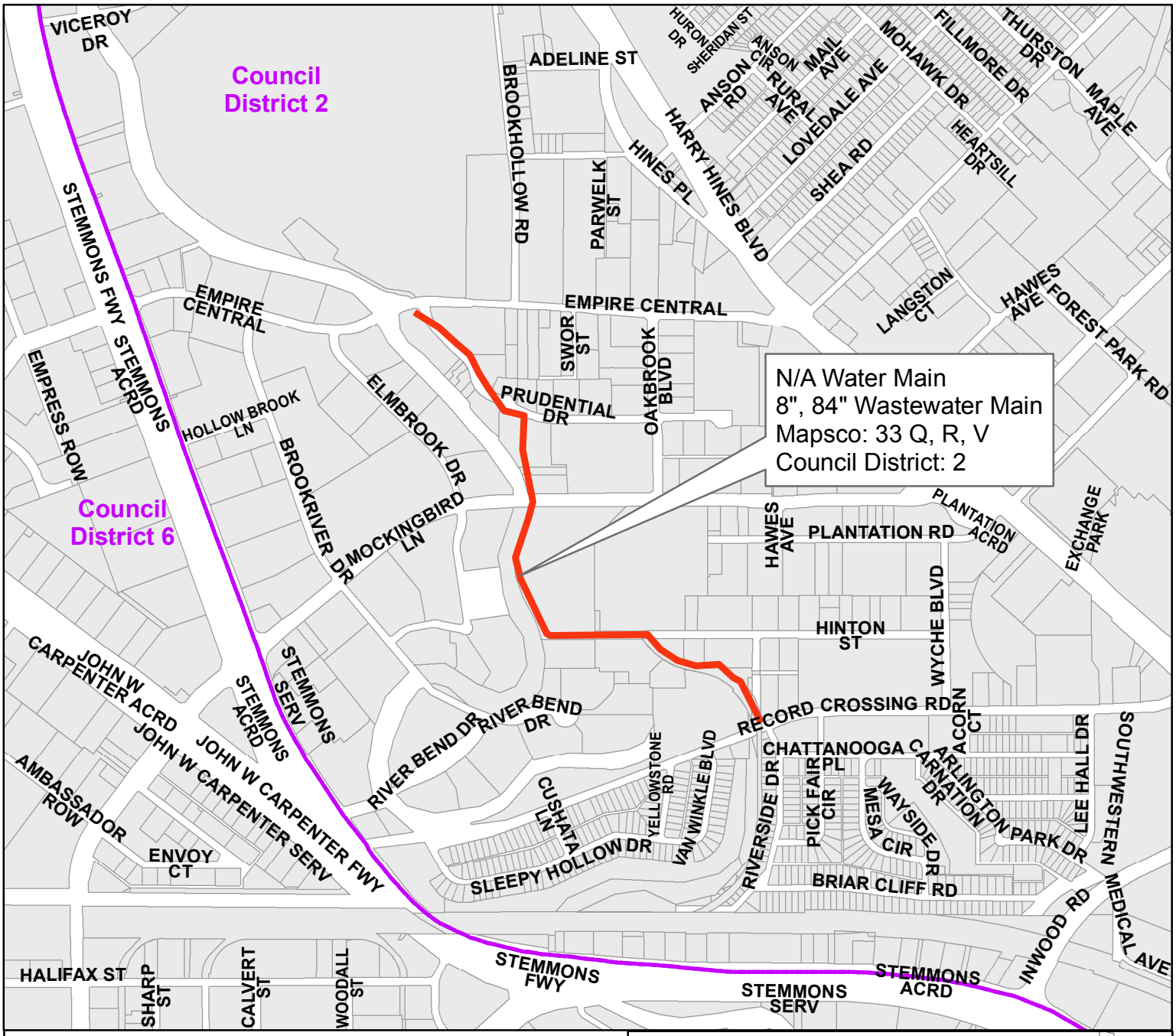
Rosser Road
from Northaven Road to Sleepy Lane



Dallas Water Utilities
Contract No. 18-286E
Wastewater Main Renewals
at 9 Locations

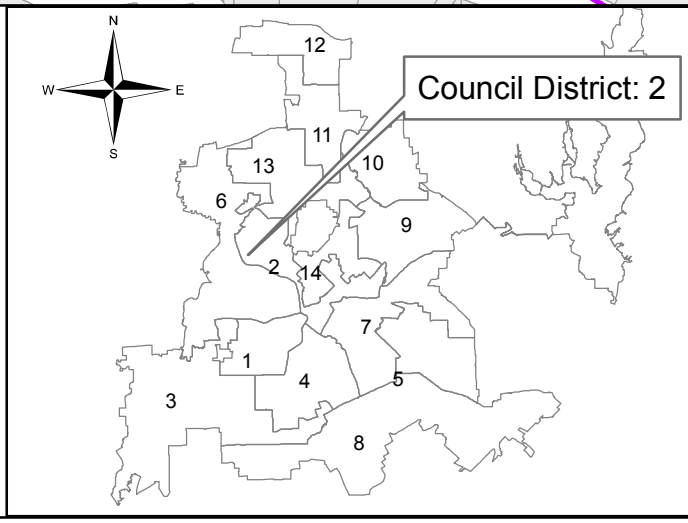
PID: 4910

Segment 9 of 9



Easement between Stemmons Freeway and Harry Hines Boulevard

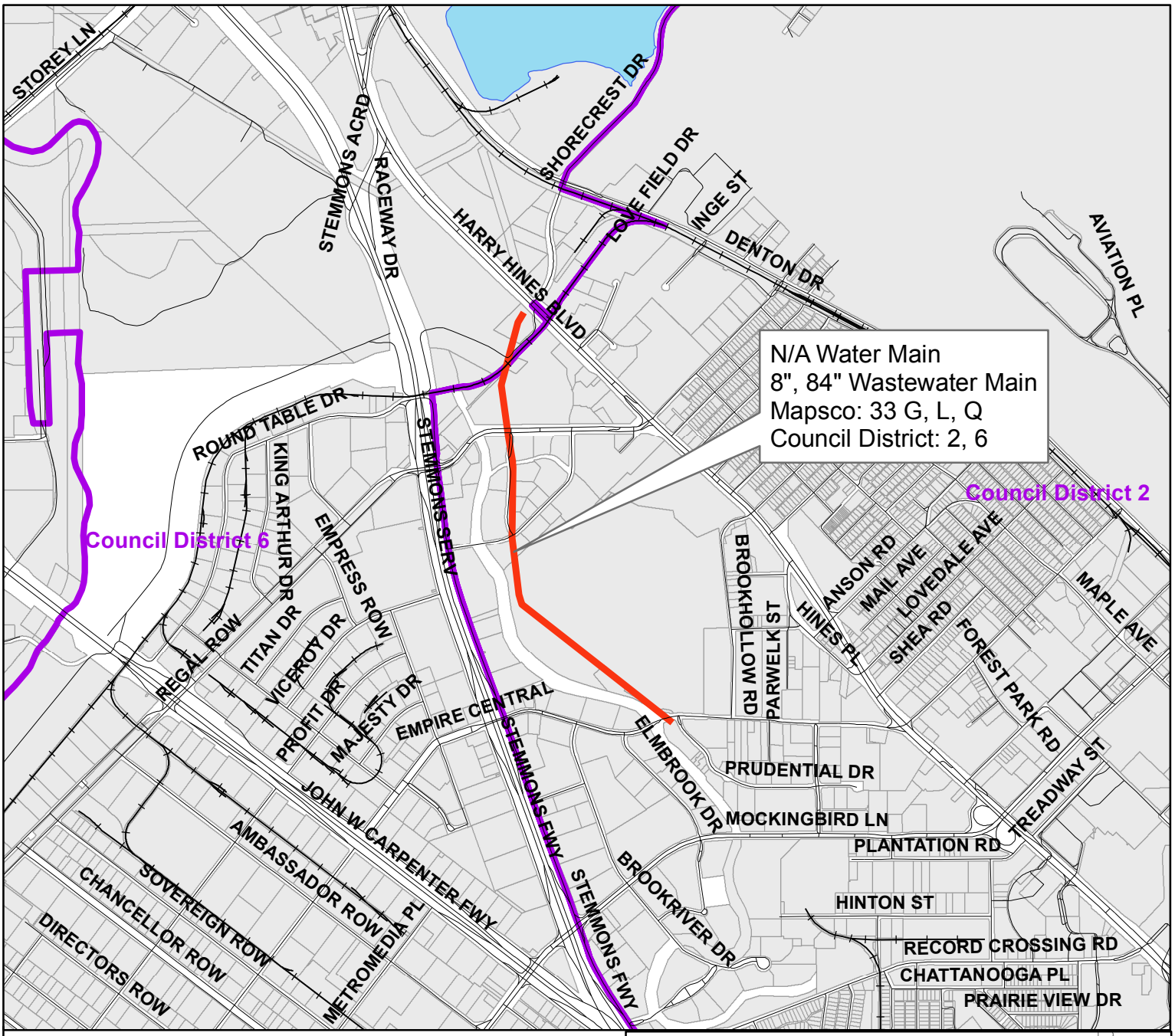
from Empire Central Drive to Record Crossing Road



Water and Wastewater Main Renewals at 5 Locations

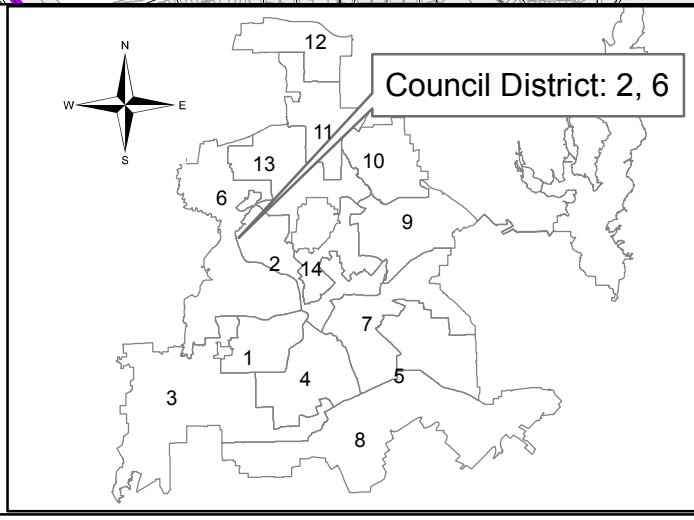
PID: 5982

Segment 1 of 5



Easement between Stemmons Freeway and Harry Hines Boulevard

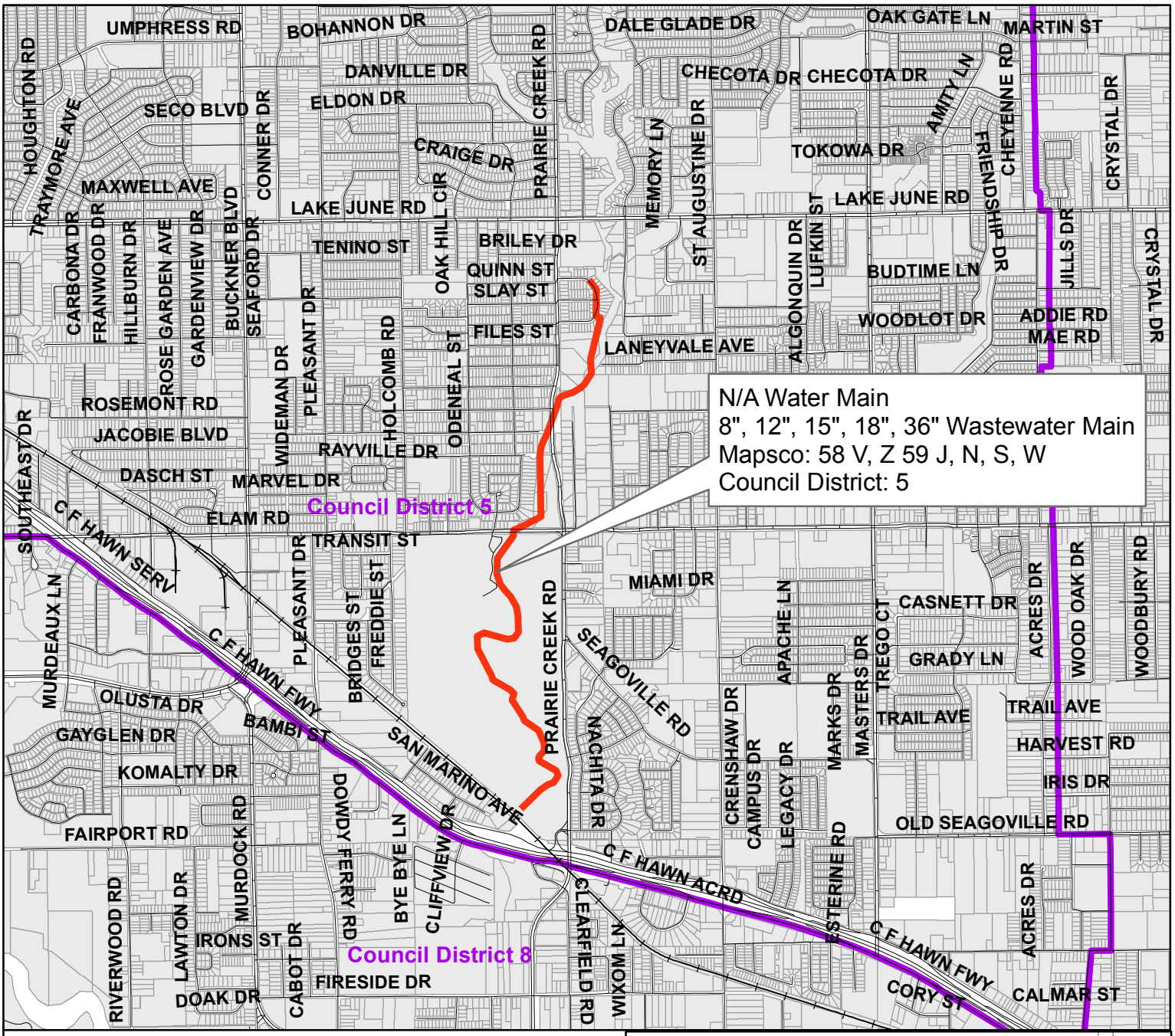
from Harry Hines Boulevard to Empire Central Drive



Dallas Water Utilities
Contract No. 18-287/288E
Water and Wastewater Main Renewals
at 5 Locations

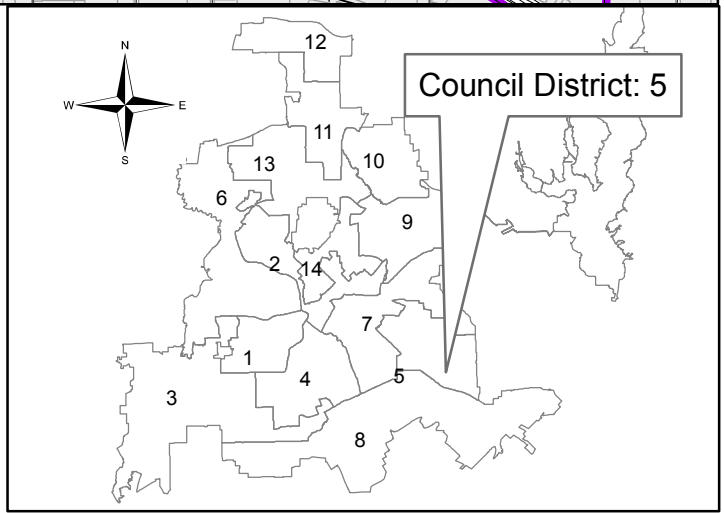
PID: 5763

Segment 2 of 5



Easment in Prairie Creek

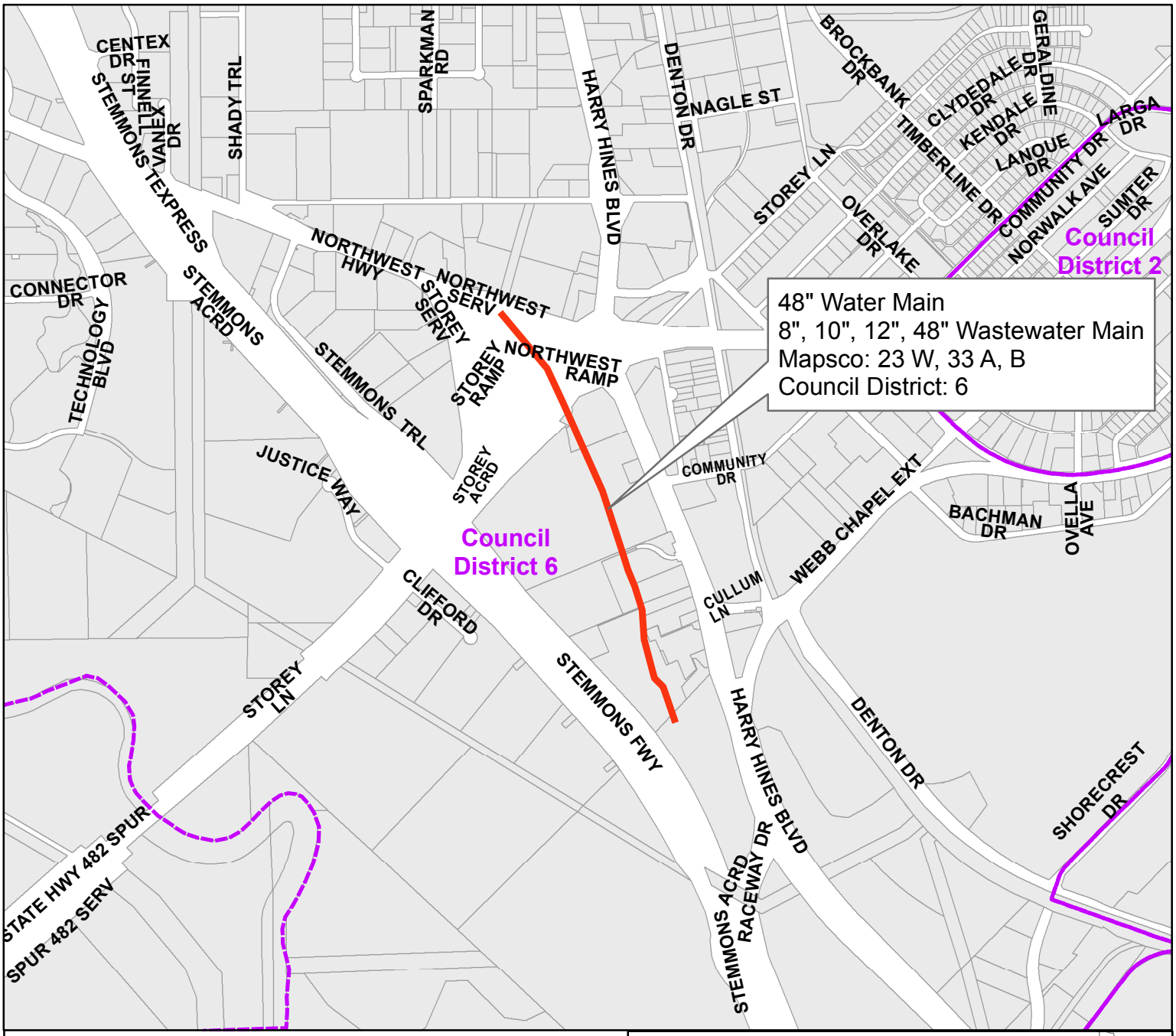
from Lake June Road south to
C.F.Hawn Freeway



Dallas Water Utilities
Contract No. 18-287/288E
Water and Wastewater Main Renewals
at 5 Locations

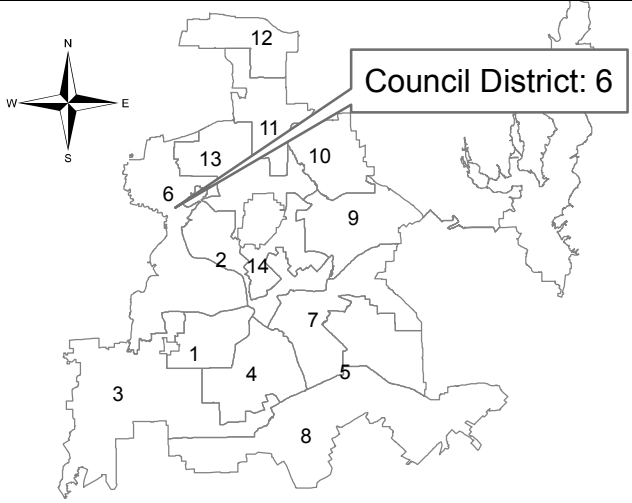
PID: 6145

Segment 3 of 5



Joes Creek Easment west of Harry Hines Boulevard

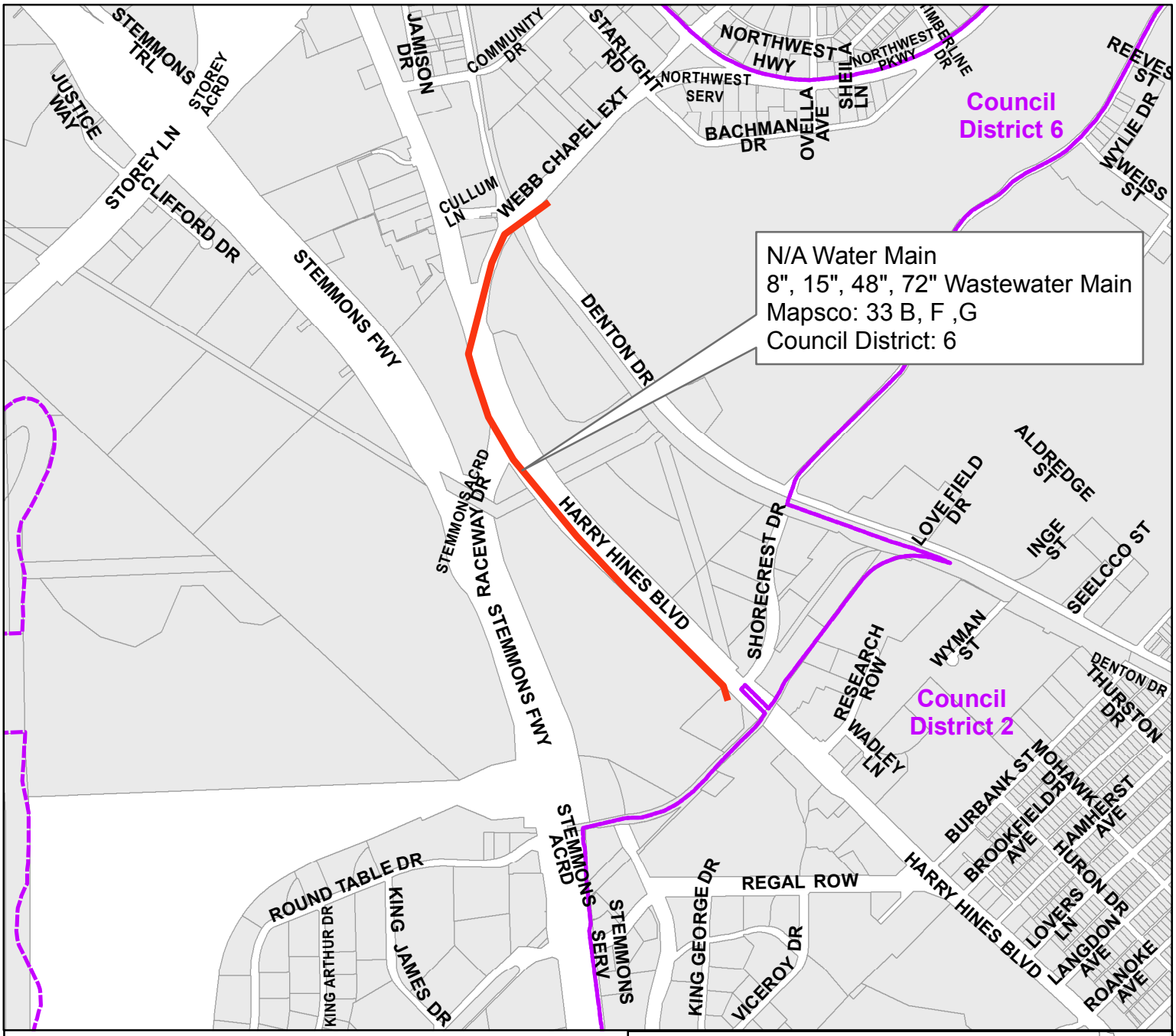
from North West Highway Loop 12 south to Webb Chapel Extension



Water and Wastewater Main Renewals at 5 Locations

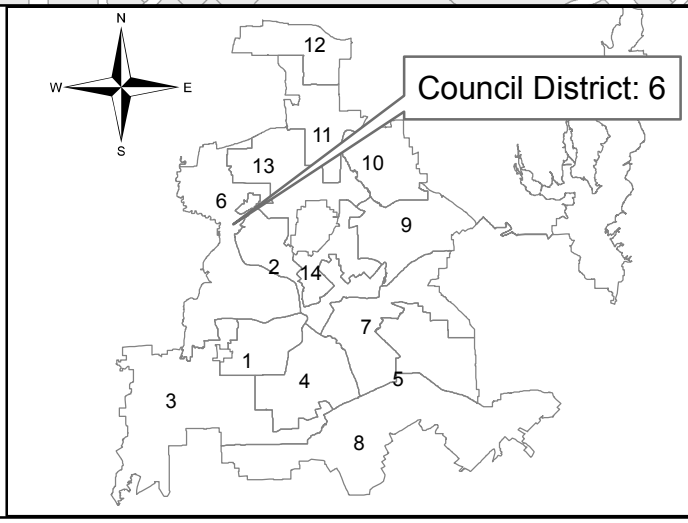
PID: 6147

Segment 4 of 5



Webb Chapel Extension

from Harry Hines Boulevard to Shorecrest Drive



Water and Wastewater Main Renewals at 5 Locations

PID: 5950

Segment 5 of 5

WHEREAS, this action consists of providing engineering design services for the replacement and rehabilitation of water and wastewater mains at 35 locations; and

WHEREAS, deteriorated water and wastewater mains require excessive maintenance; and

WHEREAS, engineering services are required for the design, survey, and construction administration to replace deteriorated water mains, and replace and rehabilitate deteriorated wastewater mains; and

WHEREAS, three engineering firms have submitted acceptable proposals to provide these engineering services.

Now, Therefore,

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

SECTION 1. That the proposals submitted by three consultants in the amount of $7,230,314.00 be approved and the consultants be authorized to perform the required engineering services.

SECTION 2. That the City Manager is hereby authorized to sign the contracts after they have been approved as to form by the City Attorney, for engineering design services for the replacement and rehabilitation of water and wastewater mains at 35 locations.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $7,230,314.00 as follows:

a. APM & Associates, Inc., 2201 Main Street, Suite 1100, Dallas, Texas 75201 for engineering design services for the replacement and rehabilitation of water and wastewater mains at 21 locations:

Water Capital Improvement Fund
Fund 2115, Department DWU, Unit PW40
Object 4111, Program 718277, Vendor 265694
Encumbrance/Contract No. CX-DWU-2018-00006926 $526,811.00

Wastewater Capital Improvement Fund
Fund 2116, Department DWU, Unit PS40
Object 4111, Program 718278, Vendor 265694
Encumbrance/Contract No. CX-DWU-2018-00006926 $584,382.00

b. Freese and Nichols, Inc., 2711 N. Haskell Avenue, Suite 3300, Dallas, Texas 75204 for engineering design services for the replacement and rehabilitation of water and wastewater mains at 9 locations

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS40	
Object 4111, Program 718286, Vendor 347200	
Encumbrance/Contract No. CX-DWU-2018-00007327	$2,854,123.00

c. Hazen and Sawyer, P.C., 150 North Central Expressway, Suite 7000, Dallas, Texas 75206 for engineering design services for the replacement and rehabilitation of water and wastewater mains at 5 locations:

Water Construction Fund	
Fund 0102, Department DWU, Unit CW40	
Object 4111, Program 718287, Vendor VS0000065612	
Encumbrance/Contract No. CX-DWU-2018-00007309	$200,000.00
Wastewater Capital Improvement Fund	
Fund 3116, Department DWU, Unit PS40	
Object 4111, Program 718288, Vendor VS0000065612	
Encumbrance/Contract No. CX-DWU-2018-00007309	$3,064,998.00
Total amount not to exceed	$7,230,314.00

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 #: 18-453 **Item #:** 51.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for the installation of a 36-inch diameter water transmission main in Pacific Avenue from Ervay Street to Pearl Expressway - S. J. Louis Construction of Texas, Ltd., lowest responsible bidder of five - Not to exceed $6,050,138.00 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of the replacement of approximately 2,170 feet of water mains, including the installation of approximately 1,830 feet of 36-inch, 20 feet of 24-inch, and 320 feet of 16-inch water mains. The proposed improvements will replace and re-route an existing water transmission main in Bryan Street adjacent to the DART light rail. The existing water main is in poor condition and inaccessible for maintenance.
The new water transmission main will be installed south from Bryan Street to Pacific Avenue and will connect to the water distribution system just west of Pearl Expressway. Installation of the proposed segments will improve the capacity of the water system and maintenance accessibility.

The following chart illustrates S. J. Louis Construction of Texas, Ltd.'s contractual activities with the City of Dallas for the past three years:

	PBW	DWU	PKR	TWM
Projects Completed	0	1	0	3
Change Orders	0	1	0	4
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2011
Completed Design	May 2018

Begin Construction November 2018
Complete Construction June 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 9, 2011, City Council authorized a professional services contract with Arredondo, Zepeda & Brunz, LLC to provide engineering design services for the renewal of water and wastewater mains by Resolution No. 11-0419.

On May 27, 2015, City Council authorized Supplemental Agreement No. 1 to the engineering services contract with Arredondo, Zepeda & Brunz, LLC to provide additional engineering design services for the replacement of a water transmission main in the Central Business District and the relocation of water and wastewater mains in advance of the Dallas Streetcar North Extension Phase 3 Project by Resolution No. 15-0980.

Information about this item was provided to the Mobility Solutions, Infrastructure and Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $6,050,138.00

Design	$1,501,775.00
Supplemental Agreement No. 1	$1,212,760.65
Construction (this action)	$6,050,138.00
Total Project Cost	$8,764,673.65

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 $
$6,050,138.00	Construction	25.00%	25.21%	$1,525,000.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The following five bids with quotes were opened on July 13, 2018:

*Denotes successful bidder

Bidders	Bid Amount

* S. J. Louis Construction of Texas, Ltd. 520 South 6th Avenue Mansfield, Texas 76063	$ 6,050,138.00
Ark Contracting Services, LLC	$ 6,080,027.00
John Burns Construction Company of Texas, Inc.	$ 6,209,149.00
Thalle Construction Co., Inc.	$10,452,193.70
Texas Standard Construction, Ltd	$10,546,939.00

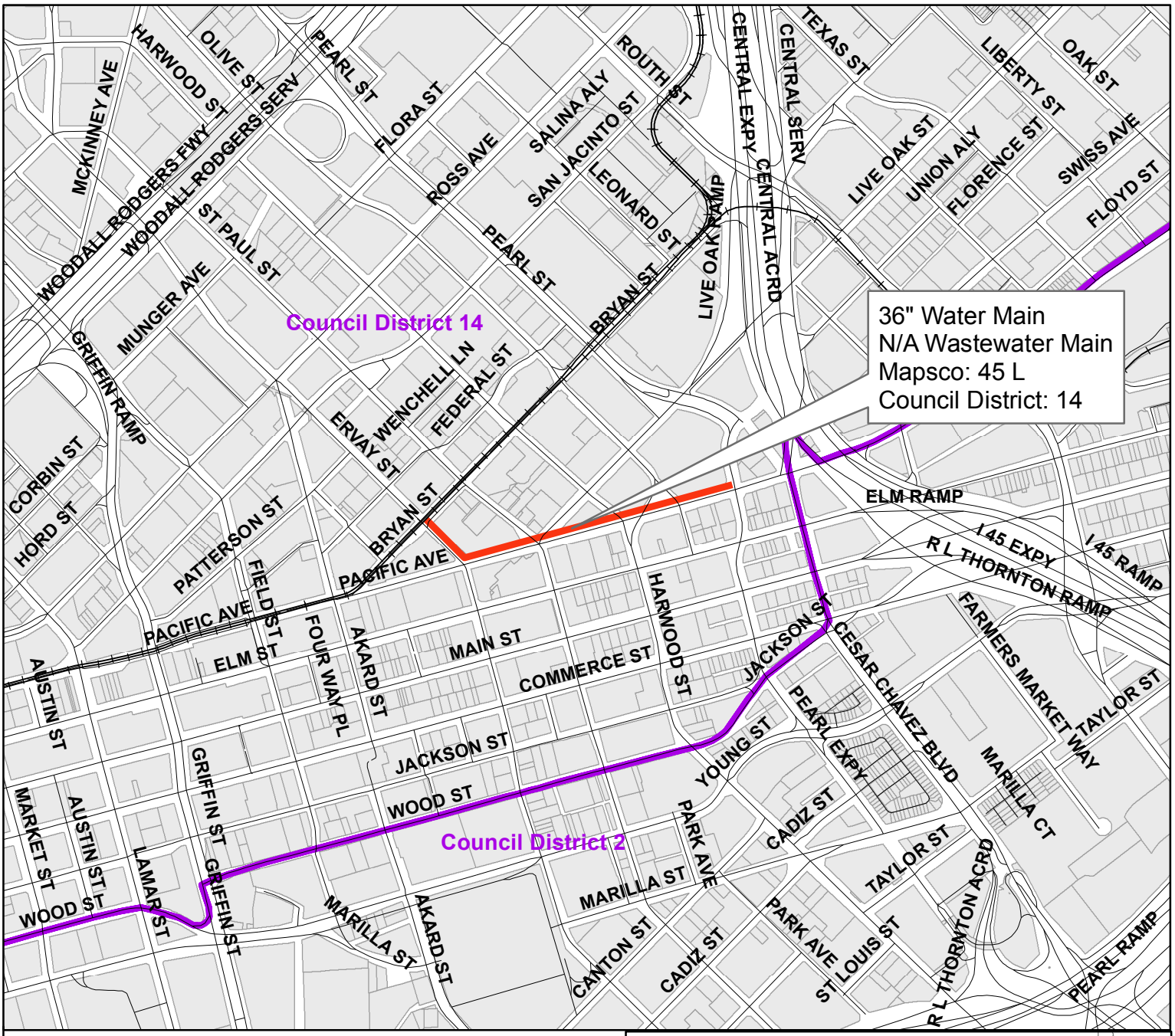
OWNER

S. J. Louis Construction of Texas, Ltd.

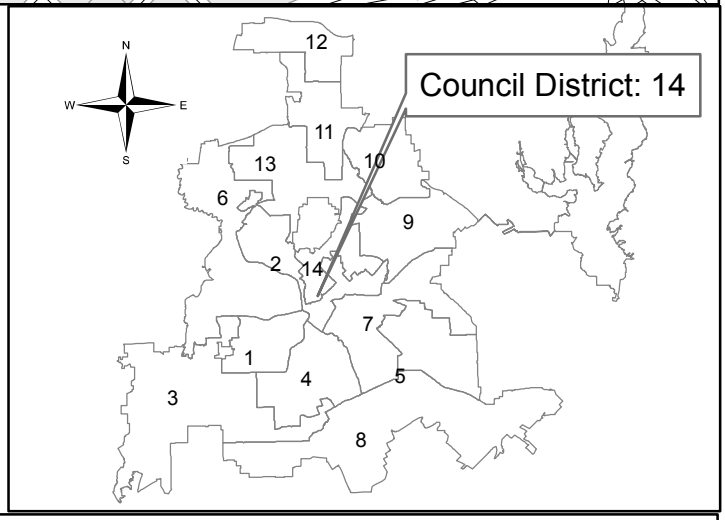
James L. Schueller, President and Chief Manager
Les V. Whitman, Executive Vice President and General Manager

MAP

Attached



Pacific Avenue
from Ervay Street to Pearl Expressway



Dallas Water Utilities
Contract No. 18-007
36 Inch Water Line in Pacific Avenue
From Ervay Street to Pearl Expressway

PID: 5850

Segment 1 of 1

September 12, 2018

WHEREAS, on July 13, 2018, five bids were received for the installation of a 36-inch diameter water transmission main, Contract No. 18-007, listed as follows:

Bidders	**Bid Amount**
S. J. Louis Construction of Texas, Ltd.	$ 6,050,138.00
Ark Contracting Services, LLC	$ 6,080,027.00
John Burns Construction Company of Texas, Inc.	$ 6,209,149.00
Thalle Construction Co., Inc.	$10,452,193.70
Texas Standard Construction, Ltd	$10,546,939.00

WHEREAS, the bid submitted by S. J. Louis Construction of Texas, Ltd., 520 South 6th Avenue, Mansfield, Texas 76063, in the amount of $ 6,050,138.00, is the lowest and best of all bids received.

Now, Therefore,

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

SECTION 1. That the bid submitted by S. J. Louis Construction of Texas, Ltd., in the amount of $6,050,138.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 18-007, be accepted.

SECTION 2. That the City Manager is hereby authorized to sign a construction contract with S. J. Louis Construction of Texas, Ltd., approved as to form by the City Attorney, for the installation of a 36-inch diameter water transmission main in Pacific Avenue from Ervay Street to Pearl Expressway, in an amount not to exceed $6,050,138.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $6,050,138.00 to S. J. Louis Construction of Texas, Ltd. from the Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW40, Object 4550, Program 718007, Encumbrance/Contract No. CX-DWU-2018-00007311, Vendor VS0000078761.

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 #: 18-471 **Item #:** 52.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 6, 13

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for the installation of water and wastewater mains for the Joe's Creek Interceptor Project (list attached to the Agenda Information Sheet) - Southland Contracting, Inc., lowest responsible bidder of five - Not to exceed $15,809,640.00 - Financing: Water Utilities Capital Construction Funds ($400,000.00) and Water Utilities Capital Improvement Funds ($15,409,640.00)

BACKGROUND

This action consists of the replacement and rehabilitation of approximately 17,460 feet of water and wastewater mains. This includes the installation of approximately 860 feet of 8-inch and 300 feet of 12-inch water mains, and the installation of approximately 5,190 feet of 8-inch, 220 feet of 10-inch, 670 feet of 12-inch, 1,520 feet of 14-inch, and 8,700 feet of 36-inch wastewater mains.

The existing water and wastewater mains were built between 1952 and 1961. These mains are contributing to an increase in maintenance costs, as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs. Capacity improvements for the proposed wastewater mains were identified in master planning efforts.

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

	PBW	DWU	PKR	TWM
Projects Completed	0	1	0	0
Change Orders	0	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	January 2015
Completed Design	May 2018
Begin Construction	September 2018
Complete Construction	April 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 10, 2014, City Council authorized engineering services contracts with eight firms to provide engineering design services for the replacement and rehabilitation of water and wastewater mains by Resolution No. 14-2127.

Information about this item was provided to the Mobility Solutions, Infrastructure and Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $400,000.00
Water Utilities Capital Improvement Funds - $15,409,640.00

Design	$ 800,000.00
Construction (this action)	$15,809,640.00
Total Project Cost	$16,609,640.00

Council District	Amount
6	$15,509,640.00
13	$ 300,000.00
Total	$15,809,640.00

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 $
$15,809,640.00	Construction	25.00%	25.35%	$4,007,257.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The following five bids with quotes were opened on July 6, 2018:

*Denotes successful bidder

Bidders	**Bid Amount**
*Southland Contracting, Inc. 608 Henrietta Creek Roanoke, Texas 76262	$15,809,640.00
S. J. Louis Construction of Texas, Ltd.	$17,405,750.00
John Burns Construction Company of Texas, Inc.	$21,227,644.00
Thalle Construction Co., Inc.	$26,738,072.00
Texas Standard Construction, Ltd	$29,588,562.80

OWNER

Southland Contracting, Inc.

Walter Timothy Winn, President

MAPS

Attached

powered by Legistar™

List

Installation of Water and Wastewater Mains

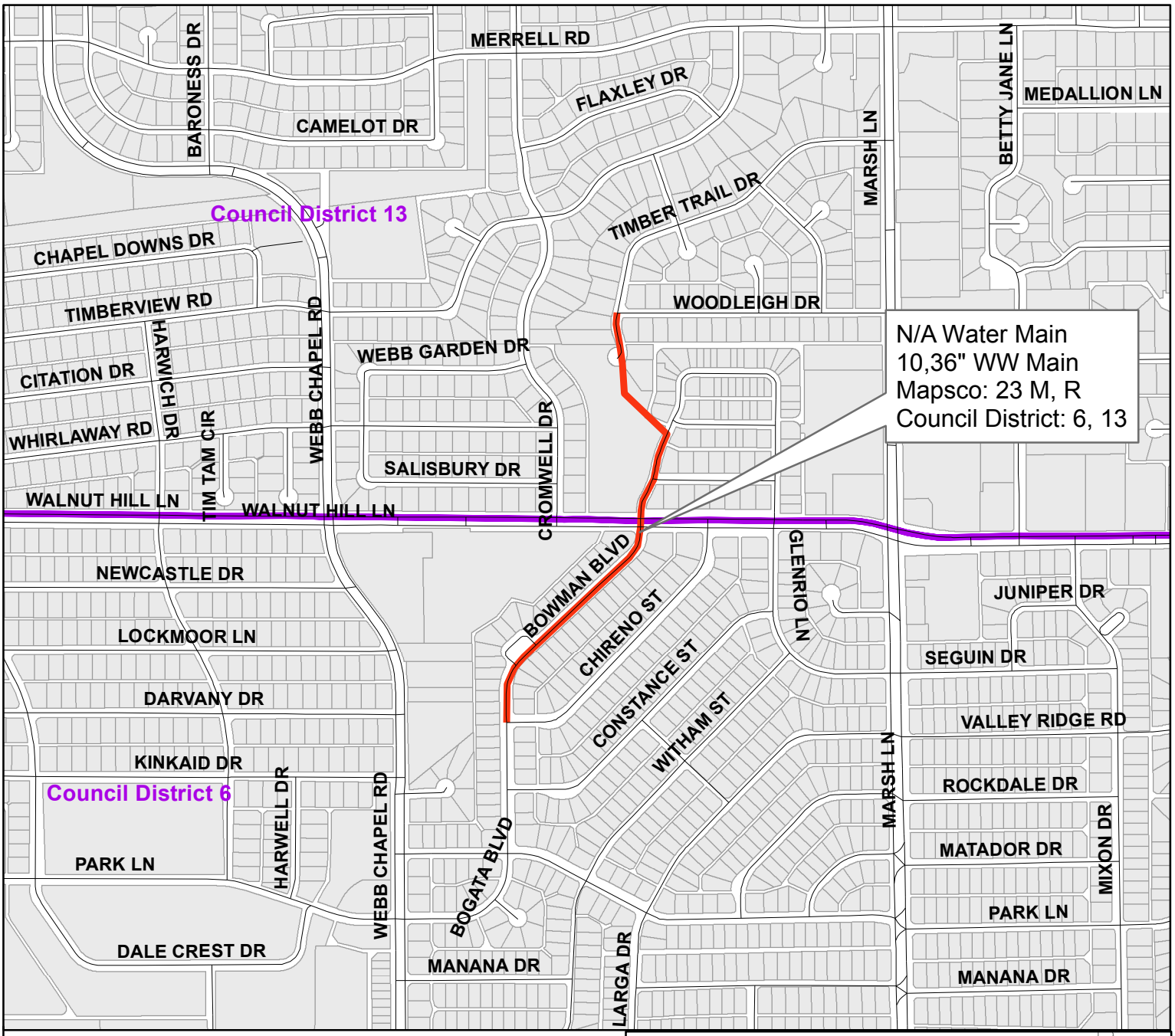
District 6

*Bowman Boulevard, Brownwood Park Annex, Timber Trail Drive from Chireno Street to Woodleigh Drive
Lombardy Lane, Webb Chapel Road from Lombardy Lane to Park Lane
Park Lane, Bowman Boulevard from Webb Chapel Road to Chireno Street

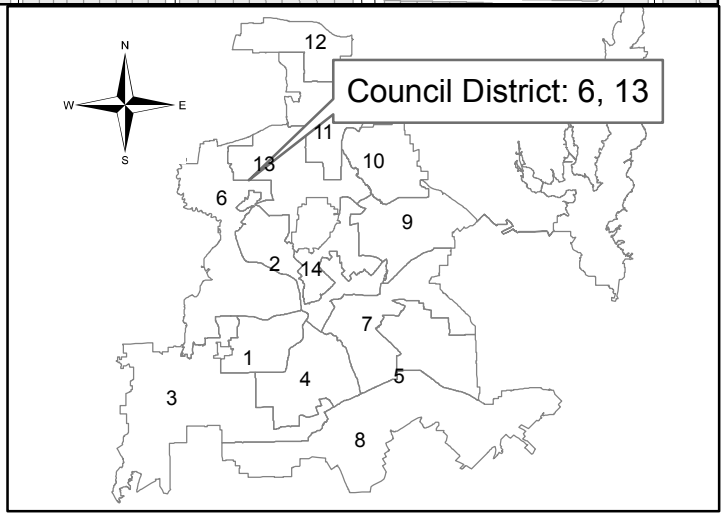
District 13

*(Bowman Boulevard, Brownwood Park Annex, Timber Trail Drive from Chireno Street to Woodleigh Drive)
(See District 6)

*Project limits in more than one Council District



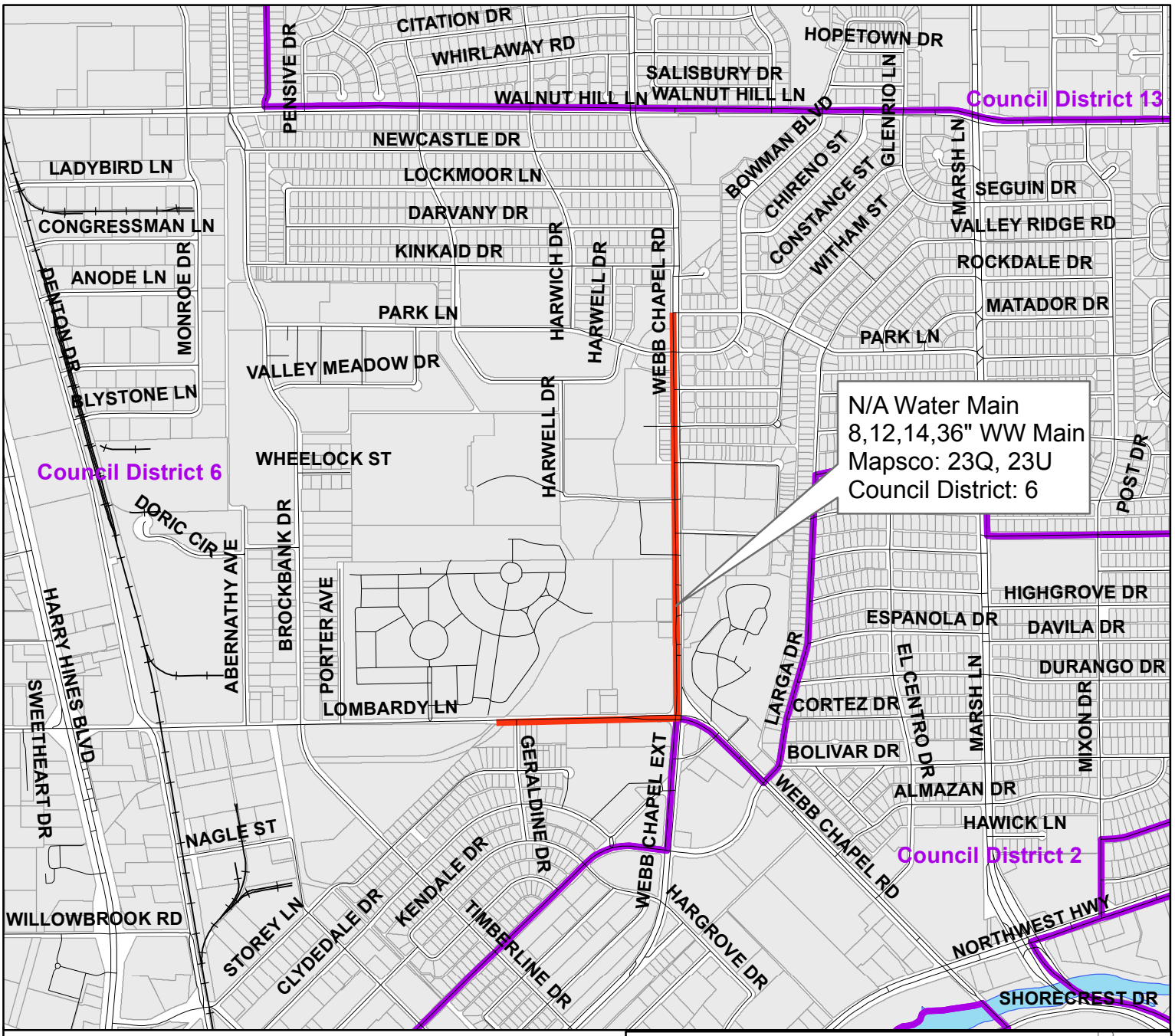
Bowman Boulevard, Brownwood Park Annex,
Timber Trail Drive
from Chireno Street to Woodleigh Drive



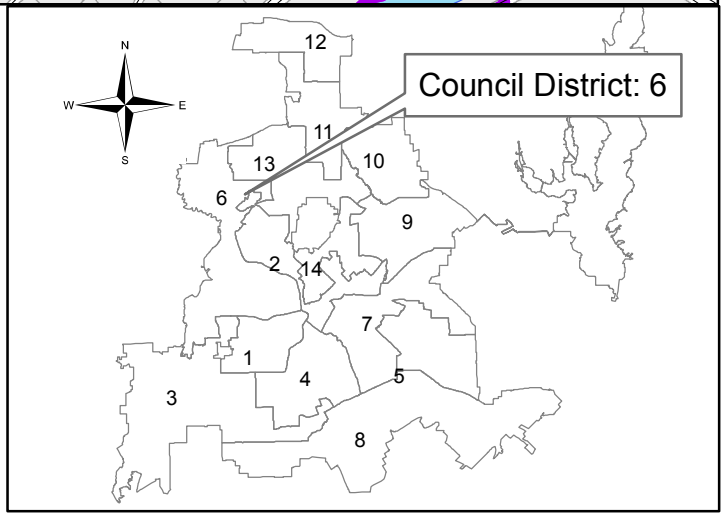
Dallas Water Utilities
Contract No. 18-397/398
Water and Wastewater Main Installations
at 3 Locations

PID: 4917

Segment 1 of 3



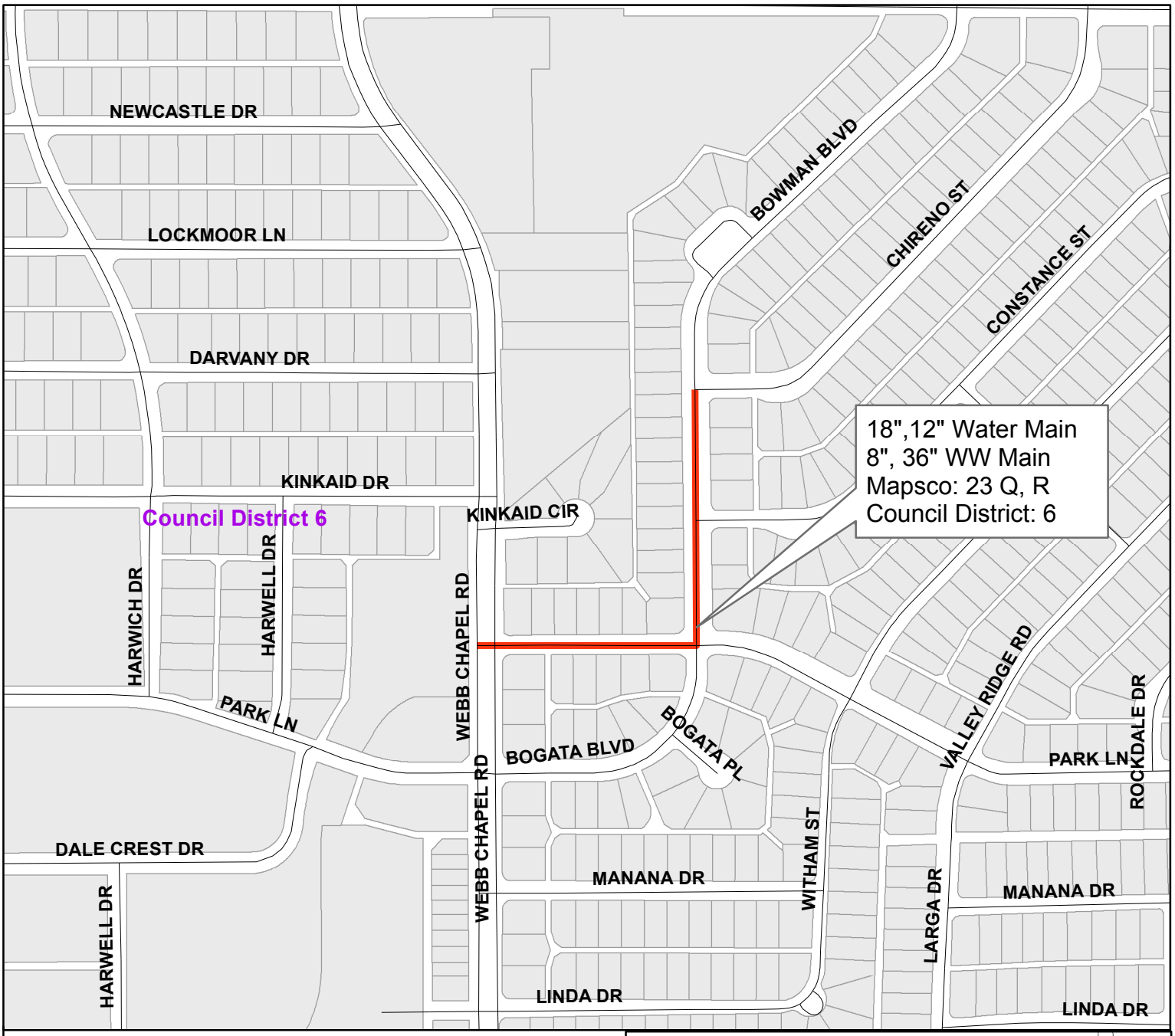
Lombardy Lane, Webb Chapel Road
from Lombardy Lane to Park Lane



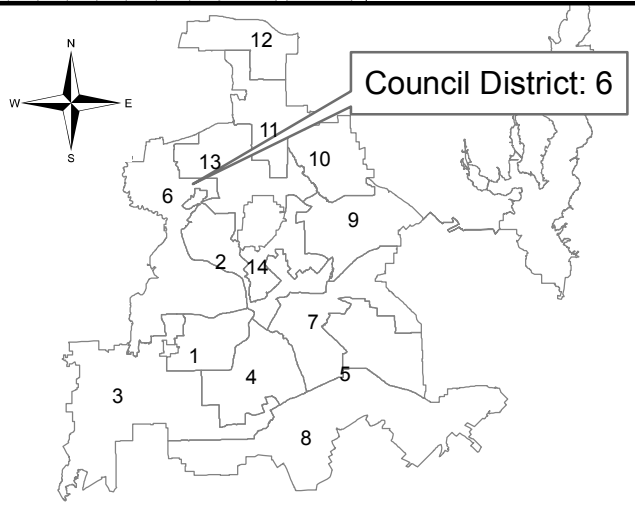
Dallas Water Utilities
Contract No. 18-397/398
Water and Wastewater Main Installations
at 3 Locations

PID: 4919

Segment 2 of 3



Park Lane , Bowman Boulevard
from Webb Chapel Road to Chireno Street



Dallas Water Utilities
Contract No. 18-397/398
Water and Wastewater Main Installations
at 3 Locations

PID: 4918

Segment 3 of 3

September 12, 2018

WHEREAS, on July 6, 2018, five bids were received for the installation of water and wastewater mains for the Joe's Creek Interceptor Project, Contract No. 18-397/398, listed as follows:

Bidders	**Bid Amount**
Southland Contracting, Inc.	$15,809,640.00
S. J. Louis Construction of Texas, Ltd.	$17,405,750.00
John Burns Construction Company of Texas, Inc.	$21,227,644.00
Thalle Construction Co., Inc.	$26,738,072.00
Texas Standard Construction, Ltd	$29,588,562.80

WHEREAS, the bid submitted by Southland Contracting, Inc., 608 Henrietta Creek, Roanoke, Texas 76262, in the amount of $15,809,640.00, is the lowest and best of all bids received.

Now, Therefore,

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

SECTION 1. That the bid submitted by Southland Contracting, Inc., in the amount of $15,809,640.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 18-397/398, be accepted.

SECTION 2. That the City Manager is hereby authorized to sign a construction contract with Southland Contracting, Inc., approved as to form by the City Attorney, for the installation of water and wastewater mains for the Joe's Creek Interceptor Project, in an amount not to exceed $15,809,640.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $15,809,640.00 to Southland Contracting, Inc., as follows:

Water Construction Fund	
Fund 0102, Department DWU, Unit CW40	
Object 4550, Program 718397, Vendor VS0000056543	
Encumbrance/Contract No. CX-DWU-2018-00007216	$400,000.00
Wastewater Capital Improvement Fund	
Fund 3116, Department DWU, Unit PS40	
Object 4560, Program 718398, Vendor VS0000056543	
Encumbrance/Contract No. CX-DWU-2018-00007216	$15,409,640.00
Total amount not to exceed	$15,809,640.00

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

Agenda Information Sheet

File #: 18-756 **Item #:** 53.

AGENDA DATE: September 12, 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 #: 18-728 **Item #:** 54.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Trinity Watershed Management

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize the second step of acquisition for condemnation by eminent domain to acquire a subsurface easement located under a total of approximately 11,455 square feet of land located in Dallas County on Ross Avenue at its intersection with Washington Avenue for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed $83,685.00 ($80,185.00, plus closing costs and title expenses not to exceed $3,500.00) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the second step of acquisition for condemnation by eminent domain to acquire a subsurface easement located under a total of approximately 11,455 square feet of land located in Dallas County on Ross Avenue at its intersection with Washington Avenue from LG East Ross, LLC, the property owner. An offer was presented to the then current property owner on September 12, 2017 reflecting the then appraised value of $51,942.00 and the City's offer was declined. The property was since sold and a new appraised value of $80,185 was received. An offer was made to the new property owner, LG East Ross, LLC, on April 13, 2018 for the new appraised value of $80,185. The property owner has not responded to this offer.

The first resolution approved on May 10, 2017, by Resolution No. 17-0761, authorized the purchase in the amount of $51,942.00. This property will be used for the below ground construction, installation, use and maintenance of a deep tunnel for storage and transmission of storm drainage.

No relocation benefits are associated with this acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 10, 2017, City Council authorized acquisition by Resolution No. 17-0761.

Information about this item was provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on August 27, 2018.

FISCAL INFORMATION

2006 Bond Funds - $83,685.00 ($80,185.00, plus closing costs and title expenses not to exceed $3,500.00)

OWNER

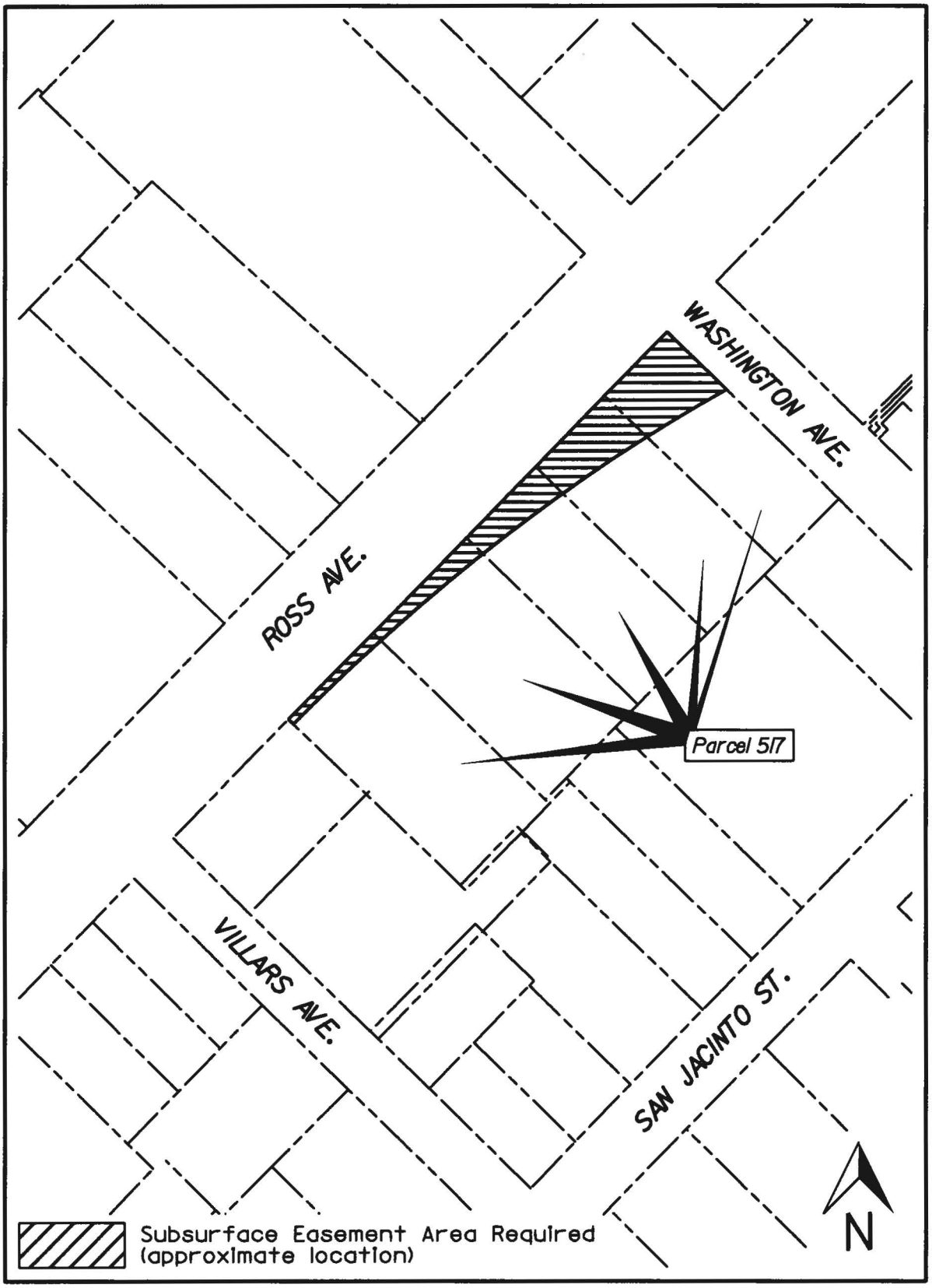
LG East Ross, LLC

Leon Capital Partners, LLC, Manager

Fernando DeLeon, Manager

MAP

Attached


WASHINGTON AVE.
ROSS AVE.
Parcel 517
VILLARS AVE.
SAN JACINTO ST.
N
Subsurface Easement Area Required
(approximate location)

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF REAL PROPERTY.

All capitalized terms are defined in Section 1 below.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

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

WHEREAS, the Dallas City Council desires to authorize the City Attorney to acquire the PROPERTY INTEREST in and to the PROPERTY by condemnation for the OFFICIAL OFFER AMOUNT stated herein:

NOW, THEREFORE,

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

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

"CITY": The City of Dallas

"FIRST RESOLUTION": Resolution No. 17-0761 approved by the Dallas City Council on May 10, 2017, which is incorporated herein by reference.

"PROPERTY": Located under a total of approximately 11,455 square feet of land, lying between the subsurface elevations of 232 feet and 407 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"PROJECT": Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use and maintenance of a deep tunnel for storage and transmission of storm drainage.

"OWNER": LG East Ross, LLC, provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"OFFICIAL OFFER AMOUNT": $80,185.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $3,500.00

"AUTHORIZED AMOUNT": $83,685 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS": OFFICIAL OFFER AMOUNT payable out of 2006 Bond Funds: Fund 1T23, Department TWM, Unit T525, Activity SDRS, Program PB06T525, Object 4210, Encumbrance CT-TWM06T525H17, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund 1T23, Department TWM, Unit T525, Activity SDRS, Program PB06T525, Object 4230, Encumbrance CT-TWM06T525H18.

SECTION 2. That the CITY will pay court costs as may be assessed by the Special Commissioners or the Court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid out of and charged to the DESIGNATED FUNDS.

SECTION 3. That the City Attorney is authorized and requested to file the necessary proceeding and take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation or in any manner provided by law.

SECTION 4. That in the event it is subsequently determined that additional persons or entities other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceeding and/or suit.

SECTION 5. That in the event the Special Commissioners appointed by the Court return an award that is the same amount, or less, than the OFFICIAL OFFER AMOUNT, the City Attorney is hereby authorized to acquire the PROPERTY INTEREST in and to the PROPERTY by instrument, or judgment, for the Special Commissioners' Award Amount. If the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to the County Clerk of Dallas County, Texas, to be deposited into the registry of the Court, to enable CITY to take possession of the PROPERTY INTEREST in and to the PROPERTY without further action of the Dallas City Council. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The Special Commissioners Award Amount and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

BY _____
Assistant City Attorney

Exhibit A

FIELD NOTES DESCRIBING A 9,968 SQUARE FOOT (0.2288 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517A)
TO BE DEDICATED IN CITY OF DALLAS BLOCK 514
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM THE CITY OF DALLAS

BEING a 9,968 square foot (0.2288 acre) tract of land (unplatted) situated in the John Grigsby Survey, Abstract No. 495, in City Block 514 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described in Warranty Deed to the City of Dallas recorded in Volume 634, Page 543 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) as affected by City of Dallas Ordinance No. 6034 recorded in Volume 3955, Page 628, D.R.D.C.T., and being part of that tract of land described in Warranty Deed to the City of Dallas recorded in Volume 358, Page 295, D.R.D.C.T. as affected by said City of Dallas Ordinance No. 6034, and being part of that tract of land described in Warranty Deed to the City of Dallas recorded in Volume 358, Page 296, D.R.D.C.T. as affected by said City of Dallas Ordinance No. 6034, said tract being further described in Warranty Deed to the City of Dallas recorded in Volume 340, Page 130, D.R.D.C.T. as affected by said City of Dallas Ordinance No. 6034, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the intersection of the southeast right-of-way line of Ross Avenue (a variable width right-of-way, 65.2 feet wide at this point), same being the northwest line of said City of Dallas tract recorded in Volume 634, Page 543 and the northwest line of said City Block 514, with the southwest right-of-way line of Washington Avenue (a variable width right-of-way, 50 feet wide at this point), same being the northeast line of said City of Dallas tract recorded in Volume 634, Page 543 and the northeast line of said City Block 514, for the north corner of said City of Dallas tract recorded in Volume 634, Page 543 having coordinates of N=6977472.7972, E=2495079.3679 (not monumented), same being the north corner of said City Block 514, from whence a 2.5-inch diameter brass monument stamped "RAYMOND L. GOODSON JR. INC." found (controlling monument) on the projection of said southwest right-of-way line of Washington Avenue for the most easterly corner of a right-of-way dedication by the plat of Pilgrim Rest Baptist Church, an addition to the City of Dallas recorded in Volume 89234, Page 3084, D.R.D.C.T. bears North 45 degrees 50 minutes 41 seconds West a distance of 464.96 feet;

THENCE South 45 degrees 50 minutes 41 seconds East, with said southwest right-of-way line of Washington Avenue, same being said northeast line of said City of Dallas tract recorded in Volume 634, Page 543 and said northeast line of said City Block 514, a distance of 72.88 feet to the beginning of a non-tangent curve to the left having coordinates of N=6977422.0363, E=2495131.6483 (not monumented), said curve having a central angle of 08 degrees 46 minutes 08 seconds, a radius of 1,355.00 feet, a tangent of 103.89 feet and a chord which bears South 55 degrees 55 minutes 33 seconds West a distance of 207.17 feet;

FIELD NOTES APPROVED:
DGR 4/17/15

FIELD NOTES DESCRIBING A 9,968 SQUARE FOOT (0.2288 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517A)
TO BE DEDICATED IN CITY OF DALLAS BLOCK 514
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM THE CITY OF DALLAS

THENCE Southwesterly, departing said southwest right-of-way line of said Washington Avenue, said northeast line of said City of Dallas tract recorded in Volume 634, Page 543 and said northeast line of said City Block 514 and with said curve to the left, over and across said City of Dallas tract recorded in Volume 634, Page 543, at an arc distance of 65.14 feet passing the southwest line of said City of Dallas tract recorded in Volume 634, Page 543, same being the northeast line of said City of Dallas tract recorded in Volume 358, Page 295, and continuing with said curve to the left and over and across said City of Dallas tract recorded in Volume 358, Page 295, at a cumulative arc distance of 136.60 feet passing the southwest line of said City of Dallas tract recorded in Volume 358, Page 295, same being the northeast line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130, and continuing with said curve to the left and over and across said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130 for a total arc distance of 207.37 feet to the end of said curve having coordinates of N=6977305.9807, E=2494960.0676 (not monumented), said end of curve being in the southwest line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130, same being the northeast line of that called 0.365 acre tract described in warranty deed to the Dallas Independent School District recorded in Volume 273, Page 443, D.R.D.C.T.;

THENCE North 45 degrees 47 minutes 10 seconds West, departing said curve and with said southwest line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130 and said northeast line of said called 0.365 acre tract and over a portion of said City Block 514, at a distance of 15.82 feet passing the east corner of that tract of land whose title is vested in the City of Dallas by judgment according to Cause No. 59308-B recorded in Volume 19, Page 422, County Court-at Law No. 2, same being an ell corner in said southeast right-of-way line of Ross Avenue (80.2 feet wide at this point) and the northwest line of said City Block 514, from whence a 5/8-inch iron rod with cap stamped "GSES INC. RPLS 4804" (controlling monument) bears South 44 degrees 12 minutes 50 seconds West a distance of 295.38 feet, and from which said 5/8-inch iron rod with cap stamped "GSES INC. RPLS 4804" an "X" cut in concrete found (controlling monument) at the intersection of the northeast right-of-way line of Villars Street (a variable width right-of-way, 40.1 feet wide at this point) with the northwest right-of-way line of San Jacinto Street (a variable width right-of-way) for the south corner of that tract of land condemned and acquired by the Dallas Independent School District according to Judgment rendered in Cause No. CC-67-6180-D recorded in Volume 7, Page 642, County Court At Law No. 4, same being the south corner of said City Block 514, bears South 45 degrees 30 minutes 18 seconds East a distance of 352.31 feet, and with the northeast line of said Cause No. 59308-B tract and continuing with said southeast right-of-way line of Ross Avenue, said northwest line of said City Block 514 and said southwest line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130 for a total distance of 30.82 feet to the west corner of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130, having coordinates of N=6977327.4728, E=2494937.9776 (not monumented), same being the north corner of said Cause No. 59308-B tract and an ell corner in said southeast right-of-way line of Ross Avenue (65.2 feet wide at this point) and said northwest line of said City Block 514;

FIELD NOTES APPROVED:
JER 4/17/15

FIELD NOTES DESCRIBING A 9,968 SQUARE FOOT (0.2288 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517A)
TO BE DEDICATED IN CITY OF DALLAS BLOCK 514
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM THE CITY OF DALLAS

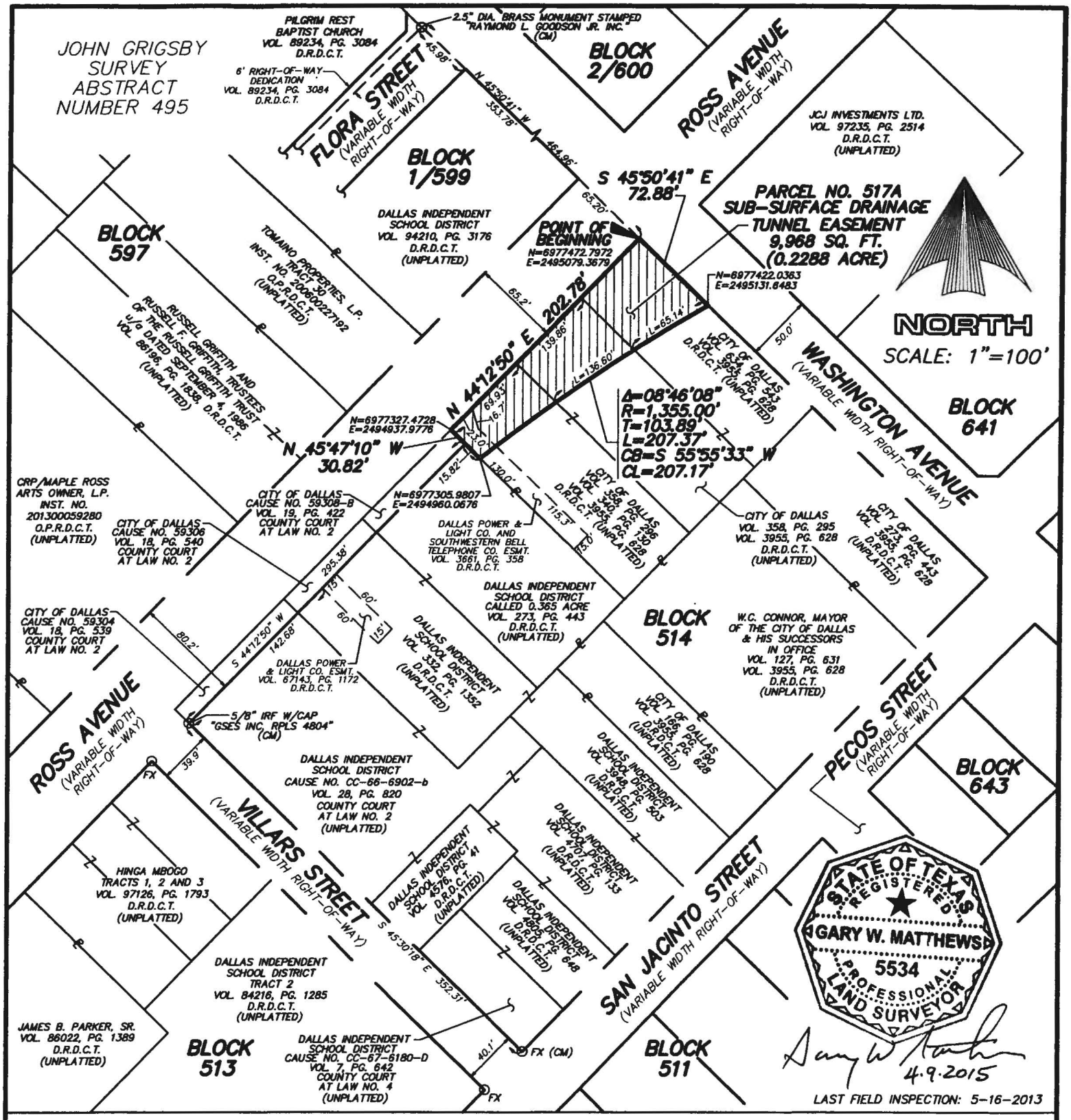
THENCE North 44 degrees 12 minutes 50 seconds East, departing said northeast line of said Cause No. 59308-B and said southwest line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130 and with said southeast right-of-way line of Ross Avenue and said northwest line of said City Block 514, at a distance of 69.93 feet passing the north corner of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130, same being the west corner of said City of Dallas tract recorded in Volume 358, Page 295, and continuing with said southeast right-of-way line of Ross Avenue and said northwest line of said City Block 514 and with the northwest line of said City of Dallas tract recorded in Volume 358, Page 295, at a cumulative distance of 139.86 feet passing the north corner of said City of Dallas tract recorded in Volume 358, Page 295, same being the west corner of said City of Dallas tract recorded in Volume 634, Page 543, and continuing with said southeast right-of-way line of Ross Avenue and said northwest line of said City Block 514 and with the northwest line said City of Dallas tract recorded in Volume 634, Page 543 for a total distance of 202.78 feet to the POINT OF BEGINNING and containing 9,968 square feet (0.2288 acre) of land, more or less.

Basis of Bearings is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.

Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 4.9.2015

FIELD NOTES APPROVED:
DGR 4/17/15



NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS		RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS		EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS		SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER		PROPERTY LINE
VOL., PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND PK NAIL
		FX	FOUND "X"
		O	MONUMENT (AS NOTED)

9,968 SQ. FT. (0.2288 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517A) TO BE DEDICATED IN CITY OF DALLAS BLOCK 514, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS, FROM THE CITY OF DALLAS.

NDM
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

04/09/2015 | PARCEL-517A.DWG

Exhibit A

FIELD NOTES DESCRIBING A 1,487 SQUARE FOOT (0.0341 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517B)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 514
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM THE DALLAS INDEPENDENT SCHOOL DISTRICT

BEING a 1,487 square foot (0.0341 acre) tract of land (unplatted) situated in the John Grigsby Survey, Abstract No. 495, in City Block 514 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described in Special Warranty Deed to the Dallas Independent School District recorded in Volume 332, Page 1352 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being part of that called 0.365 acre tract of land described in Warranty Deed to the Dallas Independent School District recorded in Volume 273, Page 443, D.R.D.C.T., and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

COMMENCING at a 5/8-inch iron rod with cap stamped "GSES INC. RPLS 4804" found (controlling monument) having coordinates of N=6977105.3312, E=2494742.7748 (not monumented) for the intersection of the northeast right-of-way line of Villars Street (a variable width right-of-way, 39.9 feet wide at this point) with the southeast right-of-way line of Ross Avenue (a variable width right-of-way, 80.2 feet wide at this point) and the west corner of said City Block 514, same being the west corner of that tract of land condemned and acquired by the Dallas Independent School District according to Judgment rendered in Cause No. CC-66-6902-b recorded in Volume 28, Page 820, County Court At Law No. 2, from whence an "X" cut in concrete found (controlling monument) at the intersection of the northeast right-of-way line of said Villars Street (40.1 feet wide at this point) with the northwest right-of-way line of San Jacinto Street (a variable width right-of-way) for the south corner of that tract of land condemned and acquired by the Dallas Independent School District according to Judgment rendered in Cause No. CC-67-6180-D recorded in Volume 7, Page 642, County Court At Law No. 4, same being the south corner of said City Block 514, bears South 45 degrees 30 minutes 18 seconds East a distance of 352.31 feet;

THENCE North 44 degrees 12 minutes 50 seconds East, with said southeast right-of-way line of Ross Avenue, the northwest line of said City Block 514 and the northwest line of said Cause No. CC-66-6902-b tract, a distance of 116.56 feet to the POINT OF BEGINNING having coordinates of N=6977188.8639, E=2494824.0462 (not monumented), same being the most northerly corner of said Cause No. CC-66-6902-b tract and the west corner of said Dallas Independent School District tract recorded in Volume 332, Page 1352;

FIELD NOTES APPROVED:
DER 4/17/15

FIELD NOTES DESCRIBING A 1,487 SQUARE FOOT (0.0341 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517B)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 514
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM THE DALLAS INDEPENDENT SCHOOL DISTRICT

THENCE North 44 degrees 12 minutes 50 seconds East, continuing with said southeast right-of-way line of Ross Avenue and said northwest line of said City Block 514 and with the northwest line of said Dallas Independent School District tract recorded in Volume 332, Page 1352, at a distance of 84.92 feet passing the north corner of said Dallas Independent School District tract recorded in Volume 332, Page 1352, same being the west corner of said called 0.365 acre tract, and continuing with said southeast right-of-way line of Ross Avenue and said northwest line of said City Block 514 and with the northwest line of said called 0.365 acre tract for a total distance of 178.82 feet to the north corner of said called 0.365 acre tract having coordinates of N=6977317.0142, E=2494948.7272 (not monumented), said corner being in the southwest line of that tract of land described in Warranty Deed to the City of Dallas recorded in Volume 358, Page 296, D.R.D.C.T., as affected by City of Dallas Ordinance No. 6034 recorded in Volume 3955, Page 628, D.R.D.C.T., said tract being further described in Warranty Deed to the City of Dallas recorded in Volume 340, Page 130, D.R.D.C.T. as affected by said City of Dallas Ordinance No. 6034, from which north corner a 2.5-inch diameter brass monument stamped "RAYMOND L. GOODSON JR. INC." found (controlling monument) on the projection of said southwest right-of-way line of Washington Avenue for the most easterly corner of a right-of-way dedication by the plat of Pilgrim Rest Baptist Church, an addition to the City of Dallas recorded in Volume 89234, Page 3084, D.R.D.C.T. bears North 45 degrees 47 minutes 10 seconds West a distance of 15.00 feet, North 44 degrees 12 minutes 50 seconds East a distance of 202.78 feet and North 45 degrees 50 minutes 41 seconds West a distance of 464.96 feet;

THENCE South 45 degrees 47 minutes 10 seconds East, departing said southeast right-of-way line of Ross Avenue, said northwest line of said City Block 514 and said northwest line of said called 0.365 acre tract, and with the northeast line of said called 0.365 acre tract and said southwest line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130, a distance of 15.82 feet to the beginning of a non-tangent curve to the left having coordinates of N=6977305.9807, E=2494960.0676 (not monumented), said curve having a central angle of 07 degrees 19 minutes 40 seconds, a radius of 1,355.00 feet, a tangent of 86.77 feet and a chord which bears South 47 degrees 52 minutes 40 seconds West, a distance of 173.18 feet;

THENCE Southwesterly, departing said northeast line of said called 0.365 acre tract and said southwest line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130 and with said curve to the left, over and across said called 0.365 acre tract, at an arc distance of 94.33 feet passing the southwest line of said called 0.365 acre tract and the northeast line of said Dallas Independent School District tract recorded in Volume 332, Page 1352, and continuing with said curve to the left, over and across said Dallas Independent School District tract recorded in Volume 332, Page 1352 for a total arc distance of 173.29 feet to the point of tangency having coordinates of N=6977189.8451, E=2494831.6380 (not monumented);

FIELD NOTES APPROVED:
DBR 4/17/15

FIELD NOTES DESCRIBING A 1,487 SQUARE FOOT (0.0341 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517B)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 514
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM THE DALLAS INDEPENDENT SCHOOL DISTRICT

THENCE South 44 degrees 12 minutes 50 seconds West, departing said curve and continuing over and across said Dallas Independent School District tract recorded in Volume 332, Page 1352 with a line parallel to and 4.76 feet southeast of said southeast right-of-way line of Ross Avenue, said northwest line of said Dallas Independent School District tract recorded in Volume 332, Page 1352 and said northwest line of said City Block 514, a distance of 6.00 feet to the intersection of said parallel line with the southwest line of said Dallas Independent School District tract recorded in Volume 332, Page 1352 and the northeast line of the aforementioned Cause No. CC-66-6902-b tract, said intersection having coordinates of N=6977185.5466, E=2494827.4559 (not monumented);

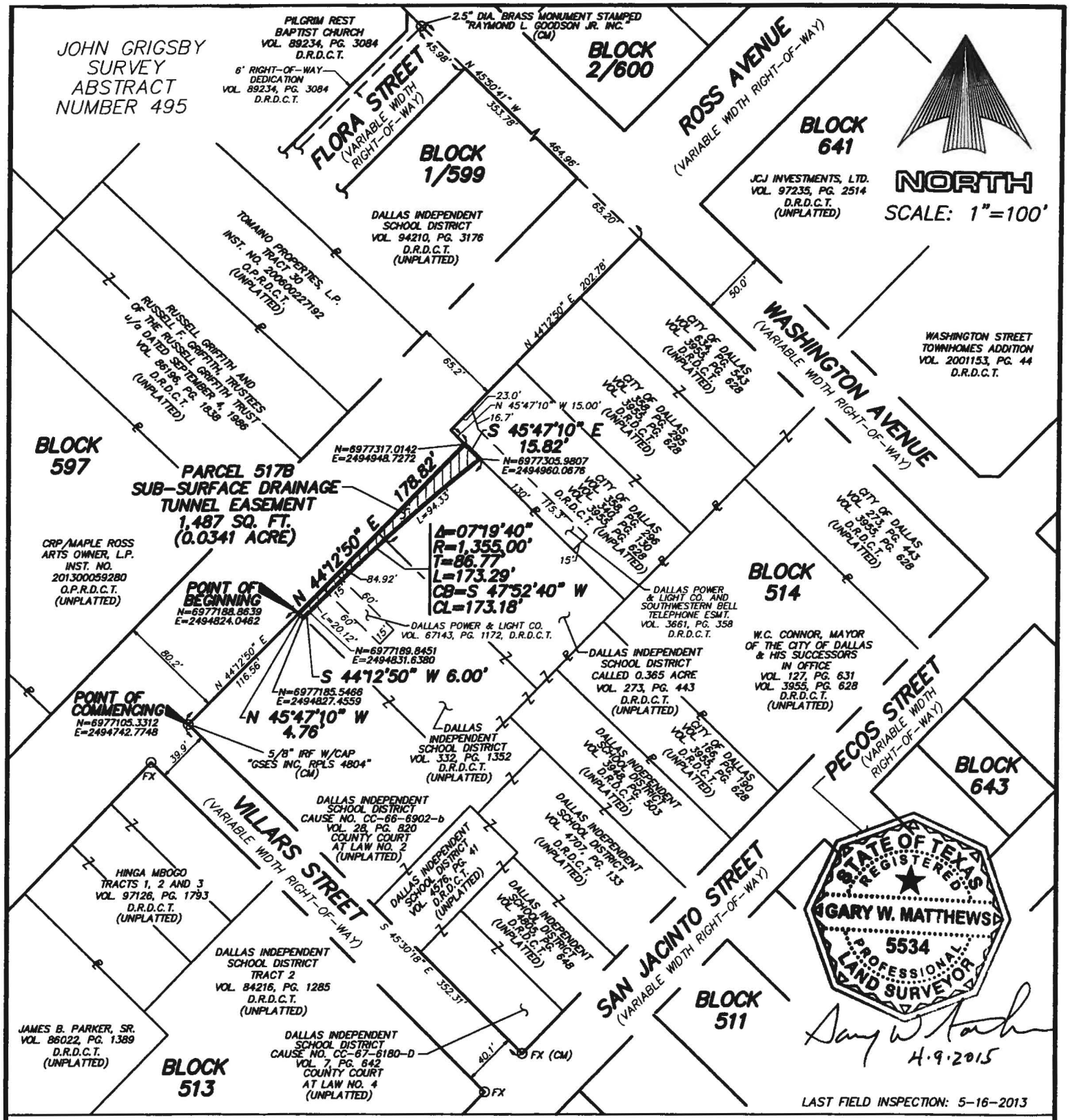
THENCE North 45 degrees 47 minutes 10 seconds West, departing said parallel line and with said southwest line of said Dallas Independent School District tract recorded in Volume 332, Page 1352 and said northeast line of said Cause No. CC-66-6902-b tract and over a portion of said City Block 514, a distance of 4.76 feet to the POINT OF BEGINNING and containing 1,487 square feet (0.0341 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.

Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 4·9·2015

FIELD NOTES APPROVED:
DDR 4/17/15



NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS		RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS		EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS		SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER		PROPERTY LINE
VOL., PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND PK NAIL
		FX	FOUND "X"
		○	MONUMENT (AS NOTED)

1,487 SQ. FT. (0.0341 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517B) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 514, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS, FROM THE DALLAS INDEPENDENT SCHOOL DISTRICT.

NDM
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

04/09/2015 | PARCEL-517B.DWG

Agenda Information Sheet

File #: 18-714 **Item #:** 55.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 1, 3, 4, 5, 8, 9, 10, 13, 14

DEPARTMENT: Housing & Neighborhood Revitalization

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize **(1)** the City Manager to appropriate $1,500,000.00 in 2006 General Obligation Bond Funds to the City of Dallas Urban Land Bank Demonstration Program for capital costs related to acquisition and disposition of unimproved, tax-foreclosed, real property for the development of affordable housing or other commercial purposes in accordance with Chapter 379C of the Texas Local Government Code; and **(2)** revisions to the Dallas Housing and Acquisition Development Corporation's (DHADC) Bylaws to expand eligible housing types to include rental housing and to allow the sale of certain property to eligible adjacent property owners and for other commercial purposes - Not to exceed $1,500,000.00 - Financing: 2006 General Obligation Bond Funds

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act (the "Act"). The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program ("land bank") in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of developing affordable housing. Subsequently, on January 28, 2004, by Resolution No. 04-0458, the City of Dallas designated the DHADC as the entity to administer its land bank program for the purpose of acquiring, holding and transferring unimproved real property pursuant to Subtitle A, Title 12, Local Government Code, Chapter 379C. Included in the 2004 Council Resolution was also the adoption of the Articles of Incorporation and Bylaws for the DHADC, later amended by Resolution No. 11-3230 on December 14, 2011.

In November 2006, City of Dallas voters approved Proposition 8 whereby approximately $41.4M was set aside to promote economic development, which included $5.7 million in General Obligation Bonds for housing related expenses, including land acquisition costs associated with the development of affordable housing and related expenses. Currently, the 2006 General Obligation Bond Fund has a balance of $2.5 million available for housing-related activities. The Department of Housing and Neighborhood Revitalization is proposing that $1.5 million of these bond funds be appropriated to the land bank.

The DHADC, as land bank administrator, will use the General Obligation Bond funds for capital costs related to acquisition and disposition of unimproved, tax-foreclosed, real property for the development of affordable housing or other commercial purposes in accordance with Chapter 379C of the Texas Local Government Code.

Prior to 2018, DHADC sold land bank lots for a flat sales price of $5,000 per lot. This sales policy has prevented the land bank from becoming a financially self-sustaining program. Specifically, DHADC's financial audits reveal that the proceeds from prior lot sales were insufficient to sustain the administrative and other programmatic costs incurred by the DHADC in its administration of the land bank program. In the 2017-2018 annual plan for the land bank, the City modified the sales price policy such that all lots are now initially offered at Fair Market Value ("FMV") with a discount available if project underwriting indicates the discount is needed to ensure the viable sale to an income-qualified buyer. Housing & Neighborhood Revitalization believes this new policy will, incrementally, help the land bank program and DHADC become financially self-sustaining. Additionally, in accordance with the Comprehensive Housing Policy, as the land bank seeks to acquire new lots, its acquisition activities will be focused on Stabilization and Emerging Market reinvestment strategy areas.

Table 1 below illustrates DHADC's current operating budget without the proposed infusion of the $1.5M in General Obligation Bond Funds. Also included is Table 2, which includes the proposed $1.5M in General Obligation Bond Funds and projected lot sales proceeds for the 196 existing land bank lots, should they be sold at Fair Market Value. Sales proceeds will be used for operating expenses that cannot be paid for by General Obligation Bond Funds. It is important to note that Table 2 projections do not take into account lot sales price discounts eligible under the revised program.

TABLE 1

Revenue	
Checking Account Beginning Balance	$ 164,478
Revenue Subtotal	**$ 164,478**
Expenses:	
Mowing Expense (196 lots)	$ 33,000
Recording Fees	$ 3,200
Staff Admin Costs	$ 170,000
Misc Supplies (Board lunches, etc.)	$ 3,000
Bank Fees	$ 333
CMA	$ 1,000
Expenses Subtotal	**$ 210,533**
Net Income	**$ (46,055)**

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TABLE 2

Estimated Revenue	Bond Funds	Operating Funds
Checking Account Beginning Balance	$ -	
2006 Bond Fund Allocation	$ 1,500,000	
Lot Sales Revenue		$ 2,423,500
Revenue Subtotal	**$ 1,500,000**	**$ 2,423,500**
Projected Expenses:		
Carried frwd expenses from FY17-18	$ 4,200	$ 206,333
Mowing Expense	$ -	$ 70,000
Recording Fees	$ 6,400	$ -
Staff Admin Costs	$ -	$ 338,500
CMA	$ -	$ -
Misc Supplies	$ -	$ 6,000
Audit Fee	$ -	$ 8,500
Insurance	$ -	$ 14,000
Acquisitions	$ -	
Republic Title	$ 20,000	
Consolidated Environmental	$ 25,000	
Linebarger (referred lots)	$ -	
Bank Fees	$ -	$ 1,000
Advertising Expenses	$ -	$ 500
License Fees (LexusNexis, etc.)	$ -	$ 3,200
Asset Mgmt Fee (8% of Lot Sales)		*$ 193,880*
Expenses Subtotal	**$ 51,400**	**$ 635,580**
Net Income	**$ 1,448,600**	**$ 1,787,920**

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Without an additional allocation of funding from the City, the DHADC will not have the operating funds available to administer the land bank program. However, as discussed above, Housing & Neighborhood Revitalization believes it has put in place new policies that will set the land bank on the path to financial self-sufficiency.

There is no fiscal impact to the General Fund; the source of the requested appropriation of $1,500,000.00 for capital costs related to acquisition and disposition of real property tax foreclosures is 2006 General Obligation Bond Funds.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, City Council authorized the: (1) creation of the City of Dallas Urban Land Bank Demonstration Program and Program Statement; (2) DHADC to amend its Articles of Incorporation and Bylaws to allow DHADC to administer the City of Dallas Urban Land Bank Demonstration Program and change the makeup of its Board of Directors; (3) adoption of the Urban Land Bank Demonstration Program Plan; and (4) City to enter into 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.

On November 8, 2017, City Council authorized an Interlocal Cooperation Contract with the affected taxing jurisdictions to facilitate DHADC's acquisition of unimproved tax foreclosed properties for sale to qualified developers for the development of affordable housing and other commercial purposes by Resolution No. 17-1732.

On January 10, 2018, City Council held a public hearing to receive comments on the proposed City of Dallas FY 2017-18 Urban Land Bank Demonstration Program Plan, and upon the close of the public hearing, approved the City of Dallas FY 2017-18 Urban Land Bank Demonstration Program Plan by Resolution No. 18-0118.

On May 9, 2018, City Council authorized the adoption of a new comprehensive housing policy, which included the Urban Land Bank Demonstration Program by Resolution No. 18-0704.

Information about this item will be provided to the Economic Development and Housing Committee on September 4, 2018.

FISCAL INFORMATION

2006 General Obligation Bond Funds - $1,500,000.00

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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 November 13, 1991, City Council created the City of Dallas Multifamily Housing Acquisition Corporation (DMHAC) to act as an instrumentality of the City to provide safe affordable housing facilities for the benefit of low and moderate-income persons by Resolution No. 91-3510; and

WHEREAS, on November 14, 2001, City Council authorized the Board of Directors of the DMHAC to adopt an amendment to its articles of incorporation wherein the corporation changed its name to the Dallas Housing and Acquisition Development Corporation (DHADC) by Resolution No. 01-3389; and

WHEREAS, on January 28, 2004, City Council authorized the: (1) creation of the City of Dallas Urban Land Bank Demonstration Program and Program Statement; (2) DHADC to amend its Articles of Incorporation and Bylaws to allow DHADC to administer the City of Dallas Urban Land Bank Demonstration Program and change the makeup of its Board of Directors; (3) adoption of the Urban Land Bank Demonstration Program Plan; and (4) City to enter into 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 purpose of the Dallas Urban Land Bank Demonstration Program is to acquire, hold, and transfer unimproved, tax-foreclosed, real property for the development of affordable housing or other purposes in accordance with Chapter 379C of the Texas Local Government Code; and

WHEREAS, on November 8, 2017, City Council authorized an Interlocal Cooperation Contract with the affected taxing jurisdictions to facilitate DHADC's acquisition of unimproved tax foreclosed properties for sale to qualified developers for the development of affordable housing or other commercial purposes by Resolution No. 17-1732; and

WHEREAS, on January 10, 2018, City Council held a public hearing to receive comments on the proposed City of Dallas FY 2017-18 Urban Land Bank Demonstration Program Plan and, upon the close of the public hearing, approved the City of Dallas FY 2017-18 Urban Land Bank Demonstration Program Plan by Resolution No. 18-0118; and

WHEREAS, on May 9, 2018, City Council authorized the adoption of a new comprehensive housing policy, which included the Dallas Urban Land Bank Demonstration Program, by Resolution No. 18-0704; and

WHEREAS, the City Council desires to appropriate 2006 General Obligation Bond Funds to the Dallas Urban Land Bank Demonstration Program for costs related to the acquisition and transfer of unimproved, tax-foreclosed, real property for the development of affordable housing or other commercial 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 establish appropriations in an amount not to exceed $1,500,000.00 in Fund 1T52, Department HOU, Unit W310, Object 3099, for the Dallas Urban Land Bank Demonstration Program, which is administered by the Dallas Housing Acquisition and Development Corporation (DHADC), for capital costs related to acquisition and disposition of unimproved, tax-foreclosed, real property for the development of affordable housing or other commercial purposes in accordance with Chapter 379C of the Texas Local Government Code.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse an amount not to exceed $1,500,000.00 from 2006 General Obligation Bond Fund, Fund 1T52, Department HOU, Unit W310, Activity LDBK, Object 3099, for capital costs related to acquisition and disposition of unimproved, tax-foreclosed, real property for the development of affordable housing or other commercial purposes in accordance with Chapter 379C of the Texas Local Government Code.

SECTION 3. That the City Council hereby approves the amended Bylaws of the Dallas Housing and Acquisition Development Corporation, which expands eligible housing types to include rental housing and to allow the sale of certain property to eligible adjacent property owners and for other commercial purposes, attached hereto and made part of this resolution as **Exhibit A**.

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

REVISED BYLAWS
OF
DALLAS HOUSING ACQUISITION AND DEVELOPMENT CORPORATION

ARTICLE I

POWERS AND PURPOSES

Section 1.1. Issuance of Obligations: Financing of Projects. (a) In order to implement the purposes for which the Dallas Housing Acquisition and Development Corporation (the "Corporation") was formed, as set forth in the Articles of Incorporation, the Corporation may issue obligations to finance all or part of the cost of one or more mixed-income multifamily housing projects pursuant to the provisions of the Texas Non-Profit Corporation Act, as amended (the" Act"), said projects to be located within the corporate limits of the City of Dallas, Texas (the "City") or its extraterritorial jurisdiction. The Corporation shall not be authorized to provide any financing without the consent of the City Council (the "City Council") of the City.

(b) The maximum maturity of obligations that may be issued without specific approval of the City Council of the City of a longer maturity is twenty (20) years, but in no event shall the maturity of the obligations exceed the useful life of the facility to be financed.

(c) In connection with the issuance of its obligations, the Corporation shall select bond counsel, co-bond counsel, a financial advisor, and a trustee acceptable to the City of Dallas' City Attorney and City Manager.

Section 1.2. Notification of Issuance of Obligations. For the purpose of keeping the City informed as to the activities of the Corporation, the Corporation, before the issuance of any bonds, notes, or other obligations, shall provide to the City a full and complete description of any housing facilities, or facilities which are incidental, subordinate, or related thereto or appropriate in connection therewith, the cost of which is to be paid in whole or in part from the proceeds of such obligations of the Corporation, together with a full and complete description of the obligations issued in connection therewith.

Section 1.3. Economic Development and Housing Projects. In order to promote local economic development, stimulate business and commercial activity, and increase the supply of new affordable housing for working individuals and families, the Corporation may, subject to the prior approval of the City Council of the City of Dallas acquire, receive, accept the donation of, hold, own, insure, manage and maintain, transfer, sell, trade, exchange or otherwise dispose of real property as allowed by the purposes of the Corporation

Eligible development uses include:

(a). For Sale Housing
(b). Rental Housing
(c). Commercial

Section 1.4. Urban Land Bank Demonstration Program.

(a) In order to serve the public purpose of promoting new development of housing for low- and moderate-income households and to stabilize distressed communities, the Corporation may, in accordance with Subtitle A, Title 12, Local Government Code, Chapter 379C, Urban Land Bank Demonstration Program (Land Bank Demonstration Program Act), as amended, and the City of Dallas Urban Land Bank Demonstration Program Statement, and subject to annual approval by the City Council of the City of Dallas Urban Land Bank Demonstration Program Plan ("Annual Plan"), the Corporation may:

(1) acquire, hold, own, insure, manage, maintain, transfer, sell, trade, exchange or otherwise dispose of unimproved real property for the development of affordable housing units and require that such property must be sold, rented or offered as a lease-purchase to low-income families

(2) acquire, hold, own, insure, manage, maintain, transfer, sell, trade, exchange or otherwise dispose of unimproved real property for the development of projects for commercial use in accordance with a development plan approved by the City. If the Corporation determines that a property owned by Corporation is not appropriate for residential development, offer the property for sale to an eligible adjacent property owner according to terms and conditions developed by the Corporation and at fair market value or the sales price recorded in the Annual Plan.

(b) For Sale Occupancy Restrictions for Urban Land Bank Demonstration Program Properties

- At least 25 percent of those land bank properties must be deed restricted for sale to households with gross household incomes not greater than 60 percent of the area median family income, adjusted for house hold size; and
- Not more than 30 percent of those land bank properties may be deed restricted for sale to household with gross household incomes greater than 80 percent of the area median family income, adjusted for household size.

(c) Rental Housing Occupancy Restrictions for Urban Land Bank Demonstration Program Properties

- 100 percent of the rental units must be occupied by households with incomes not greater than 60 percent of area median family income, based on gross household income, adjusted for household size, for the Dallas-Fort Worth-Arlington metropolitan statistical area, as determined annually by the United States Department of Housing and Urban Development;
- 40 percent of the units be occupied by households with incomes not greater than 50 percent of area median family income, based on gross household income, adjusted for household size, for the Dallas-Fort Worth-Arlington metropolitan statistical area, as determined annually by the United States Department of Housing and Urban Development;
- 20 percent of the units be occupied by households with incomes not greater than 30 percent of area median family income, based on gross household income, adjusted for household size, for the Dallas-Fort Worth-Arlington metropolitan statistical area, as determined annually by the United States Department of Housing and Urban Development.

Section 1.5. Books and Records: Review of Financial Statements and Programs. The Corporation shall keep correct and complete books and records of accounts and shall also keep minutes of the proceedings of its board of directors (the "Board ") and committees having any of the authority of the Board. All books and records of the Corporation may be inspected by any director or his agent or attorney for any proper purpose at any reasonable time; and at all times the City Council and its representatives will have access to the books and records of the Corporation. The Board shall present annual reports to the City Council and semiannual reports to the Economic Development and Housing Committee, and the City Council and said Committee shall be entitled to review and to revise the financial affairs, programs, and activities of the Corporation at any time and from time to time.

Section 1.6. Guidelines. The Corporation, by action of the Board, shall be authorized to promulgate, implement, and amend guidelines governing the selection and financing of projects and prescribing the various fees to be collected in amounts reasonably estimated to pay the ministerial and staff costs and expenses of the Corporation, plus reasonable reserves therefore. Copies of the guidelines as approved shall be provided to the Economic Development and Housing Committee and the Finance and Audit Committee of the City Council. Said Committees shall be advised of any amendments to the guidelines.

Section 1.7. Staff Functions. Staff functions for the Corporation may be performed by the City staff, as directed by the City Manager, and the Corporation, from fees collected by it and operating revenues, shall pay the costs

for such services as from time to time shall be billed to the Corporation by the City.

Section 1.8. Powers in General. The Corporation may exercise all powers granted to it under the Act, consistent with its Articles of Incorporation.

ARTICLE II

BOARD OF DIRECTORS

Section 2.1. Appointment Powers. Number and Term of Office. The Board of Directors shall exercise all the powers of the Corporation, subject to the restrictions imposed by law, the Articles of Incorporation, and these Bylaws.

The Board of Directors shall consist of eight directors. The City of Dallas Director of Housing and Neighborhood Revitalization, the City of Dallas Director of Sustainable Development and Construction, the City of Dallas Director of Code Compliance, two Dallas County representatives, a Dallas Independent School District representative, a representative from The Real Estate Council, and a non-profit affordable housing organization representative shall be permanent directors. The term of non-City directorship shall be four years or until a replacement director has been appointed. The non-profit affordable housing organization representative shall be appointed by the City Manager. The non-profit affordable housing organization representative shall not bring an Urban Land Bank Demonstration Program development proposal to the Corporation as an application for approval.

Any appointed director may be removed from office at any time, with or without cause, by the City Manager. Any vacancy on the Board of Directors, whether due to a removal, a resignation, the end of a term, or a change in personnel, shall be filled by the original appointing entity.

Section 2.2. Meetings of Directors. The Board of Directors may hold its meetings at any place authorized by the Act, as the Board of Directors may from time to time designate; provided that, in the absence of any such designation by the Board of Directors, the meetings shall be held at the principal offices of the City. The Board of Directors shall conduct its business and meetings in accordance with the requirements of the Act, and the Open Meetings Act and the Open Records Act of the State.

Section 2.3. Regular Meetings. Regular Meetings of the Board of Directors shall be held at such times and places as shall be designated, from time to time, by resolution of the Board of Directors, a copy of which shall be given to the City Secretary of the City. Notice of regular meetings need not be given to directors, but if notice is required by law to be given to anyone else, such notice will be given in the manner prescribed by law.

Section 2.4. Special Meetings. Special Meetings of the Board of Directors shall be held whenever called by the president, by the secretary, by a majority of the directors then in office, or upon advice of or request by the City Councilor the City Manager. The secretary shall give notice to each director of each special meeting in person, or by mail, telephone or telegraph, at least two hours before the meeting. Notice required by law to be given to anyone else shall be given in the manner prescribed by law. Unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Corporation may be considered and acted upon at a special meeting. At any meeting at which every director shall be present, even though without any notice, any matter pertaining to the purpose of the Corporation may be considered and acted upon.

Section 2.5. Quorum. A majority of the directors fixed by these Bylaws shall constitute a quorum for the consideration of matters pertaining to the purposes of the Corporation. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board of Directors, unless the act of a greater number is required by law.

Section 2.6. Conduct of Business. At the meetings of the Board of Directors, matters pertaining to the purposes of the Corporation shall be considered in such order as from time to time the Board of Directors may determine.

Section 2.7. Compensation of Directors. Directors as such shall not receive any salary or compensation for their services as directors, except that they shall be reimbursed for their actual out-of-pocket expenses incurred in the performance of their official duties.

ARTICLE III

OFFICERS

Section 3.1. Titles and Term of Office. The officers of the Corporation shall be a president, a vice president, a secretary, and a treasurer. The officers shall be appointed by the City Manager for terms of office as directed by the City Manager. In the absence of the secretary, any officer other than the president may be appointed by the president to act in the secretary's place.

Section 3.2. President. The president shall be the chief executive officer of the Corporation and shall be in general charge of the properties and affairs of the Corporation; the president presides at all meetings of the Board of Directors; in furtherance of the purposes of this Corporation, the president may sign and execute all contracts, conveyances, franchises, loans, bonds, deeds, assignments, mortgages, notes, development partnership agreements and other instruments in the name of the Corporation.

Section 3.3. Vice President. The vice president shall exercise the powers of the president during that officer's absence or inability to act. Any action taken by the vice president in the performance of the duties of the president shall be conclusive evidence of the absence or inability of the president to act at the time such action was taken.

Section 3.4. Treasurer. The treasurer shall have custody of all the funds and securities of the Corporation which come into his or her hands. When necessary or proper, the treasurer may sign or endorse, on behalf of the Corporation, for collection or payment, checks, notes, and other obligations and shall deposit any funds received to the credit of the Corporation in such bank or banks or depositories as shall be designated by the Board of Directors; whenever required by the Board of Directors, the treasurer shall render a statement of the treasurer's cash account; the treasurer shall enter or cause to be entered regularly in the books of the Corporation to be kept by the treasurer for that purpose full and accurate amounts of all moneys received and paid out on account of the Corporation; the treasurer shall perform all acts incident to the position of treasurer. The treasurer may fulfill these functions by means of supervision of the administrator designated under Article I, Section 1.7 of these Bylaws should the Board delegate any or all of the operational aspects of these functions to be performed by the administrator. The signature of the treasurer, president or administrator shall be required for the disbursement of any Corporation funds.

Section 3.5. Secretary. The secretary shall keep the minutes of all meetings of the Board of Directors in books provided for that purpose; the secretary shall attend to the giving and serving of all notices; in furtherance of the purpose of this Corporation, the secretary may sign with the president in the name of the Corporation; and/ or attest the signature thereto, all contracts, conveyances, franchises, loans, bonds, deeds, assignments, mortgages, notes, development partnership agreements, and other instruments of the Corporation; the secretary shall have charge of the corporate books, records, and securities of which the treasurer shall have custody and charge, and such other books and papers as the Board of Directors may direct, all of which shall at all reasonable times be open to inspection upon application at the office of the Corporation during business hours, and the secretary shall in general perform all duties incident to the office of secretary.

Section 3.6. Compensation. Officers as such shall not receive any salary or compensation for their services, except that they may be reimbursed for their actual out-of-pocket expenses incurred in performing such services.

ARTICLE IV

ADMINISTRATOR

Section 4.1 Appointment. The Board of Directors may appoint an administrator to manage the operations of the Corporation under the direction of the Board. The administrator shall be that City of Dallas employee designated by the City as the Land Bank Manager for the City. The administrator shall not be an employee of the Corporation.

Section 4.2. General Duties. The administrator shall implement the programs approved by the Board, manage the day-to-day operations of the Corporation and administer the financial operations of the Corporation.

Section 4.3 Property Acquisition and Sale. The administrator shall:

(a). Execute letters of intent to purchase real property in accordance with approved Program Statements, as amended, and contractual obligations, subject to subsequent approval of the Board and the City, or the President and the City if the purchase price of the property is $10,000 or less;

(b). Pay invoices for court costs in tax lawsuits on property referred for tax-foreclosure on behalf of the Corporation;

(c). Request payment to the Dallas County Sheriff by the City of Dallas for properties to be acquired under any Interlocal Contract between the City and other taxing units with regard to the Urban Land Bank Demonstration Program and the City contract with the Corporation for administration of the Urban Land Bank Demonstration Program;

(d). Order and execute payment for environmental assessments, appraisals, surveys, title policies, property maintenance and other such services necessary for the acquisition, maintenance or sale of real property by the Corporation in accordance with Corporation contractual obligations, Board Resolution or specific Board approval;

(e). Advertise or issue Requests for Proposals with regard to the sale of Corporation properties or procurement of services; and

(f). Prepare monthly production reports and such other reports as may be required by Board policy or Corporation contractual obligations.

Section 4.4 Procurement. The administrator shall be authorized to:

(a). Order and pay for equipment, supplies and/or services for the benefit of the Corporation from an individual vendor in an amount not to exceed $3,000 for a specific purchase from that vendor without prior Board approval;

(b). Pay earnest money in amounts not to exceed $1,000 per parcel and $10,000 in the aggregate for a minimum of ten parcels in one transaction to hold a contract for purchase of real property for the benefit of the Corporation, with Board approval required for earnest money deposits in excess of these amounts;

(c). Pay for goods and services procured under Board approved contracts in accordance with the terms of such contracts; and

(d). Payments invoices relating to the filing and prosecution of tax lawsuits in accordance with Board policy and contractual obligations.

Section 4.5 Compensation. The administrator shall be an employee of the City of Dallas and shall not be an employee of the Corporation and shall not receive any salary or compensation from the Corporation for services provided, except as reimbursed for actual out-of-pocket expenses incurred in performing such services, as approved by the President.

ARTICLE V

PROVISIONS REGARDING ARTICLES OF INCORPORATION AND BYLAWS

Section 5.1. Effective Date. These Bylaws shall become effective only upon the occurrence of the following events:

(1) the approval of these Bylaws by the City Council; and

(2) the adoption of these Bylaws by the Board of Directors.

Section 5.2. Amendments to Bylaws. These Bylaws may be amended at any time and from time to time by majority vote of the directors then in office with approval of the City Council, or by the City Council, itself, at the sole discretion of the City Council.

Section 5.3. Interpretation of Bylaws. These Bylaws shall be liberally construed to effectuate the purposes set forth herein. If any word, phrase, clause, sentence, paragraph, section, or other part of these Bylaws, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these Bylaws and the application of such word, phrase, clause, sentence, paragraph, section, or other part of these Bylaws to any other person or circumstance shall not be affected thereby.

ARTICLE VI

GENERAL PROVISIONS

Section 6.1. Principal Office. The principal office of the Corporation shall be located at the principal offices of the City.

Section 6.2. Fiscal Year. The fiscal year of the Corporation shall coincide with the fiscal year of the City.

Section 6.3. Seal. The seal of the Corporation shall be as determined by the Board of Directors.

Section 6.4. Notice and Waiver of Notice. Whenever any notice whatsoever is required to be given to the Board of Directors under the Act, the Articles of Incorporation, or these Bylaws, such notice shall be deemed to be sufficient if given by depositing it in a post office box in a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address, as it appears on the books of the Corporation, and such notice shall be deemed to have been given on the day of such mailing.

Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. A waiver of notice in writing, signed by the person or persons entitled to notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Neither the business to be transacted at nor the purpose of any regular or special meeting of the Board of Directors need be specified in the notice of such meeting, unless required by the Board of Directors.

If any notice whatsoever is required to be given to the public by law, such notice shall be given in the manner prescribed by law.

Section 6.5. Resignations. Any appointed director may resign at any time. Such resignation shall be made in writing directed to the City Manager and the president of the Corporation. A resignation shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the City Manager and the president. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 6.6. Approval of the City Council. To the extent these Bylaws refer to any approval or other action to be taken by the City, such approval or action shall be

evidenced by a certified copy of a resolution or ordinance duly adopted by the City Council.

Section 6.7. Organizational Control. The City, at its sole discretion, and at any time, may alter or change the structure, organization, or activities of the Corporation (including the dissolution of the Corporation), subject to any limitation on the impairment of contracts entered into by such Corporation.

Agenda Information Sheet

File #: 18-549 **Item #:** 56.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Execute the casting of lots to identify the recommended vendor resulting from tie bids on line 1 for bid BC1801 for a three- year master agreement for the purchase of heartworm medications for Dallas Animal Services - Butler Animal Health Supply, LLC, dba Henry Schein Animal Health and Midwest Veterinary Supply, Inc. - Financing: No cost consideration to the City

BACKGROUND

This action is not intended to make an award, but to execute the casting of lots to identify a vendor for each of the lines for which the City has received identical bids. This process is being executed in accordance with Texas Local Government Code, Section 271.901. This section of the Texas local Government Code states, in part:

- The municipality must select identical bids by the casting of lots
- The casting of lots must be in the presence of the governing body of the municipality
- If one of the bidders submitting an identical bid is a resident of the municipality, the municipality must select that bidder

This particular solicitation resulted in identical bids from vendors located outside the City limits.

Once the vendor(s) are selected for each line by a casting of lots, a recommendation will be presented to City Council for award on September 26, 2018.

PROCUREMENT INFORMATION

The Office of Procurement Services received the following bids from solicitation number BC1801. We opened them on June 1, 2018.

Bidders	Address	Tie Bid Lines
Butler Animal Health Supply, LLC, dba Henry Schein Animal Health	400 Metro Place North Dublin, OH 43017	Line 1
Midwest Veterinary Supply, Inc.	21467 Holyoke Ave. Lakeville, MN 55044	Line 1

OWNERS

Butler Animal Health Supply, LLC, dba Henry Schein Animal Health

Francis Dirksmeier, President
Michael S. Ethinger, Secretary
Sean Henderson, Treasurer

Midwest Veterinary Supply, Inc.

Guy Flickinges, President
Paul Crary, Vice President
Scott Davis, Secretary

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Agenda Information Sheet

File #: 18-723 **Item #:** 57.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize a two-year Cotton Bowl Stadium Use Agreement with ESPN Productions Inc., a Delaware corporation, for ESPN to conduct the SERVPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 with specified National Collegiate Athletic Association football teams from the Big Ten, Big 12, Conference USA or other conferences, including the advertising, broadcasting, news media, and promotion activities - Not to exceed $300,000.00 - Financing: General Fund (subject to annual appropriations)

BACKGROUND

The first Cotton Bowl collegiate game was held on January 1, 1937 at the Cotton Bowl Stadium. A bowl game has been held at the stadium each year since, except in 2010. The Cotton Bowl Stadium has hosted more bowl games than any other stadium in the United States, with the exception of the Rose Bowl.

ESPN Productions Inc. (ESPN) has expressed a commitment to contract with the City to host the 2018 and 2019 SERVPRO First Responders Bowl games at the Cotton Bowl Stadium with specified National Collegiate Athletic Association (NCAA) football conferences. In consideration for the completion and compliance of said functions, the City will commit to funding in a total amount of $300,000 ($150,000 per year for two years) to be used towards stipends for the participating universities, subject to annual approval and appropriation by the City Council. As with the agreement, the bowl game stipends for participating universities will continue to be funded by Park and Recreation Department general fund dollars.

On November 14, 2012, the City and the Heart of Dallas, a Texas non-profit corporation, entered into a Chapter 380 Economic Development Grant Agreement to facilitate the Heart of Dallas Bowl at Cotton Bowl Stadium hosting teams from the Big Ten, Big 12 or Conference USA.

In 2013, ESPN took over management and operation of the annual Zaxby's Heart of Dallas Bowl under the Chapter 380 Agreement which expired in June 2018. On August 13, 2018, the bowl game was rebranded as the SERVPRO First Responders Bowl.

According to Visit Dallas, the bowl game between Utah and West Virginia, played on December 26, 2017 had an economic impact of $7,024,513. The bowl game between Army and North Texas, played on December 27, 2016 had a total economic impact of $5,903,619. The bowl game between Washington and Southern Mississippi, played on December 26, 2015 had a total economic impact of $8,151,430 and the bowl game between Louisiana Tech and Illinois, played on December 26, 2014 had an economic impact of $14,890,630.

Since 2012, the annual stipend for the bowl game has been funded through the the Chapter 380 Program and the Park and Recreation Department's General Fund budget. While a new agreement could be executed through a Chapter 380 Program agreement, the program guidelines adopted in 2016 were modified from the requirements that were in place in 2012, making the bowl game funding a non-conforming use.

A stadium use agreement is a more appropriate and consistent model for funding the bowl game. The City currently funds an annual stipend in support of the Red River Showdown football game between the University of Texas and Oklahoma University through a Cotton Bowl Stadium Use Agreement. The proposed agreement for the SERVPRO First Responders Bowl will be modeled after the University of Texas-Oklahoma University game agreement.

The proposed agreement is subject to the following key terms:

(a) ESPN shall contract with the City to host the annual SERVPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 with specified NCAA football conferences in 2018 and 2019

(b) ESPN shall organize, conduct, and manage advertising, broadcasting, news media, promotional activities and other such related game functions

(c) The City shall provide an annual game stipend for each participating conference payable in two installments of $150,000 each in December 2018 and December 2019

- The first installment will be payable in December 2018 upon completion and verification of ESPN bringing teams in from the Big Ten, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park
- The second installment will be payable in December 2019 upon completion and verification of ESPN bringing teams in from the Big Ten, Big 12 or Conference USA to play in the SERVEPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park

(d) The agreement is subject to approval and appropriation by the City Council

(e) The City reserves the right to terminate the agreement due to non-appropriation; provided

however ESPN shall have the right, upon advance written notice and City consent, to proceed to conduct the bowl event at its election without the City's appropriation

On June 25, 2018, the Quality of Life, Arts and Culture Committee was briefed by memorandum that the TPID had agreed to provide a percentage of lodging revenues actualized up to $200,000 annually which could increase or be reduced based on game attendance and lodging revenue.

The proposed action carries out the direction of the Park and Recreation Board and the Quality of Life, Arts and Culture Committee to reduce the public contribution while seeking outside funding sources.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 14, 2012, City Council authorized an economic development grant agreement with The HOFD, Incorporated pursuant to the City's Public/Private Partnership Program for participating universities from the Big Ten, Big 12 or Conference USA subject to the annual New Year's Day Bowl Game at the Cotton Bowl, by Resolution No. 12-2785.

On November 2, 2017, the Park and Recreation Board was briefed on the history of the bowl games and future Chapter 380 Economic Development Grant Agreement funding options.

On February 1, 2018, the Park and Recreation Board authorized staff to work with the Office of Economic Development to seek the reauthorization of a Chapter 380 Economic Development Grant Agreement with ESPN and for staff to seek additional match funding sources, specifically the Tourism Public Improvement District.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on February 26, 2018.

On February 28, 2018, City Council remanded this item to the Quality of Life, Arts and Culture Committee by Resolution No. 18-0376.

On March 26, 2018, the Quality of Life, Arts and Culture Committee was briefed on the Heart of Dallas Bowl. Staff was directed to partner with the Dallas Sports Commission and Visit Dallas to engage the Tourism Public Improvement District Board as a potential funding source to help offset public support.

On June 25, 2018, the Quality of Life, Arts and Culture Committee was briefed by memorandum and recommended that City Council consider authorizing a Chapter 380 Economic Development Grant Agreement, in an amount not to exceed $300,000 ($150,000 in 2018 and $150,000 in 2019).

On August 8, 2018, the City Council deferred an item seeking authorization of a Chapter 380 Economic Development Grant Agreement to September 12, 2018.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on August 27, 2018.

FISCAL INFORMATION

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General Fund - $300,000.00
FY 2018-19: $150,000.00 (subject to annual appropriations)
FY 2019-20: $150,000.00 (subject to annual appropriations)

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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 ESPN Productions Inc. (ESPN), a Delaware corporation, desire to enter into a two-year Cotton Bowl Stadium Use agreement to have ESPN conduct the SERVPRO First Responders Bowl Game (formerly known as the Plains Capital Heart of Dallas Bowl game or Zaxby's Heart of Dallas Bowl) during the 2018 and 2019 Collegiate Football Bowl Seasons; and

WHEREAS, holding activities throughout the year, including regular season and bowl season collegiate football games such as the SERVPRO First Responders Bowl Game at the Cotton Bowl Stadium, along with the advertising, broadcasting, news media, and promotion activities related to such activities and games, attracts tourists to the CITY and Fair Park, increases business opportunities throughout the City, and portrays and promotes the City and Fair Park in a positive fashion; and

WHEREAS, since January 1, 1937, the Cotton Bowl Stadium has hosted more bowl games than any other stadium in the United States, except for the Rose Bowl, hosting a bowl game during the college bowl season each year since, except in 2010; and

WHEREAS, the CITY has been a third-party beneficiary participant to other games held in the Cotton Bowl, including through State Fair/Texas-Oklahoma Cotton Bowl Stadium Agreement related to the Red River Showdown during the State Fair, and has provided annual funding of a game fee for each university, subject to the annual game being played at the Cotton Bowl through 2025; and

WHEREAS, the CITY has also been a third-party beneficiary participant to the State Fair/Grambling State/Prairie View Cotton Bowl Stadium Agreement and has provided annual funding of a game fee for each university, subject to the annual game being played at the Cotton Bowl through 2025; and

WHEREAS, previously, on November 14, 2012, the CITY and the Heart of Dallas, a Texas non-profit corporation, entered into a Chapter 380 Economic Development Grant Agreement to facilitate the Heart of Dallas Bowl at Cotton Bowl Stadium hosting teams from the Big Ten, Big 12 or Conference USA;

WHEREAS, in 2013, ESPN took over management and operation of the Plains Capital Bank Heart of Dallas Bowl and in 2014 Zaxby's became the title sponsor of the Bowl; and

WHEREAS, the final game subject to the Chapter 380 Economic Development Grant Agreement was played on December 26, 2017; and

WHEREAS, since 2012, the annual stipend for the bowl game has been funded through the Park and Recreation Department's General Fund budget. While a new agreement could be executed through a Chapter 380 Program agreement, the program guidelines adopted in 2016 include more stringent requirements than were in place in 2012, making the bowl game funding a non-conforming use. A stadium use agreement is a more appropriate and consistent model for funding the bowl game. The City currently funds an annual stipend in support of the Red River Showdown football game between the University of Texas and Oklahoma University through a Cotton Bowl Stadium Use Agreement. The proposed agreement for the SERVPRO First Responders Bowl will be modeled after the Texas-OU game agreement; and

WHEREAS, according to Visit Dallas, the bowl game on December 26, 2017 between Utah and West Virginia had an economic impact of $7,024,513, the bowl game on December 27, 2016 between Army and North Texas had a total economic impact of $5,903,619; the bowl game between Washington and Southern Mississippi, played on December 26, 2015 had a total economic impact of $8,151,430; and the bowl game on December 26, 2014 between Louisiana Tech and Illinois had an economic impact of $14,890,630; and

WHEREAS, the CITY and ESPN desire to continue their partnership to host the newly announced SERVPRO First Responders bowl games at the Cotton Bowl Stadium with specified National Collegiate Athletic Association (NCAA) football conferences during December 2018 and December 2019; and

WHEREAS, in consideration for ESPN conducting the SERVPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park in 2018 and 2019 with specified NCAA football conferences, including the advertising, broadcasting, news media, and promotion activities, the CITY shall participate in hosting the game by providing an annual game stipend for each participating conference payable in two installments of $150,000 each in December 2018 and December 2019.

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a two-year Cotton Bowl Stadium Use Agreement with ESPN Productions, Inc., a Delaware corporation, approved as to form by the City Attorney, for ESPN to conduct the SERVPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 with specified NCAA football teams from the Big Ten, Big 12, Conference USA or other conferences, including the advertising, broadcasting, news media, and promotion activities.

SECTION 2. That the salient terms and conditions of the Cotton Bowl Stadium Use Agreement are:

(a) ESPN shall contract with the City to host the annual SERVPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 with specified NCAA football conferences in 2018 and 2019

(b) ESPN shall organize, conduct, and manage advertising, broadcasting, news media, promotional activities and other such related game functions

(c) The City shall provide an annual game stipend for each participating conference payable in two installments of $150,000.00 each in December 2018 and December 2019
- The first installment will be payable in December 2018 upon completion and verification of ESPN bringing teams in from the Big Ten, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park
- The second installment will be payable in December 2019 upon completion and verification of ESPN bringing teams in from the Big Ten, Big 12 or Conference USA to play in the SERVEPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park

(d) The agreement is subject to approval and appropriation by the City Council

(e) The City reserves the right to terminate the agreement due to non-appropriation; provided however ESPN shall have the right, upon advance written notice and City consent, to proceed to conduct the bowl event at its election without the City's appropriation

SECTION 3. That the City Manager is hereby authorized to provide annual funding beginning in 2018 through 2019, in the amounts as set forth in SECTION 4 below, subject to the games being played at the Cotton Bowl Stadium and annual appropriation of funding by the City Council.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds to ESPN Productions Inc. in an amount not to exceed $300,000.00 ($150,000.00 in Fiscal Year 2018-19 and $150,000.00 in Fiscal Year 2019-20) (subject to annual appropriations) from General Fund, Fund 0001, Department PKR, Unit 5208, Object 3099, Vendor VC18227.

SECTION 5. That this contract is designated as Contract No. PKR-2018-00007680.

SECTION 6. That the commitments for funding set forth in this resolution shall be terminated by the City Manager, without liability in the event of non-appropriation of such subsequent funding by the City Council; provided, however, the City Manager is hereby authorized to include such funding in the proposed budget submissions to the City Council.

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 #: 18-697 **Item #:** 58.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize a Chapter 380 Economic Development Grant Agreement with ESPN Productions Inc. in consideration of bringing teams from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 pursuant to the City of Dallas Public/Private Partnership Program - Not to exceed $300,000.00 - Financing: General Funds (subject to annual appropriations) (This item was deferred on August 8, 2018)

BACKGROUND

The first Cotton Bowl collegiate game was held on January 1, 1937 at the Cotton Bowl Stadium with the Texas Christian University Horned Frogs defeating the Marquette Golden Avalanche, 16-6. A bowl game has been held at the Cotton Bowl Stadium each year since, except in 2010. The Cotton Bowl Stadium has hosted more bowl games than any other stadium in the United States, with the exception of the Rose Bowl.

On November 14, 2012, the City of Dallas (City) and the Heart of Dallas, a Texas non-profit corporation, entered into a Chapter 380 Economic Development Grant Agreement. Under the authority of Chapter 380 of the Texas Local Government Code (the "Act), the City has made grants of public money to: (1) promote local economic development; and (2) stimulate business and commercial activity in the City; more particularly within the South Dallas/Fair Park area. The City desired to provide an economic incentive to the Heart of Dallas to bring teams from the Big 10, Big 12, or Conference USA to play in an annual bowl game at Cotton Bowl Stadium which would also help promote development and diversification of the economy, elimination of unemployment and underemployment and development and expansion of commerce.

The Heart of Dallas expressed a commitment to contract with the City to host bowl games with specified National Collegiate Athletic Association (NCAA) football conferences and in consideration for the completion and compliance of said functions, the City committed to make an economic development grant to the Heart of Dallas of $400,000, renewed for up to five additional 12-month periods and subject to annual approval and appropriation by the City Council and continued statutory

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authorization of the incentive under the Act.

In 2013, ESPN Productions Inc. (ESPN) took over management and operation of the Plains Capital Heart of Dallas Bowl and in 2014 Zaxby's became the title sponsor. On December 26, 2017, the final bowl game was played under the Chapter 380 Economic Development Grant Agreement between the City and Heart of Dallas/ESPN.

According to Visit Dallas, the bowl game between Utah and West Virginia on December 26, 2017 had an economic impact of $7,024,513. The bowl game between Army and North Texas on December 27, 2016 had a total economic impact of $5,903,619 and the bowl game between Louisiana Tech and Illinois played on December 26, 2014 had an economic impact of $14,890,630.

Via a separate agreement, the Heart of Dallas/ESPN has two years remaining in a six-year partnership agreement with the Big 12 (seventh selection), Big 10 (ninth selection) and Conference USA. Remaining matchups include Conference USA versus Big 10 in 2018 and Conference USA versus Big 12.

On November 2, 2017, the Park and Recreation Board was briefed on the history of the bowl games and future Chapter 380 Economic Development Grant Agreement funding options. Staff recommended that a new two-year funding agreement be pursued in an amount of $800,000 ($400,000 in 2018 and $400,000 in 2019), as a shorter term would result in better aligning of City interests with contract terms of any new agreement between ESPN and the college conferences.

Information on the proposed two-year funding agreement with ESPN was provided to the Quality of Life, Arts and Culture Committee on February 26, 2018 and on February 28, 2018 City Council remanded the item to Quality of Life, Arts and Culture Committee to pursue alternative funding sources.

The Quality of Life, Arts and Culture Committee received a briefing on the bowl game history, attendance and economic impact on March 26, 2018 and were directed to partner with the Dallas Sport

On June 25, 2018, the Quality of Life, Arts and Culture Committee was briefed by memorandum that the TPID had agreed to provide a percentage of lodging revenues actualized up to $200,000 annually which could increase or be reduced based on game attendance and lodging revenue.

The City of Dallas commitment was proposed at $150,000 each year and the Quality of Life, Culture and Arts Committee recommended that City Council consider authorizing a Chapter 380 Economic Development Grant Agreement, not to exceed $300,000.

The proposed Chapter 380 Economic Development Grant Agreement is subject to the following key terms:

1. The grant shall be payable in two installments of $150,000 each in December 2018 and December 2019

    - The first installment will be payable in December 2018 upon completion and verification of

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ESPN bringing teams in from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park to promote with the City, and in particular within the South Dallas/Fair Park area that will promote development and diversification of the economy; elimination of unemployment and underemployment; and development and expansion of commerce

- The second installment will be payable in December 2019 upon completion and verification of ESPN bringing teams in from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park to promote with the City, and in particularly within the South Dallas/Fair Park area that will promote development and diversification of the economy; elimination of unemployment and underemployment; and development and expansion of commerce

2. ESPN shall contract with the City to host bowl games at the Cotton Bowl Stadium with specified NCAA football conferences in 2018 and 2019
3. ESPN shall organize and manage advertising, broadcasting, news media, promotional activities and other such related game functions
4. The grant shall renew each year for up to one additional 12-month period, subject to approval and appropriation by the City Council
5. Continued statutory authorization of this incentive under the Act
6. ESPN shall host the annual bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019

Pursuant to the City's Public/Private Partnership (PPP) Program, Guidelines and Criteria (effective for the period of January 1, 2018 through December 31, 2018) the project does not meet the minimum eligibility requirements for a non-target area. Notwithstanding, the project represents a unique economic development opportunity and, as such is considered a “Non-Conforming Project” pursuant to the PPP Program. As a Non-Conforming Project, the proposed Grant requires approval by a three -fourths vote of the City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 14, 2012, City Council authorized an economic development grant agreement with The HOFD, Incorporated pursuant to the City's Public/Private Partnership Program for participating universities from the Big 10, Big 12 or Conference USA subject to the annual New Year’s Day Bowl Game at the Cotton Bowl, by Resolution No. 12-2785.

On November 2, 2017, the Park and Recreation Board was briefed on the history of the bowl games and future Chapter 380 Economic Development Grant Agreement funding options.

On February 1, 2018, the Park and Recreation Board authorized staff to work with the Office of Economic Development to seek the reauthorization of a Chapter 380 Economic Development Grant Agreement with ESPN and for staff to seek additional match funding sources, specifically the Tourism Public Improvement District.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on February 26, 2018.

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On February 28, 2018, City Council remanded this item to the Quality of Life, Arts and Culture Committee by Resolution No. 18-0376.

On March 26, 2018, the Quality of Life, Arts and Culture Committee was briefed on the Heart of Dallas Bowl. Staff was directed to partner with the Dallas Sports Commission and Visit Dallas to engage the Tourism Public Improvement District Board as a potential funding source to help offset public support.

On June 25, 2018, the Quality of Life, Arts and Culture Committee was briefed by memorandum and recommended that City Council consider authorizing a Chapter 380 Economic Development Grant Agreement, in an amount not to exceed $300,000 ($150,000 in 2018 and $150,000 in 2019).

On August 8, 2018, this item was deferred by Councilmember Tennell Atkins.

FISCAL INFORMATION

General Funds - $300,000.00
FY 2018-19: $150,000.00 (subject to annual appropriations)
FY 2019-20: $150,000.00 (subject to annual appropriations)

WHEREAS, under the authority of Chapter 380 of the Texas Local Government Code, the City of Dallas has made grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas, and more particularly within the South Dallas/Fair Park area; and

WHEREAS, on November 14, 2012, City Council authorized an economic development grant with The HOFD, Incorporated to bring teams from the Big 10, Big 12 or Conference USA to play their annual New Year's Day bowl game at the Cotton Bowl Stadium in Fair Park by Resolution No. 12-2785; and

WHEREAS, holding the games at the Cotton Bowl Stadium, along with advertising, broadcasting, news media, and promotion activities related to the Heart of Dallas Bowl game, attracts tourists to the City and Fair Park, increases business opportunities throughout the City, and portrays the City in a positive fashion; and

WHEREAS, in 2013, ESPN Productions Inc. (ESPN) took over management and operation of the Plains Capital Bank Heart of Dallas Bowl and in 2014 Zaxby's became the title sponsor of the Bowl; and

WHEREAS, on December 14, 2016, City Council adopted a new Public/Private Partnership Program Guidelines and Criteria for the period of January 1, 2017 through December 31, 2018, unless new Guidelines to the Public/Private Partnership Program are adopted before such date pursuant to the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A., Tax Code Chapter 312) and other incentives intended to promote private investment, tax base growth and job creation by Resolution No. 16-1984; and

WHEREAS, according to Visit Dallas, the bowl game on December 26, 2017 between Utah and West Virginia had an economic impact of $7,024,513, the bowl game on December 27, 2016 between Army and North Texas had a total economic impact of $5,903,619; and the bowl game on December 26, 2014 between Louisiana Tech and Illinois had an economic impact of $14,890,630; and

WHEREAS, ESPN has expressed a commitment to contract with the City of Dallas to host bowl games at the Cotton Bowl Stadium with specified football conferences in December 2018 and December 2019 in exchange for certain considerations.

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 Chapter 380 Economic Development Grant Agreement with ESPN Productions Inc., approved as to form by the City Attorney, in consideration of bringing teams from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium at Fair Park in December 2018 and December 2019 pursuant to the City of Dallas' Public/Private Partnership Program.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a Chapter 380 Economic Development Grant Agreement with ESPN, approved as to form by the City Attorney.

SECTION 3. That the City Manager is hereby authorized to provide annual funding beginning in 2018 through 2019, in the amounts as set forth in SECTION 4 below, subject to the games being played at the Cotton Bowl Stadium and annual appropriation of funding by the City Council.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds to ESPN Productions Inc. in an amount not to exceed $300,000 ($150,000 in Fiscal Year 2018-19 and $150,000 in Fiscal Year 2019-20) (subject to annual appropriations) from General Fund, Fund 0001, Department PKR, Unit 5208, Object 3016, Vendor VC18227.

SECTION 5. That this contract is designated as Contract No. PKR-2018-00005409.

SECTION 6. That the commitments for funding set forth in this resolution shall be terminated by the City Manager, without liability in the event of non-appropriation of such subsequent funding by the City Council; provided, however, the City Manager is hereby authorized to include such funding in the proposed budget submissions to the City Council.

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 #: 18-738 **Item #:** 59.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 917 for MU-2 Mixed Use District uses and a consolidated rental car facility, on the northwest line of Manor Way, between Maple Avenue and Denton Drive
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan and conditions
Z167-308(JM)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, SEPTEMBER 12, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-308(JM) **DATE FILED:** May 23, 2017

LOCATION: Northwest line of Manor Way, between Maple Avenue and Denton Drive

COUNCIL DISTRICT: 2 **MAPSCO:** 34 P

SIZE OF REQUEST: ±16.8 Acres **CENSUS TRACT:** 4.06

APPLICANT/OWNER: DFL Denton, LLC

REPRESENTATIVES: Tommy Mann & David Martin, Winstead PC

REQUEST: An application for an amendment to Planned Development District No. 917 for MU-2 Mixed Use District uses and a consolidated rental car facility.

SUMMARY: The purpose of this request is to allow for a new use, consolidated rental car facility, where customers can rent or return a vehicle and be provided shuttle service to and from the Dallas Love Field Airport. Proposed changes to development standards for the new use include: **(1)** exemption from the urban form setback and tower spacing; **(2)** an increase in height to 90 feet and 10 stories; **(3)** to allow a 2.0 floor area ratio (FAR); and, **(4)** removal of the articulation requirement.

STAFF RECOMMENDATION: **Approval**, subject to a revised conceptual plan and conditions.

CPC RECOMMENDATION: **Approval**, subject to a revised conceptual plan and conditions.

BACKGROUND INFORMATION:

- On August 27, 2014, the City Council approved Planned Development District No. 917. The PD is comprised of various lots with a total of 16.8 acres and street frontage along Denton Drive, Manor Way, Maple Avenue, and Egan Avenue.
- The subject site contains 16.8 acres developed with office and office showroom/warehouse uses within multiple structures, located approximately one mile from the Dallas Love Field Airport.
- An amendment is proposed to allow for a new use, a consolidated rental car facility, where customers can rent or return a vehicle and be provided shuttle service to and from the Dallas Love Field Airport.
- Proposed changes to development standards for the new use include: **(1)** exemption from the urban form setback and tower spacing; **(2)** an increase in height to 90 feet and 10 stories; **(3)** to allow a 2.0 floor area ratio (FAR); and, **(4)** removal of the articulation requirement.

Zoning History: There have been 11 zoning changes at ten sites in the area within the last five years.

1. **Z134-292** & **Z167-341**: On November 12, 2014, the City Council denied a request for an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant; on October 11, 2017, the City Council approved an ordinance granting an MF-2(A) Multifamily District on property zoned an IR Industrial Research District located on the northwest side of Kimsey Drive, northeast of Maple Avenue.

2. **Z145-172**: On October 28, 2015, the City Council approved an ordinance granting an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, located on the southeast line of Kimsey Drive, northeast of Maple Avenue.

3. **Z156-279**: On November 9, 2016, the City Council approved your client's application and an ordinance granting an amendment to Planned Development District No. 759 for RR Regional Retail District uses, located in an area generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue.

4. **Z167-223**: On June 28, 2017, the City Council approved your application for an MF-2(A) Multifamily District on property zoned an IR Industrial Research District, located on the south side of Lake June Road, west of North St. Augustine Drive. on the northwest line of Kimsey Drive, northeast of Maple Avenue.

5. **Z167-304**: On August 23, 2017, the City Council approved your application for an MF-2(A) Multifamily District on property zoned an IR Industrial Research District, located on the northwest line of Kimsey Drive, northeast of Maple Avenue.

6. **Z167-305**: On August 23, 2017, the City Council approved your application for an MF-2(A) Multifamily District on property zoned an IR Industrial Research District, located on the northwest line of Kimsey Drive, northeast of Maple Avenue.

7. **Z167-348**: On October 25, 2017, the City Council approved an ordinance granting an MF-2(A) Multifamily District on property zoned an IR Industrial Research District, located on the northwest line of Kimsey Drive, northeast of Maple Avenue.

8. **Z167-349**: On December 13, 2017, the City Council approved an ordinance granting an MF-2(A) Multifamily District on property zoned an IR Industrial Research District, located on the south line of Kimsey Drive, northeast of Maple Avenue.

9. **Z178-220**: On June 27, 2018, the City Council approved an ordinance granting an MF-2(A) Multifamily District on property zoned an IR Industrial Research District, located on the south line of Kimsey Drive, northeast of Maple Avenue.

10. **Z178-251**: An application for an MF-2(A) Multifamily District on property zoned an IR Industrial Research District, located on the northwest line of Kimsey Drive, northeast of Maple Avenue. Pending City Council August 22, 2018.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Denton Drive	Local	56 feet	--
Manor Way	Local	50 feet	--
Maple Avenue	Collector	60 feet	60 feet
Egan Avenue	Local	50 feet	--

Traffic:

A Traffic Impact Analysis was submitted with the request. 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 Comprehensive Plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The applicant's request complies with the following goals, policies, and implementation measures of the Comprehensive Plan.

LAND USE

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.4 Capitalize on transit oriented development opportunities.

Implementation Measure 1.1.4.1 Maximize development opportunities around DART stations.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.3 Encourage transit oriented developments and transit centers.

Area Plans

The property is situated within the boundary of the *Stemmons Corridor-Southwestern Medical District Area Plan*, adopted by the City Council on June 10, 2010. The approximate 3,885-acre site is generally bounded by the Trinity River, Mockingbird Lane, the downtown area, and Uptown.

The *Consensus Development Vision* for the site and immediate area is anticipated to accommodate Business Center or Corridor type uses. Generally, these structures are large office towers visible form Stemmons Freeway.

The current request would allow up to a 10-story building with a use that is highly supportive of the dramatic economic engine within the Medical District.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 917	Office and warehouse.
North	IR	Office showroom/warehouse, vacant, vehicle display, sales, and service, vehicle or engine repair or maintenance, and auto service center
East	IR	Restaurant w/o drive-through, car rental, animal shelter, outside storage, industrial inside, and office showroom/warehouse
South	IR, WR-5, CS, PD No. 909, MU-2	Office showroom/warehouse, office, animal shelter, and multifamily
West	MU-2, PD No. 759, IR	Mini-warehouse, auto-related, office showroom/warehouse and vacant (office)

Land Use Compatibility:

The subject site contains 16.8 acres developed with office and office showroom/warehouse uses within multiple structures, located approximately one mile from the Dallas Love Field Airport. The surrounding area is predominately zoned an IR Industrial Research District, which is largely contains research and development, light industrial, office, and supporting commercial uses.

The site is surrounded by a mix of uses including office showroom/warehouse, vehicle display, sales, and service, vehicle or engine repair or maintenance, and auto service center to the north; restaurant without drive-through, vehicle display, sales, and service (car rental), animal shelter, outside storage, industrial inside, and office showroom/warehouse to the east; office, office showroom/warehouse, animal shelter, and multifamily to the south; and, mini-warehouse, auto-related (commercial parking lot), office showroom/warehouse, and vacant building to the west.

The amendment is proposed to allow for a new use, a consolidated rental car facility, where customers can rent or return a vehicle and be provided shuttle service to and from the Dallas Love Field Airport. Operations would include the maintenance and storage of vehicles, but no engine or body work.

Development Standards:

Proposed changes to development standards for the new use include: **(1)** exemption from the urban form setback and tower spacing; **(2)** an increase in height from 65 feet to 90 feet and 10 stories; **(3)** to allow a 2.0 floor area ratio (FAR); and, **(4)** removal of the articulation requirement. A development plan will be required, but the applicant has chosen to return with the plan at a later date.

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: PD-MU-2	15'	20' adj. to res.; OTHER: no minimum	For Retail & Personal Service: 0.6 to 0.8	65'	80%	Revised urban form and tower spacing	Mixed uses
Proposed: PD-MU-2 for consolidated rental car facility (CONRAC)	15'	No min.	2.0	90' 10 stories	80%	RPS Visual Intrusion	Consolidated rental car facility
For Reference-Surrounding: IR Industrial Research	15'	30' adj. To residential OTHER: No min	0.5 for rps .75 combo 2.0 all other	200' 15 stories	80%	RPS Visual Intrusion	Research and development, light industrial, office, and supporting commercial uses

(1) Exemption from the urban form setback and tower spacing:

The existing PD regulation is that urban form setback and tower spacing apply after reaching a height of 60 feet; however, the existing maximum height is 65 feet. Typical urban form setback and tower spacing begins at 45 feet. While the standards exist, they only serve to regulate up to five feet of the structure height. The standards seem unimpactful in this sense. While the proposed structure is requested to increase, the essential standards never truly existed for the site. Before being rezoned to a PD for MU-2 uses, the site was zoned an IR Industrial Research District. In the IR District, there is no urban form setback or tower spacing required. Additionally, surrounding properties largely retain the IR District standards; thereby, the standards are not typical of the surrounding area.

(2) An increase in height from 65 feet to 90 feet and 10 stories:

The existing height standard of 65 feet is inconsistent with both the MU-2 (135 to 180 feet depending on the mix of uses) and IR Districts (200 feet). The current request is to increase the allowable height to 90 feet, which seems diminutive in comparison to surrounding development rights in the IR District. The allowable stories are now stated for the proposed use (10 stories). No stories were previously noted in the PD.

(3) To allow a 2.0 floor area ratio (FAR):

A vehicle display, sales, and service use is categorized as a retail and personal service use. The existing standards in the PD follow a mixed-use ratio for prescribing a floor area ratio. For retail and personal service uses, a maximum of 0.6 FAR is allowed with no mix of uses. The FAR increases to up to 0.8 for a mix of uses including residential. The IR District allows retail and personal service uses up to 0.5 FAR. The current request would allow for the site to be developed partially or entirely with the proposed use, exempt from the mixed-use element, with 2.0 FAR. Since a vast portion of the proposed use involves the storage/display of vehicles coming into and going out of the facility, a significant amount of floor area is required to maintain the use. All other uses would remain subject to the mixed-use chart for floor area ratio determinations.

(4) Removal of the articulation requirement

Notification for the original request included removal of the articulation standard which requires that street-facing facades must be set back a minimum depth of two feet for a minimum distance of ten feet for every 75 feet of facade length. This element of the request has been rescinded and the site will comply with the design standard.

The proposed changes to the PD harken an attempt to offer additional flexibility in the redevelopment of the site. The changes are similar to the original and surrounding zoning of the IR District. The standards within the PD still apply to mixed-use projects. In summary of this analysis, staff supports the request, subject to the attached revised conceptual plan and conditions.

Landscaping:

PD No. 917 requires compliance with Article X, in addition to requiring one large tree having a caliper of at least three inches for each 25 feet of street frontage. Additionally, street trees, at planting, must have an eight-foot-high clearance over a sidewalk and rain harvesting techniques must be used as either a primary or supplemental landscape irrigation source to capture on-site storm water runoff.

Off-Street Parking:

A parking ratio for the new consolidated rental car facility of one parking space for each 333 square feet of floor area used as office, customer service area, or lobby, was found appropriate by the Engineering Division. The Denton/Inwood DART Station is situated approximately 2,500 feet south/southeast of the site, as measured along the Denton Drive right-of-way.

CPC Action
August 2, 2018

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 917 for MU-2 Mixed Use District uses and a consolidated rental car facility, subject to a revised conceptual plan and conditions on the northwest line of Manor Way, between Maple Avenue and Denton Drive.

Maker: Rieves
Second: Mack
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Housewright, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 1 - Tarpley
Vacancy: 1 - District 8
Conflict: 1 - Jung

Notices: Area: 500 Mailed: 56
Replies: For: 1 Against: 0

Speakers: For: Tommy Mann, 500 Winstead Bldg., Dallas, TX, 75201
Against: None

List of Officers

OFFICERS AND DIRECTORS

Owner: DLF Denton, LLC

DLF DENTON MANAGER, LLC	MANAGER
• Brian Bergersen	Manager

4830-3711-6745v.1
49308-6 5/22/2017

Z167-308

CPC Recommended Conditions

ARTICLE 917.
PD 917.

SEC. 51P-917.101. LEGISLATIVE HISTORY.

PD 917 was established by Ordinance No. 29434, passed by the Dallas City Council on August 27, 2014. (Ord. 29434)

SEC. 51P-917.102. PROPERTY LOCATION AND SIZE.

PD 917 is established on property located on the northwest line of Manor Way between Maple Avenue and Denton Drive. The size of PD 917 is approximately 16.797 acres. (Ord. 29434)

SEC. 51P-917.103. DEFINITIONS AND INTERPRETATIONS.

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

(1) AWNING SIGN means a sign attached to, painted on, or otherwise applied to an awning.

(2) BLADE SIGN means a sign projecting perpendicularly from a building facade, visible from both sides, and made of rigid or soft materials.

(3) FLASHING MOTION SIGN means a sign displaying static designs, messages, or advertisements and may include LED/LCD elements, slide lettering, slated rotating surfaces, or other changeable message technology that changes the static display.

(4) PROJECTING SIGN means an attached sign other than a rooftop sign projecting more than 18 inches from a building.

(5) ROOFTOP SIGN means a sign that is attached by sign supports to the roof of a building.

(6) WINDOW SIGN means a sign temporarily or permanently painted onto or affixed to a window.

(7) CONSOLIDATED RENTAL CAR FACILITY means a facility for the renting, storing, maintenance, fueling, and washing of automobiles including accessory office, customer service area and lobby, surface parking, parking structures, automobile washing areas, automobile maintenance areas, and shuttles for customers to and from the facility. Automobile maintenance shall not include engine or body repairs.

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

(c) This district is considered to be a nonresidential zoning district. (Ord. 29434)

SEC. 51P-917.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 917A: conceptual plan. (Ord. 29434)

SEC. 51P-917.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 917A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls. (Ord. 29434)

SEC. 51P-917.106. DEVELOPMENT PLAN.

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls. (Ord. 29434)

SEC. 51P-917.107. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the MU-2 Mixed Use District, subject to the same conditions applicable in the MU-2 Mixed Use District, as set out in Chapter 51A. For example, a use permitted in the MU-2 Mixed Use 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 MU-2 Mixed Use District is subject to DIR in this district; etc.

(b) Multifamily uses are only allowed on portions of the Property located within a day-night average (DNL) sound level contour of 60 dBA or less as shown on the airport noise maps at the time the development plan is submitted for approval by the city plan commission. The area with the day-night average sound level contour of 60 dBA or less must be shown on the development plan.

(c) A consolidated rental car facility is a permitted use and considered to be a commercial and business service use.

(d) In this district, a commercial parking lot or garage is a commercial and business service use.

(e) ~~(c)~~ The following use is prohibited:

-- General merchandise or food store 100,000 square feet or more. (Ord. 29434)

SEC. 51P-917.108. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. (Ord. 29434)

SEC. 51P-917.109. 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~~yard, lot, and space regulations for the MU-2 Mixed Use District apply.

(b) Urban form setback.

(1) For that portion of a structure over 60 feet in height, an additional 20-foot front yard setback is required. This urban form setback is in addition to the setbacks required in Subsections (a) and (b).

(2) No urban form setback is required for a consolidated rental car facility or a commercial parking lot or garage.

(c) Tower spacing.

(1) For that portion of a structure over 60 feet in height, an additional side and rear yard setback of one foot for each two feet in height above 60 feet is required up to a maximum side or rear yard setback of 30 feet.

(2) No tower spacing is required for a consolidated rental car facility or a commercial parking lot or garage.

(d) Height. ~~Maximum~~

(1) Unless otherwise provided in this section, maximum structure height is 65 feet.

(2) For a consolidated rental car facility and a commercial parking lot or garage, maximum structure height is 90 feet.

(3) For a consolidated rental car facility and a commercial parking lot or garage, maximum number of stories is 10.

(4) The following structures may project a maximum of 12 feet above the maximum structure height:

(A) ~~(1)~~ elevator penthouse or bulkhead.

(B) ~~(2)~~ mechanical equipment room.

(C) ~~(3)~~ cooling tower.

(D) ~~(4)~~ tank designed to hold liquids.

(E) ~~(5)~~ visual screens which surround roof mounted mechanical equipment.

(F) ~~(6)~~ chimney and vent stacks.

(G) ~~(7)~~ parapet wall (limited to a height of four feet).

(e) Density. Maximum dwelling unit density is 75 units per acre.

(f) Floor area ratio.

(1) Except as provided in this subsection, maximum floor area ratio (FAR) varies depending on whether the development is a mixed-use project as follows:

[Note: The first column is the base FAR, which applies when there is no mixed use project MUP. The second column (MUP=2/no res.) is the FAR for a MUP with a mix of two use categories when neither category is residential. The third column (MUP=2/with res.) is the FAR for a MUP with a mix of residential plus one other use category. The fourth column (MUP=3/no res.) is the FAR for a MUP with a mix three or more use categories when no category is residential. The fifth column (MUP=3/with res.) is the FAR for a MUP with a mix of residential plus two or more other use categories. A MUP with three use categories must include a residential use.]

Use category	Base (no MUP)	MUP=2 (no res.)	MUP=2 (with res.)	MUP=3 (no res.)	MUP=3 (with res.)
Lodging	1.6	1.7	1.8	1.8	1.9
Office	1.6	1.7	1.8	1.8	1.9
Residential	no max.	n/a	no max.	n/a	no max.
Retail and Personal service	0.6	0.7	0.7	0.8	0.8
Total	1.6	1.8	2.0	2.0	2.25

(2) Maximum FAR for a consolidated rental car facility is 2.0.

(g) Traffic impact analysis. Before the issuance of a building permit that exceeds one of the amounts provided in Table (g)(1) below, a traffic impact analysis using a maximum build-out of the Property must be provided to the building official.

Table (g)(1)

Land Use	Amount	Unit
Residential Uses	600	Dwelling Units
Lodging Uses	250	Rooms
Retail and Personal Service Uses	50,000	Square Feet
Office Uses	300,000	Square Feet

The following equivalency table can be used to exchange land use totals up to the limits in Table (g)(1) (The equivalency table can be used to convert between any of the land uses listed):

Table (g)(2)

		Quantity	Use (ITE Land Use)
One Residential Dwelling Unit (ITE Land Use 220)	Is Considered Equivalent To:	1.0 guest room	Lodging uses (310)
		165 square feet	Retail and personal uses (820)
		420 square feet	Office uses (710)

Example: 100 residential dwelling units can be exchanged for 16,500 square feet of retail or personal service uses, or 42,000 square feet of office uses.

Example: 1,000 square feet of office floor area can be exchanged for 393 square feet of retail or personal service floor area or 2.4 residential dwelling units.

The above table was developed by comparing the average p.m. peak hour trip generation for each use, using data from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition. Equivalencies for other land uses not reflected in the table may be made by citing the data in the Trip Generation Manual, 9th or newer Edition. (Ord. 29434)

SEC. 51P-917.110. OFF-STREET PARKING AND LOADING.

(a) ~~Consult~~Unless otherwise provided, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. (Ord. 29434)

(b) For a consolidated rental car facility, one parking space is required for each 333 square feet of floor area used as office, customer service area, or lobby.

SEC. 51P-917.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 29434)

SEC. 51P-917.112. URBAN DESIGN STANDARDS.

(a) In general. Regulations in this section governing landscaping, signs, screening, sidewalks, pedestrian amenities, pedestrian lighting, and utilities apply to new

construction or work on an existing structure that adds more than 5,000 square feet of floor area. For purposes of this subsection, an existing building means a building that was constructed on or before August 27, 2014.

(b) Street-facing facades.

(1) For each street-level office or retail or personal service use, the street-facing facades must have clear glazing that covers a minimum of:

(A) 70 percent of the facade for a retail or personal service use; and

(B) 40 percent of the facade for an office use.

(2) Street-facing facades must incorporate a minimum of three of the following building elements: pilasters, cornices, string courses, window sills, awnings, lintels, or rustication. Except for awnings, building elements must be constructed of brick, cast stone, stone, ornamental metal, or concrete, or a combination of these materials.

(3) Street-facing facades must be set back a minimum depth of two feet for a minimum distance of ten feet for every 75 feet of facade length.

(c) Street-level story height along Maple Avenue. Minimum street-level story height along Maple Avenue is 12 feet, measured from floor to ceiling.

(d) Building materials.

(1) For street-level office or retail or personal service uses, windows must be clear glass.

(2) The following building materials are prohibited:

(A) imitation stone;

(B) aluminum cladding or siding;

(C) styrofoam sheathing;

(D) vinyl;

(E) plastic siding; and

(F) reflective glass.

(3) The following building materials, individually or combined, may not exceed 25 percent of the total area of a building facade:

(A) wood;

(B) corrugated sheet metal; and

(C) galvanized metal.

(4) Each street-facing facade must be constructed of glass and a minimum of two other materials.

(e) Entrances.

(1) Primary building entrances must face the street.

(2) Awnings, canopies, attached towers, or turrets must be provided over pedestrian building entrances.

(3) For residential street-level uses along Maple Avenue, individual entries with stoops or porches must be provided with direct access to the street by a sidewalk.

(4) For street-level retail and personal service uses along Maple Avenue, main entrances must face and be accessible from Maple Avenue.

(5) No more than one service entrance for every 600 feet of street frontage may be provided along Maple Avenue.

(f) Screening.

(1) Garbage, storage, and loading areas must be screened with masonry walls or opaque plantings that are at least six feet in height at the time of planting and may not be located along Maple Avenue.

(2) Service areas must be enclosed on three sides by a minimum six-foot-high masonry wall and one side with a minimum six-foot-high gate.

(3) Roof-mounted equipment must be set back or screened with masonry walls, opaque planting materials, or other facade materials so that it is not visible from any public right-of-way. (Ord. 29434)

SEC. 51P-917.113. PEDESTRIAN AMENITIES.

(a) A minimum of one bench, one trash receptacle, and one five-bicycle parking rack must be provided for every 300 feet of street frontage, with any fraction of frontage rounding up. For example, a street frontage with 350 feet requires a minimum of two of each of the pedestrian amenities.

(b) Light standards must be spaced between 75 feet and 100 feet apart, with the center of the foundation of the light standard two feet from back of the curb. (Ord. 29434)

SEC. 51P-917.114. LANDSCAPING.

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

(b) Street trees.

(1) One large tree having a caliper of at least three inches must be provided for each 25 feet of street frontage. The building official may approve alternative locations within 30 feet of the Property line if the building official determines utility obstructions prevent planting.

(2) Street trees, at planting, must have an eight-foot-high clearance over a sidewalk.

(3) Rain harvesting techniques must be used as either a primary or supplemental landscape irrigation source to capture on-site storm water runoff.

(c) Maintenance. Plant materials must be maintained in a healthy, growing condition. (Ord. 29434)

SEC. 51P-917.115. SIDEWALKS.

(a) Except as provided in this section, sidewalks must be provided between all street-facing facades and the adjacent rights-of-way.

(b) Sidewalks along Denton Drive are not required.

(c) Sidewalks must be a minimum of seven feet in width and constructed of concrete material. (Ord. 29434)

SEC. 51P-917.116. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) For retail and personal service uses, at least two of the following types of signs are required for each 600 feet of frontage along Maple Avenue: awning signs, projecting signs, window signs, or blade signs, or any combination of these signs.

(c) Rooftop and flashing motion signs are prohibited. (Ord. 29434)

SEC. 51P-917.117. 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. (Ord. 29434)

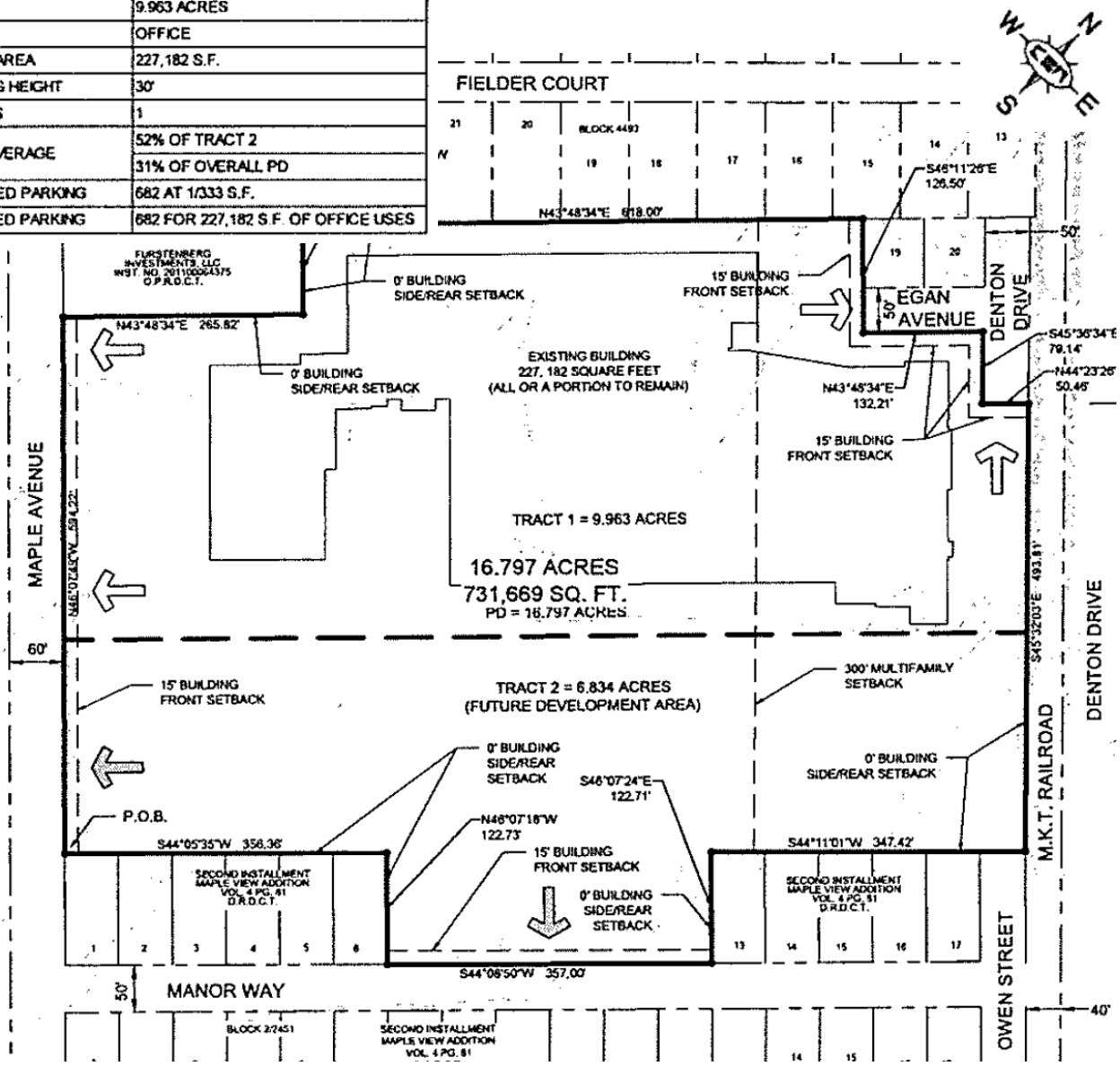
SEC. 51P-917.118. COMPLIANCE WITH CONDITIONS.

(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. (Ord. 29434)

Existing Conceptual Plan

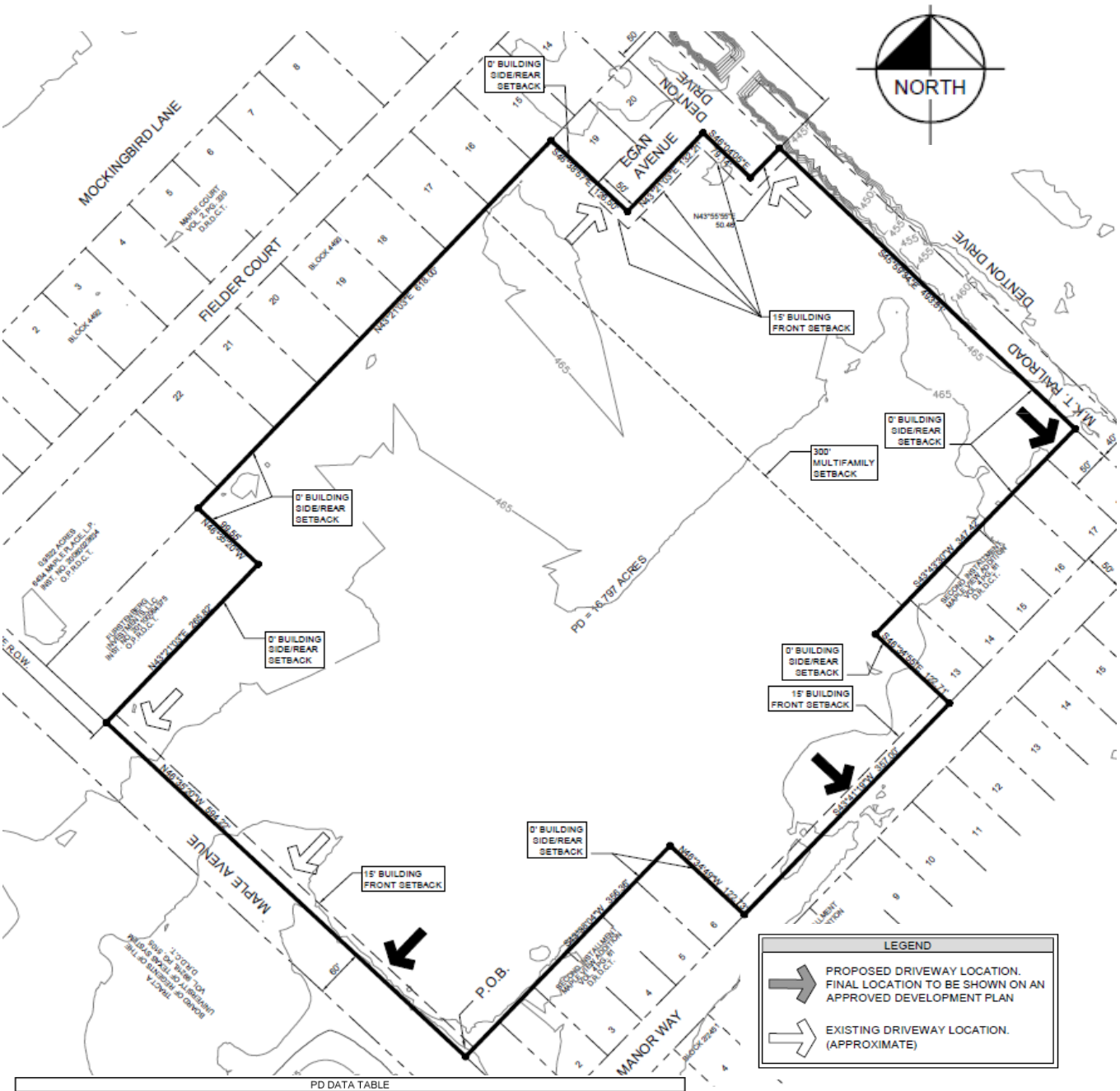
TRACT 1 DATA TABLE	
SITE	9.963 ACRES
USE	OFFICE
FLOOR AREA	227,182 S.F.
BUILDING HEIGHT	30'
STORIES	1
LOT COVERAGE	52% OF TRACT 2
	31% OF OVERALL PD
REQUIRED PARKING	682 AT 1/333 S.F.
PROVIDED PARKING	682 FOR 227,182 S.F. OF OFFICE USES



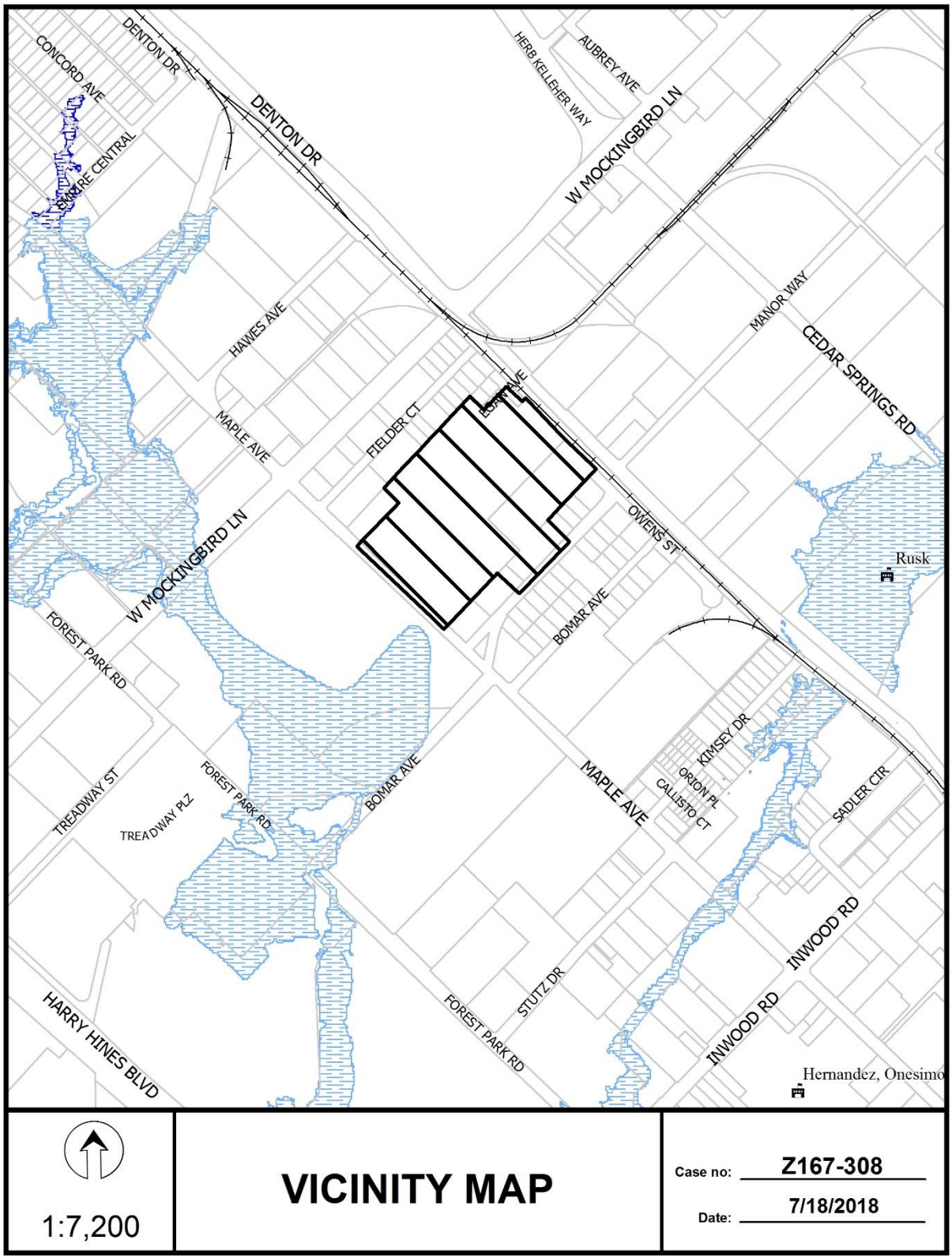
LEGEND	
	PROPOSED DRIVEWAY LOCATION. FINAL LOCATION TO BE SHOWN ON AN APPROVED DEVELOPMENT PLAN
	EXISTING DRIVEWAY LOCATION.

PD DATA TABLE						
SITE	16.797 ACRES					
SETBACKS	MINIMUM PERIMETER SETBACKS AS SHOWN; SEE ORDINANCE FOR ADDITIONAL SETBACKS					
DENSITY	75 DU/ACRE					
FLOOR AREA RATIO*	USE CATEGORY	BASE (NO MUP)	MUP=2 (NO RES.)	MUP=2 (WITH RES.)	MUP=3 (NO RES.)	MUP=3 (WITH RES.)
	LODGING	1.6	1.7	1.8	1.8	1.9
	OFFICE	1.6	1.7	1.8	1.8	1.9
	RESIDENTIAL	N/A	--	N/A	--	N/A
	RETAIL AND PERSONAL SERVICE	0.6	0.7	0.7	0.8	0.8
	TOTAL	1.6	1.8	2.0	2	2.25
HEIGHT	135'-180', DEPENDING ON MIX OF USES					
STORIES	10 WHEN MAXIMUM HEIGHT LIMITED TO 135', 14 WHEN MAXIMUM HEIGHT LIMITED TO 180'					
LOT COVERAGE	80%					
* - SEE ORDINANCE FOR EQUIVALENCY/PHASING PROVISIONS						

Proposed Conceptual Plan



PD DATA TABLE						
SITE	16.797 ACRES					
SETBACKS	MINIMUM PERIMETER SETBACKS AS SHOWN; SEE ORDINANCE FOR ADDITIONAL SETBACKS.					
DENSITY	75 DU/ACRE					
FLOOR AREA RATIO	USE CATEGORY	BASE (NO MUP)	MUP=2 (NO RES.)	MUP=2 (WITH RES.)	MUP=3 (NO RES.)	MUP=3 (WITH RES.)
	LODGING	1.6	1.7	1.8	1.8	1.9
	OFFICE	1.6	1.7	1.8	1.8	1.9
	RESIDENTIAL	N/A	N/A	N/A	N/A	N/A
	RETAIL AND PERSONAL SERVICE	0.6	0.7	0.7	0.8	0.8
	TOTAL (MIXED USE)	1.6	1.8	2.0	2.0	2.25
	CONSOLIDATED RENTAL CAR FACILITY	2.0	2.0	2.0	2.0	2.0
HEIGHT	90 FT. FOR A CONSOLIDATED RENTAL CAR FACILITY/COMMERCIAL PARKING GARAGE; 65 FT. FOR ALL OTHERS.					
STORIES	MAXIMUM OF 10 STORIES FOR A CONSOLIDATED RENTAL CAR FACILITY AND A COMMERCIAL PARKING GARAGE.					
LOT COVERAGE	80%					

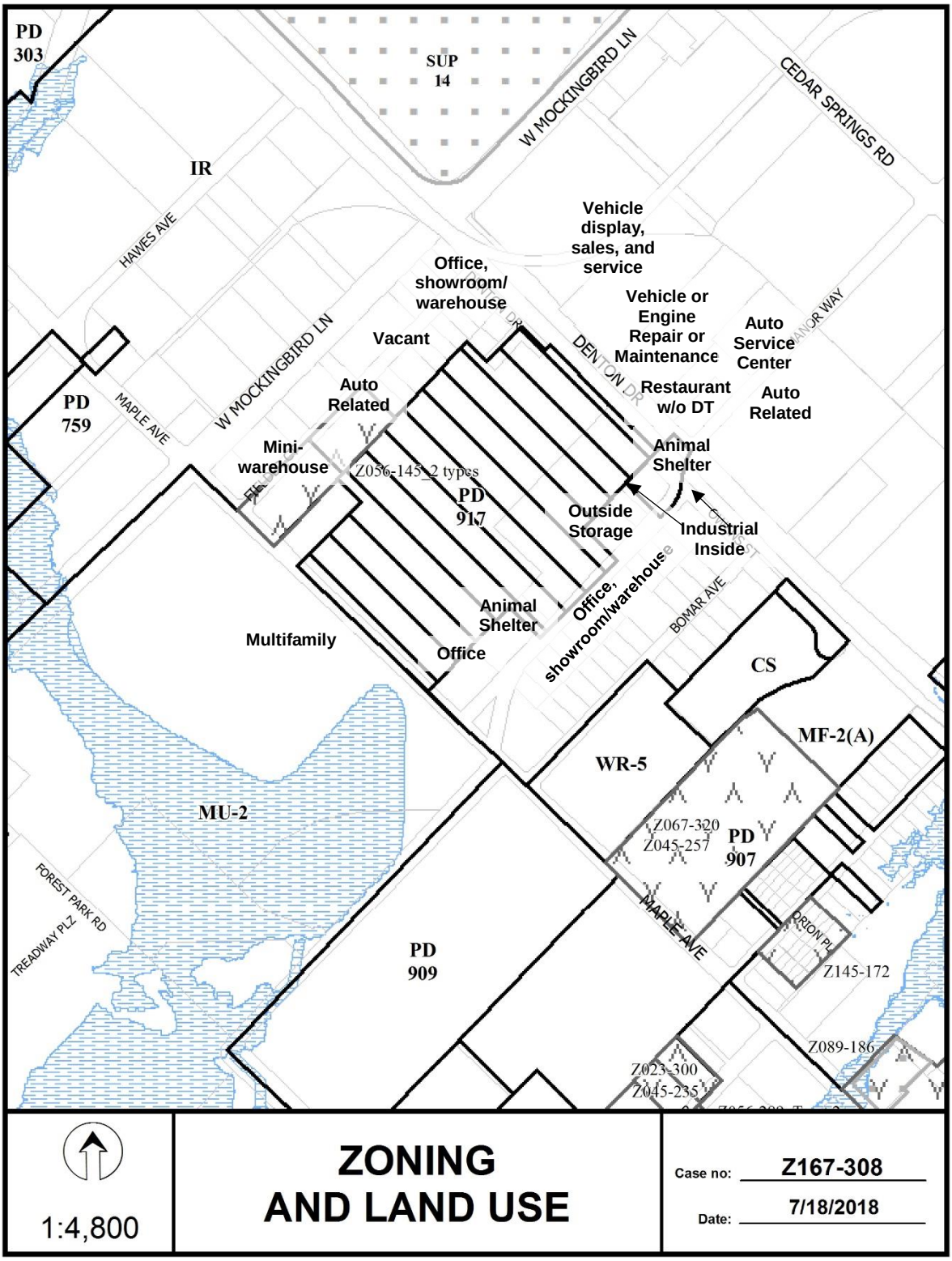

DENTON DR
CONCORD AVE
DENTON DR
HERB KELLEHER WAY
AUBREY AVE
W MOCKINGBIRD LN
LOMMIRE CENTRAL
HAWES AVE
MANOR WAY
CEDAR SPRINGS RD
MAPLE AVE
FIELDER CT
OWENS ST
W MOCKINGBIRD LN
Rusk
FOREST PARK RD
BOMAR AVE
KIMSEY DR
ORION PL
CALLISTO CT
SADLER CIR
TREADWAY ST
TREADWAY PLZ
FOREST PARK RD
BOMAR AVE
MAPLE AVE
INWOOD RD
HARRY HINES BLVD
STUTZ DR
FOREST PARK RD
INWOOD RD
Hernandez, Onesimo
1:7,200
VICINITY MAP
Case no: Z167-308
Date: 7/18/2018

1:4,800

AERIAL MAP

Case no: Z167-308

Date: 7/18/2018


PD 303
SUP 14
W MOCKINGBIRD LN
CEDAR SPRINGS RD
IR
HAWES AVE
Vehicle display, sales, and service
Office, showroom/ warehouse
Vehicle or Engine Repair or Maintenance
Auto Service Center
Vacant
DENTON DR
MANOR WAY
PD 759
MAPLE AVE
W MOCKINGBIRD LN
Auto Related
Restaurant w/o DT
Auto Related
Mini-warehouse
Z056-145_2 types
PD 917
Animal Shelter
Outside Storage
Industrial Inside
Office, showroom/warehouse
BOMAR AVE
Animal Shelter
Multifamily
Office
CS
MF-2(A)
WR-5
MU-2
Z067-320
Z045-257
PD 907
FOREST PARK RD
TREADWAY PLZ
PD 909
MAPLE AVE
ORION PL
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Z089-186
Z023-300
Z045-235
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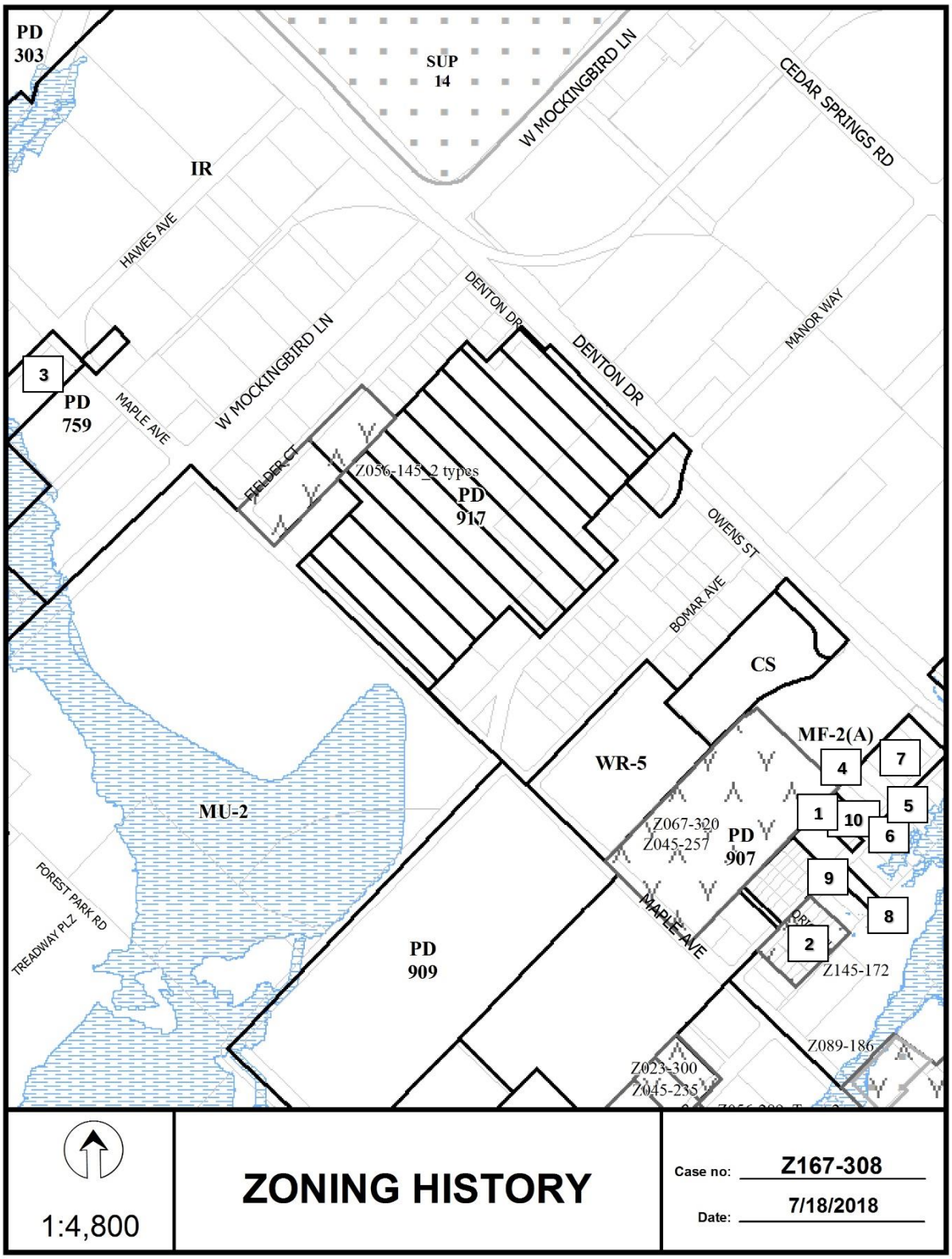
ZONING AND LAND USE
Case no: Z167-308
Date: 7/18/2018


PD 303
SUP 14
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CEDAR SPRINGS RD
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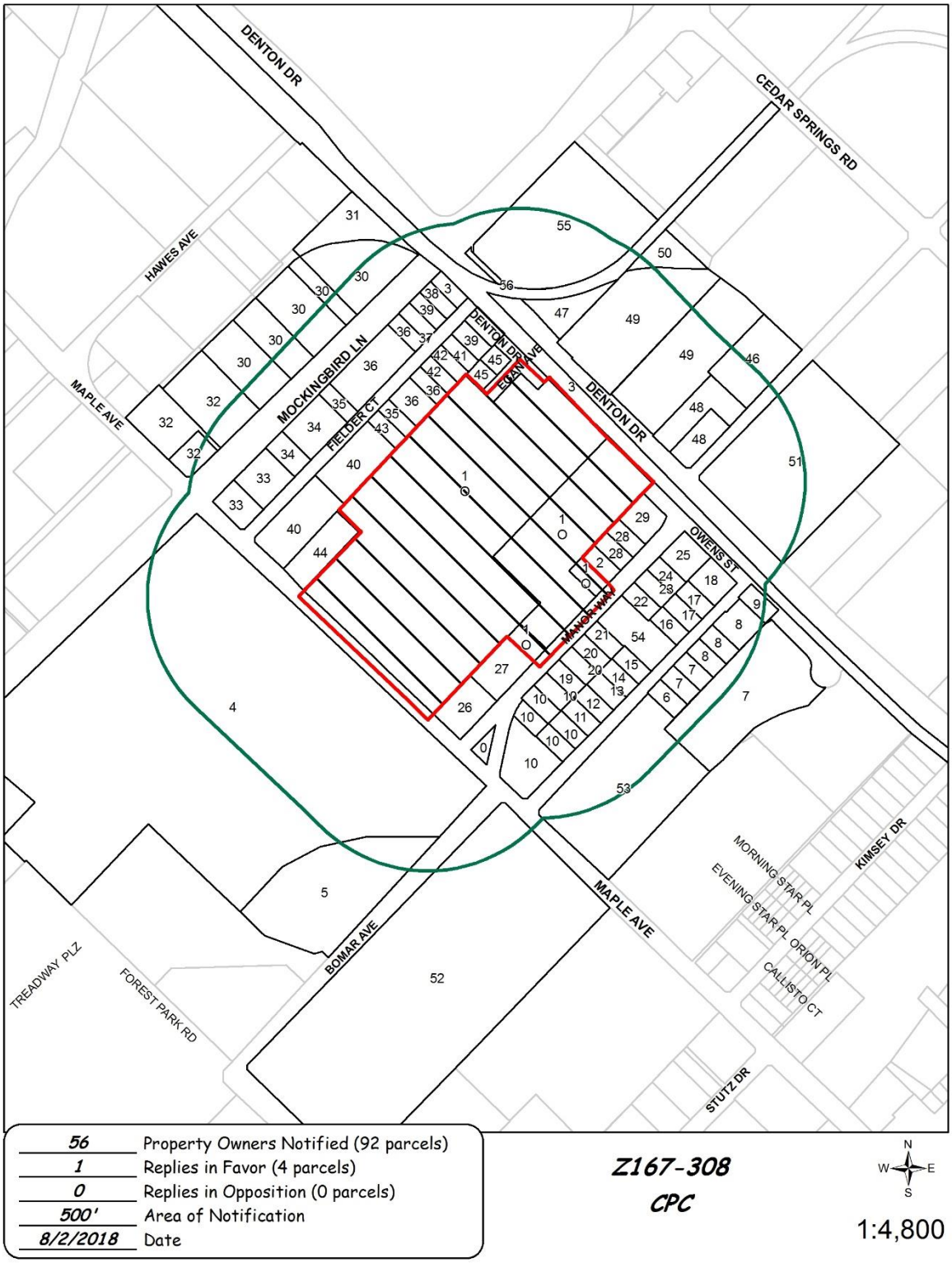
HAWES AVE
DENTON DR
MANOR WAY
3
PD 759
MAPLE AVE
W MOCKINGBIRD LN
FELDER CT
Z056-145_2 types
PD 917
OWENS ST
BOMAR AVE
CS
MF-2(A)
WR-5
4
7
1
10
5
6
Z067-320
Z045-257
PD 907
9
8
MU-2
FOREST PARK RD
TREADWAY PLZ
PD 909
MAPLE AVE
2
Z145-172
Z089-186
Z023-300
Z045-235
1:4,800
ZONING HISTORY
Case no: Z167-308
Date: 7/18/2018

CPC RESPONSES



08/01/2018

Reply List of Property Owners

Z167-308

56 Property Owners Notified ***1 Property Owner in Favor*** ***0 Property Owner Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	2603	MANOR WAY	DLF DENTON LLC
	2	2703	MANOR WAY	2703 MANOR WAY LLC
	3	2728	W MOCKINGBIRD LN	DART
	4	6535	MAPLE AVE	BOARD OF REGENTS OF THE UNIVERSITY
	5	2351	BOMAR AVE	BOARD OFREGENTS OF THE UNIVERSITY
	6	2614	BOMAR AVE	MONTEZ ELIAS
	7	2618	BOMAR AVE	6115 DENTON LLC
	8	2626	BOMAR AVE	KAIM RONALD M
	9	2718	BOMAR AVE	MCCLAIN CAROLYN
	10	6200	MAPLE AVE	MOSHER PROPERTIES LP
	11	2523	BOMAR AVE	MOSHER PPTIES LLC
	12	2603	BOMAR AVE	SMART MORRIS E
	13	2607	BOMAR AVE	MARTIN J C
	14	2611	BOMAR AVE	MARTIN BARRY A & TERRI J
	15	2615	BOMAR AVE	KILPATRICK EQUIPMENT CO
	16	2703	BOMAR AVE	HABITATS BY B & D
	17	2707	BOMAR AVE	6211 OWENS LLC
	18	6211	DENTON DR	6211 OWENS LLC
	19	2602	MANOR WAY	BAUTISTA ROBERT IV
	20	2606	MANOR WAY	SHEPARD HOLDINGS LLC
	21	2612	MANOR WAY	KILPATRICK GEORGE H
	22	2702	MANOR WAY	CZYEA PROPERTIES LLC
	23	2706	MANOR WAY	AFGHANIPOUR SAMAD
	24	2710	MANOR WAY	2710 MANOR WAY LLC
	25	2720	MANOR WAY	SLOAN LEONARD & ASSOC INC
	26	6300	MAPLE AVE	R & L MAPLE ASSOCIATES LC

08/01/2018

Reply	*Label #*	*Address*		*Owner*
	27	2515	MANOR WAY	REYNA FELIPE O
	28	2707	MANOR WAY	DAVIS ROBERT L
	29	2719	MANOR WAY	HUMANE SOCIETY OF DALLAS COUNTY THE
	30	2727	W MOCKINGBIRD LN	SPC MOCKINGBIRD DEPOT
	31	2737	W MOCKINGBIRD LN	CROCKETT COURT CORP
	32	2525	W MOCKINGBIRD LN	LG MAPLE MOCKINGBIRD LLC
	33	2500	W MOCKINGBIRD LN	MELNIC LTD
	34	2526	W MOCKINGBIRD LN	TREVINO PROPERTIES LTD
	35	2616	W MOCKINGBIRD LN	HALLFORD RAY
	36	2626	W MOCKINGBIRD LN	MAPLEBIRD LP
	37	2716	W MOCKINGBIRD LN	T A & A INC
	38	2726	W MOCKINGBIRD LN	VALDES HUGO V REV LIVING TRUST
	39	2720	W MOCKINGBIRD LN	DH MOCKINGBIRD 2720 LLC
	40	6434	MAPLE AVE	6434 MAPLE PLACE LP
	41	2718	FIELDER CT	GARZA ANGEL SERGIO &
	42	2714	FIELDER CT	GARZA VENTURES
	43	2622	FIELDER CT	KELLER JON &
	44	6418	MAPLE AVE	FURSTENBERG INV LLC
	45	2717	EGAN AVE	CANADA WILLIAM RANDALL
	46	2825	MANOR WAY	ARMSTRONG BERGER
	47	6420	DENTON DR	VICEROY STINSON #1 LP
	48	6302	DENTON DR	VICEROY STINSON 1 LP
	49	6414	DENTON DR	VICEROY DELIVERY LP
	50	6410	DENTON DR	VICEROY TRIANGLE LP
	51	6200	DENTON DR	SEWELL CORPORATION
	52	6114	FOREST PARK RD	DALLAS AIRMOTIVE INC
	53	6162	MAPLE AVE	CENTENNIAL 6162 LP
	54	2616	MANOR WAY	TRBA INC
	55	2800	W MOCKINGBIRD LN	STINSON FLP TX PPTY LLC
	56	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT

Agenda Information Sheet

File #: 18-739 **Item #:** 60.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned an MF-2(A) Multifamily Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the south corner of JB Jackson Jr Boulevard and Park Row Avenue
Recommendation of Staff and CPC: Approval for a 10-year period with eligibility for automatic renewals for additional 10-year periods, subject to a site plan and conditions
Z178-193(SM)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, SEPTEMBER 12, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-193(SM) **DATE FILED:** February 26, 2018

LOCATION: South corner of JB Jackson Jr Boulevard and Park Row Avenue

COUNCIL DISTRICT: 7 **MAPSCO:** 46 P

SIZE OF REQUEST: Approx. 2.3 acres **CENSUS TRACT:** 203.00

APPLICANT: Verizon Wireless

OWNER: Fourth Avenue Church of Christ

REPRESENTATIVE: Peter Kavanagh, Zone Systems, Inc.

REQUEST: An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned MF-2(A) Multifamily Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

SUMMARY: The applicant [Verizon Wireless] proposes to construct a cellular communication tower within a concealment tower with an overall height of 85 feet to the southwest of the existing church property. The 25-foot by 52-foot wireless lease area is proposed approximately 360 feet southwest of the south corner of JB Jackson Jr Boulevard and Park Row Avenue and the tower and equipment is proposed to be surrounded by a six-foot-tall concrete masonry unit (CMU) wall to match the church.

CPC RECOMMENDATION: **Approval** for a 10-year period with eligibility for automatic renewals for additional 10-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a 10-year period with eligibility for automatic renewals for additional 10-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The wireless lease site is proposed to be located behind the existing church building.
- The church building was originally constructed in 1990 and expanded in 2005, according to Dallas Central Appraisal District Records.

Zoning History: There have been no recent zoning cases requested in the area in the past five years

Thoroughfares/Streets:

Thoroughfare/Street	Type	Street Width
JB Jackson Jr Boulevard	Local	50' ROW
Park Row Avenue	Local	45' ROW
Trezevant Street	Local	40' ROW
South Trunk Avenue	Local	15' ROW

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.

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.

There are no goals or policies supporting or opposing the request.

Surrounding Land Uses:

Location	PDD No.595 Subdistrict	Land Use
Site	MF-2(A)	Church
Northeast	Community Commercial (CC)	Retail and Drive-through restaurants
Southeast	MF-2(A) with SUP 1511	Transit Station and Single Family
Southwest	MF-2(A) and Community Commercial (CC)	Undeveloped, DART rail line, and Commercial
Northwest	WMU-5	Storage and Undeveloped

Land Use Compatibility:

The subject site is currently developed with an existing church and surface parking lot. The proposed location of the cellular communication tower is to the rear of the church, near the DART light rail line. The 25-foot by 52-foot wireless lease area is proposed approximately 360 feet southwest of the south corner of JB Jackson Jr Boulevard and Park Row Avenue and the tower and equipment is proposed to be surrounded by a six-foot-tall concrete masonry unit (CMU) wall to match the church.

Development of the remainder of the site consists of an existing church and an abutting undeveloped parcel to the southwest. The proposed location of the cellular communication tower is southeast and across a bounding street from an outside storage area. Retail and drive-through restaurants are located to the northeast of the existing church. Surrounding uses to the southeast include three single family homes, three undeveloped parcels, and a transit center. Finally, a small undeveloped parcel abuts the site to the southwest and separates the proposed location of the cellular communication tower from a narrow roadway and the DART light rail line, which physically separates the site from commercial uses located farther southwest with two chain-link fences on each side of the rail line.

Section 51A-4.408 of the Dallas Development Code provides an exception of maximum structure height for utility and public service uses, including a tower/antenna for wireless communication, but requires compliance with residential proximity slope. Therefore, the maximum structure height of 36 feet in the MF-2(A) Multifamily District does not apply to a tower/antenna for cellular communication; however, a one-to-three residential proximity slope (RPS) is required. For the proposed 85-foot tall tower to comply with RPS, it must be placed 255 feet away from the nearest single family, duplex, or townhouse zoned private property, called a *site of origination*. Since the closest site of origination to the proposed cellular communication tower is over 1,000 feet to the southeast, staff's position is the proposed structure is not detrimental to surrounding properties.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant proposes to construct a cellular communication tower at this location to primarily provide additional capacity to users within Fair Park and has provided the coverage maps on the following pages. Generally, the area has adequate coverage that allows users of the nearby Verizon system to have service inside and outside of buildings in the vicinity on a normal basis. However, when the area is inundated with additional users (e. g. during the State Fair of Texas), the current Verizon system cannot accommodate all the users and cellular and data service is not available to the applicant's customers. The applicant's engineer's note that four "sectors serve the southwest side of the Fair Park" and "the State Fair event is not properly served". Therefore, the applicant currently utilizes a cell tower on wheels (COW) to accommodate the need for additional capacity. However, COWs require generators that can produce noise and may not hold as much capacity as the system requires. The proposed cellular communication tower will add six "sectors" to the southwest side of Fair Park.

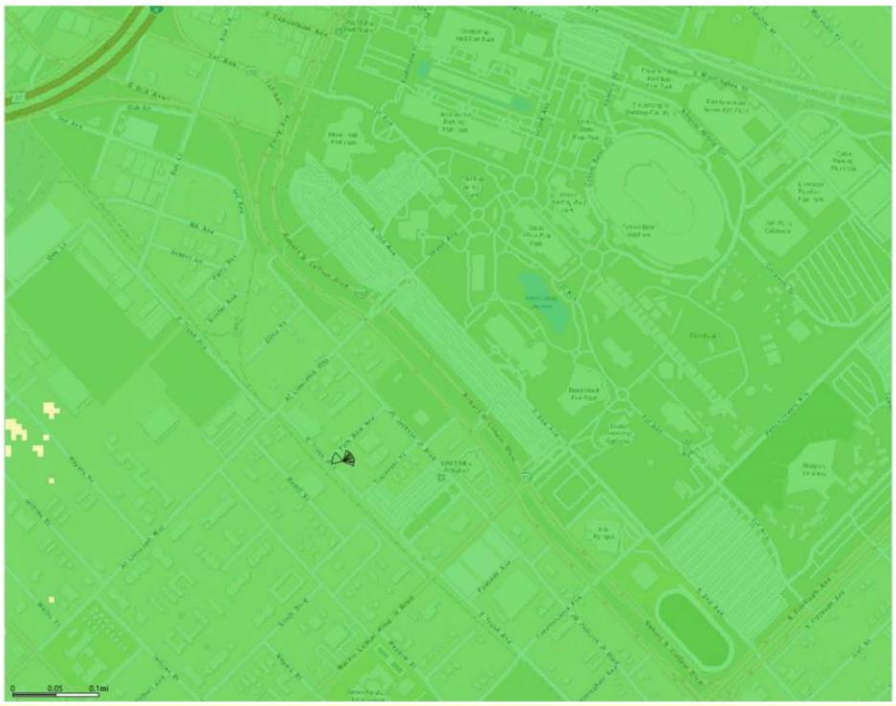
Staff supports the request because (1) the proposed cellular communication tower is located over three times the distance beyond where an residential proximity slope would project from the nearest site of origination, (2) the cellular array is concealed within a pole thus minimizing the visual effect of a cellular platform, (3) the replacement of the cell tower on wheels (COW) which requires a generator for power with a permanent stealth cellular communication tower will improve ambient noise levels where the COW was previously and temporarily in operation, and (4) the public utility service of increased capacity would significantly improve as shown by the following coverage maps.

Parking:

Parking will be provided in accordance to the parking requirements in the Dallas Development Code, as amended, which is one space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment ("auxiliary building") greater than 120 square feet. No auxiliary building is proposed and therefore no additional parking is triggered by the development of this use.

Landscaping: In general, landscaping must be provided in accordance with the landscaping requirements in Article X, as amended. Per the current proposal, the area of request will not be required to provide landscaping because less than 2,000 square feet of non-permeable surface will be installed.

SF_GRAND – 700MHz RSRP Current



RSRP 700 MHz

- Indoor Coverage
- Marginal Indoor/ Outdoor/Vehicle Coverage

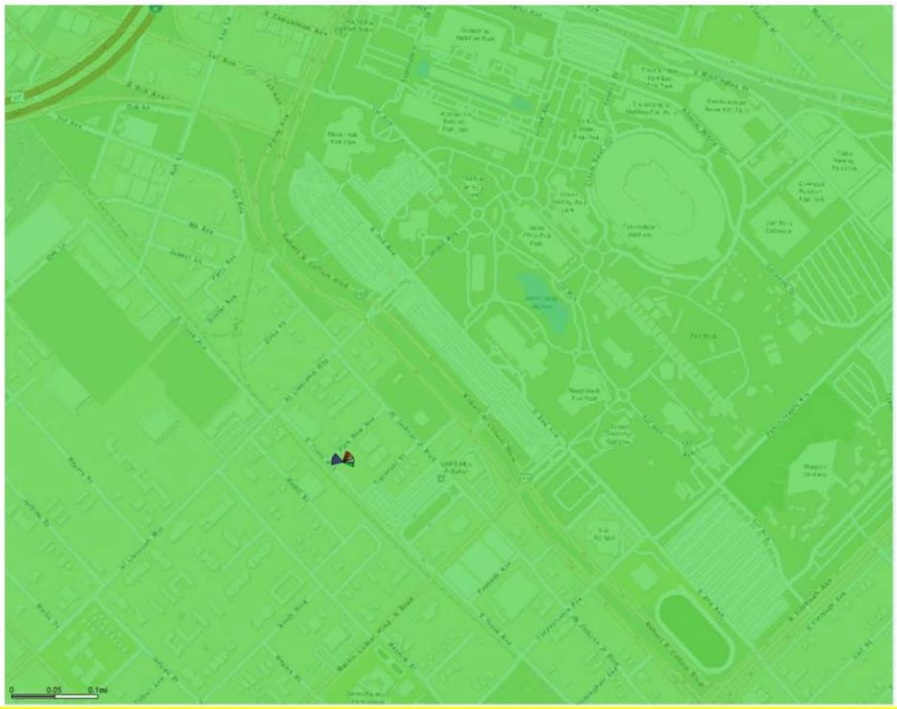
Note: Coverage in the area is mostly adequate. The purpose of the new site SF_GRAND is to increase capacity.

verizon

Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

2

SF_GRAND – 700MHz RSRP Proposed



RSRP 700 MHz

- Indoor Coverage
- Marginal Indoor/ Outdoor/Vehicle Coverage

Note: Coverage in the area is mostly adequate. The purpose of the new site SF_GRAND is to increase capacity.

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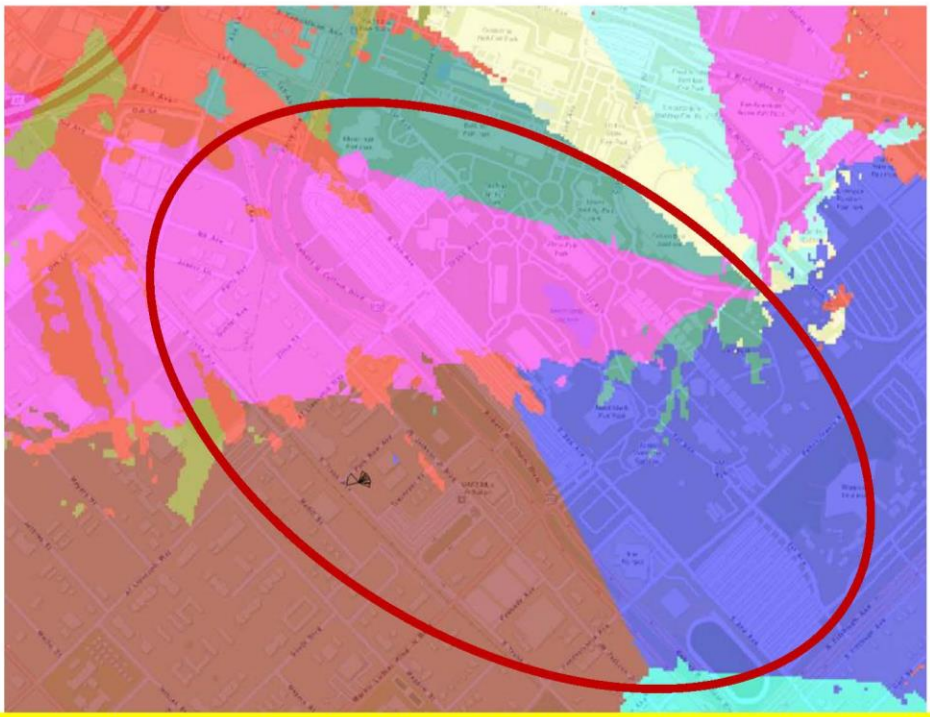
3

SF_GRAND – Best Server 700 MHz Current



Note: Currently 4 sectors serve the southwest side of the Fair Park. As an example the traffic demand during the State Fair event is not properly served. A temporary site have to be deployed every year, which is in service for only 24 days.

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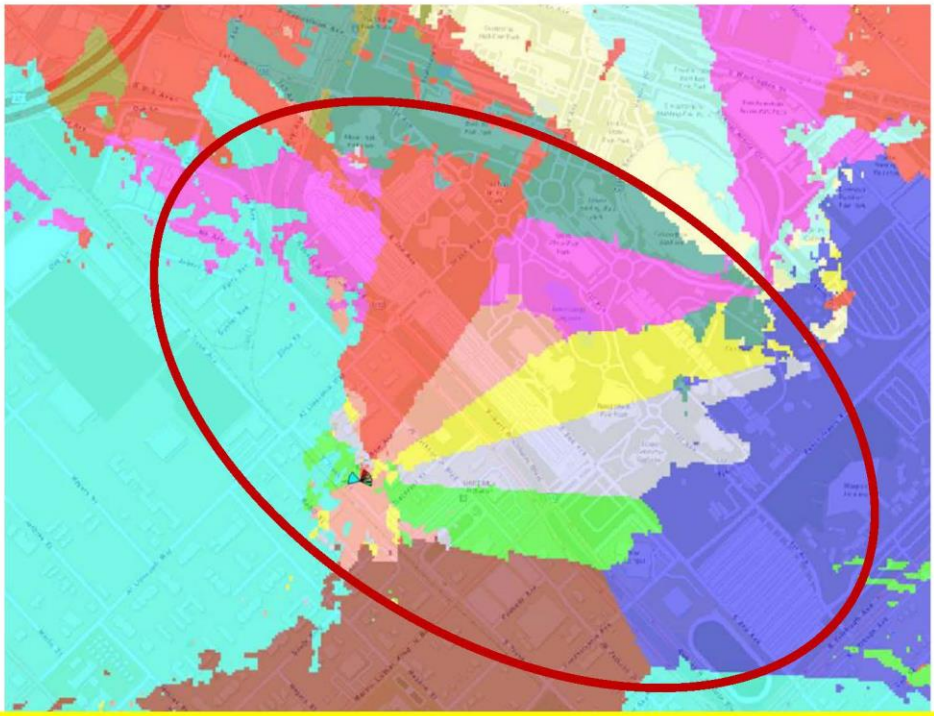
4

SF_GRAND – Best Server 700 MHz Proposed



Note: SF_GRAND adds 6 new sectors for a total of 10 sectors to serve the southwest side of Fair Park. With this new site the traffic demand in the area during the State Fair event and throughout the entire year will be properly supported.

verizon

Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

5

Prior CPC Action – June 21, 2018:

Motion: In considering an application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned an MF-2(A) Multifamily Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the south corner of JB Jackson Jr Boulevard and Park Row Avenue, it was moved to **hold** this case under advisement until August 2, 2018.

Maker: Mack
Second: Rieves
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Schultz*, Peadon, Murphy

Against: 0
Absent: 2 - Ridley, Tarpley
Vacancy: 1 - District 8

Notices: Area: 300 Mailed: 38
Replies: For: 1 Against: 0

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Against: None

Prior CPC Action – August 2, 2018:

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tower/antenna for cellular communication for a 10-year period with eligibility for automatic renewals for additional 10-year periods, subject to a site plan and conditions on property zoned an MF-2(A) Multifamily Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the south corner of JB Jackson Jr Boulevard and Park Row Avenue.

Maker: Mack
Second: Rieves
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy

Against: 0
Absent: 1 - Tarpley
Vacancy: 1 - District 8
Conflict: 1 - Ridley

Notices: Area: 300 Mailed: 38
Replies: For: 1 Against: 3

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Omar Siddiqui, Address not given
Harold Wallace, 8717 Deerwood Dr., Rowlett, TX, 75088
Against: None

List of Officers

Fourth Avenue Church of Christ Shepherds

Bro. Robert Edison and wife Bonnie

Bro. Robert Ivy and wife Effeunia

Bro. Calvin Jones and wife Christell

Bro. Harold Wallace and wife Carol

Verizon Board of Directors

Lowell McAdam
Richard Carrion
Clarence Otis, Jr.
M. Frances Keith
Gregory Weaver
Rodney Slater
Melanie Healey
Kathryn Tesija
Gregory Wasson
Shellye Archambeau
Mark Bertolini

Verizon Executive Officers

Lowell McAdam, Chief Executive Officer
Tim Armstrong, Chief Executive Officer – Oath
Martin Burvill, Senior Vice President
Eric Cevis, Senior Vice President
Kenneth Dixon, Senior Vice President
Ronan Dunne, Executive Vice President
Mathew D. Ellis, Executive Vice President
Tami Erwin, Executive Vice President
George Fischer, Senior Vice President
James Gerace, Chief Communications Officer
Rose Stuckey Kirk, Chief Social Responsibility Officer
Rima Qureshi, Executive Vice President and Chief Strategy Officer
Marc C. Reed, Executive Vice President
Diego Scotti, Executive Vice President
Craig Silliman, Executive Vice President
David Small, Executive Vice President
John G. Stratton, Executive Vice President
Hans Vestberg, Executive Vice President

CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.

3. TIME LIMIT: This specific use permit expires on (ten years from the passage of the ordinance), but is eligible for automatic renewal for additional ten-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 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. COLLOCATION: Any tower/antenna support structure must be constructed to support the antenna arrays for at least two other wireless communications carriers. The tower/antenna support structure must be made available to other wireless communication carriers upon reasonable terms.

5. HEIGHT: The maximum height of a tower/antenna for cellular communication is 85 feet.

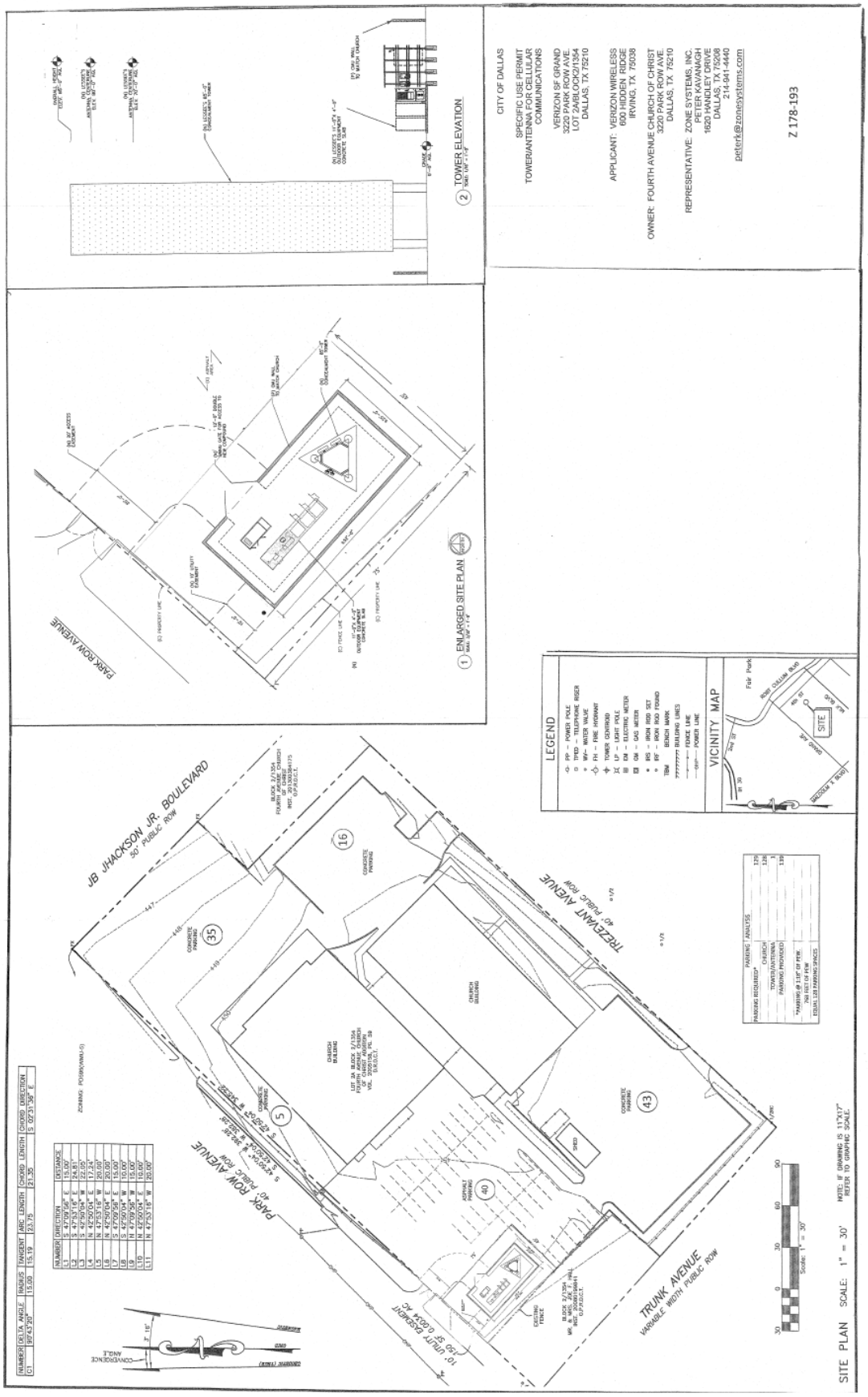
6. SCREENING: The lease area must be screened by a six-foot-tall solid screening fence and secured by a six-foot-tall access gate in the location shown on the attached site plan.

7. STEALTH DESIGN: The tower/antenna for cellular communication must be constructed with a stealth design with the platform concealed within the overall vertical design of the tower.

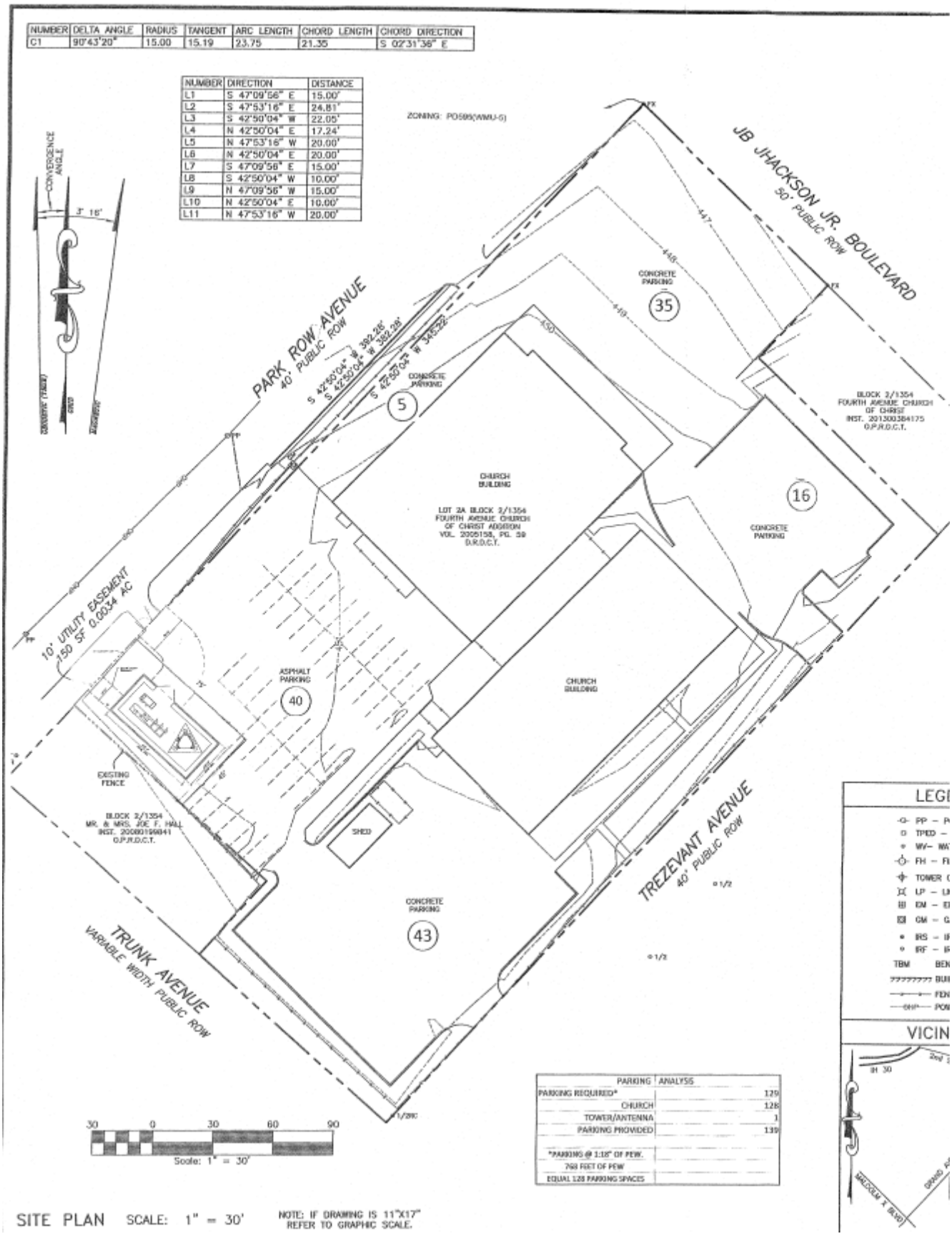
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

CPC RECOMMENDED SITE PLAN



ENLARGED OVERALL SITE PLAN



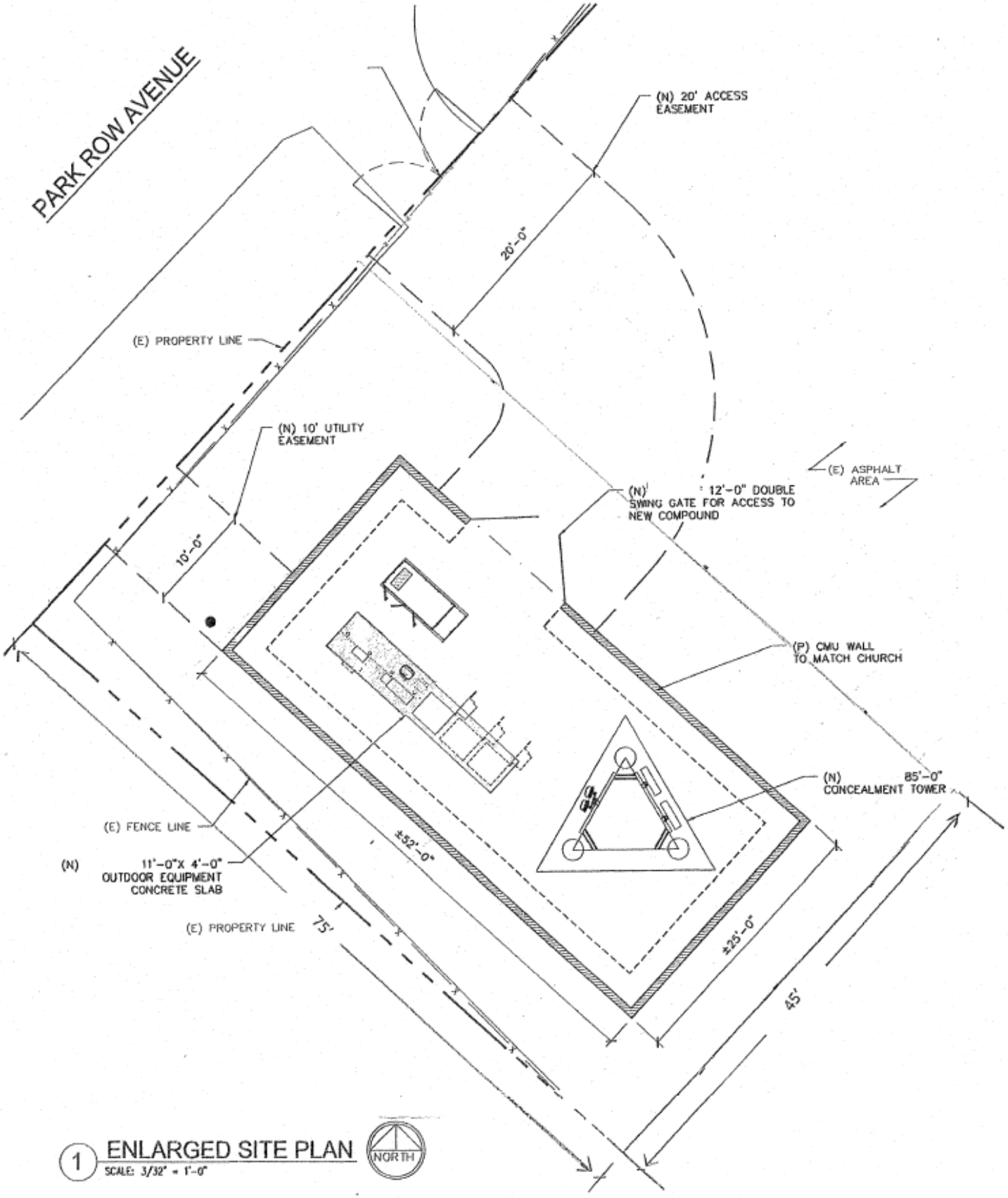
NUMBER	DELTA ANGLE	RADIUS	TANGENT	ARC LENGTH	CHORD LENGTH	CHORD DIRECTION
C1	90°43'20"	15.00	15.19	23.75	21.35	S 02°31'36" E

NUMBER	DIRECTION	DISTANCE
L1	S 47°09'56" E	15.00'
L2	S 47°53'16" E	24.81'
L3	S 42°50'04" W	22.05'
L4	N 42°50'04" E	17.24'
L5	N 47°53'16" W	20.00'
L6	N 42°50'04" E	20.00'
L7	S 47°09'56" E	15.00'
L8	S 42°50'04" W	10.00'
L9	N 47°09'56" W	15.00'
L10	N 42°50'04" E	10.00'
L11	N 47°53'16" W	20.00'

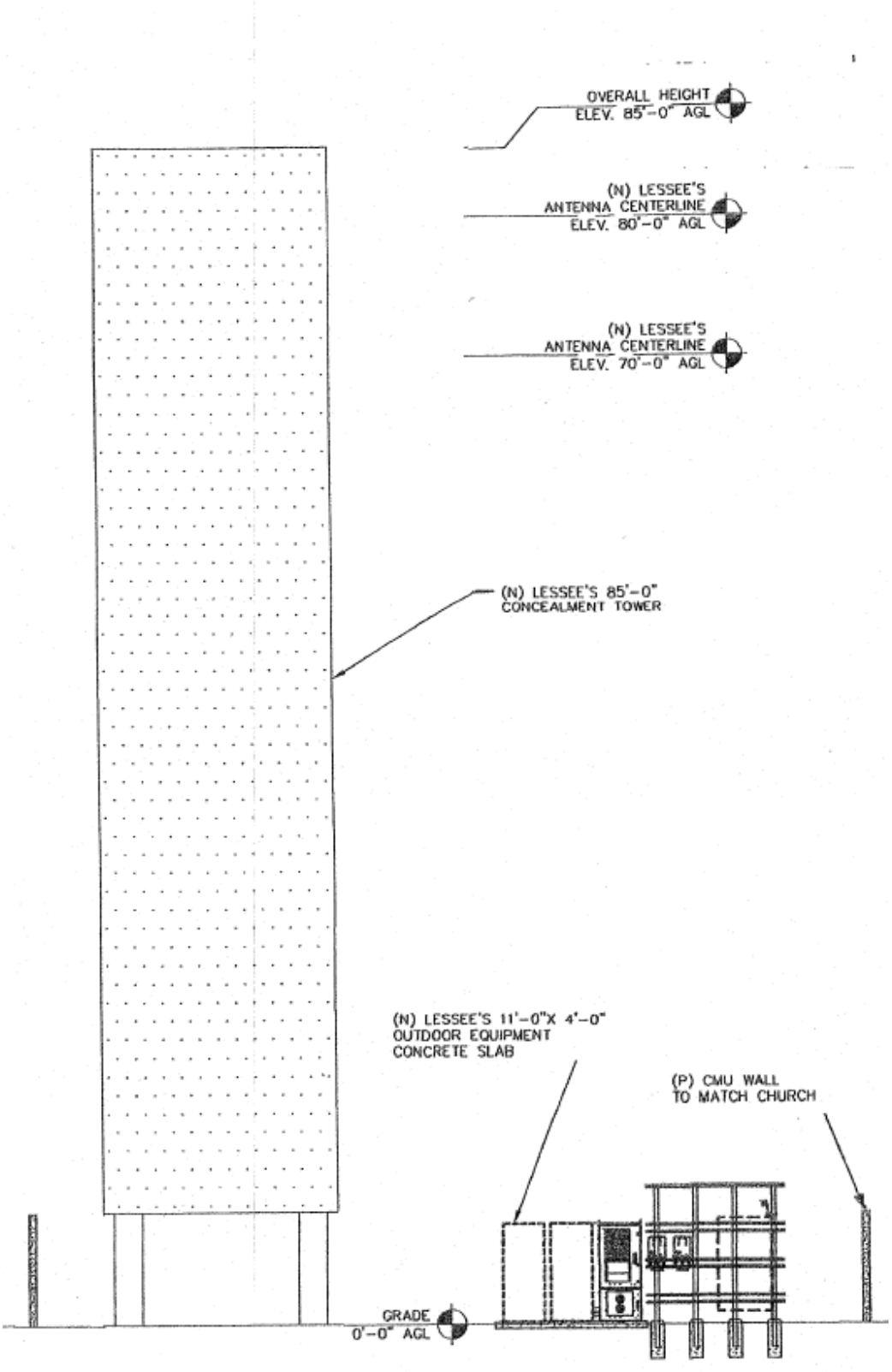
PARKING ANALYSIS	
PARKING REQUIRED*	129
CHURCH	128
TOWER/ANTENNA	1
PARKING PROVIDED	139
*PARKING @ 1:125' OF PEW.	
768 FEET OF PEW	
EQUAL 128 PARKING SPACES	

SITE PLAN SCALE: 1" = 30' NOTE: IF DRAWING IS 11"X17" REFER TO GRAPHIC SCALE.

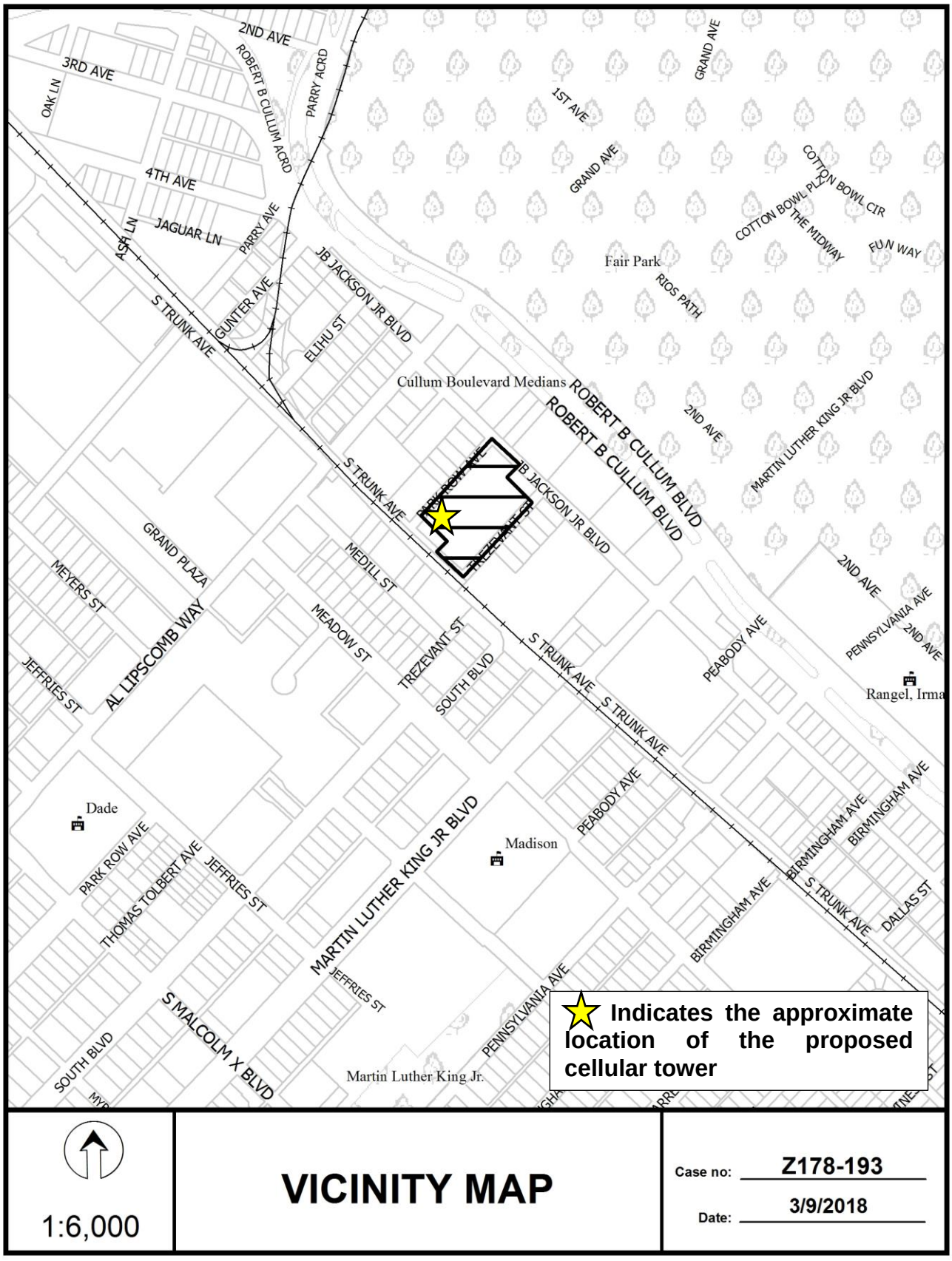
ENLARGED SITE PLAN

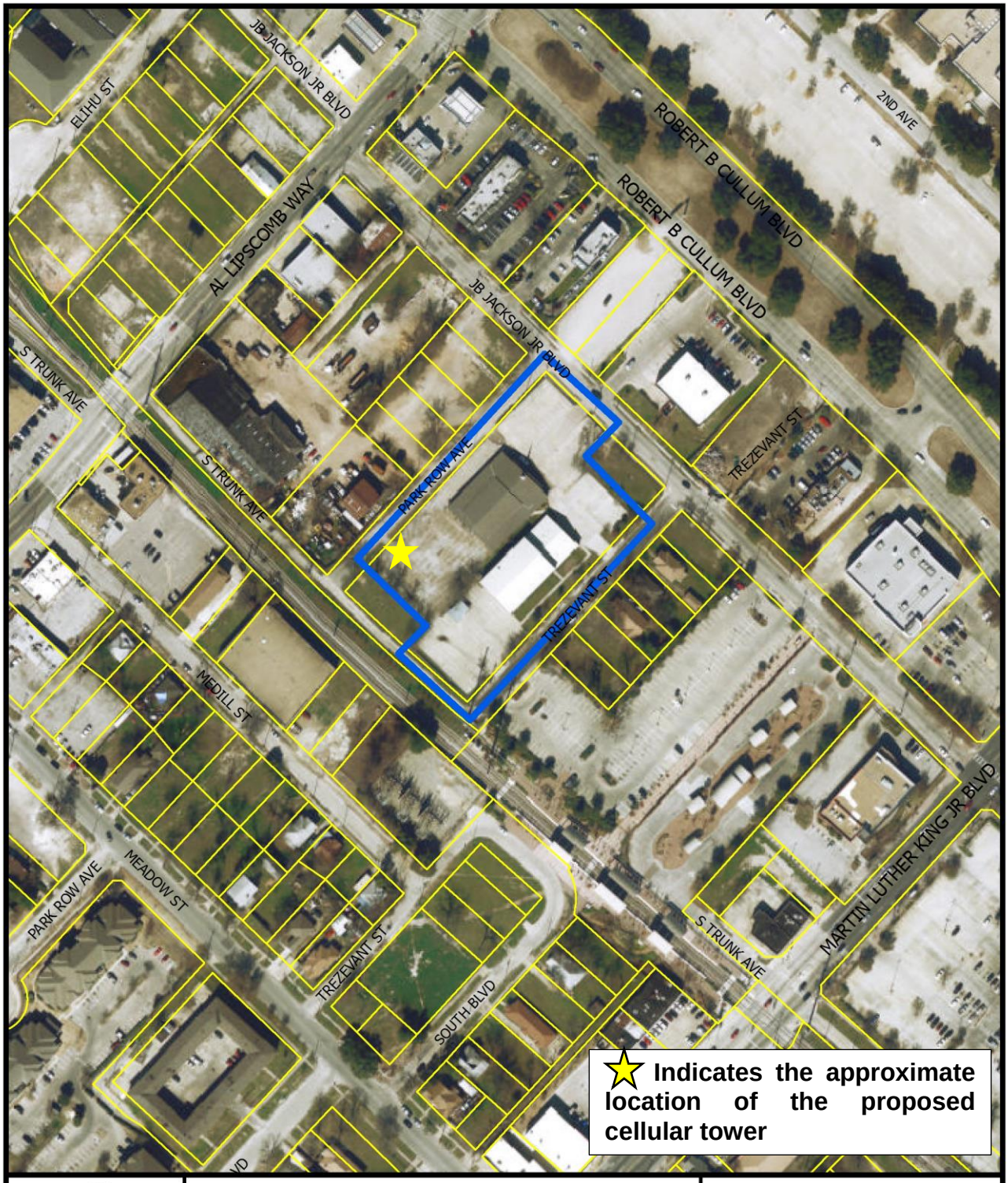


ENLARGED ELEVATION DETAIL



2 TOWER ELEVATION
SCALE: 1/16" = 1'-0"


2ND AVE
3RD AVE
OAK LN
ROBERT B CULLUM ACRD
PARRY ACRD
4TH AVE
JAGUAR LN
ASH LN
PARRY AVE
GUNTER AVE
S TRUNK AVE
JB JACKSON JR BLVD
ELIHU ST
1ST AVE
GRAND AVE
COTTON BOWL CIR
COTTON BOWL PLZ
THE MIDWAY
FUN WAY
Fair Park
RIOS PATH
Cullum Boulevard Medians
ROBERT B CULLUM BLVD
MARTIN LUTHER KING JR BLVD
PARK ROW AVE
TREZEVANT ST
GRAND PLAZA
MEYERS ST
MEDILL ST
MEADOW ST
SOUTH BLVD
PEABODY AVE
PENNSYLVANIA AVE
AL LIPSCOMB WAY
JEFFRIES ST
Rangel, Irma
Dade
Madison
PARK ROW AVE
THOMAS TOLBERT AVE
BIRMINGHAM AVE
DALLAS ST
S MALCOLM X BLVD
Martin Luther King Jr.
Indicates the approximate location of the proposed cellular tower
1:6,000
VICINITY MAP
Case no: Z178-193
Date: 3/9/2018

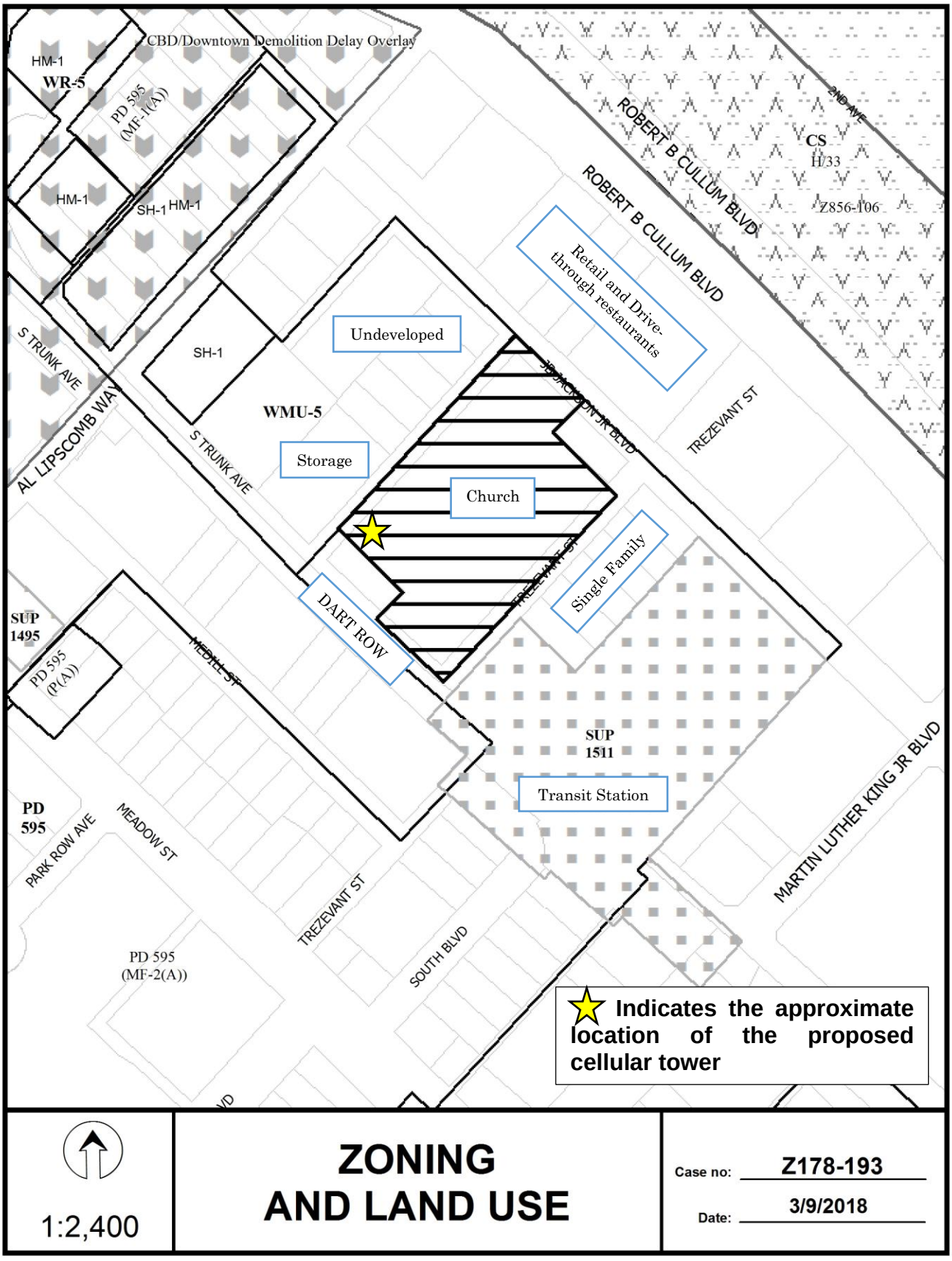


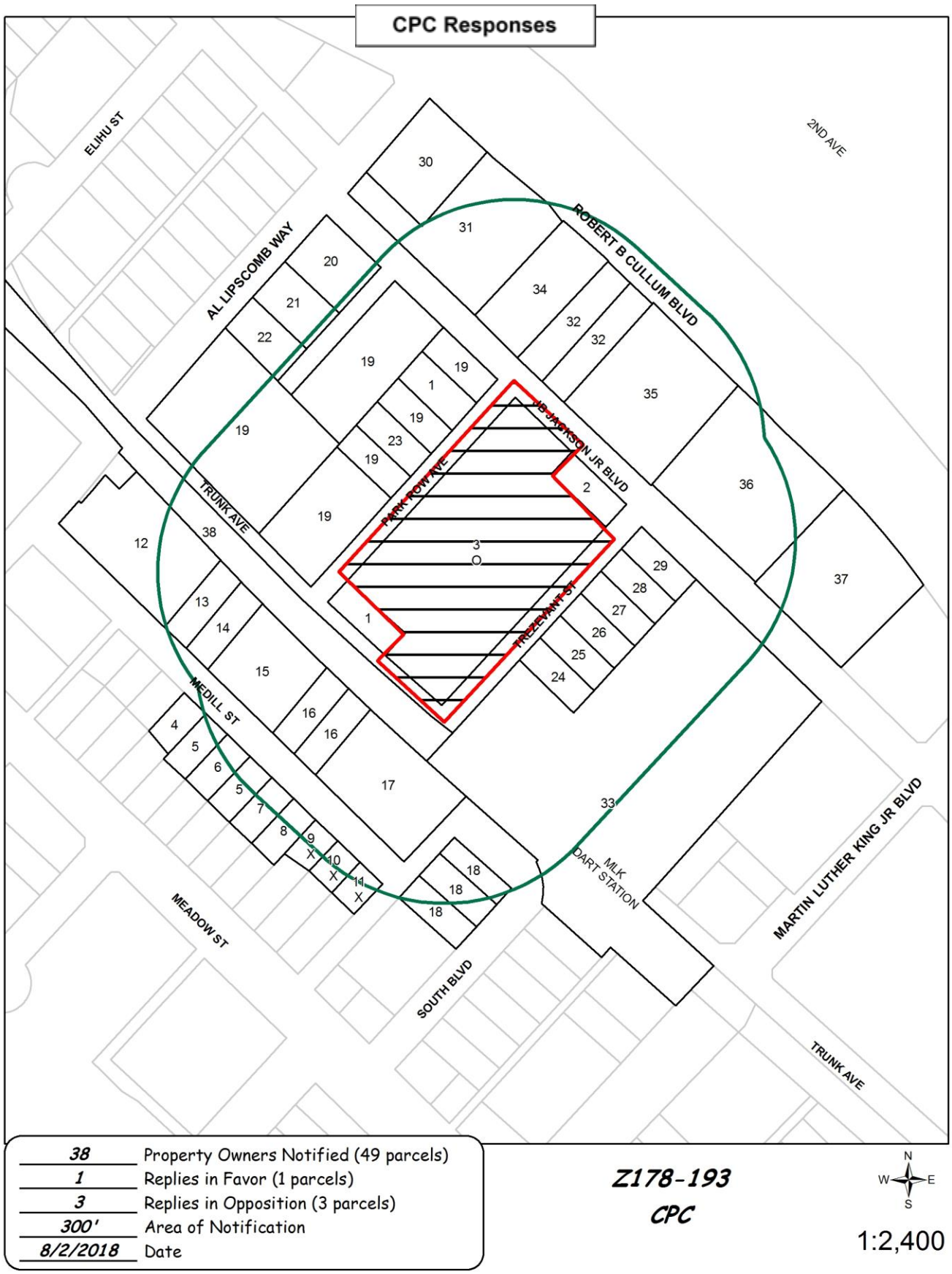
1:2,400

AERIAL MAP

Case no: Z178-193

Date: 3/9/2018


CBD/Downtown Demolition Delay Overlay
HM-1
WR-5
PD 595 (MF-1(A))
HM-1
SH-1
HM-1
SH-1
S TRUNK AVE
AL LIPSCOMB WAY
S TRUNK AVE
WMU-5
Undeveloped
Storage
Church
DART ROW
TREZEVANT ST
Retail and Drive-through restaurants
JB JACKSON JR BLVD
TREZEVANT ST
ROBERT B CULLUM BLVD
ROBERT B CULLUM BLVD
2ND AVE
CS
H/33
Z856-106
Single Family
SUP 1495
PD 595 (P(A))
MEDILL ST
SUP 1511
Transit Station
PD 595
PARK ROW AVE
MEADOW ST
TREZEVANT ST
SOUTH BLVD
PD 595 (MF-2(A))
MARTIN LUTHER KING JR BLVD
Indicates the approximate location of the proposed cellular tower
1:2,400
ZONING AND LAND USE
Case no: Z178-193
Date: 3/9/2018


CPC Responses
ELIHU ST
2ND AVE
AL LIPSCOMB WAY
ROBERT B CULLUM BLVD
JB JACKSON JR BLVD
PARK ROW AVE
TRUNK AVE
TREZEVANT ST
MEDILL ST
MEADOW ST
SOUTH BLVD
MLK DART STATION
MARTIN LUTHER KING JR BLVD
TRUNK AVE
38 Property Owners Notified (49 parcels)
1 Replies in Favor (1 parcels)
3 Replies in Opposition (3 parcels)
300' Area of Notification
8/2/2018 Date
Z178-193
CPC
N
W
E
S
1:2,400

08/01/2018

Reply List of Property Owners

Z178-193

38 Property Owners Notified ***1 Property Owner in Favor*** ***3 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3200	PARK ROW AVE	HALL FLOYDELL
	2	3233	TREZEVANT ST	FOURTH AVENUE CHURCH OF CHRIST
O	3	3220	PARK ROW AVE	FOURTH AVE CHURCH OF CHRIST
	4	2725	MEDILL ST	LARSON MARK E
	5	2801	MEDILL ST	LARSON MARK
	6	2805	MEDILL ST	JOHNSON DON
	7	2811	MEDILL ST	COBB LARRY C
	8	2819	MEDILL ST	COBB LARRY &
X	9	2823	MEDILL ST	JOHNSON DEWAYLON OSHUN
X	10	2825	MEDILL ST	BATES WILLIAM
X	11	2831	MEDILL ST	BATES DEBORAH C
	12	3120	AL LIPSCOMB WAY	ALPHA VII GROUP INC
	13	2722	MEDILL ST	SDMC INVESTMENTS LLC
	14	2728	MEDILL ST	LOUER BETTE B TRUSTEE
	15	2730	MEDILL ST	PEREZ BROTHERS INV LLC
	16	2810	MEDILL ST	PEREZ BROTHERS INVESTMENTS LLC
	17	2814	MEDILL ST	TEXAS UTILITIES ELEC CO
	18	3125	SOUTH BLVD	GOLDBERG ALEXANDER J
	19	3200	AL LIPSCOMB WAY	HALL FLOYDELL
	20	3232	AL LIPSCOMB WAY	EDWARDS BRUCE TRUST
	21	3224	AL LIPSCOMB WAY	EDWARDS BRUCE M TRUST
	22	3220	AL LIPSCOMB WAY	SELMA VENTURES LTD
	23	3225	PARK ROW AVE	HALL FLOYDELL
	24	3214	TREZEVANT ST	HALL DEVIN
	25	3218	TREZEVANT ST	WATSON CLARA
	26	3222	TREZEVANT ST	WILLIAMS THOMAS

08/01/2018

Reply	*Label #*	*Address*		*Owner*
	27	3226	TREZEVANT ST	BYNUM ONITA &
	28	3230	TREZEVANT ST	REED PHILLIP
	29	3234	TREZEVANT ST	THOMPSON MAYE E DARBY REVOCABLE TRUST THE
	30	3306	AL LIPSCOMB WAY	S PETROLEUM INC
	31	3310	AL LIPSCOMB WAY	MCDONALD CORP 042 0306
	32	1232	ROBERT B CULLUM BLVD	GOOD CLUCK LLC
	33	1423	MARTIN LUTHER KING JR BLVD	DALLAS AREA RAPID TRANSIT
	34	1228	ROBERT B CULLUM BLVD	ASLAM REAL ESTATE LLC
	35	1300	ROBERT B CULLUM BLVD	GREGSON ENTERPRISES LLC
	36	1441	ROBERT B CULLUM BLVD	TWO PODNERS RETAIL EATERIES LLC
	37	1461	ROBERT B CULLUM BLVD	WG DALLAS TX LP
	38	555	2ND AVE	DART

Agenda Information Sheet

File #: 18-740 **Item #:** 61.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an R-5 (A) Single Family District on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southeast line of Little Fox Drive, southwest of Seagoville Road
Recommendation of Staff and CPC: Approval
Z178-274(CY)

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HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY, SEPTEMBER 12, 2018

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-274(CY) **DATE FILED:** June 8, 2018

LOCATION: Southeast line of Little Fox Drive, southwest of Seagoville Road

COUNCIL DISTRICT: 8 **MAPSCO:** 70 J

SIZE OF REQUEST: Approx. 0.97 acres **CENSUS TRACT:** 170.04

OWNER/APPLICANT: Next Stop, LLC

REPRESENTATIVE: Ron Salamie

REQUEST: An application for an R-5(A) Single Family District 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 develop the property with eight single family dwelling units and to retain the D-1 Liquor Control Overlay.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND INFORMATION:

- The approximately 0.97-acre area of request is currently undeveloped and is surrounded by single family dwelling and a post office to the west and northwest, undeveloped land to the northeast and additional single family uses to the east, southeast and south.

- The owner proposes to change the zoning from a CR Community Retail district with a D-1 Liquor Control Overlay to a R-5(A) Single Family District and develop the property with eight single-family dwelling units.

- The only residential use allowed in the current zoning is college dormitory, fraternity or sorority use.

Zoning History:

There have been no zoning changes in the vicinity during the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
Seagoville Road	Major Arterial	variable	80’
Little Fox Drive	Minor Arterial	58’	58’

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.

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 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Land Use Policy Plan:

West Kleberg Land Use Study
On April 25, 2007, City Council approved the West Kleberg Area Plan to guide future development in the area generally located south of Interstate 20, and bounded on the east by Stark Road and the Dallas city limit, on the south by Dallas County and on the west by Saint Augustine and Haymarket Roads. The area of request is in what the area plan identifies as Subarea 2 of the study.

The West Kleberg Land Use Study identifies Single Family Dwelling as the predominant land use in the area with businesses generally located along the Highway 175-freeway corridor and a small-scale concentration of business and commercial uses at the intersection of Belt Line Road and Seagoville Road.

The study concludes that the community's vision of the area is to preserve it as a "bedroom community" with neighborhood-serving businesses mainly along the Highway 175 freeway and where residential development of low and medium density occurs in such manner that it complements the existing low-density residential neighborhoods. It is clear that area residents treasure the uniqueness of their community with its suburban/rural character.

The area plan proposes that where higher density housing occurs, adequate setbacks, buffers and open space are needed to protect adjacent single-family neighborhoods.

Land Use:

	Zoning	Land Use
Site	CR with D-1 Liquor Control Overlay	Undeveloped Land
North	CR with D-1 Liquor Control Overlay	Post Office
East	R-7.5(A)	Single Family Dwelling
South	R-7.5(A)	Undeveloped Land
West	R-7.5(A)	Undeveloped Land

Land Use Compatibility:

The approximate 0.97-acre site is zoned a CR Community Retail District with a D-1 Liquor Control Overlay and is currently undeveloped. It is a portion of a larger 1.965-acre tract of land located on the east line of Little Fox Drive and to the southwest line of Seagoville Road. The applicant proposes to rezone the portion of the property that fronts Little Fox Drive and develop it with eight single-family dwelling units. The rest of the property, not included in the area of request, will retain the existing zoning.

The area of request is surrounded by a post office to the north, single family dwelling to the northwest, undeveloped land to the west and south, more single family uses to the southeast and the east; and the remaining undeveloped portion of the property to the northeast.

The proposed zoning change is foreseen to be compatible with the surrounding zoning and surrounding uses by promoting the existing neighborhood's characteristics and creating a more consistent residential block while allowing a continuity of single-family uses along Little Fox Drive.

Although the surrounding residential district directly adjacent to the site is an R-7.5(A), the request for an R-5(A) will not have a negative impact and can still allow for the development of the proposed eight dwelling units in a manner that will be consistent with the platted lots in the R-7.5(A) district.

According to a survey submitted by the applicant, the area of request fronts approximately 419.15 feet along Little Fox Drive and has an approximate depth of 101.18 feet. An R-5(A) district requires a minimum lot area of 5,000 square feet. To configure eight lots with equally distributed lot widths, the 419.15 feet along Little Fox Drive would allow for lots with front lines up to approximately 52.49 feet which, considering the depth of 101.18 feet, would produce lots of approximately 5,300 square feet area.

It was also considered during the staff review of this request, that the existing residential lots to the northwest, south, and southeast directly adjacent to the area of, are part of a Community Unit Development and have lots of approximately 5,250 square feet with 45-foot front lot lines. The proposed development of eight single-family dwelling units will be consistent with this lot arrangement.

The setback regulations of the proposed R-5(A) district are also consistent with the existing residential development surrounding the area of request considering that these have been reduced by 30 percent through the Community Unit Development plat. The development standards table below includes in addition to the comparison between the existing and the proposed zoning, the regulations for the existing residential district surrounding the area of request.

Based on this analysis, staff is recommending approval of the zoning change.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Existing: CR *Community Retail*	Min.15'	20' adjacent to residential OTHER: No Min. or 5'	No maximum.	54'	60%	Residential Proximity Slope	Retail and personal service and office uses.
Proposed R-5(A) *Residential*	Min 20'	5' for SFD, 10' other	No maximum	30'	45% for res. uses, 25% for nonresid.	Residential Proximity Slope	Single Family
Surrounding Area R-7.5(A) *Residential (CUD)*	Min 20' **17.5'** per CUD	5' for SFD, **3.5'** per CUD 10' other	No maximum	30'	45% for res. uses, 25% for nonresid.	Residential Proximity Slope	Single Family

Parking:

At the time of development, off-street parking requirements must be provided in accordance with the Dallas Development Code, as amended

Landscaping:

At the time of development, landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.

Prior CPC Action – August 2, 2018

Z178-274(CY) Planner: Carolina Yumet

Motion: It was moved to recommend **approval** of an R-5(A) Single Family District on property zoned a CR-D-1 Community Retail District with D-1 Liquor Control Overlay, on the southeast line of Little Fox Drive, southwest of Seagoville Road.

Maker: Shidid
Second: Ridley
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

*out of the room, shown voting in favor

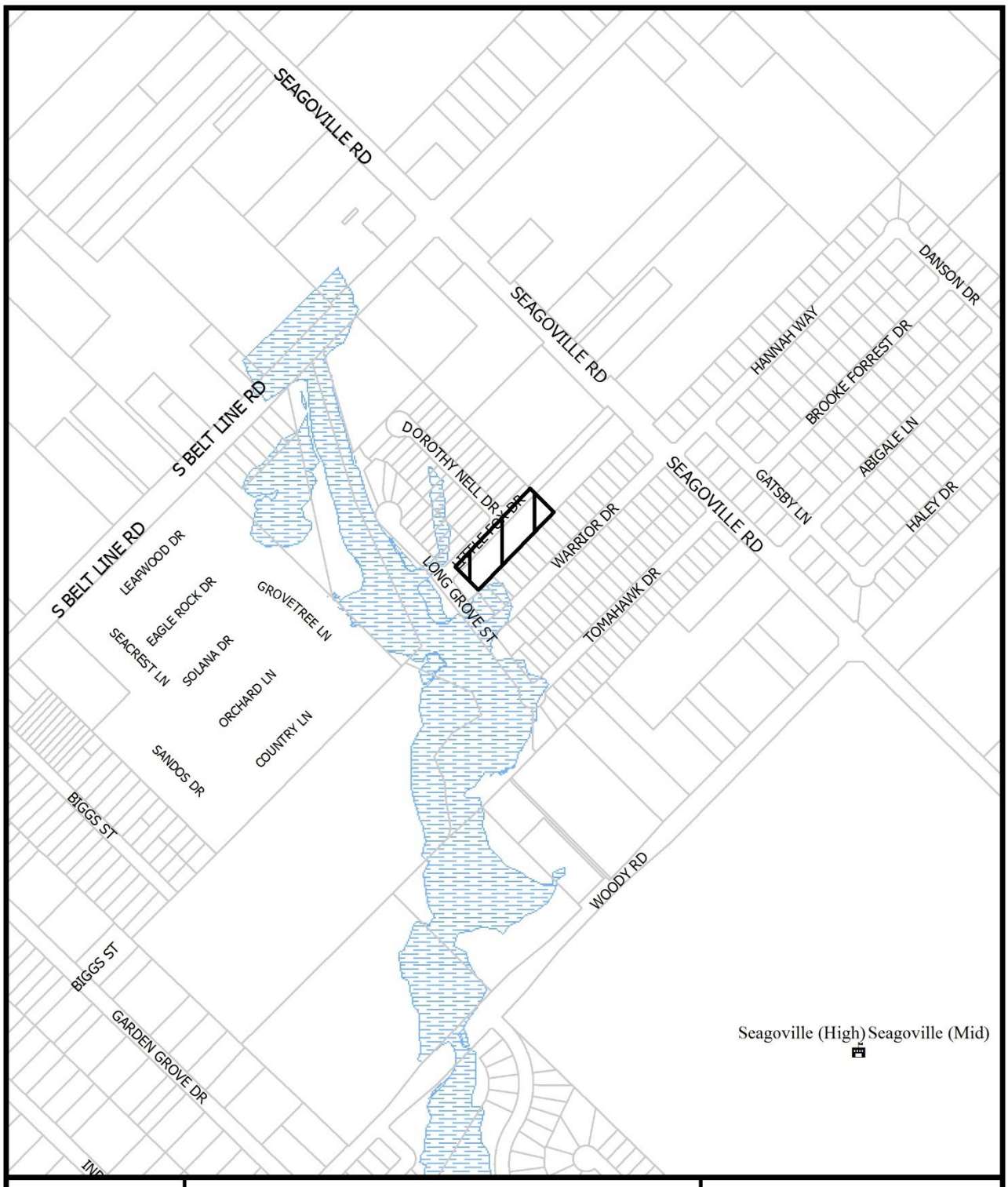
Notices: Area: 200 Mailed: 48
Replies: For: 0 Against: 3

Speakers: For: None
For (Did not speak): Ron Salamie, Address not given
Against: None

List of Officers

NEXT STOP, LLC

- Yigel Lelah Owner



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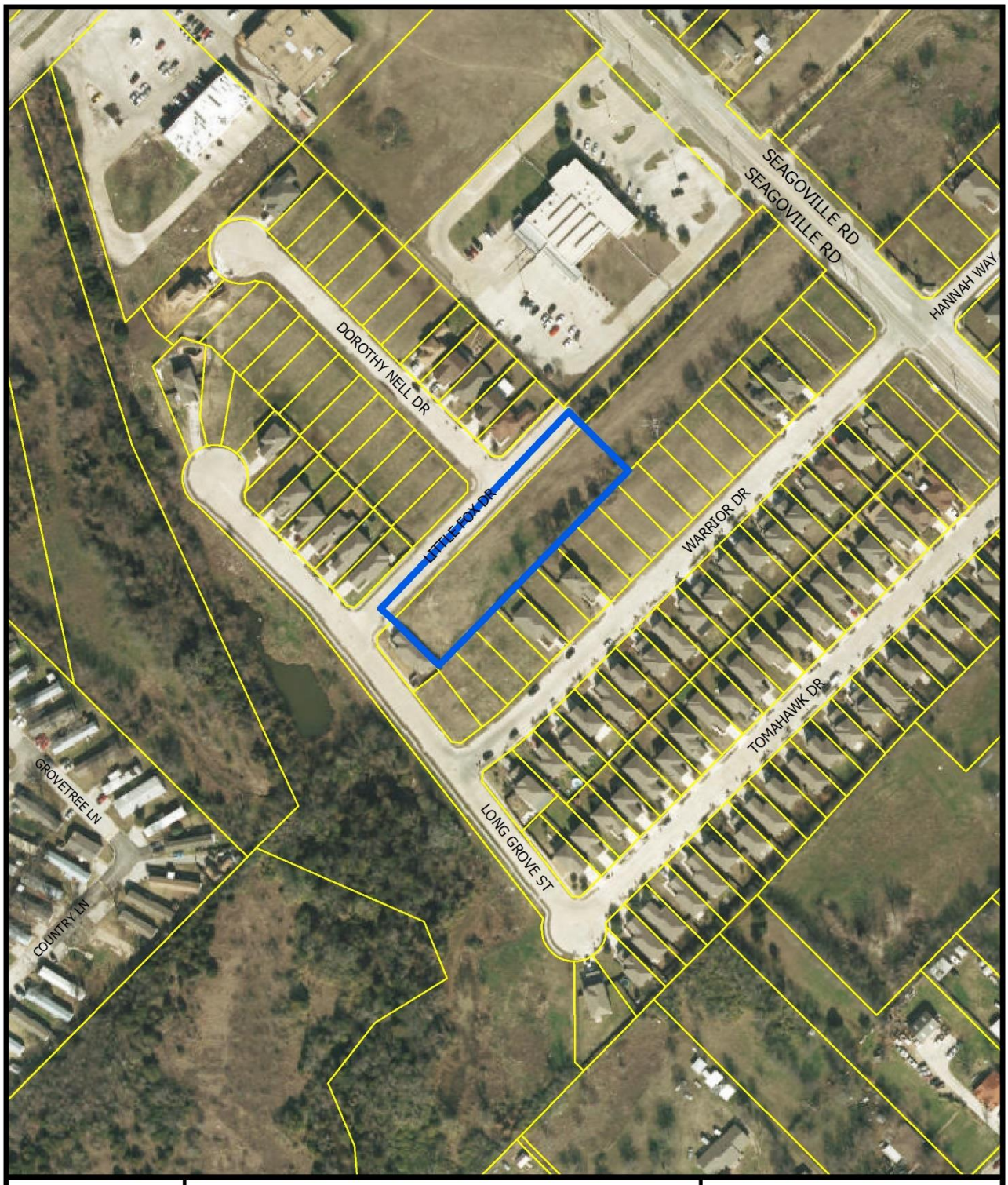
VICINITY MAP

Case no: Z178-274

Date: 7/18/2018



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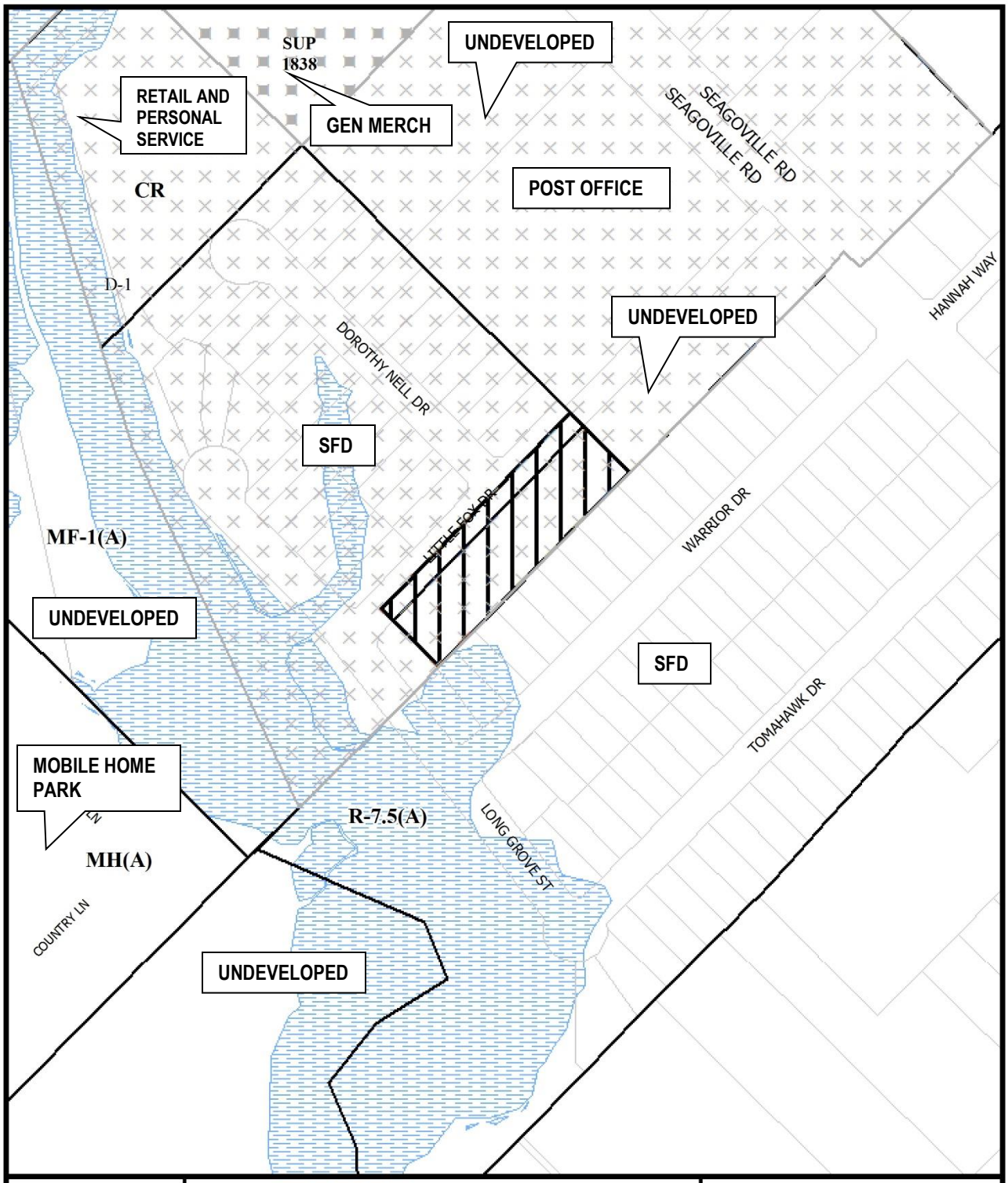
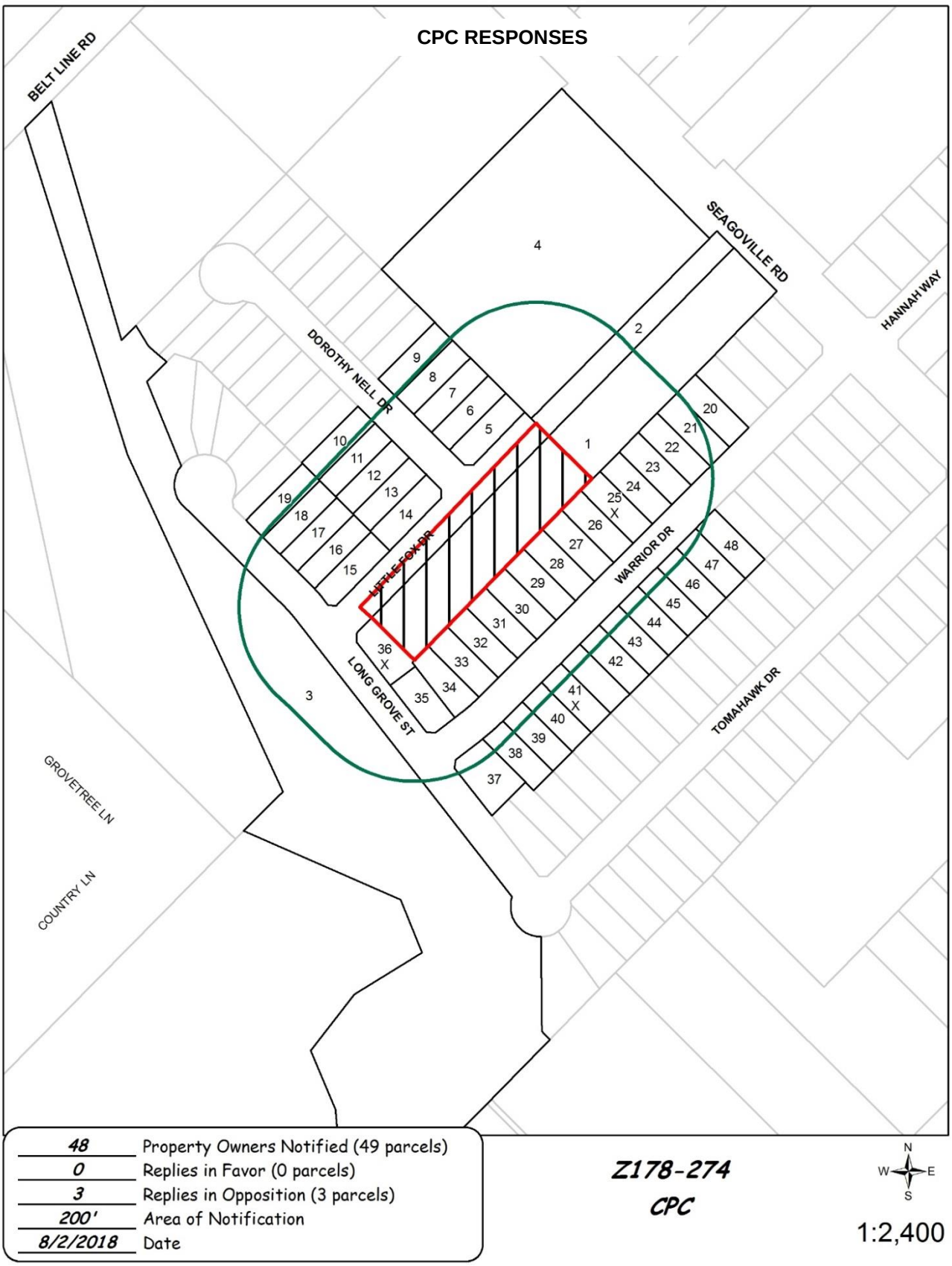
AERIAL MAP

Case no: Z178-274

Date: 7/18/2018


SUP 1838
UNDEVELOPED
RETAIL AND PERSONAL SERVICE
GEN MERCH
SEAGOVILLE RD
SEAGOVILLE RD
CR
POST OFFICE
D-1
HANNAH WAY
UNDEVELOPED
DOROTHY NELL DR
SFD
LITTLE FOX DR
WARRIOR DR
MF-1(A)
UNDEVELOPED
SFD
TOMAHAWK DR
MOBILE HOME PARK
R-7.5(A)
LONG GROVE ST
MH(A)
COUNTRY LN
UNDEVELOPED
1:2,400
ZONING AND LAND USE
Case no: Z178-274
Date: 7/18/2018


CPC RESPONSES
BELT LINE RD
SEAGOVILLE RD
HANNAH WAY
DOROTHY NELL DR
LITTLE FOX DR
WARRIOR DR
LONG GROVE ST
TOMAHAWK DR
GROVETREE LN
COUNTRY LN
48 Property Owners Notified (49 parcels)
0 Replies in Favor (0 parcels)
3 Replies in Opposition (3 parcels)
200' Area of Notification
8/2/2018 Date
Z178-274
CPC
N
W
E
S
1:2,400

08/01/2018

Reply List of Property Owners

Z178-274

48 Property Owners Notified ***0 Property Owners in Favor*** ***3 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	15400	SEAGOVILLE RD	TEXAS UTILITIES ELEC CO
	2	15300	SEAGOVILLE RD	MISHCO INC
	3	1100	S BELTLINE RD	SOUTHEAST DALLAS DEV
	4	15300	SEAGOVILLE RD	US POSTAL SERVICE
	5	15450	DOROTHY NELL DR	TORRES CYNTHIA
	6	15446	DOROTHY NELL DR	RENTERIA ABEL &
	7	15442	DOROTHY NELL DR	SALAS OSCAR
	8	15438	DOROTHY NELL DR	MORENO DANIEL C
	9	15434	DOROTHY NELL DR	RODRIGUEZ ERIC & TAWNEE
	10	15435	DOROTHY NELL DR	FLORES FLORENTINO ENRIQUE R &
	11	15439	DOROTHY NELL DR	MORENO BRYAN DANIEL
	12	15443	DOROTHY NELL DR	PEREZ SERGIO GUADALUPE RUIZ &
	13	15447	DOROTHY NELL DR	OCAMPO CLAUDIA IVETH MUNOZ
	14	15451	DOROTHY NELL DR	HAGERTY THOMAS WILLIAM JR &
	15	15440	LONG GROVE ST	CRUZ CARLOS DELACRUZ
	16	15436	LONG GROVE ST	ENRIQUEZ JUAN & MARTHA MENDOZA
	17	15432	LONG GROVE ST	SHIPLEY GARY L & CYNTHIA
	18	15428	LONG GROVE ST	VELIZ LANDELFINO & SANDRA
	19	15424	LONG GROVE ST	MOORE CRESHELL
	20	1119	WARRIOR DR	ZAVALA GABRIELA CORONA
	21	1123	WARRIOR DR	CARCAMO JOSE EDWIN &
	22	1127	WARRIOR DR	VARELA UBALDO
	23	1131	WARRIOR DR	SARABIA JORGE E & ORALIA
	24	1135	WARRIOR DR	SALAZAR MELLISA A
X	25	1139	WARRIOR DR	VELEZ RUBEN MONSIVAIS &
	26	1143	WARRIOR DR	ORTIZVARELA JOSE ROBERTO &

08/01/2018

Reply	*Label #*	*Address*		*Owner*
	27	1147	WARRIOR DR	URESTI DENNIS ALEXANDER C
	28	1151	WARRIOR DR	HERNANDEZ GERMAN ENRIQUE &
	29	1155	WARRIOR DR	RAMIREZ MARIA G T &
	30	1159	WARRIOR DR	MCKRILEY PROPERTIES LLC
	31	1163	WARRIOR DR	TAO ALBERT &
	32	1167	WARRIOR DR	RODRIGUEZ JOSE CASTILLO
	33	1171	WARRIOR DR	MARISCAL BLAS & ANA
	34	15440	SEAGOVILLE RD	MARTINEZ ARACELI
	35	15440	SEAGOVILLE RD	CARRILLO CESAR
X	36	1138	LITTLE FOX DR	REED DONNA & CEDRICK
	37	1180	WARRIOR DR	HERNANDEZ RANGEL P
	38	1176	WARRIOR DR	AGUILERA JESSE & CRYSTAL
	39	1172	WARRIOR DR	IROZURU CHINEDO U
	40	1168	WARRIOR DR	HERNANDEZ RENE
X	41	1164	WARRIOR DR	PHILLIPS OVERTON & VANESSA
	42	1156	WARRIOR DR	ROBINSON CYNTHIA
	43	1152	WARRIOR DR	BRANTLEY PATRICIA
	44	1148	WARRIOR DR	PASTOR NICHOLAS
	45	1144	WARRIOR DR	BARNES CAROL L & EDWARD T
	46	1140	WARRIOR DR	WARNER TRACHELLE
	47	1136	WARRIOR DR	PORTILLO ELVIA N
	48	1132	WARRIOR DR	JORDANKIMBLE SANDRA

Agenda Information Sheet

File #: 18-741 **Item #:** 62.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 11, 12

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 MF-1(A) Multifamily District and D(A) Duplex District uses and an accessory leasing office on property zoned an MF-1(A) Multifamily District and a D(A) Duplex District, on the north and south side of Arapaho Road, west of Coit Road
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan and conditions
Z178-202(PD)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, SEPTEMBER 12, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-202(PD) **DATE FILED:** March 23, 2018

LOCATION: North and south side of Arapaho Road, west of Coit Road

COUNCIL DISTRICT: 11 & 12 **MAPSCO:** 6 W; X

SIZE OF REQUEST: ±14.57 acres **CENSUS TRACT:** 136.05, 136.07

APPLICANT/OWNER: 15534 Monterey Villas LP

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for a Planned Development District for MF-1(A) Multifamily District and D(A) Duplex District uses and an accessory leasing office on property zoned an MF-1(A) Multifamily District and a D(A) Duplex District

SUMMARY: The request will allow an accessory leasing office use that will serve both the MF-1(A) Multifamily District and D(A) Duplex District.

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

STAFF RECOMMENDATION: **Denial**.

BACKGROUND INFORMATION:

- The approximately 14.57-acre request site is improved with approximately 220 multifamily dwelling units, 52 duplex units, and amenities consisting of a pool, laundry facility, and a leasing office.

- The applicant's request for a Planned Development District will permit one of the existing duplex units to be remodeled and converted into an office use to serve the entire property.

- The Code defines a duplex as two dwelling units located on a lot and a single family is defined as one dwelling unit on a lot.

- A manager's office use is currently permitted as an incidental use within the MF-1(A) Multifamily District. Per Code, an existing manager's office use which serves the entire property is in operation and located within the MF-1(A) Multifamily District.

- The applicant proposes to convert the existing designated manager's office into an apartment unit(s) and relocate the manager's office into one of the duplex units, leaving the other unit as a single-family dwelling attached to an accessory leasing office.

- Apart from requesting that no off-street parking is required for the proposed accessory leasing office use, and a request to reduce the side yard setback for the proposed office use from ten feet to five feet, the existing MF-1(A) and D(A) uses and development standards will be retained.

- However, neither the requirements regulating screening in a nonresidential building (the proposed accessory office use) exposed to and closer than 150 feet to the boundary line of a D(A) Duplex and R(A) Residential District, nor the off-street parking ratio of 1:333, will comply with Code requirements. Sec. 51A-4.602(7)(B) and Sec. 51A-4.305.

Zoning History: There has been no zoning change requested in the area in the past five years.

Thoroughfare/Street:

Thoroughfares/Street	Type	Existing ROW
Arapaho Road	Principal Arterial	50 ft.
Coit Road	Collector	50 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.

Surrounding Land Uses:

	Zoning	Land Use
North	D(A)	Single Family
East	CR, SUP No. 1082	Personal Service, Restaurant, Financial Institution w/o drive-in window, Tower/Antenna for Cellular Communication
South	R-7.5(A)	Single Family
West	R-7.5(A), SUP No. 1330	Single Family, Private School, Child Care Facility & Church

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The proposed zoning request **does not meet** the following goals and objectives of the comprehensive plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.2 Establish clear and objective standards for land use planning.

Implementation Measure 1.2.1.1 Use the Vision Illustration and Building Blocks as a general guide to shape zoning and land use concepts, while also considering site specific and area specific issues. Site specific zoning cases must consider relevant policy statements contained within

the Policy Plan, such as environmentally sensitive land, the site's proximity to the edge of a Building Block and appropriate transitions between Building Blocks.

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.

STAFF ANALYSIS:

Land Use Compatibility:

The approximately 14.57-acre request site is improved with approximately 220 multifamily dwelling units, 52 duplex units and amenities consisting of ten amenity areas, a pool, laundry facility, and a one-story 1,303-square foot manager's "leasing" office. The site is contiguous to single family uses to the north and south, a private school, child care facility, church and single family uses to the west, and a tower/antenna for cellular communication and retail uses to the east, along Coit Road.

The applicant is requesting a Planned Development District solely to convert the existing manager's "leasing" office, which serves the entire property, into multifamily units. To facilitate the conversion, the applicant intends to relocate the manager's "leasing" office use into one of the duplex dwelling units within the D(A) Duplex District. While an office use is permitted by right in MF-1(A) Multifamily Districts as a customarily incidental use to the multifamily use, an office use is prohibited in a D(A) Duplex District.

The applicant has explained that the request is to unify the owner's property under a Planned Development District; however, rezoning the property to a PDD will not unify the properties as only a replat can do so. Additionally, there is no mechanism to allow for an office use to be attached to a single family dwelling within a D(A) Duplex District.

Staff cannot support the applicant's request for a Planned Development District due to the applicant's self-imposed hardship. Furthermore, staff already anticipates confusion in permitting the proposed use as staff has already concluded that the proposed office use cannot be an accessory to a "what will be" single family use and has concluded that the proposed accessory leasing office must be a separate main use on the lot.

The Code defines a duplex as two dwelling units located on a lot and a single family is defined as one dwelling unit located on a lot. The request proposes to retain the D(A) zoning but remove one of the dwellings from the lot, turning the duplex into a single-family dwelling which will share a firewall with a nonresidential use or proposed accessory leasing office use that fails to comply with the off-street parking requirements and screening requirements for a nonresidential or office use.

Sec.51A-4.209(5)(E)(i) permits specific uses allowed as incidental uses to a multifamily. This specifically calls out a manager's office, this incidental use must be on the same lot as the multifamily development. Because the use is not with the MF-1(A) Multifamily District, staff cannot consider the proposed accessory leasing office as incidental to the multifamily development. This use must be considered an office land use.

Additionally, the use will require compliance with Sec.51A-4.113(8)(B) which states:

(B) Electrical service for single family uses. In this district, a lot for a single-family use may not be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;
(ii) not adversely affect neighboring properties; and
(iii) not be used to conduct a use not permitted in this district.

Lastly, the off-street parking ratio of 1:333 for the proposed office use should be required, however the applicant is requesting that no off-street parking is required for the proposed office use. Further, the request would prevent the "now single family" from complying with the landscape requirements that requires a single-family district to provide three trees per lot. Customarily, the required trees are distributed by having two trees in the front yard and one in the rear yard. Further, the proposed accessory leasing office use will prohibit compliance with the required screening from the residential districts and potentially Article X which requires compliance should the floor area increase, and/or 2,000 square feet of pavement is added.

Development Standards:

District	Setbacks		Height	Lot Coverage	Lot Area	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: MF-1(A) D(A)	15' 25'	5'/10'	36'	60% res.	1,000 min 6,000	RPS	Residential
Proposed PDD for MF-1(A) and D(A) uses	25'	5/10'	36'	60% res.	6,000	RPS	Residential

Parking:

Pursuant to the Dallas Development Code, off-street parking must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Off-street parking within a D(A) Duplex District requires 2 off-street parking spaces per dwelling unit. Currently each duplex provides 2 off-street parking spaces. An office use requires a ratio of 1:333 however the proposed PDD conditions requests to deviate from this ratio by requiring that no parking be required for the proposed use. Therefore, the proposed accessory leasing office use will only provide 2 off-street spaces for employees and patrons.

Landscaping:
All landscaping for the request must comply with the requirements of Article X, as amended.

List of Officers

15534 Monterey, LP

VMT GP, LLC

Carlos P. Vaz, Managing member
Steward Hsu, Managing member

CPC ACTION:
August 2, 2018

Motion: It was moved to recommend **approval** of a Planned Development District for MF-1(A) Multifamily District and D(A) Duplex District uses and an accessory leasing office, subject to a development plan and conditions on property zoned an MF-1(A) Multifamily District and a D(A) Duplex District, on the north and south side of Arapaho Road, west of Coit Road.

Maker: Peadon
Second: Schultz
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: 145
Replies: For: 4 Against: 6

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

CPC RECOMMENDED CONDITIONS

ARTICLE _____.

PD _____.

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No._____, passed by the Dallas City Council on _____.

SEC. 51P- ____.102. PROPERTY LOCATION AND SIZE.

PD _____ is established on property located at El Estado Drive, north and south of Arapaho Road and west of Coit Road. The size of PD _____ is approximately 14.57 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. In this district,

(1) ACCESSORY LEASING OFFICE means a facility for the property management and leasing activity for rental units that is accessory to residential uses within the Property.

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

SEC. 51P- ____.104. EXHIBITS.

The following exhibit is incorporated into this article:

(1) Exhibit ___A: development plan.

SEC. 51P- ____.105. DEVELOPMENT PLAN.

(a) Development and use of the Property must comply with the development plan (Exhibit ___). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) Generators and equipment less than eight feet in height and accessory structures less than 200 square feet are not required to be shown on the development plan.

SEC. 51P- ____.106. MAIN USES PERMITTED.

(a) Subarea 1. The only main uses permitted are those main uses permitted in the D(A) Duplex District, subject to the same conditions applicable in the D(A) Duplex District, as set out in Chapter 51A. For example, a use permitted in the D(A) Duplex District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the D(A) Duplex District is subject to DIR in this district; etc.

(b) Subarea 2. The only main uses permitted are those main uses permitted in the MF-1(A) Multifamily District, subject to the same conditions applicable in the MF-1(A) Multifamily District, as set out in Chapter 51A. For example, a use permitted in the MF-1(A) Multifamily 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 MF-1(A) Multifamily District is subject to DIR in this district; etc.

SEC. 51P-____.107. ACCESSORY USES.

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

(b) Accessory leasing office is permitted by right and may be located anywhere within the Property. No additional parking is required for an accessory central leasing office.

SEC. 51P-____.108. YARD, LOT, AND SPACE REGULATIONS.

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

(a) Subarea 1. Except as provided, the yard, lot, and space regulations for the D(A) Duplex District apply. For an accessory leasing office located within the Duplex subarea, the minimum side yard setback is five feet.

(b) Subarea 2. The yard, lot, and space regulations for the MF-1(A) Multifamily District apply.

SEC. 51P- ____.109. 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- ____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-_____.111. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

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

SEC. 51P- ____.112. SIGNS.

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

SEC. 51P- ____.113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

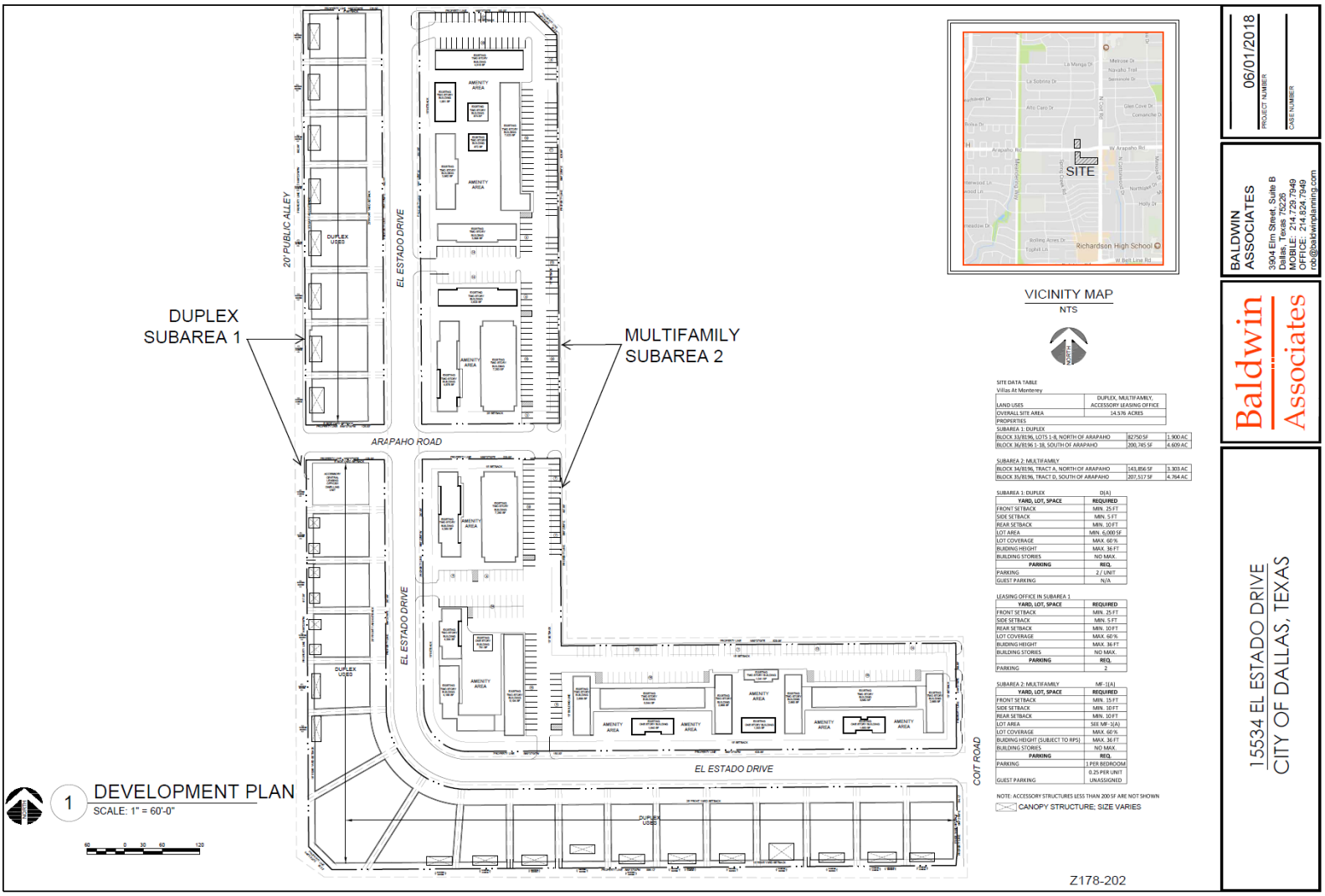
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-____.114. COMPLIANCE WITH CONDITIONS.

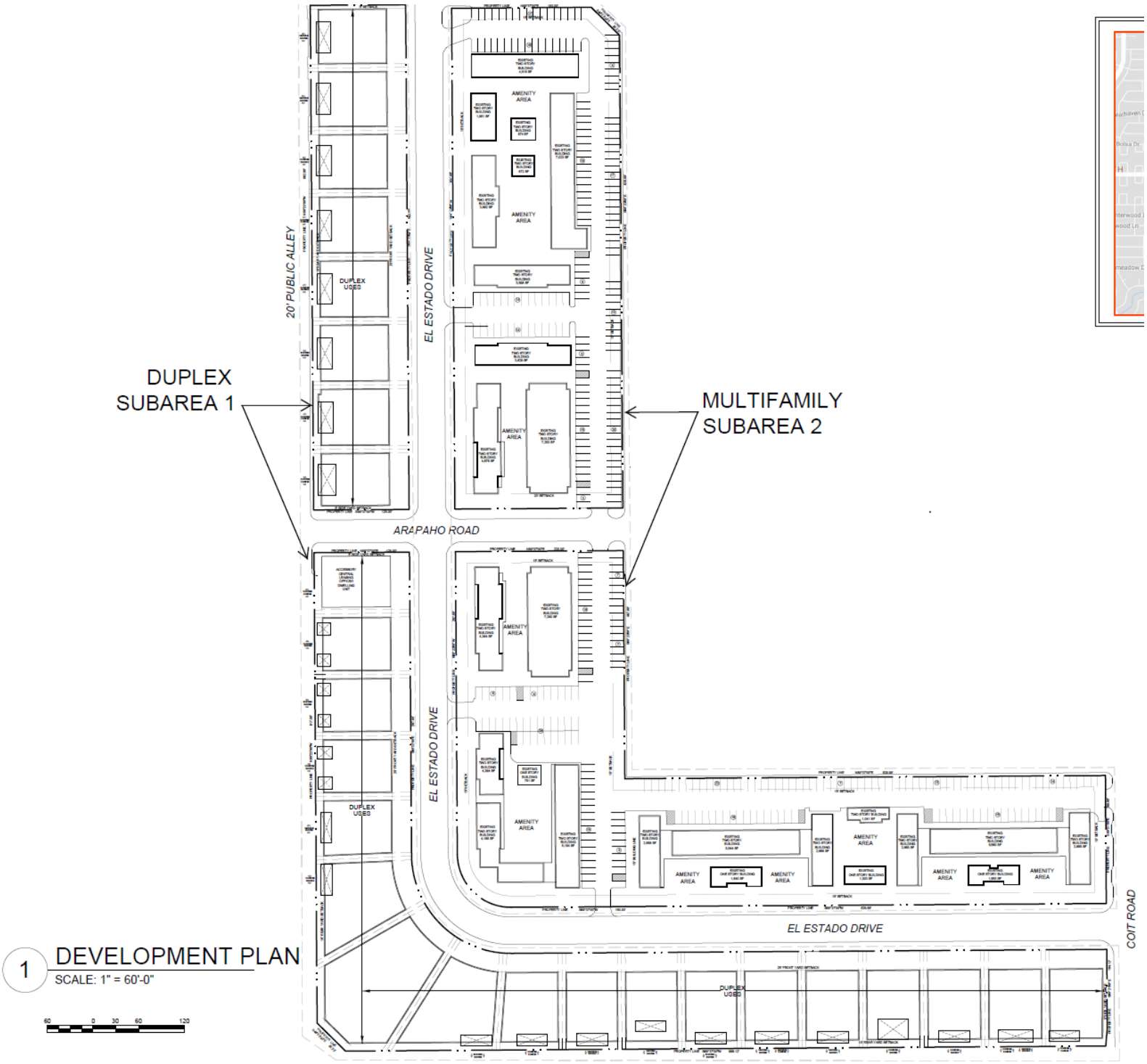
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

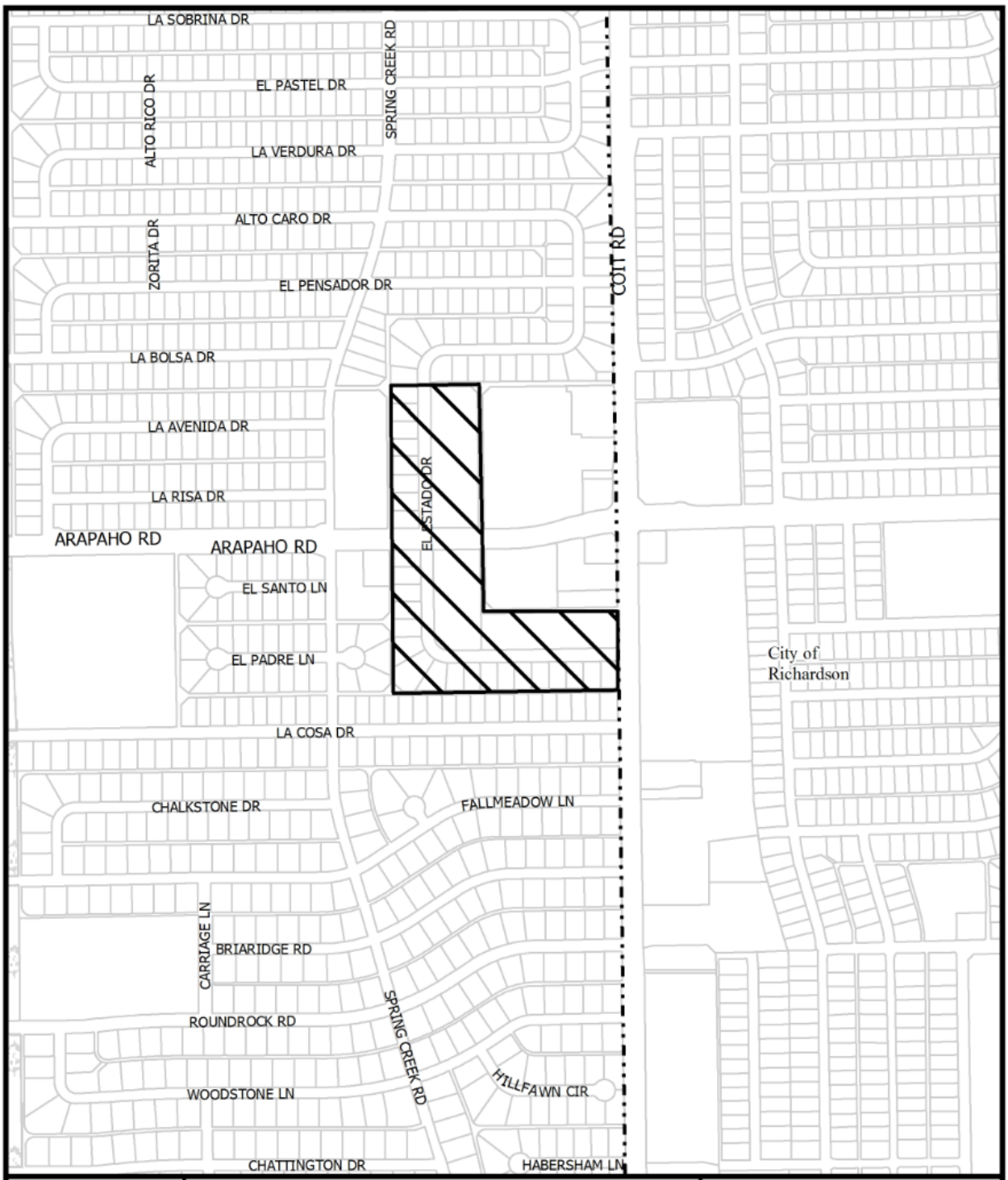
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations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

Proposed Development Plan

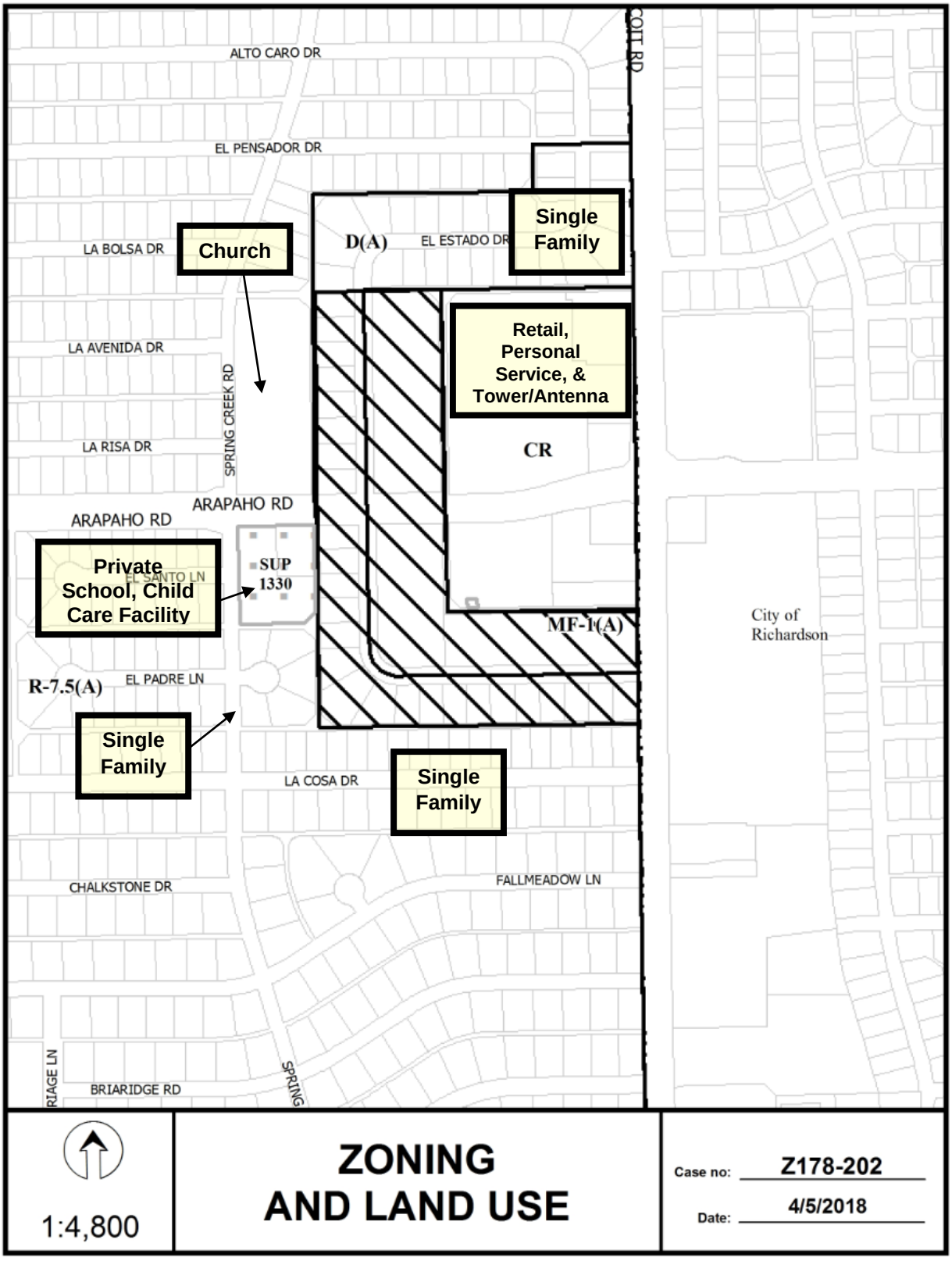


Enlarged Proposed Development Plan

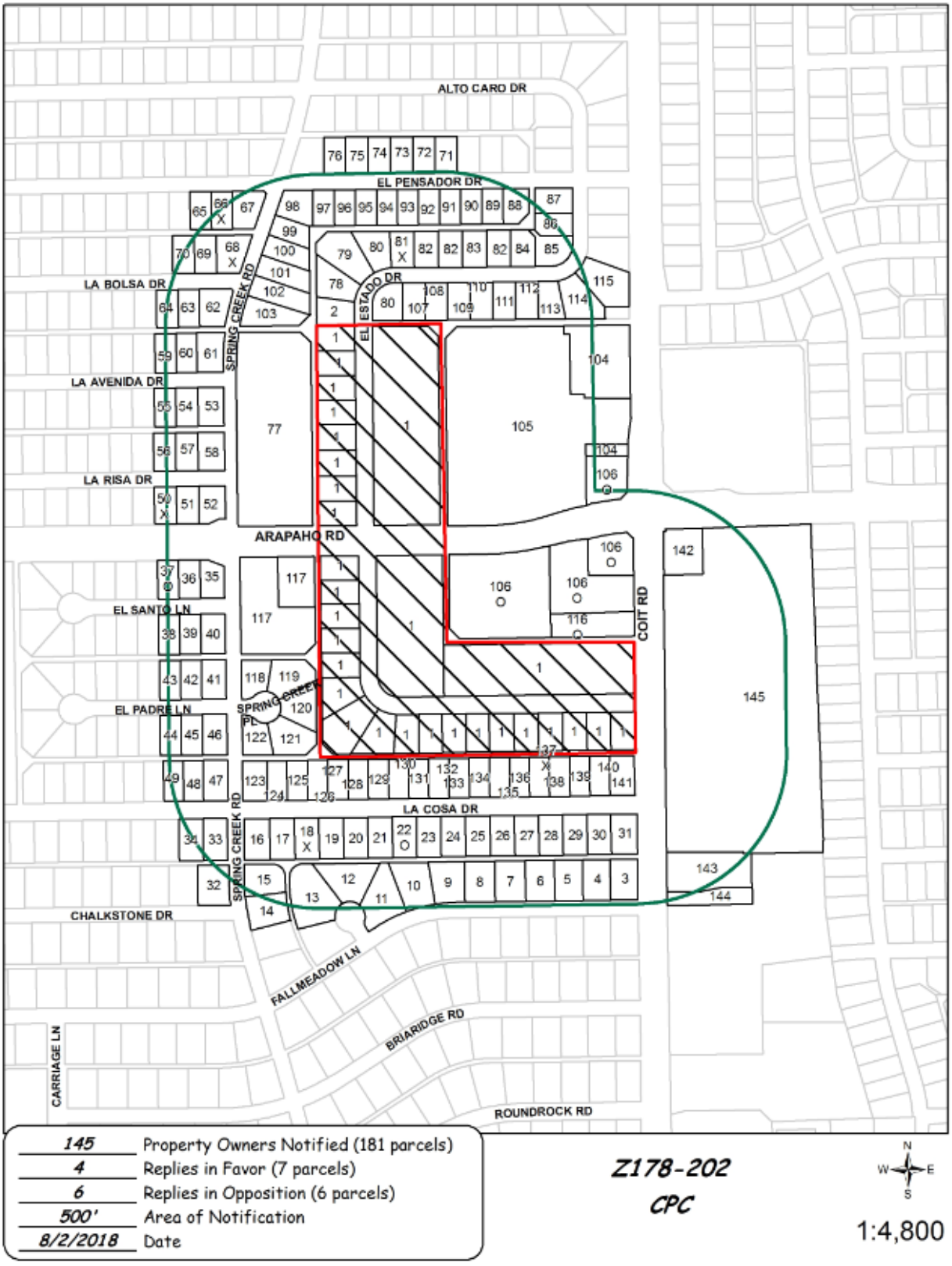



LA SOBRINA DR
SPRING CREEK RD
ALTO RICO DR
EL PASTEL DR
LA VERDURA DR
ALTO CARO DR
ZORITA DR
EL PENSADOR DR
COIT RD
LA BOLSA DR
LA AVENIDA DR
LA RISA DR
ARAPAHO RD
ARAPAHO RD
EL ESTADO DR
EL SANTO LN
EL PADRE LN
City of Richardson
LA COSA DR
CHALKSTONE DR
FALLMEADOW LN
CARRIAGE LN
BRIARIDGE RD
ROUNDROCK RD
SPRING CREEK RD
HILLFAWN CIR
WOODSTONE LN
CHATTINGTON DR
HABERSHAM LN
1:7,200
VICINITY MAP
Case no: Z178-202
Date: 4/5/2018

ALTO CASO DR
EL PENSADOR DR
COIT RD
LA BOLSA DR
LA AVENIDA DR
LA RISA DR
SPRING CREEK
ARAPAHO RD
ARAPAHO RD
EL SANTO LN
EL PADRE LN
EL ESTADO DR
City of Richardson
LA COSA DR
CHALKSTONE DR
BRIARIDGE RD
1:4,800
AERIAL MAP
Case no: Z178-202
Date: 4/5/2018


ALTO CARO DR
COIT RD
EL PENSADOR DR
Single Family
LA BOLSA DR
Church
D(A)
EL ESTADO DR
Retail, Personal Service, & Tower/Antenna
LA AVENIDA DR
SPRING CREEK RD
CR
LA RISA DR
ARAPAHO RD
ARAPAHO RD
Private School, Child Care Facility
EL SANTO LN
SUP 1330
MF-1(A)
City of Richardson
R-7.5(A)
EL PADRE LN
Single Family
LA COSA DR
Single Family
CHALKSTONE DR
FALLMEADOW LN
BRIARIDGE RD
1:4,800
ZONING AND LAND USE
Case no: Z178-202
Date: 4/5/2018

CPC RESPONSES



08/01/2018

Reply List of Property Owners

Z178-202

145 Property Owners Notified ***4 Property Owners in Favor*** ***6 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	15705	EL ESTADO DR	15534 MONTEREY LP
	2	15783	EL ESTADO DR	HALL DANIEL WAYNE
	3	7997	FALLMEADOW LN	SCHLETTE ANNE M
	4	7991	FALLMEADOW LN	DEBOE DOUGLAS J &
	5	7985	FALLMEADOW LN	EARL EILEEN Y
	6	7979	FALLMEADOW LN	ROSAMOND GEORGANN
	7	7973	FALLMEADOW LN	OVERTURF CLAUDIA & DEAN
	8	7965	FALLMEADOW LN	BARCLAY NICHOLAS CJH &
	9	7957	FALLMEADOW LN	MANGELSDORF CHRIS & ELIZABETH
	10	7949	FALLMEADOW LN	MOORE KATHERINE EDEN &
	11	7941	FALLMEADOW LN	ELANDARY MOHSEN J &
	12	7935	FALLMEADOW LN	JACKSON LAWRENCE M IV & HILLARY W
	13	7931	FALLMEADOW LN	BEASLEY SEAN L & ELIZABETH M
	14	15424	SPRING CREEK RD	HUNT LAUREL W
	15	15432	SPRING CREEK RD	COLLINSWORTH GINNY M
	16	7804	LA COSA DR	SHAW BOBBY GENE
	17	7812	LA COSA DR	LINDAHL COLIN E
X	18	7820	LA COSA DR	WOLF GARY D
	19	7828	LA COSA DR	DOBBS LINDSEY A
	20	7836	LA COSA DR	MORGAN KATE NOELLE &
	21	7844	LA COSA DR	LINDSAY RONALD F &
O	22	7852	LA COSA DR	HOESTEREY RICHARD K
	23	7860	LA COSA DR	PENDLETON SCOTT W & ALYCIA A
	24	7904	LA COSA DR	BARNES CONRAD CLEMENT III &
	25	7912	LA COSA DR	HENINGTON MARK & BELINDA
	26	7920	LA COSA DR	NIEWINSKI ERIN K

08/01/2018

Reply	*Label #*	*Address*		*Owner*
	27	7928	LA COSA DR	CHRISTENSON DAVID SCOTT &
	28	7936	LA COSA DR	OSBORNE KEVIN & JENNY
	29	7944	LA COSA DR	SMITH MADONNA J
	30	7952	LA COSA DR	FOLEY PATRICK
	31	7960	LA COSA DR	ANDERSON ANTHONY
	32	7747	CHALKSTONE DR	MAYER KEVIN & BRANDI
	33	7760	LA COSA DR	MORRIS CAROL
	34	7752	LA COSA DR	COLE CHRISTOPHER & ANDREA
	35	7747	EL SANTO LN	SMITH PENNY S
	36	7741	EL SANTO LN	ROBNETT JENNIFER LEIGH
O	37	7737	EL SANTO LN	OWEN CAROLYN S LIFE EST
	38	7736	EL SANTO LN	SUBARDJO LUSLY
	39	7740	EL SANTO LN	YUAN CHUNHUA D
	40	7746	EL SANTO LN	LING DAVID
	41	7747	EL PADRE LN	SANDERS PAUL R & JACQUELINE A
	42	7741	EL PADRE LN	RIVERA SHEYLA L
	43	7737	EL PADRE LN	TOOFAN MANSOOR & JANE ANN
	44	7736	EL PADRE LN	HUGHES RONALD S &
	45	7740	EL PADRE LN	OREILLY WILLIAM T &
	46	7746	EL PADRE LN	ALAMEEL SIMONE &
	47	7761	LA COSA DR	KRAMER ROBERT W &
	48	7753	LA COSA DR	PEARCE CHARLES D &
	49	7745	LA COSA DR	LENIG RICHARD BARNETT
X	50	7736	LA RISA DR	FALCON JOEL E
	51	7740	LA RISA DR	PILLER WENDY L &
	52	7744	LA RISA DR	MURPHY ROBERT P JR &
	53	7744	LA AVENIDA DR	GAYLOR DOROTHY J LIFE EST
	54	7740	LA AVENIDA DR	SATTERFIELD D MICHAEL
	55	7736	LA AVENIDA DR	PENNY JASON DANIEL &
	56	7737	LA RISA DR	ELAM FRANKLIN E & STEPHANIE
	57	7741	LA RISA DR	GANN CHRIS

08/01/2018

Reply	*Label #*	*Address*		*Owner*
	58	7747	LA RISA DR	TOWNSEND SUZANNE & DAVID ROSS
	59	7737	LA AVENIDA DR	ROLLINGS KIM
	60	7741	LA AVENIDA DR	LUDLUM ROGER L & JANE
	61	7747	LA AVENIDA DR	STORMS REBECCA
	62	7748	LA BOLSA DR	COUTURIER STEPHANIE E &
	63	7742	LA BOLSA DR	JOHNSON ROBERT F
	64	7738	LA BOLSA DR	PLUM ROBERT B
	65	7750	EL PENSADOR DR	HAYNES JOSHUA JOHN & REBECCA MACHACEK
X	66	7756	EL PENSADOR DR	MARTINI RAYMOND R
	67	7760	EL PENSADOR DR	LANE RUTH LUCILLE
X	68	7751	LA BOLSA DR	MIKULA ROBERTA J
	69	7747	LA BOLSA DR	HORN JERRY ANN
	70	7741	LA BOLSA DR	ALEXANDER ZACHARY L &
	71	7847	EL PENSADOR DR	PAMPLIN BRADY M
	72	7841	EL PENSADOR DR	YUN WONKI
	73	7835	EL PENSADOR DR	MONTOYA FRED
	74	7829	EL PENSADOR DR	STANTON KATHERINE &
	75	7823	EL PENSADOR DR	BATES SAM S IV & MEGAN B
	76	7817	EL PENSADOR DR	MCKIMMEY SCOTT D &
	77	7815	ARAPAHO RD	NEEMA GOSPEL CHURCH
	78	15787	EL ESTADO DR	NGUYEN DAN
	79	15805	EL ESTADO DR	MOSTOWFI PARVENEH
	80	15811	EL ESTADO DR	CHANEY TIMOTHY A
X	81	15817	EL ESTADO DR	QNA LLC
	82	15819	EL ESTADO DR	QUENTIN RENLY ASSOCIATES LLC
	83	15829	EL ESTADO DR	HALL DANIEL W &
	84	15839	EL ESTADO DR	TANG JAMES &
	85	15845	EL ESTADO DR	BOLDEN BRANDON & LAURA
	86	15863	EL ESTADO DR	ARENDT RENTALS LP
	87	15871	EL ESTADO DR	ARENDT RESIDENTIAL RENTALS LIMITED PS
	88	7866	EL PENSADOR DR	SALAS SERGIO R

08/01/2018

Reply	*Label #*	*Address*		*Owner*
	89	7860	EL PENSADOR DR	LACKEY MARY ANNE
	90	7854	EL PENSADOR DR	SCHAEFERS ROBIN CARUTH
	91	7848	EL PENSADOR DR	FEDERAL HOME LOAN MORTGAGE CORPORATION
	92	7842	EL PENSADOR DR	VALLEJO MARK
	93	7836	EL PENSADOR DR	RASHID SAIRA
	94	7830	EL PENSADOR DR	ESTORGA JENNIFER L & ANTHONY J
	95	7824	EL PENSADOR DR	GIBBONS MICHAEL F
	96	7818	EL PENSADOR DR	HANSON VICTOR L III & ANN TRANER
	97	7812	EL PENSADOR DR	MARKHAM DEAN & TRACEY
	98	7806	EL PENSADOR DR	MARETZKY CHUCK K III &
	99	15836	SPRING CREEK RD	GARLAND ANNE B
	100	15832	SPRING CREEK RD	TUBBS NANCY C
	101	15826	SPRING CREEK RD	IBARRA REBECCA RUTH &
	102	15822	SPRING CREEK RD	GARCIA DAMIAN & KIMBERLY M
	103	15816	SPRING CREEK RD	S D HOME DESIGN LLC
	104	15757	COIT RD	UNDERWOOD FAMILY ENTERPRISES LTD
	105	15757	COIT RD	PARK GLOBAL INC/ WALMART
O	106	15707	COIT RD	UNDERWOOD GEORGE M III
	107	15816	EL ESTADO DR	CHEN MEILONG
	108	15820	EL ESTADO DR	HALL DANIEL W &
	109	15828	EL ESTADO DR	YANG & LI ENTERPRISES LLC
	110	15830	EL ESTADO DR	HOLLOWAY DONALD L
	111	15836	EL ESTADO DR	MSS VENTURES LLC
	112	15840	EL ESTADO DR	HONG BEAU &
	113	15844	EL ESTADO DR	SHIAO TOMMY C
	114	15850	EL ESTADO DR	LEE GUK & NAMSOON
	115	15852	EL ESTADO DR	RAHMAN WAHIDA & ENAYET KHAN
O	116	15635	COIT RD	UNDERWOOD GEORGE III
	117	15610	SPRING CREEK RD	KCP RE LLC
	118	15544	SPRING CREEK PL	YANG KANDACE
	119	15540	SPRING CREEK PL	BOVE RICHARD J & SYLVIA T

08/01/2018

Reply	*Label #*	*Address*		*Owner*
	120	15534	SPRING CREEK PL	MOLINA RODOLFO
	121	15530	SPRING CREEK PL	DENBLEYKER ROBERT A & HEATHER
	122	15524	SPRING CREEK PL	MESEBERG STEVEN
	123	7805	LA COSA DR	LASTER KRISTEN ANN
	124	7811	LA COSA DR	GIERHART MICHAEL
	125	7819	LA COSA DR	HARRIS CHRISTOPHER & LINDSAY
	126	7827	LA COSA DR	FUHRMEISTER WILLIAM F
	127	7835	LA COSA DR	STRINGER MATTHEW ERICSON &
	128	7843	LA COSA DR	COMPTON PHILLIP & VANESSA
	129	7849	LA COSA DR	MARTIN COLANNE M
	130	7853	LA COSA DR	PLANT KEVIN D & MIONE S
	131	7859	LA COSA DR	MORROW ROWENA D
	132	7905	LA COSA DR	MARTIN PAULA L
	133	7911	LA COSA DR	WARD NEIL & MEGAN
	134	7917	LA COSA DR	DAVIS JASON SCOTT & ESTHER C
	135	7921	LA COSA DR	REYNOLDS LAURA W
	136	7927	LA COSA DR	FOSTER BETTY
X	137	7935	LA COSA DR	ORTON PETER WILLIAM &
	138	7943	LA COSA DR	LYONS ELIZABETH A
	139	7949	LA COSA DR	DOHERTY RICHARD L
	140	7955	LA COSA DR	ANDRESEN DANIEL T & CHRISTINA D
	141	7961	LA COSA DR	KIM YANG SOO & HYONG IM
	142	1050	N COIT RD	PRO MOBIL INC
	143	650	N COIT RD	NEMES ALEXANDER & YAEL M
	144	640	N COIT RD	2255 PROMENADE CENTER LP
	145	650	N COIT RD	HARTMAN PROMENADE LLC

Agenda Information Sheet

File #: 18-667 **Item #:** 63.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 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 a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-1-D Limited Office District with a D Liquor Control Overlay, on Gaston Parkway, northwest of Garland Road, and northeast of Beachview Street
Recommendation of Staff: Approval
Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant
Z178-226(JM)
Note: This item was deferred by the City Council before opening the public hearing on August 8, 2018, and is scheduled for consideration on September 12, 2018

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, SEPTEMBER 12, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-226(JM) **DATE FILED:** April 10, 2018

LOCATION: On Gaston Parkway, northwest of Garland Road, and northeast of Beachview Street

COUNCIL DISTRICT: 9 **MAPSCO:** 38 J

SIZE OF REQUEST: ±0.366 acres **CENSUS TRACT:** 81.00

APPLICANT/OWNER: Broomfield, J.V.

REPRESENTATIVE: Rob Baldwin, Baldwin & Associates

REQUEST: An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an LO-1-D Limited Office District with a D Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow retail uses at the site.

STAFF RECOMMENDATION: **Approval**

CPC RECOMMENDATION: **Approval**, subject to deed restrictions volunteered by the applicant.

BACKGROUND INFORMATION:

- The 0.366-acre site contains a 2,900-square-foot vacant office building constructed in 1956.
- The request to rezone to a CR District would allow 31 new uses, primarily in the retail and personal service category. Additionally, the change would amend restrictions on 11 other uses (L, SUP, RAR, etc.). The D Liquor Control Overlay would remain intact.
- No specific tenant is proposed at this time.
- At the CPC hearing on June 7, 2018, the applicant volunteered deed restrictions removing 29 of the allowable uses of which 15 are from within the proposed CR District and 14 are from the existing LO-1 District.

Zoning History: There have been two zoning requests in the area in the last five years.

1. **Z167-201:** On September 13, 2017, the City Council denied an application for a Planned Development District for MU-1 Mixed Use District uses on property zoned an MU-1 Mixed Use District, a CR-D Community Retail District with a D Liquor Control Overlay, and an LO-1-D Limited Office District with a D Liquor Control Overlay, located on the northwest line of Garland Road, southwest of North Buckner Boulevard.
2. **Z156-281:** On April 25, 2018, the City Council approved an application for: (1) a CR Community Retail District with deed restrictions volunteered by the applicant; (2) a D-1 Liquor Control Overlay for the lot on the southwest corner of Beachview Street and Garland Road; and (3) a Specific Use Permit for the sale and service of alcoholic beverages in conjunction with a restaurant without drive-through windows for the lot on the southwest corner of Beachview Street and Garland Road, on property zoned an LO-1-D Light Office District with a D Liquor Control Overlay, located on the northwest side of Garland Road, southwest of North Buckner Boulevard.

Traffic:

The Engineering Section 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
Gaston Parkway	Local	50 feet	--
Garland Road	Principal Arterial	100 feet	100 feet

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

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.

1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

URBAN DESIGN

GOAL 5.3 Establishing Walk-to Convenience

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Garland Road Vision Plan:

The Garland Road Vision Plan was adopted in November 2010. The plan is intended to be a Small Area Action Plan in support of the *forward*Dallas Comprehensive Plan. The plan's Future Land Development Visions shows the area as commercial.

Surrounding Land Uses:

	Zoning	**Land Use**
Site	LO-1-D	Vacant Office
Northwest	LO-1-D, MF-2(A),	Multifamily, Medical Office
North	MU-1	Surface Parking
Northeast	CR	Church, Fire Station, Retail
Southeast	D(A)	Duplex
Southwest	LO-1-D	Medical Office, Surface Parking

Land Use Compatibility:

The request site is currently developed with a vacant medical office structure. The properties are surrounded by medical offices and multifamily to the northwest; surface parking to the north; a church, fire station, and retail to the northeast; duplex to the southeast; and, medical office and surface parking to the southwest. The applicant proposes to expand the allowable uses for the site to include retail and personal service. The applicant is not requesting to change the D Liquor Control Overlay.

Any proposed development in the CR District will have to comply with the residential proximity slope (RPS) because of the D(A) Duplex District across Garland Road to the southeast. The maximum height allowed in CR is 54 feet, a reduction from the existing LO-1 District standard of 70 feet. Additionally, the lot coverage would be reduced from a maximum of 80 percent, to 60 percent. Finally, the floor area ratio maximum would reduce from 1.0 to a combined maximum of 0.75. The major difference is that the request to rezone to a CR District would allow 31 new uses, primarily in the retail and personal service category. Additionally, the change would amend restrictions on 11 other uses (L, SUP, RAR, etc.).

At the CPC hearing on June 7, 2018, the applicant volunteered deed restrictions removing 29 of the allowable uses of which 15 are from within the proposed CR District and 14 are from the existing LO-1 District.

Development Standards:

District	Setbacks		Height	Lot Cover-age	Special Standards	FAR	Primary Uses
	Front	Side/Rear					
Existing: LO-1-D	15'	20' adjacent to residential OTHER: No Min.	70' 5 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	1.0	Office – limited retail & personal service uses
Proposed: CR-D	15'	20' adjacent to residential OTHER: No Min.	54' 4 stories	60%	Proximity Slope Visual Intrusion	0.5 for office uses; and 0.75 for all uses combined.	Retail & personal service, office

Parking:

Pursuant to the Dallas Development Code, off-street and loading required parking must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

Landscaping:

Landscaping will be provided per Article X, as amended.

Land Use Comparison:	**Proposed**	**Proposed**
Use	**CR**	**LO-1**
~~Crop production.~~	~~X~~	~~X~~
~~Building repair and maintenance shop.~~	~~RAR~~	
Catering service.	X	L
Custom business service.	X	
Electronics service center.	X	
Tool or equipment rental.	X	
~~Gas drilling and production.~~	~~SUP~~	~~SUP~~
~~Temporary concrete or asphalt batching plant.~~	~~CBO~~	~~CBO~~
Adult day care facility.	X	L
~~Cemetery or mausoleum.~~	~~SUP~~	~~SUP~~
Child-care facility.	X	L
~~College, university, or seminary.~~	~~X~~	~~X~~
~~Community service center.~~	~~SUP~~	~~SUP~~
~~Convent or monastery.~~	~~X~~	~~X~~
Hospital.	SUP	
Hotel and motel.	SUP	
~~Lodging or boarding house.~~	~~SUP~~	
~~Overnight general purpose shelter.~~	~~Check Use~~	~~Check Use~~
~~Attached non-premises sign.~~	~~SUP~~	~~SUP~~
~~Carnival or circus (temporary).~~	~~CBO~~	~~CBO~~
~~Alternative financial establishment.~~	~~SUP~~	~~SUP~~
Financial institution with drive-in window.	DIR	SUP
~~Country club with private membership.~~	~~X~~	~~X~~
Private recreation center, club, or area.	X	SUP
~~College, dormitory, fraternity, or sorority house.~~	~~X~~	~~X~~
~~Ambulance service.~~	~~RAR~~	
Animal shelter or clinic without outside runs.	RAR	
~~Auto service center.~~	~~RAR~~	
~~Car wash.~~	~~DIR~~	
Commercial amusement (inside).	SUP	
~~Commercial amusement (outside).~~	~~SUP~~	
Commercial parking lot or garage.	RAR	
~~Convenience store with drive-through.~~	~~SUP~~	

Land Use Comparison:	**Proposed**	**Proposed**
Use	**CR**	**LO-1**
Dry cleaning or laundry store.	**X**	**L**
Furniture store.	**X**	
General merchandise or food store 3,500 square feet or less.	**X**	**L**
General merchandise or food store greater than 3,500 square feet.	**X**	
~~General merchandise or food store 100,000 square feet or more.~~	~~**SUP**~~	
~~Home improvement center, lumber, brick or building materials sales yard.~~	~~**DIR**~~	
Household equipment and appliance repair.	**X**	
Liquor store.	**X**	
~~Mortuary, funeral home, or commercial wedding chapel.~~	~~**X**~~	
~~Motor vehicle fueling station.~~	~~**X**~~	
Nursery, garden shop, or plant sales.	**X**	
Paraphernalia shop.	**SUP**	
Use	**CR**	**LO-1**
~~Pawn shop.~~	~~X~~	
Personal service uses.	**X**	**L**
Restaurant without drive-in or drive-through service.	**RAR**	**L, RAR**
~~Restaurant with drive-in or drive-through service.~~	~~DIR~~	
~~Swap or buy shop.~~	~~SUP~~	
~~Temporary retail use.~~	~~X~~	
Theater.	**X**	
Commercial radio and television transmitting station.	**X**	**SUP**
Police or fire station.	**X**	**SUP**
Post office.	**X**	**SUP**
~~Mini-warehouse.~~	~~**SUP**~~	
Recycling buy-back center.	**Check Use**	
Recycling collection center.	**Check Use**	

X *indicates permitted by right.*
SUP *indicates permitted with a Specific Use Permit.*
RAR *indicates permitted, but subject to Residential Adjacency Review.*
DIR *indicates permitted, but subject to Development Impact Review.*
Check Use *indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.*
CBO *indicates that the use requires special authorization of the building official.*
Highlighted ***and ~~stricken~~*** *text indicates the use has been restricted by volunteered deed restrictions.*

Alternating color pattern indicates a new category of uses as separated in the Dallas Development Code.

CPC Action
June 7, 2018

Motion: It was moved to recommend **approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant on property zoned an LO-1-D Limited Office District with a D Liquor Control Overlay, on Gaston Parkway, northwest of Garland Road, and northeast of Beachview Street.

Maker: Jung
Second: Housewright
Result: Carried: 12 to 0

For: 12 - Rieves, Houston, Davis, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - West, Shidid
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 11
Replies: For: 2 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

List of Owners

Broomfield J.V.

List of Partners/Officers/Directors

Broomfield J.V.
a Texas general Partnership

General Partner: **Broomfield Ltd.**
a Texas limited partnership

General Partner: West Pioneer Management, Inc.
a Texas corporation
Keith E. Koop – stockholder
Barry R. Waranch – stockholder
James E. Thweatt – stockholder

Limited Partners: Barry R. Waranch
Keith E. Koop
Opal Interest, L.P.
James E. Thweatt
Rebecca Thweatt

General Partner: **August Realty, Holdings, Ltd.**
a Texas limited partnership

General Partner: Bow Tie, LLC
a Texas limited liability company
Keith E. Koop – Sole member

Limited Partners: Barry R. Waranch
Keith E. Koop
JET Irrevocable Trust (James Thweatt)
RJT Irrevocable Trust (Rebecca Thweatt)

Z178-226

Deed Restrictions Volunteered at CPC on 6-7-18

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

(1) The following uses are prohibited:

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service.

-- Building repair and maintenance shop.

(C) Industrial uses.

-- Gas drilling and production.
-- Temporary concrete or asphalt batching plant.

(D) Institutional and community services uses.

-- Cemetery or mausoleum.
-- College, university, or seminary.
-- Community service center.
-- Convent or monastery.

(E) Lodging uses.

-- Lodging or boarding house.
-- Overnight general purpose shelter.

(F) Miscellaneous uses.

-- Attached non-premises sign.
-- Carnival or circus (temporary).

(G) Office.

-- Alternative financial establishment.

(H) Recreation uses.

-- Country club with private membership.

(I) Residential uses.

-- College, dormitory, fraternity, or sorority house.

(J) Retail and personal service uses.

-- Ambulance service.
-- Auto service center.
-- Car wash.
-- Commercial amusement (outside).
-- Convenience store with drive-through.
-- General merchandise or food store 100,000 square feet or more.
-- Home improvement center, lumber, brick or building materials sales yard.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Pawn shop.
-- Restaurant with drive-in or drive-through service.
-- Swap or buy shop.
-- Temporary retail use.

(K) Wholesale, distribution, and storage uses.

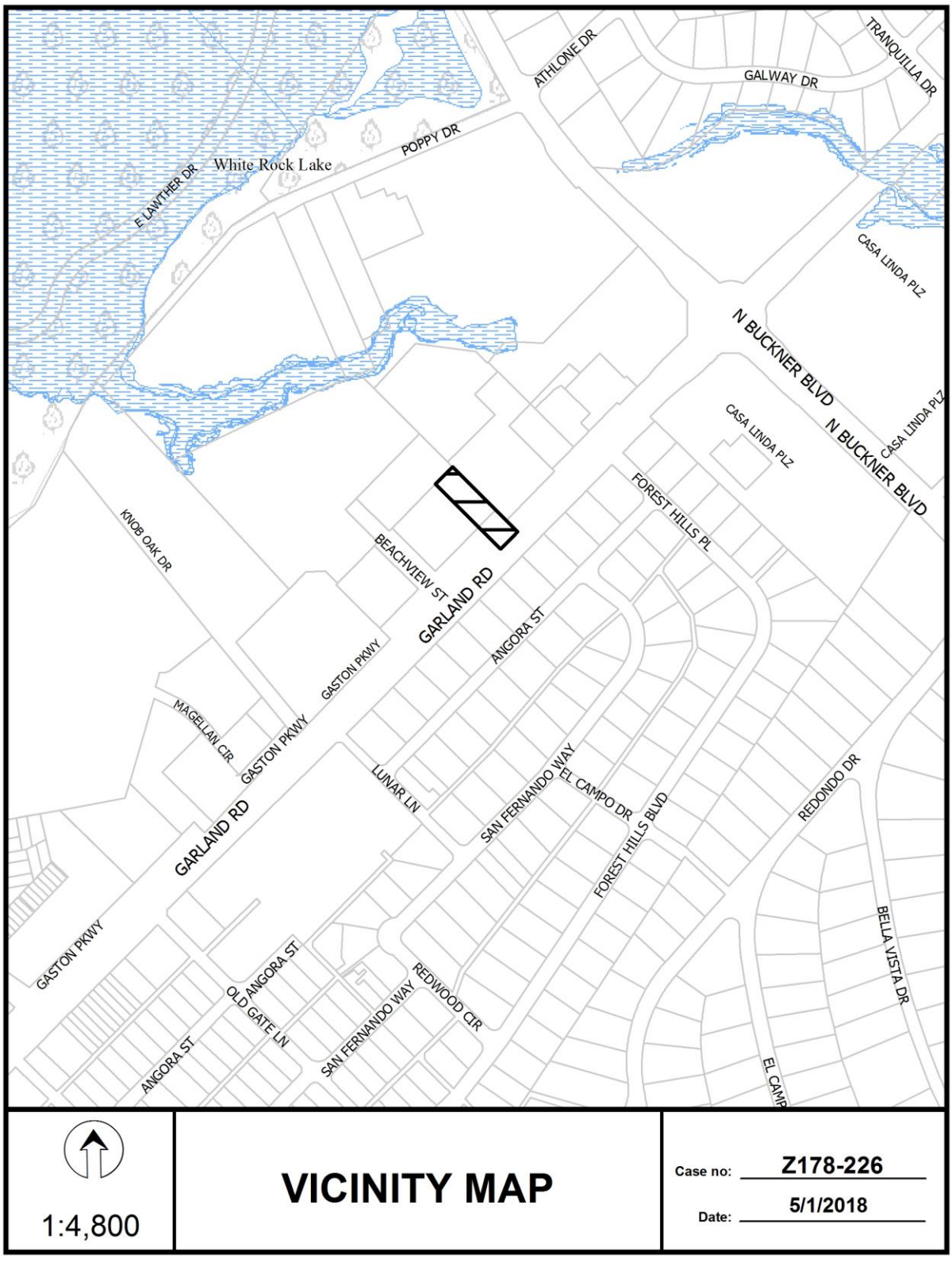
-- Mini-warehouse.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the

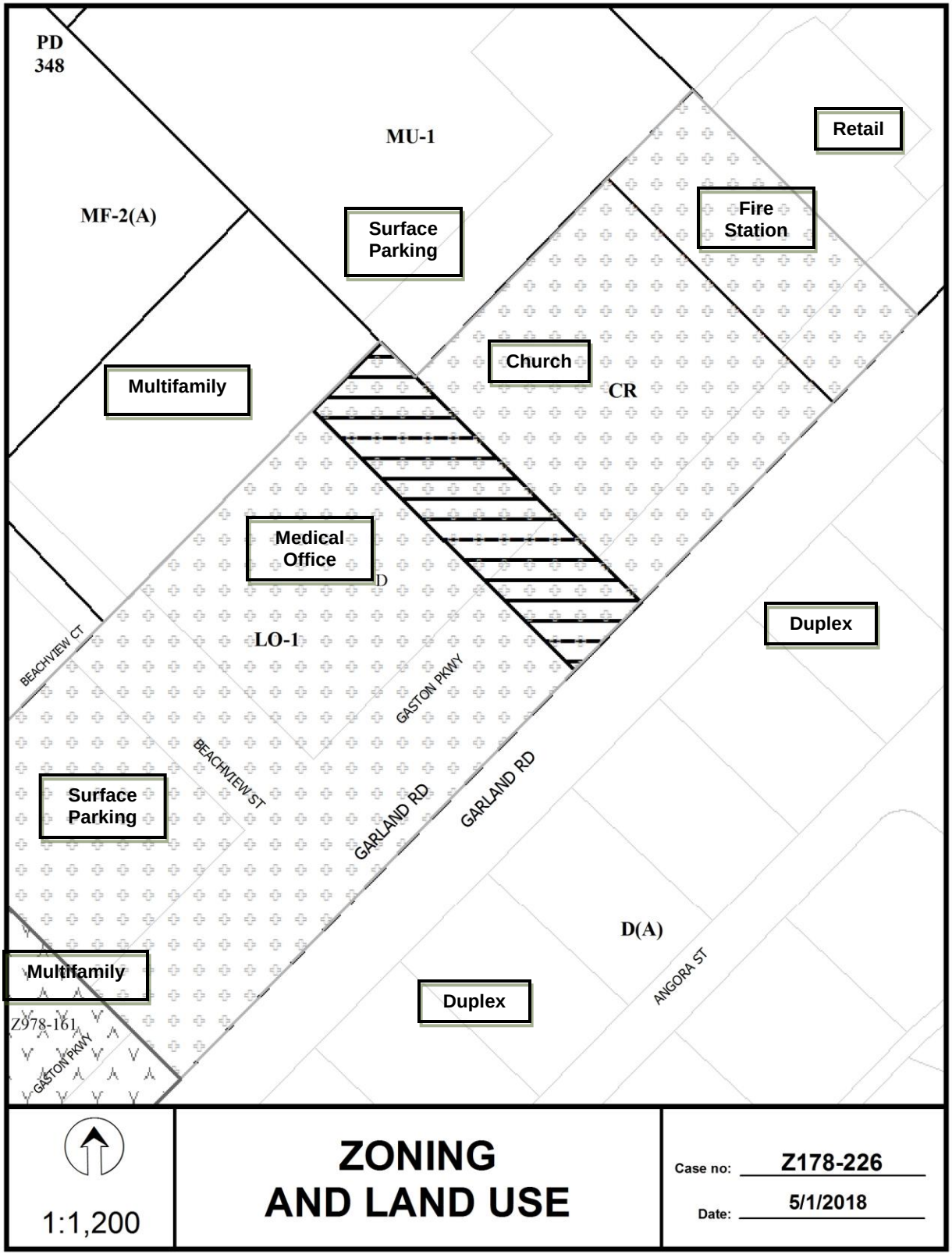

White Rock Lake
ATHLONE DR
GALWAY DR
TRANQUILLA DR
POPPY DR
E LAWTHER DR
CASA LINDA PLZ
N BUCKNER BLVD
FOREST HILLS PL
KNOB OAK DR
BEACHVIEW ST
GARLAND RD
ANGORA ST
GASTON PKWY
MAGELLAN CIR
LUNAR LN
SAN FERNANDO WAY
EL CAMPO DR
FOREST HILLS BLVD
REDONDO DR
BELLA VISTA DR
OLD GATE LN
REDWOOD CIR
1:4,800
VICINITY MAP
Case no: Z178-226
Date: 5/1/2018

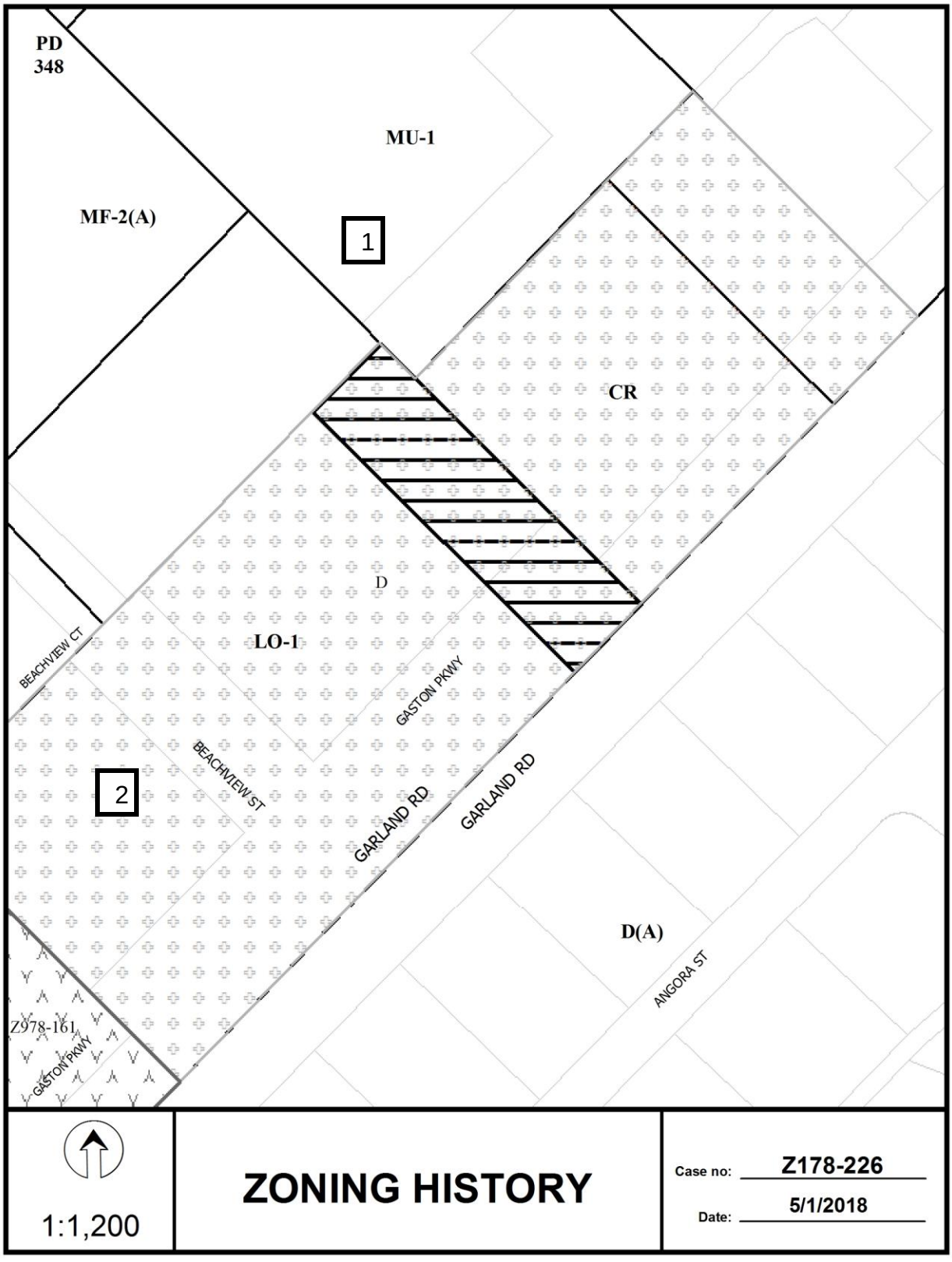
1:1,200

AERIAL MAP

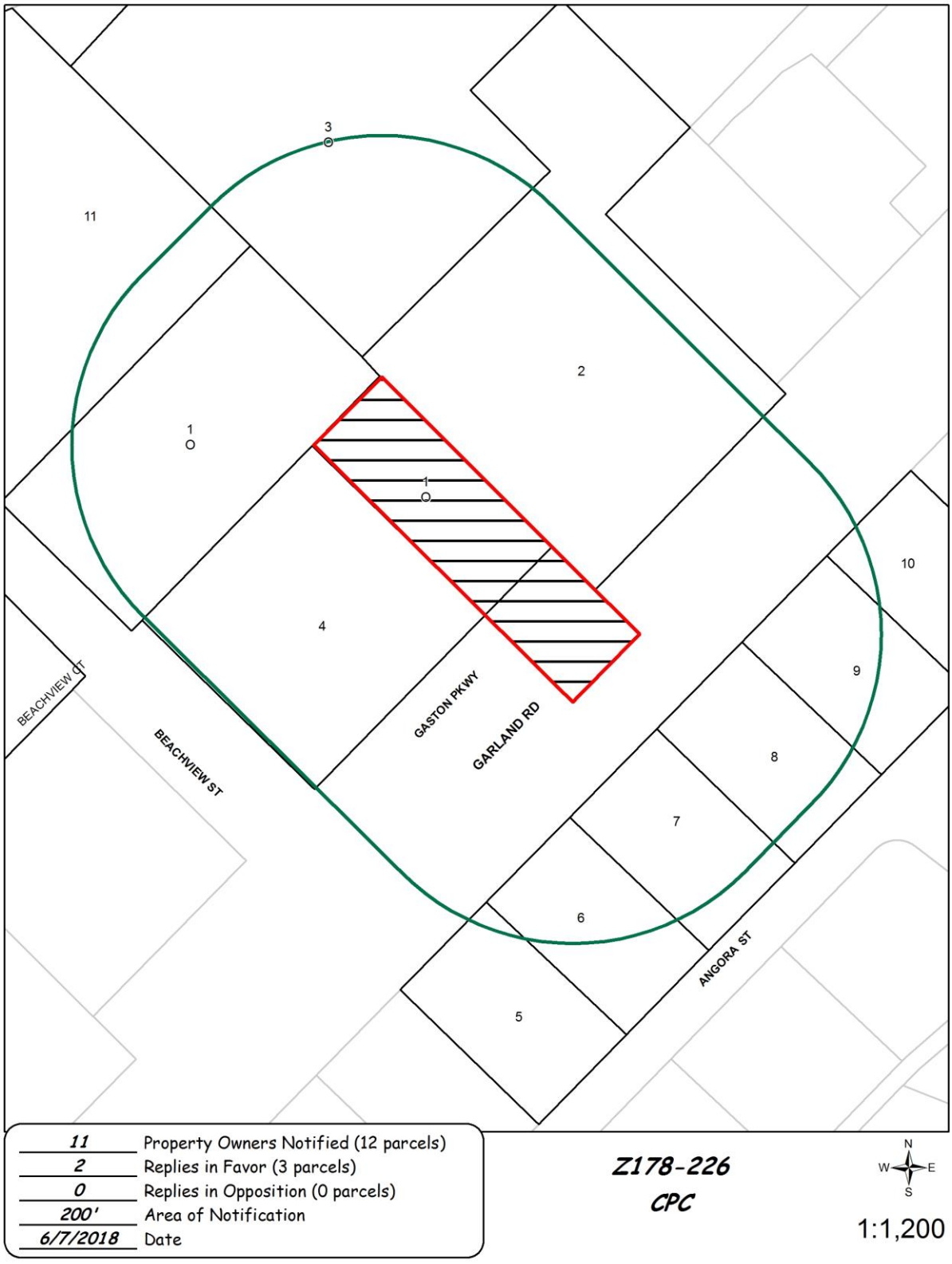
Case no: Z178-226

Date: 5/1/2018


PD 348
MU-1
Retail
MF-2(A)
Surface Parking
Fire Station
Church
CR
Multifamily
Medical Office
LO-1
Duplex
BEACHVIEW CT
GASTON PKWY
BEACHVIEW ST
GARLAND RD
GARLAND RD
Surface Parking
D(A)
Multifamily
Duplex
ANGORA ST
Z978-161
GASTON PKWY
1:1,200
ZONING AND LAND USE
Case no: Z178-226
Date: 5/1/2018


PD
348
MU-1
MF-2(A)
1
CR
D
LO-1
BEACHVIEW CT
GASTON PKWY
BEACHVIEW ST
2
GARLAND RD
GARLAND RD
D(A)
ANGORA ST
Z978-161
GASTON PKWY
1:1,200
ZONING HISTORY
Case no: Z178-226
Date: 5/1/2018

CPC RESPONSES



06/06/2018

Reply List of Property Owners

Z178-226

11 Property Owners Notified ***2 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	9335	GASTON PKWY	BROOMFIELD J V
	2	9353	GARLAND RD	WHITE ROCK COMMUNITY
O	3	9353	GARLAND RD	DOCTOR BROTHERS LTD
	4	9323	GARLAND RD	ONYX HOLDINGS LLC
	5	9315	ANGORA ST	LOUDERMILK HUBERT LEE II
	6	9321	ANGORA ST	EMMETT ROSS A
	7	9331	ANGORA ST	LANE GEOFFREY A
	8	9337	ANGORA ST	CASEY MARY TRUSTEE
	9	9347	ANGORA ST	DENTON JAMES MASON III & BRIANNE
	10	9353	ANGORA ST	TUCKER RICHARD A
	11	1111	BEACHVIEW ST	UNIFIED HOUSING OF HARVEST HILL III LLC

Agenda Information Sheet

File #: 18-668 **Item #:** 64.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the east side of North Cesar Chavez Boulevard, between Elm Street and Main Street
Recommendation of Staff and CPC: Approval for a six-year period, subject to a site plan and conditions
Z178-242(PD)
Note: This item was deferred by the City Council before opening the public hearing on August 8, 2018, and is scheduled for consideration on September 12, 2018

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, SEPTEMBER 12, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-242(PD) **DATE FILED:** April 18, 2018

LOCATION: East side of North Cesar Chavez Boulevard, between Elm Street and Main Street

COUNCIL DISTRICT: 2 **MAPSCO:** 45 L

SIZE OF REQUEST: ± 1.4 acres **CENSUS TRACT:** 31.01

APPLICANT/OWNER: 2201 Main LLC

REPRESENTATIVE: Santos Martinez, Masterplan Consultants

REQUEST: An application for a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619.

SUMMARY: The applicant proposes to install an attached projecting non-premise district activity videoboard sign.

CPC RECOMMENDATION: **Approval** for a six-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a six-year period, subject to a site plan, and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with an office and parking garage use.
- The applicant is proposing to install a 16'x 9' (144 square feet) videoboard sign. The proposed sign will be installed 20 feet above the sidewalk.
- Ordinance No. 27481, adopted by City Council on February 11, 2009, allowed for non-premise district activity videoboard signs in the Downtown Special Provision Sign District. In this ordinance, there was a limit of five videoboard signs.
- Ordinance No. 28347 was adopted by City Council on August 24, 2011. One of the amendments in this ordinance was to increase the number of videoboard signs the in Downtown SPSD to a total of 15 and increase the area in which the videoboard signs are allowed.
- Currently, 13 non-premise district activity videoboard signs have been approved and exist in the Downtown Special Provision Sign District.

Zoning History: There have been no recent zoning cases within the past five years.

Videoboard Signs: There are currently 13 videoboard signs existing and active. (Refer to Exhibit A)

NO.	SUP NO./CASE NO.	APPROVED	EXPIRATION
1 & 2	**SUP No.1755** (Renewal, Z145-276)	9-9-2015 (two videoboards)	9-9-2021
3	**SUP No.1788** (Renewal, Z145-277)	9-9-2015	9-9-2021
4	**SUP No. 1791**(Renewal, Z145-278)	9-9-2015	9-9-2021
5	**SUP No. 1796**(Renewal, Z123-224)	8-14-2013	8-14-2019
6	**SUP No. 1957**(Renewal, Z178-123)	*6-13-2018	*6-13-2028
7	**SUP No. 1958**(Renewal, Z178-124)	2-14-2018	2-14-2028
8	**SUP No. 1959** (Amend/Renewal Z178-214)	6-27-2018	6-27-2024
9	**SUP No. 2005** (Z123-123)	1-23-2013	1-23-2019
10	**SUP No. 2006** (Z123-122)	1-23-2013	1-23-2019
11	**SUP No. 2007** (Z123-112)	1-23-2013	1-23-2019
12	**SUP No. 2008** (Z123-110)	1-23-2013	1-23-2019
13	**SUP No. 2009** (Z112-111)	1-23-2013	1-23-2019

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Elm Street	Collector	Variable Width
N. Cesar Chavez Boulevard	Principal Arterial	Variable Width
Main Street	Minor Arterial	100-ft.

Traffic:

The applicant submitted a traffic study conducted by an independent firm. The traffic analysis concluded that the proposed sign will not significantly interfere with the effectiveness of traffic control devices within 300 feet of the sign.

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system.

Surrounding Land Uses:

	Zoning	Land Use
Site	CA-1(A)	Office & Parking Garage
North	CA-1(A)	Commercial Parking Lot
West	CA-1(A)	Vacant Lot
South	CA-1(A)	Office
East	CA-1(A)	RL Thornton Expressway

STAFF ANALYSIS:

Comprehensive Plan:

The subject site is identified as being within the *Downtown Area* on the ***forwardDallas!*** **Vision Illustration**, adopted June 2006. The Downtown is a centrally located hub that provides high intensity, concentrated regional job and commercial activity supported by high-density housing.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC EVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded Downtown.

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

- Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

- Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

Land Use Compatibility:

The 1.4-acre request site is zoned CA-1(A) Central Area District 1 and is developed with an office and parking garage.

The properties in the surrounding area are developed with a commercial parking lot use to the north, vacant lot to the west, an office use to the south and RL Thornton Freeway to the east.

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.

Section 51A-7.909(g) pertains to the occupancy of buildings upon which videoboards may be attached. Videoboard signs are "only permitted on buildings with retail and personal service uses (other than commercial parking lot or garage) or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. The director shall notify City Council of any building that falls below the occupancy requirements and fails to reestablish the occupancy requirement within 120 days. The director may waive the occupancy requirements of this subsection for up to one year if the director determines that the building or multi-building complex is currently being redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more."

The applicant submitted an affidavit indicating the ground floor meets the occupancy requirements.

The applicant's request, subject a site plan, and conditions, complies with the general provisions for consideration of an SUP.

Development Standards:

A maximum of 15 non-premise district activity videoboard signs are permitted and may only be erected on buildings with frontage on streets within the Retail Subdistrict bounded by Jackson Street, Lamar Street, Pacific Street, and Cesar Chavez Boulevard.

Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street. Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.

A maximum of one non-premise district activity videoboard sign is permitted per block face. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have maximum of 150 square feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP.

Projecting non-premise activity videoboard signs

- must have a vertical orientation with height exceeding the width at a minimum of 16:9 width-to-height ratio;
- may project a maximum of 12 feet into the right-of-way;
- must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk.
- must have video displays on both sides of the sign.

All videoboard signs:

- must contain a default mechanism that freezes the image in one position in case of malfunction
- must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
    - the ambient light level measure in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then
    - the dimming level, multiplied by .0039 equal the brightness level; then
    - the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed brightness, measured in nits.
- must be turned off between 1:00a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and
- may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

Non-premise district activity videoboard signs:

- must have a full color display able to display a minimum of 281 trillion color shades; and
- must be able to display a high quality image with a minimum resolution equivalent to 19mm maximum pixel size.

Changes of message must comply with the following:

- Each message must be displayed for a minimum of eight seconds
- Changes of message must be accomplished within two seconds
- Changes of message must occur simultaneously on the entire sign face
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message

LIST OF OFFICERS

John R. Salazar

Eva G. Salazar

CPC ACTION:
June 21, 2018

Motion: It was moved to recommend **approval** of a Specific Use Permit for an attached projecting non-premise district activity videoboard sign for a six-year period, subject to a site plan and conditions on property zoned Planned Development District No. 619, on the east side of North Cesar Chavez Boulevard, between Elm Street and Main Street.

Maker: Rieves
Second: Mack
Result: Carried: 10 to 1

For: 10 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Schultz, Peadon, Murphy

Against: 1 - Housewright
Absent: 2 - Ridley, Tarpley
Vacancy: 1 - District 8
Conflict: 1 - Jung

Notices: Area: 300 Mailed: 25
Replies: For: 0 Against: 1

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: Scott Rohrman, 2105 Commerce St., Dallas, TX, 75201
Against (Did not speak): Tonya Leonard, 2105 Commerce St., Dallas, TX, 75201

Videoboards Current & Proposed
(Exhibit A)

City of Dallas

Current Signs

1:4,800

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.

3. TIME LIMIT: This specific use permit expires on (six-years from the passage of this ordinance).

4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

SIGN PLACEMENT REVIEW

Pacheco Koch
7557 Rambler Road, Suite 1400
Dallas, Texas 75231-2388
(972) 235-3031 www.pkce.com
TX. REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00

TECHNICAL MEMORANDUM

To: Tanya Lillie – Outfront Media

From: Steve E. Stoner, P.E., PTOE

Date: April 10, 2018

Subject: **Downtown Videoboard Sign for 2201 Main Street – Sign Placement Review**
PK #3346-18.110

INTRODUCTION/PURPOSE
The services of **Pacheco Koch** were retained by **Outfront Media** (the "Applicant") to prepare a *Sign Placement Review* for a proposed, attached, non-premise, district activity, videoboard sign located on the existing building at 2201 Main Street (on the S. Cesar Chavez Boulevard frontage) in downtown Dallas. The provisions and regulations for such signs are outlined in Section 51A-7.908 through 910 of the Dallas Development Code.

As part of the application process for the sign installation, the Applicant must commission and submit a report, prepared by a traffic engineer, verifying that the proposed sign location will not interfere with the effectiveness of traffic control devices within 300 feet of the sign.

A visual rendering of the proposed sign location, provided by **Outfront Media**, is provided at the end of this report. A site location map showing the proposed sign location and a 300-foot radius from the proposed sign location is provided in **Exhibit 1**.

ANALYSIS
Traffic engineers from Pacheco Koch conducted a field reconnaissance of the proposed videoboard sign location and surrounding area on Wednesday, March 26, 2018. The proposed videoboard sign location was identified based upon the rendering provided by the Applicant.

General traffic observations about the local environment:

- The area is a low-speed environment (average speed is estimated at less than 30 MPH)
- The area is a very urban condition with traffic signals at most every intersection (typical intersection spacing is approximately 300 feet)
- Traffic volumes and general activity in the area is high requiring heightened driver attentiveness

- A variety of street signs (including other videoboard signs) are prevalent in the area

The proposed videoboard sign location will primarily be visible to motorists travelling in the northbound and southbound directions of S. Cesar Chavez Boulevard. The following, existing traffic control devices were noted within the 300 feet of the proposed sign location:

A. Vehicular/pedestrian traffic signal at the intersection of S. Cesar Chavez Boulevard and Elm Street located approximately 100 feet to the north of the proposed videoboard sign.

B. Vehicular/pedestrian traffic signal at the intersection of S. Cesar Chavez Boulevard and Main Street located approximately 180 feet to the south of the proposed videoboard sign

Observations and findings:

In the northbound direction of travel

- Due to vertical clearance, lateral offset, and spatial distance of the proposed videoboard sign placement location, the proposed videoboard sign will not visually obstruct the view of traffic signals "A" or "B"

- The proposed videoboard will be located within the same general field of vision as traffic signal "A"; however, (1) potential visual overlap (i.e., videoboard directly behind an individual traffic signal head), if any, will only occur either at great distance (more than 300 feet away) or at very close distances at extreme angles but is not anticipated to result in a driver's ability to process the signal indication, and (2) the existing traffic signal provides multiple traffic signal heads with backplates and is considered sufficiently visible

In the southbound direction of travel:

NOTE: At the time of the study, the southbound travel lanes were under construction and not open to public traffic. However, the following observations were made based upon Pacheco Koch's general knowledge of the future conditions.

- Due to vertical clearance, lateral offset, and spatial distance of the proposed videoboard sign placement location, the proposed videoboard sign will not visually obstruct the view of traffic signals "A" or "B"

- The proposed videoboard will be located on the opposite side of the street and is not expected to affect the operation of traffic signals "A" or "B"

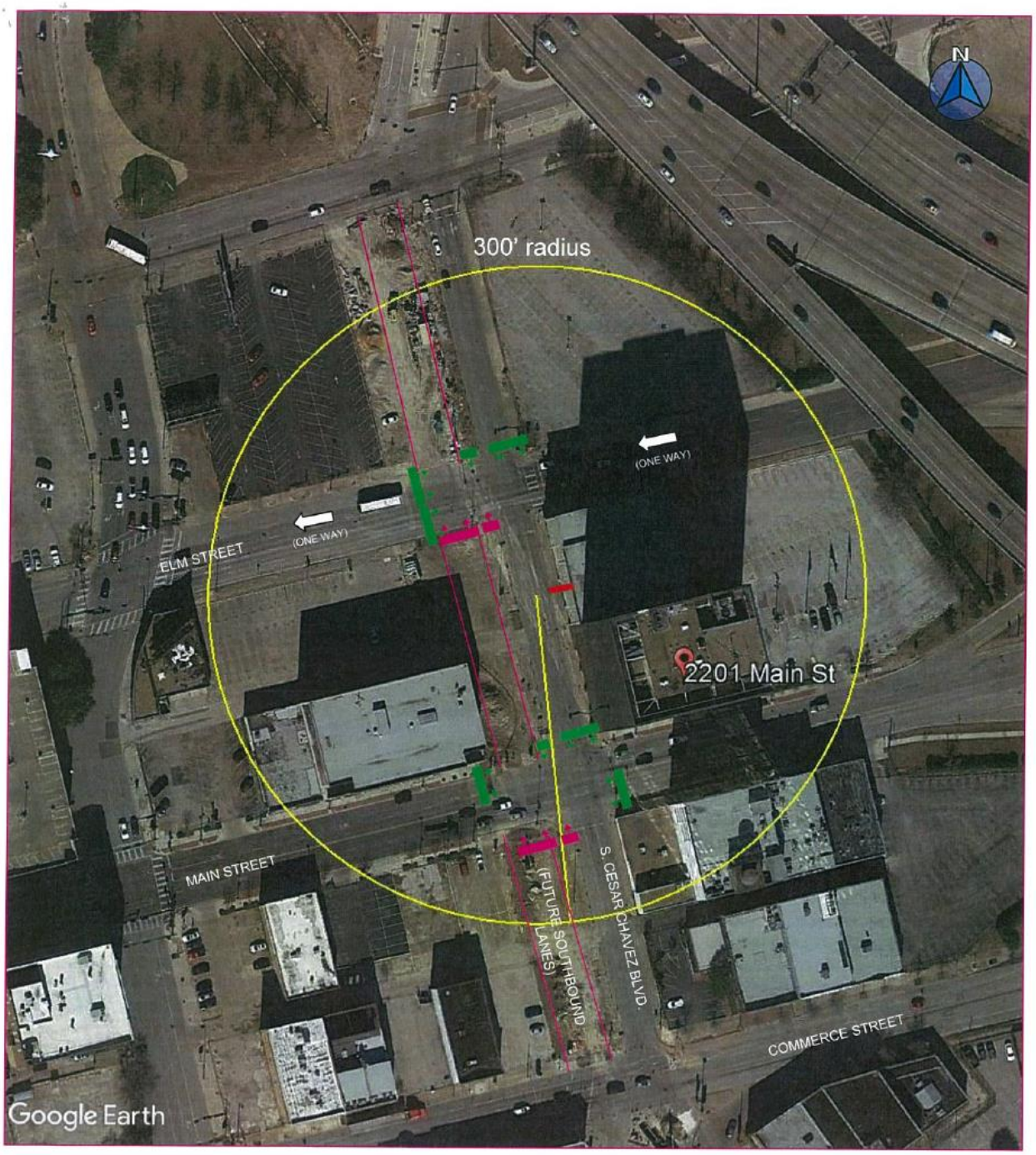
CONCLUSIONS

Based upon Pacheco Koch's assessment of the proposed videoboard sign placement at 2201 Main Street as depicted in the rendering provided by Applicant, it is our opinion that the proposed sign location will not interfere with the effectiveness of traffic control devices within 300 feet of the sign.

DISCLAIMER: The preceding analysis is based upon the professional opinions of Pacheco Koch and assume motorists accept customary responsibilities associated with operation of motor vehicles and exercise reasonable judgment and caution while driving. It is also assumed that the videoboard sign will be installed and operated (by others) in accordance with applicable regulations and industry standards.

END OF MEMO

Z178-242



Pacheco Koch

Downtown Videoboard Sign
2201 Main Street
Sign Placement Review

LEGEND:
- Traffic Signal Head (pole-mounted)
- Traffic Signal Heads (mast-arm-mounted)
- Future Traffic Signal Head (pole-mounted)
- Future Traffic Signal Heads (mast-arm-mounted)
- Proposed Sign Location (Approximate)

Z178-242

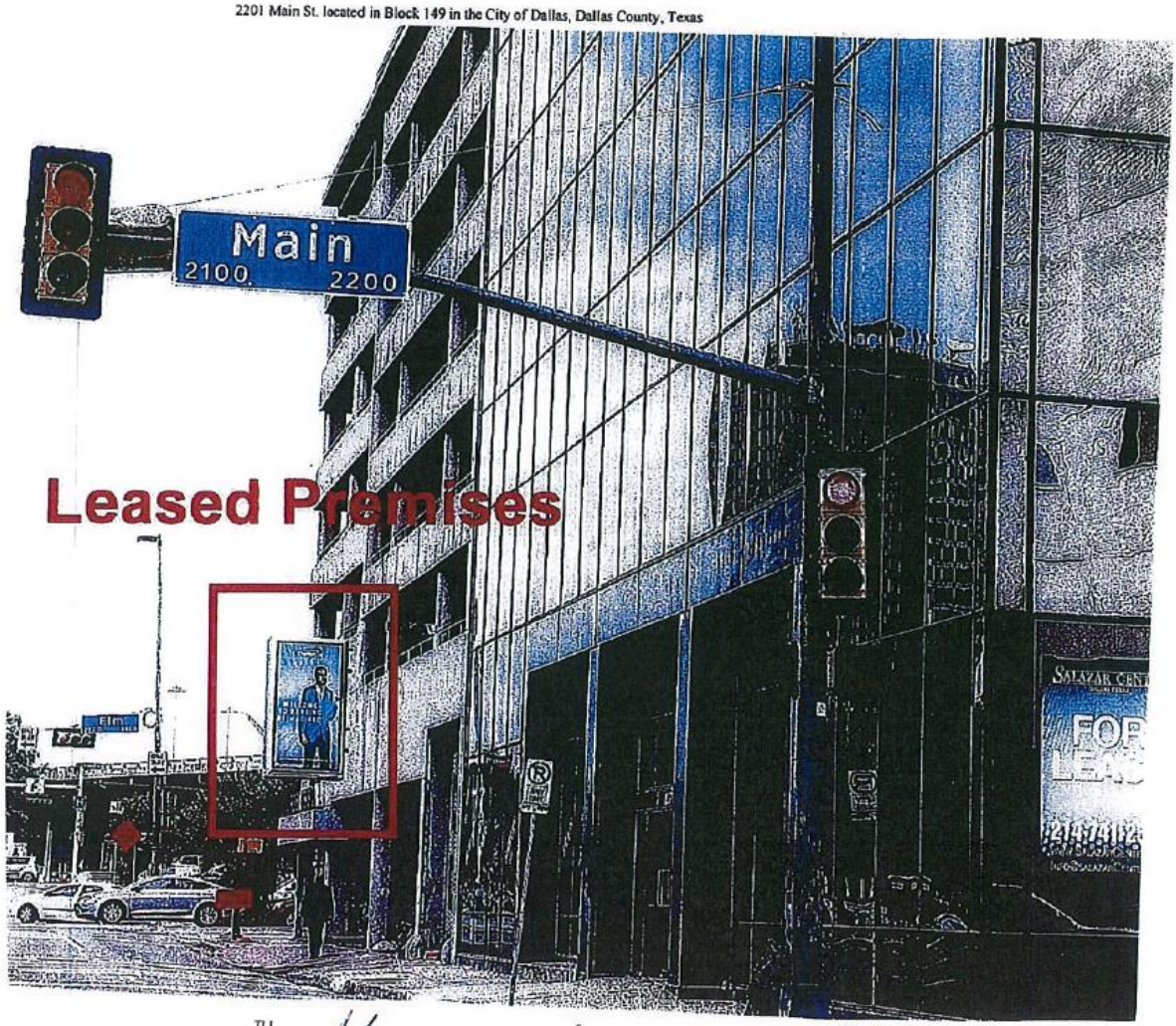
OUTFRONT media

EXHIBIT A

[Exhibit A shall consist of one of the following to the extent that the same are available. The following examples are listed in order of the company's order of preference]

1. Google Survey with lines drawn around leased premises and measurements or the leased premises borders.
2. Survey.
3. Drawing indicating approximate location on the property with measurements from the applicable property lines and the borders of the leased premises.
4. Tax parcel and indication of general location on parcel (i.e. northwest portion)
5. Address and indication of general location on parcel (i.e. northwest portion)

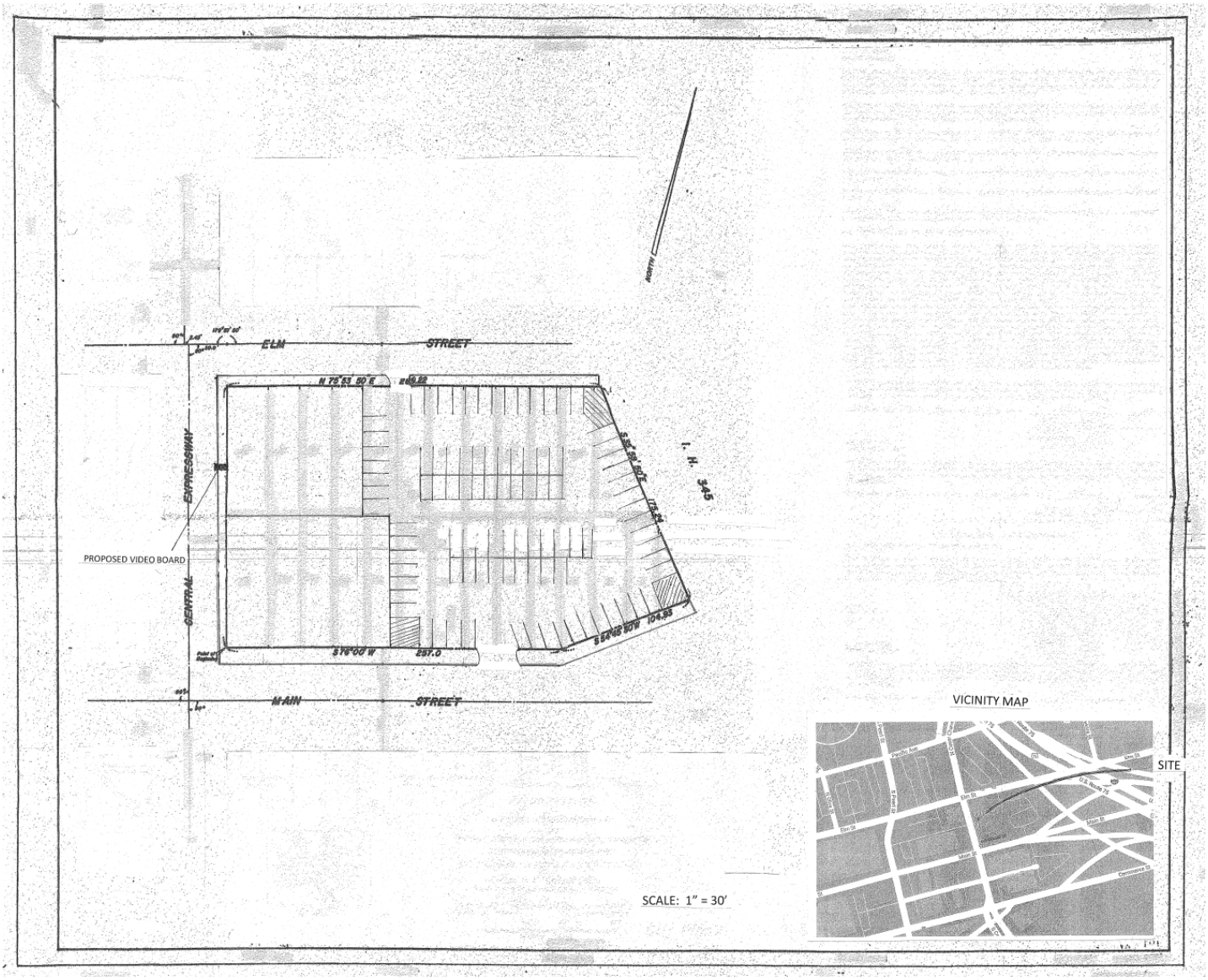
2201 Main St. located in Block 149 in the City of Dallas, Dallas County, Texas



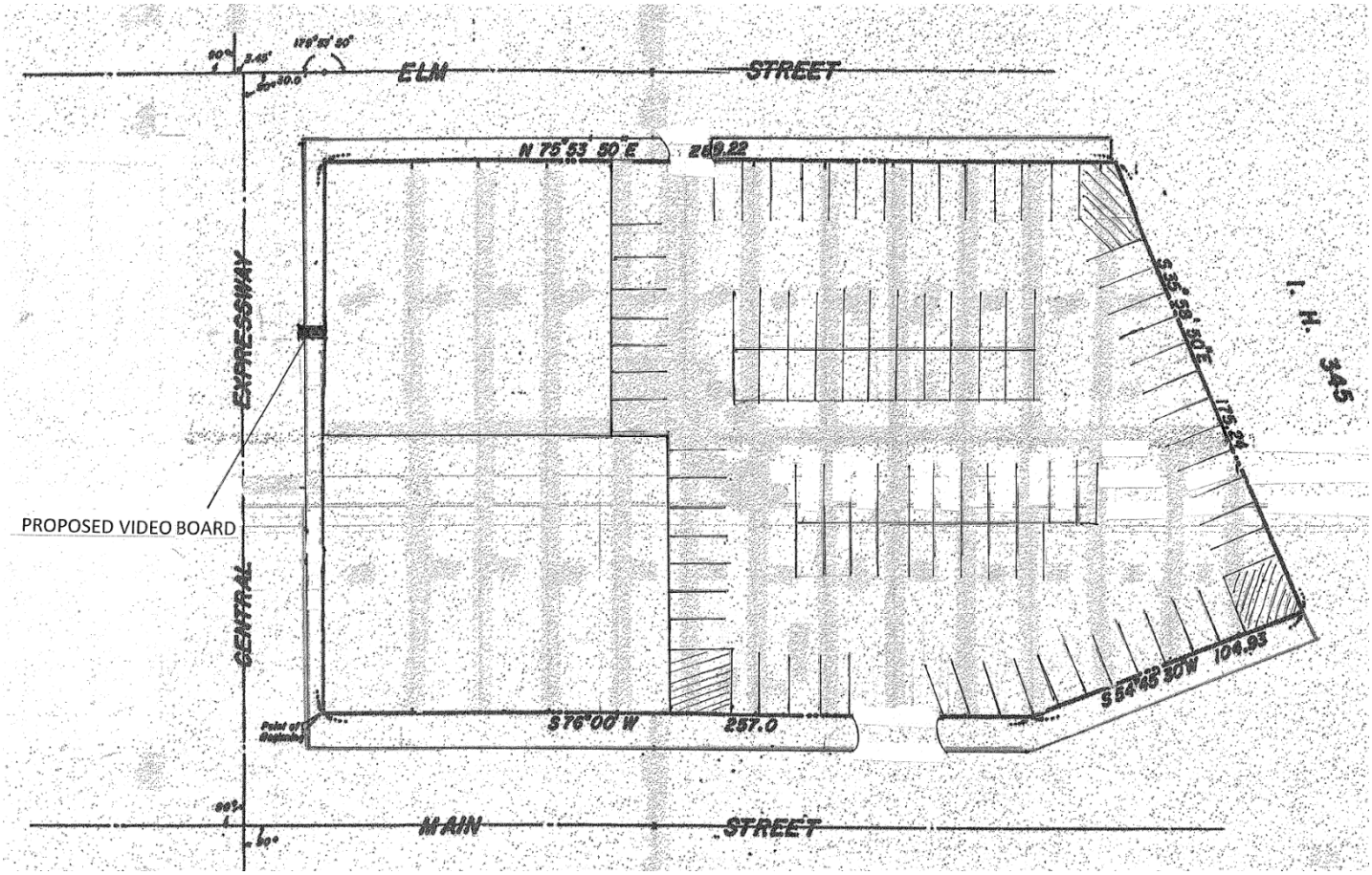
TLL 5 PRE 6/15/16

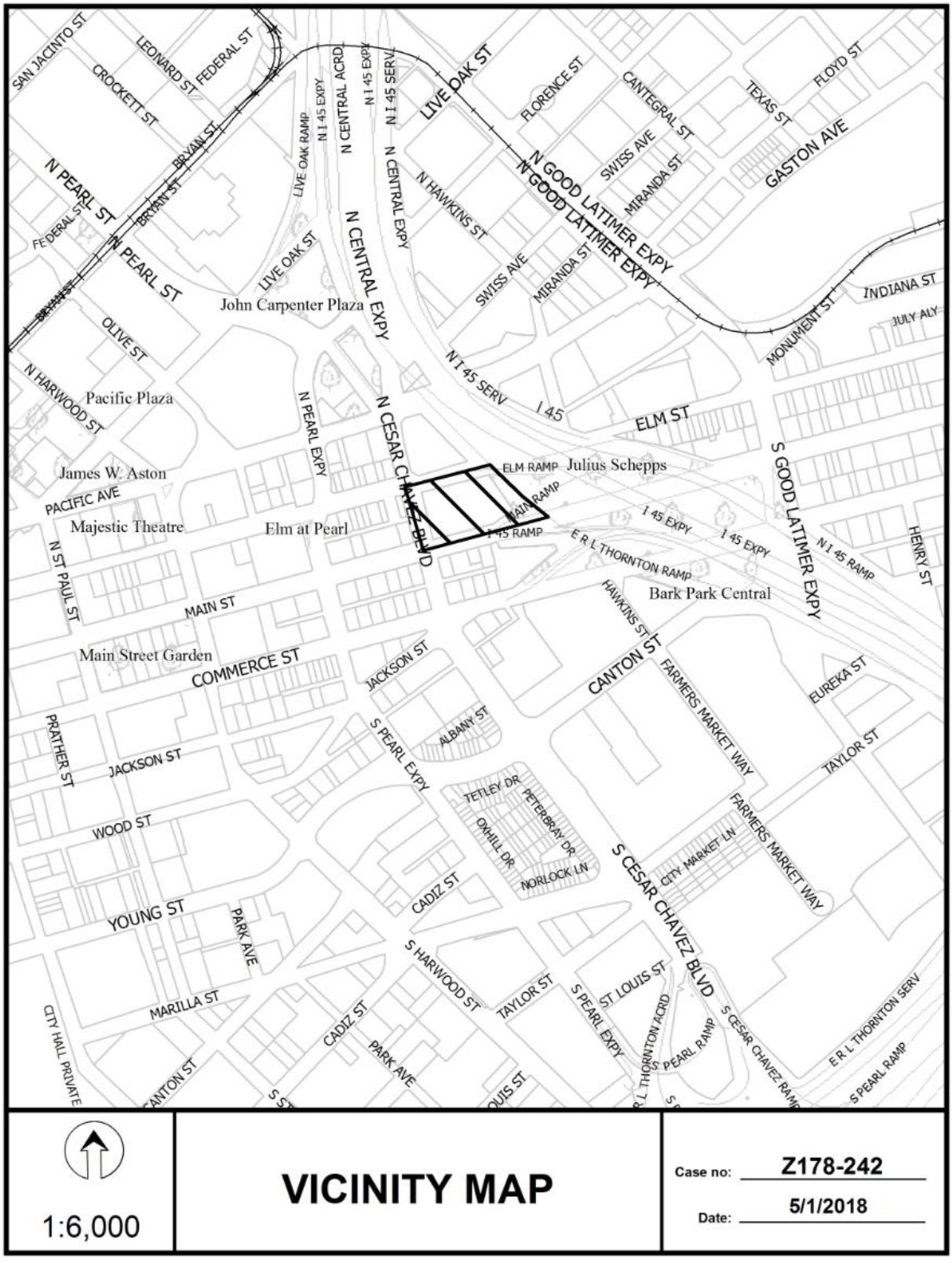
Z178-242

PROPOSED SITE PLAN



ENLARGED PROPOSED SITE PLAN




SAN JACINTO ST
LEONARD ST
FEDERAL ST
CROCKETT ST
BRYAN ST
N PEARL ST
FEDERAL ST
BRYAN ST
LIVE OAK RAMP
N I 45 EXPY
N CENTRAL ACRD
N I 45 SERV
LIVE OAK ST
N CENTRAL EXPY
N HAWKINS ST
FLORENCE ST
CANTEGRAL ST
SWISS AVE
MIRANDA ST
TEXAS ST
FLOYD ST
GASTON AVE
N GOOD LATIMER EXPY
INDIANA ST
JULY ALY
MONUMENT ST
OLIVE ST
N HARWOOD ST
Pacific Plaza
John Carpenter Plaza
N PEARL EXPY
N CESAR CHAVEZ BLVD
N I 45 SERV
I 45
ELM ST
ELM RAMP
Julius Schepps
MAIN RAMP
I 45 RAMP
I 45 EXPY
E R L THORNTON RAMP
N I 45 RAMP
HENRY ST
S GOOD LATIMER EXPY
James W. Aston
PACIFIC AVE
Majestic Theatre
Elm at Pearl
N ST PAUL ST
MAIN ST
Main Street Garden
COMMERCE ST
Bark Park Central
HAWKINS ST
CANTON ST
FARMERS MARKET WAY
EUREKA ST
TAYLOR ST
JACKSON ST
ALBANY ST
S PEARL EXPY
PRATHER ST
WOOD ST
TETLEY DR
PETERBRAY DR
OKHILL DR
NORLOCK LN
CITY MARKET LN
S CESAR CHAVEZ BLVD
YOUNG ST
PARK AVE
CADIZ ST
S HARWOOD ST
MARILLA ST
CITY HALL PRIVATE
ST LOUIS ST
E R L THORNTON ACRD
S PEARL RAMP
S CESAR CHAVEZ RAMP
E R L THORNTON SERV
S PEARL RAMP
1:6,000
VICINITY MAP
Case no: Z178-242
Date: 5/1/2018

N PEARL ST
N CENTRAL EXPY
SWISS AVE
N HAWKINS ST
N I 45 RAMP
PACIFIC AVE
N PEARL EXPY
N CESAR CHAVEZ BLVD
E R L THORNTON RAMP
ELM ST
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MAIN ST
I 45 RAMP
COMMERCE ST
HAWKINS ST
JACKSON ST
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CANTON ST
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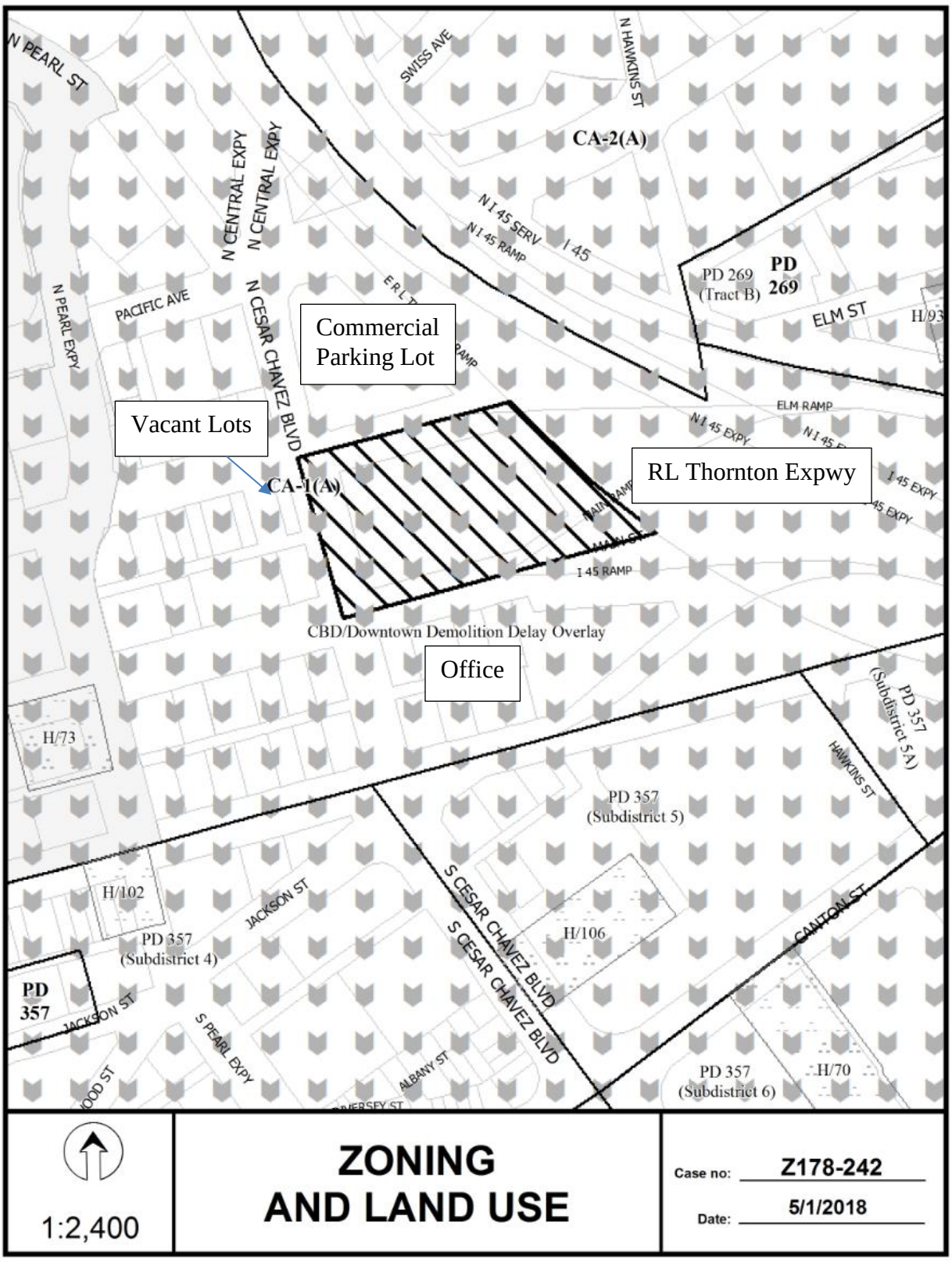
AERIAL MAP
Case no: Z178-242
Date: 5/1/2018


Commercial Parking Lot
Vacant Lots
RL Thornton Expwy
Office
CA-1(A)
CA-2(A)
CBD/Downtown Demolition Delay Overlay
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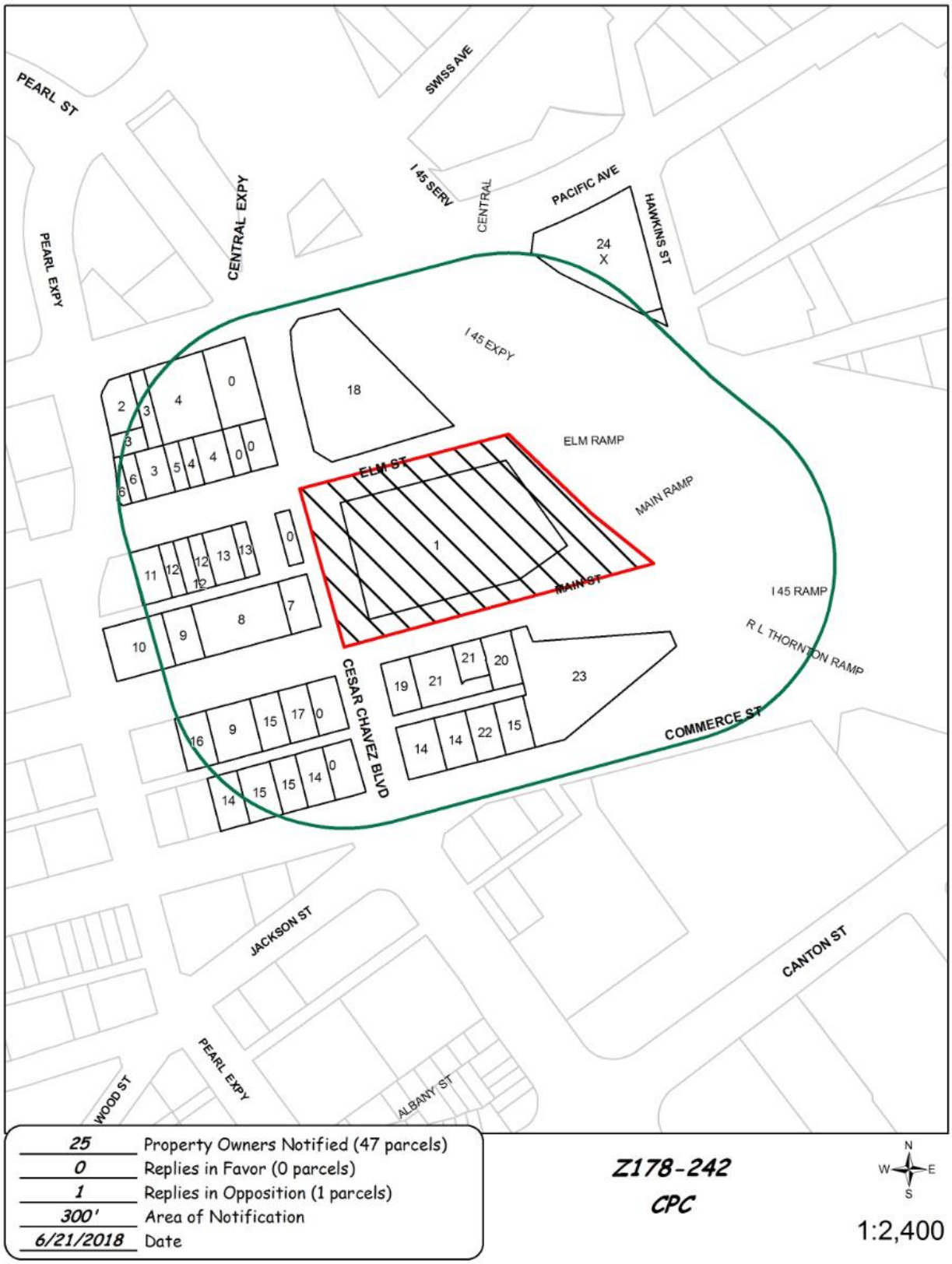
N CENTRAL EXPY
N CESAR CHAVEZ BLVD
PACIFIC AVE
N PEARL EXPY
SWISS AVE
N HAWKINS ST
N I 45 SERV
N I 45 RAMP
I 45
PD 269 (Tract B)
PD 269
ELM ST
ELM RAMP
N I 45 EXPY
I 45 EXPY
I 45 RAMP
H/73
H/102
H/106
H/70
PD 357 (Subdistrict 4)
PD 357 (Subdistrict 5)
PD 357 (Subdistrict 5A)
PD 357 (Subdistrict 6)
PD 357
JACKSON ST
S CESAR CHAVEZ BLVD
S PEARL EXPY
ALBANY ST
CANTON ST
HAWKINS ST
1:2,400
ZONING AND LAND USE
Case no: Z178-242
Date: 5/1/2018

CPC Responses



06/20/2018

Reply List of Property Owners

Z178-242

25 Property Owners Notified ***0 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2201	MAIN ST	2201 MAIN LLC
	2	2200	PACIFIC AVE	GREY JAMES
	3	210	S PEARL EXPY	GREY JAMES C
	4	2217	ELM ST	OCONNOR J C ESTATE ET AL
	5	2211	ELM ST	GREY JAMES C &
	6	2205	ELM ST	42 EADO LP
	7	2125	MAIN ST	PARK A LOT LP
	8	2121	MAIN ST	PAN COASTAL LIMITED PS
	9	2107	MAIN ST	SOUTHWESTERN BLUEPRINT COMPANY
	10	2101	MAIN ST	42 EADO LP
	11	2206	ELM ST	SDH 2009 INVESTMENTS LP
	12	2210	ELM ST	PHILLIPS PATRICIA W EST
	13	2216	ELM ST	42 EADO LP
	14	2121	COMMERCE ST	MAHARGER DEV COMPANY LLC
	15	2117	COMMERCE ST	GRAHAM RALPH E III
	16	2106	MAIN ST	SOUTHWEST BLUEPRINT
	17	2120	MAIN ST	PURPLE PARKING PROJECT LLC
	18	2306	PACIFIC AVE	PAN COASTAL LIMITED PS
	19	2200	MAIN ST	TMLV LLC
	20	2214	MAIN ST	WILSON JOHN BROWNLEE JR
	21	2210	MAIN ST	TMLV LLC
	22	2211	COMMERCE ST	MAHARGER DEVELOPMENT
	23	2222	MAIN ST	2220 MAIN JOINT VENTURE
X	24	2400	GASTON AVE	WESTDALE PPTIES AMERICA I
	25	201	N HAWKINS ST	PHILLIPS PATRICIA W EST

Agenda Information Sheet

File #: 18-560 **Item #:** 65.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 12, 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 and an ordinance granting a Specific Use Permit for a detached non-premise sign (billboard) on property zoned an MC-1 Multiple Commercial District, on the southwest side of Interstate Highway 635 (Lyndon B. Johnson Freeway), west of Skillman Street
Recommendation of Staff: Approval for a 10-year period with eligibility for automatic renewals for additional 10-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a five-year period, subject to a site plan and conditions
Note: This item was considered by the City Council at a public hearing on August 22, 2018, and was held under advisement until September 12, 2018, with the public hearing open
Z178-255(CY)

powered by Legistar™

HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY SEPTEMBER 12, 2018
ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-255(CY)	**DATE FILED:**	May 4, 2018
LOCATION:	Southwest side of Interstate Highway 635 (Lyndon B. Johnson Freeway), west of Skillman Street		
COUNCIL DISTRICT:	10	**MAPSCO:**	27 C
SIZE OF REQUEST:	Approx. 0.187 ac.	**CENSUS TRACT:**	78.11

APPLICANT/OWNER: George Reynolds, sole owner

REPRESENTATIVE: Santos Martinez

REQUEST: An application for a Specific Use Permit for a detached non-premise sign (billboard) on property zoned an MC-1 Multiple Commercial District

SUMMARY: The purpose of the request is to allow for the relocation of an existing detached non-premise sign (billboard) on the remainder of the property due to the acquisition of a portion of the property by the Texas Department of Transportation and allow for lesser spacing requirement from a non-business or residential zoning district

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a 10-year period with eligibility for automatic renewals for additional 10-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The approximate 0.187-acre area of request is undeveloped except for the existing detached non-premise sign.

- The purpose of this request is to relocate the existing double-faced, 672-square-foot, 50-foot tall detached non-premise sign (billboard) within the same property.

- Building Inspections records show permits for this detached non-premise sign as early as 1978 which coincides with historical aerial views of 1979 showing the sign at the subject site.

- Section 51A-7.307(a) of the Dallas Development Code, as amended states that non-conforming detached non-premise signs located on or overhanging a parcel of land acquired by a governmental entity may be relocated subject to the restrictions in this section. The existing sign, like many of the existing detached non-premise signs in the city, is non-conforming, and it's being relocated as a result of the acquisition of a portion of the site by The Texas Department of Transportation (TxDOT) due to the expansion of the I-635 Highway.

- Section 51A-7.307(e)(2) states that no detached non-premise sign may be relocated within 100 feet of an expressway unless it was originally located within 100 feet of an expressway or new expressway. The existing billboard to be relocated is considered an expressway sign and meets the provision in Section 51A-7.307(f) for its relocation.

- Section 51A-7.307(e)(15) states that no detached HBA sign may be relocated within 300 feet of a non-business or residential zoning district. The existing detached non-premise sign is considered an Highway Beautification Act (HBA) sign due to being and located within 660 feet of an expressway (I-635) and its proposed relocation is within 300 feet of an MF-1(A) residential district to the west.

- Section 51A-7.307(i), states that the City Council may grant a Specific Use Permit to authorize a detached non-premise sing to have lesser spacing than that required in Section 51A-7.307(e), the purpose of this request, as stated above, is to obtain a Specific Use Permit to allow for lesser spacing from the residential district to the west.

Zoning History:

There have been no recent zoning changes in the vicinity during the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Required ROW
LBJ Freeway Frontage Road	Limited Access Freeway	Variable

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:

LAND USE ELEMENT

GOAL 1.1: PROMOTE DESIRED DEVELOPMENT.

Policy 1.2.2: Establish clear and objective standards for land use planning.

LAND USE POLICY PLANS

LBJ/SKILLMAN URBAN PLANNING INITIATIVE STUDY

The subject site is part of the study area for the LBJ/Skillman Urban Planning Initiative Study. The purpose of this study is to identify redevelopment and new transit oriented development opportunities to provide sustainable living, positive economic growth, cultural opportunities and increased safety throughout this strategic focus area as identified in the City of Dallas' Comprehensive plan, forward Dallas! The study concentrates on land use and circulation patterns, multi-family densities and transit orientated development opportunities related to the LBJ / Skillman, DART LRT Station. The study indicates that the predominant land use in the area is multifamily. The study does not make reference to sign regulations nor proposes policies to be considered for the analysis of this request.

DISTRICT 10 STRATEGIC AREA PLAN

On June 14, 2006, City Council approved the District 10 Strategic Area Plan for the area generally defined as Northeast Dallas bounded by city limits to the north and east, Northwest Highway to the south and U.S. Highway 75 and the White Rock Greenbelt to the west. The area of request is within the boundaries of this study. Although the area plan in its analysis of Land Use and Zoning identifies "negative non-conforming uses" as an issue to be addressed, it does not make reference to specific non-conforming uses that the community considers as negative nor establishes a specific policy to address such non-conforming uses. The overall goal of the District 10 study is to maintain its existing assets while taking advantage of opportunities for enhancements.

Land Use:

	Zoning	Land Use
Site	MC-1	Undeveloped, except for the detached non-premise sign
North	MF-1(A)	Multifamily
East	MC-1	Laundry Store, Medical Clinic, Animal Clinic, General Merchandise, Church, Restaurant and Office
South	MF-1(A)	Multifamily
West	MF-1(A)	Multifamily

Land Use Compatibility:

The site is currently vacant except for the existing detached non-premise sign. The area to the north, across Interstate Highway 635 is MF-1(A) Multifamily District. The area to the east is zoned MC-1 Multiple Commercial District and is developed with a mix of commercial uses such as laundry store, medical clinic, office, restaurant, general merchandise and church. The areas to the south and west are zoned MF-1(A) Multifamily District and are developed with apartments.

Building Inspections records show permits for this double-faced, 672-square feet detached non-premise sign as early as 1978 which coincides with historical aerial views of 1979 showing the sign at the subject site.

Section 51A-7.307(d)(1) of the Dallas Development Code, as amended states that all relocated signs must be relocated on the remainder of the tract from which the parcel of land was acquired unless relocating to the remainder is not possible for specific reasons. Section 51A-7.307(d)(2) also states that signs relocated to a remainder may

not be less conforming than the original sign, but must comply with the spacing requirements of Paragraphs (e)(12) and (e)(13).

The spacing requirements in Section 51A-7.307(e)(12) and (e)(13) refer to a sign not allowed to be relocated within 2,000 feet of the Trinity River, and not allowed to be relocated within 500 feet of a historic district, public park, city-owned lake or the escarpment zone or geologically similar areas. The existing sign is being proposed to be relocated within the remainder of the tract, and will not be less conforming than it currently is; contrary to this, the proposed relocation would improve the current conditions since the sign is encroaching into the adjacent property to the west. The relocation of the sign will also meet the spacing required in paragraphs (e)(12) and (e)(13)

The proposed relocation will also comply with the spacing required in Sec. 71A-7.307(e)(6) that states that an HBA sign must be relocated at least 500 feet from another non-premise sign on the same side of the expressway. The distance between the relocated billboard and the existing detached non-premise sign (billboard) to the southeast along LBJ Freeway is approximately 890 feet.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

As stated above, the relocation of the existing detached non-premise sign, requires a specific use permit to allow for lesser spacing from the MF-1(A) district directly adjacent and to the west of the site than the required 300 feet. It is staff's opinion that the request will not make the detached non-premise sign more non-conforming and is not foreseen to have a negative impact in the surrounding uses.

Parking:

No parking required for this use.

Landscaping:

There are two existing trees on the site that, as depicted in the proposed site plan, will not need to be removed due to the relocation.

Sign Setbacks:

Minimum setbacks are measured from the edge of the nearest expressway or new expressway travel lane. No sign may occupy the space between two feet and 14 feet above grade within 15 feet of the right-of-way, except for supports. No sign may be nearer than five feet to the public right-of-way or to the right-of-way line extended across a railroad right-of-way. The existing sign meets the setback requirements

PRIOR CPC ACTION- JULY 19, 2018

Z178-255(CY) Planner: Carolina Yumet

Motion: It was moved to recommend **approval** of a Specific Use Permit for the relocation of a detached non-premise sign (billboard) for a five-year period, subject to site plan and conditions on property zoned an MC-1 Multiple Commercial District, on the southwest side of Interstate Highway 635 (Lyndon B Johnson Freeway), west of Skillman Street.

Maker: Housewright
Second: Mack
Result: Carried: 10 to 4

For: 10 - West, Rieves, Houston, Davis, Carpenter, Mack, Jung, Housewright, Peadon, Tarpley

Against: 4 - Shidid, Schultz, Murphy, Ridley
Absent: 0
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 126
Replies: For: 1 Against: 1

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a detached non-premise sign.

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 _____ (five years from date of passage).

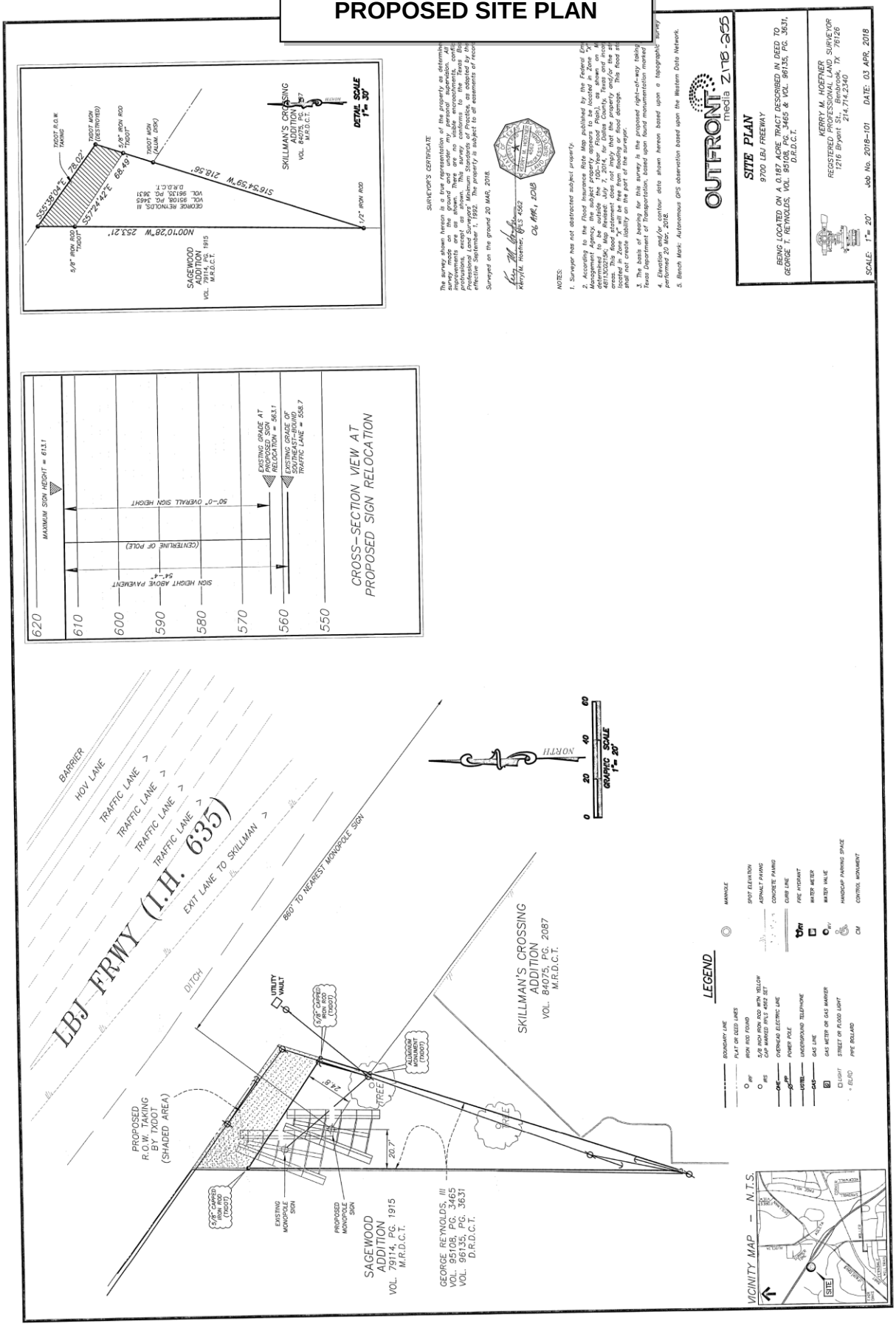
Applicant's Request:

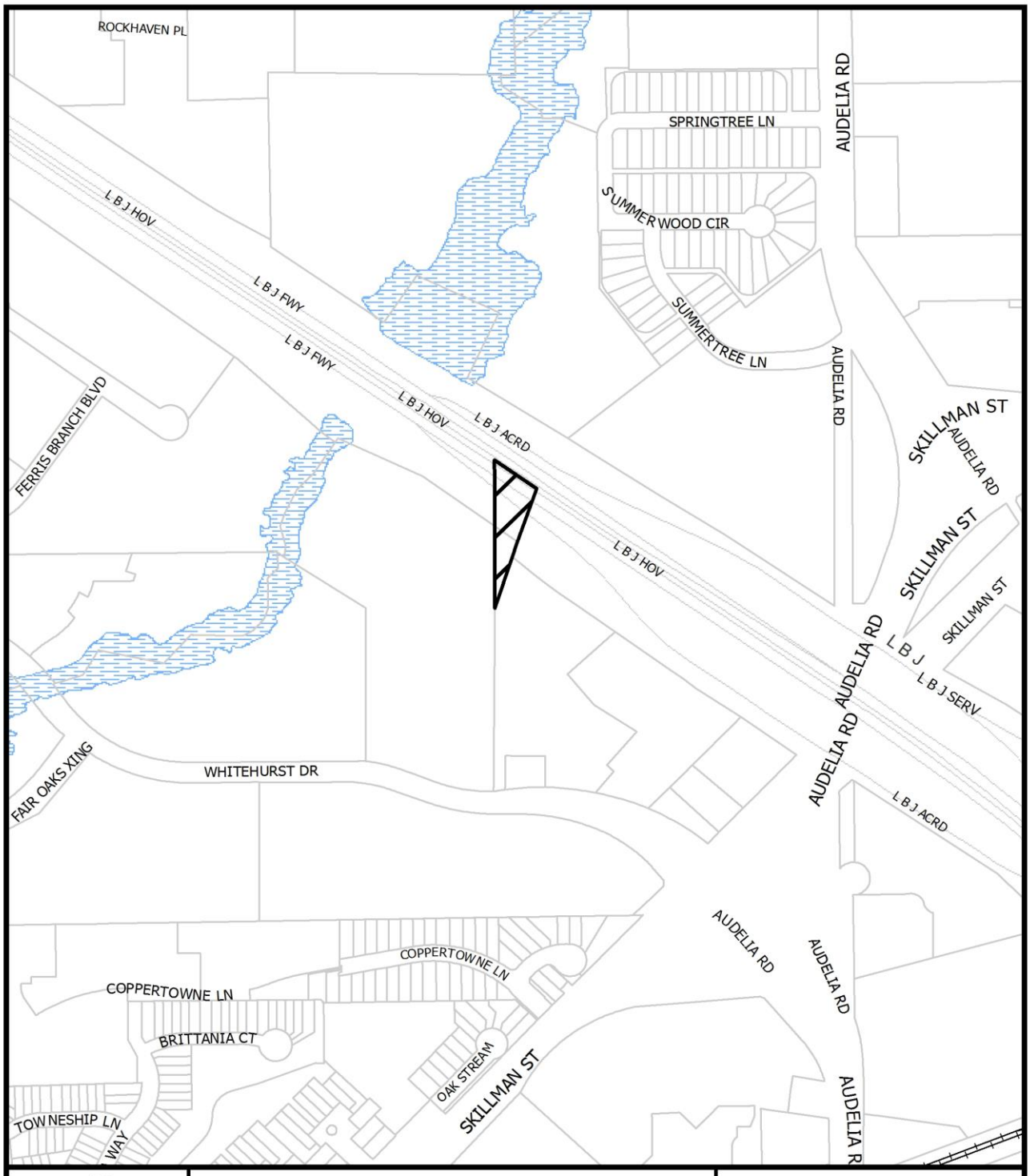
3. TIME LIMIT: This specific use permit expires on _____ (ten years from date of passage), but is eligible for automatic renewal for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file 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 entire 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





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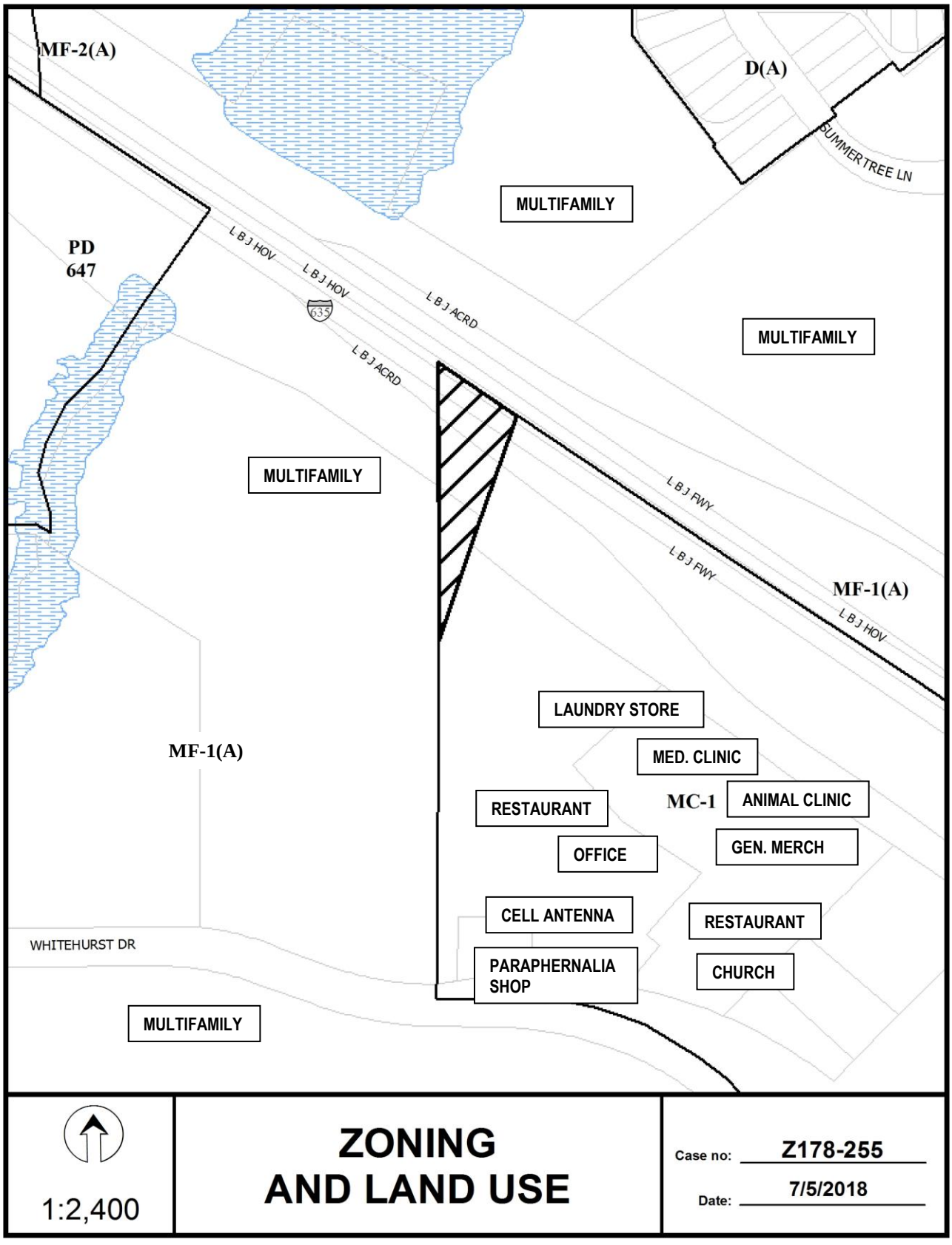
VICINITY MAP

Case no: Z178-255

Date: 7/5/2018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D(A)
SUMMERTREE LN
MULTIFAMILY
PD
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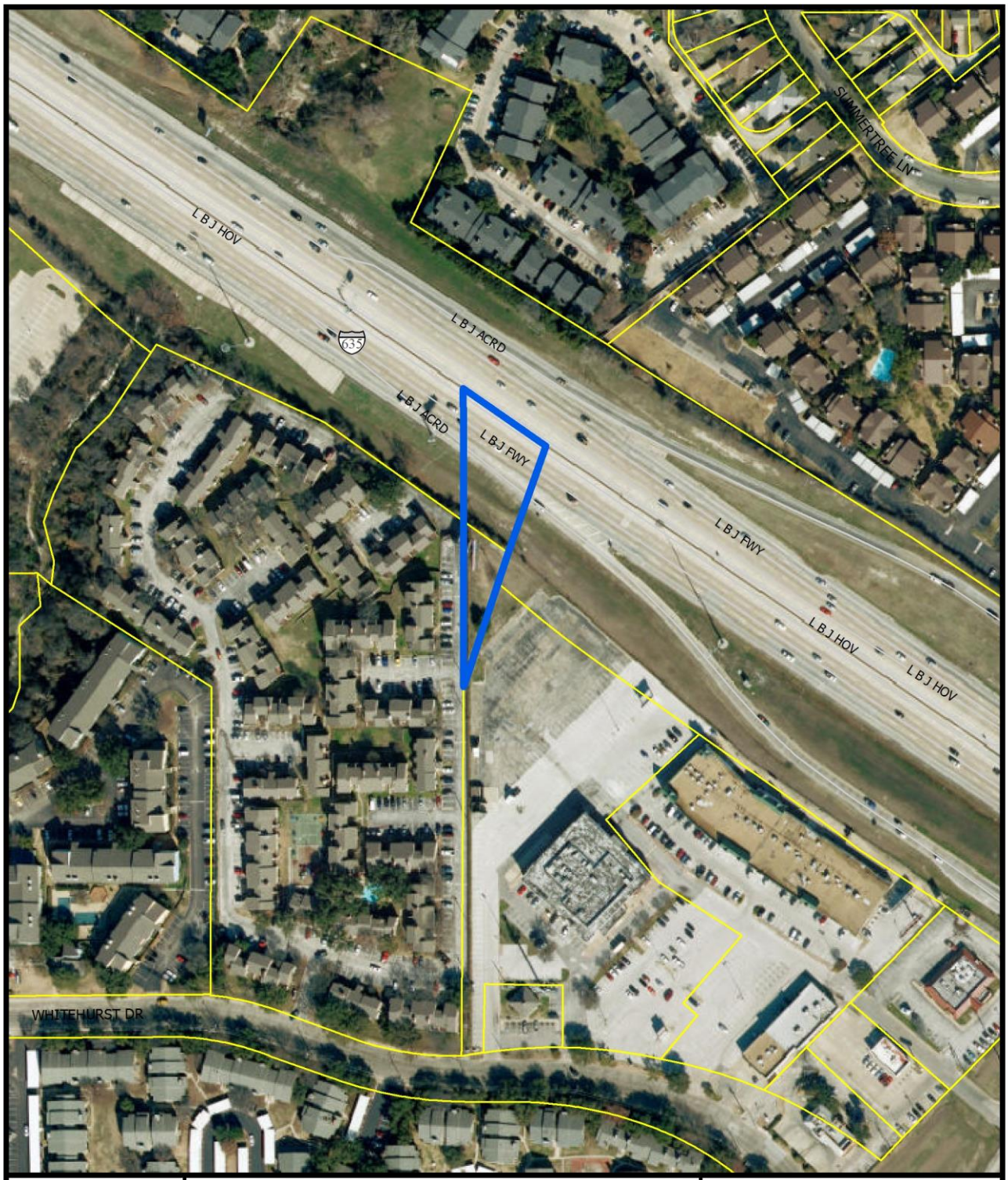
L B J HOV
L B J HOV
635
L B J ACRD
L B J ACRD
L B J ACRD
MULTIFAMILY
MULTIFAMILY
L B J FWY
L B J FWY
MF-1(A)
L B J HOV
LAUNDRY STORE
MED. CLINIC
MF-1(A)
MC-1
ANIMAL CLINIC
RESTAURANT
OFFICE
GEN. MERCH
CELL ANTENNA
RESTAURANT
WHITEHURST DR
PARAPHERNALIA SHOP
CHURCH
MULTIFAMILY
1:2,400
ZONING
AND LAND USE
Case no: Z178-255
Date: 7/5/2018



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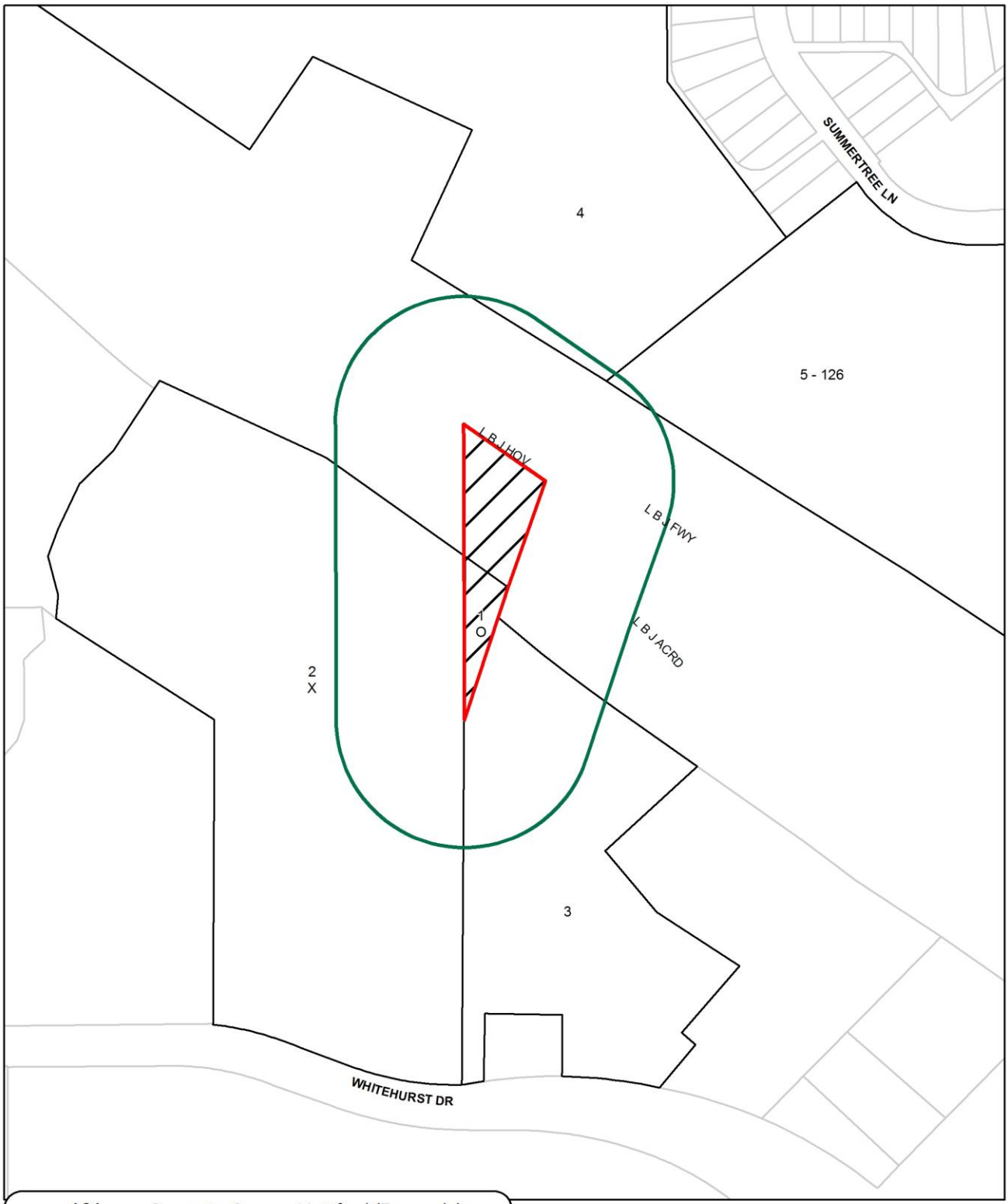
AERIAL MAP

Case no: Z178-255

Date: 7/5/2018



126	Property Owners Notified (5 parcels)
1	Replies in Favor (1 parcels)
1	Replies in Opposition (1 parcels)
200'	Area of Notification
7/19/2018	Date

Z178-255
CPC

N
W E
S

1:2,400

07/18/2018

Reply List of Property Owners

Z178-255

126 Property Owners Notified ***1 Property Owner in Favor*** ***1 Property Owner Opposed***

Reply	*Label #*	*Address*	*Owner*
O	1	9700 LBJ FWY	REYNOLDS GEORGE T III ETA
X	2	9941 WHITEHURST DR	COMMONS AT CLIFF CREEK LTD THE
	3	10051 WHITEHURST DR	ARIAN SYLVIA SEPARATE PROPERTY TRUST
	4	9821 SUMMERWOOD CIR	RS HUNTING RIDGE APRTMENTS LLC &
	5	11311 AUDELIA RD	GELAN ALEX ROBELE
	6	11311 AUDELIA RD	MAAWY AHMED EL & LAYLA AL
	7	11311 AUDELIA RD	LAKEW FEREHIWOT M &
	8	11311 AUDELIA RD	WALKER FLORENCE
	9	11311 AUDELIA RD	R & S INVESTMENTS INC
	10	11311 AUDELIA RD	SENGER RICHARD A
	11	11311 AUDELIA RD	TRAN KIMANH THI
	12	11311 AUDELIA RD	FU PAUL W
	13	11311 AUDELIA RD	MEDIHANE SAMISON Y
	14	11311 AUDELIA RD	ROLLINS LAQUESCHIA T
	15	11311 AUDELIA RD	RAAMCO TEXAS PPTIES LP
	16	11311 AUDELIA RD	DOWD JENNIFER
	17	11311 AUDELIA RD	LEWIS STEVEN L
	18	11311 AUDELIA RD	MONROY LUIS EDGAR
	19	11311 AUDELIA RD	HT SOLUTIONS INC
	20	11311 AUDELIA RD	FRANTZ MICHAEL C &
	21	11311 AUDELIA RD	DUCKETT JESSIE
	22	11311 AUDELIA RD	ESTRADA EDGAR A & LEYDA I
	23	11311 AUDELIA RD	SANCHEZ MARLEN
	24	11311 AUDELIA RD	R&S IMVESTMENTS
	25	11311 AUDELIA RD	MULL GREGORY & SAYAKA
	26	11311 AUDELIA RD	AGUILAR ALEJANDRO

07/18/2018

Reply	*Label #*	*Address*	*Owner*
	27	11311 AUDELIA RD	RUVALCABA RICARDO J &
	28	11311 AUDELIA RD	CHIBUOKE CECILIA I
	29	11311 AUDELIA RD	GONG XINYI & YEOU DONG
	30	11311 AUDELIA RD	CHAU TOMMY &
	31	11311 AUDELIA RD	LIN SHIH MING &
	32	11311 AUDELIA RD	AGUILAR JASMIN & PICKERING JUSTIN
	33	11311 AUDELIA RD	DAGNE YEZIHALEM
	34	11311 AUDELIA RD	AGUILA JOSE R III &
	35	11311 AUDELIA RD	LEW MICHAEL
	36	11311 AUDELIA RD	MARTINEZ MARIA DEL CARMEN SUAREZ
	37	11311 AUDELIA RD	ASSEFA MEKDES
	38	11311 AUDELIA RD	HAZRATI YASSAMIN N
	39	11311 AUDELIA RD	PATTON KENDALL L & SANDRA B
	40	11311 AUDELIA RD	LEW MICHAEL M
	41	11311 AUDELIA RD	R&S INVESTMENTS INC
	42	11311 AUDELIA RD	CATTERSON MARY LORETTA
	43	11311 AUDELIA RD	PENA JESUS M
	44	11311 AUDELIA RD	REHOBOTH REAL ESTATE LLC
	45	11311 AUDELIA RD	GEBRE GEREMEW
	46	11311 AUDELIA RD	BARROSOLOZANO ARMANDO &
	47	11311 AUDELIA RD	HAMELMAL SEYOUM &
	48	11311 AUDELIA RD	CAGUIAT CRISPULO P
	49	11311 AUDELIA RD	SHEFFIELD CAROL A
	50	11311 AUDELIA RD	LE HO &
	51	11311 AUDELIA RD	MESFUN TEKLE
	52	11311 AUDELIA RD	NAVARRETE FABIOLA ELIZABETH
	53	11311 AUDELIA RD	PREEDASAWAT PREECHA &
	54	11311 AUDELIA RD	ODUM EKENE
	55	11311 AUDELIA RD	LAKEW SOLOMON M &
	56	11311 AUDELIA RD	DIALLO ALPHA I
	57	11311 AUDELIA RD	AKINYOADE AKINYEMI

07/18/2018

Reply	*Label #*	*Address*	*Owner*
	58	11311 AUDELIA RD	FEKERSILLASSIE MARTHA
	59	11311 AUDELIA RD	LAKEW SOLOMON M
	60	11311 AUDELIA RD	BEASLEY AMY E
	61	11311 AUDELIA RD	ASSEFA EYASU
	62	11311 AUDELIA RD	WELDESELASIE TEKESTE D
	63	11311 AUDELIA RD	THOMAS JESSE & JEANETTA
	64	11311 AUDELIA RD	ZARCO KARLA
	65	11311 AUDELIA RD	ASIF MOHAMMAD & FNU KHADIJA
	66	11311 AUDELIA RD	AMIR SEAN
	67	11311 AUDELIA RD	ADAMS GARY JOE
	68	11311 AUDELIA RD	HOLMES TESSIE MARIE
	69	11311 AUDELIA RD	VAN TERRIE
	70	11311 AUDELIA RD	CHAN ANITA
	71	11311 AUDELIA RD	CHRISMAN TAMMY W
	72	11311 AUDELIA RD	GUTIERREZ ERICA & JOSE
	73	11311 AUDELIA RD	DIAZ JOSE MANUEL SALVIDAR
	74	11311 AUDELIA RD	LIN SHIH MING &
	75	11311 AUDELIA RD	HO BENNY KC & MABEL L
	76	11311 AUDELIA RD	SALAZAR JAIME
	77	11311 AUDELIA RD	FENG HUI MIN &
	78	11311 AUDELIA RD	SAHLEDENGIL METASEBYA S
	79	11311 AUDELIA RD	VU TAN
	80	11311 AUDELIA RD	SILESHI YIRDAW &
	81	11311 AUDELIA RD	HUYNH DUONG Q
	82	11311 AUDELIA RD	MARTINEZ JESUS
	83	11311 AUDELIA RD	RAAMCO TEXAS PROPERTIES LP
	84	11311 AUDELIA RD	BATSON ROGER
	85	11311 AUDELIA RD	SIDCO INVESTMENT INC
	86	11311 AUDELIA RD	NZEAKOR CHARLIE
	87	11311 AUDELIA RD	KAU VUI BIN & KIN HENG KONG
	88	11311 AUDELIA RD	HASTINGS KIM

07/18/2018

Reply	*Label #*	*Address*	*Owner*
	89	11311 AUDELIA RD	TOH KIM CHEW &
	90	11311 AUDELIA RD	LUU CUONG
	91	11311 AUDELIA RD	TEREFE ATALELECH
	92	11311 AUDELIA RD	DESALEGN ELIAS R
	93	11311 AUDELIA RD	ASCHALK ESTIFANOS A
	94	11311 AUDELIA RD	ROMAIN MARY ST
	95	11311 AUDELIA RD	LAFAYETE GUADALUPE
	96	11311 AUDELIA RD	RUYI PROPERTIES LLP
	97	11311 AUDELIA RD	FIELDS VANESSA N
	98	11311 AUDELIA RD	CHESSER GREGORY
	99	11311 AUDELIA RD	LAKEW DAWIT M
	100	11311 AUDELIA RD	MOHAMMED NURHUSEIN & MUNIR A
	101	11311 AUDELIA RD	TAYLOR ANGENETTE
	102	11311 AUDELIA RD	MCKINNEY LEE R
	103	11311 AUDELIA RD	ALEMAYEHU GETACHEW
	104	11311 AUDELIA RD	WEGAYEHAOU ELLIAS ETAL
	105	11311 AUDELIA RD	HONEYWELL LLC
	106	11311 AUDELIA RD	SENGER RICHARD
	107	11311 AUDELIA RD	HOWARD DANA DOUGLAS &
	108	11311 AUDELIA RD	OCHOA RENE A & DEBORAH
	109	11311 AUDELIA RD	TRAN MANH VAN & HUYNH THI LAM
	110	11311 AUDELIA RD	MOORE GUY E LF EST &
	111	11311 AUDELIA RD	TRAN NGON THUC
	112	11311 AUDELIA RD	T & J ASSETS LLC
	113	11311 AUDELIA RD	T & J ASSETS LLC
	114	11311 AUDELIA RD	DESALEGN ELIAS
	115	11311 AUDELIA RD	R & S INVESRMENTS INC
	116	11311 AUDELIA RD	BAILEY PATRICK
	117	11311 AUDELIA RD	R & S INVESTMENTS
	118	11311 AUDELIA RD	GEBREMARIAM SEIFE A &
	119	11311 AUDELIA RD	REYES KARLA LUNA Y

07/18/2018

Reply	*Label #*	*Address*	*Owner*
	120	11311 AUDELIA RD	ABOYE MERID D &
	121	11311 AUDELIA RD	JACKSON SUSAN
	122	11311 AUDELIA RD	CARTER JENNIFER EUDEAN
	123	11311 AUDELIA RD	RITCHEY AMBER
	124	11311 AUDELIA RD	TRAN CUONG &
	125	11311 AUDELIA RD	TEXAS DEPARTMENT OF TRANSPORTATION
	126	11311 AUDELIA RD	TEXAS DEPARTMENT OF TRANSPORTATION

Agenda Information Sheet

File #: 18-742 **Item #:** 66.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Budget

EXECUTIVE: Elizabeth Reich

SUBJECT

A public hearing to receive comments on a $0.7779/$100 property tax rate for the 2018-19 fiscal year as discussed on August 22, 2018; City Council will vote to adopt a tax rate on Tuesday, September 18, 2018 at Dallas City Hall, 6ES at 9:00 a.m. - Financing: No cost consideration to the City

BACKGROUND

On August 22, 2018, City Council authorized public hearings to be held on Wednesday, September 5, 2018 and Wednesday, September 12, 2018 to receive comments on a proposed tax rate of $0.7779/$100; and a proposal to consider adoption of a $0.7779/$100 valuation tax rate or a lower rate as may be proposed by the City Council on September 18, 2018. To set a property tax rate above the FY 2018-19 calculated effective rate of $0.7391/$100, State law requires two special public hearings on the tax rate.

On August 29, 2018, City Council discussed amendments to the FY 2018-19 Budget including a possible reduction of the FY 2018-19 proposed tax rate authorized on August 22, 2018.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council held a Budget Workshop and was briefed on the proposed tax rate on August 14, 2018.

City Council authorized a proposed tax rate of $0.7779 on August 22, 2018.

City Council authorized two public hearings on August 22, 2018; to be held on September 5, 2018 and September 12, 2018.

City Council discussed budget amendments including a possible reduction of the recommended property tax rate at a Budget Workshop on August 29, 2018.

City Council is scheduled to hold a public hearing on September 5, 2018.

FISCAL INFORMATION

No cost consideration to the City.

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File #: 18-736 **Item #:** 67.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office of Environmental Quality

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by Brook 2121 IB, LP; Brook 2025 IB, LP; and Woodsaw Partners, L.P., located near the intersection of Irving Boulevard and Manufacturing Street and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Brook 2121 IB, LP, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

BACKGROUND

Based on information provided by the Applicant, the Designated Property is underlain by groundwater that is encountered at approximately 17 to 19 feet below ground surface (bgs) and extends to approximately 60 feet bgs at the top of the underlying Eagle Ford Formation. The Eagle Ford Formation is composed primarily of shale with interbedded thin layers of shaly limestone and sandy shale with an estimated thickness of 475 - 500 feet in the area and is considered an aquiclude that generally restricts the downward migration of groundwater. The direction of groundwater flow beneath the Designated Property is toward the westerly/northwesterly direction. Portions of the shallow groundwater have been affected by volatile organic compounds trichloroethene, cis-1,2-dichloroethene; vinyl chloride; 1,1-dichloroethene; 1,1,2-trichloroethane; 1,2-dichloroethane; 1,4-dioxane, and the metal chromium at concentrations above groundwater ingestion standards. The probable historical onsite source for the volatile organic compounds is from a release to a grease trap associated with the former asphalt plant laboratory that operated between 1950 and 1995 at 2121 Irving Boulevard. The probable historical offsite source for chromium is from operations of a former adjacent metal finishing and plating facility.

The applicant has requested that the City support its application for a municipal setting designation (MSD). A public meeting will be held on September 4, 2018 to receive comments and concerns. Notices of the meeting were sent to 346 property owners within 2,500 feet of the property and 79

private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

A portion of the designated property located at 2121 Irving Boulevard was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in August 2017 and is designated as VCP Facility ID No. 2895.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Irving Boulevard and Manufacturing Street including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the VCP supported by an MSD. Currently the designated property is developed with vacant buildings and structures associated with the former asphalt plant, a commercial strip building with various tenants, and a commercial office/showroom/warehouse building. The anticipated future use of the designated property is expected to remain as commercial use.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNERS

Brook 2121 IB, LP

JTS 2121 GP, Inc., General Partner
John T. Sughrue, Director

Brook 2025 IB, LP

JTS 2025 GP, Inc., General Partner
John Sughrue, Director

Woodsaw Partners, L.P.

Woodsaw Partners GP, LLC, General Partner
Sam H Sawyer, Managing Member

MAP

Attached

CITY OF DALLAS

Municipal Setting Designation
Designated Property Boundary Map
MSD Log OEQ0075
Applicant – Brook 2121 IB, LP
2121 and 2025 Irving Boulevard
& 133 Manufacturing Street
Dallas, TX 75207

8-20-18

ORDINANCE NO. _____

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 2025 and 2121 Irving Boulevard, and 133 Manufacturing Street and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, "Municipal Setting Designations," of Chapter 361, "Solid Waste Disposal Act," of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, "Municipal Setting Designation Ordinance," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the "designated property" means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, "designated groundwater" means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

(1) Human consumption or drinking.

(2) Showering or bathing.

(3) Cooking.

(4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

(1) The potable use of the designated groundwater from beneath the designated property is prohibited.

(2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.

(3) The portion of the designated property assigned VCP No. 2895 must receive a certificate of Completion from the Texas Commission on Environmental Quality by no later than September 12, 2020.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

(1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than September 12, 2020. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

(1) allow additional time to address the non-ingestion protective concentration level exceedence zone;

(2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;

(3) recommend to the city council that this municipal setting designation ordinance be repealed;

(4) request additional information or documentation from the applicant; or

(5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy

of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed $2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

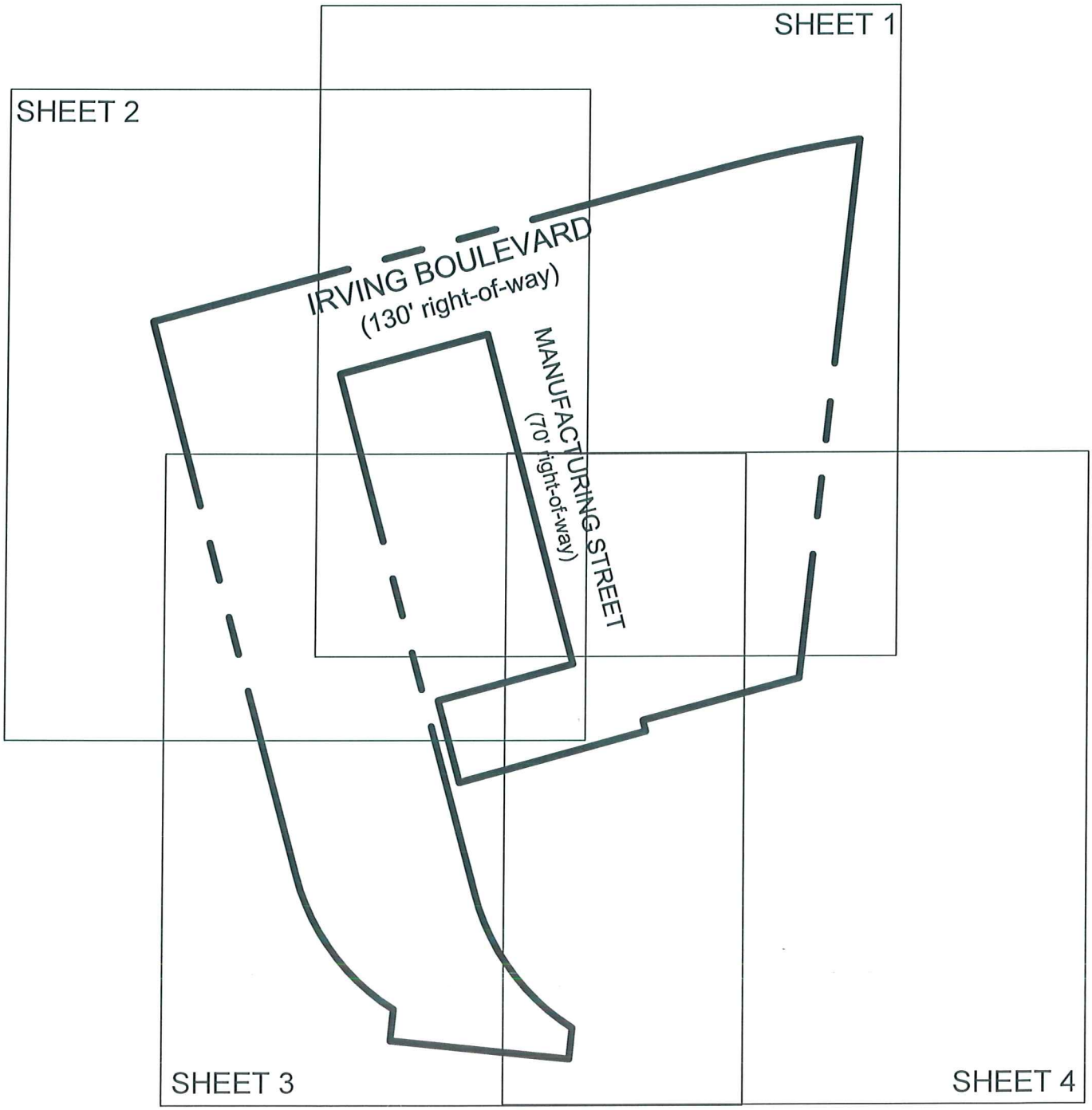
LARRY E. CASTO, City Attorney

By_____
Assistant City Attorney

Passed _____

"Exhibit A"

GIS_Approved



Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS ■ SURVEYORS
6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090
DALLAS, TEXAS 75230 (972) 490-7099 FAX
Texas Engineers Registration No. 89
Texas Surveyors No. 10086600 Expires 12-31-18
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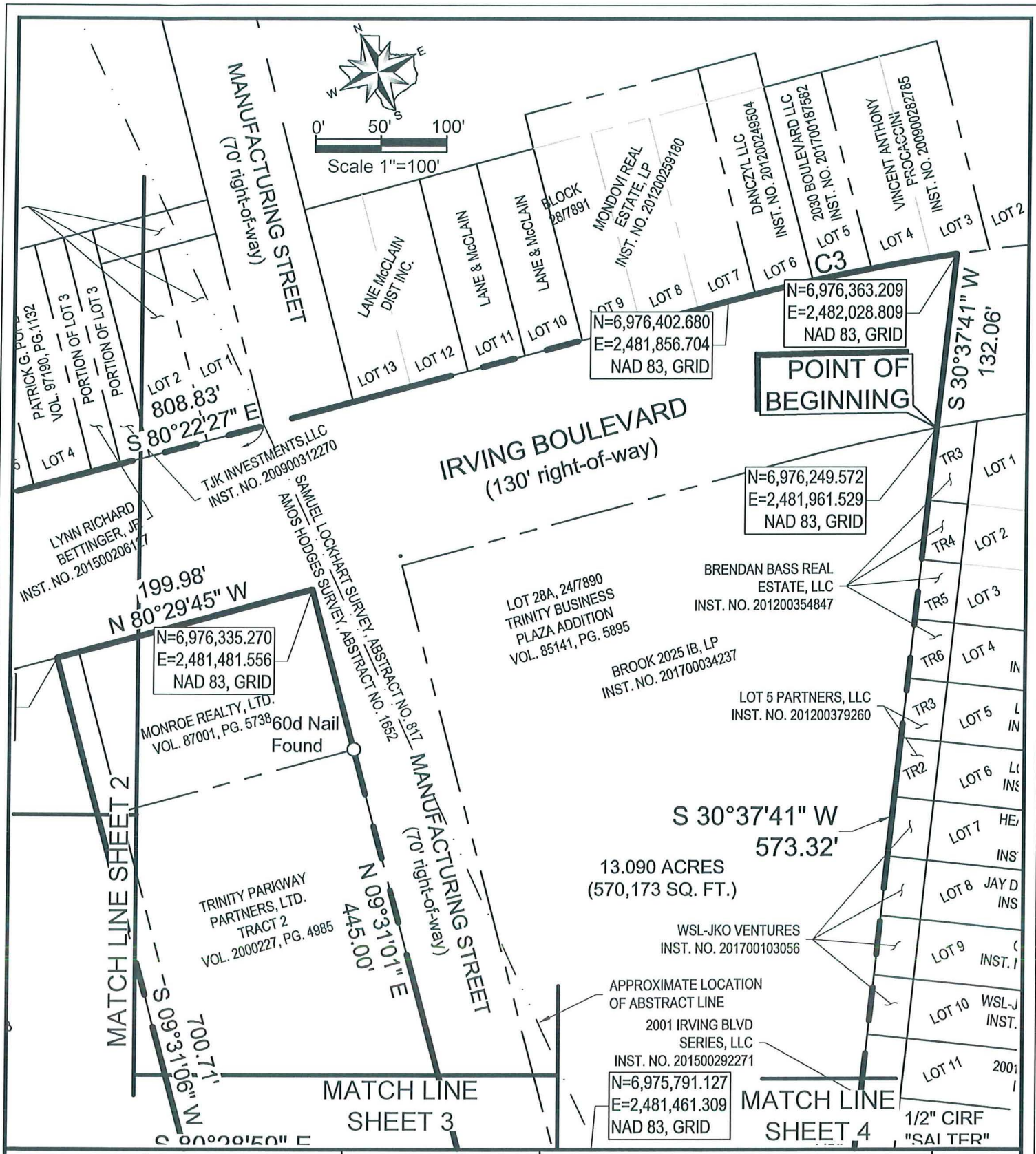
Scale :	1" = 200'
Date :	02.02.18
Dwg. File :	47714-MSD
Project No. :	47714.00

MSD SURVEY
13.090 ACRES
(570,173 SQ. FT.)

MSD DESIGNATED PROPERTIES
2121 AND 2025 IRVING BLVD. &
133 MANUFACTURING ST.
DALLAS, TX

KEY MAP



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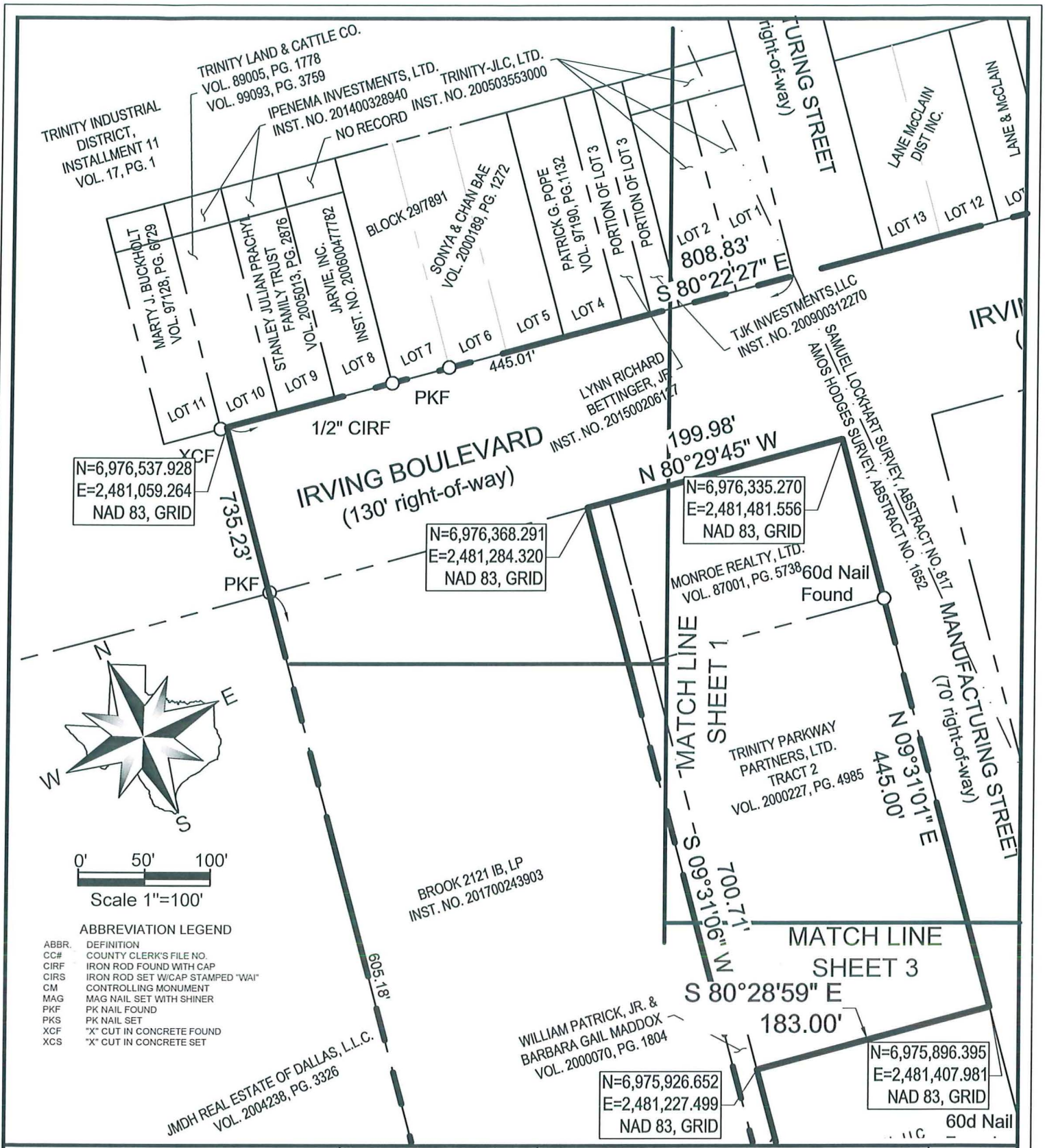
Scale :	1" = 100'
Date :	02.02.18
Dwg. File :	47714-MSD
Project No. :	47714.00

STATE OF TEXAS REGISTERED LEONARD JAY LUEKER 5714 PROFESSIONAL LAND SURVEYOR
3/2/18

MSD SURVEY
13.090 ACRES
(570,173 SQ. FT.)

MSD DESIGNATED PROPERTIES
2121 AND 2025 IRVING BLVD. &
133 MANUFACTURING ST.
DALLAS, TX

SHEET 1 OF 7



ABBREVIATION LEGEND

ABBR.	DEFINITION
CC#	COUNTY CLERK'S FILE NO.
CIRF	IRON ROD FOUND WITH CAP
CIRS	IRON ROD SET W/CAP STAMPED "WAI"
CM	CONTROLLING MONUMENT
MAG	MAG NAIL SET WITH SHINER
PKF	PK NAIL FOUND
PKS	PK NAIL SET
XCF	"X" CUT IN CONCRETE FOUND
XCS	"X" CUT IN CONCRETE SET

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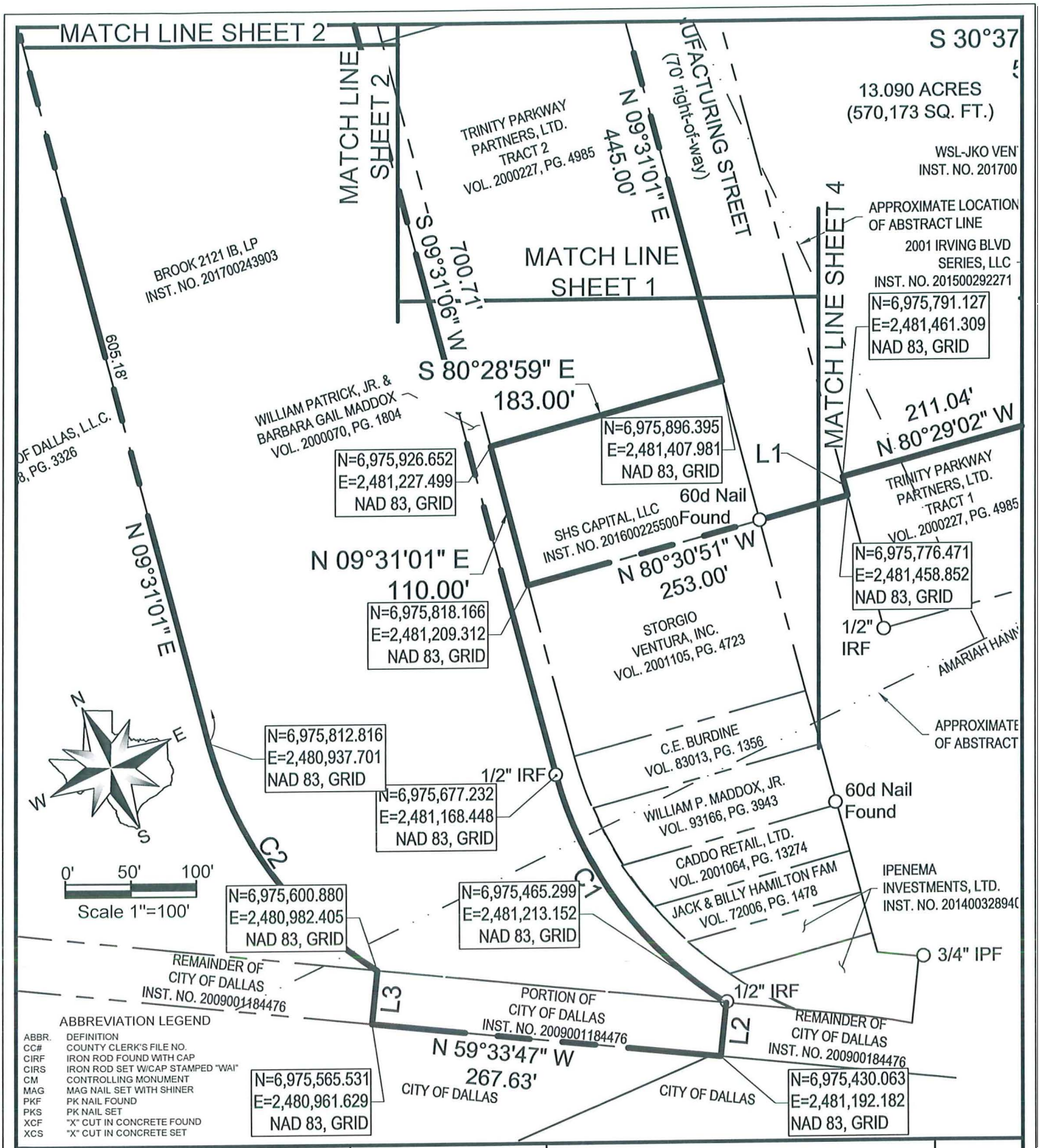
STATE OF TEXAS
REGISTERED
LEONARD JAY LUEKER
5714
PROFESSIONAL
LAND SURVEYOR
3/2/18

MSD SURVEY
13.090 ACRES
(570,173 SQ. FT.)

MSD DESIGNATED PROPERTIES
2121 AND 2025 IRVING BLVD. & 133 MANUFACTURING ST.
DALLAS, TX

SHEET 2 OF 7



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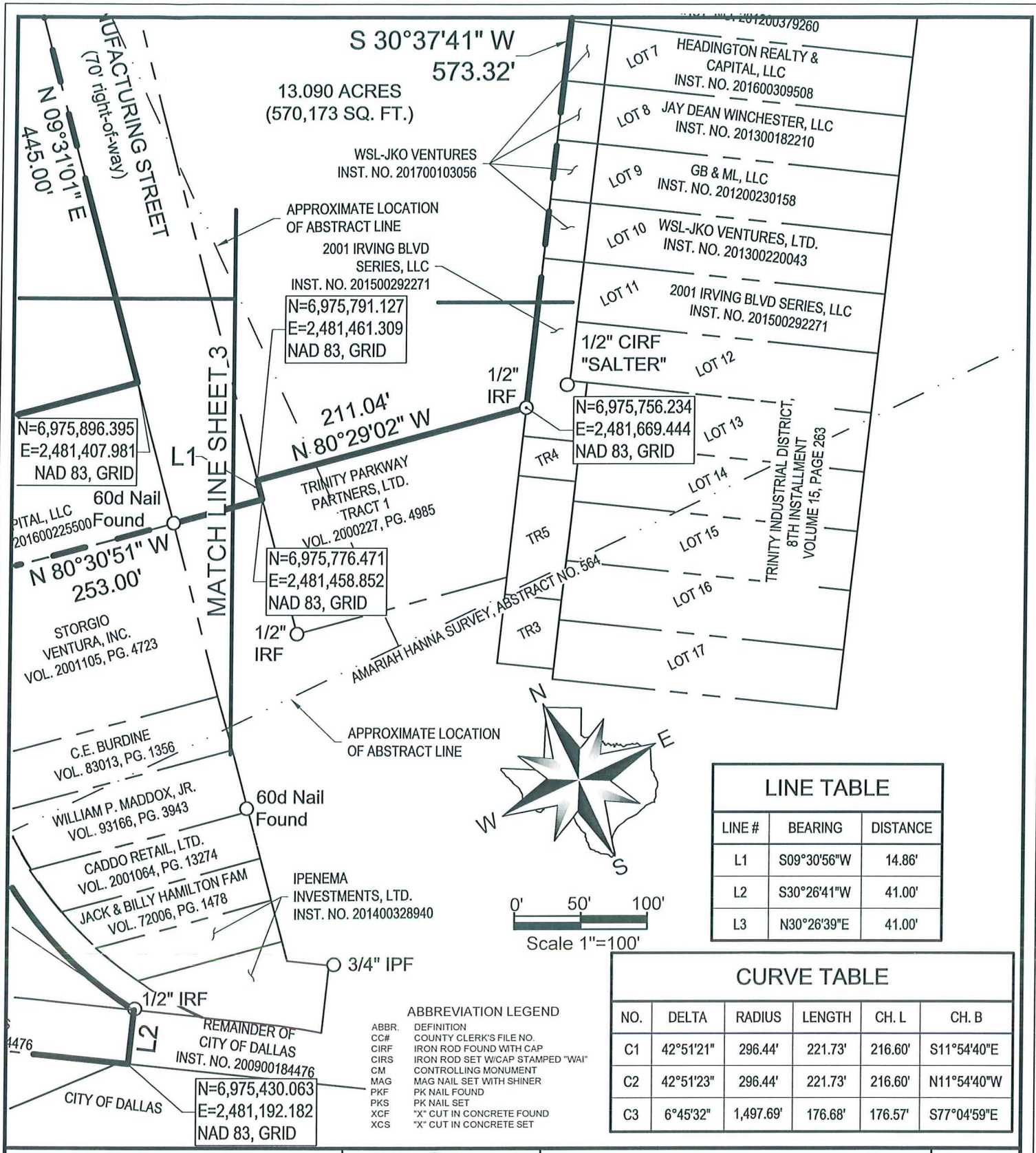
STATE OF TEXAS REGISTERED LEONARD JAY LUEKER 5714 PROFESSIONAL LAND SURVEYOR
3/2/18

MSD SURVEY
13.090 ACRES
(570,173 SQ. FT.)

MSD DESIGNATED PROPERTIES
2121 AND 2025 IRVING BLVD. & 133 MANUFACTURING ST.
DALLAS, TX

SHEET 3 OF 7



LINE TABLE

LINE #	BEARING	DISTANCE
L1	S09°30'56"W	14.86'
L2	S30°26'41"W	41.00'
L3	N30°26'39"E	41.00'

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CH. L	CH. B
C1	42°51'21"	296.44'	221.73'	216.60'	S11°54'40"E
C2	42°51'23"	296.44'	221.73'	216.60'	N11°54'40"W
C3	6°45'32"	1,497.69'	176.68'	176.57'	S77°04'59"E

ABBREVIATION LEGEND

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CC#	COUNTY CLERK'S FILE NO.
CIRF	IRON ROD FOUND WITH CAP
CIRS	IRON ROD SET W/CAP STAMPED "WAI"
CM	CONTROLLING MONUMENT
MAG	MAG NAIL SET WITH SHINER
PKF	PK NAIL FOUND
PKS	PK NAIL SET
XCF	"X" CUT IN CONCRETE FOUND
XCS	"X" CUT IN CONCRETE SET

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STATE OF TEXAS REGISTERED LEONARD JAY LUEKER 5714 PROFESSIONAL LAND SURVEYOR
3/2/18

Scale :	1" = 100'
Date :	02.02.18
Dwg. File :	47714-MSD
Project No. :	47714.00

MSD SURVEY
13.090 ACRES
(570,173 SQ. FT.)

MSD DESIGNATED PROPERTIES
2121 AND 2025 IRVING BLVD. & 133 MANUFACTURING ST.
DALLAS, TX

SHEET 4 OF 7

MSD SURVEY DESCRIPTION

STATE OF TEXAS §
COUNTY OF DALLAS §

BEING a tract of land situated in the SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817, AMOS HODGES SURVEY, ABSTRACT NO. 1652 and the AMARIAH HANNA SURVEY, ABSTRACT NO. 564, City of Dallas, Dallas County, Texas and being a portion of the right-of-way of Irving Boulevard (130' right-of-way), a portion of the right-of-way of Manufacturing Street (70' right-of-way), all of the same tract of land as described in deed to Brook 2025 IB, LP, recorded in Instrument No. 201700034237, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), all of a tract of land as described in deed to SHS Capital, recorded in Instrument No. 201600225500, O.P.R.D.C.T., a tract of land as described in deed to Brook 2121 IB, LP, as recorded in County Clerk's Instrument No. 201700243903, Official Public Records, Dallas County, Texas (O.P.R.D.C,T.), and a portion of a tract of land as described in deed to City of Dallas, recorded in Instrument No. 200900184476, O.P.R.D.C.T., and being more particularly described as follows:

BEGINNING at a point for corner (N=6,976,249.572, E=2,481,961.529, NAD 83, GRID), said point being situated in the southerly right-of-way line of Irving Boulevard (130' right-of-way) and being the northeasterly corner of Lot 28A, Block 24/7890, Trinity Business Plaza Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 85141, Page 5895, D.R.D.C.T.;

THENCE South 30 deg 37 min 41 sec West, departing the southerly right-of-way line of said Irving Boulevard and along the northwesterly line of Trinity Industrial District, 8th Installment, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 15, Page 263, Map Records, Dallas County, Texas (M.R.D.C.T.), a distance of 573.32 feet to a 1/2-inch iron rod found for corner (N=6,975,756.234, E=2,481,669.444, NAD 83, GRID), said iron rod being the southeasterly corner of said Lot 28A, Block 24/7890 and the northeasterly corner of a tract of land (Tract 1) as described in deed to Trinity Parkway Partners, Ltd., recorded in Volume 2000227, Page 4985, D.R.D.C.T.;

THENCE North 80 deg 29 min 02 sec West, departing the northwesterly line of said Trinity Industrial District, 8th Installment and along the southerly line of said Lot 28A, Block 24/7890 and the northerly line of said Trinity Parkway Partners tract, a distance of 211.04 feet to a point for corner (N=6,975,791.127, E=2,481,461.309, NAD 83, GRID), said point being situated in the easterly right-of-way line of said Manufacturing Street;

THENCE South 09 deg 30 min 56 sec West, departing said common line and along the westerly line of said Trinity Parkway Partners tract and the easterly right-of-way line of said Manufacturing Street, a distance of 14.86 feet to a point for corner (N=6,975,776.471, E=2,481,458.852, NAD 83, GRID);

THENCE North 80 deg 30 min 51 sec West, departing said common line and over and across the right-of-way of said Manufacturing Street and along the southerly line of said SHS Capital, LLC, a distance of 253.00 feet to a point for corner (N=6,975,818.166, E=2,481,209.312, NAD 83, GRID), said point being the southwesterly corner of said SHS Capital tract and the northwesterly corner of a tract of land as described in deed to Storgio Ventura, Inc., recorded in Volume 20001105, Page 4723, D.R.D.C.T., said point also being situated in the easterly line of a tract of land as described in deed to William Patrick, Jr. and Barbara Gail Maddox, recorded in Volume 2000070, Page 1804, D.R.D.C.T.;

THENCE North 09 deg 31 min 01 sec East, departing said northwesterly line and along the westerly line of said SHS Capital tract and the easterly line of said William Patrick, Jr. and Barbara Gail Maddox tract, a distance of 110.00 feet to a point for corner (N=6,975,926.652, E=2,481,227.499, NAD 83, GRID), said point being the northwesterly corner of said SHS Capital tract and the southwesterly corner of a tract of land (Tract 2) as described in deed to said Trinity Parkway Partners, Ltd.;

THENCE South 80 deg 28 min 59 sec East, departing said easterly line and along the northerly line of said SHS Capital tract and the southerly line of said Trinity Parkway Partners, Ltd. (Tract 2), a distance of 183.00 feet to a point for corner (N=6,975,896.395, E=2,481,407.981, NAD 83, GRID), said point being situated in the westerly right-of-way line of said Manufacturing Street;

(CONTINUED ON SHEET 6)

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Date :	02.02.18
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Project No. :	47714.00

STATE OF TEXAS REGISTERED LEONARD JAY LUEKER 5714 PROFESSIONAL LAND SURVEYOR
11/12/18

MSD SURVEY
13.090 ACRES
(570,173 SQ. FT.)

MSD DESIGNATED PROPERTIES
2121 AND 2025 IRVING BLVD. & 133 MANUFACTURING ST.
DALLAS, TX

SHEET 5 OF 7

MSD SURVEY DESCRIPTION (continued)

THENCE North 09 deg 31 min 01 sec East, departing the northerly line of said SHS Capital tract and along said westerly right-of-way line and the easterly line of said Trinity Parkway Partners (Tract 2) and the easterly line of a tract of land as described in deed to Monroe Realty, Ltd., recorded in Volume 87001, Page 5738, D.R.D.C.T., a distance of 445.00 feet to a point for corner (N=6,976,335.270, E=2,481,481.556, NAD 83, GRID), said point being the northeasterly corner of said Monroe Realty tract and being situated in the southerly right-of-way line of said Industrial Boulevard;

THENCE North 80 deg 29 min 45 sec West, departing said westerly right-of-way line and the easterly line of said Monroe Realty tract and along the northerly line of said Monroe Realty tract and the southerly right-of-way line of said Irving Boulevard, a distance of 199.98 feet to a point for corner (N=6,976,368.291, E=2,481,284.320, NAD 83, GRID), said point being the northwesterly corner of said William Patrick, Jr. and Barbara Gail Maddox tract, said point also being the northwest corner of said Brook 2121 IB, LP tract;

THENCE South 09 deg 31 min 06 sec West, departing the southerly right-of-way line of said Irving Boulevard, and along the westerly line of said William Patrick, Jr. and Barbara Gail Maddox tract, a distance of 700.71 feet to a 1/2-inch iron rod found for corner (N=6,975,677.232, E=2,481,168.448, NAD 83, GRID) and the beginning of a curve to the left having a radius of 296.44 feet, a central angle of 42 deg 51 min 21 sec, a chord bearing of South 11 deg 54 min 40 sec East and a chord length of 216.60 feet;

THENCE continuing along said westerly line and said curve to the left, an arc distance of 221.73 feet to a 1/2-inch iron rod found for corner (N=6,975,465.299, E=2,481,213.152, NAD 83, GRID) situated in the northerly line of a tract of land as described in deed to T. & P. Railroad Company, recorded in Volume 4517, Page 333, D.R.D.C.T.;

THENCE South 30 deg 26 min 41 sec West, along the easterly line of said City of Dallas tract, a distance of 41.00 feet to a point for corner (N=6,975,430.063, E=2,481,192.182, NAD 83, GRID) situated in the southerly line of said T. & P. Railroad Company tract;

THENCE North 59 deg 33 min 47 sec West, along the southerly line of said City of Dallas tract, a distance of 267.63 feet to a point for corner (N=6,975,565.531, E=2,480,961.629, NAD 83, GRID);

THENCE North 30 deg 26 min 39 sec East, over and across said City of Dallas tract, a distance of 41.00 feet to a point for corner (N=6,975,600.880, E=2,480,982.405, NAD 83, GRID) situated in the northerly line of said T. & P. Railroad Company tract and being the southwest corner said Brook 2121 IB, LP tract, said point also being the beginning of a non-tangent curve to the right having a radius of 296.44 feet, a central angle of 42 deg 51 min 23 sec, a chord bearing of North 11 deg 54 min 40 sec West and a chord length of 216.60 feet;

THENCE departing the northerly line of said T. & P. Railroad Company tract and along the westerly line of said Brook 2121 IB, LP tract and said non-tangent curve to the right, an arc distance of 221.73 feet to a point for corner (N=6,975,812.816, E=2,480,937.701, NAD 83, GRID);

THENCE North 09 deg 31 min 01 sec East, along the westerly line of said Brook 2121 IB, LP tract, at a distance of 605.18 feet, passing the southerly right-of-way line of said Irving Boulevard, in all a total distance of 735.23 feet to a point for corner (N=6,976,537.928, E=2,481,059.264, NAD 83, GRID) situated in the southerly line Lot 10, Block 29/7891, Trinity Industrial District, Installment 11, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 17, Page 1, M.R.D.C.T. and being situated in the northerly right-of-way line of said Irving Boulevard;

THENCE South 80 deg 22 min 27 sec East, along the southerly line of said Trinity Industrial District, Installment 11 and the northerly right-of-way line of said Irving Boulevard, at a distance of 445.01 feet, passing the westerly right-of-way line of said Manufacturing Street, in all a total distance of 808.83 feet to a point for corner (N=6,976,402.680, E=2,481,856.704, NAD 83, GRID) said point being situated in the southerly line of Lot 7, Block 28/7891, of said Trinity Industrial District, Installment 11 and being the beginning of a curve to the right having a radius of 1,497.69 feet, a central angle of 06 deg 45 min 32 sec, a chord bearing of South 77 deg 04 min 59 sec East and a chord length of 176.57 feet;

(CONTINUED ON SHEET 7)

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STATE OF TEXAS REGISTERED LEONARD JAY LUEKER 5714 PROFESSIONAL LAND SURVEYOR
02/18

MSD SURVEY
13.090 ACRES
(570,173 SQ. FT.)

MSD DESIGNATED PROPERTIES
2121 AND 2025 IRVING BLVD. & 133 MANUFACTURING ST.
DALLAS, TX

SHEET 6 OF 7

MSD SURVEY DESCRIPTION (continued)

THENCE continuing along said common line and along said curve to the right, an arc distance of 176.68 feet to a point for corner (N=6,976,363.209, E=2,482,028.809, NAD 83, GRID) situated in the southerly line of Lot 3, Block 28/7891 of said Trinity Industrial District, Installment 11;

THENCE South 30 deg 37 min 41 sec West, departing said common line and over and across the said right-of-way line of Irving Boulevard, a distance of 132.06 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 13.090 acres or 570,173 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 30th day of January, 2018, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83, grid values from the GeoShack VRS Network.

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STATE OF TEXAS REGISTERED LEONARD JAY LUEKER 5714 PROFESSIONAL LAND SURVEYOR 2/2/18

MSD SURVEY
13.090 ACRES
(570,173 SQ. FT.)

MSD DESIGNATED PROPERTIES
2121 AND 2025 IRVING BLVD. & 133 MANUFACTURING ST.
DALLAS, TX

SHEET 7 OF 7

Agenda Information Sheet

File #: 18-461 **Item #:** 68.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with state law; and, at the close of the hearing, approval of an ordinance to readopt Chapter 12 of the Dallas City Code - Financing: No cost consideration to the City

BACKGROUND

Section 42.041(b)(14) of the Texas Human Resources Code, as amended, allows city-sponsored youth recreation programs to be exempted from the state's day care licensing laws if the city adopts standards of care for those programs and complies with other requirements of that legislation. One requirement is that the City Council hold a public hearing annually on the city's youth program standards of care and adopt an ordinance re-establishing and continuing in effect the standards.

Ordinance No. 23159, adopted by the City Council on June 11, 1997, created Chapter 12 of the Dallas City Code to exempt City of Dallas youth programs from State child-care licensing requirements and provide minimum standards by which the City operates youth programs. Chapter 12 was readopted on June 10, 1998, by Ordinance No. 23534, on June 9, 1999, by Ordinance No. 23907, on June 14, 2000, by Ordinance No. 24281, on May 23, 2001, by Ordinance No. 24611, on May 22, 2002, by Ordinance No. 24943, on May 28, 2003, by Ordinance No. 25269, on June 9, 2004, by Ordinance No. 25628, on May 25, 2005, by Ordinance No. 25998, on June 14, 2006, by Ordinance No. 26376, on June 13, 2007, by Ordinance No. 26800, on June 11, 2008, by Ordinance No. 27222, on June 10, 2009, by Ordinance No. 27565, on June 9, 2010, by Ordinance No. 27911, on May 25, 2011, by Ordinance No. 28217, on May 23, 2012, by Ordinance No. 28670, on June 12, 2013, by Ordinance No. 29036, on May 28, 2014, by Ordinance No. 29358; on May 28, 2016, by Ordinance No. 30106; on September 13, 2017 by Ordinance No. 30650; Chapter 12 will expire on September 16, 2018 unless sooner terminated or extended by ordinance of the City Council.

The Director of the Park and Recreation Department implements, administers, and enforces Chapter 12, which applies to youth programs sponsored by the City, whether offered after school, during the summer, or during holidays. A coordinator initiates an inspection report for each program to confirm that standards of care are being met.

The youth program coordinators and leaders must meet certain qualifications pertaining to age, education, and experience and are provided orientation and training relating to working with children.

Each program must operate with a participant to leader ratio of 20:1 and must follow guidelines pertaining to safety, fire, and health as set forth in the standards of care.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 2, 2018, the Park and Recreation Board authorized a public hearing.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, by Resolution No. 18-1152.

FISCAL INFORMATION

No cost consideration to the City.

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7-6-18

ORDINANCE NO. _____

An ordinance readopting Chapter 12, "City Youth Program Standards of Care," composed of Sections 12-1 through 12-19 of the Dallas City Code, as amended; re-establishing standards of care for youth programs sponsored by the city of Dallas in compliance with state law; providing a penalty clause; providing a severability clause; and providing an effective date and an expiration date.

WHEREAS, the city of Dallas has a long history of providing recreational programs for youths ages five through 13 years, which contribute to the overall well-being of the city's youth and their families;

WHEREAS, the city council finds it necessary to adopt standards of care for those youth programs in compliance with the requirements of Section 42.041(b)(14) of the Texas Human Resources Code, as amended, in order to exempt those programs from state child-care licensing requirements;

WHEREAS, Section 42.041(b)(14) of the Texas Human Resources Code, as amended, requires that the city's youth program standards of care be readopted by ordinance annually after a public hearing;

WHEREAS, on June 11, 1997, the city council, after holding a public hearing, adopted Ordinance No. 23159, which took effect on June 16, 1997, and added Chapter 12 to the Dallas City Code to establish standards of care for city-sponsored youth programs;

WHEREAS, Chapter 12 of the Dallas City Code, which establishes standards of care for city-sponsored youth programs, was readopted by the city council on June 10, 1998, by Ordinance

No. 23534, on June 9, 1999, by Ordinance No. 23907, on June 14, 2000, by Ordinance No. 24281, on May 23, 2001, by Ordinance No. 24611, on May 22, 2002, by Ordinance No. 24943, on May 28, 2003, by Ordinance No. 25269, on June 9, 2004, by Ordinance No. 25628, on May 25, 2005, by Ordinance No. 25998, on June 14, 2006, by Ordinance No. 26376, on June 13, 2007, by Ordinance No. 26800, on June 11, 2008, by Ordinance No. 27222, on June 10, 2009, by Ordinance No. 27565, on June 9, 2010, by Ordinance No. 27911, on May 25, 2011, by Ordinance No. 28217, on May 23, 2012, by Ordinance No. 28670, on June 12, 2013, by Ordinance No. 29036, on May 28, 2014, by Ordinance No. 29358, on May 25, 2016, by Ordinance No. 30106, and on September 13, 2017, by Ordinance No. 30650.

WHEREAS, Chapter 12 of the Dallas City Code expired on September 16, 2018, and it is now necessary for the city council to readopt its standards of care for city-sponsored youth programs; and

WHEREAS, a public hearing on these standards of care was held before the city council on September 26, 2018; Now, Therefore,

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

SECTION 1. That Chapter 12, "City Youth Program Standards of Care," composed of Sections 12-1 through 12-19 of the Dallas City Code, as amended, is readopted and continued in effect, as restated below, with amendment to Section 12-2 to read as follows:

"**CHAPTER 12**

CITY YOUTH PROGRAM STANDARDS OF CARE

ARTICLE I.

GENERAL.

SEC. 12-1. PURPOSE.

This chapter and the standards of care established by this chapter are adopted by the city council of the city of Dallas, Texas in compliance with Section 42.041(b)(14) of the Texas Human Resources Code, as amended, in order to exempt city youth programs from state child-care licensing requirements. These standards of care are intended to be minimum standards by which the city will operate its youth programs. The programs operated by the city are recreational in nature and are not child-care facilities. Although this chapter establishes standards of care for city youth programs for children of ages five through 13 years, nothing in this chapter requires the city to provide any youth programs, or prevents the city from limiting youth programs to specific age groups within the five- through 13-year-old range.

SEC. 12-2. EXPIRATION DATE.

This chapter and the youth program standards of care established in this chapter expire on September 26, 2019 [~~September 16, 2018~~], unless sooner terminated or extended by ordinance of the city council.

SEC. 12-3. DEFINITIONS.

In this chapter:

(1) ADMINISTRATION CENTER means the main administrative site for a city youth program.

(2) CITY means the city of Dallas, Texas.

(3) CITY COUNCIL means the city council of the city of Dallas.

(4) DEPARTMENT means the park and recreation department of the city.

(5) DIRECTOR means the director of the park and recreation department or the director's authorized representative.

(6) INTER-SESSION means the periods of time when a year-round school is not in session.

(7) PARENT means a person who:

(A) is a natural parent, an adoptive parent, or a step-parent of a youth;

(B) is, under court order, the guardian of the person of a youth or is a public or private agency with whom a youth has been placed by a court; or

(C) otherwise has legal custody and authority to enroll a youth in a city youth program.

(8) PARTICIPANT means a youth whose parent has completed all required registration procedures and who is determined by the director to be eligible to participate in a city youth program.

(9) PROGRAM COORDINATOR or COORDINATOR means a full-time professional employee of the department who is responsible for:

(A) managing a recreational facility where a youth program is conducted; or

(B) overseeing the planning, administration, and implementation of a particular city youth program.

(10) PROGRAM EMPLOYEE or EMPLOYEE means any person hired to work for the department who is assigned responsibility for managing, administering, or implementing some portion of a youth program. The term includes program coordinators and program leaders.

(11) PROGRAM LEADER or LEADER means a full-time, part-time, permanent, or temporary employee of the department, or an independent contractor or volunteer of the city, who is assigned responsibility for implementing or conducting some portion of a youth program.

(12) PROGRAM MANUAL means a notebook of policies, procedures, required forms, and organizational and programming information relevant to the city's youth programs, as promulgated or otherwise approved by the director.

(13) PROGRAM SITE means any area or facility where any portion of a city youth program is conducted.

(14) STANDARDS OF CARE means all provisions contained in this chapter.

(15) YOUTH means a person who is not less than five years nor more than 13 years of age.

(16) YOUTH PROGRAM or PROGRAM means a city-sponsored recreational program for youth that may be offered by the park and recreation department after school, during the summer, during holidays, or during inter-session. The term does not include any program or activity to which attendees are free to come and go at will without regard to the presence of a parent or other responsible adult to care for them.

SEC. 12-4. ADMINISTRATION.

(a) The director shall implement, administer, and enforce the youth program standards of care. The director may by written order establish such rules, regulations, and policies, not inconsistent with this chapter, as the director determines are necessary to discharge any duty under or to effect the policy of this chapter.

(b) No city youth program may be advertised as a child-care facility.

(c) The standards of care apply to all youth programs sponsored by the city, whether offered after school, during the summer, during holidays, or during inter-session.

(d) When registering for a youth program, each participant's parent will be provided a current copy of the standards of care and will be informed that the youth program is not licensed by the State of Texas. A current copy of the standards of care will also be maintained at each youth program site for inspection and review by the public and by program employees.

(e) The director shall cause a criminal background check to be conducted on each prospective youth program employee. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, the applicant will not be considered for employment:

(1) a felony or a misdemeanor classified as an offense against a person or family;

(2) a felony or misdemeanor classified as public indecency;

(3) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;

(4) any offense involving moral turpitude; or

(5) any offense that would potentially put youth participants or the city of Dallas at risk.

(f) The provisions of this chapter are administrative in nature and are not subject to criminal penalties.

SEC. 12-5. INSPECTION; MONITORING; ENFORCEMENT.

(a) A coordinator shall initiate an inspection report for each youth program to confirm that standards of care are being met. Each inspection report will be sent to the director for review and kept on record for at least two years. The director shall review each report and establish deadlines and criteria for program compliance with the standards of care.

(b) The director shall make visual inspections of each youth program site based on the following schedule:

(1) Each after school program site will be inspected bimonthly.

(2) Each summer program site will be inspected twice during its summer schedule.

(3) Each holiday program site will be inspected once during the winter break and once during the spring break.

(4) Each inter-session program site will be inspected once during each inter-session.

(c) Any complaint regarding enforcement of the standards of care at a youth program must be directed to the program site coordinator. The coordinator shall take necessary steps to resolve each problem. The complaint and its resolution must be recorded by the coordinator. The director shall address any serious complaint regarding enforcement of the standards of care and record the complaint and its resolution.

(d) The director shall make an annual report to the city council on the overall status of the youth programs and their operation relative to compliance with the standards of care.

SEC. 12-6. ENROLLMENT.

Before a youth may be enrolled in a youth program, a parent must sign registration forms that contain the following information:

(1) the child's name, age, address, and home telephone number;

(2) the name and address of each parent and a telephone number for each parent during program hours;

(3) the name and telephone number of each person to whom the child may be released;

(4) a statement of the child's special problems or needs;

(5) an emergency medical authorization;

(6) proof of residency, when appropriate;

(7) a liability waiver; and

(8) an acknowledgement that the parent has been informed and understands that the program is not licensed by the State of Texas.

SEC. 12-7. SUSPECTED ABUSE.

Every program employee shall report suspected child abuse or neglect in accordance with the Texas Family Code.

ARTICLE II.

STAFFING: RESPONSIBILITIES AND TRAINING.

SEC. 12-8. YOUTH PROGRAM COORDINATOR: QUALIFICATIONS AND RESPONSIBILITIES.

(a) Each coordinator must meet all of the following qualifications:

(1) Be at least 21 years of age.

(2) Have two years of experience planning and implementing recreational activities.

(3) Pass a background investigation, including, but not limited to, testing for illegal substances.

(4) Have successfully completed a course in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards.

(5) Be able to furnish proof of a clear tuberculosis test within 12 months prior to employment.

(b) A coordinator is responsible for:

(1) administering the daily operations of a youth program in compliance with the standards of care;

(2) recommending for hire, supervising, and evaluating leaders for a youth program; and

(3) planning, implementing, and evaluating a youth program.

SEC. 12-9. YOUTH PROGRAM LEADERS: QUALIFICATIONS AND RESPONSIBILITIES.

(a) Each leader must meet all of the following qualifications:

(1) Be age 18 years of age or older, if working with children.

(2) Be able to consistently exhibit competency, good judgment, and self-control when working with children.

(3) Relate to children with courtesy, respect, tolerance, and patience.

(4) Have successfully completed a course in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards.

(5) Be able to furnish proof of a clear tuberculosis test within the 12 months prior to employment.

(6) Pass a background investigation, including, but not limited to, testing for illegal substances.

(b) A leader is responsible for:

(1) providing participants with an environment in which they can feel safe, enjoy wholesome recreation activities, and participate in appropriate social opportunities with their peers;

(2) knowing and following all city, departmental, and program standards, policies, and procedures that apply to the youth programs; and

(3) ensuring that participants are released only to a parent or a person designated by a parent and complying with the department- approved plan for verifying the identity of a person authorized to pick up a participant when that person is not known to the leader.

SEC. 12-10. TRAINING AND ORIENTATION.

(a) The department shall provide training and orientation to program employees relating to working with children in general and relating to the specific job responsibilities of each employee. A coordinator shall provide each leader with a program manual specific to each youth program.

(b) Each program employee will be trained in appropriate procedures for handling emergencies and in other areas, including, but not limited to, city, departmental, and program policies and procedures, provision of recreational activities, safety issues, child psychology, and organization.

(c) Each program employee shall be familiar with the standards of care for the youth programs and with all program policies, including the discipline, guidance, and release of participants, as outlined in the program manual.

(d) Each program employee will be required to sign an acknowledgement that the employee received the training required under this chapter.

ARTICLE III.

OPERATIONS.

SEC. 12-11. STAFF-PARTICIPANT RATIO.

(a) In each city youth program, the standard ratio of participants to leaders will be 20 to 1.

(b) Each participant will be assigned a program employee who is responsible for the participant and who is aware of the participant's habits, interests, and special needs and problems, as identified by the participant's parent during registration for a youth program.

(c) At all times, at least one employee who is 18 years of age or older must be present at each program site.

SEC. 12-12. DISCIPLINE.

(a) A program employee shall implement discipline and guidance in a consistent manner based on the best interests of program participants.

(b) No corporal punishment or treatment may be used. A program employee may use brief, supervised separation of a participant from the group, if necessary.

(c) As necessary, program employees shall provide discipline reports to the parents of participants. A parent will be asked to sign a participant's discipline report to indicate that the parent has been advised about a specific problem or incident.

(d) An excessive number of discipline reports or discipline reports of a severe nature, as described in the program manual, may result in a participant being suspended from a program.

(e) Any participant who poses a danger to other participants or staff will be removed from the program site as soon as possible.

SEC. 12-13. PROGRAMMING.

(a) A program employee shall attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to each participant's health, safety, and well-being. The activities also must be flexible and promote each participant's emotional, social, and mental growth.

(b) A program employee shall attempt to provide that indoor and outdoor time periods include:

(1) alternating active and passive activities;

(2) opportunity for individual and group activities; and

(3) outdoor time each day, as the weather permits.

(c) A program employee shall be attentive and considerate of the participants' safety on field trips and during any transportation provided by the program. A program employee must have a written list of all participants in each group and shall check the roll frequently.

(d) During trips, each program employee who supervises participants shall maintain immediate access to the emergency medical forms and emergency contact information for each participant. First aid supplies and a guide to first aid and emergency care must be readily available to each program employee on every field trip.

SEC. 12-14. COMMUNICATION.

(a) Each site must have access to a telephone for use in contacting the administration center and making emergency calls.

(b) A coordinator shall post the following telephone numbers adjacent to a telephone that is accessible to all program employees at each site:

(1) Dallas ambulance or emergency medical services.

(2) Dallas police department.

(4) Dallas fire department.

(5) The administration center.

(6) Telephone numbers at which each participant's parents may be reached.

(7) The telephone number for the program site.

SEC. 12-15. TRANSPORTATION.

(a) Before a participant may be transported to or from a city-sponsored activity, a transportation form, completed by a parent of the participant, must be filed with a coordinator.

(b) Every program vehicle used for transporting youth participants must be equipped with:

(1) first aid supplies and a first aid and emergency care guide that are easily accessible to program employees in the vehicle; and

(2) an operable 6-BC portable fire extinguisher that is installed in the passenger compartment of the vehicle and that is easily accessible to program employees in the vehicle.

SEC. 12-16. RELEASE OF PARTICIPANTS.

(a) A participant will be released from a youth program only to a parent or to a person designated by the parent in the registration forms.

(b) Each program site must have a copy of a department-approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to a program leader.

ARTICLE IV.

FACILITY STANDARDS.

SEC. 12-17. SAFETY.

(a) Program employees shall inspect each program site daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A daily inspection report must be completed by program employees and kept on file by the coordinator.

(b) All buildings, grounds, and equipment at each program site must be inspected, cleaned, repaired, and maintained to protect the health of the participants.

(c) All equipment and supplies used in a program must be safe for use by the participants.

(d) First aid supplies must be readily available to all program employees at each site, during transportation to an off-site activity, and for the duration of any off-site activity. A program employee shall maintain first aid supplies in a designated location, readily available to staff. Each program employee must at all times have immediate access to a guide to first aid and emergency care.

(e) Air conditioners, electric fans, and heaters at each program site must be mounted out of the participants' reach or have safeguards that keep participants from being injured.

(f) Porches and platforms at each program site that are more than 30 inches above the ground must be equipped with railings that participants can reach.

(g) All swing seats at each program site must be constructed of durable, lightweight, relatively pliable material.

SEC. 12-18. FIRE.

(a) In case of fire, danger of fire, explosion, or any other emergency, a program employee's first priority is to evacuate the participants to a designated safe area.

(b) Each program site must have at least one fire extinguisher approved by the fire marshal that is readily available to all program employees. Annually, a coordinator shall inspect the fire extinguisher and send an inspection report to the director, who shall keep the report on file for a minimum of two years. Every program employee must be trained in the proper use of a fire extinguisher.

(c) Fire drills will be initiated at program sites according to the following schedule:

(1) <u>After school programs</u>. A fire drill will be conducted once every three months. Program employees will confer with school staff to ensure that city and school procedures do not conflict.

(2) <u>Summer programs.</u>[÷] A fire drill will be conducted twice during the session.

(3) <u>Holiday programs.</u>[÷] A fire drill will be conducted once during the fall and spring sessions.

(4) <u>Inter-session programs.</u>[÷] A fire drill will be conducted once during each inter-session.

SEC. 12-19. HEALTH.

(a) Illness or injury.

(1) A participant who is considered to be a health or safety concern to other participants or employees will not be admitted to a program.

(2) Illnesses and injuries will be handled in a manner that protects the health of all participants and employees.

(3) A program employee shall follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the program manual.

(4) Each program employee shall follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

(b) Medication. A program employee shall administer medication only in accordance with the following conditions:

(1) A parent must complete and sign a medication form that provides a current list of medications that a participant must take while in the program, with details as to times and dosages. The form must include authorization for a program employee to dispense the medication and an indemnification clause to protect the city.

(2) Every prescription medication must be in the original container and labeled with the child's name, a date, directions, and the physician's name. A program employee shall administer the medication only as stated on the label. A program employee may not administer medication after the expiration date.

(3) Every nonprescription medication must be labeled with the child's name and the date the medication was brought to the program. A nonprescription medication must be in the original container and shall be administered by a program employee only according to label direction.

(4) Any medication dispensed will be limited to routine oral ingestion that requires no special knowledge or skill. No injection may be administered by a program employee.

(5) A program employee shall ensure that all medications are inaccessible to program participants and, if it is necessary to keep medications in a refrigerator, that the medications are kept separate from food.

(c) Toilet facilities.

(1) Each program site must have inside toilets located and equipped so that children can use them independently and program employees can supervise as needed.

(2) One flush toilet must be provided for every 30 children. Urinals may be counted in the ratio of toilets to children, but may not exceed 50 percent of the total number of toilets.

(3) An appropriate and adequate number of lavatories must be provided.

(d) Sanitation.

(1) Each program facility must have adequate light, ventilation, and heat.

(2) Each program must be provided with an adequate supply of water meeting the standards of the Texas Department of Health for drinking water. A program employee shall ensure that water is supplied to participants in a safe and sanitary manner.

(3) Program employees shall ensure that garbage is removed daily from each building at a program site."

SECTION 2. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed $500.

SECTION 3. That Chapter 12 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 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 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By_____
Assistant City Attorney

Passed_____

SEPTEMBER 12, 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 September 12, 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

9-7-18
Date

M. Elizabeth Reich

Elizabeth Reich
Chief Financial Officer

9-7-18
Date

RECEIVED
2018 SEP -7 PM 4:46
CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 12, 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 - 52
	CONSENT ADDENDUM	Addendum Item 1
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 53 - 58 Addendum Item 2
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 59 - 68 Addendum Items 3 - 27

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:

CONSENT AGENDA

Department of Convention and Event Services

1. 18-913 Authorize changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

City Attorney's Office

2. 18-902 An ordinance amending Ordinance No. 30878, passed by the Dallas City Council on June 13, 2018, which appointed certain persons as full-time and associate (part-time) municipal judges for a two-year term ending May 31, 2020, to fill one full-time municipal judge vacancy and two associate judge vacancies; providing a severability clause; and providing an effective date - Financing: This action has no cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Office of Economic Development

Note: Addendum Item Nos. 3 and 4 must be considered collectively.

3. 18-787 **Dallas Downtown Improvement District**

A public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amendment to the management contract with Downtown Dallas, Inc. (DDI) authorizing the disbursement of assessments to DDI; providing for City participation in the District in an amount not to exceed $715,238.85; authorizing payment of City's 2018 assessment directly to the District and providing for an effective date - Not to exceed $715,238.85 - Financing: General Fund ($469,405.87) and Convention and Event Services Enterprise Fund ($245,832.98) (subject to appropriations) (see Fiscal Information)

4. 18-788 Authorize an amended and restated management contract with Downtown Dallas, Inc., the non-profit corporation designated as the management entity for the Dallas Downtown Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Downtown Dallas, Inc., and to address other amendments to the agreement form - Financing: No cost consideration to the City

Note: Addendum Item Nos. 5 and 6 must be considered collectively.

5. 18-789 **Deep Ellum Public Improvement District**

A public hearing concerning the proposed levy of assessment for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Deep Ellum Foundation authorizing the disbursement of assessments to Deep Ellum Foundation; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

6. 18-790 Authorize an amended and restated management contract with Deep Ellum Foundation, the non-profit corporation designated as the management entity for the Deep Ellum Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Deep Ellum Foundation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

Note: Addendum Item Nos. 7 and 8 must be considered collectively.

7. 18-791 **Klyde Warren Park/Dallas Arts District Public Improvement District**

A public hearing concerning the proposed levy of assessment for the Klyde Warren Park/Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County, pursuant to an amended and restated management contract with Woodall Rodgers Park Foundation authorizing the disbursement of assessments to Woodall Rodgers Park Foundation; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

8. 18-792 Authorize an amended and restated management contract with Woodall Rodgers Park Foundation, the non-profit corporation designated as the management entity for the Klyde Warren Park/Dallas Arts District Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Woodall Rodgers Park Foundation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

Note: Addendum Item Nos. 9 and 10 must be considered collectively.

9. 18-793 **Knox Street Public Improvement District**

A public hearing concerning the proposed levy of assessment for the Knox Street Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Knox Street Improvement District Corporation authorizing the disbursement of assessments to Knox Street Improvement District Corporation; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

10. 18-794 Authorize an amended and restated management contract with Knox Street Improvement District Corporation, the non-profit corporation designated as the management entity for the Knox Street Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Knox Street Improvement District Corporation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

Note: Addendum Item Nos. 11 and 12 must be considered collectively.

11. 18-795 **Lake Highlands Line Public Improvement District**

A public hearing concerning the proposed levy of assessment for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC) authorizing the disbursement of assessments to LHIDC; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

12. 18-796 Authorize an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC), the non-profit corporation designated as the management entity for the Lake Highlands Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to LHIDC, and to address other amendments to the agreement form - Financing: No cost consideration to the City

Note: Addendum Item Nos. 13 and 14 must be considered collectively.

13. 18-797 **North Lake Highlands Public Improvement District**

A public hearing concerning the proposed levy of assessment for the North Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC) authorizing the disbursement of assessments to LHIDC; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

14. 18-798 Authorize an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC), the non-profit corporation designated as the management entity for the North Lake Highlands Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to LHIDC, and to address other amendments to the agreement form - Financing: No cost consideration to the City

Note: Addendum Item Nos. 15 and 16 must be considered collectively.

15. 18-802 **Oak Lawn-Hi Line Public Improvement District**

A public hearing concerning the proposed levy of assessment for the Oak Lawn-Hi Line Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Oak Lawn-Hi Line Improvement Corporation (OLHLIC) authorizing the disbursement of assessments to OLHLIC; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

16. 18-803 Authorize an amended and restated management contract with Oak Lawn-Hi Line Improvement Corporation, the non-profit corporation designated as the management entity for the Oak Lawn-Hi Line Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Oak Lawn-Hi Line Improvement Corporation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

Note: Addendum Item Nos. 17 and 18 must be considered collectively.

17. 18-804 **Prestonwood Public Improvement District**

A public hearing concerning the proposed levy of assessment for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Prestonwood Homeowners Association authorizing the disbursement of assessments to Prestonwood Homeowners Association; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

18. 18-805 Authorize an amended and restated management contract with Prestonwood Homeowners Association, the non-profit corporation designated as the management entity for the Prestonwood Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Prestonwood Homeowners Association, and to address other amendments to the agreement form - Financing: No cost consideration to the City

Note: Addendum Item Nos. 19 and 20 must be considered collectively.

19. 18-808 **South Side Public Improvement District**

A public hearing concerning the proposed levy of assessment for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amendment to the management contract with South Side Quarter Development Corporation (SSQDC) authorizing the disbursement of assessments to SSQDC; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

20. 18-809 Authorize an amended and restated management contract with South Side Quarter Development Corporation, the non-profit corporation designated as the management entity for the South Side Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to South Side Quarter Development Corporation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

21. 18-810 **Tourism Public Improvement District**

A public hearing concerning the proposed levy of assessment for the Tourism Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final Service Plan for 2018-19, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments on Dallas hotels with 100 or more rooms, for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

Note: Addendum Item Nos. 22 and 23 must be considered collectively.

22. 18-815 **University Crossing Public Improvement District**

A public hearing concerning the proposed levy of assessment for the University Crossing Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with University Crossing Improvement District Corporation (dba UCPID, Inc.) authorizing the disbursement of assessments to UCPID, Inc.; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

23. 18-816 Authorize an amended and restated management contract with University Crossing Improvement District Corporation (dba UCPID, Inc.), the non-profit corporation designated as the management entity for the University Crossing Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to UCPID, Inc, and to address other amendments to the agreement form - Financing: No cost consideration to the City

Note: Addendum Item Nos. 24 and 25 must be considered collectively.

24. 18-817 **Uptown Public Improvement District**

A public hearing concerning the proposed levy of assessment for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County, pursuant to an amended and restated management contract with Uptown Dallas, Inc. authorizing the disbursement of assessments to Uptown Dallas, Inc.; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

25. 18-818 Authorize an amended and restated management contract with Uptown Dallas, Inc., the non-profit corporation designated as the management entity for the Uptown Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Uptown Dallas, Inc., and to address other amendments to the agreement form - Financing: No cost consideration to the City

Note: Addendum Item Nos. 26 and 27 must be considered collectively.

26. 18-819 **Vickery Meadow Public Improvement District**

A public hearing concerning the proposed levy of assessment for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Vickery Meadow Management Corporation authorizing the disbursement of assessments to Vickery Meadow Management Corporation; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

27. 18-820 Authorize an amended and restated management contract with Vickery Meadow Management Corporation, the non-profit corporation designated as the management entity for the Vickery Meadow Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Vickery Meadow Management Corporation, and to address other amendments to the agreement form - 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 negations 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 negations 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: September 12, 2018

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	2	C	CES	NC	Authorize changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation - Financing: No cost consideration to the City
2.	All	I	ATT	NC	An ordinance amending Ordinance No. 30878, passed by the Dallas City Council on June 13, 2018, which appointed certain persons as full-time and associate (part-time) municipal judges for a two-year term ending May 31, 2020, to fill one full-time municipal judge vacancy and two associate judge vacancies; providing a severability clause; and providing an effective date - Financing: This action has no cost consideration to the City
3.	2,14	PH	ECO	$715,238.85	Dallas Downtown Improvement District A public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amendment to the management contract with Downtown Dallas, Inc. (DDI) authorizing the disbursement of assessments to DDI; providing for City participation in the District in an amount not to exceed $715,238.85; authorizing payment of City's 2018 assessment directly to the District and providing for an effective date - Not to exceed $715,238.85 - Financing: General Fund ($469,405.87) and Convention and Event Services Enterprise Fund ($245,832.98) (subject to appropriations) (see Fiscal Information)
4.	2,14	PH	ECO	NC	Authorize an amended and restated management contract with Downtown Dallas, Inc., the non-profit corporation designated as the management entity for the Dallas Downtown Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Downtown Dallas, Inc., and to address other amendments to the agreement form - Financing: No cost consideration to the City

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
5.	2,14	PH	ECO	NC	Deep Ellum Public Improvement District A public hearing concerning the proposed levy of assessment for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Deep Ellum Foundation authorizing the disbursement of assessments to Deep Ellum Foundation; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)
6.	2,14	PH	ECO	NC	Authorize an amended and restated management contract with Deep Ellum Foundation, the non-profit corporation designated as the management entity for the Deep Ellum Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Deep Ellum Foundation, and to address other amendments to the agreement form - Financing: No cost consideration to the City
7.	14	PH	ECO	NC	Klyde Warren Park/Dallas Arts District Public Improvement District A public hearing concerning the proposed levy of assessment for the Klyde Warren Park/Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County, pursuant to an amended and restated management contract with Woodall Rodgers Park Foundation authorizing the disbursement of assessments to Woodall Rodgers Park Foundation; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
8.	14	PH	ECO	NC	Authorize an amended and restated management contract with Woodall Rodgers Park Foundation, the non-profit corporation designated as the management entity for the Klyde Warren Park/Dallas Arts District Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Woodall Rodgers Park Foundation, and to address other amendments to the agreement form - Financing: No cost consideration to the City
9.	14	PH	ECO	NC	Knox Street Public Improvement District A public hearing concerning the proposed levy of assessment for the Knox Street Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Knox Street Improvement District Corporation authorizing the disbursement of assessments to Knox Street Improvement District Corporation; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)
10.	14	PH	ECO	NC	Authorize an amended and restated management contract with Knox Street Improvement District Corporation, the non-profit corporation designated as the management entity for the Knox Street Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Knox Street Improvement District Corporation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
11.	9,10,13	PH	ECO	NC	Lake Highlands Line Public Improvement District A public hearing concerning the proposed levy of assessment for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC) authorizing the disbursement of assessments to LHIDC; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)
12.	9,10,13	PH	ECO	NC	Authorize an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC), the non-profit corporation designated as the management entity for the Lake Highlands Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to LHIDC, and to address other amendments to the agreement form - Financing: No cost consideration to the City
13.	10	PH	ECO	NC	North Lake Highlands Public Improvement District A public hearing concerning the proposed levy of assessment for the North Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC) authorizing the disbursement of assessments to LHIDC; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
14.	10	PH	ECO	NC	Authorize an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC), the non-profit corporation designated as the management entity for the North Lake Highlands Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to LHIDC, and to address other amendments to the agreement form - Financing: No cost consideration to the City
15.	6	PH	ECO	NC	Oak Lawn-Hi Line Public Improvement District A public hearing concerning the proposed levy of assessment for the Oak Lawn-Hi Line Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Oak Lawn-Hi Line Improvement Corporation (OLHLIC) authorizing the disbursement of assessments to OLHLIC; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)
16.	6	PH	ECO	NC	Authorize an amended and restated management contract with Oak Lawn-Hi Line Improvement Corporation, the non-profit corporation designated as the management entity for the Oak Lawn-Hi Line Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Oak Lawn-Hi Line Improvement Corporation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
17.	12	PH	ECO	NC	Prestonwood Public Improvement District A public hearing concerning the proposed levy of assessment for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Prestonwood Homeowners Association authorizing the disbursement of assessments to Prestonwood Homeowners Association; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)
18.	12	PH	ECO	NC	Authorize an amended and restated management contract with Prestonwood Homeowners Association, the non-profit corporation designated as the management entity for the Prestonwood Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Prestonwood Homeowners Association, and to address other amendments to the agreement form - Financing: No cost consideration to the City
19.	2	PH	ECO	NC	South Side Public Improvement District A public hearing concerning the proposed levy of assessment for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amendment to the management contract with South Side Quarter Development Corporation (SSQDC) authorizing the disbursement of assessments to SSQDC; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
20.	2	PH	ECO	NC	Authorize an amended and restated management contract with South Side Quarter Development Corporation, the non-profit corporation designated as the management entity for the South Side Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to South Side Quarter Development Corporation, and to address other amendments to the agreement form - Financing: No cost consideration to the City
21.	2,5,6,7,8,9,10,11,12,13,14	PH	ECO	NC	Tourism Public Improvement District A public hearing concerning the proposed levy of assessment for the Tourism Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final Service Plan for 2018-19, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments on Dallas hotels with 100 or more rooms, for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)
22.	14	PH	ECO	NC	University Crossing Public Improvement District A public hearing concerning the proposed levy of assessment for the University Crossing Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with University Crossing Improvement District Corporation (dba UCPID, Inc.) authorizing the disbursement of assessments to UCPID, Inc.; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
23.	14	PH	ECO	NC	Authorize an amended and restated management contract with University Crossing Improvement District Corporation (dba UCPID, Inc.), the non-profit corporation designated as the management entity for the University Crossing Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to UCPID, Inc, and to address other amendments to the agreement form - Financing: No cost consideration to the City
24.	14	PH	ECO	NC	Uptown Public Improvement District A public hearing concerning the proposed levy of assessment for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County, pursuant to an amended and restated management contract with Uptown Dallas, Inc. authorizing the disbursement of assessments to Uptown Dallas, Inc.; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)
25.	14	PH	ECO	NC	Authorize an amended and restated management contract with Uptown Dallas, Inc., the non-profit corporation designated as the management entity for the Uptown Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Uptown Dallas, Inc., and to address other amendments to the agreement form - Financing: No cost consideration to the City

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
26.	13	PH	ECO	NC	Vickery Meadow Public Improvement District A public hearing concerning the proposed levy of assessment for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Vickery Meadow Management Corporation authorizing the disbursement of assessments to Vickery Meadow Management Corporation; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)
27.	13	PH	ECO	NC	Authorize an amended and restated management contract with Vickery Meadow Management Corporation, the non-profit corporation designated as the management entity for the Vickery Meadow Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Vickery Meadow Management Corporation, and to address other amendments to the agreement form - Financing: No cost consideration to the City
			TOTAL	**$715,238.85**	

Agenda Information Sheet

File #: 18-913 **Item #:** 1.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Convention and Event Services

EXECUTIVE: Joey Zapata

SUBJECT

Authorize changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation - Financing: No cost consideration to the City

BACKGROUND

The Articles of Incorporation for the Dallas Convention Center Hotel Development Corporation (DCCHDC) state that the DCCHDC should consist of three board members, who are employed by, and reside in, the city of Dallas. Each board member serves for a period of two years, may be reappointed, and can serve for six consecutive years. This action appoints Kimberly Bizor Tolbert as President, reappoints Shelia D. Robinson as Vice President, and reappoints John P. Johnson, Jr. as Treasurer and Secretary, all for a period of two years.

Effective May 10, 2017, Raquel Favela was appointed to serve on the DCCHDC Board of Directors as President. However, due to Ms. Favela's resignation, the City Manager recommends Kimberly Bizor Tolbert to replace Ms. Favela on the Board of Directors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 10, 2010, City Council authorized the replacement of Shelia D. Robinson with Jo M. (Jody) Puckett to serve as a Board Member of the Dallas Convention Center Hotel Development Corporation by Resolution No. 10-0454.

On April 14, 2010, City Council authorized the replacement of Frank Poe with Al (Alberto) Rojas to serve as Secretary of the Dallas Convention Center Hotel Development Corporation by Resolution No. 10-0918.

On October 10, 2011, City Council authorized the replacement of Ryan Evans with Forest Turner to serve as President and replaced Jo M. (Jody) Puckett with Shelia D. Robinson to serve as Board Member of the Dallas Convention Center Hotel Development Corporation by Resolution No. 11-2719.

On August 28, 2013, City Council authorized the replacement of Forest Turner with Jose (Joey) Zapata to serve as President of the Dallas Convention Center Hotel Development Corporation by Resolution No. 13-1422.

On January 13, 2016, City Council authorized the replacement of Al (Alberto) Rojas with Juanita Ortiz to serve on the Dallas Convention Center Hotel Development Corporation by Resolution No. 16-0077.

On May 10, 2017, City Council authorized the replacement of Jose (Joey) Zapata with Raquel Favela, the replacement of Juanita Ortiz with John P. Johnson, Jr., and the reappointment of Shelia D. Robinson to serve on the Dallas Convention Center Hotel Development Corporation by Resolution No. 17-0745.

FISCAL INFORMATION

No cost consideration to the City.

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WHEREAS, the Articles of Incorporation, upon the recommendation of the City Manager, authorize the City Council to approve changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation; and

WHEREAS, on February 10, 2010, City Council authorized the replacement of Shelia Robinson with Jo M. (Jody) Puckett to serve as a Board Member of the Dallas Convention Center Hotel Development Corporation by Resolution No. 10-0454; and

WHEREAS, on April 14, 2010, City Council authorized the replacement of Frank Poe with Al (Alberto) Rojas to serve as Secretary of the Dallas Convention Center Hotel Development Corporation by Resolution No. 10-0918; and

WHEREAS, on October 10, 2011, City Council authorized the replacement of Ryan Evans with Forest Turner to serve as President and replaced Jo M. (Jody) Puckett with Shelia Robinson to serve as Board Member of the Dallas Convention Center Hotel Development Corporation by Resolution No. 11-2719; and

WHEREAS, on August 28, 2013, City Council authorized the replacement of Forest Turner with Jose (Joey) Zapata to serve as President of the Dallas Convention Center Hotel Development Corporation by Resolution No. 13-1422; and

WHEREAS, on January 13, 2016, City Council authorized the replacement of Al (Alberto) Rojas with Juanita Ortiz to serve on the Dallas Convention Center Hotel Development Corporation by Resolution No. 16-0077; and

WHEREAS, on May 10, 2017, City Council authorized the replacement of Jose (Joey) Zapata with Raquel Favela to serve as President of the Dallas Convention Center Hotel Development Corporation, the replacement of Juanita Ortiz with John P. Johnson, Jr., and the reappointment of Shelia D. Robison to the Dallas Convention Center Hotel Development Corporation by Resolution No. 17-0745.

Now, Therefore,

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

SECTION 1. That Kimberly Bizor Tolbert is appointed to serve as the President of the Dallas Convention Center Hotel Development Corporation for a two-year term.

SECTION 2. That John P. Johnson, Jr. is reappointed to serve as the Treasurer and Secretary of the Dallas Convention Center Hotel Development Corporation for a two-year term.

SECTION 3. That Shelia Robinson is reappointed to serve as the Vice President of the Dallas Convention Center Hotel Development Corporation for a two-year term.

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 #: 18-902 **Item #:** 2.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

An ordinance amending Ordinance No. 30878, passed by the Dallas City Council on June 13, 2018, which appointed certain persons as full-time and associate (part-time) municipal judges for a two-year term ending May 31, 2020, to fill one full-time municipal judge vacancy and two associate judge vacancies; providing a severability clause; and providing an effective date - Financing: This action has no cost consideration to the City

BACKGROUND

Chapters 29 and 30 of the Texas Government Code and Chapter VII of the Dallas City Charter provide that the municipal court of record shall be presided over by municipal court judges and that the City Council shall appoint, to serve a two-year term, full-time municipal judges and associate (part -time) municipal judges to preside over the City of Dallas municipal court of record and designate an administrative judge.

After the appointment of judges to be effective on August 1, 2018, the City was made aware of three vacancies created by the resignation of previously appointed municipal judges.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2018, City Council appointed 10 full-time municipal judges and 18 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2020, by Resolution No. 18-0846, Ordinance No. 30878.

On August 15, 2018, after the vacancy of the full-time municipal judge, the Judicial Nominating Commission met to recommend to the Ad Hoc Judicial Nomination Committee (Ad Hoc Judicial) one (1) candidate for full-time municipal judge.

On September 4, 2018, the Ad Hoc Judicial Nomination Committee convened to discuss and accept the recommendations to appoint one (1) full-time and two (2) associate (part-time) municipal judges

and forward to full City Council for approval.

FISCAL INFORMATION

This action has no cost consideration to the City.

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ORDINANCE NO. _____

An ordinance amending Ordinance No. 30878, passed by the Dallas City Council on June 13, 2018, which appointed certain persons as full-time and associate (part-time) municipal judges for a two-year term ending May 31, 2020, to fill one full-time municipal judge vacancy and two associate judge vacancies; providing a severability clause; and providing an effective date.

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

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

WHEREAS, on June 13, 2018, the City Council appointed 10 full-time municipal judges and 18 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2020; and

WHEREAS, after the appointment of the judges to be effective on August 1, 2018, the City was made aware of vacancies created by the resignation of previously appointed municipal judges; and

WHEREAS, as required by Section 13-5.2(d) of the Dallas City Code, on August 15, 2018, after the vacancy of the full-time municipal judge, the Judicial Nominating Commission recommended to the Ad Hoc Judicial Nominations Committee a candidate for the full-time municipal judge vacancy; and

WHEREAS, on September 4, 2018, the Ad Hoc Judicial Nominations Committee convened to discuss and accept the recommendations to appoint one full time and two associate (part-time) municipal judges and forward to the city council for consideration on September 12, 2018; and

WHEREAS, on September 12, 2018, the city council, at its regularly scheduled meeting, considered the full-time and the associate (part-time) municipal judge nominees; Now, Therefore,

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

Section 1. That the following person is appointed as a full-time municipal judge to fill the vacancy for the City of Dallas municipal court of record for the remainder of a two-year term ending May 31, 2020:

Marsha Tillman

SECTION 2. That the following persons are appointed as associate (part-time) municipal judges to fill the vacancy for the City of Dallas municipal court of record for the remainder of a two-year term ending May 31, 2020:

1. Frances Crumpler
2. Yodit Tewolde

SECTION 3. That the salary is $109,242.00 per year for the administrative municipal judge, $101,198.73 per year for full-time municipal judges with two or more years of judicial experience, $90,043.20 per year for full-time municipal judges with less than two years of judicial experience, $48.65 per hour for associate municipal judges with two or more years of judicial experience, and $43.29 per hour for associate municipal judges with less than two years of judicial experience, in each case the salary to include such adjustments in salaries and number of paid working days and furlough days as are designated by the City of Dallas as to its salaried non-uniformed employees generally.

SECTION 4. That it is the intent of the city council that the judicial appointments set forth in this ordinance are severable, and if any appointment is declared invalid by the valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining judicial appointments, since the same would have been approved by the city council without the invalid appointment.

SECTION 5. That this ordinance shall take effect on September 12, 2018, 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 #: 18-787 **Item #:** 3.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Dallas Downtown Improvement District

A public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amendment to the management contract with Downtown Dallas, Inc. (DDI) authorizing the disbursement of assessments to DDI; providing for City participation in the District in an amount not to exceed $715,238.85; authorizing payment of City's 2018 assessment directly to the District and providing for an effective date - Not to exceed $715,238.85 - Financing: General Fund ($469,405.87) and Convention and Event Services Enterprise Fund ($245,832.98) (subject to appropriations) (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed management contract amendment, also on the September 12, 2018 addendum, that is necessary to implement new procedures for the disbursement of assessment revenue.

Annually, City Council calls and holds a public hearing to consider the proposed assessment rate for

property in the Public Improvement Districts ("PID") and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

Downtown Dallas Inc. provided City staff with the proposed District Service Plan for 2019 and the proposed Assessment Plan for 2018 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract along with related changes. No assessment revenue will be disbursed until an amended management contract is executed.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The proposed services and improvements to be provided in the District include Downtown Safety Patrol Program, safety awareness and education programs, Clean Team Program, operation of the mass transportation facilities, landscaping, banner program, installation and maintenance of trash containers, promotion of downtown, installation of lighting, implement signage and wayfinding system, development of new public and green space, and related expenses incurred in establishing, administering and operating the District as authorized by the Act. The purpose of the District is to supplement and enhance services within the District, but not to replace or supplant existing City services provided within the District.

(b) Estimated Cost of the Services and Improvements. During the next five-year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately $8,107,177.00 in 2019 and reach $8,475,000.00 in 2023. The total estimated assessment to be collected during the next five-year period is approximately $41,461,177.00. The District shall incur no bonded indebtedness.

(c) Boundaries. The boundaries of the District are shown on the attached map of the District.

(d) Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The gross assessment amount for 2018 is estimated to be $8,323,181.11. This amount is equal to $0.129 per $100.00 of appraised value, as determined by DCAD. Once levied, this assessment apportionment shall not increase during the 2019 Service Plan year. Properties otherwise exempt form ad valorem taxes are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

(e) Apportionment of costs between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. The City of Dallas has contractually agreed to pay assessments against exempt City property in the District. City right-of-way, railroad right-of-way, parks and cemeteries are not specially benefitted and therefore are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must also be established by contract.

For FY 2018-19, the estimated City participation is approximately $715,238.85 (this amount excludes an estimated $380,721.30 assessment for the Convention Center Hotel property under the auspices of a Local Government Corporation). Beginning with the FY 2016-17, the County discontinued collection of the City's assessment for City property within the District. The City's 2018 assessment and all future assessments will be paid directly to the District at the County's request. Every dollar of City assessment paid to the District will leverage approximately $11.00 of assessments paid by private property owners. As a contributor, the City of Dallas will be represented on the governing Boards of Directors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 1992, City Council authorized the creation of the Dallas Downtown Improvement District by Resolution No. 92-2445.

On August 9, 2006, City Council held a public hearing to receive comments on the renewal of the Public Improvement District; and authorized the renewal of the Dallas Downtown Improvement District; approval of findings; establishing an effective date; approval of the service plan; designating the Dallas Central Business District Enterprises, Inc. as manager of the district; authorizing a contract; and authorizing appointment of City representatives to the governing Board by Resolution Nos. 06-2048 and 06-2049.

On June 12, 2013, City Council held a public hearing to receive comments concerning the renewal of the Downtown Improvement District; authorize approval of a resolution renewing the Downtown Improvement District for a period of seven years and approval of the Service Plan and management contract by Resolution No. 13-1015.

On September 10, 2014, City Council held a public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District; and an ordinance approving and adopting the final Service Plan for 2015 and final 2014 Assessment Plan and 2014 Assessment Roll by Resolution No. 14-1506; Ordinance No. 29456.

On September 9, 2015, City Council held a public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District; and an ordinance approving and adopting the proposed and final 2016 Service Plan and 2015 Assessment Roll by Resolution No. 15-1695; Ordinance No. 29860.

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On September 14, 2016, City Council held a public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District and an ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll by Resolution No. 16-1496; Ordinance No. 30201.

On September 13, 2017, City Council held a public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District and authorized and ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1482; Ordinance No. 30636.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed Dallas Downtown Improvement District's final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1182.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

General Fund - $469,405.87 (subject to appropriations)
Convention and Event Services Enterprise Fund - $245,832.98 (subject to appropriations)

Council District	Amount
2	$429,143.31
14	$286,095.54
Total	$715,238.85

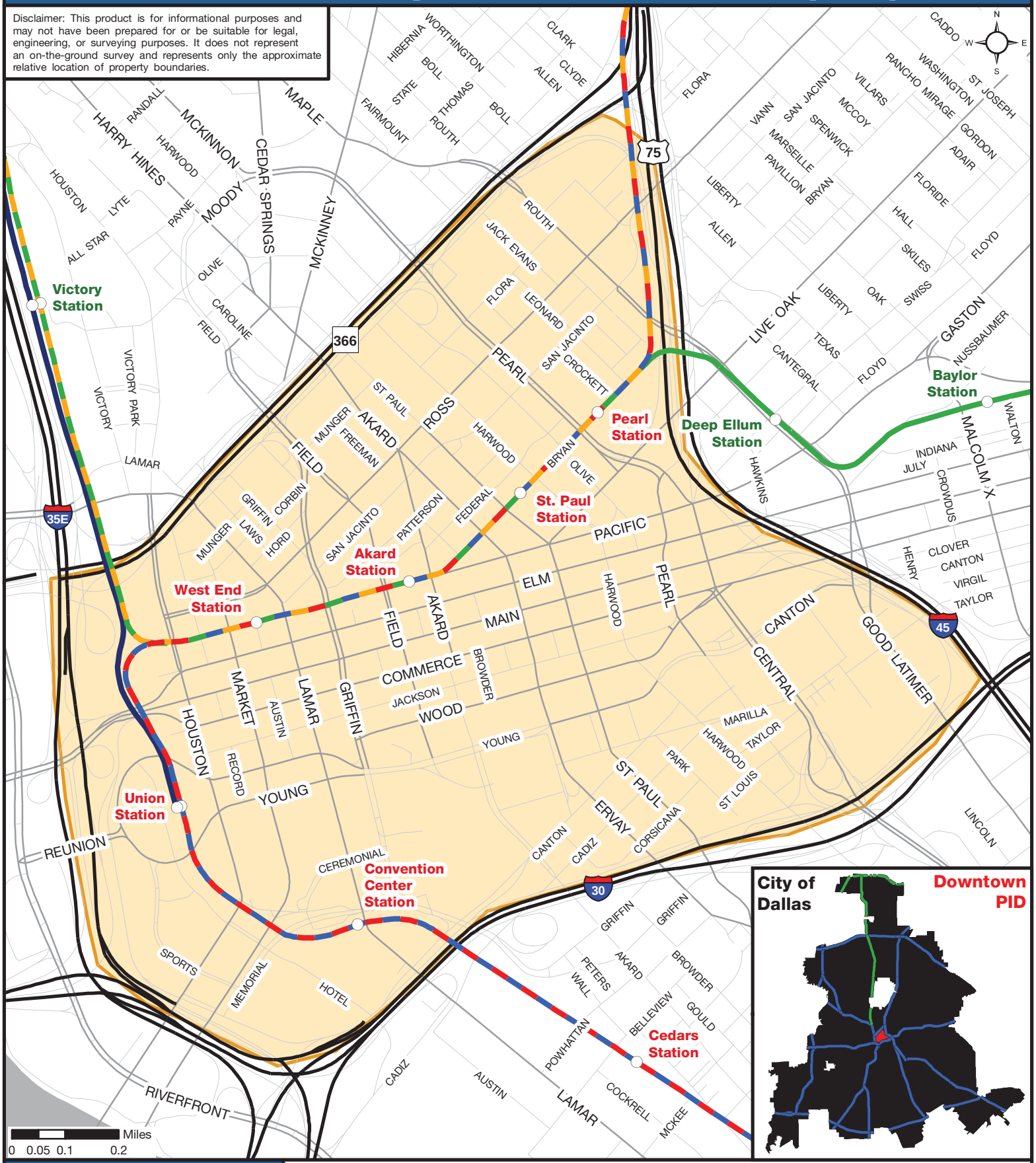
Cost consideration to others - the proposed assessment amount is approximately equal to $0.129 per $100.00 of appraised value as determined by the DCAD (i.e. property owners within the boundaries of the Public Improvement District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

MAP

Attached

Downtown Improvement District (DID)

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



DALLAS
ECONOMIC DEVELOPMENT

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 3.17.10, Last Updated 8.31.11 - PID_Downtown.TCG

Legend

- Downtown Improvement District
- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express
- Freeway or Tollway
- Arterial
- Local Road
- Flood Plain

Source: Rail Lines - DART, 2010; Parcels - DCAD, 2009; All Other Data - City of Dallas, 2010

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2019 SERVICE PLAN, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE DALLAS DOWNTOWN IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2019; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COST FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AUTHORIZING THE RECEIPT AND DEPOSIT OF ASSESSMENTS FROM DALLAS COUNTY; PURSUANT TO AN AMENDED AND RESTATED MANAGEMENT CONTRACT WITH DOWNTOWN DALLAS, INC. (DDI) AUTHORIZING THE DISPURSEMENT OF ASSESSMENTS TO DDI; AUTHORIZING PAYMENT OF CITY'S 2018 ASSESSMENT AND ALL FUTURE CITY ASSESSMENTS DIRECTLY TO THE DISTRICT; PROVIDING FOR CITY'S 2018 PARTICIPATION IN THE DISTRICT IN AN AMOUNT NOT TO EXCEED $715,238.85 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on June 24, 1992, City Council established the Dallas Downtown Improvement District (the "District"), as shown on the attached **Exhibit A - Map of the District**, pursuant to the Act finding that the Act's requirements and supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated Dallas CBD Enterprises, Inc. as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 92-2445; and

WHEREAS, on August 9, 2006, City Council held a public hearing to receive comments on the renewal of the Public Improvement District by Resolution No. 06-2048 and authorized the renewal of the Dallas Downtown Improvement District; approval of findings; establishing an effective date; approval of the service plan; designating the Dallas Central Business District Enterprises, Inc. as manager of the district; authorizing a contract; and authorizing appointment of City representatives to the governing Board by Resolution No. 06-2049; and

WHEREAS, on June 12, 2013, City Council the renewal of the held a public hearing to receive comments concerning the renewal of the Downtown Improvement District; authorize approval of a resolution renewing the Downtown Improvement District for a period of seven years and approval of the Service Plan and management contract by Resolution No.13-1015; and

WHEREAS, on September 10, 2014, City Council held a public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District; and authorized an ordinance approving and adopting the final Service Plan for 2015 and final 2014 Assessment Plan and 2014 Assessment Roll by Resolution No. 14-1506; Ordinance No. 29456; and

WHEREAS, on September 9, 2015, City Council held a public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District; and authorized an ordinance approving and adopting the proposed and final 2016 Service Plan and 2015 Assessment Roll by Resolution No. 15-1695; Ordinance 29860; and

WHEREAS, on September 14, 2016, City Council held a public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District and authorized an ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll by Resolution No. 16-1496; Ordinance 30201; and

WHEREAS, on September 13, 2017, City Council held a public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District and authorized and ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1482; Ordinance No. 30636.

WHEREAS, City Council must review the proposed 2019 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2018 Assessment Plan raised by any owner of property located within the District and at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the Dallas Downtown Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1182; and

WHEREAS, the District's manager provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan, as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of $0.129 per $100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD) is reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amendment to the management contract with Downtown Dallas, Inc. (DDI) authorizing the disbursement of assessments to DDI; providing for City participation in the District in an amount not to exceed $715,238.85; authorizing payment of City's 2018 assessment directly to the District and providing for an effective date and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by DCAD. The gross assessment amount for 2018 is estimated to be $8,323,181.11. This amount shall be apportioned in an amount equal to $0.129 per $100.00 of appraised value, as determined by DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year. The City of Dallas has contractually agreed to pay assessments against exempt City property in the District. City right-of-way, railroad right-of-way, parks and cemeteries are not specially benefitted and therefore are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must also be established by contract.

SECTION 4. That the City Council hereby authorizes and adopts the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary) apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2018, of approximately $8,323,181.11. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That the Chief Financial Officer is hereby authorized to disburse funds for a total not to exceed $715,238.85 for City's 2018 assessment as follows:

Fund 0001, Department BMS, Unit 1991, Object 3599 to pay assessments on City-owned property benefitting from services and improvements provided by the District, in an amount not to exceed $469,405.87, to Vendor 503465, subject to annual appropriations; and

Fund 0080, Department CCT, Unit 7840, Object 3599 to pay assessments on City-owned property benefitting from services and improvements provided by the District, in an amount not to exceed $245,832.98, to Vendor 503465, subject to annual appropriations.

SECTION 6. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, 6th Floor, Dallas, Texas 75201 was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 7. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 8. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 9. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 10. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 11. That the assessments levied herein shall be due and payable in full on or before January 31, 2019. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 12. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 13. That the Chief Financial Officer is hereby authorized to receive and deposit assessment funds from Dallas County in the Dallas Downtown Improvement District Fund, Fund 9P02, Department ECO, Unit 1857, Revenue Code 8576.

SECTION 14. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations and oversight conducted by City staff for the District, which amount shall be reimbursed by the District to City through the deduction from assessment revenues received.

SECTION 15. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P02, Department ECO, Unit 1857, Object 3090 to General Fund, Fund 0001, Department ECO, Unit 1272, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day-to-day administrative and operational oversight of the District.

SECTION 16. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P02, Department ECO, Unit 1857,Object 3090 to General Fund, Fund 0001, Department BMS, Unit 1272, Object 5011, to reimburse the City Controller's Office for administrative costs incurred for day-to-day accounting responsibilities associated with oversight of the District.

SECTION 17. That no assessment revenue will be disbursed to DDI unless an amended and restated management contract is executed.

SECTION 18. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P02, Department ECO, Unit 1857, Object 3034, Vendor 503465, for assessments due the District as assessed, paid to Dallas County and transferred to the City for processing, net of City administrative fees, any retainage necessary, and any reconciliation adjustments related to this activity.

SECTION 19. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P02, Department ECO, Unit 1857, Object 3549, Vendor 243282 for reimbursing Dallas County for refunding assessments paid by property owners in excess of adjusted amounts resulting from successful appeal of property tax values, and for other necessary reconciliation adjustments.

SECTION 20. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 21. That this ordinance 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 ordained.

APPROVED AS TO FORM
LARRY E. CASTO, City Attorney

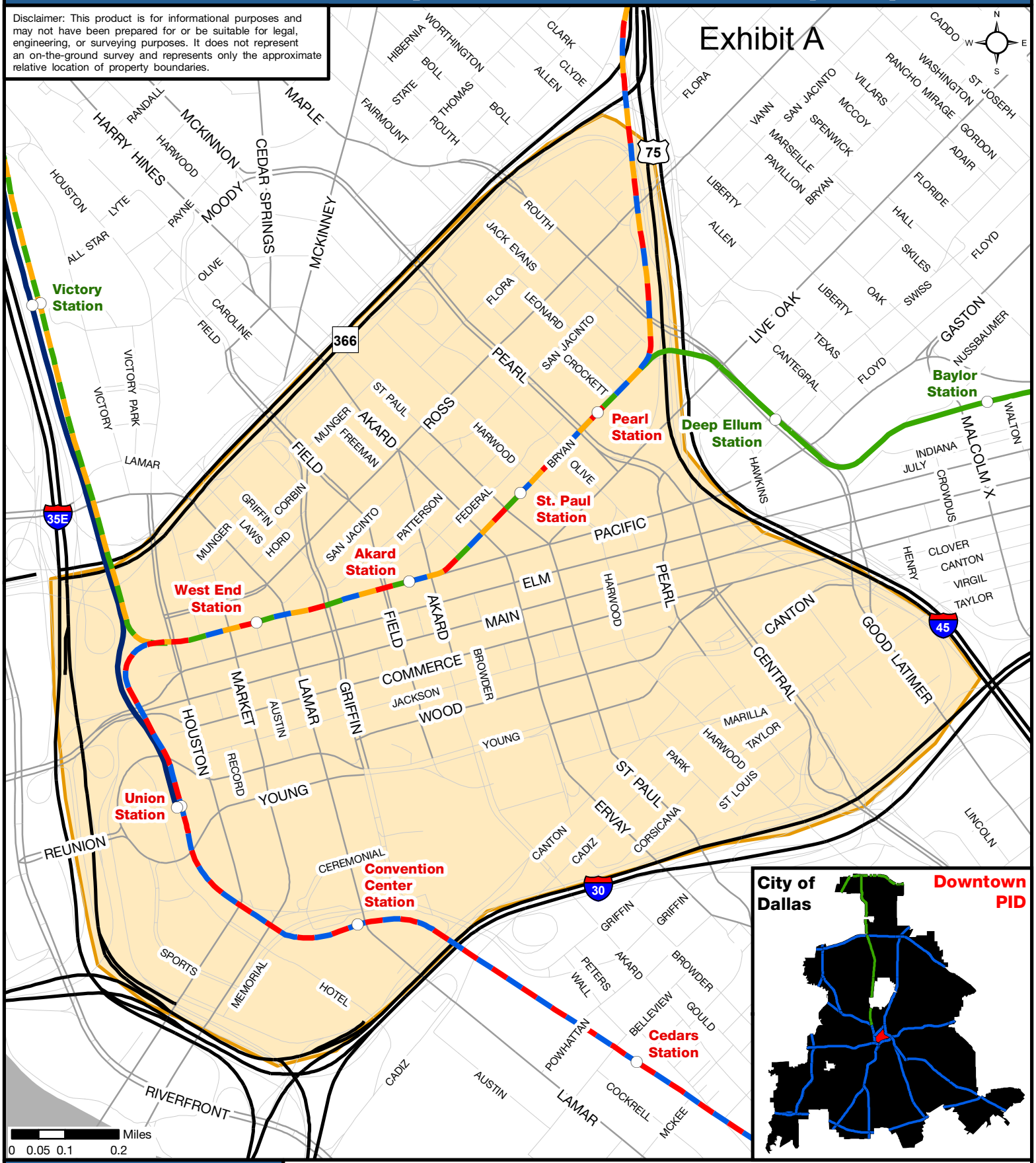
BY: _____
Assistant City Attorney

Passed _____

Downtown Improvement District (DID)

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Exhibit A



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Created 3.17.10, Last Updated 8.31.11 - PID_Downtown.TCG

Legend

- Downtown Improvement District
- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express
- Freeway or Tollway
- Arterial
- Local Road
- Flood Plain

Source: Rail Lines - DART, 2010; Parcels - DCAD, 2009; All Other Data - City of Dallas, 2010

Exhibit B

Dallas Downtown Improvement District (DID)

Service Plan 2019-2023

	2019 Budget	*2020 Budget*	*2021 Budget*	*2022 Budget*	*2023 Budget*
REVENUES & RESERVES					
Fund balance from previous year	$3,383.00	$11,387.00	$11,932.99	$11,815.99	$12,018.70
Net assessment revenue*	$8,033,181.00	$8,121,545.99	$8,210,883.00	$8,301,202.71	$8,392,515.94
Exempt jurisdictions	$81,500.00	$81,500.00	$81,500.00	$81,500.00	$81,500.00
Interest on cash balances	$500.00	$500.00	$500.00	$500.00	$500.00
Other income & contributions	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL INCOME & RESERVES	**$8,118,564.00**	**$8,214,932.99**	**$8,304,815.99**	**$8,395,018.70**	**$8,486,534.64**
EXPENDITURES					
Organization & Administration	$809,944.00	$630,000.00	$680,000.00	$730,000.00	$780,000.00
Capital Improvements [1]	$333,788.00	$300,000.00	$300,000.00	$305,000.00	$315,000.00
Transportation and Improvements [2]	$455,811.00	$455,000.00	$460,000.00	$465,000.00	$470,000.00
Communications & Events [3]	$1,193,176.00	$1,250,000.00	$1,275,000.00	$1,295,000.00	$1,310,000.00
Services and Improvements [4]	$1,922,090.00	$2,100,000.00	$2,105,000.00	$2,110,000.00	$2,116,000.00
Safety [5]	$3,392,368.00	$3,468,000.00	$3,473,000.00	$3,478,000.00	$3,484,000.00
TOTAL EXPENDITURES	**$8,107,177.00**	**$8,203,000.00**	**$8,293,000.00**	**$8,383,000.00**	**$8,475,000.00**
FUND BALANCE/RESERVES	$11,387.00	$11,932.99	$11,815.99	$12,018.70	$11,534.64

[*] 2018 Assessment less admin fees, delinquent and/or protested accounts contingency, and exempt accounts removed by the County.

[1] Public Improvements, landscape and parks.

[2] Downtown circulator, operation and maintenance of mass transportation facilities.

[3] Special supplemental service for promotion and improvement of the DID, including, entertainment and events, and retail recruitment.

[4] Community programs, Clean Team, environmental enhancements and sanitation.

[5] Downtown Safety Patrol, Homeless outreach, education & coordination.

Exhibit C

DOWNTOWN
DALLAS INC
901 Main Street
Suite 7100
Dallas, TX 75202
p 214.744.1270
f 214.744.1986

Downtown Dallas, Inc.
Improvement District
2019 Assessment Plan

The costs of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments are based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The District service area is shown on a map attached hereto. The assessment to be levied for properties in the District service area is $.1290 per $100 of appraised value. Dependent upon future District property values and the changing needs of the District, the assessment rate stated above is not anticipated to change in the next five years. Actual assessment rates and levies will be set by the Dallas City Council subject to a maximum of $0.15 per $100 of value and according to procedures stipulated by Chapter 372 of the Texas Local Government Code.

As provided by Chapter 372 of The Code, the City of Dallas is responsible for payments of assessments against exempt municipal property in the District. Properties not liable for assessment include City rights-of-way and properties not owned by the City of Dallas but have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code). Payment of assessments by other exempt jurisdictions shall be established by contract.

Agenda Information Sheet

File #: 18-788 **Item #:** 4.

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	September 12, 2018
COUNCIL DISTRICT(S):	2, 14
DEPARTMENT:	Office of Economic Development
EXECUTIVE:	T.C. Broadnax

SUBJECT

Authorize an amended and restated management contract with Downtown Dallas, Inc., the non-profit corporation designated as the management entity for the Dallas Downtown Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Downtown Dallas, Inc., and to address other amendments to the agreement form - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed contract amendment and the concurrent changes to the District's annual budget and assessment rate ordinance also on the September 12, 2018 addendum.

On June 12, 2013, City Council authorized the renewal of the Dallas Downtown Improvement District (District), to provide supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District for another 7-year term and a management contract with the Downtown Dallas, Inc. (DDI) as the management entity for the District. DDI is a private nonprofit corporation created under the provisions of Section 501(c) (3) of the Internal Revenue Code.

Through the management contract a cooperative relationship is established between the City and DDI with the City Council annually reviewing and approving updates to the service plan and assessment plan, determining and levying assessments and conducting other functions as required by the Chapter 372 of the Texas Local Government Code (the "Act"). DDI is responsible for managing and implementing the Service Plan of the District.

As per the contract between the City and Dallas County (the "County"), the County has collected the annual assessments for the District and included the assessments as part of the property owner tax bills. The County has retained a fee (currently $2.75 and subject to change) per account that is deducted from the first dollars collected until the entire fee is paid. After said fee has been paid,

subsequent collections had been transferred to a separate DDI established bank account. DDI has been responsible for wiring fund back to the County for any negative balances due to property owner refunds owed.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract.

The City may hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by DDI to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its fees prior to disbursing the assessment.

No assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 1992, City Council authorized the creation of the Dallas Downtown Improvement District by Resolution No. 92-2445.

On August 9, 2006, City Council held a public hearing to receive comments on the renewal of the Dallas Downtown Improvement District and authorized the renewal of the Dallas Downtown Improvement District; approval of findings; establishing an effective date; approval of the service plan; designating the Dallas Central Business District Enterprises, Inc. as manager of the district; authorizing a contract; and authorizing appointment of City representatives to the governing Board by Resolution Nos. 06-2048 and 06-2049.

On June 12, 2013, City Council held a public hearing to receive comments concerning the renewal of the Downtown Improvement District; authorize approval of a resolution renewing the Downtown Improvement District for a period of seven years and approval of the Service Plan and management contract by Resolution No. 13-1015.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

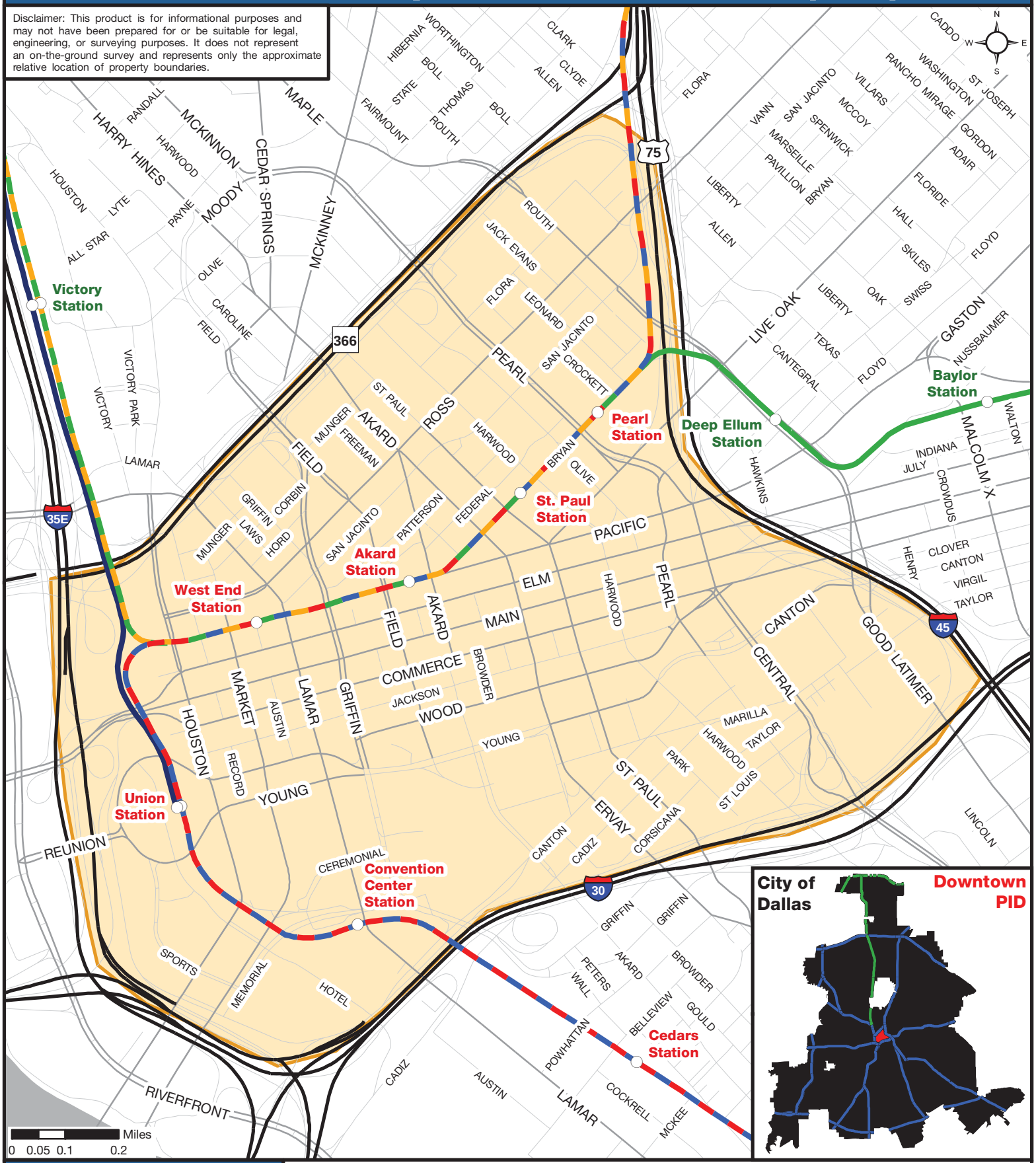
No cost consideration to the City.

MAP

Attached

Downtown Improvement District (DID)

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



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Created 3.17.10, Last Updated 8.31.11 - PID_Downtown.TCG

Legend

- Downtown Improvement District
- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express
- Freeway or Tollway
- Arterial
- Local Road
- Flood Plain

Source: Rail Lines - DART, 2010; Parcels - DCAD, 2009; All Other Data - City of Dallas, 2010

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on June 24, 1992, City Council established the Dallas Downtown Improvement District (the "District"), as shown on the attached **Exhibit A - Map of the District**, pursuant to the Act finding that the Act's requirements and supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated Dallas CBD Enterprises, Inc. as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 92-2445; and

WHEREAS, on August 9, 2006, City Council held a public hearing to receive comments on renewal of the District by Resolution No. 06-2048 and authorized renewal; approved findings; established an effective date; approved the service plan; designated Dallas CBD Enterprises, Inc. as manager of the District; authorized a contract; and authorized appointment of City representatives to the governing Board by Resolution No. 06-2049; and

WHEREAS, on June 12, 2013, City Council held a public hearing to receive comments concerning renewal of the District; authorized a resolution renewing the District for a period of seven years and approved the Service Plan and management contract by Resolution No. 13-1015; and

WHEREAS, on April 1, 2018, the City consented to Dallas CBD Enterprises, Inc.'s assignment of rights, interests and obligations of the District's management contract to Downtown Dallas, Inc. (DDI); and

WHEREAS, with pending changes in the process for the disbursement of assessment revenue and to address other amendments to the agreement form it is necessary to amend the existing management contract with DDI.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amended and restated management contract with Downtown Dallas, Inc., the non-profit corporation designated as the management entity for the District to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Downtown Dallas, Inc., and to address other amendments to the agreement form.

SECTION 2. That no assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

SECTION 3. That the amended management contract shall allow the City to hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by DDI to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its oversight and related fees prior to disbursing the assessment.

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 #: 18-789 **Item #:** 5.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Deep Ellum Public Improvement District

A public hearing concerning the proposed levy of assessment for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Deep Ellum Foundation authorizing the disbursement of assessments to Deep Ellum Foundation; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to an amended and restated management contract, also on the September 12, 2018 addendum, that is necessary to implement new procedures for the disbursement of assessment revenue and to address other amendments to the agreement form.

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel.

After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

The Deep Ellum Foundation provided City staff with the proposed District Service Plan for 2019 and the proposed Assessment Plan for 2018 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract along with related changes. No assessment revenue will be disbursed until an amended management contract is executed.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be performed by the District includes enhanced security and public safety, capital improvements, improvement of common areas, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.

(b) Estimated Cost of the Services and Improvements. During the next five-year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately $614,394 in 2019 and reach $1,132,489 in 2023. The total estimated assessments to be collected during the next five-year period is approximately $4,390,350. The District shall incur no bonded indebtedness.

(c) Boundaries. The boundaries of the District are shown on the attached map of the District.

(d) Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be $623,275. This amount is approximately equal to $0.12 per $100.00 of appraised value as determined by the DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year. The annual assessment rate shall not exceed $0.15 per $100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of $0.15 per $100.00 valuation subject to appropriations set forth in the petition that created the District.

Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections.

(e) Apportionment of costs between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 25, 1999, City Council authorized creation of the Deep Ellum Public Improvement District by Resolution No. 99-2604.

On August 9, 2006, City Council authorized a public hearing to receive comments on the renewal of the public improvement district by Resolution No. 06-2050 and authorized the Deep Ellum Public Improvement District and contract by Resolution No. 06-2051.

On August 14, 2013, City Council authorized renewal of the Deep Ellum Public Improvement District Service Plan and contract by Resolution No. 13-1376.

On September 13, 2017, City Council authorized an ordinance approving and adopting the final 2017 Assessment Plan and Assessment Roll by Resolution No. 17-1483; Ordinance No. 30637.

On May 23, 2018, City Council authorized renewal of the Deep Ellum Public Improvement District Service Plan and contract by Resolution No. 18-0784.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed Deep Ellum Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1183.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

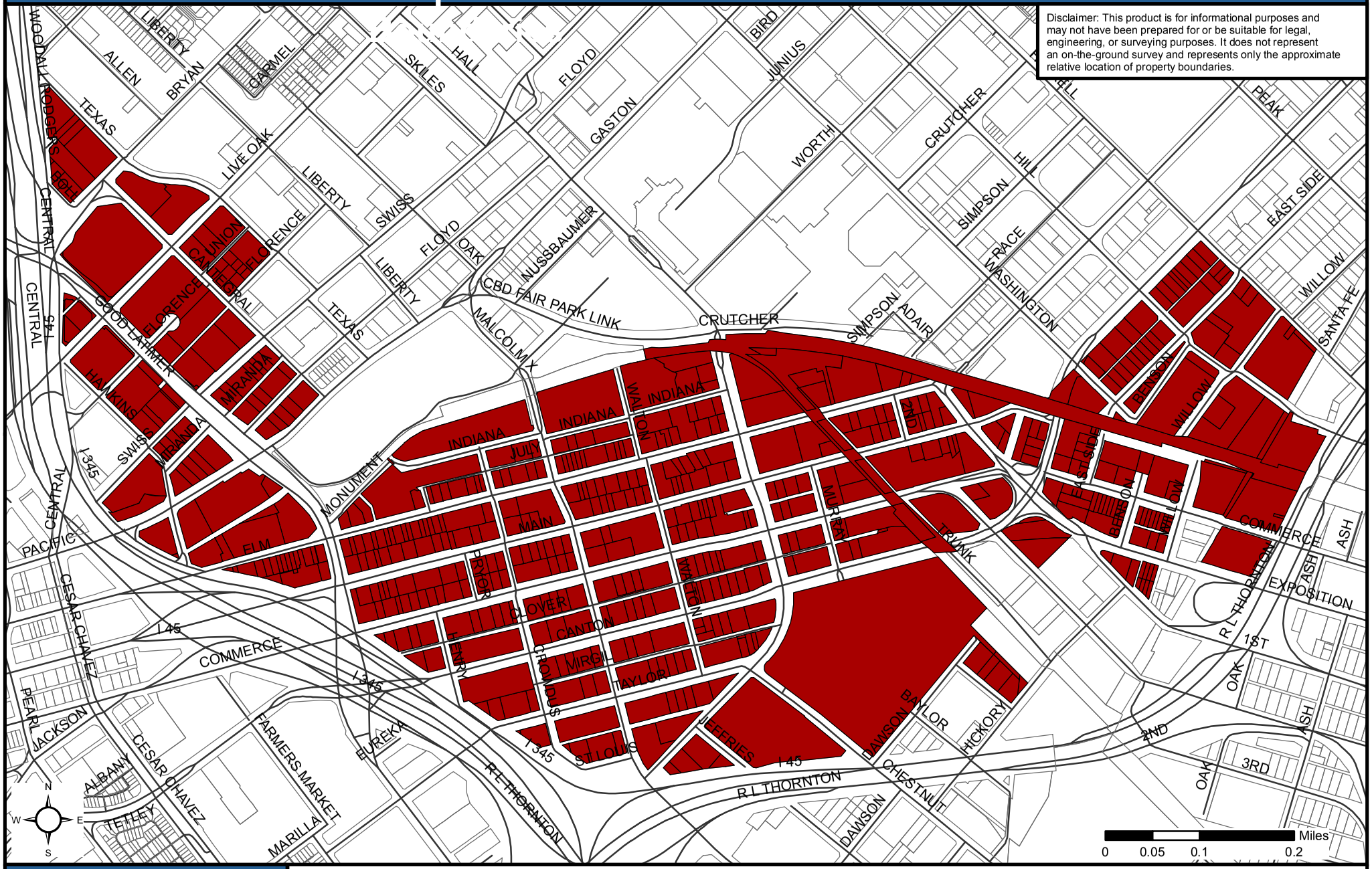
FISCAL INFORMATION

Cost consideration to others - the proposed assessment amount is approximately equal to $0.12 per $100.00 of appraised value as determined by the DCAD (i.e. property owners within the boundaries of the Public Improvement District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

MAP

Attached

Deep Ellum PID 2018 Renewal



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Created 4.22.2018 - Deep EllumPID

Legend

- DEPID 2018 Renewal Parcels
- Parcel 2017
- STREETS

Data Source: City of Dallas

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2019 SERVICE PLAN, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE DEEP ELLUM PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2019; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AUTHORIZING THE RECEIPT AND DEPOSIT OF ASSESSMENTS FROM DALLAS COUNTY; PURSUANT TO AN AMENDED AND RESTATED MANAGEMENT CONTRACT WITH DEEP ELLUM FOUNDATION AUTHORIZING THE DISBURSEMENT OF ASSESSMENTS TO DEEP ELLUM FOUNDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the Act) allows for the creation of public improvement districts; and

WHEREAS, on August 25, 1999, the City Council established the Deep Ellum Public Improvement District (the District), pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District; designated Deep Ellum Foundation as the manager of the District and authorized a contract for management services; and approved the District Service Plan by Resolution No. 99-2604; and

WHEREAS, on September 13, 2017, City Council authorized an ordinance approving and adopting the final 2017 Assessment Plan and Assessment Roll by Resolution No. 17-1483; Ordinance No. 30637; and

WHEREAS, on May 23, 2018, City Council held a public hearing to receive comments concerning the renewal of the Deep Ellum Public Improvement District; approval of the Service Plan and management contract by Resolution No. 18-0784, as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, City Council must review the proposed 2019 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2018 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the Deep Ellum Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1183; and

WHEREAS, the Deep Ellum Foundation provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of $0.12 per $100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Deep Ellum Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Deep Ellum Foundation authorizing the disbursement of assessments to Deep Ellum Foundation; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by DCAD. The assessment amount for 2018 is proposed to be $623,275. This amount shall be apportioned in an amount equal to $0.15 per $100.00 of appraised value as determined by the DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year.

SECTION 4. That the City Council hereby authorizes and adopts the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2018, of approximately $614,394. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 6th Floor, 1500 Marilla Street, Dallas, Texas 75201 was published in the official newspaper of the City of Dallas, Texas 75201 before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2019. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the Chief Financial Officer is hereby authorized to receive and deposit assessment funds from Dallas County (net County collection fees) in the Deep Ellum Public Improvement District Fund, Fund 9P01, Department ECO, Unit 1856, Revenue Code 8576.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations and oversight conducted by City staff for the District, which amount shall be reimbursed by the District to City through the deduction from assessment revenues received.

SECTION 14. That the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P01, Department ECO, Unit 1856, Object 3090 to General Fund, Fund 0001, Department ECO, Unit Various, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day-to-day administrative and operational oversight of the District.

SECTION 15. That the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P01, Department ECO, Unit 1856,Object 3090 to General Fund, Fund 0001, Department BMS, Unit 1272, Object 5011, to reimburse the City Controller's Office for administrative costs incurred for day-to-day accounting responsibilities associated with oversight of the District.

SECTION 16. That no assessment revenue will be disbursed to Deep Ellum Foundation unless an amended and restated management contract is executed.

SECTION 17. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P01, Department ECO, Unit 1856, Object 3034, Vendor VS0000021356, for assessments due the District as assessed, paid to Dallas County and transferred to the City for processing net of administrative fees, any retainage necessary, and any required reconciliation adjustments, related to this activity.

SECTION 18. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P01, Department ECO, Unit 1856, Object 3549, Vendor 243282 for reimbursing Dallas County for refunding assessments paid by property owners in excess of adjusted amounts resulting from successful appeal of property tax values, and for other necessary reconciliation adjustments.

SECTION 19. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

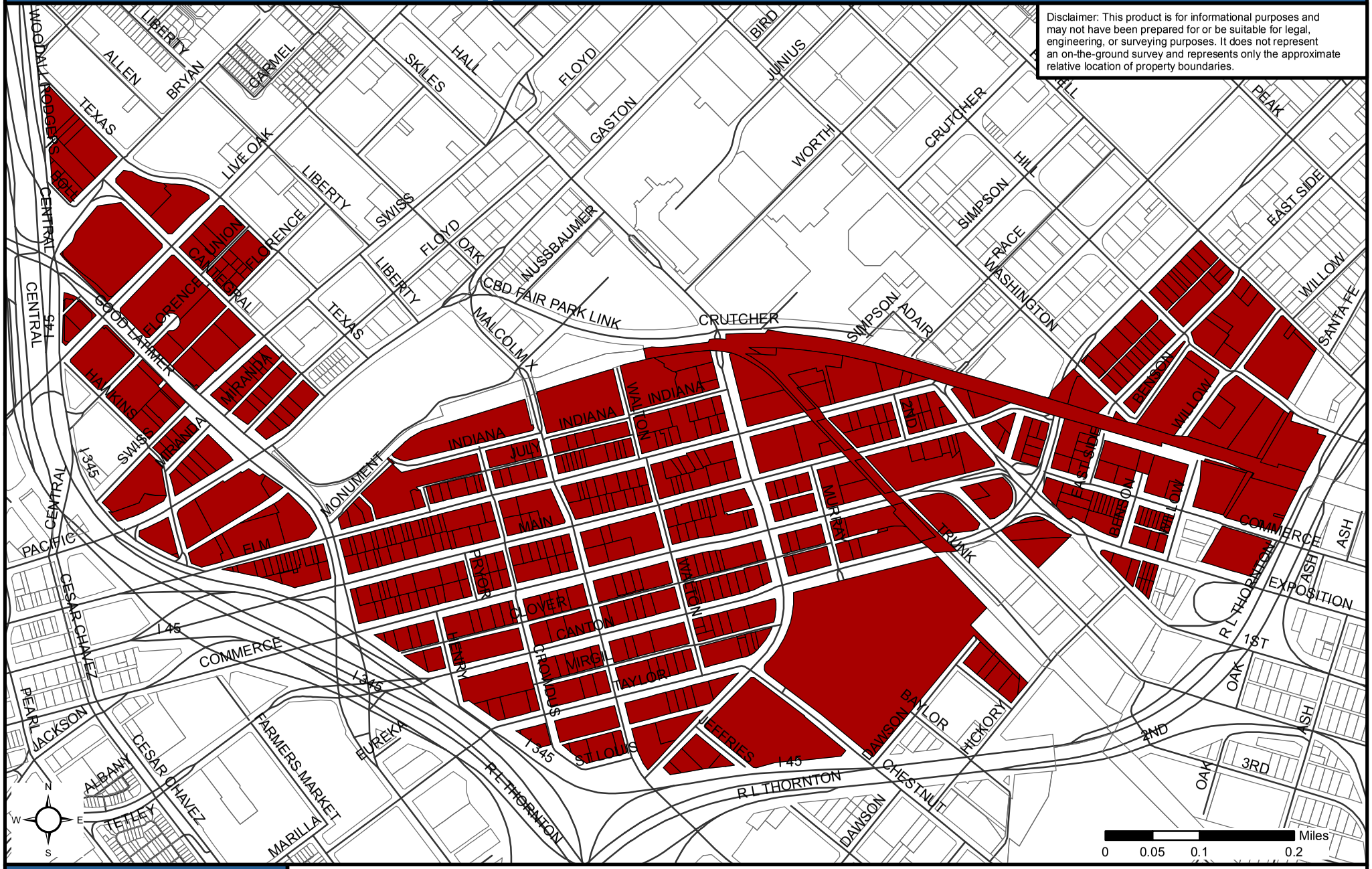
SECTION 20. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY: _____
Assistant City Attorney

Passed _____

Exhibit A - Deep Ellum PID 2018 Renewal Boundaries



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Legend

- DEPID 2018 Renewal Parcels
- Parcel 2017
- STREETS

Data Source: City of Dallas

EXHIBIT B
DEEP ELLUM PID
Service Plan 2018-2023 | Updated July 11, 2018

		2018		2019		2020	2021	2022	2023
Revenues and Reserves		**BUDGET**		**BUDGET**		**BUDGET**	**BUDGET**	**BUDGET**	**BUDGET**
Gross assessments revenue		$502,620.36		$630,658.32		$760,242.00	$874,341.92	$1,005,560.20	$1,156,464.73
PID Oversight Charge from City + County Fees		$22,383.50		-$7,383.50		-$7,383.50	-$7,383.50	-$7,383.50	-$7,383.50
Net Assessment Revenue		**$480,236.86**		**$623,274.82**		**$752,858.50**	**$866,958.42**	**$998,176.70**	**$1,149,081.23**
Fund balance from previous year[6]		$4,348.00		$15,000.00		$15,000.00	$15,000.00	$15,000.00	$15,000.00
Interest on cash balances		$600.00		$630.00		$661.50	$694.58	$729.30	$765.77
Projected Adjustment for Property Tax Protest		NA		-$9,511.00		-$11,413.00	-$13,125.00	-$15,094.00	-$17,358.00
Total Income and Reserves		**$485,184.86**		**$629,393.82**		**$757,107.00**	**$869,528.00**	**$998,812.00**	**$1,147,489.00**
Improvements[1]	19%	$82,481.43	17%	N/A	N/A	N/A	N/A	N/A	N/A
Transportation and related expenses[2]	4%	$29,111.09	6%	N/A	N/A	N/A	N/A	N/A	N/A
Capital Improvments & Maintenance[7]		N/A		$122,878.76	20%	$148,421.40	$170,905.60	$196,762.40	$226,497.80
Business Development and Recruitment[3]	3%	$19,407.39	4%	$61,439.38	10%	$74,210.70	$85,452.80	$98,381.20	$113,248.90
Marketing and Promotion[4]	50%	$208,629.49	43%	$92,159.07	15%	$111,316.05	$128,179.20	$147,571.80	$169,873.35
Public Safety[5]	6%	$33,962.94	7%	$202,749.96	33%	$244,895.31	$281,994.24	$324,657.96	$373,721.37
Administration	11%	$72,777.73	15%	$92,159.07	15%	$111,316.05	$128,179.20	$147,571.80	$169,873.35
Financial Audit and Insurance	7%	$38,814.79	8%	$43,007.57	7%	$51,947.49	$59,816.96	$68,866.84	$79,274.23
	100%		100%		100%				
Total Expenditures[6]		**$485,184.86**		**$614,393.82**		**$742,107.00**	**$854,528.00**	**$983,812.00**	**$1,132,489.00**
Fund Balance/Reserves		$15,000.00		$15,000.00		$15,000.00	$15,000.00	$15,000.00	$15,000.00

1. Graffiti control, landscaping, park improvements, trash pickup and neighborhood improvements
2. Acquisition, construction, operation and maintenance of transportation facilities and wayfinding signage including neighborhood parking programs
3. Business development and recruitment to promote the District as well as efforts to ease the burden of opening and operating a business.
4. Marketing and other promotional activities including but not limited to wifi, website, light pole banners, and newsletter.
5. Safety and security related initiatives including but not limited to lighting and signage.
6. The Public Improvement District started 2015 with a carry over balance of approximately $200,000 accumulated from unspent funds from the Categories of Improvements, Business Development, and Marketing and Promotion. The Carry over funds is the rest of loss of staff to oversee the management of these categories for most of FY 2015. Following the hiring of a new Executive Director, who started June 1, 2015, and the expansion of the DEPID boundaries in 2014 the DEPID has requested to spend the carry over balance for delayed neighborhood projects, which will include testing Crowdus Street as a pedestrian corridor, neighborhood-wide parking startegies, art mural projects and a new professionally done Deep Ellum website.

7. The Public Improvement District was renewed in 2018 with an adjusted service plan for 2019-2025. With the renewed service plan, the two Categories of Improvements and Transportation and related expenses were combined into one new category, Capital Improvements & Maintenance. The years 2019 through 2023 here reflect the renewed service plan categories. The years 2016 through 2018 reflect the previous service plan categories. Category descriptions are based on the current service plan structure. They will be updated to the new service plan in 2019 when the new service plan goes into effect.

EXHIBIT C

DEEP ELLUM FOUNDATION

Stephanie Keller Hudiburg
Executive Director
Deep Ellum Foundation
PO Box 710596, Dallas, Texas 75371

July 16, 2018

Deep Ellum Public Improvement District
2018 Assessment Plan

The cost of the services and improvements provided by the Deep Ellum Public Improvement District (DEPID) will be paid primarily by special assessments against property in the District. Annual assessments will be based on the total value of real property and improvements as certified by the Dallas Central Appraisal District.

All property owners not exempt from assessment will be assessed at a uniform rate. For the tax year of 2018, the rate continues to be $0.12 per $100.00 of value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District. DEPID will recognize and honor exemptions listed by the Dallas Central Appraisal District, including homestead, disability, senior citizen and exemptions for property owned by tax-exempt entities. Payment of the DEPID assessment by any exempt owners must be established by contract.

DEPID's assessments will be collected by Dallas County for the City of Dallas, in accordance with the management contract between the City of Dallas and The Deep Ellum Foundation, the non-profit corporation that manages the District.

Sincerely,

Stephanie Keller Hudiburg, Deep Ellum Foundation
Executive Director

Agenda Information Sheet

File #: 18-790 **Item #:** 6.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize an amended and restated management contract with Deep Ellum Foundation, the non-profit corporation designated as the management entity for the Deep Ellum Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Deep Ellum Foundation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed contract amendment and the concurrent changes to the District's annual budget and assessment rate ordinance also on the September 12, 2018 addendum.

On May 23, 2018, City Council authorized the renewal of the Deep Ellum Public Improvement District (District), to provide supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District for another 7-year term and a management contract with the Deep Ellum Foundation as the management entity for the District. Deep Ellum Foundation is a private nonprofit corporation created under the provisions of Section 501 (c) (3) of the Internal Revenue Code.

Through the management contract a cooperative relationship is established between the City and Deep Ellum Foundation with the City Council annually reviewing and approving updates to the service plan and assessment plan, determining and levying assessments and conducting other functions as required by the Chapter 372 of the Texas Local Government Code (the "Act"). The Deep Ellum Foundation is responsible for managing and implementing the Service Plan of the District.

As per the contract between the City and Dallas County (the "County"), the County has collected the annual assessments for the District and included the assessments as part of the property owner tax bills. The County has retained a fee (currently $2.75 and subject to change) per account that is deducted from the first dollars collected until the entire fee is paid. After said fee has been paid,

subsequent collections had been transferred to a separate Deep Ellum Foundation established bank account. Deep Ellum Foundation has been responsible for wiring fund back to the County for any negative balances due to property owner refunds owed.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract.

The City may hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by Deep Ellum Foundation to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its fees prior to disbursing the assessment.

No assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 25, 1999, City Council authorized creation of the Deep Ellum Public Improvement District by Resolution No. 99-2604.

On May 23, 2018, City Council held a public hearing to receive comments concerning the renewal of the Deep Ellum Public Improvement District; approval of the Service Plan and management contract by Resolution No. 18-0724.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

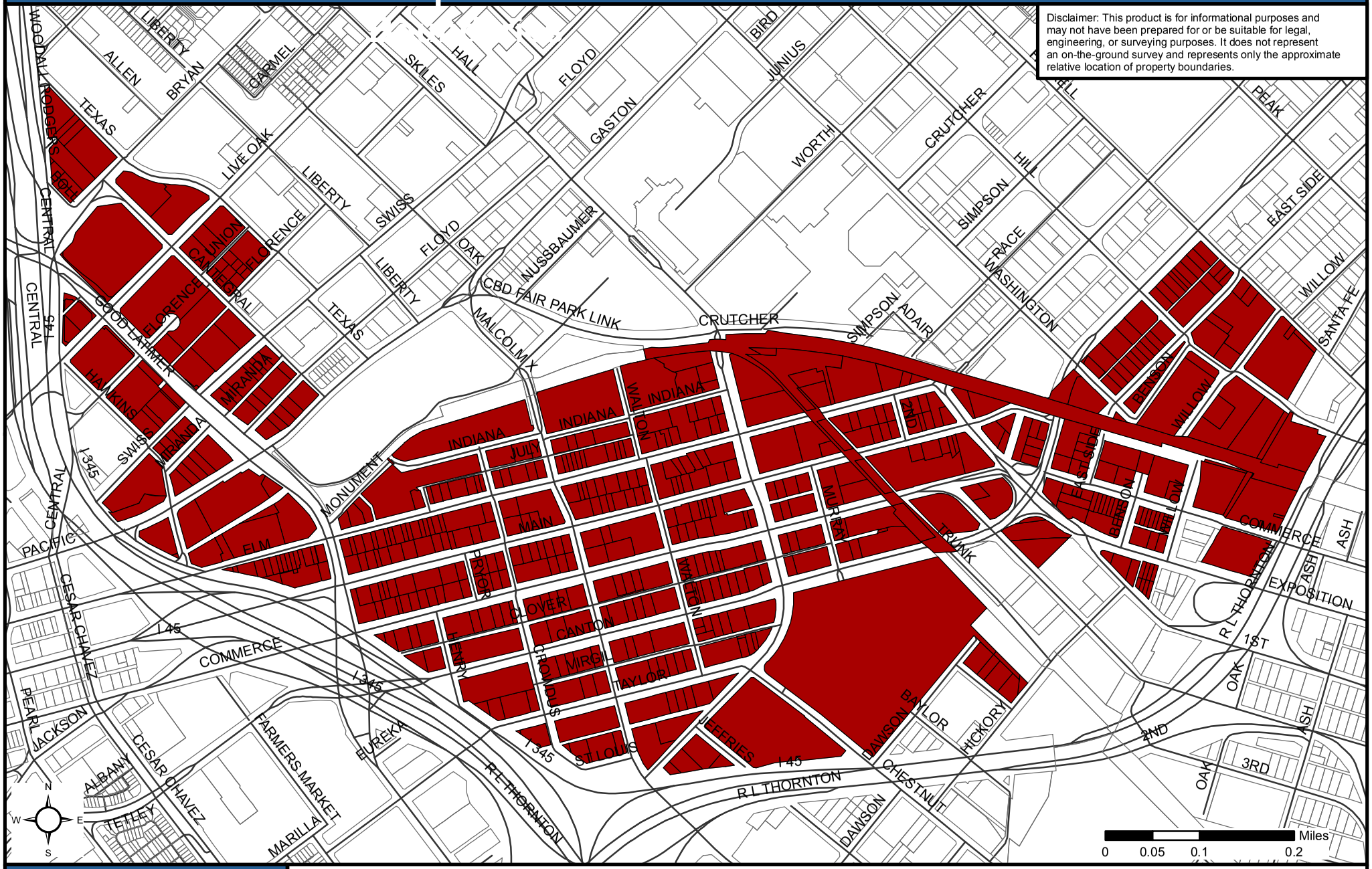
No cost consideration to the City.

MAP

Attached

powered by Legistar™

Deep Ellum PID 2018 Renewal



DALLAS
ECONOMIC DEVELOPMENT

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 4.22.2018 - Deep EllumPID

Legend

- DEPID 2018 Renewal Parcels
- Parcel 2017
- STREETS

Data Source: City of Dallas

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on August 25, 1999, City Council authorized the creation of the Deep Ellum Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Deep Ellum Foundation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 99-2604; and

WHEREAS, on May 23, 2018, City Council authorized renewal of the Deep Ellum Public Improvement District Service Plan and contract by Resolution No. 18-0784; and

WHEREAS, with pending changes in the process for the disbursement of assessment revenue and to address other amendments to the agreement form it is necessary to amend the existing management contract with Deep Ellum Foundation.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amended and restated management contract with Deep Ellum Foundation (DEF), the non-profit corporation designated as the management entity for the Deep Ellum Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Deep Ellum Foundation, and to address other amendments to the agreement form.

SECTION 2. That no assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

SECTION 3. That the amended management contract shall allow the City to hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by DEF to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its oversight and related fees prior to disbursing the assessment.

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 #: 18-791 **Item #:** 7.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Klyde Warren Park/Dallas Arts District Public Improvement District

A public hearing concerning the proposed levy of assessment for the Klyde Warren Park/Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County, pursuant to an amended and restated management contract with Woodall Rodgers Park Foundation authorizing the disbursement of assessments to Woodall Rodgers Park Foundation; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to an amended and restated management contract, also on the September 12, 2018 addendum, that is necessary to implement new procedures for the disbursement of assessment revenue and to address other amendments to the agreement form.

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel.

After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

The Klyde Warren Park Foundation provided City staff with the proposed District Service Plan for 2019 and the proposed Assessment Plan for 2018 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract along with related changes. No assessment revenue will be disbursed until an amended management contract is executed.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The purpose of the District is to supplement and enhance services and improvements for properties specifically benefitted by their proximity to Klyde Warren Park (KWP) and Dallas Arts District (DAD), but not to replace or supplant existing City or other services provided. The general nature of the proposed services and improvements to be performed by the District for KWP and DAD includes security, sanitation, graffiti control and landscape improvements, marketing and promotional activities, distinctive lighting and signage, landscaping and water features, KWP/DAD improvements, trash pick-up, cultural enhancement, programs, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.

(b) Estimated Cost of the Services and Improvements. During the next five-year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately $1,268,012 in 2019 and reach $1,856,497 in 2023. The total estimated assessments to be collected during the next five-year period is approximately $7,741,342. The District shall incur no bonded indebtedness.

(c) Boundaries. The boundaries of the District are shown on the attached Map of the District.

(d) Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be $1,268,012. This amount is approximately equal to $0.025 per $100.00 of appraised value as determined by the DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year.

The annual assessment rate is capped and shall not exceed $0.025 per $100.00 evaluation. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

(e) Apportionment of costs between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 13, 2013, City Council authorized creation of the Klyde Warren Park Public Improvement District by Resolution No. 13-1375.

On June 25, 2014, City Council authorized the dissolution of the Klyde Warren Park Public Improvement District by Resolution No. 14-1073.

On June 25, 2014, City Council authorized the creation of the Klyde Warren Park/Dallas Arts District Public Improvement District for a period of seven-years and designated the Woodall Rodgers Park Foundation as the management entity for the District by Resolution No. 14-1074.

On September 14, 2016, City Council authorized the 2016 assessment rate for the Klyde Warren Park/Dallas Arts District Public Improvement District and approved a decrease in the Security line item in the 2017 Service Plan by more than 20% of the budgeted amount for that category and shifting of funds from Security cost savings to other Service Plan budget categories by Ordinance No. 30203.

On September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1484; Ordinance No. 30638.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed Klyde Warren Park/Dallas Arts District Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1184.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

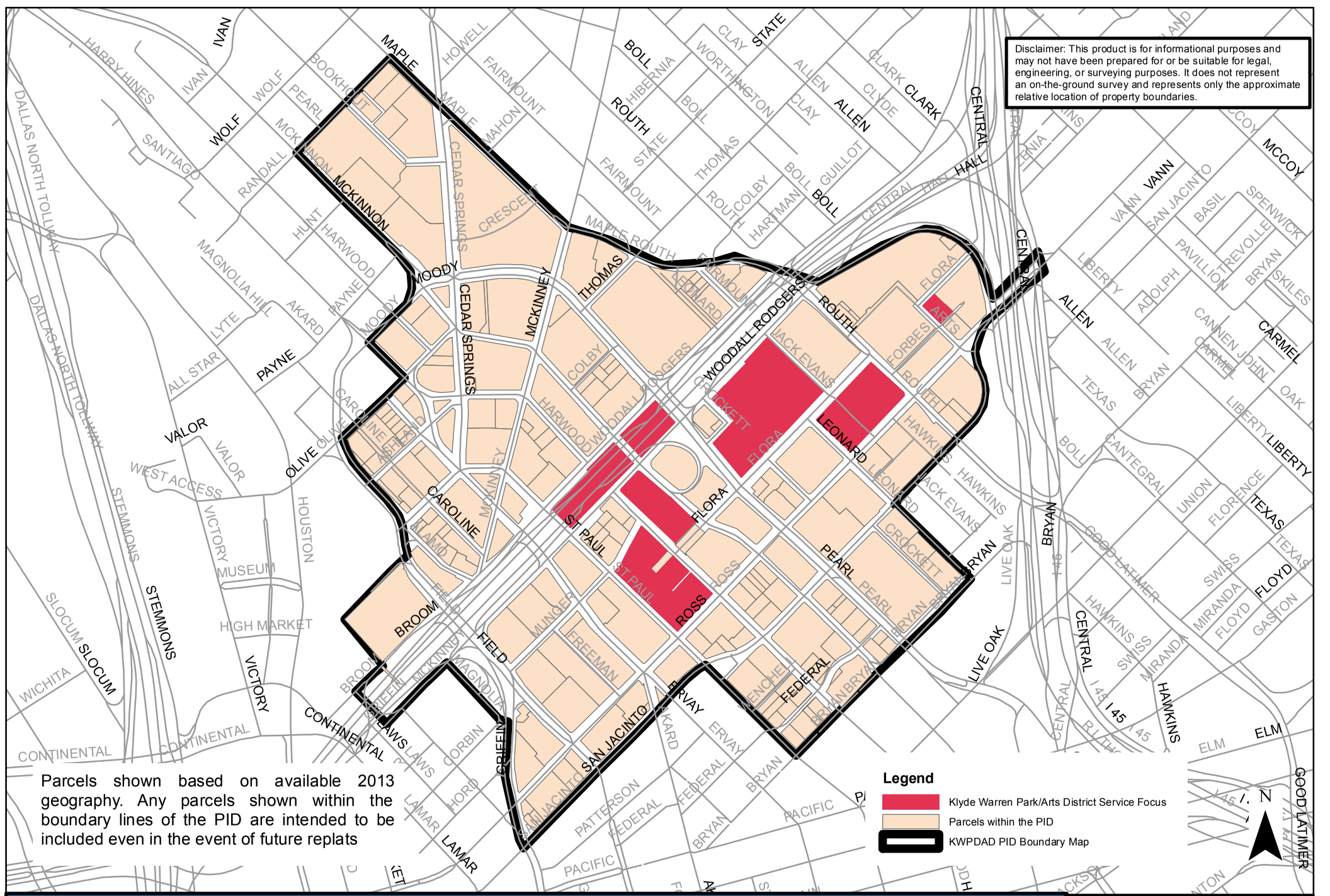
FISCAL INFORMATION

Cost consideration to others - the proposed assessment amount is approximately equal to $.025 per

$100.00 of appraised value as determined by the DCAD (i.e. property owners within the boundaries of the Public Improvement District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

MAP

Attached



Klyde Warren Park/Arts District PID (KWP/DADPID) Boundary Map

DALLAS
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Area Redevelopment Division
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ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2019 SERVICE PLAN, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE KLYDE WARREN PARK/DALLAS ARTS DISTRICT PIMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2019; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AUTHORIZING THE RECEIPT AND DEPOSIT OF ASSESSMENTS FROM DALLAS COUNTY, PURSUANT TO AN AMENDED AND RESTATED MANAGEMENT CONTRACT WITH KLYDE WARREN PARK FOUNDATION AUTHORIZING THE DISBURSEMENT OF ASSESSMENTS TO KLYDE WARREN PARK FOUNDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the Act) allows for the creation of public improvement districts; and

WHEREAS, on August 13, 2013, City Council authorized the creation of the Klyde Warren Park Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Woodall Rodgers Park Foundation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 13-1375; and

WHEREAS, on June 25, 2014, City Council authorized the dissolution of the Klyde Warren Park Public Improvement District by Resolution No. 14-1073; and

WHEREAS, on June 25, 2014, City Council authorized the creation of the Klyde Warren Park/Dallas Arts District Public Improvement District for a period of seven-years and designated the Woodall Rodgers Park Foundation as the management entity for the District by Resolution No. 14-1074, as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 14, 2016, City Council authorized the 2016 assessment rate for the Klyde Warren Park/Dallas Arts District Public Improvement District and approved a decrease in the Security line item in the 2017 Service Plan by more than 20 percent of the budgeted amount for that category and shifting of funds from Security cost savings to other Service Plan budget categories by Ordinance No. 30203; and

WHEREAS, on September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1484; Ordinance No. 30638; and

WHEREAS, the Woodall Rodgers Park Foundation provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, the City Council must review the proposed 2019 Service Plan and 2018 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2018 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the Klyde Warren Park/Dallas Arts District Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1184; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of $.025 per $100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Klyde Warren Park/Dallas Arts District Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County, pursuant to an amended and restated management contract with Woodall Rodgers Park Foundation, authorizing the disbursement of assessments to Woodall Rodgers Park Foundation; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2018 is proposed to be $1,268,012. This amount shall be apportioned in an amount equal to $.025 per $100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2019 service plan year. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2019 Service Plan, which includes the shifting of funds in excess of 20 percent among budget categories as previously approved by Ordinance No. 30203, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary) apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2018, of approximately $1,268,012. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 6th Floor, 1500 Marilla Street, Dallas, Texas 75201 was published in the official newspaper of the City of Dallas, Texas 75201 before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2019. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the Chief Financial Officer is hereby authorized to receive and deposit assessment funds from Dallas County (net County collection fees) in the Klyde Warren Park/Dallas Arts District Public Improvement District Fund, Fund 9P03, Department ECO, Unit 1858, Revenue Code 8576.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations and oversight conducted by City staff for the District, which amount shall be reimbursed by the District to City through the deduction from assessment revenues received.

SECTION 14. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P03, Department ECO, Unit 1858, Object 3090 to General Fund, Fund 0001, Department ECO, Unit Various, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day-to-day administrative and operational oversight of the District.

SECTION 15. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P03, Department ECO, Unit 1858, Object 3090 to General Fund, Fund 0001, Department BMS, Unit 1272, Object 5011, to reimburse the City Controller's Office for administrative costs incurred for day-to-day accounting responsibilities associated with oversight of the District.

SECTION 16. That no assessment revenue will be disbursed to Woodall Rodgers Park Foundation. unless an amended and restated management contract is executed.

SECTION 17. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P03, Department ECO, Unit 1858, Object 3034, Vendor VS0000083698, for assessments due the District as assessed, paid to Dallas County and transferred to the City for processing, net of City administrative fees, any retainage necessary, and any required reconciliation adjustments, related to this activity.

SECTION 18. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P03, Department ECO, Unit 1858, Object 3549, Vendor 243282 for reimbursing Dallas County for refunding assessments paid by property owners in excess of adjusted amounts resulting from successful appeal of property tax values, and for other necessary reconciliation adjustments.

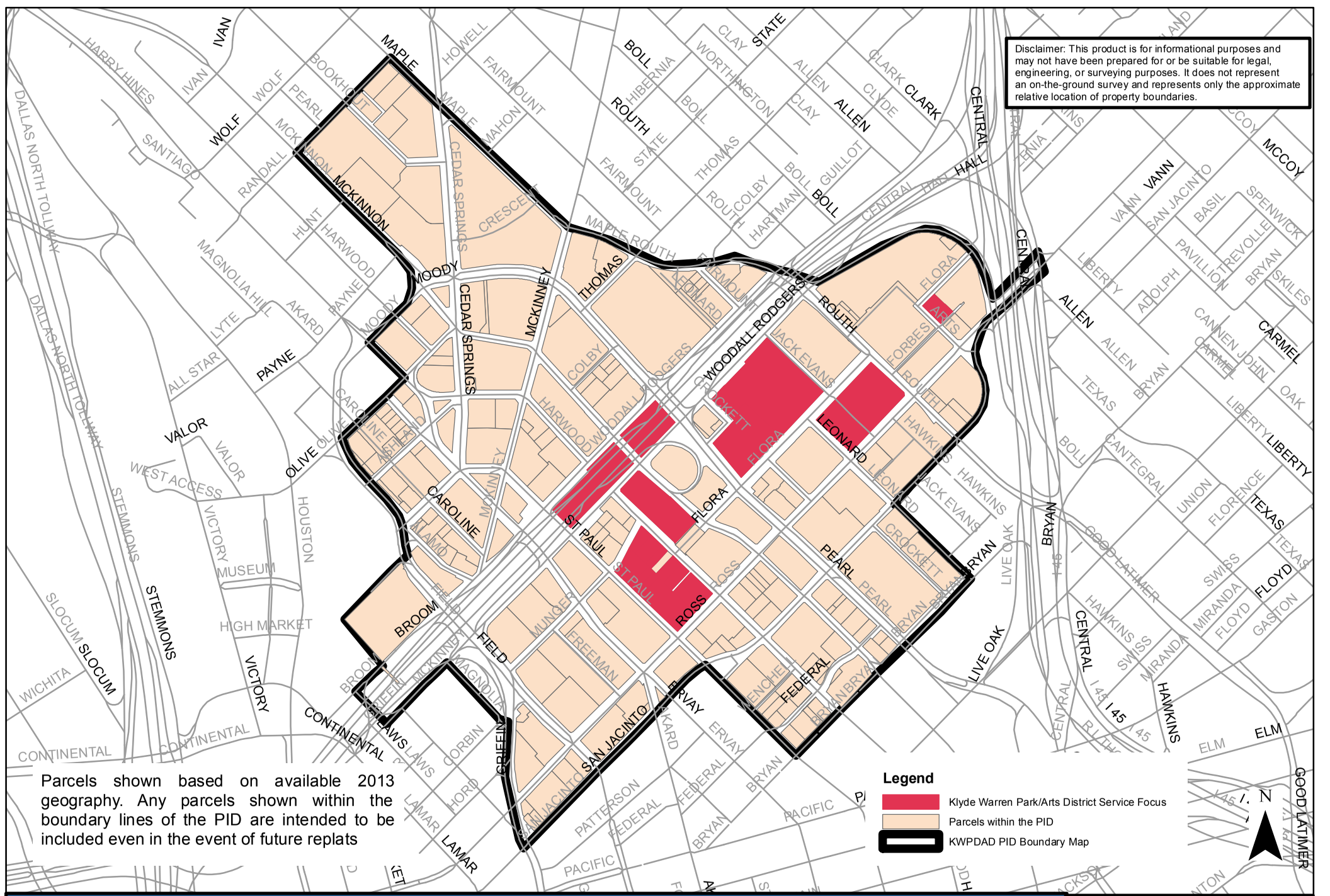
SECTION 19. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 20. That this ordinance 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 ordained.

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

BY: _____
Assistant City Attorney

Passed _____


Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
Parcels shown based on available 2013 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats
Legend
Klyde Warren Park/Arts District Service Focus
Parcels within the PID
KWPDAD PID Boundary Map
N
MAPLE
MCKINNON
MOODY
CEDAR SPRINGS
MCKINNEY
THOMAS
WOODALL RODGERS
ROUTH
CENTRAL
ALLEN
MCCOY
VANN
CARMEL
LIBERTY
TEXAS
FLORENCE
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JACK EVANS
FORBES
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HARWOOD
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VALOR
OLIVE
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LYTE
AKARD
HARRY HINES
DALLAS NORTH TOLLWAY
STEMMONS
SLOCUM
WICHITA
VICTORY
MUSEUM
HIGH MARKET
HOUSTON
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MIRANDA
HAWKINS
CANTEGRAL
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BASIL
SPENWICK
PAVILLION
REVOLLE
ADOLPH
LIBERTY
BAN JACINTO
CANNEN JOHN
GUILLOT
HARTMAN
COLBY
THOMAS
HIBERNIA
WORTHINGTON
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ROUTH
BOLL
HOWELL
FAIRMOUNT
MAHON
CRESCENT
MAGNOLIA HILL
HUNT
HARWOOD
PAYNE
RANDALL
WOLF
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BOOKHOUT
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CAROLINE

EXHIBIT B

KLYDE WARREN PARK/DALLAS ARTS DISTRICT PID BUDGET
PROPOSED SERVICE PLAN 2019

	2019 Proposed Plan	2020 Revised Plan	2021 Revised Plan	2022 Plan *	2023 Plan *
REVENUE					
Fund Balance from previous year	-	-	-	-	-
1 Net assessment revenue	$1,268,012.25	$1,394,813.48	$1,534,294.82	$1,687,724.30	$1,856,496.74
TOTAL REVENUE	$1,268,012.25	$1,394,813.48	$1,534,294.82	$1,687,724.30	$1,856,496.74
EXPENDITURES					
Security	$244,603.01	$269,063.31	$295,969.64	$325,566.61	$358,123.27
Sanitation	$260,039.82	$286,043.81	$314,648.19	$346,113.00	$380,724.31
Scrubbing and power washing pavers	$22,004.24	$24,204.67	$26,625.13	$29,287.65	$32,216.41
Waste disposal	$17,749.77	$19,524.75	$21,477.23	$23,624.95	$25,987.44
Landscape improvements	$249,626.23	$274,588.86	$302,047.74	$332,252.52	$365,477.77
Water features and general maintenance	$100,850.87	$110,935.95	$122,029.55	$134,232.50	$147,655.75
Cultural enhancement (programs)	$99,412.71	$109,353.98	$120,289.38	$132,318.32	$145,550.15
Marketing and promotion	$91,012.02	$100,113.22	$110,124.54	$121,136.99	$133,250.69
Administration	$47,694.83	$52,464.32	$57,710.75	$63,481.82	$69,830.01
Liability insurance and financial audit	$79,804.58	$87,785.04	$96,563.54	$106,219.90	$116,841.89
Holiday lighting and Decorations	$31,942.71	$35,136.99	$38,650.68	$42,515.75	$46,767.33
Signage	$14,829.82	$16,312.80	$17,944.08	$19,738.49	$21,712.33
2 Contingency	$8,441.63	$9,285.79	$10,214.37	$11,235.80	$12,359.39
TOTAL OPERATING EXPENDITURES	$1,268,012.25	$1,394,813.48	$1,534,294.82	$1,687,724.30	$1,856,496.74
FUND BALANCE/ RESERVES	$0.00	$0.00	$0.00	$0.00	$0.00

KWP and DAD will support the remaining operating costs of their organizations, which is not included in the Service Plan

* 2022 Plan is first year of PID renewal; Assume renewal of PID

1 Proposed plan assumes a 10% increase in property values each year based on future Uptown and Downtown development

2 Allowance made for anticipated tax refunds due to protests by property owners

Exhibit C

Klyde Warren Park/Dallas Arts District Public Improvement District Assessment Plan

The costs of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments are based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The Klyde Warren Park/Dallas Arts District Public Improvement District (PID) proposed assessment rate for 2018 is $0.025 per $100 of appraised value. The annual assessment rate shall not exceed $0.025 per $100 valuation. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

Agenda Information Sheet

File #: 18-792 **Item #:** 8.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize an amended and restated management contract with Woodall Rodgers Park Foundation, the non-profit corporation designated as the management entity for the Klyde Warren Park/Dallas Arts District Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Woodall Rodgers Park Foundation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed contract amendment and the concurrent changes to the District's annual budget and assessment rate ordinance also on the September 12, 2018 addendum.

On June 25, 2014, City Council authorized the renewal of the Klyde Warren Park/Dallas Arts District Public Improvement District (District), to provide supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District for a 7-year term and a management contract with Woodall Rodgers Park Foundation (WRPF) as the management entity for the District. WRPF is a private nonprofit corporation created under the provisions of Section 501(c) (3) of the Internal Revenue Code.

Through the management contract, a cooperative relationship is established between the City and WRPF, with the City Council annually reviewing and approving updates to the service plan and assessment plan, determining and levying assessments and conducting other functions as required by the Chapter 372 of the Texas Local Government Code (the "Act"). WRPF is responsible for managing and implementing the Service Plan of the District.

As per the contract between the City and Dallas County (the "County"), the County has collected the annual assessments for the District and included the assessments as part of the property owner tax bills. The County has retained a fee (currently $2.75 and subject to change) per account that is

deducted from the first dollars collected until the entire fee is paid. After said fee has been paid, subsequent collections had been transferred to a separate WRPF established bank account. WRPF has been responsible for wiring funds back to the County for any negative balances due to property owner refunds owed.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract.

The City may hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by WRPF to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its fees prior to disbursing the assessment.

No assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 13, 2013, City Council authorized creation of the Klyde Warren Park Public Improvement District by Resolution No. 13-1375.

On June 25, 2014, City Council authorized the dissolution of the Klyde Warren Park Public Improvement District by Resolution No. 14-1073.

On June 25, 2014, City Council authorized the creation of the Klyde Warren Park/Dallas Arts District Public Improvement District for a period of seven-years and designated the Woodall Rodgers Park Foundation as the management entity for the District by Resolution No. 14-1074.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

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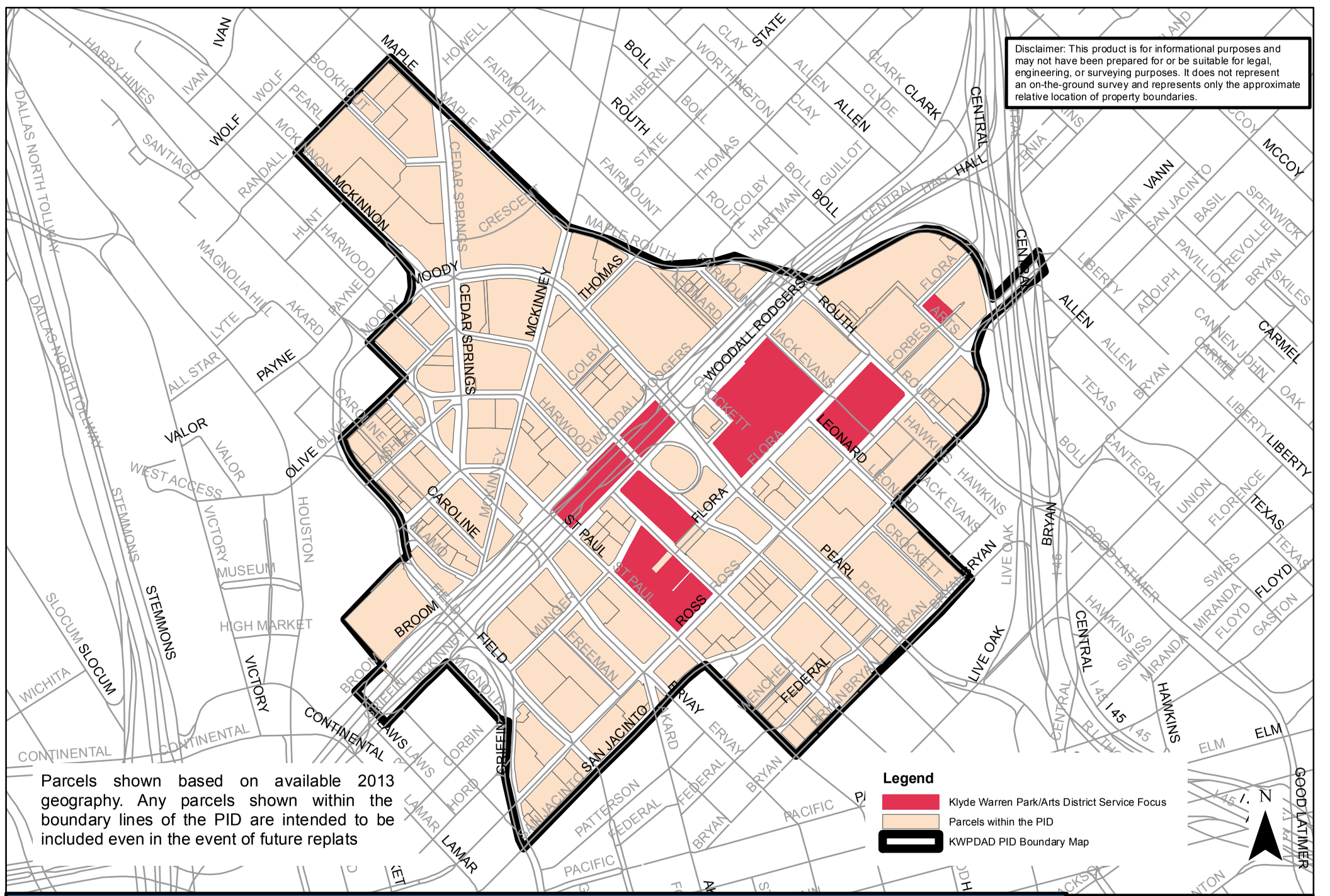

Klyde Warren Park/Arts District PID (KWP/DADPID) Boundary Map

DALLAS
ECONOMIC
DEVELOPMENT
Area Redevelopment Division
214.670.1685
dallas-ecodev.org

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on August 13, 2013, City Council authorized the creation of the Klyde Warren Park Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Woodall Rodgers Park Foundation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 13-1375; and

WHEREAS, on June 25, 2014, City Council authorized the dissolution of the Klyde Warren Park Public Improvement District by Resolution No. 14-1073; and

WHEREAS, on June 25, 2014, City Council authorized the creation of the Klyde Warren Park/Dallas Arts District Public Improvement District for a period of seven-years and designated the Woodall Rodgers Park Foundation as the management entity for the District by Resolution No. 14-1074; and

WHEREAS, with pending changes in the process for the disbursement of assessment revenue and to address other amendments to the agreement form it is necessary to amend the existing management contract with Woodall Rodgers Park Foundation.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amended and restated management contract with Woodall Rodgers Park Foundation, the non-profit corporation designated as the management entity for the Klyde Warren Park/Dallas Arts District Public Improvement District (District), to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Woodall Rodgers Park Foundation, and to address other amendments to the agreement form.

SECTION 2. That no assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

SECTION 3. That the amended management contract shall allow the City to hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by Woodall Rodgers Park Foundation to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its oversight and related fees prior to disbursing the assessment.

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 #: 18-793 **Item #:** 9.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Knox Street Public Improvement District

A public hearing concerning the proposed levy of assessment for the Knox Street Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Knox Street Improvement District Corporation authorizing the disbursement of assessments to Knox Street Improvement District Corporation; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to an amended and restated management contract, also on the September 12, 2018 addendum, that is necessary to implement new procedures for the disbursement of assessment revenue and to address other amendments to the agreement form.

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel.

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After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

The Knox Street Improvement District Corporation provided City staff with the proposed District Service Plan for 2019 and the proposed Assessment Plan for 2018 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract along with related changes. No assessment revenue will be disbursed until an amended management contract is executed.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be performed by the District includes enhanced security and public safety, capital improvements, improvement of common areas, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.

(b) Estimated Cost of the Services and Improvements. During the next five-year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately $1,199,352 in 2019 and reach $333,866 in 2023. The total estimated assessments to be collected for during the next five-year period is approximately $1,948,078. The District shall incur no bonded indebtedness. Future years' budgets may alter significantly as the result of the carryover funds accumulated through 2018 from the previous term to be used to fund capital improvement projects such as gateway markers and streetscape improvements and/or possibly in conjunction with Knox Complete Streets (and related feasibility study costs). Capital Improvements include traffic studies related to Knox Complete Streets and Cole-McKinney Two Way Conversion, as well as gateway marker costs. 2019 Capital Improvements reflects anticipated spending of majority of carryover funds from prior years to complement Knox Complete Streets (but may be separate project from Complete Streets).

(c) Boundaries. The boundaries of the District are shown on the attached map of the District.

(d) Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be $362,208. This amount is approximately equal to $0.15 per

$100.00 of appraised value as determined by the DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year. The annual assessment rate shall not exceed $0.15 per $100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of $0.15 per $100.00 valuation subject to appropriations set forth in the petition that created the District. Any future increase in the assessment rate would also be subject to a public hearing and the City Council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

(e) Apportionment of costs between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2010, City Council authorized creation of the Knox Street Public Improvement District, Service Plan and management contract by Resolution No. 10-1670.

On September 9, 2015, City Council authorized an ordinance approving and adopting the proposed and final 2015 Assessment Plan and the 2016 Assessment Roll by Resolution No. 15-1698; Ordinance No. 29863.

On June 28, 2017, City Council held a public hearing to receive comments on the renewal of the Knox Street Public Improvement District and authorized the Service Plan and the management contract by Resolution No. 17-1119.

On September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan, and 2017 Assessment Roll by Resolution No. 17-1485; Ordinance 30639.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed Knox Street Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1185.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts

(PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

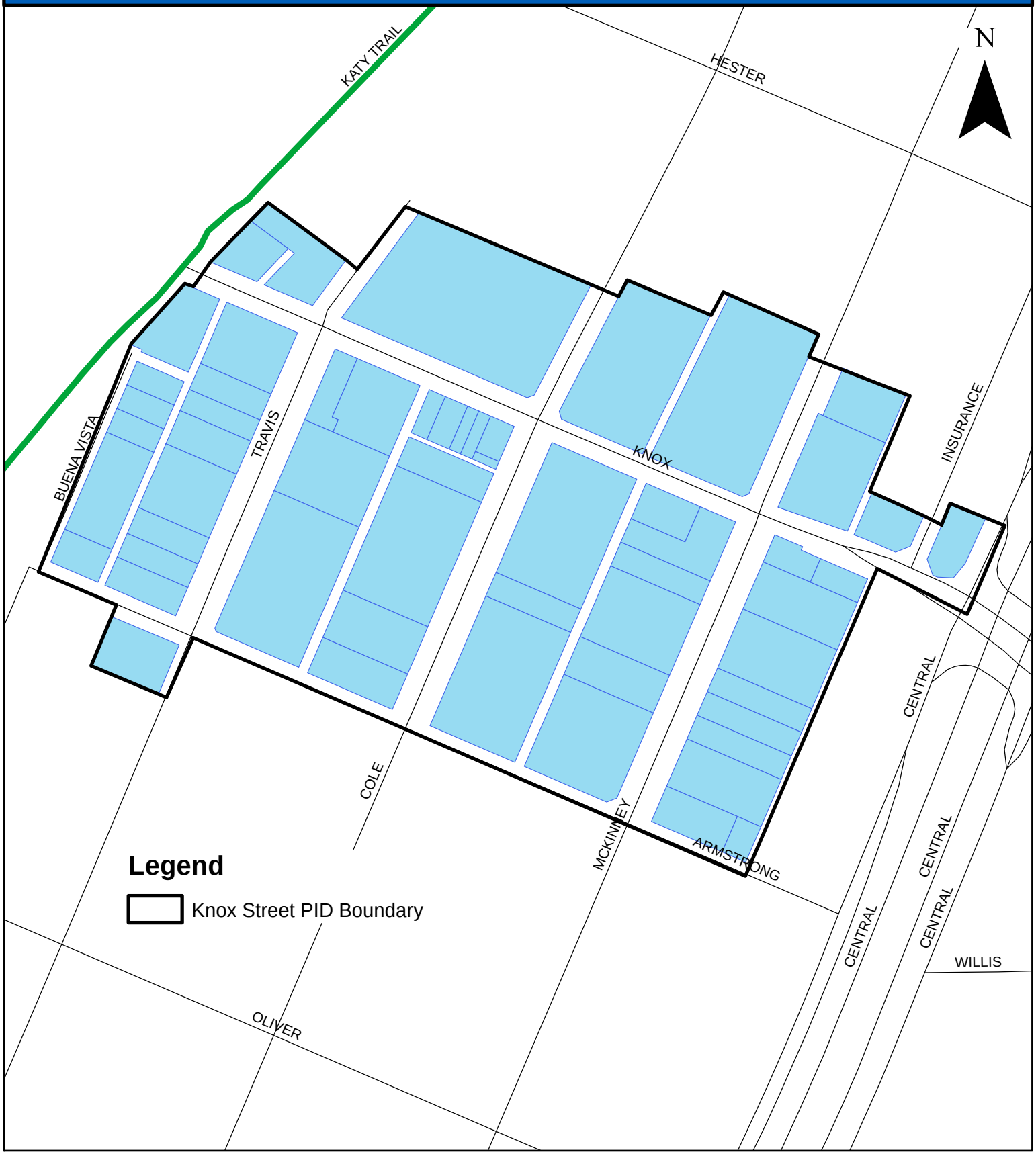
FISCAL INFORMATION

Cost consideration to others - the proposed assessment amount is approximately equal to $0.15 per $100.00 of appraised value as determined by the DCAD. (i.e. property owners within the boundaries of the Public Improvement District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

MAP

Attached

Knox Street PID



City of Dallas
Office of Economic Development
http://www.Dallas-EcoDev.org

Created 04/2010

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2019 SERVICE PLAN, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE KNOX STREET PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2019; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AUTHORIZING THE RECEIPT AND DEPOSIT OF ASSESSMENTS FROM DALLAS COUNTY; PURSUANT TO AN AMENDED AND RESTATED MANAGEMENT CONTRACT WITH KNOX STREET IMPROVEMENT DISTRICT CORPORATION AUTHORIZING THE DISBURSEMENT OF ASSESSMENTS TO KNOX STREET IMPROVEMENT DISTRICT CORPORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the Act) allows for the creation of public improvement districts; and

WHEREAS, on June 23, 2010, the City Council established the Knox Street Public Improvement District (the District), pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District; designated Knox Street Improvement District Corporation as the manager of the District and authorized a contract for management services; and approved the District Service Plan by Resolution No. 10-1670; and

WHEREAS, on June 28, 2017, City Council held a public hearing to receive comments concerning the renewal of the Knox Street Public Improvement District; approval of the Service Plan and management contract by Resolution No. 17-1119, as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1488; Ordinance No. 30642; and

WHEREAS, City Council must review the proposed 2019 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2018 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the Knox Street Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1183; and

WHEREAS, the Knox Street Improvement District Corporation provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of $0.15 per $100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Knox Street Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Knox Street Improvement District Corporation authorizing the disbursement of assessments to Knox Street Improvement District Corporation; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by DCAD.

The assessment amount for 2018 is proposed to be 362,208. This amount shall be apportioned in an amount equal to $0.15 per $100.00 of appraised value as determined by the DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year.

SECTION 4. That the City Council hereby authorizes and adopts the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2018, of approximately $1,199,352. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 6th Floor, 1500 Marilla Street, Dallas, Texas 75201 was published in the official newspaper of the City of Dallas, Texas 75201 before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that

the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2019. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the Chief Financial Officer is hereby authorized to receive and deposit assessment funds from Dallas County (net County collection fees) in the Knox Street Public Improvement District Fund, Fund 9P04, Department ECO, Unit 1859, Revenue Code 8576.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations and oversight conducted by City staff for the District, which amount shall be reimbursed by the District to City through the deduction from assessment revenues received.

SECTION 14. That the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P04, Department ECO, Unit 1859, Object 3090 to General Fund, Fund 0001, Department ECO, Unit Various, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day-to-day administrative and operational oversight of the District.

SECTION 15. That the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P04, Department ECO, Unit 1859, Object 3090 to General Fund, Fund 0001, Department BMS, Unit 1272, Object 5011, to reimburse the City Controller's Office for administrative costs incurred for day-to-day accounting responsibilities associated with oversight of the District.

SECTION 16. That no assessment revenue will be disbursed to Knox Street Improvement District Corporation unless an amended and restated management contract is executed.

SECTION 17. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P04, Department ECO, Unit 1859, Object 3034, Vendor VS0000062768, for assessments due the District as assessed, paid to Dallas County and transferred to the City for processing, net of administrative fees, any retainage necessary, and any required reconciliation adjustments, related to this activity.

SECTION 18. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P04, Department ECO, Unit 1859, Object 3549, Vendor 243282 for reimbursing Dallas County for refunding assessments paid by property owners in excess of adjusted amounts resulting from successful appeal of property tax values, and for other necessary reconciliation adjustments.

SECTION 19. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 20. That this ordinance 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 ordained.

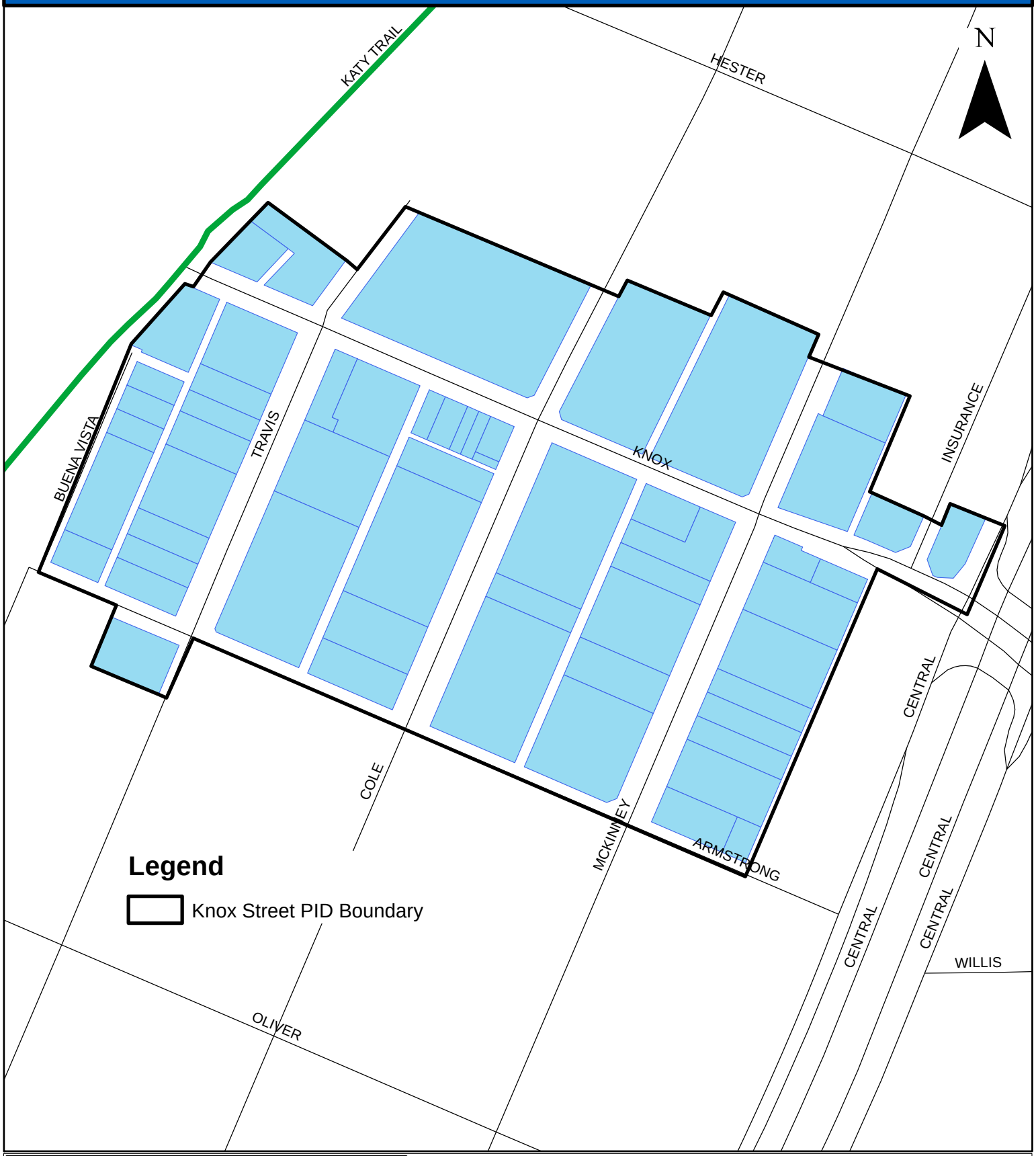
APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

Passed _____

EXHIBIT A

Knox Street PID



City of Dallas

Office of Economic Development

http://www.Dallas-EcoDev.org

Created 04/2010

Exhibit B

Knox Street Public Improvement District - 2019-2023 Service Plan

YTD July 31, 2018

		2019 Forecast	2020 Forecast	2021 Forecast	2022 Forecast	2023 Forecast
INCOME						
	Carryover Fund Balance From Previous Year	$ 882,603	$ 45,459	$ 34,612	$ 23,768	$ 12,922
	Interest	$ -	$ -	$ -	$ -	$ -
	Net Assessment Revenue	$ 362,208	$ 310,839	$ 320,165	$ 329,770	$ 339,663
	TOTAL INCOME & RESERVES	$ 1,244,811	$ 345,452	$ 343,931	$ 342,692	$ 341,739
EXPENSES						
	Capital Improvements [1]	$ 1,050,280	$ 158,020	$ 163,483	$ 169,111	$ 169,111
	Public Safety and Security [4]	$ 49,173	$ 50,648	$ 52,167	$ 53,732	$ 55,344
	Marketing & Promotions [5]	$ 88,709	$ 90,647	$ 92,643	$ 94,700	$ 96,818
	PID Renewal Fee	$ -	$ -	$ -	$ -	$ -
	Insurance & Audit	$ 11,033	$ 11,364	$ 11,704	$ 12,056	$ 12,417
	Administrative	$ 157	$ 161	$ 166	$ 171	$ 176
	TOTAL EXPENSES	$ 1,199,352	$ 310,840	$ 320,163	$ 329,770	$ 333,866
	Balance YTD 2018					
	Current New Income	$ -	$ -	$ -	$ -	$ 5,796
	TOTAL CARRYOVER FUNDS AT YEAR END	$ 45,459	$ 34,612	$ 23,768	$ 12,922	$ 7,873

[1] Carryover funds will be used to fund capital improvement projects such as (but not limited to) gateway markers, streetscape improvements and/or in conjunction with Knox Complete Streets (and related feasibility study costs). 2018 Capital Improvements reflects anticipated spend of majority of carryover from prior years tocomplement Knox Complete Streets (but may be separate projects from Complete Streets).

[4] Security includes private security patrol, off-duty police, camera and related security systems equipment and montoring.

[5] Website, marketing, social media, branding, banners, special events and Christmas lights.

[6] Pringing, mailing, notice, legal, audit and miscellaneous administrative expenses.

[7] Payment to City of allad upon successful renewal of PID.

[z] Actual Revenues (ie Cash Basis) in these years. Future years are on a tax year basis.

[**] pid Oversight Charges: Starting in 2016, includes $2.75 per account fee.

EXHIBIT C
KNOX STREET PUBLIC IMPROVEMENT DISTRICT
ASSESSMENT PLAN 2018

The cost of the services and improvements provided by the Knox Street Public Improvement District will be paid primarily by assessments against real properties within the Knox Street Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The cost of improvements and services in the district will be assessed by application of a single rate applied to all non-exempt property on the combined value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment rate for 2018 is proposed at $0.15 per $100.00 of appraised value. The annual assessment rate, during the seven-year life of the District, will not exceed $0.15 per $100.00 of appraised value as determined by the Dallas Central Appraisal District.

The Knox Street PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Knox Street Improvement District Corporation.

Agenda Information Sheet

File #: 18-794 **Item #:** 10.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize an amended and restated management contract with Knox Street Improvement District Corporation, the non-profit corporation designated as the management entity for the Knox Street Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Knox Street Improvement District Corporation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed contract amendment and the concurrent changes to the District's annual budget and assessment rate ordinance also on the September 12, 2018 addendum.

On June 28, 2017, City Council authorized the renewal of the Knox Street Public Improvement District (District), to provide supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District for another 7-year term and a management contract with the Knox Street Improvement District Corporation as the management entity for the District. Knox Street Improvement District Corporation is a private nonprofit corporation created under the provisions of Section 501(c) (3) of the Internal Revenue Code.

Through the management contract a cooperative relationship is established between the City and Knox Street Improvement District Corporation with the City Council annually reviewing and approving updates to the service plan and assessment plan, determining and levying assessments and conducting other functions as required by the Chapter 372 of the Texas Local Government Code (the "Act"). The Knox Street Improvement District Corporation is responsible for managing and implementing the Service Plan of the District.

As per the contract between the City and Dallas County (the "County"), the County has collected the

annual assessments for the District and included the assessments as part of the property owner tax bills. The County has retained a fee (currently $2.75 and subject to change) per account that is deducted from the first dollars collected until the entire fee is paid. After said fee has been paid, subsequent collections had been transferred to a separate Knox Street Improvement District Corporation established bank account. Knox Street Improvement District Corporation has been responsible for wiring fund back to the County for any negative balances due to property owner refunds owed.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract.
The City may hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by Knox Street Improvement District Corporation to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its fees prior to disbursing the assessment.
No assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2010, City Council authorized creation of the Knox Street Public Improvement District by Resolution No. 10-1670.

On June 28, 2017, City Council held a public hearing to receive comments concerning the renewal of the Knox Street Public Improvement District; approval of the Service Plan and management contract by Resolution No. 17-1119.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

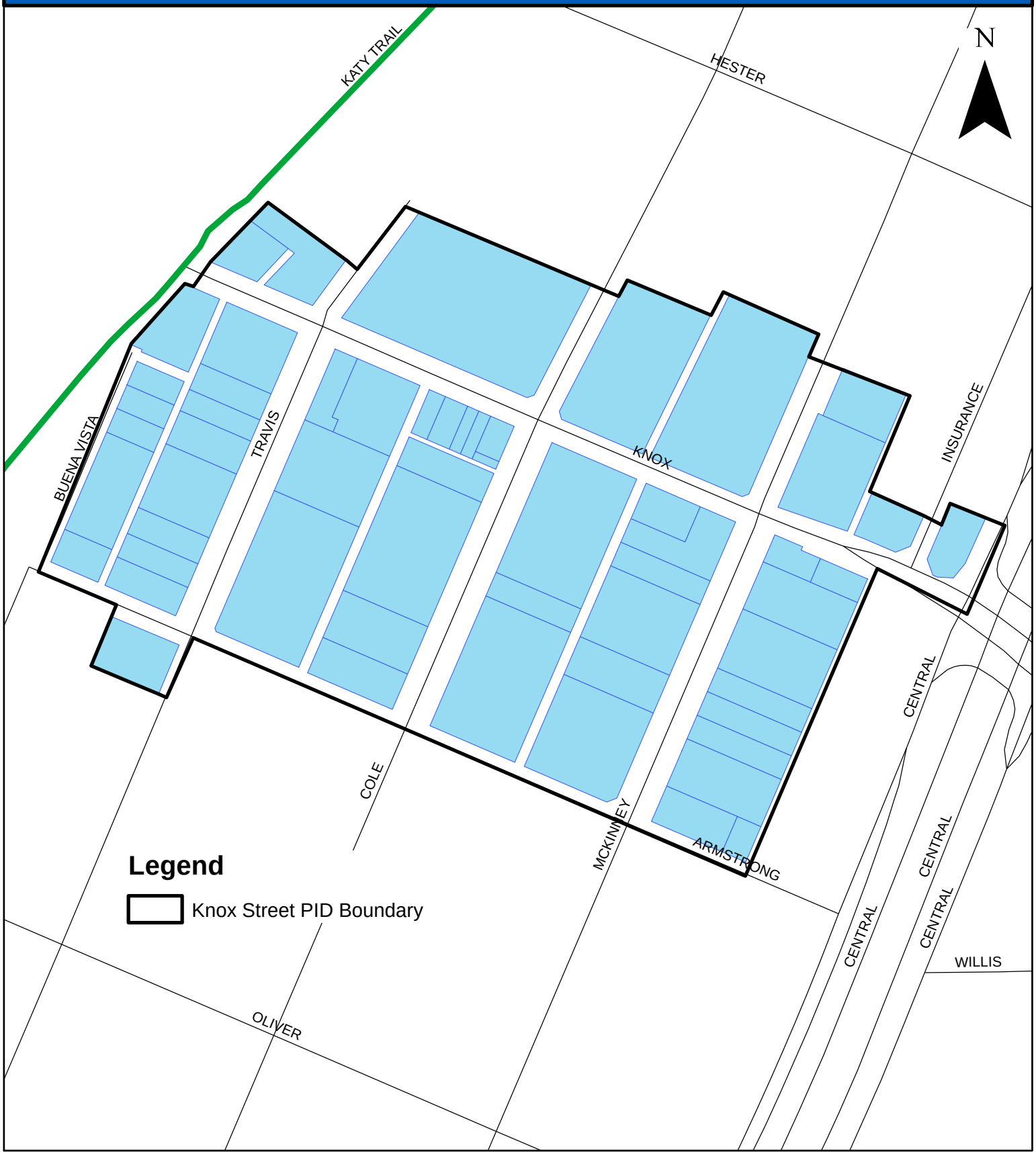
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

Knox Street PID



City of Dallas
Office of Economic Development
http://www.Dallas-EcoDev.org

Created 04/2010

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on June 23, 2010, City Council authorized the creation of the Knox Street Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Knox Street Improvement District Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 10-1670; and

WHEREAS, on June 28, 2017, City Council authorized the renewal of the Knox Street Public Improvement District and approval of the Service Plan and management contract by Resolution No. 17-1119; and

WHEREAS, with pending changes in the process for the disbursement of assessment revenue and to address other amendments to the agreement form it is necessary to amend the existing management contract with Knox Street Improvement District Corporation.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amended and restated management contract with Knox Street Improvement District Corporation, the non-profit corporation designated as the management entity for the Knox Street Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Knox Street Improvement District Corporation, and to address other amendments to the agreement form.

SECTION 2. That no assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

SECTION 3. That the amended management contract shall allow the City to hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by Knox Street Improvement District Corporation to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its oversight and related fees prior to disbursing the assessment.

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 #: 18-795 **Item #:** 11.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 9, 10, 13

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Lake Highlands Line Public Improvement District

A public hearing concerning the proposed levy of assessment for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC) authorizing the disbursement of assessments to LHIDC; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to an amended and restated management contract, also on the September 12, 2018 addendum, that is necessary to implement new procedures for the disbursement of assessment revenue and to address other amendments to the agreement form.

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

At the adjournment of the hearing on the proposed assessments, the City Council must hear and

pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

The Lake Highlands Improvement District Corporation (LHIDC) provided City staff with the proposed District Service Plan for 2019 and the proposed Assessment Plan for 2018 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract along with related changes. No assessment revenue will be disbursed until an amended management contract is executed.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The proposed services and improvements to be provided in the District include enhanced security and public safety, capital improvements, improvement of common areas, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.

(b) Estimated Cost of the Services and Improvements. During the next five-year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately $689,814in 2019 and reach $1,278,439in 2023. The total estimated assessments to be collected during the next five-year period is approximately $4,832,410. The District shall incur no bonded indebtedness.

(c) Boundaries. The boundaries of the District are shown on the attached map of the District.

(d) Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by DCAD. The assessment amount for 2018 is proposed to be $689,814.34. This amount is approximately equal to $0.13 per $100.00 of appraised value as determined by DCAD.

Once levied, this assessment rate shall not increase during the 2019 Service Plan year. The annual assessment rate shall not exceed $0.15 per $100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of $0.15 per $100.00 valuation subject to appropriations set forth in the petition that created the District. Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. Properties otherwise exempt from ad valorem taxes are not subject to assessment.

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Property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code will be exempt from assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

(e) Apportionment of costs between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2008, City Council authorized creation of the Lake Highlands Public Improvement District, approval of the Service Plan and management contract by Resolution No. 08-1866.

On August 12, 2015, City Council held a public hearing to receive comments concerning the renewal and expansion of the Lake Highlands Public Improvement District, and authorized approval of the Service Plan and management contract by Resolution No. 15-1473.

On September 13, 2017 City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1486; Ordinance No. 30640.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed Lake Highlands Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1186.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

Cost consideration to others - the proposed assessment amount is approximately equal to $0.13 per $100.00 of appraised value as determined by the DCAD (i.e. property owners within the boundaries of the Public Improvement District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

MAP

Attached

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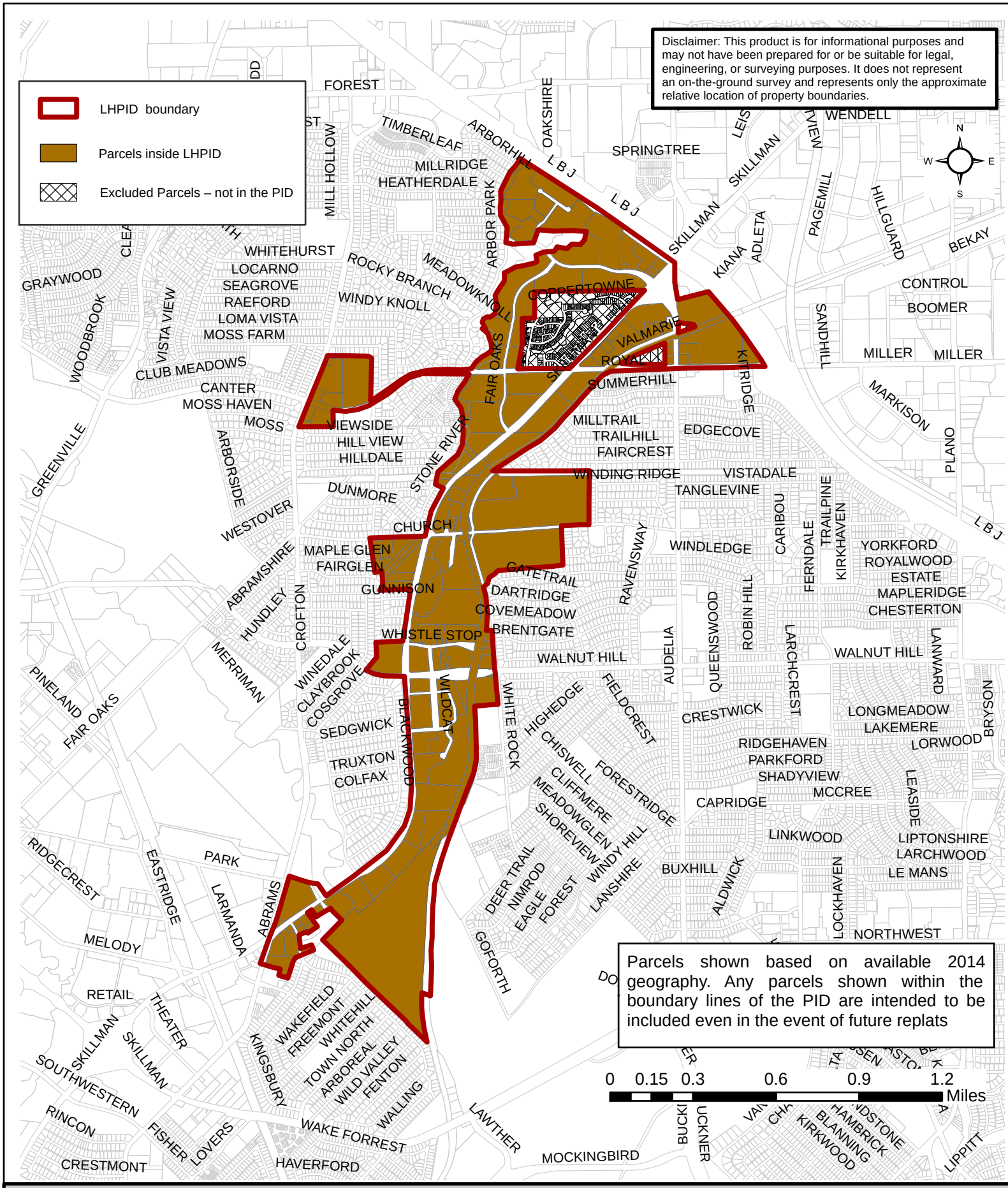


Lake Highlands PID Boundary Map

City of Dallas
Office of Economic Development
Created 8/2015

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2019 SERVICE PLAN, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2019; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AUTHORIZING THE RECEIPT AND DEPOSIT OF ASSESSMENTS FROM DALLAS COUNTY; PURSUANT TO AN AMENDED AND RESTATED MANAGEMENT CONTRACT WITH LAKE HIGHLANDS IMPROVEMENT DISTRICT CORPORATION (LHIDC) AUTHORIZING THE DISBURSEMENT OF ASSESSMENTS TO LHIDC; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the Act) allows for the creation of public improvement districts; and

WHEREAS, on June 25, 2008, City Council established the Lake Highlands Public Improvement District (District), pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated Lake Highlands Improvement District Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, by Resolution No. 08-1866; and

WHEREAS, City Council has subsequently authorized the renewal of the District on August 12, 2015 by Resolution No 15-1473 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1486; Ordinance No. 30640; and

WHEREAS, City Council must review the proposed 2019 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2018 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed Lake Highlands Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1186; and

WHEREAS, the Lake Highlands Improvement District Corporation provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of $0.13 per $100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Lake Highlands Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC) authorizing the disbursement of assessments to LHIDC; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by DCAD.

The assessment amount for 2018 is proposed to be $689,814. This amount shall be apportioned in an amount equal to $0.13 per $100.00 of appraised value as determined by the DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year.

SECTION 4. That the City Council hereby authorizes and adopts the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2018, of approximately $689,814. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 6th Floor, 1500 Marilla Street, Dallas, Texas 75201 was published in the official newspaper of the City of Dallas, Texas 75201 before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2019. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the Chief Financial Officer is hereby authorized to receive and deposit assessment funds from Dallas County (net County collection fees) in the Lake Highlands Public Improvement District Fund, Fund 9P05, Department ECO, Unit 1860, Revenue Code 8576.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations and oversight conducted by City staff for the District, which amount shall be reimbursed by the District to City through the deduction from assessment revenues received.

SECTION 14. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P05, Department ECO, Unit 1860, Object 3090 to General Fund, Fund 0001, Department ECO, Unit Various, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day-to-day administrative and operational oversight of the District.

SECTION 15. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P05, Department ECO, Unit 1860,Object 3090 to General Fund, Fund 0001, Department BMS, Unit 1272, Object 5011, to reimburse the City Controller's Office for administrative costs incurred for day-to-day accounting responsibilities associated with oversight of the District.

SECTION 16. That no assessment revenue will be disbursed to Lake Highlands Improvement District Corporation unless an amended and restated management contract is executed.

SECTION 17. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P05, Department ECO, Unit 1860, Object 3034, Vendor VS92046, for assessments due the District as assessed, paid to Dallas County and transferred to the City for processing, net of City administrative fees, any retainage necessary, and any required reconciliation adjustments, related to this activity.

SECTION 18. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P05, Department ECO, Unit 1860, Object 3549, Vendor 243282 for reimbursing Dallas County for refunding assessments paid by property owners in excess of adjusted amounts resulting from successful appeal of property tax values, and for other necessary reconciliation adjustments.

SECTION 19. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 20. That this ordinance 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 ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

Passed _____

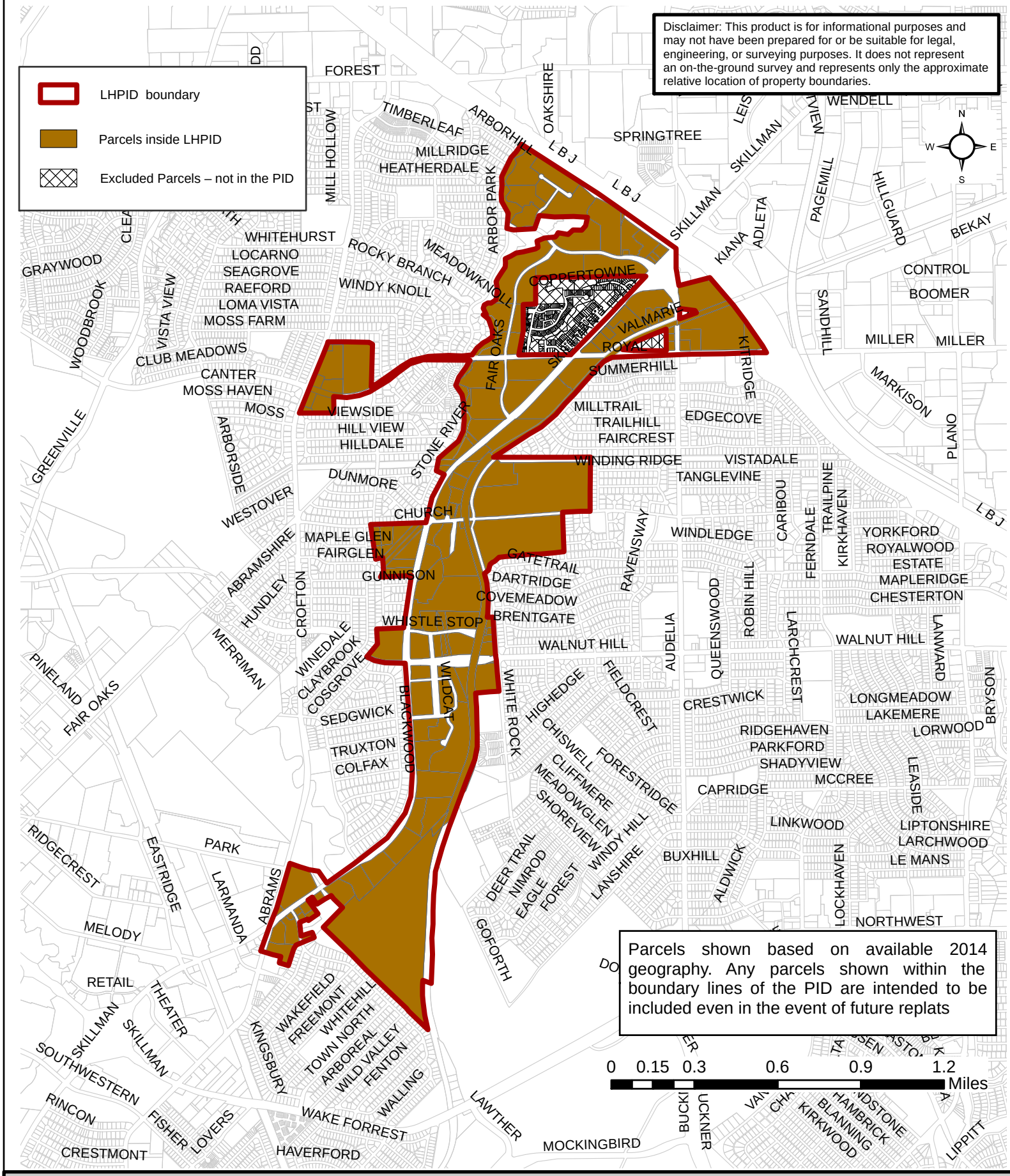


Exhibit A - Lake Highlands PID Boundary Map

City of Dallas
Office of Economic Development
Created 8/2015

Exhibit B

LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT
FIVE YEAR SERVICE PLAN (2019-2023)

		2019		2020		2021		2022		2023 [5]
INCOME										
Net Assessment		$689,814.34		$815,669.91		$947,678.41		$1,100,808.28		$1,278,438.92
Interest on Cash Balance		$0.00		$0.00		$0.00		$0.00		$0.00
Total Income		**$689,814.34**		**$815,669.91**		**$947,678.41**		**$1,100,808.28**		**$1,278,438.92**
EXPENSES										
Renewal/Creation Fee										
Public Safety [1]	45%	$310,416.45	45%	$367,051.46	45%	$426,455.29	45%	$495,363.72	45%	$575,297.51
Improvements [2]	33%	$227,638.73	33%	$269,171.07	33%	$312,733.88	33%	$363,266.73	33%	$421,884.84
Promotion [3]	6%	$41,388.86	6%	$48,940.19	6%	$56,860.70	6%	$66,048.50	6%	$76,706.34
Administration [4]	10%	$68,981.43	10%	$81,566.99	10%	$94,767.84	10%	$110,080.83	10%	$127,843.89
Audit	2%	$13,796.29	2%	$16,313.40	2%	$18,953.57	2%	$22,016.17	2%	$25,568.78
Insurance	4%	$27,592.57	4%	$32,626.80	4%	$37,907.14	4%	$44,032.33	4%	$51,137.56
	100%									
Total Expenses		**$689,814.34**		**$815,669.91**		**$947,678.41**		**$1,100,808.28**		**$1,278,438.92**
Surplus Carried Forward		$0.00		$0.00		$0.00		$0.00		$0.00

Notes:

The assessment amount is approximately equal to $0.13 per $100 of appraised value as determined by the Dallas Central Appraisl District (DCAD).

Net assessment reflects the deduction of City and County fees from the gross assessment collection.

[1] Regular Security Patrol, patrol vehicle lease and related expenses

[2] Design and construction of public infrastructure improvements and maintenance of common areas including non standard ROW, medians and parks;

[3] Website, marketing and outreach, marketing materials, promotion, community events, business development

[4] Office supplies, administration, notice mailings

[5] 2023 Assessement is an estimate pending a successful renewal.

Exhibit C
LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT
2018 ASSESSMENT PLAN

The cost of the services and improvements provided by the Lake Highlands Public Improvement District will be paid primarily by assessments against real properties within the Lake Highlands Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The service area is identified on the enclosed map. All properties will be assessed at a uniform rate. The proposed assessment rate for the 2018 is proposed at $0.13 per $100.00 of appraised value. Each subsequent year, a recommended assessment rate will be determined by the budget prepared by the management corporation. Assessment will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

Properties not liable for assessment include City rights-of-way, City-owned park properties and properties not owned by the City of Dallas but have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (exempt under the provisions of Section 11.24 and 11.28 of the Property Tax Code), and property owned by persons already receiving and qualifying of for the 65-or-older homestead exemption (under Section 11.13(c) or (d) of the Texas Property Tax Code. Payment of assessment by other exempt jurisdictions must be established by contract.

The District's assessments will be collected by Dallas County or other collection agent as determined by the City of Dallas, in accordance with management contract between the City of Dallas and the Lake Highlands Improvement District Corporation, the non-profit management corporation for the District.

Agenda Information Sheet

File #: 18-796 **Item #:** 12.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 9, 10, 13

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC), the non-profit corporation designated as the management entity for the Lake Highlands Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to LHIDC, and to address other amendments to the agreement form - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed contract amendment and the concurrent changes to the District's annual budget and assessment rate ordinance also on the September 12, 2018 addendum.

On August 12, 2015, City Council authorized the renewal of the Lake Highlands Public Improvement District (District), to provide supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District for another 7-year term and a management contract with the Lake Highlands Improvement District Corporation (LHIDC) as the management entity for the District. LHIDC is a private nonprofit corporation created under the provisions of Section 501(c) (3) of the Internal Revenue Code. LHIDC currently manages both the Lake Highlands and North Lake Highlands public improvement districts (PIDs).

Through the management contract a cooperative relationship is established between the City and LHIDC with the City Council annually reviewing and approving updates to the service plan and assessment plan, determining and levying assessments and conducting other functions as required by the Chapter 372 of the Texas Local Government Code (the "Act"). LHIDC is responsible for managing and implementing the Service Plan of the District.

As per the contract between the City and Dallas County (the "County"), the County has collected the annual assessments for the District and included the assessments as part of the property owner tax bills. The County has retained a fee (currently $2.75 and subject to change) per account that is

deducted from the first dollars collected until the entire fee is paid. After said fee has been paid, subsequent collections had been transferred to a separate LHIDC. established bank account. LHIDC has been responsible for wiring fund back to the County for any negative balances due to property owner refunds owed.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract.
The City may hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by LHIDC to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its fees prior to disbursing the assessment.
No assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2008, City Council authorized creation of the Lake Highlands Public Improvement District, approval of the Service Plan and management contract by Resolution No. 08-1866.

On August 12, 2015, City Council held a public hearing to receive comments concerning the renewal and expansion of the Lake Highlands Public Improvement District, and authorized approval of the Service Plan and management contract by Resolution No. 15-1473.

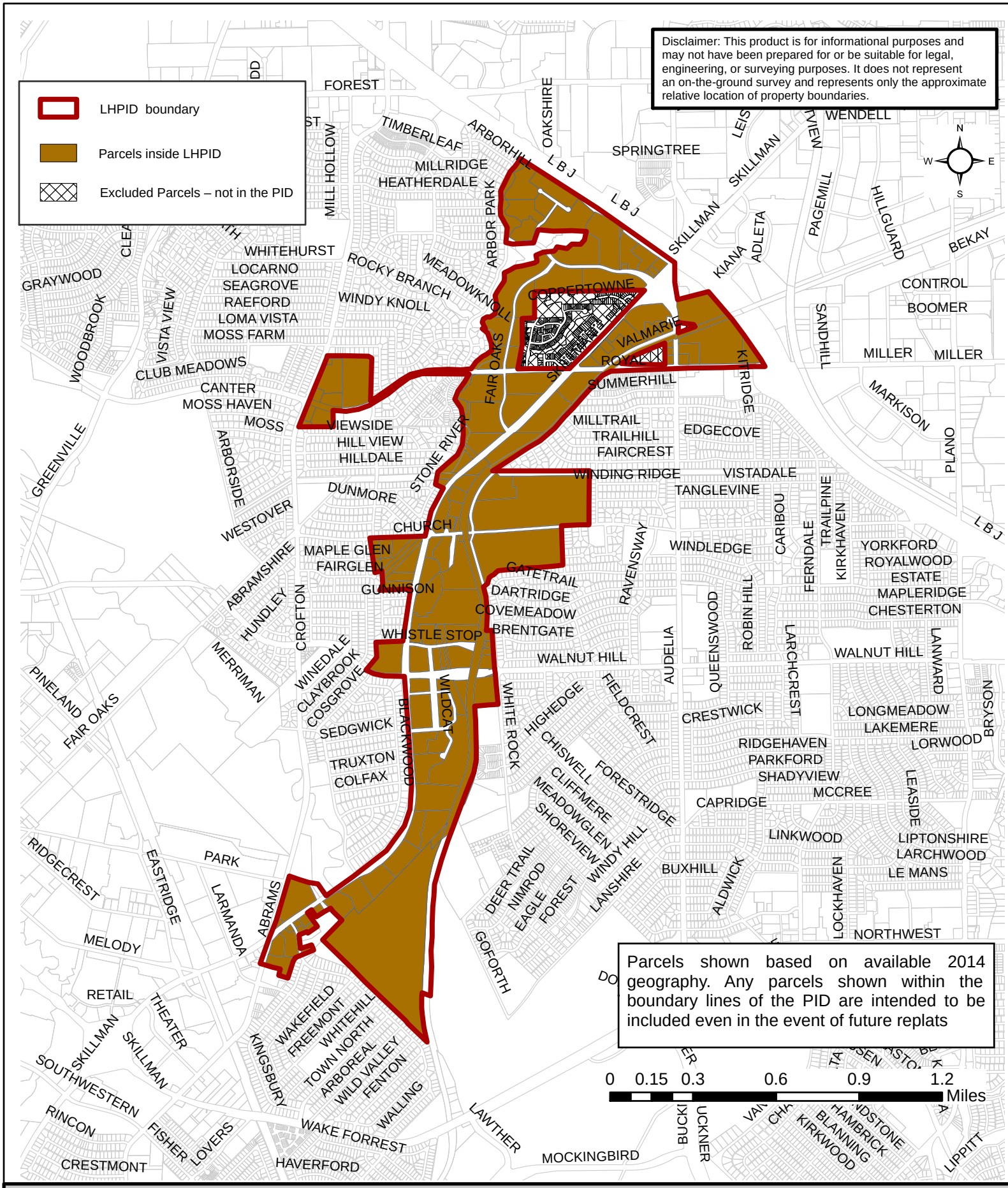
On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



Lake Highlands PID Boundary Map

City of Dallas
Office of Economic Development
Created 8/2015

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on June 25, 2008, City Council authorized creation of the Lake Highlands Public Improvement District, approval of the Service Plan and management contract by Resolution No. 08-1866; and

WHEREAS, on August 12, 2015, City Council held a public hearing to receive comments concerning the renewal and expansion of the Lake Highlands Public Improvement District, and authorized approval of the Service Plan and management contract by Resolution No. 15-1473; and

WHEREAS, with pending changes in the process for the disbursement of assessment revenue and to address other amendments to the agreement form it is necessary to amend the existing management contract with Lake Highlands Improvement District Corporation (LHIDC).

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC), the non-profit corporation designated as the management entity for the Lake Highlands Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to LHIDC, and to address other amendments to the agreement form.

SECTION 2. That no assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

SECTION 3. That the amended management contract shall allow the City to hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by LHIDC to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its oversight and related fees prior to disbursing the assessment.

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 #: 18-797 **Item #:** 13.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 10

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

North Lake Highlands Public Improvement District

A public hearing concerning the proposed levy of assessment for the North Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC) authorizing the disbursement of assessments to LHIDC; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to an amended and restated management contract, also on the September 12, 2018 addendum, that is necessary to implement new procedures for the disbursement of assessment revenue and to address other amendments to the agreement form.

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel.

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After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

Lake Highlands Improvement District Corporation (LHIDC) provided City staff with the proposed District Service Plan for 2019 and the proposed Assessment Plan for 2018 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract along with related changes. No assessment revenue will be disbursed until an amended management contract is executed.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The proposed services and improvements to be provided in the District include enhanced security and public safety, capital improvements, improvement of common areas, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.

(b) Estimated Cost of the Services and Improvements. During the next five-year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately $382,588 in 2019 and reach $763,927 in 2023. The total estimated assessments to be collected during the next five-year period is approximately $2,752,411. The District shall incur no bonded indebtedness.

(c) Boundaries. The boundaries of the District are shown on the attached map of the District.

(d) Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be $382,588. This amount is approximately equal to $0.12 per $100.00 of appraised value as determined by DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year. The annual assessment rate shall not exceed $0.15 per $100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of $0.15 per $100.00 valuation subject to appropriations set forth in the petition that created the District.

Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

(e) Apportionment of costs between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way and City parks are not subject to assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2017, City Council authorized creation of the North Lake Highlands Public Improvement District (District), in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Lake Highlands Improvement District Corporation as the manager of the District, authorized a contract for management services; approval of the District Service Plan and annual updates by Resolution No. 17 -1232.

On September 13, 2017 City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1487; Ordinance No. 30641.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed North Lake Highlands Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1187.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

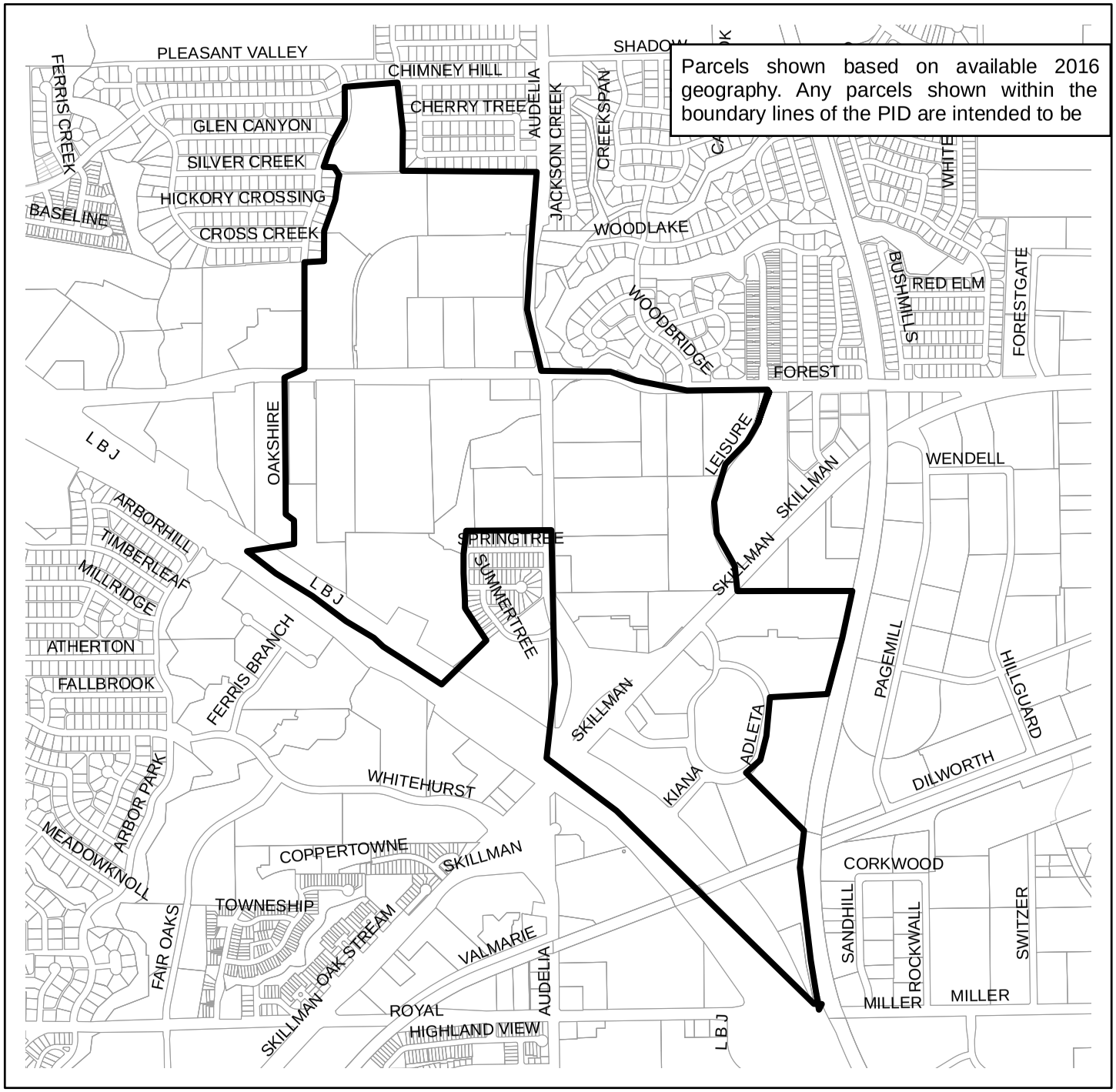
FISCAL INFORMATION

Cost consideration to others - the proposed assessment amount is approximately equal to $0.12 per $100.00 of appraised value as determined by the DCAD (i.e. property owners within the boundaries of the Public Improvement District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

MAP

Attached

powered by Legistar™



North Lake Highlands PID Boundary Map

City of Dallas
Office of Economic Development
Created 8/2017

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2019 SERVICE PLAN, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE NORTH LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2019; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AUTHORIZING THE RECEIPT AND DEPOSIT OF ASSESSMENTS FROM DALLAS COUNTY; PURSUANT TO AN AMENDED AND RESTATED MANAGEMENT CONTRACT WITH LAKE HIGHLANDS IMPROVEMENT DISTRICT CORPORATION (LHIDC) AUTHORIZING THE DISBURSEMENT OF ASSESSMENTS TO LHIDC; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the Act) allows for the creation of public improvement districts; and

WHEREAS, on August 9, 2017, City Council authorized the creation of the North Lake Highlands Public Improvement District (District), as shown on the attached **Exhibit A – Map of the District**, in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Lake Highlands Improvement District Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 17-1232; and

WHEREAS, on September 13, 2017 City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1487; Ordinance No. 30641; and

WHEREAS, City Council must review the proposed 2018 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2018 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the North Lake Highlands Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1187; and

WHEREAS, the Lake Highlands Improvement District Corporation (LHIDC) provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of $0.12 per $100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the North Lake Highlands Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC) authorizing the disbursement of assessments to LHIDC; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD).

The assessment amount for 2018 is proposed to be $382,588. This amount shall be apportioned in an amount equal to $0.12 per $100.00 of appraised value as determined by the DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year.

SECTION 4. That the City Council hereby authorizes and adopts the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2018, of approximately $382,588. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 6th Floor, 1500 Marilla Street, Dallas, Texas 75201 was published in the official newspaper of the City of Dallas, Texas 75201 before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2019. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the Chief Financial Officer is hereby authorized to receive and deposit assessment funds from Dallas County (net County collection fees) in the North Lake Highlands Public Improvement District Fund, Fund 9P06, Department ECO, Unit 1861, Revenue Code 8576.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations and oversight conducted by City staff for the District, which amount shall be reimbursed by the District to City through the deduction from assessment revenues received.

SECTION 14. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P06, Department ECO, Unit 1861, Object 3090 to General Fund, Fund 0001, Department ECO, Unit Various, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day-to-day administrative and operational oversight of the District.

SECTION 15. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P06, Department ECO, Unit 1861,Object 3090 to General Fund, Fund 0001, Department BMS, Unit 1272, Object 5011, to reimburse the City Controller's Office for administrative costs incurred for day-to-day accounting responsibilities associated with oversight of the District.

SECTION 16. That no assessment revenue will be disbursed to Lake Highlands Improvement District Corporation unless an amended and restated management contract is executed.

SECTION 17. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P06, Department ECO, Unit 1861, Object 3034, Vendor VS92046, for assessments due the District as assessed, paid to Dallas County and transferred to the City for processing, net of City administrative fees, any retainage necessary, and any required reconciliation adjustments, related to this activity.

SECTION 18. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P06, Department ECO, Unit 1861, Object 3549, Vendor 243282 for reimbursing Dallas County for refunding assessments paid by property owners in excess of adjusted amounts resulting from successful appeal of property tax values, and for other necessary reconciliation adjustments.

SECTION 19. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 20. That this ordinance 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 ordained.

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

BY: _____
Assistant City Attorney

Passed _____

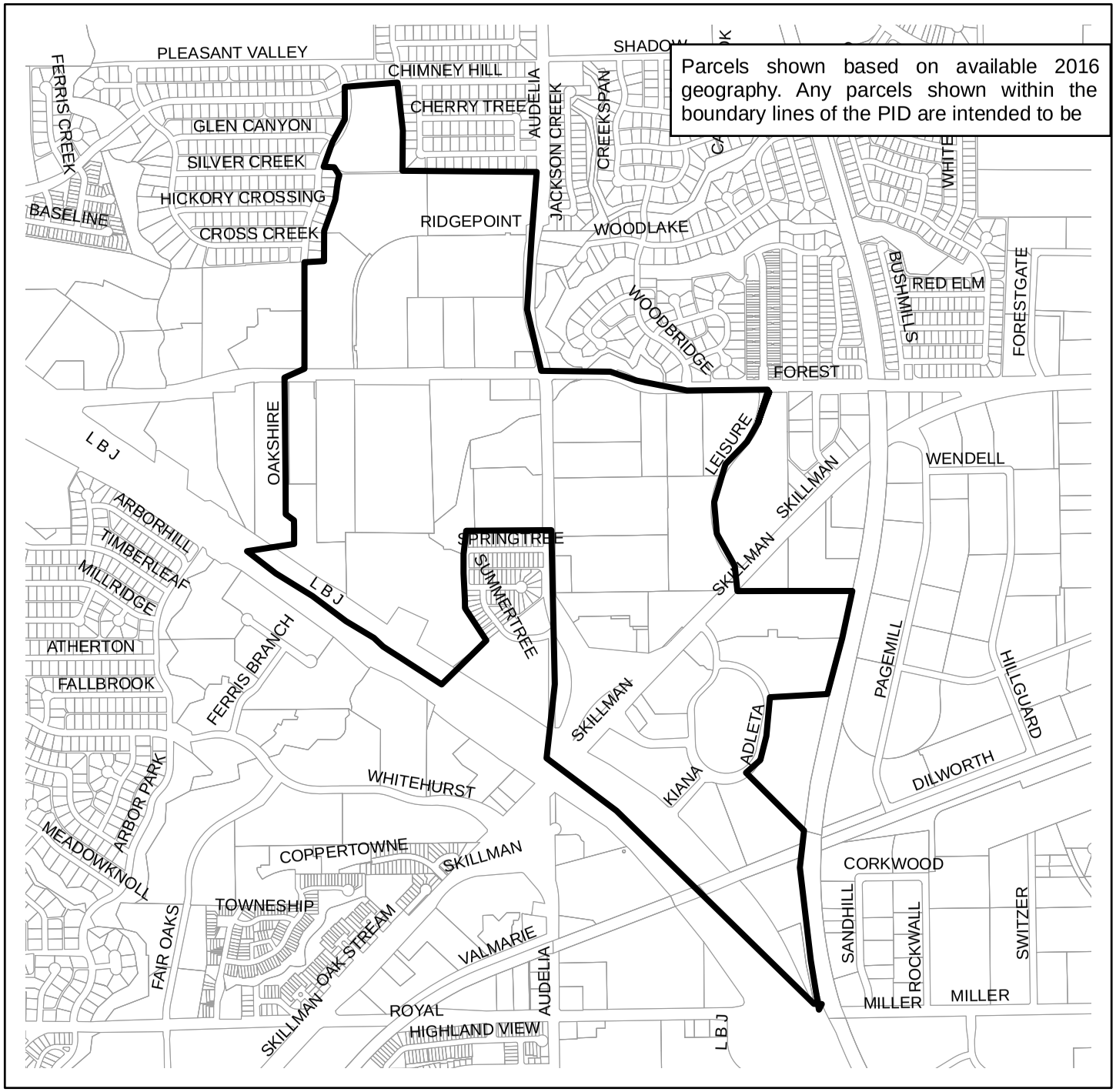


Exhibit A
North Lake Highlands PID Boundary Map

City of Dallas
Office of Economic Development
Created 8/2017

Exhibit B

NORTH LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT

		2019		2020		2021		2022		2023
INCOME										
Net Assessment*		$ 382,587.75		$ 440,530.35		$ 529,375.67		$ 635,990.05		$ 763,927.31
Interest on Cash Balance		$ -		$ -		$ -		$ -		$ -
Total Income		**$ 382,587.75**		**$ 440,530.35**		**$ 529,375.67**		**$ 635,990.05**		**$ 763,927.31**
Public Safety [1]	60%	$ 229,552.65	60%	$ 264,318.21	55%	$ 291,156.62	55%	$ 349,794.53	50%	$ 381,963.66
Improvements [2]	18%	$ 68,865.80	18%	$ 79,295.46	23%	$ 121,756.40	23%	$ 146,277.71	28%	$ 213,899.65
Promotion [3]	6%	$ 22,955.27	6%	$ 26,431.82	6%	$ 31,762.54	6%	$ 38,159.40	6%	$ 45,835.64
Administration [4]	10%	$ 38,258.78	10%	$ 44,053.04	10%	$ 52,937.57	10%	$ 63,599.01	10%	$ 76,392.73
Audit	2%	$ 7,651.76	2%	$ 8,810.61	2%	$ 10,587.51	2%	$ 12,719.80	2%	$ 15,278.55
Insurance	4%	$ 15,303.51	4%	$ 17,621.21	4%	$ 21,175.03	4%	$ 25,439.60	4%	$ 30,557.09
	100%		100%		100%		100%		100%	
Total Expenses		**$ 382,587.75**		**$ 440,530.35**		**$ 529,375.67**		**$ 635,990.05**		**$ 763,927.31**
Surplus Carried Forward										

Notes:

The assessment amount is approximately equal to $0.12 per $100.00 of appraised value as determined by the Dallas Central Appraisal District (DCAD).

*Net assessment reflects the deduction of City and County fees from the gross assessment collection.

[1] Public Safety consists of enhanced neighborhood patrols, security enhancements, emergency preparedness

[2] Improvements include asthetic improvements, acquisition and instillation of public art, the establishment of parks and youth recreation sites, and educational programming

[3] Promotion includes business recruitment related expenses, branding efforts, marketing and outreach efforts and materials, and advertising

[4] Adminstrative costs include management fee, annual tax preperation, bookkeeping charges, office supplies, and postage for public notifications

Exhibit C
NORTH LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT
2018 ASSESSMENT PLAN

The cost of the services and improvements provided by the North Lake Highlands Public Improvement District will be paid primarily by assessments against real properties within the North Lake Highlands Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The service area is identified on the enclosed map. All properties will be assessed at a uniform rate. The proposed assessment rate for the 2018 is proposed at $0.12 per $100.00 of appraised value. Each subsequent year, a recommended assessment rate will be determined by the budget prepared by the management corporation. Assessment will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

Properties not liable for assessment include City rights-of-way, City-owned park properties and properties not owned by the City of Dallas but have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (exempt under the provisions of Section 11.24 and 11.28 of the Property Tax Code). Payment of assessment by other exempt jurisdictions must be established by contract.

The District's assessments will be collected by Dallas County or other collection agent as determined by the City of Dallas, in accordance with management contract between the City of Dallas and the Lake Highlands Improvement District Corporation, the non-profit management corporation for the District.

Agenda Information Sheet

File #: 18-798 **Item #:** 14.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 10

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC), the non-profit corporation designated as the management entity for the North Lake Highlands Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to LHIDC, and to address other amendments to the agreement form - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed contract amendment and the concurrent changes to the District's annual budget and assessment rate ordinance also on the September 12, 2018 addendum.

On August 9, 2017, City Council authorized the creation of the North Lake Highlands Public Improvement District to provide supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District for another 7-year term and a management contract with Lake Highlands Improvement District Corporation (LHIDC) as the management entity for the District. UCPID, Inc. is a private nonprofit corporation created under the provisions of Section 501(c) (3) of the Internal Revenue Code. LHIDC currently manages both the Lake Highlands and North Lake Highlands public improvement districts (PIDs).

Through the management contract a cooperative relationship is established between the City and LHIDC with the City Council annually reviewing and approving updates to the service plan and assessment plan, determining and levying assessments and conducting other functions as required by the Chapter 372 of the Texas Local Government Code (the "Act"). LHIDC is responsible for managing and implementing the Service Plan of the District.

As per the contract between the City and Dallas County (the "County"), the County has collected the annual assessments for the District and included the assessments as part of the property owner tax bills. The County has retained a fee (currently $2.75 and subject to change) per account that is

deducted from the first dollars collected until the entire fee is paid. After said fee has been paid, subsequent collections had been transferred to a separate LHIDC. established bank account. LHIDC has been responsible for wiring fund back to the County for any negative balances due to property owner refunds owed.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract.

The City may hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by LHIDC to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its fees prior to disbursing the assessment.

No assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2017, City Council authorized creation of the North Lake Highlands Public Improvement District, approval of the Service Plan and management contract by Resolution No. 17-1232.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

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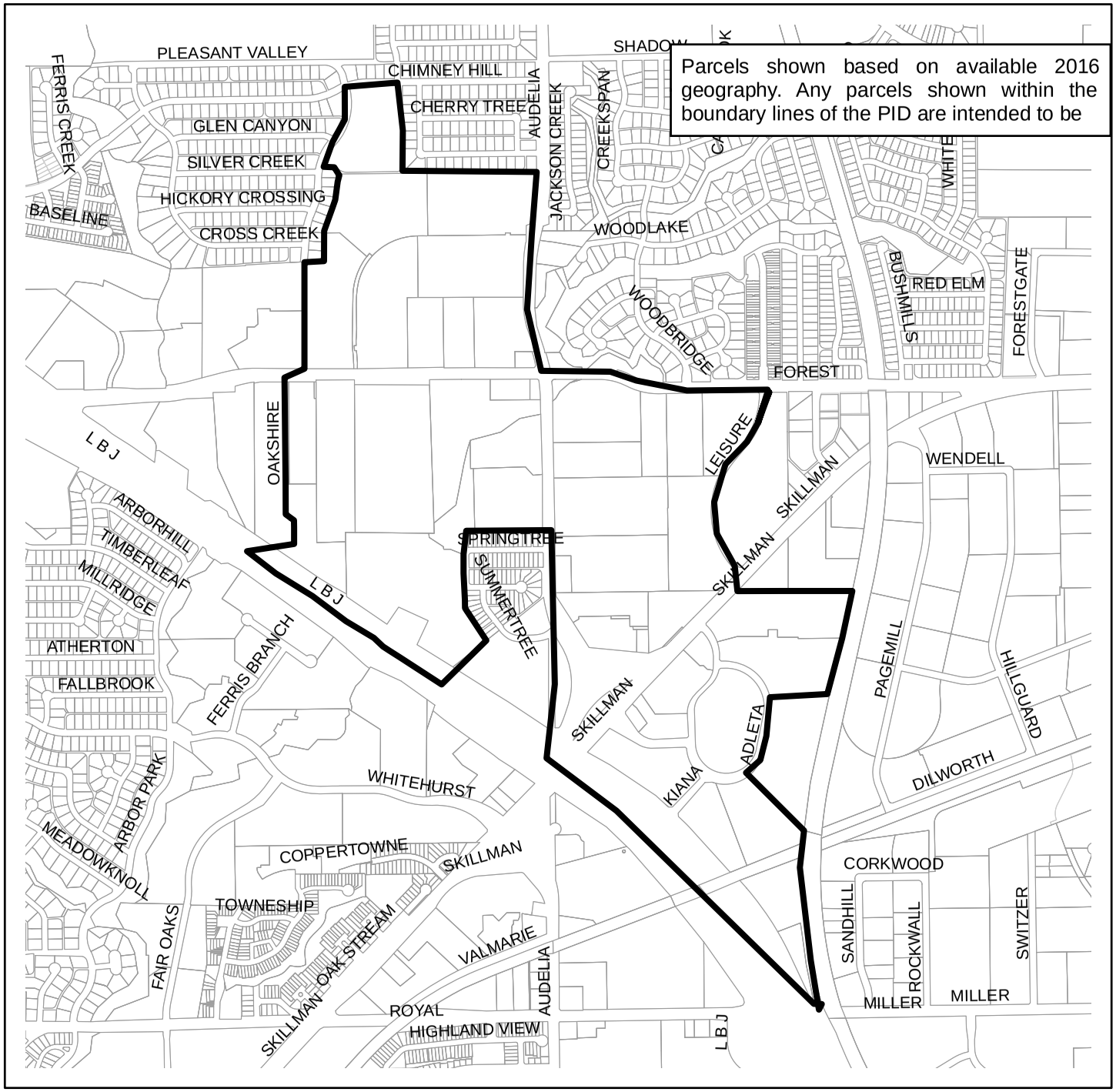


North Lake Highlands PID Boundary Map

City of Dallas
Office of Economic Development
Created 8/2017

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on August 9, 2017, City Council authorized creation of the North Lake Highlands Public Improvement District, approval of the Service Plan and management contract by Resolution No. 17-1232; and

WHEREAS, with pending changes in the process for the disbursement of assessment revenue and to address other amendments to the agreement form it is necessary to amend the existing management contract with Lake Highlands Improvement District Corporation (LHIDC).

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amended and restated management contract with Lake Highlands Improvement District Corporation (LHIDC), the non-profit corporation designated as the management entity for the North Lake Highlands Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to LHIDC, and to address other amendments to the agreement form.

SECTION 2. That no assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

SECTION 3. That the amended management contract shall allow the City to hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by LHIDC to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its oversight and related fees prior to disbursing the assessment.

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 #: 18-802 **Item #:** 15.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Oak Lawn-Hi Line Public Improvement District

A public hearing concerning the proposed levy of assessment for the Oak Lawn-Hi Line Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Oak Lawn-Hi Line Improvement Corporation (OLHLIC) authorizing the disbursement of assessments to OLHLIC; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to an amended and restated management contract, also on the September 12, 2018 addendum, that is necessary to implement new procedures for the disbursement of assessment revenue and to address other amendments to the agreement form.

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass

on any objections to a proposed assessment and may amend a proposed assessment on any parcel.

After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property. The Oak Lawn-Hi Line Improvement Corporation (OLHLIC) provided City staff with the proposed District Service Plan for 2019 and the proposed Assessment Plan for 2018 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract along with related changes. No assessment revenue will be disbursed until an amended management contract is executed.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The proposed services and improvements to be provided in the District include enhance security and public safety within the District, litter and graffiti control, public improvements, landscape improvements including planting, hardscape and street furniture within public open space and public right-of-way and related services and improvements that are authorized by the Act.

(b) Estimated Cost of the Services and Improvements. During the next five-year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately $368,084 in 2019 and reach $446,344 in 2023. The total estimated assessments to be collected during the next five-year period is approximately $2,024,396. The District shall incur no bonded indebtedness.

(c) Boundaries. The boundaries of the District are shown on the attached map of the District.

(d) Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be $362,146. This amount is equal to $0.15 per $100.00 of appraised value as determined by DCAD. Once levied, this assessment apportionment shall not increase during the 2019 Service Plan year. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

(e) Apportionment of costs between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for

payment of assessment against exempt City property in the District. City rights-of-way and City parks are not subject to assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 2009, City Council held a public hearing to receive comments concerning the creation of the Oak Lawn-Hi Line Public Improvement District; approval of a resolution creating the Oak Lawn-Hi Line Public Improvement District; approval of the Service Plan and a management contract by Resolution No. 09-1679.

On June 15, 2016, City Council held a public hearing to receive comments concerning the renewal of the Oak Lawn-Hi Line Public Improvement District; approval of the Service Plan and management contract by Resolution No. 16-1022.

On September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1488; Ordinance No. 30642.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed Oak Lawn-Hi Line Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1188.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

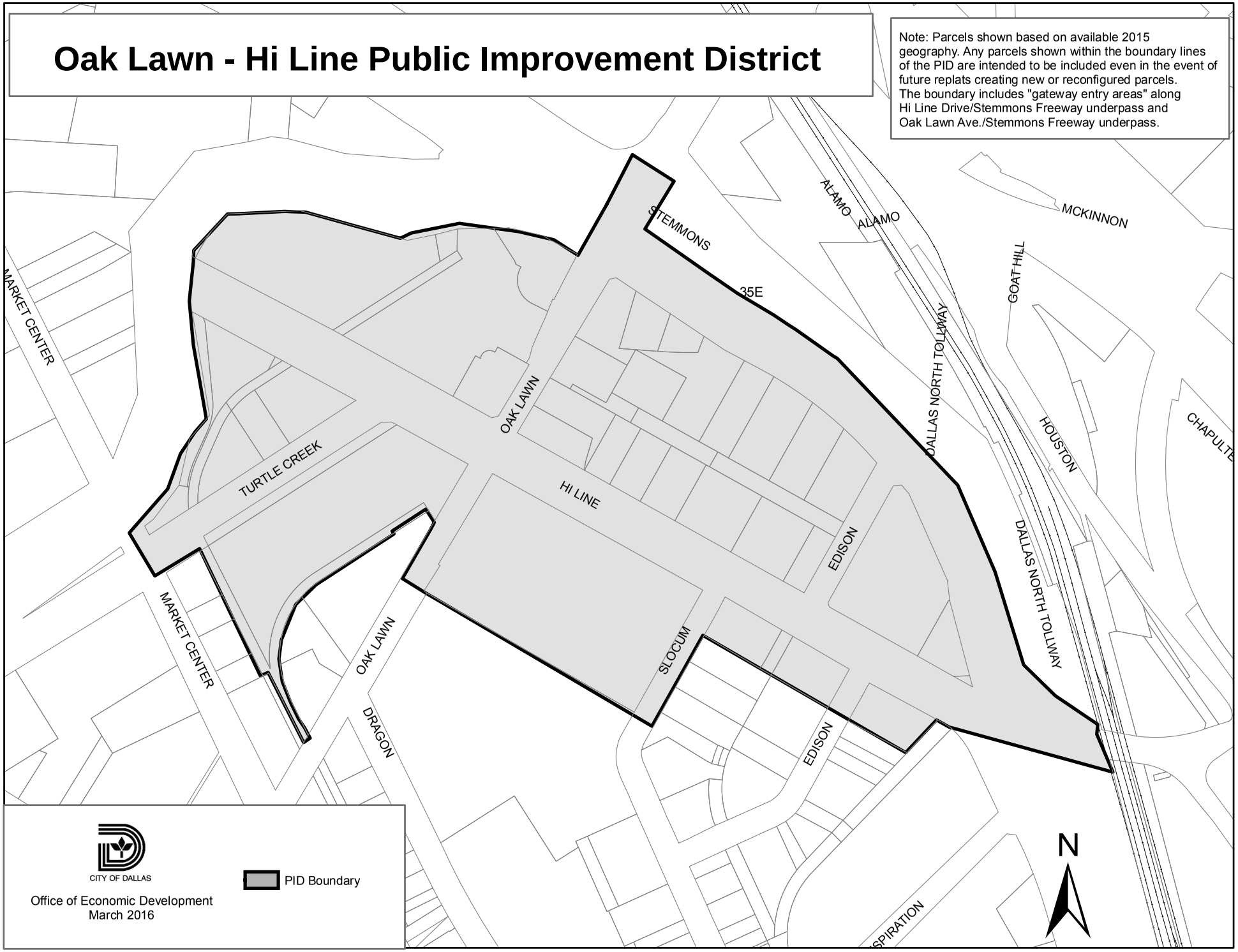
Cost consideration to others - the proposed assessment amount is approximately equal to $0.15 per $100.00 of appraised value as determined by the DCAD (i.e. property owners within the boundaries of the Public Improvement District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

MAP

Attached

Oak Lawn - Hi Line Public Improvement District

Note: Parcels shown based on available 2015 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels. The boundary includes "gateway entry areas" along Hi Line Drive/Stemmons Freeway underpass and Oak Lawn Ave./Stemmons Freeway underpass.



CITY OF DALLAS

Office of Economic Development
March 2016

PID Boundary

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2019 SERVICE PLAN, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE OAK LAWN-HI LINE PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2019; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AUTHORIZING THE RECEIPT AND DEPOSIT OF ASSESSMENTS FROM DALLAS COUNTY; PURSUANT TO AN AMENDED AND RESTATED MANAGEMENT CONTRACT WITH OAK LAWN-HI LINE IMPROVEMENT CORPORATION AUTHORIZING THE DISBURSEMENT OF ASSESSMENTS TO OLHLC; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the Act) allows for the creation of public improvement districts; and

WHEREAS, on June 24, 2009, City Council established the Oak Lawn Hi-Line Public Improvement District (the District), pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District; designated Oak Lawn-Hi Line Improvement District Corporation as the manager of the District and authorized a contract for management services; and approved the District Service Plan by Resolution No. 09-1679; and

WHEREAS, on June 15, 2016, City Council held a public hearing to receive comments concerning the renewal of the Oak Lawn-Hi Line Public Improvement District; approval of the Service Plan and management contract by Resolution No. 16-1022**,** as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1488; Ordinance No. 30642; and

WHEREAS, City Council must review the proposed 2019 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2018 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the Oak Lawn-Hi Line Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1188; and

WHEREAS, the Oak Lawn-Hi Line Improvement District Corporation provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of $0.15 per $100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Oak Lawn-Hi Line Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Oak Lawn-Hi Line Improvement Corporation (OLHLIC) authorizing the disbursement of assessments to OLHLIC; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by DCAD.

The assessment amount for 2018 is proposed to be $362,146. This amount shall be apportioned in an amount equal to $0.15 per $100.00 of appraised value as determined by the DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year.

SECTION 4. That the City Council hereby authorizes and adopts the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2018, of approximately $368,084. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 6th Floor, 1500 Marilla Street, Dallas, Texas 75201 was published in the official newspaper of the City of Dallas, Texas 75201 before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2019. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the Chief Financial Officer is hereby authorized to receive and deposit assessment funds from Dallas County (net County collection fees) in the Oak Lawn-Hi Line Public Improvement District Fund, Fund 9P07, Department ECO, Unit 1862, Revenue Code 8576.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations and oversight conducted by City staff for the District, which amount shall be reimbursed by the District to City through the deduction from assessment revenues received.

SECTION 14. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P07, Department ECO, Unit 1862, Object 3090 to General Fund, Fund 0001, Department ECO, Unit Various, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day-to-day administrative and operational oversight of the District.

SECTION 15. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P07, Department ECO, Unit 1862,Object 3090 to General Fund, Fund 0001, Department BMS, Unit 1272, Object 5011, to reimburse the City Controller's Office for administrative costs incurred for day-to-day accounting responsibilities associated with oversight of the District.

SECTION 16. That no assessment revenue will be disbursed to Oak Lawn-Hi Line Improvement Corporation unless an amended and restated management contract is executed.

SECTION 17. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P07, Department ECO, Unit 1862, Object 3034, Vendor VS0000062817, for assessments due the District as assessed, paid to Dallas County and transferred to the City for processing, net of City administrative fees, any retainage necessary, and any required reconciliation adjustments, related to this activity.

SECTION 18. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P07, Department ECO, Unit 1862, Object 3549, Vendor 243282 for reimbursing Dallas County for refunding assessments paid by property owners in excess of adjusted amounts resulting from successful appeal of property tax values, and for other necessary reconciliation adjustments.

SECTION 19. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

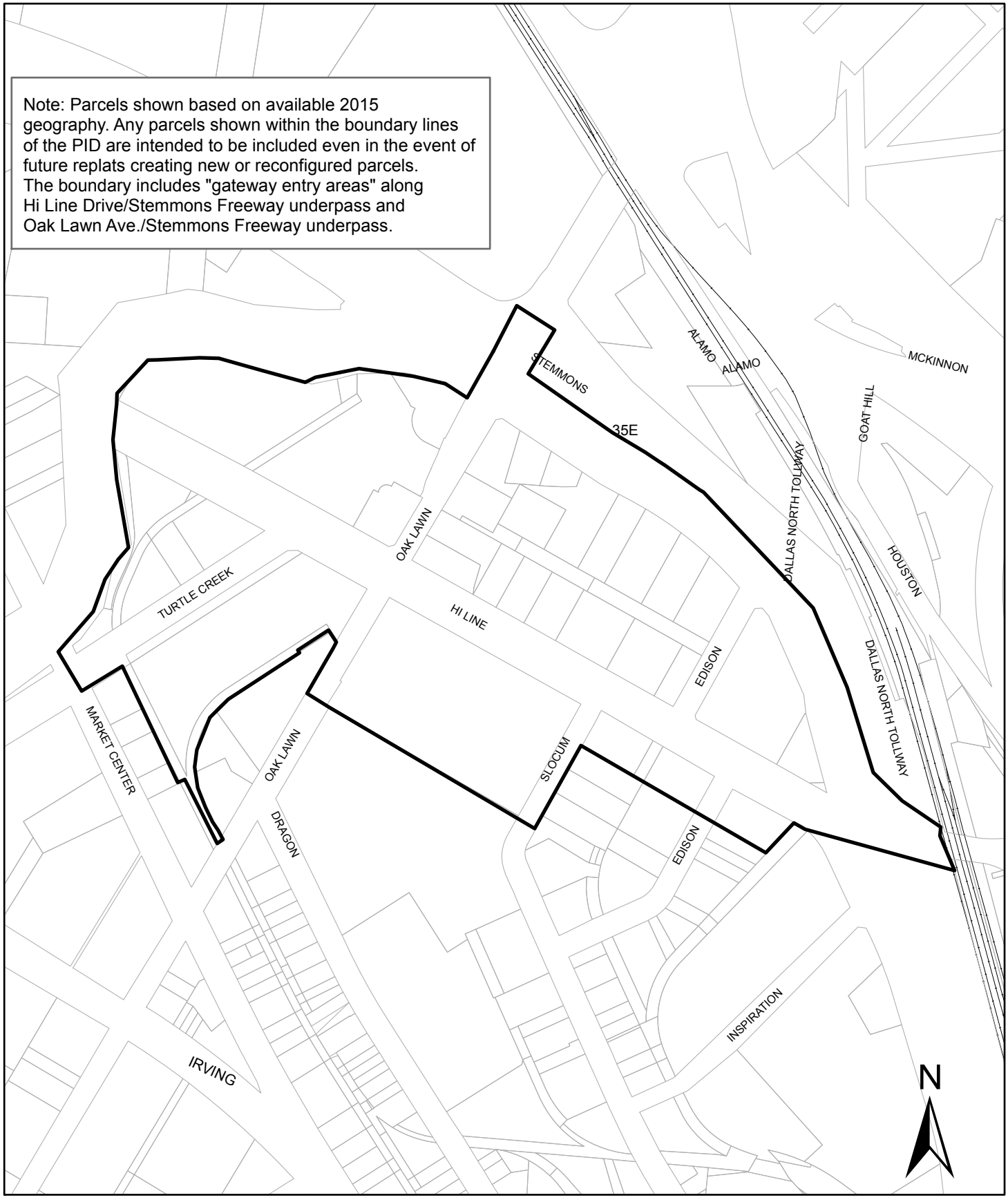
SECTION 20. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY: _____

Assistant City Attorney

Passed _____



Oak Lawn - Hi Line Public Improvement District

Exhibit A

PID Boundary

CITY OF DALLAS

Office of Economic Development
March 2016

Exhibit B
Oak Lawn-Hi Line Public Improvement District - Five Year Service Plan

	2019	2020	2021	2022	2023
INCOME					
Net assessment revenue[1]	$362,146	$386,000	$405,000	$425,000	$446,250
Interest on cash balances	$84	$87	$90	$92	$94
Other income & contributions[2]	$5,854	$0	$0	$0	$0
TOTAL INCOME	$368,084	$386,087	$405,090	$425,092	$446,344
EXPENDITURES					
Security/PID Patrol[3]	$75,000	$78,220	$81,631	$85,212	$88,972
Area Improvements[4]	$120,000	$126,000	$132,000	$138,000	$144,000
General Administrative[5]	$30,000	$33,000	$36,000	$39,000	$42,000
Marketing/Promotion[6]	$20,000	$23,000	$26,000	$29,000	$32,000
Capital Improvements[7]	$102,084	$103,411	$105,580	$109,230	$114,032
Insurance and Audit[8]	$21,000	$22,456	$23,879	$24,650	$25,340
TOTAL EXPENDITURES	$368,084	$386,087	$405,090	$425,092	$446,344

Oak Lawn-Hi Line Public Improvement District--Assessment Plan

The assessment amount is approximately equal to $0.15 per $100.00 of appraised value as determined by the Dallas Central Appraisal District (DCAD).

Notes

1. Net assessment reflects the deduction of City and County fees from the gross assessment collection.
2. Expenditures are anticipated to exceed net assessment revenue and interest income in the earlier years. Deficits will be met with property owner donations.
3. Public Safety consists of contract security patrols inside PID boundary.
4. Area improvements include landscape/irrigation to include turf, trees and periodic flower changes as well as litter and graffiti control. Maintenance of above standard improvements including benches, trash receptacles and bike racks is included. Periodic improvements to refurbish specialty signage and painting treatments.
5. General Administrative costs include management fee, annual tax preparation, bookkeeping charges and postage for public notices.
6. Marketing/Promotion is a public information dissemination primarily through Internet which links neighborhoods together for public safety communication, etc. Seasonal decorations are also planned.
7. Capital Improvements may include transportation planning/design for gateway connections around PID. Replacement of signage, gateway icons, benches, light fixtures, statues, and water falls, etc. Major fencing project around Oak Lawn and Hi Line bridge intersections is being added.
8. Insurance expense provides for liability coverage binder and cost of required annual financial audit.

Exhibit C

OAK LAWN - HI LINE PUBLIC IMPROVEMENT DISTRICT
2018 ASSESSMENT PLAN

The cost of the services and improvements provided by the Oak Lawn-Hi Line Public Improvement District will be paid primarily by assessments against real properties within the Oak Lawn-Hi Line Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The cost of improvements and services in the district will be assessed by application of a single rate applied to all non-exempt property on the combined value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The 2018 assessment rate is proposed at $0.15 per $100.00 of appraised value. The annual assessments rate, during the seven-year life of the District, will not exceed $0.15 per $100.00 of appraised value as determined by the Dallas Central Appraisal District.

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment. Properties otherwise exempt from ad valorum taxes are not subject to assessment. Payment of assessment by other exempt jurisdictions must be established by contract.

The Oak Lawn Hi Line PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Oak Lawn-Hi Line Improvement District Corporation.

Agenda Information Sheet

File #: 18-803 **Item #:** 16.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize an amended and restated management contract with Oak Lawn-Hi Line Improvement Corporation, the non-profit corporation designated as the management entity for the Oak Lawn-Hi Line Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Oak Lawn-Hi Line Improvement Corporation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed contract amendment and the concurrent changes to the District's annual budget and assessment rate ordinance also on the September 12, 2018 addendum.

On June 15, 2016, City Council authorized the renewal of the Oak Lawn-Hi Line Public Improvement District (District), to provide supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District for another 7-year term and a management contract with the Oak Lawn-Hi Line Improvement Corporation (OLHLIC) as the management entity for the District. OLHLIC is a private nonprofit corporation created under the provisions of Section 501(c) (3) of the Internal Revenue Code.

Through the management contract a cooperative relationship is established between the City and OLHLIC with the City Council annually reviewing and approving updates to the service plan and assessment plan, determining and levying assessments and conducting other functions as required by the Chapter 372 of the Texas Local Government Code (the "Act"). The OLHLIC is responsible for managing and implementing the Service Plan of the District.

As per the contract between the City and Dallas County (the "County"), the County has collected the annual assessments for the District and included the assessments as part of the property owner tax bills. The County has retained a fee (currently $2.75 and subject to change) per account that is

deducted from the first dollars collected until the entire fee is paid. After said fee has been paid, subsequent collections had been transferred to a separate OLHLIC established bank account. OLHLIC has been responsible for wiring funds back to the County for any negative balances due to property owner refunds owed.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the Public Improvement District (PID) as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract.

The City may hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by OLHLIC to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its fees prior to disbursing the assessment.

No assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 2009, City Council authorized creation of the Oak Lawn-Hi Line Public Improvement District by Resolution No. 09-1679.

On June 15, 2016, City Council held a public hearing to receive comments concerning the renewal of the Oak Lawn-Hi Line Public Improvement District; approval of the Service Plan and management contract by Resolution No. 16-1022.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

No cost consideration to the City.

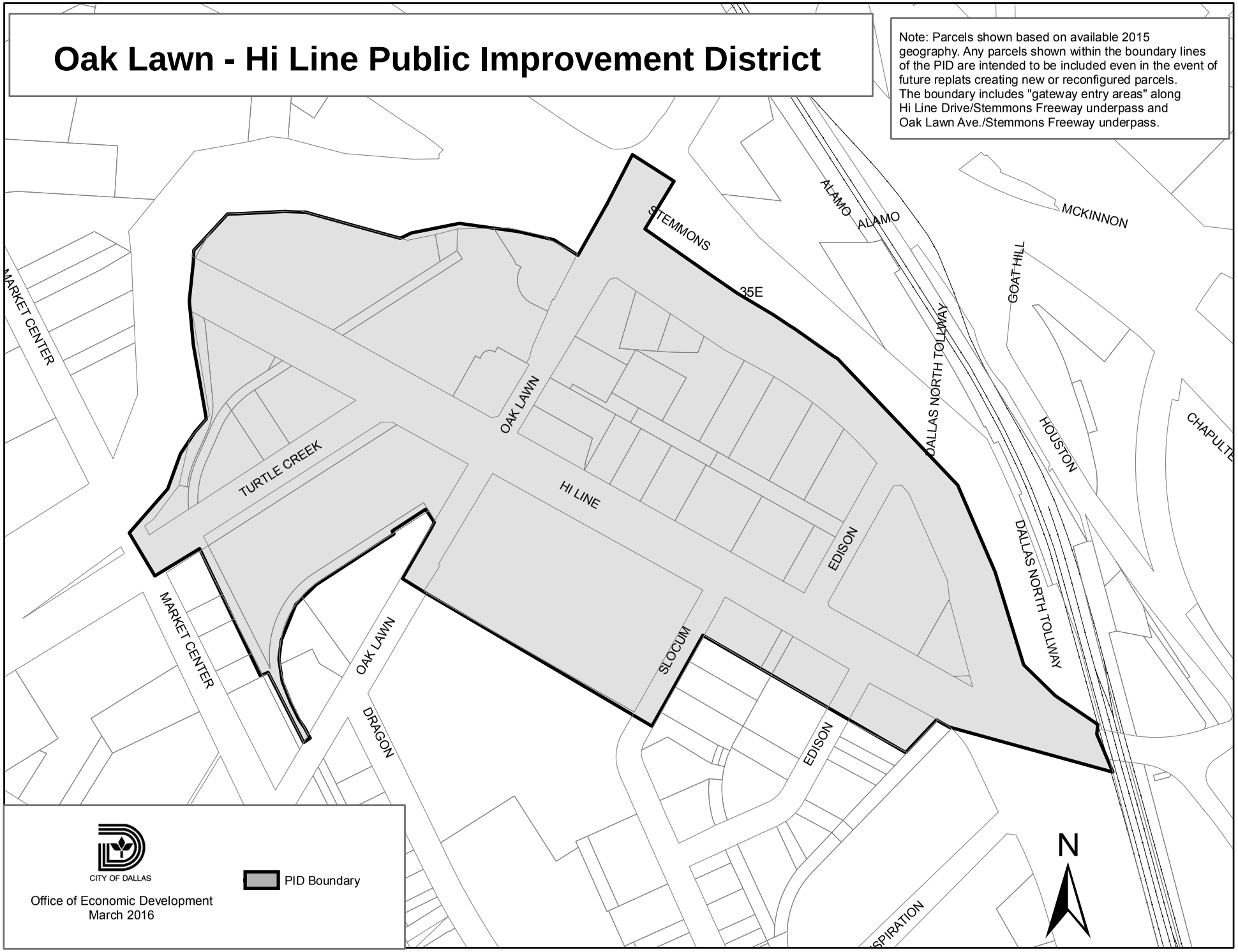
MAP

Attached

powered by Legistar™

Oak Lawn - Hi Line Public Improvement District

Note: Parcels shown based on available 2015 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels. The boundary includes "gateway entry areas" along Hi Line Drive/Stemmons Freeway underpass and Oak Lawn Ave./Stemmons Freeway underpass.



CITY OF DALLAS

Office of Economic Development
March 2016

PID Boundary

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on June 24, 2009, City Council authorized the creation of the Oak Lawn-Hi Line Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Oak Lawn-Hi Line Improvement Corporation (OLHLIC) as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 09-1679; and

WHEREAS, on June 15, 2016, City Council authorized the renewal of the Oak Lawn-Hi Line Public Improvement District and approval of the Service Plan and management contract by Resolution No. 16-1022; and

WHEREAS, with pending changes in the process for the disbursement of assessment revenue and to address other amendments to the agreement form it is necessary to amend the existing management contract with Oak Lawn-Hi Line Improvement Corporation.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amended and restated management contract with Oak Lawn-Hi Line Improvement Corporation, the non-profit corporation designated as the management entity for the Oak Lawn-Hi Line Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Oak Lawn-Hi Line Improvement Corporation, and to address other amendments to the agreement form.

SECTION 2. That no assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

SECTION 3. That the amended management contract shall allow the City to hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by OLHLIC to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its oversight and related fees prior to disbursing the assessment.

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 #: 18-804 **Item #:** 17.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 12

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Prestonwood Public Improvement District

A public hearing concerning the proposed levy of assessment for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Prestonwood Homeowners Association authorizing the disbursement of assessments to Prestonwood Homeowners Association; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to an amended and restated management contract, also on the September 12, 2018 addendum, that is necessary to implement new procedures for the disbursement of assessment revenue and to address other amendments to the agreement form.

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass

on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

The Prestonwood Homeowners Association provided City staff with the proposed District Service Plan for 2019 and the proposed Assessment Plan for 2018 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract along with related changes. No assessment revenue will be disbursed until an amended management contract is executed.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District.

The general nature of the proposed services and improvements to be performed by the District includes enhanced security and security related improvements within the District as authorized by the Act.

(b) Estimated Cost of the Services and Improvements. During the next five-year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately $378,520 in 2019 and reach $427,284 in 2023. The total estimated assessments to be collected for during the next five-year period is approximately $2,505,392. The District shall incur no bonded indebtedness.

(c) Boundaries. The boundaries of the District are shown on the attached map of the District.

(d) Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be $423,306. This amount is approximately equal to $0.0825 per $100.00 of appraised value as determined by DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year. The annual assessment rate shall not exceed $0.15 per $100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of $0.15 per $100.00 valuation subject to appropriations set forth in the petition that created the District. Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections.

The real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions

of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

(e) Apportionment of costs between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 14, 1997, City Council authorized the creation of the Prestonwood Public Improvement District, approval of the Service Plan and management contract by Resolution No. 97-1575.

On August 11, 2004, City Council authorized the renewal of the Prestonwood Public Improvement District, approval of the Service Plan and management contract by Resolution No. 04-2328.

On June 22, 2011, City Council authorized the renewal of the Prestonwood Public Improvement District, approval of the Service Plan and management contract by Resolution No. 11-1796.

On September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1489; Ordinance No. 20643.

On May 23, 2018, City Council authorized the renewal of the Prestonwood Public Improvement District, approval of the Service Plan and management contract by Resolution No. 18-0785.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed Prestonwood Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1189.

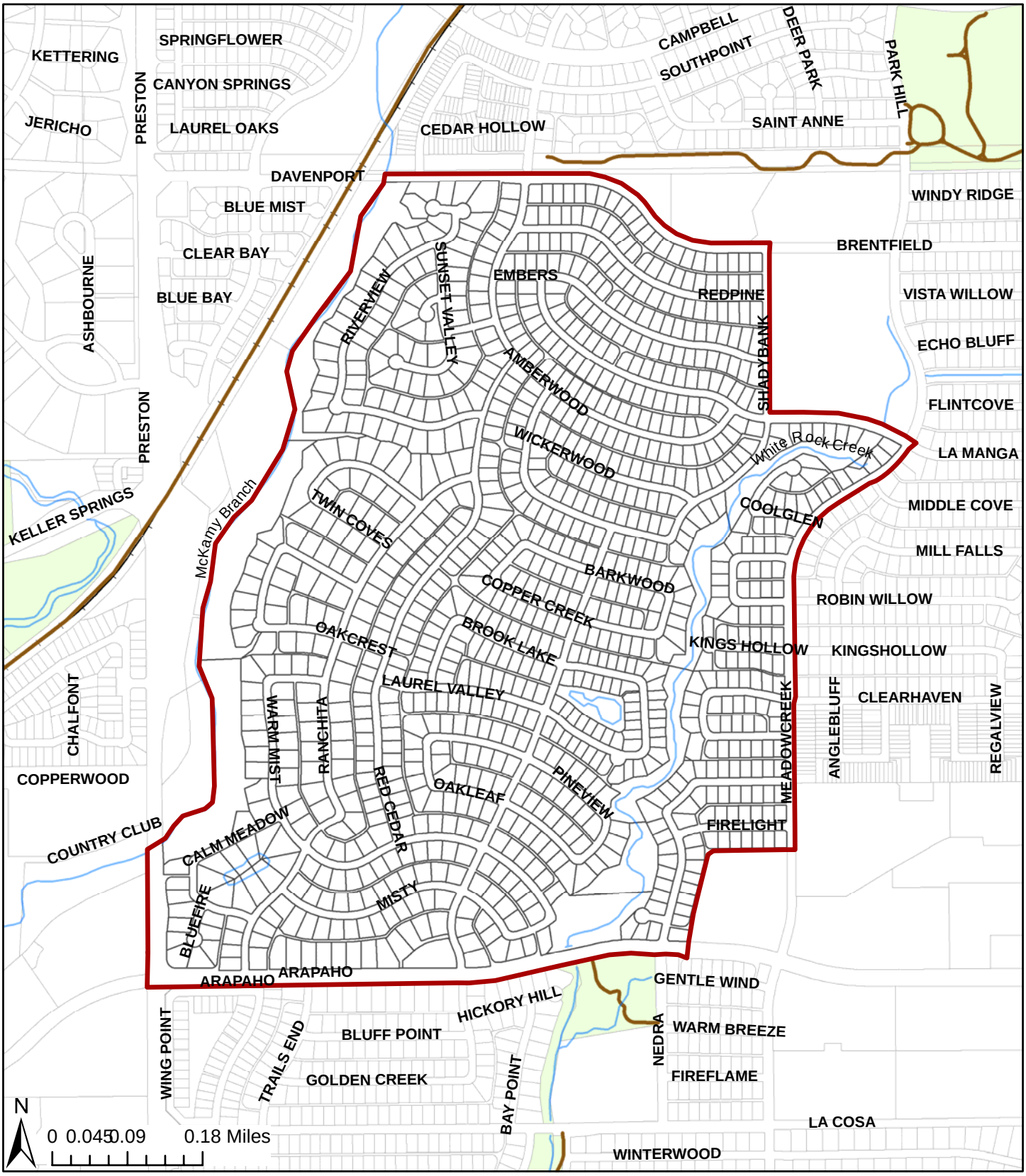
On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

Cost consideration to others - the proposed assessment amount is approximately equal to $0.0825 per $100.00 of appraised value as determined by the DCAD (i.e. property owners within the boundaries of the Public Improvement District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

MAP

Attached



Prestonwood PID Boundary Map

Prestonwood PID Boundary

City of Dallas

Office of Economic Development
August 2007

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2019 SERVICE PLAN, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE PRESTONWOOD PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2019; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AUTHORIZING THE RECEIPT AND DEPOSIT OF ASSESSMENTS FROM DALLAS COUNTY; PURSUANT TO AN AMENDED AND RESTATED MANAGEMENT CONTRACT WITH PRESTONWOOD HOMEOWNERS ASSOCIATION AUTHORIZING THE DISBURSEMENT OF ASSESSMENTS TO PRESTONWOOD HOMEOWNERS ASSOCIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the Act) allows for the creation of public improvement districts; and

WHEREAS, on May 14, 1997, the City Council established the Prestonwood Public Improvement District (the District), pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District; designated Prestonwood Homeowners Association as the manager of the District and authorized a contract for management services; and approved the District Service Plan by Resolution No. 97-1575; and

WHEREAS, on September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1488; Ordinance No. 30642; and

WHEREAS, on May 23, 2018, City Council held a public hearing to receive comments concerning the renewal of the Prestonwood Public Improvement District; approval of the Service Plan and management contract by Resolution No. 18-0785, as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, City Council must review the proposed 2019 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2018 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the Prestonwood Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1189; and

WHEREAS, the Prestonwood Homeowners Association provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of $0.0825 per $100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Prestonwood Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Prestonwood Homeowners Association authorizing the disbursement of assessments to Prestonwood Homeowners Association; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by DCAD.

The assessment amount for 2018 is proposed to be $423,306. This amount is approximately equal to $0.0825 per $100.00 of appraised value as determined by DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year.

SECTION 4. That the City Council hereby authorizes and adopts the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2018, of approximately $378,520. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 6th Floor, 1500 Marilla Street, Dallas, Texas 75201 was published in the official newspaper of the City of Dallas, Texas 75201 before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2019. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the Chief Financial Officer is hereby authorized to receive and deposit assessment funds from Dallas County (net County collection fees) in the Prestonwood Public Improvement District Fund, Fund 9P08, Department ECO, Unit 1863, Revenue Code 8576.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations and oversight conducted by City staff for the District, which amount shall be reimbursed by the District to City through the deduction from assessment revenues received.

SECTION 14. That the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P08, Department ECO, Unit 1863, Object 3090 to General Fund, Fund 0001, Department ECO, Unit Various, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day-to-day administrative and operational oversight of the District.

SECTION 15. That the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P08, Department ECO, Unit 1863,Object 3090 to General Fund, Fund 0001, Department BMS, Unit 1272, Object 5011, to reimburse the City Controller's Office for administrative costs incurred for day-to-day accounting responsibilities associated with oversight of the District.

SECTION 16. That no assessment revenue will be disbursed to Prestonwood Homeowners Association unless an amended and restated management contract is executed.

SECTION 17. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P08, Department ECO, Unit 1863, Object 3034, Vendor VC19187, for assessments due the District as assessed, paid to Dallas County and transferred to the City for processing, net of administrative fees, any retainage necessary, and any required reconciliation adjustments, related to this activity.

SECTION 18. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P08, Department ECO, Unit 1863, Object 3549, Vendor 243282 for reimbursing Dallas County for refunding assessments paid by property owners in excess of adjusted amounts resulting from successful appeal of property tax values, and for other necessary reconciliation adjustments.

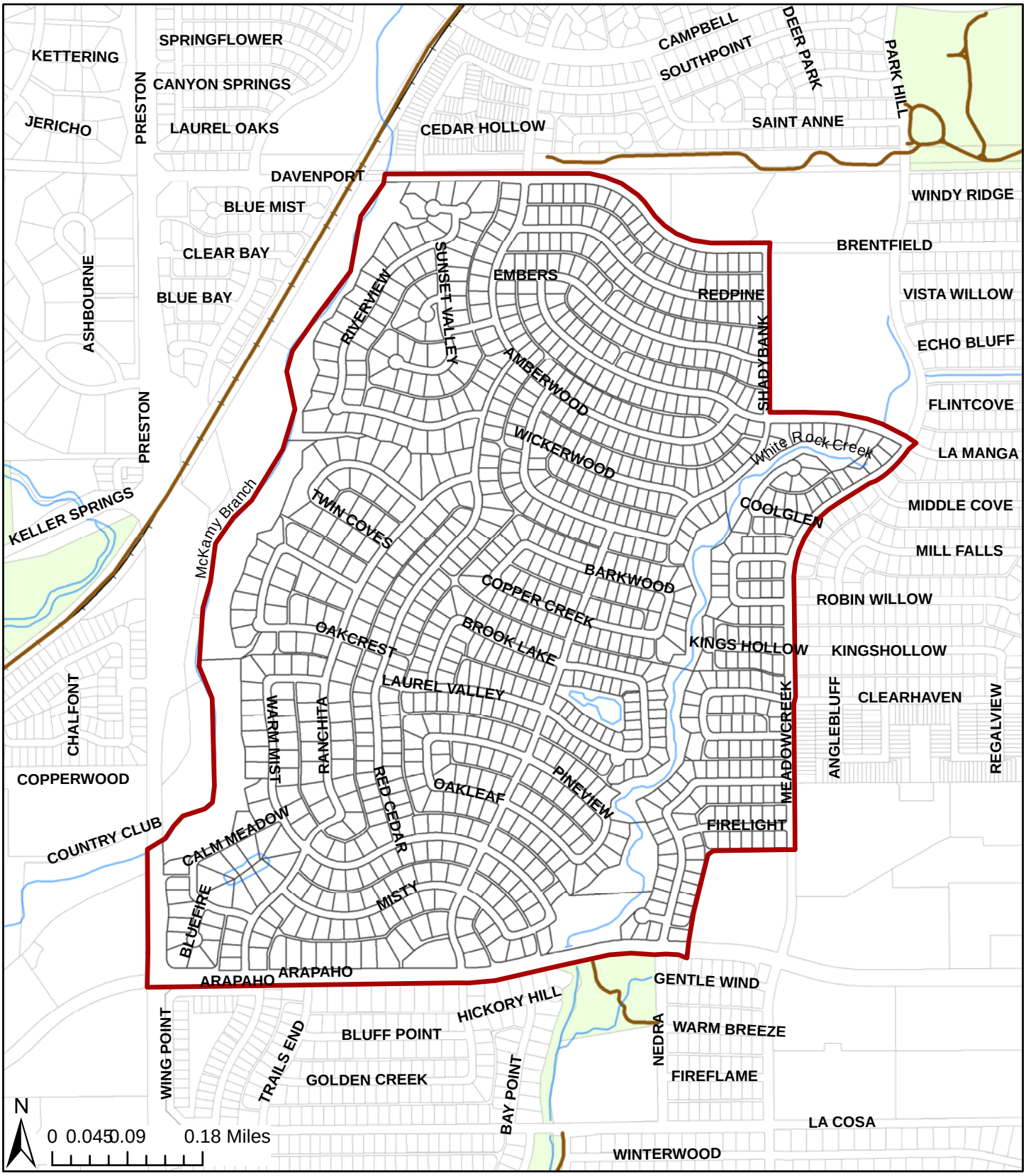
SECTION 19. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 20. That this ordinance 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 ordained.

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

BY: _____
Assistant City Attorney

Passed _____



Prestonwood PID Boundary Map
Exhibit A

Prestonwood PID Boundary

City of Dallas

Office of Economic Development
August 2007

Exhibit B

Prestonwood Public Improvement District

Service Plan 2019-2023

	2019	2020	2021	2022	2023
Estimated annual assessment rate requirement	**0.0825**	**0.0750**	**0.0750**	**0.0750**	**0.0800**
Estimated annual aggregate property valuation increase	2.0%	1.0%	1.0%	0.5%	0.5%
Estimated annual aggregate property valuation	**$ 521,765,065**	**$ 526,982,716**	**$ 532,252,543**	**$ 534,913,806**	**$ 537,588,375**

Revenue & Reserves	2019	2020	2021	2022	2023
Calendar Year Beginning Balance	$ 70,561	$ 115,347	$ 113,275	$ 103,157	$ 82,663
Gross Assessment Revenue	$ 430,456	$ 395,237	$ 399,189	$ 401,185	$ 430,071
PID Oversight Charge from City	$ (7,150)	$ (7,150)	$ (7,150)	$ (7,150)	$ (7,150)
PID Renewal					
Net Assessment Revenue	$ 423,306	$ 388,087	$ 392,039	$ 394,035	$ 422,921
Exempt Jusrisdictions	$ -	$ -	$ -	$ -	$ -
Interest on Cash balances	$ -	$ -	$ -	$ -	$ -
Total Income & Reserves	**$ 493,867**	**$ 503,434**	**$ 505,315**	**$ 497,192**	**$ 505,584**
PID Services					
Public Safety	$ 350,200	$ 360,706	$ 371,527	$ 382,673	$ 394,153
Audit & Insurance	$ 20,000	$ 20,800	$ 21,632	$ 22,497	$ 23,397
Administrative	$ 8,320	$ 8,653	$ 8,999	$ 9,359	$ 9,733
Total Disbursements	**$ 378,520**	**$ 390,159**	**$ 402,158**	**$ 414,529**	**$ 427,284**
Reserve	**$ 115,347**	**$ 113,275**	**$ 103,157**	**$ 82,663**	**$ 78,300**

Assumptions

-Assumes annual audit paid 100% by PID. Insurance fees shared to better reflect benefits received under the policies between PID and PHA.
-Assumes an estimated annual increase in home valuations as indicated.
-Assumes 3.0% annual officer compensation, cost of living & car D31expense increase
- $15,000 PID renewal fee paid in 2017 Service Plan
-Assumes a 4% annual increase in audit and insurance fees.
-Assumes a 4% annual increase in administrative fees. Additionally, a mnanagement fee of $500 per month is charged to the PID by PHA to reflect the cost of operating the PID and time spent by PHA members.
The management fee will be paid retroactively to 1/1/2018

PRESTONWOOD

Exhibit C

PRESTONWOOD PUBLIC IMPROVEMENT DISTRICT
2018 ASSESSMENT PLAN

The cost of services and improvements provided by the Prestonwood Public Improvement District will be paid primarily by assessments against real properties within the Prestonwood Public Improvement District (PID) boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The 2018 assessment rate for the property in the Prestonwood PID is proposed at $0.0825 per $100.00 of value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District which is specifically benefited. City rights-of-way, parks and cemeteries are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract. No such contract is in place, nor is any proposed.

The Prestonwood PID's assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Prestonwood Homeowners Association.

Agenda Information Sheet

File #: 18-805 **Item #:** 18.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 12

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize an amended and restated management contract with Prestonwood Homeowners Association, the non-profit corporation designated as the management entity for the Prestonwood Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Prestonwood Homeowners Association, and to address other amendments to the agreement form - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed contract amendment and the concurrent changes to the District's annual budget and assessment rate ordinance also on the September 12, 2018 addendum.

On May 14, 1997, City Council authorized the renewal of the Prestonwood Public Improvement District (District), to provide supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District for another 7-year term and a management contract with the Prestonwood Homeowners Association as the management entity for the District. Prestonwood Homeowners Association is a private nonprofit corporation created under the provisions of Section 501(c) (3) of the Internal Revenue Code.

Through the management contract a cooperative relationship is established between the City and Prestonwood Homeowners Association with the City Council annually reviewing and approving updates to the service plan and assessment plan, determining and levying assessments and conducting other functions as required by the Chapter 372 of the Texas Local Government Code (the "Act"). The Prestonwood Homeowners Association is responsible for managing and implementing the Service Plan of the District.

As per the contract between the City and Dallas County (the "County"), the County has collected the annual assessments for the District and included the assessments as part of the property owner tax

bills. The County has retained a fee (currently $2.75 and subject to change) per account that is deducted from the first dollars collected until the entire fee is paid. After said fee has been paid, subsequent collections had been transferred to a separate Prestonwood Homeowners Association established bank account. Prestonwood Homeowners Association has been responsible for wiring fund back to the County for any negative balances due to property owner refunds owed.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract.

The City may hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by Prestonwood Homeowners Association to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its fees prior to disbursing the assessment.

No assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 14, 1997, City Council authorized creation of the Prestonwood Public Improvement District by Resolution No. 97-1575.

On May 23, 2018, City Council held a public hearing to receive comments concerning the renewal of the Prestonwood Public Improvement District; approval of the Service Plan and management contract by Resolution No. 18-0785.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

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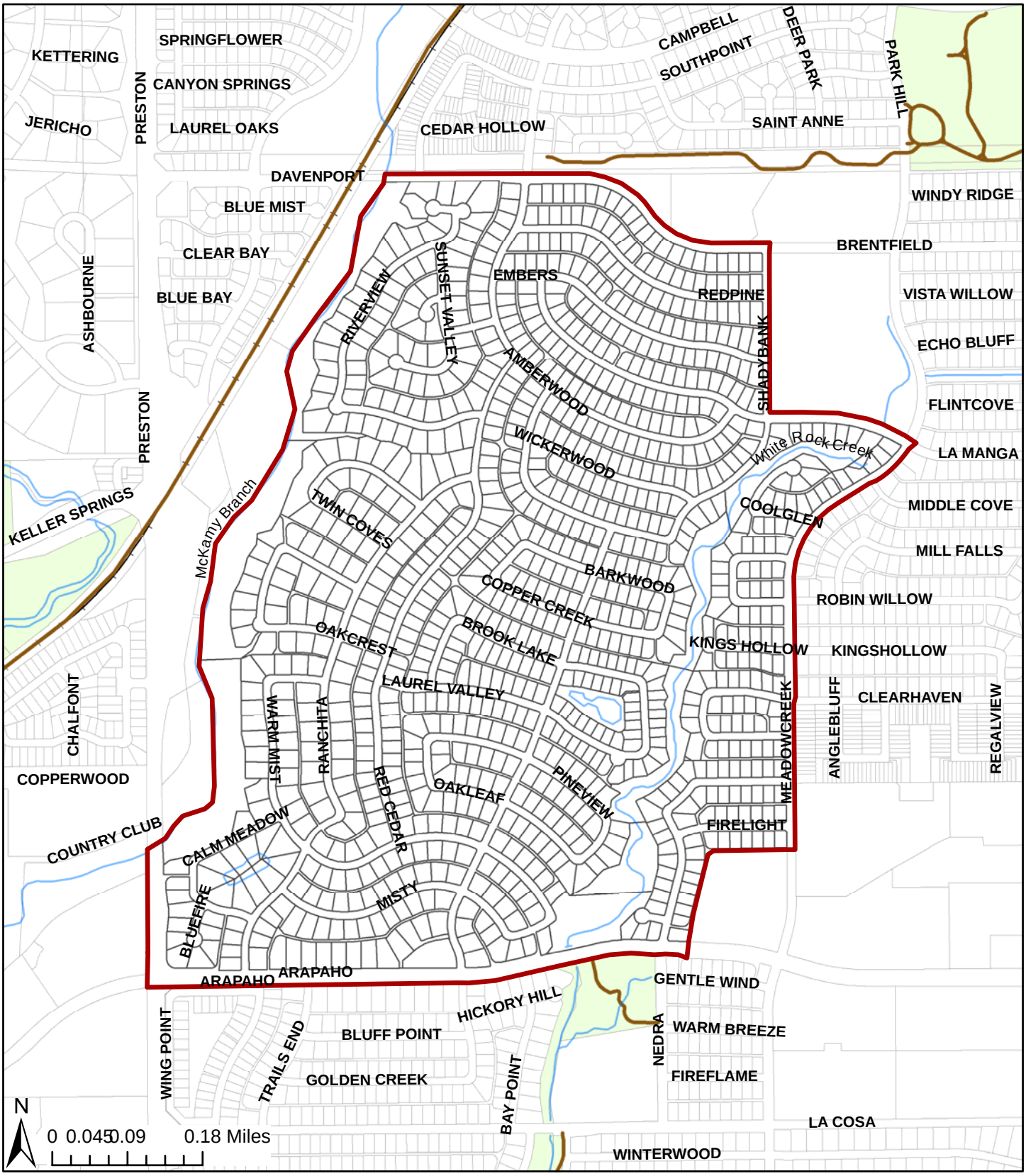

Prestonwood PID Boundary Map

Prestonwood PID Boundary

City of Dallas

Office of Economic Development
August 2007

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on May 14, 1997, City Council authorized the creation of the Prestonwood Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Prestonwood Homeowners Association as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 97-1575; and

WHEREAS, on May 23, 2018, City Council authorized the renewal of the Prestonwood Public Improvement District and approval of the Service Plan and management contract by Resolution No. 18-0785; and

WHEREAS, with pending changes in the process for the disbursement of assessment revenue and to address other amendments to the agreement form it is necessary to amend the existing management contract with Prestonwood Homeowners Association.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amended and restated management contract with Prestonwood Homeowners Association, the non-profit corporation designated as the management entity for the Prestonwood Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Prestonwood Homeowners Association, and to address other amendments to the agreement form.

SECTION 2. That no assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

SECTION 3. That the amended management contract shall allow the City to hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by Prestonwood Homeowners Association to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its oversight and related fees prior to disbursing the assessment.

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 #: 18-808 **Item #:** 19.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

South Side Public Improvement District

A public hearing concerning the proposed levy of assessment for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amendment to the management contract with South Side Quarter Development Corporation (SSQDC) authorizing the disbursement of assessments to SSQDC; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed management contract amendment, also on the September 12, 2018 addendum, that is necessary to implement new procedures for the disbursement of assessment revenue.

Annually, City Council calls and holds a public hearing to consider the proposed assessment rate for property in the Public Improvement Districts (“PID”) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel.

After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

SSQDC provided City staff with the proposed District Service Plan for 2019 and the proposed Assessment Plan for 2018 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract along with related changes. No assessment revenue will be disbursed until an amended management contract is executed.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be provided in the District include enhanced security; safety and security related services to promote the District; services to enhance and protect property values, improve infrastructure, streetscape, and service of common areas; business recruitment; marketing; and other services and improvements as authorized by the Act.

(b) Estimated Cost of the Services and Improvements. During the next five-year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately $287,500.00 in 2019 and reach $289,000.00 in 2023. The total estimated assessments to be collected during the next five-year period is approximately $1,587,000.00. The District shall incur no bonded indebtedness. Unless a specific purpose is identified in the Service Plan, any over collections of assessments for any year shall be returned to the property owners or the assessment rate shall be reduced in the following year so that such surplus cash may be absorbed by the cost of services and improvements to be provided by the management company for that following year. The City shall not levy assessments against property owners that exceed the total amount budgeted for the entire term of the PID without a new petition securing consent of the property owners to such increases in the Service Plan and city council approval.

(c) Boundaries. The boundaries of the District are shown on the attached map of the District.

(d) Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be $260,997.36. This amount is approximately equal to $0.15 per $100.00 of appraised value for the premium service area in the District and $0.12 per $100.00 of appraised value for the standard service area as determined by DCAD.

Once levied, this assessment rate shall not increase during the 2019 Service Plan year. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

(e) Apportionment of costs between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad rights-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 10, 2005, City Council authorized creation of the South Side Public Improvement District, approval of the Service Plan and management contract by Resolution No. 05-2230.

On June 13, 2012, City Council authorized the renewal of the South Side Public Improvement District, approval of the Service Plan and management contract by Resolution No. 12-1585.

On September 9, 2015, City Council authorized an ordinance approving and adopting the final 2016 Service Plan, 2015 Assessment Plan and 2015 Assessment Roll by Resolution No. 15-1702; Ordinance No. 29867.

On September 14, 2016, City Council authorized an ordinance approving and adopting the final 2017 Service Plan, 2016 Assessment Plan and 2016 Assessment Roll by Resolution No. 16-1504; Ordinance No. 30209.

On September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1491; Ordinance No. 30645.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed South Side Public Improvement District's final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1190.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

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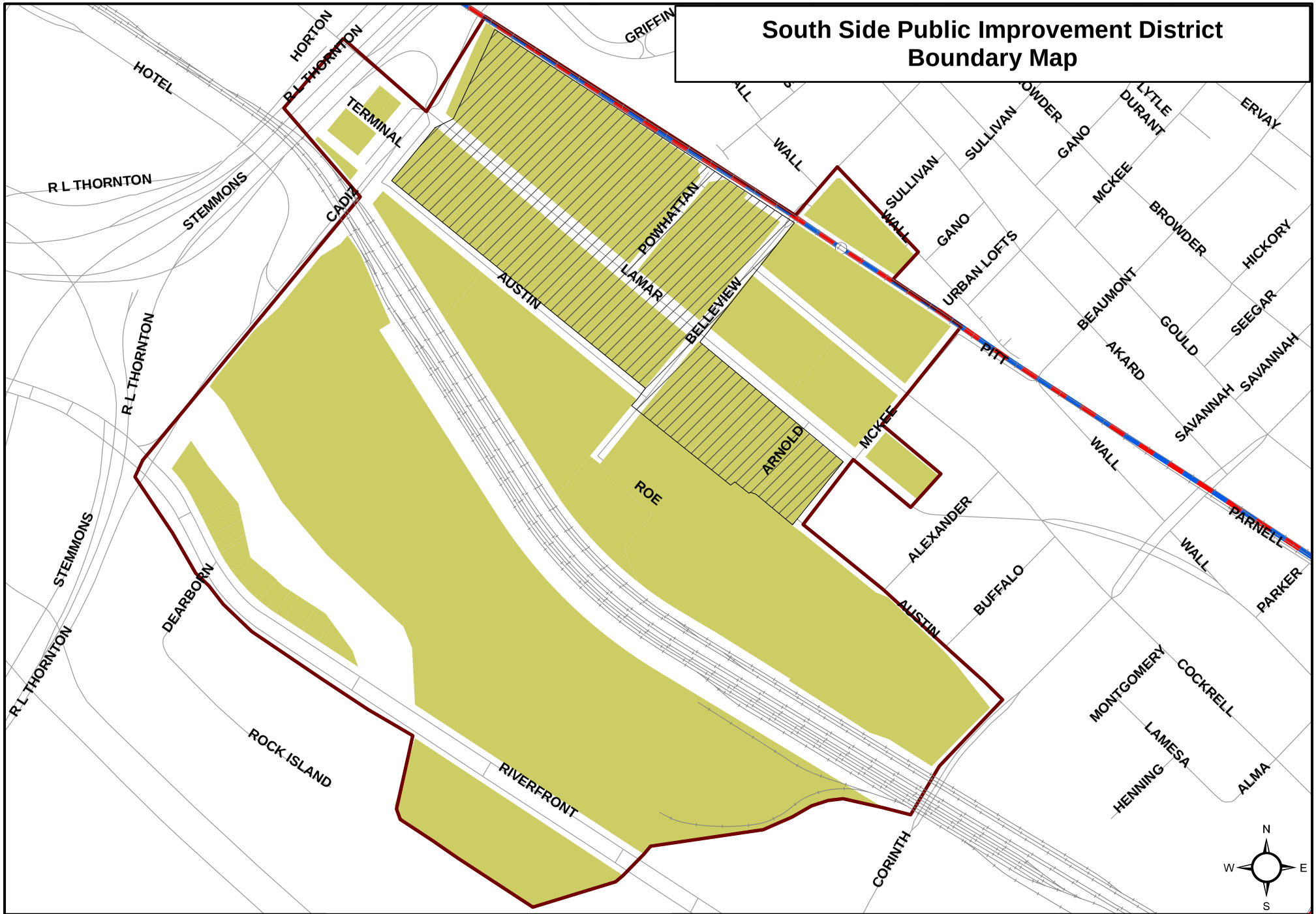
Cost consideration to others - the proposed assessment amount is approximately equal to $0.15 per $100.00 of appraised value for the premium service area in the District and $0.12 per $100.00 of appraised value for the standard service area as determined by the DCAD (i.e. property owners within the boundaries of the Public Improvement District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

MAP

Attached

South Side Public Improvement District Boundary Map



City of Dallas
Office of Economic Development
Created August 2015

0 0.05 0.1 0.2 Miles

Parcels shown based on available 2014 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.

Legend

South Side PID Boundary

SouthSide PID Premium Boundary

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2019 SERVICE PLAN, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE SOUTH SIDE PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2019; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COST FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AUTHORIZING THE RECEIPT AND DEPOSIT OF ASSESSMENTS FROM DALLAS COUNTY; PURSUANT TO AN AMENDED AND RESTATED MANAGEMENT CONTRACT WITH SOUTH SIDE QUARTER DEVELOPMENT CORPORATIION (SSQDC) AUTHORIZING THE DISPURSEMENT OF ASSESSMENTS TO SSQDC; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on August 10, 2005, City Council authorized the creation of the South Side Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated the South Side Quarter Development Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 05-2230; and

WHEREAS, on June 13, 2012, City Council authorized the renewal of the South Side Public Improvement District, and approved the Service Plan and management contract by Resolution No. 12-1585; and

WHEREAS, on September 9, 2015, City Council authorized an ordinance approving and adopting the final 2016 Service Plan, 2015 Assessment Plan and 2015 Assessment Roll by Resolution No. 15-1702; Ordinance No. 29867; and

WHEREAS, on September 14, 2016, City Council authorized an ordinance approving and adopting the final 2017 Service Plan, 2016 Assessment Plan and 2016 Assessment Roll by Resolution No. 16-1504; Ordinance No. 30209; and

WHEREAS, on September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1491; Ordinance No. 30645; and

WHEREAS, City Council must review the proposed 2019 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2018 Assessment Plan raised by any owner of property located within the District and at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the South Side Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1190; and

WHEREAS, the District's manager provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan, as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of $0.15 per $100.00 of appraised value for the premium service area in the District and $0.12 per $100.00 of appraised value for the standard service of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD) is reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the South Side Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with South Side Quarter Development Corporation (SSQDC) authorizing the disbursement of assessments to SSQDC; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2018 is proposed to be $260,997.36. This amount shall be apportioned in an amount equal to $0.15 per $100.00 of appraised value for the District's premium service area and $0.12 per $100.00 of appraised value for its standard service area as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2019 service plan year.

SECTION 4. That City Council hereby authorizes and adopts the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2017, of approximately $260,997.36. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2018. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the Chief Financial Officer is hereby authorized to receive and deposit assessment funds from Dallas County in the South Side Public Improvement District Fund, Fund 9P10, Department ECO, Unit 1865 and Unit 1872, Revenue Code 8576.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations and oversight conducted by City staff for the District, which amount shall be reimbursed by the District to City through the deduction from assessment revenues received.

SECTION 14. That the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P10, Department ECO, Unit 1865 and Unit 1872, Object 3090 to General Fund, Fund 0001, Department ECO, Unit 1272, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day-to-day administrative and operational oversight of the District.

SECTION 15. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P10, Department ECO, Unit 1865 and Unit 1872, Object 3090 to General Fund, Fund 0001, Department BMS, Unit 1272, Object 5011, to reimburse the City Controller's Office for administrative costs incurred for day-to-day accounting responsibilities associated with oversight of the District.

SECTION 16. That no assessment revenue will be disbursed to SSQDC unless an amended and restated management contract is executed.

SECTION 17. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P10, Department ECO, Unit 1865 and Unit 1872, Object 3549, Vendor 520788 for assessments due the District as assessed, paid to Dallas County and transferred to the City for processing, net of City administrative fees, any retainage necessary, and any reconciliation adjustments related to this activity.

SECTION 18. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P10, Department ECO, Unit 1865 and Unit 1872, Object 3549, Vendor 243282 for reimbursing Dallas County for refunding assessments paid by property owners in excess of adjusted amounts resulting from successful appeal of property tax values, and for other necessary reconciliation adjustments.

SECTION 19. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

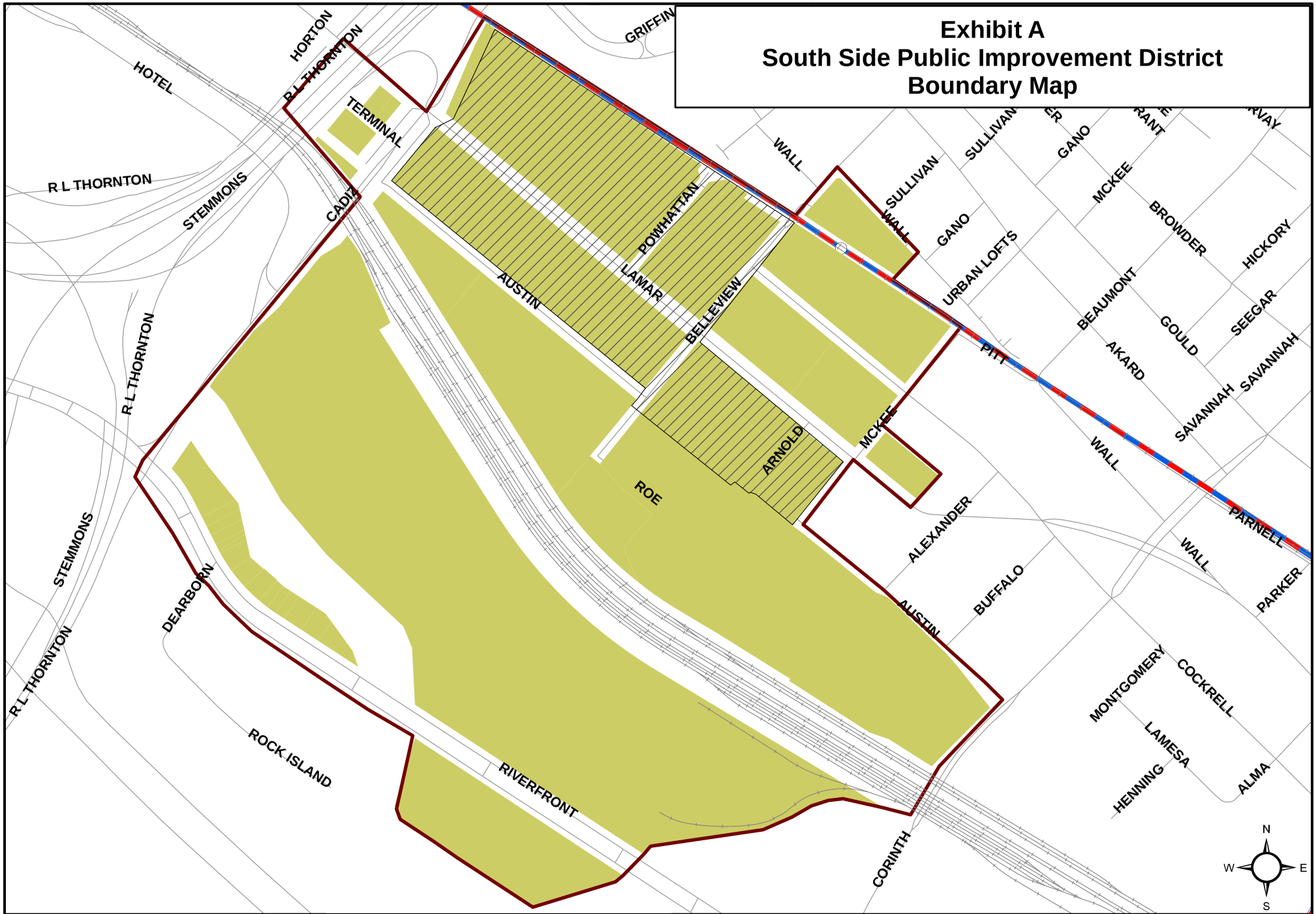
SECTION 20. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY: _____
Assistant City Attorney

Passed: _____

Exhibit A
South Side Public Improvement District
Boundary Map



City of Dallas
Office of Economic Development
Created August 2015

0 0.05 0.1 0.2 Miles

Parcels shown based on available 2014 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.

Legend

South Side PID Boundary

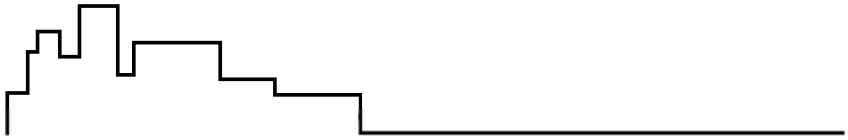
SouthSide PID Premium Boundary

Exhibit B

South Side Public Improvement District Service Plan 2017-2022					
	2019	**2020**	**2021**	**2022**	**2023**
NET TOTAL ASSESSMENTS	$ 253,449.00	$ 261,000.00	$ 270,000.00	$ 275,000.00	$ 280,000.00
Surplus/Deficit from previous year	$ 57,701.12	$ 23,650.12	$ 19,150.12	$ 20,650.12	$ 17,150.12
Estimated Annual Income to District	**$ 311,150.12**	**$ 284,650.12**	**$ 289,150.12**	**$ 295,650.12**	**$ 297,150.12**
Public Improvements					
Distinctive lighting/signs					
Water, wastewater, drainage					
Fountains					
Special Supplemental Services					
Park improvements (1)	$ 90,000.00	$ 92,500.00	$ 95,000.00	$ 100,000.00	$ 110,000.00
Public safety/security (2)	$ 85,000.00	$ 85,000.00	$ 85,000.00	$ 85,000.00	$ 85,000.00
Public art projects (3)	$ 15,000.00				
Business recruitment/marketing (4)	$ 30,000.00	$ 30,000.00	$ 30,000.00	$ 30,000.00	$ 30,000.00
Cultural events (5)	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00
Administration	$ 30,000.00	$ 35,000.00	$ 35,000.00	$ 40,000.00	$ 40,000.00
Audit (6)	$ 6,500.00	$ 7,000.00	$ 7,500.00	$ 7,500.00	$ 8,000.00
Insurance (7)	$ 6,000.00	$ 6,000.00	$ 6,000.00	$ 6,000.00	$ 6,000.00
2019 Renewal Fee	$ 15,000.00				
Estimated Annual Expenses to District	**$287,500.00**	**$ 265,500.00**	**$268,500.00**	**$ 278,500.00**	**$ 289,000.00**
SURPLUS (DEFICIT)	$ 23,650.12	$ 19,150.12	$ 20,650.12	$ 17,150.12	$ 8,150.12

(1) Dog park/pedestrian area/plaza improvements
(2) RHI security group patrol and ensure safety throughout PID
(3) mural and artistic updates to beautify PID
(4) marketing and promotional ads & events, website maintainance & development
(5) events and programs to enrich the culture of the historic area
(6) Audit line item also includes quarterly and annual accounting charges
(7) Insurance line item covers both insurance and legal fees

Exhibit C



SOUTH SIDE QUARTER DEVELOPMENT CORPORATION

The Creative District in the Heart of Dallas

SOUTH SIDE QUARTER PUBLIC IMPROVEMENT DISTRICT
2018 ASSESSMENT PLAN

The cost of the services and improvements provided by the South Side Public Improvement District will be paid primarily by assessments against real properties within the South Side Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The 2019 assessment rate for the property in the premium service area is proposed at $0.15 per $100.00 of value. The 2018 assessment rate for the property in the standard service area is proposed at $0.12 per $100.00. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property including City rights-of-way and parks. Payment of assessments by other tax-exempt owners must be established by contract. No such contracts are in place at present.

The South Side PID's assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the South Side Quarter Development Corporation.

1401 S. Lamar Dallas, Texas 75215
(214) 426-0771 • Fax (214) 426-6217 • www.southsidequarter.org

Agenda Information Sheet

File #: 18-809 **Item #:** 20.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize an amended and restated management contract with South Side Quarter Development Corporation, the non-profit corporation designated as the management entity for the South Side Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to South Side Quarter Development Corporation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed contract amendment and the concurrent changes to the District's annual budget and assessment rate ordinance also on the September 12, 2018 addendum.

On June 13, 2012, City Council authorized the renewal of the South Side Public Improvement District (District), to provide supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District for another 7-year term and a management contract with the South Side Quarter Development Corporation (SSQDC) as the management entity for the District. SSQDC is a private nonprofit corporation created under the provisions of Section 501(c) (3) of the Internal Revenue Code.

Through the management contract a cooperative relationship is established between the City and SSQDC with the City Council annually reviewing and approving updates to the service plan and assessment plan, determining and levying assessments and conducting other functions as required by the Chapter 372 of the Texas Local Government Code (the "Act"). The SSQDC is responsible for managing and implementing the Service Plan of the District.

As per the contract between the City and Dallas County (the "County"), the County has collected the annual assessments for the District and included the assessments as part of the property owner tax bills. The County has retained a fee (currently $2.75 and subject to change) per account that is

deducted from the first dollars collected until the entire fee is paid. After said fee has been paid, subsequent collections had been transferred to a separate SSQDC established bank account. SSQDC has been responsible for wiring fund back to the County for any negative balances due to property owner refunds owed.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract.

The City may hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by SSQDC to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its fees prior to disbursing the assessment.

No assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 10, 2005, City Council authorized creation of the South Side Public Improvement District by Resolution No. 05-2230.

on June 13, 2012, City Council authorized the renewal of the South Side Public Improvement District and approved the Service Plan and management contract by Resolution No. 12-1585.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

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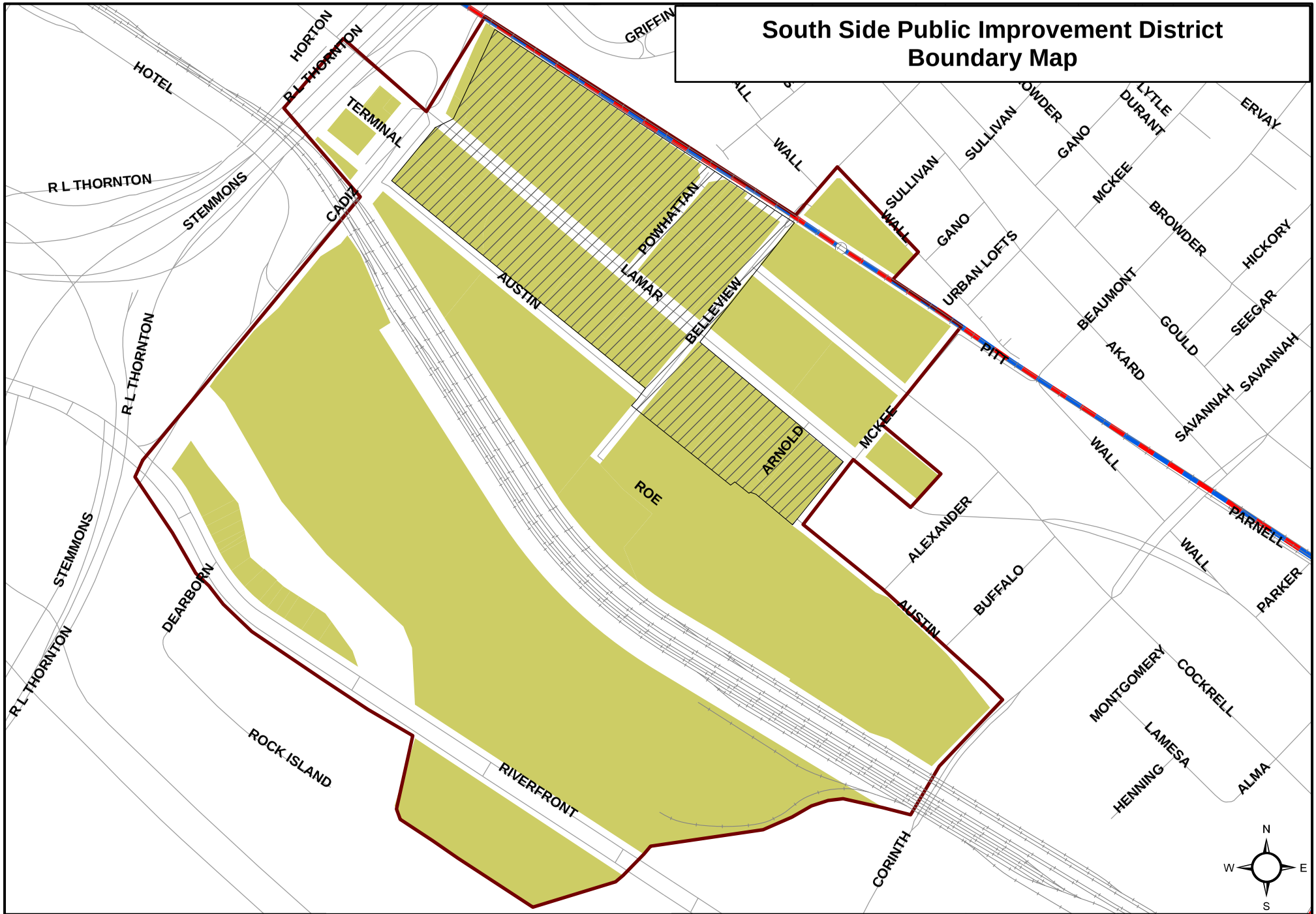
South Side Public Improvement District Boundary Map



City of Dallas
Office of Economic Development
Created August 2015

0 0.05 0.1 0.2 Miles

Parcels shown based on available 2014 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.

Legend

South Side PID Boundary

SouthSide PID Premium Boundary

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on August 10, 2005, City Council authorized the creation of the South Side Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated the South Side Quarter Development Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 05-2230; and

WHEREAS, on June 13, 2012, City Council authorized the renewal of the South Side Public Improvement District, and approved the Service Plan and management contract by Resolution No. 12-1585; and

WHEREAS, with pending changes in the process for the disbursement of assessment revenue and to address other amendments to the agreement form it is necessary to amend the existing management contract with South Side Quarter Development Corporation.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amended and restated management contract with South Side Quarter Development Corporation, the non-profit corporation designated as the management entity for the South Side Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to South Side Quarter Development Corporation (SSQDC) and to address other amendments to the agreement form.

SECTION 2. That no assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

SECTION 3. That the amended management contract shall allow the City to hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by SSQDC to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its oversight and related fees prior to disbursing the assessment.

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 #: 18-810 **Item #:** 21.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 2,5,6,7,8,9,10,11,12,13,14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Tourism Public Improvement District

A public hearing concerning the proposed levy of assessment for the Tourism Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final Service Plan for 2018-19, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments on Dallas hotels with 100 or more rooms, for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters and although the Tourism Public Improvement District does not need a contract amendment, since its funding source is different than the other 13 Public Improvement Districts (PID), it has been scheduled on the same agenda as the other PIDs that are in need of a contract amendment.

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any hotel. After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

The Dallas Tourism Public Improvement District Corporation provided City staff with the proposed Service Plan for 2018-19 and proposed 2018 Assessment Plan for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The proposed services and improvements to be provided in the District include marketing, business recruitment, and promotional activities authorized by the Act for improvement and promotion of the district, including the provision of incentives by the Dallas Convention and Visitors Bureau to organizations to encourage them to bring their large and city wide meetings to Dallas and to fund additional marketing by the Dallas Convention and Visitors Bureau to increase hotel stays within the City.

(b) Estimated Cost of the Services and Improvements. During the next thirteen (13) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately $18,222,755 in 2018-19 and reach $22,149,873 in 2021-22; however, in no event shall the assessment amount exceed two percent of the price paid to hotels for a room in a hotel. The total estimated assessments to be collected during the next five-year period is approximately $100,692,226. In the event the District requires additional funds, the District shall re-petition the hotel owners for such an increase. The District shall not incur bonded indebtedness.

The service plan budget and assessment amount are subject to annual review by the tourism public improvement district board, and are subject to an annual public hearing and approval by the City Council.

(c) Boundaries. The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached map of the District.

(d) Method of Assessment. The District assessment will be levied on hotels with 100 or more rooms (“qualifying hotels”) located within the District. The proposed cost of the services and improvements to be provided shall be assessed in a manner that results in imposing equal shares of the cost of the services qualifying on hotels that are similarly benefitted. Under the Act, the apportionment of the cost of the services against property in the District territory must be made on the basis of special benefits accruing to the property because of the services and improvements provided. The total cost of the services and improvements to be provided shall be apportioned at a rate of 2% of room-nights sold at qualifying hotels located within the District territory until the budget for services and improvements for the year is reached.

Accordingly, those qualifying hotels that sell more rooms will pay a greater portion of the assessment since those properties benefit more from the promotion and marketing services provided by the District. Rooms that are not subject to the City’s hotel occupancy tax shall not be included for the District assessment. The total assessment must be reviewed and approved annually by the Dallas City Council. The total assessment amount for the year may be less than the amount budgeted for the year, but it shall not be more than the amount budgeted for the year as shown in the adopted service plan.

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(e) Apportionment of costs between the District and the Municipality as a Whole. The District shall continue to pay the cost of the supplemental services described in the Service Plan by assessment against the hotels with 100 or more rooms within the District, including City-owned qualifying hotels located within the District territory, such as the Omni Hotel.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2012, City Council authorized the creation of the Tourism Public Improvement District, approval of the Service Plan and management contract by Resolution No. 12-1581.

On August 10, 2016, City Council authorized the renewal of the Tourism Public Improvement Distinct, approval of the Service Plan and management contract by Resolution No. 16-1250.

On September 13, 2017, City Council authorized an ordinance approving and adopting the final Service Plan for 2017-18, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1492; Ordinance No. 30646.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed Tourism Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1191.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

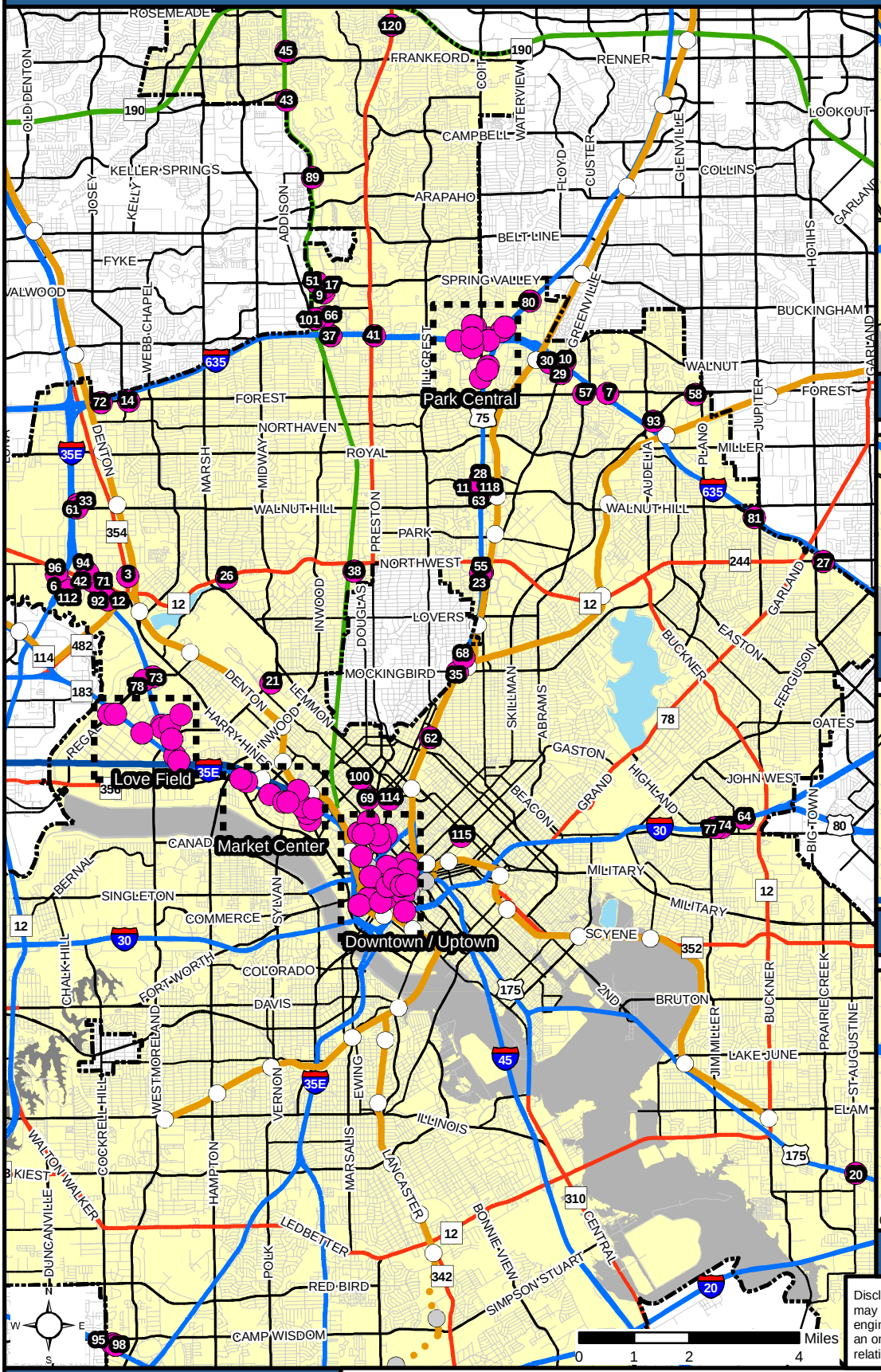
FISCAL INFORMATION

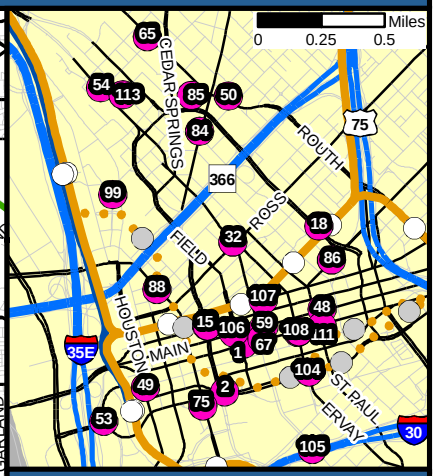
For designated hotel properties, the total cost of the services and improvements to be provided shall be apportioned at a rate of 2 percent of room-nights sold at qualifying hotels located within the District territory until the budget for services and improvements for the year is reached.

MAP

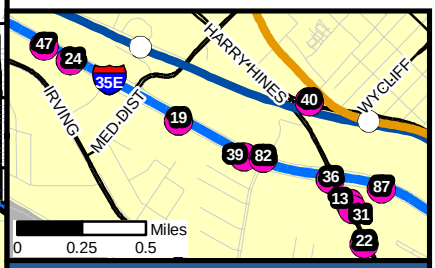
Attached

Tourism PID Hotels

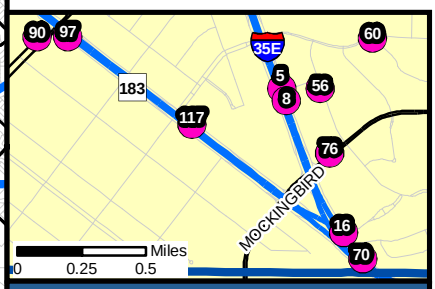




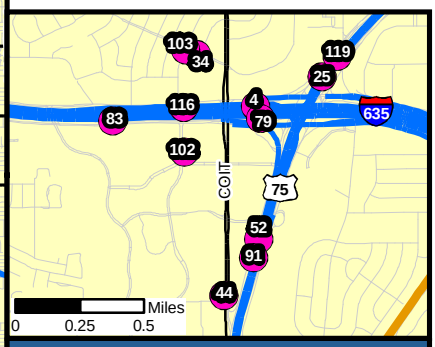
Downtown / Uptown



Market Center



Love Field



Park Central

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

DALLAS
ECONOMIC DEVELOPMENT

Research & Information Division
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Created 5.30.2016, Updated 6.2.2016 - Tourism_PID_2016.TCG

Legend

- Tourism PID Hotel
- Rail Station
- Future Station
- DART Light Rail
- Commuter Rail
- Future DART Light Rail
- Freeway
- Tollway
- Highway
- Arterial
- Local Road
- Escarpment
- Flood Plain
- Lake
- City of Dallas

Source: Hotel List - Dallas CVB, 2016; All Other Data - City of Dallas, 2016

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL SERVICE PLAN FOR 2018-19, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE TOURISM PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2018; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on June 13, 2012, City Council established the Tourism Public Improvement District (the District) pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated the Dallas Tourism Public Improvement District Corporation as the manager of the District and authorized a contract for management services; and approved the District Service Plan, by Resolution No. 12-1581; and

WHEREAS, City Council has subsequently authorized the renewal of the District on August 10, 2016 by Resolution No. 16-1250 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1492; Ordinance No. 30642; and

WHEREAS, City Council must review the proposed 2018-19 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2018 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the Tourism Public Improvement District final 2018-19 Service Plan and 2018 Assessment Rate by Resolution No. 18-1191; and

WHEREAS, the Dallas Tourism Public Improvement District Corporation provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the hotel property owners and that the apportionment of the cost among the hotel properties with 100 or more rooms for the services and improvements based on a 2% rate on hotel room nights sold are reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final Service Plan for 2018-19, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Tourism Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the TPID assessment will be levied on hotels with 100 or more rooms ("qualifying hotels") located within the TPID territory attached hereto as **Exhibit A-1**. The proposed cost of the services and improvements to be provided shall be assessed in a manner that results in imposing equal shares of the cost of the services on qualifying hotels that are similarly benefitted. The apportionment of the cost of the services against property in the TPID territory must be made on the basis of special benefits accruing to the property because of the services and improvements provided.

Accordingly, those qualifying hotels that sell more rooms shall pay a greater portion of the assessment since those properties benefit more from the promotion and marketing services provided by the district. The total cost of the services and improvements to be provided shall be apportioned at a rate of 2% of room-nights sold at qualifying hotels located within the TPID territory until the budget for services and improvements for the year is collected. Rooms that are not subject to the City's hotel occupancy tax shall not be included for the TPID assessment There are no exempt jurisdictions or entities that meet the definition of "qualifying hotels". City-owned hotels such as the Omni are subject to this assessment.

SECTION 4. That City Council hereby authorizes and adopts the final Service Plan for 2018-19, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending September 31, 2019, of approximately $18,222,755. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 6th Floor, 1500 Marilla Street, Dallas, Texas 75201 was published in the official newspaper of the City of Dallas, Texas 75201 before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of 8 percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before October 1, 2018. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer be authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department, ECO, Unit 9884, Revenue Source 7399; and that the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Dept. ECO, Unit 9884, to General Fund 0001, Department, ECO, Unit Various, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance 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 ordained

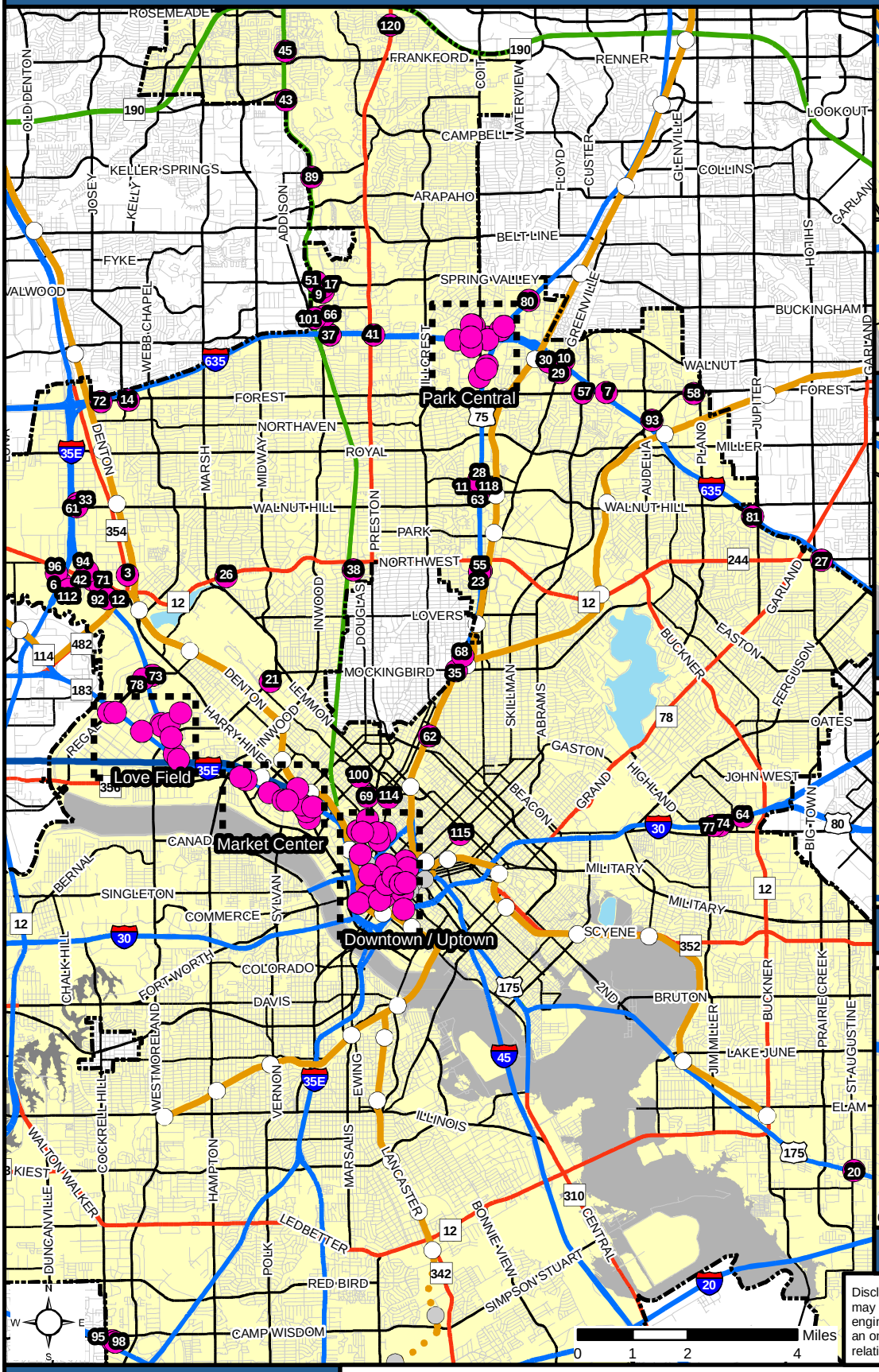
APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

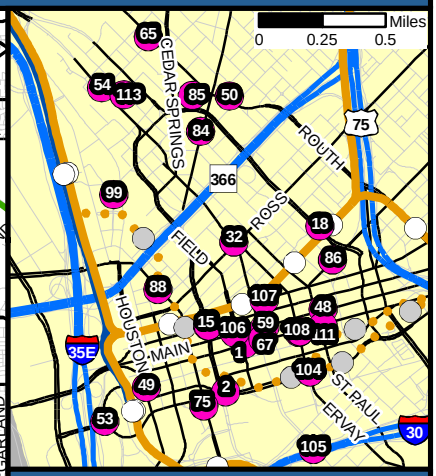
BY: _____
Assistant City Attorney

Passed _____

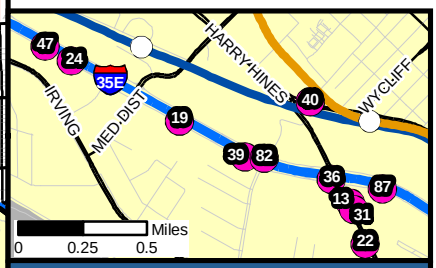
Exhibit A

Tourism PID Hotels

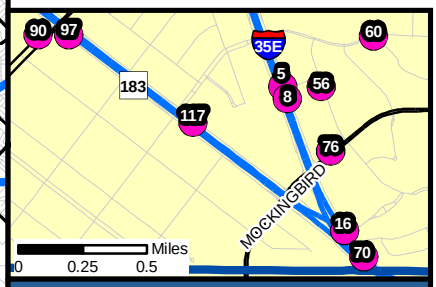




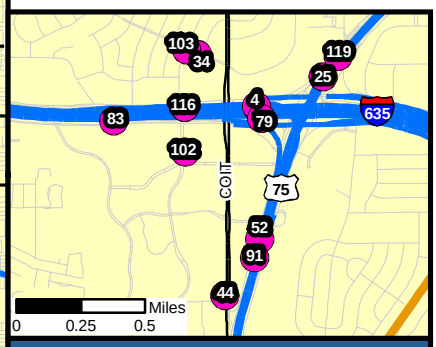
Downtown / Uptown



Market Center



Love Field



Park Central

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Created 5.30.2016, Updated 6.2.2016 - Tourism_PID_2016.TCG

Legend

- Tourism PID Hotel
- Rail Station
- Future Station
- DART Light Rail
- Commuter Rail
- Future DART Light Rail
- Freeway
- Tollway
- Highway
- Arterial
- Local Road
- Escarpment
- Flood Plain
- Lake
- City of Dallas

Source: Hotel List - Dallas CVB, 2016; All Other Data - City of Dallas, 2016

Exhibit A-1

2016 Assessment Roll for the Tourism Public Improvement District (TPID)

2016 Assessment Roll for the Tourism Public Improvement District (TPID)	Street No.	Street Address	City	ST	ZIP	Owner's Name	Owner's Address					Assesment (2% Approximate)	% Allocation	FY2019 Service Plan
AC Hotels by Marriott Dallas Downtown	1712	Commerce Street	Dallas	TX	75201	Mehul Patel- Newcrest Image	700 State Hwy 121, suite 175		Lewisville	TX	75067	$65,521	0.40%	$ 72,237
Adolphus Hotel	1321	Commerce Street	Dallas	TX	75202	Rockbridge Capital- John Rosen	4100 Regent Street	Suite G	Columbus	OH	43219	$254,180	1.54%	$ 280,233
Aloft Dallas Downtown	1033	Young Street	Dallas	TX	75202	Larry Hamilton Santa Fe IV Hotel LP/Hamilton Properties Corp.	1033 Young Street		Dallas	TX	75202	$9,025	0.05%	$ 9,950
Anchor Motel	10230	Harry Hines Boulevard	Dallas	TX	75220	Texas Motel Corporation	10230 Harry Hines Blvd		Dallas	TX	75220	$10,548	0.06%	$ 11,629
Best Western Plus Dallas Hotel & Conference Center	8051	Lyndon B Johnson Freeway	Dallas	TX	75251	San Breth Hotels LLC Jay Patel	8051 LBJ Freeway		Dallas	TX	75251	$35,406	0.21%	$ 39,035
Budget Suites of America Empire Central/Dallas	8150	North Stemmons Freeway	Dallas	TX	75247	Bigelow Management- Robert Bigelow	4545 Fuller Drive	Suite 405	Irving	TX	75038	$20,637	0.12%	$ 22,752
Budget Suites of America Loop 12/Dallas	10222	North Walton Walker Boulevard	Dallas	TX	75220	Bigelow Management Inc. - Robert Bigelow	4545 Fuller Drive	Suite 405	Irving	TX	75038	$15,276	0.09%	$ 16,841
Budget Suites of America North Dallas	9519	Forest Lane	Dallas	TX	75243	Bigelow Management Inc. - Robert Bigelow	4545 Fuller Drive	Suite 405	Irving	TX	75038	$16,322	0.10%	$ 17,995
Candlewood Suites Dallas Galleria	13939	Noel Road	Dallas	TX	75240	Hospitality Properties Trust-Dianna Watts	255 Washington Street	Ste 300	Newton	MA	2458	$31,695	0.19%	$ 34,943
Candlewood Suites Dallas Market Center	7930	North Stemmons Freeway	Dallas	TX	75247	Turin Enterprises LLC	7930 North Stemmons Fwy		Dallas	TX	75247	$57,557	0.35%	$ 63,456
Candlewood Suites Dallas Park Central	12525	Greenville Avenue	Dallas	TX	75243	Candlewood Dallas TX %Intercontinental Hotels	11580 Great Oaks Way	Suite 100	Alpharetta	GA	30022	$26,444	0.16%	$ 29,154
Country Inn & Suites by Carlton Dallas Love Field	2383	Stemmons Trail	Dallas	TX	75220	Amit Patel - AMBE Hotels FW LLC	2383 Stemmons Trail		Dallas	TX	75220	$41,849	0.25%	$ 46,139
Courtyard Dallas Central Expressway	10325	North Central Expressway	Dallas	TX	75231	Hospitality Properties Trust-Dianna Watts	255 Washington Street	Ste 300	Newton	MA	2458	$101,796	0.62%	$ 112,230
Courtyard Dallas Medical/Market Center	2150	Market Center Boulevard	Dallas	TX	75207	American Realty Capital	PO Box 4900 Dept 114		Scottsdale	AZ	85261	$120,228	0.73%	$ 132,551
Courtyard Dallas Northwest	2930	Forest Lane	Dallas	TX	75234	Still 88 Hotels Sundip Kumar	3331 University Park Lane		Irving	TX	75062	$53,764	0.33%	$ 59,275
Crossland Economy Studios - Dallas - North Addison - Tollway	17425	Dallas Parkway	Dallas	TX	75287	PTR Homestead Village LP	PO Box 49550		Charlotte	NC	28277	$12,750	0.08%	$ 14,057
Crowne Plaza Dallas Downtown	1015	Elm Street	Dallas	TX	75202	TOG Hotel Downtown	1015 Elm Street		Dallas	TX	75202	$113,935	0.69%	$ 125,614
Crowne Plaza Dallas Market Center	7050	North Stemmons Freeway	Dallas	TX	75247	Sid Siddiqi	2712 Southwest Freeway		Houston	TX	77098	$156,370	0.95%	$ 172,398
The Statler Dallas Cuiro Collection by Hilton	1914	Commerce Street	Dallas	TX	75201	Aimbridge Hospitality	2500 Dallas Parkway	Unit 600	Plano	TX	75093	$87,908	0.53%	$ 96,918
Dallas Marriott City Center	650	North Pearl Street	Dallas	TX	75201	Xenia Hotels & Resorts - Barry Bloom	200 S Orange Ave	Suite 1200	Orlando	FL	32801	$199,008	1.20%	$ 219,406
Dallas Marriott Suites Medical/Market Center	2493	North Stemmons Freeway	Dallas	TX	75207	Ashford Market Center LP - John O'Sullivan	14185 Dallas Parkway	Suite 1100	Dallas	TX	75254	$202,630	1.23%	$ 223,400
DoubleTree by Hilton Hotel Dallas Campbell Centre	8250	North Central Expressway	Dallas	TX	75206	Black Forest Ventures	24 Waterway	Ste 225	The Woodlands	TX	77380	$202,948	1.23%	$ 223,750
DoubleTree by Hilton Hotel Dallas Love Field	3300	West Mockingbird	Dallas	TX	75235	Mockingbird Partners	2722 Fairmont St.		Dallas	TX	75201	$137,580	0.83%	$ 151,682
DoubleTree by Hilton Hotel Dallas Market Center	2015	Market Center Boulevard	Dallas	TX	75207	Alliance Hospitality Hotel Management	215 N. Boylan Ave		Raleigh	NC	27603	$169,476	1.03%	$ 186,847
Dream Dallas	3207	McKinney Avenue	Dallas	TX	75204	Dream Hotel Group	200 West 55th Street	Suite 45	New York	NY	10019	$69,889	0.42%	$ 77,053
Element Dallas Downtown East	4005	Gaston Avenue	Dallas	TX	75246	Atlantic Hotels Group	2220 Marsh Lane	Suite 109	Carrollton	TX	75006	$82,448	0.50%	$ 90,898
Embassy Suites by Hilton Dallas Love Field	3880	West Northwest Highway	Dallas	TX	75220	Ronnie Breaux	3880 West Northwest Highway		Dallas	TX	75220	$149,906	0.91%	$ 165,271
Embassy Suites by Hilton Dallas Market Center	2727	North Stemmons Freeway	Dallas	TX	75207	2727 Stemmons FWY LP %Schulte Hospitality Group Inc.	2120 High Wickham Pl.	Suite 200	Louisville	KY	40245	$181,267	1.10%	$ 199,847
Embassy Suites by Hilton Dallas Near the Galleria	14021	Noel Road	Dallas	TX	75240	Ashford Hospitality Trust	14180 Dallas Pkwy	Suite 900	Dallas	TX	75254	$115,328	0.70%	$ 127,149
Embassy Suites by Hilton Dallas Park Central	13131	North Central Expressway	Dallas	TX	75243	RBHV Dallas LLC	5 Concourse Pkwy NE	Ste2828	Atlanta	GA	30328	$163,572	0.99%	$ 180,338
Executive Inn	12670	East Northwest Highway	Dallas	TX	75228	Garland Hospitality Group LLC	12670 E. Northwest Hwy		Dallas	TX	75228	$13,280	0.08%	$ 14,642
Express Studios	10326	Finnell Street	Dallas	TX	75220	Dynasty Hotel Group	PO Box 540681		Dallas	TX	75354	$6,613	0.04%	$ 7,291
Extended Stay America - Dallas - Coit Rd.	12121	Coit Road	Dallas	TX	75251	BRE HV Properties LP%Fances Parker	PO Box 49550		Charlotte	NC	28277	$16,396	0.10%	$ 18,076
Extended Stay America - Dallas - Frankford Road	18470	North Dallas Parkway	Dallas	TX	75287	BRE ESA TX PPTIES LP % Property Tax 6016	PO Box 49550		Charlotte	NC	28277	$16,188	0.10%	$ 17,848
Extended Stay America - Dallas - Greenville Ave.	12270	Greenville Avenue	Dallas	TX	75243	BRE ESA TX PPTIES LP% Prop. Tax 6016	PO Box 49550		Charlotte	NC	28277	$16,052	0.10%	$ 17,697
Extended Stay America - Dallas - Vantage Point Dr.	9019	Vantage Point Drive	Dallas	TX	75243	BRE/ESA P Portfolio TXNC % Frances Parker	PO Box 49550		Charlotte	NC	28277	$15,980	0.10%	$ 17,618
Fairfield Inn & Suites Dallas Medical Market Center	2110	Market Center Boulevard	Dallas	TX	75207	Crestline Hotels & Resorts	3950 University Drive	Suite 301	Fairfax	VA	22030	$65,036	0.39%	$ 71,703
Fairmont Dallas	1717	North Akard Street	Dallas	TX	75201	Xenia Hotels & Resorts, Inc. - Barry Bloom	200 S. Orange Ave.	Suite 1200	Orlando	FL	32801	$502,351	3.04%	$ 553,842
Hampton Inn & Suites Dallas	10310	North Central Expressway	Dallas	TX	75231	Mehul Patel	1700 Commerce Street		Dallas	TX	75201	$67,705	0.41%	$ 74,645
Hampton Inn & Suites Dallas North I-35 at Walnut Hill	11069	Composite Drive	Dallas	TX	75229	Ajit Bhakta	640 E. Park Blvd		Plano	TX	75074	$53,997	0.33%	$ 59,532
Hampton Inn & Suites Downtown	1700	Commerce Street	Dallas	TX	75201	Mehul Patel- Newcrest Image	700 State Hwy 121, suite 175		Lewisville	TX	75067	$96,098	0.58%	$ 105,948
Hawthorn Suites by Wyndham Park Central	7880	Alpha Road	Dallas	TX	75240	HPT c/o The RMR Group	255 Washington St.	Suite 300	Newton	MA	2458	$36,776	0.22%	$ 40,545
Hilton Anatole	2201	North Stemmons Freeway	Dallas	TX	75207	Anatole Partners III, LLC	3819 Maple Avenue		Dallas	TX	75219	$1,278,246	7.73%	$ 1,409,266
Hilton Dallas Lincoln Centre	5410	Lyndon B Johnson Freeway	Dallas	TX	75240	ARES Management	200 Crescent Cr.	Suite 1425	Dallas	TX	75201	$325,928	1.97%	$ 359,336
Hilton Dallas/Park Cities	5954	Luther Lane	Dallas	TX	75225	Apple Nine Services Dallas	814 E Main Street		Richmond	VA	23219	$222,428	1.35%	$ 245,226
Hilton Garden Inn Dallas/Market Center	2325	North Stemmons Freeway	Dallas	TX	75207	2325 Stemmons TRS, Inc. c/o Pillar Hotels & Resorts	6031 Connection Dr	Ste 500	Irving	TX	75039	$154,463	0.93%	$ 170,295
Hilton Garden Inn Downtown	1600	Pacific Avenue	Dallas	TX	75201	1600 Pacific Landlord LLC	812 Gravier Street	Suite 200	New Orleans	LA	70112	$93,368	0.56%	$ 102,938
Holiday Inn Dallas Market Center	4500	Harry Hines Boulevard	Dallas	TX	75219	Market Center DFW Hotel, LLC	545 E. John Carpenter Fwy	Suite 1300	Dallas	TX	75062	$113,288	0.69%	$ 124,900
Holiday Inn Express & Suites Dallas NW HWY	2225	Connector Drive	Dallas	TX	75220	Bijal Hospitality	2287 W. Northwest Hwy		Dallas	TX	75220	$54,601	0.33%	$ 60,198
Holiday Inn Express & Suites Dallas Stemmons Fwy	2287	West Northwest Highway	Dallas	TX	75220	Bijal Hospitality	2287 W. Northwest Hwy		Dallas	TX	75220	$63,205	0.38%	$ 69,683
Holiday Inn Express & Suites North Dallas at Preston	6055	Lyndon B Johnson Freeway	Dallas	TX	75240	Carol McCutchin Properties LTD	2220 Marsh Lane	Ste 109	Carrollton	TX	75006	$58,015	0.35%	$ 63,961

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Homewood Suites by Hilton Dallas Downtown	1025	Elm Street	Dallas	TX	75202	Apple Ten Hospitality Ownership Inc Mike Hardin	814 E Main St.		Richmond	VA	23219	$162,827	0.99%	$ 179,516
Homewood Suites by Hilton Dallas Market Center	2747	North Stemmons Freeway	Dallas	TX	75207	Island Hospitality Management	222 Lakeview Ave.	Suite 260	West Palm Beach	FL	33401	$86,061	0.52%	$ 94,883
Hotel Indigo Dallas Downtown	1933	Main Street	Dallas	TX	75201	Paul Sandhu	1933 Main Street		Dallas	TX	75201	$110,882	0.67%	$ 122,248
Hotel ZaZa Dallas	2332	Leonard Street	Dallas	TX	75201	Givens Records Development LP	2332 Leonard St		Dallas	TX	75201	$226,962	1.37%	$ 250,226
Hyatt House Dallas/Lincoln Park	8221	North Central Expressway	Dallas	TX	75225	RLJ Lodging Trust	3 Bethseda Metro Center	Suite 1000	Bethseda	MD	20814	$104,824	0.63%	$ 115,568
Hyatt House Dallas/Uptown	2914	Harry Hines Boulevard	Dallas	TX	75201	RLJ Lodging Trust	3 Bethseda Metro Center	Suite 1000	Bethseda	MD	20814	$99,589	0.60%	$ 109,797
Hyatt Place Dallas North by the Galleria	5229	Spring Valley Road	Dallas	TX	75254	Christian Chapel CME%Select Hotel Group	PO Box 2196		Chicago	IL	60690	$75,427	0.46%	$ 83,159
Hyatt Place Dallas/Park Central	12411	North Central Expressway	Dallas	TX	75243	Interstate Hotels	4501 N. Fairfax Drive	Suite 500	Arlington	VA	22203	$62,741	0.38%	$ 69,172
Hyatt Regency Dallas	300	Reunion Boulevard	Dallas	TX	75207	Hunt Realty-Woodbine Development Corp.	1900 N. Akard		Dallas	TX	75201	$917,415	5.55%	$ 1,011,450
InTown Suites Dallas North, Plano Extended Stay	19059	Preston Road	Dallas	TX	75252	Intown Suites North Dallas LLC	980 Hammond Dr.	Suite 1400	Atlanta	GA	30328	$66,067	0.40%	$ 72,839
InTown Suites Dallas Northeast Extended Stay	9355	Forest Lane	Dallas	TX	75243	SLAM Properties LLC	2727 Paces Ferry Road SE	Ste 1200	Atlanta	GA	30339	$8,721	0.05%	$ 9,614
InTown Suites Dallas/Market Center Extended Stay	8201	Brookriver Drive	Dallas	TX	75247	Intown Suites, Inc. Brookriver	980 Hammond Dr.	Ste 1400	Atlanta	GA	30328	$9,470	0.06%	$ 10,441
InTown Suites Garland Extended Stay	10477	Metric Drive	Dallas	TX	75243	Sun Suites Dallas Spe LLP	10477 Metric Dr.		Dallas	TX	75243	$10,445	0.06%	$ 11,515
Knights Inn Market Center	1550	Empire Central	Dallas	TX	75235	Chetna Patel	8718 DRAYTON DRIVE		Irving	TX	75063	$52,488	0.32%	$ 57,868
La Quinta Inn & Suites Dallas Downtown	302	South Houston Street	Dallas	TX	75202	BMR Dallas Downtown Investments LLC	302 South Houston Street		Dallas	TX	75202	$28,688	0.17%	$ 31,628
La Quinta Inn & Suites Dallas I35 Walnut Hill Lane	2421	Walnut Hill Lane	Dallas	TX	75229	Hemant Patel BDR Hospitality	2421 Walnut Hill Lane		Dallas	TX	75229	$47,732	0.29%	$ 52,625
La Quinta Inn & Suites Dallas Love Field	8300	John W Carpenter Freeway	Dallas	TX	75247	Aaron & Alvin LLS	2730 N. Stemmons Fwy	Ste 310	Dallas	TX	75207	$55,693	0.34%	$ 61,402
La Quinta Inn & Suites Dallas Richardson	13175	North Central Expressway	Dallas	TX	75243	Burleson Inn Inc	13165 N. Central Expy		Dallas	TX	75243	$67,705	0.41%	$ 74,645
La Quinta Inn & Suites Dallas North Central	10001	North Central Expressway	Dallas	TX	75231	Mark Chloupek	909 Hidden Ridge		irving	TX	75038	$59,734	0.36%	$ 65,857
La Quinta Inn & Suites Dallas Uptown	4440	North Central Expressway	Dallas	TX	75206	La Quinta Management LLC-BRE LQ TX PPTIES LO	909 Hidden Ridge	Ste 600	Irving	TX	75038	$47,992	0.29%	$ 52,911
Lamplighter Motel	9001	East R L Thornton Freeway	Dallas	TX	75228	Lamplighter Motel Ltd.	9033 ERL Thornton Fwy		Dallas	TX	75228	$7,962	0.05%	$ 8,778
Le Meridien Dallas by the Galleria	13402	Noel Road	Dallas	TX	75240	NB Holdings, Dallas	13402 Noel Road	Ste 1700	Dallas	TX	75240	$176,852	1.07%	$ 194,979
Le Meridien Dallas, The Stoneleigh	2927	Maple Avenue	Dallas	TX	75201	Carey Watermark Investors	50 Rockefeller Plaza		New York	NY	10020	$208,123	1.26%	$ 229,456
Lorenzo Hotel	1011	South Akard Street	Dallas	TX	75202	Scooter Yates	1033 Young Street		Dallas	TX	75202	$129,404	0.78%	$ 142,668
Love Field Hotel and Suites	1241	West Mockingbird Lane	Dallas	TX	75247	Chandler Hotel Company	7502 E. Pinnacle Peak Road	Ste B116	Scottsdale	AZ	85255	$256,192	1.55%	$ 282,452
Magnolia Hotel Dallas Downtown	1401	Commerce Street	Dallas	TX	75201	Holtze Magnolia Hotel	818 17th Street		Denver	CO	80202	$236,852	1.43%	$ 261,129
Magnolia Hotel Dallas Park Cities	6070	North Central Expressway	Dallas	TX	75206	TriGate Capital, LLC	750 N Saint Paul St Ste 900		Dallas	TX	75201	$160,636	0.97%	$ 177,102
MCM Elegante Hotel & Suites	2320	West Northwest Highway	Dallas	TX	75220	ICA Properties	700 N. Grant	Suite 600	Odessa	TX	79761	$76,031	0.46%	$ 83,824
Motel 6 Dallas - Fair Park #4616	8510	East R L Thornton Freeway	Dallas	TX	75228	Krupalamxi LP	8510 East R.L. Thornton Frwy		Dallas	TX	75228	$28,896	0.17%	$ 31,858
Motel 6 Dallas - Galleria #4657	2660	Forest Lane	Dallas	TX	75234	Aum Sriram LLC	12301 N. Central Expressway		Dallas	TX	75234	$30,632	0.19%	$ 33,772
Motel 6 Dallas - Market Center	1625	Regal Row	Dallas	TX	75247	Krishna Blaram & Raman Patel	1625 Regal Row		Dallas	TX	75247	$32,448	0.20%	$ 35,773
Omni Dallas Hotel	555	South Lamar Street	Dallas	TX	75202	Omni Corporate	555 South Lamar Street		Dallas	TX	75202	$394,366	2.39%	$ 434,789
Ramada by Wyndham Dallas Love Field	1575	Regal Row	Dallas	TX	75247	Danny Patel, Divine Hotels LLC	1575 Regal Row		Dallas	TX	75247	$109,748	0.66%	$ 120,997
Ramada Dallas North	8102	Lyndon B Johnson Freeway	Dallas	TX	75251	Jee Sung Investment Inc	8102 LBJ Freeway		Dallas	TX	75251	$28,658	0.17%	$ 31,596
Red Roof Inn - Dallas Richardson	13685	North Central Expressway	Dallas	TX	75243	MPH Group LLC	13685 N. Central Expressway		Dallas	TX	75243	$19,890	0.12%	$ 21,929
Regency Hotel closed remodeling	11350	Lyndon B Johnson Freeway	Dallas	TX	75238	Eshnam Hospitality Inc	835 Bluff Ridge Dr.		Cedar Hill	TX	75104	$32,988	0.20%	$ 36,370
Renaissance Dallas Hotel	2222	North Stemmons Freeway	Dallas	TX	75207	Deep Ellum Real Estate LLC	9737 Washingtonian Blvd	404	Gaithersburg	MD	20878	$385,410	2.33%	$ 424,914
Residence Inn Dallas Central Expressway	10333	North Central Expressway	Dallas	TX	75231	Hospitality Properties Trust-Dianna Watts	255 Washington Street	Ste 300	Newton	MA	2458	$34,731	0.21%	$ 38,291
Residence Inn by Marriott Dallas Downtown	1712	Commerce Street	Dallas	TX	75201	Mehul Patel	1712 Commerce Street		Dallas	TX	75201	$66,067	0.40%	$ 72,839
Residence Inn by Marriott Dallas Market Center	6950	North Stemmons Freeway	Dallas	TX	75247	Hospitality Properties Trust-Dianna Watts	255 Washington Street	Ste 300	Newton	MA	2458	$66,610	0.40%	$ 73,438
Residence Inn by Marriott Dallas Park Central	7642	Lyndon B Johnson Freeway	Dallas	TX	75251	Stonebridge Irving Venture %Dilip Pranar	8530 Esters Blvd		Irving	TX	75063	$61,715	0.37%	$ 68,041
Hotel Crescent Court	400	Crescent Court	Dallas	TX	75201	CTF	1300 19th St NW	Ste 401	Washington	DC	20036	$304,869	1.84%	$ 336,118
Rosewood Mansion on Turtle Creek	2821	Turtle Creek Boulevard	Dallas	TX	75219	CTF	1300 19th St NW	Ste 401	Washington	DC	20036	$228,515	1.38%	$ 251,938
Sheraton Dallas Hotel	400	North Olive Street	Dallas	TX	75201	Chartres Lodging Group, LLC-Dustin Kline	50 California Street	Suite 3300	San Francisco	CA	94111	$982,929	5.95%	$ 1,083,679
Sheraton Suites Market Center Dallas	2101	North Stemmons Freeway	Dallas	TX	75207	IStar Dallas GL LP	180 Glastonbury Blvd	Ste 201	Glastonbury	CT	6033	$168,119	1.02%	$ 185,352
Springhill Suites by Marriott Dallas Downtown/West End	1907	North Lamar Street	Dallas	TX	75202	BRE Select Hotels TX LP %Blackstone Real Etate Partners VII LP	345 Park Ave.		New York	NY	10154	$117,761	0.71%	$ 129,832
Stay Express Inn Dallas Fair Park Downtown	8303	East R L Thornton Freeway	Dallas	TX	75228	PCT Hospitality Inc Hiren Patel	8303 E RL Thornton Fwy		Dallas	TX	75228	$20,277	0.12%	$ 22,356
Staybridge Suites Dallas Addison	16060	Dallas Parkway	Dallas	TX	75248	Parkway Lodging LLC	4235 W. Airport Fwy		Irving	TX	75062	$39,422	0.24%	$ 43,463
Sterling Hotel Dallas	1055	Regal Row	Dallas	TX	75247	The Mian Development Corp	1055 Regal Row		Dallas	TX	75247	$111,137	0.67%	$ 122,529
Studio 6 Dallas Garland/Northeast #5003	9801	Adleta Court	Dallas	TX	75243	Kevin Hajari	9801 Adleta Ct		Dallas	TX	75243	$15,089	0.09%	$ 16,636
Studio 6 Dallas Northwest #6035	2395	Stemmons Trail	Dallas	TX	75220	G6 Hospitality LLC	PO Box 117508		Carrollton	TX	75011	$17,577	0.11%	$ 19,378
Studio 6 Dallas Richardson/North #5010	12301	North Central Expressway	Dallas	TX	75243	Jalaram Hotel LLC	12301 N. Central Expressway		Dallas	TX	75243	$22,861	0.14%	$ 25,204

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Super 7 Inn	9626	C F Hawn Freeway	Dallas	TX	75217		Southeast Dallas Hospitality Ltd Ramesh Patel	9626 C F Hawn Fwy		Dallas	TX	75217		$8,860	0.05%	$ 9,769
Super 7 Inn Dallas	10335	Gardner Road	Dallas	TX	75220		Northwest Hotel Inc.	10335 Gardner Rd		Dallas	TX	75220		$14,534	0.09%	$ 16,024
Super 7 Inn Dallas Southwest	4220	Independence Drive	Dallas	TX	75237		Mayur Patel	4220 Independence Dr		Dallas	TX	75237		$21,598	0.13%	$ 23,812
Super 8 Dallas Love Field Market Center	9229	John W Carpenter Freeway	Dallas	TX	75247		Mehalab Management Inc.	9229 E. John W Carpenter Fwy		Dallas	TX	75247		$17,399	0.11%	$ 19,182
Hotel Alexis	7815	Lyndon B Johnson Freeway	Dallas	TX	75251		Grand Hotel Hospitality	2416 Park Run Dr.		Arlington	TX	76016		$79,171	0.48%	$ 87,287
The Highland Dallas Curio Collection by Hilton	5300	East Mockingbird Lane	Dallas	TX	75206		Thayer Lodging, Brookfield Hotel Properties	1997 Annapolis Exchange #550		Annapolis	MD	21401		$207,926	1.26%	$ 229,238
The Joule	1530	Main Street	Dallas	TX	75201		Dunhill 1530 Main LP	2711 N. Haskell Ave	Ste 2800	Dallas	TX	75204		$22,019	0.13%	$ 24,275
The Ritz-Carlton, Dallas	2121	McKinney Avenue	Dallas	TX	75201		Crescent Real Estate Equities Theresa Cabilao	777 Main Street	Suite 2260	Fort Worth	TX	76102		$441,762	2.67%	$ 487,042
The Westin Dallas Park Central	12720	Merit Drive	Dallas	TX	75251		AWH Dallas PC Corporate, LLC Kieran Doll	1040 AVE OF THE AMERICAS 9TH FL	9B	New York	NY	10018		$277,491	1.68%	$ 305,933
The Westin Galleria Dallas	13340	Dallas Parkway	Dallas	TX	75240		UBS Realty Investors	2515 Mckinney	Suite 800	Dallas	TX	75201		$461,198	2.79%	$ 508,470
TownePlace Suites by Marriott Dallas Downtown	500	South Ervay Street	Dallas	TX	75201		Alterra International	211 North Ervay Street		Dallas	TX	75201		$1,010,963	6.12%	$ 1,114,587
Townhouse Suites	4150	Independence Drive	Dallas	TX	75237		Uppal Gurjit	4150 Independence Drive		Dallas	TX	75237		$12,040	0.07%	$ 13,274
Unnamed Hotel @ The Lexi	2815	North Harwood Street	Dallas	TX	75201		HPO Inc.	2501 N. Harwood Street	Suite 1400	Dallas	TX	75201		$60,061	0.36%	$ 66,217
W Dallas - Victory	2440	Victory Park Lane	Dallas	TX	75219		Vpust Hotel LP-Estein & Associates USA, Ltd.	4705 S Apopka Vineland Road	Suite 201	Orlando	FL	32819		$369,335	2.23%	$ 407,191
Warwick Melrose Hotel Dallas	3015	Oak Lawn Avenue	Dallas	TX	75219		Warwick Melrose Dallas Warwick Amusement Corp.	1776 Grant St. FL 14		Denver	CO	80203		$184,816	1.12%	$ 203,760
Westin Dallas	1201	Main Street	Dallas	TX	75202		One Main Place Hotel LLC	1205 St. Charles Ave.	Suite D	New Orleans	LA	70130		$176,361	1.07%	$ 194,438
Wyndham Dallas Suites Park Central	7800	Alpha Road	Dallas	TX	75240		Hospitality Properties Trust % The RMR Group-Kristin Sage-Black	Two Newton Place 255 Washington St.	Suite 300	Newton	MA	2458		$113,533	0.69%	$ 125,171
													Total	$16,528,576	100.00%	$ 18,222,755

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Exhibit B

Tourism Public Improvement District (PID) Service Plan						
Fiscal Year		**2018-19**	**2019-20**	**2020-21**	**2021-22**	**2022-23**
Assessment Revenue		**$ 18,222,755**	**$ 19,133,893**	**$ 20,090,588**	**$ 21,095,117**	**$ 22,149,873**
Categories	**%**					
Incentives & Sales Efforts	42.5%	$ 7,744,671	$ 8,131,905	$ 8,538,500	$ 8,965,425	$ 9,413,696
Marketing (Promotion/Advertising)	35.0%	$ 6,377,964	$ 6,696,863	$ 7,031,706	$ 7,383,291	$ 7,752,456
Site Visits & Familiarization Tours	10.0%	$ 1,822,276	$ 1,913,389	$ 2,009,059	$ 2,109,512	$ 2,214,987
Event Funding Application Pool	7.5%	$ 1,366,707	$ 1,435,042	$ 1,506,794	$ 1,582,134	$ 1,661,240
Operations/Research/Administration	5.0%	$ 911,138	$ 956,695	$ 1,004,529	$ 1,054,756	$ 1,107,494
Total Expenses	**100.0%**	**$ 18,222,755**	**$ 19,133,893**	**$ 20,090,588**	**$ 21,095,117**	**$ 22,149,873**

Note: Expenditures are limited to actual collections, which can not exceed the 2% fee on each occupied room as defined in the petition.

Exhibit C

Tourism Public Improvement District
2018 Assessment Plan

The cost of the services and improvements provided by the Tourism Public Improvement District ("District") will be levied by special assessment against Dallas hotels located within the District territory with 100 or more rooms ("qualifying hotels") based on hotel room nights sold. The total cost of the services and improvements to be provided shall be apportioned at a rate of 2% of room-nights sold at qualifying hotels until the budget for services and improvements for the year is reached. Rooms that are not subject to the City's hotel occupancy tax shall not be included for the District assessment.

Agenda Information Sheet

File #: 18-815 **Item #:** 22.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

University Crossing Public Improvement District

A public hearing concerning the proposed levy of assessment for the University Crossing Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with University Crossing Improvement District Corporation (dba UCPID, Inc.) authorizing the disbursement of assessments to UCPID, Inc.; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to an amended and restated management contract, also on the September 12, 2018 addendum, that is necessary to implement new procedures for the disbursement of assessment revenue and to address other amendments to the agreement form.

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel.

After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

University Crossing Improvement District Corporation (dba UCPID, Inc.) provided City staff with the proposed District Service Plan for 2019 and the proposed Assessment Plan for 2018 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract along with related changes. No assessment revenue will be disbursed until an amended management contract is executed.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The proposed services and improvements to be provided in the District include police safety patrol's for the area, safety awareness and education programs, landscaping, banner program, installation and maintenance of trash containers, promotion of the University Crossing area, implement signage and wayfinding systems, management of new and existing public and green space, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.

(b) Estimated Cost of the Services and Improvements. During the next five-year period, the estimated annual cost of the improvements and services provided by the District is expected to range from approximately $1,738,000 in 2019 to $943,500 in 2022. Carryover funds accumulated through 2018 will be used to support capital improvement projects related to the Mockingbird Lane Pedestrian Bridge and Trail Expansion. The total estimated assessments to be collected during the next five-year period is approximately $4,531,000. The District shall incur no bonded indebtedness.

(c) Boundaries. The boundaries of the District are shown on the attached map of the District.

(d) Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be $871,000. This amount is approximately equal to $0.10 per $100.00 of appraised value as determined by DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year. The annual assessment rate shall not exceed $0.15 per $100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of $0.15 per $100.00 valuation subject to appropriations set forth in the petition that created the District. Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. Except for Southern Methodist University (SMU), properties otherwise exempt from ad valorem taxes are not subject to assessment.

SMU has agreed to participate in the University Crossing Public Improvement District (PID) by contract with the University Crossing Improvement District Corporation through special assessment based on all taxable and tax exempt real property owned by SMU or SMU affiliates within the University Crossing PID.

(e) Apportionment of costs between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way and City parks are not subject to assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 12, 2013, City Council authorized the creation of the University Crossing Public Improvement District, approval of the Service Plan and management contract by Resolution No. 13-1016.

On September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1494; Ordinance No. 30648.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed University Crossing Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1192.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

Cost consideration to others - the proposed assessment amount is approximately equal to $0.10 per $100.00 of appraised value as determined by the DCAD (i.e. property owners within the boundaries of the Public Improvement District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

MAP

Attached

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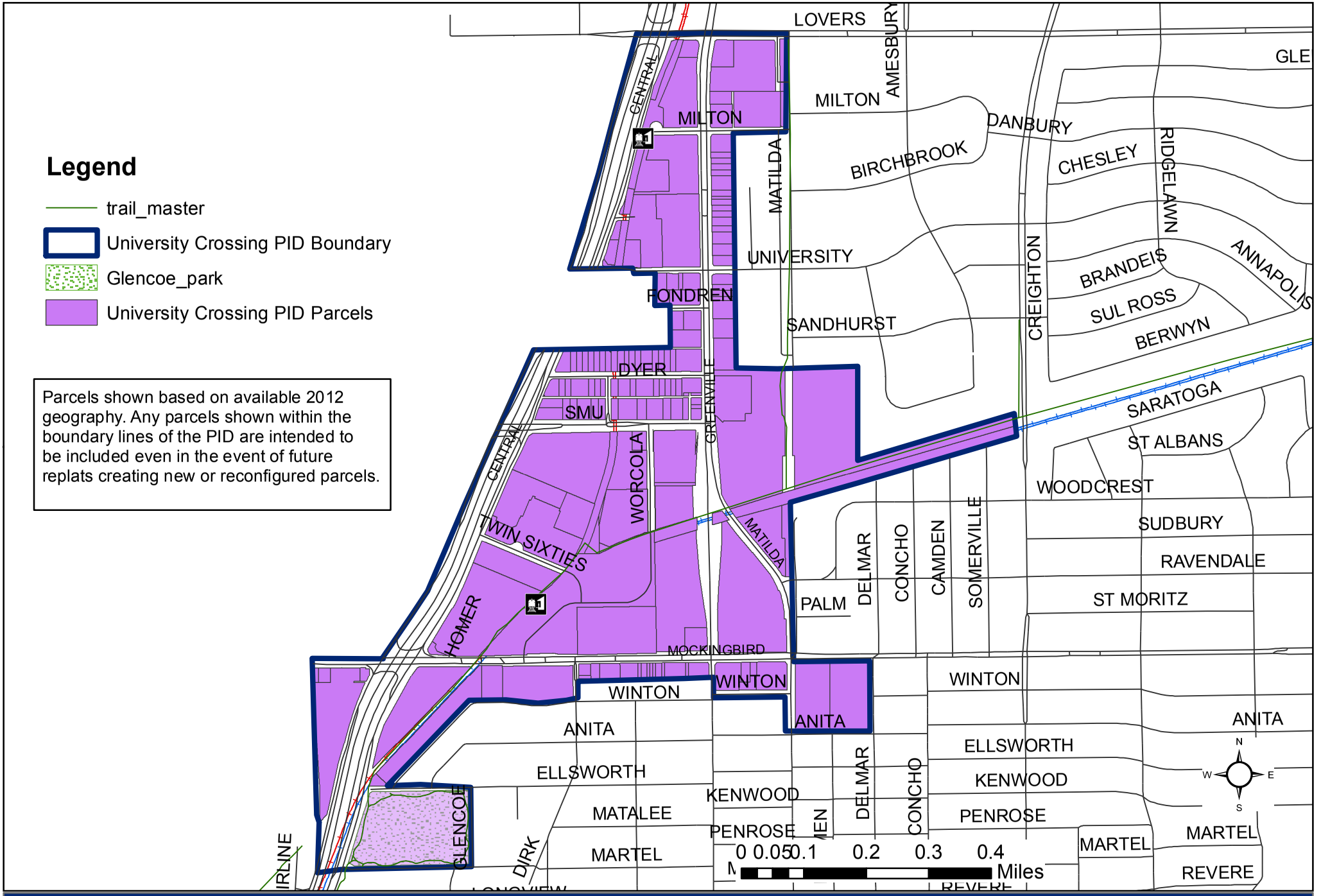

University Crossing Public Improvement District Map

City of Dallas
Office of Economic Development
www.Dallas-EcoDev.org
Created 4/2013

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2019 SERVICE PLAN, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE UNIVERSITY CROSSING PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2019; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AUTHORIZING THE RECEIPT AND DEPOSIT OF ASSESSMENTS FROM DALLAS COUNTY; PURSUANT TO AN AMENDED AND RESTATED MANAGEMENT CONTRACT WITH UNIVERSITY CROSSING IMPROVEMENT DISTRICT CORPORATION (DBA UCPID, INC.) AUTHORIZING THE DISBURSEMENT OF ASSESSMENTS TO UCPID, INC.; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the Act) allows for the creation of public improvement districts; and

WHEREAS, on June 12, 2013, City Council established the University Crossing Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, pursuant to the Act and found that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated University Crossing Improvement District Corporation (dba UCPID, Inc.) as the manager of the District, and authorized a contract for management services; and approved the District Service Plan by Resolution No. 13-1016; and

WHEREAS, on September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1494; Ordinance No. 30648; and

WHEREAS, City Council must review the proposed 2019 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2018 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the University Crossing Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1192; and

WHEREAS, the University Crossing Improvement District Corporation (dba UCPID, Inc.) provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of $0.10 per $100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the University Crossing Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with University Crossing Improvement District Corporation (dba UCPID, Inc.) authorizing the disbursement of assessments to UCPID, Inc.; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by DCAD.

The assessment amount for 2018 is proposed to be $871,000. This amount shall be apportioned in an amount equal to $0.10 per $100.00 of appraised value as determined by the DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year.

SECTION 4. That the City Council hereby authorizes and adopts the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2018, of approximately $1,738,000. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 6th Floor, 1500 Marilla Street, Dallas, Texas 75201 was published in the official newspaper of the City of Dallas, Texas 75201 before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2019. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the Chief Financial Officer is hereby authorized to receive and deposit assessment funds from Dallas County (net County collection fees) in the University Crossing Public Improvement District Fund, Fund 9P12, Department ECO, Unit 1867, Revenue Code 8576.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations and oversight conducted by City staff for the District, which amount shall be reimbursed by the District to City through the deduction from assessment revenues received.

SECTION 14. That the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P12, Department ECO, Unit 1867, Object 3090 to General Fund, Fund 0001, Department ECO, Unit Various, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day-to-day administrative and operational oversight of the District.

SECTION 15. That the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P12, Department ECO, Unit 1867,Object 3090 to General Fund, Fund 0001, Department BMS, Unit 1272, Object 5011, to reimburse the City Controller's Office for administrative costs incurred for day-to-day accounting responsibilities associated with oversight of the District.

SECTION 16. That no assessment revenue will be disbursed to University Crossing Improvement District Corporation (dba UCPID, Inc.) unless an amended and restated management contract is executed.

SECTION 17. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P12, Department ECO, Unit 1867, Object 3034, Vendor VC16232, for assessments due the District as assessed, paid to Dallas County and transferred to the City for processing, net of City administrative fees, any retainage necessary, and any required reconciliation adjustments, related to this activity.

SECTION 18. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P12, Department ECO, Unit 1867, Object 3549, Vendor 243282 for reimbursing Dallas County for refunding assessments paid by property owners in excess of adjusted amounts resulting from successful appeal of property tax values, and for other necessary reconciliation adjustments.

SECTION 19. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 20. That this ordinance 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 ordained.

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

BY: _____
Assistant City Attorney

Passed _____

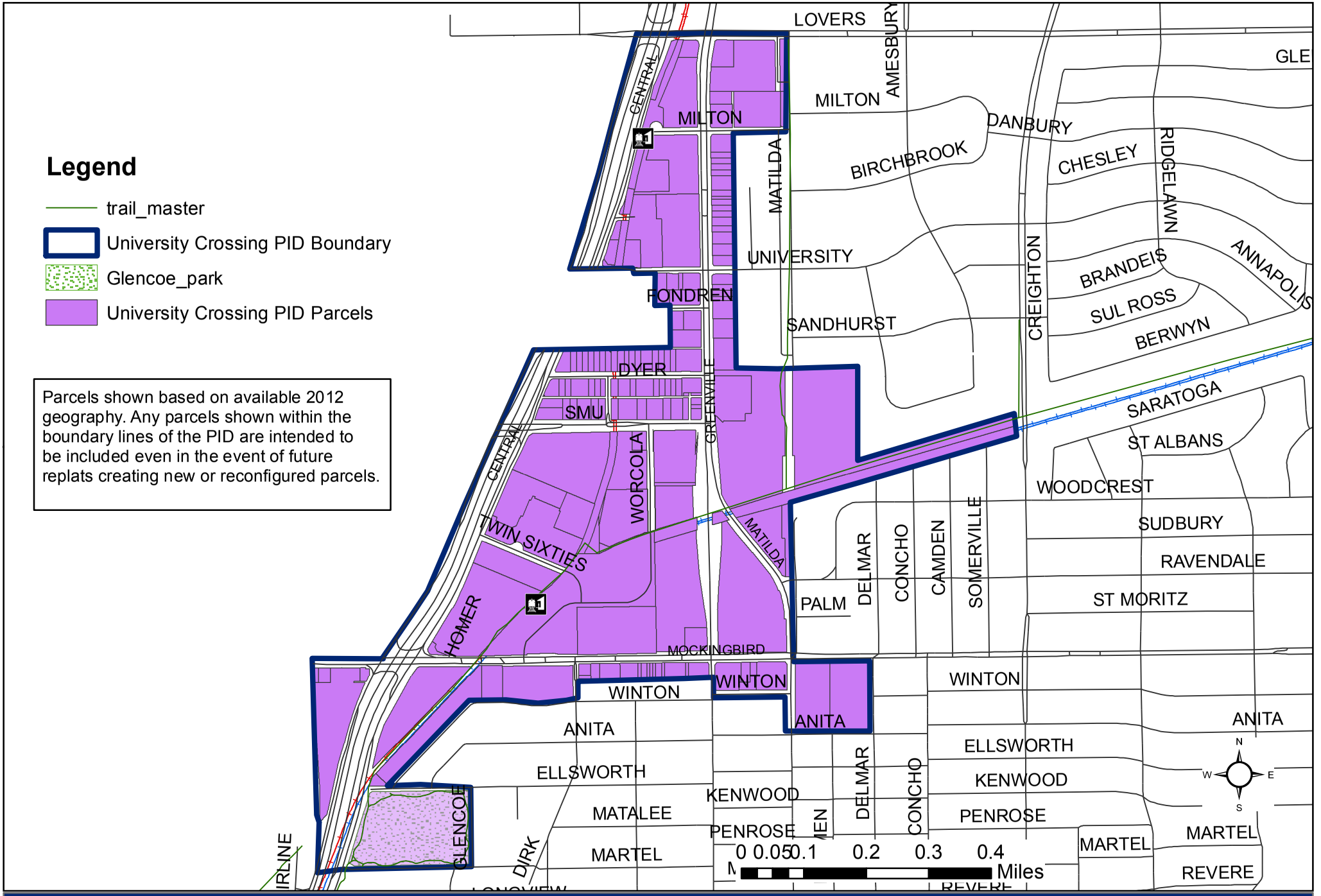

Exhibit A
University Crossing Public Improvement District
Boundary Map

City of Dallas
Office of Economic Development
www.Dallas-EcoDev.org
Created 4/2013

Exhibit B
University Crossing Public Improvement District - Five - Year Budget

		2019 Budget	2020 Budget	2021 Budget[9]	2022 Budget[9]	2023 Budget[9]
INCOME						
	Fund balance from previous year[8]	1,412,000	547,000	304,000	1,500	0
	Net assessment revenue	871,000	888,000	906,000	924,000	942,000
	Reimbursement from NTCOG	0	640,000	0	0	0
	Exempt jurisdictions	0	0	0	0	0
	Interest on cash balances	2,000	3,000	1,500	1,500	1,500
	Other income & contributions	0	0	0	0	0
	TOTAL INCOME[1]	**$2,285,000**	**$2,078,000**	**$1,211,500**	**$927,000**	**$943,500**
EXPENDITURES						
	Security[2]	227,000	232,000	237,000	237,000	237,000
	Improvements[3]	1,120,000	1,142,000	564,000	281,000	297,500
	Public Area Maintenance[4]	156,000	159,000	162,000	162,000	162,000
	Promotion and Communication[5]	77,000	79,000	81,000	81,000	81,000
	Organization & Administration[6]	128,000	131,000	134,000	134,000	134,000
	Audit & Insurance[7]	30,000	31,000	32,000	32,000	32,000
	TOTAL EXPENDITURES	**$1,738,000**	**$1,774,000**	**$1,210,000**	**$927,000**	**$943,500**
FUND BALANCE/RESERVES		**$547,000**	**$304,000**	**$1,500**	**$0**	**$0**

NOTES:

1 The income is net of City/County PID and collection fees based on a $0.10 per $100 contribution on the total tax value of the area and 0.5% of the assessment is assumed to not be paid due to delinquiences.

2 Police patrol of the University Crossing area, owner safety coordination, safety ehancements in lighting, etc.

3 Public Improvements, landscape, parks and pedestrian amenities for the PID.

4 Sidewalk, public planters, waste disposal, clean area programs, and landscape improvements throughout the University Crossing area.

5 University Crossing area coordination among owners, program services for area promotion and awareness

6 Expenses of the PID and salary of PID director.

7 Annual audit of the PID finances and liability insurance for the PID.

8 Fund balances carried over from 2014, 2015, 2016, 2017 and 2018 will be used across all major categories to support the Mockingbird Lane Pedestrian Bridge and Trail Expansion cthat began in 2017 and was completed in 2018. The majority of the carryover funds are primarily from the improvement category and will be spent there, as shown.

9 The five year plan goes to year 2023. However, this assumes that the PID is successfully renewed for another term beginning in 2021. If the PID isn't renewed then the PID would cease collections at the end of 2020.

Exhibit C
University Crossing Public Improvement District
Assessment Plan 2018

The costs of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments are based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The University Crossing Public Improvement District (PID) proposed assessment rate for 2018 is $0.10 per $100 of appraised value. Actual assessment rates and levies will be set by the Dallas City Council subject to a maximum of $0.15 per $100 of value and according to procedures stipulated by Chapter 372 of the Texas Local Government Code. City right-of-way, railroad right-of-way, parks and cemeteries are not specially benefitted and therefore are not subject to assessment. With the exception of Southern Methodist University (SMU), payment of assessments by other exempt jurisdictions and entities must also be established by contract. SMU has agreed to participate in the University Crossing PID by contract with the University Crossing Improvement District Corporation through special assessment based on all taxable and tax exempt real property owned by SMU or SMU affiliates within the University Crossing PID.

Agenda Information Sheet

File #: 18-816 **Item #:** 23.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize an amended and restated management contract with University Crossing Improvement District Corporation (dba UCPID, Inc.), the non-profit corporation designated as the management entity for the University Crossing Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to UCPID, Inc, and to address other amendments to the agreement form - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed contract amendment and the concurrent changes to the District's annual budget and assessment rate ordinance also on the September 12, 2018 addendum.

On June 12, 2013, City Council authorized the creation of the University Crossing Public Improvement District to provide supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District for another 7-year term and a management contract with University Crossing Improvement District Corporation (dba UCPID, Inc.) as the management entity for the District. UCPID, Inc. is a private nonprofit corporation created under the provisions of Section 501(c) (3) of the Internal Revenue Code.

Through the management contract a cooperative relationship is established between the City and UCPID, Inc with the City Council annually reviewing and approving updates to the service plan and assessment plan, determining and levying assessments and conducting other functions as required by the Chapter 372 of the Texas Local Government Code (the "Act"). The UCPID, Inc. is responsible for managing and implementing the Service Plan of the District.

As per the contract between the City and Dallas County (the "County"), the County has collected the annual assessments for the District and included the assessments as part of the property owner tax bills. The County has retained a fee (currently $2.75 and subject to change) per account that is

deducted from the first dollars collected until the entire fee is paid. After said fee has been paid, subsequent collections had been transferred to a separate UCPID, Inc. established bank account. UCPID, Inc. has been responsible for wiring fund back to the County for any negative balances due to property owner refunds owed.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract.

The City may hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by UCPID, Inc. to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its fees prior to disbursing the assessment.

No assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 12, 2013, City Council authorized the creation of the University Crossing Public Improvement District, approval of the Service Plan and management contract by Resolution No. 13-1016.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

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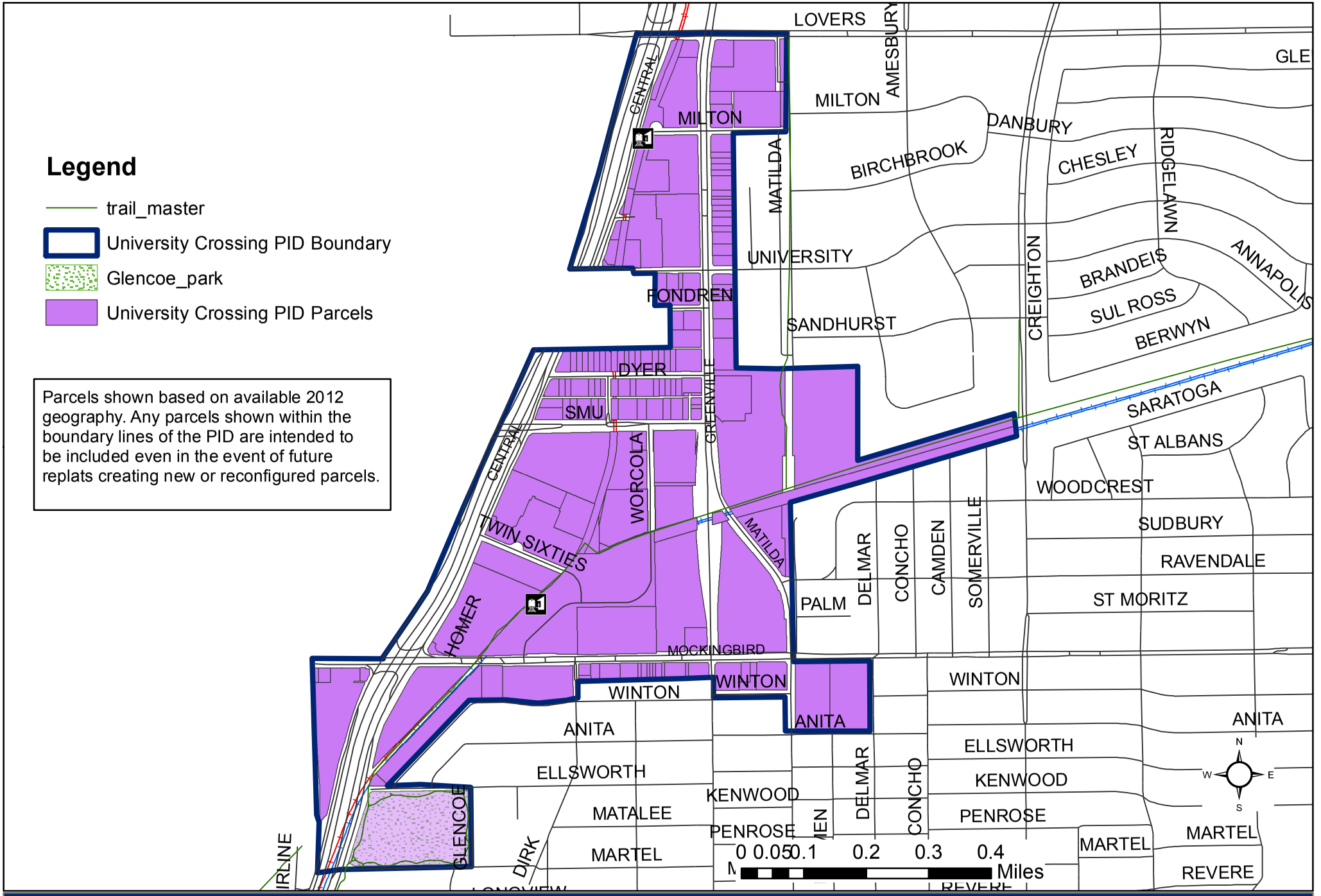

University Crossing Public Improvement District Map

City of Dallas
Office of Economic Development
www.Dallas-EcoDev.org
Created 4/2013

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on June 12, 2013, City Council authorized the creation of the University Crossing Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated University Crossing Improvement District Corporation (dba UCPID, Inc.) as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 13-1016; and

WHEREAS, with pending changes in the process for the disbursement of assessment revenue and to address other amendments to the agreement form it is necessary to amend the existing management contract with University Crossing Improvement District Corporation (dba UCPID, Inc.).

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amended and restated management contract with University Crossing Improvement District Corporation (dba UCPID, Inc.), the non-profit corporation designated as the management entity for the University Crossing Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to UCPID, Inc., and to address other amendments to the agreement form.

SECTION 2. That no assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

SECTION 3. That the amended management contract shall allow the City to hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by UCPID, Inc. to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its oversight and related fees prior to disbursing the assessment.

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 #: 18-817 **Item #:** 24.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Uptown Public Improvement District

A public hearing concerning the proposed levy of assessment for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County, pursuant to an amended and restated management contract with Uptown Dallas, Inc. authorizing the disbursement of assessments to Uptown Dallas, Inc.; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to an amended and restated management contract, also on the September 12, 2018 addendum, that is necessary to implement new procedures for the disbursement of assessment revenue and to address other amendments to the agreement form.

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass

on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

Uptown Dallas, Inc. provided City staff with the proposed District Service Plan for 2019 and the proposed Assessment Plan for 2018 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract along with related changes. No assessment revenue will be disbursed until an amended management contract is executed.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be provided in the District include enhanced public safety and security, lighting, sidewalk and streetscape improvements, landscaping improvements including plantings, hardscape, trolley operation and capital improvements, District marketing and promotional activities and improvements as authorized by the Act.

(b) Estimated Cost of the Services and Improvements. During the next five-year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at $2,757,433 in 2019 and reach $4,032,665 in 2023 (funded by the annual estimated assessments and additional funding sources). The total estimated assessments to be collected during the next five-year period is approximately $16,577,990. The District shall incur no bonded indebtedness.

(c) Boundaries. The boundaries of the District are shown on the attached Map of the District.

(d) Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be $2,715,433. This amount is equal to $0.045 per $100.00 of appraised value as determined by DCAD. Once levied, this assessment apportionment shall not increase during the 2019 service plan year. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Property owned by persons already receiving and qualifying for 65-or-older homestead exemption will not be subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

(e) Apportionment of costs between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District

according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, City Council authorized the creation of the Uptown Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Uptown, Inc. as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 93-2501; and

On August 10, 2005, City Council authorized the renewal of the Uptown Public Improvement District, approval of the Service Plan and management contract by Resolution No. 05-2231.

On June 13, 2012, City Council authorized the renewal of the Uptown Public Improvement District, approval of the Service Plan and management contract by Resolution No. 12-1584.

On September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1493; Ordinance No. 30647.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed Uptown Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1193.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

Cost consideration to others - the proposed assessment amount is approximately equal to $0.045 per $100.00 of appraised value as determined by the DCAD (i.e. property owners within the boundaries of the Public Improvement District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

MAP

Attached

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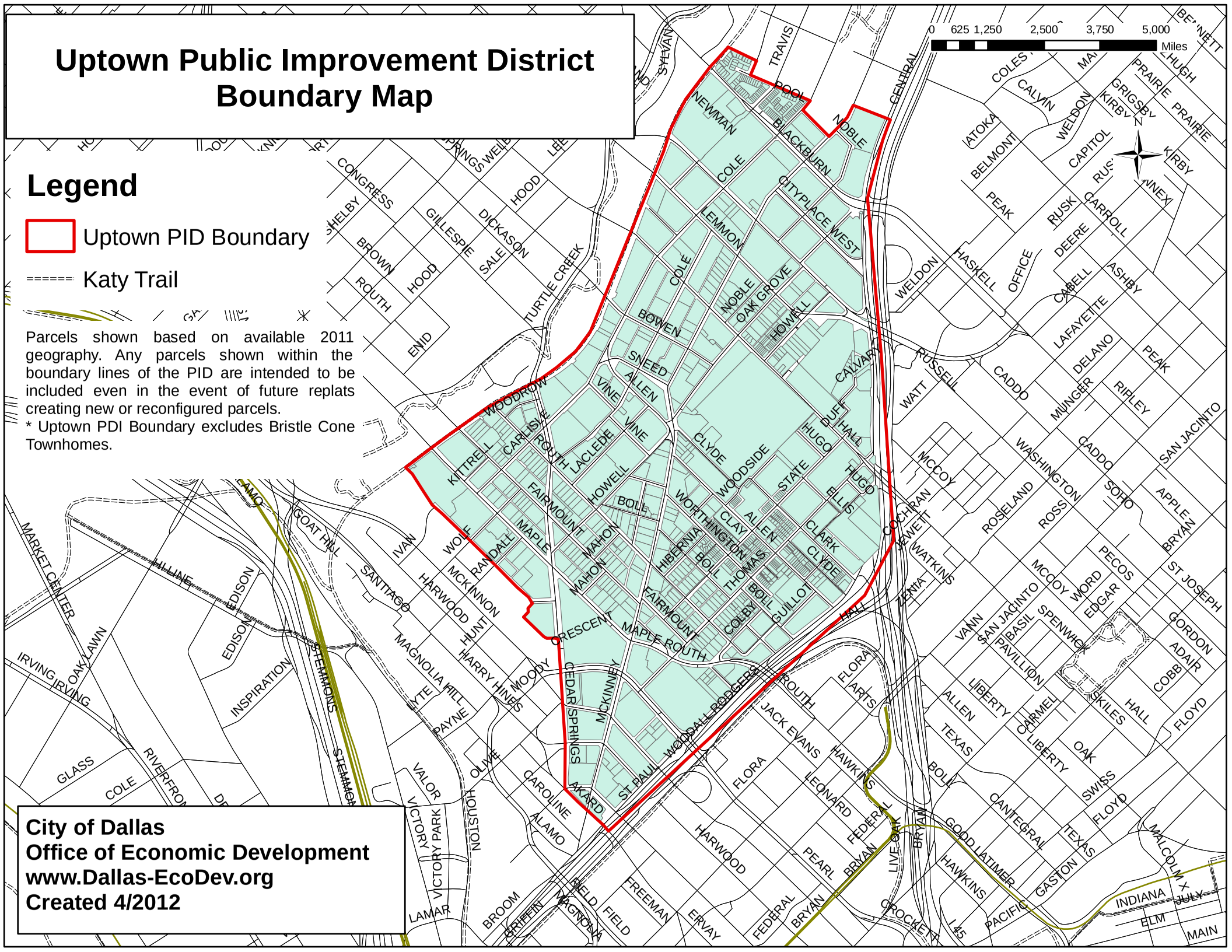
Uptown Public Improvement District Boundary Map



ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2019 SERVICE PLAN, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE UPTOWN PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2019; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AUTHORIZING THE RECEIPT AND DEPOSIT OF ASSESSMENTS FROM DALLAS COUNTY; PURSUANT TO AN AMENDED AND RESTATED MANAGEMENT CONTRACT WITH UPTOWN DALLAS, INC., AUTHORIZING THE DISBURSEMENT OF ASSESSMENTS TO UPTOWN DALLAS, INC.; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the Act) allows for the creation of public improvement districts; and

WHEREAS, on June 23, 1993, City Council authorized the creation of the Uptown Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Uptown, Inc. as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 93-2501; and

WHEREAS, on August 10, 2005, City Council authorized the renewal of the Uptown Public Improvement District, approval of the Service Plan and management contract by Resolution No. 05-2231; and

WHEREAS, on June 13, 2012, City Council authorized the renewal of the Uptown Public Improvement District and approval of the Service Plan and management contract by Resolution No. 12-1584, as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1493; Ordinance No. 30647; and

WHEREAS, City Council must review the proposed 2019 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2018 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the Uptown Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1193; and

WHEREAS, Uptown Dallas, Inc., provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of $0.045 per $100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Uptown Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County, pursuant to an amended and restated management contract with Uptown Dallas, Inc., authorizing the disbursement of assessments to Uptown Dallas, Inc.; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2018 is proposed to be $2,715,433. This amount shall be apportioned in an amount equal to $0.045 per $100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2019 service plan year. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Property owned by persons already receiving and qualifying for 65-or-older homestead exemption will not be subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary) apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2018, of approximately $2,715,433. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 6th Floor, 1500 Marilla Street, Dallas, Texas 75201 was published in the official newspaper of the City of Dallas, Texas 75201 before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2019. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the Chief Financial Officer is hereby authorized to receive and deposit assessment funds from Dallas County (net County collection fees) in the Uptown Public Improvement District Fund, Fund 9P13, Department ECO, Unit 1868, Revenue Code 8576.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations and oversight conducted by City staff for the District, which amount shall be reimbursed by the District to City through the deduction from assessment revenues received.

SECTION 14. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P13, Department ECO, Unit 1868, Object 3090 to General Fund, Fund 0001, Department ECO, Unit Various, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day-to-day administrative and operational oversight of the District.

SECTION 15. That the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P13, Department ECO, Unit 1868, Object 3090 to General Fund, Fund 0001, Department BMS, Unit 1272, Object 5011, to reimburse the City Controller's Office for administrative costs incurred for day-to-day accounting responsibilities associated with oversight of the District.

SECTION 16. That no assessment revenue will be disbursed to Uptown Improvement Corporation unless an amended and restated management contract is executed.

SECTION 17. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P13, Department ECO, Unit 1868, Object 3034, Vendor 355176, for assessments due the District as assessed, paid to Dallas County and transferred to the City for processing, net of City administrative fees, any retainage necessary, and any required reconciliation adjustments, related to this activity.

SECTION 18. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P13, Department ECO, Unit 1868, Object 3549, Vendor 243282 for reimbursing Dallas County for refunding assessments paid by property owners in excess of adjusted amounts resulting from successful appeal of property tax values, and for other necessary reconciliation adjustments.

SECTION 19. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 20. That this ordinance 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 ordained.

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

BY: _____
Assistant City Attorney

Passed _____

Uptown Public Improvement District
Boundary Map
Exhibit A

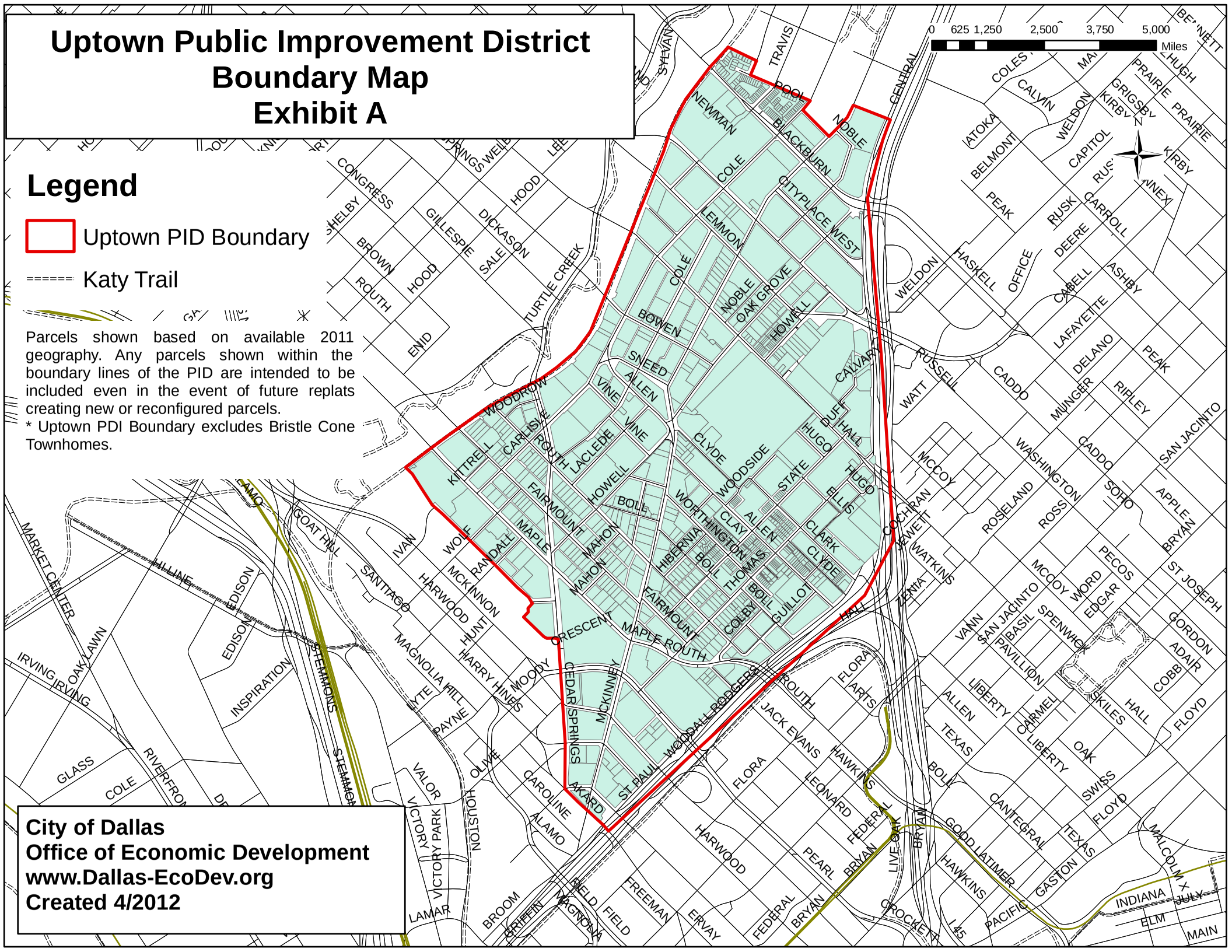


EXHIBIT B

UPTOWN PUBLIC IMPROVEMENT DISTRICT
SERVICE PLAN (2019 - 2023)

Income	**2019**	**2020** [2]	**2021** [2]	**2022** [2]	**2023** [2]
Net Assessments	$2,715,433	$2,986,976	$3,285,674	$3,614,241	$3,975,665
Interest	$2,000	$2,000	$2,000	$2,000	$2,000
Marketing Sponsorships (for events)	$40,000	$40,000	$45,000	$50,000	$55,000
Total	$2,757,433	$3,028,976	$3,332,674	$3,666,241	$4,032,665
Expenditures					
Capital Improvements (Median Landscaping, gateway markers, walking trails, parks, streetscape, Katy Trail).	$827,230	$908,693	$999,802	$1,099,872	$1,209,800
Services (Off-duty police, trolley operations, traffic & parking, marketing and promotion)	$639,358	$707,244	$783,168	$866,560	$958,166
General Improvements (Landscape, tree care, street & sidewalk sweeping, trash cans, graffiti removal, grates).	$827,230	$908,693	$999,802	$1,099,872	$1,209,800
Finance & Administration (Staff Salaries & benefits, rent, office expenses, audit, insurance)	$398,615	$454,346	$499,901	$549,936	$604,900
Griggs Park Improvements [3]	$0	$0	$0	$0	$0
Contingency [1]	$50,000	$50,000	$50,000	$50,000	$50,000
Renewal/Creation Fee	$15,000				
Total	$2,757,433	$3,028,976	$3,332,674	$3,666,241	$4,032,665

[1] Contingency funds: Allowance made for anticipated tax refunds due to protests by property owners

[2] Expenses are estimated and are subject to a renewal in 2019.

[3] The elimination of expenses for the Grigss Park Improvements is because the related projects have been completed.

EXHIBIT C

2018 ASSESSMENT PLAN Uptown

Public Improvement District

The cost of the services and improvements provided by the Uptown Public Improvement District will be paid primarily by special assessments against properties in the District. Annual assessments will be based on the total value of real property and improvements as determined by the Dallas Central Appraisal District.

All property owners not exempt from assessment will be assessed at a uniform rate. In 2018, the proposed rate continues to be 4.5 cents per $100 of value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District. The District's cemeteries, which operate on a nonprofit basis and are not specifically benefited by most of the improvements and services, are one class of tax-exempt properties. Accordingly, the cemeteries will be exempt from assessment. Property owned by tax-exempt religious organizations will be exempt from assessment and property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code. Payment of assessment by other exempt jurisdictions must be established by contract. No such contracts are in place, nor are any proposed. City rights-of-way and city parks are exempt from assessment. Properties otherwise exempt from ad valorem taxes are not subject to assessment.

UPID's assessments will be collected by Dallas County or other contractor chosen by the City of Dallas, in accordance with the management contract between the City of Dallas and Uptown Dallas, Inc., the non-profit corporation that manages the District.

Agenda Information Sheet

File #: 18-818 **Item #:** 25.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize an amended and restated management contract with Uptown Dallas, Inc., the non-profit corporation designated as the management entity for the Uptown Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Uptown Dallas, Inc., and to address other amendments to the agreement form - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed contract amendment and the concurrent changes to the District's annual budget and assessment rate ordinance also on the September 12, 2018 addendum.

On June 13, 2012, City Council authorized the renewal of the Uptown Public Improvement District (District), to provide supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District for another 7-year term and a management contract with Uptown Dallas, Inc. as the management entity for the District. Uptown Dallas, Inc. is a private nonprofit corporation created under the provisions of Section 501(c) (3) of the Internal Revenue Code.

Through the management contract, a cooperative relationship is established between the City and Uptown Dallas, Inc., with the City Council annually reviewing and approving updates to the service plan and assessment plan, determining and levying assessments and conducting other functions as required by the Chapter 372 of the Texas Local Government Code (the "Act"). Uptown Dallas, Inc. is responsible for managing and implementing the Service Plan of the District.

As per the contract between the City and Dallas County (the "County"), the County has collected the annual assessments for the District and included the assessments as part of the property owner tax bills. The County has retained a fee (currently $2.75 and subject to change) per account that is deducted from the first dollars collected until the entire fee is paid. After said fee has been paid,

subsequent collections had been transferred to a separate Uptown Dallas, Inc. established bank account. Uptown Dallas, Inc. has been responsible for wiring funds back to the County for any negative balances due to property owner refunds owed.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract.

The City may hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by Uptown Dallas, Inc. to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its fees prior to disbursing the assessment.

No assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, City Council authorized the creation of the Uptown Public Improvement District, approval of Service Plan and management contract by Resolution No. 93-2501.

On August 10, 2005, City Council authorized the renewal of the Uptown Public Improvement District, approval of the Service Plan and management contract by Resolution No. 05-2231.

On June 13, 2012, City Council authorized the renewal of the Uptown Public Improvement District, approval of the Service Plan and management contract by Resolution No. 12-1584.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

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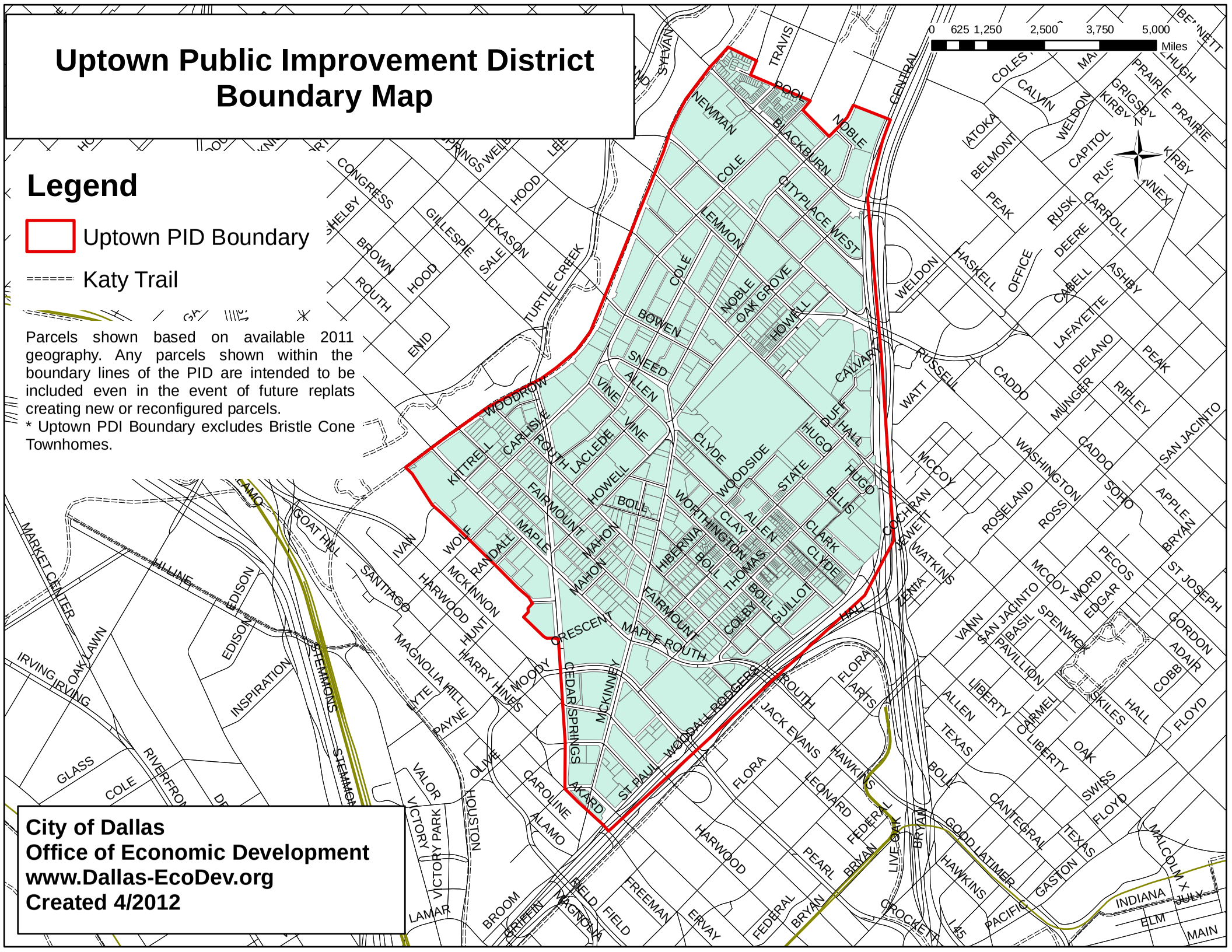
Uptown Public Improvement District Boundary Map



WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on June 23, 1993, City Council authorized the creation of the Uptown Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Uptown, Inc. as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 93-2501; and

WHEREAS, on August 10, 2005, City Council authorized the renewal of the Uptown Public Improvement District, approval of the Service Plan and management contract by Resolution No. 05-2231; and

WHEREAS, on June 13, 2012, City Council authorized the renewal of the Uptown Public Improvement District and approval of the Service Plan and management contract by Resolution No. 12-1584; and

WHEREAS, with pending changes in the process for the disbursement of assessment revenue and to address other amendments to the agreement form it is necessary to amend the existing management contract with Uptown Dallas, Inc.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amended and restated management contract with Uptown Dallas, Inc., the non-profit corporation designated as the management entity for the Uptown Public Improvement District (District), to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Uptown Dallas, Inc., and to address other amendments to the agreement form.

SECTION 2. That no assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

SECTION 3. That the amended management contract shall allow the City to hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by Uptown Dallas, Inc. to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its oversight and related fees prior to disbursing the assessment.

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 #: 18-819 **Item #:** 26.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 12, 2018

COUNCIL DISTRICT(S): 13

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Vickery Meadow Public Improvement District

A public hearing concerning the proposed levy of assessment for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and at the close of the public hearing, authorize an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Vickery Meadow Management Corporation authorizing the disbursement of assessments to Vickery Meadow Management Corporation; and providing for an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to an amended and restated management contract, also on the September 12, 2018 addendum, that is necessary to implement new procedures for the disbursement of assessment revenue and to address other amendments to the agreement form.

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass

on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

The Vickery Meadow Management Corporation provided City staff with the proposed District Service Plan for 2019 and the proposed Assessment Plan for 2018 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 12, 2018.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract along with related changes. No assessment revenue will be disbursed until an amended management contract is executed.

The Public Improvement District Service Plan is outlined in the following way:

(a) Nature of the Services and Improvements. The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be performed by the District includes enhanced security and public safety, capital improvements, improvement of common areas, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.

(b) Estimated Cost of the Services and Improvements. During the next five-year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately $905,460 in 2019 and reach $1,478,975 in 2023. The total estimated assessments to be collected for during the next five-year period is approximately $6,627,255. The District shall incur no bonded indebtedness.

(c) Boundaries. The boundaries of the District are shown on the attached map of the District.

(d) Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2018 is proposed to be $891,658. This amount is approximately equal to $0.10 per $100.00 of appraised value for the premium service area in the District and $0.05 per $100.00 of appraised value for the standard service area Once levied, this assessment rate shall not increase during the 2019 Service Plan year. The annual assessment rate shall not exceed $0.15 per $100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of $0.15 per $100.00 valuation subject to appropriations set forth in the petition that created the District.

Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections.

(e) Apportionment of costs between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District.

The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, City Council authorized the creation of the Vickery Meadow Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Vickery Meadow Management Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 93-2502.

On May 13, 1998, September 10 2003, June 25, 2008 and August 12, 2015, City Council authorized the renewal of the Vickery Meadow Public Improvement District (District), as a public improvement district in accordance with the provisions of Chapter 372 of the Texas Local Government Code and provided findings as to the advisability of the proposed supplemental services and improvements, to be funded by assessments on real property and real property improvements on property located in the District, exclusive of rights-of-way; designating Vickery Meadow Management Corporation as manager of the District and authorizing a contract for management services; and approving the District Service Plan and annual updates by Resolution Nos. 98-1440, 03-2475, 08-1867 and 15-1474.

On September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, 2017 Assessment Plan, and 2017 Assessment Roll by Resolution No. 17-1508; Ordinance No. 30213.

Information about this item was provided to the Economic Development and Housing Committee on August 6, 2018.

On August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the proposed Vickery Meadow Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1194.

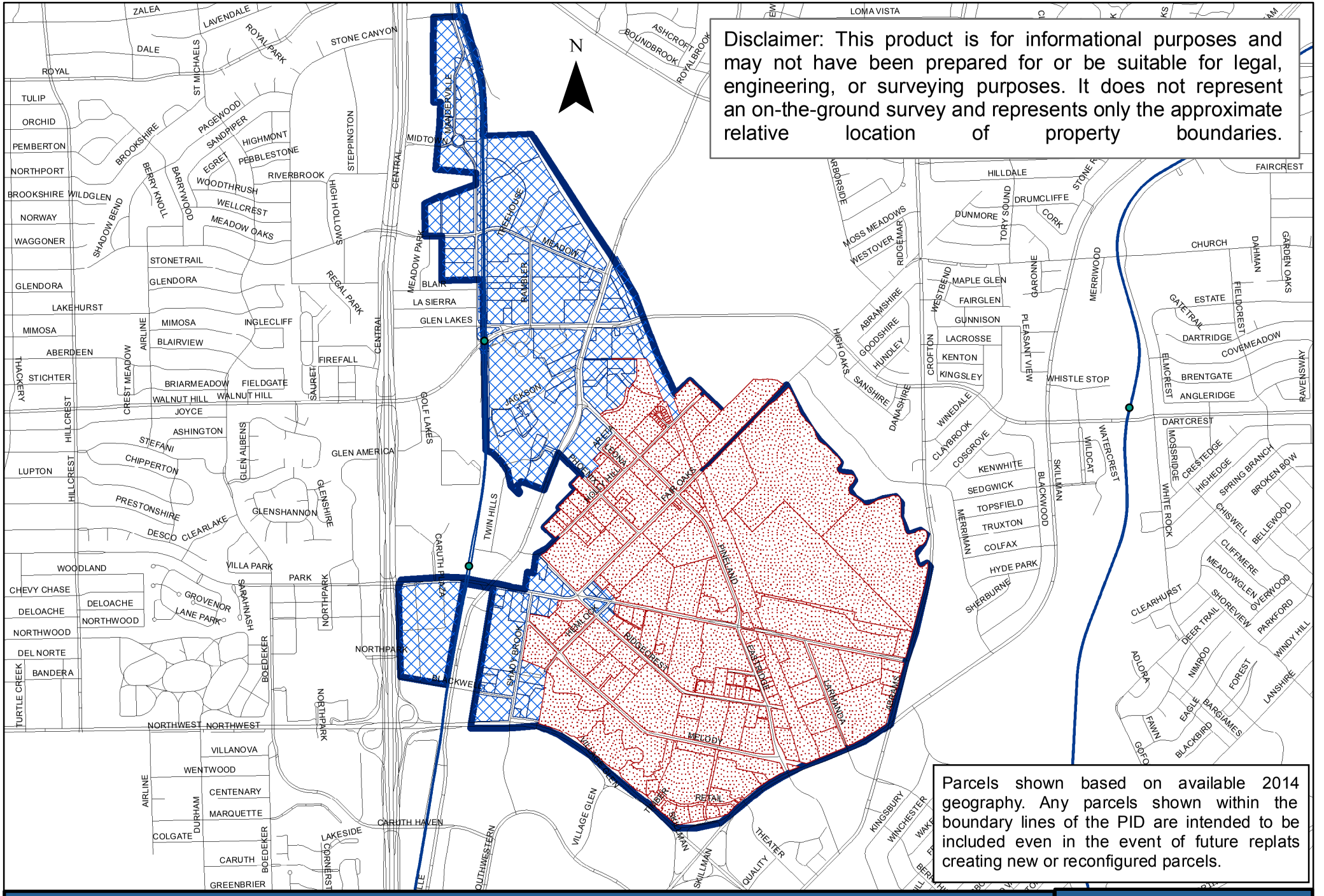
On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

FISCAL INFORMATION

Cost consideration to others - the proposed assessment amount is approximately equal to $0.10 per $100.00 of appraised value for the premium service area in the District and $0.05 per $100.00 of appraised value for the standard service area as determined by the DCAD (i.e. property owners within the boundaries of the Public Improvement District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

MAP

Attached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Parcels shown based on available 2014 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.
Vickery Meadow PID Boundary Map
VMPID Standard Service Area
VMPID Premium Service Area
Vickery Meadow PID Boundary
DALLAS ECONOMIC DEVELOPMENT
Area Redevelopment Division
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Created 07/2015

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2019 SERVICE PLAN, THE FINAL 2018 ASSESSMENT PLAN, AND THE 2018 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE VICKERY MEADOW PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2019; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2018 ASSESSMENT; AUTHORIZING THE RECEIPT AND DEPOSIT OF ASSESSMENTS FROM DALLAS COUNTY; PURSUANT TO AN AMENDED AND RESTATED MANAGEMENT CONTRACT WITH VICKERY MEADOW MANAGEMENT CORPORATION AUTHORIZING THE DISBURSEMENT OF ASSESSMENTS TO VICKERY MEADOW MANAGEMENT CORPORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the Act) allows for the creation of public improvement districts; and

WHEREAS, on June 23, 1993, City Council authorized the creation of the Vickery Meadow Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Vickery Meadow Management Corporation as the manager of the District authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 93-2502; and

WHEREAS, on August 12, 2015, City Council held a public hearing to receive comments concerning the renewal of the Vickery Meadow Public Improvement District; approval of the Service Plan and management contract by Resolution No. 15-1474**,** as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 13, 2017 City Council authorized an ordinance approving and adopting the final 2019 Service Plan, 2018 Assessment Plan and 2018 Assessment Roll by Resolution No. 17-1495; Ordinance No. 30649; and

WHEREAS, City Council must review the proposed 2019 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2018 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 22, 2018, City Council authorized a public hearing to be held on September 12, 2018, to receive comments on the Vickery Meadow Public Improvement District final 2019 Service Plan and 2018 Assessment Rate by Resolution No. 18-1194; and

WHEREAS, the Vickery Meadow Management Corporation provided City staff with the proposed District 2019 Service Plan and 2018 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of $0.10 per $100.00 of appraised value for the premium service area in the District and $0.05 per $100.00 of appraised value for the standard service area of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

Now, Therefore,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Vickery Meadow Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2019; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2018 assessment; authorizing the receipt and deposit of assessments from Dallas County; pursuant to an amended and restated management contract with Vickery Meadow Management Corporation authorizing the disbursement of assessments to Vickery Meadow Management Corporation; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by DCAD.

The assessment amount for 2018 is proposed to be $891,658. This amount is approximately equal to $0.10 per $100.00 of appraised value for the premium service area in the District and $0.05 per $100.00 of appraised value for the standard service area as determined by the DCAD. Once levied, this assessment rate shall not increase during the 2019 Service Plan year.

SECTION 4. That the City Council hereby authorizes and adopts the final 2019 Service Plan, the final 2018 Assessment Plan, and the 2018 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2018, of approximately $905,460. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 12, 2018 at 1:00 p.m. in the City Council Chamber, 6th Floor, 1500 Marilla Street, Dallas, Texas 75201 was published in the official newspaper of the City of Dallas, Texas 75201 before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2019. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the Chief Financial Officer is hereby authorized to receive and deposit assessment funds from Dallas County (net County collection fees) in the Vickery Meadow Public Improvement District Fund, Fund 9P15, Department ECO, Unit 1869 and Unit 1871, Revenue Code 8576.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations and oversight conducted by City staff for the District, which amount shall be reimbursed by the District to City through the deduction from assessment revenues received.

SECTION 14. That the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P15, Department ECO, Unit 1869 and Unit 1871, Object 3090 to General Fund, Fund 0001, Department ECO, Unit Various, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day-to-day administrative and operational oversight of the District.

SECTION 15. That the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 9P15, Department ECO, Unit 1869 and Unit 1871,Object 3090 to General Fund, Fund 0001, Department BMS, Unit 1272, Object 5011, to reimburse the City Controller's Office for administrative costs incurred for day-to-day accounting responsibilities associated with oversight of the District.

SECTION 16. That no assessment revenue will be disbursed to Vickery Meadow Management Corporation unless an amended and restated management contract is executed.

SECTION 17. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P15, Department ECO, Unit 1869 and Unit 1871, Object 3034, Vendor REVVPID01, for assessments due the District as assessed, paid to Dallas County and transferred to the City for processing, net of administrative fees, any retainage necessary, and any required reconciliation adjustments, related to this activity.

SECTION 18. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 9P15, Department ECO, Unit 1869 and Unit 1871, Object 3549, Vendor 243282 for reimbursing Dallas County for refunding assessments paid by property owners in excess of adjusted amounts resulting from successful appeal of property tax values, and for other necessary reconciliation adjustments.

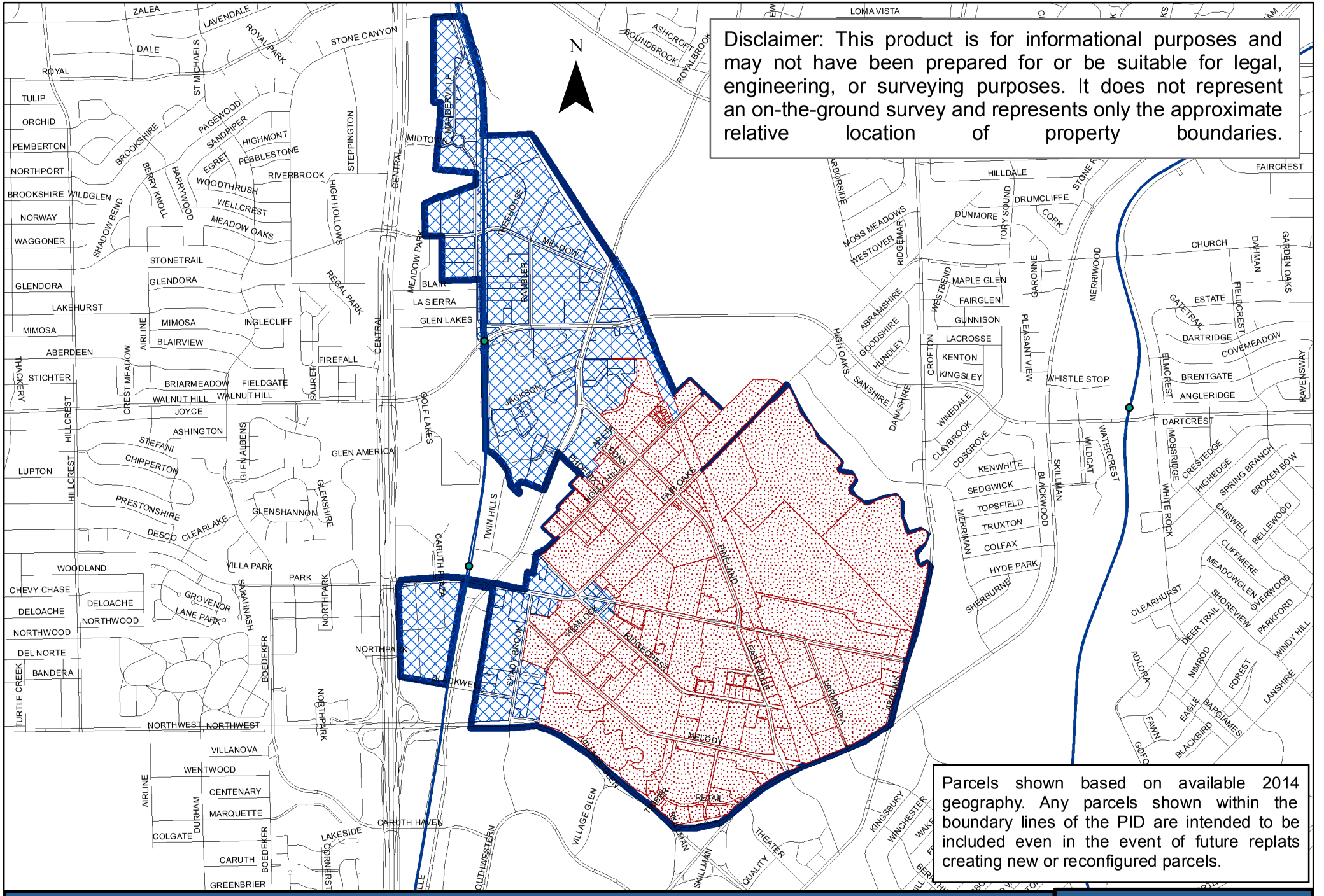
SECTION 19. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 20. That this ordinance 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 ordained.

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

BY: _____
Assistant City Attorney

Passed _____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N
Parcels shown based on available 2014 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.
Exhibit A -
Vickery Meadow PID Boundary Map
VMPID Standard Service Area
VMPID Premium Service Area
Vickery Meadow PID Boundary
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DEVELOPMENT
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Exhibit B

VICKERY MEADOW PUBLIC IMPROVEMENT DISTRICT
SERVICE PLAN (2019-2023)

	2019 BUDGET		2020 BUDGET		2021 BUDGET		2022 BUDGET		2023* BUDGET	
REVENUES:										
Gross Assessment	$907,500.59		$1,407,500.59		$1,449,725.61		$1,449,725.61		$1,493,217.38	
PID Oversight Charge from City	$15,843.00		$16,143.00		$16,143.00		$16,143.00		$16,143.00	
Net Assessment	$891,657.59		$1,391,357.59		$1,433,582.61		$1,433,582.61		$1,477,074.38	
Interest Income	$1,500.00		$1,600.00		$1,800.00		$1,900.00		$1,900.00	
Surplus Carried Forward [9]	$12,302.13		$0.00		$0.00		$0.00		$0.00	
TOTAL REVENUE	**$905,459.72**		**$1,392,957.59**		**$1,435,382.61**		**$1,435,482.61**		**$1,478,974.38**	
DISBURSEMENTS:										
Safety & Security Expenses [1]	$344,074.69	39%	$529,323.88	38%	$545,445.39	38%	$545,483.39	38%	$562,010.26	38%
Capital Improvements [2]	$135,818.96	15%	$208,943.64	15%	$215,307.39	15%	$215,322.39	15%	$221,846.16	15%
Property Standard Expenses [3]	$117,709.76	13%	$181,084.49	13%	$186,599.74	13%	$186,612.74	13%	$192,266.67	13%
Promotion [4]	$63,382.18	7%	$97,507.03	7%	$100,476.78	7%	$100,483.78	7%	$103,528.21	7%
Economic Development Expense [5]	$18,109.19	2%	$27,859.15	2%	$28,707.65	2%	$28,709.65	2%	$29,579.49	2%
Recreation programming/Community Service [6]	$18,109.19	2%	$27,859.15	2%	$28,707.65	2%	$28,709.65	2%	$29,579.49	2%
Park Lane [7]	$72,436.78	8%	$111,436.61	8%	$114,830.61	8%	$114,838.61	8%	$118,317.95	8%
Midtown Park [8]	$27,163.79	3%	$41,788.73	3%	$43,061.48	3%	$43,064.48	3%	$44,369.23	3%
Administrative Expenses [9]	$90,545.97	10%	$139,295.76	10%	$143,538.26	10%	$143,548.26	10%	$147,897.44	10%
Insurance & Audit Expenses	$18,109.19	2%	$27,859.15	2%	$28,707.65	2%	$28,709.65	2%	$29,579.49	2%
TOTAL DISBURSEMENTS	**$905,459.72**		**$1,392,957.59**		**$1,435,382.61**		**$1,435,482.61**		**$1,478,974.38**	
ENDING FUND BALANCE	**$0**		**$0**		**$0**		**$0**		**$0**	

Notes:

1. Crime Database, Security Patrols, & Crime Prevention
2. Capital Improvements - large-scale street improvements, sidewalks, enhanced landscaping, etc. Large scale projects may require funds to be carried over multiple years.
3. Landscaping, Litter Removal, Graffiti Abatement, Cart Pickup
4. Marketing, Promotion and Advertising
5. Neighborhood Planning & Recruitment of Business
6. Community Enrichment Activities, Youth Development Activities, & Special Events
7. Improvement of Common Areas or security in the Park Lane Development
8. Improvements of Common Areas or security in the Mid-Town Development
9. Office Management & Items Required by PID Contract

Exhibit C

VICKERY MEADOW IMPROVEMENT DISTRICT
2018 ASSESSMENT PLAN

The costs of the services and improvements by the Vickery Meadow Improvement District will be paid primarily by assessments against real properties within the District's boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District ("DCAD").

The 2018 assessment rate for the property in the premium service area is proposed at $.10 per $100 value. The 2018 assessment rate for the property in the standard service area is proposed at $.05 per $100 value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code. The City of Dallas shall not be responsible for payment of assessments against exempt City property including City rights-of-way and parks. Payment of assessment by other tax-exempt owners must be established by contract. No such contracts are in place at present.

The Vickery Meadow PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Vickery Meadow Management Corporation.

Agenda Information Sheet

File #: 18-820 **Item #:** 27.

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	September 12, 2018
COUNCIL DISTRICT(S):	13
DEPARTMENT:	Office of Economic Development
EXECUTIVE:	T.C. Broadnax

SUBJECT

Authorize an amended and restated management contract with Vickery Meadow Management Corporation, the non-profit corporation designated as the management entity for the Vickery Meadow Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Vickery Meadow Management Corporation, and to address other amendments to the agreement form - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum due to the complexity of financial and legal matters related to the proposed contract amendment and the concurrent changes to the District's annual budget and assessment rate ordinance also on the September 12, 2018 addendum.

On June 15, 2016, City Council authorized the renewal of the Vickery Meadow Public Improvement District (District), to provide supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District for another 7-year term and a management contract with the Vickery Meadow Management Corporation as the management entity for the District. Vickery Meadow Management Corporation is a private nonprofit corporation created under the provisions of Section 501(c) (3) of the Internal Revenue Code.

Through the management contract a cooperative relationship is established between the City and Vickery Meadow Management Corporation with the City Council annually reviewing and approving updates to the service plan and assessment plan, determining and levying assessments and conducting other functions as required by the Chapter 372 of the Texas Local Government Code (the "Act"). The Vickery Meadow Management Corporation is responsible for managing and implementing the Service Plan of the District.

As per the contract between the City and Dallas County (the "County"), the County has collected the annual assessments for the District and included the assessments as part of the property owner tax

bills. The County has retained a fee (currently $2.75 and subject to change) per account that is deducted from the first dollars collected until the entire fee is paid. After said fee has been paid, subsequent collections had been transferred to a separate Vickery Meadow Management Corporation established bank account. Vickery Meadow Management Corporation has been responsible for wiring fund back to the County for any negative balances due to property owner refunds owed.

Beginning with the 2018 assessment year, Dallas County will continue to collect assessments and retain a collection fee ($2.75 per account and subject to change); however, remaining assessments will be transferred to the City (as opposed to the County disbursing directly to the PID as has been the practice in the past). The City will then disburse assessments to the PID entity at a frequency outlined in an amended management contract.

The City may hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by Vickery Meadow Management Corporation to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its fees prior to disbursing the assessment.

No assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, City Council authorized creation of the Vickery Meadow Public Improvement District by Resolution No. 93-2502.

On August 12, 2015, City Council authorized the renewal of the Vickery Meadow Public Improvement District and approval of the Service Plan and management contract by Resolution No. 15-1474.

On September 4, 2018, the Economic Development and Housing Committee was briefed by memorandum regarding the September 12, 2018 Public Hearing for the Public Improvement Districts (PIDs) to Set Annual Assessment Rates for 2018, Adopt 2019 Service Plans, and Amend Management Contracts.

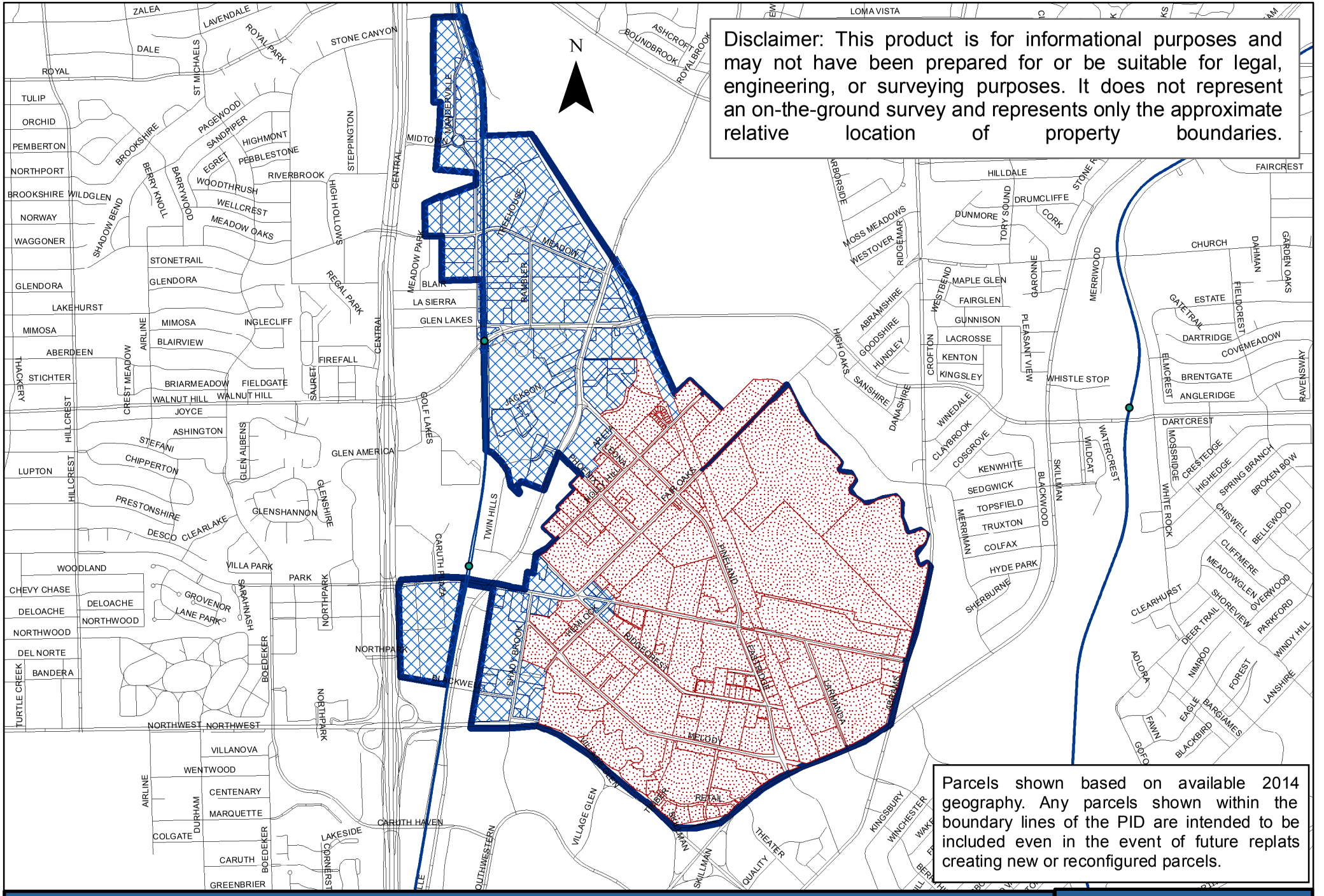
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

powered by Legistar™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VMPID Standard Service Area
VMPID Premium Service Area
Vickery Meadow PID Boundary
DALLAS ECONOMIC DEVELOPMENT
Area Redevelopment Division
214.670.1685
dallas-ecodev.org
Created 07/2015

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on June 23, 1993, City Council authorized the creation of Vickery Meadow Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Vickery Meadow Management Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 93-2502; and

WHEREAS, on August 12, 2015, City Council authorized the renewal of the Vickery Meadow Public Improvement District and approval of the Service Plan and management contract by Resolution No. 15-1474; and

WHEREAS, with pending changes in the process for the disbursement of assessment revenue and to address other amendments to the agreement form it is necessary to amend the existing management contract with Vickery Meadow Management Corporation.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amended and restated management contract with Vickery Meadow Management Corporation, the non-profit corporation designated as the management entity for the Vickery Meadow Public Improvement District (District) to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Vickery Meadow Management Corporation, and to address other amendments to the agreement form.

SECTION 2. That no assessment revenue will be disbursed until an amended and restated management contract is executed to reflect these changes.

SECTION 3. That the amended management contract shall allow the City to hold a retainer for potential property owner refunds with any remaining retainage funds to be released at the end of the year. If retainage funds are not sufficient to address refunds, any additional funds needed will be provided by Vickery Meadow Management Corporation to repay any taxpayer who is legally entitled to a refund of all or a portion of an assessment and any interest required by law to be paid. The City may also deduct its oversight and related fees prior to disbursing the assessment.

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.