

**APRIL 9, 2014 CITY COUNCIL ADDENDUM  
CERTIFICATION**

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

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

4/4/14  
\_\_\_\_\_  
Date

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

4/4/14  
\_\_\_\_\_  
Date



RECEIVED  
2014 APR -4 PM 4: 23  
CITY CLERK  
DALLAS, TEXAS

**ADDENDUM  
CITY COUNCIL MEETING  
WEDNESDAY, APRIL 9, 2014  
CITY OF DALLAS  
1500 MARILLA  
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 - 31

**CONSENT ADDENDUM**

Items 1 - 5

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 32 - 35  
Addendum Items 6 - 7

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 36 - 41  
Addendum Item 8



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

ADDITIONS:

CONSENT ADDENDUM

**Business Development & Procurement Services**

1. Authorize the sale of one front-end loader through a public auction on March 21, 2014 to A. Glenn Roberts, highest bidder of eight - Revenue: \$25,200

**Trinity Watershed Management**

2. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the lawsuit styled City of Dallas v. Mary Lee Frazer, et al, Cause No. CC-13-05799-A, pending in County Court at Law No. 1, for acquisition of approximately one acre of unimproved land, being that portion of Long Acre Lane extending south from Great Trinity Forest Way, for the Trinity River Corridor Project - Audubon Center; and **(2)** settlement of the lawsuit for an amount not to exceed the award of the Special Commissioners - Not to exceed \$114,200 (\$110,000 being the amount of the award, plus closing costs and title expenses not to exceed \$4,200); an increase of \$27,600 from the amount Council originally authorized for this acquisition - Financing: 1998 Bond Funds
3. Authorize a professional services contract for engineering design services with Pacheco Koch Consulting Engineers, Inc. for improvements associated with the Elam Road and Simpkins Remediation - Not to exceed \$842,290 - Financing: Stormwater Drainage Management Capital Construction Funds (\$257,960) and Public/Private Partnership Funds (\$584,330)
4. Authorize a construction contract with L. D. Kemp Excavating, Inc., lowest responsible bidder of six, for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road, 6300 Great Trinity Forest Way Boulevard, and 809 Pemberton Hill Road - Not to exceed \$2,530,277 - Financing: Stormwater Drainage Management Capital Construction Funds

**ADDENDUM  
CITY COUNCIL MEETING  
APRIL 9, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

**Trinity Watershed Management** (Continued)

5. Authorize Supplemental Agreement No. 1 to the engineering services contract with Terracon Consultants, Inc. for additional detailed environmental investigation, assessment, remedial designs, and coordination with Texas Commission on Environmental Quality (TCEQ) associated with Simpkins Remediation located at 5950 Elam Road and 6300 Great Trinity Forest Way Boulevard - Not to exceed \$273,720, from \$814,464 to \$1,088,184 - Financing: Stormwater Drainage Management Capital Construction Funds (\$273,720)

ITEMS FOR INDIVIDUAL CONSIDERATION

DESIGNATED PUBLIC SUBSIDY MATTERS

**Housing/Community Services**

6. Authorize a housing development loan in an amount not to exceed \$63,000 with East Dallas Community Organization (EDCO), a certified Community Housing Development Organization (CHDO) for the construction of two affordable single family homes located at 4529 and 4531 Garland Avenue - Not to exceed \$63,000 - Financing: 2012-13 HOME Investment Partnership Program Grant Funds
7. Authorize a housing development loan in an amount not to exceed \$283,363 with South Dallas Fair Park Inncity Community Development Corporation (ICDC), a certified Community Housing Development Organization (CHDO), for construction of four (4) affordable single family homes for the Pittman development project located along the 3100 block of Lenway Street - Not to exceed \$283,363 - Financing: 2012-13 HOME Investment Partnership Program Grant Funds

PUBLIC HEARINGS AND RELATED ACTIONS

**Sustainable Development and Construction**

8. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from Henry W. Longfellow Middle School required by Section 6-4 of the Dallas City Code to allow a restaurant with a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate [Mesero Restaurants LLC (DBA Mesero Mexican Menu)] on property on the southeast corner of West Lovers Lane and Inwood Road - AV134-004(JH) - Financing: No cost consideration to the City

**ADDENDUM DATE April 9, 2014**

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			N/A	C	PBD, WTR	REV \$25,200	NA	NA	Authorize the sale of one front-end loader through a public auction on March 21, 2014 to A. Glenn Roberts, highest bidder of eight
2			8	C	TWM, ATT, PBW	\$114,200.00	NA	NA	Authorize the deposit of the amount awarded by the Special Commissioners in the lawsuit styled City of Dallas v. Mary Lee Frazer, et al, Cause No. CC-13-05799-A, pending in County Court at Law No. 1, for acquisition of approximately one acre of unimproved land, being that portion of Long Acre Lane extending south from Great Trinity Forest Way, for the Trinity River Corridor Project - Audubon Center; and settlement of the lawsuit for an amount not to exceed the award of the Special Commissioners
3			7, 8	C	TWM, ECO	\$257,960.00	100.00%	100.00%	Authorize a professional services contract for engineering design services with Pacheco Koch Consulting Engineers, Inc. for improvements associated with the Elam Road and Simpkins Remediation
4			7, 8	C	TWM	\$2,530,277.00	0.00%	31.43%	Authorize a construction contract with L. D. Kemp Excavating, Inc., lowest responsible bidder of six, for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road, 6300 Great Trinity Forest Way Boulevard, and 809 Pemberton Hill Road
5			7, 8	C	TWM	\$273,720.00	72.17%	28.42%	Authorize Supplemental Agreement No. 1 to the engineering services contract with Terracon Consultants, Inc. for additional detailed environmental investigation, assessment, remedial designs, and coordination with Texas Commission on Environmental Quality (TCEQ) associated with Simpkins Remediation located at 5950 Elam Road and 6300 Great Trinity Forest Way Boulevard
6			2	I	HOU	GT	NA	NA	Authorize a housing development loan with East Dallas Community Organization (EDCO), a certified Community Housing Development Organization (CHDO) for the construction of two affordable single family homes located at 4529 and 4531 Garland Avenue
7			7	I	HOU	GT	NA	NA	Authorize a housing development loan with South Dallas Fair Park Inncity Community Development Corporation (ICDC), a certified Community Housing Development Organization (CHDO), for construction of four (4) affordable single family homes for the Pittman development project located along the 3100 block of Lenway Street
8			13	PH	DEV	NC	NA	NA	A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from Henry W. Longfellow Middle School required by Section 6-4 of the Dallas City Code to allow a restaurant with a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate [Mesero Restaurants LLC (DBA Mesero Mexican Menu)] on property on the southeast corner of West Lovers Lane and Inwood Road

**TOTAL            \$3,176,157.00**





**ADDENDUM ITEM # 1**

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

**AGENDA DATE:** April 9, 2014

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

**DEPARTMENT:** Business Development & Procurement Services  
Water Utilities

**CMO:** Jeanne Chipperfield, 670-7804  
Forest E. Turner, 670-3390

**MAPSCO:** N/A

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**SUBJECT**

Authorize the sale of one front-end loader through a public auction on March 21, 2014 to A. Glenn Roberts, highest bidder of eight - Revenue: \$25,200

**BACKGROUND**

This item is on the addendum for the sale of a front-end loader from a public auction held on March 21, 2014, after the deadline to meet the regular council agenda. Approval is requested in order to complete the transaction in a timely manner and to enable the purchaser to receive their equipment.

This action seeks approval to sell one 1999 Samsung SL 150-2 front-end loader, equipment number 999020, which was publicly auctioned on March 21, 2014. Water Utilities replaced this vehicle in 2013. The vehicle has reached its useful life and is no longer cost effective for the City to maintain.

The City used its current contract auctioneer, Lone Star Auctioneers, Inc., to auction this equipment and will pay the auctioneer 7.98% commission based upon gross sales per this auction.

Dallas City Code 2-37.4 requires that when the highest bid for property is more than \$20,000.00, the sale to the highest bidder must be confirmed by City Council.

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

This item has no prior action.

**FISCAL INFORMATION**

\$25,200.00 - Revenue

**BID INFORMATION**

The following bid was received at public auction on March 21, 2014.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Amount of Bid</u></b>
*A. Glenn Roberts 1931 CR 431 Tennessee Colony, TX 75861	\$25,200.00
MJTRUCKS	\$25,100.00
Elizondo	\$21,800.00
Pbman	\$15,200.00
Dcotter2	\$10,200.00
Manuela	\$ 9,000.00
Stnadaf	\$ 7,700.00
Theo A	\$ 5,300.00

**OWNER**

A. Glenn Roberts

April 9, 2014**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the City Manager or designee is hereby authorized to sell one front-end loader through public auction on March 21, 2014, to the highest bidder, A. Glenn Roberts in the amount of \$25,200.00.

**Section 2.** That the City Controller is hereby authorized to receive and deposit funds received from the proceeds of the sale to:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>REVENUE SOURCE</u>	<u>AMOUNT</u>
0100	DWU	7411	8414	\$21,420.00
0199	POM	1232	8420	\$ 3,780.00

**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.



## ADDENDUM ITEM # 2

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 9, 2014

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Trinity Watershed Management  
City Attorney's Office  
Public Works Department

**CMO:** Jill A. Jordan, P.E., 670-5299  
Warren M.S. Ernst, 670-3491

**MAPSCO:** 57 Z

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### SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the lawsuit styled City of Dallas v. Mary Lee Frazer, et al, Cause No. CC-13-05799-A, pending in County Court at Law No. 1, for acquisition of approximately one acre of unimproved land, being that portion of Long Acre Lane extending south from Great Trinity Forest Way, for the Trinity River Corridor Project - Audubon Center; and **(2)** settlement of the lawsuit for an amount not to exceed the award of the Special Commissioners - Not to exceed \$114,200 (\$110,000 being the amount of the award, plus closing costs and title expenses not to exceed \$4,200); an increase of \$27,600 from the amount Council originally authorized for this acquisition - Financing: 1998 Bond Funds

### BACKGROUND

This item is on the addendum after a Special Commissioner's Hearing, which was held on March 17, 2014, at which time the final acquisition dollar amount was determined. Court objections are due on April 14, 2014, if City Council decides that they wish for the City Attorney's office to file objections to the award, another agenda date will not be available prior to that date.

On January 11, 2012 City Council authorized the acquisition of approximately one acre of land for \$82,400 by Resolution No. 12-0143. The property owners were offered \$82,400 which was based on a written appraisal from an independent certified appraiser. The offer was not accepted by the property owners and the City filed an eminent domain case to acquire the land. By a hearing of the Special Commissioners on March 17, 2014 the property owners were awarded \$110,000. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$27,600 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$4,200.

**BACKGROUND** (Continued)

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

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

Authorized acquisition on January 11, 2012, by Resolution No. 12-0143.

Council will be briefed by memorandum concerning this item.

**FISCAL INFORMATION**

1998 Bond Funds - \$114,200 (\$110,000 plus closing costs and title expenses not to exceed \$4,200)

**OWNERS**

Gary James Heathcock  
The Estate of Shirley Ann Heathcock Dunn  
The Estate of Clair Dugas aka Clara Dugas  
The Estate of Anna Liebundgnt,  
Earlene McKnight Hamner aka Earlene Perry  
Earlene Perry, a Life Estate  
Mary Lee Frazer  
Nancy Lee Perry Brecht  
David Shannon Eatherly  
Anna Marie Reeves  
Jerry Katherine Reeves Weatherly  
Barbara Jean Reeves  
Fortunato Mata  
Valerie Suzanne Reeves  
James Harold Reeves, II  
Kimberly Allison Reeves aka Kimberly Allison Beech  
James Michael Reeves, Jr.  
Barbara Kathryn Reeves Bovinette  
Jason William Reeves  
William H. Guice  
Edward Guice, Jr.  
Charles Guice  
Sharon Guice  
Jesse Flanagan  
Andrea Flanagan

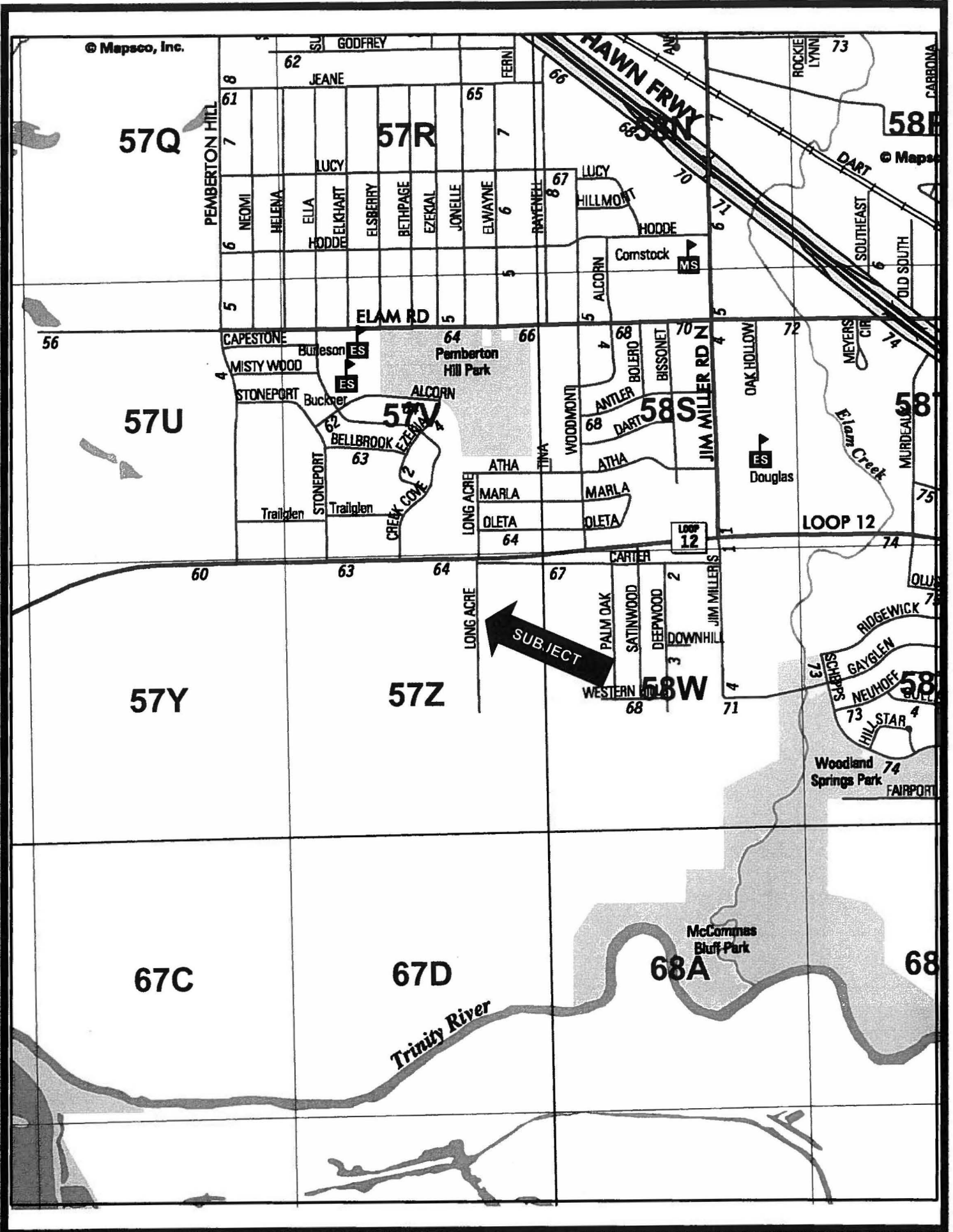
**OWNERS** (Continued)

- \*Darla Ellis
- \*Rhonda Rapollo
- \*Niram Patterson
- \*Emily Bonner
- \*Marie Louise Chase Youssefirad

\*Potential Owner/Heir

**MAPS**

Attached





Long Acre Lane

Great Trinity Forest Way

Carter Road



Long Acre Lane

6259



AREA TO BE ACQUIRED



April 9, 2014

**A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS' AWARD AND SETTLEMENT OF THE CONDEMNATION SUIT FOR THE AWARD.**

**IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:**

CONDEMNATION SUIT: Cause No. CC-13-05799-A, in County Court at Law No. 1, and styled City of Dallas v. Mary Lee Frazer, et al, filed pursuant to City Council Resolution No. 12-0143.

PROPERTY: Approximately one acre of land located in Dallas County, as described in the Condemnation Suit.

PROJECT: Trinity River Corridor Project - Audubon Center

OFFICIAL OFFER: \$82,400.00

AWARD: \$110,000.00

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$4,200.00

AUTHORIZED AMOUNT: Not to exceed: \$114,200.00

DESIGNATED FUNDS: payable out of the Trinity River Corridor Project Fund: Fund No. 5P14, Department PBW, Unit N966, Activity TRPP, Program No. PB98N966, Object 4210, Encumbrance No. CT-PBW98N966C3

**WHEREAS**, the Official Offer having been made and refused, the City Attorney filed the Condemnation Suit for the acquisition of the Property for the Project; and,

**WHEREAS**, the Special Commissioners appointed by the Court in the Condemnation Suit made an Award which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the Property; and,

**WHEREAS**, the City Council desires to authorize the City Attorney to settle the Condemnation Suit for an amount not to exceed the Award;

April 9, 2014

**Now, Therefore,**

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

**SECTION 1.** That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the Designated Funds, in the amount of the Award payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the Closing Costs and Title Expenses payable to the title company closing the transaction described herein. The Award, Closing Costs and Title Expenses together shall not exceed the Authorized Amount.

**SECTION 2.** That the City Attorney is authorized to settle the Condemnation Suit for an amount not to exceed the Award.

**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.

**APPROVED AS TO FORM**

**Warren M. S. Ernst  
City Attorney**

By: \_\_\_\_\_

*Christopher C. Dent*  
Assistant City Attorney

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 9, 2014

**COUNCIL DISTRICT(S):** 7, 8

**DEPARTMENT:** Trinity Watershed Management  
Office of Economic Development

**CMO:** Jill A. Jordan, P.E., 670-5299  
Ryan S. Evans, 671-9837

**MAPSCO:** 57 P T U X Y & Z and 67 B C & D

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**SUBJECT**

Authorize a professional services contract for engineering design services with Pacheco Koch Consulting Engineers, Inc. for improvements associated with the Elam Road and Simpkins Remediation - Not to exceed \$842,290 - Financing: Stormwater Drainage Management Capital Construction Funds (\$257,960) and Public/Private Partnership Funds (\$584,330)

**BACKGROUND**

This item is on the addendum for the approval of an engineering design contract for improvements needed for Elam Road, and commitments associated with the construction of the planned golf course.

The Elam and South Loop 12 Landfills, also known as Simpkins Landfills, were issued a Municipal Solid Waste (MSW) Permit No. 88 on August 29, 1975 by the Texas State Department of Health. Both landfills are located in the vicinity of Great Trinity Forest Boulevard (also known as Loop 12) and Pemberton Hill Road. The total permitted landfill area is approximately 340 acres; 85 acres for Elam and 255 acres for South Loop.

The Simpkins site consisted primarily of undeveloped and agricultural land in the 1940s, prior to portions of the site being utilized for sand and gravel mining operations in the 1950s and 1960s. Based on a review of aerial photographs, approximately 160 acres or more have been used for gravel mining operations. In the late 1950s and early 1960s, it appears that landfill operations began on-site. The Elam Landfill operated from approximately 1957 until closure in 1980, and the South Loop Landfill operated from approximately 1962 until closure in 1983.

## **BACKGROUND (Continued)**

Prior to May 2008, the landfills were not owned by the City but the City was listed as the operator for South Loop Landfill. In May 28, 2008 (through Resolution No. 08-1591), Council authorized the acquisition of this site and remediation efforts to be made for environmental conditions at the site to be in compliance with regulations by the state regulatory agency, Texas Commission on Environmental Quality (TCEQ).

Terracon Consultants, Inc. (Terracon) conducted a Phase I Environmental Site Assessment and Limited Solid Waste Evaluation Report in 2005. Both reports recommended further action as Terracon conducted a Landfill Cap Evaluation and Proposed Response Actions in 2008. Based on the preliminary investigation and assessments, Terracon recommended further detailed investigations and assessment to be in compliance with TCEQ regulations.

On October 22, 2008, Council authorized a professional services contract with Terracon to develop remedial designs to address the restoration of landfill caps and other corrective measures.

On May 15, 2013, Council authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course. As part of the agreement, the City agreed to pursue certain infrastructure improvements.

This action will fund infrastructure improvements that includes the engineering design for Elam Road improvements, Trinity Hike and Bike Trail, water and wastewater improvements, traffic improvements along Great Trinity Forest Boulevard, and Audubon Center Irrigation System improvements, and vegetative support layer improvements for Elam and South Loop 12 Landfills.

Elam Road improvements include 2,200 linear feet of 24-foot wide, 8-inch thick concrete roadway with associated drainage swales from Pemberton Hill Road westward.

The nearby Trinity Hike and Bike Trail will tie into the AT&T Trails currently under construction and will include 1,400 linear feet of 10-foot wide, 6-inch thick, 4,000 psi concrete hike/bike trail from the end of the Elam Road improvements westward to an Oncor right-of-way.

Water and wastewater improvements include the replacement of approximately 2,200 linear feet of existing 8-inch water line with a new 8-inch water line along the Elam Road corridor west of Pemberton Hill Road.

Traffic improvements include improvements requested by CTFG and also include new signal lights at nearby intersections.

**BACKGROUND (Continued)**

The Audubon irrigation system is to be used for the CTFG and the Audubon Center was a water source for irrigation.

The vegetative support layer is to comply with TCEQ regulations for landfill cap thickness.

This action will fund an engineering design to address these closed landfill improvements to be in compliance with the restoration of landfill caps as per TCEQ regulation. In addition, nearby Elam Road improvements will include paving, drainage, water, and wastewater improvements. These improvements will meet the infrastructure improvements obligations as per the CTFG lease agreement.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Engineering Design	April 2014
Complete Engineering Design	August 2014

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

Authorized acquisition of approximately 61 acres from Weir Bros, Partners, L.L.C. out of the above referenced 111 acres tract on April 28, 2004, by Resolution No. 04-1416.

Authorized acquisition of approximately 1,415 acres from Metropolitan Sand & Gravel Co., L.L.C. on February 13, 2008, by Resolution No. 08 -0398.

Authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project on May 28, 2008, by Resolution No. 08-1591.

Authorized a professional services contract with Terracon Consultants, Inc., on October 22, 2008, by Resolution No. 08-2874.

Authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course on May 15, 2013, by Resolution No. 13-0776.

**FISCAL INFORMATION**

Stormwater Drainage Management Capital Construction Funds - \$257,960.00  
Public/Private Partnership Funds - \$584,330.00

Engineering Design Cost \$842,290.00  
Estimated Construction Cost \$7,200,000.00

Total Project Cost \$8,042,290.00

<b><u>Council District</u></b>	<b><u>Amount</u></b>
7	\$421,145.00
8	<u>\$421,145.00</u>
Total	\$842,290.00

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Pacheco Koch Consulting Engineers, Inc.

Hispanic Female	3	Hispanic Male	15
African-American Female	0	African-American Male	1
Other Female	2	Other Male	2
White Female	9	White Male	56

**OWNER**

**Pacheco Koch Consulting Engineers, Inc.**

Mark A. Pacheco, P.E., RPLS, President

**MAP**

Attached



## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a professional services contract for engineering design services with Pacheco Koch Consulting Engineers, Inc. for improvements associated with the Elam Road and Simpkins Remediation - Not to exceed \$842,290 - Financing: Stormwater Drainage Management Capital Construction Funds (\$257,960) and Public/Private Partnership Funds (\$584,330)

Pacheco Koch Consulting Engineers, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Architecture & Engineering

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$842,290.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$842,290.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Gerard & Associates Consulting Engineers	BMDB57931Y0714	\$15,406.00	1.83%
Criado & Associates, Inc.	HFDB57963Y0714	\$68,090.37	8.08%
Urban Engineers Group, Inc.	HFDB58019Y0714	\$49,920.00	5.93%
Pacheco Koch Consulting Engineers, Inc.	HMDB58816Y0914	\$625,533.63	74.27%
Lim & Associates	PMDB56988Y0314	\$55,000.00	6.53%
GME Consulting Services, Inc.	WFWB58499N0814	\$28,340.00	3.36%
<b>Total Minority - Local</b>		<b>\$842,290.00</b>	<b>100.00%</b>

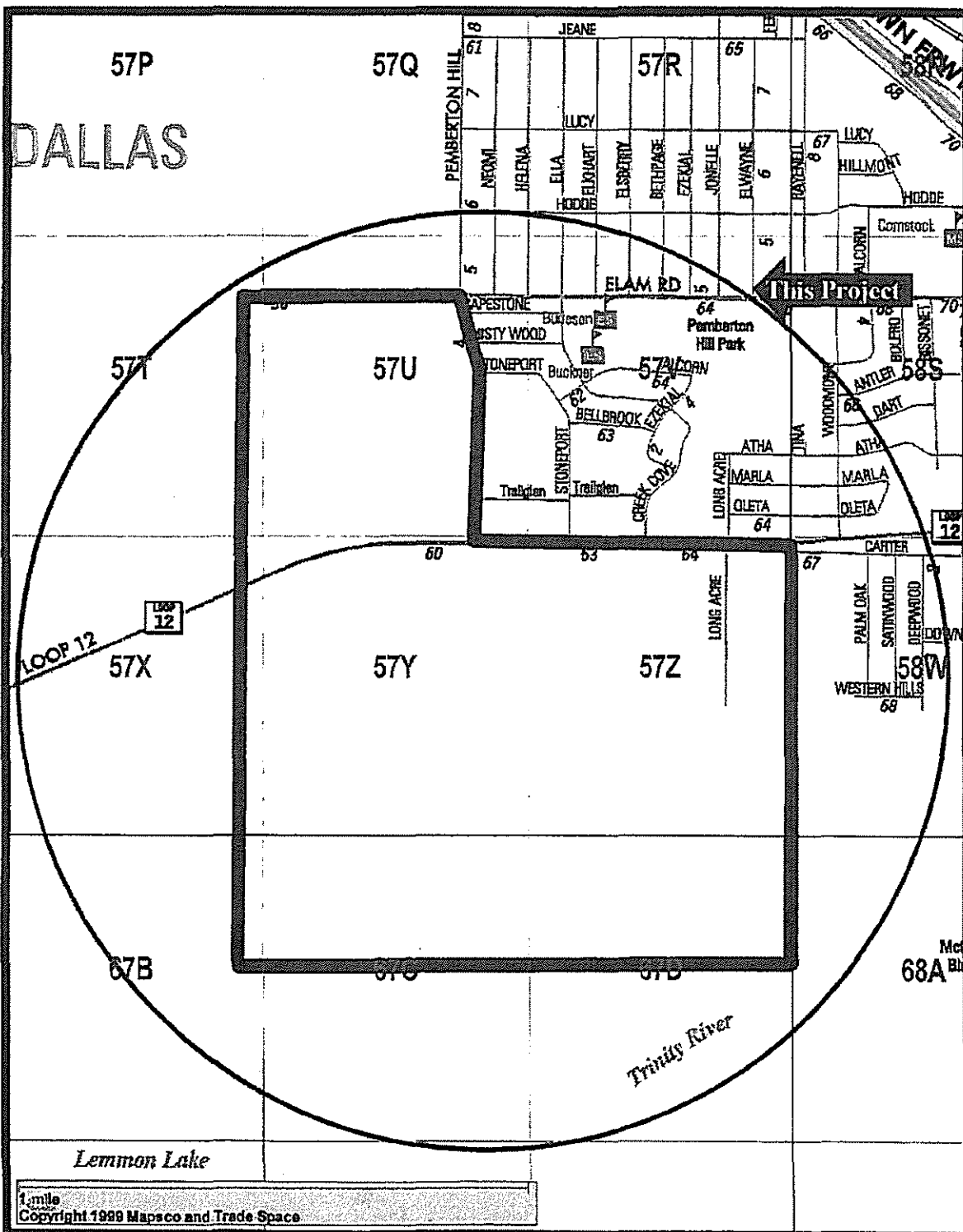
#### Non-Local Contractors / Sub-Contractors

None

**TOTAL M/WBE CONTRACT PARTICIPATION**

	<b><u>Local</u></b>	<b><u>Percent</u></b>	<b><u>Local &amp; Non-Local</u></b>	<b><u>Percent</u></b>
African American	\$15,406.00	1.83%	\$15,406.00	1.83%
Hispanic American	\$743,544.00	88.28%	\$743,544.00	88.28%
Asian American	\$55,000.00	6.53%	\$55,000.00	6.53%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$28,340.00	3.36%	\$28,340.00	3.36%
Total	<u>\$842,290.00</u>	<u>100.00%</u>	<u>\$842,290.00</u>	<u>100.00%</u>

# Simpkins Remediation



Mapscos 57-P, T, U, X, Y, Z, and 67-B, C, D



April 9, 2014

**WHEREAS**, on May 28, 2008, Resolution No. 08-1591 authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project; and

**WHEREAS**, on May 28, 2008, Resolution No. 08-1591 authorized the City Attorney to assume, on behalf of the City, the responsibility for the costs to remediate environmental conditions on the Metropolitan Tract Metropolitan Tract and the Linfield Tract known by the City as of the date the settlement closed, and to waive any right to contribution for those costs from Metropolitan Sand and Gravel Co., L.L.C. and Weir Brothers Partners, L.L.C., including their officers, successors, and assigns; and

**WHEREAS**, Terracon Consultants Inc., has conducted a Phase I Environmental Site Assessment on August 24, 2005. In addition, Terracon also prepared a Limited Solid Waste Evaluation Report on October 12, 2005, a Limited Site Investigation on January 8, 2008, and a Methane and Landfill Cap Evaluation and Proposed Response Actions on January 30, 2008. Based on the preliminary investigation and findings, Terracon Consultants, Inc. recommends further detailed investigations and assessment, before remedial designs are prepared.

**WHEREAS**, on October 22, 2008, Resolution No. 08-2874 authorized a professional services contract with Terracon Consultants Inc., for such detailed environmental investigation, assessment, remedial designs, and coordination with TCEQ, in an amount not to exceed \$814,464.00, and,

**WHEREAS**, on May 15, 2013, Resolution No. 13-0776 authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) for development, management and operation of a championship golf course; and,

**WHEREAS**, it is now necessary to authorize a contract with Pacheco Koch Consulting Engineering, Inc. for the engineering design for improvements associated with Elam Road and Simpkins Remediation in an amount not to exceed \$842,290.00.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to execute a contract with Pacheco Koch Consulting Engineering, Inc. for the engineering design for improvements associated with Elam Road and Simpkins Remediation in an amount not to exceed \$842,290.00.

April 9, 2014

**Section 2.** That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Stormwater Drainage Management Capital Construction Fund  
Fund 0063, Department SDM, Unit 4796, Act. SD01  
Obj. 3070, Program # PBSWM007, CT SDM4796BM05  
Vendor #342980, in an amount not to exceed \$257,960.00

Public/Private Partnership Fund  
Fund 0352, Department ECO, Unit P151, Act. PPPF  
Obj. 4111, Program # PPPF0011, CT ECOP151D260  
Vendor #342980, in an amount not to exceed \$584,330.00

Total amount not to exceed \$842,290.00

**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.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 9, 2014  
**COUNCIL DISTRICT(S):** 7, 8  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 57-P T U X Y & Z and 67-B C & D

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**SUBJECT**

Authorize a construction contract with L. D. Kemp Excavating, Inc., lowest responsible bidder of six, for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road, 6300 Great Trinity Forest Way Boulevard, and 809 Pemberton Hill Road - Not to exceed \$2,530,277 - Financing: Stormwater Drainage Management Capital Construction Funds

**BACKGROUND**

This item was placed on the addendum to authorize a construction contract with L.D. Kemp to remediate the Elam and South Loop Landfills, in order to obtain a permit from the Texas Commission on Environmental Quality (TCEQ). The remediation work is needed prior to the development of the golf course related items.

The Elam and South Loop 12 Landfills, also known as Simpkins Landfills, were issued a Municipal Solid Waste (MSW) Permit No. 88 on August 29, 1975, by the Texas State Department of Health. Both landfills are located in the vicinity of Great Trinity Forest Way (also know as Loop 12) and Pemberton Hill Road. The total permitted landfill area is approximately 340 acres; 85 acres for Elam and 255 acres for South Loop.

Based on prior environmental investigations, remediation efforts are to be made for environmental conditions at the site to be in compliance with regulations by the state regulatory agency, Texas Commission on Environmental Quality (TCEQ).

On May 15, 2013, Council authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course. As part of the agreement, the City agreed to pursue certain infrastructure improvements.

This action will fund construction of closed landfill improvements to be in compliance with the restoration of landfill caps as per TCEQ regulation, address surface and exposed waste, and to meet the obligation with the CTFG lease agreement.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Engineering Design	December 2008
Completed Engineering Design	March 2013
Begin Construction	April 2014
Complete Construction	August 2014

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

Authorized acquisition of approximately 61 acres from Weir Bros, Partners, L.L.C. out of the above referenced 111 acres tract on April 28, 2004, by Resolution No. 04-1416.

Authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project on May 28, 2008, by Resolution No. 08-1591.

Authorized a professional services contract with Terracon Consultants, Inc., on October 22, 2008, by Resolution No. 08-2874.

Authorized acquisition of approximately 1415 acres from Metropolitan Sand & Gravel Co., L.L.C. on February 13, 2008, by Resolution No. 08-0398.

Authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course on May 15, 2013, by Resolution No. 13-0776.

## **FISCAL INFORMATION**

Stormwater Drainage Management Capital Construction Funds - \$2,530,276.20

Engineering Design Cost	\$814,464.00
Construction Cost	<u>\$2,530,276.20</u>
Total Project Cost	\$3,344,740.20

<b><u>Council District</u></b>	<b><u>Amount</u></b>
7	\$ 860,293.91
8	<u>\$1,669,982.29</u>
Total	\$2,530,276.20



**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

**L. D. Kemp Excavating, Inc.**

Hispanic Female	0	Hispanic Male	8
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	1	White Male	4

**BID INFORMATION**

The following bids with quotes were received and opened on April 4, 2013:

\*Denotes successful bidder

**BIDDERS**

**BID AMOUNT**

* L. D. Kemp Excavating, Inc. 5409 Denton Highway Fort Worth, Texas 76148	\$2,530,276.20
Ark Contracting Services, LLC	\$2,660,873.90
Entact Environmental, LLC	\$3,168,911.15
Longhorn Excavators, Inc.	\$3,269,618.98
FCS Construction	\$3,786,893.00
SWS Environmental Services	\$4,123,521.43

**OWNER**

**L. D. Kemp Excavating, Inc.**

Mike Brackney, Vice President

**MAP**

Attached.

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a construction contract with L. D. Kemp Excavating, Inc., lowest responsible bidder of six, for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road, 6300 Great Trinity Forest Way Boulevard, and 809 Pemberton Hill Road - Not to exceed \$2,530,277 - Financing: Stormwater Drainage Management Capital Construction Funds

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

**PROJECT CATEGORY:** Construction

### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$2,530,276.20	100.00%
<b>TOTAL CONTRACT</b>	<b>\$2,530,276.20</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

None

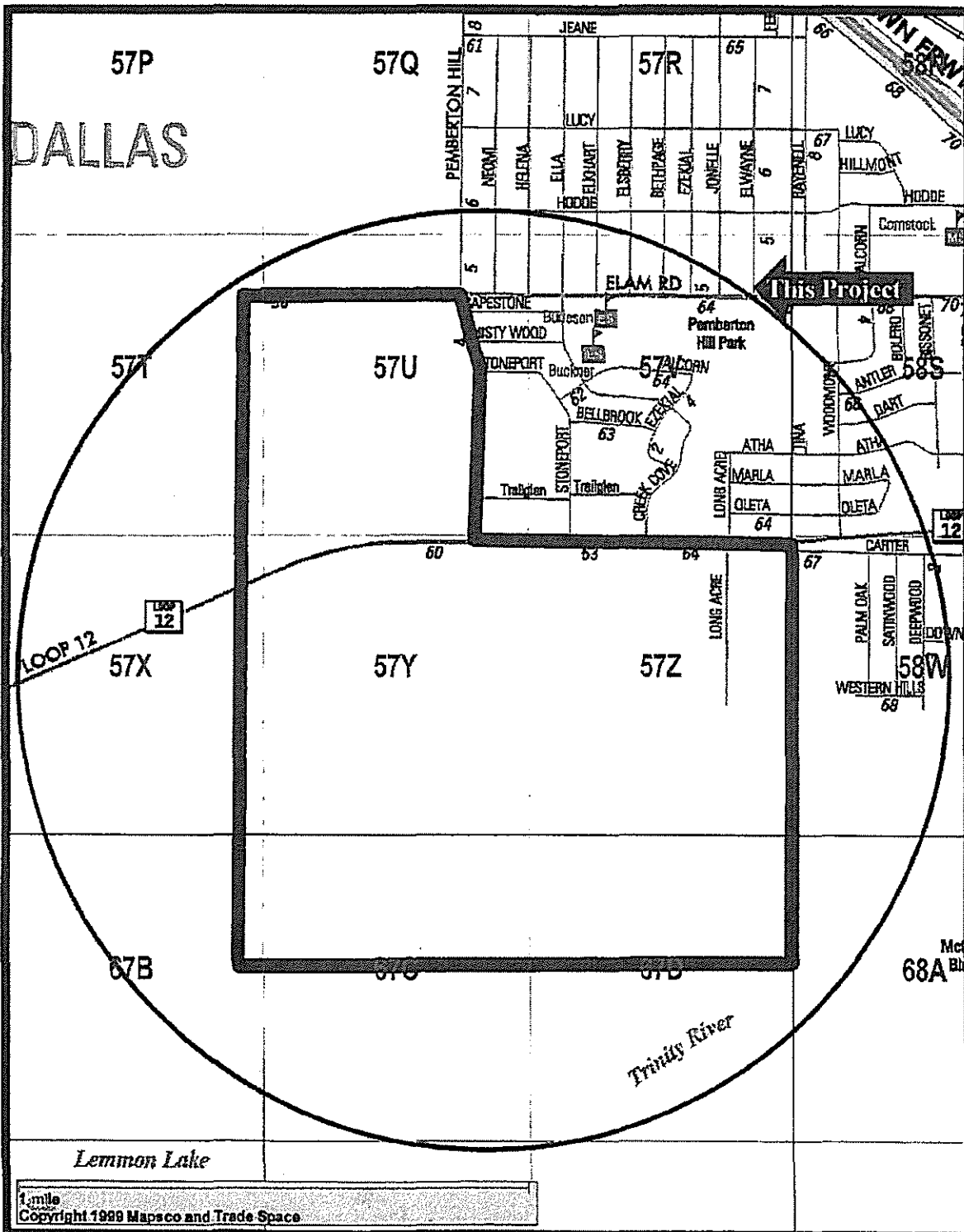
#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
C. Green Scaping, LP	HFDB57606Y0514	\$795,154.00	31.43%
<b>Total Minority - Non-local</b>		<b>\$795,154.00</b>	<b>31.43%</b>

### TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$795,154.00	31.43%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$795,154.00</b>	<b>31.43%</b>

# Simpkins Remediation



Mapscos 57-P, T, U, X, Y, Z, and 67-B, C, D



April 9, 2014

**WHEREAS**, on May 28, 2008, Resolution No. 08-1591 to authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project; and

**WHEREAS**, on May 28, 2008, Resolution No. 08-1591 authorized the City Attorney to assume, on behalf of the City, the responsibility for the costs to remediate environmental conditions on the Metropolitan Tract and the Linfield Tract known by the City as of the date the settlement closed, and to waive any right to contribution for those costs from Metropolitan Sand and Gravel Co., L.L.C. and Weir Brothers Partners, L.L.C., including their officers, successors, and assigns; and

**WHEREAS**, Terracon Consultants Inc., has conducted a Phase I Environmental Site Assessment on August 24, 2005. In addition, Terracon also prepared a Limited Solid Waste Evaluation Report on October 12, 2005, a Limited Site Investigation on January 8, 2008, and a Methane and Landfill Cap Evaluation and Proposed Response Actions on January 30, 2008. Based on the preliminary investigation and findings, Terracon Consultants, Inc. recommends further detailed investigations and assessment, before remedial designs are prepared.

**WHEREAS**, on October 22, 2008, Resolution No. 08-2874 authorized a professional services contract with Terracon Consultants Inc., for such detailed environmental investigation, assessment, remedial designs, and coordination with TCEQ, in an amount not to exceed \$814,464.00, and,

**WHEREAS**, bids were received on April 4, 2013, for the construction of drainage improvements for Simpkins Remediation, as follows:

<b><u>BIDDERS</u></b>	<b><u>BID AMOUNT</u></b>
L. D. Kemp Excavating, Inc.	\$2,530,276.20
Ark Contracting Services, LLC	\$2,660,873.90
Entact Environmental, LLC	\$3,168,911.15
Longhorn Excavators, Inc.	\$3,269,618.98
FCS Construction	\$3,786,893.00
SWS Environmental Services	\$4,123,521.43

**WHEREAS**, on May 15, 2013, Resolution No. 13-0776 authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) for development, management and operation of a championship golf course; and,

April 9, 2014

**WHEREAS**, it is now necessary to enter into a contract with L. D. Kemp Excavating, Inc. for the construction of closed landfill improvements for Simpkins Remediation in an amount not to exceed \$2,530,276.20, this being the lowest responsive bid as indicated by the tabulation of bids.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to enter into a contract with L. D. Kemp Excavating, Inc. for the construction of closed landfill improvements for Simpkins Remediation in an amount not to exceed \$2,530,276.20, this being the lowest responsive bid as indicated by the tabulation of bids.

**Section 2.** That the City Manager is hereby authorized to execute the contract after approval as to form by the City Attorney.

**Section 3.** That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Stormwater Drainage Management Capital Construction Fund	
Fund 0063, Department SDM, Unit 4796, Act. SD01	
Obj. 4599, Program # PBSWM007, CT SDM4796BM03	
Vendor #500349, in an amount not to exceed	\$2,530,276.20

**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.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 9, 2014  
**COUNCIL DISTRICT(S):** 7, 8  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 57 P T U X Y & Z and 67 B C & D

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**SUBJECT**

Authorize Supplemental Agreement No. 1 to the engineering services contract with Terracon Consultants, Inc. for additional detailed environmental investigation, assessment, remedial designs, and coordination with Texas Commission on Environmental Quality (TCEQ) associated with Simpkins Remediation located at 5950 Elam Road and 6300 Great Trinity Forest Way Boulevard - Not to exceed \$273,720, from \$814,464 to \$1,088,184 - Financing: Stormwater Drainage Management Capital Construction Funds (\$273,720)

**BACKGROUND**

This item was placed on the addendum to authorize Supplemental Agreement No. 1 to the engineering services contract with Terracon Consultants, for expenses associated with the engineering design for the Simpkins Remediation and assistance with construction related services and regulatory assistance with the Texas Commission on Environmental Quality (TCEQ).

The Elam and South Loop 12 Landfills, also known as Simpkins Landfills, were issued a Municipal Solid Waste (MSW) Permit No. 88 on August 29, 1975 by the Texas State Department of Health. Both landfills are located in the vicinity of Great Trinity Forest Boulevard (also known as Loop 12) and Pemberton Hill Road. The total permitted landfill area is approximately 340 acres; 85 acres for Elam and 255 acres for South Loop.

The Simpkins site consisted primarily of undeveloped and agricultural land in the 1940s, prior to portions of the site being utilized for sand and gravel mining operations in the 1950s and 1960s. Based on a review of aerial photographs, approximately 160 acres or more have been used for gravel mining operations. In the late 1950s and early 1960s, it appears that landfill operations began on-site. The Elam Landfill operated from approximately 1957 until closure in 1980, and the South Loop Landfill operated from approximately 1962 until closure in 1983.

**BACKGROUND (Continued)**

Prior to May 2008, the landfills were not owned by the City but the City was listed as the operator for South Loop Landfill. In May 28, 2008 (through Resolution No. 08-1591), Council authorized the acquisition of this site and remediation efforts to be made for environmental conditions at the site to be in compliance with regulations by the state regulatory agency, Texas Commission on Environmental Quality (TCEQ).

Terracon Consultants, Inc. (Terracon) conducted a Phase I Environmental Site Assessment and Limited Solid Waste Evaluation Report in 2005. Both reports recommended further action as Terracon conducted a Landfill Cap Evaluation and Proposed Response Actions in 2008. Based on the preliminary investigation and assessments, Terracon recommended further detailed investigations and assessment to be in compliance with TCEQ regulations.

On October 22, 2008, Council authorized a professional services contract with Terracon to develop remedial designs to address the restoration of landfill caps and other corrective measures.

On May 15, 2013, Council authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course. As part of the agreement, the City agreed to pursue certain infrastructure improvements.

This action will fund additional efforts for the engineering design and regulatory submittals to address these closed landfill improvements to be in compliance with the restoration of landfill caps as per TCEQ regulation and to meet the obligation with the CTFG lease agreement.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Engineering Design	April 2014
Complete Engineering Design	July 2015
Begin Construction	April 2014
Complete Construction	December 2015

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

Authorized acquisition of approximately 61 acres from Weir Bros, Partners, L.L.C. out of the above referenced 111 acres tract on April 28, 2004, by Resolution No. 04-1416.

Authorized acquisition of approximately 1415 acres from Metropolitan Sand & Gravel Co., L.L.C. on February 13, 2008, by Resolution No. 08-0398.



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

Authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project on May 28, 2008, by Resolution No. 08-1591.

Authorized a professional services contract with Terracon Consultants, Inc., on October 22, 2008, by Resolution No. 08-2874.

Authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course on May 15, 2013, by Resolution No. 13-0776.

**FISCAL INFORMATION**

Stormwater Drainage Management Capital Construction Funds - \$273,720.00

Professional Services Contract	\$ 814,464.00
Supplemental Agreement No. 1 (this action)	\$ 273,720.00
Estimated Construction Cost	<u>\$2,530,276.20</u>
Total Project Cost	\$3,618,460.20

<b><u>Council District</u></b>	<b><u>Amount</u></b>
7	\$136,860.00
8	<u>\$136,860.00</u>
Total	\$273,720.00

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Terracon Consultants, Inc.

Hispanic Female	3	Hispanic Male	11
African-American Female	3	African-American Male	6
Other Female	1	Other Male	12
White Female	19	White Male	64

**OWNER**

**Terracon Consultants, Inc.**

Jacob Spriggs, Senior Principal

**MAP**

Attached.

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize Supplemental Agreement No. 1 to the contract with Terracon Consulting, Inc. for additional detailed environmental investigation, assessment, remedial designs, and coordination with Texas Commission of Environmental Quality (TCEQ) associated with Simpkins Remediation - Not to exceed \$273,720, from \$814,484 to \$1,088,204 - Financing: Stormwater Drainage Management Capital Construction Funds (\$273,720)

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

**PROJECT CATEGORY:** Architecture & Engineering

### **LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY**

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$197,545.50	72.17%
Non-local contracts	\$76,174.50	27.83%
<b>TOTAL THIS ACTION</b>	<b>\$273,720.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION**

#### **Local Contractors / Sub-Contractors**

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Pacheco Koch Consulting Engineers, Inc.	HMDB58816Y0914	\$92,230.00	46.69%
Cheryl's Drafting & Design	WFDB57663Y0614	\$2,000.00	1.01%
<b>Total Minority - Local</b>		<b>\$94,230.00</b>	<b>47.70%</b>

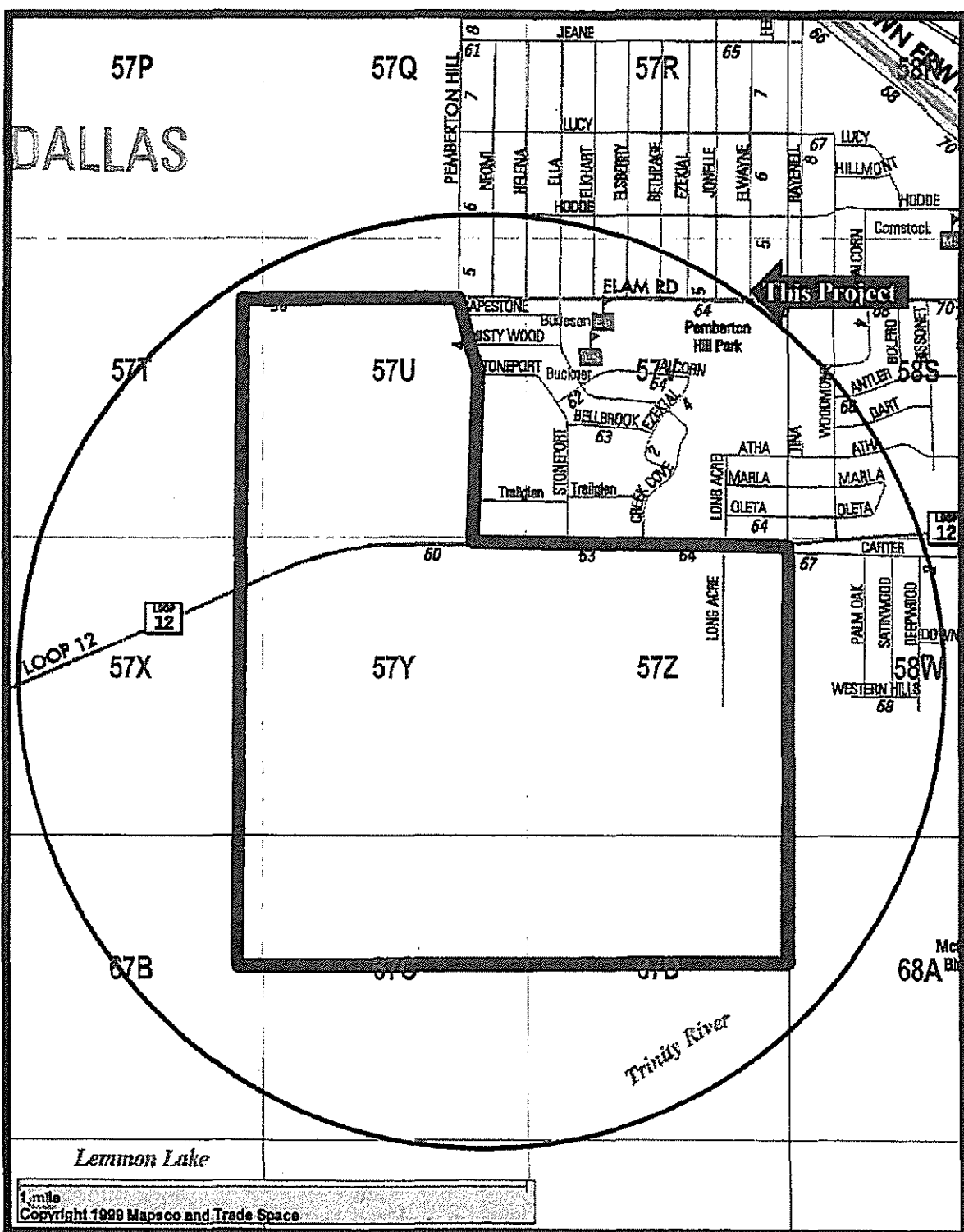
#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE PARTICIPATION**

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$92,230.00	33.70%	\$229,887.00	21.13%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$2,000.00	0.73%	\$79,332.00	7.29%
<b>Total</b>	<b>\$94,230.00</b>	<b>34.43%</b>	<b>\$309,219.00</b>	<b>28.42%</b>

# Simpkins Remediation



Mapscos 57-P, T, U, X, Y, Z, and 67-B, C, D

April 9, 2014

**WHEREAS**, on May 28, 2008, Resolution No. 08-1591 authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project; and

**WHEREAS**, on May 28, 2008, Resolution No. 08-1591 authorized the City Attorney to assume, on behalf of the City, the responsibility for the costs to remediate environmental conditions on the Metropolitan Tract and the Linfield Tract known by the City as of the date the settlement closed, and to waive any right to contribution for those costs from Metropolitan Sand and Gravel Co., L.L.C. and Weir Brothers Partners, L.L.C., including their officers, successors, and assigns; and

**WHEREAS**, Terracon Consultants Inc., has conducted a Phase I Environmental Site Assessment on August 24, 2005. In addition, Terracon also prepared a Limited Solid Waste Evaluation Report on October 12, 2005, a Limited Site Investigation on January 8, 2008, and a Methane and Landfill Cap Evaluation and Proposed Response Actions on January 30, 2008. Based on the preliminary investigation and findings, Terracon Consultants, Inc. recommends further detailed investigations and assessment, before remedial designs are prepared.

**WHEREAS**, on October 22, 2008, Resolution No. 08-2874 authorized an engineering services contract with Terracon Consultants Inc., for such detailed environmental investigation, assessment, remedial designs, and coordination with TCEQ, in an amount not to exceed \$814,464.00, and,

**WHEREAS**, on May 15, 2013, Resolution No. 13-0776 authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) for development, management and operation of a championship golf course; and,

**WHEREAS**, it is now necessary to authorize Supplemental Agreement No. 1 to the engineering services contract with Terracon Consulting, Inc. for additional detailed environmental investigation, assessment, remedial designs, and coordination with TCEQ associated with Simpkins Remediation in an amount not to exceed \$273,720.00; increasing the contract from \$814,464.00 to \$1,088,184.00.

April 9, 2014

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the engineering services contract with Terracon Consultants, Inc. for additional detailed environmental investigation, assessment, remedial designs, and coordination with TCEQ associated with Simpkins Remediation in an amount not to exceed \$273,720.00; increasing the contract from \$814,464.00 to \$1,088,184.00.

**Section 2.** That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Stormwater Drainage Management Capital Construction Fund	
Fund 0063, Department SDM, Unit 4796, Act. SD01	
Obj. 3070, Program # PBSWM007, CT SDM4796BM06	
Vendor #341409, in an amount not to exceed	\$273,720.00

**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.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 9, 2014  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Housing/Community Services  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 46K

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**SUBJECT**

Authorize a housing development loan in an amount not to exceed \$63,000 with East Dallas Community Organization (EDCO), a certified Community Housing Development Organization (CHDO) for the construction of two affordable single family homes located at 4529 and 4531 Garland Avenue – Not to exceed \$63,000 - Financing: 2012-13 HOME Investment Partnership Program Grant Funds

**BACKGROUND**

This item was placed on the addendum for approval of funding for the East Dallas Community Organization Housing Development on Garland Avenue and allows the developer to commence construction. The developer has interim construction lender approval which will expire before April 23rd, and the developer is attempting to meet the timeline for funding commitment for the development.

In 2013, EDCO purchased two properties from the Land Bank program with private funds. In December 2013, EDCO submitted a proposal to the City of Dallas for the construction of two (2) affordable housing units on those properties located at 4529 and 4531 Garland, included within the Neighborhood Investment Program Area.

EDCO has requested that the City provide gap financing. Inwood Bank will provide interim construction financing while the City is being asked to provide up to \$31,500 per home in subordinated gap financing which will be the subsidy per home. EDCO is proposing to build two, three-bedroom, two bathroom homes around 1,243 square feet with a total cost of approximately \$140,000 per home (\$113/square feet). Any amount above the Bank funds and City funds will be paid by the developer. Homes recently sold in the area appraised at \$105,000. Homes must be sold to households at or below 80% Area Median Family Income.

**BACKGROUND (Continued)**

The City funds will be provided through FY 2012-13 HOME Investment Partnership Program CHDO set aside funds from the Department of Housing and Urban Development (HUD), which the City Council appropriated for housing developments such as this. EDCO will be required to execute a deed of trust and note payable to ensure performance and receive a prorate forgiveness based on performance. Homebuyers will assume a deed restriction for the regulated affordability period of ten years. Homebuyers may be eligible to apply for the Mortgage Assistance Program and receive up to \$20,000 in down payment and closing cost assistance.

EDCO will have one year to complete construction and sell the two homes. The organization is in good standing and has received favorable audits.

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

On June 27, 2012, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2012-13 federal funds which included the HOME Investment Partnership Funds, CHDO Development Loans by Resolution No. 12-1629.

**FISCAL INFORMATION**

2012-13 – HOME Investment Partnership Program Grant Funds - \$63,000

**OWNER**

**DEVELOPER**

**East Dallas Community Organization**

**East Dallas Community Organization**

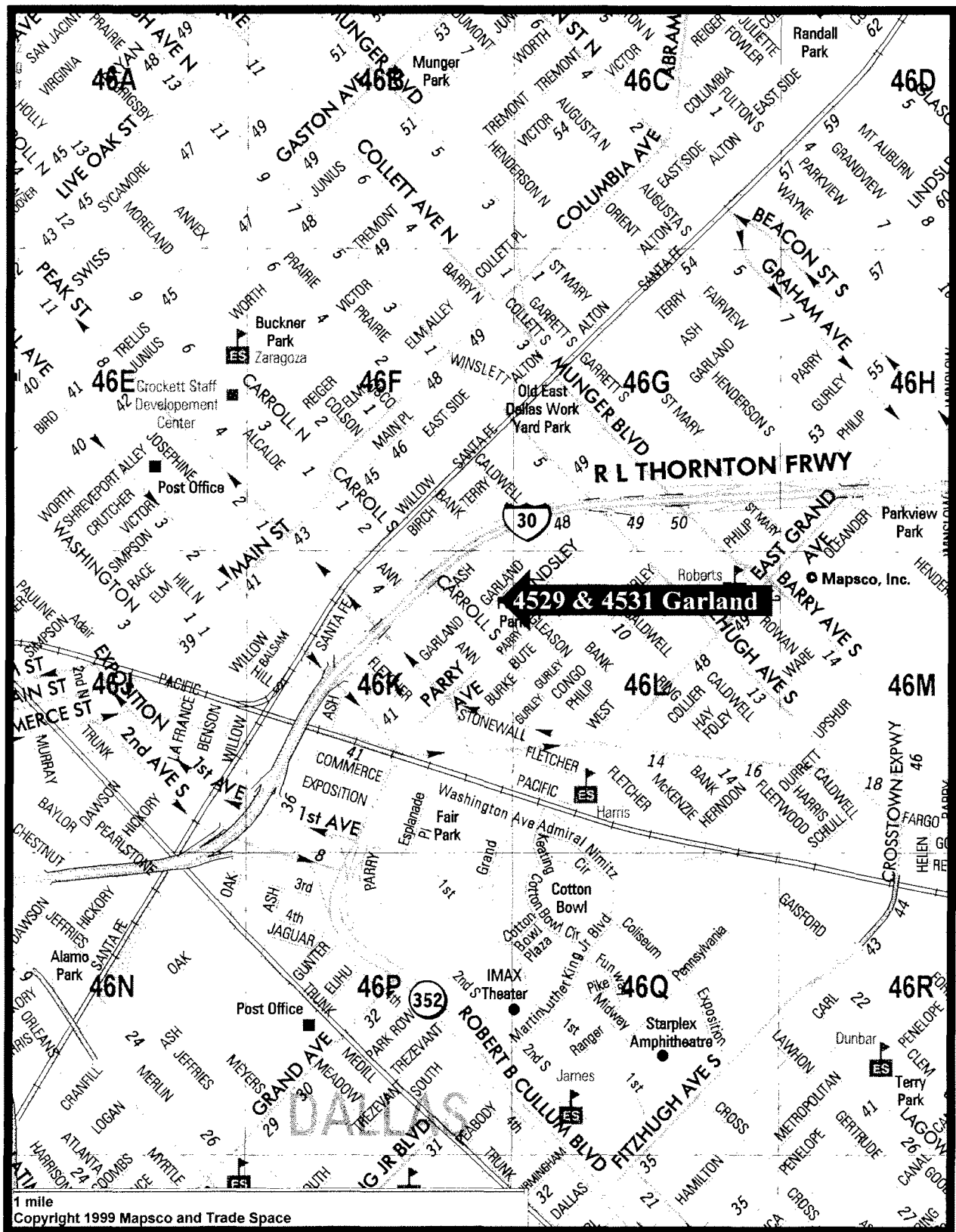
Gerald Carlton, Chief Operations Officer

Gerald Carlton, Chief Operations Officer

**MAP**

Attached





**MAPSCO 46K**



April 9, 2014

**WHEREAS**, affordable housing for low and moderate income families is a high priority of the City of Dallas; and

**WHEREAS**, on June 27, 2012, the City Council approved the FY 2012-13 Consolidated Plan Budget which included the HOME Investment Partnership Program, CHDO Development Loan funds, by Resolution No. 12-1629; and

**WHEREAS**, East Dallas Community Organization proposed to work with the City of Dallas to undertake the development of two (2) affordable units on Garland Avenue; and

**WHEREAS**, the City desires for East Dallas Community Organization to develop affordable units for low and moderate income families; **NOW, THEREFORE**,

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

**Section 1.** That following approval as to form by the City Attorney, the City Manager is authorized to execute a housing development loan in an amount not to exceed \$63,000 with East Dallas Community Organization (EDCO), a certified Community Housing Development Organization (CHDO), for the construction of two (2) single family homes located at 4529 and 4531 Garland Avenue.

**Section 2.** The terms of the loan agreement include:

- (a) EDCO must execute a deed of trust and note payable to the City of Dallas for \$63,000 for the loan which will be released upon sale to each eligible homebuyer.
- (b) EDCO will execute deed restrictions requiring a 10 year term for the two units.
- (c) EDCO will have one (1) year to fully complete the project.
- (d) Contract will be effective from March 1, 2014 to February 28, 2015.
- (e) EDCO must build and sell the affordable units to low and moderate income families with incomes at or below 80% of area median family income.
- (f) The City will subordinate second lien deed of trust to the interim construction lender.

**Section 3.** That the City Manager, upon approval as to form by the City Attorney, is authorized to execute subordination of liens, releases of liens and terminate deed restrictions on the property upon compliance with the loan terms and deed restrictions.

April 9, 2014

**Section 4.** That the City Controller is hereby authorized to disburse funds in accordance with this resolution and the terms and conditions of the loan agreement with East Dallas Community Organization as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>VENDOR</u>	<u>AMOUNT</u>
HM12	HOU	890E	3015	HOU890EF103	354413	\$63,000

**Section 5.** That the City Controller is hereby authorized to modify receivable balance sheet account 033F and an allowance for uncollectible debt 022D in funds HM12, 890E for the amount of the loan.

**Section 6.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loan, until such time as the loan documents are duly approved by all parties and executed.

**Section 7.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 9, 2014  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Housing/Community Services  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 46U

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**SUBJECT**

Authorize a housing development loan in an amount not to exceed \$283,363 with South Dallas Fair Park Inncity Community Development Corporation (ICDC), a certified Community Housing Development Organization (CHDO), for construction of four (4) affordable single family homes for the Pittman development project located along the 3100 block of Lenway Street - Not to exceed \$283,363 - Financing: 2012-13 HOME Investment Partnership Program Grant Funds

**BACKGROUND**

This item was placed on the addendum for approval of funding for the South Dallas Fair Park Inncity Community Housing Development on Lenway Street and allows the developer to commence construction. The developer has interim construction lender approval which will expire before April 23rd, and the developer is attempting to meet the timeline for funding commitment for the development.

In 1999, the City provided a forgivable loan of approximately \$500,000 to ICDC to fund the acquisition of a 51-unit severely dilapidated apartment complex, to relocate existing tenants, and to demolish the structure. In 2005, ICDC completed the above noted actions, completed the installation of infrastructure, and completed architecture work for nineteen single family homes. Following the infrastructure installation, ICDC requested interim construction financing and gap financing for nine homes in phased construction. Upon sale of the nine homes, proceeds were repaid to the City for the construction loan and a prorated portion of the \$500,000 was forgiven based on performance.

ICDC is ready to begin the next phase of four single family homes and has requested that the City provide partial interim construction financing and gap financing. Capital One Bank will provide \$75,000 per home in interim construction financing while the City is being asked to provide up to \$70,840.75 per home.

**BACKGROUND (Continued)**

ICDC is proposing to build four three-bedroom, two-bathroom homes between 1,408 and 1,519 square feet with a total cost of approximately \$145,000 per home (\$86.25/square feet). Homes recently sold in the project area appraised at \$105,000. Based on these appraisals, each home would receive \$40,000 in subsidy from the construction loan. Homes must be sold to households at or below 80% Area Median Family Income. Homebuyers may be eligible to apply for the Mortgage Assistance Program and receive up to \$20,000 in downpayment and closing cost assistance.

The City funds will be provided through FY 2012-13 HOME Investment Partnership Program CHDO set aside funds from the Department of Housing and Urban Development (HUD). ICDC will be required to execute a deed of trust and note payable to ensure performance. The City will subordinate its remaining acquisition loan and construction loan to Capital One. ICDC will pay back a portion of the loan with any proceeds collected with the sale of the homes, minus Capital One’s interim construction loan and allowable closing costs. Homebuyers will assume a deed restriction for the regulated affordability period of fifteen years. ICDC will have two years to complete construction and sell all four homes. The organization is in good standing and has received favorable audits.

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

On June 27, 2012, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2012-13 federal funds which included the HOME Investment Partnership Funds, CHDO Development Loans by Resolution No. 12-1629.

On April 7, 2014, the Housing Committee was briefed on the Pittman Project Phase III.

**FISCAL INFORMATION**

2012-13 – HOME Investment Partnership Program Grant Funds - \$283,363

**OWNER**

**South Dallas Fair Park/  
Innercity CDC**

Diane Ragsdale, Executive Director

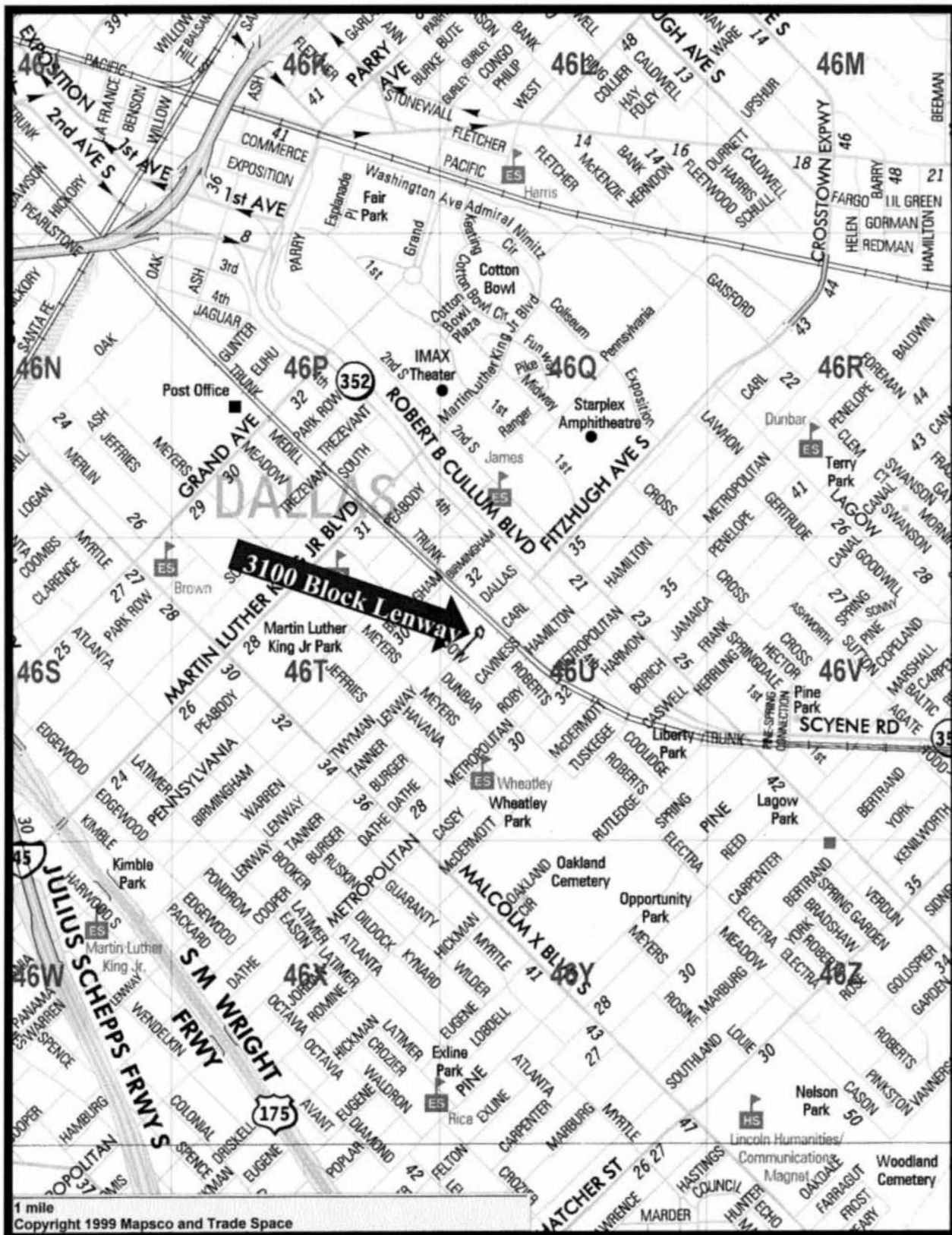
**DEVELOPER**

**South Dallas Fair Park/  
Innercity CDC**

Diane Ragsdale, Executive Director

**MAP**

Attached



MAPSCO 46U





April 9, 2014

**WHEREAS**, affordable housing for low and moderate income families is a high priority of the City of Dallas; and

**WHEREAS**, on June 27, 2012, the City Council approved the FY 2012-13 Consolidated Plan Budget which included the HOME Investment Partnership Program, CHDO Development Loan funds, by Resolution No. 12-1629; and

**WHEREAS**, on April 7, 2014, the Housing Committee was briefed on the ICDC Pittman Project for \$283,363; and

**WHEREAS**, South Dallas Fair Park Inncity Community Development Corporation proposed to work with the City of Dallas to undertake the development of four (4) affordable units on Lenway Street; and

**WHEREAS**, the City desires for South Dallas Fair Park Inncity Community Development Corporation to develop affordable units for low and moderate income families; **NOW, THEREFORE**,

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

**Section 1.** That following approval as to form by the City Attorney, the City Manager is authorized to execute a housing development loan in an amount not to exceed \$283,363 with South Dallas Fair Park Inncity Community Development Corporation (ICDC), Community Housing Development Organization (CHDO) for the construction of four (4) affordable single family homes for the Pittman development project located along the 3100 block of Lenway Street.

**Section 2.** The terms of the loan agreement include:

- (a) South Dallas Fair Park Inncity Community Development Corporation must execute a deed of trust and note payable to the City of Dallas for \$283,363 for the loan which will be released upon sale to each eligible homebuyer.
- (b) ICDC will execute deed restrictions requiring a 15 year term for the four units.
- (c) ICDC will repay the loan minus Capital One's interim construction loan and allowable closing costs.
- (d) ICDC will have two years to complete the construction and sale of the four units.
- (e) ICDC must build and sell the affordable units to low and moderate income families with incomes at or below 80% of area median family income.
- (f) The City will subordinate its acquisition lien and construction lien to the interim construction lender.

April 9, 2014

**Section 3.** That the City Manager, upon approval as to form by the City Attorney, is authorized to execute subordination of liens, releases of liens and terminate deed restrictions on the property upon compliance with the loan terms and deed restrictions.

**Section 4.** That the City Controller is hereby authorized to disburse funds in accordance with this resolution and the terms and conditions of the loan agreement with South Dallas Fair Park Inncity Community Development Corporation as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>VENDOR</u>	<u>AMOUNT</u>
HM12	HOU	890E	3015	HOU233FF097	266539	\$283,363

**Section 5.** That the City Controller is hereby authorized to modify receivable balance sheet account 033F and an allowance for uncollectible debt 022D in funds HM12, 890E for the amount of the loan.

**Section 6.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loan, until such time as the loan documents are duly approved by all parties and executed.

**Section 7.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions to the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 9, 2014  
**COUNCIL DISTRICT(S):** 13  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 34 D

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**SUBJECT**

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from Henry W. Longfellow Middle School required by Section 6-4 of the Dallas City Code to allow a restaurant with a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate [Mesero Restaurants LLC (DBA Mesero Mexican Menu)] on property on the southeast corner of West Lovers Lane and Inwood Road - AV134-004(JH) - Financing: No cost consideration to the City

**BACKGROUND**

This item is on the addendum for a public hearing, and an application to grant a variance to the alcohol spacing requirements in an effort to encourage development in the area and to provide a more developer friendly experience.

Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code allows Council to grant a variance from the usual spacing required between an alcohol business and a protected use. The usual spacing requirement is 300 feet along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The standard for approval of the variance is that:

- A. the application is for one of the following permits pursuant to the following chapters of the Texas Alcoholic Beverage Code:
  - (i) a brewer's permit, Chapter 12;
  - (ii) a distiller's and rectifier's permit, Chapter 14;
  - (iii) a winery permit, Chapter 16;
  - (iv) a wine and beer retailer's permit, Chapter 25;
  - (v) a wine and beer retailer's off-premise permit, Chapter 26;
  - (vi) a mixed beverage permit with a food and beverage certificate, Chapter 28;  
or
  - (vii) a manufacturer's license, Chapter 62.

**BACKGROUND** (Continued)

- B. the application is for one of the following land uses:
  - (i) general merchandise or food store use with 10,000 square feet or more of floor area
  - (ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;
  - (iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or
  - (iv) alcoholic beverage manufacturing.
  
- C. alcoholic beverages will not be sold by drive-in or drive-through service; and
  
- D. enforcement of the spacing requirements in this particular instance:
  - (i) is not in the best interest of the public;
  - (ii) constitutes waste or inefficient use of land or other resources;
  - (iii) creates an undue hardship on an applicant for an alcohol permit;
  - (iv) does not serve its intended purpose;
  - (v) is effective or necessary; or
  - (vi) for any other reason that the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

An application for a waiver of the spacing requirements was submitted on March 14, 2014, by Mesero Restaurants LLC (DBA Mesero Mexican Menu). Henry W. Longfellow Middle School is located to the southeast and is the school that creates the need for the variance.

- (1) "The site is approximately 14.5 acres, developed with four multi-tenant buildings and a drive-through banking structure, and is located in Planned Development District No. 482.
  
- (2) The property is surrounded by office, retail and commercial services along Inwood Road and W. Lovers Lane and the protected use to the south across Boaz Street. Multifamily residential uses are located southeast of the request site. There are additional residential properties further out from the site in all directions. The specific suite where the restaurant will be located is northwestern-most building within the development with its front door facing W. Lovers Lane.

**BACKGROUND** (Continued)

Even though the required spacing from a school is measured property line to property line, the distance from the school to the proposed restaurant suite is over 600 feet if the measurement was door to door. The proximity of the school to this location creates a hardship for this property owner that some other commercial properties along W. Lovers Lane do not share. Due to the request site being located within a largely commercial district, with the entrances for this suite facing away from the protected use towards a major thoroughfare, staff can support this request."

This item requires two seconds to pass.

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

On November 9, 2009, the City Council approved an amendment to Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code to allow a process for a variance to the spacing requirements between a business selling alcohol and a public or private school.

On October 26, 2011, September 26, 2012, and January 22, 2014, the City Council further amended Section 6-4 of Chapter 6.

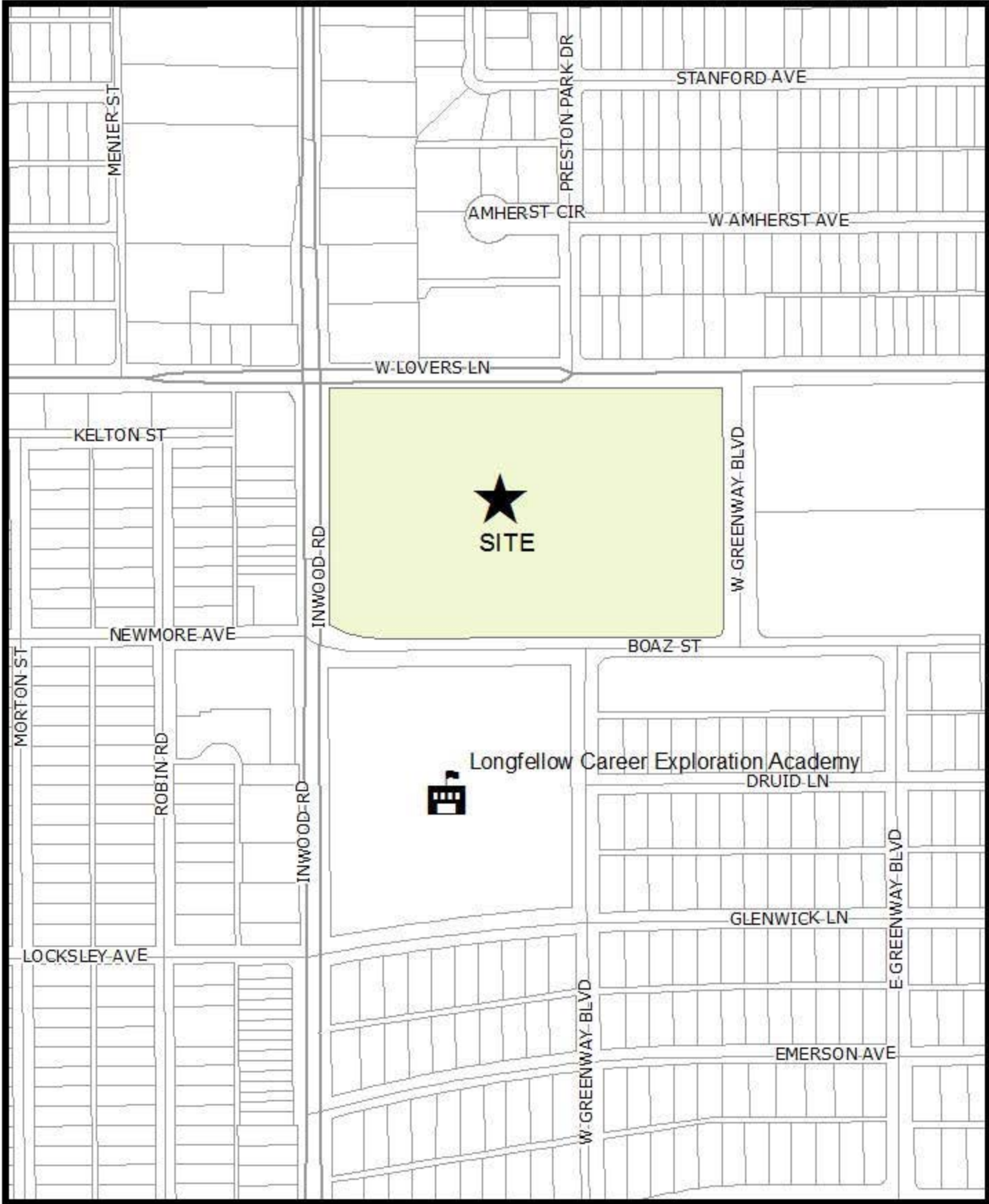
On August 14, 2013, the City Council approved a variance to the alcohol spacing requirements on the subject property for a general merchandise or food store use with 10,000 square feet or more (DBA Trader Joe's) for a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code.

**FISCAL INFORMATION**

No cost consideration to the City.

**MAP**

Attached.



**AV134-004**



1:4,000



Approximate location of business requesting alcohol variance



Land use requiring spacing from business requesting alcohol sales: school

**USE STATEMENT  
&  
PROPOSED REQUEST  
FOR  
VARIANCE**

**5330 W Lovers Lane #112B  
Dallas, TX 75209**

**CURRENTLY**

- This address is located in SE Corner of Lovers Lane and Inwood Road. The current use filed at this address will be for a Restaurant without drive in service with 4100 sf floor area.
- This address is situated on BLK 5694 TR 1 on 14.5030 acres lot in a multi tenant two story concrete masonry block Shopping Center building.
- This location is located in a PD482 Zoning which permits all uses that are permitted in a CR Community Retail District.
- There are currently several restaurants and stores within this area selling or serving alcoholic beverages.

**REQUEST**

- Request is being made to allow for this restaurant to have alcoholic beverage service as the property is within 300' of a public school.
- This restaurant will be an upscale family restaurant and will be applying for a Food and Beverage Certificate in conjunction to a Mixed Beverage Permit with the Texas Alcoholic Beverage Commission.
- The ratio of food to alcohol will be around 65/35 % respectfully. The alcohol ratio should not exceed 40%.
- Days and hours of Restaurant operation will be 7 days a week from 11 am to 12 am. With Alcohol sales being the same.





April 9, 2014

**WHEREAS**, Subsection 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Subsection 6-4(a) of the Dallas City Code; and

**WHEREAS**, Mesero Restaurants LLC (DBA Mesero Mexican Menu) has submitted an application for a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate, and is requesting a variance to the alcohol spacing requirements for property on the southeast corner of W. Lovers Lane and Inwood Road, north of H.W. Longfellow Middle School, a public school; and

**WHEREAS**, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or inefficient use of land or other resources;
- (3) creates an undue hardship on an applicant for an alcohol permit;
- (4) does not serve its intended purpose; and
- (5) is not effective or necessary; and

**WHEREAS**, the City Council desires to grant the alcohol spacing variance; **Now, Therefore,**

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

**Section 1.** That the variance to the alcohol spacing requirements for Mesero Restaurants LLC (DBA Mesero Mexican Menu), located on property on the southeast corner of W. Lovers Lane and Inwood Road (5330 W. Lovers Lane Suite #112B), located north of H.W. Longfellow Middle School, a public school, is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a mixed beverage permit for on-premise consumption pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate.
- (2) This alcohol spacing variance is valid only for a restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code in the location shown on the attached location map.
- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.
- (4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.

April 9, 2014

- (5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

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

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

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

**KEY FOCUS AREA:** Clean, Healthy Environment  
**AGENDA DATE:** April 9, 2014  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Housing/Community Services  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** N/A

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**SUBJECT**

Authorize the second amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of the Special Supplemental Nutrition Program for the Women, Infants and Children Program for the period April 1, 2014 through September 30, 2014 - Not to exceed \$7,667,224, from \$7,213,207 to \$14,880,431 - 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, Housing/Community Services Department.

This item authorizes the acceptance of additional grant funds, increasing the total contract budget by \$7,667,224 as set forth in DSHS Letter of Amendment dated February 28, 2014. This amendment will also increase the participation rate for which the City is reimbursed for WIC related expenditures from \$10.57 to \$10.80. The total expenditures pursuant to the second amendment are not to exceed \$7,667,224.

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

Authorized a contract for the Special Supplemental Nutrition Program for Women, Infants and Children Program in the amount of \$7,183,199 on September 25, 2013, by Resolution No. 13-1682.

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

Authorized the first amendment to the contract for the Special Supplemental Nutrition Program for Women, Infants and Children Program in the amount of \$30,008 on February 26, 2014, by Resolution No. 14-0394.

**FISCAL INFORMATION**

\$7,667,224 - Department of State Health Services Grant Funds

April 9, 2014

**WHEREAS**, the Department of State Health Services has awarded additional grant funds in the amount of \$7,667,224 for the continuation of the City of Dallas Women, Infants and Children (WIC) Program; 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;

**NOW, THEREFORE,**

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

**Section 1.** That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute the second amendment to the contract (Contract No. 2014-045076) with the Department of State Health Services to accept additional grant funds awarded for the continuation of the Special Supplemental Nutrition Program for the Women, Infants and Children Program for the period April 1, 2014 through September 30, 2014, and execute any and all documents required by the contract.

**Section 2.** That the City Controller is hereby authorized to receive and deposit grant funds from the Department of State Health Services in Fund F403, Dept. HOU, Unit 3897, Revenue Source 6509 in an amount not to exceed \$7,667,224.

**Section 3.** That the City Manager is hereby authorized to increase appropriations in the amount of \$7,667,224, from \$7,213,207 to \$14,880,431 in Fund F403, Dept. HOU, Unit 3897, using specific Object Codes according to the attached Schedule.

**Section 4.** That the City Controller is hereby authorized to disburse grant funds from the Department of State Health Services in Fund F403, Dept. HOU, Unit 3897, using specific Object Code according to the attached Schedule in the amount not to exceed \$7,667,224.

**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.

## SCHEDULE

**Department of State Health Services  
Special Supplemental Nutrition Program for Women, Infants and Children  
April 1, 2014 through September 30, 2014  
Fund F403, Dept. HOU, Unit 3897, Revenue Source 6509**

<u>Object Code</u>	<u>Description</u>	<u>Amount</u>
1101	Salaries	\$4,769,290
1111	Cell Phone Reimbursement	3,600
1201	Overtime	75,000
1301	Pension	584,609
1304	Health Insurance	532,618
1306	FICA (Medicare Only)	69,155
2110	Office Supplies	33,500
2140	Light & Power	44,340
2160	Fuel Supplies	6,900
2170	Water & Sewage	500
2181	Fleet Fuel & Lube	1,000
2200	Chemical/Med/Surgical	118,000
2252	Meter Postage Fund	4,000
2261	Educational & Recreational Supplies	2,500
3050	Communications	20,000
3053	Communications Circuits	20,000
3085	Freight	1,000
3090	City Forces	1,000
3091	Custodial Services	60,000
3092	Security Services	11,523
3099	Misc. Special Services	10,150
3130	Copy Machine Rental	12,000
3330	Rents	890,000
3361	Professional Development	20,000
3363	Reimbursement Personal Vehicle Use	12,000
3364	Personnel Development	2,500
3410	Equip & Automotive Rental	2,000
3429	Blackberry Fees	903
3430	Computer Services	71,842
3434	Programming	237,294
3651	General Fund Indirect Cost Reimbursement	<u>50,000</u>
	<b>Sub-total</b>	<b>\$7,667,224</b>