

**JUNE 11, 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 June 11, 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

6-6-14

Date



Edward Scott
City Controller

6-6-14

Date

RECEIVED

2014 JUN -6 PM 4:18

CITY OF DALLAS
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, JUNE 11, 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 - 25

CONSENT ADDENDUM

Items 1 - 5

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 26 - 29
Addendum Items 6 - 7

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 30 - 44

**ADDENDUM
CITY COUNCIL MEETING
JUNE 11, 2014
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

6ES

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues associated with Project Reconnect.

CONSENT ADDENDUM

Public Works Department

1. Authorize an increase in the contract with Texas Standard Construction, Ltd. for paving improvements and other necessary construction field adjustments for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue - Total net amount not to exceed \$144,144, from \$1,715,307 to \$1,859,450 and decrease portion of funding previously allocated to Water Utilities Capital Construction Funds (total decrease of \$51,265) - Financing: General Obligation Commercial Paper Funds (\$154,250) and Water Utilities Capital Construction Funds (\$41,159)

Note: Item Nos. 2 and 3
must be considered collectively.

Street Reconstruction Group 06-618

2. * Authorize an increase in the contract with Texas Standard Construction, Ltd. for the construction of monuments, sidewalks, crosswalks, pedestrian lighting and minor landscape improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard - Not to exceed \$879,000, from \$12,150,167 to \$13,029,167 - Financing: General Obligation Commercial Paper Funds
3. * Authorize a Gateway Monument Agreement with the Texas Department of Transportation for installing and maintaining monuments in the median of Robert B. Cullum Boulevard at Martin Luther King, Jr. Boulevard - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
JUNE 11, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Public Works Department (Continued)

4. An ordinance amending Section 9-2, "Bicycles in Public Buildings," and Article II, "Bicycle Helmets," of Chapter 9, "Bicycles," of the Dallas City Code to amend the requirements on **(1)** bringing bicycles into public buildings; and **(2)** providing that bicycle helmets are required for minors only; providing a penalty not to exceed \$50; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

Sustainable Development and Construction

5. An ordinance granting the street name change from Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" - NC134-001 Financing - No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

6. A resolution designating absences by Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

7. Authorize a loan in the amount of \$500,000 to Bruton Apartments, Ltd. for the construction of retail/commercial space in conjunction with the Bruton Road Mixed Use Development, located at 9514 Bruton Road, Dallas, Texas 75217 - Not to exceed \$500,000 - Financing: Public/Private Partnership Funds

**ADDENDUM
CITY COUNCIL MEETING
JUNE 11, 2014**

CORRECTION:

City Attorney's Office

6. Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866 - Not to exceed ~~\$50,000~~ \$15,000, from \$50,000 to ~~\$100,000~~ \$65,000 - Financing: Current Funds

DELETION:

Sustainable Development and Construction

DESIGNATED ZONING CASES - INDIVIDUAL

42. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west line of Cole Avenue, north of Hester Avenue
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan and conditions
Z123-193(WE)

ADDENDUM DATE June 11, 2014

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			6	C	PBW, WTR	\$144,143.19	100.00%	27.12%	Authorize an increase in the contract with Texas Standard Construction, Ltd. for paving improvements and other necessary construction field adjustments for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue
2			7	C	PBW	\$879,000.00	100.00%	30.04%	Street Reconstruction Group 06-618: Authorize an increase in the contract with Texas Standard Construction, Ltd. for the construction of monuments, sidewalks, crosswalks, pedestrian lighting and minor landscape improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard
3			7	C	PBW	NC	NA	NA	Street Reconstruction Group 06-618: Authorize a Gateway Monument Agreement with the Texas Department of Transportation for installing and maintaining monuments in the median of Robert B. Cullum Boulevard at Martin Luther King, Jr. Boulevard
4			All	C	PBW	NC	NA	NA	An ordinance amending Section 9-2, "Bicycles in Public Buildings," and Article II, "Bicycle Helmets," of Chapter 9, "Bicycles," of the Dallas City Code to amend the requirements on bringing bicycles into public buildings; and providing that bicycle helmets are required for minors only; providing a penalty not to exceed \$50; providing a saving clause; providing a severability clause; and providing an effective date
5			6	C	DEV	NC	NA	NA	An ordinance granting the street name change from Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way"
6			All	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston as being for "Official City Business"
7			7	I	ECO	\$500,000.00	NA	NA	Authorize a loan to Bruton Apartments, Ltd. for the construction of retail/commercial space in conjunction with the Bruton Road Mixed Use Development, located at 9514 Bruton Road, Dallas, Texas 75217
TOTAL						\$1,523,143.19			

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 11, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Public Works Department
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Forest E. Turner, 670-3390

MAPSCO: 44T

SUBJECT

Authorize an increase in the contract with Texas Standard Construction, Ltd. for paving improvements and other necessary construction field adjustments for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue - Total net amount not to exceed \$144,144, from \$1,715,307 to \$1,859,450 and decrease portion of funding previously allocated to Water Utilities Capital Construction Funds (total decrease of \$51,265) - Financing: General Obligation Commercial Paper Funds (\$154,250) and Water Utilities Capital Construction Funds (\$41,159)

BACKGROUND

This item was placed on the addendum to continue Council-approved construction, in order to complete the Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue project.

On August 14, 2013, Resolution No. 13-1380 authorized a contract with Texas Standard Construction, Ltd. for the construction of thoroughfare, water and wastewater main improvements for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue. This action will authorize Change Order No. 3 to the contract with Texas Standard, for paving improvements and other construction field adjustments needed to complete the Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue project.

Paving improvements provided by this action include increasing the reinforced concrete pavement thickness on Sylvan Avenue from the originally designed 9 inches to 11 inches in order to better withstand the effects of bus and truck traffic in the area, and increasing the concrete thickness for the driveways tying into Sylvan Avenue from the originally designed 6 inches to 8 inches to accommodate commercial truck traffic using the driveways. This action also includes construction field changes needed to lower the Sylvan Avenue roadway profile due to recent changes in the topography related to on-going adjacent development.

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2012
Completed Design	July 2013
Began Construction	October 2013
Complete Construction	June 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on December 13, 2006, by Resolution No. 06-3439.

Authorized a construction contract on August 14, 2013, by Resolution No. 13-1380.

Authorized Change Order No. 2 to the construction contract on January 22, 2014, by Resolution No. 14-0249.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$154,249.45

Water Utilities Capital Construction Funds - \$2,140.00

Water Utilities Capital Improvement Funds - \$39,019.24

Wastewater Capital Construction Fund - (\$1,300.00)

Wastewater Capital Improvement Fund- (\$49,965.50)

Design - PBW \$ 158,335.00

Design - WTR \$ 17,860.00

Construction

Paving & Landscaping - PBW \$1,054,846.70

Water & Wastewater - WTR \$ 459,328.50

Change Order No. 1 \$ 23,493.50

Change Order No. 2 \$ 177,637.50

Change Order No. 3 (this action) \$ 144,143.19

Total Project Cost \$2,035,644.39

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Texas Standard Construction, Ltd.

Hispanic Female	2	Hispanic Male	58
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	3	White Male	8

OWNER

Texas Standard Construction, Ltd.

Ronald H. Dalton, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Texas Standard Construction, Ltd. for paving improvements and other necessary construction field adjustments for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue - Total net amount not to exceed \$144,144, from \$1,715,307 to \$1,859,450 and decrease portion of funding previously allocated to Water Utilities Capital Construction Funds (total decrease of \$51,265) - Financing: General Obligation Commercial Paper Funds (\$154,250) and Water Utilities Capital Construction Funds (\$41,159)

Texas Standard Construction, Ltd. is a 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 - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$144,143.19	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$144,143.19	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Kenyatta Sand and Gravel	BMDB58593Y0914	\$40,360.10	28.00%
Total Minority - Local		\$40,360.10	28.00%

Non-Local Contractors / Sub-Contractors

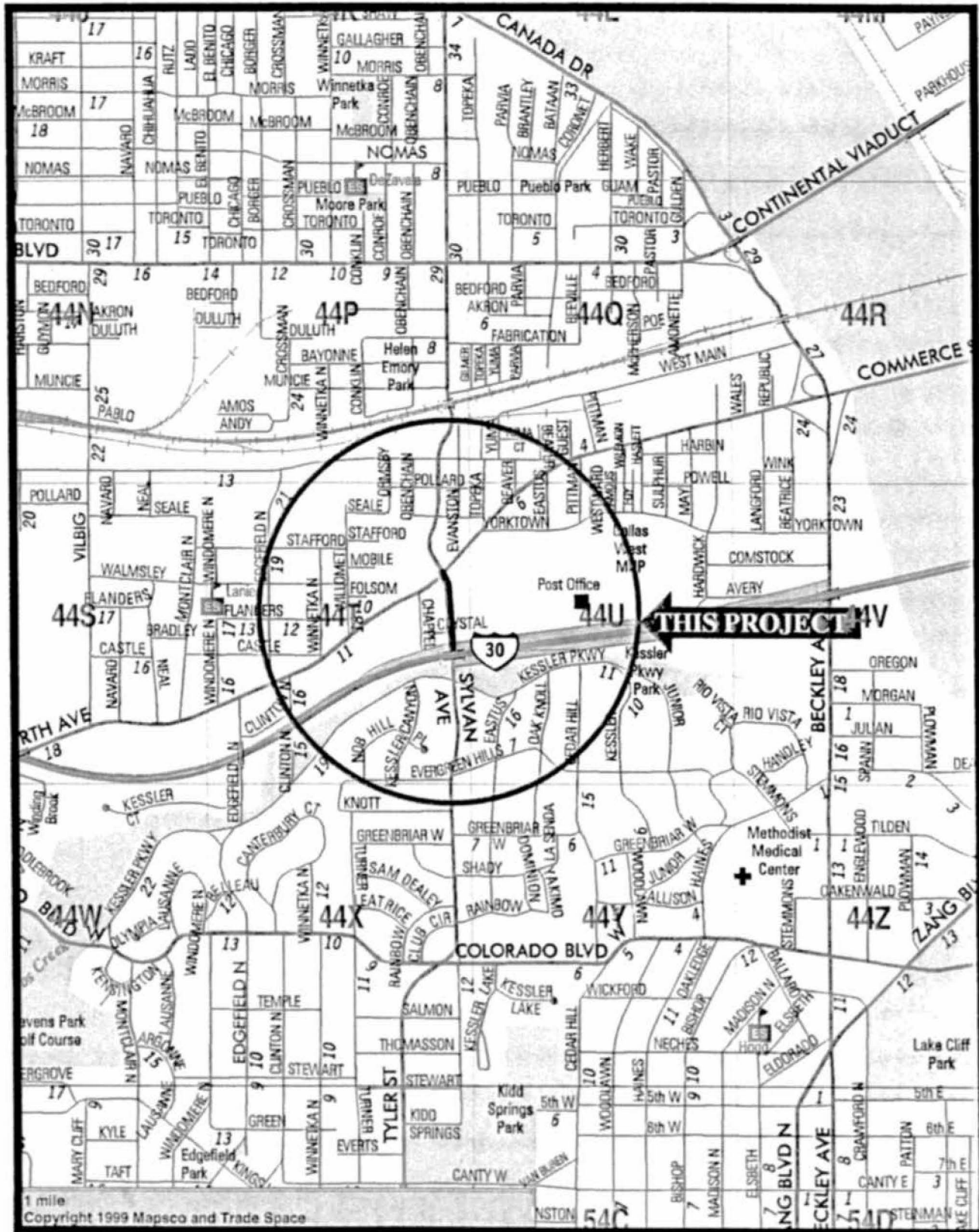
None

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	\$40,360.10	28.00%	\$504,218.23	27.12%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$40,360.10	28.00%	\$504,218.23	27.12%

STREET IMPROVEMENTS

SYLVAN AVENUE - IH-30 FRONTAGE ROAD TO FORT WORTH AVENUE



MAPSCO 44T

June 11, 2014

WHEREAS, on December 13, 2006, Resolution No. 06-3439 authorized a professional services contract for the engineering design for Sylvan Avenue from IH-30 westbound frontage road to Fort Worth Avenue; and,

WHEREAS, on August 14, 2013, Resolution No. 13-1380 authorized a construction contract with Texas Standard Construction, Ltd. for thoroughfare, water and wastewater main improvements for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue; and,

WHEREAS, on January 10, 2014, Administrative Change Order No. 14-5131 authorized Change Order No. 1 to the contract with Texas Standard Construction, Ltd. for the removal of the existing traffic signal and to install temporary traffic signal at the intersection of Sylvan Avenue and Fort Worth Avenue during construction in the amount of \$23,493.50, increasing the contract from \$1,514,175.20 to \$1,537,668.70; and,

WHEREAS, on January 22, 2014, Resolution No. 14-0249 authorized Change Order No. 2 to the contract with Texas Standard Construction, Ltd. for streetscape improvements for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue in the amount of \$177,637.50, increasing the contract from \$1,537,668.70 to \$1,715,306.20.

WHEREAS, it is now necessary to authorize Change Order No. 3 to the contract with Texas Standard Construction, Ltd. for paving improvements and other necessary construction field adjustments needed to complete the Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue project in the amount of \$144,143.19, increasing the contract from \$1,715,306.20 to \$1,859,449.39.

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 Change Order No. 3 to the contract with Texas Standard Construction, Ltd. for paving improvements and other necessary construction field adjustments needed to complete the Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue project in the amount of \$144,143.19, increasing the contract from \$1,715,306.20 to \$1,859,449.39, after it has been approved as to form by the City Attorney.

June 11, 2014

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

Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit U801, Act. THRF Obj. 4510, Program #PB06U801, CT PBW06U801K1 Vendor #339573, in an amount not to exceed	\$154,249.45
Water Utilities Capital Construction Fund Fund 0102, Department DWU, Unit CW42, Act. RELP Obj. 3221, Program #713209X, Reporting W3GA, CT PBW713209EN Vendor #339573, in an amount not to exceed	\$ 2,140.00
Water Utilities Capital Improvement Fund Fund 2115, Department DWU, Unit PW42, Act. RELP Obj. 4550, Program #713209, Reporting W3GA, CT PBW713209CP Vendor #339573, in an amount not to exceed	<u>\$ 39,019.24</u>
Total in an amount not to exceed	\$ 195,408.69

Section 3. That the City Manager or designee is authorized to release encumbrances from:

Wastewater Utilities Capital Construction Fund Fund 0103, Department DWU, Unit CS42, Act. RELP Obj. 3222, Program #713210X, Reporting T2SC, CT PBW713210EN Vendor #339573, in an amount not to exceed	(\$ 1,300.00)
Wastewater Utilities Capital Improvement Fund Fund 2116, Department DWU, Unit PS42, Act. RELP Obj. 4560, Program #713210, Reporting T2SC, CT PBW713210CP Vendor #339573, in an amount not to exceed	<u>(\$ 49,965.50)</u>
Total in an amount not to exceed	(\$51,265.50)

*Total net contract increase amount not to exceed \$144,143.19

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: June 11, 2014
COUNCIL DISTRICT(S): 7
DEPARTMENT: Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 46N P S T

SUBJECT

Street Reconstruction Group 06-618

- * Authorize an increase in the contract with Texas Standard Construction, Ltd. for the construction of monuments, sidewalks, crosswalks, pedestrian lighting and minor landscape improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard - Not to exceed \$879,000, from \$12,150,167 to \$13,029,167 - Financing: General Obligation Commercial Paper Funds
- * Authorize a Gateway Monument Agreement with the Texas Department of Transportation for installing and maintaining monuments in the median of Robert B. Cullum Boulevard at Martin Luther King, Jr. Boulevard - Financing: No cost consideration to the City

BACKGROUND

This item was placed on the addendum to continue Council-approved construction, in order to complete the project prior to the opening of the Texas State Fair.

On March 26, 2014, City Council authorized a construction contract with Texas Standard Construction, Ltd. for Street Group 06-618 which includes the reconstruction of Continental Boulevard from Core Street to Houston Street, and Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad. This action will authorize Change Order No. 1 to the contract with Texas Standard Construction, Ltd. for improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard. The improvements will include monuments, sidewalks, crosswalks, pedestrian lighting and minor landscaping.

This action will also authorize a Gateway Monument Agreement with the Texas Department of Transportation for installing and maintaining monuments in the median of Robert B. Cullum Boulevard at Martin Luther King, Jr. Boulevard.

ESTIMATED SCHEDULE OF PROJECT

Began Design	February 2008
Completed Design	January 2014
Begin Construction	June 2014
Complete Construction	May 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Project Specific Agreement (PSA) with Dallas County on January 12, 2005, by Resolution No. 05-0129.

Authorized a professional services contract on January 23, 2008, by Resolution No. 08-0324.

Authorized Supplemental Agreement No. 1 for the preparation of an engineering study related to traffic and streetscape improvements on August 13, 2008, by Resolution No. 08-2087.

Authorized Supplemental Agreement No. 3 for additional design services to extend the limits of design on Continental Avenue from Riverfront Boulevard to Core Street to connect to the Trinity Parkway and add the design of Riverfront Boulevard from Parkhouse Street to Union Pacific Railroad on April 8, 2009, by Resolution No. 09-0976.

Authorized Supplemental Agreement No. 4 for a wastewater study for Riverfront Boulevard from Commerce Street to Corinth Street on February 23, 2011, by Resolution No. 11-0551.

Authorized Supplemental Agreement No. 5 for additional design for Continental Avenue from Core Street to IH 35E and Riverfront Boulevard from Parkhouse Street to the south end of the new pavement for the Woodall Rodgers Extension Project on March 28, 2012, by Resolution No. 12-0934.

Authorized Supplemental Agreement No. 6 for additional design for Continental Avenue from Core Street to Houston Street and Riverfront Boulevard from Parkhouse Street to Union Pacific Railroad on November 14, 2012, by Resolution No. 12-2759.

Authorized a professional services contract on December 11, 2013, by Resolution No. 13-2069 with Freese and Nichols, Inc. for the engineering design of two complete street projects and one street reconstruction project.

Authorized a construction contract with Texas Standard Construction, Ltd. for Street Reconstruction Group 06-618 on March 26, 2014, by Resolution No. 14-0513.

FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Funds) - \$879,000

Design - PBW	\$ 484,949.90
Construction	
Paving & Drainage - PBW	\$11,232,595.20
Water & Wastewater - DWU	\$ 917,571.00
Change Order No. 1 (this action)	<u>\$ 879,000.00</u>
Total Project Cost	\$13,514,116.10

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Texas Standard Construction, Ltd.

Hispanic Female	2	Hispanic Male	74
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	3	White Male	4

OWNER

Texas Standard Construction, Ltd.

Ronald H. Dalton, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Texas Standard Construction, Ltd. for the construction of monuments, sidewalks, crosswalks, pedestrian lighting and minor landscape improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard - Not to exceed \$879,000, from \$12,150,167 to \$13,029,167 - Financing: General Obligation Commercial Paper Funds

Texas Standard Construction, Ltd. is a 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 - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$879,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$879,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Kenyatta Sand & Gravel	BMDB58593Y0914	\$228,540.00	26.00%
Total Minority - Local		\$228,540.00	26.00%

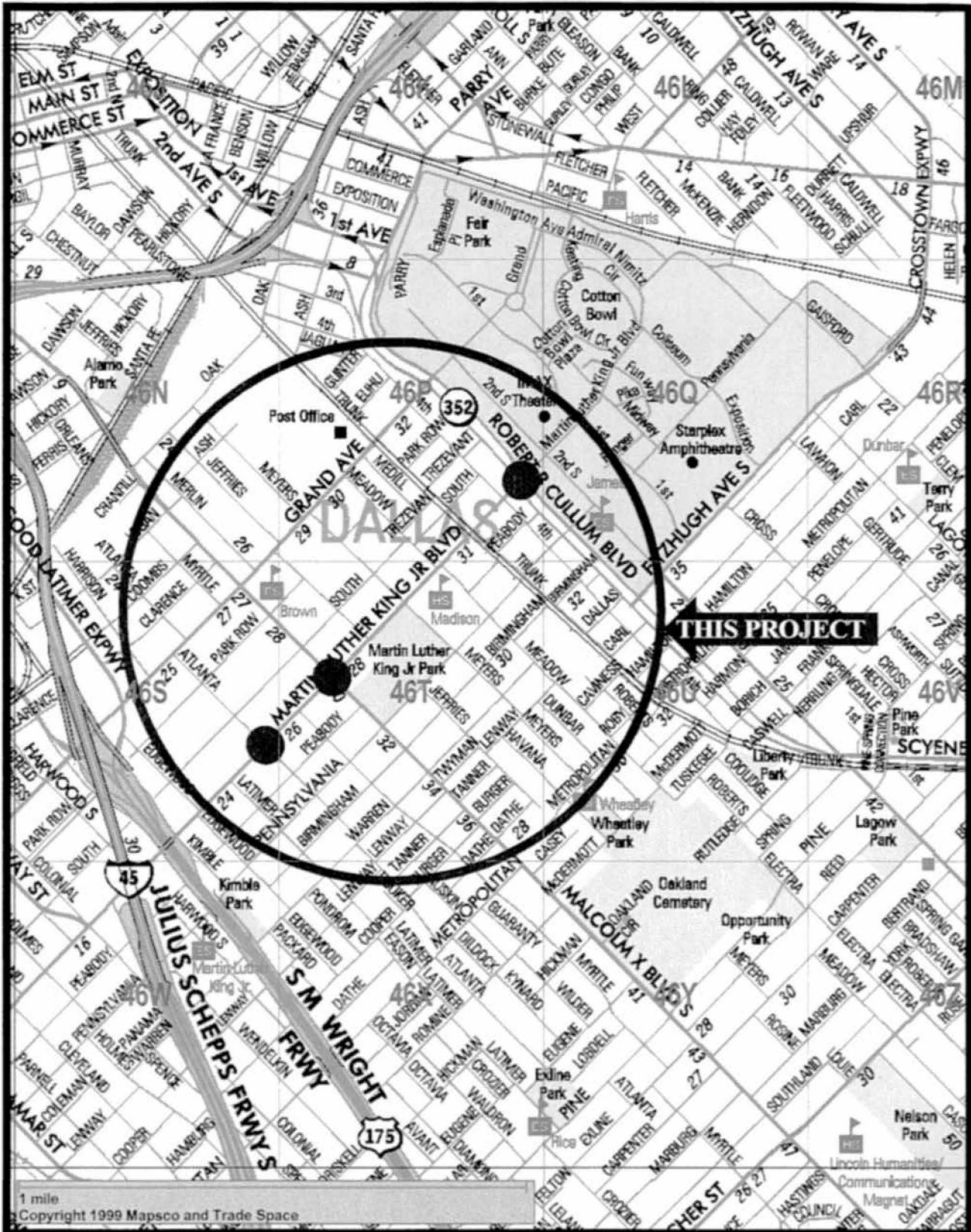
Non-Local Contractors / Sub-Contractors

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	\$228,540.00	26.00%	\$3,850,235.00	29.55%
Hispanic American	\$0.00	0.00%	\$40,000.00	0.31%
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%	\$24,290.00	0.19%
Total	\$228,540.00	26.00%	\$3,914,525.00	30.04%

**COMPLETE STREET
MARTIN LUTHER KING JR. BOULEVARD
AT ATLANTA STREET, MALCOLM X BOULEVARD AND R. B. CULLUM
BOULEVARD**



MAPSCO 46P, S, & T

June 11, 2014

WHEREAS, on January 23, 2008, Resolution No. 08-0324 authorized a professional services contract for the engineering design of Continental Avenue from Riverfront Boulevard to IH 35 for conceptual planning, topographic survey and the design of street paving, storm drainage and wastewater improvements; and,

WHEREAS, on April 13, 2008, Resolution No. 08-2087 authorized Supplemental Agreement No. 1 to the contract with Hayden Consultants, Inc. for additional detailed engineering study related to traffic and streetscape for Continental Avenue from East Levee Street to Houston Street in the amount of \$79,337.38, increasing the contract from \$143,344.00 to \$222,681.38; and,

WHEREAS, on February 10, 2009, Administrative Action No. 09-0674 authorized Supplemental Agreement No. 2 to the contract with Hayden Consultants, Inc. to obtain a vision development and study other options to develop streetscape concepts according to different right-of-way scenarios and transit options in the amount of \$24,500.00, increasing the contract from \$222,681.38 to \$247,181.38; and,

WHEREAS, on April 8, 2009, Resolution No. 09-0976 authorized Supplemental Agreement No. 3 to the contract with Hayden Consultants, Inc. for additional design services for surveying, street paving, storm drainage, water and wastewater improvements for Continental Avenue from Core Street to Riverfront Boulevard and Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad in the amount of \$1,566,474.00, increasing the contract from \$247,181.38 to \$1,813,655.38; and,

WHEREAS, on February 23, 2011, Resolution No. 11-0551 authorized Supplemental Agreement No. 4 to the contract with Hayden Consultants, Inc. for a wastewater study for Riverfront Boulevard from Commerce Street to Corinth Street in the amount of \$109,488.00, increasing the contract from \$1,813,655.38 to \$1,923,143.38; and,

WHEREAS, on March 28, 2012, Resolution No. 12-0934 authorized Supplemental Agreement No. 5 to the contract with Hayden Consultants, Inc. for additional design of street paving, drainage, streetscape, surveying, horseshoe culvert rehabilitation and wastewater improvements for Continental Avenue from Core Street to IH 35 and Riverfront Boulevard from Parkhouse Street to the south end of the new pavement for the Woodall Rodgers Extension Project in the amount of \$449,174.00, increasing the contract from \$1,923,143.38 to \$2,372,317.38; and,

WHEREAS, on November 14, 2012, Resolution No. 12-2759 authorized Supplemental Agreement No. 6 to the contract with Hayden Consultants, Inc. for additional design of street paving, drainage, streetscape, traffic signal upgrade and surveying for Continental Avenue from Core Street to Houston Street and Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad Project in the amount of \$109,117.75, increasing the contract from \$2,372,317.38 to \$2,481,435.13; and,

June 11, 2014

WHEREAS, on December 11, 2013, Resolution No. 13-2069 authorized a professional services contract with Freese and Nichols, Inc. for the engineering design of two complete street projects and one street reconstruction project; and,

WHEREAS, bids were received on January 16, 2014, for the construction of street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-618; and,

WHEREAS, on March 28, 2014, Resolution No. 14-0513 authorized a contract with Texas Standard Construction, Ltd. for the construction of street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-618; and,

WHEREAS, it is now necessary to authorize Change Order No. 1 to the contract with Texas Standard Construction, Ltd. for the construction of monuments, sidewalks, crosswalks, pedestrian lighting and minor landscape improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard in the amount of \$879,000, increasing the contract from \$12,150,166.20 to \$13,029,166.20.

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 Change Order No. 1 to the contract with Texas Standard Construction, Ltd. for the construction of monuments, sidewalks, crosswalks, pedestrian lighting and minor landscape improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard in the amount of \$879,000, increasing the contract from \$12,150,166.20 to \$13,029,166.20, after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund	
Fund 2U22, Department PBW, Unit S398, Act. THRF	
Obj. 4510, Program #PB12S398, CT PBW06U215F1	
Vendor #339573, in an amount not to exceed	\$ 879,000

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

June 11, 2014

WHEREAS, on January 23, 2008, Resolution No. 08-0324 authorized a professional services contract for the engineering design of Continental Avenue from Riverfront Boulevard to IH 35 for conceptual planning, topographic survey and the design of street paving, storm drainage and wastewater improvements; and,

WHEREAS, on August 13, 2008, Resolution No. 08-2087 authorized Supplemental Agreement No. 1 to the contract with Hayden Consultants, Inc. for additional detailed engineering study related to traffic and streetscape for Continental Avenue from East Levee Street to Houston Street in the amount of \$79,337.38, increasing the contract from \$143,344.00 to \$222,681.38; and,

WHEREAS, on February 10, 2009, Administrative Action No. 09-0674 authorized Supplemental Agreement No. 2 to the contract with Hayden Consultants, Inc. to obtain a vision development and study other options to develop streetscape concepts according to different right-of-way scenarios and transit options in the amount of \$24,500.00, increasing the contract from \$222,681.38 to \$247,181.38; and,

WHEREAS, on April 8, 2009, Resolution No. 09-0976 authorized Supplemental Agreement No. 3 to the contract with Hayden Consultants, Inc. for additional design services for surveying, street paving, storm drainage, water and wastewater improvements for Continental Avenue from Core Street to Riverfront Boulevard and Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad in the amount of \$1,566,474.00, increasing the contract from \$247,181.38 to \$1,813,655.38; and,

WHEREAS, on February 23, 2011, Resolution No. 11-0551 authorized Supplemental Agreement No. 4 to the contract with Hayden Consultants, Inc. for a wastewater study for Riverfront Boulevard from Commerce Street to Corinth Street in the amount of \$109,488.00, increasing the contract from \$1,813,655.38 to \$1,923,143.38; and,

WHEREAS, on March 28, 2012, Resolution No. 12-0934 authorized Supplemental Agreement No. 5 to the contract with Hayden Consultants, Inc. for additional design of street paving, drainage, streetscape, surveying, horseshoe culvert rehabilitation and wastewater improvements for Continental Avenue from Core Street to IH 35 and Riverfront Boulevard from Parkhouse Street to the south end of the new pavement for the Woodall Rodgers Extension Project in the amount of \$449,174.00, increasing the contract from \$1,923,143.38 to \$2,372,317.38; and,

WHEREAS, on November 14, 2012, Resolution No. 12-2759 authorized Supplemental Agreement No. 6 to the contract with Hayden Consultants, Inc. for additional design of street paving, drainage, streetscape, traffic signal upgrade and surveying for Continental Avenue from Core Street to Houston Street and Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad Project in the amount of \$109,117.75, increasing the contract from \$2,372,317.38 to \$2,481,435.13; and,

June 11, 2014

WHEREAS, on December 11, 2013, Resolution No. 13-2069 authorized a professional services contract with Freese and Nichols, Inc. for the engineering design of two complete street projects and one street reconstruction project; and,

WHEREAS, bids were received on January 16, 2014, for the construction of street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-618; and,

WHEREAS, on March 26, 2014, Resolution No. 14-0513 authorized a contract with Texas Standard Construction, Ltd. for the construction of street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-618; and,

WHEREAS, it is now necessary to authorize a Gateway Monument Agreement with the Texas Department of Transportation for installing and maintaining monuments in the median of Robert B. Cullum Boulevard at Martin Luther King, Jr. Boulevard.

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 Gateway Monument Agreement with the Texas Department of Transportation for installing and maintaining monuments in the median of Robert B. Cullum Boulevard at Martin Luther King, Jr. Boulevard, after it has been approved as to form by the City Attorney.

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.

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: June 11, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Public Works Department

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

An ordinance amending Section 9-2, "Bicycles in Public Buildings," and Article II, "Bicycle Helmets," of Chapter 9, "Bicycles," of the Dallas City Code to amend the requirements on **(1)** bringing bicycles into public buildings; and **(2)** providing that bicycle helmets are required for minors only; providing a penalty not to exceed \$50; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

On April 28, 2014, the Quality of Life & Environment Committee was briefed on the City's "all age groups" Helmet Ordinance in response to the City's desire to launch a citywide Bike Share Program. The recommendation of the Committee was to allow for public discussion on this topic at the May 12, 2014 Quality of Life & Environment Committee meeting.

At the May 12, 2014, the Committee was briefed on the "all age groups" Helmet Ordinance as well as the City ordinance restricting bicycles inside public buildings. After the briefing and Committee discussion, members of the community representing the medical field and bicycle advocates spoke either for or against modifications to the bicycle helmet ordinance. There were a total of five speakers, with four in favor of removing the all age requirement and one against. At the conclusion of the meeting, the Committee Chair recommended advancing this item to the full City Council for consideration and possible modifications to the "all age groups" Helmet Ordinance and the restriction of bicycles inside public buildings.

BACKGROUND (Continued)

On June 4, 2014, the City Council was briefed on the "all age groups" Bicycle Helmet Ordinance requirement and the City ordinance restricting bicycles inside public buildings. The briefing included a history of previous Committee action, a description of the ordinance, arguments for and against bicycle helmet requirements, and options for possible amendments to sections of the ordinance. After City Council discussion, a recommendation was made to add this item as an addendum to the June 11, 2014 City Council meeting for further discussion and possible action. The draft helmet amendment includes making the bicycle helmet requirement be for minors only. Minors are defined as "any person under 17 years of age". The second proposed change is to allow bicycles inside public buildings.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

On May 22, 1996, the Dallas City Council approved an ordinance amending Chapter 9 of the Dallas City Code to provide requirements for the wearing of helmets for individuals of all ages when operating or riding upon a bicycle or a device attached to a bicycle on a public way in the City and to hold parents and guardians responsible for minors who fail to wear bicycle helmets when required.

On June 12, 1972 the Dallas City Council approved an ordinance prohibiting bicycles to be carried, pushed, propelled or to ride an assembled or operable bicycle in any public building in the City of Dallas.

FISCAL INFORMATION

No cost consideration to the City

ORDINANCE NO. _____

An ordinance amending Chapter 9, "Bicycles," of the Dallas City Code by amending Sections 9-2, 9-8, and 9-9; deleting the prohibition on bringing bicycles into public buildings; providing that bicycle helmets are required for minors only; providing a penalty not to exceed \$50; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 9-2, "Bicycles Prohibited in Public Buildings," of Article I, "General," of Chapter 9, "Bicycles," of the Dallas City Code is amended to read as follows:

"SEC. 9-2. RESERVED [~~BICYCLES PROHIBITED IN PUBLIC BUILDINGS~~].

~~[No person shall carry, push, propel or ride an assembled or operable bicycle in any public building in the city.]"~~

SECTION 2. That Section 9-8, "Bicycle Helmet Required," of Article II, "Bicycle Helmets," of Chapter 9, "Bicycles," of the Dallas City Code is amended to read as follows:

"SEC. 9-8. BICYCLE HELMET REQUIRED.

(a) A minor [~~person~~] commits an offense if he operates or rides upon a bicycle or any side car, trailer, child carrier, seat, or other device attached to a bicycle without wearing a helmet.

(b) A parent or guardian of a minor commits an offense if he knowingly causes or permits, or by insufficient control allows, the minor to operate or ride upon a bicycle or any side car, trailer, child carrier, seat, or other device attached to a bicycle, without the minor wearing a helmet.

(c) A person commits an offense if he transports a minor [~~another person~~] upon a bicycle or any side car, trailer, child carrier, seat, or other device attached to a bicycle, without the minor [~~other person~~] wearing a helmet.

(d) It is a defense to prosecution under Subsection (a), (b), or (c) that:

(1) the bicycle was not being operated upon a public way at the time of the alleged offense; or

(2) for a first offense only, the person owns or has acquired a helmet for himself or his passenger, whichever is applicable, prior to appearance in municipal court.”

SECTION 3. That Section 9-9, “Sale or Lease of Bicycles,” of Article II, “Bicycle Helmets,” of Chapter 9, “Bicycles,” of the Dallas City Code is amended to read as follows:

“SEC. 9-9. SALE OR LEASE OF BICYCLES.

(a) A dealer commits an offense if he sells a bicycle or any bicycle side car, trailer, or child carrier without having a sign conspicuously posted on the dealer’s premises, in the form, location, and manner approved by the chief of police, notifying all customers that it is a city ordinance violation for a minor to operate or ride upon a bicycle without a helmet.

(b) A dealer commits an offense if he leases a bicycle or any bicycle side car, trailer, or child carrier without:

(1) providing a helmet to each minor [~~person~~] who will operate or ride upon the bicycle or bicycle side car, trailer, or child carrier; or

(2) determining through physical observation that a helmet is in the possession of each minor [~~person~~] who will operate or ride upon the bicycle or bicycle side car, trailer, or child carrier.”

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$50.

SECTION 5. That Chapter 9 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

DRAFT

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 11, 2014
COUNCIL DISTRICT(S): 6
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 22 R

SUBJECT

An ordinance granting the street name change from Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" - NC134-001 Financing - No cost consideration to the City

BACKGROUND

This item is moved forward by Council direction.

The City Council, on May 28, 2014, approved the street name change from Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" with the ordinance to return on June 11, 2014.

On February 12, 2014, the City of Dallas accepted an application to change the name of Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way". The change of Ables Lane to "James Parker Way" complies with Section 51A-9.300 of the Dallas City Code.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 8, 2014, the City Plan Commission recommended approval of the street name change proposal of Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" with an unanimous vote.

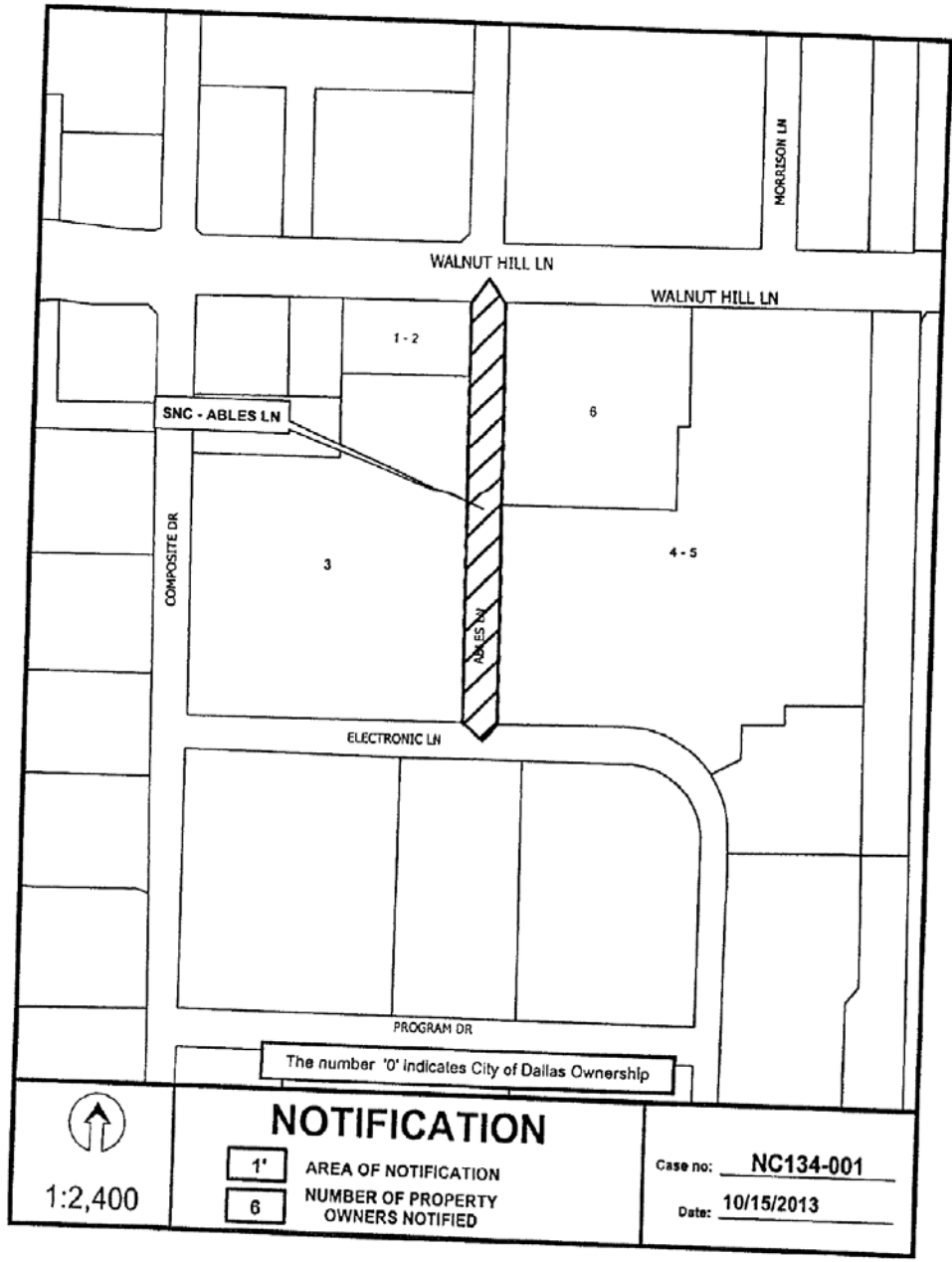
The City Council, on May 28, 2014, approved the street name change from Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" with the ordinance to return on June 11, 2014.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.



10/15/2013

Notification List of Property Owners

NC134-001

6 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2470 WALNUT HILL LN	PUBCO CORP
2	2470 WALNUT HILL LN	HAMER ROBERT
3	10920 COMPOSITE DR	USA BOWL LLC %CHESTER B HOWARD
4	2540 WALNUT HILL LN	PARKER COLLEGE OF CHIROPRACTIC
5	2550 WALNUT HILL LN	PARKER COLLEGE OF CHIROPRACTIC
6	2530 WALNUT HILL LN	PARKER COLLEGE OF CHIROPRACTIC



February 4, 2014

Paul Nelson
Administrator-Subdivision
City of Dallas
320 E. Jefferson Blvd
Dallas, Texas 75203

Dear Paul,

Please accept this letter as notification that we have made a formal "application for a street name change" to the City of Dallas today.

It is Parker University's desire to change the name of our adjacent street Ables Lane to James Parker Way, as the attached map indicates.

The name change request will:

- Honor James Parker, the founder of Parker University
- Better identify a street that has sole adjacency to the University
- Initiate the process of improving the neighborhood by having a readily identifiable street near Parker's campus and Walnut Hill and I35.

I am pleased that we have 100% support of adjacent property owners. We are utilizing David A. Neumann, with Jasper Neumann Consulting to assist Parker University with its external relationships which include representing Parker through this application for a street name change process.

Please contact me should you have any questions.

Sincerely,

Dr. Brian McAulay
President

BJM/alk

OFFICE OF THE PRESIDENT

2540 Walnut Hill Lane
Suite 5200
Dallas, Texas 75229

p: 214-902-3470
f: 214-902-2470
w: parker.edu

APPLICATION FOR STREET NAME CHANGE

Development Services Department, City of Dallas, Texas
 Room 115, Oak Cliff Municipal Center, 320 E. Jefferson Blvd., Dallas, TX 75203
 Telephone 214-948-4299

Property Owner (Applicant)	Name <u>Parker University</u> Telephone <u>214-902-3470</u> Address <u>2540 Walnut Hill Lane</u> <u>Dallas, Texas</u> Zip <u>75229</u>	Office Use File No: _____ CPC HRG DATE: _____ Sent: _____ Fees RCVD: _____ Reply: _____ Map No: _____ Census Tract: _____ Council District: _____
Project Description	Existing Name: <u>Ables Lane</u> Proposed Name: <u>James Parker way</u> From: <u>Walnut Hill Lane to Electronic Lane</u> Street Status: <input type="checkbox"/> Major <input checked="" type="checkbox"/> Minor	

Accepted By: _____ Date Accepted: _____

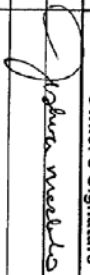
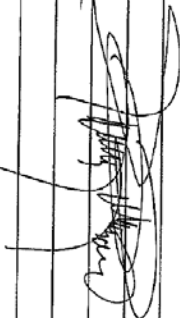

Statement (Reasons for Request)	The proposed name change will: 1) Honor James Parker, the founder of Parker University 2) Better identify a street that has sole adjacency to Parker University 3) Initiate the process of improving the business neighborhood by having a readily identifiable street near Parker - I35
--	---

General Information	<input checked="" type="checkbox"/> PETITION INDICATING THAT AT LEAST FIFTY-ONE (51) PERCENT OF OWNERS OF LOTS ABUTTING THE STREET WHOSE NAME IS TO BE CHANGED FAVOR THE NAME CHANGE <input type="checkbox"/> APPLICATION FEE <input checked="" type="checkbox"/> SITE PLAN SHOWING LOCATION OF THE STREET <input checked="" type="checkbox"/> STATEMENT OF REASONS FOR SUPPORTING A STREET NAME CHANGE <input checked="" type="checkbox"/> ROADWAY'S STATUS AS A MAJOR OR MINOR ROADWAY <input checked="" type="checkbox"/> EXISTING AND PROPOSED STREET NAMES
----------------------------	--

Applicants Signature	I hereby certify that I am the applicant in the foregoing application, and that I am the owner of a lot abutting the street for which a street name change is being requested. Signature <u>Don A. Neumann</u> Date <u>2/4/14</u>
-----------------------------	--

PETITION FOR STREET NAME CHANGE

We, the undersigned owners of the lot or lots indicated which about (name of existing street) Ables Lane
do hereby petition for a change in the street name to (requested street name) James Parker Way

Print Owner's Name	Owner's Signature	Street Address	Lot & Block Number
Joshua Medelo USA Bowl LLC		10920 Composite Dr	
Jose Orlando Fossius RASM Creek Corp DBA The Winemakers Distillery		2790 Walnut Hill Ln	
BRIAN McAUIN PARKER UNIVERSITY PRESIDENT		2570 WALNUT HILL LANE	

This petition must be included with the application for a street name change and must contain at least 51 percent of the owners of all lots abutting the street who favor the name change (Dallas Development Code 51A-9.303(g)).

ORDINANCE NO. _____

An ordinance changing the name of Ables Lane, between Walnut Hill Lane and Electronic Lane to James Parker Way; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That the name of Ables Lane, between Walnut Hill Lane and Electronic Lane is changed to James Parker Way

SECTION 2. 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.

SECTION 3. That this ordinance shall take effect on July 12, 2014, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

* Dallas Development Code Section 51A-9.309 requires that the effective date be at least 60 days after the date of passage. City council may set a later effective date.

ADDENDUM ITEM # 6

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: June 11, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-3738

MAPSCO: N/A

SUBJECT

A resolution designating absences by Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow council members a sufficient amount of time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

BACKGROUND (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

June 11, 2014

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

WHEREAS, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted in Exhibit A; **Now, Therefore,**

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

June 11, 2014

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in Exhibit A, by Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence will not count against Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absence by Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston as described in Exhibit A, was for "official city business," and no further city council action or approval of those minutes is required.

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

EXHIBIT A
CITY COUNCIL MEMBER(S)
REQUEST ABSENT AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	TRIP/EVENT	LOCATION	DATE	PURPOSE	MEETING(S) MISSED	ABSENCE TYPE
Philip T. Kingston	Working on city business in the office	Dallas City Hall, 5FN	05/05/2014	Representing District 14	Housing Committee Meeting	Absent more than 50%
Dwaine R. Caraway	Attended a meeting with Economic Development Director Karl Zavitkovsky, Economic Assistant Director Lee McKinney and City Wide CDC President and CEO Sherman Roberts regarding Rudy's Chicken	Dallas City Hall	05/12/2014	Representing District 4	Public Safety Committee Meeting	Absent
Carolyn R. Davis	Attended an event with ChildCare Group and Dallas Bethlehem's Center's "Celebrating the Power of Partnership"	Dallas City Hall	05/27/2014	Representing District 7	Quality of Life & Environment Committee Meeting	Absent

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 11, 2014
COUNCIL DISTRICT(S): 7
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 59 B

SUBJECT

Authorize a loan in the amount of \$500,000 to Bruton Apartments, Ltd. for the construction of retail/commercial space in conjunction with the Bruton Road Mixed Use Development, located at 9514 Bruton Road, Dallas, Texas 75217 - Not to exceed \$500,000 - Financing: Public/Private Partnership Funds

BACKGROUND

This agenda item is on the June 11, 2014 Addendum due to Texas Department of Housing and Community Affairs (TDHCA) deadlines related to this round of 4% Low-Income Housing Tax Credit (LIHTC) tax credits and the issuance of tax exempt bonds.

For the past several months, city staff has been negotiating with NRP Group, LLC (NRP) regarding the construction of a new mixed used development in South Dallas. Bruton Road Mixed Use Development, located at 9514 Bruton Road, Dallas, Texas 75217, will be comprised of 264 multi-family units and 10,000 square feet of commercial space. All residential units will be leased to households earning at or below 60% of area median income. Development amenities will include a swimming pool, club house and fitness center, as well as space for after school and summer school programs. The commercial space will provide needed retail for the area.

The project will be financed by Private Activity Bonds issued by Dallas Housing Finance Corporation (DHFC) in an approximate amount of \$18.2 Million as approved by Council Resolution No. 13-2140. TDHCA has also committed 4% LIHTC's in the approximate amount of \$13.4 Million. The project owner will be Bruton Apartments, Ltd., a limited partnership formed for the sole purpose of developing, owning and operating the project. Bruton Apartments GP LLC, an entity created and controlled by the DHFC, is the general partner with a .01% ownership interest in the limited partnership. NRP Bruton Apartments SLP, LLC, a Texas limited liability company, the Class B Limited Partner, will have a .01% ownership interest. The remaining 99.98% of the improvements will be owned by the investor limited partner.

BACKGROUND (Continued)

Bruton Apartments, Ltd. requests that the City Council authorize an unsecured loan in the amount of \$500,000 to facilitate a \$1,000,000 funding gap created by the inclusion of 10,000 square feet of retail/commercial space. The funding gap is based upon a \$100 per square foot market rate cost of 10,000 square feet of retail/commercial space. NRP will assist in addressing the funding gap by foregoing a proportional \$500,000 share of development fees not realized due to the retail/commercial space being developed, as well as building the commercial space at cost.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	July 2014
Substantial Completion	December 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On July 22, 2013, NRP Group, LLC (NRP) submitted a pre-application for tax-exempt bond financing, support of their 4% tax credit application which included a proposal for the DHFC, and/or its newly created entity wholly-owned and controlled by the DHFC, to become the general partner and to share in the developer fee and cash flow profits to be used for mixed income developments as part of DHFC's public purposes from the project without providing any guaranties.

On October 8, 2013, the DHFC authorized the NRP proposal to be considered by City Council to grant the waiver to allow NRP to submit its formal application to the DHFC for the proposal described herein and to authorize a public hearing to be held on December 11, 2013 to fulfill the pre-application requirements contained in H.B. 3361 effective September 1, 2013.

On October 21, 2013, the Housing Committee was briefed on the Bruton Road Apartment proposal; and subject to certain conditions being met, recommended the City Council take all actions necessary to carry out the transaction and hold the public hearing pursuant to State of Texas H.B. 3361.

On November 12, 2013, the approval for a requested public hearing was granted to be held on December 11, 2013.

On December 11, 2013, City Council authorized a resolution to support TDHCA's award of a 4% LIHTC tax credit to NRP, granted approval for the DHFC to issue tax-exempt bonds in an approximate amount of \$18.2 Million and authorized a DHFC entity to become the general partner, own the land and allow the property to be exempt from Ad Valorem taxes in exchange for fee income and cash flow participation which significantly exceeds the current Ad Valorem tax assessment.

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

On December 16, 2013, the DHFC met and approved the changes to the social service program paragraph to provide the following: (1) delete the Option 2 which makes a reference to the TDHCA's 2011 Qualified Allocation Plan; (2) to replace the word "LURA" with "Bond Regulatory Agreement"; and (3) to delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" in both the WHEREAS paragraph and the Section Number 3.

On January 8, 2014, the City of Dallas authorized amendments to Resolution No. 13-2140 concerning the application with TDHCA on the proposal for the new construction of the Bruton Apartments. The amendments provide for the following: (1) delete reference to the TDHCA's tenants services requirement; (2) to replace the word "LURA" with "Bond Regulatory Agreement"; and (3) delete the last sentence "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" in both the WHEREAS paragraph and the Section Number 3.

FISCAL INFORMATION

\$500,000 – Public/Private Partnership Funds

Unsecured Loan Terms:

\$500,000 from Public Private Partnership Program Funds. Funding conditioned upon a 4% LIHTC award by the TDHCA. Funds will be escrowed with the construction lender, to be disbursed pro-rata by the construction lender. Loan will have an interest rate of 1% with a term of twenty (20) years and a thirty (30) year amortization schedule. Monthly payments of principle and interest will be paid out of available cash flow, with all unpaid principle and interest due and payable at maturity.

OWNER

Bruton Apartments, Ltd.

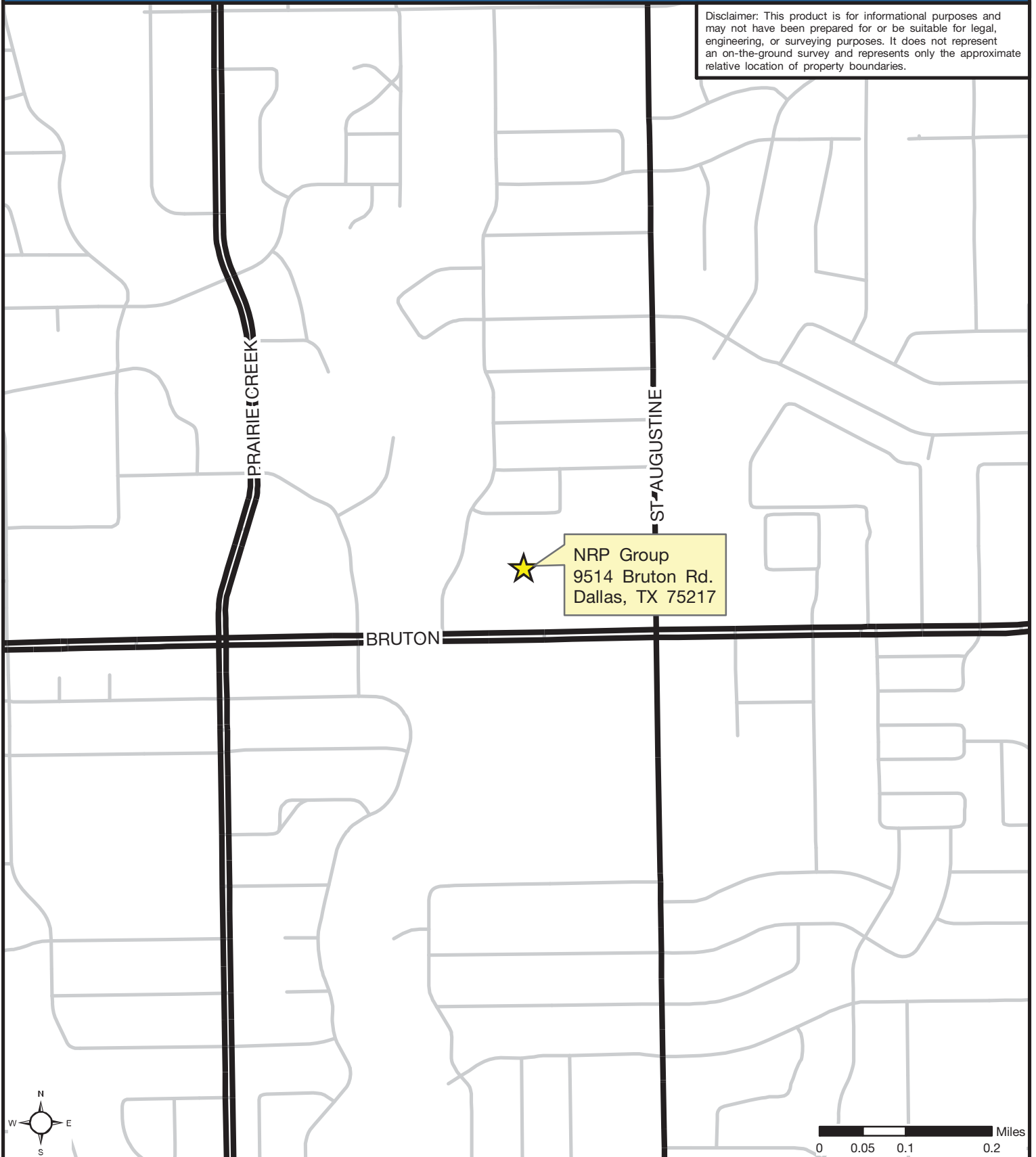
Michael W. Haling, President

MAP

Attached.

Bruton Road Mixed-Use Development



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

Legend

-  Arterial
-  Local Road

Source: City of Dallas, 2014

June 11, 2014

WHEREAS, on April 25, 1984, the City of Dallas (City) authorized the creation of the Dallas Housing Finance Corporation (DHFC) as a Texas non-profit corporation, pursuant to the Texas Housing Finance Corporation Act, Chapter 394, Local Government Code, V.T.C.A., as amended (the Act), to act on behalf of the City in carrying out the public purpose of the Act; and

WHEREAS, the DHFC is authorized by the Act to issue its revenue bonds on behalf of the City for the purpose of providing funding for the housing development for persons of low and moderate income to be located in the City; and

WHEREAS, pursuant to Resolution No. 06-0136, City Council decided for a 12 month period beginning on January 11, 2006, not to approve any new tax credit transactions unless a pre-application waiver is granted by the City Council; and

WHEREAS, pursuant to Resolution No. 07-0733, Section 1.2 of the Bylaws was amended to allow the DHFC to purchase, lease, own, hold title to, or otherwise acquire an interest in a residential development, directly or indirectly through a subsidiary of the DHFC, provided that the City Council, by resolution, prior to the transaction being consummated by the DHFC, (1) finds and determines that such transaction should be undertaken, (2) approves the form of the transaction and (3) authorizes such purchase, lease, or ownership of, holding title to, or acquisition of the interest in the residential development; and

WHEREAS, on July 22, 2013, The NRP Group, LLC ("NRP") submitted its pre-application waiver for NRP to apply to the DHFC for: (1) the issuance of tax-exempt bonds by the DHFC in an amount not to exceed \$23 Million in Multi-family Housing Mortgage Revenue Bonds Series to finance the new construction of approximately 264 units of multi-family rental housing for families, (2) a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) award of 4% Housing Tax Credits in the approximate amount of \$13,360,843 for the new construction of the Bruton Road Apartments to be located at 9415 Bruton Road, Dallas, Texas by providing appropriate waivers pursuant to §11.3 (2)(A-G) of the TDHCA's Qualified Allocation Plan and State of Texas H.B. 3361 which requires that (i) Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A); (ii) The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application; and (3) for the DHFC created entity to be the General Partner to share in the cash flow, own the ground/dirt and for the project to be exempt from ad valorem taxes; and

June 11, 2014

WHEREAS, on October 8, 2013, the DHFC authorized the NRP proposal to be considered by City Council to grant the waiver to allow NRP to submit its formal application to the DHFC for the proposal described therein and to authorize a public hearing to be held on December 11, 2013 to fulfill the pre-application requirements contained in H.B. 3361 effective September 1, 2013; and

WHEREAS, on October 21, 2013, the Housing Committee was briefed on the Bruton Road Apartment proposal; and subject to certain conditions being met, it was deemed necessary and advisable that this resolution be adopted to approve the application and take all actions necessary to carry out the transaction and hold the public hearing pursuant to State of Texas H.B. 3361; and

WHEREAS, on November 12, 2013, the City Council authorized the Public Hearing on the Bruton Apartments to be held on December 11, 2013, and at the close of the public hearing, the consideration to authorize the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of \$23 Million, the 4% tax credits in the approximate amount of \$13,360,843, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments as part of DHFC's public purposes, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project; and

WHEREAS, on December 5, 2013, the DHFC held the Tax Equity and Fiscal Responsibility (TEFRA) Hearing prior to returning to City Council for its consideration of the application and the public hearing on December 11, 2013, and requests among other things, that the City Manager or the Mayor as the highest elected officials of the City of Dallas shall approve the issuance of the Bonds on behalf of the City of Dallas; and

WHEREAS, NRP submitted an application to the TDHCA for 4% housing tax credits after it received an inducement from the DHFC and a subsequent Bond Reservation from the Texas Bond Review Board; and

WHEREAS, as a condition for being considered for the award of the 4% housing tax credits, the Applicant has committed to renting 95% or (252) of the units to tenants whose household incomes are capped at 60% or below the Area Median Family Income (AMFI) at affordable rents and 5% or (14) of the units to tenants whose household incomes capped are at 50% or below the Area Median Family Income (AMFI) with rents affordable to tenants whose household incomes are 50% or below the AMFI in compliance with the maximum Low Income Housing Tax Credit rents as published by the TDHCA; and

June 11, 2014

WHEREAS, on December 11, 2013, the City held a public hearing to receive comments concerning the application with the TDHCA for 4% tax credits in the approximate amount of \$13,360,843 with tax-exempt bonds in the approximate amount of \$23 Million to be issued by DHFC with a total project cost of approximately \$35,393,837 for the proposed Bruton Apartment Development, consisting of approximately 264 new multi-family units to be located at 9415 Bruton Road, including the acquisition of approximately 9.2 acres and at the close of the public hearing, authorize: (1) DHFC to issue the tax exempt bonds in an amount not to exceed \$23 Million to Bruton Apartments, Ltd., an entity created by the NRP Group, LLC, in tax-exempt Multi-family Housing Mortgage Revenue Bonds Series, to finance the land acquisition and new construction of approximately 264 units for families; (2) a resolution to support the TDHCA's award of the 4% tax credits for the new construction of the Bruton Apartments located at 9415 Bruton Road, Dallas, Texas by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3 (2)(A-G) of the 2013 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors; and (3) the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; and

WHEREAS, on December 16, 2013, the DHFC met and approved the changes to the social service program paragraph to delete the Option 2 which makes a reference to the TDHCA's 2011 Qualified Allocation Plan, to replace the word "LURA" with "Bond Regulatory Agreement" and to delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" in both the WHEREAS paragraph and the Section No. 3: and

WHEREAS, on January 8, 2014, the City authorized amendments to Resolution No. 13-2140 concerning the application with TDHCA on the proposal for the new construction of the Bruton Apartments. The amendments provide for the following: (1) delete reference to the TDHCA's tenants services requirement; (2) to replace the word "LURA" with "Bond Regulatory Agreement"; and (3) delete the last sentence "Acceptable social services include those described in Definitions and Amenities for Housing Program Services"; and

WHEREAS, there is currently a \$1 Million funding gap due to the inclusion of 10,000 square feet of retail/commercial space.

NOW, THEREFORE,

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

June 11, 2014

Section 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute an unsecured loan agreement in the amount of \$500,000 to Bruton Apartments Ltd., for the construction of retail/commercial space in conjunction with the Bruton Road Mixed Use Development, located at 9514 Bruton Road, Dallas, Texas 75217.

Section 2. That the loan is conditioned upon a 4% Low-Income Housing Tax Credit (LIHTC) award by the Texas Department of Housing and Community Affairs (TDHCA) and will be disbursed pro-rata by the construction lender. Loan will have an interest rate of 1% with a term of twenty (20) years and a 30 year amortization schedule. Monthly payments of principle and interest will be paid out of available cash flow, with remaining principle and interest paid at maturity.

Section 3. That the City Controller is hereby authorized to encumber and disburse funds from: Fund 0352, Department ECO, Unit 9992 Object 3015, Activity PPPF, Encumbrance No. ECO99921275, Vendor No. VS0000085572, Balance Sheet Account 033F (debit notes receivable – developers loan), Balance Sheet Account 0898 (credit deferred revenue – business loan), as necessary to make payments as described above in Section 2 in an amount not exceed \$500,000.

Section 4. That the City Controller is hereby authorized to receive and deposit loan principal repayments, in accordance with the terms of the loan agreement, in Fund 0352, Department ECO, Unit 9992, Revenue Source 847G (credit principal repayment), Activity PPPF, Balance Sheet Account 0898 (debit deferred revenue), Balance Sheet Account 033F (credit notes receivable), in an amount up to \$500,000.

Section 5. That the City Controller is hereby authorized to receive and deposit the loan interest payments, in accordance with the terms of the loan agreement, in Fund 0352, Department ECO, Unit 9992, Revenue Source 847H, Activity PPPF, in accordance with the loan amortization schedule.

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.

REVISED AGENDA ITEM # 6

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: June 11, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

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

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866 - Not to exceed ~~\$50,000~~ \$15,000, from \$50,000 to ~~\$100,000~~ \$65,000 - Financing: Current Funds

BACKGROUND

Supplemental Agreement No. 1 will authorize Walker Bright P.C. to provide additional services necessary to represent Officer Michael Wade Mosher, an employee of the City, in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council is scheduled to be briefed in Closed Session on May 21, 2014.

Council was briefed in Closed Session on June 4, 2014.

FISCAL INFORMATION

~~\$50,000.00~~ \$15,000.00 - Current Funds

M/WBE INFORMATION

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

OWNER

Walker Bright P.C.

Gerald Bright, Owner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866 - Not to exceed ~~\$50,000~~ \$15,000, from \$50,000 to ~~\$100,000~~ \$65,000 - Financing: Current Funds

Walker Bright P.C. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$50,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$50,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<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	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

June 11, 2014

WHEREAS, the City of Dallas is involved in a lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866; and,

WHEREAS, on April 3, 2013, pursuant to Administrative Action No. 13-5403, the City of Dallas authorized a professional services contract with Walker Bright P.C. in an amount not to exceed \$50,000.00 for legal services necessary to represent Officer Michael Wade Mosher, an employee of the City; and,

WHEREAS, the professional services of Walker Bright P.C. continue to be necessary for representation of Officer Mosher; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866, in an amount not to exceed ~~\$50,000.00~~ \$15,000.00, increasing the original contract amount from \$50,000.00 to ~~\$100,000.00~~ \$65,000.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to Walker Bright P.C., an amount not to exceed ~~\$50,000.00~~ \$15,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389013J288, Vendor No. VS0000032828.

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.