


**NOVEMBER 12, 2013 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated November 12, 2013. 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
Interim City Manager

11-8-13

Date



Edward Scott
City Controller

11/8/13

Date

RECEIVED

2013 NOV -8 PM 4: 20

CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
TUESDAY, NOVEMBER 12, 2013
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 - 51

CONSENT ADDENDUM

Items 1 - 11

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 52 - 63
Addendum Item 12

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 64 - 80
Addendum Item 13

**ADDENDUM
CITY COUNCIL MEETING
NOVEMBER 12, 2013
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

CONSENT ADDENDUM

City Attorney's Office

1. Authorize settlement of part of the lawsuit styled Jaqueline Collins et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-02584-O - Not to exceed \$225,000 - Financing: Current Funds

Equipment & Building Services

2. A resolution authorizing **(1)** ratification of emergency repairs, temporary power installation and replacement of damaged or compromised electrical system components at the J. Erik Jonsson Central Library with Shermco Industries, Inc. in an amount not to exceed \$2,348,103; and **(2)** an increase in appropriations in the amount of \$2,348,103, from \$23,261,226 to \$25,609,329 in the Equipment & Building Services budget - Not to exceed \$2,348,103 - Financing: Contingency Reserve Funds (to be partially reimbursed by property insurance)

Park & Recreation

3. Authorize a 20-year term with one five-year renewal option, development and maintenance agreement with St. Paul Holdings, L.P., a Texas limited partnership for the construction, development, and maintenance of a landscape and site plan at Pacific Plaza located at 312 North St. Paul Street - Financing: No cost consideration to the City
4. Authorize Supplemental Agreement No. 2 to the design-build contract with Heery International, Inc. for the Cotton Bowl - 2013 Improvements to provide grease traps on the east and west sides, fire pump generator and connecting work, new pipe bollards to protect the new generator from vehicular traffic at the Cotton Bowl in Fair Park located at 3750 Midway Plaza - Not to exceed \$743,984, from \$24,550,570 to \$25,294,554 - Financing: 2012 Certificates of Obligation (\$659,517) and 2006 Bond Funds (\$84,467)

**ADDENDUM
CITY COUNCIL MEETING
NOVEMBER 12, 2013**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Public Works Department

5. Authorize a Memorandum of Understanding with the State Energy Conservation Office for energy projects at Park and Recreation facilities in the amount of \$7,000,000 - Financing: This action has no cost consideration to the City
6. Authorize an increase in the contract with Omega Contracting, Inc. to extend the ongoing streetscape improvements to include Hatcher Street from Spring Avenue to Troy Street and resurface Troy Street from Spring Avenue to Hatcher Street - Not to exceed \$282,574, from \$2,342,540 to \$2,625,114 - Financing: 2013-2014 Community Development Block Grant Funds

Sustainable Development and Construction

7. A resolution authorizing the conveyance of approximately 5,039 square feet of City-owned land to St. Paul Holdings, L.P., located near the intersection of Bryan and Harwood Streets in exchange for approximately 5,039 square feet of land owned by St. Paul Holdings L.P. located near the intersection of Bryan and St. Paul Streets - Financing: No cost consideration to the City

Trinity Watershed Management

8. Authorize settlement in lieu of proceeding with condemnation of an improved tract of land containing approximately 12,198 square feet from Dennis Topletz, located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project - Not to exceed \$27,000 (\$24,000 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds
9. Authorize settlement in lieu of proceeding with condemnation of an unimproved tract of land containing approximately 26,639 square feet from Harold Topletz and the Estate of Joseph M. (Jack) Topletz, located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project - Not to exceed \$11,200 (\$9,200 plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds
10. Authorize a professional services contract with Mazidji Group for environmental assistance during the construction phase for the Upper Chain of Wetlands Project - Not to exceed \$728,480 - Financing: U.S. Corps of Engineers Project Cooperation Funds

**ADDENDUM
CITY COUNCIL MEETING
NOVEMBER 12, 2013**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Trinity Watershed Management (Continued)

11. Authorize a construction contract with L. D. Kemp Excavating, Inc., lowest responsible bidder of eight, for soil remediation improvements associated with the Upper Chain of Wetlands Remediation, Cells B and C - Not to exceed \$5,148,425 - Financing: 1998 Bond Funds (\$3,318,345) and Water Utilities Capital Improvement Funds (\$1,830,080)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

12. A resolution designating absences by Mayor Pro Tem Tennell Atkins and Councilmember Dwaine Caraway as being for "official city business" - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

13. A public hearing to receive comments regarding an application for and an ordinance granting amendments to Tracts 2, 3 and 4 and the creation of a new tract within Tract 1 of Planned Development District No. 561, north of Keller Springs Road, east of Glen Abbey Drive
Recommendation of Staff and CPC: Approval, subject to a conceptual plan, development plan and conditions
Z112-297(MW)

**ADDENDUM
CITY COUNCIL MEETING
NOVEMBER 12, 2013**

CORRECTION:

Note: Agenda Item #72 to be considered as Zoning Cases - Individual.

Sustainable Development and Construction

72. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1904 for a Late-hours establishment limited to a restaurant with drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses with an MD-1 Modified Delta No. 1 Overlay on the southwest corner of Alta Avenue and Greenville Avenue
Recommendation of Staff: Approval for a three-year period, subject to a revised site plan and revised conditions
Recommendation of CPC: Approval for a five-year period, subject to a revised site plan and revised conditions
Z123-304(RB)

DELETION:

Sustainable Development and Construction

75. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subarea B of Planned Development Subdistrict No. 66 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest side of Harwood Street, southeast of McKinney Avenue
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z123-321(RB)

ADDENDUM DATE November 12, 2013

| ITEM # | OK | IND DEF | DISTRICT | TYPE | DEPT. | DOLLARS | LOCAL | MWBE | DESCRIPTION |
|--------|----|---------|----------|------|---------------|----------------|---------|--------|--|
| 1 | | | N/A | C | ATT, POL | \$225,000.00 | NA | NA | Authorize settlement of part of the lawsuit styled Jaqueline Collins et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-02584-O |
| 2 | | | 2 | C | EBS | \$2,348,102.87 | 100.00% | 19.09% | A resolution authorizing ratification of emergency repairs, temporary power installation and replacement of damaged or compromised electrical system components at the J. Erik Jonsson Central Library with Shermco Industries, Inc. |
| 3 | | | 14 | C | PKR | NC | NA | NA | Authorize a 20-year term with one five-year renewal option, development and maintenance agreement with St. Paul Holdings, L.P., a Texas limited partnership for the construction, development, and maintenance of a landscape and site plan at Pacific Plaza located at 312 North St. Paul Street |
| 4 | | | 7 | C | PKR | \$743,984.00 | 45.95% | 37.89% | Authorize Supplemental Agreement No. 2 to the design-build contract with Heery International, Inc. for the Cotton Bowl - 2013 Improvements to provide grease traps on the east and west sides, fire pump generator and connecting work, new pipe bollards to protect the new generator from vehicular traffic at the Cotton Bowl in Fair Park located at 3750 Midway Plaza |
| 5 | | | All | C | PBW, PKR | NC | NA | NA | Authorize a Memorandum of Understanding with the State Energy Conservation Office for energy projects at Park and Recreation facilities |
| 6 | | | 7 | C | PBW, HOU | GT | 100.00% | 93.36% | Authorize an increase in the contract with Omega Contracting, Inc. to extend the on-going streetscape improvements to include Hatcher Street from Spring Avenue to Troy Street and resurface Troy Street from Spring Avenue to Hatcher Street |
| 7 | | | 14 | C | DEV, PKR | NC | NA | NA | A resolution authorizing the conveyance of approximately 5,039 square feet of City-owned land to St. Paul Holdings, L.P., located near the intersection of Bryan and Harwood Streets in exchange for approximately 5,039 square feet of land owned by St. Paul Holdings L.P. located near the intersection of Bryan and St. Paul Streets |
| 8 | | | 7 | C | TWM | \$27,000.00 | NA | NA | Authorize settlement in lieu of proceeding with condemnation of an improved tract of land containing approximately 12,198 square feet from Dennis Topletz, located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project |
| 9 | | | 7 | C | TWM, PKR | \$11,200.00 | NA | NA | Authorize settlement in lieu of proceeding with condemnation of an unimproved tract of land containing approximately 26,639 square feet from Harold Topletz and the Estate of Joseph M. (Jack) Topletz, located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project |
| 10 | | | 4 | C | TWM | \$728,480.00 | 56.07% | 36.42% | Authorize a professional services contract with Mazidji Group for environmental assistance during the construction phase for the Upper Chain of Wetlands Project |
| 11 | | | 4 | C | TWM, PBW, WTR | \$5,148,425.00 | 9.71% | 26.33% | Authorize a construction contract with L. D. Kemp Excavating, Inc., lowest responsible bidder of eight, for soil remediation improvements associated with the Upper Chain of Wetlands Remediation, Cells B and C |
| 12 | | | All | I | SEC | NC | NA | NA | A resolution designating absences by Mayor Pro Tem Tennell Atkins and Councilmember Dwaine Caraway as being for "official city business" |
| 13 | | | 11 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting amendments to Tracts 2, 3 and 4 and the creation of a new tract within Tract 1 of Planned Development District No. 561, north of Keller Springs Road, east of Glen Abbey Drive |

TOTAL \$6,659,089.00

ADDENDUM ITEM # 1

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: November 12, 2013

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Police

CMO: Warren M.S. Ernst, 670-3491
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize settlement of part of the lawsuit styled Jaqueline Collins et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-02584-O - Not to exceed \$225,000 - Financing: Current Funds

BACKGROUND

Jaqueline Collins, mother of X.C., a minor, sued the City of Dallas, Chief David Brown, and former police officer Matthew Tate, alleging that they violated X.C.'s right to be free from unlawful seizures and the use of excessive force. X.C. was inadvertently shot by former officer Tate when he used deadly force in an encounter with Tobias Mackey in the apartment complex where X.C. resided. A settlement was reached that disposes of all of Jaqueline Collins' claims made on behalf of X.C. Jaqueline Collins is represented by Hutchison, Lewis & Dauphinot, PC and Eberstein & Witherite. This settlement does not resolve the claims asserted by the family of Tobias Mackey, which are scheduled to go to trial in March 2014.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on April 24, 2013.

FISCAL INFORMATION

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

\$225,000 - Current Funds

November 12, 2013

WHEREAS, a lawsuit styled Jaqueline Collins, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-02584-O, was filed by the plaintiffs alleging that the defendants violated the rights of a minor child, X.C., to be free from unlawful seizure, the use of excessive force, and subjected X.C. to an assault; and,

WHEREAS, the parties have agreed to a settlement, into a trust for the benefit of the minor child of the case whereby the City of Dallas will pay the plaintiff the amount of \$225,000.00; and,

WHEREAS, it is in the best interest of the City of Dallas to settle this case; **Now, Therefore,**

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

Section 1. That settlement of part of the lawsuit styled Jaqueline Collins et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-02584-O, in an amount not to exceed \$225,000.00 is hereby approved.

Section 2. That the City Controller is authorized to pay to X.C. Section 142 Trust, Prosperity Bank, Trustee, the amount of \$225,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

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: Clean, Healthy Environment
Efficient, Effective and Economical Government

AGENDA DATE: November 12, 2013

COUNCIL DISTRICT(S): 2

DEPARTMENT: Equipment & Building Services

CMO: Forest E. Turner, 670-3390

MAPSCO: N/A

SUBJECT

A resolution authorizing **(1)** ratification of emergency repairs, temporary power installation and replacement of damaged or compromised electrical system components at the J. Erik Jonsson Central Library with Shermco Industries, Inc. in an amount not to exceed \$2,348,103; and **(2)** an increase in appropriations in the amount of \$2,348,103, from \$23,261,226 to \$25,609,329 in the Equipment & Building Services budget - Not to exceed \$2,348,103 - Financing: Contingency Reserve Funds (to be partially reimbursed by property insurance)

BACKGROUND

The J. Erik Jonsson Central Library, named in honor of former mayor J. Erik Jonsson, opened in 1982 and features eight stories.

On the evening of October 3, 2013, a six-inch sanitary sewer pipe located in the electrical room (parking garage level) of the Library burst causing significant contamination and water damage to the building's electrical system.

Shermco Industries, Inc. specializes in switchgear work and has been utilized by several City departments via master agreement for switchgear and electric motor repairs. Given their demonstrated ability on past projects and their reputation for specializing in large, industrial and commercial switchgear work, they were contacted to assist with the emergency repair.

The emergency repair services included labor and materials for the removal of bio-hazard, cleaning of electrical room and outer parts of the switchgear equipment, assessment of switchgear functionality and restoration of power through the rental of generators (including cable rental and fuel costs). The library resumed normal hours on October 7, 2013.

BACKGROUND (Continued)

In order to develop a comprehensive permanent repair solution, additional testing was needed to determine the effect of the water damage to the existing underground distribution cables that connect the main electrical room to the five electrical panels that service the building. The test results indicate that three of the five do not meet the minimum standards set by the 2011 ANSI/NETA Maintenance Testing Standard. The three damaged sets of cables are to be replaced as a part of this action.

Due to the age of the facility, replacement parts (utility bus ducts and switchboard assembly) are not readily available and have to be fabricated by the manufacturer. Some components have an estimated four-week lead time. In order to minimize temporary power costs, staff authorized Shermco Industries, Inc. to proceed with a permanent repair and replacement project.

This action seeks ratification of the emergency repair services and temporary power expenses, testing and replacement of the three damaged underground distribution cables and replacement of electrical system components.

Staff continues to work on an insurance claim that will offset a significant portion of these costs. Eligibility for some of these costs cannot be determined until the permanent repair is well underway. Staff anticipates claim eligible expenses of at least \$1.6m before the \$1m deductible is applied. Expenses exceed the claim eligible amount (\$1.6m) due to the need to make critical ancillary repairs that may not have resulted from the water damage but are less costly if repaired in conjunction with this project. These repairs will be made using funds received from the insurance claim with the balance coming from the Contingency Reserve.

ESTIMATED SCHEDULE OF PROJECT

| | |
|--|---------------|
| Complete Emergency Repairs | October 2013 |
| Begin construction of permanent repairs | November 2013 |
| Complete construction of permanent repairs | December 2013 |

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Contingency Reserve Funds - \$2,348,102.87 (to be partially reimbursed by property insurance)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Shermco Industries, Inc.

| | | | |
|-----------------|----|---------------|-----|
| White Female | 31 | White Male | 187 |
| Black Female | 0 | Black Male | 8 |
| Hispanic Female | 2 | Hispanic Male | 23 |
| Other Female | 0 | Other Male | 0 |

OWNER

Shermco Industries, Inc.

Peter A. Sherman, President
Ron Widup, Vice President
Scott Meador, Vice President
Thad Brown, Secretary
Lonnie Mullen, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: A resolution authorizing **(1)** ratification of emergency repairs, temporary power installation and replacement of damaged or compromised electrical system components at the J. Erik Jonsson Central Library with Shermco Industries, Inc. in an amount not to exceed \$2,348,103; and **(2)** an increase in appropriations in the amount of \$2,348,103, from \$23,261,226 to \$25,609,329 in the Equipment & Building Services budget - Not to exceed \$2,348,103 - Financing: Contingency Reserve Funds (to be partially reimbursed by property insurance)

Shermco Industries, Inc., a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|-----------------------|----------------|
| Total local contracts | \$2,348,102.87 | 100.00% |
| Total non-local contracts | \$0.00 | 0.00% |
| TOTAL CONTRACT | \$2,348,102.87 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-------------------------------|----------------------|---------------------|----------------|
| Triton Supply | WFDB58714Y0914 | \$448,325.50 | 19.09% |
| Total Minority - Local | | \$448,325.50 | 19.09% |

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

| | <u>Local</u> | <u>Percent</u> | <u>Local & Non-Local</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 | \$448,325.50 | 19.09% | \$448,325.50 | 19.09% |
| Total | \$448,325.50 | 19.09% | \$448,325.50 | 19.09% |

November 12, 2013

WHEREAS, on October 3, 2013, six-inch sanitary sewer pipe located in the electrical room of the J. Erik Jonsson Central Library burst causing significant contamination and water damage to the building's electrical system; and

WHEREAS, Shermco Industries, Inc. responded to this emergency by providing bio hazard clean up and setting up a temporary power system; and

WHEREAS, additional testing of underground distribution cables determined that three of five sets of distribution cables were not performing according to minimum standards; and

WHEREAS, in an attempt to reduce increasing costs for the temporary power set up, staff instructed Shermco Industries, Inc. to proceed with a permanent solution to replace the utility bus feeders and entire bus risers with new bus duct and replace switchboard assemblies; and

WHEREAS, it is necessary to ratify an emergency expenditure with Shermco Industries, Inc. for electrical system repairs at the J. Erik Jonsson Central Library located at 1515 Young Street in an amount not to exceed \$2,348,102.87.

Now, Therefore,

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

Section 1. That a contract with Shermco Industries, Inc. for electrical system emergency response and electrical system replacement at the J. Erik Jonsson Central Library located at 1515 Young Street in an amount not to exceed \$2,348,102.87 is hereby ratified as an emergency expenditure.

Section 2. That the City Controller is hereby authorized to transfer funds not to exceed \$2,348,102.87 from Fund 0001, Dept. NBG, Unit 1000, Revenue Source RTRF, to Fund 0001, Dept. EBS, Unit 3062, Revenue Source 9229; and a clearing entry, in the same amount, to Fund 0001, Dept. BMS, BSA 0991 (Debit) and to Fund 0001, Dept. BMS, BSA 0950 (Credit).

Section 3. That the City Manager is hereby authorized to increase the Equipment and Building Services appropriations not to exceed \$2,348,103 in Fund 0001, Dept. EBS, Unit 3062, Object 3210; increase total General Fund expenditure appropriations by \$2,348,103 from \$1,118,399,892 to \$1,120,747,995; and increase total General Fund revenue appropriations by \$2,348,103 from \$1,118,399,892 to \$1,120,747,995.

November 12, 2013

Section 4. That the City Controller is authorized to disburse funds in accordance with the terms and conditions of the contract from Fund 0001, Dept EBS, Unit 3062, Obj 3210, Encumbrance EBS143062CT12, to Shermco Industries, Inc. (Vendor 018917), in an amount not to exceed \$2,348,102.87.

Section 5. That the City Controller is authorized to deposit any funds received from insurance for claim eligible expenses into General Fund 0001, Department EBS, Unit 3062, Object 5011.

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.

KEY FOCUS AREA: Culture, Arts and Recreation
AGENDA DATE: November 12, 2013
COUNCIL DISTRICT(S): 14
DEPARTMENT: Park & Recreation
CMO: Willis Winters, 670-4071
MAPSCO: 45-L

SUBJECT

Authorize a 20-year term with one five-year renewal option, development and maintenance agreement with St. Paul Holdings, L.P., a Texas limited partnership for the construction, development, and maintenance of a landscape and site plan at Pacific Plaza located at 312 North St. Paul Street – Financing: No cost consideration to the City

BACKGROUND

This action will authorize a development and maintenance agreement with St. Paul Holdings, L.P., a Texas limited partnership (SPH), for the construction of landscape improvements to City owned land located at 312 North St. Paul Street. The parcel is currently leased on a month-to-month basis as a commercial parking lot.

The agreement will be subject to the following terms:

- 1) The term is for 20 years with one consecutive five-year renewal option.
- 2) SPH, at its sole cost, shall undertake the development of a Landscape Improvement Plan (Plan) for the development, operation, management, and maintenance of improvements to City land. There shall be no cost or obligation to any part of the Plan by the City. SPH agrees and acknowledges that the use of the improvements is for the benefit of the public in general.
- 3) The Plan shall be developed in consultation with City through the Director of the Park and Recreation Department or his designee and the designated representative of SPH. Final Plan approval shall be by the Director and SPH. Any material changes to the Plan after approval shall require written approval of both parties.

BACKGROUND (Continued)

- 4) SPH is responsible for acquiring at its sole cost all permits, approvals, and city required bonds and insurance, for construction and maintenance operations of the Plan.
- 5) After commencement of construction, SPH shall be responsible for all costs and actions necessary and appropriate for the operation, management, and maintenance of the improvements.
- 6) SPH shall pay all utilities for the improvements and maintain the property in a safe, attractive, and sanitary condition, and repair or replace consistent with industry standards and practices.
- 7) The City reserves the right to terminate the Agreement for convenience upon 90 days' notice, or upon 20 days' notice for breach of any of the terms of the Agreement, or without notice if City finds termination necessary to the public interest, safety, health, or comfort.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council authorized amendments to the Downtown Connection TIF District's and Reinvestment Zone Financing Plan on May 22, 2013, by Resolution No. 13-0894.

On June 13, 2013, the City Center TIF Board of Directors reviewed and recommended approval of amendment to the Tax Increment Financing Reinvestment Zone Number Five's (City Center TIF District) to decrease geographic area of the property addressed as 350 North St. Paul Street and make corresponding modifications to the City Center TIF District boundary map and Project Reinvestment Zone Financing Plans, as necessary.

City Council authorized a public hearing on August 28, 2013, by Resolution No. 13-1434.

City Council authorized a public hearing to receive comments on September 11, 2013, by Resolution No. 13-1619.

The Park and Recreation Board authorized the development and maintenance agreement on November 7, 2013.

FISCAL INFORMATION

No cost consideration to the City.

MAPS

Attached

November 12, 2013

WHEREAS, the City Charter provides for the Park and Recreation Board to grant contracts and agreement within park facilities with such terms and conditions as it shall deem proper; and

WHEREAS, the City of Dallas, Park and Recreation Department (city) and St. Paul Holdings, LP., a Texas limited partnership (SPH), desires to enter into a development and maintenance agreement for the purpose of designing, constructing, and maintaining a portion of City land located at 312 North St. Paul Street and shown in Exhibit A and B; and

WHEREAS, the City desires to have SPH construct, develop, and maintain a portion of City land during the Term of the Agreement for use and enjoyment of all city of Dallas citizens.

Now, Therefore,

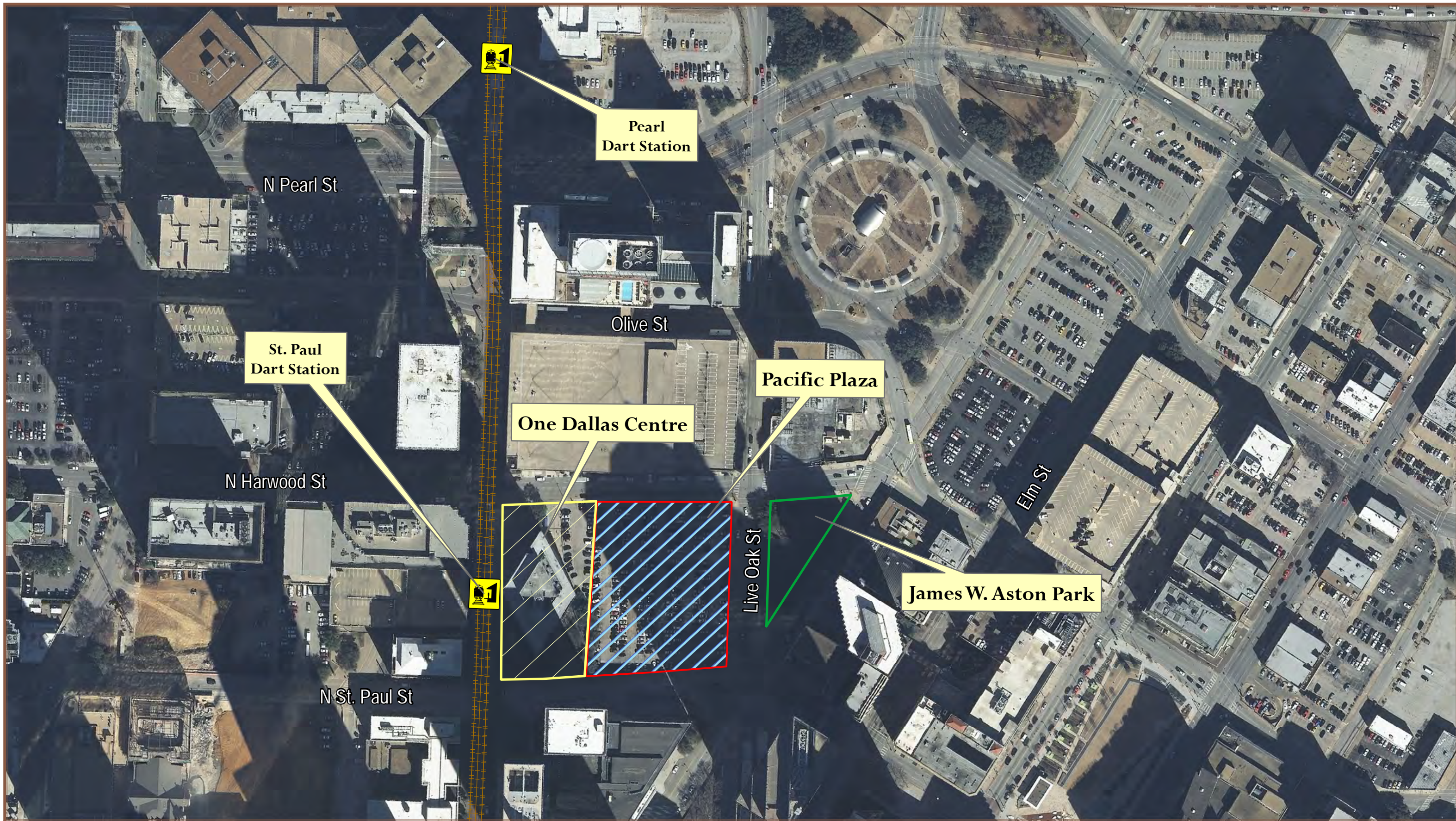
BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to enter into a development and maintenance agreement with SPH for the construction, development, and maintenance of a portion of City owned land for the benefit of the citizens of Dallas.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a development and maintenance agreement with SPH, after approval as to form by the City Attorney's Office.

SECTION 3. That the duration of the agreement will be for an initial term of 20 years with one consecutive five-year renewal option.

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.

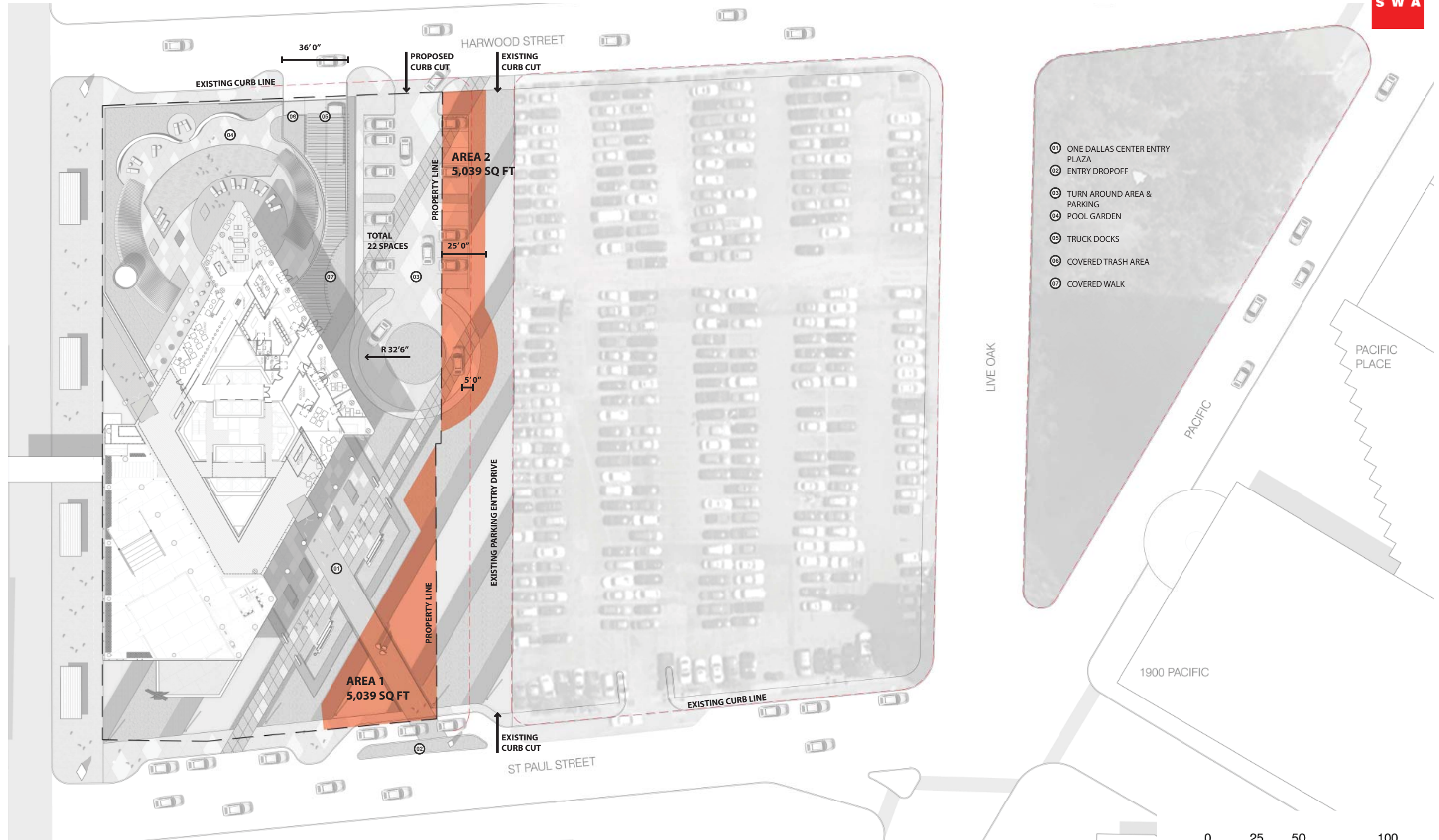


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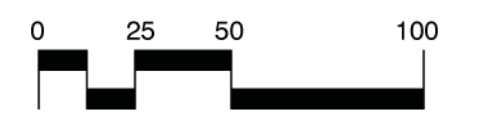


October 31, 2013

Exhibit A
Pacific Plaza Development and Maintenance Agreement
Location Map



- 01 ONE DALLAS CENTER ENTRY PLAZA
- 02 ENTRY DROPOFF
- 03 TURN AROUND AREA & PARKING
- 04 POOL GARDEN
- 05 TRUCK DOCKS
- 06 COVERED TRASH AREA
- 07 COVERED WALK



SCALE: 1" = 50'-0"

Exhibit B



KEY FOCUS AREA: Economic Vibrancy
Culture, Arts and Recreation

AGENDA DATE: November 12, 2013

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 46-P

SUBJECT

Authorize Supplemental Agreement No. 2 to the design-build contract with Heery International, Inc. for the Cotton Bowl – 2013 Improvements to provide grease traps on the east and west sides, fire pump generator and connecting work, new pipe bollards to protect the new generator from vehicular traffic at the Cotton Bowl in Fair Park located at 3750 Midway Plaza - Not to exceed \$743,984, from \$24,550,570 to \$25,294,554 - Financing: 2012 Certificates of Obligation (\$659,517) and 2006 Bond Funds (\$84,467)

BACKGROUND

On April 11, 2012, by Resolution No. 12-1034, City Council authorized the issuance of Combination Tax and Revenue Certificates of Obligation, Series 2012 in an amount not to exceed \$25,000,000 for planning, designing, purchasing, constructing, equipping, improving and replacing facilities within Fair Park, pursuant to authority granted by Subchapter C of Chapter 271, Texas Local Government Code, as amended.

On March 2, 2012, a selection process was initiated for Design-Build Services for the Cotton Bowl - 2013 Improvements. Heery International, Inc. (Heery) was selected as the best value proposer.

On May 16, 2012, by Resolution No. 12-1357, Council authorized the award of the design-build contract with Heery International, Inc. for the Cotton Bowl – 2013 Improvements, in the amount of \$2,150,570, which included \$1,817,570 for professional service fees, pre-construction fees, permit expediting fee and an allowance for mock-ups necessary for historical regulatory approvals and \$333,000 for the public art program fees for the inclusion of an artist in the design of the facade.

BACKGROUND (Continued)

On December 12, 2012, by Resolution No. 12-3054, Council authorized Supplemental Agreement No. 1 to the design-build contract for improvements to include: club seats and club hospitality areas; renovation of the press box and concourses; addition of a new facade at the north and south end zones; public art fees for construction administration; and other improvements at the Cotton Bowl in Fair Park, in an amount not to exceed \$22,400,000, increasing the design-build contract from \$2,150,570 to \$24,550,570.

Heery International, Inc., has presented the Guaranteed Maximum Price (GMP) No. 2 for construction. The GMP is for grease traps on the east and west sides, fire pump generator and connecting work, and new pipe bollards to protect the new generator from vehicular traffic at the Cotton Bowl in Fair Park, in an amount not to exceed \$743,984, increasing the design-build contract from \$24,550,570 to \$25,294,554. Of the \$25,294,554 revised contract amount, \$24,814,554 is funded by Certificates of Obligation and \$480,000 by 2006 Bond Funds for the Public Art Project.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|---------------|
| Began Construction | February 2013 |
| Complete Construction | February 2014 |

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the proposed Park and Recreation Public Art Plan on June 19, 2008.

The Public Art Committee authorized the proposed Park and Recreation Public Art Plan on October 13, 2009.

The Cultural Affairs Commission authorized the proposed Park and Recreation Public Art Plan on October 15, 2009.

City Council authorized the public art plan on December 9, 2009, by Resolution No. 09-2956.

The Budget, Finance and Audit Committee was briefed on the Cotton Bowl Proposed 2013 Improvements and Financing on April 2, 2012.

City Council was briefed on the Cotton Bowl Proposed 2013 Improvements and Financing on April 4, 2012.

City Council authorized the issuance of Combination Tax and Revenue Certificates of Obligation, Series 2012 on April 11, 2012, by Resolution No. 12-1034.

PRIOR ACTION/REVIEW (Council, Boards, Commissions) (Continued)

The required Official Statement and Notice of Sale appeared in the Dallas Morning News on April 13, 2012 and April 20, 2012.

The Park and Recreation Board authorized award of the design-build contract on May 3, 2012.

City Council authorized award of the design-build contract on May 16, 2012, by Resolution No. 12-1357.

The Park and Recreation Board authorized Supplemental Agreement No. 1 on December 6, 2012.

City Council authorized Supplemental Agreement No. 1 on December 12, 2012, by Resolution No. 12-3054.

The Park and Recreation Board authorized Supplemental Agreement No. 2 on November 7, 2013.

FISCAL INFORMATION

2012 Certificates of Obligation - \$659,517.20
2006 Bond Funds - \$84,466.80

| | |
|--|---------------------|
| Original Design-Build Contract | \$2,150,570.00 |
| Supplemental Agreement No. 1 | \$22,400,000.00 |
| Supplemental Agreement No. 2 (this action) | <u>\$743,984.00</u> |
| Total | \$25,294,554.00 |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Heery International, Inc.

| | | | |
|---------------|-----|-----------------|-----|
| White Male | 355 | White Female | 143 |
| Black Male | 31 | Black Female | 28 |
| Hispanic Male | 33 | Hispanic Female | 16 |
| Other Male | 22 | Other Female | 11 |

OWNERS

Heery International, Inc.

James J. Moynihan, President/Chief Executive Office

Robert T. Chomiak, Vice President

Michael A. Holleman, Vice President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the design-build contract with Heery International, Inc. for the Cotton Bowl – 2013 Improvements to provide grease traps on the east and west sides, fire pump generator and connecting work, new pipe bollards to protect the new generator from vehicular traffic at the Cotton Bowl in Fair Park located at 3750 Midway Plaza - Not to exceed \$743,984, from \$24,550,570 to \$25,294,554 - Financing: 2012 Certificates of Obligation (\$659,517) and 2006 Bond Funds (\$84,467)

Heery International, 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: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

| | <u>Amount</u> | <u>Percent</u> |
|--------------------------|---------------------|----------------|
| Local contracts | \$341,868.00 | 45.95% |
| Non-local contracts | \$402,116.00 | 54.05% |
| TOTAL THIS ACTION | \$743,984.00 | 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> |
|-------------------------------|----------------------|---------------------|----------------|
| Gentzler Electrical | HFWB1097360114 | \$164,293.00 | 48.06% |
| Total Minority - Local | | \$164,293.00 | 48.06% |

Non-Local Contractors / Sub-Contractors

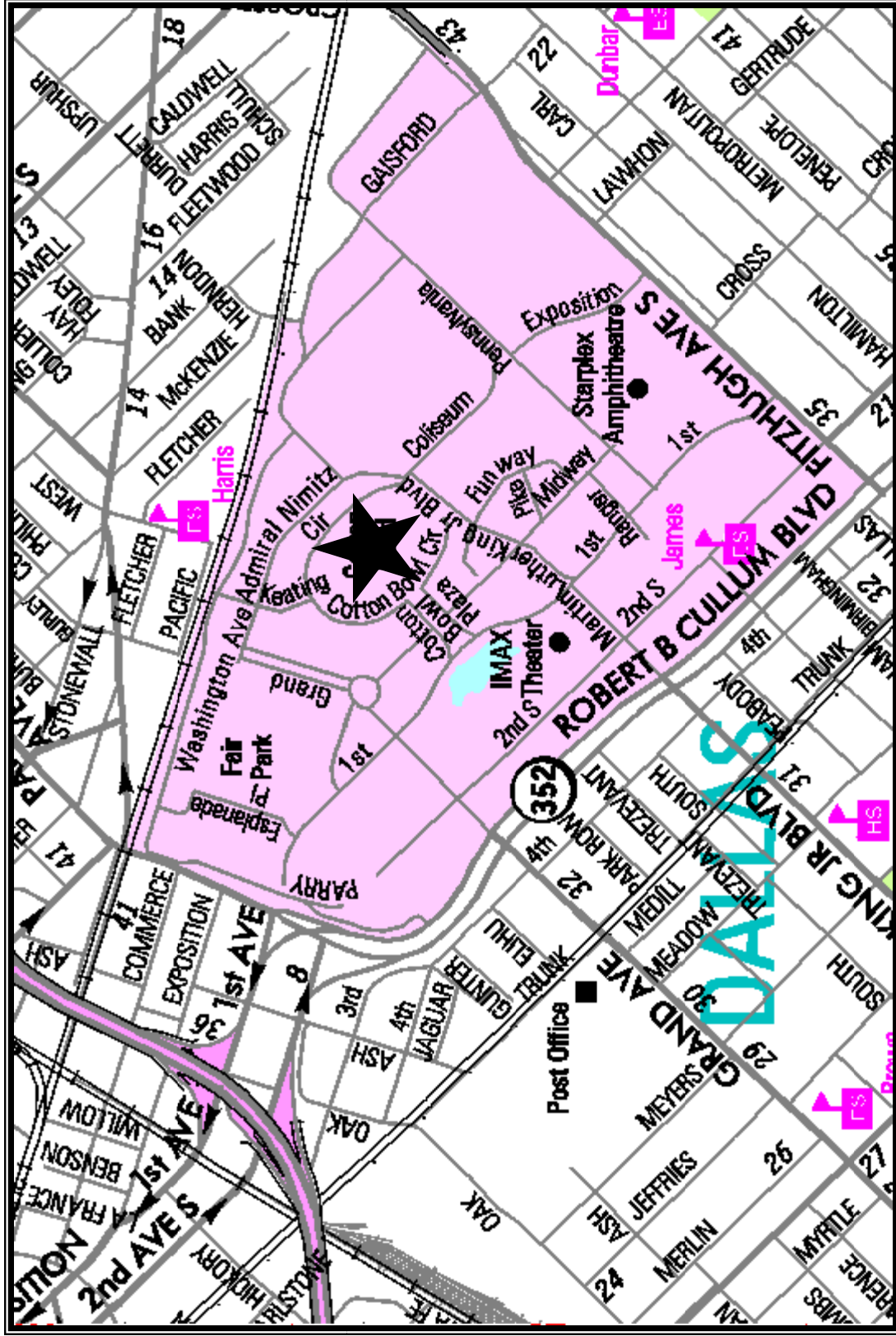
| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|---------------------|----------------|
| S & K Plumbing | WFWB1167911014 | \$374,130.00 | 93.04% |
| Total Minority - Non-local | | \$374,130.00 | 93.04% |

TOTAL M/WBE PARTICIPATION

| | This Action | | Participation to Date | |
|-------------------|----------------------|-----------------------|------------------------------|-----------------------|
| | <u>Amount</u> | <u>Percent</u> | <u>Amount</u> | <u>Percent</u> |
| African American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Hispanic American | \$164,293.00 | 22.08% | \$2,940,118.00 | 11.62% |
| Asian American | \$0.00 | 0.00% | \$1,510,910.00 | 5.97% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$374,130.00 | 50.29% | \$5,132,271.00 | 20.29% |
| Total | <u>\$538,423.00</u> | <u>72.37%</u> | <u>\$9,583,299.00</u> | <u>37.89%</u> |

Cotton Bowl at Fair Park

Council District 7



3750 Midway Plaza

Mapsco # 46-P

November 12, 2013

WHEREAS, on May 16, 2012, by Resolution No. 12-1357, Heery International, Inc. was awarded a contract for the design phase of a design-build services contract for the Cotton Bowl – 2013 Improvements, which includes the addition of club seating; renovation of the press box, concourses and concessions; addition of a facade at the north and south end zones; renovation of the existing facade; public art fees; and other improvements at the Cotton Bowl in Fair Park located at 3750 Midway Plaza, in an amount not to exceed \$2,150,570; and

WHEREAS, on December 12, 2012, Resolution No. 12-3054, Council authorized Supplemental Agreement No. 1 to the design-build services contract with Heery International, Inc. to establish the Guaranteed Maximum Price for the construction phase of the Cotton Bowl - 2013 Improvements which includes the addition of club seating and club hospitality areas; addition of an elevator at the press box; renovation of the press box and concourses; addition of a new facade at the north and south end zones; public art fees; and other improvements at the Cotton Bowl in Fair Park, in an amount not to exceed \$22,400,000, increasing the design-build contract from \$2,150,570 to \$24,550,570; and

WHEREAS, it is now desired to enter into Supplemental Agreement No. 2 to the design-build services contract with Heery International, Inc. to provide grease traps on the east and west sides, fire pump generator and connecting work, new pipe bollards to protect the new generator from vehicular traffic at the Cotton Bowl in Fair Park, in an amount not to exceed \$743,984, increasing the design-build contract from \$24,550,570 to \$25,294,554.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to enter into Supplemental Agreement No. 2 to the design-build services contract with Heery International, Inc. to provide grease traps on the east and west sides, fire pump generator and connecting work, new pipe bollards to protect the new generator from vehicular traffic at the Cotton Bowl in Fair Park, in an amount not to exceed \$743,984, increasing the design-build contract from \$24,550,570 to \$25,294,554.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute Supplemental Agreement No. 2 to the design-build contract with Heery International, Inc., after approval as to form by the City Attorney's Office.

November 12, 2013

SECTION 3. That the City Controller is hereby authorized to pay the amount of \$743,984 to Heery International, Inc., as follows:

| | |
|---|--------------------|
| 2012 Certificates of Obligation Fund Fund 0668, Department PKR, Unit P728, Object 4112 Activity FPRK, Program PKCOCTN, CT-PKR12019323 Commodity 92500, Vendor VS0000013092 | \$25,487.00 |
| 2012 Certificates of Obligation Fund Fund 0668, Department PKR, Unit P728, Object 4310 Activity FPRK, Program PKCOCTN, CT-PKR12019323 Commodity 91200, Vendor VS0000013092 | \$634,030.20 |
| (2006) Park and Recreation Facilities Improvement Fund Fund 8T00, Department PKR, Unit T046, Object 4310 Activity CCSS, Program PKCOCTN, CT-PKR12019323 Commodity 91200, Vendor VS0000013092 | \$20,690.00 |
| (2006) Park and Recreation Facilities Improvement Fund Fund 9T00, Department PKR, Unit T046, Object 4310 Activity CCSS, Program PKCOCTN, CT-PKR12019323 Commodity 91200, Vendor VS0000013092 | <u>\$63,776.80</u> |
| Total amount not to exceed | \$743,984.00 |

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 12, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Public Works Department
Park & Recreation

CMO: Jill A. Jordan, P.E., 670-5299
Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize a Memorandum of Understanding with the State Energy Conservation Office for energy projects at Park and Recreation facilities in the amount of \$7,000,000 - Financing: This action has no cost consideration to the City

BACKGROUND

The Texas LoanSTAR (Saving Taxes and Resources) revolving loan program finances energy-related cost-reduction retrofits for state, public school district, public college, public university, and tax-district supported public hospital facilities (10 Tex. Gov. Code §2305.032). Low interest rate (2%) loans are provided to assist borrowers in financing their energy-related cost-reduction efforts. Applicants repay the loans through the stream of energy cost savings realized from the projects.

On June 7, 2013, the City applied for a LoanSTAR loan. On July 19, 2013, the City was selected and provided with the Notice of Loan Fund Availability (NOLFA). The NOLFA is a Memorandum of Understanding (MOU) that the borrower's City Manager must sign and date certifying that the borrower will retain a Professional Engineer to prepare an Energy Assessment Report (EAR). The EAR will be prepared in accordance with the guidelines and formats provided in the Texas LoanSTAR Program guidebook and with the State Energy Conservation Office (SECO) Performance Contracting guidelines.

BACKGROUND (Continued)

SECO's sole purpose of the MOU is to reserve the LoanSTAR funds for an applicant during the period its EAR is being prepared. The completed EAR will be delivered to SECO for review. The EAR is due to SECO on December 13, 2013. An extension request will be submitted to SECO to extend the due date to no later than February 7, 2014. The MOU document should not be construed as a loan agreement and does not authorize the expenditure of the funds for the LoanSTAR project. LoanSTAR project expenditures cannot be incurred before the effective date cited in the fully executed loan agreement.

A selection committee ranked Baker Roofing Company as the most advantageous firm for the LoanSTAR Performance Contract Project. The City of Dallas will issue two additional RFPs and select two additional firms (yet to be determined) to perform Exterior Lighting Upgrades and Continuous Commissioning for the LoanSTAR project. The selected firms will prepare Energy Assessment Reports for their respective LoanSTAR project. The submittals are due to SECO by December 13, 2013.

An extension will be requested to move the submittal due date to February 7, 2014. This is needed because we need additional engineer time to bid lighting projects. Future agenda items are required for acceptance of the LoanStar loans and construction awards.

This action will authorize a Memorandum of Understanding with the State Energy Conservation Office for energy projects at Park and Recreation facilities.

ESTIMATED SCHEDULE OF PROJECT

Audit Schedule will be as follows:

| | |
|--|---------------|
| Start of Detail Energy Audit | November 2013 |
| Energy Assessment Report due to SECO | December 2013 |
| Energy Assessment Report due to SECO when extended | February 2014 |
| End of Detail Energy Audit | April 2014 |

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

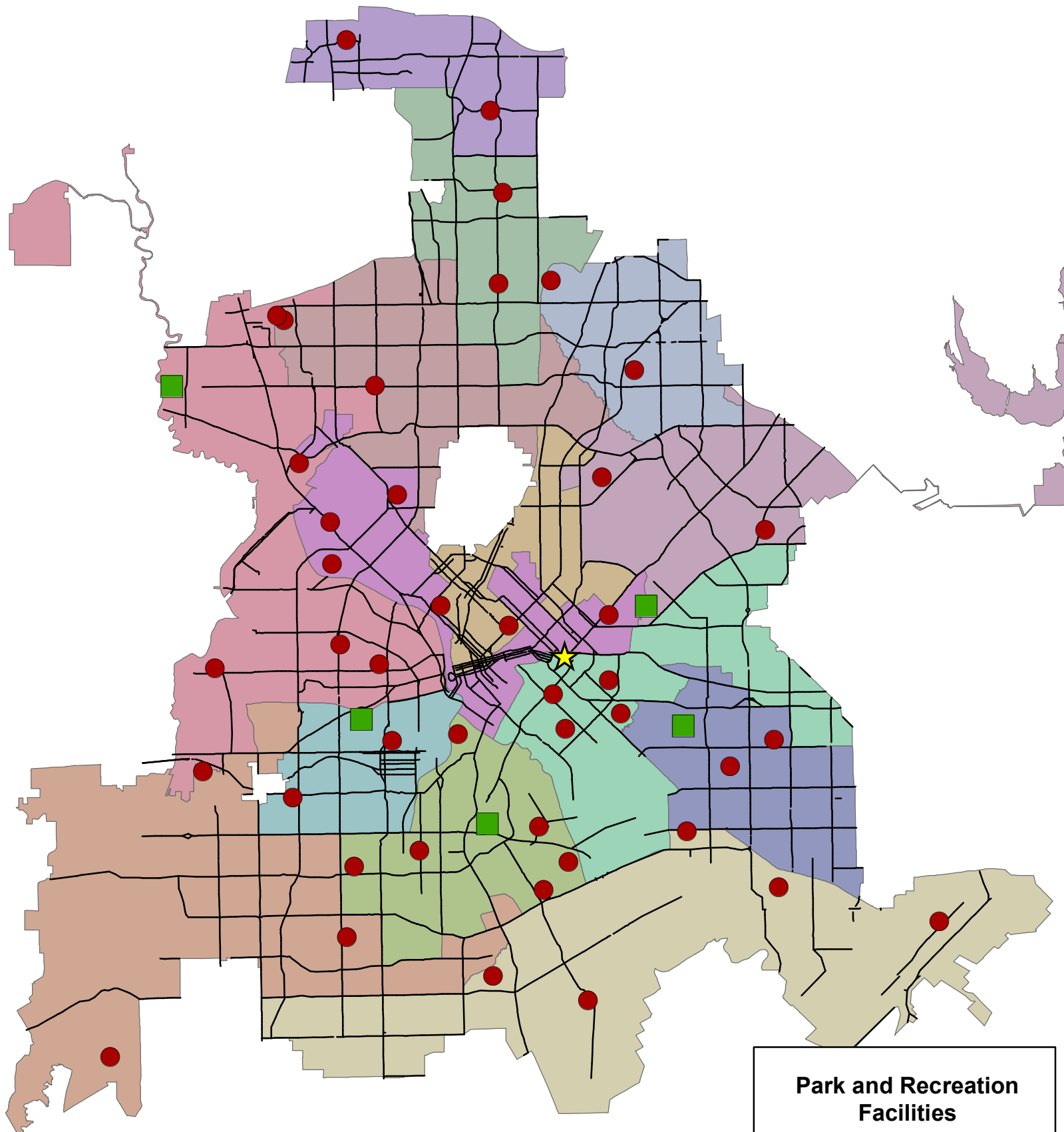
This item has no prior action.

FISCAL INFORMATION

This action has no cost consideration to the City.

MAP

Attached



Park and Recreation Facilities

- Recreation Centers
- ★ Fair Park
- Golf Courses

  Miles

0 2 4

November 12, 2013

WHEREAS, on June 7, 2013, an application was submitted to the State Energy Conservation Office (SECO) for a LoanSTAR (Saving Taxes and Resources) revolving loan for the Park and Recreation facilities Project; and,

WHEREAS, on July 19, 2013, a Notification of Loan Funding Availability was issued to the City of Dallas by SECO for the Parks and Recreation facilities Project; and,

WHEREAS, the City of Dallas is required to provide a Memorandum of Understanding to SECO to reserve the LoanSTAR funds in the amount of \$7,000,000 during the period the Energy Assessment Reports are being prepared for the Park and Recreation facilities Project; and,

WHEREAS, the City of Dallas advertised a Request for Qualifications for the Park and Recreation facilities Project; and,

WHEREAS, the City of Dallas issued a Request for Proposal to the short listed firms for a Comprehensive Energy and Photovoltaic Performance Contract; and,

WHEREAS, on September 30, 2013, two firms submitted proposals for a Comprehensive Energy and Photovoltaic Performance Contract; and,

WHEREAS, on October 7, 2013, a selection committee selected Baker Roofing Company as the most advantageous of five short listed firms for the Park and Recreation facilities Project; and,

WHEREAS, Baker Roofing Company will provide professional engineering services for the performance contract to submit the Energy Assessment Report; and,

WHEREAS, two firms (yet to be decided) will provide professional engineering services for exterior lighting upgrades and continuous commissioning to submit Energy Assessment Reports (EAR); and

WHEREAS, it is now necessary to authorize a Memorandum of Understanding with the State Energy Conservation Office for energy projects at Park and Recreation facilities in the amount of \$7,000,000.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to execute a Memorandum of Understanding with the State Energy Conservation Office to reserve the LoanSTAR funds for energy projects at Park and Recreation facilities in the amount of \$7,000,000, after it has been approved as to form by the City Attorney's Office.

November 12, 2013

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: Economic Vibrancy
AGENDA DATE: November 12, 2013
COUNCIL DISTRICT(S): 7
DEPARTMENT: Public Works Department
Housing/Community Services
CMO: Jill A. Jordan, P.E., 670-5299
Theresa O'Donnell, 671-9195
MAPSCO: 47N

SUBJECT

Authorize an increase in the contract with Omega Contracting, Inc. to extend the on-going streetscape improvements to include Hatcher Street from Spring Avenue to Troy Street and resurface Troy Street from Spring Avenue to Hatcher Street - Not to exceed \$282,574, from \$2,342,540 to \$2,625,114 - Financing: 2013-2014 Community Development Block Grant Funds

BACKGROUND

On October 10, 2012, Resolution No. 12-2530 authorized a contract with Omega Contracting, Inc. for the construction of street paving, storm drainage, lighting, traffic signal, landscape, water and wastewater main improvements on Spring Avenue from Carter Street to Hatcher Street. This action will authorize Change Order No. 1 to the contract with Omega Contracting, Inc. to extend the on-going streetscape improvements to include Hatcher Street from Spring Avenue to Troy Street and resurface Troy Street from Spring Avenue to Hatcher Street to make it accessible to motorists and pedestrians for the new pediatric center at the intersection of Hatcher Street and Troy Street.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|---------------|
| Began Design | December 2007 |
| Completed Design | July 2012 |
| Began Construction | April 2013 |
| Complete Construction | May 2014 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on October 24, 2007, by Resolution No. 07-3171.

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

Authorized Supplemental Agreement No. 1 to the professional services contract on June 25, 2008, by Resolution No. 08-1825.

Authorized Supplemental Agreement No. 3 to the professional services contract on April 14, 2010, by Resolution No. 10-0882.

Authorized Supplemental Agreement No. 4 to the professional services contract on October 10, 2011, by Resolution No. 11-2743.

Authorized Supplemental Agreement No. 5 to the professional services contract on May 23, 2012, by Resolution No. 12-1390.

Authorized a construction contract on October 10, 2012, by Resolution No. 12-2530.

FISCAL INFORMATION

2013-2014 Community Development Block Grant Funds - \$282,573.30

| | |
|----------------------------------|----------------------|
| Design | \$ 290,706.43 |
| Supplemental Agreement No. 1 | \$ 53,983.00 |
| Supplemental Agreement No. 2 | \$ 0.00 |
| Supplemental Agreement No. 3 | \$ 486,408.45 |
| Supplemental Agreement No. 4 | \$ 31,171.30 |
| Supplemental Agreement No. 5 | \$ 34,805.00 |
| Construction | |
| Paving & Drainage - PBW | \$1,759,990.14 |
| Water & Wastewater - DWU | \$ 582,550.00 |
| Change Order No. 1 (this action) | <u>\$ 282,573.30</u> |
| Total | \$3,522,187.62 |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Omega Contracting, Inc.

| | | | |
|-------------------------|---|-----------------------|----|
| Hispanic Female | 4 | Hispanic Male | 98 |
| African-American Female | 0 | African-American Male | 9 |
| Other Female | 0 | Other Male | 0 |
| White Female | 0 | White Male | 23 |

OWNER

Omega Contracting, Inc.

Jeffrey W. Heimer, Vice President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Omega Contracting, Inc. to extend the on-going streetscape improvements to include Hatcher Street from Spring Avenue to Troy Street and resurface Troy Street from Spring Avenue to Hatcher Street - Not to exceed \$282,574, from \$2,342,540 to \$2,625,114 - Financing: 2013-2014 Community Development Block Grant Funds

Omega Contracting, Inc. is a local, 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 | \$282,573.30 | 100.00% |
| Non-local contracts | \$0.00 | 0.00% |
| TOTAL THIS ACTION | \$282,573.30 | 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> |
|-------------------------------|----------------------|---------------------|----------------|
| C. Green Scaping | HFDB57606Y0514 | \$41,055.45 | 14.53% |
| Omega Contracting, Inc. | HMMB59037Y1014 | \$241,517.85 | 85.47% |
| Total Minority - Local | | \$282,573.30 | 100.00% |

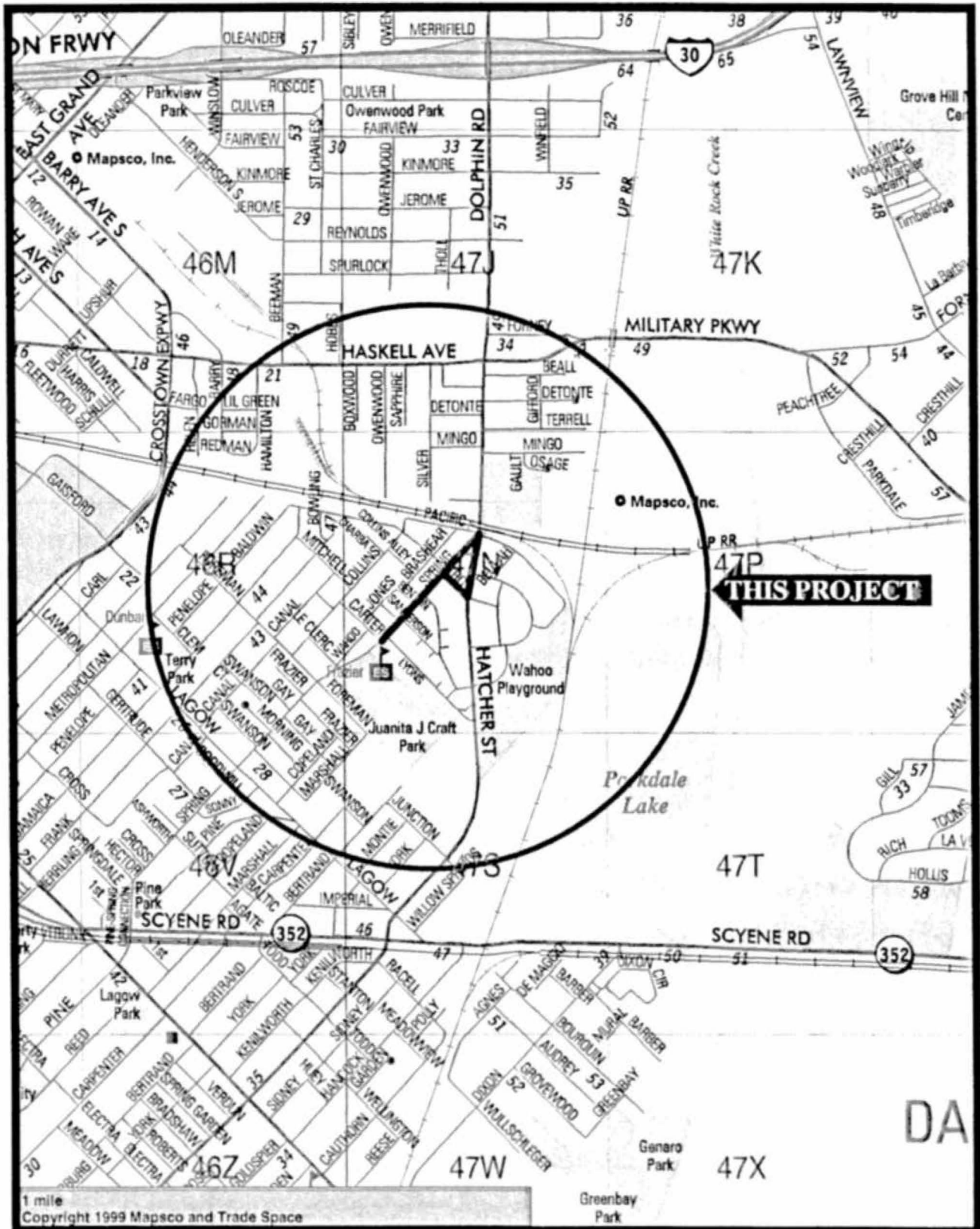
Non-Local Contractors / Sub-Contractors

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 | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Hispanic American | \$282,573.30 | 100.00% | \$2,248,739.59 | 85.66% |
| 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% | \$201,948.55 | 7.69% |
| Total | \$282,573.30 | 100.00% | \$2,450,688.14 | 93.36% |

STREETSCAPE IMPROVEMENTS SPRING AVENUE FROM CARTER STREET TO HATCHER STREET



MAPSCO 47N

November 12, 2013

WHEREAS, on October 24, 2007, Resolution No. 07-3171 authorized a professional services contract for engineering services for developing a community conceptual plan with pedestrian oriented design concepts for Phase I of the Spring Avenue redevelopment project; and,

WHEREAS, on June 25, 2008, Resolution No. 08-1825 authorized Supplemental Agreement No. 1 to the contract with Michael Baker, Jr., Inc. to add a market analysis, four additional stakeholder meetings, and community engagement process for Phase I of the Spring Avenue redevelopment project in the amount of \$53,983.00, from \$68,858.00 to \$122,841.00; and,

WHEREAS, on November 3, 2009, Administrative Action No. 10-0249 authorized Supplemental Agreement No. 2 to the contract with Michael Baker, Jr., Inc. to modify the scope of services and provide additional alternative elevations for animation to complete Phase I of the Spring Avenue redevelopment project; and,

WHEREAS, on April 14, 2010, Resolution No. 10-0882 authorized Supplemental Agreement No. 3 to the contract with Michael Baker, Jr., Inc. for the design of infrastructure improvements for Phase II of the Spring Avenue redevelopment project in the amount of \$486,408.45, from \$122,841.00 to \$609,249.45; and,

WHEREAS, on October 10, 2011, Resolution No. 11-2743 authorized Supplemental Agreement No. 4 to the contract with Michael Baker, Jr., Inc. for additional engineering design and survey services necessary for the realignment of Troy Street in Phase II of the Spring Avenue redevelopment project in the amount of \$31,171.30, from \$609,249.45 to \$640,420.75; and,

WHEREAS, on May 23, 2012, Resolution No. 12-1390 authorized Supplemental Agreement No. 5 to the contract with Michael Baker, Jr., Inc. to modify the design contract of the Spring Avenue redevelopment project in the amount of \$34,805.00, from \$640,420.75 to \$675,225.75; and,

WHEREAS, on August 9, 2012, Resolution No. 12-2530 authorized a construction contract with Omega Contracting, Inc. for street paving, storm drainage, lighting, traffic signal, landscape, water and wastewater main improvements on Spring Avenue from Carter Street to Hatcher Street; and,

WHEREAS, it is now necessary to authorize Change Order No. 1 to the contract with Omega Contracting, Inc. to extend the on-going streetscape improvements to include Hatcher Street from Spring Avenue to Troy Street and resurface Troy Street from Spring Avenue to Hatcher Street to make it accessible to motorists for the pediatric center in an amount not to exceed \$282,573.30, increasing the contract from \$2,342,540.14 to \$2,625,113.44.

November 12, 2013

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 Omega Contracting, Inc. to extend the on-going streetscape improvements to include Hatcher Street from Spring Avenue to Troy Street and resurface Troy Street from Spring Avenue to Hatcher Street to make it accessible to motorists for the pediatric center in an amount not to exceed \$282,573.30, increasing the contract from \$2,342,540.14 to \$2,625,113.44, 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:

2013-2014 Community Development Block Grant Fund
Fund CD13, Department HOU, Unit 295F, Act. HO93
Obj. 4510, Program #PBNIP007, CT PBWNIP007A1
Vendor #345379, in an amount not to exceed \$282,573.30

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 12, 2013

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction
Park & Recreation

CMO: Theresa O'Donnell, 671-9195
Joey Zapata, 670-1204

MAPSCO: 45L

SUBJECT

A resolution authorizing the conveyance of approximately 5,039 square feet of City-owned land to St. Paul Holdings, L.P., located near the intersection of Bryan and Harwood Streets in exchange for approximately 5,039 square feet of land owned by St. Paul Holdings L.P. located near the intersection of Bryan and St. Paul Streets - Financing: No cost consideration to the City

BACKGROUND

A resolution authorizing the conveyance of approximately 5,039 square feet of City-owned land located near the intersection of Bryan and Harwood Streets to St. Paul Holdings, L.P. in exchange for approximately 5,039 square feet of land located near the intersection of Bryan and St. Paul Streets owned by St. Paul Holdings, L.P. The exchange tract of land will be used by the City for the future development of the Pacific Plaza Park. The tract of land to be conveyed to St. Paul Holdings, L.P. will be used for the construction of a turnaround and parking lot for the One Dallas Center Building. This transaction is in accordance with the Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) Project Plan.

Section 272.001(b)(6) of the Texas Local Government Code provides for an exception to public action and bidding for land to be developed under a project plan adopted by the Downtown Connection TIF District.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 28,2013, the City Council authorized a public hearing.

On September 11, 2013, a public hearing was held and the land exchange was authorized.

FISCAL INFORMATION

No cost consideration to the City

OWNER

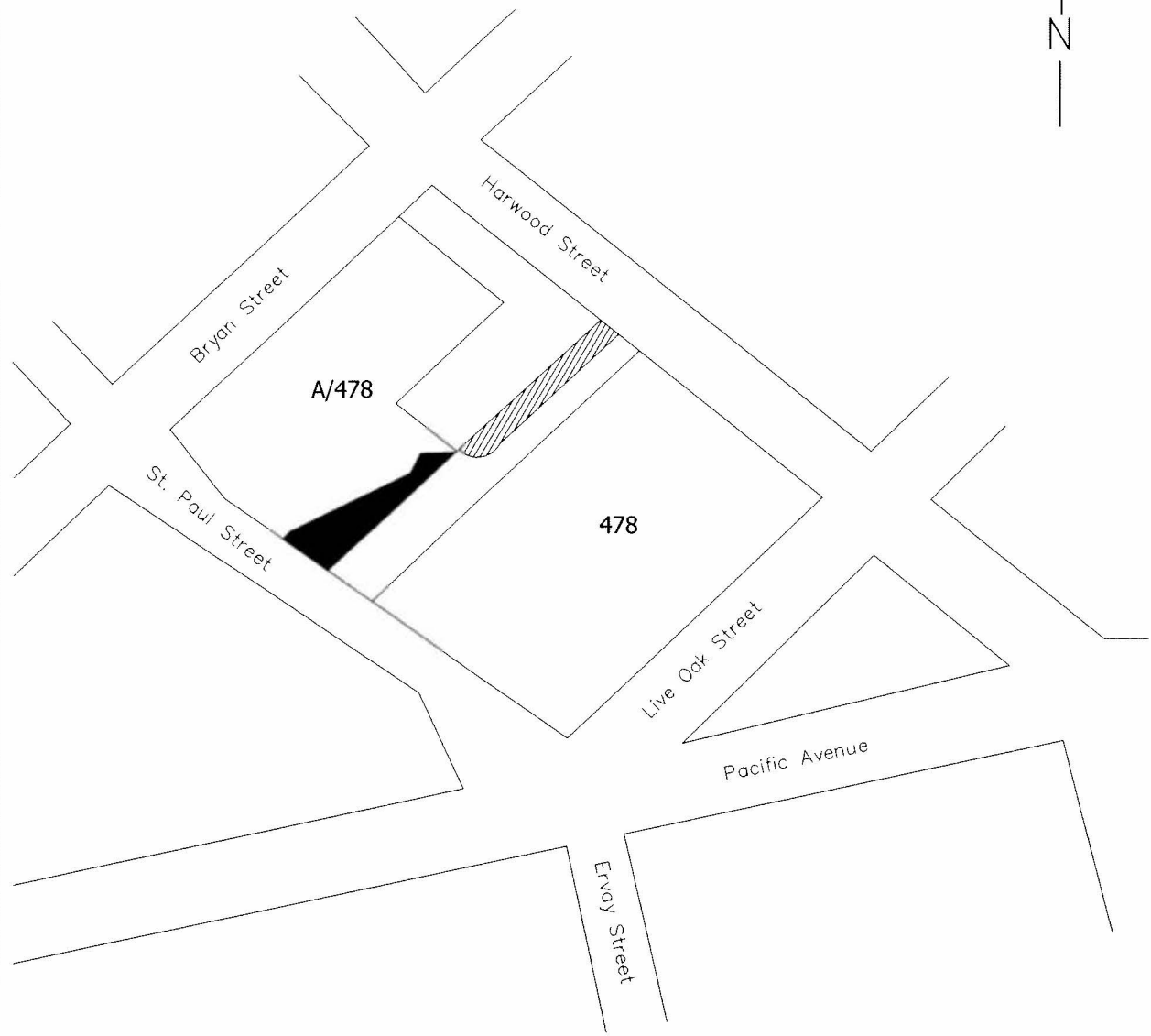
St. Paul Holdings, L.P.

St. Paul Holdings GP, L.L.C.



Patrick S. Todd, Manager

MAP

Attached



Land Exchange Areas

| | |
|---|--|
|  | Portion of the City of Dallas land to be conveyed |
|  | Portion of St. Paul Holdings, L.P. land to be acquired |

November 12, 2013

WHEREAS, the City of Dallas is the owner of a tract of land containing approximately 5,039 square feet located near the intersection of Bryan and Harwood Streets, Lot 5, Blocks A/478 and 478, Dallas, Dallas County, Texas (the "Property"), which is no longer needed for municipal use; and

WHEREAS, on June 8, 2005, by Ordinance No. 26020, the City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Eleven, ("Downtown Connection TIF District") to promote development and redevelopment in the downtown core, as authorized by the Tax Increment Financing Act, Chapter 311 of Texas Tax Code ("ACT"), as amended; and

WHEREAS, the City Council authorized Ordinance No. 26096 on August 29, 2005, as amended, approving the Project Plan and Reinvestment Zone Financing Plan for the Downtown Connection TIF District; and

WHEREAS, on August 28, 2013, City Council authorized a public hearing to be held on September 11, 2013 to receive citizen comments on the proposed amendments to the Downtown Connection TIF District Project and Financing Plan; and

WHEREAS, on September 11, 2013, after a public hearing, the City Council authorized amendments to the Project Plan to provide for the sale of the Property in exchange for privately owned land located near the intersection of Bryan and St. Paul Streets, part of Lot 4, Block A/478 (the "Exchange Tract") for the purpose of development in accordance with the Project Plan; and

WHEREAS, the Act provides that the City may exercise any power necessary and convenient to carry out the objectives of the statute including the power to acquire real property by purchase, condemnation, or other means to implement project plans and sell that property on the terms and conditions and in the manner it considers advisable; and

WHEREAS, the provisions of §272.001(b)(6) of the Texas Local Government Code further provide that the City may sell the Property for fair market value and/or exchange for land of comparable value pursuant to the Project Plan adopted by the City for the Downtown Connection TIF District as amended; and

November 12, 2013

WHEREAS, St. Paul Holdings, L.P. has requested to purchase the Property for and in exchange of other Property of comparable value, to construct a turnaround and parking lot for the One Dallas Center Building as part of the redevelopment of the building into mixed office and residential uses, in accordance with the objectives of the redevelopment plan contemplated in the Downtown Connection TIF District Project Plan; and

NOW, THEREFORE,

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

SECTION 1. That the City of Dallas is the owner of the Property (Grantor).

SECTION 2. That the City Council finds that the Property is located within the boundaries of the Downtown Connection TIF District, and that it is necessary and convenient to have such property developed pursuant to the objectives of the Project Plan, as amended.

SECTION 3. That Downtown Connection TIF District Project Plan provides for the land exchange of the Property to St. Paul Holdings, L.P., in order to facilitate the construction of a turnaround and small parking lot for the One Dallas Center Building as part of the redevelopment of the building into mixed office and residential uses, in accordance with the objectives of the City in establishing Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District), City of Dallas, Texas and as provided in the Act.

SECTION 4. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a Real Estate Exchange Agreement.

SECTION 5. That in consideration of the conveyance of the Property to St. Paul Holdings, L.P., St. Paul Holdings, L.P. shall convey to the City of Dallas by Special Warranty Deed, upon approval as to form by the City Attorney, approximately 5,039 square feet of land, located in part of Lot 4, Block A/478, Dallas, Dallas County, Texas near the intersection of Bryan and ST. Paul Streets.

SECTION 6. That the City Manager or designee, is authorized to execute a Special Warranty Deed, to be attested by the City Secretary, upon approval as to form by the City Attorney for approximately 5,039 square feet of land, located in Lot 5, Blocks A/478 and 478, Dallas, Dallas County, Texas, near the intersection of Bryan and Harwood Streets. The Special Warranty Deed is subject to the conditions contained in Section 7.

November 12, 2013

SECTION 7. That the Special Warranty Deed shall provide that the conveyance to St. Paul Holdings, L.P. ("GRANTEE") is subject to the following:

- (a) The retention and reservation by GRANTOR of a subsurface easement across the entire Property; and
- (b) A right of reverter of the Property in favor of GRANTOR. The reverter on the Property will be released by GRANTOR upon a building permit being issued for improvements to or development of the Property; and
- (c) The reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals; and
- (d) any visible and apparent easements and any encroachments whether of record or not; and
- (e) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the property or any part thereof; and
- (f) to the maximum extent allowed by law, (i) **GRANTEE** is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS"; (ii) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property; (iii) **GRANTEE** assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders; and (iv) GRANTOR expressly disclaims and **GRANTEE** expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property; and
- (g) GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which **GRANTEE** may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered

November 12, 2013

or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder; and

- (h) Such other terms and requirements of the land exchange and/or disclaimers as the City deems necessary, convenient or appropriate.

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

SECTION 9. That the sale of the Property shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by **GRANTEE**.

SECTION 10. All closing costs, including the title policy for the Exchange Tract shall be paid by St. Paul Holdings, L.P.

SECTION 11. That the procedures required by Section 2-24 of the Dallas City Code that are not required by state law concerning the sale of unneeded real property are waived with respect to this tract of land.

November 12, 2013

SECTION 12. 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: 
Assistant City Attorney

KEY FOCUS AREA: Culture, Arts and Recreation
AGENDA DATE: November 12, 2013
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 56 V

SUBJECT

Authorize settlement in lieu of proceeding with condemnation of an improved tract of land containing approximately 12,198 square feet from Dennis Topletz, located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project - Not to exceed \$27,000 (\$24,000 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes a settlement for the acquisition of a tract of land containing approximately 12,198 square feet for the South Central/Joppa Gateway Project. The property is improved with a single family residential structure. Future relocation assistance may be required. This settlement will allow for the acquisition of the property without proceeding with condemnation.

The original resolution authorized a purchase amount of \$19,000. That amount is being increased to \$24,000 (plus closing costs and title expenses).

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized acquisition on October 10, 2012, by Resolution No. 12-2546.

FISCAL INFORMATION

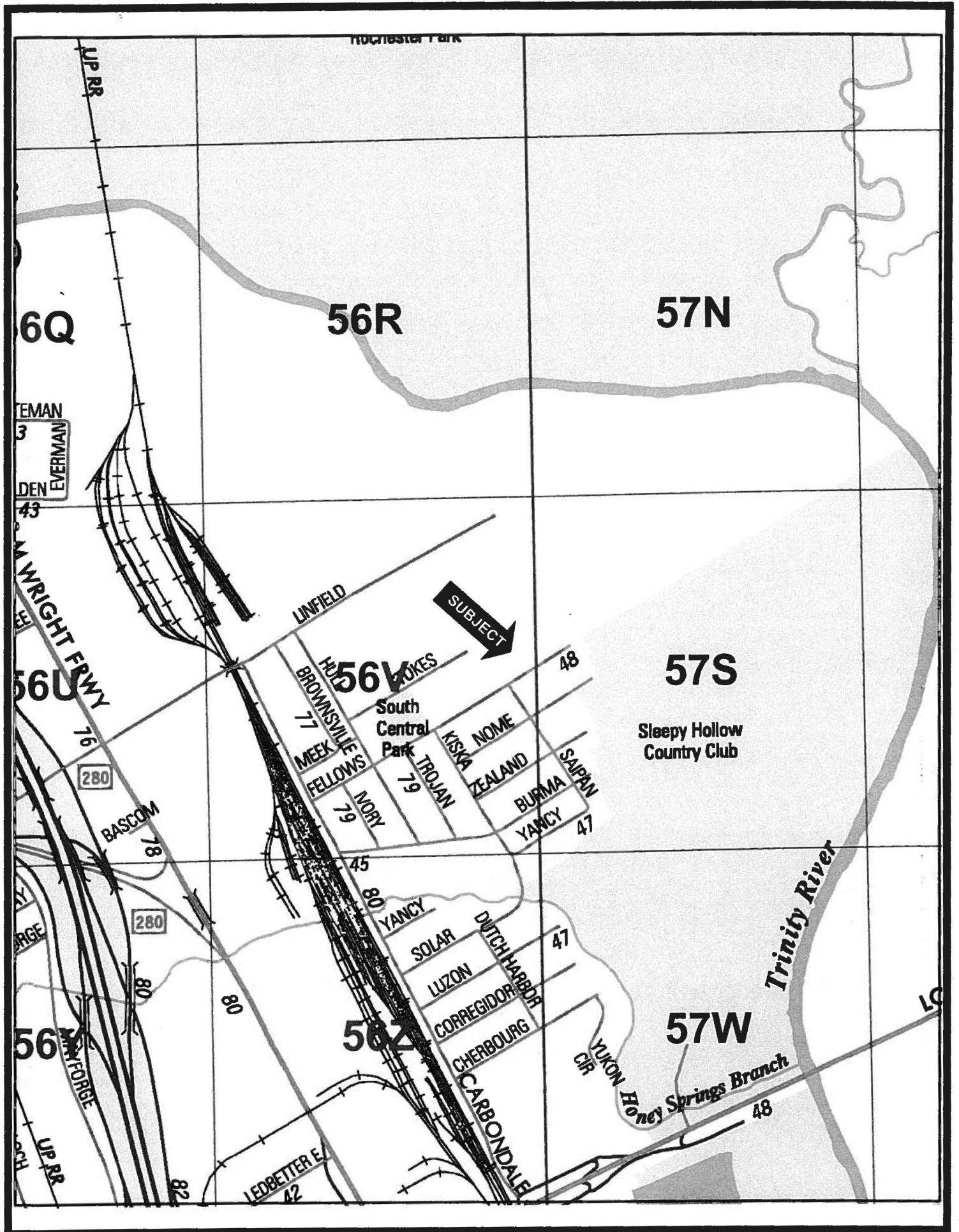
2006 Bond Funds - \$27,000 (\$24,000 plus closing costs and title expenses not to exceed \$3,000)

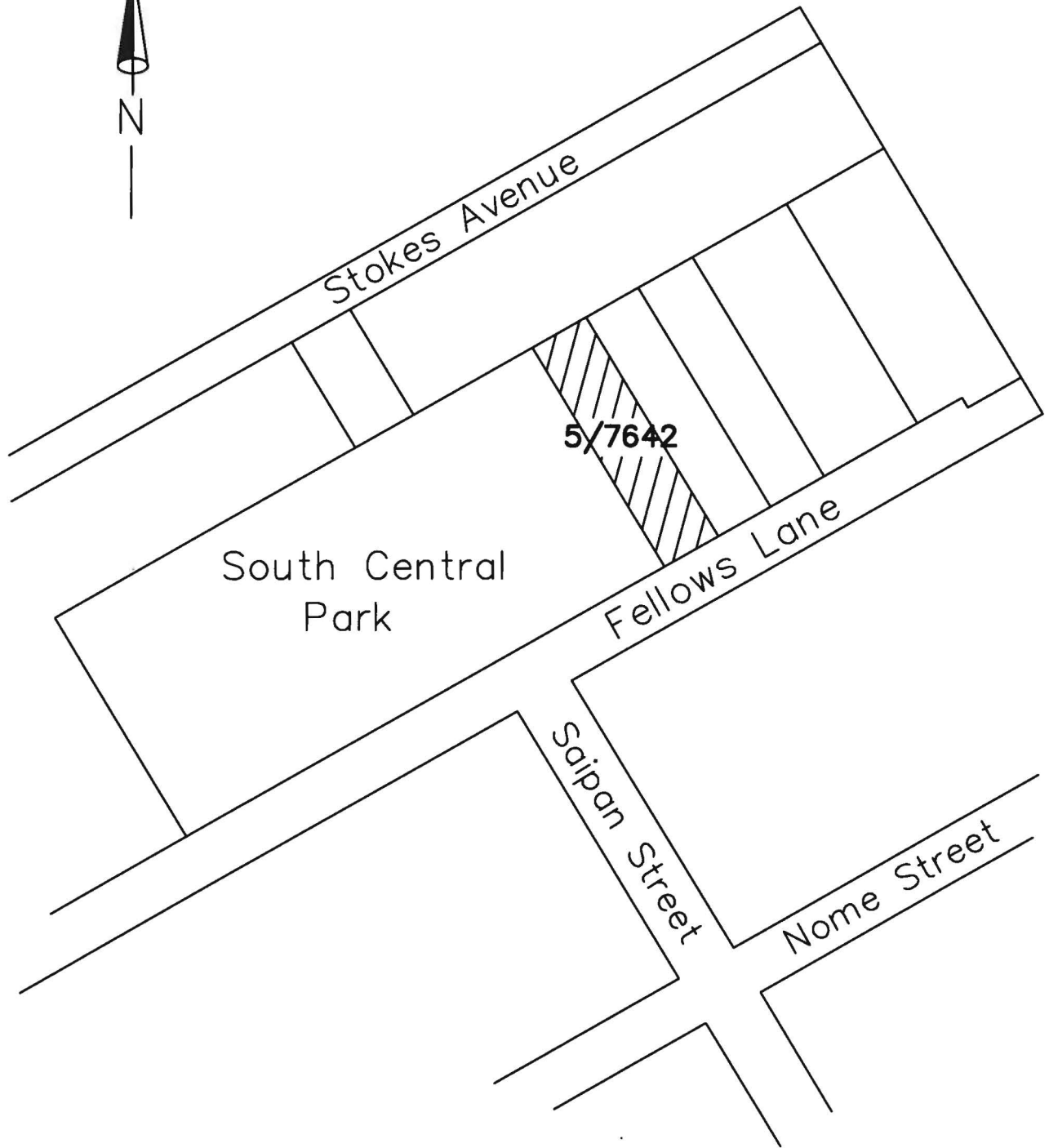
OWNER

Dennis Toplez

MAPS

Attached





Area to be Acquired

November 12, 2013

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTEREST in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the FIRST RESOLUTION OFFER AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTEREST in the PROPERTY for the negotiated PURCHASE AMOUNT stated herein: **Now, Therefore,**

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

SECTION 1. That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 12-2546 approved by the Dallas City Council on October 10, 2012

“PROJECT”: South Central/Joppa Gateway Project

“USE”: The construction, use, and maintenance of a parking lot, pavilion and athletic fields for the South Central Park, together with such appurtenant facilities as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

“OWNER”: Dennis Toplez, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit “B” attached hereto and made a part hereof for all purposes.

November 12, 2013

“PROPERTY”: Approximately 12,198 square feet of land in Dallas County, Texas, and being the same property more particularly described in “Exhibit A”, attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

“FIRST RESOLUTION OFFER AMOUNT”: \$19,000.00

“SETTLEMENT AMOUNT”: \$24,000.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$3,000.00

“REVISED AUTHORIZED AMOUNT”: \$27,000.00

SECTION 2. That the City Manager, and/or the City Manager’s designees, is hereby authorized and directed to consummate and accept the purchase, grant and conveyance to the CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyance instrument substantially in the form described in Exhibit “B”, attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating the transaction.

SECTION 3. That the City Controller is authorized to draw checks for the SETTLEMENT AMOUNT, closing costs and title expenses, payable out of 2006 Bond Funds: \$24,000, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Object 4210, Program No. PK06T283, Encumbrance No. CT-PKR12019345B, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: \$3,000, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Object 4230, Program No. PK06T283, Encumbrance No. CT-PKR12019345B, and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The SETTLEMENT AMOUNT - \$24,000 and the CLOSING COSTS AND TITLE EXPENSES - \$3,000 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$27,000.

SECTION 4. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

November 12, 2013

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

APPROVED AS TO FORM:

WARREN M. S. ERNST, CITY ATTORNEY

BY: Roxanne Diamond
Assistant City Attorney

**Field Notes Describing a 12,198 Square Foot (0.28 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Dennis Topletz**

EXHIBIT A

Being a 12,198 Square Foot (0.28 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 5, Block 5/7642 (Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Dennis Topletz by General Warranty Deed dated November 1, 2011 and recorded in Instrument Number 201100290653 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set on the Northwest Right-of-Way line of Fellows Avenue (a variable width Right-of-Way) being also the common line between the above mentioned Hines Subdivision and the Central Avenue Addition No. 3, an addition to the City of Dallas recorded in Volume 8, Page 231 of the Map Records of Dallas County, Texas, and the Southeast line of said Lot 5, at the common Southeast corner with a tract of land conveyed to the City of Dallas by Deed recorded in Volume 5438, Page 645 of the Deed Records of Dallas County, Texas, being also the most Southerly corner of the herein described tract of land:

THENCE North 30°31'05" West, departing the last said Northwest line of Fellows Avenue and with the common line between said Dennis Topletz and City of Dallas Tracts, over and across a portion of Lot 5 a distance of 245.70 feet to the most Westerly corner of the herein described tract of land, lying on the common line between said Lot 5 and Lot 12 of said Hines Subdivision (unable to monument):

THENCE North 59°59'52" East, departing the common line between said Dennis Topletz and City of Dallas tracts and with the said common line between Lots 5 and 12, a distance of 49.86 feet to a 60-D Nail with Washer marked "CITY OF DALLAS" set at the most Northerly corner of the herein described tract of land, at the common Northwest corner with a tract of land conveyed to Clifford Montgomery and Tanner Montgomery by deed recorded in Volume 553, Page 1208 of the Deed Records of Dallas County, Texas:

THENCE South 30°31'05" East, departing the last said common line between Lots 5 and 12 and with the common line between said Dennis Topletz and Montgomery tracts, a distance of 243.57 feet to the intersection with the above referenced common line between Lot 5 and Fellows Lane, being the most Easterly corner of the herein described tract of land, from which a ½ inch diameter Iron Rod (found) bears North 28°34'24" East a distance of 0.25 feet (corner not monumented):

**Field Notes Describing a 12,198 Square Foot (0.28 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Dennis Topletz**

EXHIBIT A

THENCE South 57°33'05" West, departing the common line between said Dennis Topletz and Montgomery tracts and with the said common line between Lot 5 and Fellows Lane, a distance of 49.89 feet to the **POINT OF BEGINNING**, containing 12,198 Square Feet, or 0.28 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

Scott Holt
9/19/2012



STOKES ST.
(Variable Width Right-of-Way)
S59°59'52"W

BLOCK 47641

Dallas Demolition
Excavating Company, Inc.
Volume 80150, Page 1980

EXHIBIT A

14
Robinson T. Smith
Survey
Abstract No. 1376

3/8" I.R. Found
CONTROLLING
MONUMENT

Hines Subdivision
Vol. 4, Pg. 206

LOT 5
BLOCK 57642

Tanner Montgomery
Vol. 19, Pg. 2007

Sedalia Harris
Int. #201100181625
Int. #201100217357

Set 60-D Nail
wCOD Washer

12" I.R. Found
"RPLS 5310"
CONTROLLING
MONUMENT

Set 60-D Nail
wCOD Washer

Unable to
Monument

Tanner Montgomery
Vol. 553, Pg. 1208
243.57' S30°31'05"E

Dennis Topletz
Int. #201100290653
245.70' N30°31'05"W

12,198 Square Foot
(0.28 Acre) Tract
To Be Acquired

LOT 5
BLOCK 57642

City of Dallas
Vol. 5438, Pg. 645

Set 58" I.R.
wCOD Cap
POINT OF
BEGINNING

12" I.R. Found
Bears 0.25'
N 28°34'24" E

Found 5/8" I.R.
Bears 2.63'
N 28°37'14" W


Found Axle
Bears 1.17'
N 14°22'28" W



FELLOWS AVENUE
(Variable Width Right-of-Way)
HINES SUBDIVISION
CENTRAL AVE. ADDITION NO. 3
Central Ave. Addition No. 3
Volume 8, Page 231

LOCATOR MAP: PARCEL #1

Page 3 of 3

| | | | |
|---|---|------------|----------|
|  | | | |
| Joppa Area Properties | | | |
| Parcel Acquisition | | | |
| Dennis Topletz Tract | | | |
| PUBLIC WORKS DEPARTMENT | | | |
| SURVEY DIVISION CITY OF DALLAS, TEXAS | | | |
| OPERNAME | DESIGN FILE NAME | SCALE | DATE |
| Holt | N:\ENGR\SURVEY\HOLT\Joppa\Field Notes.dgn | As Noted | 6-22-12 |
| PARTY CHIEF | CALCULATIONS | FOLDER | FILE NO. |
| Peck | Holt | Block 7641 | 041D-64 |

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

WARRANTY DEED

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

That Dennis Topletz, a married person, not joined herein by his spouse as the property hereby conveyed constitutes no part of their business or residence homestead and is in his sole management and control, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TWENTY-FOUR THOUSAND AND NO/100 DOLLARS (\$24,000.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

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

EXECUTED this _____ day of _____, _____.

By: _____
 Dennis Topletz

* * * * *

STATE OF TEXAS '

COUNTY OF DALLAS '

This instrument was acknowledged before me on _____

by Dennis Topletz.

Notary Public, State of Texas

* * * * *

After recording return to:
City of Dallas,
Trinity Watershed Management Department, Real Estate Division
1500 Marilla Street, Room 6B South
Dallas, Texas 75201
attn: Todd Wright

Warranty Deed Log No. TRC320

KEY FOCUS AREA: Culture, Arts and Recreation

AGENDA DATE: November 12, 2013

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management
Park & Recreation

CMO: Jill A. Jordan, P.E., 670-5299
Joey Zapata, 670-1204

MAPSCO: 56 V

SUBJECT

Authorize settlement in lieu of proceeding with condemnation of an unimproved tract of land containing approximately 26,639 square feet from Harold Topletz and the Estate of Joseph M. (Jack) Topletz, located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project - Not to exceed \$11,200 (\$9,200 plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes a settlement for the acquisition of an unimproved tract of land containing approximately 26,639 square feet for the South Central/Joppa Gateway Project. This settlement will allow for the acquisition of the property without proceeding with condemnation.

The original resolution authorized a purchase amount of \$7,200. That amount is being increased to \$9,200 (plus closing costs and title expenses).

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized acquisition on October 10, 2012, by Resolution No. 12-2543.

FISCAL INFORMATION

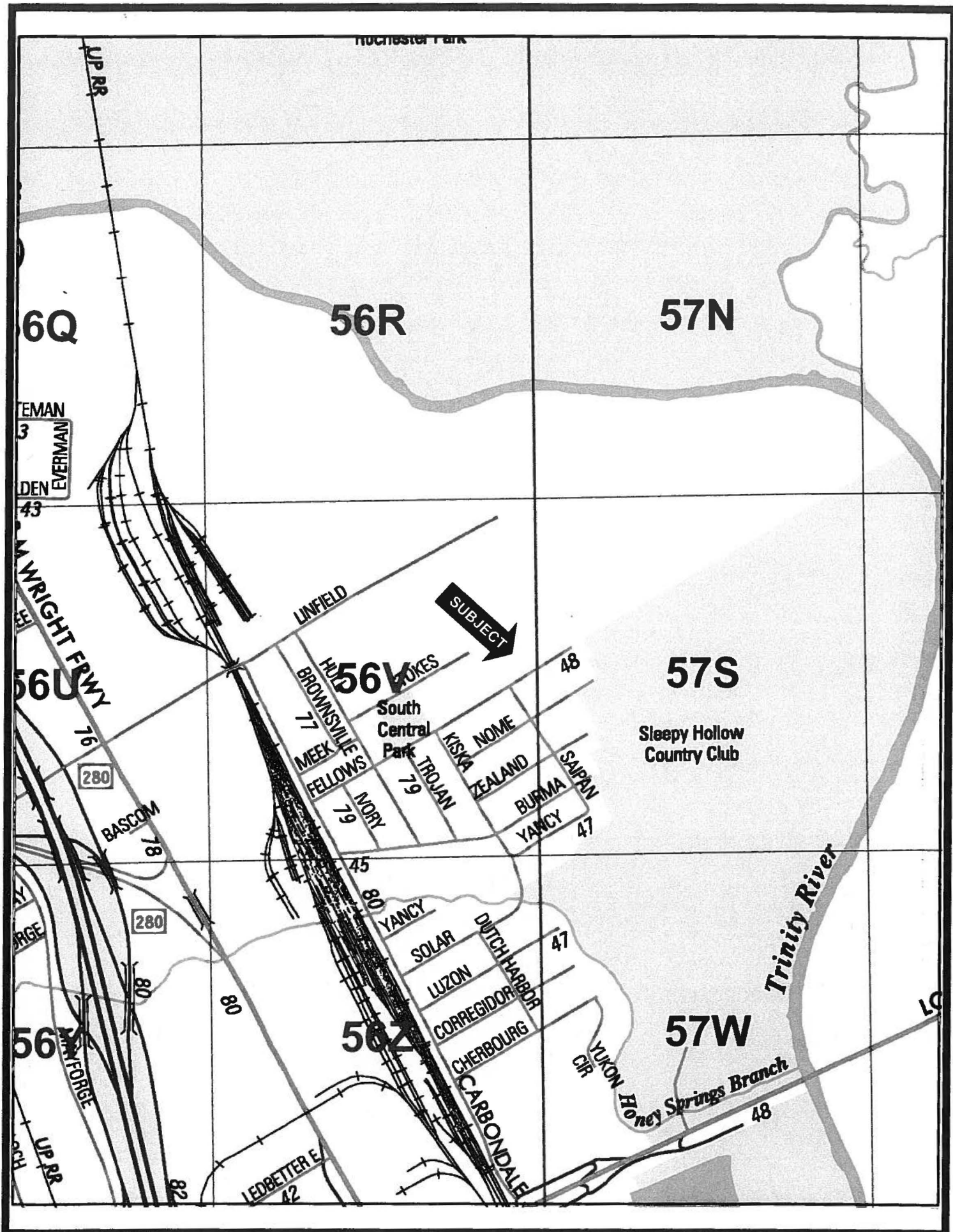
2006 Bond Funds - \$11,200 (\$9,200 plus closing costs and title expenses not to exceed \$2,000)

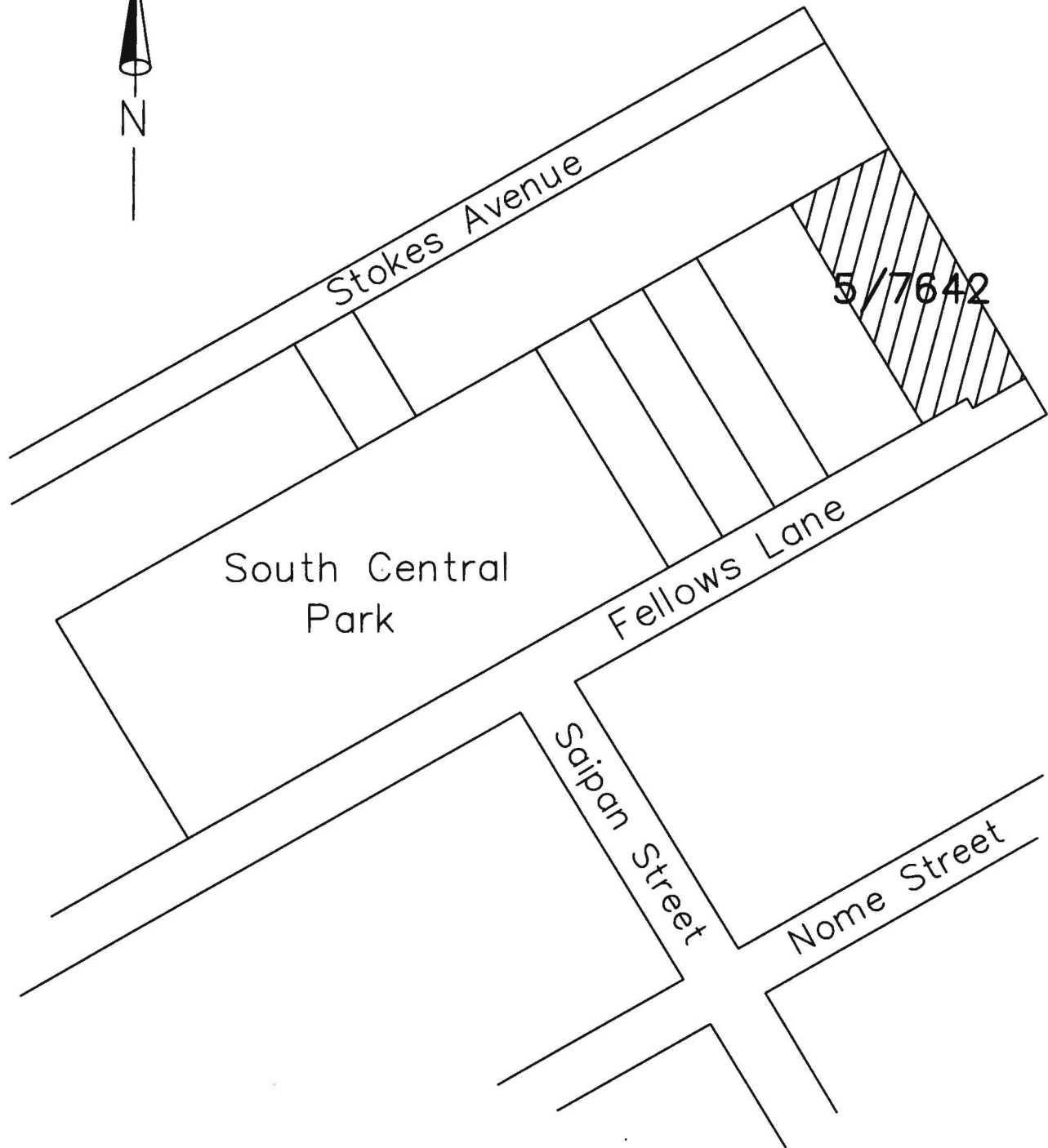
OWNERS

Harold Topletz
The Estate of Joseph M. (Jack) Topletz

MAPS

Attached





Area to be Acquired

November 12, 2013

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTEREST in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the FIRST RESOLUTION OFFER AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTEREST in the PROPERTY for the negotiated PURCHASE AMOUNT stated herein: **Now, Therefore,**

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

SECTION 1. That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 12-2543 approved by the Dallas City Council on October 10, 2012

“PROJECT”: South Central/Joppa Gateway Project

“USE”: The construction, use, and maintenance of a parking lot, pavilion and athletic fields for the South Central Park, together with such appurtenant facilities as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

“OWNER”: Harold Toplez and the Estate of Joseph M. (Jack) Toplez, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit “B” attached hereto and made a part hereof for all purposes.

November 12, 2013

“PROPERTY”: Approximately 26,639 square feet of land in Dallas County, Texas, and being the same property more particularly described in “Exhibit A”, attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

“FIRST RESOLUTION OFFER AMOUNT”: \$7,200.00

“SETTLEMENT AMOUNT”: \$9,200.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$2,000.00

“REVISED AUTHORIZED AMOUNT”: \$11,200.00

SECTION 2. That the City Manager, and/or the City Manager’s designees, is hereby authorized and directed to consummate and accept the purchase, grant and conveyance to the CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyance instrument substantially in the form described in Exhibit “B”, attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating the transaction.

SECTION 3. That the City Controller is authorized to draw checks for the SETTLEMENT AMOUNT, closing costs and title expenses, payable out of 2006 Bond Funds: \$9,200, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Object 4210, Program No. PK06T283, Encumbrance No. CT-PKR12019345C, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: \$2,000, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Object 4230, Program No. PK06T283, Encumbrance No. CT-PKR12019345C., and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The SETTLEMENT AMOUNT - \$9,200 and the CLOSING COSTS AND TITLE EXPENSES - \$2,000 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$11,200.

SECTION 4. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

November 12, 2013

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

APPROVED AS TO FORM:

WARREN M. S. ERNST, CITY ATTORNEY

BY: Roxanne Diamond

Assistant City Attorney

**Field Notes Describing a 26,639 Square Foot (0.612 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Harold Topletz and Jack Topletz**

Being a 26,639 Square Foot (0.612 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 5, Block 5/7642 (Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Harold Topletz and Jack Topletz by Warranty Deed dated September 27, 1963 and recorded in Volume 166, Page 2678 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set on the Northwest Right-of-Way line of Fellows Avenue (a variable width Right-of-Way) being also the common line between the above mentioned Hines Subdivision and the Central Avenue Addition No. 3, an addition to the City of Dallas recorded in Volume 8, Page 231 of the Map Records of Dallas County, Texas, lying also on the common line between said Block 5/7642 and Block 7643 (Official City of Dallas Block Numbers) and the Southwest boundary line of a tract of land conveyed to the City of Dallas by Deed recorded in Instrument Number 20070277159 of the Official Public Records of Dallas County, Texas, at the most Easterly corner of said Lot 5 and of the herein described tract of land:

THENCE South 57°33'05" West, departing the common line between said Hines Subdivision and City of Dallas tract and with the common line between said Lot 5 and Fellows Avenue, a distance of 113.37 feet to a 60-D Nail with Washer marked "CITY OF DALLAS" set at the common Southeast corner with a tract of land conveyed to Clifford Montgomery and Tanner Montgomery, by Warranty Deed dated December 5, 1962 and recorded in Volume 19, Page 2007 of the Deed Records of Dallas County, Texas, being also the most Southerly corner of the herein described tract of land:

THENCE North 30°30'05" West, departing the last said common line between Fellows Avenue and Lot 5 and with the common line between said Topletz and Montgomery tracts, a distance of 234.99 feet to a 60-D Nail with Washer marked "CITY OF DALLAS" set on the common line between said Lot 5 and Lot 14 of said Hines Subdivision, being also the common Northwest corner of said Topletz and Montgomery tracts, and the most Westerly corner of the herein described tract of land:

THENCE North 59°59'52" East, departing the common line between said Topletz and Montgomery tracts and with the said common line between Lots 5 and 14, a distance of 115.81 feet to a 3/8 inch diameter Iron Rod found at the common Northeast corner of said Lots 5 and 14, being also the most Northerly corner of the herein described tract of land, and lying on the Southwest line of the above reference City of Dallas tract:

**Field Notes Describing a 26,639 Square Foot (0.612 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Harold Topletz and Jack Topletz**

EXHIBIT A

THENCE South 29°53'48" East, departing the said common Northeast corner of Lots 5 and 14 and with the Northeast line of Lot 5 and said Hines Addition, a distance of 230.14 feet to the **POINT OF BEGINNING**, containing 26,639 Square Feet, or 0.612 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

Scott Holt
9/19/2012



**Robinson T. Smith
Survey
Abstract No. 1376**



Dallas Demolition
Excavating Company, Inc.
Volume 80150, Page 1980

3/8" I.R. Found
CONTROLLING
MONUMENT

**26,639 Square Foot
(0.612 Acre) Tract
To Be Acquired**

**14
BLOCK
47641**

Set 60-D Nail
w/COD Washer

115.81', N 59°59'52" E

City of Dallas
Int. #20070277159

*Hines Subdivision
Vol. 4, Pg. 206*

Harold Topletz
& Jack Topletz
Vol. 166, Pg. 2678

**BLOCK
7643**

234.99', N 30°31'05" W

230.14', S 29°53'48" E

**LOT 5
BLOCK
57642**

Set 5/8" I.R.
w/COD
POINT OF
BEGINNING

Tanner Montgomery
Vol. 19, Pg. 2007

113.37', S 57°33'05" W

Set 60-D Nail
w/COD Washer

Sedalia Harris
Int. #201100181625
Int. #201100217357

Tanner Montgomery
Vol. 553, Pg. 1208

Dennis Topletz
Int. #201100290653

FELLOWS AVENUE
(Variable Right-of-Way)

10
9

*HINES SUBDIVISION
CENTRAL AVE. ADDITION NO. 3*


Found Axle
Bears 1.17'
N 14°22'28" W

Found 3/4" I.P.
Bears 0.77'
N 15°30'10" W

*Central Ave. Addition No. 3
Volume 8, Page 231*

LOCATOR MAP: PARCEL #5

Page 3 of 3

| | | | |
|---|---|------------|----------|
|  Joppa Area Properties Parcel Acquisition | | | |
| | | | |
| PUBLIC WORKS DEPARTMENT | | | |
| SURVEY DIVISION CITY OF DALLAS, TEXAS | | | |
| OPERNAME | DESIGN FILE NAME | SCALE | DATE |
| Holt | N:\ENGR\SURVEY\HOLT\Joppa\Field Notes.dgn | As Noted | 6-22-12 |
| PARTY CHIEF | CALCULATIONS | FOLDER | FILE NO. |
| Peck | Holt | Block 7641 | 041D-64 |

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

WARRANTY DEED

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

That Harold Topletz individually, a married person, not joined herein by his spouse as the property hereby conveyed constitutes no part of their business or residence homestead and is in his sole management and control, and as Independent Executor of the Estate of Joseph M. (Jack) Topletz, deceased, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of NINE THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$9,200.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

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

EXECUTED this _____ day of _____, _____.

By: _____
Harold Topletz

By: _____
Harold Topletz as Independent
Executor of the Estate of Joseph
M. (Jack) Topletz, deceased

* * * * *

STATE OF TEXAS '

COUNTY OF DALLAS '

This instrument was acknowledged before me on _____

by Harold Topletz.

Notary Public, State of Texas

* * * * *

STATE OF TEXAS '

COUNTY OF DALLAS '

This instrument was acknowledged before me on _____

by Harold Topletz, as Independent Executor of the Estate of Joseph M. (Jack) Topletz,
deceased.

Notary Public, State of Texas

* * * * *

After recording return to:
City of Dallas,
Trinity Watershed Management Department, Real Estate Division
1500 Marilla Street, Room 6B South
Dallas, Texas 75201
attn: Todd Wright

Warranty Deed Log No. TRC325

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 12, 2013
COUNCIL DISTRICT(S): 4
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 55 D and 56 A

SUBJECT

Authorize a professional services contract with Mazidji Group for environmental assistance during the construction phase for the Upper Chain of Wetlands Project - Not to exceed \$728,480 - Financing: U.S. Corps of Engineers Project Cooperation Funds

BACKGROUND

The Upper Chain of Wetland (UCOW) Cells A, B, and C will be constructed by the US Army Corps of Engineers (Corps) on a site located within the Dallas Floodway on the west side of the Trinity River between the Cedar Crest Boulevard Bridge and the Central Wastewater Treatment Plant. Previous subsurface investigations revealed elevated lead soil concentrations above the regulatory limits set by the state regulatory agency, Texas Commission on Environmental Quality (TCEQ). The City is required to excavate and remove the elevated soil concentrations from the project area prior to the Corps constructing these wetlands in May 2014. An environmental consultant is needed to collect soil samples, testing and analysis during the construction phase.

The consulting firm, Mazidji Group was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will fund the consulting firm, Mazidji Group, to provide environmental assistance including soil sampling, testing, and analysis during the construction phase of the soil remediation improvements.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|---------------|
| Begin Construction | December 2013 |
| Complete Construction | May 2014 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Modern Geosciences, LLC to provide assistance with the preparation of the soil remediation and municipal setting designation for the Upper Chain of Wetlands Project, on August 14, 2013, by Resolution No. 13-1383.

FISCAL INFORMATION

U.S. Corps of Engineers Project Cooperation Funds - \$728,480.00

| | |
|--|----------------------|
| Engineering Design | \$ 116,440.00 |
| Construction | \$5,148,425.00 |
| Environmental Consultant (this action) | <u>\$ 728,480.00</u> |
| Total Project Cost | \$5,999,345.00 |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Mazidji Group

| | | | |
|-------------------------|---|-----------------------|---|
| Hispanic Female | 0 | Hispanic Male | 0 |
| African-American Female | 0 | African-American Male | 0 |
| Other Female | 0 | Other Male | 1 |
| White Female | 2 | White Male | 6 |

OWNER

Mazidji Group

Costa Mazidji, PhD, PE, Principal

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Mazidji Group for environmental assistance during the construction phase for the Upper Chain of Wetlands Project - Not to exceed \$728,480 - Financing: U.S. Corps of Engineers Project Cooperation Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|---------------------|----------------|
| Total local contracts | \$408,423.00 | 56.07% |
| Total non-local contracts | \$320,057.00 | 43.93% |
| TOTAL CONTRACT | \$728,480.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|---|----------------------|---------------------|----------------|
| B & A Laboratories, Inc. dba XENCO Lab. | HMMB55370Y1013 | \$50,916.00 | 12.47% |
| SWG Consultants, Inc. | WFDB57675Y0614 | \$214,423.00 | 52.50% |
| Total Minority - Local | | \$265,339.00 | 64.97% |

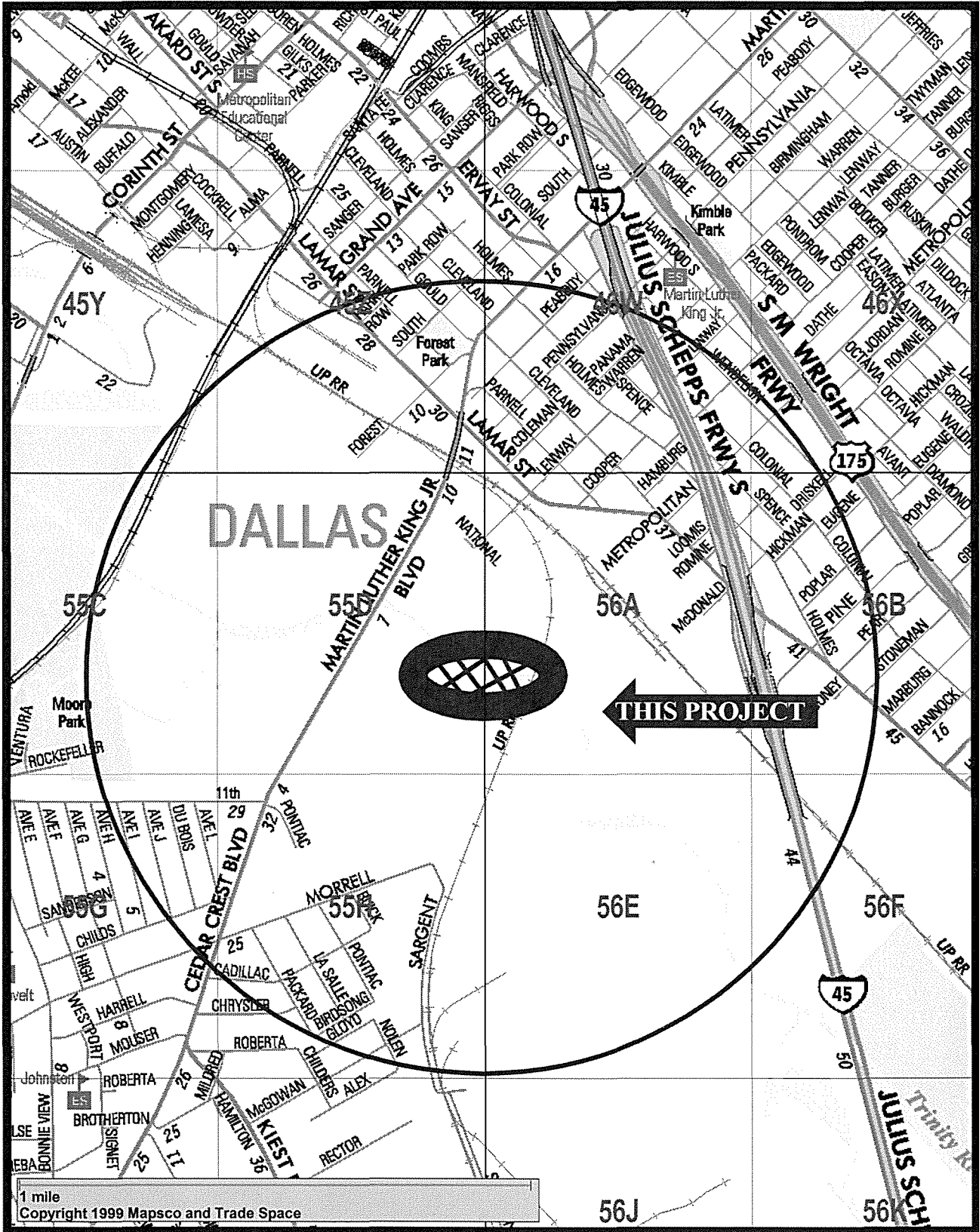
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

| | <u>Local</u> | <u>Percent</u> | <u>Local & Non-Local</u> | <u>Percent</u> |
|-------------------|---------------------|----------------|------------------------------|----------------|
| African American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Hispanic American | \$50,916.00 | 12.47% | \$50,916.00 | 6.99% |
| Asian American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$214,423.00 | 52.50% | \$214,423.00 | 29.43% |
| Total | \$265,339.00 | 64.97% | \$265,339.00 | 36.42% |

UCOW REMEDIATION



MAPSCO 55D, 56A

November 12, 2013

WHEREAS, the U.S. Army Corps of Engineers (Corps) completed the Environmental Impact Statement (EIS) for the Dallas Floodway Extension in 1999; and,

WHEREAS, the Corps and City of Dallas (City) entered into a construction agreement for cost sharing following the EIS; and,

WHEREAS, the City is responsible for providing non-contaminated lands to construct the Upper Chain of Wetlands Project; and,

WHEREAS, a plan is required for removal of contaminated soils and complete a municipal site designation in the project area of the Upper Chain of Wetlands; and,

WHEREAS, on August 14, 2013, Resolution No. 13-1383 authorized a professional services contract with Modern Geosciences, LLC for assistance with the preparation of the soil remediation and municipal setting designation for the Upper Chain of Wetlands Project, in an amount not to exceed \$73,950.00; and,

WHEREAS, it is now necessary to authorize a professional services contract with Mazidji Group for environmental assistance during the construction phase for the Upper Chain of Wetlands.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a professional services contract with Mazidji Group for environmental assistance during the construction phase for the Upper Chain of Wetlands Project in an amount not to exceed \$728,480.

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

| | |
|---|--------------|
| U.S. Corps of Engineers Project Cooperation Funds | |
| Fund TP14, Dept. TWM, Unit N962, Act. TRPP | |
| Obj. 4114, Program PB98N962, CT PBW98N962B3 | |
| Vendor # VS0000026919, in an amount not to exceed | \$728,480.00 |

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: Clean, Healthy Environment

AGENDA DATE: November 12, 2013

COUNCIL DISTRICT(S): 4

DEPARTMENT: Trinity Watershed Management
Public Works Department
Water Utilities

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

MAPSCO: 55 D and 56 A

SUBJECT

Authorize a construction contract with L. D. Kemp Excavating, Inc., lowest responsible bidder of eight, for soil remediation improvements associated with the Upper Chain of Wetlands Remediation, Cells B and C - Not to exceed \$5,148,425 - Financing: 1998 Bond Funds (\$3,318,345) and Water Utilities Capital Improvement Funds (\$1,830,080)

BACKGROUND

The Upper Chain of Wetlands (UCOW) Cells A, B, and C will be constructed by the U.S. Army Corps of Engineers (Corps) on a site located within the Dallas Floodway on the west side of the Trinity River between the Cedar Crest Boulevard Bridge and the Central Wastewater Treatment Plant. Previous subsurface investigations revealed elevated lead soil concentrations above the regulatory limits set by the Texas Commission on Environmental Quality (TCEQ). The City is required to excavate and remove the elevated soil concentrations from the project area prior to the Corps constructing these wetlands in May 2014.

This project was advertised in August 2013 and a total of two bids were received. Staff determined that the lowest bidder exceeded the project budget. On September 25, 2013, Council authorized the rejection of the two bids and re-advertisement for bids.

The scope of work was divided into two separate contracts - construction and environmental consulting. The construction contractor will be responsible for the removal of trees, excavation of soils, and offsite disposal or waste characterization as specified within the soil management plan. The environmental consultant will handle the environmental aspects of the project which includes sampling, testing, and analysis as outlined within the soil management plan. This environmental consultant contract will be awarded separately.

BACKGROUND (Continued)

This action will fund the soil remediation improvements to be completed by the construction contractor which includes tree removal, excavation, and offsite disposal of lead contaminated soils.

ESTIMATED SCHEDULE OF PROJECT

| | |
|------------------------------|----------------|
| Began Engineering Design | June 2013 |
| Completed Engineering Design | September 2013 |
| Begin Construction | December 2013 |
| Complete Construction | May 2014 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Modern Geosciences, LLC to provide assistance with the preparation of the soil remediation and municipal setting designation for the Upper Chain of Wetlands Project, on August 14, 2013, by Resolution No. 13-1383.

Rejected all bids received on September 5, 2013, for the Upper Chain of Wetlands Remediation – Cells B & C and authorized the re-advertise for new bids on September 25, 2013, by Resolution 13-1734.

FISCAL INFORMATION

1998 Bond Funds - \$3,318,345.00
Water Utilities Capital Improvement Funds - \$1,830,080.00

| | |
|----------------------------|-----------------------|
| Design | \$ 116,440.00 |
| Construction (this action) | <u>\$5,148,425.00</u> |
| Total Project | \$5,264,865.00 |

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 October 24, 2013:

*Denotes successful bidder

BIDDERS

BID AMOUNT

| | |
|--|-----------------|
| *L. D. Kemp Excavating, Inc. 5409 Denton Highway Fort Worth, Texas 76148 | \$ 5,148,425.00 |
| Terra Contracting Services, LLC | \$ 5,207,691.93 |
| USA Environmental, LP | \$ 5,301,060.00 |
| WRS Compass | \$ 5,570,816.43 |
| Clean Harbors | \$ 5,774,555.45 |
| MCM | \$ 6,398,539.00 |
| Ark Contracting Services, LLC | \$ 7,522,260.00 |
| Lone Wolf Resources | \$10,242,605.40 |

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 eight, for soil remediation improvements associated with the Upper Chain of Wetlands Remediation, Cells B and C - Not to exceed \$5,148,425 - Financing: 1998 Bond Funds (\$3,318,345) and Water Utilities Capital Improvement Funds (\$1,830,080)

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 | \$500,000.00 | 9.71% |
| Total non-local contracts | \$4,648,425.00 | 90.29% |
| TOTAL CONTRACT | \$5,148,425.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

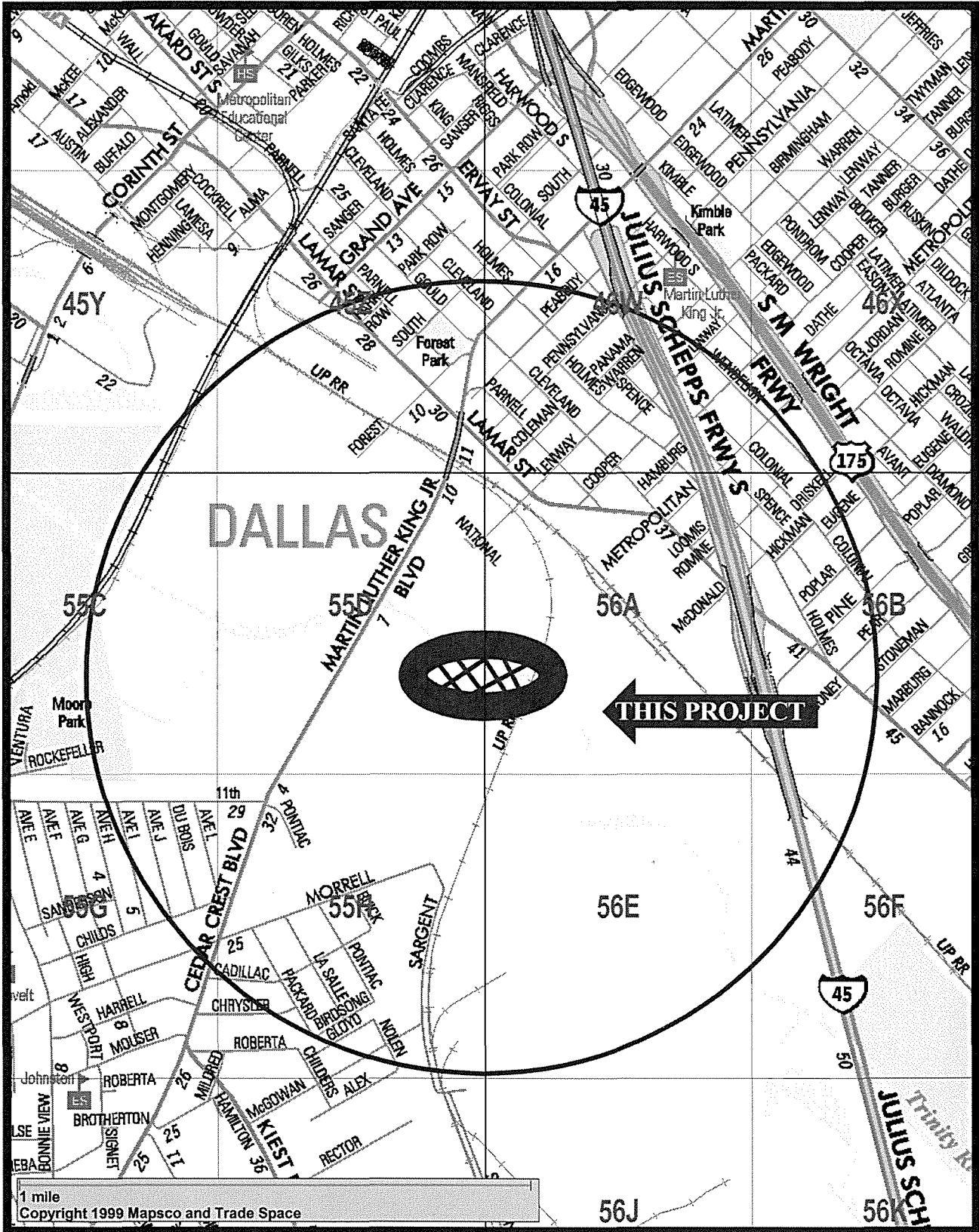
Non-Local Contractors / Sub-Contractors

| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|-----------------------|----------------|
| C. Green Scaping, LP | HFDB57606Y0514 | \$1,355,687.00 | 29.16% |
| Total Minority - Non-local | | \$1,355,687.00 | 29.16% |

TOTAL M/WBE CONTRACT PARTICIPATION

| | <u>Local</u> | <u>Percent</u> | <u>Local & Non-Local</u> | <u>Percent</u> |
|-------------------|---------------|----------------|------------------------------|----------------|
| African American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Hispanic American | \$0.00 | 0.00% | \$1,355,687.00 | 26.33% |
| 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% | \$1,355,687.00 | 26.33% |

UCOW REMEDIATION



MAPSCO 55D, 56A

November 12, 2013

WHEREAS, the US Army Corps of Engineers (Corps) completed the Environmental Impact Statement (EIS) for the Dallas Floodway Extension in 1999; and,

WHEREAS, the Corps and City of Dallas (City) entered into a construction agreement for cost sharing following the EIS; and,

WHEREAS, the City is responsible for providing non-contaminated lands to construct the Upper Chain of Wetlands Project; and,

WHEREAS, a plan is required for removal of contaminated soils and complete a municipal site designation in the project area of the Upper Chain of Wetlands; and,

WHEREAS, on August 14, 2013, Resolution No. 13-1383 authorized a professional services contract with Modern Geosciences, LLC for assistance with the preparation of the soil remediation and municipal setting designation for the Upper Chain of Wetlands Project, in an amount not to exceed \$73,950.00; and,

WHEREAS, two bids were received on September 5, 2013, for the Upper Chain of Wetlands Remediation, Cells B and C, however the lowest bid was higher than the engineer's estimate for the project; and,

WHEREAS, on September 25, 2013, Resolution No. 13-1734 authorized the rejection of all bids received and re-advertise for new bids; and,

WHEREAS, bids were received on October 24, 2013, for the construction of soil remediation improvements for the Upper Chain of Wetlands Remediation, Cells B and C, as follows:

| <u>BIDDERS</u> | <u>BID AMOUNT</u> |
|---------------------------------|--------------------------|
| L. D. Kemp Excavating, Inc. | \$ 5,148,425.00 |
| Terra Contracting Services, LLC | \$ 5,207,691.93 |
| USA Environmental, LP | \$ 5,301,060.00 |
| WRS Compass | \$ 5,570,816.43 |
| Clean Harbors | \$ 5,774,555.45 |
| MCM | \$ 6,398,539.00 |
| Ark Contracting Services, LLC | \$ 7,522,260.00 |
| Lone Wolf Resources | \$10,242,605.40 |

November 12, 2013

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 soil remediation improvements associated with the Upper Chain of Wetlands Remediation, Cells B and C in an amount not to exceed \$5,148,425, 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 it has been approved 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 contracts from:

| | |
|--|-----------------------|
| Trinity River Corridor Project Fund Fund 5P14, Dept. PBW, Unit N962, Act. TRPP Obj. 4599, Program PB98N962, CT PBW98N962B4 Vendor #500349, in an amount not to exceed | \$1,000,000.00 |
| Trinity River Corridor Project Fund Fund 5P14, Dept. TWM, Unit N962, Act. TRPP Obj. 4599, Program PB98N962, CT PBW98N962B4 Vendor #500349, in an amount not to exceed | \$ 750,000.00 |
| Trinity River Corridor Project Fund Fund 6P14, Dept. PBW, Unit N962, Act. TRPP Obj. 4599, Program PB98N962, CT PBW98N962B4 Vendor #500349, in an amount not to exceed | \$1,450,000.00 |
| Trinity River Corridor Project Fund Fund 9P14, Dept. PBW, Unit N962, Act. TRPP Obj. 4599, Program PB98N962, CT PBW98N962B4 Vendor #500349, in an amount not to exceed | \$ 118,345.00 |
| Water Capital Improvement Fund Fund 0116, Dept. DWU, Unit PS42, Act. RELP Obj. 4560, Program 714012, CT DWU714012CP Vendor #500349, in an amount not to exceed | <u>\$1,830,080.00</u> |
| Total in an amount not to exceed | \$5,148,425.00 |

November 12, 2013

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.

ADDENDUM ITEM # 12

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: November 12, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution designating absences by Mayor Pro Tem Tennell Atkins and Councilmember Dwaine Caraway as being for "official city business" - Financing: No cost consideration to the City

BACKGROUND

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.

November 12, 2013

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, Mayor Pro Tem Tennell Atkins and Councilmember Dwaine Caraway 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:

November 12, 2013

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 Mayor Pro Tem Tennell Atkins and Councilmember Dwaine Caraway 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 Mayor Pro Tem Tennell Atkins and Councilmember Dwaine Caraway 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 Mayor Pro Tem Tennell Atkins and Councilmember Dwaine Caraway 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 |
|-----------------------|--|-----------------|-------------|-------------------------|---|-------------------------|
| Tennell Atkins | Attended a meeting with Mayor Rawlings on the Grow South Initiative | Dallas, TX | 10/28/2013 | Representing District 8 | Transportation and Trinity River Corridor Project Committee | Absent |
| Dwaine Caraway | Attended a meeting with the President of the Urban League, Dr. Beverly Mitchell-Brooks regarding Urban League Projects | Dallas, TX | 10/7/2013 | Representing District 4 | Housing Committee Meeting | Absent |
| Dwaine Caraway | Attended a tour with the Community Prosecution Team to Village Oaks Apartments on 3550 E. Overton Rd. | Dallas, TX | 10/16/2013 | Representing District 4 | City Council Briefing | 50% |
| Dwaine Caraway | Attended a meeting with Dallas Cowboy, Larry Brown concerning economic development in District 4. | Dallas, TX | 11/4/2013 | Representing District 4 | Housing Committee Meeting | 50% |

ADDENDUM ITEM # 13

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 12, 2013
COUNCIL DISTRICT(S): 11
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 5 S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting amendments to Tracts 2, 3 and 4 and the creation of a new tract within Tract 1 of Planned Development District No. 561, north of Keller Springs Road, east of Glen Abbey Drive

Recommendation of Staff and CPC: Approval, subject to a conceptual plan, development plan and conditions
Z112-297(MW)

FILE NUMBER: Z112-297(MW)

DATE FILED: August 6, 2012

LOCATION: North side of Keller Springs Road, east of Glen Abbey Drive

COUNCIL DISTRICT: 11

MAPSCO: 5-S

SIZE OF REQUEST: ±19.038 acres

CENSUS TRACT: 136.11

REPRESENTATIVE: Dallas Cothrum, Masterplan

APPLICANT/OWNER: LAGA, Ltd.

REQUEST: An application to amend Tracts 2, 3 and 4 and to create a new tract within Tract 1 of Planned Development District No. 561

SUMMARY: The applicant proposes to amend the conceptual plan to reconfigure and renumber the tracts and to provide a development plan for the reconfigured and renumbered Tract 2. The applicant also proposes to amend the conditions to accommodate the reconfigured tracts.

CPC RECOMMENDATION: Approval, subject to a conceptual plan, development plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a conceptual plan, development plan and conditions.

BACKGROUND INFORMATION:

- The ±19.038-acre request site is currently undeveloped.
- Planned Development District No. 561 was approved by City Council on December 8, 1999 as a conceptual PDD.
- The City Plan Commission took action on this item on September 12, 2013; however this item is being reconsidered due to a change in the request. The applicant now intends to increase the number of single family homes from 67 to 77 but to eliminate the previously proposed convalescent and nursing home, hospice care, or related institution and retirement housing uses.

Zoning History:

There have been no recent zoning requests within the vicinity of the request site.

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|---------------------|----------------|--------------|
| Keller Springs Road | Minor arterial | Variable |

Land Use:

| | Zoning | Land Use |
|--------------|---------------------------------|-----------------|
| Site | PDD No. 561 | Undeveloped |
| North | PDD No. 562 | Single family |
| East | R-1ac(A) | Park (dog park) |
| South | PDD No. 531 (Tract 5); R-1ac(A) | Undeveloped |
| West | PDD No. 531 (Tract 5); R-1ac(A) | Single family |

STAFF ANALYSIS:

Comprehensive Plan:

The Vision Illustration depicts the request site as an *Urban Neighborhood*. Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

In general, the applicant's proposal, which includes single family homes with access to a public park, as well as, private open space, is consistent with the following goals and policies of the Comprehensive Plan.

LAND USE ELEMENT

Goal 1.1: Promote desired development

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

Land Use Compatibility:

The development plan proposed for Tract 2 depicts a gated community consisting of 77 single family units served by a private street, consistent with the established development pattern of the area. While the applicant proposes an increase in the permitted lot coverage (from 60% to 75%), a ±1.32-acre conservation area and several undeveloped common areas, will be maintained on the site.

A comparison of the existing and proposed development standards is provided in the following section.

Development Standards:

| Subdistrict | Setbacks | | Density | Height/Stories | Lot Coverage | Primary Uses |
|-----------------|---|--|-----------------|----------------------|--------------------------|---------------|
| | Front | Side/rear | | | | |
| Existing | | | | | | |
| 1 | No minimum | SF: No min. Duplex side: 5' Duplex rear: 10' Other: 10' | 28 units | 36'/no max. | 60% res. 25% non res. | Single family |
| 2 | No Minimum (60'/100' for MF uses | SF: No min. Duplex side: 5' Duplex rear: 10' Other: 10' | 144 units total | 55'/65' 3 stories | 60% res. 25% non res. | Multifamily |
| 3 | 15' adj. to thoroughfare; no min. other cases | 10' adj. to res. Other: no min | | 65' 3 stores | 60% res. 25% non res. | Multifamily |
| 4 | 15' adj. to thoroughfare; no min. other cases | 10' adj. to res. Other: no min | N/A | 36' | 60% res. 25% non res. | Open space |

| Subdistrict | Setbacks | | Density | Height/Stories | Lot Coverage | Primary Uses |
|-----------------|-----------------------------------|---|-------------------------------------|----------------|--------------------------|-------------------|
| | Front | Side/rear | | | | |
| Proposed | | | | | | |
| 1 | No minimum | 0' side/rear SF 5' side/10' rear duplex | N/A (doesn't meet minimum lot size) | 36'/no max. | 60% res. 25% non res. | Single family |
| 2 | 5' if two fronts 10' otherwise | 1' side /5' side for zero side lots 5' side other 10' side as shown on plan 10' rear | 85 units | 26'/2 stories | 75% | Single family |
| 3 | 15'/0' | 0' | N/A | 19'/1 story | 500 sf | Conservation area |

Parking:

The Planned Development District No. 561 requires off-street parking pursuant to §51A-4.200 of the Dallas Development Code. The applicant proposes the following exception: in Tract 2, No more than three designated parking spaces are permitted near the guardhouse at the entry point from Keller Springs Road provided the spaces do not conflict with minimum vehicular access requirements.

Landscaping:

The applicant proposes landscaping in accordance with Article X of the Dallas Development Code, with exceptions to encourage tree preservation. Tree mitigation is addressed in Section 51P-561.116 (Tree Management). Specifically, in Tract 2, protected trees transplanted successfully on-site may be used to decrease the number

of replacement inches by a factor of one and one-half (1.5). Protected trees in the Conservation Area (Tract 3), may be used to decrease the number of required replacement inches by a factor of one (1.0). For mitigation for tree removal in Tract 2, at least 50 percent of the total caliper of replacement trees must be planted, or otherwise mitigated, before 65 percent of single family development in Tract 2 has received a final building inspection. All tree mitigation must be completed, and replacement trees must be planted prior to the completion of initial construction on all development lots, or within eight years of the issuance of the first building permit for a single family structure, whichever is sooner.

Z112-297(MW)

CPC Action: November 7, 2013:

Z112-297(MW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of amendments to Tracts 2, 3 and 4 and to create a new tract, subject to a conceptual plan, revised development plan and revised conditions within Tract 1 of Planned Development District No. 561 north of Keller Springs Road and east of Glen Abbey Drive.

Maker: Bernbaum
Second: Hinojosa
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

Notices: Area: 500 Mailed: 53
Replies: For: 7 Against: 0

Speakers: For: Dallas Cothrum, 900 Jackson, Dallas, TX 75202
Against: None

Z112-297(MW)

List of Partners/Principals/Officers:

APPLICANT/OWNER: LAGA, Ltd.

LAGA GP, LLC (General Partner)

Managers: Denny Holman
R. Stephen Folsom
Haddon Winkler
Robert W. Kennedy

Limited Partners: CAC Land Investment, LLC
Club Hill Partners
CM Williams
Holam Group Class C JV
Sabre Class D JV

**Z112-297
CPC Recommended PDD Conditions**

SEC. 51P-561.101. LEGISLATIVE HISTORY.

PD 561 was established by Ordinance No. 24136, passed by the Dallas City Council on December 8, 1999. Ordinance No. 24136 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 24136 was amended by Ordinance No. 24197, passed by the Dallas City Council on March 8, 2000.

SEC. 51P-561.102. PROPERTY LOCATION AND SIZE.

PD 561 is established on property fronting on the north line of Keller Springs Road, west of Preston Road. The size of PD 561 is approximately 25.4196 acres.

SEC. 51P-561.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all code references are to Chapter 51A.

(c) This district is considered to be a residential zoning district.

(d) REDUCED SIDE YARD LOT means a residential lot with a side yard having a lesser setback than the opposite side yard on the same lot designed to provide a more usable yard area on one side.

SEC. 51P-561.104. CONCEPTUAL PLAN.

For Tract 1, ~~3, and 4~~, use and development of the Property must comply with the conceptual plan (Exhibit 561A). In the event of a conflict between the provisions of this article and the conceptual plan, the provisions of this article control.

SEC. 51P-561.105. DEVELOPMENT PLAN.

(a) For Tracts ~~1, 2, 3 and 4~~, a development plan must be approved by the city plan commission before issuance of any building permit. Development and use of the property must comply with the approved development plan. The development plan and any amendments must comply with the conceptual plan and this article.

(b) For Tract 2, development and use of the Property must comply with the attached Tract 2 development plan (Exhibit 561B.) In the event of a conflict between the provisions of this article and the Tracts 2 development plan, the provisions of this article shall control. A development plan is not required for the following:

(1) Amenity or recreational structures or equipment in common areas of Tract 2; or

(2) Guardhouses.

(c) For Tract 3, no development plan is required. See Section. 51P-561.115.

(d) For Tract 5 4, development and use of the Property must comply with the Tract 5 4 development plan (Exhibit 561BC). In the event of a conflict between the provisions of this article and the Tract 5 4 development plan, the provisions of this article control.

SEC. 51P-561.106. CONSTRUCTION TRAFFIC.

It is the intent of the city council to minimize construction traffic in residential neighborhoods. Therefore, issuance of any building permit on the Property is conditioned upon approval of a construction traffic management plan by the building official showing that the proposed routes for construction traffic will not go through minor residential streets. A violation of the construction management plan is a violation of this article and may result in issuance of citations or a stop-work order.

SEC. 51P-561.107. MAIN USES PERMITTED.

- (a) Agricultural uses.
 - Crop production.
- (b) Commercial and business service uses.
 - None permitted.
- (c) Industrial uses.
 - Temporary concrete or asphalt batching plant. [Tracts 1 and 4 only; by special authorization of the Building official]
- (d) Institutional and community service uses.
 - Adult day care facility. [SUP in Tracts 1 and 4 only]
 - Cemetery or mausoleum. [SUP in Tracts 1 and 4 only]
 - Child-care facility. [SUP in Tracts 1 and 4 only]
 - Church.
 - College, university, or seminary. [SUP in Tracts 1 and 4 only]
 - Community service center. [SUP in Tracts 1, 2, and 4 only]
 - Convalescent and nursing homes, hospice care, and related institutions. [SUP in Tracts 1 and 4.]
 - Convent or monastery. [SUP in Tracts 1 and 4 only]
 - Foster home. [SUP in Tracts 1 and 4 only]
 - Library, art gallery, or museum. [SUP in Tracts 1 and 4 only]
 - Public or private school. [SUP in Tracts 1 and 4 only]

- (e) Lodging uses.
 - None permitted.
- (f) Miscellaneous uses.
 - Carnival or circus (temporary). [*In Tracts 1 and 4 only, by special authorization of the building official. only in Tract 5.*]
 - Temporary construction or sales office.
- (g) Office uses.
 - None permitted.
- (h) Recreation uses.
 - Country club with private membership. [*SUP in Tract 1 and s 3, 4, and 4.*]
 - Private recreation center, club, or area [*SUP*] [*Allowed by right in Tract 2; SUP in Tracts 1 and 4.*]
 - Public park, playground, or golf course.
- (i) Residential uses.
 - Duplex. [*Tracts 1, 2, and 5 4 only.*]
 - ~~--- Group residential facility. [*See Section 51A-4.209(3).*][*Tracts 2 and 3 only*]~~
 - Handicapped group dwelling unit. [*See Section 51A-4.209(3.1).*]
[*Tracts 1, 2, 3, and 4 only.*]
 - Multifamily. [*Tract 2 and 3 only.*]
 - Retirement housing. [*SUP*] [*SUP in Tracts 1, 2, 3 and 5 only*]
 - Single family. [*Tracts 1, 2, 3 and 4 5 only.*]
- (j) Retail and personal service uses.
 - None permitted.
- (k) Transportation uses.
 - Private street or alley.
 - Transit passenger shelter.
 - Transit passenger station or transfer center. [*SUP in Tracts 1 and 4 only*]
- (l) Utility and public service uses.
 - Electrical substation. [*SUP in Tracts 1 and 4 only*]
 - Local utilities.
 - Police or fire station. [*SUP in Tracts 1 and 4 only*]
 - Radio, television, or microwave tower. [*SUP in Tracts 1 and 4 only*]
 - Tower/antenna for cellular communication. [*See Section 51A-4.212(10.1).*]
 - Utility or government installation other than listed. [*SUP*]

- (m) Wholesale, distribution, and storage uses.
 - Recycling drop-off container. [*In Tracts 1 and 4 only, See Section 51A-4.213(11.2).*]
 - Recycling drop-off for special occasion collection. [*In Tracts 1 and 4 only. See Section 51A-4.213(11.13).*]

SEC. 51P-561.108. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

- (a) The following accessory uses are not permitted in this district:
 - Accessory helistop.
 - Accessory medical/infectious waste incinerator.
 - Accessory outside display of merchandise.
 - Accessory outside sales.
 - Accessory pathological waste incinerator.
- (b) The following accessory ~~use is~~ uses are permitted by right:
 - Accessory community center (private).
 - Accessory game court (private)

SEC. 51P-561.109. YARD, LOT, AND SPACE REGULATIONS.

- (a) Front yard.

(1) Tract 1 ~~and 2~~. Except as provided in this paragraph, no minimum front yard. [~~Minimum front yard for multifamily structures in Tract 2 is 100 feet from the northern property line and 60 feet from the western property line, as shown on the conceptual plan.~~]

(2) Tract 2. The minimum front yard is 10 feet with exception of lots with frontage on two streets or shared access. The minimum front yard setback of the shorter frontage is 10 feet. The minimum setback of the longer frontage is 5 feet. The minimum building setback from Keller Springs Road is 10 feet.

(3) ~~Tracts 3, and 4, and 5~~. Minimum front yard is 15 feet where adjacent to an expressway or a thoroughfare; no minimum in all other cases.

- (b) Side and rear yard.

- (1) ~~Tracts 1. and 2.~~

(A) No minimum side or rear yard for single family structures.

(B) Minimum side yard for duplex structures is five feet.

(C) Minimum rear yard for duplex structures is 10 feet.

(2) Tract 2.

(A) For reduced side yard lots indicated on the Tract 2 development plan (Exhibit 561B.), the minimum side yard setback is one foot on one side and five feet on the opposite side with a minimum of six feet between residential structures.

(i) When adjacent to a residential lot, a structure on a reduced side yard lot may not have doors, windows, or other transparent openings located less than seven feet from any finished floor. Opaque glass or other similar opaque materials are permitted on any portion of the structure.

(ii) When adjacent to a common space, thoroughfare, private street, shared access, or other nonresidential lot, a reduced side yard lot may have doors, windows or other openings without limitation.

(B) For other lots, the minimum side setback is five feet.

(C) For Lots 22, 23 and 34, Block D, Lot 20, Block B, as shown on the development plan for Tract 2 (Exhibit 561B), the minimum side yard setback from the northern property line is 10 feet.

(D) The minimum rear yard for single-family structures is five feet, except for Lots 9-12, Block D, and Lots 13-22, Block D, as shown on the development plan for Tract 2 (Exhibit 561B), in which case the minimum rear yard is 10 feet.

(E) The setback for accessory structures in a side or rear yard is two feet. ~~Except as provided in this paragraph, minimum side and rear yard for other permitted structures is 10 feet.~~

~~(F) Minimum side and rear yard for multifamily structures in Tract 2 are 100 feet from the northern Property line and 60 feet from the western Property line, as shown on the conceptual plan.~~

~~(3) Tract 2. The side yard setback from the southern perimeter of Lot 5, Block A of Tract 1a is 10 feet. The side yard setback from the eastern property line is 5 feet, as shown on the conceptual plan (Exhibit 561A).~~

(3) Tract 3. The minimum side and rear yard is five feet.

(4) ~~Tracts 4, 3, 4, and 5.~~ Minimum side and rear yard is 10 feet where adjacent to or directly across an alley from a zoning district other than a TH or TH(A) Townhouse District; no minimum in all other cases.

(c) Setbacks for common area or open space. For any structures located in a common area or open space, there is no required setback with exception of the 10-foot setback requirement from Keller Springs right-of-way as shown on the development plan.

(d) Density.

(1) Tract 1. Maximum dwelling units is 28 0.

(2) Tract 2. Maximum dwelling units is 85.

~~(3) Tract 2 and 3 combined. Maximum number of dwelling units is 144.~~

(3) ~~Tracts 3 and 4.~~ No dwelling units are permitted.

(4) Tract ~~5~~ 4. Maximum dwelling unit density is nine dwelling units per acre.

(e) Height. Except as provided in this subsection, maximum structure height is 36 feet.

(1) Tract 2. The maximum height for accessory structures is 26 feet.

~~(2) Tract 2. Maximum height for structures, measured to the highest point of the structure, is 55 feet on the western portion and 65 feet on the eastern portion, as shown on the conceptual plan, except that structures listed in Subparagraph 51A-4.408(a)(2)(A) may project a maximum of 12 feet above the maximum structure height.~~

(2) Tract 3. Maximum structure height is 19 16 feet. ~~multifamily structures is 65 feet, measured to the highest point of the structure, as shown on the conceptual plan, except that structures listed in Subparagraph 51A-4.408(a)(2)(A) may project a maximum of 12 feet above the maximum structure height.~~

(f) Lot coverage. For Tracts 1 and 4 5, the maximum lot coverage is 60 percent for residential structures and 25 percent for nonresidential structures. For Tract 3, refer to Section 51P-561.115 for building allowances. For Tract 2, the maximum lot coverage is 75 percent for residential lots. The maximum lot coverage is 75 percent for common areas.

(g) Lot size. In Tract 2, the minimum residential lot size is ~~2,000~~ 5,000 square feet except that up to five lots may be no less than 4,000 square feet. In Tract 3, there is no minimum lot size requirement. For Tracts 1 and 4, the minimum lot size is 2,000 square feet for single-family residential structures.

(h) Stories. Except as provided in this subsection, no maximum number of stories.

(1) ~~Tract 2. Maximum number of stories for multifamily structures is three on the western portion and four stories on the eastern portion, as shown on the conceptual plan. Maximum number of stories for accessory structures is two.~~

(2) ~~Tract 3. Maximum number of stories for multifamily structures is three on the northwest portion and four on the remainder, as shown on the conceptual plan. Maximum number of stories is one.~~

SEC. 51P-561.110. OFF-STREET PARKING AND LOADING.

(Except as provided below, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Consult Division 51A-4.300 for information regarding off-street parking and loading generally. (Ord. Nos. 24136; 25163)

(1) Tract 2. No more than three designated parking spaces are permitted near the guardhouse at the entry point from Keller Springs Road provided the spaces do not conflict with minimum vehicular access requirements.

SEC. 51P-561.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 24136; 25163)

SEC. 51P-561.112. ELECTRICAL SERVICE FOR SINGLE FAMILY USES.

In this planned development district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this planned development district when, in the opinion of the board, the special exception will:

- (1) not be contrary to the public interest;
- (2) not adversely affect neighboring properties; and
- (3) not be used to conduct a use not permitted in this planned development district.

SEC. 51P-561.113. ACCESS AND STREETS.

(a) Tract 1 and 4. Ingress and egress must be generally provided as shown on the conceptual plan.

(b) Tracts 2 and 4. Ingress and egress must be generally provided as shown on the development plan.

(c) Tract 2. Minimum pavement width for vehicular access including curbs is 30 feet, measured from back of curb to back of curb. Private street dedication for cul-de-sacs shall have a minimum diameter of 90 feet of which a minimum of 82 feet shall be devoted to pavement for vehicular access.

SEC. 51P-561.114. LANDSCAPING.

(a) Prior to the final inspection for each single family use, landscaping must be provided for each platted lot in accordance with Article X, except as provided in this section.

(b) Prior to the issuance of a certificate of occupancy for all other permitted uses, landscaping must be provided in accordance with Article X, except a large tree must be provided for each 25 feet of public street frontage. The Building Official may authorize the planting of small trees measured at 2 inches caliper in lieu of large trees to avoid conflict with overhead utility lines.

(c) All plant materials must be maintained in a healthy, growing condition.

(d) In Tract 2, a minimum of two trees from the City of Dallas Approved Replacement Tree List (Section 51A-10.134) are required per single family use, except as provided below. Each new tree planted shall be a minimum of four caliper inches. Existing trees on single family lots that are determined by the Arborist to be healthy may be used to satisfy the single family lot tree requirement.

SEC. 51P-561.115 CONSERVATION AREA

(a) Tract 3 is a conservation area. The conservation area is provided for the purpose of the sustainable maintenance, private community pedestrian uses, and conservation of the land area and the indigenous vegetation within it. The following activities, structures, and uses are permitted in Tract 3. The city arborist shall review all construction plans and site changes to assure compliance with the conservation purposes. Construction must be determined to cause the least disturbance of the native vegetation as possible, which precludes improvements in the area:

(1) Hiking trails (ADA accessibility is not required) and sidewalks.

(2) Flood control structures that are approved by the Director of the Department of Public Works and Transportation.

- (3) Public utility easements, rights-of-way and utilities.
 - (4) Recreational and pedestrian-oriented structures, including but not limited to, arbors, pergolas and gazebos.
 - (5) Planting of native vegetation or trees, approved by the building official, to restore the Conservation Area.
 - (6) Self-guided media or markers identifying flora and fauna.
 - (7) Barbecue cooking grills, picnic tables, benches, trash receptacles, and other similar pedestrian and recreational amenities approved by the building official.
- (b) Tree and Vegetation Maintenance.

(1) Trees within Tract 3 that are in danger of falling, causing damage to dwellings or other structures, or causing blockage of a stream, may be removed with approval of the city arborist. The city arborist shall be notified prior to the removal of a hazardous damaged tree unless immediate removal is necessary for the public safety.

(2) Other timber or vegetation removal is permitted to protect the forest from extensive pest infestation, control invasive, alien vegetation, to reduce a threat from disease, or threat from fire. The city arborist shall determine the condition and type of tree or vegetation to be removed before removal.

(3) Trail Design. If provided, trails must be designed and constructed to preserve the natural, scenic conditions of the Property.

Tree Replacement.. If a tree is removed, a tree must be planted in the conservation area, unless it is determined that doing so would compromise the purpose of the conservation area. Only Texas native trees and other vegetation, or trees in the Dallas Approved Replacement Tree list, may be planted in the conservation area. The retention of existing healthy trees precludes any action for modification of planting areas and installation of irrigation systems.

SEC. 51P-561.116. TREE MANAGEMENT.

(a) Except as provided in Subsections (b) and (c) below, the regulations contained in Division 51A-10.130, "Tree Preservation," apply to this planned development district.

(b) Prior to the removal of any trees from the Property, a tree survey must be completed and delivered to the building official.

(c) Tree removal applications may be approved by the building official prior to the issuance of a building permit on the Property. (Ord. Nos. 24136; 25163)

(d) In Tract 2, protected trees transplanted successfully on-site may be used to decrease the number of replacement inches by a factor of 1.5. For example, a transplanted tree of 14 caliper inches will satisfy 21 caliper inches of required replacement. Successful tree transplantation will be determined by the city arborist within two years of transplantation.

(e) Protected trees in the Conservation Area (Tract 3), may be used to decrease the number of required replacement inches by a factor of 1.0. For example, a preserved tree of 14 inches, will satisfy 14 inches of required replacement (i.e. required mitigation). Confirmation of the Conservation Area for mitigation will be completed before the final tree mitigation inspection for the Property.

(f) For mitigation for tree removal in Tract 2, at least 50 percent of the total caliper of replacement trees must be planted, or otherwise mitigated, before 65 percent of single family development in Tract 2 has received a final building inspection. All tree mitigation must be completed, and replacement trees must be planted prior to the completion of initial construction on all development lots, or within eight years of the issuance of the first building permit for a single family structure, whichever is sooner.

SEC. 51P-561.117. FENCES, WALLS, ENTRYWAY COLUMNS, AND GATES.

(a) Except as provided in Subsection (c), the maximum height for all fences, walls, entryway columns, and gates on the Property, excluding those that front on a public or private street or an access easement, is 10 feet.

(b) Except as provided in Subsection (c), the maximum height for all fences and walls on the Property that front on a public or private street or an access easement is 12 feet. The maximum height for all entryway columns and gates on the Property that front on a public or private street or an access easement is 18 feet.

(c) The visual obstruction regulations contained in Section 51A-4.602(d) apply to this subsection. Fences in front yards may not exceed four feet in height.

SEC.51P-561.118 GUARDHOUSE.

A guardhouse is permitted within the private entry drive and may be located within a required setback. The final location and design of the guardhouse must be approved by the director of public works and transportation and the building official.

SEC. 51P-561.119. FLOODWAY

(a) No platted lot may extend into the floodway in Tracts 1 and 4 only.

(b) Any land area extending into the floodway must be dedicated as a floodway management area, floodway easement, common area, or park.

SEC. 51P-561.120. HOMEOWNERS' ASSOCIATION.

Prior to final plat approval, the owner(s) of any common areas, including Tract 3, the Property must execute an instrument creating a homeowners' association for the maintenance of common areas, screening walls, landscape areas (including right-of-way landscaping areas), private streets, and for other functions. This instrument must be approved as to form by the city attorney, and filed in the Dallas County deed records.

SEC. 51P-561.121. SIGNS.

(a) Signs must comply with the provisions for non-business zoning districts contained in Article VII.

SEC. 51P-561.122. ADDITIONAL PROVISIONS.

(a) Sidewalks are not required on internal streets and accessways.

(b) The Property must be properly maintained in a state of good repair and neat appearance.

(c) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(d) In lieu of standard street curbs, rollover curbs are permitted for all private streets or access easements.

(e) In Tract 2, recreational and pedestrian oriented structures such as pergolas, arbors, gazebos, trash receptacles, pedestrian paths, barbecue cooking grills, light poles, fences, benches and picnic tables, or other similar structures, are permitted on common lots.

(f) In Tract 2, pools, game courts, and other accessory uses allowed under Section 51A. 4.217 of Dallas City Code are permitted on lots without a main residential structure provided said accessory uses serve the main residential structure(s) on an immediately adjacent and contiguous lot.

(g) At the sole expense of the owner, a traffic signal shall be erected at the intersection of the entry point road and Keller Springs Road.

(h) The main entrance into Tract 1a may include two one-way drives separated by a landscaped median with guardhouse.

SEC. 51P-561.123. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

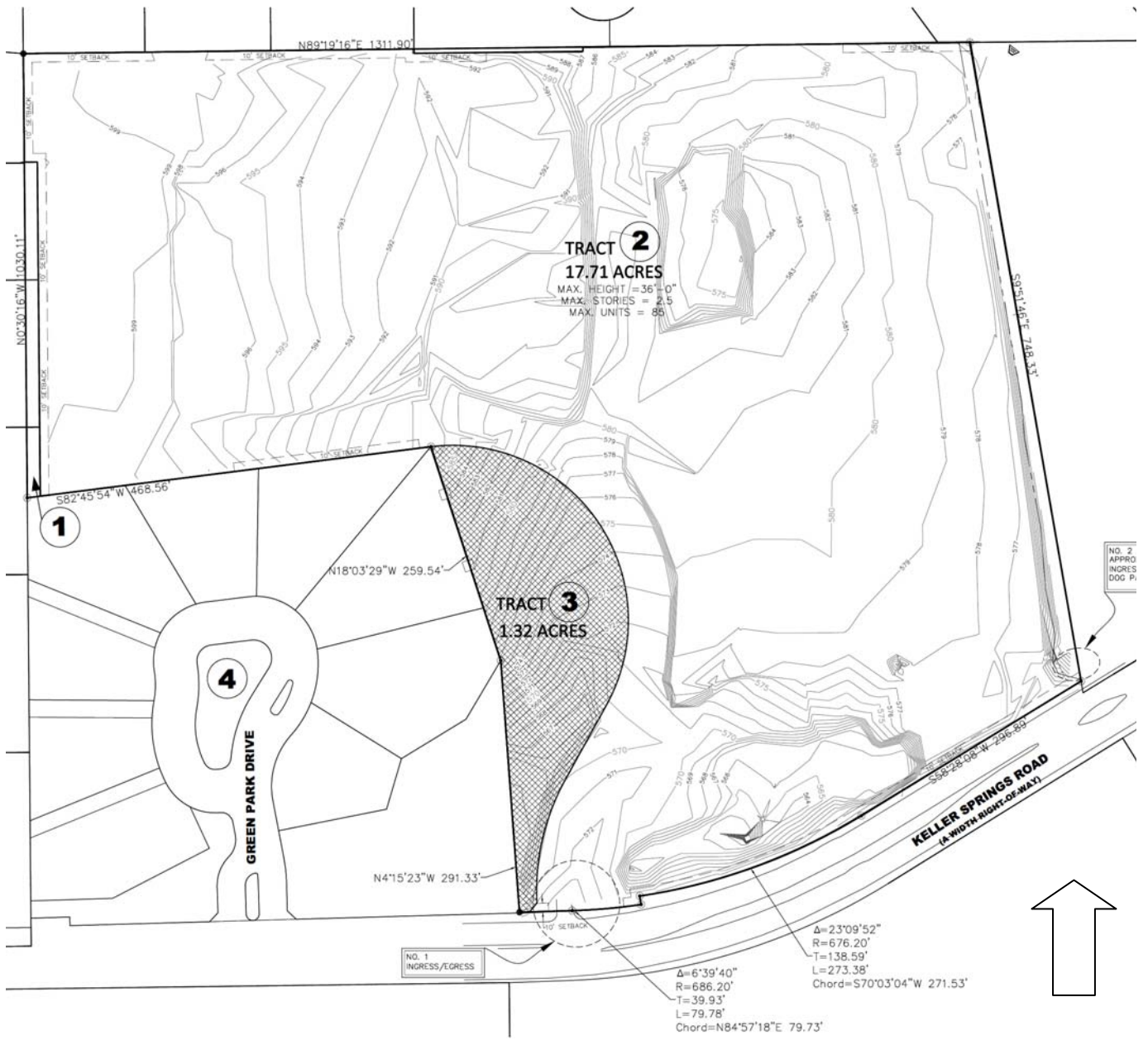
Z112-297(MW)

(b) The building official shall not issue a building permit or a certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

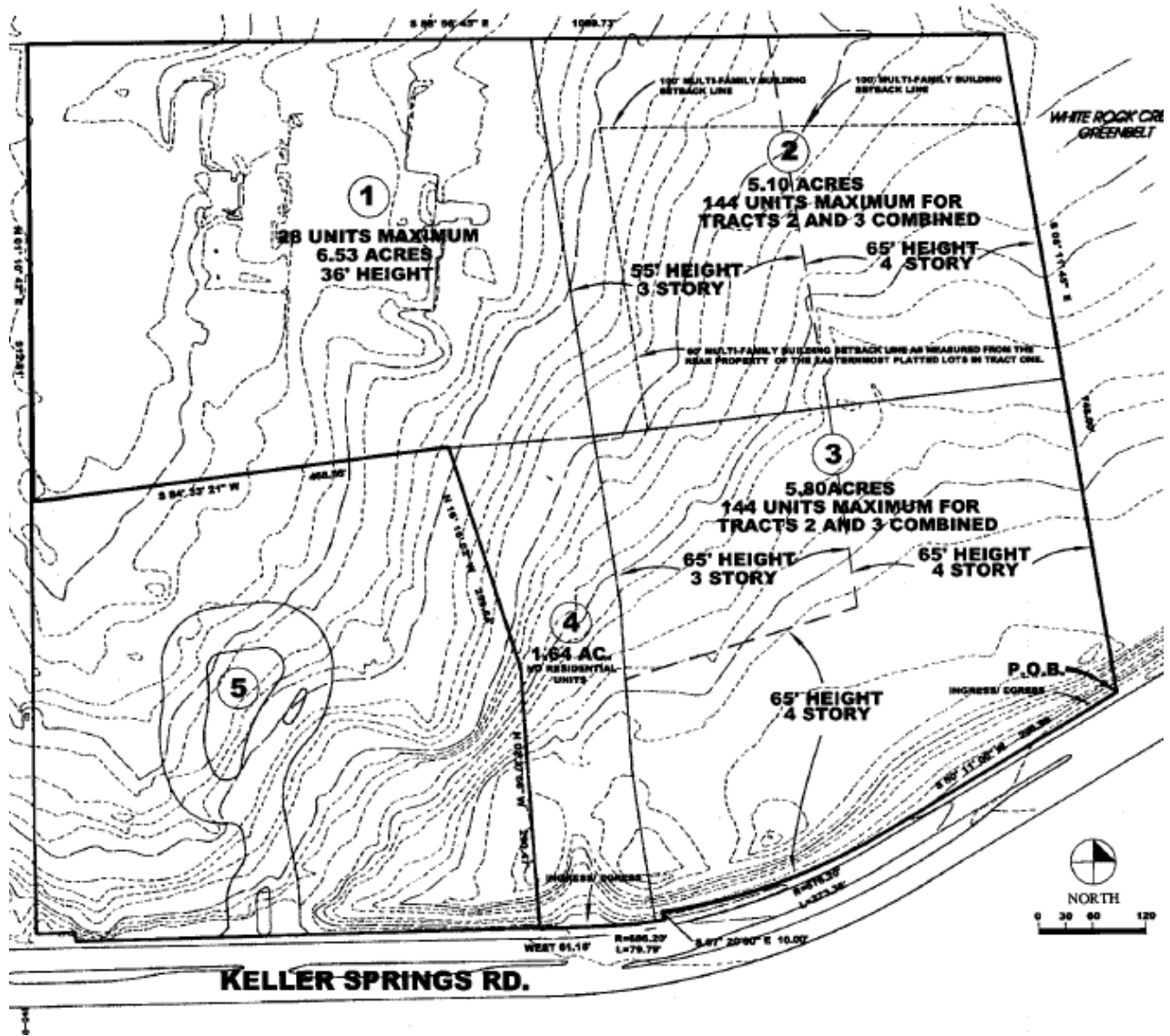
~~SEC. 51P-561.125. ZONING MAP.~~

~~———— PD 561 is located on Zoning Map No. B-7. (Ord. Nos. 24136; 25163)~~

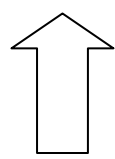
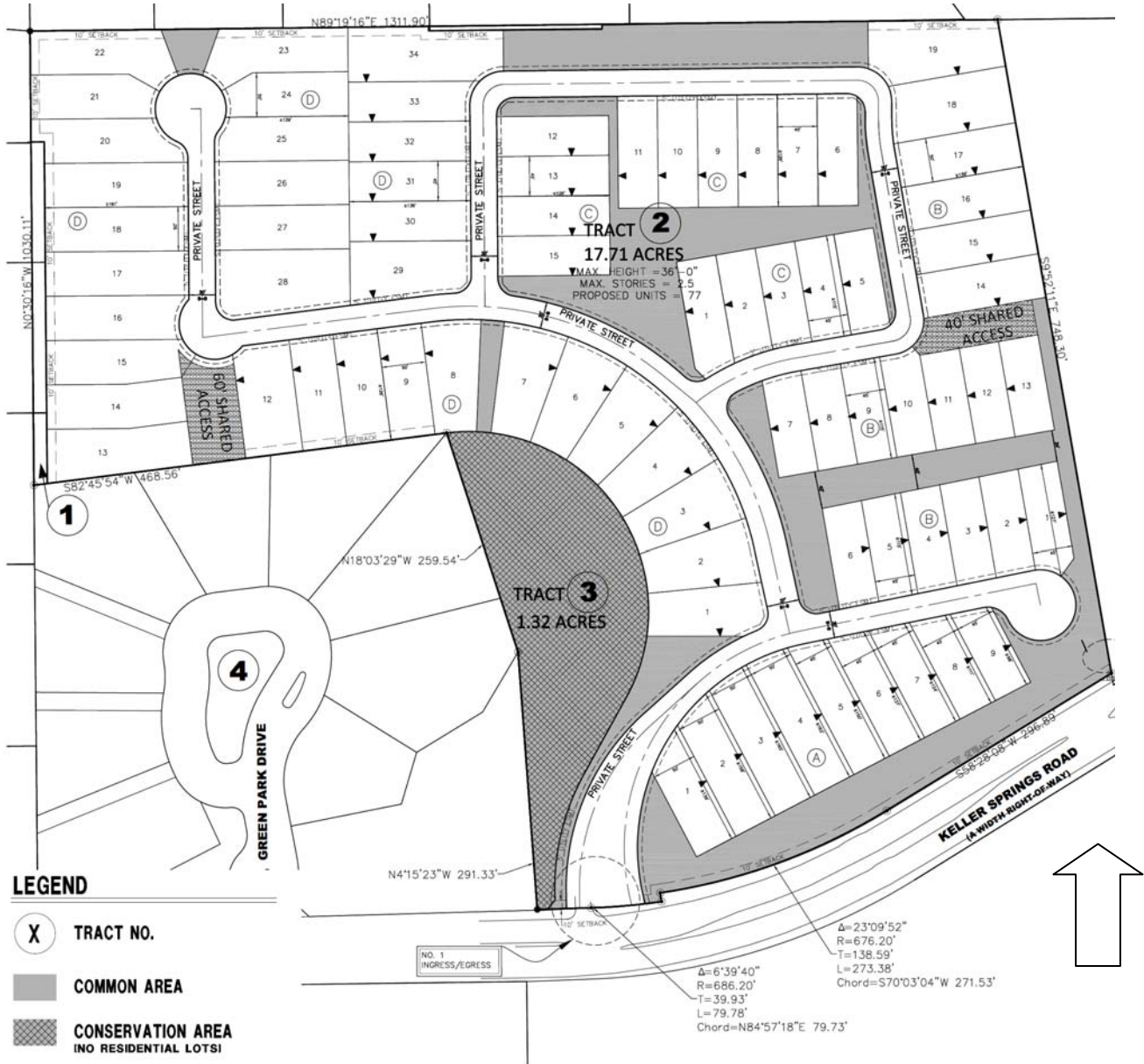
Proposed Conceptual Plan

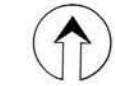
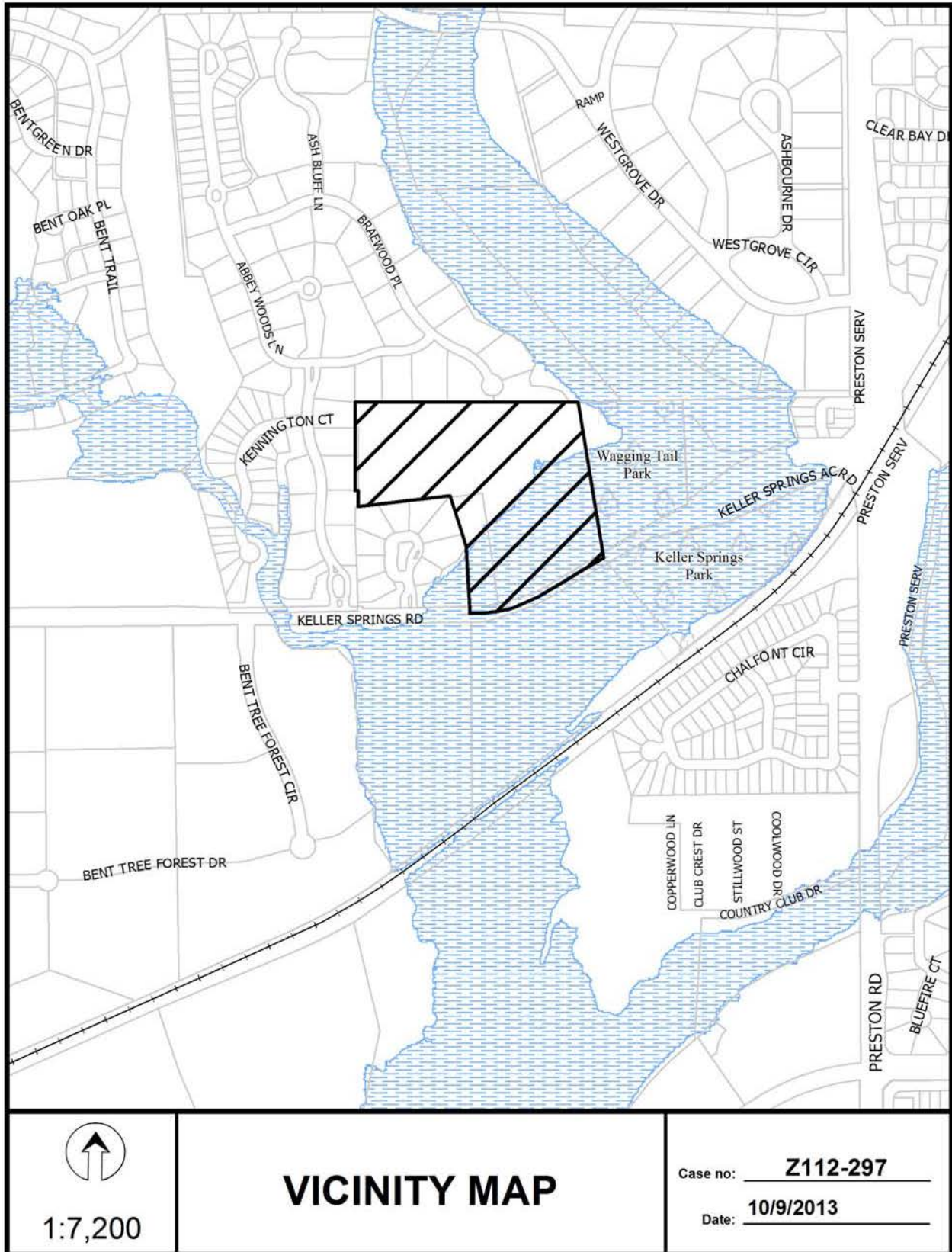


Existing Conceptual Plan



Proposed Tract 2 Development Plan



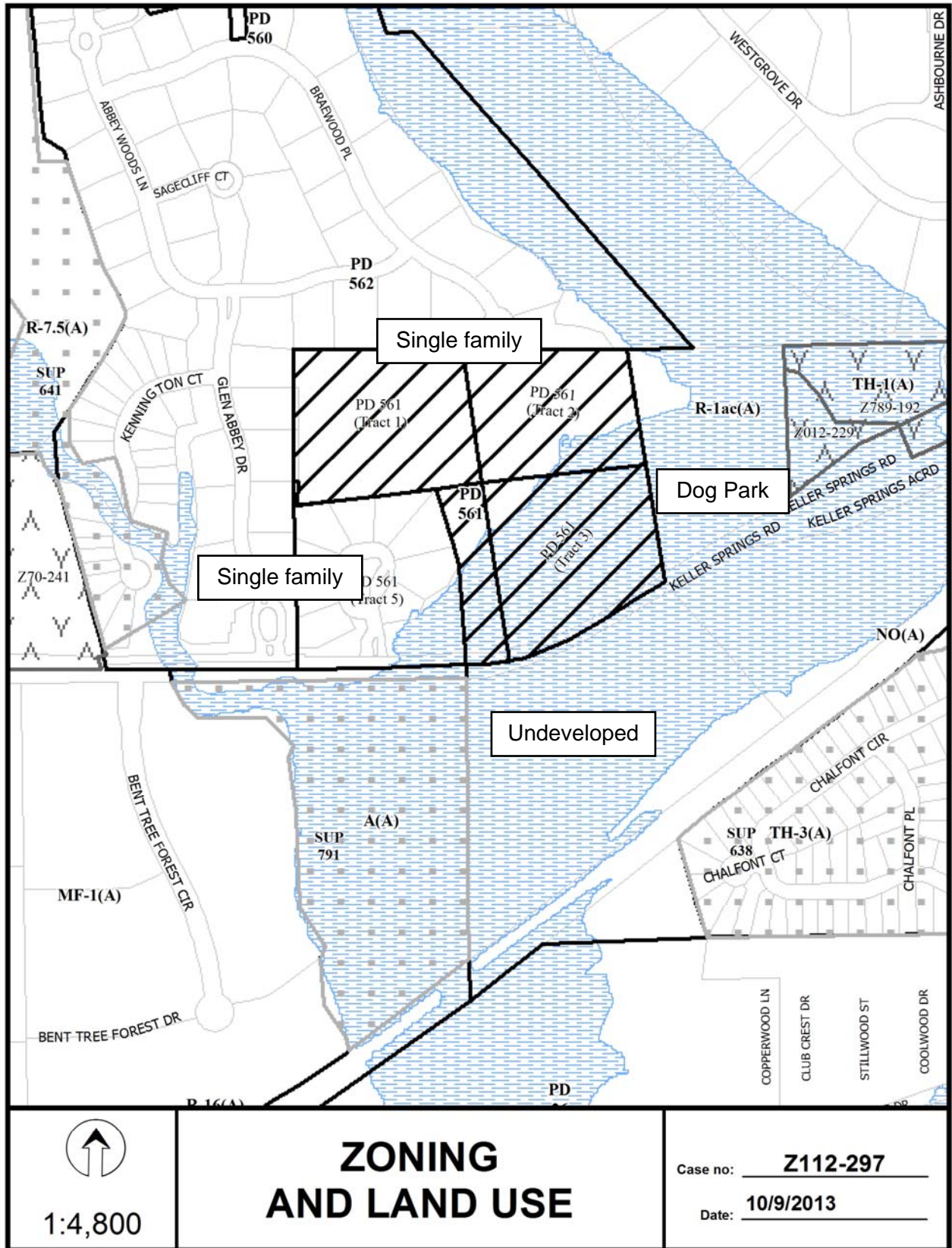


1:7,200

VICINITY MAP

Case no: Z112-297

Date: 10/9/2013



CPC Responses



| | |
|------------------|---------------------------------------|
| <u>53</u> | Property Owners Notified (71 parcels) |
| <u>7</u> | Replies in Favor (11 parcels) |
| <u>0</u> | Replies in Opposition (0 parcels) |
| <u>500'</u> | Area of Notification |
| <u>11/7/2013</u> | Date |

Z112-297
CPC



1:4,800

Notification List of Property Owners

Z112-297

53 Property Owners Notified **0 Property Owners Opposed** **7 Property Owners in Favor**

| Vote | Label # | Address | Owner |
|-------------|----------------|------------------------|------------------------------|
| | 1 | 5791 KELLER SPRINGS RD | LAGA LTD |
| | 2 | 32 GLEN ABBEY DR | WELLS WILLIAM K |
| | 3 | 36 GLEN ABBEY DR | ROSE JAMES M |
| | 4 | 25 BRAEWOOD PL | LONGBOTHAM JOE C & |
| | 5 | 16300 PRESTON RD | PRESTON TRAILS HOMEOWNERS |
| | 6 | 5800 KELLER SPRINGS RD | KELLER SPRINGS ESTATE LTD |
| O | 7 | 5500 KELLER SPRINGS RD | PRESTONWOOD GOLF CLUB |
| | 8 | 16 BRAEWOOD PL | GLEN ABBEY HOMEOWNERS |
| | 9 | 25 GLEN ABBEY DR | FRIEDMAN LAWRENCE J & |
| | 10 | 29 GLEN ABBEY DR | BINKLEY JOHN H JR & SHARON |
| | 11 | 33 GLEN ABBEY DR | RANDAZZO TERRY & |
| O | 12 | 52 KENNINGTON CT | HEAPE SCOTT G & MARY A |
| | 13 | 48 KENNINGTON CT | BENSON SCOTT A & MARNI T |
| | 14 | 44 KENNINGTON CT | FINN TERRY |
| | 15 | 40 KENNINGTON CT | OSBORN GARY D & BEVERLY B |
| | 16 | 36 KENNINGTON CT | NELSON WILLIAM M & HELAINE Q |
| | 17 | 32 KENNINGTON CT | WATERSIDE PROPERTIES INC |
| | 18 | 28 KENNINGTON CT | RODRIGUEZ ALFRED J & |
| | 19 | 1 GLEN ABBEY DR | HEMMING PROPERTIES LLP |
| | 20 | 73 KENNINGTON CT | KAYEM DOUGLAS J & JUILE R |
| | 21 | 77 KENNINGTON CT | HIRL FAMILY TRUST |
| | 22 | 81 KENNINGTON CT | PEDERSEN KIM K & PATRICIA L |
| O | 23 | 85 KENNINGTON CT | BRACKEN FRANK D JR |
| | 24 | 19 ABBEY WOODS LN | ALLEN ORVILLE G & SHERRI G |
| | 25 | 23 ABBEY WOODS LN | HAMMOND DANIEL D |
| | 26 | 24 GLEN ABBEY DR | KELLER SPRINGS PPTIES LTD |

Thursday, November 07, 2013

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|-------------------|----------------------------|
| | 27 | 40 GLEN ABBEY DR | ASCHEBRENNER THOMAS H & |
| | 28 | 44 GLEN ABBEY DR | MIDYETT BOB & VICKI A |
| | 29 | 7 ABBEY WOODS LN | YEAGER KATHI |
| | 30 | 5 ABBEY WOODS LN | BURLESON JUDY K |
| | 31 | 1 ABBEY WOODS LN | C L NIX |
| | 32 | 20 BRAEWOOD PL | FOSTER KENT B & |
| | 33 | 36 BRAEWOOD PL | YOUNG JAMES R & |
| | 34 | 28 GLEN ABBEY DR | PLATT TODD |
| | 35 | 24 BRAEWOOD PL | PACK SAM H & |
| | 36 | 32 BRAEWOOD PL | MCCRAW ROBERT & HELEN |
| | 37 | 42 BRAEWOOD PL | PALUCK ROBERT & MICHELLE |
| | 38 | 39 BRAEWOOD PL | DASARI NEERAJA & |
| | 39 | 35 BRAEWOOD PL | BT DEV CORP |
| | 40 | 14 ABBEY WOODS LN | PATRICK TERRY W & |
| | 41 | 30 SAGECLIFF CT | GREEN DAVID W & POLLY M |
| | 42 | 2 ABBEY WOODS LN | DOSHIER RAYMOND & SUSAN |
| O | 43 | 10 GREEN PARK DR | GP HOMEOWNERS ASSOC INC |
| | 44 | 13 GREEN PARK DR | DRS PARAGON CUSTOM HOMES |
| | 45 | 1 GREEN PARK DR | LEATHERWOOD MIKE |
| O | 46 | 3 GREEN PARK DR | ROBINSON HOWARD R U/T/D |
| | 47 | 5 GREEN PARK DR | BOYER FRANCIS C JR |
| | 48 | 7 GREEN PARK DR | NEELY ESTEBAN & |
| | 49 | 9 GREEN PARK DR | HANLON TERENCE F & NANCY R |
| O | 50 | 8 GREEN PARK DR | SUMMERS KEVIN |
| | 51 | 6 GREEN PARK DR | SODERSTROM CARL D |
| O | 52 | 4 GREEN PARK DR | MCGARITY KEVIN & KATHLEEN |
| | 53 | 2 GREEN PARK DR | FISS TIMOTHY P & |

Thursday, November 07, 2013