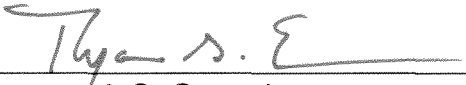


**OCTOBER 8, 2013 CITY COUNCIL AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated October 8, 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

9/27/13  
Date

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

9/27/13  
Date



RECEIVED

2013 SEP 27 PM 4:36

CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL AGENDA

October 8, 2013

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)  
(La Información General Y Reglas De Cortesía Que Deben Observarse  
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

## General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

## Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

## Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne en el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

## Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que este presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.



**AGENDA  
CITY COUNCIL MEETING  
TUESDAY, OCTOBER 8, 2013  
ORDER OF BUSINESS**

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

9:00 a.m.      **INVOCATION AND PLEDGE OF ALLEGIANCE**

**OPEN MICROPHONE**

**MINUTES**

Item 1

**CONSENT AGENDA**

Items 2 - 22

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 23 - 24

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 25 - 35

**NOTE:** A revised order of business may be posted prior to the date of the council meeting if necessary.



**AGENDA**  
**CITY COUNCIL MEETING**  
**OCTOBER 8, 2013**  
**CITY OF DALLAS**  
**1500 MARILLA**  
**COUNCIL CHAMBERS, CITY HALL**  
**DALLAS, TEXAS 75201**  
**9:00 A. M.**

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the September 25, 2013 City Council Meeting

CONSENT AGENDA

**Business Development & Procurement Services**

2. Authorize a three-year master agreement for emergency and non-emergency medical supplies - Bound Tree Medical, LLC in the amount of \$3,805,786, MMS A Medical Supply Company in the amount of \$352,829, Kentron Health Care, Inc. in the amount of \$390,033, Guardian EMS Products in the amount of \$346,417, Sovereign Medical, Inc. in the amount of \$155,310 and Henry Schein, Inc. in the amount of \$18,254, lowest responsible bidders of ten - Total not to exceed \$5,068,629 - Financing: Current Funds (\$4,988,327) and Water Utilities Current Funds (\$80,302)
3. Authorize a three-year master agreement for fiberglass manholes, manhole inserts and wastewater access chambers - L.F. Manufacturing, Inc. in the amount of \$227,122, HD Supply Waterworks, LTD in the amount of \$39,650 and Doug Meadows Co. LLC in the amount of \$18,140, lowest responsible bidders of three - Total not to exceed \$284,912 - Financing: Water Utilities Current Funds

CONSENT AGENDA (Continued)

**Business Development & Procurement Services** (Continued)

4. Authorize a three-year master agreement for fire-fighting foam for Fire-Rescue - Casco Industries, Inc., lowest responsible bidder of three - Not to exceed \$1,704,473 - Financing: Current Funds
5. Authorize Supplemental Agreement No. 1 to increase the service contract with AAF-McQuay, Inc. dba McQuay International for centrifugal chiller maintenance at the Kay Bailey Hutchison Convention Center Dallas - Not to exceed \$101,503, from \$913,580 to \$1,015,083 - Financing: Convention and Event Services Current Funds (subject to appropriations)

**City Attorney's Office**

6. Authorize settlement of the lawsuit styled The Estate of Yolanda Guzman et al. v. City of Dallas and Oncor Electric Delivery Company LLC, Cause No. DC-11-11338-E - Not to exceed \$400,000 - Financing: Current Funds

**Office of Financial Services**

7. Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to the Airports Council International - North America in the amount of \$55,000, Dallas Regional Mobility Coalition in the amount of \$50,000, Gartner, Inc. (IT Executives and Leaders) in the amount of \$90,681, North Central Texas Council of Governments in the amount of \$120,742, North Texas Commission in the amount of \$91,020, The Steering Committee of Cities Served by Oncor in the amount of \$131,635, Texas Coalition of Cities For Utility Issues in the amount of \$52,654, Texas Municipal League in the amount of \$53,083, Water Environment Research Foundation in the amount of \$83,374, and Water Research Foundation in the amount of \$246,959 - Total not to exceed \$975,148 - Financing: Current Funds (\$589,815), Aviation Current Funds (\$55,000) and Water Utilities Current Funds (\$330,333)

**Office of Management Services**

8. Authorize the acceptance of a grant from the U.S. Department of Homeland Security under the Emergency Management Performance Grant Program for the period October 1, 2012 through March 31, 2014 - Not to exceed \$214,711 - Financing: U.S. Department of Homeland Security Grant Funds

CONSENT AGENDA (Continued)**Police**

9. Authorize **(1)** an application for and acceptance of the City of Dallas NIBIN Program from the Office of the Governor, Criminal Justice Division, to provide aid in finding crime linkages and provide additional resources to the National Integrated Ballistic Information Network Program for the period September 1, 2013 through August 31, 2014; **(2)** an In-kind contribution in the amount of \$19,514; and **(3)** execution of the grant agreement - Not to exceed \$99,514 - Financing: Office of the Governor, Criminal Justice Division Grant Funds (\$80,000) and In-Kind Contributions (\$19,514)
10. Authorize an agreement between the North Central Texas Council of Governments and the City of Dallas, Dallas Police Department to facilitate training as part of the North Central Texas Urban Shield Regional Exercise at the Dallas Independent School District building located at 1403 Corinth Street, Dallas, Texas for the period November 9-10, 2013 - Financing: No cost consideration to the City

**Public Works Department**

11. Authorize a contract with Gilbert May Inc. dba Phillips/May Corp., best value proposer of three, for the construction of interior improvements to C Lobby and Prefunction, Lower C Meeting Rooms, C Ballroom, and C/D/E associated restrooms at the Kay Bailey Hutchison Convention Center Dallas - Not to exceed \$11,879,291 - Financing: 2009 Convention Center Revenue Bonds
12. Authorize Supplemental Agreement No. 12 to the professional services contract with HNTB Corporation to provide full time, on-site construction administration and construction observation services to facilitate a schedule change to accommodate the Federal Aviation Administration's flight check schedule for the Runway Safety Area Enhancement Project, Phase 2 and to allow for the changes to the project schedules for the Taxiway "A", "B", and "D" Reconstruction and Taxiway "A", "B", and "M" Shoulder Reconstruction Projects at Dallas Love Field - Total not to exceed \$233,426, from \$4,474,029 to \$4,707,455 - Financing: Aviation Capital Construction Funds (\$53,893) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$179,533)

**Sanitation Services**

13. Authorize a three year professional services contract with Terracon Consultants, Inc. to conduct monthly, quarterly and annual environmental compliance monitoring, as well as routine operations and maintenance of the Landfill Gas Collection (LFG) system at the Deepwood and Loop 12 Landfill sites located at 6500 Great Trinity Forest (formerly 6500 South Highway Loop 12) - Not to exceed \$688,000 - Financing: Current Funds (subject to annual appropriations)

CONSENT AGENDA (Continued)**Street Services**

14. Authorize **(1)** the receipt and deposit of funds in the amount of \$22,680 from QuikTrip Corporation for material, equipment and labor provided by the City for the traffic signal upgrade at Lloyd Drive and Preston Road (SH 289); and **(2)** an increase in appropriations in the amount of \$22,680 in the Capital Projects Reimbursement Fund - Not to exceed \$22,680 - Financing: Capital Projects Reimbursement Funds
15. Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation (TxDOT) to provide cost reimbursement for labor, material and equipment to be supplied by the City for costs incurred while operating and assisting with the maintenance of traffic signals impacted by TxDOT's Horseshoe Project (list attached); and **(2)** the establishment of appropriations in the amount of \$397,275 in the Texas Department of Transportation Grant Fund - Total not to exceed \$397,275 - Financing: Texas Department of Transportation Grant Funds

**Sustainable Development and Construction**

16. Authorize acquisition from Raymondo M. Garcia, Maria M. Garcia aka Maria M. Fuller and Florentino J. Hernandez, of approximately 15,000 square feet of land located near the intersection of San Leon Avenue and Glencliff Drive for the San Leon Avenue Project - Not to exceed \$8,000 (\$6,000, plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds
17. Authorize a moving and related expenses-nonresidential payment for Tip Top Big Dog Inc. dba Tini Bar, who has been displaced as a direct result of real property acquisition of the property at 2224 Elm Street, to be used in conjunction with the Central Expressway from Commerce to Live Oak Realignment Project - Not to exceed \$77,021 - Financing: 2003 Bond Funds
18. An ordinance abandoning a portion of Pavillion Street to Twin Lakes Plaza, L.P., the abutting owner, containing a total of approximately 3,974 square feet of land, located near its intersection with Flora Street, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee

**Trinity Watershed Management**

19. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the lawsuit styled City of Dallas v. Ike Stearn et al, Cause No. CC-13-02713-D, pending in County Court at Law No. 4, for acquisition from Ike Stearn, et al, of 6,145 square feet of land located near the intersection of Stokes Street and Hull Avenue for the South Central/Joppa Gateway Project; and **(2)** settlement of the lawsuit for an amount not to exceed the amount of the Special Commissioners award - Not to exceed \$5,525 (\$3,525 being the amount of the award, plus closing costs and title expenses not to exceed \$2,000); an increase of \$1,375 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

CONSENT AGENDA (Continued)**Trinity Watershed Management (Continued)**

20. Authorize **(1)** an increase in the contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, to provide for signage; fire suppression system, fire lines, fire alarm systems, and emergency lighting at the covered arenas; communications conduits; switchgear for kitchen equipment; and revised domestic water lines at the Texas Horse Park, in the amount of \$581,700; **(2)** the receipt and deposit of funds from the Texas Horse Park Fund of The Dallas Foundation in the amount of \$350,000; and **(3)** the establishment of appropriations in the Texas Horse Park Fund of The Dallas Foundation in the amount of \$350,000 - Total not to exceed \$581,700, from \$10,683,100 to \$11,264,800 - Financing: General Obligation Commercial Paper Funds (\$481,700) and the Dallas Foundation Grant Funds (\$100,000)

**Water Utilities**

21. Authorize a Project Utility Adjustment Agreement with Pegasus Link Constructors, LLC for water and wastewater main relocations and adjustments in Interstate Highway 30 (Dallas-Fort Worth Turnpike) from Sylvan Avenue to Lamar Street and in Interstate Highway 35E (Stemmons Freeway) from 6th Street to Commerce Street (Horseshoe Project) - Not to exceed \$382,812 - Financing: Water Utilities Current Funds (to be reimbursed by Pegasus Link Constructors, LLC)
22. Authorize an increase in the contract with Archer Western Construction, LLC for additional work associated with the rehabilitation of the Carrollton, California Crossing, and Frasier Dams - Not to exceed \$877,518, from \$3,646,050 to \$4,523,568 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION**City Secretary's Office**

23. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

## DESIGNATED PUBLIC SUBSIDY MATTERS

**Housing/Community Services**

24. Authorize an amendment to Resolution No.13-0458, previously approved on February 27, 2013, to support an application for 4% low income housing tax credits (LIHTC) to the Texas Department of Housing & Community Affairs (TDHCA) for the proposed project to be located at 4623 South Lancaster Road, for a multifamily residential development for low income families - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS**Sustainable Development and Construction**ZONING CASES - CONSENT

25. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and South Buckner Boulevard  
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions  
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions  
Z123-279(WE)
26. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1853 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on property zoned RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the northeast corner of Royal Lane and North Stemmons Freeway  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions  
Z123-281(AB)
27. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1871 for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Holcomb Road  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions  
Z123-297(WE)
28. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Elm Street, west of North Crowds Street  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions  
Z123-299(WE)



PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

**Sustainable Development and Construction (Continued)**

ZONING CASES - CONSENT (Continued)

29. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the Tract 6a Development Plan and an ordinance granting a Specific Use Permit for an underground walkway and on property zoned Planned Development District No. 287 on the southeast line of Garland Road, north of Lakeland Drive  
Recommendation of Staff and CPC: Approval of an amendment to the Tract 6a Development Plan and approval of a Specific Use Permit for permanent period, subject to a site plan and conditions  
Z123-319(MW)
30. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1719 for an office use on property zoned Area 2 within Planned Development District No. 465, the Arlington Park Special Purpose District on the south side of Record Crossing Road, west of Yellowstone Road  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to revised conditions  
Z123-336(JH)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

31. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1863 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the north side of Scyene Road, west of Jim Miller Road  
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to staff conditions  
Z123-282(JH)  
Note: This item was considered by the City Council at a public hearing on September 25, 2013, and was taken under advisement until October 8, 2013, with the public hearing open
32. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south of Lake June Road, east of Temple Cliff Drive  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions  
Z123-288(WE)  
Note: This item was considered by the City Council at a public hearing on September 25, 2013, and was taken under advisement until October 8, 2013, with the public hearing open

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

## MISCELLANEOUS HEARINGS

**Office of Management Services**

33. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by the City of Dallas and Darling International, Inc. located southwest of the Trinity River, north of Cedar Crest Boulevard and extending southeast to just north of East Overton Road; and an ordinance authorizing support of the issuance of a municipal setting designation to the City of Dallas by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated properties as potable water - Financing: No cost consideration to the City  
Recommendation of Staff: Approval
34. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by CCH Lamar Partners I, L.P. located near the intersection of South Lamar Street and Memorial Drive, and an ordinance authorizing support of the issuance of a municipal setting designation to CCH Lamar Partners I, L.P. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City  
Recommendation of Staff: Approval

**Sustainable Development and Construction**

35. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from the Sam Houston Elementary School required by Section 6-4 of the Dallas City Code to allow a restaurant with a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate [Ai Sushi Grill] on property fronting the southwest line of Cedar Springs Road, and the northwest line of Knight Street - Financing: No cost consideration to the City

**City of Dallas Signalized Intersections Impacted by the Horseshoe Project**  
 Agenda Item # 15

City will provide traffic signal equipment (traffic signal cabinets, controllers, etc) and signage (street name blades), and/or provide emergency and other maintenance or assistance as needed, coordinate traffic control, and monitor and adjust traffic signal timings at the following locations:

<u>Major Thoroughfare</u>	<u>Cross Street</u>	<u>Mapsco</u>	<u>Council District</u>
IH30 Frwy.	Sylvan Ave.	44T	1, 6
IH30 Frwy.	Beckley Ave.	44V	1, 6
IH30 Frwy.	Riverfront Blvd.*	45S	1, 6
NB IH35E Frontage Rd.	Reunion Blvd.	45N	2
SB IH35E exit ramp	Riverfront Blvd. (Fuel City)	45T	1
SB IH35E exit ramp	Riverfront Blvd.*	45T	1
SB IH35E entrance ramp	Riverfront Blvd.*	44S	1
NB IH35E exit ramp	Riverfront Blvd./Cadiz St.	45T	1, 2
IH35E Frwy.	Colorado Blvd.*	45W	1, 4
Colorado Blvd.	Jefferson Blvd.	45W	1
Lamar St.	Canton St. (WB IH30)	45T	2

\*Planned temporary and/or new permanent signalized intersection.

City will monitor and adjust traffic signal timings as needed at the following locations:

<u>Major Thoroughfare</u>	<u>Cross Street</u>	<u>Mapsco</u>	<u>Council District</u>
Irving Blvd.	Medical District Dr.	44B	6
Irving Blvd.	Wycliff Ave.	44G	6
Irving Blvd.	Manufacturing St.	44G	6
Irving Blvd.	Turtle Creek Blvd.	44G	6
Irving Blvd.	Oak Lawn Ave.	44H	6
Riverfront Blvd.	Irving Blvd.	44H	6
Riverfront Blvd.	Howell St.	44M	6
Riverfront Blvd.	Continental Blvd.	45J	6
Riverfront Blvd.	Justice Center	45N	6
Riverfront Blvd.	Commerce St.	45N	6
Riverfront Blvd.	Reunion Blvd.	45N	6

**City of Dallas Signalized Intersections Impacted by the Horseshoe Project**  
 Agenda Item # 15 (Continued)

City will monitor and adjust traffic signal timings as needed at the following locations:

<u>Major Thoroughfare</u>	<u>Cross Street</u>	<u>Mapsco</u>	<u>Council District</u>
Riverfront Blvd.	Cadiz St.	45T	1, 2
Riverfront Blvd.	Corinth St.	45Y	2
Sylvan Ave.	Sylvan Ave. IH30	44T	6
Sylvan Ave.	Fort Worth Ave.	44T	6
Sylvan Ave.	W. Commerce St.	44P	6
Sylvan Ave.	Singleton Blvd.	44P	6
Sylvan Ave.	Nomas St.	44K	6
Harry Hines Blvd.	Wycliff Ave.	44D	2
Harry Hines Blvd.	Vagas St.	44D	2
Harry Hines Blvd.	Houston St.	45A	2
Harry Hines Blvd.	Wolf St.	45E	2
Harry Hines Blvd.	Payne St.	45F	2
Harry Hines Blvd.	Moody St.	45F	2, 14
Harry Hines Blvd.	Olive St.	45F	14
Akard St.	Cedar Springs/St. Paul	45K	14
Akard St.	McKinney Ave.	45K	14
Akard St.	Munger Ave.	45K	14
Field St.	Olive St.	45F	2, 14
Field St.	Cedar Springs Rd.	45K	14
Field St.	Griffin Ave.	45K	14
Field St.	Ross Ave.	45K	14
Griffin St.	Ross Ave.	45K	14
Akard St.	Young St.	45P	2
Akard St.	Canton St.	45Q	2
Akard St.	Cadiz St.	45Q	2
Akard St.	Griffin St. West	45Q	2
Akard St.	Griffin St. East	45U	2
Akard St.	Corinth St.	45V	2
Illinois Ave.	Beckley Ave.	54V	4
Illinois Ave.	Marsalis Ave.	55S	4
Illinois Ave.	Ewing Ave.	55S	4
Illinois Ave.	Denley Dr.	55T	4
Illinois Ave.	Corinth Street Rd.	55T	4
Corinth Street Rd.	Illinois Station	55T	4
Corinth Street Rd.	Stella Ave.	55P	4
Corinth Street Rd.	Morrell Ave.	55F	4
Corinth Street Rd.	Clarendon Dr.	55B	4
Corinth Street Rd.	8 <sup>th</sup> St.	55B	4

**City of Dallas Signalized Intersections Impacted by the Horseshoe Project**  
 Agenda Item # 15 (Continued)

City will monitor and adjust traffic signal timings as needed at the following locations:

<u>Major Thoroughfare</u>	<u>Cross Street</u>	<u>Mapsco</u>	<u>Council District</u>
Corinth St.	Cockrell Ave.	45U	2
Corinth St.	Lamar St.	45U	2
Zang Blvd.	Clarendon Dr.	54M	1
Zang Blvd.	Yarmouth St.	54M	1
Zang Blvd.	12 <sup>th</sup> St.	54H	1
Zang Blvd.	Jefferson Blvd.	54H	1
Zang Blvd.	10 <sup>th</sup> St.	54H	1
Zang Blvd.	Davis St.	54D	1
Zang Blvd.	Beckley Ave.	44Z	1
Zang Blvd.	Colorado Blvd.	44Z	1
Beckley Ave.	Clarendon Dr.	54M	1
Beckley Ave.	12 <sup>th</sup> St.	54H	1
Beckley Ave.	Jefferson Blvd.	54H	1
Beckley Ave.	Davis St.	54D	1
Beckley Ave.	Colorado Blvd.	44Z	1
Beckley Ave.	Methodist Medical Ctr.	44Z	1
Beckley Ave.	Greenbriar Ln.	44V	1
Beckley Ave.	Commerce St.	44R	6
Beckley Ave.	Singleton Blvd.	44R	6
Gulden Ln.	Singleton Blvd	44Q	6
Singleton Blvd.	Vilbig St.	44N	6
Singleton Blvd.	Hampton Rd.	43J	6
Hampton Rd.	W. Commerce St.	43R	6
Commerce St.	Fort Worth Ave.	44Q	6
Commerce St.	Court House	45N	6
Commerce St.	SB IH35E Frontage Rd.	45N	6
Marsalis Ave.	Jefferson Blvd.	55A	1
Marsalis Ave.	8 <sup>th</sup> St.	55A	1
Marsalis Ave.	Colorado Blvd.	45W	1
Jefferson Blvd.	8 <sup>th</sup> St.	55A	1
Clarendon Dr.	Ewing Ave.	55E	4
Continental Ave.	Victory Ave.	45J	2
Continental Ave.	Houston St.	45J	2, 14
Lamar St.	Wood St.	45P	2, 14
Lamar St.	Young St.	45P	2
Lamar St.	Ceremonial Dr.	45P	2
Lamar St.	Memorial Dr.	45P	2
Lamar St.	Canton St.	45T	2

**City of Dallas Signalized Intersections Impacted by the Horseshoe Project**  
 Agenda Item # 15 (Continued)

City will monitor and adjust traffic signal timings as needed at the following locations:

<u>Major Thoroughfare</u>	<u>Cross Street</u>	<u>Mapsco</u>	<u>Council District</u>
Lamar St.	Cadiz St.	45T	2
Lamar St.	Belleview St.	45U	2
Griffin St.	Young St.	45P	2
Griffin St.	Ceremonial Dr.	45P	2
Griffin St	Memorial Dr.	45P	2
Griffin St.	Canton St.	45P	2
Griffin St.	Cadiz St.	45Q	2
Houston St.	McKinney Ave.	45J	2, 14
Houston St.	Ross Ave.	45J	2, 14
Houston St.	Pacific Ave.	45N	2, 14
Houston St.	Elm St.	45N	2, 14
Houston St.	Main St.	45N	2, 14
Houston St.	Commerce St.	45N	2, 14
Houston St.	Jackson St.	45P	2, 14
Houston St	Wood St/Reunion Blvd. W	45P	2, 14
Houston St.	Young St/Reunion Blvd. E	45P	2, 14
Reunion Blvd. E	Hyatt/Hotel St.	45N	2
Reunion Blvd. W	Hyatt/Hotel St.	45N	2
Young St.	Record St.	45P	2
Young St.	Market St.	45P	2
Wood St.	Record St.	45P	2, 14
Wood St.	Market St.	45P	2, 14

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

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.





**AGENDA DATE**      October 8, 2013

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of September 25, 2013 City Council Meeting
2			All	C	PBD, FIR, CCS, POL, WTR, PKR	\$5,068,628.74	0.00%	0.00%	Authorize a three-year master agreement for emergency and non-emergency medical supplies
3			All	C	PBD, WTR	\$284,912.00	13.92%	0.00%	Authorize a three-year master agreement for fiberglass manholes, manhole inserts and wastewater access chambers
4			All	C	PBD, FIR	\$1,704,472.60	100.00%	0.00%	Authorize a three-year master agreement for fire-fighting foam for Fire-Rescue
5			2	C	PBD, CES	\$101,502.31	100.00%	0.00%	Authorize Supplemental Agreement No. 1 to increase the service contract with AAF-McQuay, Inc. dba McQuay International for centrifugal chiller maintenance at the Kay Bailey Hutchison Convention Center Dallas
6			N/A	C	ATT, STS	\$400,000.00	NA	NA	Authorize settlement of the lawsuit styled The Estate of Yolanda Guzman et al. v. City of Dallas and Oncor Electric Delivery Company LLC, Cause No. DC-11-11338-E
7			N/A	C	OFS, AVI, CIS, ECO, PWT, WTR	\$975,147.65	NA	NA	Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to the Airports Council International
8			All	C	MGT, OEM	GT	NA	NA	Authorize the acceptance of a grant from the U.S. Department of Homeland Security under the Emergency Management Performance Grant Program for the period October 1, 2012 through March 31, 2014
9			All	C	POL	GT	NA	NA	Authorize an application for and acceptance of the City of Dallas NIBIN Program from the Office of the Governor, Criminal Justice Division, to provide aid in finding crime linkages and provide additional resources to the National Integrated Ballistic Information Network Program for the period September 1, 2013 through August 31, 2014; an In-kind contribution; and execution of the grant agreement
10			2	C	POL	NC	NA	NA	Authorize an agreement between the North Central Texas Council of Governments and the City of Dallas, Dallas Police Department to facilitate training as part of the North Central Texas Urban Shield Regional Exercise at the Dallas Independent School District building located at 1403 Corinth Street, Dallas, Texas for the period November 9-10, 2013
11			2	C	PBW, CES	\$11,879,291.00	75.53%	46.87%	Authorize a contract with Gilbert May Inc. dba Phillips/May Corp., best value proposer of three, for the construction of interior improvements to C Lobby and Prefunction, Lower C Meeting Rooms, C Ballroom, and C/D/E associated restrooms at the Kay Bailey Hutchison Convention Center Dallas
12			2	C	PBW, AVI	\$53,893.00	17.64%	43.97%	Authorize Supplemental Agreement No. 12 to the professional services contract with HNTB Corporation to provide full time, on-site construction administration and construction observation services to facilitate a schedule change to accommodate the Federal Aviation Administration's flight check schedule for the Runway Safety Area Enhancement Project, Phase 2 and to allow for the changes to the project schedules for the Taxiway "A", "B", and "D" Reconstruction and Taxiway "A", "B", and "M" Shoulder Reconstruction Projects at Dallas Love Field
13			8	C	SAN	\$688,000.00	99.81%	4.65%	Authorize a three year professional services contract with Terracon Consultants, Inc. to conduct monthly, quarterly and annual environmental compliance monitoring, as well as routine operations and maintenance of the Landfill Gas Collection (LFG) system at the Deepwood and Loop 12 Landfill sites located at 6500 Great Trinity Forest (formerly 6500 South Highway Loop 12)
14			12	C	STS	GT	NA	NA	Authorize the receipt and deposit of funds from QuikTrip Corporation for material, equipment and labor provided by the City for the traffic signal upgrade at Lloyd Drive and Preston Road (SH 289)
15			1, 2, 4, 6, 14	C	STS	GT	NA	NA	Authorize an Interlocal Agreement with the Texas Department of Transportation (TxDOT) to provide cost reimbursement for labor, material and equipment to be supplied by the City for costs incurred while operating and assisting with the maintenance of traffic signals impacted by TxDOT's Horseshoe Project
16			5	C	DEV, PBW	\$8,000.00	NA	NA	Authorize acquisition from Raymondo M. Garcia, Maria M. Garcia aka Maria M. Fuller and Florentino J. Hernandez, of approximately 15,000 square feet of land located near the intersection of San Leon Avenue and Glencliff Drive for the San Leon Avenue Project
17			14	C	DEV, PBW	\$77,021.00	NA	NA	Authorize a moving and related expenses-nonresidential payment for Tip Top Big Dog Inc. dba Tini Bar, who has been displaced as a direct result of real property acquisition of the property at 2224 Elm Street, to be used in conjunction with the Central Expressway from Commerce to Live Oak Realignment Project
18			14	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a portion of Pavillion Street to Twin Lakes Plaza, L.P., the abutting owner, containing a total of approximately 3,974 square feet of land, located near its intersection with Flora Street, and authorizing the quitclaim

**AGENDA DATE**      October 8, 2013

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
19			7	C	TWM, ATT, PKR	\$5,524.82	NA	NA	Authorize the deposit of the amount awarded by the Special Commissioners in the lawsuit styled City of Dallas v. Ike Stearn et al, Cause No. CC-13-02713-D, pending in County Court at Law No. 4, for acquisition from Ike Stearn, et al, of 6,145 square feet of land located near the intersection of Stokes Street and Hull Avenue for the South Central/Joppa Gateway Project; and settlement of the lawsuit for an amount not to exceed the amount of the Special Commissioners award
20			7	C	TWM, PKR	\$481,700.00	73.73%	43.06%	Authorize an increase in the contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, to provide for signage; fire suppression system, fire lines, fire alarm systems, and emergency lighting at the covered arenas; communications conduits; switchgear for kitchen equipment; and revised domestic water lines at the Texas Horse Park; the receipt and deposit of funds from the Texas Horse Park Fund of The Dallas Foundation
21			1, 2, 4, 6	C	WTR	GT	NA	NA	Authorize a Project Utility Adjustment Agreement with Pegasus Link Constructors, LLC for water and wastewater main relocations and adjustments in Interstate Highway 30 (Dallas-Fort Worth Turnpike) from Sylvan Avenue to Lamar Street and in Interstate Highway 35E (Stemmons Freeway) from 6th Street to Commerce Street (Horseshoe Project)
22			6	C	WTR	\$877,518.00	2.99%	16.74%	Authorize an increase in the contract with Archer Western Construction, LLC for additional work associated with the rehabilitation of the Carrollton, California Crossing, and Frasier Dams
23			N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
24			5	I	HOU	NC	NA	NA	Authorize an amendment to Resolution No.13-0458, previously approved on February 27, 2013, to support an application for 4% low income housing tax credits (LIHTC) to the Texas Department of Housing & Community Affairs (TDHCA) for the proposed project to be located at 4623 South Lancaster Road, for a multifamily residential development for low income families
25			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and South Buckner Boulevard
26			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1853 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on property zoned RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the northeast corner of Royal Lane and North Stemmons Freeway
27			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1871 for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Holcomb Road
28			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Elm Street, west of North Crowds Street
29			9	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the Tract 6a Development Plan and an ordinance granting a Specific Use Permit for an underground walkway and on property zoned Planned Development District No. 287 on the southeast line of Garland Road, north of Lakeland Drive
30			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1719 for an office use on property zoned Area 2 within Planned Development District No. 465, the Arlington Park Special Purpose District on the south side of Record Crossing Road, west of Yellowstone Road
31			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1863 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the north side of Scyene Road, west of Jim Miller Road

**AGENDA DATE**      October 8, 2013

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
32			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south of Lake June Road, east of Temple Cliff Drive
33			4, 7	PH	MGT, OEQ, TWM	NC	NA	NA	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by the City of Dallas and Darling International, Inc. located southwest of the Trinity River, north of Cedar Crest Boulevard and extending southeast to just north of East Overton Road; and an ordinance authorizing support of the issuance of a municipal setting designation to the City of Dallas by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated properties as potable water
34			2	PH	MGT, OEQ	NC	NA	NA	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by CCH Lamar Partners I, L.P. located near the intersection of South Lamar Street and Memorial Drive, and an ordinance authorizing support of the issuance of a municipal setting designation to CCH Lamar Partners I, L.P. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water
35			2	PH	DEV	NC	NA	NA	A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from the Sam Houston Elementary School required by Section 6-4 of the Dallas City Code to allow a restaurant with a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate [Ai Sushi Grill] on property fronting the southwest line of Cedar Springs Road, and the northwest line of Knight Street

**TOTAL                    \$22,605,611.12**







**AGENDA ITEM # 2**

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

**AGENDA DATE:** October 8, 2013

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Fire  
Code Compliance  
Police  
Water Utilities  
Park & Recreation

**CMO:** Jeanne Chipperfield, 670-7804  
Charles Cato, 670-9194  
Ryan S. Evans, 671-9837  
Forest E. Turner, 670-3390  
Willis Winters, 670-4071

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year master agreement for emergency and non-emergency medical supplies – Bound Tree Medical, LLC in the amount of \$3,805,786, MMS A Medical Supply Company in the amount of \$352,829, Kentron Health Care, Inc. in the amount of \$390,033, Guardian EMS Products in the amount of \$346,417, Sovereign Medical, Inc. in the amount of \$155,310 and Henry Schein, Inc. in the amount of \$18,254, lowest responsible bidders of ten - Total not to exceed \$5,068,629 - Financing: Current Funds (\$4,988,327) and Water Utilities Current Funds (\$80,302)

**BACKGROUND**

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide emergency and non-emergency medical supplies to all rescues and paramedic engines used to render emergency medical treatment throughout the City.

## **BACKGROUND (Continued)**

Fire-Rescue stores emergency and non-emergency medical supplies at the EMS Warehouse, located at 5000 Dolphin, Rd. and distributes these items to forty-six rescues and fifty-six paramedic engines at fire stations throughout the City. Each vehicle stores a determined amount of each item used to render aid. In fiscal year 2011-12, Fire-Rescue responded to approximately 294,000 emergency calls.

This agreement will provide basic medical supplies on an as needed basis for departments such as Fire-Rescue, Police, Water Utilities, Park and Recreation and Code Compliance.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 776 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

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

On January 28, 2009, City Council authorized a thirty-six-month master agreement for emergency medical exam gloves by Resolution No. 09-0337.

On June 24, 2009, City Council authorized a thirty-six-month master agreement for the purchase of medical supplies for the Women, Infants, and Children Program by Resolution No. 09-1610.

On February 10, 2010, City Council authorized a three-year master agreement for medical supplies by Resolution No. 10-0444.

On May 22, 2013, City Council authorized an increase to the master agreement for medical supplies by Resolution No. 13-0807.

## **FISCAL INFORMATION**

\$4,988,326.54 - Current Funds

\$ 80,302.20 - Water Utilities Current Funds



## **M/WBE INFORMATION**

152 - Vendors contacted  
151 - No response  
    1 - Response (Bid)  
    0 - Response (No bid)  
    1 - Successful

776 M/WBE and Non-M/WBE vendors were contacted

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

## **ETHNIC COMPOSITION**

### **Bound Tree Medical, LLC**

White Male	83	White Female	65
Black Male	2	Black Female	8
Hispanic Male	1	Hispanic Female	0
Other Male	2	Other Female	1

### **MMS A Medical Supply Company**

White Male	77	White Female	93
Black Male	12	Black Female	3
Hispanic Male	3	Hispanic Female	0
Other Male	0	Other Female	0

### **Kentron Health Care, Inc.**

White Male	1	White Female	1
Black Male	0	Black Female	1
Hispanic Male	2	Hispanic Female	0
Other Male	1	Other Female	0

### **Guardian EMS Products**

White Male	5	White Female	3
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	1
Other Male	0	Other Female	0

**ETHNIC COMPOSITION (Continued)**

Sovereign Medical, Inc.

White Male	13	White Female	8
Black Male	1	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

Henry Schein, Inc.

White Male	14	White Female	7
Black Male	0	Black Female	1
Hispanic Male	0	Hispanic Female	1
Other Male	1	Other Female	0

**BID INFORMATION**

The following bids were received from solicitation number BT1308 and opened on August 1, 2013. This master agreement is being awarded to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Bound Tree Medical, LLC	5000 Tuttle Crossing Blvd. Dublin, OH 43016	Multiple groups
*MMS A Medical Supply Company	13400 Lakefront Dr. Earth City, MO 63045	Multiple groups
*Kentron Health Care, Inc.	701 Central Ave. West Springfield, TN 37172	Multiple groups
*Guardian EMS Products	1384 Poinsettia Ave. Suite D Vista, CA 92081	Multiple groups
*Sovereign Medical, Inc.	620-H Valley Forge Rd. Hillsborough, NC 27278	Multiple groups
*Henry Schein, Inc.	140 Crouch Commercial Ct. Irmo, SC 29063	Multiple groups

**BID INFORMATION (Continued)**

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
Criterion Services, LLC	4710 Shorewood Dr. Arlington, TX 76016	Multiple groups
Quadmed, Inc.	11210-1 Philips Industrial Blvd. Jacksonville, FL 32256	Non-responsive**
Infused Medical Technology, Inc.	4559 S. Westmoreland Rd. Dallas, TX 75237	Non-responsive**
Practical A/R Solutions	2300 Valley View Ln. Suite 107 Dallas, TX 75234	Non-responsive**

\*\*Quadmed, Inc., Infused Medical Technology, Inc. and Practical A/R Solutions were deemed non-responsive due to not meeting specifications.

**OWNERS**

**Bound Tree Medical, LLC**

Jeff Prestel, President  
Andres Love, Vice President

**MMS A Medical Supply Company**

Gary Reeve, President  
Tom Harris, Vice President

**Kentron Health Care, Inc.**

Nari Sadarangani, President

**Guardian EMS Products**

Brian Martin, President  
Frank Hartsxell, Vice President

**Sovereign Medical, Inc.**

Wayne Grooters, President  
Brenda Grooters, Vice President

**OWNERS (Continued)**

**Henry Schein, Inc.**

Stanley Bergmon, President

Jesse A Garringer, Vice President

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

**PROJECT:** Authorize a three-year master agreement for emergency and non-emergency medical supplies – Bound Tree Medical, LLC in the amount of \$ 3,805,786, MMS A Medical Supply Company in the amount of \$352,829, Kentron Health Care, Inc. in the amount of \$390,033, Guardian EMS Products in the amount of \$346,417, Sovereign Medical, Inc. in the amount of \$155,310 and Henry Schein, Inc. in the amount of \$18,254, lowest responsible bidders of ten - Total not to exceed \$ 5,068,629 - Financing: Current Funds (\$4,988,327) and Water Utilities Current Funds (\$80,302)

Bound Tree Medical, LLC, MMS A Medical Supply Company, Kentron Health Care, Inc., Guardian EMS Products, Sovereign Medical, Inc. and Henry Schein, Inc. are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

**PROJECT CATEGORY:** Goods

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$5,068,628.74	100.00%
<b>TOTAL CONTRACT</b>	<b>\$5,068,628.74</b>	<b>100.00%</b>

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

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

None

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

None

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

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

October 8, 2013

**WHEREAS**, on January 28, 2009, City Council authorized a thirty-six-month master agreement for emergency medical exam gloves by Resolution No. 09-0337; and,

**WHEREAS**, on June 24, 2009, City Council authorized a thirty-six-month master agreement for the purchase of medical supplies for the Women, Infants, and Children Program by Resolution No. 09-1610; and,

**WHEREAS**, on February 10, 2010, City Council authorized a three-year master agreement for medical supplies by Resolution No. 10-0444; and,

**WHEREAS**, on May 22, 2013, City Council authorized an increase in the master agreement for medical supplies for a term of six months by Resolution No. 13-0807;

**NOW, THEREFORE,**

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

**Section 1.** That a master agreement for the purchase of emergency and non-emergency medical supplies is authorized with Bound Tree Medical, LLC (507833) in the amount of \$3,805,786.22, MMS A Medical Supply Company (VC000006016) in the amount of \$352,828.68, Kentron Health Care, Inc. (511353) in the amount of \$390,033.08, Guardian EMS Products (VS0000079696) in the amount of \$346,416.96, Sovereign Medical, Inc. (VS0000055924) in the amount of \$155,310.00 and Henry Schein, Inc. (086006) in the amount of \$18,253.80, for a term of three years in a total amount not to exceed \$5,068,628.74.

**Section 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for emergency and non-emergency medical supplies. If a written contract is required or requested for any or all purchases of emergency and non-emergency medical supplies under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

**Section 3.** That the City Controller is authorized to disburse funds in an amount not to exceed \$5,068,628.74.

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

**AGENDA ITEM # 3**

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

**AGENDA DATE:** October 8, 2013

**COUNCIL DISTRICT(S):** All

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

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

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year master agreement for fiberglass manholes, manhole inserts and wastewater access chambers - L.F. Manufacturing, Inc. in the amount of \$227,122, HD Supply Waterworks, LTD in the amount of \$39,650 and Doug Meadows Co. LLC in the amount of \$18,140, lowest responsible bidders of three - Total not to exceed \$284,912 - Financing: Water Utilities Current Funds

**BACKGROUND**

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide for the purchase of fiberglass manholes, manhole inserts and wastewater access chambers. The manhole structures are used as entry points to underground water and wastewater systems. Access to these areas allow City crew members to monitor and make repairs to underground water and wastewater mains.

On average, City crews replace and/or install 50 manhole structures per year due to aging and slow deterioration of the structure as a result of the corrosive environments within the water and wastewater systems. Replacement of the structures ensures the safety of City crew members.

Manhole structures are also replaced during major construction projects. It is sometimes determined that additional water and wastewater main extensions, wastewater access devices and manholes are needed to accommodate future water and wastewater improvements within a redevelopment project.

## **BACKGROUND (Continued)**

This solicitation was structured in a manner which required bidders to submit a response using unit pricing; this bid resulted in a 14.34% increase over comparable unit prices for the bid awarded in 2010.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 480 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

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

On October 13, 2010, City Council authorized a three-year master agreement for fiberglass manhole structures and accessories that allow access into water and wastewater systems by Resolution No. 10-2557.

## **FISCAL INFORMATION**

\$284,912.00 – Water Utilities Current Funds

## **M/WBE INFORMATION**

85 - Vendors contacted  
85 - No response  
0 - Response (Bid)  
0 - Response (No bid)  
0 - Successful

480 - M/WBE and Non-M/WBE vendors were contacted

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



## **ETHNIC COMPOSITION**

### **L.F. Manufacturing, Inc.**

White Male	52	White Female	8
Black Male	9	Black Female	0
Hispanic Male	76	Hispanic Female	16
Other Male	0	Other Female	0

### **HD Supply Waterworks, LTD**

White Male	10	White Female	2
Black Male	1	Black Female	0
Hispanic Male	2	Hispanic Female	1
Other Male	1	Other Female	0

### **Doug Meadows Co. LLC**

White Male	2	White Female	0
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

## **BID INFORMATION**

The following bids were received from solicitation number BM1328 and were opened on July 18, 2013. This master agreement is being awarded to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
*L.F. Manufacturing, Inc.	5528 E. Hwy. 290 Giddings, TX 78942	Multiple Lines
*HD Supply Waterworks, LTD	4333 Irving Blvd. Dallas, TX 75267	Multiple Lines
*Doug Meadows Co. LLC	1290 S. Willis St., Ste. #214 Abilene, TX 79605	Multiple Lines

## **OWNERS**

### **L.F. Manufacturing, Inc.**

Chris Johnson, President  
Gayle P. Johnston, Vice President  
Kathy Pietsch, Secretary  
Neil Murphy, Treasurer

### **HD Supply Waterworks, LTD**

Jerry Webb, President  
Phillip W. Keipp, Vice President  
Donald W. Clayton, Secretary  
Kurt R. Bruenning, Treasurer

### **Doug Meadows Co. LLC**

Doug Meadows, President  
Mary A. Meadows, Vice President

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

**PROJECT:** Authorize a three-year master agreement for fiberglass manholes, manhole inserts and wastewater access chambers - L.F. Manufacturing, Inc. in the amount of \$227,122, HD Supply Waterworks, LTD in the amount of \$39,650 and Doug Meadows Co. LLC in the amount of \$18,140, lowest responsible bidders of three - Total not to exceed \$284,912 - Financing: Water Utilities Current Funds

L.F. Manufacturing, Inc. and Doug Meadows Co. LLC are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. HD Supply Waterworks, LTD is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

**PROJECT CATEGORY:** Goods

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$39,650.00	13.92%
Total non-local contracts	\$245,262.00	86.08%
<b>TOTAL CONTRACT</b>	<b>\$284,912.00</b>	<b>100.00%</b>

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

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

None

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

None

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

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

October 8, 2013

**WHEREAS**, on October 13, 2010, City Council authorized a three-year master agreement for fiberglass manhole structures and accessories that allow access into water and wastewater systems by Resolution No. 10-2557;

**NOW, THEREFORE,**

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

**Section 1.** That a master agreement for the purchase of fiberglass manholes, manhole inserts and wastewater access chambers is authorized with L.F. Manufacturing, Inc. (500272) in the amount of \$227,122.00, HD Supply Waterworks, LTD (VS0000038746) in the amount of \$39,650.00 and Doug Meadows Co. LLC (358396) in the amount of \$18,140.00 for a term of three years in a total amount not to exceed \$284,912.00.

**Section 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for fiberglass manholes, manhole inserts and wastewater access chambers. If a written contract is required or requested for any or all purchases of fiberglass manholes, manhole inserts and wastewater access chambers under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

**Section 3.** That the City Controller is authorized to disburse funds in an amount not to exceed \$284,912.00.

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

## AGENDA ITEM # 4

<b>KEY FOCUS AREA:</b>	Public Safety
<b>AGENDA DATE:</b>	October 8, 2013
<b>COUNCIL DISTRICT(S):</b>	All
<b>DEPARTMENT:</b>	Business Development & Procurement Services Fire
<b>CMO:</b>	Jeanne Chipperfield, 670-7804 Charles Cato, 670-9194
<b>MAPSCO:</b>	N/A

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### SUBJECT

Authorize a three-year master agreement for fire-fighting foam for Fire-Rescue - Casco Industries, Inc., lowest responsible bidder of three - Not to exceed \$1,704,473 - Financing: Current Funds

### BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide fire-fighting foam used by Fire-Rescue. Fire-fighting foam is used in all fire-fighting activity, except training. Class A foam is specifically formulated for applications such as structural, forestry, landfill and tire fires. Class B foam protects fuel fires from reigniting and will be used at the airports. The third type of fire-fighting foam is Alcohol-Resistant Aqueous Film-Forming Foam to be used on alcohol and gasoline fires. Foam makes the water supply five times more effective at fighting fire than untreated water.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 40.05% increase over comparable unit prices for the bids awarded in 2006.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 109 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone.

**BACKGROUND (Continued)**

Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council - Southwest, to ensure maximum vendor outreach.

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

On September 13, 2006, City Council authorized a thirty-six month master agreement for fire-fighting foam by Resolution No. 06-2418.

**FISCAL INFORMATION**

\$1,704,472.60 - Current Funds

**M/WBE INFORMATION**

- 11 - Vendors contacted
- 11 - No response
- 0 - Response (Bid)
- 0 - Response (No Bid)
- 0 - Successful

109 M/WBE and Non-M/WBE vendors were contacted

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

**ETHNIC COMPOSITION**

Casco Industries, Inc.

White Male	18	White Female	8
Black Male	1	Black Female	0
Hispanic Male	1	Hispanic Female	1
Other Male	0	Other Female	0

**BID INFORMATION**

The following bids were received from solicitation number BY1348 and opened on August 22, 2013. This master agreement is being awarded by group to the lowest responsive and responsible bidder. Information regarding this solicitation is available upon request.

\*Denotes successful bidder

**BID INFORMATION (Continued)**

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Casco Industries, Inc.	1517 Carrier Pkwy., Ste. 118 Grand Prairie, TX 75058	Multiple groups
Tyco Fire Products - Chemguard	204 S. 6th Ave. Mansfield, TX 76063	Multiple groups
ICI Performance Products LP	10667 Jersey Blvd. Rancho Cucamonga, CA 91730	Multiple groups

**OWNER**

**Casco Industries, Inc.**

Robert Douglas Schaumburg, President  
Polly Ebarb, Vice President  
Coleman Brown, Secretary

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

**PROJECT:** Authorize a three-year master agreement for fire-fighting foam for Fire-Rescue - Casco Industries, Inc., lowest responsible bidder of three - Not to exceed \$1,704,473 - Financing: Current Funds

Casco Industries, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

**PROJECT CATEGORY:** Goods

### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,704,472.60	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$1,704,472.60</b>	<b>100.00%</b>

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

#### Local Contractors / Sub-Contractors

None

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

None

### TOTAL M/WBE CONTRACT PARTICIPATION

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



October 8, 2013

**WHEREAS**, on September 13, 2006, City Council authorized a thirty-six month master agreement for fire-fighting foam by Resolution No. 06-2418;

**NOW, THEREFORE,**

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

**Section 1.** That a master agreement for the purchase of fire-fighting foam for Fire-Rescue is authorized with Casco Industries, Inc. (082798) for a term of three years in an amount not to exceed \$1,704,472.60.

**Section 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for fire-fighting foam for Fire-Rescue. If a written contract is required or requested for any or all purchases of fire-fighting foam for Fire-Rescue under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

**Section 3.** That the City Controller is authorized to disburse funds in an amount not to exceed 1,704,472.60.

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



**AGENDA ITEM # 5**

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

**AGENDA DATE:** October 8, 2013

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Business Development & Procurement Services  
Convention and Event Services

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

**MAPSCO:** N/A

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**SUBJECT**

Authorize Supplemental Agreement No. 1 to increase the service contract with AAF-McQuay, Inc. dba McQuay International for centrifugal chiller maintenance at the Kay Bailey Hutchison Convention Center Dallas - Not to exceed \$101,503, from \$913,580 to \$1,015,083 - Financing: Convention and Event Services Current Funds (subject to appropriations)

**BACKGROUND**

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for goods and services, for a specific term, which are ordered on an as needed basis.

This increase of funding to the current service contract will continue to provide uninterrupted controlled environmental conditions for the visitors, patrons, and staff at the Kay Bailey Hutchison Convention Center Dallas until the scope of work for a new master agreement is completed. The contracted funds were depleted prematurely due to unanticipated needs.

Reliable chiller operation is imperative to provide air conditioning comfort to guests and patrons while visiting the Kay Bailey Hutchison Convention Center Dallas. The Kay Bailey Hutchison Convention Center Dallas uses 14 chillers that individually contribute to the controlled climate within the facility and vary in age from 2 to 25 years. This Supplemental Agreement will continue the full service contract which includes warranty repairs, preventative maintenance, scheduled maintenance and repairs.

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

On January 14, 2009, City Council authorized a sixty-month service contract for centrifugal chiller maintenance at the Convention Center and a service contract to remove and replace the cooling tower at the White Rock Pump Station by Resolution No. 09-0158.

**FISCAL INFORMATION**

\$101,502.31 - Convention and Event Services Current Funds (subject to appropriations)

**ETHNIC COMPOSITION**

AAF-McQuay, Inc. dba McQuay International

White Male	22	White Female	3
Black Male	1	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

**OWNER**

**AAF-McQuay, Inc. dba McQuay International**

Katsuhiko Takagi, President

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

**PROJECT:** Authorize Supplemental Agreement No. 1 to increase the service contract with AAF-McQuay, Inc. dba McQuay International for centrifugal chiller maintenance at the Kay Bailey Hutchison Convention Center Dallas - Not to exceed \$101,503, from \$913,580 to \$1,015,083 - Financing: Convention and Event Services Current Funds (subject to appropriations)

AAF-McQuay, Inc. dba McQuay International is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

**PROJECT CATEGORY:** Other Services

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

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$101,502.31	100.00%
Non-local contracts	\$0.00	0.00%
<b>TOTAL THIS ACTION</b>	<b>\$101,502.31</b>	<b>100.00%</b>

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

#### Local Contractors / Sub-Contractors

None

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

None

### TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>0.00%</b>

October 8, 2013

**WHEREAS**, on January 14, 2009, City Council authorized a sixty-month service contract for centrifugal chiller maintenance at the Convention Center and a service contract to remove and replace the cooling tower at the White Rock Pump Station by Resolution No. 09-0158;

**NOW, THEREFORE,**

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

**Section 1.** That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to increase the service contract with AAF-McQuay, Inc. dba McQuay International (239070) for centrifugal chiller maintenance at the Kay Bailey Hutchison Convention Center Dallas in an amount not to exceed \$101,502.31, increasing the service contract amount from \$913,580.00 to \$1,015,082.31.

**Section 2.** That the City Controller is authorized to disburse funds in an amount not to exceed \$101,502.31 (subject to appropriations).

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

**AGENDA ITEM # 6**

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

**AGENDA DATE:** October 8, 2013

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

**DEPARTMENT:** City Attorney's Office  
Street Services

**CMO:** Warren M.S. Ernst, 670-3491  
Forest E. Turner, 670-3390

**MAPSCO:** N/A

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**SUBJECT**

Authorize settlement of the lawsuit styled The Estate of Yolanda Guzman et al. v. City of Dallas and Oncor Electric Delivery Company LLC, Cause No. DC-11-11338-E - Not to exceed \$400,000 - Financing: Current Funds

**BACKGROUND**

Plaintiffs filed a lawsuit against the City of Dallas seeking compensation for the wrongful deaths of Rafael Valdovinos and Yolanda Guzman on July 13, 2011 as a result of another vehicle colliding with their vehicle. The other vehicle fled the scene. The traffic signal at the intersection where this occurred was not working at the time of the collision due to a power outage. Plaintiffs allege that the City failed to correct the traffic signal malfunction within a reasonable time of receiving notice of the problem. The City and Plaintiffs reached a proposed settlement at a court-ordered mediation. Plaintiffs are represented by Modjarrad & Abusaad Law Firm.

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

Council is scheduled to be briefed in Closed Session on October 2, 2013.

**FISCAL INFORMATION**

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

\$400,000.00 - Current Funds

October 8, 2013

**WHEREAS**, a lawsuit styled The Estate of Yolanda Guzman et al. v. City of Dallas and Oncor Electric Delivery Company LLC, Cause No. DC-11-11338-E, was filed by the plaintiffs seeking compensation from the City of Dallas for the alleged wrongful deaths of Rafael Valdovinos and Yolanda Guzman sustained in an automobile accident on July 13, 2011; and,

**WHEREAS**, the parties have agreed to a settlement of the case whereby the City of Dallas will pay the Plaintiffs and their attorney the amount of \$400,000.00; 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 the settlement in the lawsuit, styled The Estate of Yolanda Guzman et al. v. City of Dallas and Oncor Electric Delivery Company LLC, Cause No. DC-11-11338-E, in an amount not to exceed \$400,000.00 is hereby approved.

**Section 2.** That the City Controller is authorized to pay to Modjarrad & Abusaad Law Firm the amount of \$400,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor MVORM001.

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



**AGENDA ITEM # 7**

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

**AGENDA DATE:** October 8, 2013

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

**DEPARTMENT:** Office of Financial Services  
Aviation  
Communication and Information Services  
Office of Economic Development  
Public Works & Transportation  
Water Utilities

**CMO:** Jeanne Chipperfield, 670-7804  
Theresa O'Donnell, 671-9195  
Jill A. Jordan, P.E., 670-5299  
Ryan S. Evans, 671-9837  
Forest E. Turner, 670-3390

**MAPSCO:** N/A

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**SUBJECT**

Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to the Airports Council International - North America in the amount of \$55,000, Dallas Regional Mobility Coalition in the amount of \$50,000, Gartner, Inc. (IT Executives and Leaders) in the amount of \$90,681, North Central Texas Council of Governments in the amount of \$120,742, North Texas Commission in the amount of \$91,020, The Steering Committee of Cities Served by Oncor in the amount of \$131,635, Texas Coalition of Cities For Utility Issues in the amount of \$52,654, Texas Municipal League in the amount of \$53,083, Water Environment Research Foundation in the amount of \$83,374, and Water Research Foundation in the amount of \$246,959 - Total not to exceed \$975,148 - Financing: Current Funds (\$589,815), Aviation Current Funds (\$55,000) and Water Utilities Current Funds (\$330,333)

**BACKGROUND**

Arrangements with these professional organizations provide the City of Dallas an avenue for greater communication and cooperation with other municipalities and government entities, access to research and information of benefit to the City, as well as providing consultation with other agencies on the needs of the region, state and nation.

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

This item has no prior action.

**FISCAL INFORMATION**

Current Funds - \$589,815

Aviation Current Funds - \$55,000

Water Utilities Current Funds - \$330,332.65

**ETHNIC COMPOSITION**

**Airports Council International - North America**

Hispanic Female	0	Hispanic Male	0
Black Female	9	Black Male	1
White Female	11	White Male	9
Other Female	1	Other Male	2

**Dallas Regional Mobility Coalition**

Hispanic Female	1	Hispanic Male	0
Black Female	1	Black Male	1
White Female	6	White Male	20
Other Female	0	Other Male	1

**Gartner, Inc. (IT Executives and Leaders)**

Hispanic Female	0	Hispanic Male	2
Black Female	2	Black Male	3
White Female	8	White Male	25
Other Female	1	Other Male	0

**North Central Texas Council of Governments**

Hispanic Female	20	Hispanic Male	13
Black Female	26	Black Male	7
White Female	115	White Male	97
Other Female	14	Other Male	12

**North Texas Commission**

Hispanic Female	2	Hispanic Male	5
Black Female	2	Black Male	4
White Female	28	White Male	59
Other Female	1	Other Male	3

**ETHNIC COMPOSITION** (Continued)

The Steering Committee of Cities Served by Oncor

Ethnic Composition not available - staffed by volunteers

Texas Coalition of Cities For Utility Issues

Hispanic Female	0	Hispanic Male	0
Black Female	0	Black Male	0
White Female	1	White Male	0
Other Female	0	Other Male	0

Texas Municipal League

Hispanic Female	1	Hispanic Male	1
Black Female	1	Black Male	0
White Female	19	White Male	6
Other Female	0	Other Male	0

Water Environment Research Foundation

Hispanic Female	0	Hispanic Male	0
Black Female	2	Black Male	0
White Female	15	White Male	9
Other Female	1	Other Male	1

Water Research Foundation

Hispanic Female	3	Hispanic Male	1
Black Female	1	Black Male	0
White Female	23	White Male	10
Other Female	0	Other Male	1



October 8, 2013

**WHEREAS**, arrangements with professional organizations provide the City of Dallas access to research and information of benefit to the City, enhanced communication with other municipalities, opportunities for information exchange and professional development, as well as effective lobbying on matters of municipal interest; and

**WHEREAS**, the City of Dallas continues to benefit through its relationships with these professional organizations;

**Now, Therefore,**

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

**Section 1.** That the City of Dallas continue arrangements with the organizations listed below for fiscal year 2013-14 for the annual fees specified.

**Section 2.** That the City Controller is hereby authorized to encumber and disburse an amount not to exceed \$55,000 from Fund 0130, Dept. AVI, Unit 7710, Object 3340, Encumbrance CT AVIACINA091412, Vendor No. 221216, for payment of annual fees for the Airports Council International - North America.

**Section 3.** That the City Controller is hereby authorized to encumber and disburse an amount not to exceed \$90,681 from Fund 0198, Dept. DSV, Unit 1664, Object 3340, Encumbrance CT DSV14GRTNIT, Vendor No. VS0000018090, for payment of annual fees to Gartner, Inc. for the IT Executives and Leaders.

**Section 4.** That the City Controller is hereby authorized to encumber and disburse an amount not to exceed \$120,742 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1401 Vendor No. 265554, for payment of annual fees for the North Central Texas Council of Governments.

**Section 5.** That the City Controller is hereby authorized to encumber and disburse an amount not to exceed \$53,083 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1402, Vendor 079714, for payment of annual fees for the Texas Municipal League.

**Section 6.** That the City Controller is hereby authorized to encumber and disburse an amount not to exceed \$131,635 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1403 Vendor No. 264729, for payment of annual fees for the Steering Committee of Cities Served by Oncor.

**Section 7.** That the City Controller is hereby authorized to encumber and disburse an amount not to exceed \$52,654 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1404 Vendor 354776, for payment of annual fees for the Texas Coalition of Cities for Utility Issues.

October 8, 2013

**Section 8.** That the City Controller is hereby authorized to encumber and disburse an amount not to exceed \$246,959.15 from Fund 0100, Dept. DWU, Unit 7015, Object 3340, Encumbrance CT DWU7015K1375, Vendor No. VC0000008752, for payment of annual fees for the Water Research Foundation.

**Section 9.** That the City Controller is hereby authorized to encumber and disburse an amount not to exceed \$83,373.50 from Fund 0100, Dept. DWU, Unit 7015, Object 3340, Encumbrance CT DWU7015K1376, Vendor No. 333952, for payment of annual fees for the Water Environment Research Foundation.

**Section 10.** That the City Controller is hereby authorized to encumber and disburse an amount not to exceed \$91,020 from Fund 0001, Dept. ECO, Unit 1164, Object 3340 Encumbrance CT ECO1164L048, Vendor No. 193362, for payment of annual fees for the North Texas Commission.

**Section 11.** That the City Controller is hereby authorized to encumber and disburse an amount not to exceed \$50,000 from Fund 0001, Dept. PBW, Unit 3117, Object 3340 Encumbrance CT PBW3117A001, Vendor No. 265046, for payment of annual fees for the Dallas Regional Mobility Coalition.

**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.

## AGENDA ITEM # 8

**KEY FOCUS AREA:** Public Safety

**AGENDA DATE:** October 8, 2013

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Management Services  
Office of Emergency Management

**CMO:** Jeanne Chipperfield, 670-7804  
Charles Cato, 671-3908

**MAPSCO:** N/A

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### SUBJECT

Authorize the acceptance of a grant from the U.S. Department of Homeland Security under the Emergency Management Performance Grant Program for the period October 1, 2012 through March 31, 2014 - Not to exceed \$214,711 - Financing: U.S. Department of Homeland Security Grant Funds

### BACKGROUND

The Emergency Management Performance Grant (EMPG) is a yearly grant from the U.S. Department of Homeland Security awarded to local emergency management departments to help develop and maintain the capabilities to respond to all-hazards incidents. Funds are used to help cover salaries for OEM staff and other costs associated with running the Emergency Management program.

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

Authorized the acceptance of the FY12 Emergency Management Performance Grant No. 2012-EP-00011 on January 23, 2013, by Resolution No. 13-0249.

Authorized the acceptance of the FY11 Emergency Management Performance Grant No. 2011-EP-00046 on January 25, 2012, by Resolution No. 12-0345.

Authorized the acceptance of the FY10 Emergency Management Performance Grant No. 2010-EP-E10-0005 on December 8, 2010, by Resolution No. 10-3061.

### FISCAL INFORMATION

\$214,710.80 – U.S. Department of Homeland Security Grant Funds

October 8, 2013

**WHEREAS**, the U.S. Department of Homeland Security has made funding available to the City of Dallas under the Emergency Management Performance Grant Program to fund emergency preparedness operations and planning; and

**WHEREAS**, grant funds will be used for operating expenses related to emergency response activities; and

**WHEREAS**, the City of Dallas will benefit from increased preparedness throughout the city;

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is hereby authorized to accept a grant from the U.S. Department of Homeland Security under the Emergency Management Performance Grant Program (CFDA # 97.042, Grant #2013-EP-00067) to fund emergency preparedness operations and planning related to emergency response activities for the period October 1, 2012 through March 31, 2014 in an amount not to exceed \$214,710.80.

**Section 2.** That the City Manager is authorized to establish appropriations in an amount not to exceed \$214,710.80 in Fund F405, Department MGT, Unit 1503.

**Section 3.** That the City Controller is authorized to deposit U.S. Department of Homeland Security Grant Funds in Fund F405, Department MGT, Unit 1503, Revenue Source 6506, not to exceed \$214,710.80.

**Section 4.** That the City Controller is authorized to disburse funds from Fund F405, Department MGT, Unit 1503, Obj. 3099, not to exceed \$214,710.80.

**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.



**KEY FOCUS AREA:** Public Safety  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Police  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** N/A

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**SUBJECT**

Authorize **(1)** an application for and acceptance of the City of Dallas NIBIN Program from the Office of the Governor, Criminal Justice Division, to provide aid in finding crime linkages and provide additional resources to the National Integrated Ballistic Information Network Program for the period September 1, 2013 through August 31, 2014; **(2)** an In-kind contribution in the amount of \$19,514; and **(3)** execution of the grant agreement – Not to exceed \$99,514 – Financing: Office of the Governor, Criminal Justice Division Grant Funds (\$80,000) and In-Kind Contributions (\$19,514)

**BACKGROUND**

The City of Dallas Police Department (DPD) has been awarded \$80,000 in funding to Reduce Crime and Improve the Criminal Justice System under the State Criminal Justice Planning grant.

The Grant awarded funding will support the 4th year of funding for one certified police officer and overtime for one civilian forensics analyst within the Crime Scene Response Section to support data entry and analysis in the National Integrated Ballistic Information Network (NIBIN). NIBIN allows federal, state, and local law enforcement agencies to find linkages between crimes quickly and to make connections in crimes across jurisdictional boundaries. The Dallas Police Department has found and confirmed 671 linkages to date.

The DPD currently houses approximately 50,000 firearms and receives about 750 new firearms and cartridge casings each month. Most meet the criteria for entry into the NIBIN database and the full time Police Officer will continue to process valuable evidence and work to reduce the growing backlog.

## **BACKGROUND** (Continued)

The DPD set the following Goals: *Goal 1.0* - to coordinate the comprehensive NIBIN entry of all ballistic information taken into federal, state, and local law enforcement custody in order to identify all possible links to violent crimes; and, *Goal 2.0* - to increase the number of NIBIN generated investigative leads referred to NIBIN participants in order to solve, reduce, and prevent firearms-related violent crimes. The continuation of the funding for the certified Police Officer should allow timely processing of evidence and increase the number of linkages referred to Dallas investigative personnel and partner agencies; thereby decreasing crime at the city, state, and national levels.

The In-Kind contribution covers Pension, Health Benefit, FICA and remaining Salary for the officer.

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

Authorized an application for and acceptance of the Crime Reduction Program Grant No. 2408201 on November 10, 2010, by Resolution No. 10-2873

Authorized an application for and acceptance of the Crime Reduction Program Grant No. 2408202 on October 26, 2011, by Resolution No. 11-2840

Authorized an application for and acceptance of the Crime Reduction Program Grant No. 248203 on October 10, 2012, by Resolution No. 12-2529.

Briefed to the Public Safety Committee on September 23, 2013.

## **FISCAL INFORMATION**

\$80,000 - Office of the Governor, Criminal Justice Division Grant Funds

\$19,514 – In-Kind Contributions

October 8, 2013

**WHEREAS**, the Office of the Governor, Criminal Justice Division has made funds available for criminal justice projects for the 2013-2014 fiscal year; and

**WHEREAS**, the increased program and funding source would benefit the City of Dallas in its endeavor to reduce crime and improve public safety; and

**WHEREAS**, the City of Dallas designates the City Manager or an Assistant City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency; and

**WHEREAS**, it is in the best interest of the City of Dallas to accept such funding.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to accept the City of Dallas NIBIN Program Grant No. 2408204, CFDA #16.738 in an amount not to exceed \$80,000 for the period September 1, 2013 through August 31, 2014, and to execute the grant agreement.

**Section 2.** That the City Controller is authorized to deposit grant funds in an amount not to exceed \$80,000 into Fund F409, Department DPD, Unit 1502, and Revenue Source 6506.

**Section 3.** That the City Manager is authorized to establish appropriations in Fund F409, Department DPD, Unit 1502, Object 3899 in an amount not to exceed \$80,000.

**Section 4.** That the City Controller is authorized to disburse from Fund F409, Department DPD, Unit 1502, Object 3899 an amount not to exceed \$80,000.

**Section 5.** That the City Manager is authorized to provide an In-Kind contribution in the amount of \$19,514.

October 8, 2013

**Section 6.** That the City Manager is hereby authorized to reimburse to the Office of the Governor, Criminal Justice Division any expenditures identified as ineligible.

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

Schedule A  
NIBIN-Criminal Justice Division Grant  
Fund F409, Unit 1502

F409, Unit 1502

1102	Uniform Salary	\$60,000
1201	Civilian Overtime	\$ 4,993
1202	Uniform Overtime	\$ 5,007
3361	Professional Development	<u>\$10,000</u>
	Total Grant Award	\$80,000



**KEY FOCUS AREA:** Public Safety  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Police  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** N/A

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**SUBJECT**

Authorize an agreement between the North Central Texas Council of Governments and the City of Dallas, Dallas Police Department to facilitate training as part of the North Central Texas Urban Shield Regional Exercise at the Dallas Independent School District building located at 1403 Corinth Street, Dallas, Texas for the period November 9-10, 2013 - Financing: No cost consideration to the City

**BACKGROUND**

The North Central Texas Region is conducting a comprehensive multi-discipline, multi-jurisdictional full-scale exercise. The overarching goal for this exercise is to increase proficiency levels in identified target capabilities and enhance regional response to large-scale incidents. This exercise is designed to assess the region's ability to successfully respond to and manage multiple terrorist events and other emergencies occurring simultaneously throughout the region.

The North Central Texas Council of Governments (NCTCOG) is sponsoring this exercise under the direction of the Emergency Preparedness Planning Council (EEPC), Regional Emergency Preparedness Advisory Council (REPAC), and has asked that the Police Department facilitate training for this exercise. Dallas Police Personnel would facilitate a SWAT type exercise at the above listed site as part of the North Central Texas Urban Shield Exercise.

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

Briefed to the Public Safety Committee on September 23, 2013.

**FISCAL INFORMATION**

No cost consideration to the City.

October 8, 2013

**WHEREAS**, the health, safety, and welfare of citizens in North Central Texas is threatened by a variety of natural and technological hazards including terrorism; and

**WHEREAS**, NCTCOG and the Cytel Group, Inc. created a regional full-scale multi-disciplinary/multi-jurisdictional exercise as recommended by the Emergency Preparedness Planning Council; and

**WHEREAS**, the proposed regional full-scale exercise is designed to assess the North Central Texas Region's ability to successfully respond to and manage multiple terrorist events and other emergencies occurring simultaneously throughout the region; and

**WHEREAS**, a multi-layered regional full-scale exercise will enhance the skills and abilities of regional first responders as well as those responsible for coordinating and managing large-scale events; and

**WHEREAS**, the City of Dallas, Dallas Police Department has agreed to facilitate an exercise in coordination with the Dallas Independent School District; and

**WHEREAS**, it is in the City's best interests to facilitate this exercise for the North Central Texas Region.

**NOW, THEREFORE,**

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

**Section 1.** The City Manager is hereby authorized to execute an agreement with the North Central Texas Council of Governments for the Police Department to facilitate training as part of the North Central Texas Urban Shield Regional Exercise at the Dallas Independent School District (D.I.S.D.) building located at 1403 Corinth Street, Dallas, Texas for the period November 9-10, 2013.

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



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Public Works Department  
Convention and Event Services  
**CMO:** Jill A. Jordan, P.E., 670-5299  
Forest E. Turner, 670-3390  
**MAPSCO:** 45P

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**SUBJECT**

Authorize a contract with Gilbert May Inc. dba Phillips/May Corp., best value proposer of three, for the construction of interior improvements to C Lobby and Prefunction, Lower C Meeting Rooms, C Ballroom, and C/D/E associated restrooms at the Kay Bailey Hutchison Convention Center Dallas - Not to exceed \$11,879,291 - Financing: 2009 Convention Center Revenue Bonds

**BACKGROUND**

A professional services contract for architectural and engineering design services was authorized in January 2010. This action will authorize a contract with Gilbert May Inc. dba Phillips/May Corp. to furnish materials and labor for the construction of interior finishes for C Lobby and Prefunction, Lower C Meeting Rooms, C Ballroom, and C/D/E associated restrooms at the Kay Bailey Hutchison Convention Center Dallas.

The scope of work includes new floor and ceiling finishes, wall treatments, new lighting and graphic panels throughout the C Area. These improvements are part of the \$60 million Kay Bailey Hutchison Convention Center Dallas Improvement Project. This project is one of multiple projects identified in the facility assessment within the Kay Bailey Hutchison Convention Center Dallas Facility Improvement Program. Construction projects which have been authorized to date are the Upper Level D Meeting Rooms, Chilled Water Loop, Lobby A and A/B Prefunction Areas, and the Fire Alarm, Emergency Lighting Replacement, Roof Replacement of Exhibit Halls A/B and Lower C, and Exterior Waterproofing and Storm Drain Repair.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	February 2012
Completed Design	June 2013
Begin Construction	October 2013
Complete Construction	February 2015

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

Authorized a professional services contract with HKS, Inc. for architectural and engineering design services to include the finishout of the Upper Level D Meeting Rooms and assessment for operational improvements and renovation of existing spaces for the Kay Bailey Hutchison Convention Center Dallas on January 27, 2010, by Resolution No. 10-0328.

Authorized Supplemental Agreement No. 1 to increase the professional services contract with HKS, Inc. for architectural and engineering design services to include renovations to the chilled water loop and mechanical equipment in Central Plant No. 3 for the Kay Bailey Hutchison Convention Center Dallas Improvement Program on August 25, 2010, by Resolution No. 10-2142.

Authorized Supplemental Agreement No. 2 to increase the professional services contract with HKS, Inc. for architectural and engineering design services to include waterproofing building envelope, fire alarm and emergency lighting system replacement, and Area C concept design for the Kay Bailey Hutchison Convention Center Dallas Improvement Program on June 22, 2011, by Resolution No. 11-1709.

Authorized Supplemental Agreement No. 3 to increase the professional services contract with HKS, Inc. for architectural and engineering design services to include interior improvements for Lobby A and A/B Prefunction Areas for the Kay Bailey Hutchison Convention Center Dallas Improvement Program on December 14, 2011, by Resolution No. 11-3257.

Authorized Supplemental Agreement No. 4 to increase the professional services contract with HKS, Inc. for architecture and engineering design services to include interior design, roof inspections, drainage system video investigation, and construction administration services for the Kay Bailey Hutchison Convention Center Dallas Improvement Program on February 22, 2012, by Resolution No. 12-0564.

Authorized Supplemental Agreement No. 5 to increase the professional services contract with HKS, Inc. for architectural and engineering design services to include digital signage system, additional electrical power supply for Upper Level D/C areas, a photovoltaic feasibility study, and Lamar Streetscape Conceptual Design for the Kay Bailey Hutchison Convention Center Dallas Improvement Program on April 25, 2012, by Resolution No. 12-1195.

Authorized Supplemental Agreement No. 7 to increase the professional services contract with HKS, Inc. for architecture and engineering design services to include a lightning protection study, roof replacement, Area C furniture and restroom improvements for the Kay Bailey Hutchison Convention Center Dallas Improvement Program on January 23, 2013, by Resolution No. 13-0181.

## **FISCAL INFORMATION**

2009 Convention Center Revenue Bonds - \$11,879,291

Design	\$ 1,242,660
Construction (this action)	<u>\$11,879,291</u>
Total Project Cost	\$13,121,951

## **M/WBE INFORMATION**

See attached.

## **ETHNIC COMPOSITION**

Gilbert May Inc. dba Phillips/May Corp.

Hispanic Female	8	Hispanic Male	42
African-American Female	0	African-American Male	4
White Female	7	White Male	48
Other Female	0	Other Male	1

## **PROPOSAL INFORMATION**

A Request for Competitive Sealed Proposals (RFSCP) was issued on July 11, 2013 for the C Area Renovation at the Kay Bailey Hutchison Convention Center Dallas. Three competitive sealed proposals were submitted on August 1, 2013. The proposers were ranked as follows:

<b><u>Proposer</u></b>	<b><u>Ranking</u></b>
*Gilbert May Inc. dba Phillips/May Corp.	1
Big Sky Construction	2
H.J. Russell & Company	3

\* Denotes successful best value proposer.

These proposals were evaluated according to criteria published in the project specifications. These criteria with respective weights were as follows:

Proposed Construction Cost	60%
Qualifications of General Contractor & Relevant Experience	20%
Financial Sufficiency	5%
Business Inclusion and Development Requirements	15%

**OWNER(S)**

**Gilbert May Inc. dba Phillips/May Corp.**

Gilbert May, President  
Chris Escobedo, Managing Director

**MAP**

Attached.

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

**PROJECT:** Authorize a contract with Gilbert May Inc. dba Phillips/May Corp., best value proposer of three, for the construction of interior improvements to C Lobby and Prefunction, Lower C Meeting Rooms, C Ballroom, and C/D/E associated restrooms at the Kay Bailey Hutchison Convention Center Dallas - Not to exceed \$11,879,291 - Financing: 2009 Convention Center Revenue Bonds

Gilbert May Inc. d/b/a Phillips/May Corp. is a local, 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**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$8,973,018.00	75.53%
Total non-local contracts	\$2,906,273.00	24.47%
<b>TOTAL CONTRACT</b>	<b>\$11,879,291.00</b>	<b>100.00%</b>

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

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

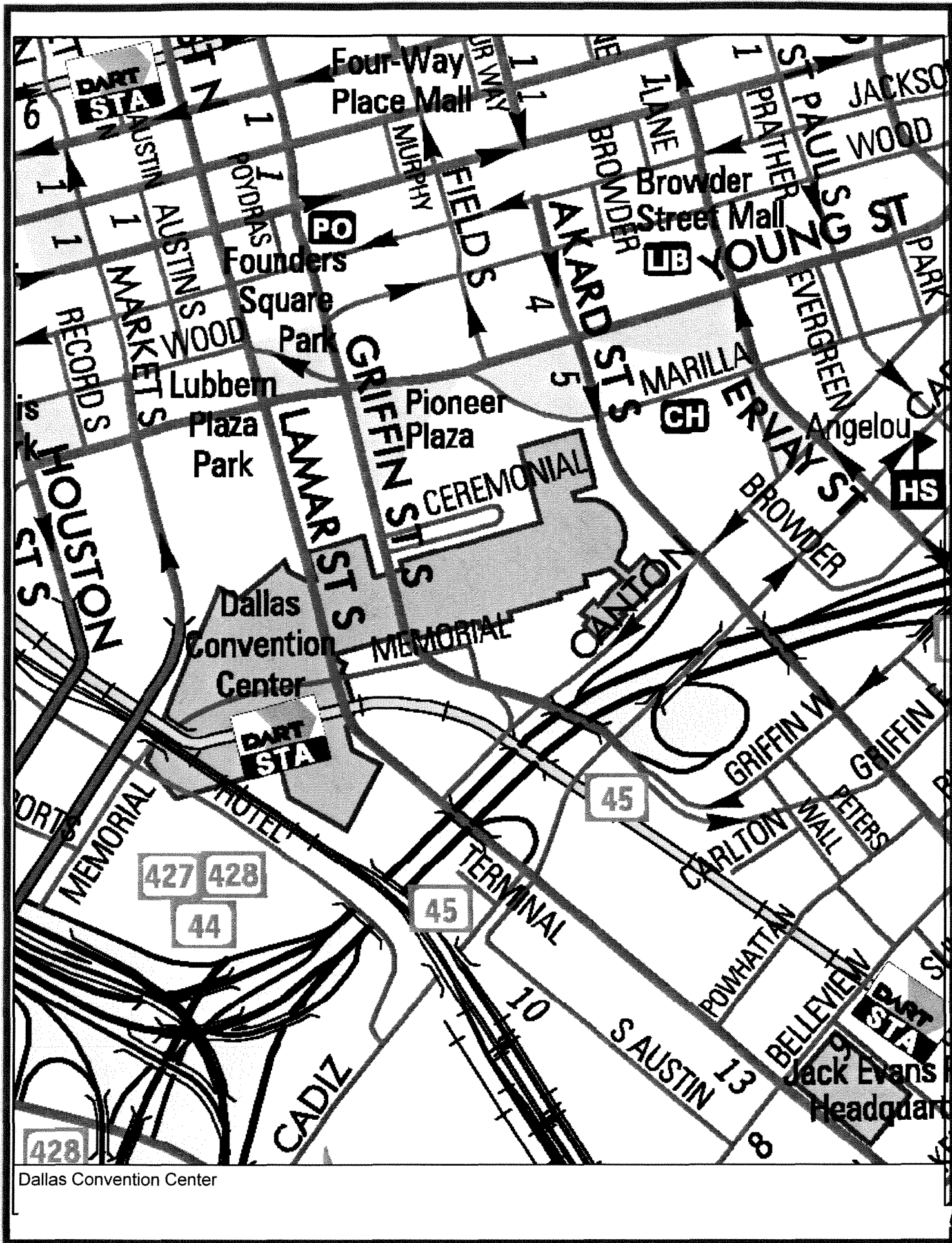
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Gentzler Electric	HFWB08630N0114	\$2,545,073.00	28.36%
Phillips May	HMMB55200Y1013	\$2,331,648.00	25.99%
Innovation Mechanical LLC	HMDB50693N0913	\$691,694.00	7.71%
<b>Total Minority - Local</b>		<b>\$5,568,415.00</b>	<b>62.06%</b>

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

None

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

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$5,568,415.00	62.06%	\$5,568,415.00	46.87%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$5,568,415.00</b>	<b>62.06%</b>	<b>\$5,568,415.00</b>	<b>46.87%</b>



Dallas Convention Center

October 8, 2013

**WHEREAS**, on January 27, 2010, Resolution No. 10-0328 authorized a professional services contract with HKS, Inc. for architectural and engineering design for the Kay Bailey Hutchison Convention Center Dallas Improvement Program in the amount of \$2,616,466; and,

**WHEREAS**, on August 25, 2010, Resolution No. 10-2142 authorized Supplemental Agreement No. 1 to the professional services contract with HKS, Inc. for architectural and engineering design services to include renovations to the chilled water loop and mechanical equipment in Central Plant No. 3 for the Kay Bailey Hutchison Convention Center Dallas Improvement Program in an amount not to exceed \$54,625, increasing the contract from \$2,616,466 to \$2,671,091; and,

**WHEREAS**, on June 22, 2011, Resolution No. 11-1709 authorized Supplemental Agreement No. 2 to the professional services contract with HKS, Inc. for architectural and engineering design services to include waterproofing building envelope, fire alarm and emergency lighting system replacement, and Area C concept design for the Kay Bailey Hutchison Convention Center Dallas Improvement Program in an amount not to exceed \$1,437,740, increasing the contract from \$2,671,091 to \$4,108,831; and,

**WHEREAS**, on December 14, 2011, Resolution No. 11-3257 authorized Supplemental Agreement No. 3 to the professional services contract with HKS, Inc. for architectural, engineering, and interior design services to include interior improvements for Lobby A and A/B Prefunction Areas for the Kay Bailey Hutchison Convention Center Dallas Improvement Program in an amount not to exceed \$142,270, increasing the contract from \$4,108,831 to \$4,251,551; and,

**WHEREAS**, on February 22, 2012, Resolution No. 12-0564 authorized Supplemental Agreement No. 4 to the professional services contract with HKS, Inc. for architectural, engineering, interior design, roof inspections, drainage system video investigation, and construction administration services for the Kay Bailey Hutchison Convention Center Dallas Facility Improvement Program in the amount of \$1,217,060, increasing the contract from \$4,251,551 to \$5,468,611; and,

**WHEREAS**, on April 25, 2012, Resolution No. 12-1195 authorized Supplemental Agreement No. 5 to the professional services contract with HKS, Inc. for architectural, engineering, and construction administration services for digital signage system, additional electrical power supply for Upper Level D/C areas, a photovoltaic feasibility study, and Lamar Streetscape Conceptual Design for the Kay Bailey Hutchison Convention Center Dallas Improvement Program, in an amount not to exceed \$245,266, from \$5,468,611 to \$5,713,877; and,

October 8, 2013

**WHEREAS**, on November 5, 2012, Administrative Action No. 12-2814 authorized Supplemental Agreement No. 6 to the professional services contract with HKS, Inc. for additional architectural, engineering and construction administration services for alterations of existing Elevator No. 7, additional rigging points in C Lobby and lounge spaces, design of digital signage systems for the Hall C Ballroom, Hall C Meeting Rooms, Lower Hall D Meeting Rooms and HVAC revisions in the Concourse C, C Ballroom and Lobby A for the Kay Bailey Hutchison Convention Center Dallas Improvement Program, in an amount not to exceed \$46,500, from \$5,713,877 to \$5,760,377; and,

**WHEREAS**, on January 23, 2013, Resolution No. 13-0181 authorized Supplemental Agreement No. 7 to the professional services contract with HKS, Inc. for architectural and engineering services for a lightning protection study, roof replacement, Area C furniture and restroom improvements for the Kay Bailey Hutchison Convention Center Dallas Improvement Program in an amount not to exceed \$488,445, from \$5,760,377 to \$6,248,822; and,

**WHEREAS**, on March 7, 2013, five sealed competitive bids were received for the construction of the A Lobby and C Area Renovation at the Kay Bailey Hutchison Convention Center Dallas; and,

**WHEREAS**, all five received bids exceeded the consultant's cost estimate and the project budget; and,

**WHEREAS**, on May 22, 2013, Resolution No. 13-0830 authorized rejection of bids received for the construction of the A Lobby and C Area Renovation at the Kay Bailey Hutchison Convention Center Dallas and to re-advertise for new bids; and,

**WHEREAS**, on August 1, 2013, three competitive sealed proposals were received and opened for the construction of interior improvements to C Lobby and Prefunction, Lower C Meeting Rooms, C Ballroom, and C/D/E associated restrooms at the Kay Bailey Hutchison Convention Center Dallas, and the companies were ranked as follows:

<b><u>Proposer</u></b>	<b><u>Ranking</u></b>
Gilbert May, Inc. dba Phillips/May, Corp.	1
Big Sky Construction	2
H.J. Russell & Company	3

and,

**WHEREAS**, Gilbert May, Inc. dba Phillips/May, Corp. was selected as the best value proposer of the three proposers; and,



October 8, 2013

**WHEREAS**, it is now desirable to authorize a contract with Gilbert May, Inc. dba Phillips/May, Corp., the best value proposer of three, for the construction of interior improvements to C Lobby and Prefunction, Lower C Meeting Rooms, C Ballroom, and C/D/E associated restrooms at the Kay Bailey Hutchison Convention Center Dallas in an amount not to exceed \$11,879,291.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to execute a contract with Gilbert May, Inc. dba Phillips/May, Corp., the best value proposer of three, for the construction of interior improvements to C Lobby and Prefunction, Lower C Meeting Rooms, C Ballroom, and C/D/E associated restrooms at the Kay Bailey Hutchison Convention Center Dallas in an amount not to exceed \$11,879,291, 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:

2009 Convention Center Revenue Bonds  
Fund 0568, Dept. CCT, Unit P505, Act. CCIM  
Obj. 4310, Program #PBC00038, CT PBWC00038L1  
Vendor # VS0000039750 in an amount not to exceed \$11,879,291

**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:** October 8, 2013

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Public Works Department  
Aviation

**CMO:** Jill A. Jordan, P.E., 670-5299  
Theresa O'Donnell, 671-9195

**MAPSCO:** 23Z; 33D; 34A F

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**SUBJECT**

Authorize Supplemental Agreement No. 12 to the professional services contract with HNTB Corporation to provide full time, on-site construction administration and construction observation services to facilitate a schedule change to accommodate the Federal Aviation Administration's flight check schedule for the Runway Safety Area Enhancement Project, Phase 2 and to allow for the changes to the project schedules for the Taxiway "A", "B", and "D" Reconstruction and Taxiway "A", "B", and "M" Shoulder Reconstruction Projects at Dallas Love Field - Total not to exceed \$233,426, from \$4,474,029 to \$4,707,455 - Financing: Aviation Capital Construction Funds (\$53,893) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$179,533)

**BACKGROUND**

This action will authorize HNTB Corporation to provide the additional necessary full time, on-site construction administration and construction observation services to accommodate the Federal Aviation Administration's flight check schedule for the Runway Safety Area Enhancement Project, Phase 2 at Dallas Love Field. The Runway Safety Area Enhancement Project, Phase 2 consists of displacing the threshold of Runway 13L by 400-feet to accommodate the Federal Aviation Administration directive in protecting the Runway Safety Area. In displacing the Runway Threshold, the contractor moved the approach lighting system. In order to get the approach lighting system equipment back in service, the Federal Aviation Administration requires a flight check be performed.

The on-site construction administration and observation services were originally scoped during the design phase for the Runway Safety Area Enhancement Project, Phase 2. Since then, the Taxiway "A", "B" and "D" Reconstruction and Taxiway "A", "B" and "M" Shoulder Reconstruction Projects were added and bid as one project. This Supplemental Agreement will accommodate the additional construction administration and construction observation not included in the original scope.

**BACKGROUND** (Continued)

Previous change orders to the construction contract allowed the contractor the ability to order materials, increase man hours and expedite shop drawings to accommodate the revised schedule. This Supplemental Agreement will furnish the additional on-site construction administration and construction observation required to facilitate the schedule change needed to meet the Federal Aviation Administration's scheduled flight check.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	September 2011
Completed Design	February 2012
Began Construction	December 2012
Complete Construction	February 2014

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

Authorized a professional services contract on June 23, 2004, for the design and preparation of construction documents for the Shoulder and Drainage Repairs - Phase 1 at Dallas Love Field, by Resolution No. 04-2147.

Authorized acceptance of reimbursement funds from the Federal Aviation Administration on August 11, 2004, for the Shoulder and Drainage Repairs – Phase 1, at Dallas Love Field, by Resolution No. 04-2293.

Authorized a construction contract on April 27, 2005, to Gibson & Associates, Inc. for the construction of the Shoulder and Drainage Repairs – Phase 1 at Dallas Love Field, by Resolution No. 05-1315.

Authorized Supplemental Agreement No. 1 to the professional services contract with HNTB Corporation, on April 27, 2005, to provide for engineering, construction administration and a Resident Project Representative (RPR), as required by the FAA, for the construction of the Shoulder and Drainage Repairs – Phase 1 at Dallas Love Field, by Resolution No. 05-1316.

Authorized Supplemental Agreement No. 4 to the professional services contract with HNTB Corporation on April 26, 2006, to provide additional construction administration services for the construction of the Shoulder and Drainage Repairs – Phase 1 at Dallas Love Field, by Resolution No. 06-1193.

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

Authorized Supplemental Agreement No. 6 to the professional services contract with HNTB Corporation on February 14, 2007, to provide for the design, preparation of construction documents, construction administration and RPR for the Runway Safety Area Enhancement Project, Phase 1 and the design and preparation of construction documents for the Runway Safety Area Enhancement Project, Phase 2 at Dallas Love Field, by Resolution No. 07-0478.

Authorized Supplemental Agreement No. 7 to the professional services contract with HNTB Corporation on April 23, 2008, to provide for the design, preparation of construction documents, construction administration and RPR for the Runway Safety Area Enhancement, Phase 2 Alternate 1, Taxiway "L" Reconstruction / Extension and Taxiway "C" Reconstruction at Dallas Love Field, by Resolution No. 08-1284.

Authorized Supplemental Agreement No. 8 to the professional services contract with HNTB Corporation on November 10, 2008, to provide for the design, preparation of construction documents for Taxiway "L" Reconstruction / Extension and Taxiway "C" Reconstruction at Dallas Love Field, by Resolution No. 08-3083.

Authorized Supplemental Agreement No. 9 to the professional services contract with HNTB Corporation on December 8, 2010, to provide the design, preparation of construction documents for Taxiway "L" Reconstruction / Extension and Taxiway "C" Reconstruction, Runway Safety Area Enhancement, Phase 2 Alternate 1, and Taxiways "A", "B" and "D" and Runway13L/31R Joint Reseal and Pavement Rehabilitation at Dallas Love Field, by Resolution No. 10-3068.

Authorized Supplemental Agreement No. 10 to the professional service contract with HNTB Corporation on September 14, 2011, to provide additional engineering design services for the Taxiway "A", "B" and "D" reconstruction project at Dallas Love Field, by Resolution No. 11-2411.

Authorized a construction contract with Munilla Construction Management, LLC on December 12, 2012, to provide construction services for the Runway Safety Area Enhancement, Phase 2 at Dallas Love Field, by Resolution No. 12-2986.

Authorized Change Order No. 2 to the construction contract with Munilla Construction Management, LLC on February 13, 2013, to expedite the construction schedule to conform to the Federal Aviation Administration's flight check schedule for the Runway Safety Area Enhancement, Phase 2 at Dallas Love Field, by Resolution No. 13-0314.

**FISCAL INFORMATION**

Aviation Capital Construction Funds - \$53,893.00  
Federal Aviation Administration Airport Improvement Program Grant Funds - \$179,533.00

Design (S.A. No. 6)	\$ 228,389.00
Design (S.A. No. 7)	\$ 124,501.00
Design and Construction Administration (S.A. No. 9)	\$ 823,885.00
Design (S.A. No. 10)	\$ 64,288.00
Design (S.A. No. 11)	\$ 24,850.00
Construction Administration S.A. No. 12 (this action)	\$ 233,426.00
City Administration and other owner's costs	\$ 1,000,000.00
Testing	\$ 450,000.00 (est.)
Construction	\$16,501,986.00
Change Order No. 1	\$ 22,961.88
Change Order No. 2	\$ 931,608.58
Change Order No. 3	<u>\$ 49,469.98</u>
Total Project Cost	\$20,455,365.44 (est.)

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

HNTB Corporation

Hispanic Female	2	Hispanic Male	6
African-American Female	2	African-American Male	1
Other Female	2	Other Male	4
White Female	25	White Male	59

**OWNER(S)**

**HNTB Corporation**

Paul Yarossi, President

**MAP**

Attached.

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize Supplemental Agreement No. 12 to the professional services contract with HNTB Corporation to provide full time, on-site construction administration and construction observation services to facilitate a schedule change to accommodate the Federal Aviation Administration's flight check schedule for the Runway Safety Area Enhancement Project, Phase 2 and to allow for the changes to the project schedules for the Taxiway "A", "B", and "D" Reconstruction and Taxiway "A", "B", and "M" Shoulder Reconstruction Projects at Dallas Love Field - Total not to exceed \$233,426, from \$4,474,029 to \$4,707,455 - Financing: Aviation Capital Construction Funds (\$53,893) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$179,533)

HNTB Corporation 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

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

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$41,173.17	17.64%
Non-local contracts	\$192,252.83	82.36%
<b>TOTAL THIS ACTION</b>	<b>\$233,426.00</b>	<b>100.00%</b>

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

#### Local Contractors / Sub-Contractors

None

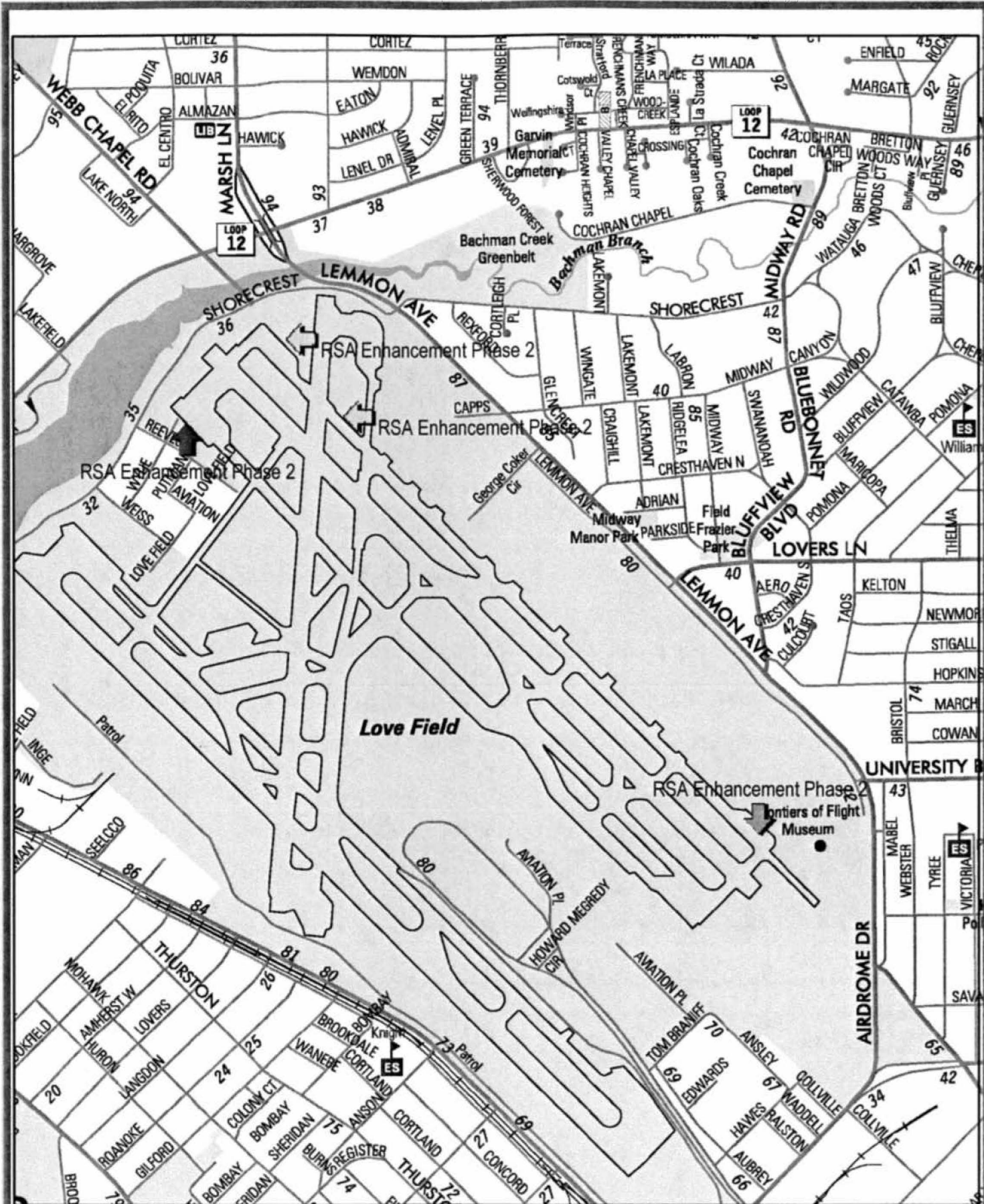
#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Williams CM Group, LLC	WFDB57897Y0614	\$182,712.83	95.04%
Aviation Alliance, Inc.	WFDB56754Y0314	\$9,540.00	4.96%
<b>Total Minority - Non-local</b>		<b>\$192,252.83</b>	<b>100.00%</b>

**TOTAL M/WBE PARTICIPATION**

	<b>This Action</b>		<b>Participation to Date</b>	
	<b><u>Amount</u></b>	<b><u>Percent</u></b>	<b><u>Amount</u></b>	<b><u>Percent</u></b>
African American	\$0.00	0.00%	\$159,838.00	3.40%
Hispanic American	\$0.00	0.00%	\$1,178,746.00	25.04%
Asian American	\$0.00	0.00%	\$166,779.00	3.54%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$192,252.83	82.36%	\$564,509.83	11.99%
Total	<u>\$192,252.83</u>	<u>82.36%</u>	<u>\$2,069,872.83</u>	<u>43.97%</u>





Love Field Runway Safety Area (RSA) Enhancement Phase 2





October 8, 2013

**WHEREAS**, the Runway Safety Area 13L-31R Safety Area Enhancement project, requires additional full time on-site construction administration and construction observation services to facilitate a schedule change to accommodate the Federal Aviation Administration's (FAA) flight check schedule for the Runway Safety Area Enhancement Project, Phase 2 and to allow for changes to the project schedules for the Taxiway "A", "B" and "D" Reconstruction and Taxiway "A", "B" and "M" Shoulder Reconstruction Projects at Dallas Love Field; and,

**WHEREAS**, on June 23, 2004, Resolution No. 04-2147 authorized a contract with HNTB Corporation to provide design and preparation of construction documents for the reconstruction of runway and taxiway shoulders, drainage improvements, erosion control, taxiway centerline lights and security fence relocation at Dallas Love Field in the amount of \$384,151; and,

**WHEREAS**, on August 11, 2004, Resolution No. 04-2293 authorized acceptance of reimbursement funds from the FAA for the airfield shoulder and drainage repairs at Dallas Love Field; and,

**WHEREAS**, on April 27, 2005, Resolution No. 05-1315 authorized a contract with Gibson & Associates, Inc. for the reconstruction of runway and taxiway shoulders, drainage improvements, erosion control, taxiway centerline lights, and security fence relocation at Dallas Love Field in the amount of \$3,457,530.87; and,

**WHEREAS**, on April 27, 2005, Resolution No. 05-1316 authorized Supplemental Agreement No. 1 to the contract with HNTB Corporation to provide for all engineering, construction administration and Resident Project Representative (RPR), as required by the FAA, in the amount of \$432,343, increasing the contract from \$384,151 to \$816,494; and,

**WHEREAS**, on November 18, 2005, Administrative Action No. 05-3694 authorized Supplemental Agreement No. 2 to the contract with HNTB Corporation to provide for additional engineering services in the amount of \$20,305.28, increasing the contract from \$816,494 to \$836,799.28; and,

**WHEREAS**, on December 23, 2005, Administrative Action No. 06-0098 authorized Supplemental Agreement No. 3 to the contract with HNTB Corporation to provide for additional engineering services in the amount of \$24,908, increasing the contract from \$836,799.28 to \$861,707.28; and,

**WHEREAS**, on April 26, 2006, Resolution No. 06-1193 authorized Supplemental Agreement No. 4 to the contract with HNTB Corporation to provide for additional construction administration services in the amount of \$81,835, increasing the contract from \$861,707.28 to \$943,542.28; and,

October 8, 2013

**WHEREAS**, on July 31, 2006, Administrative Action No. 06-2178 authorized Supplemental Agreement No. 5 to the contract with HNTB Corporation to provide for additional construction administration and RPR services in the amount of \$23,948, increasing the contract from \$943,542.28 to \$967,490.28; and,

**WHEREAS**, on February 14, 2007, Resolution No. 07-0478 authorized Supplemental Agreement No. 6 to the contract with HNTB Corporation to provide for the design, preparation of construction documents, construction administration and RPR for the Runway Safety Area Enhancement – Phase 1 at Dallas Love Field, in the amount of \$816,331, increasing the contract from \$967,490.28 to \$1,783,821.28; and,

**WHEREAS**, on April 23, 2008, Resolution No. 08-1284 authorized Supplemental Agreement No. 7 to the contract with HNTB Corporation to provide for the design, preparation of construction documents, construction administration and RPR for the runway safety area enhancements and taxiway reconstruction at Dallas Love Field, in the amount of \$1,289,847, increasing the contract from \$1,783,821.28 to \$3,073,668.28; and,

**WHEREAS**, on June 11, 2008, Resolution No. 08-1721 authorized application and acceptance of Federal Aviation Administration Airport Improvement Grant for the federal share of the eligible costs for capital improvement projects at Dallas Love Field; and,

**WHEREAS**, on November 10, 2008, Resolution No. 08-3083 authorized Supplemental Agreement No. 8 to the contract with HNTB Corporation to provide for additional design services in the amount of \$348,562; increasing the contract from \$3,073,668.28 to \$3,422,230.28; and,

**WHEREAS**, on December 8, 2010, Resolution No. 10-3068 authorized Supplemental Agreement No. 9 to the contract with HNTB Corporation to provide for additional design services in the amount of \$962,661, increasing the contract from \$3,422,230.28 to \$4,384,891.28; and,

**WHEREAS**, on September 14, 2011, Resolution No. 11-2411 authorized Supplemental Agreement No. 10 to the contract with HNTB Corporation to provide additional engineering design services for the Taxiway “A”, “B” and “D” reconstruction project at Dallas Love Field in the amount of \$64,288, increasing the contract amount from \$4,384,891.28 to \$4,449,179.28; and,

**WHEREAS**, on March 5, 2012, Administrative Action No. 12-0758 authorized Supplemental Agreement No. 11 to the contract with HNTB Corporation to provide additional design services in the amount of \$24,850, increasing the contract amount from \$4,449,179.28 to \$4,474,029.28; and,

October 8, 2013

**WHEREAS**, on December 12, 2012, Resolution No. 12-2986 authorized a construction contract with Munilla Construction Management, LLC for the Runway Safety Area Enhancement P - Phase 2 Project in the amount of \$16,501,986.00; and,

**WHEREAS**, on January 24, 2013, Administrative Action No. 13-5123 authorized Change Order No. 1 to the contract with Munilla Construction Management, LLC for the Runway Safety Area Enhancement Project, Phase 2 in the amount of \$22,961.88, increasing the contract from \$16,501,986 to \$16,524,947.88; and,

**WHEREAS**, on February 13, 2013, Resolution No. 13-0314 authorized Change Order No. 2 to the construction contract with Munilla Construction Management, LLC for the Runway Safety Area Enhancement Project, Phase 2 in the amount of \$931,608.58, increasing the contract from \$16,524,947.88 to \$17,456,556.46, and

**WHEREAS**, on July 22, 2013, Administrative Change Order 13-5958 authorized Change Order No. 3 to the construction contract with Munilla Construction Management, LLC for the Runway Safety Area Enhancement Project, Phase 2 in the amount of \$49,469.98, increasing the contract from \$17,456,556.46 to \$17,506,026.44.

**WHEREAS**, it is now necessary to authorize Supplemental Agreement No. 12 to the professional service contract with HNTB Corporation to provide full time on-site construction administration and construction observation services to facilitate a schedule change to accommodate the Federal Aviation Administration's flight check schedule for the Runway Safety Area Enhancement Project, Phase 2 and to allow for changes to the project schedules for the Taxiway "A", "B" and "D" Reconstruction and Taxiway "A", "B" and "M" Shoulder Reconstruction Projects at Dallas Love Field in the amount of \$233,426.00, increasing the contract from \$4,474,029.28 to \$4,707,455.28

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 12 to the professional services contract with HNTB Corporation to provide full time on-site construction administration and construction observation services to facilitate a schedule change to accommodate the Federal Aviation Administration's flight check schedule for the Runway Safety Area Enhancement Project, Phase 2 and to allow for changes to the project schedules for the Taxiway "A", "B" and "D" Reconstruction and Taxiway "A", "B" and "M" Shoulder Reconstruction Projects at Dallas Love Field in the amount of \$233,426.00, increasing the contract from \$4,474,029.28 to \$4,707,455.28, after it has been approved as to form by the City Attorney.

October 8, 2013

**Section 2.** That the City Controller is hereby authorized to transfer up to \$125,641.00 as the City's share of the construction administration and construction observation services for the RSA Enhancements from Department AVI, Fund 0131, Balance Sheet Account 0001 (Cash Account) to Aviation AIP Grant Fund F147, Department AVI, Balance Sheet Account 0001 (Cash Account).

**Section 3.** That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$125,641 to be paid to HNTB Corporation, upon approval of invoice by the Director of Aviation, as follows:

**Runway Safety Area (RSA) Enhancement**

Aviation AIP Grant Fund

Fund F147, Dept. AVI, Unit P362, Act. AVSS, Obj. 4111

Program #F147-P362, CT AVI HNTB1110, Comm. 92500

Vendor #090096, in an amount not to exceed \$125,641.00

**Section 4.** That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$53,892 to be paid to HNTB Corporation, upon approval of invoice by the Director of Aviation, as follows:

**Taxiway "A", "B" AND "D" Reconstruction**

Aviation AIP Grant Fund

Fund F200, Dept. AVI, Unit P440, Act. AVSS, Obj. 4111

Program #AVP440, CT AVI HNTB1191, Comm. 92500

Vendor #090096, in an amount not to exceed \$53,892.00

**Section 5.** That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$53,893.00 to be paid to HNTB Corporation, upon approval of invoice by the Director of Aviation as follows:

**Taxiway "A", "B" and "M" Shoulder Reconstruction**

Aviation Capital Construction Fund

Fund 0131, Dept. AVI, Unit P753, Act. AAIP, Obj. 4111

Program #P753, CT AVI HNTBP753, Comm. 92500

Vendor #090096, in an amount not to exceed \$53,893.00

**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:** Clean, Healthy Environment  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Sanitation Services  
**CMO:** Forest E. Turner, 670-3390  
**MAPSCO:** 57Y

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**SUBJECT**

Authorize a three year professional services contract with Terracon Consultants, Inc. to conduct monthly, quarterly and annual environmental compliance monitoring, as well as routine operations and maintenance of the Landfill Gas Collection (LFG) system at the Deepwood and Loop 12 Landfill sites located at 6500 Great Trinity Forest (formerly 6500 South Highway Loop 12) - Not to exceed \$688,000 – Financing: Current Funds (subject to annual appropriations)

**BACKGROUND**

The Deepwood and Loop 12 sites consist of 132 acres of land in the City of Dallas. A large portion of this area was previously utilized as a gravel mine, and was subsequently filled with a mixture of construction/demolition debris and limited amounts of solid waste. In addition, the City of Dallas utilized the Loop 12 site as a municipal solid waste landfill pursuant to a contract with the property owner from 1964 to 1973. Due to the presence of methane concentrations at the sites and following a final judgment (Final Order) from the United States District Court for the Northern District of Texas on March 3, 2003, the City of Dallas remediated the sites. The sites were remediated under the Texas Commission on Environmental Quality's (TCEQ) Voluntary Cleanup Program (VCP No. 1457). The TCEQ issued a conditional certificate of completion in 2007. The conditions require that the City continue to monitor and conduct routine operations and maintenance of the LFG Systems at both sites on the required basis, described below.

Terracon took over the weekly inspection and testing in April 2008 and the City entered into a Master Agreement with Terracon in 2009 to continue these services and ensure the City remained compliant with the VCP No. 1457 and the Final Order.

**BACKGROUND(Continued)**

Because of Terracon’s extensive knowledge of both of these locations and its years of experience on this project with its strict legal monitoring requirements, it is being requested that this professional services contract be awarded under the Special Needs Provision of the City’s purchasing policies so the City can continue to use the company that has developed the special expertise regarding the site to ensure that the site will remain in compliance with the Final Order.

Terracon Consultants, Inc. will continue routine operations and maintenance of the LFG Collection System and submit monthly reports to the City of Dallas for their records in accordance with legal requirements, conduct quarterly inspections of the landfill cap, conduct quarterly groundwater and LFG monitoring, conduct weekly site access and security inspections and prepare the annual compliance monitoring report to the TCEQ.

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

On June 27, 2007, City Council authorized twenty-four-month professional services contracts with nineteen firms, including Terracon Consultants, Inc., for geotechnical studies and construction materials testing services by Resolution No. 07-1961.

On June 24, 2009, City Council authorized forty-five professional service contracts, including Terracon Consultants, Inc., for thirty-six-months each for geotechnical studies and construction materials testing, and asbestos environmental and non-asbestos environmental testing services by Resolution No. 09-1604.

**FISCAL INFORMATION**

\$688,000 - Current Funds (subject to annual appropriations)

**ETHNIC COMPOSITION**

Terracon Consultants, Inc.

White Male	2059	White Female	527
Black Male	105	Black Female	24
Hispanic Male	195	Hispanic Female	42
Other Male	111	Other Female	35



## **OWNERS**

**Terracon Consultants, Inc.**

**The company is owned by its employees. The principal officers are:**

David R. Gaboury, President  
Roger R. Herting, Vice President  
M. Gayle Packer, Secretary  
Douglas D. Loveridge, Treasurer

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

**PROJECT:** Authorize a three year professional services contract with Terracon Consultants, Inc. to conduct monthly, quarterly and annual environmental compliance monitoring, as well as routine operations and maintenance of the Landfill Gas Collection (LFG) system at the Deepwood and Loop 12 Landfill sites located at 6500 Great Trinity Forest (formerly 6500 South Highway Loop 12) - Not to exceed \$688,000 – Financing: Current Funds (subject to annual appropriations)

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

**PROJECT CATEGORY:** Architecture & Engineering

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$686,713.00	99.81%
Total non-local contracts	\$1,287.00	0.19%
<b>TOTAL CONTRACT</b>	<b>\$688,000.00</b>	<b>100.00%</b>

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

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

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
XENCO Laboratories	HMMB55370Y1013	\$30,680.00	4.47%
<b>Total Minority - Local</b>		<b>\$30,680.00</b>	<b>4.47%</b>

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

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Cheryl's Drafting & Design	WFDB57663Y0614	\$1,287.00	100.00%
<b>Total Minority - Non-local</b>		<b>\$1,287.00</b>	<b>100.00%</b>

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

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$30,680.00	4.47%	\$30,680.00	4.46%
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%	\$1,287.00	0.19%
<b>Total</b>	<b>\$30,680.00</b>	<b>4.47%</b>	<b>\$31,967.00</b>	<b>4.65%</b>

October 8, 2013

**WHEREAS**, the City of Dallas remediated The Deepwood and Loop 12 landfills sites located at 6500 Great Trinity Forest (formerly 6500 South Highway Loop 12) in accordance with a Final Judgment on Injunctive Relief, dated August 27, 1999, Agreed Order Modifying Final Judgment on Injunctive Relief of Claims, dated March 5, 2003, and an Order Concerning Compliance with Modified Final Judgment, dated November 3, 2006 ("Final Order") from the United States District Court for the Northern District of Texas (Civil Action NO. 3:98-VC-0291-H); and

**WHEREAS**, the City of Dallas remediated the sites under the Texas Commission on Environmental Quality's (TCEQ) Voluntary Cleanup Program (VCP No. 1457); and

**WHEREAS**, the TCEQ issued a certificate of completion in 2007 under the conditions that the City would continue to monitor and conduct routine operations and maintenance of the Landfill Gas Collection Systems in accordance with Deepwood/Loop 12 Sites Closure and Remediation Project Post Closure Care Plan (May 2006) and Addendum (July 2006); and

**WHEREAS**, Terracon Consultants, Inc., has been conducting these services for the City since 2008; and

**WHEREAS**, Terracon Consultants, Inc. has the expertise in this area and knowledge of the site to ensure the City of Dallas remains compliant with the TCEQ VCP No. 1457 and the Final Order; and

**WHEREAS**, the Terracon Consultants, Inc. expertise and knowledge of these sites and of the legal requirements are necessary in this matter;

**NOW, THEREFORE,**

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

**Section 1.** That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into a three year professional services contract with Terracon Consultants, Inc., to conduct compliance monitoring, annual routine operations and maintenance of the Landfill Gas Collection System at the Deepwood and Loop 12 Landfills located at 6500 Great Trinity Forest (formerly 6500 South Highway Loop 12).

**Section 2.** That the City Controller is authorized to disburse, in periodic payments to Terracon Consultants, Inc., (Vendor No. 341409), an amount not to exceed \$688,000 from Fund 0001, Dept. SAN, Unit 3591, Obj. 3072 (subject to annual appropriations).

October 8, 2013

**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:** October 8, 2013  
**COUNCIL DISTRICT(S):** 12  
**DEPARTMENT:** Street Services  
**CMO:** Forest E. Turner, 670-3390  
**MAPSCO:** 5C

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**SUBJECT**

Authorize **(1)** the receipt and deposit of funds in the amount of \$22,680 from QuikTrip Corporation for material, equipment and labor provided by the City for the traffic signal upgrade at Lloyd Drive and Preston Road (SH 289); and **(2)** an increase in appropriations in the amount of \$22,680 in the Capital Projects Reimbursement Fund - Not to exceed \$22,680 – Financing: Capital Projects Reimbursement Funds

**BACKGROUND**

QuikTrip Corporation is constructing a new store in the 19000 block of Preston Road (SH 289). The existing intersection improvements associated with this development necessitate modifications to the existing traffic signal at the intersection of Lloyd Drive and Preston Road (SH 289). In order to remain consistent with existing traffic signal equipment in the City system, city forces will provide material and equipment for the intersection, as well as the labor to prepare the traffic control cabinet and the timing of the signal. QuikTrip Corporation has agreed to pay the full cost for all City material, equipment and labor toward the project.

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

This item has no prior action.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Construction            October 2013  
Complete Construction        December 2013

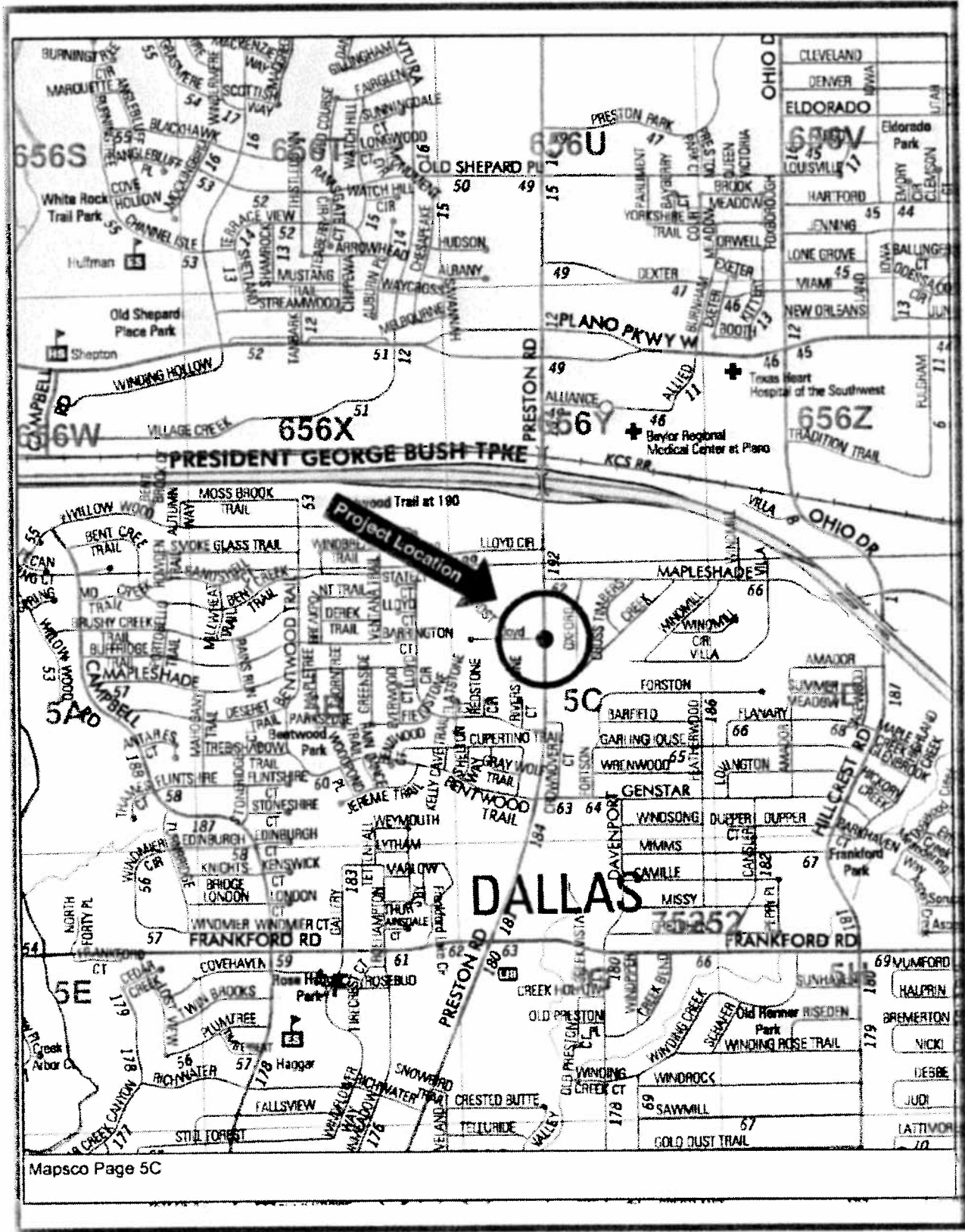
**FISCAL INFORMATION**

Capital Projects Reimbursement Funds - \$22,680.25

**MAP**

Attached

# Lloyd Dr. at Preston Rd.



Mapsco Page 5C

October 8, 2013

**WHEREAS**, QuikTrip Corporation is developing a new store at the intersection of Lloyd Drive and Preston Road (SH 289); and,

**WHEREAS**, the development requires modifications to the existing traffic signal at the intersection of Lloyd Drive and Preston Road (SH 289); and,

**WHEREAS**, QuikTrip Corporation has agreed to reimburse the City of Dallas for material, equipment and labor costs related to modifications of the existing traffic signal.

**Now, Therefore,**

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

**Section 1.** That the City Controller is authorized to receive funds from QuikTrip Corporation for material, equipment, and labor costs related to modifications of the existing traffic signal at the intersection of Lloyd Drive and Preston Road (SH 289) in an amount not to exceed \$22,680.25.

**Section 2.** That the City Controller is hereby authorized to deposit funds from QuikTrip Corporation pertaining to this project in an amount not to exceed \$22,680.25 in the Capital Projects Reimbursement Fund 0556, Dept. STS, Unit P830, Revenue Source 8492.

**Section 3.** That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund 0556, Dept. STS, Unit P830, Obj. 4820, Act. THRG, Program TPP83013 in an amount not to exceed \$22,680.25.

**Section 4.** That the City Controller is hereby authorized to disburse funds received from QuikTrip Corporation in an amount not to exceed \$22,680.25 from Fund 0556, Dept. STS, Unit P830, Obj. 4820, Act. THRG, Program TPP83013 for services related to modifications of the existing traffic signal.

**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.



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** October 8, 2013

**COUNCIL DISTRICT(S):** 1, 2, 4, 6, 14

**DEPARTMENT:** Street Services

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

**MAPSCO:** 43J R 44B G H P Q R S T V Z 45J K N P Q S T U W 54D H M  
V 55A B S T

**SUBJECT**

Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation (TxDOT) to provide cost reimbursement for labor, material and equipment to be supplied by the City for costs incurred while operating and assisting with the maintenance of traffic signals impacted by TxDOT’s Horseshoe Project (list attached); and **(2)** the establishment of appropriations in the amount of \$397,275 in the Texas Department of Transportation Grant Fund – Total not to exceed \$397,275 - Financing: Texas Department of Transportation Grant Funds

**BACKGROUND**

The Texas Department of Transportation’s (TxDOT) design-build Horseshoe Project was awarded to Pegasus Link Constructors (PLC) on February 18, 2013, and TxDOT issued PLC a Notice-to-Proceed construction on August 9, 2013. The project scope entails replacing the existing IH30 and IH35E bridges over the Trinity Floodway, and reconstructing the connecting freeway segment locally known as the “mixmaster”. Two existing traffic signals within the project’s construction limits, IH30 at Beckley Avenue and IH35E Northbound Frontage Road at Reunion Boulevard, will get complete upgrades as part of the project, and a new traffic signal is planned for IH30 at Riverfront Boulevard. Five other existing traffic signals will require modifications. Additionally, multiple temporary traffic signals are anticipated to be needed during construction. Since the City operates and maintains all the existing traffic signals within the Horseshoe Project limits and will also operate and maintain any new permanent or temporary traffic signals provided by the project, TxDOT has requested that the City of Dallas provide the traffic signal cabinets/controllers needed for the new or modified signals in order to ensure the new signals are compatible with the City’s existing traffic signal system. TxDOT has also requested that the City provide street name blades for the project to ensure uniformity with the City’s existing signage.

**BACKGROUND** (Continued)

City staff will also be monitoring traffic throughout the Horseshoe Project corridor and implementing signal timing adjustments as needed to account for changing traffic patterns resulting from freeway ramp closures, detours, etc., thus minimizing impacts to the local street system.

This action will authorize an Interlocal Agreement with TxDOT to provide cost reimbursement for Horseshoe Project labor and traffic signal equipment costs incurred by the City of Dallas.

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

This item has no prior action.

**ESTIMATED SCHEDULE OF PROJECT**

Began Construction            August 2013  
Complete Construction        March 2017

**FISCAL INFORMATION**

Texas Department of Transportation Grant Funds - \$397,275.00

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$135,000
2	\$ 80,000
4	\$ 37,000
6	\$135,000
14	<u>\$ 10,275</u>
Total	\$397,275

**CITY OF DALLAS SIGNALIZED INTERSECTIONS IMPACTED BY THE HORSESHOE PROJECT**

**City will provide traffic signal equipment (traffic signal cabinets, controllers, etc) and signage (street name blades), and/or provide emergency and other maintenance or assistance as needed, coordinate traffic control, and monitor and adjust traffic signal timings at the following locations:**

<u>Major Thoroughfare</u>	<u>Cross Street</u>	<u>Mapsco</u>	<u>Council District</u>
IH30 Frwy.	Sylvan Ave.	44T	1, 6
IH30 Frwy.	Beckley Ave.	44V	1, 6
IH30 Frwy.	Riverfront Blvd.*	45S	1, 6
NB IH35E Frontage Rd.	Reunion Blvd.	45N	2
SB IH35E exit ramp	Riverfront Blvd. (Fuel City)	45T	1
SB IH35E exit ramp	Riverfront Blvd.*	45T	1
SB IH35E entrance ramp	Riverfront Blvd.*	44S	1
NB IH35E exit ramp	Riverfront Blvd./Cadiz St.	45T	1, 2
IH35E Frwy.	Colorado Blvd.*	45W	1, 4
Colorado Blvd.	Jefferson Blvd.	45W	1
Lamar St.	Canton St. (WB IH30)	45T	2

\*Planned temporary and/or new permanent signalized intersection.

**City will monitor and adjust traffic signal timings as needed at the following locations:**

<u>Major Thoroughfare</u>	<u>Cross Street</u>	<u>Mapsco</u>	<u>Council District</u>
Irving Blvd.	Medical District Dr.	44B	6
Irving Blvd.	Wycliff Ave.	44G	6
Irving Blvd.	Manufacturing St.	44G	6
Irving Blvd.	Turtle Creek Blvd.	44G	6
Irving Blvd.	Oak Lawn Ave.	44H	6
Riverfront Blvd.	Irving Blvd.	44H	6
Riverfront Blvd.	Howell St.	44M	6
Riverfront Blvd.	Continental Blvd.	45J	6
Riverfront Blvd.	Justice Center.	45N	6
Riverfront Blvd.	Commerce St.	45N	6
Riverfront Blvd.	Reunion Blvd.	45N	6

**City will monitor and adjust traffic signal timings as needed at the following locations: (Continued)**

<u>Major Thoroughfare</u>	<u>Cross Street</u>	<u>Mapsco</u>	<u>Council District</u>
Riverfront Blvd.	Cadiz St.	45T	1, 2
Riverfront Blvd.	Corinth St.	45Y	2
Sylvan Ave.	Sylvan Ave. IH30	44T	6
Sylvan Ave.	Fort Worth Ave.	44T	6
Sylvan Ave.	W. Commerce St.	44P	6
Sylvan Ave.	Singleton Blvd.	44P	6
Sylvan Ave.	Nomas St.	44K	6
Harry Hines Blvd.	Wycliff Ave.	44D	2
Harry Hines Blvd.	Vagas St.	44D	2
Harry Hines Blvd.	Houston St.	45A	2
Harry Hines Blvd.	Wolf St.	45E	2
Harry Hines Blvd.	Payne St.	45F	2
Harry Hines Blvd.	Moody St.	45F	2, 14
Harry Hines Blvd.	Olive St.	45F	14
Akard St.	Cedar Springs/St. Paul	45K	14
Akard St.	McKinney Ave.	45K	14
Akard St.	Munger Ave.	45K	14
Field St.	Olive St.	45F	2, 14
Field St.	Cedar Springs Rd.	45K	14
Field St.	Griffin Ave.	45K	14
Field St.	Ross Ave.	45K	14
Griffin St.	Ross Ave.	45K	14
Akard St.	Young St.	45P	2
Akard St.	Canton St.	45Q	2
Akard St.	Cadiz St.	45Q	2
Akard St.	Griffin St. West	45Q	2
Akard St.	Griffin St. East	45U	2
Akard St.	Corinth St.	45V	2
Illinois Ave.	Beckley Ave.	54V	4
Illinois Ave.	Marsalis Ave.	55S	4
Illinois Ave.	Ewing Ave.	55S	4
Illinois Ave.	Denley Dr.	55T	4
Illinois Ave.	Corinth Street Rd.	55T	4
Corinth Street Rd.	Illinois Station	55T	4
Corinth Street Rd.	Stella Ave.	55P	4
Corinth Street Rd.	Morrell Ave.	55F	4
Corinth Street Rd.	Clarendon Dr.	55B	4
Corinth Street Rd.	8 <sup>th</sup> St.	55B	4

**City will monitor and adjust traffic signal timings as needed at the following locations: (Continued)**

<u>Major Thoroughfare</u>	<u>Cross Street</u>	<u>Mapsco</u>	<u>Council District</u>
Corinth St.	Cockrell Ave.	45U	2
Corinth St.	Lamar St.	45U	2
Zang Blvd.	Clarendon Dr.	54M	1
Zang Blvd.	Yarmouth St.	54M	1
Zang Blvd.	12 <sup>th</sup> St.	54H	1
Zang Blvd.	Jefferson Blvd.	54H	1
Zang Blvd.	10 <sup>th</sup> St.	54H	1
Zang Blvd.	Davis St.	54D	1
Zang Blvd.	Beckley Ave.	44Z	1
Zang Blvd.	Colorado Blvd.	44Z	1
Beckley Ave.	Clarendon Dr.	54M	1
Beckley Ave.	12 <sup>th</sup> St.	54H	1
Beckley Ave.	Jefferson Blvd.	54H	1
Beckley Ave.	Davis St.	54D	1
Beckley Ave.	Colorado Blvd.	44Z	1
Beckley Ave.	Methodist Medical Ctr.	44Z	1
Beckley Ave.	Greenbriar Ln.	44V	1
Beckley Ave.	Commerce St.	44R	6
Beckley Ave.	Singleton Blvd.	44R	6
Gulden Ln.	Singleton Blvd.	44Q	6
Singleton Blvd.	Vilbig St.	44N	6
Singleton Blvd.	Hampton Rd.	43J	6
Hampton Rd.	W. Commerce St.	43R	6
Commerce St.	Fort Worth Ave.	44Q	6
Commerce St.	Court House	45N	6
Commerce St.	SB IH35E Frontage Rd.	45N	6
Marsalis Ave.	Jefferson Blvd.	55A	1
Marsalis Ave.	8 <sup>th</sup> St.	55A	1
Marsalis Ave.	Colorado Blvd.	45W	1
Jefferson Blvd.	8 <sup>th</sup> St.	55A	1
Clarendon Dr.	Ewing Ave.	55E	4
Continental Ave.	Victory Ave.	45J	2
Continental Ave.	Houston St.	45J	2, 14
Lamar St.	Wood St.	45P	2, 14
Lamar St.	Young St.	45P	2
Lamar St.	Ceremonial Dr.	45P	2
Lamar St.	Memorial Dr.	45P	2
Lamar St.	Canton St.	45T	2

**City will monitor and adjust traffic signal timings as needed at the following locations:** (Continued)

<u>Major Thoroughfare</u>	<u>Cross Street</u>	<u>Mapsco</u>	<u>Council District</u>
Lamar St.	Cadiz St.	45T	2
Lamar St.	Belleview St.	45U	2
Griffin St.	Young St.	45P	2
Griffin St.	Ceremonial Dr.	45P	2
Griffin St.	Memorial Dr.	45P	2
Griffin St.	Canton St.	45P	2
Griffin St.	Cadiz St.	45Q	2
Houston St.	McKinney Ave.	45J	2, 14
Houston St.	Ross Ave.	45J	2, 14
Houston St.	Pacific Ave.	45N	2, 14
Houston St.	Elm St.	45N	2, 14
Houston St.	Main St.	45N	2, 14
Houston St.	Commerce St.	45N	2, 14
Houston St.	Jackson St.	45P	2, 14
Houston St.	Wood St/Reunion Blvd. W	45P	2, 14
Houston St.	Young St/Reunion Blvd. E	45P	2, 14
Reunion Blvd. E	Hyatt/Hotel St.	45N	2
Reunion Blvd. W	Hyatt/Hotel St.	45N	2
Young St.	Record St.	45P	2
Young St.	Market St.	45P	2
Wood St.	Record St.	45P	2, 14
Wood St.	Market St.	45P	2, 14

October 8, 2013

**WHEREAS**, the Texas Department of Transportation (TxDOT) desires that the City furnish staff time and certain material to assist with the operation and maintenance of traffic signals impacted by the Horseshoe Project; and,

**WHEREAS**, the City of Dallas is in agreement with this proposal in order that safety and traffic flow be maintained at these traffic locations and in order that the traffic signal equipment be compatible with the City's existing traffic signal system; and,

**WHEREAS**, TxDOT will fund 100 percent of the City's costs in an amount not to exceed \$397,275.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to execute an Interlocal Agreement with TxDOT (CFDA# 20.205) to provide cost reimbursement for labor, material and equipment to assist with the operation and maintenance of traffic signals impacted by TxDOT's Horseshoe Project in an amount not to exceed \$397,275.00 after it has been approved as to form by the City Attorney.

**Section 2.** That the City Controller is hereby authorized to receive and deposit all reimbursements from TxDOT pertaining to this project in an amount not to exceed \$397,275.00 in Fund F8FG, Dept. STS, Unit 88FG, Revenue Source 6506.

**Section 3.** That the City Manager is hereby authorized to establish an appropriation in the amount of \$397,275.00 in Fund F8FG, Dept. STS, Unit 88FG, Object 4820, Activity Code THRG, Major Program TxDOT, Program TPF8FG13.

**Section 4.** That the City Controller is hereby authorized to disburse funds from Fund F8FG, Dept. STS, Unit 88FG, Object 4820, Activity Code THRG, Program TPF8FG13 in an amount not to exceed \$397,275.00.

**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.





**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** October 8, 2013

**COUNCIL DISTRICT(S):** 5

**DEPARTMENT:** Sustainable Development and Construction  
Public Works Department

**CMO:** Theresa O'Donnell, 671-9195  
Jill A. Jordan, P.E., 670-5299

**MAPSCO:** 59P

---

**SUBJECT**

Authorize acquisition from Raymondo M. Garcia, Maria M. Garcia aka Maria M. Fuller and Florentino J. Hernandez, of approximately 15,000 square feet of land located near the intersection of San Leon Avenue and Glenclyff Drive for the San Leon Avenue Project - Not to exceed \$8,000 (\$6,000, plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds

**BACKGROUND**

This item authorizes the acquisition of approximately 15,000 square feet of land located near the intersection of San Leon Avenue and Glenclyff Drive from Raymondo M. Garcia, Maria M. Garcia aka Maria M. Fuller and Florentino J. Hernandez. This property will be used for the San Leon Avenue Project. The consideration is based on an independent appraisal.

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

This item has no prior action.

**FISCAL INFORMATION**

2006 Bond Funds - \$8,000 (\$6,000, plus closing costs and title expenses not to exceed \$2,000)

**OWNERS**

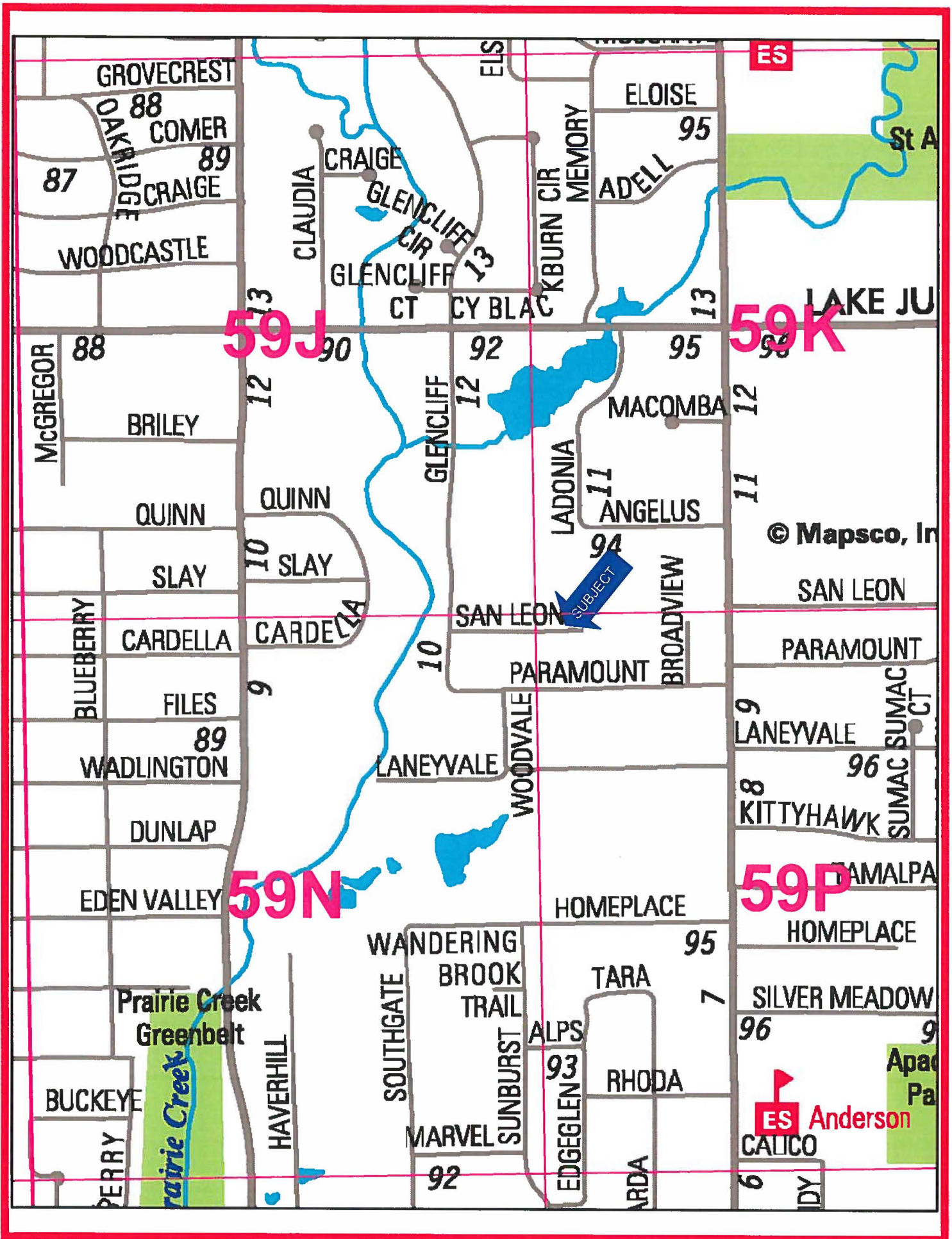
Raymondo M. Garcia

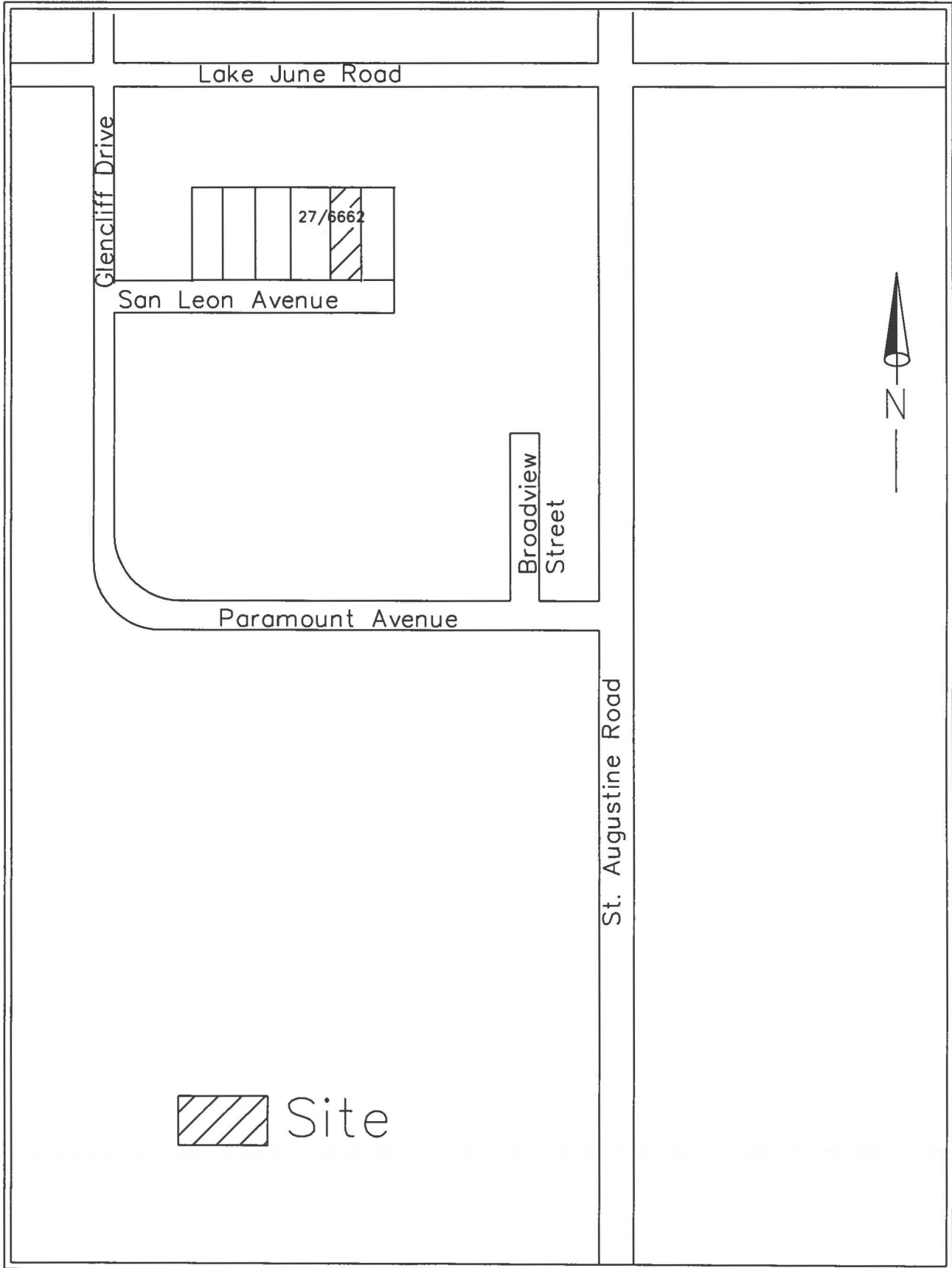
Maria M. Garcia aka Maria M. Fuller

Florentino J. Hernandez

**MAPS**

Attached





 Site



October 8, 2013

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 15,000 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": San Leon Avenue Project

"USE": The widening and improvements to San Leon Avenue, 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 here provided.

"PROPERTY INTEREST": Fee Simple subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit "B".

"OWNER": Raymondo M. Garcia, Maria M. Garcia aka Maria M. Fuller and Florentino J. Hernandez, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$6,000.00

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

"AUTHORIZED AMOUNT": Not to exceed \$8,000.00

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

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.



October 8, 2013

**SECTION 3.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**SECTION 4.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 5.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

**SECTION 6.** That in the event this acquisition closes, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Street and Transportation Funds, Fund No 8T22, Department PBW, Unit U301, Activity STPT, Program No. PB06U301, Object 4210, Encumbrance No. SUSU301LK22. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

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

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST, Interim City Attorney**


BY   
**Assistant City Attorney**

# EXHIBIT A

## Field Notes Describing Land to Be Sold in Lake June Addition in City of Dallas Block 28/6662

Being situated in the Joel Roberts Survey, Abstract Number 1224 Dallas County, Texas, and being all of Lot F of Block 28 (Block 28/6662, Official City of Dallas Block Numbers) of the Lake June Addition, an addition to the City of Dallas, recorded in Volume 3, Page 371, Map Records of said county, and being a part of the property conveyed to Raymondo M. and wife, Maria M. Garcia (1/2 Interest) and Florentino J. Hernandez (1/2 Interest) by Deed, dated December 1, 1983 and recorded in Volume 83243, Page 2200, Deed Records of said county and containing 15,000 square feet or 0.344 acres of land as shown on said Lake June Addition plat.

This description is approved as to form.

  
Scott Holt, R.P.L.S.  
Survey Program Manager

Date: 3/8/2013

# EXHIBIT B

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

## WARRANTY DEED

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

That Raymondo M. Garcia and Maria M. Garcia aka Maria M. Fuller of a undivided one-half interest and Florentino J. Hernandez, a single person of a undivided one-half interest (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of SIX THOUSAND AND 00/100 DOLLARS (\$6,000.00) 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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Raymondo M. Garcia

\_\_\_\_\_  
Maria M. Garcia  
aka Maria M. Fuller

\_\_\_\_\_  
Florentino J. Hernandez



\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF DALLAS    '

This instrument was acknowledged before me on \_\_\_\_\_  
by Raymondo M. Garcia.

\_\_\_\_\_  
Notary Public, State of TEXAS

STATE OF TEXAS       '  
COUNTY OF DALLAS    '

This instrument was acknowledged before me on \_\_\_\_\_  
by Maria M. Garcia aka Maria M. Fuller.

\_\_\_\_\_  
Notary Public, State of TEXAS

STATE OF TEXAS       '  
COUNTY OF DALLAS    '

This instrument was acknowledged before me on \_\_\_\_\_  
by Florentino J. Hernandez.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Sustainable Development and Construction  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Lois King

Warranty Deed Log No. 36753

**Field Notes Describing Land to Be Sold in Lake June Addition in City of  
Dallas Block 28/6662**

Being situated in the Joel Roberts Survey, Abstract Number 1224 Dallas County, Texas, and being all of Lot F of Block 28 (Block 28/6662, Official City of Dallas Block Numbers) of the Lake June Addition, an addition to the City of Dallas, recorded in Volume 3, Page 371, Map Records of said county, and being a part of the property conveyed to Raymondo M. and wife, Maria M. Garcia (1/2 Interest) and Florentino J. Hernandez (1/2 Interest) by Deed, dated December 1, 1983 and recorded in Volume 83243, Page 2200, Deed Records of said county and containing 15,000 square feet or 0.344 acres of land as shown on said Lake June Addition plat.

This description is approved as to form.

  
Scott Holt, R.P.L.S.  
Survey Program Manager

Date: 3/8/2013

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** October 8, 2013

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Sustainable Development and Construction  
Public Works Department

**CMO:** Theresa O'Donnell, 671-9195  
Jill A. Jordan, P.E., 670-5299

**MAPSCO:** 45L

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**SUBJECT**

Authorize a moving and related expenses-nonresidential payment for Tip Top Big Dog Inc. dba Tini Bar, who has been displaced as a direct result of real property acquisition of the property at 2224 Elm Street, to be used in conjunction with the Central Expressway from Commerce to Live Oak Realignment Project - Not to exceed \$77,021 – Financing: 2003 Bond Funds

**BACKGROUND**

Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense payments for businesses displaced by the City of Dallas in conjunction with its real property acquisition activities. On April 10, 2013, the City Council approved Resolution No. 13-0627 which authorized a Special Commissioners' Award and settlement of a condemnation suit for real property, known as 2224 Elm Street, for public use in conjunction with the Central Expressway from Commerce to Live Oak Realignment Project. Tip Top Big Dog Inc. dba Tini Bar has been displaced as a direct result of this property acquisition.

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

On April 10, 2013, the City Council authorized a Special Commissioners' Award of real property for public use in conjunction with the Central Expressway from Commerce to Live Oak Realignment Project by Resolution No. 13-0627.

**FISCAL INFORMATION**

2003 Bond Funds - \$77,021

**OWNER**

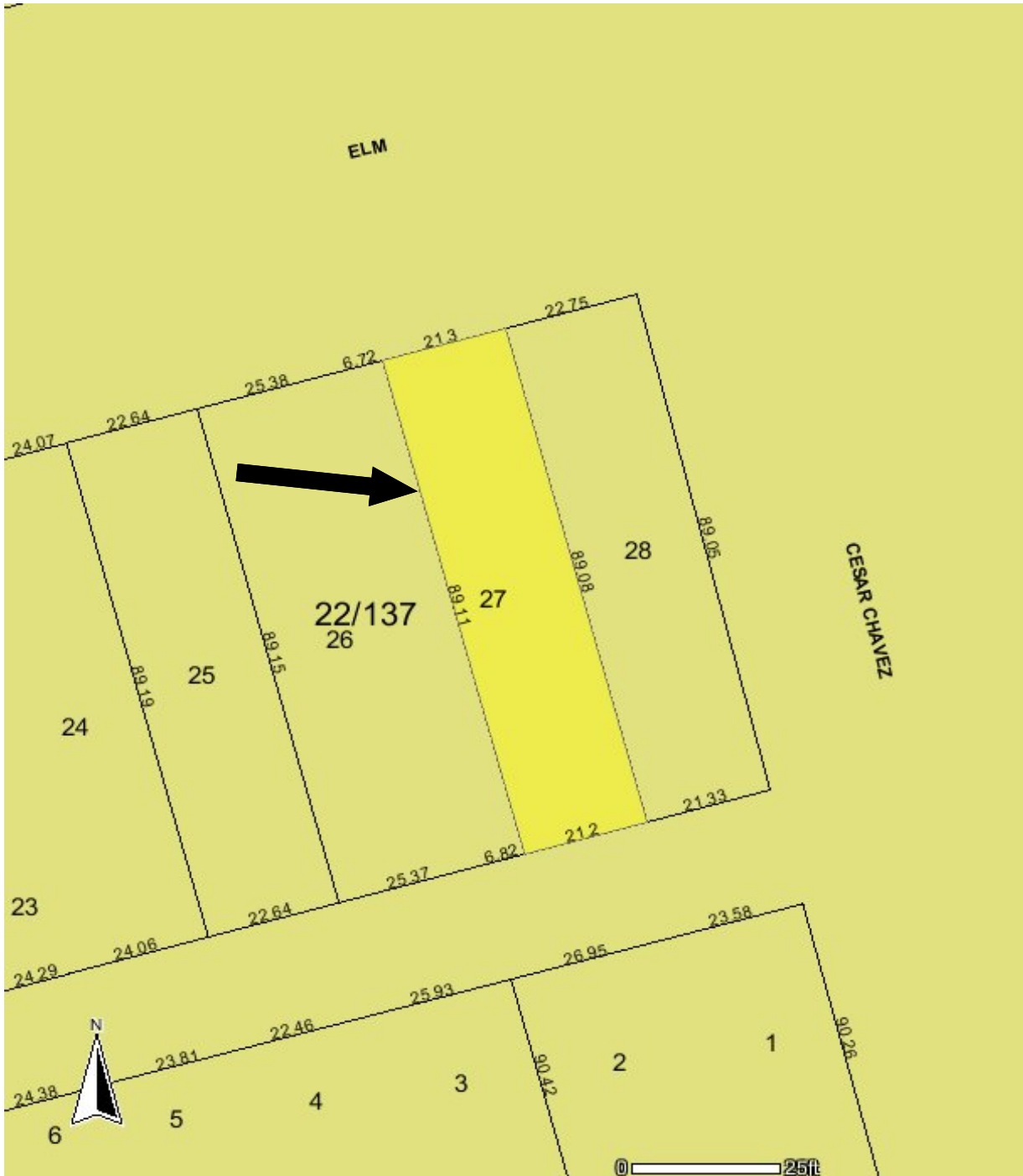
**Tip Top Big Dog Inc. dba Tini Bar**

Steve Wylie, Owner

**MAP**

Attached

# Central Expressway from Commerce to Live Oak Realignment Project Relocation Assistance



Block 22/137 Lt 27-2224 Elm Street

October 8, 2013

**WHEREAS**, on April 10, 2013, the City Council approved Resolution No. 13-0627 which authorized a Special Commissioners' Award and settlement of a condemnation suit for real property improved with commercial buildings and more commonly known as 2224 Elm Street, to be used in conjunction with the Central Expressway from Commerce to Live Oak Realignment Project; and

**WHEREAS**, Tip Top Big Dog Inc. dba Tini Bar has been displaced as a direct result of this property acquisition and will vacate the property; and

**WHEREAS**, Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides relocation payments for businesses displaced by the City of Dallas in conjunction with its property acquisition activities for its projects; and

**Now, Therefore,**

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

**SECTION 1.** That Tip Top Big Dog Inc. dba Tini Bar has been displaced in conjunction with the construction of the Central Expressway from Commerce to Live Oak Realignment Project and is entitled to an actual reasonable moving and related expenses-nonresidential payment pursuant to Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas.

**SECTION 2.** That Tip Top Big Dog Inc. dba Tini Bar is eligible to receive an actual reasonable moving and related expenses-nonresidential payment in an amount up to \$77,021.

**SECTION 3.** That the City Controller is authorized to draw a warrant in favor of Tip Top Big Dog Inc. dba Tini Bar in an amount not to exceed \$77,021 for an actual reasonable moving and related expenses-nonresidential payment.

This warrant is to be paid as follows:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Obj</u>	<u>Act Code</u>	<u>Prog No</u>	<u>CT</u>	<u>Vendor No</u>	<u>Amount</u>
4R22	PBW	U779	4240	THRF	PB06U779	SUSU779ND66	VC0000012192	\$77,021

**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:** October 8, 2013  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 45G

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**SUBJECT**

An ordinance abandoning a portion of Pavillion Street to Twin Lakes Plaza, L.P., the abutting owner, containing a total of approximately 3,974 square feet of land, located near its intersection with Flora Street, and authorizing the quitclaim – Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

On June 11, 2008, the City Council approved Ordinance No. 27211, which provided for the abandonment of Pavillion Street to Twin Lakes Plaza, L.P., subject to future conditions which included, but not limited to, the filing of a final replat showing the fee simple dedication of not less than 5,894 square feet of land, within one year of the effective date of the Ordinance. The final replat and dedication were not completed within the specified time period rendering the ordinance null and void and of no further effect. The final replat and required dedication to the City were completed shortly thereafter as part of the payment of the abandonment fee otherwise required by Dallas City Code.

This item re-authorizes the abandonment of a portion of Pavillion Street to Twin Lakes Plaza, L.P., the abutting owner. The area will be included with the property of the abutting owner to expand and develop residential townhomes and condominiums.

Notices were sent to 21 property owners located within 300 feet of the proposed abandonment area. There was no response received in opposition to the request.

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

On May 14, 2008, this item was deferred.

On June 11, 2008, City Council passed Ordinance No. 27211.

**FISCAL INFORMATION**

Revenue: \$5,400, plus the \$20 ordinance publication fee

**OWNER**

**Twin Lakes Plaza, L.P.**

Centamtar Terras, LLC, General Partner

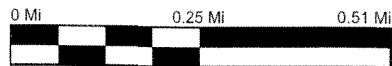
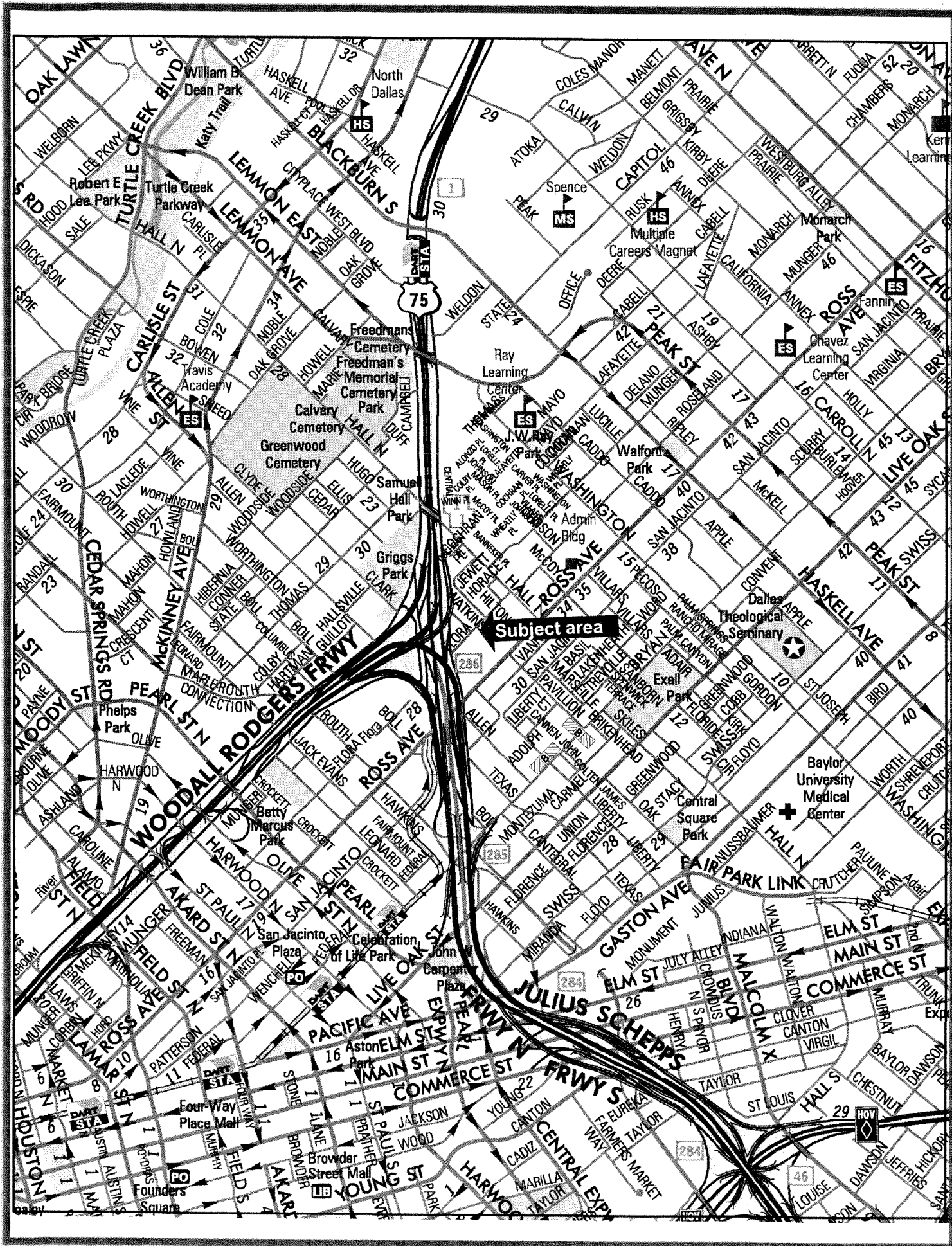
CTMGT, LLC, Managing Member

Mehrdad Moayedi, Manager

**MAPS**

Attached







North Central Expressway  
(U.S. Highway 75)

Watkins Avenue

**2/594**

Public Right-of-Way known as Pavilion Street ▼

**2/594**

Flora Street

**Proposed Abandonment**

 Street ROW

**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment of a portion of public right-of-way commonly known as Pavillion Street located adjacent to City Block 2/594 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Twin Lakes Plaza, L.P.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing for the waiver of certain provisions of the Dallas City Code; providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, on June 11, 2008, the City Council of the City of Dallas, approved Ordinance No. 27211, which provided for the abandonment and quitclaim of a portion of public right-of-way known as Pavillion Street located adjacent to City Block 2/594, Dallas, Dallas County, Texas to Twin Lakes Plaza, L.P., a Texas limited partnership, subject to future conditions which included, but not limited to, the filing of a final replat showing the fee simple dedication of not less than 5,894 square feet of land, within one year of the effective date of the Ordinance, as part of the payment of the abandonment fee otherwise required by Dallas City Code; and

**WHEREAS**, said final replat and dedication were not completed within one year of the effective date of the ordinance rendering the ordinance now null and void and of no further effect; and

**WHEREAS**, the final replat and required dedication to the City, provided in Ordinance No. 27211, was completed shortly after the expiration of the specified time period; and

**WHEREAS**, Twin Lakes Plaza, L.P., requests the abandonment and quitclaim of the same area as described in Ordinance No. 27211 pursuant to a new abandonment ordinance, subject to the same terms and conditions as for Ordinance No. 27211, but with recognition of the completion of the final replat and dedication required as part of payment of the abandonment fee otherwise required by Dallas City Code; and

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Twin Lakes Plaza, L.P., hereinafter referred to as **GRANTEE**, still deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of right-of-way still is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public still will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms, conditions hereinafter more fully set forth; **Now, Therefore**,

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

**SECTION 1.** That those certain provisions of Section 2-26.2 of the Dallas City Code regarding the abandonment fee to be paid for a street abandonment, to the extent not required by state law or City Charter, are hereby waived with respect to this ordinance.

**SECTION 2.** That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

**SECTION 3.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 9 and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 4.** That upon payment of the monetary consideration set forth in Section 3, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

**SECTION 5.** That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 3 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction – Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

**SECTION 6.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

**SECTION 7.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 8.** That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

**SECTION 9.** That as a condition of this abandonment and as part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold whole and harmless the City of Dallas of, from and against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting

the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, “Hazardous Substance” means the following: (a) any “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE’s** responsibility for keeping the area described in Exhibit A closed, barricaded and/or signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 11.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 3, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance; and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 12.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:**  
**THOMAS P. PERKINS, JR.**  
City Attorney

**DAVID COSSUM**  
Interim Director of Department of  
Sustainable Development and  
Construction

BY   
Assistant City Attorney

BY   
Assistant Director

Passed \_\_\_\_\_.



**PAVILION STREET  
15' RIGHT-OF-WAY ABANDONMENT  
CITY OF DALLAS BLOCK 2/594  
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING** a 3,974 square foot tract of land located in the JOHN GRIGSBY SURVEY, ABSTRACT NO. 495, City of Dallas, Dallas County, Texas and being part of Block Number 2/594, Official Numbers of the City of Dallas, Texas, said tract also being a part of Pavilion Street, a 15 foot right-of-way, and being more particularly described as follows;

**BEGINNING** at the intersection of the Northwest right-of-way line of Flora Street, a variable width right-of-way, with the Southwest right-of-way line of said Pavilion Street, said point being North 44 degrees 09 minutes 22 seconds East, a distance of 136.92 feet from a 3/4 inch iron pipe found in said Northwest right-of-way line, said point also being the East corner of a tract of land described in Deed to Twin Lakes Plaza, L.P., recorded in Document Number 20070230875, Deed Records, Dallas County, Texas;

**THENCE** North 45 degrees 23 minutes 48 seconds West, along said Southwest right-of-way line, a distance of 265.00 feet to a point for corner at the intersection of said Southwest right-of-way line with the East right-of-way line of North Central Expressway (US Highway No. 75), a variable width right-of-way, said point being at the North corner of said Twin Lakes Plaza, L.P. tract recorded in Document Number 20070230875;

**THENCE** North 44 degrees 36 minutes 12 seconds East, leaving said Southwest right-of-way line, a distance of 15.00 feet to a point for corner in the Northeast right-of-way line of said Pavilion Street;

**THENCE** South 45 degrees 23 minutes 48 seconds East, along said Northeast right-of-way line, passing at a distance of 34.75 feet a 1/2 inch iron rod found at the South corner of a tract of land described in Deed to Twin Lakes Plaza, L.P., recorded in Document Number 20070230868, Deed Records, Dallas County, Texas, passing at a distance of 136.68 feet a 1/2 inch iron rod found, and continuing for a total distance of 264.88 feet to a point for corner at the intersection of said Northwest right-of-way line of Flora Street with said Northeast right-of-way line, said point being the South corner of a tract of land described in Deed to Twin Lakes Plaza, L.P., recorded in Document No. 20070148738, Deed Records, Dallas County, Texas;

**THENCE** South 44 degrees 09 minutes 59 seconds West, leaving said Northeast right-of-way line, a distance of 15.00 feet to the **POINT OF BEGINNING** and containing 3,974 square feet or 0.091 acres of land, more or less.

**REVIEWED BY**

*Jr* 05.07.2008  
SP26 1096



PAVILION STREET  
15' RIGHT-OF-WAY ABANDONMENT  
CITY OF DALLAS BLOCK 2/594  
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Basis of bearings derived from the Texas State Plane Coordinate System, NAD83,  
North Central Zone.

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

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

(For SPEG use only)	
REVIEWED By:	_____
Date:	_____
SPRG NO:	_____

*V. L. Matocha*

V.L. Matocha

April 7, 2008

Texas Registration No. 1816



**REVIEWED BY**

*Jr* 05.07.2008  
SPRG 1096

**PAVILION STREET  
15' RIGHT-OF-WAY ABANDONMENT**

**EXHIBIT A**

CITY OF DALLAS BLOCK 2/594  
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



N44°36'12"E  
15.00'

NORTH CENTRAL EXPRESSWAY  
(US HIGHWAY NO. 75)  
(VARIABLE WIDTH RIGHT-OF-WAY)

TWIN LAKES PLAZA, L.P.  
DOC. NO. 20070230868  
D.R.D.C.T.

ESTHER GRIFFIN  
VOLUME 91719 PAGE 1442  
VOLUME 91719 PAGE 1485  
D.R.D.C.T.

BLOCK 2/594  
TWIN LAKES PLAZA, L.P.  
DOC. NO. 20070148738  
D.R.D.C.T.

3,974 SQUARE FEET, 0.091 ACRES

TWIN LAKES PLAZA, L.P.  
DOC. NO. 20070230868  
D.R.D.C.T.

S44°09'59"W  
15.00'

FLORA STREET  
(VARIABLE WIDTH RIGHT-OF-WAY)

TWIN LAKES PLAZA, L.P.  
DOC. NO. 20070138443  
D.R.D.C.T.

BLOCK 595  
JACK R. SWAIN, JR.  
VOL. 92252, PG. 8579  
D.R.D.C.T.

STUART CROW  
DOCUMENT NO. 20080247127  
D.R.D.C.T.

**LEGEND**

- D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
- DOC. NO. = DOCUMENT NUMBER
- = POINT FOR CORNER
- ⊙ = 1/2 INCH IRON ROD FOUND  
(UNLESS OTHERWISE NOTED)
- IPF = IRON PIPE FOUND
- <CM> = CONTROL MONUMENT



**DOWDEY, ANDERSON  
& ASSOCIATES, INC.**

5225 Village Creek Drive, Suite 200 Plano, Texas 75093  
Phone 972-931-0694 Fax 972-931-9538

(For SPRG use only)

REVIEWED By: \_\_\_\_\_  
Date: \_\_\_\_\_  
SPRG NO: \_\_\_\_\_

**REVIEWED BY**

*JH 05.07.2008*  
*SPRG-1096*

NOTE: BASIS OF BEARINGS ARE DERIVED FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, NORTH CENTRAL ZONE.

*V.L. Matocha*

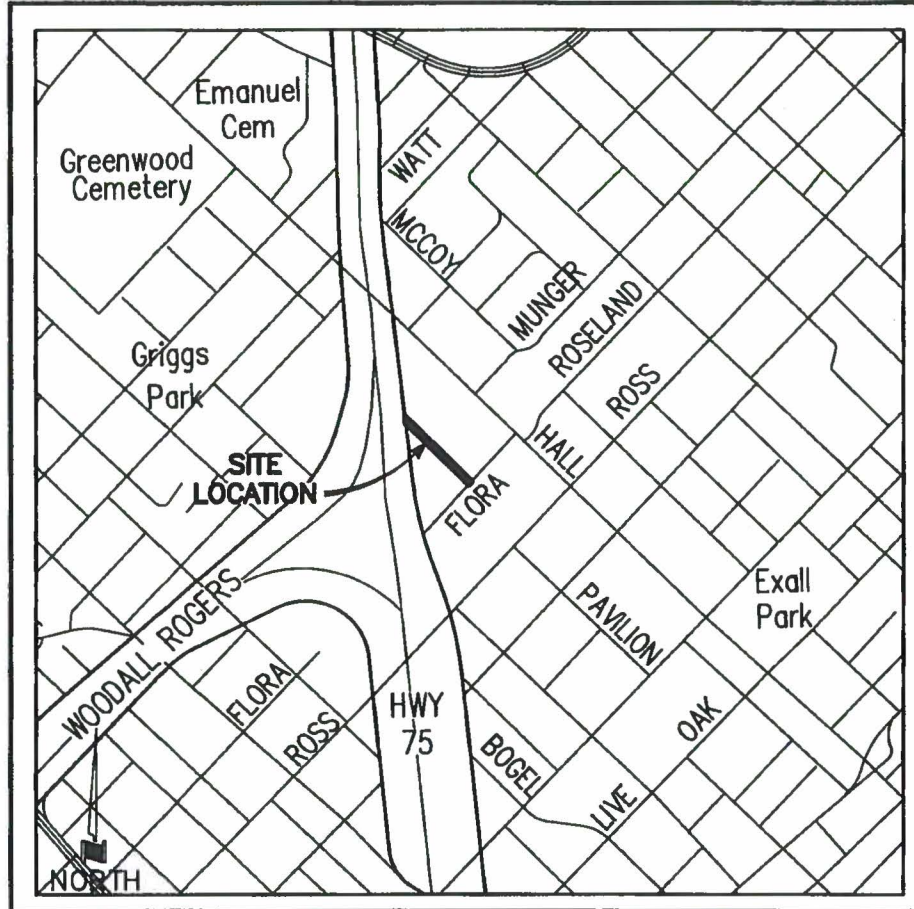
V.L. Matocha  
Registered Professional Land Surveyor  
No. 1816



PAVILION STREET  
15' RIGHT-OF-WAY ABANDONMENT

EXHIBIT A

CITY OF DALLAS BLOCK 2/594  
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



LOCATION MAP  
NOT TO SCALE  
DALLAS MAPSCO 45-G

REVIEWED BY

*JM 05-07-2008*  
*SPRG-1096*



**DOWDEY, ANDERSON  
& ASSOCIATES, INC.**

5225 Village Creek Drive, Suite 200 Plano, Texas 75093  
Phone 972-931-0694 Fax 972-931-9538

(For SPRG use only)

REVIEWED By: \_\_\_\_\_  
Date: \_\_\_\_\_  
SPRG NO: \_\_\_\_\_

*V.L. Matocha*

V.L. Matocha  
Registered Professional Land Surveyor  
No. 1816





# EXHIBIT B

## ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

**KEY FOCUS AREA:** Culture, Arts and Recreation

**AGENDA DATE:** October 8, 2013

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Trinity Watershed Management  
City Attorney's Office  
Park & Recreation

**CMO:** Jill A. Jordan, P.E., 670-5299  
Warren M.S. Ernst, 670-3491  
Joey Zapata, 670-1204

**MAPSCO:** 56 V

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**SUBJECT**

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the lawsuit styled City of Dallas v. Ike Stearn et al, Cause No. CC-13-02713-D, pending in County Court at Law No. 4, for acquisition from Ike Stearn, et al, of 6,145 square feet of land located near the intersection of Stokes Street and Hull Avenue for the South Central/Joppa Gateway Project; and **(2)** settlement of the lawsuit for an amount not to exceed the amount of the Special Commissioners award - Not to exceed \$5,525 (\$3,525 being the amount of the award, plus closing costs and title expenses not to exceed \$2,000); an increase of \$1,375 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

**BACKGROUND**

On October 10, 2012 City Council authorized the acquisition of approximately 6,145 square feet of land for \$2,150 by Resolution No. 12-2541. The property owners were offered \$2,150 which was based on a written appraisal from an independent certified appraiser. The offer was not accepted by the property owner and the City filed an eminent domain case to acquire the land. After a hearing of the Special Commissioners on September 9, 2013 the property owners were awarded \$3,524.82. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$1,374.82 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$2,000.

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

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

Authorized acquisition on October 10, 2012, by Resolution No. 12-2541.

Council will be briefed in Closed Session or by memorandum on October 2, 2013.

**FISCAL INFORMATION**

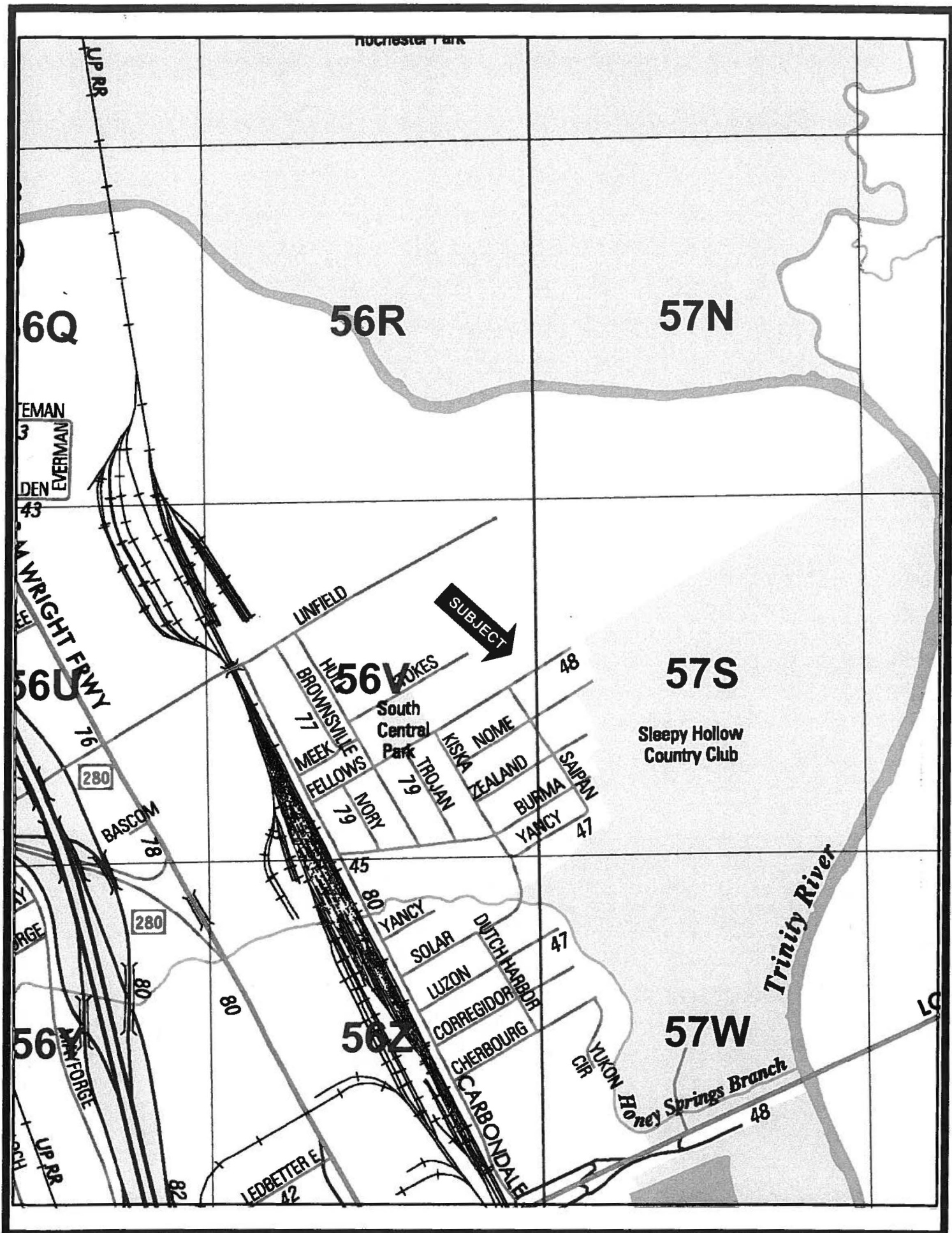
2006 Bond Funds - \$5,524.82 (\$3,524.82 plus closing costs and title expenses not to exceed \$2,000)

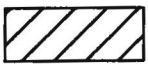
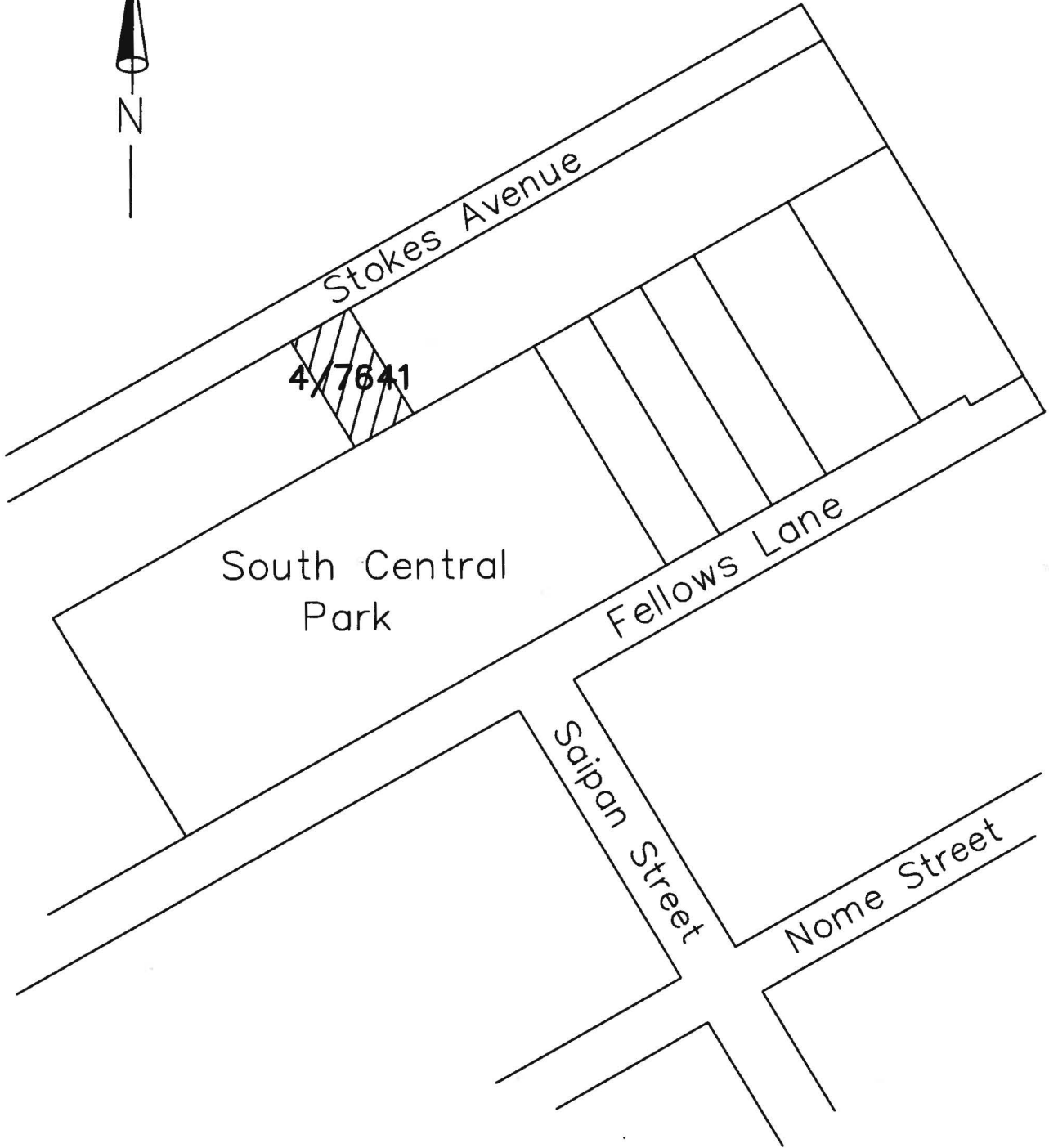
**OWNER**

Ike Stearn, et al

**MAPS**

Attached





Area to be Acquired



October 8, 2013

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

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

CONDEMNATION SUIT: Cause No. CC-13-02713-D, in County Court at Law No. 4, and styled City of Dallas v. Ike Stearn et al, filed pursuant to City Council Resolution No. 12-2541.

PROPERTY: Approximately 6,145 square feet of land located in Dallas County, as described in the Condemnation Suit.

PROJECT: South Central/Joppa Gateway

OFFICIAL OFFER: \$2,150.00

AWARD: \$3,524.82

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

AUTHORIZED AMOUNT: Not to exceed: \$5,524.82

DESIGNATED FUNDS: Payable out of the 2006 Bond Funds, Fund No.8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4210, Encumbrance No. CT- PKR12019345E.

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

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

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

October 8, 2013

**Now, Therefore,**

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

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

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

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

**APPROVED AS TO FORM**

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

By:   
**Assistant City Attorney**

**KEY FOCUS AREA:** Culture, Arts and Recreation  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Trinity Watershed Management  
Park & Recreation  
**CMO:** Jill A. Jordan, P.E., 670-5299  
Joey Zapata, 670-1204  
**MAPSCO:** 57 U

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**SUBJECT**

Authorize **(1)** an increase in the contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, to provide for signage; fire suppression system, fire lines, fire alarm systems, and emergency lighting at the covered arenas; communications conduits; switchgear for kitchen equipment; and revised domestic water lines at the Texas Horse Park, in the amount of \$581,700; **(2)** the receipt and deposit of funds from the Texas Horse Park Fund of The Dallas Foundation in the amount of \$350,000; and **(3)** the establishment of appropriations in the Texas Horse Park Fund of The Dallas Foundation in the amount of \$350,000 - Total not to exceed \$581,700, from \$10,683,100 to \$11,264,800 - Financing: General Obligation Commercial Paper Funds (\$481,700) and the Dallas Foundation Grant Funds (\$100,000)

**BACKGROUND**

City Council authorized a contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, on May 22, 2013 by Resolution No. 13-0903, for construction of the Texas Horse Park. Construction is underway and the opening activities for the Texas Horse Park are anticipated for September 2014. Change Order No. 1 was authorized by Administrative Change Order No. 13-1224 for revisions to the three barns at no additional cost.

City staff has been working with our partners to complement several initiatives that build upon the programming and fundraising activities of EQUEST, River Ranch Educational Charities, and Texas Horse Park Foundation, Inc.

**BACKGROUND (Continued)**

The Texas Horse Park Fund of The Dallas Foundation notified the City that donor directed private funding is available for construction of EQUEST related buildings, arenas and other infrastructure and items associated with LEED certification. As such, it has been determined that enhancements to the facilities currently being constructed would add to the efficiency and quality of services to be provided at the Texas Horse Park. These enhancements could be added without delaying the anticipated scheduled opening.

Funding for these enhancements will be through a combination of private funds from the Texas Horse Park Fund of the Dallas Foundation, and reallocated City funding from Loop 12 Gateway project for monument signs.

This action would authorize Change Order No. 2 to the contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, to provide for signage; fire suppression system, fire lines, fire alarm systems, and emergency lighting at the covered arenas; communications conduits; switchgear for kitchen equipment; and revised domestic water lines at the Texas Horse Park. Additionally, this action would authorize receipt and deposit of funds in the amount of \$350,000 from Texas Horse Park Fund of the Dallas Foundation, and establishment of appropriations in the Texas Horse Park Fund of the Dallas Foundation Fund in the amount of \$350,000.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	November 2012
Completed Design	March 2013
Began Construction	August 2013
Complete Construction	July 2014

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

The Park and Recreation Board authorized the advertisement for a Request for Competitive Sealed Proposals on March 7, 2013.

The Park and Recreation Board authorized award of the contract on May 16, 2013.

The City Council authorized award of the contract on May 22, 2013, by Resolution No. 13-0903.

**FISCAL INFORMATION**

General Obligation Commercial Paper Funds - \$481,700  
Dallas Foundation Grant Funds - \$100,000

Construction Contract	\$10,683,100
Change Order No. 1	\$ 0
Change Order No. 2 (this action)	<u>\$ 581,700</u>
Total	\$11,264,800

**M/WBE INFORMATION**

See Attached.

**ETHNIC COMPOSITION**

Sedalco/MetalMan Design/Build Corporation, A Joint Venture

White Male	27	White Female	6
Black Male	0	Black Female	0
Hispanic Male	2	Hispanic Female	1
Other Male	0	Other Female	0

**OWNERS**

**Sedalco/MetalMan Design/Build Corporation, A Joint Venture**

**Sedalco, LP**

Tom Krader, President

**MetalMan Design/Build Corporation**

Tamara S. Crooks, President/Secretary/Treasurer

J. V. McLure, Vice President

Frank Argumaniz, Vice President

**MAP**

Attached

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

**PROJECT:** Authorize **(1)** an increase in the contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, to provide for signage; fire suppression system, fire lines, fire alarm systems, and emergency lighting at the covered arenas; communications conduits; switchgear for kitchen equipment; and revised domestic water lines at the Texas Horse Park, in the amount of \$581,700; **(2)** the receipt and deposit of funds from the Texas Horse Park Fund of The Dallas Foundation the amount of \$350,000; and **(3)** the establishment of appropriations in the Texas Horse Park Fund of The Dallas Foundation in the amount of \$350,000 – Total not to exceed \$581,700, from \$10,683,100 to \$11,264,800 - Financing: General Obligation Commercial Paper Funds (\$481,700) and the Dallas Foundation Grant Funds (\$100,000)

Sedalco/MetalMan Design/Build Corporation, A Joint Venture is a 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	\$428,884.00	73.73%
Non-local contracts	\$152,816.00	26.27%
<b>TOTAL THIS ACTION</b>	<b>\$581,700.00</b>	<b>100.00%</b>

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

#### Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Champ Life Sfty dba Chmp Auto Fire Sprlnk	WFWB58537Y0814	\$228,506.00	53.28%
LKT & Associates, LLC	WFDB5511Y1013	\$35,328.00	8.24%
<b>Total Minority - Local</b>		<b>\$263,834.00</b>	<b>61.52%</b>

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

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Miller-Sierra Contractors	HMMB58594N0914	\$5,295.00	3.46%
Madden Electric Service	WFWB56579N0214	\$37,665.00	24.65%
GST Manufacturing	WFDB55317Y1113	\$9,644.00	6.31%
JM Materials	WFDB57114Y0414	\$9,293.00	6.08%
<b>Total Minority - Non-local</b>		<b>\$61,897.00</b>	<b>40.50%</b>

**TOTAL M/WBE PARTICIPATION**

	<b>This Action</b>		<b>Participation to Date</b>	
	<b><u>Amount</u></b>	<b><u>Percent</u></b>	<b><u>Amount</u></b>	<b><u>Percent</u></b>
African American	\$0.00	0.00%	\$519,750.00	4.61%
Hispanic American	\$5,295.00	0.91%	\$1,807,595.00	16.05%
Asian American	\$0.00	0.00%	\$447,100.00	3.97%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$320,436.00	55.09%	\$2,076,324.00	18.43%
Total	<u>\$325,731.00</u>	<u>56.00%</u>	<u>\$4,850,769.00</u>	<u>43.06%</u>





October 8, 2013

**WHEREAS**, on May 22, 2013, by Resolution No. 13-0903, Sedalco/MetalMan Design/Build Corporation, A Joint Venture was awarded a contract for construction of the Texas Horse Park located at 811 Pemberton Hill Road, in an amount not to exceed \$10,683,100; and

**WHEREAS**, on August 23, 2013, Change Order No. 1 was authorized by Administrative Action No. 13-1224, for revisions to the three barns at no cost, thereby the contract remained unchanged at \$10,683,100; and

**WHEREAS**, there is a need to provide an increase in the contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture to provide for signage, fire suppression system, fire lines, fire alarm systems, and emergency lighting at the covered arenas, communications conduits, switchgear for kitchen equipment, and revised domestic water lines at the Texas Horse Park.

**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 increase the contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture for increased fire and public safety systems to provide greater flexibility for events and programming at the Texas Horse Park, in an amount not to exceed \$581,700, increasing the contract from \$10,683,100 to \$11,264,800.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute Change Order No. 2 to the contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, after approval as to form by the City Attorney.

**SECTION 3.** That the City Controller is hereby authorized to receive and deposit funds from the Texas Horse Park Fund of The Dallas Foundation in an amount not to exceed \$350,000 in Fund 0399, Department PKR, Unit T291, Revenue Source 8411.

**SECTION 4.** That the City Manager is hereby authorized to establish appropriations in the Texas Horse Park Fund of The Dallas Foundation Fund, Fund 0399, Department PKR, Unit T291, Object 4310 in the amount of \$350,000.

October 8, 2013

**SECTION 5.** That the City Controller is hereby authorized to pay the amount of \$581,700 to Sedalco/MetalMan Design/Build Corporation, A Joint Venture, as follows:

Texas Horse Park Fund of The Dallas Foundation Fund Fund 0399, Department PKR, Unit T291, Object 4310 Activity MAPK, Program PK06T291, CT-PKR13019386 Vendor VS0000037697	\$100,000
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General Obligation Commercial Paper Funds Fund 2P14, Department TWM, Unit T291, Object 4310 Activity MAPK, Program PK06T291, CT-PKR13019386 Vendor VS0000037697	<u>\$481,700</u>
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Total amount not exceed	\$581,700
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**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:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 1, 2, 4, 6  
**DEPARTMENT:** Water Utilities  
**CMO:** Forest E. Turner, 670-3390  
**MAPSCO:** 44 T U V 45 N S T W X

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**SUBJECT**

Authorize a Project Utility Adjustment Agreement with Pegasus Link Constructors, LLC for water and wastewater main relocations and adjustments in Interstate Highway 30 (Dallas-Fort Worth Turnpike) from Sylvan Avenue to Lamar Street and in Interstate Highway 35E (Stemmons Freeway) from 6th Street to Commerce Street (Horseshoe Project) - Not to exceed \$382,812 - Financing: Water Utilities Current Funds (to be reimbursed by Pegasus Link Constructors, LLC)

**BACKGROUND**

This project consists of the design and construction of water and wastewater main relocations and adjustments in conjunction with the paving and drainage improvements by the Texas Department of Transportation (TxDOT) through a Comprehensive Development Agreement with Pegasus Link Constructors, LLC (the Design-Build Contractor) in Interstate Highway 30 (Dallas-Fort Worth Turnpike) from Sylvan Avenue to Lamar Street and in Interstate Highway 35E (Stemmons Freeway) from 6th Street to Commerce Street. Pursuant to the Comprehensive Development Agreement between TxDOT and the Design-Build Contractor, the Design-Build Contractor has undertaken the obligation to design and construct the Horseshoe Project, which includes necessary water and wastewater main relocations and adjustments, at the Design-Build Contractor's expense.

Under the Project Utility Adjustment Agreement, the Design-Build Contractor will reimburse the Water Utilities Department for the indirect costs of providing engineering review, construction inspection services, testing services, right-of-way acquisitions, and utility investigations. The Design-Build Contractor is responsible for the costs of design and construction of the water and wastewater relocations and adjustments, excluding any betterment.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design                      January 2013  
Complete Design                January 2016  
Begin Construction              November 2013  
Complete Construction        January 2017

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

This item has no prior action.

**FISCAL INFORMATION**

\$382,811.47 - Water Utilities Current Funds (to be reimbursed by Pegasus Link Constructors, LLC)

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$137,812.13
2	\$ 68,906.06
4	\$ 88,046.64
6	<u>\$ 88,046.64</u>
Total	\$382,811.47

**MAP**

Attached





October 8, 2013

**WHEREAS**, the Texas Department of Transportation proposes to construct paving and drainage improvements in Interstate Highway 30 (Dallas-Fort Worth Turnpike) from Sylvan Avenue to Lamar Street and in Interstate Highway 35E (Stemmons Freeway) from 6th Street to Commerce Street (Horseshoe Project); and,

**WHEREAS**, the design and construction of the Horseshoe Project will be done by Pegasus Link Constructors, LLC (Design-Build Contractor) through a Comprehensive Development Agreement with the Texas Department of Transportation; and,

**WHEREAS**, the Water Utilities Department has existing water and wastewater mains in conflict with the Horseshoe Project that will require relocation and adjustment to facilitate the project; and,

**WHEREAS**, the Design-Build Contractor has submitted an acceptable Project Utility Adjustment Agreement to incorporate the Water Utilities Department's relocations and adjustments into the Horseshoe Project; and,

**WHEREAS**, under the Project Utility Adjustment Agreement the Design-Build Contractor is responsible for the costs of the design and construction of the water and wastewater relocations and adjustments excluding betterment; and,

**WHEREAS**, the Design-Build Contractor is responsible for reimbursing the Water Utilities Department for the indirect costs of providing engineering review, construction inspection services, testing services, right-of-way acquisitions, and utility investigations.

**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 Project Utility Adjustment Agreement with Pegasus Link Constructors, LLC for water and wastewater main relocations and adjustments in Interstate Highway 30 (Dallas-Fort Worth Turnpike) from Sylvan Avenue to Lamar Street and in Interstate Highway 35E (Stemmons Freeway) from 6th Street to Commerce Street, after approval of the Project Utility Adjustment Agreement by the City Attorney.

**Section 2.** That the City Controller is hereby authorized to expend funds for applicable costs, in the amount not to exceed \$382,811.47 from Fund 0100, Department DWU, Unit 7120, Various Object Codes.

**Section 3.** The City Controller is hereby authorized to deposit all reimbursements from Pegasus Link Constructors, LLC pertaining to costs incurred under this project in the amount not to exceed \$382,811.47 in Fund 0100, Department DWU, Unit 7005, Revenue Source 7505.

October 8, 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.



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Water Utilities  
**CMO:** Forest E. Turner, 670-3390  
**MAPSCO:** 1B Y 22 S 32 H 33 E

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**SUBJECT**

Authorize an increase in the contract with Archer Western Construction, LLC for additional work associated with the rehabilitation of the Carrollton, California Crossing, and Frasier Dams - Not to exceed \$877,518, from \$3,646,050 to \$4,523,568 - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

The Carrollton, California Crossing and Frasier Dams are City of Dallas water supply dams located within the banks of the Elm Fork of the Trinity River. The Carrollton Dam impounds water for the Elm Fork Water Treatment Plant while California Crossing and Frasier Dams are part of the system impounding water for the Bachman Water Treatment Plant. The combined capacities of these plants represent about half of the drinking water supply system for the City of Dallas.

Carrollton and California Crossing dams were originally constructed in the early 1900s with Frasier dam being constructed in 1965. To ensure the proper and safe operation of the dams, TCEQ requires a comprehensive inspection of the dams at 5-year intervals, which we have completed in 2010. Results of the inspection identified structural integrity issues at the three dams which are being addressed within this construction project.

During construction, conditions were encountered at Carrollton Dam that were different than anticipated based on the historical design documents and survey information. The changed conditions were not identified during the assessment portion of the design phase due to the limitations of pre-design site survey and challenges associated with performing work on an active dam with flowing water. These changed site conditions necessitated the contractor to increase excavation and demolition activities, placement of concrete, and rebar installation to meet the intent of the design. The increase in contract is required to compensate the contractor for all additional work due to the changed site conditions and other factors encountered during construction.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	July 2008
Completed Design	May 2010
Began Construction	October 2012
Complete Construction	December 2013

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

Authorized a professional services contract with Kellogg Brown & Root Services, Inc. to provide engineering services for the inspection of the Dallas Water Utilities hydraulic structures as required by the National Dam Safety Act on June 25, 2008, by Resolution No. 08-1831.

Authorized Supplemental Agreement No. 1 to the professional services contract with Kellogg Brown & Root Services, Inc. for engineering services to address some of the recommendations of the Western Dam inspections and to comply with the Texas Commission on Environmental Quality regulations on August 25, 2010, by Resolution No. 10-2161.

Authorized a contract with Archer Western Construction, LLC for the rehabilitation of the Carrollton, California Crossing, and Frasier Dams on September 12, 2012, by Resolution No. 12-2278.

## **FISCAL INFORMATION**

\$877,518.00 - Water Utilities Capital Improvement Funds

Professional Services Contract	\$ 997,709.00
Supplemental Agreement No. 1	\$ 806,148.00
Construction Contract	\$3,646,050.00
Change Order No. 1 (this action)	<u>\$ 877,518.00</u>
 Total Project Cost	 \$6,327,425.00

## **M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

**Archer Western Construction, LLC**

Hispanic Female	7	Hispanic Male	240
Black Female	1	Black Male	13
Other Female	0	Other Male	8
White Female	19	White Male	188

**OWNER**

**Archer Western Construction, LLC**

Daniel P. Walsh, President

**MAPS**

Attached

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

**PROJECT:** Authorize an increase in the contract with Archer Western Construction, LLC for additional work associated with the rehabilitation of the Carrollton, California Crossing, and Frasier Dams - Not to exceed \$877,518 from \$3,646,050 to \$4,523,568 - Financing: Water Utilities Capital Improvement Funds

Archer Western Construction, LLC 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	\$26,261.00	2.99%
Non-local contracts	\$851,257.00	97.01%
<b>TOTAL THIS ACTION</b>	<b>\$877,518.00</b>	<b>100.00%</b>

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

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

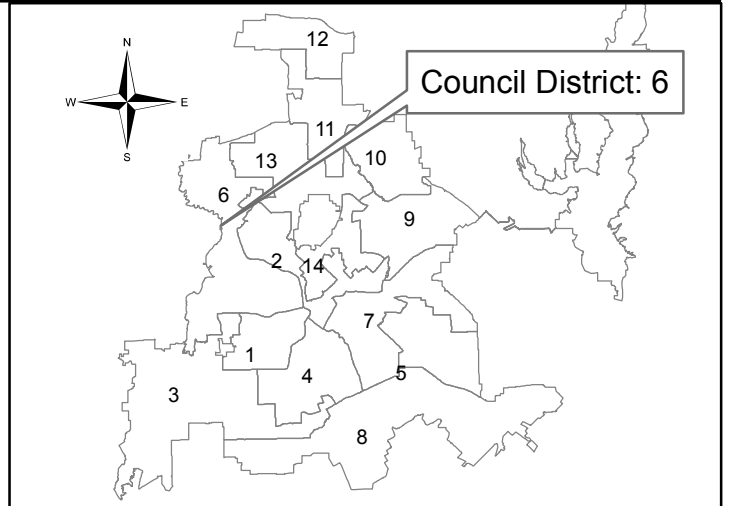
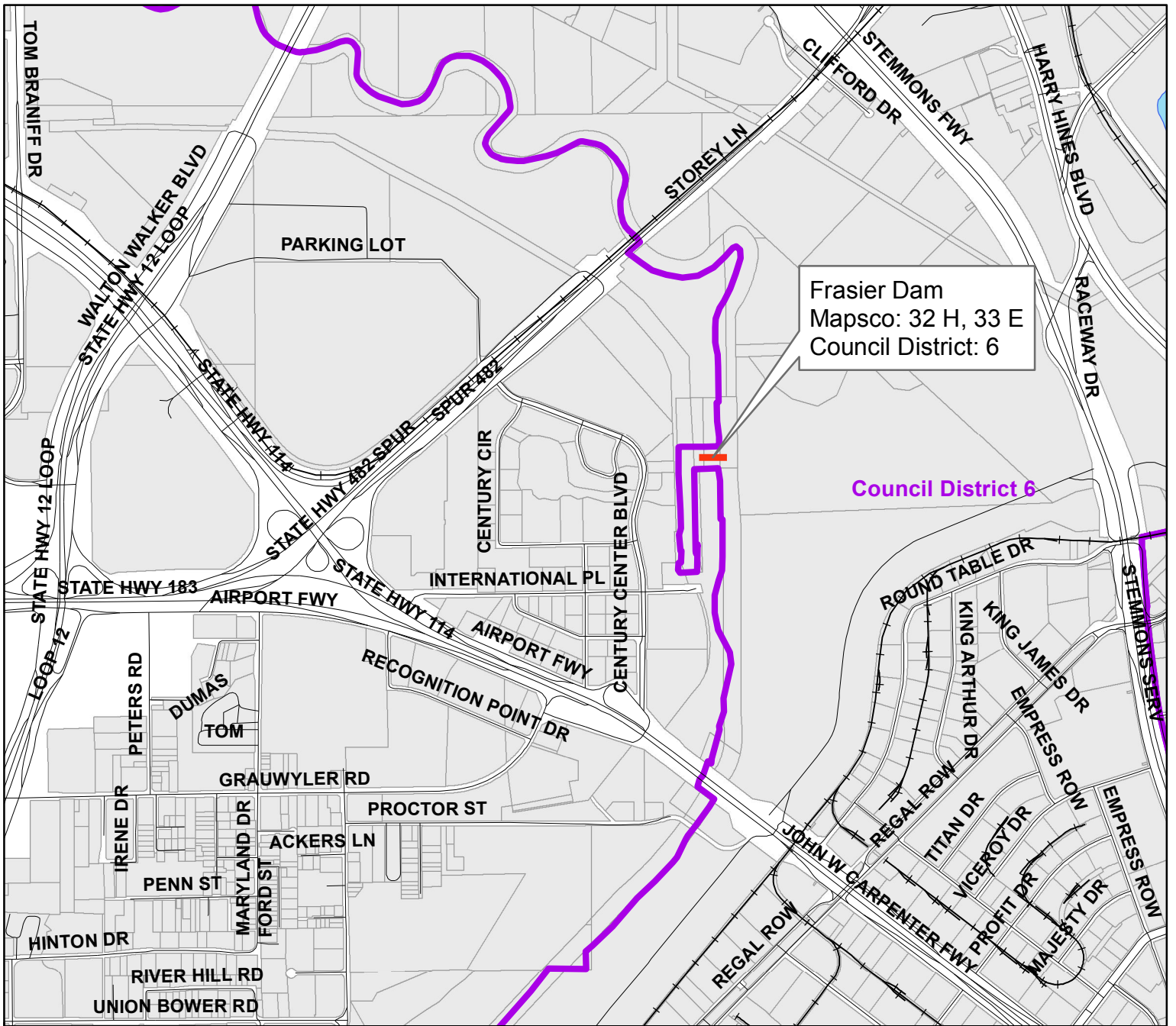
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Clemons Trucking Company	BFDB55126Y1013	\$21,285.00	81.05%
Tepeyac Construction	HFMB58229N0714	\$1,976.00	7.52%
Miko Trucking, Inc.	HMDB57955Y0714	\$3,000.00	11.42%
<b>Total Minority - Local</b>		<b>\$26,261.00</b>	<b>100.00%</b>

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

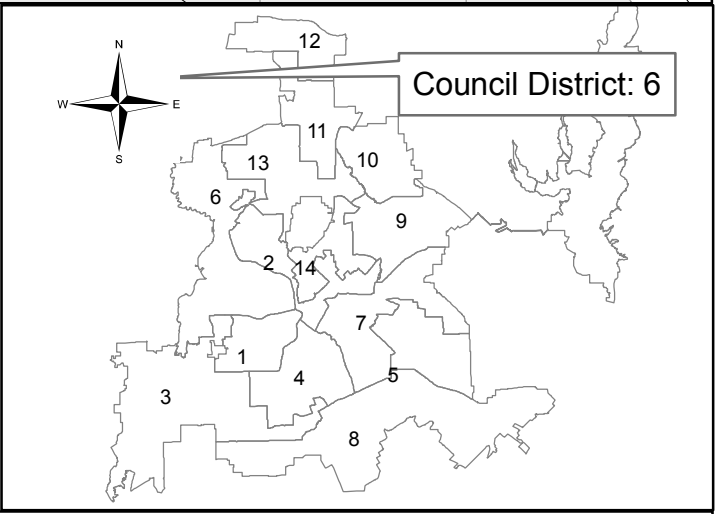
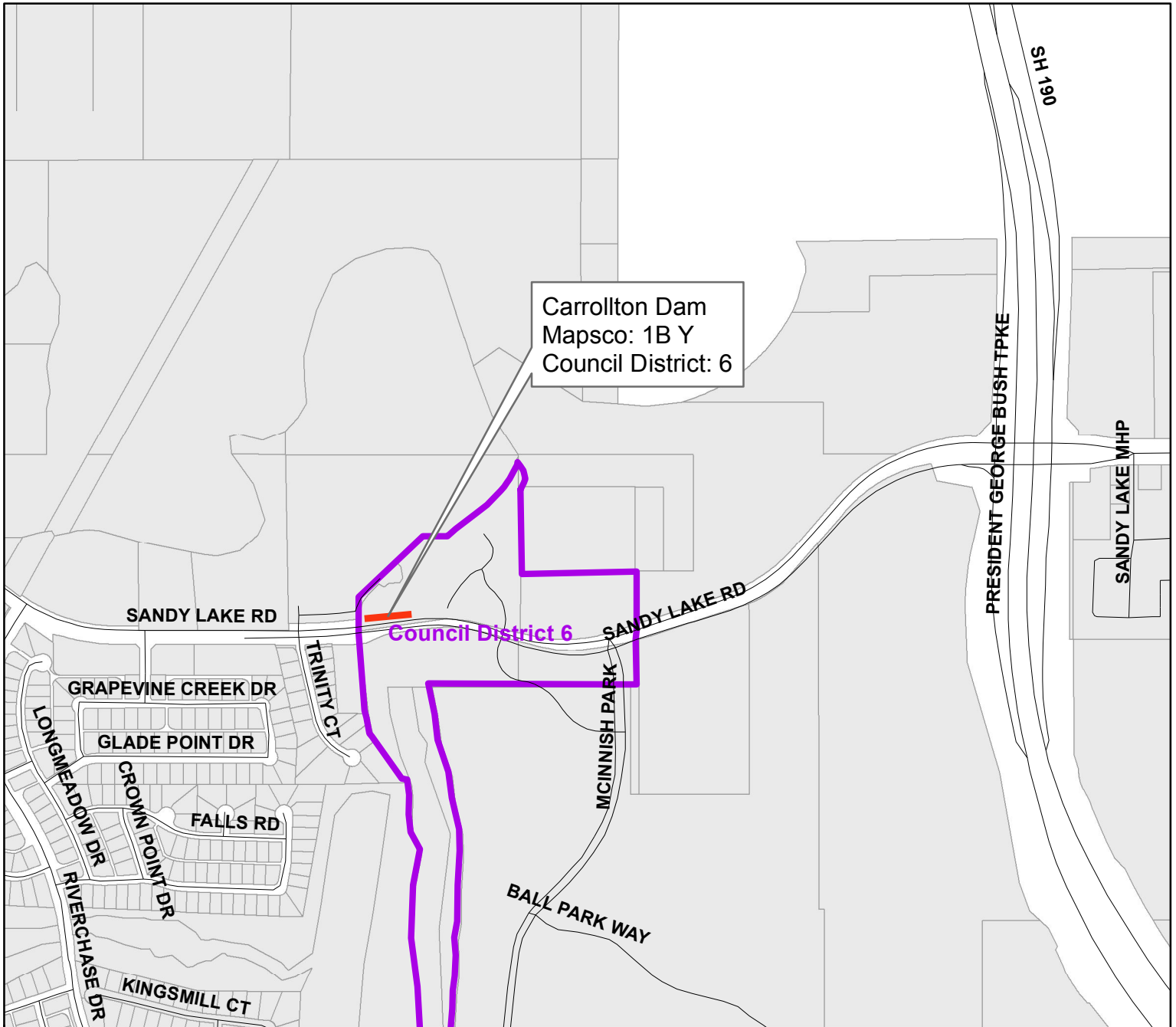
None

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

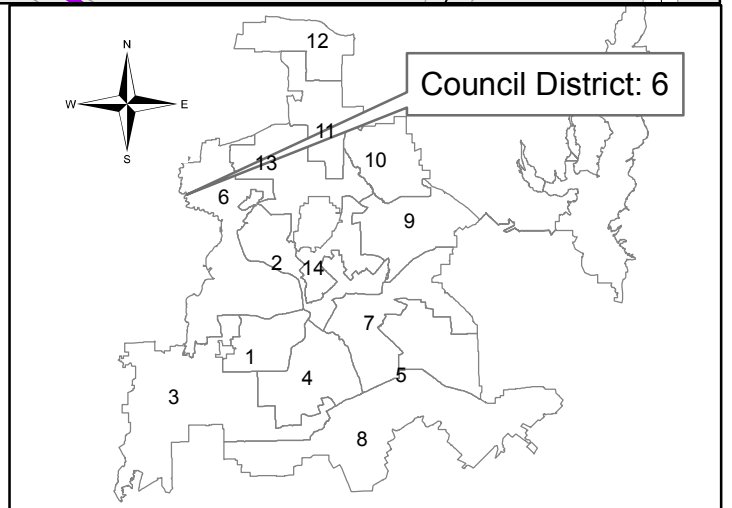
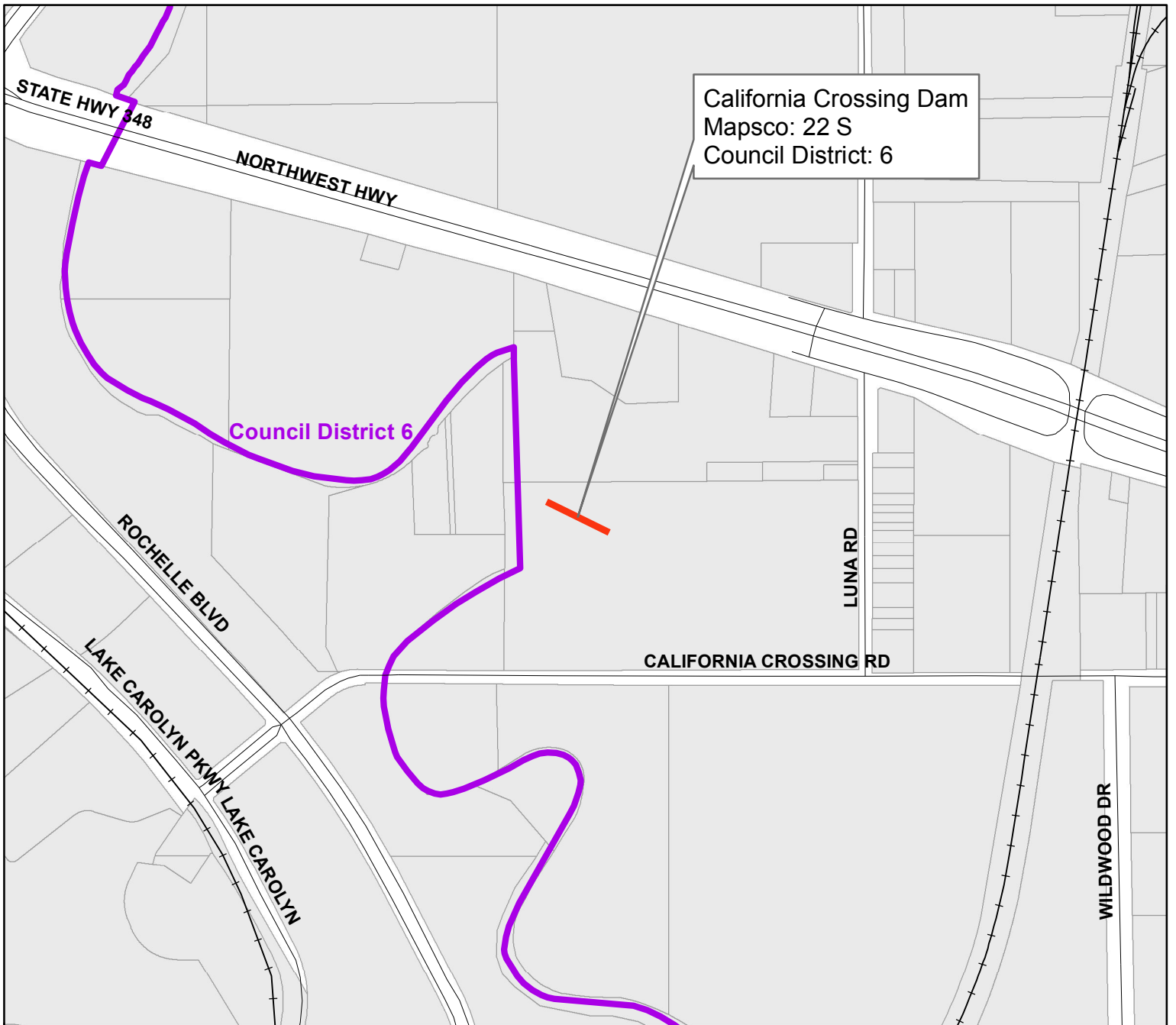
	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$21,285.00	2.43%	\$158,388.00	3.50%
Hispanic American	\$4,976.00	0.57%	\$442,262.00	9.78%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$156,460.00	3.46%
<b>Total</b>	<b>\$26,261.00</b>	<b>2.99%</b>	<b>\$757,110.00</b>	<b>16.74%</b>



Water Utilities Department  
 Contract No. 12-099  
 Western Dams Rehabilitation Project  
 at 3 Locations



**Water Utilities Department**  
**Contract No. 12-099**  
**Western Dams Rehabilitation Project**  
**at 3 Locations**



**Water Utilities Department**  
**Contract No. 12-099**  
**Western Dams Rehabilitation Project**  
**at 3 Locations**

October 8, 2013

**WHEREAS**, on September 12, 2012, the City Council awarded Contract No. 12-099 in the amount of \$3,646,050.00, by Resolution No. 12-2278, to Archer Western Construction, LLC, 2121 Avenue J, Suite 103, Arlington, Texas 76006, for the rehabilitation of the Carrollton, California Crossing, and Frasier Dams; and,

**WHEREAS**, it is now necessary to authorize Change Order No. 1 for additional work associated with the rehabilitation of the Carrollton, California Crossing, and Frasier Dams; and,

**WHEREAS**, Archer Western Construction, LLC, has submitted an acceptable proposal for this additional work; and,

**WHEREAS**, the Water Utilities Department recommends that Contract No. 12-099 be increased by \$877,518.00, from \$3,646,050.00 to \$4,523,568.00.

**Now, Therefore,**

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

**Section 1.** That the proposed Change Order No. 1 be accepted and that Contract No. 12-099 with Archer Western Construction, LLC, be revised accordingly.

**Section 2.** That the City Controller is hereby authorized to pay the amount of \$877,518.00 from the Water Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0115	DWU	PW10	WTRS	4550	712099	W3GF	CTDWU712099CP	VS0000064407

Archer Western Construction, LLC - (Contract No. 12-099) - \$877,518.00

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







**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 4  
**DEPARTMENT:** Housing/Community Services  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 65G

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**SUBJECT**

Authorize an amendment to Resolution No.13-0458, previously approved on February 27, 2013, to support an application for 4% low income housing tax credits (LIHTC) to the Texas Department of Housing & Community Affairs (TDHCA) for the proposed project to be located at 4623 South Lancaster Road, for a multifamily residential development for low income families - Financing: No cost consideration to the City

**BACKGROUND**

On January 21, 2013, Yigal Lelah, Managing Member, submitted an application to the City of Dallas on behalf of Sapphire Road Development Patriot's Crossing South, LLC ("Applicant"), for support of their application to TDHCA for the 2013 Low Income Housing Tax Credit Program.

As a requirement for City of Dallas' funding and endorsement of low income housing tax credit projects, the Applicant(s) are required to conduct a survey of the needs of the tenants as each lease is signed and will provide some or all of the following social services at no cost to the tenants, such as: after-school and summer break care for children, health screenings; counseling/domestic crisis intervention; emergency assistance, computer education, adult education programs (such as: ESL, life skills and nutrition classes, etc.); and social and recreational activities. This requirement only applies if the Applicant(s) is utilizing City funding in the financing of the low income housing tax credit project. The Applicant has committed to renting all 162 units at 60% of area median family income.

This project is included in the City of Dallas adopted Community Revitalization Plan adopted by the City Council on December 12, 2012. On February 27, 2013, the City Council provided a resolution in support of the LIHTC application for 9% low income housing tax credits, authorized a loan in the amount of \$1,350,000 for the vertical development, and explicitly identified the project as contributing most significantly to the concerted revitalization efforts of the city.

## **BACKGROUND (continued)**

The applicant, Sapphire Road Development Patriots Crossing South, LLC has requested that the City of Dallas amend its support to allow for them to apply for 4% LIHTC. The applicant would utilize the \$1,350,000 gap financing previously approved on February 27, 2013. With this support, the applicant would file paperwork with TDHCA in October.

## **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

On February 10, 2010, the City Council approved a modification to the policy for the acceptance of applications seeking City of Dallas support for low income housing tax credit financing, when the State of Texas does not require direct City of Dallas approval by Resolution No. 10-0498.

On February 4, 2013, the Housing Committee was briefed on the Low Income Housing Tax Credit Program.

On February 19, 2013, the Low Income Housing Tax Credit multifamily project to be located at 4623 S. Lancaster Road was briefed to the Housing Committee.

On February 27, 2013, the City Council provided a resolution in support of the LIHTC application for 9% low income housing tax credits, authorized a loan in the amount of \$1,350,000 for the vertical development, and explicitly identified the project as contributing most significantly to the concerted revitalization efforts of the city by Resolution No. 13-0458.

## **FISCAL INFORMATION**

No cost consideration to the City

## **OWNER(S)/DEVELOPER**

### **Sapphire Road Development Patriots Crossing South, LLC**

#### **Sapphire I GP, LLC, Managing Member**

Yigal Lelah, President

Vernon Smith, Vice-President

Mike Sugrue, Secretary/Treasurer

#### **NBCDC**

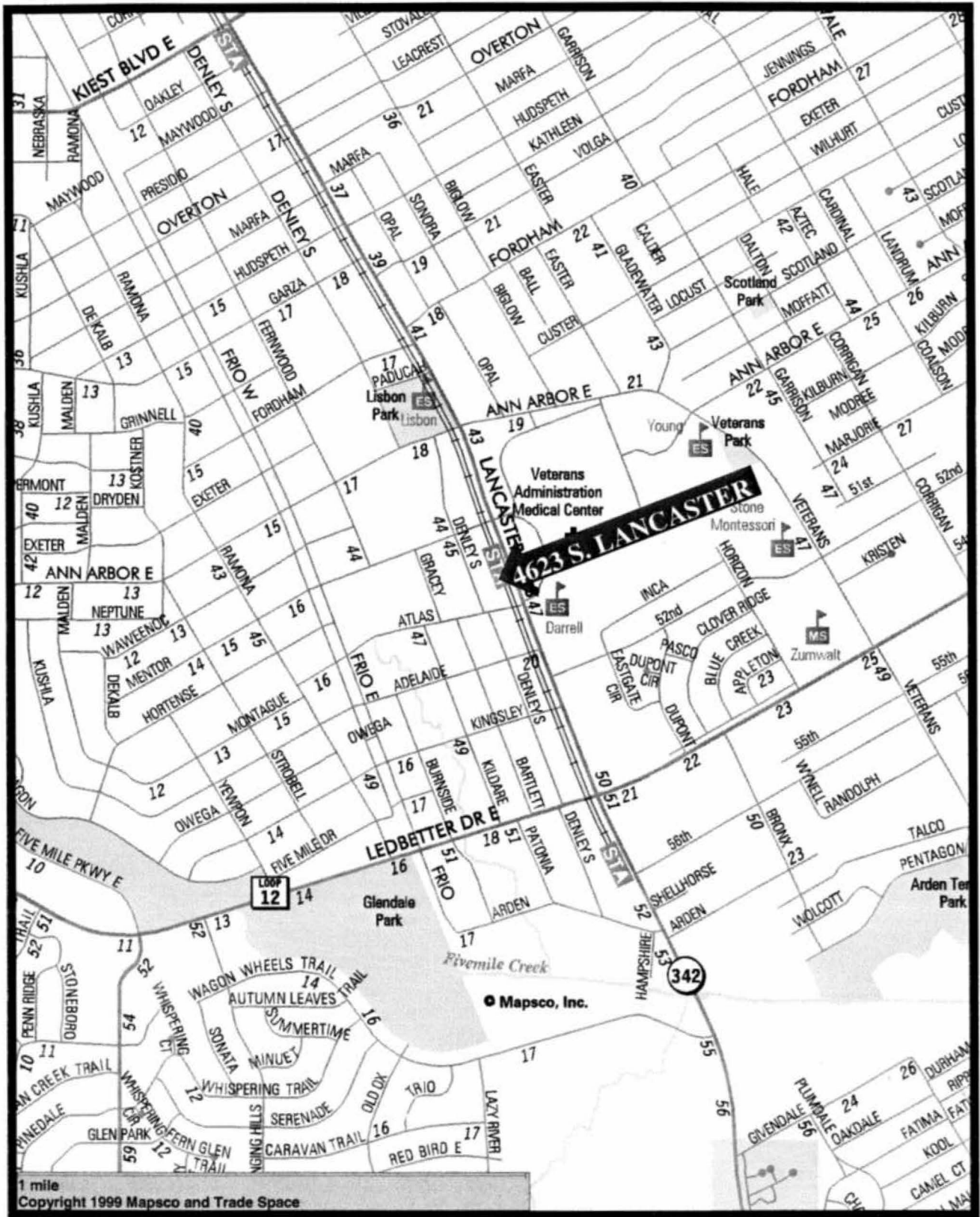
Vernon Smith, Director

Tracy Lelah, Director

Claudia Vargas, Director

**MAP**

Attached



**MAPSCO 65G**

October 8, 2013

**WHEREAS**, on February 10, 2010, the City Council approved a modification to the policy for the acceptance of applications seeking City of Dallas support for low income housing tax credit financing, when the State of Texas does not require direct City of Dallas approval by Resolution No. 10-0498; and

**WHEREAS**, the Managing Member, Yigal Lelah, submitted an application to the City of Dallas on behalf of Sapphire Road Development Patriots Crossing South, LLC (“the Applicant”), for support of their application to TDHCA for the 2013 Low Income Housing Tax Credit Program; and

**WHEREAS**, on February 4, 2013 and February 19, 2013, the Low Income Housing Tax Credit multifamily project to be located at 4623 S. Lancaster Road was briefed to the Housing Committee; and

**WHEREAS**, the Tax Credit multifamily project to be located at 4623 S. Lancaster Road was selected as contributing most significantly to the concerted revitalization efforts of the city, pursuant to §11.9(d)(6)(A)(ii)(III) of the 2013 Housing Tax Credit Qualified Allocation Plan; and

**WHEREAS**, as a condition for being considered for the award of the 4% tax credit, the Applicant has committed to renting all 162 units at 60% of area median family income; and

**WHEREAS**, as with the City of Dallas’ funding and endorsement of the TDHCA LIHTC application for Sapphire Road Development Patriots Crossing South, LLC the owner of the project will provide social services with the project approved by the Housing/Community Services Department, if the Project Owner is utilizing City funding in the financing of the low income housing tax credit project; and

**WHEREAS**, the City of Dallas desires to provide approval of the TDHCA 4% LIHTC application for the project located at 4623 S. Lancaster Road; **NOW, THEREFORE**,

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

**SECTION 1.** That the City Manager, upon approval as to form by the City Attorney, is authorized to amend Resolution No. 13-0458 previously approved on February 27, 2013, to support an application for 4% low income housing tax credits (LIHTC) to the Texas Department of Housing & Community Affairs (TDHCA) for the proposed project to be located at 4623 South Lancaster Road, for a multifamily residential development for low income families.

October 8, 2013

**SECTION 2.** That some of the terms of the loan documents previously approved include:

- a. Sapphire Road Development Patriots Crossing South, LLC must adhere to all applicable HOME Program requirements.
- b. Sapphire Road Development Patriots Crossing South, LLC must execute a note, deed of trust, and deed restrictions for a thirty-five year affordability period.
- c. The outstanding principal balance of the City's \$1,350,000 loan shall bear an interest rate of zero percent 0% per year forgivable in equal amounts annually over a thirty-five year period.
- d. The balance will be due and payable upon the sale or refinancing of the project.

**SECTION 3.** That the City of Dallas' funding and endorsement of the TDHCA LIHTC application for the project to be located at 4623 S. Lancaster Road will be contingent on the following if the owner is utilizing City funding in financing of the low income housing tax credit project: (1) the Project Owner expending a minimum of \$40,000 (a minimum of \$40,000 or \$200 per unit per year, whichever is greater) for social services for, and at no cost, to the residents of the development, based on a survey of residents needs, to be implemented within three months of project completion; (2) inclusion of this requirement in the Land Use Restriction Agreement (LURA) by the Texas Department of Housing and Community Affairs (TDHCA) and the City's Deed Restrictions containing the social services requirement; and, (3) if the LURA does not require the social services expenditures to be made prior to debt service payment, a separate guarantee by an entity or individual acceptable to the City that the social services expenditures will be made. Up to 50% of the social service requirement can be fulfilled with in kind social services provided the Housing/Community Services Department gives prior approval of the social service plan.

**SECTION 4.** That prior to receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City of Dallas Sustainable Development and Construction Department with regard to security related design standards.

**SECTION 5.** That the City of Dallas' funding and endorsement for this project will be contingent on the Project Owner paying to the City an annual monitoring review fee in the amount of \$500, beginning on the anniversary of the closing on the 4% tax credits and ending at the end of the tax credit compliance period, for the cost of monitoring compliance with the social service requirement, if the Project Owner is utilizing City funding in the financing of the low income housing tax credit project.



October 8, 2013

**SECTION 6.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**AGENDA ITEM # 25**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 48 Q

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and South Buckner Boulevard

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

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

Z123-279(WE)

**ACM: Theresa O'Donnell**

**FILE NUMBER:** Z123-279(WE)                      **DATE FILED:** May 6, 2013  
**LOCATION:** Forney Road and South Buckner Boulevard, southwest corner  
**COUNCIL DISTRICT:** 7                                      **MAPSCO:** 48-Q  
**SIZE OF REQUEST:** Approx. 0.616 acres              **CENSUS TRACT:** 85

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**APPLICANT / OWNER:** Buckner Food, Inc.

**REPRESENTATIVE:** MASTERPLAN  
Santos Martinez

**REQUEST:** An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing general merchandise or food store.

**CPC RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The proposed request is to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.
- The adjacent land uses consist of an auto related use and office uses to the west, and a large tract of undeveloped land to the north. Properties east of request site, across South Buckner Boulevard are retail and personal services and a general merchandise or food store with fueling station. There is a vacant restaurant and several warehouse uses that are located south of the request site.
- **Zoning History:** There are one zoning changes being requested in the area.

1. Z123-268 On Thursday, August 22, 2013, the City Plan Commission will consider a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a LI-D-1 Light Industrial District with a D-1 Dry Liquor Control Overlay on the northeast corner of Forney Road and South Buckner Boulevard.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Forney Road		80 ft.	80 ft.
South Buckner Boulevard	Principal Arterial	100 ft.	100 ft.

**Land Use:**

	Zoning	Land Use
Site	LI-D-1	General merchandise or food store
North	MC-1-D-1	Undeveloped
South	LI-D-1	Vacant restaurant
East	LI-D-1	Retail and personal service
West	LI-D-1	Auto related uses

**COMPREHENSIVE PLAN:** The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being located along a Multi-modal corridor.

Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add "eyes on the street" that can aid public safety.

## **LAND USE**

### **GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

### **STAFF ANALYSIS:**

**Land Use Compatibility:** The approximately 0.616 acre site is zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store and a motor vehicle fueling station. The applicant's request for a Specific Use Permit will allow for the sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less.

The adjacent land uses consist of an auto related use and office uses to the west, and a large tract of undeveloped land to the north. Properties east of the request site, across South Buckner Boulevard are retail and personal services and a general merchandise or food store with fueling station. There is a vacant restaurant and several warehouse uses that are located south of the request site.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The applicant has met and is in compliance with Chapter 12B requirements.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
LI-D-1 Light Industrial	15'	30' adjacent to residential OTHER: No Min.	1.0 FAR overall 0.75 office/ retail 0.5 retail	70' 5 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended.

**Parking:** The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store 3,500 square feet or less is at one space for each 200 square feet of floor area. The development requires 24 spaces with 25 being provided per the attached site plan.

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

**Dallas Police Department:** A copy of a police report of the past 5 years of offenses is provided below.

The screenshot shows the Dallas Police Department's Virtual Viewer interface. At the top, it says "DALLAS POLICE DEPARTMENT" with links for "UCR Codes", "Year Codes", and "Property Class Codes". Below that is a "Virtual Viewer - Public Access" header with a "Welcome" message. There are icons for search, CSV, and print. A "Search Records - Offense" section is active, with a "Filter" input field. The main table lists offense records with columns for Service #, Offense Date, Complainant, Offense, Block, Dir, Street, Beat, Reporting Area, UCR1, and UCR2. The records show various offenses like "OTHER OFFENSES", "BURGLARY", "THEFT", and "FRAUD" occurring between 2009 and 2013 in the 04625 block area.

Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
002889...	01/30/2009	JENNIFER, PETTIGREW,	OTHER OFFENSES	04625	S	BUCKNE...	322	1229	26000	
005217...	02/23/2010	*BUCKNER FOODS	BURGLARY	04625	S	BUCKNE...	322	1229	05337	
005635...	02/27/2009	HARGE, LASHINA	OTHER OFFENSES	04625	S	BUCKNE...	322	1229	26000	
005822...	03/01/2010	GANCHI, SOFYE	OTHER OFFENSES	04625	S	BUCKNE...	322	1229	26000	
006070...	03/04/2010	COLEMAN, DERRELL	AUTO THEFT-UUMV	04625	S	BUCKNE...	322	1229	07142	
006380...	03/15/2012	*BUCKNER FOOD	CRIMINAL MISCHIEF/...	04625	S	BUCKNE...	322	1229	14082	
006901...	03/22/2012	GANCHI, SOFIYE	CRIMINAL MISCHIEF/...	04625	S	BUCKNE...	322	1229	14081	
008299...	04/03/2011	PLATT, MARCUS	ASSAULT	04625	S	BUCKNE...	322	1229	08291	
009570...	04/18/2013	*BUCKNER FOODS	OTHER OFFENSES	04625	S	BUCKNE...	322	1229	26000	
009594...	04/15/2011	*CONOCO GAS STAT...	THEFT	04625	S	BUCKNE...	322	1229	06901	
010250...	04/28/2012	*BUCKNER FOOD MART	BURGLARY	04625	S	BUCKNE...	322	1229	05128	
010487...	04/25/2011	*CONOCO	THEFT	04625	S	BUCKNE...	322	1229	06932	
010496...	04/25/2011	*BUCKNER FOODS	THEFT	04625	S	BUCKNE...	322	1229	06933	
013360...	05/10/2009	*BUCKNER FOODS S...	ROBBERY	04625	S	BUCKNE...	322	1229	03711	
014652...	05/27/2010	*BUCKNER FOOD	BURGLARY	04625	S	BUCKNE...	322	1229	05135	
019308...	07/22/2011	*BUCKNER FOODS	THEFT	04625	S	BUCKNE...	322	1229	06903	
021648...	08/31/2012	*CONOCO STORE	BURGLARY	04625	S	BUCKNE...	322	1229	05138	
024743...	08/20/2009	*BUCKNER FOOD ST...	THEFT	04625	S	BUCKNE...	322	1229	06934	
026887...	10/28/2012	*EMERGENCY ICE	THEFT	04625	S	BUCKNE...	322	1229	06941	
029254...	10/01/2009	*BUCKNER FOOD MART	THEFT	04625	S	BUCKNE...	322	1229	06934	
033669...	12/27/2011	*BUCKNER FOODS C...	FRAUD	04625	S	BUCKNE...	322	1229	11020	



**CPC Action** (August 8, 2013)

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period, subject to a revised site plan and conditions on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and South Buckner Boulevard.

Maker: Bagley  
Second: Tarpley  
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers,  
Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum,  
Wolfish, Schwartz, Ridley, Alcantar

Against: 0  
Absent: 0  
Vacancy: 1 - District 10

**Notices:** Area: 200 Mailed: 10  
**Replies:** For: 1 Against: 2

**Speakers:** For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: None

**CPC PROPOSED SUP  
CONDITIONS**

1. **USE:** The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.

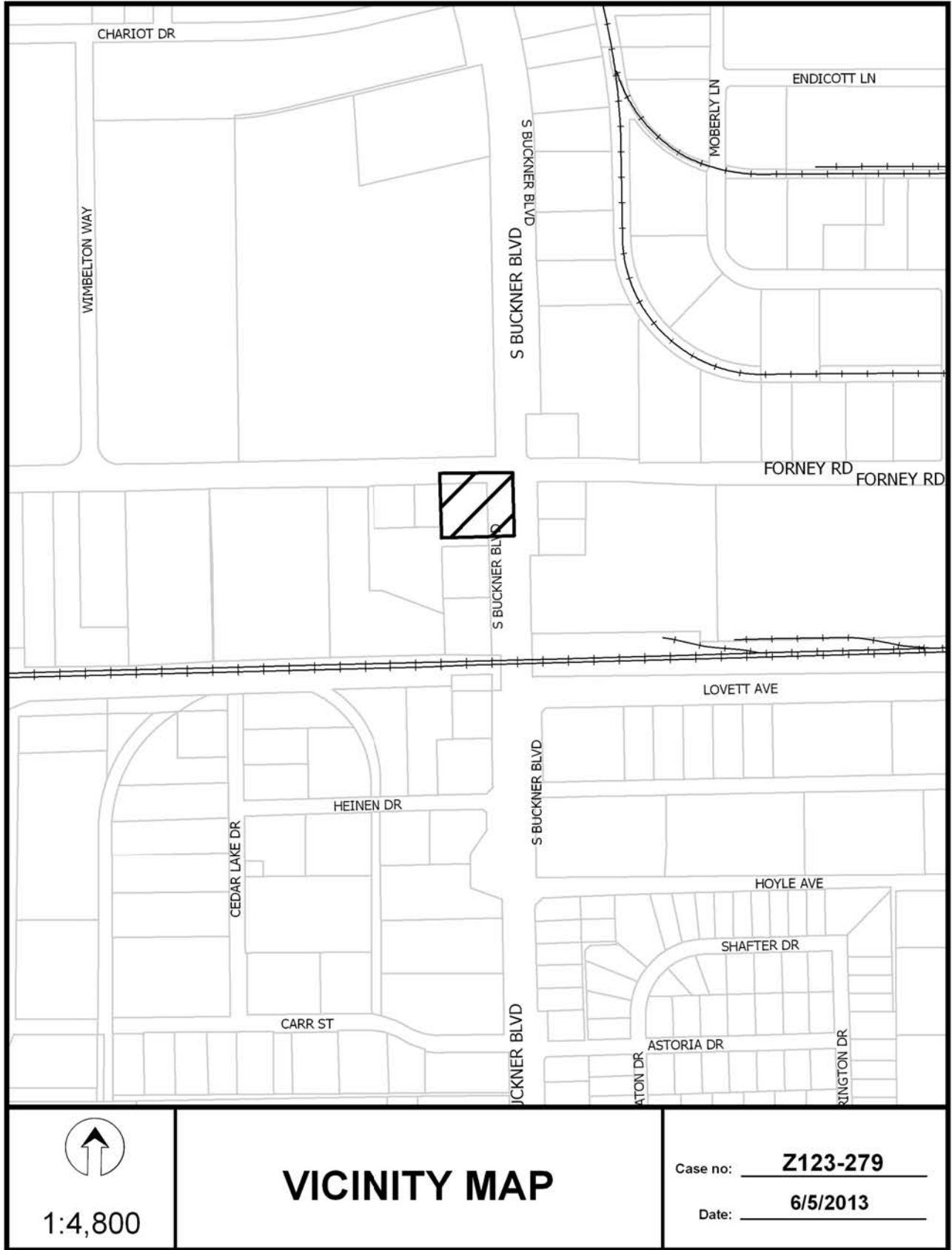
*CPC recommendation*

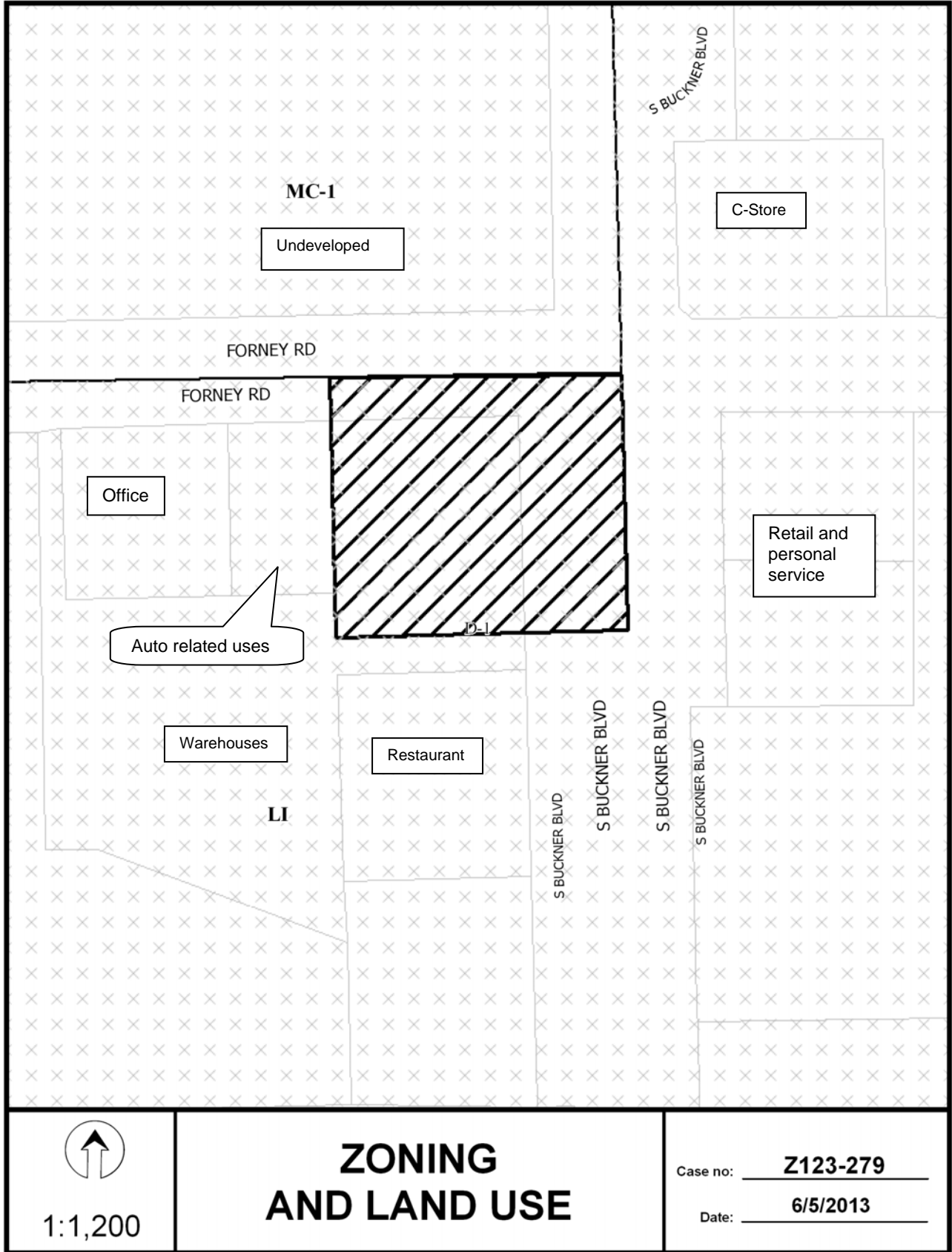
3. **TIME LIMIT:** This specific use permit expires on\_\_\_\_\_, (two-year period from the passage of this ordinance).

*Staff Recommendation*

3. **TIME LIMIT:** This specific use permit expires on\_\_\_\_\_, (two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
5. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.





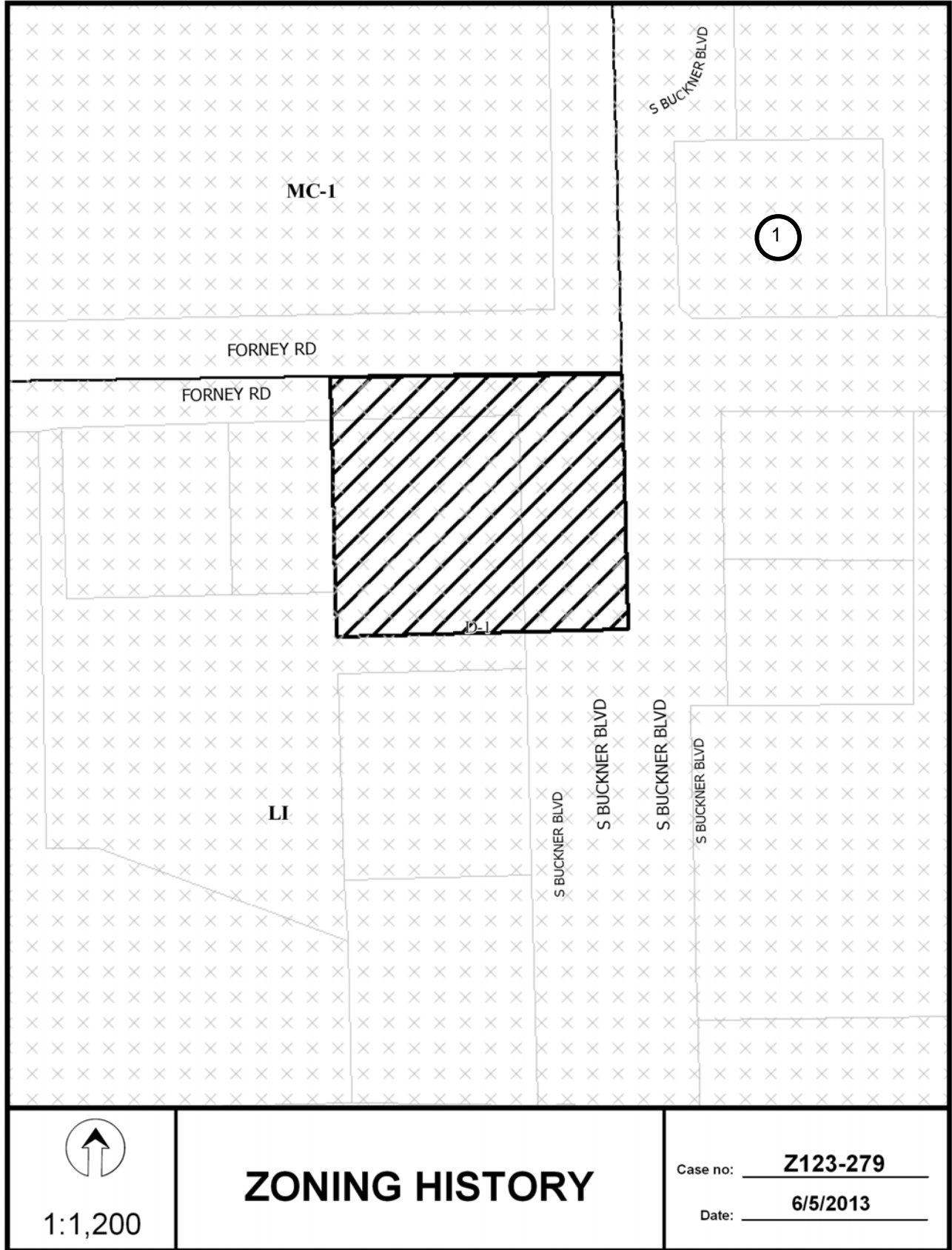


1:1,200

# ZONING AND LAND USE

Case no: Z123-279

Date: 6/5/2013



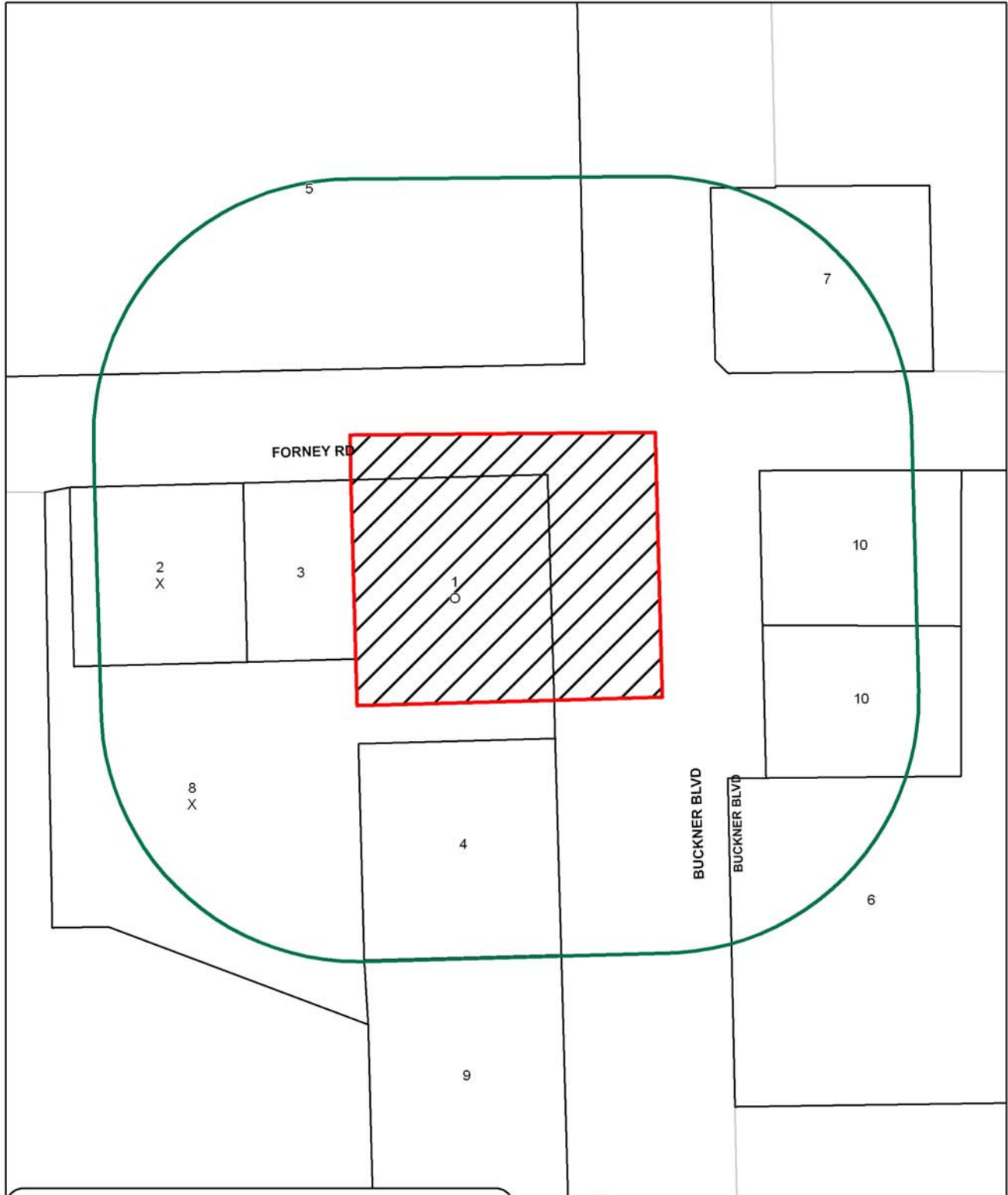
1:1,200

# ZONING HISTORY

Case no: Z123-279

Date: 6/5/2013

**CPC RESPONSES**



<u>10</u>	Property Owners Notified (11 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>200'</u>	Area of Notification
<u>8/8/2013</u>	Date

**Z123-279**  
**CPC**



1:1,200

## ***Notification List of Property Owners***

### ***Z123-279***

<i>10 Property Owners Notified</i>	<i>1 Property Owners in Favor</i>	<i>2 Property Owners Opposed</i>
<b><i>Reply Label # Address</i></b>	<b><i>Owner</i></b>	
O     1     4625	BUCKNER BLVD	BUCKNER FOODS INC
X     2     8020	FORNEY RD	BITTERROOT INC
	3     8050	FORNEY RD
	4     4545	BUCKNER BLVD
	5     4700	BUCKNER BLVD
	6     4520	BUCKNER BLVD
	7     4710	BUCKNER BLVD
X     8     4617	BUCKNER BLVD	BARA REAL ESTATE PROPERTIES LLC
	9     4509	BUCKNER BLVD
	10    4612	BUCKNER BLVD



**AGENDA ITEM # 26**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 22 H

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1853 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on property zoned RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the northeast corner of Royal Lane and North Stemmons Freeway  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions  
Z123-281(AB)



**FILE NUMBER:** Z123-281 (AB)

**DATE FILED:** May 8, 2013

**LOCATION:** Northeast corner of Royal Lane and North Stemmons Freeway

**COUNCIL DISTRICT:** 6

**MAPSCO:** 22-H

**SIZE OF REQUEST:** Approx. 0.468 acres

**CENSUS TRACT:** 0099.00

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**REPRESENTATIVE:** Parvez Malik

**APPLICANT:** Sub Enterprises, Inc.

**OWNER:** Quickway Retail Association, Ltd.

**REQUEST:** An application to renew Specific Use Permit No. 1853 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on property zoned RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes to continue to sell alcohol for off-premise consumption in conjunction with the existing convenience store.

**CPC RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions.

**STAFF RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions

**BACKGROUND INFORMATION:**

- The request site is currently developed with a general merchandise or food store 3,500 square feet or less use and a motor vehicle fueling station.
- The proposed use is to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The original SUP was granted on February 25, 2011 for a two-year period with eligibility for automatic renewals for additional five year periods. The applicant failed to submit the renewal application by the deadline for automatic renewal, thereby necessitating a two-hearing process.

**Zoning History:**

**Z101-198:** On February 25, 2011 City Council approved an application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet for a period of two-years, with eligibility for automatic renewal for additional five-year periods.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
Royal Lane	Principle Arterial	100 feet

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Multi-modal Corridor Block.

Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family

residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access.

## **LAND USE**

### **GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

#### **Land Use Compatibility:**

The approximately 0.47-acre request site is zoned an RR Regional Retail District with a D-1 Liquor Control Overlay and is currently developed with an approximately 2,477 square foot general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. The applicant is proposing to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property, which is allowed by Specific Use Permit.

The original SUP was granted on February 25, 2011 for a two-year period with eligibility for automatic renewals for additional five year periods. The applicant missed the deadline to submit for auto-renewal.

The surrounding zoning are RR Regional Retail to the north and west, IR Industrial Research to the south, and PD 498 to the east. The surrounding land uses are office, showroom, warehouse uses to the north, auto service center to the east and southeast, restaurant to the east, and office and retail to the south.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

Staff recommendation is to grant SUP renewal for five years with eligibility for automatic renewal for additional five-year periods as there has been no change to the site plan and under the condition that the site is repainted to match the previously approved site plan before being placed on the City Council docket.

**Development Standards:**

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
RR-D-1 Regional retail	15'	20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office

**Parking/Traffic:**

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

The general merchandise or food store use requires one space for every 200 square feet of floor area and a motor vehicle fueling station requires two spaces. The site plan

Z123-281(AB)

shows that 15 off-street parking spaces are required and 15 off-street spaces are provided.

**Landscaping:**

Landscaping required per Article X of the Dallas Development Code.

Z123-281(AB)

**List of Partners/Principals/Officers**

Applicant:

Sub Enterprises, INC

Aziz Rupani, President and Secretary

Owner:

Quik-way Retail Associates II, Ltd

Alan Golman, Manager

Richard Golman, Manager

Kenneth Bruder, Manager

Howard Beckerman, Manager



**CPC MINUTES**

**Z123-281(AB)**

Planner: Audrey Butkus

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1853 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the northeast corner of Royal Lane and North Stemmons Freeway.

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

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Ridley, Alcantar

Against: 0  
Absent: 1 - Schwartz  
Vacancy: 0

Notices: Area: 200                      Mailed: 12  
Replies: For: 1                              Against: 0

Speakers: None

Z123-281(AB)

**DPD Report**

**Report from August 10, 2009 – August 10, 2011  
Two Years Prior to Original SUP**

**Dallas Police Department Reports  
Public Offense Search Results**

	SERVICE #	OFFENSE DATE	TYPE	COMPLAINANT	ADDRESS	BEAT	REPORTING AREA
1	0246839-W	08/18/2009	AUTO THEFT-UUMV	GOSSETT, LARRY	11404 N STEMMONSFRWY	551	3004
2	0309809-W	10/18/2009	AUTO THEFT-UUMV	MILLER,VIC	11404 N STEMMONSFRWY	551	3004
3	0076552-Y	03/27/2011	ASSAULT	STRAWN, MURRAY	11404 N STEMMONSFRWY	551	3004
4	0047414-Y	02/24/2011	AUTO THEFT-UUMV	MATA,LUIS	11404 N STEMMONSFRWY	551	3004
5	0136559-Y	05/27/2011	OTHER OFFENSES	ROWE,ROBERT	11404 N STEMMONSFRWY	551	3004
6	0137719-Y	05/28/2011	OTHER OFFENSES	PHILLIPS,GREGORY	11404 N STEMMONSFRWY	551	3004

**Report from August 10, 2011 – July 23, 2013  
Two Years after Original SUP is Granted**

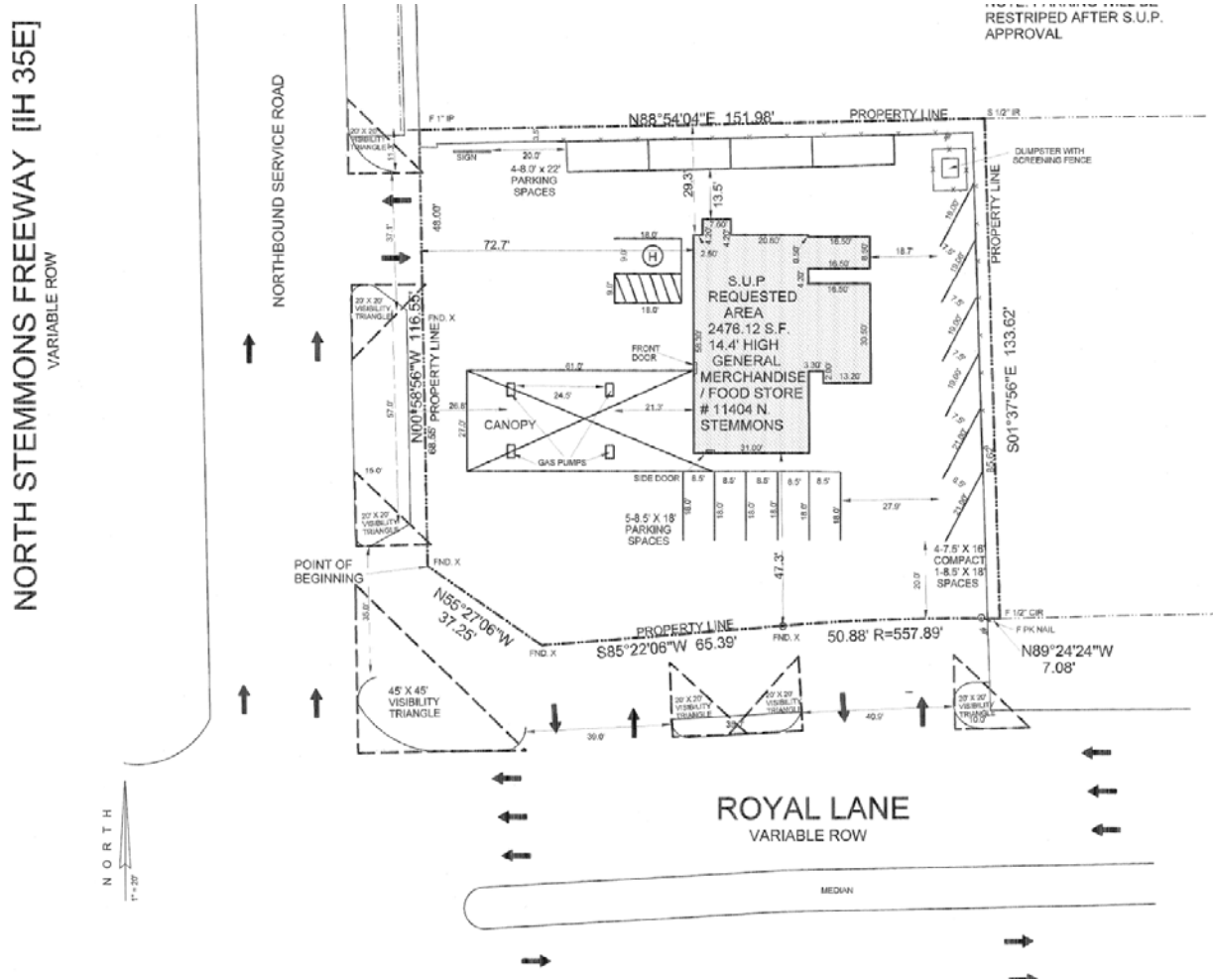
**Dallas Police Department Reports  
Public Offense Search Results**

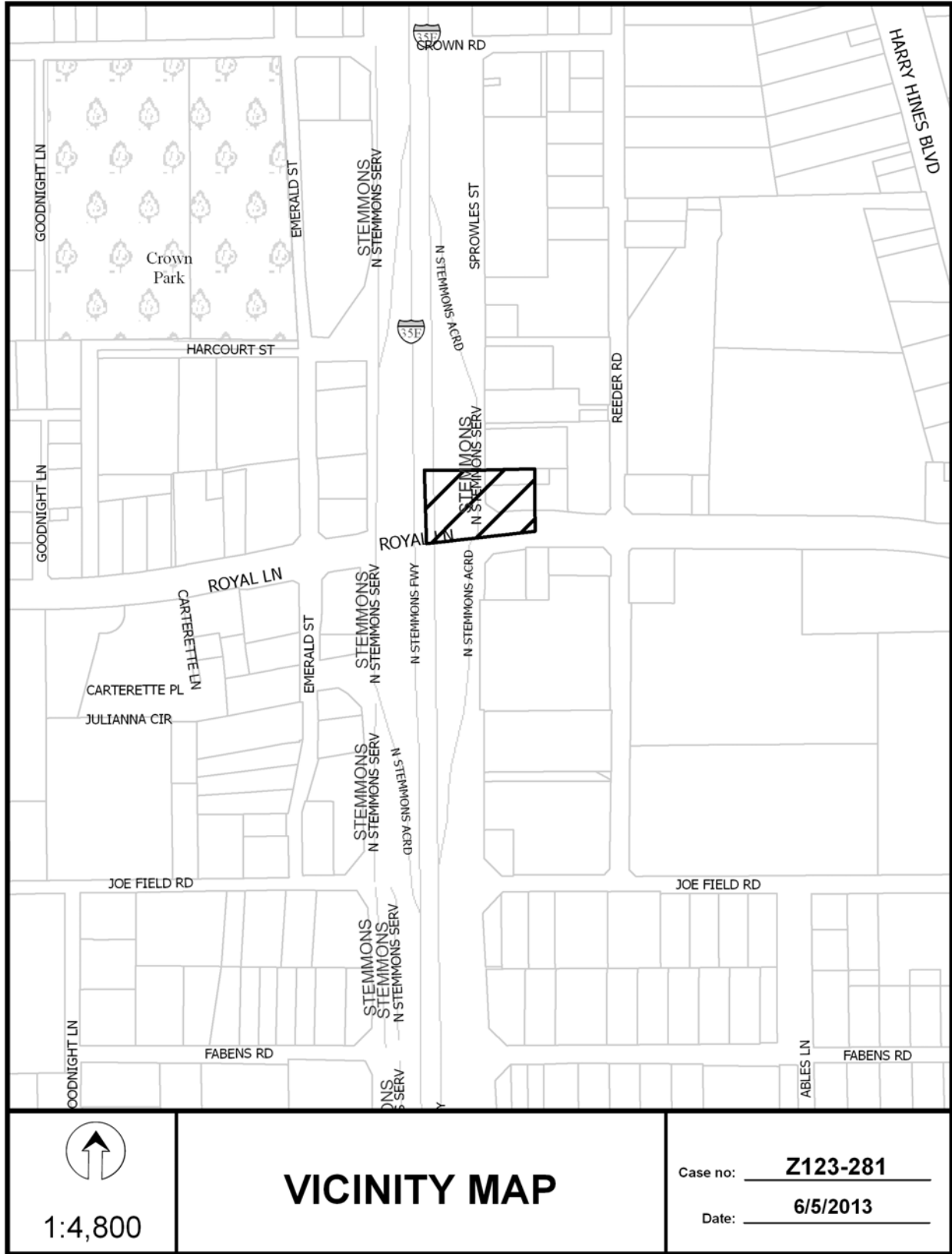
	SERVICE #	OFFENSE DATE	TYPE	COMPLAINANT	ADDRESS	BEAT	REPORTING AREA
1	0257285-Y	09/28/2011	ROBBERY	PAUL, LEONARD	11404 N STEMMONSFRWY	551	3004
2	0018822-Z	01/23/2012	OTHER OFFENSES	DUCKELS, JAMES	11404 N STEMMONSFRWY	551	3004
3	0080654-A	04/01/2013	OTHER OFFENSES	LEE,BRIANNA	11404 N STEMMONSFRWY	551	3004
4	0115644-Z	05/12/2012	ASSAULT	SAPP,COURTNEY	11404 N STEMMONSFRWY	551	3004
5	0086975-A	04/09/2013	THEFT	RA,SUN	11404 N STEMMONSFRWY	551	3004
6	0123043-Z	05/20/2012	ASSAULT	HUTCHINS,KELSEY	11404 N STEMMONSFRWY	551	3004

Z123-281  
CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (five years) [~~August 10, 2013~~], but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

### EXISTING SITE PLAN (No changes proposed)



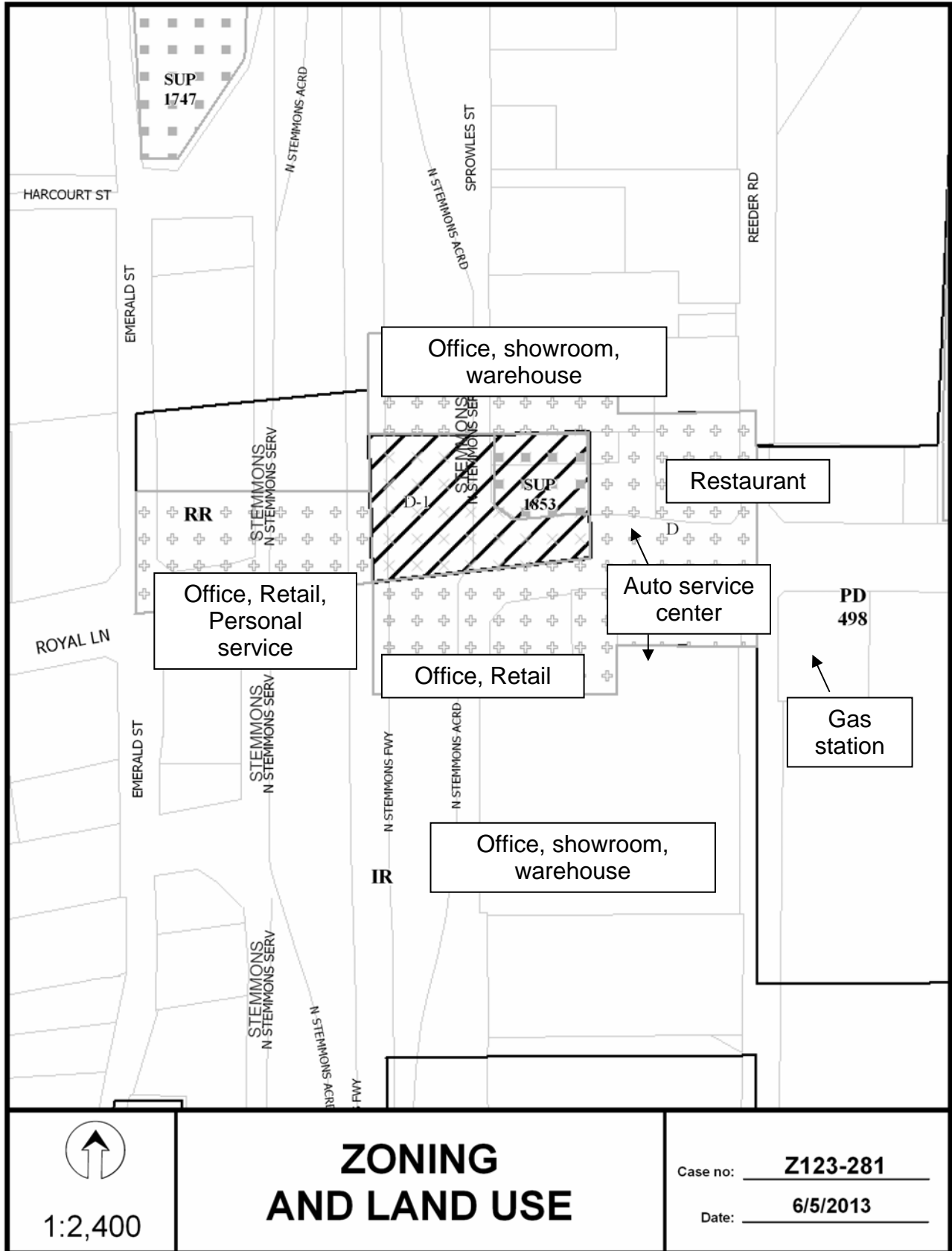


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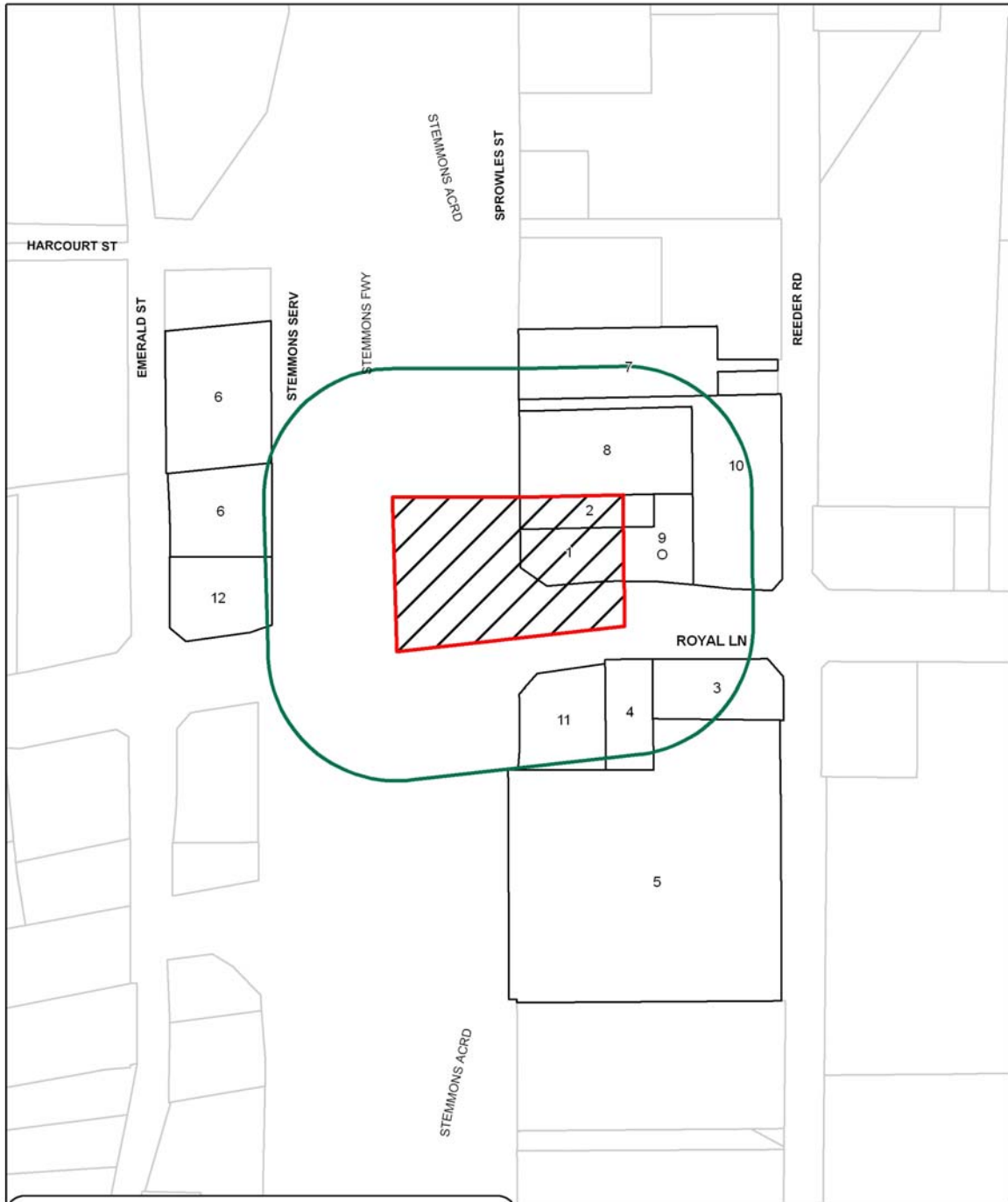
### VICINITY MAP

Case no:           Z123-281          

Date:           6/5/2013



**CPC Responses**



<u>12</u>	Property Owners Notified (13 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/12/2013</u>	Date <u>8/8/2013</u> Under Advisement

**Z123-281**  
**CPC**



1:2,400

## *Notification List of Property Owners*

### *Z123-281*

#### *12 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11404 STEMMONS FWY	STATEWIDE STATIONS INC SOUTHWEST PROP TA
2	11404 STEMMONS FWY	QUIK WAY RETAIL AS II LTD
3	2464 ROYAL LN	KLACHIAN GARY & ELIZA ELIZABETH KLACHIAN
4	2454 ROYAL LN	V V S N HOLDING LLC
5	11359 REEDER RD	MOORE DIANA M RESIDUARY TRUST % COMPASS
6	11434 EMERALD ST	B & MK INC
7	11434 STEMMONS FWY	JAMES INVESCO INC
8	11408 STEMMONS FWY	GOLDSTEIN STAN
9	2465 ROYAL LN	C2 GLASS DISTRIBUTORS INC
10	2475 ROYAL LN	MCDONALDS USA LLC AMF OHARE
11	2450 ROYAL LN	HSY INC
12	2405 ROYAL LN	BEALL LEGACY PARTNERS LP



**AGENDA ITEM # 27**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 5  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 58 M

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1871 for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Holcomb Road  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions  
Z123-297(WE)

**ACM: Theresa O'Donnell**

**FILE NUMBER:** Z123-297(WE)                      **DATE FILED:** May 30, 2013  
**LOCATION:** Lake June Road and Holcomb Road, northeast corner  
**COUNCIL DISTRICT:** 5                              **MAPSCO:** 58-M  
**SIZE OF REQUEST:** Approx. 0.39 acres              **CENSUS TRACT:** 92.01

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**APPLICANT:** Vortex Business, Inc.

**OWNER:** Club Creek Rental Properties, LLC

**REPRESENTATIVE:** Malik Parvez

**REQUEST:** An application for the renewal of Specific Use Permit No. 1871 for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:** The purpose of this request is to allow for the applicant to continue selling alcohol for off-premise consumption in the existing convenience store.

**CPC RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions.

**STAFF RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions.

**BACKGROUND INFORMATION:**

- The applicant’s request for the renewal of Specific Use Permit No. 1871 will allow for the continued sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less and a fueling station.
- The proposed use is to continue selling alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- In August 2011, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less for two years with eligibility for automatic renewals for additional five year periods.
- The applicant did not submit an application to begin the automatic renewal process within the specified time frame. As a result, the applicant submitted an application for renewal of SUP No. 1871. There are no proposed changes to the approved site plan.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit in the D-1 Dry Liquor Control Overlay.
- The surrounding land uses consist of a variety of auto related uses, retail and convenience stores with fueling station along Lake June Road. There are two convenience stores with fueling stations that are located on the southeast and southwest corners of Lake June Road and Holcomb Road. Properties north and east of the request site are developed with residential uses.

**Zoning History:** There have been four zoning changes requested in the area.

1. 101-239 On August 10, 2011, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two year period with eligibility for automatic renewals for additional five-year periods. (request site)
2. Z101-181 On Wednesday, June 22, 2011, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store less than 3,500 square feet on property zoned a CR-D Community Retail District with a D liquor

Control Overlay on the southeast corner of Lake June Road and Holcomb Road.

3. Z101-186 On Wednesday, June 22, 2011, the City Council will consider a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store less than 3,500 square feet on property zoned a CR-D Community Retail District with a D liquor Control Overlay on the southwest corner of Lake June Road and Holcomb Road.

4. Z123-228 On Wednesday, June 26, 2013, the City Council approved a renewal of Specific Use Permit No. 1867 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Lake June Road and Holcomb Road.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Holcomb Road	Local	60 ft.	60 ft.
Lake June Road	Principal Arterial	80 ft.	100 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	CR-D w/SUP 1871	General Merchandise store & fueling station
<b>North</b>	R-7.5(A)	Undeveloped, Single Family
<b>South</b>	CR-D, RR-D	General Merchandise store & fueling station, Auto related uses
<b>East</b>	R-7.5(A)	Undeveloped, Single Family
<b>West</b>	RR-D	Auto related uses

**COMPREHENSIVE PLAN:** The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site is on a Transit or Multi-Modal Corridor.

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add "eyes on the street" that can aid public safety.

## **LAND USE**

### **GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

### **STAFF ANALYSIS:**

**Land Use Compatibility:** The approximately 0.39 acre site is zoned a CR-D-1 Commercial Retail District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. The applicant's request for the renewal of Specific Use Permit No. 1871 will allow for the continued sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less.

In August 2011, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less for two years with eligibility for automatic renewals for additional five year periods.

The applicant did not submit an application to begin the automatic renewal process within the specified time frame. As a result, the applicant submitted an application for renewal of SUP No. 1871. There are no proposed changes to the approved site plan.

The surrounding land uses consist of a variety of auto related uses, retail and convenience stores with fueling station along Lake June Road. There are two convenience stores with fueling stations that are located on the southeast and southwest corners of Lake June Road and Holcomb Road. Properties north and east of the request site are developed with residential uses.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

Staff’s recommendation is for approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

**Development Standards:**

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
CR-D-1 Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended.

**Parking:** The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area. The development requires 16 spaces with 16 spaces being provided per the attached site plan. The remaining parking spaces are designated for other retail and personal service uses.

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

**Dallas Police Department:** A copy of a police report of the offenses is provided below. Staff has divided the report into two sections which will show any offenses prior to the SUP and any offenses applicant received after receiving the SUP in 2011.

**Offenses prior to a Specific Use Permit – August 10, 2009 to August 10, 2011**

DALLAS POLICE DEPARTMENT										
										<a href="#">UCR Codes</a> <a href="#">Year Codes</a> <a href="#">Property Class Codes</a>
Virtual Viewer - Public Access										Welcome
Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0026003-Y	01/30/2011	@COMMERCE PD	FOUND PROPERTY	08505		LAKEJUN...	333	1254	43020	43040
0046668-X	02/18/2010	*DR. PEPPER	THEFT	08505		LAKEJUN...	333	1254	06951	
0068646-X	03/11/2010	*BUY & RIDE	CRIMINAL MISCHIEF/VAN...	08505		LAKEJUN...	333	1254	14031	
0070086-X	03/13/2010	@CITY OF DALLAS	FOUND PROPERTY	08505		LAKEJUN...	333	1254	43020	
0092577-X	04/05/2010	*NEW; BUY & RIDE	CRIMINAL MISCHIEF/VAN...	08505		LAKEJUN...	333	1254	14083	
0096704-X	04/09/2010	CHAVARRIA, JEANIE	AUTO THEFT-UUMV	08505		LAKEJUN...	333	1254	07191	
0138316-Y	05/28/2011	*BUY& RIDE STORE	CRIMINAL MISCHIEF/VAN...	08505		LAKEJUN...	333	1254	14031	
0140616-X	05/21/2010	*BUY AND RIDE	CRIMINAL MISCHIEF/VAN...	08505		LAKEJUN...	333	1254	14031	
0150027-X	05/30/2010	LEE,NICHOLAS	ROBBERY	08505		LAKEJUN...	333	1254	03831	
0279071-W	09/18/2009	YOUNG,MALCOLM	THEFT	08505		LAKEJUN...	333	1254	06992	
0367120-W	12/13/2009	OLIVARES, MARIA	THEFT	08505		LAKEJUN...	333	1254	06942	

**Offenses received after Specific Use Permit – August 11, 2011 to July 26, 2013**

DALLAS POLICE DEPARTMENT										
										<a href="#">UCR Codes</a> <a href="#">Year Codes</a> <a href="#">Property Class Codes</a>
Virtual Viewer - Public Access										Welcome
Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0026003-Y	01/30/2011	@COMMERCE PD	FOUND PROPERTY	08505		LAKEJUN...	333	1254	43020	43040
0036379-Z	02/13/2012	GUITEREZ, JONATHAN	THEFT	08505		LAKEJUN...	333	1254	06941	
0042485-Z	02/21/2012	PERRUSQUESA,ELOISA	THEFT	08505		LAKEJUN...	333	1254	06123	
0046668-X	02/18/2010	*DR. PEPPER	THEFT	08505		LAKEJUN...	333	1254	06951	
0068646-X	03/11/2010	*BUY & RIDE	CRIMINAL MISCHIEF/VAN...	08505		LAKEJUN...	333	1254	14031	
0070086-X	03/13/2010	@CITY OF DALLAS	FOUND PROPERTY	08505		LAKEJUN...	333	1254	43020	
0080910-Z	04/04/2012	*NEW BUY AND RIDE	THEFT	08505		LAKEJUN...	333	1254	06932	
0092577-X	04/05/2010	*NEW; BUY & RIDE	CRIMINAL MISCHIEF/VAN...	08505		LAKEJUN...	333	1254	14083	
0096704-X	04/09/2010	CHAVARRIA, JEANIE	AUTO THEFT-UUMV	08505		LAKEJUN...	333	1254	07191	
0099259-A	04/22/2013	ADRADE,JAMIE	THEFT	08505		LAKEJUN...	333	1254	06942	
0109398-A	05/03/2013	GONZALEZ-HERNANDEZ,M...	ROBBERY	08505		LAKEJUN...	333	1254	03971	
0113185-Z	05/09/2012	*MOTION PICTURE ASSN	FRAUD	08505		LAKEJUN...	333	1254	11020	
0127540-Z	05/24/2012	KEZMI,SYED	ASSAULT	08505		LAKEJUN...	333	1254	08191	
0128990-Z	05/18/2012	PEARSON,JOHN	OTHER OFFENSES	08505		LAKEJUN...	333	1254	26000	
0138316-Y	05/28/2011	*BUY& RIDE STORE	CRIMINAL MISCHIEF/VAN...	08505		LAKEJUN...	333	1254	14031	
0140616-X	05/21/2010	*BUY AND RIDE	CRIMINAL MISCHIEF/VAN...	08505		LAKEJUN...	333	1254	14031	
0150027-X	05/30/2010	LEE,NICHOLAS	ROBBERY	08505		LAKEJUN...	333	1254	03831	
0171290-Z	07/11/2012	DIAZ, GILBERTO	ROBBERY	08505		LAKEJUN...	333	1254	03941	
0171337-Z	07/11/2012	*TEXACO	THEFT	08505		LAKEJUN...	333	1254	06935	
0279071-W	09/18/2009	YOUNG,MALCOLM	THEFT	08505		LAKEJUN...	333	1254	06992	
0307649-Y	11/22/2011	*BUY N RIDE	THEFT	08505		LAKEJUN...	333	1254	06935	
0332396-Y	12/21/2011	JOE, GLENDA, BAILEY	TRAFFIC MOTOR VEHICLE	08505		LAKEJUN...	333	1254	32090	
0367120-W	12/13/2009	OLIVARES, MARIA	THEFT	08505		LAKEJUN...	333	1254	06942	



**CPC Action** (August 8, 2013)

**Motion:** In considering an application for application for the renewal of Specific Use Permit No. 1871 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Holcomb Road it was moved to **hold** this case under advisement until August 22, 2013.

Maker: Wally  
Second: Rodgers  
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0  
Absent: 0  
Vacancy: 1 - District 10

**Notices:** Area: 200                      Mailed: 18  
**Replies:** For: 3                              Against: 0

**Speakers:** None

**CPC Action** (August 22, 2013)

**Motion:** In considering an application for the renewal of Specific Use Permit No. 1871 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Holcomb Road, it was moved to **hold** this case under advisement until September 12, 2013.

Maker: Rodgers  
Second: Wolfish  
Result: Carried: 14 to 0

For: 14 - Davis, Wally\*, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Z123-297(WE)

Against: 0  
Absent: 1 - Tarpley  
Vacancy: 1 - District 10

\*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 18  
**Replies:** For: 3 Against: 0

**Speakers:** None

**CPC Action** (September 12, 2013)

Z123-297(WE)

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1871 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Holcomb Road.

Maker: Rodgers  
Second: Shellene  
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Ridley, Alcantar

Against: 0  
Absent: 1 - Schwartz  
Vacancy: 0

**Notices:** Area: 200 Mailed: 18  
**Replies:** For: 3 Against: 0

**Speakers:** None

**LIST OF OFFICERS**  
Vortex Business, Inc.

- Karim P. Rashid            Member
- Rehan S. Merchant        Member

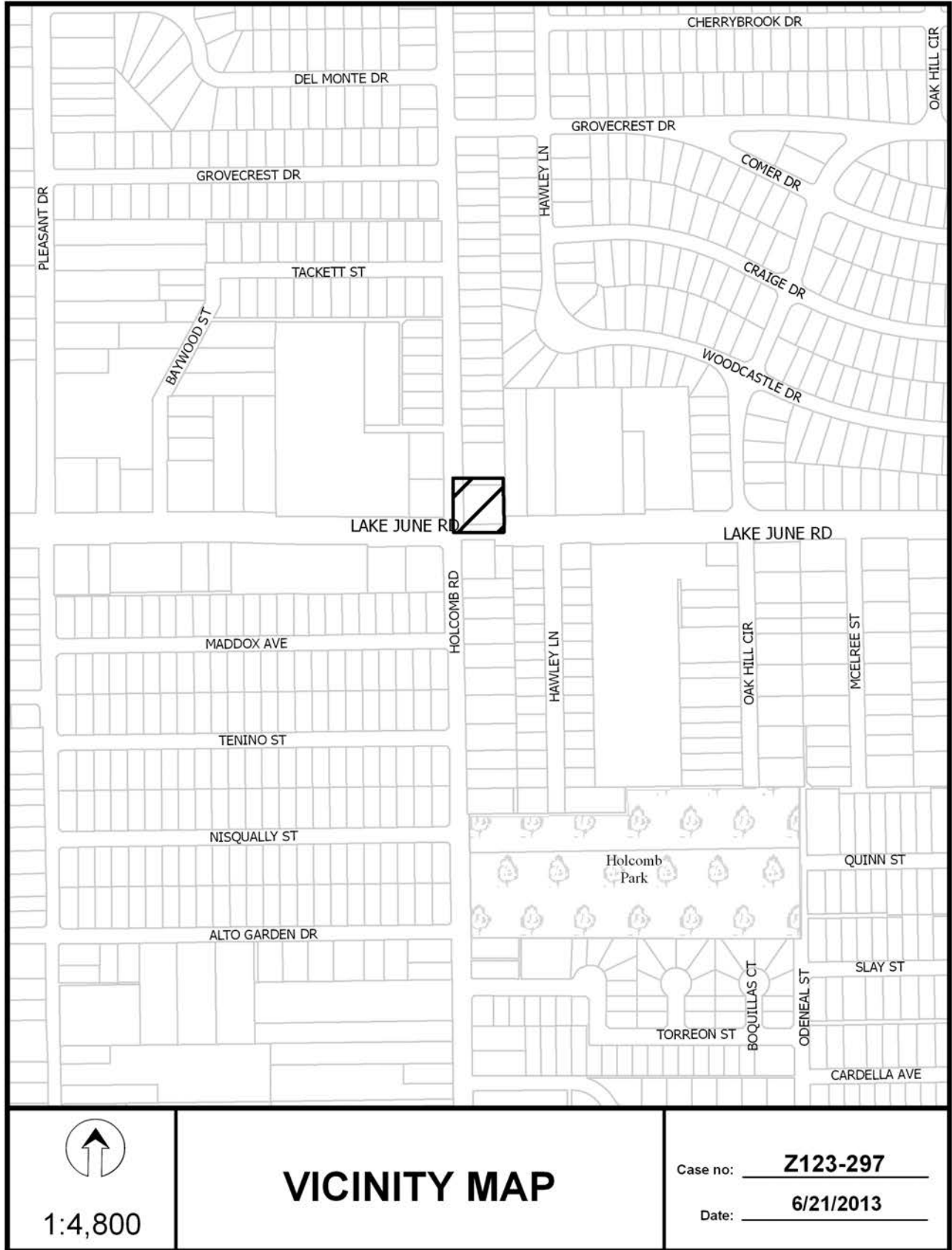
**LIST OF OFFICERS**  
Club Creek Rental Properties, LLC

- Karim P. Rashid            Member
- Rehan S. Merchant        Member

**CPC PROPOSED SUP  
CONDITIONS**

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on [~~August 10, 2013~~], (five-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. INGRESS / EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Parking must be located as shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

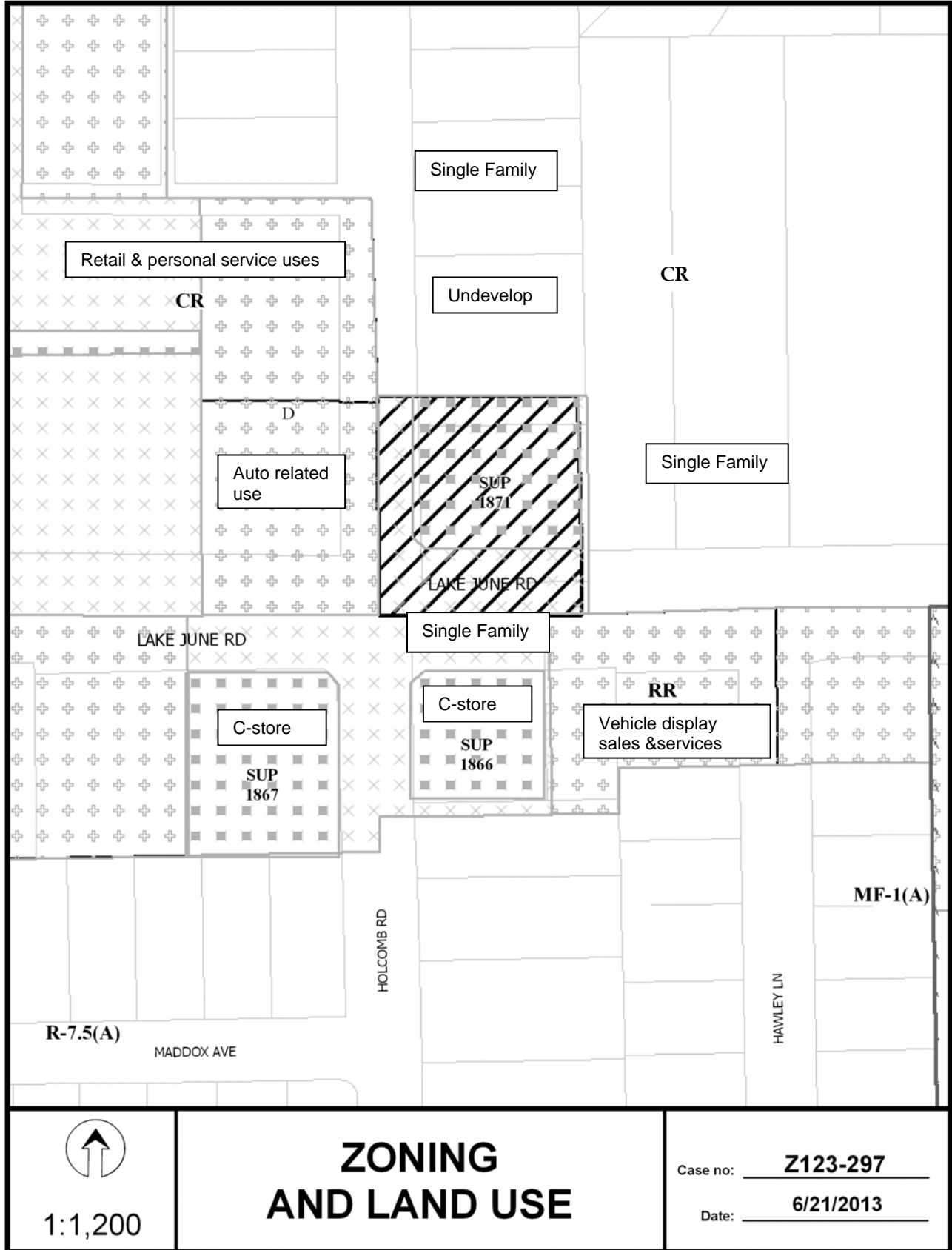


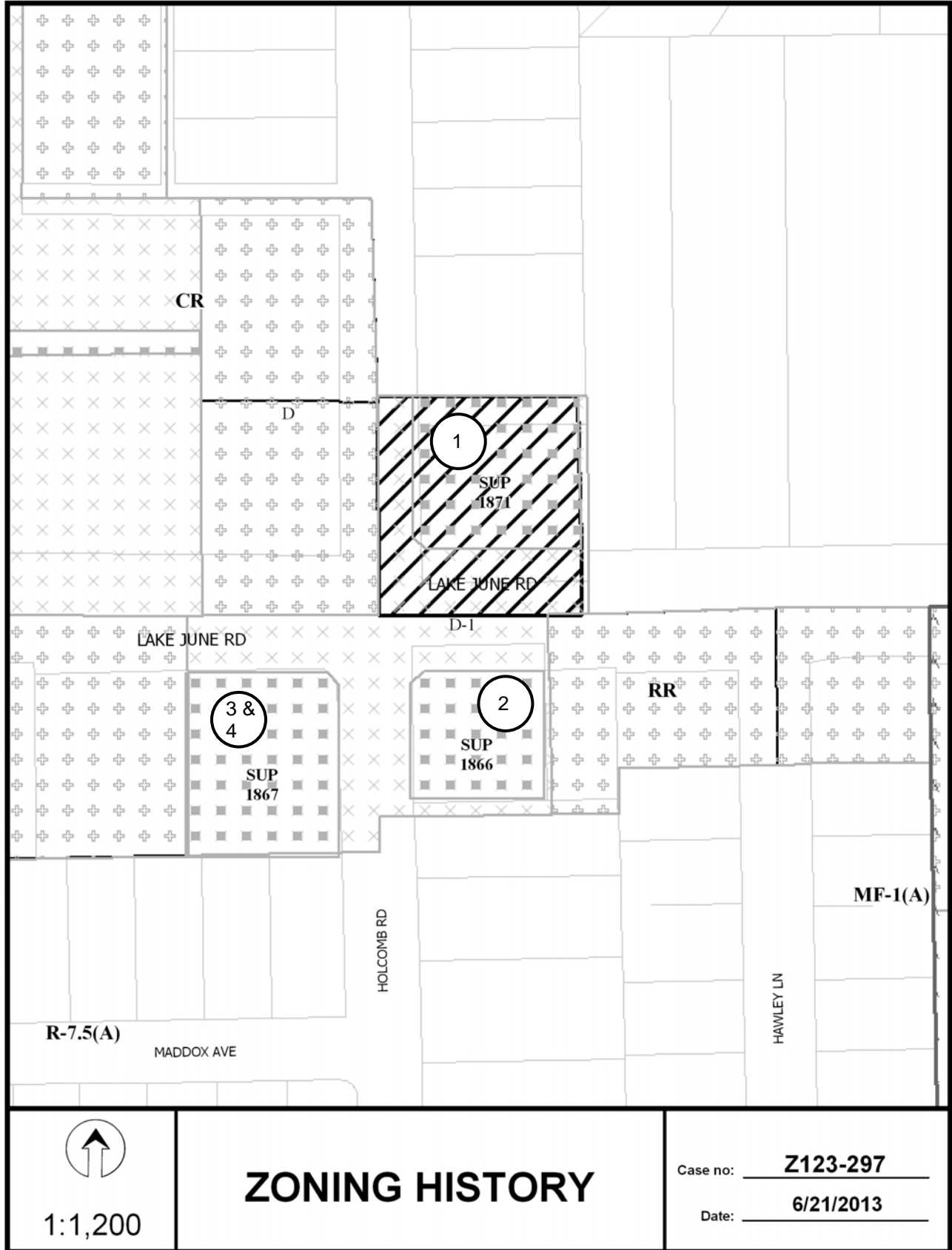


1:4,800

# VICINITY MAP

Case no: Z123-297  
Date: 6/21/2013





1:1,200

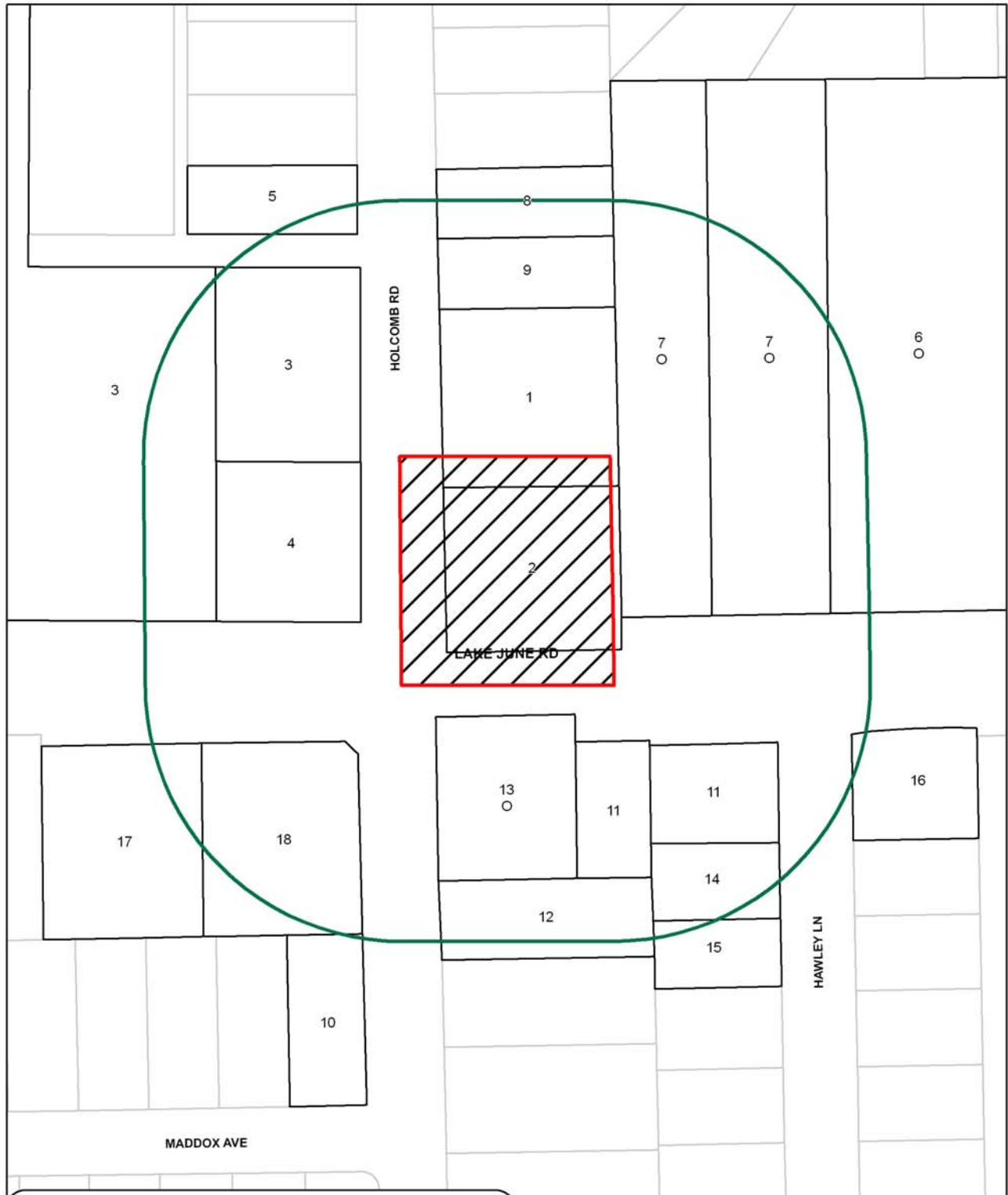
# ZONING HISTORY

Case no: Z123-297

Date: 6/21/2013



**CPC RESPONSES**



<u>18</u>	Property Owners Notified (21 parcels)
<u>3</u>	Replies in Favor (4 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/12/2013</u>	Date <u>8/22/2013</u> Under Advisement

**Z123-297**  
**CPC**



1:1,200

## ***Notification List of Property Owners***

***Z123-297***

***18 Property Owners Notified***

***3 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	1316 HOLCOMB RD	SILVA JOSEFINA
	2	8505 LAKE JUNE RD	IBRAHIM RETAIL GROUP INC
	3	8407 LAKE JUNE RD	MARTINEZ RUBEN
	4	8449 LAKE JUNE RD	ORTIZ JOSE & SANDRA
	5	1329 HOLCOMB RD	ROMANS MATTIE W
O	6	8601 LAKE JUNE RD	SMITH MURRICE D
O	7	8515 LAKE JUNE RD	SMITH ALVIE DOUGLAS
	8	1328 HOLCOMB RD	MORENO ROSA
	9	1324 HOLCOMB RD	MONGE JOSE &
	10	8451 MADDOX AVE	ALVARADO JAVIER & OLIMPIA
	11	8508 LAKE JUNE RD	MUMITH FAHIM
	12	1236 HOLCOMB RD	DURAN JOSE JORGE
O	13	8502 LAKE JUNE RD	CHIN ROBERT K &
	14	1231 HAWLEY LN	HERNANDEZ ROGELIO
	15	1227 HAWLEY LN	MENDEZ BELEN V
	16	8600 LAKE JUNE RD	MUMITH FAHIM & OMRAN
	17	8440 LAKE JUNE RD	WASH JUNE INC
	18	8470 LAKE JUNE RD	A & Z TASTY FOODS LP

**AGENDA ITEM # 28**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 45 M

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Elm Street, west of North Crowdus Street  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions  
Z123-299(WE)



ACM: Theresa O'Donnell

**FILE NUMBER:** Z123-299(WE) **DATE FILED:** June 3, 2013

**LOCATION:** South side of Elm Street, west of North Crowdus Street

**COUNCIL DISTRICT:** 2 **MAPSCO:** 45-M

**SIZE OF REQUEST:** Approx. 2,613.6 sq. ft. **CENSUS TRACT:** 204.0

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**APPLICANT:** Timothy P. Daniels

**OWNER:** Elm Street Realty, Ltd.

**REPRESENTATIVE:** Audra Buckley

**REQUEST:** An application for a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

**SUMMARY:** The purpose of this request is to permit the use of a bar, tavern or lounge to operate within the Deep Ellum District.

**CPC RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- In September 1986, the Building Inspection Office issued a certificate of occupancy for an Office use for the request site. Presently, the site is vacant.
- In June 2006, the City Council amended the Deep Ellum Planned Development District to require certain businesses to have Specific Use Permits to operate and to sunset the non-conforming rights for those establishments. The uses requiring a Specific Use Permit are bars and private clubs, dance halls, live music venues and body piercing studios and tattoo studios when the spacing measurement is within less than 300 feet.
- The request site is located within a one-story multi-tenant mixed use development. The development consists of a variety of retail and personal service uses that shares surface parking spaces on Elm Street and a small off-street parking lot that is west of the request site.

**Zoning History:** There have been eight recent zoning changes requested within Planned Development District No. 296, the Deep Ellum/Near East Side Special Purpose District. There is no history of the request site receiving a zoning change or Specific Use Permit.

1. Z056-271 On January 10, 2007, the City Council approved a Specific Use Permit for a Tattoo Studio or Body Piercing Studio on property within Planned Development District No. 269 on the south side of main Street, west of Pryor Street (not shown on map).
2. Z067-305 On December 7, 2007, the City Council denied a Specific Use Permit for a bar, lounge, or tavern and an inside commercial amusement for a dance hall on property zoned Tract A within Planned Development District No. 269 on the southeast corner of Main Street and Good Latimer Expressway (not shown on map).
3. Z067-335 On November 28, 2007, the City Council approved a Specific Use Permit for a bar, lounge or tavern and an inside commercial amusement for a dance hall on property zoned Planned Development District No. 269 on the south side of Commerce Street, west of Henry Street (not shown on map).
4. Z067-347 On December 12, 2007, the City Council approved a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge or tavern and an Inside commercial amusement limited to a live music venue on the southwest line of Elm Street, west of Crowdus Street.

5. Z067-342 On December 7, 2007, the City Council approved a Specific Use Permit for a bar, lounge or tavern for a one-year period on property zoned Planned Development District No. 269 on the north side of Commerce Street, east of Good Latimer Expressway (not shown on map).
  
6. Z089-273 On December 9, 2009, the City Council approved a Specific Use Permit for an alcoholic beverage establishment use limited to a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the South side of Elm Street, west of Crowds Street.
  
7. Z089-211 On August 12, 2009, the City Council approved a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the north side of Commerce Street, east of Good Latimer (not shown on map).
  
8. Z089-275 On October 28, 2009, the City Council approved an amendment to Specific Use Permit No. 1767 for a bar, lounge, or tavern on property zoned Planned Development District No. 269 the Deep Ellum/Near East Side Special Purpose District, on the north side of Commerce Street, east of Good Latimer Expressway (not shown on map).

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>	<b>Proposed ROW</b>
ElmStreet	Local Street	60 ft.	60 ft.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PDD No. 269, Tract A	Vacant retail space
<b>North</b>	PDD No. 269, Tract A	Restaurant, surface parking lot
<b>South</b>	PDD No. 269, Tract A	Retail and personal service uses
<b>East</b>	PDD No. 269, Tract A, SUP No. 1694	Bar, lounge or tavern with live music
<b>West</b>	PDD No. 269, Tract A	Retail and personal service uses, surface parking lot

**COMPREHENSIVE PLAN:**

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas!* Vision Illustration is comprised of a series of Building Blocks that shows general land use patterns. They are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The request site lies within an Urban Mixed-Use Building Block. This Building Block provides for a healthy balance of housing, job, and shopping that permits residents to live, work, shop, and play in the same neighborhood. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses. The request site is adjacent to retail and personal service uses and conforms to the abovementioned definition of an Urban Mixed-Use Block. Even though the request site is not adjacent to residential uses, there are several residential developments that are developed within PDD No. 269.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The 2,726-square-foot site is located within a one-story multi-tenant mixed use development and is adjacent to a variety of retail, office, restaurant and bar, lounge or tavern uses. The request for Specific Use Permit for a bar, lounge or tavern will allow the applicant to operate within the existing structure. A portion of the site will have an uncovered patio in the rear the facility and is located within the original building site.

In September 1986, the Building Inspection Office issued a certificate of occupancy for an Office use for the request site. However, the representative has indicated that the site has been vacant for an extended period of time.

A bar, lounge, or tavern means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue from the service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.




The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses. Based upon the abovementioned criteria, staff has determined that the request site complies with the provisions for a Specific Use Permit.

**Landscaping:** The request site is located within an existing structure and the landscaping requirements will not be triggered.

**Traffic:** The Engineering Section of the Department Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

**Parking:** PDD No. 269 specifies that “no off-street parking spaces are required for the first 2,500 square feet of floor area in a ground level use that has a separate certificate of occupancy if the use is located in an original building. Otherwise, one space for each 100 square feet of floor area. The request site is located within the original building site. No parking is required for outside seating. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.”

**Dallas Police Department:** A copy of a police report of the past 5 years of offenses is provided below.

 <b>DALLAS POLICE DEPARTMENT</b> <span style="float: right;"> <a href="#">UCR Codes</a> <a href="#">Year Codes</a> <a href="#">Property Class Codes</a> </span>										
Virtual Viewer - Public Access										Welcome
Search Records - Offense <span style="float: right;">Filter <input type="text"/></span>										
Service #	Offense Date	Complainant	Offense	Block	Dir	Stree	Beat	Reporting Area	UCR1	UCR2
<a href="#">0049514-A</a>	03/01/2013	SPIGARELLI, GEENA	THEFT	02720		ELM...	153	2066	06902	
<a href="#">0178797-Y</a>	07/07/2011	*CLUB DA DA	CRIMINAL MISCHIEF/V...	02720		ELM...	153	2066	14081	
<a href="#">0271623-Z</a>	10/31/2012	*CLUB DADA	CRIMINAL MISCHIEF/V...	02716		ELM...	153	2066	14082	
<a href="#">0308601-Y</a>	11/24/2011	MCCARTHY, CATRINA	THEFT	02720		ELM...	153	2066	06901	

Z123-299(WE)

**CPC Action** (September 12, 2013)

Z123-299(WE)

Planner: Warren Ellis

Motion: It was moved to recommend approval of a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern for a two-year period, subject to a revised site plan and conditions on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south side of Elm Street, west of North Crowdus Street.

Maker: Wally  
Second: Tarpley  
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Ridley, Alcantar

Against: 0  
Absent: 1 - Schwartz  
Vacancy: 0

Notices:	Area: 200	Mailed:	20
Replies:	For: 0	Against:	0
Speakers:	None		

**LIST OF OFFICERS  
Elm Street Realty, Ltd.**

**List of Officers**

The ownership entity for 2720 Elm Street is:  
Elm Street Realty, Ltd., a Texas limited partnership

By: JGB Ventures I, Ltd., a Texas limited partnership, General Partner

By: JGB Holdings, Inc., a Texas corporation, General Partner

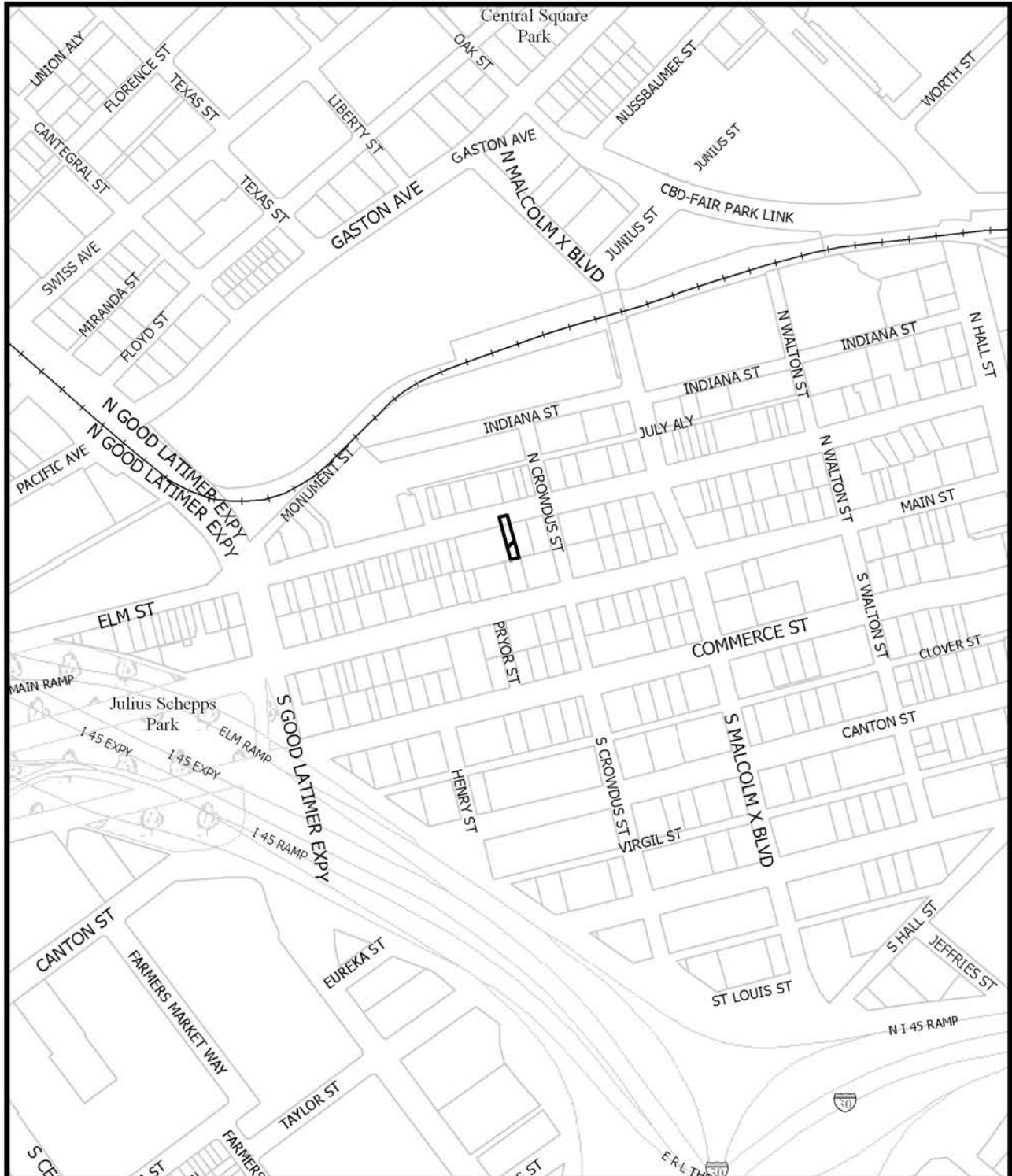
By: Westdale Real Estate Investment and Management, Chuck Hixson, General Partner

By: Joseph G. Beard, President

**CPC SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a bar, lounge or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on\_\_\_\_\_, (two-year period from the passage of this ordinance).
4. MAXIMUM FLOOR AREA: The maximum floor area for a bar, lounge or tavern is 1,733 square feet in the location shown on the site plan. The maximum floor area for the uncovered patio is 887 square feet in the location shown on the site plan.
5. HOURS OF OPERATION: The hours of operation for the alcoholic beverage establishment limited to a bar, lounge or tavern is from 4:00 p.m. to 2:00 a.m. (the next day), Monday through Friday and 12:00 p.m. to 2:00 a.m., Saturday and Sunday.
6. OUTSIDE SPEAKERS: Outside speakers are prohibited.
7. OFF-STREET PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.
8. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas



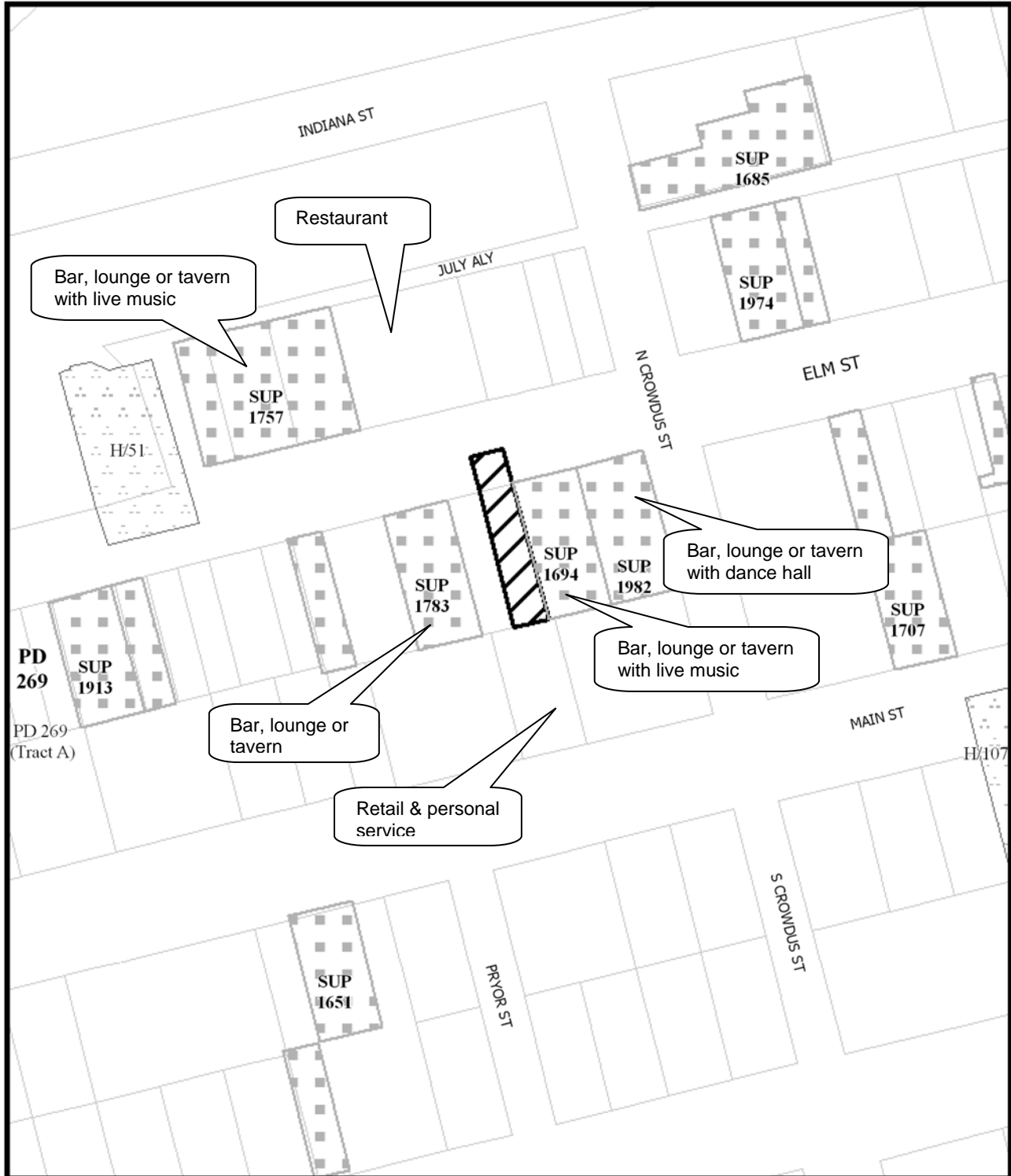


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# VICINITY MAP

Case no: Z123-299

Date: 6/26/2013

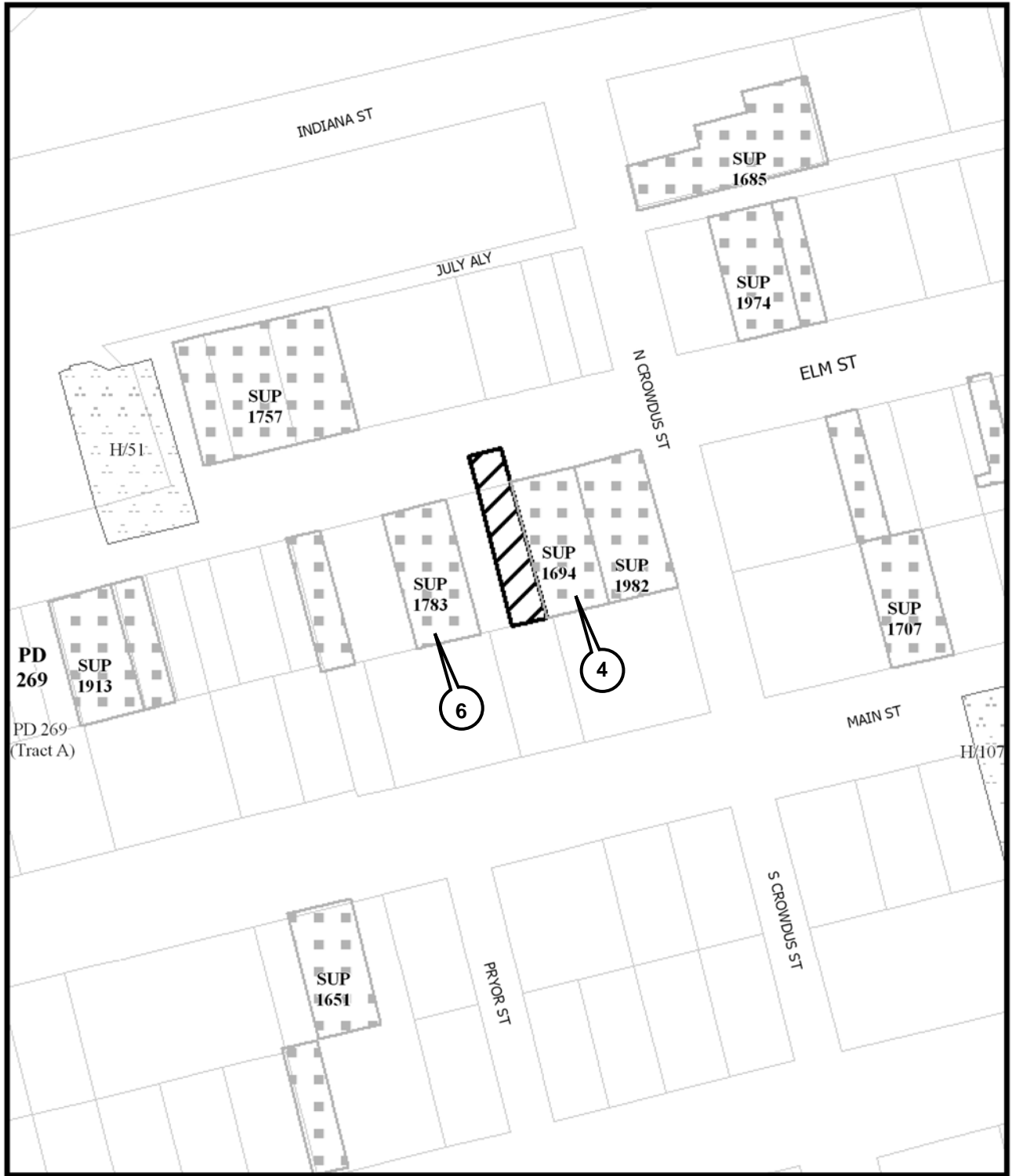


1:1,200

# ZONING AND LAND USE

Case no: Z123-299

Date: 6/26/2013



 1:1,200	<h2 style="text-align: center;">ZONING HISTORY</h2>	Case no: <u>          Z123-299          </u> Date: <u>          6/26/2013          </u>
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**CPC RESPONSES**



<u>20</u>	Property Owners Notified (24 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/12/2013</u>	Date

**Z123-299**  
**CPC**



1:1,200

## **Notification List of Property Owners**

**Z123-299**

*20 Property Owners Notified*

*0 Property Owners in Favor*

*0 Property Owners Opposed*

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	2720 ELM ST	ELM STREET REALTY LTD
	2	2649 MAIN ST	PETERS WILSON G
	3	2647 MAIN ST	MERRILL ROBERT
	4	2650 ELM ST	ELM ELM LLC
	5	2646 ELM ST	TEXAS AUTO RADIATOR CO
	6	2712 MAIN ST	CASS DON E TR
	7	2708 MAIN ST	LAMBETH WILLIAM V &
	8	2702 MAIN ST	JERNIGAN REALTY PTNR LP
	9	2724 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	10	2715 MAIN ST	MAIN PROPERTIES LLC
	11	2707 MAIN ST	DEALEY CHRISTOPHER C
	12	2701 MAIN ST	42 2701 MAIN LP
	13	2806 ELM ST	DEEP ELM I LTD
	14	2803 MAIN ST	DEEP ELM JV 1
	15	2723 ELM ST	2723 ELM STREET JV
	16	2717 ELM ST	WESTDALE PPTIES AMERICA LTD
	17	2707 ELM ST	BELMOR CORP
	18	2703 ELM ST	BELMOR CORP
	19	2701 ELM ST	BELMOR CORP
	20	2801 ELM ST	MAGERS SCOTT E &

**AGENDA ITEM # 29**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 9  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 37 R

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the Tract 6a Development Plan and an ordinance granting a Specific Use Permit for an underground walkway and on property zoned Planned Development District No. 287 on the southeast line of Garland Road, north of Lakeland Drive

Recommendation of Staff and CPC: Approval of an amendment to the Tract 6a Development Plan and approval of a Specific Use Permit for permanent period, subject to a site plan and conditions

Z123-319(MW)

**FILE NUMBER:** Z123-319(MW)                      **DATE FILED:** June 24, 2013

**LOCATION:** Southeast line of Garland Road, north of Lakeland Drive

**COUNCIL DISTRICT:** 9                                      **MAPSCO:** 37-R

**SIZE OF REQUEST:** ±1.601 acre                      **CENSUS TRACT:** 81

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**APPLICANT:** Dallas Arboretum and Botanical Garden

**OWNERS:** Texas Department of Transportation (TXDOT)  
City of Dallas Park and Recreation Department

**REPRESENTATIVE:** Robert Reeves and Associates, Inc.

**REQUEST:** An application for an amendment to the Tract 6a Development Plan and a Specific Use Permit for an underground walkway and on property zoned Planned Development District No. 287

**SUMMARY:** The applicant proposes to replace the existing surface parking (south side of Garland Road) with a parking structure, comprised of four levels above grade and two levels below, and to construct an underground walkway to allow pedestrian access from the parking structure to the Children's Garden Entrance (north side of Garland Road).

**CPC RECOMMENDATION:** Approval of an amendment to the Tract 6a Development Plan and approval of a Specific Use Permit for permanent period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval of an amendment to the Tract 6a Development Plan and approval of a Specific Use Permit for permanent period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The ±1.601-acre request site consists of ±1.032 acre of land developed with surface parking and ±0.569 acre of TXDOT right-of-way.
- Zoning case Z101-192 (approved by City Council on June 22, 2011) expanded PDD No. 287 to include two tracts of land totaling 0.67 acre, which are adjacent to the request site. In addition, the conditions were amended to permit a pedestrian walkway or skybridge by Specific Use Permit and the approximate location was depicted on the conceptual plan.
- PDD No. 287 permits a maximum floor area of 7,500 square feet on the Tract 6a and 35,000 square feet on Tract 6b; the floor area for each tract within the PDD may be increased by 15 percent provided the total floor area for the entire PDD does not exceed 197,070 square feet. Pursuant to Chapter 51A, an area used solely for off-street parking is excluded from the floor area calculations; therefore, no modification of the PDD conditions is required to accommodate this request.
- The proposed parking structure, with a maximum height of 35 feet, complies with the residential proximity slope originating from the adjacent R-7.5(A) Single Family District, as depicted on the proposed development plan.
- On November 3, 2011, the City Plan Commission recommended approval of a development plan for surface parking on Tracts 1, 3, 5, 6a and 6b of the PDD. It is noted that the PDD does not require development plan approval for development on Tract 6b. However, proposed development on Tract 6b was included for reference.

**Zoning History:**

1. **Z101-192:** On June 22, 2011, the City Council approved an amendment to and expansion of Planned Development District No. 287 on property zoned Planned Development District No. 287 and a CR Community Retail District.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>
Garland Road	Principal Arterial	100 feet
Lakeland Drive	Collector	40 feet

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
Site	PDD No. 287	Garland right-of-way; surface parking
North	MF-1(A); R-7.5(A)	Multifamily, single family
Northeast	CR	Retail
Southeast	R-7.5(A)	Single Family
Southwest	CR; R-7.5(A)	Retail; single family
Northwest	PDD No. 287	Arboretum

**STAFF ANALYSIS:**

**Land Use Compatibility:**

The applicant proposes to replace the existing surface parking (south side of Garland Road) with a parking structure and to construct an underground walkway to allow pedestrian access from the parking structure to the Children’s Garden Entrance (north side of Garland Road). To accomplish this, the applicant proposes an amendment to the Tract 6a Development Plan and Landscape Plan and a Specific Use Permit for an underground walkway. It is noted that the PDD does not require development plan approval for development on Tract 6b. However, proposed development on Tract 6b has been included for reference.

Since Garland Road, a principal arterial, is under the Texas Department of Transportation’s jurisdiction, the proposed utilization of the right-of-way as an underground walkway will not require a private license from the City of Dallas. Typically, if a private license is required for a use that also requires a Specific Use Permit, the Real Estate and Current Planning Divisions will coordinate the time period for each. Since that is not the case for this request, staff recommends approval of an amendment to the Tract 6a Development Plan, as well as, approval of the Specific Use Permit for a permanent time subject to a site plan and conditions. The applicant’s proposal complies with the requirements of Planned Development District No. 287 and it is not anticipated to negatively impact adjacent properties.

**Parking:**

Pursuant to PDD No. 287, parking for evening public events on Tracts 6a and 6b is prohibited on surface levels or higher. Parking is prohibited on Tract 6a after 8:00 p.m. As specified on the proposed development plan, evening events are defined as those events taking place after published business hours. Public event prohibitions apply to parking by the public, but not staff, employees, volunteers, or anyone providing services to the Arboretum , nor shall it apply to private events.

**Landscaping:**

Pursuant to the requirements of PDD No. 287, landscaping in Tracts 6a and 6b must comply with Article X and the conceptual plan, which depicts a 25-foot landscape buffer adjacent to Angora Street. For the purpose of providing a required landscape buffer, the property located between Tract 6a and Tavaros Avenue, which also has frontage on Angora Street, as shown on the conceptual plan, shall be considered a nonresidential zoning district. A minimum six-foot-high solid fence or solid hedge must be provided along the Angora Street frontage of Tract 6a prior to use of Tract 6a. The required solid hedge exists currently. The applicant has provided a Tract 6a/6b Landscape Plan for information purposes only since the plan does not require City Plan Commission approval.

Z123-319(MW)

**CPC Action: September 12, 2013:**

Z123-319(MW)

Planner: Megan Wimer

**Motion:** It was moved to recommend **approval** of an amendment to the Tract 6a Development Plan and **approval** of a Specific Use Permit for an underground walkway for a permanent period, subject to a site plan and conditions on property zoned Planned Development District No. 287 along the southeast line of Garland Road, north of Lakeland Drive.

Maker: Wally  
Second: Tarpley  
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Ridley, Alcantar

Against: 0  
Absent: 1 - Schwartz  
Vacancy: 0

Notices: Area: 500                      Mailed: 104  
Replies: For: 8                         Against: 5

Speakers: None



**Partners/Principals/Officers:**

**Dallas Arboretum and Botanical Garden**

2013 Executive Officers

Brian Shivers, Chairman  
Nathan Robinett, Vice Chairman  
Nancy Rutchik, Secretary  
Scott Manis, Treasurer  
Steve Coke, Past Chairman  
Mary Brinegar, President and CEO

**Texas Department of Transportation (TXDOT)**

Texas Transportation Commission

Ted Houghton, Chair  
Jeff Austin III, Commissioner  
Jeff Moseley, Commissioner  
Fred Underwood, Commissioner  
Victor Vandergriff, Commissioner

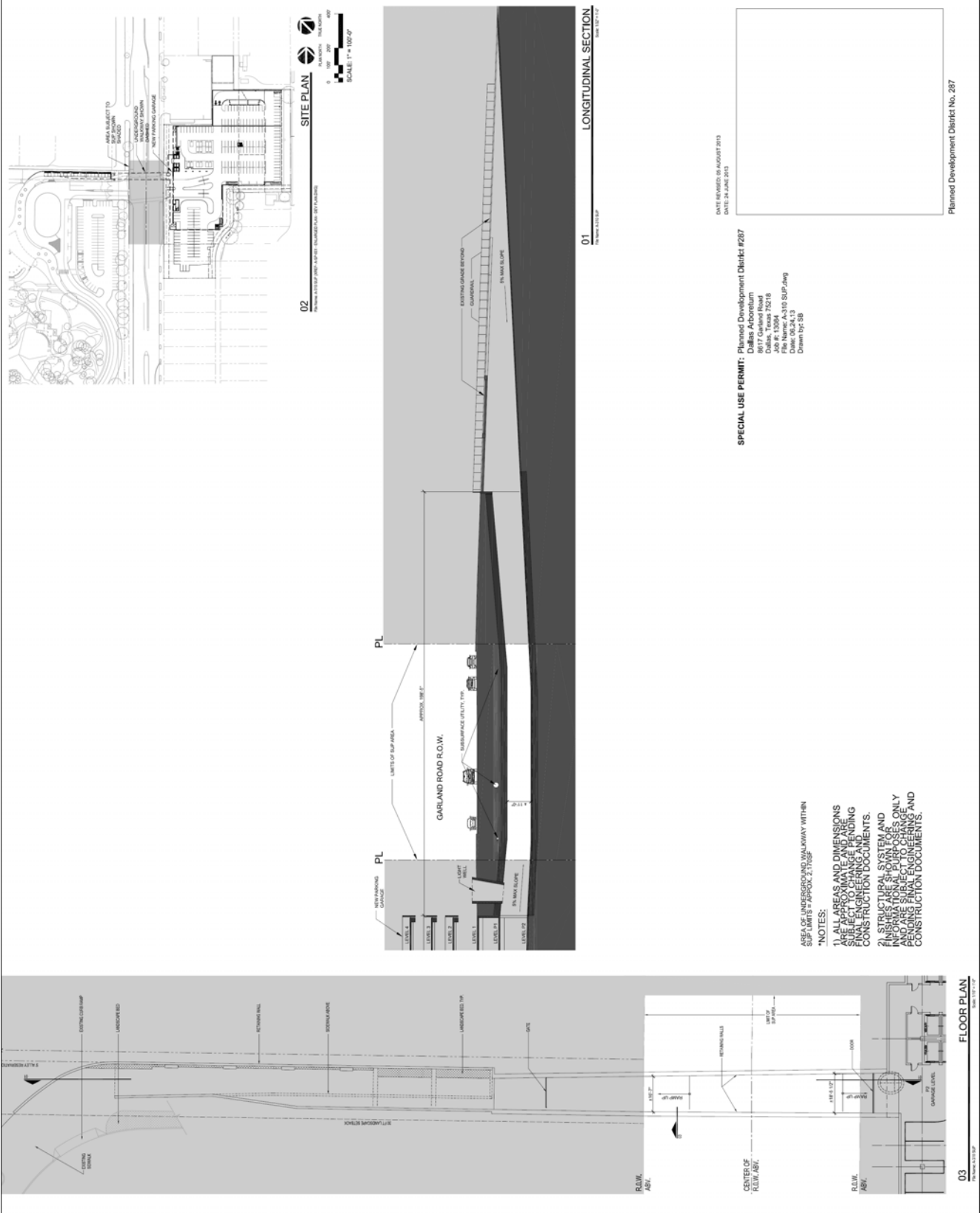
2013 Executive Officers

Phil Wilson, Executive Director  
John Barton, Chief Engineer  
Scott Hayward, Chief of Staff  
Bob Kaufman, Chief Communications Officer  
Jim Bass, Chief Financial Officer  
Russell Zapalac, chief Planning Officer  
Scott Leonard, Chief Strategy and Administrative Officer

**Z123-319**  
**Proposed SUP Conditions**

1. USE: The only use authorized by this specific use permit an underground walkway.
2. SITE PLAN. Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit has no expiration date
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Proposed SUP Site Plan



**02 SITE PLAN**  
 PLANNED DEVELOPMENT DISTRICT #287  
 SCALE 1" = 100'-0"

**01 LONGITUDINAL SECTION**  
 SCALE 1/8" = 1'-0"

**03 FLOOR PLAN**  
 SCALE 1/8" = 1'-0"

DATE REVISED: 09 AUGUST 2013  
 DWG: Z123-319-023

**SPECIAL USE PERMIT:** Planned Development District #287  
 8617 Garland Road  
 Dallas, Texas 75218  
 File Name: A-319 SUP.dwg  
 Date: 06.24.13  
 Drawn by: SB

BASE FOR UNDERGROUND WALKWAY WITHIN  
 OF APPROX. 1'-10"

**\*NOTES:**  
 1) ALL AREAS AND DIMENSIONS  
 ARE APPROXIMATE AND SHALL BE  
 SUBJECT TO CHANGE PENDING  
 CONSULTATION DOCUMENTS.  
 2) STRUCTURAL SYSTEM AND  
 FINISHES ARE SHOWN FOR  
 INFORMATION ONLY. ALL AREAS  
 AND ARE SUBJECT TO CHECKS ONLY  
 PENDING FINAL ENGINEERING AND  
 CONSTRUCTION DOCUMENTS.

Planned Development District No. 287

Proposed Tract 6a Development Plan

DEVELOPMENT SUMMARY: TRACT 6A

LAND USES: PARKING GARAGE

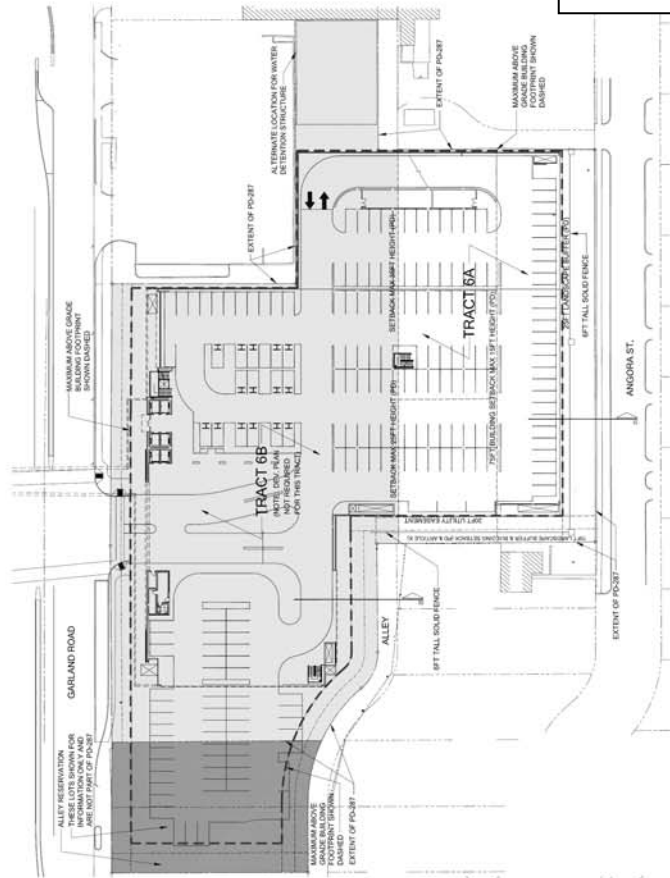
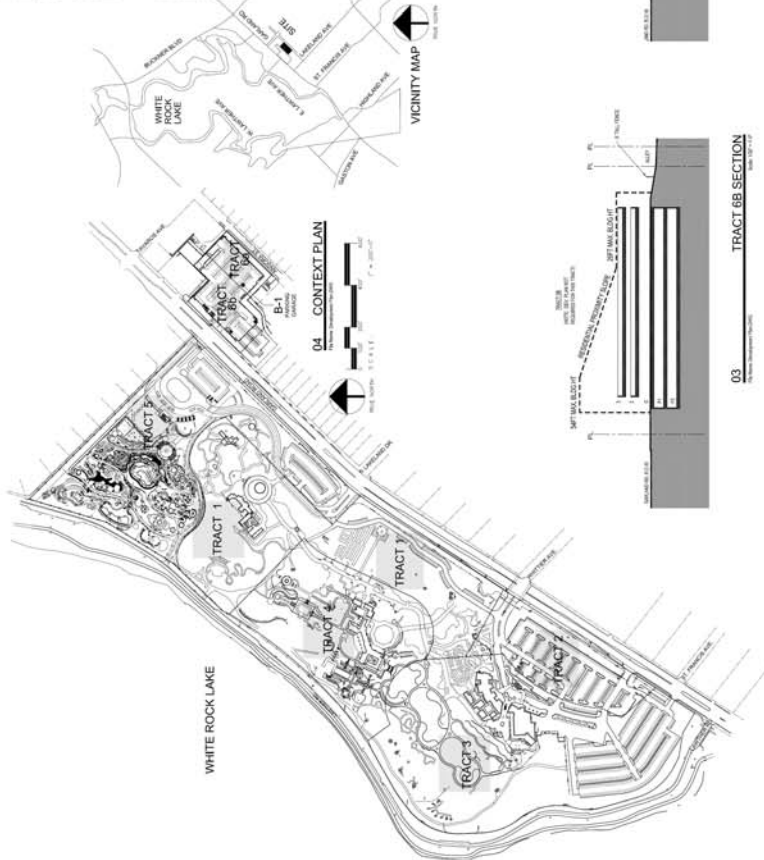
SETBACKS: REQUIRED SETBACKS PER PLANNED DEVELOPMENT DISTRICT 287.

REQUIREMENT	TRACT 6A	TRACT 6B
MINIMUM FRONT YARD SETBACK	5' (MINIMUM)	5' (MINIMUM)
MINIMUM SIDE YARD SETBACK	5' (MINIMUM)	5' (MINIMUM)
MINIMUM REAR YARD SETBACK	5' (MINIMUM)	5' (MINIMUM)
MINIMUM SIDE SETBACK	5' (MINIMUM)	5' (MINIMUM)
MINIMUM REAR SETBACK	5' (MINIMUM)	5' (MINIMUM)
MINIMUM FRONT SETBACK	5' (MINIMUM)	5' (MINIMUM)
MINIMUM SIDE SETBACK	5' (MINIMUM)	5' (MINIMUM)
MINIMUM REAR SETBACK	5' (MINIMUM)	5' (MINIMUM)
MINIMUM FRONT SETBACK	5' (MINIMUM)	5' (MINIMUM)

PARKING: REQUIRED PARKING IS PER PLANNED DEVELOPMENT DISTRICT 287.

PARKING DATA	TRACT 1	TRACT 3	TRACT 5	TRACTS 6a & 6b	TOTAL
NUMBER REQUIRED	100	100	100	1000	1300
PROVIDED	100	100	100	1000	1300
DEFICIT	0	0	0	0	0
EXCESS	0	0	0	0	0
PERCENTAGE	100%	100%	100%	100%	100%

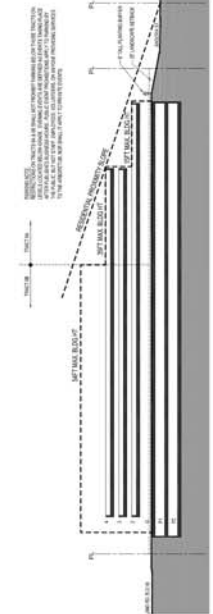
NOTES: 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED TO CONTRARY ARE IN FEET AND INCHES. 2. ALL DIMENSIONS UNLESS OTHERWISE NOTED TO CONTRARY ARE IN FEET AND INCHES. 3. ALL DIMENSIONS UNLESS OTHERWISE NOTED TO CONTRARY ARE IN FEET AND INCHES.



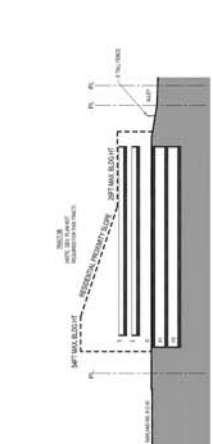
02 GRADE LEVEL PLAN



01 TRACT 6A/6B SECTION



03 TRACT 6B SECTION



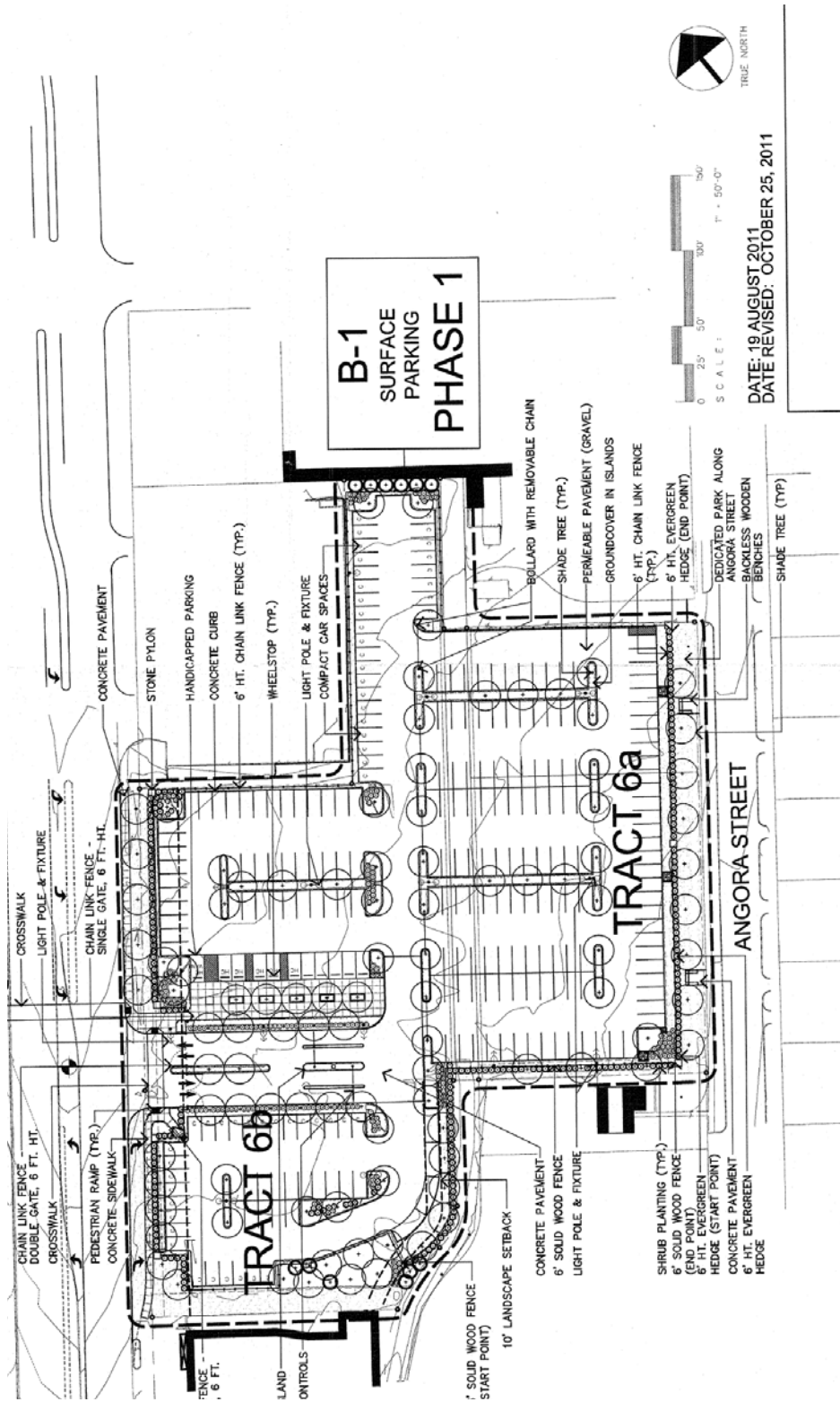
DEVELOPMENT PLAN  
Planned Development District #287  
Dallas Arboretum  
8617 Garland Road  
Dallas, Texas 75218  
Job #: 1204  
Date: 02.24.13  
Drawn by: SH  
Checked by: SH  
SHEET 1 of 2  
Planned Development District No. 287  
Tracts 6a

Dallas Arboretum &  
Botanical Society, Inc.  
8617 Garland Road  
Dallas, Texas 75218  
Ph: (214) 513-6500

Good Fulton & Farrell Architects  
2500 Westwood Blvd  
Dallas, Texas 75225  
www.gff.com

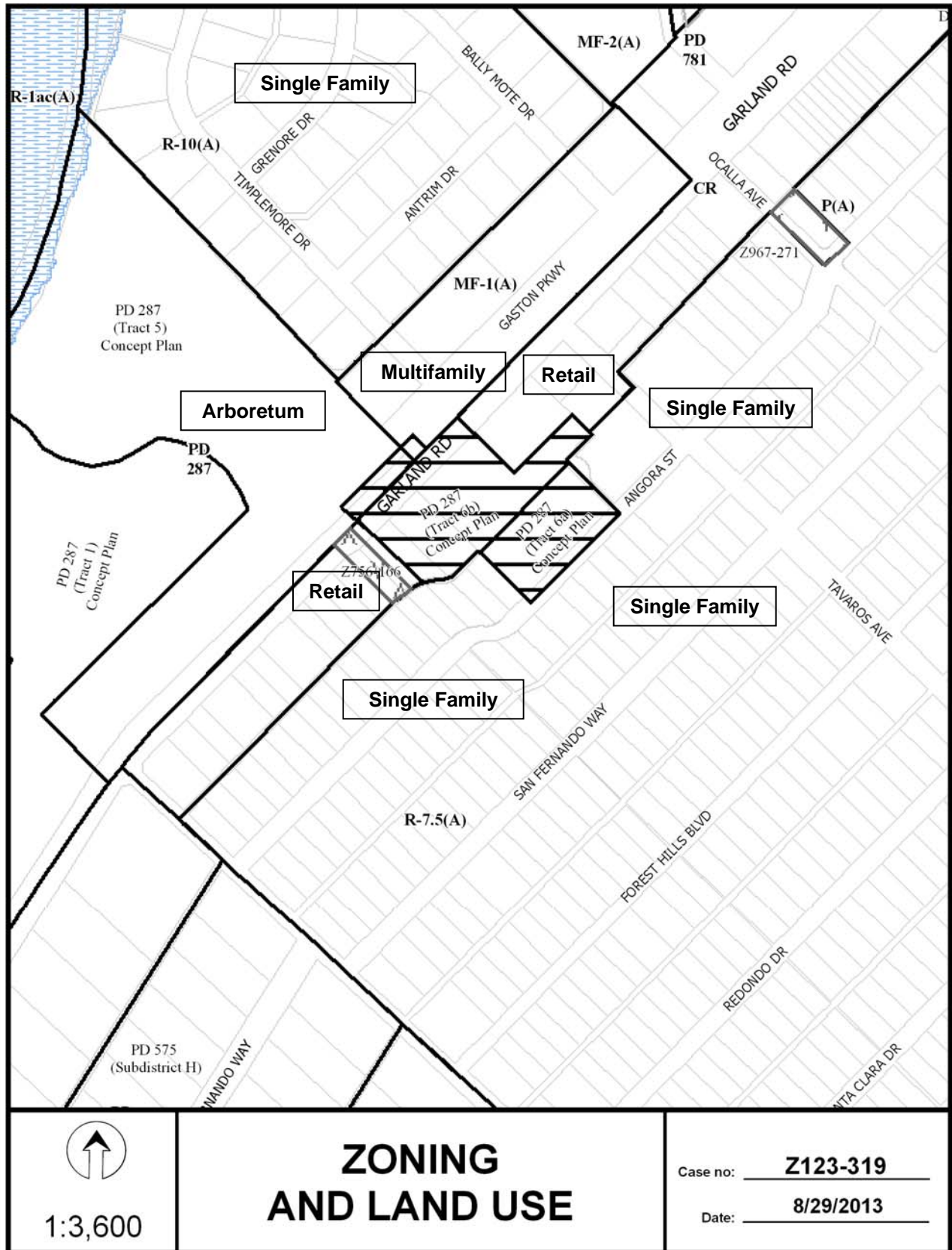


**Existing Tract 6a and 6b Development Plan  
(and Landscape Plan for information purposes only)**





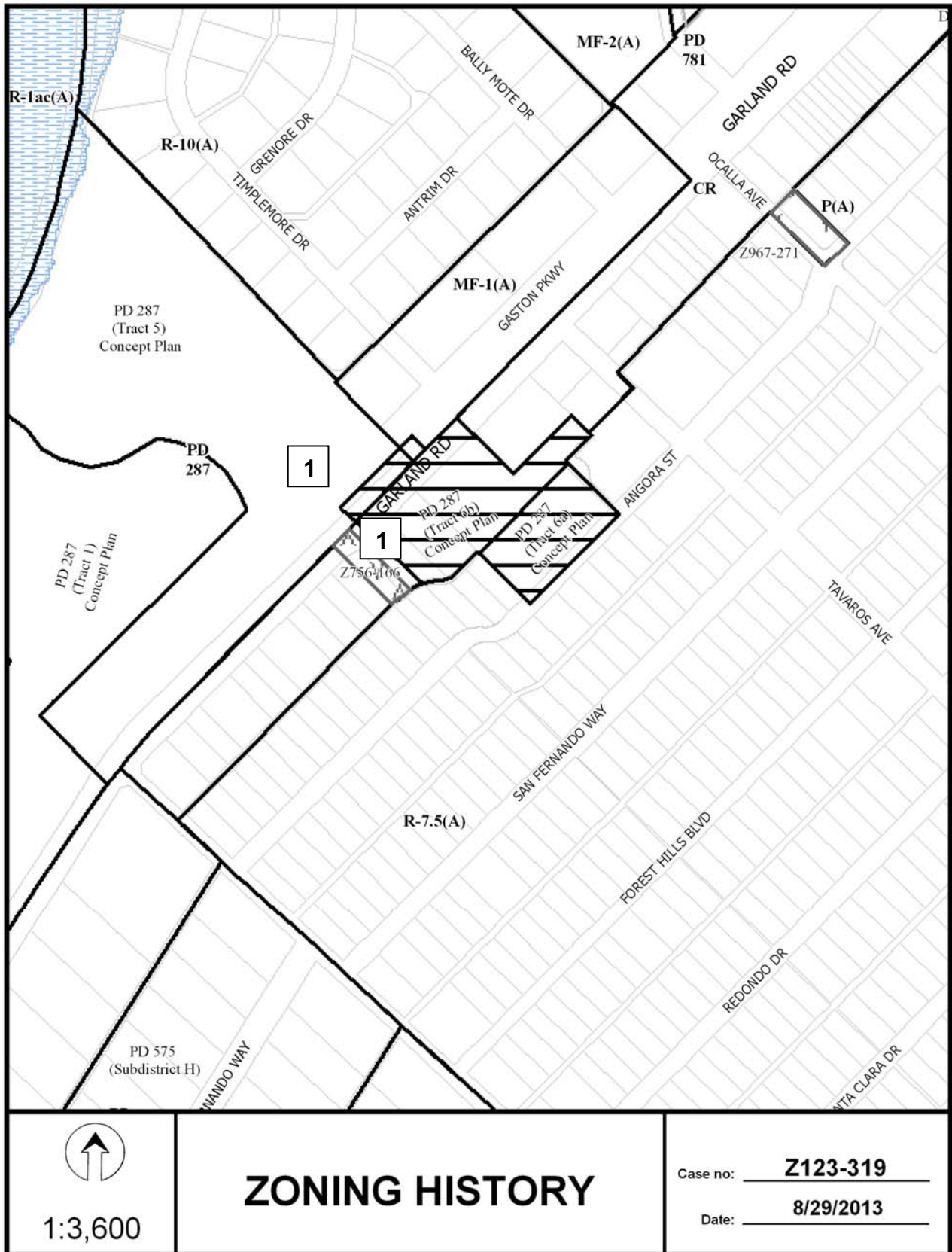




# ZONING AND LAND USE

Case no: **Z123-319**  
Date: **8/29/2013**





**CPC Responses**



<u>104</u>	Property Owners Notified (122 parcels)
<u>8</u>	Replies in Favor (8 parcels)
<u>5</u>	Replies in Opposition (5 parcels)
<u>500'</u>	Area of Notification
<u>9/12/2013</u>	Date

**Z123-319**  
**CPC**



1:3,600

9/12/2013

***Reply List of Property Owners******Z123-319******104 Property Owners Notified 8 Property Owners in Favor 5 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	8706 GARLAND RD	DALLAS ARBORETUM &
X	2	8806 ANTRIM DR	BAGG PETER B
	3	8812 ANTRIM DR	LADD FC PROPERTIES LLC
	4	8816 ANTRIM DR	WELKER THOMAS
	5	8824 ANTRIM DR	MCCARTY MITZI D
	6	8832 ANTRIM DR	MONROE JOWANNA
	7	1154 TIPLEMORE DR	LAMBRECHT LAURIE
X	8	8811 ANTRIM DR	ROBINSON CONNIE S TURNER
O	9	1171 TIPLEMORE DR	SIMPSON JR GEORGE &
	10	1163 TIPLEMORE DR	RAMIREZ ARTURO &
	11	1155 TIPLEMORE DR	HERRON AMANDA C & CHRISTOPHER M
	12	8855 GASTON PKWY	8861 GASTON PARKWAY LLC
	13	8622 GARLAND RD	CONDOR K LTD
	14	8626 GARLAND RD	DALLAS ARBORETUM & BOTANICAL
SOCIETY INC			
	15	8634 GARLAND RD	WALTONS LAWN & GARDEN INC
O	16	8658 GARLAND RD	TAMALE PARTNERS LTD
	17	8659 ANGORA ST	RICKERSON CHARLIE &
	18	8655 ANGORA ST	BURROUGH PAUL & ERIN
	19	8651 ANGORA ST	YOUNG LORRAINE E L &
	20	8645 ANGORA ST	CRADDUCK CAROL ANNE
	21	8643 ANGORA ST	CHRISTENSEN JAMES A
	22	8639 ANGORA ST	OMNI CORPORATE SERVICES INC
	23	8635 ANGORA ST	DUKE CHARLES W
	24	8631 ANGORA ST	MARTIN CHAD K
	25	8627 ANGORA ST	EDGAR LAURA E
	26	8623 ANGORA ST	STORY DEENA D

9/12/2013

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	8626 ANGORA ST	SCHMIDT LISA LEE
	28	8630 ANGORA ST	RUCKER WILLIAM KURT &
	29	8634 ANGORA ST	COLLINS LISA J
	30	8638 ANGORA ST	CASEY KATHLEEN ANN
	31	8642 ANGORA ST	GABRIELSON SHAWN
	32	8646 ANGORA ST	DELAROSA GRACIELA
O	33	8650 ANGORA ST	ONDRUSEK BILLY J
	34	8654 ANGORA ST	KUCHERA JAMES R
	35	8658 ANGORA ST	JAMISON NANCY
	36	8657 SAN FERNANDO WAY	JOINER JANE M
	37	8655 SAN FERNANDO WAY	BUCHER SHARON E
	38	8651 SAN FERNANDO WAY	DANIEL L M
	39	8647 SAN FERNANDO WAY	RENNER THOMAS JR
	40	8643 SAN FERNANDO WAY	HONEYCUTT GARY L JR &
	41	8639 SAN FERNANDO WAY	GUYER REGINALD R EST OF
	42	8635 SAN FERNANDO WAY	LOWRY AMY
	43	8646 SAN FERNANDO WAY	HARRISON CHERRY E
	44	8650 SAN FERNANDO WAY	MILLER BARBARA L
	45	8654 SAN FERNANDO WAY	NARAMORE WILLIAM C JR &
	46	8902 GARLAND RD	SOUTHLAND CORP 21972
	47	8903 ANGORA ST	SOUTHWESTERN BELL
	48	8916 GARLAND RD	LOVING THOMAS E JR
	49	1212 TAVAROS AVE	BARRY ANNA ROSE
O	50	8702 GARLAND RD	TAMALE PTNRS LTD
	51	8912 GARLAND RD	STUCKEY PPTIES LLC
	52	8920 GARLAND RD	ROSS JACK G & NINA M
	53	8922 GARLAND RD	STEPHENSON J R
	54	8924 GARLAND RD	HALLIBURTON SWIMMING POOL
	55	8818 GARLAND RD	AT&T CREDIT UNION
	56	8711 ANGORA ST	SCHECK JENNIFER R &
	57	8715 ANGORA ST	MONGELLO JUDY L

9/12/2013

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	8707 ANGORA ST	STREETMAN RANDY
X	59	8703 ANGORA ST	JUDY SHARON L
	60	8810 GARLAND RD	TIMCO LUBE LLC
	61	8702 ANGORA ST	LUFF PETER A & CHRISTIE M LETTS
	62	8706 ANGORA ST	BANGLE JULIE C
	63	8710 ANGORA ST	STEWART WILLIAM J
	64	8718 ANGORA ST	DILDY JAMIE
	65	8722 ANGORA ST	HUEY TODD BRANDON
	66	8726 ANGORA ST	AXLEY CHERYL D
	67	8800 ANGORA ST	BARNETT MELISSA M
	68	8814 ANGORA ST	EL DIVINO SALVADOR
	69	8815 SAN FERNANDO WAY	DRENNAN SHERRY L
	70	8811 SAN FERNANDO WAY	CONDIT PAULINE S
	71	8807 SAN FERNANDO WAY	CUTRELL JAMES B &
	72	8803 SAN FERNANDO WAY	HUSTI JILL E
	73	8727 SAN FERNANDO WAY	MCCLAIN HENRY D & CHARLENE
	74	8723 SAN FERNANDO WAY	BENNER TIMOTHY J &
	75	8719 SAN FERNANDO WAY	CRAIG MEGAN
	76	8715 SAN FERNANDO WAY	AMIEL PAUL H
	77	8711 SAN FERNANDO WAY	MOORE KELLY
X	78	8707 SAN FERNANDO WAY	PARRISH PATRICIA P
	79	8703 SAN FERNANDO WAY	SMITH SHEILA
	80	8702 SAN FERNANDO WAY	HALL BRIAN
	81	8706 SAN FERNANDO WAY	NAVA HECTOR &
	82	8710 SAN FERNANDO WAY	BREEDLOVE NEITA
	83	8714 SAN FERNANDO WAY	HALIMAN SHAMALEE & TOMASA
	84	8718 SAN FERNANDO WAY	BERGERON BRETT J
	85	8722 SAN FERNANDO WAY	HEATH ZACHARY B &
	86	8726 SAN FERNANDO WAY	TJADEN JENNIFER
	87	8802 SAN FERNANDO WAY	EDWARDS SONYA SHINN
	88	8806 SAN FERNANDO WAY	GEARNER STESHA A & DANIEL L

9/12/2013

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	8810 SAN FERNANDO WAY	BEERS KEVIN
	90	8814 SAN FERNANDO WAY	NAVA JESUS M & SYLVIA P
	91	8818 SAN FERNANDO WAY	RICHARDS LAURIE
X	92	8822 SAN FERNANDO WAY	AHUMADA CHRISTINA
O	93	8915 SAN FERNANDO WAY	BOX AMY G
	94	8911 SAN FERNANDO WAY	LUSCRI KATHRYN M
O	95	8907 SAN FERNANDO WAY	CONNER DAVID C
O	96	8903 SAN FERNANDO WAY	LA FOND JENNIFER M &
	97	8922 ANGORA ST	BENNION RACHEL MCKNEELY
	98	8918 ANGORA ST	DABBS JAMES E
	99	8914 ANGORA ST	TOMPKINS JAMES B & BRENDA
	100	8910 ANGORA ST	JONES SHANNA
O	101	8910 SAN FERNANDO WAY	HAWKE ROBIN
	102	8902 SAN FERNANDO WAY	SCHROEDER MARY PETRONILLA
	103	8927 ANGORA ST	JLD CUSTOM HOMES LP
	104	8823 SAN FERNANDO WAY	JOHNSON ERIC

**AGENDA ITEM # 30**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 33 V

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1719 for an office use on property zoned Area 2 within Planned Development District No. 465, the Arlington Park Special Purpose District on the south side of Record Crossing Road, west of Yellowstone Road  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to revised conditions  
Z123-336(JH)

**FILE NUMBER:** Z123-336 (JH)

**DATE FILED:** July 24, 2013

**LOCATION:** South side of Record Crossing Road, west of Yellowstone Road

**COUNCIL DISTRICT:** 2

**MAPSCO:** 33V

**SIZE OF REQUEST:** Approx. 0.34 acres

**CENSUS TRACT:** 100

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**REPRESENTATIVE:** Rosa Rios Valdez

**APPLICANT/OWNER:** Grand Central Texas Development Corporation

**REQUEST:** An application to renew Specific Use Permit No. 1719 for an office use on property zoned Area 2 within Planned Development District No. 465, the Arlington Park Special Purpose District

**SUMMARY:** The applicant is proposing to continue operation of an existing office use.

**CPC RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to revised conditions

**STAFF RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to revised conditions



**BACKGROUND INFORMATION:**

- The request site is currently developed with a commercial building. Prior to the creation of SUP No. 1719, the property was occupied by a church use.

**Zoning History:** There have been no recent zoning requests in the area.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
Record Crossing Road	Collector	60 ft.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The area of request is located within a Business Center or Corridor Building Block on the Vision Illustration of ForwardDallas! This building block represents major employment, office uses, mid-rise residential uses, or shopping destinations outside of Downtown. Examples include the Galleria area, the North Park Center area, the Southwest Center Mall area, and the Stemmons corridor. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. The request to renew SUP No. 1719 for an office use therefore complies with the comprehensive plan.

**Land Use Compatibility:**

The approximately 0.34-acre request site is zoned Area 2 within Planned Development District No. 465, the Arlington Park Special Purpose District and is currently developed with an office use. Office uses are allowed by Specific Use Permit within PDD No. 465 Area 2. Other uses permitted in Area 2 are institutional, community service, residential, and recreation uses.

The surrounding land uses are single family residential to the east, west, and south. Non-residential uses exist to the north and include office, church, and personal service uses.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the

welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

DCAD indicates that the commercial structures have existed on the request site since approximately 1978, most likely for a church use. Staff supports the renewal of the SUP because of the seemingly low impact of the office use on the surrounding single family uses and the commercial nature of the north side of Record Crossing Road. The site is in compliance with the site plan and conditions and has a certificate of occupancy; staff recommendation of a five-year period with eligibility of automatic renewals of additional five-year periods based on all of these factors.

**Parking:**

The SUP conditions indicate that parking must be provided in accordance with the site plan. The office use requires 17 off-street parking spaces and 17 spaces are provided.

**Landscaping:**

Landscaping is required in accordance with the SUP No. 1719 landscaping plan.

Z123-336(JH)

**List of Partners/Principals/Officers**

Grand Central Texas Development Corporation

Andres Garza, Jr, Chair  
Liz Allen, Vice Chair  
Billie Jones, Treasurer  
David Salinas, Secretary  
Barry Lewis, Director

**CPC Minutes**

Z123-336(JH)

Planner: Jennifer Hiromoto

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1719 for an office use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to revised conditions on property zoned Area 2 within Planned Development District No. 465, the Arlington Park Special Purpose District on the south side of Record Crossing Road, west of Yellowstone Road.

Maker: Wally  
Second: Tarpley  
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Ridley, Alcantar

Against: 0  
Absent: 1 - Schwartz  
Vacancy: 0

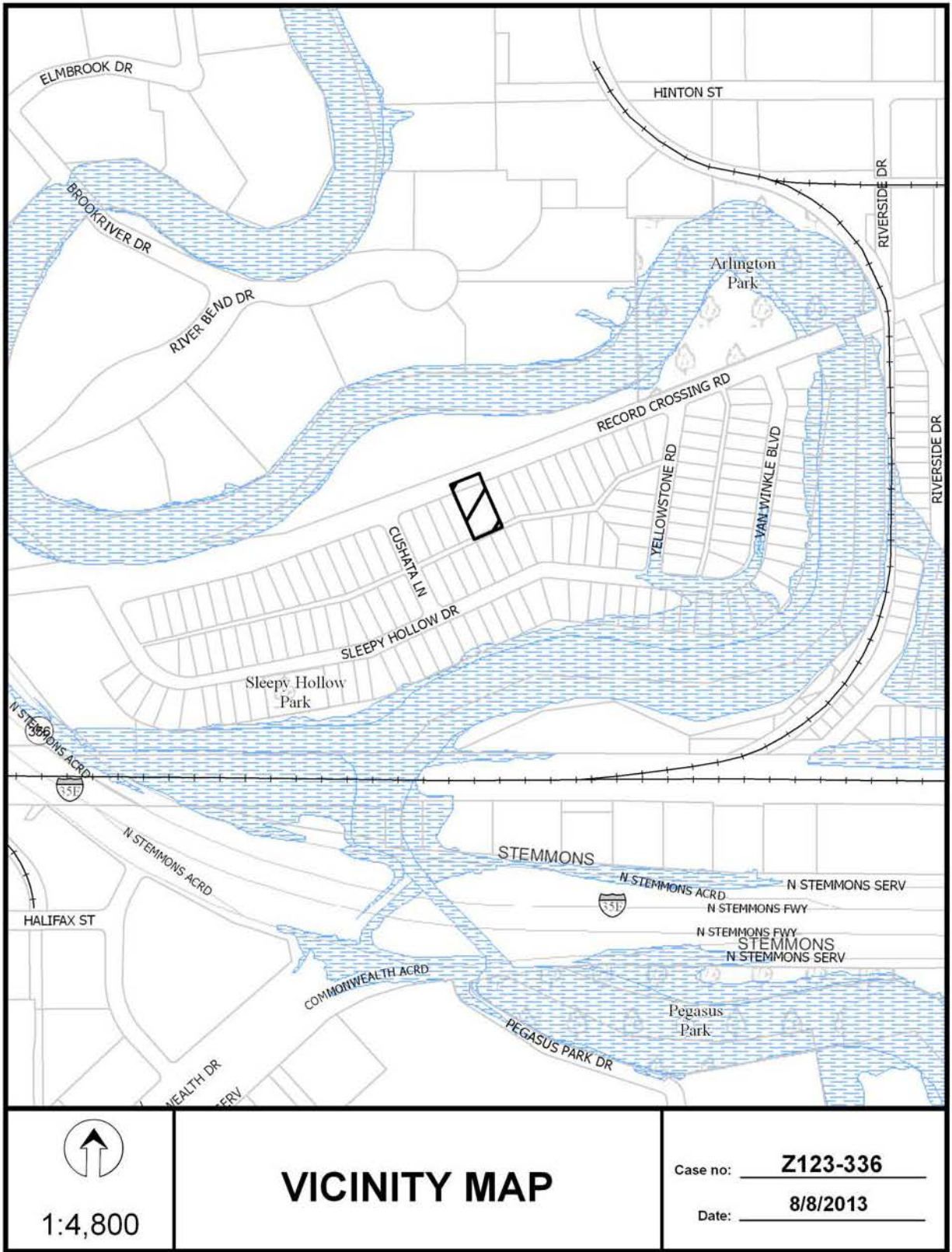
Notices:	Area:	200	Mailed:	20
Replies:	For:	0	Against:	0

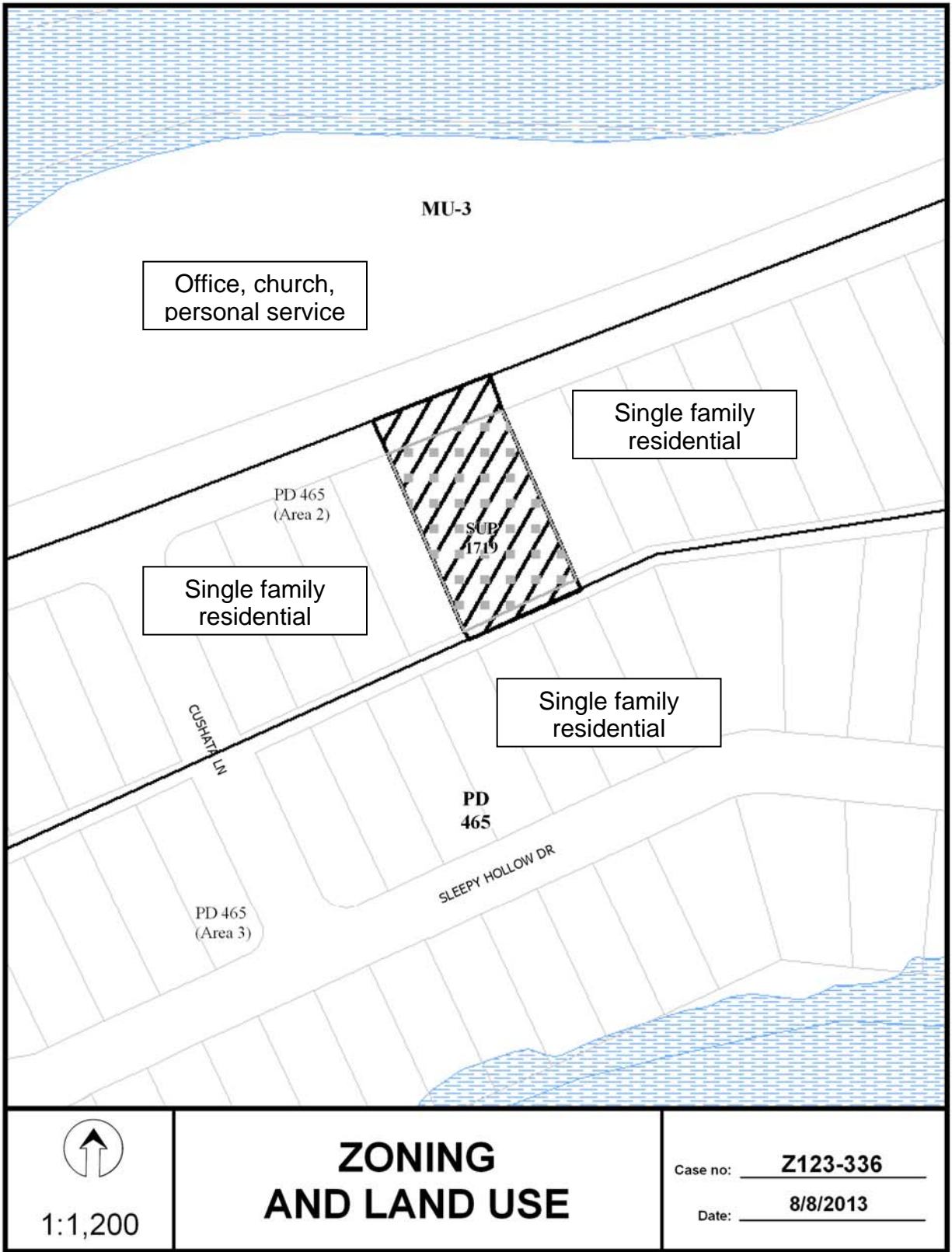
Speakers: None

### SUP Conditions

1. USE: The only use authorized by this specific use permit is an office use.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~August 13, 2013~~ (~~five years~~), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan.
5. HOURS OF OPERATION: The office use may only operate between 8:00 a.m. and 10:00 p. m., Monday through Friday, and between 9:00 a.m. and 1:00 p. m., Saturday.
6. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
7. PARKING: Parking must be located as shown on the attached site plan.
8. SCREENING: A six-foot high solid screening fence must be maintained along the west boundary line of the Property, as shown on the attached site plan.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas









CPC Responses



<u>20</u>	Property Owners Notified (20 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/12/2013</u>	Date

**Z123-336**  
**CPC**



1:1,200

9/12/2013

## Reply List of Property Owners

**Z123-336**

**20 Property Owners Notified   0 Property Owners in Favor   0 Property Owners Opposed**

<b>Reply Label #</b>	<b>Address</b>	<b>Owner</b>
1	1322 RECORD CROSSING RD	GRAND CENTRAL TEXAS
2	1302 RECORD CROSSING RD	JARAMILLO JUAN T &
3	1306 RECORD CROSSING RD	TURNER BETTYE
4	1310 RECORD CROSSING RD	MILLER RICHARD & ELAINE
5	1314 RECORD CROSSING RD	PRESTON OLLIE N LIFE ESTATE
6	1326 RECORD CROSSING RD	MCCRAY EULA
7	1330 RECORD CROSSING RD	SNEED HODGE HATTIE LEE
8	1402 RECORD CROSSING RD	KIRVEN JOE W
9	1406 RECORD CROSSING RD	DURHAM MURDIS
10	1410 RECORD CROSSING RD	WISE WILMA
11	1407 SLEEPY HOLLOW DR	UPTMOR BARBARA ANN
12	1403 SLEEPY HOLLOW DR	RENFRO VAIREE
13	1327 SLEEPY HOLLOW DR	LOVELESS MARY M
14	1323 SLEEPY HOLLOW DR	LARA JORGE
15	1319 SLEEPY HOLLOW DR	MURRAY CALVIN
16	1315 SLEEPY HOLLOW DR	PUENTES HEBODIO
17	1311 SLEEPY HOLLOW DR	PARKER KRIS T
18	1307 SLEEPY HOLLOW DR	ANDERSON LARRY D
19	1303 SLEEPY HOLLOW DR	FULLER JOYCE
20	1277 RECORD CROSSING RD	FELDER NEIL

**AGENDA ITEM # 31**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 5  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 48 S; W

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1863 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the north side of Scyene Road, west of Jim Miller Road  
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to staff conditions  
Z123-282(JH)

Note: This item was considered by the City Council at a public hearing on September 25, 2013, and was taken under advisement until October 8, 2013, with the public hearing open



**FILE NUMBER:** Z123-282 (JH)

**DATE FILED:** May 14, 2013

**LOCATION:** North side of Scyene Road, west of Jim Miller Road

**COUNCIL DISTRICT:** 5

**MAPSCO:** 48-S, W

**SIZE OF REQUEST:** Approx. 2.51 acres

**CENSUS TRACT:** 84

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**REPRESENTATIVE:** Santos Martinez, MASTERPLAN

**APPLICANT/OWNER:** George Reeves

**REQUEST:** An application for the renewal of Specific Use Permit No. 1863 for the sale of alcoholic beverages in conjunction with general merchandise or food store use 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes to continue to sell alcohol for off-premise consumption in conjunction with the existing approximately 3,360 square foot convenience store.

**CPC RECOMMENDATION:** Approval for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to staff conditions.

**STAFF RECOMMENDATION:** Approval for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to staff conditions.

**PREVIOUS ACTION:** Held under advisement on September 25, 2013

**BACKGROUND INFORMATION:**

- The request site is currently developed with a multi-tenant building which includes an approximately 3,360 square foot general merchandise or food store 3,500 square feet or less use and a motor vehicle fueling station. Other uses on the request site include retail, personal service, child care facility, and a vehicle or engine repair or maintenance use.
- The applicant is requesting to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property. SUP No. 1863 was approved for a two-year period on August 24, 2011.

**Zoning History:** There have been no recent zoning requests in the area.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
Scyene Road	Principle Arterial	100 ft.
Jim Miller Road	Minor Arterial	100 ft.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in on a Multi-modal Corridor.

Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add "eyes on the street" that can aid public safety.

**LAND USE**

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

STAFF ANALYSIS:

**Land Use Compatibility:**

The approximately 2.51 acre site is zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and is developed with a multi-tenant building which includes an approximately 3,360 square foot general merchandise or food store 3,500 square feet or less use and a motor vehicle fueling station. Other uses on the request site include retail, personal service, child care facility, and a vehicle or engine repair or maintenance use. The applicant is proposing to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property, but requires a Specific Use Permit. The applicant has an off-premise license.

The adjacent uses consist primarily of retail and general merchandise stores, a commercial bus terminal to the west, and single family to the north and south.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The request site was non-conforming for the required screening of the service side of a commercial site from residential uses. When the SUP was created two years ago, the applicant agreed to provide the screening fence along the alley and revised the site plan from the current parking configuration to one that would work with a screening fence along the northern boundary. The fence was not installed and the site is not in compliance with this condition of the SUP ordinance.

The applicant is requesting the removal of the SUP condition requiring a screening fence along the alley. Staff does not support this request and recommends that the screening fence be installed. Staff believes that the screening fence should be provided to buffer the residential uses from the commercial uses and that the applicant agreed to provide the fence with the origination of SUP No. 1863. If the City Plan Commission is inclined to support the applicant’s request, the site plan for SUP No. 1863 will need to be replaced with a site plan that does not show a screening fence along the northern boundary.

The applicant’s request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location and that all conditions are being met.

**Development Standards:**

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
CR-D-1 Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

**Parking:**

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area. The development requires 124 spaces for all of the uses on the request site with 127 being provided per the attached site plan.



**Landscaping:**

Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

**Police Report:**

Staff obtained reported offenses for the most recent four-year period: two years prior to the approval of SUP No. 1863 and two years after. The list of offenses is provided later in this report.

## DPD Report

August 24, 2009 – August 24, 2011

## Dallas Police Department Reports

## Public Offense Search Results

	SERVICE #	OFFENSE DATE	TYPE	COMPLAINANT	ADDRESS	REPORTING	
						BEAT	AREA
1	0277027-W	09/16/2009	ROBBERY	*VECTA FOOD STORE	06935 SCYENERD	315	1234
2	0025010-X	01/26/2010	THEFT	DALE,SHAWN	06935 SCYENERD	315	1234
3	0342445-W	11/18/2009	ASSAULT	STATON, CHRISTINA	06935 SCYENERD	315	1234
4	0204023-X	07/21/2010	BURGLARY	*BECTA FOOD	06935 SCYENERD	315	1234
5	0177657-X	06/25/2010	BURGLARY	*VECTA FOOD STORE	06935 SCYENERD	315	1234
6	0066212-Y	03/17/2011	CRIMINAL MISCHIEF/VANDALISM	*VECTA FOOD STORE	06935 SCYENERD	315	1234

August 24, 2011 – July 29, 2013

## Dallas Police Department Reports

## Public Offense Search Results

	SERVICE #	OFFENSE DATE	TYPE	COMPLAINANT	ADDRESS	REPORTING	
						BEAT	AREA
1	0103907-Z	04/29/2012	THEFT	*VECTA FOOD STORE	06935 SCYENERD	315	1234
2	0196419-Z	08/08/2012	THEFT	CARRILLO, MARIA	06935 SCYENERD	315	1234
3	0281688-Z	11/10/2012	BURGLARY	*VECTA FOOD STORE	06935 SCYENERD	315	1234
4	0295052-Z	11/28/2012	THEFT	*VECTA FOOD STORE	06935 SCYENERD	315	1234
5	0072148-Z	03/26/2012	THEFT	CASTANEDA,VELAZQUEZ, ELPID	06935 SCYENERD	315	1234
6	0166640-Z	07/06/2012	TRAFFIC MOTOR VEHICLE	WINKLEY,CHER	06935 SCYENERD	315	1234

**CPC Action: August 22, 2013**

Motion: It was moved to recommend approval for the renewal of Specific Use Permit No. 1863 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to staff conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the north side of Scyene Road, west of Jim Miller Road.

Maker: Rodgers  
Second: Bernbaum  
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0  
Absent: 1 - Tarpley  
Vacancy: 1 - District 10

Notices: Area: 300 Mailed: 54  
Replies: For: 3 Against: 0

Speakers: For (Did not speak): Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: None

CPC Recommended

SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages for off-premise consumption as part of the operation of a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: ~~This specific use permit automatically terminates on August 24, 2013.~~ This specific use permit expires on (two years), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

CPC recommended (existing SUP condition)

4. <u>SCREENING</u> : A minimum six-foot-high solid screening fence must be maintained along the northern boundary of the Property. Screening must be constructed before issuance of a building permit, alcohol measurement certification, or certificate of occupancy.
---

Applicant proposed

<del>4. <u>SCREENING</u>: A minimum six-foot-high solid screening fence must be maintained along the northern boundary of the Property. Screening must be constructed before issuance of a building permit, alcohol measurement certification, or certificate of occupancy.</del>
---

5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

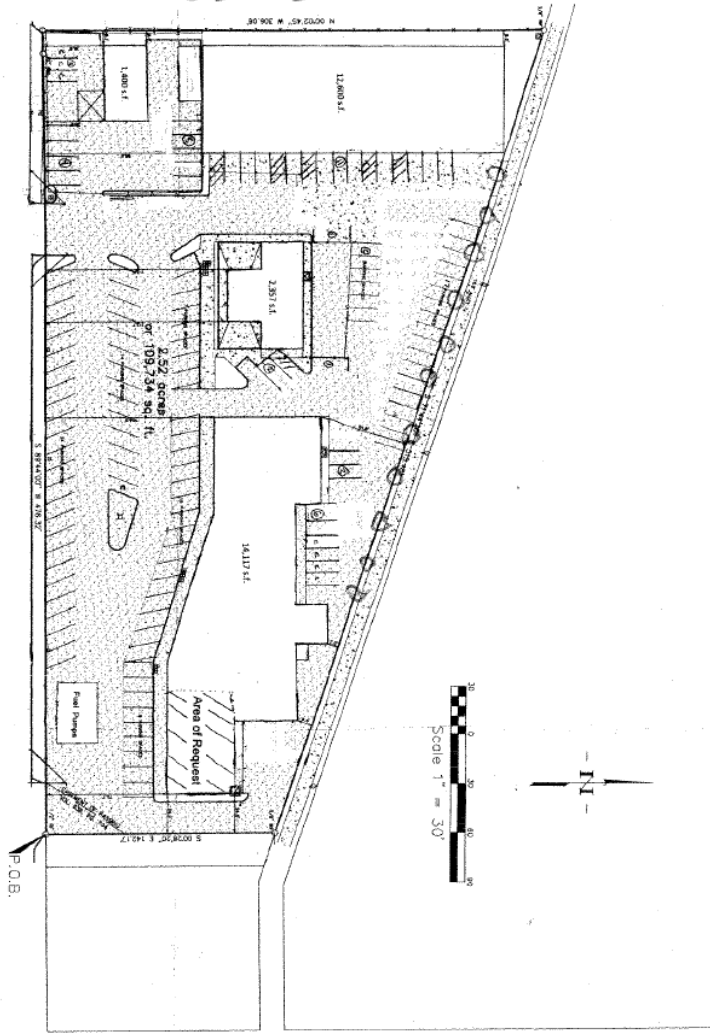
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

# EXISTING SITE PLAN

Site Plan

# 1 12240

# 28345

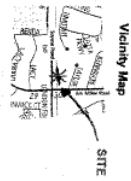


SCENE ROAD  
(100.00 R.O.W.)

Jim Miller  
(60.00 R.O.W.)

*Handwritten:* @ required screening

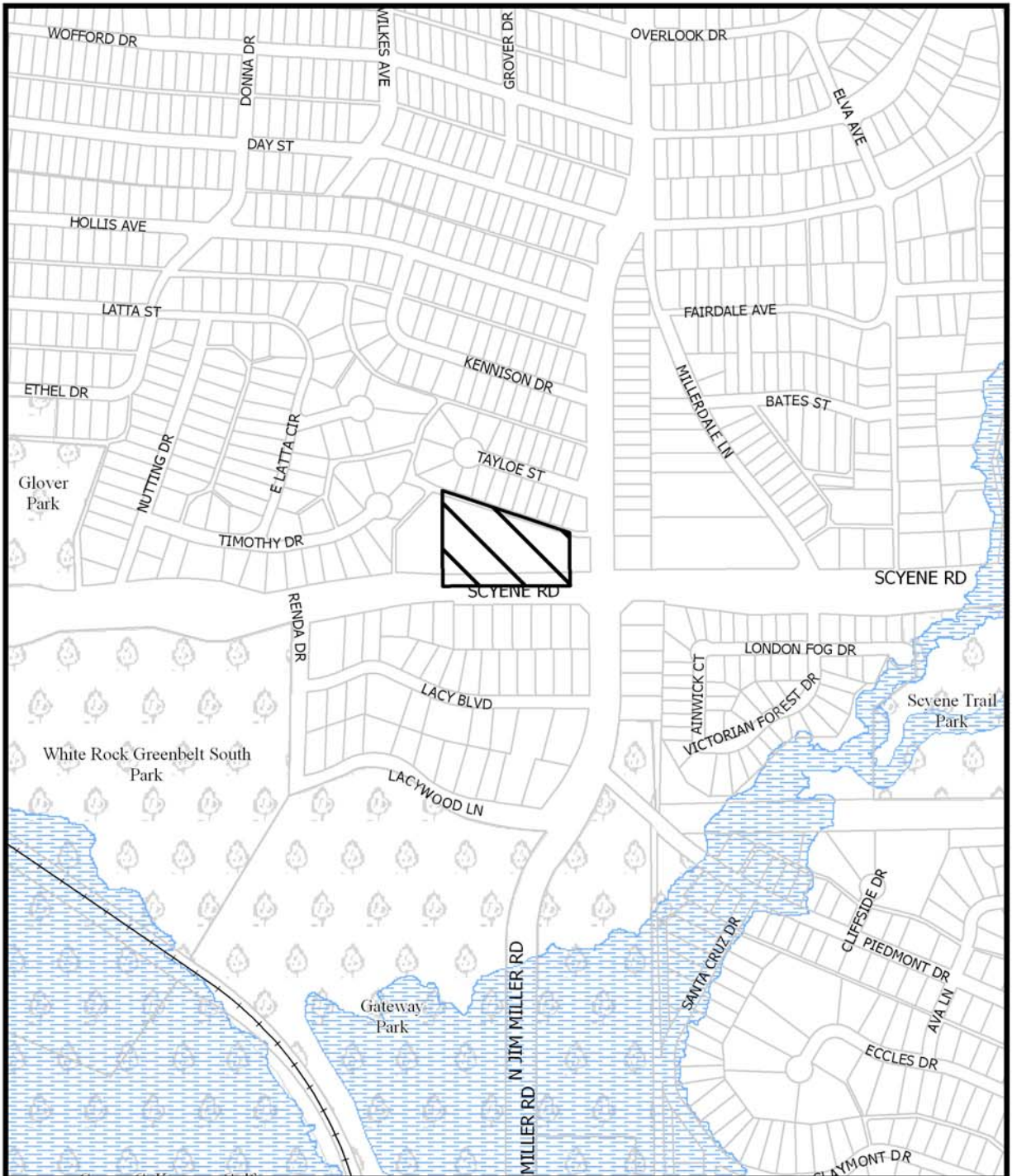
- Site Summary**
- Existing Zoning: C.R.D.1
  - Proposed Request: S.U.P. general merchandise store less than 3500 s.f. with off premise alcohol consumption (limited to marked area shown)
  - L of Area: 108,724 s.f.
  - Area of Request: 3260 s.f.
  - Existing Buildings: 30,474 s.f.
  - Existing Lot Coverage: 28%
  - Existing Uses:
  - Restaurant: 4,087 s.f.
  - Vehicle and Engine Repair and Car Care Center: 10,357 s.f.
  - Retail, Personal Services, and Motor Vehicle Fueling Station: 10,030 s.f.
  - Required Parking:
  - Restaurant: 41
  - Vehicle Engine Repair, and Car Care Center: 33
  - Retail, Personal Services, and Motor Vehicle Fueling Station: 90
  - Provided Parking: 127




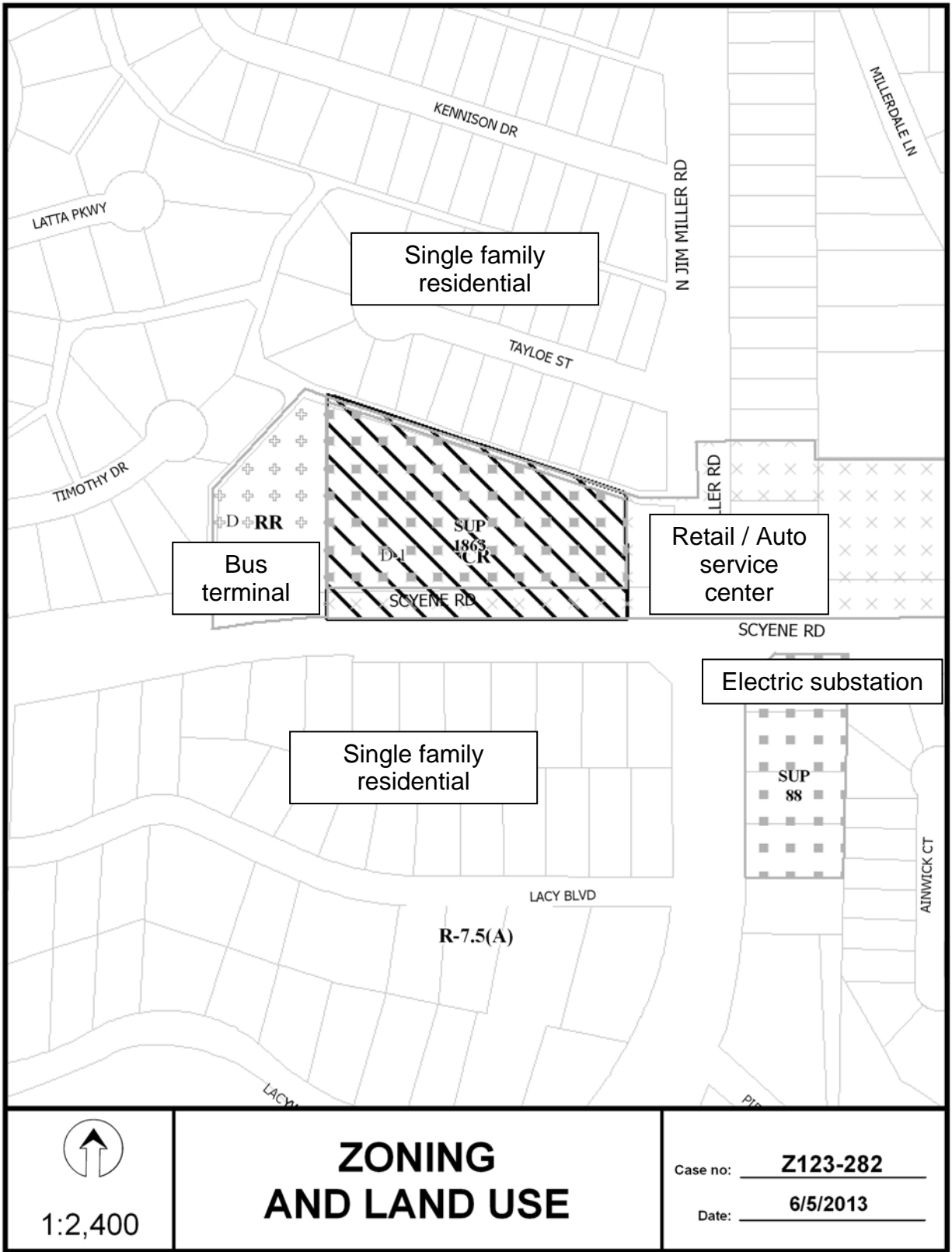
Specific Use Permit  
No. 1863

Approved  
City Plan Commission  
May 19, 2011

SITE PLAN Z101-189

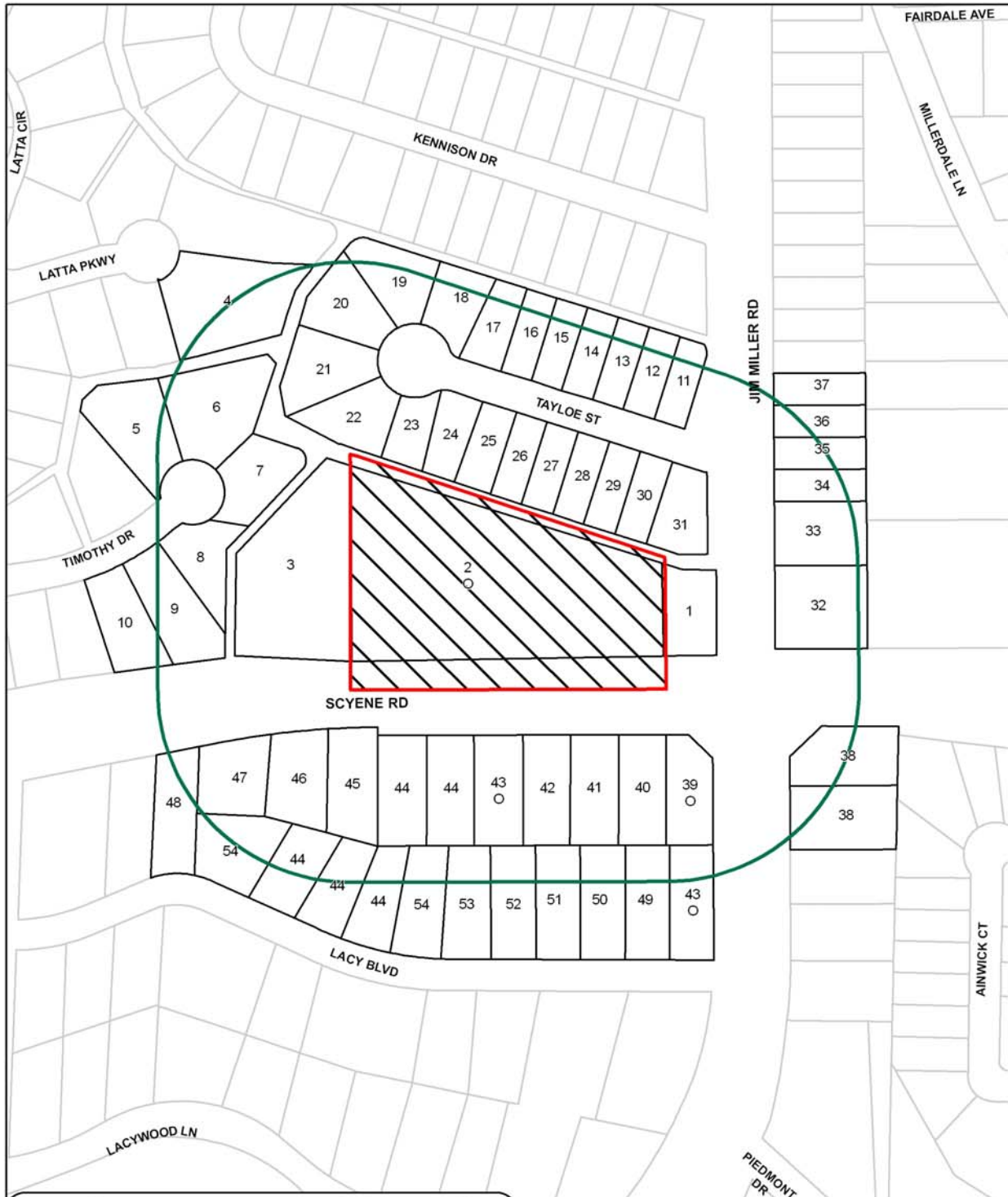


 1:6,000	<h2>VICINITY MAP</h2>	Case no: <u>    <b>Z123-282</b>    </u> Date: <u>    <b>6/5/2013</b>    </u>
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CPC Responses



<u>54</u>	Property Owners Notified (61 parcels)
<u>3</u>	Replies in Favor (4 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>8/22/2013</u>	Date <u>8/8/2013</u> Under Advisement

**Z123-282**  
**CPC**



1:2,400



8/22/2013

## Reply List of Property Owners

### Z123-282

**54 Property Owners Notified   3 Property Owners in Favor   0 Property Owners Opposed**

Reply Label #	Address	Owner
	1      6939    SCYENE RD	TREVINO EMILIA
O	2      6901    SCYENE RD	REEVES GEORGE M III LTD
	3      6855    SCYENE RD	MARES LIDIA
	4      6824    LATTA PKWY	SMITH SHELLIE BAMBI
	5      6837    TIMOTHY DR	MINGHILLO JAMES
	6      6841    TIMOTHY DR	FERNANDEZ RAMIRO
	7      6840    TIMOTHY DR	TAYLOR RUSSELL E JR
	8      6834    TIMOTHY DR	CLEMONS KELLY & JUSTIN
	9      6828    TIMOTHY DR	GUEVARA LUIS
	10     6824    TIMOTHY DR	ESCALANTE GERARDO M & ROSALINDA
	11     6943    TAYLOE ST	GONZALEZ RITA EDITH
	12     6939    TAYLOE ST	MEZA MARIA LUISA
	13     6933    TAYLOE ST	MERAZ ALBERTICO &
	14     6929    TAYLOE ST	BROOKS BAINIFF
	15     6925    TAYLOE ST	ALVAREZ GRACE E & PEDRO
	16     6921    TAYLOE ST	SANDERS GLORIA
	17     6915    TAYLOE ST	AGUILAR PAULINO
	18     6911    TAYLOE ST	RAMIREZ ALBERTINA
	19     6907    TAYLOE ST	FLORES ROJELIO
	20     6903    TAYLOE ST	GONZALEZ MARIO ARTURO
	21     6902    TAYLOE ST	MARROQUIN LUGARDO
	22     6906    TAYLOE ST	BLAND SAMUEL P
	23     6910    TAYLOE ST	GUARDADO MARIA FRANCISCO
	24     6914    TAYLOE ST	HATCHER KEVIN EST OF
	25     6920    TAYLOE ST	ZAMORA JOSE A V & FATIMA D FACUNDO
	26     6924    TAYLOE ST	BERNAL FIDENCIO A

8/22/2013

	<b>Reply Label #</b>	<b>Address</b>	<b>Owner</b>
	27	6928 TAYLOE ST	MERAZ ALBERTICO
	28	6932 TAYLOE ST	GARCIA IGNACIO P &
	29	6936 TAYLOE ST	SALAZAR GILDA
	30	6942 TAYLOE ST	DALLAS HOUSING AUTHORITY
	31	6946 TAYLOE ST	PEREZ LUZ & FILBERTO
	32	7007 SCYENE RD	HAMM GUY L JR
	33	3016 JIM MILLER RD	TIMBERLAKE BILL W
	34	3102 JIM MILLER RD	SILLER ANDREW M &
	35	3106 JIM MILLER RD	SILLER ANDREW M & LOWNELL
	36	3110 JIM MILLER RD	CRUZ JOSEPHINE DURAN
	37	3114 JIM MILLER RD	CONTRERAS PEDRO &
	38	7000 SCYENE RD	TEXAS UTILITIES ELEC CO
O	39	6938 SCYENE RD	JCRB ENTERPRISE
	40	6930 SCYENE RD	DIAZ MARIA P
	41	6928 SCYENE RD	SANDOVAL ABRAHAM GALDEAN
	42	6922 SCYENE RD	LINWOOD MONTIQUE
O	43	6916 SCYENE RD	MECCA APRIL INC
	44	6910 SCYENE RD	KENDALL JAMES W
	45	6902 SCYENE RD	JONES TIMOTHY
	46	6836 SCYENE RD	GARAY JOSE R &
	47	6830 SCYENE RD	BROWN JANET E
	48	6820 SCYENE RD	SANTILLAN LUIS A
	49	6939 LACY BLVD	MARTINEZ ALICIA N
	50	6933 LACY BLVD	LOPEZ MATIAS JR & GENIEVA
	51	6927 LACY BLVD	YOUNG AMY TRAMMELL
	52	6923 LACY BLVD	GIDDINGS MARJORIE Y &
	53	6915 LACY BLVD	KENDALL JAMES W
	54	6905 LACY BLVD	KENDALL JAMES

**AGENDA ITEM # 32**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 5  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 58 J

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south of Lake June Road, east of Temple Cliff Drive  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions Z123-288(WE)

Note: This item was considered by the City Council at a public hearing on September 25, 2013, and was taken under advisement until October 8, 2013, with the public hearing open

**ACM: Theresa O'Donnell**

**FILE NUMBER:** Z123-288(WE) **DATE FILED:** May 21, 2013

**LOCATION:** South of Lake June Road, east of Temple Cliff Drive

**COUNCIL DISTRICT:** 5 **MAPSCO:** 58-J

**SIZE OF REQUEST:** Approx. 1,742 sq. ft. **CENSUS TRACT:** 93.01

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**APPLICANT / OWNER:** Bawa Corporation

**REPRESENTATIVE:** Parvez Malik  
Business Zoom

**REQUEST:** An application for the renewal of Specific Use Permit No. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:** The purpose of this request is to allow for the applicant to continue selling alcohol for off-premise consumption in the existing convenience store.

**CPC RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

**PREVIOUS ACTION:** Held under advisement on September 25, 2013

**BACKGROUND INFORMATION:**

- The applicant’s request for the renewal of Specific Use Permit No. 1896 will allow for the continued sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less and a fueling station.
- In September 2011, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less for a two year period.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit in the D-1 Liquor Control Overlay.
- The surrounding land uses consist of an auto related use, residential, church and a community center. South of the request site is a multifamily development.

**Zoning History:** There have been two zoning changes requested in the area.

1. Z101-253 On September 28, 2011, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay. (request site)
2. .Z123-240 On August 14, 2013, the City Council will consider a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Lake June Road	Principal Arterial	80 ft.	80 ft.
Temple Cliff Drive	Local	60 ft.	60 ft.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	RR-D-1w/SUP No. 1896	General Merchandise store & fueling station
<b>North</b>	R-7.5(A), MF-1(A)	Single Family uses, Church
<b>South</b>	MF-1(A)	Multifamily
<b>East</b>	CR-D-1	Auto related uses, Church
<b>West</b>	CR-D-1	Center

**COMPREHENSIVE PLAN:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being located on a Transit or Multi-Modal or Corridor.

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add “eyes on the street” that can aid public safety.

**LAND USE**

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The approximately 1,742 square foot site is zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. The applicant's request for the renewal of Specific Use Permit No. 1896 will allow for the continued sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less.

In September 2011, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less for a two year period. The applicant will have to provide a 6-foot solid fence for the off-street parking portion of the request site that is adjacent to the residential use.

The surrounding land uses consist of an auto related use, residential, and a community center. A church is located north and east of the request site and is more than 300 feet by front door to front door measurement, therefore complying with the distance separation requirement. South of the request site is a multifamily development.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime

that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The Dallas Police has determined that the request site is in compliance with Chapter 12B.

The applicant’s request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The applicant will have to install a 6-foot solid fence on the southern property line to screen the off-street parking from the adjacent residential uses. Currently, a chain link fence separates the request site from the adjacent residential use.

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
RR-D-1 Regional retail	15'	20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended.

**Parking:** The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area and 2 spaces for a motor vehicle fueling station. The development requires 19 spaces with 20 being provided per the attached site plan.

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.




**Dallas Police Department:** A copy of a police report of the offenses is provided below. Staff has divided the report into two sections which will show any offenses prior to the SUP and any offenses applicant received after receiving the SUP in 2011.

**Offenses prior to a Specific Use Permit – September 11, 2009 to September 11, 2011**

DALLAS POLICE DEPARTMENT										
										<a href="#">UCR Codes</a> <a href="#">Year Codes</a> <a href="#">Property Class Codes</a>
Virtual Viewer - Public Access										Welcome
										
Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
<a href="#">0062997-X</a>	03/06/2010	HILL,CHRISTOPHER	TRAFFIC MOTOR VE...	06808		LAKEJUN...	331	2197	32090	
<a href="#">0092321-Y</a>	04/12/2011	@CITY OF DALLAS	FOUND PROPERTY	06808		LAKEJUN...	331	2197	43020	
<a href="#">0116887-X</a>	04/28/2010	ROMERO, MAURO	ROBBERY	06808		LAKEJUN...	331	2197	03912	
<a href="#">0127183-Y</a>	05/18/2011	*TEXACO	THEFT	06808		LAKEJUN...	331	2197	06933	
<a href="#">0129592-Y</a>	05/20/2011	*TEXACO	THEFT	06808		LAKEJUN...	331	2197	06901	
<a href="#">0209946-Y</a>	08/08/2011	CARDENAS,MARIA	AUTO THEFT-UUMV	06808		LAKEJUN...	331	2197	07112	
<a href="#">0229144-X</a>	08/15/2010	OVALLE,DANIEL	AGGRAVATED ASSAULT	06808		LAKEJUN...	331	2197	04111	

**Offenses received after Specific Use Permit – September 12, 2011 to July 23, 2013**

DALLAS POLICE DEPARTMENT										
										<a href="#">UCR Codes</a> <a href="#">Year Codes</a> <a href="#">Property Class Codes</a>
Virtual Viewer - Public Access										Welcome
										
Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
<a href="#">0019540-A</a>	01/24/2013	*LAKE JUNE TEXACO	OTHER OFFENSES	06808		LAKEJUN...	331	2197	26530	
<a href="#">0056021-A</a>	02/25/2013	CHATMON,DAWN,	OTHER OFFENSES	06808		LAKEJUN...	331	2197	26000	
<a href="#">0096257-A</a>	04/19/2013	MARTINEZ,RAYMOND	ASSAULT	06808		LAKEJUN...	331	2197	08191	
<a href="#">0104536-A</a>	04/28/2013	MARTINEZ, RAYMOND	ASSAULT	06808		LAKEJUN...	331	2197	08111	
<a href="#">0117687-Z</a>	05/10/2012	*BAWA TEXACO	CRIMINAL MISCHIEF/VAN...	06808		LAKEJUN...	331	2197	14030	
<a href="#">0185989-A</a>	07/22/2013	MUMPHREY, MARQUIS	OTHER OFFENSES	06808		LAKEJUN...	331	2197	26000	
<a href="#">0191690-Z</a>	08/03/2012	*TEXACO	FORGERY & COUNTERFEI...	06808		LAKEJUN...	331	2197	10021	
<a href="#">0246566-Z</a>	10/03/2012	PETERSON, SCOTT	AUTO THEFT-UUMV	06808		LAKEJUN...	331	2197	07121	

**CPC Action (August 8, 2013)**

**Motion:** In considering an application for the renewal of Specific Use Permit No. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of Lake June Road, east of Temple Cliff Drive, it was moved to **hold** this case under advisement until August 22, 2013.

Maker: Wally  
 Second: Rodgers  
 Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0  
Absent: 0  
Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 8  
Replies: For: 0 Against: 0

Speakers: None

**CPC Action** (August 22, 2013)

**Motion:** It was moved to recommend **approval** for the renewal of Specific Use Permit No. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of Lake June Road, east of Temple Cliff Drive.

Maker: Rodgers  
Second: Davis  
Result: Carried: 13 to 0

For: 13 - Davis, Wally\*, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0  
Absent: 1 - Tarpley  
Vacancy: 1 - District 10

\*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 8  
Replies: For: 0 Against: 1

Speakers: For: Parvez Malik, 1901 Central Dr., Bedford, TX, 76021  
Against: None

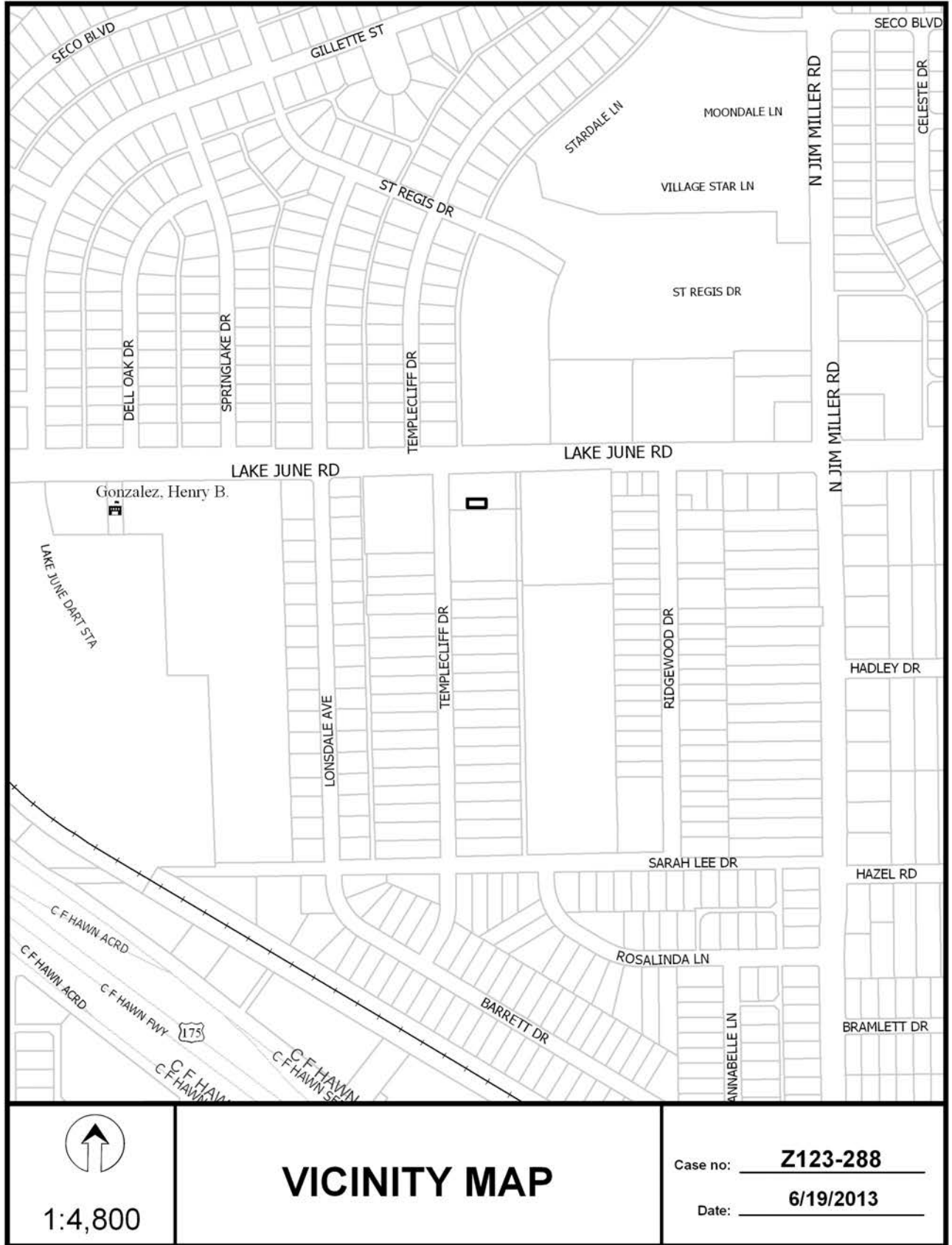
**LIST OF OWNERS**  
BAWA Corporation

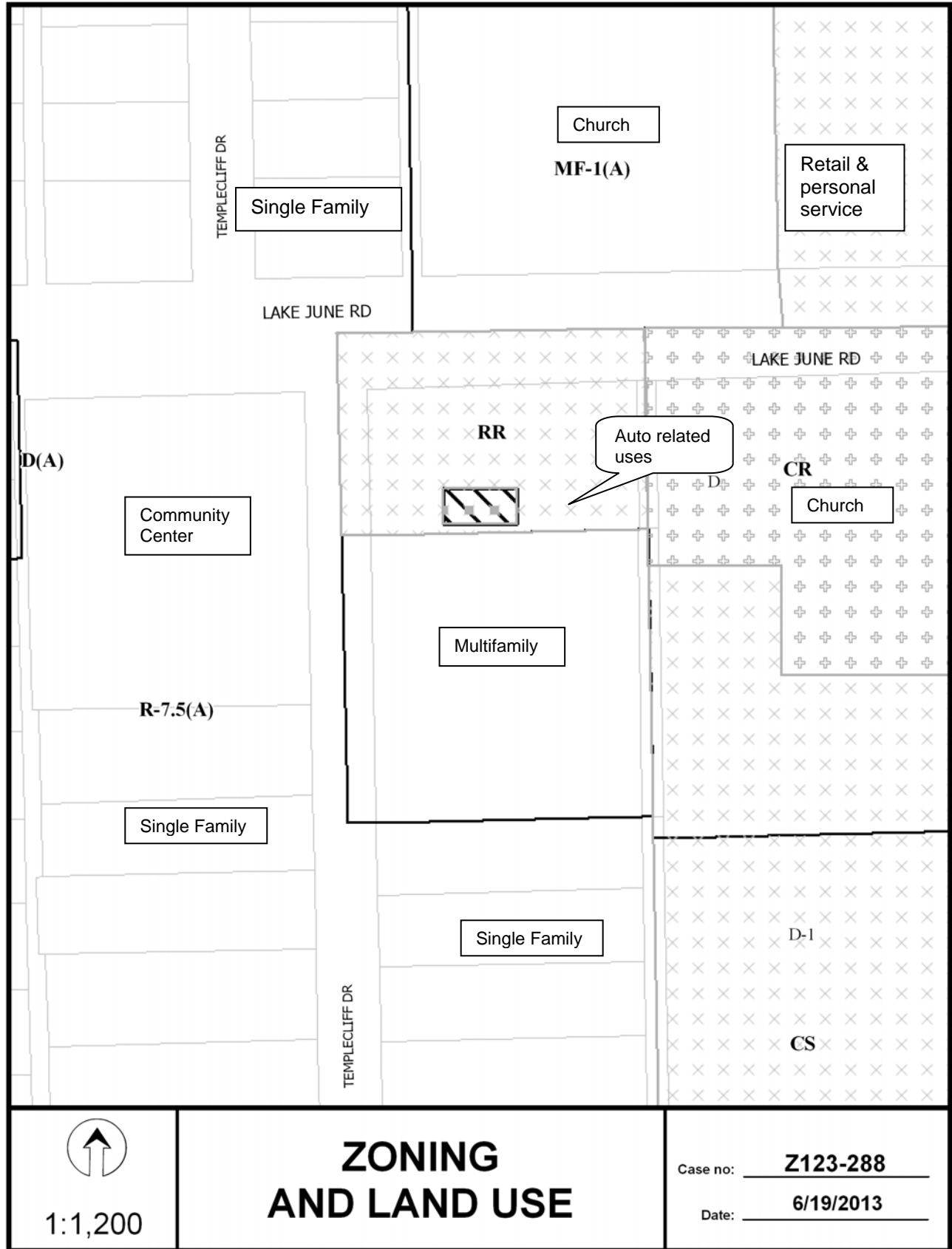
- Suhail Bawa                      President / Secretary

**CPC PROPOSED SUP  
CONDITIONS**

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires ~~[automatically terminates]~~ on ~~[September 28, 2013.]~~, (five-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Off-street parking must be located as shown on the attached site plan.
6. FENCE: A 6-foot solid fence must be provided in the location as shown on the attached site plan.
- [4.]7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
- [5.]8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

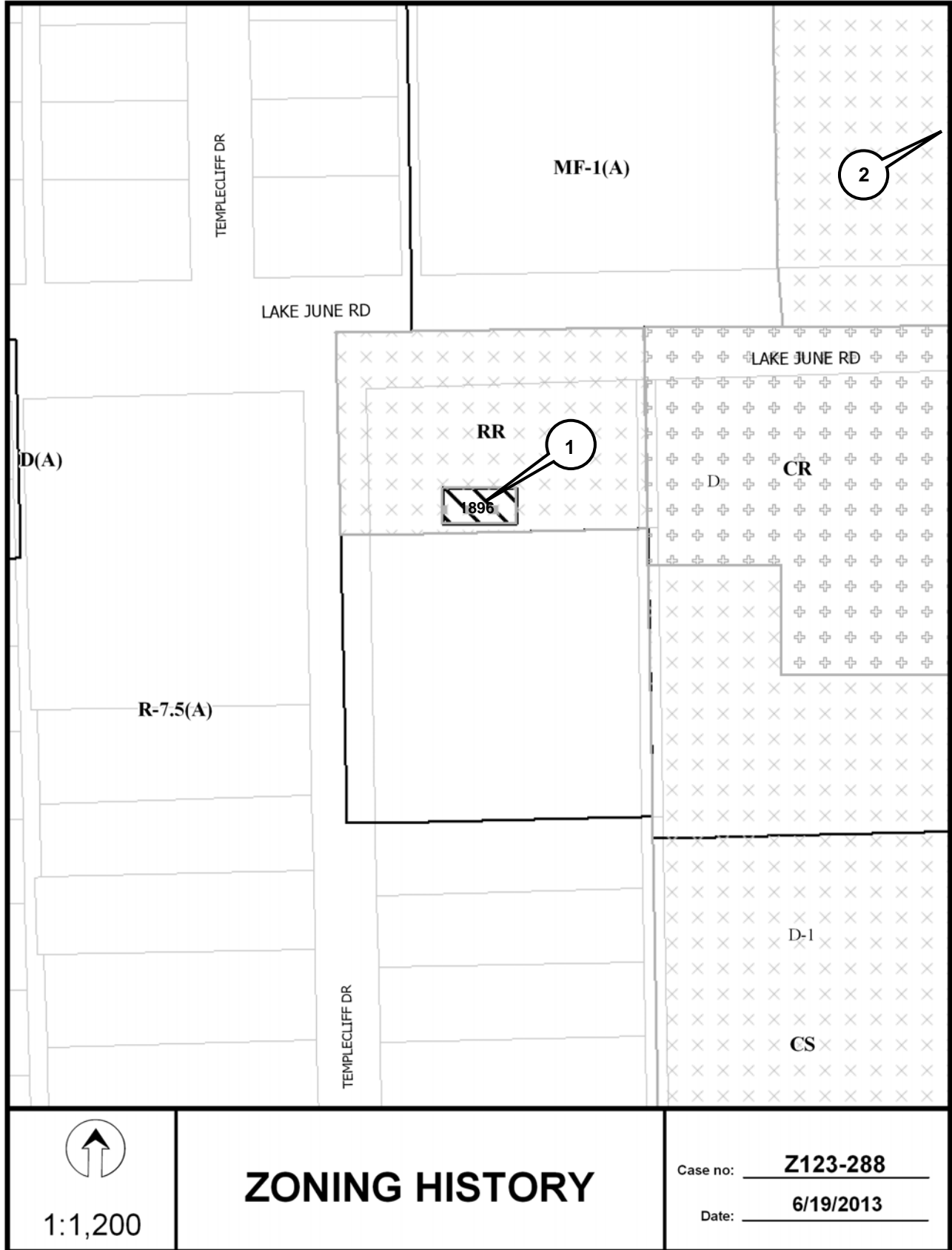






# ZONING AND LAND USE

Case no: Z123-288  
Date: 6/19/2013





**CPC RESPONSES**



<u>8</u>	Property Owners Notified (9 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>8/22/2013</u>	Date <u>8/8/2013</u> Under Advisement

**Z123-288**  
**CPC**



1:1,200

## ***Notification List of Property Owners***

***Z123-288***

***8 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	6808 LAKE JUNE RD	BAWA CORPORATION
2	1304 TEMPLECLIFF DR	MARES NOEL & LINDA MARES
3	6819 LAKE JUNE RD	MOUNT SINAI BAPTIST CH
4	6916 LAKE JUNE RD	FAITH KINGDOM CHURCH OF GOD IN CHRIST
5	1231 TEMPLECLIFF DR	SCOTT ANITA LOUISE
6	1239 TEMPLECLIFF DR	CENTRO CRISTIANO REDENCION
7	1234 TEMPLECLIFF DR	BOST FRED W APT 108
8	1234 TEMPLECLIFF DR	CRAIG A C RESOURCE CTR

**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** October 8, 2013

**COUNCIL DISTRICT(S):** 4, 7

**DEPARTMENT:** Office of Management Services  
Office Of Environmental Quality  
Trinity Watershed Management

**CMO:** Jeanne Chipperfield, 670-7804  
Jill A. Jordan, P.E., 670-5299

**MAPSCO:** 55 C D H; 56 A E F J K L N P

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**SUBJECT**

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by the City of Dallas and Darling International, Inc. located southwest of the Trinity River, north of Cedar Crest Boulevard and extending southeast to just north of East Overton Road; and an ordinance authorizing support of the issuance of a municipal setting designation to the City of Dallas by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated properties as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

**BACKGROUND**

Based on information provided by the Applicant, the Designated Property is underlain by shallow groundwater that is encountered at a depth of approximately 5 to 15 feet below ground surface (bgs) and extends to the top of the Austin Chalk geologic formation, typically encountered at depths ranging between 20 and 50 feet bgs. The Austin Chalk formation is a low permeability limestone and marl unit approximately 250 to 300 feet thick in the area and is recognized as a regional aquitard which prevents migration of shallow groundwater to deeper groundwater-bearing units. The general direction of groundwater flow beneath the Designated Property is anticipated to be toward the east. Portions of the groundwater have been affected by arsenic, lead, chromium, and cadmium, vinyl chloride, cis-1,2 dichloroethene, 1,2,3 trichloropropane, MCPA (4-(chloro-2-methylphenoxy) acetic acid), MCPP (2-(4-chloro-2-methylphenoxy) propanoic acid), and benzo-a-pyrene at concentrations above groundwater ingestion standards. The probable source of arsenic, lead, chromium, and cadmium is from releases associated with former offsite lead smelter operations including use of slag and battery casings to fill onsite and offsite areas and fugitive air emissions from smelter operations.

## **BACKGROUND** (Continued)

The NL Industries lead smelter operated from the 1940s through 1978 and Dixie Metals smelter operated from the late 1940s through 1990; both have ceased operations. Possible onsite sources of vinyl chloride and cis-1,2 dichloroethene are from historical municipal waste landfilling in an old quarry mine and the historical use and storage of chemicals from former operations at the Darling parcel. However, there are no documented releases in regulatory records and these chemicals have not been used onsite for many years. The probable source of the remaining detected chemicals in groundwater is expected to be an unknown historical up gradient source.

The approximately 17-acre former Union Pacific Railroad (UPRR) tract located at 1240 Sargent Road was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in August 2013. The site is designated as VCP Facility ID No. 2608.

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting was held on September 30, 2013 to receive comments and concerns. Notices of the meeting were sent to 1161 property owners within 2,500 feet of the property and 90 private well owners within 5 miles of the property. No other municipalities are located within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located southwest of the Trinity River, north of Cedar Crest Boulevard and extending southeast to just north of East Overton Road; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program. Currently most of the properties on the northern and central areas of the designated property are undeveloped. Two parcels in the southern area are owned by Darling International and are improved with ten buildings. These are currently used as a food processing by-product recycling facility. The Central Wastewater Treatment Plant is located in the southeastern area of the designated property and these parcels are improved with approximately 20 buildings located at the plant which are utilized as offices and for various activities associated with wastewater treatment. The anticipated future use of these properties is expected to remain the same, with the exception of modifications that will be made by the US Army Corps of Engineers for the Dallas Upper Chain of Wetlands (UCOW) project. UCOW will consist of three interconnected wetland cells that will receive treated water from the Central Wastewater Treatment Plant and will serve as a buffer from flooding within the Trinity River.

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

**OWNERS**

**City of Dallas**

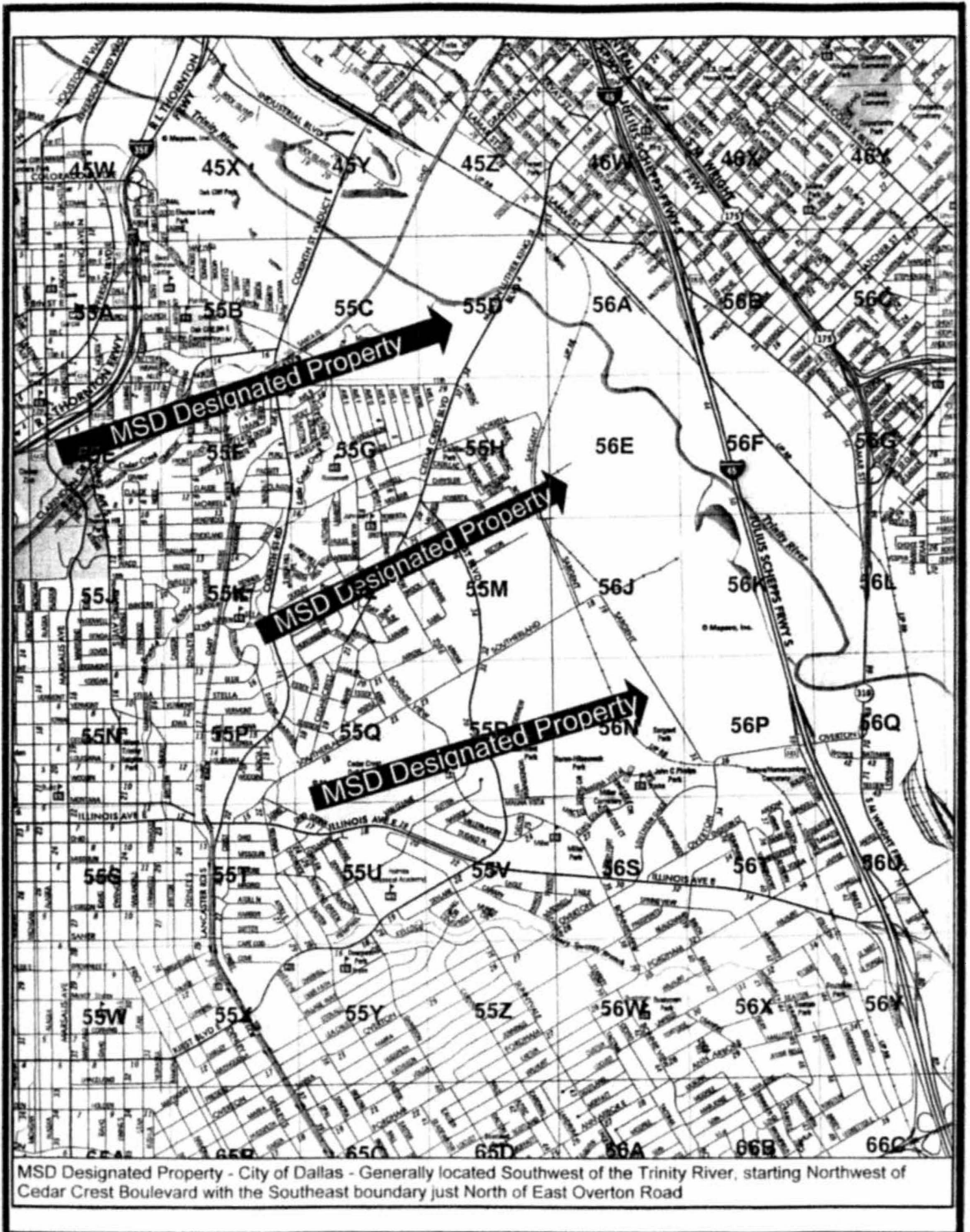
A.C. Gonzalez, Interim City Manager

**Darling International, Inc.**

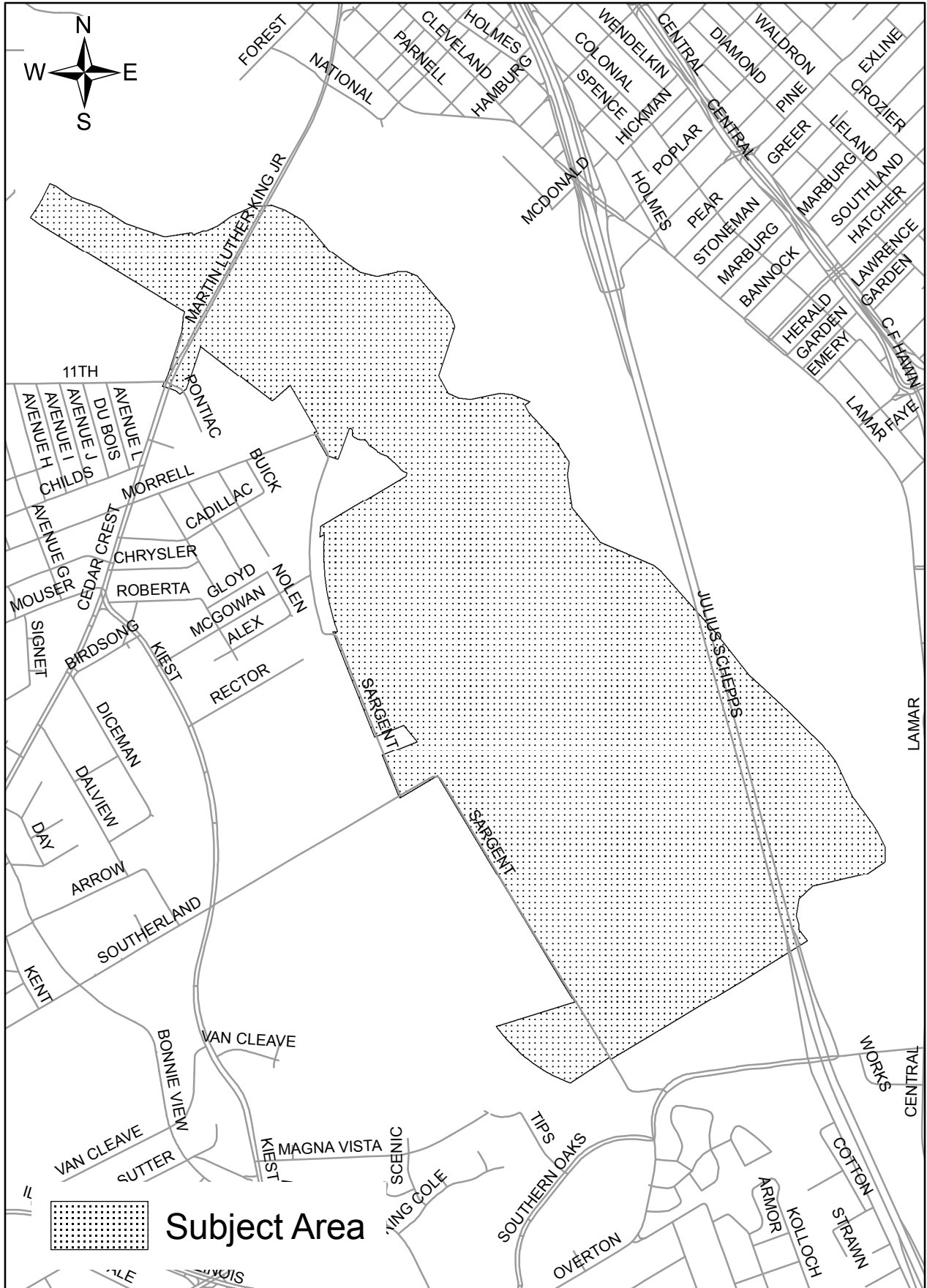
John F. Sterling, Executive Vice President

**MAPS**

Attached.



MSD Designated Property - City of Dallas - Generally located Southwest of the Trinity River, starting Northwest of Cedar Crest Boulevard with the Southeast boundary just North of East Overton Road







ORDINANCE NO. \_\_\_\_\_

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located southwest of the Trinity River, starting just northwest of Cedar Crest Boulevard and extending southeast to the southeast boundary of the Central Wastewater Treatment Plant and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

- (1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;
- (2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;
- (3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying

drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.
- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property known as 1240 Sargent and assigned Voluntary Cleanup Program No. 2608 must receive a certificate of closure from the Texas Commission on Environmental Quality by no later than October 8, 2015.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedance zone originating from sources on the designated property or migrating from the designated property no later than October 8, 2015. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;
- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, Interim City Attorney

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

Passed \_\_\_\_\_

Exhibit A

**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)**

**Dallas Floodway Extension-Phase I MSD-UCOW**

GIS Approved

**To Be Acquired in**

**City Blocks 4651, 4652, 7718, 7719, 7720, 7721, A/7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

BEING a 33,770,636 Square Foot (775.3 Acre) tract of land situated in the William S. Beatty Survey, Abstract Number 57, the William John Elliott Survey, Abstract Number 448, the Robert Sloan Survey, Abstract Number 1449, and the Lorenzo Van Cleve Survey, Abstract Number 1514, City of Dallas, Dallas County, Texas, Official City of Dallas Block Numbers 4651, 4652, 7718, 7719, 7720, 7721, A/7721, 7722, 7723, 7724, and 7725, and being part of Pontiac Street (formerly known as Eighth Street, a 100-foot-wide right-of-way), part of Cedar Crest Boulevard (a 100-foot wide right-of-way and a variable width right-of-way), all of a called 13.898 acre tract of land described as Tract 2 in Special Warranty Deed to the City of Dallas, as recorded in Volume 2001085, Page 05004 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), all of a called 12.996 acre tract of land described as Parcel 3 in Agreed Judgment to the City of Dallas, as recorded in Cause No. CC-01-05645-A in the County Court at Law No. 1 of Dallas County, Texas, Volume 2005118, Page 02839, D.R.D.C.T., all of a called 3.495 acre tract of land described in Deed Without Warranty to the City of Dallas, as recorded in Instrument Number 201200204158 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), all of a called 21.54 acre tract of land described as Tract 2 and all of a called 6.695 acre tract described as Tract 2-A in Warranty Deed to the City of Dallas, as recorded in Instrument Number 200900209000, O.P.R.D.C.T., all of a called 0.176 acre tract described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 70162, Page 1538, D.R.D.C.T., all of a called 1.585 acre tract of land described as Tract No. 1 and all of a called 3.895 acre tract described as Tract No. 2 to the County of Dallas, as recorded in Volume 3614, Page 487, D.R.D.C.T., all of a called 2.927 acre tract of land described as Tract 1-A, all of a called 0.4485 acre tract of land described as Tract 1-B, all of called 6.414 acre tract of land described as Tract 1-C, all of a called 23.35 acre tract of land described as Tract 1-D, and all of a called 17.33 acre tract of land described as Tract 1-E in Judgment in the Absence of Objections to the City of Dallas, as recorded in Cause No. CC-09-05825-E in County Court at Law No. 5 of Dallas County, Texas, Instrument Number 201000031431, O.P.R.D.C.T., part of the remainder of Block 3/5907 of FOREST AVE & EIGHTH ST. INDUSTRIAL ADDITION, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 10, Page 335, D.R.D.C.T., all of a called 2.069 acre tract of land described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 70158, Page 0096, D.R.D.C.T., all of a called 2.423 acre tract of land described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 70070, Page 0463, D.R.D.C.T., all of a called 15,841 square foot tract of land described as Tract No. 1 and all of a called 105,445 square foot tract of land described as Tract No. 2 in Warranty Deed to the City of Dallas, as recorded in Volume 88197, Page 2250, D.R.D.C.T., part of Morrell Avenue (a 50-foot wide right-of-way), part of a tract of land described in deed to Burlington Northern Santa Fe Railway (formerly known as Missouri Kansas and Texas Railway Company, a 100-foot wide right-of-way), as recorded in Volume 156, Page 153, D.R.D.C.T., all of a called 47.846 acre tract of land described in Agreed Judgment to the City of Dallas, as recorded in Cause No. CC-09-09703-A in County Court at Law No. 1 Dallas County, Texas, Instrument Number 201200073935, O.P.R.D.C.T., all of Lot 1, Block A-7721 of VALCAR ENTERPRISES ADDITION, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 76108, Page 0766, D.R.D.C.T., all of a called

Page 1 of 47  
9/13/13

LD\_MSD\_Boundary\_Phase\_I.docx

**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)****Dallas Floodway Extension-Phase I MSD-UCOW**

GIS Approved

**To Be Acquired in****City Blocks 4651, 4652, 7718, 7719, 7720, 7721, A/7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

10.52 acre tract of land described as Tract 1 and all of a called 1.43 acre tract of land described as Tract 2 in General Warranty Deed to Darling-Delaware Company, Inc., as recorded in Volume 83166, Page 2988, D.R.D.C.T., all of a called 17.67 acre tract of land described in Deed Without Warranty to the City of Dallas, as recorded in Instrument Number 201000164671, O.P.R.D.C.T., all of a called 15.6 acre tract of land described in Warranty Deed to the City of Dallas, as recorded in Volume 2095, Page 187, D.R.D.C.T., all of a called 3.02 acre tract of land described in Warranty Deed to the City of Dallas, as recorded in Volume 69102, Page 1715, D.R.D.C.T., all of a called 102.46 acre tract of land described in Deed to the City of Dallas, as recorded in Volume 608, Page 150, D.R.D.C.T., all of the remainder of a called 5.74 acre tract of land to the City of Dallas (no deed of record found), all of a called 1.14 acre tract of land to the City of Dallas (no deed of record found), all of a called 2 acre tract of land to the City of Dallas (no deed of record found), all of a called 2 acre tract of land to the City of Dallas (no deed of record found), all of a called 2 acre tract of land to the City of Dallas (no deed of record found), all of the remainder of a called 22.7 acre tract of land to the City of Dallas (no deed of record found), all of a called 2.2 acre tract of land to the City of Dallas (no deed of record found), all of the remainder of a called 42.906 acre tract of land to the City of Dallas (no deed of record found), all of a called 20 acre tract of land to the City of Dallas (no deed of record found), all of a called 16 acre tract of land to the City of Dallas (no deed of record found), all of the remainder of a called 249.86 acre tract of land described in Warranty Deed to the City of Dallas, as recorded in Volume 3285, Page 168, D.R.D.C.T., part of Southerland Avenue/County Road No. 297 (a 45-foot wide right-of-way), part of Sargent Road/County Road No. 284 (a 40-foot wide right-of-way and a variable width right-of-way), all of Lots 1 and 2, Block 7724 of the RESUBDIVISION PART CITY BLOCK NO. 7724, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 38, Page 97, D.R.D.C.T., all of a 5-foot wide right-of-way dedication and all of a 7.5-foot wide alley dedication by plat of the RESUBDIVISION PART CITY BLOCK NO. 7724, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 38, Page 97, D.R.D.C.T., all of a called 0.4585 acre tract of land and all of a called 0.9257 acre tract of land described in General Warranty Deed to The City of Dallas, as recorded in Volume 89107, Page 2447, D.R.D.C.T., all of a called 0.4613 acre tract of land and all of a called 0.7380 acre tract of land described in General Warranty Deed to The City of Dallas, as recorded in Volume 89141, Page 0611, D.R.D.C.T., all of a called 0.6532 acre tract of land described in General Warranty Deed to The City of Dallas, as recorded in Volume 90097, Page 3253, D.R.D.C.T., all of a called 0.6495 acre tract of land described in Warranty Deed to the City of Dallas, as recorded in Volume 88244, Page 2976, D.R.D.C.T., all of a tract of land described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 1662, Page 98, D.R.D.C.T., all of a called 5.1463 acre tract of land described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 1659, Page 238, D.R.D.C.T., all of a called 38.32 acre tract of land described as Tract I and all of a called 17.03 acre tract of land described as Tract II in Warranty Deed to the City of Dallas, as recorded in Volume 74188, Page 1607, D.R.D.C.T., all of a called 15.91 acre tract of land described in Warranty Deed to the City of Dallas, as recorded in Volume 71211, Page 1567, D.R.D.C.T., part of Interstate Highway 45 (a variable



**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)  
Dallas Floodway Extension-Phase I MSD-UCOW**

GIS Approved

**To Be Acquired in  
City Blocks 4651, 4652, 7718, 7719, 7720, 7721, A/7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

width right-of-way), all of a called 18.934 acre tract of land and all of called 4.204 acre tract of land described in Judgment to the State of Texas, as recorded in Cause No.70-5152-D in the County Court of Dallas County at Law No. 4, Dallas County, Texas, Volume 78085, Page 1724, D.R.D.C.T., and being more particularly described as follows:

BEGINNING at the intersection of the north right-of-way line of Eleventh Street (formerly known as Bosley Avenue, a variable width right-of-way) with the northwesterly right-of-way line of said Cedar Crest Boulevard for the southeast corner of the remainder of a called 32.9185 acre tract of land described in Warranty Deed to William Joseph Ondrusek, as recorded in Volume 3655, Page 72, D.R.D.C.T., from which a found monument stamped "RPLS 2198" for witness bears North 32 degrees 53 minutes 01 second West, a distance of 9.17 feet;

THENCE North 17 degrees 39 minutes 51 seconds East, with the northwesterly right-of-way line of said Cedar Crest Boulevard and with the easterly line of said 32.9185 acre tract, a distance of 590.64 feet to a 5/8-inch found iron rod with cap marked "CITY OF DALLAS" for the southwest corner of said 3.495 acre tract;

THENCE North 05 degrees 58 minutes 22 seconds East, departing the northwesterly right-of-way line of said Cedar Crest Boulevard, with the northwesterly line of said 3.495 acre tract and with the easterly line of said 32.9185 acre tract, passing at a distance of 118.78 feet the southeast corner of a called 2.067 acre tract of land described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 70031, Page 1766, D.R.D.C.T., and continuing with the northwesterly line of said 3.495 acre tract and with the east line of said 2.067 acre tract, in all, a total distance of 171.51 feet to a 5/8-inch found iron rod with cap marked "CITY OF DALLAS" for corner;

THENCE North 16 degrees 21 minutes 45 seconds East, continuing with the northwesterly line of said 3.495 acre tract and the east line of said 2.067 acre tract, a distance of 54.21 feet to the northeast corner of said 2.067 acre tract and the south corner of said 12.996 acre tract;

THENCE North 58 degrees 42 minutes 17 seconds West, departing the northwesterly line of said 3.495 acre tract, with the northeast line of said 2.067 acre tract and with the southwest line of said 12.996 acre tract, passing the centerline of Cedar Creek at a distance of 742.93 feet for the west corner of said 12.996 acre tract and the south corner of said 13.898 acre tract, and continuing with the northeast line of said 2.067 acre tract and with the southwest line of said 13.898 acre tract, passing at a cumulative distance of 779.61 feet the north corner of said 2.067 acre tract and the east corner of a called 2.83 acre tract of land described to Dallas Power & Light Company, as recorded in Volume 70182, Page 0696, D.R.D.C.T., and continuing with the southwest line of said 13.898 acre tract and with the northeast line of said 2.83 acre tract, in all, a total distance of 1,975.41 feet to a point for corner;

**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)  
Dallas Floodway Extension-Phase I MSD-UCOW**

GIS Approved

**To Be Acquired in  
City Blocks 4651, 4652, 7718, 7719, 7720, 7721, A/7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

THENCE North 53 degrees 16 minutes 17 seconds West, continuing with the southwest line of said 13.898 acre tract and with the northeast line of said 2.83 acre tract, a distance of 137.47 feet to the north corner of said 2.83 acre tract and the west corner of said 13.898 acre tract on the easterly line of a called 3.25 acre tract of land described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 3385, Page 85, D.R.D.C.T., also being the point of curvature of a non-tangent circular curve to the left having a radius of 1,448.24 feet, whose chord bears North 31 degrees 20 minutes 49 seconds East, a distance of 346.25 feet;

THENCE Northeasterly, with the westerly line of said 13.898 acre tract, with the easterly line of said 3.25 acre tract, and with said curve, through a central angle of 13 degrees 43 minutes 53 seconds, an arc distance of 347.08 feet to the point of tangency;

THENCE North 24 degrees 28 minutes 52 seconds East, continuing with the westerly line of said 13.898 acre tract and the easterly line of said 3.25 acre tract, a distance of 106.74 feet to the southwest gradient boundary line of the Trinity River for the northeast corner of said 3.25 acre tract and the north corner of said 13.898 acre tract;

THENCE Southeasterly, with the southwest gradient boundary line of said Trinity River (as described in said Special Warranty Deed to the City of Dallas, as recorded in Volume 2001085, Page 05004, D.R.D.C.T.) and with the northerly line of said 13.898 acre tract the following courses and distances:

THENCE South 66 degrees 21 minutes 44 seconds East, a distance of 77.35 feet to a point for corner;

THENCE South 54 degrees 52 minutes 27 seconds East, a distance of 225.52 feet to a point for corner;

THENCE South 70 degrees 09 minutes 43 seconds East, a distance of 357.27 feet to a point for corner;

THENCE South 58 degrees 05 minutes 35 seconds East, a distance of 352.29 feet to a point for corner;

THENCE South 71 degrees 25 minutes 53 seconds East, a distance of 48.22 feet to the intersection of the centerline of said Cedar Creek with the southwest gradient boundary line of said Trinity River for the east corner of said 13.898 acre tract and the north corner of said 12.996 acre tract;

**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)  
Dallas Floodway Extension-Phase I MSD-UCOW**

GIS Approved

**To Be Acquired in**

**City Blocks 4651, 4652, 7718, 7719, 7720, 7721, A7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

THENCE Southeasterly, with the southwest gradient boundary line of said Trinity River (as described in said Agreed Judgment to the City of Dallas, as recorded in Cause No. CC-01-05645-A in the County Court at Law No. 1 of Dallas County, Texas, Volume 2005118, Page 02839, D.R.D.C.T.) and with the northerly line of said 12.996 acre tract the following courses and distances:

THENCE South 71 degrees 25 minutes 53 seconds East, a distance of 423.01 feet to a point for corner;

THENCE North 81 degrees 27 minutes 53 seconds East, a distance of 325.66 feet to the intersection of the extension of the west line of said 3.495 acre tract with the southwest gradient boundary line of said Trinity river for the east corner of said 12.996 acre tract;

THENCE South 19 degrees 52 minutes 05 seconds East, continuing with the southwest gradient boundary line of said Trinity River, with the extension of the west line of said 3.495 acre tract, and with the easterly line of said 12.996 acre tract, a distance of 29.64 feet to the northwest corner of said 3.495 acre tract;

THENCE North 68 degrees 22 minutes 19 seconds East, departing the easterly line of said 12.996 acre tract, continuing with the southwest gradient boundary line of said Trinity River and with the north line of said 3.495 acre tract, a distance of 130.06 feet to the northeast corner of said 3.495 acre tract on the westerly line of said 6.695 acre tract;

THENCE North 19 degrees 52 minutes 05 seconds West, continuing with the southwest gradient boundary line of said Trinity River and with the westerly line of said 6.695 acre tract, a distance of 1.30 feet to the northwest corner of said 6.695 acre tract;

THENCE Southeasterly, with the southwest gradient boundary line of said Trinity River (as described in said Warranty Deed to the City of Dallas, as recorded in Instrument Number 200900209000, O.P.R.D.C.T.) and with the northerly line of said 6.695 acre tract the following courses and distances:

THENCE South 79 degrees 40 minutes 28 seconds East, a distance of 31.23 feet to a point for corner;

THENCE North 64 degrees 58 minutes 57 seconds East, a distance of 148.05 feet to a point for corner;

THENCE North 55 degrees 43 minutes 54 seconds East, a distance of 198.17 feet to a point for corner;

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To Be Acquired in**

GIS Approved

**City Blocks 4651, 4652, 7718, 7719, 7720, 7721, A/7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

THENCE North 65 degrees 58 minutes 48 seconds East, a distance of 279.51 feet to a point for corner;

THENCE North 86 degrees 44 minutes 22 seconds East, a distance of 79.09 feet to the intersection of the northwesterly right-of-way line of said Cedar Crest Boulevard with the southwest gradient boundary line of said Trinity River for the northeast corner of said 6.695 acre tract;

THENCE North 86 degrees 44 minutes 42 seconds East, over and across said Cedar Crest Boulevard, continuing with the southwest gradient boundary line of said Trinity River, a distance of 118.18 feet to the intersection of the southeasterly right-of-way line of said Cedar Crest Boulevard with the southwest gradient boundary line of said Trinity River for the northwest corner of said 21.54 acre tract;

THENCE Southeasterly, with the southwest gradient boundary line of said Trinity River (as described in said Warranty Deed to the City of Dallas, as recorded in Instrument Number 200900209000, O.P.R.D.C.T.) and with the northerly line of said 21.54 acre tract the following courses and distances:

THENCE North 86 degrees 44 minutes 22 seconds East, a distance of 18.31 feet to a point for corner;

THENCE South 70 degrees 34 minutes 25 seconds East, a distance of 159.92 feet to a point for corner;

THENCE South 59 degrees 25 minutes 33 seconds East, a distance of 242.14 feet to a point for corner;

THENCE South 42 degrees 03 minutes 50 seconds East, a distance of 203.50 feet to a point for corner;

THENCE South 40 degrees 20 minutes 36 seconds East, a distance of 254.62 feet to a point for corner;

THENCE South 52 degrees 56 minutes 50 seconds East, a distance of 249.76 feet to a point for corner;

THENCE South 56 degrees 50 minutes 56 seconds East, a distance of 203.80 feet to a point for corner;

THENCE South 74 degrees 33 minutes 27 seconds East, a distance of 199.33 feet to a point for corner;

**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)**

**Dallas Floodway Extension-Phase I MSD-UCOW**

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THENCE North 77 degrees 52 minutes 28 seconds East, a distance of 235.35 feet to a point for corner;

THENCE North 57 degrees 25 minutes 16 seconds East, a distance of 17.63 feet to the intersection of the northwesterly right-of-way line of said Burlington Northern Santa Fe Railway with the southwest gradient boundary line of said Trinity River for the northeast corner of said 21.54 acre tract;

THENCE South 87 degrees 46 minutes 29 seconds East, over and across said Burlington Northern Santa Fe Railway, continuing with the southwest gradient boundary line of said Trinity River, a distance of 105.12 feet to the intersection of the southeasterly right-of-way line of said Burlington Northern Santa Fe Railway with the southwest gradient boundary line of said Trinity River for the north corner of said 47.846 acre tract;

THENCE Southeasterly, with the southwest gradient boundary line of said Trinity River (as described in said Agreed Judgment to the City of Dallas, as recorded in Cause No. CC-09-09703-A in County Court at Law No. 1 Dallas County, Texas, Instrument Number 201200073935, O.P.R.D.C.T.) and with the northeasterly line of said 47.846 acre tract the following courses and distances:

THENCE South 68 degrees 09 minutes 34 seconds East, a distance of 133.46 feet to a point for corner;

THENCE South 40 degrees 25 minutes 28 seconds East, a distance of 582.31 feet to a point for corner;

THENCE South 21 degrees 17 minutes 05 seconds East, a distance of 152.22 feet to a point for corner;

THENCE South 17 degrees 35 minutes 55 seconds West, a distance of 440.38 feet to a point for corner;

THENCE South 19 degrees 14 minutes 32 seconds West, a distance of 165.34 feet to a point for corner;

THENCE South 28 degrees 29 minutes 12 seconds East, a distance of 238.86 feet to a point for corner;

THENCE South 66 degrees 53 minutes 34 seconds East, a distance of 131.31 feet to a point for corner;

Exhibit A

**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)**

**Dallas Floodway Extension-Phase I MSD-UCOW**

GIS Approved

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THENCE South 81 degrees 38 minutes 18 seconds East, a distance of 134.18 feet to a point for corner;

THENCE North 78 degrees 41 minutes 14 seconds East, a distance of 360.54 feet to a point for corner;

THENCE South 83 degrees 41 minutes 23 seconds East, a distance of 142.16 feet to a point for corner;

THENCE South 67 degrees 24 minutes 16 seconds East, a distance of 217.77 feet to the east corner of said 47.846 acre tract;

THENCE South 59 degrees 10 minutes 39 seconds West, continuing with the southwest gradient boundary line of said Trinity River and with the southeast line of said 47.846 acre tract, a distance of 70.04 feet to the north corner of said 15.6 acre tract;

THENCE Southeasterly, with the southwest gradient boundary line of said Trinity River (as shown on survey prepared on March 12, 1964 for the Sargent Switch Sewage Disposal Plant) and with the northeasterly line of said 15.6 acre tract the following courses and distances:

THENCE South 30 degrees 49 minutes 22 seconds East, a distance of 99.97 feet to a point for corner;

THENCE South 42 degrees 48 minutes 42 seconds East, a distance of 482.94 feet to a point for corner;

THENCE South 32 degrees 51 minutes 12 seconds East, a distance of 260.99 feet to the east corner of said 15.6 acre tract and the north corner of said 102.46 acre tract;

THENCE Southeasterly, continuing with the southwest gradient boundary line of said Trinity River and with the northeasterly line of said 102.46 acre tract the following courses and distances:

THENCE South 09 degrees 34 minutes 15 seconds West, a distance of 151.07 feet to a point for corner;

THENCE South 08 degrees 27 minutes 18 seconds East, a distance of 400.10 feet to a point for corner;

THENCE South 39 degrees 45 minutes 58 seconds East, a distance of 512.55 feet to a point for corner;

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To Be Acquired in**

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THENCE South 66 degrees 35 minutes 18 seconds East, a distance of 528.30 feet to the east corner of said 102.46 acre tract and the north corner of said 249.86 acre tract;

THENCE Southeasterly, continuing with the southwest gradient boundary line of said Trinity River and with the northeasterly line of said 249.86 acre tract the following courses and distances:

THENCE South 66 degrees 35 minutes 18 seconds East , a distance of 145.83 feet to a point for corner;

THENCE South 52 degrees 49 minutes 31 seconds East, a distance of 100.68 feet to a point for corner;

THENCE South 41 degrees 33 minutes 22 seconds East, a distance of 478.22 feet to the intersection of the southwest right-of-way line of said Interstate Highway 45 with the southwest gradient boundary line of said Trinity River for the northwest corner of said 18.934 acre tract;

THENCE South 41 degrees 33 minutes 22 seconds East, over and across said Interstate Highway 45, continuing with the southwest gradient boundary line of said Trinity River and with the northeast line of said 18.934 acre tract, a distance of 480.58 feet to a point for corner;

THENCE South 38 degrees 33 minutes 22 seconds East, continuing over and across said Interstate Highway 45, with the southwest gradient boundary line of said Trinity River and with the northeast line of said 18.934 acre tract, a distance of 95.51 feet to the intersection of the northeast right-of-way line of said Interstate Highway 45 with the southwest gradient boundary line of said Trinity River for the northeast corner of said 18.934 acre tract on the northeasterly line of said 249.86 acre tract;

THENCE Southeasterly, continuing with the southwest gradient boundary line of said Trinity River and with the northeasterly line of said 249.86 acre tract the following courses and distances:

THENCE South 38 degrees 33 minutes 22 seconds East, a distance of 540.09 feet to a point for corner;

THENCE South 47 degrees 18 minutes 22 seconds East, a distance of 252.30 feet to a point for corner;

THENCE South 47 degrees 23 minutes 22 seconds East, a distance of 371.40 feet to a point for corner;

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THENCE South 45 degrees 38 minutes 22 seconds East, a distance of 243.70 feet to a point for corner;

THENCE South 45 degrees 33 minutes 22 seconds East, a distance of 306.80 feet to a point for corner;

THENCE South 37 degrees 18 minutes 22 seconds East, a distance of 267.20 feet to a point for corner;

THENCE South 25 degrees 13 minutes 22 seconds East, a distance of 435.00 feet to a point for corner;

THENCE South 36 degrees 48 minutes 22 seconds East, a distance of 414.00 feet to a point for corner;

THENCE South 30 degrees 18 minutes 22 seconds East, a distance of 115.20 feet to a point for corner;

THENCE South 25 degrees 48 minutes 22 seconds East, a distance of 49.41 feet to the north corner of said 5.1463 acre tract;

THENCE South 25 degrees 48 minutes 22 seconds East, continuing with the southwest gradient boundary line of said Trinity River and with the east line of said 5.1463 acre tract, a distance of 100.11 feet to the east corner of said 5.1463 acre tract on the northeasterly line of said 249.86 acre tract;

THENCE Southeasterly, continuing with the southwest gradient boundary line of said Trinity River and with the northeasterly line of said 249.86 acre tract the following courses and distances:

THENCE South 25 degrees 48 minutes 22 seconds East, a distance of 38.48 feet to a point for corner;

THENCE South 01 degree 11 minutes 38 seconds West, a distance of 164.90 feet to a point for corner;

THENCE South 55 degrees 41 minutes 38 seconds West, a distance of 252.00 feet to a point for corner;

THENCE South 76 degrees 41 minutes 38 seconds West, a distance of 652.00 feet to a point for corner;



**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)**

**Dallas Floodway Extension-Phase I MSD-UCOW**

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THENCE South 48 degrees 11 minutes 38 seconds West, a distance of 215.20 feet to a point for corner;

THENCE South 08 degrees 41 minutes 38 seconds West, a distance of 200.68 feet to the intersection of the northeast right-of-way line of said Interstate Highway 45 with the southwest gradient boundary line of said Trinity River on the northeast line of said 4.204 acre tract;

THENCE Southeasterly, with the southwest gradient boundary line of said Trinity River (as described in said Judgment to the State of Texas, as recorded in Cause No.70-5152-D in the County Court of Dallas County at Law No. 4, Dallas County, Texas, Volume 78085, Page 1724, D.R.D.C.T.), with the northeast right-of-way line of said Interstate Highway 45, and with the northeast line of said 4.204 acre tract the following courses and distances:

THENCE South 15 degrees 20 minutes 06 seconds East, a distance of 116.46 feet to a point for corner;

THENCE South 07 degrees 51 minutes 12 seconds West, a distance of 49.48 feet to a point for corner;

THENCE South 38 degrees 37 minutes 48 seconds East, a distance of 167.50 feet to the east corner of said 4.204 acre tract and the northeast corner of a called 3.367 acre tract of land described as Part 2 in Judgment of Court in Absence of Objection to the State of Texas, as recorded in Cause No. CC-68-3019-C in the County Court of Dallas County at Law No. 3 of Dallas County, Texas, Volume 68168, Page 0038, D.R.D.C.T.;

THENCE South 58 degrees 30 minutes 13 seconds West, departing the southwest gradient boundary line of said Trinity River and the northeast right-of-way line of said Interstate Highway 45, over and across said Interstate Highway 45, with the south line of said 4.204 acre tract and with the north line of said 3.367 acre tract, a distance of 326.96 feet to the south corner of said 4.204 acre tract and the northwest corner of said 3.367 acre tract on the southwest right-of-way line of said Interstate Highway 45, the northwest line of the remainder of a called 5.837 acre tract of land described as Tract II in Warranty Deed to Ed Bell Construction Co., as recorded in Volume 84072, Page 4433, D.R.D.C.T., and the southeasterly line of said 249.86 acre tract;

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THENCE South 58 degrees 30 minutes 13 seconds West, departing the southwest right-of-way line of said Interstate Highway 45, with the northwest line said 5.837 acre tract and with the southeasterly line of said 249.86 acre tract, passing at a distance of 403.53 feet the west corner of said 5.837 acre tract and the north corner of the remainder of Tract 13 of 29.86 ACRE SUBDIVISION OF PART OF BLOCK 6098, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 14, Page 309, D.R.D.C.T., and continuing with the southeasterly line of said 249.86 acre tract and with the northwest lines of said Tract 13 and Tract 12 of said 29.86 ACRE SUBDIVISION OF PART OF BLOCK 6098 addition, respectively, a distance of 543.93 feet to the south corner of said 249.86 acre tract and the east corner of said 38.32 acre tract;

THENCE South 58 degrees 48 minutes 17 seconds West, with the southeast line of said 38.32 acre tract and with the northwest lines of said Tract 12, Tract 11, Tract, 10, Tract 9, Tract 8, and Tract 7 of said 29.86 ACRE SUBDIVISION OF PART OF BLOCK 6098 addition, respectively, a distance of 575.44 feet to the common northwest corner of said Tract 7 and northeast corner of Tract 6 of said 29.86 ACRE SUBDIVISION OF PART OF BLOCK 6098 addition;

THENCE South 58 degrees 49 minutes 51 seconds West, continuing with the southeast line of said 38.32 acre tract and with the northwest lines of said Tract 6, Tract 5, Tract 4, and Tract 3 of said 29.86 ACRE SUBDIVISION OF PART OF BLOCK 6098 addition, respectively, a distance of 432.69 feet to the common northwest corner of said Tract 3 and northeast corner of Tract 2 of said 29.86 ACRE SUBDIVISION OF PART OF BLOCK 6098 addition;

THENCE South 59 degrees 26 minutes 36 seconds West, continuing with the southeast line of said 38.32 acre tract and with the northwest lines of said Tract 2 and Lot 1, Block B/6098 of CEDAR GROVE SUBDIVISION, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 50, Page 183, D.R.D.C.T., respectively, passing at a distance of 756.96 feet the west corner of said Lot 1, Block B/6098 on the northeast right-of-way line of said Sargent Road/County Road No. 284, and continuing with the southeast line of said 38.32 acre tract and with the northeast right-of-way line of said Sargent Road/County Road No. 284, in all, a total distance of 768.64 feet to a 5/8-inch found iron rod for the south corner of said 38.32 acre tract;

THENCE South 58 degrees 20 minutes 32 seconds West, departing the northeast right-of-way line of said Sargent Road/County Road No. 284, over and across said Sargent Road/County Road No. 284, a distance of 33.32 feet to a point on the southwest right-of-way line of said Sargent Road/County Road No. 284 and the northeast line of a called 3.191 acre tract of land described in Special Warranty Deed to Adam Gutow-Ellis and Matthew Ellis, as recorded in Volume 2002025, Page 00983, D.R.D.C.T.;

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THENCE North 31 degrees 39 minutes 28 seconds West, with the southwest right-of-way line of said Sargent Road/County Road No. 284, a distance of 26.68 feet to the east corner of said 15.91 acre tract and the north corner of said 3.191 acre tract;

THENCE South 57 degrees 01 minute 38 seconds West, departing the southwest right-of-way line of said Sargent Road/County Road No. 284 and with the southeast line of said 15.91 acre tract and with the northwest line of said 3.191 acre tract, a distance of 540.65 feet to the south corner of said 15.91 acre tract and the west corner of said 3.191 acre tract on the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway for the point of curvature of a non-tangent circular curve to the right having a radius of 1,860.15 feet, whose chord bears North 52 degrees 45 minutes 23 seconds West, a distance of 1,081.17 feet;

THENCE Northwesterly, with the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway, with the southwest line of said 15.91 acre tract, and with said curve, through a central angle of 33 degrees 47 minutes 22 seconds, an arc distance of 1,097.00 feet to a 1/2-inch found iron rod with cap marked "PIBURN PARTNERS" for the west corner of said 15.91 acre tract and the south corner of a called 5.112 acre tract of land described as Part 3 in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 71005, Page 1997, D.R.D.C.T.;

THENCE North 72 degrees 46 minutes 32 seconds East, departing the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway, with the northwest line of said 15.91 acre tract and with the southeast line of said 5.112 acre tract, a distance of 960.00 feet to a 1/2-inch found iron rod with cap marked "PIBURN PARTNERS" on the southwest right-of-way line of said Sargent Road/County Road No. 284 for the north corner of said 15.91 acre tract and the east corner of said 5.112 acre tract;

THENCE North 31 degrees 39 minutes 28 seconds West, with the southwest right-of-way line of said Sargent Road/County Road No. 284 and with the northeast line of said 5.112 acre tract, a distance of 288.66 feet to the northeast corner of said 5.112 acre tract;

THENCE South 66 degrees 53 minutes 24 seconds West, continuing with the southwest right-of-way line of said Sargent Road/County Road No. 284 and with the northwest line of said 5.112 acre tract, a distance of 4.43 feet to a concrete monument found for the east corner of a tract of land described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 1674, Page 195, D.R.D.C.T.;

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THENCE North 31 degrees 07 minutes 09 seconds West, departing the northwest line of said 5.112 acre tract, continuing with the southwest right-of-way line of said Sargent Road/County Road No. 284 and with the northeast line of said Dallas Power & Light Company tract, passing at a distance of 100.99 feet a found 3-inch aluminum disk on a 1/2-inch iron rod stamped "ONCOR / COFFEE ADDITION BLOCK A/7725 RPLS 5230" for the east corner of Lot 1, Block A/7725 of ONCOR / COFFEE ADDITION, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 2004198, Page 00163, O.P.R.D.C.T. and the north corner of said Dallas Power & Light Company tract, and continuing with the southwest right-of-way line of said Sargent Road/County Road No. 284 and with the northeast line of said Lot 1, Block A/7725, passing at a cumulative distance of 1,099.99 feet a found 3-inch aluminum disk on a 1/2-inch iron rod stamped "ONCOR / COFFEE ADDITION BLOCK A/7725 RPLS 5230" for the north corner of said Lot 1, Block A/7725 on the northeast line of the remainder of a called 28.7589 acre tract of land described in Special Warranty Deed to Oncor Electric Delivery Company, as recorded in Volume 2003134, Page 08114, D.R.D.C.T., and continuing with the southwest right-of-way line of said Sargent Road/County Road No. 284 and with the northeast line of said 28.7589 acre tract, in all, a total distance of 2,800.61 feet to the intersection of the southwest right-of-way line of said Sargent Road/County Road No. 284 with the southeast right-of-way line of said Southerland Avenue/County Road No. 297 for the north corner of said 28.7589 acre tract;

THENCE South 59 degrees 25 minutes 16 seconds West, with the southeast right-of-way line of said Southerland Avenue/County Road No. 297 and with the northwest line of said 28.7589 acre tract, passing at a distance of 411.79 feet the west corner of said 28.7589 acre tract and the north corner of the remainder of a called 4.849 acre tract of land described as Part 1 in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 71005, Page 01997, D.R.D.C.T., and continuing with the southeast right-of-way line of said Southerland Avenue/County Road No. 297 and with the northwest line of said 4.849 acre tract, in all, a total distance of 506.03 feet to a point for corner;

THENCE North 30 degrees 34 minutes 44 seconds West, departing the southeast right-of-way line of said Southerland Avenue/County Road No. 297 and the northwest line of said 4.849 acre tract, over and across said Southerland Avenue/County Road No. 297, a distance of 45.00 feet to the intersection of the southwest right-of-way line of said Sargent Road/County Road No. 284 with the northwest right-of-way line of said Southerland Avenue/County Road No. 297 on the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway;

THENCE North 21 degrees 47 minutes 52 seconds West, with the southwest right-of-way line of said Sargent Road/County Road No. 284 and with the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway, a distance of 497.60 feet to a point for corner;

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THENCE North 68 degrees 12 minutes 08 seconds East, departing the southwest right-of-way line of said Sargent Road/County Road No. 284 and the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway, over and across said Sargent Road/County Road No. 284, a distance of 40.00 feet to the south corner of a called 1.667 acre tract of land to the Dallas Power & Light Company (no deed of record found) on the northeast right-of-way line of said Sargent Road/County Road No. 284, from which a 1/2-inch found iron rod for witness bears North 68 degrees 12 minutes 08 seconds East, a distance of 0.77 of a foot;

THENCE North 68 degrees 12 minutes 08 seconds East, departing the northeast right-of-way line of said Sargent Road/County Road No. 284 and with the southeast line of said 1.667 acre tract, a distance of 399.57 feet to the east corner of said 1.667 acre tract;

THENCE North 39 degrees 07 minutes 48 seconds West, with the northeast line of said 1.667 acre tract, a distance of 246.78 feet to the north corner of said 1.667 acre tract;

THENCE South 68 degrees 12 minutes 08 seconds West, with the northwest line of said 1.667 acre tract, a distance of 326.05 feet to the west corner of said 1.667 acre tract on the northeast right-of-way line of said Sargent Road/County Road No. 284, from which a 1-1/2-inch found iron pipe for witness bears South 68 degrees 12 minutes 08 seconds West, a distance of 1.15 feet;

THENCE South 68 degrees 12 minutes 08 seconds West, departing the northeast right-of-way line of said Sargent Road/County Road No. 284, over and across said Sargent Road/County Road No. 284, a distance of 40.00 feet to a point for corner on the southwest right-of-way line of said Sargent Road/County Road No. 284 and the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway;

THENCE North 21 degrees 47 minutes 52 seconds West, with the southwest right-of-way line of said Sargent Road/County Road No. 284 and with the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway, passing at a distance of 705.24 feet the intersection of the prolongation of the southeast line of said 3.02 acre tract with the southwest right-of-way line of said Sargent Road/County Road No. 284 and the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway, and continuing with the southwest right-of-way line of said Sargent Road/County Road No. 284 and the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway, in all, a total distance of 1,144.60 feet to a point for corner;

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THENCE North 20 degrees 39 minutes 12 seconds West, continuing with the southwest right-of-way line of said Sargent Road/County Road No. 284 and with the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway, a distance of 165.96 feet to the intersection of the prolongation of the north line of said 3.02 acre tract and the south line of said Lot 1, Block A-7721 with the southwest right-of-way line of said Sargent Road/County Road No. 284 and the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway;

THENCE North 86 degrees 01 minute 39 seconds East, departing the southwest right-of-way line of said Sargent Road/County Road No. 284 and the northeasterly right-of-way line of said Burlington Northern Santa Fe Railway, with the prolongation of the north line of said 3.02 acre tract and the south line of said Lot 1, Block A-7721, passing at a distance of 38.54 feet the intersection of the northeast right-of-way line of said Sargent Road/County Road No. 284 with the north line of said 3.02 acre tract, with the north line of said 3.02 acre tract, in all, a total distance of 50.87 feet to the southwest corner of said Lot 1, Block A-7721 and for the point of curvature of a non-tangent circular curve to the right having a radius of 2,764.79 feet, whose chord bears North 07 degrees 38 minutes 08 seconds West, a distance of 1,141.39 feet;

THENCE Northerly, departing the north line of said 3.02 acre tract, with the west line of said Lot 1, Block A-7721, and with said curve, through a central angle of 23 degrees 49 minutes 29 seconds, an arc distance of 1,149.65 feet to the end of said curve for the west corner of said Lot 1, Block A-7721 on the southeast line of said 1.43 acre tract, from which a 1/2-inch found iron rod with cap marked "BRITTAN & CRAWFORD" for witness bears South 59 degrees 10 minutes 39 seconds West, a distance of 0.22 of a foot;

THENCE South 59 degrees 10 minutes 39 seconds West, with the southeast line of said 1.43 acre tract, a distance of 60.85 feet to the south corner of said 1.43 acre tract on the easterly right-of-way line of said Burlington Northern Santa Fe Railway for the point of curvature of a non-tangent circular curve to the right having a radius of 2,814.79 feet, whose chord bears North 04 degrees 49 minutes 02 seconds East, a distance of 123.05 feet;

THENCE Northerly, with the easterly right-of-way line of said Burlington Northern Santa Fe Railway, with the west line of said 1.43 acre tract, and with said curve, through a central angle of 02 degrees 30 minutes 17 seconds, an arc distance of 123.06 feet to a 5/8-inch found iron rod for the west corner of said 1.43 acre tract and the south corner of a called 5.8566 acre tract of land described as Tract II in Trustee's Deed to Mainland Land & Equipment Co., as recorded in Volume 95179, Page 03823, D.R.D.C.T.;

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Dallas Floodway Extension-Phase I MSD-UCOW  
To Be Acquired in**

GIS Approved

**City Blocks 4651, 4652, 7718, 7719, 7720, 7721, A/7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

THENCE North 59 degrees 10 minutes 39 seconds East, departing the easterly right-of-way line of said Burlington Northern Santa Fe Railway, with the northwest line of said 1.43 acre tract and with the southeast line of said 5.8566 acre tract, passing at a distance of 585.80 feet the north corner of said 1.43 acre tract and the west corner of said 10.52 acre tract, and continuing with the southeast line of said 5.8566 acre tract and with the northwest line of said 10.52 acre tract, passing at a cumulative distance of 997.14 feet the east corner of said 5.8566 acre tract and the southeast corner of the remainder of a called 52.8953 acre tract of land described as Tract I in Trustee's Deed to Mainland Land & Equipment Co., as recorded in Volume 95179, Page 03823, D.R.D.C.T., and continuing with the northwest line of said 10.52 acre tract and with the southeast line of said 52.8953 acre tract, passing at a cumulative distance of 1,133.99 feet the north corner of said 10.52 acre tract and the west corner of said 17.67 acre tract, and continuing with the southeast line of said 52.8953 acre tract and with the northwest line of said 17.67 acre tract, in all, a total distance of 1,154.73 feet to the south corner of said 47.846 acre tract;

THENCE Northwesterly, departing the northwest line of said 17.67 acre tract, with the southwesterly line of said 47.846 acre tract the following courses and distances:

THENCE North 20 degrees 12 minutes 42 seconds East, a distance of 19.56 feet to a point for corner;

THENCE North 10 degrees 44 minutes 52 seconds East, a distance of 19.29 feet to a point for corner;

THENCE North 64 degrees 39 minutes 09 seconds West, a distance of 43.24 feet to the point of curvature of a tangent circular curve to the right having a radius of 110.00 feet, whose chord bears North 51 degrees 18 minutes 58 seconds West, a distance of 50.75 feet;

THENCE Northwesterly, with said curve, through a central angle of 26 degrees 40 minutes 22 seconds, an arc distance of 51.21 feet to the point of curvature of a tangent circular curve to the left having a radius of 400.00 feet, whose chord bears North 43 degrees 12 minutes 36 seconds West, a distance of 72.93 feet;

THENCE Northwesterly with said curve, through a central angle of 10 degrees 27 minutes 39 seconds, an arc distance of 73.03 feet to the point of tangency;

THENCE North 48 degrees 26 minutes 26 seconds West, a distance of 123.93 feet to the point of curvature of a tangent circular curve to the left having a radius of 125.00 feet, whose chord bears North 63 degrees 37 minutes 58 seconds West, a distance of 65.51 feet;

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THENCE Northwesterly, with said curve, through a central angle of 30 degrees 23 minutes 04 seconds, an arc distance of 66.29 feet to the point of curvature of a non-tangent circular curve to the right having a radius of 110.00 feet, whose chord bears North 62 degrees 26 minutes 13 seconds West, a distance of 62.07 feet;

THENCE Westerly, with said curve, through a central angle of 32 degrees 46 minutes 29 seconds, an arc distance of 62.92 feet to a the point of curvature of a non-tangent circular curve to the left having a radius of 409.62 feet, whose chord bears North 51 degrees 46 minutes 33 seconds West, a distance of 81.73 feet;

THENCE Northwesterly, with said curve, through a central angle of 11 degrees 27 minutes 01 second, an arc distance of 81.86 feet to the end of said curve;

THENCE North 56 degrees 06 minutes 04 seconds West, a distance of 10.97 feet to the point of curvature of a tangent circular curve to the right having a radius of 200.00 feet, whose chord bears North 50 degrees 26 minutes 36 seconds West, a distance of 39.43 feet;

THENCE Northwesterly, with said curve, through a central angle of 11 degrees 18 minutes 56 seconds, an arc distance of 39.50 feet to the point of tangency;

THENCE North 44 degrees 47 minutes 08 seconds West, a distance of 12.28 feet to a point for corner;

THENCE North 27 degrees 20 minutes 53 seconds West, a distance of 21.78 feet to the point of curvature of a tangent circular curve to the left having a radius of 53.83 feet, whose chord bears North 57 degrees 42 minutes 36 seconds West, a distance of 54.42 feet;

THENCE Northwesterly, with said curve, through a central angle of 60 degrees 43 minutes 26 seconds, an arc distance of 57.05 feet to the point of tangency;

THENCE North 88 degrees 04 minutes 18 seconds West, a distance of 28.65 feet to the point of curvature of a tangent circular curve to the right having a radius of 105.15 feet, whose chord bears North 74 degrees 03 minutes 46 seconds West, a distance of 50.91 feet;

THENCE Westerly, with said curve, through a central angle of 28 degrees 01 minute 04 seconds, an arc distance of 51.42 feet to the point of tangency;



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THENCE North 60 degrees 03 minutes 14 seconds West, a distance of 40.42 feet to the point of curvature of a tangent circular curve to the right having a radius of 32.98 feet, whose chord bears North 28 degrees 14 minutes 42 seconds West, a distance of 34.77 feet;

THENCE Northwesterly, with said curve, through a central angle of 63 degrees 37 minutes 04 seconds, an arc distance of 36.62 feet to the point of tangency;

THENCE North 03 degrees 33 minutes 50 seconds East, a distance of 29.54 feet to the point of curvature of a tangent circular curve to the left having a radius of 41.08 feet, whose chord bears North 25 degrees 56 minutes 15 seconds West, a distance of 40.46 feet;

THENCE Northerly, with said curve, through a central angle of 59 degrees 00 minutes 06 seconds, an arc distance of 42.30 feet to the point of tangency;

THENCE North 55 degrees 26 minutes 18 seconds West, a distance of 10.14 feet to a point for corner;

THENCE South 67 degrees 44 minutes 38 seconds West, a distance of 17.42 feet to the west corner of said 47.846 acre tract on the southeasterly right-of-way line of said Burlington Northern Santa Fe Railway and the northwest line of said 52.8953 acre tract;

THENCE South 20 degrees 10 minutes 34 seconds West, with the southeasterly right-of-way line of said Burlington Northern Santa Fe Railway and with the northwest line of said 52.8953 acre tract, a distance of 379.18 feet to a point for corner;

THENCE North 69 degrees 49 minutes 26 seconds West, departing the southeasterly right-of-way line of said Burlington Northern Santa Fe Railway and the northwest line of said 52.8953 acre tract, over and across said Burlington Northern Santa Fe Railway, a distance of 100.00 feet to a point on the northwesterly right-of-way line of said Burlington Northern Santa Fe Railway and the easterly right-of-way line of said Sargent Road/County Road No. 284;

THENCE North 69 degrees 49 minutes 26 seconds West, departing the northwesterly right-of-way line of said Burlington Northern Santa Fe Railway and the easterly right-of-way line of said Sargent Road/County Road No. 284, over and across said Sargent Road/County Road No. 284, a distance of 40.00 feet to the east corner of Tract 25, Block 7717 of HELEN T. BRYAN, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 10, Page 335, D.R.D.C.T. on the westerly line of said Sargent Road/County Road No. 284;

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THENCE North 30 degrees 10 minutes 52 seconds West, with the westerly right-of-way line of said Sargent Road/County Road No. 284 and with the northeast lines of said Tract 25, Block 7717 and Tract 15, Block 7717 of said HELEN T. BRYAN addition, respectively, a distance of 250.56 feet to the intersection of the westerly right-of-way line of said Sargent Road/County Road No. 284 with the southeast right-of-way line of said Morrell Avenue for the north corner of said Tract 15, Block 7717;

THENCE North 19 degrees 40 minutes 52 seconds West, over and across said Morrell Avenue, a distance of 50.00 feet to a point for corner on the northwest right-of-way line of said Morrell Avenue and the southeast line of a called 4.048 acre tract of land described in Special Warranty Deed to Dallas City Packing Company, as recorded in Volume 97250, Page 03374, D.R.D.C.T.;

THENCE North 70 degrees 19 minutes 08 seconds East, with the northwest right-of-way line of said Morrell Avenue and with the southeast line of said 4.048 acre tract, a distance of 31.41 feet to the east corner of said 4.048 acre tract and the intersection of the northwest right-of-way line of said Morrell Avenue with the easterly right-of-way line of said Sargent Road/County Road No. 284 on the southwest line of said 2.927 acre tract;

THENCE North 30 degrees 10 minutes 52 seconds West, with the southwest line of said 2.927 acre tract and with the northeast line of said 4.048 acre tract, a distance of 620.00 feet to the northwest corner of said 2.927 acre tract and the north corner of said 4.048 acre tract on the southwest line of said 2.243 acre tract;

THENCE South 49 degrees 37 minutes 12 seconds West, with the northwest line of said 4.048 acre tract and with the southwest line of said 2.243 acre tract, passing at a distance of 13.50 feet the east corner of said 6.414 acre tract, departing the southwest line of said 2.423 acre tract, and continuing with the northwest line of said 4.048 acre tract and with the southeast line of said 6.414 acre tract, in all, a total distance of 274.14 feet to the south corner of said 6.414 acre tract and the east corner of Lot A, Block 4/5907 of said FOREST AVE & EIGHTH ST. INDUSTRIAL ADDITION;

THENCE North 52 degrees 24 minutes 48 seconds West, departing the northwest line of said 4.048 acre tract, with the southwest line of said 6.414 acre tract and with the northeast line of said Lot A, Block 4/5907, passing at a distance of 204.49 feet the north corner of said Lot A, Block 4/5907 on the southeast right-of-way line of Childs Street (a 60-foot wide right-of-way), and continuing with the southwest line of said 6.414 acre tract, passing at a cumulative distance of 265.84 feet the east corner of said Block 3/5907, and continuing with the southwest line of said 6.414 acre tract and with the northeast line of said Block 3/5907, in all, a total distance of 1,049.93 feet to an interior ell corner of said 6.414 acre tract;

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THENCE South 18 degrees 16 minutes 12 seconds West, departing the northeast line of said Block 3/5907, over and across said Block 3/5907 and with the southeast line of said 6.414 acre tract, a distance of 527.49 feet to a south corner of said 6.414 acre tract on the southwest line of said Block 3/5907 and the northeasterly right-of-way line of said Pontiac Street;

THENCE South 49 degrees 53 minutes 56 seconds West, departing the southwest line of said Block 3/5907 and the northeasterly right-of-way line of said Pontiac Street, over and across said Pontiac Street, a distance of 100.00 feet to southwesterly right-of-way line of said Pontiac Street and the northeast line of the remainder of Lot A, Block 2/5907 of said FOREST AVE & EIGHTH ST. INDUSTRIAL ADDITION for the point of curvature of a non-tangent circular curve to the left having a radius of 170.36 feet, whose chord bears North 54 degrees 49 minutes 34 seconds West, a distance of 86.60 feet;

THENCE Northwesterly, with the southwesterly right-of-way line of said Pontiac Street, with the northeast line of said Lot A, Block 2/5907, and with said curve, through a central angle of 29 degrees 26 minutes 59 seconds, an arc distance of 87.57 feet to the point of tangency;

THENCE North 69 degrees 40 minutes 48 seconds West, continuing with the southwesterly right-of-way line of said Pontiac Street and the northeast line of said Lot A, Block 2/5907, a distance of 32.39 feet to the intersection of the southwesterly right-of-way line of said Pontiac Street with the southeasterly right-of-way line of said Cedar Crest Boulevard;

THENCE North 73 degrees 19 minutes 23 seconds West, over and across said Cedar Crest Boulevard, a distance of 110.33 feet to the intersection of the northwesterly right-of-way line of said Cedar Crest Boulevard with the south line of said Eleventh Street;

THENCE North 29 degrees 36 minutes 14 seconds East, over and across said Eleventh Street, a distance of 99.79 feet to the POINT OF BEGINNING AND CONTAINING 33,770,636 square feet or 775.3 acres of land, more or less.

**SAVE AND EXCEPT THE FOLLOWING THREE PARTS:**

**PART 1**

BEING a 7,234 Square Foot (0.1661 Acre) tract of land situated in the William John Elliott Survey, Abstract Number 448, City of Dallas, Dallas County, Texas, Official City of Dallas Block Number 7720, and being all of a called 0.176 acre tract described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 70162, Page 1538 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

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**Dallas Floodway Extension-Phase I MSD-UCOW**

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COMMENCING at the intersection of the north right-of-way line of Eleventh Street (formerly known as Bosley Avenue, a variable width right-of-way) with the northwesterly right-of-way line of Cedar Crest Boulevard (a variable width right-of-way) for the southeast corner of the remainder of a called 32.9185 acre tract of land described in Warranty Deed to William Joseph Ondrusek, as recorded in Volume 3655, Page 72, D.R.D.C.T., from which a found monument stamped "RPLS 2198" for witness bears North 32 degrees 53 minutes 01 second West, a distance of 9.17 feet;

THENCE North 17 degrees 39 minutes 51 seconds East, with the northwesterly right-of-way line of said Cedar Crest Boulevard and with the easterly line of said 32.9185 acre tract, a distance of 590.64 feet to a 5/8-inch found iron rod with cap marked "CITY OF DALLAS" for the southwest corner of a called 3.495 acre tract of land described in Deed Without Warranty to the City of Dallas, as recorded in Instrument Number 201200204158 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.);

THENCE South 51 degrees 28 minutes 14 seconds East, departing the easterly line of said 32.9185 acre tract, continuing with the northwesterly right-of-way line of said Cedar Crest Boulevard and with the south line of said 3.495 acre tract, a distance of 59.08 feet to a 5/8-inch found iron rod with cap marked "CITY OF DALLAS" for the POINT OF BEGINNING, said point also being the southeast corner of said 3.495 acre tract and the west corner of said 0.176 acre tract;

THENCE North 17 degrees 40 minutes 16 seconds East, departing the northwesterly right-of-way line of said Cedar Crest Boulevard and with the easterly line of said 3.495 acre tract and with the northwest line of said 0.176 acre tract, a distance of 8.29 feet to a 5/8-inch found iron rod with cap marked "CITY OF DALLAS" for corner;

THENCE North 29 degrees 17 minutes 16 seconds East, continuing with the easterly line of said 3.495 acre tract and the northwest line of said 0.176 acre tract, a distance of 197.43 feet to a point for corner from which a bent 5/8-inch found iron rod for witness bears North 38 degrees 35 minutes 38 seconds West, a distance of 0.36 of a foot;

THENCE North 16 degrees 21 minutes 45 seconds East, continuing with the easterly line of said 3.495 acre tract and the northwest line of said 0.176 acre tract, a distance of 10.18 feet to the north corner of said 0.176 acre tract on the southwest line of a called 6.695 acre tract described as Tract 2-A in Warranty Deed to the City of Dallas, as recorded in Instrument Number 200900209000, O.P.R.D.C.T.;

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THENCE South 58 degrees 43 minutes 37 seconds East, departing the easterly line of said 3.495 acre tract, with the northeast line of said 0.176 acre tract and with the southwest line of said 6.695 acre tract, a distance of 34.92 feet to the east corner of said 0.176 acre tract and the south corner of said 6.695 acre tract on the northwesterly right-of-way line of said Cedar Crest Boulevard;

THENCE South 28 degrees 56 minutes 41 seconds West, with the southeast line of said 0.176 acre tract and with the northwesterly right-of-way line of said Cedar Crest Boulevard, a distance of 219.52 feet to the south corner of said 0.176 acre tract;

THENCE North 51 degrees 28 minutes 14 seconds West, continuing with the northwesterly right-of-way line of said Cedar Crest Boulevard and with the southwest line of said 0.176 acre tract, a distance of 32.69 feet to the POINT OF BEGINNING AND CONTAINING 7,234 square feet or 0.1661 of an acre of land, more or less.

**PART 2**

BEING a 426,561 Square Foot (9.793 Acre) tract of land situated in the William John Elliott Survey, Abstract Number 448, City of Dallas, Dallas County, Texas, Official City of Dallas Block Numbers 7719 and 7720, and being all of a called 2.069 acre tract of land described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 70158, Page 0096 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), all of a called 2.423 acre tract of land described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 70070, Page 0463, D.R.D.C.T., part of a tract of land described in deed to Burlington Northern Santa Fe Railway (formerly known as Missouri Kansas and Texas Railway Company, a 100-foot wide right-of-way), as recorded in Volume 156, Page 153, D.R.D.C.T., and being more particularly described as follows:

COMMENCING at the intersection of the north right-of-way line of Eleventh Street (formerly known as Bosley Avenue, a variable width right-of-way) with the northwesterly right-of-way line of Cedar Crest Boulevard (a variable width right-of-way) for the southeast corner of the remainder of a called 32.9185 acre tract of land described in Warranty Deed to William Joseph Ondrusek, as recorded in Volume 3655, Page 72, D.R.D.C.T., from which a found monument stamped "RPLS 2198" for witness bears North 32 degrees 53 minutes 01 second West, a distance of 9.17 feet;

THENCE North 17 degrees 39 minutes 51 seconds East, with the northwesterly right-of-way line of said Cedar Crest Boulevard and with the easterly line of said 32.9185 acre tract, a distance of 590.64 feet to a 5/8-inch found iron rod with cap marked "CITY OF DALLAS" for the southwest corner of a called 3.495 acre tract of land described in Deed Without Warranty to the City of Dallas, as recorded in Instrument Number 201200204158 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.);

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THENCE South 51 degrees 28 minutes 14 seconds East, departing the easterly line of said 32.9185 acre tract, continuing with the northwesterly right-of-way line of said Cedar Crest Boulevard and with the south line of said 3.495 acre tract, passing at a distance of 59.08 feet a 5/8-inch found iron rod with cap marked "CITY OF DALLAS" for the southeast corner of said 3.495 acre tract and the west corner of a called 0.176 acre tract described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 70162, Page 1538, D.R.D.C.T., and continuing with the northwesterly right-of-way line of said Cedar Crest Boulevard and with the southwest line of said 0.176 acre tract, in all, a total distance of 91.77 feet to the south corner of said 0.176 acre tract;

THENCE South 49 degrees 54 minutes 04 seconds East, departing the northwesterly right-of-way line of said Cedar Crest Boulevard, over and across said Cedar Crest Boulevard, a distance of 101.93 feet to a 5/8-inch found iron rod with aluminum cap stamped "LCI" for a west corner of a called 6.414 acre tract of land described as Tract 1-C in Judgment in the Absence of Objections to the City of Dallas, as recorded in Cause No. CC-09-05825-E in County Court at Law No. 5 of Dallas County, Texas, Instrument Number 201000031431, O.P.R.D.C.T. on the southeasterly right-of-way line of said Cedar Crest Boulevard;

THENCE North 28 degrees 56 minutes 41 seconds East, with the southeasterly right-of-way line of said Cedar Crest Boulevard and with the northwest line of said 6.414 acre tract, a distance of 135.08 feet to the POINT OF BEGINNING, said point being the north corner of said 6.414 acre tract and the west corner of said 2.069 acre tract;

THENCE North 28 degrees 56 minutes 41 seconds East, continuing with the southeasterly right-of-way line of said Cedar Crest Boulevard and with the northwest line of said 2.069 acre tract, a distance of 100.08 feet to the north corner of said 2.069 acre tract and the west corner of a called 23.35 acre tract of land described as Tract 1-D in Judgment in the Absence of Objections to the City of Dallas, as recorded in Cause No. CC-09-05825-E in County Court at Law No. 5 of Dallas County, Texas, Instrument Number 201000031431, O.P.R.D.C.T.;

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THENCE South 58 degrees 43 minutes 37 seconds East, departing the southeasterly right-of-way line of said Cedar Crest Boulevard, with the northeast line of said 2.069 acre tract and with the southwest line of said 23.35 acre tract, passing at a distance of 712.92 feet the south corner of said 23.35 acre tract, the east corner of said 2.069 acre tract, the north corner of said 2.423 acre tract, and the west corner of called 17.33 acre tract of land described as Tract 1-E in Judgment in the Absence of Objections to the City of Dallas, as recorded in Cause No. CC-09-05825-E in County Court at Law No. 5 of Dallas County, Texas, Instrument Number 201000031431, O.P.R.D.C.T., with the northeast line of said 2.423 acre tract and with the southwest line of said 17.33 acre tract, passing at a cumulative distance of 1,858.59 feet the south corner of said 17.33 acre tract and the west corner of a called 105,445 square foot tract of land described as Tract No. 2 in Warranty Deed to the City of Dallas, as recorded in Volume 88197, Page 2250, D.R.D.C.T., and continuing with the northeast line of said 2.423 acre tract and with the southwest line of said 105,445 square foot tract, in all, a total distance of 1,940.13 feet to the east corner of said 2.243 acre tract and the south corner of said 105,445 square foot tract on the northwesterly right-of-way line of said Burlington Northern Santa Fe Railway;

THENCE North 20 degrees 10 minutes 34 seconds East, with the northwesterly right-of-way line of said Burlington Northern Santa Fe Railway and with the southeast line of said 105,445 square foot tract, passing at a distance of 1,349.66 feet the northeast corner of said 105,445 square foot tract and the southeast corner of a called 21.54 acre tract of land described as Tract 2 in Warranty Deed to the City of Dallas, as recorded in Instrument Number 200900209000, O.P.R.D.C.T., and continuing with the northwesterly right-of-way line of said Burlington Northern Santa Fe Railway and with the east line of said 21.54 acre tract, in all, a total distance of 1,722.01 feet to the intersection of the northwesterly right-of-way line of said Burlington Northern Santa Fe Railway with the southwest gradient boundary line of the Trinity River for the northeast corner of said 21.54 acre tract;

THENCE South 87 degrees 46 minutes 29 seconds East, over and across said Burlington Northern Santa Fe Railway, with the southwest gradient boundary line of said Trinity River, a distance of 105.12 feet to the intersection of the southeasterly right-of-way line of said Burlington Northern Santa Fe Railway with the southwest gradient boundary line of said Trinity River for the north corner of a called 47.846 acre tract of land described in Agreed Judgment to the City of Dallas, as recorded in Cause No. CC-09-09703-A in County Court at Law No. 1 Dallas County, Texas, Instrument Number 201200073935, O.P.R.D.C.T.;

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From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

THENCE South 20 degrees 10 minutes 34 seconds West, departing the southwest gradient boundary line of said Trinity River, with the southeasterly right-of-way line of said Burlington Northern Santa Fe Railway and with the northwest line of said 47.846 acre tract, passing at a distance of 1,950.17 feet the west corner of said 47.846 acre tract on the northwest line of the remainder of a called 52.8953 acre tract of land described as Tract I in Trustee's Deed to Mainland Land & Equipment Co., as recorded in Volume 95179, Page 03823, D.R.D.C.T., and continuing with the southeasterly right-of-way line of said Burlington Northern Santa Fe Railway and with the northwest line of said 52.8953 acre tract, in all, a total distance of 2,329.36 feet to a point for corner;

THENCE North 69 degrees 49 minutes 26 seconds West, departing the southeasterly right-of-way line of said Burlington Northern Santa Fe Railway and the northwest line of said 52.8953 acre tract, over and across said Burlington Northern Santa Fe Railway, a distance of 100.00 feet to a point for corner on the northwesterly right-of-way line of said Burlington Northern Santa Fe Railway and the easterly right-of-way line of Sargent Road/County Road No. 284 (a 40-foot wide right-of-way);

THENCE North 20 degrees 10 minutes 34 seconds East, with the northwesterly right-of-way line of said Burlington Northern Santa Fe Railway and with the easterly right-of-way line of said Sargent Road/County Road No. 284, passing at a distance of 18.80 feet a 1/2-inch found iron rod for the south corner of a called 0.4485 acre tract of land described as Tract 1-B in Judgment in the Absence of Objections to the City of Dallas, as recorded in Cause No. CC-09-05825-E in County Court at Law No. 5 of Dallas County, Texas, Instrument Number 201000031431, O.P.R.D.C.T., departing the easterly right-of-way line of said Sargent Road/County Road No. 284, and continuing with the northwesterly right-of-way line of said Burlington Northern Santa Fe Railway and with the southeast line of said 0.4485 acre tract, passing at a cumulative distance of 430.22 feet the northeast corner of said 0.4485 acre tract and the southeast corner of a called 15,841 square foot tract of land described as Tract No. 1 in Warranty Deed to the City of Dallas, as recorded in Volume 88197, Page 2250, D.R.D.C.T., and continuing with the northwesterly right-of-way line of said Burlington Northern Santa Fe Railway and with the southeast line of said 15,841 square foot tract, in all, a total distance of 473.05 feet to the south corner of said 2.423 acre tract and the northeast corner of said 15,841 square foot tract;



**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)  
Dallas Floodway Extension-Phase I MSD-UCOW**

GIS Approved

**To Be Acquired in  
City Blocks 4651, 4652, 7718, 7719, 7720, 7721, A7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

THENCE North 58 degrees 43 minutes 37 seconds West, departing the northwesterly right-of-way line of said Burlington Northern Santa Fe Railway, with the southwest line of said 2.423 acre tract and with the northeast line of said 15,841 square foot tract, passing at a distance of 81.53 feet the northwest corner of said 15,841 square foot tract and the east corner of a called 2.927 acre tract of land described as Tract 1-A in Judgment in the Absence of Objections to the City of Dallas, as recorded in Cause No. CC-09-05825-E in County Court at Law No. 5 of Dallas County, Texas, Instrument Number 201000031431, O.P.R.D.C.T., , and continuing with the southwest line of said 2.423 acre tract and with the northeast line of said 2.927 acre tract, in all, a total distance of 731.98 feet to the northwest corner of said 2.927 acre tract and the north corner of a called 4.048 acre tract of land described in Special Warranty Deed to Dallas City Packing Company, as recorded in Volume 97250, Page 03374, D.R.D.C.T.;

THENCE South 49 degrees 37 minutes 12 seconds West, continuing with the southwest line of said 2.423 acre tract and with the northwest line of said 4.048 acre tract, a distance of 13.50 feet to the east corner of said 6.414 acre tract;

THENCE North 47 degrees 51 minutes 37 seconds West, departing the northwest line of said 4.048 acre tract, and continuing with the southwest line of said 2.423 acre tract and with the northeast line of said 6.414 acre tract, a distance of 67.99 feet to the southeast corner of said 2.069 acre tract;

THENCE North 58 degrees 43 minutes 37 seconds West, departing the southwest line of said 2.423 acre tract, and continuing with the northeast line of said 6.414 acre tract and with the southwest line of said 2.069 acre tract, a distance of 1,152.68 feet to the POINT OF BEGINNING AND CONTAINING 426,561 square feet or 9.793 acres of land, more or less.

**PART 3**

BEING a 1,378,906 Square Foot (31.66 Acre) tract of land situated in the Lorenzo Van Cleve Survey, Abstract Number 1514 and the Robert Sloan Survey, Abstract Number 1449, City of Dallas, Dallas County, Texas, Official City of Dallas Block Numbers 7722, 7723, and 7724, and being all of a tract of land described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 1662, Page 98 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), all of a called 5.1463 acre tract of land described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 1659, Page 238, D.R.D.C.T., part of Interstate Highway 45 (a variable width right-of-way), all of a called 18.934 acre tract of land and all of called 4.204 acre tract of land described in Judgment to the State of Texas, as recorded in Cause No. 70-5152-D in the County Court of Dallas County at Law No. 4, Dallas County, Texas, Volume 78085, Page 1724, D.R.D.C.T., and being more particularly described as follows:

**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)  
Dallas Floodway Extension-Phase I MSD-UCOW  
To Be Acquired in**

GIS Approved

**City Blocks 4651, 4652, 7718, 7719, 7720, 7721, A/7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

COMMENCING at the intersection of the southwest right-of-way line of Sargent Road/County Road No. 284 (a variable width right-of-way) with the southeast right-of-way line of Southerland Avenue/County Road No. 297 (a 45-foot wide right-of-way) for the north corner of the remainder of a called 28.7589 acre tract of land described in Special Warranty Deed to Oncor Electric Delivery Company, as recorded in Volume 2003134, Page 08114, D.R.D.C.T.;

THENCE South 31 degrees 07 minutes 09 seconds East, with the southwest right-of-way line of said Sargent Road/County Road No. 284 and with the northeast line of said 28.7589 acre tract, passing at a distance of 1,700.63 feet a found 3-inch aluminum disk on a 1/2-inch iron rod stamped "ONCOR / COFFEE ADDITION BLOCK A/7725 RPLS 5230" for the north corner of Lot 1, Block A/7725 of ONCOR / COFFEE ADDITION, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 2004198, Page 00163 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and continuing with the southwest right-of-way line of said Sargent Road/County Road No. 284 and with the northeast line of said Lot 1, Block A/7725, passing at a cumulative distance of 2,699.63 feet a found 3-inch aluminum disk on a 1/2-inch iron rod stamped "ONCOR / COFFEE ADDITION BLOCK A/7725 RPLS 5230" for the east corner of said Lot 1, Block A/7725 and the north corner of a tract of land described in Warranty Deed to Dallas Power & Light Company, as recorded in Volume 1674, Page 195, D.R.D.C.T., continuing with the southwest right-of-way line of said Sargent Road/County Road No. 284 and with the northeast line of said Dallas Power & Light Company tract, as recorded in Volume 1674, Page 195, in all, a total distance of 2,707.59 feet to a point for corner;

THENCE North 58 degrees 52 minutes 51 seconds East, departing the southwest right-of-way line of said Sargent Road/County Road No. 284 and the northeast line of said Dallas Power & Light Company tract, as recorded in Volume 1674, Page 195, over and across said Sargent Road/County Road No. 284, a distance of 40.00 feet to the POINT OF BEGINNING, said point being the west corner of said Dallas Power & Light Company tract, as recorded in Volume 1662, Page 98 and the south corner of a called 17.03 acre tract of land described as Tract II in Warranty Deed to the City of Dallas, as recorded in Volume 74188, Page 1607, D.R.D.C.T. on the northeast right-of-way line of said Sargent Road/County Road No. 284;

THENCE North 66 degrees 53 minutes 02 seconds East, departing the northeast right-of-way line of said Sargent Road/County Road No. 284, with the northwest line of said Dallas Power & Light Company tract, as recorded in Volume 1662, Page 98 and with the southeast line of said 17.03 acre tract, passing at a distance of 1,813.62 feet the north corner of said Dallas Power & Light Company tract, as recorded in Volume 1662, Page 98, the east corner of said 17.03 acre tract, and the west corner of said 5.1463 acre tract, with the northwest line of said 5.1463 acre tract, in all, a total distance of 2,599.69 feet to the southwest corner of said 18.934 acre tract on the southwest right-of-way line of said Interstate Highway 45;

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To Be Acquired in**

GIS Approved

**City Blocks 4651, 4652, 7718, 7719, 7720, 7721, A/7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

THENCE North 15 degrees 20 minutes 06 seconds West, departing the northwest line of said 5.1463 acre tract, with the southwest right-of-way line of said Interstate Highway 45 and with the northwest line of said 18.934 acre tract, a distance of 3,437.25 feet to the intersection of the southwest right-of-way line of said Interstate Highway 45 with the southwest gradient boundary line of the Trinity River for the northwest corner of said 18.934 acre tract;

THENCE South 41 degrees 33 minutes 22 seconds East, over and across said Interstate Highway 45, with the southwest gradient boundary line of said Trinity River (as shown on survey prepared on March 12, 1964 for the Sargent Switch Sewage Disposal Plant) and with the northeast line of said 18.934 acre tract, a distance of 480.58 feet to a point for corner;

THENCE South 38 degrees 33 minutes 22 seconds East, continuing over and across said Interstate Highway 45, with the southwest gradient boundary line of said Trinity River and with the northeast line of said 18.934 acre tract, a distance of 95.51 feet to the intersection of the northeast right-of-way line of said Interstate Highway 45 with the southwest gradient boundary line of said Trinity River for the northeast corner of said 18.934 acre tract;

THENCE South 15 degrees 20 minutes 06 seconds East, departing the southwest gradient boundary line of said Trinity River, with the northeast right-of-way line of said Interstate Highway 45 and with the northeast line of said 18.934 acre tract, a distance of 2,884.19 feet to the southeast corner of said 18.934 acre tract on the northwest line of said 5.1463 acre tract;

THENCE North 66 degrees 53 minutes 02 seconds East, departing the northeast right-of-way line of said Interstate Highway 45, with the northwest line of said 5.1463 acre tract, a distance of 1,197.00 feet to the north corner of said 5.1463 acre tract on the southwest gradient boundary line of said Trinity River;

THENCE South 25 degrees 48 minutes 22 seconds East, with the southwest gradient boundary line of said Trinity River (as shown on survey prepared on March 12, 1964 for the Sargent Switch Sewage Disposal Plant) and with the east line of said 5.1463 acre tract, a distance of 100.11 feet to the east corner of said 5.1463 acre tract;

THENCE South 66 degrees 53 minutes 02 seconds West, departing the southwest gradient boundary line of said Trinity River, with the southeast line of said 5.1463 acre tract, a distance of 1,215.37 feet to the northeast corner of said 4.204 acre tract on the northeast right-of-way line of said Interstate Highway 45;

**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)  
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GIS Approved

THENCE South 15 degrees 20 minutes 06 seconds East, departing the southeast line of said 5.1463 acre tract, with the northeast line of said 4.204 acre tract and with the northeast right-of-way line of said Interstate Highway 45, a distance of 369.43 feet to the intersection of the northeast right-of-way line of said Interstate Highway 45 with the southwest gradient boundary line of said Trinity River on the northeast line of said 4.204 acre tract;

THENCE Southeasterly, with the southwest gradient boundary line of said Trinity River (as described in said Judgment to the State of Texas, as recorded in Cause No. 70-5152-D in the County Court of Dallas County at Law No. 4, Dallas County, Texas, Volume 78085, Page 1724, D.R.D.C.T.), with the northeast right-of-way line of said Interstate Highway 45, and with the northeast line of said 4.204 acre tract the following courses and distances:

THENCE South 15 degrees 20 minutes 06 seconds East, a distance of 116.46 feet to a point for corner;

THENCE South 07 degrees 51 minutes 12 seconds West, a distance of 49.48 feet to a point for corner;

THENCE South 38 degrees 37 minutes 48 seconds East, a distance of 167.50 feet to the southeast corner of said 4.204 acre tract and the northeast corner of a called 3.367 acre tract of land described as Part 2 in Judgment of Court in Absence of Objection to the State of Texas, as recorded in Cause No. CC-68-3019-C in the County Court of Dallas County at Law No. 3 of Dallas County, Texas, Volume 68168, Page 0038, D.R.D.C.T.;

THENCE South 58 degrees 30 minutes 13 seconds West, departing the southwest gradient boundary line of said Trinity River and the northeast right-of-way line of said Interstate Highway 45, over and across said Interstate Highway 45, with the south line of said 4.204 acre tract and with the north line of said 3.367 acre tract, a distance of 326.96 feet to the southwest corner of said 4.204 acre tract and the northwest corner of said 3.367 acre tract on the southwest right-of-way line of said Interstate Highway 45;

THENCE North 10 degrees 18 minutes 37 seconds West, with the southwest right-of-way line of said Interstate Highway 45 and with the southwest line of said 4.204 acre tract, a distance of 197.36 feet to a point for corner;

THENCE North 15 degrees 20 minutes 06 seconds West, continuing with the southwest right-of-way line of said Interstate Highway 45 and the southwest line of said 4.204 acre tract, a distance of 545.46 feet to the northwest corner of said 4.204 acre tract on the southeast line of said 5.1463 acre tract;

**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)**

**Dallas Floodway Extension-Phase I MSD-UCOW**

GIS Approved

**To Be Acquired in**

**City Blocks 4651, 4652, 7718, 7719, 7720, 7721, A7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

THENCE South 66 degrees 53 minutes 02 seconds West, departing the southwest right-of-way line of said Interstate Highway 45, with the southwest line of said 5.1463 acre tract, passing at a distance 759.61 feet the south corner of said 5.1463 acre tract, the east corner of said Dallas Power & Light Company tract, as recorded in Volume 1662, Page 98, and north corner of a called 38.32 acre tract of land described as Tract I in Warranty Deed to the City of Dallas, as recorded in Volume 74188, Page 1607, D.R.D.C.T., with the northwest line of said 38.32 acre tract and with the southeast line of said Dallas Power & Light Company tract, as recorded in Volume 1662, Page 98, in all, a total distance of 2,571.95 feet to the west corner of said 38.32 acre tract and the south corner of said Dallas Power & Light Company tract, as recorded in Volume 1662, Page 98 on the northeast right-of-way line of said Sargent Road/County Road No. 284;

THENCE North 31 degrees 07 minutes 44 seconds West, with the northeast right-of-way line of said Sargent Road/County Road No. 284 and with the southwest line of said Dallas Power & Light Company tract, as recorded in Volume 1662, Page 98, a distance of 100.99 feet to the POINT OF BEGINNING AND CONTAINING 1,378,906 square feet or 31.66 acres of land, more or less.

**AREA SUMMARY TABLE**

Gross MSD Boundary	=	775.3 acres (33,770,636 square feet)
Save and Except Part 1	=	0.1661 acres (7,234 square feet)
Save and Except Part 2	=	9.793 acres (426,561 square feet)
Save and Except Part 3	=	31.66 acres (1,378,906 square feet)
Net MSD Boundary	=	733.7 acres (31,957,935 square feet)

Exhibit A

**Field Notes Describing a 31,957,935 Square Foot (733.7 Acre)  
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From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.**

NOTES:

There was no deed of record found for the remainder of a called 5.74 acre tract of land, a called 1.14 acre tract of land, a called 2 acre tract of land, a called 2 acre tract of land, a called 2 acre tract of land, the remainder of a called 22.7 acre tract of land, a called 2.2 acre tract of land, the remainder of a called 42.906 acre tract of land, a called 20 acre tract of land, and a called 16 acre tract of land, all to the City of Dallas and totaling 10 tracts of land. The 10 tracts of land are shown on the City of Dallas Plat Books Blocks 7721, 7722, 7723, 7724, and 7725. It is apparent that the City of Dallas has record title to these tracts of land as shown on the survey prepared on March 12, 1964 for the Sargent Switch Sewage Disposal Plant.

There was no deed of record found for the called 1.667 acre tract of land to the Dallas Power & Light Company. The called acreage and dimensions as shown on the survey prepared on March 12, 1964 for the Sargent Switch Sewage Disposal Plant in conjunction with found monumentation were used to calculate the dimensions of this tract of land.

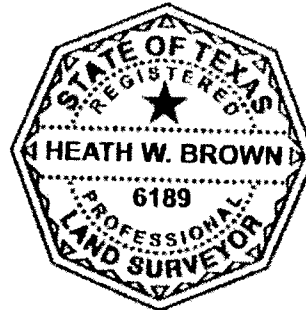
This property description is accompanied by a parcel plat of even date.

Bearings are referenced to the Texas Coordinate System of 1983, North Central Zone and tied to TxDOT GPS monuments R0570127, R0570130, R0570157, RE570834 and Trinity Lakes monuments GPS-01, GPS-10, GPS-53, GPS-66. Coordinates shown are grid values and may be converted to surface by multiplying by the Dallas County TxDOT scale factor of 1.000136506. Distances shown are reported in U.S. survey feet.

I, Heath W. Brown, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this document was prepared under 22 TAC § 663.21 does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Heath W. \_\_\_\_\_ 9-13-2013

Heath W. Brown  
Registered Professional Land Surveyor  
Texas No. 6189  
Halff Associates, Inc.,  
1201 North Bowser Rd.  
Richardson, Texas 75081  
(214) 346-6326  
TBPLS Firm #10029600

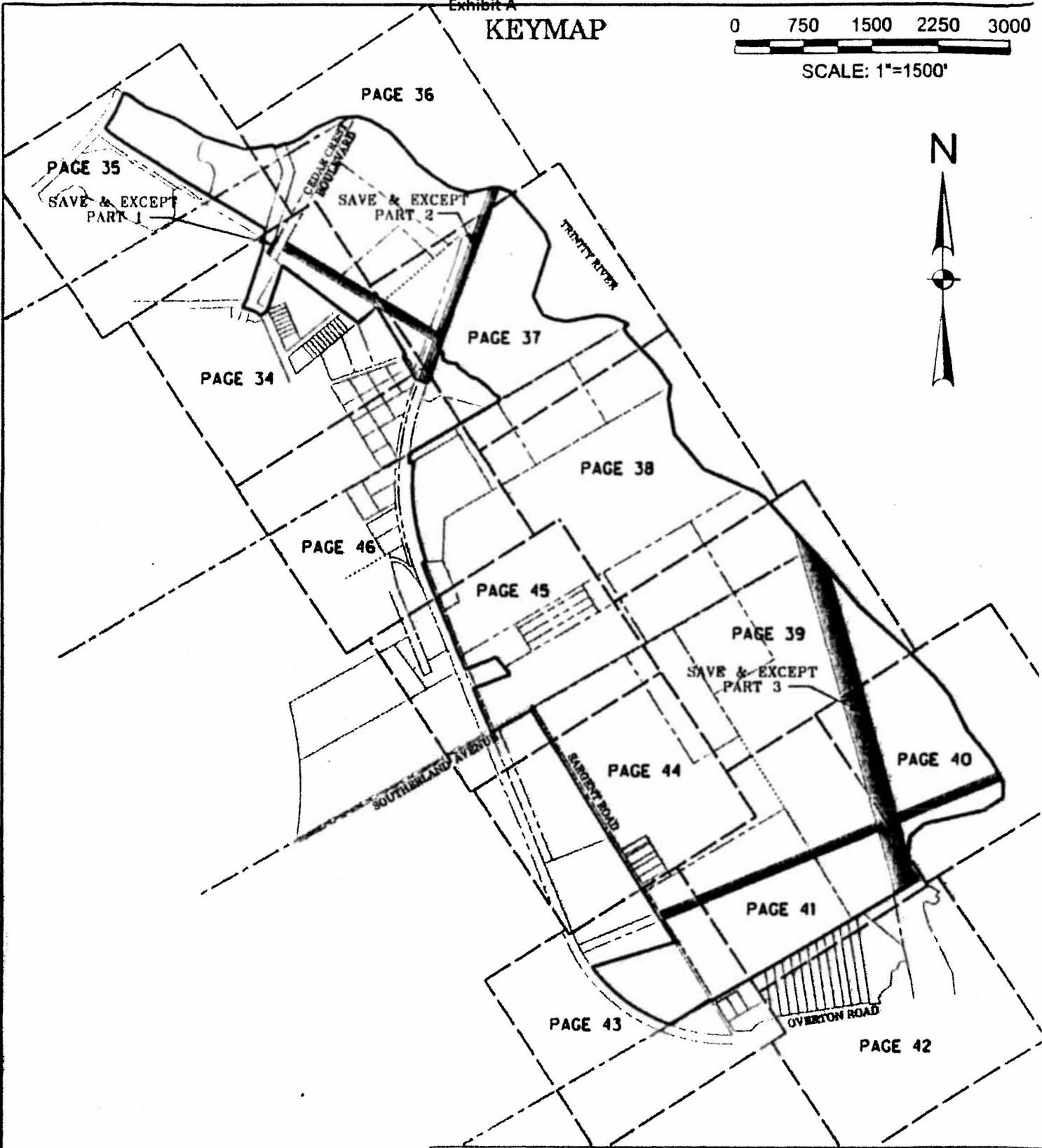


# KEYMAP

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


SCALE: 1"=1500'



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### LEGEND

-  PAGE OUTLINE & MATCHLINE
-  MSD BOUNDARY
-  SAVE & EXCEPT PARTS

Field Notes Describing a 31,957,935 Square Foot (733.7 Acres)  
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## HALFF

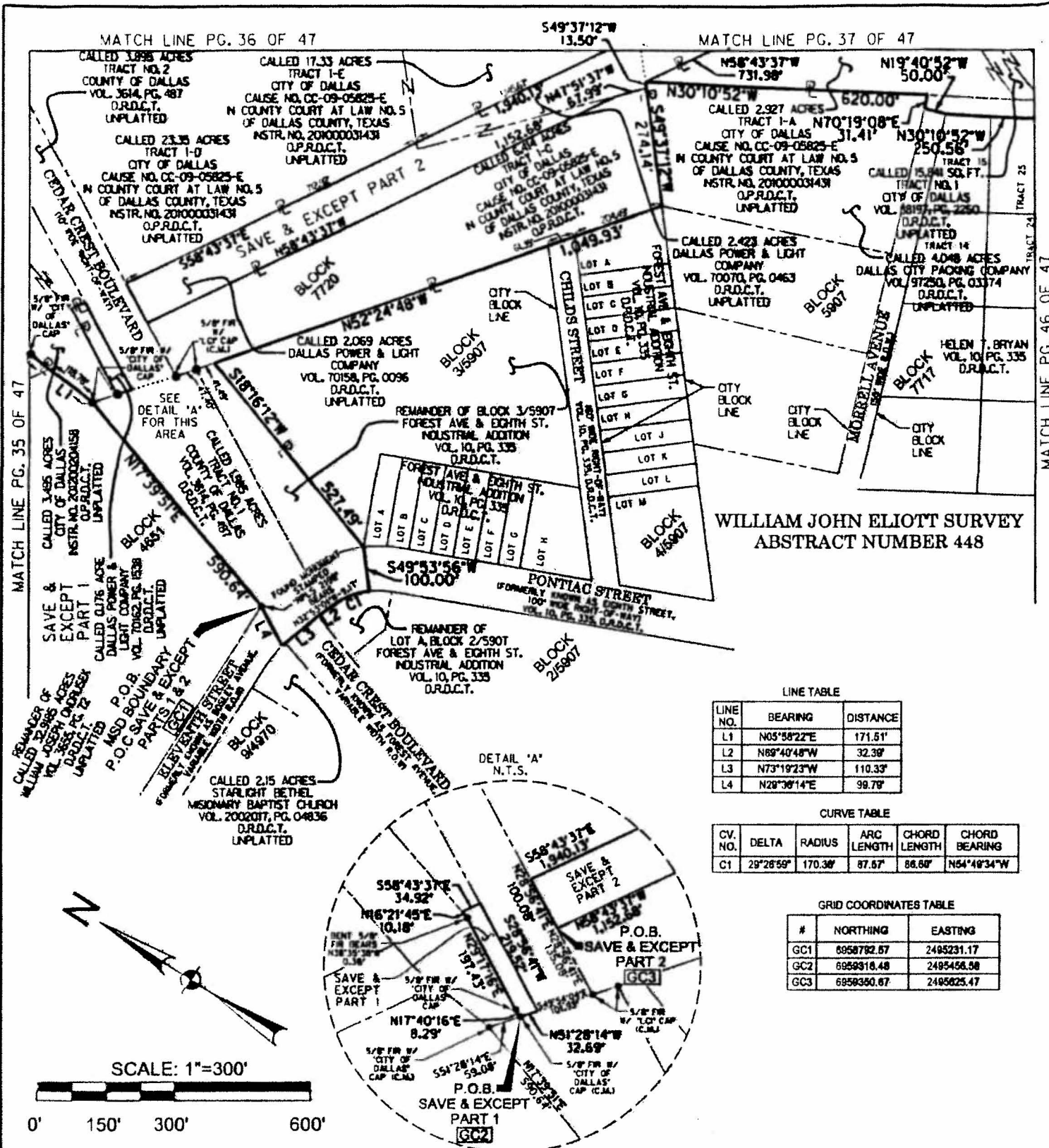
TBPLS FIRM #10029600  
 1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081  
 TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013

AVO.: 29600 BS01

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LINE TABLE

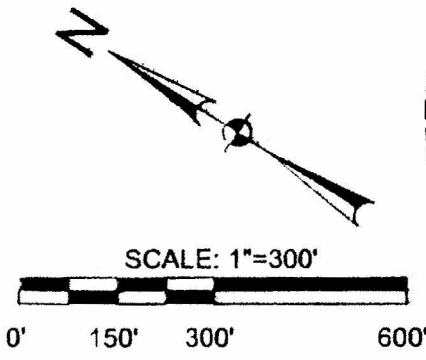
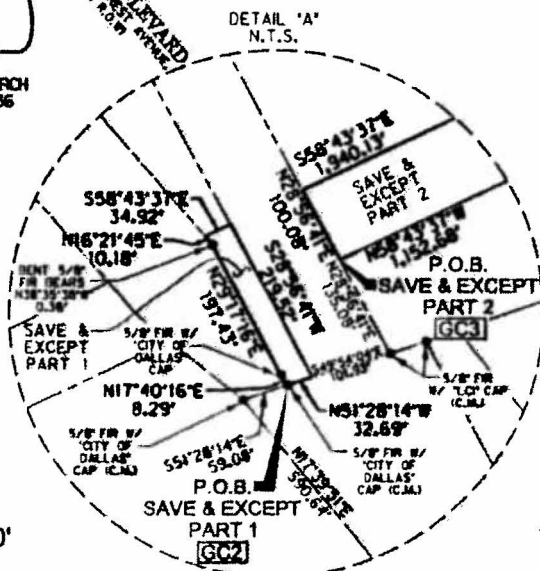
LINE NO.	BEARING	DISTANCE
L1	N65°58'22\"E	171.51'
L2	N89°40'48\"W	32.38'
L3	N73°19'23\"W	110.33'
L4	N29°38'14\"E	99.78'

CURVE TABLE

CV. NO.	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	29°28'59\"	170.38'	87.67'	86.88'	N54°49'34\"W

GRID COORDINATES TABLE

#	NORTHING	EASTING
GC1	6958792.57	2485231.17
GC2	6959316.48	2485456.98
GC3	6959350.67	2485625.47



LEGEND

- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. (C.M.) POINT OF COMMENCING CONTROLLING MONUMENT
- FND. A.D. FOUND 3-INCH ALUMINUM DISK ON A 1/2-INCH IRON ROD STAMPED "ONCOR / COFFEE ADDITION"

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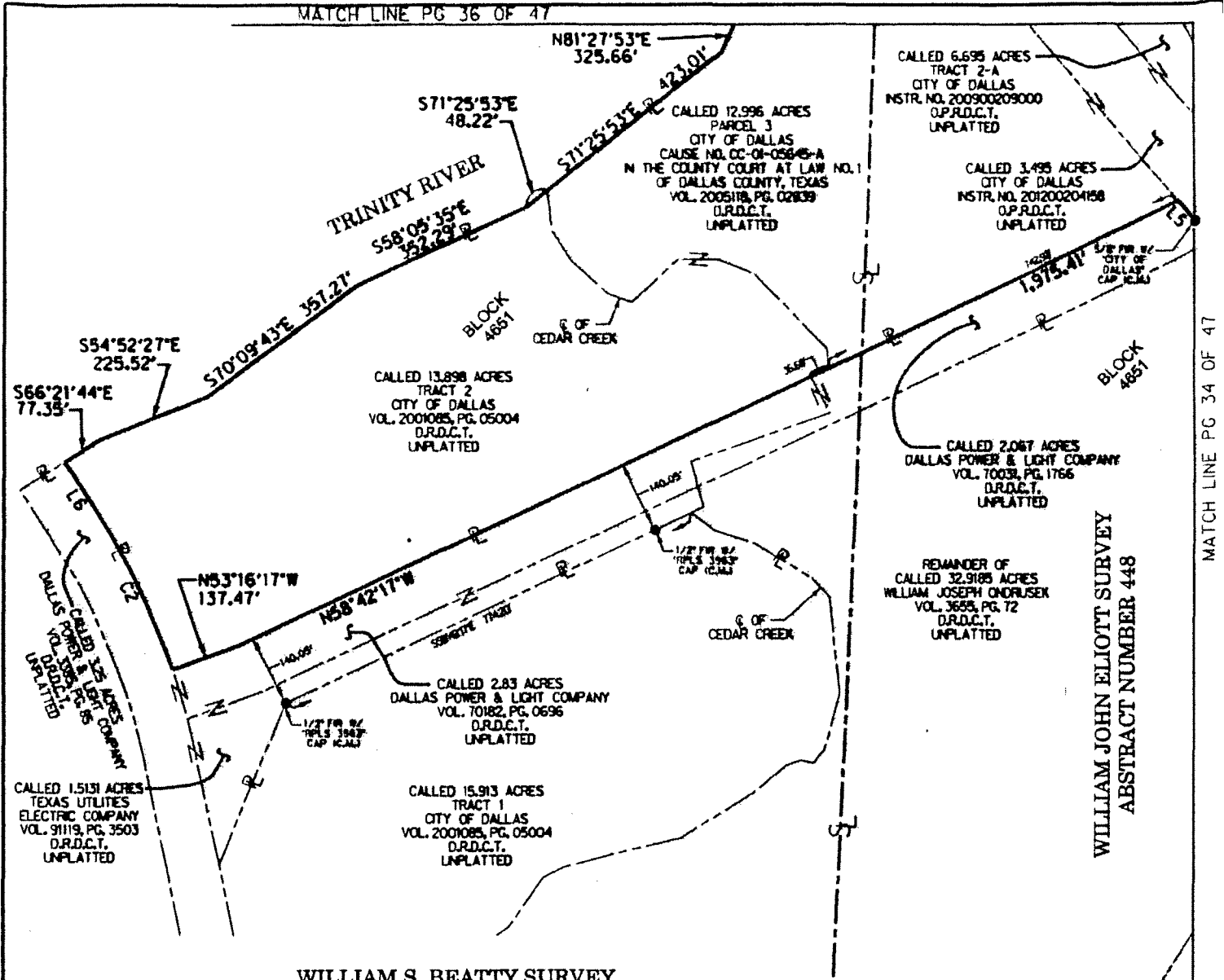
**HALFF**  
 TBPLS FIRM #10029600  
 1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081  
 TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013  
 AVO: 29600 B501  
 PAGE 34 OF 47

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MATCH LINE PG 36 OF 47



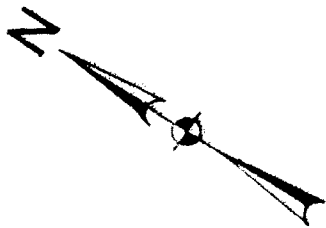
WILLIAM S. BEATTY SURVEY  
ABSTRACT NUMBER 57

LINE TABLE

LINE NO.	BEARING	DISTANCE
L6	N16°21'46"E	54.21'
L8	N24°28'52"E	108.74'

CURVE TABLE

CV. NO.	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C2	13°43'53"	1,448.24'	347.08'	348.23'	N31°20'49"E



SCALE: 1"=300'



LEGEND

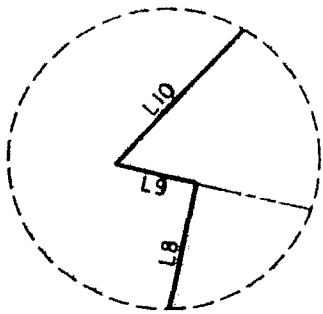
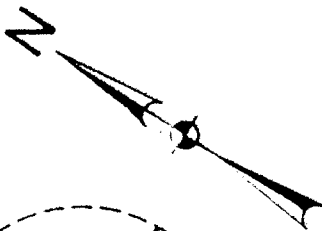
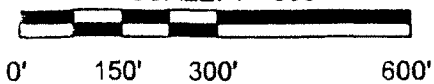
- FOUND MONUMENT (AS NOTED)
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- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
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AVO.: 29600 B501  
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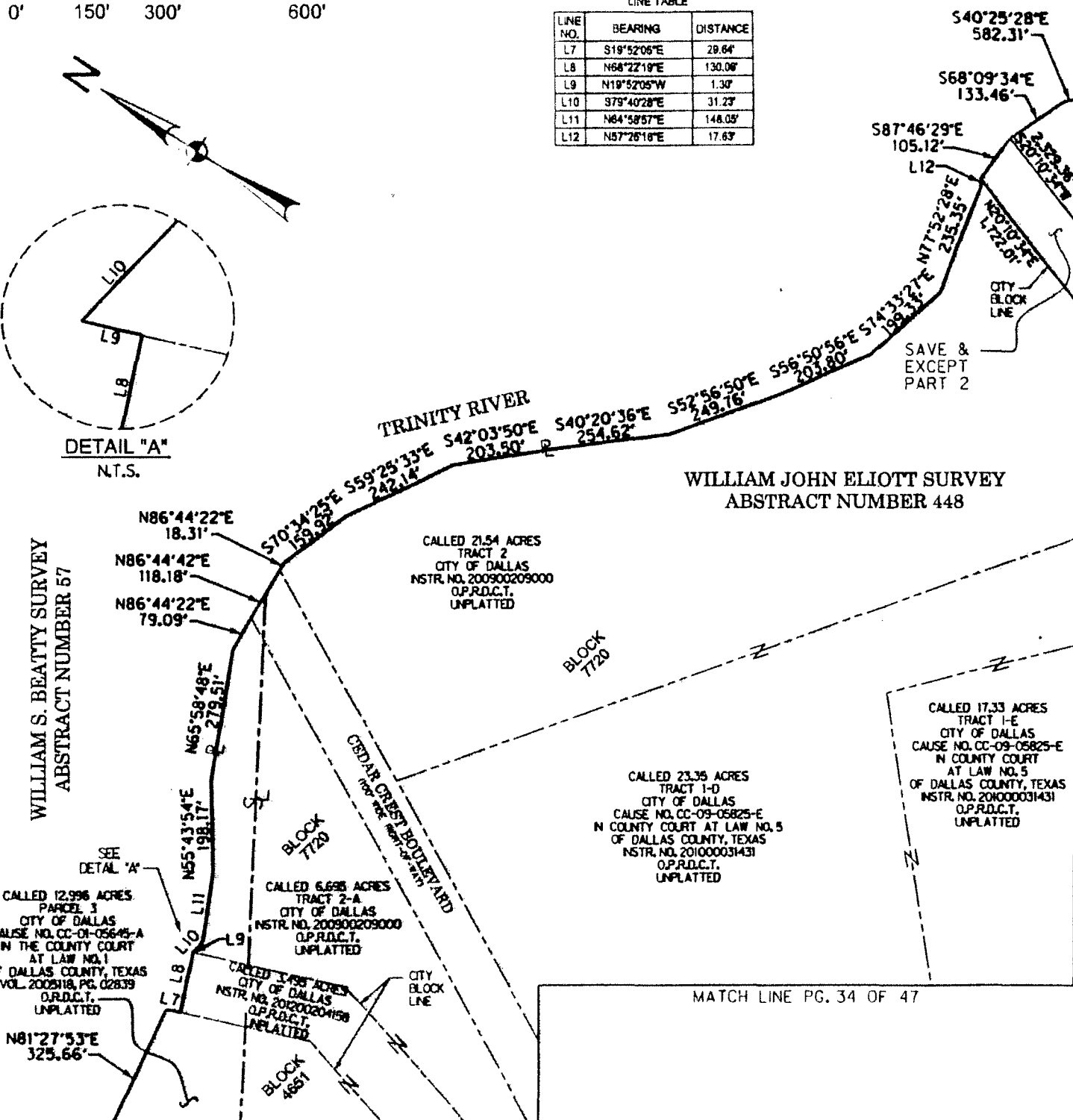
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DETAIL "A"  
N.T.S.

LINE TABLE

LINE NO.	BEARING	DISTANCE
L7	S19°52'08"E	29.64'
L8	N68°22'19"E	130.00'
L9	N19°52'05"W	1.30'
L10	S79°40'28"E	31.23'
L11	N64°58'57"E	146.05'
L12	N57°26'16"E	17.63'



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LEGEND

- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- (C.M.) CONTROLLING MONUMENT
- FND. A.D. FOUND 3-INCH ALUMINUM DISK ON A 1/2-INCH IRON ROD STAMPED \*ONCOR / COFFEE ADDITION

Field Notes Describing a 31,957,935 Square Foot (733.7 Acres)  
Dallas Floodway Extension-Phase I MSD-UCOW  
To Be Acquired In  
City Blocks 4651, 4652, 7718, 7719, 7720, 7721,  
A7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas,  
and Darling-Delaware Company, Inc.

**HALFF**  
TBPLS FIRM \*10029600  
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013  
AVO.: 29600 BS01  
PAGE 36 OF 47

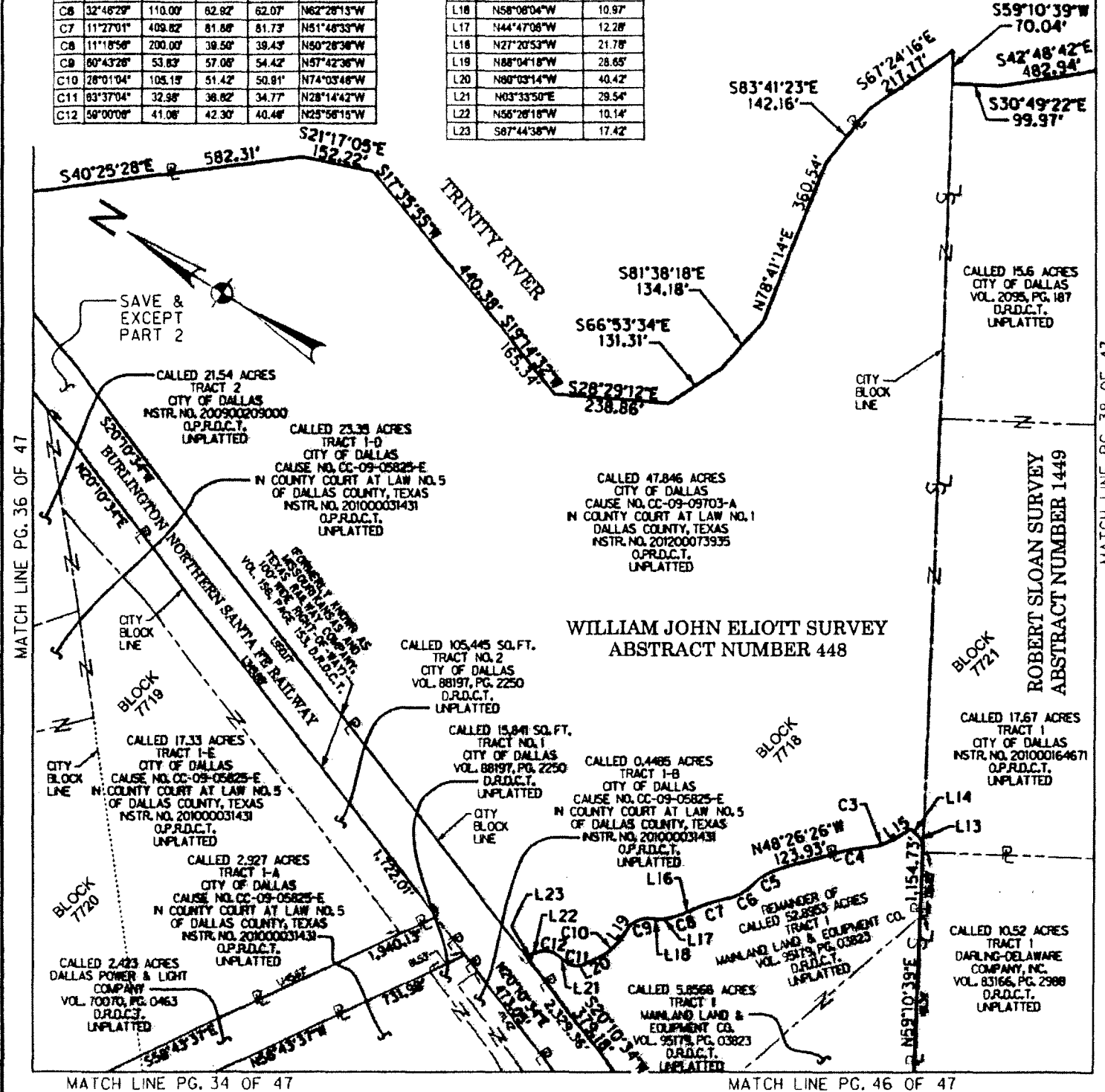
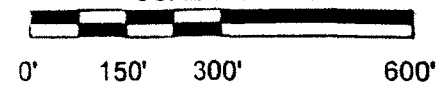
CURVE TABLE

CV. NO.	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C3	28°40'22"	110.00'	51.21'	50.79'	N51°16'58"W
C4	10°27'39"	400.00'	73.03'	72.83'	N43°12'38"W
C5	30°23'04"	128.00'	66.29'	65.51'	N63°37'58"W
C6	32°46'29"	110.00'	62.82'	62.07'	N62°28'13"W
C7	11°27'01"	409.82'	81.88'	81.73'	N51°46'33"W
C8	11°18'56"	200.00'	39.50'	39.43'	N50°28'38"W
C9	30°43'28"	53.83'	57.06'	54.42'	N57°42'38"W
C10	28°01'04"	105.15'	51.42'	50.81'	N74°03'48"W
C11	83°37'04"	32.98'	38.82'	34.77'	N28°14'42"W
C12	59°00'09"	41.08'	42.30'	40.48'	N25°56'15"W

LINE TABLE

LINE NO.	BEARING	DISTANCE
L13	N20°12'42"E	19.56'
L14	N10°44'52"E	19.20'
L15	N64°39'00"W	43.24'
L16	N58°08'04"W	10.97'
L17	N44°47'08"W	12.28'
L18	N27°20'53"W	21.78'
L19	N88°04'18"W	28.65'
L20	N80°03'14"W	40.42'
L21	N03°33'50"E	29.54'
L22	N58°28'18"W	10.14'
L23	S87°44'38"W	17.42'

SCALE: 1"=300'



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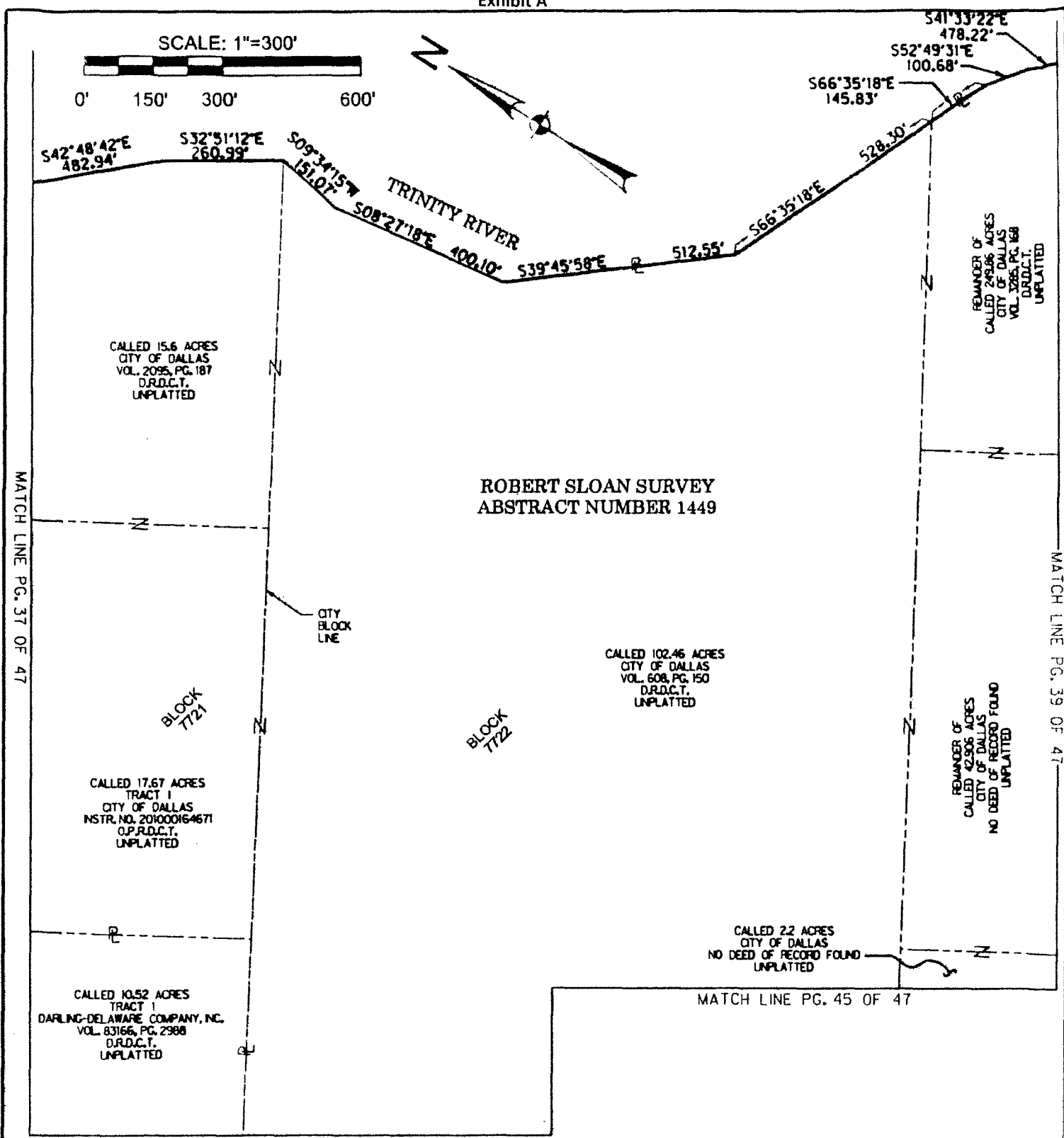
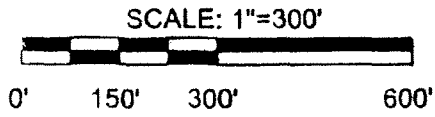
- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- (C.M.) CONTROLLING MONUMENT
- FND. A.D. FOUND 3-INCH ALUMINUM DISK ON A 1/2-INCH IRON ROD STAMPED "ONCOR / COFFEE ADDITION

Field Notes Describing a 31,957,935 Square Foot (733.7 Acres) Dallas Floodway Extension-Phase I MSD-UCOW To Be Acquired In City Blocks 4651, 4652, 7718, 7719, 7720, 7721, A7721, 7722, 7723, 7724, 7725 From the City of Dallas, County of Dallas, and Darling-Delaware Company, Inc.

**HALFF**  
 TBPLS FIRM #10029600  
 1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081  
 TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013  
 AVO.: 29600 BSOI  
 PAGE 37 OF 47

MATCH LINE PG. 38 OF 47



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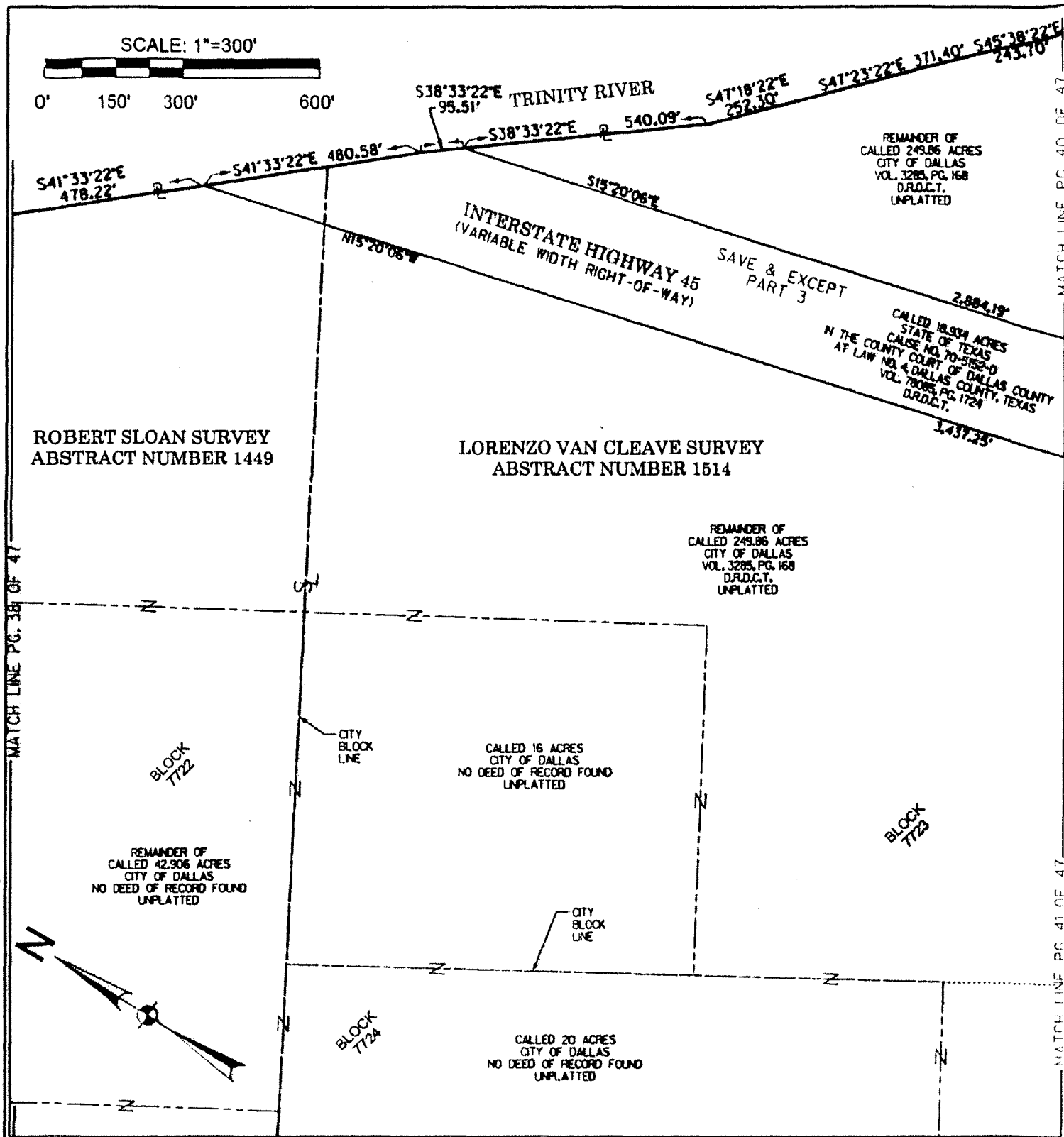
**LEGEND**

- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
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Field Notes Describing a 31,957,935 Square Foot (733.7 Acres)  
Dallas Floodway Extension-Phase I MSD-UCOW  
To Be Acquired In  
City Blocks 4851, 4652, 7718, 7719, 7720, 7721,  
A/7721, 7722, 7723, 7724, 7725  
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1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013  
AVO.: 29600 BS01  
PAGE 38 OF 47



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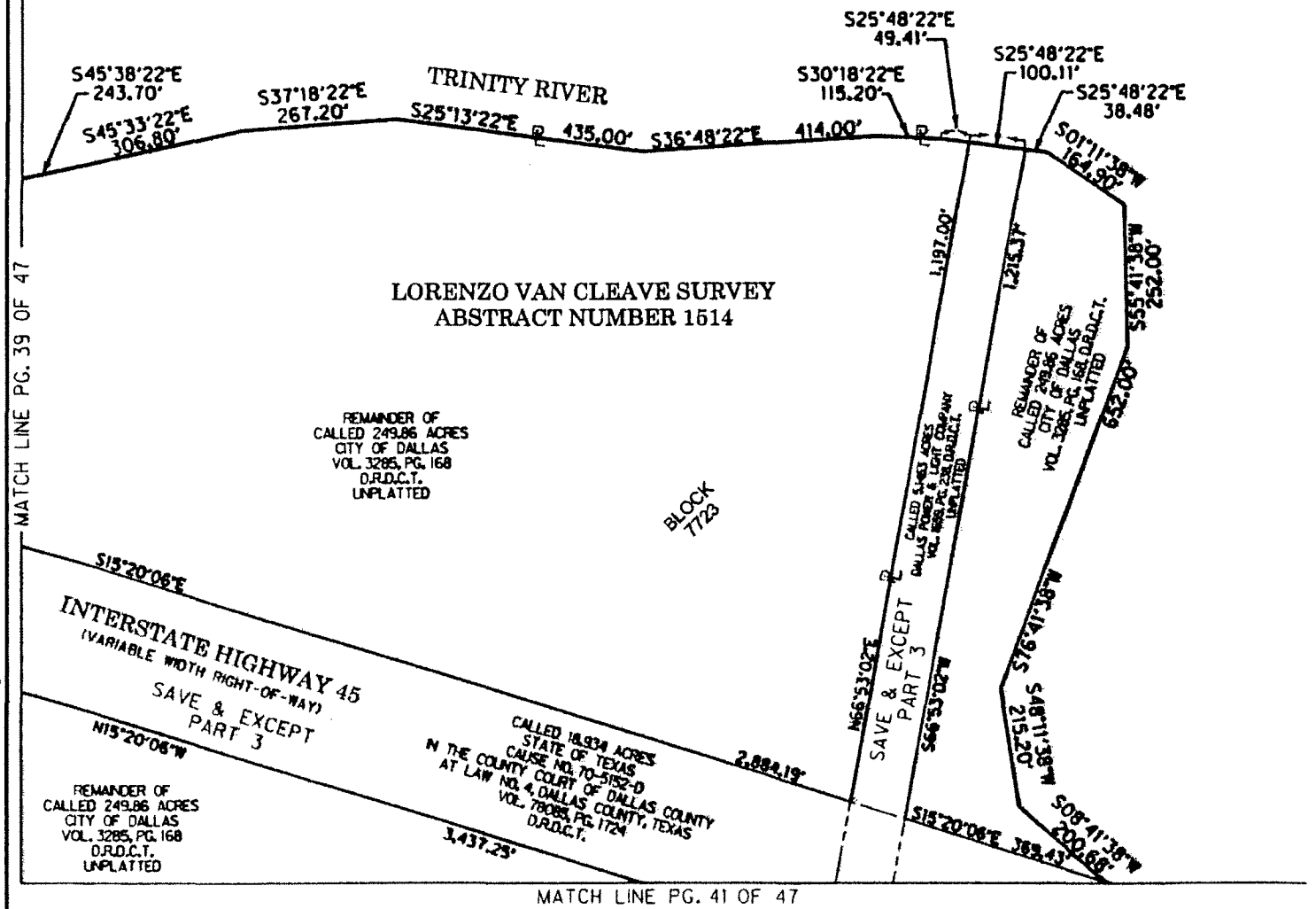
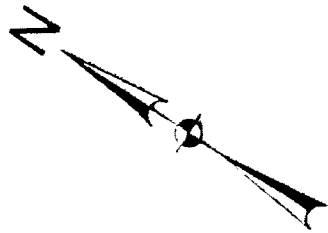
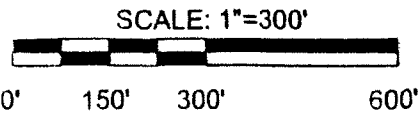
Field Notes Describing a 31,957,935 Square Foot (733.7 Acres)  
Dallas Floodway Extension-Phase I MSD-UCOW  
To Be Acquired In  
City Blocks 4651, 4652, 7718, 7719, 7720, 7721,  
A/7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas,  
and Darling-Delaware Company, Inc.

**LEGEND**

- FOUND MONUMENT (AS NOTED)
  - FIR FOUND IRON ROD (AS NOTED)
  - M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
  - D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
  - O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
  - P.O.B. POINT OF BEGINNING
  - P.O.C. (C.M.) POINT OF COMMENCING CONTROLLING MONUMENT
  - FND. A.D. FOUND 3-INCH ALUMINUM DISK ON A 1/2-INCH IRON ROD STAMPED "ONCOR / COFFEE ADDITION"
- No. OE00035 Tri BLOCK 7725 PLS 8/22/13 MSD - Page 39 of 48

**HALFF**  
TBPLS FIRM #10029600  
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013  
AVO.: 29600 BS01  
PAGE 39 OF 47



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MATCH LINE PG. 41 OF 47

**LEGEND**

- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- (C.M.) CONTROLLING MONUMENT
- FND. A.D. FOUND 3-INCH ALUMINUM DISK ON A 1/2-INCH IRON ROD STAMPED "ONCOR / COFFEE ADDITION BLOCK A/7725 RPL3 5230"

Field Notes Describing a 31,957,935 Square Foot (733.7 Acres)  
 Dallas Floodway Extension-Phase I MSD-UCOW  
 To Be Acquired In  
 City Blocks 4651, 4652, 7718, 7719, 7720, 7721,  
 A/7721, 7722, 7723, 7724, 7725  
 From the City of Dallas, County of Dallas,  
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 TBPLS FIRM \*10029600  
 1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
 TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013
AVO.: 29600 BS01
PAGE 40 OF 47

LORENZO VAN CLEAVE SURVEY  
ABSTRACT NUMBER 1514

MATCH LINE PG. 39 OF 47

BLOCK 7723

REMAINDER OF  
CALLED 249.86 ACRES  
CITY OF DALLAS  
VOL. 3285, PG. 168  
D.R.D.C.T.  
UNPLATTED

CITY  
BLOCK  
LINE

BLOCK 7724

MATCH LINE PG. 44 OF 47

CALLLED 17.03 ACRES  
TRACT II  
CITY OF DALLAS  
VOL. 74188, PG. 1607  
D.R.D.C.T.  
UNPLATTED

MATCH LINE PG. 44 OF 47

SAVE & EXCEPT  
PART 3

CALLLED 38.32 ACRES  
TRACT I  
CITY OF DALLAS  
VOL. 74188, PG. 1607  
D.R.D.C.T.  
UNPLATTED

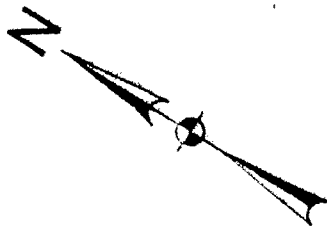
S58°48'17"W  
575.44'

S58°49'51"W  
432.69'

CITY  
BLOCK  
LINE

MATCH LINE PG. 43 OF 47

MATCH LINE PG. 42 OF 47



SCALE: 1"=300'



0' 150' 300' 600'

LEGEND

- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- (C.M.) CONTROLLING MONUMENT
- FND. A.D. FOUND 3-INCH ALUMINUM DISK ON A 1/2-INCH IRON ROD STAMPED "ONCOR / COFFEE ADDITION BLOCK A7725 RPL'S 5230"

Field Notes Describing a 31,957,935 Square Foot (733.7 Acres)  
Dallas Floodway Extension-Phase I MSD-UCOW  
To Be Acquired In  
City Blocks 4651, 4652, 7718, 7719, 7720, 7721,  
A/7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas,  
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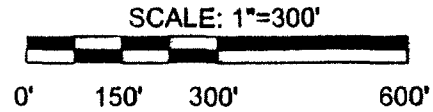
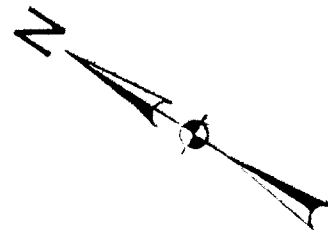
**HALFF**

TBPLS FIRM #10029600  
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013

AVO.: 29600 BS01

PAGE 41 OF 47

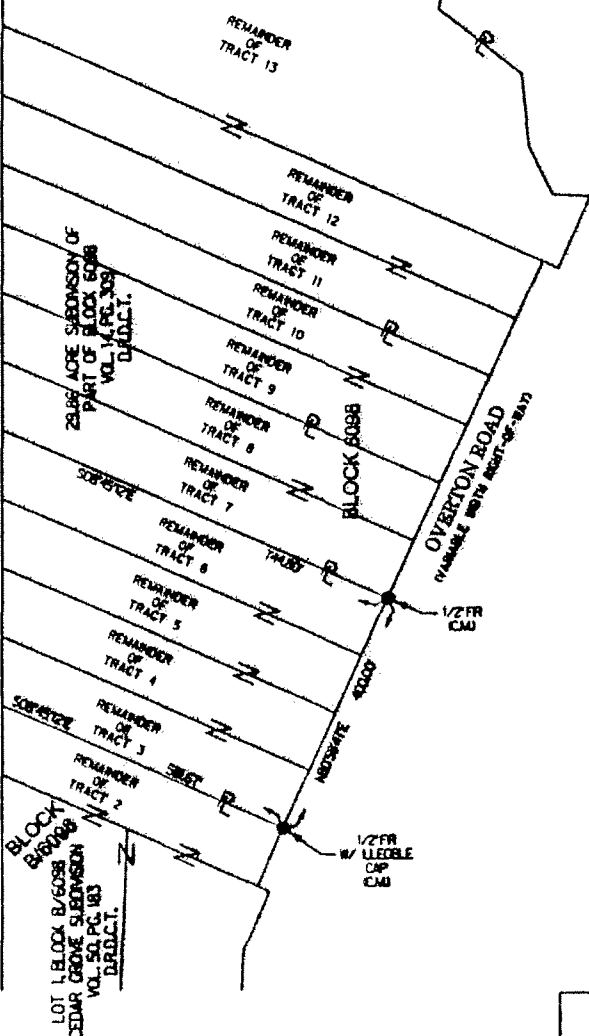


CALLED 3.367 ACRES  
PART 2  
THE STATE OF TEXAS  
CAUSE NO. CC-68-3019-C  
IN THE COUNTY COURT AT LAW NO. 3  
OF DALLAS COUNTY, TEXAS  
VOL. 68168, PG. 0038  
D.R.D.C.T.

REMAINDER OF  
CALLED 5.837 ACRES  
TRACT 1  
ED BELL CONSTRUCTION CO.  
VOL. 84072, PG. 4433  
D.R.D.C.T.  
UNPLATTED

MATCH LINE PG. 41 OF 47

DUGALD McFARLAND SURVEY  
ABSTRACT NUMBER 986



LEGEND

- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- (C.M.) CONTROLLING MONUMENT
- FND. A.D. FOUND 3-INCH ALUMINUM DISK ON A 1/2-INCH IRON ROD STAMPED "ONCOR / COFFEE ADDITION BLOCK A/7725 RPLS 5230"

Field Notes Describing a 31,957,935 Square Foot (733.7 Acres)  
Dallas Floodway Extension-Phase I MSD-UCOW  
To Be Acquired In  
City Blocks 4651, 4652, 7718, 7719, 7720, 7721,  
A/7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas,  
and Darling-Delaware Company, Inc.

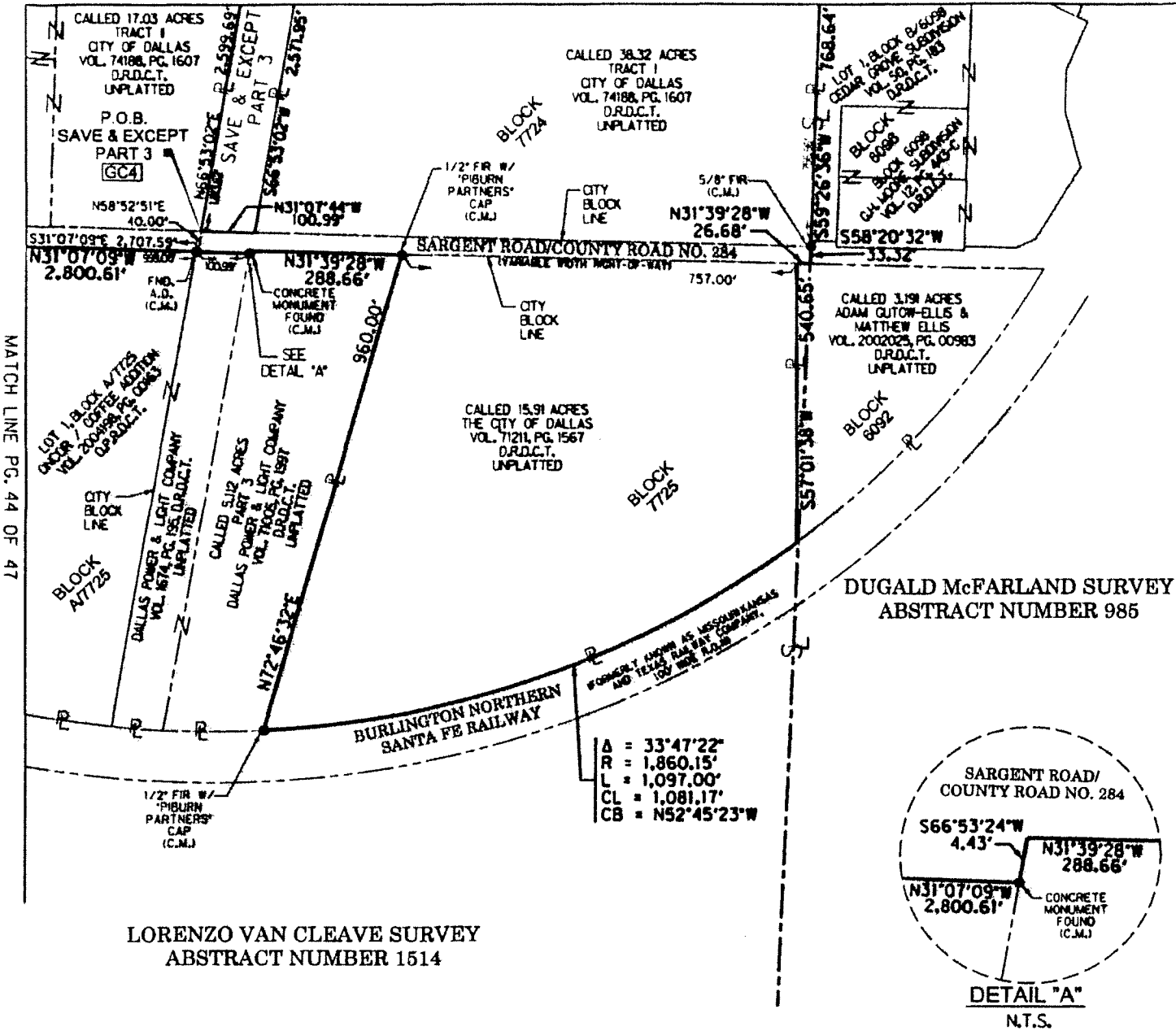
**HALFF**  
TBPLS FIRM #10029600  
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013  
AVO.: 29600 8501  
PAGE 42 OF 47

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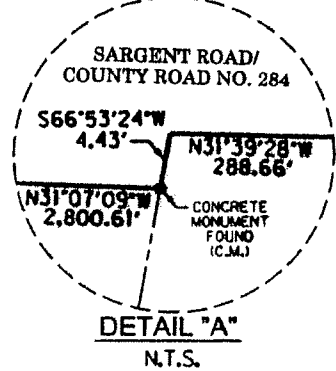




MATCH LINE PG. 44 OF 47

LORENZO VAN CLEAVE SURVEY  
ABSTRACT NUMBER 1514

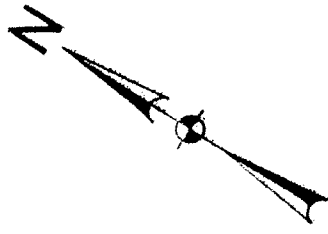
DUGALD McFARLAND SURVEY  
ABSTRACT NUMBER 985



Δ = 33°47'22"  
R = 1,860.15'  
L = 1,097.00'  
CL = 1,081.17'  
CB = N52°45'23"W

GRID COORDINATES TABLE

#	NORTHING	EASTING
GCA	6951868.17	2499819.53



SCALE: 1"=300'



LEGEND

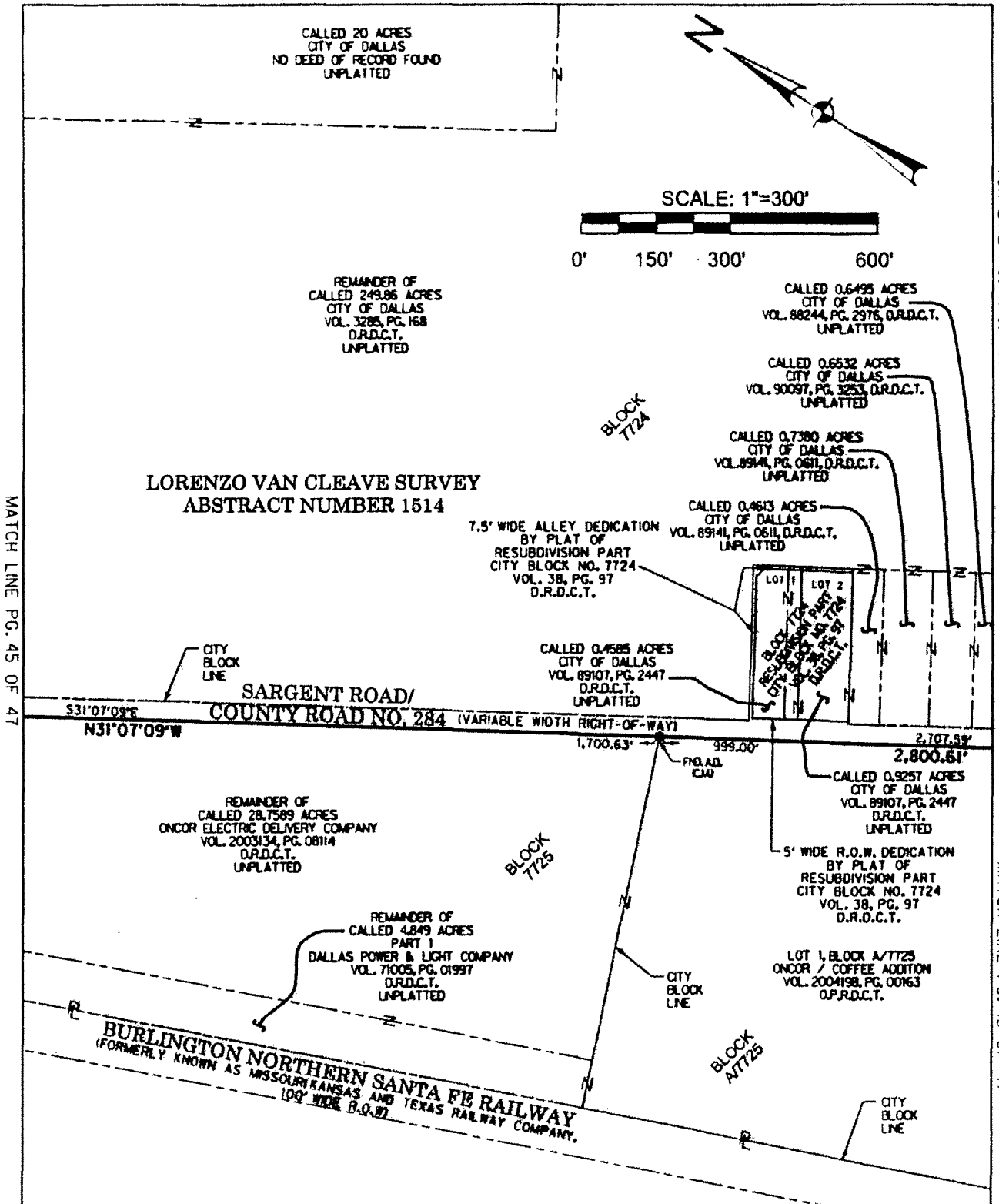
- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- (C.M.) CONTROLLING MONUMENT
- FND. A.D. FOUND 3-INCH ALUMINUM DISK ON A 1/2-INCH IRON ROD STAMPED "ONCOR / COFFEE ADDITION BLOCK A7725 RPL'S 5230"

Field Notes Describing a 31,957,935 Square Foot (733.7 Acres)  
Dallas Floodway Extension-Phase I MSD-UCOW  
To Be Acquired In  
City Blocks 4651, 4652, 7718, 7719, 7720, 7721,  
A7721, 7722, 7723, 7724, 7725  
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**HALFF**  
TBPLS FIRM #10029600  
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013  
AVO.: 29600 BS01  
PAGE 43 OF 47

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**LORENZO VAN CLEAVE SURVEY  
ABSTRACT NUMBER 1514**

**SARGENT ROAD/  
COUNTY ROAD NO. 284 (VARIABLE WIDTH RIGHT-OF-WAY)**

**BURLINGTON NORTHERN SANTA FE RAILWAY  
(FORMERLY KNOWN AS MISSOURI KANSAS AND TEXAS RAILWAY COMPANY,  
100' WIDE R.O.W.)**

Field Notes Describing a 31,957,935 Square Foot (733.7 Acres)  
Dallas Floodway Extension-Phase I MSD-UCOW  
To Be Acquired In  
City Blocks 4651, 4652, 7718, 7719, 7720, 7721,  
A/7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas,  
and Darling-Delaware Company, Inc.

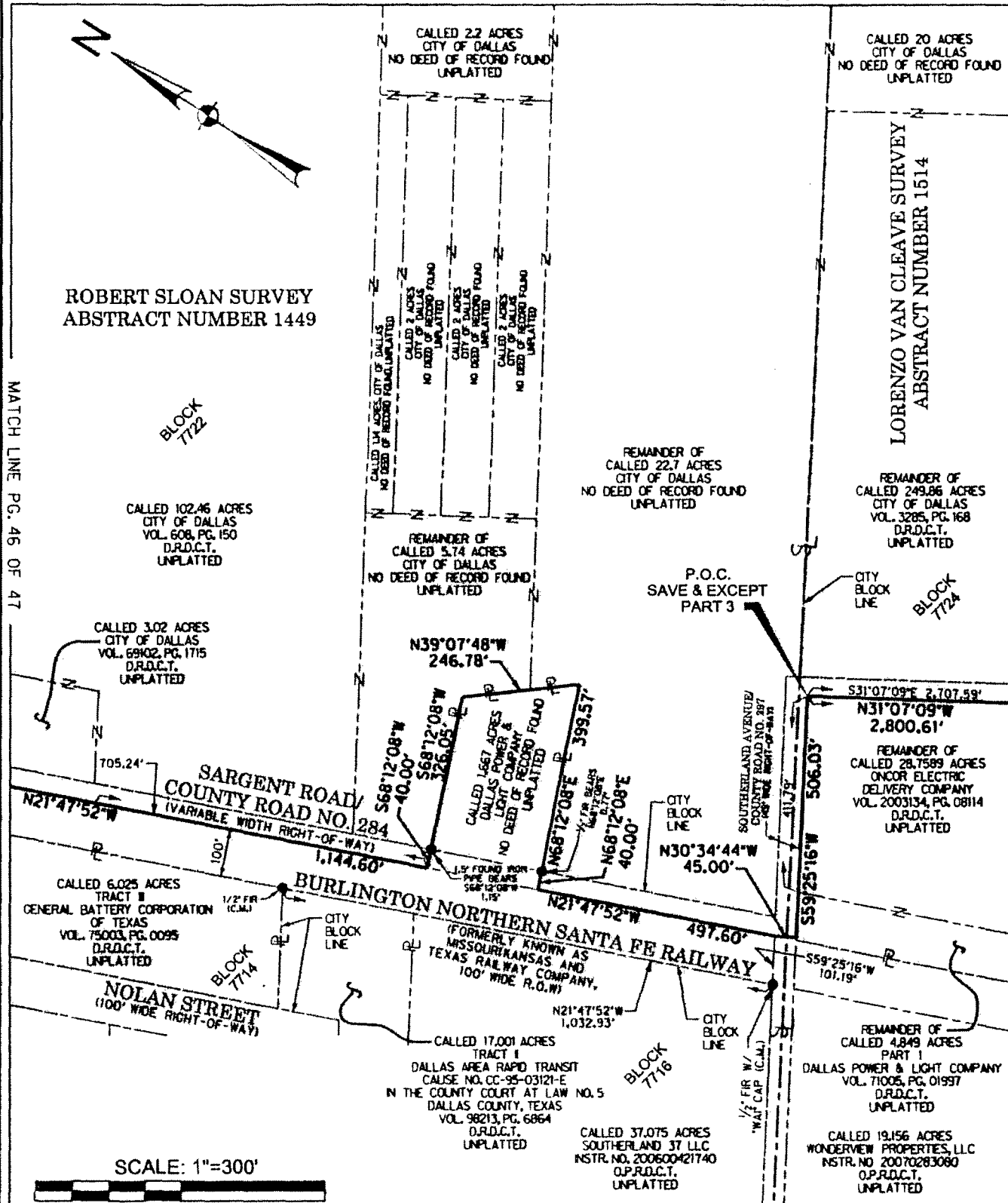
**LEGEND**

- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
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**HALFF**  
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1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013
AVO.: 29600 B501
PAGE 44 OF 47

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ROBERT SLOAN SURVEY  
ABSTRACT NUMBER 1449

LORENZO VAN CLEAVE SURVEY  
ABSTRACT NUMBER 1514

CALLLED 102.46 ACRES  
CITY OF DALLAS  
VOL. 608, PG. 150  
D.R.D.C.T.  
UNPLATTED

REMAINDER OF  
CALLLED 5.74 ACRES  
CITY OF DALLAS  
NO DEED OF RECORD FOUND  
UNPLATTED

REMAINDER OF  
CALLLED 22.7 ACRES  
CITY OF DALLAS  
NO DEED OF RECORD FOUND  
UNPLATTED

REMAINDER OF  
CALLLED 249.86 ACRES  
CITY OF DALLAS  
VOL. 3285, PG. 168  
D.R.D.C.T.  
UNPLATTED

CALLLED 3.02 ACRES  
CITY OF DALLAS  
VOL. 58102, PG. 1715  
D.R.D.C.T.  
UNPLATTED

N39°07'48"W  
246.78'

CALLLED 1.667 ACRES  
DALLAS POWER &  
LIGHT COMPANY  
NO DEED OF RECORD FOUND  
UNPLATTED

REMAINDER OF  
CALLLED 28.7589 ACRES  
ONCOR ELECTRIC  
DELIVERY COMPANY  
VOL. 2003134, PG. 08114  
D.R.D.C.T.  
UNPLATTED

CALLLED 6.025 ACRES  
TRACT II  
GENERAL BATTERY CORPORATION  
OF TEXAS  
VOL. 75003, PG. 0095  
D.R.D.C.T.  
UNPLATTED

BURLINGTON NORTHERN SANTA FE RAILWAY  
(FORMERLY KNOWN AS  
MISSOURI, KANSAS AND  
TEXAS RAILWAY COMPANY,  
100' WIDE R.O.W.)

CALLLED 17.001 ACRES  
TRACT I  
DALLAS AREA RAPID TRANSIT  
CAUSE NO. CC-95-03121-E  
IN THE COUNTY COURT AT LAW NO. 5  
DALLAS COUNTY, TEXAS  
VOL. 98213, PG. 6864  
D.R.D.C.T.  
UNPLATTED

CALLLED 37.075 ACRES  
SOUTHERLAND 37 LLC  
NSTR. NO. 200600421740  
O.P.R.D.C.T.  
UNPLATTED

REMAINDER OF  
CALLLED 4.849 ACRES  
PART I  
DALLAS POWER & LIGHT COMPANY  
VOL. 71005, PG. 01997  
D.R.D.C.T.  
UNPLATTED

CALLLED 19.156 ACRES  
WONDERVIEW PROPERTIES, LLC  
NSTR. NO. 20070283060  
O.P.R.D.C.T.  
UNPLATTED

SCALE: 1"=300'

0' 150' 300' 600'

LEGEND

- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. (C.M.) POINT OF COMMENCING CONTROLLING MONUMENT
- FND. A.D. FOUND 3-INCH ALUMINUM DISK ON A 1/2-INCH IRON ROD STAMPED "ONCOR / COFFEE ADDITION BLOCK A/7723 RPL S 8230"

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To Be Acquired In  
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**HALFF** TBPLS FIRM #10029600  
1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013  
AVO.: 29600 BS01  
PAGE 45 OF 47

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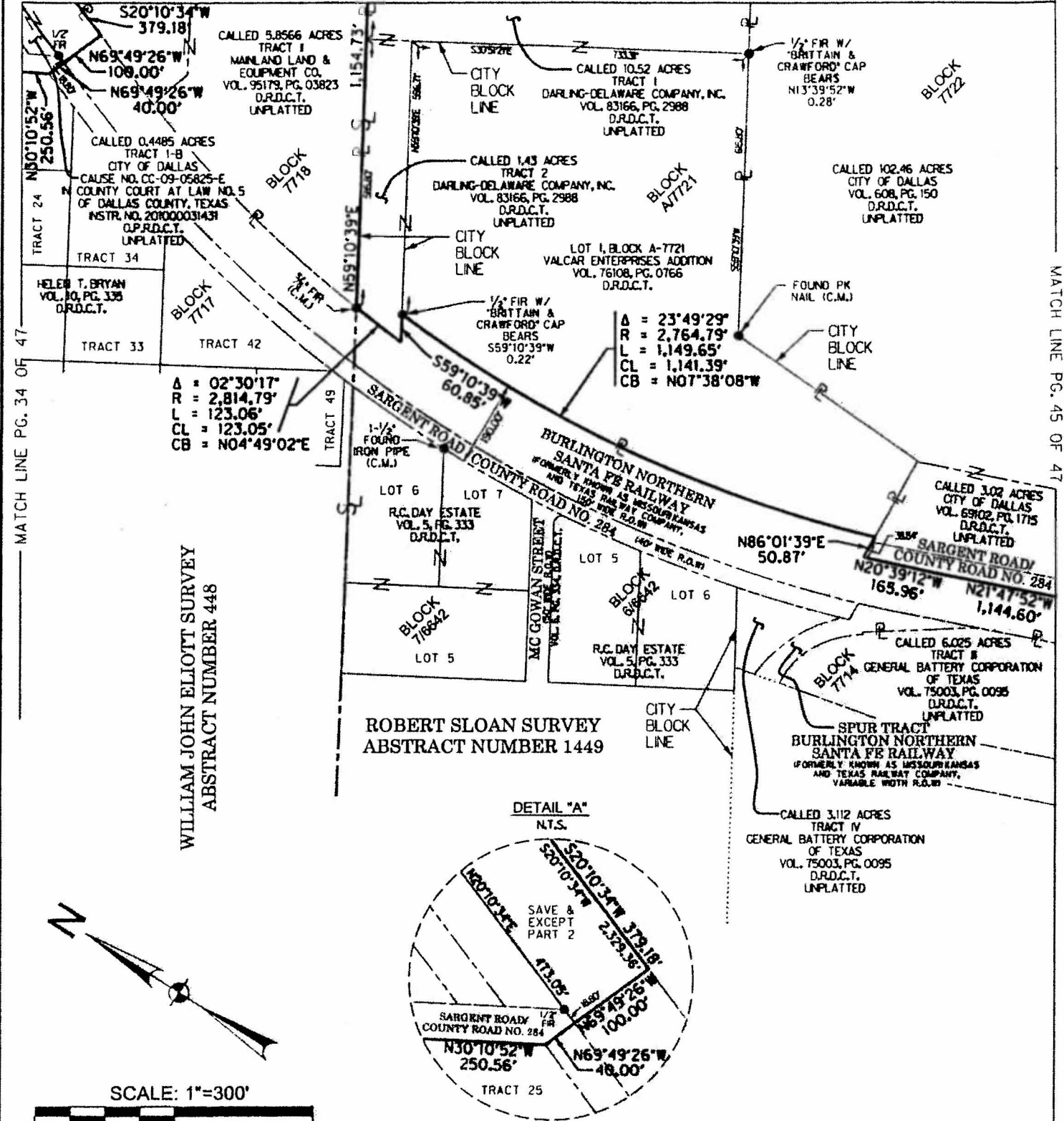
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Exhibit A

SEE DETAIL "A" FOR THIS AREA

MATCH LINE PG. 37 OF 47

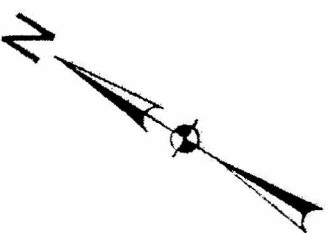
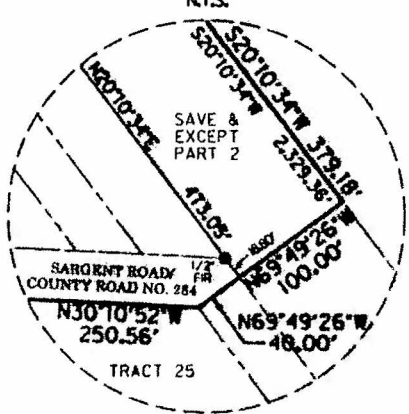
MATCH LINE PG. 38 OF 47



WILLIAM JOHN ELIOTT SURVEY  
ABSTRACT NUMBER 448

ROBERT SLOAN SURVEY  
ABSTRACT NUMBER 1449

DETAIL "A"  
N.T.S.



SCALE: 1"=300'

0' 150' 300' 600'

LEGEND

- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- (C.M.) CONTROLLING MONUMENT
- FND. A.D. FOUND 3-INCH ALUMINUM DISK ON A 1/2-INCH IRON ROD STAMPED "ONCOR / COFFEE ADDITION BLOCK A/7725 RPLS 5230"

Field Notes Describing a 31,957,935 Square Foot (733.7 Acres)  
Dallas Floodway Extension-Phase I MSD-UCOW  
To Be Acquired In  
City Blocks 4651, 4652, 7718, 7719, 7720, 7721,  
A7721, 7722, 7723, 7724, 7725  
From the City of Dallas, County of Dallas,  
and Darling-Delaware Company, Inc.

**HALFF**  
TBPLS FIRM #10029600  
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013  
AVO.: 29600 BSO1  
PAGE 46 OF 47

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AREA SUMMARY TABLE

CALCULATED AREA	ACRES	SQUARE FEET
GROSS MSD BOUNDARY	775.3	33,770,636
SAVE & EXCEPT PART 1	0.1661	7,234
SAVE & EXCEPT PART 2	9.793	426,561
SAVE & EXCEPT PART 3	31.66	1,378,906
NET MSD BOUNDARY	733.7	31,957,935

NOTES:

There was no deed of record found for the remainder of a called 5.74 acre tract of land, a called 1.14 acre tract of land, a called 2 acre tract of land, a called 2 acre tract of land, a called 2 acre tract of land, the remainder of a called 22.7 acre tract of land, a called 2.2 acre tract of land, the remainder of a called 42.906 acre tract of land, a called 20 acre tract of land, and a called 16 acre tract of land, all to the City of Dallas and totaling 10 tracts of land. The 10 tracts of land are shown on the City of Dallas Plat Books Blocks 7721, 7722, 7723, 7724, and 7725. It is apparent that the City of Dallas has record title to these tracts of land as shown on the survey prepared on March 12, 1964 for the Sargent Switch Sewage Disposal Plant.

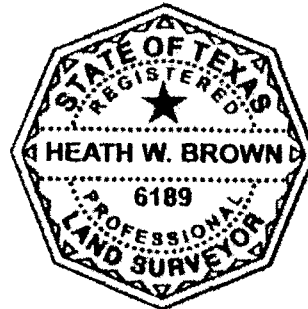
There was no deed of record found for the called 1.667 acre tract of land to the Dallas Power & Light Company. The called acreage and dimensions as shown on the survey prepared on March 12, 1964 for the Sargent Switch Sewage Disposal Plant in conjunction with found monumentation were used to calculate the dimensions of this tract of land.

This property description is accompanied by a parcel plat of even date.

Bearings are referenced to the Texas Coordinate System of 1983, North Central Zone and tied to TxDOT GPS monuments R0570127, R0570130, R0570157, RE570834 and Trinity Lakes monuments GPS-01, GPS-10, GPS-53, GPS-66. Coordinates shown are grid values and may be converted to surface by multiplying by the Dallas County TxDOT scale factor of 1.000136506. Distances shown are reported in U.S. survey feet.

I, Heath W. Brown, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this document was prepared under 22 TAC § 663.21 does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Heath W. Brown 9-13-2013  
 Heath W. Brown  
 Registered Professional Land Surveyor  
 Texas No. 6189  
 Halff Associates, Inc.,  
 1201 North Bowser Rd.  
 Richardson, Texas 75081  
 (214) 346-6326  
 TBPLS Firm #10029600

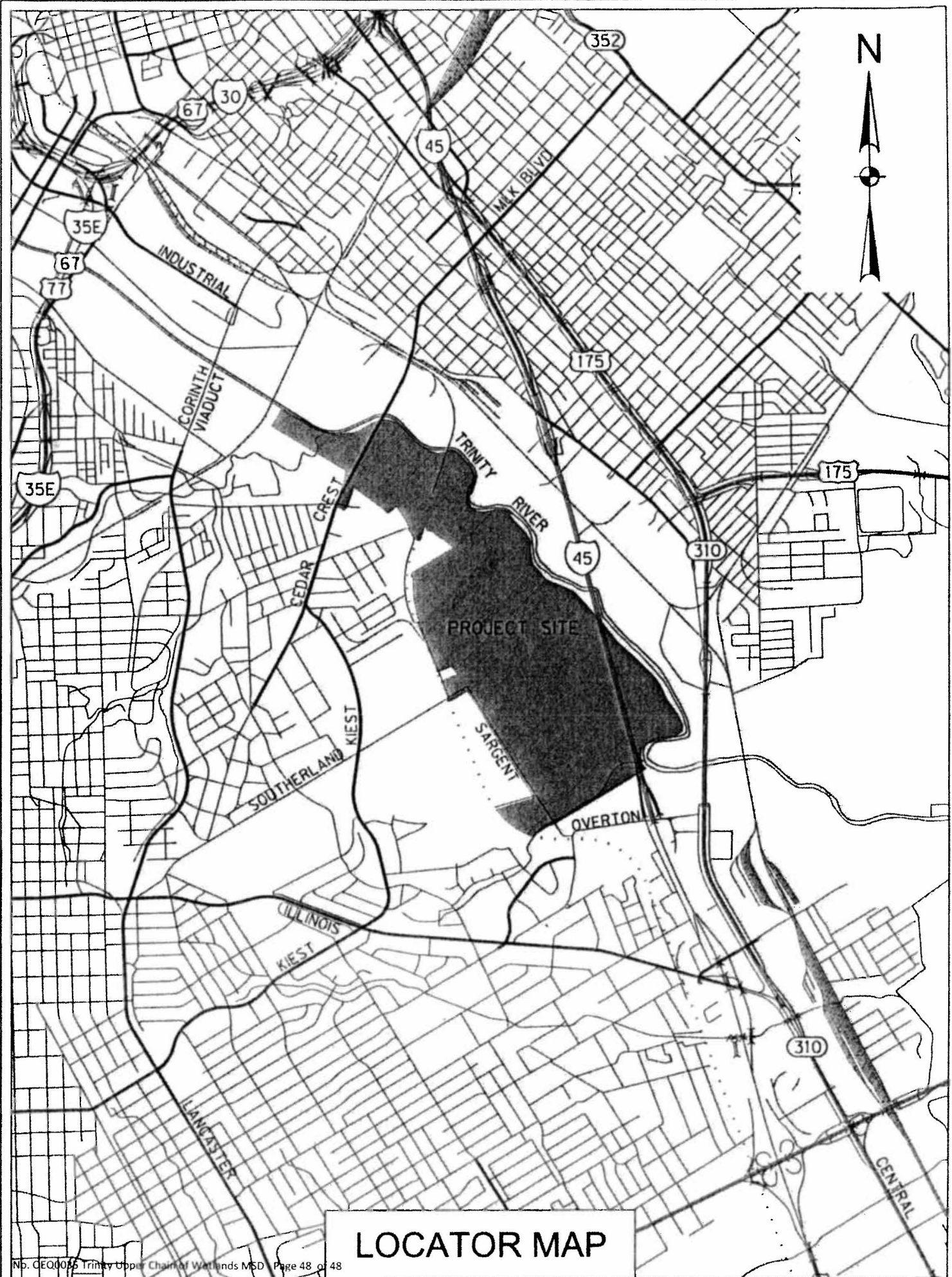


Field Notes Describing a 31,957,935 Square Foot (733.7 Acres)  
 Dallas Floodway Extension-Phase I MSD-UCOW  
 To Be Acquired In  
 City Blocks 4651, 4652, 7718, 7719, 7720, 7721,  
 A7721, 7722, 7723, 7724, 7725  
 From the City of Dallas, County of Dallas,  
 and Darling-Delaware Company, Inc.

**HALFF**  
 TBPLS FIRM #10029600  
 1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081  
 TELE. (214)346-6200 FAX (214)739-0095

DATE: 9/13/2013  
 AVO.: 29600 BS01  
 PAGE 47 OF 47

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# LOCATOR MAP



**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** October 8, 2013

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Office of Management Services  
Office Of Environmental Quality

**CMO:** Jeanne Chipperfield, 670-7804  
Jill A. Jordan, P.E., 670-5299

**MAPSCO:** 45P T

---

**SUBJECT**

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by CCH Lamar Partners I, L.P. located near the intersection of South Lamar Street and Memorial Drive, and an ordinance authorizing support of the issuance of a municipal setting designation to CCH Lamar Partners I, L.P. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

**BACKGROUND**

Based on information provided by the Applicant, the Designated Property is underlain by shallow groundwater that is encountered at a depth of approximately 9 to 11 feet below ground surface (bgs) and extends to the top of the Austin Chalk Formation, encountered at depths ranging between 11 and 25 feet bgs. The thickness of the Austin Chalk in the area is approximately 80 feet. Shale of the Eagle Ford Formation underlies the Austin Chalk and consists of dark gray, soft shale and is estimated to be approximately 400 feet thick in the area. The Eagle Ford Formation acts as an aquitard inhibiting downward migration of groundwater into deeper aquifers. The general direction of groundwater flow beneath the Designated Property is anticipated to be toward the south-southwest. This groundwater has been affected by total petroleum hydrocarbons (TPH), lead, benzene, chlorobenzene, and methylene chloride at concentrations above groundwater ingestion standards. The probable source of these chemicals is from releases associated with onsite operations including a former underground storage tank (UST) system, historical retail fuel stations and auto repair shop operations, and former hydraulic lifts. All onsite source areas have been removed and operations have ceased. The retail fuel stations and auto repair shops operated between the 1930's and the 1960's, the USTs were removed in 1990, and the hydraulic lifts were removed in 1997.

**BACKGROUND** (Continued)

A portion of the designated property located at 840 South Lamar Street was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in January 2008. The site is designated as VCP Facility ID No. 2118.

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting was held on September 24, 2013 to receive comments and concerns. Notices of the meeting were sent to 625 property owners within 2,500 feet of the property and 72 private well owners within 5 miles of the property. There no other municipalities located within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property near the intersection of South Lamar Street and Memorial Drive; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program. Currently the designated property is utilized as parking areas. The anticipated future use of the property is mixed use retail and office, with the possibility of a hotel.

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City

**OWNER**

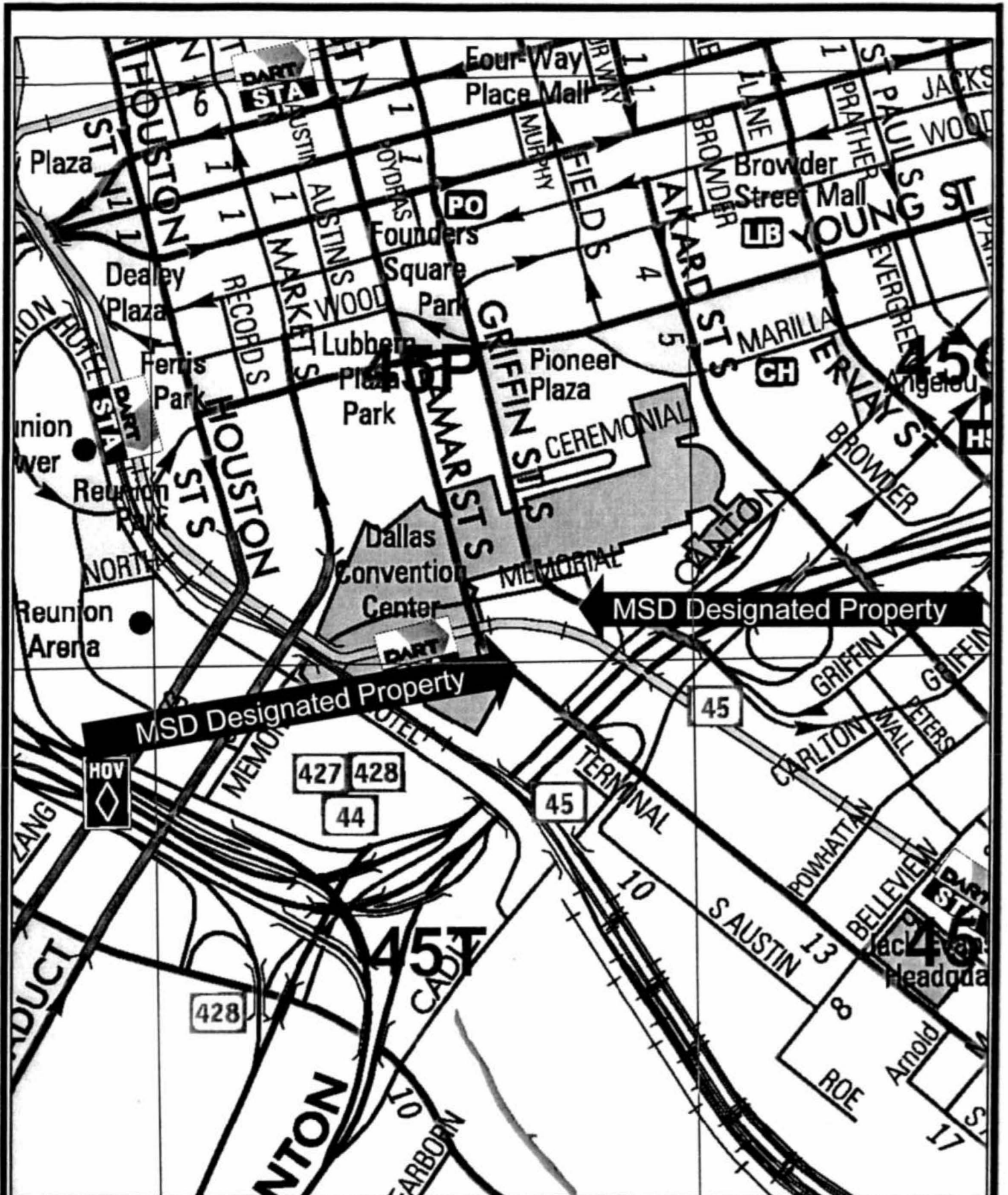
**CCH Lamar Partners I, L.P.**

Kristian T. Teleki, Senior Vice President

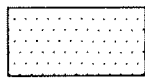
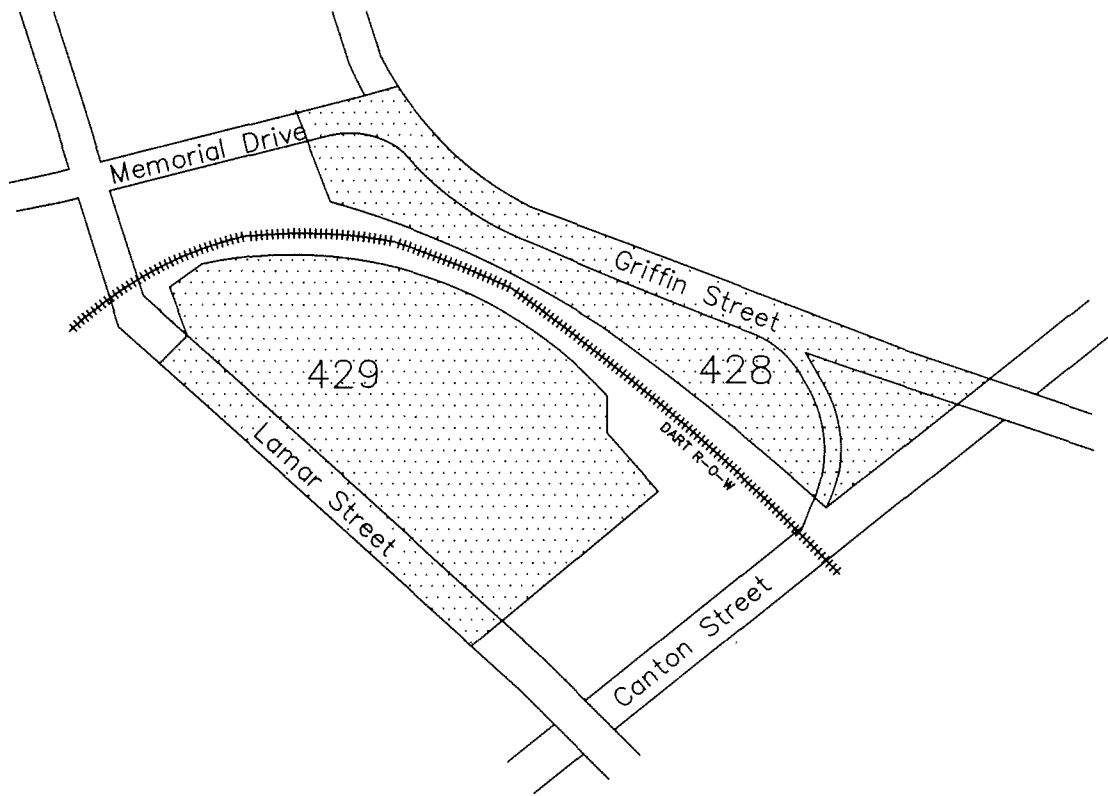
**MAPS**

Attached





MSD Designated Property - CCH Lamar Partners I, L.P. - 840 S. Lamar Street and 503 S. Griffin Street



Subject Area

ORDINANCE NO. \_\_\_\_\_

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 840 S. Lamar Street and 503 S. Griffin Street and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.

- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property assigned VCP No. 2118 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than October 8, 2016.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than October 8, 2016. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;

- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M. S. ERNST, Interim City Attorney

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

Passed \_\_\_\_\_



Exhibit A

LEGAL DESCRIPTION

DESIGNATED PROPERTY  
MUNICIPAL SETTING DESIGNATION BOUNDARY

2.9089 Acres in City of Dallas Block 429 and Part of S. Lamar Street and  
2.9956 Acres in City of Dallas Block 428 and Part of Memorial Drive and Griffin Street  
John Neely Bryan Survey, Abstract No. 149  
City of Dallas, Dallas County, Texas

TRACT 1

GIS Approved

BEING a tract of land situated in the John Neely Bryan Survey, Abstract No. 149, City of Dallas, Dallas County, Texas, and being a part of City Block 429, said tract being all called 0.9877 acre tract conveyed to CCH Lamar Partners I, L.P. by deed recorded in County Clerk Instrument No. 20080066032, Deed Records of Dallas County, Texas, and all of a called 2.2754 acre tract of land conveyed to CCH Lamar Partners I, L.P. by deed recorded in County Clerk Instrument No. 20070426170, Deed Records of Dallas County, Texas and part of the right of way for Lamar Street and being more particularly described as follows (the bearing basis for this description is a bearing of N 75°00'00" E for the southeast line of Memorial Drive as indicated in the deed to Ronald A. Weisfeld recorded in Volume 93100, Page 5628, Deed Records of Dallas County, Texas.):

COMMENCING at a found TXDOT monument for a corner, said point being at the intersection of the southwest line of Lamar Street with the northwest line of Interstate Highway 30, and said point being the east corner of Lot 1, Block A/419 of Dallas Convention Center Expansion Addition as recorded in Volume 93248, Page 4820, Deed Records of Dallas County, Texas; Thence, N 49°37'09" W, with the southwest line of S. Lamar Street, a distance of 15.23 feet to the POINT OF BEGINNING;

THENCE, N 49°37'09" W, with the southwest line of S. Lamar Street and the northeast line of said Lot 1, Block A/419, a distance of 344.36 feet to a point for a corner;

THENCE, N 40°22'51" E, crossing the right of way of Lamar Street, a distance of 82.76 feet to a found PK Nail for a corner in the northeast line of S. Lamar Street, said point being in the southwest line of the said 2.2754 acre tract and the south corner of a tract of land conveyed to the City of Dallas by deed recorded in the Deed Records of Dallas County;

THENCE, N 16°58'21" W, departing the northeast line of S. Lamar Street and with the northeast line of the said City of Dallas tract, a distance of 45.14 feet to a fence post for a corner;



Exhibit A

LEGAL DESCRIPTION - TRACT 1 (continued)

GIS Approved

THENCE, N 30°01'39" E, with the southeast line of the said City of Dallas tract, a distance of 79.43 feet a found ½ inch iron rod for a corner, said point being the northwest corner of the said 2.2754 acre tract and the southwest corner of a tract of land called Parcel No. OC1-7 as conveyed to Dallas Area Rapid Transit (DART) by deed recorded in Volume 94022, Page 5655, Deed Records of Dallas County, Texas;

THENCE, N 76°57'22" E, departing the southeast line of said City of Dallas tract and with the south line of said DART Parcel OC1-7, a distance of 39.64 feet to a found "x" cut on pavement at the beginning of a non-tangent curve to the right with a central angle of 16°56'38", a radius of 645.00 feet, a chord bearing of N 89°16'28" E and a chord distance of 190.05 feet;

THENCE Northeasterly, continuing with the south line of said DART Parcel No. OC1-7, and along said curve, an arc distance of 190.75 feet to a found ½ inch iron rod for a corner at the east corner of said DART Parcel No. OC1-7, and lying in the south line of a tract of land identified as Parcel No. OC1-5 in deed to the Dallas Area Rapid Transit (DART) recorded in Volume 94029, Page 4071, Deed Records, Dallas County, Texas, and said point the beginning of a non-tangent curve to the right with a central angle of 07°01'05", a radius of 1,146.28 feet, a chord bearing of S 75°33'25" E and a chord distance of 140.32 feet;

THENCE Southeasterly, with the south line of said DART Parcel No. OC1-5 and along said curve, an arc distance of 140.41 feet a found ½ inch iron rod for a corner, said point being the northwesterly corner of a called 0.0806 acre tract conveyed to 944 South Lamar Associates by deed recorded in Volume 85236, Page 1607, Deed Records of Dallas County, Texas;

THENCE, S 17°57'08" W, with the west line of the said 0.0806 acre tract, a distance of 25.33 feet to a found 60d nail for a corner at the southwest corner of the said 0.0806 acre tract and the northwest corner of a called 0.8778 acre tract of land conveyed to 944 Lamar Associates by deed recorded in Volume 83095, Page 3547, Deed Records of Dallas County, Texas;

THENCE, S 49°37'09" E, with the north line of the said 0.8778 acre tract, a distance of 93.97 feet to a point for a corner;



Exhibit A

LEGAL DESCRIPTION - TRACT 1 (continued)

GIS Approved

THENCE, S 40°22'51" W, with the northwest line of the said 0.8778 acre tract, passing at a distance of 380.00 feet the northeast line of S. Lamar Street, continuing across S. Lamar Street in all a distance of 380.00 feet to the Point of Beginning and Containing 126,710 square feet or 2.9089 acres of land.

LEGAL DESCRIPTION – TRACT 2

GIS Approved

BEING a tract of land situated in the John Neely Bryan Survey, Abstract No. 149, City of Dallas, Dallas County, Texas, and being a part of City Block 428, said tract being all of a called 0.9877 acre tract conveyed to CCH Lamar Partners I, L.P. by deed recorded in County Clerk Instrument No. 20080066032, Deed Records of Dallas County, Texas, and part of the right of way for Memorial Drive and S. Griffin Street and being more particularly described as follows (the bearing basis for this description is a bearing of N 75°00'00" E for the southeast line of Memorial Drive as indicated in the deed to Ronald A. Weisfeld recorded in Volume 93100, Page 5628, Deed Records of Dallas County, Texas.):

BEGINNING at a found "x" cut on concrete pavement for a corner at the intersection of the southwest line of S. Griffin Street (a variable width right of way) with the northwest line of Interstate Highway 30 (R. L. Thornton Freeway, a variable width right of way), said point being in the northeast line corner of a tract of land called Parcel No. OC1-5 as conveyed to of Dallas Area Rapid Transit (DART) by deed recorded in Volume 94029, Page 4071, Deed Records of Dallas County, Texas, said point the beginning of a curve to the left with a central angle of 05°36'00", a radius of 1,171.28 feet, a chord bearing of N 62°27'42" W and a chord distance of 114.43 feet;

THENCE, Northwesterly, with the northeast line of DART Parcel No. OC1-5 and along said curve, an arc distance of 114.48 feet to a found 5/8 inch iron rod for a corner, said point being the east corner of a called 4,350 square feet tract of land called Parcel No. OC1-6 as conveyed to Dallas Area Rapid Transit by deed recorded in Volume 94126, Page 628, Deed Records of Dallas County, Texas;



LEGAL DESCRIPTION - TRACT 2 (continued)

GIS Approved

THENCE, the following courses and distances with the northeast line of the said DART Parcel No. OC1-6:

- N 56°14'39" W, , a distance of 11.73 feet to a found 5/8 inch iron rod for a corner;
- N 61°52'32" W, a distance of 44.53 feet to a found 5/8 inch rod at the beginning of a curve to the left with a central angle of 31°02'44", a radius of 681.50 feet, a chord bearing of N 77°23'53" W and a chord distance of 364.77 feet;
- Northwesterly, along said curve, an arc distance of 369.27 feet to found PK nail for a corner in the east line of a tract of land conveyed to the City of Dallas by deed recorded in Volume 91083, Page 3845, Deed Records of Dallas County, Texas and said point lying in the common line of said Block 429 and Block A/428;

THENCE, N 14°59'12" W, with the said City of Dallas tract and Block line, a distance of 75.08 feet to a found ½ inch iron rod in the southeast line of Memorial Drive (variable width right of way), said point being the northwest corner of the said 0.9877 acre tract;

THENCE, N 15°00'00"W, crossing Memorial Drive, a distance of 110.12 feet to a point for a corner in the northwest line of Memorial Drive;

THENCE, N 75°00'00" E, with the northwest line of Memorial Drive, passing at the distance of 53.17 feet the west corner of a circular right of way clip at the intersection of the northwest line of Memorial Drive with the southwest line of S. Griffin Street (a variable width right of way), continuing across the right of way of S. Griffin Street, in all a distance of 216.85 feet to a point for a corner in the northeast line of S. Griffin Street, said point the beginning of a non-tangent curve to the left with a central angle of 30°22'55", a radius of 400.00 feet, a chord bearing of S 56°33'48" E and a chord distance of 209.63 feet;

THENCE, the following courses and distances with the northeast line of S. Griffin Street:

- Southeasterly, along said curve, an arc distance of 212.11 feet to the point of tangency;

Exhibit A

LEGAL DESCRIPTION - TRACT 2 (continued)

GIS Approved

- S 71°45'15" E, a distance of 200.05 feet to the beginning of a tangent curve to the right with a central angle of 02°39'23", a radius of 1,201.45 feet, a chord bearing of S 70°25'34" E and a chord distance of 55.70 feet;
- Southeasterly, along said curve, an arc distance of 55.70 feet to the beginning of a reverse curve to the left with a central angle of 06°59'59", a radius of 632.50 feet, a chord bearing of S 72°35'52" E and a chord distance of 77.22 feet;
- Southeasterly, along said curve, an arc distance of 77.27 feet to a point for a corner;
- S 66°11'50" E, a distance of 18.91 feet to a point for a corner;
- S 89°05'30" E, a distance of 34.87 feet to a point for a corner at the intersection of the north line of S. Griffin Street with the northwest line of Interstate Highway 30;

THENCE, the following courses and distances with the northwest line of Interstate Highway 30:

- S 51°10'52" W, crossing the right of way of S. Griffin Street, a distance of 177.08 feet to a point for a corner;
- S 47°10'52" W, continuing across the right of way of S. Griffin Street, a distance of 82.29 feet to Point of Beginning and Containing 130,491 square feet or 2.9957 acres of land.

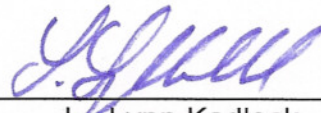
(The bearing basis for this survey is a bearing of N 75°00'00" E for the southeast line of Memorial Drive as indicated in the deed to Ronald A. Weisfeld by deed recorded in Volume 93100, Page 5628, Deed Records of Dallas County, Texas. )



SURVEYOR'S CERTIFICATION

The undersigned hereby certifies the legal description hereon is accurate and was prepared from an on ground survey performed in October 2007 through January 2008, under the supervision of the undersigned, and using information from the surrounding property deeds.

Dated: May 29, 2008  
Job No.: 2962-MSD



---

L. Lynn Kadleck  
Registered Professional  
Land Surveyor No. 3952



REVISED: March 7, 2009: Revised drawing and legal description to delete DART property.

REVISED: May 15, 2009: Revised drawing and legal description for Tract 1.

REVISED: June 7, 2010: Create letter size exhibits of drawing and legal descriptions.

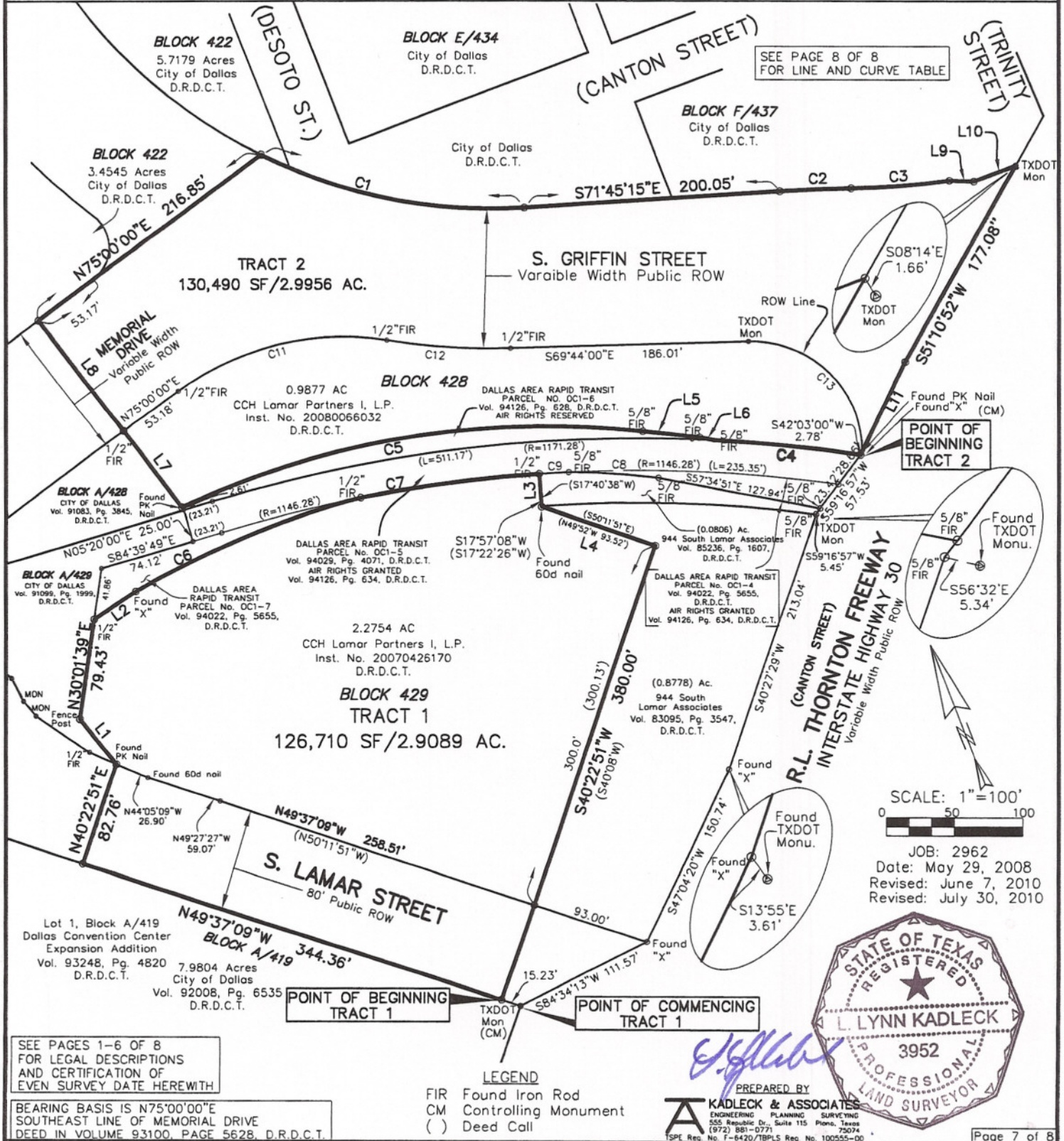
REVISED: August 3, 2010; Revise legal description of Tract 1 and 2.

Exhibit A

DESIGNATED PROPERTY

MUNICIPAL SETTING DESIGNATION BOUNDARY

2.9089 Acres in City of Dallas Block 429 and Part of S. Lamar Street and  
 2.9956 Acres in City of Dallas Block 428 and Part of S. Griffin Street and Memorial Drive  
 John Neely Bryan Survey, Abstract No. 149,  
 City of Dallas, Dallas County, Texas





**Exhibit A**

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LINE AND CURVE TABLES

NUM	BEARING	DISTANCE
L1	N16°58'21"W	45.14'
L2	N76°57'22"E	39.64'
L3	S17°57'08"W	25.33'
L4	S49°37'09"E	93.97'
L5	N61°52'32"W	44.53'
L6	N56°14'39"W	11.73'
L7	N14°59'12"W	75.08'
L8	N15°00'00"W	110.12'
L9	S66°11'50"E	18.91'
L10	S89°05'30"E	34.87'
L11	S47°10'52"W	82.29'

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	30°22'55"	212.11'	400.00'	S56°33'48"E	209.63'
C2	02°39'23"	55.70'	1201.45'	S70°25'34"E	55.70'
C3	06°59'59"	77.27'	632.50'	S72°35'52"E	77.22'
C4	05°36'00"	114.48'	1171.28'	N62°27'42"W	114.43'
C5	31°02'44"	369.27'	681.50'	N77°23'53"W	364.77'
C6	16°56'38"	114.48'	645.00'	N89°16'28"E	190.05'
C7	07°01'05"	140.41'	1146.28'	S75°33'25"W	140.32'



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 8, 2013  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 35 W

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**SUBJECT**

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from the Sam Houston Elementary School required by Section 6-4 of the Dallas City Code to allow a restaurant with a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate [Ai Sushi Grill] on property fronting the southwest line of Cedar Springs Road, and the northwest line of Knight Street – Financing: No cost consideration to the City

**BACKGROUND**

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

The standard for approval of the variance is that:

- A. the application is for (i) a wine and beer retailer's permit pursuant to Chapter 25 of the Texas Alcoholic Beverage Code; (ii) a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code; or (iii) a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate;
- B. the application is for (i) a general merchandise or food store use with 10,000 square feet or more of floor area or (ii) a restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;
- C. alcoholic beverages will not be sold by drive-in or drive-through service; and

## **BACKGROUND (Continued)**

- D. enforcement of the spacing requirements in this particular instance:
- (i) is not in the best interest of the public;
  - (ii) constitutes waste or inefficient use of land or other resources;
  - (iii) creates an undue hardship on an applicant for an alcohol permit;
  - (iv) does not serve its intended purpose;
  - (v) is effective or necessary; or
  - (vi) for any other reason that the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

An application for a waiver of the spacing requirements was submitted on August 14, 2013, by Ai Sushi Grill. The Sam Houston Elementary School is located to the southeast and is the school that creates the need for the variance.

The applicant has submitted the following information regarding a statement of why the variance meets the standard of approval:

- (1) "The applicant is seeking a mixed beverage permit pursuant to Chapter 28 of the Texas Alcohol Beverage Code with a food and beverage certificate.
- (2) The use of the Location by the applicant is for a restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcohol Beverage Code.
- (3) Alcoholic beverages will not be sold by drive-in or drive-through service.
- (4) Enforcement of the spacing requirements in this particular instance:
  - (i) Is not in the best interest of the public, in that the Planned Development zoning specific to the building in which the Location will operate was designed, planned and approved as a part of the Cedar Springs Entertainment District. Internal parking requirements were set for restaurant uses in the Location and other retail locations facing Cedar Springs Road in the building. These locations are over 370 feet from the property line of the protected use (public school), with the remainder of the building being multifamily rental use.
  - (ii) Constitutes waste or inefficient use of land or other resources because the Location was planned and zoned as an anchor to the Cedar Springs Entertainment District, an area which generates over \$30 million annually in wine, beer and liquor sales.

## **BACKGROUND (Continued)**

The intended use for the Location during planning, city approval and development was as a food and beverage operation serving alcohol for on-premise consumption. This is the highest and best use of the Location and to not allow the applicant a variance will reduce the value of the building for ad valorem purposes and reduce alcohol and sales tax collections, directly correlated to the inefficient use of the Location.

- (iii) Creates an undue hardship on the applicant because surrounding businesses, including those within the same building and other buildings Similarly physically located in relation to the protected use, currently hold permits allowing them to serve alcohol, beer and wine. To be located within this district and not be allowed the same business licenses will create an economic disadvantage for the applicant relative to its peers. Additionally, a restaurant previously located in the same Location held the same permit the applicant seeks and such permit was approved by both the City of Dallas and TABC. Accordingly, when executing its lease, applicant believed that a permit was available for the Location.
- (iv) Does not serve its intended purpose, given that other businesses located in the same building currently hold active alcohol sales permits and that other businesses located within similar distance of the restricted use (measuring actual business-to-restricted use distance) have been, are currently and will continue to serve alcohol, beer and wine. The marginal impact of this Location and its operations is insignificant. Enforcement of the minimum distance requirement will not affect whether or not alcohol is sold near the protected use.
- (v) Is not effective or necessary because of the location of other alcohol sales outlets in the area and because the Location and the protected use are in a historically mixed use, urban environment where multiple eclectic uses have existed in close proximity for decades. If we are to build the communities envisioned in the Forward Dallas and other similar plans, we must accept a variety of land uses in propinquity.”

The site is approximately 1.18 acres with a standalone restaurant and is located in Tract 1 within Planned Development District No. 314. On October 24, 1990, City Council approved Specific Use Permit No. 1062 for a restaurant without drive-in or drive-through service.

## **BACKGROUND (Continued)**

The site abuts a fire station to the east, commercial uses to the west, office uses to the south and institutional uses to the north. The Northwest Baptist Church is located to the north of the site across West Northwest Highway. The site is located on a major thoroughfare (West Northwest Highway). Due to the request site being located across a major thoroughfare from the protected use, staff can support this request.

This item requires two seconds to pass.

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

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

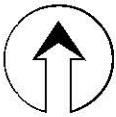
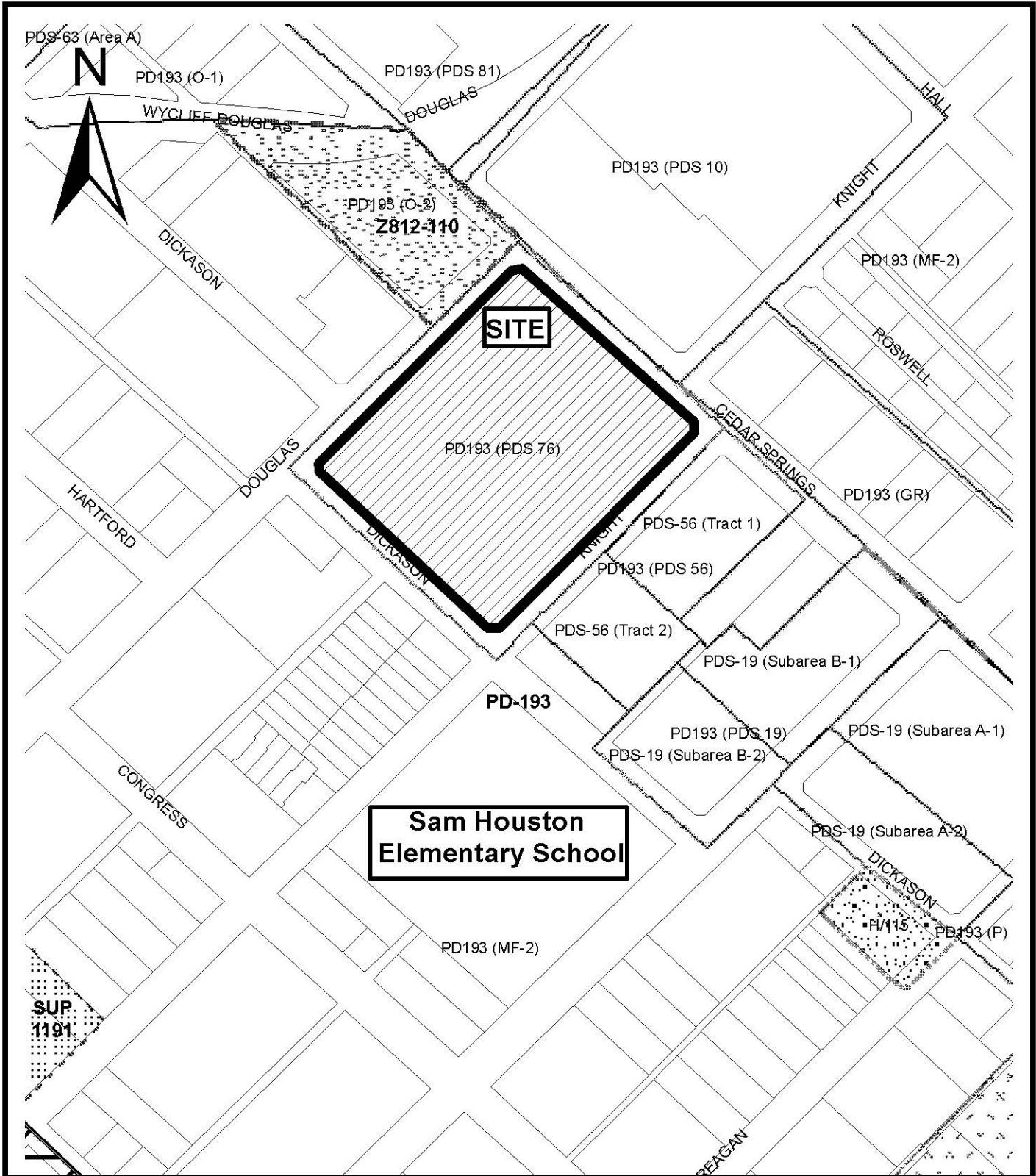
On October 26, 2011, and September 26, 2012, the City Council further amended Section 6-4 of Chapter 6.

## **FISCAL INFORMATION**

No cost consideration to the City.

## **MAP**

Attached.



1:2,500

Case #: AV123-009

Date: October 10, 2013



October 8, 2013

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

**WHEREAS**, Cherry & Alex Corporation dba Ai Sushi Sake Grillhaus submitted an application for mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate, and is requesting a variance to the alcohol spacing requirements for a property on the south side of Cedar Springs Road, between Douglas Avenue and Knight Street, northeast of Sam Houston Elementary School; and

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

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

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

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

**Section 1.** That the variance to the alcohol spacing requirements for property on the south side of Cedar Springs Road, between Douglas Avenue and Knight Street, northwest of Sam Houston Elementary School is granted, subject to the following conditions:

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

October 8, 2013

- (4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

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



AV123-009



CROSLAND  
GROUP

RECEIVED BY

AUG 14 2013

Current Planning

August 12, 2013

Ms. Theresa O'Donnell  
Director  
City of Dallas Department of Sustainable Development and Construction  
1500 Marilla Street, Room 5B North  
Dallas, TX 75201  
(214) 670-4209

**Re: *Ai Sushi Sake Grill, located at 4123 Cedar Springs Rd, Suite 102, Dallas  
Request and Application for Variance under Section 6-4(a)(1)***

Dear Ms. Dean:

On behalf of our tenant, Ai Sushi Sake Grill, please consider this letter as an application and request for a variance from the distance requirements of Section 6-4(a)(1) of the City of Dallas Code. This request is made to allow for the sale of mixed beverages for on premises consumption at the business of Cherry & Alex Corporation dba Ai Sushi Sake Grill, to be located at 4123 Cedar Springs Rd, Suite 102, Dallas, Texas 75219 (the "Location"). This variance is requested so that the Location, between Knight Street and Douglas Ave., at the head of the Cedar Springs Entertainment District and located in an area zoned for retail and restaurant uses, may serve and sell mixed alcoholic beverages, as have previous tenants in the space, without the need for a private club permit from the Texas Alcoholic Beverage Commission (the "TABC").

Also enclosed is a check in the amount of \$1,200 to cover the application fee and a survey showing the location and distance of the protected use and the front door of the Location.

In support of this application and request, Cherry & Alex Corporation dba Ai Sushi Sake Grill would show:

- (A) The Location meets the standard of approval under Section 6-4(g)(5) as a mixed beverage permit with food and beverage certificate is being applied for. It is a restaurant without drive-in or drive-through service and with approval by TABC will have a food and beverage certificate, it will not sell alcoholic beverages by drive-in or drive-through service, and the enforcement of the spacing requirements in this instance is not in the public interest, constitutes waste or inefficient use of land or other resources, creates and undue hardship on the applicant for an alcohol permit, does not serve its intended purpose and is not effective or necessary.

(B) The name of the owner of the property where the alcohol business will be located:  
Redwood Illume Cedar Springs, LP

(C) The name and address of the applicant for the alcohol permit:  
Cherry & Alex Corporation  
dba Ai Sushi Sake Grill  
4123 Cedar Springs Road  
Suite 102  
Dallas, Texas 75219

(D) The type of alcohol permit for which application is being made:

The TABC permit sought is a mixed beverage permit with a food and beverage certificate (commonly known as a TABC "RM" permit).

(E) The name and address of the protected use (public school):

Sam Houston Elementary School  
2827 Throckmorton Street  
Dallas, Texas 75219

(F) Statement of why the variance meets the variance standards of the City Code:

The applicant is seeking a mixed beverage permit pursuant to Chapter 28 of the Texas Alcohol Beverage Code with a food and beverage certificate.

The use of the Location by the applicant is for a restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcohol Beverage Code.

Alcoholic beverages will not be sold by drive-in or drive-through service.

Enforcement of the spacing requirements in this particular instance:

Is not in the best interest of the public, in that the Planned Development zoning specific to the building in which the Location will operate was designed, planned and approved as a part of the Cedar Springs Entertainment District. Internal parking requirements were set for restaurant uses in the Location and other retail locations facing Cedar Springs Road in the building. These locations are over 370 feet from the property line of the protected use (public school), with the remainder of the building being multifamily rental use.

Constitutes waste or inefficient use of land or other resources because the Location was planned and zoned as an anchor to the Cedar Springs Entertainment District, an area which generates over \$30 million annually in wine, beer and liquor sales. The intended use for the Location during planning, city approval and development was as a food and beverage operation serving alcohol for on-premise consumption. This is the highest and best use of the Location and to not allow the applicant a variance will reduce the value of the building for ad valorem purposes and reduce alcohol and sales tax collections, directly correlated to the inefficient use of the Location.

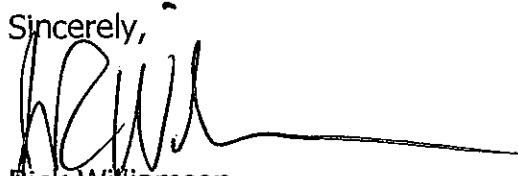
Creates an undue hardship on the applicant because surrounding businesses, including those within the same building and other buildings similarly physically located in relation to the protected use, currently hold permits allowing them to serve alcohol, beer and wine. To be located within this district and not be allowed the same business licenses will create an economic disadvantage for the applicant relative to its peers. Additionally, a restaurant previously located in the same Location held the same permit the applicant seeks and such permit was approved by both the City of Dallas and TABC. Accordingly, when executing its lease, applicant believed that a permit was available for the Location.

Does not serve its intended purpose, given that other businesses located in the same building currently hold active alcohol sales permits and that other businesses located within similar distance of the restricted use (measuring actual business-to-restricted use distance) have been, are currently and will continue to serve alcohol, beer and wine. The marginal impact of this Location and its operations is insignificant. Enforcement of the minimum distance requirement will not affect whether or not alcohol is sold near the protected use.

Is not effective or necessary because of the location of other alcohol sales outlets in the area and because the Location and the protected use are in a historically mixed use, urban environment where multiple eclectic uses have existed in close proximity for decades. If we are to build the communities envisioned in the Forward Dallas and other similar plans, we must accept a variety of land uses in propinquity.

For these reasons, Cherry & Alex Corporation dba Ai Sushi Sake Grill respectfully requests approval of a variance pursuant to Section 6-4(g) of the City Code. Should you have any questions or need additional information, please do not hesitate to contact me

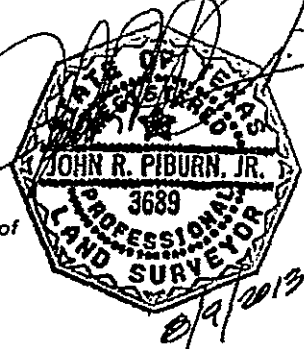
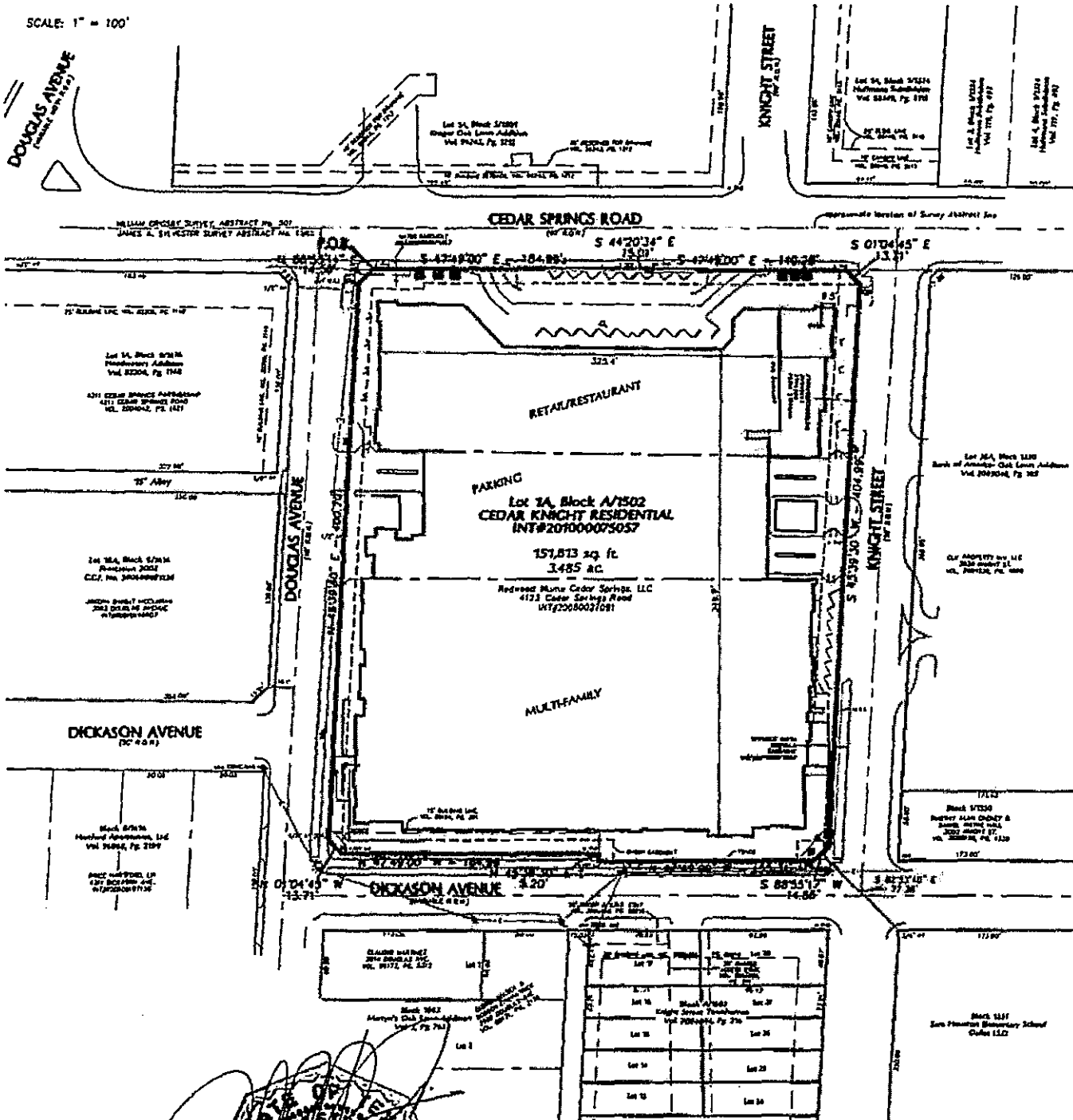
Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Williamson', with a long horizontal flourish extending to the right.

Rick Williamson  
The Crosland Group

# Exhibit

SCALE: 1" = 100'



Note: A compilation of record information.  
Date: 8/8/2013  
Job No. 10069



## Piburn & Carson, LLC

9535 Forest Ln. - Suite 229  
Dallas, Texas 75243  
Ph: (214) 328-3500 Fax: (214) 328-3512  
www.piburncarson.com email@piburncarson.com  
Surveying Firm #100871-00 Engineering Firm #F-12324

**Cherry & Alex Corporation  
dba Ai Sushi Sake Grill  
4123 Cedar Springs Road, Suite 102  
Dallas, Texas 75219**

August 12, 2013

Ms. Theresa O'Donnell  
Director  
City of Dallas Department of Sustainable Development and Construction  
1500 Marilla Street, Room 5B North  
Dallas, TX 75201

Re: Authorization of The Crosland Group to make application for Variance under  
Section 6-4(a)(1) for Ai Sushi Sake Grill

Ms. O'Donnell:

Please be advised that Cherry & Alex Corporation dba Ai Sushi Sake Grill hereby authorize The Crosland Group to make application for a variance from the distance limit established under Section 6-4(a)(1) of the Dallas City Code and to carry out any administrative duties required to process the application to completion.

Respectfully,



Hyung J. Chang  
Cherry & Alex Corporation  
dba Ai Sushi Sake Grill