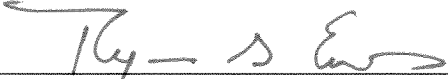



**JANUARY 8, 2014 CITY COUNCIL AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated January 8, 2014. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

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

12/13/13  
\_\_\_\_\_  
Date

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

12/13/13  
\_\_\_\_\_  
Date



RECEIVED

2013 DEC 20 PM 4:29

CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL AGENDA

January 8, 2014

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  
WEDNESDAY, JANUARY 8, 2014  
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 - 34

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



**AGENDA**  
**CITY COUNCIL MEETING**  
**JANUARY 8, 2014**  
**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 December 11, 2013 City Council Meeting

CONSENT AGENDA

**Business Development & Procurement Services**

2. Authorize a three-year service contract, with two one-year renewal options, for consulting, technical assistance and actuarial services for Risk Management - Aon Risk Services Southwest, Inc., most advantageous proposer of three - Not to exceed \$375,000 - Financing: Current Funds (subject to annual appropriations)
3. Authorize a three-year service contract for window glass replacement services and repairs for all City buildings - Stafford Juneau Holdings, Inc. dba B.J. Glass Co., lowest responsible bidder of four - Not to exceed \$504,491 - Financing: Current Funds (\$471,946), Aviation Current Funds (\$12,000), Convention and Event Services Current Funds (\$17,489) and Water Utilities Current Funds (\$3,056) (subject to annual appropriations)

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

4. Authorize Supplemental Agreement No. 1 with Andrews Building Service, Inc. in the amount of \$238,686, CTJ Maintenance, Inc. in the amount of \$165,675 and D&A Building Services, Inc. in the amount of \$17,626 to increase the service contract for janitorial services for Aviation, Trinity Watershed Management and Housing/Community Services locations - Total not to exceed \$421,987, from \$1,687,953 to \$2,109,940 - Financing: Department of State Health Services Grant Funds (\$165,675), Aviation Current Funds (\$238,686) and Stormwater Drainage Management Current Funds (\$17,626) (subject to annual appropriations)

**Housing/Community Services**

5. Authorize an amendment to Resolution No. 13-1106, previously approved on June 26, 2013, for the conditional grant agreement in the amount of \$500,000 with Jubilee Park Community Center Corporation (JPCCC) to: **(1)** allow nonrecourse language in the legal documents with Jubilee Park Community Center Corporation; and **(2)** extend the completion date to June 26, 2015 for the acquisition, demolition, relocation, predevelopment and construction of the Jubilee Neighborhood Project - Financing: No cost consideration to the City

**Park & Recreation**

6. Authorize a professional services contract with CEI Engineering Associates, Inc. for civil and structural engineering, landscape architectural, surveying and geotechnical engineering for a hike and bike trail for the Runyon Creek Greenbelt Trail located from Glendale Park loop trail to Wagon Wheel Trail to University Hill Drive - Not to exceed \$326,486 - Financing: General Obligation Commercial Paper Funds
7. Authorize a professional services contract with Dunaway Associates, L.P. for topographic survey, geotechnical services, and design development through construction administration services for trail extension improvements at Flag Pole Hill Trail located from White Rock Creek Trail to the Muchert Service Center - Not to exceed \$130,705 - Financing: General Obligation Commercial Paper Funds
8. Authorize a professional services contract with Freese and Nichols, Inc. for topographic survey, geotechnical services, and design development through construction administration services for trail improvements for the Coombs Creek Trail, Phase III located from Stevens Park tennis courts to Colorado Boulevard to Plymouth Road to Hampton Road - Not to exceed \$171,070 - Financing: 2006 Bond Funds
9. Authorize **(1)** a professional services contract with Hargreaves Associates, Inc. for schematic design and construction cost estimates for improvements to John Carpenter Plaza located at 2201 Pacific Avenue; **(2)** the acceptance of funds in the amount of \$307,555 from The Decherd Foundation; and **(3)** the establishment of appropriations in the amount of \$307,555 in the Capital Gifts, Donation and Development Fund - Not to exceed \$307,555 - Financing: Capital Gifts, Donation and Development Funds



CONSENT AGENDA (Continued)**Park & Recreation** (Continued)

10. Authorize a professional services contract with JACOBS Engineering Group, Inc. for schematic design through construction administration services for a new trail at Timberglen Trail located from Timberglen Park to Barry Barker Park - Not to exceed \$204,814 - Financing: General Obligation Commercial Paper Funds
11. Authorize a professional services contract with Newman, Jackson, Bieberstein for topographic survey, geotechnical services, and design development through construction administration services of a hike and bike trail to include retaining wall design and hike and bike lane striping on roadway for the Lake Highlands Trail, Phase II located between White Rock Trail and Skillman Road - Not to exceed \$140,823 - Financing: General Obligation Commercial Paper Funds
12. Authorize a professional services contract with Urban Engineers Group, Inc. for schematic design through construction administration services for a pedestrian connection at Elmwood Parkway from Mountain Lake Road to Kiest Park - Not to exceed \$62,123 - Financing: General Obligation Commercial Paper Funds
13. Authorize a contract for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park located at 7700 Mockingbird Lane - A S Con, Inc., lowest responsible bidder of nine - Not to exceed \$946,495 - Financing: 2006 Bond Funds
14. Authorize a twelve-month funding agreement with Texas Discovery Gardens in the amount of \$95,862 to manage the Texas Discovery Gardens facilities, provide programs and services within the City of Dallas for the period October 1, 2013 through September 30, 2014 - Total not to exceed \$95,862 - Financing: Current Funds

**Public Works Department**

15. Authorize a professional services contract with URS Corporation for the engineering design of three new street crossings under the Union Pacific Railroad (UPRR) at Bataan Street, Herbert Street and Amonette Street for the West Dallas Gateway Project, Phase I - Not to exceed \$546,645 - Financing: General Obligation Commercial Paper Funds
16. Authorize **(1)** the First Amendment to the Project Specific Agreement with Dallas County to expand the scope of project to include water and wastewater main improvements for the construction on La Prada Drive from Millmar Drive to Motley Drive; and **(2)** payment to Dallas County for the City's share of water and wastewater main construction costs - Not to exceed \$323,013 - Financing: Water Utilities Capital Construction Funds (\$36,026) and Water Utilities Capital Improvement Funds (\$286,987)

CONSENT AGENDA (Continued)**Sustainable Development and Construction**

17. An ordinance abandoning portions of a sanitary sewer easement, utility easement and water easement to PV Prestonwood I, Ltd., the abutting owner, containing a total of approximately 20,048 square feet of land, located near the intersection of Arapaho Road and Knoll Trail Drive - Revenue: \$5,400, plus the \$20 ordinance publication fee
18. An ordinance abandoning a portion of a street easement to Wal Mart Real Estate Business Trust, the abutting owner, containing approximately 2,299 square feet of land, located near the intersection of Buckner Boulevard and Bearden Lane, and providing for the dedication of approximately 3,449 square feet of land needed for right-of-way - Revenue: \$5,400, plus the \$20 ordinance publication fee
19. An ordinance abandoning a utility easement to WRT/DK Residential, L.P., the abutting owner, containing approximately 112,098 square feet of land, located near the intersection of Skillman Street and Merriman Parkway - Revenue: \$5,400, plus the \$20 ordinance publication fee

**Trinity Watershed Management**

20. Authorize a professional services contract with Charles Gojer & Associates, Inc. for the engineering design of erosion control improvements for 1739, 1745 and 1751 Tamarack Drive, the Bahama Drive Relief System drainage improvements, and the 6900 Block Gaston Avenue drainage improvements - Not to exceed \$180,470 - Financing: General Obligation Commercial Paper (\$142,418) and Stormwater Drainage Management Current Funds (\$38,053)

**Water Utilities**

21. Authorize continuation of the contract with the United States Geological Survey for operation of stream flow and water quality gauging stations in the Trinity River basin, a pharmaceutical and personal care products water quality study and a Zebra Mussel sampling and study on each of the reservoirs in the Dallas water supply system from November 1, 2013 through September 30, 2014 - Not to exceed \$516,391 - Financing: Water Utilities Current Funds
22. Authorize professional services contracts with six consulting firms to provide construction materials testing services during the installation of water and wastewater mains - Mas-Tek Engineering & Associates, Inc., in the amount of \$269,440, Alliance Geotechnical Group, Inc., in the amount of \$371,969, Alpha Testing, Inc., in the amount of \$186,989, TEAM Consultants, Inc., in the amount of \$294,800, Rone Engineering Services, Ltd., in the amount of \$301,836, and Terracon Consultants, Inc., in the amount of \$355,274 - Total not to exceed \$1,780,308 - Financing: Water Utilities Capital Construction 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 on-site reconstruction of nine homes in accordance with the requirements of the Reconstruction/SHARE Program Statement for the properties located at: 1444 Rowan Avenue in the amount of \$103,000; 1430 Morrell Avenue in the amount of \$103,000; 2307 Moffatt Avenue in the amount of \$103,000; 1907 Nomias Street in the amount of \$103,000; 1948 Gallagher Street in the amount of \$103,000; 4023 Shadrack Drive in the amount of \$103,000; 1524 Fleetwood Street in the amount of \$103,000; 4003 Carl Street in the amount of \$103,000; and 2531 Naoma Street in the amount of \$103,000 - Total not to exceed \$927,000 - Financing: 2013-14 Community Development Block Grant Funds (\$752,018); 2012-13 Community Development Block Grant Reprogramming Funds (\$91,000); and 2012-13 HOME Investment Partnership Program Grant Funds (\$83,982)

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 greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Seagoville Road and South St. Augustine Road  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions  
Z123-239(MW)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

**Sustainable Development and Construction (Continued)**

ZONING CASES - CONSENT (Continued)

26. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and the renewal of Specific Use Permit No. 1808 for an industrial (inside) potentially incompatible use for an automobile recycling plant and an ordinance granting a Specific Use Permit for an outside salvage and reclamation use on property zoned an IM Industrial Manufacturing District on the west line of Weir Street, south of Singleton Boulevard  
Recommendation of Staff and CPC: Approval to renew Specific Use Permit No. 1808 for a two-year period with eligibility for automatic renewals of two-year periods, subject to a revised site plan and revised conditions; and approval of a Specific Use Permit for an outside salvage and reclamation use for a period of two-years with eligibility for automatic renewals of two-year periods, subject to a site plan and conditions  
Z123-250(OTH)
27. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east side of McKinney Avenue and south of Elizabeth Street  
Recommendation of Staff and CPC: Approval, subject to a development/landscaping plan and conditions  
Z123-352(JH)

ZONING CASES - INDIVIDUAL

28. A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay 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 a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of West Jefferson Boulevard and North Brighton Avenue  
Recommendation of Staff: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit 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 of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions  
Z123-328(MW)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

**Sustainable Development and Construction (Continued)**

ZONING CASES - INDIVIDUAL (Continued)

29. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1935 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 south corner of Lawnview Avenue and Forney Road  
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject conditions  
Recommendation of CPC: Approval for a five-year period, subject conditions  
Z123-357(WE)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

30. A public hearing to receive comments regarding an application for and an ordinance granting an RR Regional Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-3 Limited Office District on the west line of North Walton Walker Freeway, north of Twenty Grand Drive  
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z123-273(WE)  
Note: This item was considered by the City Council at a public hearing on December 11, 2013, and was taken under advisement until January 8, 2014, with the public hearing open

DESIGNATED ZONING CASES - INDIVIDUAL

31. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for mixed uses on property zoned an MU-1 Mixed Use District, on the south side of Northwest Highway, east of Lemmon Avenue  
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions  
Z123-338(JH)
32. A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the north corner of Harry Hines Boulevard and West Mockingbird Lane  
Recommendation of Staff and CPC: Approval  
Z123-341(MW)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

**Sustainable Development and Construction (Continued)**

DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

33. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subarea B of Planned Development Subdistrict No. 66 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest side of Harwood Street, southeast of McKinney Avenue

Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions

Z123-321(JH)

Note: This item was considered by the City Council at a public hearing on December 11, 2013, and was taken under advisement until January 8, 2014, with the public hearing open

MISCELLANEOUS HEARINGS - UNDER ADVISEMENT

**Sustainable Development and Construction**

34. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from Thomas C. Marsh Middle School, a public school, required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a proposed general merchandise or food store greater than 10,000 square feet [CVS Corp.] on property on the southwest corner of Forest Lane and Cox Lane - AV123-010 - Financing: No cost consideration to the City

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**      January 8, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			All	V	NA	NA	NA	NA	Approval of Minutes of December 11, 2013 City Council Meeting
2			All	C	PBD	\$375,000.00	81.91%	18.09%	Authorize a three-year service contract, with two one-year renewal options, for consulting, technical assistance and actuarial services for Risk Management
3			All	C	PBD, CES, EBS, WTR, AVI, PKR, POL	\$504,490.70	0.00%	0.00%	Authorize a three-year service contract for window glass replacement services and repairs for all City buildings
4			All	C	PBD, AVI, HOU, TWM	\$421,987.00	86.54%	100.00%	Authorize Supplemental Agreement No.1 with Andrews Building Service, Inc., CTJ Maintenance, Inc. and D&A Building Services, Inc. to increase the service contract for janitorial services for Aviation, Trinity Watershed Management and Housing/Community Services locations
5			2	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 13-1106, previously approved on June 26, 2013, for the conditional grant agreement with Jubilee Park Community Center Corporation (JPCCC) to: allow nonrecourse language in the legal documents with Jubilee Park Community Center Corporation; and extend the completion date to June 26, 2015 for the acquisition, demolition, relocation, predevelopment and construction of the Jubilee Neighborhood Project
6			8	C	PKR, PBW	\$326,485.50	100.00%	29.11%	Authorize a professional services contract with CEI Engineering Associates, Inc. for civil and structural engineering, landscape architectural, surveying and geotechnical engineering for a hike and bike trail for the Runyon Creek Greenbelt Trail located from Glendale Park loop trail to Wagon Wheel Trail to University Hill Drive
7			10	C	PKR, PBW	\$130,705.00	30.10%	26.27%	Authorize a professional services contract with Dunaway Associates, L.P. for topographic survey, geotechnical services, and design development through construction administration services for trail extension improvements at Flag Pole Hill Trail located from White Rock Creek Trail to the Muchert Service Center
8			1	C	PKR, PBW	\$171,070.00	100.00%	31.80%	Authorize a professional services contract with Freese and Nichols, Inc. for topographic survey, geotechnical services, and design development through construction administration services for trail improvements for the Coombs Creek Trail, Phase III located from Stevens Park tennis courts to Colorado Boulevard to Plymouth Road to Hampton Road
9			14	C	PKR	GT	7.66%	7.66%	Authorize a professional services contract with Hargreaves Associates, Inc. for schematic design and construction cost estimates for improvements to John Carpenter Plaza located at 2201 Pacific Avenue; the acceptance of funds from The Decherd Foundation
10			12	C	PKR, PBW	\$204,814.00	100.00%	36.01%	Authorize a professional services contract with JACOBS Engineering Group, Inc. for schematic design through construction administration services for a new trail at Timberglen Trail located from Timberglen Park to Barry Barker Park
11			10	C	PKR, PBW	\$140,823.00	100.00%	60.92%	Authorize a professional services contract with Newman, Jackson, Bieberstein for topographic survey, geotechnical services, and design development through construction administration services of a hike and bike trail to include retaining wall design and hike and bike lane striping on roadway for the Lake Highlands Trail, Phase II located between White Rock Trail and Skillman Road
12			1	C	PKR, PBW	\$62,123.00	100.00%	90.39%	Authorize a professional services contract with Urban Engineers Group, Inc. for schematic design through construction administration services for a pedestrian connection at Elmwood Parkway from Mountain Lake Road to Kiest Park
13			9	C	PKR	\$946,495.00	78.49%	25.19%	Authorize a contract for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park located at 7700 Mockingbird Lane
14			7	C	PKR	\$95,862.00	NA	NA	Authorize a twelve-month funding agreement with Texas Discovery Gardens to manage the Texas Discovery Gardens facilities, provide programs and services within the City of Dallas for the period October 1, 2013 through September 30, 2014
15			6	C	PBW	\$546,645.00	100.00%	37.50%	Authorize a professional services contract with URS Corporation for the engineering design of three new street crossings under the Union Pacific Railroad (UPRR) at Bataan Street, Herbert Street and Amonette Street for the West Dallas Gateway Project, Phase I
16			9	C	PBW, WTR	\$323,013.00	NA	NA	Authorize the First Amendment to the Project Specific Agreement with Dallas County to expand the scope of project to include water and wastewater main improvements for the construction on La Prada Drive from Millmar Drive to Motley Drive; and payment to Dallas County for the City's share of water and wastewater main construction costs

**AGENDA DATE**      January 8, 2014

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
17			11	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning portions of a sanitary sewer easement, utility easement and water easement to PV Prestonwood I, Ltd., the abutting owner, containing a total of approximately 20,048 square feet of land, located near the intersection of Arapaho Road and Knoll Trail Drive
18			5	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a portion of a street easement to Wal Mart Real Estate Business Trust, the abutting owner, containing approximately 2,299 square feet of land, located near the intersection of Buckner Boulevard and Bearden Lane, and providing for the dedication of approximately 3,449 square feet of land needed for right-of-way
19			10	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a utility easement to WRT/DK Residential, L.P., the abutting owner, containing approximately 112,098 square feet of land, located near the intersection of Skillman Street and Merriman Parkway
20			1, 9	C	TWM	\$180,470.00	100.00%	97.13%	Authorize a professional services contract with Charles Gojer & Associates, Inc. for the engineering design of erosion control improvements for 1739, 1745 and 1751 Tamarack Drive, the Bahama Drive Relief System drainage improvements, and the 6900 Block Gaston Avenue drainage improvements
21			All	C	WTR	\$516,391.00	NA	NA	Authorize continuation of the contract with the United States Geological Survey for operation of stream flow and water quality gauging stations in the Trinity River basin, a pharmaceutical and personal care products water quality study and a Zebra Mussel sampling and study on each of the reservoirs in the Dallas water supply system from November 1, 2013 through September 30, 2014
22			All	C	WTR	\$1,780,307.50	100.00%	50.55%	Authorize professional services contracts with six consulting firms to provide construction materials testing services during the installation of water and wastewater mains
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			2, 3, 4, 6, 7, 8	I	HOU	GT	NA	NA	Authorize on-site reconstruction of nine homes in accordance with the requirements of the Reconstruction/SHARE Program Statement for the properties located at: 1444 Rowan Avenue; 1430 Morrell Avenue; 2307 Moffatt Avenue; 1907 Nomias Street; 1948 Gallagher Street; 4023 Shadrack Drive; 1524 Fleetwood Street; 4003 Carl Street; and 2531 Naoma Street
25			5	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 greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Seagoville Road and South St. Augustine Road
26			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and the renewal of Specific Use Permit No. 1808 for an industrial (inside) potentially incompatible use for an automobile recycling plant and an ordinance granting a Specific Use Permit for an outside salvage and reclamation use on property zoned an IM Industrial Manufacturing District on the west line of Weir Street, south of Singleton Boulevard
27			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east side of McKinney Avenue and south of Elizabeth Street
28			1	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay 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 a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of West Jefferson Boulevard and North Brighton Avenue
29			7	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. 1935 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 south corner of Lawnview Avenue and Forney Road
30			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an RR Regional Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-3 Limited Office District on the west line of North Walton Walker Freeway, north of Twenty Grand Drive

**AGENDA DATE**     January 8, 2014

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
31			13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for mixed uses on property zoned an MU-1 Mixed Use District, on the south side of Northwest Highway, east of Lemmon Avenue
32			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the north corner of Harry Hines Boulevard and West Mockingbird Lane
33			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subarea B of Planned Development Subdistrict No. 66 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest side of Harwood Street, southeast of McKinney Avenue
34			13	PH	DEV	NC	NA	NA	A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from Thomas C. Marsh Middle School, a public school, required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a proposed general merchandise or food store greater than 10,000 square feet [CVS Corp.] on property on the southwest corner of Forest Lane and Cox Lane

**TOTAL                    \$6,726,681.70**







## AGENDA ITEM # 2

<b>KEY FOCUS AREA:</b>	Efficient, Effective and Economical Government
<b>AGENDA DATE:</b>	January 8, 2014
<b>COUNCIL DISTRICT(S):</b>	All
<b>DEPARTMENT:</b>	Business Development & Procurement Services Office of Risk Management
<b>CMO:</b>	Jeanne Chipperfield, 670-7804
<b>MAPSCO:</b>	N/A

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### SUBJECT

Authorize a three-year service contract, with two one-year renewal options, for consulting, technical assistance and actuarial services for Risk Management – Aon Risk Services Southwest, Inc., most advantageous proposer of three – Not to exceed \$375,000 - Financing: Current Funds (subject to annual appropriations)

### BACKGROUND

This three year service contract will provide consulting, technical assistance and actuarial services for risk management which will encompass all phases of risk management services for the City's operations. The risk consultant services will provide support to City staff for the review of coverage for the property insurance program, excess workers' compensation insurance, liabilities, risk transfer consulting, market assistance with insurance requirements for contractors and the reviews of insurance companies financial stability. Actuarial services will include independent reviews of the City's losses for automobile liability, general liability and workers' compensation.

A five member evaluation committee was selected from the following departments:

- Office of Financial Services (1)
- Public Works (1)
- Office of Risk Management (1)
- Business Development and Procurement Services (2)\*

\*Business Development and Procurement Services only evaluated the proposed pricing and the Business Inclusion and Development Plan.

**BACKGROUND (Continued)**

The successful proposer was selected by the committee on the basis of the demonstrated competence and qualifications under the following criteria:

- Costs 30 Points
- Vendor qualifications 35 Points
- Services rendered 20 Points
- Business Inclusion and Development Plan 15 Points

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 647 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' 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 December 10, 2008, City Council authorized a sixty-month professional service contract for a Risk Management Consultant to provide consulting service and technical assistance which encompass all phases of risk management by Resolution No. 08-3297.

On January 6, 2014, a memorandum was included on the agenda for the Budget, Finance and Audit Committee.

**FISCAL INFORMATION**

\$375,000.00 - Current Funds (subject to annual appropriations)

**M/WBE INFORMATION**

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

647 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**

### **Aon Risk Services Southwest, Inc.**

White Female	30	White Male	20
Black Female	4	Black Male	0
Hispanic Female	1	Hispanic Male	2
Other Female	0	Other Male	1

## **PROPOSAL INFORMATION**

The following proposals were received from solicitation number BHZ1310 and opened on September 11, 2013. This service contract is being awarded by group to the most advantageous proposer.

\*Denotes successful proposer

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>	<b><u>Amount</u></b>
*Aon Risk Services Southwest, Inc.	2711 N. Haskell Ave. Suite 800 Dallas, TX 75204	Group 1 - 92.17% Group 2 - 77.00%	\$ 285,000.00 \$ 156,000.00
Milliman, Inc.	71 South Wacker Dr. 31st Floor Chicago, IL 60606	Group1 - No bid Group 2 - 72.67%	\$ 90,000.00
Bickmore	1750 Creekside Oaks Dr. Suite 200 Sacramento, CA 95833	Group 1 - 74.00% Group 2 - 66.00%	\$ 279,000.00 \$ 81,000.00

## **OWNER**

### **Aon Risk Services Southwest, Inc.**

Bruce A. Jefferis, President  
David Bell, Vice President  
Ram Padmanabhan, Secretary  
Paul A. Hagy, Treasurer

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

**PROJECT:** Authorize a three-year service contract, with two one-year renewal options, for consulting, technical assistance and actuarial services for Risk Management – Aon Risk Services Southwest, Inc., most advantageous proposer of three – Not to exceed \$375,000 - Financing: Current Funds (subject to annual appropriations)

Aon Risk Services Southwest, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

**PROJECT CATEGORY:** Other Services

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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$307,170.00	81.91%
Total non-local contracts	\$67,830.00	18.09%
<b>TOTAL CONTRACT</b>	<b>\$375,000.00</b>	<b>100.00%</b>

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

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

None

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

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
The Jenkins Agency	BFDB59346Y114	\$67,830.00	100.00%
<b>Total Minority - Non-local</b>		<b>\$67,830.00</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%	\$67,830.00	18.09%
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>\$67,830.00</b>	<b>18.09%</b>

January 8, 2014

**WHEREAS**, on December 10, 2008, City Council authorized a sixty-month professional service contract for a Risk Management Consultant to provide consulting service and technical assistance which encompass all phases of risk management by Resolution No. 08-3297;

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is authorized to execute a service contract with Aon Risk Services Southwest, Inc. (205229) for consulting, technical assistance and actuarial services for Risk Management for a term of three years, with two one-year renewal options, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Aon Risk Services Southwest, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Aon Risk Services Southwest, Inc. under the contract.

**Section 2.** That the City Controller is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$375,000.00 (subject to annual appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>ENCUMBRANCE</u>	<u>FY</u>	<u>AMOUNT</u>
0194	ORM	3860	3070	ORM 3860AONFY14	2013-14	\$125,000.00
0194	ORM	3860	3070	ORM 3860AONFY15	2014-15	\$125,000.00
0194	ORM	3860	3070	ORM 3860AONFY16	2015-16	\$125,000.00

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



**AGENDA ITEM # 3**

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

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Convention and Event Services  
Equipment & Building Services  
Water Utilities  
Aviation  
Park & Recreation  
Police

**CMO:** Jeanne Chipperfield, 670-7804  
Forest E. Turner, 670-3390  
Theresa O'Donnell, 671-9195  
Joey Zapata, 670-1204  
Ryan S. Evans, 671-9837

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year service contract for window glass replacement services and repairs for all City buildings – Stafford Juneau Holdings, Inc. dba B.J. Glass Co., lowest responsible bidder of four - Not to exceed \$504,491 - Financing: Current Funds (\$471,946), Aviation Current Funds (\$12,000), Convention and Event Services Current Funds (\$17,489) and Water Utilities Current Funds (\$3,056) (subject to annual appropriations)

**BACKGROUND**

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

This service contract will provide window glass replacement services and repairs for all City buildings. There are various types, thickness and tints of glass available such as:

- Tempered
- Laminate
- Plate
- Mirror
- Black Spandrel

## **BACKGROUND (Continued)**

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a decrease of 34% from the previous award in 2012.

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 879 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 August 11, 2010, City Council authorized a two-year service contract for window glass replacement service and repairs by Resolution No. 10-1934.

On January 11, 2012, City Council authorized a two-year service contract for window glass replacement services and repairs by Resolution No. 12-0118.

## **FISCAL INFORMATION**

\$ 471,945.65 - Current Funds (subject to annual appropriations)  
\$ 12,000.00 - Aviation Current Funds (subject to annual appropriations)  
\$ 17,488.80 - Convention and Event Services Current Funds (subject to annual appropriations)  
\$ 3,056.25 - Water Utilities Current Funds (subject to annual appropriations)

## **M/WBE INFORMATION**

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

879 - 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**

### **Stafford Juneau Holdings, Inc. dba B.J. Glass Co.**

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

## **BID INFORMATION**

The following bids were received from solicitation number BJ1401 and were opened on October 24, 2013. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
*Stafford Juneau Holdings, Inc. dba B.J. Glass Co.	579 County Rd. 4106 Crandall, TX 75114	\$504,490.70
Peruna Glass, Inc. dba Glass Doctor of North Texas	2001 Midway Rd. #121 Carrollton, TX 75006	\$572,404.40
Mister Glass, Inc.	13342 Floyd Cr. Dallas, TX 75243	\$598,860.20
Binswanger Glass	4222 Harry Hines Blvd. Dallas, TX 75219	\$616,468.00

## **OWNER**

### **Stafford Juneau Holdings, Inc. dba B.J. Glass Co.**

Stafford Juneau, President

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

**PROJECT:** Authorize a three-year service contract for window glass replacement services and repairs for all City buildings – Stafford Juneau Holdings, Inc. dba B.J. Glass Co., lowest responsible bidder of four - Not to exceed \$504,491 - Financing: Current Funds (\$471,946), Aviation Current Funds (\$12,000), Convention and Event Services Current Funds (\$17,489) and Water Utilities Current Funds (\$3,056) (subject to annual appropriations)

Stafford Juneau Holdings, Inc. dba B.J. Glass Co. is a non-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**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$504,490.70	100.00%
<b>TOTAL CONTRACT</b>	<b>\$504,490.70</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%



January 8, 2014

**WHEREAS**, on August 11, 2010, City Council authorized a two-year service contract for window glass replacement service and repairs by Resolution No. 10-1934; and,

**WHEREAS**, on January 11, 2012, City Council authorized a two-year service contract for window glass replacement services and repairs by Resolution No. 12-0118;

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is authorized to execute a service contract with Stafford Juneau Holdings, Inc. dba B.J. Glass Co. (VS0000033473) for window glass replacement services and repairs for all City buildings for a term of three years in an amount not to exceed \$504,490.70, upon approval as to form by the City Attorney. If the service contract was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Stafford Juneau Holdings, Inc. dba B.J. Glass Co. shall be based only on the amount of the services directed to be performed by the City and properly performed by Stafford Juneau Holdings, Inc. dba B.J. Glass Co. under the contract.

**Section 2.** That the City Controller is authorized to disburse funds in an amount not to exceed \$504,490.70 (subject to annual 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 # 4

**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Aviation  
Housing/Community Services  
Trinity Watershed Management

**CMO:** Jeanne Chipperfield, 670-7804  
Theresa O'Donnell, 671-9195  
Jill A. Jordan, P.E., 670-5299

**MAPSCO:** N/A

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### SUBJECT

Authorize Supplemental Agreement No. 1 with Andrews Building Service, Inc. in the amount of \$238,686, CTJ Maintenance, Inc. in the amount of \$165,675 and D&A Building Services, Inc. in the amount of \$17,626 to increase the service contract for janitorial services for Aviation, Trinity Watershed Management and Housing/Community Services locations - Total not to exceed \$421,987, from \$1,687,953 to \$2,109,940 - Financing: Department of State Health Services Grant Funds (\$165,675), Aviation Current Funds (\$238,686) and Stormwater Drainage Management Current Funds (\$17,626) (subject to annual appropriations)

### BACKGROUND

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

This Supplemental Agreement No. 1 to the service contract for janitorial services will continue to provide uninterrupted janitorial services at Aviation, Trinity Watershed Management and Housing/Community Services locations. City buildings are occupied by staff and are open to the general public on a daily basis and therefore require daily janitorial services to maintain building aesthetics and sanitary conditions.

Housing/Community Services manages fifteen Women, Infant and Children (WIC) clinics and one warehouse. Hours per clinic vary; however, most clinics are available to clients weekdays and at least one Saturday per month. Over 72,000 clients receive WIC benefits monthly. This contract will provide essential janitorial services to these facilities to ensure appropriate sanitary standards are met.

**BACKGROUND (Continued)**

Additionally, this service contract will continue to provide janitorial services at several Aviation locations including the snow removal equipment building, Customs Border Protection Facility and evening janitorial service at the Love Field terminals. Trinity Watershed Management will use this service contract for janitorial service at their five locations. This Supplemental Agreement will continue the services under this contract until a new solicitation process is completed.

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

On February 10, 2010, City Council authorized a three-year service contract for janitorial services at fourteen Women, Infants and Children locations by Resolution No. 10-0445.

On September 12, 2012, City Council authorized a five-year service contract for janitorial service at various Aviation, Trinity Watershed Management, and Housing/Community Services locations by Resolution No. 12-2228.

**FISCAL INFORMATION**

\$165,675.00 - Department of State Health Services Grant Funds  
\$238,686.00 - Aviation Current Funds (subject to annual appropriations)  
\$ 17,626.00 - Stormwater Drainage Management Current Funds (subject to annual appropriations)

**ETHNIC COMPOSITION**

Andrews Building Service, Inc.

White Male	6	White Female	4
Black Male	1	Black Female	3
Hispanic Male	25	Hispanic Female	123
Other Male	6	Other Female	1

CTJ Maintenance, Inc.

White Male	0	White Female	0
Black Male	1	Black Female	4
Hispanic Male	15	Hispanic Female	75
Other Male	0	Other Female	0

**ETHNIC COMPOSITION (Continued)**

**D&A Building Services, Inc.**

White Male	0	White Female	0
Black Male	0	Black Female	0
Hispanic Male	17	Hispanic Female	31
Other Male	0	Other Female	0

**OWNERS**

**Andrews Building Service, Inc.**

Peter Kim, President

**CTJ Maintenance, Inc.**

Harold Jenkins, President

**D&A Building Services, Inc.**

Albert Sarabasa, President

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

**PROJECT:** Authorize Supplemental Agreement No. 1 with Andrews Building Service, Inc. in the amount of \$238,686, CTJ Maintenance, Inc. in the amount of \$165,675 and D&A Building Services, Inc. in the amount of \$17,626 to increase the service contract for janitorial services for Aviation, Trinity Watershed Management and Housing/Community Services locations - Total not to exceed \$421,987, from \$1,687,953 to \$2,109,940 - Financing: Department of State Health Services Grant Funds (\$165,675), Aviation Current Funds (\$238,686) and Stormwater Drainage Management Current Funds (\$17,626) (subject to annual appropriations)

Andrews Building Service is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor. CTJ Maintenance, Inc. and D&A Building Services, Inc. are local, minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

**PROJECT CATEGORY:** Other Services

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

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$365,180.00	86.54%
Non-local contracts	\$56,807.00	13.46%
<b>TOTAL THIS ACTION</b>	<b>\$421,987.00</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>
CTJ Maintenance, Inc	BMMB55659Y1213	\$165,675.00	45.37%
D & A Building Services	HMMB57149N0414	\$17,626.00	4.83%
Andrews Building Services	PMMB58339N0814	\$181,879.00	49.81%
<b>Total Minority - Local</b>		<b>\$365,180.00</b>	<b>100.00%</b>

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

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Diversified Chemical & Supply	WFWB58220Y0714	\$56,807.00	100.00%
<b>Total Minority - Non-local</b>		<b>\$56,807.00</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	\$165,675.00	39.26%	\$828,375.00	39.26%
Hispanic American	\$17,626.00	4.18%	\$88,132.00	4.18%
Asian American	\$181,879.00	43.10%	\$1,074,090.00	50.91%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$56,807.00	13.46%	\$119,343.00	5.66%
Total	<u>\$421,987.00</u>	<u>100.00%</u>	<u>\$2,109,940.00</u>	<u>100.00%</u>

January 8, 2014

**WHEREAS**, on February 10, 2010, City Council authorized a three-year service contract for janitorial services at fourteen Women, Infants and Children locations by Resolution No. 10-0445; and,

**WHEREAS**, on September 12, 2012, City Council authorized a five-year service contract for janitorial service at various Aviation, Trinity Watershed Management, and Housing/Community Services locations by Resolution 12-2228;

**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 Andrews Building Service, Inc. (356444) in the amount of \$238,686.00, CTJ Maintenance, Inc. (348184) in the amount of \$165,675.00 and D&A Building Services, Inc. (VS0000034094) in the amount of \$17,626.00 for janitorial services for Aviation, Trinity Watershed Management and Housing/Community Services locations in an amount not to exceed \$421,987.00, increasing the service contract from \$1,687,953.00 to \$2,109,940.00.

**Section 2.** That the City Controller is authorized to disburse funds in an amount not to exceed \$421,987.00 (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.



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Housing/Community Services  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 46K

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**SUBJECT**

Authorize an amendment to Resolution No. 13-1106, previously approved on June 26, 2013, for the conditional grant agreement in the amount of \$500,000 with Jubilee Park Community Center Corporation (JPCCC) to: **(1)** allow nonrecourse language in the legal documents with Jubilee Park Community Center Corporation; and **(2)** extend the completion date to June 26, 2015 for the acquisition, demolition, relocation, predevelopment and construction of the Jubilee Neighborhood Project - Financing: No cost consideration to the City

**BACKGROUND**

On November 20, 2013, Jubilee requested: (1) nonrecourse language be placed in the contract; and (2) to extend the completion date to June 26, 2015 for the conditional grant to JPCCC in the amount of \$500,000 for the development to include acquisition, demolition, relocation, predevelopment and construction costs, not to exceed \$50,000 in predevelopment reimbursement and \$25,000 in construction subsidy per housing unit. Once constructed, JPCCC will be required to place a five year deed restriction on the single family units to maintain affordability at 140% Area Median Family Income. JPCCC has agreed to match the funds in the amount of \$500,000 with the City's commitment of \$500,000.

The nonrecourse language would eliminate personal liability of the borrower, and would stipulate that the City's sole remedy in the event of a borrower default would be foreclosure of the property.

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

On June 26, 2013, City Council approved the conditional grant to JPCCC in the amount of \$500,000 for the development to include acquisition, demolition, relocation, predevelopment and construction costs of the Jubilee Neighborhood Project, by Resolution No. 13-1106.

**FISCAL INFORMATION**

No cost consideration to the City

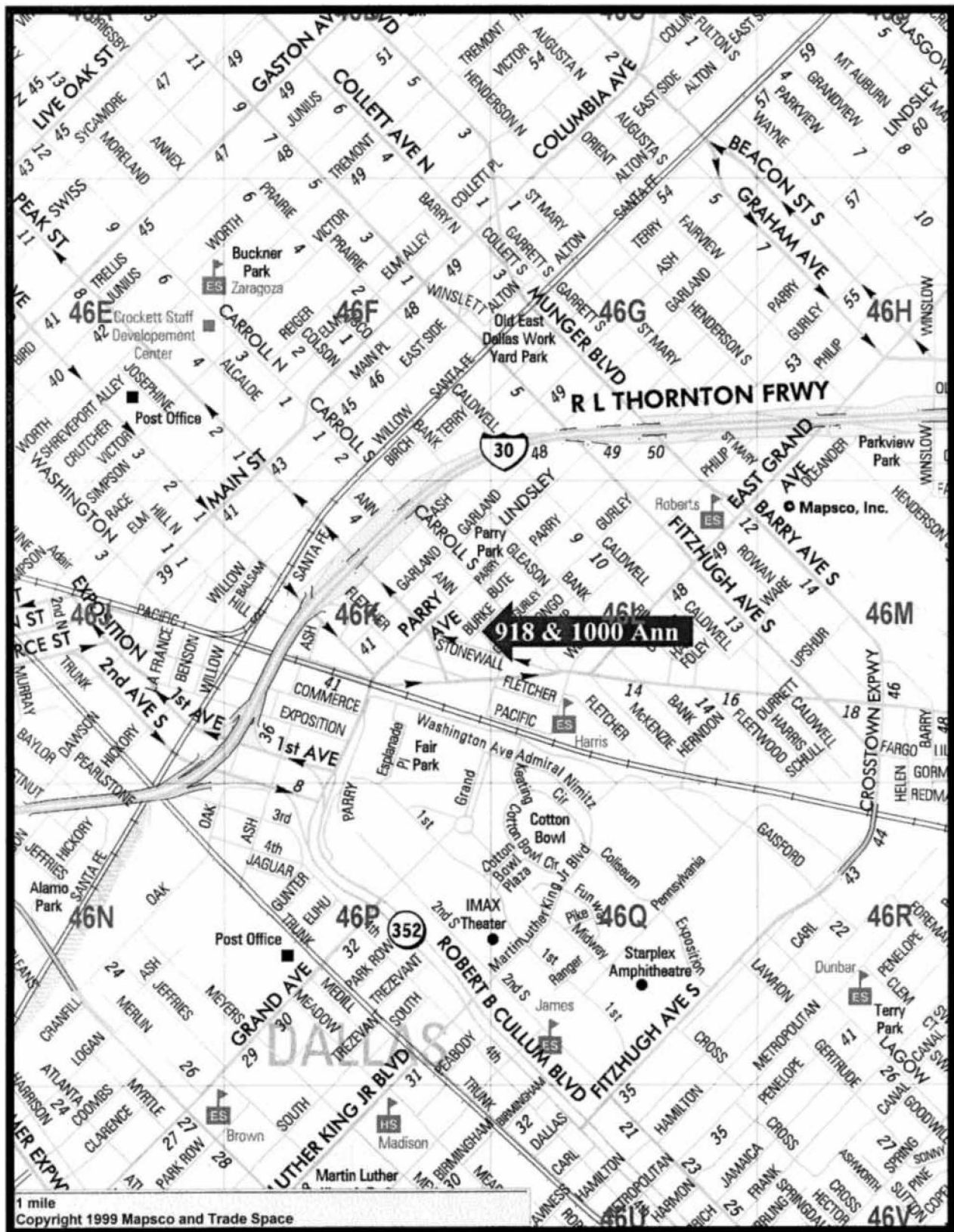
**OWNER(S)/DEVELOPER(S)**

**Jubilee Park Community Center Corporation**

Tom Harbison, Chairman of Board  
Ben Leal, Executive Director

**MAP**

Attached



MAPSCO 46K



January 8, 2014

**WHEREAS**, the City of Dallas seeks to support economic growth in the Southern area of the city and economic development; and

**WHEREAS**, Jubilee Park Community Center Corporation (JPCCC) wishes to partner with the City of Dallas to provide forty single family homes in the Jubilee Neighborhood; and

**WHEREAS**, on June 26, 2013, City Council approved the conditional grant to JPCCC in the amount of \$500,000 for the development to include acquisition, demolition, relocation, predevelopment and construction costs of the Jubilee Neighborhood Project, by Resolution No. 13-1106; and

**WHEREAS**, the City requests a modification to the conditional grant agreement as part of the City's ongoing efforts to promote housing as a part of greater economic development plans in the city; **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. 13-1106 approved on June 26, 2013, for the conditional grant agreement in the amount of \$500,000 with Jubilee Park Community Center Corporation (JPCCC) to: (1) allow nonrecourse language in the legal documents with Jubilee Park Community Center Corporation; and (2) extend the completion date to June 26, 2015 for the acquisition, demolition, relocation, predevelopment and construction of the Jubilee Neighborhood Project.

**SECTION 2.** That the grant agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- a. JPCCC shall begin construction on the Jubilee Project by June 26, 2013
- b. JPCCC shall complete construction by June 26, 2015
- c. JPCCC will be required to prove match funding prior to the construction start of the nine homes
- d. JPCCC consents to and files deed restrictions requiring 100% of the units to be sold to homebuyers with household incomes at or below 140% Area Median Family Income for a period of five (5) years.

**SECTION 3.** That the City Manager or designee may extend the start and completion dates for a period up to three months for just cause.

**SECTION 4.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loans, until such time as the deed restrictions are duly approved by all parties and executed.

January 8, 2014

**SECTION 5.** 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:** Culture, Arts and Recreation

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Park & Recreation  
Public Works Department

**CMO:** Willis Winters, 670-4071  
Jill A. Jordan, P.E., 670-5299

**MAPSCO:** 65L Q U X Y 75-E

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**SUBJECT**

Authorize a professional services contract with CEI Engineering Associates, Inc. for civil and structural engineering, landscape architectural, surveying and geotechnical engineering for a hike and bike trail for the Runyon Creek Greenbelt Trail located from Glendale Park loop trail to Wagon Wheel Trail to University Hill Drive - Not to exceed \$326,486 - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

CEI Engineering Associates, Inc. will provide for civil and structural engineering, landscape architectural, surveying and geotechnical engineering for a hike and bike trail for the Runyon Creek Greenbelt Trail. This trail will be designed to a minimum width of 12 feet.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	February 2014
Complete Design	February 2015
Begin Construction	April 2015
Complete Construction	April 2016

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

The Park and Recreation Board authorized award of the professional services contract on November 21, 2013.

**FISCAL INFORMATION**

2012 Bond Program (General Obligation Commercial Paper Funds) - \$326,485.50

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

CEI Engineering Associates, Inc.

White Male	4	White Female	1
Black Male	1	Black Female	0
Hispanic Male	1	Hispanic Female	1
Other Male	2	Other Female	0

**OWNERS**

**CEI Engineering Associates, Inc.**

C. Michael Shupe, Chairman, Board of Directors  
Jeffrey Geurian, President/Chief Executive Officer

Stockholders

Richard Daniel, Director  
Dan Dykema, Director  
Robert Michael Holmes, Director  
Yong Fook Ho, ESOP Representative  
Richard Smith, Director  
Douglas Sperber, Director  
Sue Huffman, Corporate Secretary

**MAP**

Attached



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

**PROJECT:** Authorize a professional services contract with CEI Engineering Associates, Inc. for civil and structural engineering, landscape architectural, surveying and geotechnical engineering for a hike and bike trail for the Runyon Creek Greenbelt Trail located from Glendale Park loop trail to Wagon Wheel Trail to University Hill Drive - Not to exceed \$326,486 - Financing: General Obligation Commercial Paper Funds

CEI Engineering Associates, 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	\$326,485.50	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$326,485.50</b>	<b>100.00%</b>

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

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

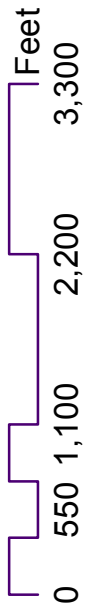
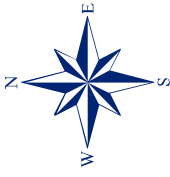
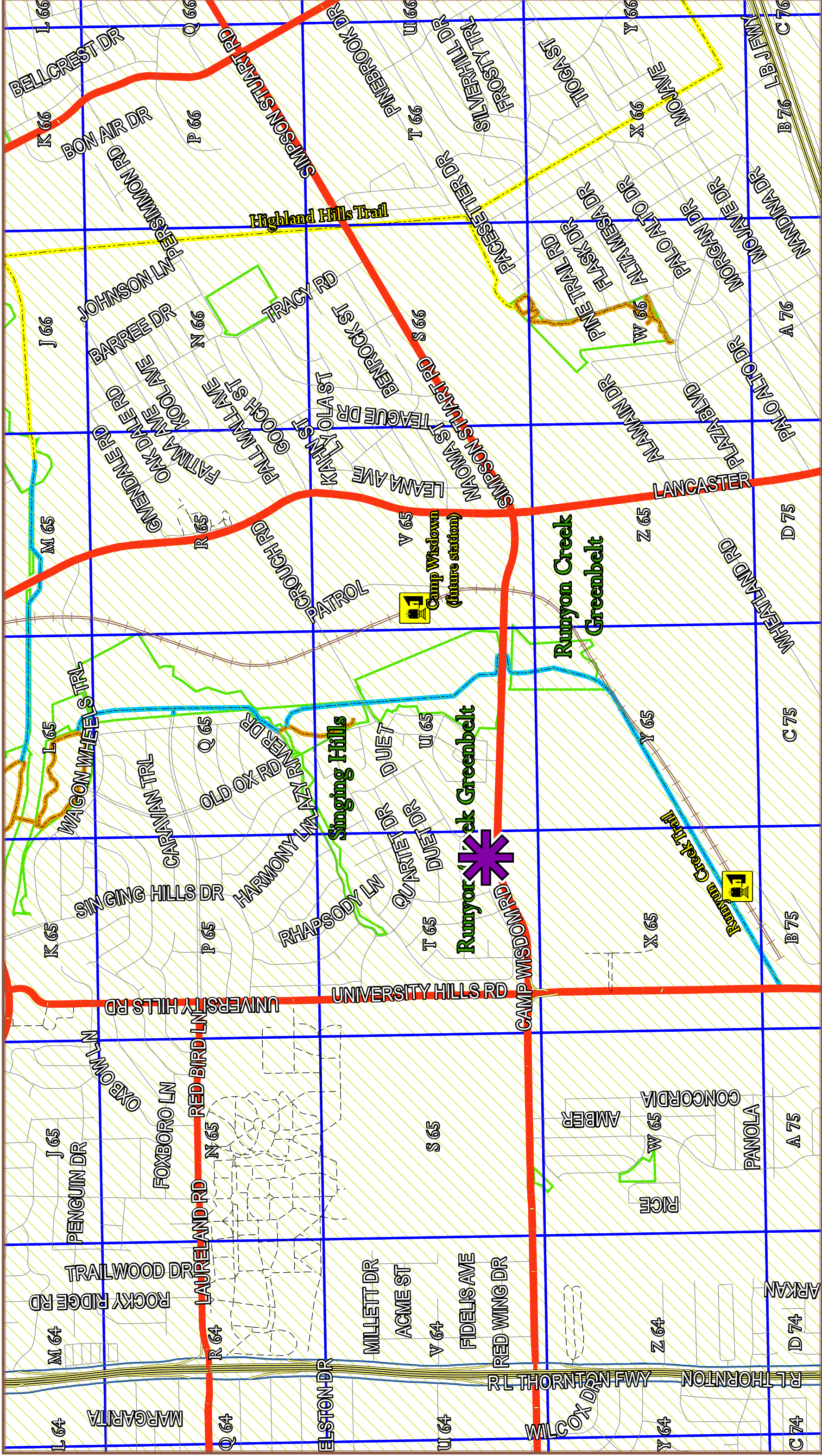
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
AHSC	BMDB56530Y0214	\$1,745.00	0.53%
JQ Infrastructure	IMDB58200Y0714	\$33,981.00	10.41%
Lim & Associates	PMDB56988Y0314	\$59,310.00	18.17%
<b>Total Minority - Local</b>		<b>\$95,036.00</b>	<b>29.11%</b>

#### **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	\$1,745.00	0.53%	\$1,745.00	0.53%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$93,291.00	28.57%	\$93,291.00	28.57%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$95,036.00</b>	<b>29.11%</b>	<b>\$95,036.00</b>	<b>29.11%</b>



November 21, 2013

Mapsc0

65 L, Q, U, X, Y

75 E

## Runyon Creek Trail

### Wagon Wheels Tr—University Hills Rd

January 8, 2014

**WHEREAS**, it is necessary to hire a firm to provide for civil and structural engineering, landscape architectural, surveying and geotechnical engineering for a hike and bike trail for the Runyon Creek Greenbelt Trail located from Glendale Park loop trail to Wagon Wheel Trail to University Hill Drive, and the firm of CEI Engineering Associates, Inc. has presented a proposal dated November 6, 2013 to provide for these services for a fee not to exceed \$326,485.50.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into a professional services contract with CEI Engineering Associates, Inc. for civil and structural engineering, landscape architectural, surveying and geotechnical engineering for a hike and bike trail for the Runyon Creek Greenbelt Trail, in an amount not to exceed \$326,485.50.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with CEI Engineering Associates, Inc., after approval as to form by the City Attorney's Office.

**SECTION 3.** That the City Controller is hereby authorized to pay the amount of \$326,485.50 to CEI Engineering Associates, Inc. from (2012) Street and Transportation Improvements Fund, Fund 2U22, Department PBW, Unit S619, Object 4111, Activity HIBT, Program PB12S619, CT-PKR14019418, Commodity 92500, Vendor VS0000015568.

**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 # 7**

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

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 10

**DEPARTMENT:** Park & Recreation  
Public Works Department

**CMO:** Willis Winters, 670-4071  
Jill A. Jordan, P.E., 670-5299

**MAPSCO:** 27-Y Z

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**SUBJECT**

Authorize a professional services contract with Dunaway Associates, L.P. for topographic survey, geotechnical services, and design development through construction administration services for trail extension improvements at Flag Pole Hill Trail located from White Rock Creek Trail to the Muchert Service Center - Not to exceed \$130,705 - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

Dunaway Associates, L.P. will provide for topographic survey, geotechnical services, and design development through construction administration services for trail extension improvements at Flag Pole Hill Trail.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	February 2014
Complete Design	February 2015
Begin Construction	May 2015
Complete Construction	December 2015

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

The Park and Recreation Board authorized award of the professional services contract on December 5, 2013.

**FISCAL INFORMATION**

2012 Bond Program (General Obligation Commercial Paper Funds) - \$130,705

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

**Dunaway Associates, L.P.**

White Male	72	White Female	15
Black Male	2	Black Female	1
Hispanic Male	3	Hispanic Female	3
Other Male	2	Other Female	1

**OWNERS**

**Dunaway Associates, L.P.**

Tom Huffhines, President  
Toby Ford, Vice President  
Tom Galbreath, Executive Vice President

**MAP**

Attached

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

**PROJECT:** Authorize a professional services contract with Dunaway Associates, L.P. for topographic survey, geotechnical services, and design development through construction administration services for trail extension improvements at Flag Pole Hill Trail located from White Rock Creek Trail to the Muchert Service Center - Not to exceed \$130,705 - Financing: General Obligation Commercial Paper Funds

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

**PROJECT CATEGORY:** Architecture & Engineering

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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$39,340.00	30.10%
Total non-local contracts	\$91,365.00	69.90%
<b>TOTAL CONTRACT</b>	<b>\$130,705.00</b>	<b>100.00%</b>

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

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

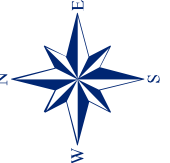
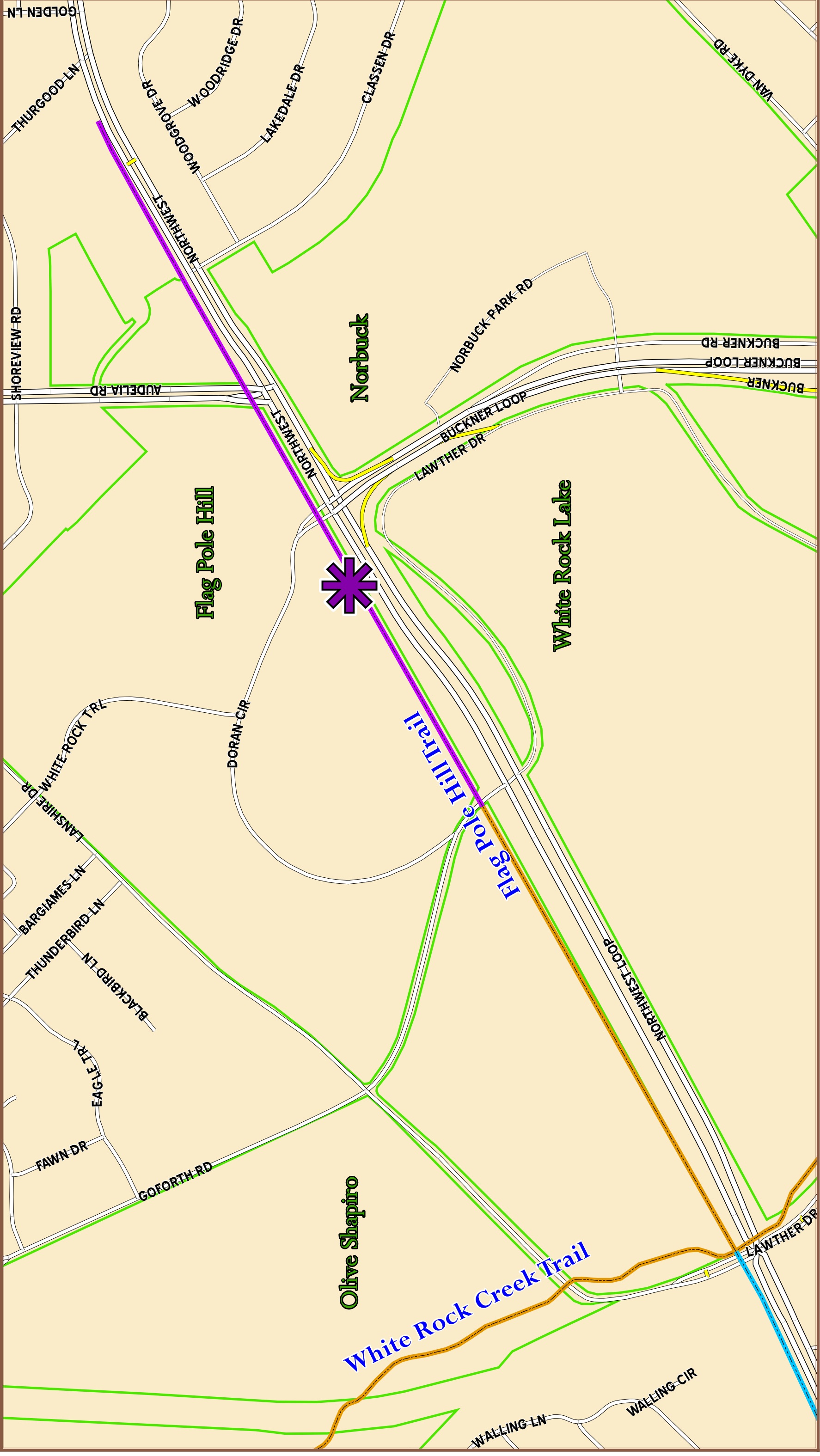
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Accessibility, Health, & Safety Consulting	BMDB56530Y0214	\$1,500.00	3.81%
Charles Gojer & Associates, Inc.	HMDB58160Y0714	\$10,000.00	25.42%
Lim & Associates, Inc.	PMDB56988Y0314	\$21,340.00	54.25%
MS Dallas Reprographics	WFWB56940Y0314	\$1,500.00	3.81%
<b>Total Minority - Local</b>		<b>\$34,340.00</b>	<b>87.29%</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	\$1,500.00	3.81%	\$1,500.00	1.15%
Hispanic American	\$10,000.00	25.42%	\$10,000.00	7.65%
Asian American	\$21,340.00	54.25%	\$21,340.00	16.33%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,500.00	3.81%	\$1,500.00	1.15%
<b>Total</b>	<b>\$34,340.00</b>	<b>87.29%</b>	<b>\$34,340.00</b>	<b>26.27%</b>



December 5, 2013

*Flag Pole Hill Trail*  
*(White Rock Creek Trail—Muchert Service Center)*

MapSCO  
27Y Z

District  
10



January 8, 2014

**WHEREAS**, it is necessary to hire a firm to provide for topographic survey, geotechnical services, and design development through construction administration services for trail extension improvements at Flag Pole Hill Trail located from White Rock Creek Trail to the Muchert Service Center, and the firm of Dunaway Associates, L.P. has presented a proposal dated November 22, 2013 to provide for these services for a fee not to exceed \$130,705.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into a professional services contract with Dunaway Associates, L.P. for topographic survey, geotechnical services, and design development through construction administration services for trail extension improvements at Flag Pole Hill Trail, in an amount not to exceed \$130,705.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Dunaway Associates, L.P., after approval as to form by the City Attorney's Office.

**SECTION 3.** That the City Controller is hereby authorized to pay the amount of \$130,705 to Dunaway Associates, L.P. from (2012) Street and Transportation Improvements Fund, Fund 2U22, Department PBW, Unit S616, Object 4111, Activity HIBT, Program PB12S616, CT-PKR14019422, Commodity 92500, Vendor VS0000059194.

**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:** Culture, Arts and Recreation

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Park & Recreation  
Public Works Department

**CMO:** Willis Winters, 670-4071  
Jill A. Jordan, P.E., 670-5299

**MAPSCO:** 43-Z 44-W

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**SUBJECT**

Authorize a professional services contract with Freese and Nichols, Inc. for topographic survey, geotechnical services, and design development through construction administration services for trail improvements for the Coombs Creek Trail, Phase III located from Stevens Park tennis courts to Colorado Boulevard to Plymouth Road to Hampton Road - Not to exceed \$171,070 - Financing: 2006 Bond Funds

**BACKGROUND**

Freese and Nichols, Inc. will provide for topographic survey, geotechnical services, and design development through construction administration services for trail improvements for the Coombs Creek Trail, Phase III.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	February 2014
Complete Design	February 2015
Begin Construction	August 2015
Complete Construction	April 2016

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

The Park and Recreation Board authorized award of the professional services contract on December 5, 2013.

**FISCAL INFORMATION**

2006 Bond Funds - \$171,070

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Freese and Nichols, Inc.

White Male	311	White Female	132
Black Male	11	Black Female	7
Hispanic Male	40	Hispanic Female	13
Other Male	12	Other Female	7

**OWNERS**

**Freese and Nichols, Inc.**

Robert F. Pence, President/Chief Executive Officer  
Ron M. Lemons, Vice President/Chief Executive Officer  
Michael L. Nichols, Vice President/Chief Executive Officer  
Cindy P. Milrany, Chief Executive Officer

**MAP**

Attached

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

**PROJECT:** Authorize a professional services contract with Freese and Nichols, Inc. for topographic survey, geotechnical services, and design development through construction administration services for trail improvements for the Coombs Creek Trail, Phase III located from Stevens Park tennis courts to Colorado Boulevard to Plymouth Road to Hampton Road - Not to exceed \$171,070 - Financing: 2006 Bond Funds

Freese and Nichols, 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	\$171,070.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$171,070.00</b>	<b>100.00%</b>

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

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

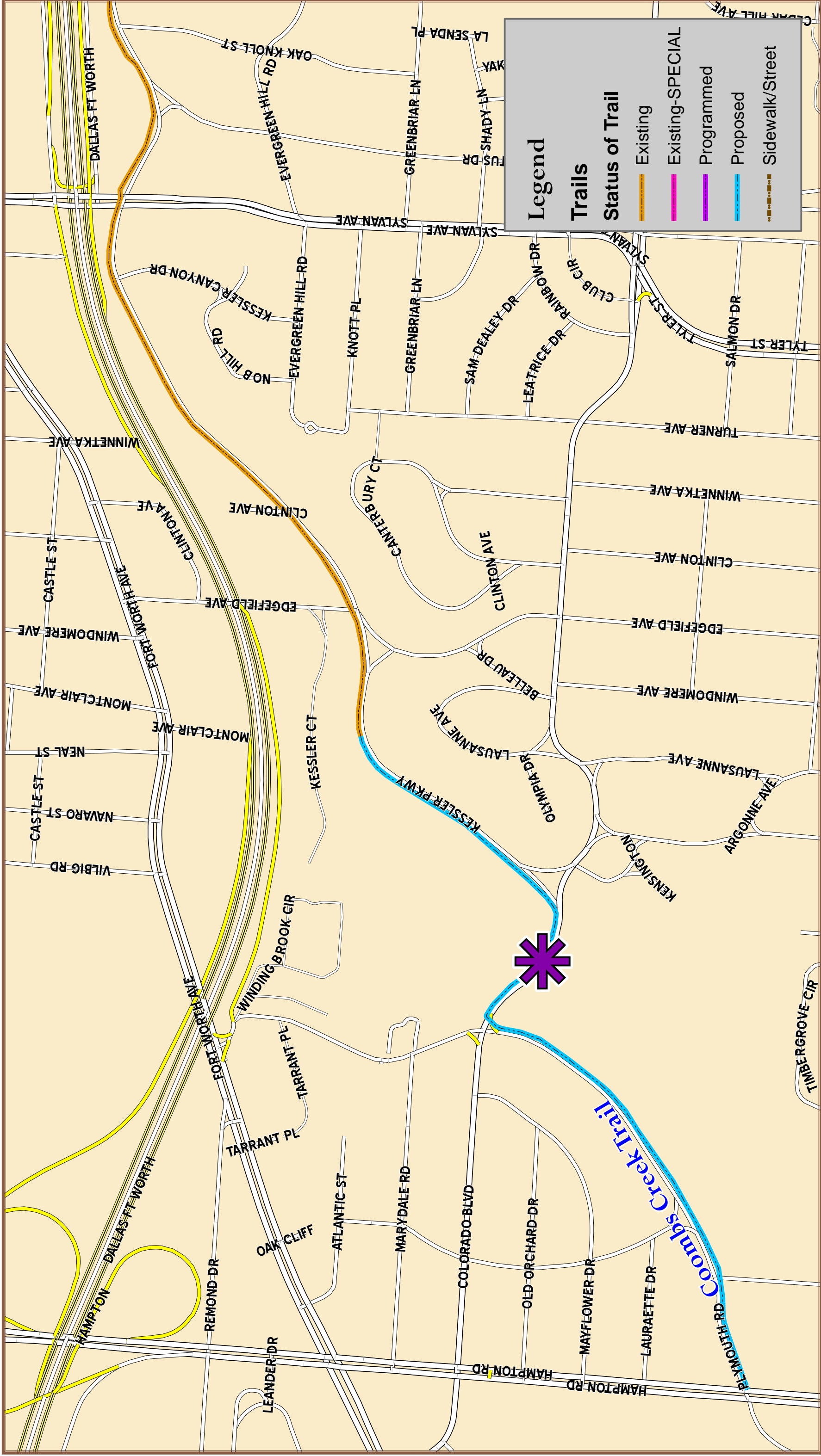
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
HVJ Associates	BMMB57382N0514	\$6,999.00	4.09%
Pacheco Koch Consulting Engineers	HMDB58816Y0914	\$27,900.00	16.31%
Charles Gojer & Associates, Inc.	HMDB58160Y0714	\$19,500.00	11.40%
<b>Total Minority - Local</b>		<b>\$54,399.00</b>	<b>31.80%</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	\$6,999.00	4.09%	\$6,999.00	4.09%
Hispanic American	\$47,400.00	27.71%	\$47,400.00	27.71%
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>\$54,399.00</b>	<b>31.80%</b>	<b>\$54,399.00</b>	<b>31.80%</b>

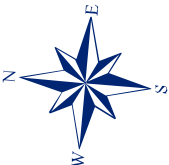


**Legend**

**Trails**

**Status of Trail**

- Existing
- Existing-SPECIAL
- Programmed
- Proposed
- Sidewalk/Street



*Coombs Creek Trail Phase III*  
*(Stevens Park tennis courts—Hampton Road)*

Mapsco District  
 43 Z 1  
 44 W

January 8, 2014

**WHEREAS**, it is necessary to hire a firm to provide for topographic survey, geotechnical services, and design development through construction administration services for trail improvements for the Coombs Creek Trail, Phase III located from Stevens Park tennis courts to Colorado Boulevard to Plymouth Road to Hampton Road, and the firm of Freese and Nichols, Inc. has presented a proposal dated November 22, 2013 to provide for these services for a fee not to exceed \$171,070.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into a professional services contract with Freese and Nichols, Inc. for topographic survey, geotechnical services, and design development through construction administration services for trail improvements for the Coombs Creek Trail, Phase III, in an amount not to exceed \$171,070.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Freese and Nichols, Inc., after approval as to form by the City Attorney's Office.

**SECTION 3.** That the City Controller is hereby authorized to pay the amount of \$171,070 to Freese and Nichols, Inc. from (2006) Street and Transportation Improvements Fund, Fund 8T22, Department PBW, Unit P849, Object 4111, Activity HIBT, Program PB06P849, CT-PKR14019423, Commodity 92500, Vendor 347200.

**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:** Culture, Arts and Recreation

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 45-L

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**SUBJECT**

Authorize **(1)** a professional services contract with Hargreaves Associates, Inc. for schematic design and construction cost estimates for improvements to John Carpenter Plaza located at 2201 Pacific Avenue; **(2)** the acceptance of funds in the amount of \$307,555 from The Decherd Foundation; and **(3)** the establishment of appropriations in the amount of \$307,555 in the Capital Gifts, Donation and Development Fund - Not to exceed \$307,555 - Financing: Capital Gifts, Donation and Development Funds

**BACKGROUND**

Hargreaves Associates, Inc. will provide for schematic design and construction cost estimates for improvements to John Carpenter Plaza.

Redevelopment of John Carpenter Plaza is identified in the Downtown Parks Master Plan Update to be one of the next priorities for Downtown. This contract provides for schematic design for the future improvements to the park. Funding for this contract is provided by The Decherd Foundation.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	February 2014
Complete Design	August 2014
Begin Construction	October 2014
Complete Construction	May 2015

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

The Park and Recreation Board authorized award of the professional services contract on December 5, 2013.

**FISCAL INFORMATION**

Capital Gifts, Donation and Development Funds - \$307,555

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Hargreaves Associates, Inc.

White Male	14	White Female	9
Black Male	1	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	2	Other Female	3

**OWNERS**

**Hargreaves Associates, Inc.**

Mary Margaret Jones, FASLA, FAAR, President/Senior Principal  
Glenn Allen, Secretary  
Gavin McMillian, Principal  
George Hargreaves, Chief Executive Officer

**MAP**

Attached

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

**PROJECT:** Authorize **(1)** a professional services contract with Hargreaves Associates, Inc. for schematic design and construction cost estimates for improvements to John Carpenter Plaza located at 2201 Pacific Avenue; **(2)** the acceptance of funds in the amount of \$307,555 from The Decherd Foundation; and **(3)** the establishment of appropriations in the amount of \$307,555 in the Capital Gifts, Donation and Development Fund - Not to exceed \$307,555 - Financing: Capital Gifts, Donation and Development Funds

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

**PROJECT CATEGORY:** Architecture & Engineering

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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$23,555.00	7.66%
Total non-local contracts	\$284,000.00	92.34%
<b>TOTAL CONTRACT</b>	<b>\$307,555.00</b>	<b>100.00%</b>

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

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

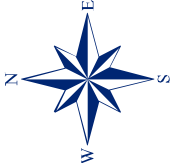
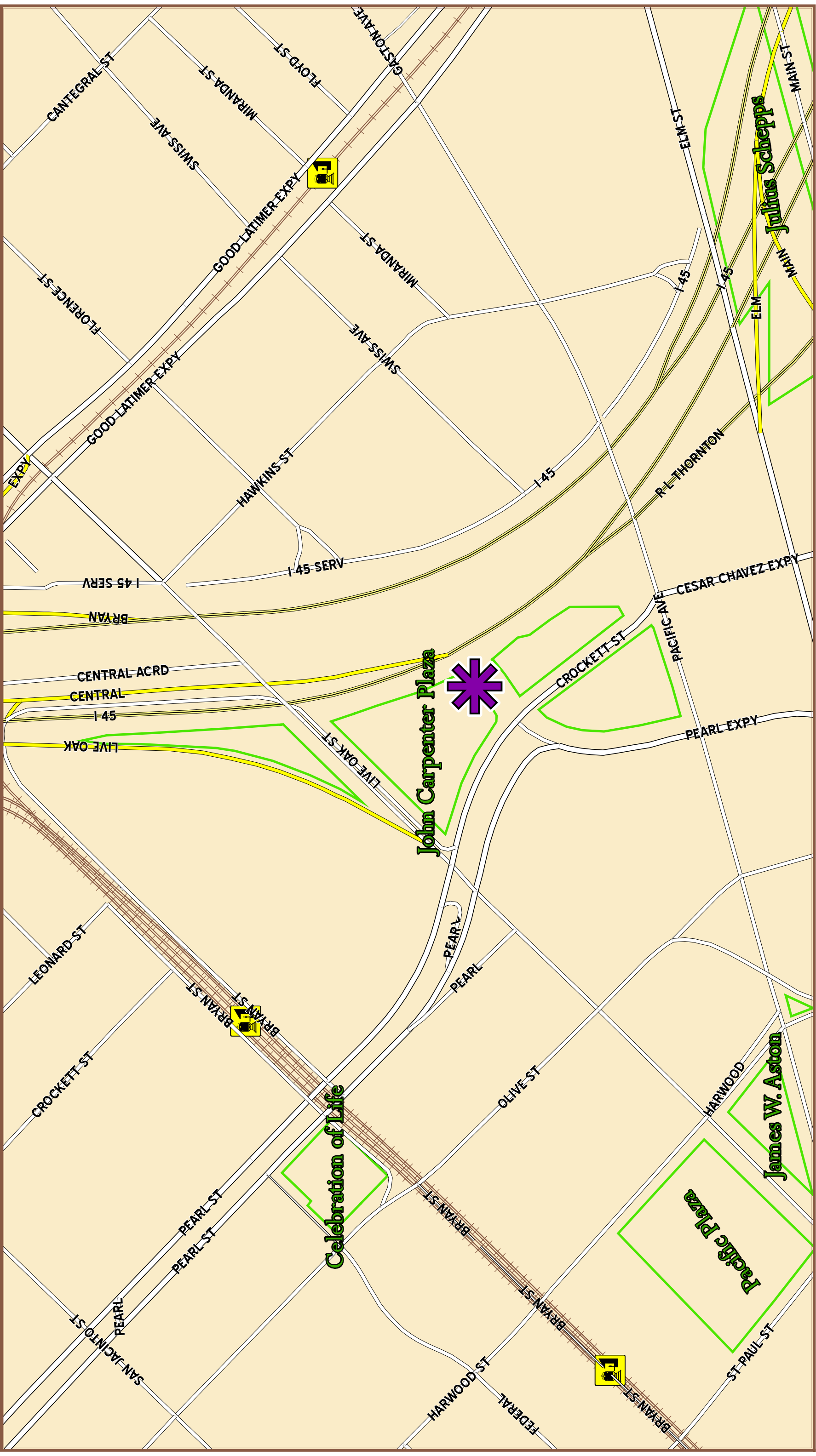
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Lim & Associates, Inc.	PMDB56988Y0314	\$18,555.00	78.77%
Nathan D. Maier Consulting Engineers	WFWB58329Y0814	\$5,000.00	21.23%
<b>Total Minority - Local</b>		<b>\$23,555.00</b>	<b>100.00%</b>

#### **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	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$18,555.00	78.77%	\$18,555.00	6.03%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$5,000.00	21.23%	\$5,000.00	1.63%
<b>Total</b>	<b>\$23,555.00</b>	<b>100.00%</b>	<b>\$23,555.00</b>	<b>7.66%</b>



Mapsco  
45 L

District  
14

*John Carpenter Plaza*  
*Professional Services Contract*  
*(2201 Pacific Avenue)*

December 5, 2013

January 8, 2014

**WHEREAS**, it is necessary to hire a firm to provide for schematic design and construction cost estimates for improvements to John Carpenter Plaza located at 2201 Pacific Avenue, and the firm of Hargreaves Associates, Inc. has presented a proposal dated November 22, 2013 to provide for these services for a fee not to exceed \$307,555.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into a professional services contract with Hargreaves Associates, Inc. for schematic design and construction cost estimates for improvements to John Carpenter Plaza, in an amount not to exceed \$307,555.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Hargreaves Associates, Inc., after approval as to form by the City Attorney's Office.

**SECTION 3.** That the City Controller is hereby authorized to receive and deposit funds from The Decherd Foundation, in the amount of \$307,555, in the Capital Gifts, Donation and Development Fund, Fund 0530, Department PKR, Unit P851, Revenue Code 8411.

**SECTION 4.** That the City Manager is hereby authorized to establish appropriations in the amount of \$307,555, to the Capital Gifts, Donation and Development Fund, Fund 0530, Department PKR, Unit P851, Object 4114.

**SECTION 5.** That the City Controller is hereby authorized to pay the amount of \$307,555 to Hargreaves Associates, Inc. from Capital Gifts, Donation and Development Fund, Fund 0530, Department PKR, Unit P851, Object 4114, Activity DWTN, Program PKP851, CT-PKR14019427, Commodity 92500, Vendor 358380.

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



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

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 12

**DEPARTMENT:** Park & Recreation  
Public Works Department

**CMO:** Willis Winters, 670-4071  
Jill A. Jordan, P.E., 670-5299

**MAPSCO:** 4A E

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**SUBJECT**

Authorize a professional services contract with JACOBS Engineering Group, Inc. for schematic design through construction administration services for a new trail at Timberglen Trail located from Timberglen Park to Barry Barker Park - Not to exceed \$204,814 - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

JACOBS Engineering Group, Inc. will provide for schematic design through construction administration services for a new trail at Timberglen Trail. This trail will be designed to a minimum of 12 feet.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	February 2014
Complete Design	August 2015
Begin Construction	October 2015
Complete Construction	May 2016

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

The Park and Recreation Board authorized award of the professional services contract on November 21, 2013.

**FISCAL INFORMATION**

2012 Bond Program (General Obligation Commercial Paper Funds) - \$204,814

## **M/WBE INFORMATION**

See attached.

## **ETHNIC COMPOSITION**

### **JACOBS Engineering Group, Inc.**

White Male	453	White Female	193
Black Male	33	Black Female	14
Hispanic Male	32	Hispanic Female	29
Other Male	42	Other Female	19

## **OWNERS**

### **JACOBS Engineering Group, Inc.**

#### **Executive Officers**

Craig L. Martin, President and Chief Executive Officer  
John W. Prosser, Jr., Executive Vice President of Finance and Administration  
Noel G. Watson, Chairman of the Board  
Thomas R. Hammond, Executive Vice President of Operations  
George A. Kunberger, Executive Vice President of Operations

#### **Non-Management Directors**

Joseph R. Bronson  
John F. Coyne  
Robert C. Davidson, Jr.  
Edward W. Fritzky  
Robert B. Gwyn  
John P. Jumper  
Linda Fayne Levinson  
Benjamin F. Montoya  
Thomas M. T. Niles

## **MAP**

Attached



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

**PROJECT:** Authorize a professional services contract with JACOBS Engineering Group, Inc. for schematic design through construction administration services for a new trail at Timberglen Trail located from Timberglen Park to Barry Barker Park - Not to exceed \$204,814 - Financing: General Obligation Commercial Paper Funds

JACOBS Engineering Group, 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	\$204,814.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$204,814.00</b>	<b>100.00%</b>

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

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

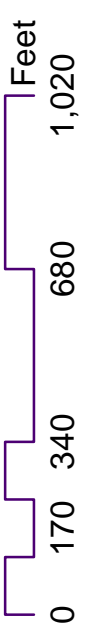
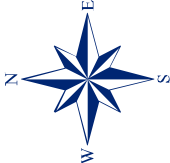
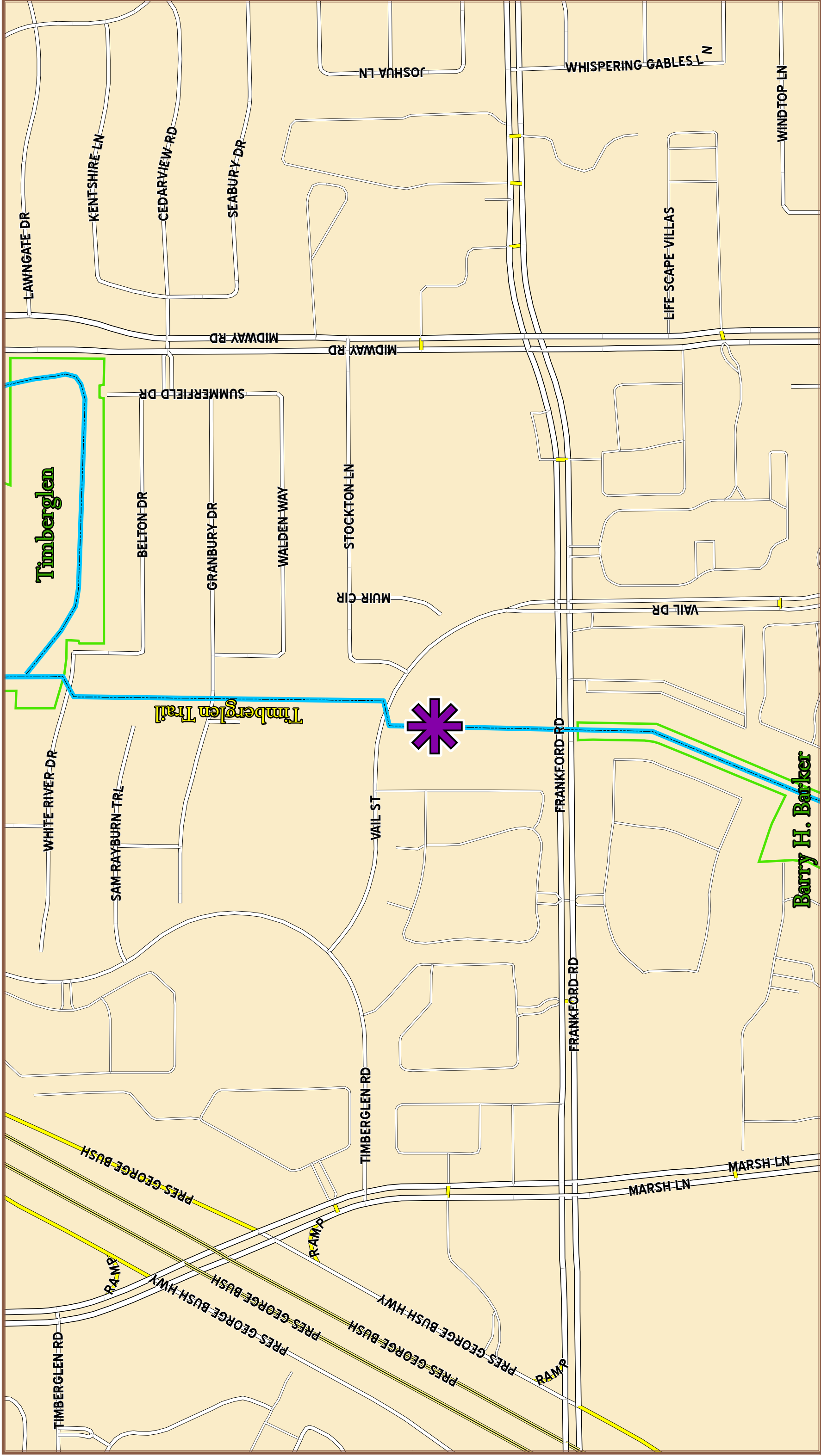
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Gojer & Associates	HMDB58160Y0714	\$23,000.00	11.23%
Lim & Associates	PMDB56988Y0314	\$50,760.00	24.78%
<b>Total Minority - Local</b>		<b>\$73,760.00</b>	<b>36.01%</b>

#### **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	\$23,000.00	11.23%	\$23,000.00	11.23%
Asian American	\$50,760.00	24.78%	\$50,760.00	24.78%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$73,760.00</b>	<b>36.01%</b>	<b>\$73,760.00</b>	<b>36.01%</b>



Mapsco  
4 A E  
District  
12

*Timberglen Trail*  
*(Timberglen Park—Barry Barker Park)*

November 21, 2013

January 8, 2014

**WHEREAS**, it is necessary to hire a firm to provide for schematic design through construction administration services for a new trail at Timberglen Trail located from Timberglen Park to Barry Barker Park, and the firm of JACOBS Engineering Group, Inc. has presented a proposal dated November 13, 2013 to provide for these services for a fee not to exceed \$204,814.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into a professional services contract with JACOBS Engineering Group, Inc. for schematic design through construction administration services for a new trail at Timberglen Trail, in an amount not to exceed \$204,814.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with JACOBS Engineering Group, Inc., after approval as to form by the City Attorney's Office.

**SECTION 3.** That the City Controller is hereby authorized to pay the amount of \$204,814 to JACOBS Engineering Group, Inc. from (2012) Street and Transportation Improvements Fund, Fund 2U22, Department PBW, Unit S622, Object 4111, Activity HIBT, Program PB12S622, CT-PKR14019420, Commodity 92500, Vendor VS0000076029.

**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:** Culture, Arts and Recreation  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 10  
**DEPARTMENT:** Park & Recreation  
Public Works Department  
**CMO:** Willis Winters, 670-4071  
Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 26-M 27-J K

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**SUBJECT**

Authorize a professional services contract with Newman, Jackson, Bieberstein for topographic survey, geotechnical services, and design development through construction administration services of a hike and bike trail to include retaining wall design and hike and bike lane striping on roadway for the Lake Highlands Trail, Phase II located between White Rock Trail and Skillman Road - Not to exceed \$140,823 - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

Newman, Jackson, Bieberstein will provide for topographic survey, geotechnical services, and design development through construction administration services of a hike and bike trail to include retaining wall design and hike and bike lane striping on roadway for the Lake Highlands Trail, Phase II. The trail will be approximately 1.06 miles and 12-14 feet in width from the White Rock Creek hike and bike trail in Harry S. Moss to Stone River Drive adjacent to Arbor Park near Skillman Road.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	February 2014
Complete Design	September 2014
Begin Construction	March 2015
Complete Construction	January 2016

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

The Park and Recreation Board authorized award of the professional services contract on December 5, 2013.

**FISCAL INFORMATION**

2012 Bond Program (General Obligation Commercial Paper Funds) - \$140,823

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Newman, Jackson, Bieberstein

White Male	5	White Female	6
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

**OWNERS**

**Newman, Jackson, Bieberstein**

H. Rowland Jackson, President

Karl Von Bieberstein, Vice President/Secretary/Treasurer

**MAP**

Attached

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

**PROJECT:** Authorize a professional services contract with Newman, Jackson, Bieberstein for topographic survey, geotechnical services, and design development through construction administration services of a hike and bike trail to include retaining wall design and hike and bike lane striping on roadway for the Lake Highlands Trail, Phase II located between White Rock Trail and Skillman Road - Not to exceed \$140,823 - Financing: General Obligation Commercial Paper Funds

Newman, Jackson, Bierberstein, 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	\$140,823.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$140,823.00</b>	<b>100.00%</b>

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

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

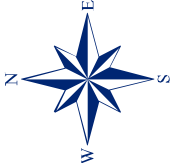
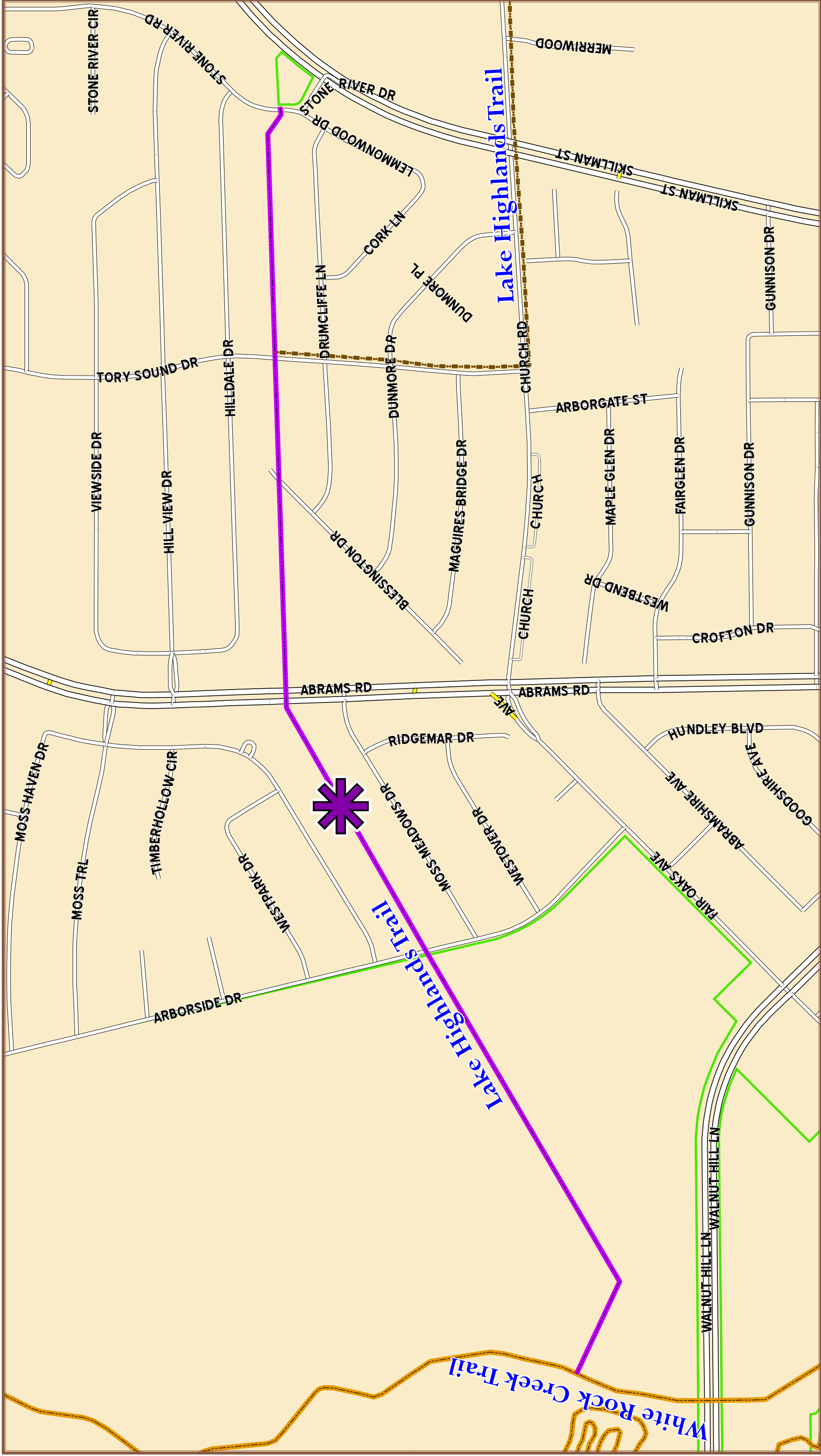
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Urban Engineers Group	HFDB58019Y0714	\$47,428.00	33.68%
Pacheco Koch Consulting Engineers	HMDB58816Y0914	\$35,140.00	24.95%
GME Consulting Services	WFWB58499N0814	\$3,220.00	2.29%
<b>Total Minority - Local</b>		<b>\$85,788.00</b>	<b>60.92%</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	\$82,568.00	58.63%	\$82,568.00	58.63%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$3,220.00	2.29%	\$3,220.00	2.29%
<b>Total</b>	<b>\$85,788.00</b>	<b>60.92%</b>	<b>\$85,788.00</b>	<b>60.92%</b>



Mapsco  
26 M  
27 JK

District  
10

*Lake Highlands Trail Phase II*  
*(White Rock Creek Trail—Skillman Street)*

December 5, 2013



January 8, 2014

**WHEREAS**, it is necessary to hire a firm to provide for topographic survey, geotechnical services, and design development through construction administration services of a hike and bike trail to include retaining wall design and hike and bike lane striping on roadway for the Lake Highlands Trail, Phase II located between White Rock Trail and Skillman Road, and the firm of Newman, Jackson, Bieberstein has presented a proposal dated November 13, 2013 to provide for these services for a fee not to exceed \$140,823.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into a professional services contract with Newman, Jackson, Bieberstein for topographic survey, geotechnical services, and design development through construction administration services of a hike and bike trail to include retaining wall design and hike and bike lane striping on roadway for the Lake Highlands Trail, Phase II, in an amount not to exceed \$140,823.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Newman, Jackson, Bieberstein, after approval as to form by the City Attorney's Office.

**SECTION 3.** That the City Controller is hereby authorized to pay the amount of \$140,823 to Newman, Jackson, Bieberstein from (2012) Street and Transportation Improvements Fund, Fund 2U22, Department PBW, Unit S617, Object 4111, Activity HIBT, Program PB12S617, CT-PKR14019421, Commodity 92500, Vendor 092467.

**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:** Culture, Arts and Recreation

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Park & Recreation  
Public Works Department

**CMO:** Willis Winters, 670-4071  
Jill A. Jordan, P.E., 670-5299

**MAPSCO:** 54N S

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**SUBJECT**

Authorize a professional services contract with Urban Engineers Group, Inc. for schematic design through construction administration services for a pedestrian connection at Elmwood Parkway from Mountain Lake Road to Kiest Park - Not to exceed \$62,123 - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

Urban Engineers Group, Inc. will provide for civil and structural engineering, landscape architectural, surveying and geotechnical engineering for a pedestrian trail at Elmwood Parkway. This trail will be designed to a minimum width of 8 feet.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	February 2014
Complete Design	September 2014
Begin Construction	November 2014
Complete Construction	September 2015

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

The Park and Recreation Board authorized award of the professional services contract on November 21, 2013.

**FISCAL INFORMATION**

2012 Bond Program (General Obligation Commercial Paper Funds) - \$62,123

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

**Urban Engineers Group, Inc.**

White Male	2	White Female	1
Black Male	1	Black Female	0
Hispanic Male	1	Hispanic Female	2
Other Male	4	Other Female	0

**OWNERS**

**Urban Engineers Group, Inc.**

Nilsa Luna, President  
Faisal Syed, PE, PTOE, LEED, AP/Principal

**MAP**

Attached

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

**PROJECT:** Authorize a professional services contract with Urban Engineers Group, Inc. for schematic design through construction administration services for a pedestrian connection at Elmwood Parkway from Mountain Lake Road to Kiest Park - Not to exceed \$62,123 - Financing: General Obligation Commercial Paper Funds

Urban Engineers Group is a local, 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	\$62,123.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$62,123.00</b>	<b>100.00%</b>

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

#### Local Contractors / Sub-Contractors

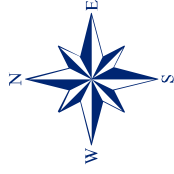
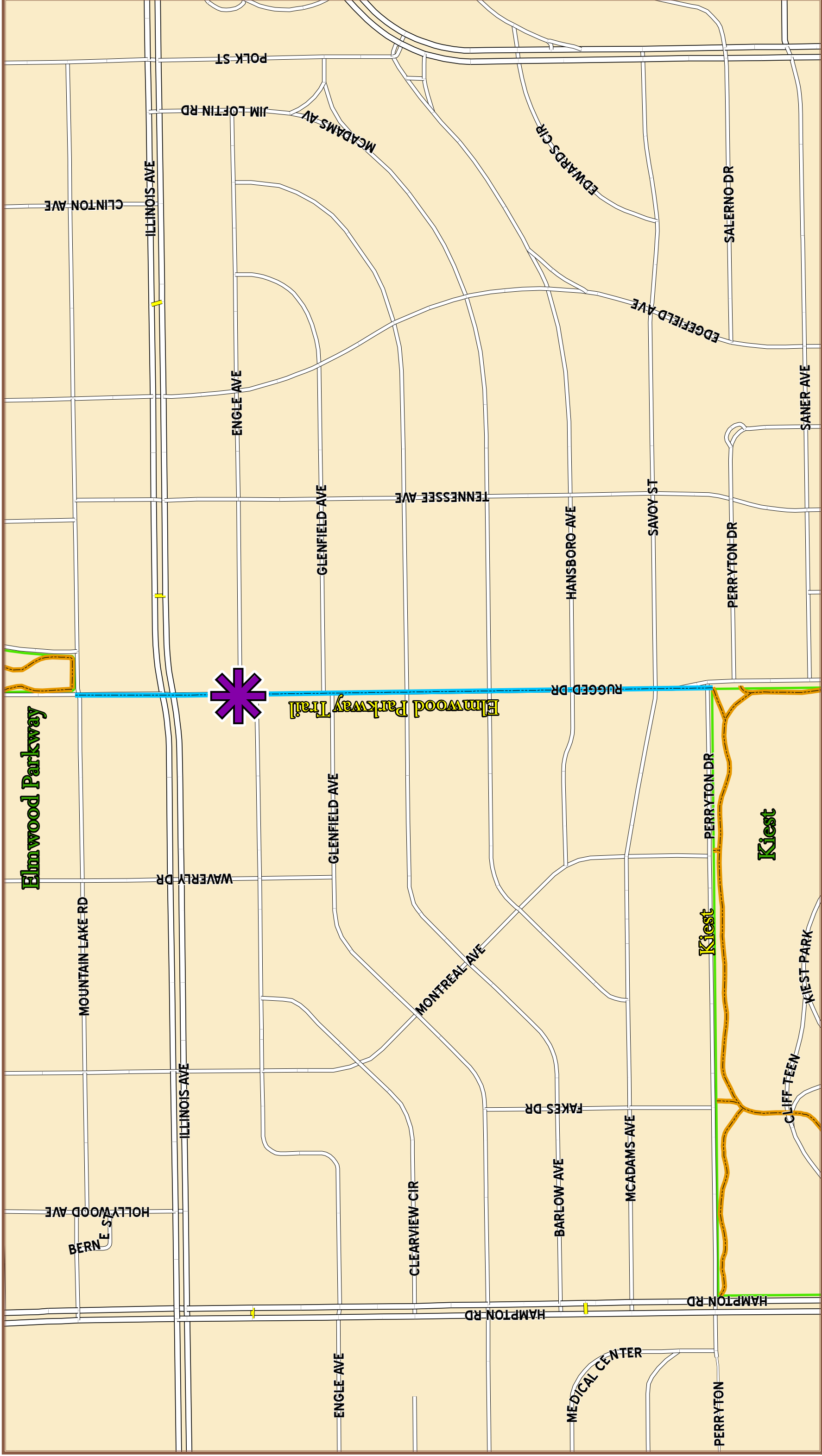
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
JQ Infrastructure, LLC	IMDB58200Y0714	\$15,000.00	24.15%
SM Architects, PLLC	NMDB57785Y0614	\$980.00	1.58%
Urban Engineers Group, Inc.	WFDB58019Y0714	\$38,190.00	61.47%
MS Dallas Reprographics	WFWB56940Y0314	\$1,980.00	3.19%
<b>Total Minority - Local</b>		<b>\$56,150.00</b>	<b>90.39%</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	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$15,000.00	24.15%	\$15,000.00	24.15%
Native American	\$980.00	1.58%	\$980.00	1.58%
WBE	\$40,170.00	64.66%	\$40,170.00	64.66%
<b>Total</b>	<b>\$56,150.00</b>	<b>90.39%</b>	<b>\$56,150.00</b>	<b>90.39%</b>



# Elmwood Parkway

*(Mountain Lake Road—Kiest Park)*

MapSCO  
54 N S

District  
1

November 21, 2013

January 8, 2014

**WHEREAS**, it is necessary to hire a firm to provide for schematic design through construction administration services for a pedestrian connection at Elmwood Parkway from Mountain Lake Road to Kiest Park, and the firm of Urban Engineers Group, Inc. has presented a proposal dated November 12, 2013 to provide for these services for a fee not to exceed \$62,123.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into a professional services contract with Urban Engineers Group, Inc. for schematic design through construction administration services for a pedestrian connection at Elmwood Parkway, in an amount not to exceed \$62,123.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Urban Engineers Group, Inc., after approval as to form by the City Attorney's Office.

**SECTION 3.** That the City Controller is hereby authorized to pay the amount of \$62,123 to Urban Engineers Group, Inc. from (2012) Street and Transportation Improvements Fund, Fund 2U22, Department PBW, Unit S615, Object 4111, Activity HIBT, Program PB12S615, CT-PKR14019417, Commodity 92500, Vendor 511462.

**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:** Culture, Arts and Recreation

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 9

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 37-B

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**SUBJECT**

Authorize a contract for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park located at 7700 Mockingbird Lane - A S Con, Inc., lowest responsible bidder of nine - Not to exceed \$946,495 - Financing: 2006 Bond Funds

**BACKGROUND**

On October 24, 2013, nine bids were received for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park. This item authorizes award of the construction contract to A S Con, Inc., with a total bid amount of \$946,495.

The following chart illustrates A S Con, Inc.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	0	0	5
Change Orders	0	0	12
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	October 2009
Completed Design	April 2011
Begin Construction	February 2014
Complete Construction	August 2014

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

The Park and Recreation Board authorized advertisement for bids on March 7, 2013.

The Park and Recreation Board authorized award of the contract on December 5, 2013.

**FISCAL INFORMATION**

2006 Bond Funds - \$946,495

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

A S Con, Inc.

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

**BID INFORMATION**

The following nine bids were received and opened on October 24, 2013:

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Base Bid</u></b>	<b><u>Alt. Nos. 3,4 10,11,13 &amp; 16**</u></b>	<b><u>Total Bid</u></b>
*A S Con, Inc. 15724 Golden Creek Road Dallas, TX	\$754,425.00	\$192,070.00	\$946,495.00
The Fain Group, Inc.	\$919,087.00	\$394,310.00	\$1,313,397.00
Parkscape Construction, Inc.	\$922,046.78	\$434,746.36	\$1,356,793.14
Cole Construction, Inc.			***Non-responsive
Phillips/May Corporation			***Non-responsive
Omega Contracting, Inc.			***Non-responsive
Schmoltd Construction, Inc.			***Non-responsive
Mart, Inc.			***Non-responsive

\*\*Alternate No. 3 - provides for paving at paddock entries.

\*\*Alternate No. 4 - provides for installation of paddock entry from hike and bike trail.

\*\*Alternate No. 10 - provides for dog launch and other associated items.

## **BID INFORMATION** (Continued)

\*\*Alternate No. 11 - provides for installation of benches, flagstone paving and stone walls and columns.

\*\*Alternate No. 13 - provides for installation of enclosure.

\*\*Alternate No. 16 - provides for installation of pet waste stations and trash cans.

\*\*\*Cole Construction was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Phillips/May was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Omega Contracting was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Schmoldt Construction was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*SMR Construction, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Mart, Inc.'s was deemed non-responsive for not following directions in submitting their bid proposal.

## **OWNER**

**A S Con, Inc.**

Ali Safdarinia, President

## **MAP**

Attached

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

**PROJECT:** Authorize a contract for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park located at 7700 Mockingbird Lane - A S Con, Inc., lowest responsible bidder of nine - Not to exceed \$946,495 - Financing: 2006 Bond Funds

A S Con, Inc. 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$742,862.00	78.49%
Total non-local contracts	\$203,633.00	21.51%
<b>TOTAL CONTRACT</b>	<b>\$946,495.00</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>
Berumen Construction	HMMB57290N0414	\$238,386.00	32.09%
<b>Total Minority - Local</b>		<b>\$238,386.00</b>	<b>32.09%</b>

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

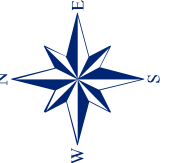
None

### 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	\$238,386.00	32.09%	\$238,386.00	25.19%
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>\$238,386.00</b>	<b>32.09%</b>	<b>\$238,386.00</b>	<b>25.19%</b>



**White Rock Lake**



December 5, 2013

*White Rock Lake Park—Dog Park  
(7700 E Mockingbird Lane)*

Mapsco  
37 B

District  
9



January 8, 2014

**WHEREAS**, on October 24, 2013, nine bids were received for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park located at 7700 Mockingbird Lane.

<u>Bidders</u>	<u>Base Bid</u>	<u>Alt. Nos. 3,4 10,11,13 &amp; 16**</u>	<u>Total Bid</u>
A S Con, Inc.	\$754,425.00	\$192,070.00	\$946,495.00
The Fain Group, Inc.	\$919,087.00	\$394,310.00	\$1,313,397.00
Parkscape Construction, Inc.	\$922,046.78	\$434,746.36	\$1,356,793.14
Cole Construction, Inc.			***Non-responsive
Phillips/May Corporation			***Non-responsive
Omega Contracting, Inc.			***Non-responsive
Schmoltdt Construction, Inc.			***Non-responsive
Mart, Inc.			***Non-responsive

\*\*Alternate No. 3 - provides for paving at paddock entries.

\*\*Alternate No. 4 - provides for installation of paddock entry from hike and bike trail.

\*\*Alternate No. 10 - provides for dog launch and other associated items.

\*\*Alternate No. 11 - provides for installation of benches, flagstone paving and stone walls and columns.

\*\*Alternate No. 13 - provides for installation of enclosure.

\*\*Alternate No. 16 - provides for installation of pet waste stations and trash cans.

\*\*\*Cole Construction, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Phillips/May Corporation was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Omega Contracting, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Schmoltdt Construction, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*SMR Construction, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Mart, Inc.'s was deemed non-responsive for not following directions in submitting their bid proposal.

**Now, Therefore,**

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

January 8, 2014

**SECTION 1.** That the City Manager is hereby authorized to enter into a contract with A S Con, Inc. for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park, in an amount not to exceed \$946,495.

**SECTION 2.** That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a contract with A S Con, Inc., after approval as to form by the City Attorney's Office.

**SECTION. 3.** That the City Controller is hereby authorized to pay the amount of \$946,495 to A S Con, Inc., as follows:

(2006) Park and Recreation Facilities Improvement Fund Fund BT00, Department PKR, Unit T332, Object 4599 Activity RFSI, Program PK06T332, CT-PKR14019424 Commodity 91200, Vendor 261853	\$746,056.47
(2006) Park and Recreation Facilities Improvement Fund Fund 1T00, Department PKR, Unit T332, Object 4599 Activity RFSI, Program PK06T332, CT-PKR14019424 Commodity 91200, Vendor 261853	<u>\$200,438.53</u>
Total amount not to exceed	\$946,495.00

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



**KEY FOCUS AREA:** Culture, Arts and Recreation  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Park & Recreation  
**CMO:** Willis Winters, 670-4071  
**MAPSCO:** N/A

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**SUBJECT**

Authorize a twelve-month funding agreement with Texas Discovery Gardens in the amount of \$95,862 to manage the Texas Discovery Gardens facilities, provide programs and services within the City of Dallas for the period October 1, 2013 through September 30, 2014 - Total not to exceed \$95,862 - Financing: Current Funds

**BACKGROUND**

The agreement with Texas Discovery Gardens requires the execution of a separate funding contract to authorize the stipends payable during the current year. The funds have been identified and appropriated in the City's General Fund by authorization of the City Council for the current fiscal year.

The stipend payment will support the following program and services for the period October 1, 2013 through September 30, 2014.

Texas Discovery Gardens - Operate the Discovery Gardens building and surrounding grounds at Fair Park for twelve months providing access to the general public, and community outreach services such as enrichment classes for school children, horticulture information services and presentations at community centers and special facilities.

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

Approved by the Park and Recreation Board on December 19, 2013.

**FISCAL INFORMATION**

\$95,862 - Current Funds

## **ETHNIC COMPOSITION**

### **Texas Discovery Gardens - Board of Directors**

African-American Male	0	African-American Female	0
Asian Male	0	Asian Female	0
Hispanic Male	0	Hispanic Female	0
White Male	4	White Female	9

## **CURRENT OFFICERS**

### **Texas Discovery Gardens**

Michael Bosco, President, Board of Directors

January 8, 2014

**WHEREAS**, on September 11, 2013, by Resolution No. 13-1623, the City Council approved funds to procure services from the Texas Discovery Gardens, Inc. for the citizens of Dallas; and

**WHEREAS**, it is deemed necessary for official action to be taken by the City Council to define services to be received and authorize payment of these funding allocations during the 2013-2014 fiscal year. **Now, Therefore,**

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

**SECTION 1.** That contracts totaling \$95,862.00 be approved for the Texas Discovery Gardens, Inc.

**SECTION 2.** That the President of the Park and Recreation Board, and the City Manager are authorized to execute the contract after approval as to form by the City Attorney.

**SECTION 3.** That the City Controller is authorized to make payments out of Fund 0001, Department PKR, Object 3511, as vouchers are processed by the Park and Recreation Department, not to exceed the stated amounts:

<u>AMOUNT</u>	<u>UNIT</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>	<u>INSTITUTION</u>
\$95,862	5232	PKRCT14B018	219134	Texas Discovery Gardens

**SECTION 4.** That services to be provided are as follows:

Texas Discovery Gardens. Operate the Texas Discovery Gardens building and surrounding grounds at Fair park for twelve months for the general public, and provide community outreach services such as enrichment classes for school children, horticulture information services and presentations at community centers and special facilities.

**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:** January 8, 2014  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Public Works Department  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 44P Q R

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**SUBJECT**

Authorize a professional services contract with URS Corporation for the engineering design of three new street crossings under the Union Pacific Railroad (UPRR) at Bataan Street, Herbert Street and Amonette Street for the West Dallas Gateway Project, Phase I - Not to exceed \$546,645 - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

Three new street crossings under the Union Pacific Railroad (UPRR) were identified as priorities in the West Dallas.01 Urban Structure and Guidelines document prepared by the City Design Studio. The three crossings were identified as the West Dallas Gateway Project approved in the 2012 bond program. This action will authorize a professional services contract with URS Corporation for the engineering design of three new street crossings under the UPRR at Bataan Street, Herbert Street and Amonette Street.

The West Dallas Gateway Project will be designed in two phases. Phase I will include survey, conceptual layout of the City of Dallas' project elements and pre-concept layout of the UPRR tracks and bridge improvements. Phase I will be used to obtain approval of UPRR regarding the overall project concept including proposed street sections, roadway construction limits, an initial drainage analysis, utility conflicts, the location and configuration of the UPRR temporary tracks and the pre-concept bridge design. Phase I will also be used to estimate construction costs for the project. Phase II will include final design of the project after approval of the conceptual layout and the pre-concept submittal of the railroad bridges by UPRR. This action only includes the scope of services for Phase I of the project.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	February 2014
Complete Design	December 2015
Begin Construction	June 2016
Complete Construction	December 2018

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

This item has no prior action.

**FISCAL INFORMATION**

2012 Bond Program (General Obligation Commercial Paper Funds) - \$546,645

Design (this action)	\$ 546,645
Construction	
Paving & Drainage - PBW	\$ 22,141,500 (est.)
Water & Wastewater - DWU	\$ 500,000 (est.)
Right-of-Way	\$ 3,000,000 (est.)
Phase II Design	<u>\$ 1,500,000 (est.)</u>
Total	\$ 27,688,145 (est.)

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

URS Corporation

Hispanic Female	8	Hispanic Male	6
African-American Female	1	African-American Male	2
Other Female	8	Other Male	20
White Female	29	White Male	52

**OWNER**

**URS Corporation**

Wendy A. Lopez, P.E., Vice President

**MAP**

Attached.

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

**PROJECT:** Authorize a professional services contract with URS Corporation for the engineering design of three new street crossings under the Union Pacific Railroad (UPRR) at Bataan Street, Herbert Street and Amonette Street for the West Dallas Gateway Project, Phase I - Not to exceed \$546,645 - Financing: General Obligation Commercial Paper Funds

URS Corporation 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**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$546,645.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$546,645.00</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>
Gorrondonga & Associates	HMMB57531Y0514	\$60,276.00	11.03%
Lim & Associates	PMDB56988Y0314	\$116,840.00	21.37%
Hayden Consultants, Inc.	WFDB58053Y0714	\$27,880.00	5.10%
<b>Total Minority - Local</b>		<b>\$204,996.00</b>	<b>37.50%</b>

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

None

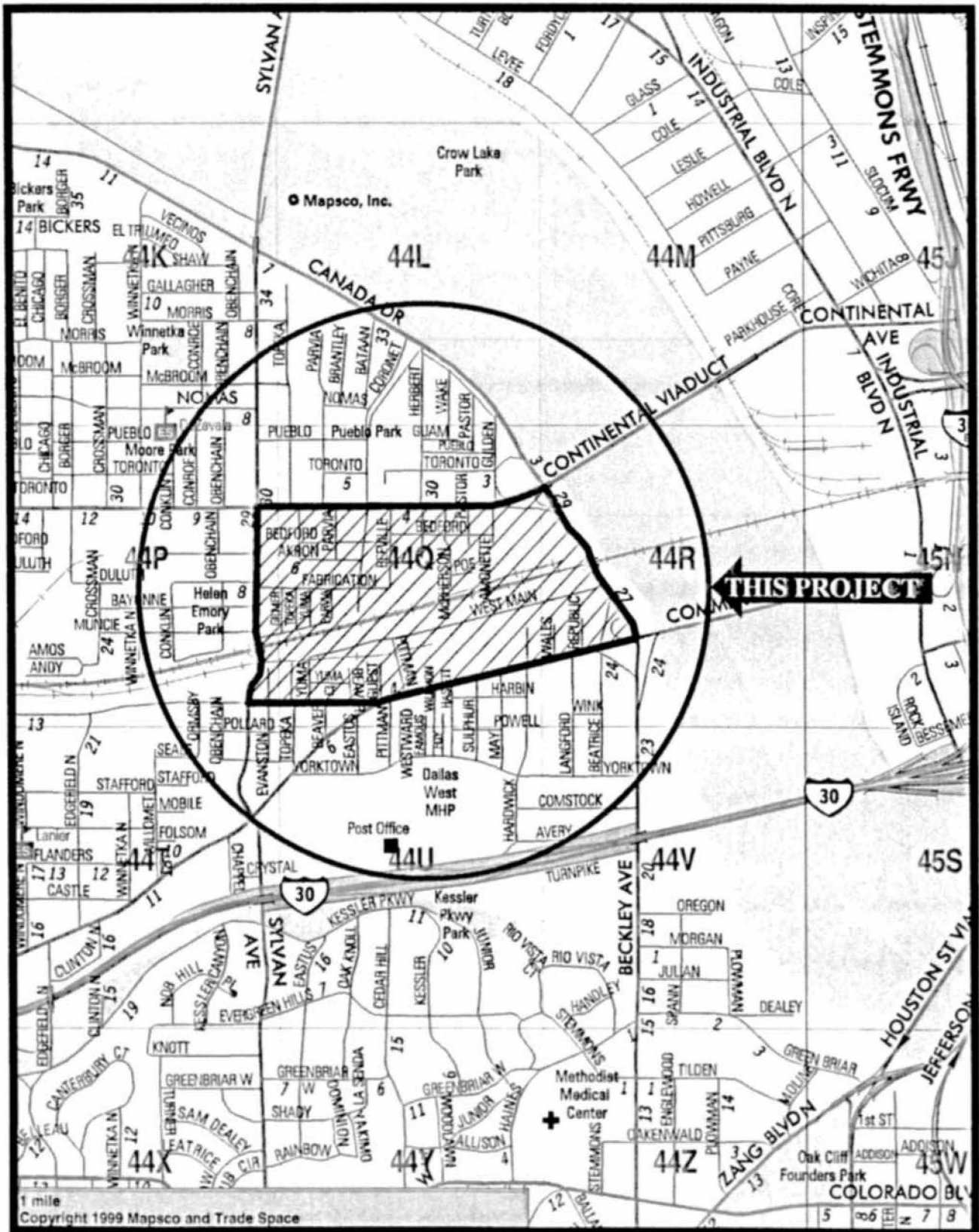
### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<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	\$60,276.00	11.03%	\$60,276.00	11.03%
Asian American	\$116,840.00	21.37%	\$116,840.00	21.37%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$27,880.00	5.10%	\$27,880.00	5.10%
<b>Total</b>	<b>\$204,996.00</b>	<b>37.50%</b>	<b>\$204,996.00</b>	<b>37.50%</b>



# WEST DALLAS GATEWAY PROJECT - PHASE I

## FROM N. BECKLEY AVENUE TO SYLVAN AVENUE & SINGLETON BOULEVARD TO W. COMMERCE STREET



**MAPSCO 44P, Q, & R**

January 8, 2014

**WHEREAS**, URS Corporation was selected to provide the engineering design of three new street crossings under the Union Pacific Railroad (UPRR) at Bataan Street, Herbert Street and Amonette Street for the West Dallas Gateway Project, Phase I.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to execute a professional services contract with URS Corporation for the engineering design of three new street crossings under the Union Pacific Railroad (UPRR) at Bataan Street, Herbert Street and Amonette Street for the West Dallas Gateway Project, Phase I in an amount not to exceed \$546,645, after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund  
Fund 2U22, Department PBW, Unit S399, Act. GTWY  
Obj. 4111, Program #PB12S399, CT PBW12S399D1  
Vendor #VS0000017125, in an amount not to exceed \$546,645

**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:** January 8, 2014  
**COUNCIL DISTRICT(S):** 9  
**DEPARTMENT:** Public Works Department  
Water Utilities  
**CMO:** Jill A. Jordan, P.E., 670-5299  
Forest E. Turner, 670-3390  
**MAPSCO:** 39N P

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**SUBJECT**

Authorize **(1)** the First Amendment to the Project Specific Agreement with Dallas County to expand the scope of project to include water and wastewater main improvements for the construction on La Prada Drive from Millmar Drive to Motley Drive; and **(2)** payment to Dallas County for the City’s share of water and wastewater main construction costs - Not to exceed \$323,013 - Financing: Water Utilities Capital Construction Funds (\$36,026) and Water Utilities Capital Improvement Funds (\$286,987)

**BACKGROUND**

A Project Specific Agreement (PSA) with Dallas County for the paving and drainage improvements on La Prada Drive from Millmar Drive to Motley Drive was authorized by the City Council on February 27, 2013. Dallas County completed the design and received bids for construction on September 26, 2013. This action will authorize the First Amendment to the PSA to expand the scope of project to include water and wastewater main improvements. This action will also authorize payment to Dallas County for the water and wastewater main construction costs.

The water and wastewater improvements include the installation of approximately 2,410 feet of mains along La Prada Drive from Millmar Drive to Motley Drive. This includes approximately 1,450 feet of 8-inch water mains, and 730 feet of 8-inch and 230 feet of 12-inch wastewater mains.

La Prada Drive from Larry Drive to Millmar Drive was selected by Dallas County in their Major Capital Improvement Program and the project limits was later revised to La Prada Drive from Millmar Drive to Motley Drive. The scope of the project now includes paving, drainage, water and wastewater main improvements to reconstruct La Prada to a four lane divided reinforced concrete roadway with concrete median.

**BACKGROUND** (Continued)

Dallas County is the lead agency to administer the design and construction of the La Prada project. The total project cost for the paving and drainage improvements is estimated at \$1,900,000 which is to be split 50/50 between the City and the County. The total cost for the water and wastewater improvements is estimated at \$323,013 which is to be funded 100 percent by Dallas Water Utilities.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	July 2008
Completed Design	September 2013
Begin Construction	March 2014
Complete Construction	March 2015

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

Authorized a Master Interlocal Agreement on January 10, 2001, by Resolution No. 01-0104.

Authorized Dallas County's Second Call for Projects on April 11, 2001, by Resolution No. 01-1219.

Authorized an Interlocal Agreement with Dallas County on December 14, 2005, by Resolution No. 05-3489.

Authorized an additional payment to Dallas County for the City's share of design costs on August 8, 2007, by Resolution No. 07-2187.

Authorized a Master Agreement Governing Transportation Major Capital Improvement Program with Dallas County on April 13, 2011, by Resolution No. 11-0927.

Authorized a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on La Prada Drive from Millmar Drive to Motley Drive and payment to Dallas County for the City's share of these costs on February 27, 2013, by Resolution No. 13-0413.

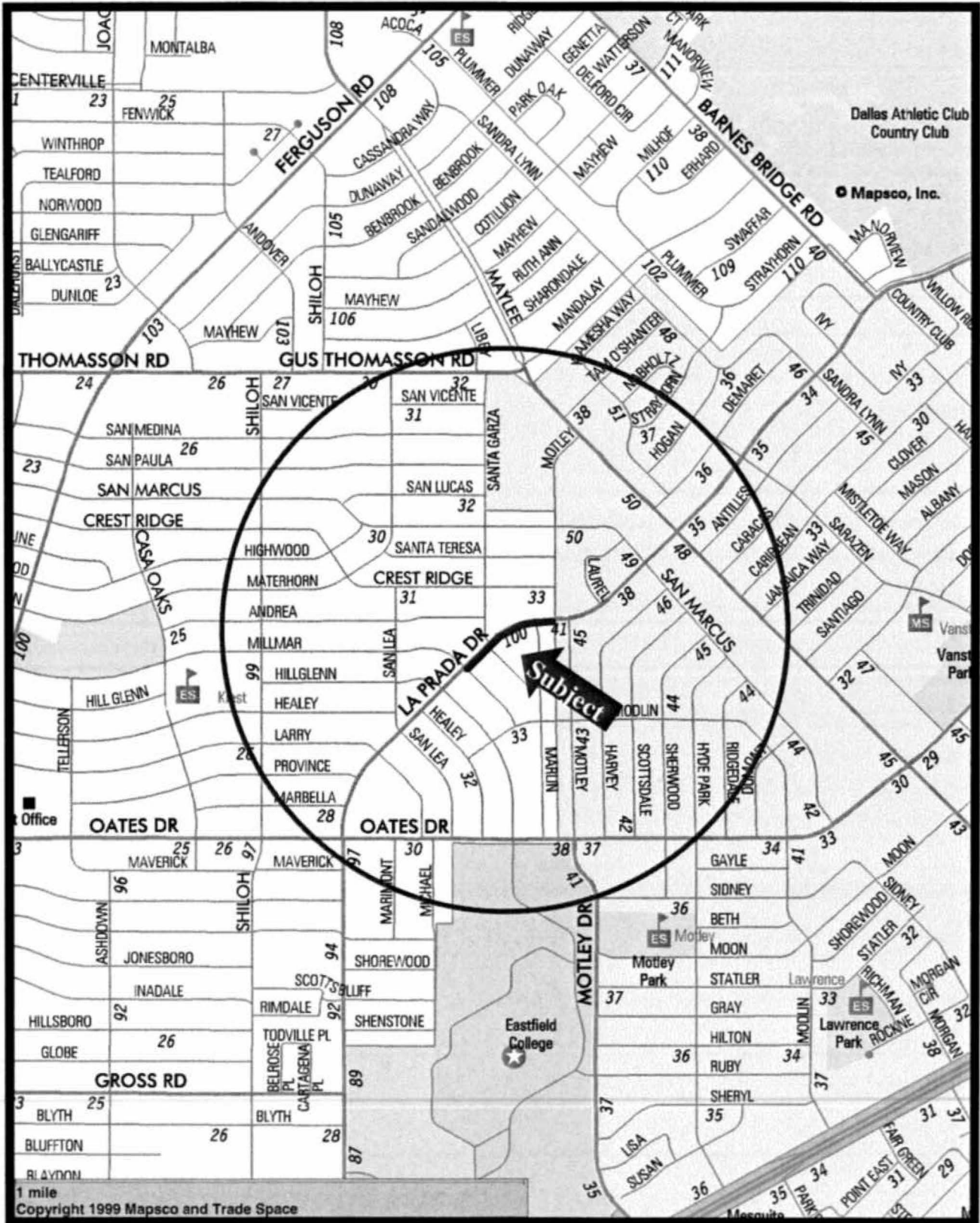
**FISCAL INFORMATION**

Water Utilities Capital Construction Funds – \$36,026  
Water Utilities Capital Improvement Funds – \$286,987

**MAP**

Attached.

# LA PRADA DRIVE



MAPSCO 39N, P



January 8, 2014

**WHEREAS**, on January 10, 2001, Resolution No. 01-0104 authorized the Master Interlocal Agreement with Dallas County for the projects that were submitted and approved in the 2000 and 2002 Call for Projects; and,

**WHEREAS**, on April 11, 2001, Resolution No. 01-1219 authorized submission of candidate projects for the 2002 Call for Projects and implementation of selected projects; and,

**WHEREAS**, La Prada Drive from Larry Drive to Millmar Drive was approved for the 2002 Call for Projects; and,

**WHEREAS**, preliminary project design for the paving and drainage improvements was completed in March 2006, at a cost of \$94,796.10; and,

**WHEREAS**, on December 14, 2005, Resolution No. 05-3489 authorized a Project Specific Agreement with and payment to Dallas County in the amount of \$40,000 for the City's share of design and design related project administration costs associated with this La Prada Drive from Larry Drive to Millmar Drive; and,

**WHEREAS**, on August 8, 2007, Resolution No. 07-2187 authorized an additional payment to Dallas County for the remaining portion of the City's share of design costs for paving and drainage improvements on La Prada Drive from Larry Drive to Millmar Drive in the amount of \$54,796.10; and,

**WHEREAS**, City desired and County agreed to revise the project limits to La Prada Drive from Millmar Drive to Motley Drive, and previous limits was resurfaced by the City as part of the City's 2006 Bond Program; and,

**WHEREAS**, on April 13, 2011, Resolution No. 11-0927 authorized a Master Agreement Governing Transportation Major Capital Improvement Program with Dallas County; and,

**WHEREAS**, on February 27, 2013, Resolution No. 13-0413 authorized a Project Specific Agreement with and payment to Dallas County in the amount of \$950,000 for the City's share of design and construction costs for paving and drainage improvements on La Prada Drive from Millmar Drive to Motley Drive;

**WHEREAS**, it is now necessary to authorize a First Amendment to the Project Specific Agreement with and payment to Dallas County to include water and wastewater main improvements on La Prada Drive from Millmar Drive to Motley Drive and payment to Dallas County for the City's share of the water and wastewater main construction costs in an amount not to exceed \$323,013.

January 8, 2014**Now, Therefore,****BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the City Manager is hereby authorized to execute the First Amendment to the Project Specific Agreement with and payment to Dallas County in the amount of \$323,013 for the City's share of water and wastewater main construction costs on La Prada Drive from Millmar Drive to Motley Drive, 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 the agreement from:

Water Construction Fund Fund 0102, Department DWU, Unit CW42 Act. RELP Obj. 3221, Program #713049X, REP W3IV, CT PBW713049EN Vendor #VS0000067010, in an amount not to exceed	\$ 16,446
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Act. RELP Obj. 3222, Program #713050X, REP T2UN, CT PBW713050EN Vendor # VS0000067010, in an amount not to exceed	\$ 19,580
Water Capital Improvement Fund Fund 0115, Department DWU, Unit PW42 Act. RELP Obj. 4550, Program #713049, REP W3IV, CT PBW713049CP Vendor #VS0000067010, in an amount not to exceed	\$150,582
Wastewater Capital Improvement Fund Fund 0116, Department DWU, Unit PS42 Act. RELP Obj. 4560, Program #713050, REP T2UN, CT PBW713050CP Vendor # VS0000067010, in an amount not to exceed	<u>\$136,405</u>
Total in an amount not to exceed	\$323,013

**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:** January 8, 2014  
**COUNCIL DISTRICT(S):** 11  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 4Z

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**SUBJECT**

An ordinance abandoning portions of a sanitary sewer easement, utility easement and water easement to PV Prestonwood I, Ltd., the abutting owner, containing a total of approximately 20,048 square feet of land, located near the intersection of Arapaho Road and Knoll Trail Drive – Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the abandonment of portions of a sanitary sewer easement, utility easement and water easement to PV Prestonwood I, Ltd., the abutting owner. The abandonment area will be included with the property of the abutting owner for the construction of a multi-family development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

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

This item has no prior action.

**FISCAL INFORMATION**

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

**OWNER**

**PV Prestonwood I, Ltd.**

PV Prestonwood I GP, LLC

Denny Holman, Manager

**MAP**

Attached



**—————** = Abandonment Area



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

An ordinance providing for the abandonment and relinquishment of portions of a sanitary sewer easement, utility easement and water easement located in City Block D/8222 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to PV Prestonwood I, Ltd.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of PV Prestonwood I, Ltd., a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE**, as hereinafter provided, for the consideration hereinafter stated; and

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

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

**SECTION 1.** That the City of Dallas hereby abandons, relinquishes all of its right, title and interest in and to the tracts of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **FIVE THOUSAND**

**FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to those certain tracts or parcels of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions and conditions of this ordinance.

**SECTION 4.** That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 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 5.** That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

**SECTION 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 7.** That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

**SECTION 8.** That as a condition of this abandonment and as part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold the City of Dallas whole and harmless 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 areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, 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 areas 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 9.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 10.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

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

BY   
Assistant City Attorney

BY   
Assistant Director

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



**EXHIBIT A-TRACT 1**  
**UTILITY EASEMENT ABANDONMENT**  
**PRESTONWOOD PERIMETER**  
**LOT 1, BLOCK D/8222**

**BEING** an 18,148 square feet tract of land situated in the ROBERT WILBURN SURVEY, ABSTRACT NO. 1580, City of Dallas, Dallas County, Texas and being part of Lot 1, Block D/8222 of PRESTONWOOD PERIMETER, an Addition to the City of Dallas, Dallas County, Texas according to the Plat thereof recorded in Volume 79102, Page 431, Deed Records, Dallas County, Texas, along with Certification of Correction of Error recorded in Volume 79142, Page 2418, Deed Records, Dallas County, Texas, and Certificate of Correction of Error recorded in Volume 79142, Page 2420, Deed Records, Dallas County, Texas, and being part of that tract of land described in Deed, Assignment and Bill of Sale in Lieu of Foreclosure to PV Prestonwood I, Ltd., as recorded in Instrument No. 200600077804, Official Public Records, Dallas County, Texas and being created by and part of that Utility Easement as recorded in Volume 79102, Page 431, Deed Records, Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at an "X" found in concrete at the south end of a corner clip at the intersection of Arapaho Road, a 110 foot right-of-way, and Knoll Trail Drive, a 64 foot right-of-way, said point being the most southerly southwest corner of said Lot 1;

**THENCE** North 65 degrees 17 minutes 26 seconds West, with said corner clip, a distance of 11.51 to an "X" found in concrete for the north end of said corner clip;

**THENCE** Northerly, with the common east line of said Knoll Trail Drive and west line of said Lot 1, Block D/8222, the following three (3) courses and distances:

North 10 degrees 26 minutes 50 seconds West, a distance of 101.60 feet to an "X" found in concrete for corner at the beginning of a tangent curve to the right having a central angle of 06 degrees 20 minutes 51 seconds, a radius of 968.00 feet and a chord bearing and distance of North 07 degrees 16 minutes 24 seconds West, 107.19 feet;

Northerly, with said tangent curve to the right, an arc length of 107.24 feet to a 1/2 inch iron rod with a red plastic cap stamped "F-D" found for corner;

North 04 degrees 06 minutes 00 seconds West, a distance of 280.00 feet to an "X" found in concrete for the most westerly southwest corner of the above mentioned PV Prestonwood I, Ltd. tract;

**THENCE** North 85 degrees 54 minutes 00 seconds East, leaving said common line and with the south line of said PV Prestonwood I, Ltd. tract, and over and across said Lot 1, Block D/8222, a distance of 127.08 feet to an "X" found in concrete for an interior ell corner of said PV Prestonwood I, Ltd. tract;

**REVIEWED BY** *J2 08.12.2013*  
*SPRG 2516*

# EXHIBIT A-TRACT 1

## UTILITY EASEMENT ABANDONMENT PRESTONWOOD PERIMETER LOT 1, BLOCK D/8222

**THENCE** over and across said Lot 1, Block D/8222 and said PV Prestonwood I, Ltd. tract, the following courses and distances;

North 53 degrees 26 minutes 37 seconds East, leaving said south line, a distance of 17.60 feet to the **POINT OF BEGINNING** of the tract of land herein described;

North 65 degrees 41 minutes 40 seconds East, a distance of 15.00 feet to a point for corner;

North 24 degrees 18 minutes 20 seconds West, a distance of 10.00 feet to a point for corner;

South 65 degrees 41 minutes 40 seconds West, a distance of 15.00 feet to a point for corner;

North 24 degrees 18 minutes 20 seconds West, a distance of 273.00 feet to a point for corner;

North 65 degrees 41 minutes 40 seconds East, a distance of 15.00 feet to a point for corner;

South 24 degrees 18 minutes 20 seconds East, a distance of 115.33 feet to a point for corner;

North 65 degrees 41 minutes 40 seconds East, a distance of 24.50 feet to a point for corner;

South 24 degrees 18 minutes 20 seconds East, a distance of 15.00 feet to a point for corner;

South 65 degrees 41 minutes 40 seconds West, a distance of 14.50 feet to a point for corner;

South 24 degrees 18 minutes 20 seconds East, a distance of 142.67 feet to a point for corner;

North 65 degrees 41 minutes 40 seconds East, a distance of 662.50 feet to a point for corner;

South 24 degrees 18 minutes 20 seconds East, a distance of 351.71 feet to a point for corner in the above mentioned north line of Arapaho Road and in the southeast line of said Lot 1, Block D/8222, said point being at the beginning of a non-tangent curve to the left having a central angle of 00 degrees 29 minutes 16 seconds, a radius of 1,212.50 feet and a chord bearing and distance of South 80 degrees 01 minutes 13 seconds West, 10.32 feet;

**THENCE** Westerly, with said north line of Arapaho Road, said southeast line of Lot 1, Block D/8222, and said non-tangent curve to the left, an arc length of 10.32 feet to a point for corner;

**EXHIBIT A-TRACT 1**  
**UTILITY EASEMENT ABANDONMENT**  
**PRESTONWOOD PERIMETER**  
**LOT 1, BLOCK D/8222**

**THENCE** over and across said Lot 1, Block D/8222, the following courses and distances:

North 24 degrees 18 minutes 20 seconds West, leaving said north line and said southeast line, a distance of 339.16 feet to a point for corner;

South 65 degrees 41 minutes 40 seconds West, a distance of 662.50 feet to a point for corner;

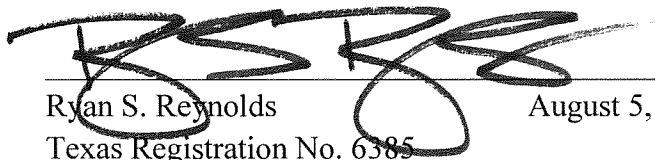
South 24 degrees 18 minutes 20 seconds East, a distance of 142.00 feet to a point for corner;

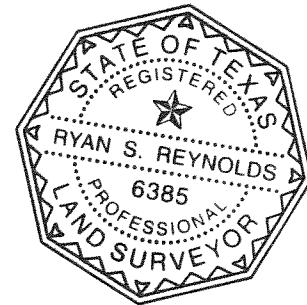
South 65 degrees 41 minutes 40 seconds West, a distance of 15.00 feet to a point for corner;

North 24 degrees 18 minutes 20 seconds West, a distance of 142.00 feet to the **POINT OF BEGINNING** and containing 18,148 square feet or 0.417 acres of land, more or less.

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

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

  
\_\_\_\_\_  
Ryan S. Reynolds August 5, 2013  
Texas Registration No. 6385



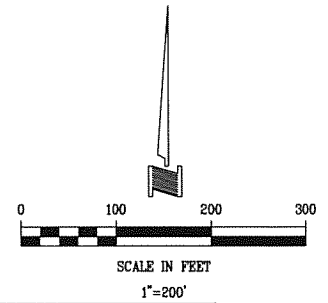
REVIEWED BY *Jr* 08.12.2013  
SPRG 2516

# EXHIBIT A-TRACT 1

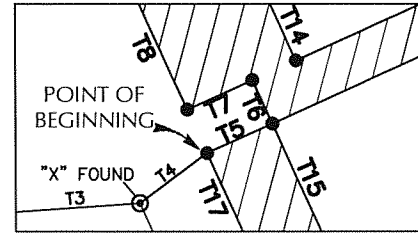
## UTILITY EASEMENT ABANDONMENT PRESTONWOOD PERIMETER LOT 1, BLOCK D/8222

### LEGEND

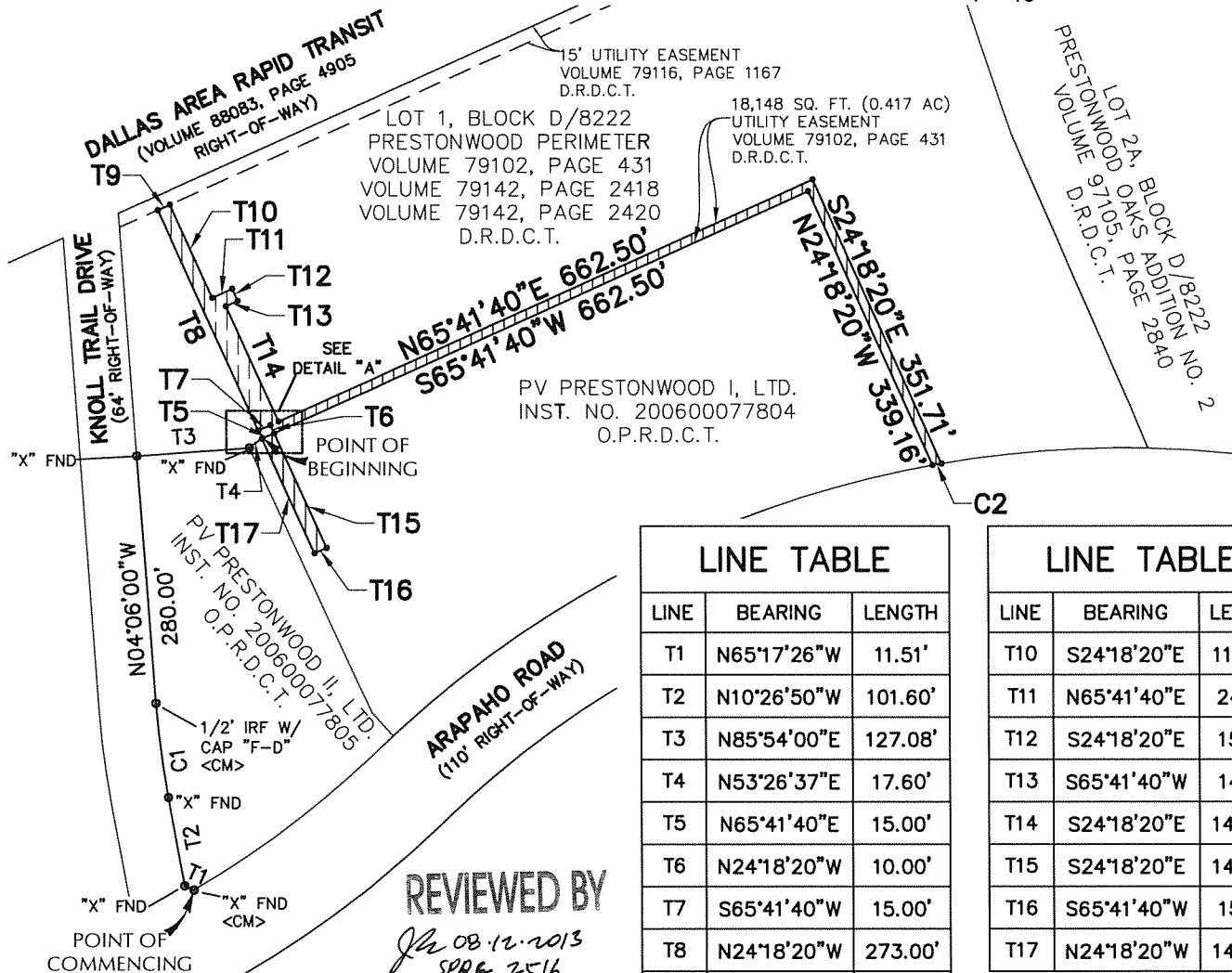
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
- = POINT FOR CORNER
- FND = FOUND
- IRF = IRON ROD FOUND
- INST. NO. = INSTRUMENT NUMBER
- CM = CONTROL MONUMENT



CURVE TABLE					
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C1	06°20'51"	968.00'	53.67'	107.24'	N07°16'24"W 107.19'
C2	00°29'16"	1212.50'	5.16'	10.32'	S80°01'13"W 10.32'



DETAIL "A"  
1"=40'



LINE TABLE		
LINE	BEARING	LENGTH
T1	N65°17'26"W	11.51'
T2	N10°26'50"W	101.60'
T3	N85°54'00"E	127.08'
T4	N53°26'37"E	17.60'
T5	N65°41'40"E	15.00'
T6	N24°18'20"W	10.00'
T7	S65°41'40"W	15.00'
T8	N24°18'20"W	273.00'
T9	N65°41'40"E	15.00'

LINE TABLE		
LINE	BEARING	LENGTH
T10	S24°18'20"E	115.33'
T11	N65°41'40"E	24.50'
T12	S24°18'20"E	15.00'
T13	S65°41'40"W	14.50'
T14	S24°18'20"E	142.67'
T15	S24°18'20"E	142.00'
T16	S65°41'40"W	15.00'
T17	N24°18'20"W	142.00'

REVIEWED BY  
*[Signature]* 08.12.2013  
SPR 2516

GENERAL NOTES:

- 1) BASIS OF BEARINGS DERIVED FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, NORTH CENTRAL ZONE.

**DOWDEY, ANDERSON & ASSOCIATES, INC.**  
5225 Village Creek Drive, Suite 200 Plano, Texas 75093  
Phone 972-931-0694 Fax 972-931-9538

*[Signature]* 2013-08-05  
Ryan S. Reynolds  
Registered Professional Land Surveyor  
No. 6385



# EXHIBIT A-TRACT 2

## SANITARY SEWER EASEMENT ABANDONMENT PRESTONWOOD PERIMETER LOT 1, BLOCK D/8222

**BEING** a 1,451 square feet tract of land situated in the ROBERT WILBURN SURVEY, ABSTRACT NO. 1580, City of Dallas, Dallas County, Texas and being part of Lot 1, Block D/8222 of PRESTONWOOD PERIMETER, an Addition to the City of Dallas, Dallas County, Texas according to the Plat thereof recorded in Volume 79102, Page 431, Deed Records, Dallas County, Texas, along with Certification of Correction of Error recorded in Volume 79142, Page 2418, Deed Records, Dallas County, Texas, and Certificate of Correction of Error recorded in Volume 79142, Page 2420, Deed Records, Dallas County, Texas, and being part of that tract of land described in Deed, Assignment and Bill of Sale in Lieu of Foreclosure to PV Prestonwood I, Ltd., as recorded in Instrument No. 200600077804, Official Public Records, Dallas County, Texas and created by and being part of that Sanitary Sewer Easement as recorded in Volume 82003, Page 681, Deed Records, Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at a point for corner in the north line of Arapaho Road, a 110 foot right-of-way, for the common southeast corner of said Lot 1 and southwest corner of Lot 2A, Block D/8222 of PRESTONWOOD OAKS ADDITION NO. 2, an Addition to the City of Dallas, Dallas County, Texas according to the Plat thereof recorded in Volume 97105, Page 2840, Deed Records, Dallas County, Texas, from which point an "X" found in concrete bears North 88 degrees 19 minutes 40 seconds West, 0.17 feet;

**THENCE** North 23 degrees 27 minutes 14 seconds West, leaving said north line and with the common east line of said Lot 1 and west line of said Lot 2A, a distance of 358.85 feet to the **POINT OF BEGINNING** of the tract of land herein described;

**THENCE** South 66 degrees 32 minutes 46 seconds West, leaving said common line, a distance of 145.12 feet to a point for corner;

**THENCE** North 23 degrees 27 minutes 14 seconds West, a distance of 10.00 feet to a point for corner;

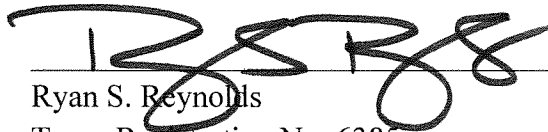
**THENCE** North 66 degrees 32 minutes 46 seconds East, a distance of 145.12 feet to a point for corner in the above mentioned common line;

**THENCE** South 23 degrees 27 minutes 14 seconds East, with said common line, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 1,451 square feet or 0.033 acres of land, more or less.

**SANITARY SEWER EASEMENT ABANDONMENT  
PRESTONWOOD PERIMETER  
LOT 1, BLOCK D/8222**

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

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

  
\_\_\_\_\_  
Ryan S. Reynolds                      July 29, 2013  
Texas Registration No. 6385

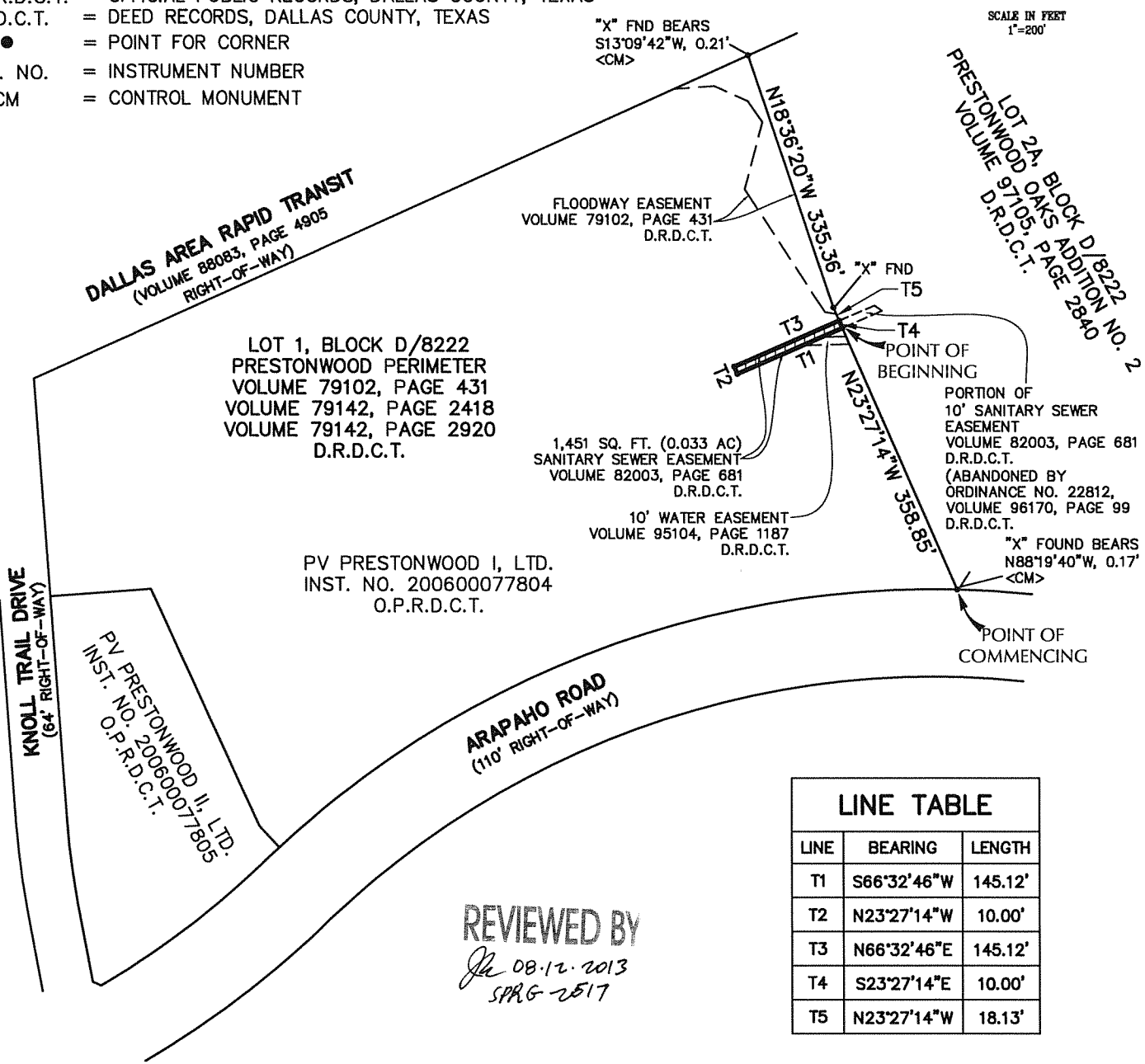
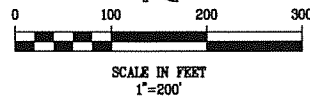


REVIEWED BY  08.12.2013  
SPRG 2517

SANITARY SEWER EASEMENT ABANDONMENT  
PRESTONWOOD PERIMETER  
LOT 1, BLOCK D/8222

LEGEND

- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
- = POINT FOR CORNER
- INST. NO. = INSTRUMENT NUMBER
- CM = CONTROL MONUMENT



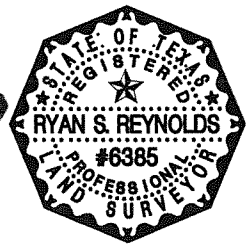
LINE TABLE		
LINE	BEARING	LENGTH
T1	S66°32'46"W	145.12'
T2	N23°27'14"W	10.00'
T3	N66°32'46"E	145.12'
T4	S23°27'14"E	10.00'
T5	N23°27'14"W	18.13'

REVIEWED BY  
*SR* 08.12.2013  
SPAG-2517

GENERAL NOTES:  
1) BASIS OF BEARINGS DERIVED FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, NORTH CENTRAL ZONE.

**DOWDEY, ANDERSON & ASSOCIATES, INC.**  
5225 Village Creek Drive, Suite 200 Plano, Texas 75093  
Phone 972-931-0694 Fax 972-931-9538

*RSR* 2013-07-29  
Ryan S. Reynolds  
Registered Professional Land Surveyor  
No. 6385



S:\PROJECTS C3D\12027\dwg\12027ESMT04-SSWR-ABANDONMENT.dwg, EXHIBIT, 7/29/2013 9:54:56 AM, reynolds, Dowdey, Anderson & Associates, Inc., RR

# EXHIBIT A-TRACT 3

## WATER EASEMENT ABANDONMENT PRESTONWOOD PERIMETER LOT 1, BLOCK D/8222

**BEING** a 449 square feet tract of land situated in the ROBERT WILBURN SURVEY, ABSTRACT NO. 1580, City of Dallas, Dallas County, Texas and being part of Lot 1, Block D/8222 of PRESTONWOOD PERIMETER, an Addition to the City of Dallas, Dallas County, Texas according to the Plat thereof recorded in Volume 79102, Page 431, Deed Records, Dallas County, Texas, along with Certification of Correction of Error recorded in Volume 79142, Page 2418, Deed Records, Dallas County, Texas, and Certificate of Correction of Error recorded in Volume 79142, Page 2420, Deed Records, Dallas County, Texas, and being part of that tract of land described in Deed, Assignment and Bill of Sale in Lieu of Foreclosure to PV Prestonwood I, Ltd., as recorded in Instrument No. 200600077804, Official Public Records, Dallas County, Texas and being created by and all of that Water Easement as recorded in Volume 95104, Page 1187, Deed Records, Dallas County, Texas, intended to be a wastewater easement, being more particularly described as follows:

**COMMENCING** at a point for corner in the north line of Arapaho Road, a 110 foot right-of-way, for the common southeast corner of said Lot 1 and southwest corner of Lot 2A, Block D/8222 of PRESTONWOOD OAKS ADDITION NO. 2, an Addition to the City of Dallas, Dallas County, Texas according to the Plat thereof recorded in Volume 97105, Page 2840, Deed Records, Dallas County, Texas, from which point an "X" found in concrete bears North 88 degrees 19 minutes 40 seconds West, 0.17 feet;

**THENCE** North 23 degrees 27 minutes 14 seconds West, leaving said north line and with the common east line of said Lot 1 and west line of said Lot 2A, a distance of 336.57 feet to the **POINT OF BEGINNING** of the tract of land herein described;

**THENCE** South 88 degrees 38 minutes 50 seconds West, leaving said common line, a distance of 59.24 feet to a point for corner;

**THENCE** North 66 degrees 33 minutes 46 seconds East, a distance of 26.60 feet to a point for corner;

**THENCE** North 88 degrees 38 minutes 50 seconds East, a distance of 30.53 feet to a point for corner in the above mentioned common line;

**THENCE** South 23 degrees 27 minutes 14 seconds East, with said common line, a distance of 10.79 feet to the **POINT OF BEGINNING** and containing 449 square feet or 0.010 acres of land, more or less.

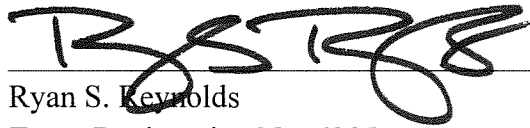


# EXHIBIT A-TRACT 3

## WATER EASEMENT ABANDONMENT PRESTONWOOD PERIMETER LOT 1, BLOCK D/8222

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

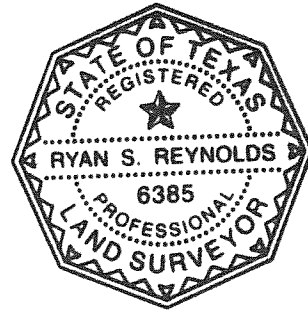
Basis of bearings derived from the Texas State Plane Coordinate System, NAD83, North Central Zone.



Ryan S. Reynolds

July 29, 2013

Texas Registration No. 6385



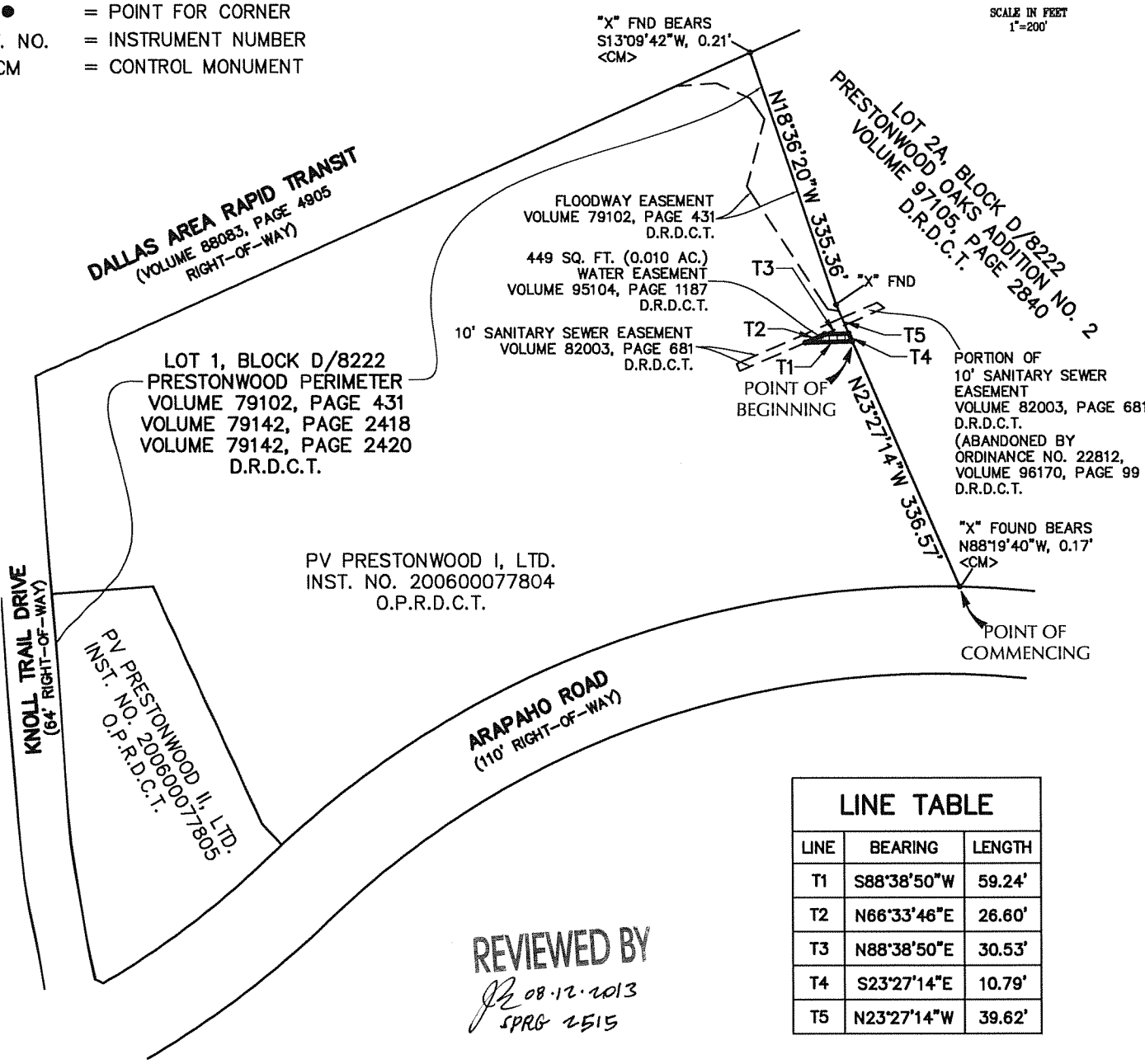
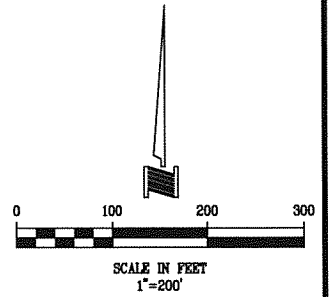
REVIEWED BY *JR* 08-12-2013  
SPR6 2515

**EXHIBIT A-TRACT 5**

**WATER EASEMENT ABANDONMENT  
PRESTONWOOD PERIMETER  
LOT 1, BLOCK D/8222**

**LEGEND**

- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
- = POINT FOR CORNER
- INST. NO. = INSTRUMENT NUMBER
- CM = CONTROL MONUMENT



PV PRESTONWOOD I, LTD.  
INST. NO. 200600077804  
O.P.R.D.C.T.

KNOLL TRAIL DRIVE  
(64' RIGHT-OF-WAY)

PV PRESTONWOOD II, LTD.  
INST. NO. 200600077805  
O.P.R.D.C.T.

DALLAS AREA RAPID TRANSIT  
(VOLUME 88083, PAGE 4905  
RIGHT-OF-WAY)

LOT 1, BLOCK D/8222  
PRESTONWOOD PERIMETER  
VOLUME 79102, PAGE 431  
VOLUME 79142, PAGE 2418  
VOLUME 79142, PAGE 2420  
D.R.D.C.T.

ARAPAHO ROAD  
(110' RIGHT-OF-WAY)

REVIEWED BY  
*RSR* 08-12-2013  
SPRG 2515

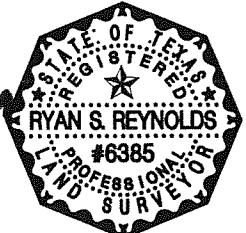
LINE TABLE		
LINE	BEARING	LENGTH
T1	S88°38'50"W	59.24'
T2	N66°33'46"E	26.60'
T3	N88°38'50"E	30.53'
T4	S23°27'14"E	10.79'
T5	N23°27'14"W	39.62'

**GENERAL NOTES:**

- 1) BASIS OF BEARINGS DERIVED FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, NORTH CENTRAL ZONE.
- 2) THE INTENT OF VOLUME 95104, PAGE 1187, DEED RECORDS, DALLAS COUNTY, TEXAS WAS TO CREATE A WASTEWATER EASEMENT.

**DOWDEY, ANDERSON  
& ASSOCIATES, INC.**  
5225 Village Creek Drive, Suite 200 Plano, Texas 75093  
Phone 972-931-0694 Fax 972-931-9538

*RSR* 2013-07-20  
**Ryan S. Reynolds**  
Registered Professional Land Surveyor  
No. 6385



S:\PROJECTS C3D\12027ESMT03-WAT-ABANDONMENT.dwg, EXHIBIT, 7/29/2013 9:51:58 AM, reynolds, Dowdey, Anderson & Associates, Inc., RR

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 5  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 48Y

---

**SUBJECT**

An ordinance abandoning a portion of a street easement to Wal Mart Real Estate Business Trust, the abutting owner, containing approximately 2,299 square feet of land, located near the intersection of Buckner Boulevard and Bearden Lane, and providing for the dedication of approximately 3,449 square feet of land needed for right-of-way - Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the abandonment of a portion of a street easement to Wal Mart Real Estate Business Trust, the abutting owner. The area will be included with the property of the abutting owner for parking and landscaping. The owner will dedicate approximately 3,449 square feet of land needed for right-of-way. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

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

This item has no prior action.

**FISCAL INFORMATION**

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

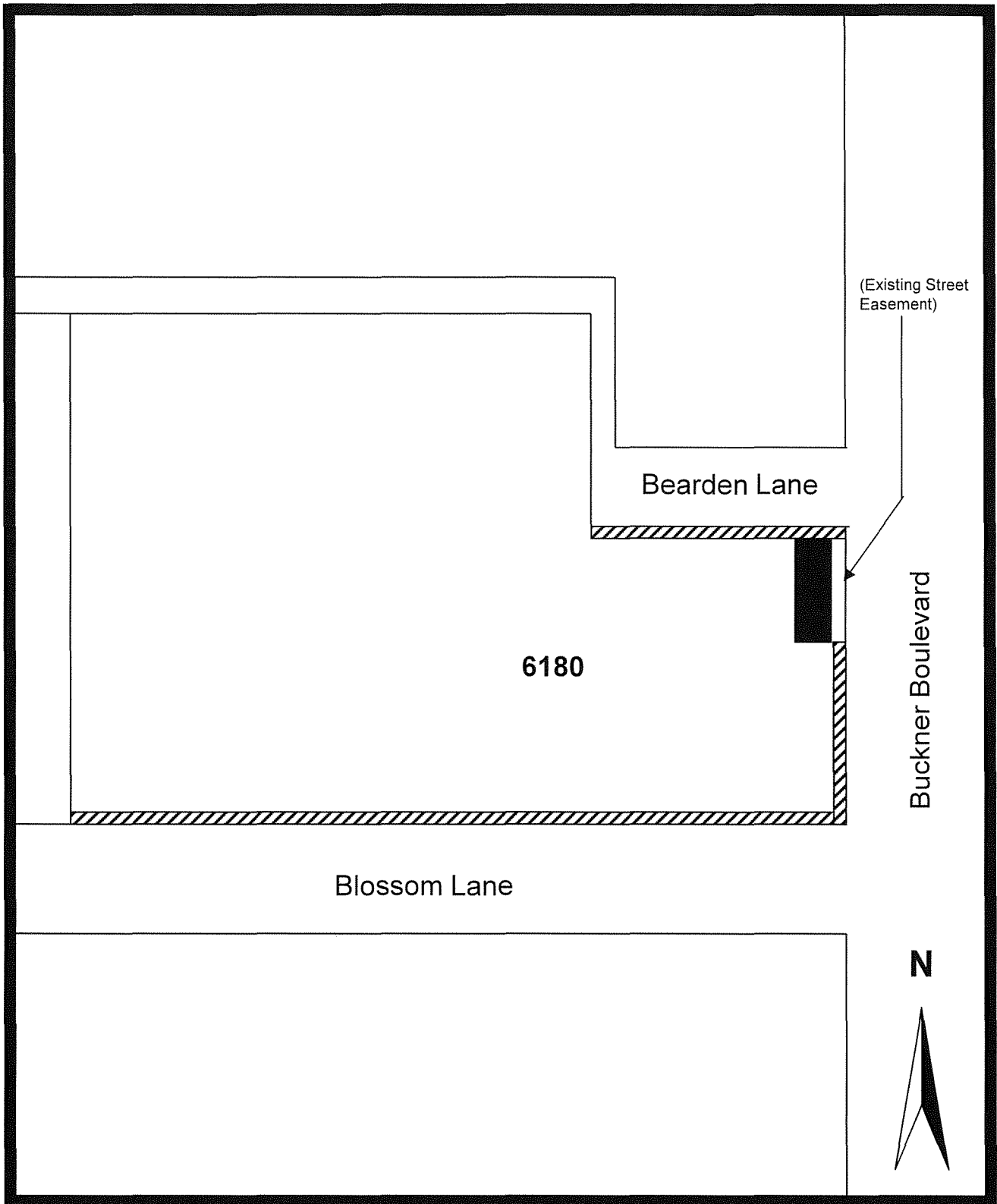
**OWNER**

**Wal Mart Real Estate Business Trust**

Eric Zorn, President

**MAP**

Attached



= Abandonment Area



= Dedication Area

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

An ordinance providing for the abandonment of a portion of a street easement located in City Block 6180 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Wal Mart Real Estate Business Trust; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for the conveyance of needed land to the City of Dallas; 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 a future effective date for this abandonment; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Wal Mart Real Estate Business Trust, a Delaware statutory trust, hereinafter referred to as **GRANTEE**, 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 street easement 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 will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

**SECTION 1.** That the 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 and future effective date hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$5,400.00)** paid by **GRANTEE**, and the

further consideration described in Sections 8, 9, 10 and 13, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all 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 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

**SECTION 4.** That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 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 5.** 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 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 7.** 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 8.** That as a condition of this abandonment and as a 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 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey by General Warranty Deed to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable fee simple title, subject to only those title exceptions approved by the City Attorney, and insured by an owner's policy of title insurance approved as to form by the City Attorney, to certain properties located in City Block 6180, containing approximately 3,449 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

**SECTION 11.** That at such time as the instrument described in Section 10 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney, it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located and the recorded instrument shall be forwarded to the City Secretary for permanent record.

**SECTION 12.** That this ordinance and properly executed General Warranty Deed, approved as to form by the City Attorney, be forwarded to a title insurance company for closing. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the official real property records of the county in which the subject property is located and thereafter returned to the City Secretary for permanent record.

**SECTION 13.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall pay all closing costs and title expenses associated with the acquisition of the property described in Section 10 above.

**SECTION 14.** 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 Sections 2 and 13, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, [and completion of the dedication set forth in Section 10, 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 15.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

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

BY   
Assistant City Attorney

BY   
Assistant Director

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

# EXHIBIT A

## LEGAL DESCRIPTION

**BEING** a 2,299 square feet or 0.053 acre tract of land situated in the James J. Beeman Survey, Abstract No. 96, City of Dallas Block 6180, City of Dallas, Dallas County, Texas; and being part of an easement for street purposes, to the City of Dallas, Texas, recorded in Volume 5367, Page 294, Deed Records of Dallas County, Texas and being part of Lot 9, Block 6180, Burkett Subdivision, an addition to the City of Dallas, Texas, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas, part of a tract of land described in Special Warranty Deed to Wal-Mart Real Estate Business Trust, recorded in Instrument No. 201200089326, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at an pk nail found at the intersection of the west right-of-way line of Buckner Boulevard (a variable width right-of-way) and the south right-of-way line of Bearden Lane (a 50-foot wide right-of-way) at the northeast corner of said Lot 9 and the northeast corner of said street easement;

**THENCE** with said west right-of-way line of Buckner Boulevard and the east line of said Lot 9, S 0°30'00" E, a distance of 94.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the southeast corner of said Lot 9, Block 6180, the southeast corner of said street easement and the northeast corner of Lot 20-A, Block 6180, H & H Subdivision, part of City Block 6180, an addition to the City of Dallas, recorded in Volume 44, Page 29, Map Records of Dallas County, Texas;

**THENCE** departing said west right-of-way line and with the north line of said Lot 20-A, the south line of said Lot 9 and the south line of said street easement, S 89°45'00" W, a distance of 3.50 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the **POINT OF BEGINNING**;

**THENCE** continuing with said north line of Lot 20-A, said south line of Lot 9, and said south line of the street easement, S 89°45'00" W, a distance of 26.50 feet to a brass disk found at the southwest corner of said street easement;

**THENCE** departing said north line of Lot 20-A, said south line of Lot 9, and said south line of the street easement, with the west line of said street easement, N 0°30'00" W, a distance of 91.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

**THENCE** N 89°45'00" E, a distance of 11.50 feet to a 5/8" iron rod with 3-1/2" aluminum disk set for corner;

**THENCE** South 45°22'30" East, a distance of 21.26 feet to a 5/8" iron rod with 3-1/2" aluminum disk set for corner;

**THENCE** South 0°30'00" East, a distance of 76.00 feet to the **POINT OF BEGINNING** and containing 2,299 square feet or 0.053 acres of land.

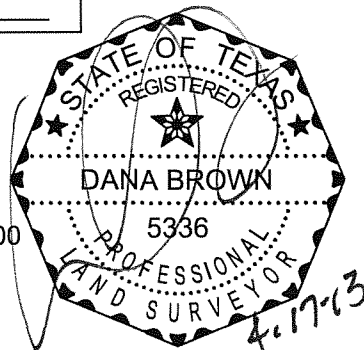
The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of Bearden Lane according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas.

(For SPRG use only)

Reviewed By: JB  
 Date: 04-19-2013  
 SPRG NO: 2607

STREET EASEMENT ABANDONMENT  
 LOT 9, BLOCK 6180  
 BURKETT SUBDIVISION  
 JAMES J. BEEMAN  
 SURVEY, ABSTRACT NO. 96  
 CITY OF DALLAS  
 DALLAS COUNTY, TEXAS

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 12750 MERIT DRIVE, SUITE 1000  
 DALLAS, TEXAS 75251  
 PH. 972-770-1300  
 dana.brown@kimley-horn.com

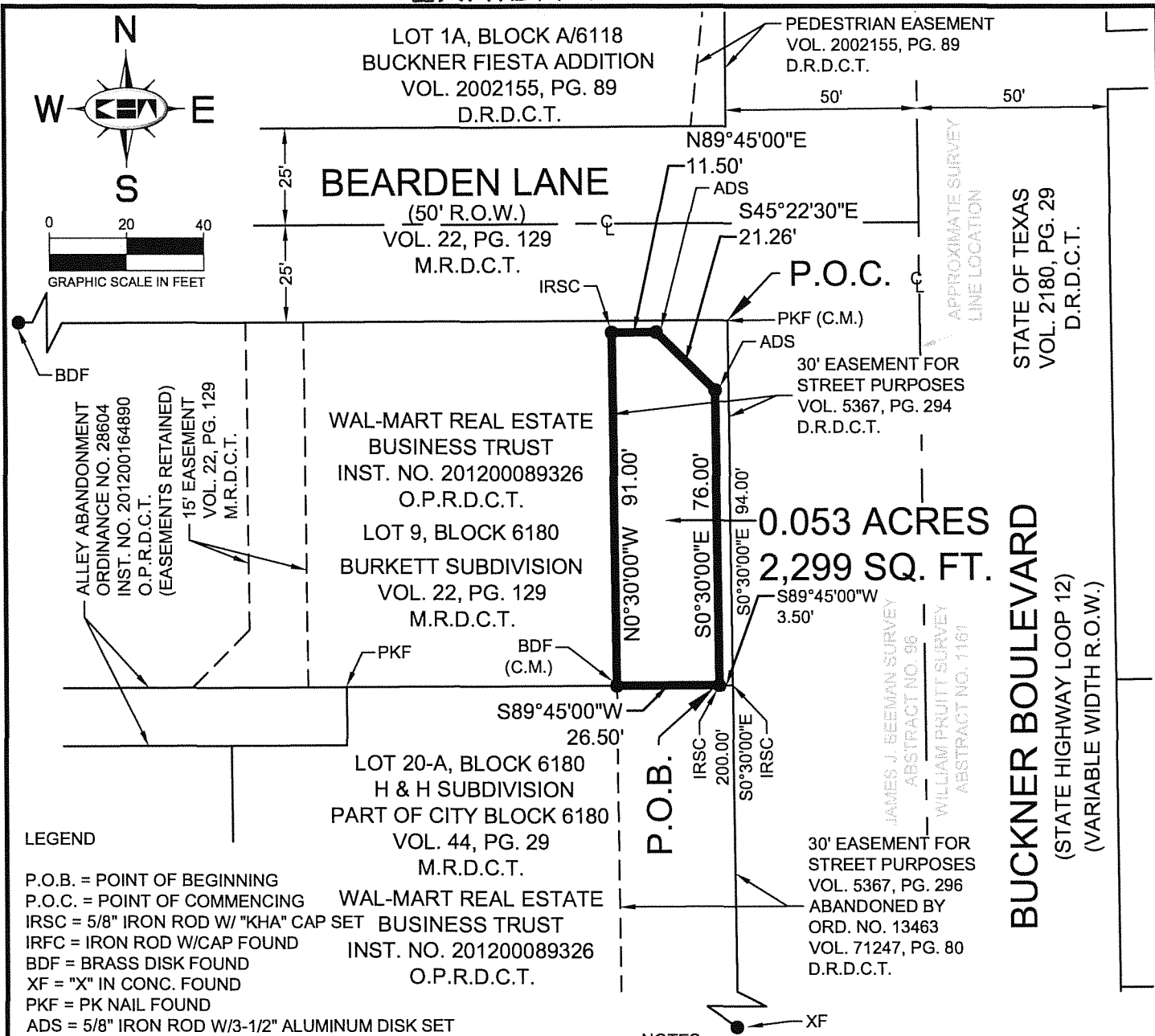


  
 12750 Merit Drive, Suite 1000  
 Dallas, Texas 75251

**Kimley-Horn  
 and Associates, Inc.**  
 Tel. No. (972) 770-1300  
 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD/JAD	DAB	APR. 2013	063362200	1 OF 2

# EXHIBIT A



**LEGEND**

P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCING  
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
 IRFC = IRON ROD W/CAP FOUND  
 BDF = BRASS DISK FOUND  
 XF = "X" IN CONC. FOUND  
 PKF = PK NAIL FOUND  
 ADS = 5/8" IRON ROD W/3-1/2" ALUMINUM DISK SET  
 C.M. = CONTROLLING MONUMENT  
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS  
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS  
 INST. NO. = INSTRUMENT NUMBER

**NOTES**

The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of Bearden Lane according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas.

(For SPRG use only)  
 Reviewed By: JR  
 Date: 04.19.2013  
 SPRG NO: 2607



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**STREET EASEMENT ABANDONMENT**  
 LOT 9, BLOCK 6180  
 BURKETT SUBDIVISION  
 JAMES J. BEEMAN  
 SURVEY, ABSTRACT NO. 96  
 CITY OF DALLAS  
 DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	SRD/JAD	DAB	APR. 2013	063362200	2 OF 2

# 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.

**LEGAL DESCRIPTION**

**BEING** a 547 square foot or 0.013 acre tract of land situated in the James J. Beeman Survey, Abstract No. 96, City of Dallas Block 6180, City of Dallas, Dallas County, Texas; and being part of Lot 9, Block 6180, Burkett Subdivision, an addition to the City of Dallas, Texas, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas, part of a tract of land described in Special Warranty Deed to Wal-Mart Real Estate Business Trust, recorded in Instrument No. 201200089326, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at a PK nail found for corner at the intersection of the west right-of-way line of Buckner Boulevard (a variable width right-of-way) and the south right-of-way line of Bearden Lane (a 50-foot wide right-of-way) at the northeast corner of said Lot 9, Block 6180, and the northeast corner of an easement for street purposes, to the City of Dallas, Texas, recorded in Volume 5367, Page 294, Deed Records of Dallas County, Texas;

**THENCE** with the said south right-of-way line of Bearden Lane, the north line of said Lot 9, and the north line of said street easement, South 89°45'00" West, a distance of 30.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the northwest corner of said street easement and being the **POINT OF BEGINNING**;

**THENCE** departing said south right-of-way line of Bearden Lane, said north line of Lot 9, and with the west line of said street easement, South 0°30'00" East, a distance of 3.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

**THENCE** departing said west line of street easement, South 89°45'00" West, a distance of 182.00 feet to a 5/8" iron rod with 3-1/2" aluminum disk set;

**THENCE** North 0°30'00" West, a distance of 4.03 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner in the said south right-of-way line of Bearden Lane and said north line of Lot 9;

**THENCE** with said south right-of-way line of Bearden Lane and said north line of Lot 9, South 68°38'11" East, a distance of 2.80 feet to a brass disk found for corner;

**THENCE** continuing with said south right-of-way line of Bearden Lane and said north line of Lot 9, North 89°45'00" East, a distance of 179.40 feet to the **POINT OF BEGINNING** and containing 547 square feet or 0.013 acres of land.

The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of Bearden Lane according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas.

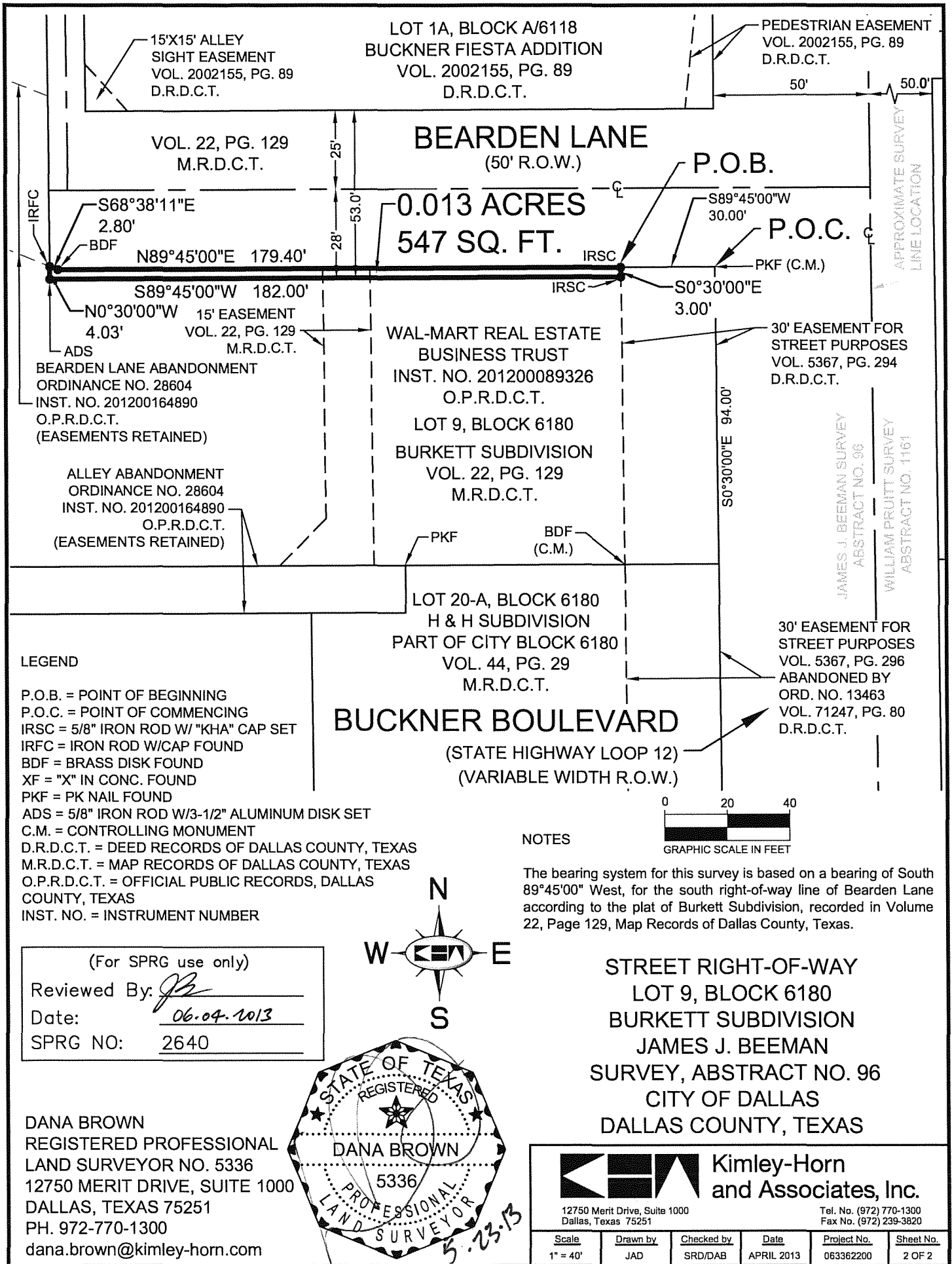
(For SPRG use only)  
 Reviewed By: *[Signature]*  
 Date: 06-04-2013  
 SPRG NO: 2640

**STREET RIGHT-OF-WAY  
 LOT 9, BLOCK 6180  
 BURKETT SUBDIVISION  
 JAMES J. BEEMAN  
 SURVEY, ABSTRACT NO. 96  
 CITY OF DALLAS  
 DALLAS COUNTY, TEXAS**

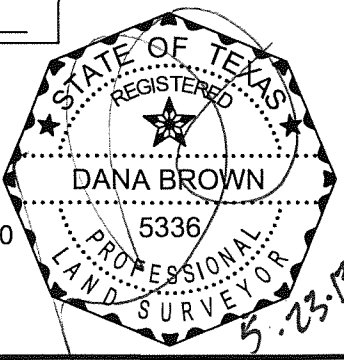
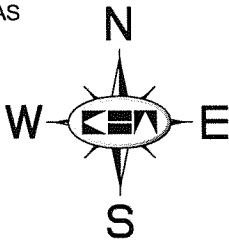
DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 12750 MERIT DRIVE, SUITE 1000  
 DALLAS, TEXAS 75251  
 PH. 972-770-1300  
 dana.brown@kimley-horn.com



		<b>Kimley-Horn and Associates, Inc.</b>	
12750 Merit Drive, Suite 1000 Dallas, Texas 75251		Tel. No. (972) 770-1300 Fax No. (972) 239-3820	
Scale	Drawn by	Checked by	Date
N/A	JAD	SRD/DAB	APRIL 2013
Project No.	Sheet No.		
063362200	1 OF 2		



(For SPRG use only)  
Reviewed By: JAD  
Date: 06-04-2013  
SPRG NO: 2640



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**STREET RIGHT-OF-WAY**  
**LOT 9, BLOCK 6180**  
**BURKETT SUBDIVISION**  
**JAMES J. BEEMAN**  
**SURVEY, ABSTRACT NO. 96**  
**CITY OF DALLAS**  
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Scale 1" = 40'	Drawn by JAD	Checked by SRD/DAB	Date APRIL 2013	Project No. 063362200	Sheet No. 2 OF 2
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**LEGAL DESCRIPTION**

**BEING** a 2,902 square foot or 0.067 acre tract of land situated in the James J. Beeman Survey, Abstract No. 96, City of Dallas Block 6180, City of Dallas, Dallas County, Texas; and being part of Lot 20-A, Block 6180, H & H Subdivision, Part of City Block 6180, an addition to the City of Dallas, Texas, according to the plat recorded in Volume 44, Page 29, Map Records of Dallas County, Texas; and being part of Lot 16A, Block 6180, Ebenezer Memorial Missionary Church Addition, an addition to the City of Dallas, Texas, according to the plat recorded in Volume 2001141, Page 43, Deed Records of Dallas County, Texas, part of a tract of land described in Special Warranty Deeds to Wal-Mart Real Estate Business Trust, recorded in Instrument Nos. 201200089326 and 201200089327, Official Public Records of Dallas County, Texas; and being more particularly described as follows:

**COMMENCING** at a PK nail found for corner at the intersection of the west right-of-way line of Buckner Boulevard (a variable width right-of-way) and the south right-of-way line of Bearden Lane (a 50-foot wide right-of-way) at the northeast corner of Lot 9, Block 6180, Burkett Subdivision, an addition to the City of Dallas, Texas according to the plat recorded in Volume 22, Page 129 of said Map Records and the northeast corner of an easement for street purposes, to the City of Dallas, Texas, recorded in Volume 5367, Page 294, Deed Records of Dallas County, Texas;

**THENCE** with said west right-of-way line of Buckner Boulevard and the east line of said Lot 9 and said street easement, South 0°30'00" East, a distance of 94.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the **POINT OF BEGINNING**; said point being the northeast corner of said Lot 20-A, the southeast corner of said street easement and the southeast corner of said Lot 9;

**THENCE** continuing with the said west right-of-way line of Buckner Boulevard and the east line of said Lot 20-A, South 0°30'00" East, a distance of 200.00 feet to a "X" cut in concrete found at the intersection of said west right-of-way line of Buckner Boulevard and the north right-of-way line of Blossom Lane (a 50-foot wide right-of-way); said point also being the southeast corner of said Lot 20-A;

**THENCE** with said north right-of-way line of Blossom Lane and the south line of said Lot 20-A and said Lot 16A, South 89°45'00" West, a distance of 700.00 feet to a 3" aluminum disk stamped "KSC RPLS 2019" found for the southeast corner of a tract of land described in Warranty Deed with Vendor's Lien to Ministerios Tiempo De Dios, Inc. recorded in Instrument No. 20080212957, Official Public Records of Dallas County, Texas and being the southwest corner of said Lot 16A;

**THENCE** departing said north right-of-way line of Blossom Lane and with the east line of said Ministerios Tiempo De Dios, Inc. tract and the west line of said Lot 16A, North 0°25'11" West, a distance of 3.00 feet to a 5/8" iron rod with 3-1/2" aluminum disk set;

**THENCE** departing said east line of Ministerios Tiempo De Dios, Inc. tract and said west line of Lot 16A, North 89°45'00" East, a distance of 681.50 feet to a 5/8" iron rod with 3-1/2" aluminum disk set for corner;

**THENCE** North 44°37'30" East, a distance of 21.17 feet to 5/8" iron rod with 3-1/2" aluminum disk set for corner;

**THENCE** North 0°30'00" West, a distance of 182.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner in the north line of said Lot 20-A, the south line of said Lot 9 and the south line of said street easement;

(For SPRG use only)  
 Reviewed By: *JR*  
 Date: 06.04.2013  
 SPRG NO: 2641

**STREET RIGHT-OF-WAY**  
**LOT 20-A, BLOCK 6180, H & H SUBDIVISION**  
**PART OF CITY BLOCK 6180 AND**  
**LOT 16A, BLOCK 6180, EBENEZER**  
**MEMORIAL MISSIONARY CHURCH ADDITION**  
**JAMES J. BEEMAN SURVEY,**  
**ABSTRACT NO. 96**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
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<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>	<u>Sheet No.</u>		
N/A	JAD	SRD/DAB	APRIL 2013	063362200	1 OF 5		



**LEGAL DESCRIPTION**

(continued)

**THENCE** with said north line of Lot 20-A, said south line of Lot 9 and said south line of the street easement, North 89°45'00" East, a distance of 3.50 feet to the **POINT OF BEGINNING** and containing 2,902 square feet or 0.067 acres of land.

The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of Bearden Lane according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas.

(For SPRG use only)

Reviewed By: *Jr*

Date: 06.04.2013

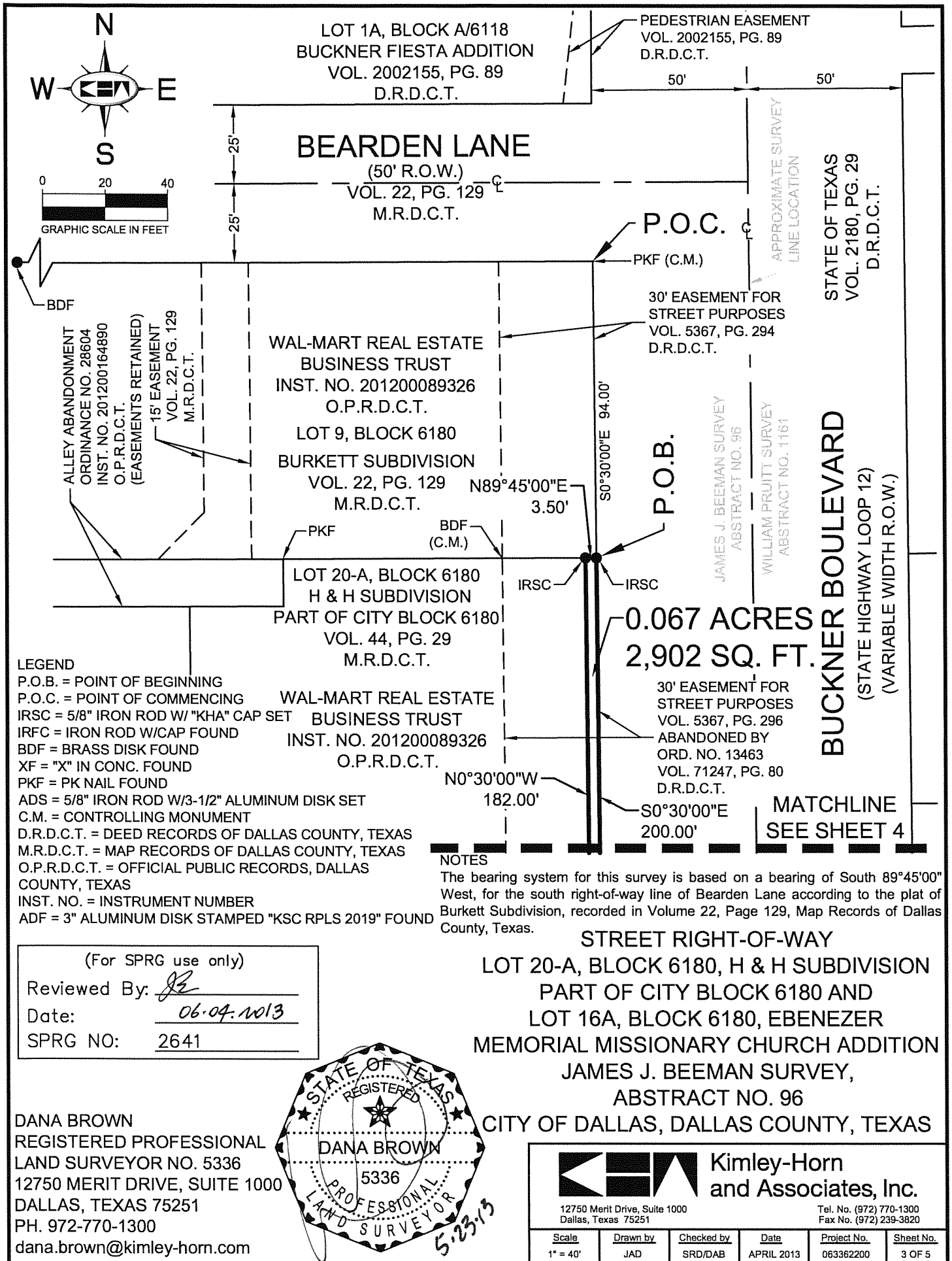
SPRG NO: 2641

**STREET RIGHT-OF-WAY**  
**LOT 20-A, BLOCK 6180, H & H SUBDIVISION**  
**PART OF CITY BLOCK 6180 AND**  
**LOT 16A, BLOCK 6180, EBENEZER**  
**MEMORIAL MISSIONARY CHURCH ADDITION**  
**JAMES J. BEEMAN SURVEY,**  
**ABSTRACT NO. 96**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

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<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>
N/A	JAD	SRD/DAB	APRIL 2013
<u>Project No.</u>	<u>Sheet No.</u>		
063362200	2 OF 5		



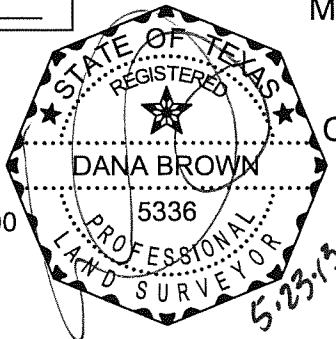
**LEGEND**  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCING  
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
IRFC = IRON ROD W/CAP FOUND  
BDF = BRASS DISK FOUND  
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M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS  
INST. NO. = INSTRUMENT NUMBER  
ADF = 3" ALUMINUM DISK STAMPED "KSC RPLS 2019" FOUND

**NOTES**  
The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of Bearden Lane according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas.

(For SPRG use only)  
Reviewed By: JR  
Date: 06-04-2013  
SPRG NO: 2641

**STREET RIGHT-OF-WAY**  
LOT 20-A, BLOCK 6180, H & H SUBDIVISION  
PART OF CITY BLOCK 6180 AND  
LOT 16A, BLOCK 6180, EBENEZER  
MEMORIAL MISSIONARY CHURCH ADDITION  
JAMES J. BEEMAN SURVEY,  
ABSTRACT NO. 96  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
12750 MERIT DRIVE, SUITE 1000  
DALLAS, TEXAS 75251  
PH. 972-770-1300  
dana.brown@kimley-horn.com



**Kimley-Horn and Associates, Inc.**  
12750 Merit Drive, Suite 1000 Dallas, Texas 75251  
Tel. No. (972) 770-1300 Fax No. (972) 239-3820

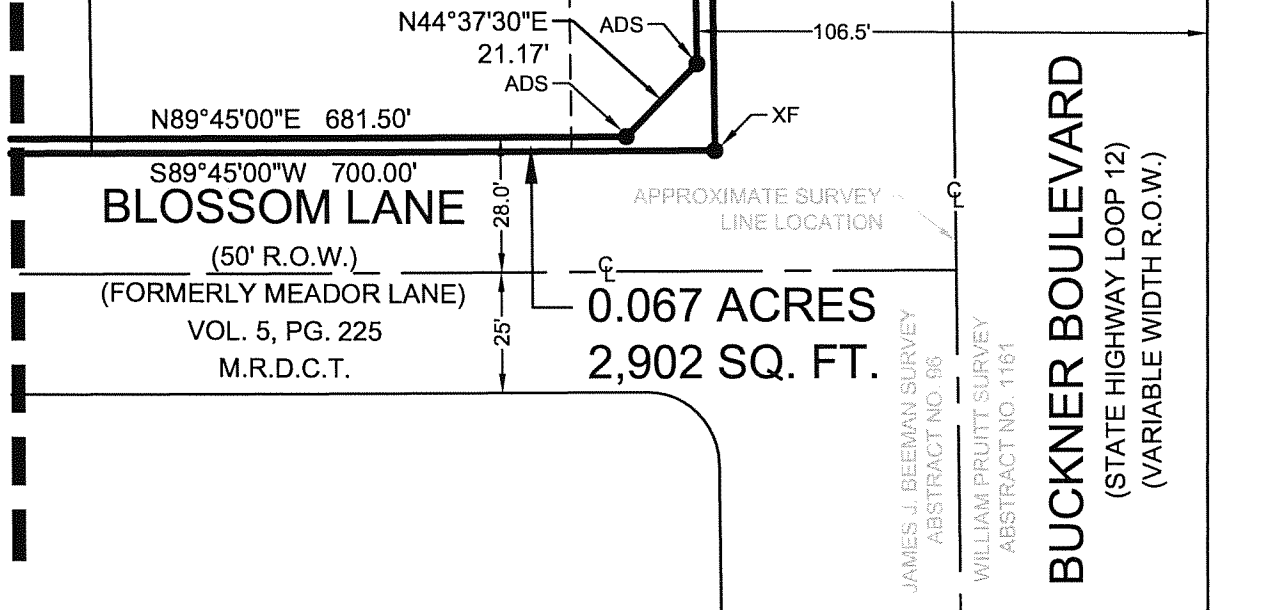
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	JAD	SRD/DAB	APRIL 2013	063362200	3 OF 5

MATCHLINE SEE SHEET 3

MATCHLINE SEE SHEET 5

LOT 20-A, BLOCK 6180  
H & H SUBDIVISION  
PART OF CITY BLOCK 6180  
VOL. 44, PG. 29  
M.R.D.C.T.  
WAL-MART REAL ESTATE  
BUSINESS TRUST  
INST. NO. 201200089326  
O.P.R.D.C.T.

30' EASEMENT FOR  
STREET PURPOSES  
VOL. 5367, PG. 296  
ABANDONED BY  
ORD. NO. 13463  
VOL. 71247, PG. 80  
D.R.D.C.T.



S89°45'00"W 700.00'  
**BLOSSOM LANE**  
(50' R.O.W.)  
(FORMERLY MEADOR LANE)

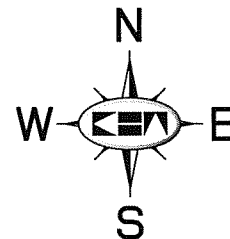
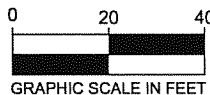
0.067 ACRES  
2,902 SQ. FT.

**BUCKNER BOULEVARD**  
(STATE HIGHWAY LOOP 12)  
(VARIABLE WIDTH R.O.W.)

JAMES J. BEEMAN SURVEY  
ABSTRACT NO. 96  
WILLIAM PRUITT SURVEY  
ABSTRACT NO. 1161

**LEGEND**

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING
- IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
- IRFC = IRON ROD W/CAP FOUND
- BDF = BRASS DISK FOUND
- XF = "X" IN CONC. FOUND
- PKF = PK NAIL FOUND
- ADS = 5/8" IRON ROD W/3-1/2" ALUMINUM DISK SET
- C.M. = CONTROLLING MONUMENT
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- INST. NO. = INSTRUMENT NUMBER
- ADF = 3" ALUMINUM DISK STAMPED "KSC RPLS 2019" FOUND



**NOTES**

The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of Bearden Lane according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas.

**STREET RIGHT-OF-WAY**

LOT 20-A, BLOCK 6180, H & H SUBDIVISION  
PART OF CITY BLOCK 6180 AND  
LOT 16A, BLOCK 6180, EBENEZER  
MEMORIAL MISSIONARY CHURCH ADDITION  
JAMES J. BEEMAN SURVEY,  
ABSTRACT NO. 96  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)

Reviewed By: *JB*

Date: 06.04.2013

SPRG NO: 2641

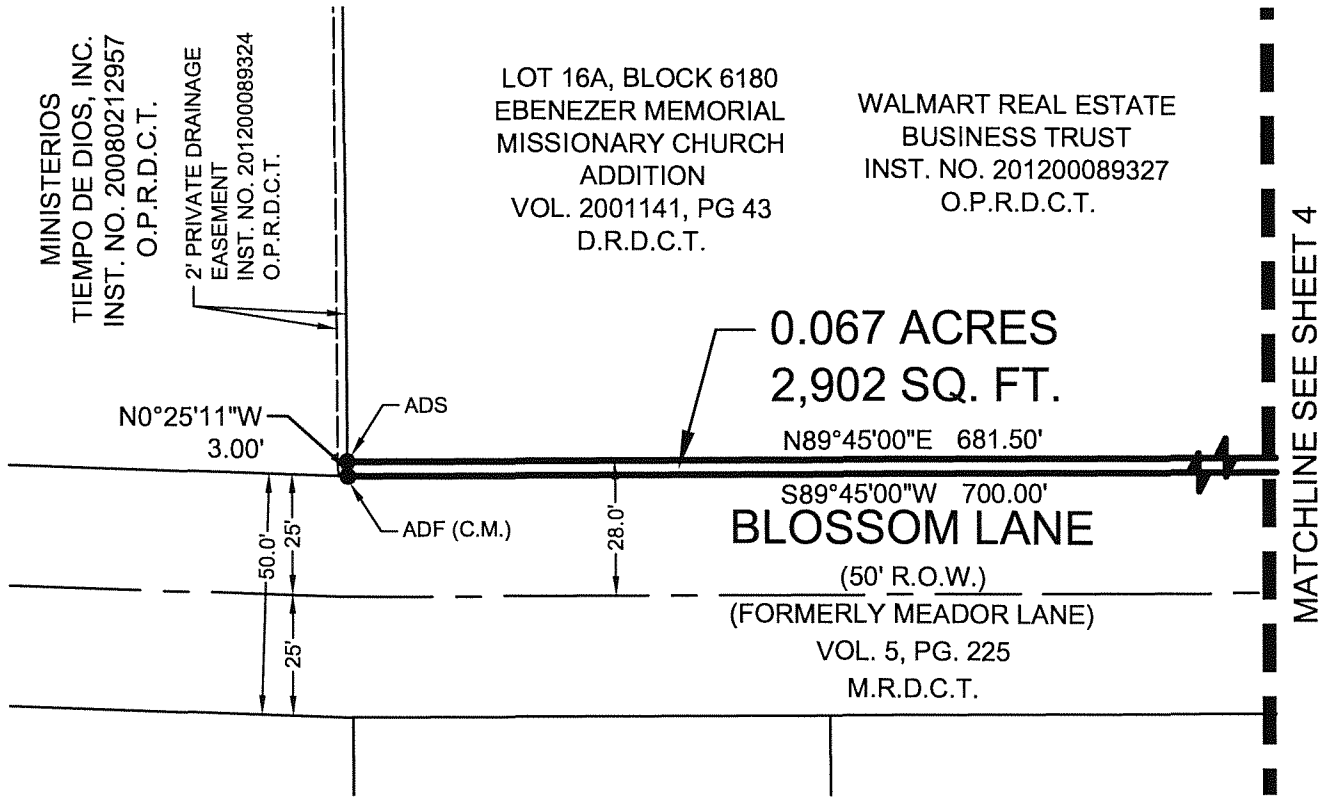
DANA BROWN  
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**Kimley-Horn and Associates, Inc.**

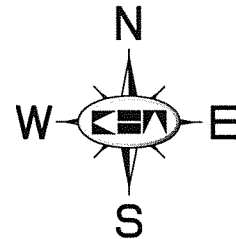
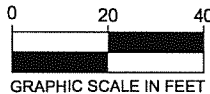
12750 Merit Drive, Suite 1000  
Dallas, Texas 75251  
Tel. No. (972) 770-1300  
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	JAD	SRD/DAB	APRIL 2013	063362200	4 OF 5



**LEGEND**

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING
- IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
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**NOTES**

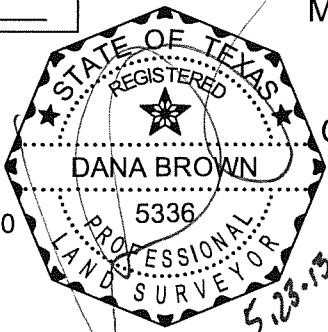
The bearing system for this survey is based on a bearing of South 89°45'00" West, for the south right-of-way line of Bearden Lane according to the plat of Burkett Subdivision, recorded in Volume 22, Page 129, Map Records of Dallas County, Texas.

**STREET RIGHT-OF-WAY**

LOT 20-A, BLOCK 6180, H & H SUBDIVISION  
 PART OF CITY BLOCK 6180 AND  
 LOT 16A, BLOCK 6180, EBENEZER  
 MEMORIAL MISSIONARY CHURCH ADDITION  
 JAMES J. BEEMAN SURVEY,  
 ABSTRACT NO. 96  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)  
 Reviewed By: *[Signature]*  
 Date: 06.04.2013  
 SPRG NO: 2641

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		Kimley-Horn and Associates, Inc.			
		12750 Merit Drive, Suite 1000 Dallas, Texas 75251	Tel. No. (972) 770-1300 Fax No. (972) 239-3820		
Scale 1" = 40'	Drawn by JAD	Checked by SRD/DAB	Date APRIL 2013	Project No. 063362200	Sheet No. 5 OF 5

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 10  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 27S

---

**SUBJECT**

An ordinance abandoning a utility easement to WRT/DK Residential, L.P., the abutting owner, containing approximately 112,098 square feet of land, located near the intersection of Skillman Street and Merriman Parkway - Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the abandonment of a utility easement to WRT/DK Residential, L.P., the abutting owner. The area will be included with the property of the abutting owner for a new multifamily development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

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

This item has no prior action.

**FISCAL INFORMATION**

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

**OWNER**

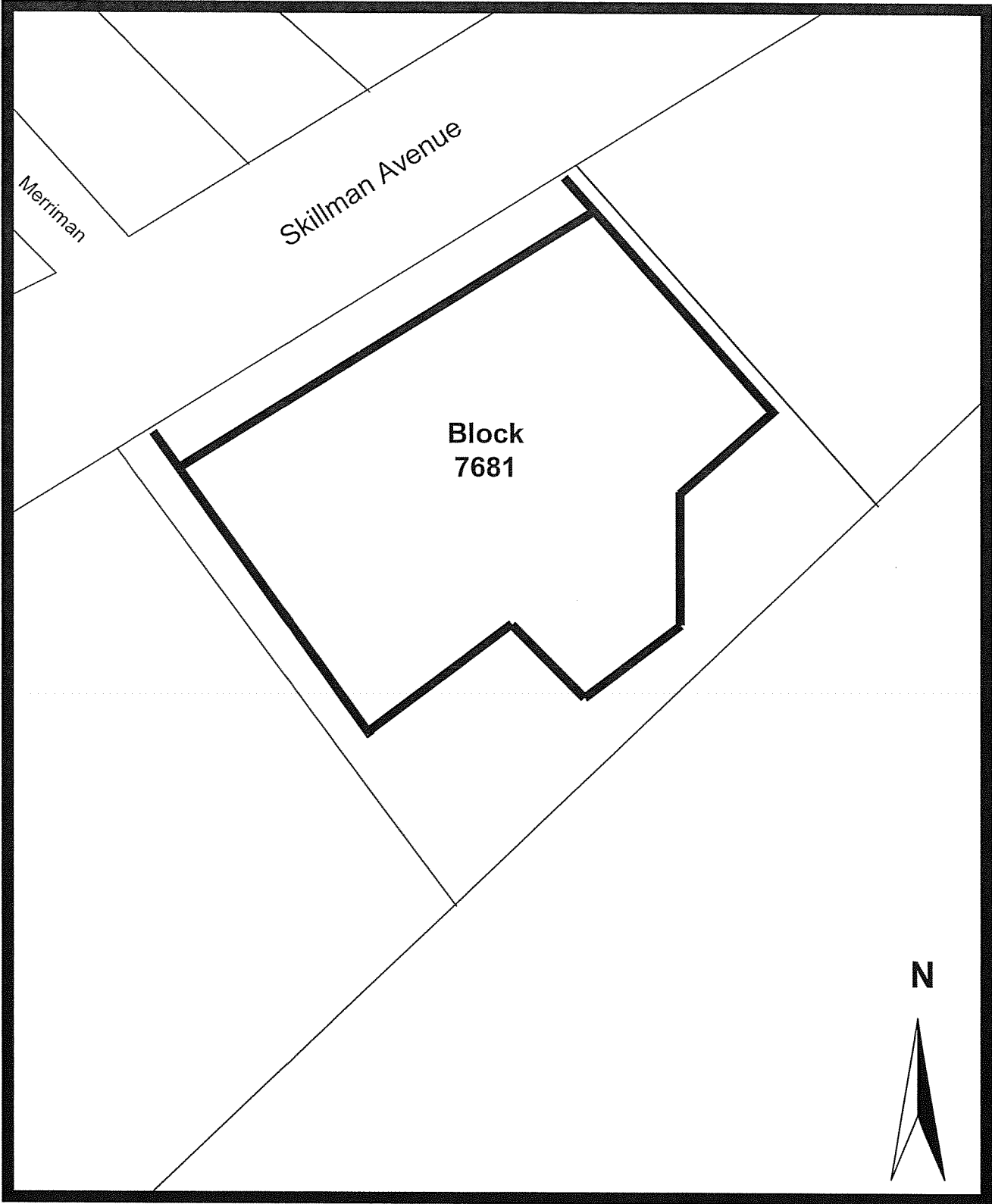
**WRT/DK Residential, L.P.**


WRT/DK Residential GP, LLC.

Vance E. Detweiler, Manager

**MAP**

Attached



 = Abandonment Areas

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

An ordinance providing for the abandonment and relinquishment of a utility easement, located in City Block 1/7681 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to WRT/DK Residential, L.P.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of WRT/DK Residential, L.P., a Texas limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

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

**SECTION 1.** That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.



**SECTION 2.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to that certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

**SECTION 4.** That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 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 5.** That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

**SECTION 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 7.** That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, 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 9.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 10.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:**

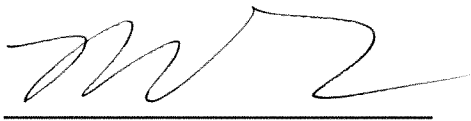
**WARREN M. S. ERNST**

City Attorney

**DAVID COSSUM**

Interim Director of Department of  
Sustainable Development and Construction

BY



Assistant City Attorney

BY



Assistant Director

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

# EXHIBIT A

## UTILITY EASEMENT ABANDONMENT

Part of Lot 1, Block 1/7681

Skillman Arches, II

W.P. Wyche Survey, Abstract No. 1522

City of Dallas, Dallas County, Texas

BEING a 36,140 square foot (0.830 acre) tract of land situated in the W.P. Wyche Survey, Abstract No. 1522, Dallas County, Texas; said tract being part of Lot 1, Block 1/7681 of Skillman Arches II, an addition to the City of Dallas according to the plat recorded in Volume 69230, Page 1764 of the Deed Records of Dallas County, Texas; and being part of that tract of land described in the General Warranty Deed to WRT/DK Residential, L.P. recorded in Instrument No. 201200385795 of the Official Public Records of Dallas County, Texas; and all of a Utility Easement recorded in said Skillman Arches II; said 36,140 square foot tract being more particularly described as follows (bearing system for this survey is based on a bearing of South 43 degrees, 47 minutes, 15 seconds West for the southeast line of that tract of land described in General Warranty Deed to WRT/DK Residential, L.P. reordred in Instrument No. 201200385795 of the Official Public Records of Dallas County, Texas.):

BEGINNING at a PK nail found in the southeast right-of-way line of Skillman Street (a variable width right-of-way); said point being the north corner of that tract of land described in the General Warranty Deed to WRT/DK Residential, L.P. recorded in Instrument No. 201200385794 of the Official Public Records of Dallas County, Texas; said point also being the west corner of said Lot 1, Block 1/7681; said point also being the beginning of a non-tangent curve to the left;

THENCE, in a northeasterly direction, along the said southeast line of Skillman Street and along said curve, having a central angle of 00 degrees, 29 minutes, 38 seconds, a radius of 1,758.50 feet, a chord bearing and distance of North 52 degrees, 04 minutes, 35 seconds East, 15.16 feet, an arc distance of 15.16 feet to a point at the end of said curve;

THENCE, South 46 degrees, 12 minutes, 45 seconds East, departing the said southeast line of Skillman Street, a distance of 45.44 feet to a point for corner; said point being the beginning of a non-tangent curve to the left;

THENCE, in a northeasterly direction, along said curve, having a central angle of 18 degrees, 22 minutes, 49 seconds, a radius of 1,803.50 feet, a chord bearing and distance of North 42 degrees, 26 minutes, 14 seconds East, 576.08 feet, an arc distance of 578.56 feet to a point at the end of said curve;

THENCE, North 56 degrees, 58 minutes, 15 seconds West, a distance of 45.00 feet to a point for corner in the said southeast line of Skillman Street; said point being the beginning of a non-tangent curve to the left;

THENCE, in a northeasterly direction, along the said southeast line of Skillman Street and along said curve, having a central angle of 00 degrees, 39 minutes, 06 seconds, a radius of 1,758.50 feet, a chord bearing and distance of North 32 degrees, 55 minutes, 37 seconds East, 20.00 feet, an arc distance of 20.00 feet to a point at the end of said curve;

THENCE, South 56 degrees, 58 minutes, 15 seconds East, departing the said southeast line of Skillman Street, a distance of 45.00 feet to a point for corner;

THENCE, South 85 degrees, 55 minutes, 03 seconds East, a distance of 22.73 feet to a point for corner;

THENCE, South 56 degrees, 58 minutes, 15 seconds East, a distance of 184.25 feet to a point for corner;

EX1.doc  
2253-12.378EX1.dwg

(For SPRG use only)	
Reviewed By:	<u>JL</u>
Date:	<u>6-12-13</u>
SPRG NO:	<u>2654</u>

# EXHIBIT A

## UTILITY EASEMENT ABANDONMENT

Part of Lot 1, Block 1/7681

Skillman Arches, II

W.P. Wyche Survey, Abstract No. 1522

City of Dallas, Dallas County, Texas

THENCE, South 33 degrees, 01 minutes, 45 seconds West, a distance of 109.03 feet to a point for corner;

THENCE, South 02 degrees, 57 minutes, 50 seconds West, a distance of 165.87 feet to a point for corner;

THENCE, South 43 degrees, 47 minutes, 15 seconds West, a distance of 140.43 feet to a point for corner;

THENCE, North 46 degrees, 12 minutes, 45 seconds West, a distance of 107.50 feet to a point for corner;

THENCE, South 43 degrees, 47 minutes, 15 seconds West, a distance of 271.41 feet to a point for corner;

THENCE, South 46 degrees, 12 minutes, 45 seconds East, a distance of 15.00 feet to a point for corner;

THENCE, South 43 degrees, 47 minutes, 15 seconds West, a distance of 15.00 feet to a point for corner in the northeast line of said WRT/DK Residential, L.P. tract recorded in Inst. No. 201200385794 and the southwest line of said Lot 1, Block 1/7681;

THENCE, North 46 degrees, 12 minutes, 45 seconds West, along the said southwest line of Lot 1, a distance of 265.06 feet to the POINT OF BEGINNING;

CONTAINING: 148,237 square feet or 3.403 acres of land, more or less.

### SAVE AND EXCEPT

COMMENCING, at a PK nail found in the said southeast line of Skillman Street, said point being the north corner of the said WRT/DK Residential, L.P. tract recorded in Inst. No. 201200385794 and the west corner of said Lot 1, Block 1/7681;

THENCE, South 46 degrees, 12 minutes, 45 seconds East, departing the said southeast line of Skillman Street, along the said northeast line of WRT/DK Residential, L.P. tract recorded in Inst. No. 201200385794 and the said southwest line of said Lot 1, a distance of 67.81 feet to a point;

THENCE, North 43 degrees, 47 minutes, 15 seconds East, departing the said northeast line of the WRT/DK Residential, L.P. tract recorded in Inst. No. 201200385794 and the said southwest line of said Lot 1, a distance of 15.00 feet to the POINT OF BEGINNING; said point being the beginning of a non-tangent curve to the left,

THENCE, in a northeasterly direction, along said curve, having a central angle of 18 degrees, 38 minutes, 30 seconds, a radius of 1,823.50 feet, a chord bearing and distance of North 42 degrees, 13 minutes, 12 seconds East, 590.68 feet, an arc distance of 593.29 feet to a point at the end of said curve;

THENCE, South 56 degrees, 58 minutes, 15 seconds East, a distance of 164.25 feet to a point for corner;

EX1.doc  
2253-12.378EX1.dwg

(For SPRG use only)	
Reviewed By:	<u>    JL    </u>
Date:	<u>    6-12-13    </u>
SPRG NO:	<u>    2654    </u>

UTILITY EASEMENT ABANDONMENT

Part of Lot 1, Block 1/7681

Skillman Arches, II

W.P. Wyche Survey, Abstract No. 1522

City of Dallas, Dallas County, Texas

THENCE, South 33 degrees, 01 minutes, 45 seconds West, a distance of 94.67 feet to a point for corner;

THENCE, South 02 degrees, 57 minutes, 50 seconds West, a distance of 163.48 feet to a point for corner;

THENCE, South 43 degrees, 47 minutes, 15 seconds West, a distance of 112.99 feet to a point for corner;

THENCE, North 46 degrees, 12 minutes, 45 seconds West, a distance of 92.50 feet to a point for corner;

THENCE, North 43 degrees, 47 minutes, 15 seconds East, a distance of 5.00 feet to a point for corner;

THENCE, North 46 degrees, 12 minutes, 45 seconds West, a distance of 10.00 feet to a point for corner;

THENCE, South 43 degrees, 47 minutes, 15 seconds West, a distance of 5.00 feet to a point for corner;

THENCE, North 46 degrees, 12 minutes, 45 seconds West, a distance of 5.00 feet to a point for corner;

THENCE, South 43 degrees, 47 minutes, 15 seconds West, a distance of 291.41 feet to a point for corner;

THENCE, North 46 degrees, 12 minutes, 45 seconds West, a distance of 162.25 feet to the POINT OF BEGINNING;

CONTAINING: 112,098 square feet or 2.573 acres of land, more or less; leaving a net area of 36,140 square feet or 0.830 acres of land.

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

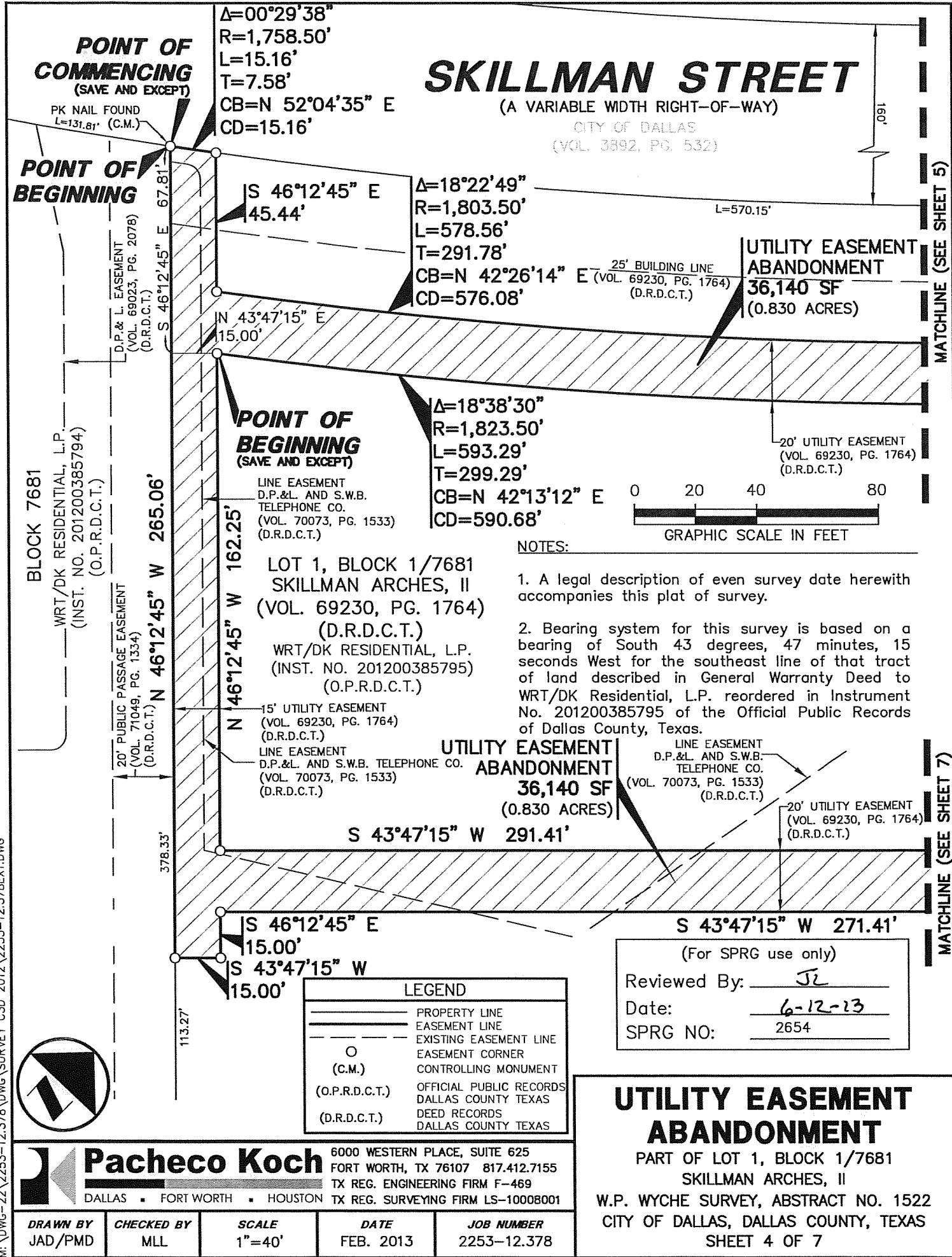
The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the abandonment tract described.

 6/3/13  
Michael Larry Lewis, Jr. Date  
Registered Professional Land Surveyor No. 5773  
Pacheco Koch Consulting Engineers, Inc.  
6000 Western Place, Suite 625 Fort Worth, Texas 76107  
(817) 412-7155  
TX Reg. Surveying Firm LS-10193824



(For SPRG use only)

Reviewed By:	<u>  JL  </u>
Date:	<u>  6-12-13  </u>
SPRG NO:	<u>  2654  </u>



**POINT OF COMMENCING**  
(SAVE AND EXCEPT)

$\Delta=00^{\circ}29'38''$   
 $R=1,758.50'$   
 $L=15.16'$   
 $T=7.58'$   
 $CB=N 52^{\circ}04'35'' E$   
 $CD=15.16'$

# SKILLMAN STREET

(A VARIABLE WIDTH RIGHT-OF-WAY)

CITY OF DALLAS  
(VOL. 3892, PG. 532)

**POINT OF BEGINNING**

$S 46^{\circ}12'45'' E$   
45.44'

$\Delta=18^{\circ}22'49''$   
 $R=1,803.50'$   
 $L=578.56'$   
 $T=291.78'$   
 $CB=N 42^{\circ}26'14'' E$   
 $CD=576.08'$

**UTILITY EASEMENT ABANDONMENT**  
36,140 SF  
(0.830 ACRES)

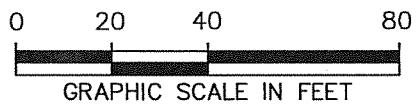
$N 43^{\circ}47'15'' E$   
15.00'

**POINT OF BEGINNING**  
(SAVE AND EXCEPT)

$\Delta=18^{\circ}38'30''$   
 $R=1,823.50'$   
 $L=593.29'$   
 $T=299.29'$   
 $CB=N 42^{\circ}13'12'' E$   
 $CD=590.68'$

20' UTILITY EASEMENT  
(VOL. 69230, PG. 1764)  
(D.R.D.C.T.)

LINE EASEMENT  
D.P.&L. AND S.W.B. TELEPHONE CO.  
(VOL. 70073, PG. 1533)  
(D.R.D.C.T.)



NOTES:

1. A legal description of even survey date herewith accompanies this plat of survey.

2. Bearing system for this survey is based on a bearing of South 43 degrees, 47 minutes, 15 seconds West for the southeast line of that tract of land described in General Warranty Deed to WRT/DK Residential, L.P. reordered in Instrument No. 201200385795 of the Official Public Records of Dallas County, Texas.

LOT 1, BLOCK 1/7681  
SKILLMAN ARCHES, II  
(VOL. 69230, PG. 1764)  
(D.R.D.C.T.)  
WRT/DK RESIDENTIAL, L.P.  
(INST. NO. 201200385795)  
(O.P.R.D.C.T.)

**UTILITY EASEMENT ABANDONMENT**  
36,140 SF  
(0.830 ACRES)

LINE EASEMENT  
D.P.&L. AND S.W.B. TELEPHONE CO.  
(VOL. 70073, PG. 1533)  
(D.R.D.C.T.)

15' UTILITY EASEMENT  
(VOL. 69230, PG. 1764)  
(D.R.D.C.T.)  
LINE EASEMENT  
D.P.&L. AND S.W.B. TELEPHONE CO.  
(VOL. 70073, PG. 1533)  
(D.R.D.C.T.)

20' UTILITY EASEMENT  
(VOL. 69230, PG. 1764)  
(D.R.D.C.T.)

$S 43^{\circ}47'15'' W 291.41'$

$S 46^{\circ}12'45'' E$   
15.00'  
 $S 43^{\circ}47'15'' W$   
15.00'

$S 43^{\circ}47'15'' W 271.41'$

(For SPRG use only)

Reviewed By: JL  
Date: 6-12-13  
SPRG NO: 2654

LEGEND	
	PROPERTY LINE
	EASEMENT LINE
	EXISTING EASEMENT LINE
	EASEMENT CORNER
	CONTROLLING MONUMENT
	(C.M.)
	(O.P.R.D.C.T.)
	(D.R.D.C.T.)
	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
	DEED RECORDS DALLAS COUNTY TEXAS



**Pacheco Koch** 6000 WESTERN PLACE, SUITE 625  
FORT WORTH, TX 76107 817.412.7155  
TX REG. ENGINEERING FIRM F-469  
DALLAS ■ FORT WORTH ■ HOUSTON TX REG. SURVEYING FIRM LS-10008001

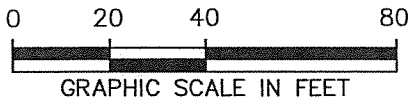
DRAWN BY JAD/PMO	CHECKED BY MLL	SCALE 1"=40'	DATE FEB. 2013	JOB NUMBER 2253-12.378
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**UTILITY EASEMENT ABANDONMENT**  
PART OF LOT 1, BLOCK 1/7681  
SKILLMAN ARCHES, II  
W.P. WYCHE SURVEY, ABSTRACT NO. 1522  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
SHEET 4 OF 7

06/03/2013 - 3:30PM  
 M:\DWG-22\2253-12.378\DWG\SURVEY C3D\2253-12.378EX1.DWG

MATCHLINE (SEE SHEET 5)

MATCHLINE (SEE SHEET 7)

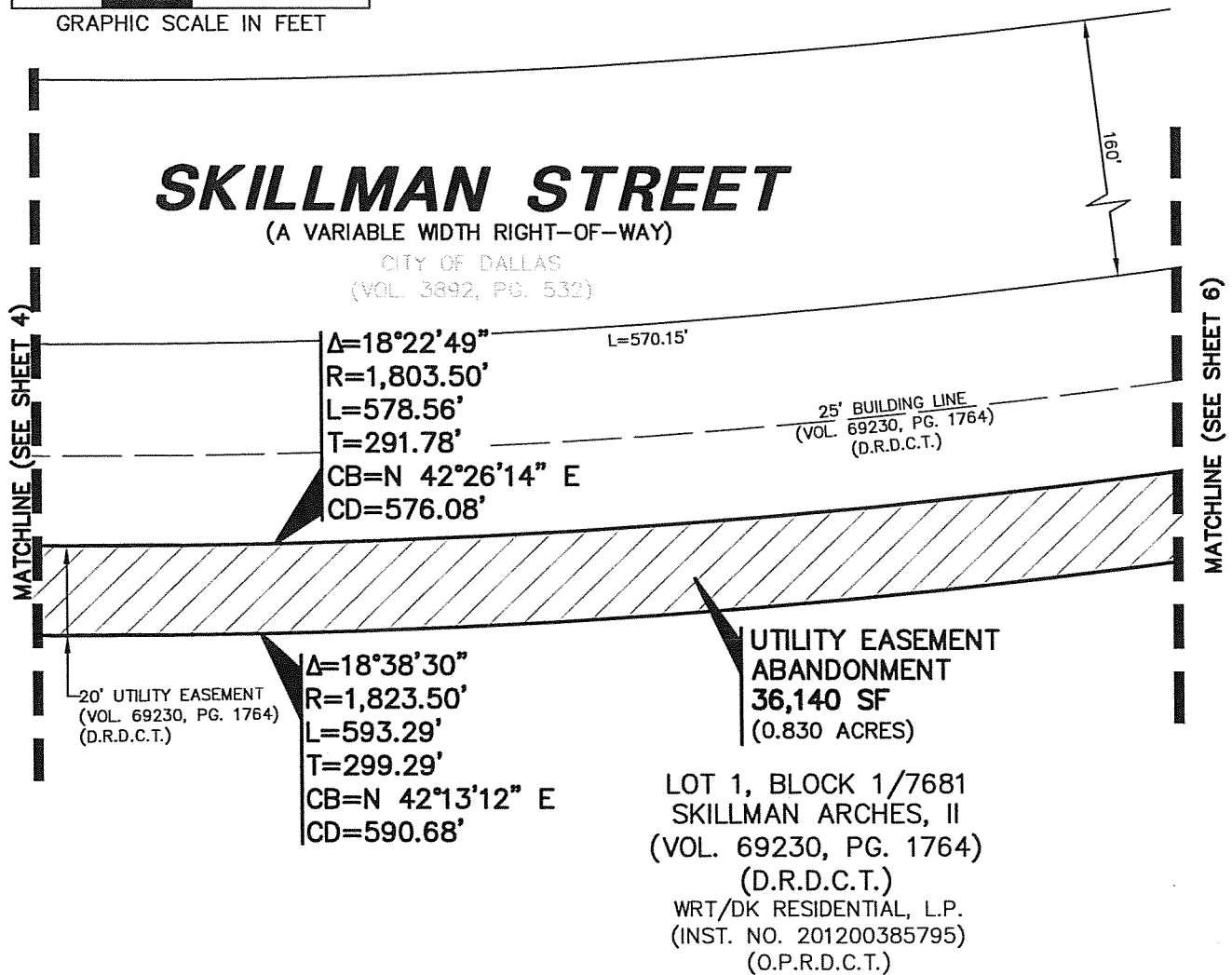


(For SPRG use only)  
 Reviewed By: JL  
 Date: 6-12-13  
 SPRG NO: 2654

# SKILLMAN STREET

(A VARIABLE WIDTH RIGHT-OF-WAY)

CITY OF DALLAS  
 (VOL. 3892, PG. 532)



**NOTES:**

1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of South 43 degrees, 47 minutes, 15 seconds West for the southeast line of that tract of land described in General Warranty Deed to WRT/DK Residential, L.P. reordered in Instrument No. 201200385795 of the Official Public Records of Dallas County, Texas.

LEGEND	
	PROPERTY LINE
	EASEMENT LINE
	EXISTING EASEMENT LINE
	EASEMENT CORNER
	(C.M.) CONTROLLING MONUMENT
	(O.P.R.D.C.T.) OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
	(D.R.D.C.T.) DEED RECORDS DALLAS COUNTY TEXAS
	(C.R.D.C.T.) CONDOMINIUM RECORDS DALLAS COUNTY TEXAS

## UTILITY EASEMENT ABANDONMENT

PART OF LOT 1, BLOCK 1/7681  
 SKILLMAN ARCHES, II  
 W.P. WYCHE SURVEY, ABSTRACT NO. 1522  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS  
 SHEET 5 OF 7

**Pacheco Koch** 6000 WESTERN PLACE, SUITE 625  
 FORT WORTH, TX 76107 817.412.7155  
 TX REG. ENGINEERING FIRM F-469  
 DALLAS ■ FORT WORTH ■ HOUSTON TX REG. SURVEYING FIRM LS-10008001

<b>DRAWN BY</b> JAD/PMD	<b>CHECKED BY</b> MLL	<b>SCALE</b> 1"=40'	<b>DATE</b> FEB. 2013	<b>JOB NUMBER</b> 2253-12.378
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U:\07\2013 - J. J. BOYD  
 M:\DWG-22\2253-12.378\DWG\SURVEY C3D\2253-12.378EX1.DWG



# SKILLMAN STREET

(A VARIABLE WIDTH RIGHT-OF-WAY)

CITY OF DALLAS  
(VOL. 3892, PG. 532)

1/2" IRON ROD FOUND  
(C.M.)

MATCHLINE (SEE SHEET 5)

MATCHLINE (SEE SHEET 7)

$\Delta=00^{\circ}39'06''$   
 $R=1,758.50'$   
 $L=20.00'$   
 $T=10.00'$   
 $CB=N 32^{\circ}55'37'' E$   
 $CD=20.00'$

$\Delta=18^{\circ}22'49''$   
 $R=1,803.50'$   
 $L=578.56'$   
 $T=291.78'$   
 $CB=N42^{\circ}26'14'' E$   
 $CD=576.08'$

$\Delta=18^{\circ}38'30''$   
 $R=1,823.50'$   
 $L=593.29'$   
 $T=299.29'$   
 $CB=N 42^{\circ}13'12'' E$   
 $CD=590.68'$

LINE EASEMENT  
D.P.&L. AND S.W.B. TELEPHONE CO.  
(VOL. 70073, PG. 1533)  
(D.R.D.C.T.)

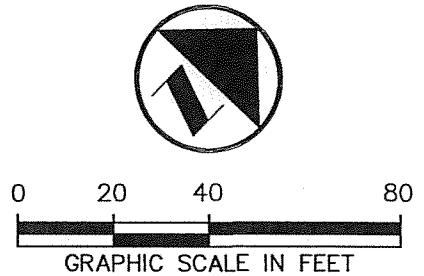
LOT 1, BLOCK 1/7681  
SKILLMAN ARCHES, II  
(VOL. 69230, PG. 1764)  
(D.R.D.C.T.)  
WRT/DK RESIDENTIAL, L.P.  
(INST. NO. 201200385795)  
(O.P.R.D.C.T.)

UTILITY EASEMENT  
ABANDONMENT  
36,140 SF  
(0.830 ACRES)

$S 02^{\circ}57'50'' W$  163.48'  
 $S 33^{\circ}01'45'' W$  94.67'  
 $S 33^{\circ}01'45'' W$  109.03'  
 $S 02^{\circ}57'50'' W$  165.87'

(For SPRG use only)  
Reviewed By: JL  
Date: 6-12-13  
SPRG NO: 2654

BLOCK 7681  
SKILLMAN BEND CONDOMINIUMS ADDITION  
(VOL. 80118, PG. 175)  
(C.R.D.C.T.)  
JESUS I. SANCHEZ  
(INST. NO. 20070379610)  
(O.P.R.D.C.T.)



LEGEND	
	PROPERTY LINE
	EASEMENT LINE
	EXISTING EASEMENT LINE
	EASEMENT CORNER
	CONTROLLING MONUMENT
	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
	DEED RECORDS DALLAS COUNTY TEXAS
	CONDOMINIUM RECORDS DALLAS COUNTY TEXAS

**NOTES:**

1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of South 43 degrees, 47 minutes, 15 seconds West for the southeast line of that tract of land described in General Warranty Deed to WRT/DK Residential, L.P. reordered in Instrument No. 201200385795 of the Official Public Records of Dallas County, Texas.

## UTILITY EASEMENT ABANDONMENT

PART OF LOT 1, BLOCK 1/7681  
SKILLMAN ARCHES, II  
W.P. WYCHE SURVEY, ABSTRACT NO. 1522  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
SHEET 6 OF 7

**Pacheco Koch**

DALLAS ■ FORT WORTH ■ HOUSTON

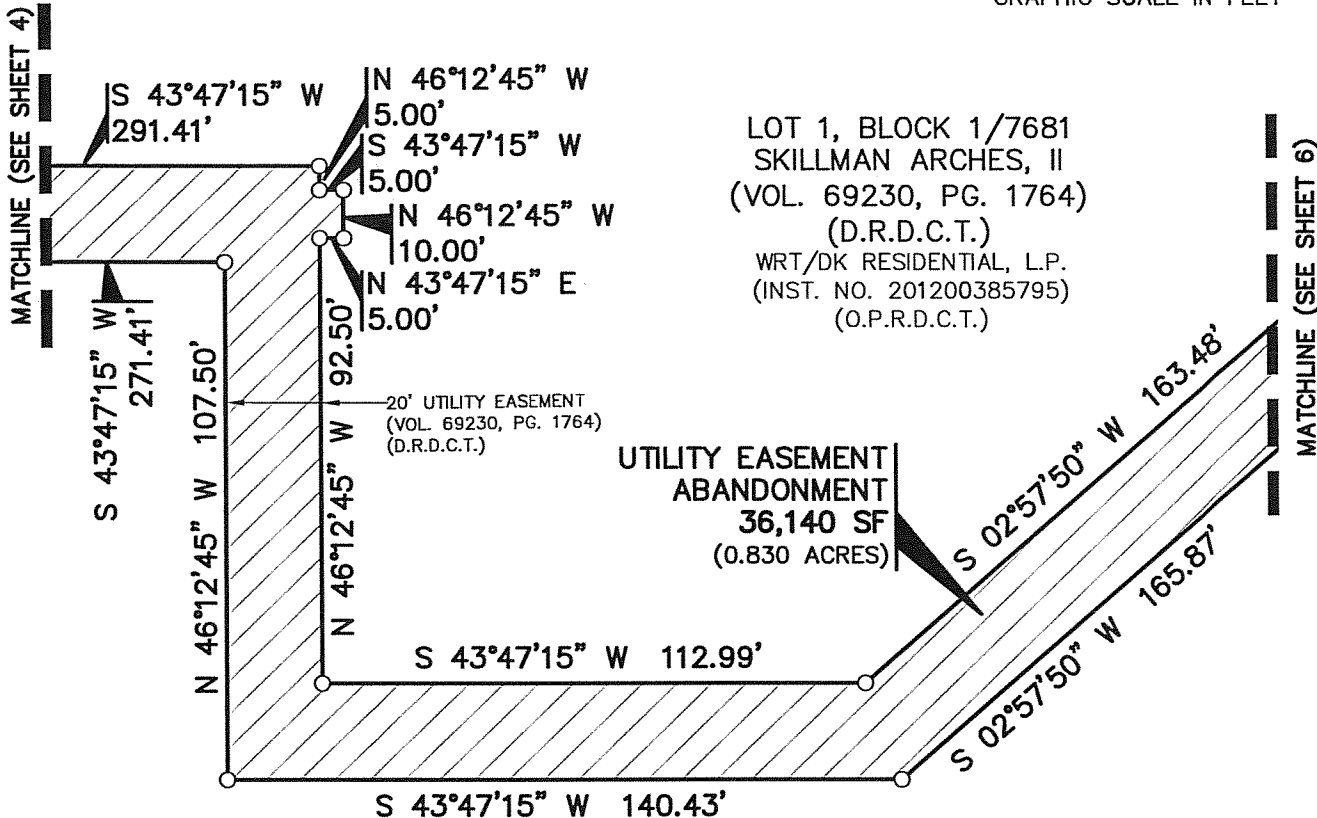
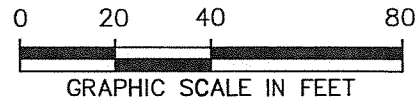
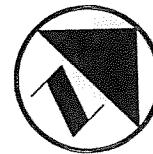
6000 WESTERN PLACE, SUITE 625  
FORT WORTH, TX 76107 817.412.7155  
TX REG. ENGINEERING FIRM F-469  
TX REG. SURVEYING FIRM LS-10008001

DRAWN BY JAD/PMO	CHECKED BY MLL	SCALE 1"=40'	DATE FEB. 2013
JOB NUMBER 2253-12.378			

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LEGEND	
	PROPERTY LINE
	EASEMENT LINE
	EXISTING EASEMENT LINE
	EASEMENT CORNER
(C.M.)	CONTROLLING MONUMENT
(O.P.R.D.C.T.)	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
(D.R.D.C.T.)	DEED RECORDS DALLAS COUNTY TEXAS
(C.R.D.C.T.)	CONDOMINIUM RECORDS DALLAS COUNTY TEXAS

(For SPRG use only)  
 Reviewed By: JE  
 Date: 6-12-13  
 SPRG NO: 2654



LOT 1, BLOCK 1/7681  
 SKILLMAN ARCHES, II  
 (VOL. 69230, PG. 1764)  
 (D.R.D.C.T.)  
 WRT/DK RESIDENTIAL, L.P.  
 (INST. NO. 201200385795)  
 (O.P.R.D.C.T.)

BLOCK 2999  
 WHITE ROCK CREEK PARK  
 CITY OF DALLAS  
 (VOL. 442, PG. 448)  
 (D.R.D.C.T.)

**NOTES:**

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



*[Handwritten Signature]*  
 Date: 6/3/13

Michael Larry Lewis, Jr.  
 Registered Professional Land Surveyor  
 No. 5773

**UTILITY EASEMENT  
 ABANDONMENT**

PART OF LOT 1, BLOCK 1/7681  
 SKILLMAN ARCHES, II  
 W.P. WYCHE SURVEY, ABSTRACT NO. 1522  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS  
 SHEET 7 OF 7

**Pacheco Koch** 6000 WESTERN PLACE, SUITE 625  
 FORT WORTH, TX 76107 817.412.7155  
 TX REG. ENGINEERING FIRM F-469  
 DALLAS • FORT WORTH • HOUSTON TX REG. SURVEYING FIRM LS-10008001

<b>DRAWN BY</b> JAD/PMD	<b>CHECKED BY</b> MLL	<b>SCALE</b> 1"=40'	<b>DATE</b> FEB. 2013	<b>JOB NUMBER</b> 2253-12.378
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**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 1, 9  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 37S 38U 43Z

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**SUBJECT**

Authorize a professional services contract with Charles Gojer & Associates, Inc. for the engineering design of erosion control improvements for 1739, 1745 and 1751 Tamarack Drive, the Bahama Drive Relief System drainage improvements, and the 6900 Block Gaston Avenue drainage improvements – Not to exceed \$180,470 – Financing: General Obligation Commercial Paper (\$142,418) and Stormwater Drainage Management Current Funds (\$38,053)

**BACKGROUND**

The Tamarack erosion control and Bahama Drive Relief System drainage improvements were included in the 2012 Bond Program. The 6900 Block Gaston Avenue project is included in planned stormwater fund outlays in the current year's operating budget. This action will authorize a professional services contract for the engineering design of these projects.

Erosion control at 1739, 1745, and 1751 Tamarack along Stream 5B7 will protect three properties from further creek bank erosion. This project includes approximately 200-linear feet of gabion walls, 15-feet to 20-feet in height.

The Bahama Drive Relief System will provide a drainage relief system to address the flooding that occurs during heavy rains. This project includes box culverts, curb inlets and the relocation of water/wastewater mains in conflict with the proposed stormwater system.

Storm drainage work in the 6900 block of Gaston will relocate two existing stormwater drainage lines from private property onto street right-of-way and other stormwater related improvements. This project includes drainage pipe, curb inlets, and the relocation of water/wastewater mains in conflict with the proposed stormwater system. The existing systems are partially collapsed and one is routed beneath a home.

**BACKGROUND** (Continued)

The consulting firm, Charles Gojer & Associates, Inc. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

<b><u>Project</u></b>	<b><u>Council District</u></b>	<b><u>Amount</u></b>
1739, 1745 & 1751 Tamarack	9	\$42,500.00
Bahama Drive Relief System	1	\$99,917.50
6900 Block Gaston	9	\$38,052.50

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	January 2014
Complete Design	September 2014
Begin Construction	December 2014
Complete Construction	December 2015

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

This item has no prior action.

**FISCAL INFORMATION**

2012 Bond Program (General Obligation Commercial Paper) - \$142,417.50  
Stormwater Drainage Management Current Funds - \$38,052.50

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$ 99,917.50
9	<u>\$ 80,552.50</u>
Total	\$180,470.00

**Erosion Control Improvements**

**1739, 1745, & 1751 Tamarack**

Design – TWM	\$ 42,500.00
Construction	<u>\$298,430.00 (est.)</u>
Total	\$340,930.00 (est.)

**FISCAL INFORMATION** (Continued)

**Stormwater Drainage Improvements**

**Bahama Drive Relief System**

Design – TWM	\$ 99,917.50
Construction	<u>\$815,948.65 (est.)</u>
Total	<u>\$915,866.15 (est.)</u>

**6900 Gaston Ave. Drainage Improvements**

Design – TWM	\$ 38,052.50
Construction	<u>\$303,444.35 (est.)</u>
Total	<u>\$341,496.85 (est.)</u>

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

**Charles Gojer & Associates, Inc.**

Hispanic Female	2	Hispanic Male	4
African-American Female	0	African-American Male	2
Other Female	2	Other Male	3
White Female	2	White Male	6

**OWNER(S)**

**Charles Gojer & Associates, Inc.**

Charles Gojer, President

**MAP**

Attached

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

**PROJECT:** Authorize a professional services contract with Charles Gojer & Associates, Inc. for the engineering design of erosion control improvements for 1739, 1745 and 1751 Tamarack Drive, the Bahama Drive Relief System drainage improvements, and the 6900 Block Gaston Avenue drainage improvements – Not to exceed \$180,470 – Financing: General Obligation Commercial Paper (\$142,418) and Stormwater Drainage Management Current Funds (\$38,053)

Charles Gojer & Associates, 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	\$180,470.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$180,470.00</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>
Charles Gojer & Associates, Inc.	HMDB58160Y0714	\$122,297.00	67.77%
Lim & Associates, Inc.	PMDB56988Y0314	\$53,000.00	29.37%
<b>Total Minority - Local</b>		<b>\$175,297.00</b>	<b>97.13%</b>

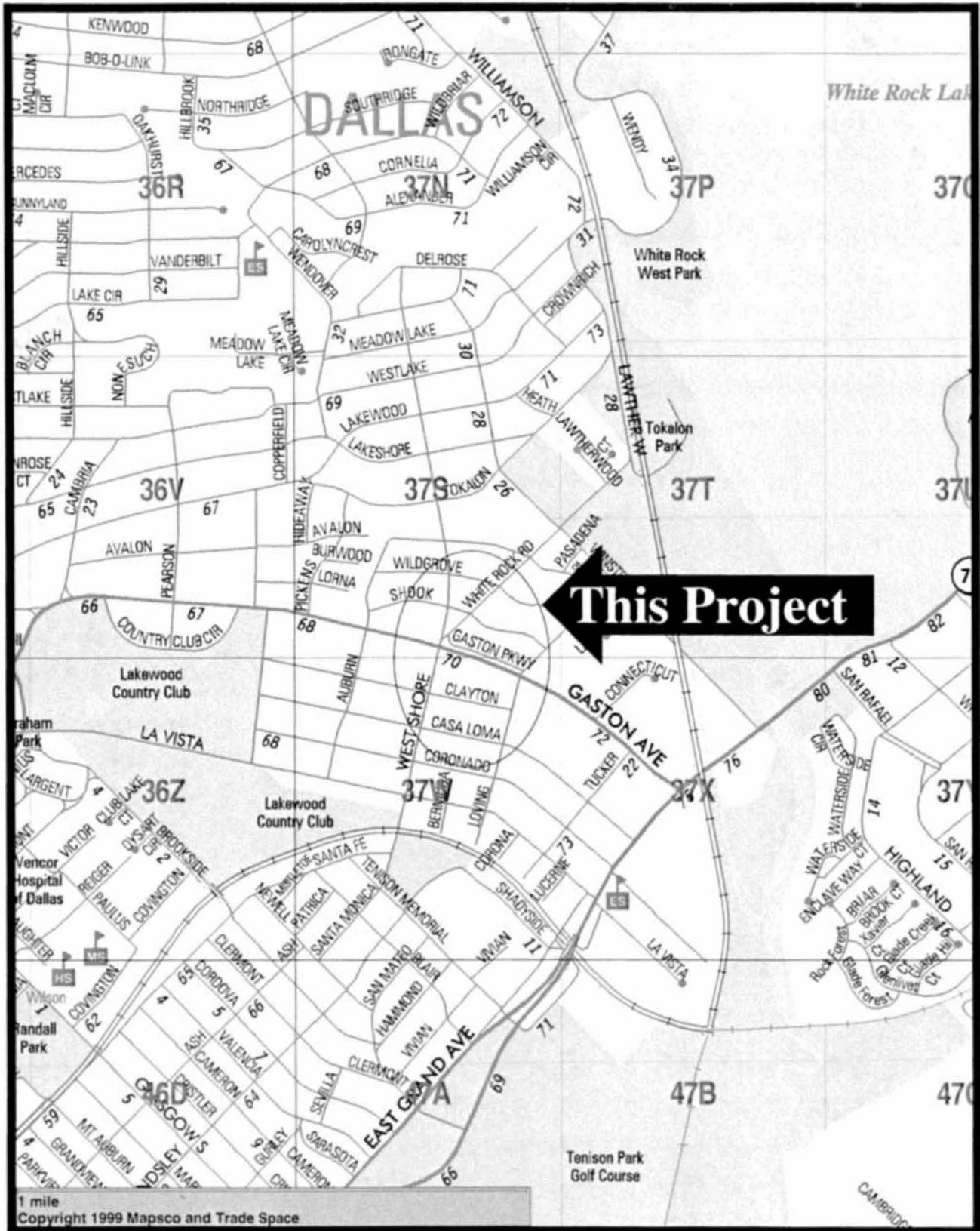
#### **Non-Local Contractors / Sub-Contractors**

None

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

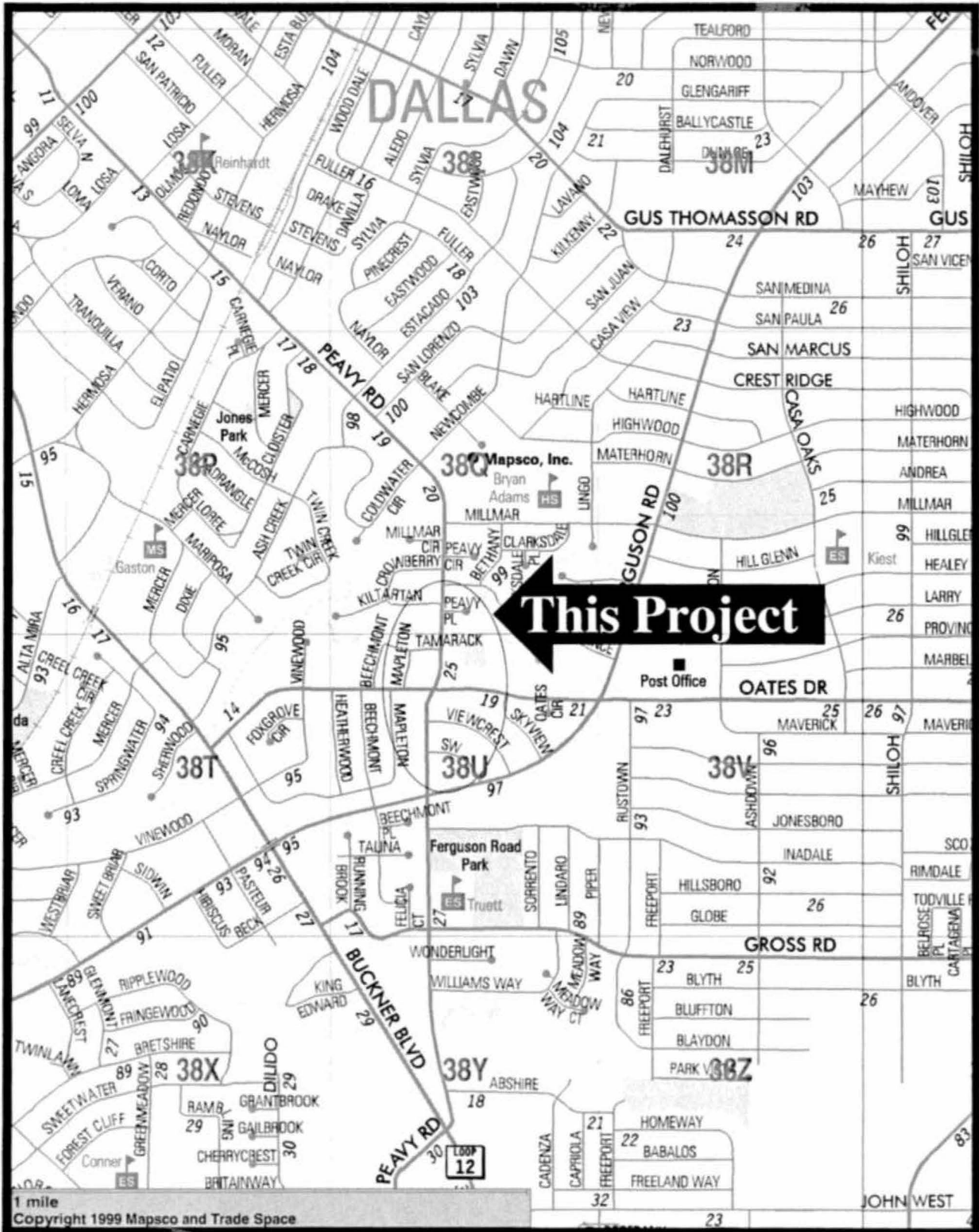
	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$122,297.00	67.77%	\$122,297.00	67.77%
Asian American	\$53,000.00	29.37%	\$53,000.00	29.37%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$175,297.00</b>	<b>97.13%</b>	<b>\$175,297.00</b>	<b>97.13%</b>

# 6900 GASTON AVE. DRAINAGE IMPROVEMENTS



MAPSCO 37S

# 1739, 1745, & 1751 TAMARACK EROSION CONTROL IMPROVEMENTS



MAPSCO 38U



# BAHAMA DRIVE RELIEF SYSTEM



MAPSCO 43Z

January 8, 2014

**WHEREAS**, Charles Gojer & Associates, Inc. was selected to provide the engineering design of erosion control improvements at 1739, 1745, & 1751 Tamarack, the Bahama Drive Relief System drainage improvements, and the 6900 Block Gaston Avenue drainage improvements.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to execute a professional services contract with Charles Gojer & Associates, Inc. for the engineering design of erosion control improvements for 1739, 1745, & 1751 Tamarack Drive, Bahama Drive Relief System drainage improvements and 6900 Gaston Avenue drainage improvements in an amount not to exceed \$180,470.00, 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:

Flood Protection and Storm Drainage Facilities Fund  
Fund 2U23, Dept. TWM, Unit S757, Activity ERCT  
Object 4111, Program No. TW12S757, CT PBW12S757D1  
Vendor No. 090748, in an amount not to exceed \$ 42,500.00

Flood Protection and Storm Drainage Facilities Fund  
Fund 2U23, Dept. TWM, Unit S765, Activity FLDM  
Object 4111, Program No. TW12S765, CT PBW12S757D1  
Vendor No. 090748, in an amount not to exceed \$ 99,917.50

Storm Drainage Management Fund  
Fund 0061, Dept. SDM, Unit 4908, Activity SD01  
Object 4111, Program No. PB174267, CT SDM4908BM25  
Vendor No. 090748, in an amount not to exceed \$ 38,052.50

Total amount not to exceed \$180,470.00

**Section 3.** That this resolution shall take effective 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:** January 8, 2014  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Water Utilities  
**CMO:** Forest E. Turner, 670-3390  
**MAPSCO:** N/A

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**SUBJECT**

Authorize continuation of the contract with the United States Geological Survey for operation of stream flow and water quality gauging stations in the Trinity River basin, a pharmaceutical and personal care products water quality study and a Zebra Mussel sampling and study on each of the reservoirs in the Dallas water supply system from November 1, 2013 through September 30, 2014 - Not to exceed \$516,391 - Financing: Water Utilities Current Funds

**BACKGROUND**

The United States Geological Survey (USGS) provides basic water quality and flow monitoring data collection services throughout the United States. It is recognized as an unbiased agency whose data is unquestionably accepted by state and federal regulatory agencies. The City of Dallas' current contract is a cost-sharing agreement with USGS. Obtaining water quality and flow data through a cost-sharing program provides the most economical method for Dallas to obtain the needed information.

The cost sharing for this agreement has several components. It includes \$36,876 as City of Dallas' cost share of an agreement between USGS and the cities of Dallas and Fort Worth, and the Trinity River Authority for monitoring of the Trinity River. The total cost to all parties for this portion of the 2013-14 agreement will be \$127,463. The City of Dallas' share is 28.93 percent of the total costs.

## **BACKGROUND** (continued)

The agreement also includes \$90,630 as the City of Dallas' share of an agreement between the City of Dallas and USGS for the operation and maintenance of stream flow stations. The Denton Creek Gage near Grapevine is required by the Texas Commission on Environmental Quality's Settlement Order on Lake Grapevine. Dallas County Park Cities Municipal Utility District (DCPCMUD) splits the cost with the City of Dallas for this gage. USGS provides stream flow data to the City of Dallas that is used in operating Lake Grapevine, Lake Ray Hubbard, Lake Lewisville and Ray Roberts Lake. The City of Dallas also participates in the collection of water quality monitoring at several stream flow stations. The agreement includes \$61,635 as Dallas' share of water quality monitoring. The City of Dallas share of stream flow and water quality monitoring is 85.15 percent of the total cost.

In addition to the stream flow and water quality stations the 2013-14 agreement includes the continuation of a pharmaceutical and personal care products water quality study on the Trinity River and Zebra Muscle sampling and study on Dallas' water supply reservoirs. The City of Dallas share of the investigative study program is \$327,250. The total cost for this portion of the agreement is \$391,000. Dallas' share is approximately 83.70 percent of these total cost.

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

Authorized continuation to participate with USGS for Fiscal Year 2010-11 on December 8, 2010, by Resolution No. 10-3031.

Authorized Joint Funding Agreement with USGS for Fiscal Year 2011-12 on October 26, 2011, by Resolution No. 11-2852.

Authorized Joint Funding Agreement with USGS for Fiscal Year 2012-13 on September 26, 2012, by Resolution No. 12-2382.

## **FISCAL INFORMATION**

\$516,391 – Water Utilities Current Funds

January 8, 2014

**WHEREAS**, the City of Dallas has participated with the United States Geological Survey (USGS) in gauging flows relating to the City’s water supply reservoirs, collection of water quality and flow data in the Trinity River, a pharmaceutical and personal care products water quality study on the Trinity River; and a Zebra Mussel sampling in Dallas' water supply reservoirs; and,

**WHEREAS**, the USGS, has submitted a contract to continue the program for the period November 1, 2013 – September 30, 2014, with the City of Dallas share of the cost at \$516,391. The total program cost of \$697,293 is to be shared between USGS, Ft. Worth, Dallas County Park Cities Municipal Utility District, Dallas, and the Trinity River Authority.

**WHEREAS**, a joint funding agreement is the most cost-effective method for the City of Dallas to obtain the required data; **Now, Therefore**,

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

**Section 1.** That a contract for a surface water monitoring program between the USGS and the City of Dallas be hereby approved, and that the City Manager be authorized to sign the contract for the City of Dallas.

**Section 2.** That the City Controller be authorized to pay the sum of \$516,391 from the Water Utilities Current Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0100	DWU	7030	3070	CTDWU7030A1408	157940

United States Geological Survey - \$516,391

**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:** January 8, 2014  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Water Utilities  
**CMO:** Forest E. Turner, 670-3390  
**MAPSCO:** Various

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**SUBJECT**

Authorize professional services contracts with six consulting firms to provide construction materials testing services during the installation of water and wastewater mains - Mas-Tek Engineering & Associates, Inc., in the amount of \$269,440, Alliance Geotechnical Group, Inc., in the amount of \$371,969, Alpha Testing, Inc., in the amount of \$186,989, TEAM Consultants, Inc., in the amount of \$294,800, Rone Engineering Services, Ltd., in the amount of \$301,836, and Terracon Consultants, Inc., in the amount of \$355,274 - Total not to exceed \$1,780,308 - Financing: Water Utilities Capital Construction Funds

**BACKGROUND**

These contracts consist of construction materials testing services for the installation of water and wastewater mains throughout the City’s water distribution and wastewater collection system. Construction materials testing is required to ensure the installation meets project requirements and specifications. Testing services include soil and base material testing, in-place density and compaction testing, finished concrete strength and property testing, and asphaltic concrete strength and property testing.

A total of six firms were selected to perform on-call construction materials testing services based on submitted qualifications and past performance. The testing contracts will cover a period of two years and provide necessary testing services for an estimated 200 miles of water and wastewater main replacements valued at over \$211,000,000.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Testing            February 2014  
Complete Testing       February 2016

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

This item has no prior action.

**FISCAL INFORMATION**

\$1,780,307.50 - Water Utilities Capital Construction Funds

Mas-Tek Engineering & Associates, Inc.

Contract 14-053/054E - \$269,440.00

Alliance Geotechnical Group, Inc.

Contract 14-091/092E - \$371,968.50

Alpha Testing, Inc.

Contract 14-103/104E - \$186,989.00

TEAM Consultants, Inc.

Contract 14-107/108E - \$294,800.00

Rone Engineering Services, Ltd.

Contract 14-109/110E - \$301,836.00

Terracon Consultants, Inc.

Contract 14-111/112E - \$355,274.00

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Mas-Tek Engineering & Associates, Inc.

Hispanic Female	0	Hispanic Male	1
Black Female	2	Black Male	13
Other Female	1	Other Male	1
White Female	3	White Male	5

Alliance Geotechnical Group, Inc.

Hispanic Female	1	Hispanic Male	4
Black Female	0	Black Male	4
Other Female	0	Other Male	2
White Female	7	White Male	46



**ETHNIC COMPOSITION** (Continued)

Alpha Testing, Inc.

Hispanic Female	4	Hispanic Male	45
Black Female	2	Black Male	17
Other Female	0	Other Male	16
White Female	20	White Male	114

TEAM Consultants, Inc.

Hispanic Female	0	Hispanic Male	6
Black Female	0	Black Male	4
Other Female	0	Other Male	0
White Female	6	White Male	28

Rone Engineering Services, Ltd.

Hispanic Female	2	Hispanic Male	6
Black Female	1	Black Male	9
Other Female	0	Other Male	2
White Female	9	White Male	71

Terracon Consultants, Inc.

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

**OWNERS**

**Mas-Tek Engineering & Associates, Inc.**

Stephen Douglas Mason, President

**Alliance Geotechnical Group, Inc.**

Robert P. Nance, President

**Alpha Testing, Inc.**

Jim Hillhouse, P.E., Chairman

**OWNERS** (Continued)

**TEAM Consultants, Inc.**

Andrew Pietrzak, P.E., President

**Rone Engineering Services, Ltd.**

Richard Leigh, President

**Terracon Consultants, Inc.**

David R. Gaboury, President

**MAPS**

Attached

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize professional services contracts with six consulting firms to provide construction materials testing services during the installation of water and wastewater mains - Mas-Tek Engineering & Associates, Inc., in the amount of \$269,440, Alliance Geotechnical Group, Inc., in the amount of \$371,969, Alpha Testing, Inc., in the amount of \$186,989, TEAM Consultants, Inc., in the amount of \$294,800, Rone Engineering Services, Ltd., in the amount of \$301,836, and Terracon Consultants, Inc., in the amount of \$355,274 - Total not to exceed \$1,780,308 - Financing: Water Utilities Capital Construction Funds

Mas-Tek Engineering & Associates, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use no sub-consultants.

**PROJECT CATEGORY:** Architecture & Engineering

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$269,440.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<u>\$269,440.00</u>	<u>100.00%</u>

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

#### Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Mas-Tek Engineering & Associates, Inc.	BMDB56718Y0314	\$269,440.00	100.00%
<b>Total Minority - Local</b>		<u>\$269,440.00</u>	<u>100.00%</u>

# BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

Page 2

## 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	\$269,440.00	100.00%	\$269,440.00	100.00%
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	<u>\$269,440.00</u>	<u>100.00%</u>	<u>\$269,440.00</u>	<u>100.00%</u>

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize professional services contracts with six consulting firms to provide construction materials testing services during the installation of water and wastewater mains - Mas-Tek Engineering & Associates, Inc., in the amount of \$269,440, Alliance Geotechnical Group, Inc., in the amount of \$371,969, Alpha Testing, Inc., in the amount of \$186,989, TEAM Consultants, Inc., in the amount of \$294,800, Rone Engineering Services, Ltd., in the amount of \$301,836, and Terracon Consultants, Inc., in the amount of \$355,274 - Total not to exceed \$1,780,308 - Financing: Water Utilities Capital Construction Funds

Alliance Geotechnical Group, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use no sub-consultants.

**PROJECT CATEGORY:** Architecture & Engineering

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$371,968.50	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<u>\$371,968.50</u>	<u>100.00%</u>

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

#### Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Alliance Geotechnical Group, Inc.	BMMB12659N0214	\$371,968.50	100.00%
<b>Total Minority - Local</b>		<u>\$371,968.50</u>	<u>100.00%</u>

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

None

**BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**  
**Page 2**

**TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$371,968.50	100.00%	\$371,968.50	100.00%
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	\$371,968.50	100.00%	\$371,968.50	100.00%

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

**PROJECT:** Authorize professional services contracts with six consulting firms to provide construction materials testing services during the installation of water and wastewater mains - Mas-Tek Engineering & Associates, Inc., in the amount of \$269,440, Alliance Geotechnical Group, Inc., in the amount of \$371,969, Alpha Testing, Inc., in the amount of \$186,989, TEAM Consultants, Inc., in the amount of \$294,800, Rone Engineering Services, Ltd., in the amount of \$301,836, and Terracon Consultants, Inc., in the amount of \$355,274 - Total not to exceed \$1,780,308 - Financing: Water Utilities Capital Construction Funds

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

**PROJECT CATEGORY:** Architecture & Engineering

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

	<b><u>Amount</u></b>	<b><u>Percent</u></b>
Total local contracts	\$186,989.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$186,989.00</b>	<b>100.00%</b>

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

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

<b><u>Local</u></b>	<b><u>Certification</u></b>	<b><u>Amount</u></b>	<b><u>Percent</u></b>
Southwestern Testing Laboratories, LLC dba STL	HFDB56664Y0214	\$48,617.14	26.00%
<b>Total Minority - Local</b>		<b>\$48,617.14</b>	<b>26.00%</b>

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

None

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

	<b><u>Local</u></b>	<b><u>Percent</u></b>	<b><u>Local &amp; Non-Local</u></b>	<b><u>Percent</u></b>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$48,617.14	26.00%	\$48,617.14	26.00%
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>\$48,617.14</b>	<b>26.00%</b>	<b>\$48,617.14</b>	<b>26.00%</b>

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

**PROJECT:** Authorize professional services contracts with six consulting firms to provide construction materials testing services during the installation of water and wastewater mains - Mas-Tek Engineering & Associates, Inc., in the amount of \$269,440, Alliance Geotechnical Group, Inc., in the amount of \$371,969, Alpha Testing, Inc., in the amount of \$186,989, TEAM Consultants, Inc., in the amount of \$294,800, Rone Engineering Services, Ltd., in the amount of \$301,836, and Terracon Consultants, Inc., in the amount of \$355,274 - Total not to exceed \$1,780,308 - Financing: Water Utilities Capital Construction Funds

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

**PROJECT CATEGORY:** Architecture & Engineering

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

	<b><u>Amount</u></b>	<b><u>Percent</u></b>
Total local contracts	\$294,800.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$294,800.00</b>	<b>100.00%</b>

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

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

<b><u>Local</u></b>	<b><u>Certification</u></b>	<b><u>Amount</u></b>	<b><u>Percent</u></b>
HVJ Associates, Inc.	BMMB57382N0514	\$75,650.00	25.66%
<b>Total Minority - Local</b>		<b>\$75,650.00</b>	<b>25.66%</b>

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

None

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

	<b><u>Local</u></b>	<b><u>Percent</u></b>	<b><u>Local &amp; Non-Local</u></b>	<b><u>Percent</u></b>
African American	\$75,650.00	25.66%	\$75,650.00	25.66%
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>\$75,650.00</b>	<b>25.66%</b>	<b>\$75,650.00</b>	<b>25.66%</b>



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

**PROJECT:** Authorize professional services contracts with six consulting firms to provide construction materials testing services during the installation of water and wastewater mains - Mas-Tek Engineering & Associates, Inc., in the amount of \$269,440, Alliance Geotechnical Group, Inc., in the amount of \$371,969, Alpha Testing, Inc., in the amount of \$186,989, TEAM Consultants, Inc., in the amount of \$294,800, Rone Engineering Services, Ltd., in the amount of \$301,836, and Terracon Consultants, Inc., in the amount of \$355,274 - Total not to exceed \$1,780,308 - Financing: Water Utilities Capital Construction Funds

Rone Engineering Services, Ltd. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-consultant.

**PROJECT CATEGORY:** Architecture & Engineering

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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$301,836.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$301,836.00</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>
JRB Engineering, LLC	HMDB58925Y1014	\$77,452.00	25.66%
<b>Total Minority - Local</b>		<b>\$77,452.00</b>	<b>25.66%</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	\$77,452.00	25.66%	\$77,452.00	25.66%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$77,452.00</b>	<b>25.66%</b>	<b>\$77,452.00</b>	<b>25.66%</b>

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

**PROJECT:** Authorize professional services contracts with six consulting firms to provide construction materials testing services during the installation of water and wastewater mains - Mas-Tek Engineering & Associates, Inc., in the amount of \$269,440, Alliance Geotechnical Group, Inc., in the amount of \$371,969, Alpha Testing, Inc., in the amount of \$186,989, TEAM Consultants, Inc., in the amount of \$294,800, Rone Engineering Services, Ltd., in the amount of \$301,836, and Terracon Consultants, Inc., in the amount of \$355,274 - Total not to exceed \$1,780,308 - Financing: Water Utilities Capital Construction Funds

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

**PROJECT CATEGORY:** Architecture & Engineering

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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$355,274.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$355,274.00</b>	<b>100.00%</b>

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

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

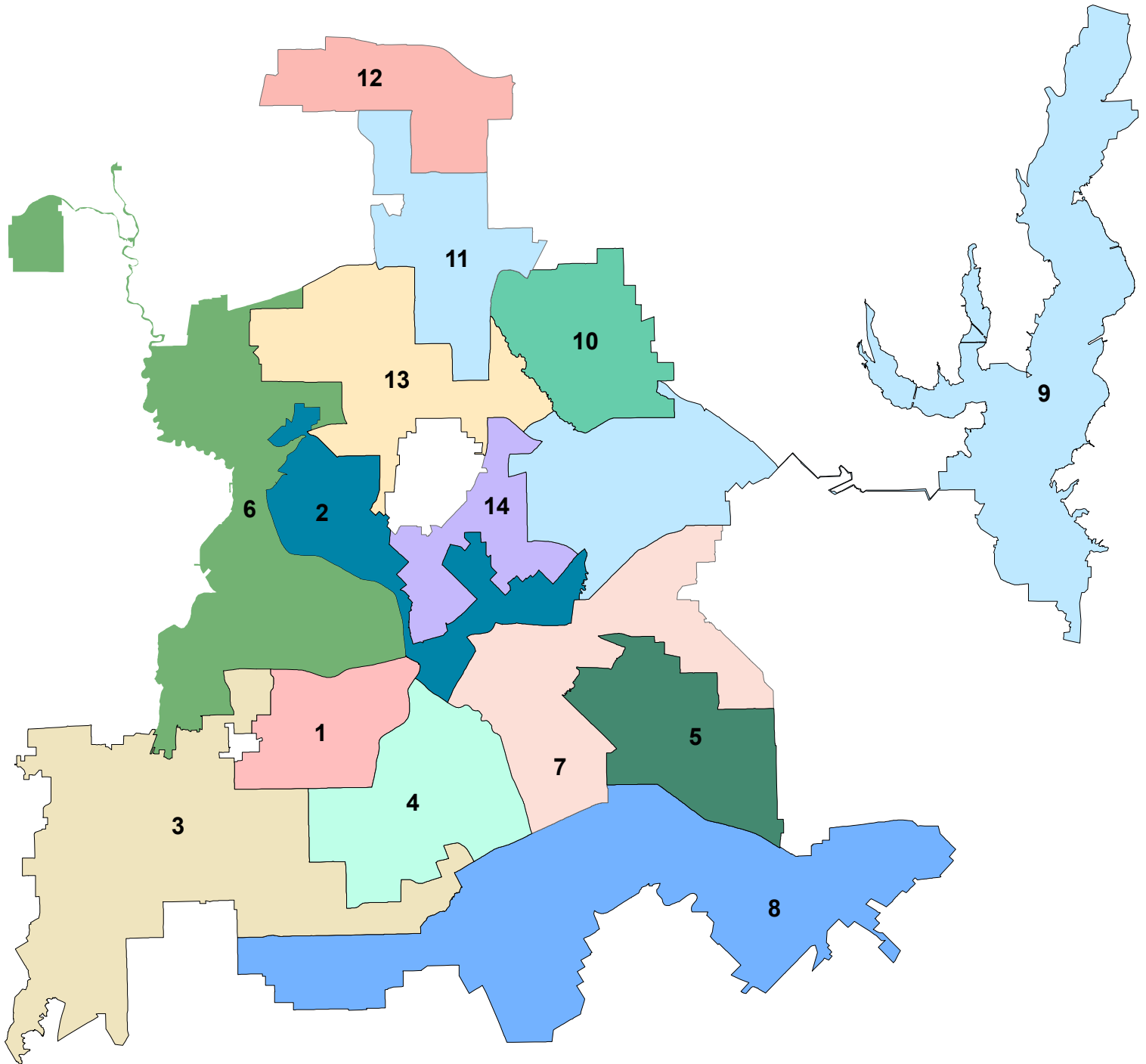
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
GLOBE Engineers, Inc.	WFDB59431Y1114	\$92,371.00	26.00%
<b>Total Minority - Local</b>		<b>\$92,371.00</b>	<b>26.00%</b>

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

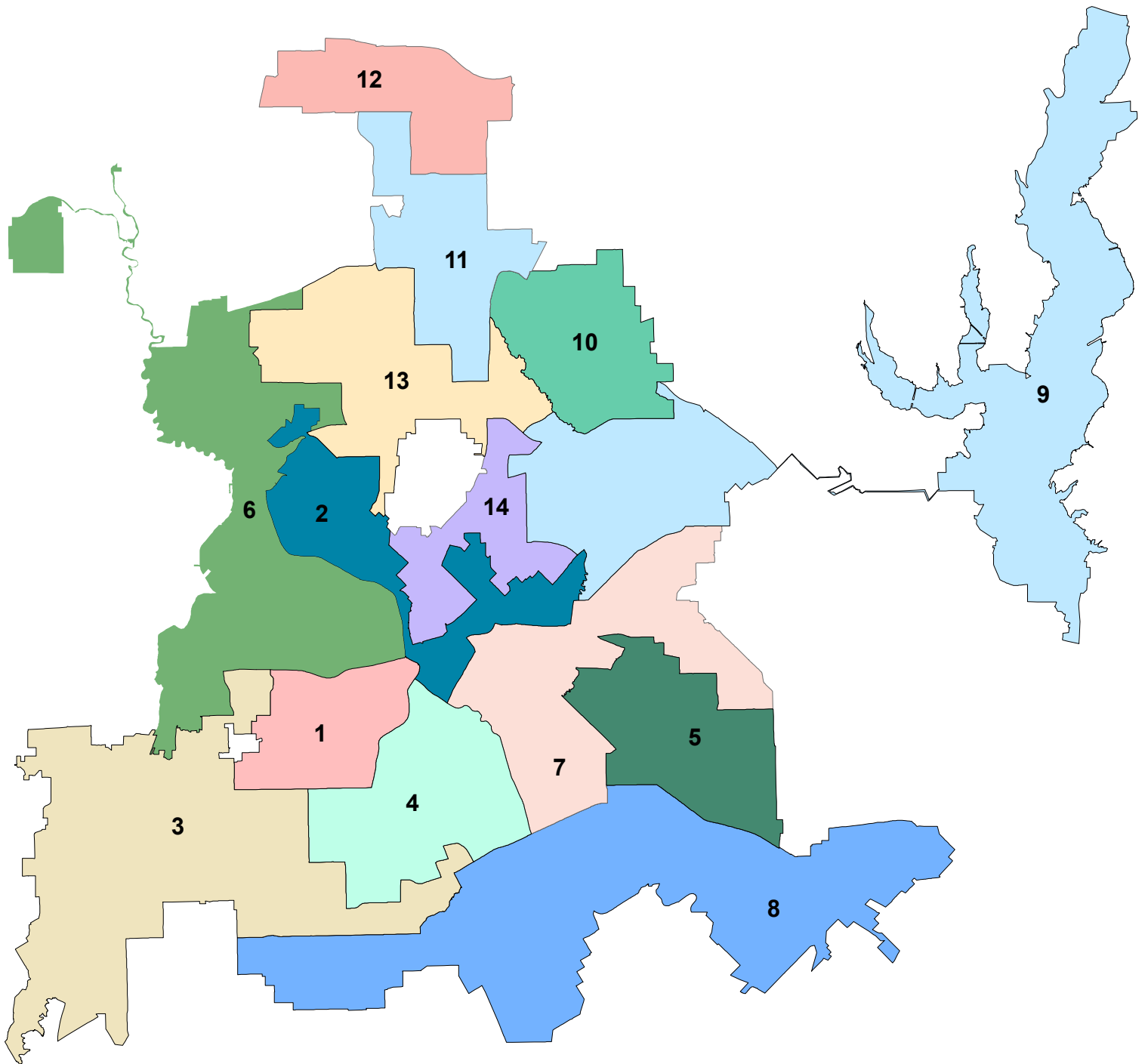
None

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

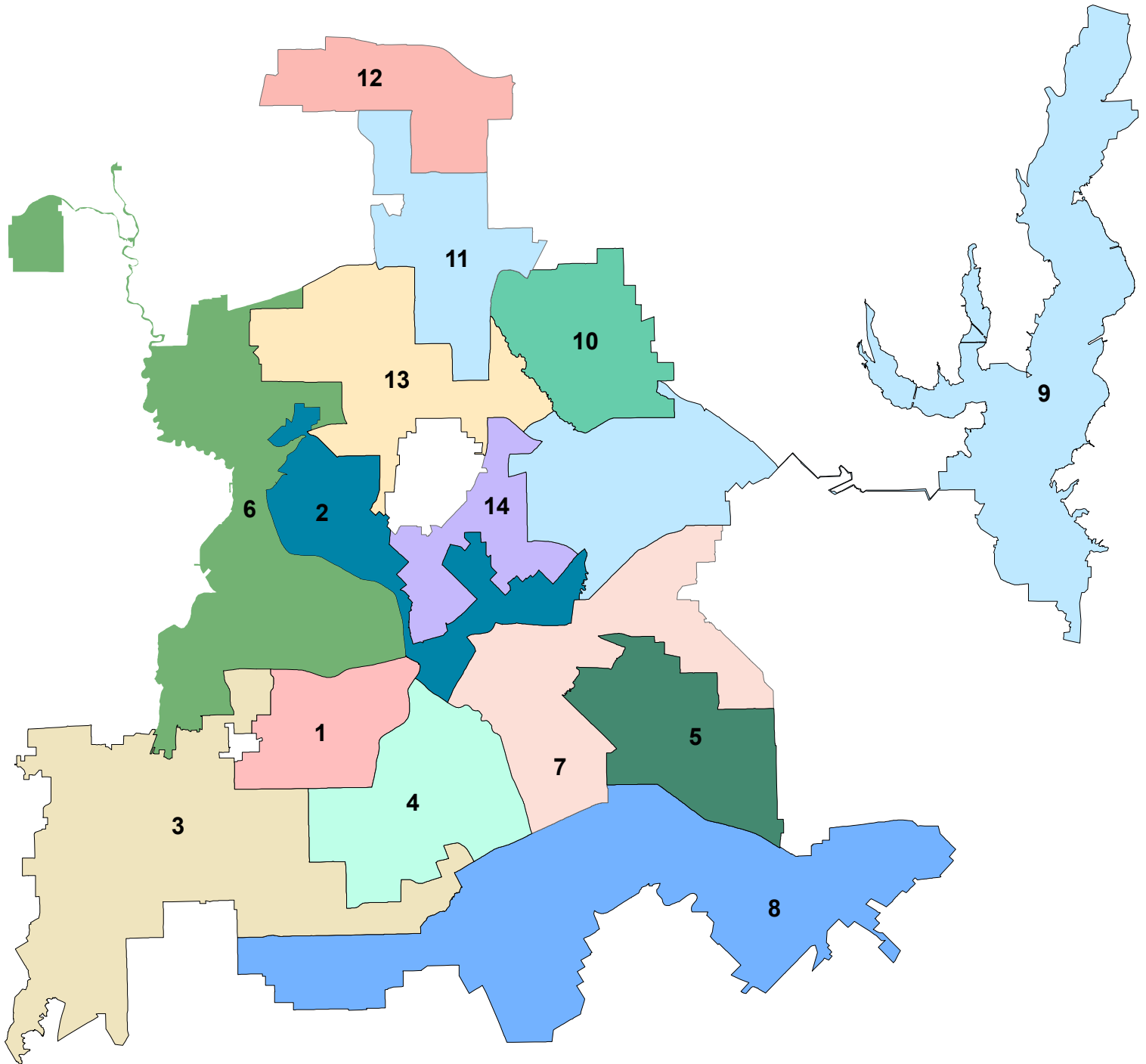
	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$92,371.00	26.00%	\$92,371.00	26.00%
<b>Total</b>	<b>\$92,371.00</b>	<b>26.00%</b>	<b>\$92,371.00</b>	<b>26.00%</b>



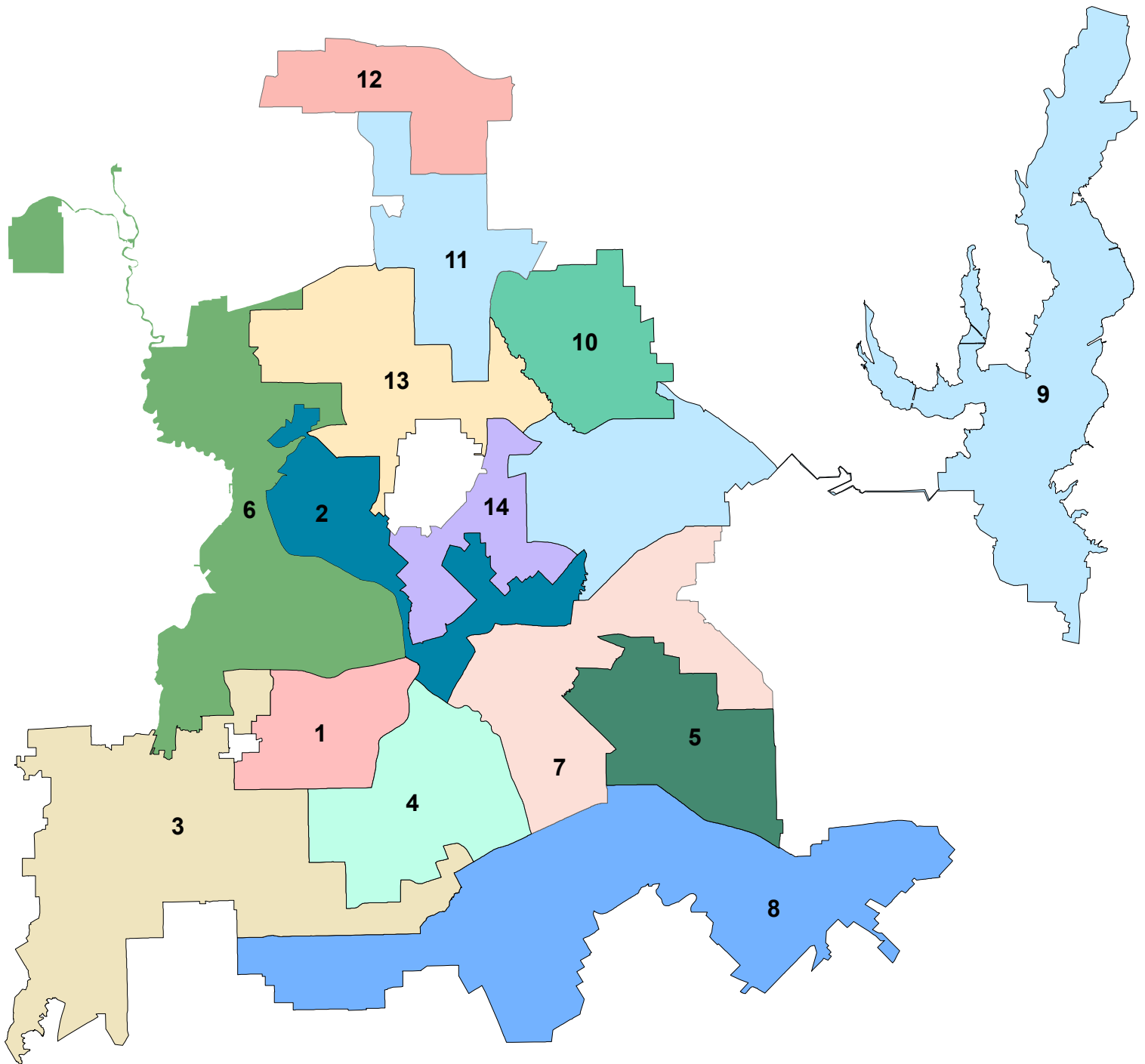
**Water Utilities Department  
Contract No. 14-053E/054E  
Construction Materials Testing Services**



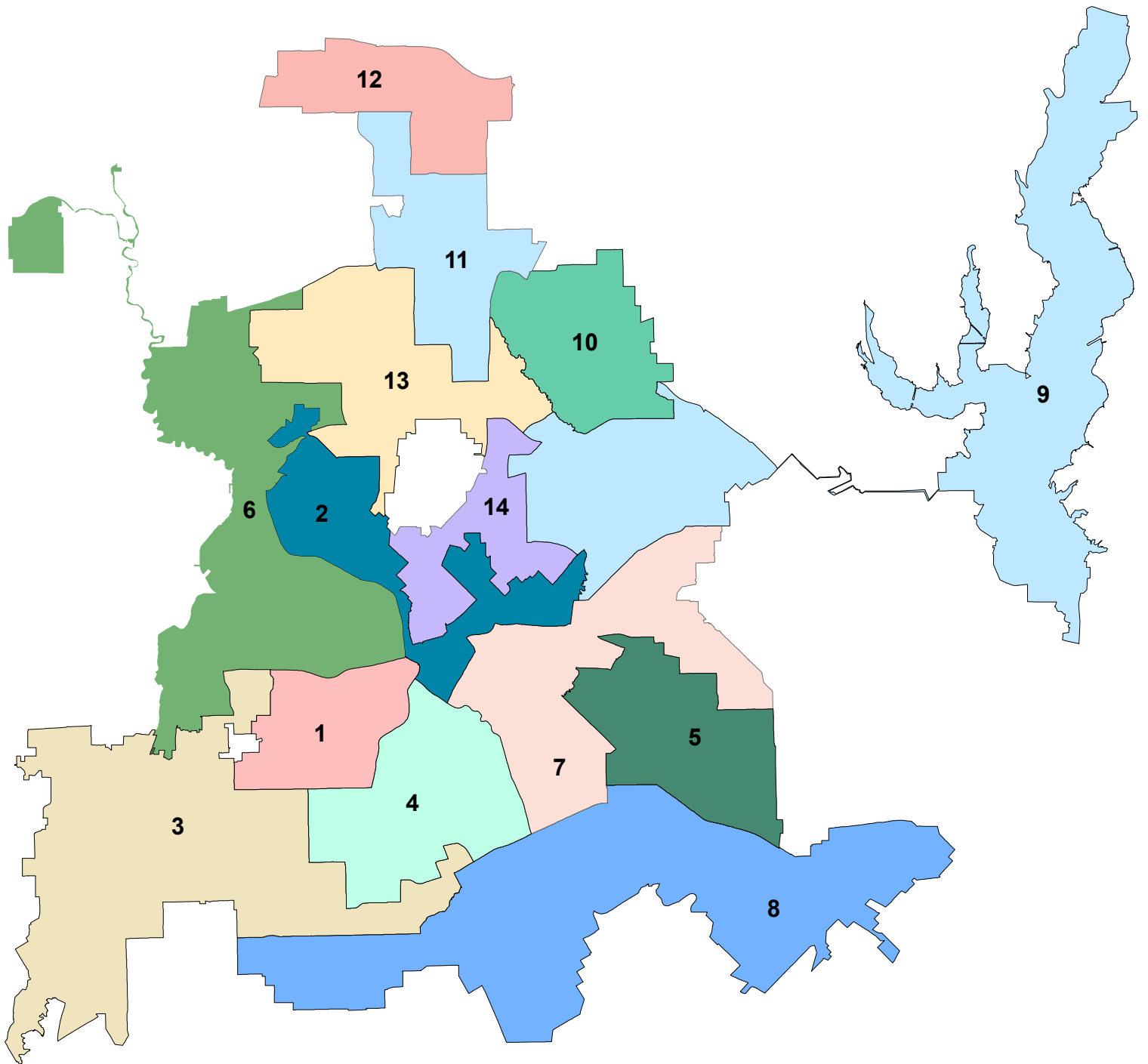
**Water Utilities Department  
Contract No. 14-091E/092E  
Construction Materials Testing Services**



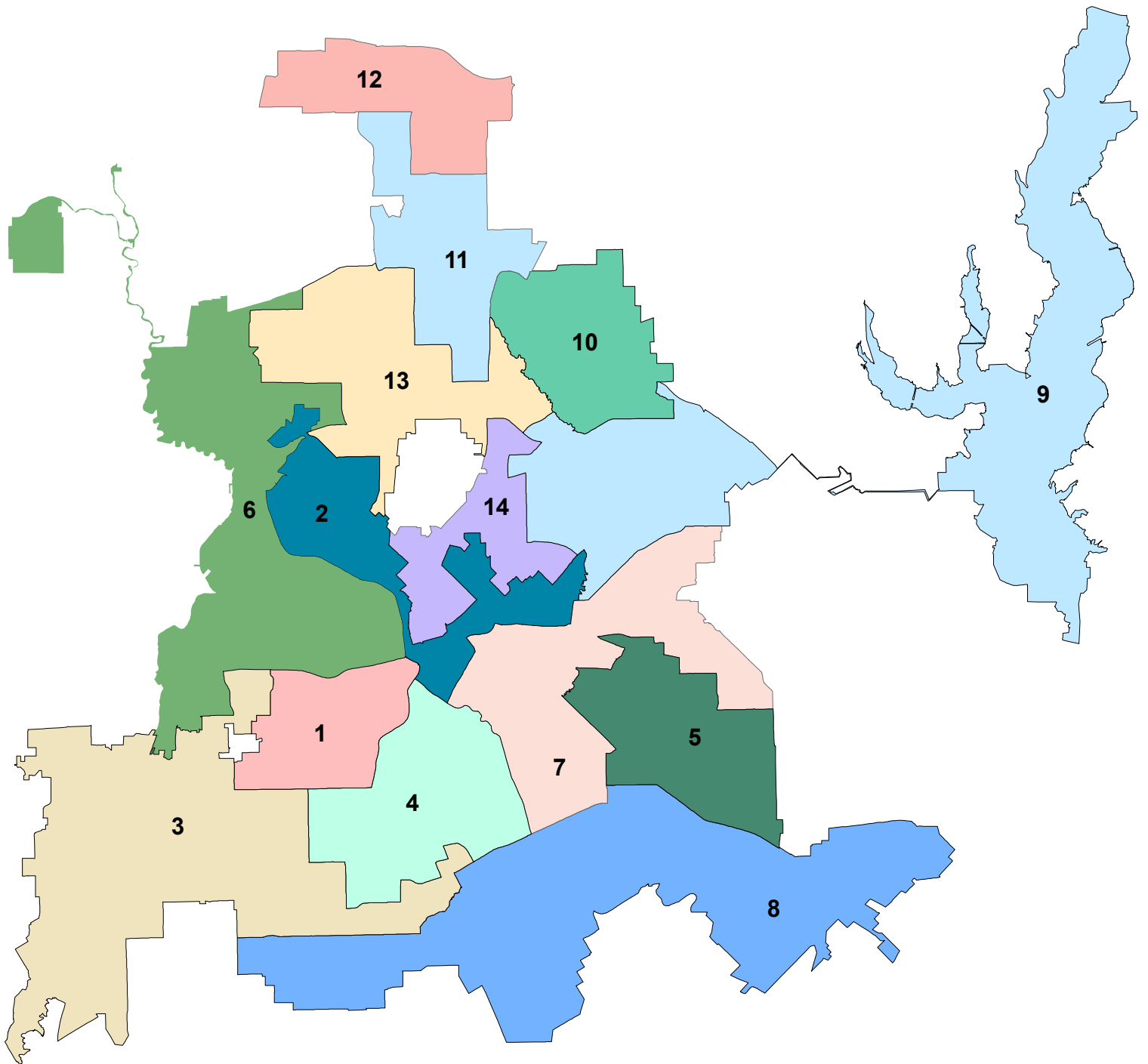
**Water Utilities Department  
Contract No. 14-103E/104E  
Construction Materials Testing Services**



**Water Utilities Department  
Contract No. 14-107E/108E  
Construction Materials Testing Services**



**Water Utilities Department  
Contract No. 14-109E/110E  
Construction Materials Testing Services**



**Water Utilities Department  
Contract No. 14-111E/112E  
Construction Materials Testing Services**



January 8, 2014

**WHEREAS**, these projects consist of providing construction materials testing services during the installation of water and wastewater mains; and,

**WHEREAS**, construction materials testing services are required by the City during the installation of water and wastewater mains to ensure the installation meets project requirements and specifications; and,

**WHEREAS**, six engineering firms have submitted acceptable proposals to provide these engineering services.

**Now, Therefore,**

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

**Section 1.** That the proposals submitted by six consultants in the amount of \$1,780,307.50 be approved and the consultants be authorized to perform the required construction materials testing.

**Section 2.** That the City Manager is hereby authorized to execute the contracts after they have been approved as to form by the City Attorney.

**Section 3.** That the City Controller is hereby authorized to pay the amount of \$1,780,307.50 from the Water Construction Fund and Wastewater Construction Fund as follows:

a. Mas-Tek Engineering & Associates, Inc., 5132 Sharp Street, Dallas, Texas 75247 to provide construction materials testing services during the installation of water and wastewater mains:

<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>
0102	DWU	CW40	MPSA	3097	714053	W3ID	CTDWU714053EN	350688

(Contract No. 14-053E) - \$134,720.00

<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>
0103	DWU	CS40	MPSA	3097	714054	T2UB	CTDWU714054EN	350688

(Contract No. 14-054E) - \$134,720.00

January 8, 2014

**b.** Alliance Geotechnical Group, Inc., 3228 Halifax Street, Dallas, Texas 75247 to provide construction materials testing services during the installation of water and wastewater mains:

<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>
0102	DWU	CW40	MPSA	3097	714091	W3IP	CTDWU714091EN	338366

(Contract No. 14-091E) - \$185,984.25

<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>
0103	DWU	CS40	MPSA	3097	714092	T2UH	CTDWU714092EN	338366

(Contract No. 14-092E) - \$185,984.25

**c.** Alpha Testing, Inc., 2209 Wisconsin Street, Suite 100, Dallas, Texas 75229 to provide construction materials testing services during the installation of water and wastewater mains:

<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>
0102	DWU	CW40	MPSA	3097	714103X	W3IW	CTDWU714103EN	134532

(Contract No. 14-103E) - \$93,494.50

<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>
0103	DWU	CS40	MPSA	3097	714104X	T2UO	CTDWU714104EN	134532

(Contract No. 14-104E) - \$93,494.50

**d.** TEAM Consultants, Inc., 2970 South Walton Walker Boulevard, Suite 101, Dallas, Texas 75211 to provide construction materials testing services during the installation of water and wastewater mains:

<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>
0102	DWU	CW40	MPSA	3097	714107X	W3IR	CTDWU714107EN	255849

(Contract No. 14-107E) - \$147,400.00

<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>
0103	DWU	CS40	MPSA	3097	714108X	T2UI	CTDWU714108EN	255849

(Contract No. 14-108E) - \$147,400.00

January 8, 2014

e. Rone Engineering Services, Ltd., 8908 Ambassador Row, Dallas, Texas 75247 to provide construction materials testing services during the installation of water and wastewater mains:

<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>
0102	DWU	CW40	MPSA	3097	714109X	W3IS	CTDWU714109EN	089164

(Contract No. 14-109E) - \$150,918.00

<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>
0103	DWU	CS40	MPSA	3097	714110X	T2UJ	CTDWU714110EN	089164

(Contract No. 14-110E) - \$150,918.00

f. Terracon Consultants, Inc., 8901 Carpenter Freeway, Suite 100, Dallas, Texas 75247 to provide construction materials testing services during the installation of water and wastewater mains:

<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>
0102	DWU	CW40	MPSA	3097	714111X	W3IT	CTDWU714111EN	341409

(Contract No. 14-111E) - \$177,637.00

<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>
0103	DWU	CS40	MPSA	3097	714112X	T2UK	CTDWU714112EN	341409

(Contract No. 14-112E) - \$177,637.00

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







**KEY FOCUS AREA:** Clean, Healthy Environment  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 2, 3, 4, 6, 7, 8  
**DEPARTMENT:** Housing/Community Services  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 43F 44J 46L 46M 46Q 55F 65D 65V

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**SUBJECT**

Authorize on-site reconstruction of nine homes in accordance with the requirements of the Reconstruction/SHARE Program Statement for the properties located at: 1444 Rowan Avenue in the amount of \$103,000; 1430 Morrell Avenue in the amount of \$103,000; 2307 Moffatt Avenue in the amount of \$103,000; 1907 Nomias Street in the amount of \$103,000; 1948 Gallagher Street in the amount of \$103,000; 4023 Shadrack Drive in the amount of \$103,000; 1524 Fleetwood Street in the amount of \$103,000; 4003 Carl Street in the amount of \$103,000; and 2531 Naoma Street in the amount of \$103,000 - Total not to exceed \$927,000 - Financing: 2013-14 Community Development Block Grant Funds (\$752,018); 2012-13 Community Development Block Grant Reprogramming Funds (\$91,000); and 2012-13 HOME Investment Partnership Program Grant Funds (\$83,982)

**BACKGROUND**

The homeowners and the properties herein described are eligible for a Reconstruction/SHARE Program loan. The homeowners are below 80% AMFI and their names, ages and property addresses follow: Antonio Garcia, a disabled male, 56 years old, residing at 1444 Rowan Avenue; Cuday Epperson & Ernie Richard, an elderly couple, both 73 years old, residing at 1430 Morrell Avenue; Jesusita Montemayor, an elderly female, 79 years old, residing at 2307 Moffatt Avenue; Velma Taylor, an elderly female, 91 years old, residing at 1907 Nomias Street; Mildred Thomas, an elderly female, 79 years old, residing at 1948 Gallagher Street; Kenneth Clinton & Jeanne Clinton, a disabled mother and son, 58 & 42 years old, residing at 4023 Shadrack Drive; Jesse Cash & Debra Cash, a disabled couple, 57 & 53 years old, residing at 1524 Fleetwood Street; Winifred Smith, an elderly female, 70 years old, residing at 4003 Carl Street; and Cora Brewer, an elderly female, 66 years old, residing at 2531 Naoma Street.

## **BACKGROUND (continued)**

Authorization by City Council is required before proceeding with on-site reconstruction of a home when all of the following conditions exist: (a) repairs necessary to meet the Quality Standards and all applicable codes cannot be accomplished within the program funding limits; (b) the condition of the home creates an imminent danger to the life, health and/or safety of the residents, and/or the neighborhood; and (c) repairs are not feasible to extend the life of the repaired structure beyond 15 years.

This action provides the authority to proceed with on-site reconstruction of nine (9) single-family homes in compliance with the conditions listed above.

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

On November 12, 2007, City Council approved the Program Statement authorizing the Housing Department to implement the Reconstruction/SHARE Program Statement for reconstruction on-site pursuant to certain conditions for assistance up to \$87,500, by Resolution No. 07-3307.

On April 23, 2008, City Council authorized an amendment to the Reconstruction/SHARE Program Statement to add an amenities package up to \$5,900, by Resolution No. 08-1266.

On October 8, 2008, City Council authorized an amendment to the Reconstruction/SHARE Program Statement to assist low-income homeowners in Dallas earning less than 80% of Area Median Family Income (AMFI), and are 62 years of age or older or disabled, and to provide assistance with one (1) tax and insurance payment by Resolution No. 08-2768.

On December 9, 2009, City Council authorized an amendment to the Reconstruction/SHARE Program Statement to increase the maximum Reconstruction Program Assistance Type One loan amount from \$87,500 to \$93,400, by Resolution No. 09-2951.

On September 22, 2010, City Council authorized modifications to the Program Statement for the Reconstruction/SHARE Program to include reconstruction of homes with a failure of 3 systems and a foundation, and/or life, safety and health concerns. Allow payoff of secured housing liens up to the dollar amount of the amenities package of \$5,900.00; thereby reducing the dollar amount available for reconstruction to no less than \$87,500, but not changing the total loan amount of \$93,400. Annually 10% of funds may be used to assist persons younger than 62 years of age, or without a disability, and still meeting all other loan criteria by Resolution No. 10-2465.



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

On November 10, 2010, City Council authorized an amendment to the Home Repair Program Statement for Reconstruction/SHARE Program Statement previously approved on September 22, 2010, by Resolution No. 10-2465; allow payoff of liens up to the amount of the amenities package of \$5,900, amended to: allow refinancing of liens up to the amount of the amenities package of \$5,900 by Resolution No. 10-2884.

On May 25, 2011, City Council authorized modifications to the Reconstruction/SHARE Program Statement to: (1) increase the maximum Reconstruction Program Assistance Type One loan amount from up to \$93,400 to up to \$103,000; (2) provide assistance to the extent permitted under appropriate regulations to cover the difference in the amount needed to complete an on-site reconstruction when either the contractor or property owner terminates the existing contract; and (3) clarification to the use of funds and deleting the payment of taxes in accordance with directions from the U.S. Department of Housing and Urban Development (HUD) by Resolution No. 11-1349.

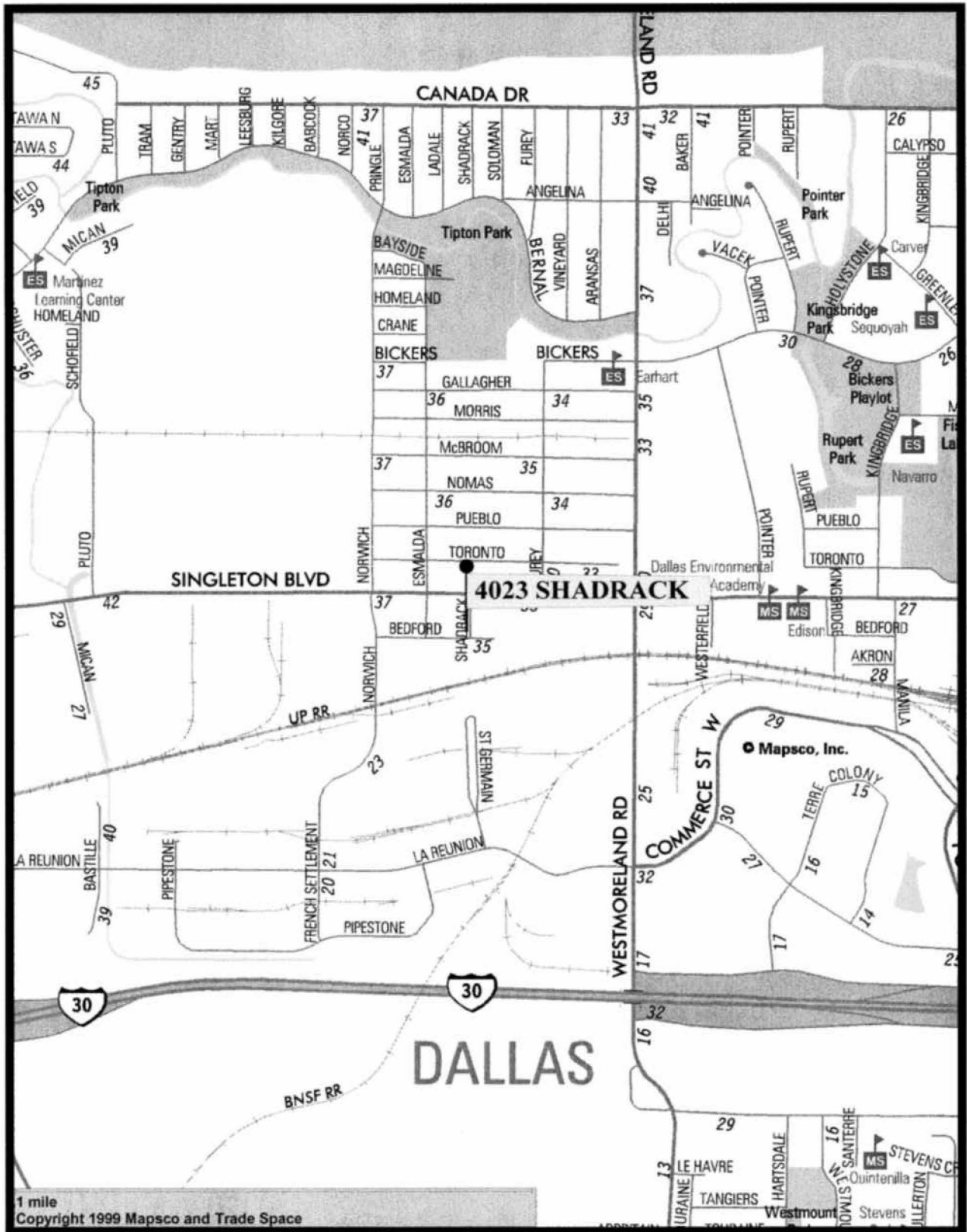
**FISCAL INFORMATION**

\$752,018 - 2013-14 Community Development Block Grant Funds  
\$91,000 - 2012-13 Community Development Block Grant Reprogramming Funds  
\$83,982 - 2012-13 HOME Investment Partnership Program Grant Funds

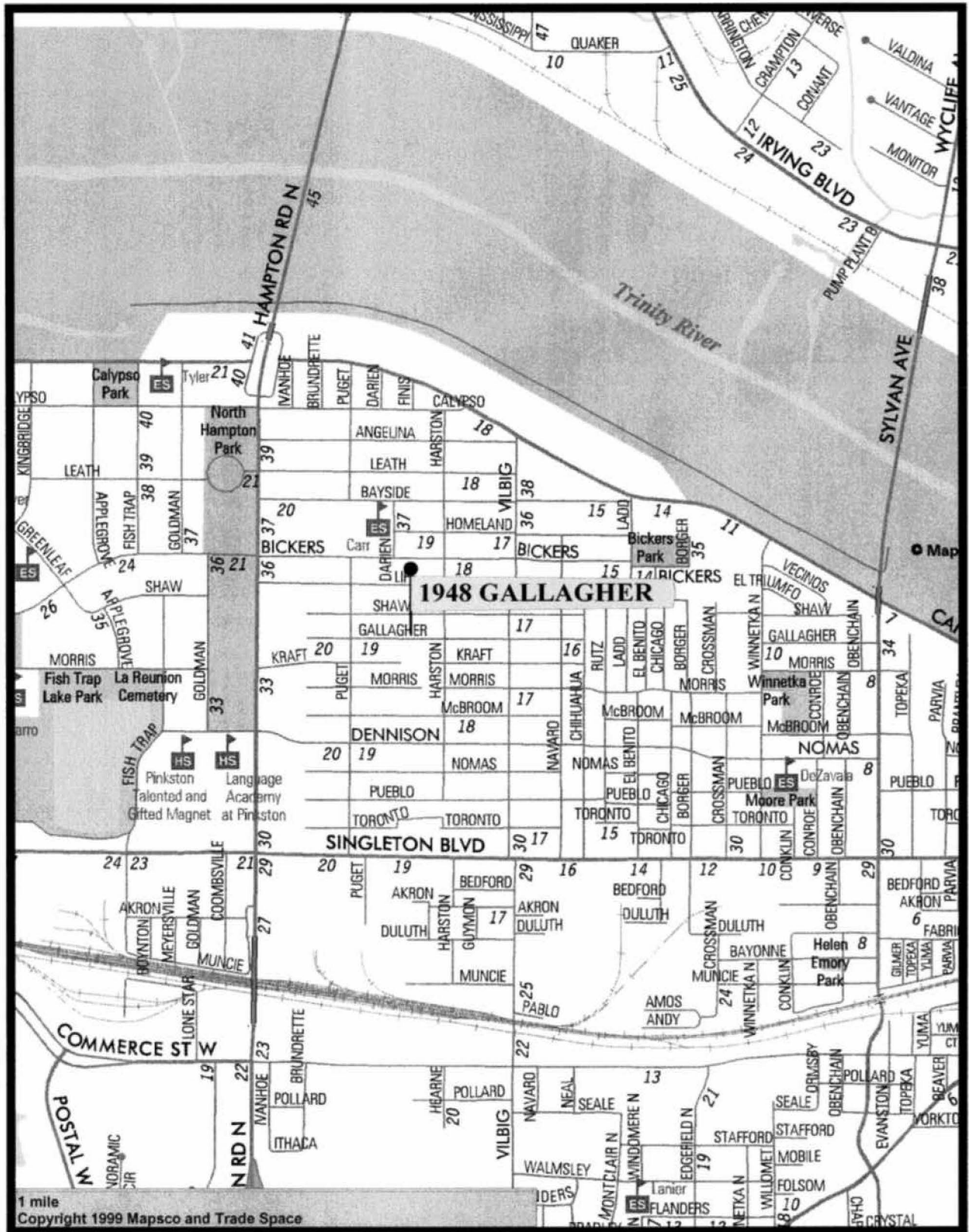
Council District 2 - \$103,000  
Council District 3 - \$103,000  
Council District 4 - \$206,000  
Council District 6 - \$309,000  
Council District 7 - \$103,000  
Council District 8 - \$103,000

**MAP(S)**

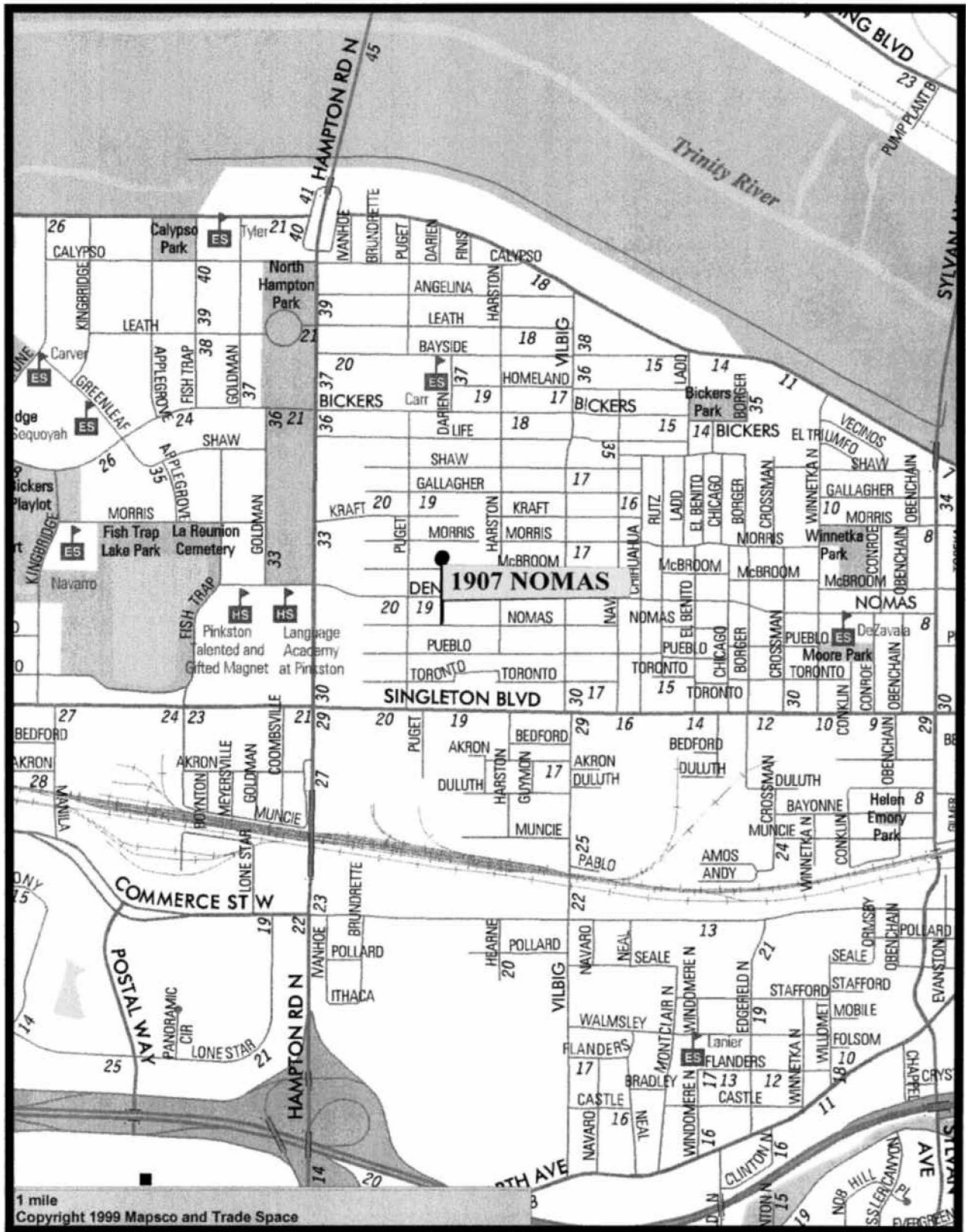
Attached



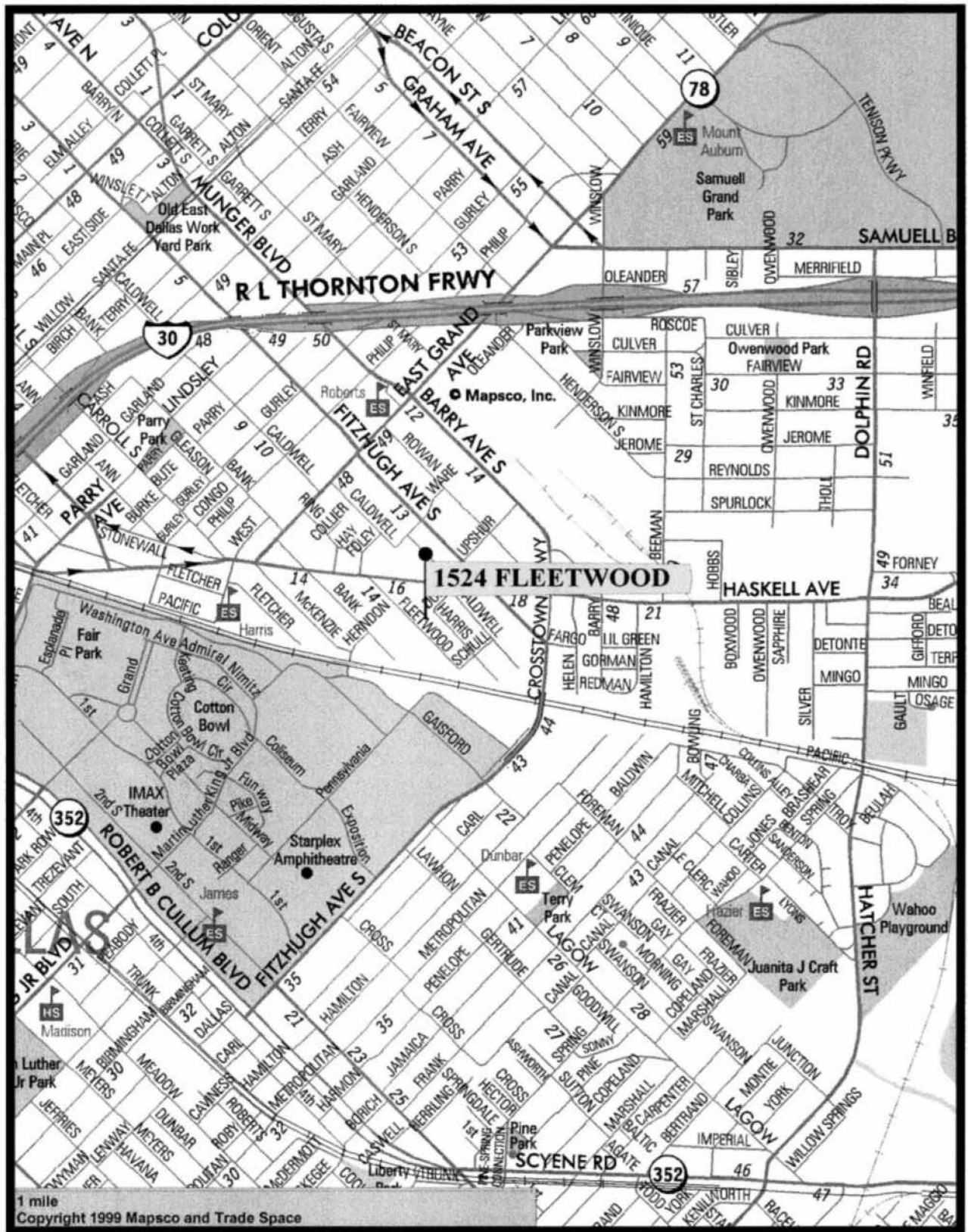
**MAPSCO 43-F**



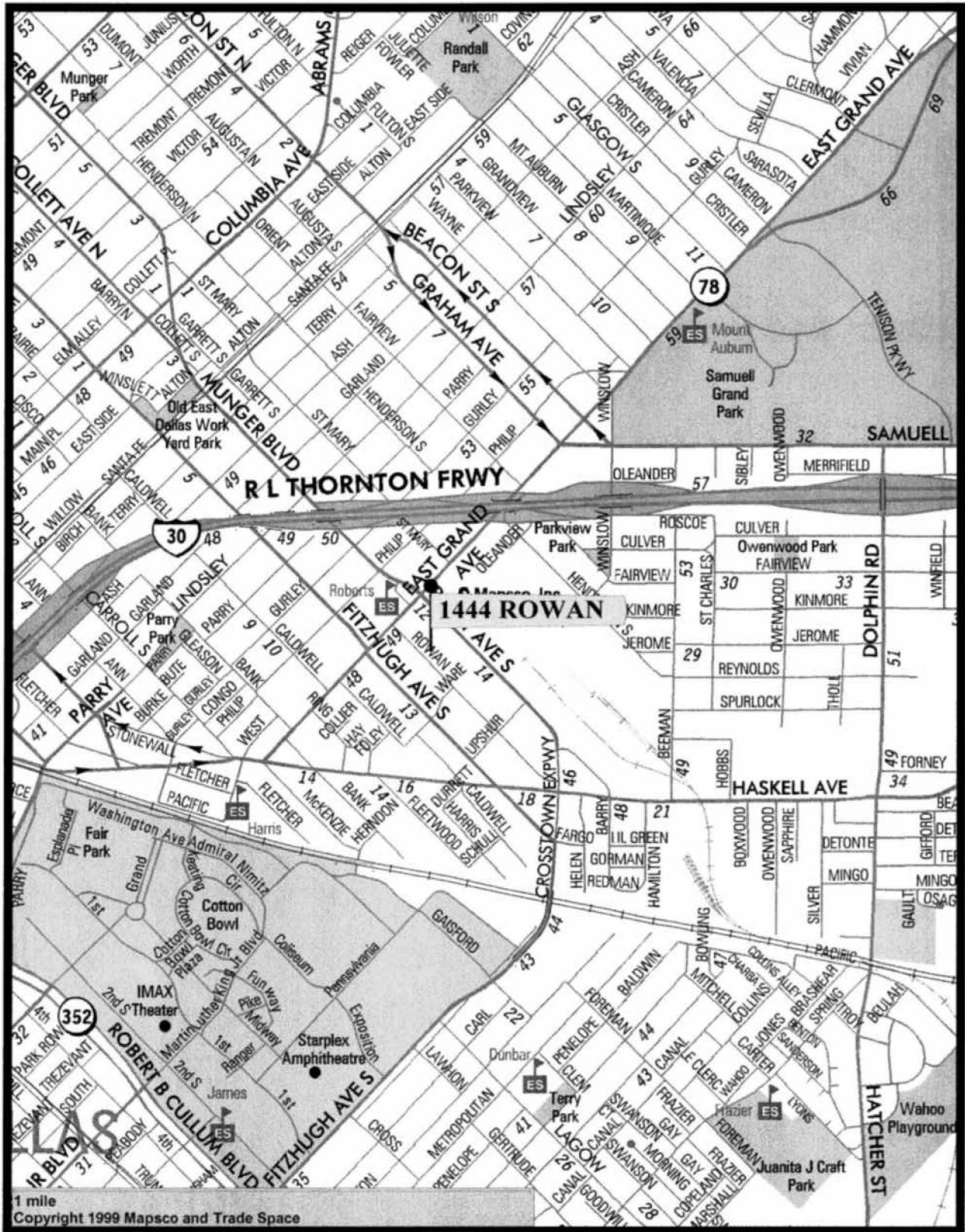
**MAPSCO 44-J**



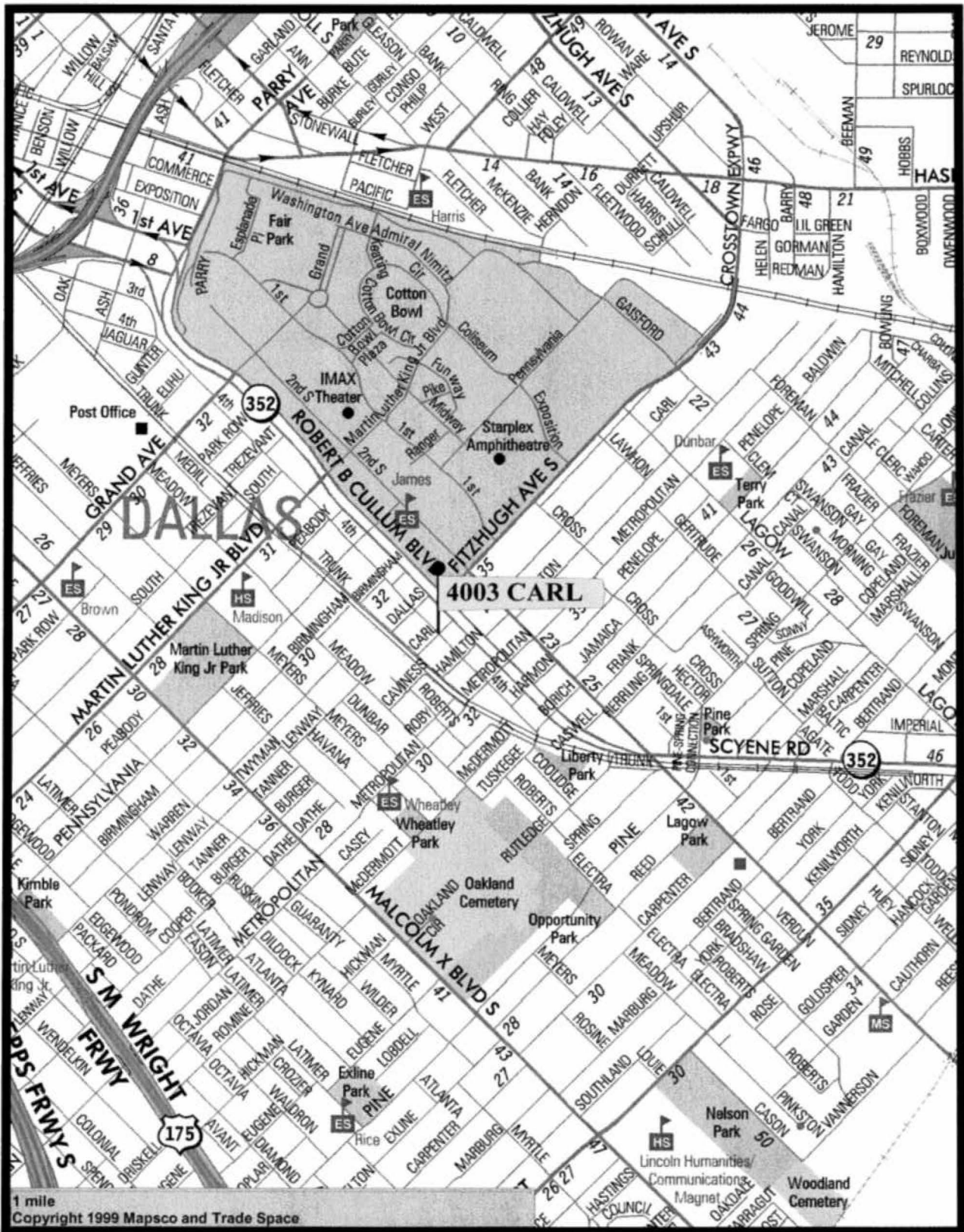
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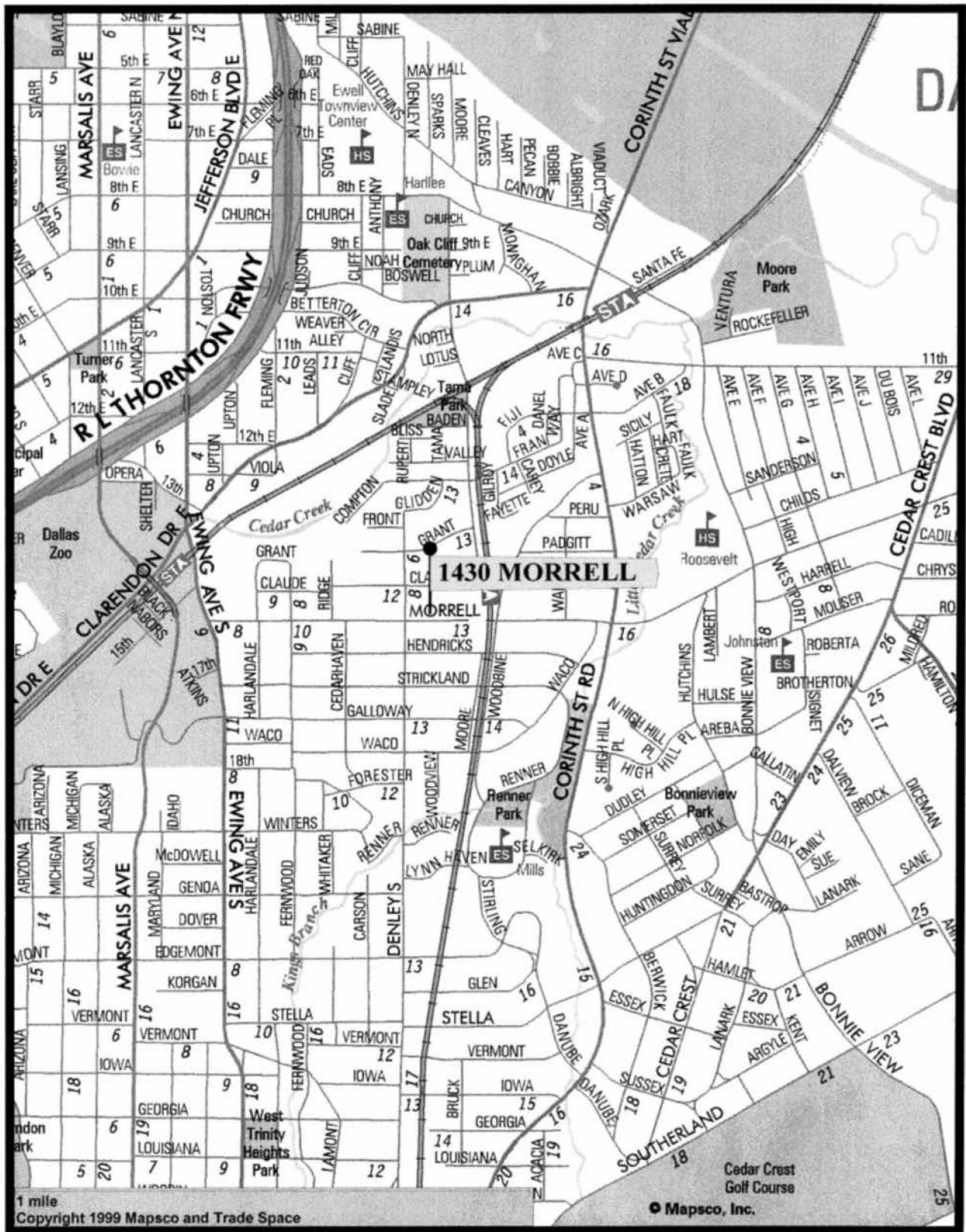
MAPSCO 46-L



MAPSCO 46-M

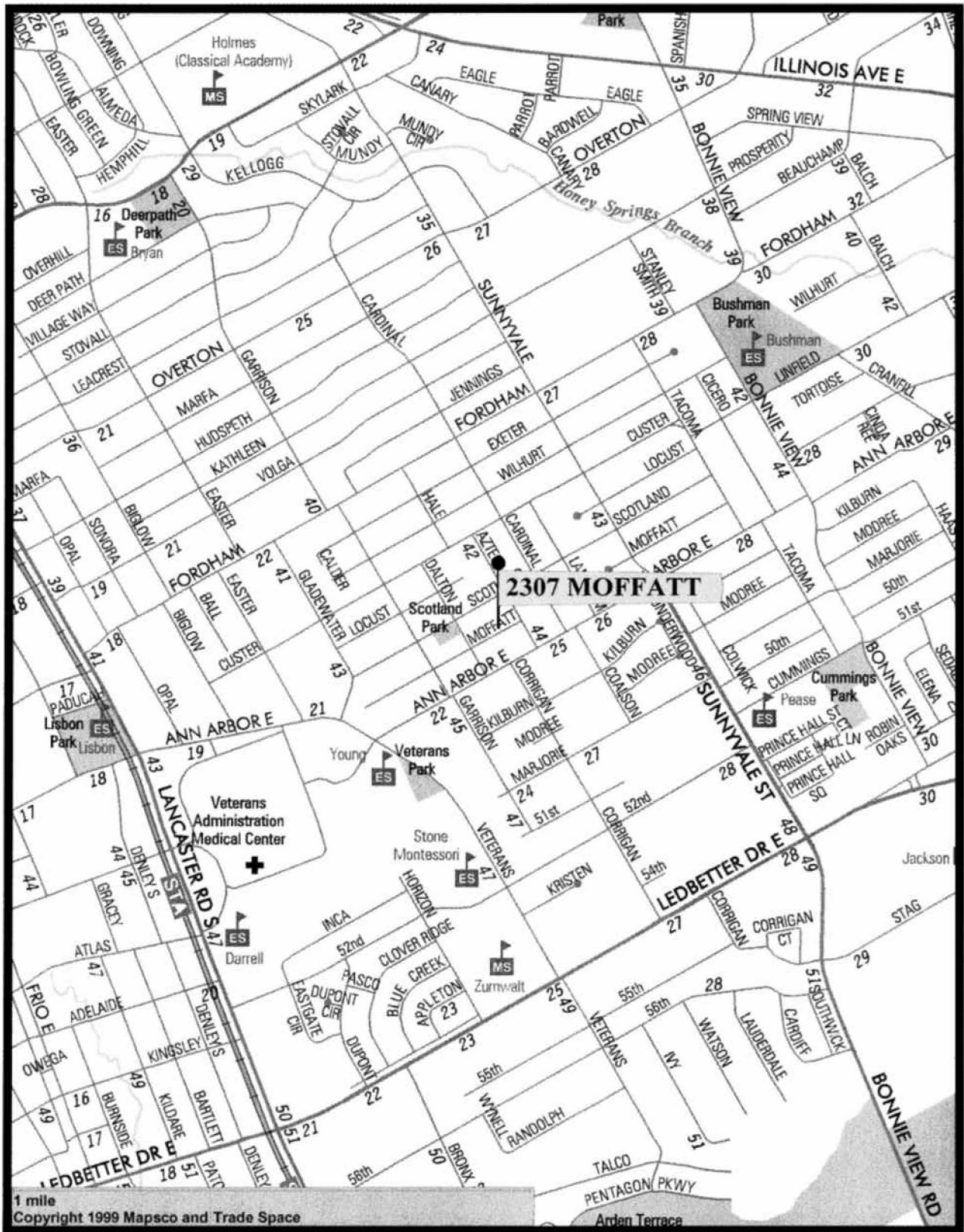


MAPSCO 46-Q

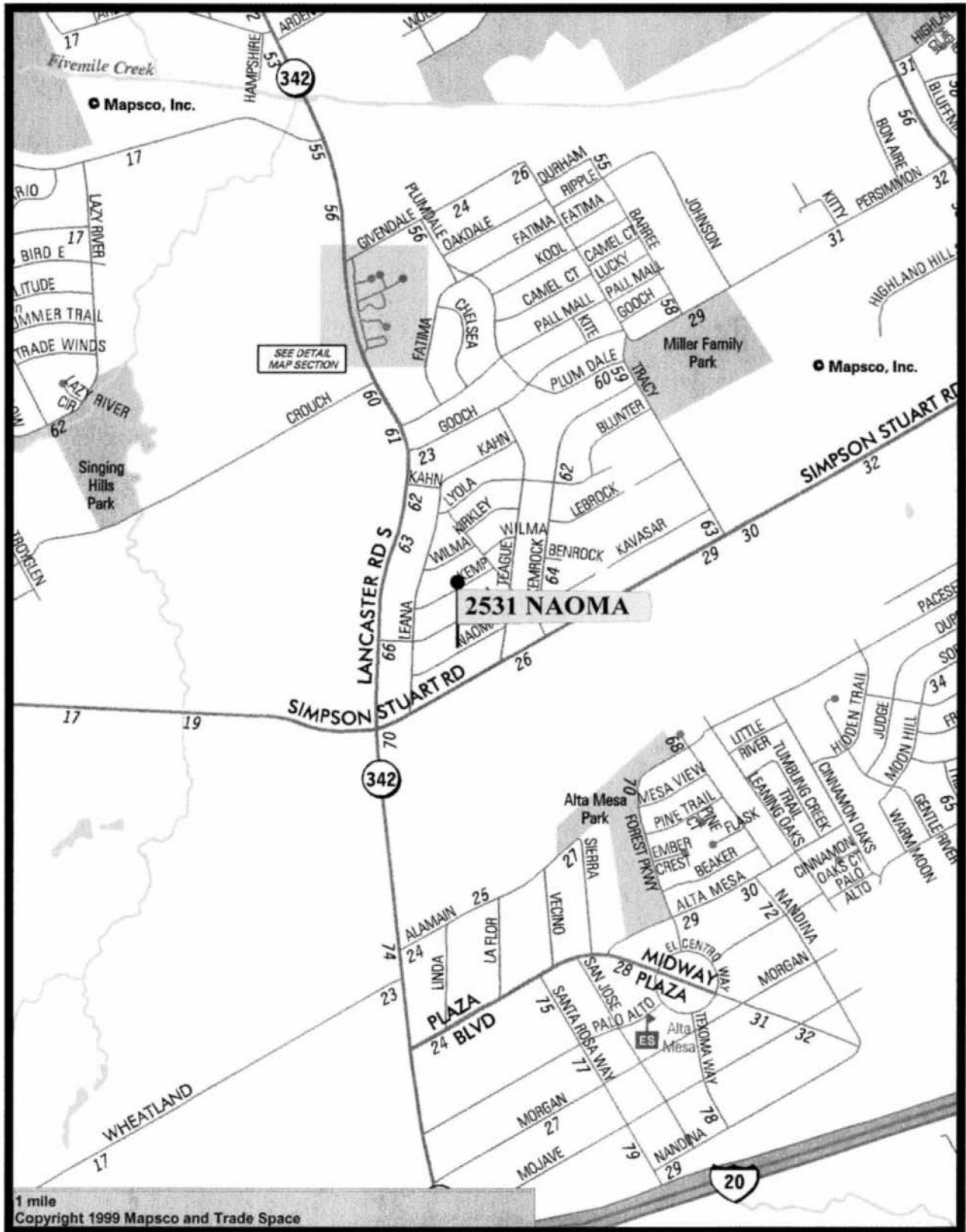


**MAPSCO 55-F**





MAPSCO 65-D



**MAPSCO 65-V**

January 8, 2014

**WHEREAS**, on November 12, 2007, City Council approved the Program Statement authorizing the Housing Department to implement the Reconstruction/SHARE Program Statement for reconstruction on-site pursuant to certain conditions and for assistance up to \$87,500, by Resolution No. 07-3307; and

**WHEREAS**, on April 23, 2008, City Council authorized an amendment to the Reconstruction/SHARE Program Statement which added an amenities package up to \$5,900, by Resolution No. 08-1266; and

**WHEREAS**, on October 8, 2008, City Council authorized an amendment to the Reconstruction/SHARE Program Statement to assist low-income homeowners at 80% of AMFI, and 62 years of age or older or disabled, and to provide assistance with one (1) tax and insurance payment by Resolution No. 08-2768; and

**WHEREAS**, on December 9, 2009, City Council authorized an amendment to the Reconstruction/SHARE Program Statement to increase the maximum Reconstruction Program Assistance Type One loan amount from \$87,500 to \$93,400 by Resolution No. 09-2951; and

**WHEREAS**, on September 22, 2010, the City Council authorized modifications to the Program Statement for the Reconstruction/SHARE Program by Resolution No. 10-2465; and

**WHEREAS**, on November 10, 2010, City Council authorized an amendment to the Home Repair Program Statement for Reconstruction/SHARE Program Statement previously approved on September 22, 2010, by Resolution No. 10-2465; allow payoff of liens up to the amount of the amenities package of \$5,900 amended to: allow refinancing of liens up to the amount of the amenities package of \$5,900 by Resolution No. 10-2884; and

**WHEREAS**, on May 25, 2011, City Council authorized modifications to the Reconstruction/SHARE Program Statement to: (1) increase the maximum Reconstruction Program Assistance Type One loan amount from up to \$93,400 to up to \$103,000; (2) provide assistance to the extent permitted under appropriate regulations to cover the difference in the amount needed to complete an on-site reconstruction when either the contractor or property owner terminates the existing contract; and (3) clarification to the use of funds and deleting the payment of taxes in accordance with directions from the U.S. Department of Housing and Urban Development (HUD) by Resolution No. 11-1349; and

January 8, 2014

**WHEREAS**, the homeowners at the addresses herein described have made applications to the Home Repair Program: Antonio Garcia at 1444 Rowan Avenue; Cuday Epperson & Ernie Richard at 1430 Morrell Avenue; Jesusita Montemayor at 2307 Moffatt Avenue; Velma Taylor at 1907 Nomas Street; Mildred Thomas at 1948 Gallagher Street; Kenneth Clinton & Jeanne Clinton at 4023 Shadrack Drive; Jesse Cash & Debra Cash at 1524 Fleetwood Street; Winifred Smith at 4003 Carl Street; and Cora Brewer at 2531 Naoma Street; and

**WHEREAS**, all three conditions outlined in the Reconstruction/SHARE Program Statement for on-site reconstruction of the homes were met for the property owners: Antonio Garcia; Cuday Epperson & Ernie Richard; Jesusita Montemayor; Velma Taylor; Mildred Thomas; Kenneth Clinton & Jeanne Clinton; Jesse Cash & Debra Cash; Winifred Smith; and Cora Brewer;

**NOW, THEREFORE,**

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

**SECTION 1.** That the applications from the homeowners and their properties described herein for reconstruction loans be approved under the Reconstruction/SHARE Program: Antonio Garcia at 1444 Rowan Avenue; Cuday Epperson & Ernie Richard at 1430 Morrell Avenue; Jesusita Montemayor at 2307 Moffatt Avenue; Velma Taylor at 1907 Nomas Street; Mildred Thomas at 1948 Gallagher Street; Kenneth Clinton & Jeanne Clinton at 4023 Shadrack Drive; Jesse Cash & Debra Cash at 1524 Fleetwood Street; Winifred Smith at 4003 Carl Street; and Cora Brewer at 2531 Naoma Street. The loans are in the amount shown in Section 3 hereof.

**SECTION 2.** That the City Manager, upon approval as to form by the City Attorney is authorized to execute the following loan documents: Antonio Garcia for on-site reconstruction at 1444 Rowan Avenue; Cuday Epperson & Ernie Richard for on-site reconstruction at 1430 Morrell Avenue; Jesusita Montemayor for on-site reconstruction at 2307 Moffatt Avenue; Velma Taylor for on-site reconstruction at 1907 Nomas Street; Mildred Thomas for on-site reconstruction at 1948 Gallagher Street; Kenneth Clinton & Jeanne Clinton for on-site reconstruction at 4023 Shadrack Drive; Jesse Cash & Debra Cash for on-site reconstruction at 1524 Fleetwood Street; Winifred Smith for on-site reconstruction at 4003 Carl Street; and Cora Brewer for on-site reconstruction at 2531 Naoma Street.

**SECTION 3.** That the City Controller is authorized to make payments for reconstruction of the home in accordance with the following funding information:

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB049 (\$103,000)  
Vendor # 337798 – Torres Construction – 1524 Fleetwood Street

January 8, 2014

**SECTION 3. (continued)**

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB050 (\$103,000)  
Vendor # 516779 – Opportunity Developers – 4023 Shadrack Drive

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB051 (\$103,000)  
Vendor # 339393 – Bethel Construction – 1948 Gallagher Street

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB052 (\$103,000)  
Vendor # 516779 – Opportunity Developers – 1907 Nomias Street

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB053 (\$103,000)  
Vendor # 516779 – Opportunity Developers – 2531 Naoma Street

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB054 (\$103,000)  
Vendor # 339393 – Bethel Construction – 1430 Morrell Avenue

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB055 (\$103,000)  
Vendor # 516779 – Opportunity Developers – 4003 Carl Street

Fund HM12, Dept HOU, Unit 895E, Obj 3100 CT HOU22EFB056 (\$83,982)  
Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB056 (\$19,018)  
Vendor # 337798 – Torres Construction – 2307 Moffatt Avenue

Fund 12R1, Dept HOU, Unit 954E, Obj 3100 CT HOU22EFB057 (\$91,000)  
Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB057 (\$12,000)  
Vendor # 337798 – Torres Construction – 1444 Rowan Avenue

**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 # 25**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 5  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 59 X

**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 greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Seagoville Road and South St. Augustine Road  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions  
Z123-239(MW)





**FILE NUMBER:** Z123-239(MW)

**DATE FILED:** April 5, 2013

**LOCATION:** Southwest corner of Seagoville Road and South St. Augustine Road

**COUNCIL DISTRICT:** 5

**MAPSCO:** 59-X

**SIZE OF REQUEST:** ±4.3716 acres

**CENSUS TRACT:** 117.01

---

**REPRESENTATIVE:** Rhonda Davis

**APPLICANT:** Malone's Food Stores, LLC

**OWNER:** Victor Ballas

**REQUEST:** An application 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

**SUMMARY:** The applicant proposes to sell beer and wine for off-premise consumption in conjunction with the existing grocery store [Malone's].

**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.

**STAFF RECOMMENDATION:**

Staff recommends approval of this renewal subject to the conditions based upon the following:

1. *Compatibility with surrounding uses and community facilities* – The existing grocery store is compatible with the surrounding land uses. The sale of alcoholic beverages in conjunction with the main use does not affect compatibility.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The sale of the alcoholic beverages at the existing grocery store provides a service to this area of the City and does not appear to negatively impact the adjacent properties.
3. *Not a detriment to the public health, safety, or general welfare* – It is not foreseen that the sale of alcoholic beverages at the existing grocery store will compromise the health, safety, and welfare of the citizens of the City of Dallas.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the proposed site plan, the request complies with all applicable zoning regulations and standards.

**BACKGROUND INFORMATION:**

- The ±4.3716-acre request site is developed with a ±41,400-square-foot multitenant building comprised of retail and personal services uses and a church. The area of the Specific Use Permit will be limited to a ±19,000-square-foot supermarket within the shopping center.
- The grocery store does not meet the 300-foot door-to-door alcohol distance requirement from the church. However, a variance to the alcohol spacing requirements was approved on August 14, 2013.
- The general merchandise or food store use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit due to the D-1 Liquor Control Overlay.
- The applicant does not propose any changes to the existing building or site.

**Surrounding Zoning History:**

1. **Z112-208:** On August 22, 2012, the City Council approved an NO(A) Neighborhood Office District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
St. Augustine Road	Collector	80 feet
Old Seagoville Road	Local	60 feet

**Traffic:**

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

**Surrounding Land Uses:**

	Zoning	Land Use
<b>North</b>	CR-D	Church; single family
<b>East</b>	CR-D-1	Retail; restaurant; carwash
<b>South</b>	CR-D-1	Retail
<b>West</b>	CR-D-1	Undeveloped

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The Comprehensive Plan does not make a specific land use recommendation related to the request, however the ***forwardDallas! Vision Illustration***, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within a *Residential Neighborhood Building Block*. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

In general, the applicant’s request for Specific Use Permit for the sale of alcoholic beverages in conjunction with an existing grocery store is consistent with the following goal and policy of the Comprehensive Plan.

**LAND USE ELEMENT**

Goal 1.1: Promote desired development.

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

Goal 5.3: Establishing walk-to convenience

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

The existing retail food store is located at a key intersection within the neighborhood, which is generally a desired location from a nonresidential use. The sale of alcoholic beverages in conjunction with the main use does not directly affect the consistency.

**Land Use Compatibility:**

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

The applicant’s request, subject to a site plan and conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will allow the request be reevaluated to ensure the use is appropriate in this location.

**Development Standards:**

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
CR 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 and personal service, office

**Parking:**

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one (1) space per 200 square feet of floor area. Therefore, the ±19,200-square foot grocery store requires 96 spaces. Based on the parking analysis provided by the applicant, 207 spaces are required for the site. As depicted on the site plan, 240 spaces are provided.

**Landscaping:**

No new development is proposed. Therefore, no additional landscaping is required. Any new development on the property will require landscaping per Article X of the Dallas Development Code.

**Police Report:**

An online search of the Dallas Police Department's offense incident reports for the period from October 29, 2012 to October 29, 2013 revealed the following results:

Search Records - Offense										Filter	
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2	
<a href="#">0000754-A</a>	01/01/2013	MOSELY,NICOLE,	THEFT	00333	N	STAUGUSTI...	338	2211	06941		
<a href="#">0009990-A</a>	01/13/2013	*FAMILY DOLLAR	BURGLARY	00333	S	STAUGUSTI...	337	2217	05131		
<a href="#">0082384-A</a>	03/26/2013	*FAMILY DOLLAR #1309	ROBBERY	00333	S	STAUGUSTI...	337	2217	03441		
<a href="#">0093489-A</a>	04/16/2013	WRIGHT,ADRIENNE,	THEFT	00333	S	STAUGUSTI...	337	2217	06943		
<a href="#">0137174-A</a>	06/02/2013	TREVINIO, ROMAN	ASSAULT	00333	S	STAUGUSTI...	337	2217	08112		
<a href="#">0149705-A</a>	06/14/2013	*MIGHTY DOLLAR	ROBBERY	00333	S	STAUGUSTI...	337	2217	03442		
<a href="#">0154081-A</a>	06/19/2013	DAVIS,YVETTE	CRIMINAL MISCHIEF/VAN...	00333	S	STAUGUSTI...	337	2217	14081		
<a href="#">0169448-A</a>	07/04/2013	HUERTA,JESUS	AUTO THEFT-UUMV	00333	S	STAUGUSTI...	337	2217	07621		
<a href="#">0177556-A</a>	07/12/2013	*MALONE'S	ROBBERY	00333	S	STAUGUSTI...	337	2217	03411		
<a href="#">0182656-A</a>	07/18/2013	CRUZ, MARILOU	ASSAULT	00333	S	STAUGUSTI...	337	2217	08312		
<a href="#">0197078-A</a>	08/02/2013	VEGA, GILBERTO	AUTO THEFT-UUMV	00333	S	STAUGUSTI...	337	2217	07612		
<a href="#">0261868-A</a>	10/12/2013	*MALONES NO7	BURGLARY	00333	S	STAUGUSTI...	337	2217	05131		

Page 1 of 1 (12 items)

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**CPC Action: November 21, 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 greater than 3,500 square feet for a two-year period, subject to a site plan and conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Seagoville Road and South St. Augustine Road.

Maker: Lavallaisaa  
Second: Peadon  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 1 - Culbreath  
Vacancy: 0

Notices:	Area:	300	Mailed:	44
Replies:	For:	1	Against:	1

Speakers: None

Z123-239(MW)

**List of Partners/Principals/Officers**

Malone's Food Stores, LLC

Ronnie J. Malone, Director, President and Treasurer  
W. Jane Malone, Vice President and Secretary

Rick Gomez, Vice President

Advisory Directors:

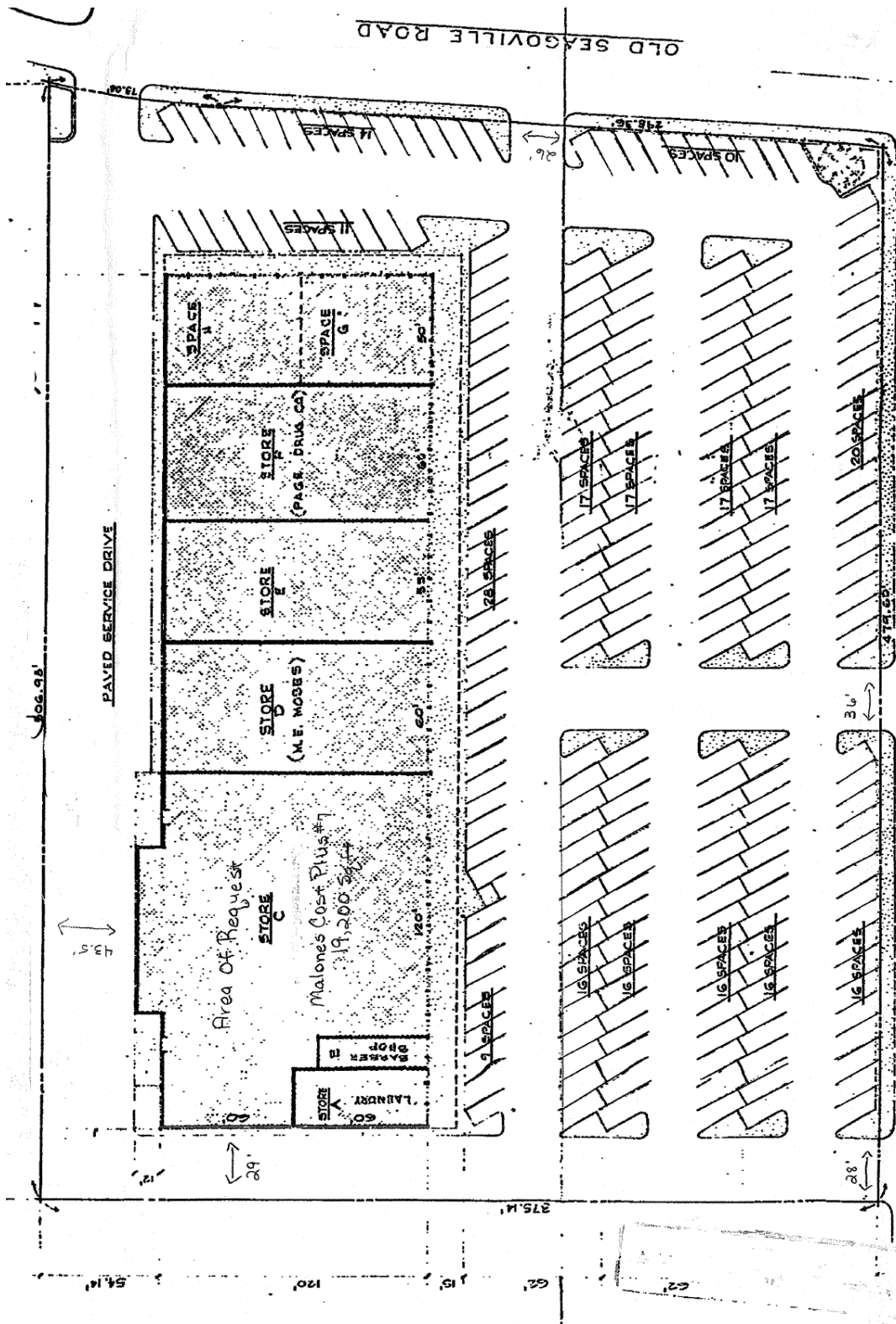
- W. Jane Malone
- Rick Gomez
- Tray Gomez
- Rhonda Davis
- Rachelle Florez
- Renee Nelson
- Kathy Voukliza

**CPC Recommended 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 greater than 3,500 square feet.
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 years).
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 Site Plan



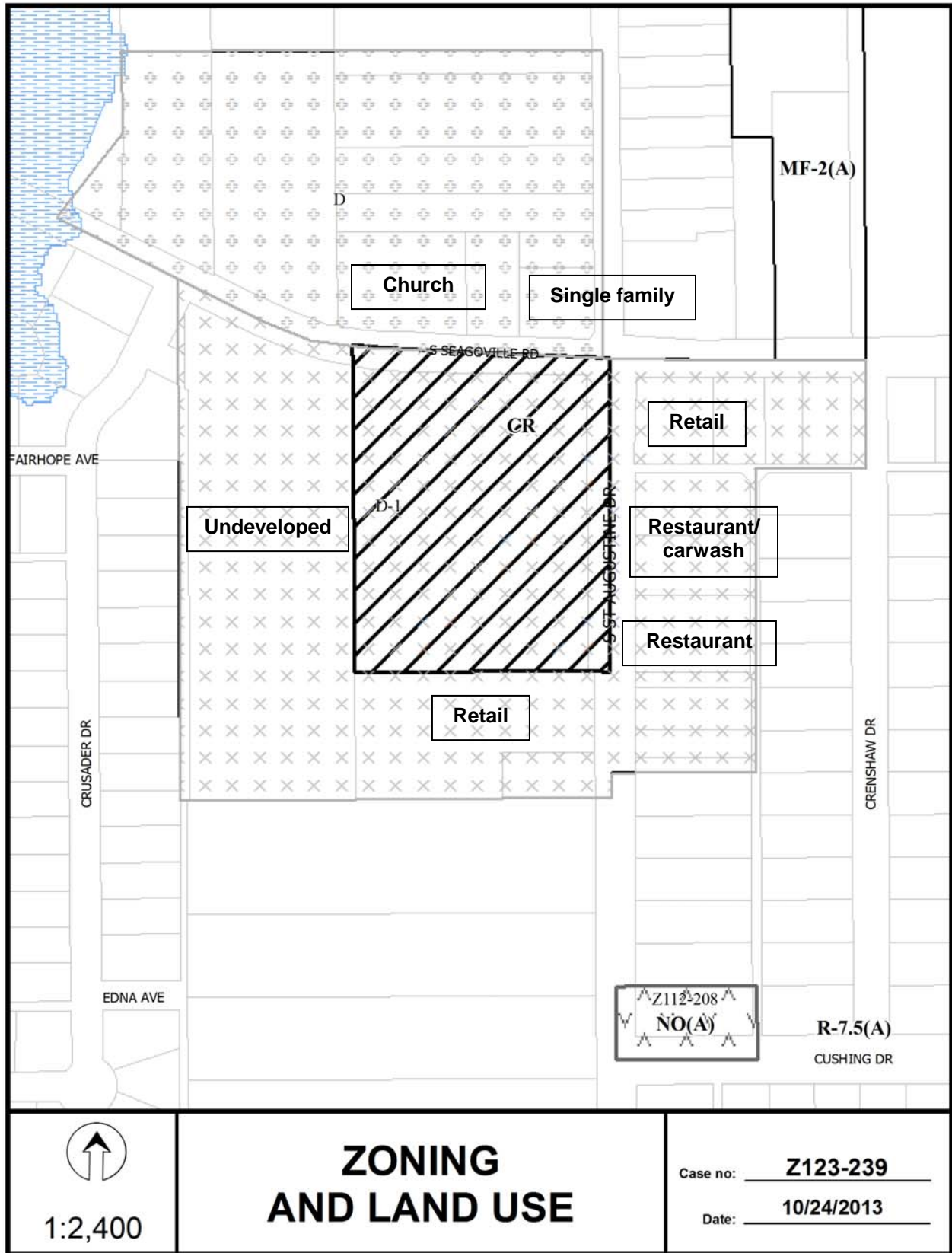
St. Augustine Road

101 SITE PLAN 1" = 40'-0"







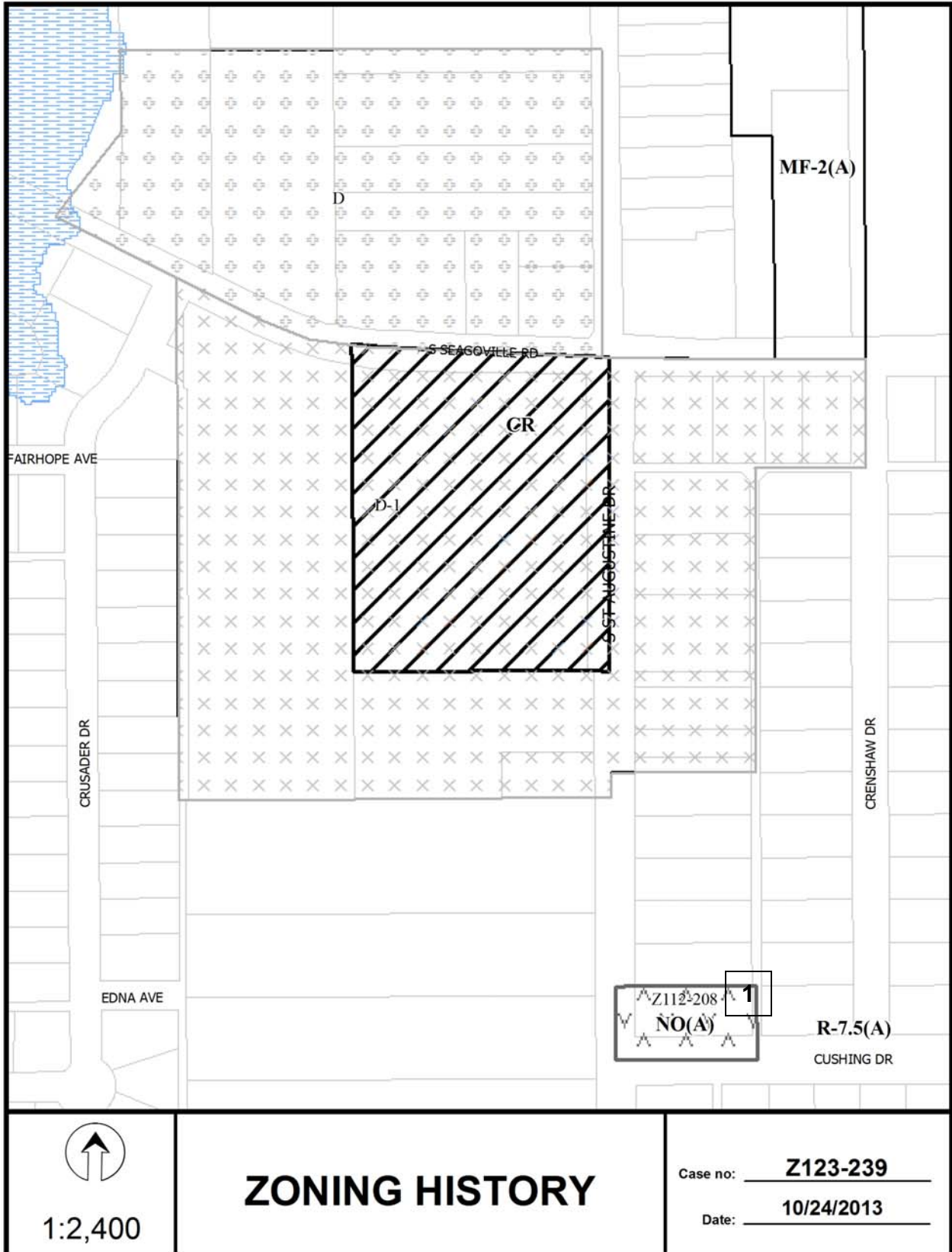


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# ZONING AND LAND USE

Case no: **Z123-239**

Date: **10/24/2013**



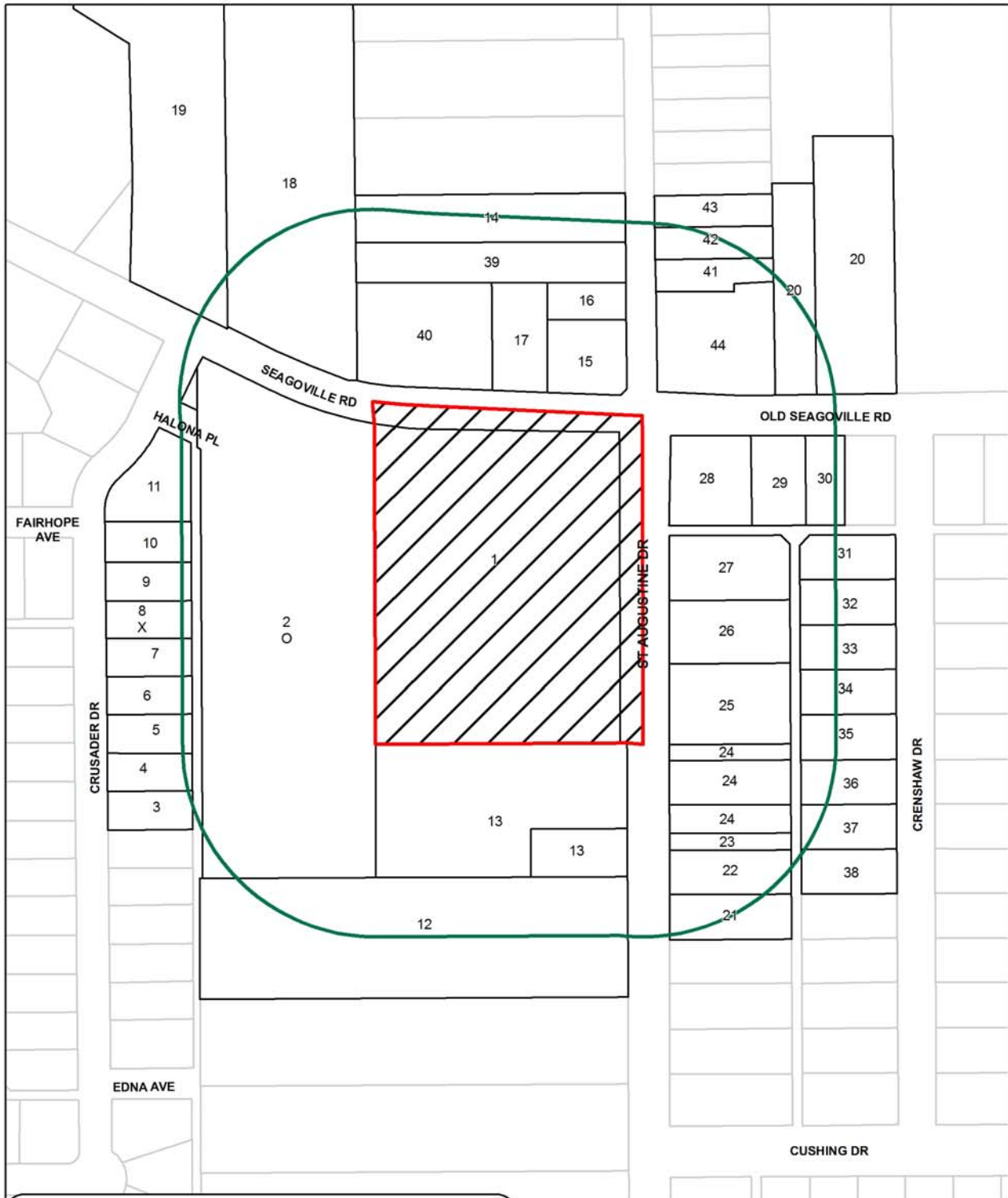
1:2,400

# ZONING HISTORY

Case no: Z123-239

Date: 10/24/2013

**CPC Responses**



<u>44</u>	Property Owners Notified (49 parcels)
<u>1</u>	Replies in Favor (2 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>300'</u>	Area of Notification
<u>11/21/2013</u>	Date

**Z123-239**  
**CPC**



1:2,400

**Notification List of Property Owners****Z123-239****44 Property Owners Notified    1 Property Owner Opposed    1 Property Owner in Favor**

<b>Vote</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	333 ST AUGUSTINE RD	BALLAS VICTOR E
O	2	320 SEAGOVILLE RD	BALLAS VICTOR
	3	356 CRUSADER DR	FIERRO RODOLFO &
	4	350 CRUSADER DR	MADISON YOLANDA M
	5	344 CRUSADER DR	RUVALCABA ARNOLDO G &
	6	338 CRUSADER DR	RODRIGUEZ GRICELDA
	7	332 CRUSADER DR	DANIELS WILLIE J &
X	8	326 CRUSADER DR	SCHIER BILL
	9	320 CRUSADER DR	HUGHES PEGGY J TR
	10	314 CRUSADER DR	SANCHEZ ADOLFO
	11	310 CRUSADER DR	PEREZ HECTOR & IRMA AGUIRRE
	12	335 ST AUGUSTINE RD	CARTER JAMES
	13	323 ST AUGUSTINE RD	CORDOVA LUIS
	14	201 ST AUGUSTINE RD	SOUTH CENTRAL MTG INC
	15	237 ST AUGUSTINE RD	PEREZ REFUCIO & MARIA
	16	233 ST AUGUSTINE RD	SALAZAR MAURILIA
	17	350 SEAGOVILLE RD	LOVE OUTREACH CHURCH
	18	316 SEAGOVILLE RD	CHANG ROGER A
	19	246 SEAGOVILLE RD	ORSA MINORE PROPERTIES LLC
	20	9633 SEAGOVILLE RD	WOOD SHAUN D & JENNIFER L
	21	356 ST AUGUSTINE RD	SANCHEZ PATRICIA
	22	352 ST AUGUSTINE RD	ALVARADO JUAN &
	23	348 ST AUGUSTINE RD	GEDDINGS ALVIN EST OF
	24	340 ST AUGUSTINE RD	TAIWO ADEDAYO A

*Thursday, November 21, 2013***Vote Label # Address**

25 332 ST AUGUSTINE RD  
 26 326 ST AUGUSTINE RD  
 27 316 ST AUGUSTINE RD  
 28 300 ST AUGUSTINE RD  
 29 9612 SEAGOVILLE RD  
 30 9618 SEAGOVILLE RD  
 31 315 CRENSHAW DR  
 32 319 CRENSHAW DR  
 33 325 CRENSHAW DR  
 34 331 CRENSHAW DR  
 35 337 CRENSHAW DR  
 36 341 CRENSHAW DR  
 37 345 CRENSHAW DR  
 38 351 CRENSHAW DR  
 39 229 ST AUGUSTINE RD  
 40 340 SEAGOVILLE RD  
 41 278 ST AUGUSTINE RD  
 42 274 ST AUGUSTINE RD  
 43 270 ST AUGUSTINE RD  
 44 9615 SEAGOVILLE RD

**Owner**

MILLER W C TRUSTEE  
 OPALACH THOMAS  
 DANG TUAN N &  
 PHAM VU T & THIEM PHAM  
 VELLA HERMOSA HOMES LLC  
 MITCHELL DANIEL  
 AREVALO NORMA A  
 LENTO BARBARA S  
 PORTILLO REINA DE LAPAZ  
 SERRATO ADELFA  
 BENITES ANITA  
 ALVAREZ LUIS  
 VILLATORO RODOLFO &  
 MARIA  
 MORENO PEDRO  
 PATINA EVERARDO &  
 LOVE OUTREACH CHURCH  
 HERNANDEZ JUAN &  
 MARTHA  
 JIMENEZ PRISHNA  
 RAMIREZ SERGIO  
 WISDOM FINANCIAL  
 SOLUTION LP



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 42 Q

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and the renewal of Specific Use Permit No. 1808 for an industrial (inside) potentially incompatible use for an automobile recycling plant and an ordinance granting a Specific Use Permit for an outside salvage and reclamation use on property zoned an IM Industrial Manufacturing District on the west line of Weir Street, south of Singleton Boulevard

Recommendation of Staff and CPC: Approval to renew Specific Use Permit No. 1808 for a two-year period with eligibility for automatic renewals of two-year periods, subject to a revised site plan and revised conditions; and approval of a Specific Use Permit for an outside salvage and reclamation use for a period of two-years with eligibility for automatic renewals of two-year periods, subject to a site plan and conditions  
Z123-250(OTH)

**FILE NUMBER:** Z123-250(OTH)

**DATE FILED:** April 9, 2013

**LOCATION:** On the west line of Weir Street, south of Singleton Boulevard

**COUNCIL DISTRICT:** 6

**MAPSCO:** 42-Q

**SIZE OF REQUEST:** Approx. 1.4521 acre

**CENSUS TRACT:** 105.00

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**APPLICANT/OWNER:** Peter S. Kim

**REPRESENTATIVE:** Hyeon Jin Jeong

**REQUEST:** An application for an amendment to and for renewal of Specific Use Permit No. 1808 for an industrial (inside) potentially incompatible use for an automobile recycling plant and a new Specific Use Permit for an outside salvage and reclamation use on property zoned an IM Industrial Manufacturing District.

**SUMMARY:** The applicant's request is to renew the existing automobile recycling operations [PJ Metal Recycling] and to add a new use for outside salvage and reclamation on the premises.

**CPC RECOMMENDATION:** Approval to renew Specific Use Permit No. 1808 for a two-year period with eligibility for automatic renewals of two-year periods, subject to a revised site plan and revised conditions; and approval of a Specific Use Permit for outside salvage and reclamation for a two-year period with eligibility for automatic renewals of two-year periods, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval to renew Specific Use Permit No. 1808 for a two-year period with eligibility for automatic renewals of two-year periods, subject to a revised site plan and revised conditions; and approval of a Specific Use Permit for outside salvage and reclamation for a two-year period with eligibility for automatic renewals of two-year periods, subject to a site plan and conditions.

**GUIDING CRITERIA FOR RECOMMENDATION:**

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The request will utilize existing improvements. The site is surrounded by industrial uses and industrial manufacturing zoning district, thus continuing the use of the property with compatible uses. The nearest residential district is over 600 feet away from the proposed outside salvage use. Additional measures such as screening are required to mitigate any potential negative impacts.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The existing and proposed uses are similar to those that adjoin the site. As result, staff anticipates that it will neither enhance nor detract from the area.
3. *Not a detriment to the public health, safety, or general welfare* – Staff does not anticipate that the existing and proposed uses will be a detriment to the public health, safety or general welfare of the area. The existing and proposed use is not anticipated to be a detriment to the area.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The existing certificate of occupancy will be required to be updated to reflect the proposed use of the property as well as compliance with the approved (pending a future City Council public hearing) site plan and conditions. No variances or exceptions to the base zoning district are part of this Special Use Permit request.

**BACKGROUND INFORMATION:**

- The request site is developed with a 21,110-square-foot building presently utilized for the industrial (inside) potentially incompatible use for an automobile recycling plant. The applicant wishes to continue this use and to add an outside salvage and reclamation use on 5,253 square feet with a stacking height not to exceed 8 feet as labeled on the site plan.
- The applicant originally requested an amendment to the site plan for SUP No. 1808 because the parking layout had changed from the originally approved site plan. Also, a truck scale was installed in the area where parking was located. The applicant decided to amend the existing SUP and request another SUP for an outside salvage and reclamation use.
- The applicant proposes to add a use to the existing recycling operations to include the recycling of scrap materials to include various types of ferrous and non-ferrous metals, plastics, inoperable motor vehicle parts, machinery, and

appliances. The recyclable materials will be dismantled/separated, cleaned, and resold to recycling companies. For this use, the applicant is required to have a Specific Use Permit for outside salvage and reclamation.

- Both uses are only permitted in an IM District with a special use permit.

**Zoning History:** Specific Use Permit No. 1808 was originally approved on August 11, 2010 for a two-year period. A minor amendment to the site plan was approved on May 19, 2011 to provide for a canopy structure on the northwest corner of the property.

There have been no recent zoning changes in the immediate area.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
Weir Street	Principal Arterial	100 ft.

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not negatively impact the surrounding street system.

**STAFF ANALYSIS:**

**Comprehensive Plan:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in an Industrial Building Block.

Industrial Areas, which offer important employment opportunities, occupy large areas of land and usually are near major roads and heavy rail lines. Evolving technology and the need for freight movement through Dallas to the rest of the country and internationally means this sector can offer good opportunities for jobs. Logistics and warehousing, a growing industry with strong potential for upward mobility of skilled workers, would thrive in such areas. Examples include Southport and the Agile Port, parts of West Dallas along I-30, and the Stemmons industrial area. These areas include a mix of low- and medium-density industrial buildings and industrial yards and have large surface parking for cars and trucks. Industrial Areas rely on quality road access and may be linked to rail for freight purposes. Street lanes are wide and intersections are large. Transit, sidewalks and other pedestrian improvements are limited.

The request site is located within an industrial area and is surrounded by industrial uses. The applicant proposes to continue the use of the property for an Industrial (inside) potentially incompatible use for an automobile recycling plant and the addition of

an outside salvage and reclamation use. The applicant's request is in compliance with the goals and policies in the forwardDallas! Comprehensive Plan.

**LAND USE**

ENVIRONMENT USE

GOAL 6.6 Increase Recycling and Conservation of Renewable Resources

Policy 6.6.1 Increase recycling and composting

**STAFF ANALYSIS:**

**Land Use Compatibility:**

The request site is located within an industrial area and is surrounded by warehouses and industrial type uses. An existing rail line is located south of the request site.

Additional provisions for an outside salvage or reclamation use require that:

- 1) *The use must have a visual screen of at least nine feet in height which consists of solid masonry, concrete, or corrugated sheet metal wall, or a chain link fence with metal strips through all links.* The salvage area with a maximum stacking height of 8 feet will be located on the eastern portion of the property. There is an existing 10-foot, metal wall along the eastern and western property lines. The site plan needs to be amended to show the screening requirement on the northern and southern property lines prior to consideration by Council.
- 2) *Objects shall not be stacked higher than eight feet within 40 feet of the visual screen.* The site plan shows that the stacking area will not exceed eight feet.
- 3) *A minimum of 500 feet is required between the outside salvage and reclamation use and a residential district.* The location of the proposed area for the outside salvage and reclamation use is approximately 600 feet from the nearest residential district to the west of the property.

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

Z123-250(OTH)

applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

**Landscaping:** The request does not trigger Article X landscaping of the property. Landscaping improvements are triggered when there is a proposed new structure or addition to an existing one. The applicant does not propose to add any square footage to the property.

**CPC ACTION:**

**November 21, 2013**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1808 for a two-year period with eligibility for automatic renewals of two-year periods, subject to a revised site plan and revised conditions; and **approval** of a new Specific Use Permit for a period of two-years with eligibility for automatic renewals of two-year periods, subject to a revised site plan and conditions for an outside salvage and reclamation use on property zoned an IM Industrial Manufacturing District on the west line of Weir Street, south of Singleton Boulevard.

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

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

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

**Notices:** Area: 300 Mailed: 8  
**Replies:** For: 0 Against: 0

**Speakers:** None

**INDUSTRIAL (INSIDE) POTENTIALLY INCOMPATIBLE  
REVISED CONDITIONS**

1. USE: The only use authorized by this specific use permit is an industrial (inside) potentially incompatible use for an automobile recycling plant.
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 years) [~~August 11, 2013~~], but is eligible for automatic renewal for additional two-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 an automatic renewal is strictly enforced.)

FLOOR AREA: The maximum floor area for an industrial (inside) potentially incompatible use for an automobile recycling plant is 20,110 square feet.

4. HOURS OF OPERATION: The industrial (inside) potentially incompatible use for an automobile recycling plant use may only operate between 8:00 a.m. and 5:00 p.m., Monday through Friday.
5. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
6. PARKING: A minimum of 34 parking spaces must be provided in the location shown on the attached site plan.
7. ~~PERMITS: a certificate of occupancy may not be issued until all required environmental permits are obtained from the Texas Commission on Environmental Quality, Federal Emergency Management Administration, and other federal, state, or local agencies.~~
7. 8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. 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.

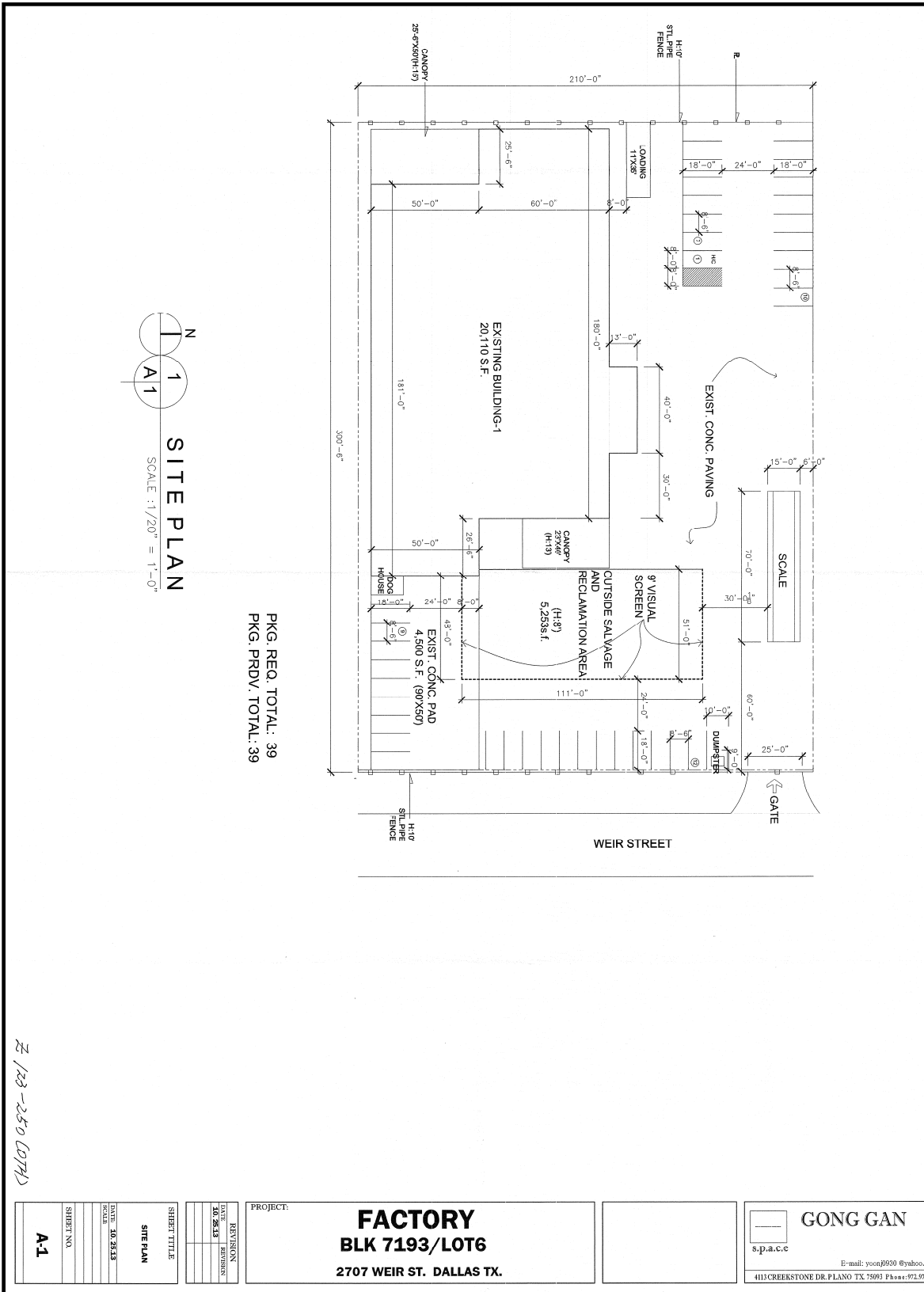


**PROPOSED CONDITIONS  
FOR SUP OUTSIDE SALVAGE AND RECLAMATION USE**

1. USE: The only use authorized by this specific use permit is an outside salvage or reclamation 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 two years from the date of approval but is eligible for automatic renewal for additional two-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 an automatic renewal is strictly enforced.).
4. FLOOR AREA: The maximum floor area for an outside salvage or reclamation use is 5,323 square feet in the location shown in the development plan.
5. HOURS OF OPERATION: The outside storage and reclamation use may only operate between 8:00 a.m. and 5:00 p.m., Monday through Friday.
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: A minimum of 5 parking spaces must be provided in the location shown on the attached site plan.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



**SITE PLAN FOR OUTSIDE SALVAGE AND RECLAMATION USE**



N  
1 1  
A 1  
SCALE: 1/20" = 1'-0"  
**SITE PLAN**

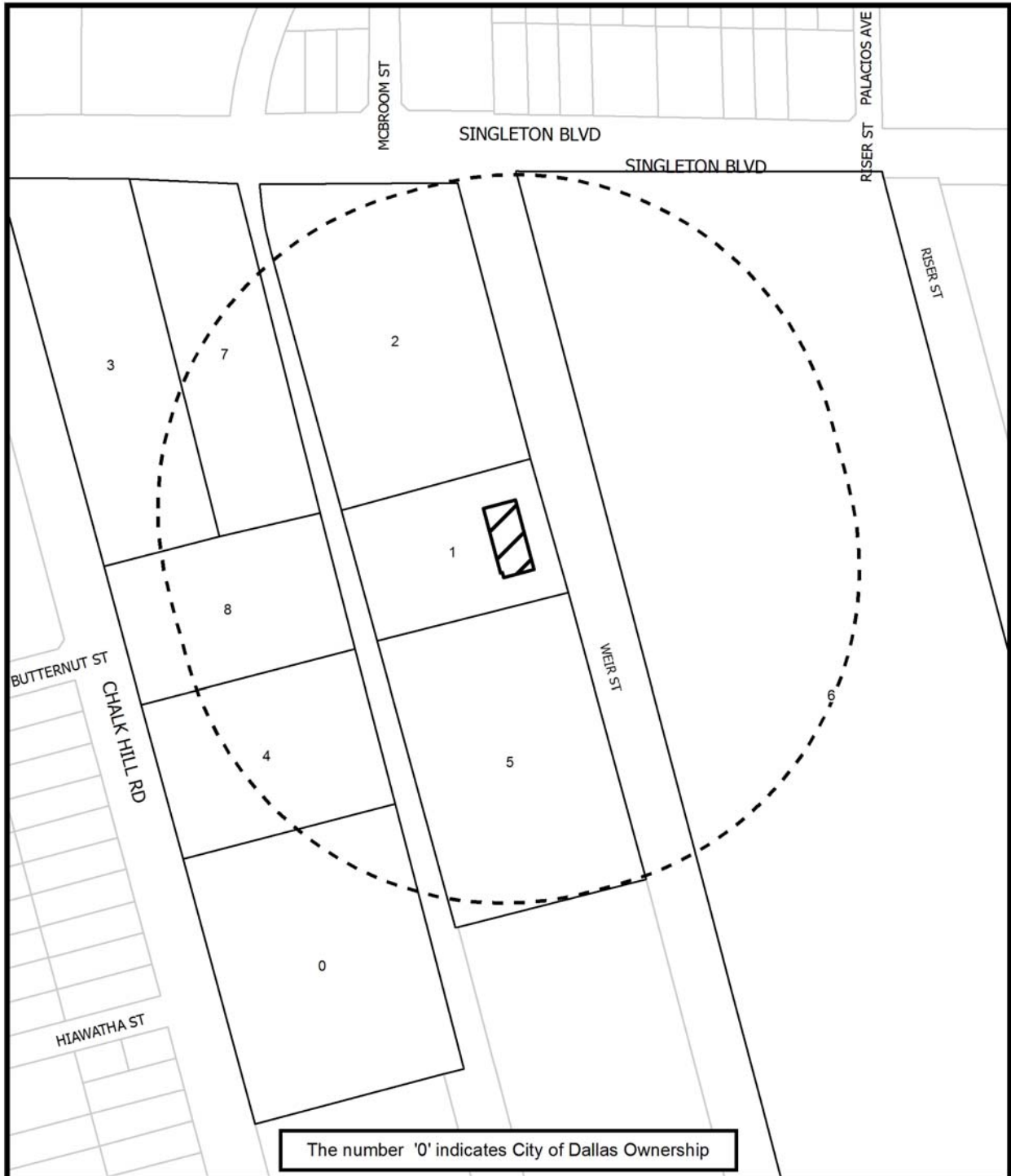
PKG. REQ. TOTAL: 39  
PKG. PRDV. TOTAL: 39


Z123-250 (OTM)

SHEET TITLE <b>SITE PLAN</b>	DATE: 10.23.13	PROJECT: <b>FACTORY                  BLK 7193/LOT6                  2707 WEIR ST. DALLAS TX.</b>	GONG GAN s.p.a.c.c. E-mail: yoon8900@yahoo.com 4113 CREEKSTONE DR. PLANO TX 75093 Phone: 972.97
	SCALE:		
SHEET NO.	REVISION	PROJECT:	GONG GAN
<b>A-1</b>	2013.06.13 2013.06.13 2013.06.13	PROJECT:	GONG GAN



### 500-foot distance required for Outside Salvage and Reclamation use from residential district



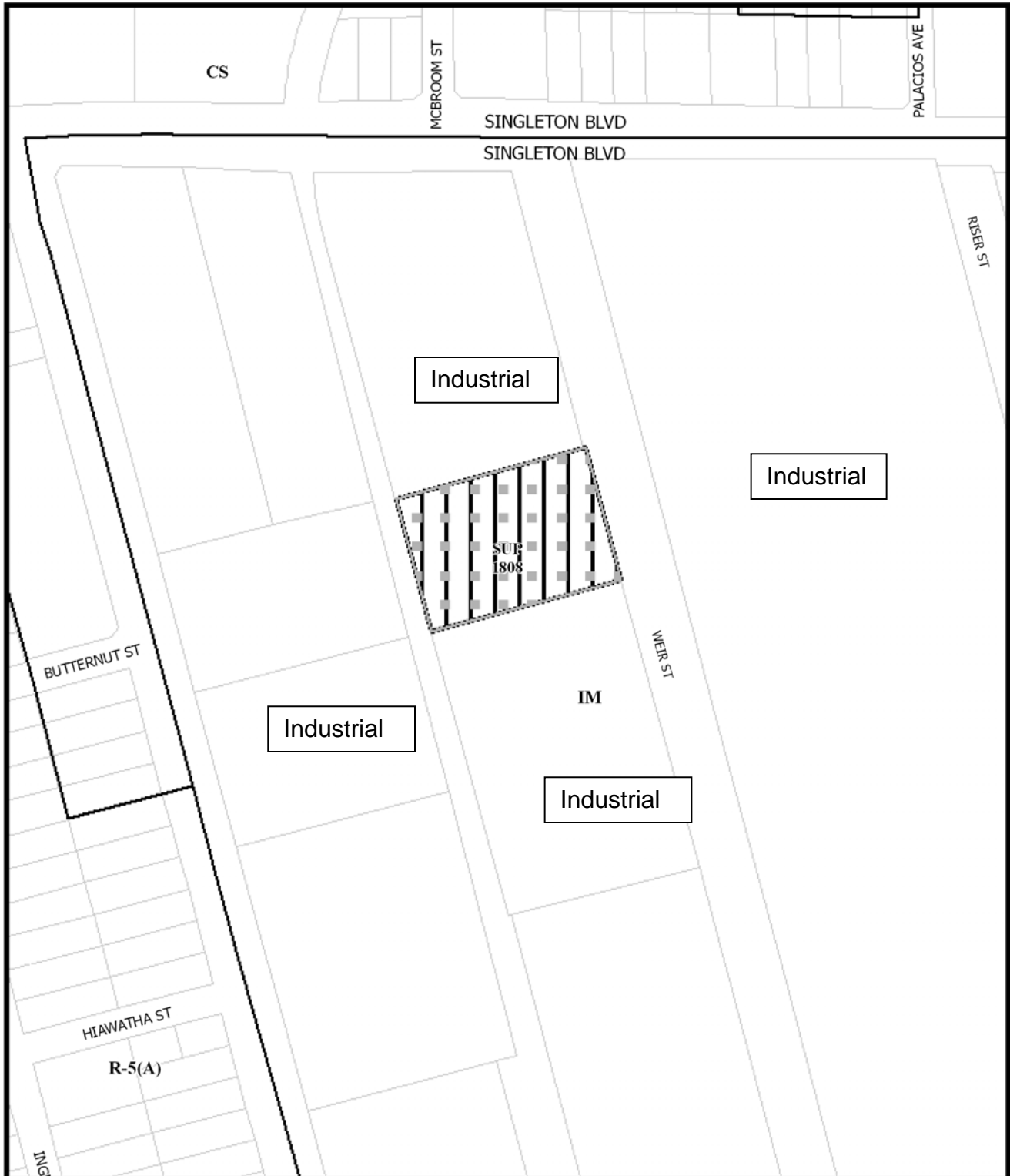
 1:2,400	500 feet required distance for Outside Salvage and Reclamation use with residential district proximity	Case no: <u>  RQ134-003  </u>
	<b>500'</b> AREA OF NOTIFICATION <b>8</b> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <u>  11/11/2013  </u>



↑  
1:6,000

# VICINITY MAP

Case no:     Z123-250      
Date:     11/5/2013



1:2,400

# ZONING AND LAND USE

Case no:     Z123-250    

Date:     10/8/2013

Z123-250(OTH)



1:2,400

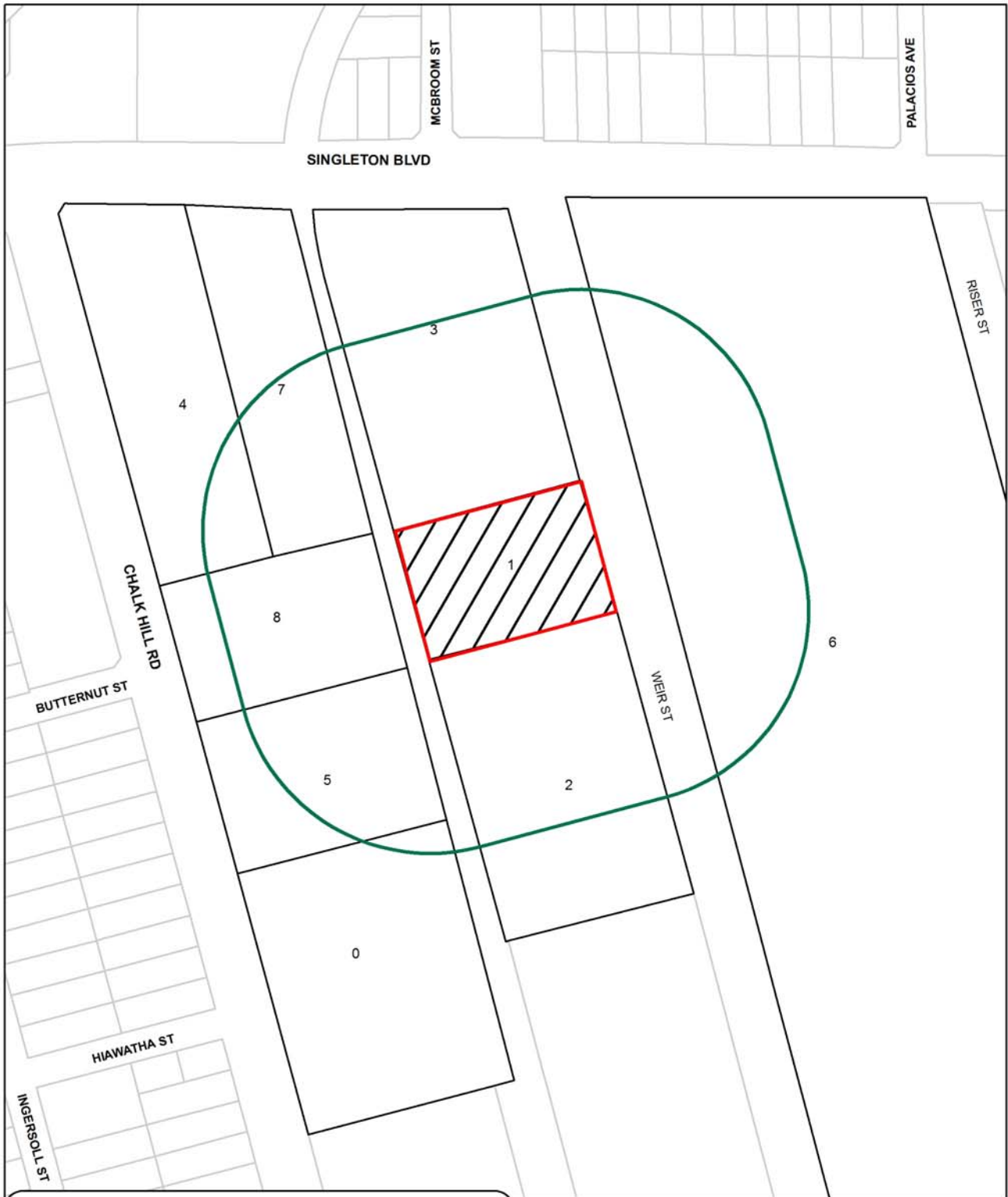
# AERIAL MAP

Case no: Z123-250

Date: 10/8/2013



**CPC RESPONSES**



<u>8</u>	Property Owners Notified (9 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>11/21/2013</u>	Date

**Z123-250**  
**CPC**



1:2,400

Z123-250(OTH)

11/4/2013

## *Notification List of Property Owners*

### *Z123-250*

#### *8 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2707 WEIR ST	P J METAL RECYCLING INC
2	2627 WEIR ST	HCI ACQUISITIONS INC
3	4960 SINGLETON BLVD	CACTUS OF DALLAS PROPERTY HOLDINGS LP
4	2828 CHALK HILL DR	HUDGINS RUTH A GRANDCHILDRENS TRUST
5	2632 CHALK HILL DR	AHMEND SHAHZAD & FAREEHA
6	4900 SINGLETON BLVD	KOCHGLITSCH LP
7	5000 SINGLETON BLVD	CHALK HILL PROPERTIES LLC
8	2700 CHALK HILL DR	CHALK HILL PROPERTIES LLC

**AGENDA ITEM # 27**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 35 Y

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east side of McKinney Avenue and south of Elizabeth Street  
Recommendation of Staff and CPC: Approval, subject to a development/landscaping plan and conditions  
Z123-352(JH)



**FILE NUMBER:** Z123-352 (JH)

**DATE FILED:** August 9, 2013

**LOCATION:** East side of McKinney Avenue and south of Elizabeth Street

**COUNCIL DISTRICT:** 14

**MAPSCO:** 35-Y

**SIZE OF REQUEST:** Approx. 7.11 acres

**CENSUS TRACT:** 7.01

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**REPRESENTATIVE:** Karl Crawley, Masterplan

**APPLICANT/OWNER:** Church of the Incarnation / Episcopal Diocese of Dallas

**REQUEST:** An application for a new Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

**SUMMARY:** The applicant proposes to construct an addition to the existing church use. The purpose of the request is to reduce the required parking and subject landscaping requirements to a landscape plan.

**CPC RECOMMENDATION:** Approval, subject to a development/landscaping plan and conditions.

**STAFF RECOMMENDATION:** Approval, subject to a development/landscaping plan and conditions.

**GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed church expansion will not have an adverse impact on surrounding property.
2. *Traffic impact* – No anticipated negative traffic impacts.
3. *Comprehensive Plan or Area Plan Conformance* – The application generally complies with the comprehensive plan, but does not fully comply with the objectives of the Oak Lawn Special Purpose District. However, based on the institutional use and frontage on a service road, the proposal is compatible with the surrounding neighborhood.
4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* – PDD No. 193 only allows for a parking variance as opposed to a parking special exception, so the Board of Adjustment would not likely approve the parking reduction. No straight zoning subdistrict of PDD No. 193 exists that would allow for the reduction in parking and landscaping as proposed.

**BACKGROUND INFORMATION:**

- The request site is currently developed with a church and partially undeveloped. The existing church has been in this location since approximately 1927.
- The applicant proposes to expand the church use with approximately 57,158 square feet of new floor area and 128 additional surface parking spaces.

**Zoning History:** There have been no recent zoning requests in the area.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	ROW
McKinney Avenue	Minor Arterial	70 feet (couplet)

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The Vision Illustration within the Comprehensive Plan identifies this area as a Urban Neighborhood Building Block. The applicant’s request to expand an existing church is compatible with the Urban Neighborhood Building Block.

Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately

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

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.
- (6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.
- (7) To promote landscape/streetscape quality and appearance.

The applicant's request does not deviate significantly from PDD No. 193; however, it does not strictly meet the above objectives. The objectives are primarily intended for multifamily and commercial developments, not institutional uses. The attached development and landscaping plan shows surface parking. The proposed structures appropriately address McKinney Avenue.

**Land Use Compatibility:**

The surrounding land uses are a park and public school to the west, multifamily and office uses to the north, church to the east, and multifamily to the south.

The existing church has been in this location since approximately 1927. The property has frontage on McKinney Avenue, Central Expressway Service Road, and the portion of Cambrick Street that has not been abandoned. The church abandoned a portion of Cambrick Street between McKinney Avenue and the alley in 1992. The church is proposing to expand to include 11 additional lots and the abandoned Cambrick Street to construct a new sanctuary for 400 seats, education center for Sunday school type activities, and welcome center. The church does not contain a private school, but does operate an accessory child care facility. A parking lot containing 128 spaces is also proposed with the expansion.

The applicant's request for a Planned Development Subdistrict is to allow for stairs, stoops, and an existing solid fence to be in the McKinney Avenue front yard setback; reduce parking required for a church use; and provide a landscaping plan that primarily relieves the requirement for additional landscaping along the Central Expressway Service Road. Due to the multiple items being requested are minor deviations from the PDD No. 193 requirements and a lack of negative adjacency issues, staff supports the request.

**Parking:**

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.

PDD No. 193 requires a church to have one space for each four fixed seats in the sanctuary or auditorium or one space for each 28 square feet in the sanctuary or auditorium if fixed seats are not provided. The applicant is requesting parking to be provided at one space for each five fixed seats. Staff supports this request due to the availability of street parking for peak demand time, though it does not count towards the minimum requirement.



**Landscaping:**

Landscaping is required in accordance with the attached development/landscaping plan for the new development area. The landscaping on the plan gives relief to the tree planting, planting area, and specific parkway tree planting location and sidewalk requirements of PDD No. 193. The landscaping conditions call for replacement trees to be planted in proximity to where a mature canopy tree dies and that parking screening be maintained as it exists along the Central Expressway Service Road frontage in the existing development side of the property. Staff supports the request because additional trees along the service road since there is not adequate space between the curb and existing parking lot; the planting area reduction is based on a 10 foot front yard instead of a 15 foot front yard; and the alternate sidewalk and parkway tree proposed increases the minimum sidewalk width and preserves existing trees.

**List of Partners/Principals/Officers**

Anthony J. Burton, Rector  
T. Gregory Methvin, Vice-Rector  
Harry Hill, Asst. Rector  
Joe Hermerding, Asst. Rector  
Paul Wheatley, Asst. Rector  
Keith Quarterman, Director of Ministry Support  
Michelle Cox, Director of Development  
Shelly Eisenlohr, Controller  
Lynn Neill, Business Office Manager

**CPC Minutes – November 21, 2013**

**Z123-352(JH)**

**Planner: Jennifer Hiromoto**

**Motion:** It was moved to recommend **approval** of a new Planned Development Subdistrict for multiple family uses, subject to a development/landscaping plan and revised conditions to include the side and rear yard setback revisions on property zoned a MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east side of McKinney Avenue and south of Elizabeth Street.

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

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

Against: 0  
Absent: 1 - Culbreath  
Vacancy: 0

**Notices:** Area: 500 Mailed: 195  
**Replies:** For: 2 Against: 0

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
For (Did not speak): Michael Milliken, 3532 Cedar Plaza Ln., Dallas, TX, 75209  
Against: None

**Proposed PD Conditions**

**“ARTICLE**

**PD**

**“Division S-\_\_\_. PD Subdistrict \_\_\_.**

**SEC. S-\_\_\_.101. LEGISLATIVE HISTORY.**

PD Subdistrict \_\_\_ was established by Ordinance No. \_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_. Ordinance No. \_\_\_\_\_ amended Ordinance No. 21859, PD 193 (the Oak Lawn Special Purpose District), as amended, and Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended.

**SEC. S-\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD Subdistrict \_\_\_ is established on property generally located on McKinney Avenue. The size of PD Subdistrict \_\_\_ is approximately 7.01 acres.

**SEC. S-\_\_\_.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. In the event of a conflict, this division controls. In the event of a conflict between Chapter 51 and Part I of this article, Part I of this article controls. In this division:

(b) In this division SUBDISTRICT means a subdistrict of PD No. 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

**SEC. S-\_\_\_\_.104. EXHIBIT.**

The following exhibit is incorporated into this article:

(1) Exhibit \_\_\_A: Development and landscaping plan.

**SEC. S-\_\_\_\_.105. DEVELOPMENT PLAN.**

Development and use of the Property must comply with the development and landscaping plan (Exhibit S- A).

**SEC. S-\_\_\_.106. MAIN USES PERMITTED.**

The only main uses permitted in this Subdistrict are those main uses permitted in the MF-2 Multiple Family Subdistrict, subject to the same conditions applicable in the MF-2 Subdistrict, as set out in Part I of this article. For example, a use permitted in the MF-2 Subdistrict only by specific use permit (SUP) is permitted in this Subdistrict only by SUP; a use subject to development impact review (DIR) in the MF-2 Subdistrict is subject to DIR in this Subdistrict; etc.

**SEC. S-\_\_\_.107. ACCESSORY USES.**

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Part I of this article. For more information regarding accessory uses, consult PD 193.

(b) In this district, the following accessory uses are not permitted:

- Private stable.
- Amateur communication tower.
- Outside storage.

**SEC. S-\_\_\_.108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. In the event of a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the MF-2 Multiple Family Subdistrict apply.

(b) Front yard. Except for the stairs, stoops, landscaping walls, and existing solid fencing shown on the development plan, minimum front yard setback is 15 feet.

(c) Side and rear yard. Minimum side and rear yard is 15 feet.

(d) Height: For a church use, the maximum height is 65 feet to the top of the roof and 110 feet to the steeple.

**SEC. S-\_\_\_.109. OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) Church. Parking must be provided as shown on the development and landscaping plan. A minimum of one space per five seats is required.

**SEC S-\_\_\_.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI

**SEC. S-\_\_\_.111. LANDSCAPING.**

(a) In general. Except as provided in this section, landscaping and screening must be provided in accordance with Part 1.

(b) Landscape Zone 1.

(1) The Central Expressway frontage must maintain a minimum four foot tall evergreen shrub row to screen parking.

(2) The McKinney Avenue parkway must maintain a minimum of 12 large trees.

(c) Landscape Zone 2. Landscaping must be provided in accordance with the Development and Landscaping Plan.

(d) Replacement trees. If an existing mature canopy tree dies, it must be replaced with a large canopy tree of a minimum three inch caliper in proximity to the previous tree.

(e) Plant materials must be maintained in a healthy, growing condition.

**SEC. S-\_\_\_.112. SIGNS**

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

**SEC. S-\_\_\_\_.113. ADDITIONAL PROVISIONS.**

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

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

**SEC. S-\_\_\_.114. PAVING.**

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

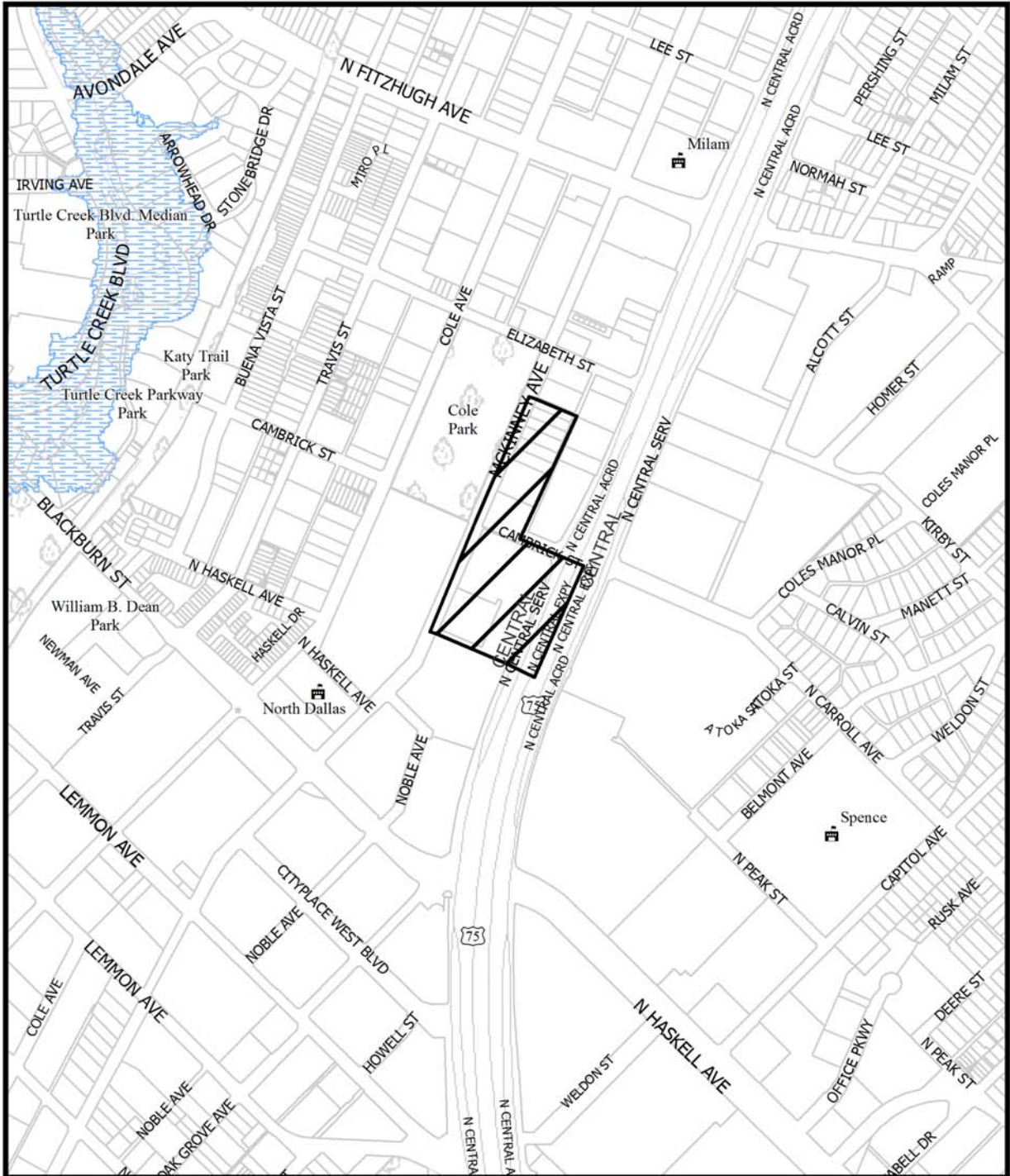
**SEC. S-\_\_\_.115. COMPLIANCE WITH CONDITIONS.**


Z123-352(JH)

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







 1:7,200	<h2>VICINITY MAP</h2>	Case no: <b>Z123-352</b> Date: <b>11/5/2013</b>
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11/21/2013

## Notification List of Property Owners

### Z123-352

**195 Property Owners Notified   0 Property Owners Opposed   2 Property Owners in Favor**

Vote	Label #	Address	Owner
	1	4000 MCKINNEY AVE	CORPORATION OF EPISCOPAL
	2	3966 MCKINNEY AVE	CHURCH OF INCARNATION
	3	4042 MCKINNEY AVE	CORPORATION OF EPISCOPAL
	4	3923 COLE AVE	BERMAN STEVEN
	5	3927 COLE AVE	LUFESA INVESTMENT PROPERTIES LLC
	6	2990 BLACKBURN ST	JLB CITYPLACE LP
	7	3813 MCKINNEY AVE	Dallas ISD
	8	4031 COLE AVE	LAMR PROPERTIES LLC
O	9	4033 COLE AVE	DAY BILLY DON
	10	4102 MCKINNEY AVE	MCKINNEY AVE JV
	11	4061 CENTRAL EXPY	BUNKER GROUP INC THE
	12	4045 CENTRAL EXPY	TEXAS CONFERENCE ASSN OF
	13	4009 CENTRAL EXPY	TEXAS CONFERENCE ASSN
	14	4115 CENTRAL EXPY	AGEE MARK &
	15	4123 CENTRAL EXPY	ALTENBACH PARTNERS I LLC
	16	4111 CENTRAL EXPY	GARDEN VENTURES LLC
	17	4110 MCKINNEY AVE	JCL DEVELOPMENT LTD
	18	4110 MCKINNEY AVE	COOPER JEREMIE D & NANCY L
	19	4110 MCKINNEY AVE	DEERING BRADLEY
	20	4110 MCKINNEY AVE	BORRAS KATHERINE &
	21	4110 MCKINNEY AVE	MORGAN RICK
	22	4110 MCKINNEY AVE	JOHNSON STACIE L
	23	4110 MCKINNEY AVE	MCKINZEY MARK AARON
	24	4131 CENTRAL EXPY	GAEDEKE HOLDINGS II LTD
	25	3116 ELIZABETH ST	YIP CHUN PING
	26	4112 COLE AVE	CENTRE LIVING HOMES LLC
	27	3112 ELIZABETH ST	MOORE CHRISTINA &
	28	4105 MCKINNEY AVE	IPENEMA INVESTMENTS LTD

	<b>Vote</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	29	4040	CENTRAL EXPY	SDC 4040 N CENTRAL INC
	30	4030	CENTRAL EXPY	RESIDENCES AT CITYPLACE LLC THE
	31	3000	BLACKBURN ST	MEPT MONDRIAN CITYPLACE LLC
	32	3983	COLE AVE	JOHNSTON KEVIN S &
	33	3979	COLE AVE	KLEIN BRYAN D
	34	3975	COLE AVE	PERNA DAVIID A
	35	3971	COLE AVE	BRENNER CLAIRE E
	36	3967	COLE AVE	NGUYEN QUANG KHOA
O	37	3963	COLE AVE	MENDRYGAL KIPRIAN E &
	38	3959	COLE AVE	BUDHRANI JITEN
	39	3955	COLE AVE	JOHNSON CHARLES A &
	40	3951	COLE AVE	BROWN CHANDLER R &
	41	3947	COLE AVE	SARGENT JAMES M JR
	42	3943	COLE AVE	OWENS DERRICK CHASE
	43	3939	COLE AVE	DOWELL MICHAEL B &
	44	3935	COLE AVE	CABALLERO CHRIS &
	45	3931	COLE AVE	DORSANEO RESOURCES LP
	46	3930	MCKINNEY AVE	CRITERION MCKINNEY NOBEL APTS LP
	47	4114	CENTRAL EXPY	EXTRA SPACE OF TEXAS
	48	4070	CENTRAL EXPY	SELF STORAGE ONE-DALLAS LP
	49	3988	CENTRAL EXPY	AFFILIATED COMPUTER SVC
	50	3919	COLE AVE	ROBEY SCOTT
	51	3919	COLE AVE	RODRIGUEZ JULIO
	52	3919	COLE AVE	BOGARD KERRY BRYAN
	53	3919	COLE AVE	MEINS HAROLD
	54	3919	COLE AVE	BAGWELL GARRETT S
	55	3919	COLE AVE	MOUTON ANDREW JAMES
	56	3230	CAMBRICK ST	CHEW SUSAN &
	57	3230	CAMBRICK ST	MCELROY ERIN
	58	3230	CAMBRICK ST	LEVINE MARK
	59	3230	CAMBRICK ST	DEAN JESSICA M
	60	3230	CAMBRICK ST	CORTES NATALIE A &
	61	3230	CAMBRICK ST	SMITH CHARLES C

<b>Vote</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
62	4011	COLE AVE	GARZA ANA L
63	4011	COLE AVE	WALKER JOHN H &
64	4011	COLE AVE	KAFTOUS SHARI
65	4011	COLE AVE	GUTHRIE STEVEN
66	4011	COLE AVE	MYERS SCOTT TIMOTHY
67	4011	COLE AVE	POLLARD CRAIG
68	4011	COLE AVE	FATTAHIYAR AHMAD
69	4011	COLE AVE	WEBER JESSICA
70	4011	COLE AVE	CARDENAS C E
71	4011	COLE AVE	LEGG DANIELLE M
72	4011	COLE AVE	MOORE WILLIAM & JANE V
73	4011	COLE AVE	LOONEY JASON P
74	4011	COLE AVE	LEWIS ROSA L G EST OF
75	4011	COLE AVE	THE RICHARD WYLIE SARTAIN
76	4011	COLE AVE	SOCALL PRISCILLA
77	4011	COLE AVE	CAMERON CHRISTOPHER
78	4011	COLE AVE	VILLINES ERIC & CONSTANZE
79	4011	COLE AVE	TATE JOHN W &
80	4011	COLE AVE	RITTER STEPHEN J
81	4021	COLE AVE	PETREE JASON
82	4021	COLE AVE	WILSON LYNN LOUISE WARMAN
83	4021	COLE AVE	WYCHE AYLMEER M III &
84	4021	COLE AVE	ORTEGA MARTHA
85	4021	COLE AVE	PURIFOY WARREN &
86	4021	COLE AVE	DELAMATA TOMAS
87	4021	COLE AVE	CASTRO NORA
88	4021	COLE AVE	HART DONALD R
89	4021	COLE AVE	FORBRICH D T
90	4021	COLE AVE	FREED CLAY
91	4021	COLE AVE	SANCHEZ NICHOS MERAZ
92	4021	COLE AVE	CATHEY SAM C
93	4121	MCKINNEY AVE	CHAPMAN CARLYLE H &
94	4121	MCKINNEY AVE	BROWN MARCUS D
95	4121	MCKINNEY AVE	GRIFFIN AMANDA L
96	4121	MCKINNEY AVE	SEIDEL DOUGLAS P &
97	4121	MCKINNEY AVE	YU BIN & ZHIHONG HU

<b>Vote</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
98	4121	MCKINNEY AVE	DIXON RONALD
99	4121	MCKINNEY AVE	LOGSDON ANTHONY
100	4121	MCKINNEY AVE	MURPHY KATHLEEN M
101	4121	MCKINNEY AVE	SISLE WENDY Z
102	4121	MCKINNEY AVE	PAXSON SARAH M
103	4121	MCKINNEY AVE	CEARLOCK WILLIAM TODD &
104	4121	MCKINNEY AVE	CHERIYAN ABRAHAM &
105	4121	MCKINNEY AVE	KNETSCH WILLIAM LEE
106	4121	MCKINNEY AVE	BOWIE JAMES P &
107	4121	MCKINNEY AVE	MAN JASON S & LIANGPING JIA
108	4121	MCKINNEY AVE	PAYNE MARTIN A
109	4121	MCKINNEY AVE	BART ANDREA M
110	4121	MCKINNEY AVE	VAZQUEZ JESSICA
111	4121	MCKINNEY AVE	DONAHUE CRAIG
112	4121	MCKINNEY AVE	MURRAY MOLLY M
113	4121	MCKINNEY AVE	WEGNER RICHARD
114	4121	MCKINNEY AVE	SAAB ANTHONY G &
115	4121	MCKINNEY AVE	MOSIER MATTHEW B
116	4121	MCKINNEY AVE	OUYANG JAENNETTE &
117	4121	MCKINNEY AVE	SEDLIN DAVID
118	4121	MCKINNEY AVE	BROWN MATTHEW T
119	4121	MCKINNEY AVE	TO DUONG HAI &
120	4121	MCKINNEY AVE	DOUGLAS BRITTON
121	4121	MCKINNEY AVE	DYSON FREDERICK M
122	4121	MCKINNEY AVE	CHUNG TAEJIN
123	4121	MCKINNEY AVE	CARSON DAWN
124	4121	MCKINNEY AVE	CHURCH JULIE A
125	4121	MCKINNEY AVE	MIGLIAZZO NICOLE M
126	4121	MCKINNEY AVE	SUESSMANN KRISTEN MARY
127	4121	MCKINNEY AVE	RUSSO DANIEL
128	4121	MCKINNEY AVE	ELLIS RICHARD E JR
129	4121	MCKINNEY AVE	CHASANOFF STUART J
130	4121	MCKINNEY AVE	DREILING ADRIENNE
131	4121	MCKINNEY AVE	HOLBERT ELLYN
132	4121	MCKINNEY AVE	CIANFARANI MICHAEL A
133	4121	MCKINNEY AVE	NICEWANDER DAVID
134	4121	MCKINNEY AVE	ROPER VERONICA



<b>Vote</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
135	4121	MCKINNEY AVE	CUSACK PHILLIP J
136	4121	MCKINNEY AVE	FLEMING CHERYL R
137	4121	MCKINNEY AVE	ANSINELLI EMELINE &
138	4121	MCKINNEY AVE	JEKAUC IGOR
139	4121	MCKINNEY AVE	HODGE CHRISTINE
140	4121	MCKINNEY AVE	SLAUGHTER JUSTIN
141	4121	MCKINNEY AVE	PEARSON DEREK
142	4121	MCKINNEY AVE	RIVERA SARA & FRANK JAMES
143	4121	MCKINNEY AVE	WILLIAMS KIRSTEN GAIL &
144	4121	MCKINNEY AVE	DARAM SHIVA PRASAD & LEKSHMI
145	4121	MCKINNEY AVE	ANTONIELLO MAISIE & DARREN
146	4121	MCKINNEY AVE	SHANAHAN RICHARD
147	4039	COLE AVE	ADAMS JOE E III
148	4039	COLE AVE	DATO JENNA B
149	4039	COLE AVE	DATO DARIA S &
150	4039	COLE AVE	CALDWELL NANCY V
151	4039	COLE AVE	JACKSON MELINDA
152	4039	COLE AVE	PATTERSON SARA A
153	4039	COLE AVE	ALLEN MARK
154	4039	COLE AVE	HILL ANGIE P
155	4039	COLE AVE	SNYDER BEN
156	4039	COLE AVE	LOPEZ CARLOS A
157	4039	COLE AVE	UNDERWOOD JEFFREY
158	4039	COLE AVE	COOK DON R
159	4039	COLE AVE	LELIEVRE ROBERT M
160	4039	COLE AVE	MEAD BRANDON
161	4039	COLE AVE	FRANKLIN MARY E &
162	4039	COLE AVE	COLEMAN PAUL CASEY
163	4039	COLE AVE	HOLT VERONICA
164	4039	COLE AVE	ADAMS JOE E III
165	4039	COLE AVE	YOUNG BETTY JO
166	4039	COLE AVE	VOGEL CHRISTOPHER L
167	4104	COLE AVE	IVANYI INC
168	3217	ELIZABETH ST	GAMMON WILLIAM
169	3215	ELIZABETH ST	MARTIN LINDA ANNE

<b>Vote</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
170	3211	ELIZABETH ST	WEINER DEREK
171	3209	ELIZABETH ST	STEINBERG MICHAEL S
172	3207	ELIZABETH ST	MCNABB SUSAN J
173	3205	ELIZABETH ST	SURDAM DAN
174	3203	ELIZABETH ST	WAHL DIANE LYNN
175	3201	ELIZABETH ST	WHITE CHRISTOPHER C
176	3233	ELIZABETH ST	MORELAND JAMIE F
177	3231	ELIZABETH ST	MCALPINE III WILLIAM A
178	3229	ELIZABETH ST	KEIFFER RICHARD S EST OF
179	3227	ELIZABETH ST	WIGGINTON JAMES A
180	3225	ELIZABETH ST	CRAGO RYAN
181	3223	ELIZABETH ST	BROWN DOUGLAS D
182	3221	ELIZABETH ST	NELSON AIMEE
183	3219	ELIZABETH ST	PASKAR SANFORD
184	4050	MCKINNEY AVE	HOFFMAN EMILY
185	4050	MCKINNEY AVE	RUSSO DANIEL
186	4050	MCKINNEY AVE	KIRCHHOFF SCOTT M
187	4050	MCKINNEY AVE	BLACK MCKAYE
188	4050	MCKINNEY AVE	GLICK GARY D
189	4050	MCKINNEY AVE	FOSTER JESSICA L
190	4050	MCKINNEY AVE	LOWDON CHRISTOPHER
191	4050	MCKINNEY AVE	HOGG BRIAN J &
192	4050	MCKINNEY AVE	BELL JAMEL W & HEATHER
193	4050	MCKINNEY AVE	JONES KRISTINA E
194	4050	MCKINNEY AVE	KING ANGELA L
195	4050	MCKINNEY AVE	YIP TOMMY

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 1  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 54 E

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay 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 a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of West Jefferson Boulevard and North Brighton Avenue

Recommendation of Staff: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit 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 of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions

Z123-328(MW)

**FILE NUMBER:** Z123-328(MW)

**DATE FILED:** July 23, 2013

**LOCATION:** Northwest corner of West Jefferson Boulevard and North Brighton Avenue

**COUNCIL DISTRICT:** 1

**MAPSCO:** 54-E

**SIZE OF REQUEST:** ±0.27 acre

**CENSUS TRACT:** 46.00

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**REPRESENTATIVE:** Parvez Malik, Business Zoom

**APPLICANT:** Patric Henson

**OWNER:** Moe Barakat

**REQUEST:** 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 3,500 square feet or less on property zoned a CR-D Community Retail District with a D Liquor Control Overlay

**SUMMARY:** The applicant proposes the sale of alcoholic beverages for off-premise consumption in conjunction with the existing convenience store.

**CPC RECOMMENDATION:** Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

**STAFF RECOMMENDATION:**

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing general merchandise or food store 3,500 square feet or less is compatible with the surrounding land uses. The sale of alcoholic beverages in conjunction with the main use does not affect compatibility.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The existing general merchandise or food store, which offers the sale of alcoholic beverages, provides a service to this area of the City and does not appear to negatively impact to the adjacent properties.
3. *Not a detriment to the public health, safety, or general welfare* – The existing general merchandise or food store complies with Chapter 12B (Convenience Store) requirements. The purpose of regulating convenience stores 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.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan complies all applicable zoning regulations and standards.

**BACKGROUND INFORMATION:**

- The ±0.27-acre request site is developed with a ±697.39-square foot general merchandise or food store (convenience store) which includes gas pumps.
- The general merchandise or food store use is permitted by right. The D Liquor Control prohibits sale of alcoholic beverages on the property.
- No new construction is proposed by this application.

**Surrounding Zoning History:**

1. **Z112-326:** On February 13, 2013, the City Council denied without prejudice a request for a D-1 Dry Liquor Control Overlay and a Specific Use Permit 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 CR Community Retail District with a D Dry Liquor Control Overlay.

2. **Z101-150:** On June 22, 2011, the City Council denied a request for a D-1 Dry Liquor Control Overlay and a Specific Use Permit 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 CR Community Retail District with a D Dry Liquor Control Overlay.
  
3. **Z101-117:** On February 9, 2011, the City Council approved a Specific Use Permit for a private recreation center, club or area on property zoned an MF-1(A) Multifamily District for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
West Jefferson Boulevard	Minor arterial	100 feet
North Brighton Avenue	Local	60 feet

**Traffic:**

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

**Surrounding Land Use:**

	Zoning	Land Use
<b>North</b>	D(A)	Single family
<b>East</b>	R-7.5(A)	Single family
<b>South</b>	CR	Retail and personal services
<b>West</b>	CR	Auto related

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The Comprehensive Plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

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

## **LAND USE ELEMENT**

Goal 1.1: Promote desired development.

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

The existing general merchandise or food store 3,500 square feet or less is generally consistent with the development desired in an Urban Neighborhood. The sale of alcoholic beverages in conjunction with the main use does not directly impact the consistency.

### **Land Use Compatibility:**

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

The applicant's request conforms with the applicable zoning regulations and standards and is consistent with the intent of the Dallas Development Code. The proposed sale of

alcoholic beverages in conjunction with the existing convenience store is not anticipated to negatively impact the adjacent properties. Therefore, staff recommends approval for a two-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions. The short initial time period will allow reevaluation of the request to ensure ongoing compliance.

**Development Standards:**

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
CR-D	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:**

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one (1) space per 200 square feet of floor area; the requirement for a motor vehicle fueling station is two (2) spaces. Therefore, the ±697.39-square foot convenience store with gas pumps requires a total of five parking spaces. The applicant will provide seven parking spaces, as depicted on the site plan.

**Landscaping:**

No new development is proposed. Therefore, no additional landscaping is required. Any new development on the property will require landscaping per Article X of the Dallas Development Code.

**Police Report:**

An online search of the Dallas Police Department's offense incident reports for the period from October 18, 2011 to October 18, 2013 revealed the following results:

Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0055597-A	03/08/2013	*U STOP FINA GAS STATION	BURGLA...	01909	W	JEFFERSONB...	444	4116	05121	

Page 1 of 1 (1 items)



**CPC Action: November 21, 2013:**

Motion: It was moved to recommend approval of a D-1 Liquor Control Overlay and 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 site plan and revised conditions to include 8 ft. solid fence on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of West Jefferson Boulevard and North Brighton Avenue.

Maker: Anglin  
Second: Shellene  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 1 - Culbreath  
Vacancy: 0

Notices: Area: 200 Mailed: 38  
Replies: For: 2 Against: 6

Speakers: For: Parvez, Malik, 1901 Central Dr., Bedford, TX, 76021  
Patrick Henson, 1909 W. Jefferson St., Dallas, TX, 75208  
Vincent Williams, 602 B N. Marsalis Ave., Dallas, TX, 75203  
Margaret Padilla, 203 S. Edgefield Ave., Dallas, TX, 75208  
Noel Ocampo, 208 N. Waverly Dr., Dallas, TX, 75208  
William Spotson, 602 N. Marsalis Ave., Dallas, TX, 75203  
Against: None

**CPC Recommended 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 use 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

**CPC Recommended:**

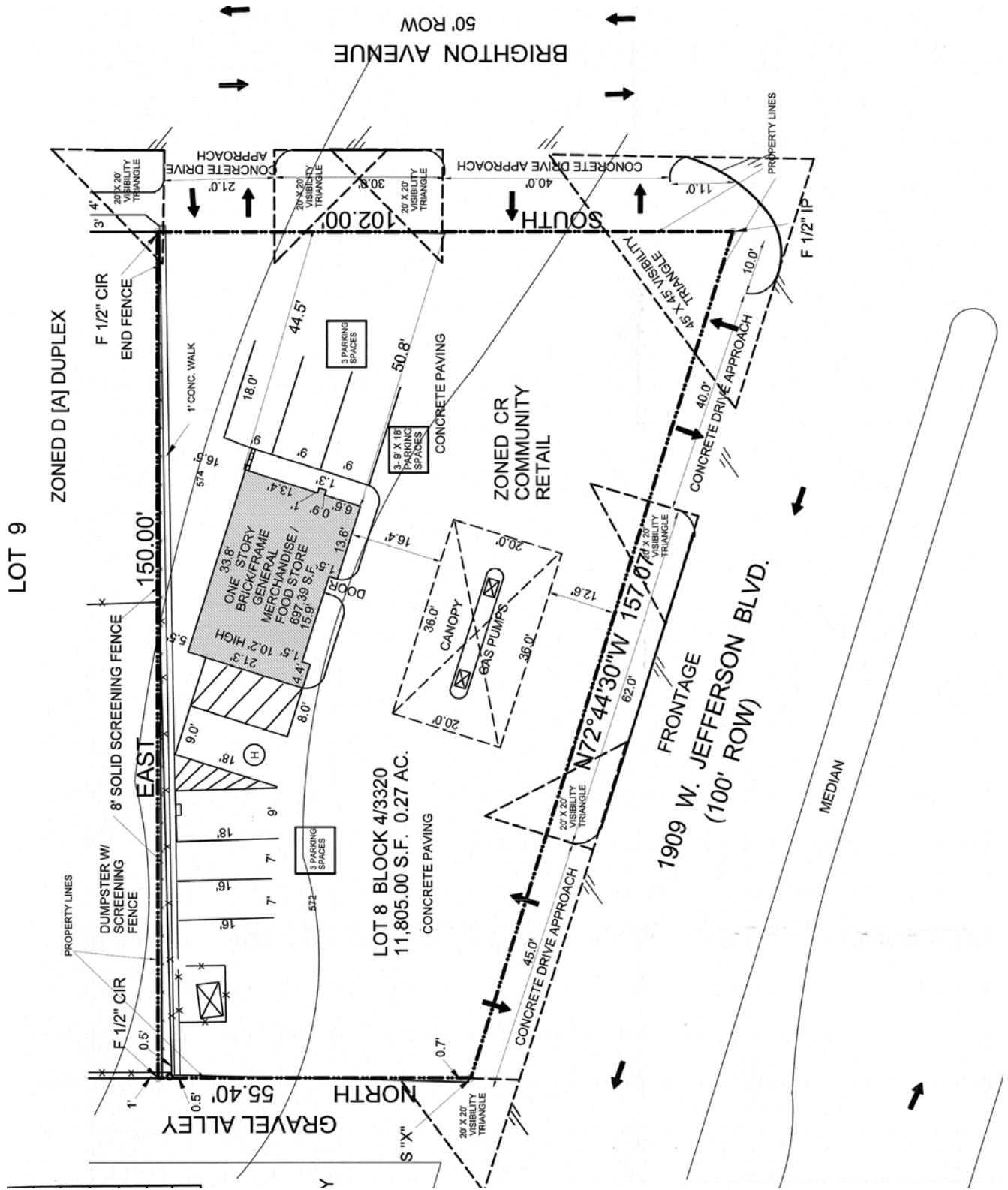
- |   |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (two years). |
|---|

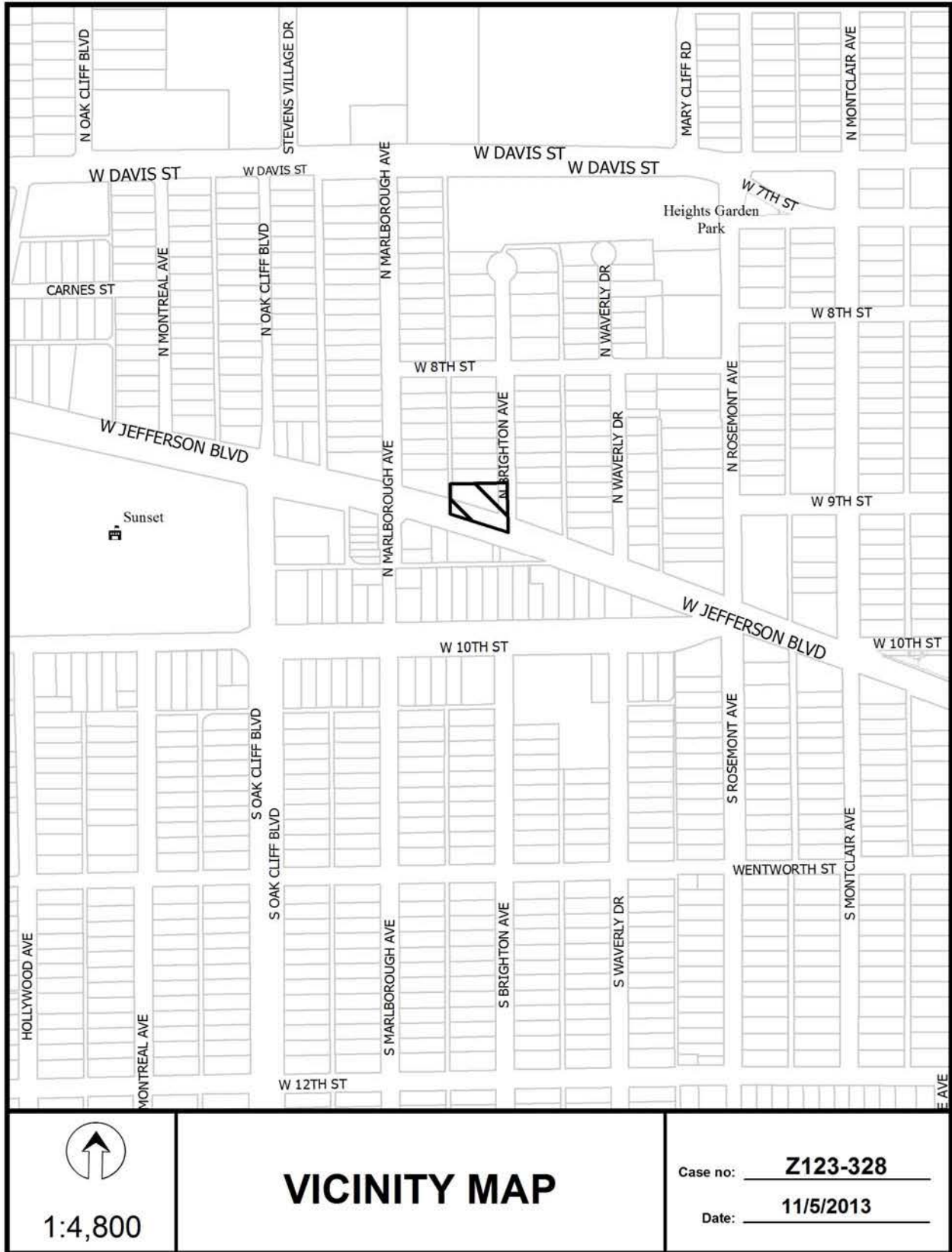
**Staff Recommended:**

- |   |
|---|
| 3. <u>TIME LIMIT</u> : 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.) |
|---|

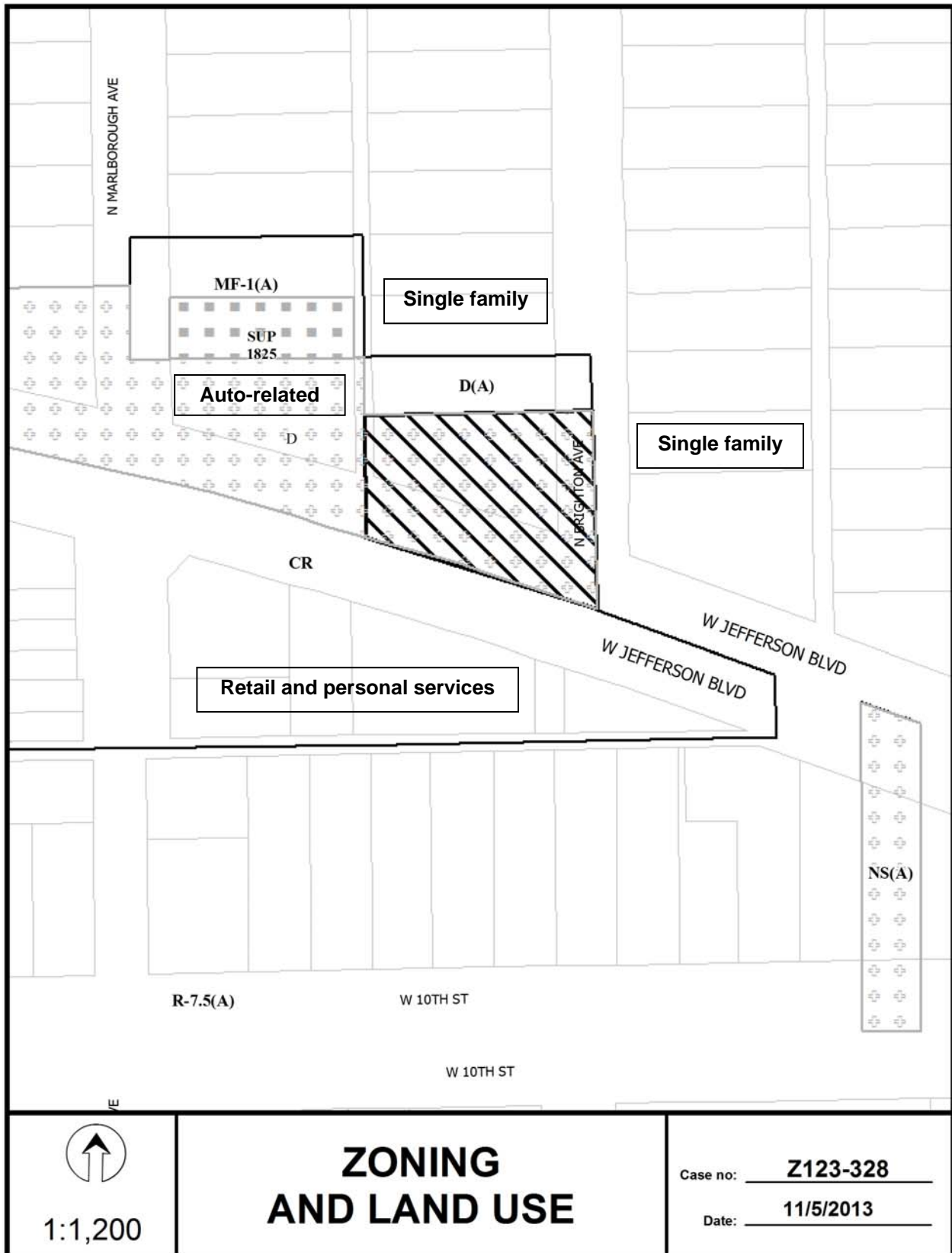
4. SCREENING: An eight-foot solid screening fence must be provided in the location shown on the site plan.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
4. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

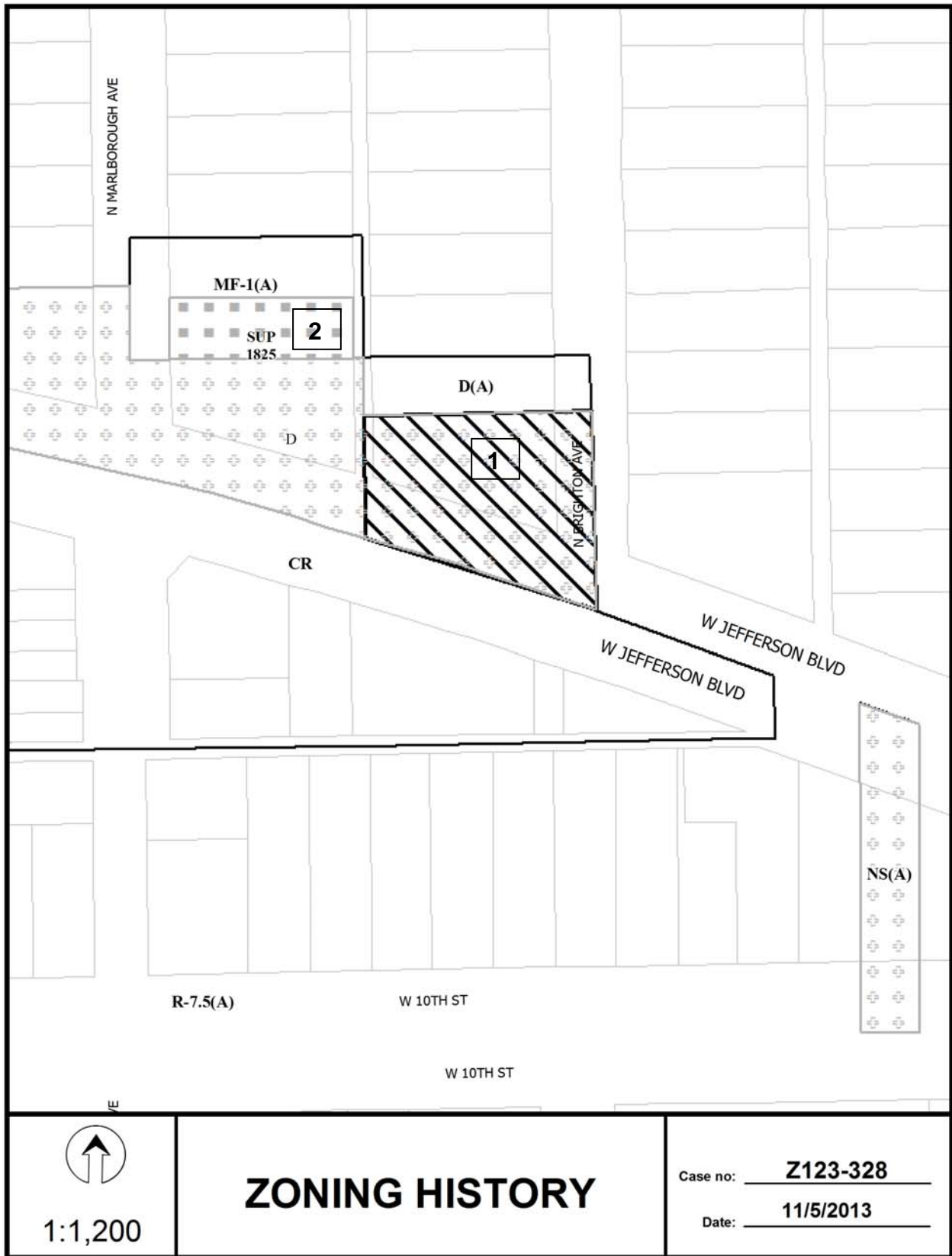
Proposed Site Plan











**CPC Responses**



<u>38</u>	Property Owners Notified (39 parcels)
<u>2</u>	Replies in Favor (3 parcels)
<u>6</u>	Replies in Opposition (6 parcels)
<u>200'</u>	Area of Notification
<u>11/21/2013</u>	Date

**Z123-328**  
**CPC**



1:1,200



**Notification List of Property Owners****Z123-328****38 Property Owners Notified    6 Property Owners Opposed    2 Property Owners in Favor**

<b>Vote</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
O	1	1909 JEFFERSON BLVD	BARAKAT MOE
	2	228 BRIGHTON AVE	MCCOY SARA & KALLEN
	3	224 BRIGHTON AVE	GAMEZ FRANK R
X	4	220 BRIGHTON AVE	ANGEL ANGELA J
	5	216 BRIGHTON AVE	BRADY ROSEANN
X	6	212 BRIGHTON AVE	DOWPROCACCINI ANNA M &
	7	208 BRIGHTON AVE	TAYLOR STEPHANIE S
X	8	204 BRIGHTON AVE	ALLEN DONALD LEE
	9	207 WAVERLY DR	DEARING NANCY C WONDERS
	10	211 WAVERLY DR	WILSON MIRANDA ANGER &
	11	215 WAVERLY DR	EWERS LIMITED PARTNERSHIP
	12	217 WAVERLY DR	GONZALEZ FERNANDO & CRYSTAL
	13	221 WAVERLY DR	PRIBYL THOMAS &
	14	227 WAVERLY DR	PARAMO RUDOLPH
	15	218 MARLBOROUGH AVE	OLGUIN JULIAN
	16	216 MARLBOROUGH AVE	LOZADA GERARDO
	17	210 MARLBOROUGH AVE	PITZER ENTERPRISES LP
	18	206 MARLBOROUGH AVE	NEFFENDORF SHANNON &
	19	1919 JEFFERSON BLVD	SAMUEL PETER & SUSHEILA
	20	1919 JEFFERSON BLVD	SAMUEL PETER
	21	211 BRIGHTON AVE	AVILA JAIME &
	22	217 BRIGHTON AVE	EQUABLE INV CORP
	23	221 BRIGHTON AVE	EDWARDS J B & MARSHA H
X	24	225 BRIGHTON AVE	FERNANDEZ MAUREEN F & ANTHONY
X	25	229 BRIGHTON AVE	YOCKEL SCOTT & LAUREN

*Thursday, November 21, 2013*

<i>Vote</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	26	1924 JEFFERSON BLVD	BALLAS VICTOR
	27	1916 JEFFERSON BLVD	DIAZ OCTAVIO
	28	1900 JEFFERSON BLVD	NOLAN PATRICK & ROSE ANNA
	29	1836 JEFFERSON BLVD	1836 W JEFFERSON LLC
	30	1917 10TH ST	GALLEGOS JESUS C ET AL
	31	1915 10TH ST	Taxpayer at
	32	1913 10TH ST	MACIAS JOSE A JR &
	33	1909 10TH ST	TRIDESERT INVESTMENTS INC
	34	1903 10TH ST	NILES KERRY W
	35	1827 10TH ST	BETANCOURT SERGIO & EVA
	36	1825 10TH ST	PALOMO MANUEL LIFE ESTATE
	37	1821 10TH ST	CARR BRYAN
X	38	1817 10TH ST	MELGOZA JOSE JJ &

**AGENDA ITEM # 29**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 47 L

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1935 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 south corner of Lawnview Avenue and Forney Road  
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject conditions  
Recommendation of CPC: Approval for a five-year period, subject conditions  
Z123-357(WE)

ACM: Theresa O'Donnell

**FILE NUMBER:** Z123-357(WE) **DATE FILED:** August 13, 2013

**LOCATION:** Lawnview Avenue and Forney Road, south corner

**COUNCIL DISTRICT:** 7 **MAPSCO:** 47-L

**SIZE OF REQUEST:** Approx. 17,859.6 sq. ft. **CENSUS TRACT:** 84

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**APPLICANT:** BKPR Corporation

**OWNER:** Grace KK Investment

**REPRESENTATIVE:** Bharat Rana

**REQUEST:** An application for a renewal of Specific Use Permit No. 1935 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.

**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, subject to conditions.

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

## **GUIDING CRITERIA FOR STAFF RECOMMENDATION:**

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing general merchandise or food store is compatible and conforms with the adjacent retail and personal service uses. The additional alcohol use within the general merchandise or food store should not impact the surrounding uses negatively from a land use perspective.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – While the proposed use will continue to be another service that is provided in the neighborhood, it is not foreseen that it will deter or enhance adjacent properties. The proposed SUP, if approved by the CPC and City Council, will have conditions that are associated with the use. An SUP could be revoked, have a reduced time period or not be renewed if the applicant does not comply.
3. *Not a detriment to the public health, safety, or general welfare* – It is not foreseen that this use would be a detriment to the public health, safety or general welfare of the community.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request will comply with all zoning regulations and standards. The Dallas Police has determined that the request site is in compliance with Chapter 12B, a certificate of registration required for each physically separate convenience store.

## **BACKGROUND INFORMATION:**

- The request site is currently developed with a general merchandise or food store 3,500 square feet or less use within a multi-tenant retail development.
- The proposed request is to continue 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 a mix of office, commercial service and auto related uses.

**Zoning History:** There has been one recent zoning change in the area.

1. **Z101-358:** On January 25, 2012, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 sq. ft. for a two-year period on the south corner Lawnview Avenue and Forney Road (request site).

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR-D-1	General merchandise or food store, personal service
<b>Northeast</b>	CR-D	Undeveloped
<b>Southeast</b>	CR-D	Office, Commercial service use
<b>Northwest</b>	CR-D-1	Auto related uses
<b>Southwest</b>	CR-D w/deed restrictions	Office, Commercial parking lot

**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 a Residential Building Block.

A Residential Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

**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 1,800-square-foot site is zoned a CR-D-1 Community Retail District with a D Liquor Control Overlay and is currently developed with a general merchandise or food store within a multi-tenant retail development. The applicant's request for a renewal of Specific Use Permit No. 1935 for the sale of

alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less will allow for the continued sale of the alcoholic beverages in an existing general merchandise store or food store.

The adjacent land uses consist of a mix of office, commercial service and auto related 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. The Dallas Police has determined that the request site is in compliance with the requirements in Chapter 12B.

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
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.

**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.


**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Lawnview Avenue	Collector	60 ft.	60 ft.
Forney Road	Collector	60 ft.	60 ft.



**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 after the SUP was granted in 2012.

**Offences prior to a Specific Use Permit – January 11, 2010 to January 11, 2012**

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="#">0014028-Y</a>	01/17/2011	**TIZON TAKOS ARANDA	CRIMINAL MISCHIEF/V...	04441		LAWNIE...	316	1215	14081	
<a href="#">0217121-X</a>	08/02/2010	*M&J FOOD STORE	CRIMINAL MISCHIEF/V...	04441		LAWNIE...	316	1215	14092	
<a href="#">0292224-Y</a>	11/05/2011	*M & J FOOD STORE	FORGERY & COUNTERF...	04441		LAWNIE...	316	1215	10021	

**Offences received after Specific Use Permit – January 12, 2012 to November 8, 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="#">0067742-A</a>	03/22/2013	*EL FORASTERO	ROBBERY	04441		LAWNIE...	316	1215	03742	06901
<a href="#">0228776-Z</a>	09/13/2012	RODRIGUEZ, ROLANDO	THEFT	04441		LAWNIE...	316	1215	06902	
<a href="#">0250457-Z</a>	10/07/2012	*EL FORRESTERO	FORGERY & COUNT...	04441		LAWNIE...	316	1215	10022	
<a href="#">0257829-Z</a>	10/16/2012	*EL FORASTERO	BURGLARY	04441		LAWNIE...	316	1215	05134	

**CPC Action** (November 21, 2013)

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1935 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, subject conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the south corner of Lawnview Avenue and Forney Road.

Maker: Bagley  
Second: Shellene  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 1 - Culbreath  
Vacancy: 0

**Notices:** Area: 200 Mailed: 17  
**Replies:** For: 2 Against: 0

**Speakers:** For (Did not speak): Rana Bharat, 4441 Lawnview Ave., Dallas, TX, 75227  
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*

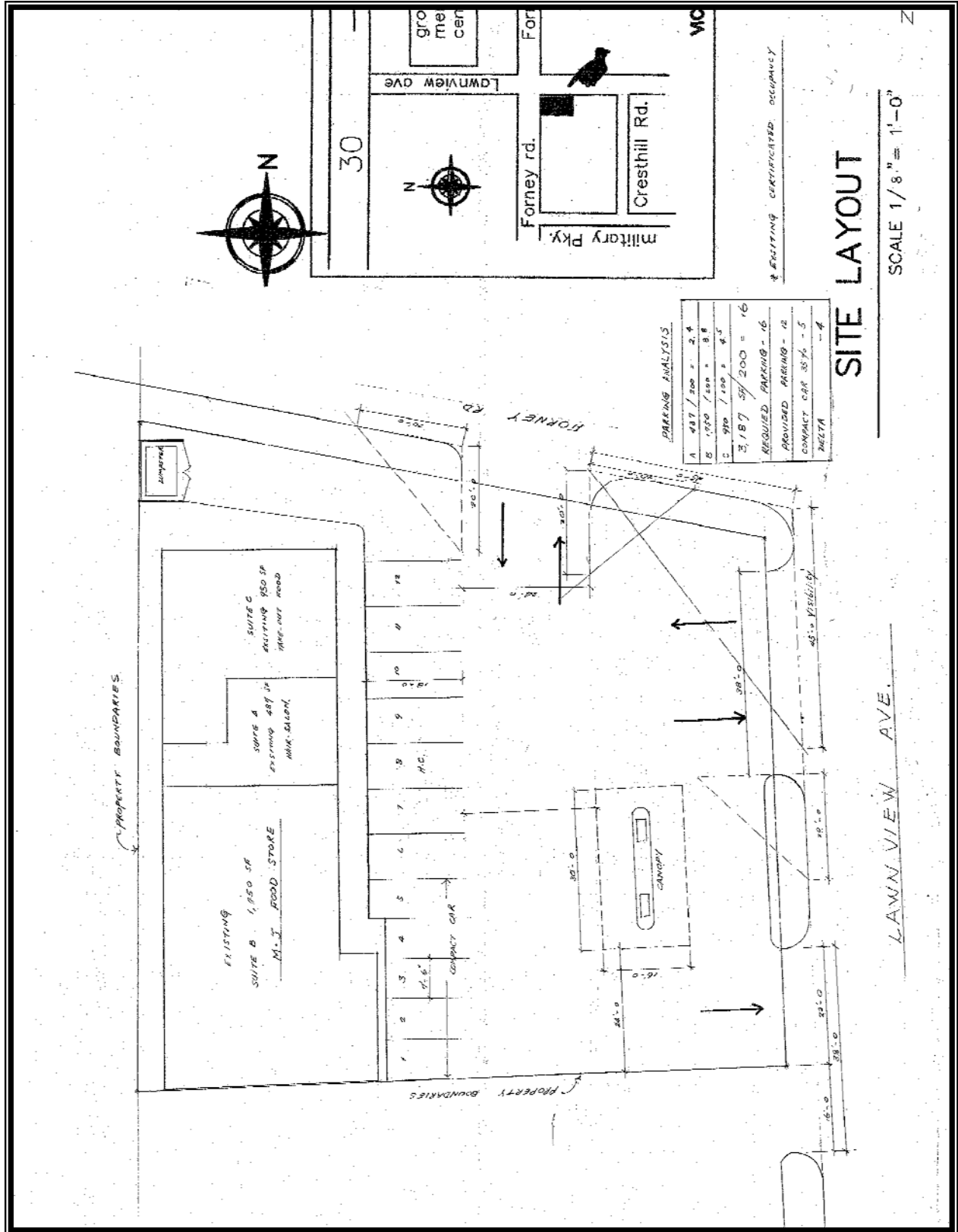
- |  |
|--|
| 3. <b>TIME LIMIT:</b> This specific use permit expires on [ <del>August 13, 2013,</del> ] <u>(five-year period from the passage of this ordinance.</u> |
|--|

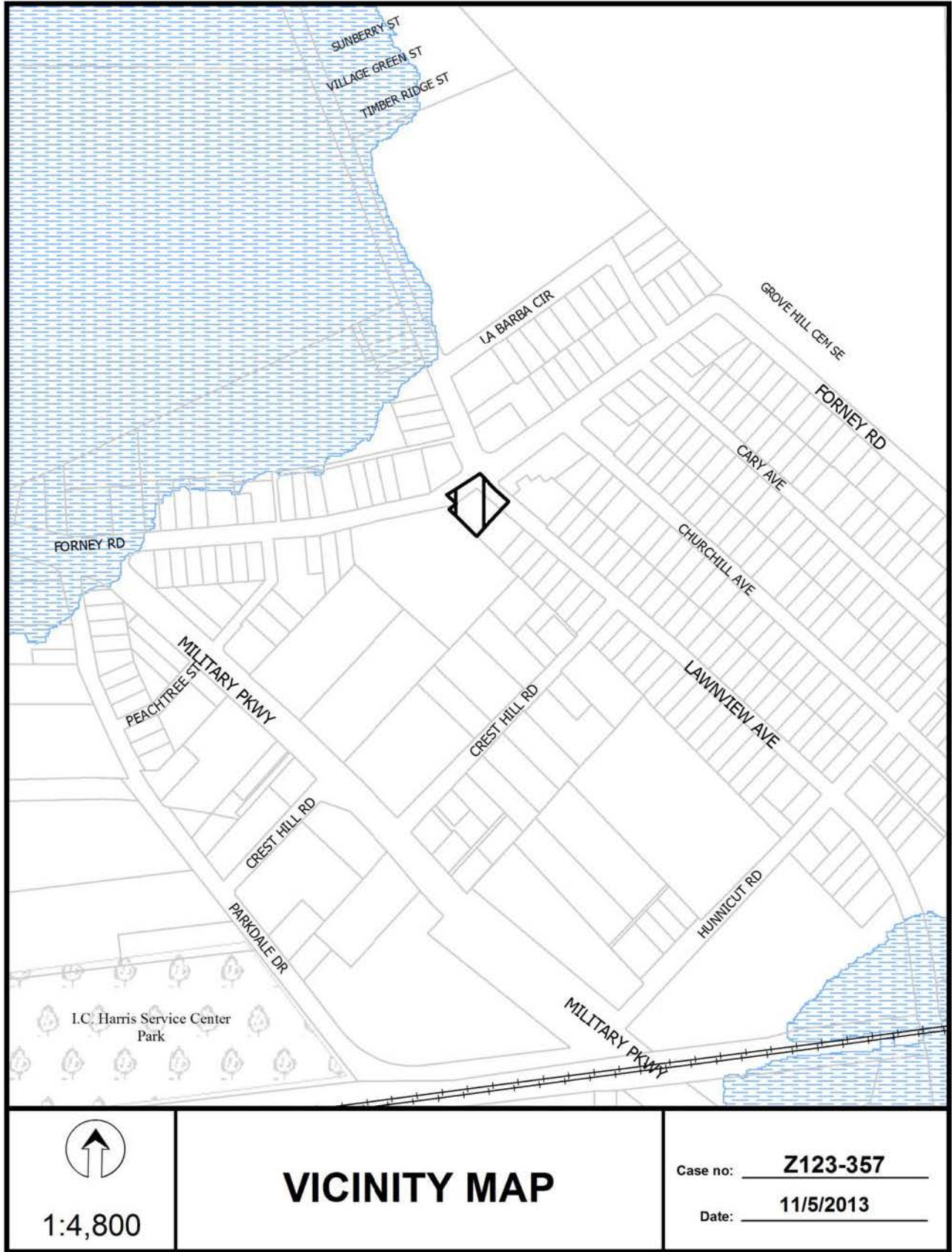
*Staff's Recommendation*

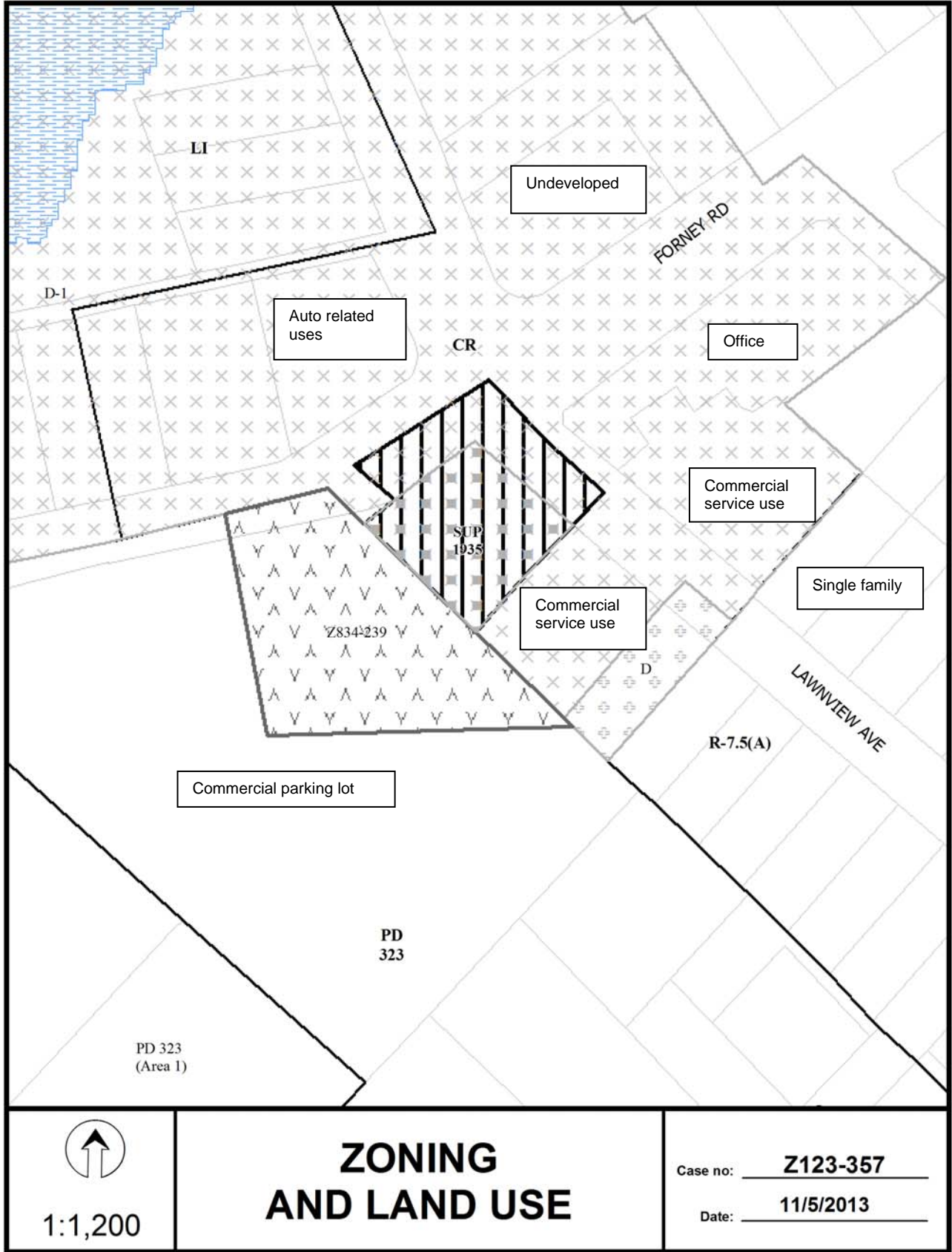
- |   |
|---|
| 3. <b>TIME LIMIT:</b> This specific use permit expires on [ <del>August 13, 2013,</del> ] <u>(five-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, 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).</u> |
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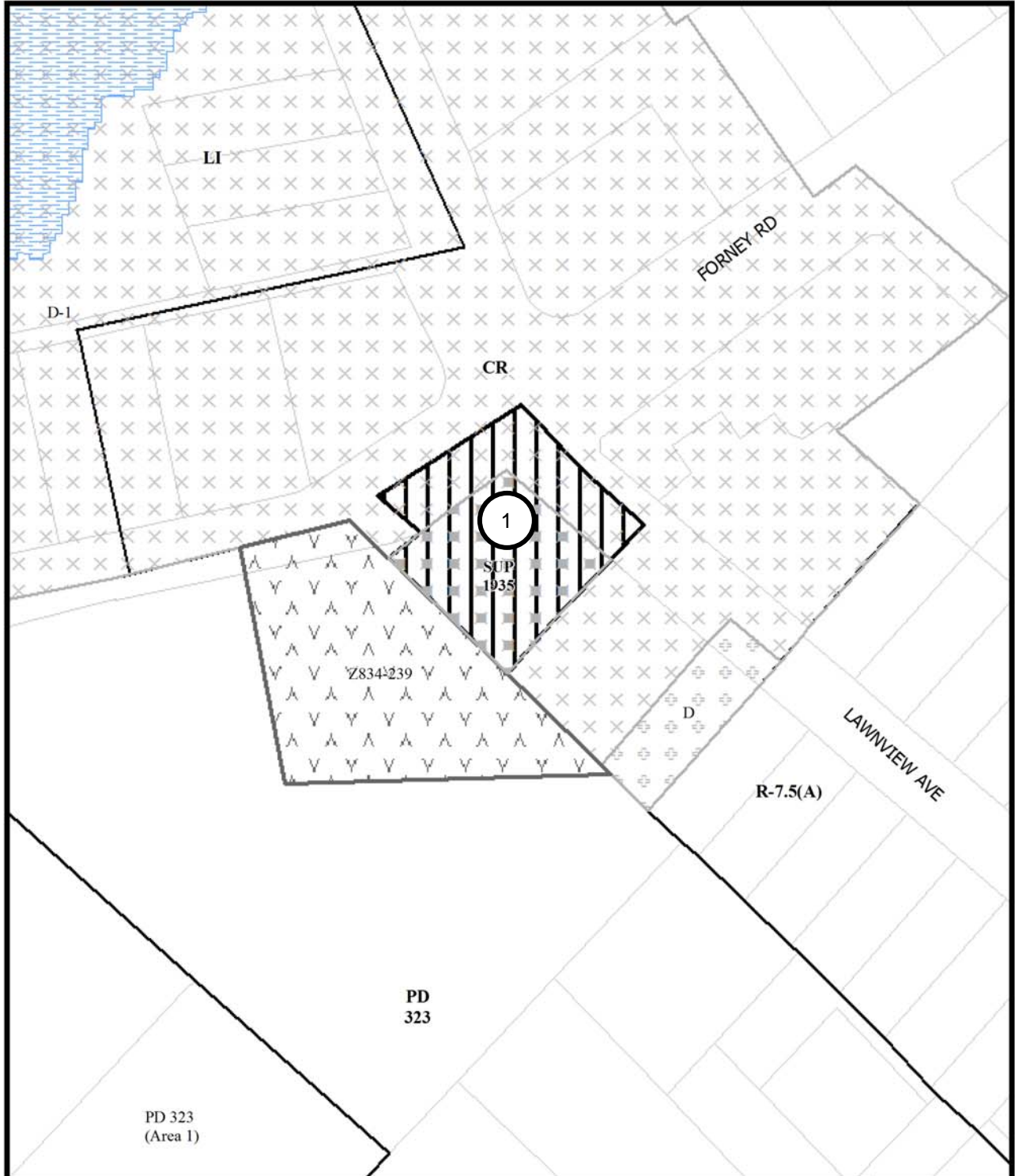
4. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
5. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

**APPROVED SITE PLAN**









1:1,200

# ZONING HISTORY

Case no: Z123-357

Date: 11/5/2013



1:1,200

# AERIAL MAP

Case no: Z123-357

Date: 11/5/2013



**CPC RESPONSES**



<u>17</u>	Property Owners Notified (19 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>11/21/2013</u>	Date

**Z123-357**  
**CPC**



1:1,200

## ***Notification List of Property Owners***

***Z123-357***

<b><i>Vote</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	<b><i>17 Property Owners Notified    0 Property Owners Opposed    2 Property Owners in Favor</i></b>		
<input type="radio"/>	1	4439 LAWNVIEW AVE	GRACE KK INV LLC
<input type="radio"/>	2	5431 FORNEY RD	ESCOBAR J ALEJANDRO &
	3	5435 FORNEY RD	ESCOBAR J ALEJANDRO &
	4	4503 LAWNVIEW AVE	VARGAS GUILLERMO
	5	4515 LAWNVIEW AVE	BLACK RICHARD &
	6	4525 LAWNVIEW AVE	BURRESCIA MINTA
	7	4045 CREST HILL RD	ORR TOM & FRANCES BAGLEY
	8	4431 LAWNVIEW AVE	OTTO IRIS
	9	4427 LAWNVIEW AVE	MCLEOD BILLY JOE
	10	4424 LAWNVIEW AVE	PEREZ-GUARDADO OLGA L
	11	5610 CHURCHILL AVE	FAZ HECTOR &
	12	5511 FORNEY RD	MANTZURANIS TONY
	13	4510 LAWNVIEW AVE	MANTZURANIS TONY
	14	4540 LAWNVIEW AVE	LAWNVIEW PPTIES JV
	15	5420 FORNEY RD	PARKER LAURENCE E
	16	4442 LAWNVIEW AVE	MESSINA ROBERT L &
	17	4440 LAWNVIEW AVE	MYERS JOHN &

*Wednesday, December 11, 2013*

**AGENDA ITEM # 30**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 52 E

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an RR Regional Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-3 Limited Office District on the west line of North Walton Walker Freeway, north of Twenty Grand Drive  
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z123-273(WE)

Note: This item was considered by the City Council at a public hearing on December 11, 2013, and was taken under advisement until January 8, 2014, with the public hearing open

**ACM: Theresa O'Donnell**

**FILE NUMBER:** Z123-273 (WE)                      **DATE FILED:** April 29, 2013

**LOCATION:** West line of North Walton Walker Freeway, north of Twenty Grand Drive

**COUNCIL DISTRICT:** 6                                      **MAPSCO:** 52- E

**SIZE OF REQUEST:** Approx. 1.87 acres                      **CENSUS TRACT:** 107.03

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**APPLICANT/ OWNER:** 601 Walton Walker, LLC  
David Varela – Managing Member

**REPRESENTATIVE:** MASTERPLAN  
Santos Martinez

**REQUEST:** An application for an RR Regional Retail District with deed restrictions volunteered by the applicant on property zoned an LO-3 Limited Office District.

**SUMMARY:** The purpose of this request is to allow for the development of retail type uses on the site. The applicant has volunteered deed restrictions after facilitating several neighborhood meetings. The neighborhood and applicant agreed to eliminate the uses that could become intrusive or have a negative impact on their community.

**CPC RECOMMENDATION:** Approval, subject to deed restrictions volunteered by the applicant

**STAFF RECOMMENDATION:** Approval, subject to deed restrictions volunteered by the applicant

**BACKGROUND INFORMATION:**

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed RR Regional Retail District may have a negative impact on the adjacent institutional and residential uses due to the type of uses that are permitted within the RR District. These uses are not compatible or conducive to a low density residential development but are more suitable to serve a regional area. However, as a result of the applicant facilitating several neighborhood meetings, the applicant agreed to volunteer deed restrictions that will eliminate the uses that could negatively impact the surrounding area.
  
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the applicant’s request will not have a negative impact on the street system. The request site fronts on the Walton Walker frontage Road and Twenty Grand Drive. However, any utilization of the internal streets to access this site (Twenty Grand Drive) could have a negative impact upon the residential neighborhood dependent upon the type of RR Regional Retail District uses.
  
3. *Comprehensive Plan or Area Plan Conformance* – The proposed request is not in compliance with the forwardDallas! Comprehensive Plan. The plan shows the request site located in a Residential Building Block.

**BACKGROUND INFORMATION:**

- The applicant held several meetings with the neighborhood to discuss the proposed zoning case. As a result of the meetings, the applicant volunteered deed restrictions to restrict various uses on the property.
  
- The applicant’s request for an RR Retail Regional District will allow for a variety of retail and personal services uses on the site.
  
- The request site is adjacent to an LO-3 District, an RR Regional Retail District and an R-7.5(A) Single Family District where the development is primarily a church and single family uses. The properties to the north and west of the site are undeveloped.

**Zoning History:** There has not been any recent zoning change requested in the area.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
N. Walton Walker	Variable lane widths		
Twenty Grand Drive	Local	50 ft.	50 ft.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	LO-3	Undeveloped
<b>North</b>	LO-3	Undeveloped
<b>South</b>	RR	Undeveloped
<b>East</b>	LO-3	Walton Walker Freeway
<b>West</b>	LO-3	Church, Undeveloped

**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 a Residential Building Block.

This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

The request site is located within an area that limits office uses and is in close proximity to residential uses. The RR District is a more intensive district than the surrounding LO-3 District. The applicant has volunteered deed restrictions that will eliminate the RR Regional Retail District uses that are potentially incompatible and intrusive to the surrounding neighborhood. The proposed development will also be limited in structure height because of the residential adjacency.

**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 1.87 acre site is undeveloped and is adjacent to an institutional use and several undeveloped tracts of land. There is also a single family development that is within close proximity of the request site; which is located south of Twenty Grand Drive and west of Furlough Drive.

The applicant’s request for an RR Regional Retail District will allow for the development of various retail and personal service uses. Certain uses that are permitted within the RR District are not compatible with adjacent to LO-3 District uses. In addition, there are

R-7.5(A) Single Family uses that are in close proximity to the request site. Even though there are some tracts of land to the south of Twenty Grand Drive that are zoned an RR Regional Retail District, staff proposes that the RR zoning boundary line not extend beyond the northern line of Twenty Grand Drive.

However, staff can support the request as a result of the deed restrictions that were volunteered by the applicant. The applicant held several neighborhood meetings during July 2013, and October 2013, to discuss the proposed zoning case with the community and agreed to eliminate a wide range of uses that are permitted in the RR District. Some of the uses that will be prohibited on site include:

<u>Commercial and business service uses</u>	<u>Institutional and community services uses</u>	<u>Retail and personal service uses</u>
<ul style="list-style-type: none"> <li>• Machinery, heavy equipment, or truck sales and services</li> <li>• Tool or equipment rental.</li> <li>• Vehicle or engine repair or maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery or mausoleum.</li> <li>• College, university, or seminary.</li> <li>• Halfway house</li> </ul>	<ul style="list-style-type: none"> <li>• Alcoholic beverage establishment.</li> <li>• Animal shelter or clinic without outside runs.</li> <li>• Animal shelter or clinic with outside runs.</li> <li>• Auto service center.</li> <li>• Car wash</li> <li>• Commercial amusement (inside).</li> <li>• Commercial parking lot or garage.</li> </ul>

Note: A complete list of prohibited uses is provided in the deed restrictions.

**Development Standards:**

<u>DISTRICT</u>	<u>SETBACKS</u>		<u>Density</u>	<u>Height</u>	<u>Lot Coverage</u>	<u>Special Standards</u>	<u>PRIMARY Uses</u>
	<u>Front</u>	<u>Side/Rear</u>					
LO-3 - existing Limited office – 3	15'	20' adjacent to residential OTHER: No Min.	1.75 FAR	115' 9 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, lodging – limited retail & personal service uses
RR - proposed 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 requirements, as amended.

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system.

**CPC Action** (July 11, 2103)

**Motion:** In considering an application for an RR Regional Retail District on property zoned an LO-3 Limited Office District on the west line of North Walton Walker Freeway, north of Twenty Grand Drive was moved to **hold** this case under advisement until August 8, 2013.

Maker: Hinojosa  
Second: Ridley  
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Culbreath, Rodgers,  
Hinojosa, Bagley, Lavallaisaa, Bernbaum\*, Wolfish,  
Schwartz, Ridley, Alcantar

Against: 0  
Absent: 2 - Tarpley, Shellene  
Vacancy: 0

\*out of the room, shown voting in favor

**Notices:** Area: 300                      Mailed: 27  
**Replies:** For: 2                         Against: 1  
**Speakers:** None

**CPC Action** (August 8, 2103)

**Motion:** In considering an application for an RR Regional Retail District on property zoned an LO-3 Limited Office District on the west line of North Walton Walker Freeway, north of Twenty Grand Drive, it was moved to **hold** this case under advisement until September 26, 2013.

Maker: Hinojosa  
Second: Ridley  
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: 300 Mailed: 27  
**Replies:** For: 2 Against: 3

**Speakers:** For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: None

**CPC Action** (September 26, 2103)

**Motion:** In considering an application for an RR Regional Retail District on property zoned an LO-3 Limited Office District on the west line of North Walton Walker Freeway, north of Twenty Grand Drive it was moved to **hold** this case under advisement until October 10, 2013.

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

For: 14 - Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0  
Absent: 1 - Davis  
Vacancy: 0

**Notices:** Area: 300 Mailed: 27  
**Replies:** For: 2 Against: 4

**Speakers:** None

**CPC Action** (October 10, 2103)

**Motion:** In considering an application for an RR Regional Retail District on property zoned an LO-3 Limited Office District on the west line of North Walton Walker Freeway, north of Twenty Grand Drive, it was moved to **hold** this case under advisement until October 24, 2013.

Maker: Hinojosa  
Second: Bernbaum  
Result: Carried: 13 to 0

For: 13 - Anglin, Soto, Rodgers, Culbreath, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Murphy, Ridley, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 5

**Notices:** Area: 300 Mailed: 27  
**Replies:** For: 2 Against: 4

**Speakers:** For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: None

**CPC Action** (October 24, 2103)

**Motion:** It was moved to recommend **approval** of an RR Regional Retail District subject to deed restrictions volunteered by the applicant on property zoned an LO-3 Limited Office District, on the west line of North Walton Walker Freeway, north of Twenty Grand Drive.

Maker: Hinojosa  
Second: Ridley  
Result: Carried: 12 to 0

For: 12 - Anglin, Soto, Rodgers, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley

Against: 0  
Absent: 3 - Culbreath, Bernbaum, Alcantar  
Vacancy: 0

Z123-273(WE)

**Notices:** Area: 300 Mailed: 27  
**Replies:** For: 2 Against: 4

**Speakers:** For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: None

**DEED RESTRICTIONS  
VOLUNTEERED BY THE APPLICANT**

DEED RESTRICTIONS

THE STATE OF TEXAS    )  
  )  
COUNTY OF \_\_\_\_\_ )      KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, 601 Walton Walker , a \_\_\_\_\_ ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the Enoch Horan Survey, Abstract No. 613 , City Block 7655 , City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by \_\_\_\_\_ , by deed dated October 7, 2009 , and recorded in Instrument Number 200900286620 , in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

See Exhibit A

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

The following main uses are prohibited:

Commercial and business service uses.

- Catering service
- Machinery, heavy equipment, or truck sales and services
- Tool or equipment rental.
- Vehicle or engine repair or maintenance.

Industrial uses.

- Gas drilling and production
- Temporary concrete or asphalt batching plant.

Institutional and community services uses.

- Cemetery or mausoleum.
- College, university, or seminary.
- Halfway house.
- Hospital.

Lodging uses.

- Extended stay hotel or motel.
- Hotel or motel.
- Lodging or boarding house.
- Overnight general purpose shelter.

Office uses.

- Alternate financial establishment.

Recreational uses.

- County club with private membership.
- Private recreation center, club or area.
- Public park, playground, or golf course.

Residential uses.

- College dormitory, fraternity, or sorority house.

Retail and personal service uses.

- Alcoholic beverage establishment.
- Animal shelter or clinic without outside runs.
- Animal shelter or clinic with outside runs.
- Auto service center.
- Car wash
- Commercial amusement (inside).
- Commercial parking lot or garage.
- Convenience store with drive-through.
- Furniture store.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Outside sales.
- Pawn shop.
- Swap or buy shop.
- Vehicle display, sales, and service.

Transportation uses.

- Commercial bus station and terminal.
- Heliport.
- Helistop.
- Railroad passenger station.
- Transit passenger station or transfer center.

Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.

Z123-273(WE)

--Radio, television, or microwave tower.

Wholesale, distribution, and storage uses.

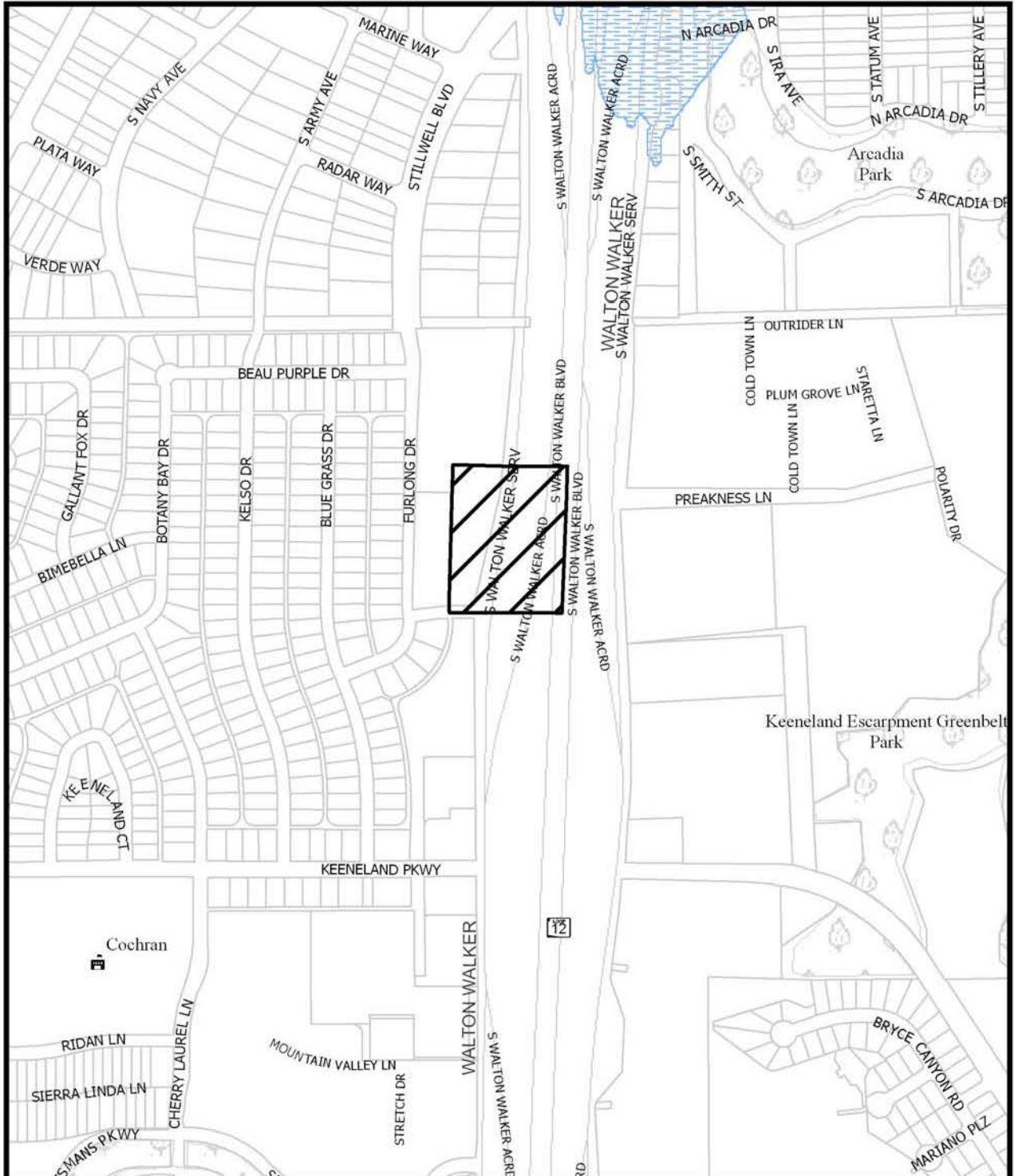
--Mini-warehouse

--Recycling buy back center.

--Recycling collection center.

--Recycling drop-off container.

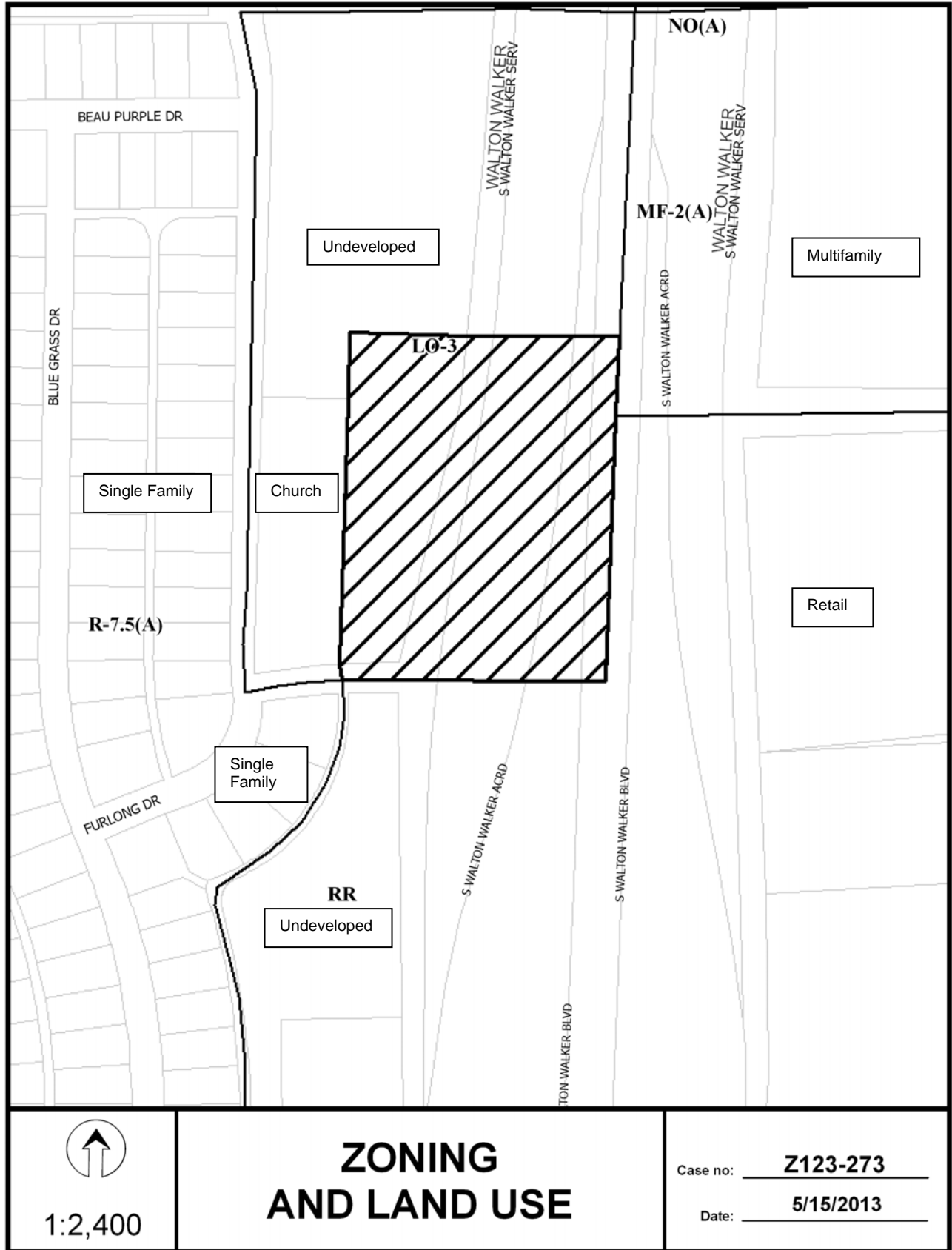
--Recycling drop-off for special occasion collection.



↑  
1:6,000

# VICINITY MAP

Case no: Z123-273  
Date: 5/15/2013





Ariel Map



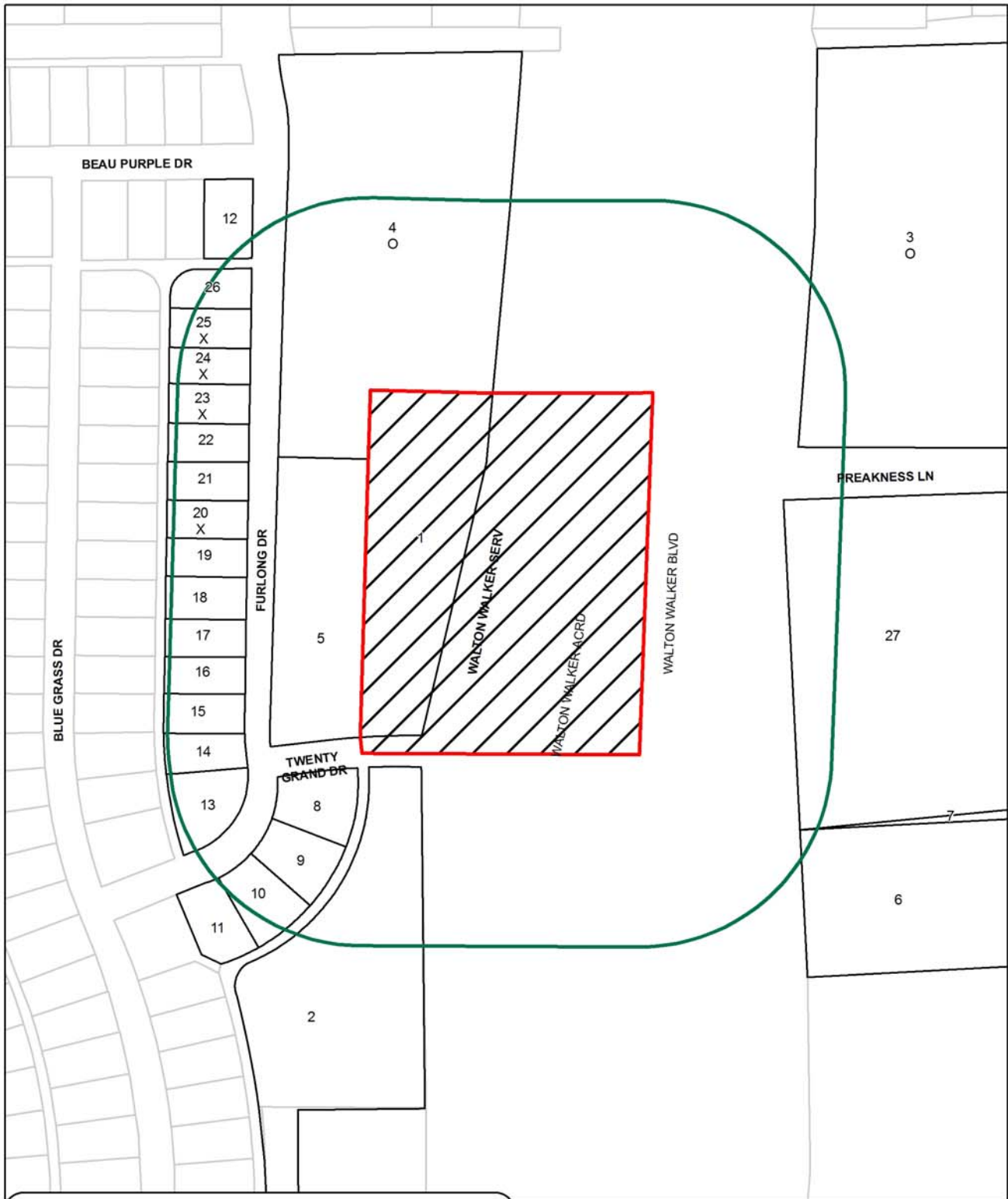
1:2,400

**AERIAL MAP**

Case no:           Z123-273          

Date:           11/18/2013

**CPC RESPONSES**



<u>27</u>	Property Owners Notified (27 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>4</u>	Replies in Opposition (4 parcels)
<u>300'</u>	Area of Notification
<u>10/24/2013</u>	Date <u>10/10/2013</u> Under Advisement

**Z123-273**  
**CPC**



1:2,400

***Notification List of Property Owners***  
***Z123-273***

<b><i>Vote</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	601 WALTON WALKER BLVD	601 WALTON WALKER LLC
	2	701 WALTON WALKER BLVD	AUTO LATIN INC
O	3	400 WALTON WALKER BLVD	RIDGECREST TERRACE INVESTORS LLC
O	4	500 FURLONG DR	LOS LUPES INC
	5	500 FURLONG DR	DALLAS CHRISTIAN CENTER
	6	704 WALTON WALKER BLVD	FIESTA GROUP LP
	7	714 WALTON WALKER BLVD	SUPER FIESTA LP
	8	704 FURLONG DR	WEST ROSE M
	9	708 FURLONG DR	CALLADO GISELA
	10	714 FURLONG DR	LAFUENTE MICHAEL & ESTHER
	11	720 FURLONG DR	URBINA MANUEL
	12	5834 BEAU PURPLE DR	GONZALEZ ARMANDO
	13	711 FURLONG DR	LOPEZ RICARDO R &
	14	653 FURLONG DR	REYES RAFAEL & ESTHER
	15	647 FURLONG DR	SERRANO NORA I
	16	641 FURLONG DR	PEREZ GILBERTO M
	17	635 FURLONG DR	GARCIA ELADIO G
	18	629 FURLONG DR	WILLIAMS CLARENCE
	19	623 FURLONG DR	RJ RICHARDSON & REMELL K
X	20	619 FURLONG DR	FORD D WILSON
	21	611 FURLONG DR	WEBBER DONNA
	22	605 FURLONG DR	MORENO PEDRO &
X	23	533 FURLONG DR	VONWALLENBERG GEOFFREY
X	24	527 FURLONG DR	RIOS EFRAIN
X	25	521 FURLONG DR	ARREDONDO GUADALUPE
	26	515 FURLONG DR	UMANZOR NELSON G &

***Tuesday, October 29, 2013***

Z123-273(WE)

<i>Vote</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	5600 PREAKNESS LN	AUTO CENTER UNLIMITED LP

*Tuesday, October 29, 2013*

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 13  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 24 W

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for mixed uses on property zoned an MU-1 Mixed Use District, on the south side of Northwest Highway, east of Lemmon Avenue

Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions  
Z123-338(JH)



**FILE NUMBER:** Z123-338 (JH)

**DATE FILED:** July 30, 2013

**LOCATION:** South side of Northwest Highway, east of Lemmon Avenue

**COUNCIL DISTRICT:** 13

**MAPSCO:** 24-W

**SIZE OF REQUEST:** Approx. 7.95 acres

**CENSUS TRACT:** 73.02

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**REPRESENTATIVE:** Tommy Mann

**APPLICANT/OWNER:** Bluffview Dallas Associates, LLC

**REQUEST:** An application for a Planned Development District for mixed uses on property zoned an MU-1 Mixed Use District.

**SUMMARY:** The purpose of the request is to relieve the tower spacing setback, increase density to a maximum of 481 dwelling units on the entire property, and treat the property as one for parking if the properties are subdivided into separate lots.

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

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

**DESIGNATED ZONING CASE**

**GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed PD conditions maintain MU-1 Mixed Use District zoning rights but allows for subdivision of the property.
2. *Traffic impact* – Traffic impact will be minimal due to the maximum floor area and density in the PD conditions. A traffic signal exists at the main driveway of the property at Northwest Highway
3. *Comprehensive Plan or Area Plan Conformance* – The proposed PD complies with the Comprehensive Plan.
4. Justification for PD Planned Development District Zoning as opposed to a straight zoning district – A straight zoning district would not relieve the setback issue created when the property is subdivided.

**BACKGROUND INFORMATION:**

- The request site is currently developed with one-story commercial buildings and a five-story multifamily building containing 181 dwelling units with ground level retail uses and an undeveloped tract.

**Zoning History:**

1. Z078-160                      On June 11, 2008, the City Council approved a Planned Development District for multifamily uses and the termination of SUP No. 77 for a cemetery on property zoned an MF-2(A) Multifamily District.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The request complies with the following land use goals and policies of the Comprehensive Plan and the Vision Illustration that identifies this area of Northwest Highway as a multi-modal corridor.

ECONOMIC ELEMENT

GOAL 2.1    PROMOTE BALANCED GROWTH

- Policy 2.1.1            Ensure that zoning is flexible enough to respond to changing economic conditions.



The undeveloped portion of the request site will be developed in the short term, as well as the subdivision of the property into three lots. The proposed conditions treat the request site as a single lot for the purposes of parking and some development standards, which will provide greater flexibility in the redevelopment of the property.

**TRANSPORTATION ELEMENT**

**GOAL 4.2 PROMOTE A VARIETY OF TRANSPORTATION OPTIONS**

Policy 4.2.2 Promote a network of on-street and off street walking and biking paths.

The request site is adjacent to a greenbelt and walking trail along Bachman Creek. The proposed conditions require each lot to provide a sidewalk connection to the trail for the residents and employees to take advantage of.

**URBAN DESIGN**

**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

Policy 5.1.3 Encourage complementary building height, scale, design and character.

The proposed conditions allow for development rights similar to the MU-1 Mixed Use District, which is adjacent to the east. The MU-1 District and the subject property are an appropriate transition of higher intensity mixed use area between the airport to the south and single family and multifamily uses to the north and east.

**Surrounding Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	R-7.5(A)	Single family
<b>East</b>	MU-1	Hotel
<b>South</b>	R-10(A) & IR	Park and airport
<b>West</b>	CR	Retail

**Land Use Compatibility:**

The surrounding land uses are single family residential to the north, retail uses to the west, hotel to the east, and a greenbelt to the south. The request site is also in close proximity to the northern edge of Love Field Airport. The PD conditions include a requirement for pedestrian connections for each lot to Bachman Creek Greenbelt Park.

The request site is proposed to be subdivided from one building site into three lots; however, the property will continue to function as one development due to the access driveway. The five story building will remain, but the one story buildings are likely to redevelop in the short term future. The undeveloped tract is proposed to develop with a drive-through restaurant use. The existing five-story structure would be violating a tower-spacing requirement if the property was subdivided around the existing structures as proposed. The proposed PD conditions allow for relief from urban form and tower spacing setbacks; restrict a few land uses that are incompatible with the surrounding residential uses; reduces lot coverage; and establishes a lesser maximum of floor area and residential density. The PD conditions treat the property as one lot for the purposes of parking, signs, setbacks, lot coverage, and density. Staff supports the request because it allows for a mixed use redevelopment of the property.

**Development Standards:**

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
<b>Proposed</b>							
PD for MU-1 Mixed use-1	15'	20' adjacent to residential OTHER: No Min.	481 dwelling units; 50,000 sf	90' 7 stories 120' 9 stories with retail	60%	Proximity Slope Visual Intrusion	Office, retail & personal service, lodging, residential
<b>Existing</b>							
MU-1 Mixed use-1	15'	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 FAR maximum + bonus for residential	90' 7 stories 120' 9 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	ROW
West Northwest Highway	Principle Arterial	107 ft.

**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 PD conditions limit the floor area to the amount of development proposed by the applicant in the traffic impact worksheet, which was the basis for the approval of the waiver of a traffic impact analysis.

The PD conditions allow the property to be considered one lot for the purposes of providing minimum off-street parking. There is also a provision to allow for tandem parking for assigned residential parking to encourage an increased efficiency of space for parking areas.

**Landscaping:**

Landscaping is required in accordance with Article X of the Dallas Development Code.

**List of Partners/Principals/Officers**

Bluffview Dallas Associates, LLC

Russell A. Appel, Vice President and director

A. Floyd Lattin, Vice President and director

Chris Hughes, Vice President

Mason Sleeper, Vice President

Dough Gunn, member

Scott Woodruff, member

Mark Levin, member

Mark Lippman, member

**CPC Minutes – November 21, 2013**

**Z123-338(JH)**

**Planner: Jennifer Hiromoto**

**Motion:** It was moved to recommend **approval** of a Planned Development District for mixed uses, subject to a conceptual plan and conditions on property zoned an MU-1 Mixed Use District, on the south side of Northwest Highway, east of Lemmon Avenue.

Maker: Murphy  
Second: Ridley  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 1 - Culbreath  
Vacancy: 0

**Notices:** Area: 500 Mailed: 60  
**Replies:** For: 0 Against: 0

**Speakers:** For: Tommy Mann, 500 Winstead Bldg., Dallas, TX, 75270  
Against: Melissa Sloan, 3750 W. Northwest Hwy., Dallas, TX, 75220

Proposed PD Conditions

**ARTICLE \_\_\_\_.**

**PD \_\_\_\_.**

**SEC.51P-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD \_\_\_\_ was established by Ordinance No. \_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_, 2014.

**SEC. 51P-\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_ is established on property located on the south side of West Northwest Highway, east of Mixon Drive. The size of PD \_\_\_\_ is approximately 7.6 acres.

**SEC. 51P-. DEFINITIONS AND INTERPRETATIONS.**

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

(1) BAIL BOND OFFICE means an office for the issuance, brokerage, or procurement of bail bonds, whether as an accessory use or a main use.

(2) TANDEM PARKING means one parking space in front of another parking space, making it necessary to pass through one parking space to gain vehicular access to the other parking space from a street, alley, or driveway.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential district.

**SEC 51P- \_\_\_\_ . EXHIBIT.**

The following exhibit is incorporated into this article:

(1) Exhibit \_\_\_\_A: Conceptual plan.

**SEC 51P- \_\_\_\_ . CONCEPTUAL PLAN.**

Development and use of the Property must comply with the conceptual plan (Exhibit \_\_\_\_). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

**SEC 51P- \_\_\_\_\_. DEVELOPMENT PLAN.**

A development plan for each phase must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

**SEC 51P- \_\_\_\_\_. MAIN USES PERMITTED.**

Except as provided in this subsection, the only main uses permitted are those main uses permitted in the MU-1 Mixed Use District, subject to the same conditions applicable in the MU-1 Mixed Use District, as set out in Chapter 51A. For example, a use permitted in the MU-1 Mixed Use District only by specific use permit (SUP) is permitted only by SUP; a use subject to development impact review (DIR) in the MU-1 Mixed Use District is subject to DIR, etc.

(2) The following uses are prohibited:

- Alternative financial establishment.
- Auto service center.
- Bail bonds office.
- Commercial amusement (outside).
- Mini-warehouse.
- Nursery, garden shop, or plant sales.
- Swap or buy shop.

**SEC. 51P- \_\_\_\_\_. ACCESSORY USES.**

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

**SEC. 51P- \_\_\_\_\_. YARD, LOT AND SPACE PROVISIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided, the yard, lot, and space regulations for the MU-2 Mixed Use District apply.

(b) For the purposes of setbacks, lot coverage, floor area, and density, the property is considered one lot.

(c) Urban Form Setback and Tower Spacing. No urban form setback is required. No tower spacing is required.

- (d) Lot Coverage. The maximum lot coverage is 60 percent.
- (e) Density. Maximum number of dwelling units is 481.
- (f) Floor area. Maximum non-residential floor area is 50,000 square feet.

**SEC. 51P- \_\_\_\_.**     **OFF-STREET PARKING AND LOADING.**

Unless otherwise stated, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

- (a) For the purposes of required parking, the property is considered one lot.
- (b) The use of tandem parking is permitted for assigned parking for residential uses.

**SEC. 51P- \_\_\_\_.**                     **ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P.**                     **LANDSCAPING.**

Landscaping must be provided in accordance with Article X.

**SEC. 51P.**                     **SIDEWALKS AND PEDESTRIAN AMENITIES.**

(a) Sidewalks.

(1) A minimum six-foot-wide sidewalk must be provided along Northwest Highway.

(2) Sidewalks along Northwest Highway required with new construction must be set back a minimum of six feet from the curb.

(b) Pedestrian amenities. The following pedestrian amenities are required along Northwest Highway within 20 feet of the curb.

(1) one bench and one trash receptacle for every 100 feet of street frontage;

(2) pedestrian lighting placed at a minimum of one per 75 feet of street frontage.

(3) All pedestrian amenities must be maintained by the owner of the lot; if there is more than one owner, all owners are jointly and severally responsible for maintenance.

(c) A sidewalk connection within a lot must be provided to the rear of the property to connect to Bachman Lake Trail if the lot contains residential uses.

**SEC. 51P- \_\_\_\_.**                    **SIGNS.**

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

(b) The property is considered one lot for sign purposes.

**SEC. 51P- \_\_.**                    **ADDITIONAL PROVISIONS.**

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

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

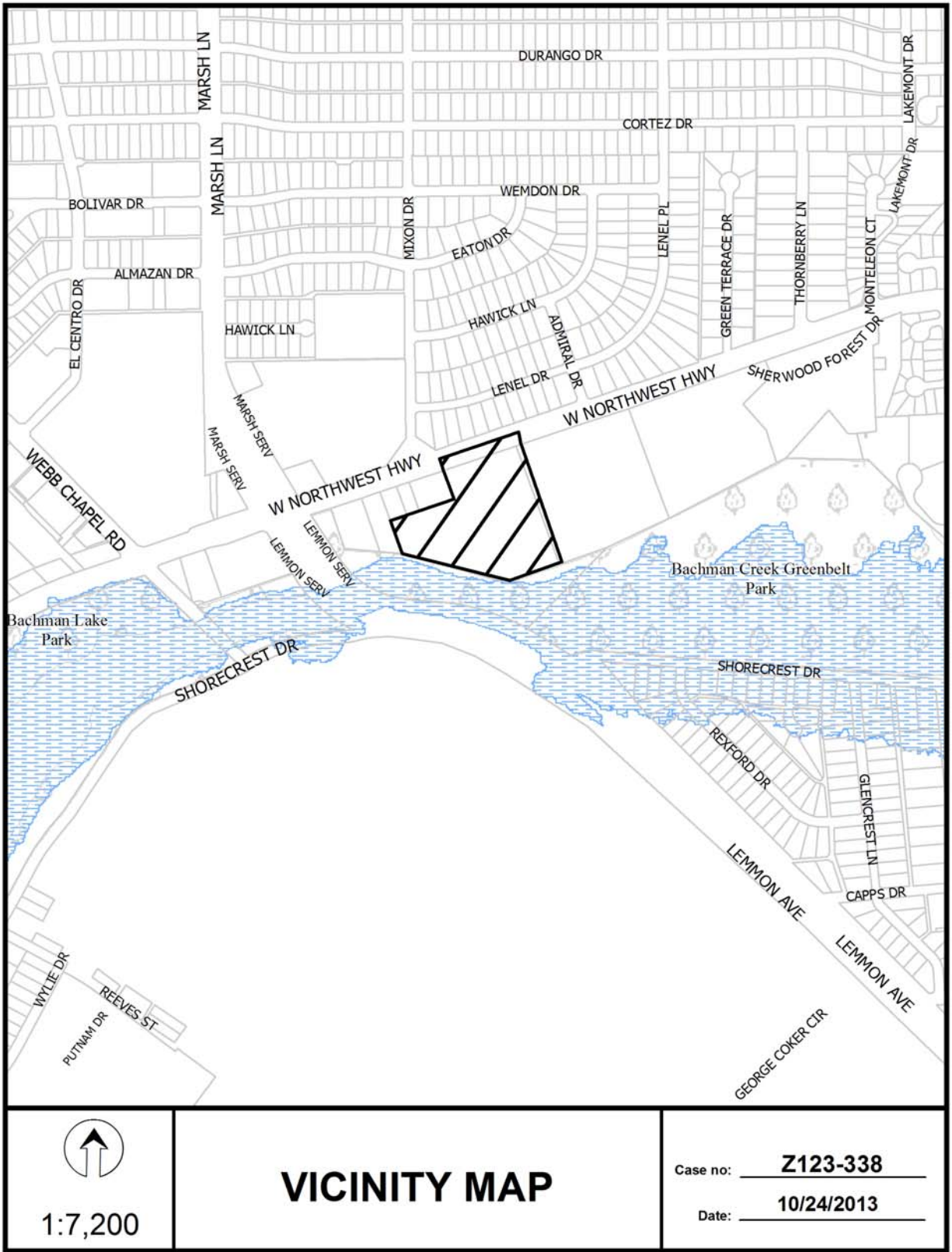
**SEC. 51P- \_\_\_\_.**                    **COMPLIANCE WITH CONDITIONS.**

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

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

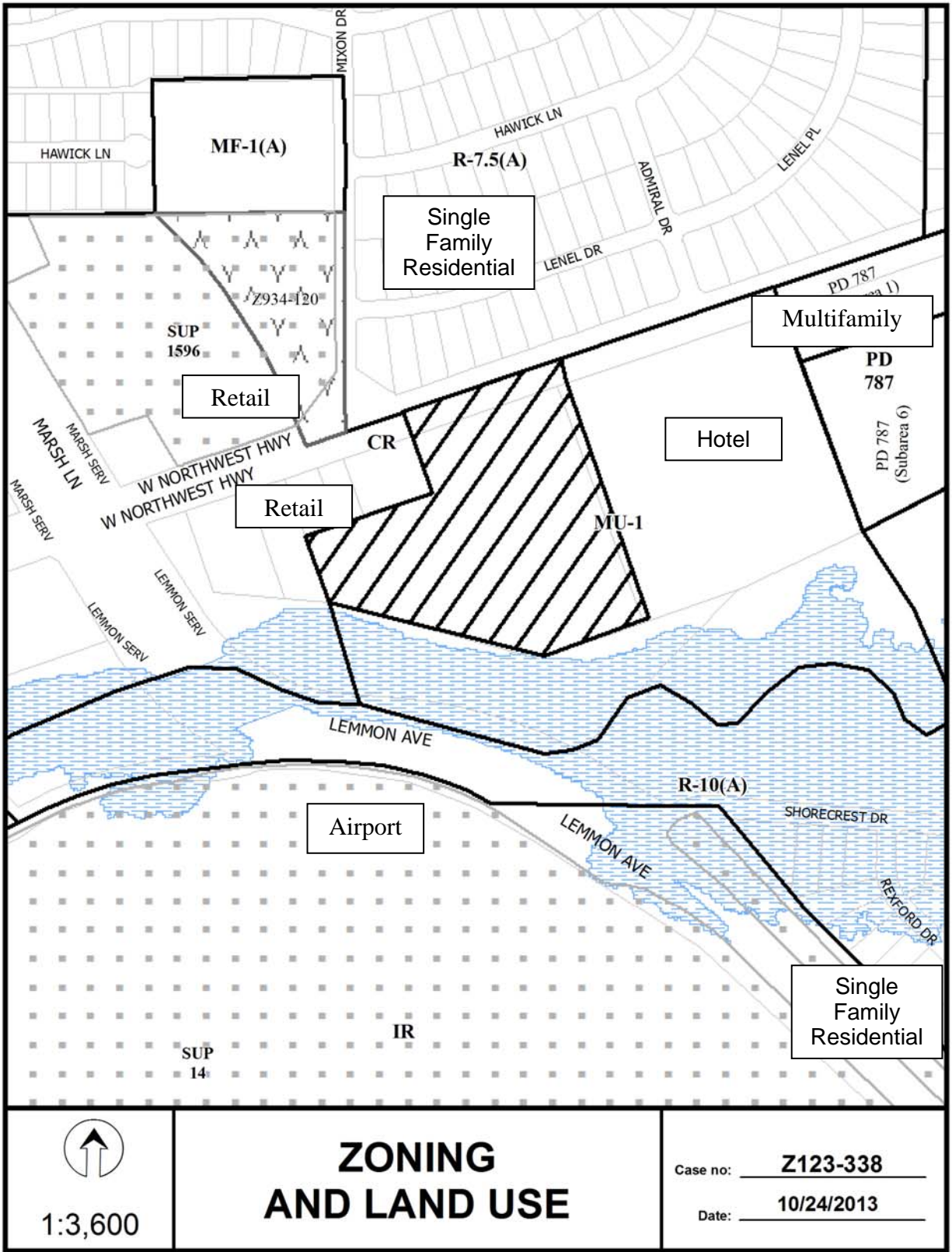






**VICINITY MAP**

Case no:     **Z123-338**      
Date:     **10/24/2013**



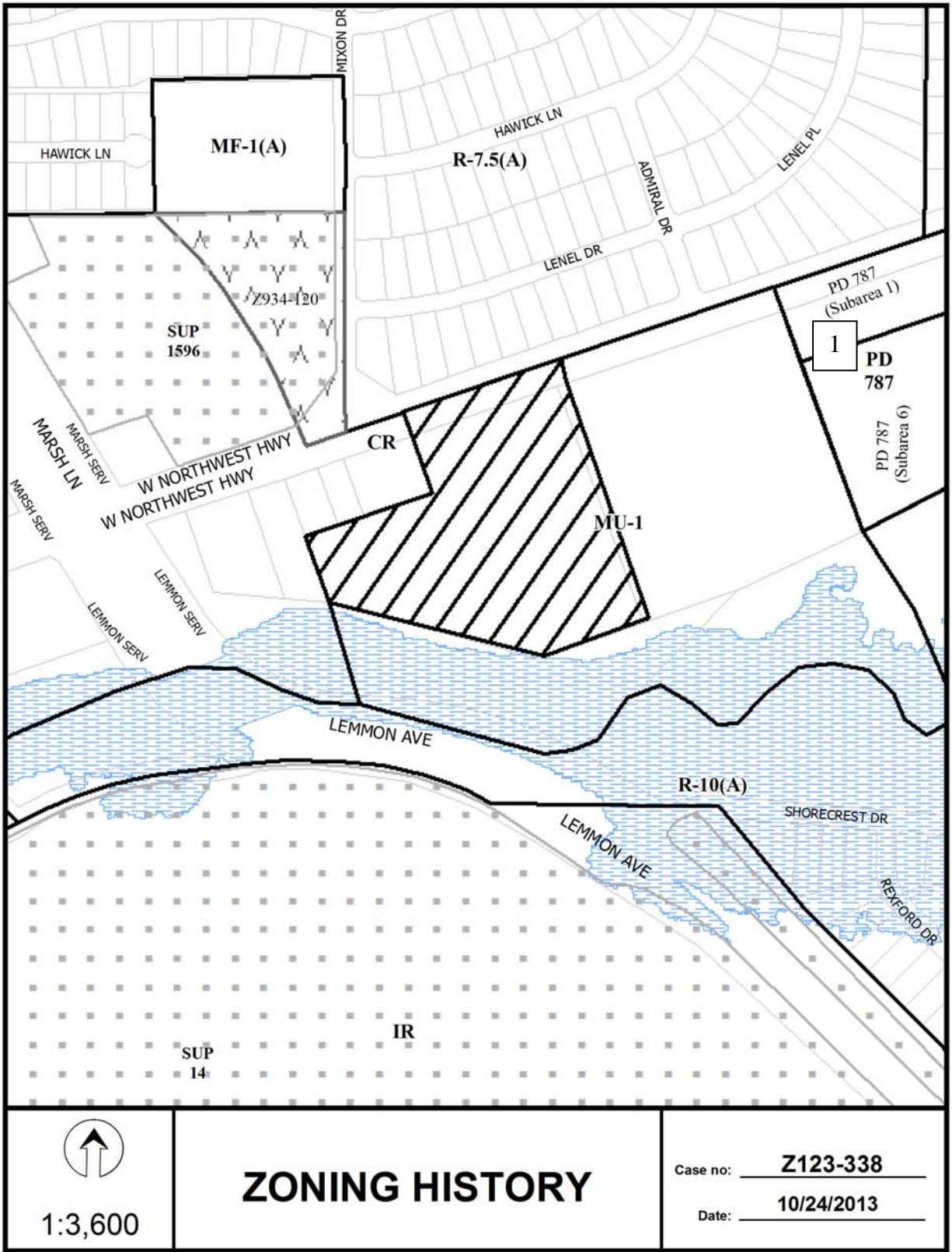


1:3,600

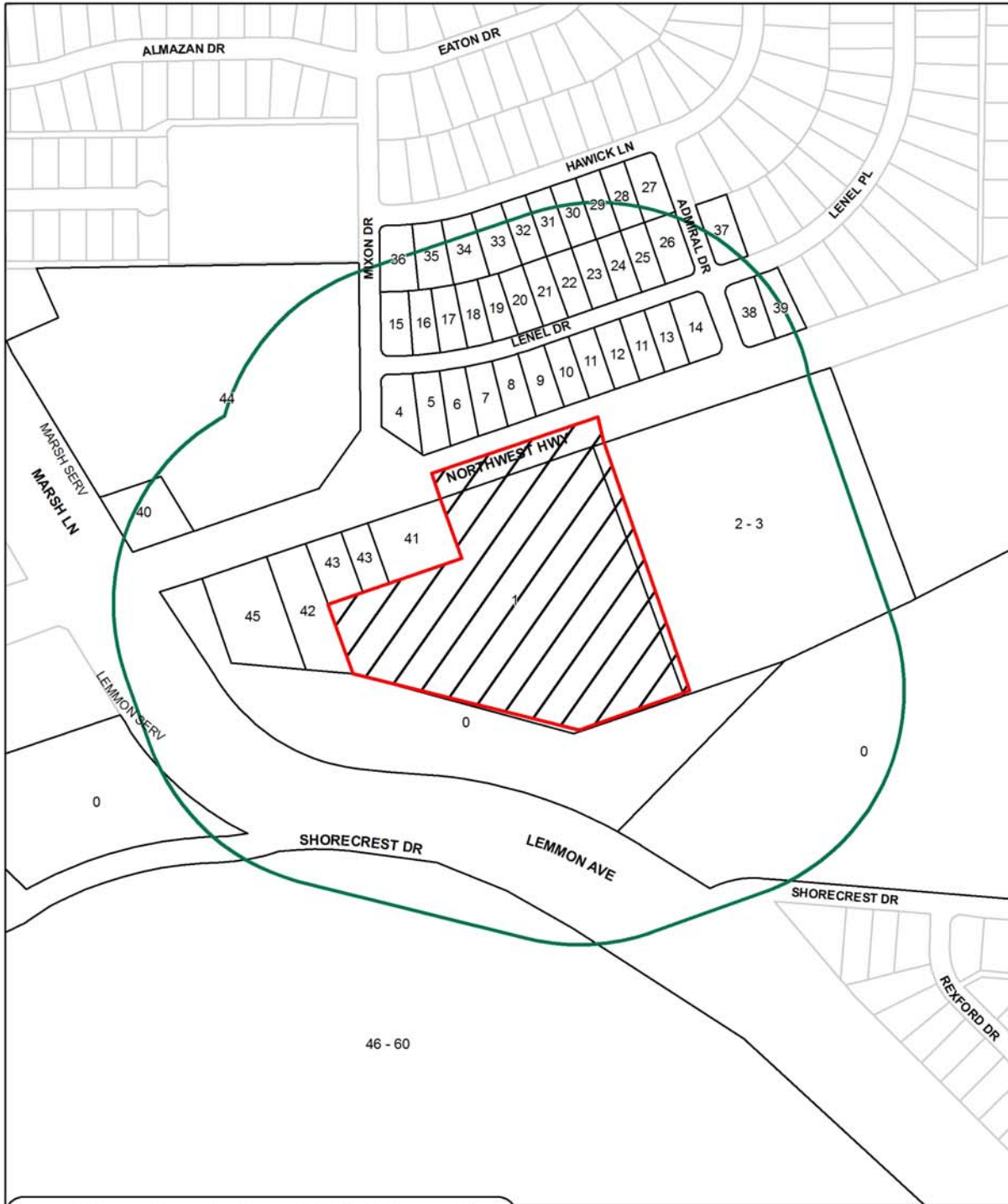
# AERIAL MAP

Case no:           Z123-338          

Date:           10/24/2013



CPC Responses



<u>60</u>	Property Owners Notified (50 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>11/21/2013</u>	Date

**Z123-338**  
**CPC**



1:3,600

11/21/2013

## Notification List of Property Owners

### Z123-338

**60 Property Owners Notified    0 Property Owners Opposed    0 Property Owners in Favor**

Vote	Label #	Address	Owner
1	3810	NORTHWEST HWY	BLUFFVIEW DALLAS ASSOCIATES LLC
2	3880	NORTHWEST HWY	FELCOR MM HOLDINGS ET AL
3	3890	NORTHWEST HWY	BT OWNER LP
4	3804	LENEL DR	LEON GILBERTO &
5	3808	LENEL DR	CUTLER JOSEPH G & SALLY P
6	3812	LENEL DR	SMITS PETER &
7	3818	LENEL DR	BENITEZ HERMENEJILDO
8	3822	LENEL DR	GOMEZ LUIS
9	3826	LENEL DR	GEORGOULIS ELIZABETH
10	3832	LENEL DR	VERVE PATRICIA
11	3848	LENEL DR	ANTIGUA LLC
12	3842	LENEL DR	PUENTES JOSE & MAIRA L
13	3852	LENEL DR	SADER MIKE J
14	3858	LENEL DR	BROWN ROWLAND &
15	3805	LENEL DR	OLIVARES RICHARD C &
16	3811	LENEL DR	RANGEL EMILY E G
17	3815	LENEL DR	CABEZA RENE M & KIM M
18	3819	LENEL DR	MEARS JAMES J
19	3827	LENEL DR	TREVINO CONRAD &
20	3833	LENEL DR	MARTINEZ AUGUSTINE &
21	3837	LENEL DR	TORRES JOSE &
22	3843	LENEL DR	GARCIA TONY JR & ALICIA
23	3847	LENEL DR	STELLEMA KATHLEEN
24	3853	LENEL DR	NAVARRO MARIA
25	3857	LENEL DR	ROSALES VICTOR G
26	3863	LENEL DR	PRADO LUIS A &

Thursday, November 21, 2013

**Vote Label # Address****Owner**

27	3852	HAWICK LN	SEGUIN MARC LOUS
28	3846	HAWICK LN	RAMIREZ ESTHER ET AL
29	3840	HAWICK LN	BAKER MOLLY
30	3836	HAWICK LN	HAMMOND KEVIN L
31	3832	HAWICK LN	CAMP DEBORAH SUE
32	3826	HAWICK LN	STEVENS SUZANNE L
33	3822	HAWICK LN	SALINAS CARMEN &
34	3816	HAWICK LN	MENDEZ JOSE G &
35	3810	HAWICK LN	HERRERA BETHANY COX
36	3804	HAWICK LN	MALCHI MELISSA D
37	9305	LENEL PL	BRALY E L ESTATE
38	9304	LENEL PL	MORALES VICTOR
39	9308	LENEL PL	LAND RAYMOND B
40	3767	NORTHWEST HWY	LEAL PROPERTIES LTD
41	3780	NORTHWEST HWY	CARROLL CONCERNS LTD PS
42	3750	NORTHWEST HWY	ADMIRAL FLAG INC
43	3764	NORTHWEST HWY	INTERRANTE INTERESTS LTD
44	9440	MARSH LN	DAYTON HUDSON CORP
45	3740	NORTHWEST HWY	NORTHWAY JV
46	3387	HAWES AVE	DALLAS CITY OF
47	2702	LOVE FIELD DR	SOUTHWEST AIRLINES CO
48	8020	DENTON DR	JACKS AUTO SUPPLY
49	7212	CEDAR SPRINGS RD	HERTZ RENT A CAR
50	7020	CEDAR SPRINGS RD	AVIS RENT A CAR
51	3407	HAWES AVE	TUCKER BLAKE C
52	7555	LEMMON AVE	DALLAS CITY OF
53	8333	LEMMON AVE	SOUTHWESTERN BELL
54	8008	CEDAR SPRINGS RD	DALLAS CITY OF
55	3377	EDWARDS AVE	NATIONAL CAR RENTAL
56	6828	ANSLEY AVE	ENTERPRISE RENT A CAR COMPANY
57	8611	LEMMON AVE	BUSINESS JET CENTER
58	3250	LOVE FIELD DR	MLT DEVELOPMENT
59	3232	LOVE FIELD DR	MLT DEVELOPMENT COMPANY
60	7366	CEDAR SPRINGS	ENTERPRISE HOLDINGS



**AGENDA ITEM # 32**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 34 N

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the north corner of Harry Hines Boulevard and West Mockingbird Lane  
Recommendation of Staff and CPC: Approval  
Z123-341(MW)

**FILE NUMBER:** Z123-341(MW)

**DATE FILED:** July 31, 2013

**LOCATION:** North corner of Harry Hines Boulevard and West Mockingbird Lane

**COUNCIL DISTRICT:** 2

**MAPSCO:**

**SIZE OF REQUEST:** ±3.93 acres

**CENSUS TRACT:** 0004.016

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**REPRESENTATIVE:** Dallas Cothrum/Maxwell Fisher, Masterplan

**APPLICANT/OWNER:** TXMHJ, LTD  
Partners: Jean Karotkin, Michael R. Levy and James Flieller

**REQUEST:** An application for an MU-3 Mixed Use District on property zoned an IR Industrial Research District.

**SUMMARY:** The applicant intends to develop the site with a mixed use project comprised of ±383 multifamily units with ±10,000 square feet of retail and personal service uses on the ground story.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Approval

**DESIGNATED ZONING CASE**

**GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – Based on the transitional nature of the neighborhood and the site’s adjacency to the boundary of the Stemmons Corridor-Southwestern Medical District Area Plan, performance impacts to surrounding property are anticipated to be positive.
2. *Traffic impact* – The request will not significantly impact the surrounding roadway system.
3. *Comprehensive Plan or Area Plan Conformance* – The request complies with the Comprehensive Plan.

**BACKGROUND INFORMATION:**

- The ±3.93-acre request site is currently undeveloped but was previously developed with an industrial use.

**Zoning History:**

1. **Z123-177:** On May 22, 2013, the City Council approved an amendment to Planned Development District No. 759 for RR Regional Retail District uses.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>
Harry Hines Boulevard	Principal Arterial	190 feet
West Mockingbird Lane	Principal Arterial	100 feet

**Traffic:**

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

**Adjacent Zoning and Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Northeast</b>	IR	Warehouse; convenience store with gas pumps
<b>Southeast</b>	IR	Office
<b>Southwest</b>	MU-3	Right-of-way; office
<b>Northwest</b>	IR; MU-2	Motel; shipping dock/truck terminal

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The request site is identified as being within a Campus Building Block on the *forwardDallas! Vision* Illustration, adopted June 2006. The Campus Building Block focuses on areas around large, master-planned educational, institutional, or business facilities outside the Downtown. The University of North Texas campus was the motivating factor for creating this Building Block, although other examples exist, such as the areas around the Southwestern Medical District, the Baylor University Medical Center, the Veterans Administration Hospital and Pinnacle Park. Campus Building Blocks often act as smaller versions of a complete community and include a range of single-family and multifamily housing for students, employees and visitors. A variety of offices, shops, services and open space should exist to support the major campus employer and area residents. Over time, areas such as UNT can take on a “university town” feel as they mature. All Campus Building Block areas should have convenient transit options as an integral component. Economic development efforts should capitalize on the spin-off employment opportunities generated by the primary employers.

The applicant’s proposal is consistent with the following goals and policies of the Comprehensive Plan.

**LAND USE ELEMENT**

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

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

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**URBAN DESIGN ELEMENT**

**GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE**

Policy 5.3.1: Encourage a balance of land uses within walking distance of each other.

**Land Use Compatibility:**

The request site is located within an area that has begun to transition from industrial zoning and uses to zoning that will accommodate mixed use development. Based on the transitional nature of the area, the site’s adjacency to the boundary of the Stemmons Corridor-Southwestern Medical District Area Plan, staff supports the proposed MU-3 Mixed Use District.

**Parking:**

Off-street parking must be must provided in accordance with Chapter 51A of the Dallas Development Code. Specifically, a multifamily use requires one space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents. A retail or personal service use requires one space per 200 square feet of floor area; a restaurant uses requires one space per 100 square feet of floor area.

**Landscaping:**

Landscaping will be required per Article X of the Dallas Development Code.

**Development Standards:**

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
IR Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution and storage, supporting office & retail
MU-3 Mixed use-3	15'	20' adjacent to residential OTHER: No Min.	3.2 FAR base 4.0 FAR maximum + bonus for residential	270' 20 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential, trade center

Z123-341(MW)

**CPC Action: November 21, 2013:**

Motion: It was moved to recommend approval of an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the north corner of Harry Hines Boulevard and West Mockingbird Lane.

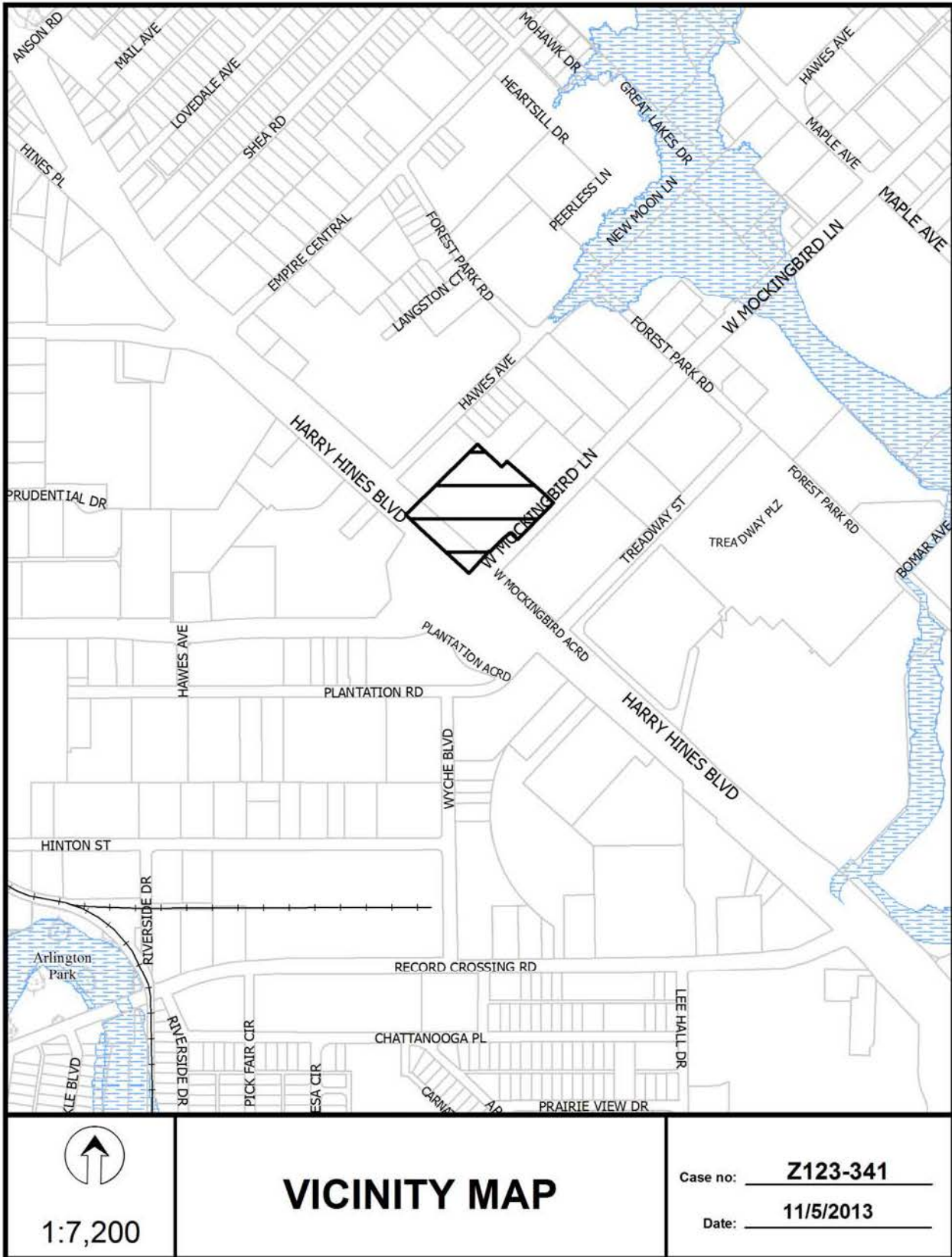
Maker: Lavallaisaa  
Second: Peadon  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 1 - Culbreath  
Vacancy: 0

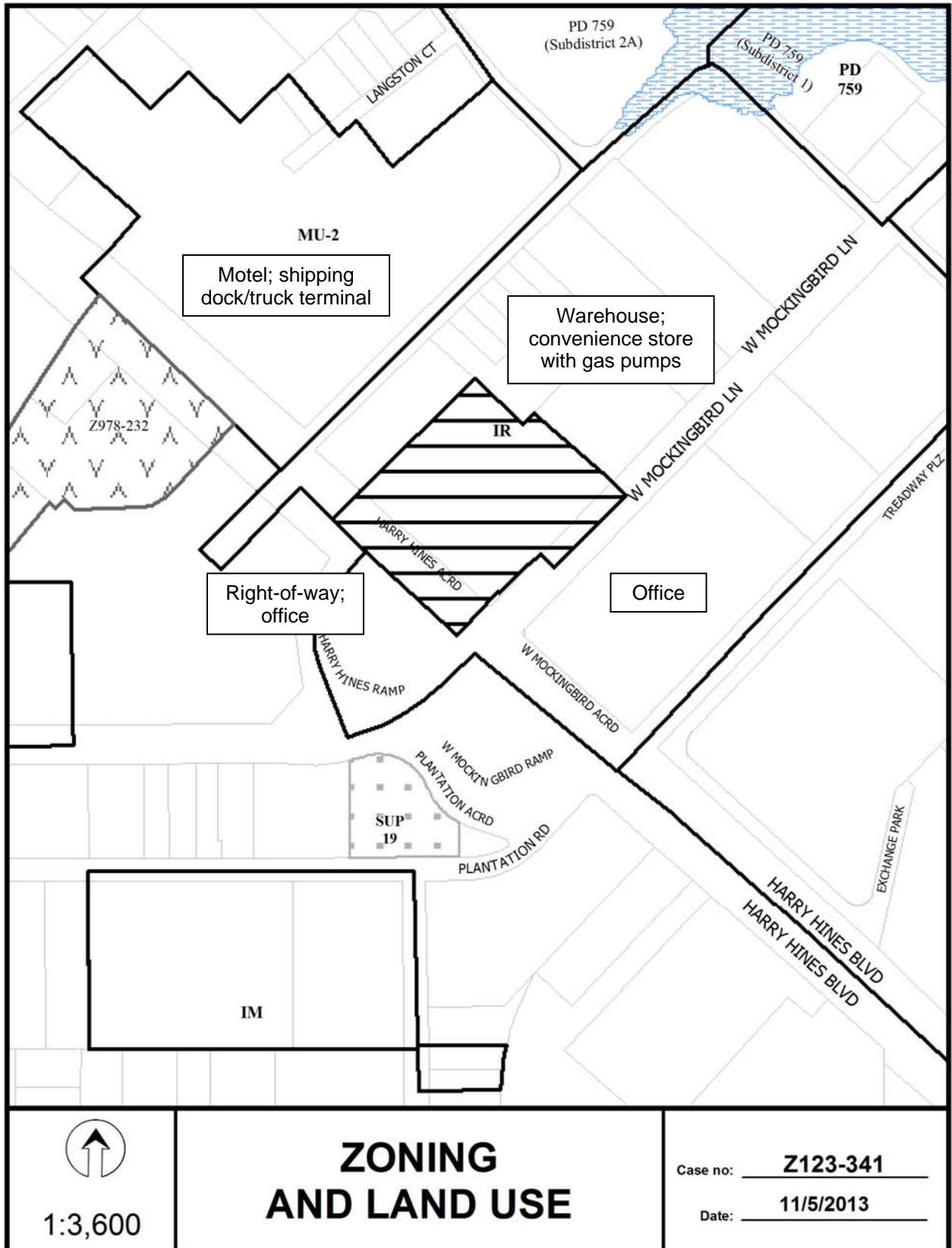
Notices:	Area:	500	Mailed:	21
Replies:	For:	1	Against:	0

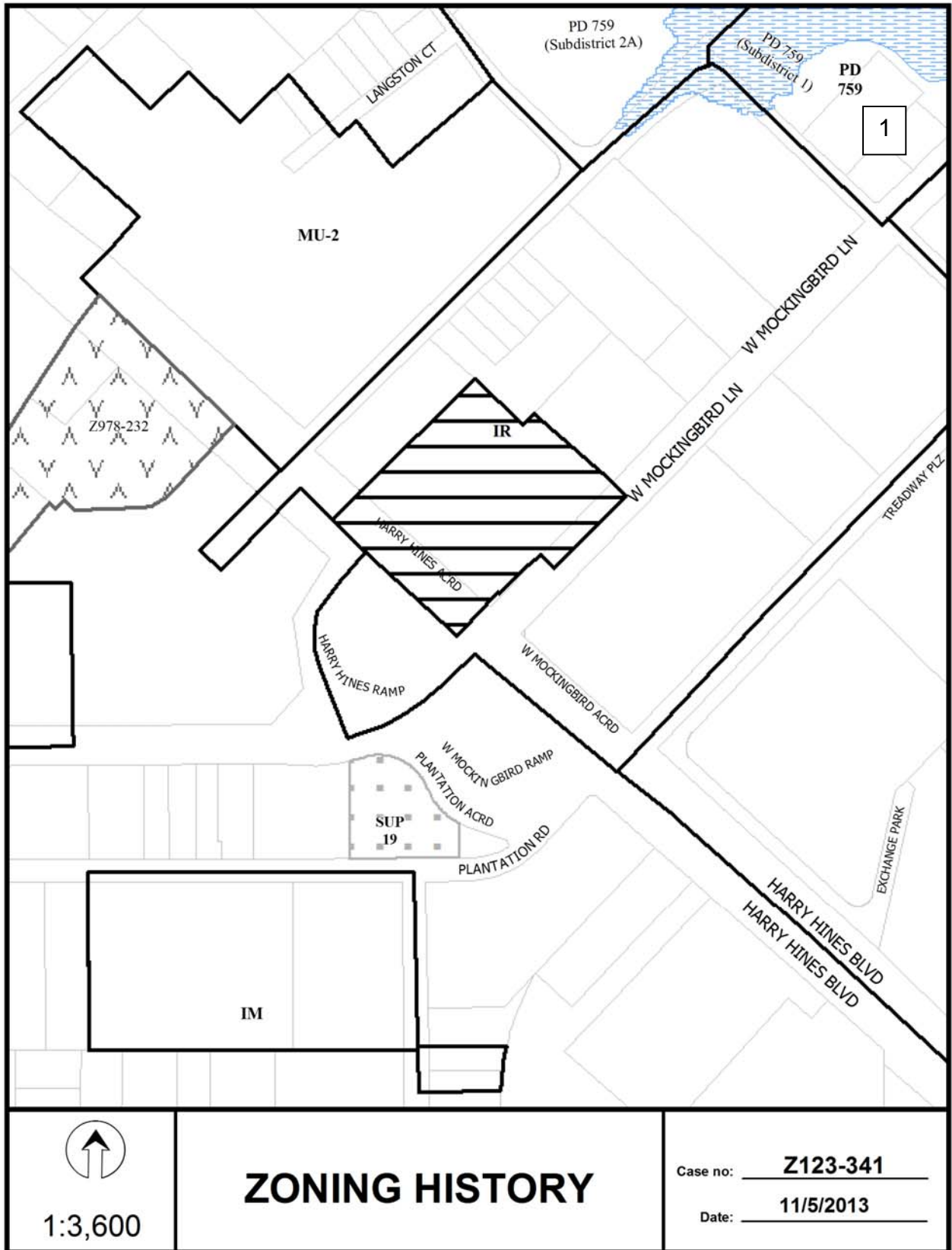
Speakers: None



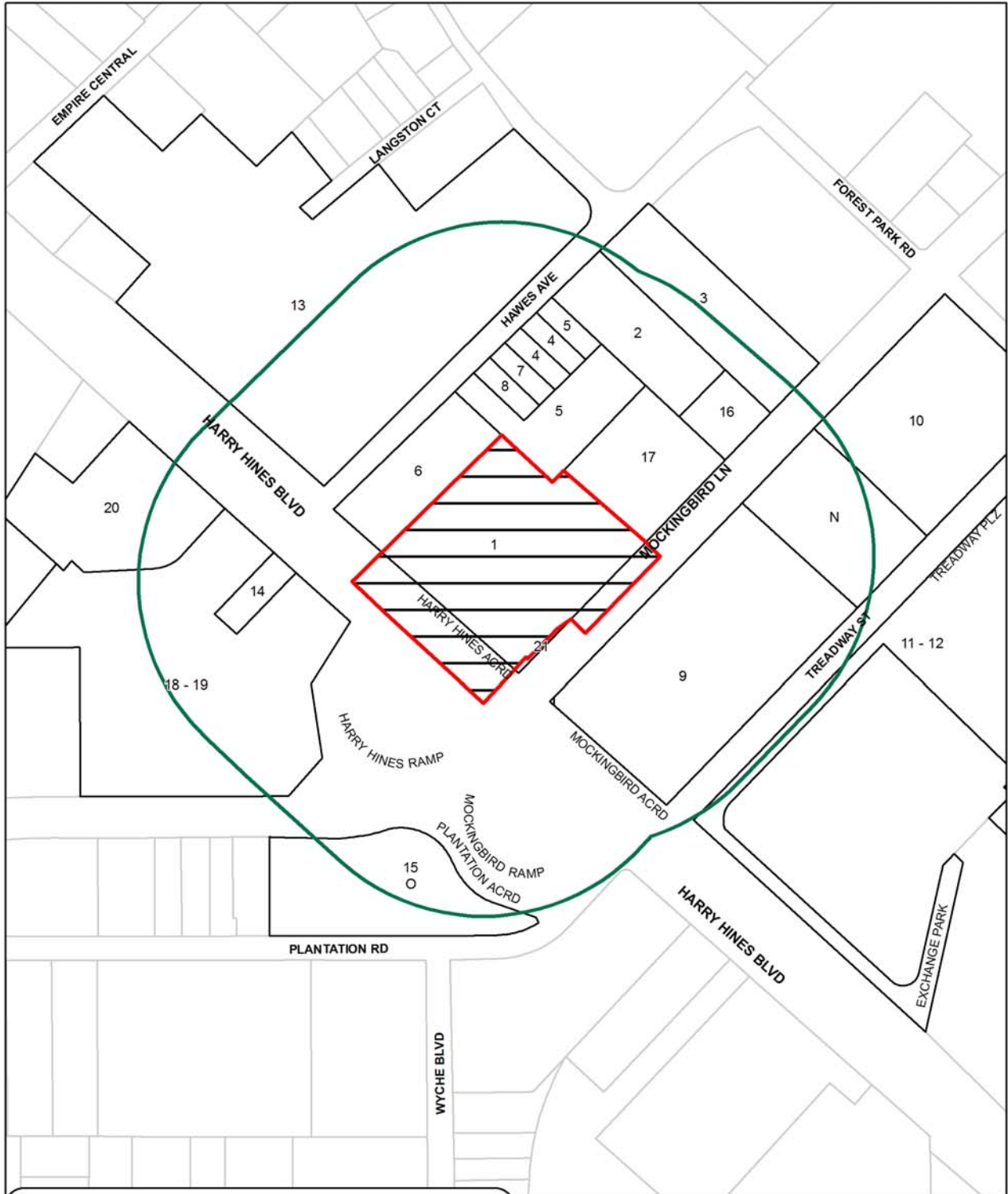








**CPC Responses**



<u>21</u>	Property Owners Notified (23 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>11/21/2013</u>	Date

**Z123-341**  
**CPC**



1:3,600

***Notification List of Property Owners***  
***Z123-341***

***21 Property Owners Notified    0 Property Owners Opposed    1 Property Owner in Favor***

<b><i>Vote</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	6612 HARRY HINES BLVD	MHJ LTD
	2	2128 HAWES AVE	MOORE STEPHEN LOUIS
	3	2130 HAWES AVE	JL & JB PROPERTIES INC
	4	2114 HAWES AVE	MOORE DISPOSAL INC
	5	2116 HAWES AVE	MDC HAWES LLC
	6	6720 HARRY HINES BLVD	PATEL ARVIND
	7	2110 HAWES AVE	MDC-HAWES
	8	2108 HAWES AVE	MDC HAWES
	9	6500 HARRY HINES BLVD	SALVATION ARMY THE
	10	2200 MOCKINGBIRD LN	BOARD OF REGENTS OF THE
	11	6303 FOREST PARK RD	BOARD OF REGENTS OF THE UNIVERSITY
	12	6303 FOREST PARK RD	BOARD OF REGENTS OF THE UNIVERSITY
	13	6814 HARRY HINES BLVD	6814 HH PARTNERS LP
	14	6801 HARRY HINES BLVD	RED BARN HOLDINGS LP
O	15	1900 MOCKINGBIRD LN	BURNETT BROTHERS TRUST
	16	2121 MOCKINGBIRD LN	MESQUITE CREEK
	17	2111 MOCKINGBIRD LN	MESQUITE CREEK DEV INC
	18	1893 MOCKINGBIRD LN	CITY OF DALLAS HOUSING FINANCE
	19	1893 MOCKINGBIRD LN	CITY OF DALLAS HOUSING FINANCE
	20	6825 HARRY HINES BLVD	VGA LEASING LP
	21	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT

**AGENDA ITEM # 33**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 45 F

**SUBJECT**

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

Z123-321(JH)

Note: This item was considered by the City Council at a public hearing on December 11, 2013, and was taken under advisement until January 8, 2014, with the public hearing open

**FILE NUMBER:** Z123-321 (JH)

**DATE FILED:** June 24, 2013

**LOCATION:** Southwest side of Harwood Street, southeast of McKinney Avenue

**COUNCIL DISTRICT:** 14

**MAPSCO:** 45-F

**SIZE OF REQUEST:** Approx. 0.26 acres

**CENSUS TRACT:** 17.04

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**REPRESENTATIVE:** Karl Crawley, Masterplan

**APPLICANT:** KDC, LLC

**OWNER:** McKinney Harwood, LLC

**REQUEST:** An application to amend Subarea B of Planned Development Subdistrict No. 66 within Planned Development District No. 193, the Oak Lawn Special Purpose District.

**SUMMARY:** The purpose of the request is to increase the non-residential floor area in Subarea B to allow this property to develop with an adjacent property for an office tower use.

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

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

**DESIGNATED ZONING CASE**

**GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommends approval subject to conditions based upon:

1. *Performance impacts upon surrounding property (lighting, noise, odor, etc.)* – The proposed amendment allows for the property to develop with the zoning rights that resemble the zoning districts that surrounds the property rather than limiting the development to surface or underground parking.
2. *Traffic impact* – Proposed increase in traffic volume is not enough to trigger traffic impact study.
3. *Comprehensive Plan or Area Plan Conformance* – The proposed conditions comply with Forward Dallas!, the Oak Lawn Plan, and the Downtown 360 Plan.
4. *Deviation from base zoning* – The front yard setback is proposed to be a minimum of 12.5 feet as a compromise with the applicant from the current zoning and original request. Currently, PDS No. 66 requires 15 feet while an HC Heavy Commercial Subdistrict requires no front yard.

**BACKGROUND INFORMATION:**

- The request site is currently undeveloped.
- The applicant proposes to develop the subject property with adjacent property that fronts on McKinney Avenue for an office tower use. PDS No. 66 restricts the subject property, Subarea B, to underground or surface parking and local utility land uses and a maximum floor area of 50 square feet.
- PDS No. 66 was established on January 11, 2006. PDS No. 66 has two tracts. The purpose of PDS No. 66 was to allow for a 230-dwelling multifamily development on Subarea A that increased the height, lot coverage, and floor area ratio but decreased residential density and non-residential floor area. Subarea B was included in the request to allow for additional parking, but is not used or needed to meet the minimum parking requirement for Subarea A.

**Zoning History:**

- |               |   |
|---------------|---|
| 1. BDA112-009 | On January 24, 2012, the Board of Adjustment granted a variance to the height regulations of 95 feet to allow the construction of a maximum height of 335 feet.                                       |
| 2. Z123-126   | On December 12, 2012, the City Council approved an amendment to Tract 1 of Planned Development Subdistrict No. 50 within Planned Development District No. 193, the Oak Lawn Special Purpose District. |

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
N. Harwood Street	Local	60 ft.
McKinney Avenue	Minor Arterial	50 ft.

**Parking/Traffic:**

The expected number of trips generated by the proposed use is 584 trips per day according to the trip rate for an office use as submitted by the applicant. A Traffic Impact Study is only required for proposals that generate more than 1,000 trips per day unless a waiver is issued.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The request complies with the following land use goals and policies of the Comprehensive Plan because the development of the property as part of the larger office tower and structured parking development is a more appropriate land use than surface or underground parking in this location in Uptown. Proposed conditions promote a pedestrian, urban environment.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded Downtown.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Policy 5.1.2 Define urban character in Downtown and urban cores.

**Area Plans:**

Oak Lawn. The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.



(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

The applicant's request complies with all of the above objectives. Allowing the subject property to be developed with the adjacent property for office and structured parking is a higher and more appropriate land use than surface parking.

Downtown 360. The Downtown Dallas 360 plan identifies Uptown as a "supporting district" to the focus of this implementation plan, which is the Central Business District bounded by Woodall Rodgers Freeway, Central Expressway, I-30 and I-35. The supporting districts are included as the recommended new definition of "Downtown Dallas." The Downtown 360 Plan was adopted in April of 2011.

Uptown is largely successful in balancing jobs, housing and services. As Dallas's most dense neighborhood, Uptown consists of a wide mix of apartments, condominiums, townhouses, residential towers and historic homes. Despite these assets, large blocks and inward-oriented building architecture present challenges to pedestrian activity in many parts of the district. In the future, developments are expected to fill in gaps to assist in creating a truly walkable, transit-oriented urban neighborhood.

With the Klyde Warren Park amenity across the south end of this Harwood Street block, the minimum front yard setback and minimum 10 foot sidewalk with complies with the following recommendations of the Downtown 360 plan:

- Create a transit-oriented, walkable neighborhood by developing new projects and redeveloping existing buildings with small setbacks, ground floors with high transparency, and retail/restaurant uses; address parking needs while envisioning no surface parking in front of buildings.
- Improve walkability on key streets such as Field/Moody/Pearl, Cedar Springs and Maple by calming traffic, introducing on-street parking, making sidewalk widths consistent, and planting street trees.

**Land Use Compatibility:**

The applicant proposes to develop Subarea B and the adjacent HC Heavy Commercial Subdistrict zoned property at the southwest corner of Harwood Street and McKinney Avenue for a total area of 0.86 acres for an office tower and structured parking having a height in the range of 180 to 240 feet. Subarea B is currently restricted to underground or surface parking and local utilities land uses; maximum structure height of 15 feet; and maximum 50 square feet of floor area.

The surrounding land uses are a mix of commercial and multiple-family uses. The property to the north is undeveloped.

The history of PDS No. 66 is that it was created to facilitate the development of Subarea A as it is developed today. This block was zoned an HC Heavy Commercial subdistrict like properties to the north and west. The strict zoning restrictions in Subarea B were negotiated in the City Plan Commission and City Council public hearings in 2006 at a time when this area of Uptown was experiencing growth pressures; staff recommended PD conditions were not as restrictive for this tract.

The applicant's request was submitted for an HC Heavy Commercial Subdistrict. Staff recommended, and the applicant agreed to, amend PDS No. 66 Subarea B instead of the HC Subdistrict with deed restrictions. Staff supports allowing the property to develop as if it were in an HC Heavy Commercial Subdistrict with conditions more stringent than straight HC zoning for the front yard setback, sidewalk width, and pedestrian lighting. While PDS No. 66 currently requires a minimum front yard setback of 15 feet, staff was comfortable compromising between the HC Subdistrict setback and PDS No. 66 for a minimum front yard setback of 10 feet. The City Plan Commission recommended a minimum front yard setback of 12.5 feet and staff supports this change.

Staff does not object to the increase in floor area from 50 square feet to the HC Heavy Commercial standards and allowing the property to be developed in a similar manner to surrounding properties because the proposed PD conditions are meeting the objectives of the Oak Lawn Plan and Downtown 360 Plan and the PDS conditions are improving the street level conditions above the HC Heavy Commercial Subdistrict regulations. This portion of Harwood Street will be developed with more front yard setback than the HC Heavy Commercial zoning that existed on both sides prior to 2006 and larger sidewalks than the minimum PDD No. 193 requirement. This will allow for a friendlier pedestrian connection to Klyde Warren Park for the office and multifamily uses in the area.

**Landscaping:**

Landscaping is required in accordance with PDD No. 193 of the Dallas Development Code.

Z123-321(JH)

**List of Partners/Principals/Officers**

McKinney Harwood, LLC

Patrick B. Shelby, Manager

Aaron A. Shelby, Manager

Lloyd Randall Shelby, Manager

KDC, LLC

Tobin Grove, Manager

Steve Van Amburgh, Manager

Jeff Innmon, Vice President

**CPC Minutes – October, 10, 2013**

**Motion:** It was moved to recommend **approval** of an amendment to Subarea B of Planned Development Subdistrict No. 66, subject to a conceptual plan and revised conditions, as briefed with following changes: 1) Under SEC. S-66.104. CONCEPTUAL PLAN., delete “Subarea A.” reference in the first sentence. 2) Under SEC. S-66.104. CONCEPTUAL PLAN., delete Subarea B paragraph entirely, and 3) SEC. S-66.105. DEVELOPMENT PLAN, maintain all the language in subparagraph “b”, 3) SEC. S-66.108. YARD, LOT, AND SPACE REGULATIONS, (b), second sentence to read: “Minimum setback from Harwood Street right-of-way is 12.5 feet”, and 4) SEC. S-66.108. YARD, LOT, AND SPACE REGULATIONS, (e) Height, (3) maintain the language with the following provision to read “Maximum structure height in Subarea B is as permitted in HC District”, within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest side of Harwood Street, southeast of McKinney Avenue.

Maker: Ridley  
Second: Hinojosa  
Result: Carried: 13 to 0

For: 13 - Anglin, Soto, Rodgers, Culbreath, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Murphy, Ridley, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 5

**Notices:** Area: 500 Mailed: 75  
**Replies:** For: 2 Against: 59

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Frank Stich, 4224 N. Hall St., Dallas, TX, 75219  
Jim Harris, Address not given  
Andrew Bennett, 6104 Shadycliff Dr., Dallas, TX, 75240  
Against: Frank Schubert, 1999 McKinney Ave., Dallas, TX, 75201  
Dick Brink, 1999 McKinney Ave., Dallas, TX, 75201

**CPC Recommended  
PD Conditions**

**Division S-66. PD Subdistrict 66.**

**SEC. S-66.101. LEGISLATIVE HISTORY.**

PD Subdistrict 66 was established by Ordinance No. 26205, passed by the Dallas City Council on January 11, 2006.

**SEC. S-66.102. PROPERTY LOCATION AND SIZE.**

PD Subdistrict 66 is established on property generally located at the northeast corner of McKinney Avenue and St. Paul Street. The size of PD Subdistrict 66 is approximately 1.6 acres.

**SEC. S-66.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. In the event of a conflict, this division controls. In the event of a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division:

(1) SUBDISTRICT means a subdistrict of PD 193; and

(2) SUBAREA A and SUBAREA B mean the subareas shown on the conceptual plan (Exhibit S-66A). In the event of a conflict between the description of Subareas A and B in the Exhibit A of the ordinance establishing this subdistrict and the conceptual plan, the description in Exhibit A controls.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) Subarea A[This subdistrict] is considered to be a residential zoning district. Subarea B is considered to be a non-residential zoning district.

**SEC. S-66.104. CONCEPTUAL PLAN.**

Development and use of the Property must comply with the conceptual plan. In the event of a conflict between the text of this division and the conceptual plan, the text of this division controls.

**SEC. S-66.105. DEVELOPMENT PLAN.**

(a) Development and use of Subarea A must comply with the development plan for Subarea A (Exhibit S-66B).

(b) For Subarea B, a development plan in compliance with the conceptual plan must be approved by the city plan commission before the issuance of any building permit to authorize work in Subarea B.

(c) In the event of a conflict between the text of this division and a development plan, the text of this division controls.

**SEC. S-66.106. MAIN USES PERMITTED.**

——(a) [~~Subarea A.~~]

~~Subarea A~~ [(1)] Except as provided in this subsection, the only main uses permitted in ~~Subarea A~~ are those main uses permitted in the HC Heavy Commercial Subdistrict, subject to the same conditions applicable in the HC Heavy Commercial Subdistrict, as set out in Part I of this article. For example, a use permitted only by specific use permit (SUP) in the HC Heavy Commercial Subdistrict is permitted in this subarea only by SUP; a use subject to development impact review (DIR) in the HC Heavy Commercial Subdistrict is subject to DIR in this subarea; etc.

(b) [(2)] The following main uses are prohibited in ~~Subarea A~~:

(A) Utility and service uses.

- Radio, television, or microwave tower.
- Telephone exchange, switching, and transmitting requirement.

(B) Transportation uses.

- Airport or landing field.
- STOL (short takeoff or landing) port.
- Passenger bus station and terminal.
- Helicopter base.
- Heliport.
- Helistop.
- Railroad passenger station.
- Railroad team track.

(C) Community service uses.

- Adult day care facility.
- Halfway house.

(D) Medical uses.

- Hospital.
- Convalescent and nursing homes, hospice care, and related institutions.
- Ambulance service.

(E) Educational uses.

- Business school.
- Technical school.
- College, university, or seminary.
- College fraternity or sorority house.
- College dormitory.

(F) Recreation and entertainment uses.

- Carnival or circus (temporary).
- Wax museum.

(G) Bar and restaurant uses.

- Dance hall.

(H) Professional, personal service, and custom crafts uses.

- Trade center.
- Mortuary or funeral home.
- Commercial laundry or dry cleaning.
- Taxidermist.
- Broadcasting or recording studio.
- Commercial wedding chapel.

(I) Retail uses.

- Liquor store.
- Feed store.
- Pawn shop.

(J) Motor vehicle related uses.

- Automobile or motorcycle display, sales, and service (inside display).
- Automobile or motorcycle display, sales, and service (outside display).
- Auto auction.
- Auto glass, muffler, or seat cover shop.
- Auto parts sales (inside only).

- Auto parts sales (outside display).
- Auto repair garage (inside).
- Auto painting or body rebuilding shop (inside).
- Car wash.
- Engine or motor repair shop.

(K) Commercial uses.

- Plumbing, electrical, air conditioning, and heating shops.
- Lumber, brick, or building materials sales yard.
- Tool and equipment rental (inside display only).
- Stone, sand, or gravel mining.
- Sand, gravel, or earth sales and storage.

(L) Storage and waste disposal uses.

- Warehouse.
- Inside salvage and reclamation.

(M) Animal related uses.

- Farm or ranch.
- Veterinarian's office.
- Animal pound.

(N) Industrial and manufacturing uses.

- U-cart concrete system.
- Light fabrication and assembly.
- Clothing manufacturing.
- Bedspread, drapes, and headboard manufacturing.
- Manufacturing laboratory.
- Corrugated cardboard box fabrication.

~~———— (b) Subarea B. The only main uses permitted in Subarea B are required and non-required off-street and underground parking and local utilities. An aboveground parking garage is prohibited in Subarea B.~~

**SEC. S-66.107. ACCESSORY USES.**

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

(b) In this subdistrict, the following accessory uses are not permitted:

- Amateur communication tower.



- Open storage.
- Private stable.

(c) In this subdistrict, the following accessory uses are permitted accessory to a multifamily use, provided that these accessory uses are primarily for the use of the occupants of the building, are contained entirely within the main building housing the multifamily use and connected parking garage, and have no exterior advertising or signs.

-- Community centers (private), specifically including, but not limited to such amenities as health studio areas, wine storage areas, hot tubs, pools, steamrooms, poolside refreshment areas, offices (e.g. business centers, internet cafés, etc.) theatres, pool tables, meeting rooms, and demonstration/party kitchens.

### **SEC. S-66.108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. In the event of a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the HC Heavy Commercial Subdistrict apply in this subdistrict.

(b) Setbacks from street frontages. Minimum setback from McKinney Avenue [~~and Harwood Street~~] is 15 feet as shown on the conceptual plan. Minimum setback from Harwood Street is 12.5 feet. No minimum setback from St. Paul Street.

(c) Side and rear setbacks. Minimum side and rear setback in Subarea A is 10 feet as shown on the conceptual plan. No side or rear setback is required in Subarea B.

(d) Density. Maximum number of dwelling units in Subarea A is 230.

(e) Height.

(1) For multiple-family uses, maximum structure height in Subarea A is 285 feet.

(2) In Subarea A, structures located on a roof, such as chimneys, clerestories, communication towers, cooling towers, elevator penthouses or bulkheads, mechanical equipment rooms, plaza or terrace structures, pool structures, skylights, vent stacks, and visual screens that surround mechanical equipment are allowed to project up to 25 feet above the maximum structure height.

~~\_\_\_\_\_ (3) Maximum structure height in Subarea B is 15 feet.~~

(f) Maximum floor area.

(1) Maximum floor area for all uses combined in Subarea A is 415,000 square feet.

(2) Maximum floor area for all non-residential uses combined in Subarea A is 5,000 square feet.

~~\_\_\_\_\_ (3) Maximum floor area in Subarea B is 50 square feet.~~

(g) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

### **SEC. S-66.109. OFF-STREET PARKING AND LOADING.**

(a) Consult Part I of this article for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations of PD 193 for information regarding off-street parking and loading generally.

(b) Subarea A. Parking structures with facades facing St. Paul Street, McKinney Avenue, and Harwood Street, must be either underground or have a facade consisting of any combination of pre-cast concrete (with or without stucco finish), stone, or metal finish provided that the metal finish matches design elements on the main structure for which parking is provided, and glass or louvers. Except for the garage entrances and exits, openings in these parking structure facades may not exceed 40 percent of the total parking structure facade area and must be concealed with louvers or enclosed with glass.

(c) Subarea B. Parking structure facades must comply with the general requirements in Sect. 51P-193.127(a).

### **SEC S-66.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

(a) In general. Except as provided in this section, see Article VI.

(b) LEED certification in Subarea A.

(1) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) checklist, effective May 1, 2004, must be submitted with an application for a building permit for development on the Property, indicating how development of the Property will comply with a certified designation (26 to 32 project points). The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of development services. Prior to the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(2) If during development of the Property, the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system

points acceptable under the United States Green Building Council's LEED rating system.

(3) All supporting documentation and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation (26 to 32 project points).

**SEC. S-66.111. LANDSCAPING AND SIDEWALKS.**

(a) Landscaping and screening must be provided in accordance with the landscape and screening requirements of PD 193.

(b) Sidewalks must be provided on the Property fronting on McKinney Avenue, Harwood Street, and St. Paul Street, with a minimum of five feet of parkway provided between the sidewalk and the curb. The McKinney Avenue and the Harwood Street sidewalk must be at least 10 feet wide, and the St. Paul Street sidewalk must be at least seven feet wide. The St. Paul Street sidewalk must be located at least two feet away from any building on the Property.

(d) Pedestrian scale lighting must be provided in Subarea B at an average of one lighting fixture per 30 feet of street frontage.

**SEC. S-66.112. SIGNS.**

Signs must comply with the provisions for business zoning districts in Article VII.

**SEC. S-66.113. ADDITIONAL PROVISIONS.**

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

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

(c) Except as otherwise provided in this division, development and use of the Property must comply with Part I of this article.

**SEC. S-66.114. PAVING.**

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

Z123-321(JH)

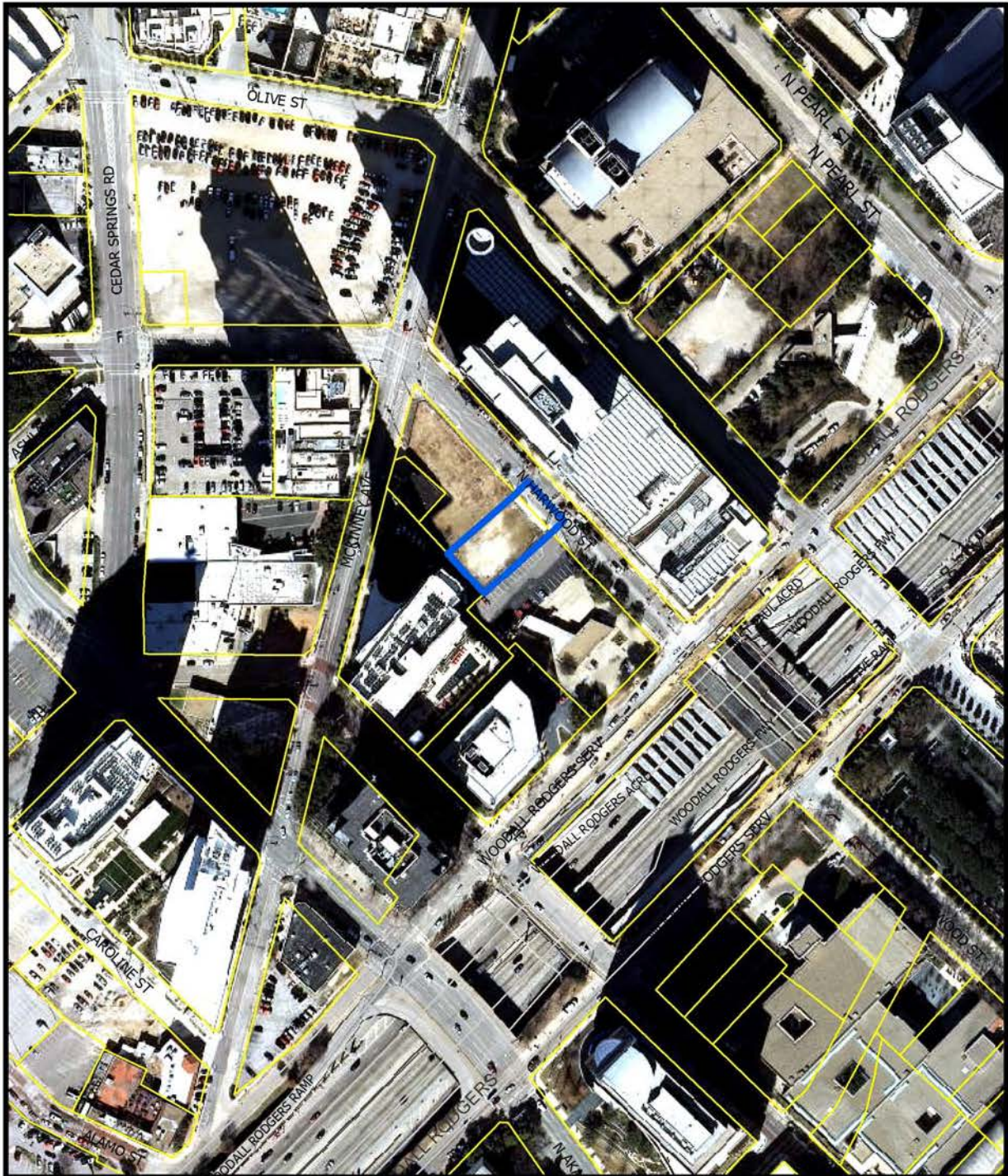
**SEC. S-66.115. COMPLIANCE WITH CONDITIONS.**

The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

**~~SEC. S-66.116. ZONING MAP.~~**

~~PD Subdistrict 66 is located on Zoning Map J-7.~~



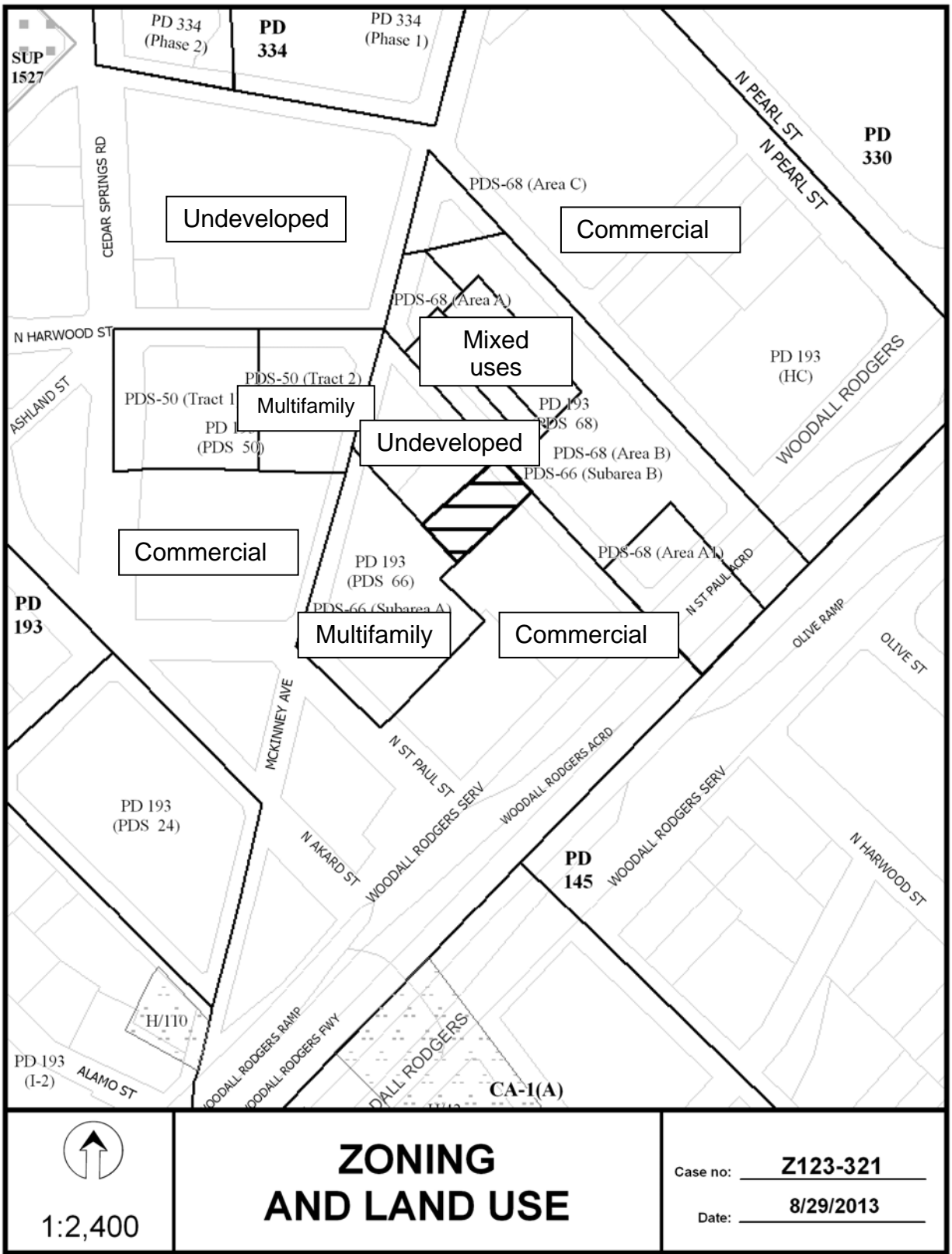


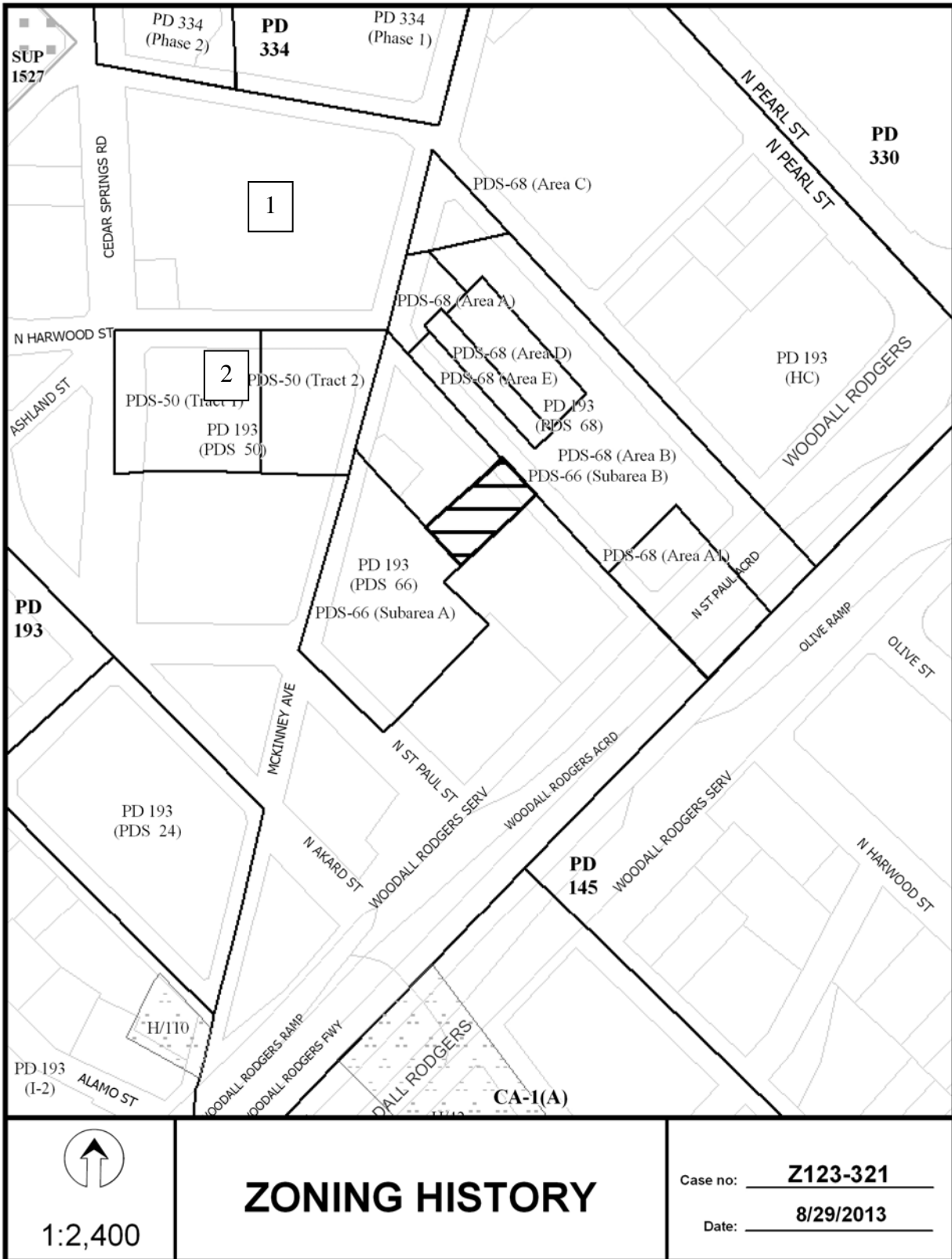
1:2,400

# AERIAL MAP

Case no:           Z123-321          

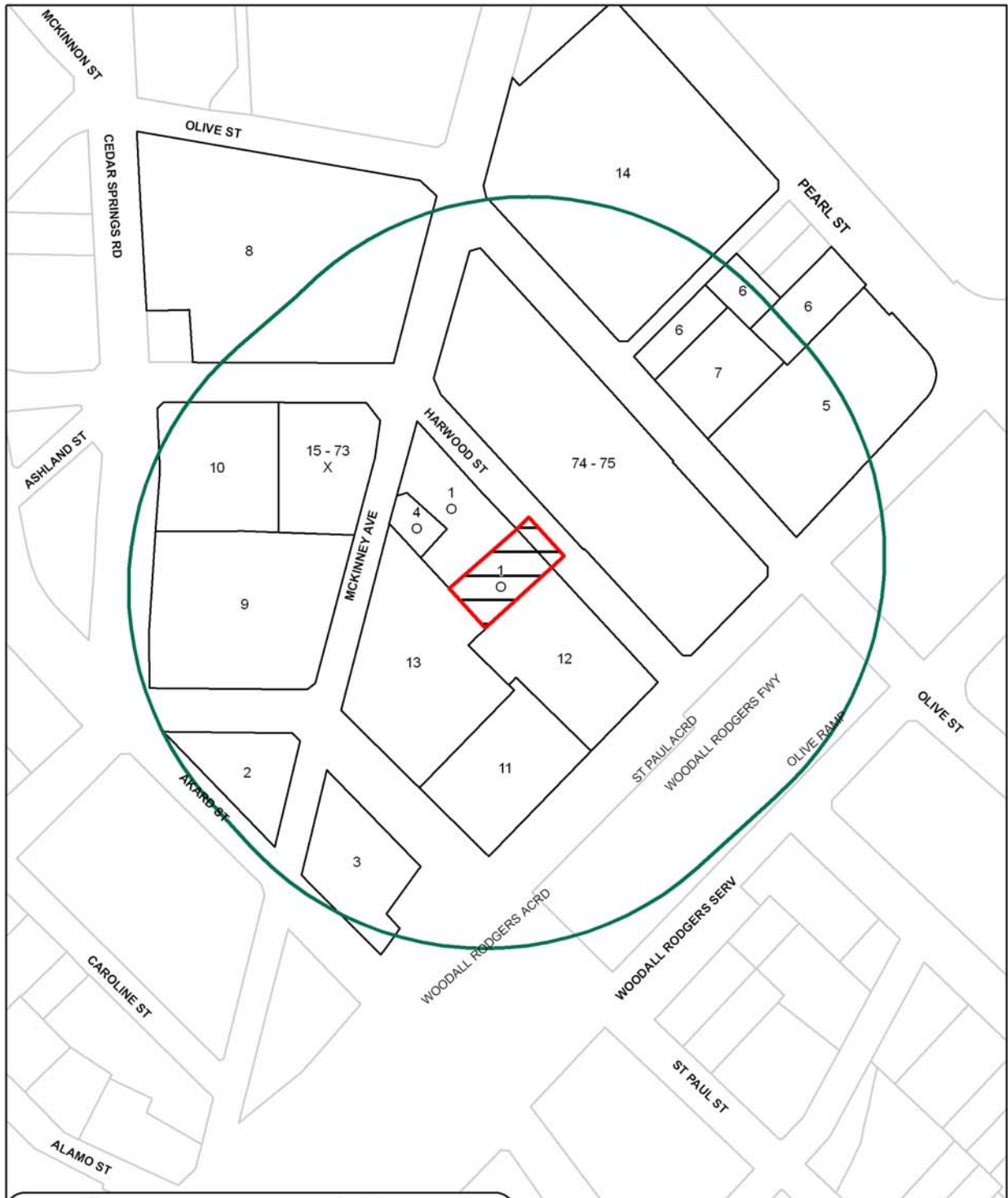
Date:           10/17/2013







CPC Responses



<u>75</u>	Property Owners Notified (19 parcels)
<u>2</u>	Replies in Favor (3 parcels)
<u>59</u>	Replies in Opposition (1 parcels)
<u>500'</u>	Area of Notification
<u>10/10/2013</u>	Date <u>9/26/2013</u> Under Advisement

**Z123-321**  
**CPC**



1:2,400

10/11/2013

## Reply List of Property Owners

### Z123-321

**75 Property Owners Notified 2 Property Owners in Favor 59 Property Owners Opposed**

Reply Label #	Address	Owner
O	1 1936 MCKINNEY AVE	MCKINNEY HARWOOD LLC
	2 1899 MCKINNEY AVE	PEARL REALTY HOLDINGS LLC
	3 1845 WOODALL RODGERS FWY	CHARTER WOODALL PARNTERS
O	4 1920 MCKINNEY AVE	FULTON HAROLD R 1997
	5 2101 PEARL ST	CHASE BANK OF TX NA
	6 2130 OLIVE ST	DAL UPTOWN LLC
	7 2122 OLIVE ST	BRAHAM DENIS C TR
	8 2001 MCKINNEY AVE	CRESCENT REAL ESTATE
	9 1919 MCKINNEY AVE	HKS BUILDINGS LP
	10 1900 CEDAR SPRINGS RD	SE 1900 CEDAR SPRINGS LP
	11 1909 WOODALL RODGERS FWY	L & W REAL ESTATE LLC
	12 2121 HARWOOD ST	L & W REAL ESTATE LLC
	13 1900 MCKINNEY AVE	1900 MCKINNEY PROPERTIES
	14 2100 MCKINNEY AVE	METROPOLITAN LIFE INC CO
X	15 1999 MCKINNEY AVE	ARZOLA FERNANDEO L
X	16 1999 MCKINNEY AVE	MOORE F DAVID
X	17 1999 MCKINNEY AVE	ARROYO DEANNE ALYSSA
X	18 1999 MCKINNEY AVE	CHEN PHILIP
X	19 1999 MCKINNEY AVE	SMITH WALTER G &
X	20 1999 MCKINNEY AVE	KALIL STEPHEN A &
X	21 1999 MCKINNEY AVE	GARRETT MICHAEL L &
X	22 1999 MCKINNEY AVE	GANTI RISHI
X	23 1999 MCKINNEY AVE	JAIN ANISH K &
X	24 1999 MCKINNEY AVE	HENDRICKSON DWIGHT ETAL
X	25 1999 MCKINNEY AVE	ANDERSON MELISA ANN D
X	26 1999 MCKINNEY AVE	CURTIS AUDREY A

10/11/2013

<b>Reply Label #</b>	<b>Address</b>	<b>Owner</b>
X 27	1999 MCKINNEY AVE	STALEY MARY
X 28	1999 MCKINNEY AVE	REID ROBERT & DAHLIA REID
X 29	1999 MCKINNEY AVE	HUTCHINSON WILLIAM L & SUZANNE S
X 30	1999 MCKINNEY AVE	SHARP THOMAS L
X 31	1999 MCKINNEY AVE	DEANE BELINDA
X 32	1999 MCKINNEY AVE	BUGG ROBERT C
X 33	1999 MCKINNEY AVE	SALES SUSAN CAROLINE
X 34	1999 MCKINNEY AVE	MEDINA MICHAEL A
X 35	1999 MCKINNEY AVE	KAYE JONATHAN D
X 36	1999 MCKINNEY AVE	1999 MCKINNEY AVE#807 LAND TRUST
X 37	1999 MCKINNEY AVE	STUVE OLAF &
X 38	1999 MCKINNEY AVE	WERBNER MARK
X 39	1999 MCKINNEY AVE	RUVALCABA RICK & MICHELLE
X 40	1999 MCKINNEY AVE	ARNOLD VANCE M ETAL
X 41	1999 MCKINNEY AVE	MYERSCOUGH PATRICK J
X 42	1999 MCKINNEY AVE	CAIRE JACQUELINE
X 43	1999 MCKINNEY AVE	HOLLOCK MARY
X 44	1999 MCKINNEY AVE	MOORE LARRY H &
X 45	1999 MCKINNEY AVE	SCHUBERT FRANK B &
X 46	1999 MCKINNEY AVE	NADLER ERIC
X 47	1999 MCKINNEY AVE	JONES RUSSELL T &
X 48	1999 MCKINNEY AVE	UDASHEN ROBERT & KAREN S
X 49	1999 MCKINNEY AVE	HAINES CAPITAL GROUP LLC
X 50	1999 MCKINNEY AVE	OREILLY MATTHEW
X 51	1999 MCKINNEY AVE	DALE BRUCE
X 52	1999 MCKINNEY AVE	BRINK RICHARD R &
X 53	1999 MCKINNEY AVE	OBERING MIHOKO K
X 54	1999 MCKINNEY AVE	BRADFORD TED R
X 55	1999 MCKINNEY AVE	BRUNT WILLIAM B
X 56	1999 MCKINNEY AVE	WOMACK STEVEN W
X 57	1999 MCKINNEY AVE	CAIRE MARY

Z123-321(JH)

10/11/2013

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
X	58	1999 MCKINNEY AVE	HOWREY DANIEL L
X	59	1999 MCKINNEY AVE	EDMISTON ANGIE L
X	60	1999 MCKINNEY AVE	CLB PARTNERS, LTD.
X	61	1999 MCKINNEY AVE	ABINGTON TOM E & GLYNDA C
X	62	1999 MCKINNEY AVE	WHITE JIM
X	63	1999 MCKINNEY AVE	MYERSCOUGH DAVID TRUSTEE
X	64	1999 MCKINNEY AVE	WINTER F DAVID JR & RENEE
X	65	1999 MCKINNEY AVE	ETTER THEODORE F JR
X	66	1999 MCKINNEY AVE	LOMAT INVESTMENTS INC
X	67	1999 MCKINNEY AVE	TABBAL GEORGES
X	68	1999 MCKINNEY AVE	HORTON EMILY
X	69	1999 MCKINNEY AVE	PRITCHARD JOHNNY G &
X	70	1999 MCKINNEY AVE	ASHMORE GLEN A
X	71	1999 MCKINNEY AVE	EISENSTEIN ABRAM &
X	72	1999 MCKINNEY AVE	1999 MCKINNEY AVE#2007 LAND TRUST
X	73	1999 MCKINNEY AVE	LEDBETTER FINLEY & JONI
	74	2000 MCKINNEY AVE	2000 MCKINNEY INVESTMENT
	75	2000 MCKINNEY AVE	PARKSIDE RESIDENTIAL LP

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 13  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 14 W

---

**SUBJECT**

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from Thomas C. Marsh Middle School, a public school, required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a proposed general merchandise or food store greater than 10,000 square feet [CVS Corp.] on property on the southwest corner of Forest Lane and Cox Lane - AV123-010 - 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 20, 2013, by CVS Corporation. Thomas C. Marsh Middle School is located to the northeast 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 property is zoned for Community Retail uses and is located along a major thoroughfare. The property is platted as a separate lot from the shopping center located to the south. The applicant maintains a use that is almost 11,000 square feet. The protected use sits on a 20 acre lot that includes a practice field, and baseball fields. The protected use unfairly encumbers this applicant since it is separated only by the major thoroughfare. The shopping centers to the north and south can maintain the required spacing requirements for their tenants that seek to sell alcoholic beverages. This creates an undue hardship on the applicant's ability to provide services for area residents as they are allowed to at their other locations."

The site is approximately 1.15 acres with a standalone general merchandise store and is zoned a CR Community Retail District. The site is located on a major thoroughfare (Forest Lane). 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.

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

On October 23, 2013, this item was held under advisement by Council.

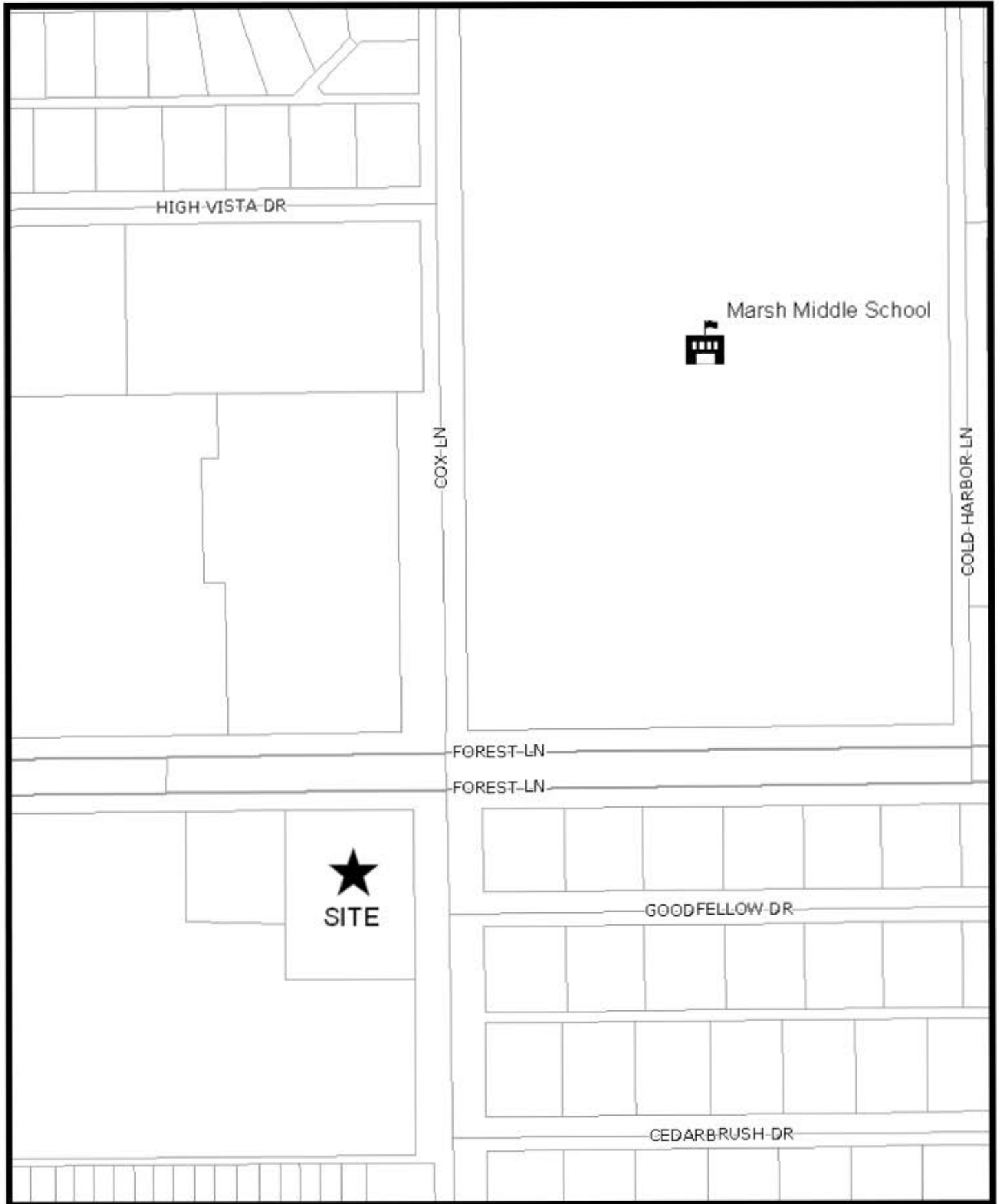
On November 12, 2013, this item was held under advisement by Council.

**FISCAL INFORMATION**

No cost consideration to the City.

**MAP**


Attached.




**AV123-010**



1:2,400

 Approximate location of business requesting alcohol variance

 Public school





AV 723-010

August 15, 2013

Mr. David Cossum  
Interim Director  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla, Room 5DS  
Dallas, Texas 75201

RECEIVED BY  
AUG 20 2013  
Current Planning

RE: Variance for general merchandise store greater than 10,000 square feet selling beer and wine for off-premise consumption located at 3798 Forest Lane.

Dear Mr. Cossum:

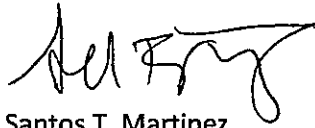
As the authorized representative for CVS, we submit this letter as an official application for a variance to the distance restrictions for alcohol sales pursuant to Chapter 6-4(g) of the Dallas City Code.

- (A) The name of the owner of the property where the alcohol business is located is Forest and Marsh Lanes Shopping Center, LTD., Park Forest Properties, Inc.
- (B) The applicant for the alcohol permit at this location is CVS Corporation, 1 CVS Drive, Woonsocket, RI 02895
- (C) The alcohol permit sought for this location is for a wine and beer retailers off-premise permit pursuant to the Texas Alcohol Beverage Code Chapter 26.
- (D) The protected use that creates the need for a variance is Thomas C. Marsh Middle School, 3838 Crown Shore Drive, Dallas, Tx. 75244
- (E) A certified survey that identifies the distance from the main entrance of the CVS to the front door of Thomas C. Marsh Middle School exceeds 1900 feet.
- (F) The property is zoned for Community Retail uses and is located along a major thoroughfare. The property is platted as a separate lot from the shopping center located to the south. The applicant maintains a use that is almost 11,000 square feet. The protected use sits on a 20 acre lot that includes a practice field, and baseball fields. The protected use unfairly encumbers this applicant since it is separated only by the major thoroughfare. The shopping centers to the north and south can maintain the required spacing requirements for their tenants that seek to sell alcoholic beverages. This creates an undue hardship on the applicant's ability to provide services for area residents as they are allowed to at their other locations.

AV123-010

We have included a TABC field survey, existing site plan for this general merchandise use greater than 10,000 square feet, and the filing fee for this request.

Please feel free to contact our offices if you need any additional information regarding this application.



Santos T. Martinez  
Authorized representative for  
CVS

0 150 300 600

GRAPHIC SCALE IN FEET



CROWN SHORE DR.

HIGH VISTA DR.

COX LANE

COLD HARBOR LANE

BUILDING ENTRANCE

THOMAS C. MARSH MIDDLE SCHOOL

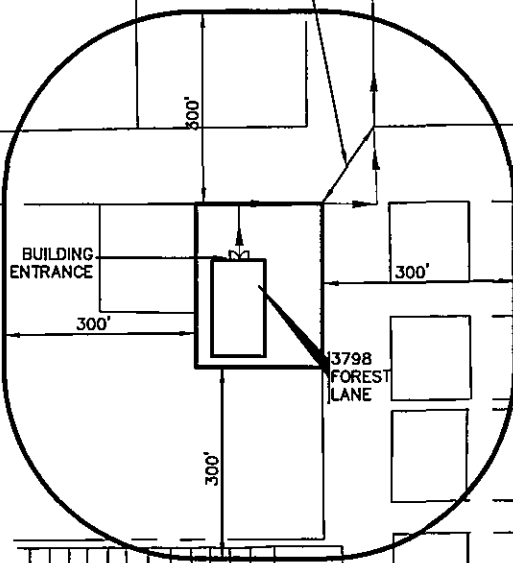
146 LF PROPERTY LINE TO PROPERTY LINE

1953 LF. PATH FROM DOOR TO DOOR

FOREST LANE

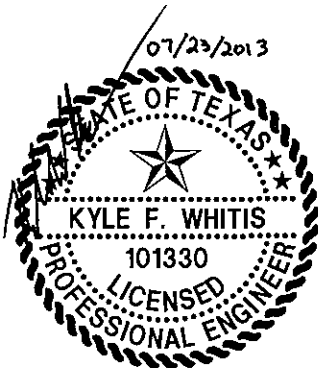
GOODFELLOW DR.

CEDAR BRUSH DR.



BUILDING ENTRANCE

3798 FOREST LANE



NOTES:

1. I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. The survey map shows that the place of business where alcoholic beverages will be sold meets the location requirements in Dallas City Code Section 6-4.
2. Distances shown are based on City of Dallas GIS aerial information and are not the result of an on the ground survey.
3. Results from online resources and field observations, as shown, do not indicate that a protected use is located within the required minimum distances as determined by the City of Dallas measurement methods upon date of signature.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY KYLE F. WHITIS, P.E. 101330 ON 07/23/2013. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

M:\DWG-31\3156-10.311\DWG\CVS #7672 - 3798 FOREST LANE\CVS #7672 - 3798 FOREST.DWG

07/23/2013 - 7:52AM

KWHITIS

**Pacheco Koch**  
DALLAS • FORT WORTH • HOUSTON

8350 N. CENTRAL EXPWY. SUITE 1000  
DALLAS, TX 75206 972.235.3031  
TX REG. ENGINEERING FIRM F-469  
TX REG. SURVEYING FIRM LS-100080-00

**TABC ALCOHOL PERMIT EXHIBIT**

CVS #7672, 3798 FOREST LANE,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
AJC	KFW	1"=300'	07/23/2013	3156-10.311



January 8, 2014

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

**WHEREAS**, CVS Corporation has submitted an application for a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code, and is requesting a variance to the alcohol spacing requirements for property on the southwest corner of Forest Lane and Cox Lane, southwest of Thomas C. Marsh Middle School, a public school; and

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

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

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

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

**Section 1.** That the variance to the alcohol spacing requirements for CVS Corporation, located on property on the southwest corner of Forest Lane and Cox Lane (AKA Lot 1 of Block A/6444), southwest of Thomas C. Marsh Middle School, a public school, is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code.
- (2) This alcohol spacing variance is valid only for a general merchandise or food store with 10,000 square feet or more of floor area.
- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.

January 8, 2014

- (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.

**JANUARY 8, 2014 CITY COUNCIL ADDENDUM  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated January 8, 2014. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez  
Interim City Manager

1-3-14

Date



Edward Scott  
City Controller

1-3-14

Date





RECEIVED

2014 JAN -3 PM 4: 28

CITY SECRETARY  
DALLAS, TEXAS

ADDENDUM  
CITY COUNCIL MEETING  
WEDNESDAY, JANUARY 8, 2014  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TX 75201  
9:00 A.M.

**REVISED ORDER OF BUSINESS**

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

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

**OPEN MICROPHONE**

**CLOSED SESSION**

**MINUTES**

Item 1

**CONSENT AGENDA**

Items 2 - 22

**CONSENT ADDENDUM**

Items 1 - 3

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 23 - 24  
Addendum Items 4 - 6

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 25 - 34  
Addendum Items 7 - 8



**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 8, 2014  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A. M.**

ADDITIONS:

Closed Session

5ES

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

- Lockey and MacKenzie v. City of Dallas, et al., Appeal No. 13-10884; 1600 Pacific LP v. City of Dallas, HUD Case File Nos. 06-10-0449-9, 06-10-0449-4, and 06-10-0499-6.
- Legal issues regarding the Dallas City Council Rules of Procedure.

Personnel (Sec. 551.074 T.O.M.A.)

- Discuss the qualifications of candidates for the position of City Manager.

CONSENT ADDENDUM

**Office of Financial Services**

1. Authorize an amendment to the 2014 City Calendar to change the meeting time of the Quality of Life & Environment Committee meetings from 9:30 a.m. to 9:00 a.m. - Financing: No cost consideration to the City

**Park & Recreation**

2. Authorize **(1)** assignment of the original contract with Johnson-McKibben Architects, Inc. to the new established company name of JMA Johnson, LLC; and **(2)** Supplemental Agreement No. 3 to the professional services contract with JMA Johnson, LLC for additional construction administration phase work for Cummings Recreation Center located at 2900 Cummings Street - Not to exceed \$137,040, from \$192,545 to \$329,585 - Financing: 2006 Bond Funds

**Trinity Watershed Management**

3. Authorize a construction contract with CD Builders, Inc., lowest responsible bidder of four, for drainage improvements and the creation of 60 acres of wetland associated with the Pavaho Wetland Supplemental Environmental Project - Not to exceed \$2,540,598 - Financing: Current Funds (\$171,765) and Stormwater Drainage Management Capital Construction Funds (\$2,368,833)

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 8, 2014**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

**Trinity Watershed Management**

4. Authorize amending and replacing Resolution No. 12-2544 to: **(1)** provide additional closing costs and title expenses; and **(2)** authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary for the acquisition of Tract I from Harold Topletz and the Estate of Joseph M. (Jack) Topletz, of an unimproved tract of land containing approximately 12,173 square feet; and of Tract II from Tanner Montgomery of an unimproved tract of land containing 23,805 square feet located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project - Not to exceed \$13,300 (\$9,800 plus closing costs and title expenses not to exceed \$3,500) - Financing: 2006 Bond Funds

DESIGNATED PUBLIC SUBSIDY MATTERS

**Economic Development**

5. Authorize amendments to Resolution No. 13-2140, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Affairs (TDHCA) on the proposal for the new construction of the Bruton Apartments, located at 9415 Bruton Road, Dallas, Texas, The TDHCA has requested the following: **(1)** delete reference to the TDHCA's tenants services requirement; **(2)** to replace the word "LURA" with "Bond Regulatory Agreement"; and **(3)** delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" - Financing: This action has no cost consideration to the City
6. Authorize an amendment to Resolution No. 13-2141, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Affairs (TDHCA), on the proposal for the rehabilitation of The Park at Cliff Creek Apartments located at 7300 Marvin D. Love Freeway, Dallas, Texas, The TDHCA has requested the following: **(1)** delete reference to the TDHCA's tenants services requirement; **(2)** to replace the word "LURA" with "Bond Regulatory Agreement"; and **(3)** delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" - Financing: This action has no cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 8, 2014**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

FLOODPLAIN APPLICATIONS

**Trinity Watershed Management**

7. A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.57 acres of the current 4.57 acres of land located at the northwest corner of Northwest Highway and Lawther, of which 2.36 acres is within the floodplain of White Rock Creek, Fill Permit 13-02 - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

**Housing/Community Services**

8. A public hearing to receive comments regarding an application to The Texas Department of Housing and Community Affairs (TDHCA) for 2013 4% Low Income Housing Tax Credits for Patriots Crossing, a 162 unit multifamily project, located at 4623 South Lancaster Road and authorize an amendment to Resolution No. 13-1867, previously approved on October 23, 2013, to add language requested by Texas Department of Housing & Community Affairs (TDHCA) in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), in further support of 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



**ADDENDUM DATE** January 8, 2014

ITEM	IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			N/A	C	OFS	NC	NA	NA	Authorize an amendment to the 2014 City Calendar to change the meeting time of the Quality of Life & Environment Committee meetings from 9:30 a.m. to 9:00 a.m
2			4	C	PKR	\$137,040.00	86.05%	99.09%	Authorize assignment of the original contract with Johnson-McKibben Architects, Inc. to the new established company name of JMA Johnson, LLC; and Supplemental Agreement No. 3 to the professional services contract with JMA Johnson, LLC for additional construction administration phase work for Cummings Recreation Center located at 2900 Cummings Street
3			6	C	TWM	\$2,540,597.05	14.29%	100.00%	Authorize a construction contract with CD Builders, Inc., lowest responsible bidder of four, for drainage improvements and the creation of 60 acres of wetland associated with the Pavaho Wetland Supplemental Environmental Project
4			7	I	TWM, PKR	\$13,300.00	NA	NA	Authorize amending and replacing Resolution No. 12-2544 to: provide additional closing costs and title expenses; and authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary for the acquisition of Tract I from Harold Topletz and the Estate of Joseph M. (Jack) Topletz, of an unimproved tract of land containing approximately 12,173 square feet; and of Tract II from Tanner Montgomery of an unimproved tract of land containing 23,805 square feet located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project
5			7	I	ECO	NC	NA	NA	Authorize amendments to Resolution No. 13-2140, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Affairs (TDHCA) on the proposal for the new construction of the Bruton Apartments, located at 9415 Bruton Road, Dallas, Texas, The TDHCA has requested the following: delete reference to the TDHCA's tenants services requirement; to replace the word "LURA" with "Bond Regulatory Agreement"; and delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services"
6			8	I	ECO	NC	NA	NA	Authorize an amendment to Resolution No. 13-2141, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Affairs (TDHCA), on the proposal for the rehabilitation of The Park at Cliff Creek Apartments located at 7300 Marvin D. Love Freeway, Dallas, Texas, The TDHCA has requested the following: delete reference to the TDHCA's tenants services requirement; to replace the word "LURA" with "Bond Regulatory Agreement"; and delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services"
7			9	PH	TWM	NC	NA	NA	A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.57 acres of the current 4.57 acres of land located at the northwest corner of Northwest Highway and Lawther, of which 2.36 acres is within the floodplain of White Rock Creek, Fill Permit 13-02
8			4	PH	HOU	NC	NA	NA	A public hearing to receive comments regarding an application to The Texas Department of Housing and Community Affairs (TDHCA) for 2013 4% Low Income Housing Tax Credits for Patriots Crossing, a 162 unit multifamily project, located at 4623 South Lancaster Road and authorize an amendment to Resolution No. 13-1867, previously approved on October 23, 2013, to add language requested by Texas Department of Housing & Community Affairs (TDHCA) in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), in further support of the proposed project to be located at 4623 South Lancaster Road for a multifamily residential development for low income families
<b>TOTAL</b>						<b>\$2,690,937.05</b>			





**ADDENDUM ITEM # 1**

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

**AGENDA DATE:** January 8, 2014

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

**DEPARTMENT:** Office of Financial Services

**CMO:** Jeanne Chipperfield, 670-7804

**MAPSCO:** N/A

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**SUBJECT**

Authorize an amendment to the 2014 City Calendar to change the meeting time of the Quality of Life & Environment Committee meetings from 9:30 a.m. to 9:00 a.m. - Financing: No cost consideration to the City

**BACKGROUND**

Resolution No. 89-3796 requires the City Council to adopt an annual calendar. Resolution No. 90-2673 establishes the annual July recess. The City Calendar includes all City Council briefing and agenda meetings, budget briefings and workshops, Council Committee meetings, and City holidays. The City Calendar is available on the City's website at [www.dallascityhall.com](http://www.dallascityhall.com) and is made available in the Office of Financial Services to all citizens who request copies.

The 2014 City Calendar is being amended to change the meeting time of the Quality of Life & Environment Committee meetings from 9:30 a.m. to 9:00 a.m. The 2014 City Calendar is being amended to reflect this change per Attachment A.

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

The City Council was briefed on October 16, 2013.

The 2014 City Calendar was approved by the City Council on October 23, 2013, by Resolution No. 13-1890.

This item was included on the December 9, 2013 agenda for the Quality of Life & Environment Committee meeting.

**FISCAL INFORMATION**

No cost consideration to the City.

January 8, 2014

**WHEREAS**, the meeting time for the Quality of Life & Environment Committee meetings should be changed from 9:30 a.m. to 9:00 a.m.; and

**WHEREAS**, it has become necessary to revise the 2014 calendar for the year to reflect this change;

**Now, Therefore,**

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

**Section 1.** That the Dallas City Council authorizes the meeting time change for the Quality of Life & Environment Committee meetings from 9:30 a.m. to 9:00 a.m. and authorizes an amendment to the 2014 City Calendar to reflect this change per Attachment A.

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

January 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			<b>1</b> City Council Meeting Canceled  New Year's Day City Holiday	<b>2</b>	<b>3</b>	<b>4</b>
<b>5</b>	<b>6</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	<b>7</b>	<b>8</b> Council Agenda 9:00am	<b>9</b>	<b>10</b>	<b>11</b>
<b>12</b>	<b>13</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>14</b>	<b>15</b> Council Briefing 9:00am	<b>16</b> Council-Staff Planning Session TBD	<b>17</b> Council-Staff Planning Session TBD	<b>18</b>
<b>19</b>	<b>20</b> Council Committee Meetings Moved to January 21  Martin Luther King, Jr. Day City Holiday	<b>21</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>22</b> Council Agenda 9:00am  U.S. Conference of Mayors Washington, DC Winter Meeting	<b>23</b>  U.S. Conference of Mayors Washington, DC Winter Meeting	<b>24</b>  U.S. Conference of Mayors Washington, DC Winter Meeting	<b>25</b>
<b>26</b>	<b>27</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>28</b>	<b>29</b> Fifth Wednesday – No City Council Meeting	<b>30</b>	<b>31</b>	

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

February 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	<b>3</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	4	<b>5</b> Council Briefing 9:00am  Budget Workshop	6	7	8
9	<b>10</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	11	<b>12</b> Council Agenda 9:00am	13	14	15
16	<b>17</b> Council Committee Meetings Moved to February 18  Presidents' Day City Holiday	<b>18</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>19</b> Council Briefing 9:00am	20	21	22
23	<b>24</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	25	<b>26</b> Council Agenda 9:00am	27	28	

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

March 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	<b>3</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	4	<b>5</b> Council Briefing 9:00am	6	7	<b>8</b> National League of Cities Conference – Washington, D.C.
9	<b>10</b> Council Committee Meetings Canceled  Council Recess  National League of Cities Conference – Washington, D.C.	<b>11</b>  Council Recess  National League of Cities Conference – Washington, D.C.	<b>12</b> City Council Meeting Canceled  Council Recess  National League of Cities Conference – Washington, D.C.	<b>13</b>  Council Recess	<b>14</b>  Council Recess	15
16	<b>17</b> Council Committee Meetings Canceled  Council Recess	<b>18</b>  Council Recess	<b>19</b> City Council Meeting Canceled  Council Recess	<b>20</b>  Council Recess	<b>21</b>  Council Recess	22
23	<b>24</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	25	<b>26</b> Council Agenda 9:00am  Budget Public Hearing	27	28	29
30	<b>31</b>					

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

April 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Council Briefing 9:00am	3	4	5
6	7 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	8	9 Council Agenda 9:00am	10	11	12
13	14 Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project (Adjourn by 2:00pm)  Passover (Begins at Sundown)	15  Passover Second Night Seder	16 Council Briefing 9:00am	17	18  Good Friday	19
20  Easter Sunday	21 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	22	23 Council Agenda 9:00am	24	25	26
27	28 Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	29	30 Fifth Wednesday – No City Council Meeting			

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

May 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	6	7 Council Briefing 9:00am	8	9	10
11	12 Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	13	14 Council Agenda 9:00am	15	16	17
18	19 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	20	21 Council Briefing 9:00am  Budget Workshop	22	23	24
25	26 Council Committee Meetings Moved to May 27  Memorial Day City Holiday	27 Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	28 Council Agenda 9:00am  Budget Public Hearing	29	30	31

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

June 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	<b>2</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	3	<b>4</b> Council Briefing 9:00am	5	6	7
8	<b>9</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	10	<b>11</b> Council Agenda 9:00am	12	13	14
15	<b>16</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	17	<b>18</b> Council Briefing 9:00am  Budget Workshop	19	<b>20</b>  U.S. Conference of Mayors Dallas, TX	21  U.S. Conference of Mayors Dallas, TX
22  U.S. Conference of Mayors Dallas, TX	<b>23</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project  U.S. Conference of Mayors Dallas, TX	24	<b>25</b> Council Agenda 9:00am	26	<b>27</b>	28 Ramadan (begins at Sundown)
29	<b>30</b>					

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall



July 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Council Recess Per Resolution 90-2673 Passed August 22, 1990	3	4 Independence Day City Holiday	5
6	7 Council Recess Per Resolution 90-2673 Passed August 22, 1990	8	9 Council Recess Per Resolution 90-2673 Passed August 22, 1990	10	11	12
13	14 Council Recess Per Resolution 90-2673 Passed August 22, 1990	15	16 Council Recess Per Resolution 90-2673 Passed August 22, 1990	17	18	19
20	21 Council Recess Per Resolution 90-2673 Passed August 22, 1990	22	23 Council Recess Per Resolution 90-2673 Passed August 22, 1990	24	25	26
27	28 Council Recess Per Resolution 90-2673 Passed August 22, 1990	29	30	31		

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

August 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	5	6 Council Briefing 9:00am	7	8	9
10	11 Council Committees: 9:30-10:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	12 9:00am Council Budget Workshop  Presentation of City Manager's Recommended Budget  Budget Town Hall Meetings Begin	13 Council Agenda 9:00am	14	15	16
17	18 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	19	20 Council Briefing 9:00am	21	22	23
24	25 Council Committees: 9:30-10:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	26 Council Budget Workshop 9:00am	27 Council Agenda 9:00am  Budget Public Hearing	28	29 Budget Town Hall Meetings End	30
31						

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

September 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>1</b> Council Committee Meetings Moved to September 2  Labor Day City Holiday/Cesar E. Chavez Day	<b>2</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	<b>3</b> Council Briefing 9:00am  Vote to Adopt Budget 1 <sup>st</sup> Reading	<b>4</b>	<b>5</b>	<b>6</b>
<b>7</b>	<b>8</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>9</b> Council Budget Amendments Workshop 9:00am	<b>10</b> Council Agenda 9:00am	<b>11</b> September 11 <sup>th</sup> Remembrance Day	<b>12</b>	<b>13</b>
<b>14</b>	<b>15</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>16</b>	<b>17</b> Council Briefing 9:00am  Budget Adoption 2 <sup>nd</sup> Reading	<b>18</b>	<b>19</b>	<b>20</b>
<b>21</b>	<b>22</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>23</b>	<b>24</b> Council Agenda 9:00am (Adjourn by 2:00pm)  Rosh Hashanah (Begins at Sundown)	<b>25</b>	<b>26</b>	<b>27</b>
<b>28</b>	<b>29</b>  Texas Municipal League Annual Conference –Houston, TX	<b>30</b>  Texas Municipal League Annual Conference –Houston, TX				

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

October 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			<b>1</b> City Council Meeting Canceled  Texas Municipal League Annual Conference –Houston, TX	<b>2</b>  Texas Municipal League Annual Conference –Houston, TX	<b>3</b>  Texas Municipal League Annual Conference –Houston, TX  Yom Kippur (Begins at Sundown)	<b>4</b>  Yom Kippur
<b>5</b>	<b>6</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	<b>7</b>	<b>8</b> Council Agenda 9:00am	<b>9</b>	<b>10</b>	<b>11</b>
<b>12</b>	<b>13</b> Council Committees: 9:30 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>14</b>	<b>15</b> Council Briefing 9:00am	<b>16</b>	<b>17</b>	<b>18</b>
<b>19</b>	<b>20</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>21</b>	<b>22</b> Council Agenda 9:00am	<b>23</b>	<b>24</b>	<b>25</b>
<b>26</b>	<b>27</b> Council Committees: 9:30 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>28</b>	<b>29</b> Fifth Wednesday – No City Council Meeting	<b>30</b>	<b>31</b>	

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

November 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	<b>3</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	<b>4</b>	<b>5</b> Council Briefing 9:00am	<b>6</b>	<b>7</b>	<b>8</b>
9	<b>10</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>11</b> Veterans Day	<b>12</b> Council Agenda 9:00am	<b>13</b>	<b>14</b>	<b>15</b>
16	<b>17</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>18</b> Council Briefing 9:00am	<b>19</b> City Council Meeting Moved to November 18  National League of Cities Conference – Austin, TX	<b>20</b>  National League of Cities Conference – Austin, TX	<b>21</b>  National League of Cities Conference – Austin, TX	<b>22</b>  National League of Cities Conference – Austin, TX
23	<b>24</b> Council Committee Meetings Canceled	<b>25</b>	<b>26</b> City Council Meeting Canceled	<b>27</b> Thanksgiving Day City Holiday	<b>28</b> Day after Thanksgiving Day City Holiday	<b>29</b>
30						

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

December 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>1</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>2</b>	<b>3</b> Council Briefing 9:00am	<b>4</b>	<b>5</b>	<b>6</b>
<b>7</b>	<b>8</b> Council Committees: 9:30 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>9</b>	<b>10</b> Council Agenda 9:00am	<b>11</b>	<b>12</b>	<b>13</b>
<b>14</b>	<b>15</b> Council Committee Meetings Canceled	<b>16</b>  Eight Days of Hanukkah (Begins at Sundown)	<b>17</b> City Council Meeting Canceled  Hanukkah	<b>18</b>	<b>19</b>	<b>20</b>
<b>21</b>	<b>22</b> Council Committee Meetings Canceled	<b>23</b>	<b>24</b> City Council Meeting Canceled	<b>25</b> Christmas Day City Holiday	<b>26</b>	<b>27</b>
<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b> Fifth Wednesday – No City Council Meeting			

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

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

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 66-A, B

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**SUBJECT**

Authorize **(1)** assignment of the original contract with Johnson-McKibben Architects, Inc. to the new established company name of JMA Johnson, LLC; and **(2)** Supplemental Agreement No. 3 to the professional services contract with JMA Johnson, LLC for additional construction administration phase work for Cummings Recreation Center located at 2900 Cummings Street - Not to exceed \$137,040, from \$192,545 to \$329,585 - Financing: 2006 Bond Funds

**BACKGROUND**

The original professional services contract with Johnson-McKibben Architects, Inc. was awarded by Council on March 25, 2009, by Resolution No. 09-0817, for schematic design through construction administration services for expansion of the existing recreation center, interior renovation, roof repairs, and new heating, ventilation and air conditioning controls at Cummings Recreation Center, in an amount not to exceed \$159,220.

Supplemental Agreement No. 1 was authorized by Administrative Action No. 10-0748 on March 2, 2010, for topographical and boundary surveying services at Cummings Recreation Center, in an amount not to exceed \$7,975, making a revised contract amount of \$167,195.

Supplemental Agreement No. 2 was authorized by Administrative Action No. 13-0462 on March 8, 2013, for additional fees for extension of construction administration at Cummings Recreation Center, in an amount not to exceed \$25,350, making a revised contract amount of \$192,545.

**BACKGROUND** (Continued)

Supplemental Agreement No. 3 includes additional construction administration phase services in the not-to-exceed amount of \$137,040; thereby, increasing the contract from \$192,545 to \$329,585. The City of Dallas terminated the contract with the original construction contractor for Cummings Recreation Center Renovation. JMA Johnson, LLC's scope of work for architectural services needs to be extended due to the take-over of construction by a new contractor hired by the Surety, thereby delaying the completion date, and for additional design work that must be performed to correct non-conforming work by the original contractor. This action will approve Construction Administration services from March 21, 2013 through June 16, 2014. It will also include additional services to be provided at an hourly rate, on an as-needed basis, from June 17, 2014 through October 15, 2014. In the agreement with the Surety, the City of Dallas reserves all rights to seek compensation from the Surety for extra costs stemming from the termination of the original contractor.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design            May 2009  
Complete Design      June 2014

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

The Park and Recreation Board authorized award of the professional services contract on March 5, 2009.

City Council authorized award of the professional services contract on March 25, 2009, by Resolution No. 09-0817.

The Park and Recreation Board authorized Supplemental Agreement No. 3 on December 19, 2013.

**FISCAL INFORMATION**

2006 Bond Funds - \$137,040

Design Contract	\$159,220
Supplemental Agreement No. 1	\$7,975
Supplemental Agreement No. 2	\$25,350
Supplemental Agreement No. 3 (this action)	<u>\$137,040</u>
 Total amount not to exceed	 \$329,585



**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

**JMA Johnson, LLC**

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

**OWNERS**

**JMA Johnson, LLC**

Michael Johnson, President  
Gary McKibben, Vice President

**MAP**

Attached

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

**PROJECT:** Authorize **(1)** assignment of the original contract with Johnson-McKibben Architects, Inc. to the new established company name of JMA Johnson, LLC; and **(2)** Supplemental Agreement No. 3 to the professional services contract with JMA Johnson, LLC for additional construction administration phase work for Cummings Recreation Center located at 2900 Cummings Street - Not to exceed \$137,040, from \$192,545 to \$329,585 - Financing: 2006 Bond Funds

Johnson/McKibben Architects, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Architecture & Engineering

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

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$117,920.00	86.05%
Non-local contracts	\$19,120.00	13.95%
<b>TOTAL THIS ACTION</b>	<b>\$137,040.00</b>	<b>100.00%</b>

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

#### Local Contractors / Sub-Contractors

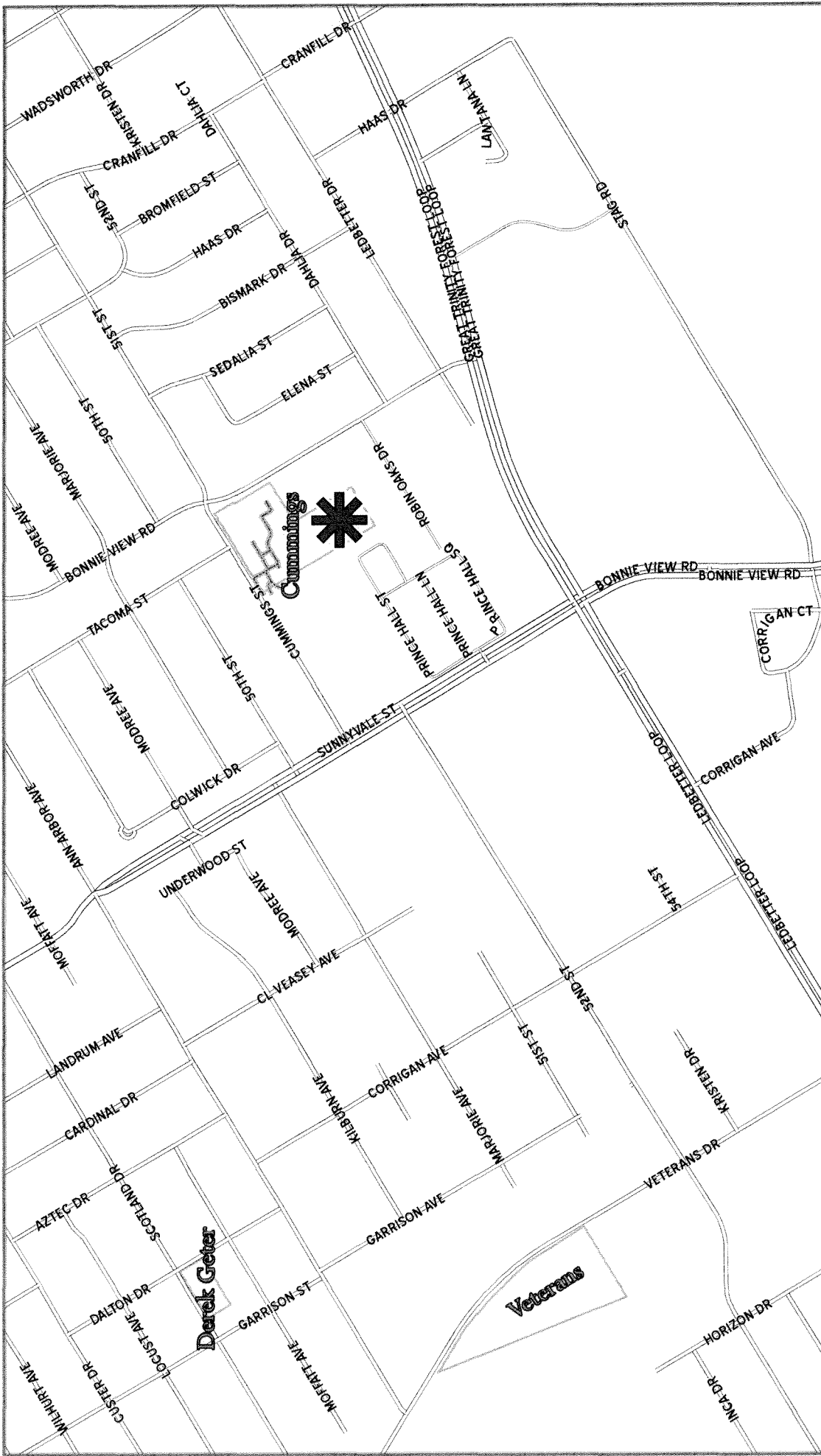
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
JMA Johnson, LLC	BMMB59033N1014	\$110,920.00	94.06%
Charles Gojer & Associates	HMDB58160Y0714	\$4,000.00	3.39%
<b>Total Minority - Local</b>		<b>\$114,920.00</b>	<b>97.46%</b>

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

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
E-W Associates	PMDB56501Y0214	\$19,120.00	100.00%
<b>Total Minority - Non-local</b>		<b>\$19,120.00</b>	<b>100.00%</b>

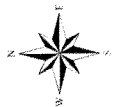
**TOTAL M/WBE PARTICIPATION**

	<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	\$110,920.00	80.94%	\$238,690.00	72.42%
Hispanic American	\$4,000.00	2.92%	\$19,800.00	6.01%
Asian American	\$19,120.00	13.95%	\$68,095.00	20.66%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$134,040.00</u>	<u>97.81%</u>	<u>\$326,585.00</u>	<u>99.09%</u>



Mapso District  
66 A B 4

Cummings Recreation Center  
(2900 Cummings Street)



January 8, 2014

January 8, 2014

**WHEREAS**, on March 25, 2009, Resolution No. 09-0817 authorized a contract with Johnson-McKibben Architects, Inc. for schematic design through construction administration services for expansion of the existing recreation center, interior renovation, roof repairs, and new heating, ventilation and air conditioning controls at Cummings Recreation Center located at 2900 Cummings Street, in an amount not to exceed \$159,220; and

**WHEREAS**, on March 2, 2010, Administrative Action No. 10-0748 authorized Supplemental Agreement No. 1 for topographical and boundary surveying services at Cummings Recreation Center, in an amount not to exceed \$7,975, increasing the contract amount from \$159,220 to \$167,195; and

**WHEREAS**, on March 8, 2013, Administrative Action No. 13-0462 authorized Supplemental Agreement No. 2 for additional fees for extension of construction administration at Cummings Recreation Center, in an amount not exceed \$25,350, increasing the contract amount from \$167,195 to \$192,545; and

**WHEREAS**, the City desires to assign the original contract with Johnson-McKibben Architects, Inc. to the new established company name of JMA Johnson, LLC; and

**WHEREAS**, it is now desired to enter into Supplemental Agreement No. 3 with JMA Johnson, LLC for additional construction administration phase work for Cummings Recreation Center, in an amount not to exceed \$137,040, increasing the contract from \$192,545 to \$329,585.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into a contract with JMA Johnson, LLC for assignment of the original contract with Johnson-McKibben Architects, Inc. to the new established company name of JMA Johnson, LLC; and Supplemental Agreement No. 3 to the professional services contract with JMA Johnson, LLC for additional construction administration phase work for Cummings Recreation Center, in an amount not to exceed \$137,040, increasing the contract from \$192,545 to \$329,585.

**SECTION 2.** That the President of the Park and Recreation Board are hereby authorized to execute a contract with JMA Johnson, LLC, after approval as to form by the City Attorney's Office.

January 8, 2014

**SECTION 3.** That the City Controller is hereby authorized to pay the amount of \$137,040 to JMA Johnson, LLC, as follows:

(2006) Park and Recreation Facilities Improvement Fund  
Fund 8T00, Department PKR, Unit T058, Object 4112  
Activity RFSI, Program PK06T058, CT-PKR09019061-1  
Commodity 92500, Vendor VS0000076879 \$114,432.38

(2006) Park and Recreation Facilities Improvement Fund  
Fund BT00, Department PKR, Unit T059, Object 4112  
Activity RFSI, Program PK06T058, CT-PKR09019061-1  
Commodity 92500, Vendor VS00000076879 \$22,607.62

Total amount not to exceed \$137,040.00

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

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Trinity Watershed Management  
Office of Risk Management

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

**MAPSCO:** 44F K & L

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**SUBJECT**

Authorize a construction contract with CD Builders, Inc., lowest responsible bidder of four, for drainage improvements and the creation of 60 acres of wetland associated with the Pavaho Wetland Supplemental Environmental Project - Not to exceed \$2,540,598 - Financing: Current Funds (\$171,765) and Stormwater Drainage Management Capital Construction Funds (\$2,368,833)

**BACKGROUND**

The Pavaho Wetlands will be constructed downstream of Sylvan Avenue along the west bank of the Trinity River within and near the Dallas Floodway. This work is required by the Consent Decree between the United States of America and State of Texas, Plaintiffs, v. City of Dallas, Defendant, Civil Action No. 3-06-CV-0845-BD.

This action will fund the drainage improvements and the creation of 60 additional acres of wetland in this area by the construction contractor CD Builders, Inc., to enhance the stormwater quality before it enters the Trinity River.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	February 2007
Completed Design	October 2013
Begin Construction	January 2014
Complete Construction	June 2014

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

Authorized Supplemental Agreement No. 2 to the design contract on April 22, 2009, by Resolution No. 09-1077.

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

Authorized a professional services contract with Alan Plummer Associates, Inc., for design of the Pavaho Stormwater Wetland Supplemental Environmental Project (SEP) on March 28, 2007, by Resolution No. 07-1017.

**FISCAL INFORMATION**

Stormwater Drainage Management Capital Construction Funds - \$2,368,832.69  
Current Funds - \$171,764.36

Engineering Design Cost	\$ 463,235.64
Construction	<u>\$2,540,597.05</u> (est.)
Total Project Cost	\$3,003,832.69 (est.)

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

CD Builders, Inc.

Hispanic Female	1	Hispanic Male	28
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	0	White Male	2

**BID INFORMATION**

The following bids with quotes were received and opened on November 21, 2013:

\*Denotes successful bidder

**BIDDERS**

**BID AMOUNT**

*CD Builders, Inc. 9008 Trinity Boulevard Fort Worth, Texas 76053	\$2,540,597.05
L. D. Kemp Excavating, Inc.	\$2,907,557.20
FCS Construction	\$3,119,163.00
Omega Contracting, Inc.	\$3,884,570.00



**OWNER**

**CD Builders, Inc.**

Ismael Carrasquillo, President

**MAP**

Attached.

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

**PROJECT:** Authorize a construction contract with CD Builders, Inc., lowest responsible bidder of four, for drainage improvements and the creation of 60 acres of wetland associated with the Pavaho Wetland Supplemental Environmental Project - Not to exceed \$2,540,598 - Financing: Current Funds (\$171,765) and Stormwater Drainage Management Capital Construction Funds (\$2,368,833)

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

**PROJECT CATEGORY:** Construction

### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$363,000.00	14.29%
Total non-local contracts	\$2,177,597.05	85.71%
<b>TOTAL CONTRACT</b>	<b>\$2,540,597.05</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>
MG Trucking	HMDB55767Y1213	\$363,000.00	100.00%
<b>Total Minority - Local</b>		<b>\$363,000.00</b>	<b>100.00%</b>

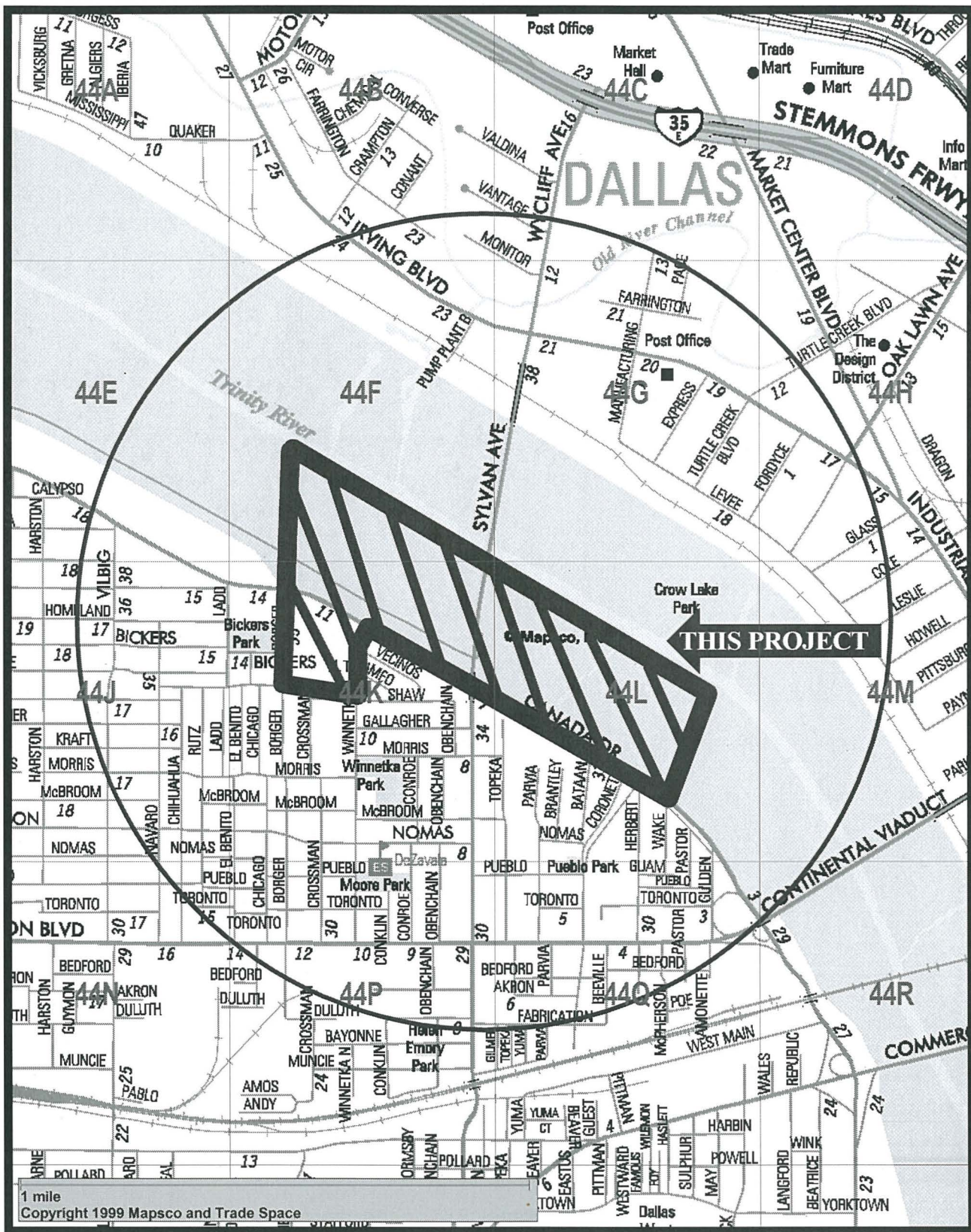
#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
C. Green Scaping, LP	HFDB57606Y0514	\$272,270.00	12.50%
CD Builders, Inc.	HMDB57541Y5014	\$1,905,327.05	87.50%
<b>Total Minority - Non-local</b>		<b>\$2,177,597.05</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	\$363,000.00	100.00%	\$2,540,597.05	100.00%
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>\$363,000.00</b>	<b>100.00%</b>	<b>\$2,540,597.05</b>	<b>100.00%</b>

# Pavaho Wetland SEP



## Mapsco 44-F,K,L



January 8, 2014

**WHEREAS**, on March 28, 2007, Resolution No. 07-1017 authorized a professional services contract with Alan Plummer Associates, Inc., for design of the Pavaho Stormwater Wetland Supplemental Environmental Project (SEP) downstream of Sylvan Avenue along the west bank of the Trinity River within and near the Dallas Floodway; and,

**WHEREAS**, on February 25, 2008, Administrative Action No. 08-1015 authorized Supplemental Agreement No. 1 to the engineering contract with Alan Plummer Associates, Inc., for additional surveying work in the amount of \$12,628.00, increasing the contract from \$294,885.00 to \$307,513.00; and,

**WHEREAS**, on April 22, 2009, Resolution No. 09-1077 authorized Supplemental Agreement No. 2 to the contract with Alan Plummer Associates, Inc. for additional engineering design of wetlands associated with the Pavaho Stormwater Wetland Supplemental Environmental Project downstream of Sylvan Avenue along the west bank of the Trinity River within and near the Dallas Floodway in the amount of \$130,772.64, from \$307,513.00 to \$438,285.64; and,

**WHEREAS**, on February 24, 2012, Administrative Action No. 12-0611 authorized Supplemental Agreement No. 3 to the engineering contract with Alan Plummer Associates, Inc., for additional revisions to the existing plans which included more low marsh areas, a water delivery system, wooden boardwalks, and other needed revisions in the amount of \$24,950.00, from \$438,285.64 to \$463,235.64; and,

**WHEREAS**, bids were received on November 21, 2013, for the construction of drainage improvements and wetlands creation for Pavaho Wetland Supplemental Environmental Project, as follows:

<b><u>BIDDERS</u></b>	<b><u>BID AMOUNT</u></b>
CD Builders, Inc.	\$2,540,597.05
L. D. Kemp Excavating, Inc.	\$2,907,557.20
FCS Construction	\$3,119,163.00
Omega Contracting, Inc.	\$3,884,570.00

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to enter into a contract with CD Builders, Inc. for drainage improvements and the creation of 60 acres of wetland associated with the Pavaho Wetland Supplemental Environmental Project in an amount not to exceed \$2,540,597.05, this being the lowest responsive bid as indicated by the tabulation of bids.

January 8, 2014

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

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

Current Funds

Fund 0192, Dept. ORM, Unit 3890, Act. RM01  
Obj. 4111, Program #PBDECRE1, CT PBWPBDECRE1  
Vendor #VS0000082219, in an amount not to exceed \$ 171,764.36

Stormwater Drainage Management Capital Construction Fund  
Fund 0063, Department SDM, Unit 4794, Act. SD01  
Obj. 4599, Program #PBDECRE1, CT SDM4794BM01  
Vendor #VS0000082219, in an amount not to exceed \$2,368,832.69

Total amount not to exceed \$2,540,597.05

**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:** Culture, Arts and Recreation

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Trinity Watershed Management  
Park & Recreation

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

**MAPSCO:** 56 V

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**SUBJECT**

Authorize amending and replacing Resolution No. 12-2544 to: **(1)** provide additional closing costs and title expenses; and **(2)** authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary for the acquisition of Tract I from Harold Topletz and the Estate of Joseph M. (Jack) Topletz, of an unimproved tract of land containing approximately 12,173 square feet; and of Tract II from Tanner Montgomery of an unimproved tract of land containing 23,805 square feet located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project - Not to exceed \$13,300 (\$9,800 plus closing costs and title expenses not to exceed \$3,500) – Financing: 2006 Bond Funds

**BACKGROUND**

This item authorizes amending and replacing Resolution No. 12-2544 to provide additional closing costs and title expenses and the acquisition of Tract I: an unimproved tract of land containing approximately 12,173 square feet from Harold Topletz and the Estate of Joseph M. (Jack) Topletz; and Tract II: from Tanner Montgomery of an unimproved tract of land containing 23,805 square feet. This property is located near the intersection of Fellows Lane and Saipan Street and will be used for the South Central/Joppa Gateway Project. Resolution No. 12-544 authorized the acquisition of two tracts of land, Tracts I and II, from a single owner. Tract I was sold by the original owner to a new owner prior to the City acquiring it. The City is now acquiring Tract I from the new owner necessitating a separate closing and thus additional closing costs and title expenses. Tract II has been previously acquired by the City from the original owner.

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

Authorized acquisition on October 10, 2012, by Resolution No. 12-2544.

## **FISCAL INFORMATION**

2006 Bond Funds - \$13,300 (\$9,800 plus closing costs and title expenses not to exceed \$3,500)

## **OWNERS**

### **Tract I**

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

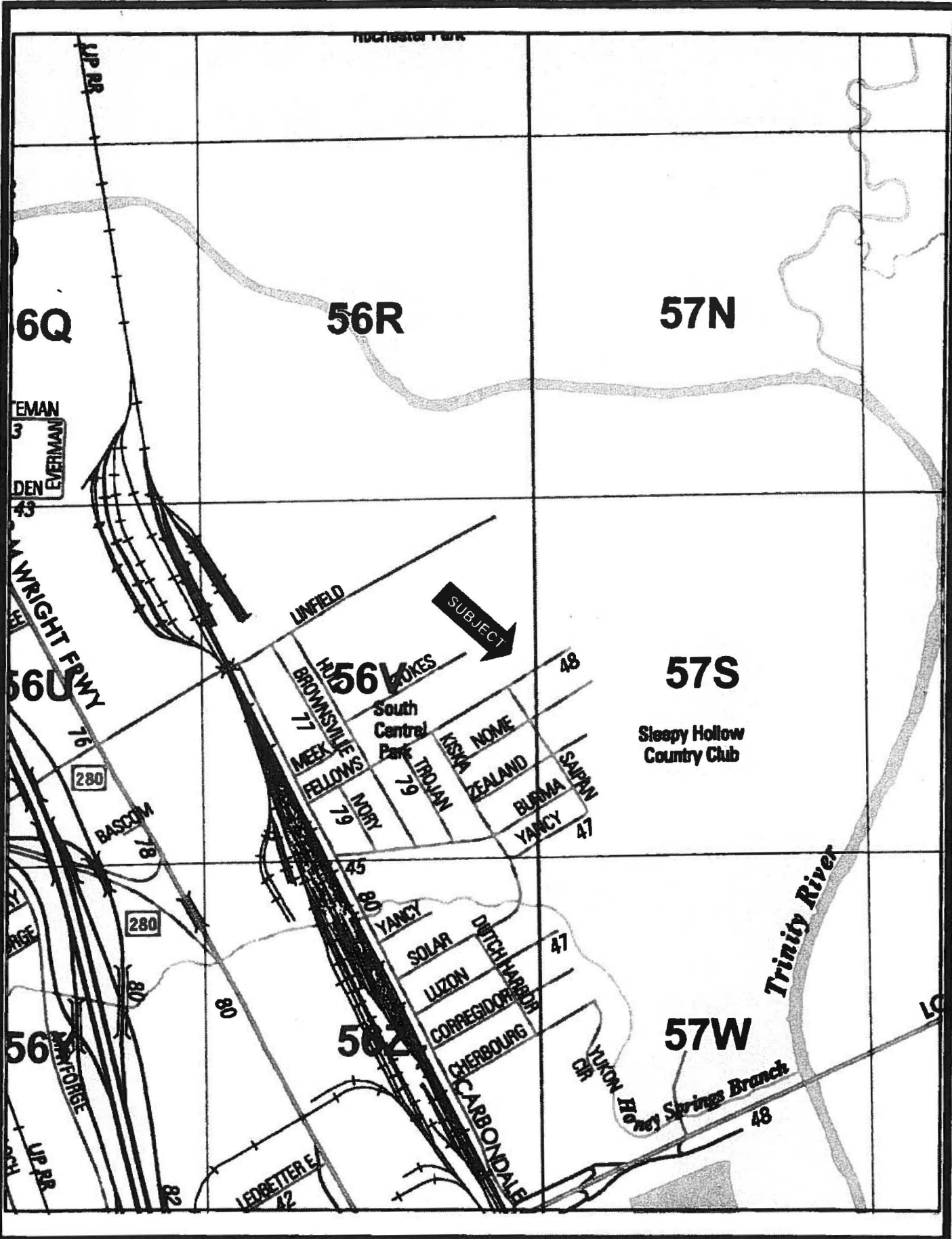
### **Tract II**

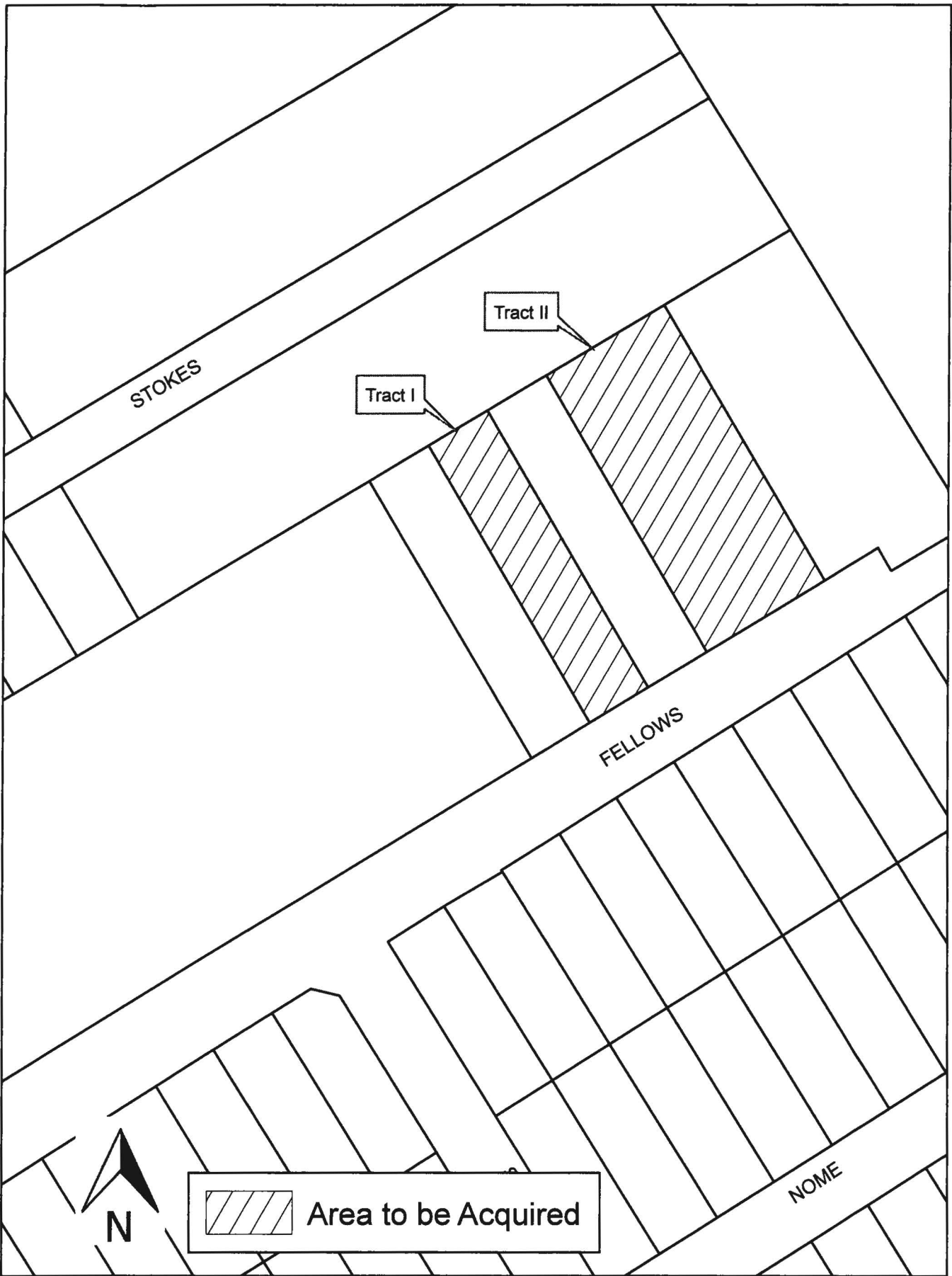
Tanner Montgomery

## **MAPS**

Attached







January 8, 2014

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY: AMENDING AND REPLACING A PREVIOUSLY ADOPTED ACQUISITION RESOLUTION ORIGINALLY AUTHORIZING THE ACQUISITION OF TWO TRACTS OF PROPERTY FROM A SINGLE SELLER FOR A COMBINED PURCHASE PRICE: DOCUMENTING CHANGE OF THE TRANSACTION TO ACQUISITIONS FROM TWO SEPARATE SELLERS OF THE TWO SEPARATE TRACTS, ALLOCATION OF THE ORIGINAL PURCHASE PRICE BETWEEN THE TWO SEPARATE SELLERS AND TRACTS, AUTHORIZATION OF AN INCREASE TO CLOSING COSTS NECESSITATED BY THE TWO SEPARATE CLOSINGS: AND AUTHORIZING APPROPRIATION AND/OR CONDEMNATION OF THE PROPERTIES FOR PUBLIC USE.**

**WHEREAS**, the Dallas City Council by Resolution No. 12-2544 on October 10, 2012 authorized acquisition by purchase and/or eminent domain of a fee simple interest in two tracts of land, described as "Exhibit A Tract I" and "Exhibit A Tract II", held by the owner and for the public purpose / project therein described; and

**WHEREAS**, Tract I of the property to be acquired was conveyed to a different party prior to the City closing its acquisition from the originally identified owner; and

**WHEREAS**, the original purchase price needs to be allocated between the two tracts of land and the two sellers; and

**WHEREAS**, the amount of closing costs and title expenses originally authorized by Resolution No. 12-2544 was with the expectation of both tracts being acquired from a single seller, in a single closing; and

**WHEREAS**, there will be additional closing costs and title expenses required as a result of the two tracts now closing separately with different sellers; and

**WHEREAS**, in light of said changed circumstances the Dallas City Council wishes to amend Resolution No 12-2544 and replace it with this resolution to authorize acquisition of the two tracts from the two separate owners, allocate the previously approved offer amount between the two tracts and transactions, and authorize increased closing costs and title expenses necessitated by the two transactions;

January 8, 2014

**Now, Therefore,**

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

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

“CITY”: The City of Dallas

“PROPERTY”: Tract I - Approximately 12,173 square feet of land in Dallas County, Texas, and being the same property more particularly described in “Exhibit A Tract I”, attached hereto and made a part hereof for all purposes.

Tract II - Approximately 23,805 square feet of land in Dallas County, Texas, and being the same property more particularly described in “Exhibit A Tract II”, attached hereto and made a part hereof for all purposes.

“PROJECT”: South Central/Joppa Gateway Project

“USE”: The construction, installation, use and maintenance of a parking lot, a pavilion and athletic fields for the South Central Park, together with such appurtenant facilities as may be necessarily provided.

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

“PURCHASE AMOUNT”: Tract I - \$3,500.00  
Tract II - \$5,300.00  
Total \$9,800.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$3,500.00.

“OWNER”: Tract I - Harold Topletz and the Estate of Joseph M. (Jack) Topletz;  
Tract II - Tanner Montgomery;

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.

“AUTHORIZED AMOUNT”: \$13,300.00

**SECTION 2.** That the USE of the PROPERTY for the PROJECT is a public use.

January 8, 2014

**SECTION 3.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

**SECTION 4.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the PURCHASE AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

**SECTION 5.** That in the event the OWNER accepts the PURCHASE AMOUNT, the City Controller is authorized and directed to draw warrants in favor of the applicable OWNER, or the then current owner of record, or the title company closing the transaction described herein in the applicable PURCHASE AMOUNT payable out of 2006 Bond Funds: \$9,800, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4210, Encumbrance No. CT-PKR12019345A, and the CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4230, Encumbrance No. CT-PKR12019345A., and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The PURCHASE AMOUNT - \$9,800.00 and the CLOSING COSTS AND TITLE EXPENSES - \$3,500, together shall not exceed the AUTHORIZED AMOUNT - \$13,300.00.

**SECTION 6.** That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation, the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 7.** That if the OWNER refuses to accept the PURCHASE AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

**SECTION 8.** That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

January 8, 2014

**SECTION 9.** That to the extent the PROPERTY is being purchase wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY's market value.

**SECTION 10.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

**SECTION 11.** That in the event the Special Commissioners in Condemnation appointed by the Courts return an award(s) that is the same amount or less than the PURCHASE AMOUNT(S), the City Attorney is hereby authorized to settle the lawsuit(s) for that/those amount(s) and the City Controller is hereby authorized to issue a check(s) drawn on the previously described funds in an amount(s) not to exceed the Commissioners' award(s) made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

**SECTION 12.** That Resolution No. 12-2544, adopted on October 12, 2012, is hereby amended and the terms thereof replaced with this resolution and any transactions and/or actions previously completed in conformity with the terms hereof are hereby ratified and adopted.

**SECTION 13.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:  
WARREN M. S. ERNST, CITY ATTORNEY**

BY: Roxanne Diamond  
**Assistant City Attorney**

**Field Notes Describing a 12,173 Square Foot (0.279 Acre)  
Tract of Land To Be Acquired in City Block 5/7642  
From Tanner Montgomery**

Being a 12,173 Square Foot (0.279 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 5, Block 5/7642 (Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Clifford Montgomery and Tanner Montgomery, by Warranty Deed dated April 22, 1965 and recorded in Volume 553, Page 1208 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at a 60-D Nail with washer marked "CITY OF DALLAS" (hereinafter referred to as "60-D Nail w/COD Washer") set on the Northwest Right-of-Way line of Fellows Avenue (a variable width Right-of-Way) being also the common line between the above mentioned Hines Subdivision and Central Avenue Addition No. 3, an addition to the City of Dallas recorded in Volume 8, Page 231 of the Map Records of Dallas County, Texas, and the Southeast line of said Lot 5, being also the common Southeast corner of a tract of land conveyed to Sedalia Harris by Special Warranty Deeds recorded in Instruments Number 201100181625 and 201100217357 of the Official Public Records of Dallas County, Texas, and the most Easterly corner of the herein described tract of land:

**THENCE** South 57°33'05" West with the said common line between Fellows Avenue and Lot 5 a distance of 50.23 feet to the most Southerly corner of the herein described tract of land, being a common Southeast corner with a tract of land conveyed to Dennis Topletz, by deed recorded in Instrument Number 201100290653 of the Official Public Records of Dallas County, Texas (not monumented), from which a ½ inch diameter Iron Rod found bears North 28°34'24" East a distance of 0.25 feet:

**THENCE** North 30°31'05" West, departing the last said common line between Lot 5 and Fellows Avenue, over and across a portion of said Lot 5 a distance of 243.57 feet to a 60-D Nail w/COD Washer set on the common line between said Lot 5 and Lot 12 of said Hines Subdivision, being the common Northwest corner of said Topletz and Montgomery tracts, and the most Westerly corner of the herein described tract of land:

**Field Notes Describing a 12,173 Square Foot (0.279 Acre)  
Tract of Land To Be Acquired in City Block 5/7642  
From Tanner Montgomery**

**THENCE** North 59°59'52" East, departing the common line between said Montgomery and Topletz tracts and with the said common line between Lots 5 and 12, a distance of 50.20 feet to a 60-D Nail w/COD Washer set at the most Northerly corner of the herein described tract of land, being also the common Northwest corner with said Harris tract and on the common line between said Lot 5 and Lot 14 of said Hines Subdivision, from which a 3/8 inch diameter Iron Rod found at the most Northerly corner of said Lot 5 bears North 59°59'52" East a distance of 266.40 feet:

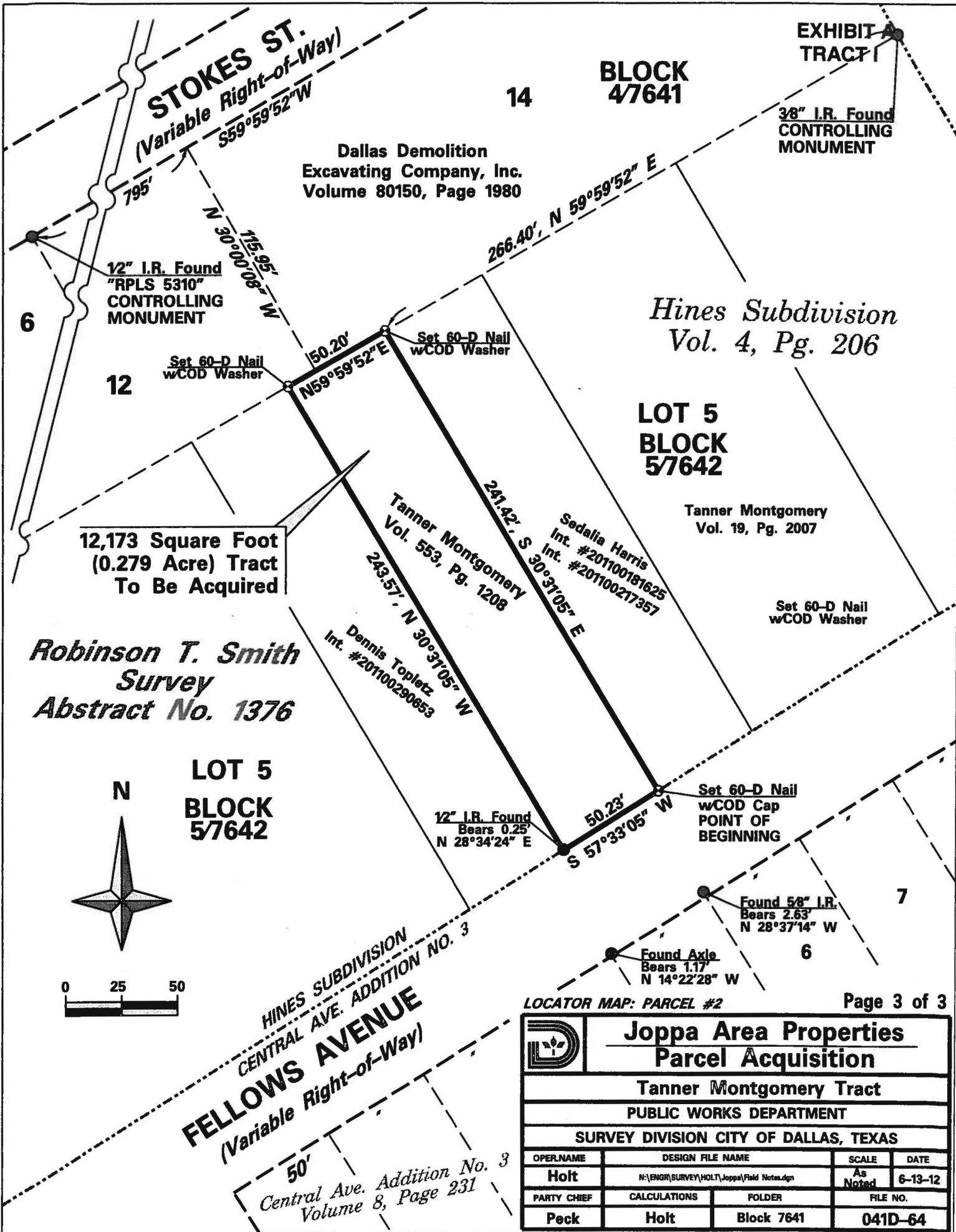
**THENCE** South 30°31'05" East with the common line between said Montgomery and Harris tracts, a distance of 241.42 feet to the **POINT OF BEGINNING**, containing 12,173 Square Feet, or 0.279 Acres of land.

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

*Scott Holt*  
9/19/2012







<b>Joppa Area Properties</b>			
<b>Parcel Acquisition</b>			
<b>Tanner Montgomery Tract</b>			
<b>PUBLIC WORKS DEPARTMENT</b>			
<b>SURVEY DIVISION CITY OF DALLAS, TEXAS</b>			
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
Holt	N:\ENGR\SURVEY\HOLT\Joppa\Field Notes.dgn	As Noted	6-13-12
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Block 7641	041D-64

**Field Notes Describing a 23,805 Square Foot (0.546 Acre)  
Tract of Land To Be Acquired in City Block 5/7642  
From Tanner Montgomery**

Being a 23,805 Square Foot (0.546 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 5, Block 5/7642 (Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Clifford Montgomery and Tanner Montgomery, by Warranty Deed dated December 5, 1962 and recorded in Volume 19, Page 2007 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at a 60-D Nail with washer marked "CITY OF DALLAS" (hereinafter referred to as "60-D Nail w/COD Washer") set on the Northwest Right-of-Way line of Fellows Avenue (a variable width Right-of-Way) being also the common line between the above mentioned Hines Subdivision and Central Avenue Addition No. 3, an addition to the City of Dallas recorded in Volume 8, Page 231 of the Map Records of Dallas County, Texas, and the Southeast line of said Lot 5, being also the common Southeast corner with a tract of land conveyed to Harold Topletz and Jack Topletz by Warranty Deed dated September 27, 1963 and recorded in Volume 166, Page 2678 of the Deed Records of Dallas County, Texas, and the most Easterly corner of the herein described tract of land:

**THENCE** South 57°33'05" West, departing the common line between said Montgomery and Topletz tracts and with the said common line between Fellows Avenue and Lot 5 a distance of 100.44 feet to a 60-D Nail w/COD Washer set at the most Southerly corner of the herein described tract of land, being a common Southeast corner with a tract of land conveyed to Sedalia Harris, by deeds recorded in Instruments Number 201100181625, and 201100217357 of the Official Public Records of Dallas County, Texas:

**THENCE** North 30°31'05" West, departing the last said common line between Lot 5 and Fellows Avenue and with the common line between said Montgomery and Harris tracts, over and across a portion of said Lot 5 a distance of 239.28 feet to a 60-D Nail w/COD Washer set on the common line between said Lot 5 and Lot 14 of said Hines Subdivision, being the common Northwest corner of said Montgomery and Harris tracts, and the most Westerly corner of the herein described tract of land:

**Field Notes Describing a 23,805 Square Foot (0.546 Acre)  
Tract of Land To Be Acquired in City Block 5/7642  
From Tanner Montgomery**

**THENCE** North 59°59'52" East, departing the common line between said Montgomery and Harris tracts and with the said common line between Lots 5 and 14, a distance of 100.39 feet to a 60-D Nail w/COD Washer set at the most Northerly corner of the herein described tract of land, being also the common Northwest corner of said Montgomery and Topletz tracts, from which a 3/8 inch diameter Iron Rod (controlling monument) found at the most Northerly corner of said Lot 5 bears North 59°59'52" East a distance of 115.81 feet:

**THENCE** South 30°31'05" East with the common line between said Montgomery and Topletz tracts, a distance of 234.99 feet to the **POINT OF BEGINNING**, containing 23,805 Square Feet, or 0.546 Acres of land.

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

*Scott Holt*  
9/19/2012



**STOKES ST.**  
(Variable Right-of-Way)

Hines Subdivision  
Vol. 4, Pg. 206

14

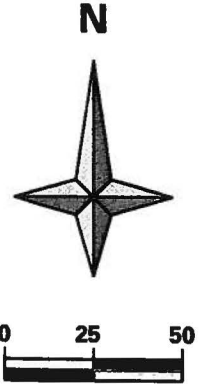
Dallas Demolition  
Excavating Company, Inc.  
Volume 80150, Page 1980

**BLOCK  
47641**

Set 60-D Nail  
wCOD Washer

115.81', N 59°59'52" E

3/8" I.R. Found  
CONTROLLING  
MONUMENT



**LOT 5  
BLOCK  
57642**

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

City of Dallas  
Int. #20070277159

Set 60-D Nail  
wCOD Washer

100.39'  
N 59°59'52" E

**LOT 5  
BLOCK  
57642**

239.28', N30°31'05"W  
Tanner Montgomery  
Vol. 19, Pg. 2007

**23,805 Square Foot  
(0.546 Acre) Tract  
To Be Acquired**

Sedalia Harris  
Int. #201100181625  
Int. #201100217357

Tanner Montgomery  
Vol. 553, Pg. 1208  
Dennis Topletz  
Int. #201100290653

Set 60-D Nail  
wCOD Washer

100.44'  
S 57°33'05" W

Set 60-D Nail  
wCOD Washer  
POINT OF  
BEGINNING

1/2" I.R. Found  
Bears 0.25'  
N 28°34'24" E

Found Axle  
Bears 1.17'  
N 14°22'28" W

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


**FELLOWS AVENUE**  
(Variable Right-of-Way)

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

10

LOCATOR MAP: PARCEL #4

Page 3 of 3

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

**EXHIBIT B  
TRACT I**

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

**WARRANTY DEED**

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

That Harold Topletz individually, a married person, not joined herein by his spouse as the property hereby conveyed constitutes no part of their business or residence homestead and is in his sole management and control, and as Independent Executor of the Estate of Joseph M. (Jack) Topletz, deceased, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

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

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By: \_\_\_\_\_  
Harold Topletz

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

**EXHIBIT B  
TRACT I**

\* \* \* \* \*  
STATE OF TEXAS           '  
COUNTY OF DALLAS       '

This instrument was acknowledged before me on \_\_\_\_\_  
by Harold Topletz.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*  
STATE OF TEXAS           '  
COUNTY OF DALLAS       '

This instrument was acknowledged before me on \_\_\_\_\_  
by Harold Topletz, as Independent Executor of the Estate of Joseph M. (Jack) Topletz,  
deceased.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*

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

Warranty Deed Log No. TRC399

**EXHIBIT B  
TRACT II**

**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 Tanner Montgomery, a widow, (hereinafter called "Grantor" whether one or more natural persons or legal entities) ) of the County of Kaufman, State of Texas for and in consideration of the sum of SIX THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$6,300.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: "None"

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

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By: \_\_\_\_\_  
Tanner Montgomery, by Jacquelyn Marie Wells,  
her agent and Attorney-in-Fact

**EXHIBIT B  
TRACT II**

\* \* \* \* \*

STATE OF TEXAS        '  
COUNTY OF DALLAS    '

This instrument was acknowledged before me on \_\_\_\_\_

by Tanner Montgomery, by Jacquelyn Marie Wells, her agent and Attorney-in-Fact.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*

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

Warranty Deed Log No. TRC321



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Office of Economic Development  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 59 B

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**SUBJECT**

Authorize amendments to Resolution No. 13-2140, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Affairs (TDHCA) on the proposal for the new construction of the Bruton Apartments, located at 9415 Bruton Road, Dallas, Texas, The TDHCA has requested the following: **(1)** delete reference to the TDHCA’s tenants services requirement; **(2)** to replace the word “LURA” with “Bond Regulatory Agreement”; and **(3)** delete the last sentence, “Acceptable social services include those described in Definitions and Amenities for Housing Program Services” – Financing: This action has no cost consideration to the City

**BACKGROUND**

On December 10, 2013, city staff received an email from TDHCA requesting (1) elimination of reference to the TDHCA as part of the City of Dallas’ social service program requirement and (2) to use language that conforms with templates from TDHCA’s 2014 Qualified Allocation Plan. By inserting the promulgation language provided by TDHCA, additional amendments are avoided, in the event the Bruton Apartment Project does not close by April, 2014.

The Bruton Apartment project is a proposed multi-family community comprised of approximately 266 multi-family units that will be financed in an amount not to exceed \$23 Million in Private Activity Bond, approximately \$13,360,843 in 4% tax credits. The total estimated project cost is approximately \$35,393,837. The development plan proposes to offer 252 (95%) of the units to tenants whose incomes are no more than 60% of Area Median Family Income (AMFI) and 14 (5%) of the units to tenants whose incomes are no more than 50% of the Area Median Family Income (AMFI). The project will provide 6 one-bedroom units, 131 two-bedroom units, and 129 three-bedroom.

## **BACKGROUND** (Continued)

The project owner will be a limited partnership formed for the sole purpose of developing, owning and operating the project for long-term use as low-income housing. The Dallas Housing Finance Corporation (DHFC) and/or an entity created and controlled by the DHFC is the proposed General Partner with a .01% ownership interest in the limited partnership. The NRP, Bruton Apartments SLP, LLC will have a .01% with the limited partners owning the remaining 99.98% of the improvements.

The City of Dallas will not be asked to issue the bonds. The bonds will not be a debt or liability of the City. The City's name will not appear on the bonds. The approval that was requested is only for the purpose of complying with federal law with regard to tax-exempt debt.

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

On July 22, 2012, NRP submitted the pre-application waiver questionnaire with attachments and it previously submitted the \$500 waiver fee payable to the Dallas Housing Finance Corporation.

On October 21, 2013, the Housing Committee was briefed on the Bruton Apartments development proposal.

On November 12, 2013, City Council authorized the Public Hearing on the Bruton Apartments to be held on December 11, 2013, and at the close of the public hearing, the consideration to authorize the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of \$23 Million, the 4% tax credits in the approximate amount of \$13,360,843, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-1923.

On December 11, 2013, City Council held a Public Hearing which authorized the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the approximate amount of \$23 Million, the 4% tax credits in the approximate amount of \$13,360,843, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-2140.

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

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

**FISCAL INFORMATION**

This action has no cost consideration to the City

**OWNER**

**NRP Group**

Dan Markson  
Debra Guerra  
Jay Johnson  
Jason Arechega

**Proposed General Partner** Entity created and controlled by the Dallas Housing Finance Corporation

**MAP**

Attached.

# Bruton Road Apartments



January 8, 2014

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

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

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

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

**WHEREAS**, on July 22, 2013, The NRP Group, LLC ("NRP") submitted its pre-application waiver for NRP to apply to the Dallas Housing Finance Corporation for; (1) the issuance of tax-exempt bonds by the Dallas Housing Finance Corporation in an amount not to exceed \$23 Million in Multi-family Housing Mortgage Revenue Bonds Series to finance the new construction of approximately 266 units of multi-family rental housing for families, (2) a resolution in support of the Texas Department of Housing and Community Affairs award of 4% Housing Tax Credits in the approximate amount of \$13,360,843 for the new construction of the Bruton Road Apartments to be located at 9415 Bruton Road, Dallas, Texas by providing appropriate waivers pursuant to §11.3 (2)(A-G) of the TDHCA's Qualified Allocation Plan and State of Texas H.B. 3361 which requires that (i) Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A); (ii) The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application; and (3) for the DHFC created entity to be the General Partner to share in the cash flow, own the ground/dirt and for the project to be exempt from ad valorem taxes; and

January 8, 2014

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

**WHEREAS**, on November 12, 2013, the City Council authorized a Public Hearing on the Bruton Apartments to be held on December 11, 2013, and at the close of the public hearing, the consideration to authorize the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of \$23 Million, the 4% tax credits in the approximate amount of \$13,360,843, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments as part of DHFC's public purposes, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-1923; and

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

**WHEREAS**, NRP submitted an application to the Texas Department of Housing and Community Affairs for a 4% housing tax credit after it received an inducement from the DHFC and a subsequent Bond Reservation from the Texas Bond Review Board; and

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

January 8, 2014

**WHEREAS**, the owner of the project will ~~chase to either;~~ (1) expend a minimum of \$40,000 in social services annually (\$200 per unit per year), whichever is greater, for and at no cost to the residents of the development, based on a survey of residents needs to include some or all of the following: tutoring and after-school programs; health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities, to be implemented within three months of project completion and in-kind social services may count toward meeting 100% of the social service requirements ~~or (2) implement the TDHCA's tenant services requirement, contained in the 2011 Qualified Allocation Plan, for tax-exempt bonds and 4% tax credit projects which requires the provision of supportive services.~~ No fees may be charged to the tenants for any of the services. Services must be provided on-site or transportation to off-site services must be provided. The provision of these services will be included in the Bond Regulatory Agreement LURA. ~~Acceptable services include those described in the Definitions and Amenities for Housing Program Activities;~~ and

**WHEREAS**, in the Qualified Allocation Plan, Sec. 11.3 (A-G) Housing Deconcentration factors (b) Twice the State Average Per Capita. (§2306.6703(a)(4)) If the Development is located in a municipality, or if located completely outside a municipality, a county, that has more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds at the time the Application Round begins (or for Tax-Exempt Bond Developments at the time the Certificate of Reservation is issued by the Texas Bond Review Board), the Applicant must obtain prior approval of the Development from the City of Dallas, Governing Body of the appropriate municipality or county containing the Development. Since the City of Dallas can exceed the twice the state per average at any time, it has been determined that such approval must include a resolution adopted by the Governing Body of the municipality or county, as applicable, setting forth a written statement of support, referencing Texas Government Code, §2306.6703(a)(4), and authorizing an allocation of Housing Tax Credits for the Development; and the City of Dallas by vote has specifically allowed the construction of the new Development and submits to the Department a resolution referencing this rule; and

**WHEREAS**, to satisfy H.B. 3361, the City held a public hearing and approves this resolution that certifies that: (i) Notice has been provided to the City of Dallas in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A); (ii) The City of Dallas has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The City of Dallas held this hearing at which public comment could be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the City of Dallas does not object to the proposed Application; and

January 8, 2014

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

**WHEREAS**, on December 11, 2013, City Council held a Public Hearing which authorized the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the approximate amount of \$23 Million, the 4% tax credits in the approximate amount of \$13,360,843, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-2140; and

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

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager, upon approved as to the form by the City Attorney's Office is hereby authorized to execute amendments to Resolution No. 13-2140, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Development (TDHCA) on the proposal for the new construction of the Bruton Apartments, located at 9415 Bruton Road, Dallas, Texas to: (1) delete the Option 2 which makes a reference to the TDHCA's 2011 Qualified Allocation Plan; (2) replace the word "LURA" with "Bond Regulatory Agreement"; and (3) delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services".



January 8, 2014

**Section 2.** That after the public hearing; (1) the City of Dallas authorized the final approval of the Bruton Road Apartments, Ltd., an entity created by NRP, application to the DHFC for the issuance of tax-exempt bonds by the DHFC in an amount not to exceed \$23 Million in tax-exempt Multi-family Housing Mortgage Revenue Bonds Series and its support of the application for 4% housing tax credits in the approximate amount of \$13,360,843 pursuant to §11.3 (2)(A-G) Deconcentration Factors contained in TDHCA's Qualified Allocation Plan and (2) Certifies that the requirements of H.B. 3361 have been satisfied because (i) Notice has been provided to the City of Dallas in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A); (ii) The City of Dallas had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The City of Dallas held a hearing at which public comment could be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the City of Dallas does not object to the proposed Application that must be submitted no later than the Resolutions Delivery Date pursuant to §10.4 which is 14 days prior to the Board Meeting when TDHCA will consider the applicants proposal.

**Section 3.** That final approval of the project includes the requirement that the owner of the project ~~choose to either~~; (1) expend a minimum of \$40,000 in social services annually (\$200 per unit per year), whichever is greater, for and at no cost to the residents of the development, based on a survey of residents needs to include some or all of the following: tutoring and after-school programs; health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities, to be implemented within three months of project completion and in-kind social services may count toward meeting 100% of the social service requirements or ~~(2) implement the TDHCA's tenant services requirement, contained in the 2011 Qualified Allocation Plan, for tax-exempt bonds and 4% tax credit projects which requires the provision of supportive services.~~ No fees may be charged to the tenants for any of the services. Services must be provided on-site or transportation to off-site services must be provided. The provision of these services will be included in the Bond Regulatory Agreement Land Use Restriction Agreement (LURA). ~~Acceptable services include those described in Definitions and Amenities for Housing Program Services.~~

**Section 4.** That all of the requirements contained in H.B. 3361 regarding Notification, Hearing and Resolution from the governing body of the Municipality have been satisfied with this resolution dated December 11, 2013, and that the opportunity for the public to ask questions and be provided answers at a public hearing by the City of Dallas held on December 11, 2013, after 30 days comment period from date of call of public hearing pursuant to City's Citizens Participation Plan; and after proper notice was placed in the Dallas Morning News on November 20, 2013.

January 8, 2014

**Section 5.** The DHFC processed the application and the necessary Tax Equity and Fiscal Responsibility (TEFRA) Hearing pursuant to Section 147 (f) of the Internal Revenue Code, after proper notice was placed in the DMN on November 20, 2013, was held on December 5, 2013, prior to returning to the City Council for its consideration of the application and to hold the public hearing on December 11, 2013 and request among other things, that the City Manager or the Mayor as the highest elected officials of the City of Dallas shall approve the issuance of the Bonds on behalf of the City of Dallas.

**Section 6.** 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' Office of Sustainable Development and Construction with regard to security related design standards.

**Section 7.** That it is RESOLVED, that as provided for in 10 Texas Administrative Code Sec. 11.3(b), it is expressly acknowledged and confirmed that the City of Dallas could at any time have more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds; and

**Section 8.** That it is FURTHER RESOLVED, (1) that the City of Dallas supports the Bruton Apartment Project and confirms that its governing body has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code Sec. 2306.6703(A)(4), and in accordance with Texas Government Code Sec. 2306.67671(a) that notice was provided to the City of Dallas and Texas Government Code Sec. 2306.67071(b) and Texas Administrative Code Sec. 10.204(4) confirming that a public hearing has been held and that a resolution of no objection was granted. This formal action was taken to put on record the support expressed by the City of Dallas on December 11, 2013.

**Section 9.** That it is FURTHER RESOLVED that the project site could be subject to the greater than 20% HTC Units per Households in Census Tract Rule applicable to projects that are new construction contained in the 2014 Qualified Allocation Plan ("QAP"), if the project does not get an approval from TDHCA prior to the 2013 QAP deadline, therefore a waiver of this requirement is granted and the City of Dallas confirms that it has voted specifically to allow the new construction of this development and has authorized an allocation of Housing Tax Credits for the Development.

**Section 10.** That it is FURTHER RESOLVED that for and on behalf of the Governing Body, the Mayor or the City Manager, are hereby authorized, empowered and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

January 8, 2014

**Section 11.** That all other terms and conditions as set forth in Resolution No. 13-2140 approved by City Council on December 11, 2013, shall remain in full force and effect, except as amended or updated herein.

**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.



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Office of Economic Development  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 63 U

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**SUBJECT**

Authorize an amendment to Resolution No. 13-2141, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Affairs (TDHCA), on the proposal for the rehabilitation of The Park at Cliff Creek Apartments located at 7300 Marvin D. Love Freeway, Dallas, Texas, The TDHCA has requested the following: **(1)** delete reference to the TDHCA’s tenants services requirement; **(2)** to replace the word “LURA” with “Bond Regulatory Agreement”; and **(3)** delete the last sentence, “Acceptable social services include those described in Definitions and Amenities for Housing Program Services” - Financing: This action has no cost consideration to the City

**BACKGROUND**

On December 10, 2013, city staff received an email from TDHCA requesting (1) elimination of reference to the TDHCA as part of the City of Dallas’ social service program requirement and (2) to use language that conforms with templates from TDHCA’s 2014 Qualified Allocation Plan. By inserting the promulgation language provided by TDHCA, additional amendments are avoided, in the event The Park at Cliff Creek Apartment Project does not close by April, 2014.

The Park at Cliff Creek Apartments is a proposed rehabilitation of an existing multi-family community comprised of 280 multi-family units that will be financed through approximately \$13.5 Million in Private Activity Bonds and approximately \$7,009,620 in four percent tax credits. The total estimated project cost is \$22,540,420. The development plan proposes to offer 280 (100%) of the units to tenants whose incomes are no more than 60% of Area Median Family Income (AMFI). The project will provide 64 one-bedroom units, 128 two-bedroom units, and 88 three-bedroom units.

## **BACKGROUND** (Continued)

The project owner will be a limited partnership formed for the sole purpose of developing, owning and operating the project for long-term use as low-income housing. Limited Partner equity provider will have 99.97% ownership. A governmental entity created by the Dallas Housing Finance Corporation (DHFC), with the DHFC as the sole member, will become the General Partner with .01% ownership. The Equity Investor Affiliate will have a .01% ownership and Special Ltd. Partner/Co/Developer will have a .01% ownership.

The City of Dallas will not be asked to issue the bonds. The bonds will not be a debt or liability of the City. The City's name will not appear on the bonds. The approval that was requested is only for the purpose of complying with federal law with regard to tax-exempt debt.

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

On September 6, 2013, The Cesar Chavez Foundation submitted the pre-application waiver questionnaire, with attachments and submitted the \$500 waiver fee payable to the Dallas Housing Finance Corporation.

On October 8, 2013, the City of Dallas Housing Finance Corporation (DHFC) authorized taking the Park at Cliff Creek proposal to the City Council for its consideration of the pre-application waiver and the calling of the Public Hearing. A bond inducement was approved by the DHFC on this date contingent on City Council Approval of the pre-application waiver and the calling of the Public Hearing on November 12, 2013.

On October 21, 2013, the Housing Committee was briefed on The Park at Cliff Creek rehabilitation proposal.

On November 12, 2013, City Council authorized the Public Hearing to be held on December 11, 2013, and at the close of the public hearing, the consideration to authorize the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of \$13.5 Million, the 4% tax credits in the approximate amount of \$7,009,620, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-1924.

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

On December 11, 2013, City Council held a Public Hearing which authorized the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of \$13.5 Million, the 4% tax credits in the approximate amount of \$7,009,620, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-2141.

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

**FISCAL INFORMATION**

This action has no cost consideration to the City

**OWNER**

**The Cesar Chavez Foundation**

**Board of Directors**

Paul F. Chavez, Chairman  
Manuel H. Bernal, Treasurer  
Paul S. Park, Secretary  
Leticia Maldonado/Stamos  
Daniel Otega, Esq.  
Luis Conde  
Taniz Ybarra  
Juanita Valdez-Cox  
Roberto De La Rosa

**OWNER** (Continued)

**Executive Staff**

Paul F. Chavez, President & Chief Executive Officer

Alfredo Izmajtovich, Executive Vice President – Housing and Economic Development Fund

Christina Graham - Director of Operations – Education Fund

Michael Nowakowski, Executive Vice President – Communications Fund

Paul S. Park, General Counsel

Gina Rodriguez, Director - Fund Development

Cliff Timmermans, Chief Financial Officer

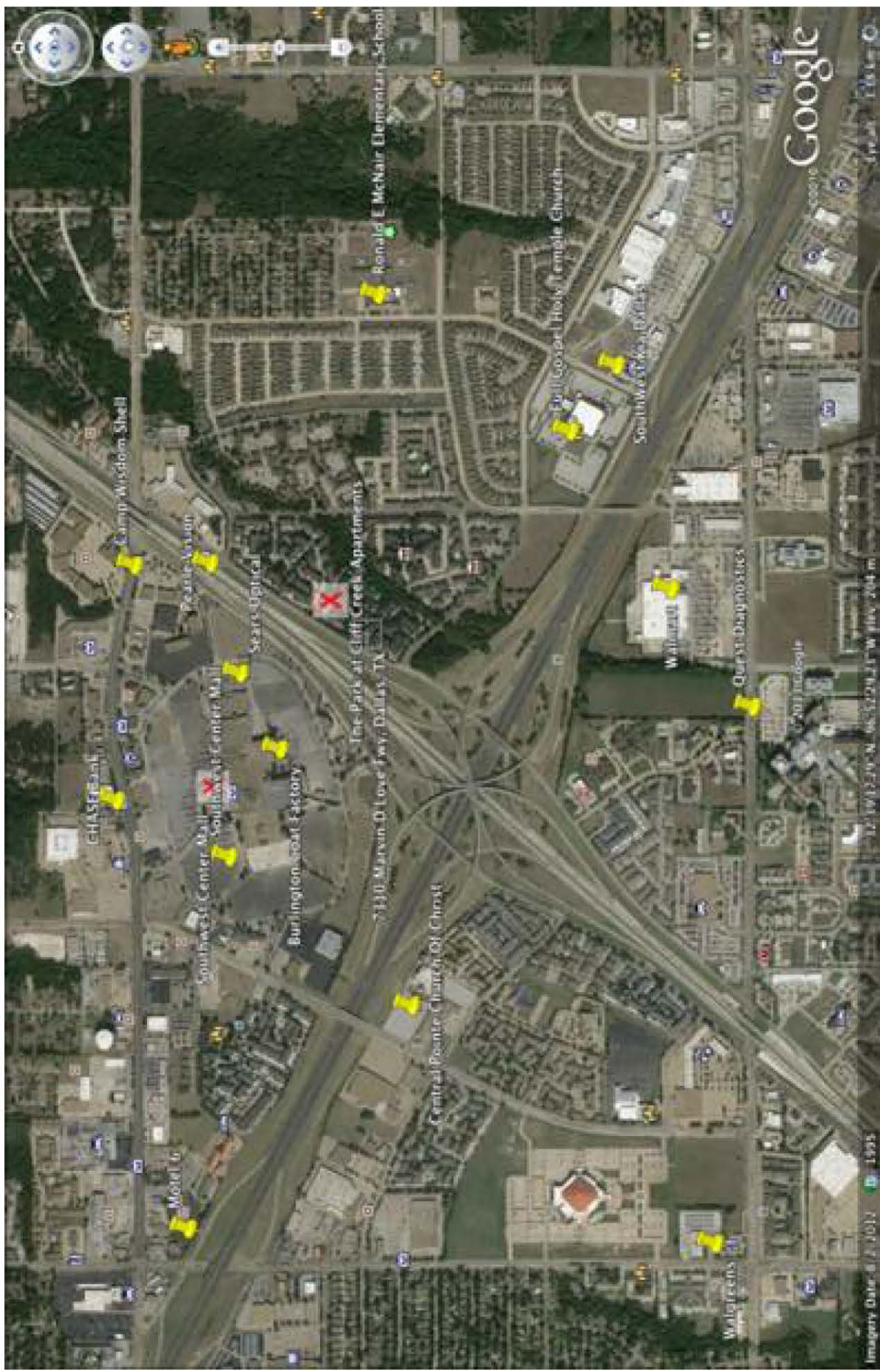
**Proposed General Partner** Entity created and controlled by the Dallas Housing Finance Corporation

**MAP**

Attached.



# The Park at Cliff Creek Apartments





January 8, 2014

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

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

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

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

**WHEREAS**, on September 9, 2013, CCF submitted its pre-application waiver for The Park at Cliff Creek to apply to the Dallas Housing Finance Corporation for; (1) the issuance of tax-exempt bonds by the Dallas Housing Finance Corporation in an amount not to exceed \$13.5 Million in Multi-family Housing Mortgage Revenue Bonds Series to finance the rehabilitation of The Park at Cliff Creek consisting of 280 units of multi-family rental housing for families, (2) a resolution in support of the Texas Department of Housing and Community Affairs award of 4% Housing Tax Credits by providing appropriate waivers pursuant to §11.3 (A-G) of the TDHCA's Qualified Allocation Plan Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A); and for certification that (i) Notice has been provided to the City of Dallas in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A) (ii) The City of Dallas has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The City of Dallas held a hearing at which public comment could be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the City of Dallas does not object to the proposed Application; and (3) for a the DHFC created entity to be the General Partner to share in the cash flow, own the ground/dirt and for the project to be exempt from ad valorem taxes; and

January 8, 2014

**WHEREAS**, on October 8, 2013, the DHFC authorized the CCF proposal to be considered by the Dallas City Council to grant the waiver to allow CCF to submit its formal application to the DHFC for the proposal described herein and to fulfill the pre-application requirements contained in H.B. 3361 effective September 1, 2013; and

**WHEREAS**, on November 12, 2013, the City Council authorized the Public Hearing on the Park at Cliff Creek to be held on December 11, 2013, and at the close of the public hearing, the consideration to authorize the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the approximate amount of \$13.5 Million, the 4% tax credits in the approximate amount of \$7,009,620, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project; and

**WHEREAS**, the DHFC processed the application and held the necessary Tax Equity and Fiscal Responsibility ("TEFRA") Hearing on December 5, 2013, after a newspaper advertisement was placed in the Dallas Morning News on November 20, 2013, in satisfaction of the Public Hearing requirements and requests among other things, that the City Manager or the Mayor, as the highest elected officials of the City of Dallas, shall approve the issuance of the Bonds on behalf of the City of Dallas; and

**WHEREAS**, Riverside CCF/CB Partners, LP, an entity created by CCF, submitted an application to the Texas Department of Housing and Community Affairs for a 4% housing tax credits after it received an inducement from the DHFC and a subsequent Bond Reservation from the Texas Bond Review Board; and

**WHEREAS**, as a condition for being considered for the award of the 4% housing tax credits, the Applicant has committed to renting 100% (280) of the units to tenants whose household incomes capped are 60% or below the Area Median Family Income (AMFI) with rents affordable to tenants whose household incomes are 60% or below the AMFI in compliance with the maximum Low Income Housing Tax Credit rents as published by the Texas Department of Housing and Community Affairs; and

January 8, 2014

**WHEREAS**, the owner of the project will ~~chase to either~~; (1) expend a minimum of \$40,000 in social services annually (\$200 per unit per year), whichever is greater, for and at no cost to the residents of the development, based on a survey of residents needs to include some or all of the following: tutoring and after-school programs; health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities, to be implemented within three months of project completion and in-kind social services may count toward meeting 100% of the social service requirements ~~or (2) implement the TDHCA's tenant services requirement Plan contained in the 2011 Qualified Allocation Plan, for tax-exempt bonds and 4% tax credit projects which requires the provision of supportive services.~~ No fees may be charged to the tenants for any of the services. Services must be provided on-site or transportation to off-site services must be provided. The provision of these services will be included in the Bond Regulatory Agreement LURA. ~~Acceptable services include those described in the Definitions and Amenities for Housing Program Activities; and~~

**WHEREAS**, in the Qualified Allocation Plan, Sec. 11.3 (A-G) Housing Deconcentration factors (b) Twice the State Average Per Capita. (§2306.6703(a)(4)) If the Development is located in a municipality, or if located completely outside a municipality, a county, that has more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds at the time the Application Round begins (or for Tax-Exempt Bond Developments at the time the Certificate of Reservation is issued by the Texas Bond Review Board), the Applicant must obtain prior approval of the Development from the City of Dallas, Governing Body of the appropriate municipality or county containing the Development. Such approval must include a resolution adopted by the Governing Body of the municipality or county, as applicable, setting forth a written statement of support, referencing Texas Government Code, §2306.6703(A)(4), and authorizing an allocation of Housing Tax Credits for the Development; and

**WHEREAS**, to satisfy H. B. 3361, the City held a public hearing and approves this resolution that certifies that: (i) Notice has been provided to the City of Dallas in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4); (ii) The City of Dallas had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The City of Dallas held a hearing at which public comment could be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the City of Dallas does not object to the proposed Application; and

**WHEREAS**, a newspaper advertisement was placed in the Dallas Morning News on November 20, 2013, in satisfaction of the Public Hearing requirements; and

January 8, 2014

**WHEREAS**, on October 21, 2013, a briefing was presented to the Housing Committee on The Park at Cliff Creek Apartment rehabilitation proposal; and subject to certain conditions being met, it is deemed necessary and advisable that this resolution be adopted to approve the application and take all actions necessary to facilitate the transaction and hold the public hearing pursuant to State of Texas H.B. 3361; and

**WHEREAS**, on December 11, 2013, City Council held a Public Hearing which authorized the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of \$13.5 Million, the 4% tax credits in the approximate amount of \$7,009,620, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-2141; and

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

**NOW, THEREFORE,**

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

**Section 1.** That the City of Dallas authorizes the City of Dallas Housing Finance Corporation (DHFC) to issue the tax exempt bonds in the approximate amount of \$13.5 Million in accordance with the proposal for the rehabilitation of The Park at Cliff Creek, an existing 280 unit multi-family development for families located at 7300 Marvin D. Love Freeway, including the acquisition of 11.7 acres comprised of 72 one-bedroom units, 120 two-bedroom units, 88 three-bedroom units; and the DHFC to become the General Partner to share in the cash flow to be used for mixed income developments as part of DHFC's public purpose, to own the ground/dirt and for the project to be exempt from ad valorem taxes.

January 8, 2014

**Section 2.** That after the public hearing; (1) the City of Dallas authorizes the final approval of Riverside CCF/CB Partners, L.P., an entity created by CCF, application to the DHFC for the issuance of tax-exempt bonds by the Dallas Housing Finance Corporation in an amount not to exceed \$13.5 Million in tax-exempt Multi-family Housing Mortgage Revenue Bonds Series and its support of the application for 4% housing tax credits, in the approximate amount of \$7,009,620, pursuant to §11.3 (2)(A-G) Deconcentration Factors contained in TDHCA's Qualified Allocation Plan; and (2) Certifies that the requirements of H.B. 3361 have been satisfied because (i) Notice was provided to the City of Dallas in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4); (ii) The City of Dallas had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The City of Dallas held a hearing at which public comment could be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4); and (iv) After due consideration of the information provided by the Applicant and public comment, the City of Dallas does not object to the proposed Application. This resolution must be submitted no later than the Resolutions Delivery Date pursuant to §10.4 which is 14 days prior to the Board Meeting when TDHCA will consider the applicant's proposal.

**Section 3.** That the final approval of this project includes the requirement that the owner of the project ~~choose to either;~~ (1) expend a minimum of \$40,000 in social services annually (\$200 per unit per year), whichever is greater, for and at no cost to the residents of the development, based on a survey of residents needs to include some or all of the following: tutoring and after-school programs; health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities, to be implemented within three months of project completion and in-kind social services may count toward meeting 100% of the social service requirements ~~or (2) implement the TDHCA's tenant services requirement, contained in the 2011 Qualified Allocation Plan, for tax-exempt bonds and 4% tax credit projects which requires the provision of supportive services.~~ No fees may be charged to the tenants for any of the services. Services must be provided on-site or transportation to off-site services must be provided. The provision of these services will be included in the Bond Regulatory Agreement ~~Land Use Restriction Agreement ("LURA"). Acceptable services include those described in Definitions and Amenities for Housing Program Services.~~

**Section 4.** That all of the requirements contained in H.B. 3361 regarding Notification, Hearing and Resolution from the governing body of the Municipality were satisfied as stated in this resolution dated December 11 2013, and that the opportunity for the public to ask questions and be provided answers at a public hearing by the governing body, after 30 days comment period from date of call of public hearing, pursuant to City's Citizens Participation Plan was provided by the City of Dallas, after proper notice was placed in the Dallas Morning News on November 20, 2013.

January 8, 2014

**Section 5.** That the DHFC processed the application and held the necessary Tax Equity and Fiscal Responsibility (TEFRA) Hearing pursuant to Section 147 (f) of the Internal Revenue Code, after proper notice is placed in the DMN on November 20, 2013, the TEFRA Hearing will be held on December 5, 2013, prior to returning to the City Council for its consideration of the application and the Public hearing on December 11, 2013, and request among other things, that the City Manager or the Mayor as the highest elected officials of the City of Dallas shall approve the issuance of the Bonds on behalf of the City of Dallas.

**Section 6.** 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' Office of Sustainable Development and Construction with regard to security related design standards.

**Section 7.** That it is RESOLVED, that as provided for in 10 Texas Administrative Code Sec. 11.3(b), it is expressly acknowledged and confirmed that the City of Dallas could at any time have more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds.

**Section 8.** That it is FURTHER RESOLVED, (1) that the City of Dallas supports the Parks at Cliff Creek Project and confirms that its governing body has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code Sec. 2306.6703(A)(4), and in accordance with Texas Government Code Sec. 2306.67671(a) that notice was provided to the City of Dallas and Texas Government Code Sec. 2306.67071(b) and Texas Administrative Code Sec. 10.204(4) confirming that a public hearing has been held and that a resolution of no objection was granted. This formal action was taken to put on record the support expressed by the City of Dallas on December 11, 2013.

**Section 9.** That it is FURTHER RESOLVED that for and on behalf of the Governing Body, the Mayor or the City Manager, are hereby authorized, empowered and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

**Section 10.** That all other terms and conditions as set forth in Resolution No. 13-2141 approved by City Council on December 11, 2013, shall remain in full force and effect, except as amended or updated herein.

**Section 11.** 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:** January 8, 2014  
**COUNCIL DISTRICT(S):** 9  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 37 B

---

**SUBJECT**

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.57 acres of the current 4.57 acres of land located at the northwest corner of Northwest Highway and Lawther, of which 2.36 acres is within the floodplain of White Rock Creek, Fill Permit 13-02 - Financing: No cost consideration to the City

**BACKGROUND**

This request is to fill approximately 1.57 acres of the current 2.36 acres of floodplain to be used for a high-rise residential development. The proposed fill is located at the northwest corner of Northwest Highway and Lawther, within the floodplain of White Rock Creek.

A neighborhood meeting was held at the Ridgewood/Belcher Recreation Center, on July 2, 2013. There were six citizens present. Other attendees included two of the applicant's engineers, and three city staff members; there were no objections to the fill permit.

This application was originally planned for public hearing in August, 2013, but was delayed at the request of the developer. Minor changes to the site layout have been made.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application in order to preserve the status quo until acquisition.

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

**OWNER/APPLICANT**

Post Whiterock, LLC  
Bldg J-102  
2301 S. Capital of Texas Highway  
Austin, Texas 78746-7700

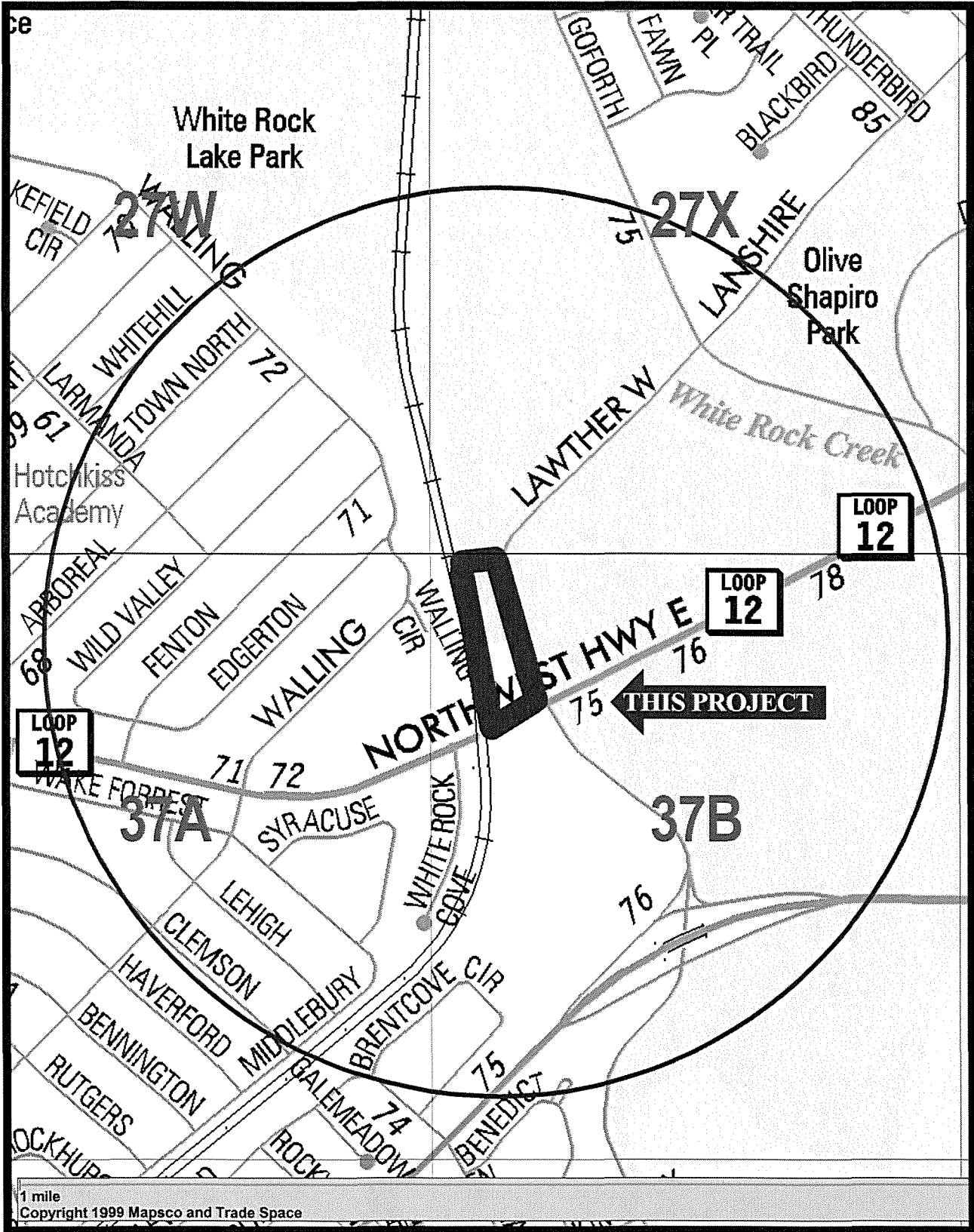
**ENGINEER**

Mark W. Roberts, P.E.,  
Nathan D. Maier Consulting Engineers, Inc.  
8080 Park Lane, Suite 600  
Dallas, Texas 75231

**MAP**

Attached.

Fill Permit 13-02



Mapsco 37-B



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 4  
**DEPARTMENT:** Housing/Community Services  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 65G

---

**SUBJECT**

A public hearing to receive comments regarding an application to The Texas Department of Housing and Community Affairs (TDHCA) for 2013 4% Low Income Housing Tax Credits for Patriots Crossing, a 162 unit multifamily project, located at 4623 South Lancaster Road and authorize an amendment to Resolution No. 13-1867, previously approved on October 23, 2013, to add language requested by Texas Department of Housing & Community Affairs (TDHCA) in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), in further support of 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 (LIHTC).

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)**

On October 23, 2013, the City Council provided a resolution in support of the LIHTC application for 4% low income housing tax credits. The applicant, Sapphire Road Development Patriots Crossing South, LLC, filed the required paperwork for a 2013 4% LIHTC application in October 2013 and the TDHCA Board approved the inducement of bonds in November 2013. As the TDHCA staff reviewed paperwork, they requested that the City of Dallas place specific language in the City Council approved resolution to match new requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4). More specifically, those notices are as follows: notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a); the Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; the Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); after due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application.

## **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.

October 23, 2013, the City council provided a resolution in support of the LIHTC application for 4% low income housing tax credits by Resolution No. 13-1867.

## **FISCAL INFORMATION**

No cost consideration to the City

**OWNER(S)/DEVELOPER**

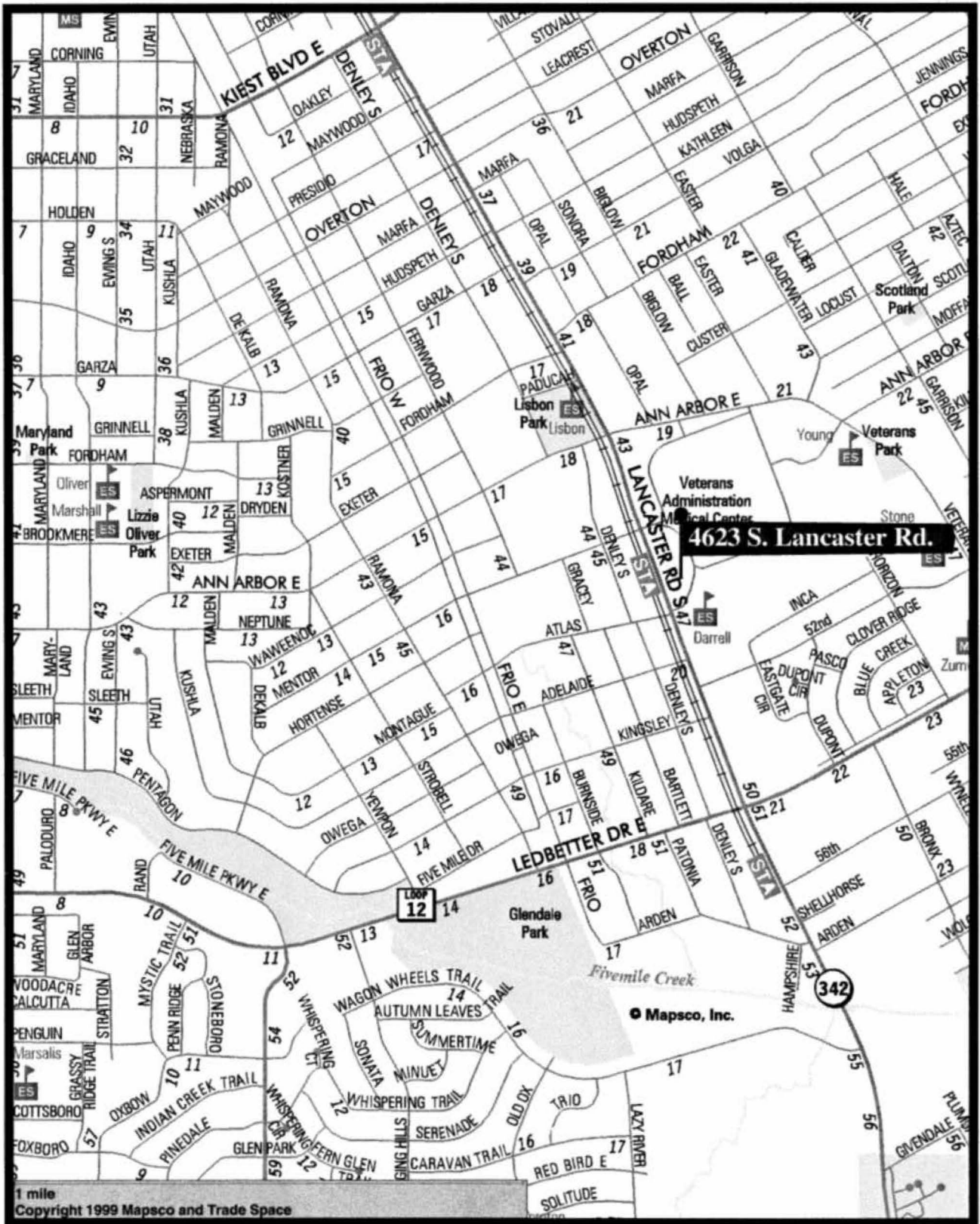
**Sapphire Road Development Patriots Crossing South, LLC**

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

Yigal Lelah, President

**MAP**

Attached



1 mile  
 Copyright 1999 Mapsco and Trade Space

**MAPSCO 65G**



January 8, 2014

**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. 13-1867, previously approved on October 23, 2013, to add language requested by Texas Department of Housing & Community Affairs (TDHCA) in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), in further support of the proposed project to be located at 4623 South Lancaster Road for a multifamily residential development for low income families.

January 8, 2014

**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 City's Deed Restrictions containing the social services requirement (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

January 8, 2014

**SECTION 6.** That in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), it is hereby found that:

1. Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a); and
2. The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; and
3. The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); and
4. After due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application.

**SECTION 7.** That the City of Dallas hereby supports the proposed Patriots Crossing and has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development.

**SECTION 8.** This formal action has been taken to put on record the support expressed by the City of Dallas on January 8, 2014, and that for and on behalf of the Governing Body, the Interim City Manager, A.C. Gonzalez, or his designee are hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

**SECTION 9.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



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

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 9

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 37-B

**SUBJECT**

Authorize a contract for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park located at 7700 Mockingbird Lane - A S Con, Inc., lowest responsible bidder of nine - Not to exceed \$946,495 - Financing: 2006 Bond Funds

**BACKGROUND**

On October 24, 2013, nine bids were received for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park. This item authorizes award of the construction contract to A S Con, Inc., with a total bid amount of \$946,495.

The following chart illustrates A S Con, Inc.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	0	0	5
Change Orders	0	0	12
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	October 2009
Completed Design	April 2011
Begin Construction	February 2014
Complete Construction	August 2014

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

The Park and Recreation Board authorized advertisement for bids on March 7, 2013.

The Park and Recreation Board authorized award of the contract on December 5, 2013.

**FISCAL INFORMATION**

2006 Bond Funds - \$946,495

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

A S Con, Inc.

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

**BID INFORMATION**

The following nine bids were received and opened on October 24, 2013:

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Base Bid</u></b>	<b><u>Alt. Nos. 3,4 10,11,13 &amp; 16**</u></b>	<b><u>Total Bid</u></b>
*A S Con, Inc. 15724 Golden Creek Road Dallas, TX	\$754,425.00	\$192,070.00	\$946,495.00
The Fain Group, Inc.	\$919,087.00	\$394,310.00	\$1,313,397.00
Parkscape Construction, Inc.	\$922,046.78	\$434,746.36	\$1,356,793.14
Cole Construction, Inc.			***Non-responsive
Phillips/May Corporation			***Non-responsive
Omega Contracting, Inc.			***Non-responsive
Schmoltd Construction, Inc.			***Non-responsive
<u>SMR Construction, Inc.</u>			***Non-responsive
Mart, Inc.			***Non-responsive

\*\*Alternate No. 3 - provides for paving at paddock entries.

\*\*Alternate No. 4 - provides for installation of paddock entry from hike and bike trail.

## **BID INFORMATION** (Continued)

- \*\*Alternate No. 10 - provides for dog launch and other associated items.
- \*\*Alternate No. 11 - provides for installation of benches, flagstone paving and stone walls and columns.
- \*\*Alternate No. 13 - provides for installation of enclosure.
- \*\*Alternate No. 16 - provides for installation of pet waste stations and trash cans.
  
- \*\*\*Cole Construction was deemed non-responsive for mathematical errors in their bid proposal.
- \*\*\*Phillips/May was deemed non-responsive for mathematical errors in their bid proposal.
- \*\*\*Omega Contracting was deemed non-responsive for mathematical errors in their bid proposal.
- \*\*\*Schmoldt Construction was deemed non-responsive for mathematical errors in their bid proposal.
- \*\*\*SMR Construction, Inc. was deemed non-responsive for mathematical errors in their bid proposal.
- \*\*\*Mart, Inc.'s was deemed non-responsive for not following directions in submitting their bid proposal.

## **OWNER**

**A S Con, Inc.**

Ali Safdarinia, President

## **MAP**

Attached

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

**PROJECT:** Authorize a contract for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park located at 7700 Mockingbird Lane - A S Con, Inc., lowest responsible bidder of nine - Not to exceed \$946,495 - Financing: 2006 Bond Funds

A S Con, Inc. 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**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$742,862.00	78.49%
Total non-local contracts	\$203,633.00	21.51%
<b>TOTAL CONTRACT</b>	<b>\$946,495.00</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>
Berumen Construction	HMMB57290N0414	\$238,386.00	32.09%
<b>Total Minority - Local</b>		<b>\$238,386.00</b>	<b>32.09%</b>

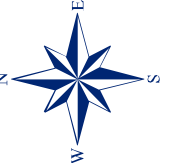
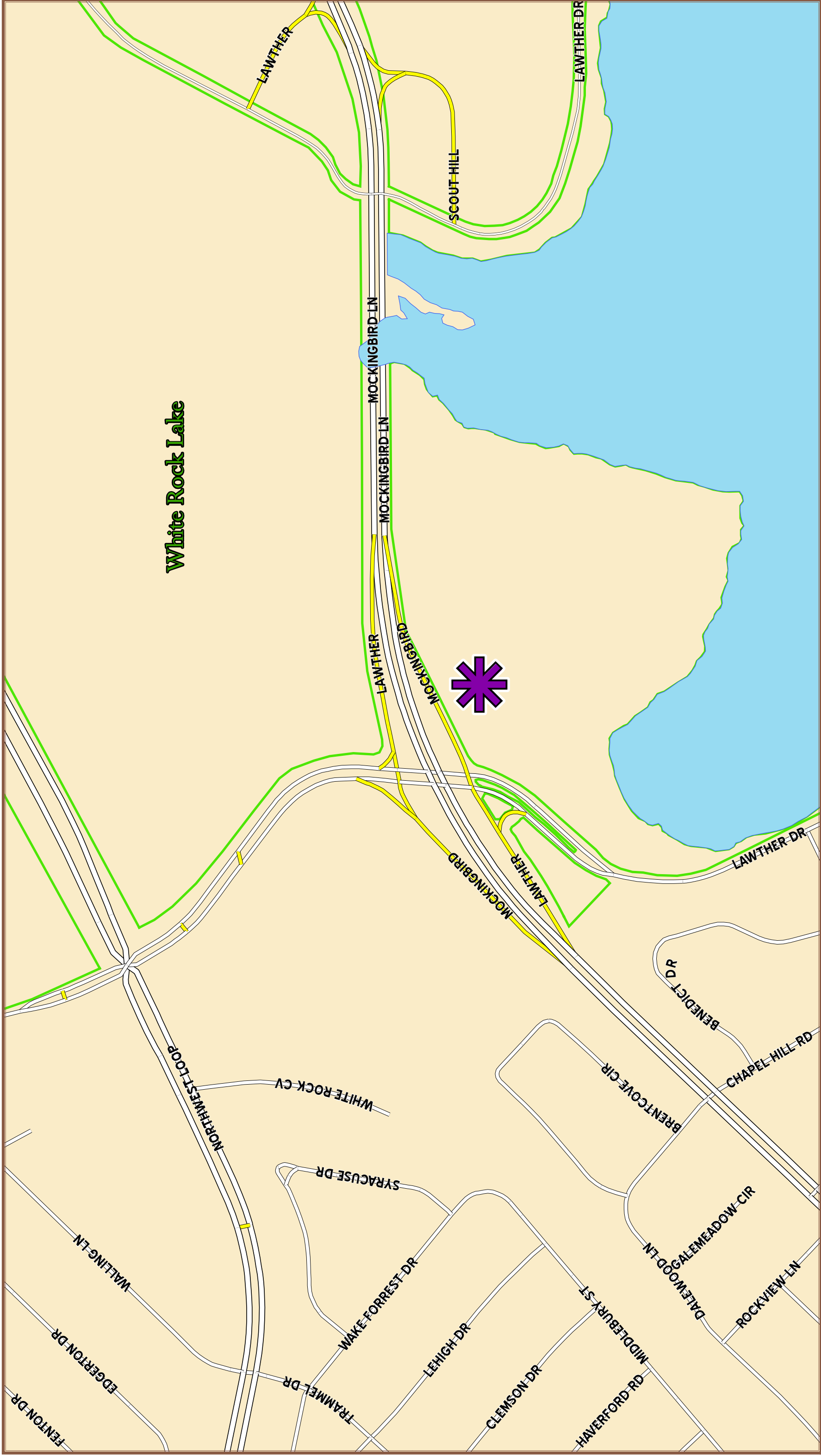
#### **Non-Local Contractors / Sub-Contractors**

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	\$238,386.00	32.09%	\$238,386.00	25.19%
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>\$238,386.00</b>	<b>32.09%</b>	<b>\$238,386.00</b>	<b>25.19%</b>





December 5, 2013

*White Rock Lake Park—Dog Park  
(7700 E Mockingbird Lane)*

MapSCO  
37 B

District  
9



January 8, 2014

**WHEREAS**, on October 24, 2013, nine bids were received for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park located at 7700 Mockingbird Lane.

<u>Bidders</u>	<u>Base Bid</u>	<u>Alt. Nos. 3,4 10,11,13 &amp; 16**</u>	<u>Total Bid</u>
A S Con, Inc.	\$754,425.00	\$192,070.00	\$946,495.00
The Fain Group, Inc.	\$919,087.00	\$394,310.00	\$1,313,397.00
Parkscape Construction, Inc.	\$922,046.78	\$434,746.36	\$1,356,793.14
Cole Construction, Inc.			***Non-responsive
Phillips/May Corporation			***Non-responsive
Omega Contracting, Inc.			***Non-responsive
Schmoltdt Construction, Inc.			***Non-responsive
<u>SMR Construction, Inc.</u>			<u>***Non-responsive</u>
Mart, Inc.			***Non-responsive

\*\*Alternate No. 3 - provides for paving at paddock entries.

\*\*Alternate No. 4 - provides for installation of paddock entry from hike and bike trail.

\*\*Alternate No. 10 - provides for dog launch and other associated items.

\*\*Alternate No. 11 - provides for installation of benches, flagstone paving and stone walls and columns.

\*\*Alternate No. 13 - provides for installation of enclosure.

\*\*Alternate No. 16 - provides for installation of pet waste stations and trash cans.

\*\*\*Cole Construction, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Phillips/May Corporation was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Omega Contracting, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Schmoltdt Construction, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*SMR Construction, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Mart, Inc.'s was deemed non-responsive for not following directions in submitting their bid proposal.

**Now, Therefore,**

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

January 8, 2014

**SECTION 1.** That the City Manager is hereby authorized to enter into a contract with A S Con, Inc. for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park, in an amount not to exceed \$946,495.

**SECTION 2.** That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a contract with A S Con, Inc., after approval as to form by the City Attorney's Office.

**SECTION. 3.** That the City Controller is hereby authorized to pay the amount of \$946,495 to A S Con, Inc., as follows:

(2006) Park and Recreation Facilities Improvement Fund Fund BT00, Department PKR, Unit T332, Object 4599 Activity RFSI, Program PK06T332, CT-PKR14019424 Commodity 91200, Vendor 261853	\$746,056.47
--	--------------

(2006) Park and Recreation Facilities Improvement Fund Fund 1T00, Department PKR, Unit T332, Object 4599 Activity RFSI, Program PK06T332, CT-PKR14019424 Commodity 91200, Vendor 261853	<u>\$200,438.53</u>
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Total amount not to exceed	\$946,495.00
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**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.