

**JANUARY 14, 2015 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 14, 2015. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager

12.19.14

Date



Edward Scott
City Controller

12/19/14

Date

RECEIVED

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

January 14, 2015

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 14, 2015
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 - 25

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 26 - 35

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

AGENDA
CITY COUNCIL MEETING
JANUARY 14, 2015
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 10, 2014 City Council Meeting

CONSENT AGENDA

Aviation

2. Authorize the fifth amendment to the lease with MLT Development Co. to add approximately 1.229 acres of unimproved land and increase the annual rent in the amount of approximately \$21,412, from \$318,777 to \$340,189 at Dallas Love Field - Estimated Annual Revenue: \$21,412
3. Authorize Supplemental Agreement No. 2 to the professional services contract with Ricondo & Associates, Inc. for on-call airport planning and advisory services for the Dallas Airport Systems - Not to exceed \$2,250,000, from \$5,181,791 to \$7,431,791 - Financing: Aviation Capital Construction Funds

Business Development & Procurement Services

4. Authorize an Intergovernmental Agreement with The University of Texas at Arlington, a State University to provide the service of Texas Manufacturing Assistance Center, a Texas state agency for a one-year service contract for occupational safety and health training with The University of Texas at Arlington/Texas Manufacturing Assistance Center - Not to exceed \$268,400 - Financing: Current Funds (subject to appropriations)

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

5. Authorize a three-year master agreement for sodium hexametaphosphate to be used by Water Utilities - Shannon Chemical Corporation, lowest responsible bidder of four - Not to exceed \$390,800 - Financing: Water Utilities Current Funds
6. Authorize **(1)** a three-year master agreement for the purchase of park amenities, supplies and playground equipment parts for Park and Recreation - The Play Well Group, Inc. in the amount of \$356,586, Mistral Security, Inc. in the amount of \$220,000, Most Dependable Fountains, Inc. in the amount of \$177,616, Victor Stanley, Inc. in the amount of \$158,872, Recreation Consultants of Texas in the amount of \$111,000, Lea Park & Play, Inc. in the amount of \$107,000, Pioneer Manufacturing Company in the amount of \$72,000, BSN Sports in the amount of \$70,000, Gail's Flags & Golf Course Accessories, Inc. in the amount of \$70,000, Landscape Forms, Inc. in the amount of \$64,140, Webuildfun, Inc. in the amount \$35,000 and ZW USA, INC. dba Zero Waste USA in the amount of \$16,380, lowest responsible bidders of fourteen; and **(2)** a three-year master agreement for the purchase of park amenities, supplies and playground equipment parts for Park and Recreation - The Play Well Group, Inc. in the amount of \$219,000, Victor Stanley, Inc. in the amount of \$56,000 and Gametime c/o Total Recreation Products, Inc. in the amount of \$51,000, through the Texas Association of School Boards (BuyBoard) - Total not to exceed \$1,784,594 - Financing: Current Funds
7. Authorize an acquisition contract for the purchase, installation and a three-year warranty of one x-ray inspection system for the Love Field Sally Port - Rapiscan Systems, Inc. through the Texas Multiple Award Schedule - Not to exceed \$96,925 - Financing: Aviation Current Funds (subject to appropriations)
8. Authorize an increase to the service contract with CDM Smith, Inc. for maintenance and support for the supervisory control and data acquisition systems at five water and wastewater treatment plants - Not to exceed \$388,750, from \$1,555,000 to \$1,943,750 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Fire

9. Authorize an annual payment in the amount of \$125,000 for the next five years to Dallas/Fort Worth (D/FW) International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airport - Not to exceed \$625,000 - Financing: Current Funds (to be reimbursed by Aviation, subject to annual appropriations)

CONSENT AGENDA (Continued)**Housing/Community Services**

10. Authorize a Memorandum of Understanding between the City of Dallas and the Health and Human Services Commission (HHSC) for the HHSC Community Partner Program for the purpose of assisting with Online Community-Based Application Assistance Services through the YourTexasBenefits.com for Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Medicaid, Long-term Care Services program (LTC), and Children's Health Insurance Programs (CHIP) for the period January 1, 2015 through September 30, 2016 - Financing: No cost consideration to the City
11. Authorize an amendment to Resolution No. 14-0661, Section 2 (a), previously approved on April 23, 2014, to extend the term of the maturity date from December 21, 2014 to December 21, 2015 for the loan agreement with Dallas Housing Authority for the Turner Courts Project located at 6601 Bexar Street - Financing: No cost consideration to the City
12. Authorize an amendment to Resolution No. 14-1792, previously approved on October 22, 2014 to **(1)** accept additional funds in the amount of \$20,142, from \$756,818 to \$776,960 from the Texas Department of Housing and Community Affairs (TDHCA) to provide services to the homeless through the Homeless Housing and Services Program (HHSP) for the period October 1, 2014 through September 30, 2015 and execute the grant agreement; **(2)** allow Bridge Steps to count TDHCA funds towards Bridge Steps' required contribution to the Bridge operating budget for the period October 1, 2014 through September 30, 2015; **(3)** require Bridge Steps to comply with all conditions of the TDHCA grant agreement; and **(4)** increase the budget agreement with Bridge Steps from \$6,085,097 to \$6,105,239 - Total not to exceed \$20,142 - Financing: Texas Department of Housing and Community Affairs Grant Funds
13. Authorize an amendment to the Mortgage Assistance Program (MAP) to modify the assistance categories as follows: **Category 1** will provide assistance up to \$14,000 with 5 year deed restrictions for Existing Homes and New Construction including non-profit and for-profit organizations; and **Category 2** will provide assistance up to \$20,000 with deed restrictions following HUD guidelines (currently 10 years if \$15,000 and above) for New Construction by Certified Housing Development Organizations (CHDO), New Construction on lots purchased from the Dallas Housing Acquisition and Development Corporation (DHADC or Land Bank) and New Development in the Neighborhood Investment Program (NIP) Areas and any other Target Areas selected by the Housing/Community Services Department - Financing: No cost consideration to the City

Park & Recreation

14. Authorize a professional services contract with Halff Associates, Inc. for the preparation of plans and specifications to improve dam safety, shoreline erosion control and beautification at Kidd Springs Park located at 700 West Canty Street - Not to exceed \$145,337 - Financing: 2006 Bond Funds

CONSENT AGENDA (Continued)

Park & Recreation (Continued)

15. Authorize Supplemental Agreement No. 3 to the professional services contract with Dan Shipley Architects, Inc. for additional design services of a maintenance building at Luna Vista Golf Course located at 11223 Luna Road - Not to exceed \$27,804, from \$100,126 to \$127,930 - Financing: 2003 Bond Funds

Public Works Department

16. Authorize a construction services contract with Phoenix 1 Restoration and Construction, Ltd., best value proposer of five, for the exterior renovation of the Old Municipal Building, located at 106 South Harwood Street - Not to exceed \$11,166,286 - Financing: 1998 Bond Funds

Sustainable Development and Construction

17. An ordinance abandoning a fire lane easement and a water line easement to TKG Valencia-Midtown, LLC, the abutting owner, containing a total of 18,596 square feet of land, located near the intersection of Meadow Lane and Rambler Road - Revenue: \$5,400, plus the \$20 ordinance publication fee

Trinity Watershed Management

18. Authorize a professional services contract with Parsons Environment & Infrastructure Group, Inc. for construction management services during design and advertisement phases of the Mill Creek / Peaks Branch / State-Thomas drainage relief tunnel - Not to exceed \$1,215,000 - Financing: 2006 Bond Funds
19. Authorize an amendment to Resolution No. 14-1628, previously approved on September 24, 2014, to authorize acquisition of a larger tract for a subsurface easement located under approximately 996 square feet of land, including the exercise of the right of eminent domain, if such becomes necessary from Victor Hugo Gomez and Irma Leticia Rodriguez Campos, located on Foreman Street near its intersection with Spring Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$15, increased from \$3,075 (\$75, plus closing costs and title expenses not to exceed \$3,000) to \$3,090 (\$90, plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds
20. Authorize Supplemental Agreement No. 1 to the professional services contract with Solaray Engineering, Inc. for additional engineering and special services for the Trinity Trails Phase II-B project - Not to exceed \$37,350, from \$48,990 to \$86,340 - Financing: 2012 Bond Funds

CONSENT AGENDA (Continued)

Trinity Watershed Management (Continued)

21. Authorize Supplemental Agreement No. 4 to the contract with Halff Associates, Inc. for design and analysis of drainage relief for Mill Creek, Peaks Branch, and State-Thomas areas, for additional scope of work for design of water and wastewater facilities and right-of-way acquisition support during design of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel - Not to exceed \$1,549,600, from \$14,443,888 to \$15,993,488 - Financing: 2006 Bond Funds (\$1,505,600) and Water Utilities Capital Improvement Funds (\$44,000)

Water Utilities

22. Authorize a contract for Heating, Ventilation and Air Conditioning component replacements and major repairs at 13 Dallas Water Utilities owned facilities - John Cook & Associates, Inc., lowest responsible bidder of two (list attached) - Not to exceed \$2,137,000 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

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

Trinity Watershed Management

24. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jeanne Daniels, of a subsurface easement under approximately 3,699 square feet of land located on Jamaica Street at its intersection with Foreman Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$2,059 (\$359 plus closing costs and title expenses not to exceed \$1,700) - Financing: 2006 Bond Funds
25. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Troy A. Jackson and Roderick Tyrone Jackson, of a subsurface easement located under approximately 3,737 square feet of land on Frank Street at its intersection with Foreman Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$1,711 (\$411 plus closing costs and title expenses not to exceed \$1,300) - Financing: 2006 Bond Funds

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

26. A public hearing to receive comments regarding an application for and an ordinance granting an expansion to Subdistrict 2 onto property zoned Subdistrict 6 within Planned Development District No. 317, the Cedars Area Special Purpose District at the north corner of South Harwood Street and Beaumont Street
Recommendation of Staff and CPC: Approval, subject to conditions
Z134-336(OTH)
27. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1953 for a restaurant with drive-in or drive-through service on property zoned Cedars West Subdistrict 1, Urban Village Form District within Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the south corner of East R.L. Thornton Freeway (Interstate 35E) and South Riverfront Boulevard
Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions
Z134-349(OTH)
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 restaurant without drive-in or drive-through service on property zoned a CR Community Retail District with a D Liquor Control Overlay on the west side of Marsh Lane, north of Walnut Hill Lane
Recommendation of Staff and CPC: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z134-355(AF)

ZONING CASES - INDIVIDUAL

29. A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a CR Community Retail District on the east side of Preston Road, south of Frankford Road
Recommendation of Staff and CPC: Approval with deed restrictions volunteered by the applicant
Z134-332(AF)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Sustainable Development and Construction (Continued)**ZONING CASES - INDIVIDUAL (Continued)

30. 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 Community Retail District with a D Liquor Control Overlay on the north side of Lake June Road, east of Oak Hill Circle
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 renewals 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
Z134-346(AF)
31. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple-family Subdistrict and mini-warehouse uses on property zoned an MF-2 Multiple-family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west corner of Fairmount Street and Knight Street
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions
Z134-351(WE)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

32. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing District with deed restrictions, on the north side of Manaña Drive, east of Spangler Road
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions
Z134-338(CE)
Note: This item was considered by the City Council at a public hearing on December 10, 2014, and was taken under advisement until January 14, 2015, with the public hearing open

STREET NAME CHANGE

33. A public hearing to receive comments regarding a proposal to change the name of Hatcher Street, between South Lamar Street and 100 feet north of Pacific Avenue, to "Elsie Faye Heggins Street" and an ordinance granting the name change - NC134-006 - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

DEVELOPMENT CODE AMENDMENTS - CONSENT

34. A public hearing to receive comments regarding consideration of amending Section 51A-7.404, "Attached Signs," of the Dallas Development Code to allow signs on properties zoned O-2 Office District to have attached signs larger than 40 square feet in effective area when conditions are met and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA145-003(ND)

MISCELLANEOUS HEARINGS

Sustainable Development and Construction

35. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a private school, St. Elizabeth Catholic School, as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a general merchandise or food store greater than 10,000 square feet [Walgreens #6197] on the northwest corner of South Hampton Road and West Ledbetter Drive - AV145-001 - Financing: No cost consideration to the City

HVAC Replacements and Major Repairs

Agenda Item # 22

<u>Council District</u>	<u>Facility Name</u>	<u>Address</u>
2	Cadiz Pump Station	411 Cadiz Street
3	Sorcey Pump Station	7569 Mountain Creek Parkway
4	Cedar Crest Pump Station Central Wastewater Treatment Plant	1850 East Illinois Avenue 1020 Sargent Road
5	Lake June Pump Station	1031 Algonquin Drive
6	Bachman Water Treatment Plant Northwest Service Center	2525 Shorecrest Drive 9805 Harry Hines Boulevard
8	Southside Wastewater Treatment Plant	10011 Log Cabin Road
9	Lake Ray Hubbard	685 Ray Hubbard
10	Abrams Pump Station	9241 Forest Lane
Outside City Limits	Eastside Water Treatment Plant Elm Fork Water Treatment Plant Iron Bridge Pump Station	405 Long Creek Road 1440 Whitlock Lane 4777 County Road 3706

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 14, 2015

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of December 10, 2014 City Council Meeting
2			2	C	AVI	REV \$21,412	NA	NA	Authorize the fifth amendment to the lease with MLT Development Co. to add approximately 1.229 acres of unimproved land and increase the annual rent at Dallas Love Field
3			2, 3	C	AVI	\$2,250,000.00	64.67%	73.61%	Authorize Supplemental Agreement No. 2 to the professional services contract with Ricondo & Associates, Inc. for on-call airport planning and advisory services for the Dallas Airport Systems
4			All	C	PBD	\$268,400.00	NA	NA	Authorize an Intergovernmental Agreement with The University of Texas at Arlington, a State University to provide the service of Texas Manufacturing Assistance Center, a Texas state agency for a one-year service contract for occupational safety and health training with The University of Texas at Arlington/Texas Manufacturing Assistance Center
5			Outside	C	PBD, WTR	\$390,800.00	0.00%	0.00%	Authorize a three-year master agreement for sodium hexametaphosphate to be used by Water Utilities – Shannon Chemical Corporation, lowest responsible bidder of four
6			All	C	PBD, PKR	\$1,784,594.00	44.19%	24.45%	Authorize a three-year master agreement for the purchase of park amenities, supplies and playground equipment parts for Park and Recreation - The Play Well Group, Inc., Mistral Security, Inc., Most Dependable Fountains, Inc., Victor Stanley, Inc. in the amount of \$158,872, Recreation Consultants of Texas in the amount of \$111,000, Lea Park & Play, Inc., Pioneer Manufacturing Company, BSN Sports, Gail's Flags & Golf Course Accessories, Inc., Landscape Forms, Inc., Webuildfun, Inc. and ZW USA, INC. dba Zero Waste USA, lowest responsible bidders of fourteen; and a three-year master agreement for the purchase of park amenities, supplies and playground equipment parts for Park and Recreation - The Play Well Group, Inc., Victor Stanley, Inc. and Gametime c/o Total Recreation Products, Inc., through the Texas Association of School Boards (BuyBoard)
7			2	C	PBD, AVI	\$96,925.00	NA	NA	Authorize an acquisition contract for the purchase, installation and a three-year warranty of one x-ray inspection system for the Love Field Sally Port - Rapiscan Systems, Inc. through the Texas Multiple Award Schedule
8			All	C	PBD, WTR	\$388,750.00	100.00%	23.80%	Authorize an increase to the service contract with CDM Smith, Inc. for maintenance and support for the supervisory control and data acquisition systems at five water and wastewater treatment plants
9			All	C	FIR	\$625,000.00	NA	NA	Authorize an annual payment in the amount of \$125,000 for the next five years to Dallas/Fort Worth (D/FW) International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airport
10			All	C	HOU	NC	NA	NA	Authorize a Memorandum of Understanding between the City of Dallas and the Health and Human Services Commission (HHSC) for the HHSC Community Partner Program for the purpose of assisting with Online Community-Based Application Assistance Services through the YourTexasBenefits.com for Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Medicaid, Long-term Care Services program (LTC), and Children's Health Insurance Programs (CHIP) for the period January 1, 2015 through September 30, 2016
11			7	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 14-0661, Section 2 (a), previously approved on April 23, 2014, to extend the term of the maturity date from December 21, 2014 to December 21, 2015 for the loan agreement with Dallas Housing Authority for the Turner Courts Project located at 6601 Bexar Street
12			All	C	HOU	GT	NA	NA	Authorize an amendment to Resolution No. 14-1792, previously approved on October 22, 2014 to accept additional funds in the amount of \$20,142, from \$756,818 to \$776,960 from the Texas Department of Housing and Community Affairs (TDHCA) to provide services to the homeless through the Homeless Housing and Services Program (HHSP) for the period October 1, 2014 through September 30, 2015 and execute the grant agreement; allow Bridge Steps to count TDHCA funds towards Bridge Steps' required contribution to the Bridge operating budget for the period October 1, 2014 through September 30, 2015; require Bridge Steps to comply with all conditions of the TDHCA grant agreement; and increase the budget agreement with Bridge Steps from \$6,085,097 to \$6,105,239

AGENDA DATE January 14, 2015

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
13			All	C	HOU	NC	NA	NA	Authorize an amendment to the Mortgage Assistance Program (MAP) to modify the assistance categories as follows: Category 1 will provide assistance up to \$14,000 with 5 year deed restrictions for Existing Homes and New Construction including non-profit and for-profit organizations; and Category 2 will provide assistance up to \$20,000 with deed restrictions following HUD guidelines (currently 10 years if \$15,000 and above) for New Construction by Certified Housing Development Organizations (CHDO), New Construction on lots purchased from the Dallas Housing Acquisition and Development Corporation (DHADC or Land Bank) and New Development in the Neighborhood Investment Program (NIP) Areas and any other Target Areas selected by the Housing/Community Services Department
14			1	C	PKR	\$145,337.00	100.00%	27.11%	Authorize a professional services contract with Half Associates, Inc. for the preparation of plans and specifications to improve dam safety, shoreline erosion control and beautification at Kidd Springs Park located at 700 West Canty Street
15			6	C	PKR	\$27,804.00	100.00%	52.76%	Authorize Supplemental Agreement No. 3 to the professional services contract with Dan Shipley Architects, Inc. for additional design services of a maintenance building at Luna Vista Golf Course located at 11223 Luna Road
16			14	C	PBW	\$11,166,285.20	98.77%	26.63%	Authorize a construction services contract with Phoenix 1 Restoration and Construction, Ltd., best value proposer of five, for the exterior renovation of the Old Municipal Building, located at 106 South Harwood Street
17			13	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a fire lane easement and a water line easement to TKG Valencia-Midtown, LLC, the abutting owner, containing a total of 18,596 square feet of land, located near the intersection of Meadow Lane and Rambler Road
18			2, 7, 14	C	TWM	\$1,215,000.00	100.00%	25.70%	Authorize a professional services contract with Parsons Environment & Infrastructure Group, Inc. for construction management services during design and advertisement phases of the Mill Creek / Peaks Branch / State-Thomas drainage relief tunnel
19			7	C	TWM	\$15.00	NA	NA	Authorize an amendment to Resolution No. 14-1628, previously approved on September 24, 2014, to authorize acquisition of a larger tract for a subsurface easement located under approximately 996 square feet of land, including the exercise of the right of eminent domain, if such becomes necessary from Victor Hugo Gomez and Irma Leticia Rodriguez Campos, located on Foreman Street near its intersection with Spring Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project
20			8	C	TWM, PBW	\$37,349.69	74.21%	84.50%	Authorize Supplemental Agreement No. 1 to the professional services contract with Solaray Engineering, Inc. for additional engineering and special services for the Trinity Trails Phase II-B project
21			2, 7, 14	C	TWM, WTR	\$1,549,600.00	87.85%	25.84%	Authorize Supplemental Agreement No. 4 to the contract with Half Associates, Inc. for design and analysis of drainage relief for Mill Creek, Peaks Branch, and State-Thomas areas, for additional scope of work for design of water and wastewater facilities and right-of-way acquisition support during design of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel
22			2, 3, 4, 5, 6, 8, 9, 10, Outside	C	WTR	\$2,137,000.00	99.44%	28.71%	Authorize a contract for Heating, Ventilation and Air Conditioning component replacements and major repairs at 13 Dallas Water Utilities owned facilities - John Cook & Associates, Inc., lowest responsible bidder of two
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			7	I	TWM	\$2,059.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jeanne Daniels, of a subsurface easement under approximately 3,699 square feet of land located on Jamaica Street at its intersection with Foreman Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project
25			7	I	TWM	\$1,711.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Troy A. Jackson and Roderick Tyrone Jackson, of a subsurface easement located under approximately 3,737 square feet of land on Frank Street at its intersection with Foreman Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project
26			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an expansion to Subdistrict 2 onto property zoned Subdistrict 6 within Planned Development District No. 317, the Cedars Area Special Purpose District at the north corner of South Harwood Street and Beaumont Street

AGENDA DATE January 14, 2015

ITEM		IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF								
27				2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1953 for a restaurant with drive-in or drive-through service on property zoned Cedars West Subdistrict 1, Urban Village Form District within Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the south corner of East R.L. Thornton Freeway (Interstate 35E) and South Riverfront Boulevard
28				13	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 restaurant without drive-in or drive-through service on property zoned a CR Community Retail District with a D Liquor Control Overlay on the west side of Marsh Lane, north of Walnut Hill Lane
29				12	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 and a resolution accepting deed restrictions volunteered by the applicant on property zoned a CR Community Retail District on the east side of Preston Road, south of Frankford Road
30				5	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 Community Retail District with a D Liquor Control Overlay on the north side of Lake June Road, east of Oak Hill Circle
31				2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple-family Subdistrict and mini-warehouse uses on property zoned an MF-2 Multiple-family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west corner of Fairmount Street and Knight Street
32				6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing District with deed restrictions, on the north side of Manaña Drive, east of Spangler Road
33				7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding a proposal to change the name of Hatcher Street, between South Lamar Street and 100 feet north of Pacific Avenue, to "Elsie Faye Heggins Street" and an ordinance granting the name change
34				All	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding consideration of amending Section 51A-7.404, "Attached Signs," of the Dallas Development Code to allow signs on properties zoned O-2 Office District to have attached signs larger than 40 square feet in effective area when conditions are met and an ordinance granting the amendments
35				3	PH	DEV	NC	NA	NA	A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a private school, St. Elizabeth Catholic School, as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a general merchandise or food store greater than 10,000 square feet [Walgreens #6197] on the northwest corner of South Hampton Road and West Ledbetter Drive

TOTAL \$22,086,629.89

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 33D

SUBJECT

Authorize the fifth amendment to the lease with MLT Development Co. to add approximately 1.229 acres of unimproved land and increase the annual rent in the amount of approximately \$21,412, from \$318,777 to \$340,189 at Dallas Love Field - Estimated Annual Revenue: \$21,412

BACKGROUND

MLT Development Co. (MLT) currently leases approximately 28.04 acres of land at Dallas Love Field under this lease. The lease commenced on January 1, 1999 and includes a thirty-year primary term plus two five-year options which, if properly exercised, will extend the lease term to December 31, 2039. MLT has already met its capital improvement obligation on the leased premises by causing to be constructed over \$6,000,000.00 in new capital improvements.

In order to provide better access to the existing facilities and maximize future development of the lease premises, MLT desires to lease an additional 1.229 acres of unimproved land at the airport's current prevailing annual rental rate of \$0.40 per square foot. The annual increase in revenue will be approximately \$21,412.00 for total annual revenue of \$340,189.00.

Commencing the third anniversary date after the effective date of the fifth amendment and adjusted on each successive third year anniversary date thereafter, including any option periods, rent paid to the City by MLT for the approximately 1.229 acres of land shall escalate by whichever adjustment is greater; (i) three (3%) percent, or (ii) the aggregate of the annual CPI index over the previous three-year period, provided however, the aggregate escalation for any three-year period shall not exceed twelve percent (12%).

BACKGROUND (Continued)

This tract of land has limited airside access and utility because of its remote location and extreme difference in ground elevation as it relates to the runway. MLT proposes to add this land to the lease to complement future aviation development of their existing lease premises. As partial consideration for the City leasing this property to MLT, MLT agrees, subject to acceptable terms and conditions, to supply land it controls at Dallas Love Field needed in the future by the City to complete the Perimeter Road Project.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 12, 1998, authorized the original lease, by Resolution No. 98-2271.

On August 11, 1999, authorized the first amendment to the lease, by Resolution No. 99-2286.

On February 13, 2002, authorized the second amendment to the lease, by Resolution No. 02-0626.

On August 9, 2006, authorized the third amendment to the lease, by Resolution No. 06-2000.

On April 10, 2013, authorized the fourth amendment to the lease, by Resolution No. 13-0604.

FISCAL INFORMATION

\$21,412.00 - Estimated Annual Revenue

OWNER

MLT Development Co., a Texas Joint Venture

acting by and through its Managing Partner, MLT Holding, L.P., a Texas limited partnership, acting through its sole General Partner, MLT GP, LLC

William D. Oates, President

MAP

See attached.

DALLAS LOVE FIELD
MLT Development Co.
Lease Premises
MAPSCO 33D



January 14, 2015

WHEREAS, MLT Development Co. currently leases approximately 28.04 acres of land at Dallas Love Field, approved on August 12, 1998, by Resolution No. 98-2271; and,

WHEREAS, the City and MLT Development Co. entered into a First Amendment to the Lease, approved on August 11, 1999, by Resolution No. 99-2286; and,

WHEREAS, the City and MLT Development Co. entered into a Second Amendment to the Lease, approved on February 13, 2002, by Resolution No. 02-0627; and,

WHEREAS, the City and MLT Development Co. entered into a Third Amendment to the Lease, approved on August 9, 2006, by Resolution No. 06-2000; and,

WHEREAS, the City and MLT Development Co. entered into a Fourth Amendment to the Lease, approved on April 10, 2013, by Resolution No. 13-0604; and,

WHEREAS, the City and MLT Development Co. desire to enter a Fifth Amendment to the Lease, to add approximately 1.229 acres of unimproved land to the lease providing additional annual rent to the City in the approximate amount of \$21,412.00; and,

WHEREAS, MLT agrees, as partial consideration for the City leasing this property to MLT, subject to acceptable terms and conditions, to supply land it controls at Dallas Love Field, needed in the future by the City to complete the Perimeter Road Project; and,

WHEREAS, it is in the best interest of the City and MLT Development Co. to execute a Fifth Amendment to the Lease.

Now, Therefore,

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

Section 1. That the proposed Fifth Amendment to lease is hereby approved and the City Manager is authorized to execute, on behalf of the City of Dallas, after approval as to form by the City Attorney.

January 14, 2015

Section 2. That the Fifth Amendment to lease evidences the following terms and conditions:

- a. Add approximately 1.229 acres of unimproved land at the current annual prevailing unimproved ground rental rate of \$0.40 per square foot. The exact location and size of the tract of land to be added to the lease by the Fifth Amendment is subject to a final survey and upon completion of such survey, the annual rent and size of the tract of land shall be adjusted accordingly.
- b. MLT will be solely responsible, at its own cost and expense, for providing an acceptable survey and property description of the proposed new land to be added to the base lease.
- c. The land subject of this Fifth Amendment will be subject to the following rental rate escalations:

Commencing the third anniversary date after the effective date of the Fifth Amendment and adjusted on each successive third year anniversary date thereafter, including any option periods, rent paid to the City by MLT for the approximately 1.229 acres of land added by the Fifth Amendment shall escalate by whichever adjustment is greater; (i) three (3%) percent, or (ii) the aggregate of the annual CPI index over the previous three-year period, provided however, the aggregate escalation for any three-year period shall not exceed twelve percent (12%).

Section 3. That MLT agrees, as partial consideration for the City leasing this property to MLT, subject to acceptable terms and conditions, to supply land it controls at Dallas Love Field, needed in the future by the City to complete the Perimeter Road Project.

Section 4. That the City Controller be and is hereby authorized to deposit all revenues received under the lease to: Aviation Operating Fund 0130; Dept. AVI; Unit 7722; Revenue Source 7814.

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.

AGENDA ITEM # 3

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 2, 3
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34E, 63L, 45T

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Ricondo & Associates, Inc. for on-call airport planning and advisory services for the Dallas Airport Systems - Not to exceed \$2,250,000, from \$5,181,791 to \$7,431,791 - Financing: Aviation Capital Construction Funds

BACKGROUND

The Aviation Department requests an extension of services for the professional services contract awarded to Ricondo & Associates, Inc. The on call contract will continue to enhance Dallas Airport Systems ability to accurately design and program airport capital projects and City of Dallas initiatives. On call services will cover a variety of detailed planning processes and technical project design using a task order format. Services shall include airfield traffic and parking capacity studies, airspace analysis, obstruction surveys, airfield geometry analysis, off airport planning studies, land use and property development, real estate transactional assistance, commercial development, revenue enhancement planning, Safety Management System (SMS), and environmental studies.

The on-call consultant will be the principal external source of airport planning expertise and assistance to the Director of Aviation. Additional assignments may include strategic business planning, financial planning, and Master Plan Update support, including airport layout plan. The consultant will also be required to provide expertise for regional transportation planning, commercial and general aviation studies, and security access control enhancement to support the City's on-going economic development initiatives.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 28, 2012, authorized the professional services contract for on-call airport planning and advisory service, by Resolution No. 12-0854.

On June 27, 2012, authorized acceptance of Federal Aviation Administration Airport Improvement Program Grant No. 3-48-0062-42-2012, by Resolution No. 12-1710.

On January 23, 2013, authorized Supplemental Agreement No. 1, by Resolution No. 13-0164.

FISCAL INFORMATION

\$2,250,000.00 - Aviation Capital Construction Funds

<u>Council District</u>	<u>Amount</u>
2	\$1,125,000
3	<u>\$1,125,000</u>
Total	\$2,250,000

M/WBE INFORMATION

See attached.

OWNER

Ricondo & Associates, Inc.

Ramon Ricondo, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Ricondo & Associates, Inc. for on-call airport planning and advisory services for the Dallas Airport Systems - Not to exceed \$2,250,000, from \$5,181,791 to \$7,431,791 - Financing: Aviation Capital Construction Funds

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

PROJECT CATEGORY: Other Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$1,455,000.00	64.67%
Non-local contracts	\$795,000.00	35.33%
TOTAL THIS ACTION	\$2,250,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
K Strategies Group LLC	BFDB59986Y0115	\$85,000.00	5.84%
Ricondo & Associates	HMMB62923N0816	\$1,230,000.00	84.54%
E Creative	HMMB61421N0415	\$70,000.00	4.81%
Total Minority - Local		\$1,385,000.00	95.19%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
KavPlan LLC	WFWB59814N0115	\$345,000.00	43.40%
Total Minority - Non-local		\$345,000.00	43.40%

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$85,000.00	3.78%	\$298,156.00	4.01%
Hispanic American	\$1,300,000.00	57.78%	\$4,448,817.00	59.86%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$345,000.00	15.33%	\$723,850.00	9.74%
Total	\$1,730,000.00	76.89%	\$5,470,823.00	73.61%

January 14, 2015

WHEREAS, it is desirable to maintain the airport infrastructure to provide a safe and attractive environment for aircraft owners and operators to conduct business at Dallas Love Field; and,

WHEREAS, the goals and purposes of the on-call airport planning and advisory services are consistent with and complementary to the economic development programs previously established by the City to support expanded economic development opportunities by using, Dallas Love Field, Dallas Executive Airport and the Dallas Vertiport as both drivers and support for those City programs; and,

WHEREAS, on March 28, 2012, City Council authorized the professional services contract for airport planning and advisory services by Resolution No. 12-0854; and,

WHEREAS, on June 27, 2012, City Council authorized acceptance of an Federal Aviation Administration (FAA) Airport Improvement Program Grant by Resolution No. 12-0854; and,

WHEREAS, on January 23, 2013, City Council authorized Supplemental Agreement No. 1 by Resolution No. 13-0164; and,

WHEREAS, total project costs are estimated to be \$2,250,000.00 and the City of Dallas will be responsible for \$2,250,000.00 of the project costs; and,

WHEREAS, it is now desirable to authorize an extension of professional services contract with Ricondo & Associates, Inc. for on-call airport planning and advisory services for the Dallas Airport Systems not to exceed \$2,250,000.00.

Now, Therefore,

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

Section 1. That the City Manager is authorized to execute Supplemental Agreement No. 2 for an extension of professional service contract with Ricondo & Associates, Inc. (V50000066926) for on-call airport planning and advisory services. If the service was bid or proposed on an as needed basis for performance of specified tasks, payment to Ricondo & Associates, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Ricondo & Associates, Inc. under the contract in an amount not to exceed \$2,250,000.00, from \$5,181,791.00 to \$7,431,791.00, after it has been approved as to form by the City Attorney.

January 14, 2015

Section 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:
Aviation Capital Construction Fund: 0131, Dept: AVI, Unit: 1725, Obj: 3070, ACT: AAIP
Program No. AVI1725, CT AVIRICOASWC0212, Comm. 96258, Vendor No.
VS0000066926, in an amount not to exceed \$2,250,000.00.

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, and it is accordingly so resolved.

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Office of Risk Management

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize an Intergovernmental Agreement with The University of Texas at Arlington, a State University to provide the service of Texas Manufacturing Assistance Center, a Texas state agency for a one-year service contract for occupational safety and health training with The University of Texas at Arlington/Texas Manufacturing Assistance Center - Not to exceed \$268,400 - Financing: Current Funds (subject to 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 service contract will provide occupational safety and health training citywide. This Intergovernmental Agreement will provide 1,479 hours of safety training to City employees. The required training will maintain departments full compliance with Occupational Safety and Health Administration (OSHA) regulations and Occupational Health & Safety Advisory Services (OHSAS) standards and renew certifications. Courses will cover the following areas:

- Respiratory Protection
- Confined Space Entry
- Fall Protection
- Lock Out/Tag Out
- Hearing Conservation
- Cranes/Hoists Lifting Devices
- Trench Safety

Section 791.011, Subchapter B, of the Texas Government Code authorizes a local government to contract with a state agency as defined by Section 771.002 of Chapter 771 of the Government Code.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 5, 2015, the Budget, Finance & Audit Committee will be briefed via memorandum.

FISCAL INFORMATION

\$268,400.00 – Current Funds (subject to appropriations)

ETHNIC COMPOSITION

The University of Texas at Arlington/Texas Manufacturing Assistance Center

White Male	15	White Female	6
Black Male	3	Black Female	1
Hispanic Male	4	Hispanic Female	0
Other Male	1	Other Female	2

OWNER

The University of Texas at Arlington/Texas Manufacturing Assistance Center

Vistasp Karbhari, President
Dr. Carolyn Cason, Vice President
Marcy Tannahill, Secretary
Katic Beaver, Treasurer

January 14, 2015

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

Section 1. That the City Manager is authorized to enter into an Intergovernmental Agreement with The University of Texas at Arlington (520524)/Texas Manufacturing Assistance Center, a Texas state agency, for a one year service contract for occupational safety and health training.

Section 2. That the City Manager is authorized to execute a service contract with The University of Texas at Arlington/Texas Manufacturing Assistance Center for occupational safety and health training for a term of one year in an amount not to exceed \$268,400.00, 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 The University of Texas at Arlington/Texas Manufacturing Assistance Center shall be based only on the amount of the services directed to be performed by the City and properly performed by The University of Texas at Arlington/Texas Manufacturing Assistance Center under the contract.

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$268,400.00 (subject to appropriations).

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: E-Gov

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: 50 A-S

SUBJECT

Authorize a three-year master agreement for sodium hexametaphosphate to be used by Water Utilities – Shannon Chemical Corporation, lowest responsible bidder of four - Not to exceed \$390,800 - Financing: Water Utilities Current Funds

BACKGROUND

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

Sodium hexametaphosphate is used by the Eastside Water Treatment Plant to prevent scale formation in chemical feed lines and allows continuous feed of ammonia for the disinfection process. Ammonia by its nature forms scale and eventually restricts the flow in pipes delivering the chemical. Without the phosphate feed system, ammonia lines would become restricted, scaled, and the plant would be unable to meet disinfection requirements, resulting in regulatory violations. Ammonia is used in the water treatment process to combine with chlorine to provide a residual disinfectant in the plant process and distribution system.

Water Utilities provides service to an estimated 2 million people in Dallas and surrounding communities. On average, the City pumps over 417 million gallons of water per day.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 7.74% decrease on comparable unit prices for the bid awarded in 2012.

BACKGROUND (Continued)

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 303 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 April 11, 2012, City Council authorized a three-year master agreement for the purchase of sodium hexametaphosphate to be used by Water Utilities for the purification process at water treatment plants by Resolution No. 12-1028.

FISCAL INFORMATION

\$390,800.00 - Water Utilities Current Funds

M/WBE INFORMATION

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

303 - 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

Shannon Chemical Corporation

White Male	8	White Female	4
Black Male	1	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BP1502 and opened on October 30, 2014. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Shannon Chemical Corporation	602 Jeffers Circle Exton, PA 19341	\$390,800.00
Tri-Chem Specialty Chemicals, LLC dba Tri-Chem Industries	111 Tennyson Place Coppell, TX 75019	\$399,200.00
Carus Corporation	315 Fifth Street Peru, IL 61354	\$404,000.00
Univar USA, Inc.	10889 Bekay Street Dallas, TX 75238	\$572,000.00

OWNER

Shannon Chemical Corporation

Daniel C. Flynn, President
Karl Spivak, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for sodium hexametaphosphate to be used by Water Utilities – Shannon Chemical Corporation, lowest responsible bidder of four - Not to exceed \$390,800 - Financing: Water Utilities Current Funds

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

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$390,800.00	100.00%
TOTAL CONTRACT	\$390,800.00	100.00%

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 & 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 14, 2015

WHEREAS, on April 11, 2012, City Council authorized a three-year master agreement for the purchase of sodium hexametaphosphate to be used by Water Utilities for the purification process at water treatment plants by Resolution No. 12-1028;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of sodium hexametaphosphate to be used by Water Utilities is authorized with Shannon Chemical Corporation (516884) for a term of three years in an amount not to exceed \$390,800.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$390,800.00.

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, Recreation, & Education

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Park & Recreation

CMO: Jeanne Chipperfield, 670-7804
Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize **(1)** a three-year master agreement for the purchase of park amenities, supplies and playground equipment parts for Park and Recreation – The Play Well Group, Inc. in the amount of \$356,586, Mistral Security, Inc. in the amount of \$220,000, Most Dependable Fountains, Inc. in the amount of \$177,616, Victor Stanley, Inc. in the amount of \$158,872, Recreation Consultants of Texas in the amount of \$111,000, Lea Park & Play, Inc. in the amount of \$107,000, Pioneer Manufacturing Company in the amount of \$72,000, BSN Sports in the amount of \$70,000, Gail's Flags & Golf Course Accessories, Inc. in the amount of \$70,000, Landscape Forms, Inc. in the amount of \$64,140, Webuildfun, Inc. in the amount \$35,000 and ZW USA, INC. dba Zero Waste USA in the amount of \$16,380, lowest responsible bidders of fourteen; and **(2)** a three-year master agreement for the purchase of park amenities, supplies and playground equipment parts for Park and Recreation – The Play Well Group, Inc. in the amount of \$219,000, Victor Stanley, Inc. in the amount of \$56,000 and Gametime c/o Total Recreation Products, Inc. in the amount of \$51,000, through the Texas Association of School Boards (BuyBoard) – Total not to exceed \$1,784,594 - Financing: Current Funds

BACKGROUND

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

This master agreement will be used to provide park amenities, supplies and playground equipment parts for Park and Recreation to replace worn and damaged components throughout the City. The Dallas Park System has 381 parks totaling over 23,242 acres of developed and undeveloped park land; including over 125 miles of urban hike and bike trails, 5 golf courses, 48 soccer fields and 4 dog parks.

BACKGROUND (Continued)

This master agreement will include items, such as:

- Picnic tables
- Park benches
- Pet waste supplies
- Outdoor grills
- Outdoor trash receptacles
- Outdoor drinking fountains
- Golf course supplies
- Playground equipment and parts

The Texas Association of School Boards (BuyBoard) conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, BuyBoard receives bids from manufacturers and dealers throughout the United States.

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 1,851 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 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 August 24, 2011, the City Council authorizes a one-year master agreement for the purchase of park amenities by Resolution No. 11-2162.

Approved by the Park Board on November 20, 2014.

FISCAL INFORMATION

\$1,784,594.00 - Current Funds

M/WBE INFORMATION

426 - Vendors contacted
425 - No response
 1 - Response (Bid)
 0 - Response (No bid)
 1 - Successful

M/WBE INFORMATION (Continued)

1,851 - M/WBE and Non-M/WBE vendors were contacted.

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

ETHNIC COMPOSITION

The Play Well Group, Inc.

White Male	12	White Female	8
Black Male	0	Black Female	1
Hispanic Male	0	Hispanic Female	5
Other Male	0	Other Female	0

Mistral Security, Inc.

White Male	5	White Female	2
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	1

Most Dependable Fountains, Inc.

White Male	21	White Female	6
Black Male	3	Black Female	0
Hispanic Male	3	Hispanic Female	0
Other Male	0	Other Female	0

Victor Stanley, Inc.

White Male	23	White Female	17
Black Male	13	Black Female	6
Hispanic Male	0	Hispanic Female	2
Other Male	0	Other Female	1

Recreation Consultants of Texas

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

ETHNIC COMPOSITION (Continued)

Lea Park & Play, Inc.

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

Pioneer Manufacturing Company

White Male	65	White Female	36
Black Male	5	Black Female	1
Hispanic Male	0	Hispanic Female	0
Other Male	3	Other Female	1

BSN Sports

White Male	612	White Female	179
Black Male	32	Black Female	28
Hispanic Male	61	Hispanic Female	56
Other Male	30	Other Female	8

Gail's Flags & Golf Course Accessories, Inc.

White Male	4	White Female	7
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	3
Other Male	0	Other Female	0

Landscape Forms, Inc.

White Male	232	White Female	60
Black Male	9	Black Female	1
Hispanic Male	7	Hispanic Female	1
Other Male	1	Other Female	0

Webuildfun, Inc.

White Male	4	White Female	2
Black Male	0	Black Female	0
Hispanic Male	14	Hispanic Female	0
Other Male	0	Other Female	0

ETHNIC COMPOSITION (Continued)

ZW USA, INC. dba Zero Waste USA

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

Gametime c/o Total Recreation Products, Inc.

White Male	6	White Female	8
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BA1413 and were opened on August 7, 2014. This master agreement is being awarded to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*The Play Well Group, Inc.	4743 Iberia Avenue Suite C Dallas, TX 75207	Multiple Lines
*Mistral Security, Inc.	7910 Woodmont Avenue Suite 820 Bethesda, MD 20814	Multiple Lines
*Most Dependable Fountains, Inc.	5705 Commander Drive Arlington, TN 38002	Multiple Lines
*Victor Stanley, Inc.	2103 Brickhouse Road Dunkirk, MD 20754	Multiple Lines
*Recreation Consultants of Texas	11660 Plano Road Dallas, TX 75243	Multiple Lines

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Lea Park & Play, Inc.	1701 N. Greenville Avenue Suite 508 Richardson, TX 75081	Multiple Lines
*Pioneer Manufacturing Company	4529 Industrial Parkway Cleveland, OH 44135	Multiple Lines
*BSN Sports	1901 Diplomat Drive Farmers Branch, TX 75234	Multiple Lines
*Gail's Flags & Golf Course Accessories, Inc.	2128 Carson Street Fort Worth, TX 76117	Multiple Lines
*Landscape Forms, Inc.	431 Lawndale Avenue Kalamazoo, MI 49048	Multiple Lines
*Webuildfun, Inc.	103 W. McDermott Drive Suite 300 Allen, TX 75013	Multiple Lines
*ZW USA, INC. dba Zero Waste USA	12316 World Trade Drive Suite 102 San Diego, CA 92128	Multiple Lines
John Deere Landscapes	1385 East 36 th Street Cleveland, OH 44114	Multiple Lines
J&S Specialty Chemicals Inc.	1534 Sunset Lane Duncanville, TX 75137	Non-responsive**

**J&S Specialty Chemicals Inc. was deemed non-responsive due to not meeting specifications.

BID INFORMATION (Continued)

Vendors below are being awarded through the BuyBoard Cooperative Agreement for bids which a response was not received through the solicitation process.

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
The Play Well Group, Inc.	4743 Iberia Avenue Suite C Dallas, TX 75207	Multiple Lines
Victor Stanley, Inc.	2103 Brickhouse Road Dunkirk, MD 20754	Multiple Lines
Gametime c/o Total Recreation Products, Inc.	17802 Grand Road Cypress, TX 77429	Multiple Lines

OWNERS

The Play Well Group, Inc.

Matisse Martinez, President
Jeff Popenoe, Vice President

Mistral Security, Inc.

Shoshana Banai, President
Jack Yohe, Vice President

Most Dependable Fountains, Inc.

Joe Cappadona, President

Victor Stanley, Inc.

Stanley Skalka, President
Gerald Skalka, Vice President

Recreation Consultants of Texas

David Russell, President

Lea Park & Play, Inc.

Travis Lea, President

OWNERS (Continued)

Pioneer Manufacturing Company

Douglas Shattinger, President
Jack Nesser, Vice President

BSN Sports

Terrence Babilla, President
Kurt Hagen, Vice President

Gail's Flags & Golf Course Accessories, Inc.

Cassandra Raulins, President
Candace Cline, Vice President

Landscape Forms, Inc.

Richard Heriford, President

Webuildfun, Inc.

Vince Allen, President
Kris Allen, Vice President

ZW USA, INC. dba Zero Waste USA

Anthony Gilas, President
Elizabeth Gilas, Vice President

Gametime c/o Total Recreation Products, Inc.

Bryan O'Conner, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize (1) a three-year master agreement for the purchase of park amenities, supplies and playground equipment parts for Park and Recreation – The Play Well Group, Inc. in the amount of \$356,586, Mistral Security, Inc. in the amount of \$220,000, Most Dependable Fountains, Inc. in the amount of \$177,616, Victor Stanley, Inc. in the amount of \$158,872, Recreation Consultants of Texas in the amount of \$111,000, Lea Park & Play, Inc. in the amount of \$107,000, Pioneer Manufacturing Company in the amount of \$72,000, BSN Sports in the amount of \$70,000, Gail's Flags & Golf Course Accessories, Inc. in the amount of \$70,000, Landscape Forms, Inc. in the amount of \$64,140, Webuildfun, Inc. in the amount \$35,000 and ZW USA, INC. dba Zero Waste USA in the amount of \$16,380, lowest responsible bidders of fourteen; and (2) a three-year master agreement for the purchase of park amenities, supplies and playground equipment parts for Park and Recreation – The Play Well Group, Inc. in the amount of \$219,000, Victor Stanley, Inc. in the amount of \$56,000 and Gametime c/o Total Recreation Products, Inc. in the amount of \$51,000, through The Texas Association of School Boards – Total not to exceed \$1,784,594 - Financing: Current Funds

The Play Well Group, Inc. is a local, minority firm, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforce. Recreation Consultants of Texas, Lea Park & Play, Inc. and BSN Sports are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforce. Mistral Security, Inc., Most Dependable Fountains, Inc., Victor Stanley, Inc., Pioneer Manufacturing Company, Gail's Flags & Golf Course Accessories, Inc., Landscape Forms, Inc., Webuildfun, Inc. and ZW USA, INC. dba Zero Waste USA are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$644,586.00	44.19%
Total non-local contracts	\$814,008.00	55.81%
TOTAL CONTRACT	\$1,458,594.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
The Play Well Group, Inc.	HFDB60287Y0215	\$356,586.00	55.32%
Total Minority - Local		\$356,586.00	55.32%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$356,586.00	55.32%	\$356,586.00	24.45%
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>\$356,586.00</u>	<u>55.32%</u>	<u>\$356,586.00</u>	<u>24.45%</u>

January 14, 2015

WHEREAS, on August 24, 2011, the City Council authorized a one-year master agreement for the purchase of park amenities by Resolution No. 11-2162;

NOW, THEREFORE,

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

Section 1. That (1) a master agreement for the purchase of park amenities, supplies and playground equipment parts for Park and Recreation is authorized with The Play Well Group, Inc. (262795) in the amount of \$356,586.00, Mistral Security, Inc. (VS0000076018) in the amount of \$220,000.00, Most Dependable Fountains, Inc. (353676) in the amount of \$177,616.00, Victor Stanley, Inc. (502219) in the amount of \$158,872.00, Recreation Consultants of Texas (353663) in the amount of \$111,000.00, Lea Park & Play, Inc. (VC0000010905) in the amount of \$107,000.00, Pioneer Manufacturing Company (075376) in the amount of \$72,000.00, BSN Sports (355112) in the amount of \$70,000.00, Gail's Flags & Golf Course Accessories, Inc. (255219) in the amount of \$70,000.00, Landscape Forms, Inc. (VS0000062946) in the amount of \$64,140.00, Webuildfun, Inc. (VS0000025678) in the amount \$35,000.00 and ZW USA, INC. dba Zero Waste USA (VS0000047459) in the amount of \$16,380.00 for a term of three years; and (2) a master agreement for the purchase of park amenities, supplies and playground equipment parts for Park and Recreation is authorized with The Play Well Group, Inc. (262795) in the amount of \$219,000.00, Victor Stanley, Inc. (502219) in the amount of \$56,000.00 and Gametime c/o Total Recreation Products, Inc. (VS0000044949) in the amount of \$51,000.00 through the Texas Association of School Boards (BuyBoard) for a term of three years, in a total amount not to exceed \$1,784,594.00.

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

Section 3. That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$1,784,594.00.

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: E-Gov

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): 2

DEPARTMENT: Business Development & Procurement Services
Aviation

CMO: Jeanne Chipperfield, 670-7804
Ryan S. Evans, 671-9837

MAPSCO: 34K

SUBJECT

Authorize an acquisition contract for the purchase, installation and a three-year warranty of one x-ray inspection system for the Love Field Sally Port – Rapiscan Systems, Inc. through the Texas Multiple Award Schedule - Not to exceed \$96,925 - Financing: Aviation Current Funds (subject to appropriations)

BACKGROUND

This acquisition contract will provide for the purchase, installation and warranty of one x-ray inspection system (pallet scanner) for the Love Field Sally Port. The Sally Port is the concession delivery facility through which all food, beverage and retail products for the terminal are delivered and inspected prior to delivery to the terminal building. This x-ray inspection system will be used to enhance security by scanning freight and packages, including UPS and FedEx, on a daily basis. The x-ray inspection system is designed to prohibit the introduction of contraband including weapons and explosives and will allow security personnel to examine packages and freight to ensure that no contraband is being transported into a secure facility or area. This system will provide the operator various image display modes to detect different types of metal and substances and allows for the differentiation between organic and non-organic materials. The different displays also allow the operator to manipulate the image and isolate a single layer of content within the item being scanned. The system has the ability to alert the operator to material that may be of particular interest by highlighting the item on the image.

Texas Multiple Award Schedule (TXMAS) conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, TXMAS receives bids from manufacturers and dealers throughout the United States.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$96,925.00 – Aviation Current Funds (subject to appropriations)

ETHNIC COMPOSITION

Rapiscan Systems, Inc.

White Male	84	White Female	26
Black Male	27	Black Female	12
Hispanic Male	48	Hispanic Female	12
Other Male	44	Other Female	11

OWNER

Rapiscan Systems, Inc.

Brad Buswell, President
Stephen McHugh, Vice President

January 14, 2015

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

Section 1. That the City Manager is authorized to execute an acquisition contract with Rapiscan Systems, Inc. (VS0000034143), through the Texas Multiple Award Schedule for the purchase, installation and a three-year warranty of one x-ray inspection system for the Love Field Sally Port in an amount not to exceed \$96,925.00, 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 Rapiscan Systems, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Rapiscan Systems, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriations in an amount not to exceed \$96,925.00 (subject to appropriations):

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>	<u>FY</u>	<u>Encumbrance</u>
0130	AVI	7754	4890	\$80,805.00	2015	AVIRAPISCANFY15
0130	AVI	7754	3099	\$ 8,060.00	2016	AVIRAPISCANFY16
0130	AVI	7754	3099	\$ 8,060.00	2017	AVIRAPISCANFY17

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: E-Gov

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize an increase to the service contract with CDM Smith, Inc. for maintenance and support for the supervisory control and data acquisition systems at five water and wastewater treatment plants - Not to exceed \$388,750, from \$1,555,000 to \$1,943,750- Financing: Water Utilities Current Funds (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 increase to the service contract will provide as needed maintenance and support for the supervisory control and data acquisition (SCADA) systems at Water Utilities' three treatment plants and two wastewater treatment plants. The SCADA systems located at these five locations allow for automated control of plant functions, data logging and regulatory reporting of plant operations. These systems have been installed over the past ten years and require periodic maintenance. Maintenance includes patches, updates, technical and customer service support to ensure compliance with state or federal requirements.

Water Utilities provides water and wastewater service to approximately 2.4 million customers in the Dallas service area of approximately 700 square miles.

This increase is necessary to provide additional funds to allow purchasing to complete a new procurement process without service interruption.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 8, 2012, City Council authorized a three-year service contract for maintenance and support for the supervisory control and data acquisition systems at five water and wastewater treatment plants by Resolution No. 12-1881.

FISCAL INFORMATION

\$388,750.00 - Water Utilities Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

CDM Smith, Inc.

White Male	42	White Female	10
Black Male	3	Black Female	4
Hispanic Male	4	Hispanic Female	1
Other Male	19	Other Female	4

OWNER

CDM Smith, Inc.

Tim Wall, President
Douglas Varner, Vice President
Jack Lackmen, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase to the service contract with CDM Smith, Inc. for maintenance and support for the supervisory control and data acquisition systems at five water and wastewater treatment plants - Not to exceed \$388,750, from \$1,555,000 to \$1,943,750- Financing: Water Utilities Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$388,750.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$388,750.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Mbroh Engineering, Inc	BMDB60213Y0215	\$38,875.00	10.00%
Signature Automation LLC	HMMB61899N0416	\$18,660.00	4.80%
Gupta & Associates, Inc.	PMMB62419Y0716	\$34,987.50	9.00%
Total Minority - Local		\$92,522.50	23.80%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$38,875.00	10.00%	\$194,375.00	10.00%
Hispanic American	\$18,660.00	4.80%	\$93,300.00	4.80%
Asian American	\$34,987.50	9.00%	\$174,937.50	9.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$92,522.50	23.80%	\$462,612.50	23.80%

January 14, 2015

WHEREAS, on August 8, 2012, City Council authorized a three-year service contract for maintenance and support for the supervisory control and data acquisition systems at five water and wastewater treatment plants by Resolution No. 12-1881;

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 increase the service contract with CDM Smith, Inc. (089614) for maintenance and support for the supervisory control and data acquisition systems at five water and wastewater treatment plants, in an amount not to exceed \$388,750.00, increasing the service contract amount from \$1,555,000.00 to \$1,943,750.00.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$388,750.00 (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 # 9

KEY FOCUS AREA: Public Safety

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire
Aviation

CMO: Eric Campbell, 670-3255
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize an annual payment in the amount of \$125,000 for the next five years to Dallas/Fort Worth (D/FW) International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airport - Not to exceed \$625,000 - Financing: Current Funds (to be reimbursed by Aviation, subject to annual appropriations)

BACKGROUND

This training is mandated by the Federal Aviation Administration/Texas Commission on Fire Protection as part of the required basic and annual live aircraft/fire training to maintain the certification level to work at the fire stations located at Love Field and Dallas Executive Airport.

Approximately 20 Firefighters are scheduled for the Basic Certification, 85 are scheduled for the "Hot Drill" training, and 20 are scheduled for advanced specialized fire training annually.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Hot drill training approved by City Council on September 22, 2010, by Resolution No. 10-2248.

Hot drill training approved by City Council on November 12, 2003, by Resolution No. 03-3070.

Hot drill training approved by City Council on January 24, 2001, by Resolution No. 01-0334.

Hot drill training approved by City Council on March 25, 1998, by Resolution No. 98-0923.

FISCAL INFORMATION

Current Funds - \$625,000 (\$125,000 annually) (to be reimbursed by Aviation, subject to annual appropriations)

M/WBE INFORMATION

D/FW Airport is the sole provider in this area for live fire training. All other burn pit facilities have ceased operation due to the Environmental Protection Agency's concerns.

ETHNIC COMPOSITION

Dallas/Fort Worth International Airport

Board of Directors

Hispanic Female	1	Hispanic Male	2
Black Female	3	Black Male	0
White Female	0	White Male	5
Other Female	0	Other Male	1

OWNER

Dallas/Fort Worth International Airport

Jeffrey P. Fegan, Chief Executive Officer

January 14, 2015

WHEREAS, the Federal Aviation Administration/Texas Commission on Fire Protection mandates basic and annual fire training to maintain aircraft rescue certification for Dallas Fire-Rescue Department Aircraft Rescue Firefighters located at Dallas Love Field and Dallas Executive Airport; and

WHEREAS, the Dallas/Fort Worth International Airport is the sole provider in the Dallas/Fort Worth area for basic, live fire drills and advanced specialized aircraft fire training; and

WHEREAS, the Aviation Department reimburses the general fund for aircraft rescue services provided by the Dallas Fire-Rescue Department;

NOW, THEREFORE,

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

Section 1. That the City Manager be and is hereby authorized to expend funds in an amount not to exceed \$125,000 per year for five years to the Dallas/Fort Worth International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training for approximately 132 Dallas Love Field and Dallas Executive Airport Aircraft Rescue Firefighters subject to annual appropriations. Such funds are to be disbursed on an as needed, per class basis.

Section 2. That the City Controller be and is hereby authorized to disburse funds from the following appropriation in an amount not to exceed \$625,000 (subject to annual appropriations) as noted below:

<u>FY</u>	<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Vendor No.</u>	<u>Encumbrance No.</u>	<u>Amount</u>
2014-15	0001	DFD	HS21	3361	162760	CR DFDHS21794	\$125,000
2015-16	0001	DFD	HS21	3361	162760	CR DFDHS21795	\$125,000
2016-17	0001	DFD	HS21	3361	162760	CR DFDHS21796	\$125,000
2017-18	0001	DFD	HS21	3361	162760	CR DFDHS21797	\$125,000
2018-19	0001	DFD	HS21	3361	162760	CR DFDHS21798	\$125,000

Section 3. That the Dallas Fire-Rescue Department will be reimbursed by the Aviation Department from:

Fund 0130, DEPT AVI, UNIT 7720, OBJ 3650 to Fund 0001, DEPT DFD, UNIT HS21, OBJ 5011

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 14, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

Authorize a Memorandum of Understanding between the City of Dallas and the Health and Human Services Commission (HHSC) for the HHSC Community Partner Program for the purpose of assisting with Online Community-Based Application Assistance Services through the YourTexasBenefits.com for Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Medicaid, Long-term Care Services program (LTC), and Children's Health Insurance Programs (CHIP) for the period January 1, 2015 through September 30, 2016 - Financing: No cost consideration to the City

BACKGROUND

In December 2012, the National League of Cities Institute (NLCI), through its Institute for Youth, Education and Families (YEF Institute) and with support from the Atlantic Philanthropies, launched the *Cities Expanding Health Access for Children and Families (CEHACF)* initiative. The City of Dallas was selected to participate in the CEHACF planning process from November 2013 through May 2014, during which time the City developed a business plan to implement a city-led outreach campaign. The City submitted its business plan to NLCI on May 20, 2014 and based on that plan, was selected to receive a \$40,000 grant to support campaign implementation.

Some of the activities to be accomplished under this plan will be to facilitate the coordination of enrollment and outreach efforts of the Children's Health Insurance Program (CHIP) coalition, enroll the City of Dallas in the Community Partnership program for the enrollment of eligible clients, and offer expanded enrollment opportunities at the City's Women, Infants, and Children (WIC) clinics.

One of the strategies identified in the Business plan was enrollment of the City in the Health and Human Services (HHSC) Community Partner Program.

BACKGROUND (Continued)

HHSC Community Partner program is a grassroots endeavor to engage community based and faith based organizations in outreach and enrollment. Locally, the Texas Hunger Initiative, under the umbrella of the Baylor University School of Social Work, is the grant administrator. The Community Partner program is growing with more than 70 members in the county and representing a cross section of social service agencies targeting reentry, homelessness, hunger and housing.

The Memorandum of Understanding sets up the City to be a Level I (Self-service site) and a Level II (Assistance Site). As a Level I site, the City will provide access to a computer with internet connection to applicants and recipients seeking to apply online for HHSC social service programs (such as SNAP, TANF, Medicaid, CHIP and LTC) using the Your Texas Benefits website. As a Level II site the City provides access to a computer as well as assistance with understanding and completing the online application process. Assistance will be provided through the Social Services Units of the Martin Luther King Jr. Community Center, West Dallas Multipurpose Center, Homeless Services' Program, People Helping People Program, Childcare Services and Senior Services Program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the acceptance of a grant awarded from the National League of Cities for a health benefit outreach campaign aimed at enrolling eligible children and families in Medicaid and the Children's Health Insurance Program on February 12, 2014, by Resolution No. 14-0298.

FISCAL INFORMATION

No cost consideration to the City

January 14, 2015

WHEREAS, statewide, about 22.5% of all Texans lack health insurance coverage; and

WHEREAS, both Dallas County and the City of Dallas have rates even higher than the state; and

WHEREAS, one in nine children in the United States reside in Texas; and

WHEREAS, almost 30% of Texas children and youth are living at, or below the poverty level; and

WHEREAS, there are approximately 60,000 children in Dallas and Dallas County that are eligible but not enrolled in Medicaid/CHIP; and

WHEREAS, despite unfavorable comparisons, the uninsured rates have been steadily declining over the last five years; this decline is accompanied by a similar increase in Medicaid and CHIP enrollment;

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 a Memorandum of Understanding between the City of Dallas and the Health and Human Services Commission (HHSC) for the HHSC Community Partner Program for the purpose of assisting with Online Community-Based Application Assistance Services through the YourTexasBenefits.com for Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Medicaid, Long-term Care Services program (LTC), and Children's Health Insurance Programs (CHIP) for the period January 1, 2015 through September 30, 2016.

Section 2. That the City Manager is authorized to provide additional information and make adjustments to take other actions relating to this agreement as may be necessary in order to satisfy Health and Human Services requirements.

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 14, 2015
COUNCIL DISTRICT(S): 7
DEPARTMENT: Housing/Community Services
CMO: A. C. Gonzalez, 670-3297
MAPSCO: 56L

SUBJECT

Authorize an amendment to Resolution No. 14-0661, Section 2 (a), previously approved on April 23, 2014, to extend the term of the maturity date from December 21, 2014 to December 21, 2015 for the loan agreement with Dallas Housing Authority for the Turner Courts Project located at 6601 Bexar Street – Financing: No cost consideration to the City

BACKGROUND

On November 9, 2009, City Council approved a development loan in the amount of \$2,500,000 at 4% interest to Dallas Housing Authority (DHA) to provide infrastructure improvements for a 206-unit apartment project at Turner Courts located at 6601 Bexar Street for the purpose of constructing residential units in accordance with an adopted Economic Development and Transit Oriented Development Plan for Bexar Street. DHA obtained additional financing in the amount of \$10,200,000 to complete this project.

In October 2014, Dallas Housing Authority requested an extension to the term of the maturity date for the development loan for Turner Courts Project to December 21, 2015. The construction began promptly after closing the financing for the project. However, the contractor is behind schedule in completing the project in time to meet the estimated closing date for permanent financing and for repayment to the City. The newly estimated completion date for construction is December 2015.

This agenda item will authorize the City Manager to amend Resolution No. 14-0661, Section 2 (a) for the development loan agreement with Dallas Housing Authority for the Turner Courts Project.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2006, the City Council approved an ordinance ordering a bond election to be held in the City of Dallas on November 7, 2006, for the purpose of submitting propositions for the issuance of general obligation bonds for funding permanent public improvements.

On December 12, 2007, the City Council approved an amendment to the Public/Private Partnership Program to include a special category for an Economic Development General Obligation Bond Program for Southern Dallas.

On November 9, 2009, City Council approved a development loan in the amount of \$2,500,000 at 4% interest to Dallas Housing Authority (DHA) to provide infrastructure improvements for a 206-unit apartment project at Turner Courts for the purpose of constructing residential units in accordance with an adopted Economic Development and Transit Oriented Development Plan for Bexar Street, by Resolution No. 09-2768.

On December 11, 2013, City Council authorized an amendment to the development loan to extend the term of the maturity date from December 21, 2013 to December 21, 2014.

On April 23, 2014, City Council authorized an amendment to Resolution No. 13-2059 Section 2 (e) of the development loan terms to reduce the private financing amount from \$37,000,000 to \$28,000,000.

FISCAL INFORMATION

No cost consideration to the City

OWNERS

Dallas Housing Authority

MaryAnn M. Russ, Executive Director

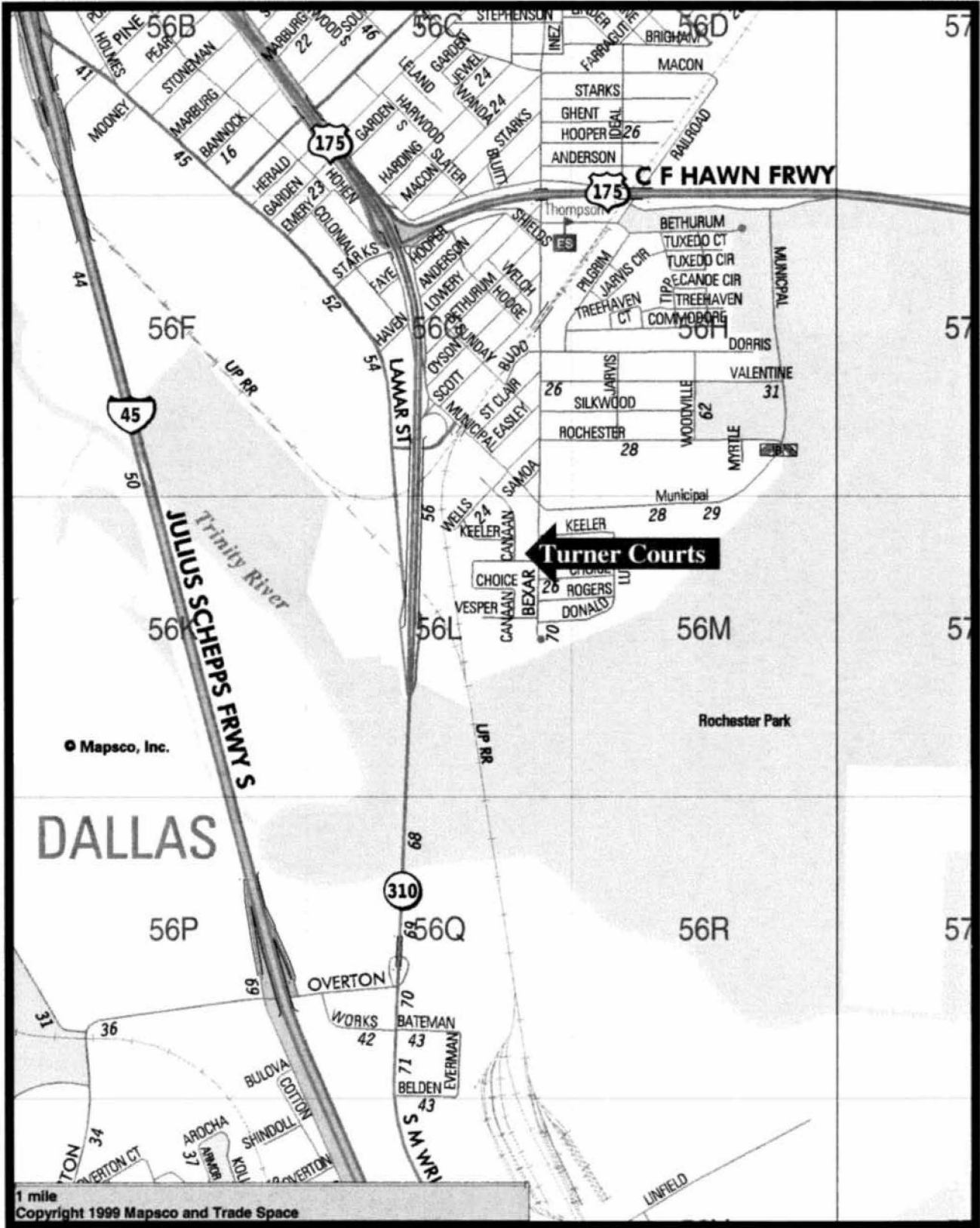
DEVELOPER

Dallas Housing Authority

MaryAnn M. Russ, Executive Director

MAP

Attached



MAPSCO 56L

January 14, 2015

WHEREAS, the City of Dallas has adopted an Economic Development and Transit-Oriented Plan for the Bexar Street Neighborhood which includes construction retail, commercial and mixed-use development; and

WHEREAS, on August 9, 2006, the City Council approved an ordinance ordering a bond election to be held in the City of Dallas on November 7, 2006, for the purpose of submitting propositions for the issuance of general obligation bonds for funding permanent public improvement for the fostering of Economic Development projects; and

WHEREAS, on November 7, 2006, the voters of Dallas approved a \$1.35 billion General Obligation Bond Program of which \$41,495,000 was set aside for the purpose of providing funds for promoting economic development in the Southern area of the city, and promoting economic development in other areas of the city in connection with transit-oriented development; and

WHEREAS, on December 12, 2007, the City Council approved an amendment to the Public/Private Partnership Program to include a special category for an Economic Development General Obligation Bond Program for Southern Dallas; and

WHEREAS, on November 9, 2009, City Council approved a development loan in the amount of \$2,500,000 at 4% interest to Dallas Housing Authority (DHA) to provide infrastructure improvements for a 206-unit apartment project at Turner Courts for the purpose of constructing residential units in accordance with an adopted Economic Development and Transit Oriented Development Plan for Bexar Street, by Resolution No. 09-2768;

WHEREAS, on December 11, 2013, City Council authorized an extension to the term of the maturity date for the development loan for Dallas Housing Authority Turner Courts Project to December 21, 2014, by Resolution No. 13-2059;

WHEREAS, on April 23, 2014, City Council authorized an amendment to Resolution No. 13-2059 Section 2 (e) of the development loan terms to reduce the private financing amount from \$37,000,000 to \$28,000,000, by Resolution No. 14-0661.

WHEREAS, Dallas Housing Authority requested an amendment to the terms in Resolution No. 14-0661, Section 2 (a) for the development loan for Turner Courts Project;

NOW, THEREFORE,

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

January 14, 2015

Section 1. That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to amend Resolution No. 14-0661, Section 2 (a) approved on April 23, 2014 to extend the term of the maturity date from December 21, 2014 to December 21, 2015 for the development loan with Dallas Housing Authority Turner Courts Project located at 6601 Bexar Street within the Bexar Street Redevelopment Corridor in the amount of \$2,500,000 at 4% interest for infrastructure improvements for a 206-unit apartment project.

Section 2. That some of the terms of the loan documents include:

- a. Borrower's note payable to the City of Dallas will have a maturity date of December 21, 2015.
- b. Borrower must commit and/or expend all funds within two (2) years after execution of the loan agreement.
- c. Borrower shall execute deed restrictions and a deed of trust on all properties acquired through City of Dallas funds.
- d. No approval by the City of the expenditure of any loan funds shall bind or obligate the City to approve any zoning or replat change that Borrower may request for the properties.
- e. This loan is subject to DHA obtaining additional financing of at least \$28,000,000 needed to complete this project.
- f. Borrower will repay the City of Dallas in full by the maturity date of December 21, 2015.

Section 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute subordination of lien and intercreditor agreements with lenders providing acquisition or interim construction financing on the property as necessary.

Section 4. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute lien releases and terminate deed restrictions on the properties upon compliance with the terms of the contract.

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: Clean, Healthy Environment

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

Authorize an amendment to Resolution No. 14-1792, previously approved on October 22, 2014 to **(1)** accept additional funds in the amount of \$20,142, from \$756,818 to \$776,960 from the Texas Department of Housing and Community Affairs (TDHCA) to provide services to the homeless through the Homeless Housing and Services Program (HHSP) for the period October 1, 2014 through September 30, 2015 and execute the grant agreement; **(2)** allow Bridge Steps to count TDHCA funds towards Bridge Steps' required contribution to the Bridge operating budget for the period October 1, 2014 through September 30, 2015; **(3)** require Bridge Steps to comply with all conditions of the TDHCA grant agreement; and **(4)** increase the budget agreement with Bridge Steps from \$6,085,097 to \$6,105,239 - Total not to exceed \$20,142 - Financing: Texas Department of Housing and Community Affairs Grant Funds

BACKGROUND

On October 30, 2014, Texas Department of Housing and Community Affairs (TDHCA) notified the City of Dallas that the grant award for the Homeless Housing and Services Program (HHSP) was increased from \$756,818 to \$776,960 (an increase of \$20,142). The increase was based on data in the recent Continuum of Care, Texas, Point-In-Time Count for the Homeless. The City of Dallas was granted HHSP funding from TDHCA in 2010, 2011, 2012, and 2013 which provided operating assistance for The Bridge and leveraged City and County funding. The purpose of HHSP is to provide homeless services. Eligible activities include: direct services, case management, housing retention, homelessness prevention, rental assistance, or other homelessness related activities.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 22, 2014, City Council authorized the City Manager to (1) execute an Interlocal Agreement with Dallas County for up to \$1,000,000 in funds to provide homeless assistance services at The Bridge; (2) accept a grant from TDHCA in the amount of \$756,818; and (3) execute a ninth amendment to the Management Services Contract, Phase II, with Bridge Steps to allow Bridge Steps to count both the Dallas County and TDHCA funds toward Bridge Steps' required contribution to The Bridge operating budget, by Resolution No. 14-1792.

On September 18, 2013, City Council approved the General Fund budget that authorized funds in the amount of \$3,800,000 to Bridge Steps, by Resolution No.13-1646.

On November 12, 2013, City Council authorized the City Manager to (1) execute an Interlocal Agreement with Dallas County for up to \$1,000,000 in funds to provide homeless assistance services at The Bridge; (2) accept a grant from TDHCA in the amount of \$756,818; and (3) execute a sixth amendment to the Management Services Contract, Phase II, with Bridge Steps to allow Bridge Steps to count both the Dallas County and TDHCA funds toward Bridge Steps' required contribution to The Bridge operating budget, by Resolution No. 13-1929.

On December 11, 2013, City Council authorized the seventh amendment to allow Bridge Steps to use Emergency Solutions Grant funding for payment of utility costs of The Bridge and use any remaining balance of Emergency Solutions Grant funds, after utility costs are paid annually, to be used for other operating expenses of the The Bridge, by Resolution No. 13-2159.

On June 25, 2014, City Council authorized the eighth amendment to the Management Services Contract, Phase II, with Bridge Steps to count the Texas Department of State Health Services funds towards Bridge Steps' required contribution to the Bridge operating budget and require Bridge Steps to comply with all conditions of the Texas Department of State Health Services grant agreements, by Resolution No. 14-1080.

On June 25, 2014, City Council adopted the FY 2014-15 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) Grant which included the Emergency Solutions Grant operational funding for the HAC in the amount of \$378,279, by Resolution No. 14-1001.

On August 13, 2014, City Council reconsidered and amended the FY 2014-15 Consolidated Plan Budget by Resolution No. 14-1314.

On September 17, 2014, City Council approved the General Fund budget that authorized funds in the amount of \$3,950,000 to Bridge Steps, by Resolution No. 14-1568.

FISCAL INFORMATION

\$20,142 - Texas Department of Housing and Community Affairs Grant Funds

January 14, 2015

WHEREAS, during the 81st State Legislative Session, the State Legislature appropriated \$20,000,000 over the biennium to be administered by the Texas Department of Housing and Community Affairs (TDHCA) to fund the Homeless Housing and Services Program (HHSP) in the eight largest cities in Texas; and

WHEREAS, the eight eligible cities include: Arlington, Austin, Corpus Christi, Dallas, El Paso, Ft. Worth, Houston, and San Antonio; and

WHEREAS, the City was granted, and the City Council approved, Homeless Housing and Services Program (HHSP) funding from Texas Department of Housing and Community Affairs (TDHCA) in 2010, 2011, 2012 and 2013 which provided operating assistance for The Bridge and leveraged City and County funding; and

WHEREAS, on October 22, 2014, the City Council approved the acceptance of the FY 2014-15 HHSP grant from TDHCA in the amount of \$756,818, by Resolution No. 14-1792; and

WHEREAS, on October 30, 2014, TDHCA notified the City of Dallas that the grant award for HHSP was increased from \$756,818 to \$776,960 (an increase of \$20,142). The increase was based on data in the recent Continuum of Care, Texas, Point-In-Time Count for the Homeless; and

WHEREAS, the City desires to accept the additional grant funds and amend the contract with The Bridge Steps for continued operation of the Homeless Assistance Center (HAC);

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 amend Resolution No. 14-1792, previously approved on October 22, 2014 to **(1)** accept additional funds in the amount of \$20,142, from \$756,818 to \$776,960) from the Texas Department of Housing and Community Affairs (TDHCA) to provide services to the homeless through the Homeless Housing and Services Program (HHSP) for the period October 1, 2014 through September 30, 2015 and execute the grant agreement; **(2)** allow Bridge Steps to count TDHCA funds towards Bridge Steps' required contribution to the Bridge operating budget for the period October 1, 2014 through September 30, 2015; **(3)** require Bridge Steps to comply with all conditions of the TDHCA grant agreement; and **(4)** increase the budget agreement with Bridge Steps from \$6,085,097 to \$6,105,239.

Section 2. That the City Manager is hereby authorized to increase appropriations in Fund S276, Dept. HOU, Unit 1649, in an amount not to exceed \$20,142.

January 14, 2015

Section 3. That the City Controller is hereby authorized to receive and deposit grant funds in Fund S276, Dept. HOU, Unit 1649, Revenue Source Code 6516, in an amount not to exceed \$20,142.

Section 4. That the City Controller is hereby authorized to disburse grant funds from Fund S276, Dept. HOU, Unit 1649, Object Code 3099, Encumbrance No. CTGH184672, in an amount not to exceed \$20,142 to Bridge Steps, Vendor No. VS0000067075.

Section 5. That the City Manager is hereby authorized to reimburse to TDHCA any expenditures identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

Section 6. That the City Manager shall keep the appropriate City Council Committee informed of all final TDHCA monitor reports not later than 30 days after the receipt of the report.

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: Housing/Community Services
CMO: A. C. Gonzalez, 670-3297
MAPSCO: N/A

SUBJECT

Authorize an amendment to the Mortgage Assistance Program (MAP) to modify the assistance categories as follows: **Category 1** will provide assistance up to \$14,000 with 5 year deed restrictions for Existing Homes and New Construction including non-profit and for-profit organizations; and **Category 2** will provide assistance up to \$20,000 with deed restrictions following HUD guidelines (currently 10 years if \$15,000 and above) for New Construction by Certified Housing Development Organizations (CHDO), New Construction on lots purchased from the Dallas Housing Acquisition and Development Corporation (DHADC or Land Bank) and New Development in the Neighborhood Investment Program (NIP) Areas and any other Target Areas selected by the Housing/Community Services Department - Financing: No cost consideration to the City

BACKGROUND

The Mortgage Assistance Program (MAP) is funded with annual entitlement grant allocations from the U.S. Department of Housing and Urban Development (HUD). MAP provides principal reduction and closing cost assistance to eligible homebuyers to purchase a home in the City of Dallas. MAP provides homeownership opportunities for residents of the City of Dallas earning at or below 80% of area median family income.

MAP currently has three categories of funds: 1) eligible homebuyers purchasing existing homes may receive up to \$8,500 in principal reduction and closing cost assistance as a 5-year forgivable loan; 2) eligible homebuyers purchasing a home constructed by a Certified Community Housing Development Organization (CHDO) may receive up to \$20,000 in principal reduction and closing cost assistance as a 10-year forgivable loan; and 3) eligible homebuyers purchasing a new home that is constructed on properties sold by the Dallas Housing Acquisition and Development Corporation (Land Bank) may receive up to \$10,000 in principal reduction and closing cost assistance as a 5-year forgivable loan.

BACKGROUND (continued)

By modifying the assistance categories, homebuyers could be served by additional non-profit and for-profit developers willing to build new homes for low to moderate income homebuyers while allowing greater incentives in focus areas where the City is targeting additional resources.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 20, 2012, the Housing Committee of the City Council was briefed on the MAP program changes for FY 2012-13 including bringing the Program in-house.

On September 26, 2012, the City Council approved the FY2012-13 Mortgage Assistance Program by Resolution No. 12-2403.

On February 27, 2013, the City Council approved an amendment to the FY2012-13 Mortgage Assistance Program to add a third category of assistance by Resolution No. 13-0406.

On June 26, 2013, the City Council approved the final FY 2013-14 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds by Resolution No. 13-1142.

On September 25, 2013, the City Council approved the FY2013-14 Mortgage Assistance Program by Resolution No. 13-1686.

On June 25, 2014, the City Council approved the final FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds by Resolution No. 14-1001 (reconsidered and amended on August 13, 2014 by Resolution No 14-1314).

FISCAL INFORMATION

No cost consideration to the City

January 14, 2015

WHEREAS, homeownership is a high priority of the City of Dallas; and

WHEREAS, the Mortgage Assistance Program provides assistance to eligible homebuyers; and

WHEREAS, on September 26, 2012, the City Council approved the FY2012-13 Mortgage Assistance Program by Resolution No. 12-2403; and

WHEREAS, on October 1, 2012, the City began operating the Mortgage Assistance Program in-house; and

WHEREAS, on February 27, 2013, the City Council approved an amendment to the FY2012-13 Mortgage Assistance Program to add a new category of assistance by Resolution No. 13-0406; and

WHEREAS, on June 26, 2013, the City Council approved the final FY 2013-14 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds by Resolution No. 13-1142; and

WHEREAS, on September 25, 2013, the City Council approved the FY2013-14 Mortgage Assistance Program by Resolution No. 13-1686; and

WHEREAS, on June 25, 2014, the City Council approved the final FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds by Resolution No. 14-1001 (reconsidered and amended on August 13, 2014 by Resolution No 14-1314); and

WHEREAS, the City desires to amend the Mortgage Assistance Program to modify the assistance categories to serve additional homebuyers through other non-profit and for-profit organizations willing to build new homes for low to moderate income homebuyers while allowing greater incentives in focus areas where the City is targeting additional resources;

NOW, THEREFORE,

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

January 14, 2015

Section 1. That modification to the Program Statement for the Mortgage Assistance Program (MAP) be approved as set forth in Exhibit A, to modify the assistance categories as follows: **Category 1** will provide assistance up to \$14,000 with 5 year deed restrictions for Existing Homes and New Construction including non-profit and for-profit organizations; and **Category 2** will provide assistance up to \$20,000 with deed restrictions following HUD guidelines (currently 10 years if \$15,000 and above) for New Construction by Certified Housing Development Organizations (CHDO), on lots purchased from the Dallas Housing Acquisition and Development Corporation (DHADC or Land Bank) and New Development in the Neighborhood Investment Program (NIP) Areas and any other Target Areas selected by the Housing/Community Services Department.

Section 2. That the City Manager is authorized to execute such instruments, upon approval as to form by the City Attorney's office, as may be necessary to carry out the program in accordance with the MAP Program Statement.

Section 3. That the City Controller be authorized to encumber and disburse funds in accordance with the MAP Program Statement.

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 is accordingly so resolved.

EXHIBIT A

PROGRAM STATEMENT MORTGAGE ASSISTANCE PROGRAM (MAP)

Program Purpose:

- To provide homeownership opportunities to low to moderate income homebuyers through the provision of financial assistance in purchasing a home in accordance with federal, state and local laws and regulations.
- To incentivize new construction of homes for enhancement of the property tax base.

General Provisions:

- Homes must be located in the Dallas city limits.
- Homebuyer must successfully complete homeownership education from an approved counseling agency.
- Borrower may obtain a conventional, FHA, or portfolio loan through an approved lender. High cost or sub-prime loans, adjustable rate mortgages (ARM), interest only loans are not allowed. Borrower may also pay cash.
- For this program, low to moderate income is defined as a household with calculated income at 80% or less of the Area Median Family Income, adjusted for family size.
- Sufficient income and household size documentation to certify eligibility per HUD guidelines is required.
- Borrower must be a U.S. citizen or a permanent resident, and possess a valid social security card.
- Borrower must occupy the property as a primary residence.
- All properties purchased under this program must meet federal and local requirements including Minimum Acceptable Property Standards (MAPS) and international residential code.
- Home sales prices may not exceed the Single Family Mortgage Limits under Section 203 (b) of the National Housing Act.

- Homebuyer mortgage affordability must meet front-end debt ratio of 35% and back-end debt ratio of 45%.
- The maximum amount of assistance to be used to pay Borrower's closing costs is \$4,000. Cash back at closing and discount points paid by the Borrower are not allowed.
- The City Manager, or his designee, is authorized to implement the Mortgage Assistance (MAP) program as per this Program Statement, execute any documents necessary to implement this program, and grant waivers to the Mortgage Assistance Program guidelines, as set forth in this Program Statement, without further City Council authorization, on a case by case basis.
- Under exceptional cases, loan guarantees may be granted for Community Housing Development Organizations (CHDOs) that provide permanent mortgage financing and have the financial capacity to pay back the MAP loan in the event of default. Guarantees must receive Housing/ Community Services Director approval.
- The City Manager, or his designee, upon legal review and approval by the City Attorney's Office, is authorized pursuant to the Mortgage Assistance Program to: a) endorse on behalf of the City of Dallas, as the lien holder, insurance recovery checks issued by insurance companies to borrowers for any recovery of property damage(s) under borrower's homeowners insurance policies; and b) authorize the insurance recovery proceeds to be used by borrowers to repair the damaged properties secured by City liens.
- The City Manager, or his designee, is authorized to review portfolio loans for appropriate affordability compliance and release those loans that have met those compliance requirements.
- Assistance may be provided from only one of the categories listed below.

Categories of Assistance:

Category #1: Homebuyer Assistance for Existing Homes and New Construction by Non-Profit and For-Profit Organizations

- Provide (i) principal reduction and (ii) closing cost assistance to low to moderate income homebuyers for existing homes in this category.
- An existing home is defined as a home which was previously occupied by another homeowner and a new home is defined as a home which has not been previously occupied by another homeowner.

- Subsidy amount up to ~~\$8,500~~ \$14,000.
- Principal reduction and closing cost assistance will be provided in the form of a lump sum payment at closing. In exchange for the assistance, the homebuyer must execute and place a lien and deed restrictions on the property for a five (5) year term for the amount of principal reduction assistance provided.
- The lien is amortized and forgiven over a five year period.
- All properties assisted with MAP funds must meet Minimum Housing Standards (MHS). As part of the total subsidy for existing homes, MHS repair funds cannot exceed \$1,500.

Category #2: Homebuyer Assistance for New Construction by Community Housing Development Organizations (CHDO) Homes, New Construction on lots purchased from the Dallas Housing Acquisition and Development Corporation (DHADC or Land Bank) and New Development in Neighborhood Investment Program (NIP) areas or any other Target area selected by the Housing/Community Services Department

- Provides (i) principal reduction and (ii) closing cost assistance to low to moderate income homebuyers for newly constructed homes in this category.
- A newly constructed (~~CHDO~~) home is defined as a home which has not been previously occupied by another homeowner and ~~constructed by a City of Dallas-Certified CHDO~~
-
- Subsidy amount up to \$20,000
- Principal reduction and closing cost assistance will be provided in the form of a lump sum payment at closing. In exchange for the assistance, the homebuyer must execute and place a lien and deed restrictions on the property pursuant to HUD guidelines (currently for a ten (10) year term if the amount borrowed is \$15,000 or greater) for the amount of principal reduction assistance provided.
- The lien is amortized and forgiven pursuant to HUD guidelines. Currently over a ten year period if amount borrowed is \$15,000 or greater and over 5 years if amount borrowed is \$14,999 and less.
- ~~Each CHDO, including affiliates, is limited in its access to total funding up to 50% of the available funding for this category.~~

~~Category #3: Homebuyer Assistance for Newly Constructed Homes on Lots Purchased from the Dallas Housing Acquisition and Development Corporation (City of Dallas Land Bank)~~

- ~~Provides (i) principal reduction and (ii) closing cost assistance to low to moderate income homebuyers for newly constructed homes on Land Bank lots~~
- ~~A newly constructed home is defined as a home which has not been previously occupied by another homeowner~~
-
- ~~Subsidy amount up to \$10,000~~
- =
 - ~~Principal reduction and closing cost assistance will be provided in the form of a lump sum payment at closing. In exchange for the assistance, the homebuyer must execute and place a lien and deed restrictions on the property for a five (5) year term for the amount of principal reduction assistance provided.~~

~~The lien is amortized and forgiven over a five year period.~~

KEY FOCUS AREA: Culture, Arts, Recreation, & Education
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 1
DEPARTMENT: Park & Recreation
CMO: Willis Winters, 670-4071
MAPSCO: 54-C

SUBJECT

Authorize a professional services contract with Halff Associates, Inc. for the preparation of plans and specifications to improve dam safety, shoreline erosion control and beautification at Kidd Springs Park located at 700 West Canty Street - Not to exceed \$145,337 - Financing: 2006 Bond Funds

BACKGROUND

Halff Associates, Inc. will provide engineering services for the design and specifications and preparation of bid documents to improve dam safety, shoreline erosion control and beautification at Kidd Springs Park.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	February 2015
Complete Design	August 2015
Begin Construction	January 2016
Complete Construction	September 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized award of the professional services contract on December 11, 2014.

FISCAL INFORMATION

2006 Bond Funds - \$145,337

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Half Associates, Inc.

White Male	134	White Female	46
Black Male	6	Black Female	7
Hispanic Male	23	Hispanic Female	5
Other Male	9	Other Female	5

OWNER

Half Associates, Inc.

Martin Malloy, President
Roger Burns, Chief Executive Officer
Greg Kuhn, Vice President
Roman Plugge, Executive Vice President
Pat Kunz, Chief Operating Officer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Halff Associates, Inc. for the preparation of plans and specifications to improve dam safety, shoreline erosion control and beautification at Kidd Springs Park located at 700 West Canty Street - Not to exceed \$145,337 - Financing: 2006 Bond Funds

Halff 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	\$145,337.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$145,337.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

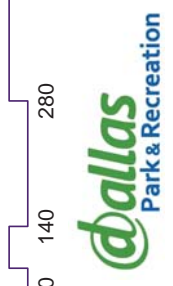
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Garcia Land Data	HMMB60221N0215	\$5,000.00	3.44%
Linda Tycher Associates	WFWB62939N0816	\$34,400.00	23.67%
Total Minority - Local		\$39,400.00	27.11%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$5,000.00	3.44%	\$5,000.00	3.44%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$34,400.00	23.67%	\$34,400.00	23.67%
Total	\$39,400.00	27.11%	\$39,400.00	27.11%



**Kidd Springs Park
(700 W. Canty St)**

MapSCO
54 C

District
1

December 11, 2014

January 14, 2015

WHEREAS, it is necessary to hire a firm to provide design services for the preparation of plans and specifications to improve dam safety, shoreline erosion control and beautification at Kidd Springs Park located at 700 West Canty Street and the firm of Halff Associates, Inc. has presented a proposal dated October 21, 2014 to provide these services for a fee not to exceed \$145,337.

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 Halff Associates, Inc. for the preparation of plans and specifications to improve dam safety, shoreline erosion control and beautification at Kidd Springs Park, in an amount not to exceed \$145,337.

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

SECTION 3. That the City Controller is hereby authorized to pay the amount of \$145,337 to Halff Associates, Inc. from (2006) Park and Recreation Facilities Improvement Fund, Fund 1T00, Department PKR, Unit T194, Object 4111, Activity RFSI, Program PK06T194.5, CT-PKR15019487, Commodity 92500, Vendor 089861.

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 # 15

KEY FOCUS AREA: Culture, Arts, Recreation, & Education

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): 6

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 21-B H M and 22-E J N

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with Dan Shipley Architects, Inc. for additional design services of a maintenance building at Luna Vista Golf Course located at 11223 Luna Road - Not to exceed \$27,804, from \$100,126 to \$127,930 - Financing: 2003 Bond Funds

BACKGROUND

The original professional services contract with Dan Shipley Architect, Inc. was authorized by Council on January 9, 2013, by Resolution No. 13-0113, for design services for a new maintenance building for Luna Vista Golf Course at L.B. Houston Sports and Nature Complex, in an amount not to exceed \$74,805.00

Supplemental Agreement No. 1 was authorized by Administrative Action No. 13-1185 on June 27, 2013, for construction materials testing, geotechnical testing, asbestos testing, monitoring and abatement services at Luna Vista Golf Course, in an amount not to exceed \$5,120.50, making a revised contract amount of \$79,925.50.

Supplemental Agreement No. 2, was authorized on March 26, 2014, by Resolution No. 14-0507, for additional scope of work for architectural and civil engineering to prepare the following: documents for extension of fire main to include new fire hydrant; design documents for domestic water main; and topographic survey of fire and domestic water lines for the golf club house and maintenance facilities at Luna Vista Golf Course, in an amount not to exceed \$20,200.00, making a revised contract amount of \$100,125.50.

This action will authorize Supplemental Agreement No. 3 to the professional services contract with Dan Shipley Architects for additional design services of a maintenance building at Luna Vista Golf Course, in an amount not to exceed \$27,804.00, making a revised contract amount of \$127,929.50. Additional scope of services includes creation of an easement for a water line and the bidding phase.

ESTIMATED SCHEDULE OF PROJECT

Began Design August 2011
Complete Design April 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized award of the professional services contract on December 6, 2013.

City Council authorized award of the professional services contract on January 9, 2013, by Resolution No. 13-0113.

The Park and Recreation Board authorized Supplemental Agreement No. 2 on February 20, 2014.

City Council authorized Supplemental Agreement No. 2 on March 26, 2014, by Resolution No. 14-0507.

The Park and Recreation Board authorized Supplemental Agreement No. 3 on December 11, 2014.

FISCAL INFORMATION

2003 Bond Funds - \$27,804.00

Design Contract	\$74,805.00
Supplemental Agreement No. 1	\$5,120.50
Supplemental Agreement No. 2	\$20,200.00
Supplemental Agreement No. 3 (this action)	<u>\$27,804.00</u>
 Total	 \$127,929.50

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Dan Shipley Architects, Inc.

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

OWNER

Dan Shipley Architects, Inc.

Dan Shipley, FAIA, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 to the professional services contract with Dan Shipley Architects, Inc. for additional design services of a maintenance building at Luna Vista Golf Course located at 11223 Luna Road - Not to exceed \$27,804, from \$100,126 to \$127,930 - Financing: 2003 Bond Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$27,804.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$27,804.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

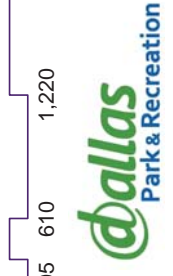
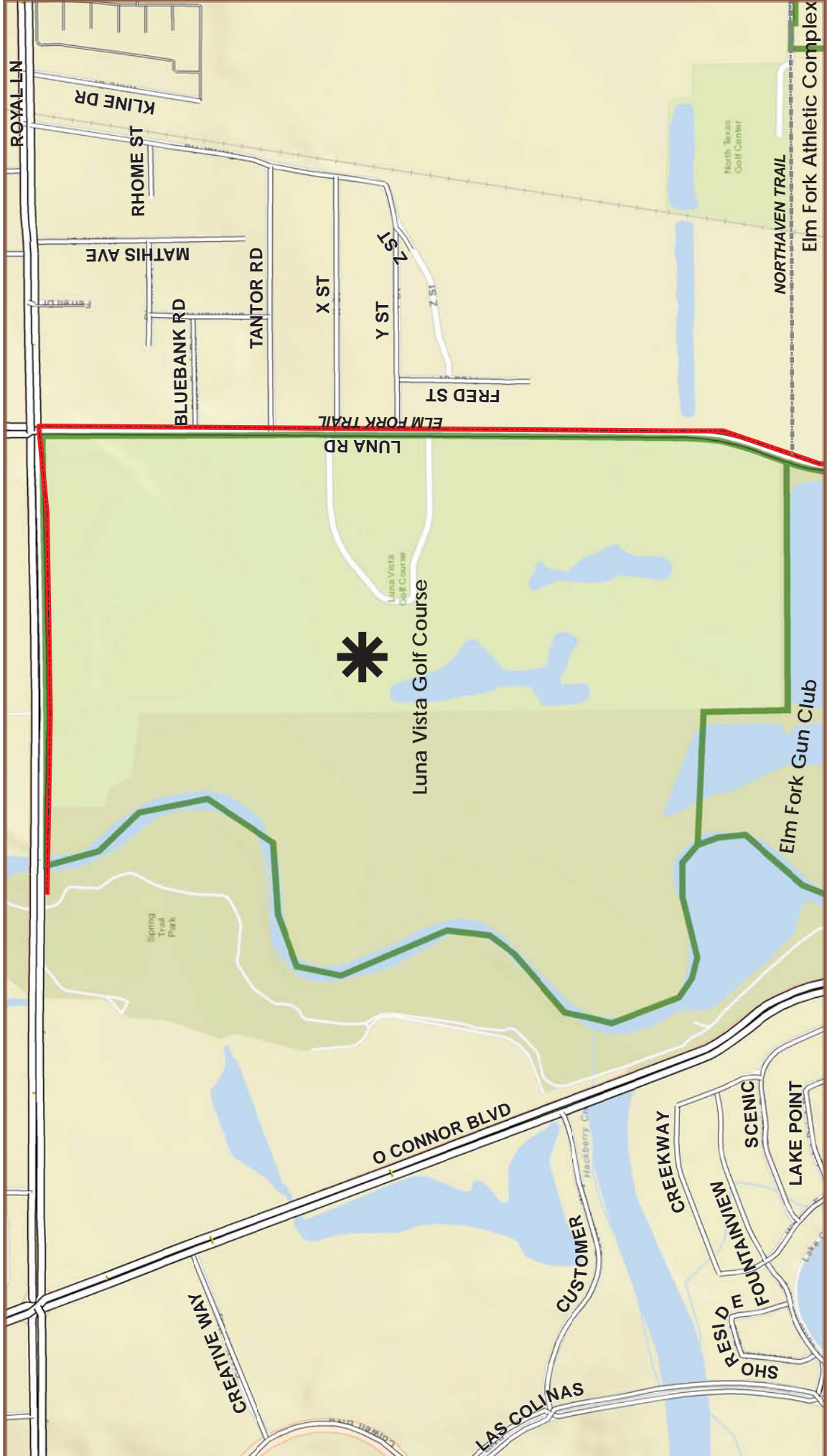
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
JQ Engineering	IMDB62600Y0715	\$19,240.00	69.20%
Purdy McGuire	WFDB60231N0215	\$1,400.00	5.04%
Total Minority - Local		\$20,640.00	74.23%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$19,240.00	69.20%	\$55,090.00	43.06%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,400.00	5.04%	\$12,400.00	9.69%
Total	\$20,640.00	74.23%	\$67,490.00	52.76%



Luna Vista Golf Course (11223 Luna Road)

Mapsco
21B HM
22 E J N

District
6

December 11, 2014

January 14, 2015

WHEREAS, on January 9, 2013, by Resolution No. 13-0113, Dan Shipley Architects was awarded a contract for design services for a new maintenance building for Luna Vista Golf Course at L.B. Houston Sports and Nature Complex located at 11223 Luna Road, in an amount not to exceed \$74,805.00; and

WHEREAS, on June 27, 2013, Administrative Action No. 13-1185 authorized Supplemental Agreement No. 1, for construction materials testing, geotechnical testing, asbestos testing, monitoring and abatement services at Luna Vista Golf Course, in an amount not to exceed \$5,120.50, increasing the contract amount from \$74,805.00 to \$79,925.50; and

WHEREAS, on March 26, 2014, by Resolution No. 14-0507 authorized Supplemental Agreement No. 2, for additional scope of work for architectural and civil engineering to prepare the following: documents for extension of fire main to include new fire hydrant; design documents for domestic water main; and topographic survey of fire and domestic water lines for the golf club house and maintenance facilities at Luna Vista Golf Course, in an amount not to exceed \$20,200.00, increasing the contract amount from \$79,925.50 to \$100,125.50; and

WHEREAS, this action will authorize Supplemental Agreement No. 3 to the professional services contract with Dan Shipley Architects for additional design services of a maintenance building at Luna Vista Golf Course, in an amount not to exceed \$27,804.00, increasing the contract amount from \$100,125.50 to \$127,929.50.

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 Supplemental Agreement No. 3 to the professional services contract with Dan Shipley Architects for additional design services of a maintenance building at Luna Vista Golf Course, in an amount not to exceed \$27,804.00, increasing the contract amount from \$100,125.50 to \$127,929.50.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Dan Shipley Architects, after approval as to form by the City Attorney.

SECTION 3. That the City Controller is hereby authorized to pay the amount of \$27,804.00 to Dan Shipley Architects from (2003) Neighborhood Park and Recreation Facilities Fund, Fund 5R05, Department PKR, Unit P761, Object 4112, Activity AISF, Program PKP761, CT-PKR13019353, Commodity 92500, Vendor VS0000017827.

January 14, 2015

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 14, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 45L

SUBJECT

Authorize a construction services contract with Phoenix 1 Restoration and Construction, Ltd., best value proposer of five, for the exterior renovation of the Old Municipal Building, located at 106 South Harwood Street - Not to exceed \$11,166,286 - Financing: 1998 Bond Funds

BACKGROUND

The Municipal Building, the City of Dallas' fourth City Hall, was constructed in 1914 at 106 S. Harwood Street. The Municipal Building received national attention in November 1963 when Lee Harvey Oswald assassinated President John F. Kennedy and was held in a cell on the fifth floor of this building. The assassination of Oswald by Jack Ruby was broadcast live from the sally port in the basement of this building. The Police Department occupied the upper floors until 2003 and the lower floors were occupied by Courts Services until 2013. The entire building is currently vacant.

The voters of Dallas approved Proposition 8 of the 1998 Bond Program which provided \$14,000,000 to fund the design, construction and/or renovation of the Police and Courts Building, located at 106 S. Harwood Street.

In 2004, the City of Dallas began working with the University of North Texas to establish a law school in downtown Dallas. The old Municipal Building was selected as the potential location of the UNT Law School due to its impressive Beaux Arts architectural style and proximity to the Dallas County Community College District's Universities Center at Dallas.

A professional services contract with the Conley Group for design services for the exterior renovation of the 106 S. Harwood Building was authorized on June 25, 2008 by Council Resolution No. 08-1890.

BACKGROUND (Continued)

On July 16, 2014, the renovation of the Old Municipal Building was advertised for Competitive Sealed Proposals. On September 4, 2014, five Competitive Sealed Proposals were received. The Proposal Evaluation Committee evaluated and ranked all proposals according to grading criteria provided in the project specification. Phoenix 1 Restoration and Construction, Ltd. was chosen as the most qualified firm of the five proposers, and it is recommended that the City of Dallas enter into a construction contract with Phoenix 1 Restoration and Construction, Ltd. for the scope of work detailed in the Project Manual, Construction Documents and the Best and Final Offer document prepared by Phoenix 1 Restoration and Construction, Ltd. on October 22, 2014.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2008
Completed Design	June 2014
Begin Construction	January 2015
Complete Construction	March 2016

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with the Conley Group for design services for the exterior renovation of the 106 S. Harwood Building on June 25, 2008, by Resolution No. 08-1890.

Authorized Supplemental Agreement No. 5 to the professional services contract with the Conley Group for design services for the exterior renovation of the 106 S. Harwood Building for additional services, including asbestos abatement specifications related to interior demolition, on October 23, 2013 by Resolution No. 13-1845.

FISCAL INFORMATION

1998 Bond Funds - \$11,166,285.20

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Phoenix 1 Restoration and Construction, Ltd.

Hispanic Female	0	Hispanic Male	37
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	5	White Male	24

PROPOSAL INFORMATION

Five competitive sealed proposals were received and opened on September 4, 2014. The selection committee ranked the proposers as follows:

*Denotes the best value proposer

- SpawGlass Contractors, Inc.
- Chamberlin Dallas, LLC
- *Phoenix 1 Restoration and Construction, Ltd.
- Gilbert May, Inc. dba Phillips/May Corp.
- Ratcliff Constructors, LP

OWNER

Phoenix 1 Restoration and Construction, Ltd.

Dale Sellers, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a construction services contract with Phoenix 1 Restoration and Construction, Ltd., best value proposer of five, for the exterior renovation of the Old Municipal Building, located at 106 South Harwood Street - Not to exceed \$11,166,286 - Financing: 1998 Bond Funds

Phoenix 1 Restoration and Construction, Ltd. 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	\$11,029,385.20	98.77%
Total non-local contracts	\$136,900.00	1.23%
TOTAL CONTRACT	\$11,166,285.20	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

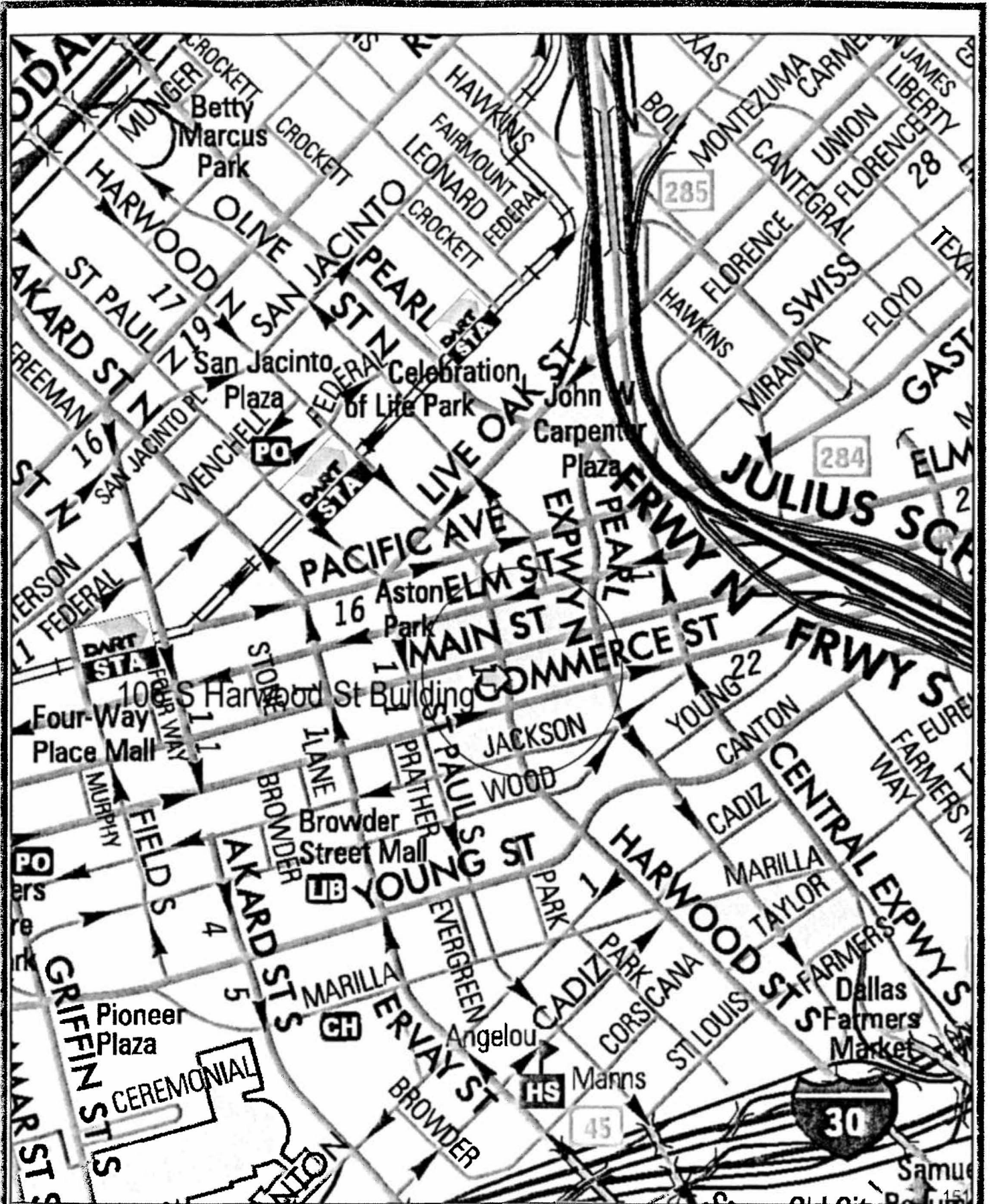
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Slaughter Services	WFWB61739N0516	\$1,488,551.00	13.50%
Texas Roof Management, Inc.	WFWB62655N0716	\$992,555.00	9.00%
Axis Contracting, Inc.	WFDB61910Y0515	\$356,000.00	3.23%
Total Minority - Local		\$2,837,106.00	25.72%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Madden Electric Services, Inc.	WFWB61008N0315	\$136,900.00	100.00%
Total Minority - Non-local		\$136,900.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$2,837,106.00	25.72%	\$2,974,006.00	26.63%
Total	\$2,837,106.00	25.72%	\$2,974,006.00	26.63%



106 S Harwood St Building

January 14, 2015

WHEREAS, in Proposition 8 of the 1998 Bond Program, the voters of Dallas approved funding for the design, construction and/or renovation of the Police and Courts Building located at 106 S. Harwood Street; and,

WHEREAS, on June 25, 2008, Resolution No. 08-1890 authorized a professional services contract with the Conley Group, Inc. for the exterior renovation of the Municipal Building located at 106 S. Harwood Street; and,

WHEREAS, the exterior renovation of the Old Municipal Building was advertised for competitive sealed proposals on July 16, 2014, and upon conclusion of a selection process conducted by City staff, Phoenix 1 Restoration and Construction, Ltd. was chosen as the most qualified firm of five proposers to provide construction services for the project; and,

WHEREAS, it is now desirable to authorize a contract with Phoenix 1 Restoration and Construction, Ltd., best value proposer of five, for the exterior renovation of the Old Municipal Building located at 106 S. Harwood Street, in an amount not to exceed \$11,166,285.20.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a construction contract with Phoenix 1 Restoration and Construction, Ltd. for the exterior renovation of the Old Municipal Building in an amount not to exceed \$11,166,285.20.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

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

City Facilities and Improvement Fund
Fund 1P60, Unit N924, Dept. PBW, Act. MMCF
Obj. 4310, Program #PB98N924, CT #PBW98N924D1
Vendor #VC0000003594, in an amount not to exceed \$11,166,285.20

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 13
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 26K

SUBJECT

An ordinance abandoning a fire lane easement and a water line easement to TKG Valencia-Midtown, LLC, the abutting owner, containing a total of 18,596 square feet of land, located near the intersection of Meadow Lane and Rambler Road - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a water easement and a fire lane easement to TKG Valencia-Midtown, LLC, the abutting owner. The area will be included with the property of the abutting owner for the construction of a four-story medical office building. 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

TKG Valencia-Midtown, LLC

R. Otto Mally, Manager

MAP

Attached



 = Abandonment Areas

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a fire lane easement and a water line easement, located in City Block 5213 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to TKG Valencia-Midtown, LLC; 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 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 TKG Valencia-Midtown, LLC, a Texas limited liability company; 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 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 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, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all 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 a 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 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 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 at such time as the instrument described in Section 2 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 Deed Records of Dallas County, Texas; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 10. 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 11. 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
Director of Department of Sustainable
Development and Construction

BY Roxanne Diamond
Assistant City Attorney

BY Kathy Green
for Assistant Director

Passed _____.

EXHIBIT A-TRACT 1
20' FIRE LANE EASEMENT ABANDONMENT
LOT 7-A, HORIZON EAST ADDITION
BLOCK 5213 ½
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING 14,226 feet of land out of the David Barrow Survey, Abstract No. 177, and the Neal McCreary Survey, Abstract No. 996, situated in Block 5213 ½ of the City of Dallas, Dallas County, Texas, and being all of that 20-foot Fire Lane Easement as shown on the plat of Lot 7-A of the Horizon East Addition, as recorded in Volume 70143, Page 1750, of the Deed Records of Dallas County, Texas, and being a portion of that land described as Tract 3 in the Special Warranty Deed to TKG Valencia-Midtown, L.L.C., as recorded in Instrument No. 201100334216, of the Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch found iron rod with yellow plastic cap stamped "BURY + PARTNERS" for the southeast corner of said Lot 7-A on the west right-of-way line of Rambler Road (a variable width right-of-way);

THENCE North 00 degrees 16 minutes 37 seconds East, along said west right-of-way line, a distance of 20.00 feet to the POINT OF BEGINNING;

THENCE South 89 degrees 17 minutes 44 seconds West, departing said west right-of-way line, and over and across said Lot 7-A, at all times 20 feet north of and parallel to the south line of said Lot 7-A, a distance of 394.16 feet to a point for corner 20 feet perpendicular to and east of the west line of said Lot 7-A;

THENCE North 00 degrees 44 minutes 16 seconds West, continuing across said Lot 7-A, at all times 20 feet east of and parallel to the west line of said Lot 7-A, a distance of 311.88 feet to a point for corner;

THENCE North 18 degrees 08 minutes 08 seconds East, continuing across said Lot 7-A, a distance of 28.31 feet to a point for corner on the south right-of-way line of Meadow Lane (a 60-foot right-of-way), said point being the point of curvature of a non-tangent circular curve to the right having a radius of 480.00 feet and whose chord bears South 71 degrees 51 minutes 53 seconds East, a distance of 20.00 feet;

THENCE Southeasterly, along said south right-of-way line and said curve, through a central angle of 02 degrees 23 minutes 15 seconds, an arc distance of 20.00 feet to a point for corner;

THENCE South 18 degrees 08 minutes 08 seconds West, departing said south right-of-way line and said curve, over and across said Lot 7-A, a distance of 24.99 feet to a point for corner 40 feet perpendicular to and east of the west line of said Lot 7-A;

THENCE South 00 degrees 44 minutes 16 seconds East, continuing across said Lot 7-A, at all times 40 feet east of and parallel to the west line of said Lot 7-A, a distance of 288.56 feet to a point for corner 40 feet north of an perpendicular to the south line of said Lot 7-A;

THENCE North 89 degrees 17 minutes 44 seconds East, continuing across said Lot 7-A, at all times 40 feet north of and parallel to the south line of said Lot 7-A, a distance of 374.52 feet to a point for corner on the west right-of-way line of said Rambler Road;

REVIEWED BY
JL 9-1-14
SPRS 3001

EXHIBIT A-TRACT 1
20' FIRE LANE EASEMENT ABANDONMENT
LOT 7-A, HORIZON EAST ADDITION
BLOCK 5213 ½
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 00 degrees 16 minutes 37 seconds West, along said west right-of-way line, a distance of 20.00 feet to the POINT OF BEGINNING AND CONTAINING 14,226 square feet or 0.3266 acres of land, more or less.

Bearings are based upon the Texas Coordinate System, North Central Zone (4202), with a combined adjustment factor of 0.99985468, and found monumentation along the west right-of-way of Rambler Road as shown on the plat recorded in Volume 71027, Page 1758, D.R.D.C.T., and being South 00 degrees 14 minutes 03 seconds East.

A plat accompanies this legal description

REVIEWED BY
DL 9-4-14
SFRG 3001



EXHIBIT A-TRACT 1

0 20 40 80

HORIZ. SCALE

BLOCK C/6138
MEADOW ROAD APARTMENTS
ADDITION
VOL. 74076, PG. 2239
D.R.D.C.T.

TREEHOUSE LANE

Line Table		
#	Bearing	Dist.
L1	N00°16'37"E	20.00'
L2	N18°08'08"E	28.31'
L3	S18°08'08"W	24.99'
L4	S00°16'37"W	20.00'

Curve Table						
#	R	Δ	T	L	CB	CL
C1	480.00'	02°23'15" R	10.00'	20.00'	S71°51'53"E	20.00'

L2
L3

BLOCK D/6138
MEADOW ROAD NO. 2 ADDITION
VOL. 76021, PG. 0004
D.R.D.C.T.

MEADOW LANE
(KIRKLAND PARK AVE.)
(VOL. 624, PG. 6)
(VOL. 67238, PG. 744)
(VOL. 67238, PG. 747)
(D.R.D.C.T.)

20' FIRE LANE ABANDONMENT
VOL. 70143, PG. 1750
D.R.D.C.T.
14,226 S.F.
0.3266 AC.

CITY OF DALLAS
15'x20' DRAINAGE EASEMENT
VOL. 67253, PG. 401
D.R.D.C.T.

TKG VALENCIA-MIDTOWN, L.L.C.
TRACT 3
INST. NO. 201100334216
O.P.R.D.C.T.

LOT 7-A, BLOCK 5213 1/2
HORIZON EAST ADDITION
VOL. 70143, PG. 1750
D.R.D.C.T.
116,266 SQ.FT.
OR 2.669 AC.

10' DRAINAGE EASEMENT
BY PLAT
VOL. 70143, PG. 1750
D.R.D.C.T.

CITY OF DALLAS
5' STREET EASEMENT
VOL. 75247, PG. 1107
D.R.D.C.T.

LOT 7-B, BLOCK 5213 1/2
HORIZON EAST ADDITION
VOL. 72065, PG. 2037
D.R.D.C.T.

N00°44'16"W 311.88'
S00°44'16"E 288.56'

N89°17'44"E 374.52'

S89°17'44"W 394.16'

RAMBLER ROAD
(CLINT ST.)
(VOL. 624, PG. 6)
(VOL. 71027, PG. 1758)
(VOL. 74241, PG. 392)
(VOL. 77227, PG. 1614)
(D.R.D.C.T.)

REVIEWED BY
JL 9-4-14
SPR 3001

POINT OF BEGINNING

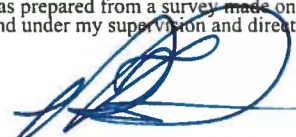
POINT OF COMMENCING
5/8" FIR
"BURY + PARTNERS"
(CM)

LOT 6-A, BLOCK 5213 1/2
NUMERO UNO ADDITION
VOL. 71027, PG. 1758
D.R.D.C.T.

LEGEND

- Monumentation
(type and size noted)
- △ Point for Corner
- DRDCT. Dead Records of Dallas County, Texas
- OPRDCT. Official Public Records of Dallas County, Texas
- - - Proposed Lot Lines/Adjacent Lot Lines
- Existing Lot Lines
- Survey Lines

I, Robert L. Davis, Registered Professional Land Surveyor, do hereby certify that this parcel was prepared from a survey made on the ground under my supervision and direction.



BY: Robert L. Davis
Registered Professional Land Surveyor
State of Texas No. 5836



20' FIRE LANE EASEMENT ABANDONMENT
LOT 7-A, HORIZON EAST ADDITION
BLOCK 5213 1/2

SITUATED IN
D. BARROW SURVEY, ABSTRACT NO. 177
N. MCCREARY SURVEY, ABSTRACT NO. 996
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FOR

TRANSWESTERN ACQUISITIONS, LLC

PREPARED BY:



303 South Jupiter Road, Suite 100
Allen, TX 75002 PH: (469) 342-6844
PROJECT NO: 140120 DATE: JUNE 23, 2014 PAGE: 3 OF 3

Bearings are based upon the Texas Coordinate System, North Central Zone (4202), with a combined adjustment factor of 0.99985468, and found monumentation along the west right-of-way of Rambler Road as shown on the plat recorded in Volume 71027, Page 1758, P.R.D.C.T., and being South 00 degrees 14 minutes 03 seconds East.

A legal description accompanies this plat.

EXHIBIT A-TRACT 2
10' WATER LINE EASEMENT ABANDONMENT
LOT 6-A, NUMERO UNO ADDITION
BLOCK 5213 ½
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING 4,370 square feet of land out of the Neal McCreary Survey, Abstract No. 996, situated in Block 5213 ½ of the City of Dallas, Dallas County, Texas, and being all of that 10-foot Water Line Easement as shown on the plat of Lot 6-A of the Numero Uno Addition, as recorded in Volume 71027, Page 1758, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being a portion of that land described as Tract 3 in the Special Warranty Deed to TKG Valencia-Midtown, L.L.C., as recorded in Instrument No. 201100334216, of the Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a found "X" in concrete for the northeast corner of said Lot 6-A on the west right-of-way line of Rambler Road (a variable width right-of-way), and being on the south line of Lot 7-A of the Horizon East Addition, as recorded in Volume 70143, Page 1750, D.R.D.C.T.;

THENCE South 00 degrees 14 minutes 03 seconds East, along said west right-of-way line, a distance of 135.30 feet to the POINT OF BEGINNING;

THENCE South 00 degrees 14 minutes 03 seconds East, continuing along said west right-of-way line, a distance of 10.00 feet to a point for corner;

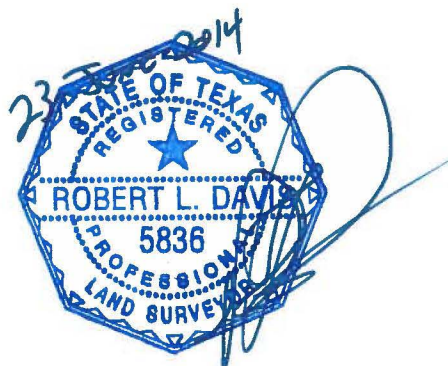
THENCE South 89 degrees 12 minutes 46 seconds West, departing said west right-of-way line, over and across said Lot 6-A, a distance of 437.00 feet to a point for corner;

THENCE North 00 degrees 47 minutes 14 seconds West, continuing across said Lot 6-A, a distance of 10.00 feet to a point for corner;

THENCE North 89 degrees 12 minutes 46 seconds East, continuing across said Lot 6-A, a distance of 437.10 feet to the POINT OF BEGINNING AND CONTAINING 4,370 square feet or 0.1003 acres of land, more or less.

Bearings are based upon the Texas Coordinate System, North Central Zone (4202), with a combined adjustment factor of 0.99985468, and found monumentation along the west right-of-way of Rambler Road as shown on the plat recorded in Volume 71027, Page 1758, D.R.D.C.T., and being South 00 degrees 14 minutes 03 seconds East.

A plat accompanies this legal description

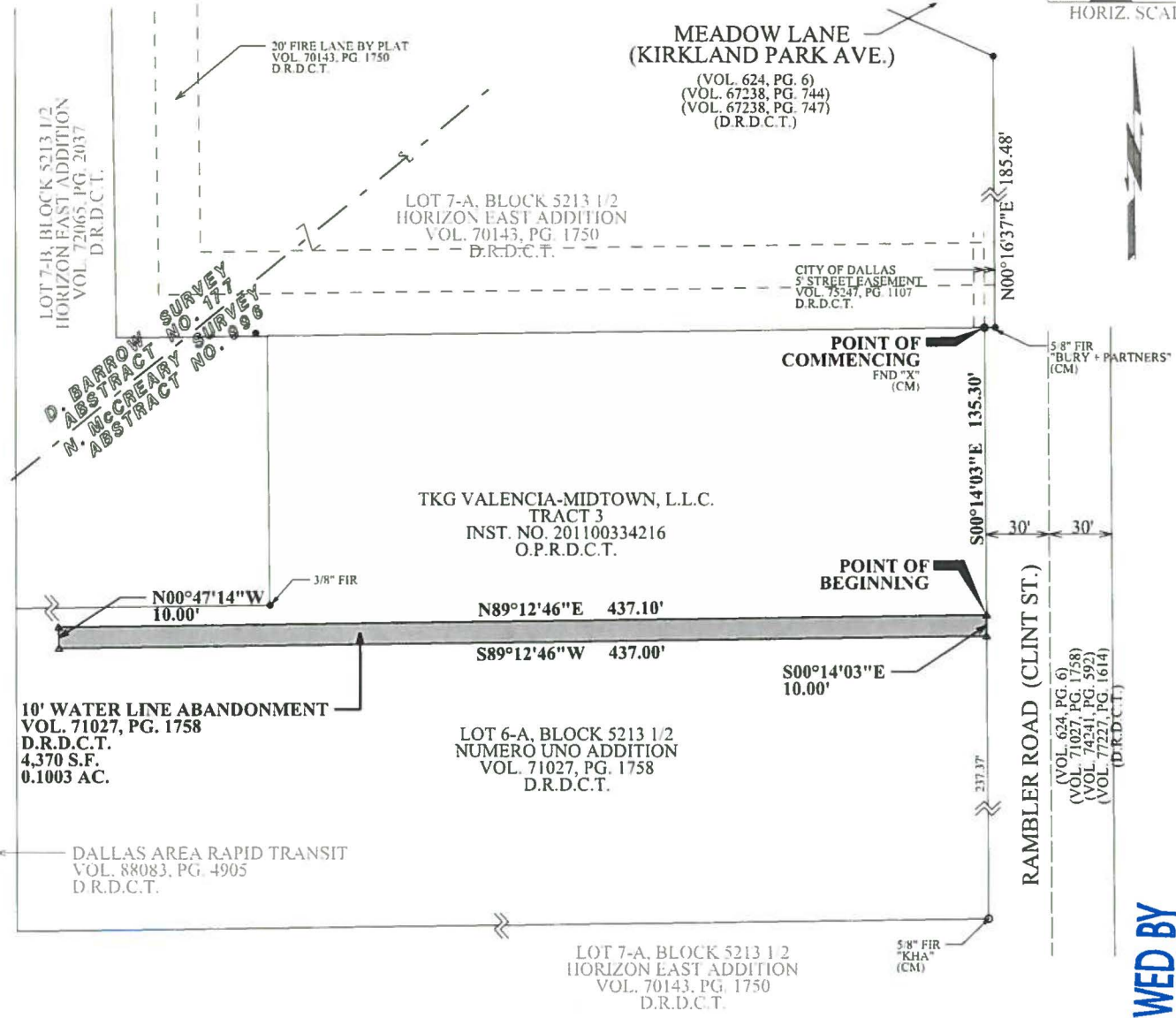


REVIEWED BY
JL 9-4-14
5196 3000

EXHIBIT A-TRACT 2

0 20 40 80


HORIZ. SCALE



LEGEND

○	Monumentation (type and size noted)
△	Point for Corner
D.R.D.C.T.	Deed Records of Dallas County, Texas
O.P.R.D.C.T.	Official Public Records of Dallas County, Texas
- - - - -	Proposed Lot Lines/Adjacent Lot Lines
— — — — —	Existing Lot Lines
§	Survey Lines

I, Robert L. Davis, Registered Professional Land Surveyor, do hereby certify that this parcel was prepared from a survey made on the ground under my supervision and direction.

BY: 
 Robert L. Davis
 Registered Professional Land Surveyor
 State of Texas No. 5836



10' WATER LINE EASEMENT ABANDONMENT LOT 6-A, NUMERO UNO ADDITION BLOCK 5213 1/2

SITUATED IN
 N. McCREARY SURVEY, ABSTRACT NO. 996
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 FOR

**TRANSWESTERN
 ACQUISITIONS, LLC**

PREPARED BY:



White Hawk
 ENGINEERING AND DESIGN
 303 South Jupiter Road, Suite 100
 Allen, TX 75002 PH: (469) 342-6844
 PROJECT NO: 140120 DATE: JUNE 23, 2014 PAGE: 2 OF 2

Bearings are based upon the Texas Coordinate System, North Central Zone (4202), with a combined adjustment factor of 0.99985468, and found monumentation along the west right-of-way of Rambler Road as shown on the plat recorded in Volume 71027, Page 1758, D.R.D.C.T., and being South 00 degrees 14 minutes 03 seconds East.

A legal description accompanies this plat.

REVIEWED BY
 JL 9-2-14
 SFR 3000

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): 2, 7, 14

DEPARTMENT: Trinity Watershed Management

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

MAPSCO: 45D 45H 46E 46J 46K 46L 46M 47N

SUBJECT

Authorize a professional services contract with Parsons Environment & Infrastructure Group, Inc. for construction management services during design and advertisement phases of the Mill Creek / Peaks Branch / State-Thomas drainage relief tunnel - Not to exceed \$1,215,000 - Financing: 2006 Bond Funds

BACKGROUND

The 2006 and 2012 Bond Programs provided funding for design and construction of storm drainage relief improvements for the Mill Creek / Peaks Branch / State-Thomas watersheds. This project is a deep underground storm drainage tunnel that will provide drainage and flooding relief to the lower areas of the Mill Creek watershed (around Baylor Hospital), Peaks Branch watershed (south of Buckner Park), and East Peaks Branch watershed (around Fair Park area). It will also provide drainage relief to the Woodall Rodgers area in the State-Thomas area.

Construction for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel is scheduled to begin November 2015. This project consists of approximately five miles of thirty feet interior diameter storm drainage tunnel that is between seventy-five and one hundred fifty feet deep and five intake collection shafts. The project will utilize a tunnel boring machine and requires specialized construction management services due to the complexity and sophistication of tunnel construction. The construction manager will minimize the project risk and serve as an extension of City staff to provide professional supervision and experienced inspection of the construction.

On June 13, 2007, City Council authorized a professional services contract with Half Associates, Inc., for the design of drainage improvements and relief systems to reduce flooding in some portions of the Mill Creek and Middle Peaks Branch watersheds. On March 25, 2009, City Council authorized Supplemental Agreement No. 1 to provide additional engineering funding and authorized a proposed change of alignment of both Mill Creek and Peaks Branch drainage relief systems that included a deep tunnel that will drain both basins into Lower White Rock Creek.

BACKGROUND (Continued)

On January 11, 2012, the City Council authorized Supplemental Agreement No. 2 to provide for engineering design of the deep drainage tunnel extension to the State-Thomas area to reduce flooding in the State-Thomas and Uptown areas.

This action will authorize a professional services contract with Parsons Environment & Infrastructure Group, Inc., to serve as the City’s construction manager, providing pre-construction management services during design and advertisement phases of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel.

A supplemental agreement is planned to be awarded to Parsons Environment & Infrastructure, Inc. for construction management services including field inspection, administration, and project coordination during the construction of the drainage tunnel. This supplemental agreement is planned to be awarded with the construction contract, which is expected to be awarded in October 2015.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	December 2015
Complete Construction	December 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Halff Associates, Inc., for engineering design on June 13, 2007, by Resolution No. 07-1833.

Briefed the Council on alternate combined drainage tunnel alignment for both Mill Creek and Peaks Branch on August 6, 2008.

Authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc., for additional engineering design on March 25, 2009, by Resolution No. 09-0835.

Briefed the Trinity River Committee on the State-Thomas tunnel extension to the Mill Creek and Peaks Branch drainage relief tunnel on December 6, 2011.

Authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc., for additional engineering design on January 11, 2012, by Resolution No. 12-0136.

FISCAL INFORMATION

2006 Bond Funds - \$1,215,000

Design	\$ 15,993,488
Construction Management	\$ 1,215,000
Construction	<u>\$260,000,000</u> (est.)

Total Project Cost \$ 277,208,488

<u>Council District</u>	<u>Amount</u>
2	\$ 321,000
7	\$ 600,000
14	<u>\$ 294,000</u>
Total	\$1,215,000

M/WBE INFORMATION

See attached

ETHNIC COMPOSITION

Parsons Environment & Infrastructure Group, Inc.

Hispanic Female	5	Hispanic Male	14
African-American Female	9	African-American Male	17
Other Female	9	Other Male	19
White Female	42	White Male	89

OWNER

Parsons Environment & Infrastructure Group, Inc.

Virginia Grebbien, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Parsons Environment & Infrastructure Group, Inc. for construction management services during design and advertisement phases of the Mill Creek / Peaks Branch / State-Thomas drainage relief tunnel - Not to exceed \$1,215,000 - Financing: 2006 Bond Funds

Parsons Environment & Infrastructure 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: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,215,000.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$1,215,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
K Strategies Group, LLC	BFDB59986Y0115	\$27,810.00	2.29%
Foster CM Group, Inc.	BMMB59684N0115	\$147,811.00	12.17%
VRX, Inc.	WFDB60159Y0215	\$136,578.00	11.24%
Total Minority - Local		\$312,199.00	25.70%

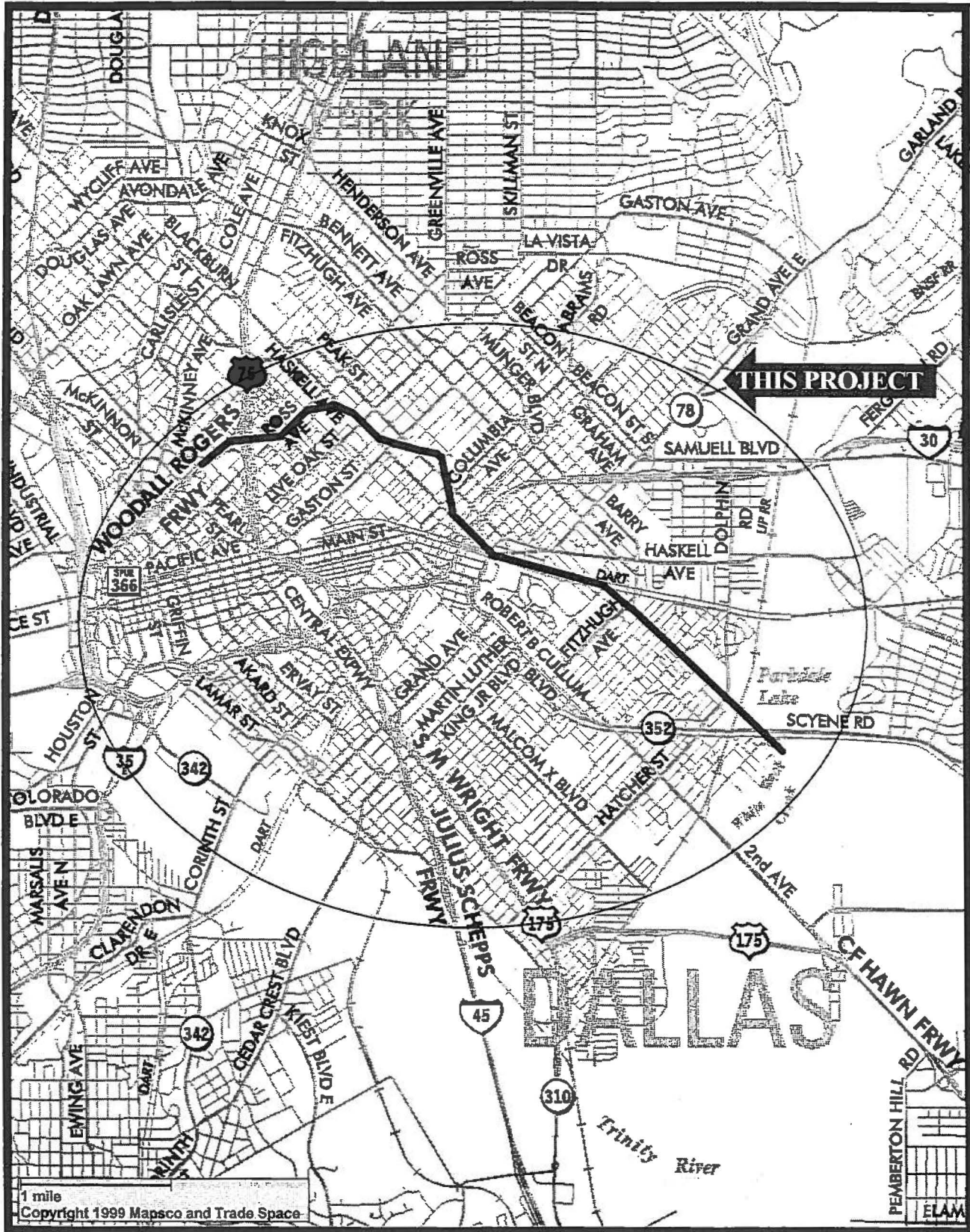
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$175,621.00	14.45%	\$175,621.00	14.45%
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	\$136,578.00	11.24%	\$136,578.00	11.24%
Total	\$312,199.00	25.70%	\$312,199.00	25.70%

Mill Creek Tunnel



Mapsco 45D, 45H, 46E, 46J, 46K, 46L, 46M, 47N

January 14, 2015

WHEREAS, on June 13, 2007, Resolution No. 07-1833 authorized professional services contracts with four engineering firms, including Halff Associates, Inc., to provide program management and engineering design of major flood management and storm drainage projects; and,

WHEREAS, on March 25, 2009, Resolution No. 09-0835 authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis for drainage relief for Mill Creek Phase I, and Middle Peaks Branch, Phases I and II, for scope of works to develop and update master drainage plans for Mill Creek and Middle Peaks Branch, including design of the Mill Creek, Phase II system; and,

WHEREAS, on January 11, 2012, Resolution No. 12-0136 authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. to provide additional scope of work for design and analysis for drainage relief for the State-Thomas area, and for additional survey and right-of-way services for required property acquisition; and,

WHEREAS, on July 25, 2014, Administrative Action No. 14-6555 authorized Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis of water and wastewater main replacements in Carroll Avenue from Junius Street to Victor Street; and,

WHEREAS, this project requires specialized construction management services due to the complexity and sophistication of tunnel construction, it is now necessary to authorize a professional services contract with Parsons Environment & Infrastructure Group, Inc. for construction management services during design and advertisement phases of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel.

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 Parsons Environment & Infrastructure Group, Inc. for construction management services during design and advertisement phases of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel in an amount not to exceed \$1,215,000, after it has been approved as to form by the City Attorney.

January 14, 2015

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

Flood Protection and Storm Drainage Facilities Fund	
Fund 1T23, Department TWM, Unit T536, Act. SDRS	
Obj. 4111, Program #PB06T536, CT TWM06T536D1	
Vendor #VS0000074085, in an amount not to exceed	\$1,215,000

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 46 R

SUBJECT

Authorize an amendment to Resolution No. 14-1628, previously approved on September 24, 2014, to authorize acquisition of a larger tract for a subsurface easement located under approximately 996 square feet of land, including the exercise of the right of eminent domain, if such becomes necessary from Victor Hugo Gomez and Irma Leticia Rodriguez Campos, located on Foreman Street near its intersection with Spring Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$15, increased from \$3,075 (\$75, plus closing costs and title expenses not to exceed \$3,000) to \$3,090 (\$90, plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes an amendment and substitution of Exhibit “A” for the conveyance of the subsurface easement located under approximately 996 square feet of land for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project.

It was determined that the proposed subsurface easement of 831 square feet in Exhibit “A” authorized by Resolution No. 14-1628 approved by Council on September 24, 2014, did not include a required portion of street right-of-way. With the additional 165 square feet considered, the revised square footage increased the amount authorized by Resolution No. 14-1628 from \$3,075 to \$3,090 for a total increase of \$15. The increase represents the same cost per square foot based on the prior offer amount, which was based on an independent appraisal.

All other provisions authorized by Resolution 14-1628 remain in full force and effect.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition by appropriation and/or condemnation on September 24, 2014, by Resolution No. 14-1628.

FISCAL INFORMATION

2006 Bond Funds - \$15

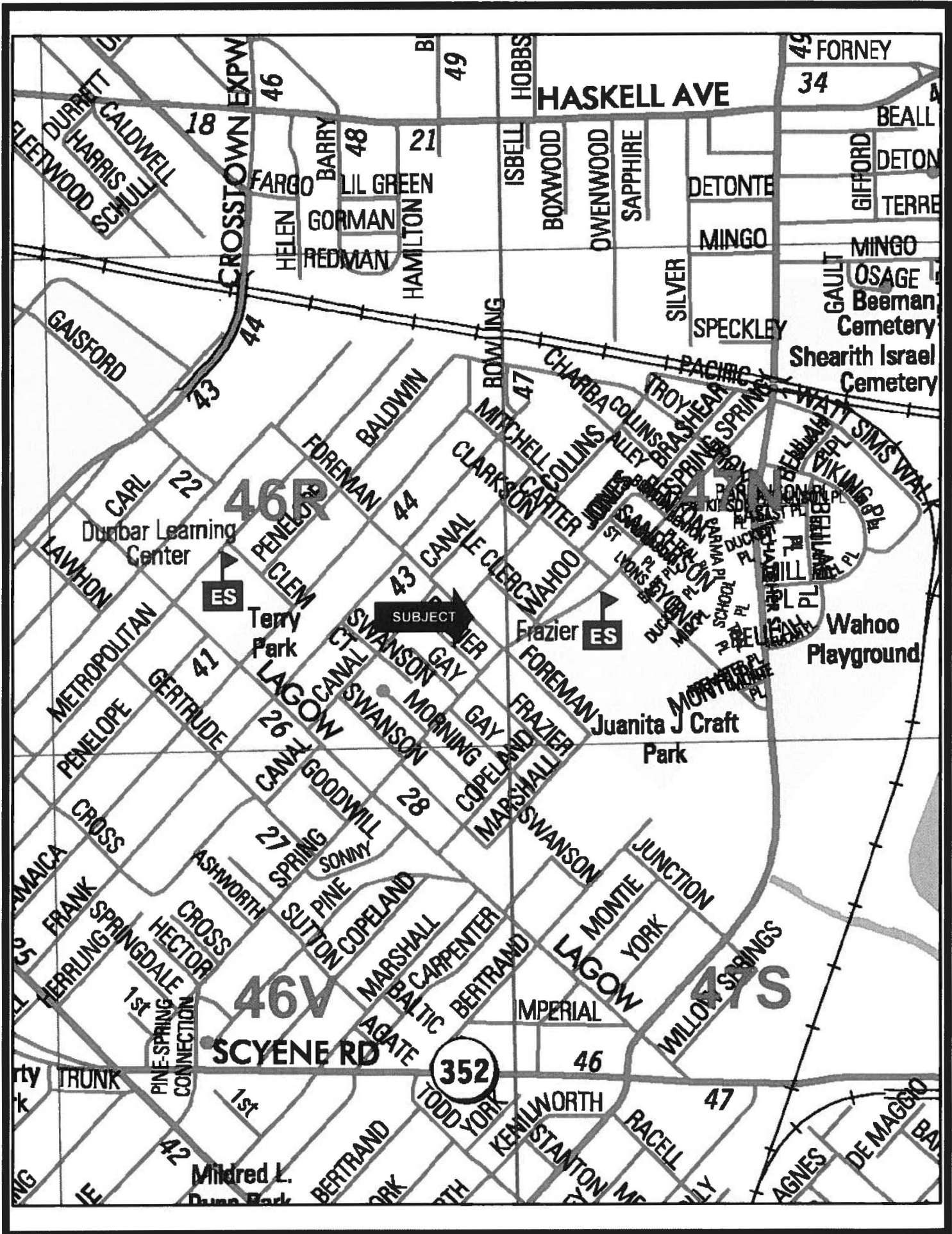
Resolution No. 14-1628	\$3,075
Additional Amount (this action)	<u>\$ 15</u>
Total Authorized Amount	\$3,090

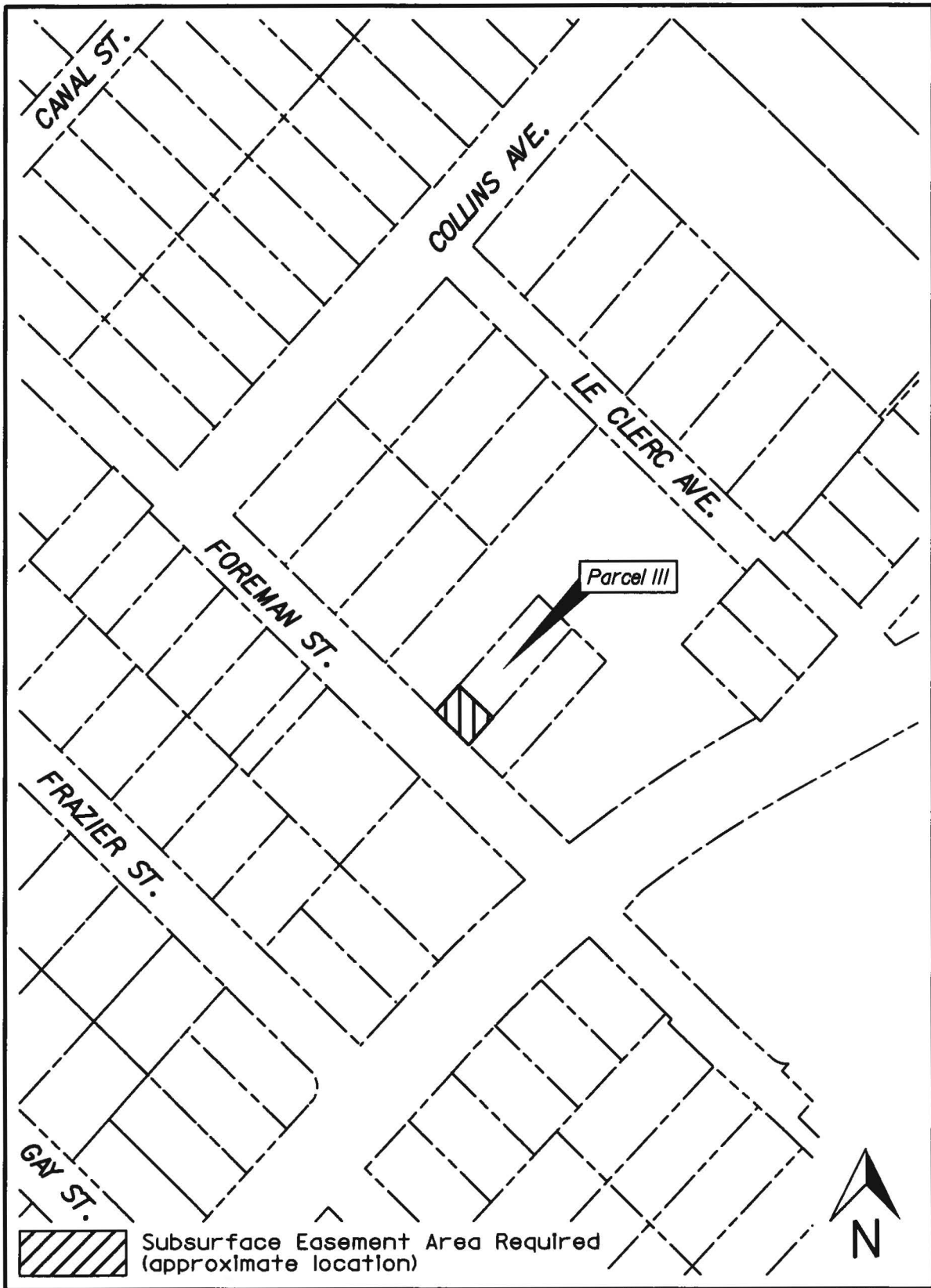
OWNERS

Victor Hugo Gomez
Irma Leticia Rodriguez Campos

MAPS

Attached





January 14, 2015

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

WHEREAS, on September 24, 2014, Resolution No. 14-1628 authorized the acquisition by appropriation and/or condemnation of a subsurface easement located under approximately 831 square feet of land from Victor Hugo Gomez and Irma Leticia Rodriguez Campos for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project as therein described; and

WHEREAS, the City has determined that said acquisition for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project requires the acquisition of a subsurface easement located under approximately 996 square feet of land being fully described in Exhibit "A", attached hereto and incorporated herein for all purposes; and

WHEREAS, the change in the square footage of the land to be acquired also changed the authorized amount from \$3,075.00 to \$3,090.00 based on increase of 165 square feet in area from 831 to 996 square feet in area; and

WHEREAS, the City of Dallas desires to authorize the City Manager to acquire the reconfigured parcel consisting of 996 square feet of land for \$3,090.00 (\$90.00 plus closing costs and title expenses not to exceed \$3,000.00) which parcel is more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes; **Now, Therefore**,

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

SECTION 1. That Resolution No. 14-1628 is hereby amended to authorize acquisition by purchase and/or condemnation the increased square footage parcel consisting of 996 square feet of land as described in the revised Exhibit "A" attached hereto and made a part hereof for all purposes at the revised Purchase Amount set forth herein.

January 14, 2015

SECTION 2. The following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 14-1628 approved by the Dallas City Council on September 24, 2014, to authorize the purchase of a subsurface easement located under approximately 831 square feet of land in the amount of \$3,075.00 (\$75.00, plus closing costs and title expenses not to exceed \$3,000.00). “PROPERTY”: Located under approximately 996 square feet in area, lying between the subsurface elevations of 182 feet and 361 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in “Exhibit A”, attached hereto and made a part hereof for all purposes.

“PROJECT”: Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel

“USE”: The below ground construction, installation, use, and maintenance of a deep tunnel for transmission of storm drainage.

“PROPERTY INTEREST”: Flood Control Tunnel Easement

“OWNER”: Victor Hugo Gomez and Irma Leticia Rodriguez Campos, 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.

“REVISED OFFER AMOUNT”: \$90.00

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

“AUTHORIZED AMOUNT”: \$3,090.00

SECTION 3. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein for the difference between the FIRST RESOLUTION AMOUNT and the AUTHORIZED AMOUNT, \$15.00 payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525LE. The REVISED OFFER AMOUNT - \$90.00, CLOSING COSTS and TITLE EXPENSES - \$3,000.00 together shall not exceed the AUTHORIZED AMOUNT - \$3,090.00, which includes amounts authorized in the FIRST RESOLUTION.

January 14, 2015

SECTION 4. All other provisions authorized by **First Resolution** remain in full force and effect.

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

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

BY: 
Assistant City Attorney

**SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 111)
BEING AN 996 SQ. FT. (0.0229 AC.) PART OF THE
DEVERON PROPERTIES INC TRACT
AND BEING PART OF LOT 5, CITY OF DALLAS BLOCK A/2410,
O. LECLERC'S SUB-DIVISION,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING an 996 square foot (0.0229 acre) tract of land situated in the Thomas Lagow Survey, Abstract Number 759, in the City of Dallas, Dallas County, Texas, and being a part of Lot 5, Block A (A/2410 Official City of Dallas Block Number) of O. LeClerc's Sub-division, an addition to the City of Dallas as shown on map or plat thereof recorded in Volume 2, Page 22, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being part of that tract of land described in Special Warranty Deed to Deveron Properties, Inc, as recorded in Instrument No. 201100178351 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows (NOTE: Subsurface easement corners are not monumented; coordinates shown herein are state plane grid coordinate values in U.S. Survey Feet; all distances are surface values):

BEGINNING at the southeast corner of said Deveron tract and the southwest corner of that tract of land described in Warranty Deed to Jessie M. Jackson Richards as recorded in Volume 93074, Page 1500, D.R.D.C.T., and having coordinates of N=6,969,088.7479 feet, E=2,508,304.5074 feet, and from which the intersection of said northeast right-of-way line of Foreman Street (a variable width right-of-way) with the current northwest right-of-way line Spring Avenue (a variable width right-of-way) bears South 45 degrees 29 minutes 40 seconds East, a distance of 97.77 feet;

THENCE North 45 degrees 29 minutes 40 seconds West, with the southwest line of said Lot 5, Block A/2410, a distance of 33.04 feet to the southwest corner of said Lot 5 and the southeast corner of Lot 4, Block A/2410 of said O. LeClerc's Sub-division, having coordinates of N=6,969,111.9053 feet, E=2,508,280.9468 feet, and from which a found 3/8 inch iron rod (controlling monument) at the intersection of the common line of Lots 1 and 2, Block A/2410 of said O. LeClerc's Sub-division, and on the current northeast right-of-way line of said Foreman Street (a variable width right-of-way), as described in right-of-way easement to the City of Dallas recorded in Volume 3347, Page 289, D.R.D.C.T., bears North 45 degrees 29 minutes 40 seconds West, a distance of 147.18 feet, and North 41 degrees 40 minutes 20 seconds East, a distance of 5.00 feet;

THENCE North 41 degrees 40 minutes 20 seconds East, with the common line of said Lot 5 and said Lot 4, passing at a distance of 5.00 feet the current northeast right-of-way line of Foreman Street (a variable width right-of-way) described in right-of-way easement to the City of Dallas recorded in Volume 3347, Page 304, D.R.D.C.T., continuing with said common line, in all, a total distance of 29.93 feet to the point of curvature of a non-tangent circular curve to the left having a radius of 1,970.00 feet and whose chord bears South 46 degrees 33 minutes 37 seconds East, a distance of 33.02 feet, said point of curvature having coordinates of N=6,969,134.2647 feet, E=2,508,300.8490 feet;

THENCE Southeasterly, departing said common line and along said curve, over and across said Lot 5, through a central angle of 00 degrees 57 minutes 37 seconds, an arc distance of 33.02 feet to the common line of said Deveron tract and said Richards tract, having coordinates of N=6,969,111.5665 feet, E=2,508,324.8183 feet;




FIELD NOTES APPROVED:

DER 9/19/14

**SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 111)
BEING AN 996 SQ. FT. (0.0229 AC.) PART OF THE
DEVERON PROPERTIES INC TRACT
AND BEING PART OF LOT 5, CITY OF DALLAS BLOCK A/2410,
O. LECLERC'S SUB-DIVISION,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE South 41 degrees 40 minutes 20 seconds West, with said common line, passing said current northeast right-of-way line of Foreman Street at a distance of 25.55 feet, continuing with said common line, a total distance of 30.55 feet to the POINT OF BEGINNING AND CONTAINING 996 square feet or 0.0229 acres of land, more or less, of which 165 square feet, or 0.0038 acres, within the current Foreman Street right-of-way, subject to an easement for street purposes by said Volume 3347, Page 304, D.R.D.C.T., to the City of Dallas, leaving 831 square feet, or 0.0191 acres, more or less.

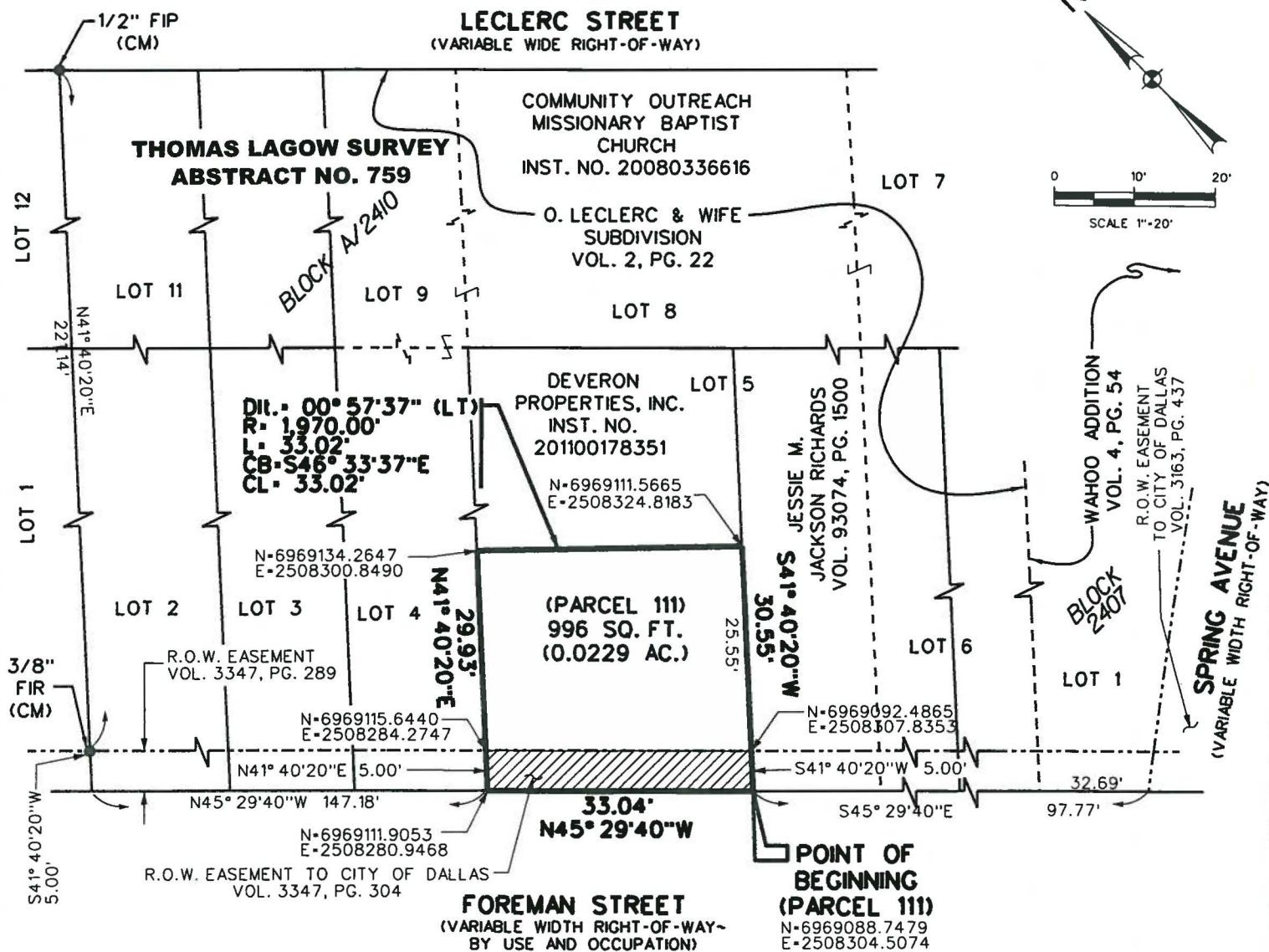
BASIS OF BEARING: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, U.S. Survey Feet; Surface Adjustment Scale Factor (SF) = 1.0001365060 (TxDOT Dallas Co. SF).

René M. Salinas

4/03/2013



FIELD NOTES APPROVED:

DER 9/19/14



René M. Salinas

4/03/2013

SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 111)
BEING AN 996 SQ. FT. (0.0229 AC.) PART OF THE
DEVERON PROPERTIES INC TRACT
AND BEING PART OF LOT 5, CITY OF DALLAS BLOCK A/2410,
O. LECLERC'S SUB-DIVISION,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 8
DEPARTMENT: Trinity Watershed Management
Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 68A, 68F

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Solaray Engineering, Inc. for additional engineering and special services for the Trinity Trails Phase II-B project - Not to exceed \$37,350, from \$48,990 to \$86,340 - Financing: 2012 Bond Funds

BACKGROUND

The Trinity River Corridor Master Implementation Plan identified the creation of a multipurpose trail system along the length of the Great Trinity Forest. The purpose of this trail system is to improve public and maintenance access to a portion of the Great Trinity Forest and provide recreational uses such as walking, jogging, biking, and horseback riding. The City of Dallas has constructed approximately 7 miles of this trail system with another (Joppa Connector) under award. To provide continuous access along the existing soft surface trails between the Great Trinity Southern Gateway and Horse Trails (IH20/Dowdy Ferry) and the AT&T trail, it is necessary to provide two low water crossings, a prefabricated bridge near the Audubon Center and a culvert crossing near the Great Trinity Forest Gateway and Horse Trails. The 2012 Bond Program included funding for the design and construction of the low water crossings.

This action authorizes Supplemental Agreement No. 1 with Solaray Engineering, Inc. for additional engineering and special services work including cultural resources survey, wildlife survey, wetland delineation, additional bore depth, tree identification and tree mitigation.

ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2014
Completed Design	January 2015
Begin Construction	March 2015
Complete Construction	May 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2012 Bond Program - \$37,349.69

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Solaray Engineering, Inc.

Hispanic Female	1	Hispanic Male	3
African-American Female	0	African-American Male	1
Other Female	0	Other Male	1
White Female	1	White Male	4

OWNER

Solaray Engineering, Inc.

Javier Chavira, P.E., President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Solaray Engineering, Inc. for additional engineering and special services for the Trinity Trails Phase II-B project - Not to exceed \$37,350, from \$48,990 to \$86,340 - Financing: 2012 Bond Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$27,717.51	74.21%
Non-local contracts	\$9,632.18	25.79%
TOTAL THIS ACTION	\$37,349.69	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Pacheco Koch Consulting Engineers, Inc.	HMDB63257Y1015	\$7,000.00	25.25%
Solaray Engineering, Inc.	HMDB59970Y0115	\$6,928.83	25.00%
Civil Associates, Inc.	PMDB61556Y0415	\$7,238.68	26.12%
GME Consulting Services, Inc.	WFWB62694N0716	\$2,800.00	10.10%
Total Minority - Local		\$23,967.51	86.47%

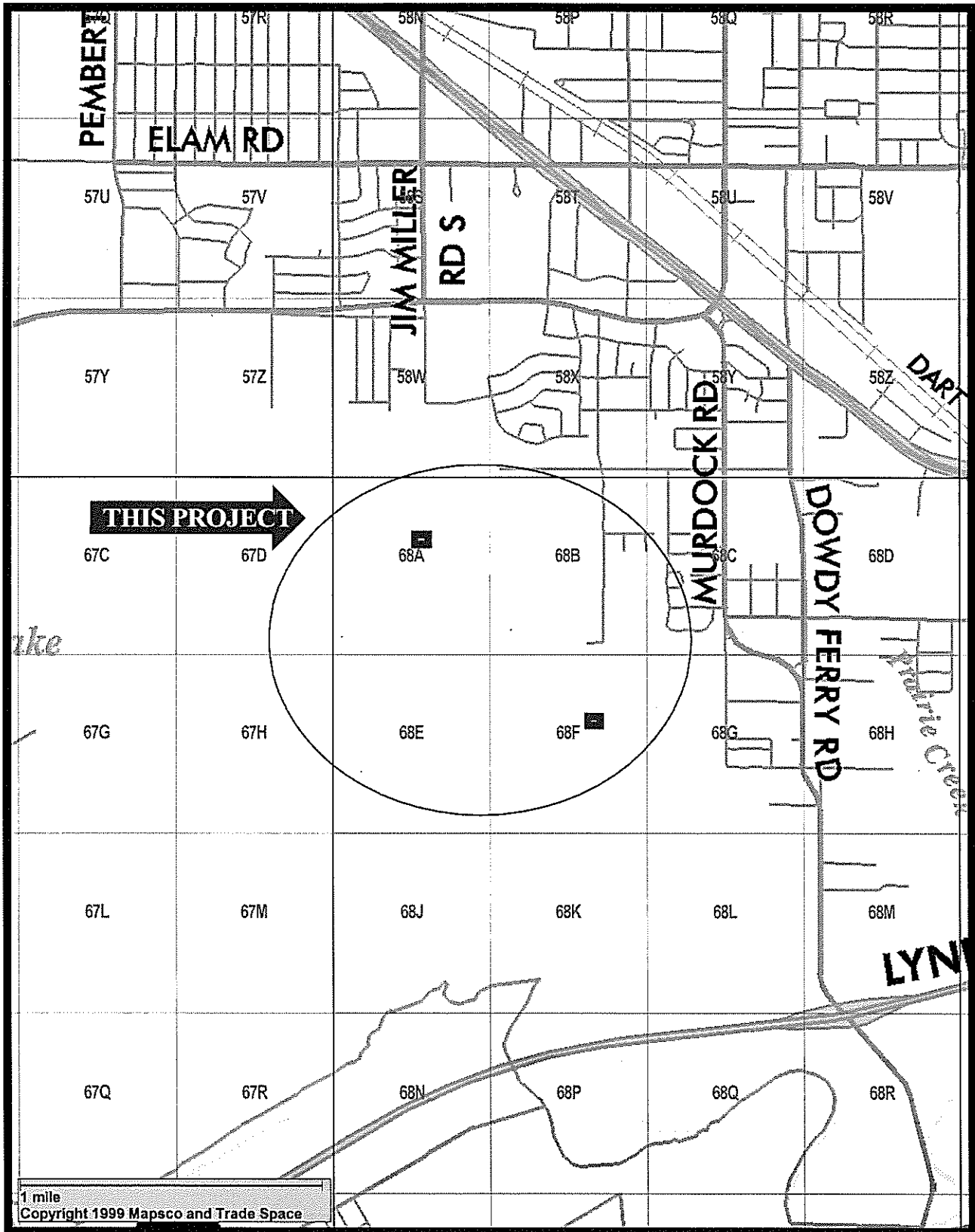
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$13,928.83	37.29%	\$46,851.67	54.26%
Asian American	\$7,238.68	19.38%	\$17,845.76	20.67%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$2,800.00	7.50%	\$8,260.00	9.57%
Total	\$23,967.51	64.17%	\$72,957.43	84.50%

Trinity Trails Phase II-B



Mapsco 68-A, F

January 14, 2015

WHEREAS, on February 27, 2014, Administrative Action No. 14-5849 authorized a professional engineering services contract with Solaray Engineering, Inc. for the engineering design of Trinity Trails Phase II-B; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 1 with Solaray Engineering, Inc. for additional engineering and special services for the Trinity Trails Phase II-B project in an amount not to exceed \$37,349.69, from \$48,989.92 to \$86,339.61.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 with Solaray Engineering, Inc. for additional engineering and special services for the Trinity Trails Phase II-B project in an amount not to exceed \$37,349.69, from \$48,989.92 to \$86,339.61, 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 P877, Act. HIBT	
Obj. 4111, Program #PB12P877, CT #PBW12P877E1	
Vendor #VS0000071399, in an amount not to exceed	\$37,349.69

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 14, 2015

COUNCIL DISTRICT(S): 2, 7, 14

DEPARTMENT: Trinity Watershed Management
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Mark McDaniel, 670-3256

MAPSCO: 45D 45H 46E 46J 46K 46L 46M 47N

SUBJECT

Authorize Supplemental Agreement No. 4 to the contract with Halff Associates, Inc. for design and analysis of drainage relief for Mill Creek, Peaks Branch, and State-Thomas areas, for additional scope of work for design of water and wastewater facilities and right-of-way acquisition support during design of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel - Not to exceed \$1,549,600, from \$14,443,888 to \$15,993,488 - Financing: 2006 Bond Funds (\$1,505,600) and Water Utilities Capital Improvement Funds (\$44,000)

BACKGROUND

The 2006 and 2012 Bond Programs provided funding for design and construction of storm drainage relief improvements for the Mill Creek / Peaks Branch / State-Thomas watersheds. This project is a deep underground storm drainage tunnel that will provide drainage and flooding relief to the lower areas of the Mill Creek watershed (around Baylor Hospital), Peaks Branch watershed (south of Buckner Park), and East Peaks Branch watershed (around Fair Park area). It will also provide drainage relief to the Woodall Rodgers area in the State-Thomas area.

On June 13, 2007, the City Council authorized a professional services contract with Halff Associates, Inc., for the design of drainage relief improvements to reduce flooding in the lower portions of the Mill Creek and Middle Peaks Branch watersheds.

On March 25, 2009, the City Council authorized Supplemental Agreement No. 1 which provides for the design of drainage relief improvements for Mill Creek, Phase II, which extends flooding protection through Fair Park to the Baylor Hospital and Buckner Park areas. Supplemental Agreement No. 1 also authorized a change of alignment of both Mill Creek and Peaks Branch drainage relief systems that provided a deep tunnel that will drain both watersheds into Lower White Rock Creek.

BACKGROUND (Continued)

On January 11, 2012, the City Council authorized Supplemental Agreement No. 2 to provide for engineering design of the deep drainage tunnel extension to the State-Thomas area to reduce flooding in the State-Thomas and Uptown areas.

This action authorizes Supplemental Agreement No. 4 which provides for additional scope of work for design of water and wastewater facilities related to the drainage tunnel and right-of-way acquisition support during design of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel.

Another supplemental agreement is planned to be awarded for engineering design services required during construction including reviews of contractor submittals and RFIs, evaluations of contractor-proposed changes, and preparation of as-built drawings. This supplemental agreement is planned to be awarded with the construction contract, which is expected to be awarded in October 2015.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2007
Complete Design	April 2015
Begin Construction	December 2015
Complete Construction	December 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Halff Associates, Inc., for engineering design on June 13, 2007, by Resolution No. 07-1833.

Briefed the Council on alternate combined drainage tunnel alignment for both Mill Creek and Peaks Branch on August 6, 2008.

Authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc., for additional engineering design on March 25, 2009, by Resolution No. 09-0835.

Briefed the Trinity River Committee on the State-Thomas tunnel extension to the Mill Creek and Peaks Branch drainage relief tunnel on December 6, 2011.

Authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc., for additional engineering design on January 11, 2012, by Resolution No. 12-0136.

FISCAL INFORMATION

2006 Bond Funds - \$1,505,600.00
Water Utilities Capital Improvement Funds - \$44,000

Design	
Original contract	\$ 8,571,100
Supplemental Agreement No. 1	\$ 3,225,500
Supplemental Agreement No. 2	\$ 2,602,200
Supplemental Agreement No. 3	\$ 45,088
Supplemental Agreement No. 4	<u>\$ 1,549,600</u>
Total Design	\$ 15,993,488
Construction	<u>\$260,000,000</u> (est.)
Total Project Cost	\$275,993,488

<u>Council District</u>	<u>Amount</u>
2	\$ 409,900
7	\$ 764,800
14	<u>\$ 374,900</u>
Total	\$ 1,549,600

M/WBE INFORMATION

See attached

ETHNIC COMPOSITION

Half Associates, Inc.

Hispanic Female	15	Hispanic Male	71
African-American Female	5	African-American Male	12
Other Female	7	Other Male	14
White Female	82	White Male	299

OWNER

Half Associates, Inc.

Walter Skipwith, P.E., Chairman
Pat Kunz, P.E., President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the contract with Halff Associates, Inc. for design and analysis of drainage relief for Mill Creek, Peaks Branch, and State-Thomas areas, for additional scope of work for design of water and wastewater facilities and right-of-way acquisition support during design of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel - Not to exceed \$1,549,600, from \$14,443,888 to \$15,993,488 - Financing: 2006 Bond Funds (\$1,505,600) and Water Utilities Capital Improvement Funds (\$44,000)

Halff 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 - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$1,361,400.00	87.85%
Non-local contracts	\$188,200.00	12.15%
TOTAL THIS ACTION	\$1,549,600.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Urban Engineers Group, Inc.	HFDB62721Y0715	\$248,700.00	18.27%
Garcia Land Data, Inc.	HMMB60221N0215	\$4,500.00	0.33%
Paramount Valuation Services, Inc.	WFDB62152Y0615	\$30,000.00	2.20%
Total Minority - Local		\$283,200.00	20.80%

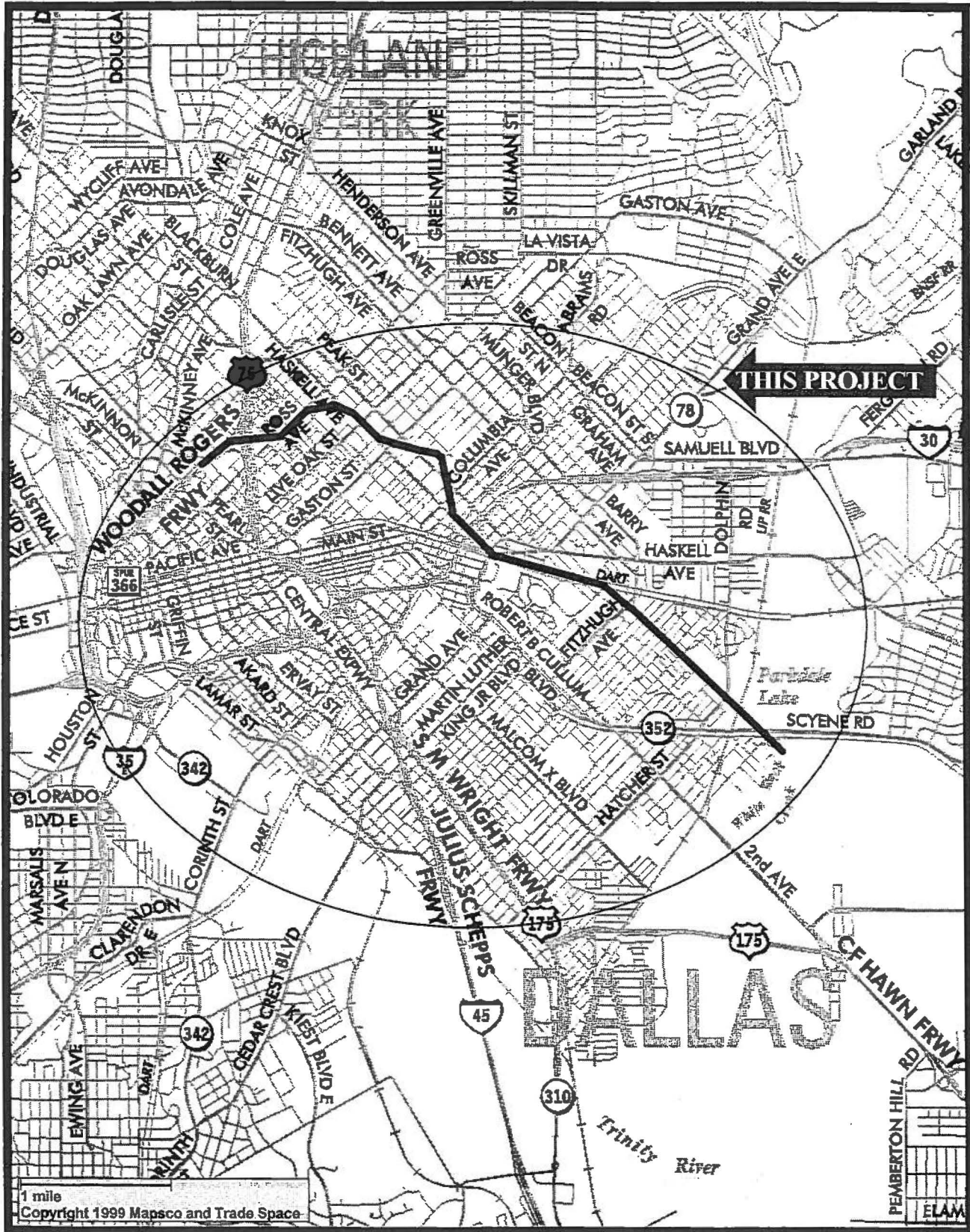
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
DHL Analytical, Inc.	PMMB62115N0615	\$14,500.00	7.70%
G.L. Morris Enterprises, Inc. dba Sunbelt Industrial	WFWB60201Y0215	\$100,000.00	53.13%
Total Minority - Non-local		\$114,500.00	60.84%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$302,000.00	1.89%
Hispanic American	\$253,200.00	16.34%	\$1,673,602.68	10.46%
Asian American	\$14,500.00	0.94%	\$628,220.00	3.93%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$130,000.00	8.39%	\$1,529,600.00	9.56%
Total	<u>\$397,700.00</u>	<u>25.66%</u>	<u>\$4,133,422.68</u>	<u>25.84%</u>

Mill Creek Tunnel



Mapsco 45D, 45H, 46E, 46J, 46K, 46L, 46M, 47N

January 14, 2015

WHEREAS, on June 13, 2007, Resolution No. 07-1833 authorized professional services contracts with four engineering firms, including Halff Associates, Inc., to provide program management and engineering design of major flood management and storm drainage projects; and,

WHEREAS, on March 25, 2009, Resolution No. 09-0835 authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis for drainage relief for Mill Creek Phase I, and Middle Peaks Branch, Phases I and II, for additional scope of work to develop and update master drainage plans for Mill Creek and Middle Peaks Branch, including design of the Mill Creek, Phase II system; and,

WHEREAS, on January 11, 2012, Resolution No. 12-0136 authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. to provide additional scope of work for design and analysis for drainage relief for the State-Thomas area, and for additional survey and right-of-way services for required property acquisition; and,

WHEREAS, on July 25, 2014, Administrative Action No. 14-6555 authorized Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis of water and wastewater main replacements in Carroll Avenue from Junius Street to Victor Street; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 4 to the professional services contract with Halff Associates, Inc. to provide for additional scope of work for design of water and wastewater facilities and right-of-way acquisition support during design of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 4 to the contract with Halff Associates, Inc. for additional scope of work for design of water and wastewater facilities and right-of-way acquisition support during design of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel in an amount not to exceed \$1,549,600, increasing the contract from \$14,443,888 to \$15,993,488, after it has been approved as to form by the City Attorney.

January 14, 2015

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 1T23, Department TWM, Unit T536, Act. SDRS Obj. 4111, Program #PB06T536, CT PBW06T523I1 Vendor #089861, in an amount not to exceed	\$1,505,600.00
Water Utilities Capital Improvement Fund Fund 2115, Department DWU, Unit PW42 Obj. 4111, Program #714075, CT DWU714075CP Vendor #089861, in an amount not to exceed	\$ 31,778.72
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Obj. 4111, Program #714076, CT DWU714076CP Vendor #089861, in an amount not to exceed	<u>\$ 12,221.28</u>
Total	\$1,549,600.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): 2, 3, 4, 5, 6, 8, 9, 10, Outside City Limits

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: Various

SUBJECT

Authorize a contract for Heating, Ventilation and Air Conditioning component replacements and major repairs at 13 Dallas Water Utilities owned facilities - John Cook & Associates, Inc., lowest responsible bidder of two (list attached) - Not to exceed \$2,137,000 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

In FY 2012-2013, a condition assessment was performed on Heating, Ventilation and Air Conditioning (HVAC) systems at all Dallas water and wastewater treatment plants, pump stations and other off-site water and wastewater facilities. All HVAC components were prioritized with a ranking based on condition, age and wear. Dallas Water Utilities (DWU) staff worked with consultants to design the replacement of the Priority One and Priority Two HVAC components. This action consists of the 349 HVAC component replacements as identified in the 2013 HVAC Condition Assessment document.

This action will provide the means to perform component replacements and major repairs at 13 DWU facilities by certified HVAC technicians. The HVAC systems at DWU facilities are generally exposed to more aggressive and corrosive environments due to the chemicals used in some of the treatment processes. With this exposure, HVAC materials break down at a higher rate, which necessitate more frequent repairs and replacements. This project will help DWU eliminate potential outages that could damage process equipment within the various facilities and will prolong the life of process equipment by allowing them to operate under manufacturer recommended conditions. Regularly scheduled HVAC component replacements and repairs will ensure the continued reliable water and wastewater services that are provided to approximately 2.3 million customers in Dallas and its customer cities.

John Cook & Associates, Inc. has had no completed projects with the City of Dallas in the past three years.

ESTIMATED SCHEDULE OF PROJECT

Began Assessment	July 2012
Completed Assessment	November 2012
Began Design	November 2012
Completed Design	June 2014
Begin Construction	February 2015
Complete Construction	July 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Conley Group to provide architectural and engineering services to perform condition assessment of the roof and HVAC systems at the Water Utilities Department's 230 facilities on June 27, 2012, by Resolution No. 12-1668.

Authorized a professional services contract with Half Associates, Inc. to provide **(1)** architectural and engineering services for the design of roof and HVAC systems; and **(2)** a space utilization study for the Trinity Watershed Management Department on March 26, 2014, by Resolution No. 14-0523.

FISCAL INFORMATION

\$2,137,000.00 - Water Utilities Capital Improvement Funds

Assessment	\$1,897,800.00
Design	\$2,583,128.64
Construction (this action)	<u>\$2,137,000.00</u>
Total Project Cost	\$6,617,928.64

<u>Council District</u>	<u>Amount</u>
2	\$ 19,500.00
3	\$ 17,500.00
4	\$ 113,500.00
5	\$ 24,500.00
6	\$ 167,000.00
8	\$ 838,000.00
9	\$ 75,000.00
10	\$ 51,500.00
Outside City Limits	<u>\$ 830,500.00</u>
Total	\$2,137,000.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

John Cook & Associates, Inc.

Hispanic Female	0	Hispanic Male	7
Black Female	0	Black Male	7
Other Female	0	Other Male	0
White Female	4	White Male	16

BID INFORMATION

The following bids with quotes were opened on October 16, 2014:

*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
*John Cook & Associates, Inc. 11705 Seagoville Road Balch Springs, Texas 75180	\$2,137,000.00
Kahn Mechanical Contractors	\$2,415,153.92

OWNER

John Cook & Associates, Inc.

Johnnie F. Cook, President

MAP

Attached

HVAC Replacements and Major Repairs

<u>Council District</u>	<u>Facility Name</u>	<u>Address</u>
2	Cadiz Pump Station	411 Cadiz Street
3	Sorcey Pump Station	7569 Mountain Creek Parkway
4	Cedar Crest Pump Station Central Wastewater Treatment Plant	1850 East Illinois Avenue 1020 Sargent Road
5	Lake June Pump Station	1031 Algonquin Drive
6	Bachman Water Treatment Plant Northwest Service Center	2525 Shorecrest Drive 9805 Harry Hines Boulevard
8	Southside Wastewater Treatment Plant	10011 Log Cabin Road
9	Lake Ray Hubbard	685 Ray Hubbard
10	Abrams Pump Station	9241 Forest Lane
Outside City Limits	Eastside Water Treatment Plant Elm Fork Water Treatment Plant Iron Bridge Pump Station	405 Long Creek Road 1440 Whitlock Lane 4777 County Road 3706

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for Heating, Ventilation and Air Conditioning component replacements and major repairs at 13 Dallas Water Utilities owned facilities - John Cook & Associates, Inc., lowest responsible bidder of two (list attached) - Not to exceed \$2,137,000 - Financing: Water Utilities Capital Improvement Funds

John Cook & 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: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,125,000.00	99.44%
Total non-local contracts	\$12,000.00	0.56%
TOTAL CONTRACT	\$2,137,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

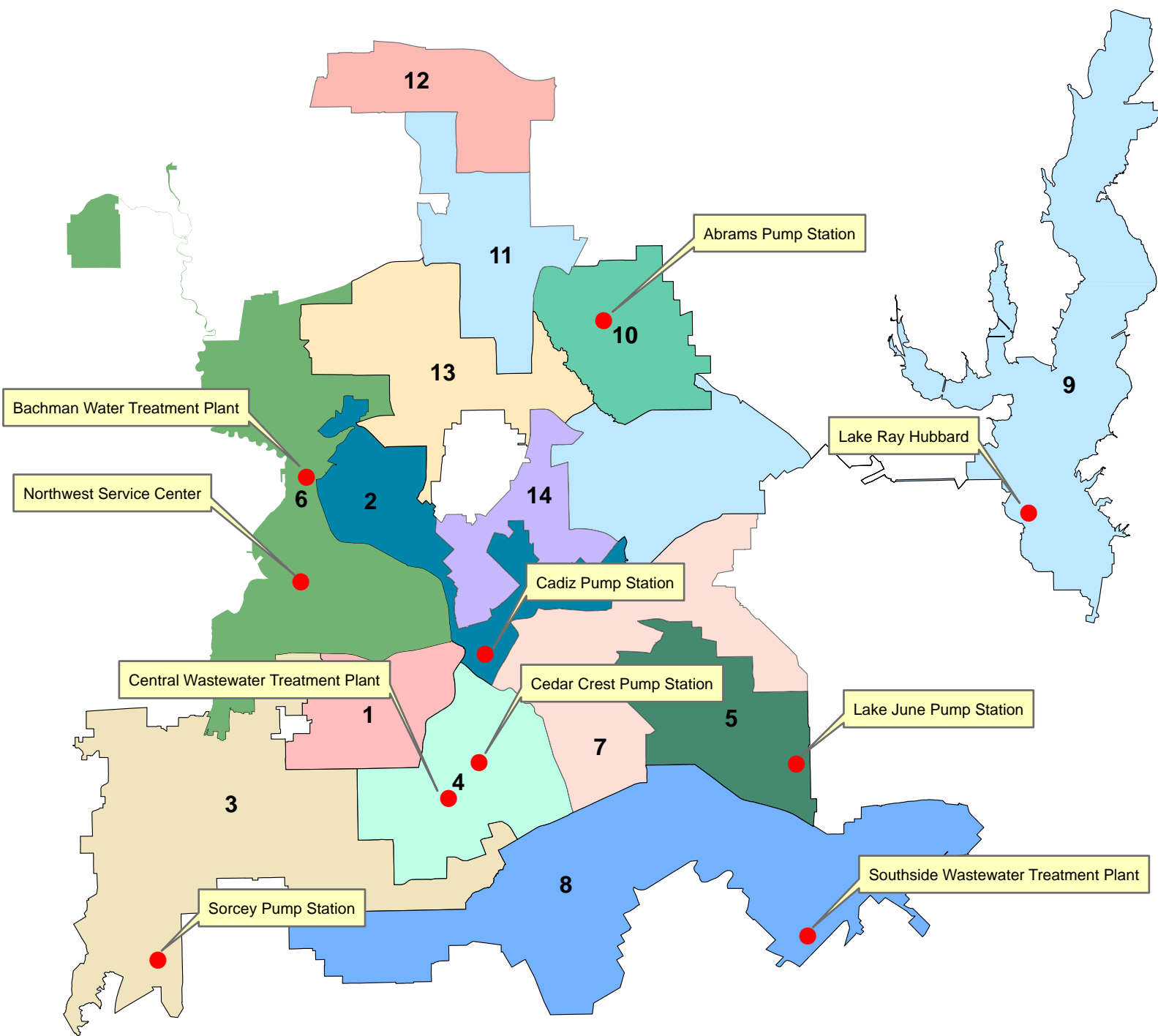
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
AI Wright & Associates, Inc.	BMDB61651Y0515	\$273,509.00	12.87%
Winston Water Cooler, LTD.	WFWB60255N0215	\$340,000.00	16.00%
Total Minority - Local		\$613,509.00	28.87%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$273,509.00	12.87%	\$273,509.00	12.80%
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	\$340,000.00	16.00%	\$340,000.00	15.91%
Total	\$613,509.00	28.87%	\$613,509.00	28.71%



Dallas Water Utilities
Contract No. 14-005/006
HVAC Replacements and Major Repairs

January 14, 2015

WHEREAS, bids were received on October 16, 2014 for Heating, Ventilation and Air Conditioning component replacements and major repairs at 13 Dallas Water Utilities owned facilities, Contract No. 14-005/006, listed as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
John Cook & Associates, Inc.	\$2,137,000.00
Kahn Mechanical Contractors	\$2,415,153.92

WHEREAS, the bid submitted by John Cook & Associates, Inc., 11705 Seagoville Road, Balch Springs, Texas 75180, in the amount of \$2,137,000.00, is the lowest and best of all bids received.

Now, Therefore,

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

Section 1. That the bid submitted by John Cook & Associates, Inc., in the amount of \$2,137,000.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 14-005/006, be accepted.

Section 2. That the City Manager is hereby authorized to execute a contract with John Cook & Associates, Inc., for Heating, Ventilation and Air Conditioning component replacements and major repairs at 13 Dallas Water Utilities owned facilities, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller is hereby authorized to pay the amount of \$2,137,000.00 from the Water Capital Improvement Fund and Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
2115	DWU	PW42	4341	714005	CT-DWU714005CP	196420

John Cook & Associates, Inc. - (Contract No. 14-005) - \$1,186,500.00

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
2116	DWU	PS42	4341	714006	CT-DWU714006CP	196420

John Cook & Associates, Inc. - (Contract No. 14-006) - \$950,500.00

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 14, 2015
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 46R

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jeanne Daniels, of a subsurface easement under approximately 3,699 square feet of land located on Jamaica Street at its intersection with Foreman Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$2,059 (\$359 plus closing costs and title expenses not to exceed \$1,700) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of a subsurface easement located under approximately 3,699 square feet of land from Jeanne Daniels. This property is located on Jamaica Street at its intersection with Foreman Street and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

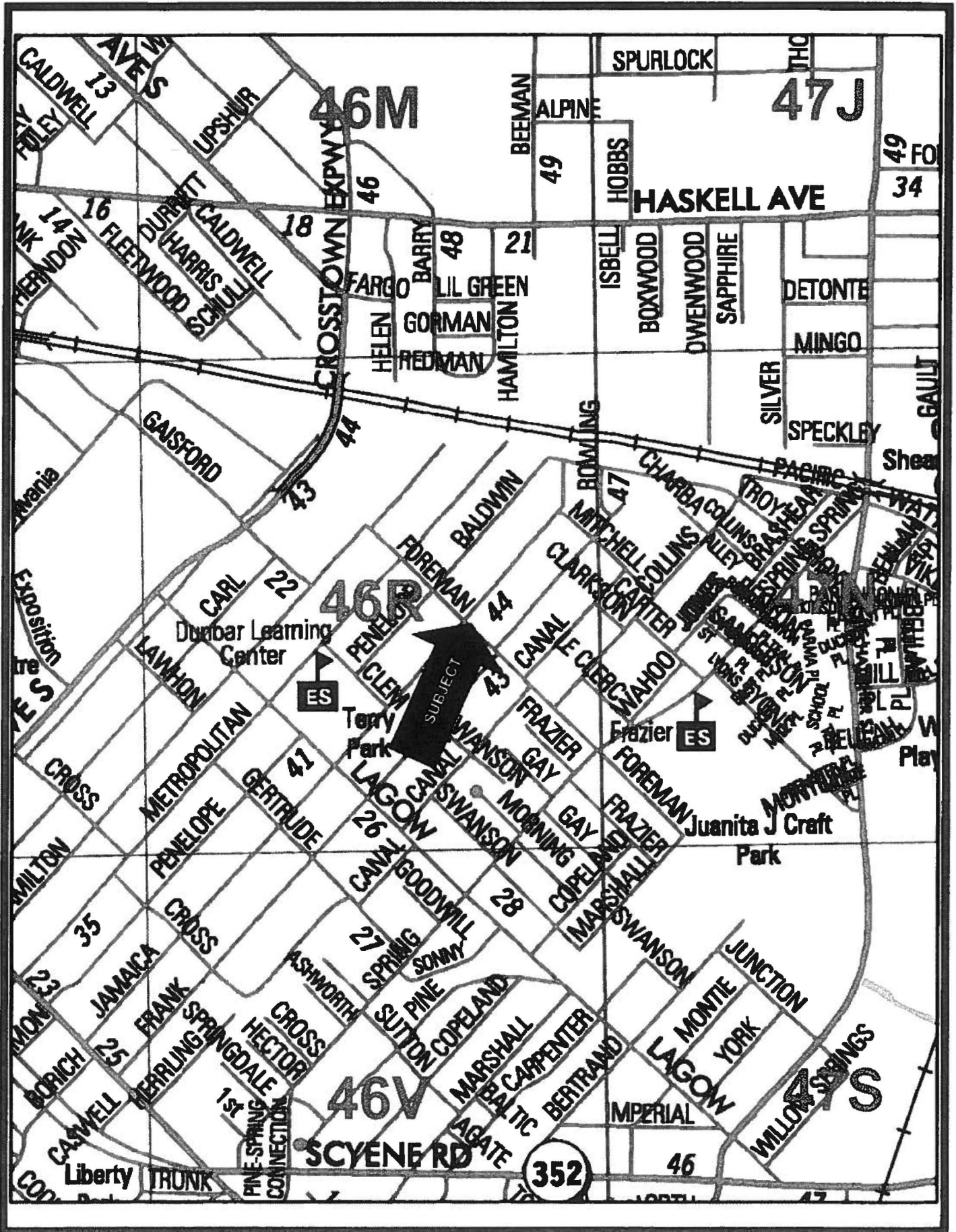
2006 Bond Funds - \$2,059 (\$359 plus closing costs and title expenses not to exceed \$1,700)

OWNER

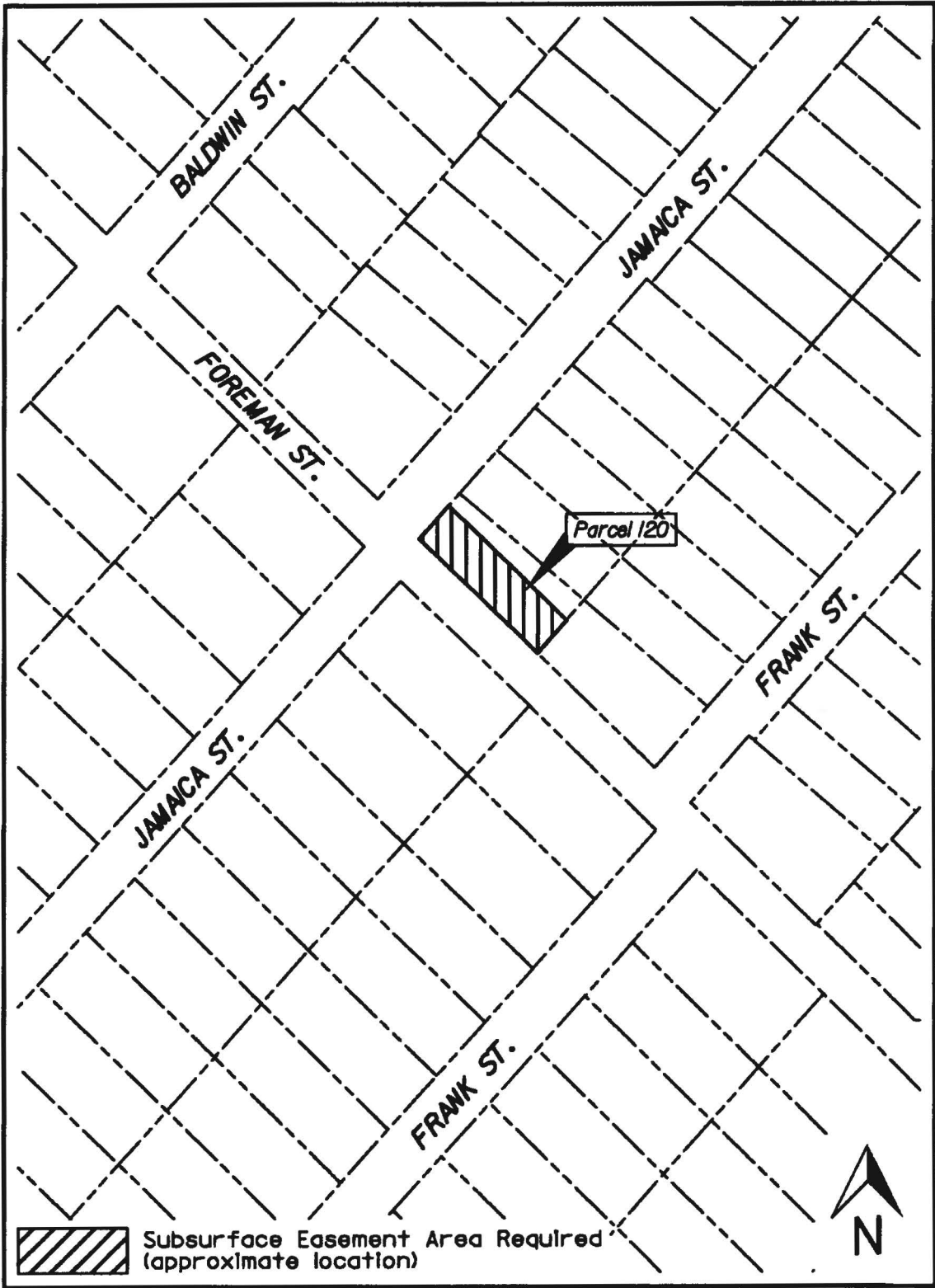
Jeanne Daniels

MAPS

Attached



11.1.10.10



Subsurface Easement Area Required
(approximate location)



January 14, 2015

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Located under approximately 3,699 square feet in area, lying between the subsurface elevations of 181 feet and 360 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Jeanne Daniels, 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.

"OFFER AMOUNT": \$359.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,700.00

"AUTHORIZED AMOUNT": \$2,059.00

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

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

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

January 14, 2015

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525B8, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525B9. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. 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 6. That if the OWNER refuses to accept the OFFER 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 proceeding(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 7. 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 proceedings or suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

January 14, 2015

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for amount not to exceed the OFFER AMOUNT; and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$1,700.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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.

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

BY 

Assistant City Attorney

**SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 120)
BEING A 3,699 SQ. FT. (0.0849 AC.) PART OF
THE JEANNE DANIELS TRACT AND
BEING A PART OF LOT 1, CITY OF DALLAS BLOCK B/2432,
MAGNOLIA PARK,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a 3,699 square foot (0.0849 acre) tract of land situated in the Thomas Lagow Survey, Abstract Number 759, in the City of Dallas, Dallas County, Texas, and being a part of Lot 1 in Block B (B/2432 Official City of Dallas Block Number), Magnolia Park, an addition to the City of Dallas as shown on map or plat thereof recorded in Volume 2, Page 197, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being part of that tract of land described in Quitclaim Deed to Jeanne Daniels, as recorded in Volume 2001008, Page 2934, D.R.D.C.T., said 3,699 square foot tract also being part of the current right-of-way of Jamaica Street (a variable width right-of-way), and being more particularly described as follows (NOTE: Subsurface easement corners are not monumented; coordinates shown herein are state plane grid coordinate values in U.S. Survey Feet; all distances are surface values):

BEGINNING at the northwest corner of said Lot 1, Block B/2432, and being in the current right-of-way of said Jamaica Street (a variable width right-of-way), as described in right-of-way easement to the City of Dallas recorded in Volume 3399, Page 119, D.R.D.C.T., and having coordinates of N=6,969,811.4674 feet, E=2,507,568.4040 feet, from which a found 1/2-inch iron rod (controlling monument) bears North 45 degrees 32 minutes 05 seconds West, a distance of 35.06 feet, and North 41 degrees 00 minutes 16 seconds East, a distance of 80.07 feet, said iron rod being on the intersection of the current northwest right-of-way line of said Jamaica Street as described in right-of-way easement to the City of Dallas as recorded in Volume 3327, Page 469, D.R.D.C.T., and the common line of Lots 2 and 3, Block A (A/2431 Official City of Dallas Block Number), of said Magnolia Park addition, from which the common southerly corner of said Lots 2 and 3, Block A/2431, bears South 49 degrees 04 minutes 12 seconds East, a distance of 5.00 feet;

THENCE North 41 degrees 00 minutes 16 seconds East, with the northwest line of said Lot 1, Block B/2432, over and across the current right-of-way of said Jamaica Street, a distance of 30.89 feet and having coordinates of N=6,969,834.7775 feet, E=2,507,588.6703 feet;

THENCE South 45 degrees 28 minutes 00 seconds East, over and across said Lot 1 and said current right-of-way of Jamaica Street, passing at a distance of 5.01 feet the current southeast right-of-way line of Jamaica Street as described in said right-of-way easement to the City of Dallas, continuing over and across said Lot 1, a total distance of 120.23 feet to the common line of said Lot 1 and Lot 44, Block B/2432, of said Magnolia Park addition and having coordinates of N=6,969,750.4701 feet, E=2,507,674.3621 feet;



FIELD NOTES APPROVED:

JRH 10/15/14

**SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 120)
BEING A 3,699 SQ. FT. (0.0849 AC.) PART OF
THE JEANNE DANIELS TRACT AND
BEING A PART OF LOT 1, CITY OF DALLAS BLOCK B/2432,
MAGNOLIA PARK,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE South 41 degrees 00 minutes 16 seconds West, with said common line, at a distance of 5.93 feet passing the northerly common corner of Lot 44 and Lot 45 of said Magnolia Park addition, continuing with the common line of said Lot 1 and Lot 45, for a total distance of 30.75 feet to the common westerly corner of said Lot 1 and said Lot 45, having coordinates of N=6,969,727.2677 feet, E=2,507,654.1895 feet, and being on the northeast right-of-way line of Foreman Street (a variable width right-of-way);

THENCE North 45 degrees 32 minutes 05 seconds West, departing said common line and with said northeast right-of-way line of Foreman Street and with the southwest line of said Lot 1, Block B/2432, passing at a distance of 115.21 feet the current southeast right-of-way line of said Jamaica Street as described in said Volume 3399, Page 119, continuing with said southwest line and said northeast right-of-way line, over and across said current right-of-way of Jamaica Street, in all, a total distance of 120.22 feet to the POINT OF BEGINNING AND CONTAINING 3,699 square feet or 0.0849 acres of land, more or less, of which 155 square feet, or 0.0035 acres, within the current Foreman Street right-of-way, subject to an easement for street purposes by said Volume 3399, Page 119, D.R.D.C.T., to the City of Dallas, leaving 3,544 square feet or 0.0814 acres of land, more or less.

BASIS OF BEARING: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, U.S. Survey Feet; Surface Adjustment Scale Factor (SF) = 1.0001365060 (TxDOT Dallas Co. SF).

René M. Salinas

10/03/2013

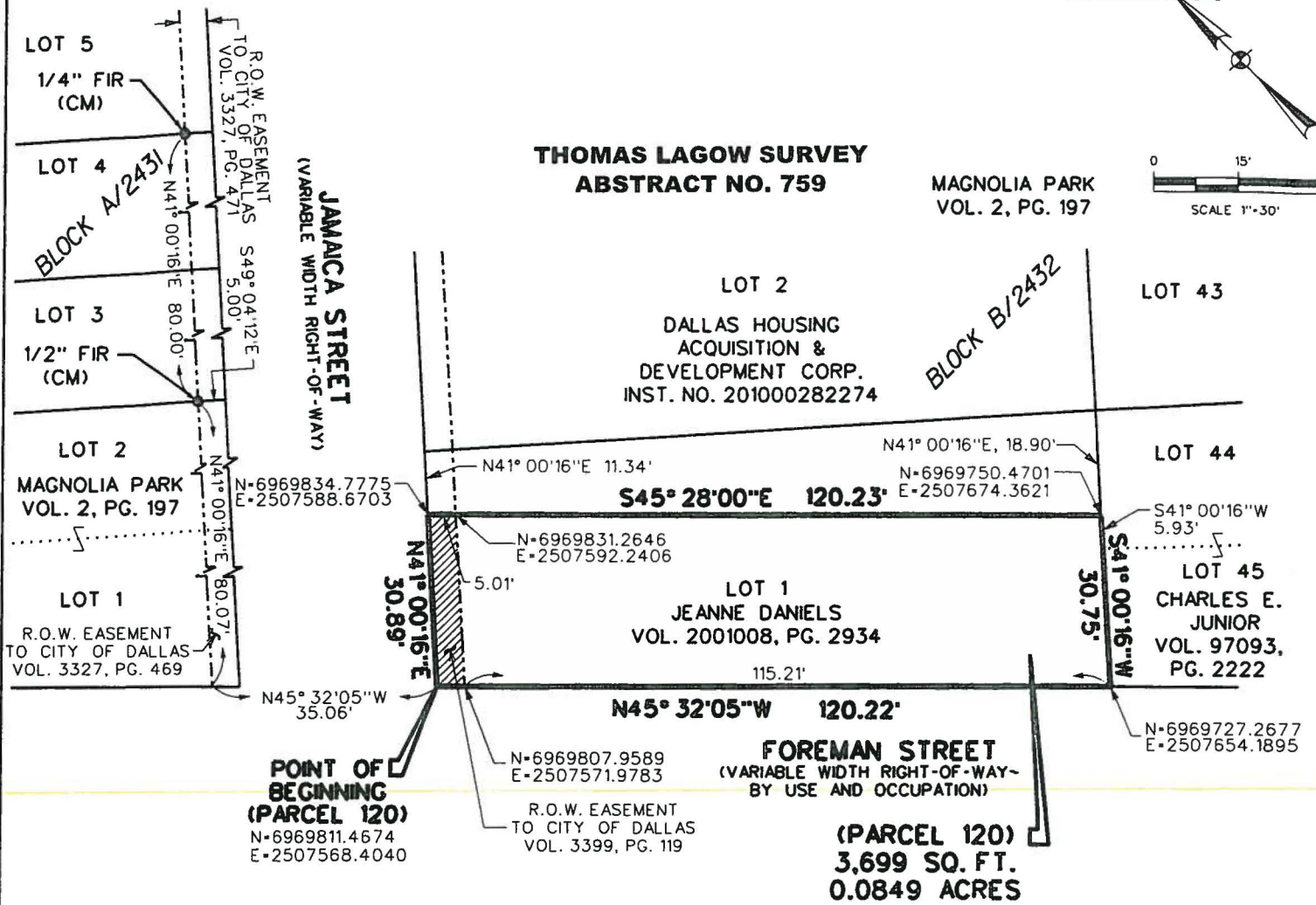


FIELD NOTES APPROVED:
GRH 10/15/14



**THOMAS LAGOW SURVEY
ABSTRACT NO. 759**

MAGNOLIA PARK
VOL. 2, PG. 197



AREA TABLE

SUBJECT TRACT	3,699 SQ. FT. (0.0849 AC.)
LESS ROW ESMT.	155 SQ. FT. (0.0035 AC.)
REMAINING AREA	3,544 SQ. FT. (0.0814 AC.)

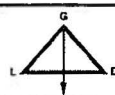
René M. Salinas

4/03/2013

NOTES:

1. BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET; SURFACE ADJUSTMENT SCALE FACTOR (SF) = 1.0001365060 (TXDOT DALLAS CO. SF).
2. COORDINATES SHOWN HEREON ARE STATE PLANE GRID COORDINATE VALUES IN U.S. SURVEY FEET
3. ALL DISTANCES ARE SURFACE VALUES.
4. SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.
5. THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

**SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 120)
BEING A 3,699 SQ. FT. (0.0849 AC.) PART OF
THE JEANNE DANIELS TRACT AND
BEING A PART OF LOT 1, CITY OF DALLAS BLOCK B/2432,
MAGNOLIA PARK,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**



Garcia Land Data, Inc.
T 214-987-0149 6210 Campbell Rd., Ste. 110
F 214-987-4026 Dallas, TX 75248-1388

DATE: 10/10/14
PROJ: 5436
PAGE 3 OF 3

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management

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

MAPSCO: 46R

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Troy A. Jackson and Roderick Tyrone Jackson, of a subsurface easement located under approximately 3,737 square feet of land on Frank Street at its intersection with Foreman Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$1,711 (\$411 plus closing costs and title expenses not to exceed \$1,300) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of a subsurface easement located under approximately 3,737 square feet from Troy A. Jackson and Roderick Tyrone Jackson. This property is located on Frank Street at its intersection with Foreman Street and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

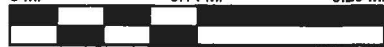
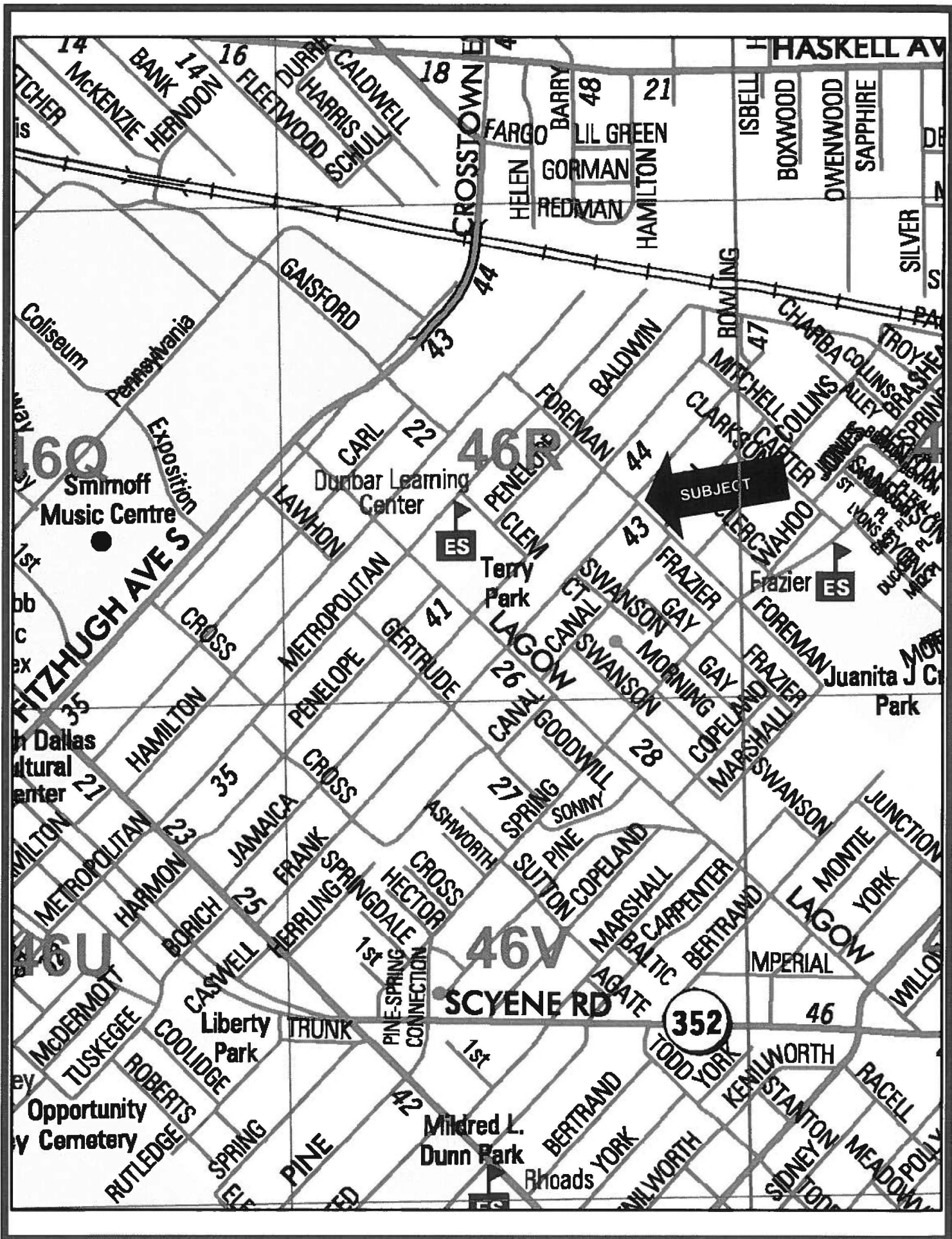
2006 Bond Funds - (\$411 plus closing costs and title expenses not to exceed \$1,300)

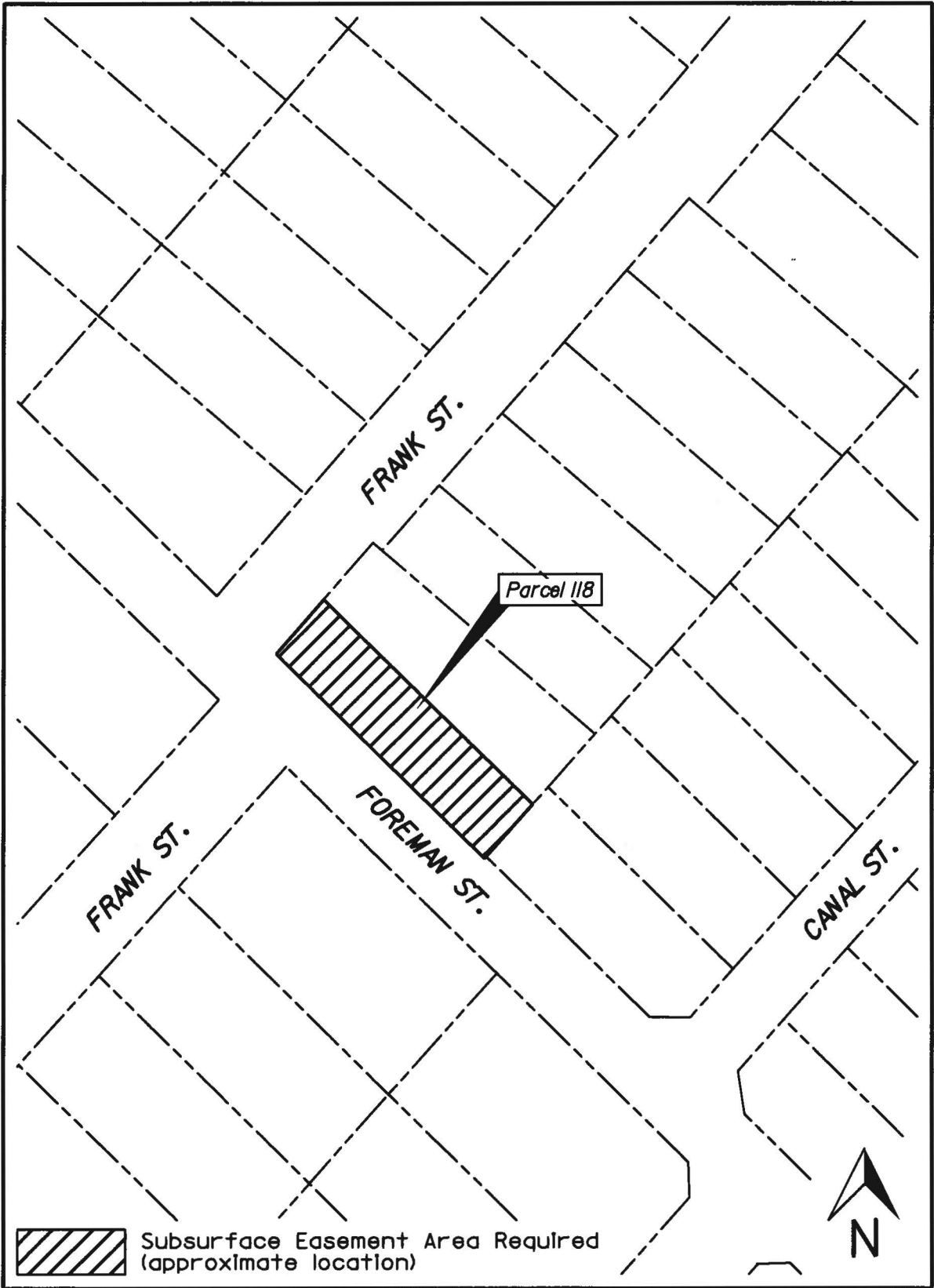
OWNER

Troy A. Jackson
Roderick Tyrone Jackson

MAPS

Attached





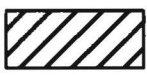
FRANK ST.

Parcel 118

FOREMAN ST.

FRANK ST.

CANAL ST.



Subsurface Easement Area Required (approximate location)



January 14, 2015

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Located under approximately 3,737 square feet in area, lying between the subsurface elevations of 181 feet and 360 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Troy A. Jackson and Roderick Tyrone Jackson, 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.

"OFFER AMOUNT": \$411.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,300.00

"AUTHORIZED AMOUNT": \$1,711.00

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

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

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

January 14, 2015

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525B4, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525B5. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. 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 6. That if the OWNER refuses to accept the OFFER 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 proceeding(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 7. 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 proceedings or suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

January 14, 2015

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for amount not to exceed the OFFER AMOUNT; and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$1,300.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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.

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

BY 

Assistant City Attorney

**SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 118)
BEING A 3,737 SQ. FT. (0.0858 AC.) PART OF THE
BILLY MCKENZIE AND TROY MCKENZIE TRACT
AND BEING PARTS OF LOT 1 AND LOT 2,
CITY OF DALLAS BLOCK D/2434, MAGNOLIA PARK,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a 3,737 square foot (0.0858 acre) tract of land situated in the Thomas Lagow Survey, Abstract Number 759, in the City of Dallas, Dallas County, Texas, and being parts of Lots 1 and 2 in Block D (D/2434 Official City of Dallas Block Number), Magnolia Park, an addition to the City of Dallas as shown on map or plat thereof recorded in Volume 2, Page 197, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being part of that tract of land described in Special Warranty Deed to Billy McKenzie, as recorded in Volume 2005131, Page 3888, of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said tract also being part of that tract of land described in Special Warranty Deed to Troy McKenzie, as recorded in Volume 2005185, Page 5130, O.P.R.D.C.T., and being more particularly described as follows (NOTE: Subsurface easement corners are not monumented; coordinates shown herein are state plane grid coordinate values in U.S. Survey Feet; all distances are surface values):

BEGINNING at the intersection of the southeast right-of-way line of Frank Street (a variable width right-of-way) and the northeast right-of-way line of Foreman Street (a variable width right-of-way) and on the southwest corner of said Lot 1, Block D/2434, having coordinates of N=6,969,622.0186 feet, E=2,507,761.4216 feet;

THENCE North 41 degrees 00 minutes 16 seconds East, with said southeast right-of-way line of Frank Street and the northwest line of said Lot 1, Block D/2434, at a distance of 29.37 feet passing the common north corner of said Lot 1 and Lot 2, Block D/2434, of Magnolia Park, continuing with said southeast right-of-way line of Frank Street and the northwest line of said Lot 2, Block D/2434, a total distance of 30.57 feet to coordinates of N=6,969,645.0862 feet, E=2,507,781.4771 feet;

THENCE South 45 degrees 28 minutes 00 seconds East, departing said southeast right-of-way line of Frank Street and said northwest line, over and across said Lot 2, at a distance of 37.42 feet passing the common line between said Lot 2 and said Lot 1, continuing over and across said Lot 1, for a total distance of 122.93 feet to the common line of said Lot 1, Block D/2434, and Lot 1 in Block 1 (1/2412 Official City of Dallas Block Number) of P. L. Dickerman's Addition No. Two, an addition to the City of Dallas as shown on map or plat thereof recorded in Volume 3, Page 475, D.R.D.C.T., and having coordinates of N=6,969,558.8827 feet, E=2,507,869.0961 feet, from which the common southerly corner of said Lot 2 and said Lot 1, Block D/2434, bears North 41 degrees 40 minutes 20 seconds East, a distance of 2.74 feet;



FIELD NOTES APPROVED:


DEAR 7/17/13

**SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 118)
BEING A 3,737 SQ. FT. (0.0858 AC.) PART OF THE
BILLY MCKENZIE AND TROY MCKENZIE TRACT
AND BEING PARTS OF LOT 1 AND LOT 2,
CITY OF DALLAS BLOCK D/2434, MAGNOLIA PARK,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE South 41 degrees 40 minutes 20 seconds West, with said common line, a distance of 30.41 feet to a found 1/2 inch iron rod (controlling monument) at the common corner of said Lot 1, Block D/2434, and said Lot 1, Block 1/2412, on the aforementioned northeast right-of-way line of Foreman Street, having coordinates of N=6,969,536.1740 feet, E=2,507,848.8831 feet;

THENCE North 45 degrees 32 minutes 05 seconds West, departing said common line and with said northeast right-of-way line, a distance of 122.57 feet to the POINT OF BEGINNING AND CONTAINING 3,737 square feet or 0.0858 acres of land, more or less.

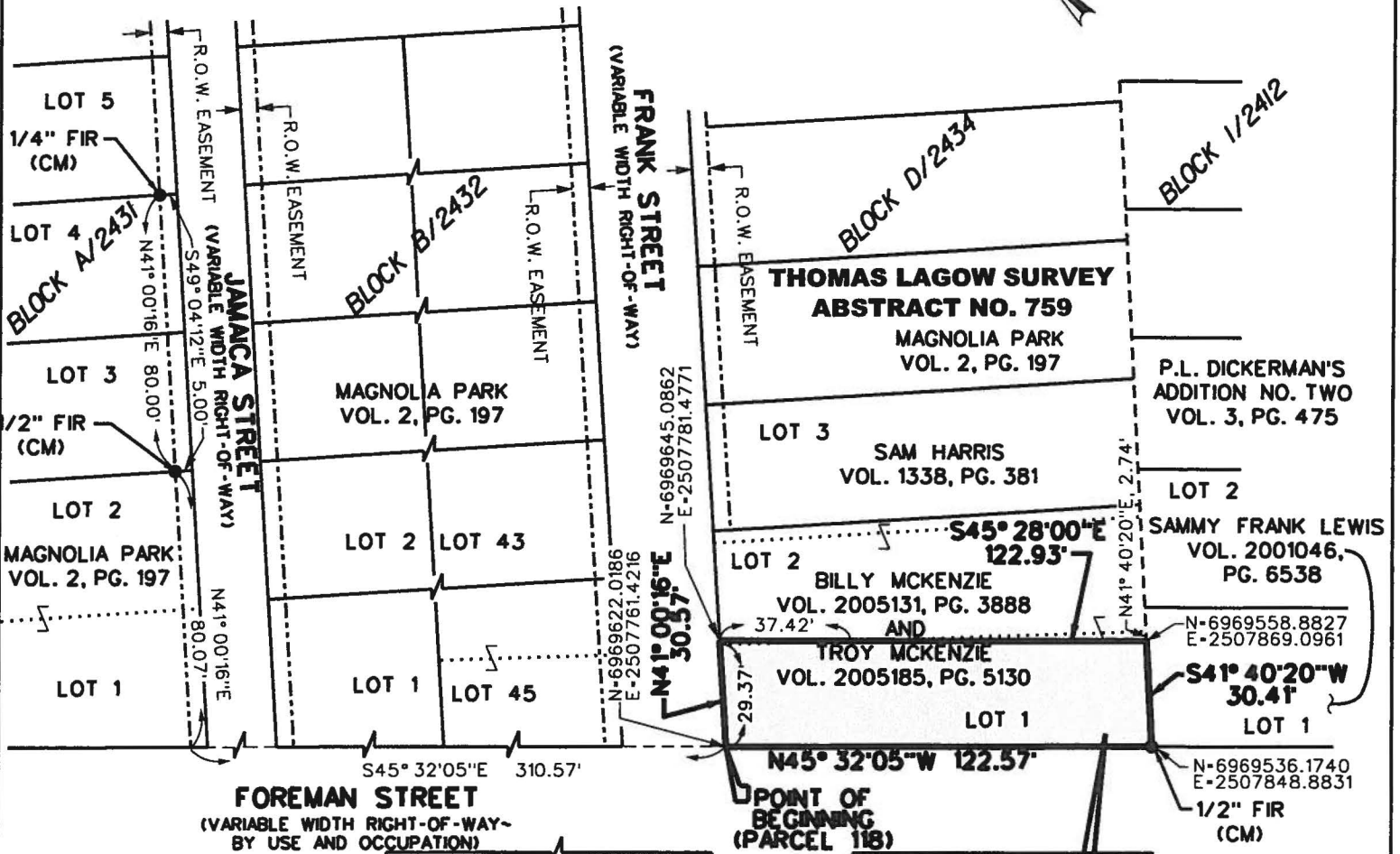
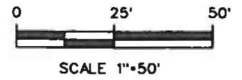
BASIS OF BEARING: Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983, U.S. Survey Feet; Surface Adjustment Scale Factor (SF) = 1.0001365060 (TxDOT Dallas Co. SF).

René M. Salinas

A/03/2013



FIELD NOTES APPROVED:

7/11/13



POINT OF BEGINNING (PARCEL 118)
(PARCEL 118)
3,737 SQ. FT.
0.0858 ACRES

René M. Salinas
 STATE OF TEXAS
 REGISTERED
 RENE M. SALINAS
 6093
 PROFESSIONAL
 LAND SURVEYOR
A/03/2013

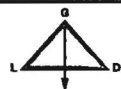
- LEGEND:
- FIP FOUND IRON PIPE
 - FIRC FOUND IRON ROD W/CAP
 - FIR FOUND IRON ROD
 - SIR SET IRON ROD W/ YELLOW "GLD" CAP
 - MON. MONUMENT
 - (CM) CONTROLLING MONUMENT



FIELD NOTES APPROVED:
DER 7/7/13

- NOTES:
1. BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET; SURFACE ADJUSTMENT SCALE FACTOR (SF) = 1.0001365060 (TXDOT DALLAS CO. SF).
 2. COORDINATES SHOWN HEREON ARE STATE PLANE GRID COORDINATE VALUES IN U.S. SURVEY FEET
 3. ALL DISTANCES ARE SURFACE VALUES.
 4. SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.
 5. THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 118)
BEING A 3,584 SQ. FT. (0.0823 AC.)
PART OF THE BILLY MCKENZIE AND TROY MCKENZIE TRACT
AND BEING PARTS OF LOT 1 AND LOT 2,
CITY OF DALLAS BLOCK D/2434, MAGNOLIA PARK,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS



Garcia Land Data, Inc.
 T 214-987-0149 6210 Campbell Rd., Ste. 110
 F 214-987-4026 Dallas, TX 75248-1388

DATE: 07/08/13
 PROJ: 5436
 PAGE 3 OF 3

AGENDA ITEM # 26

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45 R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an expansion to Subdistrict 2 onto property zoned Subdistrict 6 within Planned Development District No. 317, the Cedars Area Special Purpose District at the north corner of South Harwood Street and Beaumont Street
Recommendation of Staff and CPC: Approval, subject to conditions Z134-336(OTH)

FILE NUMBER: Z134-336(OTH)

DATE FILED: September 8, 2014

LOCATION: North corner of South Harwood Street and Beaumont Street

COUNCIL DISTRICT: 2

MAPSCO: 45-R

SIZE OF REQUEST: ± 0.56 acres

CENSUS TRACT: 204.00

OWNER: ENB/JKO Ventures LLC

APPLICANT: Jarrett Ouellette

REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application granting an expansion to Subdistrict 2 onto property zoned Subdistrict 6 within Planned Development District No. 317, the Cedars Area Special Purpose District.

SUMMARY: The applicant is requesting to change the zoning of the property to Subdistrict 2 – Moderate Density Mixed Use Corridors within Planned Development District No. 317. The existing zoning of the property, Subdistrict 6 – Old City Park Institutional does not allow for residential uses. The applicant proposes to convert the existing structure to office and residential uses. The warehouses will be demolished and a new structure will be built with surface parking. Prior to the approval of Planned Development District No. 317, the property was zoned HC Heavy Commercial District which allowed residential uses.

CPC RECOMMENDATION: Approval, subject to conditions.

STAFF RECOMMENDATION: Approval, subject to conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* –The proposed use will not have an adverse impact on the surrounding area. The rezoning of this subdistrict will provide land use continuity along Cesar Chavez Boulevard. By allowing the property to develop as a Mixed Use, we will be encouraging the desired mixed uses in Dallas Downtown and surrounding areas.
2. *Traffic impact* – The existing street system can accommodate the subdistrict expansion.
3. *Comprehensive Plan or Area Plan Conformance* – The request is consistent with the forwardDallas! Comprehensive Plan and the Cedars Area Plan.

BACKGROUND INFORMATION:

In July, 1989 Planned Development District No. 317 was adopted which established 7 Subdistricts. The Subdistricts consist of Subdistrict 1 (Moderate Density Residential), Subdistrict 2 (Moderate Density Mixed Use Corridors), Subdistrict 3 (Freeway-oriented High Density Mixed Use, Subdistrict 3A (Transit-oriented High Density Mixed Use, Subdistrict 4 (Warehouse/Residential Transition), Subdistrict 5 (Industrial), and Subdistrict 6 (Old City Park Institutional). The request site was rezoned into Subdistrict 6, which prohibited residential and mixed uses. For reference, this report includes two Subdistricts maps.

Zoning History: There have not been any recent zoning changes in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
South Harwood Street	Minor arterial	80 Feet
Beaumont Street	Local	50 Feet
South Pearl Expressway	Expressway	Variable

Surrounding Land Use:

	Zoning	Land Use
Site	R-7.5(A)	Vacant

North	R-7.5(A)	Printing shop, warehouse
East	R-7.5(A)	Freeway
South	R-7.5(A)	Warehouse
West	R-7.5(A)	Warehouse

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 property is located in what appears to be the Urban Mixed-Use Building Block.

The Vision Illustration depicts the request site as within the Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

The proposed zoning change will allow the development of the property as a mixed uses, which is in compliance with the Urban Mixed-Use Building Block.

Area Plan:

The subject site was designated as Moderate Density Mixed-use Corridor in The Cedars Area Plan, January 2002. The study envisions the demand for residential and general redevelopment in the Cedars to displace warehouse and heavy commercial and industrial businesses. The proposed subdistrict complies with the purpose of the Cedars Area Plan.

Land Use Compatibility:

The purpose of Subdistrict 6-The Old City Park Institutional is to encourage the preservation of open space and the development of compatible institutional, residential, and retail land uses; and to protect the city institution of Old City Park. Subdistrict 6 does not allow residential uses or any type of mixed uses.

The main purposes of Subdistrict 2-Moderate Density Mixed Use Corridors are: (1) to encourage the development of moderate-density office, lodging, retail, and residential uses in compatible combinations along the main street corridors that serve the Cedars Area Special Purpose District; (2) to encourage development that supports increased pedestrian and bicycle use; and (3) to encourage the preservation of structures with historic value. Subdistrict 6 allows for preservation of open space, institutional, some retail uses and Old City Park. The property is located across from South Harwood Street, from where the majority of Subdistrict 6 is located. Rezoning of the subject site allows more compatible mixed uses near Downtown and the vicinity.

Development Standards:

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Proposed							
Subdistrict 2	No min.	None required 10 feet if provided	No maximum	* 90 or 54 feet	80%	Yes	Moderate density, office, lodging, retail and residential
Existing							
Subdistrict 6	15	None or 10 feet	No maximum	70 feet	No minimum	Yes	Preservation of open space, institutional, retail and Old City Park

*Consult PD No. 317

Traffic:

The Engineering Section 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.

Parking:

Except as provided in Sec. 51P-317.111(b)(5) of PD No. 317, the off-street parking and loading must be provided in accordance with Divisions 51A-4.200 for the specific off-street parking and loading requirements for each use.

Z134-336(OTH)

Landscaping:

Landscaping must be provided in accordance with Planned Development District No. 317, Subdistrict 2.

CPC ACTION – November 20, 2014

Motion: It was moved to recommend **approval** of an expansion of Subdistrict 2, subject to conditions onto property zoned Subdistrict 6 within Planned Development District No. 317, the Cedars Area Special Purpose District at the north corner of South Harwood Street and Beaumont Street.

Maker: Bagley
Second: Shidid
Result: Carried: 15 to 0

For: 15 - Anglin, Emmons, Rodgers, Culbreath, Shidid,
Anantasomboon, Bagley, Lavallaisaa, Tarpley,
Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 38
Replies: For: 2 Against: 1

Speakers: None

Existing PD Conditions
(Subdistrict 2, page 20; Subdistrict 6, page 49)

ARTICLE 317.

PD 317.

Cedars Area Special Purpose District

SEC. 51P-317.101. LEGISLATIVE HISTORY.

PD 317 was established by Ordinance No. 20395, passed by the Dallas City Council on July 26, 1989. Ordinance No. 20395 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20395 was amended by Ordinance No. 20822, passed by the Dallas City Council on November 28, 1990; Ordinance No. 22003, passed by the Dallas City Council on March 23, 1994; Ordinance No. 23144, passed by the Dallas City Council on May 28, 1997; Ordinance No. 23379, passed by the Dallas City Council on December 10, 1997; Ordinance No. 23470, passed by the Dallas City Council on March 25, 1998; Ordinance No. 23921, passed by the Dallas City Council on June 23, 1999; Ordinance No. 24014, passed by the Dallas City Council on September 8, 1999; Ordinance No. 24017, passed by the Dallas City Council on September 8, 1999; Ordinance No. 24124, passed by the Dallas City Council on December 8, 1999; Ordinance No. 24430, passed by the Dallas City Council on October 25, 2000; and Ordinance No. 24503, passed by the Dallas City Council on January 24, 2001. (Ord. Nos. 10962; 19455; 20395; 20822; 22003; 23144; 23379; 23470; 23921; 24014; 24017; 24124; 24430; 24503; 24826)

SEC. 51P-317.102. PROPERTY LOCATION AND SIZE.

PD 317 is established on property generally bounded by Interstate Highway 30 on the north, Interstate Highway 45 on the east, the G.C. & S.F. Railroad right-of-way on the south, and the M.K. & T. Railroad right-of-way on the west. The size of PD 317 is approximately 580.328 acres. (Ord. Nos. 20395; 24826)

SEC. 51P-317.103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless the context clearly indicates otherwise, in this article:
- (1) AREA means one of the areas referred to in Section 51P-317.105 of this article.
 - (2) DIR means development impact review pursuant to Division 51A-4.800.

Z134-336(OTH)

(2.1) ENHANCED PEDESTRIAN AMENITIES means improvements located in the enhanced pedestrian amenities area that are designed to encourage pedestrian traffic, and that meet all of the standards set forth in Section 51P-317.112.1(c).

(2.2) ENHANCED PEDESTRIAN AMENITIES AREA means an area used by pedestrians adjacent to a street, and that meets all of the standards set forth in Section 51P-317.112.1(c).

(3) LARGE TREE means a tree of a species which normally reaches a height of 30 feet or more upon maturity.

(4) OWNER means the owner or owners, from time to time, of property in this district.

(5) PARAGRAPH means the first division of a subsection. Paragraphs are designated by arabic numerals in parentheses, e.g. "(1)."

(6) PARKWAY means that portion of the street right-of-way located between the street curb and the front lot line.

(7) PROJECTED STREET CURB means the future location of the street curb consistent with the city's thoroughfare plan, as determined by the director of public works and transportation.

(8) RAR means residential adjacency review pursuant to Division 51A-4.800.

(8.1) RECYCLABLE MATERIALS means clothing, aluminum cans, steel cans, glass, paper, plastics, and household and industrial metals.

(9) SECTION means a section of this article.

(10) SUBPARAGRAPH means the first division of a paragraph. Subparagraphs are designated by capital letters in parentheses, e.g. "(A)."

(11) SUBSECTION means the first division of a section. Subsections are designated by lower case letters in parentheses, e.g. "(a)."

(12) SUP means specific use permit.

(13) THIS DISTRICT means the entire planned development district created by Ordinance No. 20395, as amended.

(b) Unless otherwise stated, the definitions contained in Chapter 51A apply to this article. In the event of a conflict, this article controls.

(c) Unless otherwise stated, all references to code divisions or sections in this article refer to divisions or sections in Chapter 51A.

(d) The provisions of Section 51A-4.702, "Planned Development (PD) District Regulations," relating to site plans, conceptual plans, and development plans do not apply to this district.

(e) Section 51A-2.101, "Interpretations," applies to this article.

(f) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only.

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800.)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. (RAR means residential adjacency review. For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(g) For purposes of determining the applicability of regulations in this article and in Chapter 51A triggered by adjacency or proximity to another zoning district, and for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800:

(1) this district and each subdistrict within this district except Subdistrict 1 is considered to be a "nonresidential zoning district"; and

(2) Subdistrict 1 is considered to be a residential district. (Ord. Nos. 20395; 24826; 24872; 25160; 29197)

SEC. 51P-317.103.1.

EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 317A: property descriptions of the district and subdistricts.

(2) Exhibit 317B: subdistrict map.

(3) Exhibit 317C: site and landscape plan for the shelter property in Subdistrict 3.

(4) Exhibit 317D: land use and development standards chart. (Ord. 29197)

SEC. 51P-317.104. ZONING CLASSIFICATION CHANGE AND DISTRICT IDENTIFICATION.

Chapters 51 and 51A are amended by changing the zoning classification on the property described in Exhibit A of Ordinance No. 20395 to Planned Development District No. 317, to be known as the Cedars Area Special Purpose District. (Ord. Nos. 20395; 24826)

SEC. 51P-317.105. CREATION OF SEPARATE SUBDISTRICTS.

This district is divided into nine subdistricts: 1, 2, 2A, 3, 3A, 4,A, 5, and 6. The boundaries of all subdistricts are verbally described in Exhibit 317A. A map showing the boundaries of the subdistricts is labeled Exhibit 317B. In the event of a conflict, the verbal descriptions in Exhibit 317A control over the graphic description in Exhibit 317B. (Ord. Nos. 24503; 24826; 24872; 25160; 27194; 27402; 29197)

SEC. 51P-317.106. PRESERVATION INCENTIVES.

(a) The provisions of Section 51A-4.501 relating to the transfer of development rights, the transfer process, and the historic landmark tax freeze apply to buildings in this district except as those provisions may be expressly modified in this article. (Note: The term “development rights” is defined in Section 51A-4.501.) If Section 51A-4.501 is amended in the future, such amendments shall apply in this district to the extent that they do not conflict with this article. In the event of a conflict, this article controls.

(b) Development rights in a building may be transferred if:

(1) the building is a designated historic landmark in this district;

(2) the building is a contributing structure listed in the National Register of Historic Places; and

(3) the building has been restored within the past five years, and the total value of the building improvements exceeds 50 percent of the assessed value of the structure immediately prior to the restoration.

(c) Development rights may only be transferred to building sites in Subdistricts 2, 2A, 3, and 3A.

(d) The ability to transfer development rights does not authorize a setback violation on the building site to which the rights are transferred. The maximum floor area

ratio of a building site may be increased by no more than 20 percent through the transfer of development rights, and the maximum structure height may not be increased. (Ord. Nos. 20395; 24826; 25160; 27402)

SEC. 51P-317.107. ADDITIONAL PROVISIONS.

The "additional provisions" in Division 51A-4.200 apply to all uses in this district. In addition, the following "additional provision" supplements and is cumulative of the "additional provisions" in that division applicable to the "Commercial radio or television transmitting station" use: A structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum must not be visible from the street. (Ord. Nos. 20395; 24826)

SEC. 51P-317.108. UTILITY OR GOVERNMENT SERVICE CENTER.

(a) Definition. UTILITY OR GOVERNMENT SERVICE CENTER means a public or private facility for the storage of supplies, and the repair and maintenance of operational equipment.

(b) Required off-street parking. The off-street parking requirement for a utility or government service center is one space per 2,000 square feet of site area; a minimum of four spaces is required.

(c) Required off-street loading. The off-street loading requirement for a utility or government service center is as follows:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(d) Additional provisions. The following additional provisions apply to a utility or government service center:

(1) The outside storage portion of this use must be screened by a solid visual screen of at least nine feet in height.

(2) Outside storage may not be stacked higher than nine feet.

(3) Paragraphs (1) and (2) and the area restrictions in Section 51A-4.217 do not apply to the outside storage of vehicles. (Ord. Nos. 20395; 24826)

SEC. 51P-317.109. GROUP HOME OR SHELTER PERMITTED, SUBJECT TO RESTRICTIONS, IN SUBDISTRICT 3.

(a) Subject to the restrictions in Subsection (c), a group home or shelter for indigent or abused persons is permitted on the property described in Subsection (b) ("the Shelter Property").

(b) The Shelter Property is described as follows, to wit:
Being a tract of land located in Block 439, Official City Number, in the City of Dallas, Texas, being part of the John Neely Bryan Survey, Abstract 495, Dallas County, Texas, being the property conveyed to Pure Ice and Cold Storage Company by deeds recorded in Volume 65692, Page 264, Volume 65693, Page 16, and Volume 65777, Page 404 of the Deed Records of Dallas County, Texas, and being described more particularly as follows:

BEGINNING at the intersection of the southwest line of Griffin Street with the southeast line, as widened, of Cadiz Street, said beginning point being the east corner of the strip of land conveyed to the City of Dallas for widening Cadiz Street described in Volume 17, Page 311 of the Minutes of County Court No. 2 of Dallas County;

Thence S 43°18' E along the southwest line of Griffin Street, a distance of 391.29 feet to a point at the east corner of said tract described in Volume 65717, Page 404;

Thence S 44°55'40" W along the southeast line of said tract, a distance of 91.87 feet to a point for corner on the northeasterly line of the 50.0 foot wide Gulf, Colorado & Santa Fe Railroad Right-of-Way;

Thence N 56°27' W along said Railroad Right-of-Way line, a distance of 399.94 feet to a point for corner on the southeast line of Cadiz Street at the south corner of said City of Dallas tract;

Thence N 45°14' E along the southeast line of Cadiz Street, a distance of 182.87 feet to the PLACE OF BEGINNING; and containing 53,776 square feet of land.

(c) The following restrictions apply to the group home or shelter use authorized under Subsection (a):

(1) Development on the Shelter Property must comply with the site and landscape plan (Exhibit 317C).

(2) The maximum number of overnight guests permitted on the Shelter Property is 500. Single-bed sleeping quarters must have a minimum usable floor area of 125 square feet. Sleeping quarters containing two or more beds must have a minimum usable floor area that is equal to or greater than 60 square feet times the number of beds in the room. This paragraph does not apply during extreme weather conditions. For purposes of this paragraph, the term "bed" means a piece of furniture, mat, cushion, or other device on or in which a person may lie and sleep; and the term "extreme weather conditions" means any day during which at any time the wind chill factor is 32 degrees Fahrenheit or less.

(3) No less than seven professionally-trained security guards must be on duty to secure the building and ground at all times.

(4) Ingress and egress to and from the facility through its main entrance is prohibited between the hours of 10:00 p.m. and 5:30 a.m. each day, and at least one professionally-trained security guard must be stationed at any other entrance to the facility used for ingress or egress during this time period.

(5) Required off-street parking is one space per 3,000 square feet of residential area, plus one space per 500 square feet of office area. If more than 10 off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(6) Required off-street loading must be provided as follows:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(7) Landscaping must be provided on the Shelter Property as shown on the site and landscape plan. All landscaping must be installed within six months after the passage of Ordinance No. 20822. All plant materials must be maintained in a healthy, growing condition at all times.

(8) Use of the Shelter Property must comply with all applicable federal and state laws and regulations, and with all applicable ordinances, rules, and regulations of the city. At least once every two years, the city staff shall:

(A) inspect the Shelter Property to confirm adherence to all applicable codes relating to operations; and

(B) ascertain general neighborhood conditions surrounding the Shelter Property, including housing conditions and crime statistics for the area. (Ord. Nos. 20822; 24826; 25160; 26102; 27133; 27573)

SEC. 51P-317.110. SEAFOOD PROCESSING FACILITY.

(a) Definition. SEAFOOD PROCESSING FACILITY means an industrial facility where the processing of edible fish, edible shellfish, and edible seafood related products, including but not limited to seafood salads and sauces, takes place wholly within

an enclosed building. Notwithstanding anything contained herein to the contrary, the processing of beef, pork, and poultry is prohibited.

(b) Required off-street parking. The off-street parking requirement for a seafood processing facility is one space per 500 square feet of floor area. If more than 10 off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(c) Required off-street loading. The off-street loading requirement for a seafood processing facility is as follows:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(Ord. Nos. 22003; 24826)

SEC. 51P-317.110.1. ART OR CRAFT PRODUCTION FACILITY.

(a) Definition. ART OR CRAFT PRODUCTION FACILITY means a facility for the production of handcrafted art or craft products on a small scale, involving processes including, but not limited to, kiln-firing, glass-blowing, welding, or woodworking. In order to qualify as an art or craft production facility, a facility must meet all of the following requirements:

- (1) It must have a floor area of 5,000 square feet or less.
- (2) It must limit the delivery and pick-up of materials to twice a week or less.
- (3) It must not conduct business, including producing art or craft products, between 7:00 p.m. and 7:00 a.m.

(b) Required off-street parking. The off-street parking requirement for an art or craft production facility is one space per 1,000 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(c) Required off-street loading. The off-street loading requirement for an art or craft production facility is one space. (Ord. Nos. 24872; 26894; 27133)

SEC. 51P-317.110.2. COMMERCIAL ENGRAVING/ETCHING FACILITY.

(a) Definition. COMMERCIAL ENGRAVING/ETCHING FACILITY means a facility for making engraved, etched, or silk-screened items or laminating paper, plastic, or metal.

(b) Required off-street parking. The off-street parking requirement for a commercial engraving/etching facility is one space per 1,000 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(c) Required off-street loading. The off-street loading requirement for a commercial engraving/etching facility is one space.

(d) Floor area. Maximum floor area for a commercial engraving/etching facility is 45,000 square feet. The building containing the commercial engraving/etching facility use must be wholly enclosed. (Ord. 27402)

SEC. 51P-317.110.3.

RECYCLING CENTER.

(a) Definition. RECYCLING CENTER means a facility wholly enclosed within a building used for the collection and temporary storage of recyclable materials.

(b) Receiving recyclable materials. The recycling center shall not purchase any recyclable materials from a person who does not deliver the recyclable materials to the recycling center in a motor vehicle or in a trailer attached to a motor vehicle.

(c) Required off-street parking. The minimum off-street parking requirement is one space per 1,000 square feet of floor area.

(d) Additional provisions:

(1) Mechanical processing of permitted recyclable materials is limited to crushing, bailing, and shredding.

(2) Materials stored at this use must be removed at least once a week or before reaching capacity. The facilities must be maintained in proper repair and the exterior must have a neat and clean appearance.

(3) The maximum floor area may be established in the ordinance granting the SUP.

(4) No more than one recycling use is permitted on a building site.

(5) This use must be located at least 1,000 feet from another recycling use. Measurements of distance under this paragraph are taken radially. "Radial" measurement means a measurement taken along the shortest distance between the nearest point of the building sites where recycling uses are located. This use is considered a recycling use for spacing requirements.

(6) The collection of hazardous waste, as defined in Section 51A-4.206(4)(A)(iii), is prohibited.

(7) An SUP for this use may not be granted for more than a two-year period. (Ord. 29197)

SEC. 51P-317.111. USE REGULATIONS AND DEVELOPMENT STANDARDS.

The following use regulations and development standards apply in the various subdistricts and are summarized in the chart attached as Exhibit 317D. In the event of a conflict, the text in this section controls over the graphic representations and text in Exhibit 317D.

(a) Subdistrict 1 (Moderate Density Residential).

(1) Purpose. To encourage the development of a stable mix of low and moderate density residential land uses alone or in combination with limited office and retail land uses in areas that are isolated from heavy traffic routes; to encourage development patterns that support alternative modes of transportation; and to encourage the preservation of structures with historic value.

(2) Main uses permitted.

(A) Agricultural uses.

None permitted.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

- Art or craft production facility.
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

- Child-care facility. *[SUP]*
- Church.
- College, university, or seminary. *[SUP]*
- Community service center. *[SUP]*
- Convalescent and nursing homes and related institutions. *[SUP]*

-- Convent or monastery.

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). *[By special authorization of the building official.]*

-- Temporary construction or sales office.

(G) Office uses.

-- Office. *[L]*

(H) Recreation uses.

-- Private recreation center, club, or area. *[SUP]*

-- Public park, playground, or golf course.

(I) Residential uses.

-- Duplex.

-- Handicapped group dwelling.

-- Multifamily.

-- Single family.

(J) Retail and personal service uses.

-- Dry cleaning or laundry store. *[L]*

-- General merchandise or food store 3,500 square feet or

less. *[L]*

-- Personal service uses. *[L]*

(K) Transportation uses.

-- Transit passenger shelter.

(L) Utility and public service uses.

-- Electrical substation. *[SUP]*

-- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*

-- Police or fire station. *[SUP]*

-- Post office. *[SUP]*

-- Utility or government installation other than listed.

[SUP]

(M) Wholesale, distribution, and storage uses.

None permitted.

(3) Accessory uses. 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 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this subdistrict:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory outside storage.
- Accessory pathological waste incinerator.
- Day home.
- General waste incinerator.
- Private stable.

(B) In this subdistrict, the following accessory uses are permitted by SUP only:

- Amateur communications tower.
- Pedestrian skybridges.

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. No minimum front yard.

(B) Side and rear yard. No side and rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

(C) Dwelling unit density. Maximum dwelling unit density is 160 dwelling units per acre.

(D) Floor area ratio. Maximum floor area ratio is 2.0.

(E) Height. Maximum structure height is 90 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in the lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading.

(A) In general. Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Tandem parking. For single family, duplex, and multifamily uses, tandem parking is permitted.

(C) Multifamily. One off-street parking space per bedroom per dwelling unit is required; not less than one space or more than two spaces are required for each dwelling unit.

(D) On-street parking credit. Required parking for nonresidential and multifamily uses may be reduced by one space for every parking space in the street right-of-way abutting the use. To receive credit, parking spaces must be marked per city regulations and must be approved by the director of public works and transportation.

(i) An on-street parking space may not be used to reduce the required parking for more than one use (i.e. it cannot be counted more than once as a space for a use), except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 =$ one-third). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(iii) If the director of public works and transportation determines that on-street parking in the street right-of-way abutting the use, approved accordance with Paragraph (5)(D), has become a traffic hazard and prohibits the on-street parking, the on-street parking credit will be treated as a delta credit.

(E) Pedestrian amenities parking reduction.

(i) Parking for uses on a lot that are located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station may be reduced by 40 percent if enhanced pedestrian amenities are provided.

(ii) To qualify,

(aa) the enhanced pedestrian amenities must be located within the pedestrian amenities area on the lot or on the parkway abutting the lot receiving the reduction, and

(bb) the enhanced sidewalk must provide the shortest walking pathway to the DART light rail station.

(iii) See Section 51P-317.112.1(c) for enhanced pedestrian amenities regulations.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations.

(A) In general. This subdistrict is exempt from compliance with Article X of Chapter 51A, except that Article X requirements for street trees, site trees, parking lot trees, parking lot screening, garbage storage screening, and off-street loading screening, apply in this subdistrict, as modified in this paragraph.

(B) Street trees. The city arborist recommends the following list of trees as being most suitable for planting in this subdistrict, and the city strongly encourages the use of these trees as street trees:

(i) Bald cypress.

(ii) Caddo maple.

(iii) Cedar elm.

(iv) Cercis canadensis, Redbud.

(v) Cercis canadensis, Eastern redbud.

(vi) Chilopsis linearis, Desert-willow.

(vii) Chinquapin oak.

(viii) Diospyros texana, Texas persimmon.

(ix) Gleditsia triacanthos ‘inermis’, Thornless honeylocust.

(x) Ilex decidua, Possumhaw.

(xi) Ilex vomitoria, Yaupon holly.

(xii) Lacebark elm.

- (xiii) Lagerstroemia indica, Crape myrtle.
- (xiv) Pistachia chinensis, Chinese pistachio.
- (xv) Prunus mexicana, Mexican plum.
- (xvi) Quercus virginiana 'Highrise', 'Highrise' live oak.
- (xvii) Sapindus drumondii, Western soapberry.
- (xviii) Sophora affinis, Eve's necklace.
- (xix) Sweetgum.
- (xx) Taxodium ascendens, Pond cypress.

It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating street trees in the parkway. For more information regarding the parkway landscape permit requirement, consult Section 51P-317.112 of this article.

(C) Maximum nonpermeable coverage of a lot is 85 percent.

(8) Additional provisions. All lots must have a sidewalk along the street frontage with a minimum unobstructed width of six feet.

(b) Subdistrict 2 and 2A (Moderate Density Mixed Use Corridors).

(1) Purpose. To encourage the development of moderate-density office, lodging, retail, and residential uses in compatible combinations along the main street corridors that serve the Cedars Area Special Purpose District; to encourage development that supports increased pedestrian and bicycle use; and to encourage the preservation of structures with historic value.

(2) Main uses permitted.

(A) Agricultural uses.

None permitted.

(B) Commercial and business service uses.

- Building repair and maintenance shop. *[RAR]*
- Catering service. *[RAR]*
- Custom business services. *[RAR]*
- Commercial engraving/etching facility. *[Only in Subdistrict 2A by SUP. See Section 51P-317.110.2.]*
- Custom woodworking, furniture construction, or repair.

[RAR]

- Electronics service center.
- Job or lithographic printing. *[RAR]*
- Medical or scientific laboratory. *[RAR]*
- Technical school. *[RAR]*

(C) Industrial uses.

- Art or craft production facility.
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes and related institutions. *[SUP]*
- Convent or monastery.
- Foster home.
- Institution for special education.
- Library, art gallery, or museum.
- Public or private school.

(E) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- Duplex.
- Handicapped group dwelling.
- Multifamily.
- Single family.

(J) Retail and personal service uses.

- Animal shelter or clinic without outside run. *[RAR]*
- Auto service center. *[RAR]*
- Bar, lounge, or tavern. *[SUP]*
- Business school.
- Car wash. *[RAR]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less. *[RAR]*
- General merchandise or food store greater than 3,500 square feet. *[RAR]*
- Household equipment and appliance repair.
- Motor vehicle fueling station. *[RAR]*
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through services.
- Restaurant without drive-in or drive-through service.
- Temporary retail use.
- Theater. *[RAR]*

[DIR]

[RAR]

(K) Transportation uses.

- Transit passenger shelter.

(L) Utility and public service uses.

- Electrical substation. *[SUP]*
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station. *[RAR]*
- Post office. *[RAR]*
- Utility or government installation other than listed.
- Utility or government service center. *[See Section 51P-*

[SUP]

317.108.]

(M) Wholesale, distribution, and storage uses.

- Mini-warehouse. [RAR]
- Office showroom/warehouse. [RAR]
- Recycling drop-off container. [See Section 51A-4.213(11.2).]
- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
- Warehouse. [RAR]

(3) Accessory uses. 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 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this subdistrict:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory outside storage.
- Accessory pathological waste incinerator.
- Day home.
- General waste incinerator.
- Private stable.

(B) In this subdistrict, the following accessory use is permitted by SUP only:

- Pedestrian skybridges.

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.

- (i) No minimum front yard.
- (ii) If a structure is located on a lot having frontage on Akard Street, an additional 15-foot "urban form" front yard setback is required for that portion of the structure above 54 feet in height.

(B) Side and rear yard. No side and rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio.

(i) Maximum floor area ratio is 2.5 in a structure with 50 percent or more of its total floor area restricted to residential use and 50 percent or more of its ground floor area restricted to retail and personal services uses; and

(ii) in all other cases, maximum floor area ratio is 2.0.

(E) Height. Maximum structure height is:

(i) 90 feet for a structure with at least 50 percent of its total floor area restricted to residential uses and 50 percent or more of its ground floor area restricted to retail and personal services uses; and

(ii) 54 feet for all other structures.

(F) 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.

(G) Lot size. No minimum lot size.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading.

(A) In general. Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Tandem parking. For single family, duplex, and multifamily uses, tandem parking is permitted.

(C) Multifamily. One off-street parking space per bedroom per dwelling unit is required; not less than one space nor more than two spaces are required for each dwelling unit.

(D) On-street parking credit. Required parking for nonresidential and multifamily uses may be reduced by one space for every parking space in the street right-of-way abutting the use. To receive credit, parking spaces must be marked per city regulations and must be approved by the director of public works and transportation.

(i) An on-street parking space may not be used to reduce the required parking for more than one use (i.e. it cannot be counted more than once as a space for a use), except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 =$ one-third). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(iii) If the director of public works and transportation determines that on-street parking in the street right-of-way abutting the use, approved in accordance with Paragraph (5)(D), has become a traffic hazard and prohibits the on-street parking, the on-street parking credit will be treated as a delta credit.

(E) Pedestrian amenities parking reduction.

(i) Parking for uses on a lot that are located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station may be reduced by 40 percent if enhanced pedestrian amenities are provided.

(ii) To qualify,

(aa) the enhanced pedestrian amenities must be located within the pedestrian amenities area on the lot or on the parkway abutting the lot receiving the reduction, and

(bb) the enhanced sidewalk must provide the shortest walking pathway to the DART light rail station.

(iii) See Section 51P-317.112.1(c) for enhanced pedestrian amenities regulations.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations.

(A) In general. This subdistrict is exempt from compliance with Article X of Chapter 51A, except that Article X requirements for street trees, site trees, parking lot trees, parking lot screening, garbage storage screening, and off-street loading screening, apply in this subdistrict, as modified in this paragraph.

(B) Street trees. The city arborist recommends the list of trees set forth in the street tree subparagraph of the landscaping regulations for Subdistrict 1 as being most suitable for planting in this subdistrict, and the city strongly encourages the use of these trees as street trees. It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating street trees in the parkway. For more

information regarding the parkway landscape permit requirement, consult Section 51P-317.112 of this article.

(C) Nonpermeable coverage. Maximum nonpermeable coverage of a lot is 90 percent.

(D) Site trees.

(i) Alternate methods of compliance. The site tree requirements of Division 51A-10.125, "Mandatory Provisions," of Article X apply with the following additional provisions. If a property owner in this subdistrict cannot plant all of the required site trees on the lot, the property owner may comply with one of the following two requirements for up to a maximum of 50 percent of the required site trees:

(aa) Plant the trees in the parkway along the frontage of the lot, in addition to required street trees, with the written permission of the building official.

(bb) Make a payment into the Cedars Open Space Fund.

(ii) Cedars open space fund. The department of development services shall administer a city account to be known as the Cedars Open Space Fund. Funds from the Cedars Open Space Fund must be used only for acquiring park and open-space property, and for the purchase, planting, and maintenance of landscaping on public property in Subdistrict 3A. The amount of the payment required for each site tree not planted is calculated by using the formula for appraising the value of a two-inch tree, as derived from the most recent edition of the Guide for Establishing Values of Trees and Other Plants published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

(8) Additional provisions.

(A) Screening from residential. Lots containing uses permitted with RAR must have solid screening on the sides of the property that have residential adjacency.

(B) Minimum sidewalk width. All lots must have a sidewalk along the street frontage with a minimum unobstructed width of six feet.

(c) Subdistrict 3 (Freeway-oriented High Density Mixed Use).

(1) Purpose. To encourage high-density office, lodging, retail, and residential uses along the Interstate Highway 30 frontage, and to encourage development that takes advantage of the regional freeway access and the excellent downtown views while preserving these views for other subdistricts in the Cedars Area Special Purpose District.

(2) Main uses permitted.

(A) Agricultural uses.

None permitted.

(B) Commercial and business service uses.

- Building repair and maintenance shop.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Medical or scientific laboratory.
- Technical school.

(C) Industrial uses.

- Art or craft production facility.
- Seafood processing plant. *[See Section 51P-317.110.]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes and related institutions.
- Convent or monastery.
- Foster home.
- Group home or shelter for indigent or abused persons. *[This use is only allowed as specifically provided in Section 51P-317.109 of this article.]*
- Hospital.
- Library, art gallery, or museum.
- Public or private school.

(E) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- Multifamily.

(J) Retail and personal service uses.

- Animal shelter or clinic without outside run.
- Auto service center.
- Bar, lounge, or tavern.
- Business school.
- Car wash.
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through service. *[DIR]*
- Restaurant without drive-in or drive-through service.
- Temporary retail use.
- Theater.

(K) Transportation uses.

- Transit passenger shelter.

(L) Utility and public service uses.

- Commercial radio or TV transmitting station.
- Electrical substation. *[SUP]*
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station.
- Post office.
- Tower/antenna for cellular communication. *[SUP. See Section 51A-4.212(10.1).]*
- Utility or government installation other than listed. *[SUP. See Section 51P-317.108.]*

(M) Wholesale, distribution, and storage uses.

- Mini-warehouse.
- Office showroom/warehouse.
- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*

(3) Accessory uses. 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 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this subdistrict:

- Accessory helistop.
- Accessory outside sales.
- Day home.
- General waste incinerator.
- Private stable.

(B) In this subdistrict, the following accessory uses are permitted by SUP only:

- Pedestrian skybridges.

(C) In this subdistrict, an SUP may be required for the following accessory use:

- Accessory medical waste/infectious waste incinerator. *[See Section 51A-4.217(3.1).]*

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

- (A) Front yard. No minimum front yard.
 - (B) Side and rear yard. No side or rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.
 - (C) Dwelling unit density. No maximum dwelling unit density.
 - (D) Floor area ratio. Maximum floor area ratio is 4.0.
 - (E) Height. Maximum structure height is 270 feet.
 - (F) 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.
 - (G) Lot size. No minimum lot size.
 - (H) Stories. No maximum number of stories.
- (5) Off-street parking and loading.
- (A) In general. Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.
 - (B) Tandem parking. For multifamily uses, tandem parking is permitted.
 - (C) Multifamily. One off-street parking space per bedroom per dwelling unit is required; not less than one space or more than two spaces are required for each dwelling unit.
 - (D) On-street parking credit. Required parking for nonresidential and multifamily uses may be reduced by one space for every parking space in the street right-of-way abutting the use. To receive credit, parking spaces must be marked per city regulations and must be approved by the director of public works and transportation.
 - (i) An on-street parking space may not be used to reduce the required parking for more than one use (i.e. it cannot be counted more than once as a space for a use), except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.
 - (ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion

to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 =$ one-third). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(iii) If the director of public works and transportation determines that on-street parking in the street right-of-way abutting the use, approved in accordance with Paragraph (5)(D), has become a traffic hazard and prohibits the on-street parking, the on-street parking credit will be treated as a delta credit.

(E) Pedestrian amenities parking reduction.

(i) Parking for uses on a lot that are located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station may be reduced by 40 percent if enhanced pedestrian amenities are provided.

(ii) To qualify,

(aa) the enhanced pedestrian amenities must be located within the pedestrian amenities area on the lot or on the parkway abutting the lot receiving the reduction, and

(bb) the enhanced sidewalk must provide the shortest walking pathway to the DART light rail station.

(iii) See Section 51P-317.112.1(c) for enhanced pedestrian amenities regulations.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations.

(A) In general. This subdistrict is exempt from compliance with Article X of Chapter 51A, except for Article X requirements for street trees, site trees, parking lot trees, parking lot screening, garbage storage screening, and off-street loading screening, as modified in this paragraph.

(B) Street trees. The city arborist recommends the list of trees set forth in the street tree subparagraph of the landscaping regulations for Subdistrict 1 as being most suitable for planting in this subdistrict, and the city strongly encourages the use of these trees as street trees. It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating street trees in the parkway. For more information regarding the parkway landscape permit requirement, consult Section 51P-317.112 of this article.

(C) Nonpermeable coverage. Maximum nonpermeable coverage of a lot is 90 percent.

(8) Additional provisions. All lots must have a sidewalk along the street frontage with a minimum unobstructed width of six feet.

(d) Subdistrict 3A (Transit-oriented High Density Mixed Use).

(1) Purpose. To encourage high-density residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light rail stations; and to encourage development that supports day and night-time activity, use of mass transit, increased pedestrian and bicycle use, and more efficient use of parking spaces.

(2) Main uses permitted.

(A) Agricultural uses.

None permitted.

(B) Commercial and business service uses.

- Building repair and maintenance shop.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing.
- Machinery, heavy equipment, or truck sales and services.
- Medical or scientific laboratory.
- Technical school.

(C) Industrial uses.

- Art or craft production facility.
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes and related institutions.
- Convent or monastery.
- Foster home.
- Hospital.
- Library, art gallery, or museum.
- Public or private school.

(E) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). [*By special authorization of the building official.*]
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- Duplex.
- Handicapped group dwelling.
- Multifamily.
- Single family.

(J) Retail and personal service uses.

- Animal shelter or clinic without outside run.
- Auto service center.
- Bar, lounge, or tavern.
- Business school.
- Commercial amusement (inside).
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store more than 3,500 square feet.
- Household equipment and appliance repair.
- Liquor store.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Temporary retail use.

-- Theater.

(K) Transportation uses.

- Heliport.
- Helistop. [SUP]
- Railroad passenger station. [SUP]
- Transit passenger shelter.
- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

- Commercial radio or TV transmitting station.
- Electrical substation. [SUP]
- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
- Police or fire station.
- Post office.
- Tower/antenna for cellular communication. [SUP. See Section 51A-4.212(10.1).]
- Utility or government installation other than listed.

(M) Wholesale, distribution, and storage uses.

- Mini-warehouse.
- Office showroom/warehouse.
- Recycling drop-off container. [See Section 51A-4.213(11.2).]
- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
- Warehouse.

(3) Accessory uses. 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 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this subdistrict:

- Accessory outside sales.
- Accessory pathological waste incinerator.
- Day home.
- General waste incinerator.
- Private stable.

(B) In this subdistrict, the following accessory use is permitted by SUP only:

-- Pedestrian skybridges.

(C) In this subdistrict, an SUP may be required for the following accessory use:

-- Accessory medical waste/infectious waste incinerator.
[See Section 51A-4.217(3.1).]

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. No minimum front yard.

(B) Side and rear yard. No side or rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is:

(i) 4.5 for a structure with at least 50 percent of its total floor area devoted to residential uses and 50 percent or more of the ground floor area is restricted to retail and personal services uses; and

(ii) 4.0 for all other structures.

(E) Height. Maximum structure height is:

(i) 270 feet for a structure where at least 50 percent of its total floor area devoted to residential uses and 50 percent or more of the ground floor area is restricted to retail and personal services uses; and

(ii) 90 feet for all other structures.

(F) Lot coverage.

(i) A lot in this subdistrict with frontage on Lamar Street or Bellview Street is permitted 100 percent lot coverage if the owner of the lot provides and maintains enhanced pedestrian amenities in the enhanced pedestrian amenities area for that lot. See Section 51P-317.112.1(c) for enhanced pedestrian amenities regulations.

(ii) Maximum lot coverage is 80 percent in all other cases.

(iii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading.

(A) In general. Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Tandem parking. For single family, duplex, and multifamily uses, tandem parking is permitted.

(C) Multifamily. One off-street parking space per bedroom per dwelling unit is required; not less than one space or more than two spaces are required for each dwelling unit.

(D) On-street parking credit. Required parking for nonresidential and multifamily uses may be reduced by one space for every parking space in the street right-of-way abutting the use. To receive credit, parking spaces must be marked per city regulations and must be approved by the director of public works and transportation.

(i) An on-street parking space may not be used to reduce the required parking for more than one use (i.e. it cannot be counted more than once as a space for a use), except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 =$ one-third). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(iii) If the director of public works and transportation determines that on-street parking in the street right-of-way abutting the use, approved in accordance with Paragraph (5)(D), has become a traffic hazard and prohibits the on-street parking, the on-street parking credit will be treated as a delta credit.

(E) Pedestrian amenities parking reduction.

(i) Parking for uses on a lot that are located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station may be reduced by 40 percent if enhanced pedestrian amenities are provided.

(ii) To qualify,

(aa) the enhanced pedestrian amenities must be located within the pedestrian amenities area on the lot or on the parkway abutting the lot receiving the reduction, and

(bb) the enhanced sidewalk must provide the shortest walking pathway to the DART light rail station.

(iii) See Section 51P-317.112.1(c) for enhanced pedestrian amenities regulations.

(F) Remote parking. Remote parking may be located within a maximum walking distance of 1,300 feet from the use served by the remote parking if there are enhanced pedestrian amenities in the enhanced pedestrian amenities area connecting the lot to the remote parking lot. See Section 51P-317.112.1(c) regarding enhanced pedestrian amenities.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations.

(A) In general. This subdistrict is exempt from compliance with Article X of Chapter 51A, except that Article X requirements for street trees, site trees, parking lot trees, parking lot screening, garbage storage screening, and off-street loading screening, apply in this subdistrict, as modified in this paragraph.

(B) Street trees. The city arborist recommends the list of trees set forth in the street tree subparagraph of the landscaping regulations for Subdistrict 1 as being most suitable for planting in this subdistrict, and the city strongly encourages the use of these trees as street trees. It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating street trees in the parkway. For more information regarding the parkway landscape permit requirement, consult Section 51P-317.112 of this article.

(C) Parking lot trees. A parking lot may not contain more than 60,000 square feet of paved area uninterrupted by a row or cluster of trees.

(D) Site trees.

(i) No site trees are required in this subdistrict for a lot with frontage on Lamar Street or Bellview Street if the lot has 100 percent lot coverage and the owner of the lot provides and maintains enhanced pedestrian amenities (see Section 51P-317.112.1(c)) along the frontage of the lot.

(ii) Alternate methods of compliance. In all other cases, the site tree requirements of Division 51A-10.125, "Mandatory Provisions," of Article X apply with the following additional provisions. If a property owner in this subdistrict cannot plant all of the required site trees on the lot, the property owner may comply with one of the following two requirements for up to a maximum of 50 percent of the required site trees:

(aa) Plant the trees in the parkway along the frontage of the lot, in addition to required street trees, with the written permission of the building official.

(bb) Make a payment into the Cedars Open Space Fund.

(iii) Cedars open space fund. The department of development services shall administer a city account to be known as the Cedars Open Space Fund. Funds from the Cedars Open Space Fund must be used only for acquiring park and open-space property, and for the purchase, planting, and maintenance of landscaping on public property in Subdistrict 3A. The amount of the payment required for each site tree not planted is calculated by using the formula for appraising the value of a two-inch tree, as derived from the most recent edition of the Guide for Establishing Values of Trees and Other Plants published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

(E) Nonpermeable coverage.

(i) A lot in this area with frontage on Lamar Street or Bellview Street may have a maximum of 100 percent nonpermeable coverage if the owner of the lot provides and maintains enhanced pedestrian amenities along the frontage of the lot. See Section 51P-317.112.1(c) regarding enhanced pedestrian amenities.

(ii) Maximum nonpermeable coverage of a lot is 90 percent in all other cases.

(8) Additional provisions.

Minimum sidewalk width.

(A) All lots with frontage on Lamar Street or Bellview Street must have a sidewalk along the Lamar Street or Bellview Street frontage with a minimum unobstructed width of seven and one-half feet.

(B) All other lots must have a sidewalk along the street frontage with a minimum unobstructed width of six feet.

(e) Subdistrict 4 (Warehouse/Residential Transition).

(1) Purpose. To accommodate warehouse and distribution, commercial and business service, retail, and multifamily residential uses; and to encourage transition to a loft-style mixed residential and commercial environment.

(2) Main uses permitted.

(A) Agricultural uses.

None permitted.

(B) Commercial and business service uses.

- Building repair and maintenance shop.
- Bus or rail transit vehicle maintenance or storage facility.
- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing.
- Machine or welding shop.
- Machinery, heavy equipment, or truck sales and services.
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.
- Vehicle or engine repair or maintenance.

(C) Industrial uses.

- Art or craft production facility. *[See Section 51P-317.110.5.]*
- Industrial (inside) light manufacturing.
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

- Cemetery or mausoleum. *[SUP]*
- Child-care facility.
- Church.
- Convent or monastery.
- Hospital.
- Public or private school. *[SUP]*

(E) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- Multifamily.

(J) Retail and personal service uses.

- Ambulance service.
- Animal shelter or clinic without outside run.
- Auto service center.
- Bar, lounge, or tavern.
- Business school.
- Car wash.
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard.
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through service. *[DIR]*
- Restaurant without drive-in or drive-through service.
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service.

(K) Transportation uses.

- Commercial bus station and terminal.
- Heliport.
- Helistop. *[SUP]*
- Transit passenger shelter.

(L) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station.
- Post office.
- Radio, television, or microwave tower.
- Utility or government service center. *[See Section 51P-*
- Utility or government installation other than listed.

317.108.]

[SUP]

(M) Wholesale, distribution, and storage uses.

- Auto auction. *[SUP]*
- Contractor's maintenance yard.
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage (with visual screening).
- Recycling center. *[SUP. Subdistrict 4A only.]*
- Recycling collection center.
- Warehouse.

(3) Accessory uses. 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 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this subdistrict:

- Day home.
- Private stable.

(B) In this subdistrict, the following accessory uses are permitted by SUP only:

- Accessory helistop.
- Pedestrian skybridges.

(C) In this subdistrict, an SUP may be required for the following accessory use:

- Accessory medical waste/infectious waste incinerator.
[See Section 51A-4.217(3.1).]

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

- (A) Front yard. No minimum front yard.
- (B) Side and rear yard. No side and rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.
- (C) Dwelling unit density. No maximum dwelling unit density.
- (D) Floor area ratio. Maximum floor area ratio is 1.0.
- (E) Height. Maximum structure height is 70 feet.
- (F) 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.
- (G) Lot size. No minimum lot size.
- (H) Stories. No maximum number of stories.

(5) Off-street parking and loading.

(A) In general. Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Tandem parking. For multifamily uses, tandem parking is permitted.

(C) Multifamily. One off-street parking space per bedroom per dwelling unit is required; not less than one space or more than two spaces are required for each dwelling unit.

(D) On-street parking credit. Required parking for nonresidential and multifamily uses may be reduced by one space for every parking space in the street right-of-way abutting the use. To receive credit, parking spaces must be marked per city regulations and must be approved by the director of public works and transportation.

(i) An on-street parking space may not be used to reduce the required parking for more than one use (i.e. it cannot be counted more than once as a space for a use), except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 =$ one-third). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(iii) If the director of public works and transportation determines that on-street parking in the street right-of-way abutting the use, approved in accordance with Paragraph (5)(D), has become a traffic hazard and prohibits the on-street parking, the on-street parking credit will be treated as a delta credit.

(E) Pedestrian amenities parking reduction.

(i) Parking for uses on a lot that are located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station may be reduced by 40 percent if enhanced pedestrian amenities are provided.

(ii) To qualify,

(aa) the enhanced pedestrian amenities must be located within the pedestrian amenities area on the lot or on the parkway abutting the lot receiving the reduction, and

(bb) the enhanced sidewalk must provide the shortest walking pathway to the DART light rail station.

(iii) See Section 51P-317.112.1(c) for enhanced pedestrian amenities regulations.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. Landscaping must be provided on all property in accordance with Article X of Chapter 51A and this paragraph.

(A) Nonpermeable coverage. Maximum nonpermeable coverage of a lot is 85 percent.

(B) Street trees. The city arborist recommends the list of trees set forth in the street tree subparagraph of the landscaping regulations for Subdistrict 1 as being most suitable for planting in this subdistrict, and the city strongly encourages the use of these trees as street trees. It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating street trees in the parkway. For more

information regarding the parkway landscape permit requirement, consult Section 51P-317.112 of this article.

(8) Additional provisions. All lots must have a sidewalk along the street frontage with a minimum unobstructed width of four feet.

(f) Subdistrict 5 (Industrial).

(1) Purpose. To consolidate and concentrate industrial, warehouse, distribution, and commercial business service land uses in a contiguous area; and to minimize negative impacts on residential areas.

(2) Main uses permitted.

(A) Agricultural uses.

None permitted.

(B) Commercial and business service uses.

- Building repair and maintenance shop.
- Bus or rail transit vehicle maintenance or storage facility.
- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing.
- Labor hall.
- Machine or welding shop.
- Machinery, heavy equipment, or truck sales and services.
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.
- Vehicle or engine repair or maintenance.

(C) Industrial uses.

- Art or craft production facility. *[See Section 51P-317.110.5.]*
- Industrial (inside). *[If this use is potentially incompatible, it is permitted by SUP only. See Section 51A-4.203(a).]*
- Industrial (inside) for light manufacturing.
- Industrial (outside). *[Potentially incompatible uses are not permitted. See Section 51A-4.203(a).]*
- Metal salvage facility. *[SUP]*

- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

- Cemetery or mausoleum. *[SUP]*
- Child-care facility.
- Church.
- Hospital.
- Public or private school. *[SUP]*

(E) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

None permitted.

(J) Retail and personal service uses.

- Auto service center.
- Bar, lounge, or tavern.
- Business school.
- Car wash.
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.

less.

- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard.
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through service. *[DIR]*
- Restaurant without drive-in or drive-through service.
- Taxidermist.
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service.

(K) Transportation uses.

- Commercial bus station and terminal.
- Heliport.
- Transit passenger shelter.

(L) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station.
- Post office.
- Radio, television, or microwave tower.
- Utility or government service center. *[See Section 51P-317.108.]*
- Utility or government installation other than listed. *[SUP required.]*

(M) Wholesale, distribution, and storage uses.

- Auto auction. *[SUP]*
- Contractor's maintenance yard.
- Freight terminal.
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage (with visual screening).
- Petroleum product storage and wholesale. *[SUP]*
- Recycling collection center.

- Trade center.
- Warehouse.

(3) Accessory uses. 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 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this subdistrict:

- Day home.
- Home occupation.
- Private stable.
- Swimming pool (private).

(B) In this subdistrict, the following accessory uses are permitted by SUP only:

- Accessory helistop.
- Pedestrian skybridges.

(C) In this subdistrict, an SUP may be required for the following accessory use:

- Accessory medical waste/infectious waste incinerator.
[See Section 51A-4.217(3.1).]

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard. No side and rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is 1.0.

(E) Height. Maximum structure height is 70 feet.

(F) 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.

- (G) Lot size. No minimum lot size.
- (H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. Landscaping must be provided on all property in accordance with Article X of Chapter 51A and this paragraph.

(A) Nonpermeable coverage. Maximum nonpermeable coverage of a lot is 85 percent.

(B) Street trees. The city arborist recommends the list of trees set forth in the street tree subparagraph of the landscaping regulations for Subdistrict 1 as being most suitable for planting in this subdistrict, and the city strongly encourages the use of these trees as street trees. It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating street trees in the parkway. For more information regarding the parkway landscape permit requirement, consult Section 51P-317.112 of this article.

(8) Additional provisions. All lots must have a sidewalk along the street frontage with a minimum unobstructed width of four feet.

(g) Subdistrict 6 (Old City Park Institutional).

(1) Purpose. To encourage the preservation of open space and the development of compatible institutional, residential, and retail land uses; and to protect the city institution of Old City Park.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Custom woodworking, furniture construction, or repair.
-- Machine or welding shop.

(C) Industrial uses.

-- Art or craft production facility.

- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

- Church.
- Community service center.
- Library, art gallery, or museum.
- Public or private school.

(E) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

- Office.

(H) Recreation uses.

- Public park, playground, or golf course.

(I) Residential uses.

None permitted.

(J) Retail and personal service uses.

- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Furniture store.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Temporary retail use.
- Theater.

(K) Transportation uses.

- Transit passenger shelter.

(L) Utility and public service uses.

- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station.
- Post office.
- Utility or government installation other than listed.

[SUP]

(M) Wholesale, distribution, and storage uses.

None permitted.

(3) Accessory uses. 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 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this subdistrict:

- Accessory helistop.
- Accessory medical/infectious waste incinerator
- Accessory outside sales.
- Accessory outside storage.
- Accessory pathological waste incinerator.
- Day home.
- Home occupation.
- Private stable.
- Swimming pool (private).

(B) In this subdistrict, the following accessory use is permitted by SUP only:

- Pedestrian skybridges.

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard. No side and rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is 0.5.

(E) Height. Maximum structure height is 70 feet.

(F) 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.

(G) Lot size. No minimum lot size.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. Landscaping must be provided on all property in accordance with Article X of Chapter 51A and this paragraph.

(A) Nonpermeable coverage. Maximum nonpermeable coverage of a lot is 85 percent.

(B) Street trees. The city arborist recommends the list of trees set forth in the street tree subparagraph of the landscaping regulations for Subdistrict 1 as being most suitable for planting in this subdistrict, and the city strongly encourages the use of these trees as street trees. It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating street trees in the parkway. For more information regarding the parkway landscape permit requirement, consult Section 51P-317.112 of this article.

(8) Additional provisions. All lots must have a sidewalk along the street frontage with a minimum unobstructed width of six feet. (Ord. Nos. 20395; 20822; 22003; 23144; 23921; 24014; 24017; 24430; 24503; 24826; 24872; 25160; 26102; 27133; 27402; 27573; 29197)

SEC. 51P-317.112. LANDSCAPING IN THE PARKWAY.

(a) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owner, to the tenants (“property owner”) of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a

parkway landscape permit in accordance with the Dallas Building Code, or Subsection (b) of this section. This private license shall not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city of the necessity for such termination shall be final and binding and the city shall become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the director of public works and transportation.

(2) A property owner is not required to comply with any landscaping requirement if compliance is made impossible due to the property management director's revocation of a landscape permit or the revocation of the license granted herein affecting landscaping.

(3) Upon the installation of landscaping in the public rights-of-way, the property owner shall procure, pay for and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, \$2,000,000 annual aggregate. Coverage under this liability policy shall be on an "occurrence" basis and the city shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent same are covered by this liability insurance policy.

(4) Each property owner shall be responsible for maintaining the landscaping in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping. The granting of a license for landscaping under this section does not release the property owner from liability in the installation or maintenance of trees or landscaping in the public right-of-way.

(b) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees or other amenities in the parkway. An application for a parkway landscape permit must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway landscape permit to the property owner; otherwise, the director shall deny the permit.

(3) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or other amenities in the public right-of-way. (Ord. Nos. 20395; 24826; 24872; 25160)

SEC. 51P-317.112.1.

PEDESTRIAN AMENITIES IN THE PARKWAY.

(a) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owners, to the tenants ("property owner") of all parkway property in Subdistrict 1, 2, 3, 3A, and 4 (the "premises") for the exclusive purpose of authorizing compliance with the enhanced pedestrian amenities provisions of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway amenities permit in accordance with the Dallas Building Code, or Subsection (b) of this section. This private license shall not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city of the necessity for such termination shall be final and binding and the city shall become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the director of public works and transportation.

(2) A property owner is not required to comply with any enhanced pedestrian amenities requirement if compliance is made impossible due to the property management director's revocation of a parkway amenities permit or the revocation of the license granted herein affecting enhanced pedestrian amenities.

(3) Upon the installation of enhanced pedestrian amenities in the parkway, the property owner shall procure, pay for and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, with a \$2,000,000 annual aggregate. Coverage under this liability policy shall be on an "occurrence" basis and the city shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the office of risk management of cancellation, expiration, non-renewal or material change in coverage. All subrogation rights for loss or damage against the city are waived to the extent same are covered by the liability insurance policy.

(4) Each property owner shall be responsible for maintaining the enhanced pedestrian amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the enhanced pedestrian amenities. The granting of a license for enhanced pedestrian amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and enhanced pedestrian amenities in the parkway.

(b) Parkway pedestrian amenities permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway pedestrian amenities permit before locating trees or other amenities in the parkway. An application for a parkway pedestrian amenities permit must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway pedestrian amenities permit to the property owner; otherwise, the director shall deny the permit.

(3) A parkway pedestrian amenities permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way.

(4) A property owner is not required to comply with any enhanced pedestrian amenities requirement of this section if compliance is made impossible due to the director's denial or revocation of a parkway pedestrian amenities permit.

(5) The issuance of a parkway pedestrian amenities permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or other amenities in the public right-of-way.

(c) Enhanced pedestrian amenities. Enhanced pedestrian amenities refer to a higher standard of improvements in the enhanced pedestrian amenities area, aimed at increasing the attractiveness of the street for pedestrians. These amenities may be provided by property owners in order to take advantage of such incentives as increased ground coverage, reduced parking requirements, increased remote parking distance, and exemption from minimum permeable surface and site tree requirements.

(1) An enhanced pedestrian amenities area may not extend more than 30 feet from the curb, and must be accessible to the public at all times.

(2) To qualify, enhanced pedestrian amenities must be located on the lot or in the parkway abutting the lot receiving amenities credit.

(3) The following minimum amenity standards must be provided in order to qualify for the enhanced pedestrian amenity incentives provided in this article:

(A) Street trees. A minimum of one street tree per 25 feet of frontage in the pedestrian amenities area.

(B) Enhanced sidewalks.

(i) Enhanced sidewalks must be located within the pedestrian amenities area. (See Section 51P-317.111 for minimum unobstructed sidewalk requirements for each subdistrict.)

(ii) For lots fronting on Akard Street, Belleview Street, East Griffin Street, West Griffin Street, and Lamar Street, a minimum sidewalk width of 10 feet must be provided.

(iii) For lots fronting on all other streets, a minimum sidewalk width of eight feet must be provided.

(iv) For lots with structure constructed before March 27, 2002 (effective date of Ordinance No. 24872 that established the pedestrian amenities regulations), if the building official determines that a structure's location makes the required minimum sidewalk width regulations unenforceable,

(aa) a minimum sidewalk width of six feet must be provided if the sidewalk is abutting an existing curb, or

(bb) a minimum sidewalk width of five feet must be provided if the sidewalk is not abutting the existing curb.

(C) Canopies and awnings. A minimum of 20 percent of the street facing facade width.

(3) The following optional amenities are encouraged and may be provided in addition to the minimum requirements specified above. These optional amenities are considered to be enhanced pedestrian amenities for the purpose of Subsections 51P-317.112.1(a) and (b), and are subject to the conditions in Paragraph 51P-317.112.1(c)(4):

(A) Flag poles.

(B) Public art.

(C) Tree or shrub planters.

(D) Water fountains.

(E) Newspaper racks.

(F) Pedestrian street lamps. A minimum of one per 50 feet of frontage in the pedestrian amenities area.

(G) Bicycle parking racks. A minimum of 5 bicycle parking spaces per 100 foot of frontage in the pedestrian amenities area.

(H) Benches. A minimum of one per 100 feet of frontage in the pedestrian amenities area.

(I) Trash receptacles. A minimum of one per 100 feet of frontage in the pedestrian amenities area.

(4) The following conditions must be met for provision of enhanced pedestrian amenities:

(A) All amenities must be placed in a manner that does not impede the movements of pedestrians on the sidewalk and automobiles on the street.

(B) All amenities must be placed in a manner that does not obstruct visibility triangles at street intersections. (Ord. Nos. 24872; 25160; 27133; 27322)

SEC. 51P-317.113. NONCONFORMING USES AND STRUCTURES.

(a) The provisions of Section 51A-4.704 relating to nonconforming uses and structures apply to all uses and structures in this district, except as provided in this section.

(b) The right to operate a nonconforming use in this district shall automatically terminate on January 21, 2013, or ten years after the date the use became nonconforming, whichever is later.

(c) An owner of a nonconforming use in this district may request an extension of the compliance deadline in Subsection (b) by filing an application with the director on a form provided by the city for that purpose. The application must be filed at least 180 days before the deadline in Subsection (b). If a fee is required, the application shall not be considered filed until the fee is paid. Failure to timely file a complete application for extension shall constitute a waiver of the right to contest the reasonableness of the deadline in Subsection (b).

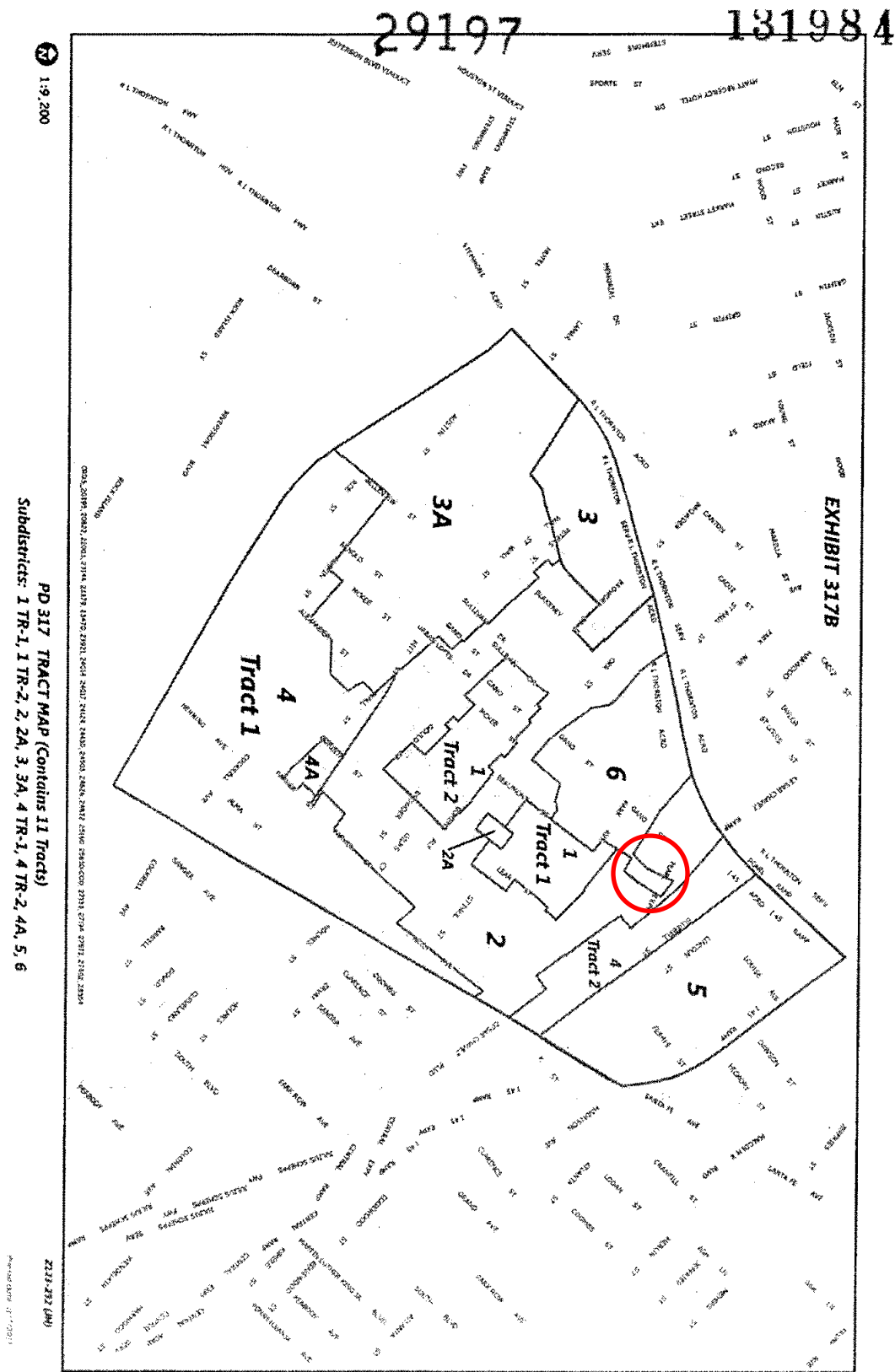
(d) Upon the filing of a complete application for extension, the board shall, in accordance with the law, determine whether it is necessary to extend the compliance deadline for the nonconforming use. The board shall consider the factors listed in Section 51A-4.704(a)(1)(D) in determining whether to grant the request for extension.

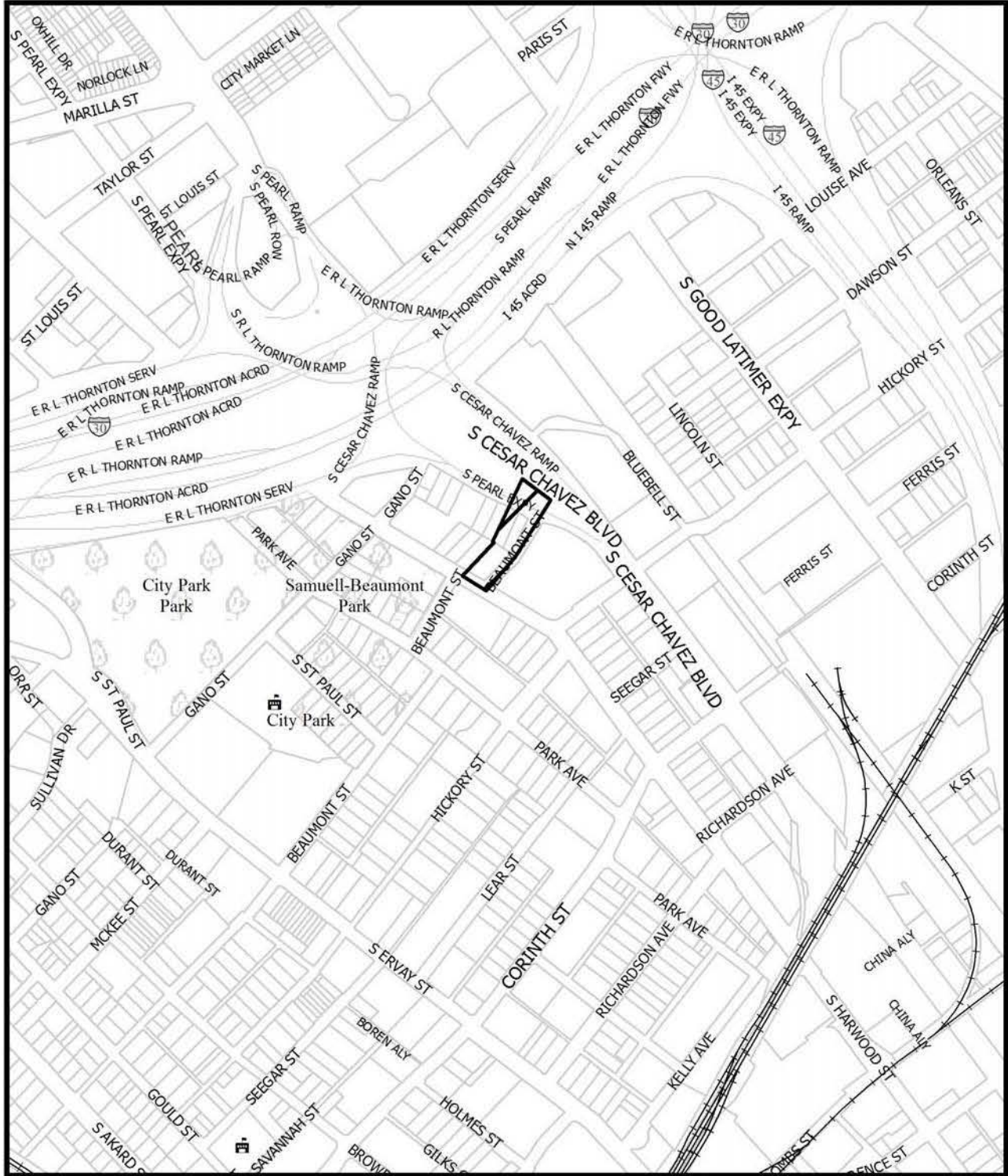
(e) If, based on evidence presented at the public hearing, the board finds that additional time is needed to recoup the owner's actual investment in the use before the use became nonconforming, the board shall grant the request for extension and establish a new compliance deadline consistent with its determination of a reasonable amortization period; otherwise, the board shall deny the request. If the board denies the request, the right to operate the nonconforming use shall automatically terminate on the deadline in Subsection (b), or 30 days after the date of the board's decision to deny, whichever is later. (Ord. Nos. 20395; 24826; 24872; 25160)

SEC. 51P-317.114. CERTIFICATE OF OCCUPANCY CONDITIONED ON COMPLIANCE.

The building official shall not issue a certificate of occupancy for a use on the Property until there has been full compliance with this article and with the construction codes and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 20395; 24826; 26102)

EXISTING SUBDISTRICTS MAP





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VICINITY MAP

Case no: Z134-336

Date: 10/16/2014

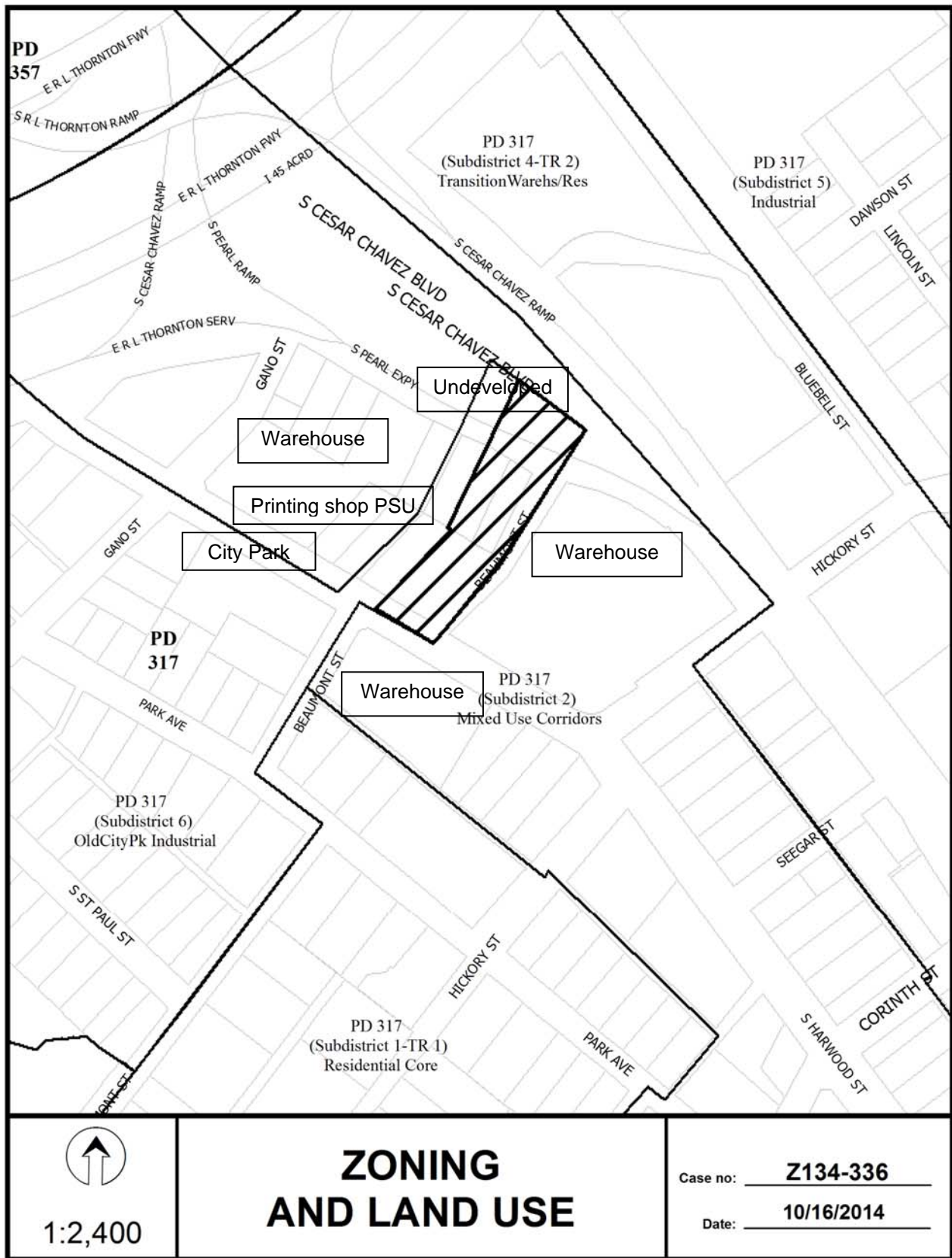


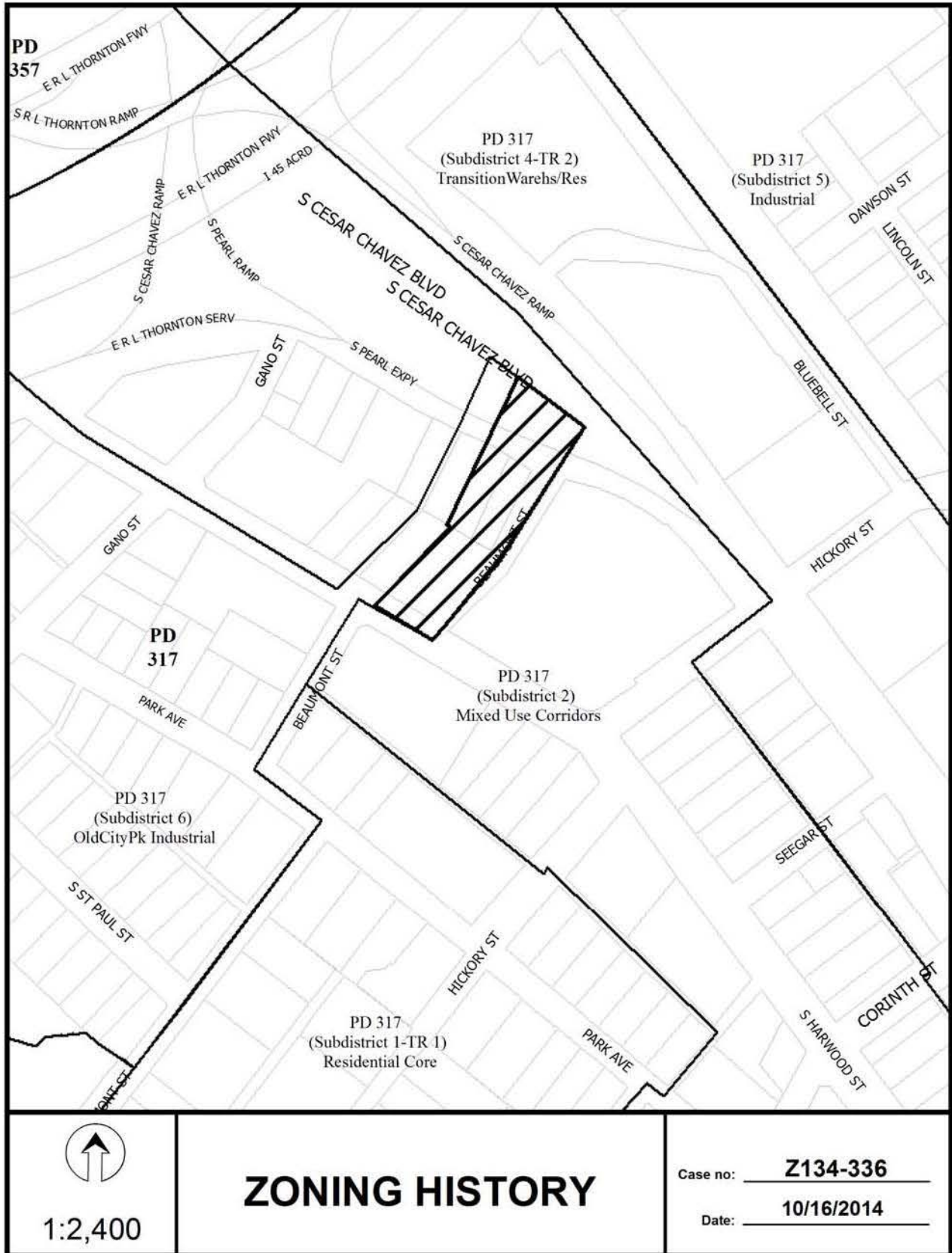
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AERIAL MAP

Case no: **Z134-336**

Date: **10/16/2014**





CPC RESPONSES



38	Property Owners Notified (71 parcels)
2	Replies in Favor (4 parcels)
1	Replies in Opposition (1 parcels)
500'	Area of Notification
11/20/2014	Date

Z134-336
CPC



1:2,400

10/13/2014

Notification List of Property Owners**Z134-336****38 Property Owners Notified**

Label #	Address	Owner
	1 1709 PEARL EXPY	HARRY H PRICE & SON INC
	2 1715 PEARL EXPY	KENNEY MICHAEL D
	3 1722 HARWOOD ST	KENNEY MICHAEL D
O	4 1747 LINCOLN ST	NCWPCS MPL 28
	5 1819 LINCOLN ST	SOUTHWEST FABRICS INC
	6 1809 LINCOLN ST	PILGRIM INDUSTRIES INC
	7 1801 LINCOLN ST	PILGRIM INDUSTRIES INC
	8 1805 PARK AVE	SMITH SETH A & KATELIN
	9 1813 PARK AVE	BEAUMONT PARK ASSN LTD
	10 1825 PARK AVE	PATEL DHAVAL I
	11 1901 HARWOOD ST	MCELROY JOSEPH III
	12 1900 PARK AVE	ROBERTS NADIA KHAN &
	13 1904 PARK AVE	SAVAGE JACK W &
	14 1821 HARWOOD ST	1811 HARWOOD HOLDINGS LP
X	15 1800 PARK AVE	1621 ERVAY LTD
	16 1804 PARK AVE	CRD ASSOCIATES I LTD
	17 1605 PEARL EXPY	KJM 5X5 PROPERTY HOLDINGS LLC
	18 1601 PEARL EXPY	PRICE HARRY & SONS INC
	19 2012 GANO ST	TAYLOR ALVIN O
	20 1702 HARWOOD ST	PRICE HARRY H & SON INC
	21 1705 PEARL EXPY	PRICE HARRY H & SO INC
	22 1900 HARWOOD ST	INTERRANTE FRANK
	23 1912 HARWOOD ST	WARDEN HENRY
	24 1900 CESAR CHAVEZ BLVD	PILGRIMS PRIDE CORP
	25 1702 CESAR CHAVEZ BLVD	BURLWOOD LLC
	26 1600 CESAR CHAVEZ BLVD	W&D HOLDEN 1 FAMILY LTD

Z134-336(OTH)

10/13/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1550 HARWOOD ST	TOMAINO PPTIES LP
28	401 BUCKNER BLVD	DART
29	1835 HARWOOD ST	TOMAINO PPTIES LP
30	1710 HARWOOD ST	ECHOLS JULIAN B
31	1906 HARWOOD ST	INTERRANTE INTERESTS LTD
32	1910 HARWOOD ST	WARDEN WILLIAM HENRY &
33	1907 CESAR CHAVEZ BLVD	INTERRANTE FRANK J
34	1909 CESAR CHAVEZ BLVD	INTERRANTE INTERESTS LTD
35	1601 GOOD LATIMER EXPY	BRIDGFORD FOODS CORP
O 36	1811 HARWOOD ST	1811 HARWOOD HOLDINGS LP
37	1608 HARWOOD ST	PRICE HARRY H & SON INC
38	1814 HARWOOD ST	POLA LTD

AGENDA ITEM # 27

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1953 for a restaurant with drive-in or drive-through service on property zoned Cedars West Subdistrict 1, Urban Village Form District within Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the south corner of East R.L. Thornton Freeway (Interstate 35E) and South Riverfront Boulevard

Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions

Z134-349(OTH)

FILE NUMBER: Z134-349(OTH)

DATE FILED: September 26, 2014

LOCATION: South corner of East R.L. Thornton Freeway (Interstate 35E) and South Riverfront Boulevard

COUNCIL DISTRICT: 2

MAPSCO: 45-T

SIZE OF REQUEST: 1.12 acres

CENSUS TRACT: 204.00

APPLICANT: Global Sky Properties

REPRESENTATIVE: Patrick Gallagher

OWNER: Arlington Lakeside Grocery & Grill

REQUEST: An application for the renewal of Specific Use Permit No. 1953 for a restaurant with drive-in or drive-through service on property zoned Cedars West Subdistrict 1, Urban Village Form District within Planned Development District No. 784, the Trinity River Corridor Special Purpose District.

SUMMARY: The applicant proposes to continue the use of the property for a restaurant [Sonic] with drive-in or drive-through service. The request site has been vacant since the end of September. The existing structure is fairly new (built 2011) and well maintained.

CPC RECOMMENDATION: Approval for a three-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a three-year period, 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 a Specific Use Permit shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* –At this time, the existing use of the property is compatible with the surrounding uses and development type.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* –The proposed use will provide a service to the area during the transitional period to the City’s vision for the area. Staff is comfortable recommending approval for a short term. Approving the SUP for a short term without automatic renewals allows City to reevaluate the use’s compatibility with the area.
3. *Not a detriment to the public health, safety, or general welfare* – The use has not been a detriment to the public health, safety, or general welfare.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan, it complies with all applicable zoning regulations and standards. No variances or special exceptions are requested.

Zoning History: There have not been any recent zoning changes in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Cadiz Street	Principal Arterial	200 feet
Riverfront Boulevard	Principal Arterial	50 feet

Surrounding Land Uses:

	Zoning	Land Use
North	PDD No. 784	Freeway
East	PDD No. 784	Undeveloped, Vehicle sales, office, vacant
South	PDD No. 784	Commercial Amusement (inside), Vacant
West	PDD No. 784	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 an Urban Mixed-Use Building Block.

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

The request site is within Dallas’s Downtown and the Trinity River Corridor which are experiencing major development/redevelopment efforts. The applicant’s proposal to operate a restaurant with a drive-in or drive-through [Sonic] is not consistent with the *forwardDallas! Vision* for this area is to promote a pedestrian-oriented mix of uses in the downtown area. However, staff is recommending approval for a three-year period to allow the applicant to utilize the property during the transition period.

Land Use Compatibility:

Major development and redevelopment is occurring in this area of the City. The request site is surrounded by undeveloped property, vehicle sales and office, a commercial amusement (inside) limited to a Class A dance hall and several vacant buildings. The proposed use is not compatible with the vision the City has for the area; however, the property is maintained in good condition and the operations of the site contributes to the area and the transition it is experiencing. A short period of time for approval will facilitate the transition while the applicant can continue utilizing 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 applicable zoning regulations and standards.

Based on staff's analysis of the site, the existing built environment, and the operation in the locations noted on the site plan, staff has determined the renewal to be appropriate.

Parking:

Pursuant to §51A-4.203, a restaurant with drive-in or drive-through use requires one space per 100 square feet of floor area. The applicant is providing the required parking for the restaurant with drive-in and drive-through and for the additional uses that share the existing building and property.

Traffic:

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

CPC ACTION – November 20, 2014

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1953 for a restaurant with drive-in or drive-through service for a three-year period, subject to conditions on property zoned Cedars West Subdistrict 1, Urban Village Form District within Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the south corner of East R.L. Thornton Freeway (Interstate 35E) and South Riverfront Boulevard.

Maker: Emmons
Second: Culbreath
Result: Carried: 14 to 0

For: 14 - Anglin*, Emmons, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley*, Lavallaisaa, Tarpley, Shellene, Schultz, Murphy*, Ridley, Abtahi

Against: 0
Absent: 0
Vacancy: 0
Conflict: 1 - Peadon

*out of the room, shown voting in favor

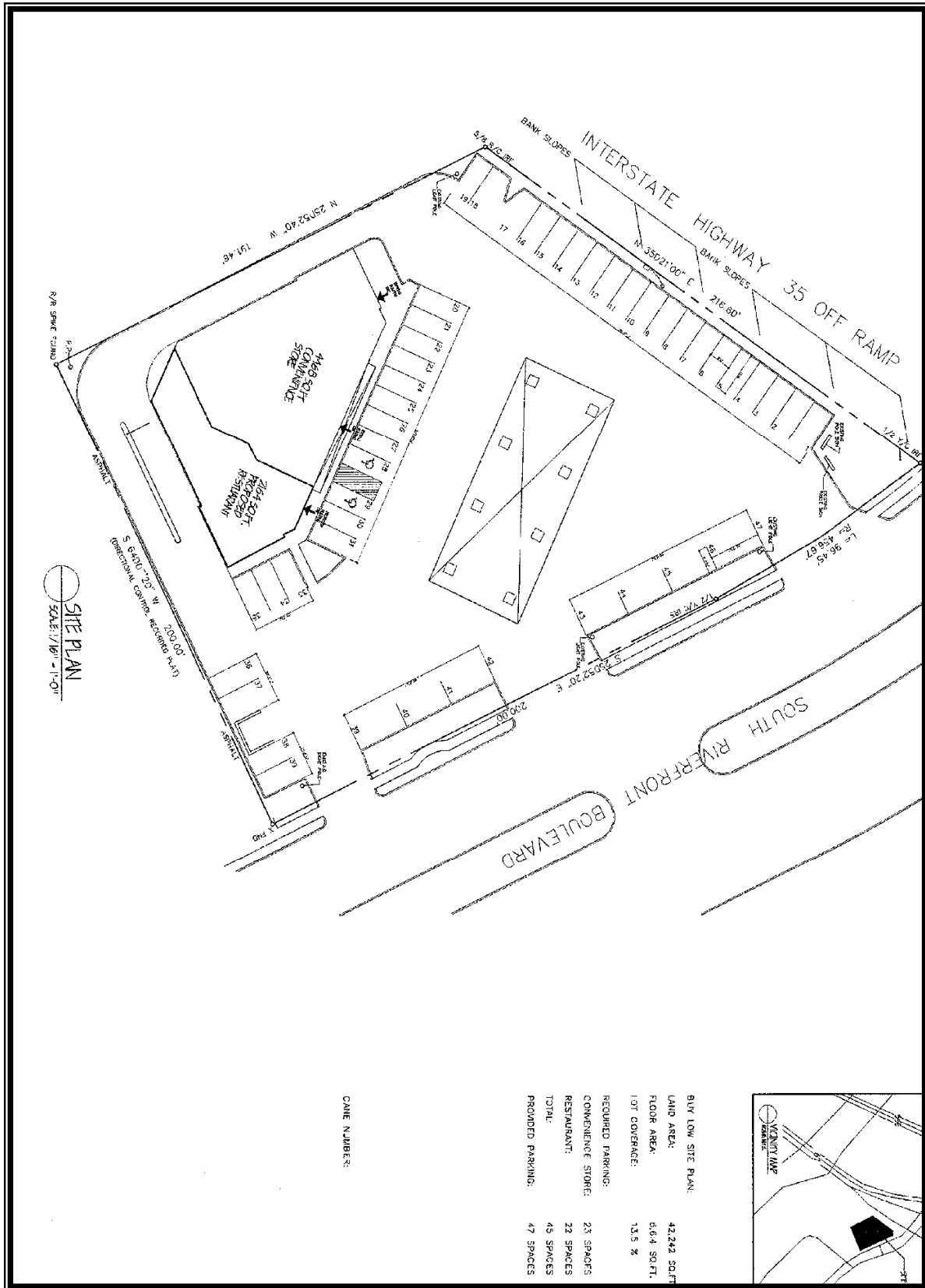
Notices: Area: 300 Mailed: 10
Replies: For: 0 Against: 0

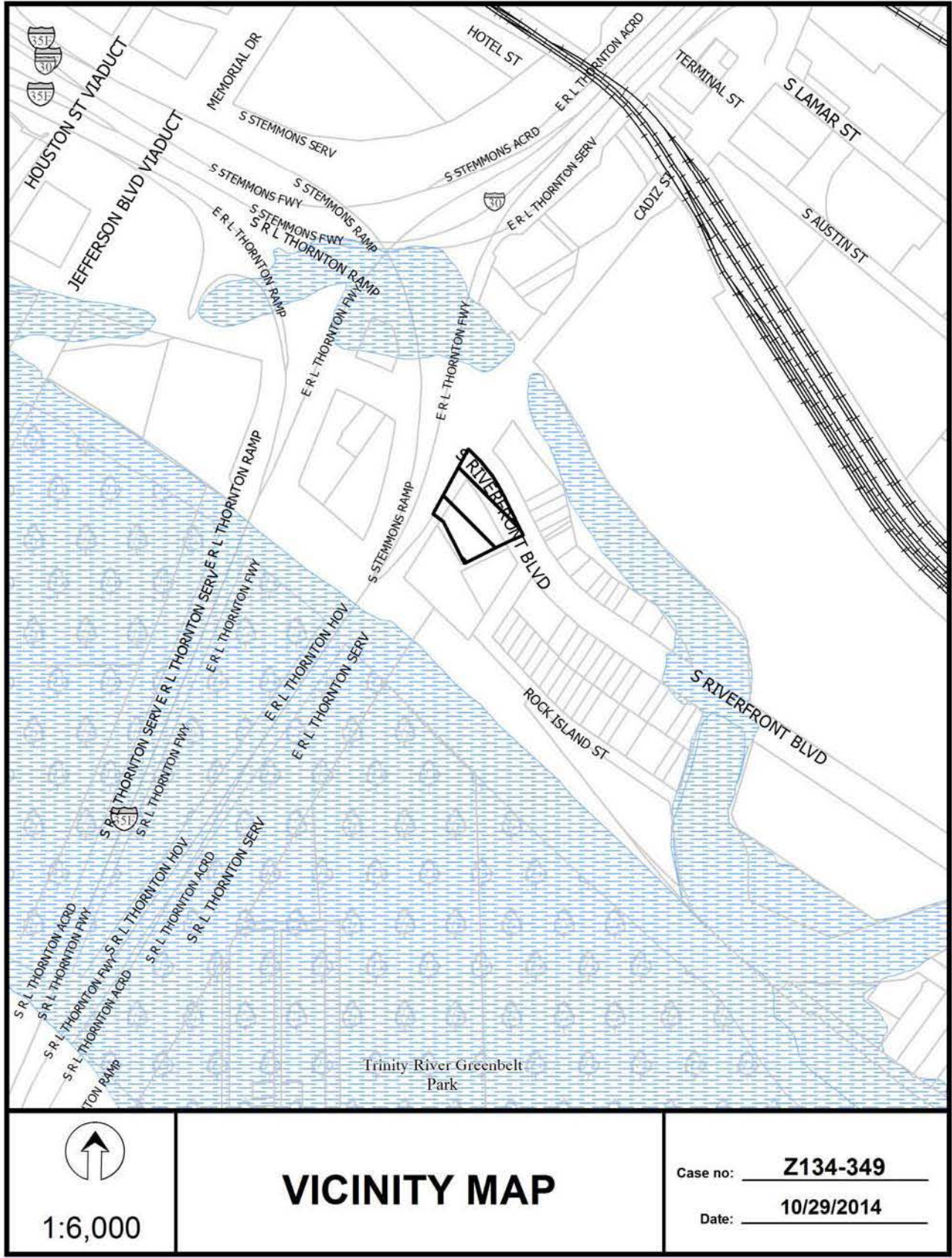
Speakers: For (Did not speak): Patrick Gallagher, 12212 Arbor Lake Rd., Rhome, TX, 76078
Against: None

**PROPOSED CONDITIONS SUP No. 1953
Z134-349(OTH)**

1. USE: The only use authorized by this specific use permit is a restaurant with drive-in or drive-through service.
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 three years from the date of approval April 25, 2015.
4. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Off-street parking must be located as shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SITE PLAN



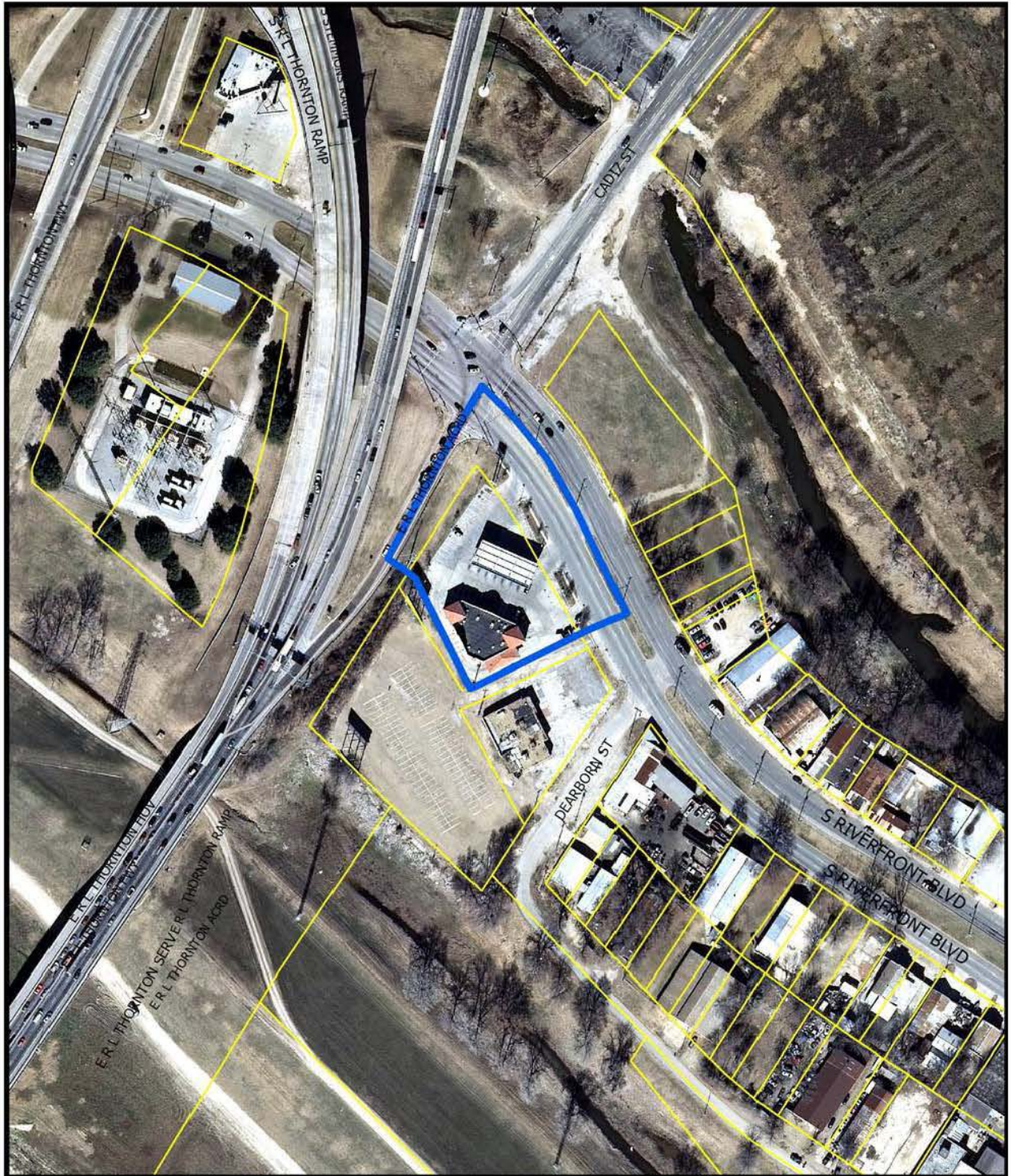


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VICINITY MAP

Case no: Z134-349

Date: 10/29/2014

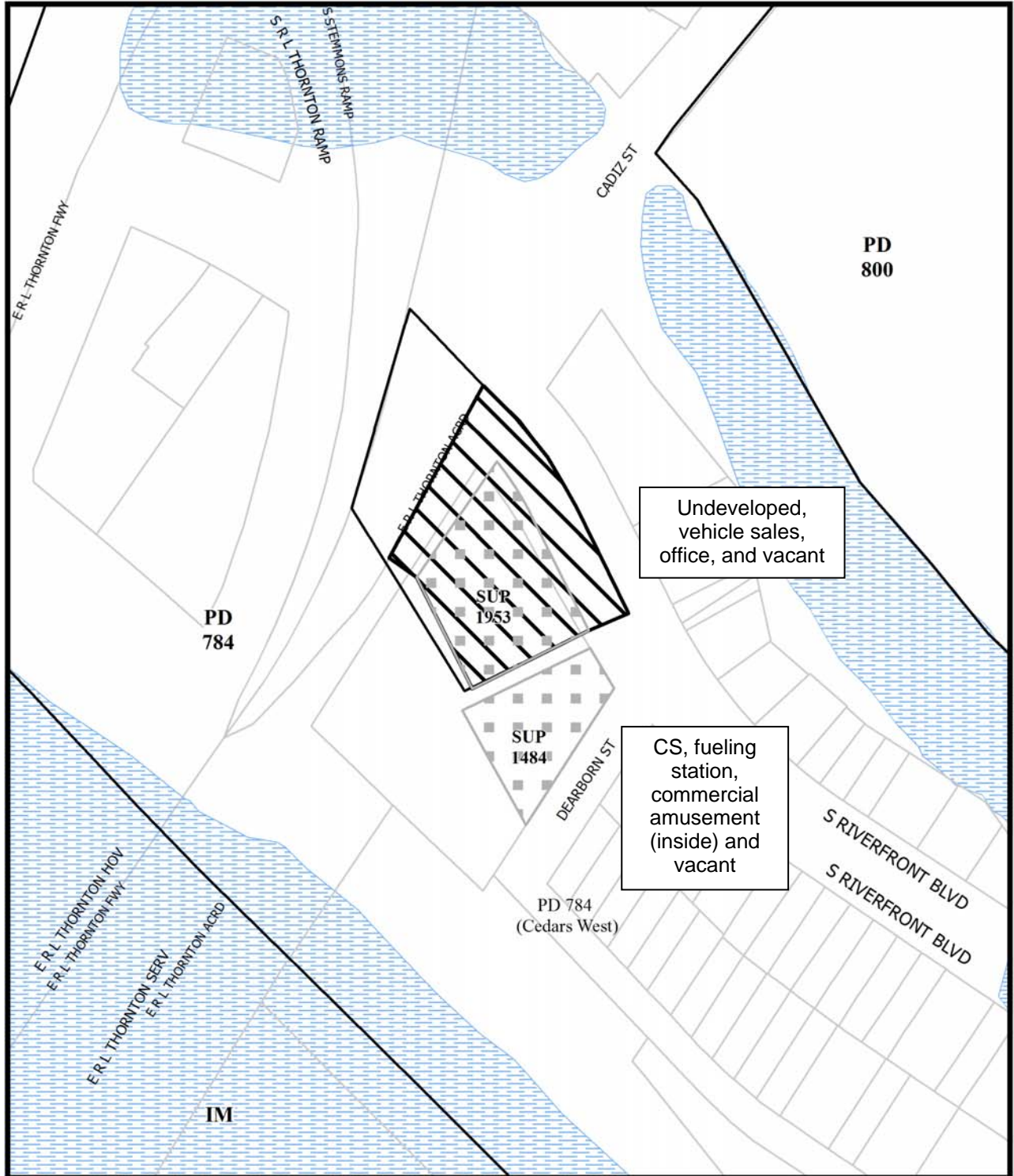


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AERIAL MAP

Case no: Z134-349

Date: 10/29/2014



 1:2,400	<h2 style="text-align: center;">ZONING AND LAND USE</h2>	Case no: <u> Z134-349 </u> Date: <u> 10/29/2014 </u>
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CPC RESPONSES



Z134-349(OTH)

10/29/2014

Notification List of Property Owners

Z134-349

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1005 RIVERFRONT BLVD	ARLINGTON LAKESIDE GROCERY & GRILL INC
2	919 RIVERFRONT BLVD	TEXAS UTILITIES ELEC CO
3	1006 RIVERFRONT BLVD	FAMKAR NICOLE MARLAM
4	200 CADIZ ST	SPORTATORIUM ASSOC INC &
5	1100 ROCK ISLAND ST	UNIFIED TEXAS PROPERTIES LLC
6	106 DEARBORN ST	REYNA ROGER & ROSA
7	1103 RIVERFRONT BLVD	UHRICK PROPERTIES LLC
8	1010 RIVERFRONT BLVD	FAMKAR NICOLE MARLAM
9	1018 RIVERFRONT BLVD	POORNOROOZ MIKE HOSSEIN
10	1027 RIVERFRONT BLVD	REYNA ROGER

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 13
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 23 R

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 restaurant without drive-in or drive-through service on property zoned a CR Community Retail District with a D Liquor Control Overlay on the west side of Marsh Lane, north of Walnut Hill Lane
Recommendation of Staff and CPC: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z134-355(AF)

FILE NUMBER: Z134-355(AF) **DATE FILED:** October 21, 2014
LOCATION: West side of Marsh Lane, north of Walnut Hill Lane
COUNCIL DISTRICT: 13 **MAPSCO:** 23-R
SIZE OF REQUEST: Approx. 5.57 acres **CENSUS TRACT:** 97.02

APPLICANT/ OWNER: Hopkins Marsh Lane Plaza, L.P.

REPRESENTATIVE: Tommy Mann, Laura Hoffman, & Brad Williams, Winstead PC

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 restaurant without drive-in or drive through service on property zoned a CR Community Retail District with a D Liquor Control Overlay.

SUMMARY: The request site is located within a larger retail shopping center located northwest of the intersection of Marsh Lane and Walnut Hill. The applicant proposes to make the request site available for a restaurant that has the capability of selling alcoholic beverages. The request site is located within a +/- 242,237-square-foot retail shopping strip center. The restaurant without drive-in or drive through 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.

CPC 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 renewals for additional five-year periods, 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 renewals for additional five-year periods, subject to a site plan and 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 use is compatible with the surrounding land uses. The sale of alcoholic beverages within a restaurant does not impact the compatibility with the surrounding uses.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The use does not enhance nor deter from the welfare of the adjacent properties.
3. *Not a detriment to the public health, safety, or general welfare* – The purpose of limiting the initial term of the SUP is to allow for the City of Dallas the opportunity to re-evaluate the impact of the restaurant on the area after two years.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan, it complies with all applicable zoning regulations and standards.

Zoning History:

In March 1992, the City Council recommended approval of Specific Use Permit No. 1100 for a radio, television or microwave tower for a permanent time period on the eastern portion of the subject site. There has been no zoning activity in the vicinity of the request site.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Marsh Lane	Principal Arterial	100 ft.	100 ft.
Walnut Hill Lane	Principal Arterial	90 ft.	90 ft.

Land Use:

	Zoning	Land Use
Site	CR-D w/SUP No. 1100	General Merchandise store & Radio, television or microwave tower
North	CR	Retail
South	R-7.5(A), NO(A) w/ deed restrictions, SUP 748	Single Family, Offices & Bus Shelter
East	CR	General Merchandise store, Service Station
West	PD 31	Residential

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The Plan identifies the request site as being in the 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.

STAFF ANALYSIS:

Land Use Compatibility:

The surrounding land uses consist of a variety of retail uses to the north and west of the site. The properties east of Marsh Lane are developed with retail uses. South of the site, across Walnut Hill Lane is developed with office and single family uses. The integration of a restaurant use with alcohol sales is consistent with the overall land use pattern for the area.

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

Development Standards:

District	Setbacks		Density/ FAR	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 & personal service, office

Landscaping: No new development is proposed by this application as the existing buildings will be renovated. Therefore, the landscaping requirements of Article X of the Dallas Development Code will not be triggered.

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.

Parking: Pursuant to the Dallas Development Code, the off-street parking requirement for a restaurant without drive-in or drive-through is one space per 100 square feet of floor area. Therefore, the ± 1,956-square-foot area requires 20 spaces. Because the parking for the site is incorporated with the parking of a larger shopping center, the parking will be reviewed prior to issuance of the certificate of occupancy.

CPC Minutes – November 20, 2014

Z134-355(AF)

Planner: Aldo Fritz

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 restaurant without drive-in or drive-through service for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a CR Community Retail District with a D Liquor Control Overlay on the west side of Marsh Lane, north of Walnut Hill Lane.

Maker: Bagley
Second: Shidid
Result: Carried: 15 to 0

For: 15 - Anglin, Emmons, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 300 Mailed: 37
Replies: For: 1 Against: 2

Speakers: None

Partners/Principals/Officers:

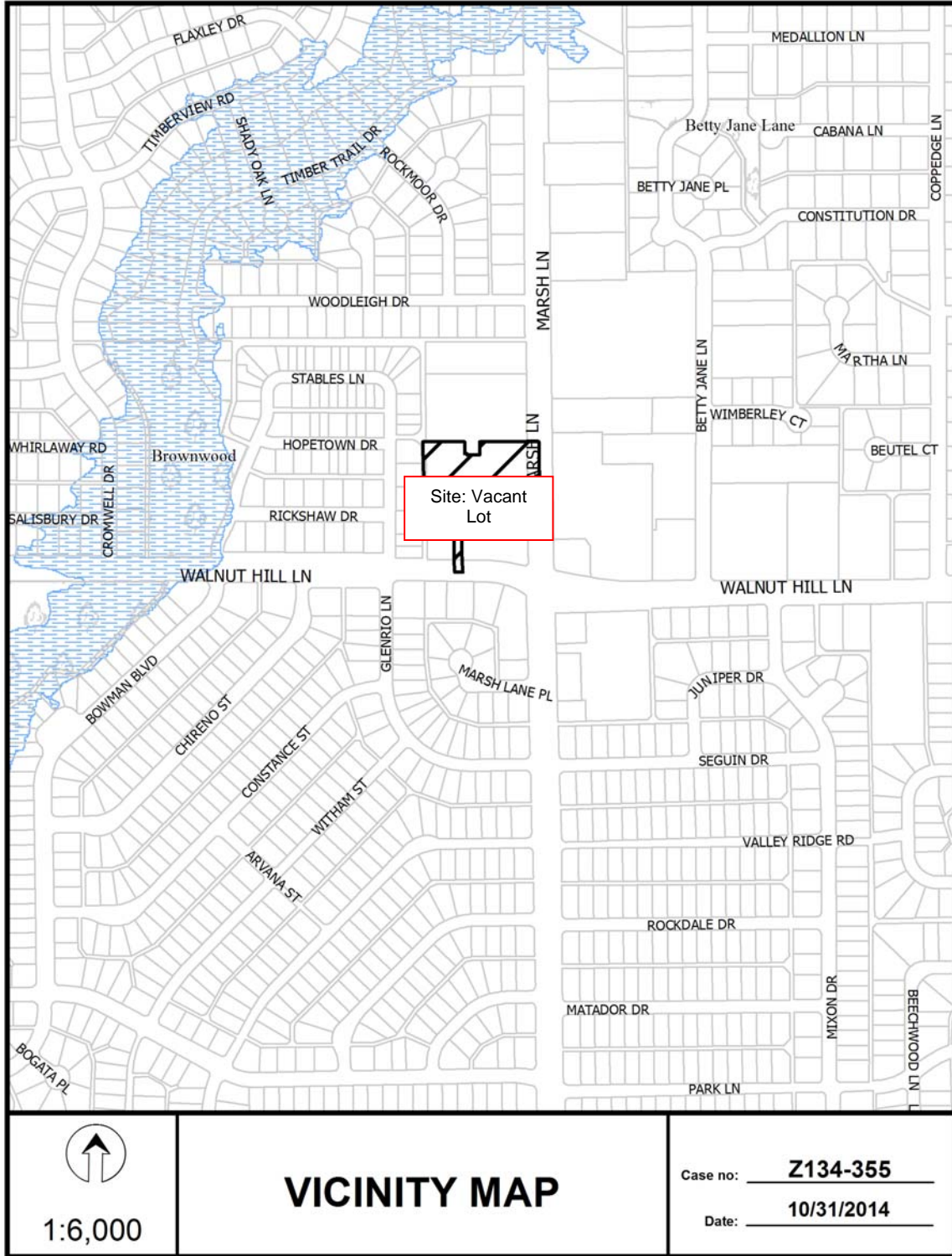
Owner/Applicant; Hopkins Marsh Lane Plaza, L.P.

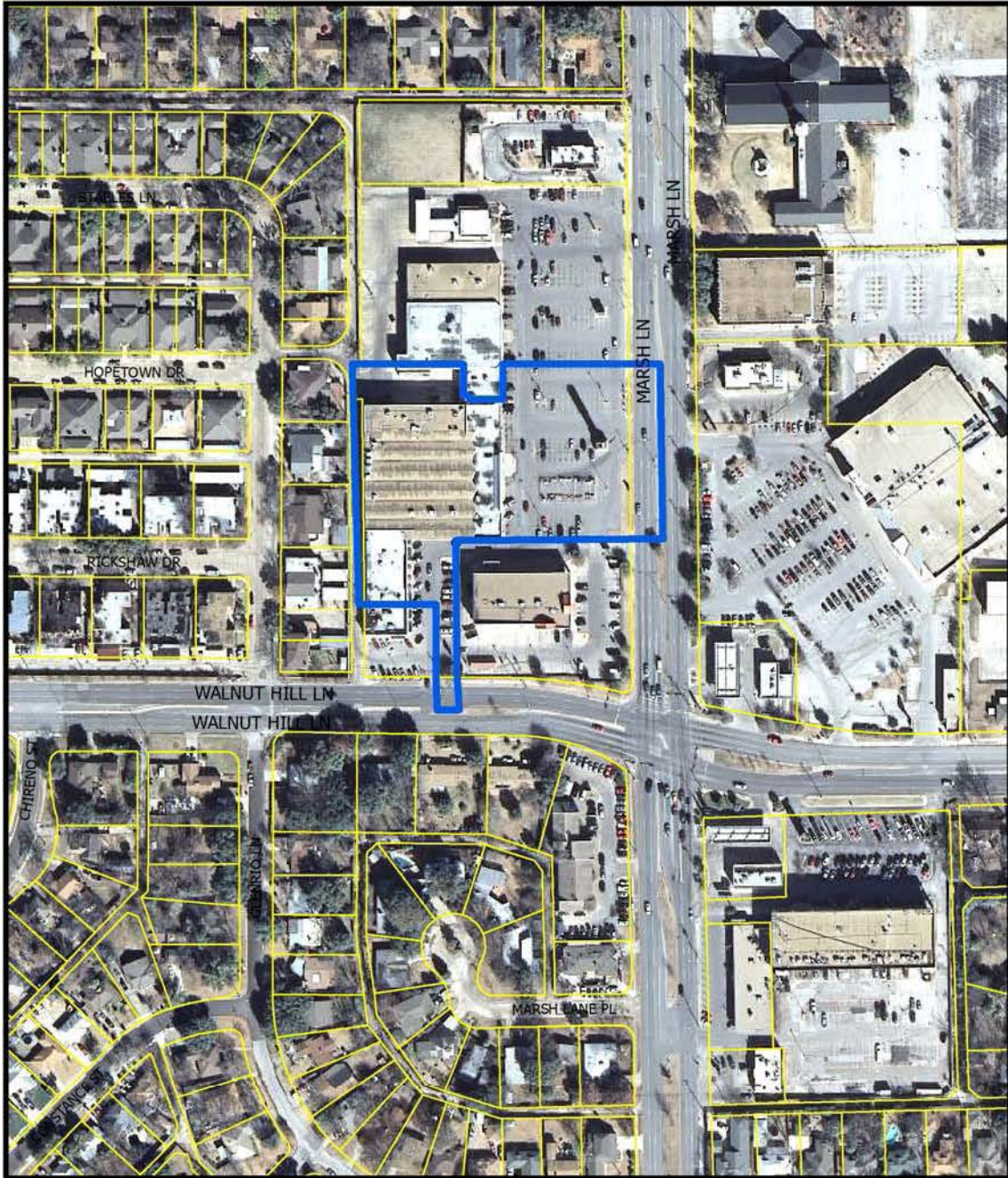
General Partner: Hopkins Retail, Inc.

- Michael J. Hopkins, President/Director
- Edward Schaefer, Vice President

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive through service.
2. SITE PLAN: The sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive through service is allowed only in the location shown in the 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)_____, 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. FLOOR AREA: The maximum floor area is 1,956 square feet.
5. OUTDOOR SPEAKERS: Outdoor speakers are prohibited.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



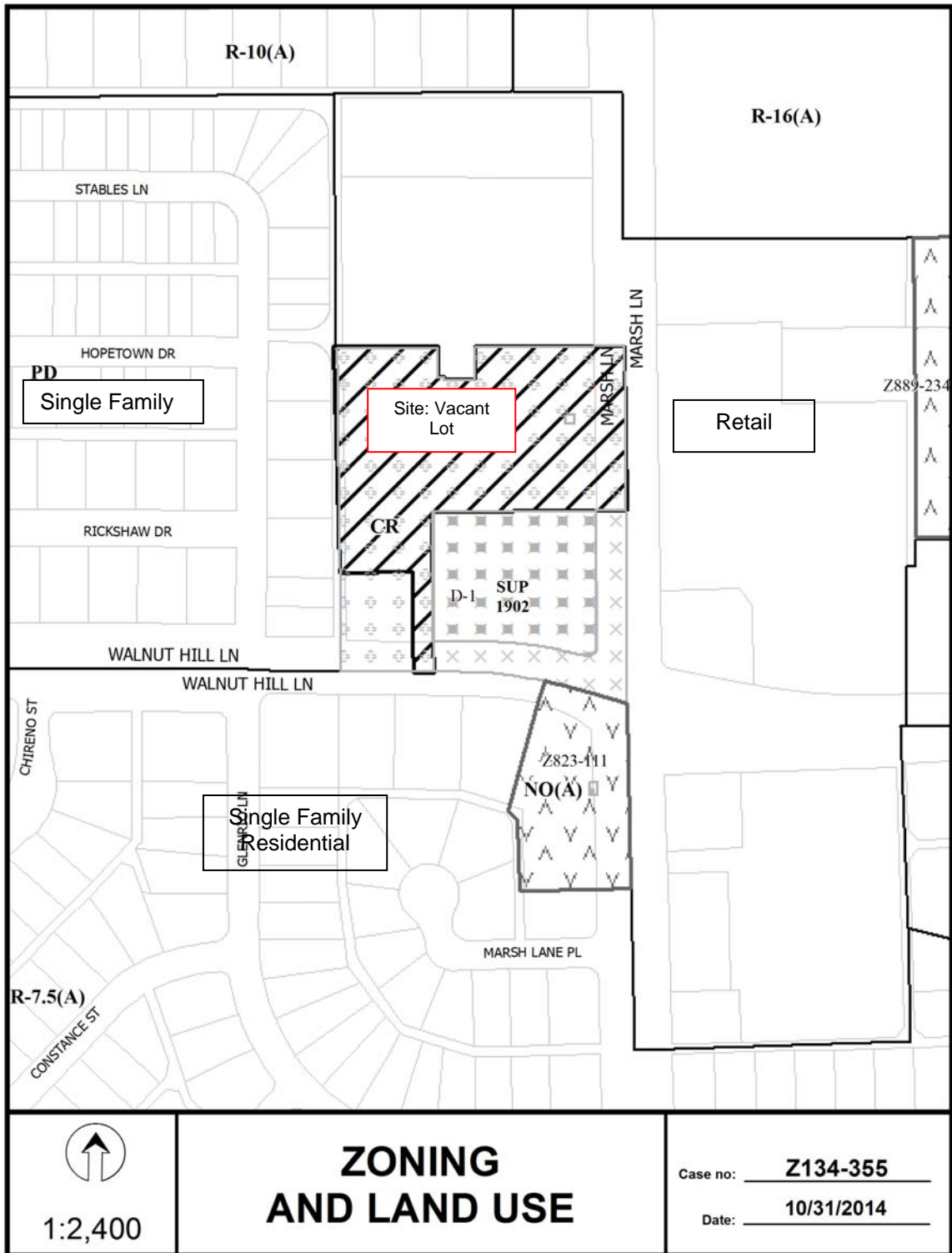


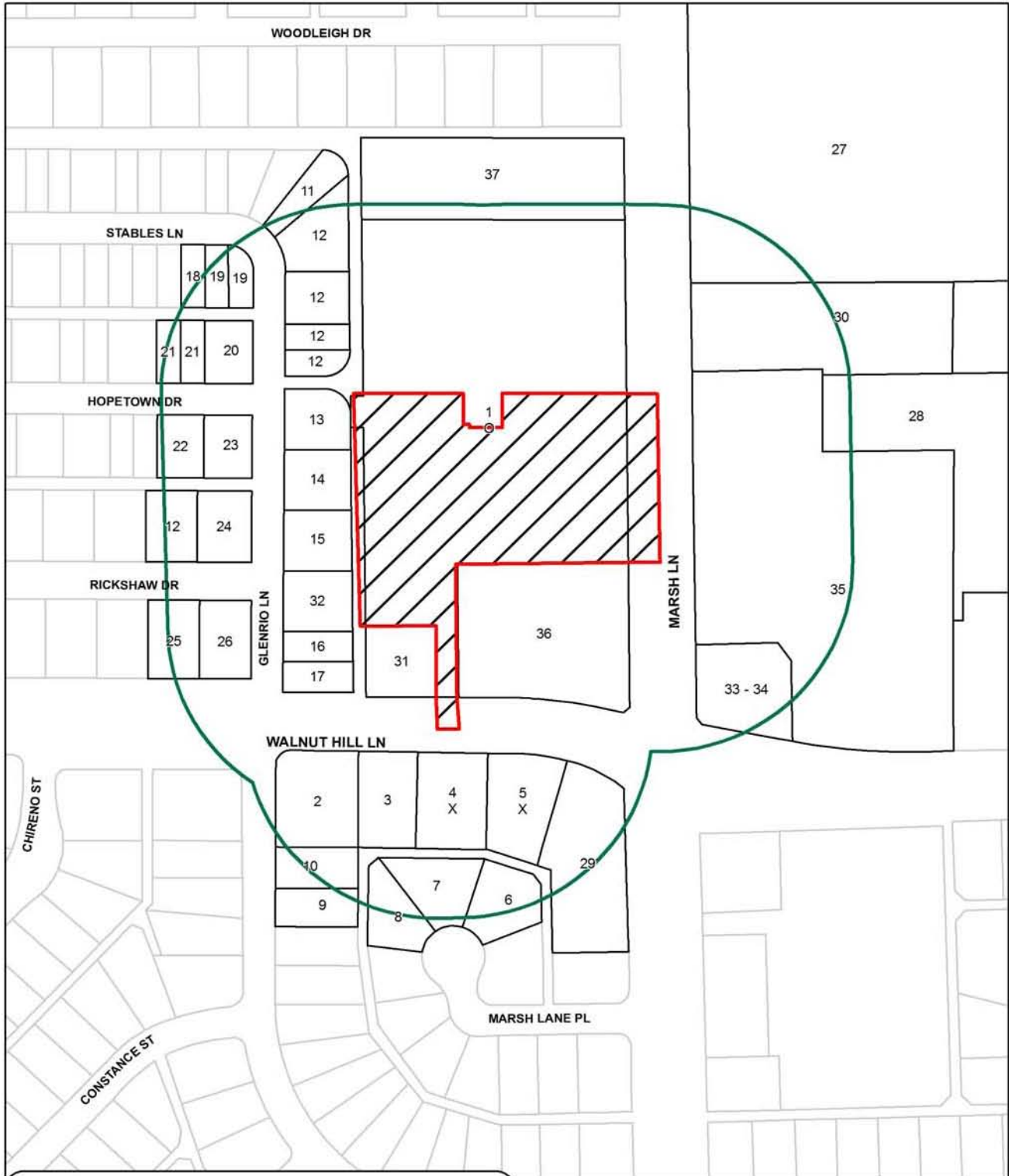
1:2,400

AERIAL MAP

Case no: Z134-355

Date: 10/31/2014





37	Property Owners Notified (42 parcels)
1	Replies in Favor (1 parcels)
2	Replies in Opposition (2 parcels)
300'	Area of Notification
11/20/2014	Date

Z134-355
CPC



1:2,400

11/19/2014

Reply List of Property Owners***Z134-355******37 Property Owners Notified 1 Property Owners in Favor 2 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	10051 MARSH LN	HOPKINS MARSH LANE PLAZA LP
	2	3634 WALNUT HILL LN	DALTON GEORGE R &
	3	3642 WALNUT HILL LN	ESTRELLO ERNEST EST OF
X	4	3650 WALNUT HILL LN	DENTON EDWARD J
X	5	3658 WALNUT HILL LN	DENTON EDWARD J
	6	3607 MARSH LANE PL	ANDERSON JOHN B
	7	3603 MARSH LANE PL	NASTASI RAYMOND L
	8	3602 MARSH LANE PL	FAVELA BELIA R
	9	9928 GLENRIO LN	JOLON GUILLERMO
	10	9932 GLENRIO LN	AGUILAR FERMIN & VIRGINIA
	11	3653 STABLES LN	NOGUEZ MARIA ELENA
	12	3659 STABLES LN	SMOGER ILENE J
	13	10040 GLENRIO LN	MAGELLAN FUNDING PTRS FUND I LP
	14	10028 GLENRIO LN	TADESSE TEWABECH N
	15	10022 GLENRIO LN	BRODEUR LAURA D & ERIC R FAMILY TRUST
	16	10004 GLENRIO LN	DAKINGKING SERAFIN V &
	17	10002 GLENRIO LN	PAMPELL PATRICIA D
	18	3650 STABLES LN	SMOGER ILENE
	19	3658 STABLES LN	COLFRY G L EST OF
	20	3635 HOPETOWN RD	PASSMORE TOM &
	21	3631 HOPETOWN RD	BOLLINGER DONALD FREDERIC
	22	3630 HOPETOWN RD	AMERICAN NATL BANK OF TEXAS
	23	3634 HOPETOWN RD	LASTELICK TIFFANY KAYE
	24	3675 RICKSHAW DR	ORR BESHARA ANTONY
	25	3660 RICKSHAW DR	RICKSHAW DRIVE TRUST
	26	3676 RICKSHAW DR	3670-3676 RICHSAW LLC

11/19/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	10066 MARSH LN	WALNUT HILL UNITED
	28	10031 BETTY JANE LN	NHI TX LEASE OWNER LP
	29	9991 MARSH LN	BERMANI PROPERTIES LTD
	30	10056 MARSH LN	DALLAS COUNTY OF
	31	10031 MARSH LN	PICKERING MARY K ETAL
	32	10010 GLENRIO LN	ENGRAM BRYAN H
	33	10002 MARSH LN	COPPEDGE HAROLD G TR ETAL
	34	10004 MARSH LN	CHEVRON USA INC
	35	10020 MARSH LN	COPPEDGE HAROLD G ET AL
	36	10003 MARSH LN	GUPTA WALNUT HILL
	37	10107 MARSH LN	BOWIE ROBERT TR &

AGENDA ITEM # 29

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 12
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 5 G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a CR Community Retail District on the east side of Preston Road, south of Frankford Road
Recommendation of Staff and CPC: Approval with deed restrictions volunteered by the applicant
Z134-332(AF)

FILE NUMBER: Z134-332(AF) **DATE FILED:** September 5, 2014
LOCATION: East side of Preston Road, south of Frankford Road
COUNCIL DISTRICT: 12 **MAPSCO:** 5-G
SIZE OF REQUEST: ± 6.29 acres **CENSUS TRACT:** 317.08

APPLICANT/ OWNER: Caddo Preston Plaza LLC

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for an MU-3 Mixed Use District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District

SUMMARY: Currently, the property is nonconforming to the existing zoning classification. The applicant/owner of the property would like to address the nonconformity by rezoning the property to a conforming district. The request site is currently zoned a CR Community Retail District and developed with a 10-story office building, parking structure, roof-top tower for cellular communication, and drive-thru bank. The site was originally developed in 1984 under the SC Shopping Center zoning, which allowed a maximum height of 240 feet. The site's current zoning of CR, Community Retail District has height restrictions that limit buildings to be 54 feet/4 stories. In addition, deed restrictions have been volunteered to limit the height and restrict certain land uses.

CPC RECOMMENDATION: Approval with deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval with deed restrictions volunteered by the applicant.

BACKGROUND INFORMATION:

Staff recommends denial based upon:

1. *Performance impacts upon surrounding property* – The proposed MU-3 Mixed Use District would not adversely impact adjacent uses. The uses to the north, east, south and west are compatible with the office, retail, and personal service, lodging, and residential uses already located along Preston Road.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the surrounding roadway system can support proposed zoning district.
3. *Comprehensive Plan or Area Plan Conformance* – The proposed request is compliant with the forwardDallas! Comprehensive Plan. The plan shows the request site located in an Urban Mixed-Use Block.

BACKGROUND INFORMATION:

Zoning History: There have been no recent zoning cases within close proximity to the subject site.

Land Use:

	Zoning	Land Use
Site	CR	Office/Retail
North	PD 425	Retail
South	MF-1 (A)	Multi-family
East	MF-2 (A)	Multi-family
West	MF-1 (A)	Retail/MultiFamily

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Preston Rd	Major Arterial	120 ft.	120 ft.

Comprehensive Plan: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The Plan identifies the request site as being in the Urban Mixed-Use building block.

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

The request site is located in a Business Center or Corridor. The applicant's request is in compliance with the goals and policies in the *forwardDallas! Comprehensive Plan*.

URBAN DESIGN ELEMENT

GOAL 5.1 Promote a sense of place, safety and walkability

Policy 5.1.3: Encourage complementary building height, scale, design and character.

STAFF ANALYSIS:

Land Use Compatibility: Originally developed in 1984 under the SC Shopping Center zoning, the site was conforming to all regulations and standards that its land use designation allowed. In the late 1980's, the city of Dallas changed zoning classifications, which caused the subject site to become nonconforming. The zoning designation granted to the site was CR Community Retail.

Under the City of Dallas' Code of Ordinances, the CR Community Retail District allows a maximum height of 54 feet or 4 stories. Currently, the site houses a structure that is well over the maximum allowed of 54 feet. It is the intention of the applicant to update his property's zoning designation to allow for his site to be conforming to Building Code regulations. The applicant has volunteered deed restrictions that would limit any new structures to be no higher than 140 feet.

Staff's recommendation is for approval.

Development Standards:

<u>DISTRICT</u>	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Previous Designation before changes in Building Code							
SC Shopping Center	30'	0' adjacent to residential OTHER: 5 or 10.	2.0 FAR overall 0.75 office/ retail 0.5 retail	240'	1:1	MAX Lot Coverage: Res:60/Non Res:40	Retail & Personal Service, Office
Current Zoning							
CR Community Retail	15'	20' adjacent to residential OTHER: No min.	.75 FAR overall 0.5 office	54' 4 stories	60%	Prox. Slope	Retail & Personal Service, Office
Proposed							
MU-3 Mixed Use District	15'	0' adjacent to residential OTHER: No min.	3.2FAR base 4.0 FAR Max +Bonus for residential	270'	80%	Prox. Slope Uform setback Tower Spacing Visual Intrusion	Office, retail, & personal service, lodging, residential

Landscaping: Any additional 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 surrounding street system can accommodate the request.

CPC Action–October 23, 2014

Motion: It was moved to recommend **approval** of an MU-3 Mixed Use District with volunteered deed restrictions on property zoned a CR Community Retail District on the east side of Preston Road, south of Frankford Road.

Maker: Murphy
Second: Ridley
Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Rodgers, Culbreath,
Shidid, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz,
Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Anantasomboon
Vacancy: 0

Notices: Area: 400 Mailed: 32
Replies: For: 0 Against: 0
Speakers: None

Z134-332 (AF)

List of Officers

17950 Preston Road

Caddo Preston Plaza GP, LLC

Dustin Schillin, Managing Partner
Time Slaughter, Managing Partner
Justin Engler, Managing Partner

PROPOSED DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF _____) KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, _____, a _____ ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the _____ Survey, Abstract No. _____, City Block _____, City of Dallas ("City"), _____ County, Texas, and being that same tract of land conveyed to the Owner by _____, by deed dated _____, and recorded in Volume _____, Page _____, in the Deed Records of _____ County, Texas, and being more particularly described as follows:

BEING all of Lot 1 Block J/8729; fronting approximately 599 feet on the west line of Preston road; and containing approximately 6.29 acres.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. Main uses.

The following main uses are not permitted:

- Labor hall.
- Temporary concrete or asphalt batching plant.
- Cemetery.
- Convent or monastery.
- Halfway house.
- Foster home.
- Overnight general purpose shelter.
- Carnival or circus.
- Group residential facility.
- Mortuary, funeral home, commercial wedding chapel.
- Swap or buy shop.
- Electrical substation.
- Utility/government other than listed
- Recycling buy-back center
- Recycling collection center
- Recycling drop-off container
- Recycling drop-off for special occasion collection

2. Stories. Maximum number of stories above grade is 10
3. Height. Maximum structure height is 140 feet. 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.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with.

The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of Chapter 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

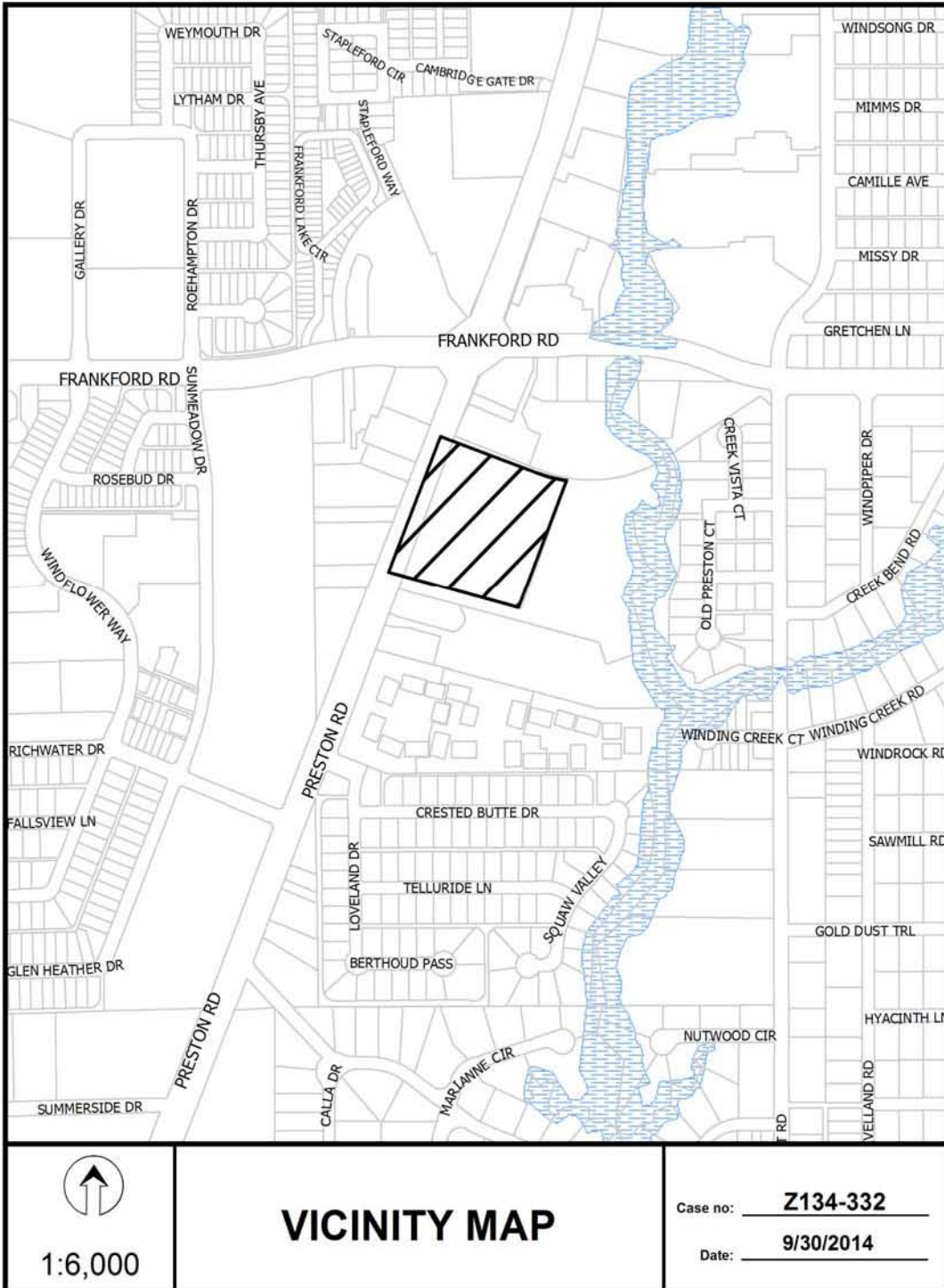
The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

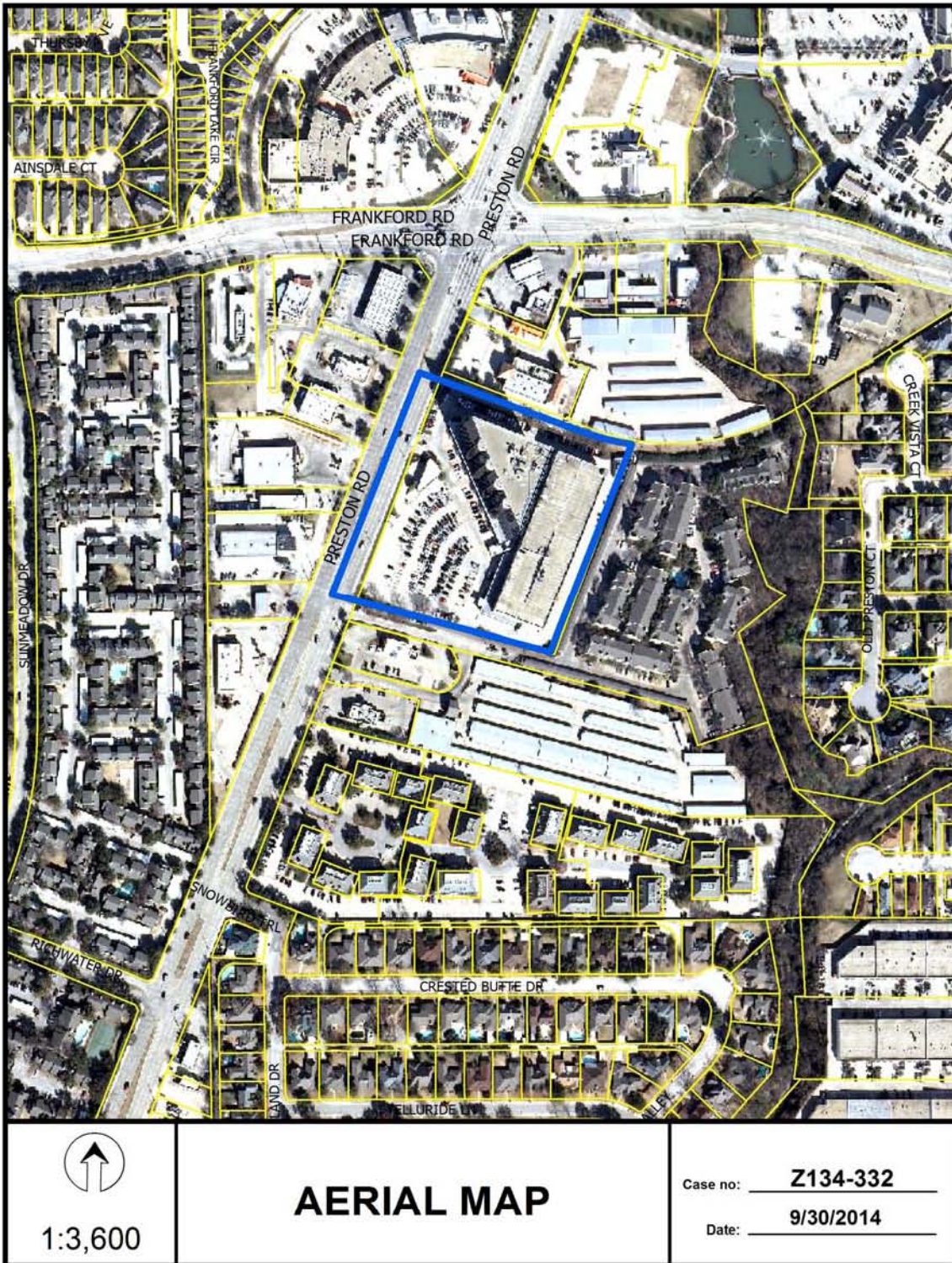
XI.

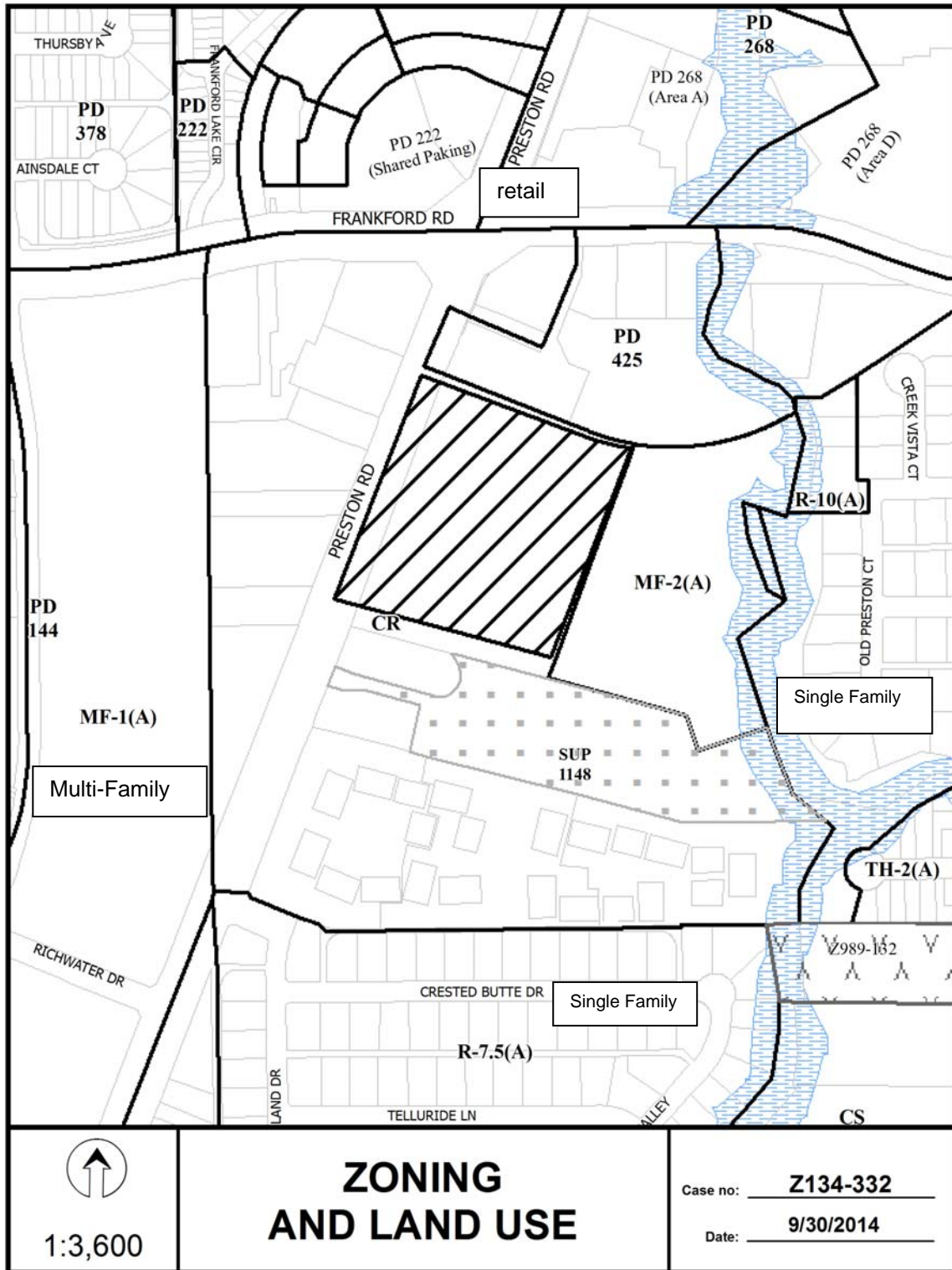
The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

XII.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.









<u>32</u>	Property Owners Notified (40 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>400'</u>	Area of Notification
<u>10/23/2014</u>	Date

Z134-332
CPC



1:3,600

Reply List of Property Owners

Z134-332

32 *Property Owners Notified* **0** *Property Owners in Favor* **0** *Property Owners Opposed*

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	17950 PRESTON	CADDO PRESTON PLAZA LLC
	2	17772 PRESTON	17772 PRESTON LLC
	3	17878 PRESTON	WESTDALE POLO CLUB LTD
	4	17717 PRESTON	SUMMER VILLAS APARTMENTS LLC
	5	PRESTON	G O C ASSOCIATION INC
	6	17742 PRESTON	NIDO PROPERTIES LLC
	7	17744 PRESTON	BLACK THOMAS E JR &
	8	17754 PRESTON	EZ ESTATES LLC
	9	17770 PRESTON	EVC PROPERTIES LLC
	10	18081 PRESTON	18081 PRESTON LLC
	11	18008 PRESTON	OOZI INVESTMENTS INC
	12	17858 PRESTON	GVD COMMERCIAL PROPERTIES INC
	13	17848 PRESTON	GOOD TAC REMAINDER IV LLC
	14	17854 PRESTON	ESS PRISA II TX LP
	15	17981 PRESTON	WENDY'S INTERNATIONAL INC
	16	17879 PRESTON	RETAIL BUILDINGS INC
	17	17977 PRESTON	DFI LLC
	18	17885 PRESTON	J WILSON PROPERTIES LLC
	19	6150 FRANKFORD	FONBERG REAL ESTATE INVESTMENTS LTD
	20	6330 FRANKFORD	ROYSS LLC
	21	6340 FRANKFORD	KWIK SUDS CAR WASH LLC
	22	6350 FRANKFORD	JEON'S MANAGEMENT LLC
	23	18000 PRESTON	BEHNAM ORIENTAL RUG CORP
	24	18004 PRESTON	SHURGARD TEXAS LP3
	25	6110 FRANKFORD	FONBERG REAL ESTATE INVESTMENTS LTD
	26	17899 PRESTON	SAAD BASEL

10/22/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>	
	27	17931	PRESTON	ZINCO ENTERPRISES INC
	28	18101	PRESTON	LBCMT 2007-C3 COMPLEX 18101 LLC
	29	STATE HWY 289 (PRESTON RD)		STATE OF TEXAS
	30		FRANKFORD	STATE OF TEXAS
	31			STATE OF TEXAS
	32	17921	PRESTON	ALLAHYARI MANSOUR

AGENDA ITEM # 30

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 5
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 58 M

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 Community Retail District with a D Liquor Control Overlay on the north side of Lake June Road, east of Oak Hill Circle
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 renewals 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
Z134-346(AF)

ACM: Ryan S. Evans

FILE NUMBER: Z134-346(AF) **DATE FILED:** September 24, 2014
LOCATION: On the north side of Lake June Road, east of Oak Hill Circle
COUNCIL DISTRICT: 5 **MAPSCO:** 58-M
SIZE OF REQUEST: Approx. 0.19 acres **CENSUS TRACT:** 92.01

REPRESENTATIVE: Santos Martinez, Masterplan

APPLICANT/ OWNER: Gilberto Bedolla Jr.

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 Community Retail District with a D Liquor Control Overlay.

SUMMARY: Currently on the site is La Primera Meat Market, a 2,400 square foot butcher shop. General merchandise or food store 3,500 square feet or less is permitted by right in the current Community Retail Zoning District. The owner would like to add the sale of alcoholic beverages to his store. 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.

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 renewals for additional five-year periods, subject to a site plan and 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 use is compatible with the surrounding land uses. The sale of alcoholic beverages in conjunction with the main use does not affect the compatibility. The site is located on a major corridor that encompasses a large variety of different retail uses. The site has an established convenience store on the property.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The use does not contribute to nor deter from the welfare of adjacent properties.
3. *Not a detriment to the public health, safety, or general welfare* – The purpose of limiting the initial term of the SUP is to allow for the City the opportunity to evaluate SUP after two years. 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, it complies with all applicable zoning regulations and standards.

Surrounding Zoning History:

1. **Z123- 297** On October 8, 2013, the City Council approved the automatic renewal of Specific Use Permit No. 1871 for the sale of alcoholic beverages in conjunction with a general merchandise store or food store use 3,500 or less.
2. **Z123-295** On September 25, 2013, the City Council approved the automatic renewal of Specific Use Permit No. 1893 for the sale of alcoholic beverages in conjunction with a general merchandise store or food store use 3,500 or less.
3. **Z123-228** On June 26, 2013, the City Council approved the automatic renewal of Specific Use Permit No. 1867 for the sale of alcoholic beverages in conjunction with a general merchandise store or food store use 3,500 or less.
4. **Z123-161** On June 22, 2011, the City Council approved the automatic Renewal of Specific Use Permit No. 1866 for the sale of alcoholic beverages in

conjunction with a general merchandise store or food store 3,500 square feet or less.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Lake June Road	Principal Arterial	85 feet	Lake June Road

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.

Land Use:

	Zoning	Land Use
Site	CR-D	General Merchandise store
North	R-7.5 (A)	Single Family
South	CR-D	Variety of Retail Uses
East	CR-D	General Merchandise store, Service Station
West	CR-D	Variety of Retail Uses

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The Plan identifies the request site as being in the Transit Center or Multi-Modal Corridor.

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single-family neighborhoods while maintaining a strong focus on transit

orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add “eyes on the street” that can aid public safety.

STAFF ANALYSIS:

Land Use Compatibility:

The surrounding land uses consist of a variety of retail uses to the east and west of the property. The request site is located along Lake June Road which is a major corridor that connects 635 and CF Hawn Freeway. The survey performed by the surveyor concluded there was no church, public, or private school, or public hospital located within 300 feet of the property.

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

Development Standards:

District	Setbacks		Density/ FAR	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 & personal service, office

Landscaping: No new development is proposed by this application as the existing buildings will be renovated. Therefore, the landscaping requirements of Article X of the Dallas Development Code will not be triggered.

Z134-346(AF)

Parking: Pursuant to the Dallas Development Code, the off-street parking requirement for General merchandise or food store 3,500 square feet or less is one space per 200 square feet of floor area. Therefore, the ± 2,400-square-foot building requires 12 spaces, as depicted on the site plan.

CPC Minutes – November 20, 2014

Z134-346(AF)

Planner: Aldo Fritz

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, subject to a site plan and conditions on property zoned a CR Community Retail District with a D Liquor Control Overlay on the north side of Lake June Road, east of Oak Hill Circle.

Maker: Bagley
Second: Shidid
Result: Carried: 15 to 0

For: 15 - Anglin, Emmons, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 29
Replies: For: 0 Against: 0

Speakers: None

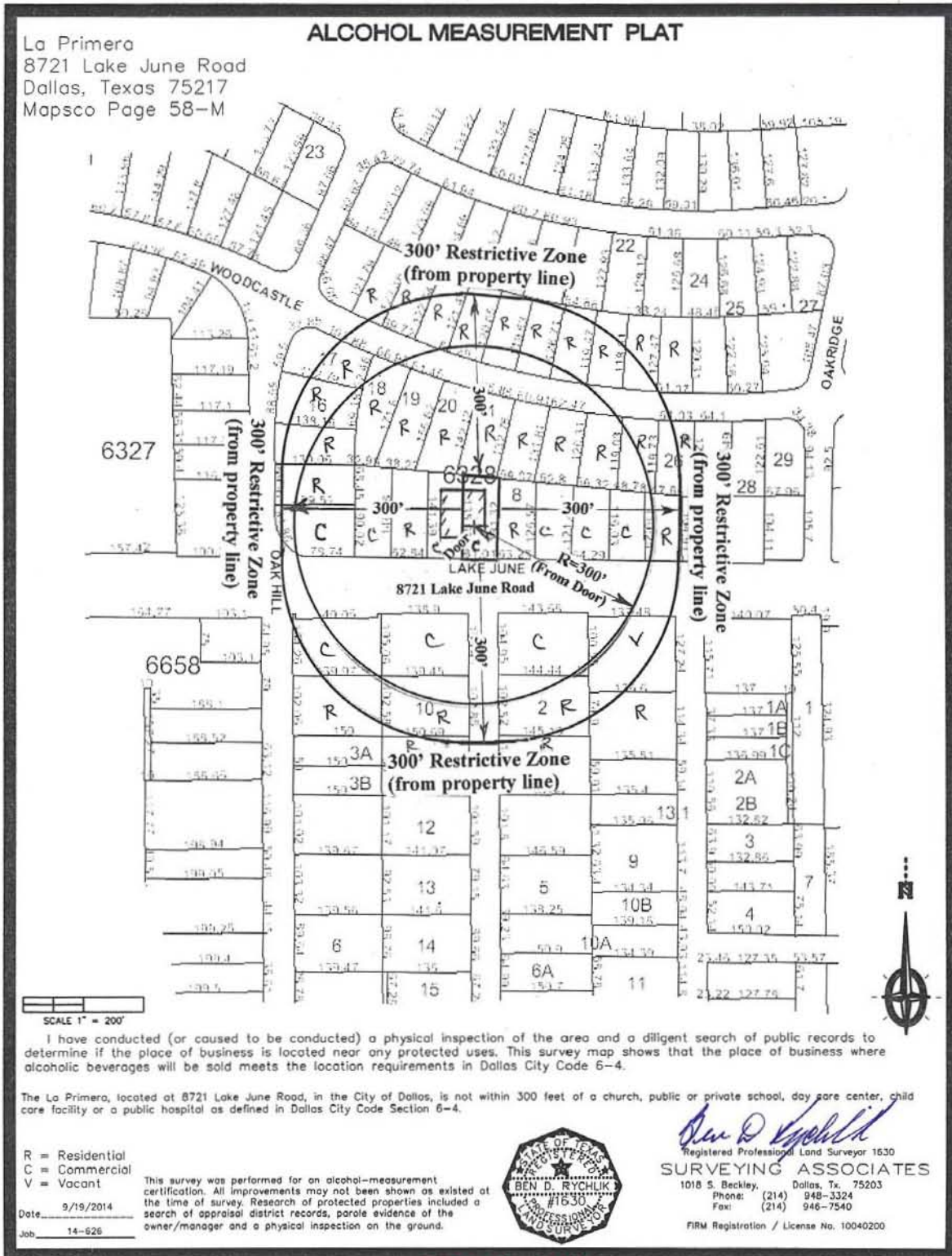
Z134-346(AF)

Partners/Principals/Officers:

Owner: Gilberto Bedolla, Jr.

SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with general merchandise or food store use 3,500 square feet or less.
2. SITE PLAN: The sale of alcoholic beverages in conjunction with a general merchandise or food stores use 3,500 square feet or less is allowed only in the location shown in the 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. FLOOR AREA: The maximum floor area is 2,400 square feet.
5. OUTDOOR SPEAKERS: Outdoor speakers are prohibited.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

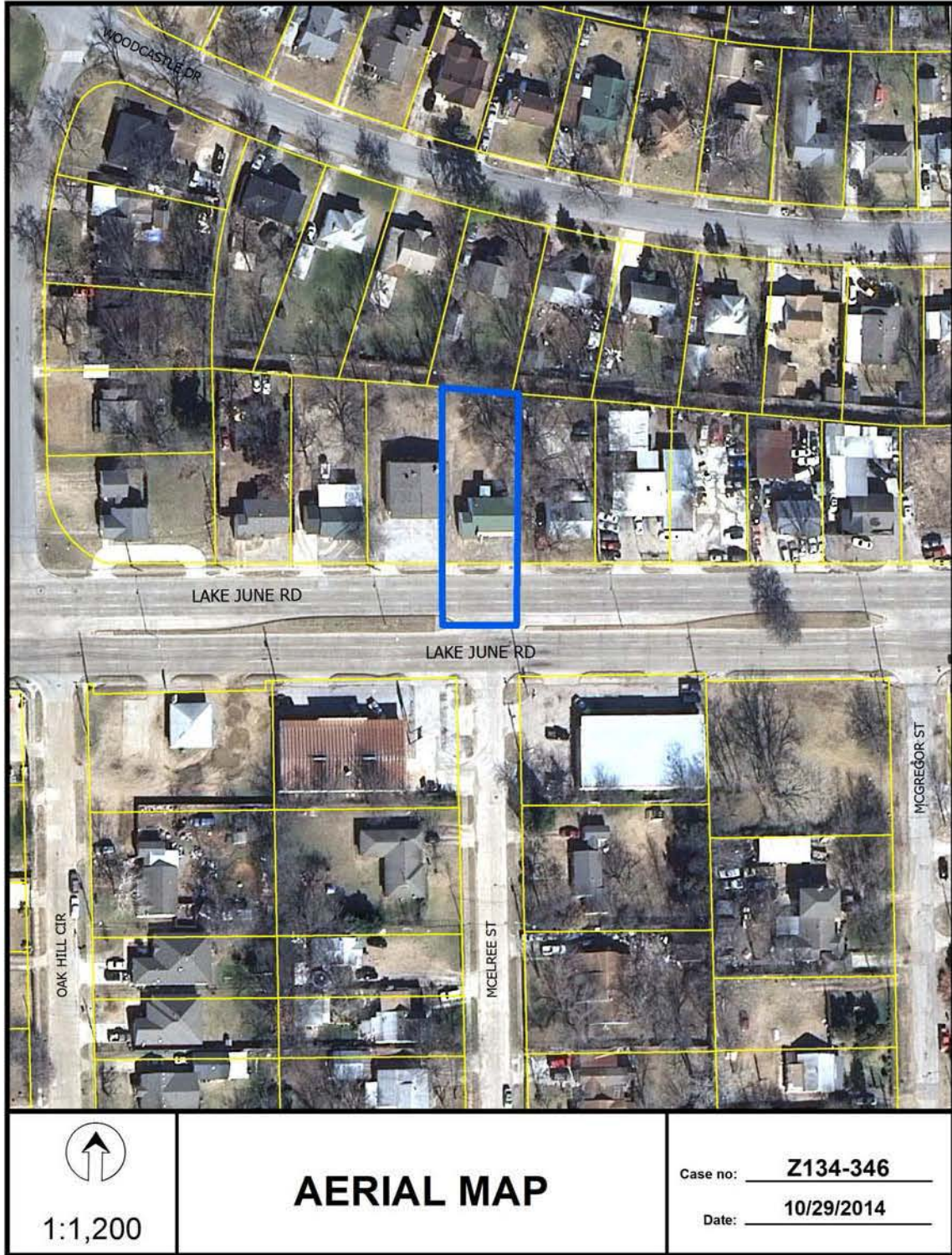


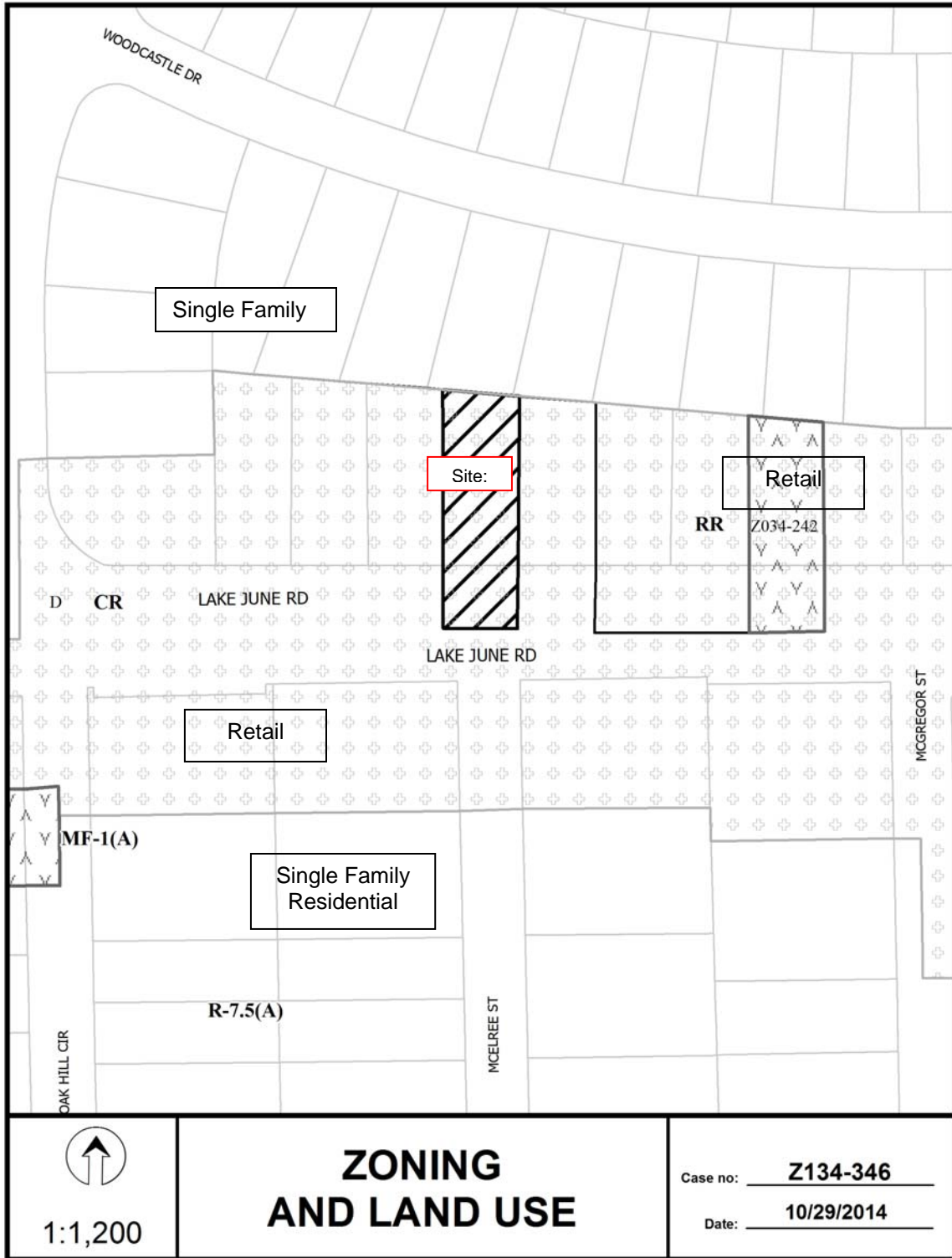
Z134-346

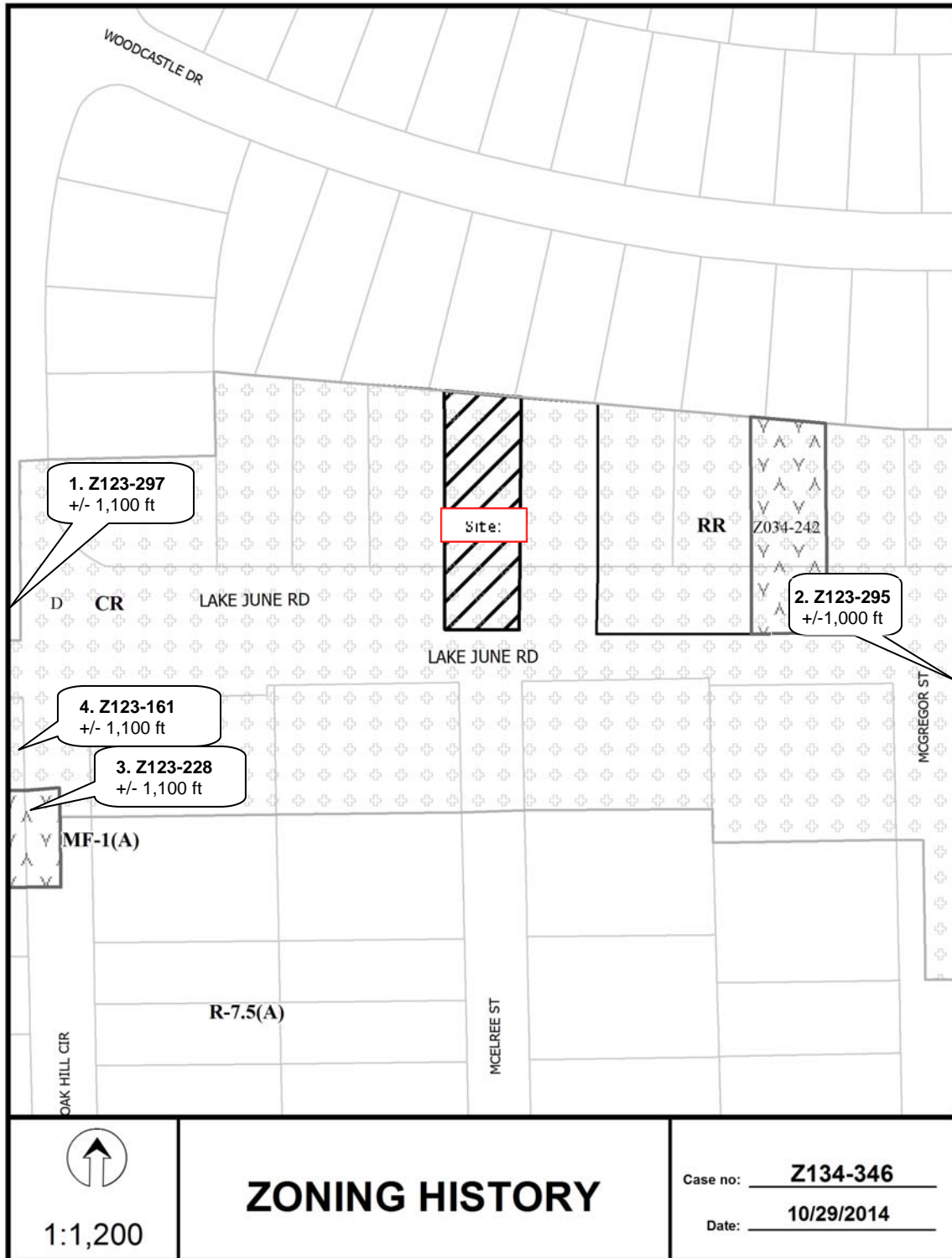


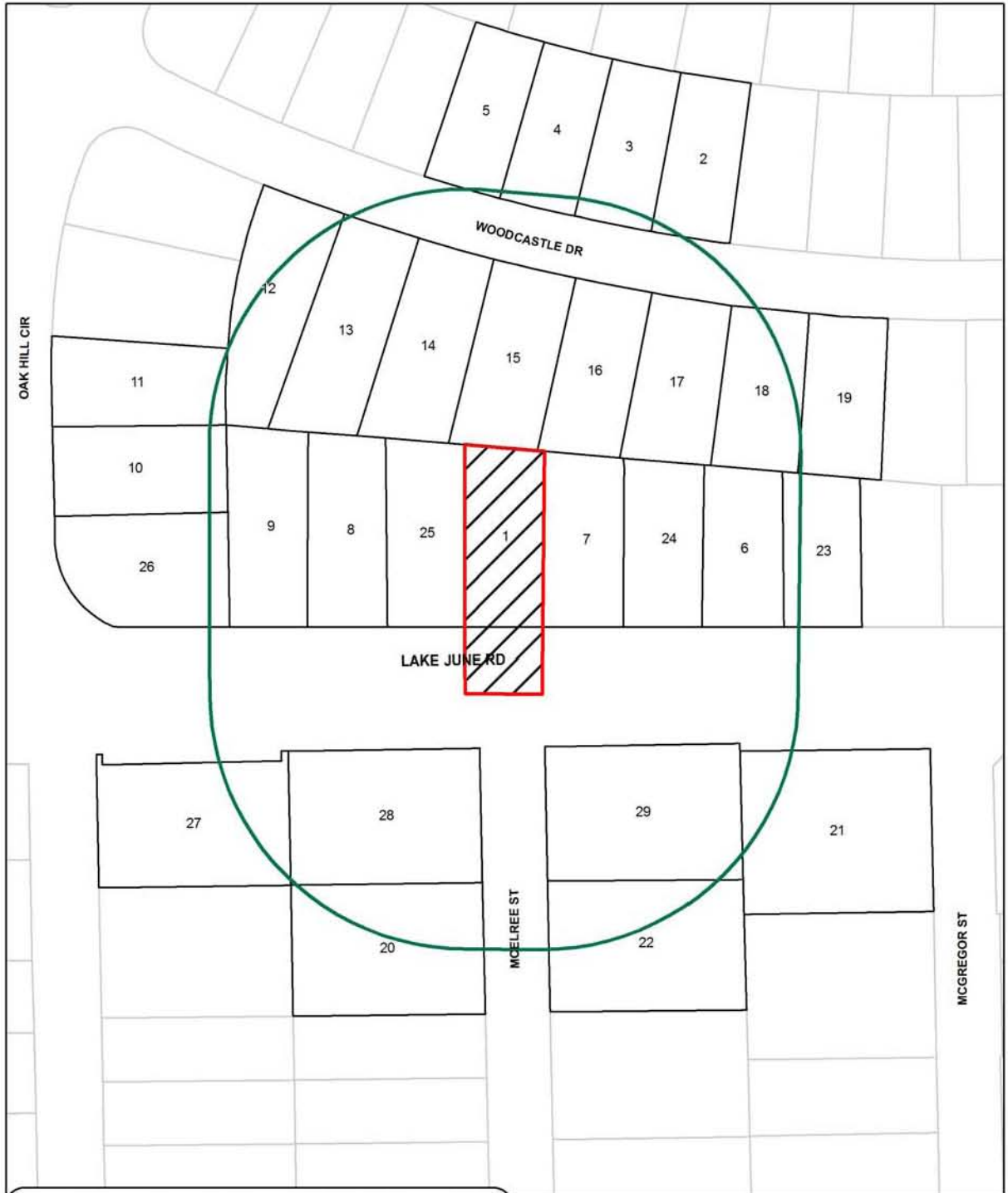
VICINITY MAP

Case no: Z134-346
Date: 10/29/2014









<u>29</u>	Property Owners Notified (29 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>11/20/2014</u>	Date

Z134-346
CPC



1:1,200

11/19/2014

Reply List of Property Owners***Z134-346******29 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8721	LAKE JUNE RD	BEDOLLA GILBERTO JR
2	8729	WOODCASTLE DR	RICARTE MARIA DEL ROSARIO
3	8725	WOODCASTLE DR	CORTEZ VALENTIN & MARIA
4	8721	WOODCASTLE DR	ARROYO ERASMO DE JESUS JR
5	8717	WOODCASTLE DR	ALVAREZ FIDEL A & IRMA L
6	8733	LAKE JUNE RD	CRUZ ROMAN
7	8725	LAKE JUNE RD	ESPINOZA AGUSTINA
8	8713	LAKE JUNE RD	GARCIA ROSALBA S
9	8709	LAKE JUNE RD	DELRIEGO ANA MARIA GONZALEZ
10	1306	OAK HILL CIR	FISHER MICHAEL W & BETTY R
11	1310	OAK HILL CIR	HERNANDEZ CYNTHIA
12	8708	WOODCASTLE DR	AVELLANEDA RUFINO & FERNANDA GOMEZ
13	8712	WOODCASTLE DR	GUZMAN PEDRO
14	8716	WOODCASTLE DR	REYNA LUCIANO
15	8720	WOODCASTLE DR	TRIGO NOLAN A
16	8724	WOODCASTLE DR	MARTINEZ HUMBERTO
17	8728	WOODCASTLE DR	TOVAR JOSE RIVERA &
18	8732	WOODCASTLE DR	GONZALEZ SANTIAGO
19	8736	WOODCASTLE DR	RAMIREZ TOMAS & ERNESTINA
20	1231	MCELREE ST	GUZMAN BULMARO F
21	8736	LAKE JUNE RD	CHANDLER BILLY E JR
22	1226	MCELREE ST	SALINAS ASUNCION J
23	8737	LAKE JUNE RD	MEDINA AUGUSTIN &
24	8729	LAKE JUNE RD	CRUZ ROMAN
25	8717	LAKE JUNE RD	TAYLOR ROCKY & STEPHANIE
26	8701	LAKE JUNE RD	MONSIVAIS AMALIA A &
27	8700	LAKE JUNE RD	MENDOZA JUAN R &
28	8718	LAKE JUNE RD	LACY INVESTMENTS ENTERPRISE LLC
29	8726	LAKE JUNE RD	CHANDLER BILLY JR

AGENDA ITEM # 31

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34 Z

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple-family Subdistrict and mini-warehouse uses on property zoned an MF-2 Multiple-family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west corner of Fairmount Street and Knight Street
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions
Z134-351(WE)

ACM: Ryan S. Evans

FILE NUMBER: Z134-351(WE) **DATE FILED:** September 29, 2014

LOCATION: West corner of Fairmount Street and Knight Street

COUNCIL DISTRICT: 2 **MAPSCO:** 34-Z

SIZE OF REQUEST: Approx. 0.95 acres **CENSUS TRACT:** 5.00

REPRESENTATIVE: Robert Baldwin, Baldwin Associates

APPLICANT: Advantage Self Storage Advisors, LLC

OWNER: One Prime LP

REQUEST: An application for a Planned Development Subdistrict for MF-2 Multiple-family Subdistrict and mini-warehouse uses on property zoned an MF-2 Multiple-family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The purpose of this request is to allow for the construction of a 4-story, 80,452 square-foot mini-warehouse facility. The request site is undeveloped and is being used as a staging area for the multiple-family development to the north, across Fairmount Street. A mini-warehouse use is not a permitted use within an MF Multiple-family Subdistrict. Planned Development District No. 193 does not currently have a land use designation for a mini-warehouse use; and therefore, the use will have to be defined in the Planned Development Subdistrict conditions. The definition will be consistent with the definition in Chapter 51A. In comparison, the subdistricts that support a warehouse use in PDD No. 193 are located in portion of the Commercial areas (LC and HC), the Central area and industrial areas. A Planned Development Subdistrict can permit the development of any uses within PDD No. 193.

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

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

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval is based upon:

1. *Performance impacts upon surrounding property* – Conditions for architectural standards have been included to mitigate any potential impact the mini-warehouse could have upon the surrounding properties. These standards include constructing the mini-warehouse with building materials that are similar to the adjacent multiple-family uses, and providing an internal drive within the proposed development
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the request will have no negative impact on the street system. The proposed development will restrict the traffic flow with a single driveway approach from Fairmount Street, while directing the traffic towards the exit onto Knight Street. The site's configuration and the low traffic volume that will be generated by the proposed mini-warehouse should have a minimal impact on the adjacent uses, while maintaining a walkable, pedestrian neighborhood.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in an Urban Neighborhood Building Block. Given the surrounding multiple-family uses, request provides a needed service use for the area.
4. *Justification for PDS Planned Development Subdistrict Zoning as opposed to a straight zoning district* – A Planned Development Subdistrict that will permit a mini-warehouse use is justifiable because Planned Development District No. 193 does not currently have a mini-warehouse use designation. Staff is supportive of a mini-warehouse use at this location because the site's adjacency to the Dallas North Tollway and GR General Retail Subdistrict uses. The proposed PDS for a Multiple-family Subdistrict and mini-warehouse use at this particular location will not erode the integrity of PDD No. 193. The underlying zoning subdistrict will remain and the proposed development will be consistent with the setback regulations that were approved on the adjacent PDS developments (PDS No. 78).

Zoning History: There has been one recent zoning case in the area.

(1) **Z123-199** On June 12, 2013, the City Council approved the expansion of, and amendment to, Planned Development Subdistrict No. 78 for multiple family uses within Planned Development Subdistrict No. 78 on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No 193, the Oak Lawn Special Purpose District in an area generally bounded by Brown Street, Knight Street, Fairmount Street and Douglas Street.

Land Use:

	Zoning	Land Use
Site	MF-2 w/in PDD No. 193	Undeveloped/Staging area
Northeast	MF-2, PDS No. 78	Multiple-family under construction
Southeast	NS, MF-2, PDS No. 78	Retail, Single family, Multiple-family
Northwest	MF-2	Dallas Tollway
Southwest	GR	Office, Dallas Tollway

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 being in an Urban Neighborhood Building Block.

Urban Neighborhood

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

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 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 for a PDS for a mini-warehouse use meets objectives 1, 4, 6 and 7. The remaining objectives are not applicable to the proposed development because the use does not meet the entire statement of the objectives in the Oak Lawn Special Purpose District and the Oak Lawn Plan. For example, in Objective No. 2, it states to "promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas". The applicant will comply with the first part of the statement to promote and protect an attractive street level pedestrian environment but the remaining portion of the statement is not applicable. The proposed development will not provide continuous street frontage activities in retail areas because the area is predominately zoned and developed for multiple-family uses.

The proposed development however, will meet the following criteria: urban in form, an attractive street frontage, and will be constructed with building materials that are similar to the adjacent multiple-family developments.

Current Planning Analysis:

The land uses adjacent to the request site is developed with several low- to mid-rise multiple-family developments and retail and professional, personal service and craft uses. The request site has frontages on Fairmount Street and Knight Street and is adjacent to the Dallas North Tollway. The property southeast of the request site, across Knight Street is developed with a neighborhood retail store. The applicant proposes to develop a 4-story, 80,452 square foot mini-warehouse facility and retain the MF-2 Multiple-family Subdistrict development standards and regulations. These standards will vary with the proposed mini-warehouse development.

The proposed development will be urban in form and will be built with similar building materials that are being used on the adjacent multiple-family developments. In addition, the applicant will retain the underlying MF-2 Multiple-family Subdistrict in the event the proposed development is not constructed.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Proposed PDS Multiple-family & mini-warehouse	10'	0/0'	72,740 sq. ft.	4 stories	45%	None	Multiple-family, duplex, single family, mini-warehouse
MF-2 - existing Multiple-family	20'	10/15'		36'	60%	None	Multiple-family, duplex, single family

Landscaping: Landscaping of any development will be in accordance with the landscape plan. The landscape plan will meet the landscape requirements in accordance to Part 1 of PDD No. 193 except for the portion of the site that have frontage along the Dallas Tollway. The Dallas North Tollway is considered to be a frontage and is required to be landscaped. Staff is not requiring the applicant to landscape the Dallas North Tollway frontage and has incorporated language in the PDS conditions. Therefore a landscape plan is required because of this requirement in the Code to landscape the frontages is being omitted.

The language will state the following in the PDS conditions.

-- For purposes of this section, the provisions of Sections 51P-193.126(b)(3), (b)(4), and (b)(5) do not apply in the parkway and lot fronting the Dallas North Tollway.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Fairmount Street	Local Street	50 ft.	50 ft.
Knight Street	Local Street	50 ft.	50 ft.

Traffic: The Engineering Section of the Department Sustainable Development and Construction has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

Parking: The off-street parking requirement for a mini-warehouse use is a minimum of six spaces. Spaces may not be used for outside storage, vehicle storage, or parking for vehicles for rent.

CPC Action – November 20, 2014

Motion I: It was moved to recommend **denial** of a Planned Development Subdistrict for MF-2 Multiple-family Subdistrict and mini-warehouse uses on property zoned an MF-2 Multiple-family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Fairmount Street and Knight Street.

Maker: Emmons
Second: Ridley
Result: Failed: 5 to 10

For: 5 - Emmons, Anantasomboon, Bagley, Schultz, Ridley

Against: 10 - Anglin, Rodgers, Culbreath, Shidid, Lavallaisaa,
Tarpley, Shellene, Peadon, Murphy, Abtahi

Absent: 0

Vacancy: 0

Motion II: It was moved to recommend **approval** of a Planned Development Subdistrict for MF-2 Multiple-family Subdistrict and mini-warehouse uses, subject to a revised development plan, revised landscape plan and revised conditions on property zoned an MF-2 Multiple-family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Fairmount Street and Knight Street.

Maker: Abtahi
Second: Culbreath
Result: Carried: 11 to 4

For: 11 - Anglin, Rodgers, Culbreath, Shidid,
Lavallaisaa, Tarpley, Shellene, Peadon, Murphy,
Ridley, Abtahi

Against: 4 - Emmons, Anantasomboon, Bagley, Schultz

Absent: 0

Vacancy: 0

Notices: Area: 500 Mailed: 133

Replies: For: 11 Against: 4

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Frank Stich, 4228 N. Hall St., Dallas, TX, 75219
Against: None

LIST OF OFFICERS

Advantage Self Storage Advisors, LLC

Rick Jones, CEO
Casey Jones, Managing member
Cory Horne, Chief Operating Officer
Brian Baca, Vice President of construction

One Prime, LP

AHF-OP Acquisition, LLC, sole owner

Atlantic Housing Foundation, Inc, sole member

Board of Trustees

Richard Whaley
Dan French
Michael Nguyen
Alton Jones
Joann Gonzales
Carolina Lopez
Brooks Heard

**CPC PROPOSED PDS
CONDITIONS**

“ARTICLE”

SEC. S-____.101. LEGISLATIVE HISTORY.

PD Subdistrict ____ was established by Ordinance No. _____, passed by the Dallas City Council on _____.

SEC. S-____.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict ____ is established on property located at the west corner of Fairmount Street and Knight Street. The size of PD Subdistrict ____ is 0.95 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. If there is a conflict, this division controls. If there is 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.

(2) MINI-WAREHOUSE means a building or group of building containing one or more individual compartmentalized storage units for the inside storage of customers' goods or wares.

(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.

(a) The following exhibits are incorporated into this division:

(1) Exhibit S-__A: development plan.

(2) Exhibit S-__A: landscape plan.

SEC. S-____.105. DEVELOPMENT PLAN.

(a) Development and use of the Property must comply with the development plan (Exhibit S-____). If there is a conflict between the text of this division and the development plan, the text of this division controls.

SEC. S-____.106. MAIN USES PERMITTED.

(a) Except as provided in this section, 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 Multiple-family Subdistrict, as set out in Part I of this article. For example, a use permitted in the MF-2 Multiple-family 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 Multiple-family Subdistrict is subject to DIR in this subdistrict; etc.

(b) The following additional main use is permitted by right.

- Mini-warehouse

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 accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P193.108.

(b) The following accessory uses are not permitted:

- Amateur communication tower.
- Open storage.
- Private stable.

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. If there is 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) Mini-warehouse uses:

(1) Front yard.

(a) Minimum front yard is 13 feet on Fairmount Street and Knight Street.

(b) Parking is permitted in the front yard in the location shown on the development plan.

(c) For Dallas North Tollway frontage, a dumpster is permitted in the front yard in the location as shown on the development plan.

(2) Encroachment. Benches and raised landscape planters may encroach five feet into the front yard.

(3) Stories. Maximum number of stories is 4.

(4) Floor area.

(a) Maximum overall floor area is 80,452 square feet.

(b) Maximum floor are for each unit is 500 square feet.

(5) Lot coverage. Maximum lot coverage is 45 percent.

(6) Height. Maximum structure height is 56 feet.

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) For a min-warehouse use. A minimum of six spaces required.

(c) Internal access. An internal access drive must be located along the west side (adjacent to the Dallas North Tollway) and south side of the building structure in the location as shown on the development plan.

(d) Unit Storage. A maximum of 15 ground level individual storage units may have direct access from the driveway. Access to all other individual storage units must be internal to the structure. No doors to individual storage units may face a right-of-way other than the Dallas North Tollway.

SEC. S-____.110. OUTSIDE STORAGE.

For a mini-warehouse use, outside storage of vehicles, parking for vehicles for rent, boats, and equipment is prohibited.

SEC. S-____.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-____.112. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with the landscape plan.

(b) For purposes of this section, the provisions of Sections 51P-193.126(b)(3), (b)(4), and (b)(5) do not apply in the parkway and lot fronting the Dallas North Tollway.

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

SEC. S-____.113. SIGNS.

Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

SEC.S-____.114. FACADE MATERIALS FOR A MINI-WAREHOUSE USE

To ensure compatibility with the surrounding neighborhood, the exterior facades must be a minimum 80 percent brick, stone, or decorative concrete blocks or tile, excluding fenestration.

SEC. S-____.115. ADDITIONAL PROVISIONS.

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

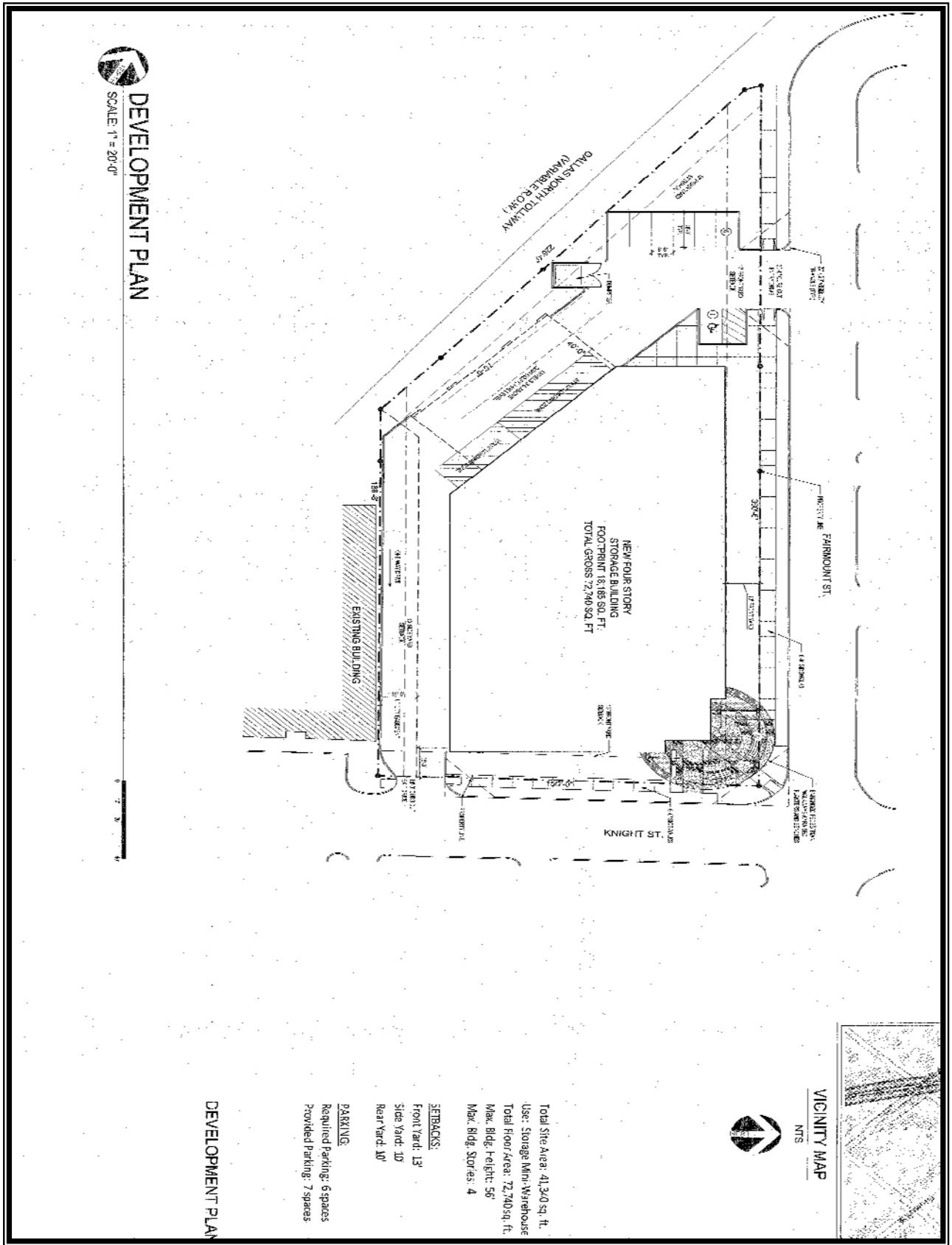
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

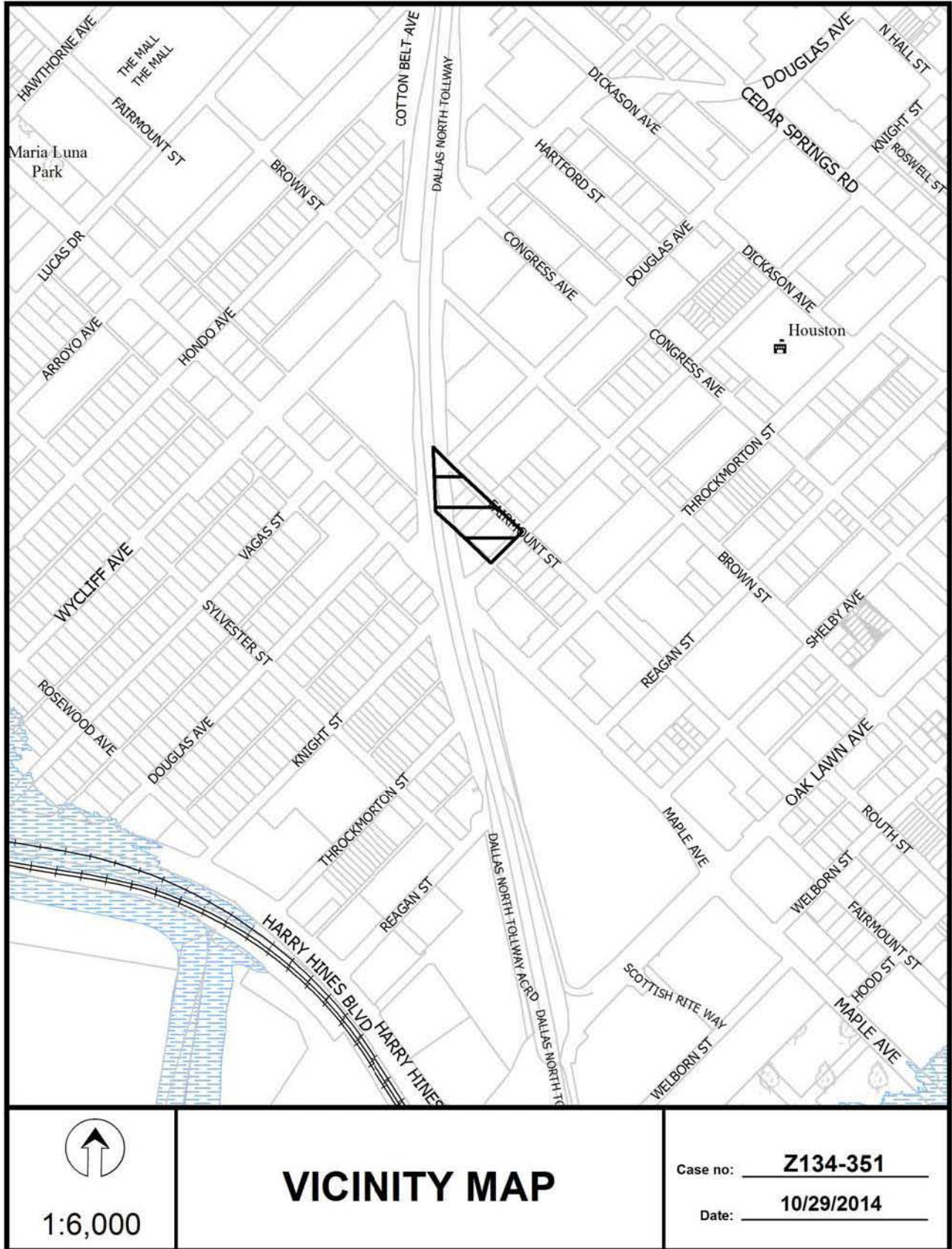
SEC. S-___.116. COMPLIANCE WITH CONDITIONS.

(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, 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.

PROPOSED DEVELOPMENT PLAN



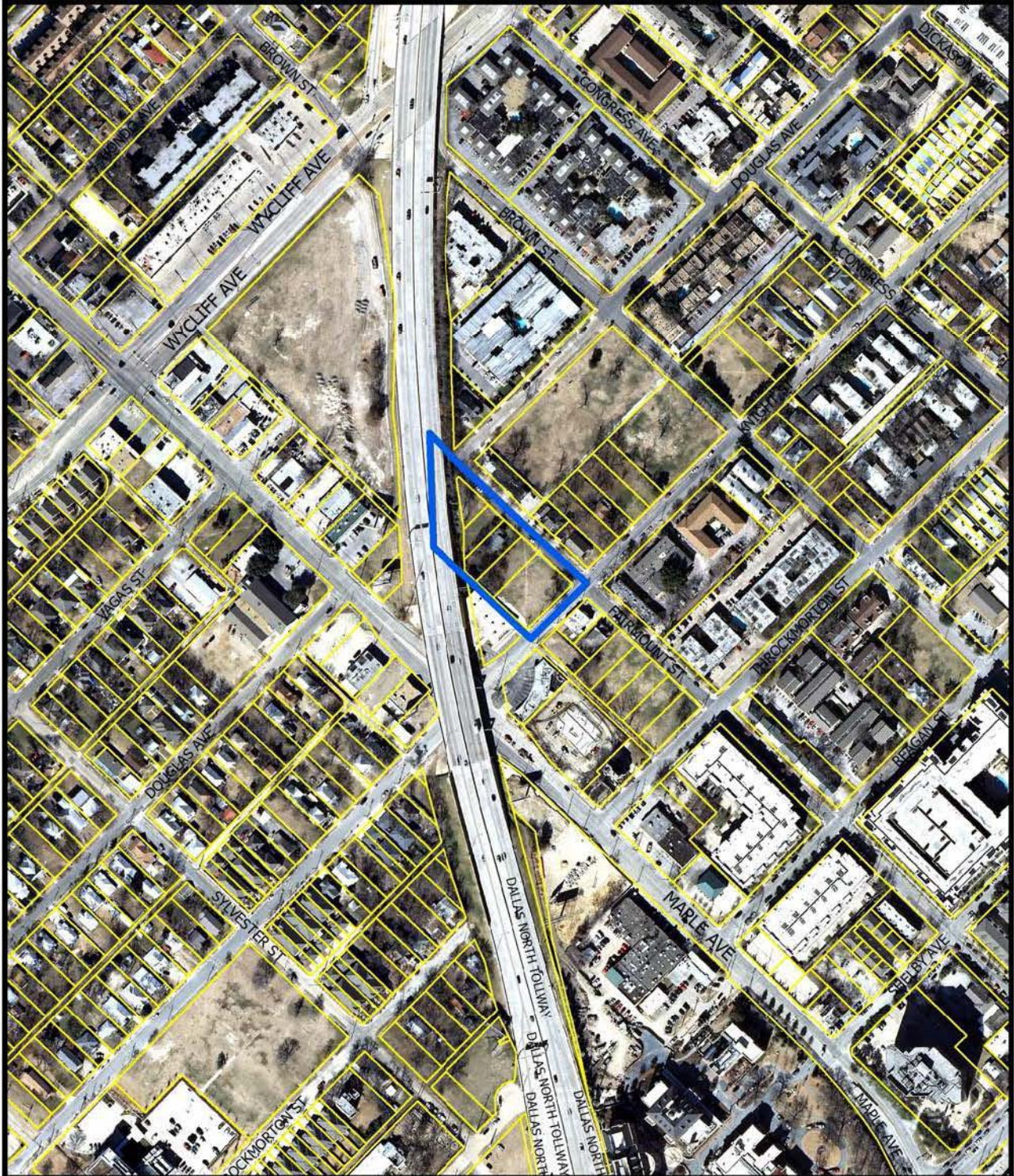


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VICINITY MAP

Case no: Z134-351

Date: 10/29/2014



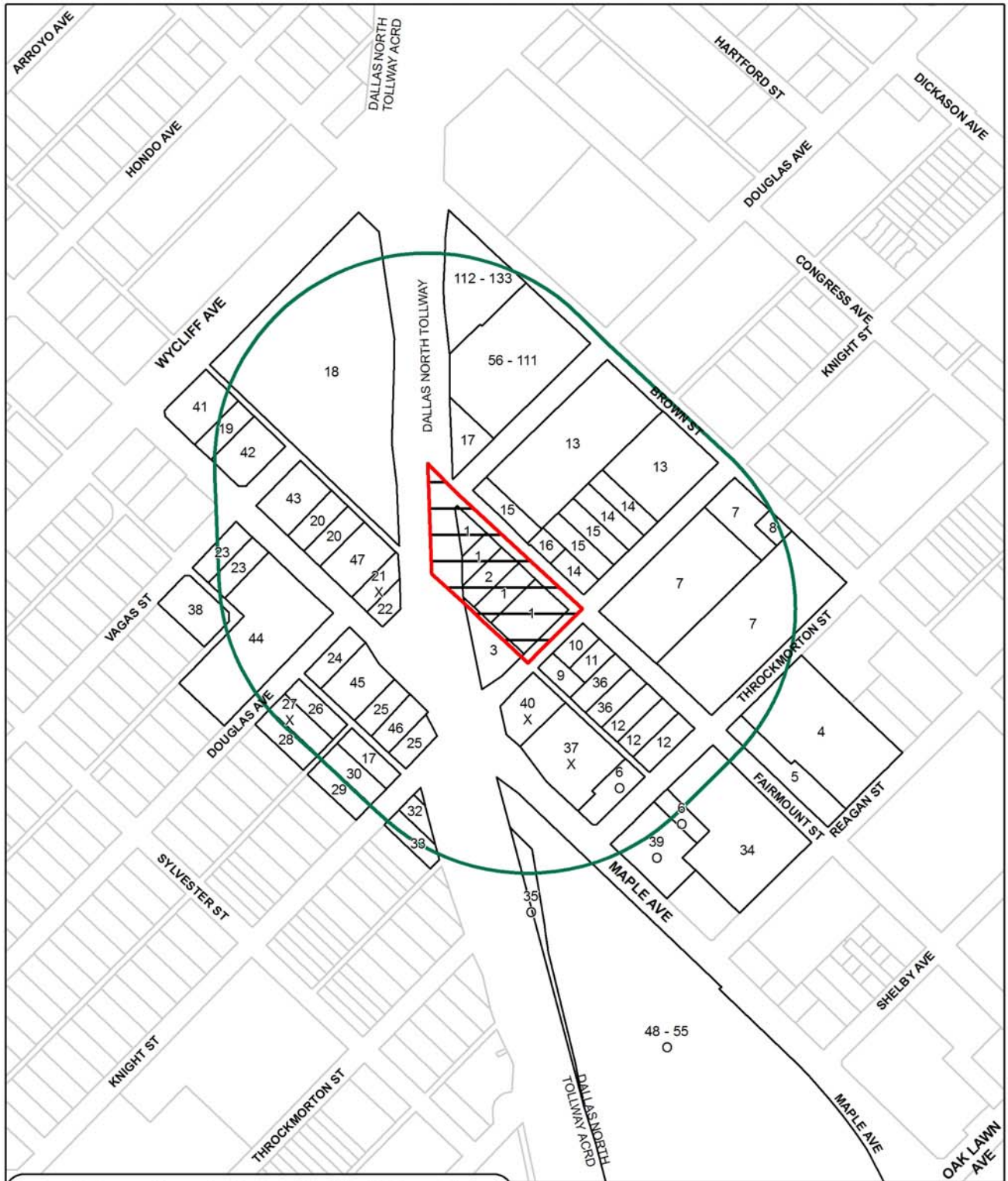
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AERIAL MAP

Case no: Z134-351

Date: 10/29/2014

CPC RESPONSES



<u>133</u>	Property Owners Notified (68 parcels)
<u>11</u>	Replies in Favor (5 parcels)
<u>4</u>	Replies in Opposition (4 parcels)
<u>500'</u>	Area of Notification
<u>11/20/2014</u>	Date

Z134-351
CPC



1:3,600

Notification List of Property Owners

Z134-351

133 Property Owners Notified

11 Property Owners in Favor

4 Property Owners Opposed

Reply	Label #	Address	Owner
	1	4201 FAIRMOUNT ST	ONE PRIME LP
	2	4215 FAIRMOUNT ST	ONE PRIME LP
	3	2507 KNIGHT ST	CHERTKOEV GOCHA
	4	2612 THROCKMORTON ST	VILLAGE SQUARE APARTMENTS LLC
	5	4014 FAIRMOUNT ST	VILLAGE SQUARE APARTMENTS LLC
O	6	2512 THROCKMORTON ST	SOUTH TOLLWAY 3920 LP
	7	2607 THROCKMORTON ST	BEHRINGER HARVARD FAIRMOUNT
	8	4117 BROWN ST	BEHRINGER HARVARD FAIRMOUNT
	9	2510 KNIGHT ST	TECHNICALLY SCOTTISH I LTD
	10	4125 FAIRMOUNT ST	WALIZADA MOHAMMAD S &
	11	4121 FAIRMOUNT ST	PENFOLD CRAIG PPTIES INC
	12	4105 FAIRMOUNT ST	BEHRINGER HARVARD FAIRMOUNT
	13	2624 DOUGLAS AVE	AFA APARTMENTS LP
	14	2619 KNIGHT ST	AFA APARTMENTS LP
	15	2611 KNIGHT ST	AFA APARTMENTS LIMITED PS
	16	4210 FAIRMOUNT ST	AFA APARTMENTS LP
	17	2609 DOUGLAS AVE	MCCLAIN CAROLYN
	18	2516 WYCLIFF AVE	TEXAS TURNPIKE AUTHORITY
	19	4310 MAPLE AVE	HARVEY JOHNNY P
	20	4242 MAPLE AVE	ANDOR PROPERTIES LLC
X	21	4226 MAPLE AVE	GRTP LTD
	22	4222 MAPLE AVE	PRESCOTT INTERESTS BILLBOARDS LTD
	23	4251 MAPLE AVE	JUREK PROPERTIES LTD
	24	4211 MAPLE AVE	DALLAS COMMUNITY CENTER
	25	4211 MAPLE AVE	YO EL RIO NILO
	26	2438 DOUGLAS AVE	MARTINEZ CONSEPCION &

11/19/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	27	2432 DOUGLAS AVE	GARZA CHRISTOPHER
	28	2430 DOUGLAS AVE	MEDRANO PROPERTIES LTD
	29	2429 KNIGHT ST	MEDRANO RICARDO & JANIE
	30	2435 KNIGHT ST	MEDRANO PROPERTIES LTD
	31	2440 KNIGHT ST	MATISE HOYT R
	32	2438 KNIGHT ST	GARCIA PATRICIA ANN
	33	2434 KNIGHT ST	SOSA FERNANDO & DORA H
	34	2525 REAGAN ST	IMT CAPITAL SEVILLE LP
O	35	3819 MAPLE AVE	OLD PARKLAND UNIT K LLC
	36	4117 FAIRMOUNT ST	BEHRINGER HARVARD FAIRMOUNT
X	37	4114 MAPLE AVE	ASHMORE RETAIL PROPERTIES INC
	38	2400 VAGAS AVE	EBENEZER IGLESIA
O	39	4024 MAPLE AVE	SOUTH TOLLWAY 3920 LP
X	40	4122 MAPLE AVE	TECHNICALLY SCOTTISH I LTD
	41	4316 MAPLE AVE	MIA FINANCIAL CORPORATION
	42	4300 MAPLE AVE	HARVEY JOHNNY P
	43	4244 MAPLE AVE	BELL WARREN H TRUSTEE
	44	4231 MAPLE AVE	EBENEZER IGLESIA
	45	4215 MAPLE AVE	DALLAS COMMUNITY CENTER
	46	4207 MAPLE AVE	YO EL RIO NILO
	47	4234 MAPLE AVE	DAO SON & TRAM
O	48	3819 MAPLE AVE	OLD PARKLAND UNIT A LLC
O	49	3949 OAK LAWN AVE	OLD PARKLAND UNIT B LLC
O	50	3953 MAPLE AVE	OLD PARKLAND UNIT C LLC
O	51	3963 MAPLE AVE	OLD PARKLAND UNIT D LLC
O	52	4001 MAPLE AVE	TRT OLD PARKLAND LLC
O	53	2215 OAK LAWN AVE	OLD PARKLAND UNIT G LLC
O	54	2215 OAK LAWN AVE	OLD PARKLAND UNIT H LLC
O	55	3819 MAPLE AVE	OLD PARKLAND UNIT K LLC
	56	4323 BROWN ST	SHEPHERD JANET
	57	2627 DOUGLAS AVE	HILL DANIEL

11/19/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	2627 DOUGLAS AVE	PEDRAZA JAVIER
	59	2627 DOUGLAS AVE	LOPEZ STEVE
	60	2627 DOUGLAS AVE	DOMINGUEZ JOSE JORGE &
	61	2627 DOUGLAS AVE	ADAMS MELVIN C
	62	2627 DOUGLAS AVE	TAYLOR KENT L
	63	2627 DOUGLAS AVE	BUSHNELL R WAYNE
	64	2627 DOUGLAS AVE	KERR LAURA ELIZABETH
	65	2627 DOUGLAS AVE	AKBARI LEYLA
	66	2627 DOUGLAS AVE	STONE GARY
	67	2627 DOUGLAS AVE	COLEMAN RONALD M & JULIE
	68	2627 DOUGLAS AVE	SHEPHERD MICHAEL L
	69	2627 DOUGLAS AVE	CAKAJ ILIR
	70	2627 DOUGLAS AVE	MATA JOSE M
	71	2627 DOUGLAS AVE	LEGROS GAETAN LUC
	72	2627 DOUGLAS AVE	PHILLIPS STEVEN &
	73	2627 DOUGLAS AVE	CRUZ GUSTAVO
	74	2627 DOUGLAS AVE	NGUYEN LE BA
	75	2627 DOUGLAS AVE	WILLIAMS SANDIE
	76	2627 DOUGLAS AVE	MCELROY HOWARD WYNNE
	77	2627 DOUGLAS AVE	HENNIG GWEN
	78	2627 DOUGLAS AVE	TODD ANTHONY &
	79	2627 DOUGLAS AVE	BETANCOURT ADRIANA
	80	2627 DOUGLAS AVE	HATHAWAY JOSEPH H III
	81	2627 DOUGLAS AVE	TRAN LINDA VAN
	82	2627 DOUGLAS AVE	ZHONG CHUN LI PENG
	83	2627 DOUGLAS AVE	GUZMAN MARIO C
	84	2627 DOUGLAS AVE	PETE LEO A
	85	2627 DOUGLAS AVE	HESS CRAIG
	86	2627 DOUGLAS AVE	COLEMAN RONALD M
	87	2627 DOUGLAS AVE	TRAN LINDA V
	88	2627 DOUGLAS AVE	CUNNINGHAM CRAIG

11/19/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	2627 DOUGLAS AVE	MCHUGH JOHN
	90	2627 DOUGLAS AVE	DEJEAN GERALD G
	91	2627 DOUGLAS AVE	HUTTON JERRY B JR
	92	2627 DOUGLAS AVE	POTTS DIMITRI R
	93	2627 DOUGLAS AVE	QUINTANILLA JOE
	94	2627 DOUGLAS AVE	REY JUAN ALBERTO
	95	2627 DOUGLAS AVE	RAY JUAN A
	96	2627 DOUGLAS AVE	GANDY JASON
	97	2627 DOUGLAS AVE	COLEMAN RONALD M &
	98	2627 DOUGLAS AVE	RODRIGUEZ GRACIELA
	99	2627 DOUGLAS AVE	SMITH RONALD W
	100	2627 DOUGLAS AVE	GOLDBERG RUTH
	101	2627 DOUGLAS AVE	ZUNIGA JUAN ANTONIO & MARIA
	102	2627 DOUGLAS AVE	HERRERA JUAN LOPEZ &
	103	2627 DOUGLAS AVE	REY JUAN ALBERTO
	104	2627 DOUGLAS AVE	LACEY CATHRYN
	105	2627 DOUGLAS AVE	GANDY JASON
	106	2627 DOUGLAS AVE	CAKAJ ILIR
	107	2627 DOUGLAS AVE	MCHUGH JOHN
	108	2627 DOUGLAS AVE	PARRIS ABIGAIL
	109	2627 DOUGLAS AVE	SEVILLA MANAGEMENT LLC
	110	2627 DOUGLAS AVE	CASTELLANOS BRUNELLA N & CIRO
	111	2627 DOUGLAS AVE	LOPEZ ZULEMA
	112	4323 BROWN ST	HERNANDEZ DANIELLA N
	113	4323 BROWN ST	TILLERY JAMES WAYNE
	114	4323 BROWN ST	BROWNE JOSE A
	115	4323 BROWN ST	PARRA BERTHA
	116	4323 BROWN ST	SHEPHERD JANET
	117	4323 BROWN ST	SHEPHERD MICHAEL L
	118	4323 BROWN ST	AGUILAR ROXANA PALACIOS &
	119	4323 BROWN ST	RAY JUAN ALBERTO

11/19/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120 4323	BROWN ST	SIMMONS JAMES N JR
	121 4323	BROWN ST	SOISSON CHRISTIAN
	122 4323	BROWN ST	QUEZADA ARNOLDO & MARA BIATRIZ
	123 4323	BROWN ST	SLAGLE JODY GLYN
	124 4323	BROWN ST	SHEPHERD MICHAEL
	125 4323	BROWN ST	STEPHAN JERALD M
	126 4323	BROWN ST	CASTRO GEORGE L
	127 4323	BROWN ST	CUMMINGS JOHN LYNN
	128 4323	BROWN ST	MERCADO EDUARDO V
	129 4323	BROWN ST	PARRA MARITHZA
	130 4323	BROWN ST	CATHEY GARY A
	131 4323	BROWN ST	SOTELO ALFREDO H &
	132 4323	BROWN ST	FAUST DANNY K
	133 4323	BROWN ST	MCWILLIAM CHARLES D

AGENDA ITEM # 32

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 6
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 22 P

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing District with deed restrictions, on the north side of Manaña Drive, east of Spangler Road

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

Z134-338(CE)

Note: This item was considered by the City Council at a public hearing on December 10, 2014, and was taken under advisement until January 14, 2015, with the public hearing open

FILE NUMBER: Z134-338 (CE)

DATE FILED: September 10, 2014

LOCATION: North side of Manaña Drive, east of Spangler Road

COUNCIL DISTRICT: 6

MAPSCO: 22-P

SIZE OF REQUEST: Approx. 6.76 acres

CENSUS TRACT: 99.00

APPLICANT/REPRESENTATIVE: Steven M. Free

OWNER: Steven M. Free, LP

REQUEST: An application for the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing District with deed restrictions.

SUMMARY: The applicant proposes to renew the Specific Use Permit to continue operation of a wood or lumber processing use. This SUP was amended to allow additional storage area on the site on February 8, 2012. Deed restrictions on the property limit the potentially incompatible industrial uses to wood or lumber processing. Chapter 51A requires an SUP for wood or lumber processing.

CPC RECOMMENDATION: Approval, for a five-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions.

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval subject to conditions based upon:

1. *Compatibility with surrounding uses and community facilities* – Surrounding uses make this request compatible. To the west is an office showroom and warehouse use. To the east is undeveloped land and industrial research uses. To the south is similar and more intense industrial manufacturing uses. As discussed below, a 100-foot wide buffer will mitigate any compatibility concerns of the industrial uses with the trail north of the request. The existing wood or lumber processing has not negatively impacted the adjacent properties. The boardwalk trail that will be part of the Elm Fork Athletic Complex will be located north of the request site. The Parks and Recreation Department indicates there will be an approximately 100-foot wide buffer on the city owned parcel, separating the site from the proposed trail. As a result, it will not deter from the enhancement of the trail development.
2. *Not a detriment to the public health, safety, or general welfare* – The existing wood or lumber processing use has not been a detriment to public health or safety and staff does not anticipate this will change with continued operation.
3. *Conforms in all other respects to all applicable zoning regulations and standards* – During the site visit, staff found that few of the stacking areas on site varied from the site plan. The applicant explained that the stacks of processed wood are there for limited timeframes, but would adhere to the approved site plan.

Zoning History of Site:

1. Z101-183
On Wednesday, June 22, 2011, the City Council approved an amendment and renewal of Specific Use Permit No. 1609 for a potentially incompatible industrial (outside) use, limited to concrete and asphalt crushing on property zoned an IM Industrial Manufacturing District.
2. Z078-312
On June 24, 2009, the City Council approved a Specific Use Permit for potentially incompatible uses with outside storage on property zoned an IM Industrial Manufacturing District.
3. Z101-359
On Wednesday, February 8, 2012, the City Council approved an amendment and renewal to Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on

property zoned an IM Industrial Manufacturing District.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Mañana Drive	Minor Arterial	30 ft.
Newkirk Street	Minor Arterial	30 ft.
Spangler	Minor Arterial	30 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.

STAFF ANALYSIS:

Comprehensive Plan:

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The Plan identifies the request site as being in an Industrial Area.

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.

When considering the applicant’s use, this specific use permit renewal can continue to comply with the Industrial Areas building block as outlined in fowardDallas! Comprehensive Plan.

Area Plans:

Elm Fork Floodway Management Study – part of the study targets recreational and environmental restoration opportunities, and transportation linkage that support flood control. Project D4 involves reconstruction of Mañana Drive and Spangler Road to raise the streets above the 100-year water surface elevation of the Elm Fork. The project also entails culvert and tunnel replacement, various retaining walls, and modifications to the local drainage systems.

Elm Fork Athletic Complex Master Plan - targets the 28 acre floodplain parcel immediately north of the request site. The site will be developed as nature and boardwalk trail that will be integrated into the overall Elm Fork trail system and complex.

Land Use Compatibility:

The surrounding land to the north is currently undeveloped and is significantly populated with trees. The 28 acre parcel will be used for recreational use as part of the Elm Fork Athletic Complex. The land to the east is currently undeveloped. South of the request site is a significant wildlife buffer and other industrial uses including concrete batching, cement processing and salvage yard. To the west of the request site is an office showroom-warehouse use located toward the Spangler Road frontage on an eight-acre site.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

Z134-338(CE)

CPC Minutes – November 6, 2014

Z134-338(CE)

Planner: Charles Enchill

Motion: It was moved to recommend **approval** for the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing for a five-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions on property zoned an IM Industrial Manufacturing District with deed restrictions, on the north side of Manaña Drive, east of Spangler Road.

Maker: Anantasomboon
Second: Shidid
Result: Carried: 13 to 0

For: 13 - Emmons, Rodgers, Culbreath, Shidid,
Anantasomboon, Bagley, Lavallaisaa, Tarpley,
Shellene, Schultz, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anglin, Peadon
Vacancy: 0

Notices: Area: 400 Mailed: 5
Replies: For: 1 Against: 0
Speakers: None

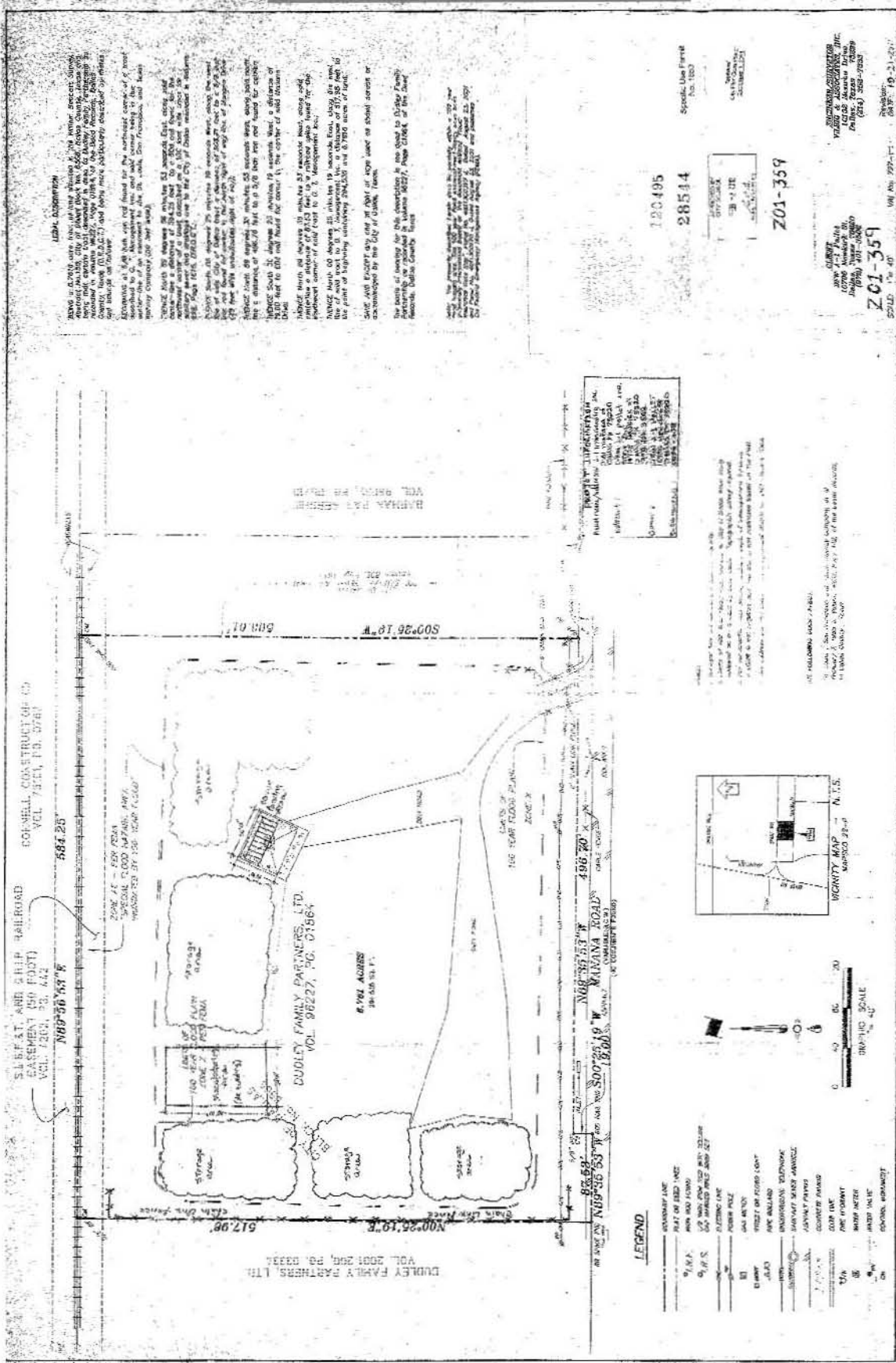
List of Partners
Steven M. Free, LP

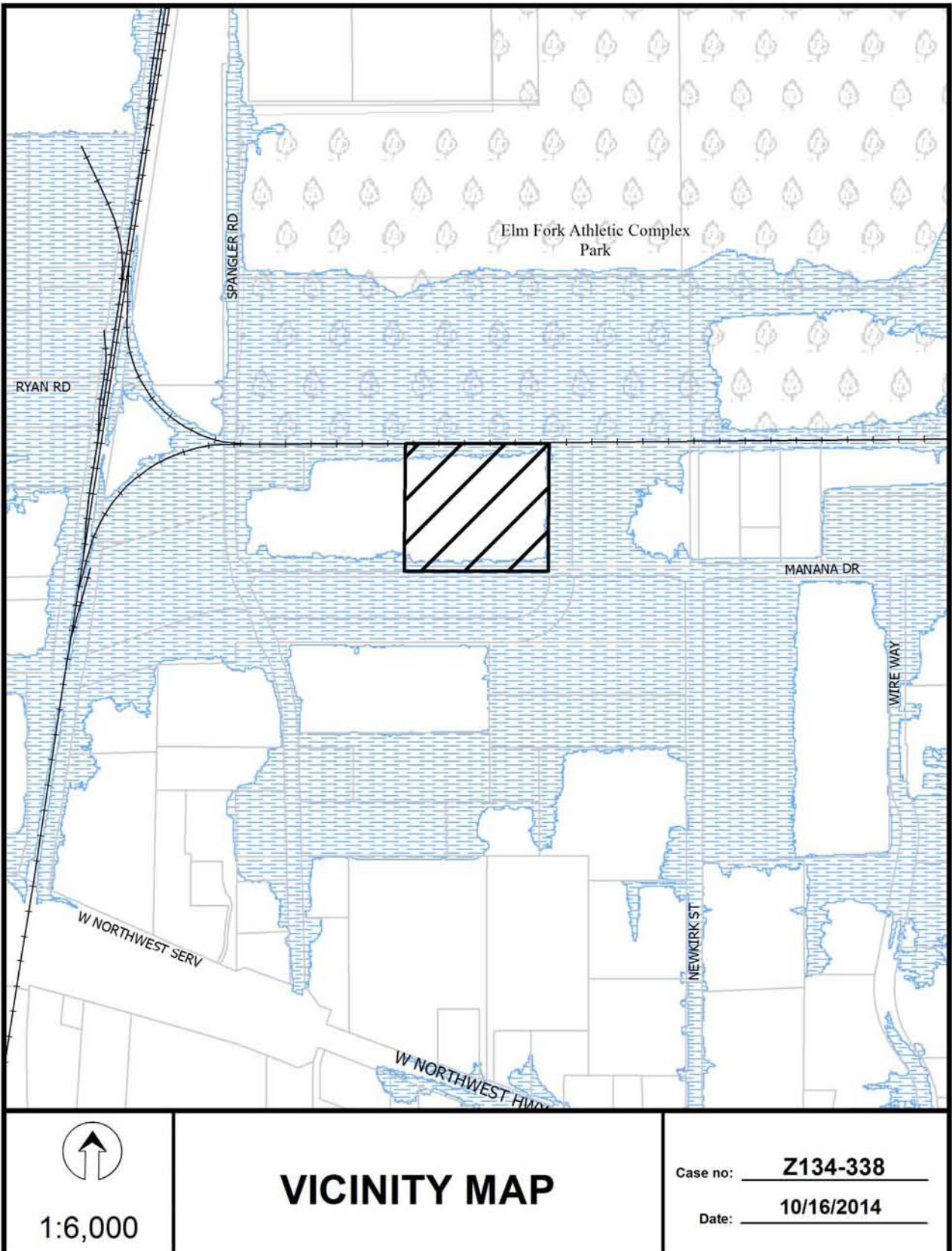
- Steven Free

Proposed SUP Conditions

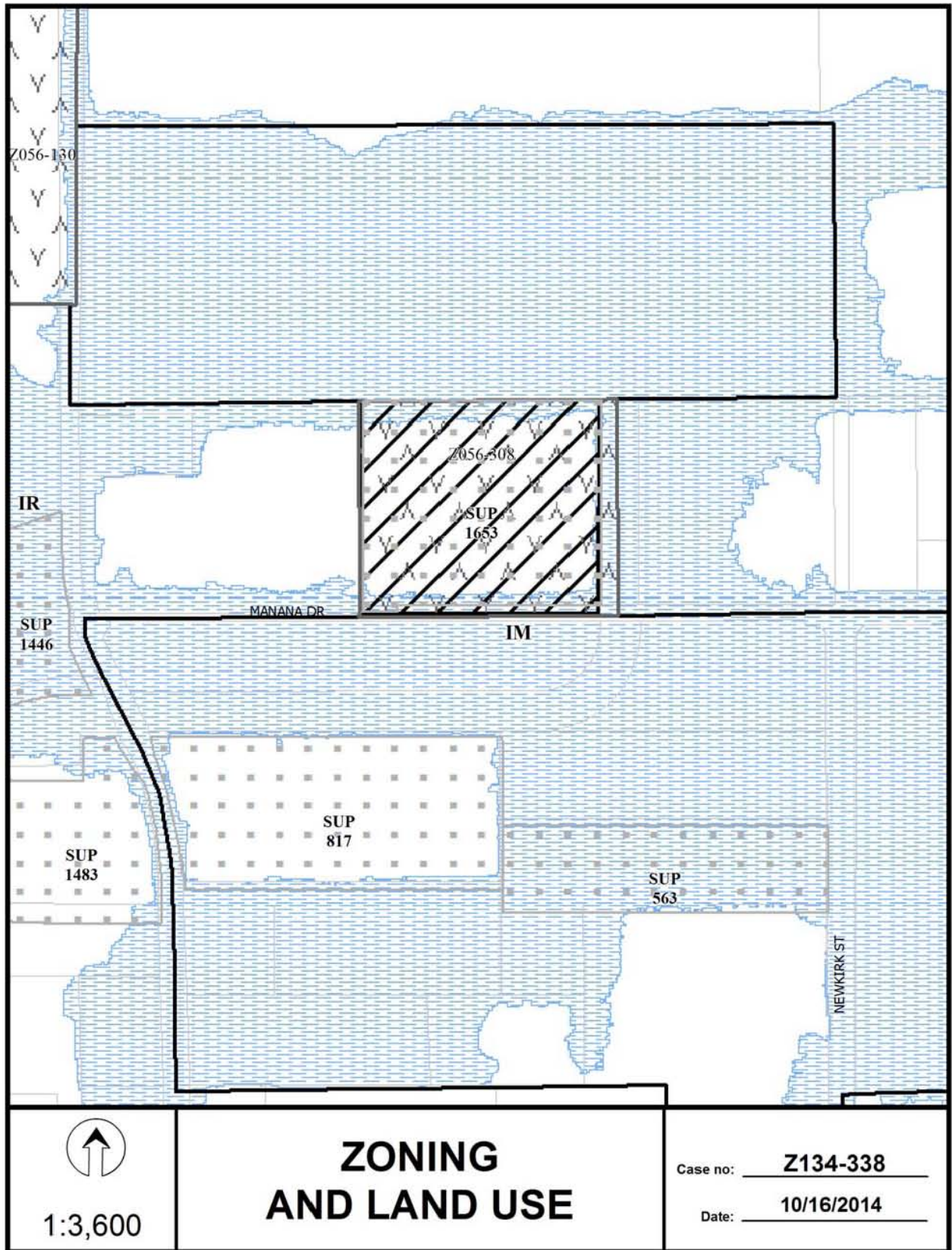
1. USE: The only use authorized by this specific use permit is a potentially incompatible industrial (outside) use limited to wood or lumber processing.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit ~~expires~~automatically terminates on (five years), 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 automatic renewal is strictly enforced.)
4. PARKING: A minimum of eight off-street parking spaces must be provided in the locations shown on the attached site plan. All parking, driveways that connect to a street or alley, and vehicle maneuvering areas must comply with Division 51A-4.300, Off-Street Parking and Loading Regulations of the Dallas Development Code, as amended.
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. HOURS OF OPERATION: The wood or lumber processing may only operate between 6:00 a.m. and 5:00 p.m., Monday through Friday and between 6:00 a.m. and 12:00 p.m., Saturday.
7. STACKING: The maximum stacking height of materials stored outside is 18 feet in the locations shown on the attached site plan.
8. MANUFACTURING AREA: The maximum area for wood or lumber processing is 5,000 square feet in the location shown on the site plan as "Manufacturing Area"
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

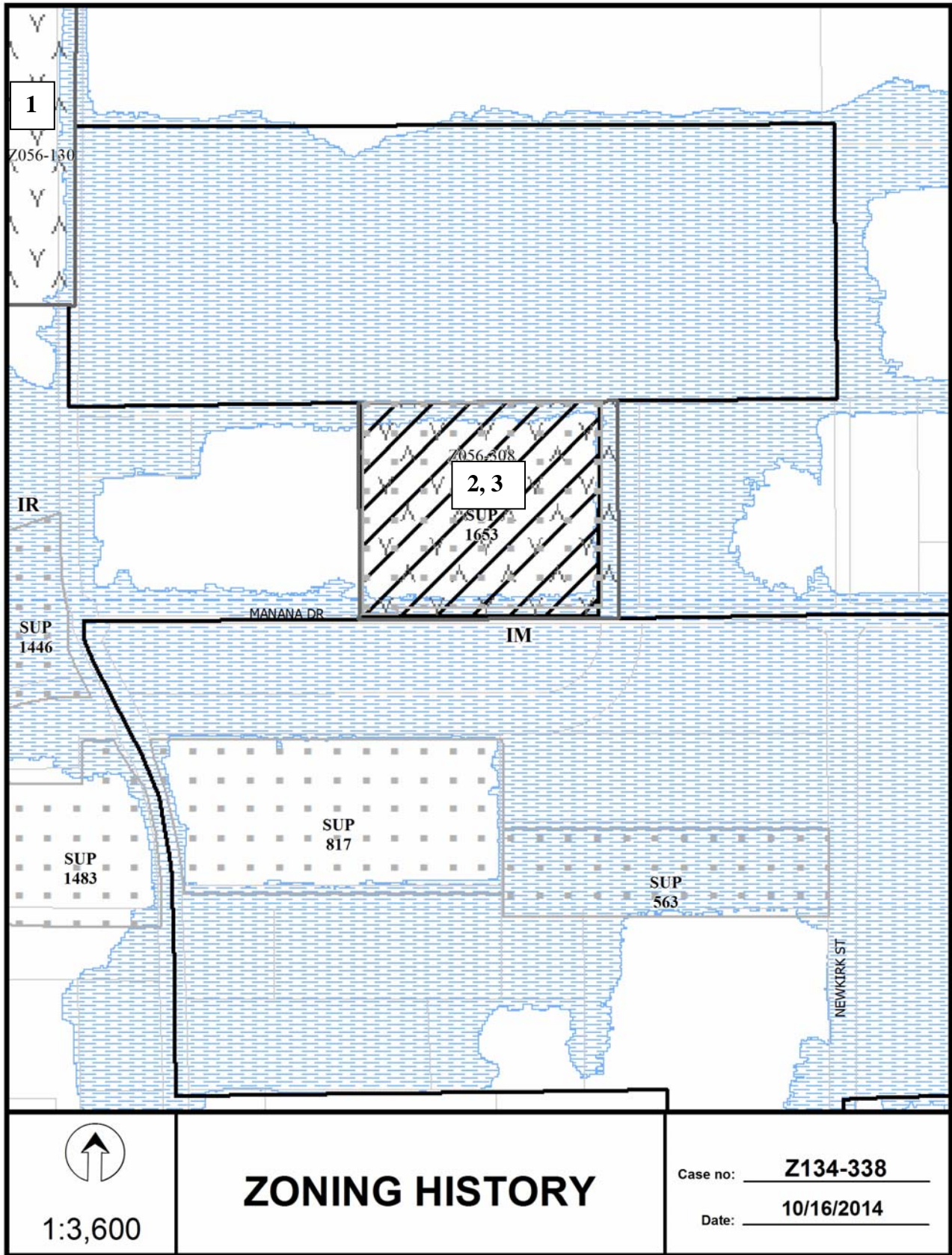
Existing Site Plan

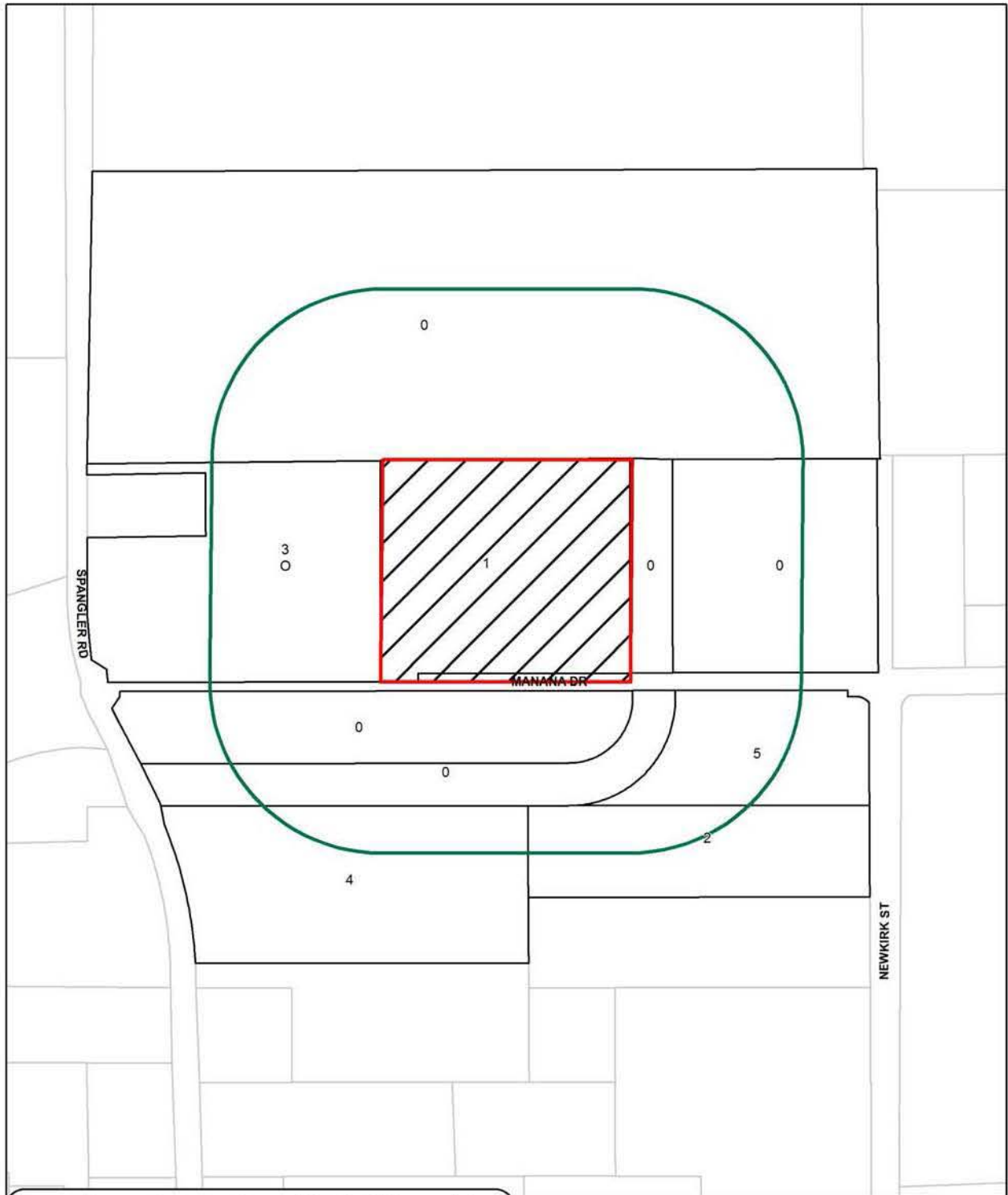












<u>5</u>	Property Owners Notified (10 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>400'</u>	Area of Notification
<u>11/6/2014</u>	Date

Z134-338
CPC



1:3,600

Z134-338(CE)

11/05/2014

Reply List of Property Owners

Z134-338

5 Property Owners Notified

1 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2101 MANANA RD	STEVEN M FREE LIMITED PARTNERSHIP
	2	10733 NEWKIRK ST	BARKER & BRATTON STEEL
O	3	2001 MANANA DR	GT MGMT INC
	4	10610 SPANGLER RD	TXI OPERATIONS LP
	5	10733 NEWKIRK ST	BARKER & BRATTON STEEL

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 46-Y Z; 47-N S 56-B C

SUBJECT

A public hearing to receive comments regarding a proposal to change the name of Hatcher Street, between South Lamar Street and 100 feet north of Pacific Avenue, to “Elsie Faye Heggins Street” and an ordinance granting the name change - NC134-006 - Financing: No cost consideration to the City

BACKGROUND

On September 3, 2014, the City of Dallas accepted an application to change the name of Hatcher Street, between South Lamar Street and 100 feet north of Pacific Avenue, to “Elsie Faye Heggins Street”.

On September 22, 2014, notices of the proposed street name change were sent to the appropriate city departments and other affected entities in accordance with Section 51A-9.305(a) of the Dallas Development Code.

On October 3, 2014, notification signs were put up notifying the community of the proposed street name change in accordance with section 51A-9.305(c).

On October 6, 2014, notices were sent to 227 Property owners notifying them of the hearing before the Subdivision Review Committee on October 23, 2014 for the proposed street name change.

On October 23, 2014, the Subdivision Review Committee voted unanimously to recommend approval of the proposed street name change of Hatcher Street, between South Lamar Street and 100 feet north of Pacific Avenue, to “Elsie Faye Heggins Street”.

On November 3, 2014, notices were sent for the City Plan Commission Hearing on December 4, 2014 to 227 property owners which about the street notifying them of the proposed street name change in accordance with Section 51A-9.306(b).

BACKGROUND (Continued)

On December 4, 2014 the City Plan Commission voted unanimously to recommend approval of the proposed street name change of Hatcher Street, between South Lamar Street and 100 feet north of Pacific Avenue, to "Elsie Faye Heggins Street".

On December 17, 2014, notices were sent for the City Council Hearing on January 14, 2014 to 227 property owners which abut the street notifying them of the proposed street name change in accordance with Section 51A-9.306(c).

A waiver of Section 9.304(a)(5) is needed to approve the name change as this section states that "a street name may not contain more than 14 characters.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 23, 2014, the Subdivision Review Committee voted unanimously to recommend approval of the proposed street name change of Hatcher Street, between South Lamar Street and 100 feet north of Pacific Avenue, to "Elsie Faye Heggins Street".

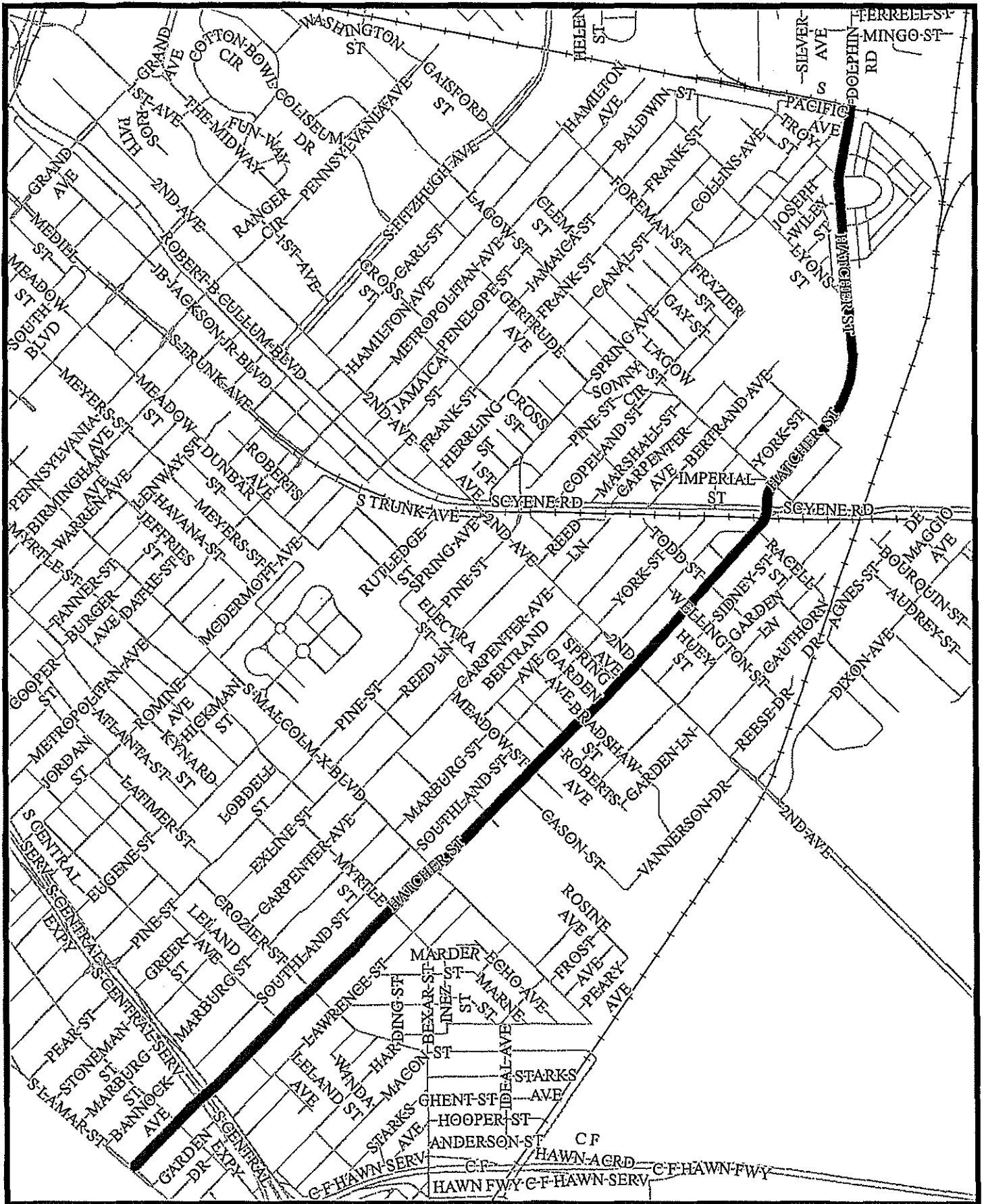
On December 4, 2014 the City Plan Commission voted unanimously to recommend approval of the proposed street name change of Hatcher Street, between South Lamar Street and 100 feet north of Pacific Avenue, to "Elsie Faye Heggins Street".

FISCAL INFORMATION

New street blades to be prepared and paid by the City of Dallas.

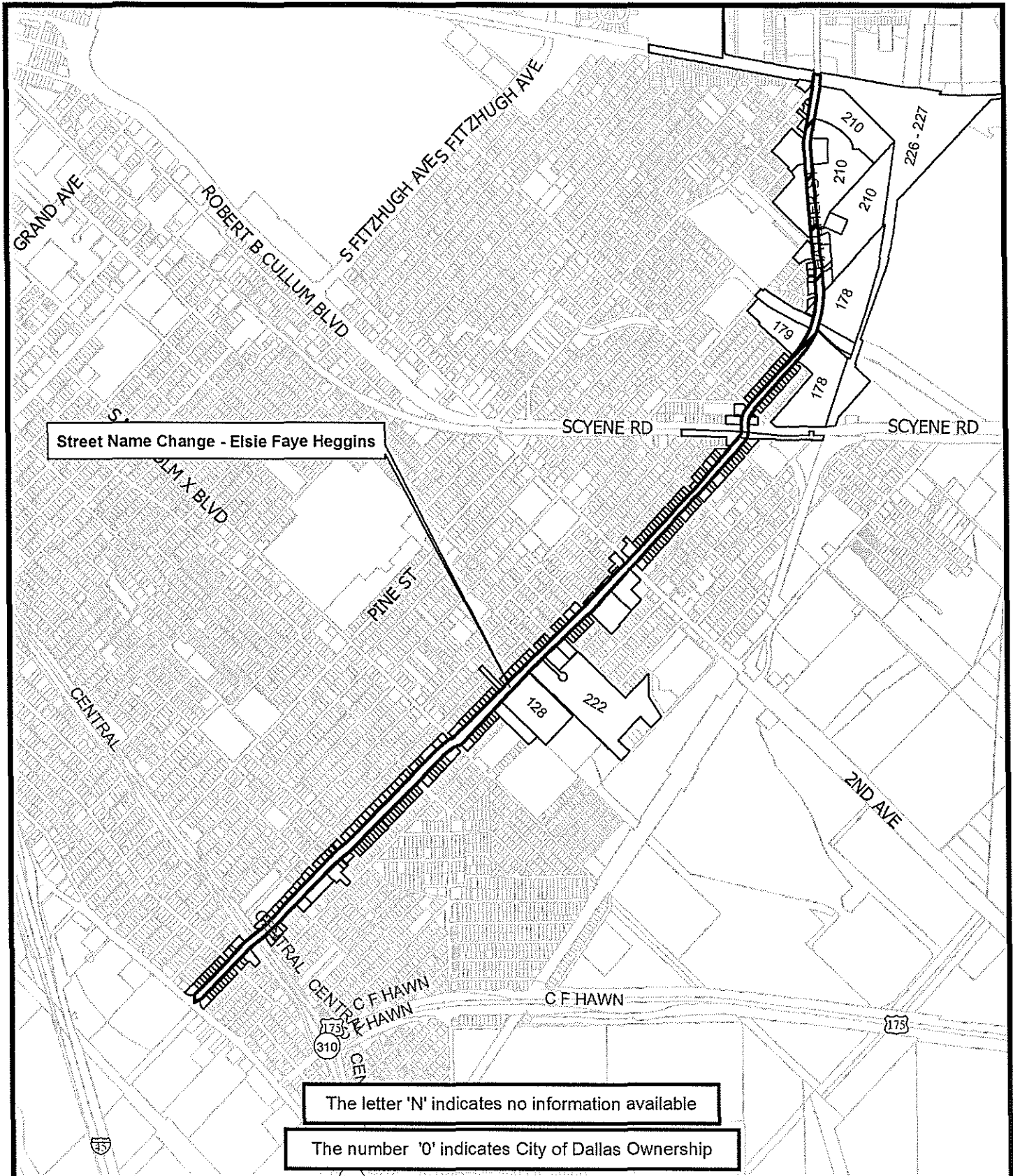
MAP

Attached.



1:15,500

Elsie Faye Heggins - Proposed Street Name Change



1:19,200

NOTIFICATION

1'

AREA OF NOTIFICATION

227

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: NC134-006

Date: 9/15/2014

Notification List of Property Owners

NC134-006

227 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4614 MALCOLM X BLVD	DNL PLAZA
2	2518 HATCHER ST	MOSBY TONYA S
3	2514 HATCHER ST	CLARK NELLA MAE
4	2506 HATCHER ST	DALLAS HOUSING ACQUISITION & DEV CORP
5	2510 HATCHER ST	GRAHAM JOAN
6	2502 HATCHER ST	KANE DAVID
7	2418 HATCHER ST	WATERS BERTHA JEAN
8	2732 HATCHER ST	BARZENJI YAHIA
9	3228 HATCHER ST	HATTLEY RICKEY
10	4132 HATCHER ST	SPERRY SHANNON
11	4006 HATCHER ST	DART
12	4620 LAMAR ST	CANYON O C & DELMA
13	1615 HATCHER ST	BAYLOCK WILLIE DOUGLAS
14	1619 HATCHER ST	LEFFALL ESTRELLITA
15	1623 HATCHER ST	CLEAVER NORMAN LORENZA LIFE ESTATE &
16	1625 HATCHER ST	ROBERTSON GERTRUDE
17	1629 HATCHER ST	ALLEN DOROTHY W
18	1635 HATCHER ST	SHIELDS ROBERT
19	1637 HATCHER ST	SHIELDS RONNIE
20	1643 HATCHER ST	SHIELDS RONNIE
21	1645 HATCHER ST	THOMPSON MELVIN LLOYD
22	1705 HATCHER ST	MONTGOMERY WARD & CO
23	1709 HATCHER ST	JONES W J
24	4702 LAMAR ST	VALDEZ CRESENCIO P &
25	1614 HATCHER ST	D W NORTON AND CO LLC
26	1616 HATCHER ST	FARMER ROBERT K

09/15/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1620 HATCHER ST	MARTIN WILSEY
28	1624 HATCHER ST	DESOTO I AM COMPANIES INC
29	1628 HATCHER ST	GLADNEY IDELL C
30	1632 HATCHER ST	HILTON HEAD FINANCE LLC
31	1636 HATCHER ST	LEWIS ROSS E
32	1638 HATCHER ST	JBIII INVESTMENTS LLC
33	1646 HATCHER ST	VASQUEZ JOSE ORTEGA & MARIA CHRISTINA FRANCO M
34	1704 HATCHER ST	CALHOUN LASHONDA RENEE
35	1708 HATCHER ST	BRADLEY DOROTHY
36	4707 CENTRAL EXPY	PERVAIZ FAHMINA
37	4615 CROZIER ST	SUMMER BREEZE APT LP
38	2441 HATCHER ST	TOPLETZ HAROLD ET AL
39	2435 HATCHER ST	TOPLETZ JACK M ET AL
40	2403 HATCHER ST	KOUROSH INVESTMENT LLC
41	2415 HATCHER ST	KOUROSH INV LLC
42	2209 HATCHER ST	SUMMER BREEZE PTNRS LP
43	2235 HATCHER ST	SUMMER BREEZE PTNRS LP
44	2923 HATCHER ST	ALEXANDER JACK &
45	2919 HATCHER ST	SHORTER LARNELL
46	2913 HATCHER ST	CHAFFER GARY
47	2909 HATCHER ST	VELASQUEZ TRINIDAD MORALES &
48	2903 HATCHER ST	TARRANT BRANDON
49	2837 HATCHER ST	JONES ANDREW P
50	2833 HATCHER ST	JBIII INVESTMENTS INC
51	2827 HATCHER ST	JBIII INVESTMENT INC
52	2823 HATCHER ST	SHADDOX JAMES
53	3039 HATCHER ST	GREER GEORGE WILLIAM
54	3035 HATCHER ST	EMERGENT PPTIES LLC
55	3031 HATCHER ST	BURROUGHS DOLLY DENISE
56	3025 HATCHER ST	GEVONA M LEE
57	3019 HATCHER ST	Taxpayer at

09/15/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	3015 HATCHER ST	JACKSON JOHN
59	3009 HATCHER ST	Taxpayer at
60	3003 HATCHER ST	CLARK PHYLLIS F
61	3223 HATCHER ST	SPARKS CHAPEL C M E
62	7 HATCHER ST	GRANT JAMES RUFUS TR &
63	3207 HATCHER ST	HOLLAND AUTRIE
64	3211 HATCHER ST	C M E TEMPLE
65	3215 HATCHER ST	TEMPLE PORTER C M E
66	3103 HATCHER ST	BRITT WILLIE PEARL
67	3107 HATCHER ST	COBB WAYNE
68	3111 HATCHER ST	SIMS HERMAN MAURICE JR & MARILYN
69	3115 HATCHER ST	WILEY BRIAN ERIC &
70	4627 2ND AVE	CNB REAL ESTATE LLC
71	4634 VERDUN AVE	ADAMS DANIEL
72	4635 VERDUN AVE	SURRELL NANCY MAE
73	4634 SPRING GARDEN RD	HENDERSON LOUISA
74	4635 SPRING GARDEN DR	HALL JUDGE M
75	2535 HATCHER ST	WIGFALL SABRA BARKER
76	2522 HATCHER ST	ROBERTSON LINCOLN
77	2526 HATCHER ST	BOOTY BUNARD
78	2530 HATCHER ST	PERKINS JUNE DURLYNE
79	2534 HATCHER ST	FLETCHER DEBORAH LARSHANE
80	2538 HATCHER ST	BABERS JOSEPHINE
81	2685 HATCHER ST	SUMMER BREEZE PARTNERS LP
82	2675 HATCHER ST	SUMMER BREEZE PARTNERS LP
83	2703 HATCHER ST	LOMAX OLIVER W
84	2711 HATCHER ST	LOMAX OLIVER W
85	2715 HATCHER ST	GULLEY STEVONNE MARIE
86	2729 HATCHER ST	KUMSA YOHANNES D
87	2735 HATCHER ST	PARK CHAN Y
88	3627 HATCHER ST	FOREMAN MILLIE B EST OF

09/15/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	3623 HATCHER ST	YOUNG ROBERT L JR
90	3617 HATCHER ST	EDNEY ETHEL E CARR
91	3615 HATCHER ST	LIGGINS ARRIEA B
92	3611 HATCHER ST	MITCHELL CATHRYN BARLOW
93	3609 HATCHER ST	ABOVO CORP
94	3603 HATCHER ST	TRAYLOR DORETHA
95	3525 HATCHER ST	TOPLETZ HAROLD & JACK
96	3523 HATCHER ST	KHAMOOSHI FARZAD
97	3519 HATCHER ST	THAMES REAL ESTATE INC
98	3515 HATCHER ST	STOKER LEIWANDA &
99	3723 HATCHER ST	ABOVO CORPORATION
100	3719 HATCHER ST	HAMILTON ROY C JR &
101	3715 HATCHER ST	ADVANCED INVESTMENTS INC
102	3711 HATCHER ST	JONES C W
103	3707 HATCHER ST	EDINBYRD ELOISE
104	3703 HATCHER ST	ZION TRAVELERS MISSIONARY
105	2808 HATCHER ST	Dallas ISD
106	4931 SPRING AVE	SOUTH DALLAS FAIR PARK INNERCITY DEV CORP
107	2738 HATCHER ST	KIDANE TESHAMARIAM G
108	2722 HATCHER ST	MOORE T ESTATE OF
109	2718 HATCHER ST	MARIAM KIDANE G
110	2716 HATCHER ST	MARIAM KIDANE
111	2702 HATCHER ST	YUEL INVESTMENTS LP PS
112	2646 HATCHER ST	ROSE LILLIE
113	2642 HATCHER ST	WATERS JOEY & SHERRY
114	2638 HATCHER ST	EASON DAVID L
115	2632 HATCHER ST	LONG SULA JR
116	2630 HATCHER ST	DRAPER MRS EARNEST D
117	2622 HATCHER ST	ANDERSON KIMELEE
118	2618 HATCHER ST	HUNTER LINDA KENNEDY
119	2616 HATCHER ST	TWENTY SIX SIXTEEN HATCHER TRUST

09/15/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	2610 HATCHER ST	AUSBIE HERMAN EUGENE &
121	2606 HATCHER ST	PHILLIPS TERRI J
122	2602 HATCHER ST	CLEAVER EVELYN V
123	2600 HATCHER ST	ROBINSON BYRDESTA &
124	2300 HATCHER ST	WORKS G W & CO
125	2206 HATCHER ST	SOUTH DALLAS MISSIONARY
126	2226 HATCHER ST	BROWN KATTIE POWELL &
127	2222 HATCHER ST	BLAIR DONALD L SR
128	2900 HATCHER ST	WOODLAND CEMETERY
129	3112 HATCHER ST	SUMMER BREEZE PARTNERS LP
130	3224 HATCHER ST	SYAS ROOSEVELT
131	3220 HATCHER ST	SYAS ROOSEVELT & FREDDIE
132	3216 HATCHER ST	ROSS DAVID
133	3212 HATCHER ST	TRUNNELDAVIS KATHY
134	3206 HATCHER ST	BRITT WILLIE PEARL
135	3202 HATCHER ST	TAKADA HIDEKI
136	3334 HATCHER ST	LEE HEE D
137	3308 HATCHER ST	HOPPENSTEIN PROPERTIES
138	3702 HATCHER ST	ZION TRAVELER BAPTIST
139	3710 HATCHER ST	HINTZ JEREMY
140	3714 HATCHER ST	TERRELL ENTERPRISES INC
141	3718 HATCHER ST	BUI TRUONG QUANG
142	3722 HATCHER ST	ADAM AUSTIN WILLIAM
143	3510 HATCHER ST	DAVIS DOUGLAS E JR
144	3514 HATCHER ST	DAVIS DOUGLAS E &
145	3516 HATCHER ST	FENDER H R
146	3524 HATCHER ST	POURAHMADI MOE
147	3526 HATCHER ST	HOLLAND WILLIAM
148	3530 HATCHER ST	GRANT JOHNNY C
149	3602 HATCHER ST	JORDAN ROBERT LEE &
150	3606 HATCHER ST	WHITESIDE BARBARA J

09/15/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	3610 HATCHER ST	BOWDRE GEORGE RUSSELL
152	3614 HATCHER ST	BOWDRE GEORGE RUSSELL
153	3616 HATCHER ST	HICKS CHERITA J
154	3622 HATCHER ST	CHASE YVETTE
155	3626 HATCHER ST	EUBANKS ALMON
156	3902 HATCHER ST	HOLY TEMPLE APOSTOLIC
157	3801 HATCHER ST	HALL DONALD BRANNON
158	3811 HATCHER ST	CALICO DEBRA NELL
159	3815 HATCHER ST	HOPKINS MARGAET JEAN &
160	3819 HATCHER ST	WILLIAMS J LOUISE &
161	3903 HATCHER ST	NATHAN LOUTISHIA MRS
162	3907 HATCHER ST	BLAIR DONALD L
163	3915 HATCHER ST	SEGURA FRANCISCA
164	3919 HATCHER ST	MURPHY LONNIE & BEATRICE
165	3927 HATCHER ST	POURAHMADI MOE
166	4002 HATCHER ST	KKBK PROPERTIES LLC
167	4002 HATCHER ST	FORTY DEGREES LLC
168	3908 HATCHER ST	REED OTIS & VIOLET
169	3914 HATCHER ST	WALLACE SYLVESTER
170	3918 HATCHER ST	WILSON MAXINE BUCHANAN
171	3922 HATCHER ST	EVANS HELEN DELOISE SCOTT
172	3926 HATCHER ST	3926 HATCHER LLC
173	3930 HATCHER ST	PATRICK ALTON
174	3934 HATCHER ST	DRCE TRUST
175	3800 HATCHER ST	ANGIA 786 ENTERPRISE LLC
176	3814 HATCHER ST	WEST ARTRALLIA ALLEN
177	3818 HATCHER ST	RODGERS BRANDALYN & JAMEE
178	4700 SCYENE RD	BLAINES MOTOR SUPPLY INC
179	4325 HATCHER ST	DALLAS HIDDEN CREEK
180	4203 HATCHER ST	WILLIAMS LESS ESTATE OF
181	4207 HATCHER ST	COLEMAN LILLIE MAE EST OF

09/15/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	4211 HATCHER ST	MILTON BILLY &
183	4215 HATCHER ST	MAYS MACY LODIS
184	4219 HATCHER ST	DILLARD VERONICA A &
185	4223 HATCHER ST	ALLSTAR HATCHER STREET TRUST
186	4227 HATCHER ST	HUNT E A
187	4231 HATCHER ST	PARSEEC BOBBIE JEAN
188	4303 HATCHER ST	TERRELL BEZOLIA
189	4307 HATCHER ST	FINNEY MAE FRANCES
190	4311 HATCHER ST	ANDERSON JACQUELINE
191	4315 HATCHER ST	ATKINS SIDNEY B
192	4319 HATCHER ST	JACKSON EVA MAE
193	4323 HATCHER ST	JUAREZ DANIEL
194	4202 HATCHER ST	TOLLIVER LUTHER M
195	4206 HATCHER ST	TOLLIVER LUTHER M JR
196	4210 HATCHER ST	JONES ROBERNETTA SNEED &
197	4214 HATCHER ST	SNEED JOHN
198	4218 HATCHER ST	TRUNNELL KATHRYN
199	4226 HATCHER ST	GREEN JOYCE M
200	4230 HATCHER ST	LIGGINS ESTER M
201	4302 HATCHER ST	HOGG GLORIA
202	4306 HATCHER ST	PALMER EVELYN
203	4310 HATCHER ST	LOFTIS J B
204	4314 HATCHER ST	ARNOLD ETHEL
205	4318 HATCHER ST	SHIRLEY DENISE
206	4322 HATCHER ST	SMITH ALBERT &
207	4632 SCYENE RD	FRAZIER HS LP
208	4656 SCYENE RD	SPERRY SHANNON
209	4630 HATCHER ST	TAREKEGN ASNAKE
210	4838 HATCHER ST	DALLAS HOUSING AUTHORITY
211	4625 HATCHER ST	JONES CALVIN
212	3339 PHILLIPS CIR	JACKSON FLOYD

09/15/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
213	4525 HATCHER ST	BERMAN HAROLD B
214	4531 HATCHER ST	TRAN VU QUANG &
215	4903 HATCHER ST	SOUTH DALLAS FAIR PARK INNERCITY COMMUNITY
216	4926 SPRING AVE	VO TUYET LANTHI
217	4910 SPRING AVE	SOUTH DALLAS FAIR PARK
218	4915 HATCHER ST	SOUTH DALLAS FAIR PARK INNERCITY COMMUNITY
219	4640 2ND AVE	CAIN KENNETH THOMAS &
220	2408 HATCHER ST	THIRD AVE BAPTIST CHURCH
221	3126 HATCHER ST	GOOD STREET BAPTIST CHURCH
222	4722 MEADOW ST	PARMER VILLAS HOUSING LP
223	4700 2ND AVE	HAMM GUY L & JOYCE
224	4007 HATCHER ST	DALLAS AREA RAPID TRANSIT
225	4006 HATCHER ST	KKBK PROPERTIES LLC
226	9999 NO NAME ST	UNION PACIFIC RR CO
227	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO

Memorandum



CITY OF DALLAS

DATE September 3, 2014

TO A.C. Gonzalez, City Manager

SUBJECT Street Name Change Request – Hatcher Street between South Lamar Street and 100 feet north of Pacific Avenue

In accordance with the provisions of Section 51A-9.302 of the City of Dallas Development Code, please proceed with the process for the consideration of a street name change of Hatcher Street between South Lamar Street and 100 feet north of Pacific Avenue to Elsie Faye Heggins Street.



Councilmember



Councilmember



Councilmember

AGENDA ITEM # 34

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: All

SUBJECT

A public hearing to receive comments regarding consideration of amending Section 51A-7.404, "Attached Signs," of the Dallas Development Code to allow signs on properties zoned O-2 Office District to have attached signs larger than 40 square feet in effective area when conditions are met and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA145-003(ND)

FILE NUMBER: DCA 145-003(ND)

DATE INITIATED: November 10, 2014

COUNCIL DISTRICT: All

CENSUS TRACT: All

PROPOSAL: Consideration of amending Section 51A-7.404, "Attached Signs," of the Dallas Development Code to allow signs on properties zoned O-2 Office District to have attached signs larger than 40 square feet in effective area when conditions are met.

SUMMARY: The purpose of the amendment is to allow signs on properties zoned O-2 Office District to have attached signs larger than 40 square feet in effective area when conditions are met. The amendment would allow O-2 properties to match Office Districts in Chapter 51A.

CITY PLAN COMMISSION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

- LO Limited Office, MO Mid-range Office, and GO General Office Districts within Chapter 51A allow signs greater than 40 square feet of effective area on tall buildings.
- A 40 square foot effective area sign is allowed on each facade of the first two stories. Above two stories, an additional 40 square feet of effective area is allowed for each story. If greater than 40 square feet, only one sign may be above the second story and only two of these signs may be located on the building (not on the same façade).
- Previously in Chapter 51, wording for attached signs for O-2 Office District allowed for larger signs above the first two stories identical to that currently allowed for LO, MO, and GO.
- Staff has been unable to determine why the provision for O-2 District signs was modified when the sign regulations for Chapter 51 were incorporated into Chapter 51A.
- The proposed amendment would allow buildings governed under Chapter 51 O-2 Office District to have larger signs above the second story.

DCA 145-003(ND)

CPC Action:
December 4, 2014

Motion: It was moved to recommend **approval** of amendments to Section 51A-7.404, "Attached Signs," of the Dallas Development Code to allow signs on properties zoned O-2 Office District to have attached signs larger than 40 square feet in effective area when conditions are met.

Maker: Peadon
Second: Bagley
Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Rodgers, Culbreath*, Shidid,
Anantasomboon, Bagley, Lavallaisaa, Tarpley,
Shellene, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 1 - Abtahi
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

PROPOSED AMENDMENTS

12-10-14

ORDINANCE NO. _____

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section 51A7.404; allowing signs on properties zoned O-2 Office District to have attached signs larger than 40 square feet in effective area in certain circumstances; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 2. That Paragraph (5) of Subsection (a) of Section 51A-7.404, "Attached Signs," of Division 51A-7.400, "Provisions for Non-Business Zoning Districts," of Article VII, "Sign Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(5) No attached sign erected pursuant to this section shall be permitted to have more than eight words consisting of characters in excess of four inches in height and such sign shall not exceed 40 square feet in effective area. As an exception to this rule a building in an LO(A), MO(A), ~~or~~ GO(A), or O-2 zoning district may be permitted to have additional attached signs with larger effective areas above the first two stories of the building when the following conditions are met:

(A) If an election is made to erect a sign greater than 40 square feet only one sign on that facade will be permitted above the first two stories of the building. Nothing herein shall prohibit each occupant or premise otherwise authorized an attached sign pursuant to this section to have such a sign below the third story of the building.

(B) Only two attached signs per building may have an effective area larger than 40 square feet and each shall be on a separate facade.

(C) Each attached sign erected pursuant to this exception may have an additional 40 square feet of effective area for each additional story above the first two stories of the building.”

SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. That Chapters 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 3
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 63 H

SUBJECT

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a private school, St. Elizabeth Catholic School, as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a general merchandise or food store greater than 10,000 square feet [Walgreens #6197] on the northwest corner of South Hampton Road and West Ledbetter Drive - AV145-001 - 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 in a direct line from the property line of the private school to the property line of the place of business.

The standard for approval of the variance is that:

A. the application is for one of the following permits pursuant to the following chapters of the Texas Alcoholic Beverage Code:

- (i) a brewer's permit, Chapter 12;
- (ii) a distiller's and rectifier's permit, Chapter 14;
- (iii) a winery permit, Chapter 16;
- (iv) a wine and beer retailer's permit, Chapter 25;
- (v) a wine and beer retailer's off-premise permit, Chapter 26;
- (vi) a mixed beverage permit with a food and beverage certificate, Chapter 28;
or
- (vii) a manufacturer's license, Chapter 62.

BACKGROUND (Continued)

- B. the application is for one of the following land uses:
 - (i) general merchandise or food store use with 10,000 square feet or more of floor area
 - (ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;
 - (iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or
 - (iv) alcoholic beverage manufacturing.

- C. alcoholic beverages will not be sold by drive-in or drive-through service; and

- D. enforcement of the spacing requirements in this particular instance:
 - (i) is not in the best interest of the public;
 - (ii) constitutes waste or inefficient use of land or other resources;
 - (iii) creates an undue hardship on an applicant for an alcohol permit;
 - (iv) does not serve its intended purpose;
 - (v) is effective or necessary; or
 - (vi) for any other reason that the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

An application for a waiver of the spacing requirements was submitted on November 11, 2014, by Walgreens #6197. St. Elizabeth Catholic School, located to the north of the request site, creates the need for the variance.

The applicant has submitted the attached letter providing a statement of why the variance meets the standard of approval

The ±1.6624-acre request site, which is zoned an RR-D Regional Retail District with a D Liquor Control Overlay, is developed with a general merchandise or food store. The request site is surrounded by retail uses to the east, southeast, and west, a vacant lot (previously a fueling station) is to the south. The private school and a church are located to the north of the request site. While the required spacing from a school is measured property line to property line, the distance from the school to the proposed restaurant suite is over 500 feet if measured from door-to-door. Due to the request site being located on two major thoroughfares, staff supports this request.

The general merchandise or food store greater than 10,000 square feet (Fiesta) to the east of the request site across South Hampton Road received a variance to the alcohol distance requirements on April 10, 2013. The private school, St. Elizabeth Catholic School was the protected use in the variance request for Fiesta.

This item requires two seconds to pass.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

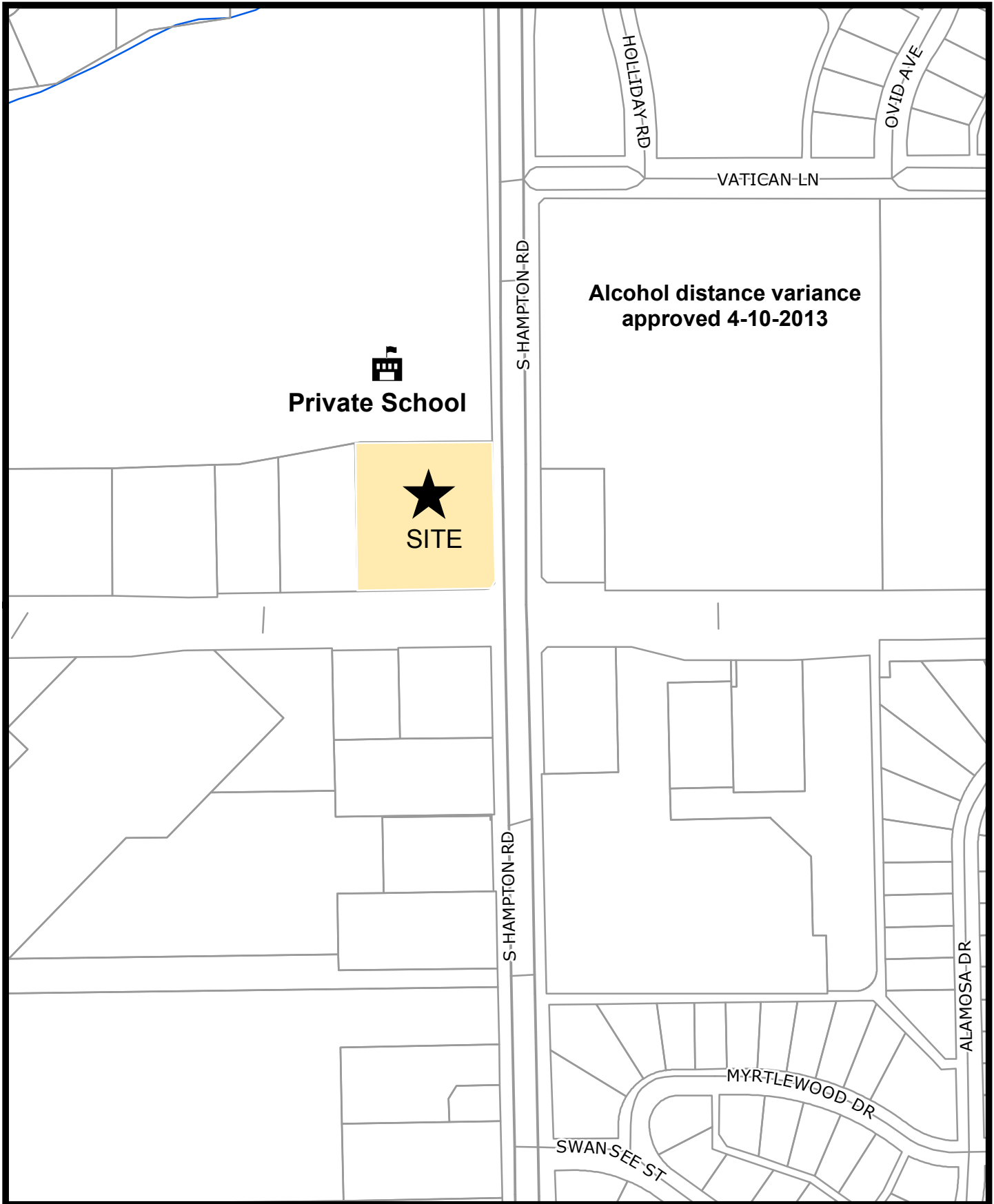
On October 26, 2011, September 26, 2012, and January 22, 2014, the City Council further amended Section 6-4 of Chapter 6.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.



AV145-001



1:3,000



Approximate location of business requesting alcohol variance



Land use requiring spacing from business requesting alcohol sales: school



CITY OF DALLAS

APPLICATION FOR A VARIANCE FROM THE MINIMUM DISTANCE REGULATIONS RELATED TO THE SALE OF ALCOHOLIC BEVERAGES Chapter 6—Alcoholic Beverages, City of Dallas Code of Ordinances

Applicant Walgreen Co. d/b/a Walgreens #6197

(Must match the business name on TABC application)

Contact person, title: Marcus Schwartz (Rep; Gardere atty) Property owner's name: Minnetonka Capital Investments V LP
Contact person's phone: (512) 542-7012 Address of request site: 2401 W Ledbetter Dr.
Contact person's address: 600 Congress Ave., Ste. 3000 Austin, TX 78701 Protected use's address: 4019 S Hampton Rd.

Type of protected use:

- Church
Public school / open-enrollment charter school
Private school
Public hospital
Daycare/child-care facility

Type of business seeking to sell alcohol:

- Alcoholic beverage manufacturing
General merchandise or food store with 10,000 square feet or more floor area
Microbrewery, microdistillery, or winery
Restaurant without drive-in or drive-through service

Type of TABC permit(s) to be sought:

- Brewer's permit, "B" / Manufacturer's license, "BA"
Distiller's and rectifier's permit, "D"
Food and beverage certificate, "FB"
Mixed beverage permit, "MB"
Wine and beer retailer's off-premise permit, "BQ"
Wine and beer retailer's permit, "BG"
Winery, "G"

The nonrefundable variance application fee is \$1,200.00 and the sign fee, which is between \$10 and \$50 depending on street frontages. A statement explaining how the request meets the standard below is required as part of this application. The burden of proving that the request meets the standard is solely the responsibility of the applicant. Additional evidence supporting the request may be submitted along with this application.

Enforcement of the 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; is not effective or necessary; or (5) 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.

REQUIRED ATTACHMENTS:

- Statement of request
List of officers for alcohol business and property owner
Sealed alcohol survey showing 300 foot radius and door to door measurements (protected use must be indicated on this survey)

AUTHORIZATION BY PROPERTY OWNER(S)

I, Officer of Minnetonka Capital Investments V LP, the owner of the property to be considered, hereby authorize the above business and representative to file this application for a variance from the requirements of Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances.

Joseph Fetter
Owner's Printed Name

Joseph Fetter
Owner's Signature

APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT

I have read, examined, and completed this application; and know the information provided to be true and correct. I hereby apply for a variance from the distance requirements in Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances. I understand that this application, including all submitted documentation, are public information and can be made available through an Open Records Request per the Texas Public Information Act (Texas Government Code, Chapter 552).

MICHAEL FELISH
Applicant's Printed Name

M Felish
Applicant Signature

Sworn to and subscribed before me by on this day 5TH of NOVEMBER in the year 2014, to certify which witness my hand and seal of office.

Notary Signature

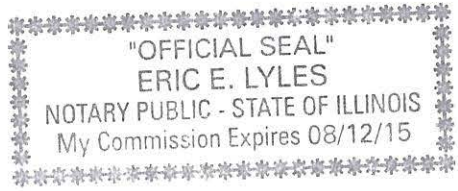
Notary Public in and for the State of Texas

Date received: 11-11-14

Receipt No.: 5039

Case number: AV145-001

AV application 3-25-14



AV145-001
NOV 11/11/14

GARDERE

attorneys and counselors ■ www.gardere.com

Marcus Schwartz
Direct Number (512) 542-7012
Facsimile (512) 542-7212
mschwartz@gardere.com

November 10, 2014

Dallas City Council

***Re: Variance Statement of Request
Walgreen Co. d/b/a Walgreens #6197, 2401 W. Ledbetter Dr. Variance
Request***

Dear Councilmembers:

My firm represents Walgreen Co., as the applicant's representative, in this its request for a variance from the City of Dallas to allow for the sale of beer & wine sales (for off-premise consumption only) at the business of Walgreens #6197, located at 2401 W. Ledbetter, Dallas, Texas 75233 (the "Store"). This letter should accompany the variance application attached hereto and is meant to act as the variance statement of request.

Should you have any questions or require further information or explanation regarding anything found herein, please do not hesitate to contact me at (512) 542-7012 or via email at mschwartz@gardere.com.

STATEMENT OF VARIANCE REQUEST

I. General

Walgreen Co. has operated this Store in Dallas for a number of years and operates numerous businesses throughout the city. It is a socially responsible corporate citizen of Dallas and all the other communities it calls home. Its stores are committed to continuing with its great efforts in community outreach. Walgreen Co.'s community relations initiatives include providing free health screenings, feeding the hungry, contributing to education-related organizations, and well as donating to local charitable organizations. Furthermore, Walgreen Co.'s commitment to responsible retailing is an important business principle of the company and part of what makes it a welcome and respected neighbor.

In seeking this variance (a zoning change will also be applied for in connection with this location assuming this variance request is granted) to allow for beer and wine

off-premise sales, Walgreen Co. is simply seeking to add an additional product to the wide variety it already offers to its customers. Every employee in the store will have alcohol training, and all employees ages 21 and over will have TABC alcohol training certifications. Only those employees with TABC certifications will be allowed to sell beer and wine to customers. If there is an employee under age 21 ringing a register and a customer would like to purchase alcohol, another employee over the age of 21 has to go to the register to make the decision to sell or not. Additionally, the technology to be used at the store's registers will not allow a sale to go through without a check of the ID of the potential buyer (done to confirm the customer's date of birth). Furthermore, as all employees allowed to sell beer and wine will be TABC certified, they will be well versed in TABC and state law requirements as to what constitutes a proper sale of beer and wine. The courses which provide this certification cover the laws applicable to the sales or service of alcoholic beverages to minors and intoxicated persons. The courses teach techniques to identify these persons and prevent sales to them, as well as teaching a variety of other laws and responsibilities that come along with the sales of alcoholic beverages. Walgreen Co. considers it a privilege to sell age-restricted products, such as beer and wine, and the company wants to ensure that they are sold in a legal and responsible manner. Furthermore, Walgreens, as a dispenser of both prescription and over-the-counter drugs, is experienced in providing appropriate control over its establishment for the benefit of all its customers. Walgreens will also take measures to ensure, like tobacco and other age restricted products it currently sells within the Store, that no alcohol will be sold to minors. Thus, great care will be extended to ensure the proper and lawful sale of beer and wine should the variance be granted.

II. Store Specifics

The Store is located at the northwest corner of W. Ledbetter Dr. and S. Hampton Rd. and is located on 1.6624 acres. To the immediate north of the property is the St. Elizabeth Catholic School (the "School"), a private school, and St. Elizabeth Catholic Church. While the front door to front door measurement from the St. Elizabeth Catholic Church to the Store is well beyond 300 feet, because the property lines between the School and Store are shared, the location is within considered to be within 300 feet of the School. As noted by the attached survey, a door to door path measurement from the Store to the School front door is 550 feet.

This variance is requested to allow beer and wine sales for off-premise consumption to Store customers. The property is in an area of Dallas that is wet for beer and wine off-premise sales. Further, across S. Hampton Rd. from both the School and the Store is a Fiesta Mart, located at 2225 W. Ledbetter Drive, that sells beer and wine for off-premise consumption under TABC permits Q844545 and BF844546. This Fiesta Mart is within 300 feet of the School as measured by the Texas Alcoholic Beverage Code criteria. Based upon information and belief, the Fiesta Mart was granted a variance from the City of Dallas to sell beer and wine within 300 feet of St. Elizabeth Catholic Church. Walgreen Co. would respectfully ask for the same consideration and that is likewise be granted such a variance.

The current use of the tract of land is a neighborhood drug store which in addition to selling over-the-counter and prescription drugs, sells general merchandise. It is designed to serve the needs of its surrounding community. The addition of beer and wine sales for off-premise consumption will not change, interfere with, or disrupt in any way the Store's current business or its surrounding neighbors, including the School. Thus, this zoning change request and accompanying SUP request is consistent with the surrounding area.

III. Should the Variance be Granted

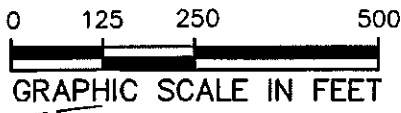
Should the variance be granted (as well as a subsequent zoning change and SUP request), the introduction of beer and wine sales for off-premise consumption will not change the actual use of the premises. No new structures parking structures, or parking lots will be installed on the property. The existing structure, will not change in height or structure, nor will it undergo any other physical change to the existing structure. The Store will still be a retail establishment that is primarily a neighborhood drug store with general merchandise stores. Alcohol sales will not substantially increase traffic congestion or create overcrowding in the establishment or in the immediately surrounding area. Walgreen Co. designs its stores to be consumer friendly. Customers would still be able to pick out their desired products, whether this includes wine and beer or not, pay for this merchandise, and exit the store quickly. As beer and wine sales are for off-premise consumption only, overcrowding should not be an issue.

Walgreen Co. is committed to providing for the safety and well-being of its customers. It is believed that since this variance is desired for off-premise consumption, the likelihood of incidents involving drunkenness, disorderly conduct and raucous behavior is greatly reduced and will likely be non-existent. Furthermore, Walgreen Co. is experienced in providing appropriate control over its establishment for the benefit of all its customers. This Store will likewise continue to run a safe, sanitary, and welcoming business for the citizens of Dallas if the requested variance is awarded. The Store will not produce excessive noise, dirt, litter and odors in the establishment and in the surrounding area. In fact, the introduction of beer and wine for off-premise consumption sales should not be expected to change much of anything in relation to how the store currently operates. As such, no disturbances to School, surrounding property owners, or the community at large should occur and compliance with all applicable city ordinances and state laws will be followed.

Sincerely,



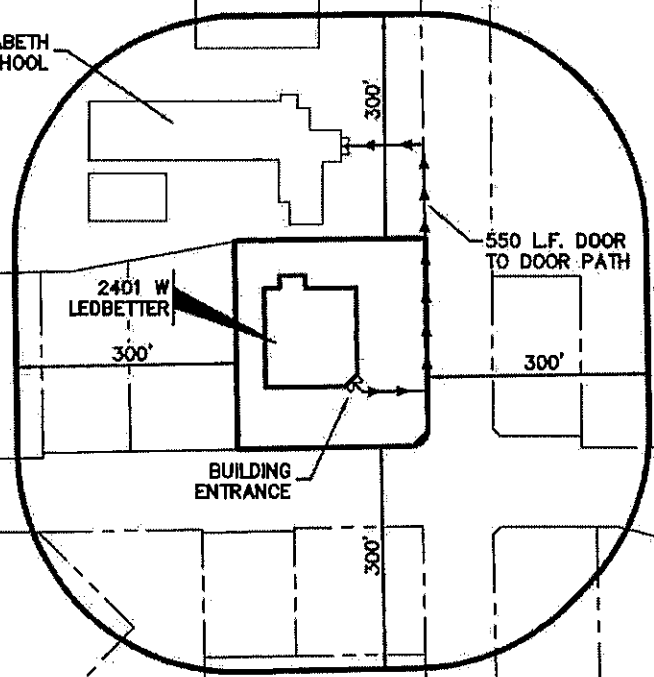
Marcus Schwartz



S HAMPTON RD

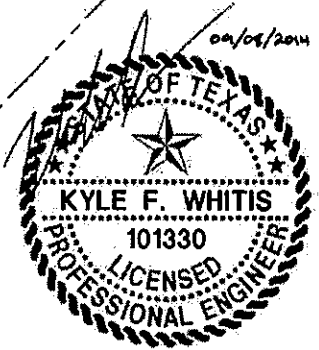
VATICAN LN

ST. ELIZABETH CATHOLIC CHURCH
ST. ELIZABETH CATHOLIC SCHOOL



W LEDBETTER DR

M:\DWG-31\3156-10.312\DWG\C3D\WALGREENS\WALGREENS - 2401 W LEDBETTER\2401 W LEDBETTER DR.DWG



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 does not meet 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 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 09/08/2014. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

12/01/2014 - 11:05AM KWHITIS

Pacheco Koch 8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX 75206 972.235.3031 TX REG. ENGINEERING FIRM F-489 DALLAS ■ FORT WORTH ■ HOUSTON TX REG. SURVEYING FIRM LS-100080-00

TABC ALCOHOL PERMIT EXHIBIT

WALGREENS, 2401 W. LEDBETTER DRIVE, DALLAS, DALLAS COUNTY, TEXAS

DRAWN BY JQ	CHECKED BY KFW	SCALE 1"=250'	DATE 09/08/2014	JOB NUMBER 3156-10.312
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OWNER OF PROPERTY
MINNETONKA CAPITAL INVESTMENTS V LP
OFFICER LIST

General Partner: Texas General Investors (DE) LLC, a Delaware limited liability company

Officers of General Partner:

<u>Name</u>	<u>Title</u>
Joseph Fetter	Manager/Director
Neil Fetter	Manager/Director

**WALGREEN CO.
OFFICERS AND DIRECTORS**

Corporate Address:

200 Wilmot Rd.
Deerfield, IL 60015

Board of Directors

NAME	TITLE
Alan G. McNally	Director
Dr. David J. Brailer	Director
Steven A. Davis	Director
William C. Foote	Director
Mark P. Frissora	Director
Ginger L. Graham	Director
Nancy M. Schlichting	Director
David Y. Schwartz	Director
Alejandro Silva	Director
James A. Skinner	Director
Gregory D. Wasson	Director

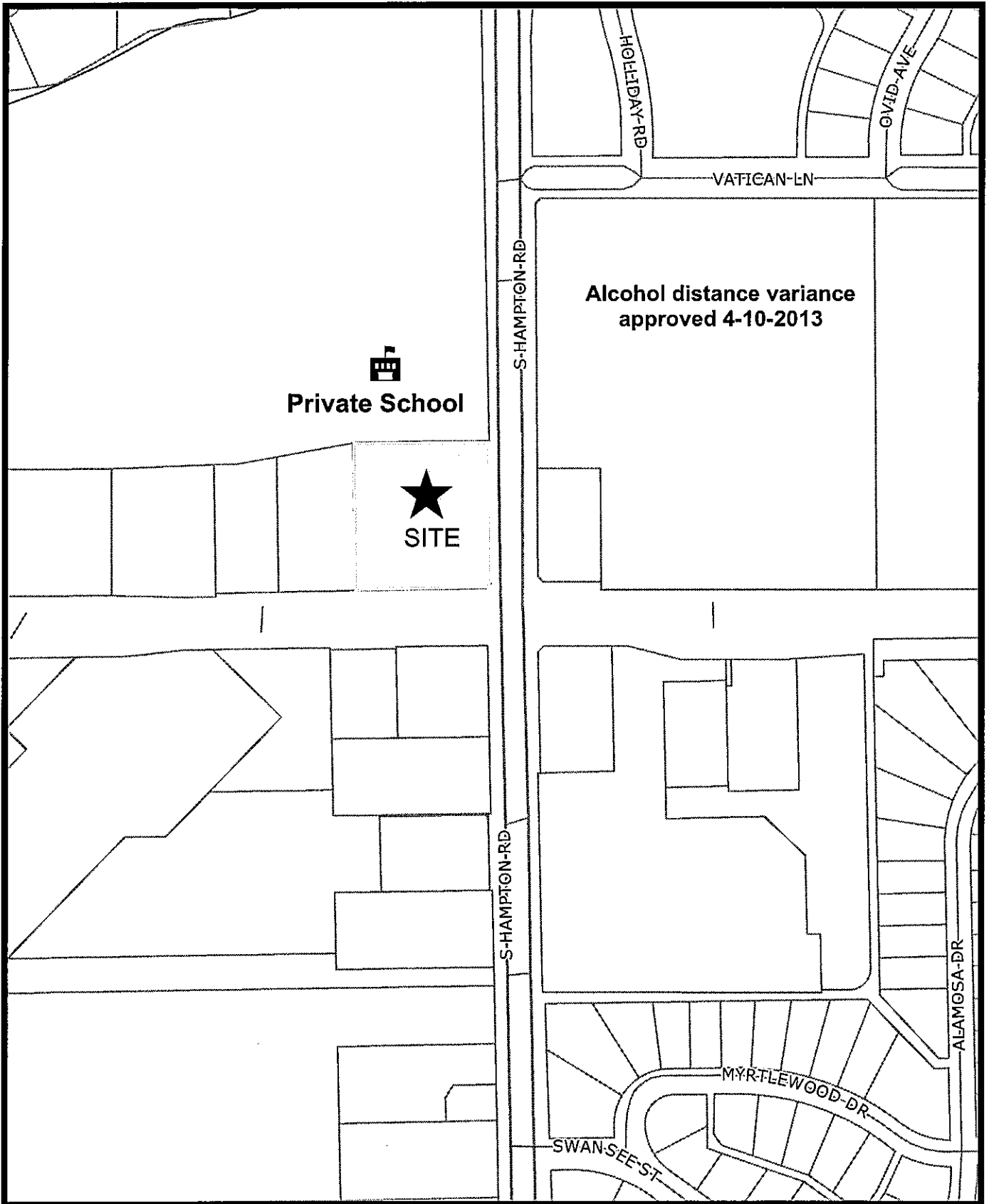
Corporate Officers

NAME	TITLE
Alan G. McNally	Chairman
Gregory D. Wasson	President, CEO
Mark A. Wagner	President of Community Management
Kermit R. Crawford	President of Pharmacy, Health and Wellness Division
Sona Chawla	President of E-Commerce

Other Officers

NAME	TITLE
Wade D. Miquelon	Executive Vice President, Chief Financial Officer
Dana I. Green	Executive Vice President, General Counsel, Corporate Secretary
Graham Atkinson	Senior Vice President
Jeffrey Berkowitz	Senior Vice President
Donald C. Huonker	Senior Vice President
J. Randolph Lewis	Senior Vice President
Joseph Magnacca	Senior Vice President
Mia M. Scholz	Senior Vice President
Timothy J. Theriault	Senior Vice President
Kathleen Wilson-Thompson	Senior Vice President

Robert G. Zimmerman	Senior Vice President
Bruce R. Bryant	Vice President
Thomas J. Connolly	Vice President
Kimberly L. Feil	Vice President
Chuck Greener	Vice President
W. Bryan Pugh	Vice President
John W. Spina	Vice President
Colin Watts	Vice President
Denise K. Wong	Vice President
Christopher Domzalski	Vice President
Jason M. Dubinsky	Vice President, Treasurer
John A. Mann	Asst. Secretary



AV145-001



1:3,000



Approximate location of business requesting alcohol variance



Land use requiring spacing from business requesting alcohol sales: school

January 14, 2015

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, Walgreen Co, dba Walgreens #6197 has submitted an application for a wine and beer retailer's permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code for a general merchandise or food store greater than 10,000 square feet, and is requesting a variance to the alcohol spacing requirements for a property on the northwest corner of South Hampton Road and West Ledbetter Drive, north of St. Elizabeth Catholic School, a private 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 Walgreen Co, dba Walgreens #6197, for property on the northwest corner of South Hampton Road and West Ledbetter Drive, north of St. Elizabeth Catholic School is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a wine and beer retailer's 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 greater than 10,000 square feet in the location shown on the attached location map.
- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.

January 14, 2015

- (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.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

**JANUARY 14, 2015 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 14, 2015. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager



Date



Edward Scott
City Controller



Date

RECEIVED

2015 JAN -9 PM 4:41

CITY OF DALLAS
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, JANUARY 14, 2015
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 - 6

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 23 - 35
Addendum Items 7 - 8

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 26 - 35
Addendum Item 9

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 14, 2015
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

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

- Petition of the City of Dallas for review of a decision by Sabine River Authority to set water rates, Public Utility Commission Docket No. 43674.

CONSENT ADDENDUM

City Attorney's Office

1. Authorize settlement of the lawsuit styled Randolph Glenn v. Officer Bunthavuth Te, et al., Civil Action No. 3:13-cv-04446-L - Not to exceed \$200,000 - Financing: Current Funds
2. Authorize settlement of the remaining plaintiff's claim in the lawsuit styled Koby Maxwell, John C. Campbell and Carl Wayne Walton v. City of Dallas, Cause No. DC-13-04584-B - Not to exceed \$150,000 - Financing: Current Funds
3. Authorize **(1)** the application for and the acceptance of the 2014-15 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2014 through September 29, 2015; and **(2)** execution of the grant agreement - Not to exceed \$323,964 - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds
4. Authorize Supplemental Agreement No. 2 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional legal services necessary on matters relating to the gate accommodations at Dallas Love Field - Not to exceed \$80,000, from \$200,000 to \$280,000 - Financing: Aviation Current Funds
5. Authorize Supplemental Agreement No. 3 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P and Vickie Cook, et al. v. T-Mobile USA, Inc., et al., Civil Action No. 3:14-CV-2907-M - Not to exceed \$130,000, from \$150,000 to \$280,000 - Financing: Current Funds

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 14, 2015**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Human Resources

6. Authorize a first amendment to the City Attorney Agreement of Appointment with City Attorney Warren M. S. Ernst to increase his annual base salary from \$217,000 to \$225,000 for a total annual additional cost of \$8,000, effective October 16, 2014 - Financing: Current Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

7. A resolution designating absences by Councilmember Dwaine R. Caraway as being for "Official City Business" - Financing: No cost consideration to the City

Housing/Community Services

8. Authorize **(1)** the acceptance of \$11,000,000 of Community Development Block Grant Section 108 Guaranteed Loan Program Funds (Section 108 Loan Funds) from the U.S. Department of Housing and Urban Development (HUD) for the Plaza Hotel commercial development project (Hotel Project); **(2)** a loan agreement with Teof Hotel, LP (the Section 108 Borrower) in the amount of \$11,000,000 of Section 108 Loan Funds (the Section 108 Borrower Loan) for development of the Hotel Project to assist with rehabilitation of a vacant commercial building located at 1011 South Akard Street including economic development, loan interest reserve and financial costs for the Section 108 public offering that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD; **(3)** the City Manager to enter into all necessary agreements with HUD including a Funding Approval/Agreement, a Fiscal Agency Agreement, a Promissory Note, up to two letters of agreement, for establishment of a custodial account, documents relating to additional security if required by HUD, and a letter requesting advance funds for interim financing; **(4)** the City Manager to establish appropriations for Section 108 Loan Funds; and **(5)** the City Controller to deposit and disburse funds from an identified account with total disbursements not to exceed \$11,000,000 in Section 108 Loan Funds - Not to exceed \$11,000,000 - Financing: Community Development Block Grant Section 108 Guaranteed Loan Funds

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 14, 2015**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

9. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District, on the north corner of Opal Avenue and Volga Avenue
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Z112-322(RB)

CORRECTION:

Sustainable Development and Construction

35. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a private school, St. Elizabeth Catholic School, and an open-enrollment charter school, Focus Learning Academy as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a general merchandise or food store greater than 10,000 square feet [Walgreen Co., dba Walgreens #6197] on the northwest corner of South Hampton Road and West Ledbetter Drive - AV145-001 - Financing: No cost consideration to the City

ADDENDUM DATE January 14, 2015

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			N/A	C	ATT	\$200,000.00	NA	NA	Authorize settlement of the lawsuit styled Randolph Glenn v. Officer Bunthavuth Te, et al., Civil Action No. 3:13-cv-04446-L
2			N/A	C	ATT, POL	\$150,000.00	NA	NA	Authorize settlement of the remaining plaintiff's claim in the lawsuit styled Koby Maxwell, John C. Campbell and Carl Wayne Walton v. City of Dallas, Cause No. DC-13-04584-B
3			All	C	ATT	GT	NA	NA	Authorize the application for and the acceptance of the 2014-15 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2014 through September 29, 2015; and execution of the grant agreement
4			N/A	C	ATT, AVI	\$80,000.00	0.00%	0.00%	Authorize Supplemental Agreement No. 2 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional legal services necessary on matters relating to the gate accommodations at Dallas Love Field
5			N/A	C	ATT	\$130,000.00	NA	NA	Authorize Supplemental Agreement No. 3 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P and Vickie Cook, et al. v. T-Mobile USA, Inc., et al., Civil Action No. 3:14-CV-2907-M
6			N/A	C	HRD	\$8,000.00	NA	NA	Authorize a first amendment to the City Attorney Agreement of Appointment with City Attorney Warren M. S. Ernst to increase his annual base salary from \$217,000 to \$225,000 for a total annual additional cost of \$8,000, effective October 16, 2014
7			N/A	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Dwaine R. Caraway as being for "Official City Business"
8			2	I	HOU	GT	NA	NA	Authorize the acceptance of \$11,000,000 of Community Development Block Grant Section 108 Guaranteed Loan Program Funds (Section 108 Loan Funds) from the U.S. Department of Housing and Urban Development (HUD) for the Plaza Hotel commercial development project (Hotel Project); a loan agreement with Teof Hotel, LP (the Section 108 Borrower) in the amount of \$11,000,000 of Section 108 Loan Funds (the Section 108 Borrower Loan) for development of the Hotel Project to assist with rehabilitation of a vacant commercial building located at 1011 South Akard Street including economic development, loan interest reserve and financial costs for the Section 108 public offering that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD; the City Manager to enter into all necessary agreements with HUD including a Funding Approval/Agreement, a Fiscal Agency Agreement, a Promissory Note, up to two letters of agreement, for establishment of a custodial account, documents relating to additional security if required by HUD, and a letter requesting advance funds for interim financing; the City Manager to establish appropriations for Section 108 Loan Funds; and the City Controller to deposit and disburse funds from an identified account with total disbursements not to exceed \$11,000,000 in Section 108 Loan Funds
9			4	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District, on the north corner of Opal Avenue and Volga Avenue
TOTAL						\$568,000.00			

KEY FOCUS AREA: E-Gov
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Attorney's Office
CMO: Warren M.S. Ernst, 670-3491
MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Randolph Glenn v. Officer Bunthavuth Te, et al., Civil Action No. 3:13-cv-04446-L - Not to exceed \$200,000 - Financing: Current Funds

BACKGROUND

Randolph Glenn sued the City of Dallas and former Dallas police officer Bunthavuth Te alleging an unlawful seizure and excessive force. Officer Te and his partner received a dispatch about an aggravated robbery and carjacking committed by an armed man described as an African-American wearing green and white clothing. The officers, responding to the dispatch, saw Mr. Glenn, who fit that general description. The officers instructed Mr. Glenn to halt and show his hands, and in response Mr. Glenn walked toward Officer Te with a hand in his pocket. Officer Te shot and wounded Mr. Glenn. Mr. Glenn was unarmed and was not involved with the armed robbery that was the subject of the dispatch. The plaintiff and the City have reached a proposed settlement, subject to city council approval, that disposes of all claims by all parties. Mr. Glenn is represented by the Law Firm of Jay J. Murray, P.C.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on January 7, 2015.

FISCAL INFORMATION

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

\$200,000 - Current Funds

January 14, 2015

WHEREAS, a lawsuit styled Randolph Glenn v. Officer Bunthavuth Te, et al., Civil Action No. 3:13-cv-04446-L, was filed by Randolph Glenn alleging excessive force and unlawful seizure; and

WHEREAS, the parties have agreed to a settlement of the case whereby the City will pay the plaintiff, through his attorney, the amount of \$200,000.00; and

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

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

Section 1. That settlement of the lawsuit styled Randolph Glenn v. Officer Bunthavuth Te, et al., Civil Action No. 3:13-cv-04446-L, in an amount not to exceed \$200,000.00 is hereby approved.

Section 2. That the City Controller is authorized to pay to the Law Office of Jay J. Murray, P.C., the amount of \$200,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTORM001.

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

ADDENDUM ITEM # 2

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Police

CMO: Warren M.S. Ernst, 670-3491
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize settlement of the remaining plaintiff's claim in the lawsuit styled Koby Maxwell, John C. Campbell and Carl Wayne Walton v. City of Dallas, Cause No. DC-13-04584-B - Not to exceed \$150,000 - Financing: Current Funds

BACKGROUND

Carl Wayne Walton filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries sustained while he was a passenger on a Dallas Area Rapid Transit bus which collided with a Dallas Police Department vehicle on January 12, 2012. The City and Mr. Walton reached a proposed settlement following court-ordered mediation. Plaintiff is represented by Jim S. Adler, P.C. & Associates. Mr. Maxwell's claim and Mr. Campbell's claim previously settled.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed in Closed Session on January 7, 2015.

FISCAL INFORMATION

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

\$150,000.00 - Current Funds

January 14, 2015

WHEREAS, a lawsuit styled Koby Maxwell, John C. Campbell and Carl Wayne Walton v. City of Dallas, Cause No. DC-13-04584-B, was filed by plaintiffs seeking compensation from the City of Dallas for alleged bodily injuries sustained while John C. Campbell was operating a Dallas Area Rapid Transit bus which collided with a Dallas Police Department vehicle on January 12, 2012; and,

WHEREAS, Carl Wayne Walton, the remaining plaintiff, has agreed to settle his claim whereby the City will pay Carl Wayne Walton and his attorney, and all other parties having an interest in the settlement proceeds the total amount of \$150,000.00; and,

WHEREAS, it is in the best interest of the City to settle the claims of Carl Wayne Walton in this case; **Now, Therefore**,

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

Section 1. That the settlement of the claim of Carl Wayne Walton in the lawsuit styled Koby Maxwell, John C. Campbell and Carl Wayne Walton v. City of Dallas, Cause No. DC-13-04584-B, in an amount not to exceed \$150,000.00 is hereby approved.

Section 2. That the City Controller is authorized to pay Carl Wayne Walton and his attorney, Jim S. Adler, P.C. and Associates, the amount of \$150,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTORM001.

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: Public Safety
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: City Attorney's Office
CMO: Warren M.S. Ernst, 670-3491
MAPSCO: N/A

SUBJECT

Authorize **(1)** the application for and the acceptance of the 2014-15 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2014 through September 29, 2015; and **(2)** execution of the grant agreement - Not to exceed \$323,964 - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds

BACKGROUND

The South Dallas Treatment Drug Court (SDTDC) seeks to identify adults with mental health issues and substance abuse addictions who have been referred to the South Dallas Community Court for adjudication and processing, and to offer those individuals alcohol/drug treatment, recovery support services, screening, assessment, case management and related services in lieu of jail time. The SDTDC is located in the Martin Luther King, Jr. Community Center at 2922 Martin Luther King, Jr. Boulevard, and serves South Dallas/Fair Park, Jubilee Park, and Pleasant Grove.

The U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, has awarded the City \$323,964.00 in support of the SDTDC program. The grant will allow the SDTDC to serve approximately 60 individuals. The start date for this initiative is September 30, 2014, and ends September 29, 2015.

FISCAL INFORMATION

\$323,964.00 - U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds

January 14, 2015

WHEREAS, the City of Dallas has established an Adult Treatment Drug Court Expansion project that seeks to expand the South Dallas Community Drug Court into a Treatment Drug Court that will incorporate alcohol/drug treatment, recovery support services, screening, assessment, case management, and program coordination; and

WHEREAS, the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, has made grant funds available during the 2014-15 fiscal year to offer individuals facing criminal charges for substance abuse and possession an opportunity to enter a substance abuse recovery program in lieu of jail time; and

WHEREAS, such grant funding was awarded to the City on September 30, 2014; and

WHEREAS, the grant funding would benefit the City in its endeavor to reduce crime and help affected individuals become drug free; and

WHEREAS, the City finds it in the best interest of the City's citizens that the grant funds be accepted for the 2014-15 fiscal year; and

WHEREAS, the City agrees that in the event of loss or misuse of the grant funds, the City will return the funds identified as ineligible to the U.S. Department of Health and Human Services; and

WHEREAS, the City designates the City Manager or his designee as the grantee's authorized official, who has the power to apply for, accept, reject, alter, or terminate the grant on behalf of the City; **Now, Therefore**

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

Section 1. That the City Manager is hereby authorized to apply for, execute, and accept the 2014-15 U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant No. 1H79TI025045-01, CFDA No. 93.243, for grant moneys to be used in the Adult Treatment Drug Court Expansion project for the period September 30, 2014, through September 29, 2015, in an amount not to exceed \$323,964.00.

Section 2. That the City Manager is hereby authorized to establish appropriations in the Adult Treatment Drug Court Expansion Project fund in the amount of \$323,964.00 in Fund F447, Department ATT, Unit 1694.

January 14, 2015

Section 3. That the City Controller is authorized to deposit grant funds in an amount not to exceed \$323,964.00 into Fund F447, Department ATT, Unit 1694, Revenue Source 6506.

Section 4. That the City Controller is authorized to disburse grant funds from Fund F447, Department ATT, Unit 1694, in accordandance to the attached schedule, in an amount not to exceed \$323,964.00.

Section 5. That the City Manager is hereby authorized to reimburse the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later that 30 days after the reimbursement.

Section 6. That the City Manager shall keep the appropriate City Council Committee informed of all final U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration monitoring reports not later than 30 days after the receipt of the report.

Section 7. 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.

SAMHSA - Adult Drug Court		
Fund F447		
Unit 1694		
FY 2014-2015		
ATT		BUDGET FY
Obj.		14/15
		323,964.00
1101	Salaries	111,600.00
1301	Pension	11,695.00
1303	Life Insurance	132.00
1304	Health Insurance	12,057.00
1306	FICA	1,618.00
1419	Other Civilian Leave	3,600.00
2252	Metered Postage	300.00
3070	Professional Services	153,848.00
3090	City Forces	2,260.00
3092	Security Services	13,300.00
3361	Professional Development	6,858.00
3851	Pension Bond Debt	6,696.00

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Aviation

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

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional legal services necessary on matters relating to the gate accommodations at Dallas Love Field - Not to exceed \$80,000, from \$200,000 to \$280,000 - Financing: Aviation Current Funds

BACKGROUND

Supplemental Agreement No. 2 will authorize Kaplan Kirsch & Rockwell, L.L.P. to provide additional legal services necessary on matters relating to the gate accommodations at Dallas Love Field.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on January 7, 2015.

FISCAL INFORMATION

\$80,000 - Aviation Current Funds

M/WBE INFORMATION

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

OWNER

Kaplan Kirsch & Rockwell, L.L.P.

Peter J. Kirsch, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional legal services necessary on matters relating to the gate accommodations at Dallas Love Field - Not to exceed \$80,000, from \$200,000 to \$280,000 - Financing: Aviation Current Funds

Kaplan Kirsch & Rockwell, L.L.P. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$80,000.00	100.00%
TOTAL THIS ACTION	\$80,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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

January 14, 2015

WHEREAS, on October 29, 2014, pursuant to Administrative Action No. 14-6916, the City authorized a professional services contract with Kaplan Kirsch & Rockwell, L.L.P., in an amount not to exceed \$50,000.00, for legal services on matters relating to the gate accommodations at Dallas Love Field; and

WHEREAS, on November 18, 2014, pursuant to Council Resolution No. 14-2056, the City Council authorized Supplemental Agreement No. 1 with Kaplan Kirsch & Rockwell, L.L.P., in an amount not to exceed \$150,000.00, for legal services on matters relating to the gate accommodations at Dallas Love Field, increasing the original contract from \$50,000.00 to \$200,000.00; and

WHEREAS, the legal services of Kaplan Kirsch & Rockwell, L.L.P. continue to be necessary; **Now, Therefore**,

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 2 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional legal services on matters relating to the gate accommodations at Dallas Love Field, in an amount not to exceed \$80,000.00, increasing the contract amount from \$200,000.00 to \$280,000.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to Kaplan Kirsch & Rockwell, L.L.P., an amount not to exceed \$80,000.00 from Fund 0130, Department AVI, Unit 7729, Obj. 3070, Encumbrance No. CTAVIAVIKKR77101114, Vendor No. VC0000012035.

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: E-Gov
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Attorney's Office
CMO: Warren M.S. Ernst, 670-3491
MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P and Vickie Cook, et al. v. T-Mobile USA, Inc., et al., Civil Action No. 3:14-CV-2907-M - Not to exceed \$130,000, from \$150,000 to \$280,000 - Financing: Current Funds

BACKGROUND

Supplemental Agreement No. 3 will authorize White & Wiggins, L.L.P. to provide additional legal services in the lawsuit styled Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P and Vickie Cook, et al. v. T-Mobile USA, Inc., et al., Civil Action No. 3:14-CV-2907-M.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on January 7, 2015.

FISCAL INFORMATION

\$130,000 - Current Funds

M/WBE INFORMATION

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

OWNER

White & Wiggins, L.L.P.

Kevin B. Wiggins, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P and Vickie Cook, et al. v. T-Mobile USA, Inc., et al., Civil Action No. 3:14-CV-2907-M - Not to exceed \$130,000, from \$150,000 to \$280,000 - Financing: Current Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$130,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$130,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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

January 14, 2015

WHEREAS, the City of Dallas has retained White & Wiggins, L.L.P. to provide legal services necessary in the lawsuit styled Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P; and,

WHEREAS, on November 26, 2012, pursuant to Administrative Action No. 12-2874, the City authorized a professional services contract with White & Wiggins, L.L.P., in an amount not to exceed \$25,000.00; and,

WHEREAS, on December 7, 2012, pursuant to Administrative Action No. 12-3112, the City authorized Supplemental Agreement No. 1 with White & Wiggins, L.L.P., in an amount not to exceed \$25,000.00, increasing the original contract from \$25,000.00 to \$50,000.00; and,

WHEREAS, on August 14, 2013, pursuant to Council Resolution No. 13-1287, the City authorized Supplemental Agreement No. 2 with White & Wiggins, L.L.P., in an amount not to exceed \$100,000.00, increasing the contract amount from \$50,000.00 to \$150,000.00; and,

WHEREAS, the professional legal services of White & Wiggins, L.L.P. continue to be necessary for this matter; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 3 to the professional services contract with White & Wiggins, L.L.P. for additional legal services, in an amount not to exceed \$130,000.00, increasing the contract amount from \$150,000.00 to \$280,000.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to White & Wiggins, L.L.P. an amount not to exceed \$130,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389011J262, Vendor No. 344317.

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: E-Gov
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Human Resources
CMO: A. C. Gonzalez, 670-3302
MAPSCO: N/A

SUBJECT

Authorize a first amendment to the City Attorney Agreement of Appointment with City Attorney Warren M. S. Ernst to increase his annual base salary from \$217,000 to \$225,000 for a total annual additional cost of \$8,000, effective October 16, 2014 - Financing: Current Funds

BACKGROUND

On October 16, 2013, by Resolution No. 13-1805, the City Council appointed Warren M. S. Ernst as City Attorney of the City of Dallas, for a two-year term, established his annual base salary at \$217,000.00, and authorized execution of the City Attorney Contract. On January 7, 2015, the City Council completed its annual performance review of the City Attorney.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council approved the appointment of Warren M. S. Ernst as City Attorney for a two-year term, established his annual base salary, and authorized execution of the City Attorney Contract, on October 16, 2013, by Resolution No. 13-1805.

City Council conducted its annual performance review of City Attorney Warren M. S. Ernst on November 5, 2014, December 10, 2014 and January 7, 2015.

FISCAL INFORMATION

\$8,000 - Current Funds

January 14, 2015

WHEREAS, on October 16, 2013 by Resolution No. 13-1805, the City Council appointed Warren M. S. Ernst as City Attorney of the City of Dallas for a two-year term and established his annual base salary at \$217,000.00; and,

WHEREAS, on November 5, 2014, December 10, 2014, and January 7, 2015, the City Council conducted its annual performance review of the City Attorney and recommended an increase of \$8,000.00 in his annual base salary; **Now, Therefore**,

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

Section 1. That City Attorney Warren M. S. Ernst receive an increase in his annual base salary in the amount of \$8,000.00 from \$217,000.00 to \$225,000.00 effective October 16, 2014.

Section 2. That the City Manager is hereby authorized to execute the first amendment to the City Attorney Agreement of Appointment with Warren M. S. Ernst reflecting the compensation adjustment authorized by the City Council.

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: E-Gov
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: City Secretary
CMO: Rosa A. Rios, 670-5654
MAPSCO: N/A

SUBJECT

A resolution designating absences by Councilmember Dwaine R. Caraway as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

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

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

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

BACKGROUND (Continued)

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

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

January 14, 2015

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

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

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

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

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

January 14, 2015

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

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

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

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

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

COUNCILMEMBER	TRIP/EVENT	LOCATION	DATE	PURPOSE	MEETING(S) MISSED	ABSENCE TYPE
Dwaine R. Caraway	Meeting held with ACM Jill A. Jordan in reference to the "Bag Ordinance."	City Hall	12/8/2014	Representing District 4	Public Safety Committee	Absent

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 2
DEPARTMENT: Housing/Community Services
CMO: A. C. Gonzalez, 670-3297
MAPSCO: 45Q

SUBJECT

Authorize **(1)** the acceptance of \$11,000,000 of Community Development Block Grant Section 108 Guaranteed Loan Program Funds (Section 108 Loan Funds) from the U.S. Department of Housing and Urban Development (HUD) for the Plaza Hotel commercial development project (Hotel Project); **(2)** a loan agreement with Teof Hotel, LP (the Section 108 Borrower) in the amount of \$11,000,000 of Section 108 Loan Funds (the Section 108 Borrower Loan) for development of the Hotel Project to assist with rehabilitation of a vacant commercial building located at 1011 South Akard Street including economic development, loan interest reserve and financial costs for the Section 108 public offering that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD; **(3)** the City Manager to enter into all necessary agreements with HUD including a Funding Approval/Agreement, a Fiscal Agency Agreement, a Promissory Note, up to two letters of agreement, for establishment of a custodial account, documents relating to additional security if required by HUD, and a letter requesting advance funds for interim financing; **(4)** the City Manager to establish appropriations for Section 108 Loan Funds; and **(5)** the City Controller to deposit and disburse funds from an identified account with total disbursements not to exceed \$11,000,000 in Section 108 Loan Funds - Not to exceed \$11,000,000 - Financing: Community Development Block Grant Section 108 Guaranteed Loan Funds

BACKGROUND

In January 2009, the City Council adopted the Community Development Block Grant (CDBG) Section 108 Guarantee Loan Fund Program to provide up to a total of all Section 108 projects of \$75,000,000, primarily to increase the amount of funding available for economic development through making of loans that promote activities which contribute to the development of viable communities by providing decent housing and a suitable living environment, and by promoting local economic development to stimulate business and commercial activity in the City of Dallas leading to creation of permanent jobs and provision of goods and services to project areas. The Section 108 Program is a Community Development Program authorized under Local Government Code, Chapter 373.

Since January 2009, the scope of the program has been increased to include projects that sustain or increase the level of business activity in an area by expanding economic opportunities for job creation and retention, improvement or construction of housing in conjunction with mixed-use projects, the provision of jobs to low and moderate income persons in CDBG eligible areas, or providing elimination of specific conditions of blight, physical decay, or environmental contamination not located in slum or blighted areas in conjunction with other eligible special economic development activities.

The City seeks to fund projects that increase the level of business activity by expanding economic activities and increase the level of affordable housing in the project area. It is also important to the City that Section 108 loan repayments from borrowers match the City's required repayments to HUD on the Section 108 Guarantee Loan. Annual repayments of Section 108 Guarantee loans should be credit enhanced to eliminate risk of City making payments from annual CDBG allocations, to the extent reasonably possible.

In October 2012, the City received a proposal from Texas Educational Opportunity Fund (TEOF) for a loan in the amount of \$11,000,000 in CDBG Section 108 Guarantee Loan Program funds for eligible activities which would have included property acquisition, environmental remediation, elimination of adverse health and safety hazards, loan interest reserve, and financial costs for the Section 108 public offering to assist with rehabilitation of a vacant commercial building, formerly Plaza Hotel, for the Hotel Project. The project is a commercial development to renovate a vacant hotel building located at 1011 South Akard Street to reuse as a new hotel. The completed project would have created an estimated 110 permanent full-time equivalent jobs including an estimated 90 permanent full-time jobs to be held by or made available to individuals with incomes at 80% or less of Area Median Family Income as established by HUD.

BACKGROUND (continued)

The City held a neighborhood public hearing at the J. Erik Jonsson Central Library at 1515 Young Street on December 20, 2012, and received favorable comment on submission of the application to HUD for the Hotel Project. Following a City Council public hearing on January 23, 2013, Council adopted Substantial Amendment No. 17 to the 2008-2012 Consolidated Plan and the FY 2012-13 Action Plan to identify the Hotel Project and approved modification of the CDBG Section 108 Program Statement, and Council authorized the City Manager to submit the Section 108 loan application to HUD for funding. The application was submitted to HUD on February 11, 2013, requesting Section 108 Guarantee Loan Funds in the amount of \$11,000,000 for development of the Hotel Project. The City Council public hearing held on January 23, 2013, complied with HUD regulations and the City's Citizen Participation Plan of 30 days comment period from date of call of public hearing.

During HUD's review of the application the project ownership structure and name branding of the proposed hotel changed. The application requested funding for two activities including acquisition by a limited liability nonprofit subrecipient of the City, Texas Educational Opportunity Fund (TEOF), and rehabilitation of a blighted structure to carry out an economic development project. TEOF had proposed to relend the Section 108 guaranteed proceeds to its subsidiary, Teof Hotel, LP (Teof Hotel), a for-profit, single asset entity, to carry out the activities. With the change in project structure, the Section 108 proceeds will be provided directly from the City to Teof Hotel. The developer is willing to make a \$6.5 million equity investment of the value of the property to the project and has transferred ownership of the property to Teof Hotel.

The Section 108 funds were to be used for acquisition of \$6.5 million and economic development and related costs of \$4.5 million. Acquisition has been removed from the funding requested, and the City will reallocate the project costs and lend the entire \$11 million to Teof Hotel, LP for economic development and related costs for rehabilitation of a blighted former hotel into a new, 237-room hotel that will result in the creation of an estimated 220 permanent full-time equivalent jobs provided by the hotel and commercial tenants operating businesses located on the project premises.

The developer had proposed rehabilitating a vacant hotel, formerly Plaza Hotel, located at 1011 South Akard Street into a Holiday Inn & Suites hotel with 220 rooms under the governing criteria of the Holiday Inn Express brand, which would have been a two or three-star hotel. The developer's franchise license to operate a Holiday Inn has expired, and the developer has entered into a new franchise agreement with Choice Hotels International, Inc. for development of a four-star hotel with 237 rooms under its Ascend Collection of boutique hotels. With the upgrade in hotel class rating, operation of a hotel under the new franchise will provide for creation of an estimated 220 permanent full-time equivalent jobs, which is an increase from 110 jobs identified in the application.

BACKGROUND (continued)

The economic development activity will meet the CDBG National Objective of benefiting low- and moderate-income persons and the public benefit standard set forth in HUD Regulations. The CDBG National Objective requires that at least 51% of the jobs created (113 jobs) will be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD. The public benefit standard requires the activity undertaken to create at least one permanent full-time equivalent job per \$50,000 of CDBG funds used, for a total of 220 permanent full-time equivalent jobs. Based on the most recent decennial census, which has been replaced by the American Community Survey 5-year estimates for 2006-2010, the project is located in census tract 204.00 where at least 20% of the population in all of the block groups in that census tract is below the poverty level. On this basis, all of the jobs created by the project can be presumed to be low- and moderate-income jobs pursuant to HUD regulations.

Additionally, the commercial development of the project will meet the statements of community development objectives in the City's Consolidated Plan dealing with creation of employment opportunities by creating an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD.

The Section 108 Loan funds will be used to fund exterior rehabilitation and interior rehabilitation of approximately 165,006 square feet for a 12-floor, 237-room hotel and a structured parking garage, and to fund sitework, loan interest reserve, and financing costs related to the Section 108 public offering. The total project cost to develop the Hotel Project including rehabilitation of the exterior and approximately 165,006 square feet of interior space is \$32.6M with the City contributing 34%. Funding for the project will come from the proposed \$11M Section 108 Loan Funds and from a first lien note of \$12.9M, mezzanine loan of \$2.3M, owner equity of \$5.4M and TIF proceeds of \$1M. A bank loan of \$12,912,615 for construction will be in first lien position followed by the Section 108 loan of \$11,000,000 in second lien position. A mezzanine loan of \$2,324,913 will be a soft lien in third position.

The Section 108 loan application requested \$11,000,000 for the Hotel Project at an interest rate determined by the 3 month London Interbank Offered Rate (LIBOR), with interest only payments due for the first two years and principal and interest payments due for years 3 through 13. The City applied to HUD for two years of interest reserve to cover the interest payments on the Section 108 Borrower Loan during the construction and lease up period of the project. Teof Hotel will repay principal and interest on the City's Section 108 Hotel Project Loan with cash flow from the project which is estimated to be sufficient to cover the first and second lien debt and fund a debt service reserve of approximately \$152,000 per year until the City's Section 108 HUD loan is paid in full. Interest will be paid during construction with an interest reserve built into the construction loan and with \$330,000 of Section 108 funds.

BACKGROUND (continued)

The interest rate on the loan to the developer will be .50% higher than the Section 108 Loan from HUD and both loans will have matching amortization. All loan payments by borrower will provide adequate funds for City to make its payments on the Section 108 Loan from HUD. However, should the project's cash flow fall short of estimate and is not sufficient for the City to make the required annual payments to HUD, or if the project otherwise fails, any applicable loan payments will be made from the City's future CDBG allocation of entitlement funds.

This action item requests authorization for the City Manager to execute the documents necessary to enter into a \$11,000,000 Section 108 loan agreement with HUD; to appropriate the Section 108 Loan Funds to the proper account; to execute a loan agreement with Teof Hotel, LP, the Section 108 Borrower, in the amount of \$11,000,000 of Section 108 Loan Funds for development of the Hotel Project to assist with rehabilitation of a blighted, vacant commercial building located at 1011 South Akard Street including economic development, loan interest reserve and financial costs for the Section 108 public offering that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 17, 2008, the Economic Development Committee and the Housing Committees were briefed and gave favorable approval on Community Development Block Grant (CDBG) Section 108 Loan Application authorization for the use of Section 108 Guarantee Loan funds to provide project gap financing or mezzanine debt necessary to move projects forward in today's financial market, to minimize, if not eliminate, the risk to the CDBG program revenue and set guidelines by which the funds would be used.

On January 5, 2009, the Economic Development Committee and the Housing Committees were briefed and gave favorable approval on CDBG Section 108 Guarantee Loan fund application requirements and proposed Program Guidelines for City to apply for up to a total of \$75,000,000 in guarantee loans.

On January 28, 2009, the City Council adopted CDBG Section 108 Guarantee Loan Program Statement, setting out the program purpose, description, operations and project criteria by Resolution No. 09-0291.

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

On December 3, 2012, the Housing Committee was briefed on Substantial Amendment No. 17 to the 2008-09 through 2012-13 Consolidated Plan and the FY 2012-2013 Action Plan for U.S. Department of Housing and Urban Development (HUD) Funds to incorporate additional City priority needs and resources including elimination of blight on a spot basis as an enumerated CDBG Section 108 Guarantee Loan Program activity to deal with specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and to identify the Hotel Project as an eligible CDBG economic development activity providing an estimated 90 permanent full-time equivalent jobs for low- and moderate-income persons and providing elimination of specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and on submission of a proposed CDBG Section 108 Guaranteed Loan Program loan application to HUD for Texas Educational Opportunity Fund, a Texas non-profit, for assistance with rehabilitation of a vacant commercial building, formerly Plaza Hotel, for the Hotel Project at 1011 South Akard Street and voted favorably to recommend that the City submit an application for Section 108 Guaranteed Loan funds for the project.

On December 6, 2012, the Community Development Commission was briefed on Substantial Amendment No. 17 to the 2008-09 through 2012-13 Consolidated Plan and the FY 2012-2013 Action Plan for HUD Funds to incorporate additional City priority needs and resources including elimination of blight on a spot basis as an enumerated CDBG Section 108 Guarantee Loan Program activity to deal with specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and to identify the Hotel Project as an eligible CDBG economic development activity providing an estimated 90 permanent full-time equivalent jobs for low- and moderate-income persons and providing elimination of specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and on submission of a proposed CDBG Section 108 Guaranteed Loan Program loan application to HUD for Texas Educational Opportunity Fund, a Texas non-profit, for assistance with rehabilitation of a vacant commercial building, formerly Plaza Hotel, for the Hotel Project at 1011 South Akard Street and voted favorably to recommend that the City submit an application for Section 108 Guaranteed Loan funds for the project.

On December 12, 2012, the City Council authorized a public hearing to be held on January 23, 2013, to receive comments on adoption of Substantial Amendment No. 17 to the 2008-09 through 2012-2013 Consolidated Plan and the FY 2012-13 Action Plan for HUD Funds to identify the Hotel Project and on the proposed City of Dallas submission of an application to HUD for a Section 108 Guaranteed Loan Program loan not to exceed \$11,000,000 for the Hotel Project located at 1011 South Akard Street by Resolution No. 12-3018.

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

On January 23, 2013, the City Council held a public hearing and adopted Substantial Amendment No. 17 to the 2008-09 through 2012-2013 Consolidated Plan and the FY 2012-13 Action Plan for HUD funds, approved modification of the CDBG Section 108 Loan Program Statement, and authorized submission of a Section 108 Guaranteed Loan Program loan application to HUD for a CDBG Section 108 Program loan in the amount of \$11,000,000 to fund a loan for Texas Educational Opportunity Fund, a Texas non-profit, to assist with rehabilitation of a blighted, vacant commercial building, formerly Plaza Hotel, including property acquisition, environmental remediation, elimination of adverse health and safety hazards, loan interest reserve and financial costs for the Section 108 public offering for the Hotel Project located at 1011 South Akard Street that would create an estimated 90 permanent full-time equivalent jobs to be held by individuals with incomes at 80% or less of Area Median Family Income as established by HUD by Resolution No. 13-0237.

FISCAL INFORMATION

Community Development Block Grant Section 108 Guaranteed Loan Funds -
\$11,000,000

OWNER

Teof Hotel, LP

John P. Greenan, Chairman of the Board
Texas Educational Opportunity Fund

Lawrence E. Hamilton, Chief Executive
Officer, Hamilton Properties Corporation

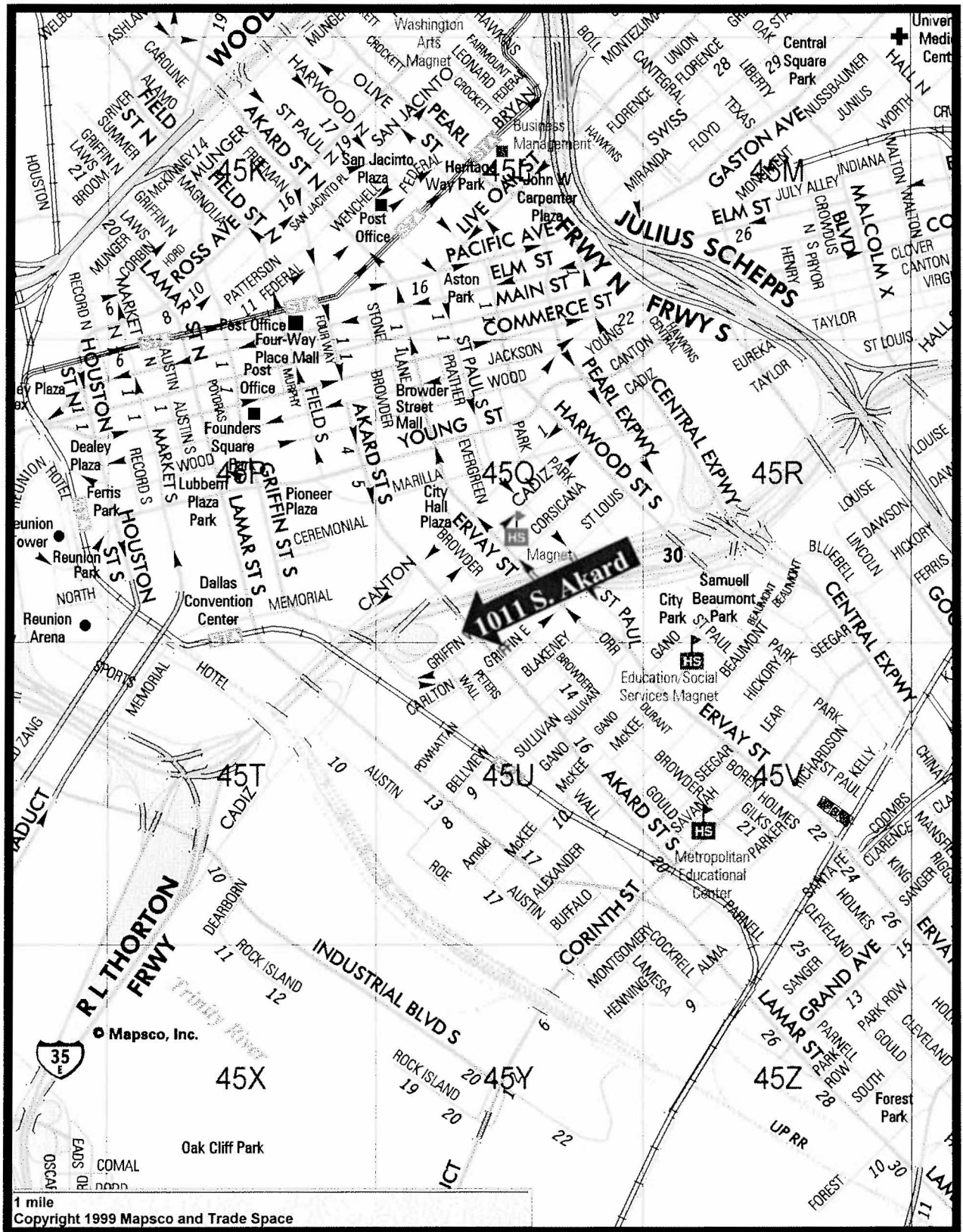
DEVELOPER

Hamilton Properties Corporation

Lawrence E. Hamilton, Chief Executive
Officer

MAP

Attached



MAPSCO 45Q

January 14, 2015

WHEREAS, the City of Dallas seeks to increase the amount of funding available for economic development through making loans that promote activities which contribute to the development of viable communities by providing decent housing and a suitable living environment, by promoting local economic development to stimulate business and commercial activity in the City of Dallas leading to creation of permanent jobs and provision of goods and services to project areas, and by providing for elimination of specific conditions of blight, physical decay, or environmental contamination to protect the health and safety of the public; and

WHEREAS, on November 17, 2008, the Economic Development Committee and the Housing Committees were briefed and gave favorable approval on Community Development Block Grant (CDBG) Section 108 Loan Application authorization for the use of Section 108 Guarantee Loan funds to provide project gap financing or mezzanine debt necessary to move projects forward in today's financial market, to minimize, if not eliminate, the risk to the CDBG program revenue and set guidelines by which the funds would be used; and

WHEREAS, on January 5, 2009, the Economic Development Committee and the Housing Committees were briefed and gave favorable approval on CDBG Section 108 Guarantee Loan fund application requirements and proposed Program Guidelines for the City to apply for up to a total of \$75,000,000 in guarantee loans; and

WHEREAS, on January 28, 2009, the City Council adopted CDBG Section 108 Guarantee Loan Program Statement, setting out the program purpose, description, operations and project criteria by Resolution No. 09-0291; and

WHEREAS, in October 2012, the developer submitted a proposal to the City for CDBG Section 108 Guaranteed Loan Program funds for eligible economic development activities related to the development of the Hotel Project; and

January 14, 2015

WHEREAS, on December 3, 2012, the Housing Committee was briefed on Substantial Amendment No. 17 to the 2008-09 through 2012-13 Consolidated Plan and the FY 2012-2013 Action Plan for U.S. Department of Housing and Urban Development Funds (HUD) to incorporate additional City priority needs and resources including elimination of blight on a spot basis as an enumerated CDBG Section 108 Guarantee Loan Program activity to deal with specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and to identify the Hotel Project as an eligible CDBG economic development activity providing an estimated 90 permanent full-time equivalent jobs for low and moderate-income persons and providing elimination of specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and on submission of a proposed CDBG Section 108 Guaranteed Loan Program loan application to HUD for Texas Educational Opportunity Fund, a Texas non-profit, for assistance with rehabilitation of a vacant commercial building, formerly Plaza Hotel, for the Hotel Project at 1011 South Akard Street voted favorably to recommend that the City submit an application for Section 108 Guaranteed Loan funds for the project; and

WHEREAS, on December 6, 2012, the Community Development Commission was briefed on Substantial Amendment No. 17 to the 2008-09 through 2012-13 Consolidated Plan and the FY 2012-2013 Action Plan for HUD Funds to incorporate additional City priority needs and resources including elimination of blight on a spot basis as an enumerated CDBG Section 108 Guarantee Loan Program activity to deal with specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and to identify the Hotel Project as an eligible CDBG economic development activity providing an estimated 90 permanent full-time equivalent jobs for low and moderate-income persons and providing elimination of specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and on submission of a proposed CDBG Section 108 Guaranteed Loan Program loan application to HUD for Texas Educational Opportunity Fund, a Texas non-profit, for assistance with rehabilitation of a vacant commercial building, formerly Plaza Hotel, for the Hotel Project at 1011 South Akard Street; and

WHEREAS, on December 12, 2012, the City Council authorized a public hearing to be held on January 23, 2013, to receive comments on adoption of Substantial Amendment No. 17 to the 2008-09 through 2012-2013 Consolidated Plan and the FY 2012-13 Action Plan for HUD Funds to identify the Hotel Project and on the proposed City of Dallas submission of an application to HUD for a Section 108 Guaranteed Loan Program loan not to exceed \$11,000,000 for the Hotel Project located at 1011 South Akard Street by Resolution No. 12-3018; and

January 14, 2015

WHEREAS, on January 23, 2013, the City Council held a public hearing and adopted Substantial Amendment No. 17 to the 2008-09 through 2012-2013 Consolidated Plan and the FY 2012-13 Action Plan for HUD funds, approved modification of the CDBG Section 108 Loan Program Statement, and authorized submission of a Section 108 Guaranteed Loan Program loan application to HUD for a CDBG Section 108 Program loan in the amount of \$11,000,000 to fund a loan for Texas Educational Opportunity Fund, a Texas non-profit, for assistance with rehabilitation of a vacant commercial building, formerly Plaza Hotel, including property acquisition, environmental remediation, elimination of adverse health and safety hazards, loan interest reserve, and financial costs for the Section 108 public offering for the Hotel Project located at 1011 South Akard Street that would create an estimated 90 permanent full-time equivalent jobs to be held by individuals with incomes at 80% or less of Area Median Family Income as established by HUD by Resolution 13-0237; and

WHEREAS, on February 11, 2013, the City of Dallas applied to HUD for CDBG Section 108 Guaranteed Loan funds in the amount of \$11,000,000 for a Section 108 loan for Texas Educational Opportunity Fund, a Texas non-profit, for assistance with rehabilitation of a vacant commercial building, formerly Plaza Hotel, including property acquisition, environmental remediation, elimination of adverse health and safety hazards, loan interest reserve, and financial costs for the Section 108 public offering for the Hotel Project located at 1011 South Akard Street that would create an estimated 90 permanent full-time equivalent jobs to be held by individuals with incomes at 80% or less of Area Median Family Income as established by HUD; and

WHEREAS, during HUD's review of the Hotel Project application, the project structure changed such that the Section 108 loan will be made from the City to Teof Hotel, LP, the franchise license to operate a Holiday Inn & Suites hotel under governing criteria of the Holiday Inn brand expired and the developer entered into a new franchise agreement with Choice Hotels International, Inc. to operate a four-star hotel with 237 rooms under its Ascend Collection, and the proposed number of jobs has increased to an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD; and

WHEREAS, acquisition cost has been removed from the funding requested, and the City has reallocated the project costs and will lend the entire \$11,000,000 of Section 108 Loan Funds to Teof Hotel, LP for economic development and related costs for rehabilitation of a blighted, vacant commercial building into a new 237-room hotel; and

WHEREAS, a bank loan of \$12,912,615 for construction will be in first lien position, the Section 108 loan of \$11,000,000 will be in second lien position, and a mezzanine loan of \$2,324,913 will be a soft lien in third position; and

January 14, 2015

WHEREAS, if the project's cash flow is not sufficient for the City to make required annual payments to HUD, or if the project otherwise fails, any applicable loan payments will be made from the City's future CDBG allocation of entitlement funds; and

WHEREAS, the City of Dallas desires to enter into a loan agreement with HUD to borrow \$11,000,000 under the CDBG Section 108 Guarantee Loan Program and to use the Section 108 Loan Funds to provide a development loan to Teof Hotel, LP in the amount of \$11,000,000 for assistance with rehabilitation of a blighted, vacant commercial building including economic development, loan interest reserve, and financial costs for the Section 108 public offering for the Hotel Project located at 1011 South Akard Street that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD; **NOW, THEREFORE**,

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

SECTION 1. That the City Manager, upon the U.S. Department of Housing and Urban Development's (HUD's) approval of the Hotel Project and the use of Community Development Block Grant (CDBG) Section 108 Guaranteed Loan Program Funds (Section 108 Loan Funds) for the project, and upon approval as to form by the City Attorney, is hereby authorized to accept \$11,000,000 in Section 108 Loan Funds for the Hotel Project for assistance with rehabilitation of a vacant commercial building including economic development, loan interest reserve, and financial costs for the Section 108 public offering for the Hotel Project located at 1011 South Akard Street that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD.

SECTION 2. that the City Manager, subject to approval as to form by the City Attorney, is authorized to enter into a Fiscal Agency Agreement with the local fiscal agent selected by HUD, a Contract for Loan Guarantee Assistance with HUD, a Promissory Note for either interim or permanent financing, two letters of agreement with a custodian and establishment of custodial accounts at a financial institution, other documents relating to additional security which are required by HUD when the term of the loan is ten years or more, and if funds are needed immediately, a letter requesting advance funds for interim financing.

SECTION 3. That, in connection with this Section 108 Loan, the City Manager is further authorized to execute any other necessary documents, upon approval as to form by the City Attorney, including, but not limited to, a Funding Approval/Agreement, assignment of lien to HUD, blank endorsement of note to HUD, Co-lenders agreement, a request for project funding, and Community Development Block Grant Contract.

January 14, 2015

SECTION 4. That the City Manager is authorized to enter into a loan agreement and execute, subject to approval as to form by the City Attorney, all necessary loan documents with Teof Hotel, LP (Section 108 Borrower) as to the \$11,000,000 Section 108 Borrower Loan funded with Section 108 Loan Funds for the Hotel Project involving rehabilitation of a blighted, vacant commercial building into a new 237-room four-star hotel under Choice Hotels International, Inc., Ascend Collection.

SECTION 5. That the terms of the loan documents for the \$11,000,000 Section 108 Borrower Loan include:

- a. The Borrower must execute a Note payable to the City of Dallas for no more than \$11,000,000 for the economic development loan for the Hotel Project and will execute a Deed of Trust for the period of HUD's Section 108 loan with the City and Deed Restrictions on the property for a period of thirteen (13) years from the closing date of the loan. The interest payments for the first two years of the loan will be funded out of two years of interest reserve and cash flow from the project will be used to make City Loan payments of principal and interest due for years 3 through 13 until the City Loan is paid in full. Both the Section 108 Loan from HUD and the City Loan to the Borrower will have matching amortization and maturity dates, and the Section 108 Hotel Project Loan will have an interest rate which is .5% higher than the Section 108 Loan from HUD. Based on projections, all loan payments by borrower will provide adequate funds for the City to make its payment on the Section 108 Loan from HUD.
- b. The Section 108 Borrower must use Section 108 Borrower Loan funds to complete conversion of a blighted, vacant commercial building at 1011 South Akard Street that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD and to fund economic development, loan interest reserve, and financial costs for the Section 108 public offering.
- c. Borrower will begin construction no later than twelve (12) months from contract execution and obtain Certificate of Occupancy no later than three (3) years of the closing of the Section 108 Borrower Loan and will expend all of the funds for approved construction line items, except interest reserve funds, within three (3) years of the closing of the Section 108 Borrower Loan.
- d. Borrower will report on a monthly basis the job creation by the hotel and the commercial tenants and document records as necessary to meet HUD requirements for public benefit and a National Objective of the Section 108 program.
- e. Borrower must provide source documentation for all other sources of funds necessary to complete the Hotel Project.

January 14, 2015

SECTION 6. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute loan agreements, co-funding agreements, subordination of lien, intercreditor agreements, HUD regulatory agreement and any other documents necessary to document the Section 108 Borrower Loan.

SECTION 7. That the City Manager, upon approval as to form by the City Attorney is authorized to execute releases of liens on the property and other collateral upon compliance with the terms of the loans.

SECTION 8. That the City Manager is authorized to establish appropriations in the amount of \$11,000,000 in Fund 0J55, Unit 0J5E, Obj 3075 for project costs and those necessary to make repayments to HUD.

SECTION 9. That the City Controller is authorized to accept and deposit Section 108 loan funds in the amount of \$11,000,000 in Fund 0J55, Unit 0J5E, Revenue Source 8461, for project costs and those necessary to make repayments to HUD.

SECTION 10. That the City Controller is hereby authorized to encumber and disburse funds in accordance with the terms and conditions of the loan documents authorized in Section 5 as follows:

Teof Hotel, LP

Vendor # VS86833

Fund 0J55, Dept HOU, Unit 0J5E, Obj 3075, Program # 0J550J5E, CT HOU0J5CA726 – in an amount not to exceed \$11,000,000

SECTION 11. That the City Controller is hereby authorized to set up receivable balance sheet account (033F) and deferred revenue (088M) in Fund 0J55 for the amount of the Section 108 Borrower loan.

SECTION 12. That the City Controller is authorized to accept and deposit repayments from the Section 108 Borrower into Fund 0J55 necessary to make HUD repayments. Principal amounts to be deposited into Revenue Source 8503 and interest amounts to be deposited into Revenue Source 8556.

SECTION 13. That the City Controller is hereby authorized to reverse the receivable balance sheet account (033F) and deferred revenue (088M) in Fund 0J55 for repayments of all principal amounts of loans.

SECTION 14. That the City Controller is authorized to encumber and disburse loan payments to HUD in accordance with the terms and conditions of the loan documents authorized in Section 2 from Fund 0J55 - Vendor # 263304. Principal amounts to be disbursed from Object Code 3077 and interest amounts to be disbursed from Object Code 3076.

January 14, 2015

SECTION 15. That nothing in this resolution shall be construed as a binding contract or agreement upon the City; that it is subject to HUD approval of the Hotel Project, compliance with all HUD regulations and requirements, and available HUD funding; approval of the final loan terms and loan documents by the City Manager and City Attorney; and there will be no liability or obligation on the City until the final contract documents are approved, executed, and final closing completed.

SECTION 16. 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.

ADDENDUM ITEM # 9

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 4
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 65 C

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District, on the north corner of Opal Avenue and Volga Avenue
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Z112-322(RB)

FILE NUMBER: Z112-322(RB)

DATE FILED: September 17, 2012

LOCATION: North corner of Opal Avenue and Volga Avenue

COUNCIL DISTRICT: 4

MAPSCO: 65-C

SIZE OF REQUEST: Approx. 18,000 Sq. Ft. **CENSUS TRACT:** 57.00

REPRESENTATIVE: Debra Watson

APPLICANT: Leroy Watson

OWNER: Buddie Watson

REQUEST: An application for a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant is requesting to obtain an SUP for an existing child-care facility, existing at this location for fifteen years, that was determined by the Fire Marshal to not be in compliance with this requirement.

CPC RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

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

GUIDING CRITERIA FOR RECOMMENATION:

Staff recommends approval of the request, subject a site plan and conditions, based upon:

1. *Compatibility with surrounding uses and community facilities* – The request will utilize existing improvements and is located on a corner-side lot, thus minimizing the impact on adjacent properties.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed child-care facility has been at this location for 15 years serving area residents and their families within the existing improvements.
3. *Not a detriment to the public health, safety, or general welfare* – The proposed use is consistent with those normally found in close proximity to residential uses.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – A certificate of occupancy will be required prior to use of the property for the intended use. State certification provides for the ability to care for 32 children.

Zoning History: There has been no recent zoning activity in the immediate area relevant to this request.

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 roadway system.

Thoroughfare

Designation; Existing & Proposed ROW

Opal Avenue

Local; 40' ROW

Volga Avenue

Local; 40' ROW

STAFF ANALYSIS:

Comprehensive Plan: The request site is located in an area considered a Residential Neighborhood. 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.

GOAL 1.2 Promote desired development.

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

Land Use Compatibility: The request site is developed with structures that have been utilized for a child-care facility for the past 15 years. An outside play area faces the Volga Avenue frontage. The applicant is requesting an SUP in order to continue operation of the use. The applicant is licensed for 32 children. As noted below (see Off-Street Parking), the applicant provides transportation to and from the site as part of the operation.

The site is surrounded by low-density residential uses in all directions. Additionally, a church is developed on property south of the site, across Volga Avenue. This residential area is situated one block east of the Lancaster Road corridor. Due to the existing DART Blue Line rail alignments, the closest cross-street to access Opal Avenue is Fordham Road, one block south of Volga Avenue.

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 has worked with staff to address various operational aspects of the use. Located on a corner side lot, combined with consideration of the applicant providing transporting of the attendees, staff has determined minimal impact on the residential area can be expected. As a result of this analysis, staff supports the request, subject to the attached site plan and conditions.

Parking: The child-care facility use requires one space for each 500 square feet of floor area. A recent code amendment allows for certain uses to benefit from alternative off-

street parking regulations when documentation can be presented to support such a situation. In this situation, the conditions for the use tie this alternative off-street parking requirement to the applicant requesting the alternative off-street parking requirement.

As noted above, the applicant provides transportation to and from the site for the attendees. While this reduces the number of vehicle trips through this residential area, it also places less reliance for additional non-permeable surface on the property. Staff has reviewed the applicant's statement of operation and supports a reduction in required off-street parking (requiring three spaces), as noted in the attached recommended conditions.

Z112-322(RB)

CPC Minutes - December 18, 2014

Z112-322(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** for a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District on the north corner of Opal Avenue and Volga Avenue.

Maker: Culbreath
Second: Shellene
Result: Carried: 15 to 0

For: 15 - Anglin, Emmons, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Abtahi, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 0
Vacancy: 0

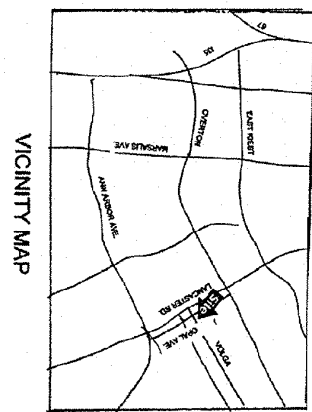
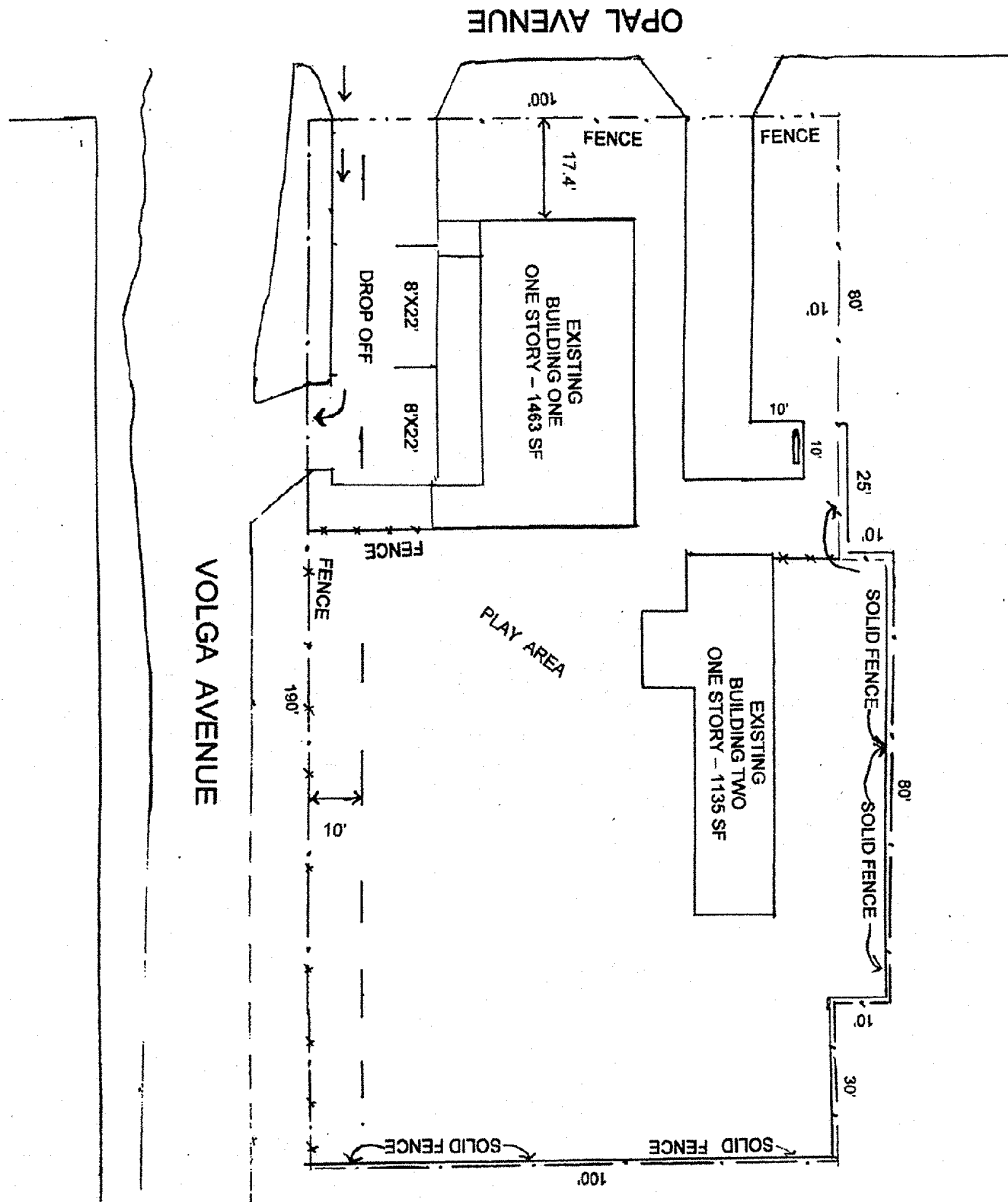
Notices: Area: 200 Mailed: 35
Replies: For: 0 Against: 1

Speakers: For: None
Against: None

**CPC RECOMMENDED CONDITIONS FOR A
SPECIFIC USE PERMIT FOR A CHILD-CARE FACILITY**

1. USE: The only use authorized by this specific use permit is a child-care facility.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (five years from the passage of the ordinance), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. FLOOR AREA: The maximum floor area for the child-care facility is 3,000 square feet.
5. HOURS OF OPERATION:
 - a. The child-care facility may only operate between 6:00 a.m. and 1:00 a.m. (the next day), Monday through Friday.
 - b. Use of the outdoor play area is prohibited before 9:00 a.m., Monday through Friday.
6. ENROLLMENT: Enrollment for the child-care facility may not exceed 32 children.
7. OFF-STREET PARKING:
 - a. Except as provided in this section, off-street parking must be provided as required by the Dallas Development Code.
 - b. For a child-care facility, three spaces must be provided in the locations shown on the site plan.
 - c. If the operator for any child-care facility does not provide transportation to and from the facility for the attendees, parking must be provided as required by the Dallas Development Code.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance at all times.

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
 3844-46 OPAL AVE.
 Lots 6, 7, Part of lots 5, 13, 14
 City Block 4335

USE: CHILD CARE FACILITY
 FLOOR AREA: 2598 SF
 HEIGHT: ONE STORY
 OFF STREET PARKING: 3*

*See Ordinance

Proposed Site Plan



1:4,800

VICINITY MAP

Case no: Z112-322

Date: 11/21/2014

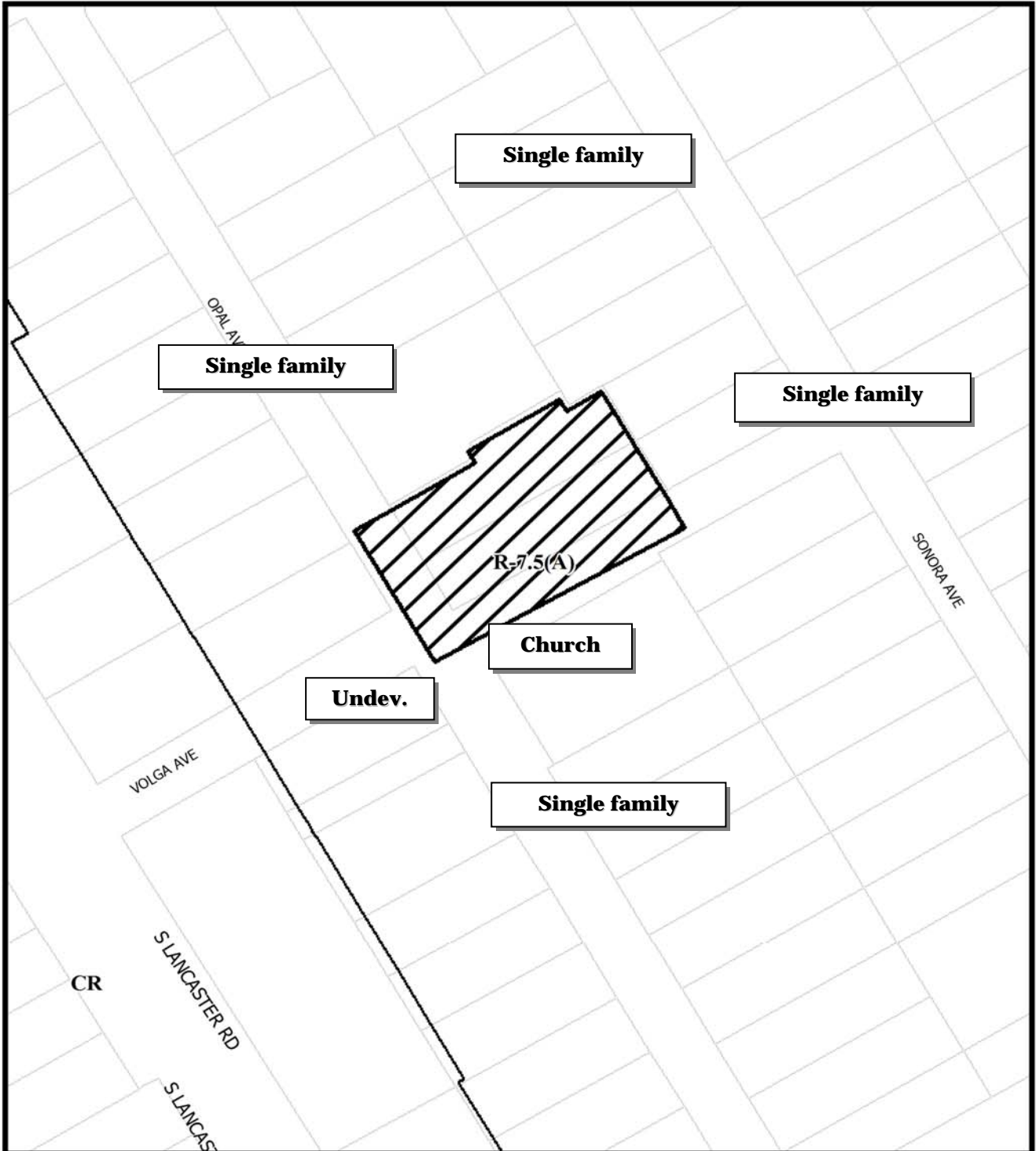


1:1,200

AERIAL MAP

Case no: Z112-322

Date: 11/21/2014



 1:1,200	ZONING AND LAND USE	Case no: <u> Z112-322 </u> Date: <u> 11/21/2014 </u>
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<u>35</u>	Property Owners Notified (40 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>12/18/2014</u>	Date

Z112-322
CPC



1:1,200

12/18/2014

Reply List of Property Owners***Z112-322******35 Property Owners Notified 0 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3836 OPAL AVE	RANDLE MARY E
	2	3844 OPAL AVE	WATSON BUDDIE GENE &
	3	3846 OPAL AVE	WATSON BUDDIE GENE &
	4	3901 OPAL AVE	PROGRESSIVE CHUCH OF GOD
	5	3907 OPAL AVE	PROGRESSIVE CHURCH OF GOD
	6	3911 OPAL AVE	CAMP ADA V
	7	3919 OPAL AVE	ALBA JOSE
	8	3915 OPAL AVE	BELLO VICTORIA
	9	3910 OPAL AVE	PROGRESSIVE CH OF GOD
	10	3914 OPAL AVE	RIVERA ISIDRO
	11	3903 SONORA AVE	KUYKENDALL ERMA
	12	3907 SONORA AVE	FISHING FROM MY FRONT PORCH LLC
	13	3911 SONORA AVE	EDWARDS CHARLES & ERNESTINE
X	14	3915 SONORA AVE	RAMBO CYNTHIA ANN
	15	3902 SONORA AVE	VALADEZ MIGUEL A
	16	3906 SONORA AVE P	ONCE LUIS ANTONIO &
	17	3826 LANCASTER RD	MOODY CLINTON &
	18	3835 OPAL AVE	RICHARDSON BOBBIE J
	19	3839 OPAL AVE	SMITH THEO
	20	3845 OPAL AVE	SALAZAR FELICITAS &
	21	3822 OPAL AVE	CITY WIDE COMMUNITY DEVELOPMENT
	22	3823 SONORA AVE	BEYOND THE WALLS MINISTRY
	23	3827 SONORA AVE	LOPEZ VERONICA & ENRIQUE
	24	3831 SONORA AVE	ADAMS RACHEL
	25	3835 SONORA AVE	RPL PROPERTIES LLC
	26	3839 SONORA AVE	BERNAL GAUDENCIO S

Z112-322(RB)

12/18/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3847 SONORA AVE	DIAZ CARLOS M &
	28	3834 SONORA AVE	GOVAN ROGER D
	29	3838 SONORA AVE	ANDERSON ROBERT
	30	3842 SONORA AVE	ADAME HECTOR & ARACELY D
	31	3846 SONORA AVE	MARISCAL DAISY &
	32	3827 OPAL AVE	MATA MARTIN & TERESA
	33	3826 OPAL AVE	FARIAS ISIDRO
	34	3830 OPAL AVE	JENKINS BRENT
	35	3906 LANCASTER RD	WASHINGTON FRANCIS L &

KEY FOCUS AREA: Public Safety

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire
Aviation

CMO: Eric Campbell, 670-3255
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize an annual payment in the amount of \$125,000 for the next five years to Dallas/Fort Worth (D/FW) International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airport - Not to exceed \$625,000 - Financing: Current Funds (to be reimbursed by Aviation, subject to annual appropriations)

BACKGROUND

This training is mandated by the Federal Aviation Administration/Texas Commission on Fire Protection as part of the required basic and annual live aircraft/fire training to maintain the certification level to work at the fire stations located at Love Field and Dallas Executive Airport.

Approximately 20 Firefighters are scheduled for the Basic Certification, 85 are scheduled for the "Hot Drill" training, and 20 are scheduled for advanced specialized fire training annually.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Hot drill training approved by City Council on September 22, 2010, by Resolution No. 10-2248.

Hot drill training approved by City Council on November 12, 2003, by Resolution No. 03-3070.

Hot drill training approved by City Council on January 24, 2001, by Resolution No. 01-0334.

Hot drill training approved by City Council on March 25, 1998, by Resolution No. 98-0923.

FISCAL INFORMATION

Current Funds - \$625,000 (\$125,000 annually) (to be reimbursed by Aviation, subject to annual appropriations)

M/WBE INFORMATION

D/FW Airport is the sole provider in this area for live fire training. All other burn pit facilities have ceased operation due to the Environmental Protection Agency's concerns.

ETHNIC COMPOSITION

Dallas/Fort Worth International Airport

Board of Directors

Hispanic Female	1	Hispanic Male	2 1
Black Female	3 2	Black Male	0- 1
White Female	0 2	White Male	5 4
Other Female	0	Other Male	1

OWNER

Dallas/Fort Worth International Airport

Jeffrey P. Fegan Sean Donohue, Chief Executive Officer

January 14, 2015

WHEREAS, the Federal Aviation Administration/Texas Commission on Fire Protection mandates basic and annual fire training to maintain aircraft rescue certification for Dallas Fire-Rescue Department Aircraft Rescue Firefighters located at Dallas Love Field and Dallas Executive Airport; and

WHEREAS, the Dallas/Fort Worth International Airport is the sole provider in the Dallas/Fort Worth area for basic, live fire drills and advanced specialized aircraft fire training; and

WHEREAS, the Aviation Department reimburses the general fund for aircraft rescue services provided by the Dallas Fire-Rescue Department;

NOW, THEREFORE,

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

Section 1. That the City Manager be and is hereby authorized to expend funds in an amount not to exceed \$125,000 per year for five years to the Dallas/Fort Worth International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training for approximately 132 Dallas Love Field and Dallas Executive Airport Aircraft Rescue Firefighters subject to annual appropriations. Such funds are to be disbursed on an as needed, per class basis.

Section 2. That the City Controller be and is hereby authorized to disburse funds from the following appropriation in an amount not to exceed \$625,000 (subject to annual appropriations) as noted below:

<u>FY</u>	<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Vendor No.</u>	<u>Encumbrance No.</u>	<u>Amount</u>
2014-15	0001	DFD	HS21	3361	162760	CR DFDHS21794	\$125,000
2015-16	0001	DFD	HS21	3361	162760	CR DFDHS21795	\$125,000
2016-17	0001	DFD	HS21	3361	162760	CR DFDHS21796	\$125,000
2017-18	0001	DFD	HS21	3361	162760	CR DFDHS21797	\$125,000
2018-19	0001	DFD	HS21	3361	162760	CR DFDHS21798	\$125,000

Section 3. That the Dallas Fire-Rescue Department will be reimbursed by the Aviation Department from:

Fund 0130, DEPT AVI, UNIT 7720, OBJ 3650 to Fund 0001, DEPT DFD, UNIT HS21, OBJ 5011

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 14, 2015
COUNCIL DISTRICT(S): 3
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 63 H

SUBJECT

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a private school, St. Elizabeth Catholic School, and an open-enrollment charter school, Focus Learning Academy as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a general merchandise or food store greater than 10,000 square feet [Walgreen Co., dba Walgreens #6197] on the northwest corner of South Hampton Road and West Ledbetter Drive - AV145-001 - 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 in a direct line from the property line of the private school to the property line of the place of business.

The standard for approval of the variance is that:

A. the application is for one of the following permits pursuant to the following chapters of the Texas Alcoholic Beverage Code:

- (i) a brewer's permit, Chapter 12;
- (ii) a distiller's and rectifier's permit, Chapter 14;
- (iii) a winery permit, Chapter 16;
- (iv) a wine and beer retailer's permit, Chapter 25;
- (v) a wine and beer retailer's off-premise permit, Chapter 26;
- (vi) a mixed beverage permit with a food and beverage certificate, Chapter 28;
or
- (vii) a manufacturer's license, Chapter 62.

BACKGROUND (Continued)

- B. the application is for one of the following land uses:
 - (i) general merchandise or food store use with 10,000 square feet or more of floor area
 - (ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;
 - (iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or
 - (iv) alcoholic beverage manufacturing.

- C. alcoholic beverages will not be sold by drive-in or drive-through service; and

- D. enforcement of the spacing requirements in this particular instance:
 - (i) is not in the best interest of the public;
 - (ii) constitutes waste or inefficient use of land or other resources;
 - (iii) creates an undue hardship on an applicant for an alcohol permit;
 - (iv) does not serve its intended purpose;
 - (v) is effective or necessary; or
 - (vi) for any other reason that the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

An application for a waiver of the spacing requirements was submitted on November 11, 2014, by Walgreens #6197. St. Elizabeth Catholic School, located to the north of the request site, and Focus Learning Academy, located to the southwest of the request site, creates the need for the variance.

The applicant has submitted the attached letter providing a statement of why the variance meets the standard of approval

The ±1.6624-acre request site, which is zoned an RR-D Regional Retail District with a D Liquor Control Overlay, is developed with a general merchandise or food store. The request site is surrounded by retail uses to the east, southeast, and west, a vacant lot (previously a fueling station) is to the south. The private school and a church are located to the north of the request site. While the required spacing from a school is measured property line to property line, the distance from the schools to the ~~proposed restaurant suite~~ retail store is over 500 feet if measured from door-to-door. Due to the request site being located on two major thoroughfares, staff supports this request.

The general merchandise or food store greater than 10,000 square feet (Fiesta) to the east of the request site across South Hampton Road received a variance to the alcohol distance requirements on April 10, 2013. The private school, St. Elizabeth Catholic School was the protected use in the variance request for Fiesta.

This item requires two seconds to pass.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

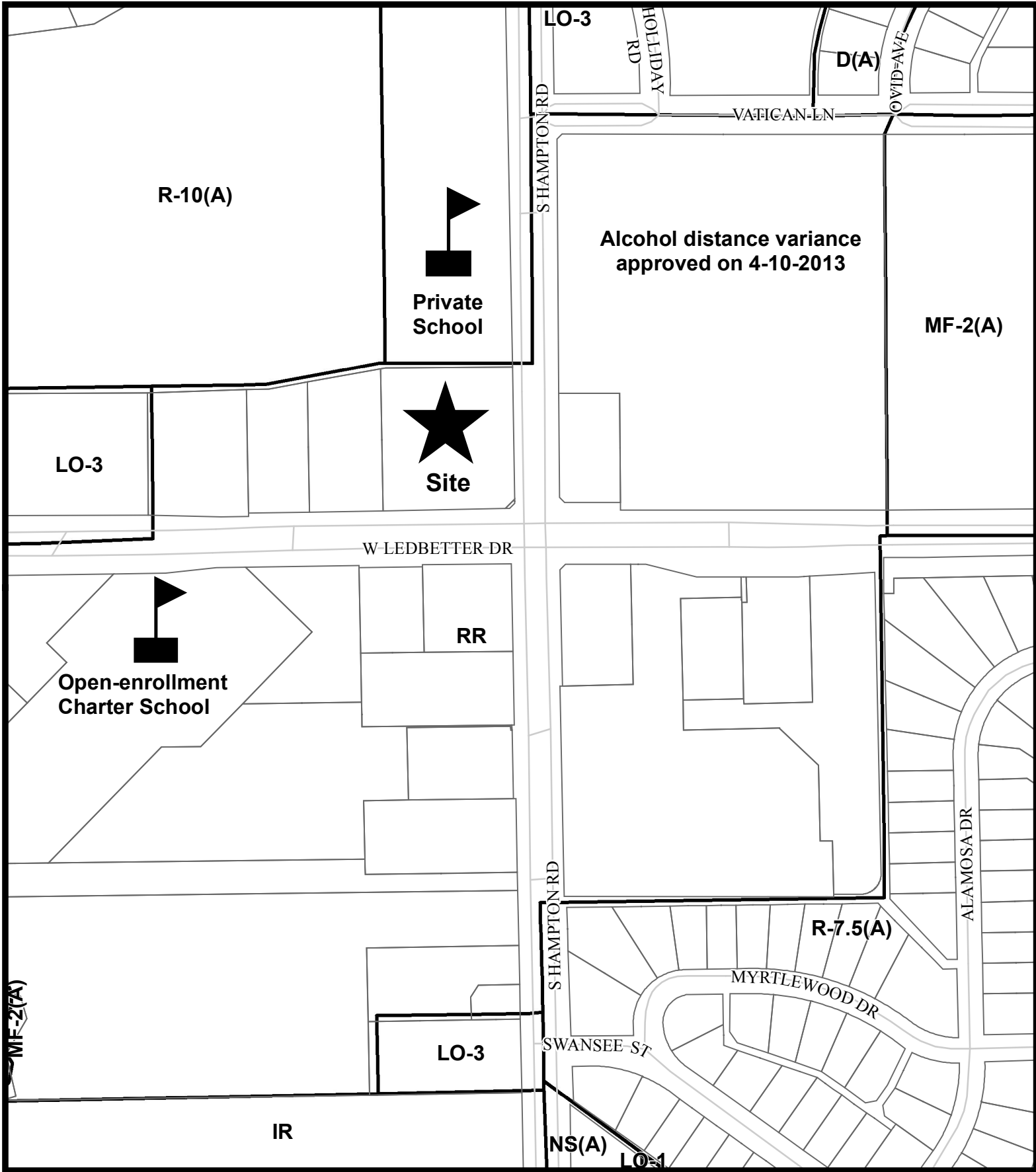
On October 26, 2011, September 26, 2012, and January 22, 2014, the City Council further amended Section 6-4 of Chapter 6.

FISCAL INFORMATION

No cost consideration to the City.


MAP

Attached.



 **Approximate location of business requesting alcohol variance**

 **Land use requiring spacing from business requesting alcohol sales: school**

 1:3,000



CITY OF DALLAS

APPLICATION FOR A VARIANCE FROM THE MINIMUM DISTANCE REGULATIONS RELATED TO THE SALE OF ALCOHOLIC BEVERAGES Chapter 6—Alcoholic Beverages, City of Dallas Code of Ordinances

Applicant Walgreen Co. d/b/a Walgreens #6197

(Must match the business name on TABC application)

Contact person, title: Marcus Schwartz (Rep; Gardere atty) Property owner's name: Minnetonka Capital Investments V LP
Contact person's phone: (512) 542-7012 Address of request site: 2401 W Ledbetter Dr.
Contact person's address: 600 Congress Ave., Ste. 3000 Austin, TX 78701 Protected use's address: 4019 S Hampton Rd.

Type of protected use:

- o Church
o Public school / open-enrollment charter school
x Private school
o Public hospital
o Daycare/child-care facility

Type of business seeking to sell alcohol:

- o Alcoholic beverage manufacturing
x General merchandise or food store with 10,000 square feet or more floor area
o Microbrewery, microdistillery, or winery
o Restaurant without drive-in or drive-through service

Type of TABC permit(s) to be sought:

- o Brewer's permit, "B" / Manufacturer's license, "BA"
o Distiller's and rectifier's permit, "D"
o Food and beverage certificate, "FB"
o Mixed beverage permit, "MB"
x Wine and beer retailer's off-premise permit, "BQ"
o Wine and beer retailer's permit, "BG"
o Winery, "G"

The nonrefundable variance application fee is \$1,200.00 and the sign fee, which is between \$10 and \$50 depending on street frontages. A statement explaining how the request meets the standard below is required as part of this application.

Enforcement of the 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; is not effective or necessary; or (5) 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.

REQUIRED ATTACHMENTS:

- x Statement of request
x List of officers for alcohol business and property owner
x Sealed alcohol survey showing 300 foot radius and door to door measurements (protected use must be indicated on this survey)

AUTHORIZATION BY PROPERTY OWNER(S)

I, Officer of Minnetonka Capital Investments V LP, the owner of the property to be considered, hereby authorize the above business and representative to file this application for a variance from the requirements of Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances.

Joseph Fetter
Owner's Printed Name

Joseph Fetter
Owner's Signature

APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT

I have read, examined, and completed this application; and know the information provided to be true and correct. I hereby apply for a variance from the distance requirements in Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances. I understand that this application, including all submitted documentation, are public information and can be made available through an Open Records Request per the Texas Public Information Act (Texas Government Code, Chapter 552).

MICHAEL FELISH
Applicant's Printed Name

M Felish
Applicant Signature

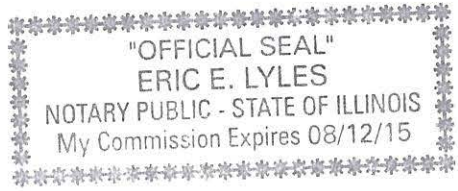
Sworn to and subscribed before me by on this day 5TH of NOVEMBER in the year 2014, to certify which witness my hand and seal of office.

Notary Signature

Notary Public in and for the State of Texas

Date received: 11-11-14 Receipt No.: 5039 Case number: AV145-001

AV application 3-25-14



AV145-001
NOV 11/11/14

GARDERE

attorneys and counselors ■ www.gardere.com

Marcus Schwartz
Direct Number (512) 542-7012
Facsimile (512) 542-7212
mschwartz@gardere.com

November 10, 2014

Dallas City Council

***Re: Variance Statement of Request
Walgreen Co. d/b/a Walgreens #6197, 2401 W. Ledbetter Dr. Variance
Request***

Dear Councilmembers:

My firm represents Walgreen Co., as the applicant's representative, in this its request for a variance from the City of Dallas to allow for the sale of beer & wine sales (for off-premise consumption only) at the business of Walgreens #6197, located at 2401 W. Ledbetter, Dallas, Texas 75233 (the "Store"). This letter should accompany the variance application attached hereto and is meant to act as the variance statement of request.

Should you have any questions or require further information or explanation regarding anything found herein, please do not hesitate to contact me at (512) 542-7012 or via email at mschwartz@gardere.com.

STATEMENT OF VARIANCE REQUEST

I. General

Walgreen Co. has operated this Store in Dallas for a number of years and operates numerous businesses throughout the city. It is a socially responsible corporate citizen of Dallas and all the other communities it calls home. Its stores are committed to continuing with its great efforts in community outreach. Walgreen Co.'s community relations initiatives include providing free health screenings, feeding the hungry, contributing to education-related organizations, and well as donating to local charitable organizations. Furthermore, Walgreen Co.'s commitment to responsible retailing is an important business principle of the company and part of what makes it a welcome and respected neighbor.

In seeking this variance (a zoning change will also be applied for in connection with this location assuming this variance request is granted) to allow for beer and wine

off-premise sales, Walgreen Co. is simply seeking to add an additional product to the wide variety it already offers to its customers. Every employee in the store will have alcohol training, and all employees ages 21 and over will have TABC alcohol training certifications. Only those employees with TABC certifications will be allowed to sell beer and wine to customers. If there is an employee under age 21 ringing a register and a customer would like to purchase alcohol, another employee over the age of 21 has to go to the register to make the decision to sell or not. Additionally, the technology to be used at the store's registers will not allow a sale to go through without a check of the ID of the potential buyer (done to confirm the customer's date of birth). Furthermore, as all employees allowed to sell beer and wine will be TABC certified, they will be well versed in TABC and state law requirements as to what constitutes a proper sale of beer and wine. The courses which provide this certification cover the laws applicable to the sales or service of alcoholic beverages to minors and intoxicated persons. The courses teach techniques to identify these persons and prevent sales to them, as well as teaching a variety of other laws and responsibilities that come along with the sales of alcoholic beverages. Walgreen Co. considers it a privilege to sell age-restricted products, such as beer and wine, and the company wants to ensure that they are sold in a legal and responsible manner. Furthermore, Walgreens, as a dispenser of both prescription and over-the-counter drugs, is experienced in providing appropriate control over its establishment for the benefit of all its customers. Walgreens will also take measures to ensure, like tobacco and other age restricted products it currently sells within the Store, that no alcohol will be sold to minors. Thus, great care will be extended to ensure the proper and lawful sale of beer and wine should the variance be granted.

II. Store Specifics

The Store is located at the northwest corner of W. Ledbetter Dr. and S. Hampton Rd. and is located on 1.6624 acres. To the immediate north of the property is the St. Elizabeth Catholic School (the "School"), a private school, and St. Elizabeth Catholic Church. While the front door to front door measurement from the St. Elizabeth Catholic Church to the Store is well beyond 300 feet, because the property lines between the School and Store are shared, the location is within considered to be within 300 feet of the School. As noted by the attached survey, a door to door path measurement from the Store to the School front door is 550 feet.

This variance is requested to allow beer and wine sales for off-premise consumption to Store customers. The property is in an area of Dallas that is wet for beer and wine off-premise sales. Further, across S. Hampton Rd. from both the School and the Store is a Fiesta Mart, located at 2225 W. Ledbetter Drive, that sells beer and wine for off-premise consumption under TABC permits Q844545 and BF844546. This Fiesta Mart is within 300 feet of the School as measured by the Texas Alcoholic Beverage Code criteria. Based upon information and belief, the Fiesta Mart was granted a variance from the City of Dallas to sell beer and wine within 300 feet of St. Elizabeth Catholic Church. Walgreen Co. would respectfully ask for the same consideration and that is likewise be granted such a variance.

The current use of the tract of land is a neighborhood drug store which in addition to selling over-the-counter and prescription drugs, sells general merchandise. It is designed to serve the needs of its surrounding community. The addition of beer and wine sales for off-premise consumption will not change, interfere with, or disrupt in any way the Store's current business or its surrounding neighbors, including the School. Thus, this zoning change request and accompanying SUP request is consistent with the surrounding area.

III. Should the Variance be Granted

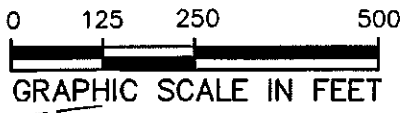
Should the variance be granted (as well as a subsequent zoning change and SUP request), the introduction of beer and wine sales for off-premise consumption will not change the actual use of the premises. No new structures parking structures, or parking lots will be installed on the property. The existing structure, will not change in height or structure, nor will it undergo any other physical change to the existing structure. The Store will still be a retail establishment that is primarily a neighborhood drug store with general merchandise stores. Alcohol sales will not substantially increase traffic congestion or create overcrowding in the establishment or in the immediately surrounding area. Walgreen Co. designs its stores to be consumer friendly. Customers would still be able to pick out their desired products, whether this includes wine and beer or not, pay for this merchandise, and exit the store quickly. As beer and wine sales are for off-premise consumption only, overcrowding should not be an issue.

Walgreen Co. is committed to providing for the safety and well-being of its customers. It is believed that since this variance is desired for off-premise consumption, the likelihood of incidents involving drunkenness, disorderly conduct and raucous behavior is greatly reduced and will likely be non-existent. Furthermore, Walgreen Co. is experienced in providing appropriate control over its establishment for the benefit of all its customers. This Store will likewise continue to run a safe, sanitary, and welcoming business for the citizens of Dallas if the requested variance is awarded. The Store will not produce excessive noise, dirt, litter and odors in the establishment and in the surrounding area. In fact, the introduction of beer and wine for off-premise consumption sales should not be expected to change much of anything in relation to how the store currently operates. As such, no disturbances to School, surrounding property owners, or the community at large should occur and compliance with all applicable city ordinances and state laws will be followed.

Sincerely,



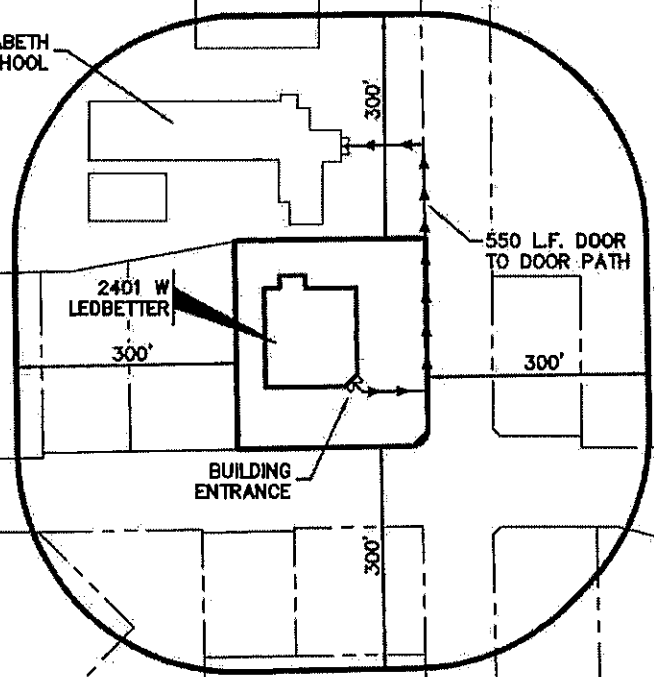
Marcus Schwartz



S HAMPTON RD

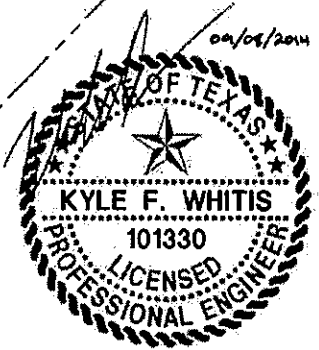
VATICAN LN

ST. ELIZABETH CATHOLIC CHURCH
ST. ELIZABETH CATHOLIC SCHOOL



W LEDBETTER DR

M:\DWG-31\3156-10.312\DWG\C3D\WALGREENS\WALGREENS - 2401 W LEDBETTER\2401 W LEDBETTER DR.DWG



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 does not meet 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 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 09/08/2014. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

Pacheco Koch 8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
DALLAS ■ FORT WORTH ■ HOUSTON TX REG. ENGINEERING FIRM F-489
TX REG. SURVEYING FIRM LS-100080-00

TABC ALCOHOL PERMIT EXHIBIT

WALGREENS, 2401 W. LEDBETTER DRIVE,
DALLAS, DALLAS COUNTY, TEXAS

DRAWN BY JQ	CHECKED BY KFW	SCALE 1"=250'	DATE 09/08/2014	JOB NUMBER 3156-10.312
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12/01/2014 - 11:05AM KWHITIS

OWNER OF PROPERTY
MINNETONKA CAPITAL INVESTMENTS V LP
OFFICER LIST

General Partner: Texas General Investors (DE) LLC, a Delaware limited liability company

Officers of General Partner:

<u>Name</u>	<u>Title</u>
Joseph Fetter	Manager/Director
Neil Fetter	Manager/Director

**WALGREEN CO.
OFFICERS AND DIRECTORS**

Corporate Address:

200 Wilmot Rd.
Deerfield, IL 60015

Board of Directors

NAME	TITLE
Alan G. McNally	Director
Dr. David J. Brailer	Director
Steven A. Davis	Director
William C. Foote	Director
Mark P. Frissora	Director
Ginger L. Graham	Director
Nancy M. Schlichting	Director
David Y. Schwartz	Director
Alejandro Silva	Director
James A. Skinner	Director
Gregory D. Wasson	Director

Corporate Officers

NAME	TITLE
Alan G. McNally	Chairman
Gregory D. Wasson	President, CEO
Mark A. Wagner	President of Community Management
Kermit R. Crawford	President of Pharmacy, Health and Wellness Division
Sona Chawla	President of E-Commerce

Other Officers

NAME	TITLE
Wade D. Miquelon	Executive Vice President, Chief Financial Officer
Dana I. Green	Executive Vice President, General Counsel, Corporate Secretary
Graham Atkinson	Senior Vice President
Jeffrey Berkowitz	Senior Vice President
Donald C. Huonker	Senior Vice President
J. Randolph Lewis	Senior Vice President
Joseph Magnacca	Senior Vice President
Mia M. Scholz	Senior Vice President
Timothy J. Theriault	Senior Vice President
Kathleen Wilson-Thompson	Senior Vice President

Robert G. Zimmerman	Senior Vice President
Bruce R. Bryant	Vice President
Thomas J. Connolly	Vice President
Kimberly L. Feil	Vice President
Chuck Greener	Vice President
W. Bryan Pugh	Vice President
John W. Spina	Vice President
Colin Watts	Vice President
Denise K. Wong	Vice President
Christopher Domzalski	Vice President
Jason M. Dubinsky	Vice President, Treasurer
John A. Mann	Asst. Secretary

January 14, 2015

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, Walgreen Co, dba Walgreens #6197 has submitted an application for a wine and beer retailer's permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code for a general merchandise or food store greater than 10,000 square feet, and is requesting a variance to the alcohol spacing requirements for a property on the northwest corner of South Hampton Road and West Ledbetter Drive, ~~north~~ south of St. Elizabeth Catholic School, a private school and northeast of Focus Learning Academy, an open-enrollment charter 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 Walgreen Co, dba Walgreens #6197, for property on the northwest corner of South Hampton Road and West Ledbetter Drive, ~~north~~ south of St. Elizabeth Catholic School and northeast of Focus Learning Academy is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a wine and beer retailer's 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 greater than 10,000 square feet in the location shown on the attached location map.
- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.

January 14, 2015

- (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.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney